AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2022

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

NOVEMBER 2022

Printed for the use of the Congressional-Executive Commission on China

Available via the World Wide Web: https://www.cecc.gov

2022 ANNUAL REPORT

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2022

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

NOVEMBER 2022

Printed for the use of the Congressional-Executive Commission on China

Available via the World Wide Web: https://www.cecc.gov

U.S. GOVERNMENT PUBLISHING OFFICE

47–949 PDF WASHINGTON : 2022

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

LEGISLATIVE BRANCH COMMISSIONERS

Senate

JEFF MERKLEY, Oregon, *Chair*
DIANNE FEINSTEIN, California
ANGUS KING, Maine
JON OSSOFF, Georgia
MARCO RUBIO, Florida
JAMES LANKFORD, Oklahoma
TOM COTTON, Arkansas
STEVE DAINES, Montana

House

JAMES P. MCGOVERN, Massachusetts, *Co-Chair*
THOMAS SUOZZI, New York
TOM MALINOWSKI, New Jersey
RASHIDA TLAIB, Michigan
JENNIFER WEXTON, Virginia
CHRISTOPHER SMITH, New Jersey
BRIAN MAST, Florida
VICKY HARTZLER, Missouri
MICHELLE STEEL, California

EXECUTIVE BRANCH COMMISSIONERS

UZRA ZEYA, Department of State
MARISA LAGO, Department of Commerce
THEA MEI LEE, Department of Labor
DANIEL J. KRITENBRINK, Department of State
LISA JO PETERSON, Department of State

MATT SQUERI, *Staff Director*
TODD STEIN, *Deputy Staff Director*

SUMMARY OF CONTENTS

	Page
Section I. Contents	v
Section II. Executive Summary	1
Section III. Respect for Civil Liberties	51
Chapter 1—Freedom of Expression	51
Chapter 2—Civil Society	76
Chapter 3—Freedom of Religion	96
Section IV. Rule of Law in the Justice System	114
Chapter 4—Criminal Justice	114
Chapter 5—Access to Justice	132
Section V. Freedom to Participate in the Political Process	143
Chapter 6—Governance	143
Section VI. Discrimination, Societal Abuses, and Trafficking in Persons	160
Chapter 7—Ethnic Minority Rights	160
Chapter 8—Status of Women	169
Chapter 9—Population Control	183
Chapter 10—Human Trafficking	197
Section VII. Worker Rights	209
Chapter 11—Worker Rights	209
Section VIII. Other Thematic Issues	225
Chapter 12—Public Health	225
Chapter 13—The Environment and Climate Change	241
Chapter 14—Business and Human Rights	256
Chapter 15—North Korean Refugees in China	272
Section IX. Tibet	280
Chapter 16—Tibet	280
Section X. Xinjiang	298
Chapter 17—Xinjiang	298
Section XI. Hong Kong and Macau	323
Chapter 18—Hong Kong and Macau	323
Section XII. Human Rights Violations in the U.S. and Globally	346
Chapter 19—Human Rights Violations in the U.S. and Globally	346
Section XIII. Additional Views of Commission Members	364

Section I. Contents

	Page
Section II. Executive Summary	1
A. Statement from the Chairs	1
B. Overview	3
C. Key Findings	8
D. Political Prisoner Cases of Concern	26
E. General Recommendations to Congress and the Administration	34
F. Political Prisoner Database	43
G. Commission Activity July 2021–October 2022	49
Section III. Respect for Civil Liberties	51
Chapter 1—Freedom of Expression	51
A. Findings	51
B. Recommendations	52
C. Freedom of the Press	54
1. PRC Control over the Media	54
2. Control over the Party's Image Abroad	55
3. Harassment, Detention, and Imprisonment of Journalists	55
4. Deteriorating Conditions for Foreign Journalists	56
D. PRC Control over the Internet	57
E. China's Technology-Enhanced Authoritarianism on Social Media	59
1. Continued Censorship from TikTok and Chinese Government Influence	59
2. Suppression of Freedom of Expression on Chinese and U.S. Social Media	59
F. 2022 Beijing Olympic and Paralympic Games	61
G. Entertainment, Art, and Literature	62
H. Party Control over Educational and Research Institutions	63
I. Detention and Imprisonment in Connection with Free Speech	64
Chapter 2—Civil Society	76
A. Findings	76
B. Recommendations	77
C. Introduction	79
D. The 14th Five-Year Plan for the Development of Social Organizations	79
E. Foreign NGO Activity in China	81
F. Stifling Civil Society at the United Nations	82
G. Government Suppression of Civil Society	82
H. Philanthropy and Charitable Giving	84
I. Status of LGBTQ Persons	84
Chapter 3—Freedom of Religion	96
A. Findings	96
B. Recommendations	97
C. Introduction	98
D. International and Chinese Law on Religious Freedom	98
E. Regulations and Policies Pertaining to Religious Freedom	98
F. Buddhism (Non-Tibetan), Taoism, and Chinese Folk Religion	100
G. Islam	101
H. Christianity—Catholic	102
I. Christianity—Protestant	103
J. Falun Gong	104
K. Other Religious Communities	105
Section IV. Rule of Law in the Justice System	114
Chapter 4—Criminal Justice	114
A. Findings	114
B. Recommendations	115
C. Introduction	117

Page

Section IV. Rule of Law in the Justice System—Continued
D. Extrajudicial Detention 117
1. Enforced Disappearance 117
2. Black Jails 118
3. Psychiatric Facilities 118
4. Administrative Detention 119
5. Retention in Custody 119
6. Mass Internment Camps 119
E. Abuse of Criminal Provisions 119
F. Restriction of Liberty of Foreign Individuals 121
G. Pretrial Detention 121
H. Denial of Counsel and Family Visits 121
I. Denial of Effective Legal Representation 122
J. Torture and Abuse 122
K. Death in Custody 123
L. Residential Surveillance at a Designated Location 124
M. The Death Penalty 124
N. Legal Developments 125
Chapter 5—Access to Justice 132
A. Findings 132
B. Recommendations 132
C. Introduction 134
D. Lack of Judicial Independence 134
E. Measures on Court Operations 134
F. Judicial Transparency 135
G. New Restrictions on Lawyers 135
H. Citizen Petitioning 136
I. Persecution of Human Rights Lawyers and Advocates 136
1. Criminal Prosecution 136
2. License Revocation 138
3. Physical Attack 138
Section V. Freedom to Participate in the Political Process 143
Chapter 6—Governance 143
A. Findings 143
B. Recommendations 144
C. Introduction 145
D. Rule-Based Governance: Plans and Practice 145
E. Xi Jinping's Personal Power 145
F. Lack of Genuine Political Participation 146
G. Party Control 147
1. Mobilization of Citizens and Social Organizations 147
2. Business Sector 148
3. Common Prosperity 148
4. Anti-Monopoly Actions 149
5. Data Security 149
6. Tutoring Industry 150
7. Education 150
8. Entertainment Industry 150
H. Technology-Enhanced Social Control 151
1. Surveillance 151
2. Enhanced Social Control under Zero-COVID 152
3. New Digital Privacy and Artificial Intelligence Standards Raise Human Rights Concerns 152
Section VI. Discrimination, Societal Abuses, and Trafficking in Persons 160
Chapter 7—Ethnic Minority Rights 160
A. Findings 160
B. Recommendations 160
C. Party and State Policy toward Ethnic Minorities 162
1. Investigation of Wang Zhengwei Reflects Official Concern over Ethnic Policies 162
D. Language and Education Policies Marginalize Ethnic Minorities 163
E. Crackdown on Hui Religion and Culture 163
F. Authorities Tighten Controls over Dissent, Mongolian Identity in the IMAR 164
Chapter 8—Status of Women 169
A. Findings 169

Page

Section VI. Discrimination, Societal Abuses, and Trafficking in Persons—Continued
B. Recommendations 169
C. Introduction 171
D. Political Participation and the Right to Participate in Public Life 171
E. Tennis Star Peng Shuai's Allegations Silenced by Authorities 172
F. Violation of Freedoms of Expression, Peaceful Assembly, and Association 172
G. Discrimination 173
H. Gender-Based Violence 173
1. Domestic Violence and Divorce 173
2. Case of the Chained Jiangsu Woman Ignites Widespread Concern 174
3. Sexual Harassment and Assault 175
Chapter 9—Population Control 183
A. Findings 183
B. Recommendations 183
C. Introduction 185
D. International Standards and the PRC's Coercive Population Policies 185
E. Suppression of Population in the Xinjiang Uyghur Autonomous Region 186
F. The Three-Child Policy 186
G. Government Efforts to Increase Births 187
H. Continuing Effects of the One-Child Policy 189
1. Children Denied Access to Public Services 189
2. Denial of Justice for Victims of the One-Child Policy 189
3. Continuing Effects of the Sex Ratio Imbalance 190
I. Declining Birth Rates 190
Chapter 10—Human Trafficking 197
A. Findings 197
B. Recommendations 197
C. Defining Human Trafficking under the Palermo Protocol 199
D. PRC Criminal Law and the Palermo Protocol 199
E. Cross-Border Trafficking 199
F. Domestic Trafficking 199
1. Individuals Likely Killed as a Result of Organ Removal in China 200
2. Human Trafficking and the Case of the Chained Woman 200
G. Forced Labor in the Xinjiang Uyghur Autonomous Region 201
1. Forced Labor Linked to Statements by PRC Leadership 201
2. Authorities Continued to Place Individuals into Forced Labor 202
3. Government-Sponsored Forced Labor Contravenes China's International Obligations 202
Section VII. Worker Rights 209
Chapter 11—Worker Rights 209
A. Findings 209
B. Recommendations 210
C. Delivery Workers during COVID-19 Lockdowns 211
D. Protecting the Rights of Gig Workers 211
1. Multi-Agency Approaches to Pressuring Big Tech 212
2. Excessive Overtime 213
3. Promoting Gig Workers' Membership in the ACFTU 214
E. Worker Strikes and Protests 215
F. Continued Suppression of Labor Advocacy & Civil Society 216
1. Detentions of Self-Identified "Leftist" Supporters of Worker Rights 217
Section VIII. Other Thematic Issues 225
Chapter 12—Public Health 225
A. Findings 225
B. Recommendations 226
C. COVID-19 227
1. Zero-COVID Policy: Rhetoric, Implementation, and Criticism 227
2. Harassment and Detention 229
3. Chinese Government's Ongoing Lack of Transparency regarding COVID-19 Data 230
4. Amplifying Disinformation in an Effort to Influence International Opinion 230
D. Responding to Concerns over Ethics Standards and Human Rights Violations in the Use of Genomic Data in China 231

Page

Section VIII. Other Thematic Issues—Continued
E. Concerns over the Treatment of Persons with Severe Psychosocial Disabilities and Continuing Use of Forcible Psychiatric Commitment 231
1. Use of Forcible Commitment as a "Stability Maintenance" Tool 232
F. Suppression of Public Health Advocacy 233
Chapter 13—The Environment and Climate Change 241
A. Findings 241
B. Recommendations 241
C. Introduction 243
D. Pollution 244
1. Water Pollution and Dams 244
2. Air Pollution 244
E. Climate Change and COP26 245
F. COP26 "Glasgow Declaration" between China and the United States 247
G. Illegal Fishing 247
H. Access to Justice for Environmental Advocates 247
I. Monitoring and Data Transparency 249
Chapter 14—Business and Human Rights 256
A. Findings 256
B. Recommendations 256
C. Introduction 258
D. Corporate Involvement in Mass Atrocities in the XUAR 258
1. State-Sponsored Forced Labor in the XUAR 259
2. Firms, Audits, and Complicity in Forced Labor in the XUAR 260
3. Authorities Close Labor Auditor after It Reportedly Investigates Forced Labor in the XUAR 261
E. Commercial Firms' Role in Government Data Collection and Surveillance across China 261
F. Role of Commercial Firms in Government Censorship 262
G. PRC Economic Coercion, Corporate Censorship, and Human Rights Violations in the XUAR 263
H. Worker Exploitation, Corporate Supply Chains, and Limited Legal Right to Freedom of Association 264
Chapter 15—North Korean Refugees in China 272
A. Findings 272
B. Recommendations 272
C. Introduction 274
D. Border Conditions and Forced Repatriation of Refugees 274
E. North Korean Workers in China 275
F. Trafficking of North Korean Women 276
G. Children of North Korean and Chinese Parents 276
Section IX. Tibet 280
Chapter 16—Tibet 280
A. Findings 280
B. Recommendations 281
C. Status of Negotiations between the Chinese Government and the Dalai Lama or His Representatives 283
D. Tibetan Self-Immolations 283
E. Religious Freedom for Tibetans 283
1. Restrictions on Religious Practice 284
2. Revised TAR Implementing Measures for Regulations on Religious Affairs 285
3. Crackdowns on Monastic Communities 285
F. Growing Threats to Language Rights 287
1. Majority of Tibetan Students Subject to "Colonial" Boarding School System 289
G. Access to Tibet and Free Flow of Information Remain Heavily Restricted 290
1. Restrictions on the Free Flow of Information 290
Section X. Xinjiang 298
Chapter 17—Xinjiang 298
A. Findings 298
B. Recommendations 299
C. Internal Documents Show Brutality of Mass Detention and Other Forms of Repression in the XUAR 301
1. The Xinjiang Police Files 301
2. The Xinjiang Papers 302

Page

Section X. Xinjiang—Continued
D. Expansion of Mass Detention Facilities 303
E. Kyrgyz Christian Ovalbek Turdakun and Mass Detention in the XUAR 303
F. Rise in Formal Detention of Turkic Muslims 303
G. Detention of 2008 Olympics Torchbearers 305
H. International Observers Condemn Bachelet Visit to the XUAR 306
I. Forced Labor Involving Turkic and Muslim XUAR Residents 306
1. Xinjiang Cotton Continues to Be, and Tomato Products Likely Continue to Be, Exported to United States 307
J. Persecution of Ethnic Minority Women in the XUAR 307
1. Accounts of Rape in Mass Internment Camps 307
2. Government White Paper and Population Control Measures 308
K. Forcible Displacement and Assimilation of Ethnic Minority Children 308
L. Pomegranate Flower Plan 309
M. Repressive Surveillance Technology and Security Measures 309
N. Transnational Repression of Uyghurs and Other Turkic Muslims 310
O. Freedom of Religion 311
Section XI. Hong Kong and Macau 323
Chapter 18—Hong Kong and Macau 323
A. Findings 323
B. Recommendations 324
C. Hong Kong 325
D. Elections and Civic Participation 325
1. Election Committee 325
2. Legislative Council 325
3. Chief Executive 326
4. District Council 326
E. National Security Law 327
F. Criminal Prosecution 327
1. Secession (NSL) 328
2. Subversion (NSL) 328
3. Terrorist Activities (NSL) 329
4. Collusion with External Elements (NSL) 329
5. Seditious Acts 329
6. Unauthorized Assembly 330
7. Riot 330
8. Money Laundering 330
9. Assault 331
G. Targeting the Independent Press 331
H. Restrictions on Access to Information 332
1. Collapse of Civil Society 332
I. Businesses' Complicity in Repression 334
J. Securitization of Education 335
1. Pre-College Education 335
2. College Education 336
K. Macau 336
Section XII. Human Rights Violations in the U.S. and Globally 346
Chapter 19—Human Rights Violations in the U.S. and Globally 346
A. Findings 346
B. Recommendations 347
C. Transnational Repression 348
1. Efforts to Repatriate Critics and Others Deemed Sensitive 349
2. Transnational Repression Charges in the United States 350
D. Economic Coercion 350
1. Use of Informal Economic Coercion to Punish or Silence Critics 351
2. Economic Coercion against Lithuania 352
3. Laws That Provide a Formal Basis for Economic Coercion 352
E. Concerns Surrounding Belt and Road Projects 353
F. Exporting Technology-Enhanced Authoritarianism through Surveillance and Profiling Technology 354
G. Impeding UN Human Rights Bodies and Redefining Global Human Rights Norms 355
Section XIII. Additional Views of Commission Members 364

The Commission's executive branch members have participated in and supported the work of the Commission. The content of this Annual Report, including its findings, views, legal determinations, and recommendations, does not necessarily reflect the views of individual executive branch members or the policies of the Administration.

The Commission adopted this report by a vote of 20 to 0.†

†Voted to adopt: Senators Merkley, Feinstein, King, Ossoff, Rubio, Cotton, and Daines; Representatives McGovern, Suozzi, Malinowski, Wexton, Smith, Mast, Hartzler, and Steel; and Executive Branch Commissioners Zeya, Lago, Kritenbrink, Lee, and Peterson.

Voted to abstain: Senator Lankford and Representative Tlaib.

II. Executive Summary

STATEMENT FROM THE CHAIRS

As the 20th Chinese Communist Party Congress approached, General Secretary Xi Jinping and other People's Republic of China (PRC) authorities continue to use the language of democracy and human rights to debase both, promoting a vision of state-determined rights, suppression of civil and political rights to achieve coercive control, and the use of sovereignty as a shield to enable violations of internationally recognized standards. Domestically and abroad, they touted "whole-process people's democracy" and prioritized steps to "enhance the attractiveness, infectiousness and influence of the contemporary Chinese view of human rights." By advancing initiatives such as Xi's Global Security Initiative, Global Development Initiative, and World Internet Conference, PRC authorities sought to subjugate international norms to PRC interests and manipulate international human rights bodies.

Through aggressive censorship, propaganda, and the bullying of critics, these officials aim to mislead PRC citizens and the world about the human costs of the PRC's approach to governance. This year's report of the Congressional-Executive Commission on China (Commission) documents the reality of centralized, authoritarian political control: continuing genocide in the Xinjiang Uyghur Autonomous Region, the devastating transformation of Hong Kong into a subservient city under the PRC's anti-democratic rule, accelerated efforts to "sinicize" ethnic and religious minorities, the spread of patriarchal policies weaponized against the women of China, harsh measures to enforce a draconian and unsustainable "zero-COVID" policy, and more.

The Commission puts a spotlight on the faces of this repression. Leading up to the Beijing Winter Olympics, our #OlympicPrisoner social media campaign told the stories of 81 PRC citizens detained or disappeared for exercising their human rights or for belonging to a disfavored minority group. In our mission to document such cases, we continue to modernize the Commission's Political Prisoner Database to make it more functional, sustainable, and secure. The database now includes cases in Hong Kong, in light of the tragic erosion of political rights and the rule of law there. With surveillance an ever-present part of life in China, the Commission expanded its coverage of technology-enhanced authoritarianism this year to improve reporting on the use of technology to control populations, trample freedom of expression, and undermine institutions of democratic governance.

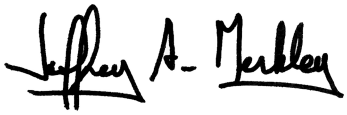
In the face of egregious human rights abuses, the Commission continues to champion concrete steps to defend the vulnerable. The enactment of the *Uyghur Forced Labor Prevention Act*—conceived, drafted, and secured by the Commission's bipartisan leadership—epitomizes the impact of our work. This law now takes the strongest action anywhere in the world to prevent the importation of products of the slave labor of repressed minorities in China. We hope it will serve as both a call to action and a blueprint for similar steps in other countries.

Just as we work to address the role of global businesses and consumers in supporting activities that abet genocide, we have the

power to protect the persecuted who come to our shores. Uyghurs, ethnic Kazakhs, Hong Kongers, and others fleeing repression in China need humanitarian pathways and protection from Chinese authorities' harassment, intimidation, and worse. This report includes practical bipartisan recommendations for congressional and executive action that puts respect for universal human rights at the heart of our relations with the PRC.

Xi's attempt to replace universal rights with a "Chinese view of human rights" is unacceptable. The human rights of the people of China are inalienable and enshrined in the Universal Declaration of Human Rights and other international norms and standards. Xi's vision of a world safe for authoritarianism, where the power of the state supersedes personal freedoms and the strong can bully the weak, pits those who yearn for liberty against those in power who deny it to them for ideological or power-hungry ends. Helping the people of China prevail in this struggle depends not on a naïve expectation that we can change the PRC's government but on the confidence that a strong and principled America will be best able to defend universal values. This starts at home in revitalizing the sources of America's strength—our democratic institutions, innovative economy, and openness to ideas and people from all corners of the globe. Our greatest asset in the international arena lies in the strength in numbers offered by our alignment with other defenders of freedom. This report makes clear the human stakes of this struggle and punctures the narrative of "Chinese human rights" that Xi Jinping attempts to sell to the world.

Sincerely,



Senator Jeffrey A. Merkley
Chair

Representative James P. McGovern
Co-Chair

OVERVIEW

The People's Republic of China continued to flex its coercive power this past year as it sought to dominate many aspects of daily life to control how citizens express themselves, access information, worship, raise their children, interact with their neighbors, conduct business, and consume entertainment. These actions prioritize the power of the state over individual liberties and put China at the vanguard of a global trend toward authoritarianism.

Leading up to the October 2022 20th Party Congress, the Chinese Communist Party escalated efforts to tighten political control and centralize power. A new official version of Party history and the continued proliferation of ideological textbooks and research centers promoted a cult of personality around leader Xi Jinping. This ideological indoctrination targeted parents, journalists, students, and others forced to undergo "patriotic education" as well as ethnic and religious minorities subjected to a relentless campaign of "sinicization." The mobilization of local citizen groups charged with advancing government objectives echoed the Mao-era practice of enlisting individuals to spy on their neighbors, while a crackdown on leading technology companies dramatized the prioritization of **Party control** over economic growth.

The PRC continued to use the criminal justice system as a political tool. This system endangered PRC citizens who challenged authority, as evidenced by the forcible commitment of "disruptive" individuals to psychiatric facilities and the ongoing extralegal detentions of dissidents and human rights lawyers in "black jails." An index assessing judicial independence now ranks China's judicial system as the third most susceptible to political interference in the world, ahead of only those of North Korea and Eritrea.

A report by the Office of the UN High Commissioner for Human Rights presented a damning assessment of mass internment, torture, forced sterilizations and abortions, family separation, and intrusive homestays in the Xinjiang Uyghur Autonomous Region (XUAR) and concluded that "the conditions remain in place for serious violations to continue." Analysis of official documents provided new evidence that Xi and other top leaders directed these **genocidal policies.** A set of newly obtained files includes thousands of photographs of confirmed detainees and provides a window into the situation in the XUAR, including a detention rate in one county more than 64 times the national rate, "shoot to kill" orders issued by authorities for those attempting to escape mass internment camps, and the detentions of children and seniors. As the Chinese government's five-year plan for the XUAR ended in 2021, the Commission observed an increased reliance on formal imprisonment and long prison terms for Turkic Muslims.

New evidence also emerged from survivors of the internment camps recounting ordeals of torture, systemic rape, and coercive population control policies that amount to genocide, and reports continued to document deaths in detention. In one chilling account, an ex-detective described his role torturing Uyghur detainees, some as young as 14 years old, to extract false confessions. Outside the camps, the comprehensive technological and human surveillance of

Uyghurs, ethnic Kazakhs, and others in the XUAR constitute what an expert deemed a "system of mass psychological torture."

In response to mounting proof of the systematic use of **forced labor** in the XUAR tainting global supply chains, the United States enacted the Uyghur Forced Labor Prevention Act to protect consumers and prevent businesses from being complicit in activities that abet atrocities. The legislative action came as XUAR authorities intensified the scope and scale of this heinous crime, likely forcing hundreds of thousands of internment camp detainees to work within the XUAR and transferring millions of "rural surplus laborers" throughout China. Officials also published plans to transfer rural laborers into industrial work and to train workers in revenue-generating tasks through coercive labor programs. China's ratification of two international conventions related to forced labor in response to international condemnation of these policies failed to assuage "deep concern" from the International Labour Organization, which pressed for unfettered access to the XUAR to investigate these abuses.

Events in this reporting year confirmed the transformation of **Hong Kong** from an open society to a city gripped by fear, subject to invasive political control. Authorities continued to use the National Security Law to carry out widespread detention, prosecution, and imprisonment of pro-democracy advocates and to threaten dissidents abroad. The climate produced by this law led at least 65 organizations—spanning religious, community, political, media, union, and human rights activities—to cease operating in Hong Kong, including Amnesty International and the Hong Kong Alliance, which previously commemorated the 1989 Tiananmen Square protests. The dismantling of civil society included crackdowns on prominent independent media that caused a ripple effect, shuttering other news outlets, as well as the arrests of Cardinal Zen and the other trustees of a group providing assistance to those targeted by authorities.

A year after an overhaul of Hong Kong's electoral system that curtailed public participation and eliminated candidates lacking government approval, the selection of new leaders underscored the inability of the people of Hong Kong to participate meaningfully in their own governance and made the erosion of freedoms more difficult to reverse. Turnout in Legislative Council elections plummeted to record lows and more than two-thirds of District Council members resigned or were disqualified. Twenty-five years after the PRC took control of Hong Kong promising a "high degree of autonomy" and "universal suffrage," Xi presided over the inauguration of a new Hong Kong Chief Executive, John Lee, selected by a Party-controlled committee without any opposition.

Several of the highest profile stories of the year highlighted the pervasive problem of **violence against women.** A horrifying video of a mother of eight chained by her neck put renewed attention on issues of bride trafficking, coercive population policies, and lack of mental health treatment. Tennis star Peng Shuai's allegation of sexual assault by senior Party official Zhang Gaoli, along with Alibaba's mishandling of a rape accusation against one of its managers, reinvigorated China's #MeToo Movement. While domestic violence remains widespread in China, some provincial-level gov-

ernments sought to strengthen reporting and personal protection orders.

The review of China's compliance with the Convention on the Elimination of All Forms of Discrimination against Women, which the PRC has signed and ratified, did not occur as originally scheduled, a delay that comes at a time when the World Economic Forum ranks China 107th out of 156 countries in gender equality. The PRC's "three-child policy" maintains the decades-long intrusion of the state into families' decisions about whether and when to have children. Implementation of this policy prompted concern that, to achieve demographic goals, the government's coercive approach could shift to forced procreation.

Women, religious believers, LGBTQ persons, and others experienced an escalation in **online censorship and harassment** as China retained its designation, according to Freedom House, as the world's worst environment for internet freedom for the seventh straight year. Amidst ongoing suppression of feminist content and a national campaign promoting traditional gender roles, digital platforms abetted an unprecedented attack on online spaces for LGBTQ people, including the closure of dozens of WeChat accounts connected to communities at Chinese universities and other actions targeting rights advocacy, search terms, and entertainment content. A new set of sweeping regulations on online religious activities, which enact onerous registration requirements and ban a wide range of activities, could tightly restrict the already limited space for online religious freedom.

Technology-enhanced authoritarianism, exemplified by comprehensive surveillance and "predictive policing," metastasized throughout China. Futuristic speculation about technology's capacity to control vast populations became reality for an estimated 373 million Chinese swept into draconian lockdowns as part of the government's **"zero-COVID" policy,** which leading Chinese and international medical experts deemed unsustainable. Using big data and artificial intelligence, authorities integrated information from mobile phone geolocation and contacts, facial recognition, consumer shopping habits, and personal health histories. This data provided the backbone for disproportionately harsh public security measures, often using violent implementation of quarantine controls, that infringed on privacy rights, freedom of movement and expression, and due process. Many citizens under lockdown reported lack of food and medicine, deaths related to the inability to access medical care, and deprivation of care among vulnerable populations. The Chinese government's required political vetting of scientific papers, active disinformation campaigns about the origins of COVID-19, and continued refusal to provide key data obstructed international cooperation to address COVID-19, investigate its origins, and prepare for future pandemics.

Xi's continued **assault on ethnic minority cultures,** with the education system as the front line, stands as one of the year's most pernicious developments. Despite constitutional and legal protections for minority languages, officials introduced policies that emphasized Mandarin and reduced instruction in ethnic minority languages. Authorities' coercive assimilation policies included requirements to use Mandarin in preschools, the closure of private

schools, and bans on Tibetan-language education. Most insidiously, reports documented the placement of nearly 80 percent of all Tibetan grade-school students, as well as hundreds of thousands of Uyghurs and other Turkic Muslim children, in state-run boarding schools. Such schools disrupt the intergenerational transmission of language and culture and their students experience a high incidence of violence, abuse, and mental trauma.

The Commission observed no change in the other ways authorities oppress **Tibetans' freedom and self-determination.** Chinese officials remained intransigent with regard to reopening dialogue with the Dalai Lama and he remained a source of official paranoia, as evidenced by continued Party assertion of control over the selection of his reincarnation and the detention of at least 30 Tibetans for celebrating his birthday. Severe access restrictions continued, with zero approvals for journalists to independently report from the Tibet Autonomous Region in 2021. Three self-immolations by Tibetans drawing attention to political or religious issues, the first reported cases in over two years, tragically illustrated the failure of PRC rule in Tibet.

Heightened pressure on Tibetan Buddhists, Muslims, Falun Gong practitioners, Catholics, Protestants, and others produced an environment experts characterized as a **low point for religious freedom** in recent decades. Party officials sought to co-opt certain groups for nationalistic activities, restricting their ability to practice their religion freely. Falun Gong adherents faced brutal hardship, including custody-related deaths, lengthy prison sentences, and harassment, and a peer-reviewed study validated years of appalling anecdotal accounts of Falun Gong prisoners being executed by the harvesting of their organs. There also continued to be accounts that Uyghurs and other predominantly Muslim ethnic minorities in the XUAR have also been targeted for forced organ removal. Members of Muslim minority groups in China, beyond those subjected to genocide in the XUAR, suffered an escalating campaign throughout the country to remove characteristically Muslim elements from mosques. Unregistered Protestant churches encountered significant pressure via the detention of church leaders and crackdowns on religious education and media.

Chinese authorities built on previous regulatory structures and pressure campaigns to constrain **press freedom** and suppress **civil society.** The Foreign Correspondents' Club of China decried the "breakneck speed" decline in press freedom and Reporters Without Borders named China the world's "biggest jailer" of journalists generally and female journalists specifically. Female journalists of East Asian descent and Chinese employees of foreign news organizations experienced harassment. While officials tolerated organizations providing social welfare services locally, those advocating for citizen participation in governance received harsher treatment. Human rights lawyers, citizen journalists, women's and LGBTQ rights organizations, labor organizers, and religious organizations, as well as foreign non-governmental organizations operating in those spaces, faced an especially constricted landscape, with many closing.

In addition to egregious human rights abuses within China's borders, Chinese authorities increasingly reached into other countries

to silence critics and enhance control over emigrant and diaspora communities, conduct digital and in-person surveillance, and force the repatriation of their targets. China's campaign of **transnational repression,** which Freedom House considers the most comprehensive in the world, relied on a suite of tools that included passport controls, cyberattacks, intimidation, smear campaigns, spying, threats to family members still in China, and abuse of INTERPOL mechanisms. Chinese officials used coercive means in attempts to repatriate individuals from such places as Cyprus, Saudi Arabia, and Morocco to China, where they would face risk of torture. Chinese authorities reported that they "returned" 1,273 "fugitives" in 2021.

A sustained strategy of **economic coercion** threatened governments and businesses with retaliation for running afoul of Party priorities. This bullying, which Chinese authorities carried out through trade restrictions, fines, removal of products from commerce platforms, and calls for consumer boycotts, tended to be most effective on subnational levels. Governments generally stood their ground, epitomized by the resilience of Lithuania against a comprehensive assault on its economy after its government allowed the opening of a Taiwanese Representative Office. Australia also stood firm during the third year of China's campaign of economic reprisals for calling for an investigation into the origins of COVID-19. Conversely, companies often self-censored or complied with Chinese government demands.

The Chinese government signaled its intention to further extend its coercive power globally. New laws with extraterritorial application included legislation on data security, personal information protection, and foreign sanctions. Authorities sanctioned members of the U.S. Commission on International Religious Freedom and two companies that sold arms to Taiwan. At the United Nations, Chinese representatives attempted to weaken human rights protections and help Russia avoid accountability for the invasion of Ukraine.

Belt and Road Initiative projects produced extensive threats to human rights, the rule of law, and the environment, including substandard and abusive working conditions, corruption, destruction of fish populations, and threats to biodiversity posed by the promotion of certain traditional Chinese medicines. China continued to construct new coal facilities and experienced negative health effects caused by high air pollution levels.

The egregious human rights violations documented in this report place in stark relief Chinese authorities' efforts to control citizens and to reshape the global governance system away from the primacy of universal rights. The PRC continues to provide authoritarians around the world a model for how to assert coercive power and ideological purity over human dignity and individual liberty. Those who value human rights must stand up for basic freedoms against those who would unleash the unlimited power of the state.

KEY FINDINGS

FREEDOM OF EXPRESSION

• In contravention of the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR), and China's Constitution, the People's Republic of China (PRC) enhanced control over the press; the internet; the art, literature, and entertainment sectors; and educational and research institutions.
• The government proposed new professional requirements for media organizations and journalists, including mandatory continuing education that includes studying ideological concepts developed by Xi Jinping and the Chinese Communist Party, as well as proposed restrictions on the use of private capital to fund news media activities.
• Reporters Without Borders (RSF) ranked China the world's "biggest jailer of journalists" and "biggest jailer of female journalists" this past year. Hong Kong authorities continued a crackdown on independent reporting that resulted in significant erosion of press freedom. China continued to detain and imprison professional journalists, non-professional "citizen" journalists, and Chinese nationals working for foreign media organizations. Of the journalists in prison this past year documented by the Committee to Protect Journalists, nearly half were Uyghurs.
• Authorities harassed and arbitrarily restricted the press freedom of foreign journalists amid what the Foreign Correspondents' Club of China called a "breakneck speed" decline in press freedom. Authorities tried Australian citizen and China Global Television Network anchor **Cheng Lei** on a "state secrets" charge after 19 months of detention.
• The PRC took steps to control media coverage of the Party's image abroad, including coverage of high-profile events that took place in China. Authorities reportedly supported technology, foreign social media influencers, and academic research to better understand and implement manipulation of public opinion abroad, including countering human rights criticism, advancing disinformation about the origins of COVID-19, and understanding how "key opinion leaders" can help overcome negative international perceptions of Chinese state-affiliated media.
• Freedom House ranked China the "worst environment for internet freedom for the seventh year in a row." The Cyberspace Administration of China took steps to implement Party political guidance, including content controls; enforcement; and new, updated, and proposed regulations that raise concerns about their potential to restrict expression on broadly construed "national security" grounds.
• The PRC continued its campaign to create counternarratives to criticism of Party positions on human rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR) and other sensitive topics abroad and domestically. Some YouTube content creators who developed content that discussed human

rights issues in China reportedly faced harassment attempts and efforts to trigger censorship or demonetization of their content. At the same time, the PRC paid content creators to develop content in support of its priorities and mandated that Uyghurs do the same. Content creators, who have criticized the Chinese government, leaked emails from Chinese companies and state-controlled media that asked them and other creators to produce content supporting PRC interests. U.S. social media platforms were inconsistent in the labeling of content related to Chinese authorities.

• Before and during the 2022 Winter Olympics, authorities restricted press freedom arbitrarily, censored both online and broadcast content that did not align with PRC priorities, threatened athletes about human rights criticism, and implemented preemptive restrictions on high-profile critics, contravening protections for freedom of expression in the ICCPR, UDHR, China's Constitution, and the Host City Contract for the Olympic Games.

• Authorities censored discussion of a variety of topics on the internet; in the entertainment, art, and literature sectors; and in educational and research institutions. Sample topics included COVID-19 lockdown conditions, Russia's invasion of Ukraine, and portrayals of gender roles and masculinity.

• Schools in China reportedly began incorporating compulsory education on Xi Jinping's signature political ideology into their curricula, following new guidance from the Ministry of Education.

• Authorities detained and imprisoned individuals in connection with their peaceful expression. The UN Working Group on Arbitrary Detention determined that human rights advocate and China Citizens Movement member **Zhang Baocheng** had been arbitrarily detained.

Civil Society

• During this reporting year, People's Republic of China (PRC) authorities continued to restrict the already limited space for autonomous civil society and public participation, using regulations and harassment to suppress advocacy, expression, and assembly by unregistered religious groups, "illegal social organizations," human rights defenders, and groups promoting labor rights, women's rights, and the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) people.

• The Ministry of Civil Affairs released its first-ever Five-Year Plan for the Development of Social Organizations (FYP). While the FYP authorizes "social organizations" to expand in the areas of social welfare and service provision, it constitutes "a grim blueprint for the [non-profit] sector's development over the next five years," according to an international expert.

• The government continued to constrain foreign non-governmental organization (NGO) activity under the 2017 PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China (Foreign NGO Law). Freedom House observed that some foreign NGOs have decided to

de-register due to the heavy annual administrative burdens imposed by the law. Five years into the implementation of the Foreign NGO Law, the space for universities and research institutions to work with foreign NGOs has been severely curtailed.

• In June 2022, authorities tried China Citizens Movement organizers and rights defenders **Ding Jiaxi** and **Xu Zhiyong** in closed-door trials for "subversion of state power." They have been held for over two years in connection with a private gathering of civil society advocates and scholars in December 2019. Public security officials also continued to hold in detention feminist and labor rights advocate **Li Qiaochu,** after she revealed that authorities had tortured Xu, and charged her with "inciting subversion of state power."

• Online platforms for civil society organizing and expression were shut down, censored, subjected to pressure, and their individual users harassed in an ongoing effort to deprive civil society movements of space and resources.

• The LGBTQ community in China continued to face many challenges—including persistent stigma, widespread discrimination, and harassment. Chinese government authorities increased restrictions on LGBTQ advocacy and organizing, as they have done with other advocacy groups. Chinese law neither recognizes same-sex marriage nor otherwise protects same-sex relationships.

• The Chinese government has signaled a shift toward an emphasis on traditional gender roles and family structures and Chinese authorities intensified their censorship of LGBTQ-related media and squeezed the online advocacy space, causing once thriving organizations to shutter their operations after many years.

• In July 2021, LGBTQ groups at several Chinese universities were shut down. In August 2021, administrative officials at Shanghai University circulated surveys asking LGBTQ people to self-identify with no explanation as to what would be done with the information.

• In April 2022, the National Health Commission revised guidelines directly affecting the transgender community in what observers believe is an effort to comply with international standards. Additionally, in November 2021, the National Children's Medical Center and Children's Hospital of Fudan University in Shanghai municipality opened China's first child and youth transgender clinic, aimed at providing children and youth with mental health and other healthcare resources.

Freedom of Religion

• During the Commission's 2022 reporting year, the People's Republic of China (PRC) escalated efforts to "sinicize" religion, a process it defines as strengthening religious believers' allegiance to the "great motherland, the Chinese nation, Chinese culture, the Chinese Communist Party, and socialism with Chinese characteristics."

• In December 2021, the Party and government convened the first National Conference on Religious Work since 2016, signaling Xi Jinping and the Party's intent to prioritize religious affairs.
• The National Religious Affairs Administration issued a set of sweeping Measures for the Administration of Internet Religious Information Services, which were announced on December 20, 2021, and went into effect on March 1, 2022. The measures require religious groups to have government-issued permits for their online activity, enact onerous registration requirements, and limit permissible online religious activity by registered groups.
• The Party attempted to co-opt Buddhist and Taoist groups for a Party history campaign intended to inculcate patriotism and loyalty, including by forcing clergy to watch "patriotic movies."
• Authorities continued to suppress the religious freedom of ethnic minority Muslims throughout the country, promoting the eradication of distinct ethnic and religious characteristics and increasing assimilation with Han Chinese culture.
• The PRC continued to exert pressure on unregistered Catholic communities in 2021 and 2022, as demonstrated by the detention of lay Catholics, clergy, and at least two Vatican-appointed bishops. Hong Kong authorities have also increasingly targeted the Catholic Church. In May, Hong Kong national security police arrested former bishop of Hong Kong Cardinal **Joseph Zen.**
• During this reporting year, PRC authorities continued to violate the religious freedom of Protestant Christians by engaging in pressure campaigns against unregistered churches, especially by detaining church leaders—often under manufactured "fraud" charges—and by cracking down on religious education and publishing.
• Public security and judicial authorities continued to use Article 300 of the PRC Criminal Law, which forbids "organizing and using a cult to undermine implementation of the law," to persecute members of spiritual groups deemed to be illegal or to be "cults" (*xiejiao*), including Falun Gong, Church of the Almighty God, the Jehovah's Witnesses, and others.
• Authors of a 2022 study published in the American Journal of Transplantation concluded that it was highly likely that transplant surgeons in China had participated in the execution of prisoners "by organ transplant" as recently as 2015. They further concurred with previous "anecdotal and textual" accounts provided by Falun Gong-affiliated organizations alleging organ harvesting from prisoners of conscience. There also continued to be accounts that Uyghurs and other predominantly Muslim ethnic minorities in the XUAR have also been targeted for forced organ removal.

Criminal Justice

• The criminal justice system remained a political instrument used for maintaining social order in furtherance of the Chinese

Communist Party's authoritarian rule. The government punishes criminal acts, but it also targets individuals who pursue universal human rights, particularly when they independently organize or challenge the Party's authority.

• Government officials used extrajudicial and extralegal means—such as mass internment camps, "black jails," and psychiatric hospitals—to detain members of ethnic minorities, government critics, and people who seek redress for harm caused by official actions. "Retention in custody" is another form of extrajudicial detention. It is provided by law and allows anticorruption officials to detain people without legal representation or judicial process. In one example, local officials detained police officer **Wang Shengli** through retention in custody and tortured him, reportedly in retaliation for Wang's efforts to expose their corrupt schemes.

• Arbitrary detention did not abate despite official rhetoric promoting "rule-based governance." Authorities labeled rights advocates and dissidents as criminals, using provisions such as "endangering state security" and other vaguely defined offenses. For example, authorities sentenced entrepreneur **Sun Dawu** to 18 years in prison on a range of criminal charges including "picking quarrels and provoking trouble." Previously, Sun had voiced support for human rights lawyers and criticized the government's handling of the African swine flu epidemic.

• Legally recognized forms of detention—such as retention in custody and "residential surveillance at a designated location"—may lend a veneer of legality to official actions, but detention was often arbitrarily applied and used by officials as cover for secret detentions. Reports emerged this past year indicating that officials had tortured individuals while holding them in these forms of detention. As examples, petitioner **Wan Wenying** suffered fractured ribs due to repeated beatings; citizen journalist **Zhang Zhan** was subjected to force-feeding and was denied adequate medical care despite her fast-deteriorating health; and a transgender person, **Chen Luo'an,** reportedly endured sexual assault in a detention facility but the government did nothing to investigate.

• There continued to be examples of authorities denying detainees family and counsel visits. In one example, officials in Beijing municipality invoked public health concerns in preventing **Wang Su'e** from visiting her husband **Zhang Wenhe,** who was forcibly committed to a psychiatric hospital for the fifth time for his pro-democracy activities. In the case of **Wang Zang,** detention center officials prevented him from meeting with his lawyer for over one year and two months, alleging public health reasons; they granted a telephone conversation only after the lawyer filed a complaint with the procuratorate.

Access to Justice

• To the extent that citizens rely on courts to protect their rights against state encroachment, political pressure on the court system undermines their ability to access justice. The

Chinese Communist Party expressly requires absolute loyalty and obedience from the courts.

• Central authorities issued rules subjecting judges to performance evaluation, but such a system may be incompatible with judges' duty of administering justice. Morality, listed as the first evaluation criterion, is primarily described as a political quality, referring to the judge's political alignment and rejection of "Western" notions of constitutional democracy, judicial independence, and separation of powers. Requiring judges to preserve People's Republic of China (PRC) leader Xi Jinping's core leader position can be problematic because judges "should uphold the laws, not a given leader."

• Judicial transparency in China took a step backward when court judgments were removed from a database maintained by the government. Over a three-month period in early 2021, court officials removed from the site at least 11 million cases that were primarily criminal and administrative cases involving politically sensitive subject matter or where government agencies were named as defendants.

• The quasi-governmental agency All China Lawyers Association issued provisional regulations that prohibit lawyers from "hyping up" cases, thereby violating their right to free speech and undermining government accountability, which may lead to wrongful convictions. The regulations additionally require lawyers to speak in line with official policies and are therefore in conflict with the duty of loyalty lawyers owe their clients, particularly in administrative litigation where government actions are in dispute.

• This past year, Chinese authorities continued to undermine rights lawyers' ability to render legal help, by means including criminal prosecution, license revocation, and physical attack.

GOVERNANCE

• The Chinese Communist Party's efforts to extend control over all sectors of society violate citizens' right to fully participate in public affairs. As the Party's dominance permeates society, the space for institutions of democratic governance diminishes, thereby weakening citizens' ability to hold authorities accountable for human rights violations.

• Central authorities issued a policy plan with a stated goal of promoting the rule of law in China for the next five years. While the plan outlines strategies to improve bureaucratic efficiency and standardize administrative actions, it makes no mention of developing a mechanism to check the Party's power. The Party further monopolized the narrative of the past, as it adopted an official version of its historical contribution to China's development, portraying events in a way that served to legitimize government policies, tighten political control, and bolster Party General Secretary Xi Jinping's personal authority, preparing him to serve at least one additional five-year term as General Secretary.

• The central and local governments issued plans to institutionalize the existing practice of mobilizing citizens through

"social organizations," whose members are sometimes paid to further government objectives. Recent examples show that the government has used social organization members to harass independent candidates who planned to run for local election, and to boycott businesses that allegedly tried to comply with sanctions related to the Chinese government's use of forced labor in the Xinjiang Uyghur Autonomous Region.

• This past year, central authorities took a series of actions against businesses that had the effect of increasing the Party's power to intervene in the economy so as to advance its objectives in politics, security, and ideology. Substantial fines were imposed on leading technology companies for alleged monopolistic activities. Those companies made contributions to support the "common prosperity" wealth redistribution policy as an apparent hedge against further penalties.

• The Commission observed a whole-of-government approach by the People's Republic of China (PRC) in establishing stricter control over its population through its surveillance and "zero-COVID" policies during this reporting year. The Chinese government passed a new law on data that authorized the government's access to individuals' personal data, with some protections for the "rights and interests" of PRC citizens. The PRC continued to invest in surveillance systems and big data analysis programs that enhanced its ability to monitor citizens and implement social controls, which resulted in discrimination and violations of the right to privacy.

Ethnic Minority Rights

• During the Commission's 2022 reporting year, People's Republic of China (PRC) authorities implemented policies that limited the freedom of ethnic minority groups to express their cultural and religious identities, in contravention of the PRC Regional Ethnic Autonomy Law and international law such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights.

• During this reporting year, PRC officials introduced language and education policies that prioritized the acquisition of Mandarin Chinese and the reduction of ethnic minority language instruction. Australian scholar James Leibold said, "[T]he education system is now the front lines in President Xi Jinping's assault on ethnic minority cultures in China."

• Authorities implemented programs and activities in Hui religious communities this past year which were aimed at "sinicizing" Islamic practices, a trend observers say limits Hui Muslims' ability to practice their religion and culture.

• Following protests in the Inner Mongolia Autonomous Region in fall 2020 over a new policy to reduce Mongolian language instruction in schools, authorities worked to eliminate dissent among Mongol parents, students, teachers, and others in the region. Officials launched mass "rectification" and "re-education" campaigns, including through "patriotism courses,"

to shore up support throughout all segments of Mongol society for the PRC's sinicization policies.

Status of Women

- Women in China continue to face persistent gender inequality through ongoing promotion of traditional gender norms and gender-based discrimination. The Chinese government's poor implementation and lack of consistency after its codification of several laws and regulations aimed at addressing widespread gender inequality have failed to adequately address and implement structural reforms.
- In September 2021, the Chinese government announced the "Outline of Women's Development in China (2021–2030)," which the government says will play a vital role in the implementation of gender equality across numerous sectors. Additionally, the National People's Congress publicized proposed revisions to the PRC Women's Rights and Protection Law.
- As in previous years, the Chinese government has failed to fulfill its commitment to adequately represent women in legislative bodies, public institutions, and corporate entities.
- In response to a viral video of a mother of eight chained by her neck, the Chinese government announced a "strike hard" campaign directed at combating trafficking of women and children. The video brought renewed attention to the plight of rural trafficked women and to widespread issues concerning domestic violence in China.
- Chinese authorities continued to pressure and harass the digital community of feminists and women's rights advocacy organizations, which led advocates to shut down social media accounts and websites and rely on overseas networks to advance their causes.
- Several prominent cases this year highlighted weaknesses in the Chinese legal system regarding sexual harassment and assault, including professional tennis player Peng Shuai's allegations, the dismissal of former China Central Television (CCTV) intern Zhou Xiaoxuan's #MeToo case, and the workplace sexual assault case against a former manager and company client at Alibaba.

Population Control

- People's Republic of China (PRC) authorities rejected calls to end birth restrictions, even though experts raised demographic, economic, and human rights concerns about official population control policies. In August 2021, the National People's Congress amended the PRC Population and Family Planning Law from a two-child policy to a three-child policy based on a policy change announced by the Chinese Communist Party in May 2021. The amended law also abolished "social maintenance fees," onerous government fines for exceeding birth limits under the one- and two-child birth limit policies. The government's enforcement of birth limits has included forced abortion and sterilization.

- PRC authorities have used draconian population control measures targeting Uyghurs and other ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR), including detention in mass internment camps, forced abortions, and forced sterilizations. This past year, research by scholar Adrian Zenz found that policies implemented since 2017 had "drastically reduced birth rates of ethnic [minority] groups." A historian said the government's claim of a regional population increase from 2010 to 2020 was a "distortion" aimed at masking population suppression. At the same time that PRC authorities have encouraged higher birth rates among Han Chinese women, they have continued to perform forced abortions and sterilizations among ethnic minority women in the XUAR, a practice that one expert described as carrying a "strong undertone of eugenics."
- The government's population control policies have exacerbated China's sex ratio imbalance; these policies have been linked to the ongoing trafficking of women for purposes of forced marriage and commercial sexual exploitation. The plight of trafficked women received considerable public attention following media reports in January 2022 about a woman found chained and malnourished in a shed in Jiangsu province, who reportedly was a victim of bride trafficking.
- A 2022 report found that many women, perhaps thousands, who suffered injuries from botched or untested sterilization and other procedures under the one-child policy, had sought redress for their injuries to no avail.
- Observers posited that, consistent with the coercive nature of the PRC's past population policies, new policies aimed at raising birth rates might give rise to coerced procreation which would be a violation of human rights.

Human Trafficking

- In April 2022, the Standing Committee of the National People's Congress ratified the International Labour Organization's (ILO) Forced Labor and Abolition of Forced Labour conventions. The People's Republic of China's (PRC) multiple violations of forced labor human rights standards diminish any meaningful expectations that the government will work in good faith to meet the newly ratified ILO forced labor conventions, according to a human rights advocate.
- In November 2021, scholar Adrian Zenz and the Victims of Communism Memorial Foundation published an analysis of leaked classified official documents that are known as the Xinjiang Papers. The analysis found that forced labor programs in the Xinjiang Uyghur Autonomous Region (XUAR) were implemented in order to comply with "explicit statements and demands" made by PRC officials, including Chinese leader Xi Jinping. Chinese government-sponsored forced labor in the XUAR is a form of human trafficking under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).

• In February 2022, the ILO released the annual report of the Committee of Experts on the Application of Conventions and Recommendations. The Committee requested that the Chinese government review, repeal, and revise its forced labor and detention policies in order to end discrimination against ethnic minorities in the XUAR.
• A 2022 article in the American Journal of Transplantation found 71 organ transplant cases between 1980 and 2015 in which the removal of organs was the likely cause of an individual's death. Under the Palermo Protocol, the "abuse of power or of a position of vulnerability" to achieve consent in the removal of organs is a form of human trafficking.

Worker Rights

• The Chinese government describes digital platform workers, including food delivery workers, couriers, ride-hailing drivers, and truckers, as "flexibly employed." Many of these workers face violations of international labor standards with regard to access to fair pay, employment contracts and agreements, and pensions and other insurance categories. They handle on-the-job risks that endanger their health and safety, and often lack residential permits (*hukou*) in the urban areas where they work, which limits their options for education, healthcare, and housing. Gig workers played a crucial role in transporting and delivering food and other essential goods to ordinary citizens in China held under restrictive lockdowns due to coronavirus disease 2019 (COVID-19) outbreaks this past year.
• Officials have increasingly pressured technology and e-commerce companies to improve gig workers' conditions. The campaign included a legislative amendment to allow gig workers to join the All-China Federation of Trade Unions (ACFTU), the issuance of multiple joint opinions that aim to establish employment norms for gig work and the platform economy, the publication of typical court cases involving overtime, and new provisions on algorithm management.
• The Chinese Communist Party-led ACFTU remains the only trade union organization legally recognized under Chinese law, and workers are not allowed to establish independent unions. The Party and government revised the PRC Trade Union Law to allow gig workers to join the ACFTU, and instructed the ACFTU to redouble outreach to unionize gig workers.
• The government does not publish official data on the number of strikes and labor actions, and its censorship of news and social media, along with its harassment and detention of citizen journalists and labor advocates, further limits access to information about labor unrest. The Hong Kong-based non-governmental organization (NGO) China Labour Bulletin (CLB) documented 1,094 strikes and other labor actions in 2021, which may only reflect between 5 and 10 percent of total worker actions. CLB found that more than 68 percent of those labor actions were related to wage arrears.
• Official repression of non-governmental advocacy for workers' rights intensified during the past 10 years. The detentions

of graduate student **Fang Ran** and labor advocate **Wang Jianbing** in August and September 2021, respectively, reflect local authorities' aggressive approach to individuals engaged in worker rights research and advocacy. Authorities appear to have released food delivery workers' organizer **Chen Guojiang** from detention in January 2022, but the circumstances of his release were not reported.

PUBLIC HEALTH

• As the highly infectious Delta and Omicron variants of coronavirus disease 2019 (COVID-19) spread quickly in China this past year, the Chinese Communist Party and government's public health response continued to be shaped by Party General Secretary Xi Jinping's political priorities. Features of political influence included the Party's promotion of its "zero-COVID" policy as a success story to validate the Party's decisionmaking despite a growing chorus within and outside China that criticized a lack of planning for coexistence with the virus; lockdown management that employed disproportionally harsh public security measures and surveillance to "maintain stability"; actively promoting disinformation about COVID-19; and an ongoing lack of transparency in providing data needed by the international scientific community to more effectively handle COVID-19 through investigating SARS-CoV-2's origins and better preparing for a future infectious pathogen. Authorities used repressive tactics against individuals, including **Zhang Zhan** and **Fang Bin,** who provided unauthorized reports about the government's mishandling of the COVID-19 outbreak.
• International concern over the publication of genetic research by Chinese scientists using DNA samples taken from Uyghurs in China allegedly without obtaining informed consent sparked several genetics journals to investigate and retract several research papers.
• A case illustrating the vulnerability to human trafficking of women with developmental and mental health disabilities in China galvanized the public and pushed the government to prioritize aid to persons with psychosocial disorders in an anti-trafficking campaign, but domestic experts report a lack of systemic legal protections. Public security officials also continued to forcibly commit petitioners and other individuals whom authorities have deemed "disruptive" to psychiatric facilities in spite of clear provisions in the PRC Mental Health Law that prohibit this. Among the cases the Commission monitored this year were **Li Tiantian** and **Zhou Caifan.**
• Individual and organized public health advocacy continues in China, but the personal and professional risks of organized public health advocacy that authorities deem politically sensitive or even threatening, are evident in the ongoing or new detentions this past year of **Cheng Yuan** and **Wu Gejianxiong,** from the advocacy organization Changsha Funeng; **He Fangmei,** an advocate for victims of defective vaccines; and **Hu Xincheng,** a former investigative journalist and rights advocate.

THE ENVIRONMENT AND CLIMATE CHANGE

• China remained the world's leading emitter of greenhouse gases, including coal mine methane emissions, and is constructing 169 new coal mines and at least 5 new coal-fired power plants. China's high levels of air pollutants contribute to negative health effects including premature death.
• At the UN Climate Change Conference of the Parties (COP26) in November 2021, China and the United States, the world's two largest emitters of carbon dioxide, together pledged to cut greenhouse gases and take other actions in the "U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s." In April 2022, U.S. Special Presidential Envoy for Climate John Kerry said that cooperation with China on climate change had become more difficult after Chinese authorities linked cooperation on climate change with U.S. behavior on unrelated matters, a position they reiterated in August 2022.
• During this reporting year, People's Republic of China (PRC) citizens continued to face the problems of water pollution and water scarcity. The Ministry of Ecology and Environment (MEE) reported that 84.9 percent of tested surface water and 22.7 percent of tested groundwater in China was fit for human consumption. In addition, the construction of dams along major rivers in China and outside China as part of its Belt and Road Initiative (BRI) was reported to have negative impact on the 11 countries downstream and elsewhere in the world.
• Authorities prosecuted and sentenced some citizens who raised concerns about the environment through protests and other forms of public advocacy. A court in the Ningxia Hui Autonomous Region sentenced environmental advocates **Li Genshan, Zhang Baoqi,** and **Niu Haibo,** to prison in connection with their efforts to protect local endangered species. In another case, a court in Jiangxi province sentenced three individuals, **Xiong Yugen, Yang Fengying,** and **Yi Lianxiang,** to one year in prison, suspended for two years, in connection with their protests against a polluting factory near their village.
• A group consisting of 1 U.S.-based and 15 China-based environmental scientists concluded that climate change amplified extreme rainfalls in China in the summer of 2020. Heavy summer rains in July 2021 caused the deaths of 25 persons in Henan province, including 12 who were trapped in a subway. Observers noted that despite years of warnings from scientists, Chinese officials and scientists scarcely mentioned climate change as a contributing factor to increases in rainfall.

BUSINESS AND HUMAN RIGHTS

• Chinese and international businesses continue to be at risk of complicity in—and of profiting from—the People's Republic of China's (PRC) use of forced labor to repress ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR). A report investigating Xinjiang cotton and the global supply chain

concluded that "human rights due diligence is [currently] inadequate in identifying and addressing Uyghur forced labor in supply chains of manufacturers outside of China and enforcement mechanisms are not currently responding to the export of those goods internationally."

- The PRC continued to threaten for-profit and non-profit organizations with loss of revenue or other forms of punishment if they mentioned human rights violations in the XUAR. In one case, authorities closed down an affiliate of labor auditor Verité, Inc., after it reportedly investigated reports of forced labor in the XUAR. In another case, pro-Chinese Communist Party and Party-affiliated organizations criticized, and insinuated potential retaliation against, Kodak for posting pictures by a photographer who described the XUAR as "an Orwellian dystopia."
- The Chinese government restricted freedom of expression this reporting year, and corporations continued to take part in censorship. Instances include the following examples:
  - Apple removed a globally used Quran app from the Apple app store in China.
  - Chinese companies removed media content of foreign individuals whose speech or actions did not conform with PRC narratives.
  - Disney Plus Hong Kong removed an episode of "The Simpsons" that satirically referenced human rights violations committed by the Party, including the violent suppression of the 1989 Tiananmen protests.
  - Apple and two British publishing firms, Octopus Books and Quarto, censored products intended for sale outside of mainland China.
- The Washington Post reported that, based on presentations obtained from Huawei's website, Huawei marketed surveillance technology to the Chinese government—including surveillance technology used in the XUAR.
- The Commission observed reports that a labor rights whistleblower was tortured prior to being sentenced to two years in prison for exposing labor rights violations. The violations took place in a factory producing the Amazon Echo, Amazon Echo Dot, and the Amazon Kindle.

North Korean Refugees in China

- Chinese and North Korean authorities arranged the repatriation of reportedly 50 North Korean refugees in July 2021. Repatriated North Koreans remained vulnerable to torture, imprisonment, forced labor, and execution, and the Democratic People's Republic of Korea (DPRK) government signaled harsher punishment for escapees as well as family members within North Korean borders.
- In 2021, only 63 North Korean refugees were recorded as entering South Korea, compared to 229 in 2020 and 1,047 in 2019, the lowest since the South Korean Ministry of Reunification began recording the number of escapees in 1998. The

coronavirus disease 2019 (COVID-19) pandemic and related border closures contributed to the decrease.

- The UN Security Council issued a Resolution in 2017 requiring Member States, which includes China, to repatriate North Korean nationals working overseas to the DPRK by December 2019. The Chinese government did not comply with this deadline to repatriate the approximately 20,000 to 100,000 North Koreans working in China as dispatch workers, many of whom are subjected to forced labor and abusive working conditions.
- Women remain the largest demographic of North Korean refugees leaving the DPRK for China and they continue to be vulnerable to human trafficking and forced and low-wage labor. The Chinese government's refusal to recognize survivors of trafficking and abuse prevents them from receiving legal protection or access to vital services.

TIBET

- The Commission did not observe any interest from People's Republic of China (PRC) officials in resuming formal negotiations with the Dalai Lama's representatives, the last round of which, the ninth, was held in January 2010.
- The PRC continued to restrict, and seek to control, the religious practices of Tibetans, the majority of whom practice Tibetan Buddhism. Authorities in Tibetan areas issued prohibitions on forms of religious worship, particularly during major religious events or around the times of politically sensitive anniversaries, and restricted access to Tibetan Buddhist religious institutions. The PRC continued to assert control over the process of selection and recognition of Tibetan Buddhist reincarnated teachers, including the Dalai Lama.
- The Commission observed reports of three Tibetan self-immolations, bringing the number of self-immolations since 2009 in Tibetan areas reported to focus on political or religious issues to 154, of which 135 were reportedly fatal. On February 25, 2022, 25-year-old pop singer Tsewang Norbu fatally self-immolated near the Potala Palace in Lhasa municipality, Tibet Autonomous Region. On March 27, 81-year-old Tashi Phuntsog (or Taphun), fatally self-immolated at a police station near Kirti Monastery in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province. On March 30, Tsering Samdrub (or Tsering) self-immolated in Yushu (Yulshul) city, Yushu Tibetan Autonomous Prefecture, Qinghai province.
- Chinese authorities continued to threaten linguistic rights in Tibetan areas and enforce policies promoting or mandating the use of Mandarin Chinese instead of Tibetan or other local languages, including through ordering the closures of Tibetan-language schools. A rights advocacy group reported that nearly 80 percent of all Tibetan students were educated in state-sponsored colonial boarding schools, threatening Tibetans' linguistic and cultural rights by separating children from their families and communities.

• In contravention of international human rights standards, officials punished residents of Tibetan areas for exercising protected rights, including the expression of religious belief, criticism of PRC policies, and sharing information online. Notable cases this past year included writer **Lobsang Lhundrub,** better known as **Dhi Lhaden,** sentenced to four years in prison, possibly because of a book he was writing; **Rinchen Kyi,** a teacher at a private school that officials shut down in July 2021, detained for "inciting separatism" (and later released); and **Lobsang Trinle,** a Tibetan Buddhist monk sentenced to five years in prison after he shared the Dalai Lama's teachings and writings about the Dalai Lama with other Tibetans.

XINJIANG

• Key findings from a cache of tens of thousands of files obtained from public security bureaus in two counties in the Xinjiang Uyghur Autonomous Region (XUAR) included: the key role of senior Communist Party and central government officials in carrying out the mass detention and other persecution of Turkic Muslims in the XUAR; the highly securitized nature of detention in the region's camps and prisons; the high rate of imprisonment in Konasheher (Shufu) county in Kashgar prefecture, XUAR, as authorities increasingly sentenced Turkic Muslims to formal imprisonment; and arbitrary deprivation of liberty in camps and prisons.
• Reports published during the Commission's 2022 reporting year indicated that XUAR officials increasingly sentenced many Turkic and Muslim individuals to long prison terms, sometimes following their detention in mass internment camps. According to international reporting and analysts' review of satellite imagery, officials have converted many former mass internment camps into prisons or other types of formal detention facilities.
• International researchers and journalists found evidence that authorities continued to expand detention facilities, including mass internment camps. Based on research and analysis of leaked official documents and satellite imagery, BuzzFeed News journalists estimated in July 2021 that authorities in the XUAR had enough space in detention facilities in the region, including prisons and mass internment camps, to detain more than one million people at the same time.
• Authorities in the XUAR maintained a system of forced labor that involved former mass internment camp detainees and other Turkic and Muslim individuals. In its annual report released in February 2022, the International Labour Organization expressed "deep concern" over forced labor in the XUAR and asserted that the "extensive use of forced labor" involving Turkic and/or Muslim minorities in the region violated the Employment Policy Convention of 1964.
• In September 2021, official media in the XUAR announced a new plan pairing Uyghur children with children from across the country, a move that observers believe is designed to control Uyghurs' lives and eliminate Uyghurs' cultural identity.

Called the "Pomegranate Flower Plan," the initiative matched Uyghur toddlers and elementary school students from a village in Kashgar prefecture with predominantly Han Chinese children from other parts of China, in order to establish "kinship" ties between the children.

• During the 2022 Ramadan period, which lasted from April 1 to May 1, authorities in parts of Urumqi municipality and Kashgar and Hotan prefectures reportedly enforced quotas for local Muslims allowed to fast during the holiday, and required them to register with officials. Reports published this past year showed that authorities have sentenced Turkic Muslims in the XUAR, including members of the clergy, to lengthy prison terms.

• Turkic women who had been detained in mass internment camps in the XUAR provided evidence to the Uyghur Tribunal that many female detainees were raped in the camps. One former camp detainee testified that unmarried, divorced, and widowed women were raped in a camp where she was detained and that men paid to come to camps to rape female detainees.

Hong Kong and Macau

• The overhaul of Hong Kong's electoral system in March 2021 substantially curtailed public participation and created a system that eliminates candidates whom central authorities do not endorse. Even before the overhaul, the spectrum of political voices had already narrowed rapidly, as most pro-democracy activists were in exile or criminal detention as a result of the National Security Law (NSL), passed in June 2020. The Legislative Council (LegCo) election held in December 2021 had almost exclusively pro-Beijing candidates and saw record low turnout amidst calls for boycott over the election's perceived illegitimacy. In May 2022 there was only one candidate for Chief Executive, who was nominated and selected by a government-vetted committee. By design and in practice, the electoral overhaul is a departure from the ultimate aim, as stated in the Basic Law of the Hong Kong Special Administrative Region (Basic Law), of electing the legislative and executive office-holders by universal suffrage.

• Hong Kong authorities broadly applied criminal charges in a manner that undermined fundamental freedoms and damaged democratic institutions and the rule of law. Police have arrested over 10,499 people for political and protest-related offenses since June 2019. Of these arrests, 183 involved national security offenses, which triggered procedures under the National Security Law including a strict bail standard that presumes guilt, trial by politically selected judges, and possible extradition to mainland China. Cases of note include **Jimmy Lai Chee-ying,** founder of a pro-democracy newspaper who is facing national security charges and a potentially lengthy prison term; **Leon Tong Ying-kit,** who was denied a jury trial; **Adam Ma Chun-man,** who received a five-year sentence for his speech; and 34 individuals whom authorities held in pre-

trial detention for over a year for peacefully participating in an informal primary election.

- The National Security Department of the Hong Kong Police Force raided pro-democracy news outlets Apple Daily and Stand News, froze their assets, and arrested their executives and editors on NSL charges. The police's actions forced the news outlets to cease operations, causing a ripple effect that shuttered other independent news outlets.
- Following the lead of mainland state-run media, rhetoric and actions by Hong Kong officials displayed a concerted effort to target civil society groups that were part of the pro-democracy movement in 2019, isolating them from the international community and causing their rapid disintegration in 2021. As of January 2022, at least 65 organizations had shut down or left Hong Kong after the enactment of the National Security Law, a trend that accelerated in the second half of 2021. These organizations include religious, community, political, media, union, and human rights groups, and their members cited pressure under the National Security Law.
- Macau Special Administrative Region authorities invoked political grounds in the disqualification of 21 pro-democracy candidates for election to the Legislative Assembly, which was followed by a record low turnout and the closure of a pro-democracy online news outlet.

HUMAN RIGHTS VIOLATIONS IN THE U.S. AND GLOBALLY

- The People's Republic of China (PRC) continued a multi-year campaign of transnational repression against critics, Uyghurs, and others to stifle criticism and enhance control over emigrant and diaspora communities. Authorities and those acting at their direction engaged in digital and in-person harassment and surveillance, harassment and intimidation of China-based relatives of overseas targets, and attempted repatriation—in some cases coercive—to China, where UN and other experts argued they would face significant risk of torture. In June 2022, Freedom House reported that it had counted 229 cases of "physical transnational repression"—which can include "detention, assault, physical intimidation, unlawful deportation, rendition, or suspected assassination"—originating from China since 2014.
- The PRC used economic coercion against foreign governments and companies to stifle criticism of China's human rights conditions and other issues Chinese authorities deemed sensitive. Authorities used unacknowledged, informal economic coercion, such as a campaign against Lithuania—which resulted in economic losses—and economic coercion against Intel, Sam's Club, and Walmart—which reportedly resulted in some consumers in China canceling their Sam's Club memberships. The government also introduced new authorities in Chinese law for carrying out economic coercion and formally sanctioned officials of the United States Commission on International Religious Freedom, as well as Raytheon and Lockheed Martin.

- Belt and Road Initiative (BRI) projects in multiple regions experienced worker rights violations, environmental problems, corruption, and opacity in project debt and project agreements with host country institutions. Those developments were consistent with reports of systemic problems in recent years as the scale of BRI investment, as well as Chinese government support and involvement in BRI, has increased.
- The PRC continued longstanding global campaign to discredit universal rights in international institutions and reshape international consensus around human rights, in what Human Rights Watch described in 2017 as "a systematic attempt to subvert the ability of the UN human rights system to confront abuses in China and beyond." The PRC took steps to impede UN bodies in their work to hold Russia accountable for human rights violations committed in its invasion of Ukraine, and the government attempted to weaken human rights protections in a draft instrument that would create legally binding human rights obligations for transnational and other businesses.

POLITICAL PRISONER CASES OF CONCERN

Members of Congress and the Administration are encouraged to consult the Commission's Political Prisoner Database (PPD) for credible and up-to-date information on individual prisoners or groups of prisoners. The Political Prisoner Cases of Concern in the Commission's 2022 Annual Report highlight a small number of individuals whom Chinese authorities have detained or sentenced for peacefully exercising their internationally recognized human rights. Members of Congress and the Administration are encouraged to advocate for these individuals in meetings with People's Republic of China officials. For more information on these cases and other cases raised in the Annual Report, see the PPD.

Name PPD Record No.	Case Summary (as of June 30, 2022)
Xu Na 2008-00675	**Date of Detention:** July 19, 2020 **Place of Detention:** Dongcheng District Public Security Bureau (PSB) Detention Center, Beijing municipality **Charge(s):** Organizing and using a cult to undermine implementation of the law **Status:** Sentenced to eight years **Context:** Xu was detained along with 12 other Falun Gong practitioners for allegedly sharing photos of Beijing street scenes during the COVID-19 pandemic with an overseas publication associated with Falun Gong, and for possession of Falun Gong materials found at their homes. **Additional Information:** Xu's original lawyer, Liang Xiaojun, was disbarred in December 2021 by Beijing officials partly over his social media posts defending the rights of Falun Gong practitioners. Xu previously served two prison sentences, from 2001 to 2006 and 2008 to 2011, in connection with her practice of Falun Gong. She was detained in 2008 along with her husband **Yu Zhou,** who died in police custody shortly thereafter.

Name PPD Record No.	Case Summary (as of June 30, 2022)
Niu Tengyu 2021-00062	**Date of Detention:** August 22, 2019 **Place of Detention:** Sihui Prison, Zhaoqing municipality, Guangdong province **Charge(s):** Picking quarrels and provoking trouble; infringing on citizens' personal information; illegal business activity **Status:** Sentenced to 14 years **Context:** In August 2019, public security officials took into custody 20-year-old coder Niu Tengyu and held him in Maoming municipality, Guangdong, as part of a major crackdown on users of the internet site EsuWiki, on which personal information of two relatives of Communist Party General Secretary Xi Jinping allegedly had been published. The court sentenced Niu to serve a total of 14 years in prison and fined him 130,000 yuan (US$19,000). **Additional Information:** From December 10, 2019, to January 22, 2020, authorities held Niu under "residential surveillance at a designated location" (RSDL) to investigate him on a charge of endangering state security. Authorities tortured Niu, including through use of the "tiger bench," hanging him by his arms, burning his genitals, pouring saline solution over his injuries, and causing permanent injury to his right hand.
Tonyee Chow Hang-tung 2021-00514	**Date of Detention:** June 4, 2021 **Place of Detention:** Tai Lam Centre for Women, Hong Kong Special Administrative Region (SAR) **Charge(s):** Inciting others to join an unauthorized assembly; inciting subversion of state power; failure to comply with notice to provide information **Status:** Detained **Context:** On June 4, 2021, Hong Kong police arrested Tonyee Chow Hang-tung, alleging that she had incited others to join a candlelight vigil commemorating the 1989 Tiananmen protests, which police had declined to authorize on public health grounds. Police released her on bail but arrested her again on June 30, accusing her of inciting others to join an unauthorized assembly on July 1, the anniversary of Hong Kong's handover. Chow was a rights lawyer and vice chair of the non-governmental organization Hong Kong Alliance, which organized June 4th vigils annually. In September, police arrested Chow and several other Hong Kong Alliance members for failing to surrender documents relating to the organization's operations, additionally charging her with "inciting subversion of state power" under the National Security Law (NSL). Chow has been sentenced to a total of 22 months in prison for two charges relating to unauthorized assembly. The charges brought under the NSL remained pending as of April 2022.

Executive Summary

Name PPD Record No.	Case Summary (as of June 30, 2022)
Jimmy Lai Chee-ying 2020-00323	**Date of Detention:** August 10, 2020 **Place of Detention:** Stanley Prison, Hong Kong SAR **Charge(s):** Collusion with a foreign country or with external elements to endanger national security; conspiracy to defraud **Status:** Detained **Context:** On August 10, 2020, Hong Kong police took Jimmy Lai Chee-ying into custody on suspicion of "collusion with a foreign country or with external elements to endanger national security" under the NSL and "conspiracy to defraud." Lai is the founder of Apple Daily, which media sources have described as a pro-democracy publication. On August 10, 2020, police also detained nine other individuals, including Lai's two sons and other democracy advocates and newspaper executives. Police did not disclose the specific facts underlying the NSL charge and did not explain why the fraud charge, which was based on an alleged breach of a commercial lease, rose to the level of a criminal offense. Observers have said the arrests were authorities' efforts to suppress free press and to intimidate pro-democracy advocates. Lai was formally charged under the NSL on December 11. He was briefly released on bail but has remained in detention since December 2020.
Chang Weiping 2020-00014	**Date of Detention:** January 12, 2020 **Place of Detention:** Feng County PSB Detention Center, Baoji municipality, Shaanxi province **Charge(s):** Subversion of state power **Status:** Awaiting trial **Context:** Following his attendance at a December 2019 gathering of rights advocates in Xiamen municipality, Fujian province, rights lawyer Chang Weiping was placed under RSDL in January 2020. Authorities released him on bail, but after he posted a video online in which he described his maltreatment while in custody, authorities again placed him under RSDL in October 2020 on suspicion of "inciting subversion of state power." During the next six months, authorities repeatedly tortured Chang, and in April 2021 he was formally arrested for "subversion of state power." **Additional Information:** During Chang's time in RSDL, authorities subjected him to torture, including extended interrogation sessions, denial of adequate nutrition and hygiene, and sleep deprivation. As a result, he suffers from nerve damage to his fingers and sores caused by being restrained in a "tiger chair" for several days.

Name PPD Record No.	Case Summary (as of June 30, 2022)
Li Yuhan 2017-00361	**Date of Detention:** October 9, 2017 **Place of Detention:** Shenyang Municipal No. 1 PSB Detention Center, Liaoning province **Charge(s):** Picking quarrels and provoking trouble, fraud **Status:** Tried, awaiting sentencing **Context:** A lawyer, Li previously represented rights lawyer **Wang Yu,** whom authorities detained in a crackdown on human rights legal professionals that began in mid-2015. Authorities held Li in extended pretrial detention from 2017 until her trial before the Heping District People's Court in Shenyang on October 20, 2021. **Additional Information:** Li suffers from various health conditions, including heart disease, hypertension, and hyperthyroidism. Staff at the detention center reportedly urinated on her food, denied her hot water for showering, denied her medical treatment, and threatened to beat her to death. In March 2018, Li went on a hunger strike to protest mistreatment, which prompted detention center officials to force-feed her. Detention center officials blocked her lawyer from meeting her, citing the COVID-19 pandemic.
Xu Qin 2016-00015	**Date of Detention:** February 9, 2018 **Place of Detention:** Yangzhou Municipal PSB Detention Center, Jiangsu province **Charge(s):** Inciting subversion of state power **Status:** Formally arrested, held in extended pretrial detention **Context:** Police in Gaoyou city, Yangzhou, detained veteran rights defender Xu Qin in February 2018 on suspicion of "picking quarrels and provoking trouble" in apparent connection with her advocacy on behalf of other rights advocates, including detained lawyer **Yu Wensheng.** In March, police placed Xu under "residential surveillance at a designated location" and accused her of "inciting subversion of state power." After releasing Xu on bail in September, authorities maintained her bail conditions for 3 years. In November 2021, she was taken back into custody and formally arrested for "inciting subversion." In June 2022, Xu's lawyer reported that she was paralyzed and in a wheelchair. **Additional Information:** A former Communist Party member, Xu was detained previously in 2016 in connection with a planned gathering of petitioners in Beijing municipality. Xu has been a member of the rights defense organizations China Human Rights Watch and Rose China, whose founder **Qin Yongmin** is serving a 13-year prison sentence for his democracy advocacy.

Executive Summary

Name PPD Record No.	Case Summary (as of June 30, 2022)
Zhang Zhan 2020-00175	**Date of Detention:** May 19, 2020 **Place of Detention:** Shanghai Women's Prison **Charge(s):** Picking quarrels and provoking trouble **Status:** Sentenced to four years **Context:** On May 14, 2020, unknown individuals "disappeared" citizen journalist Zhang Zhan in Wuhan municipality, Hubei province, the epicenter of the COVID-19 outbreak, in connection with her efforts to document the epidemic on WeChat, Twitter, YouTube, and other social media platforms. The Pudong New District People's Court in Shanghai municipality tried and sentenced Zhang on December 28, 2020. **Additional Information:** After the trial, Zhang went on a hunger strike that reportedly left her near death; in November 2021, her family reported that she weighed less than 40 kilograms and could not walk or lift her head on her own. In early 2022, her mother reported that Zhang's health began to improve after she resumed eating.
Li Genshan 2020-00248	**Date of Detention:** September 9, 2020 **Place of Detention:** Zhongwei municipality, Ningxia Hui Autonomous Region **Charge(s):** Picking quarrels and provoking trouble; extortion; harming or endangering rare wildlife **Status:** Sentenced to four years and six months **Context:** Zhongwei police criminally detained environmental advocate Li Genshan on September 9, 2020, along with two fellow volunteers, in connection with their advocacy work. By the end of the month, police had detained 14 individuals in total as part of the case, and formally charged 8 of them, including Li. Li and several of those detained were volunteers with the Zhongwei Mongolian Gazelle Patrol Team, which sought to protect local wildlife. The Shapotou District People's Court sentenced Li and two others on August 31, 2021; upon appeal, the Zhongwei Intermediate People's Court ordered a retrial on November 3. Following a January 2022 retrial, the Shapotou court sentenced Li and the other two to four years and six months in prison. **Additional Information:** Li and other members of the patrol team had previously reported corporations for environmental destruction and local forestry police for allegedly protecting poachers.

Name PPD Record No.	Case Summary (as of June 30, 2022)
Ding Jiaxi 2013-00307	**Date of Detention:** December 26, 2019 **Place of Detention:** Linshu County PSB Detention Center, Linyi municipality, Shandong province **Charge(s):** Subversion of state power **Status:** Tried, awaiting sentencing **Context:** Ding Jiaxi is a disbarred lawyer and rights advocate. His December 2019 detention is linked to other rights advocates detained the same month following a gathering at which participants discussed Chinese politics and civil society. Yantai municipality, Shandong, police initially placed Ding under RSDL in Shandong before Linyi police arrested him in June 2020 for "inciting subversion of state power," a charge later changed to the more serious "subversion of state power." Ding and legal advocate **Xu Zhiyong** have alleged that officials tortured them in custody, including by restraining them in "tiger chairs" during prolonged interrogations. In June 2022, the Linshu County People's Court held closed trials for Xu and Ding. **Additional Information:** Ding served a prison sentence from 2013 to 2016 due to his anti-corruption and government transparency advocacy. Authorities sentenced him to three years and six months in prison for "gathering a crowd to disrupt public order" in connection with planned demonstrations calling on officials to disclose their wealth.
Xu Zhiyong 2005-00199	**Date of Detention:** February 15, 2020 **Place of Detention:** Linshu County PSB Detention Center **Charge(s):** Subversion of state power **Status:** Tried, awaiting sentencing **Context:** Xu Zhiyong is a prominent legal advocate and one of the initiators of the New Citizens' Movement (also known as China Citizens Movement). His detention is connected to the December 2019 gathering that led to **Ding Jiaxi**'s detention. Xu evaded a police search for 50 days prior to his detention, during which time he publicly urged Xi Jinping to leave office because of the government's handling of the COVID-19 pandemic. Prior to Xu's arrest in June 2020, authorities held him under RSDL in Beijing municipality. Xu and Ding have alleged that officials tortured them in custody, including by restraining them in "tiger chairs" during prolonged interrogations. In June 2022, the Linshu County People's Court held closed trials for Xu and Ding. **Additional Information:** On February 16, 2020, Beijing police detained **Li Qiaochu,** a women's and labor rights advocate and Xu's partner; on June 18, authorities released her on bail. Xu previously served four years in prison from 2013 to 2017 for his rights advocacy work. In November 2020, the UN Working Group on Arbitrary Detention found Xu's detention to be arbitrary and in violation of the Universal Declaration of Human Rights.

Executive Summary

Name PPD Record No.	Case Summary (as of June 30, 2022)
Hao Zhiwei 2020-00257	**Date of Detention:** July 31, 2019 **Place of Detention:** Ezhou No. 1 PSB Detention Center, Ezhou municipality, Hubei province **Charge(s):** Fraud **Status:** Sentenced to eight years **Context:** Police from Echeng district, Ezhou, detained Hao, a pastor at the unregistered Egangqiao Church in Ezhou, and two of the church's parishioners on July 31, 2019, on suspicion of "fraud." Authorities alleged that Hao had directed the parishioners to fraudulently collect church offerings. A September 2019 indictment charged Hao with conducting religious activities illegally because she refused to join the official Protestant Three-Self Patriotic Movement or Chinese Christian Council, and her church operated without approval from the two bodies.
Helchem Pazil 2022-00112	**Date of Detention:** Unknown date in 2018 or 2019 **Place of Detention:** Changji Women's Prison, Changji Hui Autonomous Prefecture, Xinjiang Uyghur Autonomous Region (XUAR) **Charge(s):** Inciting ethnic hatred; gathering a crowd to disturb public order **Status:** Sentenced to 17 years **Context:** In a court judgment issued in 2019, the Korla (Ku'erle) Municipal People's Court in Bayangol (Bayinguoleng) Mongol Autonomous Prefecture, XUAR, sentenced 78-year-old Helchem Pazil and several of her relatives, including her three daughters and a daughter-in-law, to prison in connection with private gatherings in which they discussed family life and Islam.
Meryem Emet 2022-00124	**Date of Detention:** Unknown date in 2017 **Place of Detention:** A prison in Kucha (Kuche) county, Aksu prefecture, XUAR **Charge(s):** Unknown **Status:** Sentenced to 20 years **Context:** In 2017, authorities in Urumqi municipality, XUAR, detained Meryem Emet and later sentenced her to 20 years in prison. Her sentence was reportedly connected with her marriage to a Turkish national, and with her having met and spoken with Turkish Prime Minister Recep Tayyip Erdoğan during his 2012 visit to Urumqi. **Additional Information:** After her detention, XUAR authorities forced her two children, then ages four and six, into boarding schools in Urumqi, where teachers subjected them to traumatizing disciplinary measures including beatings and being forced to hold stress positions. After nearly 20 months at the schools, the two children were left unable to communicate in Uyghur.

Name PPD Record No.	Case Summary (as of June 30, 2022)
Lobsang Trinle 2022-00016	**Date of Detention:** July 1, 2021 **Place of Detention:** Mianyang Prison, Mianyang municipality, Sichuan province **Charge(s):** Unknown **Status:** Sentenced to five years **Context:** A monk at Kirti Monastery in Ngaba (Aba) county, Ngaba Tibetan and Qiang Autonomous Prefecture, Sichuan, Lobsang Trinle was detained by police in July 2021 and held at an unknown location. He was reportedly detained for sharing the Dalai Lama's teachings and writings about the Dalai Lama with other Tibetans. **Additional Information:** His family was unable to attend the trial and sentencing, and he may not have had legal counsel.
Thubten Lodroe 2022-00125	**Date of Detention:** October 2021 **Place of Detention:** Unknown; likely in Chengdu municipality, Sichuan **Charge(s):** Inciting separatism; possibly picking quarrels and provoking trouble **Status:** Sentenced to four years and five or six months **Context:** A Tibetan writer also known by his pen name Sabuche, Thubten Lodroe was detained by Sichuan province security officials near his home in Sershul (Shiqu) county, Kardze (Ganzi) Tibetan Autonomous Prefecture, Sichuan, in October 2021 and taken to Chengdu. His writings are well known online and cover topics including Tibetan society, politics, and language rights. Further information on Thubten Lodroe's case following his sentencing, including his whereabouts and his condition in custody, was unavailable. **Additional Information:** Chinese authorities reportedly blocked his social media accounts and deleted his posts, placed his family under surveillance, and prevented his two children from attending school.

General Recommendations to Congress and the Administration

The Commission makes the following recommendations for Administration and congressional action, recognizing that human rights are at the core of the U.S. relationship with the People's Republic of China (PRC), as a reflection of American principles and as a commitment to fundamental rights and freedoms in the People's Republic of China.

- **Address Transnational Repression.** The PRC targets Uyghurs, Hong Kongers, Tibetans, dissidents, members of the Chinese-American diaspora community, and others in a sophisticated and comprehensive effort to silence criticism, conduct surveillance, and in some cases abduct or repatriate critics and others deemed sensitive. The Administration should send to Congress a comprehensive strategy outlining efforts to constrain the PRC's ability to commit acts of transnational repression, to increase accountability for perpetrators of such acts, and to better protect those at risk of intimidation and harassment. In addition, the Administration and Congress should:
  - Instruct federal law enforcement to ensure protection from intimidation and surveillance for U.S. residents; provide outreach directly to diaspora communities; and ensure there are easily accessible, safe, and secure portals to report coercion or intimidation;
  - Update transparency laws to better identify and take legal action against foreign officials and individuals acting on behalf of foreign governments to surveil and intimidate dissident and diaspora communities;
  - Seek to expand existing authorities to sanction individuals and entities directing transnational repression from abroad and bolster intelligence-gathering capacity to identify the perpetrators;
  - Enhance training for State Department and law enforcement personnel to recognize and combat transnational repression;
  - Describe the scope and impact of censorship and surveillance on Tencent's WeChat platform, ByteDance's TikTok, and Chinese-made mobile phone browsers and any steps taken to protect users' sensitive personal information and freedom of expression; and
  - Take the lead on a UN Human Rights Council resolution to create a UN special rapporteur for transnational repression.
- **End Forced Labor Imports.** The Administration should fully implement the Uyghur Forced Labor Prevention Act (UFLPA) (Public Law No. 117-78), and the Forced Labor Enforcement Task Force should regularly update and expand the lists of entities identified as complicit in forced labor, pursuant to this law. Congress should provide robust funding to U.S. Customs and Border Protection to enforce the import restrictions required to carry out the law. In addition, the Administration should:
  - Sanction individuals engaged in significant labor trafficking under section 111 of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7108) and under section 5 of the UFLPA;

- Issue a report on forced labor and the U.S. Government's procurement process with the aim of excluding any companies engaged in the production of goods using the forced labor of ethnic minorities or other persecuted groups in China;
- Direct the Securities and Exchange Commission to require issuers of securities to disclose whether they have established or maintained activities with entities in the Xinjiang Uyghur Autonomous Region (XUAR) identified as complicit in the use of forced labor or other gross violations of human rights; and
- Encourage foreign governments and legislatures to adopt their own national legislation or regulations modeled on the UFLPA.

• **Stop Atrocity Crimes.** The Administration should create and fund programs to document, preserve, and analyze evidence of genocide and crimes against humanity committed by PRC officials in the XUAR, with a view toward future accountability measures, including criminal prosecutions. In addition, the Administration should:

- Coordinate with allies and partners to request the appointment of a UN special rapporteur on the XUAR or other special procedures to address the PRC's egregious human rights abuses, including pressing for the formation of a UN Commission of Inquiry on human rights in the XUAR;
- Request open debates on the XUAR at the UN Human Rights Council and UN Security Council, as well as an Arria-formula briefing, to address the human rights violations outlined in the assessment released by the Office of the UN High Commissioner for Human Rights;
- Expand the Department of Commerce's "Entity List" to include any company engaged in biometric surveillance that aids in the commission of atrocity crimes in the XUAR; and continue to use available sanctions authorities, including those provided by the Global Magnitsky Human Rights Accountability Act (Title XII, Subtitle F of Public Law No. 114-328; 22 U.S.C. § 2656 note), as well as the Uyghur Human Rights Policy Act (22 U.S.C. § 6901 note) as amended by the UFLPA, including for any officials or entities complicit in forced sterilizations and forced abortions in the XUAR or the forced separation of children from their families.

• **Defend the People of Hong Kong.** The Administration should robustly implement the sanctions provided in the Hong Kong Human Rights and Democracy Act (Public Law No. 116-76) and the Hong Kong Autonomy Act (Public Law No. 116-149), including those for financial institutions and individuals complicit in the dismantling of Hong Kong's autonomy and rights protections and the PRC's violation of the 1984 Sino-British Declaration, an international treaty; and work with allies and partners at the United Nations and other multilateral organizations to issue frequent public statements and make other diplomatic efforts to seek the release of political prisoners and address violations of international human rights standards. In addition, the Administration and Congress should:

- Extend the lapsed prohibition on sales of police equipment and crowd-control technology to the Hong Kong police, as provided by Public Law No. 116-77, and make this ban permanent unless the U.S. President certifies that Hong Kong is again sufficiently autonomous to justify special treatment under U.S. law;
- Use appropriated funding to support non-governmental organizations (NGOs) outside of Hong Kong working to promote the rule of law, human rights, civil society development, and democratic freedom in Hong Kong; and
- Seek to preserve the flow of independent news and information from Hong Kong by supporting the creation of academic residency programs and media accelerator projects for Hong Kong journalists and executives whose news and media outlets were shuttered because of abuse or threats under the PRC Law on Safeguarding National Security in the Hong Kong Special Administrative Region.

• **Support Victims of Persecution.** Congress and the Administration should work to accelerate processing times for current refugee and asylum cases and ensure that the expansion of the annual cap on refugees admitted to the United States is used to increase protection and resettlement of those fleeing PRC persecution, prioritizing steps to:

- Remove barriers for properly vetted Hong Kong residents to receive U.S. visas, particularly those attempting to exit Hong Kong for fear of political persecution, and pass the Hong Kong Safe Harbor Act (S. 295, H.R. 461) and the Hong Kong People's Freedom and Choice Act (H.R. 4276);
- Extend Priority 2 refugee sthaatus to Uyghurs and other predominantly Muslim ethnic minorities by passing the Uyghur Human Rights Protection Act (S. 1080, H.R. 1630), and expand use of the T-visa provided for in the Trafficking Victims Protection Act of 2000 (22 U.S.C. Chapter 78) for trafficking victims already in the United States, to assist in investigations of both labor and sex trafficking;
- Engage with countries with significant populations of Uyghurs and other ethnic minorities fleeing persecution in China, as well as the Organisation of Islamic Cooperation, to stop forced deportations to the PRC of those persecuted by the PRC; and
- Ensure that sufficient funding and authorities are available for psychological and health care support for victims of genocide and crimes against humanity, particularly in countries of first asylum, through programs authorized by the Torture Victims Relief Act (Public Law No. 105-320) as funded through the Consolidated Appropriations Act of 2022 (Public Law No. 117-103).

• **Address the Threat of Economic Coercion.** The PRC has used the threat and execution of trade restrictions and predatory infrastructure loans as leverage to silence criticism and to influence discussion of its human rights violations. The Administration should provide Congress a strategy for reducing the threat of trade

restrictions or other economic coercion. In addition, the Administration and Congress should:

- ○ Identify legal authorities needed to create a global reserve fund to assist companies, industries, municipalities, and others affected by the PRC's economic coercion;
- ○ Consider trade barriers that need to be revised either to impose retaliatory tariffs on Chinese imports as part of joint action with allies and partners or to buy products targeted by the PRC through economic coercion;
- ○ Develop a plan to deploy expert economic response teams to assist countries facing economic coercion or challenges related to worker rights violations, environmental protection, debt restructuring, and other human rights concerns created as a result of Belt and Road Initiative projects; and
- ○ Work in concert with allies and partners at the World Trade Organization or other international institutions to challenge boycotts and trade restrictions that undermine the integrity of the rules-based global economic order.

• **Limit Malign Influence Operations.** Malign political influence operations conducted by the PRC are part of an increasing global threat to stifle basic freedoms and bolster repressive forms of governance and pose significant challenges to the United States and countries around the world. The Administration and Congress should work together on measures to address these challenges, such as to:

- ○ Establish an interagency "China Censorship Monitor and Action Group" to address the impacts of censorship and intimidation on American citizens, legal residents, and companies, and consider expanding such group globally with allies and partners;
- ○ Employ a portion of the funds appropriated for the "Countering Chinese Influence Fund" to promote transparency and accountability projects, including increasing the capacity of independent investigative journalists and civil society organizations in countries with Belt and Road Initiative projects to expose corruption, malign influence tactics, and environmental risks;
- ○ Develop a multi-stakeholder action plan and code of conduct with universities, foundations, think tanks, film production companies, publishers, NGOs, and state and local governments so that their interactions with foreign governments or entities uphold standards of academic freedom, corporate ethics, and human rights;
- ○ Require U.S. colleges and universities, and their faculty to publicly report all foreign gifts, contracts, and in-kind contributions that exceed $50,000 in any single year from any source associated with a country designated by the Secretary of State as a foreign country of concern, building on the model provided by the disclosure requirements in the Research and Development, Competition, and Innovation Act (Public Law No. 117-167);
- ○ Expand Mandarin language training in U.S. schools and colleges by creating and funding the Liu Xiaobo Fund for the

Study of Chinese Language and alternatives to PRC-funded Confucius Institutes and Confucius Classrooms;

○ Require U.S. think tanks and NGOs to disclose foreign grants and gifts as part of their tax filings to maintain non-profit status; and

○ Update and expand the requirements of the Foreign Agents Registration Act (22 U.S.C. § 611 et seq.) to cover individuals and other entities lobbying on behalf of foreign governments, entities, or organizations working on educational or scientific pursuits; to restrict acquisitions of technologies banned under U.S. export controls; and to curtail efforts to stifle academic freedom by organizations like the Chinese Students and Scholars Association and Confucius Institutes.

• **Confront the Challenge of Digital Authoritarianism.** The PRC is developing technology and using artificial intelligence (AI) to expand mass surveillance and social control of its citizens while exporting surveillance technology globally in an effort that could undermine democratic freedoms and governance. The Administration should work with like-minded allies to protect user privacy and human rights by developing a set of global principles for the use of AI-driven biometric surveillance and championing high-standard internet governance principles that support freedom of expression. In addition, the Administration and Congress should take steps to:

○ Amend the Foreign Investment Risk Review Modernization Act (Title XVII, Public Law No. 115-232) to trigger a Committee on Foreign Investment in the United States (CFIUS) review of any foreign company seeking to acquire U.S. assets controlling biometric information of Americans or technology to more efficiently collect and process biometric information; and

○ Expand and focus foreign assistance projects on internet freedom and media literacy to provide digital security training for civil society advocates, identify and counter foreign government propaganda efforts, and help users circumvent sophisticated internet firewalls that infringe on freedom of expression and association.

• **Champion Human Rights Standards Globally.** The United States must create public messaging and public diplomacy programs that clearly communicate to domestic and international audiences the nature and scope of PRC challenges to international law and universal human rights standards and develop human rights programming that creatively supports legal reformers, civil society activists, independent journalists, and rights defenders as well as labor, religious freedom, and democracy advocates in China and globally. In addition, the Administration and Congress should work together on steps to:

○ Provide sufficient funding for public diplomacy efforts and the U.S. Agency for Global Media, both to combat PRC propaganda and to provide messaging platforms to communicate the U.S. Government's efforts to protect human rights and democracy globally;

○ Authorize and appropriate funds for technical assistance and capacity-building initiatives for rights and rule-of-law advo-

cates in settings outside China, given growing restrictions on the funding of these types of civil society organizations inside mainland China and in Hong Kong; and

○ Support educational and cultural exchange programs, including restoration of the Fulbright exchange program in mainland China and Hong Kong and preservation of scholarship and exchange programs for Tibetans, as a valuable resource and to maintain positive influence channels with the Chinese people.

• **Form Global Coalitions to Protect Human Rights.** The Administration should mobilize issue-based coalitions to coordinate messaging, technical assistance programming, and rules-based governance approaches to technology, trade, supply chain standards, sustainable development, and other issues. These coalitions would facilitate the creation of a toolkit of actions to address genocide and crimes against humanity and any new violation of international standards by the PRC—actions including coordinated sanctions, import restrictions to address forced labor, export controls on surveillance technology, infrastructure and development models that respect human rights, supply chain transparency and resilience, and joint action at the United Nations and other multilateral institutions.

• **Strengthen International Organizations.** The Administration should work to ensure that international organizations remain true to their founding principles. The Administration should work with allies and partners to ensure that the governance structures of entities like the International Telecommunication Union, the International Labour Organization, the International Criminal Police Organization (INTERPOL), the World Intellectual Property Organization, the Office of the UN High Commissioner for Human Rights, and the World Health Organization (WHO) meet the highest standards of transparency, accountability, and reform; uphold universal human rights; and address pressing transnational challenges. In particular, the Administration should coordinate with allies and partners to strengthen commonly held positions on internet freedom, human rights norms, and human rights violations. The Administration should raise these issues repeatedly with PRC officials at the United Nations and other international bodies, including the UN Human Rights Council, and at hearings of treaty monitoring bodies, such as the Committee against Torture. In addition, the Administration and Congress should work together to:

○ Support representation by countries that will promote transparency, accountability, and reform at human rights bodies and international organizations setting standards on issues such as public health and the internet, particularly by coordinating with like-minded countries to advance candidates for leadership positions and support robust staffing at all levels of the organizations, including the UN Junior Professional Officer Programme;

○ Establish an annual report on the PRC's malign influence operations in the United Nations and other international organizations that details any actions that undermine the principles and purpose of the United Nations and its various agencies, particularly those related to human rights, internet governance, law enforcement, global health, environmental

protection, the development of norms on artificial intelligence and biometric surveillance, labor, standards setting, and freedom of navigation; and

○ Press the WHO to conduct a transparent and credible investigation into the origins of SARS-CoV-2, including a forensic investigation of relevant laboratories and other venues in Wuhan municipality, Hubei province; promote reforms to reliably limit malign Chinese Communist Party influence in the WHO; strengthen the International Health Regulations (IHR) to make clearer the obligations of Member States and consequences for those that fail to provide timely and transparent information about infectious disease outbreaks; and create a regular Periodic Review for compliance of Member States with the IHR.

• **Require Human Rights Due Diligence from the World Bank.** Congress should direct the Secretary of the Treasury to instruct the executive directors of relevant International Financial Institutions (IFIs) to determine whether any existing projects are funding entities that, directly or indirectly, support the PRC's "poverty alleviation" programs in the XUAR or Tibetan areas or whether IFI funding abets human right abuses in other parts of the PRC. Congress should require a report providing details of efforts by the executive directors to end these projects and include the specific steps taken in the last fiscal year to promote human rights more generally in IFI lending, as required by the FY2021 Consolidated Appropriations Act (Public Law No. 116-260).

• **Condition Access to U.S. Capital Markets.** The Administration should continue to identify and list Chinese companies and entities that have provided material support or technical capabilities that violate U.S. laws, enhance mass surveillance capabilities, bolster PRC police or security apparatus, and facilitate human rights abuses in China, including in the XUAR and Tibetan areas, in the Treasury Department's Non-SDN Chinese Military-Industrial Complex Companies List (NS–CMIC List) and the Commerce Department's Entity List and Unverified List. In addition, Congress should strengthen disclosure and auditing requirements for any listed Chinese companies in U.S. capital markets to ensure that American retirement and investment dollars do not fund companies with links to the PRC's security apparatus, genocide, or other malevolent behavior that undermines U.S. interests or internationally recognized human rights.

• **Defend Values While Not Abetting Anti-Asian Discrimination or Chinese Propaganda.** The Administration and Congress should create public messaging strategies that clearly differentiate the peoples and cultures of China from the PRC and challenge Chinese Communist Party propaganda efforts to exploit protests in the United States, such as those against anti-Asian discrimination, as well as xenophobic rhetoric, to further its objectives. Poorly designed and communicated messaging about U.S. efforts to counter PRC policies can fuel Chinese Communist Party propaganda that references instances of intolerance or harassment of people of Chinese descent and other Asian American and Pacific Islander communities, frustrating the ability of the United States to craft a domestic consensus for a China policy grounded in the

principles of human rights and the rule of law. U.S. officials should always be clear that they stand for human rights and the rule of law, and against discrimination and intolerance of any kind.

• **Promote Women's Rights and Gender Equality.** The Administration should work with Congress to support the reinstatement of international NGOs that aim to support women in the economic, legal, and healthcare sectors in China and fund cross-border training, academic exchange, and other technical assistance programs with the goal of adequate implementation of the PRC Anti-Domestic Violence Law, particularly the use of personal protection orders. In addition, the State Department should urge the PRC to cease harassment, intimidation, and other forms of mistreatment, offline and online, of women's rights activists and organizations and to ratify International Labour Organization Convention No. 190, the Convention Concerning the Elimination of Violence and Harassment in the World of Work (2019).

• **Preserve Threatened Cultures and Languages.** Congress and the Administration should respond to myriad threats to the cultural and linguistic heritages of repressed groups in the PRC by developing programming, both in the United States and around the world, to preserve threatened cultures and languages. The Administration should expand grant programs to assist Uyghur, Mongol, and other ethnic and religious minorities in cultural and linguistic preservation efforts and leverage the tools available in the Tibetan Policy and Support Act (Public Law No. 116-260, 134 Stat. 3119) to help sustain the religious, linguistic, and cultural identity of the people of Tibet. The Administration should prioritize, and Congress should fund, exhibitions, research, and education related to these efforts.

• **Promote a Resolution to the Tibet-China Conflict.** PRC officials continue to show no interest in responding to the Dalai Lama's request for dialogue and continue to disseminate false information about Tibet's history. To strengthen the longstanding, bipartisan U.S. policy of promoting dialogue, the Administration and Congress should ensure that calls for dialogue are based on the Tibetan people's right of self-determination under international law and use available resources to counter disinformation about Tibet from PRC officials.

• **Restore a Diplomatic Presence in Tibet.** The closure of the U.S. Consulate in Chengdu municipality, Sichuan province, in 2020 deprived the State Department of an operational diplomatic presence in proximity to the Tibetan Plateau. The State Department should engage the PRC on opening a consulate in Lhasa, Tibet, as called for in the Tibetan Policy Act (Public Law No. 107-228, 116 Stat. 1396), as amended, or as an interim step, reopening the consulate in Chengdu.

• **Create a Special Advisor for Political Prisoners.** The Administration should consider creating the position of Special Advisor for Political Prisoners to develop and coordinate diplomatic strategies to gain the release of political and religious prisoners and to serve as a resource to former political prisoners living in the United States seeking guidance on their travels abroad and medical and psychological care. The Administration should also work to end the PRC's unacceptable use of "exit bans."

- **Advocate for Political Prisoners.** Members of Congress and Administration officials at all levels, including the highest levels, should raise specific political prisoner cases in meetings with PRC officials. Experience demonstrates that consistently raising individual prisoner cases and the larger human rights issues they represent can result in improved treatment in detention, lighter sentences, or, in some cases, release from custody, detention, or imprisonment. Members of Congress are encouraged to consult the Commission's Political Prisoner Database for reliable information on cases of political and religious detention in mainland China and in Hong Kong, and to "adopt" individual prisoners and advocate on their behalf through the Tom Lantos Human Rights Commission's "Defending Freedoms Project."

POLITICAL PRISONER DATABASE

Recommendations

When composing correspondence advocating on behalf of a political or religious prisoner, or preparing for official travel to China, Members of Congress and Administration officials are encouraged to:

- Check the Political Prisoner Database (PPD) (*https://www.ppdcecc.gov*) for reliable, up-to-date information on a prisoner or groups of prisoners. Consult a prisoner's database record for more detailed information about the prisoner's case, including their alleged crime, specific human rights that officials have violated, stage in the detention process, and location of detention or imprisonment, if known.
- Advise official and private delegations traveling to China to present Chinese officials with lists of political and religious prisoners compiled from database records.
- Urge U.S. state and local officials and private citizens involved in business, economic, academic, or other exchanges with China to explore the database, and to advocate for the release of political and religious prisoners in China.

A Powerful Resource for Advocacy

The Commission's 2022 Annual Report provides information about Chinese political and religious prisoners[1] in the context of specific human rights and rule-of-law abuses. Many of the abuses result from the People's Republic of China's application of policies and laws. The Commission relies on the PPD, a publicly available online database maintained by the Commission, for its research, including the preparation of the Annual Report, and routinely uses the database as a resource to prepare summaries of information about and support advocacy for political and religious prisoners for Members of Congress and Administration officials. The Commission invites the public to read about issue-specific Chinese political imprisonment in sections of this Annual Report, and to access and make use of the PPD at *https://www.ppdcecc.gov*.

The PPD is intended to provide users with prisoner information that is reliable and up to date. Commission staff members work to maintain and update political prisoner records based on the staff members' areas of expertise. Commission staff seek to provide objective analysis of information about individual prisoners, as well as events and trends that drive political and religious imprisonment in China. Commission staff also work on an ongoing basis to add and update records of political and religious imprisonment in the PPD.

When the PPD was first launched, the Dui Hua Foundation, based in San Francisco, and the former Tibet Information Network, based in London, shared their extensive experience and data on political and religious prisoners in China with the Commission to help establish the database. The Commission relies on its own staff research for prisoner information, as well as on information provided by non-governmental organizations (NGOs), groups that spe-

cialize in promoting human rights and oppose political and religious imprisonment, and other public sources of information.

POLITICAL PRISONERS

Overview. As of June 30, 2022, the PPD contained information on 10,645 records of political or religious imprisonment in China. Of those, 2,506 are records considered "active detentions," referring to records of political and religious prisoners currently known or believed to be detained or imprisoned, or under coercive controls. There are 8,139 records of prisoners who are known or believed to have been released, who were executed, who died while imprisoned or soon after release, or who escaped. The Commission notes that there are considerably more cases of current political and religious detention in China than are contained in the PPD.

Ethnic Group. Of the active detentions, 1,571 contained information on the prisoners' reported or presumed ethnicity. Of those, 715 were Tibetan, 478 were Uyghur, 289 were Han, 34 were Kazakh, 28 were Mongol, and 9 were Hui. Of the 935 prisoners without recorded ethnicities, many were likely Han.

Religion. Of the 2,506 records of prisoners known or believed to be detained, 1,542 contained information on the prisoner's religious affiliation. Six hundred thirty were Tibetan Buddhists, 493 were Falun Gong practitioners, 233 were Muslim, 83 were Protestants, 22 were adherents of Mentu Hui (also known as the Association of Disciples), 18 were Jehovah's Witnesses, 17 were Yi Guan Dao[2] members, 13 were members of the Church of Almighty God (also known as Eastern Lightning), and 12 were Catholic.

Sex. Of the 2,506 records of prisoners known or believed to be detained, 1,558 were of male prisoners, 681 were of female prisoners, and 267 records did not contain information on the prisoner's sex.

Sentencing. Of the 2,506 records of prisoners known or believed to be detained, 1,312 pertain to individuals serving prison sentences. Of those 1,312 prisoners, 1,219 were serving fixed-term sentences, 62 were serving life sentences, 23 were sentenced to death with a two-year reprieve, 7 were sentenced to death, and 1 was serving a term of short-term detention.

Place of Detention. The table below shows the number of active detentions in each province-level administrative division captured in the PPD:

Xinjiang Uyghur Autonomous Region	585	Jiangxi province	34
Sichuan province	375	Fujian province	31
Tibet Autonomous Region	222	Jilin province	31
Guangdong province	171	Shaanxi province	25
Qinghai province	134	Yunnan province	24
Gansu province	91	Shanxi province	23

Liaoning province	87	Shanghai municipality	17
Heilongjiang province	84	Chongqing municipality	17
Shandong province	73	Hong Kong Special Administrative Region	17
Beijing municipality	69	Zhejiang province	16
Hebei province	62	Tianjin municipality	15
Henan province	58	Ningxia Hui Autonomous Region	13
Inner Mongolia Autonomous Region	48	Guizhou province	9
Hunan province	47	Guangxi Zhuang Autonomous Region	7
Jiangsu province	46	Macau Special Administrative Region	0
Hubei province	41	Hainan province	0
Anhui province	34		

More Powerful Database Technology

The PPD has served since its launch in November 2004 as a unique and powerful resource for the U.S. Congress and Administration, other governments, NGOs, educational institutions, and individuals who research political and religious imprisonment in China, or who advocate on behalf of such prisoners. The Commission has previously undertaken work to upgrade or enhance the PPD, including two major projects in 2010 and 2015.

In 2020, the Commission began work on the most significant upgrade to the PPD to date. The Commission's main goal was to modernize the PPD, housing it on a current software platform to address security and sustainability concerns stemming from the age of the PPD's original system. The Commission also redesigned certain elements of the PPD's data fields and public display, seeking to streamline some types of data while still maintaining the PPD's capacity to record and display a wide variety of data types. The project was completed in 2021, and the PPD's new platform went live in June 2021. The Commission continued to develop the new system during the 2022 reporting year and will refine and improve the PPD going forward.

Among the major upgrades and enhancements resulting from the project are:

- **Enhanced search functionality.** The PPD's public search function now returns search results in a more intuitive way, allowing public users to query the database using search terms and keywords, and returning weighted results using a search engine. The public search function also allows users to filter search results using a selection of data fields, including ethnic

group, place of residence, place of detention, and religious affiliation.

- **Publishing prior detentions.** Prisoner records now allow users to see full details of a prisoner's prior detentions, should the prisoner have such a history. These prior detentions are displayed on each prisoner's record page, listed in reverse chronological order with the same level of detail as the current detention.
- **Expanded detention details.** Each prisoner's record now includes a more detailed timeline of their progression through the detention process. This detention timeline builds on the existing PPD architecture to allow records to more fully and accurately capture procedural details, including extralegal and extrajudicial detention types.
- **Non-Chinese name display.** Recognizing the salience of each prisoner's cultural identity and the importance of providing detailed information in cases of political and religious detention targeting ethnic minority groups in China, the PPD can now display non-Chinese names, including names in Uyghur, Kazakh, and Tibetan.
- **Permanent archived source links.** To handle censorship of sources published within China and to preserve a time-stamped version of the public sources on which the Commission bases PPD data, prisoner records can now feature hyperlinks to permanent, archived versions of the sources.

The PPD aims to provide a technology with sufficient power to handle the scope and complexity of political imprisonment in China. The most important feature of the PPD is that it is structured as a genuine database and uses a powerful search engine. Each prisoner's record describes the type of human rights violation by Chinese authorities connected to their detention. These include violations of the right to peaceful assembly, freedom of religion, freedom of association, and freedom of expression, including the freedom to advocate for peaceful social or political change and to criticize government policy or government officials, among other rights.

The upgraded design of the PPD still allows anyone with access to the internet to search the database and download prisoner data without providing personal information to the Commission, and without the PPD downloading any software to a user's computer.

Notes to Section II—Political Prisoner Database

[1] The Commission treats as a political prisoner an individual detained or imprisoned for exercising their human rights under international law, such as peaceful assembly; freedom of religion; freedom of association; and freedom of expression, including the freedom to advocate for peaceful social or political change and to criticize government policy or government officials. (This list is illustrative, not exhaustive.) In most cases, prisoners documented in the PPD were detained or imprisoned for attempting to exercise rights guaranteed to them by China's Constitution and laws, by international human rights standards, or both. Chinese security, prosecutorial, and judicial officials sometimes seek to distract attention from the political or religious nature of imprisonment by convicting a de facto political or religious prisoner under the pretext of having committed a generic crime. In such cases, defendants typically deny guilt, but officials may attempt to coerce confessions using torture or other forms of abuse, and standards of evidence are poor. A defendant may authorize someone to provide their legal counsel and defense, a right that the PRC Criminal Procedure Law guarantees in Article 33, yet officials may deny the counsel adequate access to the defendant, restrict or deny the counsel's access to evidence, or deny the counsel adequate time to prepare a defense.

[2] Yi Guan Dao is a syncretistic, salvationist religion founded in China in the 19th century. Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), 98–99, 104–5.

The Commission's mandate is to monitor the behavior of the People's Republic of China according to international human rights standards. It is the state that incurs obligations under international law, and thus it is the government that bears responsibility thereunder for the private activities of persons or entities, including political parties. Given the Chinese Communist Party's nearly absolute control of the Chinese political system, there is negligible practical difference between Party and government when discussing the wielding of power in China. As a matter of monitoring human rights, the Commission must be clear in its reporting both that the Party exercises power over the government and that the government bears the obligation to uphold such rights.

This Annual Report seeks to reflect the Party-state dynamics in China by listing the Party or the government as the primary actor in cases where it is appropriate to do so. In order to promote readability, this Annual Report uses the acronym "PRC" (People's Republic of China) as a general descriptor in instances in which the roles of the Party and the government are indistinguishable or both applicable.

The Commission faces a similar challenge in characterizing Xi Jinping. His power primarily derives from his position as General Secretary of the Chinese Communist Party and as Chairman of the Central Military Commission. Xi Jinping also has the title of "zhuxi," *a largely ceremonial post that carries little power but one that makes him head of state. While the U.S. Government translates this title as "President," some Commissioners view it as inaccurate or inappropriate to use this title. Thus, the report uses the identifier "Chinese leader" as shorthand for Xi Jinping's multiple roles. This report does not reflect any changes in leadership titles announced at the 20th National Party Congress, which occurred after this report went to press.*

Descriptions of the Party, government, and their leadership do not reflect judgments of the Commission regarding the legitimacy of these entities and individuals. The Commission will continue to evaluate characterizations of the aforementioned leadership dynamics in future Annual Reports to conform to standards of accuracy, relevance, and consistency with common practice among the community of interest.

COMMISSION ACTIVITY JULY 2021–OCTOBER 2022

HEARINGS

- Corporate Sponsorship of the 2022 Beijing Olympics (July 2021)
- China's Environmental Challenges and U.S. Responses (September 2021)
- Protection from Persecution: Establishing Humanitarian Pathways for Hong Kongers and Uyghurs (October 2021)
- Techno-Authoritarianism: Platform for Repression in China and Abroad (November 2021)
- How China Uses Economic Coercion to Silence Critics and Achieve Its Political Aims Globally (December 2021)
- The Beijing Olympics and the Faces of Repression (February 2022)
- The Future of Women in China: #MeToo, Censorship, and Gender Inequality (March 2022)
- Growing Constraints on Language and Ethnic Identity in Today's China (April 2022)
- The Threat of Transnational Repression from China and the U.S. Response (June 2022)
- Tibet: Barriers to Settling an Unresolved Conflict (June 2022)
- The Dismantling of Hong Kong's Civil Society (July 2022)
- Control of Religion in China through Digital Authoritarianism (September 2022)

ANNUAL REPORT

- 2021 Annual Report (March 2022)

COMMISSION ANALYSIS

- Case Study: China's Economic Coercion against Intel, Sam's Club, and Walmart (April 2022)
- Hong Kong Prosecutors Play a Key Role in Carrying Out Political Prosecutions (July 2022)
- Hong Kong's Civil Society: From an Open City to a City of Fear (October 2022)

ENACTED LEGISLATION

- Uyghur Forced Labor Prevention Act (Public Law No. 117-78, December 2021)

LETTERS

- Commissioners Ask IOC President to Postpone and Relocate the 2022 Winter Olympics If China Does Not End Abuses (July 2021)
- Xinjiang: Chairs Ask Hilton to End Hotel Project on Site of Destroyed Mosque (July 2021)
- Xinjiang: Chairs Seek Affirmation That Forced Labor Not Being Used by New York Fashion Week Exhibitors (September 2021)

LETTERS (CONTINUED)

- Chairs Ask Customs to Bar Imports from Companies Endorsing Use of Xinjiang Cotton as New NBA Season Begins (October 2021)
- Chairs Ask International Olympic Committee to Confirm Peng Shuai's Safety and Intervene on China's Human Rights Violations (November 2021)
- Chairs Ask NBC to Cover Uyghurs, Hong Kong, and Human Rights during Beijing Winter Olympics Broadcast (December 2021)
- Chairs Seek Answers from Airbnb about Its Business Activities in Xinjiang (January 2022)
- Chairs Ask IOC President to Justify Contracts with Chinese Companies Using Forced Labor (January 2022)
- Chairs Ask UN High Commissioner for Human Rights to Release Xinjiang Report before Olympics (January 2022)
- Chairs Ask U.S. Olympic Committee for Plans to Protect Athletes' Free Speech and Privacy (January 2022)
- Chairs Seek Protection for Uyghurs and Kazakhs at Risk of Deportation from Morocco, Saudi Arabia, and Kazakhstan (February 2022)
- Bipartisan CECC Leadership Seeks Increased Funding to Implement Uyghur Forced Labor Bill (February 2022)
- Commissioners Ask Amazon to Advocate for Labor Rights Activist (February 2022)
- Commissioners Ask Whether HSBC Is Undermining Democratic Freedoms in Hong Kong (March 2022)
- Chairs Promote Human Rights Provisions in China Bill Conference (March 2022)
- Commissioners Ask World Bank to Stop Funding Human Rights Abuses in Xinjiang (April 2022)
- Commissioners Urge a UN Committee on Torture Review of China (April 2022)
- Commissioners Seek Expanded Funding to Enforce the Uyghur Forced Labor Prevention Act (May 2022)
- Commissioners Ask President to Sanction Hong Kong Prosecutors (July 2022)

III. Respect for Civil Liberties

Freedom of Expression

Findings

- In contravention of the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR), and China's Constitution, the People's Republic of China (PRC) enhanced control over the press; the internet; the art, literature, and entertainment sectors; and educational and research institutions.
- The government proposed new professional requirements for media organizations and journalists, including mandatory continuing education that includes studying ideological concepts developed by Xi Jinping and the Chinese Communist Party, as well as proposed restrictions on the use of private capital to fund news media activities.
- Reporters Without Borders (RSF) ranked China the world's "biggest jailer of journalists" and "biggest jailer of female journalists" this past year. Hong Kong authorities continued a crackdown on independent reporting that resulted in significant erosion of press freedom. China continued to detain and imprison professional journalists, non-professional "citizen" journalists, and Chinese nationals working for foreign media organizations. Of the journalists in prison this past year documented by the Committee to Protect Journalists, nearly half were Uyghurs.
- Authorities harassed and arbitrarily restricted the press freedom of foreign journalists amid what the Foreign Correspondents' Club of China called a "breakneck speed" decline in press freedom. Authorities tried Australian citizen and China Global Television Network anchor **Cheng Lei** on a "state secrets" charge after 19 months of detention.
- The PRC took steps to control media coverage of the Party's image abroad, including coverage of high-profile events that took place in China. Authorities reportedly supported technology, foreign social media influencers, and academic research to better understand and implement manipulation of public opinion abroad, including countering human rights criticism, advancing disinformation about the origins of COVID-19, and understanding how "key opinion leaders" can help overcome negative international perceptions of Chinese state-affiliated media.
- Freedom House ranked China the "worst environment for internet freedom for the seventh year in a row." The Cyberspace Administration of China took steps to implement Party political guidance, including content controls; enforcement; and new, updated, and proposed regulations that raise concerns about their potential to restrict expression on broadly construed "national security" grounds.
- The PRC continued its campaign to create counternarratives to criticism of Party positions on human rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR) and other

sensitive topics abroad and domestically. Some YouTube content creators who developed content that discussed human rights issues in China reportedly faced harassment attempts and efforts to trigger censorship or demonetization of their content. At the same time, the PRC paid content creators to develop content in support of its priorities and mandated that Uyghurs do the same. Content creators, who have criticized the Chinese government, leaked emails from Chinese companies and state-controlled media that asked them and other creators to produce content supporting PRC interests. U.S. social media platforms were inconsistent in the labeling of content related to Chinese authorities.

- Before and during the 2022 Winter Olympics, authorities restricted press freedom arbitrarily, censored both online and broadcast content that did not align with PRC priorities, threatened athletes about human rights criticism, and implemented preemptive restrictions on high-profile critics, contravening protections for freedom of expression in the ICCPR, UDHR, China's Constitution, and the Host City Contract for the Olympic Games.
- Authorities censored discussion of a variety of topics on the internet; in the entertainment, art, and literature sectors; and in educational and research institutions. Sample topics included COVID-19 lockdown conditions, Russia's invasion of Ukraine, and portrayals of gender roles and masculinity.
- Schools in China reportedly began incorporating compulsory education on Xi Jinping's signature political ideology into their curricula, following new guidance from the Ministry of Education.
- Authorities detained and imprisoned individuals in connection with their peaceful expression. The UN Working Group on Arbitrary Detention determined that human rights advocate and China Citizens Movement member **Zhang Baocheng** had been arbitrarily detained.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Give greater public expression, including at the highest levels of the U.S. Government, to the issue of press freedom in China, condemning the harassment and detention of both domestic and foreign journalists; the denial, threat of denial, or delay of visas for foreign journalists; and the censorship of foreign media websites. Consistently link press freedom to U.S. interests, noting that censorship and restrictions on journalists and media websites prevent the free flow of information on issues of public concern, including public health and environmental crises and food safety, and act as trade barriers for foreign companies attempting to access the Chinese market.
- ○ Sustain, and where appropriate, expand, programs that develop and widely distribute technologies that will assist Chinese human rights advocates and civil society organizations in circumventing internet restrictions—so as to improve their

ability to access and share content protected under international human rights standards—as well as to protect their own information from China's surveillance and interference. Continue to maintain internet freedom programs for China at the U.S. Department of State and the U.S. Agency for Global Media to provide digital security training and capacity-building efforts for bloggers, journalists, civil society organizations, and human rights and internet freedom advocates in China.

○ Increase media literacy and transparency with regard to Chinese state-sponsored propaganda, censorship, and disinformation, including through greater support and funding for graduate-level area studies programs and language study, and greater support for media literacy efforts for international audiences. Provide forums for scholars, civil society advocates, journalists, and technology experts to discuss and disseminate "best practices" in Chinese media literacy.

○ Highlight the fact that content creators who criticize the Chinese government on U.S. social media face the risk of harassment, censorship, and demonetization efforts.

○ Consider ways to incentivize social media companies to voluntarily establish pilot programs to improve transparency on social media by labeling content from foreign governments across different social media platforms.

○ Urge Chinese officials to end the detention and harassment of rights advocates, lawyers, journalists, and others subjected to reprisals for exercising their right to freedom of expression. Call on officials to release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as **Zhang Zhan, Hu Xincheng, Sophia Huang Xueqin, Gulmira Imin, Ekber Eset, Haze Fan, Cheng Lei, Yan Zhihong, Yang Hengjun, Ou Biaofeng, Zhang Baocheng, Guo Feixiong, Xie Yang, Ding Yan, Ilham Tohti,** and other political prisoners mentioned in this Report and documented in the Commission's Political Prisoner Database.

Freedom of Expression

During the Commission's 2022 reporting year, the People's Republic of China (PRC) continued to restrict expression in contravention of Article 19 of the International Covenant on Civil and Political Rights (ICCPR)[1]—which China has signed but not ratified[2]—Article 19 of the Universal Declaration of Human Rights (UDHR),[3] and Article 35 of China's Constitution.[4] As documented throughout this chapter, authorities enhanced ideological, regulatory, and technical control across sectors in which the UN Human Rights Committee, the treaty monitoring body for the ICCPR, notes that expression is explicitly protected, including the press, the internet, art, literature, entertainment, and institutions of education and research.[5] Article 19(3) of the ICCPR allows countries to impose certain restrictions or limitations on freedom of expression, if such restrictions are provided by law and are necessary for the purpose of respecting the "rights or reputations of others" or protecting national security, public order, public health, or morals.[6] The UN Human Rights Council has specified that restrictions on the "discussion of government policies and political debate," "peaceful demonstrations or political activities," "expression of opinion and dissent," "free flow of information and ideas," and "access to or use of information and communication technologies, including radio, television and the Internet" are inconsistent with Article 19(3) of the ICCPR.[7] The UN Human Rights Committee cautioned that restrictions on freedom of expression noted in Article 19(3) should be interpreted narrowly so that the restrictions "may not put in jeopardy the right itself."[8]

Freedom of the Press

PRC CONTROL OVER THE MEDIA

This past year, the PRC enhanced political and ideological control over the media, instructing the media either not to report on—or how to report on—new and previously designated topics.[9] For example, authorities instructed the media to avoid reporting on a high-profile tax evasion case, the causes of the July 2021 flooding in Henan province (and instead focus on recovery efforts), and authorities' efforts to block a World Health Organization investigation into the origins of COVID-19.[10]

The directives described above are consistent with other high-level guidance from the Party. For example, in December 2021, Huang Kunming—director of the Propaganda Department of the Party Central Committee—called on all journalists in China to "[build] a reliable, admirable and respectable image of China."[11] Later, as part of a Lunar New Year campaign, the Central Propaganda Department instructed news media to report so as to promote the Party's image, such as by focusing on economic and social prosperity, the PRC's "historic accomplishments," efforts to prevent the spread of COVID-19, and on popular excitement over the 2022 Beijing Olympic and Paralympic Games.[12]

Authorities also proposed new requirements that would enhance state control over media organizations and journalists. In October 2021, the government proposed updated regulations that would ban

the use of private capital to fund news media activities, for example, reporting on topics authorities deemed sensitive, and referencing foreign reporting, livestreaming, and holding journalism events.[13] The government also released draft measures[14] that—if implemented as written—would add to existing journalist certification requirements[15] an annual minimum of 90 hours of continuing education[16] that would include studying ideological concepts developed by Xi Jinping and the Party.[17]

CONTROL OVER THE PARTY'S IMAGE ABROAD

This past year, the PRC took steps to control media coverage of the Party's image abroad, including coverage of high-profile events that took place in China. Reports in recent years have documented the PRC's efforts to promote international media "exchange" activities and place state-run media content abroad.[18] This past year, a Ministry of Foreign Affairs official emphasized the importance of "media cooperation" as part of "China-Russia strategic coordination and cultural exchange."[19] In his remarks, he advocated for "creating a favorable public opinion environment for the development and revitalization of [China and Russia]," noting that "some countries make waves under the guise of 'democracy' and 'human rights,' openly interfering in the internal affairs of other countries . . .."[20] During the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March ("Two Sessions"), Party official news media People's Daily reportedly placed 770 articles in 60 countries using largely reprinted or translated People's Daily content.[21] The China Media Project estimated those media purchases to be in the "tens of millions of dollars."[22] In addition, authorities reportedly supported the development of technology, contracted private companies, recruited foreign social media influencers, and supported academic research to better understand and implement manipulation of public opinion abroad in support of PRC narratives.[23] Those efforts reportedly included countering human rights criticism, advancing disinformation about the origins of COVID-19, and better understanding how "key opinion leaders" can help overcome negative international perceptions of Chinese state-affiliated media.[24]

HARASSMENT, DETENTION, AND IMPRISONMENT OF JOURNALISTS

This past year, Reporters Without Borders (RSF) ranked China the world's "biggest jailer of journalists."[25] RSF noted an "exceptional surge" in arbitrary detentions of journalists worldwide, due in significant part to developments in Hong Kong,[26] where authorities continued a crackdown on independent reporting that resulted in significant erosion of press freedom.[27] Hong Kong authorities harassed, intimidated, and detained journalists and other media professionals—in some cases denying bail or charging them with national security offenses[28]—closed and co-opted independent media; created a chilling effect on independent reporting; and restricted the activities of foreign journalists.[29] [For more information, see Section XII—Hong Kong and Macau.]

Other selected cases follow:

- **Citizen Journalists:** RSF's detention data included "citizen journalists,"[30] non-professionals who publish independently to circumvent official restrictions.[31] This past year, citizen journalist **Zhang Zhan** remained in prison for independent reporting on COVID-19 conditions in China and reportedly suffered from poor health.[32] Authorities in Shanxi province detained citizen journalist and former professional journalist **Hu Xincheng** after he collected signatures for a public health campaign advocating free medical care in cases of serious illness.[33] Authorities in Sichuan province detained citizen journalist and former editor **Song Yangbiao** after he reported on alleged official misconduct in a construction project.[34]
- **Female Journalists:** RSF noted that China was the "biggest jailer of female journalists, with 19 currently detained."[35] In one case, authorities charged journalist **Sophia Huang Xueqin**—who previously reported on sexual harassment and pro-democracy demonstrations in Hong Kong—with "inciting subversion of state power."[36]
- **Uyghur Journalists:** Of the journalists in prison this past year documented by the Committee to Protect Journalists, nearly half were Uyghurs.[37] Uyghur news website administrator **Gulmira Imin** continued to serve a prison sentence of 19 years and 8 months for posting an announcement that called for Uyghurs to demonstrate in 2009.[38]
- **Employees of Foreign Media Organizations:** This past year, authorities harassed, intimidated, and held in detention Chinese nationals working for foreign news organizations, and in some cases harassed and intimidated their families.[39] In January 2022, authorities reportedly released on bail pending trial Chinese national **Haze Fan**—who worked for multiple international news agencies—after detaining her in December 2020 on suspicion of crimes related to "national security."[40]

DETERIORATING CONDITIONS FOR FOREIGN JOURNALISTS

Amid ongoing deterioration of conditions for foreign journalists in China,[41] the Foreign Correspondents' Club of China (FCCC) reported that press freedom declined at "breakneck speed" this past year.[42] In the FCCC's 2021 annual survey of foreign journalists in China, 99 percent of respondents indicated that reporting conditions did not meet international standards.[43] Following an unprecedented number of journalist expulsions last year, the FCCC reported this year that "[f]or a second straight year, [foreign journalists] had to find ways to cover China almost entirely from outside the mainland."[44]

The FCCC reported a variety of abusive practices against foreign journalists, including increasing threats of lawsuits by authorities or sources as reprisal for negative reporting;[45] online harassment—particularly against "female journalists of East Asian ethnic descent" and "Chinese employees of foreign news organizations"—that in some cases included threats of sexual violence; online harassment carried out or encouraged by authorities or official media;[46] and obstruction by public security officials and unidentified individuals.[47] On March 31, 2022, the Beijing No. 2 Inter-

mediate People's Court tried Australian citizen and state-owned China Global Television Network (CGTN) anchor **Cheng Lei** behind closed doors for "illegally providing state secrets for overseas entities," 19 months after authorities detained her.[48] Authorities reportedly denied Australian consular officials access to the trial and continued to deny Cheng's family—including her two young children—any communication with Cheng.[49] Cheng previously wrote openly on Facebook about concerns with the Chinese government's response to COVID-19, among other topics.[50] The FCCC reported multiple instances of harassment and intimidation of foreign journalists covering the July 2021 flooding in Henan province, including one case in which the Party-run Communist Youth League of China encouraged "its 1.6 million followers on Chinese social media site Weibo to report the whereabouts of BBC Shanghai reporter Robin Brant . . .."[51]

Authorities also implemented arbitrary or inconsistent restrictions on foreign journalists' access to reporting locations. For example, authorities in the Guangxi Zhuang Autonomous Region reportedly temporarily denied access to foreign journalists attempting to report on the crash of China Eastern flight MU5375.[52] Authorities reportedly maintained strict control over foreign journalists' access to the Tibet Autonomous Region (TAR),[53] "ambiguous" access requirements for Tibetan areas outside the TAR,[54] restrictions on access to the Xinjiang Uyghur Autonomous Region (XUAR),[55] and surveillance and harassment of journalists who reported in the XUAR.[56] [For more information, see Section IX—Tibet.]

PRC Control over the Internet

This past year, Freedom House ranked China the "worst environment for internet freedom for the seventh year in a row,"[57] as high-level Party authorities called for increased control over the internet to serve the Party's political goals. The Party's 14th Five-Year Plan for National Informatization—an authoritative document outlining priorities for the development of China's technology sector—called for "upholding comprehensive Party leadership,"[58] as well as "increasing international discourse power,"[59] a concept commonly linked to China's international influence and image.[60]

The Cyberspace Administration of China (CAC)[61] took steps to implement and enforce Party political guidance. Selected examples follow:

- **Content Controls:** The CAC announced a Lunar New Year "purification" campaign targeting "unhealthy" behavior and culture online,[62] requiring Party authorities to punish selected platforms and accounts and mobilize news coverage to create a "deterrent effect."[63] Within three days of that announcement, microblog Weibo reportedly blocked 21 accounts in connection with the campaign.[64] The CAC called for advances in an integrated national mechanism by which internet users would report "illegal and unhealthy information" online,[65] building on efforts from last year.[66] The China Media Project described the "mechanism" as an attempt to "leverage the eyes and ears of the general population to ensure that websites and platforms comply with Party-state mandates on information

control,"[67] and CAC head Zhuang Rongwen linked it to "welcoming the successful convening of the 20th Party Congress."[68]

- **Enforcement:** Between January and November 2021, the CAC fined social media company Douban—which the South China Morning Post noted had a reputation for "relatively liberal online discussions"[69]—20 times in connection with the "unlawful release of information."[70] In March 2022, the CAC "stationed" a "work supervision group" at Douban in response to "severe online chaos."[71]
- **New Regulations:** This year, the CAC passed, updated, or proposed updating various regulations on digital content and services,[72] raising concerns about the regulations' potential to restrict expression. Several cite as a basis national security,[73] which experts note that Chinese authorities have interpreted broadly to punish speech or actions that do not conform to PRC priorities.[74] Several establish requirements based on content's "relation to public opinion" or "capacity to mobilize society."[75]

In addition, the National Religious Affairs Administration issued the Measures for the Administration of Internet Religious Information Services,[76] which codify broad prohibitions on unregistered and foreign groups posting religious content on the internet,[77] ban a wide range of online religious material and activities,[78] require permits to host or share content online,[79] and mandate identity verification and real name registration.[80] [For more information, see Section III—Freedom of Religion.]

This past year, authorities censored online discussion of selected topics in which sources criticized or contradicted official policy or positions. Selected examples follow:

- **Shanghai Lockdown:** In April 2022, authorities took steps to remove online criticism of the COVID-19 lockdown in Shanghai municipality, including "Voices of April," a viral video containing apparent audio samples of residents expressing frustration and desperation regarding lockdown conditions.[81] CAC authorities in Beijing municipality and Guangdong province reportedly instructed authorities to remove references to the video.[82]
- **Russia and Ukraine:** Following Russia's invasion of Ukraine, observers reported that most online speech in China was nationalist or pro-Russian, but that some academics, students, and others in China called for the Chinese government to support Ukraine or de-escalate the conflict.[83] A Party news outlet reportedly published a Weibo post—later deleted—that ordered staff to avoid posting "anything unfavorable to Russia or pro-Western," submit drafts for publication permission, filter comments, and use only certain state-approved hashtags.[84] Chinese authorities also reportedly amplified Russian disinformation and removed social media posts and comments—both pro-Russian and anti-Russian—but targeted more intensively content that countered official positions.[85]
- **Secretary Blinken's Speech:** Authorities reportedly censored U.S. Secretary of State Antony Blinken's May 2022 speech outlining the Biden Administration's approach to China.[86]

- **Gender Roles:** The PRC targeted content that contradicted official conceptions of gender roles and masculinity. As part of its ongoing suppression of feminist content, Weibo continued to delete accounts related to women's rights issues.[87] In July 2021, social media platform WeChat reportedly closed "dozens" of accounts connected to lesbian, gay, bisexual, transgender, and questioning (LGBTQ) communities at Chinese universities, without warning.[88] Also this past year, WeChat closed an account that reported the closure of an "LGBTQ-friendly" hostel in Wuhan municipality, Hubei province;[89] social media platform QQ blocked certain LGBTQ search terms;[90] and LGBTQ dating app Grindr disappeared from app stores in China during the Lunar New Year "purification" campaign.[91] [For more information, see Section VI—Status of Women and Section III—Civil Society.]

China's Technology-Enhanced Authoritarianism on Social Media

CONTINUED CENSORSHIP FROM TIKTOK AND CHINESE GOVERNMENT INFLUENCE

The Commission observed reports of TikTok, a social media platform owned by the China-based parent company ByteDance, blaming technical difficulties for the censoring of English-language content related to the Black Lives Matter movement and German-language content related to LGBTQ rights, the internment of Uyghurs, and the disappearance of tennis player Peng Shuai.[92] In June 2022, leaked audio recordings revealed that engineers in China could access U.S. data, contradicting TikTok's testimony to Congress.[93] During an October 2021 Senate hearing, a TikTok executive denied that TikTok had ever turned over user data to the PRC government, further specifying at a later point in the hearing that TikTok had never turned over data on "Chinese persons in the United States" to the PRC government.[94] The TikTok executive also emphasized multiple times that U.S. user data is stored in the United States and claimed that a "world-renowned, U.S.-based security team . . . handles access to U.S. data."[95] According to BuzzFeed, however, leaked audio from internal TikTok meetings provided evidence that TikTok staff in China accessed U.S. user data "far more frequently and recently than previously reported" and therefore indicates "the company may have misled lawmakers . . .."[96]

SUPPRESSION OF FREEDOM OF EXPRESSION ON CHINESE AND U.S. SOCIAL MEDIA

During the reporting period, the Cyberspace Administration of China (CAC) issued provisions requiring social media platforms to publicly display users' locations and verify their accounts and credentials.[97] Additional CAC draft provisions—if implemented as written—would require social media companies to pre-screen all comments, including "bullet chats," in which comments run in real time across the user's screen.[98] In June 2022, the National Radio and Television Administration and Ministry of Culture and Tourism released standards of conduct listing the punishment for livestreamers who "spread false terrorist information" and "disrupt

social stability."[99] Those standards also require livestreamers to submit to social media platforms their "relevant practice qualifications" before talking about law or other "highly professional" topics.[100] The standards were released after authorities censored the feed of livestreamer Li Jiaqi, after he displayed images suggestive of a tank the day before the 33rd anniversary of the violent suppression of the 1989 Tiananmen protests—reportedly sparking concerns about associations with the iconic 1989 "tank man" image[101]—although the CAC had previously issued a guiding opinion regarding livestreaming.[102]

During the reporting year, the New York Times, the Associated Press, and Miburo reported that the Chinese government paid foreigners on social media to create counternarratives to reporting critical of the government, such as on genocide in the XUAR.[103] The Associated Press reported that U.S. Department of Justice documents revealed that the Chinese consulate in New York paid a New Jersey-based media firm US$300,000 for a social media influencer campaign that reached "roughly 4 million" people and included an interview with China's Consul General in New York that discussed the 2022 Beijing Olympic and Paralympic Games.[104] In May 2022, the Brookings Institution and the German Marshall Fund of the United States concluded that content reflecting PRC positions on its human rights record and the origins of COVID-19 regularly appeared among top results on Google, Bing, and YouTube.[105]

This past year, international observers reported that some YouTube content creators who created content that discussed human rights issues in China faced harassment and efforts to trigger censorship or demonetization of their content.[106] Observers did not conclude definitively who was responsible for those efforts, but some described those responsible as "pro-Beijing online influencers" or "pro-China groups."[107] In one case, YouTube briefly removed Atajurt Kazakh Human Rights' channel—which published thousands of videos regarding human rights abuses in the XUAR—after receiving complaints for revealing personal identifiable information that the channel published in connection to their advocacy for political prisoners.[108] Shortly afterward, YouTube reportedly delisted the organization's earlier testimonials about people detained or imprisoned in the XUAR, for violating YouTube's "violent criminal organizations policy" and "to allow administrators to make edits."[109] YouTube also demonetized a video about Peng Shuai because "it wasn't suitable for all advertisers," and upheld its decision on appeal.[110]

Other content creators shared experiences of harassment or email requests from Chinese companies to publish sponsored videos matching PRC priorities.[111] One content creator confirmed that the Chinese government had paid him, saying, "It's not different than taking out an advertisement . . .."[112] In December 2021, the Australian Strategic Policy Institute identified the role of state-owned media outlet CGTN in sponsoring videos that showcase positive depictions of "'exotic' Uyghur culture" and deny the use of forced labor in the XUAR.[113]

In April 2022, the intelligence firm Nisos reported on 648 "inauthentic" Twitter accounts engaged in a coordinated campaign

to counter accusations of forced labor and genocide in the XUAR, noting that over 90 percent of "inauthentic posts" were published during regular business hours in China Standard Time.[114] Some posts reportedly contained videos with XUAR residents praising conditions in the XUAR or denouncing international criticism of conditions in the XUAR,[115] consistent with earlier reporting about authorities' efforts to coordinate state-mandated videos of Uyghurs expressing anger at former U.S. Secretary of State Michael Pompeo.[116]

This past year, social media platforms were inconsistent in their labeling of accounts as state controlled.[117] For example, Twitter labeled a CGTN reporter's personal Twitter account as state media, but YouTube did not label her personal channel as state media.[118] The reporter said that the YouTube channel was a personal account with her personal views, but later posted a CGTN video to her personal YouTube account, having cropped out the CGTN logo.[119]

2022 Beijing Olympic and Paralympic Games

Before and during the 2022 Beijing Olympic and Paralympic Games ("Olympics"), authorities restricted press freedom arbitrarily, censored online and broadcast content that did not align with PRC priorities, threatened athletes over human rights criticism, and implemented preemptive restrictions on high-profile critics. Such actions—examples of which are discussed below—contravened protections for freedom of expression in the International Covenant on Civil and Political Rights,[120] the Universal Declaration of Human Rights,[121] and China's Constitution,[122] as well as the Host City Contract for the Olympic Games, which protects "independent news coverage" of the Olympics.[123]

Restrictions on Press Freedom: The FCCC reported that the Beijing Organizing Committee for the Olympic Games ("Organizing Committee") repeatedly released insufficient, delayed, or no information about press events and contacts, and authorities reportedly imposed arbitrary restrictions on interviews and access to reporting sites, including restrictions imposed as reprisal for reporting on human rights.[124] For an interview with Peng Shuai—who appeared to be under restrictions imposed by authorities after accusing a former senior official of sexual assault [125]—authorities reportedly required French newspaper L'Equipe to submit questions in advance, conduct the interview with a Chinese Olympic Committee representative present, and publish the interview in the form of questions and verbatim translations of Peng's responses.[126] In another case, an unidentified individual wearing a "public safety volunteer" badge physically removed Dutch journalist Sjoerd den Daas from his reporting location during a broadcast, reportedly with no explanation.[127] In another case, Feature Story News journalist Patrick Fok said authorities told him he was not allowed to ask pedestrians in Beijing "how they are enjoying the Olympics." [128]

2022 Beijing Olympic and Paralympic Games—Continued

Control of Online and Broadcast Content: Ahead of the Olympics, multiple "pro-China" Twitter accounts of unknown origin reportedly engaged in "hashtag flooding," publishing large numbers of posts with a hashtag to dilute the visibility of posts that used that hashtag genuinely.[129] On February 9, 2022, the South China Morning Post reported that Weibo removed over 41,000 posts and banned 850 accounts in connection with online criticism of Olympic athletes, which Weibo characterized as "creating trouble."[130] After International Paralympic Committee President Andrew Parsons spoke out against Russia's invasion of Ukraine in his opening ceremony speech, state-run broadcaster China Central Television reportedly altered some of his anti-war content in its Chinese-language interpretation and appeared to reduce the volume during a portion of the speech.[131]

Censorship of Athletes: Prior to the Olympics, a member of the Organizing Committee reportedly said, "Any behavior or speech that is against the Olympic spirit, especially against the Chinese laws and regulations, are [sic] also subject to certain punishment,"[132] contradicting IOC guidance on athletes' freedom of expression under the Olympic Charter.[133] A Citizen Lab report found that MY2022, an app required for all Olympics attendees, contained a censorship list for "politically sensitive" keywords.[134] Authorities reportedly ordered Finnish skier Katri Lylynpera to delete photos she posted online of unsafe conditions in an athlete lodging space.[135] After Olympic skier Eileen Gu posted a comment on Instagram stating, "anyone can download a vpn its [sic] literally free on the App Store," authorities censored a screenshot of her comment that was shared widely on Weibo.[136]

Preemptive Restrictions on Critics: Ahead of the Olympics, authorities in Beijing reportedly ordered rights advocate **Hu Jia**[137] to stay in his home and threatened to restrict access to his ill mother if he spoke out.[138] Former lawyer Liang Xiaojun—who previously represented prominent legal advocate **Xu Zhiyong**[139] and whose license was revoked[140]—said officials visited him in January and told him "China was entering its 'Olympic security period,' " subsequently calling to check his location repeatedly.[141] Authorities also reportedly restricted social media access for prominent critics Zhang Yihe, **Gao Yu,**[142] Guo Yuhua, and He Weifang[143] ahead of the Olympics.[144]

Entertainment, Art, and Literature

This past year, the PRC called for greater control over the entertainment, art, and literature sectors. In a December 2021 meeting with the China Federation of Literary and Art Circles and the China Writers Association—official organizations under Party leadership[145]—Xi Jinping called on "literature and art workers" to align their creative work with authorities' political priorities,[146] consistent with remarks he had made years prior,[147] and warned attendees not to "misbehave."[148] Consistent with Xi's instructions, PRC organizations called for "earnestly studying" Xi's instructions on literature and art;[149] and for literary, artistic, and cultural works to "enhance propaganda work," "strengthen [Party] leader-

ship," and follow controls over their moral, political, aesthetic, and cultural content.[150]

Authorities censored book, film, television, and game content that did not conform to PRC priorities. Selected examples follow:

- Reuters reported that Amazon's Chinese website continued to disable reviews and ratings of a collection of Xi's writings, because of authorities' prior concerns about "anything under five stars."[151]
- The version of the U.S. film "Fight Club" released on Chinese streaming platform Tencent Video this past year featured a revision to the original ending in which a criminal plot takes place, instead having U.S. law enforcement authorities prevail.[152] It was unclear who was responsible for the change, but one Hollywood producer attributed it to sensitivity over "anything that might create instability in society," including depicting bad behavior with no punishment.[153] Tencent reportedly restored the original ending after public criticism.[154]
- Amid a reportedly restrictive environment for video game content,[155] U.S. video game company Roblox Corporation—which observers said faced censorship risks because of its "user-generated content" model[156]—published a 64-point review checklist for content on its Roblox China platform that included, for example, "no content that disrespects Chinese history and traditional culture," "no references to social media sites or offshore services that are prohibited or otherwise blocked in China," "no political content," and "China, Hong Kong, Taiwan, and Macau should not be referred to as separate countries."[157]

Targeting of gender roles and conceptions of masculinity—discussed above—extended to art, entertainment, and literature. Authorities called for "resolutely putting an end to 'sissy' and other abnormal aesthetics"—which they described as "unhealthy"—in literature and art.[158] In January 2021, the Beijing Municipal Radio and Television Bureau head announced that the bureau would end "boys love" dramas—or "*dangai*"—a popular genre that features intimate relationships between men.[159] In a re-release of U.S. television series "Friends" for streaming platforms in China, censors reportedly removed or altered content relating to a lesbian character, orgasms, and a same-sex kiss.[160] [For more information, see Section III—Civil Society.]

Party Control over Educational and Research Institutions

This past year, the PRC took steps to increase control over educational and research institutions. Selected examples follow:

- Authorities censored critical online speech from law professor Lao Dongyan and scholar Hu Wei.[161] In addition, authorities reportedly warned Lao and other academics in China not to comment on the case of a woman found chained in Jiangsu province that drew widespread attention.[162] [For more information, see Section VI—Status of Women, Section VI—Human Trafficking, and Section VIII—Public Health.]
- In early 2022, a Peking University report reportedly disappeared from the university's website "a few days" after pub-

lication.[163] According to Chinese and international media, the report found that should China and the United States engage in a technology "decoupling," China would experience greater negative consequences than would the United States.[164]

- In early 2022, an academic publisher affiliated with public institution Renmin University of China reportedly launched a "political content review committee" charged with ensuring that content of publications accord with the Party's political guidance.[165]
- The Association of Asian Studies reported that some scholars from China were "pressured" to withdraw from the Association's 2022 annual conference, although its statement did not provide further details.[166] One scholar commented that the withdrawals appeared to be related to Chinese authorities' increasing efforts to restrict academic freedom.[167]
- This past year, scholars of Islamic and ethnic minority studies based in China reportedly said that authorities increased restrictions on their academic work.[168]

The PRC released new guidance intended to strengthen Party control over education and further integrate Party ideology into education. In Fall 2021, schools in China reportedly began incorporating compulsory education on Xi Jinping's signature political ideology,[169] following new guidance from the Ministry of Education.[170] That guidance reportedly requires various educational institutions—including primary education, vocational education, and higher education—to "comprehensively integrate" and "guide" students to "establish faith" in Marxism and "belief" in socialism with Chinese characteristics.[171] In January 2022, the Party Central Committee General Office issued a trial opinion that, among other things, requires heads of schools to operate in accordance with Party political ideology, as well as to "educate people for the Party . . .."[172] In addition, provincial and local authorities in at least 12 locations reportedly required schoolteachers to attend government-organized training on how to speak to students about Russia's invasion of Ukraine.[173] [For more information about control over education, see Section VI—Ethnic Minority Rights, Section V—Governance, Section X—Xinjiang, and Section IX—Tibet.]

Detention and Imprisonment in Connection with Free Speech

This past year, authorities detained, tried, and held in prison individuals in connection with their peaceful expression. Illustrative examples appear below. [For more information about detention and imprisonment, see Section IV—Criminal Justice. For more information about detentions in Hong Kong, see Section XI—Hong Kong and Macau.]

- **Health Concerns:** Naturalized Australian citizen and former Chinese diplomat, author, and blogger **Yang Hengjun** remained in prison on espionage charges and reportedly suffered from deteriorating health without adequate care from authorities.[174]
- **Trials:** Authorities in Hainan province sentenced former investigative journalist **Luo Changping** to seven months in prison for "infringing on the reputation and honor of national

heroes or martyrs" after Luo negatively referred to a military unit featured in a Chinese film about the Korean War.[175] Authorities reportedly released Luo in May 2022.[176] Authorities in Zhuzhou municipality, Hunan province, reportedly held a closed-door trial for rights defender **Ou Biaofeng** for "inciting subversion of state power" after he spoke out in support of **Dong Yaoqiong**—whom authorities detained after she criticized Xi Jinping online—and in support of Hong Kong newspaper Apple Daily.[177]

• **Detentions:** This past year, the UN Working Group on Arbitrary Detention determined that human rights advocate and China Citizens Movement member **Zhang Baocheng**—whom Beijing authorities imprisoned for "terrorism"-related charges and "picking quarrels and provoking trouble"—was arbitrarily detained ["as] a result of his peaceful exercise of his rights to freedom of expression and of association . . .."[178] Authorities in Guangzhou municipality, Guangdong province, formally arrested rights activist **Guo Feixiong** on a charge of "inciting subversion of state power," in apparent connection with his publishing of an open letter requesting that authorities allow him to visit his terminally ill wife, who later died of cancer while Guo was in detention, in the United States.[179] Authorities in Changsha municipality, Hunan, detained and formally arrested lawyer **Xie Yang** on suspicion of "inciting subversion of state power" after he posted a video online calling for the release of pregnant school teacher **Li Tiantian.**[180] Officials detained Li for five days in a psychiatric hospital in Xiangxi Tujia and Miao Autonomous Prefecture, Hunan, after she expressed support for another teacher who was terminated for questioning the official death toll of a historical event known as the Nanjing Massacre.[181] Officials in Shenzhen municipality, Guangdong, detained **Yan Zhihong** on suspicion of "inciting subversion of state power" for adding Chinese subtitles to a video of a man complaining about lockdown conditions in English and posting it online.[182] Officials in Luhe district, Nanjing municipality, Jiangsu province, forcibly committed **Ding Yan** to a psychiatric hospital after she criticized COVID-19 lockdown measures in an open letter to Xi Jinping on social media platform WeChat.[183] [For more information on detention in psychiatric facilities, see Section VIII—Public Health.]

Notes to Section III—Freedom of Expression

[1] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 19.

[2] United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed April 7, 2022.

[3] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 19.

[4] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 35.

[5] UN Human Rights Committee, General Comment No. 34: Article 19 (Freedom of Opinion and Expression), CCPR/C/GC/34, September 12, 2011, paras. 11–12.

[6] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 19(3); UN Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, A/HRC/17/27, May 16, 2011, para. 24.

[7] Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, adopted by UN Human Rights Council resolution 12/16, A/HRC/RES/12/16, October 12, 2009, para. 5(p)(i)–(iii).

[8] UN Human Rights Committee, General Comment No. 34: Article 19 (Freedom of Opinion and Expression), CCPR/C/GC/34, September 12, 2011, para. 21.

[9] Reporters Without Borders, "The Great Leap Backward of Journalism in China," December 7, 2021, 8.

[10] Reporters Without Borders, "The Great Leap Backward of Journalism in China," December 7, 2021, 8; "Minitrue: Focus on Henan Flood Recovery; Do Not Report on Celebrity Tax Case or COVID Origins Press Conference," *China Digital Times,* July 23, 2021.

[11] "Xi Meets Journalist Representatives," *Xinhua,* December 15, 2021.

[12] "Zhongxuan bu yaoqiu ge xinwen danwei renzhen zuzhi kaizhan 2022 nian 'Xinchun zou jiceng' huodong" [Central Propaganda Department requires all news units to earnestly organize and carry out 2022 "New Year's going to the grassroots" activities], *Xinhua,* reprinted in *People's Daily,* January 16, 2022.

[13] National Development and Reform Commission, "Shichang Zhunru Fumian Qingdan (2021 nianban gongkai zhengqiu yijian gao)" [Market Entry Negative List (2021 draft for public comment)], October 8, 2021, item 6; "Fagaiwei zhengqiu yijian: Feigongyou ziben bu dei congshi xinwen caibian bofa yewu" [NDRC solicits comments: Private capital should not engage in news collection, editing, or broadcasting work], *China News,* October 9, 2021; Mary Hui, "China Wants an Even More Dominant State Monopoly on the Media," *Quartz,* October 11, 2021.

[14] National Press and Publication Administration and Ministry of Human Resources and Social Security, "Xinwen Zhuanye Jishu Renyuan Jixu Jiaoyu Zanxing Guiding (zhengqiu yijian gao)" [Interim Provisions on Continuing Education for News Professionals (draft for public comment)], October 15, 2021.

[15] National Press and Publication Administration and Ministry of Human Resources and Social Security, "Xinwen Zhuanye Jishu Renyuan Jixu Jiaoyu Zanxing Guiding (zhengqiu yijian gao)" [Interim Provisions on Continuing Education for News Professionals (draft for public comment)], October 15, 2021, art. 1; National Press and Publication Administration, *Xinwen Jizhe Zheng Guanli Banfa* [Management Measures for Journalist Certification], passed December 9, 2004, effective March 1, 2005, art. 1.

[16] National Press and Publication Administration and Ministry of Human Resources and Social Security, "Xinwen Zhuanye Jishu Renyuan Jixu Jiaoyu Zanxing Guiding (zhengqiu yijian gao)" [Interim Provisions on Continuing Education for News Professionals (draft for public comment)], October 15, 2021, art. 11.

[17] National Press and Publication Administration and Ministry of Human Resources and Social Security, "Xinwen Zhuanye Jishu Renyuan Jixu Jiaoyu Zanxing Guiding (zhengqiu yijian gao)" [Interim Provisions on Continuing Education for News Professionals (draft for public comment)], October 15, 2021, art. 4(1); Xi Jinping, "Strengthen Commitment to the Four Consciousnesses, the Four-Sphere Confidence, and the Two Upholds: October 25, 2017–May 31, 2019," in *The Governance of China,* Volume 3 (Foreign Languages Press: Beijing, 2020), reprinted in *Seeking Truth,* updated January 14, 2022. See also Stella Chen, "Telling the Story of the CCP Journalist," *China Media Project,* March 22, 2022.

[18] See, e.g., Louisa Lim and Julia Bergin, International Federation of Journalists, "Telling China's Story: Reshaping the World's Media," June 2020, 3–6; Sarah Cook, "China's Global Media Footprint: Democratic Responses to Expanding Authoritarian Influence," National Endowment for Democracy, International Forum for Democratic Studies, February 2021, 2–3; CECC, *2021 Annual Report,* March 2022, 46.

[19] "Zhang Weili: shenhua meiti hezuo shi Zhong'E zhanlue xiezuo he renwen jiaoliu de zhongyao zucheng bufen" [Zhang Weili: deepening media cooperation is an important component of China-Russia strategic coordination and cultural exchange], *China Daily,* November 22, 2021.

[20] "Zhang Weili: shenhua meiti hezuo shi Zhong'E zhanlue xiezuo he renwen jiaoliu de zhongyao zucheng bufen" [Zhang Weili: deepening media cooperation is an important component of China-Russia strategic coordination and cultural exchange], *China Daily,* November 22, 2021.

[21] "Tricks of the External Propaganda Trade," *China Media Project,* March 16, 2022. For examples, see "Touguo Liang Hui, shijie dudong Zhongguo" [Through the Two Sessions, the world reads and understands China], *People's Daily,* March 16, 2022.

[22] David Bandurski, "Inside China's Global Media Blitz," *China Media Project,* March 17, 2021.

[23] Muyi Xiao, Paul Mozur, and Gray Beltran, "Buying Influence: How China Manipulates Facebook and Twitter," *New York Times,* December 20, 2021; Olivia Solon, Keir Simmons, and

Amy Perrette, "China-Linked Disinformation Campaign Blames Covid on Maine Lobsters," *NBC News,* updated October 22, 2021; Albert Zhang, "China's Cultural Industry Is Being Co-Opted for Disinformation Operations," *Strategist* (blog), Australian Strategic Policy Institute, February 8, 2022; Fergus Ryan et al., "Borrowing Mouths to Speak on Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, December 2021; "Elephants Must Learn to Street Dance: The Chinese Communist Party's Appeal to Youth in Overseas Propaganda," Insikt Group, Recorded Future, February 3, 2022, 15.

[24] Muyi Xiao, Paul Mozur, and Gray Beltran, "Buying Influence: How China Manipulates Facebook and Twitter," *New York Times,* December 20, 2021; Olivia Solon, Keir Simmons, and Amy Perrette, "China-Linked Disinformation Campaign Blames Covid on Maine Lobsters," *NBC News,* updated October 22, 2021; Albert Zhang, "China's Cultural Industry Is Being Co-Opted for Disinformation Operations," *Strategist* (blog), Australian Strategic Policy Institute, February 8, 2022; Fergus Ryan et al., "Borrowing Mouths to Speak on Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, December 2021. "Elephants Must Learn to Street Dance: The Chinese Communist Party's Appeal to Youth in Overseas Propaganda," Insikt Group, Recorded Future, February 3, 2022, 15.

[25] Reporters Without Borders, "2021 Round-up: Journalists Detained, Killed, Held Hostage and Missing," updated December 21, 2021, 5–6.

[26] Reporters Without Borders, "2021 Round-up: Journalists Detained, Killed, Held Hostage and Missing," updated December 21, 2021, 5. See also "Hong Kong Prosecutors Play a Key Role in Carrying Out Political Prosecutions," Congressional-Executive Commission on China, July 2022.

[27] See, e.g., International Federation of Journalists, "Lights Out: Is This the End for Hong Kong's Media? An IFJ Report on Press Freedom in Hong Kong 2022," February 2022; Chris Yeung et al., Hong Kong Journalists Association, *2021 Annual Report: Freedom in Tatters,* 2021.

[28] See, e.g., Tang Huiyun, "Xianggang Pingguo Ribao Guo'an Fa xia shoujia shouya guanbi meiti yu qian shimin lingchen paidui qianggou tingkanhao" [Hong Kong Apple Daily is the first media company to shut under the National Security Law, over a thousand residents line up to buy the last issue], *Voice of America,* June 25, 2021; Brian Wong, "Hong Kong National Security Law: Ex-Apple Daily Chief Accused of Colluding with Foreign Forces Denied Bail for Second Time," *South China Morning Post,* August 13, 2021.

[29] International Federation of Journalists, "Lights Out: Is This the End for Hong Kong's Media? An IFJ Report on Press Freedom in Hong Kong 2022," February 2022; Chris Yeung et al., Hong Kong Journalists Association, *2021 Annual Report: Freedom in Tatters,* 2021.

[30] Reporters Without Borders, "2021 Round-up: Journalists Detained, Killed, Held Hostage and Missing," updated December 21, 2021, 24.

[31] See, e.g., Yumeng Luo and Teresa M. Harrison, "How Citizen Journalists Impact the Agendas of Traditional Media and the Government Policymaking Process in China," *Global Media and China* 4, no. 1 (2019): 72, 74.

[32] Reporters Without Borders, "2021 Round-up: Journalists Detained, Killed, Held Hostage and Missing," updated December 21, 2021, 11; Vivian Wang, "Chinese Citizen Journalist Sentenced to 4 Years for Covid Reporting," *New York Times,* updated October 8, 2021. For more information on Zhang Zhan, see the Commission's Political Prisoner Database record 2020-00175.

[33] "Hubei meitiren Hu Xincheng zao qiangpo shizong 36 tian" [Hubei journalist Hu Xincheng forcibly disappeared for 36 days], *Radio Free Asia,* January 9, 2022; "Hubei meitiren Hu Xincheng shilian yuyue yi zao kuasheng zhuabu" [Hubei journalist Hu Xincheng incommunicado for over a month, cross-provincial detention suspected], *Radio Free Asia,* January 10, 2022; "She shandong kongbu huodong, meitiren Hu Xincheng zao Shanxi dangju xingshi juliu" [For inciting terrorist activities, journalist Hu Xincheng criminally detained by Shanxi authorities], *Radio Free Asia,* January 12, 2022. For more information on Hu Xincheng, see the Commission's Political Prisoner Database record 2022-00015.

[34] "Meitiren Song Yangbiao zao xingshi juliu, youren: yin jielu Chengdu guanshang goujie" [Journalist Song Yangbiao criminally detained, friend: due to collusion between Chengdu officials and business], *Radio Free Asia,* January 20, 2022; "Jie Chengdu bieshu weijian hou, dalu meitiren Song Yangbiao zao xingju" [After exposing illegal villa construction in Chengdu, mainland journalist Song Yangbiao criminally detained], *Epoch Times,* January 21, 2022; Rights Defense Network, "Dalu meitiren, qian diaocha jizhe Song Yangbiao yin yan huozui zao Chengdu jingfang xingshi juliu 48 xiaoshi hou qubao huoshi" [Mainland journalist, former investigative journalist Song Yangbiao released on bail 48 hours after being incriminated for speech and criminally detained by Chengdu police], January 22, 2022. For more information on Song Yangbiao, see the Commission's Political Prisoner Database record 2022-00020.

[35] Reporters Without Borders, "2021 Round-up: Journalists Detained, Killed, Held Hostage and Missing," updated December 21, 2021, 6.

[36] Chinese Human Rights Defenders, "China: Immediately Release #MeToo Activist and Fellow Civil Society Advocate," September 21, 2021; Rights Defense Network, "Duli gongyi ren Wang Jianbing, nuquan jizhe Huang Xueqin jiashu shoudao daibu tongzhishu" [Family of independent public interest advocate Wang Jianbing and women's rights journalist Sophia Huang Xueqin receive notice of formal arrest], November 5, 2021; Yuan Yang (@YuanfenYang), "Journalist Sophia (Xueqin) Huang was leaving China on her way . . .," Twitter, November 5, 2021, 11:04 a.m. For more information on Sophia Huang Xueqin, see the Commission's Political Prisoner Database record 2019-00454.

[37] Committee to Protect Journalists, "293 Journalists Imprisoned in 2021," accessed June 1, 2022.

[38] Reporters Without Borders, "2021 Round-up: Journalists Detained, Killed, Held Hostage and Missing," updated December 21, 2021, 6. For more information on Gulmira Imin, see the Commission's Political Prisoner Database record 2010-00238.

[39] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 16.

[40] Embassy of the People's Republic of China in the United States of America, "'Press Freedom' Should Not Become a Pretext for Interference in Other Countries' Judicial Sovereignty," May 6, 2022; "Haze Fan, Bloomberg News Assistant, Charged with Jeopardizing National Security," *China Digital Times,* December 11, 2020; One Free Press Coalition, "Cases of Injustice against Journalists: 10 Most Urgent, January 2022," January 3, 2022; "Australian Journalist Faces China Trial on State Secrets Charges," *Agence-France Presse,* reprinted in *France 24,* March 31, 2022. For more information on Haze Fan, see the Commission's Political Prisoner Database record 2020-00316.

[41] Foreign Correspondents' Club of China, *Track, Trace, Expel: Reporting on China amid a Pandemic,* March 1, 2021, 1; Reporters Without Borders, "The Great Leap Backward of Journalism in China," December 7, 2021; CECC, *2021 Annual Report,* March 2022, 49–51.

[42] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 3.

[43] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 1.

[44] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 2.

[45] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 1, 7.

[46] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 7–8.

[47] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 9.

[48] Ministry of Foreign Affairs, "2022 nian 3 yue 31 ri Waijiaobu fayanren Wang Wenbin zhuchi lixing jizhe hui" [Ministry of Foreign Affairs spokesperson Wang Wenbin hosts regular press conference on March 31, 2022], March 31, 2022; Eva Dou, "Beijing Holds Closed-Door Trial for Australian Journalist Cheng Lei," *Washington Post,* March 31, 2022; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 111. For more information on Cheng Lei, see the Commission's Political Prisoner Database record 2020-00246.

[49] Eva Dou, "Beijing Holds Closed-Door Trial for Australian Journalist Cheng Lei," *Washington Post,* March 31, 2022; "Journalist Detained in China Denied Calls, Partner Says," *Associated Press,* reprinted in *Washington Post,* June 2, 2022.

[50] Eryk Bagshaw, "From Suburban Melbourne to Detention in Beijing: The Rise of a TV Anchor," *Sydney Morning Herald,* September 1, 2020.

[51] Foreign Correspondents' Club of China (@fccchina), "1/ FCCC Statement on Harassment of Reporters Covering Henan Floods . . .," Twitter, July 27, 2021, 5:02 a.m. For an example of Brant's reporting on the flooding, see "China Floods: Drone Footage Shows the Scale of Damage as Clean Up Begins" [Video file], *BBC,* July 22, 2021.

[52] "China Reinforces Tight Control over Plane Crash Mystery," *Agence-France Presse,* reprinted in *Radio France Internationale,* April 21, 2022.

[53] Bureau of East Asian and Pacific Affairs, U.S. Department of State, "Report to Congress on Access to Tibetan Areas: Section 4 of the Reciprocal Access to Tibet Act of 2018 (8 U.S.C. 1182 Note)," March 16, 2022, 1–2, 4; Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 12.

[54] Bureau of East Asian and Pacific Affairs, U.S. Department of State, "Report to Congress on Access to Tibetan Areas: Section 4 of the Reciprocal Access to Tibet Act of 2018 (8 U.S.C. 1182 Note)," March 16, 2022, 3.

[55] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 6.

[56] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 10.

[57] Freedom House, "Key Findings," in *Freedom on the Net 2021: The Global Drive to Control Big Tech,* September 2021, 1.

[58] Office of the Central Cyberspace Affairs Commission, "'Shisi Wu' Guojia Xinxihua Guihua" ["14th Five-Year" Plan for National Informatization], issued December 2021, chap. 2, sec. 2.

[59] Office of the Central Cyberspace Affairs Commission, "'Shisi Wu' Guojia Xinxihua Guihua" ["14th Five-Year" Plan for National Informatization], issued December 2021, chap. 1, sec. 2.

[60] See, e.g., Nadège Rolland, "China's Vision for a New World Order," National Bureau of Asian Research, January 2020, 7–13.

[61] Observers have characterized the CAC as increasingly powerful in recent years. See, e.g., AJ Caughey and Shen Lu, "How the CAC Became Chinese Tech's Biggest Nightmare," *Protocol,* March 11, 2022; CECC, *2016 Annual Report,* October 6, 2016, 66–67. The CAC is supervised by a Party organization, the Office of the Central Cyberspace Affairs Commission. See, e.g., "CPC Releases Plan on Deepening Reform of Party and State Institutions," *People's Daily,* March 22, 2018; Ryan Fedasiuk, "Buying Silence: The Price of Internet Censorship in China," *China Brief,* Jamestown Foundation, January 12, 2021; Susan V. Lawrence and Mari Y. Lee, "China's Political System in Charts: A Snapshot Before the 20th Party Congress," Congressional Research Service, November 24, 2021, 19.

[62] Cyberspace Administration of China, "Guanyu kaizhan 'Qinglang • 2022 nian Chunjie Wangluo Huanjing Zhengzhi' zhuanxiang xingdong de tongzhi" [Circular regarding the launch of the "Purification • 2022 Lunar New Year Internet Environment Rectification" special operation], January 22, 2022. See also Ryan McMorrow, "China Launches Internet 'Purification' Campaign for Lunar New Year," *Financial Times,* January 25, 2022.

[63] Cyberspace Administration of China, "Guanyu kaizhan 'Qinglang • 2022 nian Chunjie Wangluo Huanjing Zhengzhi' zhuanxiang xingdong de tongzhi" [Circular regarding the launch

of the "Purification • 2022 Lunar New Year Internet Environment Rectification" special operation], January 22, 2022.

[64] Iris Deng, "China Steps Up Drive against Cyberbullying, Fake News, Online Scams during Lunar New Year Holiday," *South China Morning Post,* January 25, 2022.

[65] Cyberspace Administration of China, "Quanguo hulianwang weifa he buliang xinxi jubao shouli chuzhi yitihua jizhi jianshe tuijin hui zai Jing zhaokai" [Meeting to advance construction of a national integrated mechanism for receiving and processing illegal and unhealthy internet information convenes in Beijing], reprinted in *Legal Daily,* January 28, 2022.

[66] Cyberspace Administration of China, "Jubao wangshang lishi xuwuzhuyi cuowu yanlun qing dao '12377'—jubao zhongxin 'she lishi xuwuzhuyi you hai xinxi jubao zhuanqu' shang xian" [Go to "12377" to report incorrect historical nihilism online—reporting center's "dedicated reporting area for suspected historical nihilist and harmful information" now online], April 9, 2021; "Zhonggong Wangxinban kaiting rexian jubao 'lishi xuwu' yanlun yanjin huaiyi Zhonggong lishi" [Party's CAC opens hotline to report expressions of "historical nihilism," strictly forbidden to doubt Party history], *Voice of America,* April 12, 2021; CECC, *2021 Annual Report,* March 2022, 52.

[67] "Empowering China's Digital Informants," *China Media Project,* February 7, 2022.

[68] Cyberspace Administration of China, "Quanguo hulianwang weifa he buliang xinxi jubao shouli chuzhi yitihua jizhi jianshe tuijin hui zai Jing zhaokai" [Meeting to advance construction of a national integrated mechanism for receiving and processing illegal and unhealthy internet information convenes in Beijing], reprinted in *Legal Daily,* January 28, 2022.

[69] Coco Feng, "China Tech Crackdown: Internet Watchdog Visits Social Media Firm Douban to Correct 'Severe Online Chaos,'" *South China Morning Post,* March 15, 2022.

[70] Cybersecurity Administration of China, "Guojia Wangxinban yifa yuetan chufa Doubanwang" [Cybersecurity Administration of China speaks with and punishes Douban], December 2, 2021; "China Fines Social Media Firm Douban for 'Unlawful' Release of Information," *Reuters,* December 2, 2021.

[71] Cyberspace Administration of China, "Wangxin bumen gongzuo dudao zu jinzhu Doubanwang" [Cyberspace Administration work supervision group stationed at Douban], reprinted in Office of the Central Cyberspace Affairs Commission, March 15, 2022.

[72] See, e.g., Cyberspace Administration of China, National Development and Reform Commission, Ministry of Industry and Information Technology, Ministry of Public Security, Ministry of State Security, Ministry of Finance, Ministry of Commerce, People's Bank of China, State Administration for Market Regulation, National Radio and Television Administration, China Securities Regulatory Commission, National Administration of State Secret Protection, and National Cryptography Administration, *Wangluo Anquan Shencha Banfa* [Cybersecurity Review Measures], passed November 16, 2021, effective February 15, 2022; Cyberspace Administration of China, Ministry of Industry and Information Technology, Ministry of Public Security, and State Administration for Market Regulation, *Hulianwang Xinxi Fuwu Suanfa Tuijian Guanli Guiding* [Internet Information Service Algorithmic Recommendation Management Provisions], passed November 16, 2021, effective March 1, 2022; Cyberspace Administration of China, *Yidong Hulianwang Yingyong Chengxu Xinxi Fuwu Guanli Guiding* [Mobile Internet Application Information Service Management Provisions], issued June 14, 2022, effective August 1, 2022; Cyberspace Administration of China, "Hulianwang Gentie Pinglun Fuwu Guanli Guiding (xiuding cao'an zhengqiu yijian gao)" [Internet Comment Service Management Provisions (revised draft for public comment)], issued June 17, 2022.

[73] Cyberspace Administration of China, National Development and Reform Commission, Ministry of Industry and Information Technology, Ministry of Public Security, Ministry of State Security, Ministry of Finance, Ministry of Commerce, People's Bank of China, State Administration for Market Regulation, National Radio and Television Administration, China Securities Regulatory Commission, National Administration of State Secret Protection, and National Cryptography Administration, *Wangluo Anquan Shencha Banfa* [Cybersecurity Review Measures], passed November 16, 2021, effective February 15, 2022, arts. 1, 2, 5; Cyberspace Administration of China, Ministry of Industry and Information Technology, Ministry of Public Security, and State Administration for Market Regulation, *Hulianwang Xinxi Fuwu Suanfa Tuijian Guanli Guiding* [Internet Information Service Algorithmic Recommendation Management Provisions], passed November 16, 2021, effective March 1, 2022, arts. 1, 6; Cyberspace Administration of China, *Yidong Hulianwang Yingyong Chengxu Xinxi Fuwu Guanli Guiding* [Mobile Internet Application Information Service Management Provisions], issued June 14, 2022, effective August 1, 2022, arts. 1, 11; Cyberspace Administration of China, "Hulianwang Gentie Pinglun Fuwu Guanli Guiding (xiuding cao'an zhengqiu yijian gao)" [Internet Comment Service Management Provisions (revised draft for public comment)], issued June 17, 2022, art. 1.

[74] See, e.g., Raphaël Viana David, "China's Abuse of National Security to Curtail Human Rights: 4 Things You Need to Know," International Service for Human Rights, January 27, 2022; Helena Legarda, "China's New International Paradigm: Security First," Mercator Institute for China Studies, June 15, 2021; Office of the UN High Commissioner for Human Rights, "UN Rights Chief Concerned by 'Broad Scope' of China's New Security Law," July 7, 2015.

[75] Cyberspace Administration of China, Ministry of Industry and Information Technology, Ministry of Public Security, and State Administration for Market Regulation, *Hulianwang Xinxi Fuwu Suanfa Tuijian Guanli Guiding* [Internet Information Service Algorithmic Recommendation Management Provisions], passed November 16, 2021, effective March 1, 2022, art. 23; Cyberspace Administration of China, *Yidong Hulianwang Yingyong Chengxu Xinxi Fuwu Guanli Guiding* [Mobile Internet Application Information Service Management Provisions], announced June 14, 2022, effective August 1, 2022, art. 14; Cyberspace Administration of China, "Hulianwang Gentie Pinglun Fuwu Guanli Guiding (xiuding cao'an zhengqiu yijian gao)" [Internet Comment Service Management Provisions (revised draft for public comment)], issued June 17, 2022, art. 2.

[76] National Religious Affairs Administration, *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022.

[77] National Religious Affairs Administration, *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, chap. 3, art. 17.

[78] National Religious Affairs Administration, *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, chap. 3, art. 14.

[79] National Religious Affairs Administration, *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, chap. 2, art. 6.

[80] National Religious Affairs Administration, *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, chap. 2, art. 7(1).

[81] Nectar Gan and CNN Beijing Bureau, "'Voices of April': China's Internet Erupts in Protest against Censorship of Shanghai Lockdown Video," *CNN,* updated April 25, 2022; "Minitrue: Silence the 'Voices of April' Viral Video on Shanghai Lockdowns [Includes Full English Subtitles and Transcript]," *China Digital Times,* April 22, 2022.

[82] "Minitrue: Silence the 'Voices of April' Viral Video on Shanghai Lockdowns [Includes Full English Subtitles and Transcript]," *China Digital Times,* April 22, 2022.

[83] Lily Kuo, "Amid the Roar of Nationalism, a Few Antiwar Voices in China Emerge over Ukraine Crisis," *Washington Post,* February 28, 2022; Zhifan Luo and Muyang Li, "Online Posts May Not Reflect Chinese Opinion When It Comes to the Russian Invasion of Ukraine," *The Conversation,* March 30, 2022.

[84] "Minitrue: Keep Weibo Posts on Ukraine Favorable to Russia; Control Comments," *China Digital Times,* February 22, 2022. See also Xiaoshan Huang, Chingman, and Hsia Hsiao-hwa, "China Bans Online Criticism of Russia, Blames U.S. for Fueling Ukraine 'Tensions,'" *Radio Free Asia,* February 23, 2022.

[85] Kai Wang, "Ukraine: How China Is Censoring Online Discussion of the War," *BBC,* March 12, 2022; Zhifan Luo and Muyang Li, "Online Posts May Not Reflect Chinese Opinion When It Comes to the Russian Invasion of Ukraine," *The Conversation,* March 30, 2022; Paul Mozur, Steven Lee Myers, and John Liu, "China's Echoes of Russia's Alternate Reality Intensify around the World," *New York Times,* April 11, 2022.

[86] John Feng, "Blinken's China Speech Sparks 25,000-Word Rebuttal, Media Censoring," *Newsweek,* June 22, 2022. For the original speech, see Antony J. Blinken, U.S. Department of State, "The Administration's Approach to the People's Republic of China," May 26, 2022.

[87] Zhang Wanqing, "Weibo Shuts Down User Accounts for 'Gender Opposition,'" *Sixth Tone,* December 8, 2021.

[88] Pak Yiu, "WeChat Deletes Chinese University LGBT Accounts in Fresh Crackdown," *Reuters,* July 7, 2021.

[89] "Translation: LGBTQ Site's WeChat Account Shuttered after Report on Homophobic Backlash against Hostel," *China Digital Times,* August 20, 2021.

[90] Zeyi Yang, "Tencent's Messaging Platform Blocks LGBTQ Search Terms," *Protocol,* August 30, 2021.

[91] "Grindr Disappears from App Stores in China amid Olympics Crackdown," *Agence-France Presse,* reprinted in *Guardian,* January 31, 2022.

[92] Alistair Walsh, "TikTok Censoring LGBTQ, Nazi Terms in Germany: Report," *Deutsche Welle,* March 23, 2022; Cameron Jenkins, "TikTok Blocked Creators From Using 'Black Lives Matter' in Bios," *The Hill,* July 8, 2021; Sebastian Meineck, "TikTok hat das Wort 'Umerziehungslager' zensiert" [TikTok censored the word "reeducation camp"], *Netzpolitik,* February 10, 2022.

[93] Emily Baker-White, "Leaked Audio from 80 Internal TikTok Meetings Shows That U.S. User Data Has Been Repeatedly Accessed from China," *BuzzFeed News,* June 17, 2022; *Protecting Kids Online: Snapchat, TikTok, and YouTube, Hearing of the Subcommittee on Consumer Protection, Product Safety, and Data Security, Committee on Commerce, Science, and Transportation, U.S. Senate,* 117th Cong. (2021) (testimony of Michael Beckerman, Vice President and Head of Public Policy, Americas, TikTok).

[94] *Protecting Kids Online: Snapchat, TikTok, and YouTube, Hearing of the Subcommittee on Consumer Protection, Product Safety, and Data Security, Committee on Commerce, Science, & Transportation, U.S. Senate,* 117th Cong. (2021) (testimony of Michael Beckerman, Vice President and Head of Public Policy, Americas, TikTok); "Snapchat, TikTok and YouTube Executives Testify at Senate Hearing—10/26" [Video file], *Washington Post,* reprinted in YouTube, 1:46:29–1:47:18, 2:15:37–2:15:42; Emily Baker-White, "Leaked Audio from 80 Internal TikTok Meetings Shows that US User Data Has Been Repeatedly Accessed from China," *BuzzFeed News,* June 17, 2022.

[95] Emily Baker-White, "Leaked Audio from 80 Internal TikTok Meetings Shows that US User Data Has Been Repeatedly Accessed from China," *BuzzFeed News,* June 17, 2022; "Snapchat, TikTok and YouTube Executives Testify at Senate Hearing—10/26" [Video file], *Washington Post,* reprinted in YouTube, accessed September 30, 2022, 1:46:29–1:47:18, 2:15:37–2:15:42; *Protecting Kids Online: Snapchat, TikTok, and YouTube, Hearing of the Subcommittee on Consumer Protection, Product Safety, and Data Security, Committee on Commerce, Science, & Transportation, U.S. Senate,* 117th Cong. (2021) (testimony of Michael Beckerman, Vice President and Head of Public Policy, Americas, TikTok).

[96] Emily Baker-White, "Leaked Audio from 80 Internal TikTok Meetings Shows that US User Data Has Been Repeatedly Accessed from China," *BuzzFeed News,* June 17, 2022.

[97] Cyberspace Administration of China, *Hulianwang Yonghu Zhanghao Xinxi Guanli Guiding* [Provisions on the Management of Internet User Account Information], issued June 9, 2022, effective August 1, 2022, arts. 11, 12.

[98] Zeyi Yang, "Now China Wants to Censor Online Comments," *MIT Technology Review,* June 18, 2022; Cyberspace Administration of China, "Hulianwang Gentie Pinglun Fuwu Guanli Guiding (xiuding cao'an zhengqiu yijian gao)" [Internet Thread Commenting on Services Management Provisions (Revised Draft Seeking Comments)], June 17, 2022, art. 4.

[99] National Radio and Television Administration and Ministry of Culture and Tourism, *Wangluo Zhubo Xingwei Guifan* [Standards for the Behavior of Livestreamers], issued June 8, 2022, art. 14.

[100] National Radio and Television Administration and Ministry of Culture and Tourism, *Wangluo Zhubo Xingwei Guifan* [Standards for the Behavior of Livestreamers], issued June 8, 2022, art. 13.

[101] Nectar Gan, "China Censored a Top Livestreamer on the Eve of June 4. Now His Fans Are Asking about the Tiananmen Square Massacre," *CNN,* updated June 6, 2022; Zheping Huang, "What Happened in China When the Cake Looked Like a Tank," *Bloomberg,* June 14, 2022; Xinshang, "Li Jiaqi xiaoshi hou de di 26 tian" [The 26th day after Li Jiaoqi's disappearance], *163.com,* June 30, 2022.

[102] Cyberspace Administration of China, *Guanyu Jiaqiang Wangluo Zhibo Guifan Guanli Gongzuo de Zhidao Yijian* [Guiding Opinion on Strengthening the Standardization and Management of Online Live Broadcasting], February 9, 2021.

[103] Nick Monaco, "Cotton the Act: Large-Scale Network of CCP-Aligned Facebook Accounts Deny Mass Atrocity in China's Xinjiang Province," *Miburo,* December 22, 2021; Amanda Seitz, Mike Catalini, and Eric Tucker, "China Used TV, TikTok Stars in Discreet Olympics Campaign," *Associated Press,* April 8, 2022; Paul Mozur et al., "How Beijing Influences the Influencers," *New York Times,* December 13, 2021. See also Fergus Ryan et al., "Borrowing Mouths to Speak on Xinjiang," Australian Strategic Policy Institute, December 2021; Jessica Brandt et al., "Winning the Web: How Beijing Exploits Search Results to Shape Views of Xinjiang and COVID-19," Brookings Institution and German Marshall Fund of the United States, May 2022; Kerry Allen and Sophie Williams, "The Foreigners in China's Disinformation Drive," *BBC,* July 11, 2021.

[104] Amanda Seitz, Mike Catalini, and Eric Tucker, "China Used TV, TikTok Stars in Discreet Olympics Campaign," *Associated Press,* April 8, 2022.

[105] Karen Hao, "China Tops Google, YouTube Results on Covid Origins and Beijing's Human Rights Record," *Wall Street Journal,* updated May 27, 2022; Jessica Brandt et al., "Winning the Web: How Beijing Exploits Search Results to Shape Views of Xinjiang and COVID-19," Brookings Institution and German Marshall Fund of the United States, May 2022, 1–2.

[106] Frankie Vetch, "Threatened, Harassed, Punished: The Uyghur Translators Defying China to Tell Xinjiang's Story," *Coda,* February 17, 2022; Eileen Guo, "How YouTube's Rules Are Used to Silence Human Rights Activists," *MIT Technology Review,* June 24, 2021; Victoria Waldersee and Paresh Dave, "Exclusive: YouTube Takes Down Xinjiang Videos, Forcing Rights Group to Seek Alternative," *Reuters,* June 25, 2021; Santi Ruiz, "YouTube Strips Ad Revenue From Channel for Video on Disappeared Chinese Tennis Star," *Washington Free Beacon,* November 19, 2021; Tom Parker, "YouTube Caught Auto-Censoring Some Comments That Criticize China's Propaganda Pushers (Again)," *Reclaim the Net,* July 8, 2021.

[107] Frankie Vetch, "Threatened, Harassed, Punished: The Uyghur Translators Defying China to Tell Xinjiang's Story," *Coda,* February 17, 2022; Victoria Waldersee and Paresh Dave, "Exclusive: YouTube Takes Down Xinjiang Videos, Forcing Rights Group to Seek Alternative," *Reuters,* June 25, 2021.

[108] Eileen Guo, "How YouTube's Rules Are Used to Silence Human Rights Activists," *MIT Technology Review,* June 24, 2021; Victoria Waldersee and Paresh Dave, "Exclusive: YouTube Takes Down Xinjiang Videos, Forcing Rights Group to Seek Alternative," *Reuters,* June 25, 2021.

[109] Eileen Guo, "How YouTube's Rules Are Used to Silence Human Rights Activists," *MIT Technology Review,* June 24, 2021; Victoria Waldersee and Paresh Dave, "Exclusive: YouTube Takes Down Xinjiang Videos, Forcing Rights Group to Seek Alternative," *Reuters,* June 25, 2021.

[110] Santi Ruiz, "YouTube Strips Ad Revenue from Channel for Video on Disappeared Chinese Tennis Star," *Washington Free Beacon,* November 19, 2021; Saagar Enjeti (@esaagar), "Sorry @YouTube. We Meant to Say Peng Shaui [sic] Is Safe and Sound . . .," Twitter, November 19, 2021, 11 a.m.

[111] China Uncensored, "YouTube Helps Cover Up China's Atrocities" [Video file], YouTube, April 17, 2021; Serpentza, "Traitors Working for Communist Chinese Government?" [Video file], YouTube, January 16, 2021; Laowhy86, "China Bribed Me to Post Propaganda" [Video file], YouTube, June 8, 2022; Serpentza, "China Tried to Pay Me to Lie about Covid" [Video file], November 2021; Laowhy86, "China Bribed Me to Post Propaganda" [Video file], YouTube, June 8, 2022.

[112] Gweilo 60, "New York Times vs Gweilo 60" [Video file], YouTube, November 20, 2021.

[113] Fergus Ryan et al., "Borrowing Mouths to Speak on Xinjiang," Australian Strategic Policy Institute, December 2021, 10–11.

[114] Nisos, "Twitter: Xinjiang Inauthentic Network," April 25, 2022, 3–4; "Report: Fake Twitter Accounts Spread Chinese Propaganda," *Associated Press,* April 25, 2022.

[115] Nisos, "Twitter: Xinjiang Inauthentic Network," April 25, 2022, 9.

[116] Dake Kang, "Chinese Authorities Order Video Denials by Uyghurs of Abuses," *Associated Press,* May 20, 2021. See also Dake Kang (@dakekang), "1/Three days after @FDrinov sent me a screenshot . . .," Twitter, May 20, 2021, 2:36 a.m.

[117] Amanda Seitz, Eric Tucker, and Mike Catalini, "How China's TikTok, Facebook Influencers Push Propaganda," *Associated Press,* March 30, 2022; Fergus Ryan et al., "Borrowing Mouths

to Speak on Xinjiang," Australian Strategic Policy Institute, December 2021, 29–33; Jessica Brandt et al., "Winning the Web: How Beijing Exploits Search Results to Shape Views of Xinjiang and COVID-19," Brookings Institution and German Marshall Fund of the United States, May 27, 2022, 36; Zhonghua Renmin Gongheguo Waijiaobu [PRC Ministry of Foreign Affairs] (@Chinawaijao), Twitter, accessed August 8, 2022; Zhang Meifang (@CGMeifangZhang), Twitter, accessed August 8, 2022; Jingjing Li (@Jingjing—Li), Twitter, accessed August 8, 2022; CCTV Chinese, (CCTV Zhongwen), Facebook, accessed August 8, 2022; CGTN, Facebook, accessed August 8, 2022; "Talk It Out with Li Jingjing," Facebook, accessed August 8, 2022;Tiktok News (@cgtn.Tiktok), TikTok, accessed August 8, 2022.

[118] Li Jingjing (@Jingjing—Li), Twitter, accessed August 8, 2022; Li Jingjing, "A Talk on AUKUS, the West's Propaganda Tactics, and Its Hybrid War on China with Vijay Prashad" [Video file], YouTube, September 23, 2021; "Li Jingjing," *CGTN,* accessed August 8, 2022; Li Jingjing, "Freedom for Muslims in Xinjiang—the Stories That Western Media Won't Show You" [Video file], YouTube, May 31, 2022.

[119] Li Jingjing, "Expose the West's Smear Campaign on China's Investments in Africa & Latin America & Asia" [Video file], YouTube, June 23, 2022; Li Jingjing, "I'm Being Targeted by the New York Times! Here's What I Want to Say . . ." [Video file], YouTube, December 14, 2021; Li Jingjing, "U.S.-Backed Smear Campaign Created 'Debt Trap' Narrative to Defame BRI," *CGTN,* June 27, 2022.

[120] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 19; China has signed but not ratified the ICCPR. United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed April 7, 2022.

[121] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 19.

[122] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 35.

[123] International Olympic Committee, city of Beijing, and Chinese Olympic Committee, *Host City Contract XXIV: Olympic Winter Games in 2022,* executed July 31, 2015, sec. IX(53)(i).

[124] Foreign Correspondents' Club of China (@fccchina), "1/ Statement on Olympic Coverage . . .," Twitter, November 2, 2021, 12:53 a.m.

[125] Vincent Ni, "Peng Shuai Retracts Sexual Assault Claims as Fears over Well-being Persist," *Guardian,* December 19, 2021.

[126] William Yang, "Chinese Tennis Star Peng Shuai's Interview Leaves Unanswered Questions," *Deutsche Welle,* February 8, 2022.

[127] "Chinese Official Drags Dutch Reporter Away during Live Olympics Report—Video," *Reuters* and *NOS,* reprinted in *Guardian,* February 5, 2022; Brendan Cole, "Reporter Covering Winter Olympics Dragged Away by Chinese Officials Live on Air," *Newsweek,* February 5, 2022.

[128] Patrick Fok (@PaddyFok), "Stopped by security at Wangfujing . . .," Twitter, February 6, 2022, 10:31 p.m.

[129] Liza Lin and Georgia Wells, "Pro-China Twitter Accounts Flood Hashtag Critical of Beijing Winter Olympics," *Wall Street Journal,* February 8, 2022.

[130] Tracy Qu, "Chinese Microblogging Service Weibo Deletes over 41,000 Posts for 'Creating Trouble' during Beijing Winter Olympics, Asks Users to Keep Calm When Commenting on the Games," *South China Morning Post,* February 9, 2022.

[131] Weilun Soon, "Chinese Translators Offered a Watered-Down Version of the Paralympic Committee President's Anti-War Speech during the Games' Opening Ceremony," *Business Insider,* March 7, 2022; "Paralympic Committee Asks Beijing Why Anti-War Speech Censored," *Agence-France Presse,* reprinted in *France 24,* March 5, 2022.

[132] Eva Dou, "China Warns Foreign Olympic Athletes Against Speaking Out on Politics at Winter Games," *Washington Post,* January 19, 2022.

[133] International Olympic Committee, Olympic Charter, in force August 8, 2021, rule 50(2); International Olympic Committee, "Rule 50.2 Guidelines—Olympic Winter Games Beijing 2022," November 2021, 2.

[134] Jeffrey Knockel, "Cross-Country Exposure Analysis of the MY2022 Olympics App," Citizen Lab, January 18, 2022.

[135] Sam Goodwin, "China Orders Athlete to Delete Photos in Ugly Winter Olympics Furore," *Yahoo! Sport Australia,* February 12, 2022.

[136] Shen Lu, "Eileen Gu Defends China's Internet Freedom. Her Message Is Censored," *Protocol,* February 10, 2022.

[137] For more information on Hu Jia, see the Commission's Political Prisoner Database record 2004-05295.

[138] "Beijing jiajin zhenya yiyi, jinggao Dong Ao Hui yundongyuan wei renquan fasheng hui you chengchu" [Beijing intensifies repression of dissent, warns Winter Olympic athletes there will be punishment for speaking out on human rights], *Voice of America,* February 1, 2022; Paul Mozur, Steven Lee Myers, and John Liu, "Ahead of Winter Olympics, Beijing Moves to Quash Dissent," *New York Times,* January 31, 2022.

[139] For more information on Xu Zhiyong, see the Commission's Political Prisoner Database record 2005-00199.

[140] Vincent Ni and Rhoda Kwan, "'This Is Not Justice': Chinese Activists Held for Two Years Await Trial," *Guardian,* February 1, 2022.

[141] "Beijing jiajin zhenya yiyi, jinggao Dong Ao Hui yundongyuan wei renquan fasheng hui you chengchu" [Beijing intensifies repression of dissent, warns Winter Olympic athletes there will be punishment for speaking out on human rights], *Voice of America,* February 1, 2022; Paul Mozur, Steven Lee Myers, and John Liu, "Ahead of Winter Olympics, Beijing Moves to Quash Dissent," *New York Times,* January 31, 2022.

[142] For more information on Gao Yu, see the Commission's Political Prisoner Database record 2004-05037.

[143] "Li Xianting and Zhang Yihe: Ai Weiwei Is a Creative Artist," *China Digital Times,* June 2, 2011; Michael Forsythe and Chris Buckley, "Journalist Missing ahead of Tiananmen Anniversary," *New York Times,* April 29, 2014; Ian Johnson, "'Ruling through Ritual': An Interview with Guo Yuhua," *New York Review of Books,* June 18, 2018; Chris Buckley, "Chinese Legal Maverick, Facing Political Gales, Bides His Time," *New York Times,* May 18, 2018.

[144] "Beijing jiajin zhenya yiyi, jinggao Dong Ao Hui yundongyuan wei renquan fasheng hui you chengchu" [Beijing intensifies repression of dissent, warns Winter Olympic athletes there will be punishment for speaking out on human rights], *Voice of America,* February 1, 2022; Paul Mozur, Steven Lee Myers, and John Liu, "Ahead of Winter Olympics, Beijing Moves to Quash Dissent," *New York Times,* January 31, 2022; "Winter Olympics: China Restricts Activists' Social Media ahead of Games," *Agence-France Presse,* reprinted in *South China Morning Post,* January 26, 2022.

[145] China Federation of Literary and Art Circles, "Zhongguo Wenxue Yishu Jie Lianhe Hui jianjie" [Introduction to the China Federation of Literary and Art Circles], accessed April 8, 2022; China Writers Association, "Zhongguo Zuojia Xiehui jianjie" [Introduction to the China Writers Association], June 12, 2009.

[146] "Xi Stresses Cultural Confidence at Major Conference of Artists, Writers," *Xinhua,* reprinted in State Council, December 15, 2021.

[147] "Xi Jinping: wenyi bu neng zai shichang jingji dachao zhong mishi fangxiang" [Xi Jinping: literature and art cannot lose its way in the tidal wave of the market economy], *Xinhua,* October 15, 2014.

[148] "Xi Stresses Cultural Confidence at Major Conference of Artists, Writers," *Xinhua,* reprinted in State Council, December 15, 2021.

[149] Ministry of Culture and Tourism, "Wenhua he Luyou Bu yinfa tongzhi bing zhaokai zuotanhui qiangdiao jinyibu jiaqiang wenyi gongzuozhe jiaoyu guanli he daode jianshe gongzuo" [Ministry of Culture and Tourism issues circular and convenes conference to emphasize further enhancing education management and moral construction work for literary and artistic workers], August 30, 2021.

[150] Central Propaganda Department, *Guanyu kaizhan wenyu lingyu zonghe zhili gongzuo de tongzhi* [Circular on launching literature and entertainment sector overall governance work], September 2, 2021; General Office of the National Radio and Television Administration, *Guanyu jinyibu jiaqiang wenyi jiemu ji qi renyuan guanli de tongzhi* [Circular on further enhancing management of literary and artistic programs and personnel], September 2, 2021; Ministry of Culture and Tourism, "Wenhua he Luyou Bu yinfa tongzhi bing zhaokai zuotanhui qiangdiao jinyibu jiaqiang wenyi gongzuozhe jiaoyu guanli he daode jianshe gongzuo" [Ministry of Culture and Tourism issues circular and convenes conference to emphasize further enhancing education management and moral construction work for literary and artistic workers], August 30, 2021.

[151] Steve Stecklow and Jeffrey Dastin, "Special Report: Amazon Partnered with China Propaganda Arm," *Reuters,* December 18, 2021.

[152] Shuai Zhang, "'Fight Club' Is Now Available to Stream (Legally) in China, but Wait Until You See How This Story Ends," *CBS News,* January 26, 2022; Mike Ives, "The End of 'Fight Club' Was Cut in China. The Pattern Goes Back Decades," *New York Times,* updated February 8, 2022.

[153] Mike Ives, "The End of 'Fight Club' Was Cut in China. The Pattern Goes Back Decades," *New York Times,* February 8, 2022; Shuai Zhang, "'Fight Club' Is Now Available to Stream (Legally) in China, but Wait until You See How This Story Ends," *CBS News,* January 26, 2022.

[154] "China's Tencent Restores Fight Club Ending after Backlash," *BBC,* February 7, 2022.

[155] Guan Cong, "In Depth: China's Game Studios Face Long March as Titles Languish Unapproved," *Caixin,* February 28, 2022.

[156] Eleanor Olcott, "Roblox to Rebuild China App after Going Offline," *Financial Times,* January 7, 2021; Eleanor Olcott, "Roblox's China Ambitions Risk Falling Flat," *Financial Times,* November 20, 2021.

[157] "China UGC Submission Checklist," Roblox, accessed April 8, 2022.

[158] Ministry of Culture and Tourism, "Wenhua he Luyou Bu yinfa tongzhi bing zhaokai zuotanhui qiangdiao jinyibu jiaqiang wenyi gongzuozhe jiaoyu guanli he daode jianshe gongzuo" [Ministry of Culture and Tourism issues circular and convenes conference to emphasize further enhancing education management and moral construction work for literary and artistic workers], August 30, 2021; General Office of the National Radio and Television Administration, *Guanyu jinyibu jiaqiang wenyi jiemu ji qi renyuan guanli de tongzhi* [Circular on further enhancing management of literary and artistic programs and personnel], September 2, 2021.

[159] "Beijing Shi Guangbo Dianshi Ju: quanmian jiaoting ouxiang yangchenglei wangzong, 'dangai' ticai wangluo yingshi ju" [Beijing Municipal Radio and Television Bureau: comprehensively end idol cultivation-style online entertainment, "boys love"-themed online movies], *CCTV,* January 7, 2022.

[160] "Chinese Sites Accused of Censoring LGBT Content from Friends," *BBC,* February 13, 2022; Patrick Brzeski, "'Friends' Re-Released in China, but LGBTQ Storylines Get Censored," *Hollywood Reporter,* February 14, 2022; Robert Burton-Bradley, "China's Censors Increasingly Play the Part of Morality Police with the Conservative Values of 1950's America, Experts Say," *South China Morning Post,* February 24, 2022.

[161] David Cowhig, "2022: Chinese Law Prof's Lament and Encouragement," *David Cowhig's Translation Blog,* January 29, 2022; Chris Buckley, "Defying China's Censors to Urge Beijing to Denounce Russia's War," *New York Times,* March 18, 2022. Authorities also censored analysts outside of academia for posting independent policy analysis publicly. See, e.g., Luna Sun, "Chinese Economist Ren Zeping Banned from Posting on Weibo after Comments on Financing Childbirth Stir Controversy," *South China Morning Post,* January 13, 2022; Simon Leplâtre, "China Censors Its Economists in the Name of Zero-Covid," *Le Monde,* May 5, 2022.

[162] Mimi Lau, "China Silences Trafficking Debate Sparked by 'Chained Woman' Scandal," *South China Morning Post,* February 22, 2022.

[163] Shen Lu, "A Report Detailed the Tech Gap between China and the U.S. Then It Disappeared," *Protocol,* February 9, 2022.
[164] Shen Lu, "A Report Detailed the Tech Gap between China and the U.S. Then It Disappeared," *Protocol,* February 9, 2022.
[165] David Bandurski, "University Press Creates Political Review Team," *China Media Project,* March 8, 2022.
[166] Board of Directors, Association for Asian Studies, "AAS Statement on Participation of PRC Scholars at AAS 2022 Annual Conference," March 29, 2022.
[167] Pola Lem, "Chinese Academics 'Pressured' into Conference Withdrawal," *Times Higher Education,* March 30, 2022.
[168] "Yisilan xueshu zao daya, Zhongguo xuezhe: minzu yanjiu fabiao bu liao" [Scholars of Islam oppressed, Chinese scholars: ethnic minority research can't get published], *Radio Free Asia,* February 24, 2022.
[169] Ministry of Education, "'Xi Jinping Xin Shidai Zhongguo Tese Shehui Zhuyi Sixiang Xuesheng duben' yu jinnian qiuji xueqi qi zai quanguo tongyi shiyong" ["Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era Textbook" will be used across the country beginning this fall semester], July 8, 2021; Shih-Wen Sue Chen and Sin Wen Lau, "Little Red Children and 'Grandpa Xi': China's School Textbooks Reflect the Rise of Xi Jinping's Personality Cult," *The Conversation,* November 22, 2021.
[170] Zhang Xin and Lin Huanxin, "Fahui peigen zhuhun de sixiang weili: 'Xi Jinping Xin Shidai Zhongguo Tese Shehuizhuyi Sixiang Jin Kecheng Jiaocai Zhinan' fabu" [Bring into play the ideological power of cultivating the roots and molding the soul: "Guide for Xi Jinping Thought on Socialism with Chinese Characteristics in the New Era Entering the Curriculum" released], *China Education Times,* reprinted in Ministry of Education, August 25, 2021.
[171] Zhang Xin and Lin Huanxin, "Fahui peigen zhuhun de sixiang weili: 'Xi Jinping Xin Shidai Zhongguo Tese Shehuizhuyi Sixiang Jin Kecheng Jiaocai Zhinan' fabu" [Bring into play the ideological power of cultivating the roots and molding the soul: "Guide for Xi Jinping Thought on Socialism with Chinese Characteristics in the New Era Entering the Curriculum" released], *China Education Times,* reprinted in Ministry of Education, August 25, 2021.
[172] Chinese Communist Party Central Committee General Office, *Guanyu Jianli Zhongxiao Xuexiao Dang Zuzhi Lingdao de Xiaozhang Fuze Zhi de Yijian (Shixing)* [Trial Opinion on Establishing a Head of School Responsibility System for Party Group Leadership in Primary and Secondary Schools], issued January 26, 2022, sec. 1, art. 1(1), sec. 2, art. 4.
[173] Mimi Lau, "Russia's War on Ukraine: China Schools Its Teachers with Classroom Guide to Beijing's Messaging," *South China Morning Post,* March 30, 2022.
[174] Ben Doherty, "'They Treat Me Like Dirt and Tortured Me': Australian Activist on Three Years in Chinese Prisons," *Guardian,* January 17, 2022. For more information on Yang Hengjun, see the Commission's Political Prisoner Database record 2019-00083.
[175] Zhang Chen, "Luo Changping qinhai yingxiong lieshi mingyu, rongyu ji xingshi fudai minshi gongyi susong yi an yi shen xuanpan" [Sentence announced in trial of first instance in the criminal case plus public interest civil suit for Luo Changping harming the reputation and honor of heroes and martyrs], *Legal Daily,* May 6, 2022; Chen Zifei and Hwang Chun-mei, "Chinese Journalist Sentenced in Hainan for Smearing Reputation of CCP Heroes," *Radio Free Asia,* May 6, 2022; Anthony Kuhn, "China's Few Investigative Journalists Face Increasing Challenges," *NPR,* August 6, 2017; "Luo Changping bei pizhun daibu" [Luo Changping's formal arrest approved], *People's Daily,* reprinted in *Sina,* October 22, 2021; "[Wang Weiluo zhuanfang] 'Changjin Hu' dianying de xujia yu Luo Changping de zhenshi (shipin)" [(Wang Weiluo exclusive interview) The falsehood of "Battle at Lake Changjin" and Luo Changping's truth (video)], *Vision Times,* October 28, 2021. For more information on Luo Changping, see the Commission's Political Prisoner Database record 2021-00515.
[176] "Luo Changping xingman chuyu shou le 18 jin" [Luo Changping released from prison after completing sentence, loses 9 kilograms], *Radio Free Asia,* May 8, 2022.
[177] "Chinese Activist Who Supported Apple Daily in Secret Trial for 'Subversion': Wife," *Radio Free Asia,* January 28, 2022; Linda Lew, "China Charges 'Ink Girl' Supporter with Subversion as Room for Dissent Narrows Further," *South China Morning Post,* August 1, 2021. For more information on Ou Biaofeng, see the Commission's Political Prisoner Database record 2021-00008. For more information on Dong Yaoqiong, see the Commission's Political Prisoner Database record 2018-00343.
[178] UN Human Rights Council Working Group on Arbitrary Detention, Opinion No. 54/2021 concerning Zhang Baocheng (China), A/HRC/WGAD/2021/54, February 16, 2022, paras. 5, 17, 67, 75, 82, 84. For more information about Zhang Baocheng, see the Commission's Political Prisoner Database record 2013-00132.
[179] "Bingzhong Zhang Qing huhuan zhangfu, Guo Feixiong qingqiu Li Keqiang fang ta chu guo" [Gravely ill Zhang Qing calls for husband, Guo Feixiong asks Li Keqiang to let him leave the country], *Radio Free Asia,* November 29, 2021; "Qizi Zhang Qing zai Mei shen huan juezheng lairi wuduo, Zhongguo weiquan renshi Guo Feixiong yu Li Keqiang fangxing tanshi" [With wife Zhang Qing terminally ill on death bed in the United States, Chinese human rights advocate Guo Feixiong calls on Li Keqiang to let him go see her], *Voice of America,* December 1, 2021; Rights Defense Network, "Guo Feixiong (Yang Maodong) jiashu shoudao Zhonggong dangju zhengshi daibu Guo Feixiong de tongzhishu" [Family of Guo Feixiong (Yang Maodong) receive notice of Guo Feixiong's formal arrest from Chinese Communist Party authorities], January 17, 2022. For more information on Guo Feixiong, see the Commission's Political Prisoner Database record 2005-00143.
[180] "China Rights Lawyer Held for 'Inciting State Subversion,'" *Agence France-Presse,* reprinted in *South China Morning Post,* January 19, 2022; Safeguard Defenders, "The Abrupted Video Call and Xie Yang's Detention," January 28, 2022; Rights Defense Network, "Hunan zhuming renquan lushi Xie Yang zao dangju qiangpo shizong" [Famous Hunan human rights lawyer Xie Yang forcibly disappeared by authorities], January 13, 2022; Rights Defense Net-

work, "Bei qiangpo shizong de Hunan renquan lushi Xie Yang yi zao xingshi juliu" [Forcibly disappeared Hunan human rights lawyer Xie Yang criminally detained], January 17, 2022. For more information on Xie Yang, see the Commission's Political Prisoner Database record 2015-00295.

[181] Chris Buckley, "Fury in China after an Outspoken Teacher Disappears," *New York Times,* December 23, 2021. For more information on Li Tiantian, see the Commission's Political Prisoner Database record 2022-00001.

[182] Rights Defense Network, "Yin yan huozui zao zhuabu de Shenzhen nianqing Jidutu Yan Zhihong de anqing tongbao" [Update on the case of young Shenzhen Christian Yan Zhihong, guilty for speaking out and detained], May 13, 2022. For more information on Yan Zhihong, see the Commission's Political Prisoner Database record 2022-00128.

[183] Civil Rights & Livelihood Watch, "Ding Yan zhixin Xi Jinping bei songru jingshenbing yuan" [Ding Yan sends letter to Xi Jinping regarding her being forcibly committed to a psychiatric institution], June 8, 2022; Rights Defense Network, "Bei Zhonggong dangju qiangzhi song jingshenbing yuan de Jiangsu Nanjing nu renquan hanweizhe Ding Yan de jianli" [Bio of Nanjing, Jiangsu women's human rights defender Ding Yan, who was forcibly committed to a psychiatric institution by Chinese Communist Party authorities], June 11, 2022. For more information on Ding Yan, see the Commission's Political Prisoner Database record 2022-00126.

CIVIL SOCIETY

Findings

- During this reporting year, People's Republic of China (PRC) authorities continued to restrict the already limited space for autonomous civil society and public participation, using regulations and harassment to suppress advocacy, expression, and assembly by unregistered religious groups, "illegal social organizations," human rights defenders, and groups promoting labor rights, women's rights, and the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) people.
- The Ministry of Civil Affairs released its first-ever Five-Year Plan for the Development of Social Organizations (FYP). While the FYP authorizes "social organizations" to expand in the areas of social welfare and service provision, it constitutes "a grim blueprint for the [non-profit] sector's development over the next five years," according to an international expert.
- The government continued to constrain foreign non-governmental organization (NGO) activity under the 2017 PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China (Foreign NGO Law). Freedom House observed that some foreign NGOs have decided to de-register due to the heavy annual administrative burdens imposed by the law. Five years into the implementation of the Foreign NGO Law, the space for universities and research institutions to work with foreign NGOs has been severely curtailed.
- In June 2022, authorities tried China Citizens Movement organizers and rights defenders **Ding Jiaxi** and **Xu Zhiyong** in closed-door trials for "subversion of state power." They have been held for over two years in connection with a private gathering of civil society advocates and scholars in December 2019. Public security officials also continued to hold in detention feminist and labor rights advocate **Li Qiaochu,** after she revealed that authorities had tortured Xu, and charged her with "inciting subversion of state power."
- Online platforms for civil society organizing and expression were shut down, censored, subjected to pressure, and their individual users harassed in an ongoing effort to deprive civil society movements of space and resources.
- The LGBTQ community in China continued to face many challenges—including persistent stigma, widespread discrimination, and harassment. Chinese government authorities increased restrictions on LGBTQ advocacy and organizing, as they have done with other advocacy groups. Chinese law neither recognizes same-sex marriage nor otherwise protects same-sex relationships.
- The Chinese government has signaled a shift toward an emphasis on traditional gender roles and family structures and Chinese authorities intensified their censorship of LGBTQ-related media and squeezed the online advocacy space, causing once thriving organizations to shutter their operations after many years.

- In July 2021, LGBTQ groups at several Chinese universities were shut down. In August 2021, administrative officials at Shanghai University circulated surveys asking LGBTQ people to self-identify with no explanation as to what would be done with the information.
- In April 2022, the National Health Commission revised guidelines directly affecting the transgender community in what observers believe is an effort to comply with international standards. Additionally, in November 2021, the National Children's Medical Center and Children's Hospital of Fudan University in Shanghai municipality opened China's first child and youth transgender clinic, aimed at providing children and youth with mental health and other healthcare resources.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Call on the Chinese government to release civil society advocates and staffers, in particular veteran human rights defenders **Xu Zhiyong, Ding Jiaxi,** and **Chang Weiping,** feminist and labor rights advocate **Li Qiaochu,** journalist and gender rights advocate **Sophia Huang Xueqin,** labor rights advocate **Wang Jianbing,** and other civil society and rights advocates detained for peacefully exercising their human rights, especially their rights to freedom of expression, assembly, and association, guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
- ○ Encourage the Chinese government to revise its regulatory framework for civil society organizations, including the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China and the PRC Charity Law, to conform with international human rights standards regarding freedom of association, assembly, and expression.
- ○ Urge the Chinese government to abide by its international legal obligations with respect to Chinese citizens' freedom of association, assembly, and expression and cease the unlawful harassment and arbitrary detention of civil society advocates and the closing of civil society organizations and online accounts of advocates.
- ○ Continue to fund, monitor, and support programs globally that promote human rights, democracy, and the rule of law in mainland China and Hong Kong.
- ○ Facilitate the participation of Chinese civil society advocates and human rights defenders in relevant international forums. Work with U.S. allies and partners to counter PRC efforts to block civil society groups from obtaining consultative status at the United Nations. Support non-profit leadership and advocacy trainings for Chinese, Hong Kong, Tibetan, and Uyghur advocates who are now living outside of China and convene a periodic summit of stakeholders regarding the path forward for Chinese civil society, offline and online.

Civil Society

- Urge the Chinese government to cooperate with the UN Committee on the Elimination of Discrimination against Women, with respect to recommendations within the Committee's mandate, in advance of a review of China's compliance with the human rights treaty within its remit. Specifically, urge the Chinese government to provide timely information regarding the List of Issues raised by various non-governmental organizations.
- Encourage the Chinese government to provide information about detailed measures taken to adopt comprehensive anti-discrimination legislation that protects LGBTQ people, among other groups, including protections under the PRC Anti-Domestic Violence Law.
- Continue funding, oversight, and evaluation of foreign assistance programs in China that support human rights advocacy, including for LGBTQ rights, as part of civil society programming. Ensure sufficient funding to support foreign assistance programs and consider boosting funding for programs outside of China that focus on rights advocacy, capacity building, and leadership training for Chinese lawyers and human rights advocates, including those who work with the LGBTQ community in China.
- Continue to arrange events at the UN Human Rights Council in Geneva and at UN Headquarters in New York on a variety of human rights violations, including violations of LGBTQ rights.

CIVIL SOCIETY

Introduction

PRC authorities have sought to deploy domestic civil society organizations to bolster community-level capacity and provide social welfare services for Chinese citizens where government reach is limited. The release in October 2021 of a five-year policy plan on the development of "social organizations"—the government's term for civil society organizations—illustrates the PRC's intent to better resource approved social organizations,[1] while ensuring that these groups follow the leadership of the Chinese Communist Party and adhere to government regulations and supervision.[2] Additionally, authorities have exerted pressure on tech and e-commerce entrepreneurs to make large charitable contributions to support state-run development priorities.[3] In contrast to the official plan to expand civil society capacity to support Party and state-designated needs, authorities have shown little tolerance for non-governmental organizations (NGOs) and advocates that prioritize rights protection, political participation, and expression. The new five-year plan builds on previous official crackdowns and state-led campaigns, constituting "a grim blueprint for the [non-profit] sector's development over the next five years," according to an expert on Chinese civil society.[4] Moreover, the Chinese government has also spearheaded opposition to the participation of international civil society at the United Nations in a coordinated effort to undermine multilateral UN human rights mechanisms and promote a concept of human rights focused on development and poverty alleviation rather than civil and political rights.

The 14th Five-Year Plan for the Development of Social Organizations

In an effort to channel civil society activity into areas that PRC officials have designated as beneficial, the Ministry of Civil Affairs (MCA) in October 2021 released the 14th Five-Year Plan for the Development of Social Organizations (FYP),[5] the "first of its kind" for social organizations.[6] In the past, five-year plans have been used by the government primarily for centralized economic planning.[7] Among the FYP's key priorities are the following:

- **Building capacity for social organizations.** To develop social organizations' ability to support local governments by providing select community services,[8] the FYP directs civil affairs bureaus to resource local "community social organizations" with funding, policy tools, and human capital.[9] It also instructs them to help social organizations cultivate expertise in their service areas by improving their management, digital, and technical skills, and by developing more competitive branding and marketing.[10]
- **Comprehensively integrating Party-building within social organizations.** Party-building aims to increase the number of Party members and strengthen Party presence within an organization, increasing the likelihood that decision-making is influenced by Party priorities.[11] The FYP specifies that political criteria should be included in official evaluations

of social organizations' performance,[12] further codifying a trend toward centralizing the Party's role in social organizations by linking access to government contracts with Party-building.[13]

- **Bolstering administrative, legal, and enforcement mechanisms for the social organization sector.** The FYP seeks to "raise the threshold for entry" for social organizations by more closely supervising and standardizing the registration processes by which organizations are approved for legal status.[14] It also strengthens law enforcement within the social organization sector by "streamlining channels for reporting" on social organizations; monitoring the sector for "illegal social organizations"; promoting a system for investigating and punishing reported illegal activity by social organizations; and "raising the cost" of such violations.[15]
- **Conducting robust supervision of social organizations.** Along with the MCA, the FYP tasks Professional Supervisory Units (government agencies or departments that serve as sponsors for some social organizations[16]), Party groups within organizations, law enforcement agencies, and others with monitoring and guiding social organizations' political, administrative, disciplinary, social, and financial activities.[17]
- **Guiding social organizations to serve PRC development goals.** The FYP directs the work of social organizations toward national strategic initiatives, such as rural revitalization and addressing challenges associated with China's aging population; regional development projects, such as those centered on the Yangtze and Yellow River deltas; and international initiatives, including promoting China's involvement in global governance.[18]

The FYP and other regulatory and policy documents issued since at least 2016 stress the "healthy" development of the social organization sector, including the need to make a distinction between national and community organizations.[19] For example, the FYP reiterates the provision in the revised Regulations on the Registration and Management of Social Organizations that "strictly control[s]" the use of "China," "Chinese," "world," or "international" in organization names.[20] Local "community social organizations" are directed to participate with "social workers" and "volunteers" "in community governance, offer social services, . . . [to] resolve community contradictions, and promote community harmony."[21] Some civil society experts have characterized the Chinese government's close oversight of civil society groups coupled with efforts to direct such groups to serve state objectives as "corporatist" rather than as constituting independent civil society.[22]

In a speech delivered at the 2022 nationwide teleconference on social organization registration and management work, MCA Vice Minister Zhan Chengfu provided an authoritative interpretation of the FYP and its implications for social organization management in 2022, and highlighted areas where social organization activity would be welcome.[23] Zhan said that social organization work should focus on sectors such as employment, social service and welfare provision, rural revitalization, Tibet, "Xinjiang Aid" (an initiative directed by the central government that has been associated with forced labor[24]), care for the elderly and disabled, and early

childhood education, most of these pertaining to either existing government campaigns or priority areas.[25] In addition to identifying preferred sectors, Zhan reiterated the importance of Party-building, localization, and supervision of social organizations, stating that MCA social organization management should "weave a tight web for social organization supervision."[26] The FYP and Zhan's interpretation reflect what one expert described as an "official preference for more direct control over the activities of civil society organizations in China."[27]

Foreign NGO Activity in China

During the Commission's 2022 reporting year, the government continued to constrain foreign non-governmental organization (NGO) activity in China by imposing requirements under the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China (Foreign NGO Law), which is supervised by the Ministry of Public Security (MPS).[28] International experts have reported that foreign NGOs have experienced difficulty registering, maintaining registration, and operating freely under the law.[29] According to a 2022 Freedom House report, "the number of foreign NGOs that choose to deregister rather than attempt to comply with the law has increased each year" since the law's 2017 implementation.[30] One international advocacy organization noted that suppression of foreign NGO activity continued to reflect China's fraught relationship with the international community.[31]

The PRC has maintained space—however limited—for some foreign NGO activity. ChinaFile's China NGO Project has documented the Chinese government's tolerance for foreign NGO activity in preferred sectors, mirroring its approach to civil society more broadly.[32] Trade and industry, education, health, and poverty alleviation are among the sectors with the highest number of registered foreign NGOs, while the government has limited registration in more sensitive sectors including LGBTQ rights, religion and ethnic affairs, human rights advocacy, and media groups.[33] While ChinaFile data showed that foreign NGO-supported projects in the education sector continued to receive approval, the space for universities and research institutions to work with foreign NGOs has been severely curtailed despite a "carve-out" in the law to protect scholarly exchange.[34]

NGOs working in sectors with less operational latitude in mainland China have traditionally maintained a base in Hong Kong, but the enactment of the 2020 National Security Law (NSL) led many NGOs to depart.[35] On October 25, 2021, Amnesty International announced that it would be closing its local and regional offices in Hong Kong, saying that the NSL made it "effectively impossible" for human rights organizations to work "freely and without fear of serious reprisals."[36] Amnesty based its China-focused efforts out of its office in Hong Kong—a common practice for international human rights NGOs—and the move will leave the organization "without a presence on Chinese soil" for the first time in 40 years.[37] Party-run media outlet Global Times called Amnesty's departure a "fresh beginning," citing anonymous "experts" who observed that under the NSL "there is no room for such NGOs with

the intention of subverting power through Western values."[38] [For more information on the suppression of civil society in Hong Kong, see Section XI—Hong Kong and Macau.]

Stifling Civil Society at the United Nations

The Chinese government has continued to exert pressure on civil society organizations and deter civil society advocacy at the United Nations, where it has sought to shift discourse around human rights to focus on development rather than on civil or political rights.[39] PRC country representatives have blocked civil society groups from being granted consultative status.[40] According to one expert, these coordinated efforts to bar groups from participating in UN mechanisms are aimed at both asserting China's claims of territorial sovereignty and also at stifling contributions from groups engaged in human rights and advocacy work.[41] PRC diplomats have effectively stalled the applications of civil society groups for consultative status, at times reportedly by "comb[ing] through NGO materials for references to Taiwan and Tibet, and activities that [the Chinese government] may find objectionable."[42] One study found that "964 NGOs with applications . . . were deferred at least once . . . and in 25 percent of those instances, a question from the PRC caused the deferral."[43] Moreover, the PRC, through its role on the UN Economic and Social Council, has worked to facilitate the involvement of China's own government-organized non-governmental organizations (GONGOs).[44] As of July 2021, of the 75 "accredited NGOs from mainland China, Hong Kong and Macau operating in UN spaces," at least 34 were GONGOs.[45] Several observers have expressed concerns that such activity represents a coordinated effort to undermine UN mechanisms intended to protect and uphold international human rights.[46]

Government Suppression of Civil Society

This past year, the PRC continued to suppress human rights advocacy, civil society activity, and unregistered churches and organizations—through arbitrary detention, arrest, surveillance, and other means. Such actions violated international standards on freedom of speech, association, and assembly in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and contravened China's Constitution, which provides for freedom of speech, assembly, association, and demonstration.[47] Official suppression included the following representative examples:

- **China Citizens Movement advocates.** Authorities continued to attack the civic participation and advocacy network China Citizens Movement (CCM, formerly the New Citizens' Movement[48]), promoted by rights defenders **Xu Zhiyong** and **Ding Jiaxi.**[49] The CCM, which "attempted to popularize a new form of civic engagement," was loosely constituted in order to bypass official repression and held open gatherings focused on cultivating participants' identity as citizens.[50] On August 5, 2021, authorities in Linyi municipality, Shandong province, indicted Xu and Ding on the charge of "subversion of state power," specifically citing their work for CCM, which included

holding a CCM-organized gathering in Fujian province in December 2019.[51] Authorities also detained lawyer **Chang Weiping** in connection with the 2019 event, charging him with "subversion of state power."[52] In June 2022, the Linshu County People's Court in Linyi reportedly tried Xu Zhiyong and Ding Jiaxi in secret, barring family members from attending and preventing their lawyers from speaking under threat of disbarment.[53] As of June 2022, no verdicts had been announced.[54] In February 2022, the Linyi People's Procuratorate indicted Xu's fiancée, **Li Qiaochu,** a feminist and labor rights advocate, with "inciting subversion of state power" for her advocacy on behalf of Xu Zhiyong and Ding Jiaxi.[55]

• **Guangzhou-based labor and women's rights advocates.** On September 19, 2021, Guangzhou municipality, Guangdong province authorities took journalist and gender rights advocate **Sophia Huang Xueqin** and labor rights advocate **Wang Jianbing** into custody.[56] Authorities placed Huang and Wang under "residential surveillance at a designated location," a form of incommunicado detention that can last up to six months, restricts access to counsel, and places detainees at risk of abuse by authorities.[57] Officials charged Huang and Wang with "inciting subversion of state power," presumably for private gatherings held at Wang's residence.[58]

• **Protestant Christian church pastors and elders.** During this reporting year, Chinese authorities used "fraud" charges to hold, charge, or sentence multiple leaders of unregistered Protestant Christian churches, effectively criminalizing churches' offering-based funding structures.[59] Prominent leaders charged include church elder **Zhang Chunlei,** whom authorities continued to detain on suspicion of "inciting subversion of state power" after initially arresting Zhang for "fraud";[60] pastor **Hao Zhiwei,** whom authorities sentenced to eight years in prison for "fraud" in February 2022;[61] and pastors **Yang Rongli** and **Wang Xiaoguang,** who were indicted on "fraud" charges in December 2021.[62] [For more information on violations of Protestant leaders' religious freedom, see Section III—Freedom of Religion.]

• **Digital censorship.** Chinese authorities engaged in repression of online organizing during this reporting year. Multiple online platforms for civil society organizing and expression were shut down, directly or indirectly, as a result of official pressure.[63] These included a women's labor website,[64] likely in connection with a wave of shutdowns of feminist social media accounts by Weibo earlier in 2021 for alleged content violations,[65] and a number of LGBTQ social media accounts, also for alleged content violations.[66] In addition, official media targeted the Great Translation Movement, a decentralized international network that has worked to expose misinformation about the war in Ukraine, which Chinese officials have allowed to proliferate on the internet.[67] Party-run media outlet Global Times published articles in March and April 2022 that condemned the group, characterizing participants as "those unfriendly or even hostile toward China with the simple purpose of creating more waves of anti-China sentiment" and accused

it of attacking the Chinese government and conducting "public opinion and psychological warfare."[68]

Philanthropy and Charitable Giving

PRC authorities have urged wealthy Chinese, especially technology and e-commerce entrepreneurs, to increase charitable giving as part of Xi Jinping's "common prosperity" program targeting economic inequality.[69] In August 2021, Xi gave a speech at a meeting of the Party's Central Financial and Economic Affairs Commission where he stated that high income groups and businesses should be encouraged to contribute more to society.[70] Several of China's most prominent executives publicly pledged to make significant contributions to charitable foundations (*jijinhui,* one of three types of "social organization" regulated by the government) and private trusts, or directly to causes associated with government priorities, with some donations announced in the days and weeks following Xi's speech.[71] According to one observer, these donations corresponded with an ongoing crackdown on the technology and e-commerce sectors.[72] Moreover, one reporter observed that wealthy individuals could use donations as a "grand public gesture to signal that their priorities are aligned with the ruling party's" in an attempt to avoid being targeted by authorities.[73] Experts commented that corporations and individuals largely directed funds toward state-linked initiatives and government-organized non-governmental organizations (GONGOs), thus bypassing grassroots NGOs and undercutting civil society and independent organizations.[74]

Status of LGBTQ Persons

Chinese government authorities continued to censor and suppress efforts by rights defenders and advocacy groups in the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community.[75] Estimates indicate that China is home to the world's largest LGBTQ population, with around 70 million people identifying as belonging to the LGBTQ community.[76] Members of the LGBTQ community continue to face legal and societal discrimination and lack formal protection against discrimination under Chinese law.[77] In advance of the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) review, which China was initially scheduled for in October 2022, one LGBTQ organization pointed out the PRC government's obligations to provide comprehensive anti-discrimination protections under Article 2, Recommendation 28.[78] China has not enacted anti-discrimination legislation to protect the rights of sexual and gender minorities despite having agreed to the UN Human Rights Council Working Group's recommendation that China adopt legislation within one year of their 2018 Universal Periodic Review.[79]

Although societal attitudes in China toward some LGBTQ issues are trending toward more acceptance, reporting indicates a decline in government and institutional support of LGBTQ organizations and rights.[80] Those in the LGBTQ community continued to face widespread discrimination,[81] inadequate legal protections,[82] and harassment.[83] Advocates for the LGBTQ community continued to bring challenges through the legal system to effect change for LGBTQ persons in China.[84]

Status of LGBTQ Persons—Continued

Stigmatization and Declining Acceptance

LGBTQ-identifying people continued to face discrimination and violence[85] in their families, schools, employment, health care institutions, and public settings.[86] In a November 2021 Williams Institute report, scholar Andrew Flores concluded that China's acceptance of LGBTQ people and rights "appears lower in 2020 than in 1990,"[87] echoing similar sentiments from LGBTQ advocates.[88] Commentary from officials and state-sponsored media outlets continued to promote stereotyping and stigmatization of those in the community.[89] In response to a journalist inquiring about LGBTQ representation on China's 2022 Beijing Winter Olympic team, the head of the 2022 Beijing Athletes' Commission reportedly said that they "welcome the representation of different groups of people."[90] The continued crackdown on the LGBTQ community, however, raised concerns about the promotion of inclusivity and diversity promised at the Olympic Games.[91] Some observers noted that athletes cited pressure from statements by Chinese officials, International Olympic Committee officials and coaches as reasons for not making public statements on sensitive issues like LGBTQ representation.[92]

On September 2, 2021, China's National Radio and Television Administration announced a ban on the broadcast of "sissy men" as part of a broader campaign of the government's tightening of the entertainment and technology sectors and emphasis on traditional gender roles.[93] Additionally, Chinese regulatory authorities continued to censor LGBTQ-related content in popular media,[94] including the American sitcom "Friends," where viewers had discovered LGBTQ references were removed from major story lines.[95] Some experts have noted that recent calls for the "de-feminization"[96] of male adolescents and government crackdowns in the technology and media sectors have had an adverse effect on marginalized communities such as the LGBTQ.[97]

Regulatory activity by Chinese authorities indicate direct disapproval of those in the LGBTQ community.[98] The South China Morning Post reported in September 2021 that the state-backed National Press and Publication Administration issued new internal guidelines on video game content, which may make obtaining official approval more difficult for video games containing content that includes same-sex relationships, characters of ambiguous gender, and "effeminate males."[99] [For more information, see Section III—Freedom of Expression.]

Suppression of the LGBTQ Community

This past year, the space for LGBTQ people and groups to gather online and in person continued to deteriorate.[100]

- In July 2021, social media platform WeChat deleted more than a dozen accounts run by university students and others with LGBTQ-related content.[101] Many accounts reported being "[in] violation" of internet regulations and saw prior posts and usernames deleted from the platform.[102]

Status of LGBTQ Persons—Continued

- In August 2021, students at Shanghai University reported that school officials were circulating a survey to identify LGBTQ and any "non-heterosexual" persons.[103] The survey reportedly included demands for information on students' "ideological positions" and "psychological conditions."[104] It was unclear how the information would be used.[105]
- According to an August 2021 report, as early as March 2021, users of the Chinese social media platform QQ began reporting censorship of LGBTQ-related terms such as "gay," "lesbian," and "LGBTQ," with some receiving a content warning indicating that their search was "harmful."[106] After the publication of the story, QQ reportedly resumed allowing LGBTQ-related usernames but continued to censor and show no results for group chats that use LGBTQ-related terms.[107]
- In February 2022, OutRight Action International, an LGBTQ rights advocacy NGO, described the ongoing and coordinated effort to target LGBTQ organizations and people by official Chinese entities as "unprecedented."[108] Since 2016, Chinese authorities have been issuing restrictions on the depiction of LGBTQ-related content in television, film, and online, and have canceled LGBTQ-themed events and purged LGBTQ content online.[109]

In response to persistent censorship[110] and the difficulty of operating in conformity with official government regulations,[111] LGBTQ advocacy groups have become increasingly inactive.[112] Some organizations in the community reportedly have decided to rebrand and refocus their efforts in order to remain operational.[113]

In November 2021, Guangzhou-based LGBTQ legal advocacy organization LGBT Rights Advocacy China declared that it would be suspending all activities indefinitely, providing further evidence of the shrinking space for LGBTQ advocacy.[114] While the organization did not specifically cite reasons behind its sudden closure, the group changed its name at least once in the hope that its work would be less of a target for Chinese authorities amid the crackdown on non-governmental groups.[115] The influential advocacy group had been responsible for a number of high-profile legal challenges aimed at acquiring greater rights for the LGBTQ community.[116]

Developments Impacting the Transgender Community

In April 2022, Chinese authorities signaled a change in the treatment of transgender people when the National Health Commission updated transgender diagnosis language and requirements for gender reassignment surgery (GRS).[117] Among the changes were the addition of "gender dysphoria" (*xingbie jiaolu*) and "gender incongruence" (*xingbie buyizhi*) as diagnostic labels, in keeping with international diagnosis standards.[118] The National Health Commission also lowered the age for gender reassignment surgery from 20 to 18 and removed a requirement that individuals obtain two irreversible surgeries before changing identity documents.[119]

Status of LGBTQ Persons—Continued
In November 2021, the National Children's Medical Center and Children's Hospital of Fudan University in Shanghai municipality opened China's first child and youth transgender clinic.[120] The multidisciplinary outpatient clinic reportedly aims to combine "professional assessment, diagnosis, psychotherapy and necessary drug intervention by multidisciplinary doctors" in order to improve children and youths' family relations, academic performance, and broader societal interactions.[121]

Notes to Section III—Civil Society

[1] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(6–8).

[2] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(1, 3–5, 8).

[3] "Xi Jinping zhuchi zhaokai zhongyang caijing weiyuanhui dishi ci huiyi qiangdiao zai gaozhiliang fazhan zhong cujin gongtong fuyu tongchou zuo hao zhongda jinrong fengxian fangfan huajie gongzuo Li Keqiang Wang Yang, Wang Huning, Han Zheng chuxi" [Presiding over the convocation of the tenth meeting of the Central Financial and Economic Affairs Commission, Xi Jinping emphasized promoting common prosperity amid high-quality development, forestalling major financial risks; Li Keqiang, Wang Yang, Wang Huning, and Han Zheng participated] *Xinhua,* August 17, 2021; Tom Mitchell and Sun Yu, "China's Xi Calls for Wealth Redistribution and Clampdown on High Incomes," *Financial Times,* August 18, 2021; Yvonne Lau, "China's Big Tech Billionaires Up Philanthropic Giving as Beijing Cracks Down," *Fortune,* August 6, 2021; Edward White, Tom Mitchell, Sun Yu et al., "Jack Ma and the Chinese Tech Titans' Mission to Give Away Billions," *Financial Times,* August 29, 2021.

[4] Shawn Shieh, "The 14th Five Year Plan for Social Organizations and the Future of Civil Society in China," *NGOs in China* (blog), January 4, 2022.

[5] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021.

[6] Shawn Shieh, "The 14th Five Year Plan for Social Organizations and the Future of Civil Society in China," *NGOs in China* (blog), January 4, 2022.

[7] "What Is China's Five-Year Plan?," *Economist,* March 4, 2021; Qun Wang, "14th Five-Year Plan for Social Organization Development: China's Nonprofit Sector in Transition," *Nonprofit Policy Forum,* June 13, 2022, 1–2.

[8] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(7).

[9] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(8).

[10] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(6).

[11] Holly Snape and Weinan Wang, "Finding a Place for the Party: Debunking the 'Party-State' and Rethinking the State-Society Relationship in China's One-Party System," *Journal of Chinese Governance* 5, no. 4 (2019): 477–502.

[12] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(1).

[13] Ge Xin and Jie Huang, "Party Building in an Unlikely Place," *Journal of Contemporary China* 31, no. 135 (2022): 13. In one study, researchers found that by giving more weight to Party-building in the government's evaluative criteria for rating organizations, social organizations were incentivized to develop and cultivate Party groups within their organizations in order to secure a favorable rating from local authorities. Organizations with higher ratings were more likely to secure government-funded contracts.

[14] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(3).

[15] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(4).

[16] International Center for Not-For-Profit Law, *China Philanthropy Law Report,* updated May 2021, 18–20.

[17] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(4–5). See also Shawn Shieh, "The 14th Five Year Plan for Social Organizations and the Future of Civil Society in China," *NGOs in China* (blog), January 4, 2022.

[18] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(8).

[19] Chinese Communist Party Central Committee General Office and State Council General Office, *Guanyu Gaige Shehui Zuzhi Guanli Zhidu Shehui Zuzhi Jiankang Youxu Fazhan de Yijian* [Opinion on the Reform of the Social Organization Management System and Promotion of the Healthy and Well-Ordered Development of Social Organizations], issued August 21, 2016, sec. 5(3). In 2021 the MCA issued the "Circular on Eliminating the Breeding Grounds for Illegal Social Organizations and Cleansing the Ecological Space for Social Organizations," which specifically targeted organizations' use of language denoting national scope. For prior coverage, see CECC, *2021 Annual Report,* March 2022, 231.

[20] Ministry of Civil Affairs, *Shehui Tuanti Dengji Guanli Tiaoli* [Regulations on the Registration and Management of Social Organizations], issued October 25, 1998, revised February 6, 2016, art. 10; Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], October 8, 2021, sec. 3(3). Organization names using "China" or "nation" are generally reserved for Party-run "mass organizations," which use the prefix "All-China," such as the All-China Women's Federation and the All-China Federation of Trade Unions. Professional organizations like the All China Lawyers Association and the All China Writers Association are similarly permitted to use "All China" in their organizational names.

[21] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], October 8, 2021, sec. 3(8).

[22] Sara Newland, "Innovators and Implementers: The Multilevel Politics of Civil Society Governance in Rural China," *China Quarterly* 233 (March 1, 2018): 26; Lawrence Deane, "Will There Be a Civil Society in the Xi Jinping Era? Advocacy and Non-Profit Organising in the New Regime," *Made in China Journal* 6, no. 1 (January–March 2021): 125. For a discussion of

corporatism in the Chinese context, see Jennifer Hsu and Reza Hasmath, "The Local Corporatist State and NGO Relations in China," *Journal of Contemporary China* 23 (2014): 517; Shawn Shieh, "Remaking China's Civil Society in the Xi Jinping Era," *ChinaFile,* Asia Society, August 2, 2018. Shieh does not use the term "corporatist," but describes a corporatist process wherein the state establishes regulatory mechanisms for the approval of civil society organizations, providing legal space for them to operate, but then requires them to further Party and government policy goals and refrain from activities deemed threatening, thus effectively coopting these organizations.

[23] China Social Organization News (@chinapogov), "Zhan Chengfu zai 2022 nian Quanguo Shehui Zuzhi Dengji Guanli Gongzuo Dianshi Dianhua Huiyi shang fabiao jianghua: tigao zhanwei fuwu daju yi youyi chengji yingjie dang de ershi da shengli zhaokai" [At the 2022 Nationwide Teleconference on Social Organization Registration and Management Work, Zhan Chengfu delivered a speech: improve our position, serve the greater good, and welcome the successful convening of the 20th Party Congress with outstanding achievements], WeChat post, January 29, 2022, 3:56 a.m.

[24] Vicky Xiuzhong Xu, Danielle Cave, James Leibold, et al., "Uyghurs for Sale: 'Reeducation,' Forced Labour and Surveillance beyond Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020; Amy K. Lehr and Mariefaye Bechrakis, "Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Supply Chains," Center for Strategic and International Studies, October 2019, 9–10, Annex 3; Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019).

[25] China Social Organization News (@chinapogov), "Zhan Chengfu zai 2022 nian Quanguo Shehui Zuzhi Dengji Guanli Gongzuo Dianshi Dianhua Huiyi shang fabiao jianghua: tigao zhanwei fuwu daju yi youyi chengji yingjie dang de ershi da shengli zhaokai" [At the 2022 Nationwide Teleconference on Social Organization Registration and Management Work, Zhan Chengfu delivered a speech: improve our Position, serve the greater good, and welcome the successful convening of the 20th Party Congress with outstanding achievements], WeChat post, January 29, 2022, 3:56 a.m.

[26] China Social Organization News (@chinapogov), "Zhan Chengfu zai 2022 nian Quanguo Shehui Zuzhi Dengli Guanli Gongzuo Dianshi Dianhua Huiyi shang fabiao jianghua: tigao zhanwei fuwu daju yi youyi chengji yingjie dang de ershi da shengli zhaokai" [At the 2022 Nationwide Teleconference on Social Organization Registration and Management Work, Zhan Chengfu delivered a speech: improve our position, serve the greater good, and welcome the successful convening of the 20th Party Congress with outstanding achievements], WeChat post, January 29, 2022, 3:56 a.m.

[27] "Elizabeth Plantan on Opportunities and Constraints for Civil Society in China," *Communiqué Magazine,* Ash Center for Democratic Governance and Innovation, Harvard Kennedy School, December 8, 2021.

[28] *Zhonghua Renmin Gongheguo Jingwai Feizhengfu Zuzhi Jingnei Huodong Guanli Fa* [PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China], passed April 28, 2016, effective January 1, 2017; Office of the UN High Commissioner for Human Rights, "China: Newly Adopted Foreign NGO Law Should Be Repealed, UN Experts Urge," May 3, 2016.

[29] International Center for Not-For-Profit Law, *China Philanthropy Law Report,* updated May 2021, 18–20; Heike Holbig and Bertram Lang, "China's Overseas NGO Law and the Future of International Civil Society," *Journal of Contemporary Asia,* September 8, 2021, 15, 20; Mark Sidel and Ming Hu, "Party, State, Civil Society and Covid-19 in China," *Nonprofit Policy Forum* 12, no. 1 (January 2021): 207.

[30] Freedom House, "China," in *Freedom in the World 2022,* February 2022. See also CECC, *2021 Annual Report,* March 2022, 232.

[31] International Center for Not-For-Profit Law, "Barriers to International Contact," Civic Freedom Monitor: China, updated May 16, 2022, 18–20.

[32] "Elizabeth Plantan on Opportunities and Constraints for Civil Society in China," *Communiqué Magazine,* Ash Center for Democratic Governance and Innovation, Harvard Kennedy School, December 8, 2021; Diana Fu and Emile Dirks, "Xi Jinping-Style Control and Civil Society Responses," *China Leadership Monitor* 69 (September 1, 2021); Berthold Kuhn, "Changing Spaces for Civil Society Organisations in China," *Open Journal of Political Science* 8 (2018): 484; Jessica Batke, "Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities," China NGO Project, *ChinaFile,* Asia Society, May 31, 2022.

[33] Jessica Batke, "Visually Understanding the Data on Foreign NGO Representative Offices and Temporary Activities," China NGO Project, *ChinaFile,* Asia Society, May 31, 2022.

[34] *Zhonghua Renmin Gongheguo Jingwai Feizhengfu Zuzhi Jingnei Huodong Guanli Fa* [PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China], passed April 28, 2016, effective January 1, 2017, art. 53; Mark Sidel, "Securitizing Overseas Nonprofit Work in China," *USALI Perspectives* 2, no. 6 (November 11, 2021), 1–3.

[35] Primrose Riordan and Ho-him Chan, "Amnesty International to Leave Hong Kong amid Fears for Staff Safety," *Financial Times,* October 25, 2021.

[36] Amnesty International, "Amnesty International to Close Its Hong Kong Offices," October 25, 2021.

[37] Pak Yiu, "Amnesty International to Shut Asia Headquarters in Hong Kong," *Nikkei Asia,* October 25, 2021; Amnesty International, "Amnesty International to Close Its Hong Kong Offices," October 25, 2021; Primrose Riordan and Ho-him Chan, "Amnesty International to Leave Hong Kong amid Fears for Staff Safety," *Financial Times,* October 25, 2021; William Nee, "Hong Kong's National Security Law Made Amnesty International's Departure All but Inevitable," *ChinaFile,* Asia Society, December 6, 2021.

[38] Chen Qingqing, Huang Lanlan, and Lin Xiaoyi, "GT Investigates: Plenty of Space in Hong Kong for NGOs, but No Longer for Subversive Groups Like Amnesty International," *Global Times,* October 27, 2021.

[39] Shannon Tiezzi, "Can China Change the Definition of Human Rights?," *The Diplomat,* February 23, 2021.

[40] Rana Siu Inboden, "China at the UN: Choking Civil Society," *Journal of Democracy* 32, no. 3 (July 2021).

[41] Rana Siu Inboden, "China at the UN: Choking Civil Society," *Journal of Democracy* 32, no. 3 (July 2021): 124, 127. "Rana Siu Inboden," Robert Strauss Center for International Security and Law, University of Texas at Austin, accessed July 6, 2022.

[42] Rana Siu Inboden, "China at the UN: Choking Civil Society," *Journal of Democracy* 32, no. 3 (July 2021): 127.

[43] Rana Siu Inboden, "China at the UN: Choking Civil Society," *Journal of Democracy* 32, no. 3 (July 2021): 25.

[44] Andréa Worden, "The CCP at the UN: Redefining Development and Rights," *Sinopsis,* AcaMedia z.ú. and the Department of Sinology, Charles University in Prague, March 17, 2019; International Service for Human Rights, "Briefing Note: China and the UN Economic and Social Council," July 2021, 14.

[45] International Service for Human Rights, "Briefing Note: China and the UN Economic and Social Council," July 2021; Sui-Lee Wee and Stephanie Nebehay, "At UN, China Uses Intimidation Tactics to Silence Rights Activists," *Reuters,* October 6, 2015.

[46] Rana Siu Inboden, "China at the UN: Choking Civil Society," *Journal of Democracy* 32, no. 3 (July 2021): 133; Ted Piccone, "China's Long Game on Human Rights at the United Nations," *Foreign Policy,* September 2018, 8; Human Rights Watch, "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms," September 5, 2017.

[47] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 19, 20; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 19, 21, 22. China has signed, and stated its intent to ratify the ICCPR. See also *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 35.

[48] Caroline Ding, "Op-Ed: China Must Release Ding Jiaxi, Civil Rights Activist and My Father," *Tufts Daily,* July 27, 2020. Ding noted that the organization changed its name to China Citizens Movement.

[49] Chinese Human Rights Defenders, "Chinese Authorities May Put Prominent Activists Xu Zhiyong and Ding Jiaxi on Trial around End-of-Year Holidays, PEN America and China Human Rights Defenders Warn," December 20, 2021.

[50] Chinese Human Rights Defenders, *Zero Tolerance for Human Rights Defenders in the Year of "Zero COVID": Annual Report on the Situation of Human Rights Defenders in China (2021),* March 7, 2022; Eva Pils, "From Independent Lawyer Groups to Civic Opposition: The Case of China's New Citizen Movement," *Asian-Pacific Law & Policy Journal* 19 (2017): 132–36.

[51] "Citizens Movement Advocates Xu Zhiyong and Ding Jiaxi Indicted for Subversion on Scant, Slanderous 'Evidence,'" *China Change,* September 25, 2021; Rhoda Kwan and Vincent Ni, "'This is Not Justice': Chinese Activists Held for Two Years Await Trial," *Guardian,* February 1, 2022. For more information, see the Commission's Political Prisoner Database records 2005-00199 on Xu Zhiyong and 2013-00307 on Ding Jiaxi.

[52] Chen Zijuan, "An Update on the Case of Human Rights Lawyer Chang Weiping," *China Change,* September 19, 2021. For more information on Chang Weiping, see the Commission's Political Prisoner Database record 2020-00014.

[53] Christian Shepherd, "They Wanted Rule of Law, so China Tried Them in Secret," *Washington Post,* June 24, 2022; Mimi Lau and Guo Rui, "Chinese Rights Advocate Xu Zhiyong on Trial for State Subversion amid Secrecy and Tight Security," *South China Morning Post,* June 23, 2022.

[54] Mimi Lau and Guo Rui, "Chinese Rights Advocate Xu Zhiyong on Trial for State Subversion amid Secrecy and Tight Security," *South China Morning Post,* June 23, 2022; Colum Murphy, "Human Rights Lawyer Who Challenged China's Xi Has Secret Trial," *Bloomberg,* June 22, 2022.

[55] Rights Defense Network, "Nuquan renshi Li Qiaochu bei yi shandong dianfu guojia zhengquan zui qisu" [Feminist Li Qiaochu indicted for inciting subversion of state power], March 18, 2022; *The Beijing Olympics and the Faces of Repression, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2022) (testimony of Sophie Luo, wife of detained lawyer Ding Jiaxi). In her testimony, Sophie Luo referred to Li Qiaochu as Xu's "fiancée." For more information on Li Qiaochu, see the Commission's Political Prisoner Database Record 2020-00129.

[56] Alice Su, "They Helped Chinese Women, Workers, the Forgotten and Dying. Then They Disappeared," *Los Angeles Times,* December 1, 2021; Yuan Yang (@YuanfenYang), "Journalist Sophia (Xueqin) Huang was leaving China on her way . . .," Twitter, November 5, 2021, 11:04 a.m; Rights Defense Network, "Duli gongyi ren Wang Jianbing, nuquan jizhe Huang Xueqin jiashu shoudao daibu tongzhishu" [Families of independent public interest advocate Wang Jianbing and women's rights journalist Huang Xueqin received notice of formal arrest], November 5, 2021. For more information, see the Commission's Political Prisoner Database records 2019-00454 on Sophia Huang Xueqin and 2021-00517 on Wang Jianbing.

[57] Alice Su, "They Helped Chinese Women, Workers, the Forgotten and Dying. Then They Disappeared," *Los Angeles Times,* December 1, 2021; Chinese Human Rights Defenders, "China: Immediately Release #MeToo Activist and Fellow Civil Society Advocate," September 21, 2021; *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 39, 75, 79. For more on RSDL, see, e.g., Letter from the Mandates of the Working Group on Arbitrary Detention; the Working Group

on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the right to privacy; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Permanent Representative of the Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, OL CHN 15/2018, August 24, 2018; Safeguard Defenders, "The Use of Solitary Confinement in RSDL as a Method of Torture," April 11, 2019; Michael Caster, "China Thinks It Can Arbitrarily Detain Anyone. It Is Time for Change," *Guardian,* January 3, 2019. See also Benedict Rogers, "China's 'Residential Surveillance at a Designated Location'—a Licence to Disappear, Hold and Torture Dissenters," *Hong Kong Free Press,* February 4, 2018.

[58] Rights Defense Network, "Duli gongyi ren Wang Jianbing, nuquan jizhe Huang Xueqin jiashu shoudao daibu tongzhishu" [Family of independent public interest advocate Wang Jianbing and women's rights journalist Huang Xueqin received notice of formal arrest], November 5, 2021; Chinese Human Rights Defenders, "China: Immediately Release #MeToo Activist and Fellow Civil Society Advocate," September 21, 2021.

[59] ChinaAid Association, *ChinaAid's Annual Persecution Report 2021: January–December 2021,* March 1, 2022, 41. In a blog post, an Early Rain Covenant Church leader wrote that the use of fraud and other economic charges is intended to target unregistered churches by depriving them of resources. Li Yingqiang, "Wo dui yi 'zhapian zui' lai dingzui jiating jiaohui fengxian he chuandaoren de san dian yijian" [My three opinions on the use of "fraud" to convict house church offerings and pastors], *Li Yingqiang* (blog), November 18, 2021.

[60] Yu Bing, ChinaAid Association, "Shi ge bannian, lushi cai jiandao yuzhong de Guiyang Ren'ai Guizheng Jiaohui zhanglao Zhang Chunlei" [Only after half a year did imprisoned Guiyang Ren'ai Reformed Church elder Zhang Chunlei meet with his lawyer], January 7, 2022. For more information on Zhang Chunlei, see the Commission's Political Prisoner Database Record 2022-00041.

[61] "Daya zongjiao huayang fanxin Hubei jiating jiaohui mushi bei pan ba nian" [Crackdown on religion revamps strategy: Hubei house church pastor sentenced to eight years], *Radio Free Asia,* February 14, 2022. For more information on Hao Zhiwei, see the Commission's Political Prisoner Database Record 2020-00257.

[62] Rights Defense Network, "Zao daibu de Shanxi sheng Linfen shi Fushan xian Jindengtang Jiating Jiaohui zhuyao fuzeren Wang Xiaoguang mushi de anqing ji jianli" [Case details and biographical information on arrested pastor and main responsible person Wang Xiaoguang of Golden Lampstand House Church, in Fushan county, Linfen municipality, Shanxi province], January 14, 2022; Yu Bing, ChinaAid Association, "Shanxi 'Linfen jiao'an' zaiqi: Jindengtai Jiaohui zhong lingxiu zaici bei bu, mianlin xingshi zhikong" [Shanxi "Linfen Case" Returns: Golden Lampstand Church leaders arrested again, facing criminal charges], January 11, 2022. For more information, see the Commission's Political Prisoner Database records 2009-00408 on Wang Xiaoguang and 2009-00428 on Yang Rongli.

[63] "Farewell Letters: A Tribute to the Civil Society Groups, Bloggers, and Media Outlets We Lost in 2021," *China Digital Times,* January 10, 2022.

[64] "Jianjiao Buluo: zhuanshu Zhongguo nugong de zixun pingtai jiri qi yongjiu guanbi" [Pepper Tribe: Online platform for Chinese female workers permanently shut down], *China Digital Times,* August 9, 2021.

[65] CECC, *2021 Annual Report,* March 2022, 153.

[66] FreeChineseFeminists (@FeministChina), "The WeChat public accounts of more than a dozen Chinese college associations and two NGOs concerned with equality of sexual orientation were censored at the . . .," Twitter, July 6, 2021, 2:50 p.m.; "China Divided as WeChat Deletes LGBT Accounts from Platform," *BBC,* July 8, 2021; Jing Xuan Teng and Laurie Chen, "LGBTQ Rights Groups Blocked on China's Biggest Social Media App," *Agence France-Presse,* reprinted in *Yahoo! News,* July 7, 2021; Greg James, "China's Leading LGBTQ Advocacy Group Deletes Social Media Accounts, Appears to Be in Jeopardy," SupChina, November 4, 2021.

[67] Lorenzo Tondo and Vincent Ni, "China's Pro-Russia Propaganda Exposed by Online Activists," *Guardian,* May 10, 2022.

[68] Wang Qiang, "'Great Translation Movement' a Despicable Anti-China Smear Campaign," *Global Times,* March 31, 2022; Huang Lanlan and Lin Xiaoyi, "Twisted in Translation: Western Media, Social Groups Set up Language Barriers by Intentionally Misreading, Misinterpreting Chinese Materials," *Global Times,* April 14, 2022.

[69] Ryan Hass, "Assessing China's 'Common Prosperity' Campaign," *Order from Chaos* (blog), Brookings Institution, September 9, 2021; "China's Xi Jinping Defends 'Common Prosperity' Crackdowns," *BBC,* January 18, 2022.

[70] "Xi Jinping zhuchi zhaokai zhongyang caijing weiyuanhui dishi ci huiyi qiangdiao zai gaozhiliang fazhan zhong cujin gongtong fuyu tongchou zuo hao zhongda jinrong fengxian fangfan huajie gongzuo, Li Keqiang Wang Yang, Wang Huning, Han Zheng chuxi" [Presiding over the convocation of the tenth conference of the Central Financial and Economic Affairs Commission, Xi Jinping emphasized promoting common prosperity amid high-quality development, planning to effectively forestall and dispel major financial risks, Li Keqiang, Wang Yang, Wang Huning, and Han Zheng participated], *Xinhua,* August 17, 2021; Tom Mitchell and Sun Yu, "China's Xi Calls for Wealth Redistribution and Clampdown on High Incomes," *Financial Times,* August 18, 2021.

[71] Yvonne Lau, "China's Big Tech Billionaires Increase Philanthropic Giving as Beijing Cracks Down," *Fortune,* August 6, 2021; Edward White et al., "Jack Ma and the Chinese Tech Titans'

Mission to Give Away Billions," *Financial Times,* August 28, 2021. For more on *jijinhui* as a category of "social organization" see, e.g., International Center for Not-For-Profit Law, "China Philanthropy Law Report," May 2021, 10; Shawn Shieh, "Same Bed, Different Dreams? The Divergent Pathways of Foundations and Grassroots NGOs in China," *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations* 28:4 (August 2017): 4–5.

[72] Yvonne Lau, "China's Big Tech Billionaires Increase Philanthropic Giving as Beijing Cracks Down," *Fortune,* August 6, 2021.

[73] Yvonne Lau, "China's Big Tech Billionaires Increase Philanthropic Giving as Beijing Cracks Down," *Fortune,* August 6, 2021; Edward White et al., "Jack Ma and the Chinese Tech Titans' Mission to Give Away Billions," *Financial Times,* August 29, 2021.

[74] Yvonne Lau, "China's Big Tech Billionaires Increase Philanthropic Giving as Beijing Cracks Down," *Fortune,* August 6, 2021; Edward White et al., "Jack Ma and the Chinese Tech Titans' Mission to Give Away Billions," *Financial Times,* August 29, 2021.

[75] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2021—China (Includes Hong Kong, Macau, and Tibet)," April 12, 2022, 78; Human Rights Watch, "China," in *World Report 2022: Events of 2021,* 2022; Hannah Qu, "Yanzi: Fighting the Slow Battle of LGBTQ Rights in China," *Yale Daily News,* February 24, 2022; Ausma Bernot, "China's Forced Invisibility of LGBTQ Communities on Social Media," Lowy Institute, July 9, 2021; Huizhong Wu, "China LGBT Rights Group Shuts Down amid Hostile Environment," *Associated Press,* November 4, 2021. For background on past censorship and suppression of the LGBTQ community in China, see CECC, *Annual Report 2020,* December 2020, 259–60.

[76] Robert Burton-Bradley, "China's LGBT Community Caught Up in Xi Jinping's Widening Crackdowns on Big Tech, Education and Celebrities," *South China Morning Post,* October 7, 2021; National Bureau of Statistics of China, "Communiqué of the Seventh National Population Census (No. 2)," accessed May 10, 2022.

[77] Zhao Chenxi, "Chutai fan jiuye qishi fa baozhang laodongzhe pingdeng jiuye quan" [Promulgation of anti-employment discrimination law to safeguard workers' equal employment rights], *Legal Daily,* May 17, 2022; Human Rights Watch, "China," in *World Report 2022: Events of 2021,* 2022; Ben Westcott and Steven Jiang, "China's LGBTQ Community Is Fading from Rainbow to Gray," *CNN,* July 9, 2021. See also Chris Lau, "The Wins and Woes of Hong Kong's Rainbow Families—Has City Made Progress on Policy and Law for LGBT Community?," *South China Morning Post,* October 29, 2021; China Labour Bulletin, "Transgender Workers Still Struggle for Equal Employment Rights in China," June 29, 2021; Yuanyuan Wang et al., "Discrimination against LGBT Populations in China," *Lancet Public Health* 4, no. 9 (September 1, 2019): e440.

[78] UN Committee on the Elimination of Discrimination against Women, "General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women," CEDAW/C/GC/28, December 16, 2010, para. 18; China Queer Women Working Group, "Information Submitted by the China Queer Women Working Group to the Committee on the Elimination of Discrimination against Women, List of Issues Related to the Combined Ninth Periodic Report of the People's Republic of China Pre-Sessional Working Group Meeting of the Committee's 80th Session," January 31, 2021, 5.

[79] Human Rights Watch, "China," in *World Report 2022: Events of 2021,* 2022; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6 26, December 2018, 10; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China (Addendum), A/HRC/40/6/Add.1, February 15, 2019, para. 2(28.90).

[80] Colum Murphy, "Being Gay Gets Harder Under Xi Jinping, *Bloomberg,* February 17, 2022; Maryann Xue, "Chinese Social Media Shutdown of LGBT Student Groups 'Highlights Backlash against Western Influences,'" *South China Morning Post,* July 11, 2021; Robert Burton-Bradley, "China's LGBT Community Caught Up in Xi Jinping's Widening Crackdowns on Big Tech, Education and Celebrities," *South China Morning Post,* October 7, 2021; Zeyi Yang, "Tencent Dominates Digital Donations in China. That's the Problem.," *Protocol,* September 15, 2021.

[81] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2021—China (Includes Hong Kong, Macau, and Tibet)," April 12, 2022, 78; Peng Yanhui, "For China's Same-Sex Couples, Even Guardianship Is Often Out of Reach," *Sixth Tone,* June 30, 2022; Chanchan Wu, Edmond Pui Hang Choi, and Pui Hing Chau, "The Holistic Health Status of Chinese Homosexual and Bisexual Adults: A Scoping Review," *Frontiers in Public Health* 9 (August 24, 2021): 2; Jian Shi et al., "Speech after Long Silence—An Appraisee-Based Comprehensive Analysis with Retrospective and Future Perspectives on Current ID Policy of Transpersons in China," *Frontiers in Public Health* 9 (November 30, 2021): 2. See also China LBT Rights Initiative, "Information Submitted by the China LBT Rights Initiative to the Committee on the Elimination of Discrimination Against Women, List of Issues related to the Combined Ninth Periodic Report of the People's Republic of China Pre-Sessional Working Group Meeting of the Committee's 80th Session," January 31, 2021, 1, 3; China Queer Women Working Group, "Information Submitted by the China Queer Women Working Group to the Committee on the Elimination of Discrimination Against Women, List of Issues Related to the Combined Ninth Periodic Report of the People's Republic of China Pre-Sessional Working Group Meeting of the Committee's 80th Session," January 31, 2021, 5–6.

[82] Zhao Chenxi, "Chutai fan jiuye qishi fa baozhang laodongzhe pingdeng jiuye quan" [Promulgate an anti-employment discrimination law to safeguard workers' equal employment rights], *Legal Daily,* May 17, 2022. See also China Queer Women Working Group, "Information Submitted by the China Queer Women Working Group to the Committee on the Elimination of Discrimination against Women, List of Issues Related to the Combined Ninth Periodic Report of the People's Republic of China Pre-Sessional Working Group Meeting of the Committee's 80th Session," January 31, 2021, 5.

[83] Jiang Yalin, "China's 'Anti-Sissy' Campaign Unleashes a Wave of Online Transphobia," *Sixth Tone,* February 24, 2022; Waiyee Yip, "China: The Death of a Man Bullied for Being 'Effeminate,'" *BBC,* December 15, 2021.

[84] Hannah Qu, "Yanzi: Fighting the Slow Battle of LGBTQ Rights in China," *Yale Daily News,* February 24, 2022; "'Living in the UK Made Me Realize That the Chinese-Speaking Queer Diaspora Lacked Sufficient Support and Visibility': Qiuyan Chen from Queer China UK on Creating Belonging," *Queer China UK,* December 25, 2021; "Red Vs Are After China's Queer Community," *Protocol,* July 13, 2021. See also Timmy Shen, "China's Transgender Community Welcomes Court Ruling on Employment Discrimination," *Caixin,* July 6, 2020.

[85] Chen Tao, "A Transgender Woman Was Killed in Wuhan. The CCP's Reaction: Hiding the Facts," *Bitter Winter,* March 21, 2022. See also China Queer Women Working Group, "Information Submitted by the China Queer Women Working Group to the Committee on the Elimination of Discrimination against Women, List of Issues Related to the Combined Ninth Periodic Report of the People's Republic of China Pre-Sessional Working Group Meeting of the Committee's 80th Session," January 31, 2021, 2–3.

[86] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2021—China (Includes Hong Kong, Macau, and Tibet)," April 12, 2022, 78; Kate Strong, "Why Gay Men and Lesbian Women in China Are Marrying Each Other," *Columbia Political Review* (blog), June 3, 2022; Jian Shi et al., "Speech after Long Silence—An Appraisee-Based Comprehensive Analysis with Retrospective and Future Perspectives on Current ID Policy of Transpersons in China," *Frontiers in Public Health* 9 (November 30, 2021): 2; "China Divided as WeChat Deletes LGBT Accounts from Platform," *BBC,* July 8, 2021; Robert Burton-Bradley, "China's LGBT Community Caught Up in Xi Jinping's Widening Crackdowns on Big Tech, Education and Celebrities," *South China Morning Post,* October 7, 2021. For background information on the issues that the LGBTQ community continues to face, see CECC, *2020 Annual Report,* December 2020, 259–60; Human Rights Watch, "'Have You Considered Your Parents' Happiness?': Conversion Therapy against LGBT People in China," November 15, 2017.

[87] Andrew R. Flores, "Social Acceptance of LGBTI People in 175 Countries and Locations: 1981–2020," Williams Institute, University of California Los Angeles School of Law, November 2021, 19–20.

[88] Ben Westcott and Steven Jiang, "China's LGBTQ Community Is Fading from Rainbow to Gray," *CNN,* July 9, 2021; Marrian Zhou, "LGBTQ Activists Give Voice to China's Censored WeChat Groups," *Nikkei Asia,* July 17, 2021.

[89] Chen Xianyi, "Niangpao xingxiang deng jixing shenmei bixu ezhi" [Deformed aesthetics such as images of sissies must be curbed], *Guangming Daily,* August 27, 2021; Tim Culpan, "China's Crackdown Has a Straight Eye for the Queer Guy," *Bloomberg,* September 18, 2021; Zhang Wanqing, "China's Ongoing Struggle against 'Sissy' Young Men," *Sixth Tone,* August 31, 2021. See also Theodora Yu, "Gay Games in Hong Kong Face Attacks as China's Proxies Target LGBT Groups," *Washington Post,* August 31, 2021.

[90] "Diversity among Athletes Including Gay Competitors Welcome—Yang Yang," *Reuters,* February 13, 2022.

[91] Cat Wang, "As the Winter Olympics Approach, Where Are China's Gay Athletes? Beijing 2022 Set to Be a Barometer for Games' Progress," *South China Morning Post,* January 31, 2022; Orion Rummler and Kate Sosin, "A Record Number of Out LGBTQ+ Olympians Are Competing. China Doesn't Want to Talk about It.," *The 19th,* February 15, 2022. See also International Olympic Committee, "Unity in Diversity: How the Olympic Games Foster Inclusion," June 15, 2022.

[92] Eva Dou, "China Warns Foreign Olympic Athletes against Speaking Out on Politics at Winter Games," *Washington Post,* January 19, 2022; John Leicester, "Human Rights? China Won That Winter Olympics Battle. Almost.," *Associated Press,* February 20, 2022; Orion Rummler and Kate Sosin, "A Record Number of Out LGBTQ+ Olympians Are Competing. China Doesn't Want to Talk about It.," *The 19th,* February 15, 2022.

[93] National Radio and Television Administration General Office, *Guojia Guangbo Dianshi Zongju bangongting guanyu jinyibu jiaqiang wenyi jiemu ji qi renyuan guanli de tongzhi* [Circular from the National Radio and Television Administration General Office regarding further strengthening the management of cultural programs and their staff], September 2, 2021; Joe McDonald, "China Bans Men It Sees as Not Masculine Enough from TV," *Associated Press,* September 3, 2021; Shan Jie and Lu Yameng, "Proposal on Strengthening Education Aimed at Making Boys More 'Masculine' Triggers Debate," *Global Times,* January 31, 2021.

[94] Wenlei Ma, "Harry Potter Movie The Secrets of Dumbledore Censors Gay References in China," *Nationwide News (Australia),* April 12, 2022; "Sensitive Words: Top 10 Censored Terms of 2021," *China Digital Times,* January 13, 2022. For background information on government regulations prohibiting LGBTQ content, see China Internet Audiovisual Program Services Association, *Wangluo Shiting Jiemu Neirong Shenhe Tongze* [General Rules for Content Review of Online Audiovisual Programming], issued and effective June 30, 2017.

[95] Lily Kuo, "China Censors 'Friends' to Remove References to Ross's Lesbian Ex-Wife—and Orgasms," *Washington Post,* February 14, 2022.

[96] Ministry of Education, "Guanyu Zhengxie shisan jie quanguo weiyuanhui disan ci huiyi di 4404 hao (jiaoyu lei 410 hao) ti'an dafu de han" [Letter of Reply to Proposal No. 4404 (No. 410 for Education) of the Third Session of the Thirteenth National Committee of the CPPCC], December 8, 2020.

[97] Robert Burton-Bradley, "Has China's Push to Ban 'Effeminate' and 'Sissy' Men Claimed Its First Victim? The Tragic Case of Zhou Peng," *South China Morning Post,* January 4, 2022; "China Tells Effeminate Male Celebrities to Man Up," *Voice of America,* September 26, 2021; Xintian Wang, "China's Government Is Targeting 'Sissy' Men, with Devastating Consequences," Gal-Dem, January 26, 2022.

[98] Jiang Yalin, "China's 'Anti-Sissy' Campaign Unleashes a Wave of Online Transphobia," *Sixth Tone,* February 24, 2022; Josh Ye, "Headache for China's Game Developers as Memo Details Beijing's Red Lines," *South China Morning Post,* September 30, 2021; Mandy Zuo, "China Moves to Kill Romantic Gay-Themed 'Boys' Love' Dramas amid Wider Crackdown on Entertainment Industry," *South China Morning Post,* February 2, 2022. See also Darius Longarino, "Precarious Progress: Advocacy for the Human Rights of LGBT People in China," OutRight Action International, 2020, 4, 7–8.

[99] Josh Ye, "New Video Game Approvals Dry Up in China as Internal Memo Shows That Developers Now Have Many Red Lines to Avoid," *South China Morning Post,* September 29, 2021.

[100] For background on the shrinking space for civil society, see CECC, *Annual Report 2021,* March 2022, 235–37.

[101] FreeChineseFeminists (@FeministChina), "The WeChat public accounts of more than a dozen Chinese college associations and two NGOs concerned with equality of sexual orientation were censored at the . . .," Twitter, July 6, 2021, 2:50 p.m.; "China Divided as WeChat Deletes LGBT Accounts from Platform," *BBC,* July 8, 2021; Jing Xuan Teng and Laurie Chen, "LGBTQ Rights Groups Blocked on China's Biggest Social Media App," *Agence France-Presse,* reprinted in *Yahoo!* News, July 7, 2021.

[102] "China Divided as WeChat Deletes LGBT Accounts from Platform," *BBC,* July 8, 2021.

[103] Greg James, "A Chinese University Seems to Be Making a List of LGBT+ Students. No One Knows What It Will Do with the Information.," *SupChina,* August 26, 2021.

[104] Greg James, "A Chinese University Seems to Be Making a List of LGBT+ Students. No One Knows What It Will Do with the Information.," *SupChina,* August 26, 2021.

[105] Greg James, "A Chinese University Seems to Be Making a List of LGBT+ Students. No One Knows What It Will Do with the Information.," *SupChina,* August 26, 2021.

[106] Zeyi Yang, "Tencent's Messaging Platform Blocks LGBTQ Search Terms," *Protocol,* August 30, 2021.

[107] Zeyi Yang, "Tencent's Messaging Platform Blocks LGBTQ Search Terms," *Protocol,* August 30, 2021.

[108] OutRight Action International, "Fading Rainbow: A Q&A on LGBTQ Equality in China," February 2022; Pak Yiu, "WeChat Deletes Chinese University LGBT Accounts in Fresh Crackdown," *Reuters,* July 7, 2021.

[109] "How Life in China Has Gotten Tougher for LGBTQ," *Bloomberg,* June 21, 2022; CECC, *Annual Report 2020,* December 2020, 261.

[110] FreeChineseFeminists (@FeministChina), "A spokesperson for the Chinese Ministry of Foreign Affairs said that the deletion of LGBTQ accounts on WeChat . . .," Twitter, July 8, 2021, 5:06 a.m; Weng Weikai, "Neidi gaoxiao tongzhi pingquan zhi lu—bei fenghao, wuminghua yu guojia anquan. Tongyun renshi: 'ba nide zuiba wuzhu, feichang zhixi'" [The road to equal rights for comrades in mainland universities—banned, stigmatized, and [considered] national security. Activists: "to cover your mouth is extremely suffocating"], *Hong Kong Citizen News,* July 7, 2021. Gay and lesbian people in China appropriated the term "comrades" to refer to LGBT persons. Stephanie Yingyi Wang, "Unfinished Revolution: An Overview of Three Decades of LGBT Activism in China," *Made in China Journal* 6, no. 1 (April–July 2021): 90.

[111] Cat Wang, "Chinese LGBT Support Group Shuts Down Operations," *South China Morning Post,* November 5, 2021; Maryann Xue, "Chinese Social Media Shutdown of LGBT Student Groups 'Highlights Backlash against Western Influences,'" *South China Morning Post,* July 11, 2021; Stephanie Yingyi Wang, "Unfinished Revolution: An Overview of Three Decades of LGBT Activism in China," *Made in China Journal* 6, no. 1 (April–July 2021): 90–95. See also Sexual Rights Initiative, "Stakeholder Submission on Lesbian, Gay, Bisexual and Transgender (LGBT) Rights in China for the 17th Session of the Universal Periodic Review," October 2013, 6.

[112] Weng Weikai, "Neidi gaoxiao gongzhi pingquan zhi lu—bei fenghao, wuminghua yu guojia anquan. Tongyun renshi: 'ba nide zuiba wuzhu, feichang zhixi'" [The road to equal rights for comrades in mainland universities—banned, stigmatized, and [considered] national security. Activists: "to cover your mouth is extremely suffocating"], *Hong Kong Citizen News,* July 7, 2021; Cat Wang, "Chinese LGBT Support Group Shuts Down Operations," *South China Morning Post,* November 5, 2021; Maryann Xue, "Chinese Social Media Shutdown of LGBT Student Groups 'Highlights Backlash against Western Influences,'" *South China Morning Post,* July 11, 2021.

[113] "Red Vs Are After China's Queer Community," *Protocol,* July 13, 2021; Ben Westcott and Steven Jiang, "China's LGBTQ Community Is Fading from Rainbow to Gray," *CNN,* January 27, 2022; "China Divided as WeChat Deletes LGBT Accounts from Platform," *BBC,* July 8, 2021; Zeyi Yang, "Tencent Dominates Digital Donations in China. That's the Problem.," *Protocol,* September 15, 2021.

[114] Huizhong Wu, "China LGBT Rights Group Shuts Down amid Hostile Environment," *Associated Press,* November 5, 2021.

[115] Greg James, "China's Leading LGBTQ Advocacy Group Deletes Social Media Accounts, Appears to Be in Jeopardy," *SupChina,* November 4, 2021.

[116] Greg James, "China's Leading LGBTQ Advocacy Group Deletes Social Media Accounts, Appears to Be in Jeopardy," *SupChina,* November 4, 2021. See also Sarah Wu, "'We're Part of China's Population': LGBT Couples Seek Recognition in Census," *Reuters,* November 8, 2020; "LGBT Supporters Lobby for Same-Sex Marriage in Revised Civil Code," *Sixth Tone,* December 20, 2019; Greg James, "Chinese Court Sides with Publisher of Homophobic Textbooks," *SupChina,* September 4, 2020.

[117] Phoebe Zhang, "LGBT Rights in China: Transgender Youth Seeking Gender Affirming Surgery Find Family Approval Still Biggest Hurdle," *South China Morning Post,* June 24, 2022.

[118] Nathan Wei, "China Lowers Minimum Age to 18 for Gender Reassignment Surgery," *SupChina,* May 31, 2022; National Health Commission, *Guojia Weisheng Jiankangwei bangongting guanyu yinfa Guojia Xianzhilei Jishu Mulu he Linchuang Yingyong Guanli Guifan (2022 nianban) de Tongzhi* [Circular on the publication of the General Office of the National

Health Commission's National Restricted Technology Catalog and Clinical Application Management Standards (2022 edition)], April 20, 2022.

[119] Nathan Wei, "China Lowers Minimum Age to 18 for Gender Reassignment Surgery," *SupChina,* May 31, 2022; National Health Commission, *Guojia Weisheng Jiankangwei bangongting guanyu yinfa Guojia Xianzhilei Jishu Mulu he Linchuang Yingyong Guanli Guifan (2022 nian ban) de Tongzhi* [Circular on the publication of the General Office of the National Health Commission's National Restricted Technology Catalog and Clinical Application Management Standards (2022 edition)], April 20, 2022.

[120] Li Jiawei, "Shanghai kaichu guonei shou ge kua xingbie ertong yu qingshaonian duo xueke menzhen" [Shanghai opens China's first multidisciplinary outpatient clinic for transgender children and adolescents], *The Paper,* November 4, 2021; "Fudan Erke kaishe guonei shou ge kuaxingbie ertong yu qingshaonian duo xueke menzhen" [Fudan Pediatrics opens China's first multidisciplinary clinic for transgender children and adolescents], *Xinmin Evening News,* reprinted in Fudan University Pediatric Hospital Weixin Public Account, November 10, 2021.

[121] "Fudan Erke kaishe guonei shou ge kuaxingbie ertong yu qingshaonian duo xueke menzhen" [Fudan Pediatrics opens China's first multidisciplinary clinic for transgender children and adolescents], *Xinmin Evening News,* reprinted in Fudan University Pediatric Hospital Weixin Public Account, November 10, 2021.

FREEDOM OF RELIGION

Findings

• During the Commission's 2022 reporting year, the People's Republic of China (PRC) escalated efforts to "sinicize" religion, a process it defines as strengthening religious believers' allegiance to the "great motherland, the Chinese nation, Chinese culture, the Chinese Communist Party, and socialism with Chinese characteristics."
• In December 2021, the Party and government convened the first National Conference on Religious Work since 2016, signaling Xi Jinping and the Party's intent to prioritize religious affairs.
• The National Religious Affairs Administration issued a set of sweeping Measures for the Administration of Internet Religious Information Services, which were announced on December 20, 2021, and went into effect on March 1, 2022. The measures require religious groups to have government-issued permits for their online activity, enact onerous registration requirements, and limit permissible online religious activity by registered groups.
• The Party attempted to co-opt Buddhist and Taoist groups for a Party history campaign intended to inculcate patriotism and loyalty, including by forcing clergy to watch "patriotic movies."
• Authorities continued to suppress the religious freedom of ethnic minority Muslims throughout the country, promoting the eradication of distinct ethnic and religious characteristics and increasing assimilation with Han Chinese culture.
• The PRC continued to exert pressure on unregistered Catholic communities in 2021 and 2022, as demonstrated by the detention of lay Catholics, clergy, and at least two Vatican-appointed bishops. Hong Kong authorities have also increasingly targeted the Catholic Church. In May, Hong Kong national security police arrested former bishop of Hong Kong Cardinal **Joseph Zen.**
• During this reporting year, PRC authorities continued to violate the religious freedom of Protestant Christians by engaging in pressure campaigns against unregistered churches, especially by detaining church leaders—often under manufactured "fraud" charges—and by cracking down on religious education and publishing.
• Public security and judicial authorities continued to use Article 300 of the PRC Criminal Law, which forbids "organizing and using a cult to undermine implementation of the law," to persecute members of spiritual groups deemed to be illegal or to be "cults" (*xiejiao*), including Falun Gong, Church of the Almighty God, the Jehovah's Witnesses, and others.
• Authors of a 2022 study published in the American Journal of Transplantation concluded that it was highly likely that transplant surgeons in China had participated in the execution of prisoners "by organ transplant" as recently as 2015. They further concurred with previous "anecdotal and textual" accounts provided by Falun Gong-affiliated organizations alleging

organ harvesting from prisoners of conscience. There also continued to be accounts that Uyghurs and other predominantly Muslim ethnic minorities in the XUAR have also been targeted for forced organ removal.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Call on the Chinese government to guarantee freedom of religion to all citizens in accordance with its international human rights obligations and PRC law. Stress to PRC authorities that freedom of religion includes the right to freely adopt beliefs and engage in religious practice without government interference.

○ Call for the release of religious leaders and practitioners whom Chinese authorities confined, detained, or imprisoned for peacefully pursuing their religious beliefs, including Catholic bishop **Zhang Weizhu;** Protestant pastors **Wang Yi, An Yankui, Yang Rongli,** and **Wang Xiaoguang;** and Falun Gong practitioners **Xu Na** and **Zhou Deyong,** as well as those confined, detained, or imprisoned in connection with their association with those citizens. The Administration should use existing laws to hold accountable Chinese government officials and others complicit in severe religious freedom restrictions, including the sanctions available in the Global Magnitsky Human Rights Accountability Act (Public Law No. 114-328) and the International Religious Freedom Act of 1998 (Public Law No. 105-292). Ensure that conditions related to religious freedom are taken into account when negotiating trade agreements.

○ Call on the Chinese government to fully implement accepted recommendations from the November 2018 session of the UN Human Rights Council's Universal Periodic Review, including taking necessary measures to ensure that the rights to freedom of religion and to religious culture and expression are fully observed and protected; cooperating with the UN human rights system, specifically UN special procedures mandate holders; taking steps to ensure that lawyers working to advance religious rights can practice their profession freely, and promptly investigating allegations of violence and intimidation impeding their work; and considering possible revisions to legislation and administrative rules to provide better protection of freedom of religion.

○ Call on the Chinese government to abolish Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law," and Article 27 of the PRC Public Security Administration Punishment Law, which provides for detention or fines for organizing or inciting others to engage in "cult activities" and for using a "cult" or the "guise of religion" to "disturb social order" or to harm others' health.

○ Encourage U.S. political leaders to visit religious sites in China to raise awareness of and promote freedom of religion.

FREEDOM OF RELIGION

Introduction

During the 2022 reporting year, the Commission observed ongoing violations of religious freedom by the Chinese Communist Party and government aimed at increasing control of believers in both registered and unregistered communities. The Party and government sought to further cement its policy of "sinicization" (*zhongguohua*), defined as the strengthening of religious believers' allegiance to the "great motherland, the Chinese nation, Chinese culture, the Chinese Communist Party, and socialism with Chinese characteristics."[1] Authorities signaled that increased oversight of religion would be an ongoing priority by convening the first National Conference on Religious Work in five years, enacting sweeping legislation circumscribing religious expression and activity on the internet, and bolstering surveillance and supervision of religious groups in the name of national security. A U.S.-based advocacy organization concluded that this reporting year "might have been one of the worst periods for religious freedom in recent history."[2]

International and Chinese Law on Religious Freedom

Both Chinese and international law guarantee religious freedom. Under international law, freedom of religion or belief encompasses both the right to form, hold, and change convictions, beliefs, and religions—which cannot be restricted—and the right to outwardly manifest those beliefs, or none at all, which can be limited by certain specific justifications.[3] These principles are codified in various international instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).[4] Article 36 of China's Constitution guarantees citizens "freedom of religious belief" and protection for "normal religious activities."[5] With terms such as "normal" undefined, it is unclear whether China's Constitution is intended to protect the same range of beliefs and outward manifestations that is recognized under international law.[6] Nevertheless, China's Constitution and other legal provisions[7] align with the ICCPR in prohibiting discrimination based on religion[8] and loosely parallel the ICCPR's prohibition on coercion[9] by forbidding groups or individuals from compelling citizens to believe or not believe in any religion.[10] China's Constitution prohibits "making use of religion to engage in activities that disrupt social order, impair the health of citizens, or interfere with the educational system of the State."[11]

Regulations and Policies Pertaining to Religious Freedom

In December 2021, the Party and government convened the first National Conference on Religious Work since 2016, signaling Xi Jinping and the Party's intent to prioritize national security in religious affairs.[12] In his speech at the conference, Xi emphasized the ongoing importance of national security in religious work, especially with regard to online religious activity and content.[13] Experts have identified such "securitization" as a major theme of governance under Xi: since assuming leadership, Xi has applied a na-

tional security framework to non-traditional sectors, including the online activity of many businesses, individuals, and civil society groups.[14] A Beijing municipality-based professor characterized the religious work conference's emphasis on online activity as noteworthy, saying that religious practitioners would be "disciplined for inappropriate online commentary."[15] This is consistent with Xi's speech at the event, which called for adherence to the "overall national security concept" including "strengthen[ed] management of online religious affairs."[16] To this end, at a December 2021 Ministry of Public Security meeting on implementing the goals set by the religious work conference, Minister of Public Security Zhao Kezhi said that religious affairs work should guard against "radicalism," "terrorism," and "infiltration by hostile forces," and should crack down on "illegal missionary activity" and on *xiejiao* (a historical term usually translated as "evil cults" or "heretical teachings," and used by the Party to refer to new religious movements it perceives as threatening, notably Falun Gong).[17]

At the December conference, Xi also reiterated the need for religious groups to pursue greater autonomy from foreign influence through "sinicization." Omitting reference to the traditional "three-self" formula for institutional autonomy mandated by the Party for approved religious groups—that these groups be "self-governing," "self-financing," and "self-propagating," and from which the Three-Self Patriotic Movement organization governing Protestant churches in China takes its name[18]—Xi said that religious work should strengthen "self-education, self-management, and self-discipline."[19] Scholar Carsten Vala concluded that the intent behind this "twist" on the formula is not merely to limit foreign influence on religious groups, as the traditional formula did, but to "ensure [religious practitioners'] activities are circumscribed within Party-state bounds."[20] Xi added that education in Party history was essential to cultivating patriotism among religious groups and believers, most likely referring to a nationwide history campaign associated with the Party's centenary and urging its appropriation by religious believers.[21] [For more information on the new iteration of Party history issued this past year, see Section V—Governance.]

Concurrent with the conference, the National Religious Affairs Administration (NRAA) and four other agencies, including the Ministries of Public Security and of State Security, issued the Measures for the Administration of Internet Religious Information Services, which went into effect on March 1, 2022.[22] In an authoritative response to reporters, NRAA authorities characterized the wide-ranging measures as intended to ensure both "network security and ideological security."[23] The measures increased state oversight of online religious activity by:

- Prohibiting unregistered domestic organizations and all foreign groups from posting religious content on the internet[24] and banning a range of online religious material and activities, including most forms of proselytizing, many forms of worship,[25] and content targeted at "enticing" minors;[26]
- Requiring that groups apply for an internet religious information services permit in order to host or share even licit content online,[27] with the permit to be renewed every three years;[28] and

- Instituting identity verification and real-name registration requirements in order to use online religious platforms,[29] preach,[30] or participate in online religious training or religious education.[31]

Formally issued in December 2021, the measures came amid what one journalist described as a "harsh and capricious regulatory crackdown" on China's internet and technology sectors, targeting a number of platforms and content deemed inconsistent with Party goals.[32] Observers and stakeholders expressed concern that the measures provide a framework for curtailing the already diminishing space for religious believers in China.[33] [For more information on cyberspace and technological developments, see Section III—Freedom of Expression.]

Buddhism (Non-Tibetan), Taoism, and Chinese Folk Religion

The Chinese Communist Party and government's relationship with Buddhist, Taoist, and folk religious groups has continued to reflect the tension between appropriation of these groups by PRC leadership and coercive control, both of which infringe on the ability of these religious groups to exercise their freedom of religion in accordance with international standards.[34] Consistent with the Party and central government's "sinicization" policy, PRC officials have lauded Taoist and Buddhist groups that are perceived as serving the Party's agenda.[35] While the Commission documented ongoing efforts by Chinese authorities during its 2021 reporting year to restrict Buddhist, Taoist, and folk religious groups from exercising their religious freedom,[36] during the 2022 reporting year, the Commission observed the Party targeting these groups for patriotic activities to coincide with the Party's centenary year.[37] Examples of efforts to engage Buddhist, Taoist, and folk religious groups in national campaigns and to bolster "sinicization" efforts among these groups include the following:

- In July 2021, a group of teachers and students from the Party-controlled Buddhist Association of China (BCA)-sponsored Emeishan Buddhist Institute in Emeishan municipality, Sichuan province, participated in a "red tour" for the Party's centenary, visiting revolutionary sites in Sichuan.[38] In September, over 40 Buddhist leaders, teachers, and monks from several BCA-affiliated Buddhist institutions in Shaoxing municipality, Zhejiang province, traveled to Party historical sites in Jiangxi as part of a "red tour," where they placed wreaths at the Red Army Martyrs Memorial Tower and "paid their respects" at a former residence of Mao Zedong.[39]
- In October 2021, Buddhist monks at Huasheng Temple in Tianjin municipality were forced to view "red movies," or propaganda films.[40] According to the temple's official WeChat account, one viewing featured the Korean War film "The Battle at Lake Changjin" (reportedly commissioned and funded by the central government for the Party's centenary)[41] and was intended to "thoroughly carry out Party history study and education" and "promote the patriotic spirit."[42] On October 14, all instructors and students at the official Chinese Taoist College were also made to view the "patriotic film."[43]

- According to the International Campaign for Tibet, the PRC has increasingly barred ethnically Han Chinese Buddhists from practicing Tibetan Buddhism, as part of official efforts to enforce the "sinicization" of Buddhism by marginalizing Tibetan Buddhist influences among the broader Han population, likely in order to maintain a distinctly "Chinese" Buddhist identity outside of Tibetan areas.[44] In one instance, PRC authorities expelled Han Chinese Buddhists from the Larung Gar Buddhist Institute (Larung Gar), in Seda (Serthar) county, Ganzi (Kardze) Tibetan Autonomous Prefecture, Sichuan, a site targeted in previous crackdowns.[45] After forcibly returning them to their hometowns, authorities required former Han Chinese residents of Larung Gar to register with their local police station and submit to regular monitoring.[46] In November 2021, Larung Gar webcasts accessed by Han Chinese practitioners were shut down.[47]

[For information on religious freedom for Tibetan Buddhists, see Section IX—Tibet.]

Islam

This past year, the PRC continued to impose the policy of "sinicization" on ethnic minority Muslims throughout the country, promoting the eradication of distinct ethnic and religious characteristics and increasing assimilation with Han Chinese culture. The PRC continued its campaign to remove characteristically Muslim elements from mosques throughout the country.[48] Authorities also continued to target girls wearing headscarves to school, "quietly" rooting out the practice "at the majority of schools, at all levels, by various means" since 2019, according to Radio Free Asia.[49] Along with large-scale surveillance operations targeting Muslim communities, the central government has also continued to target Muslim worship by undertaking surveillance and interfering with religious activities at mosques and has imposed quotas on the number of Muslims permitted to gather to observe Ramadan.[50] Examples of widespread violations of freedom of religion include:

- In July 2021, authorities in Xining municipality, Qinghai province, announced the removal of domes and a minaret from the front gate of Dongguan Mosque. Scholar David R. Stroup has described Dongguan Mosque as China's "most prominent and culturally important mosque" and one of its largest.[51] One report claimed that authorities had implemented similar removals from at least 10 other mosques throughout Xining.[52]
- On November 3, 2021, seven Muslim girls were locked out of their elementary school in Changge city, Xuchang municipality, Henan province, for wearing headscarves.[53]
- Beginning on October 15, government and Party officials launched their latest round of "*wo'erzi*" (a Chinese transliteration of the Arabic word for "admonition," or sermon) preaching tours, sending preaching groups to mosques throughout Qinghai to promote Party and government policies, loyalty to the Party, and Party-approved interpretations of the Quran.[54]

- In 2022, the Wall Street Journal (WSJ) reported that the Central Commission for Discipline Inspection had launched a corruption investigation into Chinese People's Political Consultative Conference Vice Chair and member of the Hui ethnic minority Wang Zhengwei.[55] Wang, formerly head of the State Ethnic Affairs Commission and former Governor of the Ningxia Hui Autonomous Region, was known for encouraging the building of mosques "on a relatively grand scale" and supporting mechanisms for the certification of halal foods.[56] According to the WSJ, the investigation into Wang Zhengwei was "prompted by concerns that Mr. Wang had promoted 'unrestrained Muslim culture' and encouraged religious extremism."[57]

[For more information on Uyghur, Hui, and other Muslims in the Xinjiang Uyghur Autonomous Region and other locations, see Section VI—Ethnic Minority Rights and Section X—Xinjiang.]

Christianity—Catholic

Official efforts to assert control over Chinese Catholic leadership and religious practice have continued. The Sino-Vatican Agreement of 2018 established a mechanism for appointing bishops "in full communion" with the pope and "recognized by authorities of the People's Republic of China."[58] Renewed in 2020, the Agreement led to the appointment and ordination of six bishops "within the [Agreement's] framework" as of 2021, according to the Vatican.[59] In spite of the apparent thaw in Sino-Vatican relations signaled by the Agreement, the PRC exerted ongoing pressure on unregistered Catholic communities in 2021 and 2022, detaining seminarians, clergy, and at least two unregistered Vatican-appointed bishops.[60] In May 2021, authorities detained **Zhang Weizhu,** bishop of Xinxiang Apostolic Prefecture in Henan, reportedly subjecting him to political indoctrination and holding him at an unknown location for over nine months without charge.[61] On October 25, 2021, authorities in Wenzhou municipality, Zhejiang province, detained Bishop coadjutor of Wenzhou **Shao Zhumin;** they released him the following month, then detained him again on April 9, 2022.[62] One observer said that Shao's repeated detentions before major Chinese Catholic holidays are "almost scientific" in their regularity, noting his disappearance before Easter.[63]

Hong Kong authorities have also increasingly targeted the Catholic Church. Ta Kung Pao, a newspaper owned by the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region,[64] issued a series of attacks on Christian education, Catholic church leaders, and the role of religion in the 2019 protests.[65] In an editorial targeting former Hong Kong Cardinal **Joseph Zen,** the paper said that students from over 300 schools had been arrested during the 2019 protests and that many of these schools had been Christian-run.[66] One Hong Kong Catholic clergy member concluded that "once they control the school, they could control the churches fairly easily," asserting that the focus on religious education represents a key component of mainland Chinese leaders' strategy for consolidating control over the Catholic Church in Hong Kong.[67] Another approach has been for the United Front Work Department to facilitate meetings between Chinese

Catholic Patriotic Association (CCPA) leaders and key members of Hong Kong's Catholic clergy: on October 31, 2021, Hong Kong bishop-elect Stephen Chow, then-acting bishop Cardinal John Tong, and 13 priests attended a meeting where CCPA bishops and leaders briefed them on Xi's vision for "sinicization."[68] On May 11, 2022, Hong Kong national security police arrested Cardinal Zen, along with four other trustees of the 612 Humanitarian Relief Fund.[69] On May 12, Zen was released on bail.[70] A West Kowloon court charged the other four with failing to register the fund with the police, and a trial was set for September 19, 2022.[71] [For more information on the suppression of civil society in Hong Kong, see Section XI—Hong Kong and Macau.]

Christianity—Protestant

During this reporting year, PRC authorities continued to violate the religious freedom of Protestant Christians, engaging in pressure campaigns against unregistered churches by detaining church leaders and cracking down on religious education and media. The Commission has observed the Chinese government using charges such as "fraud"[72] and "illegal business activity"[73] to project a veneer of criminality onto activities that—according to international law—fall within the scope of normal religious practices.[74] Local authorities also continued to target several influential unregistered or "house" churches.[75] Widespread violations of Protestant Christians' freedom of religion included:

- **Fraud charges used against church leaders.**
  - In August 2021, police in Linfen municipality, Shanxi province, detained nine members of Linfen's Golden Lampstand Church, including pastors **Yang Rongli** and **Wang Xiaoguang,** in a series of raids on the church and its network.[76] After releasing several members on bail, Linfen authorities charged both pastors, along with members **Li Shuangping, Dong Yongyong, Zhao Guo'ai, Huo Zhuangping,** and **Wu Ling'e,** with "fraud."[77]
  - In November 2021, Deyang municipality, Sichuan province, authorities detained elder **Wu Jiannan** and former elder **Hao Ming** of Qingcaodi Church in Deyang on suspicion of "fraud."[78] A ChinaAid Association report noted that Chinese authorities commonly deploy this charge against Christian leaders, effectively criminalizing churches' offering-based funding structures.[79]
- **Church members detained for international travel.** In November 2021, Fenyang city, Luliang municipality, Shanxi, public security officers detained **An Yankui,** pastor of Taiyuan Zion (*Xuncheng*) Reformed Church in Luliang, along with a coworker, **Zhang Chenghao,** for "illegally crossing the border" after traveling to a Christian conference in Malaysia in 2020.[80] In July 2021, authorities detained five other church members for attending the same conference, despite the two leaders and five members having valid passports.[81] Luliang authorities initially denied both men access to legal counsel.[82] The church has remained under pressure from authorities; in April 2022, police raided the congregation during a worship service.[83]

- **Christian schools targeted.**
  - In May 2021, Wuhu municipality, Anhui province, authorities raided the Mount Carmel Church-run Jordan River Learning Center, shutting down the church and detaining 10 teachers, 4 of whom they formally arrested for "illegal business activity" in August 2021.[84] Two of the teachers, **Wan Hongxia** and **Wang Minghai,** remained in custody as of June 2022.[85]
  - In September 2021, local officials raided the Maizi Christian Music High School in Harbin municipality, Heilongjiang province, holding all of the students for questioning and detaining the school's principal.[86]
  - In November 2021, Tongzhou district, Beijing municipality, authorities evicted and closed the Golden Lampstand-run Golden Reed Learning Center, which served the children of Christian families who did not want to place their children in state-run public schools as well as "many children with autism and other special needs."[87]
- **Christian homeschooling targeted.**
  - Authorities in Wenshui county, Luliang, detained Taiyuan Zion Reformed Church member **Zhao Weikai** in July 2021 for "illegal possession of materials promoting terrorism or extremism," likely based on materials relating to the 1989 Tiananmen protests and to the Xinjiang Uyghur Autonomous Region found during a previous raid on his residence.[88] Local officials had visited Zhao and his wife, Li Xin, on several previous occasions in an effort to pressure the couple to send their children to state schools.[89]
  - In October 2021, Suzhou municipality, Jiangsu province, police detained five Chinese representatives of the United States-based Abeka homeschooling program, including country representative **Wang Jian.**[90] According to China-Aid, Abeka's curriculum is used widely by homeschooling families and Christian schools in China.[91]
- **Crackdowns on Christian media.**
  - In July 2021, the Bao'an District People's Court in Shenzhen municipality, Guangdong province, sentenced four employees of Shenzhen Tree of Life, a communications company focused on producing multimedia and digital Christian resources, to prison terms ranging from one year and three months to six years, and fines ranging from 10,000 to 200,000 yuan (US$1,500 to US$30,000) for "illegal business activity" associated with the sale of audio Bibles.[92] In December 2021, the Taizhou Intermediate People's Court in Taizhou municipality, Zhejiang province, upheld on appeal Christian bookseller **Chen Yu**'s original seven-year sentence for "illegal business activity."[93]

Falun Gong

Chinese authorities continued to prosecute Falun Gong practitioners under Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law."[94] The Falun Gong-affiliated website Minghui reported

the deaths of dozens of Falun Gong practitioners due to treatment while in custody and hundreds of cases of Falun Gong practitioners being sentenced by authorities, apparently for their connection with Falun Gong.[95] The Commission observed the following reports of authorities targeting Falun Gong practitioners and seeking to impede or deter their legal counsel:

- In November 2021, the Xiangyang District Court in Jiamusi municipality, Heilongjiang province, sentenced Falun Gong practitioner and former teacher **Liu Lijie** to three years and six months in prison.[96] Liu was detained in October 2020 in connection with a gathering she attended at the home of an elderly Falun Gong practitioner and released on bail.[97] In 2021, she was tried and sentenced without her lawyer or legal advisors present and was reportedly taken into custody on January 12, 2022, after her appeal was denied.[98]
- On January 16, 2022, authorities sentenced 11 Falun Gong practitioners detained in 2020 for sharing COVID-19-related materials with an overseas publication and in connection with Falun Gong religious materials confiscated at their residences.[99] Beijing municipality authorities imposed a sentence of eight years on artist **Xu Na,** who was also fined 20,000 yuan (US$3,000), in connection to having shared photos with the Falun Gong media outlet Epoch Times, which showed Beijing during the early days of the COVID-19 outbreak in China.[100]
- In December 2021, Beijing Justice Bureau officials disbarred Xu Na's original lawyer, **Liang Xiaojun,** partly over his social media posts that defended the rights of Falun Gong practitioners.[101]

In a peer-reviewed study in the American Journal of Transplantation, two researchers shared their findings from "a forensic review of 2,838 papers drawn from a dataset of 124,770 Chinese-language transplant publications" published between 1980 and 2015.[102] Noting the common use of death row prisoners in China to harvest organs during this period, the authors of the study concluded that it was highly likely that transplant surgeons in China had participated in the execution of prisoners "by organ removal," in violation of the medical field's "dead donor rule."[103] They also described their findings as consistent with previous "anecdotal and textual" accounts provided by Falun Gong-affiliated organizations regarding alleged organ harvesting from prisoners of conscience.[104] There also continued to be accounts that Uyghurs and other predominantly Muslim ethnic minorities in the XUAR have also been targeted for forced organ removal.[105]

Other Religious Communities

According to a Dui Hua Foundation report, the Chinese government has taken increased measures to crack down on practitioners it has deemed to be part of "unorthodox" religious communities, defined as groups outside of the five religions subject to official regulation.[106] Authorities had designated certain groups as "cults" or "heterodox teachings" (*xiejiao*), such as the Church of Almighty God[107] and the Association of Disciples,[108] and have continuously prosecuted adherents under Article 300 of the PRC Criminal

Law.[109] Dui Hua noted an official focus on controlling religious activity in rural areas, as seen in an opinion issued by the Supreme People's Court in July 2021,[110] which calls for "more severe punishment of illegal religious activities, 'cults,' and overseas infiltration in rural areas."[111] Examples of the suppression of religious communities outside of the five religions subject to official regulation included:

- According to a report produced by the Church of Almighty God, the PRC central government has continued to crack down on this new religious movement as part of a three-year campaign launched in 2020.[112] The online magazine Bitter Winter reported that between August and November 2021, authorities in Guangdong, Henan, and Shandong provinces and the Guangxi Zhuang Autonomous Region detained over 300 members of the Church of Almighty God.[113]
- In November 2021, the Dalad (Dalate) Banner People's Court in Ordos (E'erduosi) municipality, Inner Mongolia Autonomous Region, reportedly sentenced eight members of the Association of Disciples to prison sentences and fines under Article 300 of the PRC Criminal Law.[114]

Notes to Section III—Freedom of Religion

[1] "Xi Jinping zai Quanguo Zongjiao Gongzuo Huiyi shang qiangdiao jianchi woguo zongjiao zhongguohua fangxiang jiji yindao zongjiao yu shehui zhuyi shehui xiang shiying" [At the National Conference on Religious Work, Xi Jinping stressed: persevere on the path of [China's] sinicization of religion and actively lead religion in the adaptation of religion with socialism," *Xinhua,* December 4, 2021.

[2] ChinaAid Association, "ChinaAid's 2021 Annual Persecution Report," March 7, 2022.

[3] Paul M. Taylor, *Freedom of Religion: UN and European Human Rights Law and Practice* (New York: Cambridge University Press, 2005), 19, 24, 203–4.

[4] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18. Article 18 of the ICCPR upholds a person's right to "have or adopt a religion or belief" and the "freedom . . . to manifest [that] religion or belief in worship, observance, practice and teaching." Article 18 also prohibits coercion that impairs an individual's freedom to freely hold or adopt a religion or belief. See also Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted and proclaimed by UN General Assembly resolution 36/55 of November 25, 1981. China has signed and stated its intent to ratify the ICCPR, which obligates China to refrain in good faith from acts that would defeat the treaty's purpose. State Council Information Office, "Guojia Renquan Xingdong Jihua (2016–2020 Nian)" [National Human Rights Action Plan of China (2016–2020)], September 29, 2016, sec. 5; United Nations Conference on the Law of Treaties, Vienna Convention on the Law of Treaties, adopted May 23, 1969, entry into force January 27, 1980, art. 18.

[5] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36.

[6] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36; Liu Peng, "A Crisis of Faith," *China Security* 4, no. 4 (Autumn 2008): 30.

[7] See, e.g., *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36; State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], issued November 30, 2004, amended June 14, 2017, effective February 1, 2018, art. 2; *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, amended December 29, 2018, art. 12.

[8] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 26.

[9] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18(2).

[10] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36; State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], issued November 30, 2004, amended June 14, 2017, effective February 1, 2018, art. 2.

[11] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 36; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18; UN Human Rights Committee, General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), CCPR/C/21/Rev.1/Add.4, September 27, 1993, para. 8. The ICCPR does allow State Parties to restrict outward manifestations of religion or belief, but such restrictions must be "prescribed by law and . . . necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

[12] Amber Wang, "China Tightens Control of Religion, with Focus on National Security," *South China Morning Post,* December 6, 2021.

[13] "Xi Jinping zai Quanguo Zongjiao Gongzuo Huiyi shang qiangdiao jianchi woguo zongjiao zhongguohua fangxiang jiji yindao zongjiao yu shehui zhuyi shehui xiang shiying" [At the National Conference on Religious Work, Xi Jinping stressed: persevere on the path of [China's] sinicization of religion and actively lead religion in the adaptation of religion with socialism," *Xinhua,* December 4, 2021; Amber Wang, "China Tightens Control of Religion, with Focus on National Security," *South China Morning Post,* December 6, 2021.

[14] Experts have noted that Chinese authorities have broadly interpreted "national security," using it as grounds to punish speech or actions that did not conform to Chinese Communist Party and government priorities. See, e.g., Rudolf Fürst, "Cultivating the Art of Anxiety: Securitising Culture in China," *China Report* 57 (October 19, 2021): 4; Nis Grünberg, "Unlocking Anti-Fragile China: How Xi Reinforces the Party State for Global Leadership," in *The CCP's Next Century: Expanding Economic Control, Digital Governance and National Security,* eds. Nis Grünberg and Claudia Wessling, MERICS Papers on China 10, June 2021; Raphaël Viana David, International Service for Human Rights, "China's Abuse of National Security to Curtail Human Rights: 4 Things You Need to Know," January 27, 2022; Helena Legarda, Mercator Institute for China Studies, "China's New International Paradigm: Security First," June 15, 2021; Office of the UN High Commissioner for Human Rights, "UN Rights Chief Concerned by 'Broad Scope' of China's New Security Law," July 7, 2015.

[15] Amber Wang, "China Tightens Control of Religion, with Focus on National Security," *South China Morning Post,* December 6, 2021.

[16] "Xi Jinping zai Quanguo Zongjiao Gongzuo Huiyi shang qiangdiao jianchi woguo zongjiao zhongguohua fangxiang jiji yindao zongjiao yu shehui zhuyi shehui xiang shiying" [At the National Conference on Religious Work, Xi Jinping stressed: persevere on the path of [China's] sinicization of religion and actively lead religion in the adaptation of religion with socialism," *Xinhua,* December 4, 2021; Amber Wang, "China Tightens Control of Religion, with Focus on National Security," *South China Morning Post,* December 6, 2021.

[17] Dong Fanchao, "Renzhen xuexi guanche Xi Jinping Zongshuji zhongyao jianghua jingshen nuli wei kaichuang zongjiao gongzuo xin jumian zuochu jiji gongxian" [Earnestly study and implement the spirit of Chairman Xi Jinping's important speech; strive to make positive contributions to creating a new situation for religious work], *Legal Daily,* December 6, 2021. For information on the translation and application of the term *xiejiao,* see Richard Madsen, "Introduction," in *The Sinicization of Chinese Religions: From Above and Below* (Leiden: Brill, 2021), 7; Dui Hua Foundation, "The Persecution of Unorthodox Religious Groups in China," *Dui Hua Human Rights Journal,* March 29, 2022, 4; Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), 29, 339–40; J. Gordon Melton, "Xiejiao, Cults, and New Religions," in *The Sinicization of Chinese Religions: From Above and Below,* ed. Richard Madsen (Leiden: Brill, 2021), 148, 152–54. Melton traces Chinese leaders' use of the term *xiejiao* to characterize new religious movements across the Qing Dynasty, Nationalist, and PRC governments, observing that "China has a long history of banning dissenting groups as heretical and/or chaotic, a threat to the public and political order."

[18] Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), 158–59.

[19] "Xi Jinping zai Quanguo Zongjiao Gongzuo Huiyi shang qiangdiao jianchi woguo zongjiao zhongguohua fangxiang jiji yindao zongjiao yu shehui zhuyi shehui xiang shiying" [At the National Conference on Religious Work, Xi Jinping stressed: persevere on the path of [China's] sinicization of religion and actively lead religion in the adaptation of religion with socialism," *Xinhua,* December 4, 2021.

[20] Carsten T. Vala, "Reading Tea Leaves from the 2021 National Religious Work Conference," *ChinaSource* (blog), February 4, 2022.

[21] "Xi Jinping zai Quanguo Zongjiao Gongzuo Huiyi shang qiangdiao jianchi woguo zongjiao zhongguohua fangxiang jiji yindao zongjiao yu shehui zhuyi shehui xiang shiying" [At the National Conference on Religious Work, Xi Jinping stressed: persevere on the path of [China's] sinicization of religion and actively lead religion in the adaptation of religion with socialism," *Xinhua,* December 4, 2021; "Zhonggong Zhongyang guanyu Dang de bainian fendou zhongda chengjiu he lishi jingyan de jueyi" [Resolution of the Chinese Communist Party Central Committee on the major achievements and historical experience of the Party's struggles over the past century], passed November 11, 2021. The mention of "Party history" refers to the "Resolution on the Major Achievements and Historical Experience of the Party's 100-Year Struggle," adopted at the Sixth Plenum of the 19th Central Committee of the Chinese Communist Party. The campaign has been interpreted by many observers as an effort to legitimize Xi's and the Party's leadership and thereby cultivate loyalty to the Party. For a discussion of the campaign and its aims, see Center for Advanced China Research, *Past as Prologue: Studying Party History for Xi's New Era,* ed. Anna Scott Bell, January 31, 2022; Carsten T. Vala, "Reading Tea Leaves from the 2021 National Religious Work Conference," *ChinaSource* (blog), February 4, 2022. According to scholar Carsten Vala, education of religious believers in Party history supports the sinicization of religion by legitimizing Party leadership and increasing religious believers' identification with the Party and nation, "all with the goal of enhancing 'national security.'"

[22] National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022.

[23] National Religious Affairs Administration, "[Quanwei jiedu] Guojia Zongjiao Shiwu Ju xiangguan fuzeren jiu 'Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa' da jizhe wen" [Authoritative interpretation: Relevant responsible individual from the National Religious Affairs Administration answers reporters' questions on the "Measures for the Administration of Internet Religious Information Services"], December 29, 2022.

[24] National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, art. 6.

[25] National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, art. 17.

[26] National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, art. 14(8).

[27] National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, arts. 6–7.

[28] National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, art. 13.

[29] National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, art. 20.

[30] National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, art. 15.

[31] National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022, art. 16.

[32] Li Yuan, "As Beijing Takes Control, Chinese Tech Companies Lose Jobs and Hope," *New York Times,* January 12, 2022; Freedom House, "China," in *Freedom on the Net 2021: The Global Drive to Control Big Tech,* 2021; "China's Red New Deal: A Guide to All the Different Crackdowns on Companies Going on Right Now," *SupChina,* October 26, 2021; Helen Davidson, "China Bans Celebrity Rankings in Bid to 'Rectify Chaos in the Fan Community,'" *Guardian,*

August 27, 2021. For coverage of these developments over the previous reporting year, see CECC, *2021 Annual Report,* March 31, 2022, 53–54.

[33] Tibet Watch, "China Announces Further Restrictions on Buddhism on the Internet," February 2, 2022; Jerry An, "Chinese Christian Media Ministries Face Bitter Winter of Censorship," *Christianity Today,* December 24, 2021; Joann Pittman, "Raising the Walls of the Sandbox," *ChinaSource* (blog), January 14, 2022; Zhensai Gao, ChinaAid Association, "Explained: New CCP Regulations on Religious Internet Content," January 6, 2022; Grace Song, "TSPM Churches Attempt to Obtain Internet Religious Information Service License," *China Christian Daily,* April 6, 2022.

[34] Nathan Vanderklippe, "How China Is Turning Religion into Another State-Controlled Tool to Support Its Communist Ideals," *Globe and Mail,* June 30, 2021; Weishan Huang, "The Sinicization of Buddhism and Its Competing Reinventions of Tradition," in *The Sinicization of Chinese Religions: From Above and Below,* ed. Richard Madsen, *Religion in Chinese Societies* 18 (Leiden: Brill, 2021), 65, 67, 69, 83; Ian Johnson, "China's New Civil Religion," *New York Times,* December 21, 2019.

[35] Nathan Vanderklippe, "How China Is Turning Religion into Another State-Controlled Tool to Support Its Communists Ideals," *Globe and Mail,* June 30, 2021; Weishan Huang, "The Sinicization of Buddhism and Its Competing Reinventions of Tradition," in *The Sinicization of Chinese Religions: From Above and Below*, ed. Richard Madsen, *Religion in Chinese Societies* 18 (Leiden: Brill, 2021), 65, 67, 69, 83; Ian Johnson, "China's New Civil Religion," *New York Times,* December 21, 2019.

[36] CECC, *2021 Annual Report,* March 31, 2022, 99.

[37] Because non-Tibetan Buddhism and Taoism are seen as models of "sinicization," they were more publicly mobilized around centenary activities than were other groups. In 2021, local governments throughout the country featured Buddhist and Taoist clergy, leadership, and laity participating in patriotic activities or expressing patriotic sentiments. See, e.g., Xuancheng Municipal Buddhist Association, "Xuancheng Shi Fojiao jie kaizhan jinian Zhongguo Gongchandang danchen 100 zhounian qingzhu huodong" [Xuancheng Municipality Buddhist community holds celebratory activities to commemorate the 100th anniversary of the founding of the Chinese Communist Party], July 9, 2021; Jiangbei District Bureau of Ethnic and Religious Affairs, "Jiangbei Qu Fojiao jie juban qingzhu Zhongguo Gongchandang chengli 100 bainian quanguo mingjia Fojiao yinglian zuopin zhan" [Jiangbei District Buddhist community held an exhibition of Buddhist couplets by national master artists to celebrate the 100th anniversary of the founding of the Chinese Communist Party], June 29, 2021; Heilongjiang Provincial Bureau of Ethnic and Religious Affairs, "Suihua Shi Fojiao jie qingzhu Zhongguo Gongchandang bainian huadan—mianhuai geming xianlie xuexi wangwo jingshen ji sao huodong" [Suihua Municipality Buddhist community celebrates the 100th anniversary of the Chinese Communist Party—remembering the revolutionary martyrs, studying the spirit of selflessness, and conducting a memorial sweeping rite], June 30, 2021; Jiangxi Provincial Bureau of Ethnic and Religious Affairs, "Cao Guoqing chuxi Ganzhou Shi Fojiao Xiehui qingzhu Zhongguo Gongchandang chengli 100 zhounian shuhua zhan" [Cao Guoqing attended a Ganzhou Buddhist Association calligraphy exhibit celebrating the 100th anniversary of the founding of the Chinese Communist Party], July 20, 2021.

[38] Emeishan Buddhism Online, "Emeishan Foxueyuan shi sheng fu Bazhong, Nanchong deng di kaizhan hongse zhi lu" [Emeishan Buddhist Institute teachers and students travel to Bazhong, Nanchong, and other sites to launch a red tour], Emeishan Buddhist Association, July 19, 2021.

[39] Zhejiang Provincial Buddhist Association (@gh_7d06e2b24417), "Shaoxing Shi zhi Fojiao jie fu Jiangxi Ruijin kaizhan hongse zhi lu" [Shaoxing Municipality Buddhist community goes to Ruijin city, Jiangxi to launch a red tour], WeChat post, September 29, 2021.

[40] Tianjin Huasheng Temple (@tianjinhuashengsi), "Tianjin Huasheng Si zuzhi guankan hongse dianying 'Changjin Hu'" [Huasheng Temple, Tianjin organizes a viewing of the red movie "The Battle at Changjin Lake"], WeChat post, October 29, 2021.

[41] Xu Xiaolei, "Chen Kaige gankai: 'Changjin Hu' de wancheng shi Zhongguo dianying de dashi" [Chen Kaige is deeply moved: the completion of "The Battle at Changjin Lake" is a major event in Chinese cinema], *Southern Metropolis Daily,* reprinted in QQ, June 13, 2021; Laura He, "China's Korean War Propaganda Movie Smashes Box Office Record," *CNN,* October 4, 2021; Carice Witte, "'The Battle at Lake Changjin' and China's New View of War," *The Diplomat,* October 14, 2021.

[42] Tianjin Huasheng Temple (@tianjinhuashengsi), "Tianjin Huasheng Si zuzhi guankan hongse dianying 'Changjin Hu'" [Huasheng Temple, Tianjin organizes a viewing of the red movie "The Battle at Changjin Lake"], WeChat post, October 29, 2021.

[43] Chinese Taoist College, "Wo yuan zuzhi quanti shisheng guankan dianying 'Changjin Hu'" [All Chinese Taoist College students and teachers watched the movie "The Battle at Lake Changjin"], October 15, 2021.

[44] International Campaign for Tibet, "Containing the 'Eastward Movement of Tibetan Mysticism': Targeting Chinese Buddhist Practitioners at Larung Gar Academy," January 20, 2022.

[45] International Campaign for Tibet, "Containing the 'Eastward Movement of Tibetan Mysticism': Targeting Chinese Buddhist Practitioners at Larung Gar Academy," January 20, 2022. Larung Gar is considered a prominent Tibetan Buddhist institution; for more information on the demolitions and expulsions that took place as part of previous crackdowns on Larung Gar, see CECC, *2018 Annual Report,* October 8, 2018, 294 and CECC, *2017 Annual Report,* October 5, 2017, 303–4.

[46] International Campaign for Tibet, "Containing the 'Eastward Movement of Tibetan Mysticism': Targeting Chinese Buddhist Practitioners at Larung Gar Academy," January 20, 2022.

[47] International Campaign for Tibet, "Containing the 'Eastward Movement of Tibetan Mysticism': Targeting Chinese Buddhist Practitioners at Larung Gar Academy," January 20, 2022.

[48] Emily Feng, "China Is Removing Domes from Mosques as Part of a Push to Make Them More 'Chinese,'" *NPR,* October 24, 2021; David R. Stroup, "China: Removing 'Arab-Style' Features from Country's Biggest Mosques the Latest Move in Campaign of Muslim Assimilation," *The Conversation,* September 28, 2021.

[49] Liu Quan, "Peidai toujin nusheng jinzhi ru xiao Henan yi xuexiao xingwei yin zhongnu" [Girls wearing headscarves are prohibited from entering school; a school in Henan draws mass anger], *Radio Free Asia,* November 9, 2021.

[50] Daria Impiombato, "Xinjiang's Oppression Has Shifted Gears," *Foreign Policy,* November 1, 2021; Michael Clarke, "Turning Ghosts into Humans: Surveillance as an Instrument of Social Engineering in Xinjiang," *War on the Rocks* (blog), November 2, 2021; Shohret Hoshur, "Chinese Officials Restrict Number of Uyghurs Observing Ramadan," *Radio Free Asia,* April 1, 2022. For background information on surveillance of Turkic Muslims in the XUAR, see U.S. Department of the Treasury, "Treasury Identifies Eight Chinese Tech Firms as Part of the Chinese Military-Industrial Complex," December 16, 2021.

[51] David R. Stroup, "China: Removing 'Arab-Style' Features from Country's Biggest Mosques the Latest Move in Campaign of Muslim Assimilation," *The Conversation,* September 28, 2021.

[52] David R. Stroup, "China: Removing 'Arab-Style' Features from Country's Biggest Mosques the Latest Move in Campaign of Muslim Assimilation," *The Conversation,* September 28, 2021.

[53] Liu Quan, "Peidai toujin nusheng jinzhi ru xiao Henan yi xuexiao xingwei yin zhongnu" [Girls wearing headscarves are prohibited from entering school; a school in Henan draws mass anger], *Radio Free Asia,* November 9, 2021.

[54] Liu Quan, "Zhengfu zuzhi Yisilan xuanjiang tuan jinzhu qingzhensi jiasu 'Yisilan zhongguo hua'" [Government-organized Islamic preaching group stationed in mosques to accelerate "sinicization of Islam"], *Radio Free Asia,* October 26, 2021.

[55] Josh Chin, "China Launches Investigation into Official Who Promoted Respect for Islam," *Wall Street Journal,* March 19, 2022.

[56] Josh Chin, "China Launches Investigation into Official Who Promoted Respect for Islam," *Wall Street Journal,* March 19, 2022.

[57] Josh Chin, "China Launches Investigation into Official Who Promoted Respect for Islam," *Wall Street Journal,* March 19, 2022.

[58] "New Bishop Ordained in China," *Vatican News,* September 8, 2021. For more on the Sino-Vatican Agreement, see CECC, *2021 Annual Report,* March 31, 2022, 101–2.

[59] "New Bishop Ordained in China," *Vatican News,* September 8, 2021.

[60] "Henan's Msgr Zhang Weizhu in Prison for 9 Months," *AsiaNews,* February 21, 2022; "Wenzhou Authorities Detain Bishop Shao Zhumin Again," *AsiaNews,* October 26, 2021.

[61] "Henan's Msgr Zhang Weizhu in Prison for 9 Months," *AsiaNews,* February 21, 2022; "Xinxiang Faithful Worried for Msgr Zhang Weizhu, His Fate Still Unknown," *AsiaNews,* July 15, 2021.

[62] "Wenzhou Authorities Detain Bishop Shao Zhumin Again," *AsiaNews,* October 26, 2021; "Xi Jinping's Easter: Another Crackdown on the Unofficial Church," *AsiaNews,* April 11, 2022.

[63] "Wenzhou Authorities Detain Bishop Shao Zhumin Again," *AsiaNews,* October 26, 2021; "Xi Jinping's Easter: Another Crackdown on the Unofficial Church," *AsiaNews,* April 11, 2022.

[64] Blake Schmidt, "The Publishing Empire Helping China Silence Dissent in Hong Kong," *Bloomberg,* August 17, 2020. Schmidt reports that Hong Kong newspapers *Ta Kung Pao* and *Wen Wei Po* are owned by the Chinese company Guangdong Xin Wenhua, whose "ownership of publishing assets in Hong Kong is spelled out in documents in the city's corporate registry and on the websites of the companies it controls." "China Merges Two Communist Party-backed Newspapers in Hong Kong," *Radio Free Asia,* February 2, 2016. In 2016, the outlets merged, becoming the Hong Kong Ta Kung Wen Wei Media Group.

[65] "Wufawutian: Chen Rijun lanyong shenzhi shenfen luan Gang" [Lawless: Joseph Zen abuses his clerical status to stoke chaos in Hong Kong], *Ta Kung Pao,* January 27, 2022; "Yu shi bingjin/Guan Haoming cheng gaige: 'Huaren Miaoyu Tiaoli' bupingdeng" [Keeping up with the times/Reverend Peter Koon supports reform: the "Chinese Temple Ordinance" is unfair], *Ta Kung Pao,* January 27, 2022; "Houcibobi Tang Enjia Hua yang zongjiao daiyu cha tian gong di" [Favoring one over the other, Tong Yun Kai: treatment of Chinese and foreign religions vastly different], *Ta Kung Pao,* January 27, 2022; "Jiaqiang jianguan/da zhuang chang lifa daji jiduan zongjiao zuzhi" [Strengthening oversight: barrister advocates legislation to crack down on extremist religious groups], *Ta Kung Pao,* January 28, 2022.

[66] "Wufawutian: Chen Rijun lanyong shenzhi shenfen luan Gang" [Lawless: Joseph Zen abuses his clerical status to stoke chaos in Hong Kong], *Ta Kung Pao,* January 27, 2022.

[67] Nina Shea, Hudson Institute, "Transcript: The Olympics Boycott Series—Part 3: The New Threat to Religious Freedom in Hong Kong," March 31, 2022.

[68] Greg Torode, "Historic Conclave: Chinese Bishops, Priests Brief Hong Kong Clerics on Xi's Religious Views," *Reuters,* December 30, 2021.

[69] Theodora Yu, "Hong Kong Police Arrest 90-Year-Old Cardinal on Foreign Collusion Charges," *Washington Post,* May 11, 2022.

[70] Lok-kei Sum, "Arrest of Cardinal Zen Sends Chill through Hong Kong's Catholic Community," *Guardian,* May 16, 2022.

[71] Zen Soo, "Hong Kong Catholic Cardinal Denies Charges Over Relief Fund," *Associated Press,* May 24, 2022.

[72] Sun Cheng, "Shanxi Linfen Jin Dengtang Jiaohui zao dangju daya duo ren bei pibu qisu" [Golden Lampstand Church of Linfen, Shanxi, suppressed by authorities, many people approved for arrest and indicted], *Radio Free Asia,* January 13, 2022; Rights Defense Network, "Sichuan Deyang shi Qingcaodi jiaohui Hao Ming zhanglao he Wu Jiannan zhanglao bei xingshi juliu" [Sichuan Deyang municipality Qingcaodi Church elder Hao Ming and elder Wu Jiannan are criminally detained], November 20, 2021; Yu Bing, ChinaAid Association, "Sichuan sheng Deyang shi Qingcaodi Jiaohui liang wei zhanglao beizhua hou gai xingshi juliu" [Two elders from Qingcaodi Church in Deyang municipality, Sichuan, criminally detained after being

seized], November 20, 2021; ChinaAid Association, "ChinaAid's Annual Persecution Report 2021: January–December 2021," March 1, 2022, 41; In a blog post, an Early Rain Covenant Church leader writes that authorities use the charge of fraud in order to target unregistered churches by depriving them of resources. Li Yingqiang, "Wo dui yi 'zhapian zui' lai dingzui jiating jiaohui fengxian he chuandaoren de san dian yijian [My three comments on the use of 'fraud' to convict house church pastors and offerings], *Li Yingqiang* (blog), November 18, 2021.

[73] Yu Bing, ChinaAid Association, "Two Teachers Released on Bail, Two Teachers Arrested with No Update," March 4, 2022; Kexin Wang, "Sentenced Up to Six Years in Jail for Selling Bible Players," *Bitter Winter,* August 3, 2021; ChinaAid Association, "Bao'an District Court Authorities Harshly Sentence Four Christians, Fu Xuanjuan, Deng Tianyong, Han Li, and Feng Qunhao for Selling Bible Players," July 31, 2021; Rights Defense Network, "Yin hefa xiaoshou Shengjing bofangqi er zao zhuabu de Fu Xuanjuan, Deng Tianyong, Han Li, Feng Qunhao deng si Jidutu mianlin 5 nian yu 1 nian 6 ge yue budeng de xingqi" [Four Christians, including Fu Xuanjuan, Deng Tianyong, Han Li, and Feng Qunhao, who were arrested for legally selling Bible players, face sentences ranging from five years to one year and six months], December 12, 2020.

[74] Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted and proclaimed by UN General Assembly resolution 36/55 of November 25, 1981, arts. 6(b), 6(d), 6(f).

[75] Yu Bing, ChinaAid Association, "Chi hefa huzhao chuguo de Taiyuan Xuncheng Guizheng Jiaohui wu wei tonggong yishen beipan youzui" [Five fellow workers from Taiyuan Xuncheng (Zion) Reformed Church who traveled abroad with valid passports found guilty in court of first instance], January 7, 2022; Rights Defense Network, "Sichuan Deyang shi Qingcaodi Jiaohui Hao Ming zhanglao he Wu Jiannan zhanglao bei xingshi juliu" [Elder Hao Ming and elder Wu Jiannan of Qingcaodi Church in Deyang municipality, Sichuan, are criminally detained], November 20, 2021; Yu Bing, ChinaAid Association, "Sichuan sheng Deyang shi Qingcaodi Jiaohui liang wei zhanglao beizhua hou gai xingshi juliu" [Two elders from Qingcaodi Church in Deyang municipality, Sichuan, criminally detained after being seized], November 20, 2021; Sun Cheng, "Shanxi Linfen Jin Dengtang Jiaohui zao dangju daya duo ren bei pibu qisu" [Golden Lampstand Church of Linfen, Shanxi, suppressed by authorities, many people approved for arrest and indicted], *Radio Free Asia,* January 13, 2022; CECC, *2021 Annual Report,* March 31, 2022, 104.

[76] Qiao Long, "Shanxi Linfen jiaohui jiu ren beibu duonian kangju jiaru Sanzi Jiaohui" [Nine people from Linfen, Shanxi, church arrested, for many years they resisted joining the Three-Self Church], *Radio Free Asia,* August 9, 2021; Sun Cheng, "Shanxi Linfen Jin Dengtang Jiaohui zao dangju daya duo ren bei pibu qisu" [Golden Lampstand Church of Linfen, Shanxi, suppressed by authorities, many people approved for arrest and indicted], *Radio Free Asia,* January 13, 2022. Authorities had previously demolished the church building in 2018. For more information, see the Commission's Political Prisoner Database records 2009-00428 on Yang Rongli and 2009-00408 on Wang Xiaoguang.

[77] Sun Cheng, "Shanxi Linfen Jin Dengtang Jiaohui zao dangju daya duo ren bei pibu qisu" [Golden Lampstand Church of Linfen, Shanxi, suppressed by authorities, many people approved for arrest and indicted], *Radio Free Asia,* January 13, 2022. For more information, see the Commission's Political Prisoner Database records 2022-00102 on Li Shuangping, 2022-00103 on Dong Yongyong, 2009-00478 on Zhao Guoai, 2022-00105 on Huo Zhuangping, and 2022-00106 on Wu Ling'e.

[78] Rights Defense Network, "Sichuan Deyang shi Qingcaodi jiaohui Hao Ming zhanglao he Wu Jiannan zhanglao bei xingshi juliu" [Sichuan Deyang municipality Qingcaodi Church elder Hao Ming and elder Wu Jiannan are criminally detained], November 20, 2021; Yu Bing, ChinaAid Association, "Sichuan sheng Deyang shi Qingcaodi Jiaohui liang wei zhanglao beizhua hou gai xingshi juliu" [Two elders from Qingcaodi Church in Deyang municipality, Sichuan, criminally detained after being seized], November 20, 2021. For more information, see the Commission's Political Prisoner Database records 2022-00042 on Hao Ming and 2022-00043 on Wu Jiannan.

[79] ChinaAid Association, "ChinaAid's Annual Persecution Report 2021: January–December 2021," March 1, 2022, 41. In a blog post, an Early Rain Covenant Church leader writes that authorities use the charge of fraud in order to target unregistered churches by depriving them of resources. Li Yingqiang, "Wo dui yi 'zhapian zui' lai dingzui jiating jiaohui fengxian he chuandaoren de san dian yijian [My three comments on the use of 'fraud' to convict house church pastors and offerings]," *Li Yingqiang* (blog), November 18, 2021.

[80] Yu Bing, ChinaAid Association, "An Yankui and Zhang Chenghao of Taiyuan Xuncheng Reformed Church Officially Arrested," January 6, 2022; Yu Bing, ChinaAid Association, "Chi hefa huzhao chuguo de Taiyuan Xuncheng Guizheng Jiaohui wu wei tonggong yishen beipan youzui" [Five fellow workers from Taiyuan Zion (Xuncheng) Reformed Church who traveled abroad with valid passports found guilty in court of first instance], January 7, 2022; Rights Defense Network, "Zao jiya de Shanxi Xuncheng Guizheng Jiaohui chuandao, Jidutu An Yankui, Zhang Chenghao huijian lushi de hefa quanli bei boduo lushi yu jiandu" [Detained Shanxi Zion (Xuncheng) Reformed Church preachers, Christians An Yankui and Zhang Chenghao denied legal right to meet lawyer, lawyer calls for oversight], January 26, 2022.

[81] Yu Bing, ChinaAid Association, "An Yankui and Zhang Chenghao of Taiyuan Xuncheng Reformed Church Officially Arrested," January 6, 2022; Yu Bing, ChinaAid Association, "Chi hefa huzhao chuguo de Taiyuan Xuncheng Guizheng Jiaohui wu wei tonggong yishen beipan youzui" [Five fellow workers from Taiyuan Zion (Xuncheng) Reformed Church who traveled abroad with valid passports found guilty in court of first instance], January 7, 2022; Rights Defense Network, "Zao jiya de Shanxi Xuncheng Guizheng Jiaohui chuandao, Jidutu An Yankui, Zhang Chenghao huijian lushi de hefa quanli bei boduo lushi yu jiandu" [Detained Shanxi Zion (Xuncheng) Reformed Church preachers, Christians An Yankui and Zhang Chenghao denied legal right to meet lawyer, lawyer calls for oversight], January 26, 2022. For more information, see the Commission's Political Prisoner Database records 2021-00388 on An Yankui and 2021-00545 on Zhang Chenghao.

[82] Rights Defense Network, "Zao jiya de Shanxi Xuncheng Guizheng Jiaohui chuandao, Jidutu An Yankui, Zhang Chenghao huijian lushi de hefa quanli bei boduo lushi yu jiandu" [Detained Shanxi Zion (Xuncheng) Reformed Church preachers, Christians An Yankui and Zhang Chenghao denied legal right to meet lawyer, lawyer calls for oversight], January 26, 2022. In June 2022, ChinaAid Association reported that Zhang had later been allowed to meet with his lawyer. Yu Bing, ChinaAid Association, "Shanxi Taiyuan Xuncheng Guizheng Jiaohui An Yankui chuandao he tonggong Zhang Chenghao she 'tou yue (guo) bianjing zui' an yi yijiao fayuan" [Shanxi Taiyuan Zion (Xuncheng) Reformed Church preacher An Yankui and coworker Zhang Chenghao "crossing (the country's) border" case has already been transferred to the court], June 16, 2022.

[83] Yu Bing, ChinaAid Association, "Taiyuan Zion Reformed Church Raided—Seven Christians Questioned," April 6, 2022.

[84] Yu Bing, ChinaAid Association, "Two Teachers Released on Bail, Two Teachers Arrested with No Update," March 4, 2022.

[85] Yu Bing, ChinaAid Association, "Two Teachers Released on Bail, Two Teachers Arrested with No Update," March 4, 2022. For more information, see the Commission's Political Prisoner Database records 2022-00140 on Wan Hongxia and 2022-00141 on Wang Minghai.

[86] Yu Bing, ChinaAid Association, "CCP Police Arrest Staff and Students at Maizi Christian Music High School/Principal Xu Unreachable for More than 60 Hours," September 7, 2021.

[87] John Ma, ChinaAid Association, "Beijing Government Shuts Down Another Private School," November 3, 2021.

[88] Rights Defense Network, "Taiyuan Xuncheng Guizheng Jiaohui Jidutu Zhao Weikai bei zhengshi pibu" [Taiyuan Zion (Xuncheng) Reformed Church Christian Zhao Weikai formally approved for arrest], July 21, 2021; Yu Bing, ChinaAid Association, "Taiyuan Xuncheng Jiaohui tonggong Zhao Weikai bei zhengshi daibu" [Taiyuan Zion (Xuncheng) Reformed Church coworker Zhao Weikai formally arrested], July 21, 2021. For more information on Zhao Weikai, see the Commission's Political Prisoner Database record 2021-00513.

[89] Rights Defense Network, "Taiyuan Xuncheng Guizheng Jiaohui Jidutu Zhao Weikai bei zhengshi pibu" [Taiyuan Zion (Xuncheng) Reformed Church Christian Zhao Weikai formally approved for arrest], July 21, 2021; Yu Bing, ChinaAid Association, "Taiyuan Xuncheng Jiaohui tonggong Zhao Weikai bei zhengshi daibu" [Taiyuan Zion (Xuncheng) Reformed Church coworker Zhao Weikai formally arrested], July 21, 2021.

[90] Yu Bing, ChinaAid Association, "Meiguo Jidujiao jiating jiaoyu jigou Abeka Zhongguo daili bei jingfang daizou" [China representatives of U.S. Christian homeschooling education program, Abeka, are taken away by police], October 13, 2021.

[91] Yu Bing, ChinaAid Association, "Meiguo Jidujiao jiating jiaoyu jigou Abeka Zhongguo daili bei jingfang daizou" [China representatives of U.S. Christian homeschooling education program, Abeka, are taken away by police], October 13, 2021.

[92] Wang Kexin, "Sentenced Up to Six Years in Jail for Selling Bible Players," *Bitter Winter,* August 3, 2021; ChinaAid Association, "Bao'an District Court Authorities Harshly Sentence Four Christians, Fu Xuanjuan, Deng Tianyong, Han Li, and Feng Qunhao for Selling Bible Players," July 31, 2021; Rights Defense Network, "Yin hefa xiaoshou Shengjing bofangqi er zao zhuabu de Fu Xuanjuan, Deng Tianyong, Han Li, Feng Qunhao deng si Jidutu mianlin 5 nian yu 1 nian 6 ge yue budeng de xingqi" [Four Christians, including Fu Xuanjuan, Deng Tianyong, Han Li, and Feng Qunhao, who were arrested for legally selling Bible players, face sentences ranging from five years to one year and six months], December 12, 2020. For more information, see the Commission's Political Prisoner Database record 2021-00015 on Fu Xuanjuan, 2021-00030 on Deng Tianyong, 2021-00031 on Han Li, and 2021-00032 on Feng Qunhao.

[93] ChinaAid Association, "Jidujiao shudian 'Xiaomai Shufang' Chen Yu an ershen: weichi yuanpan" [Second instance trial in case of Chen Yu's Christian bookstore "Xiaomai Bookstore": original verdict upheld], January 7, 2022; ChinaAid Association, "ChinaAid's Annual Persecution Report 2021: January–December 2021," March 1, 2022, 42. For more information on Chen Yu, see the Commission's Political Prisoner Database record 2020-00247. Chen Yu is also known as Zhang Xiaomai.

[94] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 300.

[95] "Reported in 2021: 132 Falun Gong Practitioners Die in the Persecution of Their Faith," *Minghui,* January 8, 2022; "Reported in 2021: 1,187 Falun Gong Practitioners Sentenced for Their Faith," *Minghui,* January 5, 2022.

[96] "Jiamusi Liu Lijie an bei yishen fayuan feifa panjue yi tichu shangsu" [The Jiamusi Liu Lijie case was illegally judged by the Court of First Instance, appeal already filed], *Minghui,* November 20, 2021; "Lu zao pohai Jiamusi shi youxiu rencai Liu Lijie you mianlin tingshen" [Repeatedly suffering persecution, Jiamusi municipality outstanding talent Liu Lijie once again faces a court hearing], *Minghui,* September 22, 2021. For more information on Liu Lijie, see the Commission's Political Prisoner Database record 2021-00535.

[97] "Lu zao pohai Jiamusi shi youxiu rencai Liu Lijie you mianlin tingshen" [Repeatedly suffering persecution, Jiamusi municipality outstanding talent Liu Lijie once again faces a court hearing], *Minghui,* September 22, 2021.

[98] "Heilongjiang Woman Imprisoned to Serve Wrongful Term Despite High Blood Pressure," Minghui, January 22, 2022.

[99] "Beijing shiyi ming Falun Gong xueyuan bei feifa panxing er zhi ba nian" [Eleven Beijing Falun Gong practitioners illegally sentenced to between two and eight years], *Minghui,* January 24, 2022; Rights Defense Network, "Yin yiqing qijian fabu yixie guonei yiqing zhaopian, Falun Gong xueyuan Xu Na nushi jin huo xing ba nian" [Falun Gong practitioner Ms. Xu Na was sentenced to eight years for sharing some photographs of the domestic epidemic situation during the period of the epidemic], January 16, 2022. For more information on Xu Na and the ten other Falun Gong practitioners sentenced concurrently on January 12, 2022, see the Commission's Political Prisoner Database record 2008-00675.

[100] "Beijing shiyi ming Falun Gong xueyuan bei feifa panxing er zhi ba nian" [Eleven Beijing Falun Gong practitioners illegally sentenced to between two and eight years], *Minghui,* January 24, 2022; Rights Defense Network, "Yin yiqing qijian fabu yixie guonei yiqing zhaopian, Falun Gong xueyuan Xu Na nushi jin huo xing 8 nian" [Falun Gong practitioner Ms. Xu Na was sentenced to eight years for sharing some photographs of the domestic epidemic situation during the period of the epidemic], January 16, 2022.

[101] Liang Xiaojun (@liangxiaojunlawyer), "Suimo, diao zhao ganyan" [An end-of-year reflection on my disbarment], WeChat post, December 31, 2021.

[102] Matthew P. Robertson and Jacob Lavee, "Execution by Organ Procurement: Breaching the Dead Donor Rule in China," *American Journal of Transplantation,* April 4, 2022, 1–3.

[103] Matthew P. Robertson and Jacob Lavee, "Execution by Organ Procurement: Breaching the Dead Donor Rule in China," *American Journal of Transplantation,* April 4, 2022, 1, 4, 6–7.

[104] Matthew P. Robertson and Jacob Lavee, "Execution by Organ Procurement: Breaching the Dead Donor Rule in China," *American Journal of Transplantation,* April 4, 2022, 1, 4, 6–7. While the latest date of sources that comprise the dataset used by the researchers was in 2015, they state that "if prisoners—of whatever sort—are indeed still being used as an organ source, we think it is most rational to believe that the procurement of their organs continues to occasion violations of the DDR." For prior anecdotal and textual claims, see World Organization to Investigate the Persecution of Falun Gong, "Zhongguo dalu yixue zhuanye lunwen zhong youguan Zhonggong huoti zhai qu Falun Gong xueyuan qiguan de zhengju" [Evidence of the CCP harvesting of organs from Falun Gong practitioners in medical papers in mainland China], September 24, 2014.

[105] *Forced Organ Harvesting in China: Examining the Evidence, Hearing of the Tom Lantos Human Rights Commission,* U.S. House of Representatives, 117th Cong. (2022), (testimony of Ethan Gutmann, Senior Research Fellow in China Studies, Victims of Communism Memorial Foundation).

[106] Dui Hua Foundation, "The Persecution of Unorthodox Religious Groups," March 29, 2022, 1, 3.

[107] Dui Hua Foundation, "The Persecution of Unorthodox Religious Groups," March 29, 2022, 4, 12–14; Wang Yichi, "600 Church of Almighty God Members Sentenced in 2021," *Bitter Winter,* November 3, 2021; Jiang Tao, "Church of Almighty God: Another 300+ Arrested in China," *Bitter Winter,* December 16, 2021.

[108] Dui Hua Foundation, "The Persecution of Unorthodox Religious Groups," March 29, 2022, 25–26; Dui Hua uses "Society of Disciples" for "Association of Disciples." Fang Yongrui, "Crackdown on Association of Disciples Extends to Inner Mongolia," *Bitter Winter,* December 30, 2021.

[109] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 300.

[110] Supreme People's Court, *Guanyu Wei Quanmian Tuijin Xiangcun Zhenxing Jiakuai Nongye Nongcun Xiandaihua Tigong Sifa Fuwu he Baozhang de Yijian* [Opinion on Providing Judicial Services and Safeguards for Comprehensively Advancing Rural Revitalization and Accelerating the Modernization of Agriculture and Rural Areas], July 14, 2021, para. 9.

[111] Dui Hua Foundation, "The Persecution of Unorthodox Religious Groups," March 29, 2022, 63.

[112] The Church of Almighty God, *2021 Annual Report on the Chinese Communist Government's Persecution of the Church of Almighty God,* March 3, 2022.

[113] Jing Tao, "Church of Almighty God: Another 300+ Arrested in China," *Bitter Winter,* December 16, 2021.

[114] Fang Yongrui, "Crackdown on Association of Disciples Extends to Inner Mongolia," *Bitter Winter,* December 30, 2021.

IV. Rule of Law in the Justice System

CRIMINAL JUSTICE

Findings

• The criminal justice system remained a political instrument used for maintaining social order in furtherance of the Chinese Communist Party's authoritarian rule. The government punishes criminal acts, but it also targets individuals who pursue universal human rights, particularly when they independently organize or challenge the Party's authority.

• Government officials used extrajudicial and extralegal means—such as mass internment camps, "black jails," and psychiatric hospitals—to detain members of ethnic minorities, government critics, and people who seek redress for harm caused by official actions. "Retention in custody" is another form of extrajudicial detention. It is provided by law and allows anticorruption officials to detain people without legal representation or judicial process. In one example, local officials detained police officer **Wang Shengli** through retention in custody and tortured him, reportedly in retaliation for Wang's efforts to expose their corrupt schemes.

• Arbitrary detention did not abate despite official rhetoric promoting "rule-based governance." Authorities labeled rights advocates and dissidents as criminals, using provisions such as "endangering state security" and other vaguely defined offenses. For example, authorities sentenced entrepreneur **Sun Dawu** to 18 years in prison on a range of criminal charges including "picking quarrels and provoking trouble." Previously, Sun had voiced support for human rights lawyers and criticized the government's handling of the African swine flu epidemic.

• Legally recognized forms of detention—such as retention in custody and "residential surveillance at a designated location"—may lend a veneer of legality to official actions, but detention was often arbitrarily applied and used by officials as cover for secret detentions. Reports emerged this past year indicating that officials had tortured individuals while holding them in these forms of detention. As examples, petitioner **Wan Wenying** suffered fractured ribs due to repeated beatings; citizen journalist **Zhang Zhan** was subjected to force-feeding and was denied adequate medical care despite her fast-deteriorating health; and a transgender person, **Chen Luo'an,** reportedly endured sexual assault in a detention facility but the government did nothing to investigate.

• There continued to be examples of authorities denying detainees family and counsel visits. In one example, officials in Beijing municipality invoked public health concerns in preventing **Wang Su'e** from visiting her husband **Zhang Wenhe,** who was forcibly committed to a psychiatric hospital for the fifth time for his pro-democracy activities. In the case of **Wang Zang,** detention center officials prevented him from meeting with his lawyer for over one year and two months, alleging

public health reasons; they granted a telephone conversation only after the lawyer filed a complaint with the procuratorate.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Publicly advocate for political prisoners. Chinese officials have deprived individuals of liberty on unsubstantiated criminal charges and for political reasons. Experience demonstrates that consistently and prominently raising individual prisoner cases—and the larger human rights issues they represent—can result in improved treatment in detention, lighter sentences or, in some cases, release from custody, detention, or imprisonment. Specific cases of prisoners can be found in this section and other sections in this report. For additional cases, refer to the Commission's Political Prisoner Database and the Tom Lantos Human Rights Commission's "Defending Freedoms" Project.

○ Advocate for United States citizens and lawful permanent residents, such as **Kai Li** and Pastor **David Lin,** whom Chinese authorities arbitrarily detained in or prevented from leaving China. Devise and implement measures to proactively counter the PRC's use of hostage diplomacy as leverage to advance its political objectives.

○ Prioritize an end to arbitrary detention through diplomatic engagement. The Administration should urge Chinese officials to end all forms of arbitrary detention, and raise this issue in all bilateral discussions and in multilateral institutions of which the United States and China are members. The Administration should create public diplomacy campaigns and support media efforts to raise global awareness about the detention of political and religious prisoners in "black jails," psychiatric institutions, compulsory drug detoxification centers, police and state security detention centers, and mass internment camps in the Xinjiang Uyghur Autonomous Region. In addition, the Administration should consider funding non-governmental projects that assist individuals with evidence collection and submissions to accumulate evidence on Chinese officials complicit in the arbitrary detention of political and religious prisoners.

○ Take the necessary steps to ensure that U.S. businesses are not complicit in People's Republic of China (PRC) abuses of police power. The Administration and Members of Congress should take the necessary steps to prohibit the export of U.S. surveillance technologies and equipment to PRC security services. Members of Congress should hold public hearings and private meetings with companies from their districts to raise awareness of the risk of complicity in human rights abuses and privacy violations that U.S. companies working in China may face. Topics of meetings could include complicity in the use of artificial intelligence technology and surveillance equipment to monitor human rights advocates, religious believers, and ethnic minority groups in China.

Criminal Justice

○ Voice support for human rights advocates in China. Members of Congress and Administration officials, especially the President, should regularly meet with Chinese civil society and democracy advocates and human rights defenders, as well as other targets of Chinese government repression. The Administration and Members of Congress should discuss with Chinese counterparts the importance of protection for such individuals in a wide range of bilateral and multilateral discussions with Chinese officials.

○ Emphasize to the Chinese government the need for greater transparency in its use of the death penalty. The Administration and Members of Congress should urge Chinese officials to disclose the number and circumstances of executions. The Administration and Members of Congress should urge the Chinese government to ban explicitly, in national legislation, the procurement of organs from live and executed prisoners, prisoners of conscience, and other persons detained in the PRC.

CRIMINAL JUSTICE

Introduction

During the Commission's 2022 reporting year, PRC officials continued to use the criminal justice system and various other forms of detention to arbitrarily detain individuals. As of February 2022, the human rights monitoring group Rights Defense Network documented 1,279 cases of active detention, which it estimated to be a small fraction of the total number of political and religious prisoners in China.[1] In reviewing PRC's administration of justice in 2020, a scholar observed a standardization of abusive procedures in politically sensitive cases, such as total isolation and torture of detainees, the scope of which had expanded given the diminishing space for speech and civil society activity.[2] These factors are relevant, for example, in evaluating diplomatic assurances made by the Chinese government that it will protect the due process rights of a person subject to extradition to China.[3]

The UN Working Group on Arbitrary Detention considers a detention arbitrary if 1) it has no legal basis, 2) it is used to suppress the exercise of universal human rights, 3) the detainee's due process rights are violated, 4) asylum seekers or refugees are subjected to prolonged detention, or 5) the detention is discriminatory on grounds such as religion, ethnicity, sexual orientation, and political opinion.[4] Arbitrary detention violates international human rights standards[5] and China's Constitution, which prohibits unlawful deprivation or restriction of a person's liberty.[6] All forms of arbitrary detention are prohibited under international law, including "detention within the framework of criminal justice, administrative detention, detention in the context of migration and detention in the health-care settings."[7]

Extrajudicial Detention

Chinese authorities used the following forms of extrajudicial detention this past year to arbitrarily detain individuals:

ENFORCED DISAPPEARANCE

Reports of enforced disappearance continued to emerge this past year.[8] "Enforced disappearance" is any form of deprivation of a person's liberty carried out by the government or with its acquiescence, followed by a refusal to acknowledge the detention or to disclose the detainee's whereabouts.[9]

As of February 2022, rights lawyer **Gao Zhisheng** remained missing since his disappearance in August 2017, after he wrote a book detailing his experience of being tortured and his outlook on democratization in China.[10] In December 2021, domestic security protection officers detained another rights lawyer, **Tang Jitian,** in Beijing municipality before his planned attendance at a human rights event organized by the European Union.[11] As of June 2022, Tang's detention location remained unknown, and he reportedly fainted because of deteriorating health, prompting concerns that he had suffered mistreatment.[12]

In another case, tennis player **Peng Shuai** disappeared in November 2021, after she wrote a post on a social media platform ac-

cusing a former vice premier of sexually assaulting her.[13] About two weeks later, state-run news media published a message in which Peng recanted her accusation and denied her disappearance.[14] Peng subsequently gave media interviews arranged by Chinese officials, but some journalists and human rights experts expressed doubt that Peng was actually free.[15] [For more information on the case of Peng Shuai, see Section VI—Status of Women.]

BLACK JAILS

The informal term "black jail" refers to buildings such as hotels and training centers that government officials or their agents use to detain people.[16] These extralegal detention facilities operate under different names, including "assistance and service center" or "legal education center."[17] Their existence and use have no legal basis, and people detained in such sites—many of whom are petitioners[18] and Falun Gong practitioners[19]—do not know when they will be released and do not have any procedural protection.[20]

One report indicates that the use of black jails is not limited to China. Non-governmental organization (NGO) ChinaAid Association reported that Chinese officials in Dubai, United Arab Emirates, held **Wu Huan** for 10 days in a detention facility converted from a villa, releasing her on June 8, 2021.[21] During detention, officials repeatedly threatened Wu, denied her food, and asked her to sign a document incriminating her fiancé **Wang Jingyu,** who had fled China because he was wanted by the Chinese government for questioning the official death toll in the 2020 conflict between the Indian and Chinese militaries.[22]

PSYCHIATRIC FACILITIES

Forcibly committing individuals without mental illness to psychiatric facilities (*bei jingshenbing*) for acts such as expressing political opinions or grievances against the government continued during this past year,[23] despite domestic legal provisions prohibiting such abuse.[24] In particular, the UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care provide that a "determination that a person has a mental illness shall be made in accordance with internationally accepted medical standards" and must not be based on "political, economic or social status . . . or any other reason not directly relevant to mental health status."[25]

Between July 2021 and June 2022, the Chinese human rights organization Civil Rights & Livelihood Watch documented 14 cases of forcible psychiatric commitment across China.[26] One notable case concerned teacher **Li Tiantian,** whom officials forcibly committed to a psychiatric hospital in Xiangxi Tujia and Miao Autonomous Prefecture, Hunan province, in December 2021 because she voiced support for a professor in Shanghai municipality who was terminated for questioning the official death toll in the historical event known as the Nanjing Massacre.[27] Li was four months pregnant at the time, and people who looked for her went missing.[28] Authorities released her from the hospital about a week later but placed her under constant surveillance and restricted her speech.[29]

ADMINISTRATIVE DETENTION

Chinese authorities continued to suppress freedoms such as protest,[30] movement,[31] and religion[32] by employing administrative detention,[33] which is among several types of administrative penalties authorized by the PRC Public Security Administration Punishment Law and the PRC Administrative Penalty Law,[34] and referenced in about 90 domestic laws and regulations.[35] Some political detainees are subjected to further criminal detention and prosecution after completion of administration detention.[36]

RETENTION IN CUSTODY

The PRC Supervision Law (Supervision Law),[37] authorizes the National Supervisory Commission (NSC) to investigate suspected official misconduct[38] using methods including "retention in custody" (*liuzhi*),[39] an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation and deny them the right to be tried.[40]

According to an official report, the Central Commission for Discipline Inspection and the National Supervisory Commission detained 5,006 persons under retention in custody in 2021 as part of their efforts to investigate corruption.[41] In one case, **Wang Shengli,** a police officer from the Inner Mongolia Autonomous Region who specialized in economic crimes, became permanently disabled as a result of torture he endured during retention in custody.[42] In a transcript that became available around January 2022, Wang said that local officials placed him under "retention in custody" in retaliation for his efforts to expose their corrupt schemes.[43] Beginning in January 2018, officials held Wang in two facilities for nearly six months, during which time they ordered him to sit still, and deprived him of sleep and sufficient food.[44] He hallucinated, became emaciated, and had extensive blood clots in his legs.[45]

MASS INTERNMENT CAMPS

Authorities continued to operate a system of extrajudicial mass internment camps in the Xinjiang Uyghur Autonomous Region (XUAR) in which they have arbitrarily detained over a million individuals from predominantly Muslim ethnic minority groups, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others.[46] In April 2022, the U.S. Government reiterated its determination that the Chinese government is committing genocide against Muslim minorities in China.[47] [For more information on arbitrary detention in China's mass internment camps, see Section X—Xinjiang.]

Abuse of Criminal Provisions

As "law-based governance" remained a theme in official rhetoric,[48] Chinese authorities continued to suppress the exercise of universal human rights through the use of criminal charges. Commonly applied criminal charges include the following:

- **Crimes of endangering state security** is a category of 12 offenses that carry a maximum of life imprisonment[49] and have been lodged against government critics and rights lawyers.[50]

- **Picking quarrels and provoking trouble,** often considered a catch-all offense and encompassing internet activities,[51] carries up to 10 years in prison[52] and is an offense that the government sometimes uses against people whom it deems to be troublemakers.[53] Ahead of the National People's Congress annual meeting in March 2022, Chinese People's Political Consultative Conference member Zhu Zhengfu said the offense should be repealed because it is vaguely defined and additionally may result in a legal absurdity, in that, conduct that does not otherwise satisfy the elements of a lighter offense may be subject to a lengthier prison term under this offense.[54]
- **Extortion,** carrying over 10 years of imprisonment depending on the amount of money involved,[55] has been applied to individuals who petition the government for redress of grievances.[56]
- **Illegal business activity,**[57] carrying a maximum sentence of over five years, has been used in cases involving religious and political publications.[58]
- **Fraud,**[59] the maximum sentence for which can be life imprisonment depending on the amount involved, has been lodged against church leaders who collected offerings from church members.[60]
- **Organizing and using a cult to undermine implementation of the law,** with sentences ranging from under three years to life imprisonment,[61] is typically used to prosecute individuals considered to be "cult members," such as Falun Gong practitioners,[62] and lawyers are prohibited from contesting the government's "cult designation" in the course of defending the accused.[63]

Defendants sometimes face multiple criminal charges and hence lengthy sentences, such as in the case of entrepreneur **Sun Dawu,** whom authorities accused of eight offenses: "picking quarrels and provoking trouble," "obstructing official business," "conducting coercive transactions," "illegal mining," "illegal occupying of agricultural land," "illegal fundraising," "gathering a crowd to attack a government agency," and "disrupting production operations."[64] In July 2021, the Gaobeidian City People's Court in Baoding municipality, Hebei province, sentenced Sun to 18 years in prison, and additionally sentenced his employees, his son, and his brothers to prison terms ranging from 1 to 12 years.[65] Sun had voiced support for human rights lawyers and criticized the government's handling of the African swine flu epidemic.[66] Before Sun's detention, personnel of a state-run farm attempted to demolish one of his company's offices; after his detention, local officials took over management of his company.[67] Sun's lawyers noted that court proceedings would last over 12 hours on most days during the 14-day trial[68] and "were conducted with unusual urgency."[69] They further pointed out that authorities had illegally detained Sun under "residential surveillance at a designated location."[70] [For more information on this form of coercive measure under the PRC Criminal Procedure Law, see the subsection "Residential Surveillance at a Designated Location" below.]

Restriction of Liberty of Foreign Individuals

The Chinese government continued to arbitrarily restrict the liberty of foreign individuals as leverage to advance its political goals,[71] a practice that has sharply escalated since 2018, as observed by the Australian Strategic Policy Institute (ASPI).[72] In a report published in August 2020, ASPI noted that this type of arbitrary detention often involved "enforced disappearances, unusual trial delays, harsh punishments, prolonged interrogations and lack of transparency to maximise the effects of coercion."[73] Furthermore, Chinese authorities are "known to reinstate Chinese citizenship to detainees to prevent them from being repatriated . . .."[74]

Pretrial Detention

Reports continued to emerge indicating that Chinese authorities subjected political prisoners to prolonged pretrial detention, a violation of the right to a speedy trial under the International Covenant on Civil and Political Rights.[75] The PRC Criminal Procedure Law requires that a decision to formally arrest an individual must be made within 37 days of the initial detention.[76] Thereafter, absent special circumstances, the procuratorate has one month to indict an individual, and the court is required to complete trial and sentencing within two months of receiving the case from the procuratorate.[77] NGO Chinese Human Rights Defenders observed that "Chinese authorities routinely use prolonged pretrial detention, for no particular reason, to lock up rights defenders and dissidents without any judicial review."[78] One recent example involves lawyer **Qin Yongpei,** who remained in pretrial detention as of March 2022, over 21 months after his detention in October 2019.[79] [For more information on Qin Yongpei's case, see Section IV—Access to Justice.]

In an article that does not focus on political cases, a China-based scholar acknowledged China's high rate of pretrial detention but noted a sudden decline in 2020, possibly due to public health concerns surrounding COVID-19.[80] "[T]he national average pretrial detention rate was almost 95%" between 1990 and 2009, which, according to the scholar's estimates, was followed by a trend of gradual decline, reaching 66 percent in 2019.[81] The Supreme People's Procuratorate reported in 2021 that the pretrial detention rate fell to 53 percent in 2020.[82] The sharp decline could be attributed to local authorities' attempt to reduce the number of detainees so as to abate COVID-19 transmission within detention facilities, as reflected by case officers proactively processing bails, rather than waiting for the lawyers to make the request.[83] The scholar noted that the continuation of a low pretrial detention rate after the pandemic would be consistent with the Party's stated goal of promoting non-custodial measures, but he cautioned that it was also possible that the downward trend would reverse course.[84]

Denial of Counsel and Family Visits

The Commission observed cases in which Chinese authorities denied detainees the right to counsel and family visits, in violation of international law.[85] While domestic legal provisions permit counsel and family visits, they do not describe such visits as rights.[86]

In particular, the PRC Criminal Procedure Law does not provide for family visits per se but permits visitation only if the family member is acting as a defense representative.[87] The law likewise circumscribes counsel visits during the investigation phase of a case if it involves state security, requiring prior permission by relevant authorities.[88]

For example, Radio Free Asia reported that officials in Sichuan and Qinghai provinces denied Tibetan political prisoners visitation by their family members, citing concern about the spread of COVID-19, despite the lack of reported transmission for over a year.[89] Officials in Beijing municipality likewise invoked public health concerns in preventing **Wang Su'e** from visiting her husband **Zhang Wenhe,** who was forcibly committed to a psychiatric hospital for the fifth time for his pro-democracy activities.[90]

Denial of Effective Legal Representation

Chinese authorities denied criminal defendants the right to effective legal assistance by a representative of his or her own choosing, especially in political cases.[91] NGO Safeguard Defenders observed that effective legal representation "may help mitigate the sentence, provide a degree of accountability by making abuses public knowledge, [and] provide a lifeline between the detainee and their loved ones," but authorities openly, repeatedly, and systematically denied legal representation by means including coercing detainees into firing their lawyers, disbarring lawyers, and holding people under false names or setting up bureaucratic hurdles to prevent counsel visits.[92] In one example, detention center officials prevented writer **Wang Zang** from meeting with his lawyer for over one year and two months, alleging public health reasons; they granted a telephone conversation only after the lawyer filed a complaint with the procuratorate.[93]

Torture and Abuse

Reports indicate that the practice of torture and abuse of detainees continues in China, a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which China is a signatory.[94]

In one report of torture, police took petitioner **Wan Wenying** into custody after she had traveled to Beijing, where she intended to file a petition regarding bodily injuries she sustained from being beaten by a police officer in Shanghai municipality in 2018.[95] Beginning in September 2021, her captors detained Wan in different rooms in two hotels, beating her on two occasions and fracturing her ribs, and denied her medical care over a period of 50 days.[96]

Zhang Zhan, whom authorities sentenced to four years in prison for documenting the government's mishandling of the COVID-19 outbreak, suffered from "severe malnutrition, a gastric ulcer, [and] advanced oedema of her lower limbs and is unable to walk or raise her head without being assisted," according to a group of UN human rights experts, who called for her immediate release.[97] In July 2021, officials committed her to a prison hospital for 11 days, subjecting her to force-feeding.[98] The experts noted that Zhang's health was fast deteriorating and said that Chinese authorities'

"failure to provide adequate medical treatment flies in the face of [its duty of care owed to Zhang]."[99]

In an article published in October 2021, a former Chinese detective who worked in the detention system in the Xinjiang Uyghur Autonomous Region told CNN that he and his colleagues systematically tortured Uyghur detainees, some as young as 14 years old, to extract confessions from them.[100] In his opinion, however, none of the detainees he encountered actually committed a crime.[101] According to the detective, methods of torture used by detention camp officials include kicking, beating, applying electric shocks to detainees' genitals, and ordering other detainees to rape new male inmates.[102]

Sexual assault is also reported in the case of **Chen Luo'an,** a transgender person whom authorities sentenced to two years and six months in prison on the charges of "picking quarrels and provoking trouble" and "theft" in connection with allegations that information about PRC leader Xi Jinping's relatives was made public.[103] A person who was detained with Chen reported that Chen was sexually assaulted by a homicide suspect in the detention facility and that the government did nothing to investigate.[104] Custodial abuses may amount to torture if they are committed "by or at the instigation of or with the consent or acquiescence of a public official," and international law obligates state officials to promptly report such abuses.[105] [For information on other instances of sexual assault, see Section III—Freedom of Expression, Section VI—Status of Women, and Section X—Xinjiang. For information on torture experienced by lawyer Chang Weiping, see the subsection "Residential Surveillance at a Designated Location" below.]

Death in Custody

Reports of custodial death continued to emerge this past year, one of which involved a petitioner whose death could be attributed to abuse.[106] Public security officials in Jiangyin city, Wuxi municipality, Jiangsu province, who had been detaining petitioner **Mao Lihui** in a hotel, informed her family in March 2022 that Mao had died as a result of self-immolation.[107] A person familiar with the case speculated that self-immolation was impossible since her captors would have searched her and subjected her to constant surveillance.[108] An unknown source surmised that Mao's body was set on fire after she had been beaten to death.[109] Previously, authorities had detained Mao on at least three occasions since 2016, after she filed reports about local officials' misconduct, including fraudulently requisitioning communal farmland and forcibly demolishing her father's residence.[110]

Multiple custodial deaths of Uyghurs occurred, some of which involved allegations of torture and neglect:

- Imam **Qeyimahun Qari,** whom authorities detained in 2017 and held in a mass internment camp, died in 2018 in the XUAR.[111] He previously served a 15-year prison term after having been sentenced in 1991 for "separatism."[112] The cause of Qeyimahun's death was unknown, but a source described him as a healthy man prior to his detention; the source further reported that "police frequently interrogated [Qeyimahun] in-

side the camp to try to obtain information about the Uyghurs who came to his mosque . . .."[113]

- **Shahzadigul Tomur,** a 45-year-old woman and detainee at a mass internment camp, died in September 2020 after vomiting blood and losing consciousness in a sock factory in the XUAR where she performed forced labor since 2018.[114] Despite knowledge of her condition, camp officials forced her to continue working.[115] Prior to her death, Shahzadigul Tomur had been unable to eat because of allergies, but camp officials interpreted her condition as a voluntary hunger strike and subjected her to torture and interrogations.[116]
- **Niyaz Nasir,** a retired civil servant whom authorities had detained in an internment camp in the XUAR since 2018, died at the end of 2020.[117] Authorities ordered the family to immediately bury the body and did not provide any explanation for his detention or death.[118]
- Businessman **Yaqub Haji** died in September 2021 after having been detained in the XUAR since 2018 on suspicion of "religious extremism," a charge that was related to the financial support he gave to a religious cleric and for building a mosque.[119] Authorities reportedly tortured Yaqub Haji for not confessing to the alleged crime.[120]

Residential Surveillance at a Designated Location

Chinese authorities continued to abuse the form of detention known as "residential surveillance at a designated location" (RSDL), which the PRC Criminal Procedure Law reserves for situations where the detainee does not have a permanent residence or if the case involves state security or terrorism.[121] The law does not provide for the right to family visits, requiring only that the family be notified of the fact of the detention within 24 hours if possible; it does not require the disclosure of the detention location.[122] The law further subjects counsel visits to approval by the investigation unit.[123] A group of UN experts observed that "these conditions of detention are analogous to incommunicado and secret detention and tantamount to enforced disappearance," which heighten the risk of torture and abuse.[124] According to a research report focusing on the application of RSDL to human rights defenders, NGO Safeguard Defenders documented 175 individual cases as of June 2021 and noted that "RSDL may be being used as a tool of intimidation and to coerce testimony against others."[125]

In one example, detained rights lawyer **Chang Weiping** told his lawyer during a counsel visit in September 2021 that when he was previously held under RSDL, authorities forced him to sit in an interrogation chair continuously for six days and six nights, subjected him to prolonged interrogation, and denied him privacy, sanitary needs, and sufficient food.[126] Authorities detained Chang for providing legal representation in discrimination cases and for revealing his experience of being tortured in a previous detention.[127]

The Death Penalty

The Chinese government continued to classify statistics relating to the use of the death penalty as a "state secret."[128] Despite the

official claim that this punishment is reserved for a small number of crimes and only the most serious offenders,[129] the human rights group Amnesty International "believed that the number of death sentences imposed and executions carried out during [2021] remained in the thousands."[130] [For more information on organ procurement from death row prisoners, see Section V, Chapter 10—Human Trafficking.]

The new PRC Legal Aid Law, which became effective in January 2022, expands state-sponsored legal aid services to cover several groups of people, including capital defendants and those seeking review of a death sentence.[131] At a conference held during the law's drafting stage, a group of China-based legal experts highlighted the importance of providing sufficient compensation and establishing qualifications for lawyers to ensure the quality of representation.[132] In its final form, the law delegates to local governments the setting of standards of compensation but specifies that representation in capital and death sentence review cases must be rendered by lawyers with at least three years of experience.[133] The effectiveness of the new law, however, is not yet clear.

Legal Developments

In December 2021, the Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice jointly issued an opinion aiming at improving the adjudication of sentence commutation and parole requests.[134] Under the PRC Criminal Law, these requests are submitted by the detention facility to a people's court for adjudication based on a set of factors such as repentance or major contributions to society.[135] Intended to counter corruption and to develop a better mechanism for ascertaining facts,[136] the opinion was prompted in part by an incident in which a person committed homicide and assault after being released from jail as a result of multiple commutations, facilitated by prison and court officials who had accepted bribes from the person's family.[137] A China-based scholar welcomed the opinion's emphasis on the court's factfinding duty, rather than relying on the materials submitted by the agency.[138] She noted, however, that the opinion did not explicitly provide for an adversarial proceeding between the detention facility (as the requester) and the procuratorate (as the supervisor), a proceeding which would enhance the court's factfinding capacity.[139]

Notes to Section IV—Criminal Justice

[1] Rights Defense Network, "Zhongguo dalu zaiya zhengzhifan, liangxinfan yuedu baogao (2022 nian 2 yue 28 ri) di 77 qi (gong 1279 ren) (yi)" [Monthly report on political prisoners and prisoners of conscience detained in mainland China (February 28, 2022) No. 77 (total 1,279 persons) (I)], February 28, 2022.

[2] Chen Yu-Jie, "Human Rights in the Chinese Administration of Justice: Formalizing Ideology in the Political and Legal System and Institutionalizing and Normalizing Human Rights Abuses," trans. Siodhbhra Parkin, in *China Human Rights Report 2020,* Taiwan Foundation for Democracy, 2012, 8, 14, 28.

[3] Donald Clarke, "New Zealand's Troubling Precedent for China Extradition," *Lawfare* (blog), June 15, 2021; Michael Caster, "To the Supreme Court: Diplomatic Assurances from China Are Meaningless," *Stuff,* June 12, 2021.

[4] See, e.g., UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session, (19–27 April 2017), A/HRC/WGAD/2017/5, July 28, 2017.

[5] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 9; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 9.

[6] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 37.

[7] UN Human Rights Council, Working Group on Arbitrary Detention, Deliberation No. 11 on Prevention of Arbitrary Deprivation of Liberty in the Context of Public Health Emergencies, May 8, 2020, para. 7.

[8] See, e.g., Rights Defense Network, "Hubei Wuhan meitiren, jizhe, zuojia, 'dabing mianfei yiliao ni wo meiri yihu' yundong tuiguangren Hu Xincheng zao qiangpo shizong 36 tian" [Hu Xincheng of Wuhan, Hubei, who is a media worker, journalist, writer, and promoter of you and I proclaim "major sickness deserves free medical care" campaign, was forcibly disappeared for 36 days], January 9, 2022.

[9] International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly resolution 47/133, December 18, 1992, art. 2.

[10] Rights Defense Network, "Zhongguo dalu zaiya zhengzhifan, liangxinfan yuedu baogao (2022 nian 2 yue 28 ri) di 77 qi (gong 1279 ren) (san)" [Monthly report on political prisoners and prisoners of conscience detained in mainland China (February 28, 2022) No. 77 (total 1,279 persons) (III)], February 28, 2022; "Gao Zhisheng shizong zheng san nian qizi huyu Meiguo jiu ren" [Gao Zhisheng has been disappeared for three full years, wife asks the U.S. to save him], *Radio Free Asia,* August 14, 2020.

[11] International Observatory of Lawyers, "China: The Observatory Denounces the Disappearance of the Lawyer Tang Jitian, His Arbitrary Detention Incommunicado in a Secret Location, the Silence of the Chinese Authorities and the Censorship Imposed on This Arbitrary Detention by the Chinese Authorities," February 24, 2022; "Shilian bannian de lushi Tang Jitian chuanchu bei juya qijian toubu shouchuang, kong zao bu rendao duidai" [Lawyer Tang Jitian who has been missing for half a year reportedly injured his head during detention, might have suffered inhuman treatment], *Radio Free Asia,* June 9, 2022.

[12] "Shilian bannian de lushi Tang Jitian chuanchu bei juya qijian toubu shouchuang, kong zao bu rendao duidai" [Lawyer Tang Jitian who has been missing for half a year reportedly injured his head during detention, might have suffered inhuman treatment], *Radio Free Asia,* June 9, 2022.

[13] Bindu Bansinath, "What We Know About the Disappearance of Peng Shuai," *The Cut,* February 8, 2022.

[14] Bindu Bansinath, "What We Know About the Disappearance of Peng Shuai," *The Cut,* February 8, 2022.

[15] Bindu Bansinath, "What We Know About the Disappearance of Peng Shuai," *The Cut,* February 8, 2022.

[16] "Zhongguo hei jianyu daguan" [Overview of black jails in China], *Radio Free Asia,* May 7, 2019.

[17] "Zhongguo hei jianyu daguan" [Overview of black jails in China], *Radio Free Asia,* May 7, 2019.

[18] See, e.g., Civil Rights & Livelihood Watch, "Ren Chunhua bei guan 'xuexiban' zao nueda" [Ren Chunhua detained in "study class," suffered beating], August 10, 2021.

[19] See, e.g., Li Chencai, "Hebei Honghe binguan she hei jianyu gengduo neimu xianwei renzhi" [Hotel in Honghe, Hebei, has black jail installed, more rarely known inside information], *Epoch Times,* November 17, 2021.

[20] "Zhongguo hei jianyu daguan" [Overview of black jails in China], *Radio Free Asia,* May 7, 2019.

[21] ChinaAid Association, "Jingtian heimu: Zao Zhonggong kuajing tongji xiebi de Wang Jingyu weihunqi tibao Zhonggong zai haiwai sheli 'hei jianyu'" [Shocking dark secret: Fiancée of Wang Jingyu, who is on the CCP's international wanted list, exposes "black jail" set up by the CCP on foreign soil], August 15, 2021.

[22] ChinaAid Association, "Jingtian heimu: Zao Zhonggong kuajing tongji xiebi de Wang Jingyu weihunqi tibao Zhonggong zai haiwai sheli 'hei jianyu'" [Shocking dark secret: Fiancée of Wang Jingyu, who is on the CCP's international wanted list, exposes "black jail" set up by the Chinese CCP on foreign soil], August 15, 2021; "Wang Jingyu yu weihunqi taoli Zhongguo zaidu tashang liumanglu" [Wang Jingyu and his fiancée fled China and again tread the path of exile], *Voice of America,* July 23, 2021.

[23] Civil Rights & Livelihood Watch, "2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2020 year-end report on mental health and human rights (forcible psychiatric commitment) situation in China], March 3, 2021.

[24] *Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, arts. 27, 29, 30, 32, 75(5), 78(1); Supreme People's Procuratorate, *Renmin Jianchayuan Qiangzhi Yiliao Zhixing Jiancha Banfa (Shixing)* [Measures on the Examination of Implementation of Compulsory Medical Treatment by People's Procuratorates (Trial)], issued May 13, 2016, effective June 2, 2016, arts. 9, 12.

[25] Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, adopted by UN General Assembly resolution 46/119 of December 17, 1991, principle 4(1), (2).

[26] Civil Rights & Livelihood Watch, "Bei jingshenbing wenzhang liebiao" [List of articles on cases involving forcible psychiatric commitment], accessed July 19, 2022.

[27] Civil Rights & Livelihood Watch, "Xiangxi nu jiaoshi Li Tiantian bei qiangzhi songjin jingshenbing yuan" [Li Tiantian, female teacher from Xiangxi, forcibly committed to psychiatric hospital], December 22, 2021; "Weibo shengyuan Shanghai jiaoshou Song Gengyi Xiangxi jiaoshi bei song jingshengbing yuan" [Xiangxi teacher forcibly committed to psychiatric hospital after voicing support on Weibo for Shanghai professor Song Gengyi], *Radio Free Asia,* December 20, 2021.

[28] "Li Tiantian chuyuan ziyou reng shou xianzhi dangju dingxing anjian nai jingwai shili caozong" [Li Tiantian subjected to restrictions after leaving hospital, government characterizes the case as one concerning manipulation by foreign forces], *Radio Free Asia,* December 27, 2021; "Weibo shengyuan Shanghai jiaoshou Song Gengyi Xiangxi jiaoshi bei song jingshengbing yuan" [Xiangxi teacher forcibly committed to psychiatric hospital after voicing support on Weibo for Shanghai professor Song Gengyi], *Radio Free Asia,* December 20, 2021.

[29] "Li Tiantian chuyuan ziyou reng shou xianzhi dangju dingxing anjian nai jingwai shili caozong" [Li Tiantian subjected to restrictions after leaving hospital, government characterizes the case as one concerning manipulation by foreign forces], *Radio Free Asia,* December 27, 2021.

[30] Rights Defense Network, "Hunan gongmin Peng Peiyu faqi fandui Eluosi dui Wukelan qinlue de fanzhan youxing er juliu," [Citizen Peng Peiyu of Hunan administratively detained for initiating an anti-war demonstration over Russia's invasion of Ukraine], March 3, 2022.

[31] Rights Defense Network, "Hubei sheng ji minzhu renshi Liu Benqi danqi fu Xuzhou Fengxian tanfang 'tielian nu' zao Xuzhou jingfang juliu" [Liu Benqi, democracy proponent from Hubei province rode his motorcycle alone to Feng county, Xuzhou to visit "chained woman," detained by Xuzhou police], February 23, 2022.

[32] Rights Defense Network, "Shi'an Jiaohui zai zao dangju daya: Shanghai muqu chuandaoren Li Zhenhua zai Zhonggong guoqing qijian bei juliu 15 ri" [Zion Church suffers persecution at the hands of the government again: Pastor Li Zhenhua of the Shanghai diocese detained for 15 days on the CCP's national day], October 25, 2021.

[33] Rights Defense Network, "Ju bupa! Ha'erbin Mulan xian nongmin Liu Mingku yin jin Jing weiquan jintian zai song juliusuo" [Not afraid of detention! Farmer Liu Mingku from Mulan county, Ha'erbin sent to detention facility today for going to Beijing to defend his rights], November 28, 2021.

[34] *Zhonghua Renmin Gongheguo Zhi'an Guanli Chufa Fa* [PRC Public Security Administration Punishment Law], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, art. 10; *Zhonghua Renmin Gongheguo Xingzheng Chufa Fa* [PRC Administrative Penalty Law], passed March 17, 1996, amended January 22, 2021, effective July 15, 2021, art. 9.

[35] Ministry of Public Security, *Weifan Gong'an Xingzheng Guanli Xingwei de Mingcheng ji Qi Shiyong Yijian* [Opinion on the Titles and Applicable Laws for Public Security Administrative Violations], issued August 6, 2020.

[36] See, e.g., Rights Defense Network, "Shanxi 'zhiming falu renshi' Hao Jingsong jiangyu 2021 nian 10 ye 12 zhi 13 ri zai Shanxi Dingxiang xian fayuan kaiting shenli" [Well-known legal professional Hao Jingsong of Shanxi will have court hearing from October 12 to 13, 2021, at the court in Dingxiang county, Shanxi], October 10, 2021.

[37] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018.

[38] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018, art. 3.

[39] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018, art. 22; CECC, *2018 Annual Report,* October 10, 2018, 103.

[40] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(d); Safeguard Defenders, "Submission to Select UN Special Procedures on China's National Supervision Commission and Its Detention Tool Liuzhi," August 21, 2019, para. 41; Gordon Watts, "Mystery Deepens over Ex-Interpol Chief Meng," *Asia Times,* January 21, 2020.

[41] "Zhao Leji zai shijiu jie Zhongyang Jiwei liu ci quanhui shang de gongzuo baogao" [Zhao Leji presents work report at the sixth plenary session of the nineteenth Central Commission for Discipline Inspection], February 24, 2022.

[42] Tianxia Shuofa (wulaws), "Neimenggu jingcha Wang Shengli bei miekou qian de yishu" [Will of Inner Mongolia policeman Wang Shengli made before he is killed], *CareerEngine.us,* January 23, 2022.

[43] Tianxia Shuofa (wulaws), "Neimenggu jingcha Wang Shengli bei miekou qian de yishu" [Will of Inner Mongolia policeman Wang Shengli made before he is killed], *CareerEngine.us,* January 23, 2022.

[44] Tianxia Shuofa (wulaws), "Neimenggu jingcha Wang Shengli bei miekou qian de yishu" [Will of Inner Mongolia policeman Wang Shengli made before he is killed], *CareerEngine.us,* January 23, 2022.

[45] Tianxia Shuofa (wulaws), "Neimenggu jingcha Wang Shengli bei miekou qian de yishu" [Will of Inner Mongolia policeman Wang Shengli made before he is killed], *CareerEngine.us,* January 23, 2022.

[46] Roseanne Gerin, "Uyghur Camp Inmates Detail 'Crimes Against Humanity' in New Amnesty Report," *Radio Free Asia,* June 10, 2021. See also Emma Graham-Harrison, "China Has Built 380 Internment Camps in Xinjiang, Study Finds," *Guardian,* April 2, 2021.

[47] U.S. Department of State, "Secretary Antony J. Blinken on the Release of the 2021 Country Reports on Human Rights Practices," April 12, 2022; Paula Newton and Ben Westcott, "Canada's Parliament Says China Committed Genocide against Muslim Minorities," *CNN,* February 23, 2021.

[48] See, e.g., Wang Chen, "Jianchi quanmian yifa zhiguo fazhi Zhongguo jianshe maichu jianshi bufa (xuexi guanche Dang de shijiu jie liu zhong quanhui jingshen)" [Insist on comprehensive law-based governance, staunchly march toward building China with rule of law (studying to thoroughly implement the spirit expressed in the Party's sixth plenary session of the nineteenth Central Committee)], *People's Daily,* November 23, 2021.

[49] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, arts. 102–5, 107–12.

[50] See, e.g., "Guangxi lushi Chen Jiahong shandong dianfu guojia zhengquan zui cheng panqiu san nian" [Lawyer Chen Jiahong of Guangxi sentenced to three years in prison for inciting subversion of state power], *Radio Free Asia,* December 14, 2021; "Yijian shiren Wang Zang fufu she 'shandian' zeri xuanpan shengyuan Yusan Yundong wei zhuyao zuizheng" [Dissident and poet Wang Zang and his wife to be sentenced on another day on their case involving "inciting subversion"; voicing support for the Umbrella Movement being the primary evidence], *Radio Free Asia,* December 15, 2021.

[51] Guo Rui, "Explainer: 'Picking Quarrels and Provoking Trouble': How China's Catch-all Crime Muzzles Dissent," *South China Morning Post,* August 25, 2021; Jeremy Daum, "Updated: Quick Note on 'Picking Quarrels,'" *China Law Translate* (blog), August 1, 2014; "Wuyi shuo: Daodi shenme shi xunxin zishi zui?" [Wuyi speaks: What is the crime of picking quarrels and provoking trouble?], reprinted in *China Digital Times,* December 29, 2020; Supreme People's Court and Supreme People's Procuratorate, *Guanyu Banli Liyong Xinxi Wangluo Shishi Feibang Deng Xingshi Anjian Shiyong Falu Ruogan Wenti de Jieshi* [Interpretation on Some Questions Regarding Applicable Law When Handling Uses of Information Networks to Commit Defamation and Other Such Criminal Cases], passed September 2, 2013, effective September 10, 2013.

[52] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 293.

[53] See, e.g., Liu Yuting, "Hudu guancha: Jiazhang fanying wenti za jiu 'xunxin zishi' le?" [Hudu watch: Why is the charge "picking quarrels and provoking trouble" lodged just because some parents raised concerns over a problem?], reprinted in *China Digital Times,* October 23, 2021.

[54] "Zhongguo Zhengxie weiyuan jianyi quxiao xunxin zishi zui' [CPPCC member suggests repealing picking quarrels and provoking trouble as a crime], *Lianhe Zaobao,* March 7, 2022.

[55] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 274.

[56] See, e.g., "Wu zhong dangju quantao? Shanxi fangmin shang Jing bei zhi 'qiaozha lesuo' panqiu wu nian" [Fell into the government's trap? Petitioner from Shanxi who traveled to Beijing sentenced to five years in prison for "extortion"], *Radio Free Asia,* January 24, 2022.

[57] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 225.

[58] See, e.g., Yu Bing, ChinaAid Association, "Zhejiang dangju qiqiao ershen 'Xiaomai Shufang an,' Chen Yu muqin biaoshi jiang jixu shensu" [Strange appeal decision issued by Zhejiang authorities in "Xiaomai Shufang case," Chen Yu's mother says she will continue to seek review], January 8, 2022; Rights Defense Network, "Yin yan huozui bei pan 3 nian de zhuming meitiren Geng Xiaonan nushi yi zhuan Beijing nuzi jianyu fuxing" [Well-known media worker Ms. Geng Xiaonan, who was sentenced to three years for her speech, has been transferred to Beijing Women's Prison to serve her sentence], July 28, 2021.

[59] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 266.

[60] See, e.g., Yu Bing, ChinaAid Association, "Most Recent Update from Elder Zhang Chunlei's Lawyer," January 12, 2022; Yu Bing, ChinaAid Association, "Hubei Ezhou jiating jiaohui mushi Hao Zhiwei yishen bei pan ba nian" [Pastor Hao Zhiwei of a house church in Ezhou, Hubei, sentenced to eight years in prison after trial], February 12, 2022.

[61] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 300.

[62] See, e.g., Rights Defense Network, "Zao panxing 5 nian de Heilongjiang Falun Gong xueyuan Jiang Zengchao de anqing ji jianli" [Case summary and biographical information of Jiang Zengchao, Heilongjiang Falun Gong practitioner who was sentenced to 5 years], March 14, 2022.

[63] Ministry of Justice, *Lushi Zhiye Guanli Banfa* [Measures on Managing Lawyers' Practice of Law], issued July 18, 2008, amended September 18, 2016, effective November 1, 2016, art. 39(3).

[64] Gaobeidian People's Court, Baoding municipality, Hebei province, "Sun Dawu an yishen xuanpan" [Sentence announced by court of first instance in the case of Sun Dawu], July 28, 2021.]

[65] Gaobeidian People's Court, Baoding municipality, Hebei province, "Sun Dawu an yishen xuanpan" [Sentence announced by court of first instance in the case of Sun Dawu], July 28, 2021; "Zhongguo qiyejia Sun Dawu yin fanghai gongwu zui deng ba zuiming bei panxing 18 nian" [Chinese entrepreneur Sun Dawu sentenced to 18 years in prison on eight charges including obstructing official business], *BBC,* July 28, 2021.

[66] Chun Han Wong, "Outspoken Chinese Industrialist Gets 18-Year Sentence for Causing Public Disorder, Other Offenses," *Wall Street Journal,* July 28, 2021.
[67] Chun Han Wong, "Outspoken Chinese Industrialist Gets 18-Year Sentence for Causing Public Disorder, Other Offenses," *Wall Street Journal,* July 28, 2021.
[68] "Zhongguo qiyejia Sun Dawu yin fanghai gongwu zui deng ba zuiming bei panxing 18 nian" [Chinese entrepreneur Sun Dawu sentenced to 18 years in prison on eight charges including obstructing official business], *BBC,* July 28, 2021.
[69] Chun Han Wong, "Outspoken Chinese Industrialist Gets 18-Year Sentence for Causing Public Disorder, Other Offenses," *Wall Street Journal,* July 28, 2021.
[70] "Zhongguo qiyejia Sun Dawu yin fanghai gongwu zui deng ba zuiming bei panxing 18 nian" [Chinese entrepreneur Sun Dawu sentenced to 18 years in prison on eight charges including obstructing official business], *BBC,* July 28, 2021.
[71] Daren Nair and Harrison Li, "Free Kai Li, American Held in China," October 13, 2021, in *Pod Hostage Diplomacy;* Michael Martina, "Exclusive: American Barred from Leaving China Returned to U.S. before Biden-Xi Meeting," *Reuters,* November 18, 2021; James Griffiths, "Which Canadians Are Left in Chinese Prisons?," *Globe and Mail,* September 28, 2021.
[72] Margaret McCuaig-Johnston, "Opinion: There Is Nothing Diplomatic about Hostage Diplomacy," *The Star,* March 10, 2021; Fergus Hanson, Emilia Currey, and Tracy Beattie, Australian Strategic Policy Institute, "The Chinese Communist Party's Coercive Diplomacy," Policy Brief, Report No. 36/2020.
[73] Fergus Hanson, Emilia Currey, and Tracy Beattie, Australian Strategic Policy Institute, "The Chinese Communist Party's Coercive Diplomacy," Policy Brief, Report No. 36/2020.
[74] Fergus Hanson, Emilia Currey, and Tracy Beattie, Australian Strategic Policy Institute, "The Chinese Communist Party's Coercive Diplomacy," Policy Brief, Report No. 36/2020.
[75] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(3)(c).
[76] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 91.
[77] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 172, 208.
[78] Chinese Human Rights Defenders, "China: End Persecution of Free Speech with Frivolous Crimes," July 21, 2021.
[79] Rights Defense Network, "Sheyan suowei shandian an de Guangxi renquan lushi Qin Yongpei bei yanzhong chaoqi jiya" [Guangxi human rights lawyer Qin Yongpei detained on suspicion of so-called inciting subversion far exceeding prescribed time period], March 12, 2022.
[80] Shao Cong, "In China, COVID-19 Had an Unlikely Side Effect: Bail Reform," *Sixth Tone,* October 28, 2021.
[81] Shao Cong, "In China, COVID-19 Had an Unlikely Side Effect: Bail Reform," *Sixth Tone,* October 28, 2021.
[82] "Zuigao Renmin Jianchayuan gongzuo baogao" [Supreme People's Procuratorate work report], March 8, 2021.
[83] Shao Cong, "In China, COVID-19 Had an Unlikely Side Effect: Bail Reform," *Sixth Tone,* October 28, 2021.
[84] Shao Cong, "In China, COVID-19 Had an Unlikely Side Effect: Bail Reform," *Sixth Tone,* October 28, 2021.
[85] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(3)(b); United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), adopted by UN General Assembly resolution 2015/20, A/C.3/70/L.3, September 29, 2015, rules 58, 61; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of December 9, 1988, principles 18, 19.
[86] *Zhonghua Renmin Gongheguo Kanshousuo Tiaoli* [PRC Public Security Detention Center Regulations], issued and effective March 17, 1990, arts. 28, 32; *Kanshousuo Liusuo Zhixing Xingfa Zuifan Guanli Banfa* [Management Measures for Carrying Out Punishment in Public Security Detention Centers], passed August 20, 2013, effective November 23, 2013, arts. 45, 46; *Zhonghua Renmin Gongheguo Jianyu Fa* [PRC Prison Law], passed and effective December 29, 1994, art. 48; *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 38, 39, 293.
[87] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 33(3), 39.
[88] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 39.
[89] Sangyal Kunchok, "Tibetan Political Prisoners Denied Family Visits over 'COVID Concerns,'" *Radio Free Asia,* December 22, 2021.
[90] Rights Defense Network, "Beijing minyun renshi Zhang Wenhe diwu ci bei jingfang songjin jingshenbing yuan qizi Wang Su'e tifa mingzhi shiyan weiquan daodi" [Beijing democracy advocate Zhang Wenhe forcibly committed to a psychiatric hospital by police for the fifth time, wife Wang Su'e shaves head to express determination, vows to defend rights to the end], October 29, 2021.
[91] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14.
[92] Safeguard Defenders, "China's Legal Blockade," December 7, 2021.
[93] ChinaAid Association, "'Xintai pinghe, wusuo weiju': bei juya yi nian duo yinxun quanwu de Zhongguo shiren, zuojia Wang Zang zhongyu he lushi tongshang dianhua" ["Having a calm and fearless mindset": Poet and writer Wang Zang finally talks with lawyer on the phone after over a year of detention and losing contact with the outside world], July 25, 2021.

[94] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987; United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), accessed March 10, 2021. China signed the CAT on December 12, 1986, and ratified it on October 4, 1988.

[95] Rights Defense Network, "Shanghai Wan Wenying: Kuxing ji hei jianyu baogao—hei jianyu 50 tian, wo bei kanshou daduan liang gen yishang leigu" [Wan Wenying of Shanghai: Report of black jail and torture—I suffered at least two broken ribs from being beaten by a guard during my 50-day detention in black jails], December 3, 2021.

[96] Rights Defense Network, "Shanghai Wan Wenying: Kuxing ji hei jianyu baogao—hei jianyu 50 tian, wo bei kanshou daduan liang gen yishang leigu" [Wan Wenying of Shanghai: Report of black jail and torture—I suffered at least two broken ribs from being beaten by a guard during my 50-day detention in black jails], December 3, 2021.

[97] Office of the UN High Commissioner for Human Rights, "China: Journalist Jailed for COVID Reporting Seriously Ill, Must Be Released—UN Experts," November 22, 2021.

[98] Office of UN High Commissioner for Human Rights, "China: Journalist Jailed for COVID Reporting Seriously Ill, Must Be Released—UN Experts," November 22, 2021.

[99] Office of the UN High Commissioner for Human Rights, "China: Journalist Jailed for COVID Reporting Seriously Ill, Must Be Released—UN Experts," November 22, 2021.

[100] Rebecca Wright, Ivan Watson, Zahid Mahmood, and Tom Booth, "'Some Are Just Psychopaths': Chinese Detective in Exile Reveals Extent of Torture against Uyghurs," *CNN,* October 5, 2021.

[101] Rebecca Wright, Ivan Watson, Zahid Mahmood, and Tom Booth, "'Some Are Just Psychopaths': Chinese Detective in Exile Reveals Extent of Torture against Uyghurs," *CNN,* October 5, 2021.

[102] Rebecca Wright, Ivan Watson, Zahid Mahmood, and Tom Booth, "'Some Are Just Psychopaths': Chinese Detective in Exile Reveals Extent of Torture against Uyghurs," *CNN,* October 5, 2021.

[103] "Esu Weiji chuangshiren zhi huoshi she'an renyuan zhengshi kuxing Niu Tengyu muqin cheng zaoyu konghe" [Founder of Vulgar Wiki says people connected to the case confirmed torture, Niu Tengyu's mother says she has received threats], *Voice of America,* September 13, 2021.

[104] "Esu Weiji chuangshiren zhi huoshi she'an renyuan zhengshi kuxing Niu Tengyu muqin cheng zaoyu konghe" [Founder of Vulgar Wiki says people connected to the case confirmed torture, Niu Tengyu's mother says she has received threats], *Voice of America,* September 13, 2021.

[105] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, arts. 1, 12; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of December 9, 1988, principle 7.

[106] CECC, *2021 Annual Report,* March 21, 2022, 83–84.

[107] "Jiangsu fangmin zao jiefang siyu feiming gongmin guanzhu siyin bei xingju" [Jiangsu petitioner intercepted and died from unnatural causes, citizen who voiced concerns over cause of death was criminally detained], *Radio Free Asia,* March 8, 2022.

[108] "Jiangsu fangmin zao jiefang siyu feiming gongmin guanzhu siyin bei xingju" [Jiangsu petitioner intercepted and died from unnatural causes, citizen who voiced concerns over cause of death was criminally detained], *Radio Free Asia,* March 8, 2022.

[109] "Jiangsu fangmin zao jiefang siyu feiming gongmin guanzhu siyin bei xingju" [Jiangsu petitioner intercepted and died from unnatural causes, citizen who voiced concerns over cause of death was criminally detained], *Radio Free Asia,* March 8, 2022.

[110] Civil Rights & Livelihood Watch, "Zhuiwen Jiangsu weiquan renshi Mao Lihui zai hei jianyu de siyin" [Questioning the reason behind Jiangsu rights defender Mao Lihui's death in a black jail], March 5, 2022.

[111] Shohret Hoshur, "Death of Detained Uyghur Imam Underscores Harsh Conditions in Xinjiang Re-education Camps," *Radio Free Asia,* October 22, 2021.

[112] Shohret Hoshur, "Death of Detained Uyghur Imam Underscores Harsh Conditions in Xinjiang Re-education Camps," *Radio Free Asia,* October 22, 2021.

[113] Shohret Hoshur, "Death of Detained Uyghur Imam Underscores Harsh Conditions in Xinjiang Re-education Camps," *Radio Free Asia,* October 22, 2021.

[114] Shohret Hoshur, "Uyghur Forced Laborer Died at Factory in China's Xinjiang, Officials Say," *Radio Free Asia,* December 28, 2021.

[115] Shohret Hoshur, "Uyghur Forced Laborer Died at Factory in China's Xinjiang, Officials Say," *Radio Free Asia,* December 28, 2021.

[116] Shohret Hoshur, "Uyghur Forced Laborer Died at Factory in China's Xinjiang, Officials Say," *Radio Free Asia,* December 28, 2021.

[117] "Retired Uyghur Civil Servant Confirmed to Have Died in Xinjiang Internment Camp," *Radio Free Asia,* December 20, 2021.

[118] "Retired Uyghur Civil Servant Confirmed to Have Died in Xinjiang Internment Camp," *Radio Free Asia,* December 20, 2021.

[119] "Uyghur Businessman, Philanthropist Confirmed Dead in Xinjiang's Ghulja," *Radio Free Asia,* September 27, 2021.

[120] "Uyghur Businessman, Philanthropist Confirmed Dead in Xinjiang's Ghulja," *Radio Free Asia,* September 27, 2021.

[121] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 75.

[122] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 75.

[123] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 39.

[124] Letter from the mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the right to privacy; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Permanent Representative to the Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, OL CHN 15/2018, August 24, 2018.

[125] Safeguard Defenders, "Locked Up: Inside China's Secret RSDL Jails," October 5, 2021, 4.

[126] "'Xiamen juhui an': Chang Weiping zaici pilu zao kuxing neimu lushi yuejuan shouzhu" ["Xiamen gathering case": Chang Weiping again exposes inside story of being tortured; lawyer faced obstacle in reviewing case file], *Radio Free Asia,* September 15, 2021.

[127] "'Xiamen juhui an': Chang Weiping zaici pilu zao kuxing neimu lushi yuejuan shouzhu" ["Xiamen gathering case": Chang Weiping again exposes inside story of being tortured; lawyer faced obstacle in reviewing case file], *Radio Free Asia,* September 15, 2021.

[128] Amnesty International, "Death Sentences and Executions 2021," May 24, 2022, 28.

[129] Zhou Qiang, "Zuigao Renmin Fayuan guanyu jiaqiang xingshi shenpan gongzuo qingkuang de baogao," [Supreme People's Court report on the situation of strengthening criminal trial work], October 23, 2019, sec. 1(2).

[130] Amnesty International, "Death Sentences and Executions 2021," May 24, 2022, 28.

[131] *Zhonghua Renmin Gongheguo Falu Yuanzhu Fa* [PRC Legal Aid Law], passed August 20, 2021, effective January 1, 2022, art. 25.

[132] Dui Hua Foundation, "China's National People's Congress May Expand Legal Aid in Death Penalty Cases," *Dui Hua Human Rights Journal,* July 7, 2021.

[133] *Zhonghua Renmin Gongheguo Falu Yuanzhu Fa* [PRC Legal Aid Law], passed August 20, 2021, effective January 1, 2022, arts. 26, 52.

[134] Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice, *Guanyu Jiaqiang Jianxing, Jiashi Anjian Shizhihua Shenli de Yijian* [Opinion on Strengthening Actual Adjudication of Sentence Commutation and Parole Requests], issued December 1, 2021.

[135] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, arts. 78–86.

[136] Supreme People's Court, "'Guanyu Jiaqiang Jianxing, Jiashi Anjian Shizhihua Shenli de Yijian'; xinwen fabu" [Press release for the "Opinion on Strengthening Actual Adjudication of Sentence Commutation and Parole Requests"], December 8, 2021.

[137] Cao Yin, "Prison Term Reduction Faces Tougher Scrutiny," *China Daily,* December 9, 2021; Susan Finder, "Supreme People's Court's 2021 Year-End Accomplishments," *Supreme People's Court Monitor* (blog), January 4, 2022.

[138] Xiong Qiuhong, "Tuijin jianxing, jiashi anjian shizhihua shenli, bixu rang shenli huigui sifa chengxu" [In order to promote actual adjudication of sentence commutation and parole requests, adjudication must return to the judicial procedures], *People's Court Daily,* December 11, 2021.

[139] Xiong Qiuhong, "Tuijin jianxing, jiashi anjian shizhihua shenli, bixu rang shenli huigui sifa chengxu" [In order to promote actual adjudication of sentence commutation and parole requests, adjudication must return to the judicial procedures], *People's Court Daily,* December 11, 2021.

ACCESS TO JUSTICE

Findings

- To the extent that citizens rely on courts to protect their rights against state encroachment, political pressure on the court system undermines their ability to access justice. The Chinese Communist Party expressly requires absolute loyalty and obedience from the courts.
- Central authorities issued rules subjecting judges to performance evaluation, but such a system may be incompatible with judges' duty of administering justice. Morality, listed as the first evaluation criterion, is primarily described as a political quality, referring to the judge's political alignment and rejection of "Western" notions of constitutional democracy, judicial independence, and separation of powers. Requiring judges to preserve People's Republic of China (PRC) leader Xi Jinping's core leader position can be problematic because judges "should uphold the laws, not a given leader."
- Judicial transparency in China took a step backward when court judgments were removed from a database maintained by the government. Over a three-month period in early 2021, court officials removed from the site at least 11 million cases that were primarily criminal and administrative cases involving politically sensitive subject matter or where government agencies were named as defendants.
- The quasi-governmental agency All China Lawyers Association issued provisional regulations that prohibit lawyers from "hyping up" cases, thereby violating their right to free speech and undermining government accountability, which may lead to wrongful convictions. The regulations additionally require lawyers to speak in line with official policies and are therefore in conflict with the duty of loyalty lawyers owe their clients, particularly in administrative litigation where government actions are in dispute.
- This past year, Chinese authorities continued to undermine rights lawyers' ability to render legal help, by means including criminal prosecution, license revocation, and physical attack.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Call attention to the arbitrary detention of rights lawyers or advocates such as **Chang Weiping, Zhou Xiaoyun, Nie Min, Li Yuhan, Chen Jiahong, Qin Yongpei, Xie Yang, Hao Jinsong, Hu Shigen,** and **Wu Gan,** and urge the Chinese government to unconditionally exonerate them and other similarly situated lawyers.
- ○ Highlight and discuss with Chinese officials cases of human rights lawyers such as **Liang Xiaojun, Xu Zhiyong, Lin Qilei, Xie Yang, Lu Siwei, Ren Quanniu,** and **Xi Xiangdong,** whose law licenses were revoked or whose ability to practice law was otherwise restricted because of their legal

representation and advocacy in cases that Chinese authorities deemed politically sensitive.

○ Continue to designate and impose sanctions under the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note) on Chinese officials responsible for arbitrarily detaining or otherwise persecuting petitioners, human rights lawyers, and advocates.

○ Urge the Chinese government to protect the fundamental civil and professional rights of China's lawyers, investigate all allegations of abuse against them, and ensure that those responsible for abuse are brought to justice. Urge the Chinese government to end all forms of harassment or persecution against the family members of human rights lawyers and advocates, including surveillance and restrictions on their freedom of movement.

ACCESS TO JUSTICE

Introduction

The International Covenant on Civil and Political Rights (ICCPR), which China signed and expressed its intention to ratify,[1] provides that all persons are equal before the courts; it also obligates a State Party to ensure that people have enforceable legal remedies for any violation of the rights and freedoms recognized in the convention, even if the violation has been committed by an official.[2] While China's Constitution recognizes certain universal human rights,[3] citizens do not have any legal channel through which to assert or protect them.[4] Moreover, political control over the judiciary and the legal profession and the ongoing persecution of human rights lawyers that the Commission observed during the 2022 reporting year are inconsistent with the relevant ICCPR provisions.

Lack of Judicial Independence

According to an index assessing judicial independence across 198 countries, the PRC's judicial system is ranked as the third-most susceptible to political interference, where judges are "expected to align with and submit to the [Chinese Communist] Party's dictates."[5] Consistent with this finding, the work reports published by the Supreme People's Court (SPC) and the Supreme People's Procuratorate (SPP) in March 2022 reiterated the importance of political alignment with the absolute leadership of the Party and General Secretary Xi Jinping.[6] To instill Xi's ideology and extend the "red bloodline," the two bodies conducted rectification education concerning the Party's history for personnel in the political-legal system.[7] While matters germane to court operations (such as holding virtual hearings and using blockchain to preserve evidence) are discussed in the SPC report, it prioritizes political building and describes the court system as being part of various policy initiatives such as pandemic control, food safety, and advancing socialist values.[8]

Measures on Court Operations

This past year, central authorities made efforts to further promote consistency in court rulings. For example, the Supreme People's Court issued a set of measures requiring judges to conduct a search for prior decisions when dealing with certain types of cases, such as sensitive cases or cases that may affect social stability.[9] The SPC established a platform and a database dedicated to the uniform application of the law and designated a court office to plan and coordinate related duties.[10] In a separate document, the SPC required that a similar but narrower set of cases be flagged for supervision by court leaders, who are evaluated in part on ensuring consistent application of the law.[11]

Another set of rules tasks court leaders with evaluating the performance of judges working under them, but such a system may be incompatible with judges' obligation to justice. Effective in January 2022, the rules set forth five criteria for evaluating judicial performance, to be used as a basis for promotion, termination, and al-

location of bonuses.[12] The rules require judges to undergo annual Party-led evaluations, which rank them from excellent to incompetent, in four categories.[13] "Morality," listed as the first criterion, is primarily described as a political quality, referring to the judge's political alignment and rejection of "Western" notions of constitutional democracy, judicial independence, and separation of powers.[14] Other evaluation criteria include the quantity of case completion and the quality of case handling, defined mainly as the frequency with which decisions are remanded on appeal.[15] Making decisions that generate negative public opinion is considered an indicator of incompetence.[16] A scholar observed, however, that "the logic that works for an administrative bureaucracy is not always a good fit for the judiciary," as judges must exercise discretion in administering justice, which may not fit into bureaucratic standards of efficiency and uniformity.[17] He further found it problematic to require that judges preserve Xi's core leader position as an evaluation criterion because judges "should uphold the laws, not a given leader."[18]

Judicial Transparency

According to a study published in February 2022, "[j]udicial transparency in China has taken a significant step backward in recent months" due to the removal of court judgments from the official database called China Judgements Online.[19] Created as part of a broader judicial reform initiative that began in 2013, the database is a centralized platform that publishes documents issued by courts of different levels across China, and is reported to have published over 100 million cases as of August 2020.[20] The study noted, however, that "court officials removed at least 11 million cases from the site over a three-month period in early 2021."[21] An official notice acknowledged the removal of judgments but did not specify the underlying reason, saying only that it was part of a "migration" process.[22] Cases known to have been removed were primarily criminal and administrative cases, which included convictions for state security crimes and "picking quarrels and provoking trouble," an offense often used by authorities to suppress political speech.[23] Another type of judgment being removed involved controversial cases "that have been the subject of public scrutiny in ways that reflect badly on either the Party itself or on Chinese society as a whole."[24] A Beijing municipality-based lawyer stressed the importance of transparency in safeguarding justice, pointing out another concerning development in which some video recordings of court proceedings had been removed from another official platform.[25]

New Restrictions on Lawyers

This past year, lawyers faced additional restrictions that are inconsistent with their ethical duty to loyally advance their clients' interests.[26] In October 2021, the quasi-governmental agency All China Lawyers Association issued provisional regulations with the stated goal of strengthening professional ethics.[27] Without providing a definition, the regulations prohibit lawyers from "hyping up" cases by means including publishing open letters, organizing

online gatherings, and generating public opinion to affect case handling.[28] Some observers said that the regulations violate lawyers' right to free speech and undermine government accountability, which may lead to wrongful convictions.[29] The regulations further prohibit lawyers from denying the Party's leadership, criticizing national policies, or instigating discontent toward the Party and the government.[30] Provisions requiring lawyers to speak in line with official policies are in conflict with the duty of loyalty that lawyers owe their clients,[31] particularly in administrative litigation where government actions are in dispute.

Citizen Petitioning

The petitioning system (*xinfang*), also known as the "letters and visits" system, is a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person.[32] While the financial cost to use the petitioning system is low,[33] the system can be inefficient because of staff shortages and the large number of petitions.[34] Additionally, a structural conflict of interest exists whereby local governments have police power over petitioners who bring claims against them and have used such power to prevent petitioners from asserting their rights.[35]

The Commission continued to observe instances of petitioners being subjected to different kinds of control and mistreatment by local authorities, such as criminal prosecution and commitment to psychiatric hospitals.[36] "Stability maintenance" efforts intensified during events such as the 2022 Beijing Winter Olympic Games and the annual meetings of the National People's Congress (NPC) and the Chinese People's Political Consultative Conference, at which authorities systematically detained petitioners in Beijing municipality and prevented them from traveling into the city to air their grievances.[37]

Persecution of Human Rights Lawyers and Advocates

This past year, Chinese authorities continued to persecute rights advocates and lawyers and undermine lawyers' ability to render legal help, by means including criminal prosecution, license revocation, and physical attack.

CRIMINAL PROSECUTION

- **Chang Weiping,** detained since October 2020 under the charge of "inciting subversion of state power," told his lawyer that he suffered torture while being held incommunicado for over five months in Baoji municipality, Shaanxi province.[38] National security protection officials subjected Chang to prolonged interrogation and ordered him to sit on an interrogation chair continuously for six days, depriving him of sleep and sufficient food.[39] Chang's most recent detention took place after he posted on social media his experience of being tortured during a previous incommunicado detention.[40]
- Around August 2021, police from Panjin municipality, Liaoning province, took **Zhou Xiaoyun** and **Nie Min** into custody in Guangdong province and Beijing, respectively.[41] Police

held them at undisclosed locations under incommunicado detention on the charge of "picking quarrels and provoking trouble."[42] Before their detentions, Zhou and Nie were representing a criminal defendant in Panjin who allegedly bribed judicial officers in connection with a court case.[43] In the course of the proceedings, a procurator made a comment defending judicial officers who accepted the bribes; Zhou posted a video recording of that comment on social media earlier in July 2021.[44] In September, the procuratorate decided not to formally arrest Zhou and Nie.[45]

- **Li Yuhan** remained in criminal detention as of April 2022 on charges of "picking quarrels and provoking trouble" and "fraud," over four years after her disappearance in October 2017.[46] The Heping District People's Court in Shenyang municipality, Liaoning province, reportedly tried Li in October 2021, excluding people who asked to observe the proceeding, including lawyers Wang Yu and Xie Yang and diplomats from at least six countries.[47] Wang Yu said that authorities were retaliating against Li for having filed lawsuits against the local government and for having represented Wang in the 709 Crackdown (a nationwide and coordinated crackdown on human rights lawyers and rights defenders that began around July 9, 2015).[48]
- Other rights lawyers likewise faced criminal prosecution in part for representing or showing support for colleagues who were targeted by the government. For example, **Yu Wensheng** in March 2022 completed a four-year sentence for the state security offense "inciting subversion of state power."[49] Yu had represented lawyer **Wang Quanzhang,** who was detained during the 709 Crackdown.[50] Yu's lawyer, **Chen Jiahong,** in turn was sentenced to three years in prison in December 2021 on the same charge.[51] **Qin Yongpei,** who worked in the same law firm as Chen and represented him, was tried on the same charge in December.[52]
- **Xie Yang** disappeared in January 2022 after he showed support for a pregnant teacher who was reportedly detained for her speech.[53] In February 2022, authorities in Changsha municipality, Hunan province, formally arrested Xie on the charge of "inciting subversion of state power" and repeatedly denied him counsel visits.[54]
- In November 2021, the Dingxiang County People's Court in Xinzhou municipality, Shanxi province, tried **Hao Jinsong** on the charges of "defamation," "picking quarrels and provoking trouble," and "fraud,"[55] but had not sentenced Hao as of April 2022.[56] Radio Free Asia reported that the criminal case could be related to a pollution complaint that Hao filed with the local ecology and environment bureau.[57] Legally trained but not licensed, Hao had previously handled public interest cases in which several government agencies were named as the defendant.[58] Hao's defense lawyer explained that Chinese law permits non-lawyers to provide legal services.[59]
- As of April 2022, **Zhou Shifeng, Hu Shigen,** and **Wu Gan,** whom authorities detained during the 709 Crackdown, contin-

ued to serve their sentences ranging from seven to eight years on state security charges.[60]

LICENSE REVOCATION

• In December 2021, the Beijing Municipal Justice Bureau revoked **Liang Xiaojun**'s law license, alleging that he said on social media that Falun Gong was not an evil cult, contrary to the official designation.[61] Radio Free Asia reported that the revocation also might be related to his representation of **Xu Zhiyong,** whom authorities criminally charged with "subversion of state power" for his promotion of constitutionalism through the movement he initiated, the China Citizens Movement (formerly known as New Citizens' Movement).[62]
• The Beijing Municipal Justice Bureau also revoked the law license of **Lin Qilei,** using a different approach.[63] In January 2021, the justice bureau canceled his law firm's registration and later revoked his license, invoking the regulation requiring that a lawyer's license be revoked if he or she has not been hired by a law firm for over six months.[64] Lin reported that a court in Beijing refused to accept the papers that he filed seeking review of his firm's deregistration.[65] The justice bureau also refused to accept an employment contract as evidence for his employment by another law firm.[66] Lin tried to provide legal representation for some of a group of 12 Hong Kong protesters who tried to flee from Hong Kong to Taiwan.[67] Two other lawyers who were involved in that case—**Lu Siwei** and **Ren Quanniu**—likewise had their licenses revoked earlier in 2021.[68] Lin believed that the revocation was related to this and other sensitive cases that he had handled over the years.[69]
• **Xi Xiangdong** wrote in August 2021 that the court and administrative bodies ignored his submissions seeking review of the Shandong Province Justice Department's decision to revoke his law license.[70] Xi said he was afraid to follow up with the court because another lawyer who tried to do so was beaten by court police.[71] The revocation of Xi's license was reportedly related to his having published on social media details of mistreatment experienced by one of his clients.[72]

PHYSICAL ATTACK

• In January 2022, a group of about four court police officers physically attacked **Wang Yu** and her husband **Bao Longjun,** causing injuries that required Wang to seek medical attention.[73] The assault took place at the Gusu District People's Court in Suzhou municipality, Jiangsu province, after Wang's client contested the records prepared by court staff on grounds that the records did not reflect the fact that the judge read out the client's pleadings and answered questions on her behalf without her consent.[74] Wang was providing legal services as a non-lawyer representative after her law license was revoked in December 2020 in connection with the 709 Crackdown.[75]

Notes to Section IV—Access to Justice

[1] United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 8, 2019; State Council Information Office, "Guojia Renquan Xingdong Jihua (2016–2020 nian)" [National Human Rights Action Plan of China (2016–2020)], September 29, 2016, sec. 5.

[2] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 2(3), 14.

[3] *PRC Constitution,* passed and effective December 4, 1982 (amended March 22, 2018), arts. 33–48.

[4] Luoyang Municipal Intermediate People's Court, Henan province, Xingzheng Caidingshu [Administrative Order], (2018) Yu 03 Xing Zhong No. 368, November 28, 2018, reprinted in China Judgements Online, January 14, 2019; Thomas E. Kellogg, "Arguing Chinese Constitutionalism: The 2013 Constitutional Debate and the 'Urgency' of Political Reform," *University of Pennsylvania Asian Law Review* 11, no. 3 (2016): 349.

[5] Capucine May, "Judicial Independence Under Attack in 45 Countries," *Human Rights Outlook 2021,* Verisk Maplecroft, November 18, 2021, 3–4.

[6] "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 8, 2022; "Zuigao Renmin Jianchayuan gongzuo baogao" [Supreme People's Procuratorate work report], March 8, 2022.

[7] "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 8, 2022; "Zuigao Renmin Jianchayuan gongzuo baogao" [Supreme People's Procuratorate work report], March 8, 2022.

[8] "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 8, 2022. The term "political building" is one aspect of "Party building," which refers to the multifaceted efforts by the Chinese Communist Party to strengthen its governance capacity through approaches including improving its organizational flexibility, and enforcing discipline and ideological obedience among Party members. Shao Chunbao, "Lun jian Dang yu Dang jian" [Discussion on the founding of the Party and Party building], *Xinhua,* June 7, 2021; Liu Shaoqi, "On the Party," May 14, 1945, Marxists Internet Archive, accessed August 29, 2022.

[9] *Zuigao Renmin Fayuan Tongyi Shiyong Gongzuo Shishi Banfa* [Supreme People's Court's Implementation Measures for the Uniform Application of the Law], effective December 1, 2021, art. 6.

[10] *Zuigao Renmin Fayuan Tongyi Shiyong Gongzuo Shishi Banfa* [Supreme People's Court's Implementation Measures for the Uniform Application of the Law], effective December 1, 2021, arts. 2, 6, 15.

[11] Supreme People's Court, *Guanyu Jinyibu Wanshan 'Silei Anjian' Jiandu Guanli Gongzuo Jizhi de Zhidao Yijian* [Guiding Opinion on Further Improving the System for Supervising and Managing "Four Types of Cases"], issued November 4, 2021, effective November 5, 2021, secs. 2, 7, 14.

[12] Supreme People's Court, *Guanyu Jiaqiang he Wanshan Faguan Kaohe Gongzuo de Zhidao Yijian* [Guiding Opinion on Strengthening and Improving the Evaluation of Judges], issued October 12, 2021, effective January 1, 2022, secs. 5(34), 6(40).

[13] Supreme People's Court, *Guanyu Jiaqiang he Wanshan Faguan Kaohe Gongzuo de Zhidao Yijian* [Guiding Opinion on Strengthening and Improving the Evaluation of Judges], issued October 12, 2021, effective January 1, 2022, secs. 1(4), 3(16).

[14] Supreme People's Court, *Guanyu Jiaqiang he Wanshan Faguan Kaohe Gongzuo de Zhidao Yijian* [Guiding Opinion on Strengthening and Improving the Evaluation of Judges], issued October 12, 2021, effective January 1, 2022, sec. 2(8).

[15] Supreme People's Court, *Guanyu Jiaqiang he Wanshan Faguan Kaohe Gongzuo de Zhidao Yijian* [Guiding Opinion on Strengthening and Improving the Evaluation of Judges], issued October 12, 2021, effective January 1, 2022, secs. 2(11)(1),(2), 2(12)(2).

[16] Supreme People's Court, *Guanyu Jiaqiang he Wanshan Faguan Kaohe Gongzuo de Zhidao Yijian* [Guiding Opinion on Strengthening and Improving the Evaluation of Judges], issued October 12, 2021, effective January 1, 2022, sec. 3(21)(7).

[17] Jeremy Daum, "Judging the Judges," *China Law Translate* (blog), December 12, 2021.

[18] Jeremy Daum, "Judging the Judges," *China Law Translate* (blog), December 12, 2021.

[19] Luo Jiajun and Thomas Kellogg, "Verdicts from China's Courts Used to Be Accessible Online. Now They're Disappearing.," *ChinaFile,* Asia Society, February 1, 2022.

[20] Luo Jiajun and Thomas Kellogg, "Verdicts from China's Courts Used to Be Accessible Online. Now They're Disappearing.," *ChinaFile,* Asia Society, February 1, 2022.

[21] Luo Jiajun and Thomas Kellogg, "Verdicts from China's Courts Used to Be Accessible Online. Now They're Disappearing.," *ChinaFile,* Asia Society, February 1, 2022.

[22] Echo Xie, "Millions of Court Rulings Removed from Official Chinese Database," *South China Morning Post,* June 26, 2021.

[23] Luo Jiajun and Thomas Kellogg, "Verdicts from China's Courts Used to Be Accessible Online. Now They're Disappearing.," *ChinaFile,* Asia Society, February 1, 2022; Dui Hua Foundation, "China: All State Security Judgments Purged from Supreme Court Site," *Dui Hua Human Rights Journal,* July 26, 2021.

[24] Luo Jiajun and Thomas Kellogg, "Verdicts from China's Courts Used to Be Accessible Online. Now They're Disappearing.," *ChinaFile,* Asia Society, February 1, 2022.

[25] Echo Xie, "Millions of Court Rulings Removed from Official Chinese Database," *South China Morning Post,* June 26, 2021.

[26] Basic Principles on the Role of Lawyers, adopted by the eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, September 7, 1990, art. 15.

[27] *Zhonghua Quanguo Lushi Xiehui Guanyu Jinzhi Wegui Chaozuo Anjian de Guize (Shixing)* [All China Lawyers Association Regulations on the Prohibition of Unlawfully Hyping Up Cases (Provisional)], passed October 15, 2021, art. 1.

[28] *Zhonghua Quanguo Lushi Xiehui Guanyu Jinzhi Wegui Chaozuo Anjian de Guize (Shixing)* [All China Lawyers Association Regulations on the Prohibition of Unlawfully Hyping Up Cases (Provisional)], passed October 15, 2021, art. 4.

[29] Mimi Lau, "Chinese Lawyers Banned from Discussing Cases in Public in Latest Move to Tighten Control Over Legal Sector," *South China Morning Post,* October 23, 2021; Cheng Yangzhi, "Weiquan pinglun: Quanguo Luxie jinzhi 'weigui chaozuo,' lushi zaishang jinguzhou!" [Rights defense opinion: All China Lawyers Association bans "unlawfully hyping up cases," more restrictions on lawyers!], Rights Defense Network, October 26, 2021.

[30] *Zhonghua Quanguo Lushi Xiehui Guanyu Jinzhi Wegui Chaozuo Anjian de Guize (Shixing)* [All China Lawyers Association Regulations on the Prohibition of Unlawfully Hyping Up Cases (Provisional)], passed October 15, 2021, art. 8.

[31] Mimi Lau, "Chinese Lawyers Banned from Discussing Cases in Public in Latest Move to Tighten Control Over Legal Sector," *South China Morning Post,* October 23, 2021.

[32] Chinese Communist Party Central Committee and State Council, *Xinfang Gongzuo Tiaoli* [Regulations on Letters and Visits Work], passed January 24, 2022, effective May 1, 2022; Benjamin L. Liebman, "A Populist Threat to China's Courts?," in *Chinese Justice: Civil Dispute Resolution in Contemporary China,* eds. Margaret Y.K. Woo and Mary E. Gallagher (Cambridge: Cambridge University Press, 2011), 269–313; Liang Shibin, "Jianjue da ying huajie xinfang ji'an gong jian zhan" [Resolutely fight to win the battle on clearing backlog of petitioning cases], *Legal Daily,* April 27, 2016. Such grievances reportedly include cases concerning demolition or expropriation of property, social security, agriculture, land and resources, and environmental protection.

[33] Lu Dewen, "'Jie ju' nu jiaoshi juebi xin shijian: yi tiao guiyi de shangfang zhi lu" ["Solution" to female teacher's last letter incident: a strange road of petitioning], *People's Daily,* August 6, 2019.

[34] See, e.g., Civil Rights & Livelihood Watch, "Beijing Guojia Xinfangju bei shuwan shangfang minzhong baowei" [Beijing's State Bureau of Letters and Visits surrounded by tens of thousands of petitioners], February 26, 2018; "29 shengshi yu wan ming minban jiaoshi zai xian quanguo jiti shangfang chao" [Over ten thousand *minban* teachers from 29 provinces and municipalities caused another national wave of group petitioning], *Radio Free Asia,* October 19, 2016; "Shaanxi liangqian min shi sheng xinfangju shangfang yaoqiu shifang weiquan daibiao" [Two thousand petitioners from Shaanxi petition at provincial letters and visits bureau, ask for release of rights defense representative], *Radio Free Asia,* April 13, 2017; Yi Lili, "Zengqiang xinfang gangwei guazhi zhidu xiaoguo de youxiao tujing tantao" [Exploring efficient ways to improve results of temporary position assignments in the petition system], *Administration Reform,* reprinted in *Views.ce.cn,* December 25, 2018.

[35] Lu Dewen, "'Jie ju' nu jiaoshi juebi xin shijian: yi tiao guiyi de shangfang zhi lu" ["Solution" to female teacher's last letter incident: a strange road of petitioning], *People's Daily,* August 6, 2019.

[36] See, e.g., "Wuzhong dangju quantao? Shanxi fangmin shang Jing beizhi 'qiaozha lesuo' panqiu wu nian" [Fell into the government's trap? Shanxi petitioner traveled to Beijing and accused of "extortion," sentenced to five years], *Radio Free Asia,* January 24, 2022; Civil Rights & Livelihood Watch, "Xiangyang fangmin Hao Mingjing bei guan jingshenbing yuan" [Xiangyang petitioner Hao Mingjing forcibly committed to psychiatric hospital], September 9, 2021.

[37] Civil Rights & Livelihood Watch, "Lianghui lailin fangmin zaoyu xiezhen Zhongguo minsheng kunjing" [As Two Sessions approach, experience of petitioners depicts difficulties faced by people in China], March 3, 2022; Civil Rights & Livelihood Watch, "Zhongguo weiwen yu renquan dongtai (zong di yibai shiliu qi 2022 nian 2 yue)" [Developments in stability maintenance and human rights in China (cumulative issue no. 116, February 2022)], April 1, 2022.

[38] "Chang Weiping: Tamen shijin shouduan yao ba ren biancheng gou" [Chang Weiping: They use all means to turn people into dogs], *Radio France Internationale,* September 17, 2021; "Renquan lushi Chang Weiping zao Shaanxi difang guan baofu, kuli mingdan baoguang" [Human rights lawyer Chang Weiping suffers retaliation by local officials in Shaanxi, names of officials involved in torture exposed], *Radio Free Asia,* October 7, 2021; "Renquan lushi Chang Weiping zai bei 'jianju' ceng pai shipin toulu zao kuxing" [Human rights lawyer Chang Weiping detained under "residential surveillance" again, previously revealed in a video that he had suffered torture], *Radio Free Asia,* October 23, 2020.

[39] "Chang Weiping: Tamen shijin shouduan yao ba ren biancheng gou" [Chang Weiping: They use all means to turn people into dogs], *Radio France Internationale,* September 17, 2021; "Renquan lushi Chang Weiping zao Shaanxi difang guan baofu, kuli mingdan baoguang" [Human rights lawyer Chang Weiping suffers retaliation by local officials in Shaanxi, names of officials involved in torture exposed], *Radio Free Asia,* October 7, 2021.

[40] "Chang Weiping: Tamen shijin shouduan yao ba ren biancheng gou" [Chang Weiping: They use all means to turn people into dogs], *Radio France Internationale,* September 17, 2021; "Renquan lushi Chang Weiping zao Shaanxi difang guan baofu, kuli mingdan baoguang" [Human rights lawyer Chang Weiping suffers retaliation by local officials in Shaanxi, names of officials involved in torture exposed], *Radio Free Asia,* October 7, 2021.

[41] ChinaAid Association, "Yin zhuanfa tingshen zhong jianchaguan huangtang shipin, Zhou Xiaoyun he Nie Min lushi she 'xunxin zishi' bei zhuabu" [Lawyers Zhou Xiaoyun and Nie Min detained for "picking quarrels and provoking trouble" in connection with reposting ridiculous video recording of procurator during court proceeding], August 16, 2021; Ge Xinghang, "Lushi Zhou Xiaoyun, Nie Min bei fangle" [Lawyers Zhou Xiaoyun and Nie Min released], *Caixin,* October 2, 2021.

[42] ChinaAid Association, "Yin zhuanfa tingshen zhong jianchaguan huangtang shipin, Zhou Xiaoyun he Nie Min lushi she 'xunxin zishi' bei zhuabu" [Lawyers Zhou Xiaoyun and Nie Min detained for "picking quarrels and provoking trouble" in connection with reposting ridiculous video recording of procurator during court proceeding], August 16, 2021; Ge Xinghang, "Lushi

Zhou Xiaoyun, Nie Min bei fangle" [Lawyers Zhou Xiaoyun and Nie Min released], *Caixin,* October 2, 2021.

[43] "Liangming Zhongguo lushi bei kuasheng zhuabu jiancheng wuzui" [Two Chinese lawyers detained in cross-province operation, maintain their innocence], *Radio Free Asia,* August 10, 2021.

[44] "Liangming Zhongguo lushi bei kuasheng zhuabu jiancheng wuzui" [Two Chinese lawyers detained in cross-province operation, maintain their innocence], *Radio Free Asia,* August 10, 2021; ChinaAid Association, "Yin zhuanfa tingshen zhong jianchaguan huangtang shipin, Zhou Xiaoyun he Nie Min lushi she 'xunxin zishi' bei zhuabu" [Lawyers Zhou Xiaoyun and Nie Min detained for "picking quarrels and provoking trouble" in connection with reposting ridiculous video recording of procurator during court proceeding], August 16, 2021.

[45] Panjin Municipal Procuratorate, "Jiancha jiguan yifa dui Nie Min, Zhou Xiaoyun, Teng Rouhan zuochu bu pizhun daibu jueding" [Procuratorate decides not to arrest Nie Min, Zhou Xiaoyun, and Teng Rouhan in accordance with the law], October 9, 2021.

[46] Rights Defense Network, "Zhongguo dalu zaiya zhengzhifan, liangxinfan yuedu baogao (2022 nian 4 yue 30 ri) di 79 qi (gong 1316 ren) (si)" [Monthly report of political prisoners and prisoners of conscience currently detained in China (April 30, 2022) issue no. 79 (1,316 persons in total) (IV)], April 30, 2022; "709 an bianhu lushi Li Yuhan bei jiya si nian hou chuting shoushen" [709 Crackdown lawyer Li Yuhan appears in court to be tried, four years after being detained], *Radio Free Asia,* October 20, 2021.

[47] "709 an bianhu lushi Li Yuhan bei jiya si nian hou chuting shoushen" [709 Crackdown defense lawyer Li Yuhan appears in court to be tried, four years after being detained], *Radio Free Asia,* October 20, 2021.

[48] "709 an bianhu lushi Li Yuhan bei jiya si nian hou chuting shoushen" [709 Crackdown defense lawyer Li Yuhan appears in court to be tried, four years after being detained], *Radio Free Asia,* October 20, 2021; Josh Chin and Te-Ping Chen, "China Targets Human-Rights Lawyers in Crackdown," *Wall Street Journal,* July 12, 2015; Human Rights Watch, "China: On '709' Anniversary, Legal Crackdown Continues," July 7, 2017.

[49] "Weiquan lushi Yu Wensheng shandian zui xingman huoshi fanhui Beijing" [Rights lawyer Yu Wensheng released after completing sentence for inciting subversion, returns to Beijing], *Radio Free Asia,* March 1, 2022; Xiao Man, "Renquan lushi Yu Wensheng bei mimi guanya liang nian ban qi qi Xu Yan 5 yue 1 ri zai fa qiujiu shipin" [Rights Lawyer Yu Wensheng detained for two and a half years, his wife Xu Yan again posts video recording calling for help on May 1], *Radio France Internationale,* May 1, 2020.

[50] "Weiquan lushi Yu Wensheng shandian zui xingman huoshi fanhui Beijing" [Rights lawyer Yu Wensheng released after completing sentence for inciting subversion, returns to Beijing], *Radio Free Asia,* March 1, 2022; Xiao Man, "Renquan lushi Yu Wensheng bei mimi guanya liang nian ban qi qi Xu Yan 5 yue 1 ri zai fa qiujiu shipin" [Rights Lawyer Yu Wensheng has been secretly detained for two and a half years, his wife Xu Yan again posts video recording calling for help on May 1], *Radio France Internationale,* May 1, 2020.

[51] "Guangxi lushi Chen Jiahong shandong dianfu guojia zhengquan zuicheng panqiu san nian" [Guangxi lawyer Chen Jiahong sentenced to three years in prison for inciting subversion of state power], *Radio Free Asia,* December 14, 2021; ChinaAid Association, "She 'shandong dianfu guojia zhengquan zui' de Zhongguo renquan lushi Chen Jiahong xingman huoshi: bian canglao xuduo" [Chinese rights lawyer Chen Jiahong is released after having completed sentence for "inciting subversion of state power": he has aged considerably], April 29, 2022.

[52] "Shexian shandian an Guangxi renquan lushi Qin Yongpei bei yanzhong chaoqi jiya" [In case involving inciting subversion, Guangxi human rights lawyer Qin Yongpei is being detained far beyond the legal limit], *Radio Free Asia,* March 12, 2022.

[53] "709 an lushi Xie Yang bei zhua zai she 'shandong dianfu'?" [709 case lawyer Xie Yang detained, violated "inciting subversion" again?], *Radio Free Asia,* January 13, 2022; Chris Buckley, "Fury in China after an Outspoken Teacher Disappears," *New York Times,* December 23, 2021.

[54] "Hunan lushi Xie Yang bei yi shandian zui pibu" [Hunan lawyer Xie Yang arrested on inciting subversion charge], *Radio Free Asia,* February 22, 2022; Chen Guiqiu (@709chenguiqiu), "#XieYanglushi shiqu ziyou di 85 tian . . ." [It's been 85 days since #LawyerXieYang lost his liberty . . .], Nitter post, April 6, 2022.

[55] Civil Rights & Livelihood Watch, "Hao Jinsong an kaiting lushi zuo wuzui bianhu" [Trial held in Hao Jinsong's case, lawyer defends client's innocence], November 23, 2021.

[56] Rights Defense Network, "Zhongguo dalu zaiya zhengzhifan, liangxinfan yuedu baogao (2022 nian 4 yue 30 ri) di 79 qi (gong 1316 ren) (san)" [Rights Defense Network: Monthly report of political prisoners and prisoners of conscience detained in China (April 30, 2022) issue no. 79 (total 1,316 persons) (III)], April 30, 2022.

[57] "Shanxi weiquan renshi Hao Jinsong an 'Renquan Ri' kaiting zao quxiao" [The trial in the case of Shanxi rights defender Hao Jinsong, scheduled for "Human Rights Day," has been canceled], *Radio Free Asia,* December 10, 2020.

[58] "Shanxi weiquan renshi Hao Jinsong an 'Renquan Ri' kaiting zao quxiao" [The trial in the case of Shanxi rights defender Hao Jinsong, scheduled for "Human Rights Day," has been canceled], *Radio Free Asia,* December 10, 2020; Wang He'ai, "Zhiming gongyi susong ren Hao Jinsong bei kong sanzong zui yishen jibian gongmin daili" [Renowned public interest litigator Hao Jinsong accused of three crimes, heated debate at trial on issue of representation by citizen], *Caixin,* November 21, 2021.

[59] Civil Rights & Livelihood Watch, "Hao Jinsong an kaiting lushi zuo wuzui bianhu" [Trial held in Hao Jinsong's case, lawyer defends client's innocence], November 23, 2021.

[60] Rights Defense Network, "Zhongguo dalu zaiya zhengzhifan, liangxinfan yuedu baogao (2022 nian 4 yue 30 ri) di 79 qi (gong 1316 ren) (yi)" [Monthly report of political prisoners and prisoners of conscience detained in China (April 30, 2022) issue no. 79 (1,316 persons in total) (I)], April 30, 2022.

[61] Liang Xiaojun (@liangxiaojun), "2021 nian 12 yue 16 ri, Beijing Shi Sifaju diaoxiao wo lushi zhizhao de xingzheng chufa jueding shu . . ." [Administrative decision issued on December 16, 2021, by the Beijing Municipal Justice Bureau revoked my law license . . .], Twitter, December 21, 2021, 10:40 a.m.

[62] "Wei Xu Zhiyong bianhu cheng daohuo suo? Lushi Liang Xiaojun mianlin chupai" [Is defending Xu Zhiyong the cause? Lawyer Liang Xiaojun faces license revocation], *Radio Free Asia,* November 29, 2021; Christian Shepherd, "They Wanted Rule of Law, So China Tried Them in Secret," *Washington Post,* June 24, 2022.

[63] "Ceng wei shi'er Gangren bianhu lushi Lin Qilei zao zhuxiao zhiyezheng" [Lawyer Lin Qilei, who defended the 12 Hong Kongers, has license revoked], *Radio Free Asia,* November 1, 2021.

[64] "Ceng wei shi'er Gangren bianhu lushi Lin Qilei zao zhuxiao zhiyezheng" [Lawyer Lin Qilei, who defended the 12 Hong Kongers, has license revoked], *Radio Free Asia,* November 1, 2021; Ministry of Justice, *Lushi Zhiye Guanli Banfa* [Measures on Managing Lawyers' Practice of Law], issued July 18, 2008, amended September 18, 2016, effective November 1, 2016, art. 23.

[65] "Ceng wei shi'er Gangren bianhu lushi Lin Qilei zao zhuxiao zhiyezheng" [Lawyer Lin Qilei, who defended the 12 Hong Kongers, has license revoked], *Radio Free Asia,* November 1, 2021; Rights Defense Network, "Lin Qilei lushi: Falu dou yu wuzhi goulian le, wo bei naihe?" [Lawyer Lin Qilei: What are we to do when the law hooks up with shamelessness?], October 31, 2021.

[66] "Ceng wei shi'er Gangren bianhu lushi Lin Qilei zao zhuxiao zhiyezheng" [Lawyer Lin Qilei, who defended the 12 Hong Kongers, has license revoked], *Radio Free Asia,* November 1, 2021.

[67] "Ceng wei shi'er Gangren bianhu lushi Lin Qilei zao zhuxiao zhiyezheng" [Lawyer Lin Qilei, who defended the 12 Hong Kongers, has license revoked], *Radio Free Asia,* November 1, 2021; Wenxin Fan and John Lyons, "China Snatched the 'Hong Kong 12' Off a Speedboat, Giving Protest Movement New Life," *Wall Street Journal,* October 7, 2020.

[68] "Ceng wei shi'er Gangren bianhu lushi Lin Qilei zao zhuxiao zhiyezheng" [Lawyer Lin Qilei, who defended the 12 Hong Kongers, has license revoked], *Radio Free Asia,* November 1, 2021.

[69] "Ceng wei shi'er Gangren bianhu lushi Lin Qilei zao zhuxiao zhiyezheng" [Lawyer Lin Qilei, who defended the 12 Hong Kongers, has license revoked], *Radio Free Asia,* November 1, 2021.

[70] Xi Xiangdong, "Xi Xiangdong: Lushi diaozhao weiquan wumen" [Xi Xiangdong: No way to defend rights for lawyer who has license revoked], reprinted in Civil Rights & Livelihood Watch, August 10, 2021.

[71] Xi Xiangdong, "Xi Xiangdong: Lushi diaozhao weiquan wumen" [Xi Xiangdong: No way to defend rights for lawyer who has license revoked], reprinted in Civil Rights & Livelihood Watch, August 10, 2021.

[72] "You yi lushi mianlin diaozhao Xi Xiangdong gongkai wei dangshiren fasheng bei zhi weifan 'Lushi Fa'" [Another lawyer facing license revocation, Xi Xiandong accused of violating the "Lawyers Law" for publicly speaking out for his client], *Radio Free Asia,* January 28, 2021.

[73] "Lushi Wang Yu fayuan yuxi renquan baogao: Xi shidai tese shi pohai renquan" [Lawyer Wang Yu attacked in court, human rights report: Xi's era is characterized by persecution and human rights violations], *Radio Free Asia,* January 13, 2022.

[74] "Lushi Wang Yu fayuan yuxi renquan baogao: Xi shidai tese shi pohai renquan" [Lawyer Wang Yu attacked in court, human rights report: Xi's era is characterized by persecution and human rights violations], *Radio Free Asia,* January 13, 2022.

[75] "Zi '709' an yizhi wufa zhengchang zhiye weiquan lushi Wang Yu bei Beijing dangju zhuxiao zhizhao" [Rights lawyer Wang Yu, who has been unable to practice law normally since the "709" case, has her license revoked by the Beijing Authorities], *Radio Free Asia,* December 1, 2020.

V. Freedom to Participate in the Political Process

GOVERNANCE

Findings

- The Chinese Communist Party's efforts to extend control over all sectors of society violate citizens' right to fully participate in public affairs. As the Party's dominance permeates society, the space for institutions of democratic governance diminishes, thereby weakening citizens' ability to hold authorities accountable for human rights violations.
- Central authorities issued a policy plan with a stated goal of promoting the rule of law in China for the next five years. While the plan outlines strategies to improve bureaucratic efficiency and standardize administrative actions, it makes no mention of developing a mechanism to check the Party's power. The Party further monopolized the narrative of the past, as it adopted an official version of its historical contribution to China's development, portraying events in a way that served to legitimize government policies, tighten political control, and bolster Party General Secretary Xi Jinping's personal authority, preparing him to serve at least one additional five-year term as General Secretary.
- The central and local governments issued plans to institutionalize the existing practice of mobilizing citizens through "social organizations," whose members are sometimes paid to further government objectives. Recent examples show that the government has used social organization members to harass independent candidates who planned to run for local election, and to boycott businesses that allegedly tried to comply with sanctions related to the Chinese government's use of forced labor in the Xinjiang Uyghur Autonomous Region.
- This past year, central authorities took a series of actions against businesses that had the effect of increasing the Party's power to intervene in the economy so as to advance its objectives in politics, security, and ideology. Substantial fines were imposed on leading technology companies for alleged monopolistic activities. Those companies made contributions to support the "common prosperity" wealth redistribution policy as an apparent hedge against further penalties.
- The Commission observed a whole-of-government approach by the People's Republic of China (PRC) in establishing stricter control over its population through its surveillance and "zero-COVID" policies during this reporting year. The Chinese government passed a new law on data that authorized the government's access to individuals' personal data, with some protections for the "rights and interests" of PRC citizens. The PRC continued to invest in surveillance systems and big data analysis programs that enhanced its ability to monitor citizens and implement social controls, which resulted in discrimination and violations of the right to privacy.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Support U.S. research programs that document and analyze the governing institutions and ideological campaigns of the Chinese Communist Party, as well as its relationships with companies, government agencies, legislative and judicial bodies, and non-governmental organizations (NGOs).
- Encourage Chinese authorities to ratify the International Covenant on Civil and Political Rights and release individuals detained or imprisoned for exercising their rights to freedom of speech, association, and assembly.
- Support organizations working in and outside China that seek to work with local governments and NGOs to improve transparency, especially with regard to efforts to expand and improve China's open government information initiatives.
- Support technological development that respects privacy, protects sensitive personal information, and defends against censorship. Establish an initiative to help countries around the world implement governing regulations for the procurement and use of technology consistent with civil and political rights.

GOVERNANCE

Introduction

China's one-party authoritarian political system controlled by the Chinese Communist Party remains out of compliance with the standards defined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.[1] According to some observers, the political climate in the People's Republic of China (PRC)—with General Secretary Xi Jinping at the apex of political power—has regressed to that of the Cultural Revolution in the 1960s and '70s.[2] One scholar highlighted some recent developments supporting this view: "Xi has revived one-man rule, escalated political repression to its worst level since Mao Zedong died in 1976, reintroduced ideological indoctrination, and launched an aggressive foreign policy that openly challenges the theory and practice of a liberal, rules-governed international order."[3] Reports from the Commission's 2022 reporting period continue to indicate that the Party seeks to control every sector of society with little regard for citizens' fundamental rights.

Rule-Based Governance: Plans and Practice

In assessing rule of law developments in China, a scholar noted that recent trends show increasingly distinctive characteristics of personal rule, partly because "the restriction of administrative powers did not touch on the Party's supreme status [as] a ruler above any legal constraints."[4] In particular, "the 2018 amendment [to China's constitution] explicitly entrenched the leadership of the Party in the main text of the Constitution," creating "a legal foundation for Party domination."[5] In addition, the creation of the National Supervisory Commission, through the 2018 amendment and accompanying legislation, had the effect of bringing the entire public sector under the Party's jurisdiction and legalizing a form of detention that was illegal when it was previously carried out under informal rules.[6] As the Party increasingly uses the law to achieve its political goals, the scholar observed, it has moved farther away from the core elements of the rule of law.[7]

Recent policy announcements do not indicate that the Party is moving in a different direction. For example, in August 2021, central authorities issued a plan for implementing a rule-based government for the next five years,[8] the second such plan since 2015.[9] The document opens with a mandate to implement Xi Jinping Thought and to guard the leadership of Xi and the Party; it ends with a call to propagandize the success story of the project.[10] The balance of the document outlines objectives such as improving bureaucratic efficiency, standardizing administrative actions, and requiring public hearings on major projects.[11] The document describes the Party as having a dominant role in supervising administrative actions and does not propose plans to place any legal constraints on the Party itself.[12]

Xi Jinping's Personal Power

Under Xi Jinping's leadership, the Party laid down a version of history that would legitimize Xi ruling indefinitely and further re-

inforced his personal power through institutions and education. In November 2021, the Party adopted a resolution summarizing its version of Party history since its establishment a century ago.[13] The resolution was adopted ahead of the First Plenum of the 20th National Congress of the Chinese Communist Party, expected to be held in the second half of 2022,[14] when senior Party members would select a person to fill the General Secretary position, the highest political office.[15] The Party previously adopted two similar resolutions—in 1945 and 1981 under the leadership of Mao Zedong and Deng Xiaoping—to fashion history in furtherance of their respective political goals.[16] According to some interpretations, the 2021 resolution created an official narrative that serves to legitimize government policies, tighten political control, and bolster Xi Jinping's personal authority, preparing him to serve at least one additional five-year term as General Secretary.[17]

Substantial coverage and praise given to Xi Jinping in the resolution is consistent with other official actions that some observers characterize as steps to build a personality cult around Xi.[18] Such actions include the establishment of ideological "research centers" beginning in October 2017,[19] the most recent one being the Xi Jinping Economic Thought Research Center located in Beijing municipality, bringing the total number of similar centers to 18 as of July 2021.[20] The center is tasked with "talking politics" and promoting central authorities' strategic plans.[21]

Evidence of a personality cult also is seen in the introduction of ideological textbooks in schools. Beginning in September 2021, primary and secondary school students were required to use a new series of standardized textbooks outlining Xi Jinping Thought.[22] Two authors who wrote about this development compared prior textbooks, which focused on the Party in general, with this new series, which focused on Xi himself.[23] The authors further observed that "the growing personality cult of Xi Jinping [is] eerily reminiscent of the days of China's founding father Mao Zedong," with the qualification that current propaganda has not yet advocated violence or deified Xi.[24]

Lack of Genuine Political Participation

The Party holds exclusive political power, and China's Constitution contains language that effectively prohibits acts that would damage the Party's leadership.[25] Eight satellite parties are formally recognized, but their funding and operations are controlled by the Party.[26] Although the Party declares that it represents "the fundamental interests of the greatest possible majority of the Chinese people,"[27] citizens' direct electoral participation is limited to sub-provincial legislative bodies[28] and village and residents committees,[29] the latter of which are semi-autonomous grassroots bodies outside of the state bureaucracy.[30] Elections for these local offices, however, are subject to political interference, such as through candidate selection and harassment of independent candidates.[31] Furthermore, people who participate in elections are required by law to support the Party's leadership unwaveringly.[32]

Elections for local-level people's congresses took place across China beginning in the second half of 2021.[33] Elections in Beijing municipality, for example, concluded in November 2021 and gen-

erated nearly 4,900 newly elected delegates at the district level, about 69 percent of whom were Party members.[34] In October 2021, rights defenders **Wang Qiaoling, Li Wenzu, Ye Jinghuan,** and 11 other independent candidates announced that they would run for the district-level people's congress in Beijing, intending to improve representation of people's needs.[35] After the announcement, Wang was unable to take a call from what she believed was a media inquiry originating from Hong Kong and instead received an official warning message.[36] Two weeks later, the candidates announced that they were aborting their plans, citing personal liberty and safety concerns.[37] They said police harassed them almost every day by summoning them for questioning, forcing them to travel to another location, or threatening to demolish their homes.[38] Li said that her landlord, possibly pressed by authorities, retracted an agreement to renew her lease and asked her to move out.[39]

It is against this backdrop that the Chinese government claimed in a December 2021 white paper that it has a robust "whole-process people's democracy" that "has been fully tested through wide participation."[40] The white paper proceeds to claim that China's political system is a "people's democratic dictatorship" with no opposition party, where "[a] tiny minority is sanctioned in the interests of the great majority, and 'dictatorship' serves democracy."[41] It further presents China's system as a "new model of democracy" that always prioritizes economic development.[42] One observer expressed concern that the government's unfounded claim of having attained democracy is indicative of a loss of institutional resiliency necessary for democratic reforms.[43]

Party Control

MOBILIZATION OF CITIZENS AND SOCIAL ORGANIZATIONS

Recent official actions indicate an attempt to institutionalize the existing practice of mobilizing citizens to further the government's objectives, which include fighting crime, suppressing citizens' civic engagement, and countering international criticism of the PRC's human rights violations. In September 2021, the Ministry of Civil Affairs issued the 14th Five-Year Plan for the Development of Social Organizations (*shehui zuzhi*), a national plan aiming to install a centralized system of registration and management by 2025 to strengthen the Party's control over social organizations and to increase the number of Party members dedicated to working in this sector.[44] The plan requires social organizations to write Party-building into their charters and to follow the Party's orders.[45] Supervision over these groups is exercised through official bodies and the social credit system.[46] In addition to performing community services, social organizations are tasked with facilitating the PRC's national and international policies, such as to "augment social organizations' capacity to participate in global governance and enhance . . . China's 'soft power.'"[47]

Following the national plan, the Beijing municipal government issued an implementation plan in October 2021 with a goal of establishing at least 15 social organizations in each urban community and 8 in each rural community by 2023.[48] Under the ideological guidance of local Party organizations, these social organizations are

to build a platform for grassroots-level governance encompassing areas such as community services, law and order, dispute settlement, and drug rehabilitation.[49] To enhance public appeal and influence, each community is required to develop its own "branding" of social organization.[50]

One such branding is Chaoyang Masses based in Beijing's Chaoyang district, which has a total of 190,000 registered social organization members and a population of 3.45 million, representing a ratio of about 1 member in every 20 residents.[51] The Chaoyang district government pays a monthly stipend of between 300 and 500 yuan (approximately US$40 to $70) to members who actively assist in policing.[52] The government also reportedly hands out rewards in amounts ranging from 20,000 to 40,000 yuan (approximately US$3,000 to $6,000) or more for tips that help crack major cases.[53] Members of Chaoyang Masses, however, carry out assignments beyond combating crimes; for example, they were among those who harassed rights defenders including the 14 independent candidates who tried to run for local election, a case described in more detail above.[54]

On a broader scale, authorities mobilized the general public and internet users to carry out political objectives:

- **Reporting Religious Activities.** Some local governments, for example, enacted measures in recent years to give out monetary rewards for citizens who report on religious activities that are deemed illegal by the government.[55]
- **Targeting the "Unpatriotic."** In October 2021, an official military newspaper called for a "people's war" to hunt down U.S. spies in China, which according to two analysts could encompass anyone deemed "unpatriotic," given the broad and vague definition of the term "national security" used by Chinese authorities.[56]
- **Boycotting U.S. Companies.** In December 2021, Party-run newspaper Global Times and the Communist Youth League initiated a social media campaign, calling on Chinese citizens to boycott U.S. companies accused of refusing to source goods from the Xinjiang Uyghur Autonomous Region (XUAR) in light of anti-forced labor legislation passed in the United States.[57]

BUSINESS SECTOR

This past year, central authorities took a series of actions against businesses that resulted in the loss of approximately US$1.1 trillion in the top six technology stocks alone, suggesting that they were in part motivated by non-economic considerations.[58] According to one expert, these actions represented a "pivot to the state" and had the effect of increasing the Party's power to intervene in the economy so as to advance its objectives in politics, security, and ideology.[59]

COMMON PROSPERITY

In August 2021, Xi Jinping presided over the 10th meeting of the Party Central Financial and Economic Affairs Commission, announcing that common prosperity (*gongtong fuyu*) would be the next phase of development, given the Party's claim of having elimi-

nated poverty and having established a moderately prosperous society.[60] The policy aims to expand the middle class and adjust the low- and high-income groups' earnings through a three-tiered distribution system.[61] In this system, the first distribution refers to spending; the second refers to taxation, social security, and transfer payments; and the third refers to charitable donations, either voluntary, incentivized by estate and gift tax, or encouraged by the government's socialist appeal.[62]

After the policy announcement, Chinese companies including Alibaba, Tencent, and Pinduoduo separately pledged to contribute 100 billion yuan each (approximately US$15 billion) by 2025 to support the common prosperity initiative.[63] Reuters reported that the fund set up by Alibaba, about two-thirds of the company's earnings in 2020, would be managed by a committee led by the company's chief executive, but "outsiders have limited visibility into how shareholder earnings will be used."[64] The companies' contributions, according to a researcher, "are clearly hedges against potential punitive actions taken by the government 'against the unfettered action of capitalist interests.'"[65]

ANTI-MONOPOLY ACTIONS

The punitive actions mentioned above included penalties imposed in the name of anti-monopoly measures, but those penalties did not extend to state-owned enterprises. Beginning in late 2020, the government imposed substantial penalties for alleged monopolistic conduct and unreported mergers on at least 60 companies in areas including technology, gaming, and food delivery.[66] To further strengthen enforcement, central authorities allocated additional resources for the State Anti-Monopoly Bureau and planned to amend the PRC Anti-Monopoly Law, proposing to increase penalties and prohibit using data, algorithms, and technologies to impede competition.[67] One economist observed that the series of actions had the effect of weakening the position of private enterprises, while authorities had not taken similar actions against monopolies created by state-owned banks and enterprises.[68]

DATA SECURITY

Authorities likewise exerted control in data security practices through intrusive administrative actions. In July 2021, two days after Didi Chuxing (a transportation service company) had listed its stock on the New York Stock Exchange (NYSE),[69] the Cyberspace Administration of China (CAC) suspended new user registration and ordered online platforms to take down the company's application (app) pending investigation, which involved government officials being stationed in the company's office.[70] While official notices did not specify the nature of the underlying conduct, the CAC's actions could be linked to concerns over the potential disclosure of government employees' travel history and the company's ability to apply big data technology to analyze the information it had gathered.[71] In December 2021, Didi Chuxing delisted from the NYSE, hours after the U.S. Securities and Exchange Commission adopted a rule requiring foreign companies listed in the United States to submit to open-book audits.[72] This series of events took place before relevant legal provisions became effective—the PRC

Data Security Law, which created a system to review data practices that may affect national security,[73] and the Cybersecurity Review Measures, which require online platform operators with over one million users to undergo security review before listing in overseas stock exchanges.[74]

TUTORING INDUSTRY

Concerned about population decline, the government encouraged childbearing, in part by cracking down on the tutoring industry in an attempt to reduce the cost of rearing children.[75] In July 2021, central authorities announced a policy aiming to alleviate students aged 6 to 15 from the burden of homework and private tutoring.[76] The policy restricts the amount of homework that schools may assign and requires private tutors and tutoring organizations to reregister as non-profit organizations under strict standards.[77] Seven months after the announcement, the South China Morning Post reported that while the policy had resulted in fewer homework assignments, it did not reduce students' burdens, as parents continued to seek additional extracurricular activities and tutoring classes, which were rebranded in a way to circumvent the rules.[78] With the passage of the new PRC Family Education Promotion Law, however, parents may be breaking the law if they overburden their children with studies.[79]

Education
The PRC Family Education Promotion Law, which aims to cultivate the next generation of socialists, brings a private family matter within the purview of state regulation.[80] The law obligates parents to avoid overburdening their children with schoolwork and to prevent their children from becoming addicted to the internet; they also must teach their children to love the Party, form an intention to protect national unity, develop a healthy aesthetic, and ensure that they have enough sleep.[81] Parents who refuse to carry out family education or whose child has engaged in "seriously inappropriate behavior" are punished by means of criticism or admonition, or ordered to receive family education guidance, terms that are not defined in the law.[82] Punishing parents for their children's misconduct may amount to collective punishment,[83] and, according to ChinaAid, the law signifies the government's reach into people's homes to exert control over minor children.[84]

ENTERTAINMENT INDUSTRY

Beginning in late August 2021, the Party started a campaign to further regulate the entertainment industry and fandom culture. The Propaganda Department of the Party Central Committee issued a notice announcing a campaign to comprehensively manage the entertainment sector, seeking to address a range of issues relating to celebrities, including tax evasion, contract fraud, "distorted" aesthetics, moral corruption, and fan club activities.[85] The notice calls for ideological control, supervision of public opinion, and guidance on aesthetics.[86] Simultaneously, the National Radio and Television Administration declared a determination to get rid of effeminate aesthetics and promote revolution and socialist cul-

ture.[87] The Central Cyberspace Affairs Commission (CCAC) also issued a notice stating its continued efforts to disband fan clubs that collect funds and influence online commentaries and to shut down online forums that allow fans to gather and discuss celebrity scandals.[88]

Technology-Enhanced Social Control

In a March 2021 policy document covering the period between 2021 and 2025, central authorities outlined the next phase of digitalization strategy, known as "Digital China," as a key component of China's long-term economic and social development.[89] Previously, the CCAC called for the construction of an integrated data system encompassing image recognition, big data, artificial intelligence (AI), and other technologies,[90] which can be used to enhance the PRC's authoritarian control.[91]

SURVEILLANCE

Since the conceptual development of the smart city in 2009, the PRC's surveillance program has evolved to include broader economic and social management concerns.[92] The surveillance industry implemented by the PRC government uses surveillance cameras, behavioral analysis, biometrics, and other technologies including cellphone trackers which have the ability to connect a person's digital footprint, identity, and physical location.[93] Cases of concern from this reporting year include the following:

- Authorities in Tianjin municipality in 2022 purchased "combat platform" software from Hikvision that tracks petitioners in real time and uses a "social attribute" score to predict the chances of individuals entering Beijing municipality to file complaints with the government.[94] Hikvision is one of eight companies that the U.S. Government identified in October 2019 as having been "implicated in human rights violations . . . against members of Muslim minority groups in the XUAR."[95]
- In September 2021, police in Henan province awarded technology company Neusoft a contract to build a tracking system using a range of technologies, including facial recognition, smartphone monitoring, and cross-platform data analysis to target people, such as journalists, international students, and foreign women illegally staying in the province.[96] An expert noted that the procurement tender "illustrates the first known instance of the PRC building custom security technology to streamline state suppression of journalists."[97]
- A January 2022 bidding document from public security officials in Jingzhou municipality, Hubei province, sought to build a public security video platform that is integrated into the province-wide system of local-level "Sharp Eye" surveillance platforms.[98] The proposed project calls for a network of 3,500 new and modified security cameras, 200 biometric collection terminals, and big data processing capabilities that can track people using facial and vehicle recognition and behavior analysis.[99]

[For more information on commercial firms' role in government data collection and surveillance across China, see Section VIII—Business and Human Rights.]

ENHANCED SOCIAL CONTROL UNDER ZERO-COVID

Since 2020, officials have used technologies such as drones and health code apps to facilitate coercive enforcement of the "zero-COVID" policy in ways that violated citizens' fundamental rights.[100] Local governments used health code apps to control people's movement based on their exposure to the virus.[101] While the algorithms used by different health apps were similar, how strictly the information was applied varied among local governments, as some officials chose to take drastic actions to prevent outbreaks, reportedly in fear of being terminated or disciplined.[102] In Chengdu municipality, Sichuan province, for example, police defined close contact as having been within 800 meters (2,600 feet) of a confirmed infection for a period of time, leading to 82,000 people being considered as at risk.[103] In another example, authorities halted two trains traveling to Beijing and placed nearly 350 passengers in centralized quarantine because a single passenger on each train was considered a close contact of a confirmed case.[104]

According to a June 2022 article posted by a data resource management bureau, citizens continued to experience inconsistent or erroneous enforcement as a result of health code data being used differently across localities.[105] The article further noted that the lack of oversight could lead to the health code system being abused, and highlighted an example from Henan province.[106] Beginning in April 2022, customers of at least four rural banks operating in Henan experienced difficulty making withdrawals, as the banks had frozen their deposits.[107] Some customers reported that their health codes had been changed from green to red for no apparent reason, which prevented them from traveling to the banks to make inquiries or join protests to seek redress.[108] They accused authorities of tampering with the health code system to restrict people's movement for purposes unrelated to public health.[109] [For more information on China's zero-COVID policy, see Section VIII—Public Health.]

NEW DIGITAL PRIVACY AND ARTIFICIAL INTELLIGENCE STANDARDS RAISE HUMAN RIGHTS CONCERNS

New legal and judicial standards on digital rights were issued this past year, the content of which raised concerns about the power of the government to infringe on the right to privacy given legal exceptions on consent.[110] In August 2021, the National People's Congress passed the PRC Personal Information Protection Law, a legislative framework that maintains government access to personal data while ostensibly safeguarding the "rights and interests" of persons within the PRC from unlawful commercial handling of private information.[111] According to Michael Caster, Asia Digital Programme Manager at the human rights organization Article 19, the law's private sector protections are inadequate because they contain exceptions to the requirement to obtain consent, such as for "safeguarding public security," that can be exploited by government authorities to collect personal information.[112] Companies

must store personal data in China under an expansive view of national security, and the Cyberspace Administration of China (CAC) must issue a favorable security assessment before data can leave China.[113] In July 2021, the Supreme People's Court issued an interpretation requiring companies to disclose how they use facial and biometric information and prohibiting them from requiring customers to consent to companies' processing of facial information as a condition to use their services if it is not necessary for the provision of such services, with exemptions for public health and public security purposes.[114] [For more information on the Chinese government's view of data security abroad, see Section XII—Human Rights Violations in the U.S. and Globally.]

New standards on AI and online algorithms lack anti-discrimination protections for consumers. In April 2022, the Netherlands-based think tank Leiden Asia Centre noted that the Ministry of Science and Technology's draft of the "Ethical Norms of New Generation Artificial Intelligence" initially contained text discouraging the use of discriminatory tools in AI, but the final draft replaced that text, stating "[AI should] offer alternative products and services based on the need[s] of the underprivileged."[115] The Leiden Asia Centre expressed concern that this change in wording indicates that future AI ethical standards may promote ethnic and socio-economic discrimination.[116] In December 2021, the CAC, together with several other state agencies, released final regulations that also omitted a prohibition on "discriminatory or biased user tags" in algorithmic recommendation systems, which had been included in the draft version.[117]

Notes to Section V—Governance

[1] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 21; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 25.

[2] "Zhongguo guanmei: Yichang 'shenke biange' zhengzai fasheng Cai Xia: Wenge huilai le" [China's official media: "A deep transformation" is taking place; Cai Xia: Cultural Revolution has returned], *Radio Free Asia,* August 30, 2021; Daniel Kwan, "From Mao to Now: David Shambaugh Compares and Contrasts China's Leaders," *South China Morning Post,* October 10, 2021.

[3] Minxin Pei, "China: Totalitarianism's Long Shadow," *Journal of Democracy* 32, no. 2 (April 2021): 6.

[4] Ruiping Ye, "Shifting Meanings of Fazhi and China's Journey Toward Socialist Rule of Law," *International Journal of Constitutional Law* 19, no. 5 (December 2021): 1880.

[5] Ruiping Ye, "Shifting Meanings of Fazhi and China's Journey Toward Socialist Rule of Law," *International Journal of Constitutional Law* 19, no. 5 (December 2021): 1876–77.

[6] Ruiping Ye, "Shifting Meanings of Fazhi and China's Journey Toward Socialist Rule of Law," *International Journal of Constitutional Law* 19, no. 5 (December 2021): 1878–79.

[7] Ruiping Ye, "Shifting Meanings of Fazhi and China's Journey Toward Socialist Rule of Law," *International Journal of Constitutional Law* 19, no. 5 (December 2021): 1860, 1861, 1879, 1881.

[8] Chinese Communist Party Central Committee and State Council, "Fazhi Zhengfu Jianshe Shishi Gangyao (2021–2025 nian)" [Outline for the Implementation of a Rule-Based Government (2021–2025)], issued August 11, 2021.

[9] Chinese Communist Party Central Committee and State Council, "Fazhi Zhengfu jianshe Shishi Gangyao (2015–2020 nian)" [Outline for the Implementation of a Rule-Based Government (2015–2020)], issued December 28, 2015.

[10] Chinese Communist Party Central Committee and State Council, "Fazhi Zhengfu Jianshe Shishi Gangyao (2021–2025 nian)" [Outline for the Implementation of a Rule-Based Government (2021–2025)], issued August 11, 2021, secs. 1(1), 10(35).

[11] Chinese Communist Party Central Committee and State Council, "Fazhi Zhengfu Jianshe Shishi Gangyao (2021–2025 nian)" [Outline for the Implementation of a Rule-Based Government (2021–2025)], issued August 11, 2021, secs. 2(4), 4(11), 7(22), 8(24).

[12] Chinese Communist Party Central Committee and State Council, "Fazhi Zhengfu Jianshe Shishi Gangyao (2021–2025 nian)" [Outline for the Implementation of a Rule-Based Government (2021–2025)], issued August 11, 2021, secs. 8(24), (25).

[13] "Zhonggong Zhongyang guanyu Dang de bai nian fendou zhongda chengjiu he lishi jingyan de jueyi" [Resolution of the Chinese Communist Party Central Committee on the major achievements and historical experience of the Party's struggles over the past century], passed November 11, 2021.

[14] Wu Jiatong, "Zhongguo fabu: Zhongguo Gongchandang Di'ershi ci Quanguo Daibiao dahui 2022 nian xiabannian zhaokai" [Announcement from China: Chinese Communist Party 20th National Congress to be convened in the second half of 2022], *China Release,* November 11, 2021.

[15] Chris Buckley, "A Succession Drama, Chinese Style, Starring Xi Jinping," *New York Times,* February 14, 2022. See also *Zhongguo Gongchandang Zhangcheng* [Chinese Communist Party Constitution], adopted September 6, 1982, amended October 24, 2017, art. 23.

[16] "Zhonggong Liu Zhong Quan Hui tongguo disan ge lishixing jueyi, gonggu Xi Jinping diwei" [CCP's Sixth Plenum passes the third historical resolution, bolstering Xi Jinping's position], *BBC,* November 12, 2021.

[17] Jesse Turland, "China's Sixth Plenum Report Proclaims Bright Future under Xi," *The Diplomat,* November 16, 2021; Jin Zhe, "Zhuanfang xuezhe Ni Lingchao: Tan Zhonggong lishi jueyi yu Zhongguo gongzong zhishang" [Exclusive interview with scholar Ni Lingchao: A discussion of the CCP's historical resolution and Chinese public's intelligence], *Voice of America,* November 30, 2021; Chris Buckley et al., "China's Xi Jinping Remakes the Communist Party's History in His Image," *New York Times,* March 10, 2022.

[18] Jin Zhe, "Zhuanfang xuezhe Ni Lingchao: Tan Zhonggong lishi jueyi yu Zhongguo gongzong zhishang" [Exclusive interview with scholar Ni Lingchao: A discussion of the CCP's historical resolution and Chinese public's intelligence], *Voice of America,* November 30, 2021; Song Ren, "Beijing gongbu 3 wan 6 qian zi Zhonggong bai nian zhongda chengjiu jueyi wei Xi Jinping di 3 renqi taijiao mingluo" [Beijing announces 36,000-word resolution on the important successes of the CCP's past 100 years, harbinger of Xi Jinping's third term], *Voice of America,* November 16, 2021.

[19] Gu Li, "Zhongguo chengli di 18 ge Xi Jinping Sixiang yanjiu zhongxin" [China establishes the 18th Xi Jinping Thought research center], *Radio France Internationale,* July 9, 2021.

[20] "Xi Jinping Jingji Sixiang Yanjiu Zhongxin chengli" [Xi Jinping Economic Thought Research Center is established], *People's Daily,* July 7, 2021; Su-Lin Tan, "Economic Thought of China's Xi Jinping to Be Immortalised in Newly Established Research Centre," *South China Morning Post,* July 6, 2021; Gu Li, "Zhongguo chengli di 18 ge Xi Jinping Sixiang yanjiu zhongxin" [China establishes the 18th Xi Jinping Thought research center], *Radio France Internationale,* July 9, 2021.

[21] "Xi Jinping Jingji Sixiang Yanjiu Zhongxin chengli" [Xi Jinping Economic Thought Research Center is established], *People's Daily,* July 7, 2021.

[22] Ministry of Education, "'Xi Jinping Xin Shidai Zhongguo Tese Shehui Zhuyi Sixiang xuesheng duben' yu jin nian qiuji xueqi qi zai quanguo tongyi shiyong" ["Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era textbook" will be used across the country beginning this fall semester], July 8, 2021.

[23] Shih-Wen Sue Chen and Sin Wen Lau, "Little Red Children and 'Grandpa Xi': China's School Textbooks Reflect the Rise of Xi Jinping's Personality Cult," *The Conversation,* November 22, 2021.

[24] Shih-Wen Sue Chen and Sin Wen Lau, "Little Red Children and 'Grandpa Xi': China's School Textbooks Reflect the Rise of Xi Jinping's Personality Cult," *The Conversation,* November 22, 2021.

[25] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), preamble, art. 1.

[26] State Council, "Ba da minzhu dangpai" [Eight major democratic parties], March 9, 2020; State Council, "'Zhongguo zhengdang zhidu' baipi shu" [White paper on "China's political party system"], November 15, 2007; Revolutionary Committee of the Chinese Kuomintang et al., "Guanyu minzhu dangpai zuzhi fazhan ruogan wenti zuotanhui jiyao" [Minutes of forum on several questions on the organization and development of democratic parties], June 3, 1996; Andrew Jacobs, "Non-Communist Parties Lend China an Air of Pluralism, Without the Mess," *New York Times,* March 14, 2013.

[27] *Zhongguo Gongchandang Zhangcheng* [Chinese Communist Party Constitution], adopted September 6, 1982, amended October 24, 2017, general program.

[28] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), arts. 97, 100; *Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui he Difang Geji Renmin Daibiao Dahui Xuanju Fa* [PRC Electoral Law of the National People's Congress and Local People's Congresses], passed July 1, 1979, effective January 1, 1980, amended October 17, 2020, art. 3.

[29] *Zhonghua Renmin Gongheguo Cunmin Weiyuanhui Zuzhi Fa* [PRC Organic Law of Village Committees], passed November 4, 1998, amended December 29, 2018, arts. 5, 7–20, 24; *Zhonghua Renmin Gongheguo Chengshi Jumin Weiyuanhui Zuzhi Fa* [PRC Organic Law of Urban Residents Committees], passed December 26, 1989, effective, January 1, 1990, amended December 29, 2018, arts. 3, 19; *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 111.

[30] Monica Martinez-Bravo, Gerard Padró i Miquel, Nancy Qian, and Yang Yao, "The Rise and Fall of Local Elections in China: Theory and Empirical Evidence on the Autocrat's Trade-off," National Bureau of Economic Research, November 2017, 10.

[31] See, e.g., "Guangdong Tianwu cun huanjie xuanju houxuanren zao konghe beibi tuixuan" [In Guangdong's Tianwu village, election candidate is threatened and forced to withdraw], *Radio Free Asia,* March 4, 2021; "China Protest Village Leader Lin Zuluan Convicted," *BBC,* September 8, 2016; John Sudworth, "China Elections: Independent Candidates Fight for the Ballot," *BBC,* November 17, 2016.

[32] *Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui he Difang Geji Renmin Daibiao Dahui Xuanju Fa* [PRC Election Law of the National People's Congress and People's Congresses of Different Local Levels], passed October 17, 2020, effective October 18, 2020, arts. 2, 12, 58; *Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui guanyu xiugai "Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui he Difang Geji Renmin Daibiao Dahui Suanju Fa" de Jueding* [Decision of the National People's Congress Standing Committee on amending the "PRC Election Law of the National People's Congress and People's Congresses of Different Local Levels"], October 17, 2020; *Zhonghua Renmin Gongheguo Zongzhi Renyuan Zhengwu Chufen Fa* [PRC Administrative Discipline for Public Officials], passed July 1, 1979, amended October 17, 2020, effective October 18, 2020.

[33] Luo Sha and Chen Fei, "Zhongguo tese shehui zhuyi minzhu: Quanguo xian xiang liangji renda huanjie xuanju gongzuo yifa youxu wenbu tuijin" [Socialist democracy with Chinese characteristics: Elections for people's congresses at the county and village levels are advancing according to law in an orderly and steady manner across China], *Xinhua,* August 17, 2021.

[34] Li Zewei, "Benshi xinyijie qu xiang zhen renda daibiao xuanju chansheng" [Elections have generated a new term of district-, town-, and township-level people's congress delegates for this municipality], *Beijing Youth Daily,* November 24, 2021.

[35] "'709 Dazhuabu' weiquan lushi jiashu: canxuan Beijing qu renda daibiao" [Family members of lawyers in "709 Crackdown": Will run for Beijing district-level people's congress], *Deutsche Welle,* October 18, 2021.

[36] "'709 Dazhuabu' weiquan lushi jiashu: canxuan Beijing qu renda daibiao" [Family members of lawyers in "709 Crackdown": Will run for Beijing district-level people's congress], *Deutsche Welle,* October 18, 2021.

[37] "Beijing shisi ming duli houxuanren yin renshen anquan xuanbu tingzhi canxuan jiceng renda xuanju xingdong" [14 independent candidates from Beijing announce that they will stop their run for grassroots-level people's congress due to [concerns for] personal safety], *Radio Free Asia,* November 1, 2021.

[38] "Beijing shisi ming duli houxuanren yin renshen anquan xuanbu tingzhi canxuan jiceng renda xuanju xingdong" [14 independent candidates from Beijing announce that they will stop their run for grassroots-level people's congress due to [concerns for] personal safety], *Radio Free Asia,* November 1, 2021.

[39] "Beijing shisi ming duli houxuanren yin renshen anquan xuanbu tingzhi canxuan jiceng renda xuanju xingdong" [14 independent candidates from Beijing announce that they will stop grassroots-level people's congress due to personal safety], *Radio Free Asia,* November 1, 2021.

[40] State Council Information Office, "Full Text: China: Democracy That Works," December 4, 2021.

[41] State Council Information Office, "Full Text: China: Democracy That Works," December 4, 2021.

[42] State Council Information Office, "Full Text: China: Democracy That Works," December 4, 2021.

[43] "'Women de minzhu caishi zhen minzhu' Zhonggong chongxin dingyi minzhu duikang Baideng Minzhu Fenghui" ["Our democracy is real democracy"; CCP opposes Biden's Democracy Summit by redefining democracy], *Voice of America,* December 13, 2021.

[44] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued September 30, 2021, sec. 2(3), (4).

[45] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued September 30, 2021, secs. 1, 2(2). The term "Party-building" refers to a multi-faceted approach for enhancing the Party's governance capabilities through ideological, organizational, and disciplinary means.

[46] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued September 30, 2021, sec. 3(4).

[47] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued September 30, 2021, sec. 3(8).

[48] Beijing Municipal Civil Affairs Bureau, "Beijing shi peiyu fazhan shequ shehui zuzhi zhuanxiang xingdong shishi fang'an" [Implementation of special action plan for cultivating and developing community and social groups in Beijing municipality], issued October 14, 2021, sec. 1. See also Ministry of Civil Affairs, "Peiyu fazhan shequ shehui zuzhi zhuanxiang xingdong fang'an (2021–2023 nian)" [Special action plan for cultivating and developing community social groups (2021–2023)], December 7, 2020.

[49] Beijing Municipal Civil Affairs Bureau, "Beijing shi peiyu fazhan shequ shehui zuzhi zhuanxiang xingdong shishi fang'an" [Implementation of special action plan for cultivating and developing community and social groups in Beijing municipality], issued October 14, 2021, sec. 2(3), (4).

[50] Beijing Municipal Civil Affairs Bureau, "Beijing shi peiyu fazhan shequ shehui zuzhi zhuanxiang xingdong shishi fang'an" [Implementation of special action plan for cultivating and developing community and social groups in Beijing municipality], issued October 14, 2021, sec. 2(5).

[51] Beijing Municipal Civil Affairs Bureau, "Beijing shi peiyu fazhan shequ shehui zuzhi zhuanxiang xingdong shishi fang'an" [Implementation of special action plan for cultivating and developing community and social groups in Beijing municipality], issued October 14, 2021, sec. 2(5); Zhang Xuehong, "Qunzhong na douyou, weihe Chaoyang de zheme yaoyan" [There are crowds everywhere, why is the crowd in Chaoyang this eye-catching?], *Legal Daily,* November 1, 2021.

[52] "Jiemi 'Chaoyang Qunzhong': 13 wan ren zhuce, huoyuezhe yue butie zuigao 500 yuan" [Exposing the secrets of "Chaoyang Masses": 130 thousand registered members, active members can get a stipend of up to 500 yuan a month], *The Paper,* September 21, 2021.

[53] Civil Rights & Livelihood Watch, "2021 nian Zhongguo shehui kongzhi nianzhong baogao" [2021 year-end report on social control in China], March 19, 2021.

[54] "Beijing jiang dazao geng duo 'Chaoyang Qunzhong' 'shijie diwu da qingbao zuzhi' yi pianbu quan Zhongguo" [Beijing to create more groups like "Chaoyang Masses," "the world's fifth largest intelligence organization" has spread across China], *Radio Free Asia,* November 18, 2021.

[55] "Zhongguo pohai zongjiao ziyou shijian peizeng dangju guli qunzhong huxiang jiefa jubao" [Religious persecution cases in China multiply, government encourages people to report each other], *Voice of America,* September 24, 2021.

[56] Nectar Gan and Brett McKeehan, "China's Propaganda Machine Is Intensifying Its 'People's War' to Catch American Spies," *CNN,* October 18, 2021.

[57] Liza Lin, "Walmart Sparks Public Outcry in China Over Products from Xinjiang," *Wall Street Journal,* December 27, 2021; U.S. Department of State, "Department Press Briefing—March 26, 2021," March 26, 2021.

[58] Kevin Rudd, Asia Society Policy Institute, "Xi Jinping's Pivot to the State," September 8, 2021.

[59] Kevin Rudd, Asia Society Policy Institute, "Xi Jinping's Pivot to the State," September 8, 2021.

[60] "Xi Jinping zhuchi zhaokai Zhongyang Caijing Weiyuanhui dishi ci huiyi" [Xi Jinping convenes and presides over the 10th meeting of the Central Financial and Economic Affairs Commission], *Xinhua,* August 17, 2021.

[61] "Xi Jinping zhuchi zhaokai Zhongyang Caijing Weiyuanhui dishi ci huiyi" [Xi Jinping convenes and presides over the 10th meeting of the Central Financial and Economic Affairs Commission], *Xinhua,* August 17, 2021.

[62] Song Xiaowu, "Ruhe goujian chuci fenpei, zai fenpei, san ci fenpei xietiao peitao de jichuxing zhidu anpai" [How to make arrangements to set up a basic system to facilitate the first, second, and third distribution package], *GMW.cn,* October 9, 2021.

[63] Robyn Mak, "Xi's Common Prosperity Becomes Financial Black Box," *Reuters,* September 3, 2021.

[64] Robyn Mak, "Xi's Common Prosperity Becomes Financial Black Box," *Reuters,* September 3, 2021.

[65] Jane Zhang, "Alibaba's Charity Fund Updates Its Strategic Priority to Answer Xi's Common Prosperity Call and Help Narrow Nation's Wealth Gap," *South China Morning Post,* September 6, 2021.

[66] Matthew Brooker, "China Submits to a Painful Market Reality," *Bloomberg,* reprinted in *Washington Post,* March 17, 2022; "China to Tighten Antitrust Legal Enforcement—New Antitrust Bureau Head," *Reuters,* December 20, 2021; Wan Jing, "Guojia Shichang Jianguan Zongju gongbu 13 qi fanlongduan xingzheng chufa anjian" [State Administration for Market Regulation announces administrative penalties in 13 anti-monopoly cases], *Legal Daily,* January 5, 2022; State Administration for Market Regulation, "Shichang Jianguan Zongju yifa dui hulianwang lingyu ershi'er qi weifa shishi jingjingzhe jizhong an zuochu xingzheng chufa jueding" [State Administration for Market Regulation makes decision on 22 cases of unlawful mergers in the internet sector], July 7, 2021.

[67] Gibson Dunn, "Antitrust in China—2021 Year in Review," February 11, 2022; State Administration for Market Regulation, "Zhonghua Renmin Gongheguo Fanlongduan Fa (xiuzheng cao'an)" [PRC Anti-Monopoly Law (draft amendment)], issued October 23, 2021, 16, 30 et seq.

[68] "Zhongguo qipashi fanlongduan zhilu huo ling minqi jiti 'tangping' huo 'wodao'" [China's strange anti-monopoly path may lead private enterprises to "lie flat" or "lie down"], *Voice of America,* August 12, 2021.

[69] Raymond Zhong, "China's Crackdown on Didi Is a Reminder That Beijing Is in Charge," *New York Times,* August 27, 2021.

[70] Cyberspace Administration of China, "Wangluo anquan shencha bangongshi guanyu dui 'Didi Chuxing' qidong wangluo anquan shencha de gonggao" [Notice of the investigation office of the Cybersecurity Administration of China concerning the launch of a cybersecurity review on "Didi Chuxing"], July 2, 2021; Cyberspace Administration of China, "Guanyu xiajia 'Didi Chuxing' *App* de tongbao" [Notice concerning taking down "Didi Chuxing's" app], July 4, 2021; "Zhongguo Guojia Wangxinban he Guo'anbu deng 7 bumen jinzhu Didi shishi anquan shencha" [Seven agencies, including the Cyberspace Administration of China and Domestic Security, stationed at Didi to carry out security review], *Voice of America,* July 16, 2021.

[71] "Huanshi ruiping: Guojia yaoqiu Didi Chuxing xiajia zhenggai weihe shende renxin" [Global Times sharp opinion: Why is the government's order to take down Didi Chuxing's app welcomed by so many people], *Global Times,* July 4, 2021; Anna, "Zhonggong dula zhengshu Didi shaji jinghou fang guanyuan waishe" [CCP's sinister rectification of Didi is intended to give a warning to others, to prevent leaks of officials' information], *ipkmedia.com,* July 7, 2021; Emily Feng and David Gura, "A Top Chinese Ride-Hailing Company Delists from the NYSE Just Months After Its IPO," *NPR,* December 3, 2021.

[72] Alexandra Stevenson and Paul Mozur, "With Its Exit, Didi Sends a Signal: China No Longer Needs Wall Street," *New York Times,* December 5, 2021; Emily Feng and David Gura, "A Top Chinese Ride-Hailing Company Delists from the NYSE Just Months After Its IPO," *NPR,* December 3, 2021.

[73] *Zhonghua Renmin Gongheguo Shuju Anquan Fa* [PRC Data Security Law], passed June 10, 2021, effective September 1, 2021.

[74] Cyberspace Administration of China et al., "Wangluo Anquan Shencha Banfa" [Cybersecurity Review Measures], issued December 28, 2021, effective February 15, 2022, art. 7.

[75] "China's New Private Tutoring Rules Put Billions of Dollars at Stake," *Reuters,* July 26, 2021; Ni Dandan, "What China's Parents Really Think about the Three-Child Policy," *Sixth Tone,* August 30, 2021; "Zhongguo jiada xiaowai jiaopei hangye jianguan chujin 'san hai' zhengce luoshi?" [Will China increase supervision of off-campus training to boost implementation of "three-child" policy?], *Radio Free Asia,* June 16, 2021.

[76] *Zhonghua Renmin Gongheguo Yiwu Jiaoyu Fa* [PRC Compulsory Education Law], passed June 29, 1986, amended December 29, 2018, arts. 2, 11; General Office of the Central Committee of the Chinese Communist Party and State Council General Office, *Guanyu Jinyibu Jianqing Yiwu Jiaoyu Jieduan Xuesheng Zuoye Fudan he Xiaowai Peixun Fudan de Yijian* [Opinion on Further Reducing the Burden of Students in Compulsory Education in Their Homework and Extracurricular Training], issued July 24, 2021.

[77] General Office of the Central Committee of the Chinese Communist Party and State Council General Office, *Guanyu Jinyibu Jianqing Yiwu Jiaoyu Jieduan Xuesheng Zuoye Fudan he Xiaowai Peixun Fudan de Yijian* [Opinion on Further Reducing the Burden of Students in Compulsory Education in Their Homework and Extracurricular Training], July 24, 2021, secs. 2(5), 4(13).

[78] Coco Feng, "China Tech Crackdown: Beijing's Off-Campus Tutoring Ban Puts 90 Percent of Firms Out of Business," *South China Morning Post,* March 1, 2022.

[79] *Zhonghua Renmin Gongheguo Jiating Jiaoyu Chujin Fa* [PRC Family Education Promotion Law], passed October 23, 2021, effective January 1, 2022, arts. 22, 48, 49.

[80] *Zhonghua Renmin Gongheguo Jiating Jiaoyu Cujin Fa* [PRC Family Education Promotion Law], passed October 23, 2021, effective January 1, 2022, art. 1; Mandy Zuo, "China Parenting Law: First Case under New Legislation Sees Divorced Mother Ordered to Live with Neglected Child," *South China Morning Post,* January 8, 2022.

[81] *Zhonghua Renmin Gongheguo Jiating Jiaoyu Cujin Fa* [PRC Family Education Promotion Law], passed October 23, 2021, effective January 1, 2022, arts. 16, 22.

[82] *Zhonghua Renmin Gongheguo Jiating Jiaoyu Cujin Fa* [PRC Family Education Promotion Law], passed October 23, 2021, effective January 1, 2022, arts. 48, 49.

[83] "Zhongguo weichengnian zinu you 'buliang xingwei' huo fanzui shi, fumu jiang bei zhuize" [In China, parents will be held liable for their minor children's "inappropriate behavior" or crimes], *Radio Free Asia,* October 20, 2021.

[84] ChinaAid Association, "'Jiating Jiaoyu Cujin Fa' daxiang Zhonggong 'kongzhi weichengnianren chaoxian zhan,' jiang dui Jidujiao jiaoyu zaocheng geng da chongji" ["Family Education Promotion Law" kicks off the CCP's "unrestrained war to control minors," will have greater impact on Christian education], October 25, 2021.

[85] "Zhongyang Xuanchuanbu yinfa tongzhi, bushu wenyu lingyu zonghe zhili gongzuo" [Central Propaganda Department issues a circular, implements comprehensive management on cultural and entertainment sectors], *Xinhua,* reprinted in *People's Daily,* September 2, 2021.

[86] "Zhongyang Xuanchuanbu yinfa tongzhi, bushu wenyu lingyu zonghe zhili gongzuo" [Central Propaganda Department issues a circular, implements comprehensive management on cultural and entertainment sectors], *Xinhua,* reprinted in *People's Daily,* September 2, 2021.

[87] National Radio and Television Administration General Office, *Guojia Guangbo Dianshi Zongju bangongting guanyu jinyibu jiaqiang wenyi jiemu ji qi renyuan guanli de tongzhi* [Circular from National Radio and Television Administration General Office regarding further strengthening the management of cultural and entertainment programs and their staff], September 2, 2021.

[88] Office of the Central Cyberspace Affairs Commission Secretariat, *Guanyu jinyibu jiaqiang 'fanquan' luanxiang zhili de tongzhi* [Circular concerning further strengthening the management of the fan club chaos], August 25, 2021.

[89] "Zhonghua Renmin Gongheguo Guomin Jingji he Shehui Fazhan Dishisi ge Wu nian Guihua he 2035 nian Yuanjing Mubiao Gangyao" [14th Five-Year Plan for National Economic and Social Development and the Outline of Long-Term Goals for 2035], March 13, 2021. See also David Dorman, "China's Plan for Digital Dominance," *War on the Rocks,* March 28, 2022.

[90] Office of the Central Cyberspace Affairs Commission, "'Shisi Wu' guojia Xinxihua Guihua" ["14th Five-Year" Plan for National Informatization], December 28, 2021, 30. See also "Tujie: Jianshe 'Shuzi Zhongguo' Xi Jinping Zongshuji zheyang buju" [Illustration: General Secretary Xi Jinping's layout for building a "Digital China"], *People's Daily,* October 13, 2020.

[91] *Techno-Authoritarianism: Platform for Repression in China and Abroad, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021) (written statement of Samantha Hoffman, Senior Analyst, Australian Strategic Policy Institute); Yaya J. Fanusie, "China's NFT Plans Are a Recipe for the Government's Digital Control," *Lawfare* (blog), April 22, 2022.

[92] Alexander Rosas, "What To Know about China's Smart Cities and How They Use AI, 5G, and IoT," *China Guys,* August 26, 2021; Stephen Chen, "The Chinese Technology Helping New York Police Keep a Closer Eye on the United States' Biggest City," *South China Morning Post,* January 11, 2019; "Zhongguo Ping'an Chengshi fazhan baipi shu" [China's Safe City development white paper], CCID Consulting and Huawei Technologies Co., January 2014, 10.

[93] Isabelle Qian, Muyi Xiao, Paul Mozur, and Alexander Cardia, "Four Takeaways from a Times Investigation into China's Expanding Surveillance State," *New York Times,* July 26, 2022.

[94] Paul Mozur, Muyi Xiao, and John Liu, "'An Invisible Cage': How China Is Policing the Future," *New York Times,* June 25, 2022; Charles Rollet, "Hikvision Wins PRC Police Project to Predict Protesters Entering Capital," *IPVM,* June 25, 2022; Stella Chen, "Petitioning," *China Media Project,* May 20, 2022.

[95] Bureau of Industry and Security, U.S. Department of Commerce, "Addition of Certain Entities to the Entity List," 84 Federal Register 54002, October 9, 2019.

[96] "Henan sheng Gonganting 325 pingtai jianshe xiangmu" [325 platform construction projects of the Henan province Public Security Department], reprinted in *IPVM,* July 29, 2021, 7, 8, 60, 83; "Chinese Province Targets Journalists, Foreign Students with Planned New Surveillance System," *Reuters,* November 29, 2021.

[97] "Chinese Province Targets Journalists, Foreign Students with Planned New Surveillance System," *Reuters,* November 29, 2021.

[98] "Jingzhou shi shiji zhengfu caigou zhaobiao wenjian" [Bidding documents for procurement by the Jingzhou municipal government], January 2022, 20, 24, 31.

[99] "Jingzhou shi shiji zhengfu caigou zhaobiao wenjian" [Bidding documents for procurement by the Jingzhou municipal government], January 2022, 20, 24, 31, 40–42.

[100] Bethany Dawson, "A Robot Dog Issuing COVID–19 Safety Instructions Is Roaming the Streets of Locked Down Shanghai," *Business Insider,* April 3, 2022; Lu Ming, "Yancheng jiaojing chudong wurenji, gua fangyi erweima hanhua siji saoma tongxing" [Traffic police in Yancheng use UAVs to display hanging QR codes and blast out messages; drivers proceed after scanning the code], *The Paper,* August 3, 2021; Peng Guangrui, "Wurenji xunfang! Gaoxin jingfang dazao 3D litihua zhi'an xunfang xinmoshi" [Drone patrols! High-tech police create a new 3D security patrol model], *Chongqing Fazhi Bao,* reprinted in *qq.com,* November 12, 2021; "China: Solution for Public Using Mobile Phones to Film/Sci-Fi Film Coming to Reality in China?" [Video file], YouTube, China Insights, August 11, 2021; Xu Hui and Li Wenxue, "[Gongtong zhanyi] wurenji, dalaba, Weixin qun . . . zhexie 'xuanchuanyuan' zhenshi jiediqi" [Common fight against the epidemic] drones, loudspeakers, WeChat groups . . . these 'propagandists' are really down-to-earth], *CCTV,* February 3, 2020; Ministry of Human Resources and Social Security, "Wurenji anquan feixing de 'baohusan'—wurenji zhuang 'tiao jianxiu gong' xin zhiye zhengshi fabu" ["Protection umbrella" for safe UAV flight—new occupations officially announced for "jobs in UAV assembly, adjustment, inspection, and maintenance"], April 27, 2020; Ministry of Civil Affairs, "She yiqing fangkong de weifa xingwei he Zhi'an Guanli Chufa Fa xiangguan fatiao" [Illegal acts involving epidemic prevention and control and legal provisions related to the Public Security Administration Punishment Law], April 15, 2021; CECC, *2021 Annual Report,* March 2022, 183–92.

[101] Phoebe Zhang, "China's Covid-19 Health Code: Algorithms Weigh on Lives and Freedoms, Leaving Some Confused and Miserable" *South China Morning Post,* April 4, 2022; Zhong Yuhao, "Jiceng jianyi jiankangma shougui quanguo tongyi guanli, sheli tongyi de tousu, jianju qudao" [Local [bureau] suggests managing health codes under a unified national system and creating a unified complaint and reporting system], *The Paper,* June 30, 2022.

[102] Phoebe Zhang, "China's Covid-19 Health Code: Algorithms Weigh on Lives and Freedoms, Leaving Some Confused and Miserable" *South China Morning Post,* April 4, 2022.

[103] "China Deems People Almost a Kilometer Apart as 'Close Contacts,'" *Bloomberg,* November 8, 2021.

[104] Christian Shepherd, "In China, 300 Coronavirus Cases Means Public Shaming, Marooned Travelers and a Nationwide Dragnet," *Washington Post,* October 29, 2021.

[105] Zhong Yuhao, "Jiceng jianyi jiankangma shougui quanguo tongyi guanli, sheli tongyi de tousu, jianju qudao" [Local [bureau] suggests managing health codes under a unified national system and creating a unified complaint and reporting system], *The Paper,* June 30, 2022. See also Shu Yi'er, Zhao Zuoyan, Wei Yao, and Xinyuan Xu, "Ge sheng zhengce he 98 tiao guzhang liuyan gaosu ni, jiankangma shi zenyang bianhuang de?" [Provincial policies and 98 error messages tell you: how does the health code turn yellow?], *The Paper,* January 18, 2022.

[106] Zhong Yuhao, "Jiceng jianyi jiankangma shougui quanguo tongyi guanli, sheli tongyi de tousu, jianju qudao" [Local [bureau] suggests managing health codes under a unified national system and creating a unified complaint and reporting system], *The Paper,* June 30, 2022.

[107] Tessa Wong, "Henan: China Covid App Restricts Residents After Banking Protests," *BBC,* June 14, 2022; Nectar Gan, "China's Bank Run Victims Planned to Protest. Then Their Covid Health Codes Turned Red," *CNN,* June 15, 2022.

[108] Tessa Wong, "Henan: China Covid App Restricts Residents After Banking Protests," *BBC,* June 14, 2022; Nectar Gan, "China's Bank Run Victims Planned to Protest. Then Their Covid Health Codes Turned Red," *CNN,* June 15, 2022.

[109] Tessa Wong, "Henan: China Covid App Restricts Residents After Banking Protests," *BBC,* June 14, 2022.

[110] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 12; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 17; UN Human Rights Council, The Right to Privacy in the Digital Age, Report of the UN High Commissioner for Human Rights, A/HRC/48/31, September 13, 2021.

[111] *Zhonghua Renmin Gongheguo Geren Xinxi Baohu Fa* [PRC Personal Information Protection Law], passed August 20, 2021, effective November 1, 2021, arts. 1, 9, 10, 13, 18, 26, 28, 29, 36, 40.

[112] Michael Caster, "Opinion: Data Protection Law Will Not Rein in China's 'Techno-Authoritarianism,'" Thomson Reuters Foundation, August 24, 2021; For information on the organization Article 19, see Article 19, "Submissions to General Comment No. 37 on Article 21 (the Right of Peaceful Assembly)," accessed August 9, 2022, 1.

[113] Tingting Liu, Lester Ross, and Kenneth Zhou, WilmerHale, "China Publishes Draft Measures on Security Assessment of Cross-Border Data Transfer," *JD Supra,* November 3, 2021; Hui Xu, Kieran Donovan, and Bianca Lee, "China Issues New Rules on Cybersecurity Review for Network Platform Operators Listing Abroad," *Client Alert Commentary* 2934, Latham & Watkins, March 4, 2022, 2, 4; *Zhonghua Renmin Gongheguo Geren Xinxi Baohu Fa* [PRC Personal Information Protection Law]," passed August 20, 2021, effective November 1, 2021, arts. 10, 36, 40, 42.

[114] *Zuigao Renmin Fayuan Guanyu Shenli Shiyong Renlian Shibie Jishu Chuli Geren Xinxi Xiangguan Minshi Anjian Shiyong Falu Ruogan Wenti de Guiding* [Provisions of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Civil Cases Involving the Processing of Personal Information Using Facial Recognition Technology], passed June 8, 2021, issued July 28, 2021, effective August 1, 2021, arts. 2, 5; Laney Zhang, "China: Supreme People's Court Issues Judicial Interpretation Against Misuse of Facial Recognition Technology," *Global Legal Monitor,* Law Library of Congress, August 19, 2021.

[115] John Lee, Eric Zhang, and Rogier Creemers, "China's Standardisation System—Trends, Implications and Case Studies in Emerging Technologies," LeidenAsiaCentre, April 2022, 28–29. See also Ministry of Science and Technology, *Xin Yidai Rengong Zhineng Lunli Guifan* [Ethical Norms of New Era Artificial Intelligence], September 25, 2021, art. 3.

[116] John Lee, Eric Zhang, and Rogier Creemers, "China's Standardisation System—Trends, Implications and Case Studies in Emerging Technologies," LeidenAsiaCentre, April 2022, 29.

[117] John Lee, Eric Zhang, and Rogier Creemers, "China's Standardisation System—Trends, Implications and Case Studies in Emerging Technologies," LeidenAsiaCentre, April 2022, 26–27; Cyberspace Administration of China, Ministry of Industry and Information Technology, Ministry of Public Security, and State Administration for Market Regulation, *Hulianwang Xinxi Fuwu Suanfa Tuijian Guanli Guiding* [Provisions on the Management of Algorithmic Recommendations in Internet Information Services], passed November 16, 2021, effective March 1, 2022; Cai Rongwei and Yang Jie, "Suanfa hegui—jiedu 'Hulianwang Xinxi Fuwu Suanfa Tuijian Guanli Guiding (zhengqiu yijian gao)" [Algorithm compliance—An interpretation of the Provisions on the Management of Algorithmic Recommendations in Internet Information Services (draft for public comment)], Zhong Lun Law Firm, September 6, 2021, 6(2).

VI. Discrimination, Societal Abuses, and Trafficking in Persons

ETHNIC MINORITY RIGHTS

Findings

- During the Commission's 2022 reporting year, People's Republic of China (PRC) authorities implemented policies that limited the freedom of ethnic minority groups to express their cultural and religious identities, in contravention of the PRC Regional Ethnic Autonomy Law and international law such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights.
- During this reporting year, PRC officials introduced language and education policies that prioritized the acquisition of Mandarin Chinese and the reduction of ethnic minority language instruction. Australian scholar James Leibold said, "[T]he education system is now the front lines in President Xi Jinping's assault on ethnic minority cultures in China."
- Authorities implemented programs and activities in Hui religious communities this past year which were aimed at "sinicizing" Islamic practices, a trend observers say limits Hui Muslims' ability to practice their religion and culture.
- Following protests in the Inner Mongolia Autonomous Region in fall 2020 over a new policy to reduce Mongolian language instruction in schools, authorities worked to eliminate dissent among Mongol parents, students, teachers, and others in the region. Officials launched mass "rectification" and "re-education" campaigns, including through "patriotism courses," to shore up support throughout all segments of Mongol society for the PRC's sinicization policies.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Develop programming, both in the United States and around the world, to preserve threatened cultures and languages. The Administration should expand grant programs to assist Uyghur, Mongol, and other ethnic and religious minorities in cultural and linguistic preservation efforts and leverage the tools available in the Tibet Policy and Support Act (Public Law 116-260) to help sustain Tibetan religion, language, culture, and identity. The Administration should prioritize, and Congress should fund, research, exhibitions, and education related to these efforts.
- ○ Urge the PRC government to abide by the protections guaranteed to ethnic minorities to speak, use, and receive an education in their mother tongue, under China's Constitution, the Regional Ethnic Autonomy Law, and international laws such as the ICCPR and the UN Convention on the Rights of the Child. Urge Chinese authorities to repeal policies that infringe upon the rights of ethnic minorities to teach and learn in their

own language. Press Chinese officials to release political prisoners who were detained for their advocacy of language education rights.

○ Urge Chinese authorities to allow Hui and other predominantly Muslim ethnic minority populations to freely engage in Islamic religious rituals, as a matter of their right to religious freedom, and in accordance with the Universal Declaration of Human Rights and the ICCPR, as well as China's Constitution, which prohibit discrimination based on religion.

○ The U.S. Agency for Global Media should consider establishing a Mongolian language service to provide a reliable, accurate, and timely source of information to Mongols in China.

ETHNIC MINORITY RIGHTS

Party and State Policy toward Ethnic Minorities

During the Commission's 2022 reporting year, Chinese Communist Party and government authorities implemented policies that limited the freedom of ethnic minority groups to express their cultural and religious identities, in contravention of the PRC Regional Ethnic Autonomy Law[1] and international law such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.[2] At the Party's Central Work Conference on Ethnic Affairs held in Beijing municipality in August 2021, Party General Secretary Xi Jinping told top officials of the necessity of "guiding all ethnic groups to always put the interests of the Chinese nation first."[3] Several scholars and analysts said Xi's speech represented a policy of forced assimilation at the expense of ethnic minorities' languages and cultures.[4] In a March 2022 speech that was held during the annual meeting of the National People's Congress, Xi similarly called on government officials to build a "Chinese nation" ("*Zhonghua minzu,*" a term that also encompasses notions of ethnicity and race),[5] saying, "[a]ny activity that is harmful to fostering such a sense should be resolutely forbidden."[6]

INVESTIGATION OF WANG ZHENGWEI REFLECTS OFFICIAL CONCERN OVER ETHNIC POLICIES

In March 2022, the Wall Street Journal (WSJ) reported that authorities had launched a rare investigation into a senior official, which reflected Xi Jinping's push for assimilation and desire to eliminate resistance to his ethnic policies.[7] The Party's Central Commission for Discipline Inspection reportedly launched an investigation into whether Wang Zhengwei, Vice Chairman of the Chinese People's Political Consultative Conference, had engaged in abuse of power and corruption.[8] According to the WSJ report, the investigation represented the concerns of senior Party officials that Wang—an ethnic Hui who formerly served as head of the State Ethnic Affairs Commission and chairman of the Ningxia Hui Autonomous Region—had been too aggressive in his promotion of Muslim culture while serving in those positions.[9] His advocacy of legislation on halal food certification and the construction of mosques reportedly conflicted with the goals of Xi Jinping to downplay ethnic differences in favor of assimilation.[10] [For more information on Party and state policy toward ethnic minorities in China, see Section IX—Tibet and Section X—Xinjiang.]

Language and Education Policies Marginalize Ethnic Minorities

During this reporting year, PRC officials implemented language and education policies that prioritized the acquisition of Mandarin Chinese and the reduction of ethnic minority language instruction. Australian scholar James Leibold observed, "[T]he education system is now the front lines in President Xi Jinping's assault on ethnic minority cultures in China," noting that "[g]roups like the Mongols, Uyghurs and Tibetans must disown their constitutionally protected languages and cultural traditions in the name of [sic] in upholding the party's regime security and a Han-centric nation."[11] In July 2021, the Ministry of Education published a plan to establish mandatory Mandarin Chinese-based instruction in preschools throughout China, beginning in fall 2021.[12] Although preschool enrollment is not itself mandatory, a separate plan issued in February 2019 by the Communist Party Central Committee and the State Council set universal preschool attendance as a goal by 2035.[13] Scholars Alexandra Grey and Gegentuul Baioud concluded in a Jamestown Foundation analysis that the 2021 plan would likely reduce the ability of ethnic minority children to learn school subjects in their native languages, and that this would in turn hinder intergenerational language transmission and the use of these languages more broadly.[14] According to Grey and Baioud, under current education policies toward ethnic minorities, "[I]t is no longer accepted that good students and citizens can be bicultural and bilingual in minority languages."[15]

Reports this past year documented the coercive placement of Tibetans, Uyghurs, and other ethnic minority children in boarding schools that serve official goals of displacing children from their families, communities, and cultures.[16] In Tibetan areas of China, around three out of every four Tibetan children between the ages of six and eighteen were educated in boarding schools, which the advocacy group Tibet Action Institute described as "colonial" in design and practice.[17] Reports highlighted the high incidence of violence and abuse at such schools, and the lasting mental trauma this caused students.[18] [For more information on boarding schools for ethnic minorities in China, see Section IX—Tibet and Section X—Xinjiang.]

Crackdown on Hui Religion and Culture

During this reporting year, authorities implemented programs and activities in Hui religious communities that were aimed at "sinicizing" Islamic practices,[19] a trend observers say limits Hui Muslims' ability to practice their religion and culture.[20] Authorities demolished and removed features such as domes and minarets from mosques which serve Hui communities, in order to "sinicize" the mosques and eradicate "Saudi and Arabic influence."[21] In one case, beginning in July 2021, authorities removed the domes and minarets from the front gate of the Dongguan Mosque in Xining municipality, Qinghai province.[22] The mosque, one of the largest in China, is viewed as symbolically important in the Hui community.[23] In June 2022, authorities in Zhaotong municipality, Yunnan province, demolished the domes and minarets of Baoshan Mosque, and beat dozens of Hui Muslims who had attempted to guard the mosque, many of whom had to be hospitalized for their injuries.[24] According to human rights organization Christian Solidarity World-

wide (CSW), local authorities announced demolition plans in 2021, calling them part of a project to get rid of "Saudi and Arabic influence."[25] CSW reported that according to Zhaotong residents, only three out of more than 100 local mosques retained their domes and minarets, as officials had removed them from nearly all of the mosques.[26]

An activity launched by authorities in Qinghai was another example of official actions to "sinicize" Islamic practices.[27] Beginning in October 2021, provincial-level government and Party officials in Qinghai organized religious personnel to travel to mosques throughout the province, in the fourth such tour of its kind, to "promote a Chinese communal national consciousness" and "guide the Muslim masses to unite closely around the Party and the government."[28] A Chinese scholar of folk religions told Radio Free Asia that the official aim of this type of activity was to convert religious believers into "believers in the Party."[29] [For more information on freedom of religion for Muslims in China, see Section III—Freedom of Religion and Section X—Xinjiang.]

Authorities Tighten Controls over Dissent, Mongolian Identity in the IMAR

Following protests in the Inner Mongolia Autonomous Region (IMAR) in fall 2020 over a new policy to reduce Mongolian language instruction in schools, authorities worked to eliminate dissent among Mongol parents, students, teachers, and others in the region.[30] Officials launched mass "rectification" and "re-education" campaigns, including through "patriotism courses," to shore up support throughout all segments of Mongol society for the PRC's sinicization policies.[31] According to testimony from U.S.-based Mongol rights advocate Enghebatu Togochog at a Commission hearing in April 2022, an IMAR resident who had been subjected to two months of "training" mandated by the IMAR bureau of education following the implementation of the new language policy said he and his coworkers had been required to confess past "mistakes" such as the wearing of traditional Mongolian clothing.[32] Authorities' efforts to eliminate dissent extended to government and Party officials in the region whom they viewed as having been too protective of Mongolian language and identity and too reticent to enforce reforms promoting a Han Chinese identity.[33] The "rectification," dismissal, and punishment of such officials included the apparent dismissal of IMAR chairwoman Bu Xiaolin in August 2021 and the dismissal of two education officials who had worked to preserve Mongolian-language instruction.[34]

In the wake of the 2020 protests, IMAR authorities issued new regulations regarding language, education, and ethnic unity that solidified official control and assimilation efforts.[35] Two regional regulations on language and education that came into force in January 2022 invalidated regulations enacted in 2005 and 2016 which protected and promoted the use of the Mongolian language in government and education.[36] The 2005 regulations protected Mongolian as a common language in the IMAR, requiring its use alongside Mandarin Chinese by government organs; the 2016 regulations provided incentives for supporting education using Mongolian-based instruction.[37] The two new regulations enforce the priori-

tization of Mandarin Chinese over Mongolian in education and emphasize the primacy of Mandarin Chinese in order to promote Chinese culture and "ethnic unity."[38]

After regional officials implemented education reforms in primary and secondary schools, reforms were extended to the university level.[39] In fall 2021, the University of Inner Mongolia reduced its quota for social science majors taught in the Mongolian language by nearly half, and in 2021 also eliminated several majors taught in the Mongolian language.[40] In September 2021, regional education authorities announced plans to eventually eliminate the extra points ethnic minorities had previously been awarded on the university entrance exam.[41]

Notes to Section VI—Ethnic Minority Rights

[1] The PRC Regional Ethnic Autonomy Law contains protections for the languages, religious beliefs, and customs of ethnic minority "nationalities" in addition to a system of regional autonomy in designated areas. *Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa* [PRC Regional Ethnic Autonomy Law], passed May 31, 1984, effective October 1, 1984, amended February 28, 2001, arts. 10, 11, 21, 36, 37, 47, 49, 53.

[2] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 22, 27; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 27; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed October 4, 2022. China has signed but not ratified the ICCPR. International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 1; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed July 15, 2020. China signed the ICESCR on October 27, 1997, and ratified it on March 27, 2001. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of December 18, 1992, arts. 2, 4; *Jiaoyubu Bangongting guanyu Shishi Xueqian Ertong Putonghua Jiaoyu "Tong Yu Tong Yin" Jihua de Tongzhi* [Ministry of Education General Office Circular on Implementing the "Children Speak in Unison" Plan for Mandarin Education for Preschool Children], issued July 21, 2021; Tibet Action Institute, "Separated from Their Families, Hidden from the World: China's Vast System of Colonial Boarding Schools Inside Tibet," December 2021; "Children of Detained Uyghur Parents Held in 'Welfare Schools' in China's Xinjiang," *Radio Free Asia,* August 16, 2021; Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022.

[3] "Xi Jinping zai Zhongyang Minzu Gongzuo Huiyi shang qiangdiao yi zhulao Zhonghua minzu gongtongti yishi wei zhuxian tuidong xin shidai Dang de minzu gongzuo gao zhiliang fazhan Li Keqiang zhuchi Li Zhanshu Wang Huning Zhao Leji Han Zheng chuxi Wang Yang jianghua" [At the Central Ethnic Work Conference, Xi Jinping stressed the primacy of building the common consciousness of the Chinese nation in order to promote the high-quality development of the Party's ethnic work in the new era. Li Keqiang presided, Li Zhanshu, Wang Huning, Zhao Leji, and Han Zheng attended, Wang Yang gave a speech], *Xinhua,* August 28, 2021; "Xi Focus: Xi Stresses High-Quality Development of Party's Work on Ethnic Affairs," *Xinhua,* August 28, 2021; "Ethnic Groups Fear More Repression After Chinese President's Speech on Minorities," *Radio Free Asia,* September 3, 2021.

[4] "Ethnic Groups Fear More Repression After Chinese President's Speech on Minorities," *Radio Free Asia,* September 3, 2021.

[5] See, e.g., Uradyn Bulag, "Nationality/Minzu," China Columns, *Made in China Journal,* September 4, 2020. Uradyn Bulag discusses the complex historical and political forces that have influenced Chinese leaders' use and promotion of the concepts of nation, nationality, race, and ethnicity denoted by the terms "*minzu*" and "*Zhonghua minzu*." See also "Minzu," Xinjiang Documentation Project, University of British Columbia, accessed September 30, 2022.

[6] "Xi Warns Missteps on Ethnic Issues Would 'Destabilize' China," *Bloomberg,* March 7, 2022; "Xi Jinping canjia Nei Menggu daibiao tuan shenyi" [Xi Jinping participates in the deliberations of the Inner Mongolia delegation], *Xinhua,* March 5, 2022.

[7] Josh Chin, "China Launches Investigation into Official Who Promoted Respect for Islam," *Wall Street Journal,* March 19, 2022.

[8] Josh Chin, "China Launches Investigation into Official Who Promoted Respect for Islam," *Wall Street Journal,* March 19, 2022.

[9] Josh Chin, "China Launches Investigation into Official Who Promoted Respect for Islam," *Wall Street Journal,* March 19, 2022.

[10] Josh Chin, "China Launches Investigation into Official Who Promoted Respect for Islam," *Wall Street Journal,* March 19, 2022. See also Shen Pengda, "Zhongguo gaoguan Wang Zhengwei xianshen ceng bei zhi xuanyang Musilin wenhua zao cha" [Chinese senior official Wang Zhengwei appears [in public], accused of promoting Muslim culture, now under investigation], *Central News Agency,* March 30, 2022.

[11] "Xi Warns Missteps on Ethnic Issues Would 'Destabilize' China," *Bloomberg,* March 7, 2022. See also PRC Constitution, passed and effective December 4, 1982 (amended March 11, 2018), arts. 4, 30, 34, 52, 59, 65, 70, 89, 95, 97, 99, 102, 107, 112–22, 139.

[12] *Jiaoyubu Bangongting guanyu Shishi Xueqian Ertong Putonghua Jiaoyu "Tong Yu Tong Yin" Jihua de Tongzhi* [Ministry of Education General Office Circular on Implementing the "Children Speak in Unison" Plan for Mandarin Education for Preschool Children], issued July 21, 2021, sec. 1; Alexandra Grey and Gegentuul Baioud, "Educational Reforms Aim to Mold Model Citizens from Preschool in the PRC," *China Brief,* Jamestown Foundation, September 10, 2021, 23; "China Imposes Mandarin-Language Teaching on Kindergartens in Ethnic Minority, Rural Areas," *Radio Free Asia,* August 6, 2021. See also Yang Yiming and Yuan Wei, "Tong yu tong yin, zhu meng weilai" [Children speak in unison, building a dream for the future], *Guangming Daily,* October 10, 2021.

[13] Alexandra Grey and Gegentuul Baioud, "Educational Reforms Aim to Mold Model Citizens from Preschool in the PRC," *China Brief,* Jamestown Foundation, September 10, 2021, 23; "Zhonggong Zhongyang, Guowuyuan yinfa 'Zhongguo Jiaoyu Xiandaihua 2035'" [The Central Committee of the Communist Party of China and the State Council Issue "China's Education Modernization 2035"], *Xinhua,* February 23, 2019.

[14] Alexandra Grey and Gegentuul Baioud, "Educational Reforms Aim to Mold Model Citizens from Preschool in the PRC," *China Brief,* Jamestown Foundation, September 10, 2021, 28.

[15] Alexandra Grey and Gegentuul Baioud, "Educational Reforms Aim to Mold Model Citizens from Preschool in the PRC," *China Brief,* Jamestown Foundation, September 10, 2021, 27.

[16] Tibet Action Institute, "Separated from Their Families, Hidden from the World: China's Vast System of Colonial Boarding Schools Inside Tibet," December 2021; "Children of Detained Uyghur Parents Held in 'Welfare Schools' in China's Xinjiang," *Radio Free Asia,* August 16, 2021; Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022.

[17] Tibet Action Institute, "Separated from Their Families, Hidden from the World: China's Vast System of Colonial Boarding Schools Inside Tibet," December 2021, 22.

[18] Tibet Action Institute, "Separated from Their Families, Hidden from the World: China's Vast System of Colonial Boarding Schools Inside Tibet," December 2021, 1, 28–29, 41, 44, 51–52; Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022.

[19] David R. Stroup, "China: Removing 'Arab-Style' Features from Country's Biggest Mosques the Latest Move in Campaign of Muslim Assimilation," *The Conversation,* September 28, 2021.

[20] James Jennion, "China's Repression of the Hui: A Slow Boil," *The Diplomat,* June 15, 2021; Emily Feng, "'Afraid We Will Become the Next Xinjiang': China's Hui Muslims Face Crackdown," *NPR,* September 26, 2019; "Hui Muslims and the 'Xinjiang Model' of State Suppression of Religion," Congressional-Executive Commission on China, March 2021.

[21] Emily Feng, "China Is Removing Domes from Mosques as Part of a Push to Make Them More 'Chinese,'" *NPR,* October 24, 2021; David R. Stroup, "China: Removing 'Arab-Style' Features from Country's Biggest Mosques the Latest Move in Campaign of Muslim Assimilation," *The Conversation,* September 28, 2021. See also Emily Feng, "'Afraid We Will Become the Next Xinjiang': China's Hui Muslims Face Crackdown," *NPR,* September 26, 2019.

[22] David R. Stroup, "China: Removing 'Arab-Style' Features from Country's Biggest Mosques the Latest Move in Campaign of Muslim Assimilation," *The Conversation,* September 28, 2021; Emily Feng, "China Is Removing Domes from Mosques as Part of a Push to Make Them More 'Chinese,'" *NPR,* October 24, 2021.

[23] David R. Stroup, "China: Removing 'Arab-Style' Features from Country's Biggest Mosques the Latest Move in Campaign of Muslim Assimilation," *The Conversation,* September 28, 2021.

[24] Christian Solidarity Worldwide, "China: Hui Muslims Beaten as Officials Demolish Mosque Domes and Minarets," June 21, 2022.

[25] Christian Solidarity Worldwide, "China: Hui Muslims Beaten as Officials Demolish Mosque Domes and Minarets," June 21, 2022.

[26] Christian Solidarity Worldwide, "China: Hui Muslims Beaten as Officials Demolish Mosque Domes and Minarets," June 21, 2022.

[27] "Zhengfu zuzhi Yisilan xuanjiang tuan jinzhu qingzhensi jiasu 'Yisilan Zhongguohua'" [The government organizes an Islamic preaching group to enter mosques to accelerate the "sinicization of Islam"], *Radio Free Asia,* October 26, 2021.

[28] Chinese Islamic Association, "Qinghai sheng Yisilan jiao jie zhulao Zhonghua minzu gongtongti yishi ji disi jie 'wo'erzi' xunhui xuanjiang huodong qidong" [The Islamic community in Qinghai province strongly forges the common consciousness of the Chinese nation, and the fourth "*wo'erzi*" tour propaganda event was launched], October 18, 2021; "Zhengfu zuzhi Yisilan xuanjiang tuan jinzhu qingzhensi jiasu 'Yisilan Zhongguohua'" [The government organizes an Islamic preaching group to enter mosques to accelerate the "sinicization of Islam"], *Radio Free Asia,* October 26, 2021.

[29] "Zhengfu zuzhi Yisilan xuanjiang tuan jinzhu qingzhensi jiasu 'Yisilan Zhongguohua'" [The government organizes an Islamic preaching group to enter mosques to accelerate the "sinicization of Islam"], *Radio Free Asia,* October 26, 2021.

[30] James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021. See also Alexandra Grey and Gegentuul Baioud, "Educational Reforms Aim to Mold Model Citizens from Preschool in the PRC," *China Brief,* Jamestown Foundation, September 10, 2021. For more information on the fall 2020 protests, see CECC, *2021 Annual Report,* March 2022, 117–19.

[31] Alexandra Grey and Gegentuul Baioud, "Educational Reforms Aim to Mold Model Citizens from Preschool in the PRC," *China Brief,* Jamestown Foundation, September 10, 2021; James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021; Liselotte Mas, "Cultural Assimilation of Mongolians in China: 'We Could Be the Next Uyghurs,'" *Observers—France 24,* September 3, 2021.

[32] *Growing Constraints on Language and Ethnic Identity in Today's China, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2022) (testimony of Enghebatu Togochog, Director, Southern Mongolian Human Rights Information Center).

[33] James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021.

[34] James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021. See also Linda Lew, "Inner Mongolia's Old Order Makes Way as Outsider Takes Over as Chairwoman," *South China Morning Post,* August 5, 2021.

[35] James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021; Inner Mongolia Autonomous Region People's Congress Standing Committee, *Nei Menggu Zizhiqu Jiaoyu Tiaoli* [Inner Mongolia Autonomous Region Education Regulations], passed September 29, 2021, effective January 1, 2022; Inner Mongolia Autonomous Region People's Congress Standing Committee, *Nei Menggu Zizhiqu shishi "Zhonghua Renmin Gongheguo Guojia Tongyong Yuyan Wenzi Fa" Banfa* [Inner Mongolia Autonomous Region Measures on the Implementation of the "PRC Standard Spoken and Written Language Law"], passed September 29, 2021, effective January 1, 2022.

[36] Inner Mongolia Autonomous Region People's Congress Standing Committee, *Nei Menggu Zizhiqu Menggu Yuyan Wenzi Gongzuo Tiaoli* [Inner Mongolia Autonomous Region Regulations

on Mongolian Spoken and Written Language Work], passed November 26, 2004, effective May 1, 2005; Inner Mongolia Autonomous Region People's Congress Standing Committee, *Nei Menggu Zizhiqu Minzu Jiaoyu Tiaoli* [Inner Mongolia Autonomous Region Regulations on Ethnic Education], passed September 29, 2016, effective November 1, 2016; James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021.

[37] Inner Mongolia Autonomous Region People's Congress Standing Committee, *Nei Menggu Zizhiqu Menggu Yuyan Wenzi Gongzuo Tiaoli* [Inner Mongolia Autonomous Region Regulations on Mongolian Spoken and Written Language Work], passed November 26, 2004, effective May 1, 2005, arts. 16–29; Inner Mongolia Autonomous Region People's Congress Standing Committee, *Nei Menggu Zizhiqu Minzu Jiaoyu Tiaoli* [Inner Mongolia Autonomous Region Regulations on Ethnic Education], passed September 29, 2016, effective November 1, 2016, arts. 22–27, 36–47; James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021.

[38] Inner Mongolia Autonomous Region People's Congress Standing Committee, *Nei Menggu Zizhiqu Jiaoyu Tiaoli* [Inner Mongolia Autonomous Region Education Regulations], passed September 29, 2021, effective January 1, 2022, arts. 8–10; Inner Mongolia Autonomous Region People's Congress Standing Committee, *Nei Menggu Zizhiqu Shishi "Zhonghua Renmin Gongheguo Guojia Tongyong Yuyan Wenzi Fa" Banfa* [Inner Mongolia Autonomous Region Measures on the Implementation of the "PRC Standard Spoken and Written Language Law"], passed September 29, 2021, effective January 1, 2022, arts. 1–4, 7–15, 18–26; James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021.

[39] Alexandra Grey and Gegentuul Baioud, "Educational Reforms Aim to Mold Model Citizens from Preschool in the PRC," *China Brief,* Jamestown Foundation, September 10, 2021; James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021. See also Liselotte Mas, "Cultural Assimilation of Mongolians in China: 'We Could Be the Next Uyghurs,'" *Observers—France 24,* September 3, 2021. For more information on education reforms in primary and secondary schools in the IMAR, see CECC, *2021 Annual Report,* March 2022, 117–19.

[40] Alexandra Grey and Gegentuul Baioud, "Educational Reforms Aim to Mold Model Citizens from Preschool in the PRC," *China Brief,* Jamestown Foundation, September 10, 2021; Inner Mongolia University Admissions Network, "Nei Menggu Daxue 2020 nian benke zhaosheng laiyuan jihua biao" [Inner Mongolia University sourcing plan chart for undergraduate admissions in 2020], June 29, 2020; Inner Mongolia University Admissions Network, "Nei Menggu Daxue 2021 nian benke zhaosheng laiyuan jihua biao" [Inner Mongolia University sourcing plan chart for undergraduate admissions in 2021], June 16, 2021.

[41] "Nei Menggu chutai shenhua gaozhuan jiafen gaige gongzuo shishi fang'an" [Inner Mongolia issues an implementation plan for deepening the reform of college entrance examination bonus points], Inner Mongolia Autonomous Region Bureau of Education, reprinted in *The Paper,* September 15, 2021; James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021.

STATUS OF WOMEN

Findings

- Women in China continue to face persistent gender inequality through ongoing promotion of traditional gender norms and gender-based discrimination. The Chinese government's poor implementation and lack of consistency after its codification of several laws and regulations aimed at addressing widespread gender inequality have failed to adequately address and implement structural reforms.
- In September 2021, the Chinese government announced the "Outline of Women's Development in China (2021–2030)," which the government says will play a vital role in the implementation of gender equality across numerous sectors. Additionally, the National People's Congress publicized proposed revisions to the PRC Women's Rights and Protection Law.
- As in previous years, the Chinese government has failed to fulfill its commitment to adequately represent women in legislative bodies, public institutions, and corporate entities.
- In response to a viral video of a mother of eight chained by her neck, the Chinese government announced a "strike hard" campaign directed at combating trafficking of women and children. The video brought renewed attention to the plight of rural trafficked women and to widespread issues concerning domestic violence in China.
- Chinese authorities continued to pressure and harass the digital community of feminists and women's rights advocacy organizations, which led advocates to shut down social media accounts and websites and rely on overseas networks to advance their causes.
- Several prominent cases this year highlighted weaknesses in the Chinese legal system regarding sexual harassment and assault, including professional tennis player Peng Shuai's allegations, the dismissal of former China Central Television (CCTV) intern Zhou Xiaoxuan's #MeToo case, and the workplace sexual assault case against a former manager and company client at Alibaba.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Urge the Chinese government to provide the UN Committee on the Elimination of Discrimination against Women with timely and comprehensive information in response to the List of Concerns raised by domestic and international non-governmental organizations.
- ○ Noting the publication of the "Outline of Women's Development in China (2021–2030)" and proposed revisions to the PRC Women's Rights and Protection Law, urge the Chinese government to use formal support organizations to implement services aimed at protecting women's rights and interests.
- ○ Support the promotion and reinstatement of international non-governmental organizations that aim to support women in

the economic, legal, and healthcare sectors. Encourage the facilitation of cross-border training and academic exchange in order to adequately implement anti-domestic violence legislation, particularly the use of personal protection orders.

○ Urge the Chinese government to cease the harassment, intimidation, and other forms of mistreatment, offline and online, of women's rights activists and organizations.

○ Urge the Chinese government to ratify International Labour Organization Convention 190, the Convention Concerning the Elimination of Violence and Harassment in the World of Work (2019).

STATUS OF WOMEN

Introduction

Women in China continue to face persistent gender inequality through the ongoing promotion of gender norms that align with Party and government priorities,[1] and the failure of the Chinese government to adequately address the legal and cultural barriers to equality.[2] During the Commission's 2022 reporting year, high-profile news accounts concerning individual Chinese women focused domestic and international attention on the plight of trafficked women and survivors of reported assault by powerful male figures.[3] Additionally, women's participation in the labor force has continued to decline,[4] and women's political participation has remained stagnant.[5] The Chinese government proposed revisions to the PRC Women's Rights and Protection Law,[6] though some observers viewed the announcement as conflicting with the government's actions to suppress the #MeToo and feminist movements domestically and abroad.[7] Similar to other laws and regulations, the proposed revisions lack specific penalties for violations, as some are already codified in other areas of Chinese national law yet remain poorly implemented.[8] In September 2021, the Chinese government announced the "Outline of Women's Development in China (2021–2030)," which included initiatives aimed at promoting family fertility.[9] While the guidelines appear to promote women's rights, the changes occur mostly in the context of the government's pronatalist agenda, failing to acknowledge the entrenched cultural inequality that affects women in the workplace and at home.[10]

The Chinese government has not adopted a "comprehensive definition of discrimination against women in national legislation," despite recommendations that it do so by the committee that assesses China's compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).[11] In October 2022, the Chinese government was scheduled to address its commitments under CEDAW; as of March 2022, however, China no longer appeared on the schedule for review.[12]

Political Participation and the Right to Participate in Public Life

According to the 2021 World Economic Forum's Global Gender Gap report, China ranks 107th out of 156 countries on gender parity and inequality.[13] Women in China continue to hold few positions in the top levels of government and other institutions despite government commitments to increase their participation.[14] While women constitute 28.8 percent of Communist Party membership, female representatives occupy a disproportionately small percentage of the Party Central Committee, at less than 10 percent.[15] In an analysis of anticipated leadership changes in the lead-up to the 20th Party Congress, Brookings Institution scholar Cheng Li predicted that there would not be an increase in the number of women at the highest levels of the Party.[16]

Tennis Star Peng Shuai's Allegations Silenced by Authorities

The case of tennis star Peng Shuai highlighted concerns over the risks Chinese women face when going public with allegations of sexual assault, especially against high-ranking officials.[17] On November 2, 2021, Peng Shuai posted a statement on microblog Weibo accusing Zhang Gaoli, previously a member of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo) and a senior government official, of sexual assault.[18] Chinese authorities quickly censored the post, and Peng subsequently disappeared from public view, with many believing she had been disappeared by force.[19] On November 14, Women's Tennis Association (WTA) Chief Executive Steve Simon called for a full inquiry into her sexual assault allegations.[20]

The start of the 2022 Beijing Winter Olympic Games reignited concern over Peng's well-being.[21] Although Chinese authorities heavily censored Peng's story for domestic audiences,[22] concerns for her well-being circulated on social media.[23] Unsatisfied with the Chinese government's response, the WTA Chief Executive announced the suspension of all tournaments[24] in mainland China and Hong Kong until a "full and transparent investigation—without censorship—into Peng Shuai's . . . accusation" occurs.[25] Despite the International Olympic Committee (IOC) and state-sponsored media claiming that Peng was "safe" and not under duress,[26] observers criticized the IOC's apparent complicity in the government's handling of the incident.[27] In December 2021, the New York Times and ProPublica published an analysis of Chinese social media accounts and found evidence of state-sponsored narratives and propaganda surrounding the case.[28] On February 7, 2022, Peng—accompanied by a Chinese Olympic official—announced her retirement from competitive tennis and reiterated that her accusations against Zhang Gaoli had been a "misunderstanding."[29]

Violation of Freedoms of Expression, Peaceful Assembly, and Association

The People's Republic of China (PRC) has directly or indirectly forced the closure of domestic and international non-governmental organizations (NGOs) in China, including those organizations advocating for women's rights.[30] The decreasing space to operate, in part due to the strict registration requirements of the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, contributed to many rights defenders relying on the internet and overseas networks to engage in advocacy efforts.[31] In an ongoing suppression of feminist-related content, Weibo deleted accounts related to women's rights issues, in some cases citing "gender opposition" as their reason for deletion.[32] In November 2021, authorities in Zhongshan municipality, Guangdong province, criminally detained **Li Ronghao,** a rural women's property rights advocate, on suspicion of "picking quarrels and provoking trouble" for publicly expressing concern about the condition of **Zhang Zhan,** a citizen journalist who documented the COVID-19 outbreak in Wuhan municipality, Hubei province, in February 2020.[33]

Discrimination

Although gender discrimination is illegal in China, evidence of it persists in employment, wages, and property rights disputes. Despite China's ratification of the International Labour Organization conventions on equal pay (Convention 100) and employment discrimination (Convention 111), Chinese women still face persistent wage inequality, and as of 2020, the wage gap with men stood at more than 20 percent.[34] Critics of the "three-child policy" expressed concern that the policy and some of its proposed supporting measures would worsen the already pervasive issue of pregnancy- and gender-based discrimination.[35] Some women have been fired, demoted, or refused hiring after becoming pregnant or from the employer's fear that they would become pregnant.[36]

Chinese property law stipulates that women's property rights are equal to those of men and guaranteed irrespective of marriage status, though in practice Chinese women endure continued property rights discrimination because of custom and the failure of the court system to uphold Chinese law.[37] Advocates for rural "married-out" women, who are frequently disenfranchised from land inheritance and compensation after marriage,[38] continued to petition authorities to allow these women to join collective farming organizations and obtain proper compensation for land use.[39]

Chinese authorities continued to discriminate against single and unmarried women through "social maintenance fees" for having children out of wedlock, and by failing to provide government benefits those women would otherwise receive if they were married.[40] For example, a single mother in Beijing municipality was reportedly fired and denied maternity benefits after having a child out of wedlock in 2016.[41] In March 2020, the Chaoyang District People's Court and the Beijing Third Intermediate People's Court both ruled that the birth violated family planning policies, ruling that her request for maternity benefits had no legal basis.[42] In April 2021, the mother successfully submitted her case to the Beijing High People's Court, but her case was dismissed in December 2021, with the court again citing the violation of family planning policy as grounds to deny her maternity benefits.[43]

Gender-Based Violence

DOMESTIC VIOLENCE AND DIVORCE

During the reporting year, the PRC's promotion of traditional gender roles, combined with the continued societal treatment of domestic violence as a family affair,[44] contributed to Chinese women's ongoing struggle with gender-based violence and with obtaining a divorce.[45] A year after the implementation of the PRC Civil Code's controversial divorce "cooling-off" period, which requires couples to wait 30 days before divorce finalization,[46] officials reported a significant decline in divorce rates.[47] One psychologist pointed out that authorities' concern appeared to prioritize "stability" over "individual happiness."[48]

During this reporting year, several national-level institutions, including the Party-affiliated All-China Women's Federation, jointly issued an opinion to increase the effectiveness of domestic violence

legislation, including the use of personal protection orders, in response to the continued pervasiveness of domestic violence in China.[49] The opinion highlights the obligation of institutions to report on instances of domestic violence, promotes the establishment of an integrated system for reporting, and indicates that applicants can apply to the courts to see their personal protection orders executed.[50] Consistent with the PRC Anti-Domestic Violence Law, the opinion's guidelines only apply to family members and those living in the same household, leaving out protection from previous spouses or partners.[51] Several cases of domestic violence in China captured attention in domestic and international media, including:

- **Hubei province.** In July 2021, a court in Qichun county, Huangguang municipality, scheduled a pretrial hearing for a woman who had filed her eighth divorce petition.[52] In an earlier ruling, court authorities determined that there was still a possibility of reconciliation between the couple despite the woman's mentally ill husband subjecting her to domestic violence within a year after their marriage in 2016.[53]
- **Shaanxi province.** A video of a man assaulting his wife in Xi'an municipality prompted online discussion of authorities' willingness to punish the perpetrators of domestic violence.[54] According to a statement from public security officials, authorities "educated and criticized" the wife for her part in the incident, while the husband received five days in administrative detention and was released with no criminal charges.[55]
- **Hebei province.** In November 2021, the Ci County People's Court, in Handan municipality, released details in the case of a man sentenced to eight months in prison for raping his wife.[56] Despite the lack of recognition for marital rape in Chinese civil or criminal law, the judge in the case ruled that the man had committed rape, predicating the rape conviction partly on the couple's pending divorce application.[57]

Case of the Chained Jiangsu Woman Ignites Widespread Concern

In March 2022, the central government announced a "strike hard"[58] anti-trafficking campaign after a video appeared in the media that showed a woman shackled by her neck in an outdoor shed in Fengxian county, Xuzhou municipality, Jiangsu province. The woman, who reportedly lived chained in the shed no matter the time of year, had eight children with a man she had been forced to marry and suffered from an untreated, severe mental illness.[59] Although Chinese authorities censored the story for domestic audiences,[60] public pressure appeared to have forced local officials to investigate the woman's condition.[61] In late February, officials in Jiangsu confirmed the woman as a repeat victim of human trafficking.[62] Chinese authorities reportedly arrested the alleged traffickers,[63] and the case brought renewed attention to issues particularly affecting rural Chinese women, including bride trafficking[64] as well as other forms of human trafficking affecting Chinese women.[65] [For more information, see Section VI—Population Control, Section VI—Human Trafficking, and Section VIII—Public Health.]

SEXUAL HARASSMENT AND ASSAULT

During the reporting year, there were several high-profile incidents of sexual harassment and assault affecting Chinese women. Although the Chinese government provided input on the International Labour Organization's Violence and Harassment Convention (Convention 190),[66] it failed to ratify the convention, which would have promoted a "zero tolerance" policy on gender-based violence and harassment in the workplace.[67]

In November 2021, the Yuanzhong Family and Community Development Service Center, a non-governmental organization in Dongcheng district, Beijing municipality, released an empirical study entitled "Sexual Harassment Prevention Law and the Judicial Trial Case Study Report (2019–2021)," which analyzed the current state and application of sexual assault and harassment policies and laws in China.[68] Key findings included the following:

- Only 21.82 percent of the sexual harassment cases identified listed sexual harassment as the civil cause of action, indicating that the recent addition of provisions to combat sexual harassment in the PRC Civil Code had yet to make a significant impact for those cases in the court system;[69]
- Analysis of publicly available cases indicated that 62.27 percent of cases stemmed from workplace sexual harassment;[70]
- Chinese courts disproportionately determine other main causes of findings besides sexual harassment in cases brought to court;[71] and
- Shortcomings in the legal system contributing to the inability to fully address assault and harassment include the lack of uniform legal standards, an overreliance on physical evidence, economic barriers to taking perpetrators to court, and low rates of actual compensation even in successful cases.[72]

Despite the implementation of legislation,[73] sexual harassment persists. Two high-profile cases from this reporting year illustrate the lack of legal redress for survivors of harassment.[74]

- In 2019, Zhou Xiaoxuan brought a landmark #MeToo case against popular China Central Television (CCTV) host Zhu Jun, accusing the host of sexually harassing her in 2014 when she was a college intern at CCTV.[75] After the addition of provisions to combat sexual harassment to the PRC Civil Code in 2020, Zhou tried to reclassify her case, but the court denied her application.[76] In September 2021, the Haidian District People's Court, in Beijing, ruled that Zhou failed to meet the standard of proof in her sexual harassment claim.[77] She still faced a defamation lawsuit from her alleged perpetrator, illustrating the ease with which alleged perpetrators doubly victimize survivors of sexual harassment.[78] Despite the repeated setbacks, including Weibo banning Zhou in July 2021 from its service for one year for violating "Weibo complaint regulations,"[79] supporters of Zhou attended court hearings and posted messages of support online, but Chinese censors deleted topics related to the case.[80]
- In late September 2021, Chinese authorities in Jinan municipality, Shandong province, opted to dismiss a sexual assault case against a male manager at technology firm Alibaba

after a 15-day administrative detention, which authorities characterized as "punishment" for his crimes.[81] In early September 2021, a female subordinate accused the manager and a company client of sexual assault while on a business trip in July,[82] and the incident went unresolved until the survivor's account appeared online.[83] Alibaba soon faced public backlash for its mishandling of the incident and later fired the accused.[84] After Chinese prosecutors dropped the criminal case against the manager, Alibaba reportedly fired the accuser in December, alleging that she had damaged the company's reputation with her "false" allegations.[85] In June 2022, in a rare example of accountability in a high-profile sexual assault case in China, the Huaiyin District People's Court in Jinan found the accused company client guilty of "forcible indecency" and sentenced him to 18 months in prison for his part in the July 2021 assault.[86]

Notes to Section VI—Status of Women

[1] National Radio and Television Administration General Office, *Guojia Guangbo Dianshi Zongju bangongting guanyu Jinyibu Jiaqiang Wenyi Jiemu ji Qi Renyuan Guanli de tongzhi* [Circular from National Radio and Television Administration General Office regarding further strengthening the management of cultural programs and their staff], September 2, 2021; Ministry of Education, "Guanyu Zhengxie shisan jie quanguo weiyuanhui di san ci huiyi di 4404 hao (jiaoyu lei 410 hao) tian dafu de han" [Letter of Reply to Proposal No. 4404 (No. 410 for Education) of the Third Session of the Thirteenth National Committee of the CPPCC], December 8, 2020. See also Xi Jinping, "Jianchi nannu pingdeng jiben guoce, fahui woguo funu weida zuoyong" [Upholding the fundamental state policy of gender equality, exerting women's great role in our country], *Xinhua,* October 31, 2013.

[2] Vivian Wang, "China Moves to Overhaul Protections for Women's Rights, Sort of," *New York Times,* January 3, 2022. See also China Queer Women Working Group, "Information Submitted by the China Queer Women Working Group to the Committee on the Elimination of Discrimination against Women, List of Issues Related to the Combined Ninth Periodic Report of the People's Republic of China Pre-Sessional Working Group Meeting of the Committee's 80th Session," January 31, 2021; China Human Rights Defenders, "Information Submitted by the China Human Rights Defenders to the Committee on the Elimination of Discrimination against Women, List of Issues Related to the Combined Ninth Periodic Report of the People's Republic of China Pre-Sessional Working Group Meeting of the Committee's 80th Session," January 21, 2021.

[3] Daisuke Wakabayashi, "Chinese Businessman Tied to Alibaba Rape Case Is Sentenced to Prison," *New York Times,* June 22, 2022; Li Yuan, "Seeking Truth and Justice, Chinese See Themselves in a Chained Woman," *New York Times,* March 1, 2022; Viola Zhou, "How China Managed to Wipe Out All Mentions of Its Most Explosive #MeToo Case," *Vice,* November 26, 2021.

[4] "Labor Force Participation Rate, Female (% of Female Population Ages 15+) China, 2021," World Bank, DataBank (2021).

[5] Sierra Janik, Daniel Blaugher, and Jonathan Ray, "Women in China's Leadership," U.S.-China Economic and Security Review Commission, March 30, 2022, 6.

[6] Lu Haina, "Funu Quanyi Baozhang Fa xiuding" [Amendment to the Law on the Protection of Women's Rights and Interests], *People's Daily,* May 6, 2022; "China Prepares Legislative Revision to Better Safeguard Women's Rights," *Xinhua,* December 21, 2021; Niu Qichang, "Funu Quanyi Baozhang Fa 'daxiu': yongren danwei he xuexiao ying jianli fang xingsaorao guizhi" ["Overhaul" of the Law on the Protection of Women's Rights and Interests: Employers and schools should establish anti-sexual harassment regulations], *Jiemian News,* December 20, 2021; "Quanguo Renda Changweihui Fagongwei: Funu Quanyi Baozhang Fa xiuding cao'an jiang ershen" [Legislative Work Committee of the Standing Committee of the National People's Congress: The draft revision of the Law on the Protection of Women's Rights and Interests will be reviewed for a second time], April 14, 2022.

[7] Vivian Wang, "China Moves to Overhaul Protections for Women's Rights, Sort of," *New York Times,* January 3, 2022; Niu Qichang, "Funu Quanyi Baozhang Fa 'daxiu': yongren danwei he xuexiao ying jianli fang xingsaorao guizhi" ["Overhaul" of the Law on the Protection of Women's Rights and Interests: Employers and schools should establish anti-sexual harassment regulations], *Jiemian News,* December 20, 2021; "Quanguo Renda Changweihui Fagongwei: Funu Quanyi Baozhang Fa xiuding cao'an jiang ershen" [Legislative Work Committee of the Standing Committee of the National People's Congress: The draft revision of the Law on the Protection of Women's Rights and Interests will be reviewed for a second time], April 14, 2022.

[8] Vivian Wang, "China Moves to Overhaul Protections for Women's Rights, Sort of," *New York Times,* January 3, 2022; "Quanguo Renda Changweihui Fagongwei: Funu Quanyi Baozhang Fa xiuding cao'an jiang ershen" [Legislative Work Committee of the Standing Committee of the National People's Congress: The draft revision of the Law on the Protection of Women's Rights and Interests will be reviewed for a second time], April 14, 2022.

[9] State Council National Working Committee on Children and Women, "Zhongguo Funu Fazhan Gangyao (2021–2030 nian)" [Outline for the Development of Chinese Women (2021–2030)], September 27, 2021; State Council Information Office, "Xin 'Liang Gang' xianzhu tisheng funu ertong huode gan xingfu gan anquan gan" [New 'Two Outlines significantly improve women and children gaining a sense of happiness and security], September 28, 2021.

[10] Luna Sun, "'Two Sessions' 2022: Calls for China's Family Planning Restrictions to Be Fully Abolished Gather Steam," *South China Morning Post,* March 4, 2022; Fang Gao and Xia Li, "From One to Three: China's Motherhood Dilemma and Obstacle to Gender Equality," *Women* 1 (2021): 258, 261, 263–64; State Council Information Office, "Xin 'Liang Gang' xianzhu tisheng funu ertong huode gan xingfu gan anquan gan" [New "Two Outlines" significantly improve women and children gaining a sense of happiness and security], September 28, 2021.

[11] UN Committee on the Elimination of All Forms of Discrimination against Women, "List of issues and questions in relation to the ninth periodic report of China," CEDAW/C/CHN/Q/9, March 10, 2021, para. 2; Chinese Human Rights Defenders, "CHRD Submission to Committee on the Elimination of Discrimination against Women for Consideration for the List of Issues on the Ninth Periodic Report of the People's Republic of China," January 21, 2021; Equality Rights Project (Affiliated with Faculty of Law, the University of Hong Kong), Media Monitor for Women Network, and Lanxin Sisters Mutual Aid, "A Parallel Report to the Committee on the Elimination of Discrimination against Women for Consideration of the List of Issues on the Ninth Periodic Report of the People's Republic of China," February 1, 2021 (requesting the CEDAW Committee to ask the Chinese government to "provide a timeline for the adoption of a comprehensive definition of discrimination against women in national legislation that is in line with Article 1 of the Convention"); UN Human Rights Council, Committee on the Elimination of Dis-

crimination against Women, Concluding observations on the combined seventh and eighth periodic reports of China, CEDAW/C/CHN/CO/7–8, November 14, 2014.

[12] "CEDAW—Convention on the Elimination of All Forms of Discrimination against Women—83 Session (10 Oct 2022–28 Oct 2022)," UN Treaty Body Database, accessed March 29, 2022.

[13] World Economic Forum, "Global Gender Gap Report 2021," March 2021, 13, 24, 36.

[14] State Council, *Guowuyuan guanyu yinfa Zhongguo Funu Fazhan Gangyao he Zhongguo Ertong Fazhan Gangyao de tongzhi* [State Council circular on issuing the Outline for the Development of Chinese Women and the Outline for the Development of Chinese Children], September 8, 2021; Ministry of Science and Technology et al., "Keji bu deng shisan bumen yinfa 'Guanyu Zhichi Nuxing Keji Rencai Zai Keji Chuangxin Zhong Fahui Geng Da Zuoyong de Ruogan Cuoshi' de tongzhi" [Ministry of Science and Technology and 13 other agencies issue a circular on "Several Measures to Support Female Science and Technology Talents in Playing a Greater Role in Science and Technology Innovation"], July 17, 2021; Coco Feng, "Gender Equality: China Will Give Female Scientists Priority in Recruitment and Research Funding, Provided They Meet the Mark," *South China Morning Post,* July 21, 2021; Greg James, "Why There Are So Few Women in Chinese Politics," *SupChina,* July 1, 2021.

[15] Sierra Janik, Daniel Blaugher, and Jonathan Ray, "Women in China's Leadership," U.S.-China Economic and Security Review Commission, March 30, 2022, 6; Cheng Li, "Preparation: Procedures and Selections for China's 20th Party Congress," *China-US Focus,* China-United States Exchange Foundation, February 20, 2022.

[16] Cheng Li, "Female Representation in the Chinese Leadership Prior to the Party Congress," *China-US Focus,* China-United States Exchange Foundation, June 9, 2022.

[17] Guo Rui, "'A Bed of Nails': China's #MeToo Accusers Crushed by Burden of Proof and Counterclaims," *South China Morning Post,* February 14, 2022.

[18] Christopher Clarey, "WTA Tour Seeks Chinese Inquiry into Player's Sexual Assault Accusation," *New York Times,* November 14, 2021.

[19] Matthew Futterman, "WTA Suspends Tournaments in China over Treatment of Peng Shuai," *New York Times,* December 1, 2021; Viola Zhou, "How China Managed to Wipe Out All Mentions of Its Most Explosive #MeToo Case," *Vice,* November 26, 2021.

[20] "WTA Seeks Full, Fair and Transparent Investigation into Sexual Assault Allegations against Former Chinese Leader," Women's Tennis Association, November 14, 2021.

[21] Andrew Keh, "Peng Shuai, the Chinese Tennis Player, Meets the I.O.C. Leader in Beijing.," *New York Times,* February 6, 2022.

[22] Viola Zhou, "How China Managed to Wipe Out All Mentions of Its Most Explosive #MeToo Case," *Vice,* November 26, 2021.

[23] Matthew Futterman, "WTA Suspends Tournaments in China over Treatment of Peng Shuai," *New York Times,* December 1, 2021.

[24] "Statement by Steve Simon, WTA Chairman & CEO," Women's Tennis Association, November 17, 2021.

[25] "Steve Simon Announces WTA's Decision to Suspend Tournaments in China," Women's Tennis Association, December 3, 2021.

[26] Amy Chang Chien and Alexandra Stevenson, "'Where Is **?': Fans in China Elude Censors to Talk about Peng Shuai," *New York Times,* December 2, 2021; Amy Qin and Paul Mozur, "China's Silence on Peng Shuai Shows Limits of Beijing's Propaganda," *New York Times,* November 30, 2021; Matthew Futterman, "WTA Suspends Tournaments in China over Treatment of Peng Shuai," *New York Times,* December 1, 2021.

[27] Tariq Panja and Steven Lee Myers, "In I.O.C.'s 'Quiet Diplomacy,' Critics See Whitewash of China's Actions," *New York Times,* November 26, 2021; Emma Kemp and Daniel Hurst, "Peng Shuai: IOC Accused of 'Publicity Stunt' over Video Call," *Guardian,* November 22, 2021.

[28] Paul Mozur et al., "Beijing Silenced Peng Shuai in 20 Minutes, Then Spent Weeks on Damage Control," *New York Times,* December 8, 2021.

[29] Christian Shepherd, "China's Peng Shuai Says There Was 'Misunderstanding' over Her Allegations, Announces Retirement," *Washington Post,* February 7, 2022; Teng Biao, "The Forced Smiles of Beijing's Olympics," *Foreign Policy,* February 20, 2022. Law scholar Teng Biao described Chinese authorities' continued use of "forced confessions," comparing Peng Shuai's case to that of others whose public "confessions" have been used by the Chinese government for propaganda purposes domestically and abroad.

[30] Katherine Wilhelm, Shawn Shieh, Elizabeth Knup, et al., "What Future for International NGOs in China?," *ChinaFile,* Asia Society, November 24, 2021; Jude Howell, "From Green Shoots to Crushed Petals: Labour NGOs in China," *Made in China Journal: Then and Now* 6, no. 1 (January–April 2021): 102–7.

[31] Katherine Wilhelm, Shawn Shieh, Elizabeth Knup, et al., "What Future for International NGOs in China?," *ChinaFile,* Asia Society, November 24, 2021; Jude Howell, "From Green Shoots to Crushed Petals: Labour NGOs in China," *Made in China Journal: Then and Now* 6, no. 1 (January–April 2021): 102–7.

[32] Zhang Wanqing, "Weibo Shuts Down User Accounts for 'Gender Opposition,'" *Sixth Tone,* December 8, 2021.

[33] Rights Defense Network, "Zao xingshi juliu de Guangdong Zhongshan weiquan renshi Li Ronghao de anqing ji jianli" [Case and bio of Li Ronghao, rights defender from Zhongshan, Guangdong, who was criminally detained], December 13, 2021. For more information on Li Ronghao, see the Commission's Political Prisoner Database record 2017-00292.

[34] World Economic Forum, "Global Gender Gap Report 2021," March 2021, 13, 24, 36; International Labour Organization, "Ratifications of ILO Conventions: Ratifications for China," accessed June 22, 2022.

[35] Lao Ying, "Pinglun: Yanchang shengyu jia xu peitao fan jiuye qishi cuoshi" [Opinion: Extending maternity leave will require supplementary anti-discrimination measures], *Beijing Youth Daily,* reprinted in China News, January 4, 2022; Greg James, "In China, Longer Maternity Leave Is a Tough Sell," *SupChina,* November 29, 2021. See also Human Rights Watch,

"'Take Maternity Leave and You'll Be Replaced': China's Two-Child Policy and Workplace Gender Discrimination," June 2021; "San hai zhengce luodi! Wangyou zha guole! 'Shengle ni yang ah!'" [The three-child policy has arrived! Netizens are heated! "If I give birth to you, I'll raise you!"], *Sohu,* May 31, 2021.

[36] Aaron Halegua, "Workplace Gender-Based Violence and Harassment in China: Harmonizing Domestic Law and Practice with International Standards," U.S.-Asia Law Institute, New York University School of Law (2021), 11; "China's Three-Child Policy Puts More Pressure on Working Women," *Bloomberg,* July 15, 2021. See also Human Rights Watch, "'Take Maternity Leave and You'll Be Replaced': China's Two-Child Policy and Workplace Gender Discrimination," June 2021, 19–23.

[37] Rights Defense Network, "Zao xingshi juliu de Guangdong Zhongshan weiquan renshi Li Ronghao de anqing ji jianli" [Case and bio of Li Ronghao, rights defender in Zhongshan, Guangdong, who was criminally detained], December 13, 2021; Rights Defense Network, "Fujian sheng Ningde zhai jidi shenqing ren Zhang Lifang xiang Pingnan xian he Tangkou zhen liang ji zhengfu tijiao luxing fading zhize shenqing shu" [Zhang Lifang, an applicant for a housing plot in Ningde, Fujian province, submitted application to the governments of Pingnan county and Tangkou town to perform their statutory duties], September 3, 2021; *Zhonghua Renmin Gongheguo Funu Quanyi Baozhang Fa* [PRC Law on the Protection of Women's Rights and Interests], passed April 3, 1992, amended August 28, 2005, effective December 1, 2005, arts. 30–33.

[38] Rights Defense Network, "Quanguo 'nongjianu' daibiao Zhang Mengying liu zhong quanhui qian qingqiu Zhongyang luoshi nannu pingdeng de xianfa tiaokuan" [Zhang Mengying, representing the country's "'rural married women," asked the Party Central Committee to implement the constitutional provisions of equality between men and women prior to the Sixth Plenary Session of the Central Committee], October 18, 2021; Rights Defense Network, "Nuquan hanweizhe Wang Xiaoli xiang Changzhou Xihu jiedao ban tijiao shenqing shu, yaoqiu huifu jiti jingji zuzhi chengyuan zige" [Women's rights defender Wang Xiaoli submitted an application to the Changzhou Xihu district office requesting the restoration of her membership in the collective economic organization], June 20, 2021; Ke Li, "Land Dispossession and Women's Rights Contention in Rural China," *China Law and Society Review* 5, no. 1 (2020): 37–38, 45. Chinese women were traditionally excluded from inheritance after marrying out of their natal families. After the revisions to the PRC Marriage Law in 2011, China's Supreme People's Court ruled that marital property belonged to the person named on the deed of the marital property. As most "married-out" rural women enter into marriages without property, they continue to be deprived of equitable property rights.

[39] Rights Defense Network, "Quanguo 'nongjianu' daibiao Zhang Mengying liu zhong quanhui qian qingqiu Zhongyang luoshi nannu pingdeng de xianfa tiaokuan" [Zhang Mengying, representing the country's 'rural married women,' asked the Party Central Committee to implement the constitutional provisions of equality between men and women prior to the Sixth Plenary Session of the Central Committee], October 18, 2021; Rights Defense Network, "Chujianu quanyi hanweizhe Zhang Mengying: Gei Guojia Xinfang juzhang Li Wenzhang he Hebei shengwei shuji Wang Dongfeng de yi feng gongkai xin—qudi 'shudi guanli' fenji fuze de xinfang zhidu" [Defender of married women's rights Zhang Mengying: sent open letter to Li Wenzhang, director of State Bureau of Letters and Visits, and Wang Dongfeng, secretary of the Hebei Provincial Party Committee—abolish "localized management" that divides up responsibility in the petitioning system], August 1, 2020.

[40] Alexandra Stevenson, "China Offers Women Perks for Having Babies. Single Moms Don't Qualify.," *New York Times,* July 6, 2022; Guangdong Province People's Congress, *Guangdong Sheng Renkou yu Jihua Shengyu Tiaoli* [Guangdong Province Population and Family Planning Regulations], passed and effective December 1, 2021; Advocates for Diverse Family Network, "Beijing danma diyi an zaishen zao bohui: wo jiushi Qiu Ju, yao jixu kangsu" [Beijing single mother's first case dismissed upon retrial: I am Qiu Ju, and I will continue to appeal], reprinted in *China Digital Times,* January 26, 2022. See also Advocates for Diverse Family Network, "Shenzhen shouli: Feihun mama qisu shi weijianwei zhengqu shengyu baoxian an, yi jichu li'an cailiao" [Shenzhen's first case: Unmarried mother sued municipal health commission for maternity insurance, case materials have been filed], WeChat, September 8, 2021.

[41] Advocates for Diverse Family Network, "Beijing danma diyi an zaishen zao bohui: Wo jiushi Qiu Ju, yao jixu kangsu" [Beijingsingle mother's first case dismissed upon retrial: I am Qiu Ju, and I will continue to appeal], reprinted in *China Digital Times,* January 26, 2022; Advocates for Diverse Family Network, "Beijing diyi an: Gaoyuan shouli zaishen shenqing: danshen mama zhengqu chanjia gongzi" [Beijing's first case: High court accepts retrial application: Single mother fights for maternity leave pay], WeChat, May 7, 2021.

[42] Advocates for Diverse Family Network, "Beijing danma diyi an zaishen zao bohui: Wo jiushi Qiu Ju, yao jixu kangsu" [Beijing single mother's first case dismissed upon retrial: I am Qiu Ju, and I will continue to appeal], reprinted in *China Digital Times,* January 26, 2022. See also Advocates for Diverse Family Network, "Beijing diyi an: Gaoyuan shouli zaishen shenqing: danshen mama zhengqu chanjia gongzi" [Beijing's first case: High court accepts retrial application: Single mother fights for maternity leave pay], WeChat, May 7, 2021.

[43] Advocates for Diverse Family Network, "Beijing danma diyi an zaishen zao bohui: Wo jiushi Qiu Ju, yao jixu kangsu" [Beijingsingle mother's first case dismissed upon retrial: I am Qiu Ju, and I will continue to appeal], reprinted in *China Digital Times,* January 26, 2022; Advocates for Diverse Family Network, "Shenzhen shouli: Feihun mama qisu shi weijianwei zhengqu shengyu baoxian an, yi ji chuli an cailiao" [Shenzhen's first case: Unmarried mother sued municipal health commission for maternity insurance, case materials have been filed], WeChat, September 8, 2021. See also Advocates for Diverse Family Network, "Beijing diyi an: Gaoyuan shouli zaishen shenqing: danshen mama zhengqu chanjia gongzi" [Beijing's first case: High court accepts retrial application: Single mother fights for maternity leave pay], WeChat, May 7, 2021.

[44] Equality (*Wei Ping*), "Anti-Domestic Violence Law of the People's Republic of China," accessed March 20, 2022; Zhaohui Su et al., "What 'Family Affair?' Domestic Violence Awareness in China," *Frontiers in Public Health* 10 (March 4, 2022): 4; Ludovica Meacci, "China's Conservative Turn on Gender Roles," Italian Institute for International Political Studies (blog), January 31, 2022.

[45] Alexandra Stevenson, "Divorce Is Down in China, but So Are Marriages," *New York Times,* March 23, 2022; Helen Davidson, "China Divorces Drop 70% after Controversial 'Cooling Off' Law," *Guardian,* May 18, 2021.

[46] For background information on the divorce "cooling off" period, see CECC, *2021 Annual Report,* March 2022, 155.

[47] Helen Davidson, "China Divorces Drop 70% after Controversial 'Cooling Off' Law," *Guardian,* May 18, 2021.

[48] Mandy Zuo, "China Divorce Cooling-Off Rule: One Year after Controversial Law Enacted Authorities Claim Rates of Separation Declining," *South China Morning Post,* January 15, 2022; Alexandra Stevenson, "Divorce Is Down in China, but So Are Marriages," *New York Times,* March 23, 2022.

[49] *Zuigao Renmin Fayuan Quanguo Fulian Jiaoyubu Gong'anbu MinzhengbuSifabu Weisheng Jiankang wei guanyu Jiaqiang Renshen Anquan Baohu Ling Zhidu Guanche Shishi de Yijian* [Supreme People's Court, All-China Women's Federation, Ministry of Education, Ministry of Public Security, Ministry of Civil Affairs, Ministry of Justice, and National Health Commission Opinions on Strengthening the Implementation of the Personal Safety Protection Order System], March 3, 2022; "Better Protection for Domestic Violence Victims," *China Daily,* March 18, 2022.

[50] *Zuigao Renmin Fayuan Quanguo Fulian Jiaoyubu Gong'anbu Minzhengbu Sifabu Weisheng Jiankang wei guanyu Jiaqiang Renshen Anquan Baohu Ling Zhidu Guanche Shishi de Yijian* [Supreme People's Court, All-China Women's Federation, Ministry of Education, Ministry of Public Security, Ministry of Civil Affairs, Ministry of Justice, and National Health Commission Opinions on Strengthening the Implementation of the Personal Safety Protection Order System], March 3, 2022.

[51] "Better Protection for Domestic Violence Victims," *China Daily,* March 18, 2022.

[52] Liao Yan, "Nuzi di 8 ci ti lihun susong, fayuan: zhengyi jiao da, jianyi chengxu zhuan putong chengxu" [Woman files for divorce for the 8th time, court transfers case from summary to regular procedure on grounds that there exist relatively big disputes], *The Paper,* July 7, 2021.

[53] Liao Yan, "Nuzi di 8 ci ti lihun susong, fayuan: zhengyi jiao da, jianyi chengxu zhuan putong chengxu" [Woman files for divorce for the 8th time, court transfers case from summary to regular procedure on grounds that there exist relatively big disputes], *The Paper,* July 7, 2021.

[54] Zhang Wanqing, "A Man Brutally Beat His Wife on Camera. He Got 5 Days' Detention," *Sixth Tone,* January 24, 2022.

[55] Zhang Wanqing, "A Man Brutally Beat His Wife on Camera. He Got 5 Days' Detention," *Sixth Tone,* January 24, 2022; "China Police Response to Lockdown Domestic Violence Case Sparks Uproar," *Agence France-Presse,* reprinted in *Straits Times,* January 25, 2022.

[56] Ministry of Justice, "Nanzi hunnei qiangjian qizi, bei panxing!" [Man jailed for raping wife during marriage], November 25, 2021.

[57] Ministry of Justice, "Nanzi hunnei qiangjian qizi, bei panxing!" [Man jailed for raping wife during marriage], November 25, 2021; Zhang Wanqing, "Man's Sentencing Underscores Absence of Marital Rape Law in China," *Sixth Tone,* November 24, 2021.

[58] Wang Yun, Jane Tang, and Isaak Liu, "China's Anti-trafficking Activists Face Vast Network of Vested Interests," *Radio Free Asia,* March 11, 2022; "Special Campaign to Crack Down on Trafficking Women, Children Launched in China," *Global Times,* March 2, 2022.

[59] Li Yuan, "Seeking Truth and Justice, Chinese See Themselves in a Chained Woman," *New York Times,* March 1, 2022; Leng Shumei and Cui Fandi, "17 Officials Punished in Woman Trafficking Case in East China," *Global Times,* February 23, 2022; "Guanyu wangmin fanying 'shengyu ba hai nuzi' qingkuang de diaocha tongbao" [Investigative report on internet users' reflections on the situation of the "woman with eight children"], *Sina,* January 30, 2022. See also Chen Xiaoping, "Shishi dajia tan: Yan Geling wei ba hai muqin fennu fasheng zao fengsha, 'Quanguo Fulian' yi yan bu fa gai jiesan?" [Let's discuss the issues: Yan Geling was banned for speaking out in anger for the mother of eight children, should the "All-China Women's Federation" be dissolved for not saying one word?], *Voice of America,* February 18, 2022.

[60] Mimi Lau, "China Silences Trafficking Debate Sparked by 'Chained Woman' Scandal," *South China Morning Post,* February 22, 2022.

[61] Liyan Qi, "Chained Woman in China Was Sold as a Bride Twice," *Wall Street Journal,* February 23, 2022; Liyan Qi, "In China, Footage of a Chained-Up Rural Mother of Eight Draws Outcry," *Wall Street Journal,* February 1, 2022.

[62] Liyan Qi, "Chained Woman in China Was Sold as a Bride Twice," *Wall Street Journal,* February 23, 2022.

[63] Leng Shumei and Cui Fandi, "17 Officials Punished in Woman Trafficking Case in East China," *Global Times,* February 23, 2022.

[64] Heather Barr and Yaqiu Wang, "Chained Woman Has Become the Face of Bride Trafficking in China," *Women's eNews,* April 5, 2022. For more information on bride trafficking in China, see Human Rights Watch, "Myanmar: Women, Girls Trafficked as 'Brides' to China," March 21, 2019.

[65] Leng Shumei and Cui Fandi, "17 Officials Punished in Woman Trafficking Case in East China," *Global Times,* February 23, 2022; Li Yuan, "Seeking Truth and Justice, Chinese See Themselves in a Chained Woman," *New York Times,* March 1, 2022.

[66] International Labour Organization, ILO Convention (No. 190) Concerning Violence and Harassment, June 21, 2019, entry into force June 25, 2021.

[67] Aaron Halegua, "Workplace Gender-Based Violence and Harassment in China: Harmonizing Domestic Law and Practice with International Standards," U.S.-Asia Law Institute, New York University School of Law (2021), 6–7, 9; International Labour Organization, "Countries That Have Not Ratified This Convention—Violence and Harassment Convention, 2019 (No. 190)," accessed July 15, 2022.

[68] Yuanzhong Family and Community Development Service Center, "Fangzhi xingsaorao falu yu sifa shenpan anli yanjiu baogao" [Research report on sexual harassment prevention law and judicial cases], November 2021; Yuanzhong Family and Community Development Service Center (@bjyuanzhong), "Fan xingbie baoli 16 ri xilie xingdong (yi): Yuanzhong fabu 'fangzhi xingsaorao falu yu sifa shenpan anli yanjiu baogao'" [16-day series of actions against gender-based violence (one): Yuanzhong releases research report on sexual harassment prevention law and judicial cases], WeChat post, November 25, 2021.

[69] Yuanzhong Family and Community Development Service Center, "Fangzhi xingsaorao falu yu sifa shenpan anli yanjiu baogao" [Research report on sexual harassment prevention law and judicial cases], November 2021; Yuanzhong Family and Community Development Service Center (@bjyuanzhong), "Fan xingbie baoli 16 ri xilie xingdong (yi): Yuanzhong fabu 'fangzhi xingsaorao falu yu sifa shenpan anli yanjiu baogao'" [16-day series of actions against gender-based violence (one): Yuanzhong releases research report on sexual harassment prevention law and judicial cases], WeChat post, November 25, 2021; Aaron Halegua, "Workplace Gender-Based Violence and Harassment in China: Harmonizing Domestic Law and Practice with International Standards," U.S.-Asia Law Institute, New York University School of Law (2021), 15.

[70] Yuanzhong Family and Community Development Service Center, "Fangzhi xingsaorao falu yu sifa shenpan anli yanjiu baogao" [Research report on sexual harassment prevention law and judicial cases], November 2021; Yuanzhong Family and Community Development Service Center (@bjyuanzhong), "Fan xingbie baoli 16 ri xilie xingdong (yi): Yuanzhong fabu 'fangzhi xingsaorao falu yu sifa shenpan anli yanjiu baogao'" [16-day series of actions against gender-based violence (one): Yuanzhong releases research report on sexual harassment prevention law and judicial cases], WeChat post, November 25, 2021.

[71] Yuanzhong Family and Community Development Service Center, "Fangzhi xingsaorao falu yu sifa shenpan anli yanjiu baogao" [Research report on sexual harassment prevention law and judicial cases], November 2021; Yuanzhong Family and Community Development Service Center (@bjyuanzhong), "Fan xingbie baoli 16 ri xilie xingdong (yi): Yuanzhong fabu 'fangzhi xing saorao falu yu sifa shenpan anli yanjiu baogao'" [16-day series of actions against gender-based violence (one): Yuanzhong releases research report on sexual harassment prevention law and judicial cases], WeChat post, November 25, 2021.

[72] Yuanzhong Family and Community Development Service Center, "Fangzhi xingsaorao falu yu sifa shenpan anli yanjiu baogao" [Research report on sexual harassment prevention law and judicial cases], November 2021; Aaron Halegua,"Workplace Gender-Based Violence and Harassment in China: Harmonizing Domestic Law and Practice with International Standards," U.S.-Asia Law Institute, New York University School of Law (2021), 7, 16, 21.

[73] *Zhonghua Renmin Gongheguo Minfa Dian* [PRC Civil Code], passed May 28, 2020, effective January 1, 2021, art. 1010.

[74] Darius Longarino, Changhao Wei, and Yixin (Claire) Ren, "China's Lawmakers Take More (Cautious) Steps against Workplace Sexual Harassment," *The Diplomat,* January 21, 2022; Chen Yuanyuan and Ren Wu, "Naxie zoujin 'zhichang xingsaorao' cong ji de nuxing" [Those women who walked into the thorns of "workplace sexual harassment"], *The Paper,*" September 7, 2021; Yu Yan, Wang Xin, and Li Danyu, "Guotai jiuye qian nu yuangong jiangshu 'zao tongshi xingqin' qianhou: tuirang huan lai qingshi" [A former female employee of Guotai Liquor Group tells about before and after being sexually assaulted by a colleague: yielding in exchange for contempt], *The Paper,*" August 18, 2021; Aaron Halegua,"Workplace Gender-Based Violence and Harassment in China: Harmonizing Domestic Law and Practice with International Standards," U.S.-Asia Law Institute, New York University School of Law (2021), 6, 15; Darius Longarino, Yixin (Claire) Ren, and Changhao Wei, "How Do Sexual Harassment Claims Fare in China's Courts?," *The Diplomat,* August 6, 2021; "Cong Wu Yifan dao Alibaba, 'wo ye shi' yu nuquan yundong zai Zhongguo qude jinbu?" [From Kris Wu to Alibaba, has the "Me Too" and feminist movement made progress in China?], *Voice of America,* August 16, 2021. See also Viola Zhou, "Recruiter Fired for Offering to Drug His Female Co-Workers in Exchange for Resumes," *Vice,* May 28, 2021.

[75] Vincent Ni, "China #MeToo: Court to Hear Landmark Case of Intern versus TV Star," *BBC,* December 2, 2020.

[76] Jianghu you ge xiao wu (@Aussenseiter2015), "Xianzi su Zhu Jun an mingri kaiting: Ta shuo xiangguo keneng baisu, dan jieguo dui ziji hen zhongyao" [Xianzi's lawsuit against Zhu Jun starts tomorrow: She said she's thought about the possibility of losing the case, but the result is very important to her], Wechat post, December 1, 2020.

[77] Helen Davidson and Vincent Ni, "Court Rules against Woman Who Became Face of China's #MeToo Movement," *Guardian,* September 14, 2021.

[78] Chao Deng, "#MeToo Supporters in China Discouraged as Accuser Faces Court Delay," *Wall Street Journal,* May 22, 2021. See also Caiwei Chen, "12 Hours Outside Haidian People's Court: China's Landmark #MeToo Case," *SupChina,* December 10, 2020; Sophie Beach, "Translation: 'I Want People to View My Case as a Drill'—An Interview with Xianzi," *China Digital Times,* December 3, 2020.

[79] Vincent Ni and Helen Davidson, "Outrage over Shutdown of LGBTQ WeChat Accounts in China," *Guardian,* July 8, 2021.

[80] Sophie Beach, "Translation: Xianzi's Friends 'Surround and Watch' in #MeToo Solidarity," *China Digital Times,* December 4, 2020; Sophie Beach, "Translation: 'I Want People to View My Case as a Drill'—An Interview with Xianzi," *China Digital Times,* December 3, 2020.

[81] "China Prosecutors Drop Case against Ex-Alibaba Employee Accused of Sexual Assault," *BBC,* September 20, 2021.

[82] Daisuke Wakabayashi, "Chinese Businessman Tied to Alibaba Rape Case Is Sentenced to Prison," *New York Times,* June 22, 2022; Phoebe Zhang, "Client Who Molested Alibaba Worker Jailed for 18 Months in China," *South China Morning Post,* June 22, 2022; China Labour Bulletin, "Alibaba Employee's Stand Shows Failure of Corporate Anti-Harassment Policies," August 12, 2021.

[83] China Labour Bulletin, "Alibaba Employee's Stand Shows Failure of Corporate Anti-Harassment Policies," August 12, 2021.

[84] Yvonne Lau, "#MeToo Accusers Have Faced Backlash in China. With the Alibaba Rape Case, That Changed," *Fortune,* August 10, 2021; Chao Deng and Keith Zhai, "Sexual-Assault Allegation at Alibaba Triggers Outrage, Investigation," *Wall Street Journal,* August 8, 2021.

[85] "Alibaba Fires Woman Who Claimed Sexual Assault," *BBC,* December 12, 2021.

[86] Phoebe Zhang, "Client Who Molested Alibaba Worker Jailed for 18 Months in China," *South China Morning Post,* June 22, 2022; Daisuke Wakabayashi, "Chinese Businessman Tied to Alibaba Rape Case Is Sentenced to Prison," *New York Times,* June 22, 2022.

POPULATION CONTROL

Findings

- People's Republic of China (PRC) authorities rejected calls to end birth restrictions, even though experts raised demographic, economic, and human rights concerns about official population control policies. In August 2021, the National People's Congress amended the PRC Population and Family Planning Law from a two-child policy to a three-child policy based on a policy change announced by the Chinese Communist Party in May 2021. The amended law also abolished "social maintenance fees," onerous government fines for exceeding birth limits under the one- and two-child birth limit policies. The government's enforcement of birth limits has included forced abortion and sterilization.
- PRC authorities have used draconian population control measures targeting Uyghurs and other ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR), including detention in mass internment camps, forced abortions, and forced sterilizations. This past year, research by scholar Adrian Zenz found that policies implemented since 2017 had "drastically reduced birth rates of ethnic [minority] groups." A historian said the government's claim of a regional population increase from 2010 to 2020 was a "distortion" aimed at masking population suppression. At the same time that PRC authorities have encouraged higher birth rates among Han Chinese women, they have continued to perform forced abortions and sterilizations among ethnic minority women in the XUAR, a practice that one expert described as carrying a "strong undertone of eugenics."
- The government's population control policies have exacerbated China's sex ratio imbalance; these policies have been linked to the ongoing trafficking of women for purposes of forced marriage and commercial sexual exploitation. The plight of trafficked women received considerable public attention following media reports in January 2022 about a woman found chained and malnourished in a shed in Jiangsu province, who reportedly was a victim of bride trafficking.
- A 2022 report found that many women, perhaps thousands, who suffered injuries from botched or untested sterilization and other procedures under the one-child policy, had sought redress for their injuries to no avail.
- Observers posited that, consistent with the coercive nature of the PRC's past population policies, new policies aimed at raising birth rates might give rise to coerced procreation which would be a violation of human rights.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ In bilateral meetings, urge PRC government officials to abolish and forgo all birth restrictions on families, and instead employ an approach based on international human rights law and

norms, including treaties signed or ratified by China, to provide the Chinese people the freedom to build their families as they wish.

○ Urge PRC authorities to end all coercive population control practices targeting Uyghur and other ethnic groups in the Xinjiang Uyghur Autonomous Region (XUAR) and elsewhere. Use authorities provided in the Foreign Relations Authorization Act, Fiscal Year 2000 (Public Law No. 106-113) and the Global Magnitsky Human Rights Accountability Act (Public Law No. 114-328) to deny Chinese officials entry into the United States and impose sanctions on officials involved in the formulation, implementation, or enforcement of coercive population control policies, including those officials who have forced women to undergo sterilizations and abortions in the XUAR and elsewhere.

○ Support the Uyghur Stop Oppressive Sterilizations Act (H.R. 3306), which imposes sanctions on individuals responsible for or complicit in forced sterilizations and forced abortions in the XUAR.

○ Call on PRC central and local governments to provide redress to citizens who suffered adverse health effects from procedures performed under the one-child policy.

○ Publicly link and address in bilateral dialogues the sex ratio imbalance exacerbated by PRC population control policies with regional humanitarian and security concerns—human trafficking, crime, increased internal and external migration, and other social, economic, and political problems.

○ Urge PRC officials to reform the household registration (*hukou*) system in order to extend public services to the millions of persons born outside of the one- or two-child policies who still lack access to education, medical care, legal protection of their human rights, and other government services.

Population Control

Introduction

The Chinese Communist Party and government began to relax the country's population control policy around 2012–2013.[1] A decade of incremental loosening of the policy with the expectation of raising the birth rate, however, has not brought the forecasted increase in new births. After years of warnings by experts, the government now acknowledges that the aging population combined with the below-replacement birth rate over the past five years presents a "serious challenge."[2] To address this, the central government adopted a three-child policy in 2021, but its implementation at the local levels thus far seems uneven. While the policy seeks to increase the majority Han Chinese population, the government is concurrently implementing birth control methods against ethnic minority communities in the Xinjiang Uyghur Autonomous Region (XUAR) as part of its broad policy to repress Uyghurs and other predominantly Muslim groups.

International Standards and the PRC's Coercive Population Policies

Despite calls in recent years from experts and other observers to remove all birth limits in China on both demographic and human rights grounds[3] and domestic proposals aimed at increasing the number of births,[4] the Party and government continued to implement a coercive birth limit policy—the new three-child policy—that violates international standards.[5] Coercive controls imposed on women and their families, as well as additional abuses engendered by the PRC population and family planning system, violate standards set forth in the 1995 Beijing Declaration and Platform for Action and the 1994 Programme of Action of the Cairo International Conference on Population and Development.[6] China was a state participant in the negotiation and adoption of both documents.[7] Acts of official coercion committed in the implementation of population control policies also contravene provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[8] which China has ratified.[9]

In response to demographic concerns,[10] the Party Central Committee Political Bureau announced a new three-child policy in May 2021—a change from the two-child policy that had been in effect since 2016[11]—and in August 2021 the National People's Congress Standing Committee amended the 2015 PRC Population and Family Planning Law, allowing couples to have three children and abolishing "social maintenance fees," onerous fines that were imposed on couples who had children in violation of the one- and two-child birth policies.[12] The one-child policy, in force from 1980 until 2016, restricted most couples to one child.[13] It was enforced by the National Health and Family Planning Commission, often using fines, forced sterilizations, and forced abortions.[14]

Population Control

Suppression of Population in the Xinjiang Uyghur Autonomous Region

In recent years, Uyghur, Kazakh, and other Turkic Muslim women who were formerly detained in mass internment camps in the XUAR have reported being subjected to coercive birth control measures, including forced insertion of intrauterine devices (IUDs), forced sterilization, and forced abortion.[15] This past year, research by scholar Adrian Zenz found that policies implemented by authorities since 2017 had "drastically reduced birth rates of ethnic [minority] groups."[16] Two authors who published research in 2021 on population suppression in the XUAR observed that as Party officials are loosening population control rules on Han women, they are simultaneously "cracking down" on the rights of Uyghur and other ethnic minority communities to have children, because of "perceived fears of instability and uneven growth."[17] A historian commented that the State Council Information Office's claim in a white paper published in September 2021, that the Uyghur population in Xinjiang increased from 2010 to 2020, is a "distortion" that ignores the decline from 2017 onwards when "Uyghur births were brutally suppressed."[18] At the same time that the PRC has encouraged higher birth rates among Han Chinese women, it has continued to perform forced abortions and sterilizations among ethnic minority women in the XUAR, a practice that one expert described as carrying a "strong undertone of eugenics."[19] [For more information on forcible population control measures used against ethnic minority families in the XUAR, see Section X—Xinjiang.]

The Three-Child Policy

On May 31, 2021, the Chinese Communist Party Central Committee Political Bureau announced plans for a three-child policy in response to demographic concerns,[20] replacing the two-child policy in effect since 2016, which had not significantly increased birth rates.[21] In July 2021, the State Council released a more detailed decision, clarifying that the policy allows married couples to have three children and will "cancel restrictive measures," "cleanup and abolish relevant penalties," and "implement active childbearing support measures," in an effort to increase birth rates.[22] The decision also said the new policy aims to achieve a more balanced sex ratio and population structure by 2025.[23] The National People's Congress Standing Committee in August 2021 amended the 2015 PRC Population and Family Planning Law, allowing couples to have three children and abolishing "social maintenance fees," onerous fines that were imposed on couples who had children in violation of the one- and two-child birth policies.[24]

The Three-Child Policy—Continued

Following the new policy announcement, experts asked why the government refused to completely remove birth limits;[25] demographers pointed to several factors including government concerns about uneven regional growth and the growth of ethnic minority populations.[26] One expert commented, "Despite all the overwhelming demographic evidence, they're saying, 'We need to control you.'"[27] The human rights non-governmental organization Amnesty International said that the PRC's adoption of a three-child policy in response to the demographic crisis is still a violation of people's right to decide how many children to have.[28]

The State Council's decision further specified that the government would enact tax breaks, provide other support services, lower costs for raising children, and protect the rights of women in employment.[29] Sources noted that many couples, urban and rural, said that even with the policy change they did not plan to have more children, as many found the financial difficulties involved in raising a child prohibitive.[30] Some women said that the likelihood of negative effects on their careers also discouraged them from having children.[31] Observers noted that permission to have children remained limited to married couples; although unmarried women are not explicitly prohibited from giving birth, they cannot obtain official permission to do so.[32] According to the most recent report observed by the Commission, Guangdong province was the only location that allowed unmarried women to submit applications for maternity insurance, while in other places unmarried women could still be fined or penalized for having a child.[33] [For more information on official restrictions on childbearing for unmarried women, see Section VI—Status of Women.]

Government Efforts to Increase Births

Central and local-level officials held discussions and made proposals on ways to implement the new three-child policy, including language for possible propaganda aimed at increasing births.[34] Some of these proposals elicited negative reactions on social media from citizens.[35] One county reportedly collected information from single women to be used in a matchmaking database.[36] A study from a research institute in India found that many rural women in China do not want to get married, but officials "encourage" young women to be "baby makers" and "bring warmth" to unmarried, aging rural men.[37] Some international commenters posited that the government may introduce forced procreation to achieve its demographic goals;[38] thousands in China responded with "shock and indignation" online to an opinion piece that said Party members have an obligation to marry and have three children.[39] During the March 2022 meeting of the PRC National People's Congress, delegates reportedly made numerous proposals to increase the birth rate, some of which were mocked on Chinese social media.[40] Noting the inconsistency of birth-limit policies over time, one social media user reportedly commented, "This is crazy . . . forced sterilization and abortion . . . now three children. Are women just machines?"[41]

Population Control

Authorities' plans to increase the birth rate were linked to women's and men's fertility and reproductive health. The State Council in September 2021 issued an Outline on the Development of Women (2021–2030) that included a section on women's reproductive health, promoting more health checkups for women before and after getting married, and increasing sex education in the schools.[42] Additionally, the Outline included a directive stating the aim of reducing "medically unnecessary" abortions,[43] but did not specify how to accomplish this goal.[44] The China Family Planning Association, in its 2022 work plan, directed its offices throughout the country to conduct educational outreach to young people and people of childbearing age, one goal of which is to reduce the number of abortions among unmarried young people.[45] A U.S.-based commentator cautioned that the government would need to launch a range of reform-oriented government measures in order to reduce the number of abortions among young people, and raised a concern that fostering an increase in the birth rate would not necessarily prevent illegal sex-selective abortions and abandoned children.[46] The lack of specific guidance on raising the birth rate reportedly has fostered uncertainty among hospitals and medical practitioners regarding men's fertility and reproductive health, as demonstrated by reports that some regional hospitals in China had stopped performing vasectomies as a result of the three-child birth policy.[47] While vasectomies are not explicitly prohibited by the three-child policy, observers raised concerns that the government might turn to coercive measures to increase births in the future.[48] Mei Fong of Human Rights Watch testified before the Commission in March 2022 that "Beijing's early approach to a demographic decline appear to be more stick than carrot, with growing curbs on divorce and abortion."[49]

After the release of the national policy decision in July 2021, a member of the Chinese People's Political Consultative Conference called for equal treatment for children born to single women and advocated for permission for all women over 30 to freeze their eggs.[50] At the subnational level, officials in various locations implemented or proposed specific plans to encourage more births, including:

- Exceeding the national baseline of 98 days of maternity leave, at least two provinces (Henan and Hainan) gave 190 days, others 158 days,[51] while some increased these amounts for second or third children;[52]
- Some local governments offered financial incentives, including cash and housing subsidies, for couples who gave birth to second and third children;[53] and
- Officials in Xiangyin county, Yueyang municipality, Hunan province, aimed to change rural practices by discouraging expensive wedding customs, encouraging young women to stay in rural areas, creating matchmaking services, helping couples obtain housing, and improving wages and training for workers.[54]

Continuing Effects of the One-Child Policy

The legacy of the one-child policy continues to negatively affect many in China. A 2021 sociological study that focused on the human impact of the policy concluded, "[T]he one-child policy was an unnecessary and catastrophic blunder, and because of it, many did not get the chance to be born to see the world today."[55] Some Chinese people in July 2021 spoke of the still painful memories of abuses suffered under the one-child policy, including forcible abortions, having their children killed just after live birth, being beaten, kidnapped, or threatened with violence to force them to abort their children, or going into hiding to give birth; one expressed fear of harassment for speaking of past abuses.[56] Another story that emerged in December 2021, in which a man in his 30s who was abducted at age 4 was reunited with his family after more than three decades, also pointed to a link between the one-child policy and an increased incidence of child abduction.[57]

The following are some additional long-term harmful effects of the enforcement of, and social pressures created or exacerbated by, China's population control policies.

CHILDREN DENIED ACCESS TO PUBLIC SERVICES

A 2019 study found that about 13 million people—at least 60 percent (approximately 7.8 million) of whom were born in violation of China's population control policies—did not have official registration (*hukou*), and therefore lacked access to public services and faced difficulties in protecting their rights.[58] Of these, the majority were children, who were blocked from accessing medical care, education, and other services.[59] Many of these unregistered children were born to migrant worker parents who left them in rural villages while they worked in cities where the children could not be registered in schools, giving rise to the phenomenon of "left-behind children."[60] Studies have described hardships faced by these children, including educational and societal discrimination, and mental health challenges, among others.[61] [For information on the status of children born in China to North Korean mothers and Chinese fathers, see Section VIII—North Korean Refugees.]

DENIAL OF JUSTICE FOR VICTIMS OF THE ONE-CHILD POLICY

Government authorities continued to deny access to justice to women who suffered harm under the one- and two-child policies. Under the one-child policy, botched procedures and poor medical care caused permanent disabilities including loss of fertility for many women.[62] The hardships of avoiding detection by officials during pregnancy meant forgoing adequate medical care.[63] One source reported that IUD removals, a practice encouraged under the two-child policy, also carried risks.[64] An April 2022 report said that many Chinese women, possibly in the thousands, who suffered adverse health effects resulting from sterilizations or other botched or untested procedures administered under the one- and two-child policies, had sought redress for their injuries to no avail.[65] One woman reported that among hundreds of women she knew who were injured from forced or coerced sterilization drugs, some died, and others, like herself, were permanently disabled and unable to

care for their children.[66] In one case, a woman in Anhui province suffered perforated internal organs during a botched IUD insertion in 2013, but no hospital would help her "because of the association with the family planning regime."[67] Two women interviewed by Radio Free Asia said they gave up petitioning for redress, one because of "exhaustion" and "official violence," and one from fear of harm to her children's careers.[68]

CONTINUING EFFECTS OF THE SEX RATIO IMBALANCE

The government's restrictive population control policies have exacerbated the sex ratio imbalance in China caused by the cultural preference for having a son, which has led to the abortion of unborn females.[69] This has caused a shortage of women of marriageable age—referred to as "missing women"—that observers have linked to the trafficking of women within China and from abroad into China for purposes of forced marriage and commercial sexual exploitation.[70]

A study published in September 2021 found that the phenomenon of millions of missing women created competition for potential brides that has led parents whose sons were of marriageable age to seek higher paying, more dangerous jobs for themselves in order to help their sons attract a mate.[71] In response, some employers have neglected workplace safety, resulting in more workplace fatalities.[72] One writer said that the sex ratio imbalance has led to higher property prices in cities because many parents have bought apartments for their sons to help them attract a spouse in a marriage market with "millions of missing women."[73] The writer predicted that these deleterious economic effects "will be felt in the generation ahead."[74]

The plight of trafficked women in China, including women with disabilities, received widespread media coverage this past year. Reports in January 2022 about a woman who was found chained and malnourished in a shed in Jiangsu province prompted widespread discussion of the treatment of women, including the role of the one-child policy in engendering the trafficking of women.[75] The woman reportedly had been forced to marry a local farmer in rural Jiangsu province with whom she had eight children.[76] [For more information, see Section VI—Status of Women and Human Trafficking, and Section VIII—Public Health.]

Declining Birth Rates

Experts and economists continued to predict that declining birth rates, which fell for a fifth straight year to new lows in 2021,[77] would bring a demographic crisis—one called it a "long-term time bomb"—unless the trend is reversed.[78] At least six provincial-level regions experienced a decline in the number of permanent residents in 2021, caused in part by fewer births.[79] These include Beijing municipality, Inner Mongolia Autonomous Region, and Henan, Hebei, Jiangxi, and Gansu provinces.[80] The greatest decline in the number of births occurred in Shandong province, which in 2016 saw the highest number of births nationwide, but has dropped by 57.6 percent in five years.[81] The former Vice President of the Chinese Academy of Social Sciences and member of the Monetary Pol-

icy Committee of the People's Bank of China, Cai Fang, said that China's population growth was near zero, and that the total population may peak in 2022.[82] The National Bureau of Statistics of China reported an overall population increase of 480,000 people in 2021, totaling 1.4126 billion, up from 1.412 billion a year ago.[83] One expert expressed shock that the natural growth rate dropped to 0.34 per thousand, falling below 1.0 for the first time, indicating that the population is aging faster than expected.[84]

Notes to Section VI—Population Control

[1] Sui-Lee Wee, "China Says It Will Allow Couples to Have 3 Children, Up from 2," *New York Times,* September 27, 2021.

[2] State Council, *Zhonggong Zhongyang Guowuyuan guanyu Youhua Shengyu Zhengce Cujin Renkou Changqi Junheng Fazhan de Jueding* [Decision of the Central Committee of the Communist Party of China and the State Council on Optimizing the Fertility Policy and Promoting the Long-Term Balanced Development of the Population], July 20, 2021.

[3] Ren Zeping, "Ren Zeping: quanmian er hai hou faner chuxian shengyu duanya, ying liji quanmian fangkai bing guli shengyu" [Ren Zeping: following the universal two-child policy, a fertility drop-off nevertheless appears; [the policy] should be fully relaxed immediately and fertility should be encouraged], *Yicai,* February 3, 2021; Keith Zhai, "China Considers Lifting All Childbirth Restrictions by 2025," *Wall Street Journal,* June 18, 2021; Amnesty International, "China: 'Three-Child Policy' Still a Violation of Sexual and Reproductive Rights," May 31, 2021; Sui-Lee Wee, "China Says It Will Allow Couples to Have 3 Children, Up from 2," *New York Times,* September 27, 2021.

[4] Luna Sun, "Chinese Economist Ren Zeping Banned from Posting on Weibo After Comments on Financing Childbirth Stir Controversy," *South China Morning Post,* January 13, 2022; "Political Advisor Proposes to Allow Unmarried Women Aged Over 30 with One Child to Gain Access to Maternity Leave, Insurance," *Global Times,* March 5, 2022.

[5] Amnesty International, "China: 'Three-Child Policy' Still a Violation of Sexual and Reproductive Rights," May 31, 2021; Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on September 15, 1995, and endorsed by UN General Assembly resolution 50/203 on February 23, 1996, Annex I, paras. 9, 17, 96. The Beijing Declaration states that governments that participated in the Fourth World Conference on Women reaffirmed their commitment to "[e]nsure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms" (Annex I, para. 9); and "[t]he explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment" (Annex I, para. 17); and "[t]he human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence." (Annex I, para. 96). United Nations Population Fund, Programme of Action, adopted at the Cairo International Conference on Population and Development, September 13, 1994, paras. 1.15, 7.2, 7.6, 8.25. Paragraph 1.15 states, "While the International Conference on Population and Development does not create any new international human rights, it affirms the application of universally recognized human rights standards to all aspects of population programmes." Paragraph 7.2 states, "Reproductive health therefore implies that people . . . have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice . . .." Paragraph 7.6 states, "Reproductive health care in the context of primary health care should, inter alia, include: family-planning counselling, information, education, communication and services; education and services for prenatal care, safe delivery and post-natal care, especially breast-feeding and infant and women's health care; prevention and appropriate treatment of infertility; abortion as specified in paragraph 8.25, including prevention of abortion and the management of the consequences of abortion . . .." Paragraph 8.25 states, "In no case should abortion be promoted as a method of family planning."

[6] Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on September 15, 1995, and endorsed by UN General Assembly resolution 50/203 on February 23, 1996, Annex I, paras. 9, 17; United Nations Population Fund, Programme of Action, adopted at the Cairo International Conference on Population and Development, September 13, 1994, paras. 7.2, 8.25.

[7] United Nations, Report of the Fourth World Conference on Women, A/CONF.177/20/Rev. 1, September 15, 1995, chap. II, para. 3; chap. VI, para. 12. China was one of the participating States at the Fourth World Conference on Women, which adopted the Beijing Declaration and Platform for Action. United Nations, Report of the International Conference on Population and Development (ICPD), A/CONF.171/13/Rev. 1, September 13, 1994, chap. II, sec. C; chap. VI, para. 1.

[8] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 1; UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at Its 1391st and 1392d Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 51. In 2016, the UN Committee against Torture noted its concern regarding "reports of coerced sterilization and forced abortions, and . . . the lack of information on the number of investigations into such allegations . . . [and] the lack of information regarding redress provided to victims of past violations." For acts of coercion committed in the implementation of population planning policies, see, e.g., Qiao Nong, ChinaAid Association, "Xinjiang Musilin yunfu bei qiangzhi duotai gege ahong bei baofuxing jubu" [Pregnant Muslim woman in Xinjiang underwent forced abortion, her brother, a Muslim imam, detained as retaliation], February 4, 2018.

[9] United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited July 5, 2022. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988.

[10] "Quanwei kuaibao: san hai shengyu zhengce laile" [Authoritative announcement: three-child policy has arrived], *Xinhua,* May 31, 2021; Andrew Mullen, "Explainer: China's One-Child Policy: What Was It and What Impact Did It Have?," *South China Morning Post,* June 1, 2021.

[11] "Quanwei kuaibao: san hai shengyu zhengce laile" [Authoritative announcement: three-child policy has arrived], *Xinhua,* May 31, 2021; Andrew Mullen, "Explainer: China's One-Child Policy: What Was It and What Impact Did It Have?," *South China Morning Post,* June 1, 2021.

[12] *Zhonghua Renmin Gongheguo Renkou yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended and effective August 20, 2021; Laney Zhang, "China: Three-Child Policy Becomes Law, Social Maintenance Fee Abolished," *Global Legal Monitor,* Library of Congress, September 23, 2021; Peter Ford, "As China Ends One-Child Policy, Illegally Born Kids Ask: 'What About Us?,'" *Christian Science Monitor,* November 8, 2015.

[13] Andrew Mullen, "Explainer: China's One-Child Policy: What Was It and What Impact Did It Have?," *South China Morning Post,* June 1, 2021.

[14] Rita Cheng, "Women Harmed by China's Draconian Family Planning Policies Still Seek Redress," *Radio Free Asia,* April 8, 2022. The National Health and Family Planning Commission was preceded by the National Population and Family Planning Commission. Andrew Mullen, "Explainer: China's One-Child Policy: What Was It and What Impact Did It Have?," *South China Morning Post,* June 1, 2021.

[15] See, e.g., Amy Qin, "China Targets Muslim Women in Push to Suppress Births in Xinjiang," *New York Times,* May 10, 2021; Matthew Hill, David Campanale, and Joel Gunter, "'Their Goal Is to Destroy Everyone': Uighur Camp Detainees Allege Systematic Rape," *BBC,* February 2, 2021; Ivan Watson and Rebecca Wright, "Allegations of Shackled Students and Gang Rape inside China's Detention Camps," *CNN,* February 19, 2021; "Kazakhs Speak Out about Rape in China's Xinjiang Camps," *Radio Free Asia,* February 10, 2021; Asim Kashgarian, "China Uses Rape as Torture Tactic against Uighur Detainees, Victims Say," *Voice of America,* February 9, 2021. XUAR authorities have also used coercive birth control measures on minority women who have not been detained in camps. See, e.g., Adrian Zenz, "'End the Dominance of the Uyghur Ethnic Group': An Analysis of Beijing's Population Optimization Strategy in Southern Xinjiang," *Central Asian Survey* 40, no. 3 (2021): 293–94.

[16] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 5.

[17] Nathan Ruser and James Leibold, "Family De-planning: The Coercive Campaign to Drive Down Indigenous Birth-Rates in Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, *Policy Brief Report* No. 44 (2021): 3. See also Amy Qin, "China Targets Muslim Women in Push to Suppress Births in Xinjiang," *New York Times,* updated September 23, 2021.

[18] "China's Xinjiang Population Growth Report Raises Eyebrows," *Radio Free Asia,* September 30, 2021; Rian Thum (@RianThum), "Chinese gov has a new white paper out focused on Xinjiang population. Its central distortion is to say Uyghur pop. increased from 2010 to 2020 (it did), when . . .," Twitter, September 26, 2021, 5:42 p.m.; State Council Information Office, "Xinjiang de Renkou Fazhan" [Xinjiang's Population Development], September 2021, reprinted in *Xinhua,* September 26, 2021.

[19] *The Future of Women in China: #MeToo, Censorship, and Gender Inequality, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2022) (testimony of Dr. Leta Hong Fincher, Adjunct Assistant Professor, Department of East Asian Languages and Cultures, Columbia University), 3.

[20] "Quanwei kuaibao: san hai shengyu zhengce laile" [Authoritative announcement: three-child policy has arrived], *Xinhua,* May 31, 2021.

[21] Sui-Lee Wee, "China Says It Will Allow Couples to Have 3 Children, Up from 2," *New York Times,* September 27, 2021.

[22] State Council, *Zhonggong Zhongyang Guowuyuan guanyu Youhua Shengyu Zhengce Cujin Renkou Changqi Junheng Fazhan de Jueding* [Decision of the Central Committee of the Communist Party of China and the State Council on Optimizing the Fertility Policy and Promoting the Long-Term Balanced Development of the Population], *Xinhua,* July 20, 2021.

[23] State Council, *Zhonggong Zhongyang Guowuyuan guanyu Youhua Shengyu Zhengce Cujin Renkou Changqi Junheng Fazhan de Jueding* [Decision of the Central Committee of the Communist Party of China and the State Council on Optimizing the Fertility Policy and Promoting the Long-Term Balanced Development of the Population], July 20, 2021.

[24] *Zhonghua Renmin Gongheguo Renkou yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, amended and effective August 20, 2021; Laney Zhang, "China: Three-Child Policy Becomes Law, Social Maintenance Fee Abolished," *Global Legal Monitor,* Library of Congress, September 23, 2021; Peter Ford, "As China Ends One-Child Policy, Illegally Born Kids Ask: 'What About Us?,'" *Christian Science Monitor,* November 8, 2015.

[25] Cissy Zhou, "China Population: Why Did Beijing Opt for a Three-Child Policy When It Could Scrap Birth Caps Altogether?," *South China Morning Post,* June 4, 2021; Emily Feng, "China's Former 1-Child Policy Continues to Haunt Families," *NPR,* July 4, 2021.

[26] Cissy Zhou, "China Population: Why Did Beijing Opt for a Three-Child Policy When It Could Scrap Birth Caps Altogether?," *South China Morning Post,* June 4, 2021.

[27] Emily Feng, "China's Former 1-Child Policy Continues to Haunt Families," *NPR,* July 4, 2021.

[28] Amnesty International, "China: 'Three-Child Policy' Still a Violation of Sexual and Reproductive Rights," May 31, 2021.

[29] State Council, *Zhonggong Zhongyang Guowuyuan guanyu Youhua Shengyu Zhengce Cujin Renkou Changqi Junheng Fazhan de Jueding* [Decision of the Central Committee of the Communist Party of China and the State Council on Optimizing the Fertility Policy and Promoting the Long-Term Balanced Development of the Population], July 20, 2021; "Xinhua Headlines: China Unveils Details of Three-Child Policy, Support Measures," *Xinhua,* July 21, 2021.

[30] Greg James, "Average Cost of Raising a Child in Urban China Hits Almost $100,000," *SupChina,* February 23, 2022; Liang Jianzhang et al., "Liang Jianzhang: Zhongguo shengyu

chengben baogao 2022 ban" [Liang Jianzhang: China's childbearing cost report 2022 edition], *Sina Finance,* February 22, 2022; Kang Bing, "Many Challenges Facing New Family Planning Policy," *China Daily,* November 2, 2021. See also Ni Dandan, "What China's Parents Really Think about the Three-Child Policy," *Sixth Tone,* August 30, 2021.

[31] Luna Sun, "China's Working Mothers Struggle with Career Setbacks and Discrimination, Finding 'Balance Is a False Premise,'" *South China Morning Post,* July 29, 2021. See also Wang Qingkai, "Baogao cheng jin jiucheng shou diaoyan yihun nuxing qiuzhi bei wenguo shengyu jihua" [Report says nearly 90 percent of the surveyed married women were asked about their family planning when applying for jobs], *China News Service,* November 16, 2020; Greg James, "Motherhood Is Still a Career Killer for Chinese Women, New Research Finds," *SupChina,* November 16, 2020.

[32] Alice Yan, "Call for China to Support Single Women Over 30 to Give Birth to One Child as Country's Population Ages," *South China Morning Post,* March 8, 2022.

[33] Vivian Wang, "For China's Single Mothers, a Road to Recognition Paved with False Starts," *New York Times,* May 31, 2021.

[34] See, e.g., State Council, *Zhonggong Zhongyang Guowuyuan guanyu Youhua Shengyu Zhengce Cujin Renkou Changqi Junheng Fazhan de Jueding* [Decision of the Central Committee of the Communist Party of China and the State Council on Optimizing the Fertility Policy and Promoting the Long-Term Balanced Development of the Population], July 20, 2021; Zhu Ningning, "Ruhe youhua shengyu baozhang jianshao houguzhiyou" [How to optimize maternity safeguards and reduce worries about future consequences], *Legal Daily,* December 28, 2021; Sui-Lee Wee, "China Says It Will Allow Couples to Have 3 Children, Up from 2," *New York Times,* September 27, 2021; He Huifeng, "China Population: Economic Powerhouse Guangdong Aims to Add 1 Million Residents a Year, Even as Birth Rate Keeps Falling," *South China Morning Post,* February 23, 2021.

[35] Ji Siqi, "China Population: County Sparks Uproar by Telling 'Leftover' Women to Marry Unemployed Men," *South China Morning Post,* January 28, 2022; Phoebe Zhang, "'Have Babies or Go to Jail': China's Internet Mocks 3-Child Policy Slogan Call," *South China Morning Post,* August 6, 2021.

[36] Ji Siqi, "China Population: County Sparks Uproar by Telling 'Leftover' Women to Marry Unemployed Men," *South China Morning Post,* January 28, 2022.

[37] Hemant Adlakha, "Women in China: 'Baby Makers' and 'Bed Warmers'?," Institute of Chinese Studies, Delhi, November 2021, 15. See also Zhu Yonghua, "Shei jie nongcun daling nan qingnian ze'ou nan" [Who can solve the difficulty of choosing a mate for older men in rural areas?], *Voice of China,* October 7, 2021.

[38] Adam Minter, "As China Limits Vasectomies, Many Ask What's Next," *Bloomberg,* December 16, 2021; Gordon Chang, "Opinion: Is Forced Procreation Coming to China?," *Newsweek,* June 8, 2021. See also answers posted by users on March 28, 2018 and December 25, 2021, "Weile shengyulu: shifou keyi caiqu qiangzhi jihua shengyu cuoshi, zuizhong dadao shengyulu zengzhang mubiao . . .," [For the sake of birth rates, might [the government] adopt forcible family planning measures, finally achieve its fertility growth target . . .?], Zhihu [a Chinese Q&A website modeled on Quora], accessed May 5, 2022.

[39] Luna Sun, "China Population: Article Demanding Communist Party Members Have Three Children Goes Viral," *South China Morning Post,* December 9, 2021.

[40] Brenda Goh and Albee Zhang, "Union Matchmakers a Turn-off, Say Chinese Web Users as Birth Rate Debate Heats Up," *Reuters,* March 9, 2022.

[41] Brenda Goh and Albee Zhang, "Union Matchmakers a Turn-off, Say Chinese Web Users as Birth Rate Debate Heats Up," *Reuters,* March 9, 2022.

[42] State Council, "Zhongguo Funu Fazhan Gangyao (2021–2031 nian)" [Outline for the Development of Chinese Women (2021–2030)], issued September 8, 2021, sec. 2(1.6).

[43] State Council, "Zhongguo Funu Fazhan Gangyao (2021–2030 nian)" [Outline for the Development of Chinese Women (2021–2030)], issued September 8, 2021, sec. 2(1.6); Vivian Wang, "China's Vow to Reduce Abortions Sparks Public Worries," *New York Times,* September 27, 2021; Zhong Yuhao, "Zhongguo Jishengxie: Jinnian kaizhan weihun renqun rengong liuchan ganyu zhuanxiang xingdong" [China Family Planning Association: This year, we will launch a special campaign for abortion intervention for unmarried people], *The Paper,* February 9, 2022; Mimi Lau, "China's Family Planning Agency Says It Will 'Intervene' in Abortions for Unmarried Women, Teens," *South China Morning Post,* February 11, 2022.

[44] State Council, "Zhongguo Funu Fazhan Gangyao (2021–2030 nian)" [Outline for the Development of Chinese Women (2021–2030)], issued September 8, 2021, sec. 2(1.6).

[45] "Zhongguo Jihua Shengyu Xiehui 2022 nian gongzuo yaodian" [China Family Planning Association key work for 2022], January 27, 2022; Qiao Long and Chingman, "China Orders 'Interventions' to Prevent Teen and Single-Parent Abortions," *Radio Free Asia,* February 10, 2022; Zhong Yuhao, "Zhongguo Jishengxie: Jinnian kaizhan weihun renqun rengong liuchan ganyu zhuanxiang xingdong" [China Family Planning Association: This year, we will launch a special campaign for abortion intervention for unmarried people], *The Paper,* February 9, 2022.

[46] Yi Fuxian, "China's Abortion Problem Can't Be Regulated Away," *Project Syndicate,* April 14, 2022.

[47] Adam Minter, "As China Limits Vasectomies, Many Ask What's Next," *Bloomberg,* December 16, 2021. See also Alicia Chen, Lyric Li, and Lily Kuo, "In Need of a Baby Boom, China Clamps Down on Vasectomies," *Washington Post,* October 9, 2021.

[48] Adam Minter, "As China Limits Vasectomies, Many Ask What's Next," *Bloomberg,* December 16, 2021. See also Alicia Chen, Lyric Li, and Lily Kuo, "In Need of a Baby Boom, China Clamps Down on Vasectomies," *Washington Post,* October 9, 2021.

[49] *The Future of Women in China: #MeToo, Censorship, and Gender Inequality, Hearing of the Congressional-Executive Commission on China,* 117th Congress, (2022) (testimony of Mei Fong, Chief Communications Officer, Human Rights Watch).

[50] Alice Yan, "Call for China to Support Single Women Over 30 to Give Birth to One Child as Country's Population Ages," *South China Morning Post,* March 8, 2022; "Political Advisor Proposes to Allow Unmarried Women Aged Over 30 with One Child to Gain Access to Maternity Leave, Insurance," *Global Times,* March 5, 2022.

[51] Luna Sun, "China's Population Crisis: 5 Ways Beijing Is Trying to Tackle a Worryingly Low Birth Rate," *South China Morning Post,* January 1, 2022.

[52] Luna Sun, "China's Population Crisis: 5 Ways Beijing Is Trying to Tackle a Worryingly Low Birth Rate," *South China Morning Post,* January 1, 2022.

[53] Luna Sun, "China's Population Crisis: 5 Ways Beijing Is Trying to Tackle a Worryingly Low Birth Rate," *South China Morning Post,* January 1, 2022; "Chinese City Offers Subsidies to Families with Multiple Children," *Xinhua,* July 28, 2021.

[54] Zhong Yuhao, "Xiangyin, Hunan huiying 'nongcun daling nan qingnian ze'ou nan': guli nu qingnian liu zai jiaxiang" [Xiangyin, Hunan, responds to the 'difficulty in choosing a spouse for older men in rural areas': encouraging young women to stay in their hometowns], *The Paper,* October 5, 2021.

[55] Yong Cai and Wang Feng, "The Social and Sociological Consequences of China's One-Child Policy," *Annual Review of Sociology* 47, no. 1 (2021): 601.

[56] Emily Feng, "China's Former 1-Child Policy Continues to Haunt Families," *NPR,* July 4, 2021.

[57] Zhu Xuan, "Nanzi 4 sui bei guai 33 nian hou shouhui ditu zhaodao mama: xiang huijia shi yi zhong benneng" [Thirty-three years after being kidnapped as four-year-old boy, man uses a hand-drawn map to find his mom: wanting to return home is an instinct], *The Paper,* December 30, 2021; Jessie Yeung, "Map Drawn from Memory Helps Man Reunite with Family Decades after Abduction," *CNN,* January 3, 2022.

[58] Samantha A. Vortherms, "China's Missing Children: Political Barriers to Citizenship through the Household Registration System," *China Quarterly* 238 (June 2019): 309.

[59] Samantha A. Vortherms, "China's Missing Children: Political Barriers to Citizenship through the Household Registration System," *China Quarterly* 238 (June 2019): 309.

[60] Samantha A. Vortherms, "China's Missing Children: Political Barriers to Citizenship through the Household Registration System," *China Quarterly* 238 (June 2019): 309; Kam Wing Chan, "China's Hukou Reform Remains a Major Challenge to Domestic Migrants in Cities," *World Bank Blogs,* December 17, 2021. See also John James Kennedy and Yaojiang Shi, *Lost and Found: The "Missing Girls" in Rural China* (New York: Oxford University Press, 2019), 8–12.

[61] Calvin Oliver, "The Hukou Impact on the Welfare of Children," *European Guanxi,* November 8, 2021.

[62] Ayushi Singh Ahluwalia, "Impact of China's One-Child Policy on Women," *The Geopolitics,* July 23, 2021; Yong Cai and Wang Feng, "The Social and Sociological Consequences of China's One-Child Policy," *Annual Review of Sociology* 47 (2021): 593.

[63] Ayushi Singh Ahluwalia, "Impact of China's One-Child Policy on Women," *The Geopolitics,* July 23, 2021; Yong Cai and Wang Feng, "The Social and Sociological Consequences of China's One-Child Policy," *Annual Review of Sociology* 47 (2021): 593.

[64] Rita Cheng, "Women Harmed by China's Draconian Family Planning Policies Still Seek Redress," *Radio Free Asia,* April 8, 2022.

[65] Rita Cheng, "Women Harmed by China's Draconian Family Planning Policies Still Seek Redress," *Radio Free Asia,* April 8, 2022.

[66] Rita Cheng, "Women Harmed by China's Draconian Family Planning Policies Still Seek Redress," *Radio Free Asia,* April 8, 2022.

[67] Rita Cheng, "Women Harmed by China's Draconian Family Planning Policies Still Seek Redress," *Radio Free Asia,* April 8, 2022.

[68] Rita Cheng, "Women Harmed by China's Draconian Family Planning Policies Still Seek Redress," *Radio Free Asia,* April 8, 2022.

[69] Emily Feng, "China's Former 1-Child Policy Continues to Haunt Families," *NPR,* July 4, 2021; Andrew Mullen, "Explainer: China's One-Child Policy: What Was It and What Impact Did It Have?," *South China Morning Post,* June 1, 2021.

[70] Zhibo Tan, Shang-Jin Wei, and Xiaobo Zhang, "Deadly Discrimination: Implications of 'Missing Girls' for Workplace Safety," *Journal of Development Economics* 152, (September 2021): 1, 8; Cheryl Heng, "China Home to 30 Million Men in Search of a Bride, Census Shows," *South China Morning Post,* May 17, 2021; Eleanor Olcott, "China's Chained Woman Exposes Horror of Beijing's One-Child Policy," *Financial Times,* March 7, 2022. See also Heather Barr, "China's Bride Trafficking Problem," *The Diplomat,* October 30, 2019.

[71] Zhibo Tan, Shang-Jin Wei, and Xiaobo Zhang, "Deadly Discrimination: Implications of 'Missing Girls' for Workplace Safety," *Journal of Development Economics* 152, (September 2021): 1, 8.

[72] Zhibo Tan, Shang-Jin Wei, and Xiaobo Zhang, "Deadly Discrimination: Implications of 'Missing Girls' for Workplace Safety," *Journal of Development Economics* 152, (September 2021): 1.

[73] Emily Feng, "China's Former 1-Child Policy Continues to Haunt Families," *NPR,* July 4, 2021.

[74] Emily Feng, "China's Former 1-Child Policy Continues to Haunt Families," *NPR,* July 4, 2021.

[75] Eleanor Olcott, "China's Chained Woman Exposes Horror of Beijing's One-Child Policy," *Financial Times,* March 8, 2022.

[76] Eleanor Olcott, "China's Chained Woman Exposes Horror of Beijing's One-Child Policy," *Financial Times,* March 8, 2022.

[77] Orange Wang and Luna Sun, "China's Population Up Less than Half a Million in 2021, Births Plunge Again as Crisis Deepens," *South China Morning Post,* February 4, 2022; National Bureau of Statistics of China, "Wang Pingping: renkou zongliang baochi zengzhang

chengzhenhua shuiping wenbu tisheng" [Wang Pingping: Total population has steadily increased and the level of urbanization has steadily risen], January 18, 2022; National Bureau of Statistics of China, "Diqi ci quanguo renkou pucha zhuyao shuju qingkuang" [Main data of the seventh national census], May 11, 2021. For the total number of births reported for 2019, see National Bureau of Statistics of China, "2019 nian guomin jingji yunxing zongti pingwen fazhan zhuyao yuqi mubiao jiaohao shixian" [National economy was generally stable in 2019 with main projected targets for development achieved], January 17, 2020. For the total number of births reported for 2018, see National Bureau of Statistics of China, "2018 nian jingji yunxing baochi zai heli qujian fazhan de zhuyao yuqi mubiao jiao hao wancheng" [The economy moved within reasonable range in 2018, main expected development targets were reached], January 21, 2019. For the total number of births reported for 2017, see National Bureau of Statistics of China, "2017 nian jingji yunxing wenzhong xianghao, hao yu yuqi" [The economy was stable in 2017, exceeding expectations], January 18, 2018. See also Robin Brant, "China Census: Data Shows Slowest Population Growth in Decades," *BBC,* May 11, 2021.

[78] Orange Wang and Luna Sun, "China's Population Up Less than Half a Million in 2021, Births Plunge Again as Crisis Deepens," *South China Morning Post,* February 4, 2022; Sui-Lee Wee, "China's 'Long-Term Time Bomb': Falling Births Stunt Population Growth," *New York Times,* May 31, 2021; Ren Zeping, Xiong Chai, and Zhou Zhe, "Ren Zeping: Jianyi liji quanmian fangkai bing guli shengyu" [Ren Zeping: [(We) recommend immediate and complete liberalization and encouragement of childbearing], *Zeping Hongguan,* reprinted in *China Finance Online,* April 6, 2020; Fuxian Yi, "China's Population Numbers Are Almost Certainly Inflated to Hide the Harmful Legacy of Its Family Planning Policy," *South China Morning Post,* July 20, 2019.

[79] "At Least 6 Chinese Provincial-Level Regions Show Declining Population in 2021," *Global Times,* March 15, 2022.

[80] "At Least 6 Chinese Provincial-Level Regions Show Declining Population in 2021," *Global Times,* March 15, 2022.

[81] Lin Xiaozhao, "16 shengfen qunian chusheng renkou shuju chulu: Shandong 5 nian xiajiang 57.6%" [Last year's birth data for 16 provinces released: Shandong dropped by 57.6 percent in 5 years], *China Business News,* March 20, 2022.

[82] Yang Zhijin, "Yanghang huobi zhengce weiyuanhui weiyuan Cai Fang: 2022 nian Zhongguo renkou zongliang huo da fengzhi" [Cai Fang, member of the Central Bank's Monetary Policy Committee: China's population may peak in 2022], *21jingji.com,* March 19, 2022.

[83] "Wang Pingping: renkou zongliang baochi zengzhang chengzhenhua shuiping wenbu tisheng" [Wang Pingping: Total population has steadily increased and the level of urbanization has steadily risen], *Economic Daily,* January 18, 2022; Orange Wang and Luna Sun, "China's Population Up Less than Half a Million in 2021, Births Plunge Again as Crisis Deepens," *South China Morning Post,* January 17, 2022.

[84] Orange Wang and Luna Sun, "China's Population Up Less than Half a Million in 2021, Births Plunge Again as Crisis Deepens," *South China Morning Post,* January 17, 2022. See also Orange Wang, "China Population: Forget 2 or 3 Kids, Getting Couples to Have the First 'Most Pressing Problem,'" *South China Morning Post,* January 6, 2022.

HUMAN TRAFFICKING

Findings

- In April 2022, the Standing Committee of the National People's Congress ratified the International Labour Organization's (ILO) Forced Labor and Abolition of Forced Labour conventions. The People's Republic of China's (PRC) multiple violations of forced labor human rights standards diminish any meaningful expectations that the government will work in good faith to meet the newly ratified ILO forced labor conventions, according to a human rights advocate.
- In November 2021, scholar Adrian Zenz and the Victims of Communism Memorial Foundation published an analysis of leaked classified official documents that are known as the Xinjiang Papers. The analysis found that forced labor programs in the Xinjiang Uyghur Autonomous Region (XUAR) were implemented in order to comply with "explicit statements and demands" made by PRC officials, including Chinese leader Xi Jinping. Chinese government-sponsored forced labor in the XUAR is a form of human trafficking under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).
- In February 2022, the ILO released the annual report of the Committee of Experts on the Application of Conventions and Recommendations. The Committee requested that the Chinese government review, repeal, and revise its forced labor and detention policies in order to end discrimination against ethnic minorities in the XUAR.
- A 2022 article in the American Journal of Transplantation found 71 organ transplant cases between 1980 and 2015 in which the removal of organs was the likely cause of an individual's death. Under the Palermo Protocol, the "abuse of power or of a position of vulnerability" to achieve consent in the removal of organs is a form of human trafficking.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Fully implement the Uyghur Forced Labor Prevention Act (UFLPA) which was signed into law in December 2021 and went into effect in June 2022. Congress should consider increased funding to Customs and Border Protection (CBP) to bolster CBP enforcement of the UFLPA.
- ○ Monitor and support the Tier 3 designation for China in the annual U.S. State Department Trafficking in Persons Report. As part of that designation, employ the actions described in Section 110 of the Trafficking Victims Protection Act of 2000 (TVPA) as amended (22 U.S.C. 7107) to address government-sponsored forced labor. Ensure that significant traffickers in persons in China are identified and sanctioned. Traffickers can be sanctioned under Section 111 of the TVPA as amended (22 U.S.C. 7108).

Human Trafficking

○ Consider actions, including through legislation as needed, that bolster supply chain transparency, including by requiring supply chain mapping, disclosure, comprehensive human rights due diligence, and country of origin labels for goods purchased and sold online.
○ Provide humanitarian pathways for victims of human trafficking in the PRC, including protections for those seeking asylum to ensure they are not deported to the PRC and are resettled in countries that have no extradition agreement with China, including the United States.

HUMAN TRAFFICKING

Defining Human Trafficking under the Palermo Protocol

As a State Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol),[1] China is obligated to combat human trafficking and enact legislation criminalizing human trafficking as defined in the Palermo Protocol.[2] The Palermo Protocol definition of human trafficking comprises three components:

- the action of recruiting, transporting, harboring, or receiving persons;
- the means of coercion, deception, or control; and
- the purpose of exploitation, including sexual exploitation, forced labor, or the forced removal of organs.[3]

Under the Palermo Protocol, crossing international borders is not required for an action to constitute human trafficking, such as in cases of government-sponsored forced labor.[4]

PRC Criminal Law and the Palermo Protocol

The definition of human trafficking under the PRC Criminal Law[5] remains inconsistent with Palermo Protocol standards.[6] Chinese law focuses on the act of selling a woman or child,[7] rather than on the purpose of exploitation.[8] Furthermore, while forced labor is illegal under the Criminal Law,[9] its definition of trafficking does not clearly cover all forms of trafficking listed in the Palermo Protocol,[10] including certain types of non-physical coercion,[11] offenses against male victims,[12] and forced labor.[13]

Cross-Border Trafficking

China is both a source and destination country for human trafficking across international borders. During the Commission's 2022 reporting year, China remained[14] a destination country for trafficking, particularly of women and children from Southeast Asia.[15] In addition, China was a source country for trafficking to Cambodia.[16] Furthermore, the Commission observed reports that Indonesian and Filipino nationals on board Chinese-flagged distant-water fishing vessels were subjected to conditions that the ILO lists as indicators of forced labor.[17]

Domestic Trafficking

During this reporting year, the National Bureau of Statistics of China (NBS) reported anti-trafficking efforts by the PRC government, and the Commission continued to observe reports of domestic human trafficking. Citing statistics from 2020, the NBS reported a continued campaign against human trafficking of children and further revealed that 4,858 abducted children had been recovered since 2016.[18] This figure likely includes cases of illegal adoption.[19]

Individuals Likely Killed as a Result of Organ Removal in China

A January 2022 study in the American Journal of Transplantation highlighted evidence of unethical surgical activity with regard to organ donors' status and informed consent at the time of surgery. The study examined a total of 2,838 Chinese-language "transplant-related papers published in scientific journals" from 1980 to 2015 in order to determine whether or not the organs discussed in the papers were procured from living or brain-dead donors.[20] The authors found 71 cases of heart and lung transplants in which "the removal of the heart during organ procurement must have been the proximate cause of the donor's death."[21] The reliance on organ procurement from prisoners sentenced in death penalty cases prior to 2015 sustains the authors' observation that almost all the organs discussed in the scientific papers examined in the article came from prisoners in China.[22] Additionally, the authors noted that "the inherently coercive circumstances in which condemned prisoners are held impairs their (or their families') capacity to give free and informed consent to donate organs upon death."[23] The authors described their findings as consistent with previous "anecdotal and textual" accounts provided by Falun Gong-affiliated organizations that alleged organ harvesting from prisoners of conscience.[24] Under the Palermo Protocol, the "abuse of power or of a position of vulnerability" to achieve consent in the removal of organs is a form of human trafficking.[25]

Human Trafficking and the Case of the Chained Woman

Mei Fong, Chief Communications Officer at Human Rights Watch and author of a book on China's one-child policy, testified at a March 2022 Commission hearing that "the one-child policy has created a huge shortage of women and hence a surge in bride trafficking in China as well as countries across the region."[26] She went on to discuss the case of the "chained woman" that emerged in early 2022, describing it as "a representation of some of the ongoing concerns with human trafficking."[27] In January 2022, a video went viral on the Chinese social media app Weibo, depicting a woman chained in a shed in Feng county, Xuzhou municipality, Jiangsu province.[28] Local officials initially claimed that the woman was not a victim of human trafficking.[29] After social media backlash, local officials issued another statement saying that she had been diagnosed with schizophrenia and that they were investigating her husband.[30]

A provincial Party committee and government investigation team from Xuzhou determined that the woman was originally from Fugong county, Nujiang Lisu Autonomous Prefecture, Yunnan province.[31] According to the investigation, in 1998 an individual brought her to Jiangsu on the pretext of helping her get medical treatment.[32] In Jiangsu, she was sold multiple times before being sold to her husband.[33] Officials believed that her husband had kept her chained in the shed since 2017.[34] She had given birth to eight children, all of whom authorities identified as the children of her and her husband.[35] Public security officials criminally detained several individuals on suspicion of human trafficking, including her husband.[36] Officials suspected her husband of abuse for chaining her and denying her medical treatment.[37]

Human Trafficking and the Case of the Chained Woman—Continued

The case of the chained woman continued to attract widespread attention for some time on Chinese social media[38] despite domestic censorship. An NPR article described a February 2022 post by the investigation team as the "top trending topic on social media, exceeding public interest in the Winter Olympics that week."[39] According to a February article in the Wall Street Journal, the social media account of the individual "who originally posted the video . . . on Douyin, China's version of TikTok, could no longer be found," and some discussions on Weibo about the woman were no longer accessible.[40] [For more information, see Section VI—Status of Women and Population Control, and Section VIII—Public Health.]

Forced Labor in the Xinjiang Uyghur Autonomous Region

FORCED LABOR LINKED TO STATEMENTS BY PRC LEADERSHIP

In November 2021, scholar Adrian Zenz and the Victims of Communism Memorial Foundation, a non-governmental organization in Washington, D.C., published an analysis of leaked classified official documents obtained by the London-based independent tribunal known as the Uyghur Tribunal. The new analysis uncovered a more prominent role by PRC leaders in the forced labor scheme than previously understood, linking government-sponsored forced labor to "explicit statements and demands by central government figures," including Xi Jinping.[41] The documents were part of the Xinjiang Papers, a cache of internal official documents which the New York Times reported on in 2019.[42] While the 2019 analysis of the Xinjiang Papers showed the officially directed nature of the repression of ethnic minorities in the XUAR, it had not strongly linked the repression, including programs tied to forced labor, directly to Chinese Communist Party General Secretary Xi Jinping.[43]

The Xinjiang Papers contained speeches made in May 2014 by Xi Jinping, Premier Li Keqiang, and then member of the Standing Committee of the Communist Party Central Committee Political Bureau Yu Zhengsheng at the Second Central Xinjiang Work Forum.[44] In their speeches, Xi Jinping, Li Keqiang, and Yu Zhengsheng all emphasized the need for officials to address unemployment as a key factor in the stability of the region, with Yu mentioning that "labor intensive industries," and specifically the "textile and garment industry," should be encouraged to move production to the XUAR in order to promote employment and stability.[45] In his speech, Xi said that such employment could cause ethnic minorities to ". . . imperceptibly study Chinese culture," and that authorities should ". . . expand the scale of ethnic minorities going from Xinjiang to eastern parts of China for education, employment, and residence . . ." in order to "promote ethnic unity."[46] Analysis by Zenz of publicly available evidence found that in 2016, local government officials perceived these speeches as "containing the 'strategic deployment of the Party Central Committee for Xinjiang work.'"[47]

Human Trafficking

In this reporting year and in previous reporting years,[48] the Commission observed strong connections between PRC government-sponsored forced labor and (1) labor transfer programs within and from the XUAR;[49] (2) the "Xinjiang Aid" program (*duikou yuanjiang*);[50] and (3) work in the textile and garment industries in the XUAR.[51] Labor transfer programs moved individuals who are from rural areas to factories and cotton fields.[52] The "Xinjiang Aid" program has encouraged local governments and companies in other parts of China either to invest in factories and industrial parks in the XUAR or to recruit ethnic minority workers from the XUAR to work in factories in other parts of China.[53]

AUTHORITIES CONTINUED TO PLACE INDIVIDUALS INTO FORCED LABOR

According to subsequent research published by Zenz in June 2022, XUAR authorities intensified and institutionalized the placement of Turkic Muslims into forced labor situations, likely forcing hundreds of thousands of mass internment camp detainees to work within the XUAR and transferring millions of "rural surplus laborers" within and outside of the XUAR.[54] Zenz's research indicates that authorities increased "the scope and scale" of forced labor transfers in 2021 and published plans to move increasing numbers of rural laborers into industrial work, as well as to train workers in coercive labor programs in higher skilled labor.[55]

GOVERNMENT-SPONSORED FORCED LABOR CONTRAVENES CHINA'S INTERNATIONAL OBLIGATIONS

PRC government-sponsored forced labor contravenes international human rights standards and China's international obligations. Government-sponsored forced labor programs in the XUAR[56] constitute human trafficking under the Palermo Protocol[57] and a crime against humanity under the Rome Statute.[58] In February 2022, the International Labour Organization (ILO) released the annual report of the Committee of Experts on the Application of Conventions and Recommendations.[59] The Committee expressed its ". . . deep concern in respect of the policy directions expressed in numerous national and regional policy and regulatory documents . . ." with regard to the government's detention and labor policies among ethnic minorities from the XUAR.[60] The Committee requested that the Chinese government review, repeal, and revise its policies in order to serve ethnic minority individuals in the XUAR rather than discriminate against them.[61] According to the report, as a signatory to the ILO's Discrimination (Employment and Occupation) Convention (C111), China is obligated to create a ". . . national policy to promote equality of opportunity and treatment and eliminate discrimination in respect of employment and occupation," and ". . . to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with such policy."[62] In April 2022, the National People's Congress Standing Committee ratified the ILO's Forced Labour Convention of 1930 (C029) and Abolition of Forced Labour Convention of 1957 (C105).[63] C029 requires countries to prohibit the use of forced labor and make the use of forced labor "punishable as a penal offence."[64]

Countries that ratify C105 are prohibited from using forced labor "as a means of political coercion or education" or "as a means of racial, social, national or religious discrimination."[65] According to a human rights advocate, the PRC's multiple violations of international human rights standards on forced labor diminished meaningful expectations that the government will work in good faith to meet the ILO forced labor conventions.[66] [For more information on forced labor and other human rights violations in the XUAR, see Section X—Xinjiang. For more information on corporate involvement in forced labor in the XUAR, see Section VIII—Business and Human Rights.]

Notes to Section VI—Human Trafficking

[1] United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, accessed June 10, 2022, art. 12.

[2] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, arts. 5.1, 9.1. See also UN Human Rights Council, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Maria Grazia Giammarinaro, A/HRC/35/37, March 28, 2017, para. 14.

[3] UN Office on Drugs and Crime, "The Crime," accessed July 21, 2022. Note that for children younger than 18 years old, the means described in Article 3(a) are not required for an action to constitute human trafficking; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d). For information on how international standards regarding forced labor fit into the framework of the Palermo Protocol, see International Labour Office, International Labour Organization, "Human Trafficking and Forced Labour Exploitation: Guidelines for Legislation and Law Enforcement," 2005, 7–15; International Labour Organization, "Questions and Answers on Forced Labour," June 1, 2012. The International Labour Organization lists "withholding of wages" as an indicator of forced labor. See also Peter Bengsten, "Hidden in Plain Sight: Forced Labour Constructing China," *openDemocracy,* February 16, 2018.

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a); Anti-Slavery International, "What Is Human Trafficking?," accessed July 21, 2022; Human Rights Watch, "Smuggling and Trafficking Human Beings," July 7, 2015; Rebekah Kates Lemke, "7 Things You May Not Know about Human Trafficking, and 3 Ways to Help," Catholic Relief Services, January 5, 2020. For examples of human trafficking reports that list government-sponsored forced labor in China as part of human trafficking, see Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," June 2020, 10, 153–57; "Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region," Congressional-Executive Commission on China, March 2020, 9.

[5] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240. For a discussion of the human trafficking related provisions of the PRC Criminal Law, see Laney Zhang, "Training Related to Combating Human Trafficking: China," Library of Congress, February 16, 2016.

[6] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). Topics that need to be addressed in domestic human trafficking legislation to bring Chinese law into compliance with the Palermo Protocol include the addition of non-physical forms of coercion into the legal definition of trafficking, the trafficking of men, and providing the "purpose of exploitation." For an examination of the ways in which Chinese laws are inconsistent with the Palermo Protocol, see Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 148–77. See also CECC, *2020 Annual Report,* December 2020, 176.

[7] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240. The PRC Criminal Law defines trafficking as "swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim]." In contrast, the purpose of exploitation is a key determinant of the Palermo Protocol definition of human trafficking. For reports from the Commission's 2022 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale as exploitation, see, e.g., "Man from C. China Reunites with Son Abducted 14 Years Ago by Efforts of Police via DNA Analysis," *Global Times,* December 6, 2021; Mandy Zuo, "Man in China Jailed after Selling His 5 Children to Human Traffickers," *South China Morning Post,* December 15, 2021.

[8] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a); Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 159. See also UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, para. 28.173; Report of the Working Group on the Universal Periodic Review—China (Addendum), A/HRC/40/6/Add.1, February 15, 2019, para. 28.173. In response to a recommendation from Ukraine at China's Universal Periodic Review requesting that China "[e]laborate comprehensive anti-trafficking legislation that provides for the criminalization of all forms of trafficking," the Chinese government stated that the recommendation was "[a]ccepted and already implemented."

[9] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 244. For a discussion of the human trafficking related provisions of the PRC Criminal Law, see Laney Zhang, "Training Related to Combating Human Trafficking: China," Library of Congress, February 2016.

[10] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 151, 166–7; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also UN Office on Drugs and Crime, "The Crime," accessed July 21, 2022.

[11] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 159; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a).

[12] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 160, 166; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). The PRC Criminal Law defines trafficking as "swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim]." See also "Sifa da shuju zhuanti baogao zhi she guai fanzui" [Judicial big data special report on crimes involving trafficking], Supreme People's Court Information Center and Judicial Cases Research Institute, December 22, 2016, 11.

[13] Bonny Ling, "Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 159; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a).

[14] For information on cross-border trafficking to and from China in previous reporting years, see CECC, *2021 Annual Report,* March 2022, 164; CECC, *2020 Annual Report,* December 2020, 177; CECC, *2019 Annual Report,* November 18, 2019, 160; CECC, *2018 Annual Report,* October 10, 2018, 178–79.

[15] See, e.g., "COVID-19 Drives New Surge in Trafficking of Women from Laos to China," *Radio Free Asia,* July 3, 2021; Sen Nguyen, "Young Members of Ethnic Minority Groups Most at Risk in Vietnam-China Human Trafficking Trade: Report," *South China Morning Post,* July 8, 2021.

[16] Cindy Liu and Marta Kasztelan, "Online Fraud: How Chinese Nationals Forced to Run Internet Scams in Cambodia Earn Millions for Their Captors, Sometimes Paying with Their Lives," *South China Morning Post,* January 30, 2022; Alice Yan, "'Blood Slave' Kidnapped by Chinese Crime Gang in Cambodia Drained for Months and Threatened with Organ Harvesting." *South China Morning Post,* February 17, 2022.

[17] These indicators are debt bondage, physical violence, excessive overtime, and abusive living conditions. Mongabay, Tansa, and the Environmental Reporting Collective, "Worked to Death: How a Chinese Tuna Juggernaut Crushed Its Indonesian Workers," September 13, 2021; International Labour Organization, "ILO Indicators of Forced Labor," October 1, 2012, 1, 2. Under international law, China has jurisdiction over Chinese-flagged distant water fishing vessels. UN Convention on the Law of the Sea, adopted by the Third UN Conference on the Law of the Sea on December 10, 1982, entry into force November 16, 1994, art. 94(2)(b), (3)(b), (6); United Nations Treaty Collection, Chapter XXI, Law of the Sea, UN Convention on the Law of the Sea, accessed March 24, 2022. See also CECC *2021 Annual Report,* March 2022, 165.

[18] National Bureau of Statistics of China, "'Zhongguo Ertong Fazhan Gangyao (2011–2020 nian)' zhongqi tongji jiance baogao" ["Chinese Children's Development Summary (2011–2020)" final statistical monitoring report], December 21, 2021, sec. 1(5)(2).

[19] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240. The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling [the victim]." The illegal sale of children for adoption thus can be considered trafficking under Chinese law. In contrast, under the Palermo Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also UN General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretive Notes for the Official Records (*Travaux Préparatoires*) of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, A/55/383/Add.1, November 3, 2000, para. 66.

[20] The determination of brain-death—called the "dead donor rule"—is a prerequisite for the ethical procurement of organs. Matthew P. Robertson and Jacob Lavee, "Execution by Organ Procurement: Breaching the Dead Donor Rule in China," *American Journal of Transplantation,* (January 19, 2022): 1–3.

[21] Matthew P. Robertson and Jacob Lavee, "Execution by Organ Procurement: Breaching the Dead Donor Rule in China," *American Journal of Transplantation,* (January 19, 2022): 1, 3, 6.

[22] Olivia Geng and Laurie Burkitt, "China to Halt Harvesting of Organs from Executed Prisoners for Transplant," *Wall Street Journal,* December 14, 2014; Matthew P. Robertson and Jacob Lavee, "Execution by Organ Procurement: Breaching the Dead Donor Rule in China," *American Journal of Transplantation,* (January 19, 2022): 2.

[23] Matthew P. Robertson and Jacob Lavee, "Execution by Organ Procurement: Breaching the Dead Donor Rule in China," *American Journal of Transplantation,* (January 19, 2022): 6.

[24] Matthew P. Robertson and Jacob Lavee, "Execution by Organ Procurement: Breaching the Dead Donor Rule in China," *American Journal of Transplantation,* April 4, 2022, 1, 4, 6–7. While the latest date of sources that comprise the dataset used by the researchers was in 2015, they state that "if prisoners—of whatever sort—are indeed still being used as an organ source, we think it is most rational to believe that the procurement of their organs continues to occasion violations of the DDR." For prior anecdotal and textual claims, see World Organization to Investigate the Persecution of Falun Gong, "Zhongguo dalu yixue zhuanye lunwen zhong youguan Zhonggong huoti zhai qu Falun Gong xueyuan qiguan de zhengju" [Evidence of the CCP harvesting of organs from Falun Gong practitioners in medical papers in mainland China], September 24, 2014.

[25] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3.

[26] *The Future of Women in China: #MeToo, Censorship, and Gender Inequality, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2022) (testimony of Mei Fong, Chief Communications Officer, Human Rights Watch), 22:57, 39:36.

[27] *The Future of Women in China: #MeToo, Censorship, and Gender Inequality, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2022) (testimony of Mei Fong, Chief Communications Officer, Human Rights Watch), 39:36. See also Aowen Cao and Emily Feng, "The Mystery of the Chained Woman in China" *NPR,* February 17, 2022.

[28] Liyan Qi, "In China, Footage of a Chained-Up Rural Mother of Eight Draws Outcry," *Wall Street Journal,* February 1, 2022.

[29] Chinese Communist Party Feng County Propaganda Department, "Guanyu wangmin fanying 'shengyu ba hai nuzi' de qingkuang shuoming" [Statement regarding the situation of online reports of the "Woman who gave birth to eight children"], QQ, January 28, 2022; Liyan Qi, "In China, Footage of a Chained-Up Rural Mother of Eight Draws Outcry," *Wall Street Journal,* February 1, 2022.

[30] Xuzhou Municipal Party Committee and Government Joint Investigation Team, "'Fengxian shengyu ba hai nuzi diaocha jinzhan qingkuang" [Investigation progress regarding the situation of "The Feng County woman who gave birth to eight children"], QQ, February 7, 2022; Liyan Qi, "In China, Footage of a Chained-Up Rural Mother of Eight Draws Outcry," *Wall Street Journal,* February 1, 2022.

[31] "'Fengxian shengyu ba hai nuzi' shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren" [13 questions on the case of "The Feng County woman who gave birth to eight children"—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua,* February 23, 2022; Aowen Cao and Emily Feng, "The Mystery of the Chained Woman in China" *NPR,* February 17, 2022.

[32] "'Fengxian shengyu ba hai nuzi' shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren" [13 questions on the case of "The Feng County woman who gave birth to eight children"—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua,* February 23, 2022.

[33] "'Fengxian shengyu ba hai nuzi' shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren" [13 questions on the case of "The Feng County woman who gave birth to eight children"—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua,* February 23, 2022.

[34] "'Fengxian shengyu ba hai nuzi' shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren" [13 questions on the case of "The Feng County woman who gave birth to eight children"—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua,* February 23, 2022.

[35] "'Fengxian shengyu ba hai nuzi' shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren" [13 questions on the case of "The Feng County woman who gave birth to eight children"—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua,* February 23, 2022.

[36] "'Fengxian shengyu ba hai nuzi' shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren" [13 questions on the case of "The Feng County woman who gave birth to eight children"—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua,* February 23, 2022; Aowen Cao and Emily Feng, "The Mystery of the Chained Woman in China" *NPR,* February 17, 2022.

[37] "'Fengxian shengyu ba hai nuzi' shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren" [13 questions on the case of "The Feng County woman who gave birth to eight children"—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua,* February 23, 2022.

[38] Xuzhou Municipal Party Committee and Government Joint Investigation Team, "'Fengxian shengyu ba hai nuzi' diaocha jinzhan qingkuang" [Investigation progress regarding the situation of "The Feng County woman who gave birth to eight children"], QQ, February 7, 2022; Aowen Cao and Emily Feng, "The Mystery of the Chained Woman in China" *NPR,* February 17, 2022.

[39] Aowen Cao and Emily Feng, "The Mystery of the Chained Woman in China" *NPR,* February 17, 2022.

[40] Liyan Qi, "In China, Footage of a Chained-Up Rural Mother of Eight Draws Outcry," *Wall Street Journal,* February 1, 2022.

[41] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 3; Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: Document No. 2," December 13, 2021, 15.

[42] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 2, 3. See also Austin Ramzy and Chris Buckley, "'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims," *New York Times,* November 16, 2019; CECC, *2020 Annual Report,* December 2020, 298–99.

[43] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 2, 3. See also Austin Ramzy and Chris Buckley, "'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims," *New York Times,* November 16, 2019.

[44] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 7.

[45] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: Document No. 2," December 13, 2021, 20, 39, 40, 65, 72.

[46] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: Document No. 2," December 13, 2021, 15, 20.

[47] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 9, 10.

[48] For more information on the connections between forced labor and the "Xinjiang Aid" program, labor transfers, and textile and garment industries, see CECC, *2021 Annual Report,* March 2022, 166–67, 213–4, 278–79; CECC, *2020 Annual Report,* December 2020, 178–9, 237–41, 302–3; CECC, *2019 Annual Report,* November 2019, 162, 205–7, 272.

[49] "'To Make Us Slowly Disappear': The Chinese Government's Assault on the Uyghurs," *Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum,* November 2021, 32.

[50] This program is also translated as "Pairing Assistance," "Mutual Pairing Assistance," or "Pairing Program." Vicky Xiuzhong Xu, Danielle Cave, James Leibold, et al., "Uyghurs for Sale: 'Reeducation,' Forced Labour and Surveillance beyond Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020; Amy K. Lehr and Mariefaye Bechrakis, "Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Supply Chains," Center for Strategic and International Studies, October 2019, 9–10, Annex 3; Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019). See also "Xi Jinping zai di'er ci Zhongyang Xinjiang Gongzuo Zuotanhui shang fabiao zhongyao jianghua" [Xi Jinping delivers important speech at second Central Xinjiang Summit], *People's Daily,* May 30, 2014.

[51] See, e.g., Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021; Emily Feng, "Forced Labour Being Used in China's 'Re-Education' Camps," *Financial Times,* December 15, 2018; Dake Kang, Martha Mendoza, and Yanan Wang, "US Sportswear Traced to Factory in China's Internment Camps," *Associated Press,* December 19, 2018.

[52] See, e.g., Adrian Zenz, "Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton" Newlines Institute for Strategy and Policy, December 2020, 15; Alice Su, "China Fulfills a Dream to End Poverty. Not All Poor People Are Feeling Better Off," *Los Angeles Times,* November 27, 2020.

[53] Vicky Xiuzhong Xu, Danielle Cave, James Leibold, et al., "Uyghurs for Sale: 'Reeducation,' Forced Labour and Surveillance beyond Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020; Amy K. Lehr and Mariefaye Bechrakis, "Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Supply Chains," Center for Strategic and International Studies, October 2019, 9–10, Annex 3; Adrian Zenz, "Beyond the Camps: Beijing's Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang," *Journal of Political Risk* 7, no. 12 (December 10, 2019). See also "Xi Jinping zai di'er ci Zhongyang Xinjiang Gongzuo Zuotanhui shang fabiao zhongyao jianghua" [Xi Jinping delivers important speech at second Central Xinjiang Summit], *People's Daily,* May 30, 2014.

[54] Adrian Zenz, "Early Warning Brief—Unemployment Monitoring and Early Warning: New Trends in Xinjiang's Coercive Labor Placement Systems," *China Brief,* Jamestown Foundation, June 5, 2022, 9, 14, 15, 17.

[55] Adrian Zenz, "Early Warning Brief—Unemployment Monitoring and Early Warning: New Trends in Xinjiang's Coercive Labor Placement Systems," *China Brief,* Jamestown Foundation, June 5, 2022, 10, 16, 17.

[56] Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021; Shohret Hoshur, "Chinese Company Transfers Thousands of Uyghurs from Xinjiang to Nanjing," *Radio Free Asia,* November 13, 2021; Shohret Hoshur, "After 4 Years in Detention, Uyghur Brothers Forced to Work at Factories in Xinjiang," *Radio Free Asia,* January 12, 2022.

[57] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force

December 25, 2003, art. 3(a), (c), (d); "'To Make Us Slowly Disappear': The Chinese Government's Assault on the Uyghurs," *Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum,* November 2021, 38, 39.

[58] Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, A/CONF.183/9, July 17, 1998, entry into force July 1, 2002, art. 7; "'To Make Us Slowly Disappear': The Chinese Government's Assault on the Uyghurs," *Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum,* November 2021, 38, 39.

[59] International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 110th Session, February 9, 2022, 3.

[60] International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 110th Session, February 9, 2022, 515, 516, 519–21.

[61] International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 110th Session, February 9, 2022, 520–1.

[62] International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 110th Session, February 9, 2022, 519; International Labour Organization, Convention C111—Discrimination (Employment and Occupation) Convention, International Labour Conference, 42nd Session, June 25, 1958.

[63] "Shisan jie Quanguo Renda Changwei Hui disanshisi ci huiyi zai Jing bimu biaojue tongguo Qihuo he Yansheng Pin Fa xin xiuding de Zhiye Jiaoyu Fa deng Xi Jinping qianshu zhuxi ling Li Zhanshu zhuchi huiyi" [The 34th Session of the Standing Committee of the 13th National People's Congress concludes in Beijing, voted to pass the Futures and Derivatives Law, the newly revised Vocational Education Law, etc., Xi Jinping signed the Presidential decree and Li Zhanshu presided over the meeting], *Xinhua,* reprinted in National People's Congress, April 20, 2022; Nadya Yeh, "China Ratifies Two International Treaties on Forced Labor," *SupChina,* April 20, 2022. See also International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930; International Labour Organization, ILO Convention (No. 105) Concerning the Abolition of Forced Labour, January 17, 1959.

[64] International Labour Organization, ILO Convention (No. 029) Concerning Forced Labour, May 1, 1932, arts. 1, 25.

[65] International Labour Organization, ILO Convention (No. 105) Concerning the Abolition of Forced Labour, January 17, 1959, art. 1(a), (e). See also Phoebe Zhang, "China Ratifies Forced Labour Conventions Ahead of UN Rights Chief's Visit," *South China Morning Post,* April 21, 2022.

[66] Nicola Macbean, "China's Ratification of the ILO Forced Labour Conventions: A Hollow Gesture?," *Made in China Journal* 7, no. 1 (January–June 2022): 28, 33, 179.

VII. Worker Rights

Worker Rights

Findings

• The Chinese government describes digital platform workers, including food delivery workers, couriers, ride-hailing drivers, and truckers, as "flexibly employed." Many of these workers face violations of international labor standards with regard to access to fair pay, employment contracts and agreements, and pensions and other insurance categories. They handle on-the-job risks that endanger their health and safety, and often lack residential permits (*hukou*) in the urban areas where they work, which limits their options for education, healthcare, and housing. Gig workers played a crucial role in transporting and delivering food and other essential goods to ordinary citizens in China held under restrictive lockdowns due to coronavirus disease 2019 (COVID-19) outbreaks this past year.
• Officials have increasingly pressured technology and e-commerce companies to improve gig workers' conditions. The campaign included a legislative amendment to allow gig workers to join the All-China Federation of Trade Unions (ACFTU), the issuance of multiple joint opinions that aim to establish employment norms for gig work and the platform economy, the publication of typical court cases involving overtime, and new provisions on algorithm management.
• The Chinese Communist Party-led ACFTU remains the only trade union organization legally recognized under Chinese law, and workers are not allowed to establish independent unions. The Party and government revised the PRC Trade Union Law to allow gig workers to join the ACFTU, and instructed the ACFTU to redouble outreach to unionize gig workers.
• The government does not publish official data on the number of strikes and labor actions, and its censorship of news and social media, along with its harassment and detention of citizen journalists and labor advocates, further limits access to information about labor unrest. The Hong Kong-based non-governmental organization (NGO) China Labour Bulletin (CLB) documented 1,094 strikes and other labor actions in 2021, which may only reflect between 5 and 10 percent of total worker actions. CLB found that more than 68 percent of those labor actions were related to wage arrears.
• Official repression of non-governmental advocacy for workers' rights intensified during the past 10 years. The detentions of graduate student **Fang Ran** and labor advocate **Wang Jianbing** in August and September 2021, respectively, reflect local authorities' aggressive approach to individuals engaged in worker rights research and advocacy. Authorities appear to have released food delivery workers' organizer **Chen Guojiang** from detention in January 2022, but the circumstances of his release were not reported.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Promote and support bilateral and multilateral exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as freedom of expression, collective bargaining, employment discrimination, occupational health and safety, and wage arrears. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations defending the rights of workers. Moreover, recognizing the challenges of safeguarding the rights of gig economy workers, convene exchanges to develop international standards on labor rights for workers in the digital platform economy, such as transparency in contractual labor relationships, data privacy, and dispute resolution, among others.
- Advocate for the immediate release of detained labor advocates such as **Fang Ran** and **Wang Jianbing,** and other individuals who have been detained because of their labor advocacy.
- Call on the Chinese government to respect internationally recognized rights to freedom of association and collective bargaining and allow workers to organize and establish independent labor unions. Raise concern in all appropriate trade negotiations and bilateral and multilateral dialogues about the Chinese Communist Party's role in collective bargaining and elections of trade union representatives, emphasizing that wage rates should be determined by free bargaining between labor and management.
- When appropriate, integrate meaningful civil society participation into bilateral and multilateral dialogues, meetings, and exchanges. Invite international unions and labor NGOs and domestic civil society groups from all participating countries, to observe relevant government-to-government dialogues.
- Encourage compliance with fundamental International Labour Organization (ILO) conventions. Request that the ILO increase its monitoring of core labor standards in China, including freedom of association and the right to organize.

WORKER RIGHTS

Delivery Workers during COVID-19 Lockdowns

During the Commission's 2022 reporting year, food delivery workers, couriers, and truck drivers played a critical role in helping ordinary citizens in China who were held under restrictive lockdowns due to coronavirus disease 2019 (COVID-19) outbreaks, primarily by transporting and delivering food and other essential goods.[1] The government's restrictive "zero-COVID" policy made work and navigation more difficult for the workers providing these crucial services.[2] Caixin, a media outlet known for its investigative journalism, reported from Shanghai municipality that delivery workers were mostly left to fend for themselves to secure housing, leading many to sleep in the streets, under bridges, and in railway stations during the Shanghai lockdown in spring 2022.[3] Some "rest stations" set up at hotels to house drivers in Shanghai reportedly did not permit delivery drivers to stay because of the perception that the drivers were at risk for having COVID-19.[4] Taiwan's Central News Agency reportedly estimated in April 2022 that 30 million long-haul truck drivers in mainland China had been stranded between cities or on major highways,[5] often without sufficient food.[6] Local pandemic rules were not uniform, with some requiring truck drivers to take multiple nucleic acid tests per day in order to obtain official authorization to drive on the highway to another destination.[7] Travel between areas designated as high or medium risk could result in having an asterisk displayed on truck drivers travel itinerary code apps, which prevented drivers from entering or leaving a location.[8] Access to big data allowed government monitoring of long-haul truck drivers whom authorities could designate as high-risk pandemic targets even if they had only driven by a high-risk city.[9] [For more information about the zero-COVID policy, see Section VIII—Public Health. Developments this past year regarding Chinese government-sponsored forced labor and the issue of gender discrimination in the workplace are examined in Section VI—Status of Women, Section VIII—Business and Human Rights, and Section X—Xinjiang.]

Protecting the Rights of Gig Workers

The Chinese government describes digital platform workers, including food delivery workers, couriers, ride-hailing drivers, and truckers, as "flexibly employed"[10] and engaged in "new forms of employment" that are yet to be defined in Chinese labor law.[11] The "flexibly employed" also comprise workers who provide elder and child care, construction workers, and cleaners, among others,[12] and numbered around 200 million in official estimates.[13] Many of these workers are at risk of being subjected to violations of international labor standards[14] in access to fair pay, employment contracts and agreements, and pensions and other insurance categories.[15] They face on-the-job risks that endanger their health and safety, and often lack residential permits (*hukou*) in the urban areas where they work, which limits their options in education, healthcare, and housing.[16] Workers in the digital platform economy number around 84 million, according to official data,[17] and are subject to the plat-

form economy companies' use of big data, algorithms,[18] and surveillance.[19] Couriers and food delivery workers, for example, face financial penalties if they fail to meet delivery times based on platform algorithms.[20] This often leads drivers to speed and results in traffic incidents and injuries; moreover, drivers have inadequate recourse to occupational compensation,[21] reinforcing the public perception that e-commerce companies value efficiency and profits over worker health and safety.[22] Tech company employees and gig workers have drawn attention to labor law violations and the risks to worker health and safety resulting from the culture of overwork characteristic of the e-commerce sector.[23]

MULTI-AGENCY APPROACHES TO PRESSURING BIG TECH

As People's Republic of China (PRC) authorities shifted to rein in big tech in the past two years, the government has increasingly put pressure on technology and e-commerce companies to improve gig workers' conditions.[24] This past year, the government's campaign was conducted across multiple agencies, including a legislative amendment meant to allow gig workers to join the All-China Federation of Trade Unions (ACFTU),[25] the issuance of multiple joint opinions that aim to establish employment norms for gig work and the platform economy,[26] the publication of 10 "typical" court cases involving overtime,[27] and new provisions on algorithm management.[28] At a press conference following the March 2022 meeting of the National People's Congress, Premier Li Keqiang emphasized the urgency of developing policies to protect the rights of gig workers.[29]

The joint opinions issued over the past year primarily address safeguarding wages, worker safety, and insurance coverage for gig workers[30] by requiring that employers provide "employment relationships" (*laodong guanxi*), to which social insurance benefits are tied.[31] Few gig workers have contracts or written agreements with e-commerce companies.[32] Delivery drivers, for example, typically are hired "outside of the scope" of China's labor laws through third-party dispatch labor agencies[33] or by registering on an app as self-employed.[34] The July 2021 guiding opinion on safeguarding the rights of workers in "new forms of employment" provided that both e-commerce and third-party dispatch companies have responsibilities toward workers in their employ, including providing a formal contract or a written agreement regarding employment.[35] The July 2021 guiding opinion on "new forms of employment" also noted that workers without a formal contract also should be considered as having an employment relationship with the enterprise, albeit "less than complete [sic]."[36] State media outlet Xinhua reiterated that having an employment relationship will safeguard gig workers' rights and provide the full array of social insurance benefits that cover workers' compensation, occupational injury, unemployment, pension, and healthcare.[37]

Some China labor advocates observed that the government's effort to improve gig workers' rights "appears driven more by efforts to consolidate top-down control than by workers' concerns."[38] While e-commerce companies like Didi and JD.com announced the formation of enterprise unions in September 2021[39] and Meituan purportedly modified its delivery algorithms,[40] a researcher from the

Hong Kong-based non-governmental organization China Labour Bulletin (CLB) pointed out that it is not clear how tech companies will implement the guidelines.[41] The July 2021 guiding opinion on "new forms of employment," for example, devolves enforcement and oversight of the substance of the opinion,[42] such as projects to improve worker compensation, to local government agencies.[43] Local officials, however, are under pressure to prioritize economic growth and have little incentive to enforce labor protections.[44] The mechanisms to protect the rights of workers are chronically under resourced and understaffed,[45] and penalties are weak or unenforceable and can be too time-consuming and expensive for ordinary workers in cases of litigation and mediation.[46] At the same time, observers commented that the guidelines do not have the force of law, and have recommended amending labor laws to address gaps with regard to safeguarding the rights of platform economy workers.[47] Given the economic impact of COVID-19 lockdowns this past year, local governments reportedly waived oversight of labor violations in favor of bolstering the position of employers.[48] Central authorities convened multiple in-person meetings in Beijing municipality with tech executives during the past year to emphasize official priorities regarding gig workers.[49] But as China's economy began to slow in spring 2022, tech companies began laying off tech employees in the tens of thousands and government pressure toward these companies eased.[50]

EXCESSIVE OVERTIME

Long working hours among gig workers like food delivery workers[51] and the tech sector's "white collar" employees,[52] are "a built-in feature of the whole model of industrial development in China," according to a U.S.-based expert on Chinese labor.[53] In October 2021, several thousand tech workers posted their work hours to a publicized spreadsheet reportedly as a means of holding companies accountable for excessive overtime.[54] Public concern about the consequences of excessive overtime is widespread in China,[55] especially where excessive hours and the culture of overwork reportedly continued to be a significant factor in workers' deaths in the past year,[56] That many of the deceased were in their twenties and thirties was a striking characteristic of the reported deaths,[57] including the following examples.

- China Labour Bulletin noted that in February 2022 alone there were three deaths at tech companies linked to excessive hours.[58]
- In April 2022, four workers reportedly attempted suicide at a BYD car factory in Changsha municipality, Hunan province.[59] While it is unclear if excessive work hours contributed to all of those attempts, workers at the Changsha BYD factory reportedly worked 14-hour days.[60] Family members of a BYD worker in Xi'an municipality, Shaanxi province, linked his sudden death in November 2021 to excessive hours.[61]
- In June 2021, a 17-year-old vocational school student died by suicide in connection with the excessive hours and harsh working conditions at a factory in Shenzhen municipality where he was completing a mandatory "internship";[62] and

- Multiple COVID-19 outbreaks across China and implementation of the PRC's zero-COVID policy required hospital staff and workers at testing facilities to work excessive hours this past year.[63] The death of the deputy director of a hospital laboratory in Shandong province from cardiac arrest in March 2022 was ascribed to overwork and exhaustion in connection with her participation in COVID-19 prevention activity.[64]

In August 2021, the Supreme People's Court and the Ministry of Human Resources and Social Security jointly issued 10 typical cases of overtime,[65] which highlighted examples of employer violations of Chinese labor law.[66] The first case featured a delivery person who was fired for refusing to work a "996" schedule—shorthand for working from 9 a.m. to 9 p.m., six days a week[67]—which many companies demand of workers.[68] The court found that the "996" schedule is in violation of Chinese labor law.[69] In spite of the guidance provided by these typical cases, reports of excessive overtime continued following their publication.[70] At Tesla's Giga factory in Shanghai municipality, for example, workers reportedly worked 12-hour days for six days a week and slept on the factory floor during Shanghai's citywide lockdown in April 2022, until production was suspended due to a lack of parts.[71]

PROMOTING GIG WORKERS' MEMBERSHIP IN THE ACFTU

Promoting gig workers' membership in the ACFTU—the Party's "mass organization" for workers[72]—has been a key part of the government's plan to improve labor conditions for gig workers.[73] The ACFTU previously recruited gig workers during campaigns in 2015 and 2018.[74] The July 2021 guiding opinion on safeguarding gig worker rights included a directive that the ACFTU actively engage in unionizing gig workers.[75] In a separate opinion, also released in July, the ACFTU framed its responsibilities to gig workers as communicating Xi Jinping's ideology, promoting legal rights education, communicating with employers, and providing social welfare services and vocational training, among other tasks.[76] The National People's Congress, moreover, formalized the right of gig workers to become union members in an amendment to the PRC Trade Union Law in December 2021.[77] The amended Trade Union Law also added "social organizations" to the list of employer groups.[78] This revision may be linked to the ACFTU's interest in increasing interaction with gig workers at the grassroots[79] by building the presence of the ACFTU in "social organizations" (*shehui zuzhi*)[80]—the official term to refer to non-governmental organizations such as social groups, community-based social welfare groups, and foundations.[81]

Chinese law violates international worker rights standards[82] with regard to trade unions in that the Party-led ACFTU is the only legally recognized trade union organization[83] and Chinese workers are not allowed to create or join independent trade unions.[84] As a mass organization, the ACFTU acts as an intermediary organization between the Party and workers, and is required to "adhere to the leadership of the Party" and thus is compromised in its mission to protect workers' rights.[85] Although the ACFTU has prioritized reforms in recent years,[86] it has not been known for effectively representing workers' rights to employers[87]

and generally has been aligned with enterprise management rather than workers.[88] The ACFTU's capacity to negotiate with employers, mediate disputes, or provide legal aid as anticipated in the July 2021 guidelines on new forms of employment[89] also may be compromised by its responsibility to disseminate Party propaganda and engage in Party projects, as has been the case during poverty alleviation efforts.[90] As a labor researcher observed, "As the Chinese economy gradually transforms from the industrial economy to service and on to today's digital economy, the ACFTU has become less relevant and increasingly incapable of protecting workers' rights and settling worker disputes in the emerging economic sector . . .."[91]

Worker Strikes and Protests

Chinese law does not explicitly prohibit Chinese workers from striking, but authorities have prosecuted such activity in prior years by accusing Chinese workers who have participated in strikes and worker demonstrations of disturbing public order in violation of Chinese criminal law.[92] China Labour Bulletin (CLB) documented 1,094 strikes and other labor actions in 2021,[93] over 200 more than it documented in 2020,[94] marking a steady return to pre-pandemic rates.[95] CLB uses traditional media and social media reports to compile its data, but speculates that it can document only approximately 5 to 10 percent of total worker actions.[96] One difficulty is the Chinese government does not publicly report on the number of worker strikes and protests, making it difficult to obtain comprehensive information on worker actions.[97] Pervasive government censorship of news media outlets and social media, as well as the harassment and detention of citizen journalists and labor advocates, also limits access to information about labor unrest.[98]

WORKER STRIKES AND OTHER LABOR ACTIONS BY SECTOR BASED ON CHINA LABOUR BULLETIN'S STRIKE MAP[99]

Year	Manufacturing	Construction	Transportation*	Services	Other	Total number documented
2021	6.0% (66)	38.4% (420)	33.6% (368)	14.4% (158)	7.5% (82)	1,094
2020	10.9% (87)	44.8% (358)	19.5% (156)	18% (144)	6.9% (55)	800
2019	13.8% (191)	42.8% (593)	12.3% (171)	23.0% (319)	8.0% (111)	1,385
2018	15.4% (263)	44.8% (764)	15.9% (272)	16.8% (286)	7.1% (121)	1,706
2017	21.1% (265)	41.4% (521)	9.2% (116)	20.7% (261)	7.6% (95)	1,258

*CLB data for the transportation sector includes digital platform services, such as food delivery, couriers, hauling, and ride-hailing services. It also includes regular taxi service as well as bus and train transportation.[100]

Although CLB has cautioned against drawing firm conclusions from year-to-year comparisons,[101] its data for 2021 points to the following trends:

- Wage arrears in China were a significant source of worker unrest.[102] In 2021, 748 (68.4 percent) of the strikes and other labor actions that CLB documented specified wage arrears.[103] In the wage arrears category, 413 (55.2 percent) strikes and actions involved the construction industry.[104] Forty-eight of the wage arrears cases involved the continuing education and tutoring sector.[105] The bulk of these latter cases took place following the government's release of new rules for the private tutoring sector in summer 2021, which resulted in the closure of many tutoring centers.[106] [For more information on the crackdown in the private education sector, see Section V—Governance.]
- CLB observed that an increasing number of worker protests are taking place in Henan and other inland areas, which it believes marks a shift from the earlier center of protests in the manufacturing municipalities in Guangdong province.[107]
- The majority of the labor actions documented by CLB were small in scale: In 2021, 825 incidents (75.4 percent) involved 100 people or fewer, and only 12 (1.1 percent) involved over 1,000 people.[108]
- CLB observed an uptick in the number of protests in connection with COVID-19-related restrictions in spring 2022[109] when as many as 44 cities in China were under full or partial pandemic lockdowns.[110] For example, in late May 2022, hundreds of workers reportedly left a Quanta factory in Shanghai municipality because they were dissatisfied with being sealed in the factory as part of the "closed-loop" system to prevent the spread of COVID-19.[111]

Continued Suppression of Labor Advocacy & Civil Society

Non-governmental advocacy for workers' rights has been an ongoing target of official repression in China.[112] Over the past decade, the Commission has observed harassment of labor NGOs and advocates in the manufacturing centers of Guangdong province in 2012,[113] and suppression and detentions in 2015,[114] 2018,[115] and 2019[116] that led to prison sentences for non-affiliated labor advocates and staff from prominent Guangdong NGOs.[117] Many of those individuals and organizations provided support to the collective bargaining process, ran programs to integrate rural migrant workers into urban environments, conducted advocacy for victims of industrial accidents and occupational diseases, and assisted workers in resolving grievances, such as for payment of wage and social insurance arrears.[118]

China Digital Times, a U.S.-based news portal about human rights in China,[119] highlighted the closure this past year of the Masses and Pepper Tribe, two websites that provided information on worker rights.[120] Whether those closures were directly linked to official directives or harassment is not clear, but the farewell letter from the Masses implied that official pressure contributed to its closure.[121] Pepper Tribe reported on conditions for women workers.

Its closure in August 2021 is also likely connected to a wave of shutdowns of feminist social media accounts by Weibo earlier in 2021 for alleged content violations.[122] CLB continued to provide robust reporting on worker rights developments in China on its website, including by mapping strikes and workplace accidents.[123]

The incommunicado detentions of **Fang Ran** and **Wang Jianbing** in August and September 2021,[124] respectively, illustrate local authorities' aggressive approach toward individuals engaged in worker rights research and advocacy. Fang—a Ph.D. student at Hong Kong University studying labor relations in China[125]—reportedly was conducting fieldwork in his hometown of Nanning municipality, Guangxi Zhuang Autonomous Region.[126] Wang, who resided in Guangzhou municipality, Guangdong province, focused his advocacy on workers with occupational health problems.[127] In a case that drew attention to the travails of food delivery workers, **Chen Guojiang**—leader of an alliance of food delivery workers who had created several WeChat groups with approximately 15,000 food delivery workers[128]—was seen walking outside and waving in a short video posted in January 2022,[129] after more than 10 months of detention in Beijing municipality.[130] As of June 30, 2022, the Commission had observed no further reports on Chen's status since the video's release.[131]

DETENTIONS OF SELF-IDENTIFIED "LEFTIST" SUPPORTERS OF WORKER RIGHTS

The reemergence of a leftist critique of working conditions and inequality in China reportedly has had a broad appeal among a younger generation of Chinese, associated in part with Xi Jinping's greater emphasis on patriotic education in schools.[132] The awareness of worker rights also has led some to participate in university-based Maoist or Marxist labor groups and websites.[133] While leftist supporters of worker rights have been highly critical of China's "capitalist" class, they also point to the Chinese Communist Party's promotion of economic growth that has fostered inequality.[134]

The Party has responded to the "leftist" critique by portraying it as destabilizing.[135] Authorities from several provinces detained six leftist critics in May 2021, in advance of the Party's centenary celebration in July 2021, including an elderly former professor who previously served time in prison for attempting to establish an independent political party.[136] Authorities in Henan province detained six people in May 2021 who were associated with a group called the Red Culture Association on suspicion of "picking quarrels and provoking trouble."[137] In December 2021, a court in Xuhua district, Pingdingshan municipality, Henan, sentenced five of the six to prison terms of between nine months and two years not only because of the group's online activity but also for having monetized access to articles.[138] Evidence brought against the five included social media posts or reposts of essays on their WeChat group accounts that allegedly "slandered" the Chinese Communist Party, Party history, and senior leaders.[139]

Notes to Section VII—Worker Rights

[1] Beiyi Seow and Yuanhao Zhang, "Battle the Algorithms: China's Delivery Riders on the Edge," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* November 14, 2021; Chinese Human Rights Defenders, "China: Immediately Release Frontline Delivery Worker Chen Guojiang," March 18, 2021; Meaghan Tobin and Viola Zhou, "China's Gig Workers Pay a Heavy Price for the Country's Zero-Covid Policy," *Rest of World,* March 31, 2022.

[2] Meaghan Tobin and Viola Zhou, "China's Gig Workers Pay a Heavy Price for the Country's Zero-Covid Policy," *Rest of World,* March 31, 2022.

[3] Jiang Moting, "Reng you bushao songhuo qishou lusu Shanghai jietou" [Still quite a few delivery drivers sleeping on Shanghai streets], *Caixin,* April 27, 2022.

[4] Jiang Moting, "Reng you bushao songhuo qishou lusu Shanghai jietou" [Still quite a few delivery drivers sleeping on Shanghai streets], *Caixin,* April 27, 2022.

[5] Jane Tang and Jia Ao, "Seriously Ill Patients Die after Being Denied Hospital Care in Shanghai Lockdown," *Radio Free Asia,* April 11, 2022.

[6] "Voices of May," *China Digital Times* [Video file], June 21, 2022, 3:27–3:35.

[7] Peng Leyi, Tang Jiayan, and Cai Jingyuan, "Baogong fangyi jia ji huoche siji" [Ensuring supply and preventing disease squeezes truck drivers], *Caixin,* April 14, 2022.

[8] China Labour Bulletin, "Yiqing xia de huoche siji: Kun zai lushang, shouru xiajiang, mei fan chi" [Truck drivers during the pandemic: Stuck on the road, falling incomes, nothing to eat], May 3, 2022; Peng Leyi, Tang Jiayan, and Cai Jingyuan, "Baogong fangyi jia ji huoche siji" [Ensuring supply and preventing disease squeezes truck drivers], *Caixin,* April 14, 2022.

[9] Peng Leyi, Tang Jiayan, and Cai Jingyuan, "Baogong fangyi jia ji huoche siji" [Ensuring supply and preventing disease squeezes truck drivers], *Caixin,* April 14, 2022.

[10] "Zhongguo liang yi ren 'linghuo jiuye', 'zhudong xuanze'? Xuezhe: Meihua shiye renkou" [Did China's 200 million "flexibly employed" persons "actively choose this" for themselves? Scholar: It's a euphemism for the unemployed population], *Radio Free Asia,* February 14, 2022.

[11] Jiang Lin and Fan Xi, "Waimai qishou, wang yueche siji deng quanyi baozhang you na xie tupo?—Ba bumen fawen guifan pingtai yonggong jiaodian wenti" [What are the breakthroughs in the guaranteed rights and interests of food delivery workers, web-based ride-hailing drivers among others?—Eight agencies issue standards for digital platform workers' central problems], *Xinhua,* July 27, 2021.

[12] Chen Yun and Cao Jia, "Linghuo jiuye zhong zai zuo hao fuwu he baozhang" [The crux of flexible employment is in providing good services and safeguards], *Economic Daily,* April 28, 2022.

[13] Zhang Jun et al., "Woguo linghuo jiuye guimo da 2 yi, Li Keqiang: Baozhang laodong quanyi, gei qishoumen 'xishang anquan dai'!" [The scale of China's flexible employment has reached 200 million, Li Keqiang: Safeguard the rights and interests of workers, help delivery men "fasten their seatbelts!"], *Shanghai Observer, Liberation Daily,* March 11, 2022; Kelsey Cheng, Yuan Ruiyang, and Guan Cong, "In Depth: Plight of China's Gig Workers Poses Policymaking Dilemma," *Caixin,* August 26, 2021.

[14] Irene Zhou, "Digital Labour Platforms and Labour Protection in China," International Labour Organization, ILO Working Paper 11, October 2020, secs. 3.2–3.3. See also International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work 2021,* Executive Summary, February 3, 2021, 1–10.

[15] Kelsey Cheng, Yuan Ruiyang, and Guan Cong, "In Depth: Plight of China's Gig Workers Poses Policymaking Dilemma," *Caixin,* August 26, 2021.

[16] Zhao Limei, "Lianghui zonglun: Baozhang linghuo jiuyezhe quanyi, bie rang chenda de shuzi zhezhu weixiao de suqiu" [Broad discussion at the Two Sessions: Safeguard the rights and interests of flexibly employed workers, don't let the huge numbers obstruct smaller-sized demands], *China Youth Daily,* March 11, 2022; Jonathan Isaacs, Zheng Lu, and Bofu An, "China Employment Law Update October 2021," Baker McKenzie FenXun, October 6, 2021.

[17] Chen Yun and Cao Jia, "Linghuo jiuye zhong zai zuo hao fuwu he baozhang" [The crux of flexible employment is in providing good services and safeguards], *Economic Daily,* April 28, 2022. According to official estimates, there are 10 million food delivery drivers in China. Li Na, "Waimai qishou quanyi baozhang de beixi yu gongming" [Delivery drivers' joys and sorrows, and the public cries to safeguard their rights and interests], *Procuratorial Daily,* April 28, 2022.

[18] Beiyi Seow and Yuanhao Zhang, "Battle the Algorithms: China's Delivery Riders on the Edge," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* November 14, 2021; Rita Liao, "Viral Article Puts the Brakes on China's Food Delivery Frenzy," *TechCrunch,* September 9, 2020.

[19] Greg James, "Chinese Tech Workers Outraged by Surveillance Tool That Flags Employees Who Look Likely to Quit," *SupChina,* February 21, 2022; Nikki Sun, "China's Tech Workers Pushed to Limits by Surveillance Software," *Nikkei Asia,* June 9, 2021.

[20] Beiyi Seow and Yuanhao Zhang, "Battle the Algorithms: China's Delivery Riders on the Edge," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* November 14, 2021; Rita Liao, "Viral Article Puts the Brakes on China's Food Delivery Frenzy," *TechCrunch,* September 9, 2020.

[21] "Delivery Riders, Trapped in the System," *Renwu,* translated and reprinted in *Chuang* (blog), November 12, 2020.

[22] "Qianwan Zhongguo waimai qishou: 'luoben' dajun haishi 'xin lanling'" [Ten million Chinese take-out delivery workers: Are they a new army of "naked streakers" or the new "blue collar [workers]"], *BBC,* June 6, 2021; China Labour Bulletin, "Reimagining Workers' Rights in China," March 2022, 89.

[23] China Labour Bulletin, "Attempts to Regulate Overtime Work at China's Tech Giants Are Not Going Well," February 25, 2022.

[24] Kelsey Cheng, Yuan Ruiyang, and Guan Cong, "In Depth: Plight of China's Gig Workers Poses Policymaking Dilemma," *Caixin,* August 26, 2021; David Kirton, "Explainer: How Unions Work in China," *Reuters,* September 2, 2021.

[25] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended December 24, 2021, art. 3; Zhang Yong, "Guanyu 'Zhonghua Renmin Gonghe Guo Gonghui Fa (xiuzhen cao'an)' de shuoming" [Explanation of the (draft amendment) to the "PRC Trade Union Law"], National People's Congress, December 24, 2021, sec. 3(2). The amendment to the PRC Trade Union Law is discussed in the sub-section below on the All-China Federation of Trade Unions' efforts to increase union membership among gig workers.

[26] Ministry of Transport, State Post Bureau, National Development and Reform Commission, Ministry of Human Resources and Social Security, Ministry of Commerce, State Administration for Market Regulation, and All-China Federation of Trade Unions, *Jiaotong Yunshu Bu, Guojia Youzheng Ju, Guojia Fazhan Gaige Wei, Renli Ziyuan Shehui Baozhang Bu, Shangwu Bu, Shichang Jianguan Zongju, Quanguo Zong Gonghui guanyu Zuo Hao Kuaidiyuan Qunti Hefa Quanyi Baozhang Gongzuo de Yijian* [Opinion on Effectively Safeguarding the Legal Rights and Interests of the Mass of Couriers], June 23, 2021; Ministry of Human Resources and Social Security, National Development and Reform Commission, Ministry of Transport, Ministry of Emergency Management, State Administration for Market Regulation, National Healthcare Security Administration, Supreme People's Court, and All-China Federation of Trade Unions, *Renli Ziyuan Shehui Baozhang Bu, Guojia Fazhan Gaige Wei, Jiaotong Yunshu Bu, Yingji Bu, Shichang Jianguan Zongju, Guojia Yibao Ju, Zuigao Renmin Fayuan, Quanguo Zong Gonghui guanyu Weihu Xin Jiuye Xingtai Laodongzhe Laodong Baozhang Quanyi de Zhidao Yijian* [Guiding Opinion on Safeguarding Workers' Guaranteed Rights and Interests in the New Forms of Employment], July 16, 2021; State Administration for Market Regulation, "Guojia Shichang Jianguan Zongju deng qi bumen lianhe yinfa Guanyu Luoshi Wangluo Canyin Pingtai Zeren Qieshi Weihu Waimai Songcanyuan Quanyi de Zhidao Yijian" [State Administration for Market Regulation among seven agencies that jointly release Guiding Opinion Regarding the Implementation of Online Food Platform Responsibilities to Effectively Protect the Rights and Interests of Take-Out Food Delivery Workers], July 26, 2021; Luo Wangshu, "Ride-Hailing Drivers' Rights Get Protection," *China Daily,* December 1, 2021; National Reform and Development Commission, State Administration for Market Regulation, Cybersecurity Administration of China, Ministry of Information and Industry Technology, Ministry of Human Resources and Social Security, Ministry of Agriculture and Rural Affairs, Ministry of Commerce, People's Bank of China, and State Taxation Administration, *Guojia Fazhan Gaige Wei, Shichang Jianguan Zongju, Zhongyang Wangxin Ban, Gongye he Xinxihua Bu, Renli Ziyuan Shehui Baozhang Bu, Nongye Nongcun Bu, Shangwu Bu, Renmin Yinhang, Shuiwu Zongju guanyu Tuidong Pingtai Jingji Guifan Jiankang Chixu Fazhan de Ruogan Yijian* [Several Opinions on Promoting the Healthy and Sustainable Development of Standardization for the Platform Economy], December 24, 2021.

[27] Supreme People's Court, "Renli Ziyuan Shehui Baozhangbu, Zui Gao Renmin Fayuan lianhe fabu chaoshi jiaban laodong renshi zhengyi dianxing anli" [Ministry of Human Resources and Social Security and Supreme People's Court jointly release typical cases of excessive overtime and personnel disputes], August 26, 2021; Zoey Zhang, "'996' Is Ruled Illegal: Understanding China's Changing Labor System," Dezan Shira & Associates, *China Briefing,* September 9, 2021.

[28] Cyberspace Administration of China, Ministry of Industry and Information Technology, Ministry of Public Security, and State Administration for Market Regulation, *Hulianwang Xinxi Fuwu Suanfa Tuijian Guanli Guiding* [Provisions on the Management of Algorithmic Recommendations in Internet Information Services], issued December 31, 2021, effective March 1, 2022. For an unofficial English translation of the Provisions, see "Provisions on the Management of Algorithmic Recommendations in Internet Information Services," *China Law Translate* (blog), January 4, 2022; Arjun Kharpal, "China's Next Regulatory Target—Algorithms, the Secret of Many Tech Giants' Success," *CNBC,* January 7, 2022.

[29] Zhang Jun et al., "Woguo linghuo jiuye guimo da 2 yi, Li Keqiang: Baozhang laodong quanyi, gei qishoumen 'xishang anquandai'!" [The scale of China's flexible employment has reached 200 million, Li Keqiang: Safeguard the rights and interests of workers, help delivery men "fasten their seatbelts!"], *Shanghai Observer, Liberation Daily,* March 11, 2022.

[30] Kelsey Cheng, Yuan Ruiyang, and Guan Cong, "In Depth: Plight of China's Gig Workers Poses Policymaking Dilemma," *Caixin,* August 26, 2021.

[31] Ministry of Human Resources and Social Security, National Reform and Development Commission, Ministry of Transport, Ministry of Emergency Management, State Administration for Market Regulation, National Healthcare Security Administration, Supreme People's Court, and All-China Federation of Trade Unions, *Renli Ziyuan Shehui Baozhang Bu, Guojia Fazhan Gaige Wei, Jiaotong Yunshu Bu, Yingji Bu, Shichang Jianguan Zongju, Guojia Yibao Ju, Zuigao Renmin Fayuan, Quanguo Zong Gonghui guanyu Weihu Xin Jiuye Xingtai Laodongzhe Laodong Baozhang Quanyi de Zhidao Yijian* [Guiding Opinion on Safeguarding Workers' Rights and Interests in the New Forms of Employment], July 16, 2021, sec. 1(1–3); Ministry of Transport, State Post Bureau, National Development and Reform Commission, Ministry of Human Resources and Social Security, Ministry of Commerce, State Administration for Market Regulation, and All-China Federation of Trade Unions, *Jiaotong Yunshu Bu, Guojia Youzheng Ju, Guojia Fazhan Gaige Wei, Renli Ziyuan Shehui Baozhang Bu, Shangwu Bu, Shichang Jianguan Zongju, Quanguo Zong Gonghui guanyu Zuo Hao Kuaidiyuan Qunti Hefa Quanyi Baozhang Gongzuo de Yijian* [Opinion on Effectively Safeguarding the Legal Rights and Interests of the Mass of Couriers], June 23, 2021, sec. 2(3, 6–7); State Administration for Market Regulation, "Guojia Shichang Jianguan Zongju deng qi bumen lianhe yinfa Guanyu Luoshi Wangluo Shiyin Pingtai Zeren Qieshi Weihu Waimai Songcanyuan Quanyi de Zhidao Yijian" [State Administration for Market Regulation among seven agencies that jointly release Guiding Opinion Regarding the Implementation of Online Food Platform Responsibilities to Effectively Protect the Rights and Interests of Take-Out Food Delivery Workers], July 26, 2021; National Reform and

Development Commission, State Administration for Market Regulation, Cybersecurity Administration of China, Ministry of Information and Industry Technology, Ministry of Human Resources and Social Security, Ministry of Agriculture and Rural Affairs, Ministry of Commerce, People's Bank of China, and State Taxation Administration, *Guojia Fazhan Gaige Wei, Shichang Jianguan Zongju, Zhongyang Wangxin Ban, Gongye he Xinxihua Bu, Renli Ziyuan Shehui Baozhang Bu, Nongye Nongcun Bu, Shangwu Bu, Renmin Yinhang, Shuiwu Zongju guanyu Tuidong Pingtai Jingji Guifan Jiankang Chixu Fazhan de Ruogan Yijian* [Several Opinions on Promoting the Healthy and Sustainable Development of Standardization for the Platform Economy], December 24, 2021, sec. 3(10).

[32] Chen Yun and Cao Jia, "Linghuo jiuye zhong zai zuo hao fuwu he baozhang" [The crux of flexible employment is in providing good services and safeguards], *Economic Daily,* April 28, 2022; Li Na, "Waimai qishou quanyi baozhang de beixi yu gongming" [Delivery drivers' joys and sorrows, and the public cries to safeguard their rights and interests], *Procuratorial Daily,* April 28, 2022.

[33] Irene Zhou, "Digital Labour Platforms and Labour Protection in China," International Labour Organization, ILO Working Paper 11, October 2020, 16–17.

[34] Irene Zhou, "Digital Labour Platforms and Labour Protection in China," International Labour Organization, ILO Working Paper 11, October 2020, 4.

[35] Ministry of Human Resources and Social Security, National Development and Reform Commission, Ministry of Transport, Ministry of Emergency Management, State Administration for Market Regulation, National Healthcare Security Administration, Supreme People's Court, and All-China Federation of Trade Unions, *Renli Ziyuan Shehui Baozhang Bu, Guojia Fazhan Gaige Wei, Jiaotong Yunshu Bu, Yingji Bu, Shichang Jianguan Zongju, Guojia Yibao Ju, Zuigao Renmin Fayuan, Quanguo Zong Gonghui guanyu Weihu Xin Jiuye Xingtai Laodongzhe Laodong Baozhang Quanyi de Zhidao Yijian* [Guiding Opinion on Safeguarding Workers' Rights and Interests in the New Forms of Employment], July 16, 2021, sec. 1(1–3).

[36] Jonathan Isaacs, Zheng Lu, and Bofu An, "China Employment Law Update October 2021," Baker McKenzie FenXun, October 6, 2021.

[37] Jiang Lin and Fan Xi, "Waimai qishou, wangyueche siji deng quanyi baozhang you na xie tupo?—Ba bumen fawen guifan pingtai yonggong jiaodian wenti" [What are the breakthroughs in the safeguarded rights and interests of food delivery workers and web-based ride-hailing drivers, among others?—Eight agencies issue standards for digital platform workers' central problems], *Xinhua,* July 27, 2021.

[38] Sha Hua, "China Wants Gig Workers to Have More Power—Just Not Too Much," *Wall Street Journal,* September 16, 2021.

[39] Brenda Goh and Yilei Sun, "Didi and JD.com Workers Get Unions in Watershed Moment for China's Tech Sector," Reuters, September 1, 2021.

[40] "Meituan to Change Delivery Algorithm Rules as China Urges Labour Protection," *Reuters,* September 13, 2021.

[41] Sha Hua, "China Wants Gig Workers to Have More Power—Just Not Too Much," *Wall Street Journal,* September 16, 2021.

[42] Kelsey Cheng, Yuan Ruiyang, and Guan Cong, "In Depth: Plight of China's Gig Workers Poses Policymaking Dilemma," *Caixin,* August 26, 2021.

[43] Jonathan Isaacs, Zheng Lu, and Bofu An, "China Employment Law Update October 2021," Baker McKenzie FenXun, October 6, 2021.

[44] Wenwen Ding and J. H. Verkerke, "Has China's Labor Contract Law Curtailed Economic Growth?," *Denver University Law Review* 99, no. 3 (2022): 43–45; China Labour Bulletin, "Reimagining Workers' Rights in China," March 2022, 89.

[45] Wenwen Ding and J. H. Verkerke, "Has China's Labor Contract Law Curtailed Economic Growth?," *Denver University Law Review* 99, no. 3 (2022): 41–42.

[46] Li Na, "Waimai qishou quanyi baozhang de beixi yu gongming" [Delivery drivers' joys and sorrows, and the public cries to safeguard their rights and interests], *Procuratorial Daily,* April 28, 2022; Wenwen Ding and J. H. Verkerke, "Has China's Labor Contract Law Curtailed Economic Growth?," *Denver University Law Review* 99, no. 3 (2022): 43–45.

[47] Zhao Limei, "Lianghui zonglun: Baozhang linghuo jiuyezhe quanyi, bie rang juda de shuzi zhezhu weixiao de suqiu" [Broad discussion at the Two Sessions: Safeguard the rights and interests of flexibly employed workers, don't let the huge numbers obstruct smaller-sized demands], *China Youth Daily,* March 11, 2022.

[48] Sun Yu and Emma Zhou, "China Turns a Blind Eye to Labour Violations to Spur Economy," *Financial Times,* May 25, 2022.

[49] Sha Hua, "China Wants Gig Workers to Have More Power—Just Not Too Much," *Wall Street Journal,* September 16, 2021; Coco Feng, "Beijing Lectures Alibaba, Tencent, Other Big Tech Firms on Gig Workers' Rights Despite Progress from Last Year," *South China Morning Post,* January 22, 2022.

[50] Laura He, "China's Tech Layoffs Could Become a Self-Inflicted Headache for Xi," *CNN,* March 31, 2022.

[51] Masha Borak, "China's Gig Workers Are Challenging Their Algorithmic Bosses," *Wired,* March 14, 2022; Lawyer Friends' of Migrant Workers, "Qishou miyun: Falu ruhe dakai waimai pingtai yonggong de 'ju'" [Delivery workers in a cloud of mystery: How can the law break open delivery platforms' hiring "game"?], September 13, 2021. According to *SupChina,* the author of the report on delivery platforms' hiring practices is the Beijing Zhicheng Migrant Workers Legal Aid and Research Center. See Greg James, "Food Delivery Giants Ele.me and Meituan Promise to Stop Treating Delivery Workers Like Disposable Garbage. Sort of.," *SupChina,* September 22, 2021.

[52] Josh Horwitz, "Chinese Tech Disclose Working Hours in Criticism of '996,'" *Reuters,* October 14, 2021; Kevin Lin, "Tech Worker Organizing in China: A New Model for Workers Battling a Repressive State," *New Labor Forum* 29, no. 2 (2020): 54–55.

[53] Wilfred Chan, "Elon Musk Praises Chinese Workers for 'Burning the 3 am Oil'—Here's What That Really Looks Like," *Guardian,* May 12, 2022.

[54] Josh Horwitz, "Chinese Tech Workers Disclose Working Hours in Criticism of '996,'" *Reuters,* October 14, 2021. See also Kevin Lin, "Tech Worker Organizing in China: A New Model for Workers Battling a Repressive State," *New Labor Forum* 29, no. 2 (2020): 55.

[55] Kevin Lin, "The Chinese Trade Union to the Rescue: A Real Solution to Platform Workers' Woes?," *Made in China Journal,* October 25, 2021.

[56] Wu Yuli, "Biyadi huiying 36 sui yuangong cusi: yuanyin you dai diaocha, zheng yu jiashu jiji goutong" [BYD responds to sudden death of 36-year-old worker: cause [of death] pending investigation and [we are] in direct communication with family members], *The Paper,* November 18, 2021; Greg James, "A Star Worker's Suicide at Tencent," *SupChina,* December 16, 2021; Greg James, "Tech Workers Angered as Bilibili Censors Posts After Employee's Death," *SupChina,* February 8, 2022; Ling Tai LT and Wu Jiong, "28 sui yuangong cusi: ZijieTiaodong zheng zai shiqu 90 hou" [28-year-old worker suddenly dies: ByteDance is losing the post-90's generation], *Jiemian,* February 23, 2022.

[57] Wu Yuli, "Biyadi huiying 36 sui yuangong cusi: yuanyin you dai diaocha, zheng yu jiashu jiji goutong" [BYD responds to sudden death of 36-year-old worker: cause [of death] pending investigation and [we are] in direct communication with family members], *The Paper,* November 18, 2021; Greg James, "A Star Worker's Suicide at Tencent," *SupChina,* December 16, 2021; Greg James, "Tech Workers Angered as Bilibili Censors Posts After Employee's Death," *SupChina,* February 8, 2022; Ling Tai LT and Wu Jiong, "28 sui yuangong cusi: ZijieTiaodong zheng zai shiqu 90 hou" [28-year-old worker suddenly dies: ByteDance is losing the post-90's generation], *Jiemian,* February 23, 2022.

[58] China Labour Bulletin, "Attempts to Regulate Overtime Work at China's Tech Giants Are Not Going Well," February 25, 2022.

[59] John Feng, "Multiple Suicide Attempts Reported at Chinese Factory in the Same Week," *Newsweek,* April 28, 2022.

[60] "Changsha Biyadi jielian fasheng san qi tiaolou shijian, xianchang puguang, yi sizhe yishu neirong pilu" [Three consecutive incidents of jumping off a building at Changsha BYD, situation onsite is exposed, contents of the deceased's suicide note disclosed], *Doctorate Observer,* reprinted in *NetEase,* April 27, 2022.

[61] Wu Yuli, "Biyadi huiying 36 sui yuangong cusi: yuanyin you dai diaocha, zheng yu jiashu jiji goutong" [BYD responds to sudden death of 36-year-old worker: cause [of death] pending investigation and [we are] in direct communication with family members], *The Paper,* November 18, 2021.

[62] China Labour Bulletin, "Vocational School Intern Jumps to His Death at Shenzhen Factory," July 17, 2021.

[63] Yvaine Ye and Kevin Schoenmakers, "Medical Workers Are Collateral Damage in China's Zero-COVID-19 Policy," *Foreign Policy,* April 5, 2022. See also Li Songlin, "Chengshi huoyue zhe gese 'da bai'" [The city is alive with "big whites"], *Beijing Evening News,* May 12, 2022.

[64] Yvaine Ye and Kevin Schoenmakers, "Medical Workers Are Collateral Damage in China's Zero-COVID-19 Policy," *Foreign Policy,* April 5, 2022.

[65] Ministry of Human Resources and Social Security and Supreme People's Court, "Guanyu lianhe fabu di'er pi laodong renshi zhengyi dianxing anli de tongzhi [Circular on the joint issuance of typical cases involving labor and personnel disputes (second batch)], August 25, 2021.

[66] Yang Ming, "China's High Court Warns Employers' '996' Schedule Illegal," *Voice of America,* September 4, 2021.

[67] CECC, *2019 Annual Report,* November 18, 2019, 65.

[68] Josh Horwitz, "Chinese Tech Workers Disclose Working Hours in Criticism of '996,'" *Reuters,* October 14, 2021.

[69] Zoey Zhang, "'996' Is Ruled Illegal: Understanding China's Changing Labor System," Dezan Shira & Associates, *China Briefing,* September 9, 2021. Article 36 of the PRC Labor Law stipulates that the workday should not exceed 8 hours per day, and that the workweek may not exceed on average 44 hours per week. *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, art. 36.

[70] China Labour Bulletin, "Attempts to Regulate Overtime Work at China's Tech Giants Are Not Going Well," February 25, 2022.

[71] Wilfred Chan, "Elon Musk Praises Chinese Workers for 'Burning the 3 am Oil'—Here's What That Really Looks Like," *Guardian,* May 12, 2022.

[72] Judith Audin and Jérôme Doyon, "Intermediary Political Bodies of the Party-State: A Sociology of Mass and Grassroots Organisations in Contemporary China," editorial, *China Perspectives,* no. 2 (2019): 4.

[73] Sha Hua, "China Wants Gig Workers to Have More Power—Just Not Too Much," *Wall Street Journal,* September 16, 2021.

[74] Kevin Lin, "The Chinese Trade Union to the Rescue: A Real Solution to Platform Workers' Woes?," *Made in China Journal,* October 25, 2021; "The Gig Economy Challenges China's State-Run Labour Unions," *Economist,* January 28, 2021; China Labour Bulletin, "Reimagining Workers' Rights in China," March 2022, 109.

[75] Ministry of Human Resources and Social Security, National Development and Reform Commission, Ministry of Transport, Ministry of Emergency Management, State Administration for Market Regulation, National Healthcare Security Administration, Supreme People's Court, and All-China Federation of Trade Unions, *Renli Ziyuan Shehui Baozhang Bu, Guojia Fazhan Gaige Wei, Jiaotong Yunshu Bu, Yingji Bu, Shichang Jianguan Zongju, Guojia Yibao Ju, Zuigao Renmin Fayuan, Quanguo Zong Gonghui guanyu Weihu Xin Jiuye Xingtai Laodongzhe Laodong Baozhang Quanyi de Zhidao Yijian* [Guiding Opinion on Safeguarding Workers' Rights and Interests in the New Forms of Employment], July 16, 2021, sec. 17.

[76] All-China Federation of Trade Unions, *Zhonghua Quanguo Zong Gonghui guanyu Qieshi Weihu Xin Jiuye Xingtai Laodongzhe Laodong Baozhang Quanyi de Yijian* [Opinion on Conscientiously Upholding the Guaranteed Employment Protections and Rights of Workers in New Forms of Employment], July 2021, sec. 2(4); China Labour Bulletin, "ACFTU in Beijing Issues Guidelines for Unionizing Gig Workers: What Comes Next?," September 28, 2021.

[77] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended December 24, 2021, art. 3; Zhang Yong, "Guanyu 'Zhonghua Renmin Gonghe Guo Gonghui Fa (xiuzhen cao'an)' de shuoming" [Explanation of the (draft amendment) to the "PRC Trade Union Law"], National People's Congress, December 24, 2021, sec. 3(2); Jianjun Ma and Meng Li, JunHe LLP, "Labour Union Law Revised to Include Gig Workers Clause," *Lexology,* February 9, 2022.

[78] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended December 24, 2021, art. 3; Jianjun Ma and Meng Li, JunHe LLP, "Labour Union Law Revised to Include Gig Workers Clause," *Lexology,* February 9, 2022.

[79] China Labour Bulletin, "ACFTU in Beijing Issues Guidelines for Unionizing Gig Workers: What Comes Next?," September 28, 2021.

[80] All-China Federation of Trade Unions and Ministry of Civil Affairs, *Zhonghua Quanguo Zong Gonghui Minzheng Bu Guanyu Jiaqiang Shehui Zuzhi Gonghui Jianshe De Yijian (Shixing)* [Opinion on Strengthening Trade Union-Building in Social Organizations (Provisional)], August 23, 2021.

[81] Shawn Shieh, "Remaking China's Civil Society in the Xi Jinping Era," *ChinaFile,* Asia Society, August 2, 2018.

[82] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 23(4); International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed June 1, 2022. China has signed but not ratified the ICCPR. International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8; FIDH and China Labor Watch, "Submission to the United Nations Committee on Economic, Social, and Cultural Rights, 68th Session," December 18, 2020, 7.

[83] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended December 24, 2021, arts. 10–12.

[84] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended December 24, 2021, arts. 10–12; International Labour Organization, Interim Report—Report No. 392, Case No. 3184 (China), Complaint date February 15, 2016, October 2020, para. 485; FIDH and China Labor Watch, "Submission to the United Nations Committee on Economic, Social, and Cultural Rights, 68th Session," December 18, 2020, 7.

[85] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended December 24, 2021, art. 2; All-China Federation of Trade Unions and Ministry of Civil Affairs, *Zhonghua Quanguo Zong Gonghui Minzheng Bu Guanyu Jiaqiang Shehui Zuzhi Gonghui Jianshe De Yijian (Shixing)* [Opinion on Strengthening ACFTU-Building in Social Organizations (Provisional)], August 23, 2021, preamble, sec. 1(1).

[86] China Labour Bulletin, "Holding China's Trade Unions to Account," February 17, 2020.

[87] Jude Howell, "From Green Shoots to Crushed Petals: Labour NGOs in China," *Made in China Journal: Then and Now* 6, no. 1 (January–April 2021): 102–7.

[88] Chloé Froissart, Yan Liu, and Quan Meng, "Trade-offs between State Organisations and Workers' Organisations: Chinese Unions in Search of Authoritarian Collective Bargaining," *Chinese Perspectives* 2, 2019.

[89] Jiang Lin and Fan Xi, "Waimai qishou, wangyueche siji deng quanyi baozhang you na xie tupo?—Ba bumen fawen guifan pingtai yonggong jiaodian wenti" [What are the breakthroughs in the guaranteed rights and interests of food delivery workers and web-based ride-hailing drivers, among others?—Eight agencies issue standards for digital platform workers' central problems], *Xinhua,* July 27, 2021.

[90] China Labour Bulletin, "ACFTU Trumpets Self-Proclaimed Achievements in Poverty Alleviation," October 13, 2020.

[91] Hong Yu Liu, "The Role of the State in Influencing Work Conditions in China's Internet Industry: Policy, Evidence, and Implications for Industrial Relations," *Journal of Industrial Relations,* January 24, 2022: 4.

[92] China Labour Bulletin, "Workers' Rights and Labour Relations in China," August 13, 2020; International Labour Organization, "Interim Report—Report No. 392, Case No. 3184 (China)," October 2020; FIDH and China Labor Watch, "Submission to the United Nations Committee on Economic, Social, and Cultural Rights, 68th Session," December 18, 2020, 7. See also International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8(1)(d); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed June 8, 2022. China signed and ratified the ICESCR on October 27, 1997 and March 27, 2001, respectively.

[93] China Labour Bulletin, "Strike Map," accessed June 7, 2022.

[94] China Labour Bulletin (CLB), "Increase in Strikes in Logistics and Service Sectors in 2021 Not Expected to Let Up," February 15, 2022; China Labour Bulletin, "Strike Map," accessed June 7, 2022. Sometime after it published its February 15, 2022, article, CLB added one further labor action to its strike map for 2021, revising the total number from 1,093 to 1,094.

[95] China Labour Bulletin, "Increase in Strikes in Logistics and Service Sectors in 2021 Not Expected to Let Up," February 15, 2022.

[96] See, e.g., China Labour Bulletin, "An Introduction to China Labour Bulletin's Strike Map," January 10, 2020.

[97] See, e.g., China Labour Bulletin, "An Introduction to China Labour Bulletin's Strike Map," January 10, 2020.
[98] Kevin Lin, "Tech Worker Organizing in China: New Model for Workers Battling a Repressive State," *New Labor Forum* 29, no. 2 (2020): 56.
[99] China Labour Bulletin, "Strike Map," accessed June 7, 2022.
[100] China Labour Bulletin, "Strike Map," accessed June 7, 2022.
[101] China Labour Bulletin, "An Introduction to China Labour Bulletin's Strike Map," January 10, 2020.
[102] China Labour Bulletin, "Strike Map," accessed June 7, 2022.
[103] China Labour Bulletin, "Strike Map," accessed June 7, 2022.
[104] China Labour Bulletin, "Strike Map," accessed June 7, 2022.
[105] China Labour Bulletin, "Strike Map," accessed June 7, 2022.
[106] "China Crackdown on Tutoring Sector Leads to Protests," *Bloomberg,* reprinted in *Al Jazeera,* August 23, 2021.
[107] China Labour Bulletin, "Increase in Strikes in Logistics and Service Sectors in 2021 Not Expected to Let Up," February 15, 2022; China Labour Bulletin, "Henan Overtakes Guangdong in Number of Worker Protests," August 24, 2021.
[108] China Labour Bulletin, "Strike Map," accessed June 7, 2022; China Labour Bulletin, "The State of Labour Relations in China, 2019," January 13, 2020; China Labour Bulletin, "Reimagining Workers' Rights in China," March 2022, 18.
[109] China Labour Bulletin, "Pandemic Prevention Measures Lead to Variety of Worker Protests," June 16, 2022.
[110] Simone McCarthy, "China's Covid Controls Risk Sparking Crisis for the Country—and Its Leader Xi Jinping," *CNN,* April 16, 2022.
[111] "Buman fangyi yan ke Guangda Shanghai yuangong jiti chutao" [Unhappy with the strict pandemic controls, Quanta Shanghai workers collectively fled], *Radio Free Asia,* May 9, 2022.
[112] Jude Howell, "From Green Shoots to Crushed Petals: Labour NGOs in China," *Made in China Journal: Then and Now* 6, no. 1 (January–April 2021): 102–7.
[113] CECC, *2012 Annual Report,* October 10, 2012, 122.
[114] Yaxue Cao, "Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Arresting Leaders," *China Change,* December 10, 2015; CECC, *2016 Annual Report,* October 6, 2016, 84–85.
[115] China Labour Bulletin, "Reimagining Workers' Rights in China," March 2022, 45; CECC, *2019 Annual Report,* November 18, 2019, 62–64.
[116] China Labour Bulletin, "Five Labour Activists Released After 15 Months in Detention," May 9, 2020; "'Xin shengdai' bianji bei bu bai ming chenfeibing gongren lianshu shengjuan" ["New Generation" editor arrested, one hundred workers suffering from pneumoconiosis jointly sign names in solidarity], *Radio Free Asia,* April 22, 2019; CECC, *2020 Annual Report,* December 2020, 70–71.
[117] "Prosecution of Labor Advocates Has Chilling Effect on Labor NGOs, Strikes Continue," Congressional-Executive Commission on China, February 22, 2017.
[118] Jude Howell, "From Green Shoots to Crushed Petals: Labour NGOs in China," *Made in China Journal: Then and Now* 6, no. 1 (January–April 2021): 102–7. For descriptions of several leading Guangdong-based NGOs that were targeted in 2015, see Yaxue Cao, "Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Arresting Leaders," *China Change,* December 10, 2015.
[119] "About China Digital Times," *China Digital Times,* accessed April 12, 2022.
[120] "Farewell Letters: A Tribute to the Civil Society Groups, Bloggers, and Media Outlets We Lost in 2021," *China Digital Times,* January 10, 2022.
[121] "Farewell Letters: A Tribute to the Civil Society Groups, Bloggers, and Media Outlets We Lost in 2021," *China Digital Times,* January 10, 2022; "Translation: Pepper Tribe, Online Platform for Female Chinese Workers, Shut Down," *China Digital Times,* August 13, 2021.
[122] CECC, *2021 Annual Report,* March 2022, 153.
[123] China Labour Bulletin, "About Us," accessed April 13, 2022.
[124] NGOCN (@ngocncat), "Gangda laogong yanjiuzhe Fang Ran 'shexian dianfu guojia zhengquan,' pengyou cheng 'Ta zhi shi ge dui laogong yanjiu you rechen de xuesheng'" [HKU labor researcher Fang Ran "suspected of subversion of state power," friends say "He's just a student with a great enthusiasm for researching workers"], *Matters,* September 1, 2021; Guo Rui, "Chinese Activists Sophia Huang and Wang Jianbing Expected to Face Court," *South China Morning Post,* April 4, 2022. For more information, see the Commission's Political Prisoner Database records 2021-00517 on Wang Jianbing and 2021-00534 on Fang Ran.
[125] NGOCN (@ngocncat), "Gangda laogong yanjiuzhe Fang Ran 'shexian dianfu guojia zhengquan,' pengyou cheng 'Ta zhi shi ge dui laogong yanjiu you rechen de xuesheng'" [HKU labor researcher Fang Ran "suspected of subversion of state power," friends say "He's just a student with a great enthusiasm for researching workers"], *Matters,* September 1, 2021.
[126] Mimi Lau and Jack Lau, "Fang Ran: The Haunting Case of the Hong Kong Labour Rights Researcher Held in China," *South China Morning Post,* September 11, 2021; Man Hoi Yan and Cheng Yut Yiu, "Left-Wing Labor Rights Researcher Detained for 'Subversion' in China's Guangxi," *Radio Free Asia,* September 2, 2021.
[127] Rights Defense Network, "Duli gongyi ren Wang Jianbing, nuquan jizhe Huang Xueqin jiashu shoudao daibu tongzhishu" [Family members of independent public interest worker Wang Jianbing and women's rights journalist Huang Xueqin received arrest notices], November 5, 2021; Chinese Human Rights Defenders, "China: Immediately Release #MeToo Activist and Fellow Civil Society Advocate," September 21, 2021.
[128] Karl Hu, "China: Leader of Delivery Riders Alliance Detained, Solidarity Movement Repressed," *Labor Notes,* April 15, 2021.

[129] Chuang (@chuangcn), "Breaking: A video of delivery driver organizer Chen Guojiang, better known as Meng Zhu, has been released via his WeChat channel. Chen may finally be free (1/6)," Twitter, January 3, 2022, 6:09 a.m.

[130] Karl Hu, "China: Leader of Delivery Riders Alliance Detained, Solidarity Movement Repressed," *Labor Notes,* April 15, 2021. For more information on Chen Guojiang, see the Commission's Political Prisoner Database record 2021-00061.

[131] Chuang (@chuangcn), "However, some key facts are unclear: Did Chen make the video himself? Under his own free will? And when was the video shot? There are still many unanswered questions about his status and safety (2/6)," Twitter, January 3, 2022, 6:12 a.m.

[132] Li Yuan, "'Who Are Our Enemies?' China's Bitter Youths Embrace Mao.," *New York Times,* July 8, 2021; Javier C. Hernández, "China's Leaders Confront an Unlikely Foe: Ardent Young Communists," *New York Times,* September 28, 2018. See also "Free the Fujian Six! Open Letter from a Young Maoist Awaiting Prison," *Chuang* (blog), January 10, 2022.

[133] Javier C. Hernández, "China's Leaders Confront an Unlikely Foe: Ardent Young Communists," *New York Times,* September 28, 2018.

[134] Li Yuan, "'Who Are Our Enemies?' China's Bitter Youths Embrace Mao.," *New York Times,* July 8, 2021; Javier C. Hernández, "China's Leaders Confront an Unlikely Foe: Ardent Young Communists," *New York Times,* September 28, 2018. See also Ian Liujia Tian, "Socialism from the Grassroots: New Directions of Leftist Organizing in Post-Socialist China," *Upping the Anti: A Journal of Theory and Action,* January 30, 2022.

[135] "Bai nian Dang qing bijin weiwen wu fen zuoyou Maozuo zhenying chuanzao gong'an kuasheng zhuabu" [As Party centenary approaches, no effort spared in stability maintenance, leftist Maoist faction rumored to have been taken into custody by public security across provinces], *Radio Free Asia,* June 9, 2021.

[136] "Bai nian Dang qing bijin weiwen wu fen zuoyou Maozuo zhenying chuanzao gong'an kuasheng zhuabu" [As Party centenary approaches, no effort spared in stability maintenance, leftist Maoist faction rumored to have been taken into custody by public security across provinces], *Radio Free Asia,* June 9, 2021.

[137] "Free the Fujian Six! Open Letter from a Young Maoist Awaiting Prison," *Chuang* (blog), January 10, 2022; "Henan sheng Pingdingshan shi Xinhua qu fayuan yu 'Hongse Wenhua Hui' an de panjueshu" [Henan province, Pingdingshan municipality, Xinhua district court decision in the case of "Red Culture Association"], *Red China,* January 6, 2022.

[138] "Henan sheng Pingdingshan shi Xinhua qu fayuan yu 'Hongse Wenhua Hui' an de panjueshu" [Henan province, Pingdingshan municipality, Xinhua district court decision in the case of "Red Culture Association"], *Red China,* January 6, 2022. For more information, see the Commission's Political Prisoner Database records 2022-00009 on Zhang Zhijing, 2022-00010 on Yu Chaoquan, 2022-00011 on Qiu Pingqin, 2022-00012 on Qiu Pinghui, and 2022-00013 on Huang Xiaochun. According to the court decision, Yu Yixin—the sixth person detained in the case—was designated the "ring leader" of the group, but his case was being handled separately.

[139] "Henan sheng Pingdingshan shi Xinhua qu fayuan yu 'Hongse Wenhua Hui' an de panjueshu" [Henan province, Pingdingshan municipality, Xinhua district court decision in the case of "Red Culture Association"], *Red China,* January 6, 2022.

VIII. Other Thematic Issues

Public Health

Findings

• As the highly infectious Delta and Omicron variants of coronavirus disease 2019 (COVID-19) spread quickly in China this past year, the Chinese Communist Party and government's public health response continued to be shaped by Party General Secretary Xi Jinping's political priorities. Features of political influence included the Party's promotion of its "zero-COVID" policy as a success story to validate the Party's decisionmaking despite a growing chorus within and outside China that criticized a lack of planning for coexistence with the virus; lockdown management that employed disproportionally harsh public security measures and surveillance to "maintain stability"; actively promoting disinformation about COVID-19; and an ongoing lack of transparency in providing data needed by the international scientific community to more effectively handle COVID-19 through investigating SARS-CoV-2's origins and better preparing for a future infectious pathogen. Authorities used repressive tactics against individuals, including **Zhang Zhan** and **Fang Bin,** who provided unauthorized reports about the government's mishandling of the COVID-19 outbreak.

• International concern over the publication of genetic research by Chinese scientists using DNA samples taken from Uyghurs in China allegedly without obtaining informed consent sparked several genetics journals to investigate and retract several research papers.

• A case illustrating the vulnerability to human trafficking of women with developmental and mental health disabilities in China galvanized the public and pushed the government to prioritize aid to persons with psychosocial disorders in an anti-trafficking campaign, but domestic experts report a lack of systemic legal protections. Public security officials also continued to forcibly commit petitioners and other individuals whom authorities have deemed "disruptive" to psychiatric facilities in spite of clear provisions in the PRC Mental Health Law that prohibit this. Among the cases the Commission monitored this year were **Li Tiantian** and **Zhou Caifan.**

• Individual and organized public health advocacy continues in China, but the personal and professional risks of organized public health advocacy that authorities deem politically sensitive or even threatening, are evident in the ongoing or new detentions this past year of **Cheng Yuan** and **Wu Gejianxiong,** from the advocacy organization Changsha Funeng; **He Fangmei,** an advocate for victims of defective vaccines; and **Hu Xincheng,** a former investigative journalist and rights advocate.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Strengthen existing international technical assistance and exchange programs on emerging and zoonotic infectious diseases, and global public health preparedness and response. Expand information sharing, particularly drawing on the legal framework established in the International Health Regulations (IHR). Contribute to the international community's efforts to improve the IHR provisions and communications channels to effectively respond to public health emergencies.
- Urge the Chinese government to end the unlawful detention and official harassment of individuals in China who have shared opinions and information about COVID-19. Release or confirm the release of individuals detained, held in home confinement, or imprisoned for exercising freedom of expression, such as **Zhang Zhan** and **Fang Bin.** Amplify the work of Chinese citizen journalists, scientists, and medical professionals in documenting COVID-19 and other public health developments in China.
- Urge Chinese officials to focus attention on both effective implementation of laws and regulations that prohibit health-based discrimination in access to employment and education, and on the development of a barrier-free environment. Where appropriate, share with Chinese officials the United States' ongoing efforts to promote and enhance the rights of persons with disabilities and other health-based conditions. Expand the number of site visits and exchanges for Chinese non-governmental health advocates, universities, and state-affiliated social work agencies to meet with U.S. rights groups, lawyers, and state and Federal agencies to share best practices in outreach to, and services for, vulnerable communities. Release or confirm the release of **Cheng Yuan, Wu Gejianxiong, He Fangmei,** and **Hu Xincheng,** whom authorities detained for public health advocacy. Raise these cases in bilateral dialogues, as well as through multilateral mechanisms such as the UN Working Group on Arbitrary Detention.

PUBLIC HEALTH

COVID-19

The highly infectious Delta and Omicron variants of coronavirus disease 2019 (COVID-19) spread quickly in China this past year, intensifying the risk of SARS-CoV-2 to public health in China. With at least 45 municipalities in full or partial lockdown in April 2022, an estimated 373 million Chinese people were reportedly under some form of lockdown.[1] Article 12 of the International Covenant on Economic, Social and Cultural Rights prioritizes the right to health, whereby the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health" includes the "prevention, treatment and control of epidemic . . . diseases."[2] While the International Covenant on Civil and Political Rights allows governments to impose some restrictions on freedom of expression in cases of public emergency, such restrictions must meet "standards of legality, proportionality, and necessity."[3] The People's Republic of China's (PRC) public health response continued to be shaped by Chinese Communist Party Secretary Xi Jinping's political priorities. Features of the political influence included the promotion of the "zero-COVID" policy as a success story to validate the Party's decisionmaking despite a growing chorus within and outside China that criticized a lack of planning for coexistence with the virus; lockdown management that employed disproportionally harsh public security measures and surveillance to "maintain stability"; actively promoting disinformation about COVID-19; and an ongoing lack of transparency in providing data needed by the international scientific community to more effectively handle COVID-19, through investigating SARS-CoV-2's origins and better preparing for a future infectious pathogen.[4]

ZERO-COVID POLICY: RHETORIC, IMPLEMENTATION, AND CRITICISM

The PRC's zero-COVID policy entails prevention and control of the disease by employing mass testing, snap lockdowns, quarantine,[5] and limits on travel into China[6] and within China.[7] Party General Secretary Xi Jinping declared the policy a Party success story[8]—at the May 5, 2022, meeting of the Standing Committee of the Party Central Committee Political Bureau,[9] Xi reportedly asserted that the Party's "nature" had determined the policy and that the Party's "prevention and control policies have stood the test of history."[10] Xi's personal leadership also has been linked to the policy. According to a Beijing-based commenter, the policy is ". . . an unquestionable, unchallengeable policy that is closely tied to his political authority—and therefore there will be no flexibility when it comes to its implementation."[11] Policy implementation was designated a top "political task" for local-level officials, and viral outbreaks resulted in Party disciplinary punishment, including job loss or a diminished prospect for promotion.[12]

Implementation of the policy[13] during the Commission's 2022 reporting year exposed planning and emergency management shortcomings[14] and rights violations[15] not only in locations under full or partial lockdown such as Shanghai, Jilin, and Xi'an munici-

pality, but also in Hong Kong[16] and throughout mainland China.[17] The use of digital surveillance technology, as exemplified by the health code application (app) in the mainland, played an instrumental role in pandemic prevention and control.[18] Based on an individual's personal, health, biometric, and travel data, the app's QR code produced a color code to indicate that individual's level of risk and determines whether the user will have access to public spaces like parks and hospitals, as well as use of public transportation, or whether they should go into isolation or quarantine.[19] This collection by big data—including results of users' COVID-19 testing, real-time geolocation tracking, and contacts—is accessible by the government and has raised concerns that it will be used as a means of political control,[20] in spite of China's growing data privacy legal framework.[21] In mid-June 2022, for example, individuals planning to protest at a bank in Henan province that had frozen their savings discovered their QR code turned "red" before they left for Henan.[22] International athletes, foreign journalists, and other attendees of the 2022 Beijing Winter Olympic Games were required to install the My2022 app on smartphones to capture primarily health-related data, but a report by Citizen Lab, a technology and human rights monitoring group in Canada, identified an encryption flaw that left users' voice audio data vulnerable to misuse.[23] [For more information on this issue, see Section V—Governance.]

In addition to the tools of "digital authoritarianism" was "old-fashioned analog authoritarianism," as one scholar described it, "that relies on people-to-people contact and people-to-people pressure," requiring urban residential committee members to assist in coordinating COVID-19 testing, distributing food,[24] and responding to residents' needs.[25] Implementation resulted in food shortages;[26] fatalities related to hospitals unwilling or unable to admit patients with urgent conditions;[27] and instances of limited access to medical care[28] or deprivation of care for vulnerable elderly persons,[29] persons with chronic illness,[30] and young children.[31] Coercive implementation of isolation and quarantine controls to prevent community transmission included erecting fencing around residential buildings, housing blocks, and streets to prevent residents from leaving their homes,[32] and forcing COVID-positive residents to transfer to makeshift quarantine facilities at any time.[33] Video captured scenes of physical assault carried out by persons wearing white PPE gear, of public security officials using riot tactics against protesting community members, and other disproportionate uses of force.[34]

Countering the "unswerving" adherence to the policy[35] were comments by medical and legal experts, as well as social media users,[36] that the policy is not sustainable. In July 2021, Zhang Wenhong, a prominent virologist in Shanghai municipality, publicly raised concerns about the long-term sustainability of the policy given the likelihood that COVID-19 will be a long-term public health threat, but the substance of his comments was officially rebuked.[37] Another medical doctor in Shanghai was censored in April 2022 when he reportedly suggested a "middle road" between the policy and co-existence with the virus, based on his concern about the lack of medical treatment for patients with chronic illnesses and acute diseases.[38] He cited evidence of higher mortality rates

for patients with diabetes during the 2020 lockdown in Wuhan municipality, Hubei province.[39] A Chinese study released in June 2022, moreover, found relatively low risks associated with the Omicron variant, prompting questions about the ongoing need for harsh measures.[40] Public comments on a policy shift toward co-existence with the virus, however, have been deemed by Chinese authorities to be a political critique of the policy rather than of a viable alternative public health approach.[41] Thus, following World Health Organization (WHO) Director-General Dr. Tedros Adhanom Ghebreyesus's comment on May 10, 2022, that the Chinese government's zero-COVID policy "will not be sustainable" given the changing nature of the virus as well as the existence of effective medical tools,[42] the Ministry of Foreign Affairs described that comment as "irresponsible."[43] At the same WHO event, another senior WHO official, Michael Ryan, stressed "show[ing] due respect to individual and human rights" by calibrating pandemic prevention measures in consideration of "the impact on society [and] the impact on the economy."[44] Two days before Ryan's comments, a law professor at East China University of Politics and Law had argued that "[p]andemic prevention needs to be balanced with ensuring people's rights and freedoms" in a critique of two coercive measures that he described as unconstitutional.[45] Other critiques raised by legal experts in China included the threat to personal data privacy posed by excessive use of surveillance and facial recognition technology in pandemic surveillance,[46] and the possible "normalization" of measures like nucleic acid (PCR) testing beyond an immediate need for pandemic prevention and control.[47]

HARASSMENT AND DETENTION

Authorities used repressive tactics against individuals who provided unauthorized reports about the government's handling of the COVID-19 outbreak. While the International Covenant on Civil and Political Rights allows governments to impose some restrictions on freedom of expression in cases of public emergency, such restrictions must meet standards of legality, proportionality, and necessity.[48] The Chinese government's repression of activity related to free speech and access to information about COVID-19 violated those standards, as seen in the ongoing detentions this past year of citizen journalists **Zhang Zhan**[49] and **Fang Bin.**[50] Authorities detained Zhang in May 2020[51] and Fang in February 2020[52] in connection with their efforts to document the COVID-19 outbreak in Wuhan municipality, Hubei province. Similarly, in January 2022, a group of 11 Falun Gong practitioners were sentenced to prison terms of between two and eight years, partly in connection with having provided photos of street scenes in Beijing municipality in the early days of the epidemic in China to Epoch Times, an overseas media outlet affiliated with Falun Gong.[53] Rights Defense Network also reported on the use of confinement in a quarantine facility as a pretext to arbitrarily detain two petitioners from Fujian province in March 2022.[54]

CHINESE GOVERNMENT'S ONGOING LACK OF TRANSPARENCY REGARDING COVID-19 DATA

The Chinese government's refusal to provide requested data, together with its requirement that officials vet research papers on COVID-19 prior to submission to scientific journals,[55] has intensified the perception that the Chinese government is "withholding data on COVID-19's origins"[56] and is not cooperating with the WHO and the international community's efforts to identify the origins of SARS-CoV-2.[57] Scientific research on the origins of SARS-CoV-2 this past year concentrated on gathering more data about the sale of live wild animals at wet markets in Wuhan municipality, Hubei province, the epicenter of the COVID-19 outbreak in late 2019.[58] Further research requires access to genetic data and raw samples from Wuhan that the government failed to provide despite multiple requests from the WHO[59] and commentary by scientists.[60] Under the rubric of a new WHO advisory group established in October 2021 to study the origins of novel pathogens, including SARS-CoV-2,[61] WHO Director General Tedros also submitted requests to the Chinese government to provide raw data in February 2022, to no avail.[62] Moreover, the WHO advisory group reported in June 2022 that "there had not been any new data made available to evaluate the laboratory as a pathway of SARS-CoV-2 into the human population and recommend[ed] further investigations into this and all other possible pathways."[63]

AMPLIFYING DISINFORMATION IN AN EFFORT TO INFLUENCE INTERNATIONAL OPINION

This past year, researchers continued to identify and analyze disinformation and propaganda efforts by PRC state media outlets and diplomats.[64] According to the ChinaPower project at the Center for Strategic and International Studies, a think tank in Washington, D.C., the PRC government's efforts have aimed to "[deflect] criticisms that China is to blame for the pandemic."[65] In September 2021, for example, a disinformation researcher at the University of Oxford documented the emergence of a new "cold chain" theory of COVID-19 origins in the social media accounts of PRC diplomats and official media outlets alleging that frozen imported lobsters from Maine were the source of COVID-19.[66] In another example, official media amplified a conspiracy theory that the United States had been pressuring the World Health Organization to blame China for the pandemic, based on a July 2021 post on the Facebook account of a Swiss biologist whom Facebook later found to be a fake persona created by a Chinese cybersecurity company.[67] ChinaPower found that international public opinion continued to hold China accountable for the COVID-19 pandemic and negative perceptions of China were widespread in many countries in spite of PRC disinformation and propaganda efforts since the outbreak in December 2019.[68]

Responding to Concerns over Ethics Standards and Human Rights Violations in the Use of Genomic Data in China

Spurred by international concerns over violations of research integrity and human rights regarding the publication of genetic research by Chinese scientists using DNA samples taken from Uyghurs,[69] two genetics journals retracted three such articles in August, September, and December 2021 following additional inquiry.[70] The concerns included claims about the lack of consent from Uyghurs in the collection of their biometric data,[71] Chinese authorities' specific interest in genomic profiling of ethnic minority groups to advance state surveillance goals,[72] research on vulnerable minorities in the context of the Chinese government's official campaign of mass detention in the Xinjiang Uyghur Autonomous Region,[73] and the names of public security officials among the publication authors.[74] In a related development, the Intercept reported in August 2021 that 8 out of 25 board members from the journal Molecular Genetics & Genomic Medicine resigned over the publication of "a slew of controversial papers that critics fear could be used for DNA profiling and persecution of ethnic minorities in China," including Uyghurs, Tibetans, and Hui Muslims.[75] Given the role of ethics committees from the PRC Ministries of Public Security and Justice in approving genomic studies, scientists associated with the European Society for Human Genetics have advised that genetics journal publishers "conduct a mass reassessment of this literature and require further information on consent and ethical approvals in addition to considering whether the studies fulfil the basic ethical requirements for non-maleficence, beneficence, justice and veracity."[76] While some publishers have begun investigations, most of these papers have not yet been retracted.[77] In June 2022, the American Society of Human Genetics (ASHG) issued a statement that "[l]ongstanding ethical principles for genetics research help respect and protect research participants, and they are especially important for preventing harm to marginalized or vulnerable populations," and indicated that the ASHG would in future address ethics standards, including for publications.[78]

Concerns over the Treatment of Persons with Severe Psychosocial Disabilities and Continuing Use of Forcible Psychiatric Commitment

A video from late January 2022 showing a woman in Feng county, Xuzhou municipality, Jiangsu province, chained by her neck to a shed,[79] exposed her individual suffering and the far-reaching vulnerability to human trafficking of women with developmental and mental health disabilities in China.[80] The woman reportedly had symptoms of mental illness before being trafficked from Yunnan province to Jiangsu in the late 1990s.[81] After the video's release, authorities in Xuzhou brought her to a hospital where she was diagnosed with schizophrenia.[82] Widespread public criticism drew attention to the local government's apparent disregard for human trafficking[83] and the woman's abusive living conditions,[84] the inconsistencies in the official investigative reports about her background,[85] and lax criminal penalties for the "buyers" of trafficked persons.[86] Although both a nationwide anti-trafficking campaign launched in March 2022[87] and a ten-year anti-trafficking action

plan issued in April 2021[88] specify the need to identify and assist trafficking victims among women with psychosocial disabilities, neither the campaign nor the action plan mentions engaging legal protections for disabled persons. The committee conducting the August 2022 review of China's compliance with the Convention on the Rights of Persons with Disabilities (CRPD)[89] previously signaled its concern about legal protections in a recommendation that the government "develop a comprehensive legal framework to protect women and children with disabilities, particularly those with intellectual or psychosocial disabilities, against all forms of exploitation, violence, abuse, abduction and trafficking"[90] under Article 16 of the CRPD.[91] [For more information about the case of the woman trafficked to Feng county, see Section VI—Human Trafficking, Population Control, and Status of Women.]

The Chinese government has committed to improving mental health services under the "right to health" in its National Human Rights Action Plan for 2021–2025,[92] which is in line with a long-term commitment to developing mental health policy, legal protection provisions, and greater national capacity for treatment.[93] The chained woman's experience nevertheless highlights gaps in access to treatment and services for persons with severe psychosocial disorders,[94] particularly in rural areas.[95] The heavy healthcare[96] and legal guardianship[97] responsibilities placed on family members, as well as broader societal stigmatization and institutional discrimination,[98] also are factors that exacerbate the precarity of their lives. The woman's experience also pointed to the ongoing use of shackling to restrain mentally ill persons.[99] In its 2020 report on the global prevalence of shackling persons with psychosocial disorders, Human Rights Watch cited Party-affiliated media reports from 2013 and 2015 that estimated 100,000 shackled persons in Hebei province alone.[100] Lawyer Huang Xuetao, the founder of an anti-discrimination non-governmental organization (NGO), commented that the government's failure to have ever sanctioned anyone for chaining up a person with mental illness is evidence that the personal liberty of persons with mental illness is unprotected.[101] Additionally, a disability rights advocate noted that mentally ill individuals are often unfairly perceived to be vectors of violence, when the reality is that they are more likely to be the victims of violence.[102] A concern over potential violent outbursts by persons with severe mental disorders as a risk to public safety was an element in an administrative lawsuit decision in one of ten "typical" disability rights public interest lawsuits issued by the Supreme People's Procuratorate and the Chinese Disabled Persons Federation in May 2022.[103]

USE OF FORCIBLE COMMITMENT AS A "STABILITY MAINTENANCE" TOOL

The PRC Mental Health Law (MHL) provides protections against wrongful involuntary admission and treatment at psychiatric facilities,[104] provisions that were aimed, in part, to prevent the forced commitment to psychiatric facilities of people without mental illness (*bei jingshenbing*).[105] Civil Rights & Livelihood Watch (CRLW), a Chinese NGO, has documented public security officials' use of *bei jingshenbing* against petitioners and persons whom Chinese authorities deem to be engaged in "disruptive" activity and

speech.[106] CRLW underscored the PRC's pervasive use of forcible psychiatric commitment as a "stability maintenance" tool in its 2020 report on the use of *bei jingshenbing,*[107] and stressed that the extent of forcible commitment is difficult to estimate due to government information control.[108] Two cases from this past year are illustrative of its use:

- **Jiangxi province.** Government staff in Anyuan district, Pingxiang municipality, Jiangxi, involuntarily admitted **Zhou Caifan** to a local hospital's psychiatric unit in August 2021,[109] even though she did not meet the criteria in the MHL that stipulate involuntary admission in cases of harm to oneself or others.[110] Prior to being hospitalized, Zhou had petitioned the Pingxiang bureau of letters and visits about her sister's death.[111]
- **Hunan province.** When schoolteacher **Li Tiantian** refused to retract or apologize for her online support of a college professor's skepticism of the official estimate of deaths during the 1937 Nanjing Massacre,[112] public security officers in Yongshun county, Xiangxi Tujia and Miao Autonomous Prefecture, Hunan, held Li at a psychiatric facility for seven days in December 2021.[113]

Suppression of Public Health Advocacy

Authorities have "hollow[ed] out" grassroots civil society organizations that have worked on public health advocacy, observed China Digital Times in an introduction to an essay by disability rights advocate Xie Renci[114] about the lack of accessible public spaces for persons using wheelchairs.[115] Individual and organized advocacy continues in China,[116] but the personal and professional risks of organized public health advocacy that authorities deem politically sensitive or even threatening were evident in the ongoing detention of **Cheng Yuan**[117] and **Wu Gejianxiong,**[118] a founder and staff member, respectively, of the NGO Changsha Funeng that works to counter health discrimination.[119] **He Fangmei,** the founder of a group advocating for the child victims of defective vaccines, has been frequently harassed and detained by authorities since 2018 when her daughter became disabled through a faulty vaccine.[120] Authorities took He into custody again in October 2020 when she was seven months' pregnant.[121] She gave birth while in detention.[122] This past year, she reportedly was tried on the charges of "bigamy" and "picking quarrels and provoking trouble," and is thought to be held at the Xinxiang Municipal Public Security Bureau Detention Center, in Henan province.[123] Former investigative journalist and petitioners' rights advocate **Hu Xincheng** was traveling throughout the country to collect signatures for a public health campaign advocating for free medical care in cases of serious illness before authorities detained him in December 2021.[124] Authorities arrested Hu on the charge of "advocating terrorism or extremism and inciting implementation of terrorist activities" on January 9, 2022,[125] illustrating the government's hardline approach to non-governmental advocacy despite high-level policy plans this past year on the issue of healthcare reform.[126]

Notes to Section VIII—Public Health

[1] "370 Mil. People Under Some Form of Lockdown in China Due to COVID," *Kyodo News,* April 16, 2022.

[2] International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 12(1), (2)(c); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed July 15, 2022. China signed the convention on October 27, 1997, and ratified it on March 27, 2001. See also Office of the UN High Commissioner for Human Rights, CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), adopted at the Twenty-second Session of the Committee on Economic, Social and Cultural Rights, August 11, 2000, para. 16.

[3] International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 19; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 15, 2022. China has signed but not ratified the ICCPR. Daphne Eviatar, "Human Rights Guidelines for the Fight Against COVID-19," *Just Security* (blog), March 27, 2020; UN Human Rights Council, Disease Pandemics and the Freedom of Opinion and Expression, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, A/HRC/44/49, April 23, 2020, paras. 16, 20, 63(e–f).

[4] Maria D. Van Kerkhove, Michael J. Ryan, and Tedros Adhanom Ghebreyesus, "Preparing for 'Disease X,'" editorial, *Science* 374, no. 6566, October 13, 2021: 377.

[5] "Ask the Experts: How Does China's Dynamic Zero-COVID Policy Impact the Global Economy?," London School of Economics, *China Dialogues* (blog), March 29, 2022.

[6] Giulia Interesse, "China Eases Travel Requirements: New Guidelines from May 19, 2022," Dezan Shira & Associates, *China Briefing,* May 19, 2022.

[7] Ken Moritsugu and Emily Wang, "China's 'Zero-COVID' Restrictions Curb May 1 Holiday Travel," *Associated Press,* May 1, 2022.

[8] Nectar Gan, "Xi Jinping Sends Warning to Anyone Who Questions China's Zero-Covid Policy," *CNN,* May 6, 2022.

[9] Qi Zhongxi, Dong Ruifeng, and Hu Zhe, "Jianjue zhu lao yiqing fangkong pingzhang jianjue gonggu zhu yiqing fangkong chengguo—zhuajin zhuashi yiqing fangkong zhongdian gongzuo shuping" [Resolutely build a barrier for pandemic prevention and control, resolutely consolidate pandemic prevention and control achievements—grasp tightly and securely to commentary on the key points of pandemic prevention and control work], *Xinhua,* May 6, 2022; Nectar Gan, "Xi Jinping Sends Warning to Anyone Who Questions China's Zero-Covid Policy," *CNN,* May 6, 2022.

[10] Qi Zhongxi, Dong Ruifeng, and Hu Zhe, "Jianjue zhu lao yiqing fangkong pingzhang jianjue gonggu zhu yiqing fangkong chengguo—zhuajin zhuashi yiqing fangkong zhongdian gongzuo shuping" [Resolutely build a barrier for pandemic prevention and control, resolutely consolidate pandemic prevention and control achievements—grasp tightly and securely to commentary on the key points of pandemic prevention and control work], *Xinhua,* May 6, 2022; Nectar Gan, "Xi Jinping Sends Warning to Anyone Who Questions China's Zero-Covid Policy," *CNN,* May 6, 2022.

[11] Nectar Gan, "Xi Jinping Sends Warning to Anyone Who Questions China's Zero-Covid Policy," *CNN,* May 6, 2022.

[12] William Zheng, "Dozens of Chinese Officials Punished over Latest Wave of Covid-19 Cases," *South China Morning Post,* March 22, 2022.

[13] "Ask the Experts: How Does China's Dynamic Zero-COVID Policy Impact the Global Economy?," London School of Economics, *China Dialogues* (blog), March 29, 2022.

[14] Anne Yang Stevenson, "China's Governance Implosion," *Forbes,* April 13, 2022; "China City Mayor Apologizes over COVID-19 Lockdown Response," *Reuters,* June 14, 2022.

[15] Human Rights Watch, "Human Rights Dimensions of COVID-19 Response," March 19, 2020.

[16] Timothy McLaughlin, "What Happened to Hong Kong?," *Atlantic,* March 17, 2022.

[17] Rachel Liang, "Overshadowed by Shanghai, Millions Caught in China's Forgotten Lockdowns," *Wall Street Journal,* May 6, 2022.

[18] Phoebe Zhang, "China's Covid-19 Health Code: Algorithms Weigh on Lives and Freedoms, Leaving Some Confused and Miserable," *South China Morning Post,* April 4, 2022.

[19] Paul Mozur, Raymond Zhong, and Aaron Krolik, "In Coronavirus Fight, China Gives Citizens a Color Code, with Red Flags," *New York Times,* July 26, 2021.

[20] "[Tiewan qingling] Minzhong ge ren xinxi jin shou dashujuku baokuo Gang'Ao diqu siyin wusuo dunxing" [[Iron-fisted zero clearance] Everyone's complete information is stored in a big data database, including from Hong Kong and Macao, with privacy nowhere to be found], *Radio Free Asia,* January 27, 2022.

[21] Jeffrey Knockel, "Cross-Country Exposure: Analysis of the MY2022 Olympics App," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, January 18, 2022.

[22] Engen Tham, "China Bank Protest Stopped by Health Codes Turning Red, Depositors Say," *Reuters,* June 16, 2022.

[23] Jeffrey Knockel, "Cross-Country Exposure: Analysis of the MY2022 Olympics App," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, January 18, 2022.

[24] See, e.g., "3 Shanghai Officials Sacked over COVID-19 Response," *Associated Press,* April 8, 2022; Ryan Woo, "Capital of China's Jilin Province Apologises for Food Shortages Due to COVID Curbs," *Reuters,* March 29, 2022; Greg James, "Xi'an Residents Face Shortages of Food and Critical Supplies as Lockdown Continues," *SupChina,* December 29, 2021.

[25] "The Forever Lockdown—COVID-19 and the Closing of China" [Webcast], Hauser Symposium: China's Domestic Evolution, Council on Foreign Relations, March 23, 2022, 43:20–43:44. See also CECC, *2020 Annual Report,* December 2020, 204.

[26] See, e.g., "3 Shanghai Officials Sacked over COVID-19 Response," *Associated Press,* April 8, 2022; Ryan Woo, "Capital of China's Jilin Province Apologises for Food Shortages Due to COVID Curbs," *Reuters,* March 29, 2022; Greg James, "Xi'an Residents Face Shortages of Food and Critical Supplies as Lockdown Continues," *SupChina,* December 29, 2021.

[27] See, e.g., "Violinist Shunping Chen Has Died, Aged 71," *Violin Channel,* April 20, 2022; Christian Shepherd, "Tales of Anguish Emerge from China's Locked-down Xian, as Hospital Staffers Are Fired over Woman's Treatment," *Washington Post,* January 6, 2022; Natasha Khan, "Shanghai Nurse's Death Fuels Skepticism over Cost of China's Covid-19 Measures," *Wall Street Journal,* March 25, 2022.

[28] Human Rights Watch, "China: Treatment for Non-Covid Illnesses Denied," April 6, 2022.

[29] Nectar Gan, "Outcry as Shanghai Sends Vulnerable Senior Citizens into Makeshift Quarantine Camps," *CNN,* April 21, 2022; Huizhong Wu and Dake Kang, "Shanghai Hospital Pays the Price for China's COVID Response," *Associated Press,* April 9, 2022.

[30] See, e.g., Natasha Khan, "Shanghai Nurse's Death Fuels Skepticism Over Cost of China's Covid-19 Measures," *Wall Street Journal,* March 25, 2022; Vivian Wang and Isabelle Qian, "Shanghai Seethes in Covid Lockdown, Posing Test to China's Leadership," *New York Times,* April 25, 2022.

[31] Brenda Goh and Engen Tham, "Shanghai Separates COVID-positive Children from Parents in Virus Fight," *Reuters,* April 2, 2022; Nectar Gan and Steve George, "Analysis: Separated from His Parents, an Infected 4-Year-Old Highlights the Human Cost of China's Zero-Covid Policy," *CNN,* September 17, 2021.

[32] Huizhong Wu, "Explainer: How China Is Using Metal Barriers to Fight COVID," *Associated Press,* April 29, 2022.

[33] Nectar Gan, "Outcry as Shanghai Sends Vulnerable Senior Citizens into Makeshift Quarantine Camps," *CNN,* April 21, 2022; Daisuke Wakabayashi, "Chinese Omicron Study Renews Debate Over 'Zero Covid' Policy," *New York Times,* June 21, 2022.

[34] See, e.g., China Change, "Shanghai Spring" [Video], May 17, 2022, 33:11–34:37, 1:15:13–1:17:05, 1:19:45–1:23:59.

[35] Nectar Gan, "Xi Jinping Sends Warning to Anyone Who Questions China's Zero-Covid Policy," *CNN,* May 6, 2022.

[36] Ji Siqi, "Chinese Economists Censored, Removed from Social Media after Critical Takes on Zero-Covid Policy," *South China Morning Post,* May 2, 2022.

[37] Bill Birtles, "China's COVID-Zero Strategy Could Leave It Isolated for Years. That May Be the Way Beijing Wants It," *Australian Broadcasting Company,* August 13, 2021; "Pandemic Control Strategy: A Subject for Debate, and Debate Suppression," *China Digital Times,* August 27, 2021.

[38] Jennifer Bateman, "Shanghai Infectious Disease Experts Call on Authorities to Stop 'Zero-Covid' Policy," *Epoch Times,* May 9, 2022; Vivian Wang, Joy Dong, and Amy Chang Chien, "Shanghai's Low Covid Death Toll Revives Questions About China's Numbers," *New York Times,* April 20, 2022.

[39] Jennifer Bateman, "Shanghai Infectious Disease Experts Call on Authorities to Stop 'Zero-Covid' Policy," *Epoch Times,* May 9, 2022; Vivian Wang, Joy Dong, and Amy Chang Chien, "Shanghai's Low Covid Death Toll Revives Questions About China's Numbers," *New York Times,* April 20, 2022.

[40] Daisuke Wakabayashi, "Chinese Omicron Study Renews Debate Over 'Zero Covid' Policy," *New York Times,* June 21, 2022.

[41] Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Zhao Lijian's Regular Press Conference on May 11, 2022," May 11, 2022; Jane Li, "China Is Policing Speech That Supports 'Living with Covid,'" *Quartz,* August 17, 2021.

[42] Remarks by Tedros Adhanom Ghebreyesus, Director General of the World Health Organization, "COVID-19, Ukraine, and Other Global Health Issues, Virtual Press Conference," World Health Organization, May 10, 2022, 00:46:40.

[43] Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Zhao Lijian's Regular Press Conference on May 11, 2022," May 11, 2022.

[44] Remarks by Michael Ryan, Executive Director of the World Health Organization Health Emergencies Programme, "COVID-19, Ukraine, and Other Global Health Issues, Virtual Press Conference," World Health Organization, May 10, 2022, 00:48:44; "China Labels WHO Remarks on 'Zero-COVID' 'Irresponsible,'" *Associated Press,* May 11, 2022.

[45] "Tong Zhiwei: Dui Shanghai xinguan fangyi liang cuoshi de falu yijian" [Tong Zhiwei: Legal opinion on two coronavirus pandemic control measures in Shanghai], *Yibao,* May 8, 2022; Phoebe Zhang, "Stop Shanghai's Covid-Prevention Excesses, Academics Urge in Online Appeal," *South China Morning Post,* May 9, 2022.

[46] Yitong Wu, Chingman, and Qiao Long, "Chinese Censors Delete Post Hitting Out at Mass, High-Tech Pandemic Surveillance," *Radio Free Asia,* May 26, 2022.

[47] "Guowuyuan fa 'Jiu Bu Zhun' jin guodu fangyi xuezhe pi 'changtaihua hesuan' yin guanzhu" [State Council issues "Nine Prohibitions" to stop excesses in pandemic prevention, scholars' criticism of "normalized nucleic acid testing" draws attention], *Radio Free Asia,* June 6, 2022.

[48] Daphne Eviatar, "Human Rights Guidelines for the Fight Against COVID-19," *Just Security* (blog), March 27, 2020; UN Human Rights Council, Disease Pandemics and the Freedom of Opinion and Expression, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, A/HRC/44/49, April 23, 2020, 16, 20, 63(e)–(f).

[49] William Yang, "Zhang Zhan chuan jiankang zhuangkuang gaishan Fang Bin anjian reng pushuo mili" [Zhang Zhan's health condition reportedly has improved, Fang Bin's case still bewildering], *Deutsche Welle,* February 15, 2022. For more information on Zhang Zhan, see the Commission's Political Prisoner Database record 2020-00175.

[50] Rights Defense Network, "Hubei Wuhan gongmin jizhe, renquan hanweizhe Fang Bin zuixin jingkuang tongbao (2022 nian 2 yue 4 ri)" [Most recent status bulletin on Fang Bin, cit-

izen journalist and rights defender from Wuhan, Hubei (2/4/2022)], February 4, 2022. For more information on Fang Bin, see the Commission's Political Prisoner Database record 2020-00140.

[51] Rights Defense Network, "Zhuming renquan hanweizhe, gongmin jizhe Zhang Zhan nushi yin baodao Wuhan yiqing jin huoxing 4 nian" [Prominent rights defender and citizen journalist Ms. Zhang Zhan sentenced today to 4 years in prison for reporting on the Wuhan epidemic], December 28, 2020; Vivian Wang, "Chinese Citizen Journalist Sentenced to 4 Years for Covid Reporting," *New York Times,* October 8, 2021.

[52] Civil Rights & Livelihood Watch, "Ceng paishe Wuhan yiqing de Fang Bin shizong yi liang zhou" [After taking video of the Wuhan epidemic, Fang Bin was disappeared for two weeks], February 22, 2020; Vivian Wang, "They Documented the Coronavirus Crisis in Wuhan. Then They Vanished.," *New York Times,* February 21, 2020.

[53] Rights Defense Network, "Yin yiqing qijian fabu yixie guonei yiqing zhaopian, Falun Gong xueyuan Xu Na nushi jin huoxing 8 nian" [For having posted some photos of the pandemic in China during the pandemic, Falun Gong practitioner Ms. Xu Na was today sentenced to 8 years' imprisonment], January 16, 2022; Xiao Lusheng and Yi Rucai, "Dong'ao qian 11 ming Falun Gong xueyuan zao zhongpan, lushi qianzi" [Prior to the winter Olympics, 11 Falun Gong practitioners were given heavy sentences, lawyer denounces [the sentences]], *Epoch Times,* January 21, 2022; "Beijing Falun Gong xueyuan Xu Na deng 11 ren bei gouxian dao Dongcheng qu fayuan" [Beijing Falun Gong practitioner Xu Na was one of 11 who were framed and sent to the Dongcheng district court], *Clear Wisdom,* April 22, 2021. For more information, see the Commission's Political Prisoner Database record 2008-00675 on Xu Na, 2022-00048 on Li Zongze, 2022-00049 on Zheng Yujie, 2022-00050 on Li Lixin, 2022-00051 on Zheng Yanmei, 2022-00052 on Deng Jingjing, 2022-00053 on Zhang Renfei, 2022-00054 on Liu Qiang, 2022-00055 on Meng Qingxia, 2022-00056 on Li Jiaxuan, and 2022-00057 on Jiao Mengjiao. Authorities released on bail two other Falun Gong practitioners who were detained in connection to the case in August 2021. For more information, see record 2022-00058 on Wang Yu and 2022-00059 on Fu Wen.

[54] Rights Defense Network, "Feifa jujin bei hai ren yaoqiu li'an, Fuzhou gong'an juran cheng shi zhengfu fangyi cuoshi" [Victims of illegal detention demand to file legal case, Fuzhou public security say that [the detention] was the government's pandemic prevention measure], March 26, 2022. Rights Defense Network reported that one of the petitioners was held for 38 days and the other for 16 days in these quarantine facilities.

[55] See also CECC, *2021 Annual Report,* March 2022, 187.

[56] Amy Maxmen, "Scientists Struggle to Probe COVID's Origins amid Sparse Data from China," *Nature* 603, no. 7903, March 17, 2022; Violet Law, "COVID-19: The Endless Search for the Origins of the Virus," *Al Jazeera,* April 5, 2022.

[57] Benjamin Mueller and Carl Zimmer, "Mysteries Linger About Covid's Origins, W.H.O. Report Says," *New York Times,* June 9, 2022.

[58] Gigi Kwik Gronvall, "The Contested Origin of SARS-CoV-2," *Survival* 63, no. 6 (November 26, 2021): 7–36.

[59] Jeremy Page and Drew Hinshaw, "China Refuses to Give WHO Raw Data on Early Covid-19 Cases," *Wall Street Journal,* February 12, 2021; Stephanie Nebahay, "WHO Proposes Fresh Coronavirus Mission to China and Lab Audits," *Reuters,* July 16, 2021.

[60] Michael Worobey, "Dissecting the Early COVID-19 Cases in Wuhan," *Science* Vol 374, no. 6572 (November 18, 2021): 1202–4; Gigi Kwik Gronvall, "The Contested Origin of SARS-CoV-2," *Survival* 63, no. 6 (November 26, 2021): 7–36.

[61] Maria D. Van Kerkhove, Michael J. Ryan, and Tedros Adhanom Ghebreyesus, "Preparing for 'Disease X,'" editorial, *Science* 374, no. 6566 (October 13, 2021); Kai Kupferschmidt, "WHO Unveils New 26-Member Panel to Restart Study of the Pandemic's Origins," *Science* 374, no. 6566 (October 13, 2021).

[62] World Health Organization, "Preliminary Report for the Scientific Advisory Group for the Origins of Novel Pathogens," June 9, 2022, 9, 16.

[63] World Health Organization, "Preliminary Report for the Scientific Advisory Group for the Origins of Novel Pathogens, June 9, 2022, 6.

[64] See, e.g., Zhang Legu, "Nianzhong baodao: Zhongguo shi quanqiu xinguan xujia xinxi gongshi de lingtouzhe" [Year-end report: China is leading the world's COVID disinformation offensive], *Voice of America,* December 31, 2021; Elen Aghekyan and Bret Schafer, "Deep in the Data Void: China's COVID-19 Disinformation Dominates Search Engine Results," Alliance for Securing Democracy, German Marshall Fund, October 5, 2021; Ben Dubow, Edward Lucas, Jake Morris, "Jabbed in the Back: Mapping Russian and Chinese Information Operations during COVID-19," Center for European Policy Analysis, December 2, 2021; Vera Zakem, Edward Lucas, and James Lamond, "Owning the Conversation: Assessing Responses to Russian and Chinese Information Operations Around COVID-19," Center for European Policy Analysis, March 31, 2022; Alexander Gabuev and Leonid Kovachich, "Comrades in Tweets? The Contours and Limits of China-Russia Cooperation on Digital Propaganda," Carnegie Endowment for International Peace, June 3, 2021; Christian Johnson and William Marcellino, "Reining in COVID-19 Disinformation from China, Russia, and Elsewhere," *RAND Blog,* November 19, 2021. See also CECC, *2021 Annual Report,* March 2022, 46, 187; CECC, *2020 Annual Report,* December 2021, 49–50.

[65] "Is China Succeeding at Shaping Global Narratives about Covid-19?," *ChinaPower,* Center for Strategic and International Studies, updated March 17, 2022.

[66] Olivia Solon, Keir Simmons, and Amy Perrette, "China-Linked Disinformation Campaign Blames Covid on Maine Lobsters," *NBC News,* October 22, 2021. For background information on the PRC government's promotion of "cold chain" origins, see CECC, *2021 Annual Report,* March 2022, 189.

[67] Ben Nimmo, "The Swiss Scientist That Never Was: A Chinese Influence Operation Focused on Covid-19," in "November 2021 Coordinated Inauthentic Behavior Report," Meta, November 2021, 12-26; Kevin Collier, "China-Based Covid Disinformation Operation Pushed Fake Swiss

Scientist, Facebook Says," *NBC News,* December 1, 2021; Shannon Bond, "Facebook Takes Down China-Based Network Spreading False COVID-19 Claims," *NPR,* December 1, 2021.

[68] "Is China Succeeding at Shaping Global Narratives about Covid-19?," *ChinaPower,* Center for Strategic and International Studies, updated March 17, 2022.

[69] Yves Moreau, "Crack Down on Genomic Surveillance," *Nature* 576, no. 7785 (December 2019): 36–38; Human Rights Watch, "China: Minority Region Collects DNA from Millions," December 13, 2017; Sui-Lee Wee and Paul Mozur, "China Uses DNA to Map Faces, with Help from the West," *New York Times,* updated October 22, 2021. This article originally was published on December 3, 2019. See also the Commission's prior reporting on this issue, CECC, *2018 Annual Report,* October 10, 2018, 199–200, 230, 249, 278; CECC, *2017 Annual Report,* October 6, 2017, 283.

[70] "Retraction Note to: Revisiting the Male Genetic Landscape of China: A Multi-center Study of Almost 38,000 Y-STR Haplotypes, *Human Genetics* 141 (December 11, 2021): 175–76; Sui-Lee Wee, "Two Scientific Journals Retract Articles Involving Chinese DNA Research," *New York Times,* September 9, 2021; "Retraction Note: Predicting Adult Height from DNA Variants in a European/Asian Admixed Population," *International Journal of Legal Medicine* 135, September 7, 2021: 2151; "Retraction Note: EDAR, LYPLAL1, PRDM16, PAX3, DKK1, TNFSF12, CACNA2D3, and SUPT3H Gene Variants Influence Facial Morphology in a Eurasian Population," *Human Genetics* 140, August 30, 2021: 1499.

[71] Sui-Lee Wee, "Two Scientific Journals Retract Articles Involving Chinese DNA Research," *New York Times,* September 9, 2021; Sui-Lee Wee and Paul Mozur, "China Uses DNA to Map Faces, with Help from the West," *New York Times,* updated October 22, 2021. This article originally was published on December 3, 2019.

[72] Sui-Lee Wee, "Two Scientific Journals Retract Articles Involving Chinese DNA Research," *New York Times,* September 9, 2021; British Medical Association et al., "Statement on the Abuse of Uyghurs in China," December 7, 2021.

[73] Dennis Normile, "Genetic Papers Containing Data from China's Ethnic Minorities Draw Fire," *Science* 373, no. 6556 (August 10, 2021); Human Rights Watch, "'Break Their Lineage, Break Their Roots': China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims," April 2021, 1, 23.

[74] Dennis Normile, "Genetic Papers Containing Data from China's Ethnic Minorities Draw Fire," *Science* 373, no. 6556 (August 10, 2021); Yves Moreau, "Crack Down on Genomic Surveillance," *Nature* 576, no. 7785 (December 2019): 36–38.

[75] Mara Hvistendahl, "Mass Resignations at Scientific Journal over Ethically Fraught China Genetics Papers," *Intercept,* August 4, 2021.

[76] Francesca Forzano, Maurizio Genuardi, and Yves Moreau on behalf of the European Society of Human Genetics, "ESHG Warns against Misuses of Genetic Tests and Biobanks for Discrimination Purposes," *European Journal of Human Genetics* 29 (January 18, 2021): 894–96.

[77] Linda Lew, "China's Genetic Profiling Research Faces Pushback from Academic Journals over Ethics Concerns," *South China Morning Post,* September 12, 2021; Samuel Pitchford, "Science Papers Retracted for Using Non-Consensual DNA Samples from Tibetans and Uyghurs," *Human Rights Pulse,* January 5, 2022.

[78] American Society of Human Genetics, "The Importance of Universal Ethical Standards in Science," *American Journal of Human Genetics (AJHG)* 109, No. 6 (June 2, 2022): 979–80.

[79] Manya Koetse, "Mother of Eight Found Chained Up in Shed Next to Family Home in Xuzhou," *What's on Weibo,* January 29, 2022; Lu Zhenhua and Cai Xuejiao, "Update: Shackled Mother Had Been Sold At Least Three Times, Probe Finds," *Caixin,* February 24, 2022.

[80] "On International Women's Day, Chinese Citizens Continue to Pressure PSB, Government Over Abuse and Trafficking of Women," *China Digital Times,* March 7, 2022; Zhou Dongxu, "Analysis: Shackled Mother of Eight Is Only One of Thousands of Trafficked Women," *Caixin,* February 23, 2022.

[81] Alice Yan, "Chinese Authorities Investigate Case of Mentally Ill Woman Chained Up in a Shed in Freezing Temperatures by Husband," *South China Morning Post,* February 8, 2022; Lu Zhenhua and Cai Xuejiao, "Update: Shackled Mother Had Been Sold At Least Three Times, Probe Finds," *Caixin,* February 24, 2022. The South China Morning Post, citing reports, asserted that the chained woman—known locally by the name Xiao Huamei—was trafficked in Yunnan before she was trafficked to Jiangsu. Caixin, citing an official report, asserted she had been sold three times in marriage in Jiangsu.

[82] Alice Yan, "Chinese Authorities Investigate Case of Mentally Ill Woman Chained Up in a Shed in Freezing Temperatures by Husband," *South China Morning Post,* February 8, 2022.

[83] "Muddle over Woman in Chains in China Stirs Online Anger with Authorities," *Reuters,* February 8, 2022.

[84] Manya Koetse, "Mother of Eight Found Chained Up in Shed Next to Family Home in Xuzhou," *What's on Weibo,* January 29, 2022; "On International Women's Day, Chinese Citizens Continue to Pressure PSB, Government Over Abuse and Trafficking of Women," *China Digital Times,* March 7, 2022.

[85] "More Questions Than Answers Two Weeks After Uproar over Chained Mother in Xuzhou," *SupChina,* February 16, 2022.

[86] Li Yuan, "Seeking Truth and Justice, Chinese See Themselves in a Chained Woman," *New York Times,* March 1, 2022; Guo Rui, "In China, Buying Trafficked Women and Children Gets Less Jail Time Than Buying Illegal Plants or Animals," *South China Morning Post,* February 18, 2022.

[87] "On International Women's Day, Chinese Citizens Continue to Pressure PSB, Government Over Abuse and Trafficking of Women," *China Digital Times,* March 7, 2022; "Gong'anbu bushu quanguo gong'an jiguan kaizhan daji guaimai funu ertong fanzui zhuanxiang xingdong" [Ministry of Public Security deploys public security entities nationwide to launch a specialized action against the crime of trafficking of woman and children], Ministry of Public Security website, reprinted in Central People's Government, March 2, 2022.

[88] State Council, "Zhongguo Fandui Guaimai Renkou Xingdong Jihua (2021–2030 nian)" [China Action Plan Against Human Trafficking (2021–2030)], sec. 2.2, para. 2.2.

[89] Committee Secretariat, UN Committee on the Rights of Persons with Disabilities, "When Will the Committee Consider My Country? Note on the Status of Reports of 185 Parties to the Convention," May 9, 2022, para. 34.

[90] UN Committee on the Rights of Persons with Disabilities, List of issues in relation to the combined second and third periodic reports of China, CRPD/C/CHN/Q/2–3*, April 21, 2020, para. 15 (a–d).

[91] Convention on the Rights of Persons with Disabilities, adopted by UN General Assembly resolution 61/106 of December 13, 2006, entry into force 3 May 3, 2008, art. 16. China signed the Convention on the Rights of Persons with Disabilities on March 30, 2007, and ratified it on August 1, 2008.

[92] State Council Information Office, "Human Rights Action Plan of China (2021–2025)," September 2021, sec. 1.5.

[93] National Health Commission, "Dui Shisan ju Quanguo Renda Si Ci Huiyi Di 7535 Hao Jianyi de dafu" [Response to suggestions from number 7535 of the Fourth Meeting at the Thirteenth Plenary of the National People's Congress], August 21, 2021; Jianyu Que, Lin Lu, and Le Shi, "Development and Challenges of Mental Health in China," *General Psychiatry* 32, no. 1 (2019): 3; Di Liang, Vickie M. Mays, and Wei-Chin Hwang, "Integrated Mental Health Services in China: Challenges and Planning for the Future," *Health Policy and Planning* 33, no. 1 (2018): 108.

[94] National Health Commission, "'Yanzhong Jingshen Zhang'ai Fabing Baogao Guanli Banfa (shixing)' Jiedu" [Interpretation of the "Measures on the Management of Reporting on the Incidence of Severe Mental Disorders (Implementing)"], September 2, 2013. The Chinese government classifies the following as serious psychosocial disorders: schizophrenia, schizoaffective disorder, persistent delusional disorder, bipolar disorder, mental disorders due to epilepsy, and mental disorders related to intellectual disability.

[95] Yao Hao, "China's Rural Mental Health Crisis," *Sixth Tone,* February 23, 2022; Lawrence H. Yang, Michael R. Phillips, Xianyun Li et al., "Determinants of Never-treated in Rural Versus Urban Contexts for Individuals with Schizophrenia in a Population-Based Study in China," *BMC Psychiatry* 22, (February 17, 2022): 2. See also CECC, *2017 Annual Report,* October 5, 2017, 204.

[96] Zhiying Ma, "Promises and Perils of Guan: Mental Healthcare and the Rise of Biopolitical Paternalism in Contemporary China," *Medicine Anthropology Theory* 7, no. 2 (September 30, 2020): 154, 161–62.

[97] *Zhonghua Renmin Gongheguo Minfa Dian* [PRC Civil Code], passed May 28, 2020, effective January 1, 2021, general, chap. 2, sec. 2, art. 28. See also Cheng Dafa, "Ruhe baohu he jiuzhu jingshen zhang'ai huanzhe? Lianghui jujiao" [How to protect and assist people with mental disorders? A focus at the Two Sessions], *Jiemian,* March 9, 2022; Yang Weihua, "In Search of Freedom: Personhood, Capacity and China's Mental Health Law," translated by Jayasree Kalathil, *Mad in Asia,* accessed May 15, 2022. For the Chinese original, see Yang Weihua, "'Jingshen Weisheng Fa diyi an' de 4 ge falu jinbu" [4 legal advances from the "First case of the PRC Mental Health Law"], WeChat, November 29, 2017.

[98] Yao Hao, "China's Rural Mental Health Crisis," *Sixth Tone,* February 23, 2022.

[99] Zhao Siliu and Yi Xiao'ai, "Yuanfang de kusheng: cong ba haizi muqin dao bei yiwang de nongcun nuxing jingshen zhang'ai huanzhe" [Cries from afar: From the mother of eight to the forgotten rural women suffering from mental disorders], *Initium,* reprinted in *Yahoo!,* February 8, 2022; Human Rights Watch, "Living in Chains: The Shackling of People with Psychosocial Disabilities Worldwide," October 6, 2020, 57–58.

[100] Human Rights Watch, "Living in Chains: The Shackling of People with Psychosocial Disabilities Worldwide," October 6, 2020, 39.

[101] Zhao Qiliu and Yi Xiao'ai, "Yuanfang de kusheng: Cong ba haizi muqin dao bei yiwang de nongcun nuxing jingshen zhang'ai huanzhe" [Cries from afar: From the mother of eight to the forgotten rural women suffering from mental disorders], *Initium,* February 8, 2022.

[102] Zhao Qiliu and Yi Xiao'ai, "Yuanfang de kusheng: Cong ba haizi muqin dao bei yiwang de nongcun nuxing jingshen zhang'ai huanzhe" [Cries from afar: From the mother of eight to the forgotten rural women suffering from mental disorders], *Initium,* February 8, 2022. See also CECC, *2016 Annual Report,* October 6, 2016, 204.

[103] "Liang bumen fabu 10 jian canjiren quanyi baozhang jiancha gongyi susong dianxing anli" [Two agencies issue 10 typical public interest lawsuits protecting the rights and interests of disabled persons], *China News,* May 13, 2022.

[104] *Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, art. 30. See also Hua Jian Ma, Bin Xie, Yang Shao et al., "Changing Patterns and Influencing Factors of Involuntary Admissions Following the Implementation of China's Mental Health Law: A 4-Year Longitudinal Investigation," *Nature Scientific Reports* 9, 15252 (October 24, 2019).

[105] Zhiying Ma, "Promises and Perils of Guan: Mental Healthcare and the Rise of Biopolitical Paternalism in Contemporary China," *Medicine Anthropology Theory* 7, no. 2 (September 30, 2020): 154, 162–63. See also Liu Xing and Gao Siwei, "'Jingshen Weisheng Fa' zhongjie 'bei jingshenbing'" ["Mental Health Law" puts end to "forcible psychiatric commitment"], *China Youth Daily,* October 29, 2012.

[106] See, e.g., Civil Rights & Livelihood Watch, "2013 nian Zhongguo weiwen yu renquan nianzhong baogao" [2013 year-end report on stability maintenance and human rights in China], February 3, 2014; Civil Rights & Livelihood Watch, "2014 nian Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2014 year-end report on mental health and human rights in China (forcible psychiatric commitment)], January 14, 2015; Civil Rights & Livelihood Watch, "2015 nian Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie" [2015 year-end summary on mental health and human rights in China (forc-

ible psychiatric commitment)], February 8, 2016; Civil Rights & Livelihood Watch, "2016 nian Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie" [2016 year-end summary on mental health and human rights in China (forcible psychiatric commitment)], January 26, 2017.

[107] Civil Rights & Livelihood Watch, "2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2020 year-end report on mental health and human rights in China (forcible psychiatric commitment)], March 3, 2021.

[108] Civil Rights & Livelihood Watch, "2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2020 year-end report on mental health and human rights in China (forcible psychiatric commitment)], March 3, 2021.

[109] Right Defense Network, "Jiangxi Pingxiang weiquan renshi Zhou Caifan yin shangfang bei qiangzhi song jingshenbing yuan 'zhiliao'" [Zhou Caifan, a rights defender from Pingxiang, Jiangxi, was forcibly committed to a psychiatric hospital for "medical treatment" because of petitioning], August 20, 2021. For more information on Zhou Caifan, see the Commission's Political Prisoner Database record 2022-00088.

[110] Hua Jian Ma, Bin Xie, Yang Shao et al., "Changing Patterns and Influencing Factors of Involuntary Admissions Following the Implementation of China's Mental Health Law: A 4-Year Longitudinal Investigation," *Nature Scientific Reports* 9, 15252 (October 24, 2019).

[111] Right Defense Network, "Jiangxi Pingxiang weiquan renshi Zhou Caifan yin shangfang bei qiangzhi song jingshenbing yuan 'zhiliao'" [Zhou Caifan, a rights defender from Pingxiang, Jiangxi, was forcibly committed to a psychiatric hospital for "medical treatment" because of petitioning], August 20, 2021.

[112] David Bandurski, "Struggling for Historical Truth," *China Media Project,* December 20, 2021.

[113] Rights Defense Network, "Hunan Yongshun xian huaiyun jiaoshi Li Tiantian zao dangju qiangzhi song jingshenbing yuan pohai shijian yinfa quan wang guanzhu zhong renquan hanweizhe fu Yongshun xian weiquan jin Li Tiantian huoshi" [Incident of persecution in which Li Tiantian, a pregnant teacher from Yongshun county, Hunan, was forcibly sent to psychiatric hospital by authorities draws the attention of the entire internet, a group of human rights defenders go to Yongshun for rights defense, today Li Tiantian was released], December 26, 2021; Chris Buckley, "Fury in China After an Outspoken Teacher Disappears," *New York Times,* December 23, 2021; Huang Huizhao and Wang Lijun, "Hunan jiaoshi Li Tiantian shilian, zeng cheng bei 'qiangxing guanjin' jingshenbing yuan" [Hunan teacher Li Tiantian out of contact, said that she was "being forcibly held" in a psychiatric hospital], *Caixin,* December 22, 2021. For more information on Li Tiantian, see the Commission's Political Prisoner Database record 2022-00001.

[114] "Quanna jiaoyu 'zhumeng' xingdong: rang wo de zhaopian rao diqiu yi quan" [Inclusive education "build a dream" activity: Let my photo travel around the earth], *People's Daily,* December 4, 2017.

[115] Xie Renci, "Zai Zhongguo, 8500 wan ren bu gan chumen" [In China, 85 million people fear going out of doors], WeChat, December 3, 2021, 6:55 a.m.; "Translation: China's Invisible Disabled Community," *China Digital Times,* February 18, 2022. Xie's essay described the lack of accessible public spaces for persons using wheelchairs, despite legislation from 2012 that established accessible building standards. Xie also wrote about the deaths of two disability rights activists in 2019 and 2021 who fell to their deaths because of a dangerously substandard sidewalk curb and the unmarked entrance to an underground parking garage, respectively.

[116] See, e.g., New Coronavirus Claims Legal Advisory Panel, "Wei Shanghai fengcheng sinan ji shouhai jiating tigong fayuan xiezhu ge an weiquan ji jiti shenqing guojia peichang" [Providing legal assistance to individual and collective applications for state compensation to the families of those who died and were harmed during the Shanghai lockdown], April 28, 2022, reprinted in Rights Defense Network, April 30, 2022.

[117] Rights Defense Network, "Changsha gongyi an Cheng Yuan yi bei rujian Hunan Jinshi Jianyu, Wu Gejianxiong yi bei mimi song zhi Hunan Hengzhou Jianyu, qinshu yu 'ji mingxinpian pei tamen duguo zuojian de hei'an" [Changsha public interest case Cheng Yuan has already been incarcerated at Jinshi Prison, Hunan; Wu Gejianxiong has been secretly sent to Hengzhou Prison, Hunan; family members call for "sending postcards to help them survive the darkness of their prison sentence"], October 11, 2021. For more information on Cheng Yuan, see the Commission's Political Prisoner Database record 2019-00300.

[118] Chinese Human Rights Defenders, "Chinese Authorities Must Release Three NGO Staff Sentenced by Changsha Intermediate Court, End Crackdown on Rights Advocacy," July 23, 2021. For more information on Wu Gejianxiong, see the Commission's Political Prisoner Database record 2019-00302.

[119] UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its eighty-seventh session, 27 April–1 May 2020 Opinion No. 11/2020 concerning Cheng Yuan, Liu Dazhi and Wu Gejianxiong (China), A/HRC/WGAD/2020/11, June 5, 2020, paras. 5, 20, 21.

[120] Civil Rights & Livelihood Watch, "Yimiao shouhai jiazhang He Fangmei bei daibu" [He Fangmei, parent of a faulty vaccine victim, is arrested], April 30, 2019; "Zhuanlan: Wangluo boyi: Tuite dailai qiji: Henan yimiao shouhai baobao zhi jia He Fangmei cheng suqiu jiao gei Renda daibiao" [Exclusive: Online game: Twitter brings about a miracle: He Fangmei, of Henan's vaccine victim babies' home, says she gave appeal to NPC deputies], *Radio Free Asia,* May 27, 2020.

[121] Rights Defense Network, "'Yimiao Baobao zhi Jia' weiquan tuanti faqiren He Fangmei zao qiangpo shizong yi da 1 nian 5 ge duo yue" [Founder of "Tainted Vaccine Babies' Home" rights defender group He Fangmei has been forcibly disappeared for more than 1 year and 5 months], March 24, 2022. For more information on He Fangmei, see the Commission's Political Prisoner Database record 2019-00185.

[122] Civil Rights & Livelihood Watch, "He Fangmei qiuzhong chanzi lushi wufa huijian" [He Fangmei gives birth while imprisoned, lawyer has no way of meeting with her], June 18, 2022; "Shizong jin liang nian yimiao zhi can weiquan jiazhang He Fangmei qinren ku qiu xialuo" [Relatives of He Fangmei, rights defender and the parent of child disabled by vaccine and who has been disappeared for nearly two years, cry out in search of her whereabouts], *Radio Free Asia,* June 17, 2022.

[123] "Shizong jin liang nian yimiao zhi can weiquan jiazhang He Fangmei qinren ku qiu xialuo" [Relatives of He Fangmei, rights defender and the parent of child disabled by vaccine who has been disappeared for nearly two years, cry out in search of her whereabouts], *Radio Free Asia,* June 17, 2022; Civil Rights & Livelihood Watch, "He Fangmei qiuzhong chanzi lushi wufa huijian" [He Fangmei gives birth while imprisoned, lawyer has no way of meeting with her], June 18, 2022.

[124] Rights Defense Network, "Hubei Wuhan meiti ren, jizhe, zuojia, 'dabing mianfei yiliao ni wo meiri yi hu' yundong tuiguangren Hu Xincheng zao qiangpo shizong 36 tian" [Hu Xincheng, a media personality, journalist, and writer from Wuhan, Hubei, and a campaigner for "free healthcare for catastrophic illness, with you and me, every day another voice calls [for it]" has been forcibly disappeared for 36 days], January 9, 2022. For more information on Hu Xincheng, see the Commission's Political Prisoner Database record 2022-00015.

[125] Rights Defense Network, "Zhiming meitiren, jizhe, zuojia 'dabing mianfei zhiliao ni wo meiri yihu' yundong tuiguangren Hu Xincheng zao Shanxi Taiyuan jingfang daibu" [Hu Xincheng, a media personality, journalist, writer, and campaigner for "free healthcare for catastrophic illness, with you and me, every day another voice calls [for it]" arrested by police in Taiyuan, Shanxi], January 13, 2022; Rights Defense Network, "Hubei Wuhan meitiren, jizhe, zuojia, 'dabing mianfei yiliao ni wo meiri yi hu' yundong tuiguangren Hu Xincheng zao qiangpo shizong 36 tian" [Hu Xincheng, a media personality, journalist, and writer from Wuhan, Hubei, and a campaigner for "free healthcare for catastrophic illness, with you and me, every day another voice calls [for it]" has been forcibly disappeared for 36 days], January 9, 2022.

[126] Xi Jinping, "Zhashi tuidong gongtong fuyu" [Strongly promote common prosperity], *Seeking Truth,* October 15, 2021; Jin Honglei, "Youhua shehui baozhang zhidu tuijin gongtong fuyu" [Optimizing the social security system and promoting common prosperity], *Beijing Daily,* reprinted in *Xinhua,* September 28, 2021; "China Pledges Funds to Boost Infectious Disease Prevention," *Reuters,* July 2, 2021.

THE ENVIRONMENT AND CLIMATE CHANGE

Findings

- China remained the world's leading emitter of greenhouse gases, including coal mine methane emissions, and is constructing 169 new coal mines and at least 5 new coal-fired power plants. China's high levels of air pollutants contribute to negative health effects including premature death.
- At the UN Climate Change Conference of the Parties (COP26) in November 2021, China and the United States, the world's two largest emitters of carbon dioxide, together pledged to cut greenhouse gases and take other actions in the "U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s." In April 2022, U.S. Special Presidential Envoy for Climate John Kerry said that cooperation with China on climate change had become more difficult after Chinese authorities linked cooperation on climate change with U.S. behavior on unrelated matters, a position they reiterated in August 2022.
- During this reporting year, People's Republic of China (PRC) citizens continued to face the problems of water pollution and water scarcity. The Ministry of Ecology and Environment (MEE) reported that 84.9 percent of tested surface water and 22.7 percent of tested groundwater in China was fit for human consumption. In addition, the construction of dams along major rivers in China and outside China as part of its Belt and Road Initiative (BRI) was reported to have negative impact on the 11 countries downstream and elsewhere in the world.
- Authorities prosecuted and sentenced some citizens who raised concerns about the environment through protests and other forms of public advocacy. A court in the Ningxia Hui Autonomous Region sentenced environmental advocates **Li Genshan, Zhang Baoqi,** and **Niu Haibo,** to prison in connection with their efforts to protect local endangered species. In another case, a court in Jiangxi province sentenced three individuals, **Xiong Yugen, Yang Fengying,** and **Yi Lianxiang,** to one year in prison, suspended for two years, in connection with their protests against a polluting factory near their village.
- A group consisting of 1 U.S.-based and 15 China-based environmental scientists concluded that climate change amplified extreme rainfalls in China in the summer of 2020. Heavy summer rains in July 2021 caused the deaths of 25 persons in Henan province, including 12 who were trapped in a subway. Observers noted that despite years of warnings from scientists, Chinese officials and scientists scarcely mentioned climate change as a contributing factor to increases in rainfall.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Call on the PRC government to cease harassment of environmental advocates and censorship of environmental reporting,

and to follow international standards on freedom of speech, association, and assembly, including those contained in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and China's Constitution. Highlight to PRC officials the important role that civil society and an independent media, including foreign media, can play in strengthening environmental monitoring and improving the environment.

○ In meetings with Chinese officials, raise the detentions of environmental researcher and former Xinjiang University President **Tashpolat Teyip** and environmental protection advocates **Li Genshan, Zhang Baoqi,** and **Niu Haibo.**

○ In meetings with international counterparts, develop a coordinated response to reports of forced labor in the solar power supply chain, and to PRC government sanctions placed on research institutes and individual scholars, including those that do important environmental work.

○ Call on the PRC government to cooperate with the United States and other countries to implement the goals spelled out in the "U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s" and the Glasgow Climate Pact.

○ Support efforts by Chinese and U.S. groups working to use satellite analysis and remote sensing to monitor environmental problems and supply chains in China.

THE ENVIRONMENT AND CLIMATE CHANGE

Introduction

In October 2021, the UN Human Rights Council for the first time recognized "the right to a safe, clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights."[1] The Council, moreover, reaffirmed this past year that the exercise of human rights—including the rights to information, participation, and remedy—is "vital to the protection of the environment."[2] The current Special Rapporteur on human rights and the environment, David R. Boyd, also identified "a non-toxic environment as one of the substantive elements of the right to a safe, clean, healthy and sustainable environment" in a report to the Human Rights Council.[3]

While many environmental organizations worldwide have advocated for environmental protection aimed at achieving a "safe, clean, healthy and sustainable environment," the PRC government has curtailed the work of environmental non-governmental organizations (NGOs) in China. Chinese officials have detained many environmental advocates in recent years, causing others to fear criticizing the government or raising environmental concerns.[4] Environmental NGOs have helped to collect evidence and pressure local officials through public interest lawsuits and public calls for action,[5] but their efforts to file environmental public interest cases—by which civil society organizations such as NGOs can sue the government—continue to be obstructed by the prohibitive costs associated with such cases as well as legal hurdles in establishing standing.[6] Furthermore, one expert said the PRC government's "top-down" environmental governance model favors participation by large NGOs over small ones, increasingly constrains NGOs by requiring "explicit government collaboration," and limits them to participating at the local level.[7]

Senior leaders of the Chinese Communist Party and government have recognized the need to mitigate the negative environmental impact of the past decades of fast economic growth through protection of natural resources and remediation of water, air, and other forms of pollution.[8] At least one observer has argued that Party legitimacy is linked with the government's ability to stop further environmental degradation.[9] Despite the PRC government's recognition that environmental policy and governance are crucial, the implementation of top-down policies is counterbalanced by pressure to sustain economic growth, particularly China's need for energy and other resources, which has led to developments and initiatives from various ministries and provinces that run contrary to and even undermine the central government's pledges regarding carbon neutrality and other goals.[10] In addition, as researcher Yaqiu Wang of Human Rights Watch observed, "[T]he Chinese government has been exploiting environmental causes to consolidate political control and expand its power at the expense of human rights inside—and increasingly outside—its borders."[11] The following subsections describe developments this past year in water pollution, air pollution, and climate change vis-à-vis the right to health and the obstacles protesters faced in obtaining justice.

Pollution

WATER POLLUTION AND DAMS

PRC citizens continue to face the problems of water pollution and water scarcity.[12] According to a report from the Center for Strategic and International Studies, the majority of China's drinking water supply comes from surface water, followed by groundwater sources.[13] The Ministry of Ecology and Environment (MEE) reported in May 2022 that the percentage of tested surface water fit for human consumption increased to 84.9 percent in 2021, up 1.5 percent from 2020.[14] China's vice minister of water resources said in November 2021 that 22.7 percent of tested groundwater in China was fit for human consumption.[15] Studies published in 2021 and 2022 indicate that some water sources in China had been contaminated by unsafe amounts of toxic heavy metals that can threaten the health of large numbers of people, especially in areas where groundwater is used as drinking water.[16] Research shows that water pollution causes disease and premature death.[17]

In China, water pollution, as well as climate change and industrialization, all exacerbate the problem of water scarcity, i.e., when the supply of freshwater does not meet the demand.[18] Sources in the past two years indicate that at least nine provinces and municipalities suffer from water scarcity, including severe water shortages in southeastern China due to a drought in 2021.[19]

The PRC government has built dams both in China and abroad (including in Cambodia and Argentina) that have contributed to environmental damage and rights violations, such as flooding, drought, disruption of glacial movement and wildlife habitat, low water levels, lack of access to freshwater, destruction of fish populations, loss of sediment, and loss of livelihood, possibly impacting tens of millions of people.[20] As part of China's Belt and Road Initiative (BRI), the construction of two hydroelectric dams on the Santa Cruz River in Argentina has proceeded despite protests, lawsuits, and court orders to pause construction until accurate and credible environmental impact studies can be completed.[21] Conservationists say the dams would destroy breeding grounds for birds and habitat for endemic terrestrial flora, and may "flood vital wetlands, disrupt the trajectory of some of the world's largest glaciers found outside of the poles, and destroy ancestral Mapuche land."[22] In Cambodia, the Chinese government financed a dam as a BRI project that "has undermined the lives and livelihoods of thousands of indigenous and ethnic minority people by flooding sections of two tributaries of the Mekong River."[23]

AIR POLLUTION

China continues to experience high levels of air pollution, contributing to negative health effects including premature death.[24] For example, environmental researchers estimate that exposure to air pollution in Beijing and Shanghai municipalities resulted in approximately 49,000 premature deaths in the first half of 2020,[25] and one 2022 scientific study estimates that approximately 100 daily excess deaths occurred because of the combination of high temperatures and severe ozone pollution in a northeast China re-

gion that includes Beijing and Tianjin municipalities and neighboring provinces.[26]

In its 2021 report on pollution and the environment in China, the MEE wrote that 218 out of 339 prefecture-level or higher jurisdictions met the 2021 targeted air quality standard for fine particulate matter pollution.[27] It further reported that the percentage of good air quality days in these cities in 2021 was 87.5 percent, up 0.5 percentage points from 2020.[28]

The Beijing Municipal Ecology and Environment Bureau and the Beijing Daily, a news outlet, reported that Beijing successfully met its air quality goals, reaching them for the first time in 2021.[29] Observers had attributed the previously worsening air quality in areas around Beijing in 2020 and 2021 to multiple factors, including heavy industrial activity, in particular cement and steel production,[30] and dust storms caused by land degradation.[31] One climate observer said in January 2022 that in Beijing, concentrations of fine particulate matter have decreased by two-thirds since 2012, but still remain far above guidelines set by the World Health Organization.[32] Another observer noted that public "outrage" over the return of heavy pollution in the years following the 2008 Olympics, informed by air quality data published by the U.S. Embassy in Beijing, drove the Chinese government to take nationwide action to reduce pollution.[33]

Climate Change and COP26

The UN Human Rights Council, in its 2021 recognition of the right to a safe, clean, healthy, and sustainable environment as a human right, noted that the impact of climate change is among the factors that interfere with the enjoyment of these rights.[34] This reaffirms earlier comments made by UN Special Rapporteur David Boyd, who also wrote about the importance of human rights in addressing climate change.[35]

In October 2021, in advance of the UN Climate Change Conference of the Parties (COP26) in Glasgow, the PRC government submitted its updated nationally determined contributions (NDC) and its new long-term strategy to the UN Framework Convention on Climate Change, and state media agency Xinhua referred to these as "concrete action" toward implementing the Paris Agreement,[36] which China ratified in 2016.[37] The Paris Agreement obliges participating countries to set their own goals and publicly report their progress, but lacks concrete enforcement mechanisms.[38] The submission reaffirms Xi Jinping's pledge at the UN General Assembly in September 2020 to have China's carbon dioxide emissions peak before 2030, and to achieve carbon neutrality (net-zero emissions) before 2060.[39] China's updated NDC submission did not give a specific date for peak emissions, and some observers expressed disappointment that the submission did not contain more aggressive targets.[40] While China is achieving its climate commitments, experts said it needs to establish and meet more aggressive targets to fulfill its pledge.[41] Some observers have noted that China in recent years has made progress in implementing its domestic climate goals,[42] although they and others also said that this progress is insufficient.[43] As an example of progress, the Bei-

jing municipal government reported that Beijing reached its air quality targets for the first time in 2021.[44] A human rights observer, however, commented that this achievement came at the cost of a crackdown on coal usage for home heating.[45] This crackdown, an example of top-down governance, violated the right to adequate housing and used surveillance technology to tighten state control.[46]

Despite a pledge to reduce carbon dioxide emissions in the coming decades and its record increase in renewable energy production in 2021,[47] the PRC led a rebound in global carbon dioxide emissions that exceeded pre-pandemic levels.[48] The rebound was driven by a record 10-percent increase in demand for electricity that was largely met by coal power, given limited supplies of low-emission energy sources.[49] China's 2021 carbon dioxide emissions exceeded 11.9 billion tons, amounting to about 33 percent of the worldwide total and offsetting declines in 2020 due to the COVID-19 pandemic.[50] China's carbon dioxide emissions in 2021 grew by 350 Mt, more than double the annual increase of around 160 Mt seen in recent years.[51] China also remains the world's largest emitter of greenhouse gases[52] and the biggest producer of coal, responsible for 73 percent of the world's coal mine methane emissions, which are 25 times more potent than carbon dioxide as a greenhouse gas.[53] China's biggest coal-producing province, Shanxi, emits approximately 13.1 million tons (Mt) of coal mine methane per year, nearly equivalent to the rest of the world combined.[54] One report said that methane gas, in addition to being a "super pollutant" that can accelerate climate change, poses health and safety risks to nearby residents, as it is highly explosive and contains poisonous chemicals that can cause illness or death.[55] As of March 2022, China was constructing 169 new coal mines, which are expected to increase methane emissions by 6 Mt per year.[56] According to one international monitoring group, an energy crisis in late 2021 prompted the Chinese government to increase coal output by 270 Mt in the high-producing Shanxi and Shaanxi provinces and the Inner Mongolia Autonomous Region; this surge in output was expected to have an "immediate climate impact, even before burning the coal at power plants."[57] In early 2022, the government approved the construction of five coal-fired power plants in several provinces.[58] New mapping research found that Chinese steel and power companies continued to build coal-based plants, with new projects surpassing the annual average capacity additions of the rest of the world by as much as 15 times.[59]

Observers said that climate change exacerbated the negative effects of natural occurrences.[60] A study on the harmful combination of ozone pollution and seasonal heat waves found that "[w]ith global warming, extreme high temperatures and heat events have become natural hazards in China in recent decades, with substantial effect on socioeconomics, ecosystems, and human health," and that such events "have intensified in the past 60 years and are expected to become more frequent and severe in the coming decades."[61] Another report suggested that climate change amplified extreme rainfalls in China in the summer of 2020.[62] Heavy summer rains in July 2021 caused the deaths of 25 persons in Henan province,[63] including 12 who were trapped in a subway.[64] Researchers attributed such deadly extreme weather events around the globe to cli-

mate change.[65] Observers noted that despite warnings from scientists over many years, Chinese officials and scientists scarcely mentioned climate change as a contributing factor to increases in rainfall.[66]

COP26 "Glasgow Declaration" between China and the United States

At the UN Climate Change Conference of the Parties (COP26) held in Glasgow in November 2021, the United States and China, the world's two largest emitters of carbon dioxide, together pledged to cut greenhouse gases in the "U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s."[67] The two sides agreed to cooperate on methane emissions, carbon dioxide emissions, greenhouse gases, transition to a global net-zero economy, the Paris Agreement, global illegal deforestation, international thermal coal power generation, and agreed to establish a "Working Group on Enhancing Climate Action in the 2020s."[68] The PRC pledged to (1) "phase down" coal for the duration of the 15th Five-Year Plan, starting in 2026; and (2) reach peak carbon emissions by 2030.[69] Additionally, China joined the United States and more than 100 countries in a pledge to end deforestation by 2030.[70] Currently, China remains a global leader in the destruction of forests associated with international trade.[71]

Scientists and other observers said that the Glasgow Climate Pact, signed by all 197 countries present at the summit, marks an important step toward reducing greenhouse gas emissions, but many said the pact will not achieve the necessary goal of keeping global temperatures within 1.5 degrees Celsius above pre-industrial levels.[72] In April 2022, U.S. Special Presidential Envoy for Climate John Kerry said that cooperation with the PRC on climate change had become more difficult after Chinese authorities linked cooperation on climate change with U.S. behavior on unrelated matters, a position they reiterated in August 2022.[73]

Illegal Fishing

A report by the Environmental Justice Foundation found that illegal fishing is widespread in China's distant-water fishing operations, and some Chinese vessels target endangered and protected marine life.[74] The report said, "China's State subsidies have allowed the grossly overcapacity fleet to exploit the waters of developing nations that rely on marine resources for livelihoods and food security."[75] Over 95 percent of interviewed crew members of Chinese distant-water fishing vessels reported witnessing illegal fishing, including killing sharks (for their fins), dolphins, and protected turtles and seals.[76] The report also found that these fishing operations used front companies to hide their illegal activities, and that senior Chinese crew members on the vessels committed "gross human rights abuses" against migrant crew members on Chinese-owned vessels.[77]

Access to Justice for Environmental Advocates

During the 2022 reporting year, PRC citizens continued to raise concerns related to the environment through various forms of

public advocacy, at the risk of being harassed or detained. China's Constitution provides for freedom of speech, assembly, and association,[78] as do the International Covenant on Civil and Political Rights (ICCPR)[79] and the Universal Declaration of Human Rights.[80] According to the Principles on Human Rights and the Environment, "States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence."[81]

- **Ningxia Hui Autonomous Region.** On August 31, 2021, the Shapotou District People's Court in Zhongwei municipality, Ningxia Hui Autonomous Region, sentenced volunteers from a local wildlife conservation association who worked to protect endangered wildlife from poachers, for alleged participation in the endangerment of wildlife and disturbing social order.[82] **Li Genshan** and **Niu Haibo** were sentenced to four years and six months, and three years and eight months in prison, respectively, on the charges of "picking quarrels and provoking trouble"[83] and "harming rare and endangered wild animals."[84] Both were fined 10,000 yuan (US$1,500).[85] A third individual, **Zhang Baoqi,** was sentenced to one year and two months for "picking quarrels and provoking trouble" and owning an illegal gun, after he had turned in hunting guns seized from poachers.[86] On appeal, the Zhongwei Intermediate People's Court vacated the first-instance decision on November 3, 2021, because of a procedural error, and remanded the case for retrial.[87] The Shapotou People's Court retried the defendants from January 25 through January 29, 2022, but sentenced all three to the same prison terms and fines.[88] During the retrial, defense lawyers said at least one of the confessions was obtained through "fatigue interrogation" (*pilao shenxun*).[89] Before being detained in 2020, Li and other environmental protection volunteers also reportedly alleged that local forestry officials had sheltered poachers.[90] Sources attributed Li's detention to retaliation by officials for his prior efforts to expose heavy pollution in the Tengger Desert in the Inner Mongolia Autonomous Region,[91] for which two local officials and executives of the polluting company were punished.[92]
- **Jiangxi province.** Five years after **Xiong Yugen, Yang Fengying,** and **Yi Lianxiang** from Dinglong village, Le'an county, Fuzhou municipality, blocked a road several times to prevent the transport of unidentified waste from a nearby polluting factory and demanded its closure, a court sentenced them to serve one year in prison, suspended for two years, for the crime of "gathering a crowd to disturb social order."[93] Eight months later, **Xiong Zhichao,** a representative of the rights-defending villagers, was also found guilty of "gathering a crowd to disturb social order," but was exempted from criminal punishment.[94] After the first-instance verdict was pronounced, Xiong Zhichao appealed, but the second-instance court upheld the original verdict.[95] Subsequently, Xiong Zhichao and the other three continued to file complaints with the Le'an County People's Court and the Fuzhou Municipal Intermediate People's Court.[96]

Monitoring and Data Transparency

According to the Framework Principles on Human Rights and the Environment, issued by the UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, states should be transparent in providing the public with environmental information and should ensure that their environmental standards are effectively enforced.[97] In November 2021, China's Central Political and Legal Affairs Commission (PLAC) said that an environmental monitoring NGO, Shanghai-based Rendu Ocean NPO Development Centre, had published sensitive data that could threaten national security.[98] The PLAC issued the NGO a warning and shut down 22 monitoring stations that it said were close to military installations and ordered the "confiscation of illegal gains."[99] Rendu Ocean had previously received positive coverage in state-run media for organizing volunteer cleanup efforts.[100] At a hearing on environmental challenges convened in 2021 by the Congressional-Executive Commission on China, a civil society expert commented that the Chinese government wants transparency on environmental information within the various levels of government, but it does not necessarily want that information shared with the public.[101]

Notes to Section VIII—The Environment and Climate Change

[1] UN Human Rights Council, "The Human Right to a Safe, Clean, Healthy and Sustainable Environment," A/HRC/48/L.23/Rev.1, October 5, 2021, 2–3; UN Human Rights Council, Report of the Special Rapporteur on Human Rights and the Environment, The Right to a Clean, Healthy, and Sustainable Environment: Non-Toxic Environment, David R. Boyd, A/HRC/49/53, January 12, 2022, Summary, para. 1; "Access to a Healthy Environment, Declared a Human Right by UN Rights Council," *UN News,* October 8, 2021. See also UN General Assembly, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, John H. Knox, A/73/188, July 19, 2018, para. 12.

[2] UN Human Rights Council, The Human Right to a Safe, Clean, Healthy and Sustainable Environment, A/HRC/48/L.23/Rev.1, October 5, 2021, 2. See also UN Human Rights Council, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, John H. Knox, A/HRC/37/59, January 24, 2018, para 2.

[3] UN Human Rights Council, Report of the Special Rapporteur on Human Rights and the Environment, The Right to a Clean, Healthy, and Sustainable Environment: Non-Toxic Environment, David R. Boyd, A/HRC/49/53, January 12, 2022, Summary.

[4] Helen Davidson, "'You Follow the Government's Agenda': China's Climate Activists Walk a Tightrope," *Guardian,* August 16, 2021; *China's Environmental Challenges and U.S. Responses, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021) (testimony of Dr. Jessica C. Teets, Associate Professor, Middlebury College).

[5] *China's Environmental Challenges and U.S. Responses, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021) (testimony of Dr. Jessica C. Teets, Associate Professor, Middlebury College).

[6] Sasha Kong, "China's Climate Litigation Policy Must Change," FairPlanet, February 3, 2022; Yu Zhuang, "The Challenge of Litigation Costs and Damage Assessment Fees in Environmental Public Interest Litigation in China," *Comparative Jurist: William & Mary Law School's International and Comparative Law Blog,* May 13, 2017.

[7] *China's Environmental Challenges and U.S. Responses, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021) (testimony of Dr. Jessica C. Teets, Associate Professor, Middlebury College).

[8] Yifei Li and Judith Shapiro, *China Goes Green: Coercive Environmentalism for a Troubled Planet* (Cambridge, UK; Medford, MA: Polity, 2020), 4. See also David Stanway, "China's Giant State-Owned Companies Struggle to Align Climate Rhetoric with Reality," *Reuters,* November 1, 2021; Lindsay Maizland, "China's Fight Against Climate Change and Environmental Degradation," Council on Foreign Relations, May 19, 2021.

[9] See, e.g., Yanzhong Huang, *Toxic Politics: China's Environmental Health Crisis and Its Challenge to the Chinese State* (Cambridge: Cambridge University Press, 2020), 4, 187.

[10] David Stanway, "China's Giant State-Owned Companies Struggle to Align Climate Rhetoric with Reality," *Reuters,* November 1, 2021; Jianqiang Liu, "Analysis: Nine Key Moments That Changed China's Mind about Climate Change," Carbon Brief, October 25, 2021.

[11] Yaqiu Wang, "Beijing's Green Fist," Breakthrough Institute, March 29, 2022. See also Yifei Li and Judith Shapiro, *China Goes Green: Coercive Environmentalism for a Troubled Planet* (Cambridge, UK; Medford, MA: Polity, 2020), 16–19.

[12] UN Water, "The United Nations World Water Development Report 2022: Groundwater: Making the Invisible Visible," March 21, 2022. See also "How Does Water Security Affect China's Development?," Center for Strategic and International Studies (China Power), August 26, 2020; UN Human Rights Council, Human Rights and the Global Water Crisis: Water Pollution, Water Scarcity and Water-Related Disasters, A/HRC/46/28, January 19, 2021, para. 25. According to a 2021 UN Human Rights Council report on human rights and the global water crisis, "Water pollution, water scarcity and water-related disasters have major impacts on a wide range of human rights, including the rights to life, health, water, sanitation, food, a healthy environment, education, an adequate standard of living, development and culture, and on the rights of the child."

[13] "How Does Water Security Affect China's Development?," Center for Strategic and International Studies (China Power), August 26, 2020.

[14] Ministry of Ecology and Environment, "Huang Runqiu zai Quanguo Renda Changweihui shang zuo baogao" [Huang Runqiu gave a report to the Standing Committee of the National People's Congress], April 21, 2022.

[15] "China Aims to Safeguard Groundwater with New Rule," *China Daily,* November 23, 2021; Ministry of Ecology and Environment, "Shengtai Huanjing bu 2021 nian Zhengfu Xinxi Gongkai Gongzuo Niandu Baogao" [Ministry of Ecology and Environment's 2021 Annual Report on Government Information Disclosure], 2021.

[16] Hanjiang Pan et al.,"Heavy Metals and As in Groundwater, Surface Water, and Sediments of Dexing Giant Cu-Polymetallic Ore Cluster, East China," *Water 14,* no. 3:352, January 2022, 352–53; Zhifeng Huang et al., "Distribution, Toxicity Load, and Risk Assessment of Dissolved Metal in Surface and Overlying Water at the Xiangjiang River in Southern China," *Scientific Reports* 11, no. 109 (2021), 2, 10.

[17] Mark T. Buntaine et al., "Citizen Monitoring of Waterways Decreases Pollution in China by Supporting Government Action and Oversight," *Proceedings of the National Academy of Sciences* 118, no. 29 (July 12, 2021): 1; UN Human Rights Council, Human Rights and the Global Water Crisis: Water Pollution, Water Scarcity and Water-related Disasters, A/HRC/46/28, January 19, 2021, paras. 27, 28; Zhifeng Huang et al., "Distribution, Toxicity Load, and Risk Assessment of Dissolved Metal in Surface and Overlying Water at the Xiangjiang River in Southern China," *Scientific Reports* 11:109 (2021), 10.

[18] David Kirton, "China's Southern Megacities Warn of Water Shortages during East River Drought," *Reuters,* December 9, 2021; Hal Brands, "China Is Running Out of Water and That's Scary for Asia," *Bloomberg,* December 29, 2021; Xingcai Liu et al., "Global Agricultural Water Scarcity Assessment Incorporating Blue and Green Water Availability Under Future Climate Change," *Earth's Future* 10, no. 4 (2022), 14; "How Does Water Security Affect China's Development?," Center for Strategic and International Studies (China Power), August 26, 2020.

[19] David Kirton, "China's Southern Megacities Warn of Water Shortages during East River Drought," *Reuters,* December 9, 2021; Genevieve Donnellon-May and Guangtao Fu, "Are 'Sponge Cities' the Answer to Shenzhen's Water Scarcity?," *The Diplomat,* January 5, 2022; "How Does Water Security Affect China's Development?" Center for Strategic and International Studies (China Power), August 26, 2020.

[20] Tyler Roney, "What Are the Impacts of Dams on the Mekong River?," *The Third Pole,* July 1, 2021; Maxwell Radwin, "China-Funded Dam Could Disrupt Key Argentine Glaciers and Biodiversity," *Mongabay Environmental News,* May 12, 2022. See also Jack Silvers, "Water Is China's Greatest Weapon and Its Achilles Heel," *Harvard Political Review,* October 16, 2020; Jagannath P. Panda, "Beijing Boosts Its Position as a 'Himalayan Hegemon' Through Hydropower," *China Brief,* Jamestown Foundation, June 7, 2021; Brian Eyler, "Science Shows Chinese Dams Are Devastating the Mekong," *Foreign Policy,* April 22, 2020; Alan Basist and Claude Williams, "Monitoring the Quantity of Water Flowing Through the Upper Mekong Basin Under Natural (Unimpeded) Conditions," *Sustainable Infrastructure Partnership, Lower Mekong Initiative, and Pact,* April 10, 2020, 12, 18. See also Conn Hallinan, "The World Needs a Water Treaty," *Common Dreams,* July 11, 2019. Despite sharing over 40 waterways that cross boundaries with 14 neighboring countries, China did not sign the UN Watercourses Convention, a global treaty effective since 2014, which aims to protect multinational water sources by multiple means including reducing pollution, and by bringing countries that share important water sources into multilateral collaborative management agreements. See UN Watercourses Convention, "UN Watercourses Convention," 2022, arts. 21, 24.

[21] Maxwell Radwin, "China-Funded Dam Could Disrupt Key Argentine Glaciers and Biodiversity," *Mongabay Environmental News,* May 12, 2022.

[22] Maxwell Radwin, "China-Funded Dam Could Disrupt Key Argentine Glaciers and Biodiversity," *Mongabay Environmental News,* May 12, 2022.

[23] Human Rights Watch, "Cambodia: China's 'Belt and Road' Dam Is a Rights Disaster," August 10, 2021; Human Rights Watch, "Underwater: Human Rights Impacts of a China Belt and Road Project in Cambodia," August 10, 2021.

[24] Peng Yin et al., "The Effect of Air Pollution on Deaths, Disease Burden, and Life Expectancy Across China and Its Provinces, 1990–2017: An Analysis for the Global Burden of Disease Study 2017," *Lancet Planetary Health* 4, no. 9, September 1, 2020: e387. See also Pinya Wang et al., "North China Plain as a Hot Spot of Ozone Pollution Exacerbated by Extreme High Temperatures," *Atmospheric Chemistry and Physics* 22, no. 7 (April 11, 2022): 4710; UN Human Rights Council, Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Report of the Special Rapporteur, A/HRC/40/55, January 8, 2019, para. 26.

[25] David Stanway, "CORRECTED—Smog Causes an Estimated 49,000 Deaths in Beijing, Shanghai in 2020—Tracker," *Reuters,* July 9, 2020. An October 2020 journal article found that up to 30.8 million people in China had died prematurely from 2000 to 2016 as a result of air pollution. See Fengchao Liang et al., "The 17-y Spatiotemporal Trend of PM2.5 and Its Mortality Burden in China," *Proceedings of the National Academy of Sciences* 117, no. 41, October 13, 2020: 25601.

[26] Pinya Wang et al., "North China Plain as a Hot Spot of Ozone Pollution Exacerbated by Extreme High Temperatures," *Atmospheric Chemistry and Physics* 22, no. 7 (April 11, 2022): 4707, 4710.

[27] Ministry of Ecology and Environment (MEE), "2021 nian Zhongguo shengtai huanjing zhuangkuang gongbao" [2021 Bulletin on the state of China's ecological environment], May 26, 2022, 7. The MEE's 2021 target for $PM_{2.5}$ pollution, 34.5 micrograms per cubic meter of air, is over three times higher than the World Health Organization's standard for healthy air quality. Muyu Xu and David Stanway, "China Target to Allow Air Pollution to Rise Slightly in 2021—Environment Ministry," *Reuters,* February 24, 2021. In October 2021, a group of 17 government entities issued a circular of pollution reduction targets for over 70 municipalities and cities in eastern China for the fall-winter 2021–22 high pollution season. See Ministry of Ecology and Environment, *Guanyu yinfa "2021–2022 nian Qiu Dongji Daqi Wuran Zonghe Zhili Gongjian Fang'an" de Tongzhi* [Circular on issuing the "2021–2022 Autumn and Winter Air Pollution Comprehensive Control Plan"], October 28, 2021.

[28] Ministry of Ecology and Environment, "2021 nian Zhongguo shengtai huanjing zhuangkuang gongbao" [2021 Bulletin on the State of China's Ecological Environment], May 26, 2022, 8.

[29] Beijing Municipal Ecology and Environment Bureau, "2021 nian Beijing shi kongqi zhiliang shouci [In 2021, Beijing's air quality fully met the standard for the first time], February 28, 2022; Gao Zhi, "Beijing shengtai huanjing zhiliang jiaochu liang yan 'chengjidan' 2021 nian kongqi zhiliang shouci quanmian dabiao" [Beijing's ecological and environmental quality handed over a dazzling "report card," and the air quality in 2021 will fully meet standards for the first time], *Beijing Daily,* March 31, 2022.

[30] Centre for Research on Energy and Clean Air, "Air Pollution Increases around Beijing as Steel Mills Fail to Cut Capacity," December 3, 2020, 5; Jane Cai, "Beijing Chokes on Smog as China Tries to Balance Industrial Recovery and Greener Growth," *South China Morning Post,* March 11, 2021.

[31] Steven Lee Myers, "The Worst Dust Storm in a Decade Shrouds Beijing and Northern China," *New York Times,* March 15, 2021.

[32] Lauri Myllyvirta, "Beijing's Air Quality Meets National Standards: A Major Milestone in China's War on Smog," Centre for Research on Energy and Clean Air, January 5, 2022.

[33] Lili Pike, "From 'Airpocalypse' to Olympic Blue: China's Air Quality Transformation," *Grid,* February 22, 2022.

[34] UN Human Rights Council, The Human Right to a Safe, Clean, Healthy and Sustainable Environment, A/HRC/48/L.23/Rev.1, October 5, 2021, 2–3.

[35] UN Special Rapporteur on Human Rights and the Environment, David Boyd, "A Safe Climate: Human Rights and Climate Change," October 16, 2019.

[36] "China Submits Key Documents on Tackling Climate Change to United Nations," *Xinhua,* October 29, 2021; Hongqiao Liu and Xiaoying You, "Q&A: What Does China's New Paris Agreement Pledge Mean for Climate Change?," Carbon Brief, December 16, 2021.

[37] United Nations Treaty Collection, "United Nations Treaty Collection, Chapter XXVII, Environment, Paris Agreement," accessed June 21, 2022.

[38] Lindsay Maizland, "Global Climate Agreements: Successes and Failures," Council on Foreign Relations, updated November 17, 2021; Jon Greenberg, "Fact-Check: Does the Paris Accord Fail to Hold China and India Accountable?," *Austin-American Statesman,* January 27, 2021.

[39] State Council Information Office, "Full Text: Responding to Climate Change: China's Policies and Actions," October 27, 2021; Hongqiao Liu and Xiaoying You, "Q&A: What Does China's New Paris Agreement Pledge Mean for Climate Change?," Carbon Brief, December 16, 2021; "Full Text: Statement by Xi Jinping at General Debate of 75th UNGA," *China Daily,* September 23, 2020.

[40] Hongqiao Liu and Xiaoying You, "Q&A: What Does China's New Paris Agreement Pledge Mean for Climate Change?," Carbon Brief, December 16, 2021.

[41] *China's Environmental Challenges and U.S. Responses, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021) (testimony of Dr. Jennifer L. Turner, Director of the China Environment Forum at the Woodrow Wilson Center), 2; David Stanway, "China's Giant State-Owned Companies Struggle to Align Climate Rhetoric with Reality," *Reuters,* November 1, 2021.

[42] Xie Chunping, "Guest Post: Is China Living up to Its Pledges on Climate Change and Energy Transition?," Carbon Brief, February 21, 2022; UN Human Rights Council, Supplementary Information on the Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, David Boyd, A/74/161, Annex, A Safe Climate: Good Practices, September 26, 2019, para. 20; Joanna Lewis and Laura Edwards, "Assessing China's Energy and Climate Goals," Center for American Progress, May 6, 2021.

[43] Joanna Lewis and Laura Edwards, "Assessing China's Energy and Climate Goals," Center for American Progress, May 6, 2021; *China's Environmental Challenges and U.S. Responses, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021) (testimony of Dr. Jennifer L. Turner, Director of the China Environment Forum at the Woodrow Wilson Center), 2.

[44] Beijing Municipal Ecology and Environment Bureau, "2021 nian Beijing shi kongqi zhiliang shouci quanmian dabiao" [In 2021, Beijing's air quality fully met the standard for the first time], January 4, 2022. See also Joe Lo, "'Extraordinary Progress'—Beijing Meets Air Pollution Goals After Coal Crackdown," *Climate Home News,* January 4, 2022.

[45] Yaqiu Wang, "Beijing's Green Fist: How Environmental Policy Became a Tool of State Control," Breakthrough Institute, March 29, 2022.

[46] Yaqiu Wang, "Beijing's Green Fist: How Environmental Policy Became a Tool of State Control," Breakthrough Institute, March 29, 2022; Eva Dou, "A Novel Way to Reduce Emissions? China Tries Confiscating Coal from Households.," *Washington Post,* November 3, 2021; Joe Lo, "'Extraordinary Progress'—Beijing Meets Air Pollution Goals After Coal Crackdown," *Climate Home News,* January 4, 2022; Office of the UN High Commissioner for Human Rights, "The Right to Adequate Housing," Fact Sheet No. 21 (Rev. 1), May 2014, 4.

[47] State Council Information Office, "Full Text: Responding to Climate Change: China's Policies and Actions," October 27, 2021; Hongqiao Liu and Xiaoying You, "Q&A: What Does China's New Paris Agreement Pledge Mean for Climate Change?," Carbon Brief, December 16, 2021; "Full Text: Statement by Xi Jinping at General Debate of 75th UNGA," *China Daily,* September 23, 2020.

[48] International Energy Agency, "Global CO2 Emissions Rebounded to Their Highest Level in History in 2021," March 8, 2022.

[49] "China Briefing, 17 March 2022: Beijing 'Doubling Down on Fossil Fuels'; China's CO2 Emissions Increase; Coal Production Growth," Carbon Brief, March 17, 2022; International Energy Agency, "Global CO2 Emissions Rebounded to Their Highest Level in History in 2021," March 8, 2022; European Space Agency, "Air Pollution Returning to Pre-COVID Levels," Phys.org, March 16, 2021.

[50] International Energy Agency, "Global CO2 Emissions Rebounded to Their Highest Level in History in 2021," March 8, 2022.

[51] "China Briefing, 17 March 2022: Beijing 'Doubling Down on Fossil Fuels'; China's CO2 Emissions Increase; Coal Production Growth," Carbon Brief, March 17, 2022.

[52] *China's Environmental Challenges and U.S. Responses, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021) (testimony of Dr. Jennifer L. Turner, Director, China Environment Forum, Woodrow Wilson Center).

[53] Global Energy Monitor, "Why China's Coal Mine Boom Jeopardizes Short-Term Climate Targets," May 2022; "New Coal Mine Projects Seen Swelling Global Methane Emissions by a Fifth," *Reuters,* March 15, 2022.

[54] Ryan Driskell Tate, "Bigger than Oil or Gas? Sizing Up Coal Mine Methane," Global Energy Monitor, March 2022, 8.

[55] Deborah Gordon, "Methane: A Threat to People and Planet," *RMI,* July 7, 2021.

[56] Ryan Driskell Tate, "Bigger than Oil or Gas? Sizing Up Coal Mine Methane," Global Energy Monitor, March 2022, 20.

[57] Global Energy Monitor, "Why China's Coal Mine Boom Jeopardizes Short-Term Climate Targets," May 2022.

[58] "Guojia Nengyuan Jituan, Datang, Zheneng deng, 5 ge mei dian xiangmu huo hezhun! Han 2 ge baiwan dianchang!" [National Energy Group, Datang, Zheneng, etc., 5 coal power projects have been approved! Including 2 million [kilowatt] power plants!], *Polaris Electricity Network,* February 11, 2022.

[59] Lauri Myllyvirta, "Briefing: Most Coal Power Plants since 2016 Entered Construction in China in 2021, Investment in Coal-Based Steelmaking Accelerated," Centre for Research on Energy and Clean Air, February 24, 2022. This finding is based on data from 2016 2020.

[60] Steven Lee Myers, "'Please Save Us!' Grim Scenes in China as Flood Inundates a Subway," *New York Times,* July 20, 2021; Pinya Wang et al., "North China Plain as a Hot Spot of Ozone Pollution Exacerbated by Extreme High Temperatures," *Atmospheric Chemistry and Physics* 22, no. 7 (2022): 4706.

[61] Pinya Wang,et al., "North China Plain as a Hot Spot of Ozone Pollution Exacerbated by Extreme High Temperatures," *Atmospheric Chemistry and Physics* 22, no. 7 (2022): 4705–19.

[62] Yang Yang et al., "Abrupt Emissions Reductions during COVID-19 Contributed to Record Summer Rainfall in China," *Nature Communications* 13, no. 1 (2022): 959.

[63] Steven Lee Myers, "'Please Save Us!' Grim Scenes in China as Flood Inundates a Subway," *New York Times,* July 20, 2021.

[64] Nectar Gan and Jessie Yeung, "Record-Breaking Rains Devastated Central China, but There Is Little Talk of Climate Change," *CNN,* July 23, 2021.

[65] Steven Lee Myers, "'Please Save Us!' Grim Scenes in China as Flood Inundates a Subway," *New York Times,* July 20, 2021.

[66] Nectar Gan and Jessie Yeung, "Record-Breaking Rains Devastated Central China, but There Is Little Talk of Climate Change," *CNN,* July 23, 2021.

[67] Lisa Friedman, "What Happened at COP26 on Wednesday: China and U.S. Say They'll 'Enhance' Climate Ambition," *New York Times,* November 13, 2021; Echo Xie, "China Sends 'Modest' Climate Pledge to Glasgow for COP26," *South China Morning Post,* October 29, 2021.

[68] U.S. Department of State, "U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s," November 10, 2021.

[69] U.S. Department of State, "U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s," November 10, 2021; Echo Xie, "China Sends 'Modest' Climate Pledge to Glasgow for COP26," *South China Morning Post,* October 29, 2021.

[70] Catrin Einhorn and Chris Buckley, "Global Leaders Pledge to End Deforestation by 2030," *New York Times,* November 10, 2021.

[71] Luciana Tellez-Chavez, "Without China, Efforts to Reverse Deforestation Will Fail," *The Diplomat,* October 27, 2021; Béatrice Wedeux and Anke Schulmeister-Oldenhove. "Stepping Up: The Continuing Impact of EU Consumption on Nature," World Wildlife Fund, April 2021.

[72] UN Climate Change, "Report of the Conference of the Parties Serving as the Meeting of the Parties to the Paris Agreement on Its Third Session, Held in Glasgow from 31 October to 13 November 2021," March 8, 2022; Ehsan Masood and Jeff Tollefson, "'COP26 Hasn't Solved the Problem': Scientists React to UN Climate Deal," *Nature* 599, no. 7885 (November 18, 2021): 355–56; Christina E. Hoicka et al., "COP26: Experts React to the UN Climate Summit and Glasgow Pact," *The Conversation,* November 15, 2021.

[73] Owen Churchill, "US Climate Chief Says Fraught Relations with China Spell 'Serious Trouble' for Efforts to Achieve Goals," *South China Morning Post,* April 21, 2022; Chris Buckley and Lisa Friedman, "Climate Change Is 'Not a Geostrategic Weapon,' Kerry Tells Chinese Leaders." *New York Times,* September 1, 2021; U.S. Department of State, "U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s," November 10, 2021; Ministry of Foreign Affairs, "The Ministry of Foreign Affairs Announces Countermeasures in Response to Nancy Pelosi's Visit to Taiwan," August 5, 2022.

[74] Environmental Justice Foundation, "Illegal Fishing and Human Rights Abuse in China's Distant Water Fleet," April 5, 2022.

[75] Environmental Justice Foundation, "Illegal Fishing and Human Rights Abuse in China's Distant Water Fleet," April 5, 2022.

[76] Environmental Justice Foundation, "Illegal Fishing and Human Rights Abuse in China's Distant Water Fleet," April 5, 2022.

[77] Environmental Justice Foundation, "Illegal Fishing and Human Rights Abuse in China's Distant Water Fleet," April 5, 2022. See also CECC, *2021 Annual Report,* March 2022, 165.

[78] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 35.

[79] International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 19, 21, 22; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 15, 2022. China has signed but not ratified the ICCPR.

[80] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 19, 20.

[81] UN Human Rights Council, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, John H. Knox, A/HRC/37/59, Annex, Framework Principles on Human Rights and the Environment, January 24, 2018, principle 4.

[82] Yuan Ye, "Environmental Activist Sentenced to 54 Months in Prison," *Sixth Tone,* September 5, 2021; Xue Shasha and Liao Yan, "Tenggeli wuran shijian jubao ren Li Genshan yishen bei pan hou shangsu, tingshen you liang da jiaodian" [Li Genshan, the whistleblower of

the Tengger pollution incident, appealed after being sentenced in the first instance, the trial has two major focuses], *The Paper,* September 4, 2021.

[83] Yuan Ye, "Environmental Activist Sentenced to 54 Months in Prison," *Sixth Tone,* September 5, 2021; Shen Du, "Zhiming dong bao zhiyuanzhe Li Genshan yishen huoxing 4 nian ban, Li Genshan jiashu hanyuan, jiang shangsu" [Li Genshan, a well-known animal protection volunteer, was sentenced to 4 and a half years in prison in the first instance; Li Genshan's family complains, will appeal], *Shangyou News,* reprinted in *Sohu,* September 3, 2021; Xue Shasha and Liao Yan, "Tenggeli wuran shijian jubao ren Li Genshan yishen bei pan hou shangsu, tingshen you liang da jiaodian" [Li Genshan, the whistleblower of the Tengger pollution incident, appealed after being sentenced in the first instance, the trial has two major focuses], *The Paper,* September 4, 2021.

[84] Yuan Ye, "Environmental Activist Sentenced to 54 Months in Prison," *Sixth Tone,* September 5, 2021; Shen Du, "Zhiming dong bao zhiyuanzhe Li Genshan yishen huoxing 4 nian ban, Li Genshan jiashu hanyuan, jiang shangsu" [Li Genshan, a well-known animal protection volunteer, was sentenced to 4 and a half years in prison in the first instance; Li Genshan's family complains, will appeal], *Shangyou News,* reprinted in *Sohu,* September 3, 2021; Xue Shasha and Liao Yan, "Tenggeli wuran shijian jubao ren Li Genshan yishen bei pan hou shangsu, tingshen you liang da jiaodian" [Li Genshan, the whistleblower of the Tengger pollution incident, appealed after being sentenced in the first instance, the trial has two major focuses], *The Paper,* September 4, 2021. For more information, see the Commission's Political Prisoner Database records 2020-00248 on Li Genshan and 2020-00255 on Niu Haibo.

[85] Xue Shasha and Liao Yan, "Tenggeli wuran shijian jubao ren Li Genshan yishen bei pan hou shangsu, tingshen you liang da jiaodian" [Li Genshan, the whistleblower of the Tengger pollution incident, appealed after being sentenced in the first instance, the trial has two major focuses], *The Paper,* September 4, 2021.

[86] Civil Rights & Livelihood Watch, "Tenggeli Shamo wuran jubaozhe bei xingju" [Tengger Desert pollution whistleblower criminally detained], October 1, 2020; Yuan Ye, "Environmental Activist Sentenced to 54 Months in Prison," *Sixth Tone,* September 5, 2021; "Zhiming dong bao zhiyuanzhe Li Genshan yishen huoxing 4 nian ban, Li Genshan jiashu hanyuan, jiang shangsu" [Li Genshan, a well-known animal protection volunteer, was sentenced to 4 and a half years in prison in the first instance; Li Genshan's family complains, will appeal], *Shangyou News,* reprinted in *Sohu,* September 3, 2021. For more information on Zhang Baoqi, see the Commission's Political Prisoner Database record 2020-00256.

[87] "Susong chengxu bu hefa, zhiming dong bao zhiyuanzhe Li Genshan an yishen panjue bei chexiao" [The proceedings were illegal, and the first-instance judgment of the well-known animal protection volunteer Li Genshan was revoked], *Shangyou News,* reprinted in *Sohu,* November 15, 2021; Du Caicai, "Ningxia huanbao zhiyuanzhe an chongshen xuanpan 11 ren weichi yuanpan lushi cheng yi shangsu" [Court judgment announced in the case of the Ningxia environmental protection volunteers' retrial, [the court] maintained the original sentences for all 11 individuals, lawyers say they have already appealed], *Caixin,* February 9, 2022.

[88] Du Caicai, "Ningxia huanbao zhiyuanzhe an chongshen xuanpan 11 ren weichi yuanpan lushi cheng yi shangsu" [Court judgment announced in the case of the Ningxia environmental protection volunteers' retrial, [the court] maintained the original sentences for all 11 individuals, lawyers say they have already appealed], *Caixin,* February 9, 2022.

[89] Du Caicai, "Ningxia huanbao zhiyuanzhe an chongshen xuanpan 11 ren weichi yuanpan lushi cheng yi shangsu" [Court judgment announced in the case of the Ningxia environmental protection volunteers' retrial, [the court] maintained the original sentences for all 11 individuals, lawyers say they have already appealed], *Caixin,* February 9, 2022.

[90] Civil Rights & Livelihood Watch, "Tenggeli Shamo wuran jubaozhe bei xingju" [Tengger Desert pollution whistleblower criminally detained], October 1, 2020.

[91] John Liu and Karoline Kan, "China Wants More Climate Court Cases, but Only the Right Ones," *Bloomberg,* June 18, 2021; Civil Rights & Livelihood Watch, "Tenggeli Shamo wuran jubaozhe bei xingju" [Tengger Desert pollution whistleblower criminally detained], October 1, 2020.

[92] Hou Liqiang, "11 Punished After 120,000 Tons of Pollutants Dumped in Tengger Desert," *China Daily,* March 17, 2020.

[93] Feng Huamei, "Jiangxi Le'an cunmin fandui wuran bei dingzui; jijing shensu fayuan jueding zaishen" [Villagers in Le'an, Jiangxi who protested against pollution convicted; court decides to retry after several appeals], *Caixin,* December 23, 2021; Wei Jiaming, "Jiangxi cunmin du lu kangyi wuran bei pan huanxing, jing shensu Le'an xian fayuan jueding zaishen" [Jiangxi villagers who blocked roads to protest pollution given suspended sentences, Le'an County court decides to retry on appeal], *The Paper,* December 23, 2021.

[94] Feng Huamei, "Jiangxi Le'an cunmin fandui wuran bei dingzui; jijing shensu fayuan jueding zaishen" [Villagers in Le'an, Jiangxi who protested against pollution convicted; court decides to retry after several appeals], *Caixin,* December 23, 2021; Wei Jiaming, "Jiangxi cunmin du lu kangyi wuran bei pan huanxing, jing shensu Le'an xian fayuan jueding zaishen" [Jiangxi villagers who blocked roads to protest pollution given suspended sentences, Le'an County court decides to retry on appeal], *The Paper,* December 23, 2021.

[95] Feng Huamei, "Jiangxi Le'an cunmin fandui wuran bei dingzui; jijing shensu fayuan jueding zaishen" [Villagers in Le'an, Jiangxi who protested against pollution convicted; court decides to retry after several appeals], *Caixin,* December 23, 2021; Wei Jiaming, "Jiangxi cunmin du lu kangyi wuran bei pan huanxing, jing shensu Le'an xian fayuan jueding zaishen" [Jiangxi villagers who blocked roads to protest pollution given suspended sentences, Le'an County court decides to retry on appeal], *The Paper,* December 23, 2021.

[96] Feng Huamei, "Jiangxi Le'an cunmin fandui wuran bei dingzui; jijing shensu fayuan jueding zaishen" [Villagers in Le'an, Jiangxi who protested against pollution convicted; court decides to retry after several appeals], *Caixin,* December 23, 2021; Wei Jiaming, "Jiangxi cunmin du lu kangyi wuran bei pan huanxing, jing shensu Le'an xian fayuan jueding zaishen" [Jiangxi

villagers who blocked roads to protest pollution given suspended sentences, Le'an County court decides to retry on appeal], *The Paper,* December 23, 2021.

[97] UN Human Rights Council, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, A/HRC/37/59, January 24, 2018, Annex, paras. 17–19, 34–35. Principle 7 reads, "States should provide public access to environmental information by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request." Principle 12 states "States should ensure the effective enforcement of their environmental standards against public and private actors."

[98] Laura Zhou, "China Says Foreign-Funded NGO's Coastal Ocean Data Could Be Used for Spying," *South China Morning Post,* November 2, 2021; "Yu guoji huanbao zuzhi hezuo cheng zui zheng, Shanghai huanbao tuanti bei guo'an jiguan chengchu" [Cooperation with international environmental protection organization becomes evidence of a crime, Shanghai environmental protection group punished by national security agency], *Radio Free Asia,* November 25, 2021.

[99] Laura Zhou, "China Says Foreign-Funded NGO's Coastal Ocean Data Could Be Used for Spying," *South China Morning Post,* November 2, 2021; "Yu guoji huanbao zuzhi hezuo cheng zui zheng, Shanghai huanbao tuanti bei guo'an jiguan chengchu" [Cooperation with international environmental protection organization becomes evidence of a crime, Shanghai environmental protection group punished by national security agency], *Radio Free Asia,* November 25, 2021.

[100] Lou Kang, "Thousand Folds [sic] Increase in Ocean Cleanup Volunteers Reflects Chinese Environmental Protection Awareness," *Global Times,* October 7, 2021.

[101] *China's Environmental Challenges and U.S. Responses, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021) (testimony of Dr. Jessica C. Teets, Associate Professor, Middlebury College).

Business and Human Rights

Findings

- Chinese and international businesses continue to be at risk of complicity in—and of profiting from—the People's Republic of China's (PRC) use of forced labor to repress ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR). A report investigating Xinjiang cotton and the global supply chain concluded that "human rights due diligence is [currently] inadequate in identifying and addressing Uyghur forced labor in supply chains of manufacturers outside of China and enforcement mechanisms are not currently responding to the export of those goods internationally."
- The PRC continued to threaten for-profit and non-profit organizations with loss of revenue or other forms of punishment if they mentioned human rights violations in the XUAR. In one case, authorities closed down an affiliate of labor auditor Verité, Inc., after it reportedly investigated reports of forced labor in the XUAR. In another case, pro-Chinese Communist Party and Party-affiliated organizations criticized, and insinuated potential retaliation against, Kodak for posting pictures by a photographer who described the XUAR as "an Orwellian dystopia."
- The Chinese government restricted freedom of expression this reporting year, and corporations continued to take part in censorship. Instances include the following examples:
    - Apple removed a globally used Quran app from the Apple app store in China.
    - Chinese companies removed media content of foreign individuals whose speech or actions did not conform with PRC narratives.
    - Disney Plus Hong Kong removed an episode of "The Simpsons" that satirically referenced human rights violations committed by the Party, including the violent suppression of the 1989 Tiananmen protests.
    - Apple and two British publishing firms, Octopus Books and Quarto, censored products intended for sale outside of mainland China.
- The Washington Post reported that, based on presentations obtained from Huawei's website, Huawei marketed surveillance technology to the Chinese government—including surveillance technology used in the XUAR.
- The Commission observed reports that a labor rights whistleblower was tortured prior to being sentenced to two years in prison for exposing labor rights violations. The violations took place in a factory producing the Amazon Echo, Amazon Echo Dot, and the Amazon Kindle.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Work with like-minded governments and legislatures to encourage implementation of policies and legislation similar

to the Uyghur Forced Labor Prevention Act (Public Law No. 117-78), which prohibits the importation of goods made in whole or in part in the XUAR.

○ Consider actions, including through legislation as needed, that bolster supply chain transparency, including by requiring supply chain mapping, disclosure, comprehensive human rights due diligence, and country of origin labels for goods purchased and sold online.

○ Increase Customs and Border Protection funding to bolster its ability to monitor imported goods for links to forced labor.

○ Update as appropriate the Xinjiang and Hong Kong business advisories issued by the U.S. Government, and consider issuing advisories on other regions or sectors in China.

○ Impose Global Magnitsky sanctions on both Chinese government officials carrying out severe human rights abuses in the XUAR and on companies directly complicit in those abuses.

○ Work together and with like-minded governments to decrease reliance on imports from China that could be linked to human rights abuses, including in supply chains and industries such as solar panel production and medical equipment manufacturing.

○ Members should engage U.S. companies on human rights issues in China such as forced labor in the XUAR, government surveillance, government censorship, and worker rights. Such engagement should include:

  ○ Encouraging companies such as Amazon that source a significant percentage of their products from China to trace the supply chain of these goods to ensure that they are not produced in the XUAR or in Chinese factories that subject their workers to labor abuse. Members should encourage such companies to protect both workers and whistleblowers at their factories and facilities in China and worldwide;

  ○ Encouraging companies in their districts to change their approach to conducting due diligence in China, moving beyond codes of conduct and third-party factory audits, which have proven to be ineffective and even harmful; and

  ○ Holding public hearings and private meetings with companies from their districts to raise awareness of the risk of complicity in human rights abuses and privacy violations that U.S. companies working in China face. Topics of meetings could include complicity in the use of artificial intelligence technology and surveillance equipment to monitor human rights advocates, religious believers, and ethnic minority groups in China, as well as corporate complicity in Chinese government censorship.

BUSINESS AND HUMAN RIGHTS

Introduction

Chinese and international businesses are directly complicit in or at risk of being complicit in human rights abuses committed by the Chinese government. These abuses include the severe repression of ethnic minority groups in the Xinjiang Uyghur Autonomous Region (XUAR), government surveillance of citizens without adequate privacy protections, government censorship, and lack of protection for Chinese workers. Companies complicit in such abuses contravene the UN Guiding Principles on Business and Human Rights, which state that businesses have a responsibility to respect human rights and should seek to avoid "contributing to adverse human rights impacts . . .."[1] [For information on China's efforts to weaken international standards relating to business and human rights, see Section XII—Human Rights Violations in the U.S. and Globally.]

Corporate Involvement in Mass Atrocities in the XUAR

Companies that do business in, source from, or work with companies in the XUAR continue to be at great risk of complicity in the human rights abuses being committed in the region.[2] The PRC's actions in the XUAR constitute crimes against humanity[3] and genocide.[4] Experts have documented the arbitrary detention of up to 1.8 million individuals from predominantly Muslim ethnic minority groups since 2017 in a network of mass internment camps in the XUAR.[5] Authorities have subjected individuals from ethnic minority groups in the XUAR to extreme levels of surveillance; deprivation of freedom of movement and residence; destruction of religious sites; invasive population control methods such as forced sterilization, forced insertion of intrauterine devices (IUDs), and forced abortion; forced placement of children in state-run orphanages and boarding schools; and forced labor.[6]

Companies are particularly at risk of complicity in crimes against humanity and genocide in the XUAR if they do business with the Xinjiang Production and Construction Corps (XPCC), its affiliate companies, or any other companies that have close ties to the XPCC.[7] In July 2020, the U.S. Department of Commerce sanctioned the XPCC, a paramilitary organization, for its contributions to human rights abuses in the XUAR.[8]

In December 2021, **Tesla** announced it would open a new showroom in the XUAR.[9] Several organizations criticized the announcement,[10] and National Communications Director of the Council on American-Islamic Relations Ibrahim Hooper said that "[n]o American corporation should be doing business in a region that is the focal point of a campaign of genocide targeting a religious and ethnic minority."[11]

As of April 2022, **Airbnb** had offered hundreds of listings in both the XUAR and the Tibet Autonomous Region (TAR).[12] In addition, a November 2021 Axios report found that more than a dozen Airbnb listings in the XUAR were located on land owned by the XPCC.[13] Further reporting found that throughout China, Airbnb hosts had discriminated against potential guests based on ethnicity—in some cases citing pressure from local authorities as the

reason they could not host ethnic minorities.[14] In May 2022, Airbnb reportedly planned to remove "listings for hosted experiences in China" starting in the summer of 2022 because of a "decline in business" after two years of coronavirus disease 2019 (COVID-19) restrictions.[15] [For more information on human rights violations in the XUAR, see Section X—Xinjiang. For more information on human rights violations in the TAR, see Section IX—Tibet.]

STATE-SPONSORED FORCED LABOR IN THE XUAR

Reports continued to highlight evidence that potentially linked the supply chains of international corporations to forced labor in the XUAR.[16] Some affected products include:

- **Tomato products.** An August 2021 investigative report published by non-profit research organization C4ADS showed that tomato products potentially made by XPCC-owned companies using forced labor may have been sold in the United States and elsewhere.[17]
- **Electronics.** An October 2021 Reuters article reported that American remote control manufacturer **Universal Electronics Inc.** (UEI), participated in labor transfers of Uyghurs from the XUAR.[18] Labor transfer programs in and from the XUAR are Chinese government programs that move large numbers of ethnic minorities into forced labor.[19] From May 2019 to February 2020, UEI employed "at least 400 Uyghur workers" from the XUAR at their factory in Qinzhou, Guangxi Autonomous Region.[20] According to Reuters, workers were subjected to police surveillance, restricted movement, and "education activities."[21] Due diligence was reportedly conducted by a "third-party agent working with the Xinjiang government"[22]—which is problematic given the fact that the government is the implementer of forced labor in the XUAR.[23]
- **Cotton products.** Multiple reports this year linked cotton products from the XUAR to international supply chains.[24] A November 2021 report entitled "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," by Sheffield Hallam University's Helena Kennedy Centre for International Justice, reviewed publicly accessible customs data in order to trace cotton produced in the XUAR to the products of international brands.[25] The report examined five Chinese textile companies connected with cotton produced in the XUAR.[26] These companies' problematic connections to the XUAR included: 1) owning a subsidiary in the XUAR; 2) purchasing cotton produced in the XUAR;[27] 3) working with the XPCC;[28] 4) participating in state-sponsored labor transfers;[29] and 5) receiving government subsidies in the XUAR.[30] By tracing the supply chains of the above-mentioned Chinese companies connected with forced labor in the XUAR, the report identified "53 intermediary manufacturers" outside of China and 103 international brands that are "at high risk of having Xinjiang cotton in their supply chains."[31] The report concludes that the high risk of Xinjiang cotton being used in the products of international brands indicates "that human rights due diligence is [currently] inadequate in identifying and addressing

Uyghur forced labor in supply chains of manufacturers outside of China and enforcement mechanisms are not currently responding to the export of those goods internationally."[32]

In December 2021, U.S. President Joe Biden signed into law the Uyghur Forced Labor Prevention Act (Public Law No. 117-78).[33] The Act establishes a rebuttable presumption that all goods made in whole or in part in the XUAR have been made with forced labor, and that the importation of such goods is prohibited by Section 307 of the Tariff Act of 1930.[34] A May 2022 C4ADS report found that a significant amount "of the world's cotton, tomato products, pepper products, walnuts, rayon, calcium carbide, polysilicon, wind turbines, and beryllium" were produced in the XUAR.[35] [For information on how government-sponsored forced labor violates international standards prohibiting human trafficking and forced labor, see Section VI—Human Trafficking. For more information on cotton and tomato products likely made with forced labor and exported to the United States, see Section X—Xinjiang.]

FIRMS, AUDITS, AND COMPLICITY IN FORCED LABOR IN THE XUAR

Firms cannot rely on factory audits to ensure that their supply chains are free of forced labor in the XUAR.[36] When sourcing goods alleged to be made in whole or in part with forced labor, international brands often point to their use of audits to ensure compliance with corporate codes of conduct prohibiting involvement in forced labor.[37] Due diligence organizations, human rights and labor experts, and national government agencies, however, have pointed to the unreliability of audits conducted in the XUAR.[38] Reasons cited by the above-mentioned observers for the unreliability of audits conducted in the XUAR include:

- the inability of workers subjected to forced labor to speak freely;[39]
- the harassment and detention of auditors conducting due diligence in the XUAR;[40]
- the inability of auditors to obtain the information needed to conduct an audit;[41] and
- the PRC Anti-Foreign Sanctions Law, which deters auditors from speaking about the XUAR.[42]

Authorities Close Labor Auditor after It Reportedly Investigates Forced Labor in the XUAR

According to August 2021 reporting from the Wall Street Journal, authorities closed Shenzhen Verité, an affiliate of U.S.-based labor auditor Verité, Inc.[43] In April, Chinese authorities interrogated and restricted the movement of staff, froze bank accounts, and raided the offices of Shenzhen Verité.[44] In March, the Party-run media outlet Global Times had published an article criticizing reports of forced labor in the XUAR and particularly the social compliance organization Better Cotton Initiative (BCI).[45] The article was critical of Shenzhen Verité for reportedly conducting an investigation into forced labor in the XUAR commissioned by BCI.[46] An August Global Times article further lambasted Shenzhen Verité, claiming that the company "cited untenable claims from anti-China organizations and [came to] a predetermined guilty conclusion."[47] The August article was reportedly based on information obtained by authorities who investigated Shenzhen Verité in April and interviews from former Shenzhen Verité employees.[48]

Chinese authorities' closure of Shenzhen Verité, one of the recent actions taken against companies in response to claims regarding forced labor in the XUAR, indicates the risk involved to companies making such claims. According to the sourcing and labor editor of Sourcing Journal, Jasmin Malik Chua,[49] there is evidence that the closing of Shenzhen Verité "is another pointed act of retaliation on the part of [the Chinese government], which previously stoked nationalist fervor to trigger a wave of consumer boycotts against Western brands such as Adidas, Nike and H&M for cutting business relationships in Xinjiang over forced-labor concerns."[50] According to the Wall Street Journal, "[s]upply-chain experts say China's closure of Shenzhen Verité is likely to discourage Chinese factories and auditors from cooperating with multinational brands seeking to comply with U.S. rules on forced labor, due to fear of possible retribution by the Chinese government."[51] [For information on cases in which Chinese authorities threatened or punished foreign companies whose speech or actions related to human rights abuses in the XUAR did not align with PRC narratives, see Section XII—Human Rights Violations in the U.S. and Globally and the text box in this chapter entitled "PRC Economic Coercion, Corporate Censorship, and Human Rights Violations in the XUAR."]

Commercial Firms' Role in Government Data Collection and Surveillance across China

During the 2022 reporting year, the Commission observed reports linking Chinese tech firms with human rights abuses. In December 2021, the Washington Post reported that **Huawei** likely marketed surveillance technology to the Chinese government that the government could use to identify, monitor, manage, and track individuals.[52] The report was based on 100 confidential marketing presentations from 2016 to 2018 obtained from Huawei's website that outlined various Huawei surveillance products.[53] The Huawei presentations included information regarding voice recording analysis technology to be used for broadly defined "national security" purposes, and facial recognition technology used in the XUAR.[54] These technologies were co-developed with **iFlytek** and

DeepGlint, respectively, both of which the U.S. Department of Commerce sanctioned for involvement in human rights abuses in the XUAR.[55] [For more information on corporate involvement in the export of Chinese surveillance technology abroad, see Section XII—Human Rights Violations in the U.S. and Globally.]

Role of Commercial Firms in Government Censorship

Companies were both targets and enablers of Chinese government censorship. Examples of corporate censorship in China during the reporting year include the following cases:

- **Censorship of globally used Quran app.** On October 15, 2021, the BBC reported that **Apple** had removed a Quran app, Quran Majeed, from its app store in China.[56] According to the app's creator, Apple said that Quran Majeed was "removed from the China app store because it includes content that requires additional documentation from Chinese authorities."[57] According to the website Apple Censorship, of 155 Apple app stores around the world, China is the only country in which the app Quran Majeed is unavailable.[58]
- **Disney Plus censors content in Hong Kong.** In November 2021, the New York Times reported that an episode of "The Simpsons" was removed from **Disney Plus** in Hong Kong, which launched in Hong Kong in November.[59] The episode satirically references Mao Zedong and the censorship of the violent suppression of the 1989 Tiananmen protests.[60] According to a media regulation expert, Disney likely preemptively self-censored "The Simpsons" episode.[61]
- **Chinese companies remove media content in retaliation for the speech or action of foreign individuals.** In March 2022, the Los Angeles Times reported that Chinese streaming services including **Bilibili, iQiyi, Migu Video, Tencent Video, Xigua Video,** and **Youku** had removed films starring Canadian actor Keanu Reeves from their streaming platforms.[62] In January of the same year, Tibet House, an organization that was founded at the request of the Dalai Lama in order to promote Tibetan culture, announced that Reeves would perform during a March benefit concert.[63] In another case, music streaming services in China removed the music of Australian singer Kimberley Chen and Malaysian rapper Namewee after the release of "Fragile," a song critical of the PRC.[64] According to the Party-run media outlet Global Times, **Weibo** also blocked Chen's account after the song was released.[65]

In addition, foreign companies exported Chinese censorship outside of mainland China. Such censorship included the following cases:

- **Apple censors content of engravings.** In an August 2021 analysis piece about **Apple,**[66] Citizen Lab found that Apple disallowed customer requests in Hong Kong and Taiwan to have engraved on Apple products phrases related to Chinese political topics.[67] Apple censored the keywords "human rights" and "Dalai" in mainland China; "freedom of the press," "double universal suffrage," and "Ai Weiwei" in Hong Kong and main-

land China; and "Chairman Mao" and "Falun Gong" in Taiwan, Hong Kong, and mainland China.[68]

- **Publishing firms remove book content.** In another case, according to a March 2022 article by the Financial Times, publishing firms **Octopus Books** (an affiliate of **Hachette UK**)[69] and **Quarto**[70] censored books intended for sale in foreign markets in order to be able to print the books in China, where printing was cheaper.[71] Octopus Books removed references to Taiwan, and Quarto removed or altered references to Hong Kong, Taiwan, Chinese artist Ai Weiwei, and Tibet.[72]
- **Bing censors autofill results.** A May 2022 Citizen Lab report concluded that the U.S. version of Microsoft's Bing search engine had censored autofill results related to Chinese political figures, Chinese dissidents, Falun Gong, and the violent suppression of the Tiananmen protests in June 1989, autofill results that were also censored through the version of Bing only available in China.[73] In June 2021, Reuters reported that Bing searches for images using the phrase "tank man" did not yield any image results.[74] The searches for "tank man" were made in the United States and elsewhere around the anniversary of the violent suppression of the 1989 Tiananmen protests.[75] In its report on Bing, Citizen Lab said that it "may be fundamentally untenable" for an internet platform to facilitate free speech in one region and simultaneously apply political censorship in another region (e.g., China).[76]

[For more information on Chinese government censorship inside China, see Section III—Freedom of Expression. For more information on Chinese government censorship outside of China, see Section XII—Human Rights Violations in the U.S. and Globally.]

PRC Economic Coercion, Corporate Censorship, and Human Rights Violations in the XUAR

The PRC continued to threaten corporations with loss of revenue or other forms of punishment if they mentioned human rights violations in the Xinjiang Uyghur Autonomous Region (XUAR). On July 10, 2021, Patrick Wack, a French photographer who took photos in the XUAR from 2016 to 2020, posted about the release of his book on Instagram.[77] In his post, Wack referenced the "mass-incarceration of [the XUAR's] Uyghur population and other Muslim minorities"[78] and said that his book "captures a visual narrative of the region and is a testimony to its abrupt descent into an Orwellian dystopia."[79] Wack took the photos using **Kodak** film and Kodak shared 10 of Wack's images on Instagram.[80]

On July 18, 2021, Chinese nationalist news site Guancha posted an article criticizing the Instagram posts of Kodak and Wack.[81] The article said both Kodak and Wack were attempting to give the XUAR a bad name by adding prejudiced captions to photos of daily life in the XUAR.[82] On the same day, the Communist Youth League of China posted the article on the Chinese social media app Weibo.[83] The Communist Youth League also initiated social media campaigns against U.S. companies in March 2021 and December 2021.[84]

PRC Economic Coercion, Corporate Censorship, and Human Rights Violations in the XUAR—Continued

On July 19, 2021, Kodak apologized for its Instagram post and said that its Instagram page was "not intended to be a platform for political commentary."[85] Kodak also posted a statement on WeChat and its website blaming loopholes in supervision that may have allowed the original post to be approved.[86] The Party-run media outlet Global Times published an article quoting a Chinese professor who warned that the PRC would retaliate against companies that contradicted the PRC's narrative on the XUAR.[87] He said that "[c]ompanies should know that Xinjiang-related issues are the bottom line of China, and for those who cross the line, we should use the law to defend our rights."[88]

Such statements are consistent with other cases of economic coercion, in which Chinese authorities threatened or punished foreign companies such as H&M, Intel, Walmart, Sam's Club, an affiliate of U.S.-based labor auditor Verité, Inc., and others, for speech or actions related to human rights in the XUAR that did not align with PRC narratives.[89] Among the threats aimed at Intel, Walmart, and Sam's Club was a Global Times article that discussed the possibility of using the PRC Anti-Foreign Sanctions Law, passed in June 2021,[90] which provides a legal basis for retaliatory measures against individuals and organizations with direct or indirect involvement in the implementation of foreign sanctions.[91] The Commission did not observe reports that authorities used the Anti-Foreign Sanctions Law against the companies mentioned in this text box, but this past year authorities did use the Anti-Foreign Sanctions Law against four officials of the United States Commission on International Religious Freedom, as well as two U.S. companies that sold arms to Taiwan, in response to sanctions imposed on Chinese officials for their involvement in human rights abuses in China.[92] [For more information on cases in which Chinese authorities threatened or punished foreign organizations whose speech or actions related to human rights abuses in the XUAR did not align with PRC narratives, see the text box in this chapter entitled "Authorities Close Labor Auditor after It Reportedly Investigates Forced Labor in the XUAR," and the Commission's April 2022 analysis piece entitled "Case Study: China's Economic Coercion Against Intel, Sam's Club, and Walmart."]

Worker Exploitation, Corporate Supply Chains, and Limited Legal Right to Freedom of Association

Outside the XUAR, the lack of protection for Chinese workers under Chinese law, as well as a lack of enforcement of existing Chinese laws, allowed for continued abusive practices toward workers in the supply chains of Chinese and international businesses. The Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law,[93] and Chinese law does not grant Chinese workers the right to freedom of association or permit them to form or join independent unions.[94] In a 2020 joint submission to the UN Committee on Economic, Social and Cultural Rights, the International Federation for Human Rights and China Labor Watch (CLW) stated that the "lack of enforcement of labor laws and regulations is the single greatest

factor limiting individuals' right to just and favorable conditions of employment. Despite strong legislation, government labor bureaus and labor inspectorates are not equipped to enforce the provisions, giving employers wide latitude to disregard the law."[95]

In one example, authorities punished a labor rights advocate for revealing labor violations at a factory in China that made **Amazon** devices.[96] According to a January 2022 Guardian article, public security officials tortured labor rights advocate Tang Mingfang[97] before he confessed to "leaking confidential company information,"[98] and authorities sentenced him to two years in prison and fined him 10,000 RMB (approximately US$1,500) on the same charge.[99] In 2019, Tang, a former employee of **Hengyang Foxconn** affiliate **Hengyang Futaihong Precision Industrial Co., Ltd.,** leaked company documents to the Guardian and CLW.[100] The documents revealed that student interns were required to work overtime and on night shifts at Amazon's supplier Hengyang Foxconn, in some cases against their will.[101] Hengyang Foxconn produced Amazon devices such as the Amazon Echo, Amazon Echo Dot, and the Amazon Kindle.[102] [For more information on torture in the Chinese criminal justice system, see Section IV—Criminal Justice. For more information on the right of Chinese workers to form trade unions, and information on additional labor rights advocates in China, see Section VII—Worker Rights.]

Notes to Section VIII—Business and Human Rights

[1] Office of the UN High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, HR/PUB/11/04, June 16, 2011, principle 13.

[2] CECC, *2021 Annual Report,* March 2022, 213–15; CECC, *2020 Annual Report,* December 2020, 237–41.

[3] Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, A/CONF.183/9, July 17, 1998, entry into force July 1, 2002, art. 7; Human Rights Watch, "Break Their Lineage, Break Their Roots," April 19, 2021; Naomi Kikoler, "Simon-Skjodt Center Director Delivers Remarks on China's Systematic Persecution of Uyghurs," United States Holocaust Memorial Museum, March 6, 2020; Gene A. Bunin, "Detainees Are Trickling Out of Xinjiang's Camps," *Foreign Policy,* January 18, 2019; Uyghur Human Rights Project, "Universal Children's Day 2018: China Must Reunite Uyghur Children and Parents. Forcible Placement of Children of Living Parents in State-Run Facilities Constitutes a Crime Against Humanity," November 19, 2018. See also CECC, *2020 Annual Report,* December 2020, 300–01.

[4] "The Uyghur Genocide: An Examination of China's Breaches of the 1948 Genocide Convention," Newlines Institute for Strategy and Policy and Raoul Wallenberg Centre for Human Rights, March 2021, 50; Jackson Neagli, "The Importance of 'Biological Destruction' in Responsible Coverage of Xinjiang," *Lawfare* (blog), April 14, 2021; Beth Van Schaack, "Genocide Against the Uyghurs: Legal Grounds for the United States' Bipartisan Genocide Determination," Just Security, January 27, 2021; Joanne Smith Finley, "Why Scholars and Activists Increasingly Fear a Uyghur Genocide in Xinjiang," *Journal of Genocide Research* (November 19, 2020): 1–23; Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), adopted and proclaimed by UN General Assembly resolution 260 (III) of December 9, 1948; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Prevention and Punishment of the Crime of Genocide, accessed August 1, 2022.

[5] See, e.g., Adrian Zenz, "'Wash Brains, Cleanse Hearts': Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang's Extrajudicial Internment Campaign," *Journal of Political Risk* 7, no. 11 (November 2019); Megha Rajagopalan, Alison Killing, and Christo Buschek, "China Secretly Built a Vast New Infrastructure to Imprison Muslims," *BuzzFeed News,* August 27, 2020; Adrian Zenz, "China Didn't Want Us to Know. Now Its Own Files Are Doing the Talking.," *New York Times,* November 24, 2019; Fergus Ryan, Danielle Cave, and Nathan Ruser, "Mapping Xinjiang's 'Re-Education' Camps," International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018. See also CECC, *2021 Annual Report,* March 2022, 213; CECC, *2020 Annual Report,* December 2020, 298–300.

[6] See, e.g., Human Rights Watch, "China: Big Data Program Targets Xinjiang's Muslims," December 9, 2020; Adrian Zenz, "Coercive Labor and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program: A Process-Oriented Evaluation," Jamestown Foundation, March 2021, 17, 49; Sigal Samuel, "China's Genocide Against the Uyghurs, in 4 Disturbing Charts," *Vox,* March 10, 2021; Isobel Cockerell, "Revealed: New Videos Expose China's Forced Migration of Uyghurs During the Pandemic," *Coda Story,* July 9, 2020; Chris Buckley and Austin Ramzy, "China Is Erasing Mosques and Precious Shrines in Xinjiang," *New York Times,* September 25, 2020; "How Xinjiang's Gulag Tears Families Apart," *Economist,* October 17, 2020.

[7] CECC, *2020 Annual Report,* December 2020, 240–41; U.S. Customs and Border Protection, "CBP Issues Detention Order on Cotton Products Made by Xinjiang Production and Construction Corps Using Prison Labor," December 2, 2020; U.S. Department of the Treasury, "Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Executive Order," July 31, 2020.

[8] The XPCC is a paramilitary organization that advances Chinese Communist Party control over the XUAR. U.S. Department of the Treasury, "Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Executive Order," July 31, 2020. For a discussion of the XPCC and its links to human rights abuses in the XUAR from the Commission's 2020 reporting year, see CECC, *2020 Annual Report,* December 2020, 240–41.

[9] Helen Davidson, "Tesla Criticised for Opening Showroom in Xinjiang despite Human Rights Abuses," *Guardian,* January 4, 2022.

[10] Helen Davidson, "Tesla Criticised for Opening Showroom in Xinjiang despite Human Rights Abuses," *Guardian,* January 4, 2022; Ivana Saric, "Tesla Opens Showroom in Xinjiang Province, despite China's Human Rights Abuses," *Axios,* January 4, 2022.

[11] Helen Davidson, "Tesla Criticised for Opening Showroom in Xinjiang despite Human Rights Abuses," *Guardian,* January 4, 2022.

[12] "Olympic Sponsor Airbnb Profits from Xinjiang, Tibet Listings," *Agence France-Presse,* reprinted in *France 24,* February 18, 2022; "Places to Stay: Xinjiang, China," Airbnb, accessed April 15, 2022; "Places to Stay: Tibet, China," Airbnb, accessed April 15, 2022. According to a CNN article, Airbnb plans to remove "listings for hosted experiences in China" in the summer of 2022 due to a "decline in business" after two years of Covid-19 restrictions. Sahar Akbarzai and Michelle Toh, "Airbnb Is Closing Its Listings Business in China," *CNN,* May 24, 2022.

[13] Bethany Allen-Ebrahimian and Jacque Schrag, "Airbnb Hosts Xinjiang Rentals on Land Owned by Sanctioned Group," *Axios,* November 29, 2021.

[14] Sophia Yan, "Uyghurs and Tibetans Locked Out of Airbnb in China's Latest Crackdown on Ethnic Minorities," *Telegraph,* July 27, 2021; Charles Rollet, "Airbnb Listings in China Are Littered with Racist Discrimination," *Wired UK,* March 5, 2019. See also International Convention on the Elimination of All Forms of Racial Discrimination, adopted by UN General Assembly resolution 2106 (XX) of December 2, 1965, entry into force January 4, 1969; Office of the UN High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, HR/PUB/11/04, June 16, 2011, principles 12, 13; Airbnb, "Nondiscrimination Policy," February 10, 2022.

[15] Sahar Akbarzai and Michelle Toh, "Airbnb Is Closing Its Listings Business in China," *CNN,* May 24, 2022.

[16] Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021; Alison Killing and Megha Rajagopalan, "Hugo Boss and Other Big Brands Vowed to Steer Clear of Forced Labor in China—but These Shipping Records Raise Questions," *BuzzFeed News,* January 13, 2022; CECC, *2021 Annual Report,* March 2022, 214, 215.

[17] Irina Bukharin, C4ADS, "Long Shadows: How the Global Economy Supports Oppression in Xinjiang," August 10, 2021, 20–21. See also U.S. Customs and Border Protection, "CBP Issues Region-Wide Withhold Release Order on Products Made by Slave Labor in Xinjiang," January 13, 2021; U.S. Department of the Treasury, "Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Executive Order," July 31, 2020. For a discussion of the XPCC, Cofco Tunhe, and their links to forced labor in the XUAR from the Commission's 2020 reporting year, see CECC, *2020 Annual Report,* December 2020, 240–41.

[18] Cate Cadell, "Exclusive: U.S. Electronics Firm Struck Deal to Transport and Hire Uyghur Workers," *Reuters,* October 8, 2021.

[19] See, e.g., "'To Make Us Slowly Disappear': The Chinese Government's Assault on the Uyghurs," Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum, November 2021, 32; John Sudworth, "'If the Others Go I'll Go': Inside China's Scheme to Transfer Uighurs into Work," *BBC,* March 2, 2021; Vicky Xiuzhong Xu et al., "Uyghurs for Sale: 'Reeducation,' Forced Labour and Surveillance beyond Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, June 21, 2022, 3, 6.

[20] Cate Cadell, "Exclusive: U.S. Electronics Firm Struck Deal to Transport and Hire Uyghur Workers," *Reuters,* October 8, 2021.

[21] Cate Cadell, "Exclusive: U.S. Electronics Firm Struck Deal to Transport and Hire Uyghur Workers," *Reuters,* October 8, 2021.

[22] Cate Cadell, "Exclusive: U.S. Electronics Firm Struck Deal to Transport and Hire Uyghur Workers," *Reuters,* October 8, 2021.

[23] Adrian Zenz, "The Xinjiang Papers: An Introduction," Uyghur Tribunal, February 10, 2022, 2, 3; CECC, *2021 Annual Report,* March 2022, 164, 166, 167.

[24] See, e.g., Irina Bukharin, C4ADS, "Long Shadows: How the Global Economy Supports Oppression in Xinjiang," August 10, 2021, 25–26; Megha Rajagopalan, "Goods Linked to a Group That Runs Chinese Detention Camps May Be Ending Up in U.S. Stores," *BuzzFeed News,* August 10, 2021; Alison Killing and Megha Rajagopalan, "Hugo Boss and Other Big Brands Vowed to Steer Clear of Forced Labor in China—but These Shipping Records Raise Questions," *BuzzFeed News,* January 13, 2022.

[25] Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021, 2.

[26] Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021, 2, 26. The five Chinese textile companies are Huafu Fashion Co. Ltd., Jiangsu Lianfa Textile Co. Ltd., Luthai Textile Co. Ltd., Texhong Textile Group, and Weiqiao Textile Co. Ltd. For more information on Huafu Fashion Co. Ltd., see pages 34–37; for more information on Jiangsu Lianfa Textile Co. Ltd., see pages 30–33; for more information on Luthai Textile Co. Ltd., see pages 38–42; for more information on Texhong Textile Group, see pages 43–46; and for more information on Weiqiao Textile Co. Ltd., see pages 47–50.

[27] For more information on the coercive nature of cotton harvesting in the XUAR, see Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021, 14, 16, 17; Adrian Zenz, "Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton," Newlines Institute for Strategy and Policy, December 2020, 13–16; John Sudworth, "China's 'Tainted' Cotton," *BBC,* December 2020.

[28] For a discussion of the XPCC and its links to human rights abuses in the XUAR from the Commission's 2020 reporting year, see CECC, *2020 Annual Report,* December 2020, 240–41.

[29] For information on the coercive nature of labor transfers, see "'To Make Us Slowly Disappear': The Chinese Government's Assault on the Uyghurs," Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum, November 2021, 31–32.

[30] Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021, 27, 30, 35, 38. For more information on the connection between government subsidies and forced labor in the XUAR, see CECC, *2021 Annual Report,* March 2022, 214.

[31] Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021, 2.

[32] Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021, 3.

[33] Human Rights Watch, "China: U.S. Should Fully Apply New Forced Labor Law," March 11, 2022. See also Uyghur Forced Labor Prevention Act (Public Law 117-78).

[34] Uyghur Forced Labor Prevention Act (Public Law 117-78). See also U.S. Customs and Border Protection, "CBP Issues Region-Wide Withhold Release Order on Products Made by Slave Labor in Xinjiang," January 13, 2021; U.S. Customs and Border Protection, "Uyghur Forced Labor Prevention Act: U.S. Customs and Border Protection Operational Guidance for Importers," June 13, 2022.

[35] Irina Bukharin, C4ADS, "Everybody's Business: The Xinjiang Goods Entering Global Supply Chain," May 19, 2022, 12–16.

[36] For a discussion of audits in the XUAR from the Commission's 2020 reporting year, see CECC, *2020 Annual Report,* December 2020, 239.

[37] See, e.g., Beth Timmins, "France Investigates Retailers Over China Forced Labour Claims," *BBC,* July 2, 2021; Ben Fox, "Gloves Linked to Forced Labor in China Stopped at LA Port," *Associated Press,* October 15, 2020.

[38] See CECC, *2021 Annual Report,* March 2022, 215. For warnings from due diligence organizations, see Fair Labor Association, "FLA Statement on Sourcing from China," December 23, 2020; John Sudworth, "China's 'Tainted' Cotton," *BBC,* December 2020. For warnings from human rights and labor experts, see "Interview: Laura Murphy on Forced Labor in Xinjiang," *China Digital Times,* March 21, 2022; Beth Timmins, "France Investigates Retailers Over China Forced Labour Claims," *BBC,* July 2, 2021; Eva Xiao, "Auditors to Stop Inspecting Factories in China's Xinjiang Despite Forced-Labor Concerns," *Wall Street Journal,* September 21, 2020. The governments of Canada, the United Kingdom, and the United States have all issued warnings against the use of audits in the XUAR. See Global Affairs Canada, "Global Affairs Canada Advisory on Doing Business with Xinjiang-Related Entities," January 12, 2021; United Kingdom Foreign, Commonwealth and Development Office, "Overseas Business Risk: China," March 11, 2022; U.S. Department of State, U.S. Department of the Treasury, U.S. Department of Commerce, and U.S. Department of Homeland Security, "Risks and Considerations for Businesses with Supply Chain Exposure to Entities Engaged in Forced Labor and Other Human Rights Abuses in Xinjiang," July 1, 2020.

[39] "Interview: Laura Murphy on Forced Labor in Xinjiang," *China Digital Times,* March 21, 2022; Beth Timmins, "France Investigates Retailers Over China Forced Labour Claims," *BBC,* July 2, 2021; Eva Xiao, "Auditors to Stop Inspecting Factories in China's Xinjiang Despite Forced-Labor Concerns," *Wall Street Journal,* September 21, 2020.

[40] United Kingdom Foreign, Commonwealth and Development Office, "Overseas Business Risk: China," March 11, 2022; U.S. Department of State, U.S. Department of the Treasury, U.S. Department of Commerce, and U.S. Department of Homeland Security, "Risks and Considerations for Businesses with Supply Chain Exposure to Entities Engaged in Forced Labor and Other Human Rights Abuses in Xinjiang," July 1, 2020; Eva Xiao, "Auditors to Stop Inspecting Factories in China's Xinjiang Despite Forced-Labor Concerns," *Wall Street Journal,* September 21, 2020.

[41] Beth Timmins, "France Investigates Retailers Over China Forced Labour Claims," *BBC,* July 2, 2021; Eva Xiao, "Auditors to Stop Inspecting Factories in China's Xinjiang Despite Forced-Labor Concerns," *Wall Street Journal,* September 21, 2020.

[42] "Interview: Laura Murphy on Forced Labor in Xinjiang," *China Digital Times,* March 21, 2022; Eva Xiao, "Auditors to Stop Inspecting Factories in China's Xinjiang Despite Forced-Labor Concerns," *Wall Street Journal,* September 21, 2020. See also *Zhonghua Renmin Gongheguo Fanwaiguo Zhicai Fa* [PRC Anti-Foreign Sanctions Law], passed June 10, 2021, effective June 10, 2021; "Quanguo Renda Changweihui Fa Gong Wei fuzeren jiu Fanwaiguo Zhicai Fa da jizhe wen" [The head of the Legislative Affairs Commission of the National People's Congress Standing Committee answers reporters' questions regarding the Anti-Foreign Sanctions Law], *Xinhua,* June 10, 2021; Embassy of the People's Republic of China in the Republic of Seychelles, "NPC Standing Committee Approves Bill to Better Safeguard National Security," June 11, 2021.

[43] Lingling Wei, Eva Xiao, and Trefor Moss, "China Closes U.S. Auditor as Tensions Mount Over Forced Labor Allegations," *Wall Street Journal,* August 19, 2021.

[44] Lingling Wei, Eva Xiao, and Trefor Moss, "China Closes U.S. Auditor as Tensions Mount Over Forced Labor Allegations," *Wall Street Journal,* August 19, 2021.

[45] Liu Xin, Fan Lingzhi, and Yang Ruoyu, "Exclusive: How U.S. Forces 'Xinjiang Forced Labor' Narrative on Enterprises, Industry Agencies," *Global Times,* March 27, 2021.

[46] Liu Xin, Fan Lingzhi, and Yang Ruoyu, "Exclusive: How U.S. Forces 'Xinjiang Forced Labor' Narrative on Enterprises, Industry Agencies," *Global Times,* March 27, 2021.

[47] Liu Xin and Fan Lingzhi, "Exclusive: How BCI's Predetermined Guilty Report on Xinjiang Was Made Up?," *Global Times,* August 3, 2021.

[48] Liu Xin and Fan Lingzhi, "Exclusive: How BCI's Predetermined Guilty Report on Xinjiang Was Made Up?," *Global Times,* August 3, 2021.

[49] Jasmin Malik Chua (@jasminchua), "Sourcing + labor editor @sourcingjournal . . .," Twitter, accessed April 22, 22.

[50] Jasmin Malik Chua, "New China Auditor Drama: Authorities Shut Down Shenzhen Verité After Raid," *Sourcing Journal,* August 19, 2021. For more information on Chinese government retaliation against H&M and other companies for statements and actions regarding forced labor in the XUAR, see CECC, *2021 Annual Report,* March 2022, 218; "Case Study: China's Economic Coercion Against Intel, Sam's Club, and Walmart," Congressional-Executive Commission on China, April 14, 2022.

[51] Lingling Wei, Eva Xiao, and Trefor Moss, "China Closes U.S. Auditor as Tensions Mount Over Forced Labor Allegations," *Wall Street Journal,* August 19, 2021. See also Bethany Allen-Ebrahimian, "State Dept. Fears Chinese Threats to Auditors Looking for Forced Labor Evidence," *Axios,* June 24, 2021. For more information on the Chinese government's use of threats and coercive measures against BCI and its affiliates, see CECC, *2021 Annual Report,* March 2022, 218. For information on cases in which Chinese authorities threatened or punished foreign companies whose speech or actions related to human rights abuses in the XUAR did not align with Party and government political priorities, see "Case Study: China's Economic Coercion Against Intel, Sam's Club, and Walmart," Congressional-Executive Commission on China, April 14, 2022.

[52] Eva Dou, "Documents Link Huawei to China's Surveillance Programs," *Washington Post,* December 14, 2021.

[53] Huawei removed the presentations in 2020. Eva Dou, "Documents Link Huawei to China's Surveillance Programs," *Washington Post,* December 14, 2021.
[54] Eva Dou, "Documents Link Huawei to China's Surveillance Programs," *Washington Post,* December 14, 2021.
[55] Eva Dou, "Documents Link Huawei to China's Surveillance Programs," *Washington Post,* December 14, 2021. For more information on Huawei, DeepGlint, and iFlytek, see CECC, *2021 Annual Report,* March 2022, 216.
[56] James Clayton, "Apple Takes Down Quran App in China," *BBC,* October 15, 2021.
[57] James Clayton, "Apple Takes Down Quran App in China," *BBC,* October 15, 2021.
[58] Apple Censorship, "Quran Majeed is unavailable in 1 App Stores," accessed June 25, 2022.
[59] Vivian Wang, "A 'Simpsons' Episode Lampooned Chinese Censorship. In Hong Kong, It Vanished," *New York Times,* November 29, 2021.
[60] Vivian Wang, "A 'Simpsons' Episode Lampooned Chinese Censorship. In Hong Kong, It Vanished," *New York Times,* November 29, 2021.
[61] Vivian Wang, "A 'Simpsons' Episode Lampooned Chinese Censorship. In Hong Kong, It Vanished," *New York Times,* November 29, 2021.
[62] Rebecca Davis, "China Streamers Scrub Keanu Reeves Titles over His Support for Tibet," *Los Angeles Times,* March 24, 2022.
[63] Tibet House U.S., "Home," accessed April 4, 2022; Tibet House U.S. (@tibethouseus), "Excited to announce the @tibethouseus #TibetBenefit2022 Virtual Concert on 3/3. Get your tix now! thus.org/benefitconcert", Twitter, January 20, 2022, 4 a.m.
[64] "'Insulting': Aussie Singer Banned in China after Releasing Controversial Song," *news.com.au,* October 19, 2021.
[65] Weibo previously blocked Namewee's account in August 2021 when, according to the *Global Times,* he made "sarcastic comments about the [Chinese Communist Party]." "Singers Removed from China's Streaming Platforms after Releasing Song Insulting China," *Global Times,* October 18, 2021.
[66] Jeffrey Knockel and Lotus Ruan, Citizen Lab, "Engrave Danger: An Analysis of Apple Engraving Censorship across Six Regions," August 18, 2021.
[67] Jeffrey Knockel and Lotus Ruan, Citizen Lab, "Engrave Danger: An Analysis of Apple Engraving Censorship across Six Regions," August 18, 2021.
[68] Jeffrey Knockel and Lotus Ruan, Citizen Lab, "Engrave Danger: An Analysis of Apple Engraving Censorship across Six Regions," August 18, 2021.
[69] "About Us," Octopus Books, accessed April 13, 2022.
[70] "About Us," The Quarto Group, accessed April 13, 2022.
[71] Chinese law restricts what content Chinese printers can print. Oliver Telling, "British Publishers Censor Books for Western Readers to Appease China," *Financial Times,* March 15, 2022.
[72] Oliver Telling, "British Publishers Censor Books for Western Readers to Appease China," *Financial Times,* March 15, 2022.
[73] Jeffrey Knockel and Lotus Ruan, Citizen Lab, "Bada Bing, Bada Boom: Microsoft Bing's Chinese Political Censorship of Autosuggestions in North America," May 19, 2022, 1, 18, 20, 26–27.
[74] Joseph Menn and Paresh Dave, "Microsoft Says Error Led to No Matching Bing Images for Tiananmen 'Tank Man,'" *Reuters,* June 4, 2021.
[75] Joseph Menn and Paresh Dave, "Microsoft Says Error Led to No Matching Bing Images for Tiananmen 'Tank Man,'" *Reuters,* June 4, 2021.
[76] Jeffrey Knockel and Lotus Ruan, Citizen Lab, "Bada Bing, Bada Boom: Microsoft Bing's Chinese Political Censorship of Autosuggestions in North America," May 19, 2022, 40–41.
[77] Patrick Wack (@patwack), "The pre-sale for DUST is Live. Link in bio . . .," Instagram, July 10, 2021.
[78] Patrick Wack (@patwack), "The pre-sale for DUST is Live. Link in bio . . .," Instagram, July 10, 2021.
[79] Patrick Wack (@patwack), "The pre-sale for DUST is Live. Link in bio . . .," Instagram, July 10, 2021. In an interview with the New York Times, Wack said that the photos show how the region has radically changed over the years. "Muslim symbols," "golden domes," and "women wearing veils" he saw in 2016 had "disappeared" by 2019. Mike Ives, "Kodak Deletes Post by Photographer Who Called Xinjiang an 'Orwellian Dystopia,'" *New York Times,* July 21, 2021.
[80] Mike Ives, "Kodak Deletes Post by Photographer Who Called Xinjiang an 'Orwellian Dystopia,'" *New York Times,* July 21, 2021.
[81] Ju Feng, "Xinjiang zheme mei, Keda que pianyao jiadai sihuo" [Xinjiang is so beautiful, but Kodak tries to sneak in its own bias], *Guancha,* reprinted in *Sina,* July 18, 2021. Guancha published similar nationalist articles around the same time as early social media criticism of Sam's Club and H&M appeared, in December 2021 and March 2021, respectively. "Shanmu Huiyuan shangdian huiying xiajia Xinjiang shangpin: mei kucunle, you huo hui chongxin shangjia" [Sam's Club responds to its removal of Xinjiang products: products are out of stock, and will be restocked when available], *Guancha,* December 24, 2022; "H&M fabu shengming, jubu rencuo" [H&M releases statement, but refuses to admit its mistake], *Guancha,* March 24, 2021.
[82] Ju Feng, "Xinjiang zheme mei, Keda que pianyao jiadai sihuo" [Xinjiang is so beautiful, but Kodak tries to sneak in its own bias], *Guancha,* reprinted in *Sina,* July 18, 2021.
[83] Chinese Communist Youth League (@gongqingtuanzhongyang), "Xinjiang zheme mei, Keda que pianyao jiadai sihuo shua cunzai gan [zhuakuang]" [Xinjiang is so beautiful, but Kodak tries to sneak in its own bias; me while scrolling ["crazy" emoji]], Weibo, July 18, 2021, 8:08 p.m.
[84] These campaigns targeted H&M as well as other Better Cotton Initiative-affiliated companies and Walmart-owned Sam's Club. Liza Lin, "Walmart Sparks Public Outcry in China over Products from Xinjiang," *Wall Street Journal,* December 27, 2021; CECC, *2021 Annual Report,* March 2022, 218; "Case Study: China's Economic Coercion Against Intel, Sam's Club, and Walmart," Congressional-Executive Commission on China, April 14, 2022.

[85] Kodak (@kodak), "Content from the photographer Patrick Wack was recently posted . . .," Instagram, July 19, 2021.

[86] Rhoda Kwan, "Kodak Deletes Xinjiang Photo from Instagram, Vows to 'Respect Chinese Gov't,'" *Hong Kong Free Press,* July 21, 2021; Mike Ives, "Kodak Deletes Post by Photographer Who Called Xinjiang an 'Orwellian Dystopia,'" *New York Times,* July 21, 2021.

[87] Lu Yameng, "Kodak Apologizes over Instagram Post That Claims Xinjiang Is under 'Acute Repression'" *Global Times,* July 21, 2021.

[88] Lu Yameng, "Kodak Apologizes over Instagram Post That Claims Xinjiang Is under 'Acute Repression'" *Global Times,* July 21, 2021.

[89] Lingling Wei, Eva Xiao, and Trefor Moss, "China Closes U.S. Auditor as Tensions Mount Over Forced Labor Allegations," *Wall Street Journal,* August 19, 2021. The Commission documented the case of H&M and other Better Cotton Initiative affiliates in its *2021 Annual Report,* documented the cases of H&M, Intel, Sam's Club, and Walmart in its April 2022 analysis piece entitled "Case Study: China's Economic Coercion Against Intel, Sam's Club, and Walmart," and documented the case of Shenzhen Verité, affiliate of U.S.-based labor auditor Verité Inc., in the text box in the Business and Human Rights chapter in this year's report entitled "Authorities Close Labor Auditor after It Reportedly Investigates Forced Labor in the XUAR." See CECC, *2021 Annual Report,* March 2022, 218; "Case Study: China's Economic Coercion Against Intel, Sam's Club, and Walmart," Congressional-Executive Commission on China, April 14, 2022.

[90] Fan Lingzhi and Liu Xin, "[Jieju] Meiguo jie suowei 'qiangpo laodong' dui Xinjiang jichu efa, women gai ruhe yingdui?" [Analysis: When the United States uses so-called 'forced labor' as excuse to produce malicious law against Xinjiang, how should we respond?], *Global Times,* December 24, 2021; *Zhonghua Renmin Gongheguo Fanwaiguo Zhicai Fa* [PRC Anti-Foreign Sanctions Law], passed June 10, 2021, effective June 10, 2021. See also "Case Study: China's Economic Coercion Against Intel, Sam's Club, and Walmart," Congressional-Executive Commission on China, April 14, 2022.

[91] Measures authorized under the PRC Anti-Foreign Sanctions Law include visa denial, exit bans, and the confiscation of property and freezing of assets. *Zhonghua Renmin Gongheguo Fanwaiguo Zhicai Fa* [PRC Anti-Foreign Sanctions Law], passed and effective June 10, 2021, arts. 4–6.

[92] Ma Ziqing, "Zhongfang xuanbu yiju 'Fanwaiguo Zhicai Fa' dui 4 ming Meifang renyuan jinxing duideng zhicai" [China announces reciprocal sanctions against 4 Americans under the "Anti-Foreign Sanctions Law"], *China Youth Daily,* December 21, 2021; U.S. Department of the Treasury, "Treasury Sanctions Perpetrators of Serious Human Rights Abuse on International Human Rights Day," December 10, 2021; "Beijing Sanctions Lockheed, Raytheon Again over Taiwan Arms Sales," *Reuters,* February 21, 2022. See also Ministry of Foreign Affairs, "2021 nian 12 yue 21 ri waijiaobu fayanren Zhao Lijian zhuchi liexing jizhehui" [Foreign Ministry Spokesperson Zhao Lijian's regular press conference on December 21, 2021], December 21, 2021.

[93] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 9–11; Freedom House, "China," in *Freedom in the World: Democracy Under Seige,* 2021; China Labour Bulletin, "Holding China's Trade Unions to Account," February 17, 2020; International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019, para. 149.

[94] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 9–11; FIDH and China Labor Watch, "Submission to the United Nations Committee on Economic, Social, and Cultural Rights, 68th Session," December 18, 2020, 3. For relevant international standards regarding the right to freely form and join independent unions, see International Labour Organization, ILO Convention (No. 87) Concerning Freedom of Association and Protection of the Right to Organise, July 4, 1950, arts. 2, 3, 5; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 23(4); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 22.1; International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8.1.

[95] FIDH and China Labor Watch, "Submission to the United Nations Committee on Economic, Social, and Cultural Rights, 68th Session," December 18, 2020, 3. For information on the role of labor rights advocates in uncovering labor rights abuses in Chinese factories against a backdrop of potentially unreliable labor auditing practices, see CECC, *2021 Annual Report,* March 2022, 219, 220.

[96] For a discussion of the protection of whistleblowers under international law, see Dimitrios Kafteranis, "The International Legal Framework on Whistle-Blowers: What More Should Be Done?," *Seattle Journal for Social Justice* 19, no. 3 (May 1, 2021): 747, 753–57.

[97] For more information about Tang Mingfang, see the Commission's Political Prisoner Database record 2021-00379.

[98] Gethin Chamberlain, "Alexa Whistleblower Demands Amazon Apology After Being Jailed and Tortured," *Guardian,* January 30, 2022. Coercing a detainee to confess to wrongdoing is a violation of the PRC Criminal Procedure Law, and torture is a violation of the Chinese government's international human rights obligations as a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 52, 56; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987. China signed the CAT on December 12, 1986, and ratified it on October 4, 1988. United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), accessed August 1, 2022.

[99] Hengyang Zhengxiang People's Court, "Hunan sheng Hengyangshi Zhengxiangqu Renmin Fayuan xingshi panjue shu" [People's Court in Zhengxiang district, Hengyang City, Hunan Province: criminal judgment], July 1, 2020.

[100] Hengyang Zhengxiang People's Court, "Hunan sheng Hengyangshi Zhengxiangqu Renmin Fayuan xingshi panjue shu" [People's Court in Zhengxiang district, Hengyang City, Hunan Province: criminal judgment], July 1, 2020; Gethin Chamberlain, "Schoolchildren in China Work Overnight to Produce Amazon Alexa Devices," *Guardian,* August 8, 2019.

[101] Gethin Chamberlain, "Schoolchildren in China Work Overnight to Produce Amazon Alexa Devices," *Guardian,* August 8, 2019; China Labor Watch, "Amazon's Supplier Factory Foxconn Recruits Illegally: Interns Forced to Work Overtime," August 8, 2019. Making students work night shifts is against Chinese regulations. Ministry of Education, *Zhiye Xuexiao Xuesheng Shixi Guanli Guiding* [Regulations on the Management of Vocational School Student Internships], issued and effective April 12, 2016, art. 16.

[102] Gethin Chamberlain, "Schoolchildren in China Work Overnight to Produce Amazon Alexa Devices," *Guardian,* August 8, 2019; China Labor Watch, "Amazon's Supplier Factory Foxconn Recruits Illegally: Interns Forced to Work Overtime," August 8, 2019.

NORTH KOREAN REFUGEES IN CHINA

Findings

- Chinese and North Korean authorities arranged the repatriation of reportedly 50 North Korean refugees in July 2021. Repatriated North Koreans remained vulnerable to torture, imprisonment, forced labor, and execution, and the Democratic People's Republic of Korea (DPRK) government signaled harsher punishment for escapees as well as family members within North Korean borders.
- In 2021, only 63 North Korean refugees were recorded as entering South Korea, compared to 229 in 2020 and 1,047 in 2019, the lowest since the South Korean Ministry of Reunification began recording the number of escapees in 1998. The coronavirus disease 2019 (COVID-19) pandemic and related border closures contributed to the decrease.
- The UN Security Council issued a Resolution in 2017 requiring Member States, which includes China, to repatriate North Korean nationals working overseas to the DPRK by December 2019. The Chinese government did not comply with this deadline to repatriate the approximately 20,000 to 100,000 North Koreans working in China as dispatch workers, many of whom are subjected to forced labor and abusive working conditions.
- Women remain the largest demographic of North Korean refugees leaving the DPRK for China and they continue to be vulnerable to human trafficking and forced and low-wage labor. The Chinese government's refusal to recognize survivors of trafficking and abuse prevents them from receiving legal protection or access to vital services.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- ○ Continue to designate the Chinese government as a "Tier 3" violator of human trafficking standards, noting not only the Chinese government's refusal to repatriate North Korean dispatch workers, but also its continued solicitation of such workers, especially women. As part of that designation, employ the actions described in Section 110 of the Trafficking Victims Protection Act of 2000 (TVPA) as amended (22 U.S.C. 7107) to address government-sponsored forced labor. Ensure that Chinese companies and officials that employ dispatch workers are identified and sanctioned. Additionally, encourage designated State Department bureaus to pursue enforcement operations aimed at disrupting the DPRK government's international funding schemes involving products made with forced labor.
- ○ Appoint and confirm a U.S. Special Envoy on North Korean Human Rights Issues, in recognition of the 2022 expiration of the North Korean Human Rights Act (22 U.S.C. 7814). Once appointed, the Special Envoy should work with South Korean counterparts to coordinate efforts related to humanitarian assistance and human rights promotion for North Korean refu-

gees in China, in accordance with the North Korean Human Rights Reauthorization Act of 2017 (Public Law No. 115-198).

○ Urge the Chinese government to recognize North Koreans in China as refugees. Especially important is recognizing them as refugees *sur place* who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK. In addition, urge the Chinese government to immediately halt the repatriation of North Korean refugees; adopt asylum or refugee legislation and incorporate the principle of non-refoulement into domestic legislation; consider the feasibility of a partnership with non-governmental organizations and private individuals to sponsor North Korean refugees for resettlement in the United States or to coordinate resettlement in South Korea; establish a responsible government institution and mechanism to determine asylee or refugee status for North Koreans seeking international protection in China, in cooperation with the UN High Commissioner for Refugees; and allow North Korean refugees safe passage to other countries, including South Korea.

○ Urge Chinese authorities to grant legal status to North Korean women and men who marry or have children with People's Republic of China (PRC) citizens. Ensure that children born of such marriages are granted resident status and access to education and other public services in accordance with Chinese law and international standards.

NORTH KOREAN REFUGEES IN CHINA

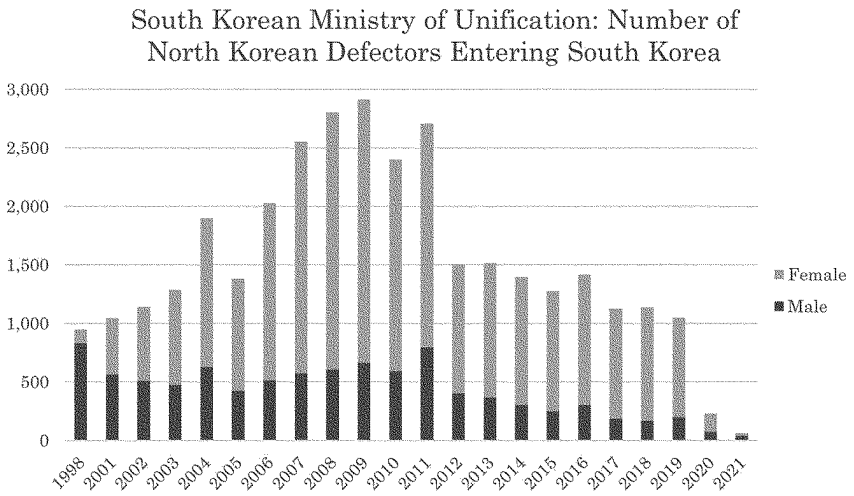
Introduction

The Chinese government considers North Korean refugees in China to be illegal migrants and maintains a policy of forcible repatriation based on a 1998 border protocol with the Democratic People's Republic of Korea (DPRK).[1] While the coronavirus disease 2019 (COVID-19) pandemic halted forced repatriations[2] during the DPRK's border closure from January 2020 through July 2021,[3] the Chinese government reportedly resumed repatriations in July 2021.[4] Repatriated North Koreans often face torture, imprisonment, forced labor, execution, and other inhumane treatment,[5] and the DPRK government's treatment of forcibly repatriated refugees renders North Koreans in China refugees *sur place*[6] who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK.[7]

The Chinese government's forced repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, to which China has acceded.[8] Under the principle of non-refoulement, China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it has ratified, to refrain from forcibly repatriating persons if there are "substantial grounds for believing that [they] would be in danger of being subjected to torture."[9]

Border Conditions and Forced Repatriation of Refugees

In 2021, 63 North Korean refugees reached South Korea, the lowest total in any year since South Korea's Ministry of Unification began recording arrivals in 1998.[10] The figure represents a 73-percent drop from 2020 and a 98-percent drop from the peak in 2009.[11] The substantial decrease in refugee flows since 2019 can be attributed to North Korean border controls, including alleged "shoot-on-sight" directives for border guards[12] and strict COVID-19 prevention measures within China that made domestic and international travel difficult.[13] Some North Koreans who fled to China faced difficulties traveling to a third country, placing them at risk of repatriation.[14]



On August 23, 2021, several UN special rapporteurs wrote a letter to the DPRK government describing their concerns regarding a reported August 2020 proclamation on the use of lethal force against those making unauthorized entry into the buffer zone along the border of the DPRK.[15] In the letter, the experts requested clarification from the government on the alleged order, saying that if authentic, the order would violate rights guaranteed under international human rights law.[16]

Despite a city-wide lockdown related to COVID-19, on July 14, 2021, the Chinese government reportedly repatriated 50 North Korean refugees from Dandong municipality, Liaoning province, to the North Korean city of Sinuiju.[17] In his final report published in March 2022, the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea estimated that Chinese authorities held in detention around 1,500 North Koreans who were at risk of repatriation.[18]

In October 2021, the Chinese government passed the PRC Land Borders Law which took effect on January 1, 2022.[19] The law was reportedly influenced by concerns over the COVID-19 pandemic, longstanding territory issues with India, and concerns regarding the Taliban takeover in Afghanistan.[20] The law states that the government will "take effective measures to resolutely protect territorial sovereignty and land border security."[21] According to a policy expert, the codification of the Land Borders Law could embolden the Chinese government to use "national security" as justification for the continued "unlawful treatment and repatriation" of North Korean defectors.[22]

North Korean Workers in China

In their March 2022 final report, the UN Panel of Experts on North Korea found sufficient evidence that DPRK entities dispatched North Korean workers to China despite a 2017 UN order that the Chinese government repatriate them—with limited excep-

tions—to the DPRK.[23] The UN Security Council issued a Resolution in 2017 requiring Member States, which includes China, to repatriate North Korean nationals working overseas to the DPRK by December 2019.[24] The Chinese government, however, did not comply with the deadline.[25] According to the Daily NK, in early March 2022, DPRK authorities issued an order directed at dispatch workers in at least one Chinese province indicating that they should be prevented from leaving their worksites.[26] Additionally, the U.S. State Department reported in its 2022 Trafficking in Persons Report that approximately 20,000 to 100,000 North Korean workers remained in China, where many are subjected to forced labor and abusive working conditions.[27]

Trafficking of North Korean Women

North Korean women who enter China as refugees, defectors, or dispatch workers on behalf of the DPRK government remain vulnerable to human trafficking. The South Korean Ministry of Unification reports that the majority of North Korean refugees have been women since it began recording arrivals of refugees in 1998.[28] In addition, businesses located in China continued to employ North Korean workers, including women, who were not refugees or defectors.[29] While working in China, dispatch workers are subjected to mistreatment that the International Labour Organization identifies as forced labor, which is a form of human trafficking.[30] Reporting has suggested that the trafficking of North Korean women can be linked to the sex ratio imbalance caused by the Chinese government's restrictive population policies, with many North Korean women trafficked for purposes of forced marriages with Chinese men and sexual exploitation.[31]

Children of North Korean and Chinese Parents

Children born to undocumented North Korean mothers and Chinese fathers continue to be deprived of legal protections guaranteed under Chinese law.[32] Estimates suggest that approximately 30,000 unregistered children in China have been born to North Korean mothers and Chinese fathers.[33] The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen,[34] but the parents of such children are often unable to obtain birth registration or nationality documents.[35] Some Chinese fathers have reportedly avoided registering children in order to keep their undocumented partner's status unknown to authorities.[36] Without proof of resident status, these children often find it difficult to access education and other public services.[37] The denial of nationality rights and access to education for these children contravenes China's obligations under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.[38] Despite some North Korean women having lived in China for years with their Chinese husbands and children, authorities detained several of these women this past year and reportedly planned to repatriate them to North Korea.[39]

Notes to Section VIII—North Korean Refugees in China

[1] UN General Assembly, Report on the Situation of Human Rights in the Democratic People's Republic of Korea, A/74/268, August 2, 2019; Office of the UN High Commissioner for Human Rights, "Committee on the Elimination of Racial Discrimination Reviews the Report of China," August 13, 2018. The UN Committee on the Elimination of Racial Discrimination expressed concern that "China continued to deny refugee status to asylum-seekers from the Democratic People's Republic of Korea and it also continued to forcibly return them to their country of origin, regardless of a serious threat of persecution and human rights violations." Democratic People's Republic of Korea Ministry of State Security and People's Republic of China Ministry of Public Security, *Zhonghua Renmin Gongheguo Gong'anbu Chaoxian Minzhu Zhuyi Renmin Gongheguo Guojia Baoweibu Guanyu Zai Bianjing Diqu Weihu Guojia Anquan He Shehui Zhixu De Gongzuo Zhong Xianghu Hezuo De Yidingshu* [Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas], signed July 8, 1998, effective August 28, 1998, arts. 4, 9. The protocol commits each side to treat as illegal those border crossers who do not have proper visa certificates, except in cases involving "calamity or unavoidable factors."

[2] Jong So Yong, "N. Korea Refuses Repatriation of Defectors Imprisoned in Dandong," *Daily NK,* March 4, 2020.

[3] Lina Yoon, Human Rights Watch, "China Restarts Forced Returns of Refugees to North Korea," July 22, 2021.

[4] "Concern About Fate of 50 North Korean Escapees Sent Home by China," *Radio Free Asia,* July 20, 2021.

[5] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2021—Democratic People's Republic of Korea," April 12, 2022, 3, 6, 7, 15, 20, 37; UN General Assembly, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, A/76/392, October 8, 2021, paras. 8, 13, 19; Amnesty International, Amnesty International Report 2021/22: The State of the World's Human Rights, POL 10/4870/2022, March 29, 2022, 280–82; Office of the UN High Commissioner for Human Rights, "'I Still Feel the Pain . . ., ' Human Rights Violations against Women Detained in the Democratic People's Republic of Korea," July 28, 2020, paras. 23, 65, 67, 80; Office of the UN High Commissioner for Human Rights, "Report: Women Detainees Face Serious Human Rights Violations," July 28, 2020.

[6] UN High Commissioner for Refugees, "Refugee Protection and International Migration," January 17, 2007, paras. 20–21.

[7] UN High Commissioner for Refugees, "Refugee Protection and International Migration," January 17, 2007, paras. 20–21; Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019; Roberta Cohen, "Legal Grounds for Protection of North Korean Refugees," Brookings Institution, September 13, 2010; Jeong Eun Lee and Jeong Yon Park, "Husbands of Undocumented North Koreans Beg China Not to Deport Their Wives," *Radio Free Asia,* November 15, 2021.

[8] Convention Relating to the Status of Refugees, adopted by the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons on July 28, 1951, entry into force April 22, 1954, arts. 1(A)(2), 33(1). Article 1 of the 1951 Convention, as amended by the 1967 Protocol, defines a refugee as someone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . . ." Article 33 of the 1951 Convention mandates that, "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Convention Relating to the Status of Refugees, accessed April 1, 2021. China acceded to the Convention Relating to the Status of Refugees on September 24, 1982. Protocol Relating to the Status of Refugees, adopted by UN General Assembly resolution A/RES/2198 of December 16, 1966, entry into force October 4, 1967, art. 1; United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Protocol Relating to the Status of Refugees, accessed April 1, 2021. China acceded to the Protocol Relating to the Status of Refugees on September 24, 1982.

[9] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 3. Article 3 states that, "No State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed April 1, 2021. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 46.

[10] Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed March 15, 2022. The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

[11] Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed March 15, 2022. The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

[12] "U.N. Asks North Korea to Clarify Alleged Shoot-on-Sight Orders," *Los Angeles Times,* August 27, 2021; Yuna Ha, "N. Korea Sets up 'Strict Security Zones' on Sino-North Korean Border," *Daily NK,* September 7, 2020.

[13] Arendse Huld, "China Travel Restrictions 2021/2022: An Explainer," Dezan Shira & Associates, *China Briefing,* July 21, 2022; "Chinese Embassy in Laos Cracks down Soaring Intl. Air Ticket Prices," *Global Times,* December 22, 2021; "Concern About Fate of 50 North Korean Escapees Sent Home by China," *Radio Free Asia,* July 20, 2021; Civil Aviation Administration of China, "Notice on Further Reducing International Passenger Flights during the Epidemic Prevention and Control Period," March 26, 2020. For more information concerning containment and surveillance measures used by the Chinese government during the coronavirus disease 2019 (COVID-19) pandemic, see CECC, *2020 Annual Report,* December 2020, 203–4.

[14] "Concern About Fate of 50 North Korean Escapees Sent Home by China," *Radio Free Asia,* July 20, 2021.

[15] Office of the UN High Commissioner for Human Rights, Letter from the Mandates of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea; the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, OL PRK 5/2021, August 23, 2021; Kim Tong-hyung, "UN Asks North Korea to Clarify Alleged Shoot-on-Sight Orders," *Associated Press,* reprinted in *Los Angeles Times,* August 27, 2021.

[16] Office of the UN High Commissioner for Human Rights, Letter from the Mandates of the Special Rapporteur on the situation of Human Rights in the Democratic People's Republic of Korea; the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, OL PRK 5/2021, August 23, 2021; Kim Tong-hyung, "UN Asks North Korea to Clarify Alleged Shoot-on-Sight Orders," *Associated Press,* reprinted in *Los Angeles Times,* August 27, 2021.

[17] "Concern About Fate of 50 North Korean Escapees Sent Home by China," *Radio Free Asia,* July 20, 2021.

[18] UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, A/HRC/49/74, March 17, 2022; Josh Smith and Sunghyuk An, "Kim Jong Un's Crackdowns Leave North Korea Defectors with Little Hope, *Reuters,* December 16, 2021.

[19] *Zhonghua Renmin Gongheguo Ludi Guojie Fa* [PRC Land Borders Law], passed October 23, 2021, effective January 1, 2022.

[20] Ralph Jennings, "What Does China's New Land Borders Law Mean for Its Neighbors?" *Voice of America,* November 5, 2021.

[21] *Zhonghua Renmin Gongheguo Ludi Guojie Fa* [PRC Land Borders Law], passed October 23, 2021, effective January 1, 2022, art. 4. See also "China Adopts Land Borders Law," *Xinhua,* October 23, 2021.

[22] Jason Bartlett, "China's New Land Borders Law Is a Nightmare for North Korean Refugees," *The Diplomat,* October 21, 2021. See also Shuxian Luo, "China's Land Border Law: A Preliminary Assessment," Brookings Institution, *Order from Chaos* (blog), November 4, 2021.

[23] Panel of Experts established pursuant to UN Security Council resolution 1874 (2009), Final Report of the Panel of Experts Submitted Pursuant to Resolution 2569 (2021), S/2022/132, March 1, 2022, paras. 168–70, Annexes 78, 79; UN Security Council, Resolution 2397 (2017), S/RES/2397 (2017), December 22, 2017, para. 8; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report—North Korea," July 2022, 327. See also Jieun Kim, "North Korean Labor Managers in China Demand More Money as Job Market Tightens," *Radio Free Asia,* May 11, 2022.

[24] UN Security Council, Resolution 2397 (2017), S/RES/2397 (2017), December 22, 2017, para. 8. China is a member of the United Nations Security Council. UN Security Council, "Current Members," accessed July 26, 2022.

[25] Panel of Experts established pursuant to UN Security Council resolution 1874 (2009), Final Report of the Panel of Experts Submitted Pursuant to Resolution 2569 (2021), S/2022/132, March 1, 2022, paras. 168–70, Annexes 78, 79; David Brunnstrom, "China Fails to Repatriate North Korea Workers despite UN Sanctions: U.S. Official," *Reuters,* January 22, 2020.

[26] Seulkee Jang, "N. Korean Workers in China Have Become 'Virtual Prisoners' Confined to Their Dorms and Workplaces," *Daily NK,* April 7, 2022. See also Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report: North Korea," July 2022, 327.

[27] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report: North Korea," July 2022, 327; Panel of Experts Established Pursuant to UN Security Council Resolution 1874 (2009), Final Report of the Panel of Experts Submitted Pursuant to Resolution 2569 (2021), S/2022/132, March 1, 2022, paras. 168, 170, 172, Annex 78; UN Security Council, Resolution 2397 (2017), S/RES/2397 (2017), December 22, 2017, para. 8; Countering America's Adversaries Through Sanctions Act, 22 U.S.C. § 9401, sec. 302(a). Reports this past year indicated that North Korean workers remained in China despite the December 2019 deadline. See, e.g., Hyemin Son and Jeong Eun Lee, "North Korean Workers and Their Manager Disappear from Shanghai Dormitory," *Radio Free Asia,* April 20, 2022; Seulkee Jang, "North Korea May Be Preparing to Repatriate Some Workers from China," *Daily NK,* August 3, 2021.

[28] Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed March 15, 2022. The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

[29] Seulkee Jang, "N. Korean Workers in China Have Become 'Virtual Prisoners' Confined to Their Dorms and Workplaces," *Daily NK,* April 7, 2022; Hyemin Son and Jeong Eun Lee, "North Korean Workers and Their Manager Disappear from Shanghai Dormitory," *Radio Free Asia,* March 22, 2022; "North Korea to Replace 10,000 Workers Dispatched to China," *Radio Free Asia,* June 23, 2021; Hyemin Son, "North Korean Waitresses in China Are Made to Work without Masks," *Radio Free Asia,* December 2, 2021; "North Korea Dispatches 2,000 Additional Workers to China," *Daily NK,* October 30, 2019.

[30] Deception, restriction of movement, intimidation, threats, withholding of wages, abusive working and living conditions, and excessive overtime are all indicators of forced labor according to the International Labour Organization. International Labour Organization, "ILO Indicators of Forced Labor," October 1, 2012, 1, 2, 3, 5, 7, 13, 17, 21, 23. Hyemin Son, "North Korean Waitresses in China Are Made to Work without Masks," *Radio Free Asia,* December 2, 2021; Anu Singh et al., "Canadian Brands Sold Clothing from Factory Suspected of Secretly Using North Korean Forced Labour," *CBC,* November 6, 2021; Hyemin Son and Jeong Eun Lee, "North Korean Workers and Their Manager Disappear from Shanghai Dormitory," *Radio Free Asia,* March 22, 2022; Panel of Experts established pursuant to UN Security Council resolution 1874 (2009), Final Report of the Panel of Experts Submitted Pursuant to Resolution 2569 (2021), S/2022/132, March 1, 2022, paras. 168–70, Annexes 78, 79; Lam Ka-sing, "Li Ning Refutes US Claim of Using North Korean Forced Labour," *South China Morning Post,* March 17, 2022; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also Countering America's Adversaries Through Sanctions Act, 22 U.S.C. § 9401, sec. 302(a); Teodora Gyupchanova, "Labor and Human Rights Conditions of North Korean Workers Dispatched Overseas: A Look at the DPRK's Exploitative Practices in Russia, Poland, and Mongolia," *Cornell International Law Journal* 51, no. 1 (Winter 2018): 184, 186–87.

[31] All Party Parliamentary Group for North Korea, "APPG on North Korea: Inquiry into Human Rights Violations in North Korea 2014-2020/1," July 2021, 50. Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report: North Korea," July 2022, 176–77, 327–28.

[32] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report: North Korea," July 2022, 176, 328.

[33] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report: North Korea," July 2022, 328. See also Jenna Yoojin Yun, "30,000 North Korean Children Living in Limbo in China," *Guardian,* February 5, 2016.

[34] *Zhonghua Renmin Gongheguo Guoji Fa* [PRC Nationality Law], passed and effective September 10, 1980, art. 4. Article 4 of the PRC Nationality Law provides that, "Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality."

[35] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report: North Korea," July 2022, 328; See also Jenna Yoojin Yun, "30,000 North Korean Children Living in Limbo in China," *Guardian,* February 5, 2016.

[36] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2021—China (Includes Tibet, Hong Kong and Macau)," April 12, 2022, 60.

[37] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report: North Korea," July 2022, 328; Eduardo Jaramillo, "China's Hukou Reform in 2022: Do They Mean It This Time?," Center for Strategic and International Studies, *New Perspectives on Asia* (blog), April 20, 2022; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2021—China (Includes Tibet, Hong Kong and Macau)," April 12, 2022, 60. See also Jenna Yoojin Yun, "30,000 North Korean Children Living in Limbo in China," *Guardian,* February 5, 2016.

[38] Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, arts. 2, 7, 28(1)(a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also to provide all children with access to education without discrimination on the basis of nationality. International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 24.

[39] Jeong Yon Park, "North Korean Wives of Chinese Men Asked to Apply for Temporary ID Cards," *Radio Free Asia,* November 29, 2021; Jeong Eun Lee and Jeong Yon Park, "Husbands of Undocumented North Koreans Beg China Not to Deport Their Wives," *Radio Free Asia,* November 15, 2021; "Arrests of North Korean Wives of Chinese Men Spook Refugee Community," *Radio Free Asia,* August 20, 2021.

IX. Tibet

TIBET

Findings

• The Commission did not observe any interest from People's Republic of China (PRC) officials in resuming formal negotiations with the Dalai Lama's representatives, the last round of which, the ninth, was held in January 2010.
• The PRC continued to restrict, and seek to control, the religious practices of Tibetans, the majority of whom practice Tibetan Buddhism. Authorities in Tibetan areas issued prohibitions on forms of religious worship, particularly during major religious events or around the times of politically sensitive anniversaries, and restricted access to Tibetan Buddhist religious institutions. The PRC continued to assert control over the process of selection and recognition of Tibetan Buddhist reincarnated teachers, including the Dalai Lama.
• The Commission observed reports of three Tibetan self-immolations, bringing the number of self-immolations since 2009 in Tibetan areas reported to focus on political or religious issues to 154, of which 135 were reportedly fatal. On February 25, 2022, 25-year-old pop singer Tsewang Norbu fatally self-immolated near the Potala Palace in Lhasa municipality, Tibet Autonomous Region. On March 27, 81-year-old Tashi Phuntsog (or Taphun), fatally self-immolated at a police station near Kirti Monastery in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province. On March 30, Tsering Samdrub (or Tsering) self-immolated in Yushu (Yulshul) city, Yushu Tibetan Autonomous Prefecture, Qinghai province.
• Chinese authorities continued to threaten linguistic rights in Tibetan areas and enforce policies promoting or mandating the use of Mandarin Chinese instead of Tibetan or other local languages, including through ordering the closures of Tibetan-language schools. A rights advocacy group reported that nearly 80 percent of all Tibetan students were educated in state-sponsored colonial boarding schools, threatening Tibetans' linguistic and cultural rights by separating children from their families and communities.
• In contravention of international human rights standards, officials punished residents of Tibetan areas for exercising protected rights, including the expression of religious belief, criticism of PRC policies, and sharing information online. Notable cases this past year included writer **Lobsang Lhundrub,** better known as **Dhi Lhaden,** sentenced to four years in prison, possibly because of a book he was writing; **Rinchen Kyi,** a teacher at a private school that officials shut down in July 2021, detained for "inciting separatism" (and later released); and **Lobsang Trinle,** a Tibetan Buddhist monk sentenced to five years in prison after he shared the Dalai Lama's teachings and writings about the Dalai Lama with other Tibetans.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Work with the United Nations and like-minded countries to help set up visits by UN special procedures and human rights experts—including the Special Rapporteur on minority issues, the Special Rapporteur on freedom of religion or belief, and members of the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances—to Tibetan areas of the PRC to independently assess the human rights situation there, free of any restrictions or hindrances by PRC officials, to be followed by a full report to the United Nations on their findings. Advocate for free and transparent access to Tibetan areas by diplomats and foreign journalists.

○ Monitor and report on developments in colonial boarding schools in Tibetan areas of the PRC and determine the necessity of imposing sanctions on Chinese officials responsible for any violations of the rights of Tibetans stemming from the coercive boarding school system.

○ Work with government officials, parliamentarians, and nongovernmental organizations in like-minded countries to pressure PRC authorities to respect, as a matter of the right to religious freedom and as recognized under Chinese and international law, that it is the right of Tibetan Buddhists to identify and educate all religious teachers, including the Dalai Lama, in a manner consistent with Tibetan Buddhist practices and traditions.

○ Encourage the resumption of genuine dialogue, without preconditions, between the Chinese government and the Dalai Lama or his representatives. To that end, ensure that calls for dialogue are based on the Tibetan people's right to self-determination under international law, which has been precluded by current Chinese policies, and use available resources to counter disinformation about Tibet from Chinese officials, including disinformation about the history of Tibet, the Tibetan people, and Tibetan institutions, including that of the Dalai Lama.

○ In interactions with Chinese officials, call for the release of Tibetan political prisoners currently detained or imprisoned for the peaceful exercise of their human rights, such as **Lobsang Lhundrub (Dhi Lhaden), Lobsang Trinle, Thubten Lodroe,** and **Go Sherab Gyatso.** The records of detained Tibetans in the Commission's Political Prisoner Database provide a useful resource for such advocacy. Urge PRC officials, law enforcement, and security forces to end the use of arbitrary detention, disappearance, beatings, torture, and intimidation to suppress and punish Tibetans for the peaceful exercise of their rights.

○ Urge Chinese officials to invite the U.S. Ambassador to China and representatives of international organizations to meet with **Gedun Choekyi Nyima,** whom the Dalai Lama recognized as the 11th Panchen Lama, and his parents, all three of whom disappeared shortly after his recognition as Panchen Lama in 1995.

TIBET

Status of Negotiations between the Chinese Government and the Dalai Lama or His Representatives

During the Commission's 2022 reporting year, the Commission did not observe any interest on the part of People's Republic of China (PRC) officials in resuming formal negotiations with the Dalai Lama's representatives, the last round of which, the ninth round of negotiations, was held in January 2010.[1] Penpa Tsering, *Sikyong* (political leader) of the Tibetan government-in-exile, has made restarting dialogue with the Chinese government a major goal of his administration,[2] and in September 2021 said that he had received "signals" indicating possible Chinese interest in resuming negotiations;[3] as of June 2022 the Commission had observed no further developments.

Tibetan Self-Immolations

This past year, the Commission observed for the first time since November 2019 reports of Tibetan self-immolations.[4] The three self-immolations of Tsewang Norbu, Tashi Phuntsog, and Tsering Samdrub bring the number of self-immolations since 2009 in Tibetan areas of China which were reported to focus on political or religious issues to 154.[5] Of these self-immolations, 135 were fatal.[6]

On February 25, 2022, Tibetan pop singer Tsewang Norbu self-immolated near the Potala Palace in Lhasa municipality, Tibet Autonomous Region (TAR),[7] in protest against Chinese government policies in Tibetan areas.[8] The Chinese Ministry of Foreign Affairs reportedly cast doubt on accounts of his death, and suggested that a self-immolator—ostensibly referring to Tsewang Norbu—had attempted suicide due to mental illness and had been taken away for treatment.[9] Shortly after his self-immolation, authorities blocked his Weibo profile.[10] Tsewang Norbu was 25 years old at the time of his death.[11]

Tsewang Norbu's self-immolation was followed a month later by the March 27, 2022, fatal self-immolation of 81-year-old Tashi Phuntsog (or Taphun), in front of a police station near Kirti Monastery in Aba (Ngaba) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan province.[12] Authorities quickly took him away, though reports did not confirm whether he died at the scene or afterward.[13]

Days later on March 30, Tsering Samdrub (or Tsering) carried out a self-immolation in Jiegu (Kyegudo) subdistrict, Yushu (Yulshul) city, Yushu Tibetan Autonomous Prefecture, Qinghai province.[14] Reporting on his self-immolation was limited; police took him away immediately, and further information, including whether he was alive, was unavailable.[15]

Religious Freedom for Tibetans

The PRC continued to restrict, and seek to control, the religious practices of Tibetans, particularly practitioners of Tibetan Buddhism. International observers and rights advocacy groups reported on continuing violations of international human rights standards, including the right to freely worship and to choose one's own reli-

gion, that result from Chinese religious policy and its implementation.[16] PRC officials exercise political control and supervision of Tibetan Buddhist monastic and educational institutions through the United Front Work Department's National Religious Affairs Administration. [For more information on religion in China, see Section III—Freedom of Religion.]

During the 2022 reporting year, PRC organizations, including United Front Work Department branches and monastic management committees,[17] continued to target Tibetan Buddhist monks and nuns with propaganda on PRC policy on ethnic and religious issues in ideological education sessions held at monastic institutions and other sites. These propaganda efforts incorporated into monastic curricula the study of Party ethnic and religious policy initiatives and priorities, including the "sinicization" of religion;[18] Xi Jinping's speech during his July 2021 visit to the TAR to mark the 70th anniversary of the "peaceful liberation of Tibet";[19] Xi's speech on the 100th anniversary of the founding of the Party on July 1, 2021;[20] and the December 2021 National Conference on Religious Work;[21] as well as Chinese legal provisions, including the Measures on the Management of the Reincarnation of Living Buddhas[22] and local religious regulations.[23] These study sessions emphasized the Party and government's primacy over and control of religious institutions and practices such as monastic education[24] and the recognition of reincarnated Tibetan Buddhist teachers.[25]

RESTRICTIONS ON RELIGIOUS PRACTICE

During the 2022 reporting year, authorities in Tibetan areas issued prohibitions on forms of religious worship, particularly during major religious events or around the times of politically sensitive anniversaries, and restricted access to Tibetan Buddhist religious institutions, including monasteries and temples. Illustrative examples included:

- **Kirti Rinpoche.** In August 2021, authorities in Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, banned religious activities at Aba's Kirti Monastery and in surrounding areas in both Aba (Ngaba) and Ruo'ergai (Dzoege) counties.[26] August 8 was the 80th birthday of Tibetan Buddhist religious leader Kirti Rinpoche (currently in exile), and his birthday is normally widely celebrated by his followers.[27]
- **Monastic expulsions.** In the second half of 2021, authorities in Gansu and Qinghai provinces expelled monks from Tibetan Buddhist monasteries. In July, authorities forcibly closed Hongcheng Monastery[28] in Yongjing county, Linxia Hui Autonomous Prefecture, Gansu, and expelled monks and nuns residing or studying there.[29] Sources asserted that authorities targeted the monastery for closure in order to seize charitable donations collected by the monastery during the COVID-19 pandemic.[30] The Qinghai expulsions, at Ditsa Monastery and Jakhyung Monastery, both located in Hualong (Bayan) Hui Autonomous County, Haidong prefecture, occurred in late October,[31] several weeks after new provincial regulations on religious affairs took effect in Qinghai.[32] Authorities forced several dozen young monks from each monastery to disrobe and banned them from rejoining their monasteries' schools.[33]

- **Losar restrictions.** In February 2022, authorities in Lhasa municipality, TAR, prohibited religious gatherings to celebrate the early March Tibetan New Year (*Losar*) at religious institutions and other major cultural sites in the Lhasa area, including Drepung and Sera Monasteries and the Potala Palace.[34] Authorities cited public health concerns from the ongoing COVID-19 pandemic in ordering the restrictions.[35]
- **March 10.** Several weeks later, in the runup to the March 10 anniversary of the 1959 Tibetan uprising, authorities in Tibetan areas of Sichuan and Gansu provinces prohibited religious gatherings by Tibetans.[36]

Revised TAR Implementing Measures for Regulations on Religious Affairs

In September 2021, the TAR government issued revised implementing measures for the national Regulations on Religious Affairs, which took effect in 2018.[37] The revised measures, which took effect on November 1, 2021, are an update of the previous 2007 measures[38] and contain several new provisions restricting the rights of TAR residents to freely practice religion.[39]

- **Party religious policy.** Article 15 of the revised measures mandates that religious groups work with the government to spread propaganda on Party policy as well as on state laws and regulations.[40]
- **Education.** Article 23 stipulates that the TAR government's responsibilities in managing religious institutions include providing for "patriotic education" and "anti-separatist education," as well as "managing" and "guiding" religious activities and religious instruction.[41]
- **Religious institution limits.** Article 35 prohibits religious institutions from exceeding a prescribed number of instructors,[42] in line with Party policy seeking to prevent an increase in the numbers of both instructors and students at religious schools, including Tibetan Buddhist monasteries and nunneries.[43]
- **Online activities.** Articles 47 through 49 place new limits on online religious activities, requiring application to and approval from TAR government agencies before holding such activities.[44] Article 47 orders those holding or hosting online religious activities to govern the content of these activities such that illegal and "adverse" information is prevented from being broadcast, and violations are recorded and reported to officials.[45]

The revised measures retain provisions prohibiting religious instructors, groups, and organizations from being "controlled" by "foreign forces," and mandates that the reincarnation of Tibetan Buddhist leaders should not be "subject to control or interference" by "foreign organizations or individuals."[46]

CRACKDOWNS ON MONASTIC COMMUNITIES

In some cases, restrictions on Tibetans' religious freedom occurred in large-scale crackdowns targeting religious institutions, monastics, and sometimes residents of nearby areas.[47] A prominent example developed in Luhuo (Draggo) county, Ganzi (Kardze) Ti-

betan Autonomous Prefecture (TAP), Sichuan province, where in mid-October 2021, authorities detained **Palga,**[48] abbot of Draggo Monastery, and **Nyima,**[49] the monastery's treasurer, after they refused demands by the Luhuo county government to ensure monks' and local residents' compliance with orders to demolish a school affiliated with the monastery.[50] Sources reported that police tortured Palga and Nyima in custody.[51] Luhuo authorities razed a 99-foot-tall statue of the Buddha and 45 prayer wheels near the monastery around December 12, 2021, and on December 21 demolished another 30-foot-tall Buddha statue located inside the monastery.[52] Police subsequently detained at least 10 Tibetans, including monks and Luhuo residents, for sharing news of the demolitions outside Tibet.[53] Authorities held most of the detainees at a detention facility in Thangnagma, near Niba (Nyipa) township, Luhuo, and subjected some detainees to forced labor and torture.[54] Several months later, sources reported that local authorities ordered monks to sign documents taking responsibility for the demolitions.[55]

A similar crackdown targeting a monastery and local residents continued in Wenbo (Dza Bonpo) town, Shiqu (Sershul) county, Ganzi TAP, where on August 22, 2021, public security officials took into custody approximately 59 local residents and monks from Dza Bonpo (or Wonpo) Monastery for possessing images of the Dalai Lama, which are banned by Chinese authorities.[56] Authorities had conducted raids on homes in the area in March 2021, and at that time had noted which residents had such images, targeting them in August for detention.[57] Among the detainees were 40 local residents and 19 monks from Dza Bonpo Monastery; authorities likely held them at the Shiqu Public Security Bureau Detention Center.[58] On August 25, officials summoned local residents to a public meeting where they issued warnings against possessing images of the Dalai Lama or contacting people outside China.[59] Over the next four days, authorities detained another 53 Tibetans in connection with images of the Dalai Lama, foreign contacts, or membership in an online group promoting Tibetan language rights, holding them at a Shiqu-area detention facility.[60] On September 3, authorities detained eight more Tibetans in connection with the crackdown: six Dza Bonpo monks and two local laywomen.[61] Sources reported that officials abused some of the detainees in custody, including by denying them adequate food and clothing, and ordered the detainees to undergo "political education" sessions.[62] Authorities released four unidentified detainees, a monk and three laypersons, around August 31, and all but three of the others by September 27; the remaining three monks were released by late October.[63]

Chinese authorities continued to penalize Tibetans for expressions of reverence for the Dalai Lama through criminal and other punishments. Authorities in Ganzi TAP detained at least 31 Tibetans in connection with celebrations or observances of the Dalai Lama's birthday, including the following cases:

- Public security officials in Seda (Serthar) county, Ganzi TAP, detained four Tibetans at a Seda restaurant after police searched their mobile phones.[64] The four—**Rinchen Zangpo, Loga, Dagther,** and **Wangchug Kyi**—were students at a Seda middle school.[65] Authorities were searching Tibetan resi-

dents' phones for images of the Dalai Lama, banned in China, around the time of the Dalai Lama's 86th birthday on July 6.[66]
• Authorities in Ganzi (Kardze) county, Ganzi TAP, detained **Dzapo**[67] and **Konchog Tashi,**[68] two Tibetan residents of Kalong (Khyaglung) town, Ganzi county, in connection with making social media posts encouraging Tibetans to offer prayers for the Dalai Lama's birthday.[69]
• Around the same time, authorities in Litang (Lithang) county, Ganzi TAP, detained at least 25 Tibetans, 15 of whom were monks at Lithang Monastery, possibly in connection with celebrations of the Dalai Lama's birthday.[70] The detainees, none of whom were identified, shared images of the Dalai Lama on the social media platform WeChat.[71]

Growing Threats to Language Rights

Although China's Constitution and laws contain provisions affirming the freedom of ethnic minorities to "use and develop"[72] their languages, authorities continued to threaten linguistic rights in Tibetan areas, including through active efforts to institute policies promoting or enforcing the use of Mandarin Chinese instead of Tibetan, as well as policies of neglect with regard to minority languages. PRC ethnic policy ignores unrecognized linguistic communities, including in Tibetan areas of China,[73] and individuals or communities with languages that lack official recognition are deprived of access to official support in education and other government services.[74] The UN Convention on the Rights of the Child, to which China is a State Party,[75] recognizes and protects the rights of ethnic and linguistic minority groups to use their languages.[76] [For more information on language rights and ethnic policy, see Section VI—Ethnic Minority Rights.]

PRC policy continued to promote the use of Mandarin Chinese at the expense of Tibetan and other local languages. In July 2021, the Ministry of Education issued a circular announcing that beginning in September 2021, kindergartens in ethnic and rural areas would be required to use Mandarin in classrooms, and laying out plans for teachers to receive training to enhance instruction in Mandarin.[77] At a September 2021 conference in Xining municipality, Qinghai province, Party and government officials called on Tibetan Buddhist institutions to use Mandarin,[78] saying that using Mandarin instead of Tibetan served the Party goal of furthering the "sinicization" of Tibetan Buddhism.[79] During the reporting year, authorities ordered local government officials in parts of the Tibet Autonomous Region (TAR) to carry out government business only using Mandarin.[80] In spring 2022, local officials in parts of Qinghai and the TAR held a series of workshops aimed at increasing area Tibetan residents' knowledge of Mandarin so that they can assist their children's study of the language.[81] The workshops were mandatory and reportedly included explicit instruction that the language study was meant, in part, to further PRC political goals.[82]

Alongside official actions taken to promote the use of Mandarin, during the 2022 reporting year authorities in Tibetan areas continued to restrict the ability of Tibetans to use Tibetan or other local languages in educational settings,[83] including by ordering the closure or demolition of several privately run schools in Tibetan areas,

threatening other schools with closure orders, and maintaining or extending bans on supplemental Tibetan-language instruction, eliminating for many Tibetans the option to receive Tibetan-language education.[84] Examples of these restrictions included:

- **Sengdrug Tagtse Middle School.** In July 2021, authorities in Dari (Darlag) county, Guoluo (Golog) Tibetan Autonomous Prefecture (TAP), Qinghai province, ordered the closure of Dari's private Sengdrug Tagtse (or Sengdruk Taktse) Middle School, which offered classes mainly in Tibetan, with a curriculum focused on Tibetan culture.[85] Guoluo officials warned other private Tibetan schools that they might be closed in the near future.[86] Many former Sengdrug Tagtse students faced difficulties in enrolling in other schools in the area.[87]
- **Gyaltsen Getsa school.** In August 2021, authorities in Ganzi (Kardze) county, Ganzi (Kardze) TAP, Sichuan province, ordered teachers at Gyaltsen Getsa school, a private Tibetan school that provides free education to primary grade students, to switch all instruction and curricula to Mandarin Chinese, and threatened the school with closure if the order was refused.[88]
- **Ban on winter holiday classes.** In October 2021, Qinghai province officials issued a province-wide ban on Tibetan children attending classes offering instruction in Tibetan outside their schools during the winter school break.[89]
- **Gaden Rabten Namgyalling school (Draggo Monastery).** In early October 2021, authorities in Luhuo (Draggo) county, Ganzi TAP, forced school staff and local residents to demolish Gaden Rabten Namgyalling school, affiliated with Luhuo's Draggo Monastery.[90] The school taught young monks and other local residents and focused instruction on Tibetan traditional culture.[91]
- **Shiqu (Sershul) county.** Authorities in Shiqu (Sershul) county, Ganzi TAP, ordered that all private schools in the county close by April 20, 2022.[92] The Tibetan Centre for Human Rights and Democracy reported that most of the Tibetan schools closed under this order served nomadic communities, and that the closures followed years of increasing interference from Chinese officials seeking to restrict the ability of Tibetan schools to teach their own curricula.[93]

Majority of Tibetan Students Subject to "Colonial" Boarding School System

In December 2021, the advocacy group Tibet Action Institute (Tibet Action) issued a report on boarding schools in Tibetan areas of China, where nearly 80 percent of all Tibetan children between the ages of 6 and 18 are educated.[94] Tibet Action described the boarding schools as "colonial" in design and practice, serving the PRC goal of "sinicizing" Tibetans by separating children from their families and communities, educating them mainly in Mandarin Chinese, and implementing a "highly politicized curriculum" intended to inculcate a Chinese identity in students.[95] The percentage of students living at boarding schools was "drastically higher" for Tibetan students compared to students elsewhere in China, indicating that the boarding school system targeted non-Han Chinese populations.[96] The report noted "high rates of mental and emotional distress" among students in boarding schools, due in part to separation from their families and communities, strict living and teaching conditions at the schools, and bullying and violence among students.[97] The report also highlighted the coercive nature of the schools; Tibetan parents are often faced with no choice but to send their children to boarding schools because of school closures and consolidation—particularly in rural areas with proportionally greater Tibetan populations—and also in some cases fines or threats for noncompliance.[98] Tibet Action later published claims by a Tibetan education expert that authorities in Tibetan areas of China had established a similar system of boarding preschools aimed at eliminating education in Tibetan or focused on Tibetan culture for children between the ages of four and six.[99]

Chinese officials punished Tibetans in connection with language rights, including for expressions of discontent with or opposition to official measures restricting the rights of Tibetans to use their language or languages freely. Representative examples include:

- **Rinchen Kyi.** In August 2021, police in Dari (Darlag) county, Guoluo (Golog) TAP, Qinghai province, detained Rinchen Kyi,[100] a teacher at Dari's private Sengdrug Tagtse Middle School, on suspicion of "inciting separatism."[101] Police then took her to Xining municipality, the capital of Qinghai, where she was briefly hospitalized, and then transferred her to an unknown detention location.[102] Rinchen Kyi was a long-time teacher at the school until its closure.[103] In February 2022, six United Nations human rights experts wrote to the Chinese government regarding the cases of Rinchen Kyi and two other Tibetan detainees, expressing "serious concern" that these detentions infringe upon their right to free expression and their cultural and linguistic rights as members of a minority group.[104] Authorities released her in late April.[105]
- **Sherab Dorje.** In August 2021, police in Hezhi (Trotsig) township, Aba (Ngaba) county, Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture, Sichuan, detained several Tibetan students after they refused to attend an Aba county propaganda session on Communist Party policies.[106] Authorities released all but one, 19-year-old Sherab Dorje,[107] whom authorities may have targeted after he and several other students from a sec-

ondary school in Maqu (Machu) county, Gannan (Kanlho) Tibetan Autonomous Prefecture, Gansu province, submitted a petition to local officials opposing plans to end Tibetan-language instruction there beginning in fall 2021.[108]

• **Palsang, Sarmo, and Yangkyi.** In October, authorities in Mangkang (Markham) county, Changdu (Chamdo) municipality, TAR, detained three teenage students, Palsang,[109] Sarmo,[110] and Yangkyi,[111] after they expressed opposition to the replacement of Tibetan with Mandarin Chinese as the language of instruction in local schools.[112] Officials reportedly said the three children needed "psychological counseling" and held them in a Mangkang detention facility described by Tibet Watch as a "reform through education center."[113]

Access to Tibet and Free Flow of Information Remain Heavily Restricted

During the 2022 reporting year, Chinese authorities continued to severely limit access to Tibetan areas, particularly the Tibet Autonomous Region (TAR), with foreign journalists and diplomats facing especially heavy restrictions. The TAR remained the only province-level administrative division to require all foreigners to apply for approval to visit,[114] while requirements for access to Tibetan areas in other province-level entities were "ambiguous."[115] The U.S. Department of State, in its report to Congress on reciprocal access to Tibet and Tibetan areas, found again that Chinese officials "systematically impeded travel" and "regularly denied travel permits to international journalists, diplomats, and other officials often with indications the central government had denied the request" to visit Tibetan areas.[116] The Foreign Correspondents' Club of China's (FCCC) annual report found that central PRC officials tightly controlled foreign journalists' ability to independently report in Tibetan areas.[117] The FCCC reported that authorities limited access in the TAR to only state-organized reporting groups and did not approve any journalists' applications to independently report from the TAR in 2021,[118] and harassed journalists working in Tibetan areas of other provinces.[119]

RESTRICTIONS ON THE FREE FLOW OF INFORMATION

Chinese authorities continued to monitor or restrict contact between Tibetans in Tibetan areas of China and individuals or groups abroad, including by threatening to punish those found to have contact with Tibetans in exile—particularly those in India—or who have shared information within Tibetan areas about Tibetans living abroad.[120] For example, on August 8, 2021, public security officials in Yushu (Kyegudo) city, Yushu (Yulshul) TAP, Qinghai, took into custody three Tibetan men—**Rinchen Dorje,**[121] **Kalsang Nyima,**[122] and **Lhundrub**[123]—after they shared photos of an event celebrating the 70th anniversary of the establishment of the Yushu TAP in a WeChat group, reportedly because the group had members outside China.[124]

Chinese authorities also strictly monitored WeChat and other online communications platforms to find and punish Tibetans who were alleged to have committed crimes by holding discussions on-

line,[125] and maintained or extended restrictions on the kinds of content Tibetans could freely share or post online.[126] Observers expressed concern that new national measures on online religious content[127] and at least one set of local regulations[128] would further shrink the already restricted online space for discussion of Tibetan Buddhism and other religious matters in Tibet.[129]

Notes to Section IX—Tibet

[1] U.S. Department of State, "Report to Congress on Tibet Negotiations, Section 613(b) of the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note)," 1, accessed June 15, 2022. See also International Campaign for Tibet, "US Report Documents Need for Greater Efforts to Revive China-Tibet Dialogue," June 15, 2022.

[2] Namrata Biji Ahuja, "Tibetan President Penpa Tsering: Priority Is to Restart Talks with China," *The Week,* December 19, 2021.

[3] "Tibet's Exile Leader Sees Signals on Possible Talks with China," *Radio Free Asia,* September 22, 2021.

[4] CECC, *2021 Annual Report,* March 2022, 296; CECC, *2020 Annual Report,* December 2020, 327.

[5] This cumulative total does not include six deaths by self-immolation of Tibetans in 2012 and 2013. "CECC Update: Tibetan Self-Immolations," Congressional-Executive Commission on China, January 10, 2017. See also International Campaign for Tibet, "Self-Immolation Fact Sheet," accessed May 3, 2022.

[6] CECC, *2018 Annual Report,* October 10, 2018, 294–95; CECC, *2019 Annual Report,* November 18, 2019, 295; CECC, *2020 Annual Report,* December 2020, 327; CECC, *2021 Annual Report,* March 2022, 296.

[7] "Potala Palace Self-Immolation Protester Identified as Popular Tibetan Singer," *Radio Free Asia,* March 4, 2022; International Campaign for Tibet, "Report of Popular Tibetan Singer's Self-Immolation," March 9, 2022.

[8] "Potala Palace Self-Immolation Protester Identified as Popular Tibetan Singer," *Radio Free Asia,* March 4, 2022; Tibetan Centre for Human Rights and Democracy, "Popular Tibetan Singer Tsewang Norbu Dies of Self-Immolation Protest," March 15, 2022.

[9] "Deciphering a Tibetan Pop Star's Self-Immolation," *Economist,* April 2, 2022.

[10] Tibetan Centre for Human Rights and Democracy, "Popular Tibetan Singer Tsewang Norbu Dies of Self-Immolation Protest," March 15, 2022.

[11] "Potala Palace Self-Immolation Protester Identified as Popular Tibetan Singer," *Radio Free Asia,* March 4, 2022.

[12] Central Tibetan Administration, "81 Years Old Taphun Self Immolated in Kirti, Ngaba," April 2, 2022; "81-Year-Old Tibet Man Dies after Self-Immolation Protest at Kirti Monastery," *Radio Free Asia,* April 3, 2022; Tibet Watch, "An 81 Year Old Sets Himself on Fire in Protest against the Chinese Government," April 4, 2022; International Campaign for Tibet, "Octogenarian Tibetan Sets Himself on Fire in Protest against Chinese Rule," April 5, 2022.

[13] Central Tibetan Administration, "81 Years Old Taphun Self Immolated in Kirti, Ngaba," April 2, 2022; "81-Year-Old Tibet Man Dies after Self-Immolation Protest at Kirti Monastery," *Radio Free Asia,* April 3, 2022; Tibet Watch, "An 81 Year Old Sets Himself on Fire in Protest against the Chinese Government," April 4, 2022; International Campaign for Tibet, "Octogenarian Tibetan Sets Himself on Fire in Protest against Chinese Rule," April 5, 2022.

[14] Sangyal Kunchok, "Tibet Man Attempts Self-Immolation near Monastery in Qinghai," *Radio Free Asia,* March 31, 2022.

[15] Sangyal Kunchok, "Tibet Man Attempts Self-Immolation near Monastery in Qinghai," *Radio Free Asia,* March 31, 2022; International Campaign for Tibet, "Octogenarian Tibetan Sets Himself on Fire in Protest against Chinese Rule," April 5, 2022.

[16] Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18.

[17] Monastic management committees are organized as joint monastic-official bodies to monitor resident monks and nuns at monastic institutions. International Campaign for Tibet, "Party Above Buddhism: China's Surveillance and Control of Tibetan Monasteries and Nunneries," March 2021.

[18] See, e.g., Changdu Municipality United Front Work Department, "Zizhiqu fu zhuxi, Changdu shi wei shuji Pubu Dunzhu shenru Karuo Qu Zuozi Si diaoyan zhu si gongzuo" [TAR Deputy Chair and Chamdo Municipal Committee Secretary Pubu Dunzhu deepens Karuo District's Dzodzi Monastery investigation of monastery-resident work], September 7, 2021.

[19] See, e.g., Tashi Lhunpo Monastic Management Committee, "Zhashi Lunbu Si Guanweihui zuzhi zhaokai xuexi guanche Xi Jinping Zongshuji zai Xizang shicha shi de zhongyao jianghua jingshen xuanjiang dahui" [Tashi Lhunpo Monastic Management Committee organizes propaganda meeting to study and carry out the spirit of General Secretary Xi Jinping's important speech during his inspection tour of Tibet], August 16, 2021, reprinted in Tibet Autonomous Region United Front Work Department.

[20] See, e.g., Sakya Monastery Monastic Management Committee, "Sajia Si Guanweihui zuzhi kaizhan Xi Jinping Zongshuji zai qingzhu Zhongguo Gongchandang chengli 100 zhounian dahui shang de zhongyao jianghua jingshen xuanjiang hui" [Sakya Monastery Monastic Management Committee organizes propaganda event on the spirit of General Secretary Xi Jinping's important speech at the celebration event for the 100th anniversary of the founding of the Chinese Communist Party], July 20, 2021, reprinted in Tibet Autonomous Region United Front Work Department; Anduo County United Front Work Department, "Anduo Xian zongjiao lingyu xianqi xuexi Xi Jinping Zong Shuji 'Qi Yi' zhongyao jianghua he shicha Xizang shi zhongyao jianghua jingshen gaohu" [Surge among Anduo County religious sector in studying General Secretary Xi Jinping's major 'July 1' speech and the spirit of his important speech during his inspection tour of Tibet], August 16, 2021.

[21] See, e.g., Tashi Lhunpo Monastery Monastic Management Committee, "Zhaxi Lunbu Si zhaokai sengzhong xuexi Dang de Shijiu jie Liu Zhongquanhui he Zizhiqu Di Shi ci Dang Daibiaohui jingshen xuanjiang dahui" [Tashi Lhunpo Monastery convenes propaganda event for monks on studying the Sixth Plenum of the Party's Nineteenth Congress and the spirit of the

TAR's Tenth Party Congress], December 15, 2021, reprinted in Tibet Autonomous Region United Front Work Department.

[22] See, e.g., Pulan County Committee United Front Work Department, "Zizhiqu xuanjiang tuan fu Pulan Xian kaizhan 'Zangchuan Fojiao Huofo Zhuanshi Guanli Banfa' xunhui xuanjiang huodong" [TAR propaganda group holds touring propaganda activities on "Measures for the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism" in Pulan County], August 26, 2021; Naqu Municipal Committee United Front Work Department, "Naqu Shi zuzhi gaoseng dade shenru ge simiao kaizhan Zangchuan Fojiao huofo zhuanshi guanli fagui zhengce xuanjiang huodong" [Nagchu municipality organizes senior monks' visits to various monasteries to hold propaganda activities on laws, regulations, and policy on the management of the reincarnation of living Buddhas in Tibetan Buddhism], November 17, 2021.

[23] See, e.g., Baqing County Committee United Front Work Department, "Baqing Xian kaizhan 'Falu, zhengce jin simiao' xunhui xuanjiang huodong" [Baqing County holds touring propaganda activities for "law and policy entering monasteries"], February 28, 2022.

[24] See, e.g., Shannan Municipal Committee United Front Work Department, "Shannan Shi di shiyi, shi'er Zangchuan Fojiao zongjiao jiaozhi renyuan peixun ban kaiban" [Shannan municipality holds eleventh and twelfth sessions of Tibetan Buddhist religious personnel training], December 10, 2021.

[25] See, e.g., Pulan County Committee United Front Work Department, "Zizhiqu xuanjiang tuan fu Pulan Xian kaizhan 'Zangchuan Fojiao Huofo Zhuanshi Guanli Banfa' xunhui xuanjiang huodong" [TAR propaganda group holds touring propaganda activities on "Measures for the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism" in Pulan County], August 26, 2021; Naqu Municipal Committee United Front Work Department, "Naqu Shi zuzhi gaoseng dade shenru ge simiao kaizhan Zangchuan Fojiao huofo zhuanshi guanli fagui zhengce xuanjiang huodong" [Nagchu municipality organizes senior monks' visits to various monasteries to hold propaganda activities on laws, regulations, and policy on the management of the reincarnation of living Buddhas in Tibetan Buddhism], November 17, 2021; Shannan Municipal Committee United Front Work Department, "Shannan Shi di shiyi, shi'er Zangchuan Fojiao zongjiao jiaozhi renyuan peixun ban kaiban" [Shannan municipality holds eleventh and twelfth sessions of Tibetan Buddhist religious personnel training], December 10, 2021.

[26] Tibet Watch, "Birthday Celebrations in Honor of Kirti Rinpoche Banned," August 10, 2021.

[27] Tibet Watch, "Birthday Celebrations in Honor of Kirti Rinpoche Banned," August 10, 2021.

[28] Qiao Long, Xiaoshan Huang, and Chingman, "Local Government in Gansu Shuts Down Tibetan Temple, Evicts Monks, Nuns," *Radio Free Asia,* August 2, 2021; International Campaign for Tibet, "China Shuts Down Historic Monastery, Evicts Monks and Nuns," August 4, 2021. The monastery's name was also reported as "Yulingta" and "Kharmar."

[29] Qiao Long, Xiaoshan Huang, and Chingman, "Local Government in Gansu Shuts Down Tibetan Temple, Evicts Monks, Nuns," *Radio Free Asia,* August 2, 2021; International Campaign for Tibet, "China Shuts Down Historic Monastery, Evicts Monks and Nuns," August 4, 2021.

[30] Qiao Long, Xiaoshan Huang, and Chingman, "Local Government in Gansu Shuts Down Tibetan Temple, Evicts Monks, Nuns," *Radio Free Asia,* August 2, 2021; Pranoti Abhyankar, "China Closes a Tibetan Monastery and Forces the Monks to Return to Lay Life," *Tibet Post International,* August 2, 2021; International Campaign for Tibet, "China Shuts Down Historic Monastery, Evicts Monks and Nuns," August 4, 2021.

[31] Tibet Watch, "80 Tibetan Monks Forcibly Expelled from Their Monasteries," December 5, 2021.

[32] *Qinghai Sheng Zongjiao Shiwu Tiaoli* [Qinghai Province Regulations on Religious Affairs], passed July 28, 2021, effective October 1, 2021.

[33] Sangyal Kunchok, "China Forces Young Tibetans Out of Monasteries in Qinghai," *Radio Free Asia,* November 4, 2021; Tibet Watch, "80 Tibetan Monks Forcibly Expelled from Their Monasteries," December 5, 2021.

[34] Lobe Socktsang, "China Bans New Year Religious Gatherings in Tibetan Capital Lhasa," *Radio Free Asia,* March 4, 2022; Sangyal Kunchok and Lobe Socktsang, "Security Tight in Tibet's Lhasa on Anniversary of Uprising," *Radio Free Asia,* March 10, 2022.

[35] Lobe Socktsang, "China Bans New Year Religious Gatherings in Tibetan Capital Lhasa," *Radio Free Asia,* March 4, 2022.

[36] Sangyal Kunchok and Lobe Socktsang, "Security Tight in Tibet's Lhasa on Anniversary of Uprising," *Radio Free Asia,* March 10, 2022.

[37] For more on the 2017 Regulations on Religious Affairs, see CECC, *2017 Annual Report,* October 5, 2017, 129; CECC, *2018 Annual Report,* October 10, 2018, 123.

[38] The 2007 TAR measures implemented the previous version of the national Regulations on Religious Affairs, which took effect in 2005. *Xizang Zizhiqu Shishi "Zongjiao Shiwu Tiaoli" Banfa (Shixing)* [Tibet Autonomous Region Implementing Measures for "Regulations on Religious Affairs (Trial)], passed May 18, 2006, effective July 1, 2007; State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], issued November 30, 2004, amended June 14, 2017, effective February 1, 2018.

[39] *Xizang Zizhiqu Shishi "Zongjiao Shiwu Tiaoli" Banfa* [Tibet Autonomous Region Implementing Measures for "Regulations on Religious Affairs"], passed April 30, 2021, issued September 26, 2021, effective November 1, 2021.

[40] *Xizang Zizhiqu Shishi "Zongjiao Shiwu Tiaoli" Banfa* [Tibet Autonomous Region Implementing Measures for "Regulations on Religious Affairs"], passed April 30, 2021, issued September 26, 2021, effective November 1, 2021, art. 15.

[41] *Xizang Zizhiqu Shishi "Zongjiao Shiwu Tiaoli" Banfa* [Tibet Autonomous Region Implementing Measures for "Regulations on Religious Affairs"], passed April 30, 2021, issued September 26, 2021, effective November 1, 2021, art. 23.

[42] *Xizang Zizhiqu Shishi "Zongjiao Shiwu Tiaoli" Banfa* [Tibet Autonomous Region Implementing Measures for "Regulations on Religious Affairs"], passed April 30, 2021, issued September 26, 2021, effective November 1, 2021, art. 35.

[43] Daojie, "Zhonggong dui Xizang Fojiaotu qiangzhi shixing 'san ge bu zengjia' xianzhi cuoshi" [CCP forcibly implements restrictive "three no increases" measures against Tibetan Buddhists], *Voice of Tibet,* April 20, 2021.

[44] *Xizang Zizhiqu Shishi "Zongjiao Shiwu Tiaoli" Banfa* [Tibet Autonomous Region Implementing Measures for "Regulations on Religious Affairs"], passed April 30, 2021, issued September 26, 2021, effective November 1, 2021, arts. 47, 48, 49.

[45] *Xizang Zizhiqu Shishi "Zongjiao Shiwu Tiaoli" Banfa* [Tibet Autonomous Region Implementing Measures for "Regulations on Religious Affairs"], passed April 30, 2021, issued September 26, 2021, effective November 1, 2021, art. 47.

[46] *Xizang Zizhiqu Shishi "Zongjiao Shiwu Tiaoli" Banfa* [Tibet Autonomous Region Implementing Measures for "Regulations on Religious Affairs"], passed April 30, 2021, issued September 26, 2021, effective November 1, 2021, art. 34.

[47] Previous prominent examples include the demolitions and expulsions at the monastic complexes at Yachen Gar and Larung Gar in Ganzi (Kardze) Tibetan Autonomous Prefecture, Sichuan province. CECC, *2016 Annual Report,* October 6, 2016, 303–4; CECC, *2017 Annual Report,* October 5, 2017, 303–4; CECC, *2018 Annual Report,* October 10, 2018, 294.

[48] For more information on Palga, see the Commission's Political Prisoner Database record 2022-00082.

[49] For more information on Nyima, see the Commission's Political Prisoner Database record 2022-00083.

[50] Tibet Watch, "Tibetan School Forcibly Demolished by Chinese State," December 5, 2021; Tibetan Centre for Human Rights and Democracy, "China Heightens Restrictions after Demolishing Giant Buddha Statue and Buddhist School," December 30, 2021.

[51] Tibetan Centre for Human Rights and Democracy, "China Heightens Restrictions after Demolishing Giant Buddha Statue and Buddhist School," December 30, 2021; Central Tibetan Administration, "Around a Dozen Tibetans Arbitrarily Detained and Tortured, Second Buddha Statue Dismantled in Drakgo Crackdown," January 12, 2022.

[52] Tibetan Centre for Human Rights and Democracy, "China Heightens Restrictions after Demolishing Giant Buddha Statue and Buddhist School," December 30, 2021; Tibetan Centre for Human Rights and Democracy, "Second Buddha Statue Torn Down and Dozen Tibetans Detained in Drango," January 12, 2022.

[53] Sangyal Kunchok and Tashi Wangchuk, "Tibetan Monks Beaten, Arrested for Sharing Buddha Statue Destruction News," *Radio Free Asia,* January 7, 2022; Central Tibetan Administration, "Around a Dozen Tibetans Arbitrarily Detained and Tortured, Second Buddha Statue Dismantled in Drakgo Crackdown," January 12, 2022.

[54] Tibetan Centre for Human Rights and Democracy, "Second Buddha Statue Torn Down and Dozen Tibetans Detained in Drango," January 12, 2022; Central Tibetan Administration, "Around a Dozen Tibetans Arbitrarily Detained and Tortured, Second Buddha Statue Dismantled in Drakgo Crackdown," January 12, 2022; Tibetan Centre for Human Rights and Democracy, "China Subjects Tibetan Detainees to 'Re-Education' and Tightens Restrictions on Social Media after Destroying Buddha Statues in Drango," February 23, 2022.

[55] Sangyal Kunchok, "Tibetan Monks Told to Take Blame for Statue Demolitions," *Radio Free Asia,* May 23, 2022; Tibet Watch, "Monks Coerced into Taking Responsibility for Destruction of Buddha Statue," May 26, 2022.

[56] "Mass Arrest of Tibetans in Sichuan over Dalai Lama Photos," *Radio Free Asia,* August 26, 2021; Yangchen Dolma, "China Detains 59 Tibetans over His Holiness the Dalai Lama Photos," *Tibet Post International,* August 27, 2021; Tibetan Centre for Human Rights and Democracy, "60 Tibetans Detained for Keeping Dalai Lama Photo after a Sweeping Crackdown in Dzachuka," August 27, 2021. For more information, see the Commission's Political Prisoner Database records 2022-00062 on Loden Chunglam, 2022-00063 on Palkyab, 2022-00064 on Tenzin Losal, 2022-00065 on Pando, 2022-00066 on Losher, 2022-00067 on Gaden, 2022-00068 on Sherab, 2022-00069 on Jampal, 2022-00070 on Dalo, 2022-00071 on Choepa, 2022-00072 on Sonam Galeg, and 2022-00073 on Tadrin Norbu.

[57] Tibetan Centre for Human Rights and Democracy, "60 Tibetans Detained for Keeping Dalai Lama Photo after a Sweeping Crackdown in Dzachuka," August 27, 2021; Yangchen Dolma, "China Detains 59 Tibetans over His Holiness the Dalai Lama Photos," *Tibet Post International,* August 27, 2021.

[58] "Mass Arrest of Tibetans in Sichuan over Dalai Lama Photos," *Radio Free Asia,* August 26, 2021; Yangchen Dolma, "China Detains 59 Tibetans over His Holiness the Dalai Lama Photos," *Tibet Post International,* August 27, 2021; Tibetan Centre for Human Rights and Democracy, "60 Tibetans Detained for Keeping Dalai Lama Photo after a Sweeping Crackdown in Dzachuka," August 27, 2021.

[59] Tibetan Centre for Human Rights and Democracy, "China Detains 113 Tibetans in a Week in Expanding Crackdown in Dzachuka," September 1, 2021; "Dozens More Tibetans Are Arrested in Sichuan over Dalai Lama Photos," *Radio Free Asia,* September 1, 2021.

[60] Tibetan Centre for Human Rights and Democracy, "China Detains 113 Tibetans in a Week in Expanding Crackdown in Dzachuka," September 1, 2021; "Dozens More Tibetans Are Arrested in Sichuan over Dalai Lama Photos," *Radio Free Asia,* September 1, 2021. For more information, see the Commission's Political Prisoner Database records 2022-00074 on Lobsang Choezin, 2022-00075 on Soepa, 2022-00076 on Tsangpa, and 2022-00077 on Choe Lhamo.

[61] "Eight More Tibetans Are Arrested in Sichuan over Dalai Lama Photos, Language Rights," *Radio Free Asia,* September 7, 2021; Tibet Watch, "Eight More Tibetans Detained amid Heightened Climate of Fear and Internal Spies," September 9, 2021. For more information on Kalsang Dolma, see the Commission's Political Prisoner Database record 2022-00078.

[62] "Tibetans Detained in Kardze Language Rights Arrests Are Denied Proper Food, Medical Care," *Radio Free Asia,* September 15, 2021; Tibetan Centre for Human Rights and Democracy, "Deteriorating Situation in Dza Wonpo," September 16, 2021.

[63] Central Tibetan Administration, "Chinese Authorities Hold Three Dza Wonpo Tibetans, Releases Rest with Strict Orders," October 1, 2021; Tibet Watch, "Over 100 Tibetan Detainees Released in Dza Wonpo after Month-Long Torture and Interrogation," October 5, 2021; Tibetan Centre for Human Rights and Democracy, "Tibetans Subjected to Extrajudicial Detention, Random Home Inspections and Seizure of Cell Phones under China's Social Media Purge in Dzachuka," October 29, 2021.

[64] "Gong sa mchog gi 'khrungs skar srung brtsi zhus nas bod pa 4 'dzin bzung" [4 Tibetans detained for celebrating Dalai Lama's birthday], *Voice of America,* July 16, 2021; Tibet Watch, "Wave of Arrests across Eastern Tibet after Digital Search Operations," July 21, 2021. For more information, see the Commission's Political Prisoner Database records 2022-00031 on Rinchen Zangpo, 2022-00032 on Loga, 2022-00033 on Dagther, and 2022-00034 on Wangchug Kyi.

[65] "Gong sa mchog gi 'khrungs skar srung brtsi zhus nas bod pa 4 'dzin bzung" [4 Tibetans detained for celebrating Dalai Lama's birthday], *Voice of America,* July 16, 2021; Tibet Watch, "Wave of Arrests across Eastern Tibet after Digital Search Operations," July 21, 2021.

[66] "Gong sa mchog gi 'khrungs skar srung brtsi zhus nas bod pa 4 'dzin bzung" [4 Tibetans detained for celebrating Dalai Lama's birthday], *Voice of America,* July 16, 2021; Tibet Watch, "Wave of Arrests across Eastern Tibet after Digital Search Operations," July 21, 2021. Reports did not indicate whether police found images of the Dalai Lama on their phones.

[67] For more information on Dzapo, see the Commission's Political Prisoner Database record 2022-00005.

[68] For more information on Konchog Tashi, see the Commission's Political Prisoner Database record 2022-00006.

[69] "Two Tibetans Arrested for Celebrating Dalai Lama's Birthday," *Radio Free Asia,* July 13, 2021; Zhamo, "Qingzhu Dalai Lama shengri youzui? Zhonggong dangju jieji jubu jingei Zangren" [Guilty of celebrating Dalai Lama's birthday? CCP authorities seize opportunity to detain Tibetans in China], *Voice of Tibet,* July 15, 2021; Tibet Watch, "Wave of Arrests across Eastern Tibet after Digital Search Operations," July 21, 2021.

[70] Yangchen Dolma, "China Arrests over 20 People in Tibet for Posting Photos and Sharing Contents," *Tibet Post International,* September 16, 2021.

[71] Yangchen Dolma, "China Arrests over 20 People in Tibet for Posting Photos and Sharing Contents," *Tibet Post International,* September 16, 2021.

[72] *PRC Constitution,* passed and effective December 4, 1982 (amended March 11, 2018), art. 4; *Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa,* [PRC Regional Ethnic Autonomy Law], passed May 31, 1984, effective October 1, 1984, amended February 28, 2001, art. 10; *Zhonghua Renmin Gongheguo Guojia Tongyong Yuyan Wenzi Fa* [PRC Law on the Standard Spoken and Written Chinese Language], passed October 31, 2000, effective January 1, 2001, art. 8.

[73] See, e.g., State Council Information Office, "Minzu Quyu Zizhi Zhidu zai Xizang de Chenggong Shijian" [Successful Practice of Regional Ethnic Autonomy in Tibet], September 6, 2015, sec. 6. The State Council white paper on the ethnic autonomy system in the Tibet Autonomous Region notes bilingual education policy in Tibetan and Chinese, but does not mention use of any other languages in schools or any other context.

[74] Gerald Roche, "Articulating Language Oppression: Colonialism, Coloniality and the Erasure of Tibet's Minority Languages," *Patterns of Prejudice* 53, no. 5 (2019): 498.

[75] United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Rights of the Child, accessed June 8, 2022. China signed the Convention on the Rights of the Child on August 29, 1990, and ratified it on March 2, 1992.

[76] Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, art. 30.

[77] Ministry of Education, *Jiaoyubu Bangongting guanyu Shishi Xueqian Ertong Putonghua Jiaoyu "Tong Yu Tong Yin" Jihua de Tongzhi* [Ministry of Education General Office Circular on Implementing the "Children Speak in Unison" Plan for Mandarin Education for Preschool Children], issued July 21, 2021; "China Imposes Mandarin-Language Teaching on Kindergartens in Ethnic Minority, Rural Areas," *Radio Free Asia,* August 6, 2021; Tibetan Centre for Human Rights and Democracy, "China Enforces Compulsory Mandarin Chinese Learning for Preschool Children in Tibet," September 17, 2021.

[78] "Foxue yong guojia tongyong yuyan wenzi kecheng jianshe yantaohui zai Qinghai sheng Zangyu xi Foxue Yuan juxing" [Seminar on course construction for using the standard spoken and written Chinese language in Buddhist studies held at Qinghai Province Tibetan Language Buddhist Institute], *Qinghai Daily,* reprinted in Buddhist Association of China, September 30, 2021; "China Pushes New Plan for Tibetan Buddhist Study in Chinese Only," *Radio Free Asia,* October 5, 2021.

[79] "Foxue yong guojia tongyong yuyan wenzi kecheng jianshe yantaohui zai Qinghai sheng Zangyu xi Foxue Yuan juxing" [Seminar on course construction for using the standard spoken and written Chinese language in Buddhist studies held at Qinghai Province Tibetan Language Buddhist Institute], *Qinghai Daily,* reprinted in Buddhist Association of China, September 30, 2021.

[80] Sangyal Kunchok and Yangdon, "Tibetan Village Leaders Told to 'Speak in Chinese,'" *Radio Free Asia,* April 25, 2022.

[81] Tibet Watch, "Tibetan Parents Forced to Learn Chinese Language to Teach Children," April 11, 2022.

[82] Tibet Watch, "Tibetan Parents Forced to Learn Chinese Language to Teach Children," April 11, 2022.

[83] International Campaign for Tibet, "China Renews Attacks on Remaining Tibetan-Language Schools," November 30, 2021.

[84] International Campaign for Tibet, "China Renews Attacks on Remaining Tibetan-Language Schools," November 30, 2021.

[85] Tibet Watch, "Outcry from Tibetans after School Is Given Orders to Close," July 19, 2021; "China Closes Tibetan School in Qinghai, Leaving Many Students Adrift," *Radio Free Asia,* September 14, 2021.

[86] "China Closes Tibetan School in Qinghai, Leaving Many Students Adrift," *Radio Free Asia,* September 14, 2021.

[87] "China Closes Tibetan School in Qinghai, Leaving Many Students Adrift," *Radio Free Asia,* September 14, 2021; Tibet Watch, "Many Students from Forcibly Closed Tibetan School Can't Register at New Schools," September 21, 2021.

[88] Tibet Watch, "Renowned Tibetan School Ordered to Teach in Chinese or Face Shutdown," August 23, 2021.

[89] Sangyal Kunchok, "Chinese Authorities Ban Outside-School Classes for Tibetan Children," *Radio Free Asia,* November 3, 2021.

[90] Pema Ngodup, "Tibetans Forced to Demolish School Attached to Monastery in Sichuan's Karze," *Radio Free Asia,* November 6, 2021; Tibet Watch, "Tibetan School Forcibly Demolished by Chinese State," December 5, 2021; Tibetan Centre for Human Rights and Democracy, "China Heightens Restrictions after Demolishing Giant Buddha Statue and Buddhist School," December 30, 2021. See above in this section for more information on the crackdown at Draggo Monastery.

[91] Pema Ngodup, "Tibetans Forced to Demolish School Attached to Monastery in Sichuan's Karze," *Radio Free Asia,* November 6, 2021; Tibet Watch, "Tibetan School Forcibly Demolished by Chinese State," December 5, 2021; Tibetan Centre for Human Rights and Democracy, "China Heightens Restrictions after Demolishing Giant Buddha Statue and Buddhist School," December 30, 2021.

[92] Tibetan Centre for Human Rights and Democracy, "China Orders Tibetan Private Schools to Be Closed and Students Enrolled in Chinese Medium Schools in Sershul County," April 22, 2022; Tibetan Centre for Human Rights and Democracy and Asian Dignity Initiative, "Sucked Our Marrow: Tibetan Language and Education Rights under Xi Jinping," May 11, 2022, 15.

[93] Tibetan Centre for Human Rights and Democracy, "China Orders Tibetan Private Schools to Be Closed and Students Enrolled in Chinese Medium Schools in Sershul County," April 22, 2022; Tibetan Centre for Human Rights and Democracy and Asian Dignity Initiative, "Sucked Our Marrow: Tibetan Language and Education Rights under Xi Jinping," May 11, 2022, 15–16.

[94] Tibet Action Institute, "Separated from Their Families, Hidden from the World: China's Vast System of Colonial Boarding Schools inside Tibet," December 2021, 24.

[95] Tibet Action Institute, "Separated from Their Families, Hidden from the World: China's Vast System of Colonial Boarding Schools inside Tibet," December 2021, 1.

[96] Tibet Action Institute, "Separated from Their Families, Hidden from the World: China's Vast System of Colonial Boarding Schools inside Tibet," December 2021, 10.

[97] Tibet Action Institute, "Separated from Their Families, Hidden from the World: China's Vast System of Colonial Boarding Schools inside Tibet," December 2021, 28.

[98] Tibet Action Institute, "Separated from Their Families, Hidden from the World: China's Vast System of Colonial Boarding Schools inside Tibet," December 2021, 4.

[99] Tibet Action Institute, "Eyewitness: China Operating Mandatory Boarding Preschools across Tibet," May 24, 2022.

[100] For more information on Rinchen Kyi, see the Commission's Political Prisoner Database record 2021-00540.

[101] Tibet Watch, "Teacher from Forcibly Closed School Is Arrested and Charged with Separatism," August 10, 2021; "Rgya nag nyen rtog pas seng 'brug stag rtse slob grwa'i dge rgan rin chen skyid lags su rgyal khab la ngo rgol byas pa'i nyes ming 'og 'dzin bzung byas 'dug" [Chinese police detain Sengdrug Tagtse teacher Rinchen Kyi on suspicion of inciting separatism], *Radio Free Asia,* August 10, 2021; "China Closes Tibetan School in Qinghai, Leaving Many Students Adrift," *Radio Free Asia,* September 14, 2021.

[102] Tibet Watch, "Teacher from Forcibly Closed School Is Arrested and Charged with Separatism," August 10, 2021; "Rgya nag nyen rtog pas seng 'brug stag rtse slob grwa'i dge rgan rin chen skyid lags su rgyal khab la ngo rgol byas pa'i nyes ming 'og 'dzin bzung byas 'dug" [Chinese police detain Sengdrug Tagtse teacher Rinchen Kyi on suspicion of inciting separatism], *Radio Free Asia,* August 10, 2021.

[103] Tibet Watch, "Teacher from Forcibly Closed School Is Arrested and Charged with Separatism," August 10, 2021; "Rgya nag nyen rtog pas seng 'brug stag rtse slob grwa'i dge rgan rin chen skyid lags su rgyal khab la ngo rgol byas pa'i nyes ming 'og 'dzin bzung byas 'dug" [Chinese police detain Sengdrug Tagtse teacher Rinchen Kyi on suspicion of inciting separatism], *Radio Free Asia,* August 10, 2021; "China Closes Tibetan School in Qinghai, Leaving Many Students Adrift," *Radio Free Asia,* September 14, 2021.

[104] Office of the UN High Commissioner for Human Rights, Letter from the Mandates of the Special Rapporteur in the field of cultural rights; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on minority issues to Chen Xu, Permanent Representative to the Permanent Mission of the People's Republic of China to the UN Office at Geneva and Other International Organizations in Switzerland, AL CHN 14/2021, February 17, 2022.

[105] Free Tibet, "Rinchen Kyi Released after Eight Months in Detention," April 25, 2022.

[106] "Tibetan Man Arrested in Sichuan for Failure to Attend Chinese Propaganda Lecture," *Radio Free Asia,* August 18, 2021; Tibet Watch, "Teenage Tibetan Petitioner Arrested in Ngaba by Chinese Police Authorities," August 18, 2021.

[107] "Tibetan Man Arrested in Sichuan for Failure to Attend Chinese Propaganda Lecture," *Radio Free Asia,* August 18, 2021; Tibet Watch, "Teenage Tibetan Petitioner Arrested in Ngaba by Chinese Police Authorities," August 18, 2021. For more information on Sherab Dorje, see the Commission's Political Prisoner Database record 2021-00541.

[108] "Tibetan Man Arrested in Sichuan for Failure to Attend Chinese Propaganda Lecture," *Radio Free Asia,* August 18, 2021; Tibet Watch, "Teenage Tibetan Petitioner Arrested in Ngaba by Chinese Police Authorities," August 18, 2021.

[109] For more information on Palsang, see the Commission's Political Prisoner Database record 2022-00099.

[110] For more information on Sarmo, see the Commission's Political Prisoner Database record 2022-00100.

[111] For more information on Yangkyi, see the Commission's Political Prisoner Database record 2022-00101.

[112] "Bod rigs slob ma gsum 'dzin bzung bkag nyar byas yod 'dug" [Three Tibetan students detained and held in custody], *Tibet Times,* March 15, 2022; "Rgya gzhung gis chab mdo khul gyi bod pa slob phrug gsum 'dzin bzung" [Chinese authorities detained three Tibetan students in Chamdo], *Voice of America,* March 17, 2022; Matthew McDonald, "San ming Xizang xuesheng kangyi hanhua jiaoyu bei Zhonggong jubu" [Three Tibetan students detained by CCP for protesting sinicized education], *Tibet Post International,* March 18, 2022; Tibet Watch, "Three Children Arrested after New Language Restriction Announced," March 21, 2022.

[113] Tibet Watch, "Three Children Arrested after New Language Restriction Announced," March 21, 2022.

[114] U.S. Department of State, "Report to Congress on Access to Tibetan Areas: Section 4 of the Reciprocal Access to Tibet Act of 2018 (8 U.S.C. 1182 note)," March 16, 2022; Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 12.

[115] U.S. Department of State, "Report to Congress on Access to Tibetan Areas: Section 4 of the Reciprocal Access to Tibet Act of 2018 (8 U.S.C. 1182 note)," March 16, 2022.

[116] U.S. Department of State, "Report to Congress on Access to Tibetan Areas: Section 4 of the Reciprocal Access to Tibet Act of 2018 (8 U.S.C. 1182 note)," March 16, 2022; U.S. Department of State, "Report to Congress on Access to Tibetan Areas of the People's Republic of China (PRC), Sec. 4 of the Reciprocal Access to Tibet Act of 2018, PL 115–330//22USC 1182," August 5, 2020.

[117] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 12, 19.

[118] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 12.

[119] Foreign Correspondents' Club of China, *Locked Down or Kicked Out: Covering China,* January 31, 2022, 12, 19.

[120] See, e.g., "Chinese Authorities in Tibet Demand Information on Relatives Living Abroad," *Radio Free Asia,* July 30, 2021.

[121] For more information on Rinchen Dorje, see the Commission's Political Prisoner Database record 2022-00035.

[122] For more information on Kalsang Nyima, see the Commission's Political Prisoner Database record 2022-00036.

[123] For more information on Lhundrub, see the Commission's Political Prisoner Database record 2022-00037.

[124] "Skad 'phrin nang par ris bskur rkyen skye rgu mdo nas bod mi gsum 'dzin bzung btsan khrid byas yod 'dug" [For sending photos on WeChat, three Tibetans from Kyegudo taken away to detention], *Radio Free Asia,* August 9, 2021; Tibet Watch, "Three Tibetans Arrested for Sharing Photos of an Official Event in WeChat Group," August 10, 2021.

[125] See, e.g., "Tibetan Monk Held in Sichuan's Ngaba County on Unknown Charges," *Radio Free Asia,* August 5, 2021; Dasang, "Xizang Guoluo Zangren jiu Zhonggong hanhua zhengce fabiao yiyi zaobu hou, zhijin xialuo buming" [After Tibetan is detained in Golog, Tibet, for speaking out in opposition to CCP's sinicization policy, his whereabouts are still unknown], *Voice of Tibet,* March 23, 2022. For more information, see the Commission's Political Prisoner Database records 2022-00025 on Konme and 2022-00114 on Palsang.

[126] Tibet Watch, "China Announces Further Restrictions on Buddhism on the Internet," February 2, 2022.

[127] National Religious Affairs Administration, Cyberspace Administration of China, Ministry of Industry and Information Technology, Ministry of Public Security, and Ministry of State Security, *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures on the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022. For more information on the measures, see Section III—Freedom of Religion.

[128] Chakmo Tso, "Tibetan Online Religious Groups Banned in Qinghai," *Radio Free Asia,* January 24, 2022.

[129] Tibet Watch, "China Announces Further Restrictions on Buddhism on the Internet," February 2, 2022.

X. Xinjiang

XINJIANG

Findings

• Key findings from a cache of tens of thousands of files obtained from public security bureaus in two counties in the Xinjiang Uyghur Autonomous Region (XUAR) included: the key role of senior Communist Party and central government officials in carrying out the mass detention and other persecution of Turkic Muslims in the XUAR; the highly securitized nature of detention in the region's camps and prisons; the high rate of imprisonment in Konasheher (Shufu) county in Kashgar prefecture, XUAR, as authorities increasingly sentenced Turkic Muslims to formal imprisonment; and arbitrary deprivation of liberty in camps and prisons.
• Reports published during the Commission's 2022 reporting year indicated that XUAR officials increasingly sentenced many Turkic and Muslim individuals to long prison terms, sometimes following their detention in mass internment camps. According to international reporting and analysts' review of satellite imagery, officials have converted many former mass internment camps into prisons or other types of formal detention facilities.
• International researchers and journalists found evidence that authorities continued to expand detention facilities, including mass internment camps. Based on research and analysis of leaked official documents and satellite imagery, BuzzFeed News journalists estimated in July 2021 that authorities in the XUAR had enough space in detention facilities in the region, including prisons and mass internment camps, to detain more than one million people at the same time.
• Authorities in the XUAR maintained a system of forced labor that involved former mass internment camp detainees and other Turkic and Muslim individuals. In its annual report released in February 2022, the International Labour Organization expressed "deep concern" over forced labor in the XUAR and asserted that the "extensive use of forced labor" involving Turkic and/or Muslim minorities in the region violated the Employment Policy Convention of 1964.
• In September 2021, official media in the XUAR announced a new plan pairing Uyghur children with children from across the country, a move that observers believe is designed to control Uyghurs' lives and eliminate Uyghurs' cultural identity. Called the "Pomegranate Flower Plan," the initiative matched Uyghur toddlers and elementary school students from a village in Kashgar prefecture with predominantly Han Chinese children from other parts of China, in order to establish "kinship" ties between the children.
• During the 2022 Ramadan period, which lasted from April 1 to May 1, authorities in parts of Urumqi municipality and Kashgar and Hotan prefectures reportedly enforced quotas for local Muslims allowed to fast during the holiday, and required them to register with officials. Reports published this past year

showed that authorities have sentenced Turkic Muslims in the XUAR, including members of the clergy, to lengthy prison terms.

• Turkic women who had been detained in mass internment camps in the XUAR provided evidence to the Uyghur Tribunal that many female detainees were raped in the camps. One former camp detainee testified that unmarried, divorced, and widowed women were raped in a camp where she was detained and that men paid to come to camps to rape female detainees.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Coordinate with allies and partners to advocate for the formation of a UN commission of inquiry to investigate forced labor abuses involving Turkic and Muslim XUAR residents.

○ Urge Chinese authorities to immediately cease all programs involving the forced labor of mass internment camp detainees and prisoners in the XUAR, along with programs involving the forced labor of other ethnic minority individuals within and outside the XUAR.

○ Work with allies and partners in the United Nations to establish a coalition to request a special session to address human rights violations against Uyghurs and other Turkic and Muslim people from the XUAR.

○ Work together with allies and partners to raise awareness about the transnational repression of Uyghurs and other Turkic Muslims from the XUAR, including through discussion of digital rights. Seek ways to ensure that Uyghurs and other Turkic Muslims in the United States and other countries can be free from surveillance, intimidation, and harassment by Chinese Communist Party and government actors.

○ Work with allies and partners to counter third countries' cooperation with China in conducting transnational repression, including the refoulement, surveillance, and harassment of Uyghurs and other Turkic and Muslim Chinese nationals. Impose sanctions, including through freezing assets and restricting travel, on officials in China and third countries who participate in such transnational repression. Advocate for the appointment of a UN Special Rapporteur on transnational repression.

○ Prioritize the resettlement of Uyghurs, Kazakhs, and other Turkic and Muslim refugees in the United States, including by granting them Priority 2 status in the United States' refugee program. Urge other like-minded countries to implement similar refugee resettlement programs for Turkic and Muslim refugees from China. Identify countries likely to deport Turkic and Muslim refugees from China and engage these countries through diplomatic channels to prevent such deportations.

○ Urge People's Republic of China (PRC) officials to allow foreign diplomats and journalists to travel freely to and within the XUAR.

○ Direct the U.S. State Department and U.S. Agency for International Development to create programming to provide care for former mass internment camp detainees, to include such psychosocial counseling and other assistance as may be necessary to address the trauma these detainees have faced.
○ Work with groups and through forums such as the Association of Southeast Asian Nations (ASEAN) and the Asia-Pacific Economic Cooperation forum (APEC) to advocate for improved human rights and fair labor practices in the XUAR; work with allies to raise the issue of human rights in the XUAR in discussions with ASEAN and APEC members, as well as with Muslim countries in other forums. Work with allies and partners to support public events and civil society organizations in ASEAN and APEC Member States in order to raise awareness of human rights conditions in the XUAR.
○ Work with officials at American universities to protect Uyghur and other Turkic and Muslim students who hold a Chinese passport and/or who speak out about human rights abuses in the XUAR, to ensure that they enjoy freedom of expression and are protected from harassment and threats to their safety.

Internal Documents Show Brutality of Mass Detention and Other Forms of Repression in the XUAR

The Xinjiang Police Files

In May 2022, international researchers and journalists reported new findings on the nature and scope of mass detention in the Xinjiang Uyghur Autonomous Region (XUAR), based on information contained in a cache of tens of thousands of files obtained from public security bureaus in two counties in the XUAR.[1] The files, containing documents, images, spreadsheets, and speeches mainly from 2017 and 2018, were provided to scholar Adrian Zenz by an unnamed individual who accessed internal computer systems in Konasheher (Shufu) county in Kashgar prefecture and Tekes (Tekesi) county in Ili (Yili) Kazakh Autonomous Prefecture in the XUAR.[2] The files, which Zenz then shared with 14 news agencies, included more than 5,000 images of individuals from Konasheher county, 2,800 of whom researchers confirmed had been detained.[3] The youngest detainee was 15 years old, and the oldest was 73.[4] Key findings include:

- **The role of senior Communist Party and central government officials in carrying out the mass detention and other persecution of Turkic Muslims in the XUAR.**[5] In a classified speech delivered in June 2018, Minister of Public Security Zhao Kezhi describes Chinese leader Xi Jinping's knowledge, support, and direction of mass detentions and other repressive policies in the region.[6] Zhao's speech outlines a five-year plan for achieving "comprehensive stability" in the XUAR, beginning around the time mass internment camps[7] appeared in 2017 and ending in 2021, and roughly concurrent with the tenure of XUAR Party Secretary Chen Quanguo.[8]
- **The highly securitized nature of detention in the region's camps and prisons.**[9] Internal documents and a speech delivered by former XUAR Communist Party Secretary Chen Quanguo instruct security personnel to "shoot to kill" anyone attempting to escape camp facilities; security personnel stationed in camp watchtowers were armed with machine guns and sniper rifles; and documents instruct security personnel to blindfold and shackle detainees when transferring them between different locations.[10] Images from detention facilities show security personnel armed with guns, clubs, and/or batons, some while wearing combat gear, while carrying out security drills and monitoring detainees.[11]

The Xinjiang Police Files—Continued

- **The high rate of imprisonment in Konasheher county, as authorities increasingly sentenced Turkic Muslims to formal imprisonment.**[12] According to the Associated Press (AP), nearly 1 in every 25 people in the county had been sentenced to prison on charges related to terrorism—the highest imprisonment rate in the world.[13] The AP reported that more than 10,000 people in Konasheher, most of whom were arrested in 2017, had been sentenced to lengthy prison terms.[14] Internal spreadsheets show that in 2018, more than 12 percent of ethnic minority adults in the county were held in some type of detention facility, which was more than 64 times the national detention rate.[15]
- **Arbitrary deprivation of liberty in camps and prisons.**[16] Reasons for imprisonment included studying Islamic scripture with a relative seven years earlier, installing encrypted apps on one's cell phone, and inactivity on one's cell phone.[17] Zhao Kezhi's characterization of cultural and religious heritage as traits that determined millions of Turkic Muslims to be threats in need of "re-education" indicates that authorities detained Uyghurs, Kazakhs, and others primarily because of their cultural and religious identity.[18] Intake guidelines for mass internment camps listed 21 categories of detainees, including people with a connection to another country and husbands of women who were pregnant in violation of population planning policies.[19]

THE XINJIANG PAPERS

Another set of highly sensitive documents, leaked in September 2021 to a London-based independent tribunal known as the Uyghur Tribunal,[20] which included records of speeches delivered by Xi Jinping, shows the role of Xi, Premier Li Keqiang, and other top PRC officials in directing and guiding repressive policies in the XUAR.[21] The documents, dated between 2014 and 2018, detail the role of these officials in shaping policies such as mass internment, forced labor, population control, homestay programs, and forced placement in boarding schools targeting Uyghur and other ethnic minority communities in the XUAR in subsequent years.[22] The documents are part of what are known internationally as the Xinjiang Papers, a cache of internal government and Party documents that the New York Times reported on in 2019.[23] According to new analysis of the Xinjiang Papers published by scholar Adrian Zenz, two of Xi's speeches contained in the documents authorized the drafting of the region's first anti-extremism regulations.[24] Official Chinese media portrayed the regulations, which the XUAR People's Congress revised in October 2018, as justification for mass internment camps, but the camps remained illegal under both Chinese and international law.[25] The documents, and Zenz's analysis, also reveal a previously unreported link between clear demands made by Xi Jinping and a subsequent push to assimilate ethnic minority children in the XUAR in Chinese-language boarding schools, as well as an initiative to assign primarily Han Chinese cadres to live with and surveil ethnic minority families in their homes.[26] [For

more information on the Xinjiang Papers and PRC involvement in forced labor, see Section VI—Human Trafficking.]

Expansion of Mass Detention Facilities

International researchers and journalists found evidence during this reporting year that authorities continued to expand detention facilities in the XUAR, including mass internment camps.[27] Based on research and analysis of leaked official documents and satellite imagery, BuzzFeed News journalists estimated in July 2021 that authorities in the XUAR had enough space in detention facilities in the region, including prisons and mass internment camps, to detain more than one million people at the same time.[28] The journalists noted that this figure likely underestimated the true capacity of detention facilities in the XUAR, because it did not account for the overcrowded conditions reported by many former detainees.[29] In addition, this estimate did not include the capacity of the more than 100 facilities built prior to 2016.[30]

Kyrgyz Christian Ovalbek Turdakun and Mass Detention in the XUAR

The case of an ethnic Kyrgyz Christian who was detained in a mass internment camp in 2018 and who arrived in the United States in April 2022 illustrates several unique and significant aspects of mass detention in the XUAR. Authorities detained **Ovalbek Turdakun,** a Chinese national, for 10 months in a camp in Kizilsu (Kezilesu) Kyrgyz Autonomous Prefecture, XUAR, accusing him of having overstayed a visa on a trip to Kyrgyzstan and criticizing him for his marriage to a Kyrgyz national and for visiting mosques abroad.[31] Ovalbek Turdakun is the first Christian formerly detained in a mass internment camp to publicly speak out about his detention, and is a member of the Kyrgyz ethnic group, whose numbers in the XUAR are smaller than those of Uyghurs or Kazakhs and whose plight has received less international attention.[32] His legal background strengthened his ability to document details of his detention, including details regarding torture, surveillance cameras, and camp layout.[33] In addition, observers believe the harassment and risk of deportation Ovalbek Turdakun faced after fleeing to Kyrgyzstan following his detention demonstrates a pattern of harassment of ethnic minorities fleeing to Central Asia from the XUAR that could help strengthen a case being submitted by international lawyers to the International Criminal Court regarding the repression of XUAR residents in Tajikistan.[34]

Rise in Formal Detention of Turkic Muslims

Reports published this past year indicated that XUAR officials increasingly sentenced many Turkic and Muslim individuals to long prison terms, sometimes following their detention in mass internment camps.[35] According to reporting by the Associated Press (AP), officials have converted some former mass internment camps into prisons or other types of formal detention facilities.[36] The AP reported in July 2021 that, based on an in-person tour conducted in April 2021, Urumqi No. 3 Detention Center in Dabancheng dis-

trict, Urumqi municipality, had been converted from a mass internment camp into a pretrial detention facility.[37] Satellite imagery showed that new buildings added in 2019 to the facility—the largest detention facility in China, and possibly the world—reached nearly a mile in length.[38] Analysis of two reports released by XUAR judicial authorities in March 2022 also indicates a shift in the detention of Uyghurs from mass internment camps to prisons, according to Radio Free Asia (RFA).[39]

Chinese authorities' lack of transparency often makes it difficult for relatives of detained Turkic Muslims to obtain confirmation of their sentences and other information.[40] In July 2021, RFA reported that Xinjiang University sources confirmed that authorities had sentenced Uyghur ethnographer **Rahile Dawut** to a prison term of unknown length, possibly in 2020.[41] Chinese authorities did not provide public information about Rahile Dawut's case following her disappearance in December 2017 and likely detention in a mass internment camp.[42]

Cases of Uyghurs sentenced to long-term imprisonment that were reported this past year include:

- **Yusupjan Memtimin.**[43] In March 2022, RFA reported that in late 2018, authorities in the XUAR sentenced businessman and philanthropist Yusupjan Memtimin (also known as Yusup Saqal) to 14 years in prison, reportedly in connection with "taking criminals under his wing."[44] Authorities detained Yusupjan Memtimin in 2017 because he had driven the family members of a detained Uyghur man to visit him at his detention facility in 2014.[45]
- **Nurmemet Omer Uchqun.**[46] XUAR authorities sentenced Uyghur literature professor and translator Nurmemet Omer Uchqun to 10 years in prison on charges related to "separatism" and "promoting Western culture."[47] Security personnel detained Nurmemet Omer Uchqun in Urumqi in early 2018 and transferred him to Keriye (Yutian) Prison in Keriye (Yutian) county, Hotan prefecture, after sentencing him.[48]
- **Almire Erkin.**[49] In May 2022, RFA reported that in 2017, XUAR authorities detained 32-year-old nurse Almire Erkin and subsequently sentenced her to 10 years in prison for watching Turkish movies on her cell phone.[50] Authorities held Almire Erkin at a women's prison in Urumqi municipality.[51] Her father, a police officer in Kashgar prefecture, once received an award from the municipal government for detaining 2,000 individuals for "re-education."[52]
- **Meryem Emet.**[53] In 2022, RFA and National Public Radio reported that in 2017, authorities in Urumqi had detained Meryem Emet and later sentenced her to 20 years in prison.[54] Her sentence was reportedly connected to her having met and spoken with Turkish Prime Minister Recep Tayyip Erdoğan when he visited Urumqi in 2012, and to her having married a foreigner.[55] Authorities held Meryem Emet in a prison in Kucha (Kuche) county, Aksu prefecture.[56] After she was detained, officials placed her two young children in state-run boarding schools in Urumqi for more than a year and a half.[57] [For more information on Meryem Emet's children, see Forcible

Displacement and Assimilation of Ethnic Minority Children in this section.]

Reports published throughout the year documented authorities' continued use of torture and other forms of mistreatment against prisoners and camp detainees.[58] As in the past reporting year,[59] reports emerged documenting the deaths of individuals in mass internment camps and prisons or after they were held in camps or prisons. Examples include the following:

- **Yaqup Haji,** a 45-year-old Uyghur businessman and philanthropist from Ghulja (Yining) city, Ili (Yili) Kazakh Autonomous Prefecture, who died in or around September 2021 after being tortured in a mass internment camp or prison, where he had been held since 2018.[60] A friend of Yaqup Haji told RFA that authorities had detained him for making contributions to religious causes, and that authorities had tortured him, including by holding him in solitary confinement.[61]
- **Zeynephan Memtimin,** a 40-year-old Uyghur woman who died in 2020 in a prison in Keriye (Yutian) county, Hotan prefecture, where she was serving a 10-year sentence for violating family planning policies.[62] Authorities previously held Zeynephan Memtimin in a mass internment camp beginning in 2017, for having fled a hospital where she was due to undergo a forced abortion in 2014.[63] Officials did not disclose the cause of her death to relatives.[64]
- **Yaqup Hesen,** a 43-year-old goldsmith who died on May 1, 2022, 20 days after being released from a prison in Ghulja (Yining) city, Ili (Yili) Kazakh Autonomous Prefecture, where he had been held for three years.[65] A neighborhood committee official told RFA that authorities had detained him for praying.[66] Family members sought medical treatment for Yaqup Hesen for an unspecified illness at multiple hospitals following his release.[67] Yaqup Hesen's 20-year-old son died, reportedly of grief, at his father's funeral.[68]

Detention of 2008 Olympics Torchbearers

Reports this past year highlighted the detention of at least eight Uyghurs[69] who had served as torchbearers at the 2008 Beijing Summer Olympic Games, including the following:

- In early 2018, authorities detained cardiac surgeon **Abduqeyyum Semet,** who had served as director of the Kashgar Prefecture Health Department, and later sentenced him to 18 years in prison.[70] Authorities reportedly detained Abduqeyyum Semet for his failure to carry out government directives and policies.[71]
- In or around 2017, authorities detained Uyghur civil servant **Adil Abdurehim** for watching "counterrevolutionary" videos, and in 2018, the Urumqi Intermediate People's Court in Urumqi municipality, XUAR, tried and sentenced him to 14 years for attempted "separatism."[72] Adil Abdurehim led a local culture and sports bureau, and reportedly received many awards for his work, including for being an exemplary member of the Chinese Communist Party and a model of "ethnic unity."[73]

- In 2017, authorities detained Uyghur volleyball coach **Alimjan Mehmut** for being in contact with Muslim Uyghurs whom they deemed suspicious, and later sentenced him to eight years in prison.[74] Alimjan Mehmut, who was viewed as a leader in sports and activism in the Uyghur community, was one of at least six or seven instructors at the Kashgar Sports School in Kashgar prefecture whom authorities detained in recent years.[75]

International Observers Condemn Bachelet Visit to the XUAR

The U.S. Government,[76] human rights groups,[77] and scholars[78] around the world were highly critical of the May 2022 visit to the XUAR by UN High Commissioner for Human Rights Michelle Bachelet, saying she failed to hold Chinese authorities accountable for their repression of Uyghurs and other ethnic minorities in the region. In advance of her visit, officials in the XUAR warned residents not to speak out about mass internment camps or other rights abuses.[79] As of August 8, 2022, Bachelet's office had yet to issue a long-awaited report on human rights in the XUAR, despite Bachelet having told the UN Human Rights Council in late 2021 that her office was finalizing the report.[80]

Forced Labor Involving Turkic and Muslim XUAR Residents

During this reporting year, authorities in the XUAR maintained a system of forced labor that involved former mass internment camp detainees and other Turkic and Muslim individuals.[81] In its annual report released in February 2022, the International Labour Organization (ILO) expressed "deep concern" over forced labor in the XUAR and asserted that the "extensive use of forced labor" involving Turkic and/or Muslim minorities in the region violated the Employment Policy Convention of 1964.[82] In April 2022, the National People's Congress Standing Committee ratified the ILO's Forced Labour Convention of 1930 and the Abolition of Forced Labour Convention of 1957.[83] In June, the United States, the United Kingdom, and Canada were among countries who called on the ILO to establish a mission to investigate labor abuses in the XUAR.[84] Scholar Adrian Zenz wrote that "Beijing's ratification of these conventions is likely a calculated strategy to allay criticism."[85]

According to research Zenz published in June 2022, XUAR authorities intensified and institutionalized the placement of Turkic Muslims in forced labor, likely forcing hundreds of thousands of mass internment camp detainees to work within the XUAR and transferring millions of "rural surplus laborers" within and outside of the XUAR.[86] Zenz's research indicates that authorities increased "the scope and scale" of forced labor transfers in 2021 and published plans to move increasing numbers of rural laborers into industrial work, as well as to train workers for coercive labor programs involving higher skilled labor.[87]

XINJIANG COTTON CONTINUES TO BE, AND TOMATO PRODUCTS LIKELY CONTINUE TO BE, EXPORTED TO UNITED STATES

Reports published this past year by international scholars, analysts, and journalists documented the continued presence of products containing cotton originating in the XUAR, and products containing tomatoes possibly originating in the XUAR, in the international supply chain and in goods imported into the United States. In a report published in November 2021, researchers from Sheffield Hallam University documented how cotton products, often cotton-based apparel, entered the United States and other countries, after the raw cotton and semi-finished cotton goods were processed in intermediary countries.[88] These cotton products were imported into the United States in spite of U.S. Customs and Border Protection's January 2021 ban on cotton and tomato products from the XUAR prompted by the prevalence of forced labor in the region.[89] An investigative report published by non-profit research organization C4ADS in August 2021 showed that cotton and tomato products likely made with forced labor by companies owned by the Xinjiang Production and Construction Corps (XPCC)[90] may have continued to be sold in the United States, in the wake of the January 2021 ban on cotton and tomato products from the XUAR and in violation of sanctions placed on the XPCC by the U.S. Treasury Department in July 2020.[91] In a report published in January 2022, BuzzFeed News reporters described shipment records from between January 2021 and December 2021, showing that Hugo Boss, Ralph Lauren, and PVH Corporation had imported shipments from Esquel Group, which gins and spins cotton in the XUAR, into the United States.[92] BuzzFeed's report cited procurement records and company statements showing that a Guangdong province-based subsidiary of Esquel Group that had been exporting clothes to the United States had been working with cotton spinning factories in the XUAR, although the U.S. Government had restricted trade with a XUAR-based Esquel subsidiary in July 2020 over concerns of forced labor.[93] Hugo Boss removed Esquel companies from its list of suppliers following the publication of BuzzFeed's report.[94] [For more information on forced labor involving Turkic and Muslim XUAR residents, see Section VIII—Business and Human Rights.]

Persecution of Ethnic Minority Women in the XUAR

ACCOUNTS OF RAPE IN MASS INTERNMENT CAMPS

The London-based independent tribunal known as the Uyghur Tribunal found in its December 2021 judgment that rape, other sexual violence, and forced sterilization perpetrated against Turkic Muslims in the XUAR constitute crimes against humanity, and said that it was "beyond reasonable doubt" that population control measures imposed in the XUAR constitute genocide.[95] Turkic women who had been detained in mass internment camps in the XUAR provided evidence to the Tribunal that many female detainees were raped in the camps.[96] Ethnic Kazakh Gulzire Awulqanqizi, also known as Gulzira Auelhan, who was detained in four different camps beginning in July 2017, testified that unmarried, divorced, and widowed women were raped in one of the camps

where she was detained.[97] Gulzire Awulqanqizi said that she was responsible for helping the women shower after they were raped, and that men paid to come to camps to rape the women.[98]

GOVERNMENT WHITE PAPER AND POPULATION CONTROL MEASURES

The State Council Information Office issued a white paper in September 2021 on XUAR population developments that made unsupported claims about population growth and failed to address the documented decrease in birth rates in southern areas of the XUAR, which resulted from forced population control measures.[99] The white paper reports that according to census data, the population of five prefectures in the southern part of the XUAR, an area dominated by ethnic minority populations, experienced an absolute growth rate of more than two million people.[100] At the same time as authorities heightened population control measures for ethnic minority women in the XUAR, officials throughout China had relaxed the enforcement of population control measures for the majority Han Chinese population, and recently a number of public hospitals in Shanghai, Beijing, and Guangzhou municipalities reportedly stopped performing vasectomies in response to government pressure.[101]

Forcible Displacement and Assimilation of Ethnic Minority Children

Reports published during the past year described authorities' systematic separation of ethnic minority children in the XUAR from their families and their forcible placement in state-run orphanages, boarding schools, or other facilities.[102] This forcible displacement of children has been carried out in violation of the PRC Law on the Protection of Minors [103] and the UN Convention on the Rights of the Child, which the PRC has signed and ratified.[104] Many of the children placed in these facilities reportedly had at least one parent in detention,[105] and authorities placed some children in orphanages or other state-run facilities while forcing or coercing their parents to work.[106] According to American researcher Elise Anderson, the removal of Uyghur children from their families for placement in such facilities, "where Mandarin is the predominant language," "ensures their acculturation into a linguistically and culturally Chinese world." [107] In its December 2021 judgment regarding mass atrocity crimes committed against Turkic Muslims in the XUAR, the United Kingdom-based Uyghur Tribunal described acts of forcible placement of children in state-run institutions as "grave threats to the integrity of the Uyghur group [that] could be a means by which the State could effect its destruction over the longer term." [108]

Two Uyghur children now living in Turkey who were forced into boarding schools in Urumqi municipality in February 2018 described undergoing harsh mistreatment at two separate boarding schools in the city.[109] Age four and six at the time authorities placed them at the schools, the children said teachers often hit them, confined them in dark rooms, and forced them into stress positions as punishment during their nearly 20 months at the schools.[110] Now suffering from mental trauma, they said students

who spoke in the Uyghur language were hit with rulers; the two children left school no longer able to communicate in Uyghur.[111] Authorities sent the children to the schools after officials deported their father to Turkey and detained their mother, later sentencing her to 20 years in prison.[112]

Pomegranate Flower Plan

In September 2021, official media in the XUAR announced a new plan pairing Uyghur children with children from across the country, a move that observers believe is designed to control Uyghurs' lives and eliminate Uyghurs' cultural identity.[113] Called the "Pomegranate Flower Plan," the initiative matched Uyghur toddlers and elementary school students from a village in Kashgar prefecture with predominantly Han Chinese children from other parts of China, which officials said was designed to establish "kinship" ties between the children.[114] The coerced familial relationships assigned by officials under the plan, under which mainly Han Chinese "relative" children would place phone calls and make visits to the XUAR, bear similarities to the forced family relationships assigned under the "Becoming Family" homestay program implemented in recent years, under which cadres and government workers, usually of Han Chinese ethnicity, live with ethnic minority families in their homes to conduct surveillance and compile information on family members.[115] In addition, the plan appears to encourage the celebration of Han Chinese cultural norms among the paired children, such as Chinese holiday celebrations, but not the exchange of Uyghur cultural norms.[116]

Repressive Surveillance Technology and Security Measures

Authorities used both technological and human surveillance to comprehensively monitor and control Uyghurs, Kazakhs, and other Turkic and Muslim groups in the XUAR.[117] Facial recognition and mobile phone technology were key aspects of the digital surveillance system.[118] According to American scholar Darren Byler, based on a government manual from 2018, at the time of its publication, more than 100,000 people had been either questioned or detained after authorities detected religious content or other "untrustworthy" content on their cell phones through a digital scan.[119] Chinese artificial intelligence company DeepGlint, which the United States sanctioned in 2021,[120] cooperated with security personnel in the XUAR to integrate facial recognition technology that can identify ethnic characteristics into systems used to surveil and detain Uyghurs.[121] Public security personnel surveilled local Uyghurs through centralized camera feeds monitored at "command centers" located in counties and cities in the XUAR.[122] Officials also integrated data gathered from surveillance technology and other forms of policing into a system called the Integrated Joint Operations Platform (IJOP), which automatically identifies people for detention.[123]

Reports this past year indicated that authorities used surveillance technology such as IJOP and human surveillance to conduct "predictive policing," preventatively identifying behaviors considered dangerous or disloyal to the PRC by analyzing large quantities

of video and other surveillance data.[124] American journalist and technology writer Geoffrey Cain testified at a Commission hearing that the surveillance technologies employed in the XUAR constituted a "system of mass psychological torture," telling Commissioners that residents of the XUAR had a "feeling of constantly being watched, not by humans, but by crude software algorithms designed to predict future crimes and acts of terrorism with great inaccuracy."[125]

Former mass internment camp detainees described being under intense surveillance both while in detention, with cameras placed throughout camp facilities, and following their release from detention.[126] Former camp detainee Ovalbek Turdakun said cameras placed in cells constantly monitored detainees, whom authorities punished if they did something that violated the rules, such as talking with cellmates, and he said detainees had to face the camera to request permission to use the cell's crude toilet.[127] Authorities continued to closely monitor former camp detainees following their release from detention—they fitted Ovalbek Turdakun with a GPS tracker and tracked his movements through the many cameras installed in his neighborhood; **Baqitali Nur,** an ethnic Kazakh former camp detainee, said authorities placed him under home confinement and installed a camera inside his home.[128]

Transnational Repression of Uyghurs and Other Turkic Muslims

Reports published this past year documented the PRC's continued transnational repression of Uyghurs and other Turkic Muslims through in-person and digital methods, in order to prevent them from seeking refuge outside China or to stop them from conducting advocacy on behalf of detained relatives and on other human rights issues.[129] A report published by the Wilson Center in April 2022 indicated that, according to publicly available reports, more than 400 Uyghurs were refouled to China, primarily from the Middle East, North Africa, and South Asia, between 1997 and 2022.[130] This figure is likely a small fraction of the total number of Uyghurs deported to China from other countries, since many refoulements go unreported.[131] During this reporting year, observers expressed concern about reports that four Uyghurs in Saudi Arabia and a Uyghur man in Morocco were at risk of imminent deportation to China.[132] In Saudi Arabia, authorities reportedly planned to extradite Hemdulla Weli (or Abduweli), Nurmemet Rozi, and Nurmemet Rozi's ex-wife Buhelchem Abla and their 13-year-old daughter.[133] In Morocco, authorities reportedly planned to extradite Uyghur computer engineer Idris Hasan, in connection with a bilateral extradition treaty signed in 2016 that was tied to economic cooperation between the two countries.[134] If they deported these individuals to China, Morocco and Saudi Arabia would be violating the customary international law principle of non-refoulement.[135] In addition, as States Parties to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Morocco and Saudi Arabia are required to refrain from repatriating individuals if there are "grounds for believing that [they] would be in danger of being subject to torture."[136] A body of evidence from international organizations indicates there is a high likelihood they would face torture upon their return to China.[137]

In addition to the detention of Uyghurs in, and their deportation from, other countries, which security agencies in host countries in some cases carried out under pressure from Chinese officials, authorities have in recent years carried out transnational repression through methods including "asset freezes; passport controls; cyberattacks and malware; intimidation and surveillance from . . . embassies and consulates; pressure on families and coercion-by-proxy; spying through informants; [and] smear campaigns."[138] A September 2021 Coda report illustrated the varied methods of transnational repression used by Chinese authorities and described the methods organizers of the London-based Uyghur Tribunal suspect were used by Chinese authorities to intimidate individuals who were participating in the Tribunal.[139] In addition, a person identifying himself as a Kazakh state security agent harassed by telephone an ethnic Kazakh in Kazakhstan who had been detained in a mass internment camp in the XUAR after he agreed to provide testimony at the Tribunal; a border official in Almaty, Kazakhstan subsequently refused to allow him to board the flight he was taking to attend the Tribunal.[140] Other actions taken by Chinese authorities to disrupt the Tribunal included the imposition of sanctions against the Tribunal and its organizers, pressure placed on the host venue, possible hacking attempts targeting organizers and participants, and a Chinese Ministry of Foreign Affairs press conference aimed at contradicting witnesses' testimony.[141] [For more information on the transnational repression of Uyghurs and other Turkic Muslims, see Section XII—Human Rights Violations in the U.S. and Globally.]

Freedom of Religion

XUAR government officials curtailed Muslim residents' freedom to practice their religious beliefs, including by implementing restrictions on prayer[142] and detaining, continuing to hold in detention, and sentencing Uyghurs for practicing Islam.[143] As in previous reporting years,[144] XUAR officials reportedly imposed controls on Muslims' observance of Ramadan.[145] During the 2022 Ramadan period, from April 1 to May 1, authorities in parts of Urumqi municipality and Kashgar and Hotan prefectures reportedly enforced quotas for the number of local Muslims who were allowed to fast during the holiday, and required them to register with officials.[146] In July 2021, during the Islamic holiday of Eid al-Adha, also known as Qurban Heyt, in Aykol township, Aksu city, Aksu prefecture, police detained more than 170 Uyghurs for questioning after they violated regulations related to the holiday stipulating that they must be at least 50 years old in order to pray.[147] During the Eid al-Adha holiday, in a move a Uyghur and an ethnic Uzbek living abroad described as propaganda, officials held a news conference in Urumqi during which Uyghurs from different parts of the XUAR spoke of ethnic unity and how happy their lives were, and a live feed showed Uyghurs in Aksu and Hotan celebrating the holiday.[148]

Reports published this past year showed that authorities have sentenced Turkic Muslims in the XUAR to lengthy prison terms[149] and have also sentenced many Muslim clergy members to prison.[150] In one example, according to a January 2022 Radio Free

Asia report, in 2019, authorities in Korla (Ku'erle) city, Bayangol (Bayinguoleng) Mongol Autonomous Prefecture, jointly sentenced five Uyghur women from one family to long prison terms for engaging in "illegal religious activities."[151] The Korla Municipal People's Court reportedly sentenced 78-year-old **Helchem Pazil,** her three daughters, and a daughter-in-law on charges including "gathering a crowd to disturb public order" and "inciting ethnic hatred" after they held family gatherings to talk about practicing Islam and to talk about their children.[152] According to a July 2021 Radio Free Asia report, in early 2018, authorities detained seven clergy members from one mosque in Ghulja (Yining) city, Ili (Yili) Kazakh Autonomous Prefecture, later sentencing them to prison, and leaving the local community without any clergy able to officiate at religious ceremonies.[153] In recent years, the detention and imprisonment of religious leaders from other mosques in the city have similarly led to an absence of clergy able to conduct weddings and funerals, and authorities have forbidden clergy members' relatives from disclosing information about their prison terms.[154] [For more information on official restrictions on Muslims' right to practice their faith throughout China, see Section III—Freedom of Religion.]

Notes to Section X—Xinjiang

[1] See, e.g., John Sudworth, "The Faces from China's Uyghur Detention Camps," *BBC,* May 24, 2022; John Sudworth and Visual Journalism Team, "Xinjiang Police Files: Inside a Chinese Internment Camp," *BBC,* May 24, 2022; "The Xinjiang Police Files," Victims of Communism Memorial Foundation, accessed June 1, 2022; Adrian Zenz, "The Xinjiang Police Files: Re-Education Camp Security and Political Paranoia in the Xinjiang Uyghur Autonomous Region," *Journal of the European Association for Chinese Studies* 3 (May 24, 2022): 1–56; Adrian Zenz, "Public Security Minister's Speech Describes Xi Jinping's Direction of Mass Detentions in Xinjiang," *ChinaFile,* Asia Society, May 24, 2022; Scilla Alecci, "The Faces of China's Detention Camps in Xinjiang," International Consortium of Investigative Journalists, May 24, 2022.

[2] Scilla Alecci, "The Faces of China's Detention Camps in Xinjiang," International Consortium of Investigative Journalists, May 24, 2022; Adrian Zenz, "Public Security Minister's Speech Describes Xi Jinping's Direction of Mass Detentions in Xinjiang," *ChinaFile,* Asia Society, May 24, 2022.

[3] Adrian Zenz, "The Xinjiang Police Files: Re-Education Camp Security and Political Paranoia in the Xinjiang Uyghur Autonomous Region," *Journal of the European Association for Chinese Studies* 3 (May 24, 2022): 4; Scilla Alecci, "The Faces of China's Detention Camps in Xinjiang," International Consortium of Investigative Journalists, May 24, 2022.

[4] John Sudworth, "The Faces from China's Uyghur Detention Camps," *BBC,* May 24, 2022.

[5] Adrian Zenz, "The Xinjiang Police Files: Re-Education Camp Security and Political Paranoia in the Xinjiang Uyghur Autonomous Region," *Journal of the European Association for Chinese Studies* 3 (May 24, 2022): 7, 11; Zhao Kezhi, "Zai tingqu Xinjiang Zizhiqu gong'an he wending gongzuo huibao shi de jianghua" [Speech given while listening to the report on public security and stability work on the Xinjiang Autonomous Region], June 5, 2018, translated in Xinjiang Police Files, Victims of Communism Memorial Foundation; Chen Quanguo, "5 yue 28 ri Chen Quanguo Shuji zai Zizhiqu Weiwen Zhihui Bu shipin tiao du hui shang de jianghua" [Secretary Chen Quanguo's speech during a video management meeting of the Autonomous Region Stability Maintenance Headquarters], May 28, 2017, translated in Xinjiang Police Files, Victims of Communism Memorial Foundation; Adrian Zenz, "Public Security Minister's Speech Describes Xi Jinping's Direction of Mass Detentions in Xinjiang," *ChinaFile,* Asia Society, May 24, 2022.

[6] Zhao Kezhi, "Zai tingqu Xinjiang Zizhiqu gong'an he wending gongzuo huibao shi de jianghua" [Speech given while listening to the report on public security and stability work on the Xinjiang Autonomous Region], June 5, 2018, translated in "Xinjiang Police Files," Victims of Communism Memorial Foundation; Adrian Zenz, "Public Security Minister's Speech Describes Xi Jinping's Direction of Mass Detentions in Xinjiang," *ChinaFile,* Asia Society, May 24, 2022.

[7] Sources cited in this report sometimes use other terms to refer to mass internment camps, including "'re-education' camps," "detention camps," and "internment camps."

[8] Zhao Kezhi, "Zai tingqu Xinjiang Zizhiqu gong'an he wending gongzuo huibao shi de jianghua" [Speech given while listening to the report on public security and stability work on the Xinjiang Autonomous Region], June 5, 2018, translated in "Xinjiang Police Files," Victims of Communism Memorial Foundation; Adrian Zenz, "Public Security Minister's Speech Describes Xi Jinping's Direction of Mass Detentions in Xinjiang," *ChinaFile,* Asia Society, May 24, 2022.

[9] Adrian Zenz, "The Xinjiang Police Files: Re-Education Camp Security and Political Paranoia in the Xinjiang Uyghur Autonomous Region," *Journal of the European Association for Chinese Studies* 3 (May 24, 2022): 1, 12–16, 22, 26; John Sudworth, "The Faces from China's Uyghur Detention Camps," *BBC,* May 24, 2022.

[10] Adrian Zenz, "The Xinjiang Police Files: Re-Education Camp Security and Political Paranoia in the Xinjiang Uyghur Autonomous Region," *Journal of the European Association for Chinese Studies* 3 (May 24, 2022): 12–16, 22; John Sudworth, "The Faces from China's Uyghur Detention Camps," *BBC,* May 24, 2022.

[11] John Sudworth, "The Faces from China's Uyghur Detention Camps," *BBC,* May 24, 2022; Scilla Alecci, "The Faces of China's Detention Camps in Xinjiang," International Consortium of Investigative Journalists, May 24, 2022.

[12] Adrian Zenz, "Public Security Minister's Speech Describes Xi Jinping's Direction of Mass Detentions in Xinjiang," *ChinaFile,* Asia Society, May 24, 2022; "China Database Reveals the Thousands Detained in Xinjiang," *Agence France-Presse,* reprinted in *France 24,* May 13, 2022; Huizhong Wu and Dake Kang, "Uyghur County in China Has Highest Prison Rate in the World," *Associated Press,* May 16, 2022. See also Xinjiang Victims Database (@shahitbiz), "Today, we finished importing a list of 10294 Uyghur prisoners . . .," Twitter, April 11, 2022, 1:32 p.m.

[13] Huizhong Wu and Dake Kang, "Uyghur County in China Has Highest Prison Rate in the World," *Associated Press,* May 16, 2022.

[14] Huizhong Wu and Dake Kang, "Uyghur County in China Has Highest Prison Rate in the World," *Associated Press,* May 16, 2022.

[15] Adrian Zenz, "The Xinjiang Police Files: Re-Education Camp Security and Political Paranoia in the Xinjiang Uyghur Autonomous Region," *Journal of the European Association for Chinese Studies* 3 (May 24, 2022): 3.

[16] John Sudworth, "The Faces from China's Uyghur Detention Camps," *BBC,* May 24, 2022.

[17] John Sudworth, "The Faces from China's Uyghur Detention Camps," *BBC,* May 24, 2022.

[18] Zhao Kezhi, "Zai tingqu Xinjiang Zizhiqu gong'an he wending gongzuo huibao shi de jianghua" [Speech given while listening to the report on public security and stability work on the Xinjiang Autonomous Region], June 5, 2018, translated in Xinjiang Police Files, Victims of Communism Memorial Foundation; Adrian Zenz, "Public Security Minister's Speech Describes Xi Jinping's Direction of Mass Detentions in Xinjiang," *ChinaFile,* Asia Society, May 24, 2022.

[19] Scilla Alecci, "The Faces of China's Detention Camps in Xinjiang," International Consortium of Investigative Journalists, May 24, 2022.

[20] Uyghur Tribunal, "About," accessed March 22, 2022; Tara John, Nectar Gan, and Steve George, "Uyghur Tribunal Rules That China 'Committed Genocide' against the Uyghurs and Other Ethnic Minorities," *CNN,* December 10, 2021. The Tribunal's panel of jurors comprised lawyers and academics.

[21] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 2–3, 9–10; David Tobin, "The 'Xinjiang Papers': How Xi Jinping Commands Policy in the People's Republic of China," University of Sheffield, accessed June 9, 2022, 10–19; Adrian Zenz, "Evidence of the Chinese Central Government's Knowledge of and Involvement in Xinjiang's Re-Education Internment Campaign," *China Brief,* Jamestown Foundation, September 14, 2021, 8, 16–17.

[22] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 3, 5; Patrick Wintour, "Leaked Papers Link Xinjiang Crackdown with China Leadership," *Guardian,* November 29, 2021.

[23] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 2. See also Austin Ramzy and Chris Buckley, "'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims," *New York Times,* November 16, 2019; Austin Ramzy, "5 Takeaways from the Leaked Files on China's Mass Detention of Muslims," *New York Times,* November 16, 2019; CECC, *2020 Annual Report,* December 2020, 298–99.

[24] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 3, 18–19, 42; Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers—Document No. 1, General Secretary Xi Jinping's Speeches while Inspecting Xinjiang (April 28–30, 2014), Introduction, Authentication and Transcription," November 27, 2021, 10; Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers—Document No. 2, Speeches by Comrades Xi Jinping, Li Keqiang and Yu Zhengsheng at the Second Central Xinjiang Work Forum (May 28–29, 2014), Introduction, Authentication and Transcription," November 27, 2021, 15, 16; Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers—Document No. 1, General Secretary Xi Jinping's Speeches While Inspecting Xinjiang (April 28–30, 2014), Transcript," December 13, 2021, 8; Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers—Document No. 2, Speeches by Comrades Xi Jinping, Li Keqiang and Yu Zhengsheng at the Second Central Xinjiang Work Forum (May 28–30, 2014), Transcript," December 13, 2021, 9; Adrian Zenz, "Evidence of the Chinese Central Government's Knowledge of and Involvement in Xinjiang's Re-Education Internment Campaign," *China Brief,* Jamestown Foundation, September 14, 2021, 12, 14–17.

[25] Xinjiang Uyghur Autonomous Region People's Congress Standing Committee, *Xinjiang Weiwu'er Zizhiqu Jiduanhua Tiaoli* [Xinjiang Uyghur Autonomous Region Anti-Extremism Regulations], passed March 29, 2017, amended and effective October 9, 2018; "Xinjiang Rolls Out China's First Law to Purge Religious Extremism," *Xinhua,* March 30, 2017; Liu Caiyu and Liu Xuanzun, "Xinjiang Revises Its Anti-Extremism Regulation," *Global Times,* reprinted in Wayback Machine, October 10, 2018; Cui Jia, "Xinjiang Fighting Extremist Thought," *China Daily,* October 12, 2018. International law also prohibits the mass detention taking place in mass internment camps. UN Human Rights Council, "Followup Report on the Joint Study (2010) on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism, Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Fionnuala Ní Aoláin," A/HRC/49/45, March 25, 2022, para. 33. According to the UN Special Rapporteur on Counterterrorism and Human Rights, "[t]he assertion that mass detention and incommunicado detention is justified by 're-education' to prevent extremism is inconsistent with the governments' international law obligations. The Special Rapporteur has consistently held that the term 'extremism' has no purchase in binding international legal standards, and when operative as a criminal legal category is irreconcilable with the principle of legal certainty and is therefore, per se, incompatible with the exercise of certain fundamental human rights." Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits the forced internment of Uyghurs on the basis of their ethnicity. International Convention on the Elimination of All Forms of Racial Discrimination, adopted by UN General Assembly resolution 2106 (XX) of December 2, 1965, entry into force January 4, 1969, art. 1; United Nations Treaty Collection, Chapter IV, Human Rights, International Convention on the Elimination of All Forms of Racial Discrimination, accessed May 15, 2022. The Chinese government acceded to ICERD on December 29, 1981. Mass internment camps also remained illegal under the following international legal instruments: International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 1; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed May 15, 2022. China signed and ratified the ICESCR. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981, arts. 7, 24; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed June 16, 2022. China signed CEDAW on July 17, 1980, and ratified it on November 4, 1980, thereby committing to undertake the legal rights and obligations contained in these articles. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, arts. 1, 2; United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed June 16, 2022. China signed the CAT on December 12, 1986, and ratified it on October 4, 1988. Mass internment camps also remained illegal under domestic legal instruments. Hilary Hurd, "China's Human Rights Abuses against Uighurs in Xinjiang," *Lawfare* (blog), October 9, 2018; Donald Clarke, "No, New Xinjiang Legislation Does Not Legalize Detention Centers," *Lawfare* (blog), October 11, 2018; Jeremy Daum, "Explainer on Xinjiang Regulations," *China Law Translate* (blog), October 11, 2018. Daum's analysis includes a chart titled "Decision to Revise the 'Xinjiang Uighur Autonomous Region Regulation on De-extremification,'"

which juxtaposes provisions in the 2017 version of the regulations with changes in the 2018 revised version. Jeremy Goldkorn, "China Explicitly Acknowledges, Tries to Justify Concentration Camps in Xinjiang," *SupChina,* October 10, 2018; Nectar Gan and Mimi Lau, "China Changes Law to Recognise 'Re-education Camps' in Xinjiang," *South China Morning Post,* October 13, 2018; Eva Dou, "China Acknowledges Re-Education Centers for Uighurs," *Wall Street Journal,* October 10, 2018. See also *Zhonghua Renmin Gongheguo Lifa Fa* [PRC Legislation Law], passed March 15, 2000, effective July 1, 2000, amended March 15, 2015, arts. 7, 8, 9; "New Law Aims to Justify Xinjiang Camps," *China Digital Times,* October 10, 2018; CECC, *2019 Annual Report,* November 18, 2019, 267; CECC, *2017 Annual Report,* October 5, 2017, 286.

[26] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 3, 5, 6, 38, 40; David Tobin, "The 'Xinjiang Papers': How Xi Jinping Commands Policy in the People's Republic of China," University of Sheffield, accessed June 9, 2022, 33.

[27] See, e.g., Megha Rajagopalan and Alison Killing, "China Can Lock Up a Million Muslims in Xinjiang at Once," *BuzzFeed News,* July 21, 2021; Dake Kang, "Room for 10,000: Inside China's Largest Detention Center," *Associated Press,* July 22, 2021.

[28] Megha Rajagopalan and Alison Killing, "China Can Lock Up a Million Muslims in Xinjiang at Once," *BuzzFeed News,* July 21, 2021.

[29] Megha Rajagopalan and Alison Killing, "China Can Lock Up a Million Muslims in Xinjiang at Once," *BuzzFeed News,* July 21, 2021.

[30] Megha Rajagopalan and Alison Killing, "China Can Lock Up a Million Muslims in Xinjiang at Once," *BuzzFeed News,* July 21, 2021.

[31] Bethany Allen-Ebrahimian and Lachlan Markay, "Former Xinjiang Prisoner Arrives in U.S. as Key Witness to Abuses," *Axios,* April 12, 2022; Chao Deng, "Former Xinjiang Detainee's Arrival in U.S. Marks Rare Escape from China's Long Reach," *Wall Street Journal,* April 12, 2022; Johana Bhuiyan, "Former Xinjiang Detainee Arrives in US to Testify over Repeated Torture He Says He Was Subjected To," *Guardian,* April 12, 2022.

[32] Bethany Allen-Ebrahimian and Lachlan Markay, "Former Xinjiang Prisoner Arrives in U.S. as Key Witness to Abuses," *Axios,* April 12, 2022; Chao Deng, "Former Xinjiang Detainee's Arrival in U.S. Marks Rare Escape from China's Long Reach," *Wall Street Journal,* April 12, 2022; Johana Bhuiyan, "Former Xinjiang Detainee Arrives in US to Testify over Repeated Torture He Says He Was Subjected To," *Guardian,* April 12, 2022.

[33] Bethany Allen-Ebrahimian and Lachlan Markay, "Former Xinjiang Prisoner Arrives in U.S. as Key Witness to Abuses," *Axios,* April 12, 2022; Chao Deng, "Former Xinjiang Detainee's Arrival in U.S. Marks Rare Escape from China's Long Reach," *Wall Street Journal,* April 12, 2022.

[34] Bethany Allen-Ebrahimian and Lachlan Markay, "Former Xinjiang Prisoner Arrives in U.S. as Key Witness to Abuses," *Axios,* April 12, 2022; Johana Bhuiyan, "Former Xinjiang Detainee Arrives in US to Testify over Repeated Torture He Says He Was Subjected To," *Guardian,* April 12, 2022. For more information on Ovalbek Turdakun, see the Commission's Political Prisoner Database record 2022-00118.

[35] Rebecca Wright, Ivan Watson, and Ben Westcott, "Uyghurs in Xinjiang Are Being Given Long Prison Sentences. Their Families Say They Have Done Nothing Wrong," *CNN,* August 2, 2021; Mihray Abdilim and Alim Seytoff, "Court Cases Signal Shift from 'Re-Education' to Prison for Uyghurs," *Radio Free Asia,* March 8, 2022; "Zizhiqu Gaoji Renmin Fayuan gongzuo baogao" [Work report of the XUAR High People's Court], *Tianshan Net,* March 3, 2022; "Zizhiqu Renmin Jianchayuan gongzuo baogao" [Work report of the XUAR People's Procuratorate], *Tianshan Net,* March 3, 2022; Dake Kang, "Room for 10,000: Inside China's Largest Detention Center," *Associated Press,* July 22, 2021; "(Ab)Use of Law: Criminal Proceedings in Xinjiang," The Rights Practice, February 2022, 2, 3, 15.

[36] Dake Kang, "Room for 10,000: Inside China's Largest Detention Center," *Associated Press,* July 22, 2021.

[37] Dake Kang, "Room for 10,000: Inside China's Largest Detention Center," *Associated Press,* July 22, 2021. See also John Sudworth, "China's Hidden Camps," *BBC,* October 24, 2018. The BBC report cites analysis by an architectural firm which found that the Dabancheng facility had a maximum capacity of 130,000 detainees. CECC, *2019 Annual Report,* November 18, 2019, 266.

[38] Dake Kang, "Room for 10,000: Inside China's Largest Detention Center," *Associated Press,* July 22, 2021.

[39] Mihray Abdilim and Alim Seytoff, "Court Cases Signal Shift from 'Re-Education' to Prison for Uyghurs," *Radio Free Asia,* March 8, 2022. See also "Zizhiqu Gaoji Renmin Fayuan gongzuo baogao" [Work report of the XUAR High People's Court], *Tianshan Net,* March 3, 2022; "Zizhiqu Renmin Jianchayuan gongzuo baogao" [Work report of the XUAR People's Procuratorate], *Tianshan Net,* March 3, 2022.

[40] Rebecca Wright, Ivan Watson, and Ben Westcott, "Uyghurs in Xinjiang Are Being Given Long Prison Sentences. Their Families Say They Have Done Nothing Wrong," *CNN,* August 2, 2021; "Noted Uyghur Folklore Professor Serving Prison Term in China's Xinjiang," *Radio Free Asia,* December 13, 2021.

[41] "Noted Uyghur Folklore Professor Serving Prison Term in China's Xinjiang," *Radio Free Asia,* December 13, 2021. For more information on Rahile Dawut, see the Commission's Political Prisoner Database record 2018-00552.

[42] "Noted Uyghur Folklore Professor Serving Prison Term in China's Xinjiang," *Radio Free Asia,* December 13, 2021; Chris Buckley and Austin Ramzy, "Star Scholar Disappears as Crackdown Engulfs Western China," *New York Times,* August 10, 2018.

[43] Shohret Hoshur, "Qaramaydiki jama'et erbabi yüsüp saqalning yétim-yésirlargha ige chiqqanliqi üchün 14 yilliq késiwétilgenliki delillendi" [Karamay public figure Yusup Saqal confirmed sentenced to 14 years for taking care of orphans], *Radio Free Asia,* March 24, 2022; Shohret Hoshur and Alim Seytoff, "Uyghur Businessman Jailed for 14 Years for Allegedly Helping Families of Detainees," *Radio Free Asia,* March 24, 2022. For more information on Yusupjan Memtimin, see the Commission's Political Prisoner Database record 2022-00107.

[44] Shohret Hoshur, "Qaramaydiki jama'et erbabi yüsüp saqalning yétim-yésirlargha ige chiqqanliqi üchün 14 yilliq késiwétilgenliki delillendi" [Karamay public figure Yusup Saqal confirmed sentenced to 14 years for taking care of orphans], *Radio Free Asia,* March 24, 2022; Shohret Hoshur and Alim Seytoff, "Uyghur Businessman Jailed for 14 Years for Allegedly Helping Families of Detainees," *Radio Free Asia,* March 24, 2022.

[45] Shohret Hoshur, "Qaramaydiki jama'et erbabi yüsüp saqalning yétim-yésirlargha ige chiqqanliqi üchün 14 yilliq késiwétilgenliki delillendi" [Karamay public figure Yusup Saqal confirmed sentenced to 14 years for taking care of orphans], *Radio Free Asia,* March 24, 2022; Shohret Hoshur and Alim Seytoff, "Uyghur Businessman Jailed for 14 Years for Allegedly Helping Families of Detainees," *Radio Free Asia,* March 24, 2022.

[46] Shohret Hoshur, "Shinjang pédagogika uniwérsitétining oqutquchisi nurmemet ömer uchqunning 10 yilliq késiwétilgenliki delillendi" [Xinjiang Normal University lecturer Nurmemet Omer Uchqun confirmed sentenced to 10 years], *Radio Free Asia,* March 4, 2022; Shohret Hoshur, "Uyghur University Lecturer Serving 10-Year Sentence in Xinjiang for Translations," *Radio Free Asia,* March 7, 2022. For more information on Nurmemet Omer Uchqun, see the Commission's Political Prisoner Database record 2022-00108.

[47] Shohret Hoshur, "Shinjang pédagogika uniwérsitétining oqutquchisi nurmemet ömer uchqunning 10 yilliq késiwétilgenliki delillendi" [Xinjiang Normal University lecturer Nurmemet Omer Uchqun confirmed sentenced to 10 years], *Radio Free Asia,* March 4, 2022; Shohret Hoshur, "Uyghur University Lecturer Serving 10-Year Sentence in Xinjiang for Translations," *Radio Free Asia,* March 7, 2022. See also "Nurmuhemmet Omer, Entry 2295," Xinjiang Victims Database (www.shahit.biz), accessed April 11, 2022.

[48] Shohret Hoshur, "Shinjang pédagogika uniwérsitétining oqutquchisi nurmemet ömer uchqunning 10 yilliq késiwétilgenliki delillendi" [Xinjiang Normal University lecturer Nurmemet Omer Uchqun confirmed sentenced to 10 years], *Radio Free Asia,* March 4, 2022; Shohret Hoshur, "Uyghur University Lecturer Serving 10-Year Sentence in Xinjiang for Translations," *Radio Free Asia,* March 7, 2022.

[49] Shohret Hoshur, "Uyghur Cop's Daughter Serving 10 Years in Xinjiang Prison for Viewing Turkish Films," *Radio Free Asia,* May 31, 2022. For more information on Almire Erkin, see the Commission's Political Prisoner Database record 2022-00123.

[50] Shohret Hoshur, "Uyghur Cop's Daughter Serving 10 Years in Xinjiang Prison for Viewing Turkish Films," *Radio Free Asia,* May 31, 2022.

[51] Shohret Hoshur, "Uyghur Cop's Daughter Serving 10 Years in Xinjiang Prison for Viewing Turkish Films," *Radio Free Asia,* May 31, 2022.

[52] Shohret Hoshur, "Uyghur Cop's Daughter Serving 10 Years in Xinjiang Prison for Viewing Turkish Films," *Radio Free Asia,* May 31, 2022.

[53] Jilil Kashgary, "Uyghur Woman Serving 20-Year Sentence for Speaking to Turkish PM 10 Years Ago," *Radio Free Asia,* March 22, 2022; Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022. For more information on Meryem Emet, see the Commission's Political Prisoner Database record 2022-00124.

[54] Jilil Kashgary, "Uyghur Woman Serving 20-Year Sentence for Speaking to Turkish PM 10 Years Ago," *Radio Free Asia,* March 22, 2022; Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022.

[55] Jilil Kashgary, "Uyghur Woman Serving 20-Year Sentence for Speaking to Turkish PM 10 Years Ago," *Radio Free Asia,* March 22, 2022.

[56] Jilil Kashgary, "Uyghur Woman Serving 20-Year Sentence for Speaking to Turkish PM 10 Years Ago," *Radio Free Asia,* March 22, 2022; Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022.

[57] Jilil Kashgary, "Uyghur Woman Serving 20-Year Sentence for Speaking to Turkish PM 10 Years Ago," *Radio Free Asia,* March 22, 2022; Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022.

[58] Shohret Hoshur, "Death of Detained Uyghur Imam Underscores Harsh Conditions in Xinjiang Re-Education Camps," *Radio Free Asia,* October 22, 2021; "Uyghur Businessman, Philanthropist Confirmed Dead in Xinjiang's Ghulja," *Radio Free Asia,* September 27, 2021; Rebecca Wright, Ivan Watson, Zahid Mahmood, and Tom Booth, "'Some Are Just Psychopaths': Chinese Detective in Exile Reveals Extent of Torture against Uyghurs," *CNN,* October 5, 2021.

[59] CECC, *2021 Annual Report,* March 2022, 275–76.

[60] "Uyghur Businessman, Philanthropist Confirmed Dead in Xinjiang's Ghulja," *Radio Free Asia,* September 27, 2021.

[61] "Uyghur Businessman, Philanthropist Confirmed Dead in Xinjiang's Ghulja," *Radio Free Asia,* September 27, 2021. For more information on Yaqup Haji, see the Commission's Political Prisoner Database record 2022-00120.

[62] Shohret Hoshur, "Uyghur Woman Who Escaped Forced Abortion Said to Have Died in Prison," *Radio Free Asia,* March 29, 2022.

[63] Shohret Hoshur, "Uyghur Woman Who Escaped Forced Abortion Said to Have Died in Prison," *Radio Free Asia,* March 29, 2022.

[64] Shohret Hoshur, "Uyghur Woman Who Escaped Forced Abortion Said to Have Died in Prison," *Radio Free Asia,* March 29, 2022. For more information on Zeynephan Memtimin, see the Commission's Political Prisoner Database record 2022-00121.

[65] Shohret Hoshur, "Xinjiang Goldsmith's Death after Release from Prison Is Followed by Son's Demise," *Radio Free Asia,* May 23, 2022.

[66] Shohret Hoshur, "Xinjiang Goldsmith's Death after Release from Prison Is Followed by Son's Demise," *Radio Free Asia,* May 23, 2022.

[67] Shohret Hoshur, "Xinjiang Goldsmith's Death after Release from Prison Is Followed by Son's Demise," *Radio Free Asia,* May 23, 2022.

[68] Shohret Hoshur, "Xinjiang Goldsmith's Death after Release from Prison Is Followed by Son's Demise," *Radio Free Asia,* May 23, 2022. For more information on Yaqup Hesen, see the Commission's Political Prisoner Database record 2022-00122.

[69] Uyghur Hjelp, "Imprisoned Uyghur Torch Carriers for 2008 Summer Olympic," February 21, 2022.

[70] Shohret Hoshur, "Another Uyghur Torchbearer at 2008 Beijing Olympics Said to Be Detained," *Radio Free Asia,* February 25, 2022; Uyghur Hjelp, "Imprisoned Uyghur Torch Carriers for 2008 Summer Olympic," February 21, 2022. For more information on Abduqeyyum Semet, see the Commission's Political Prisoner Database record 2022-00110.

[71] Shohret Hoshur, "Another Uyghur Torchbearer at 2008 Beijing Olympics Said to Be Detained," *Radio Free Asia,* February 25, 2022.

[72] Shohret Hoshur, "Uyghur Torchbearer for 2008 Beijing Olympics Serving 14-Year Sentence in Xinjiang," *Radio Free Asia,* February 11, 2022; Shohret Hoshur, "Sabiq mesh'el kötürgüchi adil abdurehimning 'Döletni parchilashqa urunush jinayiti' bilen 14 yilliq kesilgenliki delillendi" [Former torchbearer Adil Abdurehim confirmed sentenced to 14 years in prison for "attempted separatism"], *Radio Free Asia,* February 14, 2022; Shohret Hoshur, "Sabiq mesh'el yetküzgüchi, aktip emeldar adil abduréhimning tutqunda ikenliki delillendi" [Former torchbearer, active official Adil Abdurehim's reported detention confirmed], *Radio Free Asia,* February 9, 2022. See also "Adiljan Abdurehim, Entry 15897," Xinjiang Victims Database (www.shahit.biz), accessed February 18, 2022. For more information on Adil Abdurehim, see the Commission's Political Prisoner Database record 2022-00045.

[73] Shohret Hoshur, "Uyghur Torchbearer for 2008 Beijing Olympics Serving 14-Year Sentence in Xinjiang," *Radio Free Asia,* February 11, 2022; Shohret Hoshur, "Sabiq mesh'el kötürgüchi adil abdurehimning 'Döletni parchilashqa urunush jinayiti' bilen 14 yilliq kesilgenliki delillendi" [Former torchbearer Adil Abdurehim confirmed sentenced to 14 years in prison for "attempted separatism"], *Radio Free Asia,* February 14, 2022; Shohret Hoshur, "Sabiq mesh'el yetküzgüchi, aktip emeldar adil abduréhimning tutqunda ikenliki delillendi" [Former torchbearer, active official Adil Abdurehim's reported detention confirmed], *Radio Free Asia,* February 9, 2022.

[74] Shohret Hoshur, "Uyghur Volleyball Coach Gets 8 Years in Jail for 'Befriending Bearded Men,'" *Radio Free Asia,* March 16, 2022; Uyghur Hjelp, "Imprisoned Uyghur Torch Carriers for 2008 Summer Olympic," February 21, 2022. For more information on Alimjan Mehmut, see the Commission's Political Prisoner Database record 2022-00111.

[75] Shohret Hoshur, "Uyghur Volleyball Coach Gets 8 Years in Jail for 'Befriending Bearded Men,'" *Radio Free Asia,* March 16, 2022; Uyghur Hjelp, "Imprisoned Uyghur Torch Carriers for 2008 Summer Olympic," February 21, 2022.

[76] Antony J. Blinken, U.S. Department of State, "Concerns with UN High Commissioner for Human Rights Visit to the People's Republic of China," May 28, 2022.

[77] "Dozens of NGOs Call on UN Rights Chief to Resign after China Visit," *Agence France-Presse,* reprinted in *News24,* June 8, 2022.

[78] Rachel Cheung, "UN Human Rights Chief Is Silent on China's Abuses in Xinjiang, and Scholars Are Fuming," *Vice,* June 8, 2022.

[79] Shohret Hoshur, "Authorities Warn Uyghurs Not to Talk about 'Re-Education' with UN Team," *Radio Free Asia,* May 11, 2022; Antony J. Blinken, U.S. Department of State, "Concerns with UN High Commissioner for Human Rights Visit to the People's Republic of China," May 28, 2022.

[80] Vincent Ni, "West Demands Publication of UN's Long-Awaited Xinjiang Report," *Guardian,* June 1, 2022.

[81] See, e.g., Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021, 6, 9, 10; Adrian Zenz, "Early Warning Brief—Unemployment Monitoring and Early Warning: New Trends in Xinjiang's Coercive Labor Placement Systems," *China Brief,* Jamestown Foundation, June 5, 2022; Shohret Hoshur, "After 4 Years in Detention, Uyghur Brothers Forced to Work at Factories in Xinjiang," *Radio Free Asia,* January 12, 2022; Shohret Hoshur, "Chinese Company Transfers Thousands of Uyghurs from Xinjiang to Nanjing," *Radio Free Asia,* November 13, 2021.

[82] International Labour Organization, "Application of International Labour Standards 2022: Report of the Committee of Experts on the Application of Conventions and Recommendations," 2022, 515, 520; Jamey Keaten, "UN Labor Agency Cites Concerns about China's Xinjiang Region," *Associated Press,* February 11, 2022; Emma Farge, "China's Labour Policies in Xinjiang Are Discriminatory, ILO Body Says," *Reuters,* February 11, 2022. See also International Labour Organization, ILO Convention (No. 122) Concerning Employment Policy, July 9, 1964, entry into force July 15, 1966, art. 1(2).

[83] "Shisan jie Quanguo Renda Changwei Hui disanshisi ci huiyi zai Jing bimu biaojue tongguo Qihuo he Yansheng Pin Fa xin xiuding de Zhiye Jiaoyu Fa deng Xi Jinping qianshu zhuxi ling Li Zhanshu zhuchi huiyi" [The 34th Session of the Standing Committee of the 13th National People's Congress concludes in Beijing, voted to pass the Futures and Derivatives Law, the newly revised Vocational Education Law, etc., Xi Jinping signed the Presidential decree and Li Zhanshu presided over the meeting], *Xinhua,* reprinted in National People's Congress, April 20, 2022; Nadya Yeh, "China Ratifies Two International Treaties on Forced Labor," *SupChina,* April 20, 2022; "China Ratifies International Forced Labor Conventions," *Deutsche Welle,* April 20, 2022. See also International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, entry into force May 1, 1932; International Labour Organization, ILO Convention (No. 105) Concerning the Abolition of Forced Labour, January 17, 1959, entry into force January 17, 1959.

[84] Emma Farge, "U.S. and Others Seek ILO China Mission to Probe Alleged Xinjiang Abuses," *Reuters,* June 2, 2022; U.S. Mission to International Organizations in Geneva, "Statement by Ambassador Crocker at the International Labor Conference," June 2, 2022; Government of the

United Kingdom, "ILO Committee on the Application of Standards: UK Statement (June 2022)," June 2, 2022.

[85] Adrian Zenz, "Early Warning Brief—Unemployment Monitoring and Early Warning: New Trends in Xinjiang's Coercive Labor Placement Systems," *China Brief,* Jamestown Foundation, June 5, 2022.

[86] Adrian Zenz, "Early Warning Brief—Unemployment Monitoring and Early Warning: New Trends in Xinjiang's Coercive Labor Placement Systems," *China Brief,* Jamestown Foundation, June 5, 2022.

[87] Adrian Zenz, "Early Warning Brief—Unemployment Monitoring and Early Warning: New Trends in Xinjiang's Coercive Labor Placement Systems," *China Brief,* Jamestown Foundation, June 5, 2022.

[88] Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021, 2, 3, 6, 7, 25, 26; Eva Dou, "China's Xinjiang Cotton Is Banned in the U.S. but Still Making It to Store Shelves, Report Says," *Washington Post,* November 17, 2021.

[89] U.S. Customs and Border Protection, U.S. Department of Homeland Security, "CBP Issues Region-Wide Withhold Release Order on Products Made by Slave Labor in Xinjiang," January 13, 2021; Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021, 2, 3, 6, 7, 25, 26.

[90] The XPCC is an entity under the administration of both the central government and the XUAR government that plays a key role in development and urbanization in the XUAR. State Council Information Office, "The History and Development of the Xinjiang Production and Construction Corps," October 5, 2014, sec. II; Wade Shepard, "The Complex Impact of Urbanization in Xinjiang," *The Diplomat,* December 16, 2015. For more information on the XPCC and its links to human rights abuses and international supply chains, see CECC, *2020 Annual Report,* December 2020, 240–41.

[91] Irina Bukharin, "Long Shadows: How the Global Economy Supports Oppression in Xinjiang," C4ADS, 2021, 4, 20, 21, 24, 26; Megha Rajagopalan, "Goods Linked to a Group that Runs Chinese Detention Camps May Be Ending Up in US Stores," *BuzzFeed News,* August 10, 2021. See also U.S. Customs and Border Protection, U.S. Department of Homeland Security, "CBP Issues Region-Wide Withhold Release Order on Products Made by Slave Labor in Xinjiang," January 13, 2021; U.S. Department of the Treasury, "Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Executive Order," July 31, 2020.

[92] Alison Killing and Megha Rajagopalan, "Hugo Boss and Other Big Brands Vowed to Steer Clear of Forced Labor in China—but These Shipping Records Raise Questions," *BuzzFeed News,* January 13, 2022.

[93] Alison Killing and Megha Rajagopalan, "Hugo Boss and Other Big Brands Vowed to Steer Clear of Forced Labor in China—but These Shipping Records Raise Questions," *BuzzFeed News,* January 13, 2022; Bureau of Industry and Security, U.S. Department of Commerce, "Addition of Certain Entities to the Entity List; Revision of Existing Entries on the Entity List," July 22, 2020.

[94] Alison Killing and Megha Rajagopalan, "Was This Shirt Made with Forced Labor? Hugo Boss Quietly Cut Ties with the Supplier.," *BuzzFeed News,* February 3, 2022.

[95] Uyghur Tribunal, "Uyghur Tribunal Judgment," December 9, 2021, 49, 50, 51, 56, 57. See also Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court of July 17, 1998, entry into force July 1, 2002, art. 7(1); Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), adopted and proclaimed by UN General Assembly resolution 260 (III) of December 9, 1948, art. 2(d).

[96] Uyghur Tribunal, "Witness Statement: Gulzire Awulqanqizi," September 13, 2021, 3, 4, 9, 13, 17; Uyghur Tribunal, "Witness Statement: Gulbahar Jelilova," June 6, 2021, 8, 9, 14, 16, 21. For more information, see the Commission's Political Prisoner Database records 2022-00119 on Gulzire Awulqanqizi and 2019-00032 on Gulbahar Jelilova.

[97] Uyghur Tribunal, "Witness Statement: Gulzire Awulqanqizi," September 13, 2021, 3, 4, 8–10, 15, 17, 19. For Gulzire Awulqanqizi's ethnicity and alternate name, see the Commission's Political Prisoner Database record 2022-00119.

[98] Uyghur Tribunal, "Witness Statement: Gulzire Awulqanqizi," September 13, 2021, 4, 9, 10, 13, 17, 18.

[99] State Council Information Office, "'Xinjiang de Renkou Fazhan' baipi shu" [White paper on "Xinjiang's Population Development"], September 26, 2021; "China's Xinjiang Population Growth Report Raises Eyebrows," *Radio Free Asia,* September 30, 2021; Rian Thum (@RianThum), "Chinese gov has a new white paper out focused on Xinjiang population . . .," Twitter, September 26, 2021, 5:42 p.m.; Nathan Ruser and James Leibold, "Family De-Planning: The Coercive Campaign to Drive Down Indigenous Birth-Rates in Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, May 12, 2021, 4, 7, 11, 13, 16, 25. See also CECC, *2021 Annual Report,* March 2022, 280–81.

[100] State Council Information Office, "'Xinjiang de Renkou Fazhan' baipi shu" [White paper on "Xinjiang's Population Development"], September 26, 2021; Adrian Zenz, "'End the Dominance of the Uyghur Ethnic Group': An Analysis of Beijing's Population Optimization Strategy in Southern Xinjiang," Social Science Research Network, June 3, 2021, 4, 17. See also CECC, *2021 Annual Report,* March 2022, 280–81.

[101] Alicia Chen, Lyric Li, and Lily Kuo, "In Need of a Baby Boom, China Clamps Down on Vasectomies," *Washington Post,* December 9, 2021; "CCP Gestures toward Women's Rights to Sweeten Pro-Natalist Shift," *China Digital Times,* February 18, 2022; Adrian Zenz, "A Response to the Report Compiled by Lin Fangfei, Associate Professor at Xinjiang University," *Medium* (blog), October 6, 2020; Sigal Samuel, "China's Genocide against the Uyghurs, in 4 Disturbing

Charts," *Vox,* March 10, 2021; Amy Qin, "China Targets Muslim Women in Push to Suppress Births in Xinjiang," *New York Times,* September 23, 2021. See also CECC, *2021 Annual Report,* March 2022, 280.

[102] "Children of Detained Uyghur Parents Held in 'Welfare Schools' in China's Xinjiang," *Radio Free Asia,* August 16, 2021; Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022; Elise Anderson, Uyghur Human Rights Project, "Coerced Kinship: The Pomegranate Flower Plan and the Forced Assimilation of Uyghur Children," January 2022, 1, 2, 10, 11; Mihray Abdilim, "Uyghurs See Assimilation as China Touts Investment in Xinjiang Preschools," *Radio Free Asia,* December 21, 2021; Darren Byler, "'Ethnic Extinction' in Northwest China," *Art of Life in Chinese Central Asia* (blog), February 14, 2022.

[103] *Zhonghua Renmin Gongheguo Wei Chengnian Ren Baohu Fa* [PRC Law on the Protection of Minors], passed September 4, 1991, revised December 29, 2006, effective June 1, 2007, art. 43; Human Rights Watch, "China: Xinjiang Children Separated from Families," September 15, 2019.

[104] Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, arts. 5, 9, 10, 29, 30; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Rights of the Child, accessed June 15, 2022. China signed the Convention in 1990 and ratified it in 1992. Human Rights Watch, "China: Xinjiang Children Separated from Families," September 15, 2019.

[105] Elise Anderson, Uyghur Human Rights Project, "Coerced Kinship: The Pomegranate Flower Plan and the Forced Assimilation of Uyghur Children," January 2022, 10; "Children of Detained Uyghur Parents Held in 'Welfare Schools' in China's Xinjiang," *Radio Free Asia,* August 16, 2021.

[106] Elise Anderson, Uyghur Human Rights Project, "Coerced Kinship: The Pomegranate Flower Plan and the Forced Assimilation of Uyghur Children," January 2022, 10.

[107] Elise Anderson, Uyghur Human Rights Project, "Coerced Kinship: The Pomegranate Flower Plan and the Forced Assimilation of Uyghur Children," January 2022, 11.

[108] Uyghur Tribunal, "Uyghur Tribunal Judgment," December 9, 2021, 55.

[109] Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022.

[110] Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022.

[111] Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022.

[112] Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *NPR,* February 3, 2022. For more information on the children's mother, Meryem Emet, see the Commission's Political Prisoner Database record 2022-00124.

[113] Elise Anderson, Uyghur Human Rights Project, "Coerced Kinship: The Pomegranate Flower Plan and the Forced Assimilation of Uyghur Children," January 2022, 1–3, 6, 9, 10, 11, 12. Gulchehra Hoja, "Chinese Government Targets Uyghur Children with 'Pomegranate Flower' Policy," *Radio Free Asia,* October 21, 2021; Kang Haoyan, "Nanjiang xiaocun kaichu 36 dui 'shiliu hua'" [36 pairs of "pomegranate flowers" bloom in a small village in southern Xinjiang], *Tianshan Net and Xinjiang Daily,* September 24, 2021.

[114] Elise Anderson, Uyghur Human Rights Project, "Coerced Kinship: The Pomegranate Flower Plan and the Forced Assimilation of Uyghur Children," January 2022, 2, 3; Gulchehra Hoja, "Chinese Government Targets Uyghur Children with 'Pomegranate Flower' Policy," *Radio Free Asia,* October 21, 2021; Kang Haoyan, "Nanjiang xiaocun kaichu 36 dui 'shiliu hua'" [36 pairs of "pomegranate flowers" bloom in a small village in southern Xinjiang], *Tianshan Net and Xinjiang Daily,* September 24, 2021.

[115] Elise Anderson, Uyghur Human Rights Project, "Coerced Kinship: The Pomegranate Flower Plan and the Forced Assimilation of Uyghur Children," January 2022, 8, 9; Gulchehra Hoja, "Chinese Government Targets Uyghur Children with 'Pomegranate Flower' Policy," *Radio Free Asia,* October 21, 2021; Kang Haoyan, "Nanjiang xiaocun kaichu 36 dui 'shiliu hua'" [36 pairs of "pomegranate flowers" bloom in a small village in southern Xinjiang], *Tianshan Net and Xinjiang Daily,* September 24, 2021. See also Ruth Ingram, "Sexual Abuse of Uyghur Women by CCP Cadres in Xinjiang: A Victim Speaks Out," *Bitter Winter,* September 19, 2020; Nathan VanderKlippe, "China's New Demands for 'National Unity' Take the State Deeper into Xinjiang Homes," *Globe and Mail,* February 21, 2021; Ivan Watson and Rebecca Wright, "The Chinese Policy That Makes Uyghurs Feel Like Hostages in Their Own Homes," *CNN,* May 8, 2021. For more information on homestay programs in the XUAR, see "Blogging Fanghuiju: State Surveillance, Propaganda Work, and Coerced Gratitude," Xinjiang Documentation Project, University of British Columbia, accessed June 15, 2022; Timothy A. Grose, "Hosting the Hostage: Looking beneath China's Policy to Infiltrate Uyghur Homes," *SupChina,* July 24, 2020; CECC, *2021 Annual Report,* March 2022, 279–80; CECC, *2020 Annual Report,* December 2020, 305.

[116] Elise Anderson, Uyghur Human Rights Project, "Coerced Kinship: The Pomegranate Flower Plan and the Forced Assimilation of Uyghur Children," January 2022, 4, 9.

[117] See, e.g., Helen Davidson and Vincent Ni, "Chinese Effort to Gather 'Micro Clues' on Uyghurs Laid Bare in Report," *Guardian,* October 19, 2021; Isobel Cockerell, "'Surveillance' Doesn't Begin to Describe What Beijing Is Doing to Uyghurs," *Coda Story,* November 2, 2021; Michael Clarke, "Turning Ghosts into Humans: Surveillance as an Instrument of Social Engineering in Xinjiang," *War on the Rocks,* November 2, 2021; Johana Bhuiyan, "'There's Cameras Everywhere': Testimonies Detail Far-Reaching Surveillance of Uyghurs in China," *Guardian,* September 30, 2021; Vicky Xiuzhong Xu, James Leibold, and Daria Impiombato, "The Architecture of Repression," Australian Strategic Policy Institute, October 19, 2021, 5, 6, 24, 26; Charles Rollet, "DeepGlint: Uyghur Detection, Race Analytics, PRC Police Deals," IPVM, April 7, 2022.

[118] Darren Byler, "Xinjiang: On Technology and Crimes against Humanity," *SupChina,* December 1, 2021.

[119] Matthias Sander, "China Uses Digital Surveillance to Repress Uyghurs in Xinjiang," *Neue Zürcher Zeitung,* January 28, 2022; Darren Byler, "Xinjiang: On Technology and Crimes against Humanity," *SupChina,* December 1, 2021; "The 'Four Togethers' and 'Three Gifts' Handbook," Xinjiang Documentation Project, University of British Columbia, accessed May 12, 2022.

[120] Bureau of Industry and Security, U.S. Department of Commerce, "Addition of Certain Entities to the Entity List; Revision of Existing Entry on the Entity List; Removal of Entity from the Unverified List; and Addition of Entity to the Military End-User (MEU) List," July 12, 2021.

[121] Charles Rollet, "DeepGlint: Uyghur Detection, Race Analytics, PRC Police Deals," IPVM, April 7, 2022.

[122] Charles Rollet, "Hikvision Dominant Provider of Xinjiang Command Centers," IPVM, May 10, 2022.

[123] Vicky Xiuzhong Xu, James Leibold, and Daria Impiombato, "The Architecture of Repression," Australian Strategic Policy Institute, October 19, 2021, 6, 24–26.

[124] Vicky Xiuzhong Xu, James Leibold, and Daria Impiombato, "The Architecture of Repression," Australian Strategic Policy Institute, October 19, 2021, 24; Helen Davidson and Vincent Ni, "Chinese Effort to Gather 'Micro Clues' on Uyghurs Laid Bare in Report," *Guardian,* October 19, 2021. See also Darren Byler, "The Covid Tech That Is Intimately Tied to China's Surveillance State," *MIT Technology Review,* October 11, 2021; Jordi Pérez Colomé, "'Xinjiang Is the First Great Model in the Era of Digital Mass Surveillance. Nothing Like It Has Ever Been Seen,'" *El País,* May 7, 2022.

[125] *Techno-Authoritarianism: Platform for Repression in China and Abroad, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021) (testimony of Geoffrey Cain, author of *The Perfect Police State: An Undercover Odyssey into China's Terrifying Surveillance Dystopia of the Future*) (20:53–21:18); Roseanne Gerin and Alim Seytoff, "China's Persecution of Uyghurs Is Preview of Wider Surveillance Scheme, Lawmakers Say," *Radio Free Asia,* November 17, 2021; "The Perfect Police State: An Undercover Odyssey into China's Terrifying Surveillance Dystopia of the Future" (web page), PublicAffairs, accessed May 12, 2022. See also Darren Byler, "Xinjiang: On Technology and Crimes against Humanity," *SupChina,* December 1, 2021.

[126] Zack Whittaker, "'Always On and Watching': A Former Xinjiang Prisoner Describes Life inside China's Detention Camps," *TechCrunch* (blog), April 13, 2022; Johana Bhuiyan, "Former Xinjiang Detainee Arrives in US to Testify over Repeated Torture He Says He Was Subjected To," *Guardian,* April 12, 2022; Johana Bhuiyan, "'There's Cameras Everywhere': Testimonies Detail Far-Reaching Surveillance of Uyghurs in China," *Guardian,* September 30, 2021.

[127] Zack Whittaker, "'Always On and Watching': A Former Xinjiang Prisoner Describes Life inside China's Detention Camps," *TechCrunch* (blog), April 13, 2022; Johana Bhuiyan, "Former Xinjiang Detainee Arrives in US to Testify over Repeated Torture He Says He Was Subjected To," *Guardian,* April 12, 2022.

[128] Zack Whittaker, "'Always On and Watching': A Former Xinjiang Prisoner Describes Life inside China's Detention Camps," *TechCrunch* (blog), April 13, 2022; Johana Bhuiyan, "'There's Cameras Everywhere': Testimonies Detail Far-Reaching Surveillance of Uyghurs in China," *Guardian,* September 30, 2021; Uyghur Tribunal, "Uyghur Tribunal—Fact Witness Statement: UTFW2–008—Baqitali Nur," accessed May 13, 2022, 9. For more information on Baqitali Nur, see the Commission's Political Prisoner Database record 2022-00117.

[129] See, e.g., Bradley Jardine, *Great Wall of Steel: China's Global Campaign to Suppress the Uyghurs* (Washington, DC: Kissinger Institute on China and the United States, Woodrow Wilson International Center for Scholars, March 2022), xviii, xxxiii, xxxv, xxxvi, 74, 75; Uyghur Human Rights Project, "Uyghurs Surveilled and Harassed in 22 Countries, New Research Reveals," November 10, 2021; Uyghur Human Rights Project and Oxus Society for Central Asian Affairs, "'Nets Cast from the Earth to the Sky': China's Hunt for Pakistan's Uyghurs," 2021, 4–5, 19, 24, 59–60; Isobel Cockerell, "Hacks, Threats and Propaganda: How China Tried to Discredit the Uyghur Tribunal," *Coda Story,* September 16, 2021. For reporting from past years on the transnational repression of Uyghurs, see, e.g., Eva Xiao, "Exiled Uighurs in Turkey Fear China's Long Reach—'We Are All Panicking Now,'" *Wall Street Journal,* February 3, 2021; Ben Fox and Christina Larson, "Targets of Crackdown in China Fear Government's Reach in US," *Associated Press,* March 8, 2020; CECC, *2021 Annual Report,* March 2022, 140; CECC, *2020 Annual Report,* December 2020, 154–55.

[130] Bradley Jardine, *Great Wall of Steel: China's Global Campaign to Suppress the Uyghurs* (Washington, DC: Kissinger Institute on China and the United States, Woodrow Wilson International Center for Scholars, March 2022), xviii.

[131] Bradley Jardine, *Great Wall of Steel: China's Global Campaign to Suppress the Uyghurs* (Washington, DC: Kissinger Institute on China and the United States, Woodrow Wilson International Center for Scholars, March 2022), xviii.

[132] Human Rights Watch, "Saudi Arabia: Imminent Deportation of Uyghur Detainees," January 10, 2022; Office of the UN High Commissioner for Human Rights, Letter from the Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief, AL SAU 3/2022, March 3, 2022; Inter-Parliamentary Alliance on China, "IPAC Calls for Saudi Arabia to Block Forcible Return of Uyghurs to China: Letter," March 31, 2022; Amnesty International, "Saudi Arabia: Uyghur Girl, 13, among Four 'Facing Deportation' and Torture in China," April 4, 2022; Amnesty International, "Morocco: Detained Uyghur Must Not Be Transferred to China," September 21, 2021.

[133] Jilil Kashgary, "Uyghurs Detained in Saudi Arabia Face Risk of Deportation to China," *Radio Free Asia,* March 25, 2022; Jilil Kashgary and Alim Seytoff, "Two More Uyghurs Detained in Saudi Arabia Face Risk of Deportation to China," *Radio Free Asia,* April 5, 2022; Human Rights Watch, "Saudi Arabia: Imminent Deportation of Uyghur Detainees," January 10, 2022; Office of the UN High Commissioner for Human Rights, Letter from the Mandates of the Special

Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief, AL SAU 3/2022, March 3, 2022; Inter-Parliamentary Alliance on China, "IPAC Calls for Saudi Arabia to Block Forcible Return of Uyghurs to China: Letter," March 31, 2022; Amnesty International, "Saudi Arabia: Uyghur Girl, 13, among Four 'Facing Deportation' and Torture in China," April 4, 2022. Some sources write Hemdulla Weli (or Abduweli)'s name as "Hemdullah"; some sources write Buhelchem Abla's name as "Buhelchem Abdullah."

[134] Ehsan Azigh, "Moroccan Court Rules in China's Favor to Extradite Uyghur Accused of 'Terrorism,'" *Radio Free Asia,* December 16, 2021; Mariam Kiparoidze, "Authoritarian Regimes Are Using Interpol to Target Minorities and Pro-Democracy Activists," *Coda Story,* September 28, 2021; Amnesty International, "Morocco: Detained Uyghur Must Not Be Transferred to China," September 21, 2021.

[135] Office of the UN High Commissioner for Human Rights, "The Principle of Non-Refoulement under International Human Rights Law," accessed May 10, 2022, 1. According to the Office of the UN High Commissioner for Human Rights, "[u]nder international human rights law, the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm.

[136] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 3; United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed May 10, 2022. Saudi Arabia acceded to the Convention on September 23, 1997, and Morocco signed the Convention on January 8, 1986, and ratified it on June 21, 1993.

[137] See, e.g., Human Rights Watch, "Saudi Arabia: Imminent Deportation of Uyghur Detainees," January 10, 2022; Amnesty International, "Saudi Arabia: Uyghur Girl, 13, among Four 'Facing Deportation' and Torture in China," April 4, 2022; Uyghur Human Rights Project and Oxus Society for Central Asian Affairs, "'Nets Cast from the Earth to the Sky': China's Hunt for Pakistan's Uyghurs," 2021, 9–10, 24, 25, 45, 46, 57, 58; Bradley Jardine, *Great Wall of Steel: China's Global Campaign to Suppress the Uyghurs* (Washington, DC: Kissinger Institute on China and the United States, Woodrow Wilson International Center for Scholars, March 2022), xviii, xxvi, xxxi, xlii, 63, 65, 74.

[138] Bradley Jardine, *Great Wall of Steel: China's Global Campaign to Suppress the Uyghurs* (Washington, DC: Kissinger Institute on China and the United States, Woodrow Wilson International Center for Scholars, March 2022), xxii, 108, 115. See also Isobel Cockerell, "Hacks, Threats and Propaganda: How China Tried to Discredit the Uyghur Tribunal," *Coda Story,* September 16, 2021; Austin Ramzy, "'They Have My Sister': As Uyghurs Speak Out, China Targets Their Families," *New York Times,* July 27, 2021; Federal Bureau of Investigation, "Chinese Government Transnational Repression Violates US Laws and US-based Uyghurs' Rights," August 11, 2021, 1, 2.

[139] Isobel Cockerell, "Hacks, Threats and Propaganda: How China Tried to Discredit the Uyghur Tribunal," *Coda Story,* September 16, 2021.

[140] Isobel Cockerell, "Hacks, Threats and Propaganda: How China Tried to Discredit the Uyghur Tribunal," *Coda Story,* September 16, 2021.

[141] Isobel Cockerell, "Hacks, Threats and Propaganda: How China Tried to Discredit the Uyghur Tribunal," *Coda Story,* September 16, 2021.

[142] "Police in China's XUAR Question Uyghurs for Attending Eid Prayers without Permission," *Radio Free Asia,* July 30, 2021.

[143] Shohret Hoshur, "Uyghur Retiree Serving 10 Years for 'Illegal Religious Activities' in Xinjiang," *Radio Free Asia,* March 2, 2022; Shohret Hoshur, "Uyghur Sisters Jailed for 'Illegal' Religious Activities in Xinjiang Women's Prison," *Radio Free Asia,* January 24, 2022; Shohret Hoshur, "Uyghurs Jailed for Religious 'Crimes' Believed to Be in Xinjiang Women's Prison," *Radio Free Asia,* February 1, 2022.

[144] For information on official religious restrictions enforced during Ramadan in previous reporting years, see, e.g., CECC, *2021 Annual Report,* March 2022, 283; CECC, *2020 Annual Report,* December 2020, 306; CECC, *2019 Annual Report,* November 18, 2019, 277.

[145] Shohret Hoshur, "Chinese Officials Restrict Number of Uyghurs Observing Ramadan," *Radio Free Asia,* April 1, 2022.

[146] "Shohret Hoshur, Chinese Officials Restrict Number of Uyghurs Observing Ramadan," *Radio Free Asia,* April 1, 2022.

[147] "Police in China's XUAR Question Uyghurs for Attending Eid Prayers without Permission," *Radio Free Asia,* July 30, 2021.

[148] "China Stages Dancing, Happy Talk for Uyghur Religious Holiday Celebrations," *Radio Free Asia,* July 21, 2021.

[149] See, e.g., Shohret Hoshur, "Five Women from Uyghur Family Sentenced to Long Prison Terms in China's Xinjiang," *Radio Free Asia,* January 21, 2022; Shohret Hoshur, "Uyghur Retiree Serving 10 Years for 'Illegal Religious Activities' in Xinjiang," *Radio Free Asia,* March 2, 2022; Shohret Hoshur, "Uyghur Sisters Jailed for 'Illegal' Religious Activities in Xinjiang Women's Prison," *Radio Free Asia,* January 24, 2022; Shohret Hoshur, "Uyghurs Jailed for Religious 'Crimes' Believed to Be in Xinjiang Women's Prison," *Radio Free Asia,* February 1, 2022.

[150] "Purge of Mosque Clergy in Xinjiang's Ghulja Leaves Nobody Left to Conduct Ceremonies," *Radio Free Asia,* July 16, 2021.

[151] Shohret Hoshur, "Five Women from Uyghur Family Sentenced to Long Prison Terms in China's Xinjiang," *Radio Free Asia,* January 21, 2022.

[152] Shohret Hoshur, "Five Women from Uyghur Family Sentenced to Long Prison Terms in China's Xinjiang," *Radio Free Asia,* January 21, 2022; Shohret Hoshur, "78 yashliq xelchem pazilning 17 yilliq késilgenliki we sanji ayallar türmiside jaza mudditini ötewatqanliqi

delillendi" [Helchem Pazil, 78, confirmed sentenced to 17 years in prison and to be serving her sentence in Changji Women's Prison], *Radio Free Asia,* January 24, 2022. For more information, see the Commission's Political Prisoner Database records 2022-00112 on Helchem Pazil, 2022-00135 on Melikizat Memet, 2022-00136 on Patigul Memet, 2022-00137 on Zahire Memet, and 2022-00138 on Bostan Ibrahim.

[153] "Purge of Mosque Clergy in Xinjiang's Ghulja Leaves Nobody Left to Conduct Ceremonies," *Radio Free Asia,* July 16, 2021.

[154] "Purge of Mosque Clergy in Xinjiang's Ghulja Leaves Nobody Left to Conduct Ceremonies," *Radio Free Asia,* July 16, 2021.

XI. Hong Kong and Macau

HONG KONG AND MACAU

Findings

• The overhaul of Hong Kong's electoral system in March 2021 substantially curtailed public participation and created a system that eliminates candidates whom central authorities do not endorse. Even before the overhaul, the spectrum of political voices had already narrowed rapidly, as most pro-democracy activists were in exile or criminal detention as a result of the National Security Law (NSL), passed in June 2020. The Legislative Council (LegCo) election held in December 2021 had almost exclusively pro-Beijing candidates and saw record-low turnout amidst calls for boycott over the election's perceived illegitimacy. In May 2022 there was only one candidate for Chief Executive, who was nominated and selected by a government-vetted committee. By design and in practice, the electoral overhaul is a departure from the ultimate aim, as stated in the Basic Law of the Hong Kong Special Administrative Region (Basic Law), of electing the legislative and executive officeholders by universal suffrage.

• Hong Kong authorities broadly applied criminal charges in a manner that undermined fundamental freedoms and damaged democratic institutions and the rule of law. Police have arrested over 10,499 people for political and protest-related offenses since June 2019. Of these arrests, 183 involved national security offenses, which triggered procedures under the National Security Law including a strict bail standard that presumes guilt, trial by politically selected judges, and possible extradition to mainland China. Cases of note include **Jimmy Lai Chee-ying,** founder of pro-democracy newspaper who is facing national security charges and a potentially lengthy prison term; **Leon Tong Ying-kit,** who was denied a jury trial; **Adam Ma Chun-man,** who received a five-year sentence for his speech; and 34 individuals whom authorities held in pretrial detention for over a year for peacefully participating in an informal primary election.

• The National Security Department of the Hong Kong Police Force raided pro-democracy news outlets Apple Daily and Stand News, froze their assets, and arrested their executives and editors on NSL charges. The police's actions forced the news outlets to cease operations, causing a ripple effect that shuttered other independent news outlets.

• Following the lead of mainland state-run media, rhetoric and actions by Hong Kong officials displayed a concerted effort to target civil society groups that were part of the pro-democracy movement in 2019, isolating them from the international community and causing their rapid disintegration in 2021. As of January 2022, at least 65 organizations had shut down or left Hong Kong after the enactment of the National Security Law, a trend that accelerated in the second half of 2021. These organizations include religious, community, political, media, union,

and human rights groups, and their members cited pressure under the National Security Law.

• Macau Special Administrative Region authorities invoked political grounds in the disqualification of 21 pro-democracy candidates for election to the Legislative Assembly, which was followed by a record-low turnout and the closure of a pro-democracy online news outlet.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Continue to support Hong Kong pro-democracy activists who have been charged, detained, or imprisoned under the National Security Law or for other political reasons, including **Joshua Wong, Jimmy Lai, Albert Ho, Cyd Ho, Lee Cheuk-yan, Leung Kwok-hung, Benny Tai, Claudia Mo, Tam Tak-chi, Tiffany Yuen, Lester Shum, Andy Li,** and **Tony Chung.**

○ Develop a strategy to implement the measures suggested by 50 independent United Nations human rights experts in a joint letter dated July 2020, which included creating a special session to evaluate China's human rights violations; establishing an impartial and independent mechanism to monitor, analyze, and report on China's practices; and engaging in dialogue with China to demand that it fulfill its human rights obligations.

○ Fully implement the sanctions provided in the Hong Kong Human Rights and Democracy Act (Public Law No. 116-76) and the Hong Kong Autonomy Act (Public Law No. 116-149) including those for financial institutions and individuals complicit in the dismantling of Hong Kong's autonomy and rights protections and the Chinese government's violation of the 1984 Sino-British Declaration, an international treaty. Work with allies and partners at the United Nations and other multilateral organizations to issue frequent public statements and engage in other diplomatic efforts to seek the release of political prisoners and address violations of international humans rights standards.

○ Work to speed up processing times for refugee cases already in the system and consider expanding the annual cap on refugees admitted to the United States in an increased effort to protect those fleeing People's Republic of China (PRC) persecution. Prioritize steps to remove barriers to properly vetted Hong Kong residents receiving U.S. visas, particularly those attempting to exit Hong Kong for fear of political persecution. Pass the Hong Kong Safe Harbor Act (S. 295, H.R. 461) and the Hong Kong People's Freedom and Choice Act (H.R. 4276).

○ Advocate for freer and more transparent access by foreign journalists to Hong Kong and Macau.

Hong Kong

Events from the 2022 reporting year illustrate the effects of landmark changes in the Hong Kong Special Administrative Region (SAR) that central authorities have made since the 2019 protests, including the overhaul of the electoral system and the passage of the Law of the PRC on Safeguarding National Security in the Hong Kong SAR (National Security Law, or NSL). These changes enabled the Hong Kong government to carry out political prosecution, eliminate opposition voices, dismantle civil society, and restrict press and academic freedom, as discussed in more detail below.

Elections and Civic Participation

The overhaul of Hong Kong's electoral system in March 2021 substantially curtailed public participation and installed a system that eliminates candidates whom central authorities do not endorse. Before the overhaul, the spectrum of political voices had already narrowed rapidly, as most pro-democracy activists were in exile or criminal detention as a result of the National Security Law passed in June 2020.[1] The Legislative Council (LegCo) election held in December 2021 had almost exclusively pro-Beijing candidates and saw a record low turnout amidst calls for boycott over the election's perceived illegitimacy. In May 2022 there was only one candidate for Chief Executive, who was nominated and selected by a government-vetted committee. By design and in practice, the electoral overhaul is a departure from the stated aim, as provided in the Basic Law of the Hong Kong Special Administrative Region (Basic Law), of electing the legislative and executive officeholders by universal suffrage.[2]

ELECTION COMMITTEE

The selection procedures for Chief Executive and LegCo members are prescribed in Annexes I and II of the Basic Law, respectively, which the National People's Congress (NPC) Standing Committee amended in March 2021 to ensure that Hong Kong is governed only by "patriots,"[3] that is, people endorsed by the central government.[4] The amendment reshaped the Election Committee that selects the Chief Executive,[5] resulting in guaranteed representation for the government, a reduction in participation by individual voters (from 246,440 in 2016 to 7,971 in 2021), and an increase in the number of uncontested seats.[6] In the committee's election held in September 2021, only 364 of the 1,500 seats were contested.[7] Except for 52 temporary vacancies,[8] the remaining seats were either appointed, filled by current officeholders, or unopposed.[9] In the newly constituted committee, all but one of its members were pro-Beijing.[10]

LEGISLATIVE COUNCIL

The revised Annex II further authorizes the Election Committee to nominate LegCo candidates and select 40 of the total 90 council seats.[11] The amendment restructured the LegCo's constituencies in a way that reduced popularly elected seats (from 57 to 22 percent)

and favored corporate voters over individual voters.[12] Corporate voters vote through natural persons and are not required to maintain residency in Hong Kong.[13] Some corporations that are controlled by pro-Beijing individuals are allocated multiple votes through sister companies, and some of them are led by directors based mostly in mainland China.[14] According to one political scientist, the selection process of these corporations lacks transparency and procedural fairness.[15]

The first LegCo election after the overhaul was scheduled for December 2021.[16] Some critics called the election illegitimate and advocated for a boycott, saying that the election was designed to exclude opposition candidates.[17] This prompted authorities to arrest 10 people and issue arrest warrants for 7 others for "inciting another person not to vote, or to cast an invalid vote," a new offense created in May 2021.[18] Ahead of the December election, the Hong Kong government tried to boost participation, but the turnout was a record low 30.2 percent, a drop from 58 percent in the last LegCo election in 2016.[19] The number of invalid ballots also reached about 2 percent of the total votes, the highest since 1997.[20]

CHIEF EXECUTIVE

In an uncontested election held in May 2022, the Election Committee chose the sole candidate, John Lee Ka-chiu, as the new Chief Executive to replace Carrie Lam Cheng Yuet-ngor.[21] Lee received 1,416 votes in support of his candidacy, representing 99.2 percent of all valid ballots.[22] Lee previously served as the Secretary of Security and defended the use of excessive force by the police in cracking down on pro-democracy protesters in 2019.[23] Under the new electoral system, the Chief Executive chairs the National Security Committee and appoints members of the Candidate Eligibility Review Committee, both of which vet candidates for the Election Committee, the LegCo, and the chief executive office itself, thereby creating a conflict of interest.[24] The non-governmental organization (NGO) Asian Network for Free Elections described this as creating "an endless feedback loop of pro-Beijing institutions letting only the most 'patriotic' candidates run for office at the expense of all others."[25]

DISTRICT COUNCIL

Before the electoral overhaul, pro-democracy candidates won 392 of the 452 directly elected seats in the 2019 district council elections with a turnout rate of 71 percent.[26] Beginning in July 2021, however, at least 260 district councilors resigned after new legislation required them to take an oath by which they could be disqualified for their pro-democracy activities.[27] The government additionally disqualified 55 district councilors on political grounds, prompting international criticism.[28] The U.S. Department of State, for example, called the disqualifications retroactive, targeted, and arbitrary, adding that they "prevent[ed] people in Hong Kong from participating meaningfully in their own governance."[29]

National Security Law

On June 30, 2020, the National People's Congress Standing Committee enacted the National Security Law.[30] The new law, incorporated into Annex III of Hong Kong's Basic Law (the city's constitutional document),[31] claims to "safeguard national security" and criminalizes "secession," "subversion," "terrorist activities," and "collusion with a foreign country or with external elements to endanger national security."[32] The law created a new department within the police force—the National Security Department (NSD),—to implement the NSL's criminal provisions, which have international reach.[33] In addition, the NSL requires Hong Kong's Chief Executive to handpick judges in national security cases,[34] confers on the PRC central government jurisdiction under some circumstances,[35] and orders the Hong Kong SAR government to "strengthen propaganda [and] guidance, supervision, and administration" of "schools, social groups, media, and the internet."[36]

There have been instances in which authorities applied the NSL retroactively as a basis on which to conduct investigations,[37] exacerbating due process concerns created by the expanded investigatory powers conferred on the NSD.[38] Under the NSL and its implementing rules, the NSD may conduct warrantless searches and surveillance, confiscate travel documents, freeze assets, censor published materials, and compel foreign political organizations and Hong Kong residents to provide information.[39] Under the new legal regime, judicial oversight of these police powers is either removed or carried out by judges who are subject to one-year terms of opaque political appointment.[40] These judges also preside over bail hearings under the NSL's strict standard, which effectively creates a presumption of guilt for bail purposes,[41] resulting in "a system of de facto long-term detention without trial."[42] In December 2021, the Court of Final Appeal affirmed that the bail standard and procedures provided in the NSL were applicable to non-NSL crimes, which encompass any crime predicated on "acts . . . capable of constituting an offence under the NSL."[43] With weakened procedural protections, expanded police powers increase the likelihood of political abuse and have the effect of intimidating dissenters and NGO workers.[44]

In October 2021, four UN human rights experts wrote to the Chinese government, noting that national security charges should not be used to "justify quelling domestic dissent, limiting protests and curbing criticism by civil society and human rights defenders."[45] The experts further urged the government to repeal the NSL, as it is fundamentally incompatible with international law and with China's human rights obligations.[46]

Criminal Prosecution

Hong Kong authorities broadly applied criminal charges in a manner that undermined fundamental freedoms and damaged democratic institutions and the rule of law in Hong Kong.[47] As of March 2022, four people charged under the NSL have been sentenced to lengthy prison terms ranging from three to nine years, creating a deterrent for the pro-democracy community.[48] According to one tally, "at least 10,499 people have been arrested [and] 2,944

. . . prosecuted" on NSL and protest-related charges between June 9, 2019, and February 15, 2022.[49] Another tally, which more narrowly tracks arrests made by the National Security Department (NSD), shows that police arrested 183 individuals, charging 113 of them with NSL and non-NSL offenses between July 1, 2020, and March 28, 2022.[50] Some examples of these prosecutions are outlined below:

SECESSION (NSL)

- In July 2021, Hong Kong High Court Judges Anthea Pang Po-kam, Esther Toh Lye-ping, and Wilson Chan Ka-shun sentenced 24-year-old **Leon Tong Ying-kit** to a total of nine years in prison for "inciting secession" and "terrorist activities" because of an incident in July 2020 in which he rode a motorcycle carrying a flag with a protest slogan and ran into three police officers as he was trying to evade the police.[51] It was the first conviction under the NSL.[52] The court effectively outlawed the popular protest slogan "Liberate Hong Kong, Revolution of our Times," that appeared on the flag, ruling that a slogan is illegal if it is capable of being interpreted as secessionist, irrespective of whether it has multiple meanings.[53] Authorities subjected Tong to prolonged pretrial detention and denied his request for a jury trial, which violated his due process rights.[54]
- In November 2021, District Court Judge Stanley Chan Kwong-chi sentenced 31-year-old **Adam Ma Chun-man** to five years and nine months in prison for "inciting secession," based on allegations that he had "advocated Hong Kong independence on 20 occasions, chanting slogans . . . and making pro-independence speeches."[55] The judge speculated that "Ma's actions could have provoked others to resort to radical ways" and refused to consider the lighter sentencing range applicable to a case involving circumstances of a "minor nature."[56] A human rights expert, however, disagreed with the conviction, saying that "[s]houting slogans that the authorities dislike is not a crime."[57]

SUBVERSION (NSL)

- As of July 2022, 34 of the 47 pro-democracy advocates arrested in February 2021 on "subversion" charges had remained in pretrial detention for over a year.[58] Police arrested them for participating in an informal poll conducted in July 2020 for selecting candidates from the pro-democracy camp to run in the Legislative Council election.[59] Among those detained are Nobel Peace Prize nominee **Joshua Wong Chi-fung,** law professor **Benny Tai Yiu-ting,** journalist and Legislative Council member **Claudia Mo Man-ching,** labor union leader **Carol Ng Man-yee,** and social activist **Leung Kwok-hung.**[60] Leung's wife reported that when she and another person protested outside a court building, about seven police officers surrounded her, checked her identification, and searched her personal belongings without giving any reason, saying only that they were doing their duty.[61] The defendants in this case have made repeated requests to open pretrial proceedings to the press, but

they were opposed by the prosecution and denied by the court,[62] thereby undermining transparency in the case.[63]

• In September 2021, the NSD arrested four members of the prisoner support group Student Politicism, charging them with "conspiracy to incite subversion."[64] The four individuals, aged 18 to 20, are **Wong Yat-chin, Chan Chi-sum, Chu Wai-ying,** and **Wong Yuen-lam.**[65] Police alleged that the group had uttered unspecified hateful speech against the government and had planned to deliver to prisoners items such as candy, cookies, surgical masks, and books, which according to Reuters are not contraband.[66] Shortly after the arrests, the group announced that it would disband, citing the lack of "foreseeable space" for activism.[67]

TERRORIST ACTIVITIES (NSL)

• In August 2021, police arrested four university students for "advocating terrorism" after they took part in a livestreamed student union council meeting that passed a motion mourning a man who had killed himself after stabbing a police officer.[68] The students, aged 18 to 20, were **Charles Kwok Wing-ho, Kinson Cheung King-sang, Anthony Yung Chung-hei,** and **Chris Shing-hang Todorovski.**[69] The arrests took place after then Chief Executive Carrie Lam called on the university and the police to take action, despite the student union having apologized and having retracted the motion.[70] The offense of "advocating terrorism" carries a sentence of up to 10 years' imprisonment depending on the nature of the circumstances.[71]

COLLUSION WITH EXTERNAL ELEMENTS (NSL)

• In August 2021, activist **Andy Li Yu-hin** and paralegal **Chan Tsz-wah** pleaded guilty to "conspiracy to collude with external elements."[72] Authorities alleged that they had conspired with pro-democracy newspaper founder **Jimmy Lai Chee-ying,** his aide Mark Simon, and activist Finn Lau to lobby foreign countries to impose sanctions on Chinese and Hong Kong officials.[73] In January 2022, High Court Judge Alex Lee Wan-tang, acting on the prosecution's application, adjourned the sentencing of Li and Chan until at least May 2022 pending Jimmy Lai's criminal case.[74]

SEDITIOUS ACTS

• In March 2022, District Court Judge Stanley Chan Kwong-chi convicted radio host **Tam Tak-chi,** who had been in detention since September 2020, on seven counts of "uttering seditious words" and multiple other charges.[75] The charges were related to Tam's use of protest slogans that did not advocate violence.[76] A human rights scholar explained that the sedition law has a scope broader than the NSL because it "[does] not require prosecutors to prove any acts of subversion or secession."[77] The law had not been used in over four decades and may contravene international human rights standards with its overly broad restrictions on expression.[78]

• In July 2021, police arrested five members of a speech therapists' union for conspiring to "print, publish, distribute, display [or] reproduce seditious publications"[79] over three children's books about "sheep defending their village from invading wolves."[80] The detainees, aged 25 to 28, are **Sidney Ng Hau-yi, Samuel Chan Yuen-sum, Marco Fong Tsz-ho, Lorie Lai Man-ling,** and **Melody Yeung Yat-yee.**[81] Observers said that the fear instilled by these arrests would likely end creative arts and political satire in Hong Kong.[82]
• Other individuals charged with sedition included four elderly persons who displayed a banner demanding genuine universal suffrage,[83] a man who displayed posters insulting the judges who presided over an NSL case,[84] a pop singer whose performance contained protest slogans,[85] and six individuals who clapped during court proceedings in the public gallery to show support for pro-democracy defendants.[86]

UNAUTHORIZED ASSEMBLY

• In January 2022, principal magistrate Amy Chan Wai-mun of the West Kowloon Magistrates' Courts sentenced 36-year-old rights lawyer **Tonyee Chow Hang-Tung** to 15 months in prison for "inciting an unauthorized assembly" in connection with a candlelight vigil held on June 4, 2021.[87] Chow did not attend the vigil, and analysis showed that the judge ignored exculpatory evidence that contradicted the prosecution's allegations.[88] This conviction brought Chow's total sentence length to 22 months, as she had previously been sentenced for the vigil held the previous year.[89] Chow was facing an additional charge of "inciting subversion," which remained pending as of April 2022.[90]

RIOT

• Then Chief Executive Carrie Lam announced in October 2021 the plan to construct a high capacity court by mid-2023 with the aim of clearing a large backlog of protest-related cases,[91] including what one lawyer described as "a flood of sweeping and hasty charges."[92] In one example, the prosecutor charged two individuals with "rioting" despite a lack of evidence showing the defendants' involvement, asking the court to "convict them based on their black attire, as well as the time and location of their arrests."[93] In November, the Court of Final Appeal delineated the scope of the offense, holding that people cannot be held criminally liable for rioting without being actually present at the scene.[94]

MONEY LAUNDERING

• In November 2021, District Court Judge Stanley Chan Kwong-chi sentenced 20-year-old student activist **Tony Chung Hon-lam** to 43 months in prison for "secession" and "money laundering."[95] With respect to the latter charge, reports did not indicate that it was supported by wrongdoing independent of Chung's activism; the prosecution alleged that Chung's political group Studentlocalism received over HK$135,000 (approxi-

mately US$17,000) from 95 supporters through the sale of shirts, flags, and books bearing political messages espoused by his group.[96]

ASSAULT

• In February 2022, High Court Judge Esther Toh Lye-ping dismissed the appeal filed by American lawyer **Samuel Bickett,** affirming his 18-week sentence stemming from a December 2019 incident in which Bickett was alleged to have assaulted a plainclothes police officer.[97] Bickett reported that he was trying to disarm a man who was beating a passerby, adding that the man "said repeatedly that he was not a police officer in both English and Chinese, and refused to show any warrant card to those present."[98]

Targeting the Independent Press

This past year, the National Security Department arrested editors and executives on NSL and sedition charges, forcing pro-democracy news outlets to close. As a result, "Hong Kong . . . has fallen from 18th place in 2002 to 80th place in the 2021 [Reporters Without Borders] World Press Freedom Index."[99] About 1,115 media workers lost their jobs in 2021, amounting to one in five workers in the Chinese-language media outlets in Hong Kong.[100] Some of these workers, concerned about legal risk and the pressure to self-censor, decided to find employment in other industries.[101] According to a poll conducted by the Hong Kong Public Opinion Research Institute, 62 percent of people surveyed thought press and information in Hong Kong was "not free," and 54 percent thought news outlet closures would cause a decline in government accountability.[102]

In June 2021, over 500 NSD officers raided the offices of pro-democracy newspaper Apple Daily and froze its assets, forcing it to cease operations.[103] Police also arrested at least seven editors and executives of the newspaper on NSL charges: **Cheung Kim-hung, Chow Tat-kuen, Chan Pui-man, Cheung Chi-wai, Lam Man-chung, Yeung Ching-kee,** and **Fung Wai-kong.**[104] Police alleged that they had colluded with the newspaper's founder **Jimmy Lai Chee-ying** in asking foreign countries to impose sanctions on Chinese and Hong Kong officials.[105]

In December 2021, pro-democracy online publication **Stand News** announced its closure after over 200 police officers raided its newsroom, froze its assets, and arrested seven of its present and former editors and executives for "conspiracy to publish seditious content": **Chung Pui-kuen, Patrick Lam Shiu-tung, Margaret Ng Ngoi-yee, Denise Ho Wan-see, Chow Tat-chi, Christine Fang Meng-sang,** and **Chan Pui-man** (Chan is Chung Pui-kuen's wife and was also detained in connection with the Apple Daily's case).[106] Police also issued arrest warrants for former consultant **Joseph Lian Yizheng** and director **Tony Tsoi Tung-ho,** who had moved to Japan and Australia, respectively.[107] Prompted by the arrests at Stand News, another pro-democracy online publication **Citizen News** announced its closure a few days later in January 2022.[108] In April 2022, the NSD arrested former Stand News col-

umnist **Allan Au Ka-lun,** again alleging that he had published seditious materials.[109] Smaller outlets such as Rice Post, Mad Dog Daily, and White Night also disbanded.[110] While some independent news outlets survived, a veteran journalist and scholar observed that "Hong Kong's media system is undergoing a fundamental change, . . . as private outlets operate under increasing government control."[111]

In April 2022, the Hong Kong Journalists Association (HKJA) considered disbanding in light of mounting pressure from the government.[112] The Secretary for Security Chris Tang Ping-keung criticized the HKJA for "'infiltrating' local schools to lure student journalists" and demanded that the association disclose its sources of funding and membership list, which the association said would violate privacy laws.[113]

Restrictions on Access to Information

The Hong Kong government imposed restrictions that could undermine government accountability and the free flow of information. In October 2021, the Hong Kong government passed the "anti-doxxing law," formally known as the Personal Data (Privacy) (Amendment) Ordinance 2021, which criminalizes the unauthorized disclosure of personal information and grants the Office of the Privacy Commissioner for Personal Data the authority to request that local and overseas internet service providers remove offending content.[114] The amended law further authorizes the privacy commissioner to search premises and seize material with a warrant and to access electronic devices without a warrant.[115] Internet and technology companies expressed concern that the broadly written law could expose them and their staff to criminal liability, and human rights groups worried that authorities would unevenly apply the law against government critics and encroach on more people's privacy, given the commissioner's broad powers.[116]

Relying on the new legal authority, the Hong Kong government tightened access to the Land Registry and Companies Registry. Beginning in November 2021, users are required to provide their names and identification numbers and acknowledge that their personal information could be transferred to law enforcement under the amended privacy ordinance.[117] The government in recent years has restricted access to other databases including birth records, vehicle registration, and voter information.[118] Historically, land and company records have played a role in exposing misconduct by Hong Kong and Chinese officials; the chairperson of the Hong Kong Journalists Association said that the new restrictions could weaken the press's ability to hold the government to account.[119]

COLLAPSE OF CIVIL SOCIETY

Rhetoric and actions by Hong Kong officials displayed a concerted effort to target civil society groups that were part of the pro-democracy movement in 2019, isolating them from the international community[120] and causing their rapid disintegration in 2021. In August 2021, Carrie Lam asserted that disbandment was the only option for groups that crossed the national security "red line,"[121] adding in October that the National Security Law is

"about arresting people who have committed a crime [as much as it is] about trying to prevent and suppress the activities which will have that impact of undermining national security."[122] Other officials also discussed applying measures against offending organizations, which included the denial of tax exempt status, for charities and criminal prosecution of individual members.[123]

As of January 2022, at least 65 organizations had shut down or left Hong Kong after the enactment of the National Security Law,[124] a trend that accelerated in the second half of 2021.[125] These organizations include religious, community, political, media, union, and human rights groups,[126] and their members cited pressure under the National Security Law.[127] Representative cases include the following:

- **Hong Kong Professional Teachers' Union,** the largest teachers' union in Hong Kong, with a 47-year history, disbanded in August 2021.[128] In July, state-run news outlet Xinhua called the union a "malignant tumor" because it "openly slandered the Nation's socialist system and the central government's policies in Hong Kong."[129] The Education Bureau followed up with an announcement severing ties with the union, which it said had politicized school campuses.[130] The Secretary for Security further vowed to "launch an attack from all directions," accusing the union of harboring violent forces that endanger national security, despite not having completed an investigation.[131] The South China Morning Post reported that several unidentified people with close contacts in the central government unequivocally had told the union leaders that the group must "cease to exist."[132] According to a school principal, the union had been a major platform of communication between teachers and the government, and there was not a comparable organization in Hong Kong that could replace its role.[133]
- **Civil Human Rights Front** also disbanded in August 2021, saying that it could not continue to operate because its convenor, **Figo Chan Ho-wun,** was in detention.[134] Chan was sentenced in May 2021 to 18 months in prison for organizing an assembly in October 2019, and the group's vice convener and treasurer also were facing NSL charges.[135] Despite the disbandment, the Hong Kong and Macao Affairs Office pressed for a thorough investigation.[136] Thereafter, police conducted a series of raids to collect evidence because the group had refused to turn over financial documents pursuant to a request issued in April 2021.[137] Civil Human Rights Front was founded in 2002 to coordinate protests among civil society groups.[138] One of the protests that it organized in 2019 reportedly had close to two million participants.[139]
- **Hong Kong Alliance in Support of Patriotic Democratic Movements of China** (Hong Kong Alliance) was established in 1989 and had organized annual vigils to commemorate the 1989 Tiananmen protests. The organization disbanded in September 2021 after police had frozen its assets and criminally charged five of its members for refusing to surrender documents for a national security investigation.[140] Three of the group's leaders were facing national security charges and two

of them had already been sentenced for "unauthorized assembly" over their roles in the 2019 protests.[141] Police additionally ordered the group to shut down its website and social media platforms and raided a museum that it operated.[142]

- **Hong Kong Confederation of Trade Unions** had 31 years of history and 75 affiliated unions, the biggest independent trade union in Hong Kong.[143] It disbanded in September 2021, after some members received messages threatening their safety.[144] Pro-government news outlets had accused the confederation of colluding with foreign forces and of promoting strikes during the 2019 protests.[145]
- **The 612 Humanitarian Relief Fund** announced in August 2021 that it would cease operations after police demanded that it hand over operational records, including information about its donors and beneficiaries.[146] The fund provided assistance to individuals detained in connection with the series of large-scale pro-democracy protests in 2019, giving them legal, medical, psychological, and financial assistance.[147] In May 2022, police from the National Security Department arrested all five trustees of the 612 Humanitarian Relief Fund—Cardinal **Joseph Zen Ze-kiun,** singer and activist **Denise Ho Wan-see,** barrister **Margaret Ng Ngoi-yee,** former professor **Hui Po-keung,** and former lawmaker **Cyd Ho Sau-lan**—based on allegations that they had asked other countries or overseas organizations to sanction Hong Kong officials.[148]

Businesses' Complicity in Repression

The Hong Kong government created an environment in which international businesses voluntarily or involuntarily contributed to the repression of freedoms in Hong Kong. For example—

- In July 2021, the Hong Kong government appointed Clement Chan Kam-wing, the managing director for assurance of the accounting firm BDO, to investigate alleged illegal activities of Next Digital.[149] Next Digital was the parent company of the pro-democracy newspaper Apple Daily, which ceased operations a month earlier in June after authorities arrested five top executives and froze HK$18 million in assets.[150] In September 2021, the Financial Secretary presented a winding-up petition to liquidate Next Digital based on Chan's interim report.[151]
- In September 2021, HSBC, Hang Seng Bank, and Bank of East Asia, froze HK$2.2 million (approximately US$280,000) worth of assets of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China.[152] Prior to this reporting year, HSBC froze the bank accounts of the Good Neighbour North District Church and Pastor Roy Chan,[153] former legislator Ted Hui,[154] and Apple Daily's publisher Jimmy Lai, his aide Mark Simon, and CEO Cheung Kim-hung.[155] In response to a letter by 13 U.S. lawmakers asking it to justify its actions, HSBC said that it was required to comply with local laws; the bank, however, did not address key questions raised in the letter, such as whether its actions contributed to the "'inability of the people of Hong Kong (a) to enjoy freedom of assembly,

speech, press, or independent rule of law; or (b) to participate in democratic outcomes' as stipulated under the Hong Kong Autonomy Act of 2020 (Public Law No. 116-149)."[156]

- In October 2021, the Hong Kong Association of Banks advised local and international member banks to disclose property held by clients who have been arrested or charged under the NSL.[157]

[For more information on Apple Daily, see the subsection "Targeting the Independent Press" above. For more information on Hong Kong Alliance, see the subsection "Collapse of Civil Society" above.]

Securitization of Education

The Hong Kong government—as part of its statutory obligation to "promote national security education in schools and universities"[158]—worked to establish political control over schools as it politicized students and simultaneously required school officials to prevent "political interference."[159] The "politicization of children from secondary school" and other government actions, prompted three UN independent human rights experts to raise concerns that students' right to education and academic freedom have been undermined; they further asked the Hong Kong government to define the scope of the National Security Law.[160] In response to the UN experts, the PRC Mission to the United Nations circularly explained that the law calls for all "necessary measures" to safeguard national security.[161]

PRE-COLLEGE EDUCATION

The Education Bureau continued to carry out plans to insert national security components into school curricula,[162] further requiring schools to fully implement related programs beginning in the 2022–2023 school year.[163] Available documents show that some schools were setting up working groups beginning in September 2021 to plan and coordinate the implementation of national security measures in schools,[164] as required by an Education Bureau directive issued in February 2021.[165]

The government ordered teachers to clear political hurdles to keep their jobs, such as passing a test on the Basic Law of the Hong Kong SAR and potentially taking an oath of allegiance.[166] It also required schools to provide political education. In April 2021 the Education Bureau distributed to primary and secondary schools a textbook on safeguarding national security. In July the textbook was distributed to kindergartens, with a reminder to help children cultivate a sense of national identity and to understand that Hong Kong is a part of China.[167]

Beginning in September 2021, liberal studies as a secondary school course was replaced by a new curriculum called "Citizenship and Social Development," which is designed to have embedded national security elements.[168] While the official guide encourages "exploration, analysis and reflection," it also requires teachers to "point out to students that there is no room for discussions or compromise" on "issues with absolute right and wrong or clear legal

principles," requiring them to "clearly state all the facts about the history, moral standards and legal principles."[169]

COLLEGE EDUCATION

According to an index updated in 2022, academic freedom in Hong Kong significantly declined between 2011 and 2021, a trend that "began with a dip in the institutional autonomy and freedom of academic and cultural expression indicators . . . with [an accelerated and] continuous decline in all indicators, including notable dips in . . . campus integrity," which refers to an increase in "security-infringements and surveillance on campus."[170]

A professor who taught in Hong Kong until mid-August 2021 likewise observed that during the 18 months before his departure, he witnessed "the near total subordination of the city's universities to the Chinese Communist Party . . .."[171] For instance, university administrators suppressed student dissent by depriving student unions of funding and by removing political artwork from university premises.[172] The professor also noted that the university where he taught conducted digital surveillance on all faculty, planned to install closed circuit cameras in classrooms, and required teachers to record their lectures, all of which serve as tools of intimidation because of possible criminal prosecution under the NSL.[173]

Macau

This past year, Macau SAR authorities invoked overtly political grounds in the disqualification of 21 pro-democracy candidates for the Legislative Assembly election, which was followed by a record low election turnout and the closure of a pro-democracy online news outlet.

In July 2021, the Electoral Affairs Commission disqualified 21 pro-democracy candidates for election to the Legislative Assembly on grounds that they did not support the Basic Law of Macau or were disloyal to the Macau government, based on information compiled by the police and Macau's Secretariat for Security.[174] In the case of disqualified candidate Ng Kuok Cheong, authorities considered factors such as photographs he had taken with democracy advocates, his calls for universal suffrage, and his role in organizing vigils commemorating the 1989 Tiananmen protests[175] (the applications for which were denied by the government) as a "challenge to the central government's authority" in June 2021.[176]

Three disqualified candidates unsuccessfully appealed the decision to the Court of Final Appeal.[177] In support of its finding of disloyalty, the court concluded that the vigils were at odds with the central government's characterization of the 1989 Tiananmen protests, and that the appellants' call for ending one-party rule was a violation of the PRC Constitution, which provides for the Chinese Communist Party's leadership.[178]

The Legislative Assembly election in September 2021 saw a record low turnout, with all 12 indirectly elected seats uncontested, and 11 of the 14 directly elected seats won by pro-Beijing candidates.[179] The Macau Electoral Affairs Committee reported a substantial percentage increase in blank and invalid ballots.[180] According to photographs published by online news outlet Macau

Concealers, some voters had defaced their ballots with words demanding universal suffrage, the initials of a disqualified candidate, and other protest language.[181]

In the following month, Macau Concealers announced that it would cease operations, citing "unprecedented environmental changes" and "[a] shortage of resources."[182] Macau Concealers was founded and financed by the pro-democracy political party New Macau Association, one of whose members was among the 21 candidates disqualified in July 2021.[183]

Notes to Section XI—Hong Kong and Macau

[1] Shibani Mahtani, "The Opposition Is in Jail. Hong Kong Wants Its 'Patriots'-Only Vote to Look Legitimate," *Washington Post,* December 17, 2021.

[2] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, arts. 45, 68.

[3] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, Annexes I and II, Instrument 30; National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Jiben Fa Fujian Yi Xianggang Tebie Xingzhengqu Xingzheng Zhangguan de Chansheng Banfa* [Annex I of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China—Measures for the Selection of the Chief Executive of the Hong Kong Special Administrative Region], passed April 4, 1990, revised and effective March 30, 2021; National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Jiben Fa Fujian Er Xianggang Tebie Xingzhengqu Lifahui de Chansheng Banfa he Biaojue Chengxu* [Annex II of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China—Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures], passed April 4, 1990, revised and effective March 30, 2021.

[4] John Ruwitch, "Activists in Hong Kong Plan Not to Vote or to Cast Blank Ballots in Upcoming Election," *NPR,* December 18, 2021.

[5] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, Annex I.

[6] Asian Network for Free Elections, "Elections without Choice: State-Controlled Elections in Hong Kong," April 8, 2022, 19.

[7] Gary Cheung and Ng Kang-chung, "Hong Kong Now Has a Powerful Election Committee. Will It Be a New 'Superstructure' Reshaping City's Political Landscape?," *South China Morning Post,* September 20, 2021; Asian Network for Free Elections, "Elections without Choice: State-Controlled Elections in Hong Kong," April 8, 2022, 20.

[8] "Explainer: Hong Kong's Election Committee Elections in 8 Keywords," *China Daily,* September 18, 2020.

[9] Asian Network for Free Elections, "Elections without Choice: State-Controlled Elections in Hong Kong," April 8, 2022, 20.

[10] Ng Kang-chung and Chris Lau, "Hong Kong Elections: Just 1 Opposition-Leaning Candidate Wins Seat on 1,500-Strong Election Committee," *South China Morning Post,* September 20, 2021.

[11] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, Annex II.

[12] Michael Martin, "Hong Kong in 2022," Center for Strategic and International Studies, February 2, 2022; Asian Network for Free Elections, "Elections without Choice: State-Controlled Elections in Hong Kong," April 8, 2022, 24.

[13] *Chief Executive Election Ordinance* (Cap. 569), secs. 1(1), 19(A), 13(1)–(2), 28(3); Chris Lau, "Hong Kong Electoral Overhaul: Corporate Voters' Mainland China Ties Raise Concerns over Beijing's Influence on City Polls," *South China Morning Post,* April 16, 2021.

[14] Chris Lau, "Hong Kong Electoral Overhaul: Corporate Voters' Mainland China Ties Raise Concerns over Beijing's Influence on City Polls," *South China Morning Post,* April 16, 2021.

[15] Chris Lau, "Hong Kong Electoral Overhaul: Corporate Voters' Mainland China Ties Raise Concerns over Beijing's Influence on City Polls," *South China Morning Post,* April 16, 2021.

[16] Hong Kong SAR Government, "153 Validly Nominated Candidates for Legislative Council General Election," November 19, 2021.

[17] Natalie Wong, "Hong Kong Elections: 4 More Arrested on Suspicion of Inciting Boycott of Legislative Council Poll," *South China Morning Post,* December 15, 2021; John Ruwitch, "Activists in Hong Kong Plan Not to Vote or to Cast Blank Ballots in Upcoming Election," *NPR,* December 18, 2021.

[18] Brian Wong, "Hong Kong Man Gets Suspended Jail Sentence for Inciting Others to Cast Invalid Votes in Legislative Council Election," *South China Morning Post,* May 4, 2022; Natalie Wong, "Hong Kong Elections: 4 More Arrested on Suspicion of Inciting Boycott of Legislative Council Poll," *South China Morning Post,* December 15, 2021.

[19] Clare Jim and James Pomfret, "Exclusive: Hong Kong Officials Push Turnout in First 'Patriots' Election," *Reuters,* December 18, 2021; Candice Chau, "Explainer: 7 Charts Showing Voter Demographics in Hong Kong's First 'Patriots-Only' Legislative Election," *Hong Kong Free Press,* updated June 23, 2022.

[20] "Highest Percentage of Invalid Ballots since Handover in Hong Kong's First 'Patriots Only' Election," *Hong Kong Free Press,* December 20, 2021.

[21] "As It Happened: John Lee Confirmed as Hong Kong's Next Leader with 1,416 Votes, Vows to Recruit Talent," *South China Morning Post,* May 9, 2021.

[22] "As It Happened: John Lee Confirmed as Hong Kong's Next Leader with 1,416 Votes, Vows to Recruit Talent," *South China Morning Post,* May 9, 2021.

[23] Cannix Yau, "Hong Kong Security Chief John Lee Refuses to Step Down over Government's Failure to Quell Protests," *South China Morning Post,* October 13, 2019; Alvin Lum, "Don't Blame Police for Clashes, Hong Kong's Security Chief Says, While Apologising for Rifts Caused by Government's Handling of Extradition Bill," *South China Morning Post,* June 19, 2019.

[24] Asian Network for Free Elections, "Elections without Choice: State-Controlled Elections in Hong Kong," April 8, 2022, 30.

[25] Asian Network for Free Elections, "Elections without Choice: State-Controlled Elections in Hong Kong," April 8, 2022, 31.

[26] Owen Churchill, "US, Britain and EU Voice Objections to Hong Kong's Disqualification of Opposition District Councillors," *South China Morning Post,* October 22, 2021; Candice Chau,

"Explainer: 7 Charts Showing Voter Demographics in Hong Kong's First 'Patriots-Only' Legislative Election," *Hong Kong Free Press,* updated June 23, 2022; Clare Jim and Felix Tam, "Record Turnout in Hong Kong Local Elections amid Calls for Full Democracy," *Reuters,* November 23, 2019; Lilian Cheng, Natalie Wong, and Tony Cheung, "National Security Law: At Least 150 Hong Kong District Councillors Face Disqualification Next Month under New Oath-Taking Legislation," *South China Morning Post,* June 16, 2021.

[27] Owen Churchill, "US, Britain and EU Voice Objections to Hong Kong's Disqualification of Opposition District Councillors," *South China Morning Post,* October 22, 2021; Jeffie Lam, "Explainer: Hong Kong's District Councils: With Opposition Members Resigning in Droves as Oath Looms, What Happens Next to These Local Bodies?," *South China Morning Post,* July 16, 2021; Lilian Cheng, Natalie Wong, and Tony Cheung, "National Security Law: At Least 150 Hong Kong District Councillors Face Disqualification Next Month under New Oath-Taking Legislation," *South China Morning Post,* June 16, 2021.

[28] Owen Churchill, "US, Britain and EU Voice Objections to Hong Kong's Disqualification of Opposition District Councillors," *South China Morning Post,* October 22, 2021.

[29] Ned Price, U.S. Department of State, "On the Continued Erosion of Freedoms in Hong Kong," October 21, 2021.

[30] "Quanguo Renda Changweihui tongguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa bing jueding lieru Xianggang Jiben Fa Fujian San" [National People's Congress Standing Committee passes Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region and decides to incorporate it in Annex III of Hong Kong's Basic Law], *Xinhua,* June 30, 2020; "Shisan jie Quanguo Renda Changweihui di ershi ci huiyi biaojue tongguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa Xi Jinping qianshu zhuxi ling yuyi gongbu" [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region voted on and passed at the 20th meeting of the 13th NPC Standing Committee; Xi Jinping signs Presidential order for publication], *Xinhua,* June 30, 2020; "Promulgation of National Law 2020," L.N. 136 of 2020, *Gazette,* June 30, 2020.

[31] Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, art. 18, Annex III.

[32] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, arts. 20–30. The prohibition on "separatism" in articles 20 and 21 has been translated elsewhere as "secession."

[33] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, arts. 16, 38.

[34] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 44.

[35] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, arts. 55–56.

[36] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 9.

[37] Austin Ramzy, "Student Sentenced as Hong Kong Uses Security Law to Clamp Down on Speech," *New York Times,* November 23, 2021; Michael Caster, "Blog: A Year of Creeping Darkness under the National Security Law in Hong Kong," *Article 19,* June 29, 2021. The National Security Law provides that the law should be applied prospectively "for the purpose of conviction and imposition of punishment." This provision, however, does not expressly encompass police investigation. *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 39.

[38] Lydia Wong, Thomas E. Kellogg, and Eric Yanho Lai, "Hong Kong's National Security Law and the Right to a Fair Trial," Center for Asian Law, Georgetown Law, June 28, 2021, 4.

[39] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 43; Implementation Rules for Article 43 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, L.N. 139 of 2020, B2397, issued July 6, 2020.

[40] Lydia Wong, Thomas E. Kellogg, and Eric Yanho Lai, "Hong Kong's National Security Law and the Right to a Fair Trial," Center for Asian Law, Georgetown Law, June 28, 2021, 6–7.

[41] Suzanne Sataline, "'Assumed as Criminals': Hong Kong Defendants Find Bail Elusive," *Al Jazeera,* January 27, 2022; *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 42.

[42] Eric Yan-ho Lai and Thomas Kellogg, "Arrest Data Show National Security Law Has Dealt a Hard Blow to Free Expression in Hong Kong," *ChinaFile,* Asia Society, April 5, 2022.

[43] *HKSAR v Ng Hau Yi Sidney,* (2021) Court of Final Appeal 42, paras. 9, 12, 23.

[44] Lydia Wong, Thomas E. Kellogg, and Eric Yanho Lai, "Hong Kong's National Security Law and the Right to a Fair Trial," Center for Asian Law, Georgetown Law, June 28, 2021, 7–8.

[45] Office of the UN High Commissioner for Human Rights, "Hong Kong: Arrests under Security Law Are Serious Concern, UN Experts Call for Review," October 12, 2021.

[46] Office of the UN High Commissioner for Human Rights, "Hong Kong: Arrests under Security Law Are Serious Concern, UN Experts Call for Review," October 12, 2021.

[47] Angeli Datt, Freedom House, "The Impact of the National Security Law on Media and Internet Freedom in Hong Kong," October 19, 2021; Eric Yan-ho Lai and Thomas Kellogg, "Arrest Data Show National Security Law Has Dealt a Hard Blow to Free Expression in Hong Kong," *ChinaFile,* Asia Society, April 5, 2022.

[48] Eric Yan-ho Lai and Thomas Kellogg, "Arrest Data Show National Security Law Has Dealt a Hard Blow to Free Expression in Hong Kong," *ChinaFile,* Asia Society, April 5, 2022; Holmes Chan and Su Xinqi, "Hong Kong Activists Fade from View as National Security Case Drags," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* updated April 8, 2022.

[49] Kong Tsung-gan, "Arrests and Trials of Hong Kong Protesters and Opposition Leaders," *Medium,* February 16, 2022.

[50] Eric Yan-ho Lai and Thomas Kellogg, "Arrest Data Show National Security Law Has Dealt a Hard Blow to Free Expression in Hong Kong," *ChinaFile,* Asia Society, April 5, 2022.

[51] Brian Wong, "Hong Kong National Security Law: 9 Years' Jail for First Person Convicted under Legislation," *South China Morning Post,* July 30, 2021.

[52] Brian Wong, "Hong Kong National Security Law: 9 Years' Jail for First Person Convicted under Legislation," *South China Morning Post,* July 30, 2021.

[53] Brian Wong, "National Security Law: Protest Slogan 'Liberate Hong Kong' Can Have Multiple Meanings, but Is It Ultimately a Call for Secession?," *South China Morning Post,* July 28, 2021.

[54] Thomas E. Kellogg and Eric Yan-ho Lai, "The Tong Ying-kit NSL Verdict: An International and Comparative Law Analysis," Center for Asian Law, Georgetown Law, October 20, 2021, 6.

[55] "'Captain America' Jailed for Nearly Six Years," *RTHK,* November 11, 2021.

[56] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 21; Brian Wong, "National Security Law: Hong Kong's Self-Styled 'Captain America' Jailed for Nearly 6 Years for Inciting Secession," *South China Morning Post,* November 11, 2021.

[57] Human Rights Watch, "Hong Kong: Harsh Sentence for Shouting Slogans," November 11, 2021.

[58] "(Chuxuan 47 ren an) 4 beigao ti shenqing He Guilan pengshou xie biji qinzi chenci huo zhangsheng guan ya 9.15 jueding" [(47-person primary election case) Four defendants make applications; Gwyneth Ho personally delivers statement while holding handwritten notebook, winning applause; judge adjourns case to September 15 for decision], *InMediaHK.net,* July 25, 2022; Eric Yan-ho Lai and Thomas Kellogg, "Arrest Data Show National Security Law Has Dealt a Hard Blow to Free Expression in Hong Kong," *ChinaFile,* Asia Society, April 5, 2022.

[59] Holmes Chan and Su Xinqi, "Hong Kong Activists Fade from View as National Security Case Drags," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* updated April 8, 2022.

[60] Holmes Chan and Su Xinqi, "Hong Kong Activists Fade from View as National Security Case Drags," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* updated April 8, 2022.

[61] "(47 ren an) luo'an yinian anjian jindu man Sheminlian fating wai kangyi 'lanbu lanqiu'" [(47-person case) case progresses slowly one year after formal charge, League of Social Democrats members protest outside the court building: "abuse of arrest," "abuse of detention"], *Radio Free Asia,* February 28, 2022.

[62] Holmes Chan and Su Xinqi, "Hong Kong Activists Fade from View as National Security Case Drags," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* updated April 8, 2022; Tang Huiyun, "Xianggang minzhupai 47 ren bei kong dianfuzui yi nian weiding shenqi zhengdang pi wei shen xian qiu boduo tan" [Trial date still not set in the case in which 47 pro-democracy persons are charged with subversion, political party criticizes that this amounts to imprisonment without trial and denial of visitation], *Voice of America,* March 1, 2022.

[63] Holmes Chan and Su Xinqi, "Hong Kong Activists Fade from View as National Security Case Drags," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* updated April 8, 2022.

[64] "Hong Kong Police Arrest Three Members of Student Prisoner-Support Group," *Reuters,* September 20, 2021; "Fourth Student Politicism Activist Arrested," *The Standard,* September 22, 2021.

[65] "Fourth Student Politicism Activist Arrested," *The Standard,* September 22, 2021.

[66] "Hong Kong Police Arrest Three Members of Student Prisoner-Support Group," *Reuters,* September 20, 2021.

[67] Kelly Ho, "Hong Kong Student Group Disbands after Leaders Detained under Security Law," *Hong Kong Free Press,* September 28, 2021.

[68] Tiffany May, "Hong Kong Police Arrest Students Over 'Advocating Terrorism,'" *New York Times,* August 18, 2021.

[69] Tiffany May, "Hong Kong Police Arrest Students Over 'Advocating Terrorism,'" *New York Times,* August 18, 2021.

[70] Tiffany May, "Hong Kong Police Arrest Students Over 'Advocating Terrorism,'" *New York Times,* August 18, 2021.

[71] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 27.

[72] Helen Davidson, "Hong Kong Protest Pair Swept Up in National Security Crackdown Plead Guilty," *Guardian,* August 19, 2021; "Andy Li Yu-hin Pleads Guilty over Global Campaign for Foreign Sanctions," *The Standard,* August 19, 2021.

[73] Helen Davidson, "Hong Kong Protest Pair Swept Up in National Security Crackdown Plead Guilty," *Guardian,* August 19, 2021; Kelly Ho, "Security Law: Case Adjourned for Hong Kong Activist Andy Li and Paralegal Who Pleaded Guilty to Foreign Collusion Charges," *Hong Kong Free Press,* January 3, 2022.

[74] Kelly Ho, "Security Law: Case Adjourned for Hong Kong Activist Andy Li and Paralegal Who Pleaded Guilty to Foreign Collusion Charges," *Hong Kong Free Press,* January 3, 2022.

[75] "Hong Kong DJ Convicted of Sedition in Watershed Trial," *Agence France-Presse,* reprinted in *Voice of America,* March 2, 2022.
[76] "Hong Kong DJ Convicted of Sedition in Watershed Trial," *Agence France-Presse,* reprinted in *Voice of America,* March 2, 2022.
[77] Chris Lau, "Explainer: What Is Hong Kong's Colonial-Era Sedition Law, and How Does It Fit into Landscape of National Security Legislation?," *South China Morning Post,* September 9, 2020.
[78] Chris Lau, "Explainer: What Is Hong Kong's Colonial-Era Sedition Law, and How Does It Fit into Landscape of National Security Legislation?," *South China Morning Post,* September 9, 2020.
[79] Candice Chau, "Security Law: Hong Kong Court Denies Bail to Speech Therapists behind Kid's Book about Sheep and Wolves," *Hong Kong Free Press,* August 30, 2021.
[80] Brian Wong and Clifford Lo, "National Security Law: Hong Kong Children's Books Trio Remanded in Custody after Being Charged with Conspiracy to Distribute Seditious Material," *South China Morning Post,* August 30, 2021.
[81] Brian Wong and Clifford Lo, "National Security Law: Hong Kong Children's Books Trio Remanded in Custody after Being Charged with Conspiracy to Distribute Seditious Material," *South China Morning Post,* August 30, 2021.
[82] Kenji Kawase, "Hong Kong Speech Therapists Charged over 'Seditious' Kids' Books," *Nikkei Asia,* July 22, 2021.
[83] Rhoda Kwan, "Hong Kong Police Arrest 4 for 'Seditious Intent' over Banner Calling for Democracy," *Hong Kong Free Press,* November 2, 2021.
[84] Brian Wong, "Hongkonger Who Displayed Posters Insulting Judges Overseeing First National Security Law Trial Pleads Guilty to Sedition," *South China Morning Post,* January 26, 2022.
[85] "Hong Kong Police Arrest Singer for Alleged Sedition—Media," *Reuters,* February 15, 2022.
[86] Cheryl Tung and Raymond Chung, "Hong Kong Police Arrest Six for 'Sedition' over Courtroom Protests, Support," *Radio Free Asia,* April 6, 2022.
[87] "Hong Kong Tiananmen Vigil Leader Sentenced to 15 Months in Jail," *The Standard,* January 4, 2022.
[88] Samuel Bickett, "Chow Hang Tung Conviction: Magistrate Mischaracterizes Facts, Conceals Police Misconduct," *Samuel Bickett on Hong Kong Law & Policy* (blog), January 4, 2022.
[89] "Hong Kong Tiananmen Vigil Leader Sentenced to 15 Months in Jail," *The Standard,* January 4, 2022.
[90] "Hong Kong Tiananmen Vigil Leader Sentenced to 15 Months in Jail," *The Standard,* January 4, 2022.
[91] Brian Wong, "Hong Kong Protests: Second Mega Court for Clearing Backlog of Cases to Accommodate 250 People," *South China Morning Post,* October 13, 2021.
[92] Greg Torode, "Top Hong Kong Court Rules against Government Bid to Expand Riot Prosecutions," *Reuters,* November 4, 2021.
[93] Brian Wong, "Hong Kong Protests: First Aid Volunteer Cleared of Rioting Charge as Judge Rules Helping the Injured No 'Basis for Conviction,'" *South China Morning Post,* August 23, 2021.
[94] Greg Torode, "Top Hong Kong Court Rules against Government Bid to Expand Riot Prosecutions," *Reuters,* November 4, 2021.
[95] Brian Wong, "National Security Law: Student Activist Who Advocated Hong Kong Independence Jailed for 43 Months," *South China Morning Post,* November 23, 2021.
[96] Brian Wong, "National Security Law: Student Activist Who Advocated Hong Kong Independence Jailed for 43 Months," *South China Morning Post,* November 23, 2021; Song Ren, "Guo'an Fa fawei, qian Gangdu zuzhi zhaojiren Zhong Hanlin bei pan ruyu 43 ge yue" [National Security Law shows its might, former Hong Kong independence group Chung Hon-lam sentenced to 43 months in prison], *Voice of America,* November 23, 2021.
[97] Brian Wong, "Hong Kong Protests: Judge Rejects American Lawyer's Appeal against $4^1/_2$-Month Sentence for Assaulting Plain-Clothes Policeman," *South China Morning Post,* February 8, 2022.
[98] Samuel Bickett, "How a Magistrate Falsified Evidence to Send Me to Prison," *Samuel Bickett on Hong Kong Law & Policy* (blog), January 31, 2022.
[99] Reporters Without Borders, "Hong Kong: RSF Urges for Release of a Former Stand News Columnist," April 12, 2022.
[100] Kari Soo Lindberg, Olivia Tam, Krystal Chia, and Josie Wong, "How Xi's China Put 1,000-Plus Hong Kong Journalists Out of Work," *Bloomberg,* January 20, 2022.
[101] Viola Zhou, "They Were Reporters in Hong Kong. Now They Drive Cabs and Sell Fried Chicken," *Vice,* January 25, 2022.
[102] Viola Zhou, "They Were Reporters in Hong Kong. Now They Drive Cabs and Sell Fried Chicken," *Vice,* January 25, 2022; Hong Kong Public Opinion Research Institute, "PopPanel Research Report No. 120 cum, 'We Hongkongers' Research Report No. 82," January 7, 2022, 10, 24.
[103] Tang Huiyun, "Xianggang Pingguo Ribao Guo'an Fa xia shoujia shouya guanbi meiti yu qian shimin lingchen paidui qianggou tingkanhao" [Hong Kong Apple Daily is the first media company to shut under the National Security Law, over a thousand residents line up to buy the last issue], *Voice of America,* June 25, 2021; Anne Marie Roantree, "Exclusive: HK's Apple Daily to Shut within Days, Says Jimmy Lai Adviser," *Reuters,* June 23, 2021.
[104] Tang Huiyun, "Xianggang Pingguo Ribao Guo'an Fa xia shoujia shouya guanbi meiti yu qian shimin lingchen paidui qianggou tingkanhao" [Hong Kong Apple Daily is the first media company to shut under the National Security Law, over a thousand residents line up to buy the last issue], *Voice of America,* June 25, 2021; Brian Wong, "Hong Kong National Security Law: Ex-Apple Daily Chief Accused of Colluding with Foreign Forces Denied Bail for Second Time," *South China Morning Post,* August 13, 2021.

[105] Tang Huiyun, "Xianggang Pingguo Ribao Guo'an Fa xia shoujia shouya guanbi meiti yu qian shimin lingchen paidui qianggou tingkanhao" [Hong Kong Apple Daily is the first media company to shut under the National Security Law, over a thousand residents line up to buy the last issue], *Voice of America,* June 25, 2021; Brian Wong, "Hong Kong National Security Law: Ex-Apple Daily Chief Accused of Colluding with Foreign Forces Denied Bail for Second Time," *South China Morning Post,* August 13, 2021.

[106] Jane Cheung, "Bail Rejected for Top Pair of *Stand News,*" *The Standard,* December 31, 2021; Jessie Pang and Edmond Ng, "Hong Kong's Citizen News Says Closure Triggered by Stand News Collapse," *Reuters,* January 3, 2022.

[107] Jane Cheung, "Bail Rejected for Top Pair of *Stand News,*" *The Standard,* December 31, 2021.

[108] Jessie Pang and Edmond Ng, "Hong Kong's Citizen News Says Closure Triggered by Stand News Collapse," *Reuters,* January 3, 2022.

[109] Reporters Without Borders, "Hong Kong: RSF Urges for Release of a Former Stand News Columnist," April 12, 2022.

[110] Viola Zhou, "They Were Reporters in Hong Kong. Now They Drive Cabs and Sell Fried Chicken," *Vice,* January 25, 2022.

[111] Viola Zhou, "They Were Reporters in Hong Kong. Now They Drive Cabs and Sell Fried Chicken," *Vice,* January 25, 2022.

[112] Danny Mok, "Hong Kong's Largest Journalist Group to Consider Disbanding in Response to Mounting Government Pressure for More Transparency," *South China Morning Post,* April 13, 2022.

[113] Danny Mok, "Hong Kong's Largest Journalist Group to Consider Disbanding in Response to Mounting Government Pressure for More Transparency," *South China Morning Post,* April 13, 2022.

[114] *Personal Data (Privacy) (Amendment) Ordinance 2021,* Ordinance No. 32 of 2021; Pak Yiu, "Hong Kong Legislature Passes Controversial Anti-Doxxing Privacy Bill," *Reuters,* September 29, 2021.

[115] *Personal Data (Privacy) (Amendment) Ordinance 2021,* Ordinance No. 32 of 2021; Pak Yiu, "Hong Kong Legislature Passes Controversial Anti-Doxxing Privacy Bill," *Reuters,* September 29, 2021.

[116] "Experts Fear New Hong Kong Doxxing Law Will Punish Opposition," *Voice of America,* November 7, 2021; Scott Ikeda, "Anti-Doxxing Law Passed in Hong Kong; Critics Fear Uneven Application, Targeting of Government Critics," *CPO Magazine,* October 5, 2021; Pak Yiu, "Hong Kong Legislature Passes Controversial Anti-Doxxing Privacy Bill," *Reuters,* September 29, 2021; Primrose Riordan, Tabby Kinder, and Nicolle Liu, "Hong Kong Privacy Law Change Will Let Government Block Social Media," *Financial Times,* July 22, 2022.

[117] Zoe Low, "2 Hong Kong Government Databases to Tighten Access Rules, Triggering Warning over Threat to Press Freedom," *South China Morning Post,* October 26, 2021; "(Shoujing chace) Gang tudi, gongsi chace xu shimingzhi diaocha xinwen jiang jinyibu shouya" [(Tightening access to records) Hong Kong land and companies registries impose a real-name system, accessing information will face further pressure], *Radio Free Asia,* October 26, 2021.

[118] "(Shoujing chace) Gang tudi, gongsi chace xu shimingzhi diaocha xinwen jiang jinyibu shouya" [(Tightening access to records) Hong Kong land and companies registries impose a real-name system, accessing information will face further pressure], *Radio Free Asia,* October 26, 2021.

[119] "(Shoujing chace) Gang tudi, gongsi chace xu shimingzhi diaocha xinwen jiang jinyibu shouya" [(Tightening access to records) Hong Kong land and companies registries impose a real-name system, accessing information will face further pressure], *Radio Free Asia,* October 26, 2021.

[120] UN Human Rights Council, Cooperation with the United Nations, Its Representatives and Mechanisms in the Field of Human Rights, A/HRC/48/28, September 17, 2021, para. 20.

[121] Hong Kong SAR Government, "Tuanti chupeng hongxian jiesan shu weiyi xuanze" [The only option for groups that cross the red line is to disband], August 17, 2021.

[122] Hong Kong SAR Government, "Transcript of Remarks by CE at Media Session before ExCo," October 26, 2021.

[123] Rachel Yeo and Christy Leung, "Groups that Endanger National Security to Lose Charities Status, Tax Exemptions, Hong Kong's Financial Services Chief Warns," *South China Morning Post,* September 13, 2021; Hong Kong SAR Government, "Xingze buhui yin zuzhi jiesan bei mozou" [Criminal liabilities will not be erased by a group's disbandment], August 15, 2021.

[124] Kari Soo Lindberg, Olivia Tam, Krystal Chia, and Josie Wong, "How Xi's China Put 1,000-Plus Hong Kong Journalists Out of Work," *Bloomberg,* January 20, 2022. See also European Parliament, Resolution of 20 January 2022 on Violations of Fundamental Freedoms in Hong Kong, 2022/2503(RSP).

[125] "Timeline: 58 Hong Kong Civil Society Groups Disband Following the Onset of the Security Law," *Hong Kong Free Press,* June 30, 2022.

[126] Kari Soo Lindberg, Olivia Tam, Krystal Chia, and Josie Wong, "How Xi's China Put 1,000-Plus Hong Kong Journalists Out of Work," *Bloomberg,* January 20, 2022.

[127] See, e.g., Tony Cheung, "Hong Kong's National Security Law No Concern for Law-Abiding Groups, Carrie Lam Says after Amnesty International Reveals Exit Plans," *South China Morning Post,* October 26, 2021; Tony Cheung and Lilian Cheng, "Hong Kong's Professional Teachers' Union Saw No Choice but to 'Disband after Beijing Emissaries Warned It Could No Longer Exist,'" *South China Morning Post,* August 14, 2021.

[128] Tony Cheung and Lilian Cheng, "Hong Kong's Professional Teachers' Union Saw No Choice but to 'Disband after Beijing Emissaries Warned It Could No Longer Exist,'" *South China Morning Post,* August 14, 2021.

[129] Liu Mingyang, "Xianggang jiaoyu yao zhengben qingyuan bixu chanchu 'Jiaoxie' zhe ke duliu" [The root of Hong Kong's education must be rectified and its source purified, the malignant tumor that is the "Teachers' Union" must be eradicated], *Xinhua,* July 31, 2021.

[130] Hong Kong SAR Government, "Jiaoyuju xuanbu zhongzhi yu Jiaoxie de gongzuo guanxi" [Education Bureau announces termination of work relationship with Teachers' Union], July 31, 2021.

[131] Chris Tang Ping-keung, "Zhifa bumen jiang yange zhifa, burong ji jiesan mozou xingze" [Law enforcement agencies will strictly enforce the law, evading criminal liability through disbandment will not be allowed], Security Bureau, Hong Kong SAR Government, August 16, 2021.

[132] Tony Cheung and Lilian Cheng, "Hong Kong's Professional Teachers' Union Saw No Choice but to 'Disband after Beijing Emissaries Warned It Could No Longer Exist,'" *South China Morning Post,* August 14, 2021.

[133] "[Fengsha Jiaoxie] Zhongxue xiaozhang: shiqu pingtai lingting jiaoshi shengyin weijian tuanti ke qudai" [Blocking Teacher Union] Secondary school principal: it is a loss of a platform to listen to teachers' voices, cannot see there is another organization that can take its place], *Stand News,* reprinted in *news.discuss.com.hk,* August 4, 2021.

[134] Civil Human Rights Front, "Xiangang ren jiayou, ren zai xiwang zai . . .." [Come on, people of Hong Kong, where there are people there is hope . . ..], Facebook, August 14, 2021.

[135] Jasmine Siu, "Hong Kong Protests: Jimmy Lai Jailed for 14 Months over Role in 2019 Illegal Rally, While Co-Defendants Receive up to 18 Months," *South China Morning Post,* May 28, 2021; Chris Lau, "Depriving Hongkongers of Platform to Voice Their Grievances Could Trigger Mass Protests, Rally Organiser Says," *South China Morning Post,* May 17, 2021.

[136] "Guowuyuan Gang Ao Ban: Weifa huo Gang de 'minjian renquan zhenxian' zuize nan tao!" [Hong Kong and Macao Affairs Office of the State Council: Illegal "Civil Human Rights Front" that brings disaster to Hong Kong cannot avoid criminal liabilities!], *Xinhua,* August 15, 2021.

[137] Clifford Lo, "Hong Kong Police Launch Series of Raids on Civil Human Rights Front Following Missed Deadline for Disclosing Financial, Other Records," *South China Morning Post,* October 28, 2021.

[138] Candice Chau, "Organiser of Mass Hong Kong Demos Civil Human Rights Front Disbands Citing 'Unprecedented Challenges,'" *Hong Kong Free Press,* August 15, 2021.

[139] "Xianggang Minzhen cheng jin 200 wan ren canyu 'fan song Zhong' hei yi da youxing" [Hong Kong Civil Human Rights Front claims nearly 2 million people joined "anti-extradition march" in black clothing], *Voice of America,* June 17, 2019.

[140] "Hong Kong Tiananmen Vigil Group Disbands amid Crackdown on Dissent," *Agence France-Presse,* reprinted in *Guardian,* September 25, 2021; "Hong Kong: Tiananmen Vigil Organisers Charged with Inciting Subversion," *Associated Press,* reprinted in *Guardian,* September 10, 2021.

[141] "Hong Kong: Tiananmen Vigil Organisers Charged with Inciting Subversion," *Associated Press,* reprinted in *Guardian,* September 10, 2021.

[142] "Hong Kong Tiananmen Vigil Group Disbands amid Crackdown on Dissent," *Agence France-Presse,* reprinted in *Guardian,* September 25, 2021.

[143] Ng Kang-chung and Natalie Wong, "National Security Law: Hong Kong's Biggest Opposition Trade Union Votes by Overwhelming Majority to Disband," *South China Morning Post,* October 3, 2021; Pak Yiu, "Hong Kong Opposition Trade Union Group to Disband," *Reuters,* September 19, 2021.

[144] Pak Yiu, "Hong Kong Opposition Trade Union Group to Disband," *Reuters,* September 19, 2021.

[145] Ye Lan, "Gangmei: Goujie waili, fan Zhong luan Gang, 'Zhigongmeng' deng zuzhi zheng bei Xianggang jingfang Guo'an chu diaocha" [Hong Kong media: "Confederation of Trade Unions," which colludes with foreign forces, opposes China and disrupts Hong Kong, is under investigation by Hong Kong police and National Security Department], *Global Times,* August 12, 2021.

[146] Rhoda Kwan, "Humanitarian Fund Helping Arrested Hong Kong Protesters Will Halt Operations by October 31," *Hong Kong Free Press,* August 18, 2021.

[147] 612 Humanitarian Relief Fund, "612 Humanitarian Relief Fund" (web page), accessed June 3, 2022.

[148] "Last Trustee of 612 Fund Cyd Ho Arrested in Prison: Sources," *The Standard,* May 12, 2022.

[149] Enoch Yiu and Denise Tsang, "Hong Kong Appoints Investigator to Probe Fraud Allegations in the Financial Affairs of Apple Daily's Publisher Next Digital," *South China Morning Post,* July 28, 2021. For more information, see "Hong Kong's Apple Daily Overkill," editorial, *Wall Street Journal,* July 30, 2021; Kara Wheeler, "Next Digital Headquarters Raided by Hong Kong Government," Acton Institute *PowerBlog* (blog), September 29, 2021.

[150] Candice Chau, "Thursday to Be Final Edition of Apple Daily, as Board Forced to Halt All Hong Kong Operations," *Hong Kong Free Press,* June 24, 2021.

[151] Hong Kong SAR Government, "Petition by Financial Secretary to Wind Up Next Digital Limited under Section 879(1) of Companies Ordinance," September 29, 2021.

[152] Rhoda Kwan, "Hong Kong National Security Police Freeze Funds and Property Held by Tiananmen Massacre Vigil Group, Despite Disbandment," *Hong Kong Free Press,* September 30, 2021.

[153] Denise Tsang, "Hong Kong Social Welfare Sector Calls for Church Account Frozen in Fraud Investigation to Be Restored so Services for City's Homeless Can Continue," *South China Morning Post,* December 10, 2020; Candice Chau, "Hong Kong Church Says HSBC Account Frozen 'in Retaliation' for Helping Protesters Last Year," *Hong Kong Free Press,* December 8, 2020.

[154] "Former Hong Kong Lawmaker Ted Hui Asks Why HSBC Is Still Freezing His Accounts," *Straits Times,* June 29, 2021; "Former Hong Kong Lawmaker Rejects HSBC's Explanation over Frozen Accounts," *Reuters,* January 18, 2021.

[155] Denise Tsang and Danny Mok, "Hong Kong Media Firm Next Digital Executives Say HSBC Has Frozen Their Bank, Credit Card Accounts," *South China Morning Post,* August 28, 2020.

[156] Letter from Jeffrey A. Merkley, James P. McGovern et al., U.S. members of Congress, to Noel Quinn, Group Chief Executive, HSBC, February 28, 2022; Kari Soo Lindberg, "HSBC Defends Against U.S. Lawmakers Claims Over Hong Kong Moves," *Bloomberg,* March 24, 2022. See also Hong Kong Autonomy Act, Pub. L. No. 116-149.

[157] The Hong Kong Association of Banks, "Frequently Asked Questions in Relation to Anti-Money Laundering and Counter-Financing of Terrorism," reprinted in Hong Kong Monetary Authority, October 22, 2021, items 69–71; Kane Wu, "Hong Kong Banks to Disclose Related Property of Clients Who Breach Security Law," *Reuters,* October 24, 2021.

[158] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 10; Jessie Pang and Sara Cheng, "Exclusive—New Hong Kong University Classes Set Out Dangers of Breaking Security Law," *Reuters,* November 5, 2021.

[159] See, e.g., Education Bureau, "National Security: Maintaining a Safe Learning Environment Nurturing Good Citizens," Circular No. 3/2021, February 4, 2021, 7.

[160] Office of the UN High Commissioner for Human Rights, Letter from the Mandates of the Special Rapporteur on the Right to Education; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association to Chen Xu, Permanent Representative to the Permanent Mission of the People's Republic of China to the United Nations in Geneva and Other International Organizations in Switzerland, AL CHN 9/2021, August 13, 2021, 6.

[161] Letter from the Permanent Mission of the People's Republic of China to the Office of the UN High Commissioner on Human Rights, No. GJ/60/2021, November 1, 2021.

[162] Hong Kong SAR Government, "EDB Announces Guidelines and Curriculum Arrangements for Safeguarding National Security and National Security Education," February 4, 2021; Education Bureau, "National Security: Maintaining a Safe Learning Environment Nurturing Good Citizens," Circular No. 3/2021, February 4, 2021; Education Bureau, "National Security Education in School Curriculum—Implementation Mode and Learning and Teaching Resources," Circular No. 2/2021, February 4, 2021; Education Bureau, "Curriculum Framework of National Security Education in Hong Kong," May 2021.

[163] Hong Kong SAR Government, "LCQ20: Implementation of National Security Education in Schools," September 1, 2021.

[164] S.T.F.A.Wu Mien Tuen Primary School, "2021–2022 xuenian weihu guojia anquan ji guojia anquan jiaoyu xiangguan cuoshi jihuashu" [Plan for measures related to safeguarding national security and national security education for the 2021–2022 school year], accessed March 3, 2022, 1; Heep Woh Primary School (Cheung Sha Wan), "2021–2022 du weihu guojia anquan ji guojia anquan jiaoyu xiangguan cuoshi de gongzuo jihua" [Plan for measures related to safeguarding national security and national security education for the 2021–2022 school year], accessed March 3, 2022, 58.

[165] Education Bureau, "Guojia anquan: Xuexiao juti cuoshi" [National security: Specific measures for schools], February 4, 2021.

[166] "Government May Ask Teachers to Swear Allegiance Oath," *The Standard,* October 23, 2021.

[167] "'Guo'an Duben' pai ru you yuan Jiaoyuju tonghan: zhu you'er renshi Zhongguoren shenfen" ["National Security Textbook" distributed in kindergarten, Education Department issues circular: help children understand Chinese identity], *Ming Pao,* July 13, 2021.

[168] Curriculum Development Council and the Hong Kong Examinations and Assessment Authority, "Citizenship and Social Development, Curriculum and Assessment Guide (Secondary 4–6)," 2021, 39; Zeng Kaixin, "Gongsheke: Daxue tongshike biyesheng jue qi jiaoshi meng, zhi xin ke buzai zhongshi pipan sikao" [Citizenship and Social Development course: Recent college graduate who majored in liberal studies decides to abandon dream to become a teacher, says new course no longer values critical thinking], *HK01,* September 10, 2021.

[169] Curriculum Development Council and the Hong Kong Examinations and Assessment Authority, "Citizenship and Social Development, Curriculum and Assessment Guide (Secondary 4–6)," 2021.

[170] Katrin Kinzelbach, Staffan I. Lindberg, Lars Pelke, and Janika Spannagel, "Academic Freedom Index 2022 Update," FAU Erlangen-Nürnberg and V-Dem Institute, March 2022, 3, 8.

[171] Peter Baehr, "Hong Kong Universities in the Shadow of the National Security Law," *Society* 59, no. 3 (April 2022): 226.

[172] Peter Baehr, "Hong Kong Universities in the Shadow of the National Security Law," *Society* 59, no. 3 (April 2022): 231–32.

[173] Peter Baehr, "Hong Kong Universities in the Shadow of the National Security Law," *Society* 59, no. 3 (April 2022): 229, 234.

[174] Macau SAR Government, "You 7 fen houxuan mingdan cunyou wu bei xuan zige de houxuanren" [There are seven lists that contain candidates who are ineligible to stand for election], July 9, 2021; Rhoda Kwan, "Macau Bans 21 Democrats from Legislative Elections," *Hong Kong Free Press,* July 10, 2021.

[175] Selina Cheng, "Macau Democrat Banned from Election over Pics with Hong Kong Opposition, Taiwan Tour, and Tiananmen Massacre Vigils," *Hong Kong Free Press,* July 14, 2021.

[176] Li Chengxin, "Zhuanfang: Aomen minzhupai bei DQ 'guai haizi' lunshu pomie?," [Exclusive interview: Macau pro-democracy camp candidates were disqualified; theory of "obedient child" shattered?], *Deutsche Welle,* July 20, 2021.

[177] *Rocky Chan and Others v Legislative Assembly Electoral Affairs Commission,* No. 113/2021, Tribunal de Ultima Instância (Court of Final Appeal), July 31, 2014.

[178] *Rocky Chan and Others v Legislative Assembly Electoral Affairs Commission,* No. 113/2021, Tribunal de Ultima Instância (Court of Final Appeal), July 31, 2014.

[179] "(Aomen xuanju) toupiao lu chuang huigui hou xin dibai fei piao gong yu 5 qian zhang fenxi: xuanmin juede 'wu yiyi'" [(Macau election) election turnout record low after handover, with over 5,000 blank and invalid ballots; analysis: voters feel that it is "pointless"], *Radio Free Asia,* September 13, 2021; Rhoda Kwan, "Macau Bans 21 Democrats from Legislative Elections," *Hong Kong Free Press,* July 10, 2021.

[180] Selina Cheng, "Macau: Legislative Election Turnout at Historic Low after Opposition Barred from Running, Gov't Blames Weather and Covid," *Hong Kong Free Press,* September 13, 2021.

[181] Candice Chau, "In Pictures: 'I Want Real Universal Suffrage'—Macau Voters Protest on Ballots amid Record-Low Turnout," *Hong Kong Free Press,* September 15, 2021.

[182] Macau Concealers, "Notice from Macau Concealers," Facebook, October 19, 2021.

[183] Kelly Ho, "News Outlet Macau Concealers Closes and Deletes Content, Blames 'Unprecedented Environmental Changes,'" *Hong Kong Free Press,* October 20, 2021; "Aomen 'Aiman Ribao' turan tingyun Gang Ao yiyi wangmei shengcun kongjian liang hongdeng" [Macau's Macau Concealers suddenly stops operations, a red flag for the existence of online media with dissenting voices in Hong Kong and Macau], *Voice of America,* October 26, 2021.

XII. Human Rights Violations in the U.S. and Globally

HUMAN RIGHTS VIOLATIONS IN THE U.S. AND GLOBALLY

Findings

• The People's Republic of China (PRC) continued a multi-year campaign of transnational repression against critics, Uyghurs, and others to stifle criticism and enhance control over emigrant and diaspora communities. Authorities and those acting at their direction engaged in digital and in-person harassment and surveillance, harassment and intimidation of China-based relatives of overseas targets, and attempted repatriation—in some cases coercive—to China, where UN and other experts argued they would face significant risk of torture. In June 2022, Freedom House reported that it had counted 229 cases of "physical transnational repression"—which can include "detention, assault, physical intimidation, unlawful deportation, rendition, or suspected assassination"—originating from China since 2014.

• The PRC used economic coercion against foreign governments and companies to stifle criticism of China's human rights conditions and other issues Chinese authorities deemed sensitive. Authorities used unacknowledged, informal economic coercion, such as a campaign against Lithuania—which resulted in economic losses—and economic coercion against Intel, Sam's Club, and Walmart—which reportedly resulted in some consumers in China canceling their Sam's Club memberships. The government also introduced new authorities in Chinese law for carrying out economic coercion and formally sanctioned officials of the United States Commission on International Religious Freedom, as well as Raytheon and Lockheed Martin.

• Belt and Road Initiative (BRI) projects in multiple regions experienced worker rights violations, environmental problems, corruption, and opacity in project debt and project agreements with host country institutions. Those developments were consistent with reports of systemic problems in recent years as the scale of BRI investment, as well as Chinese government support and involvement in BRI, has increased.

• The PRC continued longstanding global campaign to discredit universal rights in international institutions and reshape international consensus around human rights, in what Human Rights Watch described in 2017 as "a systematic attempt to subvert the ability of the UN human rights system to confront abuses in China and beyond." The PRC took steps to impede UN bodies in their work to hold Russia accountable for human rights violations committed in its invasion of Ukraine, and the government attempted to weaken human rights protections in a draft instrument that would create legally binding human rights obligations for transnational and other businesses.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Include as part of the comprehensive strategy with respect to the PRC required by the fiscal year 2022 National Defense Authorization Act a strategy to counter China's transnational repression within the United States and globally. This should integrate U.S. Government capabilities that relate to identification of transnational repression, law enforcement, protection of victims, appropriate sanctions, and prevention of the use of technology for transnational repression.
- Develop a strategy to counter China's use of economic coercion to chill criticism and avoid accountability for its human rights abuses, as part of the comprehensive strategy required by the fiscal year 2022 National Defense Authorization Act. This could include, for example, coordination with allies and partners to diversify economic footprints away from China to reduce risk of coercion, the creation of a fund to compensate targets of China's economic coercion, or other coordinated efforts.
- Call on BRI host governments and the United Nations to insist that Chinese entities provide increased transparency in BRI projects. This should include publication of—at a minimum—rigorous assessments of potential impacts on human rights and rule of law conditions; detailed data regarding PRC involvement; terms of agreements for projects (especially those with state involvement), including transparency in ownership and lending commitments; measures taken to ensure human rights; and detailed information about labor standards and working conditions. Engage relevant allies, partners, and U.S. embassies and consulates in order to better understand conditions in BRI projects.
- Ensure broad, sustained U.S. engagement in UN bodies with human rights functions to ensure that these bodies remain true to their founding principles. This engagement should include putting forth qualified U.S. candidates to serve on those bodies, encouraging allies and partners to do the same with their candidates, and building coalitions to support those candidates.
- Sustain, and where appropriate expand, programs that incentivize the study of languages spoken within the PRC (including ethnic minority languages), the deep study of China's political system, and the Chinese Communist Party's efforts to violate and undermine human rights globally. The effort to counter these violations—and generating consensus around timely, effective, and culturally appropriate responses—must be informed by greater understanding of China's political and legal system and its linguistic, religious, and cultural diversity.
- Employ existing sanctions authorities, or create new authorities if needed, that will hold foreign government officials accountable for returning individuals to countries, including the PRC, where they are at risk of torture and other human rights abuses, in violation of the principle of non-refoulement.

Transnational Repression

During the Commission's 2022 reporting year, the People's Republic of China (PRC) continued a multi-year campaign of transnational repression against critics, Uyghurs, and others to stifle criticism and enhance control over emigrant and diaspora communities.[1] "Transnational repression" refers to transnational efforts to stifle dissent or independent organizing from emigrant or diaspora communities,[2] and Freedom House has called China's transnational repression campaign "the most sophisticated, global, and comprehensive . . . in the world."[3] In June 2022, Freedom House reported that "the Chinese government uses transnational repression more than any other country," counting 229 cases of "physical transnational repression" originating from China since 2014.[4] In the category of "physical transnational repression," Freedom House includes "detention, assault, physical intimidation, unlawful deportation, rendition, or suspected assassination."[5] [For more information about transnational repression against Uyghurs and other Turkic Muslims, see Section X—Xinjiang.]

This past year, authorities and those acting at their direction engaged in digital and in-person harassment and surveillance, harassment and intimidation of China-based relatives of overseas targets ("coercion by proxy"[6]), and other forms of transnational repression. As a result, some observers and victims reported lasting emotional trauma or a chilling effect in the form of self-censorship.[7] Selected examples of transnational repression follow:

- **Digital Harassment and Surveillance.** Reports documented authorities' multi-year efforts to procure and use technology to—among other objectives—track online discussion overseas of issues authorities deemed sensitive, identify social media users overseas, and surveil the online activity of Uyghurs and other ethnic minorities overseas.[8]
- **In-Person Harassment and Surveillance.** The Index on Censorship reported that two self-identified Chinese individuals followed a Uyghur woman attending a World Uyghur Congress meeting in Athens and waited for her "with [people she] suspected to be undercover agents."[9]
- **Targeting Family Members.** Chinese public security officials reportedly visited relatives of Netherlands-based Chinese national Gao Ronghui after he posted comments online in support of Ukraine.[10] Officials reportedly called him and warned him that "If there is a problem with your political stance, it will affect your family for generations . . .."[11] This past year, U.S.-based Uyghur and American citizen Rushan Abbas reported that her sister, retired Uyghur doctor **Gulshan Abbas,** continued to serve a 20-year sentence for the alleged crimes of "participating in a terrorist organization," "aiding terrorist activities," and "gathering a crowd to disrupt social order" after Chinese authorities detained her in 2018 in apparent retaliation for Rushan Abbas's advocacy work.[12]
- **Extraterritorial Application of Law.** Hong Kong authorities reportedly ordered London-based non-governmental orga-

nization (NGO) Hong Kong Watch chief executive Benedict Rogers to remove the organization's website or face potential imprisonment under the PRC Law on Safeguarding National Security in the Hong Kong Special Administrative Region.[13]

• **Educational Institutions.** An article in the Party-run media outlet Global Times, authored by two George Washington University (GWU) alumni, criticized GWU's president[14] after he said posters on campus designed by dissident artist Badiucao[15] protesting the 2022 Beijing Winter Olympic Games were not "racist," but rather were "political statements."[16] GWU's chapter of the Chinese Students and Scholars Association—a larger organization with ties to Chinese authorities[17]—had previously urged GWU leadership to remove the posters, calling them "slanderous" and "racist."[18] In another case, Istanbul authorities reportedly closed a Uyghur elementary school after Chinese officials alleged that it violated Turkish regulations and may be providing "anti-China" education, allegations the school head refuted.[19]

EFFORTS TO REPATRIATE CRITICS AND OTHERS DEEMED SENSITIVE

As part of their transnational repression efforts, the PRC continued a multi-year campaign to repatriate critics, Uyghurs, and others[20]—in some cases through coercive means—to China, where UN and other experts argued they would face significant risk of torture.[21] According to a senior Party official, in 2021 authorities "returned" 1,273 "fugitives" through Operation Skynet.[22] Operation Skynet is part of multi-year efforts that, in some cases, reportedly targeted corruption suspects and, in others, critics and members of ethnic minority emigrant and diaspora communities.[23] In 2018, the Party and government explicitly authorized "irregular measures," including "kidnapping" and "entrapment,"[24] and international observers have documented cases of kidnapping, harassment of targets' families, and other coercive practices.[25] Selected cases from this past year follow:

• According to Safeguard Defenders, Chinese authorities—some unidentified and some "from the . . . embassy"—obstructed Chinese national Liu Lingshuang outside a courthouse in Cyprus and warned her to stop assisting her partner **Ma Chao,** the subject of an extradition request from China.[26] As extradition proceedings continued, authorities reportedly detained relatives of Liu in China and refused to renew the passports of Liu's children.[27]

• In early 2022, Human Rights Watch reported that Saudi authorities were preparing to extradite Uyghurs Nurmemet Rozi and Hemdulla Weli (or Abduweli) to China after detaining them since November 2020 without charge.[28] UN experts expressed concern at the lack of "proper legal justification or implementation of fundamental safeguards, reportedly on the basis of an extradition request made by China."[29] In March 2022, Saudi authorities reportedly detained Rozi's ex-wife Buhelchem Abla and their 13-year old daughter and indicated they would be deported to China.[30]

• Chinese authorities reportedly harassed the family and ex-husband of Kazakhstan-based ethnic Kazakh and Chinese na-

tional Ulnur Bozhykhan after she wrote publicly about abuses she suffered in a Xinjiang Uyghur Autonomous Region (XUAR) detention facility, to pressure her to return to China.[31]

- Chinese national Wu Huan reported that individuals including Chinese consular officials held her for 10 days in a converted villa in the United Arab Emirates and pressured her to incriminate her fiancé Wang Jingyu.[32] Wang previously questioned the Chinese government's reporting on the conflict between the Indian and Chinese militaries.[33]

This past year, a Moroccan court ruled to extradite to China Idris Hasan, a Uyghur who documented human rights violations in the XUAR while living in Turkey, and who was detained in Morocco in July 2021 under a since-canceled Red Notice from China.[34] Upon member state request, the International Criminal Police Organization (INTERPOL) publishes Red Notices, requests that authorities in other countries "provisionally arrest" subjects.[35] Red Notices of a "political, military, religious or racial character" violate INTERPOL rules,[36] but experts have documented Chinese authorities' abuse of Red Notices to trigger detentions of transnational repression targets in prior years.[37] Of the 1,273 "fugitives" discussed above, authorities reportedly "returned" 22 under Red Notices.[38] The Commission did not observe disaggregated data for those 22 cases. In February 2022, the South China Morning Post reported that "dozens" of Red Notices for Chinese subjects disappeared from public view.[39] The Commission did not observe reports confirming why they disappeared, or whether they were canceled.

Transnational Repression Charges in the United States
In March and May 2022, the U.S. Department of Justice reported criminal charges against 10 individuals accused of engaging in transnational repression in the United States.[40] The accusations included spying on and conspiring to harass dissidents and others, as well as pressuring individuals to return to China.[41] Those allegedly targeted included a congressional candidate,[42] democracy advocates,[43] a U.S. Olympic figure skater, the skater's father, and a dissident artist whose sculpture—which depicted Xi Jinping's head as a coronavirus molecule and was titled "CCP VIRUS"—was burned down.[44] Chinese authorities reportedly held the pregnant daughter—a U.S. national—of another victim of transnational repression against her will in China to pressure that victim to return to China.[45]

Economic Coercion

This past year, the PRC used economic coercion against foreign governments and companies to stifle criticism of China's human rights conditions and other issues Chinese authorities deemed sensitive.[46] "Economic coercion" refers to the threat or actual imposition of economic costs to extract concessions in areas other than trade policy itself.[47]

USE OF INFORMAL ECONOMIC COERCION TO PUNISH OR SILENCE CRITICS

Chinese authorities used unacknowledged, informal economic coercion to prevent and punish unwanted speech. Experts have noted that informal measures lend a degree of plausible deniability, flexibility with targeting and implementation, and protection from legal countermeasures under the World Trade Organization (WTO) or other authorities.[48] The following are illustrative examples:

- **Australia.** Authorities continued a multi-year campaign of economic coercion against Australia[49] that began in response to Australian authorities' calls for an independent investigation into the origins of coronavirus 2019 (COVID-19) and the Chinese government's initial handling of the pandemic; speech about conditions in the XUAR, Hong Kong, and Taiwan; and other issues.[50] One study estimated trade restrictions on Australian imports including barley, wine, timber, lobster, coal, beef, cotton, and copper caused a loss of AU$6.6 billion (US$4.5 billion) to Australia over the period of July 2020 to February 2021.[51]
- **Intel, Sam's Club, and Walmart.**[52] Chinese authorities, Party-run media, and internet users in China publicly criticized U.S. companies Intel, Sam's Club, and Sam's Club's parent company Walmart after Intel asked suppliers to stop sourcing from the XUAR and Sam's Club products sourced from the XUAR disappeared from shelves and online shopping sites in China.[53] The Party-run Communist Youth League reportedly called for a boycott of Sam's Club, and some consumers in China canceled their Sam's Club memberships.[54] The Global Times and the PRC's highest-level disciplinary bodies—the Central Commission for Discipline Inspection (CCDI) and the National Supervisory Commission (NSC)—publicly criticized the companies, encouraged boycotts, and warned of potential economic consequences.[55] In an article posted on the joint website of the CCDI and NSC, the author criticized Intel and Sam's Club's actions, referencing a prior case involving the Swedish apparel brand H&M, in which the company's information disappeared from apps and websites in China, reportedly as a result of the company's stance on the XUAR.[56]
- **7-Eleven.** A Japanese-owned operator of 7-Eleven stores in Beijing municipality apologized after Beijing municipal authorities fined the company 150,000 yuan (US$22,000) after finding that the company's website listed Taiwan as a country, did not use Chinese names for islands in the South China Sea that China claims, and contained "mistakes" in its depiction of borders along the XUAR and Tibet Autonomous Region (TAR).[57]

Economic Coercion against Lithuania

This past year, the Chinese government launched a comprehensive campaign of economic coercion against Lithuania after the Lithuanian government allowed the opening of a "Taiwanese Representative Office"—a name chosen by Taiwan's government—in Vilnius.[58] Following that decision, Chinese authorities reportedly took various steps to punish Lithuania; for example:

- Chinese authorities banned all Lithuanian imports, as well as imports from other countries containing Lithuanian components;[59]
- The Global Times encouraged China to "join hands with Russia and Belarus" and "punish" Lithuania;[60]
- Chinese customs officials reportedly found "additional microorganisms" in Lithuanian dairy and meat exports,[61] echoing similar claims in past cases of economic coercion;[62] and
- Chinese authorities reportedly pressured German company Continental not to use Lithuanian-made parts.[63]

Five months after the decision to allow the opening of a "Taiwanese Representative Office" in Vilnius, Lithuanian exports to China in December 2021 reportedly dropped more than 90 percent as compared to December 2020.[64] In response to China's economic coercion, the European Union (EU) brought a dispute settlement case before the WTO, to which China's Ministry of Foreign Affairs spokesperson Zhao Lijian reportedly replied, "[t]he problem between China and Lithuania is a political problem, not an economic problem."[65]

In some cases, companies appeared to self-censor or adopt positions consistent with the PRC's political priorities without an explicit demand. For example:

- **Prague Marriott.** The Marriott Hotel in Prague declined to host a meeting of the World Uyghur Congress on the basis of "political neutrality."[66]
- **Octopus and Quarto.** British publishers Octopus and Quarto reportedly censored and revised content related to Taiwan, Hong Kong, artist **Ai Weiwei,**[67] and the TAR in books intended to be printed in China and sold to audiences outside of China.[68]
- **Moleskine.** Italian notebook manufacturer Moleskine reportedly erased all references to Taiwan from its journals—after previously changing "Taiwan" to "Taiwan (Province of China)"—which Newsweek characterized as "a consequence of the Chinese Communist Party's 'disturbing micromanagement' as it combs global markets for perceived challenges to its territorial claims."[69]

LAWS THAT PROVIDE A FORMAL BASIS FOR ECONOMIC COERCION

This past year, the PRC took steps to provide new authorities in Chinese law for carrying out economic coercion to punish or chill criticism outside China, or otherwise demand compliance with their political priorities.

- In September 2021, the PRC Data Security Law came into effect.[70] The Data Security Law applies extraterritorially,[71] classifies data according to factors including "national security"[72]—which experts noted Chinese authorities have interpreted broadly in other contexts to punish speech or actions that do not conform to PRC priorities[73]—allows for data export controls,[74] and authorizes civil and criminal penalties for those who fail to fulfill data security obligations outlined in the Data Security Law.[75]
- In August 2021, the government passed the PRC Personal Information Protection Law (PIPL).[76] The PIPL applies extraterritorially,[77] cites "national security" as a basis,[78] and allows for retaliatory measures against countries that implement "discriminatory" measures against China.[79] While the PIPL appears to mirror some privacy protections in the EU's General Data Protection Regulation, observers expressed concern about the latitude the PIPL gives authorities to investigate and punish those who handle data, as well as to seize personal data.[80]
- During the controversy over Intel, Walmart, and Sam's Club described above, a Global Times article discussed the possibility of using the PRC Anti-Foreign Sanctions Law, passed in June 2021.[81] The Commission did not observe reports that authorities used the Anti-Foreign Sanctions Law against those companies, but this past year, authorities used the Anti-Foreign Sanctions Law against four officials of the United States Commission on International Religious Freedom, as well as two U.S. companies that sold arms to Taiwan.[82] The Commission did not observe reports of specific penalties applied to those officials or companies under the PRC Anti-Foreign Sanctions Law this past year.

Concerns Surrounding Belt and Road Projects

This past year, international experts reported that Belt and Road Initiative (BRI) projects in multiple regions experienced worker rights violations, environmental problems, corruption, and opacity in project debt and project agreements with host country institutions.[83] Multiple expert sources have reported concerns about systemic problems in those areas in recent years[84] as the scale of BRI investment, as well as Chinese government support and involvement in BRI, has increased.[85] The following are illustrative examples from this past year:

- **Worker Rights.** Angolan security forces reportedly killed three people and injured five workers protesting conditions at a construction project with Chinese state-owned enterprise (SOE) involvement.[86] The European Parliament expressed concerns about substandard and abusive conditions for Vietnamese workers at the Linglong Tire factory,[87] a project initiated under an agreement between China and Serbia[88] with Chinese SOE involvement.[89] In another case, the New York Times reported an alleged "dramatic decline in worker safety" in a Democratic Republic of Congo (DRC) cobalt mine under the ownership of China Molybdenum—now known as CMOC—which reportedly received Chinese state-backed financing.[90]

According to reporting from this past year, in recent years CMOC impeded inspectors from the mine site; and Chinese companies involved in that and at least one other DRC cobalt mine have increasingly used subcontracting to provide "lower pay, minimal or no benefits, and precarious job security."[91]

• **Environment.** In Argentina, experts and observers voiced concerns over the environmental assessment, lack of indigenous community consultation, and potential social and environmental impact of a dam project with Chinese SOE involvement.[92] In Peru, locals demonstrated after a Chinese SOE's[93] activities reportedly depleted lakes, affecting grazing and irrigation.[94] International NGO Environmental Investigation Agency reported that expansion of traditional Chinese medicine companies through BRI, which the Chinese government identified as a priority for 2016–2030,[95] posed a threat to Africa's biodiversity.[96]

• **Corruption and Transparency.** In the DRC case above, China Molybdenum employees reportedly attempted to bribe and assaulted safety inspectors,[97] and Congolese authorities reported that China Molybdenum authorities "failed to declare" copper and cobalt reserves, thus avoiding required payments to Congolese authorities.[98]

Exporting Technology-Enhanced Authoritarianism through Surveillance and Profiling Technology

This past year, the Commission observed reports that some Chinese companies, which previously created or helped create surveillance technology that can be used to profile Uyghurs and target other marginalized communities in China,[99] exported surveillance technology and equipment. In December 2021, the surveillance research firm IPVM reported that Chinese company Tiandy sold surveillance equipment, including networked video recorders with Intel chips, to Iran's security services.[100] In another case, Radio Free Europe/Radio Liberty reported that a "predominantly Serb provisional authority in southeastern Kosovo" agreed to purchase—with Serbian government funding—Dahua equipment including 196 surveillance cameras and 30 DVR recorders for use in "about 30 facilities, mostly schools, in 12 Kosovar communities."[101] A February 2022 report from UK nonprofit Big Brother Watch reported that "almost 800" of the 1,300 public organizations that responded to its requests for information said they had equipment made by either Hikvision or Dahua, and Big Brother Watch found over 164,000 "Hikvision IP cameras" and over 14,000 "Dahua tagged products" connected to the internet in the United Kingdom.[102] In addition, this past year, Privacy International and Stanford University's Hoover Institution published reports documenting the multi-year procurement and implementation of Huawei surveillance and facial recognition technology in Mauritius, Burma (Myanmar), Uganda, and Serbia.[103]

The U.S.-China Economic and Security Review Commission's (USCC) 2020 Annual Report provided information on PRC exports of surveillance technology and equipment under the Digital Silk Road project to promote its concept of "internet sovereignty" by giving certain countries the ability to control their domestic inter-

net.[104] In its 2021 Annual Report, the USCC reported the PRC had previously sold surveillance, facial recognition, and "integrated social tracking" technologies to multiple governments, including Argentina, Bolivia, the Dominican Republic, Ecuador, Guyana, and Venezuela.[105] The Venezuela case was notable for the sale of an in-development social credit system called the "Fatherland Card" that monitors social media, rations food and supplies, and tracks voting patterns, and may have the capability of distributing COVID-19 vaccines.[106]

Impeding UN Human Rights Bodies and Redefining Global Human Rights Norms

This past year, the PRC continued a longstanding global campaign to discredit universal rights in international institutions and reshape international consensus around human rights, in what Human Rights Watch described in 2017 as "a systematic attempt to subvert the ability of the UN human rights system to confront abuses in China and beyond."[107] As scholar Nadège Rolland observed, the PRC has taken steps to "[expand] its international institutional power" as part of its efforts to advance a new order that excludes universal human rights, an order that Rolland notes Chinese leader Xi Jinping has associated with a concept the Party calls a "community of common human destiny" (*renlei mingyun gongtongti*).[108] Several reports published by experts this past year documented those efforts,[109] concluding that in recent years China took a leading role in undermining the participation of NGOs and civil society organizations—"especially those focused on human rights and North Korea"[110]—in UN processes,[111] acting together with other authoritarian states to inhibit human rights scrutiny[112] and using its influence in the United Nations to promote BRI projects without appropriate human rights guarantees.[113]

Chinese authorities took steps consistent with those efforts this past year. For example:

- Following reports that Russia committed human rights violations after invading Ukraine in February 2022,[114] China abstained from a UN vote to establish a commission to investigate potential human rights violations committed by Russia in Ukraine[115] and voted "no" to a UN vote to suspend Russia's membership in the United Nations Human Rights Council (UNHRC) in light of "reports of [Russia's] gross and systematic violations and abuses of human rights."[116] Regarding the alleged human rights violations, Ministry of Foreign Affairs spokesperson Zhao Lijian said that "humanitarian issues shouldn't be politicized,"[117] and Chinese authorities took steps to amplify Russian narratives on human rights conditions in Ukraine.[118] [For more information on those efforts, see Section III—Freedom of Expression.]
- The Chinese government attempted to weaken human rights protections in a draft UN instrument that would create legally binding obligations for transnational and other businesses. In February 2022, the UNHRC released a third draft of that instrument with proposals for textual changes submitted by states.[119] China proposed to—among other things—remove

some references to "human rights defenders"; remove guarantees for "effective, adequate and timely remedy" for victims; remove States Parties' obligation to prevent "unlawful interference" with human rights and fundamental freedoms; and remove States Parties' obligation to investigate and address human rights abuses.[120]

Notes to Section XII—Human Rights Violations in the U.S. and Globally

[1] This past year, multiple reports documented the PRC's multi-year transnational repression efforts. See, e.g., Safeguard Defenders, "No Room to Run: China's Expanded (Mis)use of INTERPOL since the Rise of Xi Jinping," 2021; Natalie Hall and Bradley Jardine, Uyghur Human Rights Project and Oxus Society for Central Asian Affairs, "'Your Family Will Suffer': How China Is Hacking, Surveilling, and Intimidating Uyghurs in Liberal Democracies," 2021; Safeguard Defenders, "Pursued for Life: Hong Kong's Global Hunt for Fugitives, the National Security Law, and Risk of INTERPOL Misuse," 2021; Cate Cadell, "China Harvests Masses of Data on Western Targets, Documents Show," *Washington Post,* December 31, 2021; Muyi Xiao and Paul Mozur, "A Digital Manhunt: How Chinese Police Track Critics on Twitter and Facebook," *New York Times,* December 31, 2021; Safeguard Defenders, "Involuntary Returns: China's Covert Operation to Force 'Fugitives' Overseas Back Home," January 2022; Index on Censorship, "China's Long Arm: How Uyghurs Are Being Silenced in Europe," February 2022; Safeguard Defenders, "Hide and Seek: China's Extradition Problem," February 2022; Safeguard Defenders, "Returned without Rights: State of Extradition to China," February 2022; Noura Al-Jizawi, Siena Anstis, Sophie Barnett et al., Citizen Lab, "Psychological and Emotional War: Digital Transnational Repression in Canada," March 1, 2022; Bradley Jardine, *Great Wall of Steel: China's Global Campaign to Suppress the Uyghurs* (Washington, DC: Kissinger Institute on China and the United States, Woodrow Wilson International Center for Scholars, March 2022). For more information, see *The Threat of Transnational Repression from China and the U.S. Response, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2022).

[2] See, e.g., Dana M. Moss, *The Arab Spring Abroad: Diaspora Activism against Authoritarian Regimes* (Cambridge: Cambridge University Press, 2022), 5; Nate Schenkkan and Isabel Linzer, Freedom House, "Out of Sight, Not out of Reach: the Global Scale and Scope of Transnational Repression," February 2021, 1; Safeguard Defenders, "Involuntary Returns: China's Covert Operation to Force 'Fugitives' Overseas Back Home," January 2022, 8–9; Dana M. Moss, "Transnational Repression, Diaspora Mobilization, and the Case of the Arab Spring," *Social Problems* 63 (2016): 480, 481–82; Federal Bureau of Investigation, "Transnational Repression," accessed June 27, 2022.

[3] Nate Schenkkan and Isabel Linzer, Freedom House, "Out of Sight, Not out of Reach: the Global Scale and Scope of Transnational Repression," February 2021, 15.

[4] *The Threat of Transnational Repression from China and the U.S. Response, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2022) (statement for the record of Freedom House). For more information, see Nate Schenkkan and Isabel Linzer, Freedom House, "Out of Sight, Not out of Reach: the Global Scale and Scope of Transnational Repression," February 2021, 15–21.

[5] Nate Schenkkan and Isabel Linzer, Freedom House, "Out of Sight, Not out of Reach: the Global Scale and Scope of Transnational Repression," February 2021, 1.

[6] Nate Schenkkan and Isabel Linzer, Freedom House, "Out of Sight, Not out of Reach: the Global Scale and Scope of Transnational Repression," February 2021, 2.

[7] Noura Al-Jizawi, Siena Anstis, Sophie Barnett, et al., Citizen Lab, "Psychological and Emotional War: Digital Transnational Repression in Canada," March 1, 2022, 15–18, 23–24; Muyi Xiao and Paul Mozur, "A Digital Manhunt: How Chinese Police Track Critics on Twitter and Facebook," *New York Times,* December 31, 2021; Natalie Hall and Bradley Jardine, Uyghur Human Rights Project and Oxus Society for Central Asian Affairs, "'Your Family Will Suffer': How China Is Hacking, Surveilling, and Intimidating Uyghurs in Liberal Democracies," 2021, 7.

[8] Cate Cadell, "China Harvests Masses of Data on Western Targets, Documents Show," *Washington Post,* December 31, 2021; Muyi Xiao and Paul Mozur, "A Digital Manhunt: How Chinese Police Track Critics on Twitter and Facebook," *New York Times,* December 31, 2021; Natalie Hall and Bradley Jardine, Uyghur Human Rights Project and Oxus Society for Central Asian Affairs, "'Your Family Will Suffer': How China Is Hacking, Surveilling, and Intimidating Uyghurs in Liberal Democracies," 2021, 10–17.

[9] Index on Censorship, "China's Long Arm: How Uyghurs Are Being Silenced in Europe," February 10, 2022, 12.

[10] "Chinese National Living in the Netherlands Forced to Shut Down Twitter Account," *Radio Free Asia,* April 22, 2022.

[11] "Chinese National Living in the Netherlands Forced to Shut Down Twitter Account," *Radio Free Asia,* April 22, 2022.

[12] Austin Ramzy,"'They Have My Sister': As Uyghurs Speak Out, China Targets Their Families," *New York Times,* updated November 9, 2021; Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on December 31, 2020," December 31, 2020. See also CECC, *2021 Annual Report,* March 2022, 84, 277. For more information on Gulshan Abbas, see the Commission's Political Prisoner Database record 2021-00002.

[13] Elaine Yu, "Hong Kong Officials Threaten British Activist with National Security Law," *Wall Street Journal,* March 14, 2022; *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020.

[14] Zhang Sheng and Bao Haining, "Freedom of Speech as the Last Refuge of Racist Hater: GWU Asylum for Racism Reflects Double Standard of US Society," *Global Times,* February 10, 2022.

[15] Badiucao (@badiucao), "1/@GWtweets George Washington University Chinese Students and Scholars Association (GWUCSSA) . . .," Twitter, February 4, 2022, 10:44 p.m.

[16] Office of the President, George Washington University, "Message Regarding Posters Displayed on Campus," February 7, 2022. George Washington University staff reportedly removed the posters prior to the publication of this statement.

[17] See, e.g., Lahav Harkov, "China Asks Visiting Students in Israel to Collect Information," *Jerusalem Post,* updated April 12, 2022; Human Rights Watch, "'They Don't Understand the Fear We Have': How China's Long Reach of Repression Undermines Academic Freedom at Australia's Universities," June 2021, i, 15.

[18] Qiaozhi Huashengdun GWUSCCA [George Washington University Chinese Students and Scholars Association], "Spotlight | Meizhou Subao 1/29–2/4" [Spotlight | Weekly Newsletter 1/29–2/4], Weixin, February 4, 2022.

[19] "Turkey Closes Uyghur School in Istanbul after China Complains," *Radio Free Asia,* February 28, 2022.

[20] For background information on the history of these efforts, see Safeguard Defenders, "Hide and Seek: China's Extradition Problem," February 2022; Safeguard Defenders, "Returned without Rights: State of Extradition to China," February 2022; Safeguard Defenders, "Involuntary Returns: China's Covert Operation to Force 'Fugitives' overseas Back Home," January 2022; Safeguard Defenders, "Pursued for Life: Hong Kong's Global Hunt for Fugitives, the National Security Law, and Risk of INTERPOL Misuse," 2021; Safeguard Defenders, "No Room to Run: China's Expanded (Mis)use of INTERPOL since the Rise of Xi Jinping," 2021; Natalie Hall and Bradley Jardine, Uyghur Human Rights Project and Oxus Society for Central Asian Affairs, "'Your Family Will Suffer': How China Is Hacking, Surveilling, and Intimidating Uyghurs in Liberal Democracies," 2021; Cholpon Orozobekova, "Kidnapped by China: Beijing's Battle against Dissidents and Free Speech," *The Diplomat,* October 7, 2016.

[21] Office of the UN High Commissioner for Human Rights, "Saudi Arabia: UN Experts Say Uyghurs Must Not Be Extradited to China, Urge Proper Risk Assessment," April 1, 2022; Office of the UN High Commissioner for Human Rights, "Morocco: UN Experts Say Extradition of Uyghur Asylum Seeker to China Violates Principle of Non-Refoulement," December 16, 2021; Safeguard Defenders, "Returned without Rights: State of Extradition to China," February 2022, 12–13. See also Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 3.

[22] Zhao Leji, "Zai Zhongguo Gongchandang Di Shijiu Jie Zhongyang Jilu Jiancha Weiyuanhui Di Liu Ci Quanti Huiyi shang de gongzuo baogao" [Work report of the Sixth Plenary Meeting of the Chinese Communist Party's 19th Central Discipline Inspection Commission], January 18, 2022, chap. 1, sec. 2. See also "China's Manhunt Campaign Brings Back 1,273 Fugitives in 2021," *Xinhua,* February 25, 2022.

[23] See, e.g., Safeguard Defenders, "Involuntary Returns: China's Covert Operation to Force 'Fugitives' overseas Back Home," January 2022, 12; Edward White and Victor Mallet, "How Xi Jinping's Anti-Corruption Crusade Went Global," *Financial Times,* February 22, 2022; Christopher Wray, Federal Bureau of Investigation, U.S. Department of Justice, "Countering Threats Posed by the Chinese Government Inside the U.S.," January 31, 2022; Cholpon Orozobekova, "Kidnapped by China: Beijing's Battle against Dissidents and Free Speech," *The Diplomat,* October 7, 2016.

[24] Central Commission for Discipline Inspection and National Supervisory Commission, "'*Zhonghua Renmin Gongheguo Jiancha Fa*' Shiyi: Di Liu Zhang Fan Fubai Guoji Hezuo Di Wushi'er Tiao" ["PRC Supervision Law" Interpretation: Chapter 6, International Cooperation to Counter Corruption, Article 52], July 4, 2018.

[25] See, e.g., Safeguard Defenders, "Involuntary Returns: China's Covert Operation to Force 'Fugitives' overseas Back Home," January 2022, 12; Edward White and Victor Mallet, "How Xi Jinping's Anti-Corruption Crusade Went Global," *Financial Times,* February 22, 2022; Christopher Wray, Federal Bureau of Investigation, "Countering Threats Posed by the Chinese Government Inside the U.S.," January 31, 2022; Cholpon Orozobekova, "Kidnapped by China: Beijing's Battle against Dissidents and Free Speech," *The Diplomat,* October 7, 2016.

[26] Safeguard Defenders, "In Cyprus, a Microcosm of China's Transnational Repression Crystalizes," April 29, 2022; Christian Shepherd, "China's Aggressive Efforts to Bring Back Fugitives Grow More Brazen," *Washington Post,* April 29, 2022.

[27] Safeguard Defenders, "In Cyprus, a Microcosm of China's Transnational Repression Crystalizes," April 29, 2022; Christian Shepherd, "China's Aggressive Efforts to Bring Back Fugitives Grow More Brazen," *Washington Post,* April 29, 2022.

[28] Human Rights Watch, "Saudi Arabia: Imminent Deportation of Uyghur Detainees," January 10, 2022. See also Office of the UN High Commissioner for Human Rights, "Saudi Arabia: UN Experts Say Uyghurs Must Not Be Extradited to China, Urge Proper Risk Assessment," April 1, 2022. Some sources have also written Hemdulla as "Hemdullah." See, e.g., Office of the UN High Commissioner for Human Rights, "Mandates of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; the Special Rapporteur on Minority Issues and the Special Rapporteur on Freedom of Religion or Belief," AL SAU 3/2022, March 3, 2022.

[29] Office of the UN High Commissioner for Human Rights, "Saudi Arabia: UN Experts Say Uyghurs Must Not Be Extradited to China, Urge Proper Risk Assessment," April 1, 2022.

[30] Amnesty International, "Saudi Arabia: Uyghur Girl, 13, among Four 'Facing Deportation' and Torture in China," April 4, 2022; Safeguard Defenders, "Saudi Arabia: Uyghur Girl, 13, among Four Facing Deportation to China," April 4, 2022.

[31] Ulnur Bozhykhan, "I Exposed Torture and Rape in the Xinjiang Camps: the CCP Wants Me Back," *Bitter Winter,* March 31, 2022; Ulnur Bozhykhan, "I told My Story in Bitter Winter, the CCP Is Taking Revenge on My Relatives," *Bitter Winter,* March 17, 2022; Turarbek Kusainov, "Chinese Humiliation: Rape and Torture in Xinjiang's 'Vocational Schools,'" *Bitter Winter,* February 7, 2022.

[32] Tom Cheshire, "How China Is Using Black Sites in the UAE as They Target Uyghurs Abroad," *Sky News,* February 9, 2022. "Wang Jingyu yu weihunqi taoli Zhongguo zaidu tashang

liuwanglu" [Wang Jingyu and his fiancée fled China and are once again on the road to exile], *Voice of America,* July 23, 2021.

[33] Tom Cheshire, "How China Is Using Black Sites in the UAE as They Target Uyghurs Abroad," *Sky News,* February 9, 2022. "Wang Jingyu yu weihunqi taoli Zhongguo zaidu tashang liuwanglu" [Wang Jingyu and his fiancée fled China and are once again on the road to exile], *Voice of America,* July 23, 2021.

[34] Linda Lew, "Yidiresi Aishan: Rights Group Appeals to UN over Moroccan Court's Extradition Ruling against Uygur Dissident," *South China Morning Post,* December 16, 2021; Office of the UN High Commissioner for Human Rights, "Morocco: UN Experts Say Extradition of Uyghur Asylum Seeker to China Violates Principle of Non-Refoulement," December 16, 2021; Reporters Without Borders, "RSF Urges Morocco Not to Extradite Uyghur Journalist to China, Where He Risks Torture," December 20, 2021; Asim Kashgarian, "Uyghur Man's Long Journey to Freedom May End with Return to China," *Voice of America,* updated January 14, 2022.

[35] International Criminal Police Organization, "Red Notices," accessed April 15, 2022.

[36] International Criminal Police Organization, "Red Notices," accessed April 15, 2022; International Criminal Police Organization, *Constitution of the ICPO-INTERPOL,* effective June 13, 1956, arts. 2–3.

[37] See, e.g., Christian Shepherd, "China's Aggressive Efforts to Bring Back Fugitives Grow More Brazen," *Washington Post,* April 29, 2022; Christopher Wray, Federal Bureau of Investigation, "Countering Threats Posed by the Chinese Government Inside the U.S.," January 31, 2022; Safeguard Defenders, "No Room to Run: China's Expanded (Mis)use of INTERPOL since the Rise of Xi Jinping," 2021, 3, 5.

[38] Zhao Leji, "Zai Zhongguo Gongchandang Di Shijiu Jie Zhongyang Jilu Jiancha Weiyuanhui Di Liu Ci Quanti Huiyi shang de gongzuo baogao" [Work report of the Sixth Plenary Meeting of the Chinese Communist Party's Nineteenth Central Discipline Inspection Commission], January 18, 2022, chap. 1, sec. 2; "China's Manhunt Campaign Brings Back 1,273 Fugitives in 2021," *Xinhua,* February 25, 2022.

[39] Ian Young, "Dozens of Interpol 'Red Notices' for Chinese Suspects Vanish from View as Skynet Corruption Strategy Seems to Shift," *South China Morning Post,* February 18, 2022.

[40] U.S. Department of Justice, "Five Individuals Charged Variously with Stalking, Harassing, and Spying on U.S. Residents on Behalf of the PRC Secret Police," March 16, 2022; U.S. Department of Justice, "Chinese National Charged With Acting as an Unregistered Agent of the Chinese Government in the United States," March 30, 2022; U.S. Department of Justice, "U.S. Citizen and Four Chinese Intelligence Officers Charged with Spying on Prominent Dissidents, Human Rights Leaders and Pro-Democracy Activists," May 18, 2022.

[41] U.S. Department of Justice, "Five Individuals Charged Variously with Stalking, Harassing, and Spying on U.S. Residents on Behalf of the PRC Secret Police," March 16, 2022; U.S. Department of Justice, "Chinese National Charged With Acting as an Unregistered Agent of the Chinese Government in the United States," March 30, 2022; U.S. Department of Justice, "U.S. Citizen and Four Chinese Intelligence Officers Charged with Spying on Prominent Dissidents, Human Rights Leaders and Pro-Democracy Activists," May 18, 2022.

[42] U.S. Department of Justice, "Five Individuals Charged Variously with Stalking, Harassing, and Spying on U.S. Residents on Behalf of the PRC Secret Police," March 16, 2022; Jan Wolfe, "Justice Department Accuses China of Spying on, Intimidating Dissidents Living in U.S.," March 16, 2022.

[43] U.S. Department of Justice, "U.S. Citizen and Four Chinese Intelligence Officers Charged with Spying on Prominent Dissidents, Human Rights Leaders and Pro-Democracy Activists," May 18, 2022.

[44] Sally Ho, "US Olympian Alysa Liu, Father Targeted in Chinese Spy Case," *Associated Press,* March 17, 2022. See also U.S. Department of Justice, "Five Individuals Charged Variously with Stalking, Harassing, and Spying on U.S. Residents on Behalf of the PRC Secret Police," March 16, 2022; Richard Winton, "Stalking a Skater. Derailing a Campaign. Destroying Art. China Is behind 'Insidious' Acts, Feds Say," *Los Angeles Times,* March 18, 2022.

[45] U.S. Department of Justice, "Chinese National Charged With Acting as an Unregistered Agent of the Chinese Government in the United States," March 30, 2022.

[46] See, e.g., Alan Beattie, "Australia Offers Timely Lessons in Resisting Chinese Trade Coercion," *Financial Times,* February 9, 2022; Andy Bounds, "Lithuania Complains of Trade 'Sanctions' by China after Taiwan Dispute," *Financial Times,* December 3, 2021; "Case Study: China's Economic Coercion against Intel, Sam's Club, and Walmart," Congressional-Executive Commission on China, April 14, 2022. For more information, see *How China Uses Economic Coercion to Silence Critics and Achieve Its Political Aims Globally, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021).

[47] See, e.g., Elizabeth Rosenberg, Peter Harrell, and Ashley Feng, Center for a New American Security, "A New Arsenal for Competition: Coercive Economic Measures in the U.S.-China Relationship," April 24, 2020, 5; Murray Scot Tanner, "Economic Coercion: Factors Affecting Success and Failure," in *Chinese Economic Coercion against Taiwan: a Tricky Weapon to Use* (Santa Monica: RAND Corporation, 2007), 11–12; Darren Lim, Zack Cooper, and Ashley Feng, United States Studies Center, University of Sydney, "Trust and Diversify: a Geoeconomic Strategy for the Australia-US Alliance," September 2021, 7.

[48] Darren Lim, Zack Cooper, and Ashley Feng, United States Studies Center, University of Sydney, "Trust and Diversify: a Geoeconomic Strategy for the Australia-US Alliance," September 2021, 7–8.

[49] Ralph Jennings, "China-Australia Relations: US Exports Ease the Pain of China Trade Reduction, but Not Enough," *South China Morning Post,* April 9, 2022; Alan Beattie, "Australia Offers Timely Lessons in Resisting Chinese Trade Coercion," *Financial Times,* February 9, 2022.

[50] Jonathan Kearsley, Eryk Bagshaw, and Anthony Galloway, "'If You Make China the Enemy, China Will Be the Enemy': Beijing's Fresh Threat to Australia," *Sydney Morning Her-*

ald, November 18, 2020; Brett Worthington, "Marise Payne Calls for Global Inquiry into China's Handling of the Coronavirus Outbreak," *ABC News,* updated April 19, 2020.

[51] Ye Xue, Lowy Institute, "China's Economic Sanctions Made Australia More Confident," *Interpreter,* October 22, 2021; Su-Lin Tan, "China-Australia Relations: What's Happened over the Past Year, and What's the Outlook?" *South China Morning Post,* April 20, 2021; Ron Wickes, Mike Adams, and Nicolas Brown, Institute for International Trade, University of Adelaide, "Economic Coercion by China: the Impact on Australia's Merchandise Exports," July 2021, 3.

[52] For a more detailed discussion of this case, see "Case Study: China's Economic Coercion against Intel, Sam's Club, and Walmart," Congressional-Executive Commission on China, April 14, 2022.

[53] Liza Lin, "Walmart Sparks Public Outcry in China over Products from Xinjiang," *Wall Street Journal,* December 27, 2021; "Chinese Consumers Shrug Off Sam's Club's 'No-Membership-Reapplication' Warning as Anger Continues to Boil Up over Xinjiang Products Removal," *Global Times,* updated January 4, 2022.

[54] Liza Lin, "Walmart Sparks Public Outcry in China over Products from Xinjiang," *Wall Street Journal,* December 27, 2021; "Chinese Consumers Shrug Off Sam's Club's 'No-Membership-Reapplication' Warning as Anger Continues to Boil Up over Xinjiang Products Removal," *Global Times,* updated January 4, 2022.

[55] Hu Xijin, "Yingte'er jinzhi gongyinglian caigou shiyong Xinjiang chanpin, Hu Xijin: Yingte'er hen xiaozhang" [Intel prohibits the purchasing and use of Xinjiang products in its supply chain, Hu Xijin: Intel is very arrogant], Hu Xijin Observes, reprinted in *Sina,* December 22, 2021; "Intel's Xinjiang Statement Full of Calculations and Speculations: Global Times Editorial," *Global Times,* December 23, 2021; Chen Li, Central Commission for Discipline Inspection and National Supervisory Commission, "Shanmu Huiyuandian eyi xiajia Xinjiang chanpin: yuanze lichang wenti burong hanhu" [Sam's Club maliciously removes Xinjiang products from shelves: issues concerning principle and stance must not be left ambiguous], December 31, 2021.

[56] Chen Li, "Shanmu Huiyuandian eyi xiajia Xinjiang chanpin: yuanze lichang wenti burong hanhu" [Sam's Club maliciously removes Xinjiang products from shelves: issues concerning principle and stance must not be left ambiguous], Central Commission for Discipline Inspection and National Supervisory Commission, December 31, 2021; Eva Xiao, "H&M Is Erased from Chinese E-Commerce over Xinjiang Stance," *Wall Street Journal,* March 25, 2021. See also U.S. Department of State, "Department Press Briefing—March 26, 2021," March 26, 2021.

[57] Shunsuke Tabeta, "Beijing Slams 7-Eleven for Labeling Taiwan a Country on Website," *Nikkei Asia,* January 7, 2022.

[58] "Taiwan Opens Lithuania Representative Office Using Its Own Name," *Agence France-Presse,* reprinted in France 24, November 18, 2021.

[59] See, e.g., Andy Bounds, "Lithuania Complains of Trade 'Sanctions' by China after Taiwan Dispute," *Financial Times,* December 3, 2021; Joe Miller, Guy Chazan, and Andy Bounds, "German Business Hits Out at China after Lithuania Trade Row Snares Exports," *Financial Times,* December 17, 2021; Jakob Hanke Vela, Giorgio Leali, and Stuart Lau, "France Eyes Quick Anti-China Action to Bail Out Lithuania in Trade War," *Politico,* January 6, 2022.

[60] "China, Russia Can Cooperate to Punish Lithuania: Global Times Editorial," *Global Times,* August 11, 2021.

[61] Finbarr Bermingham, "Keeping Big Brothers at Bay: Why Lithuania Is Taking on China," *South China Morning Post,* December 1, 2021.

[62] Li Hongyang, "Mainland Issues Temporary Ban on Import of Taiwan Pineapples," *China Daily,* February 26, 2021; Dalton Lin, "Commentary: China's Pineapple Ban Another Pickle in Relations With Taiwan," *CNA,* April 19, 2021.

[63] Andrius Sytas and John O'Donnell, "Exclusive: China Pressures Germany's Continental to Cut Out Lithuania," *Reuters,* December 17, 2021.

[64] Finbarr Bermingham, "Lithuanian Exports Nearly Obliterated from China Market amid Taiwan Row," *South China Morning Post,* January 21, 2022; "Taiwan Opens Lithuania Representative Office Using Its Own Name," *Agence France-Presse,* reprinted in *France 24,* November 18, 2021.

[65] Andy Bounds, Richard Milne, and Kathrin Hille, "Brussels Challenges China at WTO over Block on Lithuania Imports," *Financial Times,* January 27, 2022; "EU Files a WTO Case against China for Targeting Lithuania," *Al Jazeera,* January 27, 2022.

[66] Bethany Allen-Ebrahimian and Dave Lawler, "Exclusive: Marriott Refused To Host Uyghur Conference, Citing 'Political Neutrality,'" *Axios,* November 18, 2021.

[67] For more information on Ai Weiwei, see the Commission's Political Prisoner Database record 2011-00334.

[68] Oliver Telling, "British Publishers Censor Books for Western Readers to Appease China," *Financial Times,* March 14, 2022.

[69] John Feng and Marlaine Glicksman, "Moleskine Erases Taiwan from Diaries after Listing It as Province of China," *Newsweek,* January 14, 2022.

[70] National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Shuju Anquan Fa* [PRC Data Security Law], passed June 10, 2021, effective September 1, 2021.

[71] National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Shuju Anquan Fa* [PRC Data Security Law], passed June 10, 2021, effective September 1, 2021, chap. 1, art. 2.

[72] National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Shuju Anquan Fa* [PRC Data Security Law], passed June 10, 2021, effective September 1, 2021, chap. 3, art. 21.

[73] See, e.g., Raphaël Viana David, International Service for Human Rights, "China's Abuse of National Security to Curtail Human Rights: 4 Things You Need to Know," January 27, 2022; Helena Legarda, Mercator Institute for China Studies, "China's New International Paradigm: Security First," June 15, 2021; Office of the UN High Commissioner for Human Rights, "UN Rights Chief Concerned by 'Broad Scope' of China's New Security Law," July 7, 2015.

[74] National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Shuju Anquan Fa* [PRC Data Security Law], passed June 10, 2021, effective September 1, 2021, chap. 3, art. 25.

[75] National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Shuju Anquan Fa* [PRC Data Security Law], passed June 10, 2021, effective September 1, 2021, chap. 4, arts. 27, 29, 30, chap. 6, art. 45.

[76] National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Geren Xinxi Baohu Fa* [PRC Personal Information Protection Law], passed August 20, 2021, effective November 1, 2021.

[77] National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Geren Xinxi Baohu Fa* [PRC Personal Information Protection Law], passed August 20, 2021, effective November 1, 2021, chap. 1, art. 3.

[78] National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Geren Xinxi Baohu Fa* [PRC Personal Information Protection Law], passed August 20, 2021, effective November 1, 2021, chap. 1, art. 10.

[79] National People's Congress Standing Committee, *Zhonghua Renmin Gongheguo Geren Xinxi Baohu Fa* [PRC Personal Information Protection Law], passed August 20, 2021, effective November 1, 2021, chap. 3, art. 43.

[80] Xu Ke et al., International Association of Privacy Professionals, "Analyzing China's PIPL and How It Compares to the EU's GDPR," August 24, 2021; Lingling Wei, "China's New Power Play: More Control of Tech Companies' Troves of Data," *Wall Street Journal,* June 12, 2021; Natasha Lomas, "China Passes Data Protection Law," *TechCrunch,* August 20, 2021.

[81] Fan Lingzhi and Liu Xin, "[Jieju] Meiguo jie suowei 'qiangpo laodong' dui Xinjiang jichu efa, women gai ruhe yingdui?" [Analysis: when the United States uses so-called 'forced labor' as excuse to produce malicious law against Xinjiang, how should we respond?], *Global Times,* December 24, 2021; *Zhonghua Renmin Gongheguo Fan Waiguo Zhicai Fa* [PRC Anti-Foreign Sanctions Law], passed June 10, 2021, effective June 10, 2021. See also "Case Study: China's Economic Coercion against Intel, Sam's Club, and Walmart," Congressional-Executive Commission on China, April 14, 2022.

[82] Ma Ziqing, "Zhongfang xuanbu yiju 'Fan Waiguo Zhicai Fa' dui 4 ming Meifang renyuan jinxing duideng zhicai" [China announces reciprocal sanctions against 4 Americans under the "Anti-Foreign Sanctions Law"], *China Youth Daily,* December 21, 2021; U.S. Department of the Treasury, "Treasury Sanctions Perpetrators of Serious Human Rights Abuse on International Human Rights Day," December 10, 2021; "Beijing Sanctions Lockheed, Raytheon Again over Taiwan Arms Sales," *Reuters,* February 21, 2022.

[83] See, e.g., Brad Parks, Ammar A. Malik, and Alex Wooley, AidData, College of William & Mary, "Is Beijing a Predatory Lender? New Evidence from a Previously Undisclosed Loan Contract for the Entebbe International Airport Upgrading and Expansion Project," February 27, 2022, 2–3; Colectivo sobre Financiamiento e Inversiones Chinas, Derechos Humanos y Ambiente, Federación Internacional por los Derechos Humanos, and International Service for Human Rights, "Derechos Humanos y Actividades Empresariales Chinas en Latinoamérica: Casos de Argentina, Bolivia, Brasil, Chile, Colombia, Ecuador, México, Perú y Venezuela: Informe de Mitad de Período del Examen Periódico Universal de la República Popular de China" [Human rights and Chinese corporate activities in Latin America: Cases from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Peru, and Venezuela: People's Republic of China Universal Periodic Review Midterm Report], February 2022; Kathrin Hille and David Pilling, "China Applies Brakes to Africa Lending," *Financial Times,* January 11, 2022; European Parliament, Resolution of 16 December 21 on Forced Labour in the Linglong Tire Factory and Environmental Protests in Serbia, December 16, 2021; Environmental Investigation Agency, "Lethal Remedy: How the Promotion of Some Traditional Chinese Medicine in Africa Poses a Major Threat to Endangered Wildlife," November 2021, 4; Liza Lin, Yifan Wang, and Jon Emont, "Chinese Workers Say They Are Lured Abroad and Exploited for Belt and Road Jobs," *Wall Street Journal,* October 27, 2021; Ammar A. Malik et al., AidData, College of William & Mary, "Banking on the Belt and Road: Insights from a New Global Dataset of 13,427 Chinese Development Projects," September 2021, 1; Business & Human Rights Resource Centre, "'Going Out' Responsibly: the Human Rights Impact of China's Global Investments," August 2021, 5; Rebecca W. Y. Wong, "Shadow Operations in Wildlife Trade under China's Belt and Road Initiative," *China Information* 35(2) (2021): 202.

[84] See, e.g., Human Rights Watch, "Underwater: Human Rights Impacts of a China Belt and Road Project in Cambodia," August 10, 2021; China Labor Watch, "Silent Victims of Labor Trafficking: China's Belt and Road Workers Stranded Overseas amid Covid-19 Pandemic," April 30, 2021; Rebecca W. Y. Wong, "Shadow Operations in Wildlife Trade under China's Belt and Road Initiative," *China Information* 35(2) (2021); Daniel R. Russel and Blake Berger, Asia Society Policy Institute, "Navigating the Belt and Road Initiative," June 2019, 11, 13–15; Anna Gelpern et al., AidData, College of William & Mary, Kiel Institute for the World Economy, Center for Global Development, and Peterson Institute for International Economics, "How China Lends: a Rare Look into 100 Debt Contracts with Foreign Governments," March 2021, 2.

[85] Ammar A. Malik et al., AidData, College of William & Mary, "Banking on the Belt and Road: Insights from a New Global Dataset of 13,427 Chinese Development Projects," September 2021, 1; Business & Human Rights Resource Centre, "'Going Out' Responsibly: the Human Rights Impact of China's Global Investments," August 2021, 3; Daniel R. Russel and Blake Berger, Asia Society Policy Institute, "Navigating the Belt and Road Initiative," June 2019, 7.

[86] Business & Human Rights Resource Centre, "Angola: Two Caculo Cabassa Dam Construction Workers Killed in Police Repression of Protest for Better Working Conditions," June 26, 2022; Avelino Miguel, "Nova Manifestação no Kwanza Norte Faz pelo Menos Dois Mortos" [New demonstration in Kwanza Norte results in at least two dead], *Radio France Internationale,* May 28, 2022; Business & Human Rights Resource Centre, "China Gezhouba Group Did Not Respond," June 26, 2022; CB Insights, "China Gezhouba Group," accessed July 13, 2022.

[87] European Parliament, Resolution of 16 December 21 on Forced Labour in the Linglong Tire Factory and Environmental Protests in Serbia, December 16, 2021. See also Andrew Higgins, "'Miserable and Dangerous': a Failed Chinese Promise in Serbia," *New York Times,* January 22, 2022.

[88] Maja Zivanovic, "$3bn Economic Agreements Boost China's Role in Serbia," *Balkan Insight,* September 18, 2018.

[89] Andrew Higgins, "'Miserable and Dangerous': a Failed Chinese Promise in Serbia," *New York Times,* January 22, 2022; China Energy Engineering Corporation Limited, "Overview," accessed May 11, 2022; Fitch Ratings, "China Energy Engineering Corporation Limited," October 3, 2021.

[90] Eric Lipton and Dionne Searcey, "Chinese Company Removed as Operator of Cobalt Mine in Congo," *New York Times,* February 28, 2022. See also Dionne Searcey, Michael Forsythe, and Eric Lipton, "A Power Struggle over Cobalt Rattles the Clean Energy Revolution," *New York Times,* updated December 7, 2021; China Molybdenum Co., Ltd, "About Us," accessed May 11, 2022.

[91] RAID and CAJJ, "The Road to Ruin? Electric Vehicles and Worker Rights' Abuses at DR Congo's Industrial Cobalt Mines," November 2021, 25; *Child Labor and Human Rights Violations in the Mining Industry of the Democratic Republic of Congo, Hearing of the Tom Lantos Human Rights Commission, U.S. House of Representatives,* 117th Cong. (2022) (testimony of Thea Lee, Deputy Undersecretary for International Affairs, Bureau of International Labor Affairs, U.S. Department of Labor).

[92] Maxwell Radwin, "China-Funded Dam Could Disrupt Key Argentine Glaciers and Biodiversity," *Mongabay,* May 12, 2022.

[93] Fitch Ratings, "Aluminum Corporation of China," October 15, 2019.

[94] "Con Bloqueo en la Carretera Central, Comunidad Campesina de Morococha Protesta Contra Chinalco" [Blocking the central highway, rural Morococha community protests against Chinalco], *Gestión,* March 24, 2022.

[95] State Council, "Zhongyiyao fazhan zhanlue guihua gangyao (2016–2030 nian)" [Outline of the plan for the strategy for development of Chinese medicine (2016–2030)], issued February 22, 2016, chap. 1.

[96] Environmental Investigation Agency, "Lethal Remedy: How the Promotion of Some Traditional Chinese Medicine in Africa Poses a Major Threat to Endangered Wildlife," November 2021, 4.

[97] Dionne Searcey, Michael Forsythe, and Eric Lipton, "A Power Struggle over Cobalt Rattles the Clean Energy Revolution," *New York Times,* updated December 7, 2021.

[98] Eric Lipton and Dionne Searcey, "Chinese Company Removed as Operator of Cobalt Mine in Congo," *New York Times,* February 28, 2022.

[99] See, e.g., Tate Ryan-Mosley, "This Huge Chinese Company Is Selling Video Surveillance Systems to Iran," *MIT Technology Review,* December 15, 2021; Johana Bhuiyan, "Major Camera Company Can Sort People by Race, Alert Police When It Spots Uighurs," *Los Angeles Times,* February 9, 2021; "Dahua Provides 'Uyghur Warnings' to China Police," IPVM, February 9, 2021; "Dahua Racist Uyghur Tracking Revealed," IPVM, November 4, 2020; Charles Rollet, "Hikvision Markets Uyghur Ethnicity Analytics, Now Covers Up," IPVM, November 11, 2019; "Huawei/Megvii Uyghur Alarms," IPVM, December 8, 2020; "Huawei shipin yun jiejue fang'an yu kuangshi dongtai renlian shibie xitong hutong ceshi baogao" [Huawei video cloud solution and Megvii Dynamic face recognition interoperability test report], Huawei, January 8, 2018, 5; CECC, *2021 Annual Report,* March 2022, 216.

[100] Charles Rollet, "Tiandy's Iran Business, Sells to Revolutionary Guard and Military," IPVM, December 6, 2021; Tate Ryan-Mosley, "This Huge Chinese Company Is Selling Video Surveillance Systems to Iran," *MIT Technology Review,* December 15, 2021; Scott Ikeda, "Chinese Company Found to be Selling Video Surveillance Systems to Iran; Product Line Includes 'Ethnicity Tracking,' Accessories for Torture Chairs," *CPO Magazine,* January 6, 2022. The Islamic Revolutionary Guard Corps was designated a Foreign Terrorist Organization on April 15, 2019. See United States Department of State, "Foreign Terrorist Organizations," accessed August 9, 2022.

[101] Mila Djurdjevic, Sandra Cvetkovic, and Andy Heil, "Serbia's Back-Door Bid to Embed Chinese Snooping Tools in Kosovo," *Radio Free Europe/Radio Liberty,* January 8, 2022.

[102] Big Brother Watch, "Who's Watching You? The Dominance of Chinese State-Owned CCTV in the UK," February 7, 2022, 5, 31.

[103] Privacy International, "Mapping Huawei's Smart Cities Creep," November 17, 2021; Roukaya Kasenally, "The Trappings of the Mauritius Safe City Project," Hoover Institution, Stanford University, January 18, 2022, 2–8.

[104] U.S.-China Economic and Security Review Commission, *2021 Report to Congress,* November 2021, 69, 101; U.S.-China Economic and Security Review Commission, *2020 Report to Congress,* December 2020, 153–154.

[105] U.S.-China Economic and Security Review Commission, *2021 Report to Congress,* November 2021, 93.

[106] U.S.-China Economic and Security Review Commission, *2021 Report to Congress,* November 2021, 79.

[107] Human Rights Watch, "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms," September 5, 2017.

[108] Nadège Rolland, The National Bureau of Asian Research, "China's Vision for a New World Order," NBR Special Report, no. 83, January 2020, 36, 39–40. For information on different English translations of *renlei mingyun gongtongti,* see Stella Chen, "Community of Common Destiny for Mankind," *China Media Project,* August 25, 2021.

[109] Rana Siu Inboden, "China at the UN: Choking Civil Society," *Journal of Democracy* 32, no. 3 (July 2021): 124; Yu-Jie Chen, "'Authoritarian International Law' in Action? Tribal Politics in the Human Rights Council," *Vanderbilt Journal of Transnational Law* 54, no. 5 (2021), 1203;

International Service for Human Rights, "Briefing Note: China and the UN Economic and Social Council," July 2021.

[110] Rana Siu Inboden, "China at the UN: Choking Civil Society," *Journal of Democracy* 32, no. 3 (July 2021): 124.

[111] Rana Siu Inboden, "China at the UN: Choking Civil Society," *Journal of Democracy* 32, no. 3 (July 2021): 124, 125; International Service for Human Rights, "Briefing Note: China and the UN Economic and Social Council," July 2021, 14–15.

[112] Yu-Jie Chen, "'Authoritarian International Law' in Action? Tribal Politics in the Human Rights Council," *Vanderbilt Journal of Transnational Law* 54, no. 5 (2021), 1203, 1229.

[113] International Service for Human Rights, "Briefing Note: China and the UN Economic and Social Council," July 2021, 8–14.

[114] See, e.g., Amanda Macias, "U.S. Secretary of State Blinken Warns of Mounting Russian Human Rights Abuses in Ukraine," *CNBC,* March 1, 2022; Marti Flacks, Center for Strategic and International Studies, "Will There Be Accountability for Russian Abuses in Ukraine?" February 28, 2022; Amnesty International, "Russia/Ukraine: Invasion of Ukraine Is an Act of Aggression and Human Rights Catastrophe," March 1, 2022; Lorenzo Tondo, "Dozens of Bucha Civilians Were Killed by Metal Darts from Russian Artillery," *Guardian,* April 24, 2022.

[115] UN Human Rights Council, Resolution Adopted by UN Human Rights Council on March 4, 2022, A/HRC/RES/49/1, March 7, 2022, para. 11.

[116] UN General Assembly, Resolution Adopted by UN General Assembly on April 7, 2022, A/RES/ES–11/3, April 8, 2022, para. 1; "Suspension of the Rights of Membership of the Russian Federation in the Human Rights Council: Resolution/Adopted by the General Assembly," UN Digital Library, accessed April 20, 2022.

[117] Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Zhao Lijian's Regular Press Conference on April 11, 2022," April 11, 2022.

[118] See, e.g., Paul Mozur, Steven Lee Myers, and John Liu, "China's Echoes of Russia's Alternate Reality Intensify around the World," *New York Times,* April 11, 2022; "Minitrue: Keep Weibo Posts on Ukraine Favorable to Russia; Control Comments," *China Digital Times,* February 22, 2022. See also Xiaoshan Huang, Chingman, and Hsia Hsiao-hwa, "China Bans Online Criticism of Russia, Blames US for Fueling Ukraine 'Tensions,'" *Radio Free Asia,* February 23, 2022; Kai Wang, "Ukraine: How China Is Censoring Online Discussion of the War," *BBC,* March 12, 2022; Zhifan Luo and Muyang Li, "Online Posts May Not Reflect Chinese Opinion when It Comes to the Russian Invasion of Ukraine," *The Conversation,* March 30, 2022.

[119] UN Human Rights Council, "Text of the Third Revised Draft Legally Binding Instrument with the Textual Proposals Submitted by States during the Seventh Session of the Open-Ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights," A/HRC/49/65/Add.1, February 28, 2022. For the pre-proposal draft text, see UN Human Rights Council, "OEIGWG Chairmanship Third Revised Draft: Legally Binding Instrument To Regulate, In International Human Rights Law, The Activities Of Transnational Corporations And Other Business Enterprises," August 17, 2021.

[120] UN Human Rights Council, "Text of the Third Revised Draft Legally Binding Instrument with the Textual Proposals Submitted by States during the Seventh Session of the Open-Ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights," A/HRC/49/65/Add.1, February 28, 2022, PP3, para. 4, PP12, para. 3, art. 1.1, para. 5, art. 1.2, para. 4, art. 1.3, para. 4, art. 2.1(d), para. 6, art. 2.1(e), para. 4, art. 5.1, para. 3, art. 5.2, para. 1, art. 5.3, para. 1, art. 8.4, para. 1.

XIII. Additional Views of Commission Members

Additional Views of Senator James Lankford

I wholeheartedly support the important work of the Congressional-Executive Commission on China (CECC) in monitoring human rights and rule of law in the People's Republic of China (PRC). This year's Annual Report ("the Report") should be one of the most important to date due to the escalating severity of ongoing issues in the PRC. While, several areas of the Report effectively address the most concerning trends in the PRC, each year the Report expands to cover areas which I believe to be outside the mandate of the CECC. Therefore, I will abstain from voting on this year's Annual Report.

Last year, I reluctantly voted yes on the report and submitted an accompanying statement. It was my hope that the statement would help refocus the CECC on the most egregious human rights abuses happening in the PRC. Unfortunately, this year's Report seems to once again be a platform for arbitrating social and political issues that are contentious in the United States. The Report continues to contain citations of reports by United Nations Treaty Monitoring bodies or Independent Experts, the inclusion of these non-binding reports divert attention away from China's failure to meet its hard-law obligations. The Report, also, continues to identify United States' insistence and PRC cooperation on the adoption of human rights legislation as a solution to changing human rights situations in China but the PRC routinely uses the absence of rule of law to cover up human rights abuses and deny their existence.

Essentially, the scope of the CECC reporting has expanded too far, which jeopardizes its effectiveness. There is no greater threat to the United States and the cause of freedom than the CCP. It is essential that we focus on the most serious and egregious human rights abuses, such as the ongoing genocide, crimes against humanity, eugenics and organ harvesting—to name a few. The CECC should prioritize documenting the CCP's unspeakable crimes against Uyghurs, Tibetans, Falun Gong practitioners, Christians, journalists, defense lawyers, and others who suffer grave abuses for China's forced assimilation policies.

For these reasons, I abstain from voting on this year's Annual Report.