

China Dissent Monitor

Issue 5: July – September 2023

DISSENT EVENTS: 3,740

WHAT IS THE CHINA DISSENT MONITOR?

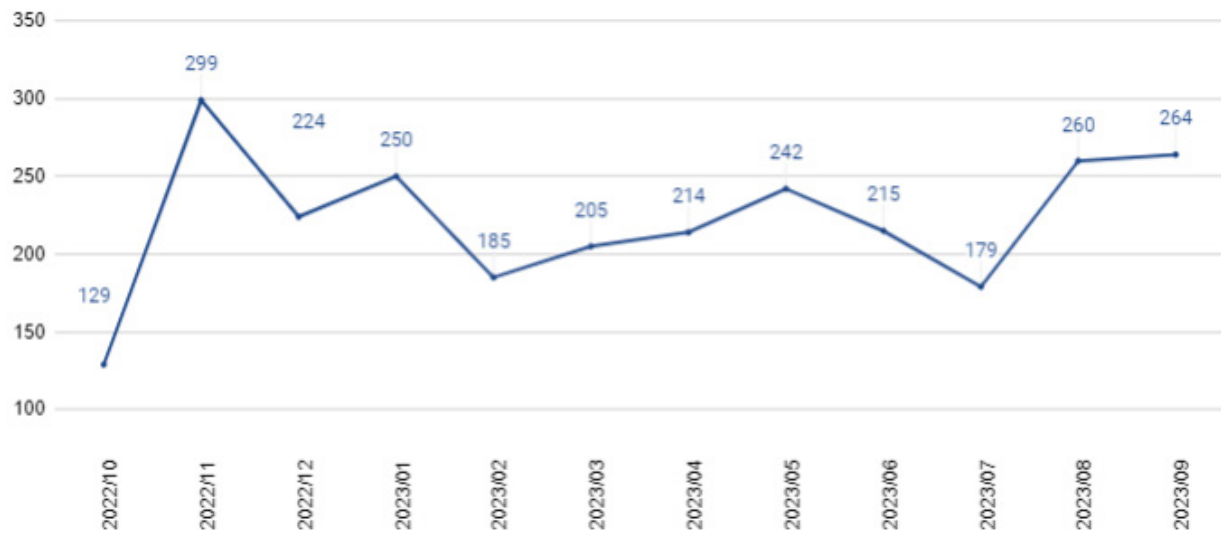
The China Dissent Monitor (CDM) collects and shares information about the frequency and diversity of dissent in the People's Republic of China (PRC). It was created in response to the information gap resulting from media restrictions in the PRC and risks associated with collecting information from within the country about dissent and protest. The project prioritizes capturing offline collective action in public spaces, though cases of less public and online dissent are also included to illustrate diversity among dissent actions. Sources for the CDM database include news reports, civil society organizations, and PRC-based social media, including the application of a machine-learning algorithm developed by the nongovernmental organization (NGO) Doublethink Lab. See the full dataset and methodology at chinadissent.net.

HIGHLIGHTS

- **More than 700 dissent events during the third quarter.** CDM has collected 3,740 dissent events since June 2022, of which 2,083 are fully coded and available on the CDM public website. During the third quarter of 2023, CDM logged 707 dissent events, led by labor (62 percent) and housing (25 percent) protests, with the remainder linked to issues including retiree benefits, school safety, forced demolition, religious freedom, and abuses of state power. One-fifth (141) of the quarter's dissent events occurred in Guangdong Province, with 104 of these events being labor protests. Another fifth of dissent events occurred in the three provinces of Henan, Shandong, and Shaanxi.
- **Retiree protest on the rise.** CDM has documented 42 protests this year by retirees seeking public benefits from local governments. Beginning with three large demonstrations at the beginning of the year, this form of dissent is becoming more frequent, with protests doubling since July 2023.
- **Public dissent against “picking quarrels” offense.** The crime of “picking quarrels and provoking trouble” is widely used by Chinese authorities to restrict protests and other forms of expression, offline and online. In this issue, we discuss recent developments related to the “picking quarrels” offense, including an open letter from lawyers widely shared online that calls for the abolition of this crime and a subsequent statement acknowledging its arbitrary use from the Supreme People's Court (SPC). CDM has documented at least 12 cases where people have been charged with this offense for engaging in dissent, although this is only a small sample when compared to the number of activists, citizen journalists, and others punished with this crime.
- **Economic protests hit a new high.** CDM has logged 461 protests linked to economic grievances in August and September 2023, 1.5 times greater than the number logged over the same period in 2022. This pattern contrasts with news that China's economic growth recovered in the third quarter. Nearly three in four of these events were labor protests, reflecting the continued rise in worker dissent which CDM analyzed in Issue 4.
- **Repression varies by group.** Of the 2,083 fully coded cases, CDM has documented direct evidence of repression in 620 cases (30 percent). In absolute terms, property buyers engaged in dissent experience more repression than other groups. However, members of religious or ethnic minority groups, including Falun Gong members, Christians, and Tibetans, experience repression at higher rates, which reflects the greater risk that members of these groups face when speaking out.



Distribution of protest events (July to September 2023)



Total dissent events, by month

FEATURED ANALYSIS

RETIREEES TAKE TO THE STREETS

Health insurance reform triggers “white-hair movement.” CDM has recorded 42 protests by retirees seeking to obtain health insurance, pensions, and living subsidies since December 2022. This trend began with three large demonstrations held in early 2023, which were sparked by policy changes: In 2021, the central government decided to enact [health insurance reforms](#) that would shift some funds from individual accounts to a centralized, national fund. Several provinces started to implement these measures in early 2023, leaving retirees with less funds in their personal accounts to use on medicine or other needs. In January and February 2023, retirees took to the streets in Guangzhou, Wuhan, and Dalian (cases 1720, 1776, 2059) to protest the reform’s implementation and demand its withdrawal. Each of these three demonstrations drew hundreds or thousands of participants. Some netizens [coined](#) this the “white-hair movement,” playing off the moniker of the 2022 White Paper Movement.



Retirees in Dalian, Liaoning province went to People’s Square to protest changes to healthcare reform in February 2023. (Source: Weibo)

“Civilian teachers” demand rightful retirement. Civilian teachers accounted for nearly half of the 2023 retiree protests documented by CDM. Teachers who began working in rural or remote areas decades ago, as well as some substitute teachers, are considered civilian teachers, or “citizen-managed teachers” (民办教师). They were paid much lower salaries than formally employed public-school educators and are also not entitled to a pension. Civilian teachers found themselves in difficult financial circumstances after the government increasingly began [forcing them to retire](#) in the mid-2000s. [For years](#), civilian teachers have petitioned and protested to demand official recognition of their status as teachers as well as retirement benefits. Although the central government has [previously enacted](#) some policies to subsidize, compensate, and otherwise support these teachers, implementation appears to be inconsistent from province to province.



Retired employees of Liaoyuan Mining Group in Changchun, Jilin province held up signs in protest, demanding benefits. (Source: Kuaishou, China Labour Bulletin)

Retiree protests likely to persist. CDM has recorded at least one retiree protest each month in 2023, and the frequency is increasing. While large-scale demonstrations held at the beginning of the year received greater media attention, the number of events since July 2023 is already double that of the first six months of 2023. Demographics are at the center of the problem: An average of [20 million people](#) will retire annually in the coming decade, but contributions from the 17 million people expected to join the workforce annually will be unable to cover pension gaps, increasing local governments' reliance on financial subsidies from the central government. Beijing has [introduced measures](#) to encourage reemployment of retirees, but persistent age discrimination and a lack of adequate labor protections for older workers lessen their effectiveness. Local governments will increasingly depend on central support in the near term to fill social-benefit gaps, but it remains uncertain whether Beijing can provide adequate financial support, especially if the economic growth continues to slow in the future. More retiree protests are expected as a consequence.

CHALLENGING THE “PICKING QUARRELS” OFFENSE

A long-abused legal tool for the authoritarian state. “[Picking quarrels and provoking trouble](#)” (寻衅滋事罪) is an offense under Article 293 of the 1997 criminal code. Originally one of the crimes split off from “hooliganism” (流氓罪), which had drawn criticism for its overbroad definition, the “picking quarrels” offense suffers from the same problem.¹ It criminalizes actions ranging from insulting or threatening a person to damaging property or causing a public disturbance, and offenders can be imprisoned for up to five years. It has been used so frequently and arbitrarily by law enforcement that the public calls it a “[pocket crime](#),” readily available for the state to use in a variety of scenarios.

Using a “pocket crime” to control dissent. Chinese authorities have issued guidelines on this crime over the past decade that have facilitated its use to punish nonviolent expression both offline and online. In 2013, the Supreme People’s Court (SPC) and the Supreme People’s Procuratorate (SPP) jointly published [guidelines](#) indicating that some acts online would be regulated by Article 293, including insulting others, harming social order, and fabricating information. [Guidelines](#) jointly issued by the SPC, the SPP, and the Ministry of Public Security in 2019 further broadened Article 293’s scope to cover acts such as “self-injury, hanging banners, scattering leaflets, blocking vehicles, [and] dressing uniformly” at government agencies, Communist Party offices, or public institutions. As a result, advocates, journalists, and protesters are especially affected by the “picking quarrels” offense. The NGO Chinese Human Rights Defenders maintains a [prisoners-of-conscience database](#) that has accumulated 3,041 cases from January 2019 to November 2023. While most of the charges in that database are unknown (76 percent), “picking quarrels” is the fourth-most prosecuted crime recorded there, appearing in 116 cases (3.82 percent). One prominent case involving this crime was that of citizen journalist [Zhang Zhan](#), who received a four-year prison sentence in 2020 for reporting on the situation in Wuhan during the early days of COVID-19.

¹ The crime of “hooliganism” covered a wide range of acts and was split into six separate crimes: “forced obscenity and humiliation of women,” “child sexual abuse,” “gathering a crowd for lewdness,” “gathering a crowd to fight,” “theft and insulting corpses,” and “picking quarrels and provoking trouble.”

Punishing activists, petitioners, and online speech. CDM has itself documented 12 cases in which someone was charged or prosecuted for “picking quarrels” by expressing dissent. Among these, four involve petitioners revealing corruption or land grabs, while the remaining eight cases involve people involved in different types of activism. For example, prodemocracy dissident Cao Pei Zhi (case 1350) was prosecuted under this crime for “spreading news from overseas that is not verified by the government and making insulting remarks about the party and the leader” on WeChat. While CDM has documented detention or arrests in 11.5 percent of all coded cases, its research team usually does not have access to information about what happens to detained protesters. CDM estimates that many other people involved in the 3,740 dissent events collected to date have likely been charged with “picking quarrels.”



A villager from Yongzhou, Hunan province appealed a conviction for “picking quarrels and provoking trouble” by the local government for traveling to Beijing to submit a petition. (Source: Douyin)

Forced demolition case ignites indignation. Zhu Yuzhen, whose property in Huainan, Anhui Province, was demolished by the local government without consent in 2021, filed complaints (case 1603) with the local petitioning office and the police. After this failed to result in remedy, Zhu’s husband, Luo Qigang, petitioned the National Public Complaints and Proposals Administration in Beijing and posted his story on Douyin. He was arrested and later prosecuted for “picking quarrels.” Zhu was also prosecuted for “picking quarrels” in January 2023 for sharing her story on Douyin, which led to her case receiving widespread attention. For example, one [post on NetEase](#) about this story received tens of thousands of comments.

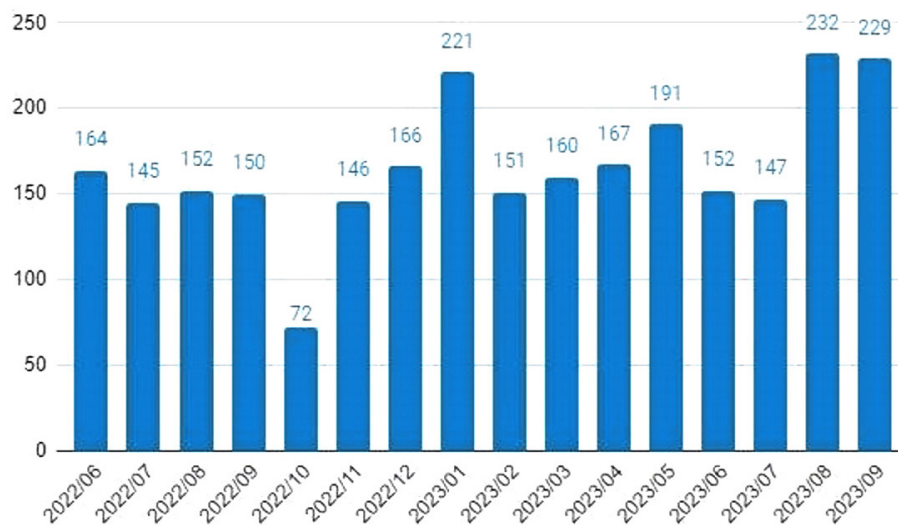
Public calls to abolish “picking quarrels” offense. On August 4, 2023, five lawyers from Shandong Xiaolin Law Firm (case 1828) sent a letter entitled “[Legislative Recommendations on the Abolition of the Crime of Picking Quarrels and Provoking Trouble](#)” to the Legislative Affairs Committee of the Standing Committee of the National People’s Congress. They based their argument on the how the ambiguity of its wording affects the general public’s expectations of rights and obligations. A scanned copy of the letter can still be accessed within China’s Great Firewall, but the original, widely shared post has been censored. In September, the Weibo accounts of several of the participating lawyers were [deleted](#).

Government response leaves much in doubt. On August 16, less than two weeks after the letter was shared online, the SPC posted a [summary](#) of a field investigation report on Weibo, which included a section on “Criminal Regulation of Picking Quarrels and Provoking Trouble.” In that summary, the SPC acknowledged that the offense was issued broadly and that cases related to “picking quarrels” were among the most commonly prosecuted crimes in Zhejiang and Fujian, where the field investigation was conducted. The SPC expressed concern at a lack of consensus on whether illegal petitioning should be regulated by Article 293, recommended that lower courts receive more guidance on trying “picking quarrels” cases, and advised that cases related to petitioning be handled cautiously. The timing of this report’s release seems to be an attempt to mitigate discontent sparked by the lawyers’ public letter. But [critics](#) are pessimistic about the SPC report’s impact, arguing that Beijing would need to issue formal guidance on the application of Article 293 and address transparency in the justice system to meaningfully address the problem. Until then, the “picking quarrels” offense will continue to restrict citizens’ rights to petition and peacefully protest, which are ostensibly [enshrined](#) in China’s constitution.

BY THE DATA

PROTESTS LINKED TO THE ECONOMY HIT A NEW HIGH

Despite [indications](#) that China's economic growth recovered in the third quarter of 2023, CDM data indicates that protests linked to economic grievances have hit the highest point since the project began in June 2022. Protesters have focused on issues like labor rights and unpaid wages, stalled construction projects and other housing disputes, fraud, debt, social benefits for retirees, and parents demanding refunds from shuttered tutoring companies. The number of protests logged in August and September 2023 (461) is 1.5 times greater than the number recorded during the same period in 2022. This trend is especially driven by a spike in labor-related protests, which constituted 73 percent of the events held in August and September 2023. Housing-related protests have remained steady throughout the year, as the country's real estate sector faces a protracted [crisis](#) marked by a contraction in investment and debt defaults on the part of major developers. With mixed economic forecasts, it is difficult to predict the number of economic protests over the coming months. Parallel to this trend, a cyclical increase in protests over wage arrears often occurs before the Lunar New Year, as workers try to recuperate unpaid compensation before returning home. In 2024, the holiday will fall in February.



Number of protests with economic grievances in China, by month

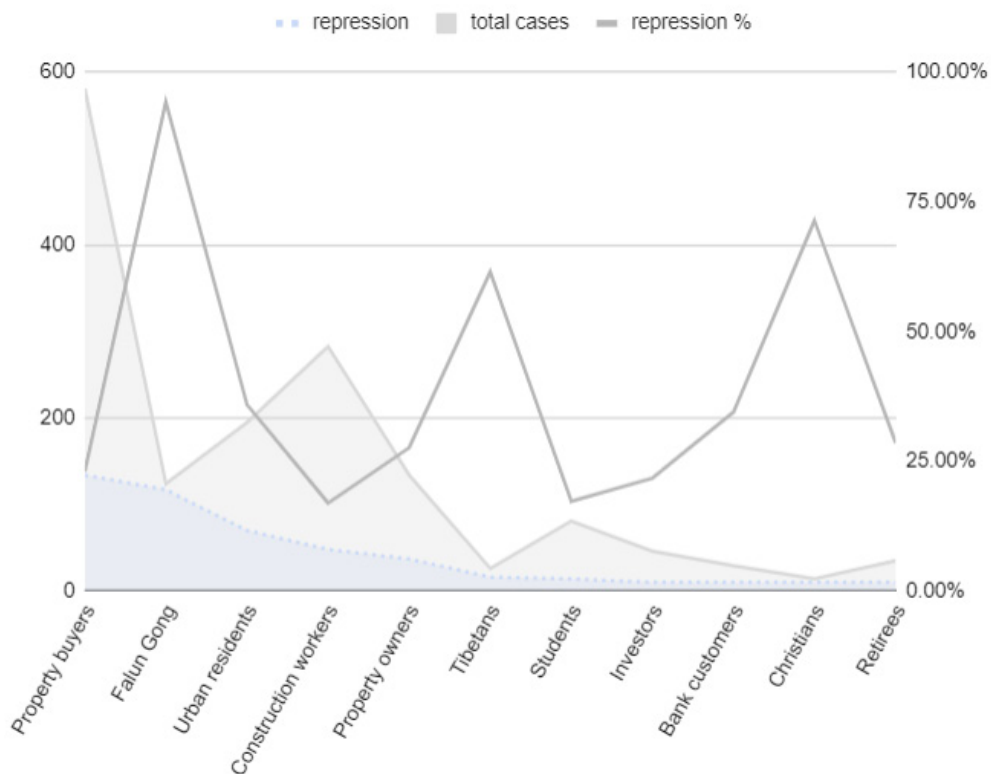


Property buyers of Country Garden's "Tianchen" project in Xuzhou, Jiangsu province protested against stalled construction, demonstrating in front of the People's Congress of Suining county. (Source: Douyin)

PREVALENCE OF REPRESSION VARIES BY GROUP

Of the 2,083 fully coded cases of dissent, CDM has documented some form of repression in 620 cases (30 percent), including police monitoring, arrest or detention, intimidation, obstruction, and violence perpetrated by state and nonstate actors. This is likely an undercount because CDM is often relying on limited evidence, such as an image or short video clip of a protest, which prevents us from observing repression that occurs after that point in time. When we disaggregate this data by the group engaged in dissent, the level of repression experienced by groups varies considerably. In absolute terms, property buyers engaged in dissent experience more repression than other groups,

but those in religious or ethnic minority groups, like Falun Gong practitioners, Christians, and Tibetans, experience repression at higher rates. Two factors influence this finding. First, members of minority groups are subject to systemic governmental controls, meaning that dissent will likely trigger reprisals. Second, the act of repression itself informs the sources CDM draws on for cases of dissent in these communities. Observation bias may be present, potentially impacting the observed rate of repression. Nonetheless, our data still reflects the heightened risk that members of some religious or ethnic groups face when speaking out.



Amount and rate of repression, by group