

HOW CHINA CURBS FREE SPEECH BEYOND ITS BORDERS: LEGAL STRATEGIES OF TRANSNATIONAL CENSORSHIP

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I. INTRODUCTION

The Constitution of the People's Republic of China (PRC) acknowledges the right to free speech.¹ However, the country's history is marred by a persistent record of political censorship. China signalled its commitment to upholding free speech by signing the International Covenant on Civil and Political Rights (ICCPR) in 1998.² Yet, the absence of ratification has left this commitment entirely symbolic.³ Until the 2010s, the global community largely perceived China's censorship as an internal issue, separate from international considerations.⁴ Nevertheless, its nuanced stance towards the international human rights regime often oscillated between resistance and collaboration.⁵

However, with Xi Jinping's rise to leadership in 2013, this landscape underwent a dramatic transformation. The Chinese Communist Party (CCP) embarked on a mission to fortify Xi's strategy of "rule by law,"⁶ emphasizing the primacy of "intra-party regulations" within China's legal framework and broadening the

¹ XIANFA [CONSTITUTION] Arts. 35, 41, 2018.

² ICCPR, Art. 19, *adopted* Dec. 16, 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., No. 16, at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976.

³ For a critical analysis, see Margaret K. Lewis, *Why China Should Unsign the International Covenant on Civil and Political Rights*, 53 VAND. J. TRANSNAT'L L. 131 (2020).

⁴ China's censorship was not officially examined at the United Nations until the Human Rights Council launched its first Universal Periodic Review of China in 2009. For the details of China's recent three reviews since then, see *id.* at 143–55.

⁵ See RANA SIU INBODEN, CHINA AND THE INTERNATIONAL HUMAN RIGHTS REGIME 46–75 (2021).

⁶ George G. Chen, *Le Droit, C'est Moi: Xi Jinping's New Rule-By-Law Approach*, OXFORD HUMAN RIGHTS HUB (July 16, 2017), <https://ohrh.law.ox.ac.uk/le-droit-cest-moi-xi-jinpings-new-rule-by-law-approach/>.

definition of “national security.”⁷ This strategic shift had profound implications for human rights, especially freedom of expression. Not only did the subsequent decade see China’s intense nationalist sentiments,⁸ but there was also a marked increase in national security legislation.⁹ This evolution signifies China’s ambition to globalize its domestic policies, extending the CCP’s censorship reach beyond its borders,¹⁰ with significant repercussions for

⁷ The Fourth Plenary of the Eighteenth Central Committee of the CCP [中国共产党第十八届中央委员会第四次全体会议], The Decision of the Central Committee of the CCP on Several Significant Issues Concerning the Overall Promotion of Governing the Country in Accordance with the Law [中共中央关于全面推进依法治国若干重大问题的决定], Oct. 28, 2014.

⁸ Aidan Powers-Riggs & Edardo Jaramillo, *Is China Putting “Wolf Warriors” on a Leash?*, THE DIPLOMAT (Jan. 22, 2022), <https://thediplomat.com/2022/01/is-china-putting-wolf-warriors-on-a-leash/>. For more recent examples of China’s aggressive diplomatic performance, see, e.g., Josh Halliday & Emma Graham-Harrison, *Chinese Diplomat Involved in Violence at Manchester Consulate, MP Says*, THE GUARDIAN (Oct. 22, 2022, 4:01 PM), <https://www.theguardian.com/uk-news/2022/oct/18/china-claims-hong-kong-protester-entered-manchester-consulate-illegally#:~:text=Chinese%20diplomat%20involved%20in%20violence%20at%20Manchester%20consulate%2C%20MP%20says,-This%20article%20is&text=One%20of%20China's%20most%20senior,a%20British%20MP%20has%20said>. See also Simone McCarthy, *Chinese Ambassador Sparks European Outrage over Suggestion Former Soviet States Don’t Exist*, CNN (Apr. 25, 2023, 2:53 AM), <https://edition.cnn.com/2023/04/24/china/china-ambassador-lu-shaye-baltic-soviet-states-europe-intl-hnk/index.html#:~:text=The%20remarks%20by%20China's%20ambassador,especially%20in%20the%20Baltic%20states>.

⁹ Alone China’s central legislature has enacted more than twenty statutory acts concerning national security in the past ten years. To name a few examples, they include: the Counterespionage Act of the PRC, 2014; the National Security Act of the PRC, 2015; the Cybersecurity Act of the PRC, 2016; the National Intelligence Act of the PRC, 2017; the Anti-Terrorism Act of the PRC, 2018; the Cryptography Act of the PRC, 2019; the Act of the PRC on Safeguarding National Security in the Hong Kong Special Administrative Region, 2020; the Data Security Act of the PRC, 2021.

¹⁰ See, e.g., Jonas Gamso, *Is China Exporting Media Censorship? China’s Rise, Media Freedoms, and Democracy*, 27 EUR. J. INT’L RELS. 858, 858–61 (2021) (discussing China’s expansive censorship policies). See also Christopher A. Ford & Thomas D. Grant, *Exporting Censorship: The Chinese Communist Party Tries to Control Global Speech about China*, Nat. Sec’y Inst. Geo. Mason, NSI Law and Policy Paper (2022), <https://nationalsecurity.gmu.edu/exporting-censorship-the-chinese-communist-party-tries-to-control-global-speech-about-china/>.

global free speech.¹¹ These recent developments underscore the growing tension between the CCP's expansive speech regulation and the global imperative to safeguard free speech.¹²

China's practice of embedding political censorship within its legal frameworks is not new. However, such systematic transformation of domestic censorship into transnational law with global implications by an authoritarian state is unprecedented. Admittedly, any system of global governance is grounded in foundational assumptions about the interplay between law and politics.¹³ First, modern governance, especially on a global scale, hinges on the "legitimacy" of its foundational elements—the rules and institutions.¹⁴ Secondly, law, distinct from other societal mechanisms, embodies "normativity," offering reasons for actions that would otherwise lack legal justification.¹⁵ Lastly, "functionality," gauged by the outcomes of global governance, serves as a critical metric to evaluate the efficacy of international laws in determining their scope and structure.¹⁶

Given this backdrop, while the CCP consistently asserts its legal actions aim to safeguard national interests and sovereignty,

¹¹ Benedict Rogers, *Beijing Launches a Global Assault on Free Speech*, FOREIGN POL'Y (Jul. 9, 2020, 1:56 PM), <https://foreignpolicy.com/2020/07/09/china-hong-kong-national-security-law-free-speech/>. See also Suzanne Nossel, *Chinese Censorship Is Going Global*, FOREIGN POL'Y (Oct. 26, 2021, 5:37 AM), <https://foreignpolicy.com/2021/10/26/chinese-censorship-enes-kanter-celtics-browder-is-going-global>. The Editorial Board, *Free Speech Is Under Threat*, N. Y. TIMES, Mar. 20, 2022, at SR4.

¹² In fact, the United Nations (UN) has termed such challenges as "contemporary challenges to freedom of expression." David Kaye (Special Rapporteur), *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, U.N. Doc. A/71/373 (Sept. 6, 2016), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/278/27/PDF/N1627827.pdf?OpenElement>.

¹³ Even a restrictive political system needs a strong legal framework that upholds its legitimacy, norms, and effectiveness. THOMAS DEMMELHUBER & RICHARD YOUNGS, *STRENGTHENING THE RIGHT TO PARTICIPATE: LEGITIMACY AND RESILIENCE OF ELECTORAL PROCESSES IN ILLIBERAL POLITICAL SYSTEMS AND AUTHORITARIAN REGIMES* 11–12 (2023), [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/702581/EXPO_STU\(2023\)702581_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/702581/EXPO_STU(2023)702581_EN.pdf).

¹⁴ See JONAS TALLBERG ET AL. EDS., *LEGITIMACY IN GLOBAL GOVERNANCE: SOURCES, PROCESSES, AND CONSEQUENCES* 3–19 (2018).

¹⁵ See Brian H. Bix, *The Normativity of Law*, in *THE CAMBRIDGE COMPANION TO LEGAL POSITIVISM* 585 (Torben Spaak et al. eds., 2021).

¹⁶ See Dana Burchardt, *The Functions of Law and their Challenges: The Differentiated Functionality of International Law*, 20 GERMAN L. J. 409, 411–14 (2019).

several pressing questions arise: What underpins the legitimacy of China's growing transnational censorship efforts? How is China's legal framework structured to allow itself to wield state power and influence the speech of foreign entities and individuals? And, crucially, how will China's approach to regulating speech across borders shape the future trajectory of global human rights?

This article offers a pioneering analytical lens to comprehend how China's transnational censorship intersects with broader challenges to global freedom of expression. To unpack the complexities of China's burgeoning censorship regime, this article delves into three pivotal legal sources that have gained prominence over the past decade. First, the bedrock of transnational censorship in China's legal infrastructure encompasses recent constitutional amendments and a myriad of censorship laws and regulations. Secondly, the CCP's Constitution and its internal speech regulations unveil the party's increasingly overt role in censorship. The ripple effects of the CCP's speech regulation have intensified, especially in the wake of a surge in national security legislation. Lastly, China employs extraterritorial political speech rules and intertwines censorship with trade-related laws, melding economic leverage with censorship.

Drawing from these sources, this article aims to define the evolving framework of China's transnational censorship laws, highlight the structural nuances in China's transnational censorship practices, and evaluate the multifaceted strategies China employs to amplify its authoritarian influence across political, economic, and technological domains. The subsequent sections are structured as follows. Part II delves into the legitimacy issue of China's evolving censorship framework, contextualized within its constitutional reforms. Part III provides an in-depth analysis of the normative aspects of the regime, spotlighting the distinct features of the party-state's revamped censorship approach. Part IV addresses the functionality of China's censorship, evaluating its multifaceted impacts across political, economic, and cultural spheres. Part V concludes.

II. DEFINING CHINA'S NEW FRAMEWORK OF CENSORSHIP

Between 2017 and 2022, significant amendments were made to both the Constitution of China and the Constitution of the CCP, further consolidating the dominant leadership of the CCP.¹⁷ While these changes were not explicitly cantered on censorship, this strengthened power structure indirectly set the stage for a reshaped censorship framework, presenting an illiberal substance under a facade of legitimacy.¹⁸

A. *THE SHIFT IN CENSORSHIP DYNAMICS*

Over the past decade, China's censorship paradigm has undergone profound transformations, prompting a re-evaluation. A salient feature of today's censorship in China is its pronounced transnational dimension. During earlier phases of economic reforms (1980-2010), the Chinese party-state seemed open to compromises, allowing limited criticism based on the prevalent belief among critics that economic prosperity would inevitably usher in political reforms.¹⁹ Capitalizing on this perception, the party-state attracted foreign investments and technologies, thereby bolstering its political foundation.²⁰

In contrast, the modern transnational censorship approach is in line with the party-state's revised objectives: to eradicate any discourse that could threaten the CCP's unchallenged authority and to actively disseminate, both domestically and internationally,

¹⁷ The 2017 amendment of the Constitution of the CCP highlighted that "the party leads all" and that "the CCP leadership is the defining feature of socialism with Chinese characteristics." It was amended in 2022 to establish the party as "the supreme force for political leadership." The Constitution of the CCP, pmbl. The 2018 amendments of the Constitution of the PRC reproduce the mandate in the CCP Constitution that "the CCP leadership is the defining feature of socialism with Chinese characteristics." XIANFA, *supra* note 1, Art. 1.

¹⁸ For a detailed discussion of the implications of China's recent constitutional amendment on censorship, see Ge Chen, *The Constitutional Rise of Chinese Speech Imperialism*, 2 J. FREE SPEECH L. 483 (2023).

¹⁹ For an analysis of China's reform-era legal policy of censorship, see Xin He, *The Party's Leadership as a Living Constitution in China*, in CONSTITUTIONS IN AUTHORITARIAN REGIMES 245, 257–58 (Tom Ginsburg & Alberto Simpser eds., 2013).

²⁰ See Anna L. Ahlers & Gunter Schubert, "Adaptive Authoritarianism" in *Contemporary China: Identifying Zones of Legitimacy Building*, in REVIVING LEGITIMACY: LESSONS FOR AND FROM CHINA 59 (Deng Zhenglai & Su Jianguo eds., 2011).

ideologies reinforcing the CCP-led “democratic dictatorship.”²¹ During the era of economic reforms, the party-state used to tolerate some minor dissenting voices,²² but only during specific periods, especially when such voices did not seriously contravene policies the party-state might soon adopt.²³ These voices, however, must tactfully avoid touching upon sensitive topics like intra-party political disputes,²⁴ economic challenges,²⁵ or significant social unrest.²⁶

Thus, China’s censorship strategy has evolved significantly, adopting a dual approach: a robust defensive strategy for domestic information control and an aggressive transnational strategy to enforce authoritarian speech norms. This revamped system not only suppresses opposition but also vigorously promotes the narrative that China’s advancements are unequivocally attributed to its current one-party leadership model.²⁷ This evolving form of censorship mirrors governance strategies that allowed certain authoritarian regimes to endure

²¹ For an account of China’s successful transnational propaganda and infiltration through social media, see DAVID L. SLOSS, *TYRANTS ON TWITTER: PROTECTING DEMOCRACIES FROM INFORMATION WARFARE* 100–6 (2022).

²² See, e.g., Philip Shenon, *China ‘Somewhat More Tolerant’ of Dissent*, *U.S. Says*, *N.Y. TIMES*, Jan. 31, 1998, at A5.

²³ Brian Bremner, *China: Tolerate Dissent to Continue Growth*, *BLOOMBERG* (Sept. 12, 2006, 5:00 AM), <https://www.bloomberg.com/news/articles/2006-09-11/china-tolerate-dissent-to-continue-growth?leadSource=verify%20wall>.

²⁴ A recent example was the Chinese foreign minister’s prolonged absence before his dismissal which caused widespread rumours and speculations that were not censored completely. Emma Graham-Harrison, *Where Is Qin Gang? China’s Foreign Minister Has Not Been Seen in Public for Three Weeks*, *GUARDIAN* (July 18, 2023, 9:12 AM), <https://www.theguardian.com/world/2023/jul/18/where-is-qin-gang-chinas-foreign-minister-has-not-been-seen-in-public-for-three-weeks>.

²⁵ There are “cycles of economic censorship” between which the regime would tolerate some comments on failed economic policies. Sarah Cook, *No Bears Allowed: China’s Latest Round of Economic Censorship*, *THE DIPLOMAT* (July 17, 2023), <https://thediplomat.com/2023/07/no-bears-allowed-chinas-latest-round-of-economic-censorship/>.

²⁶ For instance, widespread discontent about the Zero-Covid policy was not censored intensely amid the “White Paper Protest” across the country so in the wake of lifting that policy. KAWASHIMA Shin, *China: Exploiting the ‘White Paper Protests’ to Revoke the Zero-COVID Policy*, *THE DIPLOMAT* (Jan. 30, 2023), <https://thediplomat.com/2023/01/china-exploiting-the-white-paper-protests-to-revoke-the-zero-covid-policy/>.

²⁷ *Rule by Law, with Chinese Characteristics*, *THE ECONOMIST* (July 13, 2023), <https://www.economist.com/china/2023/07/13/rule-by-law-with-chinese-characteristics>.

challenges in the twentieth century, a model some have labelled as “perfect dictatorship.”²⁸ Even in instances where some criticism is tolerated, the boundaries are evident: minor critiques of local state entities might be permissible, but direct criticism of central institutions, like the State Council or the CCP, remains strictly off-limits.²⁹ To achieve this, the party-state endeavors to anchor its new censorship framework’s institutional and normative pillars within its recent constitutional reforms, which encompass both institutional and normative aspects.

B. THE INSTITUTIONAL MACHINERY

A defining characteristic of China’s evolving censorship approach is its comprehensive institutional structure. This system, integrating the substantial resources, manpower, technology, and financial assets of both parties and state agencies, has evolved and expanded over the years. However, it has always had to navigate the constraints set by the CCP’s constitutional position.³⁰ Historically, Chinese censorship regulations encompassed a wide spectrum: public political dialogues, educational content, research, and various mass media platforms, including print (e.g., books, journals, magazines, newspapers, correspondence),³¹ broadcast (e.g., radio, television, film, music, CDs),³² and online platforms (e.g., social media/networks, self-media, e-mails, newsletters, instant messaging, Internet TV, and games).³³ In addition to

²⁸ See generally STEIN RINGEN, *THE PERFECT DICTATORSHIP: CHINA IN THE 21ST CENTURY* (2016).

²⁹ This is because local governance in China is held directly responsible for failures in a bottom-up accountability system. See Shui-Yan Tang, *Rethinking local and regional governance in China: An institutional design and development perspective*, 1 URBAN GOVERNANCE 51, 53–54 (2021).

³⁰ The CCP’s leadership is enshrined in the preamble of China’s Constitution. However, several Chinese scholars claim that the Preamble does not assume legal force in general. Qianfan Zhang [张千帆], *The Preamble of the Constitution and the Controversy about Its Legal Force* [宪法序言及其效力争议], 6 YANHUANG CHUNQIU [炎黄春秋] 1, 5–7 (2013).

³¹ Regulation on the Administration of Publication [出版管理条例], 1997, revised in 2001, 2011, 2013, 2014, 2016, 2020, and 2024.

³² Regulations on Broadcasting and Television Administration [广播电视管理条例], 1997, revised in 2013, 2017, 2020, and 2024. Regulations on the Administration of Movies [电影管理条例], 2001.

³³ Administrative Measures for Internet Information Services [互联网信息服务管理办法], 2000, revised in 2011 and 2024. Provisions for the

political content, commercial communications, including advertisements on both traditional and digital platforms, were also subject to censorship.³⁴ This governance model once functioned within a somewhat fragmented institutional framework, with various government units operating under the oversight of the CCP's Central Publicity Department (CPD).³⁵

However, a closer look at China's constitutional changes since 2018 reveals a transformative shift, with a new emphasis on institutionalizing speech regulation through intra-party discipline. With the 2018 amendment to the PRC's Constitution and the concurrent changes to the CCP's Constitution, there's a clear mandate for the CCP's regulatory bodies to exert full control over political discourse.³⁶ This principle of "party supremacy," solidified in the 2018 amendment, has reshaped China's speech regulation infrastructure, bestowing greater authority upon party entities in steering institutional speech governance.³⁷ Thus, post-2018 reforms have seen the CCP's censorship apparatus expand its overall reach. Decision-making entities like the Cyberspace Administration of China (CAC) have gained prominence,³⁸ government administrative bodies have been integrated into party organs,³⁹ and political speech by public servants is now monitored

Administration of Internet News Information Services [互联网新闻信息服务管理规定], 2017.

³⁴ Measures for the Administration of Internet Advertising [互联网广告管理办法], 2023.

³⁵ Ge Chen, *Piercing the Veil of State Sovereignty: How China's Censorship Regime into Fragmented International Law Can Lead to a Butterfly Effect*, 3 GLOB. CONST. 31, 39–41 (2014).

³⁶ XIANFA, *supra* note 1, art. 1. *The Constitution of the CCP*, pmbl., amended on Oct. 22, 2022, the Twentieth National Congress of the CCP ("Party is the supreme force for political leadership").

³⁷ Chen, *supra* note 18, at 506–9 (illustrating the emergence of party supremacy as an explicit constitutional doctrine).

³⁸ See Jamie P. Horsley, *Behind the Façade of China's Cyber Super-Regulator*, DIGICHINA, Stanford Cyber Policy Center (Aug. 8, 2022), <https://digichina.stanford.edu/work/behind-the-facade-of-chinas-cyber-super-regulator/>

³⁹ For instance, the CPD merged with National Press & Publication Administration and National Copyright Bureau. 中国共产党第十九届中央委员会第三次全体会议 [The Third Plenary of the Nineteenth Central Committee of the CCP], [中共中央关于深化党和国家机构改革的方案] Program of the CCP Central Committee on Deepening the Reform of the Party and State Institutions, §§ 11–12 (Mar. 21, 2018).

through a combined party-state enforcement mechanism.⁴⁰ These developments have restructured the allocation of personnel, technology, and financial resources for censorship, emphasizing the party's role and extending its influence beyond China's borders.⁴¹

For instance, party-state initiatives, such as the establishment of "international communication centers" (ICCs) at provincial and regional levels, aim to enhance China's overseas propaganda capacity.⁴² The ICCs are strategically focused on "telling China's stories well" in developing regions, particularly Africa and Latin America, to bolster China's ideological influence and counter Western narratives on human rights.⁴³ Furthermore, private entities—including social media companies—have evolved from mere communication tools into active platforms operating under the oversight of the CCP's multi-layered censorship framework.⁴⁴ Recent laws and regulations targeting social media

⁴⁰ This includes the National Supervisory Commission and subnational supervisory commissions. XIANFA, *supra* note 1, arts. 123, 125. The National Supervision Act of the PRC (2018), art. 15.

⁴¹ For example, the United Front Department (UFD) of the CCP is a unique and multifaceted organization that plays a crucial role in the Party's efforts to consolidate its power, maintain domestic stability, and project its influence overseas. The UFD operates globally to influence overseas Chinese communities, foreign governments, and other entities to support China's political objectives. This includes efforts to counteract negative perceptions of the CCP and promote a positive image of China. The UFD works to identify and counteract what the Party perceives as "hostile" foreign forces that seek to undermine the CCP's power. This includes efforts to counter overseas influence that might be critical of the Party or supportive of groups the Party views as antagonistic, such as Tibetan or Uyghur activists. *See* U.S.-CHINA ECON. & SEC. REV. COMM'N, CHINA'S OVERSEAS UNITED FRONT WORK: BACKGROUND AND IMPLICATIONS FOR THE UNITED STATES (Aug. 24, 2018), https://www.uscc.gov/sites/default/files/Research/China%27s%20Overseas%20United%20Front%20Work%20-%20Background%20and%20Implications%20for%20US_final_0.pdf. *See also* Ryan Fedasiuk, *How China's United Front System Works Overseas*, STRATEGIST (Apr. 13, 2022), <https://www.aspistrategist.org.au/how-chinas-united-front-system-works-overseas/>.

⁴² *See* Insikt Group, *Breaking the Circle: Chinese Communist Party Propaganda Infrastructure Rapidly Expands*, RECORDED FUTURE (2024), <https://go.recordedfuture.com/hubfs/reports/ta-cn-2024-1210.pdf>.

⁴³ CONG.-EXEC. COMM'N ON CHINA (CECC), 118TH CONG., ANNUAL REPORT 2024, 49 (2024).

⁴⁴ Nate Schenkkan & Isabel Linzer, *Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression*, FREEDOM HOUSE (2021), https://freedomhouse.org/sites/default/files/2021-02/Complete_FH_TransnationalRepressionReport2021_rev020221.pdf.

have significantly intensified, emphasizing nationalism, promoting self-censorship, and enabling surveillance through mandatory real-name registrations.⁴⁵ Crucially, these regulatory measures extend—often covertly—to transnational social media platforms controlled or influenced by the party-state, such as TikTok.

C. THE NORMATIVE STANDARDS

While China's Constitution acknowledges certain free speech rights, it also delineates specific limitations, including concerns of national security, public order, and the rights of others.⁴⁶ Historically, these limitations were enforced through regulations targeting content deemed critical of the CCP's rule or policies, and the government seemed to apply these restrictions somewhat indiscriminately.⁴⁷ However, with the amendment to Article 1 of China's Constitution, the CCP's leadership is now formally recognized in the constitutional text, leading to a redefined hierarchy of normative standards: This hierarchy prioritizes the CCP's interpretation of "national security" above all else,⁴⁸ suggesting that existing speech constraints should now be viewed in light of broader national security considerations, even extending beyond domestic borders.⁴⁹ Over the past decade, the government has strengthened its position by developing new narratives and legal instruments focused on national security and surveillance.⁵⁰ Justified under the banner of "sovereignty" over internet content tied to China's national security, these measures have intensified the reach and rigor of its transnational censorship regime.⁵¹

⁴⁵ CECC, *supra* note 43, at 52.

⁴⁶ XIANFA, *supra* note 1, Arts. 51, 53 and 54.

⁴⁷ Chen, *supra* note 18, at 515–16.

⁴⁸ For a comprehensive definition of "national security," see the National Security Act, *supra* note 9, Art. 2.

⁴⁹ Chen, *supra* note 18, at 517–22 (reinterpreting the national security constraints in the constitution of the PRC).

⁵⁰ Katja Drinhausen & Helena Legarda, "Comprehensive National Security" *Unleashed: How Xi's Approach Shapes China's Policies at Home and Abroad*, MERICS CHINA MONITOR, (Sept. 15, 2022), https://merics.org/sites/default/files/2022-09/Merics%20China%20Monitor%2075%20National%20Security_final.pdf.

⁵¹ See generally HARRIET MOYNIHAN & CHAMPA PATEL, *RESTRICTIONS ON ONLINE FREEDOM OF EXPRESSION IN CHINA: THE DOMESTIC, REGIONAL AND INTERNATIONAL IMPLICATIONS OF CHINA'S POLICIES AND PRACTICES* (2021),

From a legal perspective, the ramifications of this transnational censorship are evident. Laws like the National Security Act, the Cybersecurity Act, and the Counterespionage Act have amplified the weight of national security over free speech rights. For instance, offenses that previously pertained to public disturbances, such as “picking quarrels and provoking trouble,”⁵² have been expanded to encompass online political discourse. This is evident in cases where individuals have faced repercussions for actions perceived as challenging the state’s image. For instance, the 2018 Act on the Protection of Heroes and Martyrs prohibit any negative portrayal of national heroes, forbidding actions that “distort, defame, desecrate or deny the deeds and spirit of heroes and martyrs,” including their “name, portrait, reputation, and honor.”⁵³ The Act has been applied in various contexts. Domestically, it has been invoked in cases where online photos depicted individuals holding signs calling for Xi to step down and advocating for national elections.⁵⁴ In another case, an individual shared photos in support of the “Occupy Central Movement” and the protesters in Hong Kong.⁵⁵ The international impact of the party-state’s regulation of online speech has become increasingly evident. A Chinese student studying in the US faced legal repercussions after posting cartoons that were perceived as mocking President Xi, resulting in charges of “denigrating the image of the country’s leader.”⁵⁶ Similarly, an ethnically Korean individual faced legal repercussions for wearing a t-shirt labelled “Xitler” and sharing a selfie of it online while in China. Each of

<https://www.chathamhouse.org/sites/default/files/2021-03/2021-03-17-restrictions-online-freedom-expression-china-moynihan-patel.pdf>.

⁵² The Criminal Code of the PRC, 2020, Art. 293.

⁵³ The Act of the PRC on the Protection of Heroes and Martyrs, 2018, Art. 22.

⁵⁴ Lily Kuo, *Death of Chinese Activist in Police Custody Prompts Calls for Investigation into Torture*, THE GUARDIAN (Sept. 27, 2019), <https://www.theguardian.com/world/2019/sep/27/death-of-chinese-activist-in-police-custody-prompts-calls-for-investigation-into-torture>.

⁵⁵ Kashmira Gander, *Hong Kong Protests: Chinese Activist, Wang Long, ‘Arrested for Sharing Occupy Central Photos Online’*, INDEPENDENT (Oct. 2, 2014, 8:48 PM), <https://www.independent.co.uk/news/world/asia/chinese-activist-wang-long-arrested-sharing-photos-hong-kong-protests-social-media-9767936.html>.

⁵⁶ *Judgment in Case of U.S. University Student Jailed for Twitter Postings*, People’s Ct. of Wuchang Dist., Wuhan, Hubei, Criminal Judgment, (2019) E 0106 Criminal First Instance No. 1087 (Nov. 5, 2019) <http://blog.feichangdao.com/2020/10/translation-judgment-in-case-of-us.html>.

these cases underscores the extensive reach and application of these censorship laws, both domestically and abroad.⁵⁷

Moreover, China's transnational censorship often extends beyond its borders through indirect pressures in trade-related influence. Multinational corporations, from book publishers to video game designers, have long been expected to adhere to China's censorship rules to access its market.⁵⁸ One clear example of China's reach over free speech is the controversy involving the U.S. National Basketball Association.⁵⁹ Today, multinational companies operating in China face a tough dilemma: either forgo potential profits in the Chinese market or self-censor their online content.⁶⁰ Additionally, the Chinese government's efforts to control the influx of information are evident with its recent legislation on sensitive cross-border data: New laws categorize data based on national security, with "national core data" coming under heightened scrutiny.⁶¹ This not only impacts individuals but also hinders the free flow of information. The government's top-down surveillance approach, as seen in the Data Security Act and the Personal Information Protection Act,⁶² further consolidates this stance. The repercussions of these regulations were notably seen

⁵⁷ Chris Buckley, *He Called China's President 'Xitler' on Twitter. Now He Faces Prison.*, N.Y. TIMES (Feb. 16, 2017), <https://www.nytimes.com/2017/02/16/world/asia/china-xi-jinping-xitler-tshirt-kwon-pyong.html>.

⁵⁸ CECC, 117TH CONG., ANNUAL REPORT 2022, 2662–63 (2022), <https://www.uscc.gov/annual-report/2022-annual-report>.

⁵⁹ When a basketball team owner publicly criticized the Chinese government in support of protestors in Hong Kong, it led to significant repercussions, highlighting China's economic and political leverage on global entities. David Dayen, *The NBA's Self-Censorship and China's Dominance*, THE AMERICAN PROSPECT (Oct. 7, 2019), <https://prospect.org/blogs-and-newsletters/tap/the-nbas-self-censorship-and-chinas-dominance/>. For further discussion, see Ge Chen, *Fighting Words: US and China Clash on Free Speech*, YaleGlobal Online (Oct. 17, 2019), <https://archive-yaleglobal.yale.edu/content/fighting-words-us-and-china-clash-free-speech>.

⁶⁰ See, e.g., Patrick Hruby, *How the NBA's Rift with China Laid Bare the Cost of Free Speech*, THE GUARDIAN (Oct. 12, 2019, 4:00 AM), <https://www.theguardian.com/sport/2019/oct/12/how-the-nbas-rift-with-china-laid-bare-the-cost-of-free-speech>.

⁶¹ The Cybersecurity Act, *supra* note 9, Arts. 21, 31, 37.

⁶² On the one hand, the law empowers the government to oversee big data. The Data Security Act, *supra* note 9, Art. 14. On the other hand, the law restricts personal data misuse but grants the government exceptions. The Personal Information Protection Act of the PRC, 2021, Art. 34.

with the government's actions against tech behemoths like Alibaba and Tencent.⁶³

III. UNPACKING CHINA'S EVOLVING FRAMEWORK OF TRANSNATIONAL CENSORSHIP

Apart from building a seemingly legitimate veneer, the party-state has crafted a "normative discourse,"⁶⁴ detailing the objectives, guidelines, and structures that China's transnational censorship laws bring to speech regulation. This discourse is rooted in authoritarian principles, encompassing political repression, economic coercion, and technological control.

A. POLITICAL REPRESSION

1. TRANSITION FROM DOMESTIC TO TRANSNATIONAL REGULATION

China's censorship strategy, while primarily targeting content deemed sensitive by the government, has evolved from a domestic focus to influencing the global narrative. This shift has necessitated enhanced coordination between agencies overseeing both domestic and international censorship. Recent legislative developments reflect a strategic move to amplify the CCP's role in both gathering and shaping public information.⁶⁵

As a result of a series of comprehensive constitutional reforms, key CCP entities, including the CAC, CPD, Central Political and Legal Affairs Commission, and the UFD, have acquired distinct censorship roles. For example, they collaborate seamlessly with governmental agencies to regulate speech beyond China's borders.⁶⁶ These CCP decision-making bodies, having integrated with certain governmental departments for domestic oversight, are now partnering with more agencies to counter overseas dissent and shape international discourse.⁶⁷

Above all, government departments like the Ministry of National Security (MNS), the Ministry of Public Security (MPS),

⁶³ Li Yuan, *China Gets Strict with Tech*, N. Y. TIMES, Jul. 19, 2021, at B1.

⁶⁴ Bix, *supra* note 15, at 586–89.

⁶⁵ See MARTIN K. DIMITROV, DICTATORSHIP AND INFORMATION: AUTHORITARIAN REGIME RESILIENCE IN COMMUNIST EUROPE AND CHINA 303–66 (2022).

⁶⁶ Chen, *supra* note 18, at 529–36 (explaining how the party organs expanded their decision-making capacities by merging with government agencies).

⁶⁷ *Id.* at 558–63 (analyzing the structure of China's global speech regulation).

and the Ministry of Foreign Affairs (MFA) play pivotal roles in this coordinated network of transnational censorship. For instance, the MNS reportedly operates covert stations abroad, allegedly to coerce Chinese dissidents into returning home.⁶⁸ While the government posits these operations as efforts to bring nationals to face domestic legal proceedings, critics suggest these stations are extensions of the CCP's UFD.⁶⁹ Similarly, the MPS has been active in covert operations, targeting overseas critics.⁷⁰ The MFA, known for its assertive "wolf warrior diplomacy," guides Chinese embassies globally, supporting pro-CCP groups and facilitating the party-state's transnational repression.⁷¹

Recent legislation has fortified the legal framework, allowing censorship authorities to enforce the CCP's ideologies and penalize overseas speakers in the realm of transnational censorship. The Foreign Relations Act empowers the Chinese government to retaliate against actions perceived as threats to the PRC's sovereignty or national interests.⁷² The Counterespionage Act targets "overseas institutions, organizations, and individuals" deemed as potential espionage threats.⁷³ The Patriotism Education Act aims to bolster the patriotism of overseas Chinese, with

⁶⁸ Nina dos Santos, *Exclusive: China Operating over 100 Police Stations across the World with the Help of Some Host Nations, Report Claims*, CNN (Dec. 4, 2022, 12:03 AM), <https://edition.cnn.com/2022/12/04/world/china-overseas-police-stations-intl-cmd/index.html>.

⁶⁹ Michael Martina & Ted Hesson, *China Pushes Back on FBI Claims of Chinese 'Police Stations' in U.S.*, REUTERS (Nov. 18, 2022, 1:15 PM), <https://www.reuters.com/world/china/china-pushes-back-fbi-claims-chinese-police-stations-us-2022-11-18/>.

⁷⁰ In 2015, Chinese police arrested booksellers in Hong Kong including a Swedish citizen on secret missions and took them back to the mainland without legal channels. John Kang, *The Missing Hong Kong Booksellers Saga Explained*, FORBES (Jun 17, 2016, 2:10 AM), <https://www.forbes.com/sites/johnkang/2016/06/17/missing-hong-kong-booksellers-saga-explained/?sh=1a0860ad314d>. In 2023, a German citizen traveling to China was detained and pressured by the police to provide a list of critics in Germany who participated in local protests against the party-state in 2022. *German Citizen Forced to Spy*, TABLE CHINA (July 10, 2023, 0:16), <https://table.media/china/en/news/german-citizen-forced-to-spy/>.

⁷¹ Schenkkan & Linzer, *supra* note 44, at 17.

⁷² The Chinese government can "take corresponding countermeasures and restrictive measures" against any countries regarding their "acts that endanger the sovereignty, security, and development interests" of the PRC. The Foreign Relations Act of the PRC, 2023, Art. 33.

⁷³ The Counterespionage Act, *supra* note 9, revised 2023, Arts. 4 and 10.

provisions to prosecute those deemed unpatriotic or threats to national security.⁷⁴

Notably, these new laws explicitly extend their reach beyond China's borders through practices often described as "transnational repression,"⁷⁵ despite international protections of speech, media freedom, and the right to protest. In a recent instance of such transnational policing, Chinese authorities collaborated with Laos to detain Yang Zewei, a free speech activist and journalist living in exile. Yang was subsequently returned to China to face charges of "subversion of state power," accused specifically of founding the "Ban the Great Firewall" group aimed at circumventing internet censorship.⁷⁶ In another notable case of transnational online repression, the Chinese government interrogated several hundred followers of Teacher Li, a prominent online dissident residing in Italy. Teacher Li gained significant popularity in 2022 for disseminating censored news and footage (including the White Paper protest videos) via the platform X, leading authorities to pressure followers, resulting in Li losing around 200,000 followers on that platform.⁷⁷ Furthermore, Chinese consulates reportedly mobilized pro-CCP groups abroad by providing financial resources, transportation, and accommodation to intimidate and physically attack demonstrators protesting against Xi Jinping at the APEC Summit in San Francisco.⁷⁸

Typically, these acts of transnational repression aim to silence dissidents living in diaspora communities by placing transnational bounties on their arrest, severing their connections to domestic relatives, and harassing or threatening them or their

⁷⁴ The law requires the government to "enhance the patriotic feelings of overseas Chinese" and lays down the liabilities to prosecute anyone who is deemed not "patriotic" and contravenes the principle of national security. The Patriotism Education Act of the PRC, 2023, Arts. 22, 35–37.

⁷⁵ CECC, 118TH CONG., ANNUAL REPORT 2023, 346 (2024).

⁷⁶ *Disappearance of Chinese Critic in Laos, Feared Kidnapped*, SAFEGUARD DEFENDERS (Jun. 18, 2023), <https://safeguarddefenders.com/en/blog/disappearance-chinese-critic-laos-feared-kidnapped>.

⁷⁷ *China: X Must Immediately End Shadow Ban of Prominent Human Rights Account*, ARTICLE 19 (Nov. 28, 2024), <https://www.article19.org/resources/china-x-must-immediately-end-shadow-ban-of-prominent-human-rights-account/>.

⁷⁸ Shibani Mahtani et al., *How China Extended its Repression into an American City*, THE WASHINGTON POST (Sept. 3, 2024), <https://www.washingtonpost.com/world/interactive/2024/chinese-communist-party-us-repression-xi-jinping-apec/>.

family members abroad.⁷⁹ Reports indicate that these tactics are particularly focused on monitoring and intimidating overseas Chinese students, deterring them from accessing “sensitive information” or speaking out against the party-state.⁸⁰ As an extreme deterrent measure, the PRC government has used its international influence to forcibly repatriate Chinese dissidents residing overseas under the pretext of punishing “illegal border crossings,” a tactic officially referred to as “Operation Fox Hunt.”⁸¹

2. MERGING CENSORSHIP WITH PROPAGANDA

The party-state has intricately woven its expansive propaganda apparatus alongside its censorship mechanism. Both serve as pillars of the CCP’s ideological strategy, overseen by a member of the Politburo’s Standing Committee.⁸² The goal of transnational propaganda is to bolster transnational censorship, saturating the global discourse with narratives that underscore the “merits” and “validity” of the CCP’s ideologies.⁸³ These narratives often contrast with Western notions of individualism and private interests, which are frequently associated with “Western-style human rights and democracy.”⁸⁴ As a result, the information disseminated by propaganda departments is framed as essential for upholding “national security” within Chinese legal parameters.⁸⁵

⁷⁹ CECC, *supra* note 43, at 290–91.

⁸⁰ *Id.* at 291–92.

⁸¹ *Id.* at 293–94.

⁸² This member is often referred to as China’s “ideology tsar.” Charlotte Gao, *China’s New Ideology Czar Takes Center Stage on Journalists’ Day*, THE DIPLOMAT (Nov. 9, 2017), <https://thediplomat.com/2017/11/chinas-new-ideology-czar-takes-center-stage-on-journalists-day/>.

⁸³ Joel Slawotsky, *The Expanding Horizons of National Security and the China-US Strategic Competition – Where Are We Heading?*, OUPBLOG (Aug. 20, 2021), <https://blog.oup.com/2021/08/the-expanding-horizons-of-national-security-and-the-china-us-strategic-competition-where-are-we-heading/>.

⁸⁴ For example, a recent CCP document mandates that China’s law schools and lawyers “adamantly oppose to and resist western constitutionalism, separation of powers, and judicial independence.” *The General Office of the CCP Central Committee and the General Office of the State Council Printed Opinions on Reinforcing the Legal Education and the Research on Legal Theories in the New Era* [中共中央办公厅国务院办公厅印发《关于加强新时代法学教育和法学理论研究的意见》] XINHUA AGENCY [新华社] (Feb. 26, 2023).

⁸⁵ See, e.g., CAC, Provisions on Ecological Governance of Network Information Content [网络信息内容生态治理规定] (PEGNIC), 2019, art. 5(1)–(7).

In practice, propaganda efforts permeate both public and private sectors.⁸⁶ Public entities, encompassing a range of party-state organs, articulate and propagate the CCP's ideological directives across various domains, including politics, economics, education, culture, society, and religion—mandated to promote narratives that “reflect the people's great struggle and fervent lives,” highlight China's “exceptional moral culture and zeitgeist,” and “present the world with a true, three-dimensional, and complete China.”⁸⁷ Notably, these public entities are directly government-owned. Conversely, private platforms like WeChat, Baidu, and TikTok, despite their private ownership, operate under the watchful eye of party-state regulators.⁸⁸ They will not only carry out self-censorship, but also be obliged to promote the official ideological guidelines and narratives in their programs and channels.⁸⁹

B. ECONOMIC COERCION

1. ENGAGING AND INFLUENCING MULTINATIONAL INTERNET FIRMS

Emerging censorship laws empower the party-state to regulate online discourse by both engaging and pressuring multinational firms operating in China, which are mandated to oversee online content and, when deemed necessary, restrict access. Recent national security legislation has given credence to extensive surveillance initiatives like the “Golden Shield Project,”⁹⁰ designed to monitor Chinese citizens

⁸⁶ Mareike Ohlberg, *Propaganda beyond the Great Firewall*, MERCATOR INST. FOR CHINA STUDIES (Dec. 5, 2019), <https://merics.org/en/comment/propaganda-beyond-great-firewall>.

⁸⁷ PEGNIC, *supra* note 81, art. 5.

⁸⁸ *Id.* arts. 30–33 (describing regulatory oversight mechanisms applicable to online content platforms, including inspections, information disclosures, and joint enforcement by state bodies).

⁸⁹ *Id.* arts. 10–11 (requiring platforms to remove prohibited content and encouraging promotion of state-approved values).

⁹⁰ For example, China's cybersecurity laws provide the legal framework for internet regulation, and commentators have linked this regime to the “Golden Shield Project”. See, e.g., Maud Descamps, *China's Cybersecurity Legislation: A Paper Tiger or an Institutionalized Theft?*, The Institute for Security and Development Policy, 2, (May 2020), <https://www.isdp.eu/wp-content/uploads/2020/05/Chinas-Cybersecurity-Legislation-FA-14.05.20.pdf>.

comprehensively.⁹¹ Consequently, with the assistance of Internet companies and foreign technologies, the party-state has developed a comprehensive national database of its citizens, incorporating features like language and telephone recognition, facial scans, and fingerprints.⁹² Under the Cybersecurity Act, network operators and electronic information service providers must monitor and manage user-generated content.⁹³ When information whose release or transmission is prohibited is detected, they are obligated to stop its transmission and to take deletion or blocking measures to prevent further dissemination.⁹⁴

This heightened censorship means unrestricted browsing of global platforms like Google, Facebook, and Twitter remains elusive for many in China without VPNs.⁹⁵ Platforms like WeChat, akin to Twitter, have become indispensable communication tools for many Chinese citizens, yet they also serve as potent surveillance and propaganda instruments.⁹⁶ Under national security and data governance laws, these platforms are required to retain user data and provide technical assistance and access to law enforcement and security authorities upon request,⁹⁷ granting the state extensive reach into personal communications.⁹⁸ Not only are

⁹¹ Maya Wang, *China's Dystopian Push to Revolutionize Surveillance*, HUMAN RIGHTS WATCH (Aug. 18, 2017), <https://www.hrw.org/news/2017/08/18/chinas-dystopian-push-revolutionize-surveillance>.

⁹² Valentin Weber & Vasilis Ververis, *China's Surveillance State: A Global Project* 4, 11, 15, 20 (TOP10VPN 2021), <https://www.top10vpn.com/assets/2021/07/Chinas-Surveillance-State.pdf>.

⁹³ Cybersecurity Act, *supra* note 9, arts. 47–50.

⁹⁴ *Id.* arts. 47, 48, 50.

⁹⁵ Benjamin Haas, *China Moves to Block Internet VPNs from 2018*, THE GUARDIAN (July 11, 2017), <https://www.theguardian.com/world/2017/jul/11/china-moves-to-block-internet-vpns-from-2018>

⁹⁶ Yaqiu Wang, *WeChat Is a Trap for China's Diaspora: App's Dominance Forces People to Adopt Self-Censorship*, FOREIGN POL'Y (Aug. 14, 2020, 2:19 PM), <https://foreignpolicy.com/2020/08/14/wechat-ban-trump-chinese-diaspora-china-surveillance/>.

⁹⁷ Cybersecurity Act, *supra* note 9, art. 54. Data Security Act, *supra* note 9, arts. 24, 35.

⁹⁸ WeChat Privacy Protection Guidelines [微信隐私保护指引], 2025, § 1.2 (China), https://weixin.qq.com/cgi-bin/readtemplate?lang=zh_CN&t=weixin_agreement&s=privacy.

“sensitive” terms on these platforms censored,⁹⁹ but sharing highly sensitive content might also attract attention from national security agencies.¹⁰⁰ New regulations hold group chat administrators and Internet Service Providers accountable for any sensitive content shared within group chats.¹⁰¹ Online platforms operated by private entities are now obligated to not only oversee content but also report users sharing sensitive content to the appropriate authorities.¹⁰² For instance, online bookstores are required to adhere to a government rating system, with evaluation criteria encompassing the CCP’s “core socialist values.”¹⁰³ Video platforms have faced directives to halt the streaming of foreign content,¹⁰⁴ and locally produced online content undergoes stringent censorship akin to traditional TV broadcasts.¹⁰⁵

Given the significant economic stakes involved, multinational internet corporations frequently comply with China’s evolving censorship regulations, thereby facilitating the party-state’s control over the online information environment. For example, Apple was compelled to remove a social networking app

⁹⁹ CAC, Provisions on the Administration of Internet Group Information Services (PAIGIS) [互联网群组信息服务管理规定], 2017, art. 10 (China), https://www.cac.gov.cn/2017-09/07/c_1121623889.htm.

¹⁰⁰ Jessie Yeung & Yong Xiong, *Man Detained for 9 Days in China for Sending Meme Deemed ‘Insulting’ to Police*, CNN (Nov. 2, 2021, 4:51 AM EDT), <https://www.cnn.com/2021/11/02/china/china-man-detained-meme-intl-hnk-scli/index.html>.

¹⁰¹ PAIGIS, *supra* note 100, art. 6. *See also* CAC, Provisions on the Administration of Internet Users’ Public Account Information Services (PAIPAS) [互联网用户公众账号信息服务管理规定], 2021, art. 9 (China), https://www.cac.gov.cn/2021-01/22/c_1612887880656609.htm.

¹⁰² PAIPAS, *supra* note 102, art. 19. *See also* PAIGIS, *supra* note 100, art. 11.

¹⁰³ These criteria serve to guide “correct public opinion orientation” in terms of the CCP’s ideologies. PAIPAS, *supra* note 102, art. 4; *see also* PAIGIS, *supra* note 100, arts. 6, 7, 10, 12.

¹⁰⁴ State Administration of Press, Publication, Radio, Film and Television [国家新闻出版广播电影电视总局], Notice on Strengthening the Management of Audio-visual Program Dissemination on Weibo, WeChat and Other Online Social Platforms [关于加强微博、微信等网络社交平台传播视听节目管理的通知], Dec. 7, 2016.

¹⁰⁵ Casey Hall, *Chinese Authorities Slap Comedy Firm with \$2 Million Fine after Military Joke*, REUTERS (May 20, 2023, 12:35 AM PDT), <https://www.reuters.com/business/media-telecom/chinese-slaps-comedy-firm-with-2-mln-fine-after-military-joke-2023-05-17/>. Some of the censorship rules applied came from the State Council’s Regulations on the Administration of Commercial Performances [营业性演出管理条例], 2005, arts. 25, 26, 46 (China), <https://www.cecc.gov/resources/legal-provisions/regulations-on-the-administration-of-commercial-performances-cecc-partial>.

from its Chinese App Store due to the app's capability to circumvent governmental censorship, thus allegedly enabling access to "illegal" content.¹⁰⁶ Disney similarly censored references to forced labor practices in China from its streaming content in Hong Kong,¹⁰⁷ while Amazon Prime filtered scenes depicting pro-democracy protests in Hong Kong on its platform.¹⁰⁸ As these multinational companies align with China's censorship demands to safeguard their market presence and revenue streams, prominent Chinese tech companies such as WeChat, Alibaba, Baidu, Tencent, and ByteDance—the last of which controls the global social media app TikTok—actively export Chinese-style censorship practices worldwide.¹⁰⁹

2. ENHANCING TRANSNATIONAL DATA GOVERNANCE

China's approach to data governance has been meticulously crafted to bolster the CCP's objectives in managing the realm of transnational information.¹¹⁰ The nation's strategy, rooted in technology, has transitioned from a primarily political discourse to

¹⁰⁶ Coco Feng & Matt Haldane, *Apple's Removal of Damus Social Media Platform from China App Store Was 'Expected' by Developers amid Beijing's Strict Censorship*, S. CHINA MORNING POST (Feb. 6, 2023, 9:46 PM), <https://www.scmp.com/tech/policy/article/3209265/apples-removal-damus-social-media-platform-china-app-store-was-expected-developers-amid-beijings>.

¹⁰⁷ Wilhelmine Preussen, *Disney Drops 'Simpsons' Episode in Hong Kong that Mentions Forced Labor in China*, POLITICO (Feb. 6, 2023, 6:58 PM), <https://www.politico.eu/article/disney-self-censorship-remove-simpsons-episode-hong-kong-china-forced-labour/>.

¹⁰⁸ Helen Davidson, *Amazon's Expats Series Not Available in Hong Kong, Where It Is Set*, THE GUARDIAN (Jan. 29, 2024, 12:20 AM PDT), <https://www.theguardian.com/world/2024/jan/29/amazon-the-expats-series-not-available-in-hong-kong-where-it-is-set>.

¹⁰⁹ See, e.g., Ge Chen, *Digital Platforms like TikTok Could Help China Extend Its Censorship Regime Across Borders*, THE CONVERSATION (Dec. 11, 2023, 7:50 PM PDT), <https://theconversation.com/digital-platforms-like-tiktok-could-help-china-extend-its-censorship-regime-across-borders-204322>.

¹¹⁰ Karen M. Sutter, *Capturing the Virtual Domain: The Expansion of Chinese Digital Platforms*, in CHINA'S DIGITAL AMBITIONS: A GLOBAL STRATEGY TO SUPPLANT THE LIBERAL ORDER 23, 28–29 (Emily de La Bruyère et al. eds., 2022), https://www.nbr.org/wp-content/uploads/pdfs/publications/sr97_chinas_digital_ambitions_mar2022.pdf.

a more encompassing economic stance in the global trade arena.¹¹¹ Foundational laws like the Cybersecurity Act, Data Security Act, and the Personal Information Protection Act form the bedrock of the party-state's data governance.¹¹² These laws facilitate the CCP's endeavors in data collection, processing, and dissemination, effectively supplanting the free flow of information.¹¹³ The underlying principle is the party-state's ability to access, monitor, and surveil the personal and sensitive communications of every Chinese citizen.¹¹⁴ Such governance simplifies the tasks of content moderation for censors and aids the government in compiling comprehensive databases of its populace.¹¹⁵

When it comes to foreign entities, this data governance employs coercive tactics, exemplified by the Social Credit System, which can penalize individuals by restricting their access to essential economic resources, such as freezing bank accounts or limiting credit card usage to specific transportation methods and accommodations.¹¹⁶ The impending digital RMB currency embodies a similar, if not more stringent, approach to data governance, potentially deterring users from expressing views contrary to government preferences.¹¹⁷ Under this governance framework, international companies have reportedly facilitated China's surveillance capabilities. For instance, U.S.-based companies, such as Ryan Technologies, have been implicated in transferring surveillance technologies to China's public security departments.¹¹⁸ Additionally, Accelerated Nuclear DNA

¹¹¹ See Nigel Cory, *Writing the Rules: Redefining Norms of Global Digital Governance*, in CHINA'S DIGITAL AMBITIONS: A GLOBAL STRATEGY TO SUPPLANT THE LIBERAL ORDER 73, 76–86 (Emily de La Bruyère et al. eds., 2022), *id.*

¹¹² Peiru Cai & Li Chen, *Demystifying Data Law in China: A Unified Regime of Tomorrow*, 12(2) INT'L DATA PRIVACY L. 75, 75 (2022).

¹¹³ Sutter, *supra* note 111, at 29.

¹¹⁴ *Id.* at 34.

¹¹⁵ See Alex He, *State-Centric Data Governance in China*, CIGI Papers No. 282, 4, (September 2023), <https://www.cigionline.org/static/documents/no.282.pdf>.

¹¹⁶ Drew Donnelly, *China Social Credit System Explained – What Is It & How Does It Work?*, HORIZONS (Feb. 11, 2024), <https://nhglobalpartners.com/china-social-credit-system-explained/>.

¹¹⁷ James A. Dorn, *China's Digital Yuan: A Threat to Freedom*, CATO INSTITUTE (Aug. 25, 2021, 10:22 AM), <https://www.cato.org/blog/chinas-digital-yuan-threat-freedom>.

¹¹⁸ Zoe Haver, *The Role of US Technology in China's Public Security System*, RECORDED FUTURE BY INSIKT GROUP (Nov. 1, 2022), at 11–13, <https://go.recordedfuture.com/hubfs/reports/ta-2022-1101.pdf>.

Equipment (ANDE) has allegedly supplied DNA testing machines to Chinese police, who then use this technology to surveil and monitor human rights activists.¹¹⁹ Moreover, alongside concerns regarding TikTok's data collection practices in the U.S., a recent whistleblower disclosure revealed that Meta had also shared user data with entities linked to China.¹²⁰

C. TECHNOLOGICAL MASTERY

1. LEVERAGING FOREIGN INNOVATIONS FOR SPEECH CONTROL

China's censorship framework has adeptly harnessed technologies emanating from leading global internet companies.¹²¹ In its nascent stages of developing a censorship infrastructure, China utilized U.S. technologies for internet connectivity, surveillance, and content blocking.¹²² U.S. companies, like Cisco Systems, have faced scrutiny for aiding the Chinese government in constructing the Golden Shield Project, a program designed for internet censorship and dissident monitoring.¹²³ Additionally, Chinese public security bureaus reportedly use big data platforms supported by databases from Oracle to centralize and analyze data via keyword searches, aiding the investigation of alleged "criminal" activities through de facto surveillance over citizens.¹²⁴ Recently, Meta has come under scrutiny for allegedly developing censorship tools tailored for the Chinese government, facilitating the removal of speech critical of the CCP, and banning the account

¹¹⁹ Katrina Northrop, *The DNA Distortion*, THE WIRE CHINA (Feb. 4, 2024), <https://www.thewirechina.com/2024/02/04/the-dna-distortion-ande-china-biotechnology-dna-testing/>.

¹²⁰ Naomi Nix, *Zuckerberg's Meta Considered Sharing User Data with China, Whistleblower Alleges*, WASH. POST (Mar. 9, 2025), <https://www.washingtonpost.com/technology/2025/03/09/meta-china-censorship-facebook-mark-zuckerberg/>.

¹²¹ See generally Luke Hogg et al., *Web of Dependencies: A History of American Tech Companies' Complicity in China's Techno-Authoritarian Agenda*, FOUNDATION FOR AMERICAN INNOVATION (October 2025), <https://cdn.sanity.io/files/d8lrla4f/staging/5fcadbbd88164de58e9122c1f12ad8ee15b1026c.pdf>.

¹²² Weber & Ververis, *supra* note 92, at 7.

¹²³ *Id.*

¹²⁴ Mara Hvistendahl, *How Oracle Sells Repression in China*, INTERCEPT (Feb. 18, 2021, 6:20 AM), <https://theintercept.com/2021/02/18/oracle-china-police-surveillance/>.

of a prominent Chinese dissident residing in the U.S. for the company to secure access to the lucrative Chinese market.¹²⁵ Meanwhile, the U.S. government is investigating whether semiconductor giant Nvidia has assisted China's DeepSeek in developing powerful AI chips capable of more efficiently performing censorship and propaganda functions.¹²⁶

Furthermore, the Chinese government has rolled out regulations concerning cybersecurity reviews and data export security.¹²⁷ Foreign entities operating within China are mandated to allow the government access to and monitoring of data,¹²⁸ a stipulation that now underpins effective censorship.¹²⁹ Even if certain foreign companies aren't actively operational in China, Chinese firms might still harness their innovations to bolster the censorship apparatus.¹³⁰ However, in doing so, these Chinese firms meticulously filter and block sensitive content originating from such U.S. innovations.¹³¹

¹²⁵ Lily Jamali, *Meta Whistleblower Alleges Company Worked with China on Censorship*, BBC (Apr. 9, 2025), <https://www.bbc.com/news/articles/c4grrwvn1llyo>.

¹²⁶ U.S. HOUSE SELECT COMMITTEE ON STRATEGIC COMPETITION BETWEEN THE U.S. AND THE CCP, *DEEPSEEK UNMASKED: EXPOSING THE CCP'S LATEST TOOL FOR SPYING, STEALING, AND SUBVERTING U.S. EXPORT CONTROL RESTRICTIONS*, 7–9, (Apr. 19, 2025), <https://selectcommitteeontheccp.house.gov/sites/evo-subsites/selectcommitteeontheccp.house.gov/files/evo-media-document/DeepSeek%20Final.pdf>.

¹²⁷ CAC, *Cybersecurity Review Measures* [网络安全审查办法], 2022, https://www.cac.gov.cn/2022-01/04/c_1642894602182845.htm. See also CAC, *Measures for the Security Assessment of Data Outbound Transfer* [数据出境安全评估办法], 2022, https://www.cac.gov.cn/2022-07/07/c_1658811536396503.htm.

¹²⁸ See Hunter Dorwart, *China and Global Data Transfers: Implications for Future Rulemaking*, in *THE EMERGENCE OF CHINA'S SMART STATE* 123, 133–35 (Rogier Creemers et al. eds., 2024) (illustrating China's data localization framework).

¹²⁹ *Id.* at 127–28 (conceptualizing the security-oriented aims of the “orderly flow of data”).

¹³⁰ For instance, while OpenAI's ChatGPT restricts Chinese user registration, Chinese entities have utilized VPNs to bypass such limitations, integrating ChatGPT functionalities into their offerings. Helen Davidson, *'Political Propaganda': China Clamps Down on Access to ChatGPT*, THE GUARDIAN (Feb. 23, 2023, 06:24 EST), <https://www.theguardian.com/technology/2023/feb/23/china-chatgpt-clamp-down-propaganda>.

¹³¹ *Id.* See Nicholas Welch & Jordan Schneider, *China's Censors Are Afraid of What Chatbots Might Say*, FOREIGN POL'Y (Mar. 3, 2023, 11:22 AM), <https://foreignpolicy.com/2023/03/03/china-censors-chatbots-artificial->

The Chinese government has announced its ambitious project for the construction of a “Digital China,” scheduled for short-term completion by 2025.¹³² This initiative focuses on building an interconnected and efficient digital infrastructure, expanding data resource capabilities, and enhancing the digitization of government services.¹³³ However, data collection under this framework can pave the road to pervasive surveillance, utilizing devices such as smartphones, QR code readers, point-of-sale systems, air quality monitors, and RFID chips embedded in ID cards to store biometric information.¹³⁴ In line with these developments, the CAC has recently issued regulations governing the use of emerging digital tools, including Bluetooth and Apple AirDrop,¹³⁵ and, most notably, generative AI technologies.¹³⁶ These measures aim to tighten control over online speech, ensuring alignment with the ideological “values” promoted by the party-state.¹³⁷ In response, Chinese tech firms like DeepSeek have adapted and integrated U.S.-origin AI technologies to develop competitive platforms specifically designed to meet governmental demands for censorship and propaganda dissemination.¹³⁸

intelligence/. See also Vishwam Sankaran, *China Wants to Give its AI Systems ‘Socialist Values’ and Bans Them from Criticising Country’s Leaders*, INDEPENDENT (Apr. 25, 2023, 7:37 EDT), <https://www.independent.co.uk/tech/china-ai-censor-socialist-values-b2326341.html>.

¹³² *China Unveils Plan to Promote Digital Development*, XINHUA (Feb. 28, 2023, 06:50), https://english.www.gov.cn/policies/latestreleases/202302/28/content_WS63fd33a8c6d0a757729e752c.html.

¹³³ *Id.*

¹³⁴ CECC, *supra* note 75, at 273–74.

¹³⁵ CAC, Provisions on the Management of Short-Range Ad-Hoc Network Information Services (Draft for Comments) [近距离自组网信息服务管理规定 (征求意见稿)], art. 2 (promulgated Jun. 6, 2023, 6:00 PM), https://www.cac.gov.cn/2023-06/06/c_1687698272954687.htm. See also Kelly Ng, *Chinese Censors Take Aim at AirDrop and Bluetooth*, BBC (Jun. 8, 2023), <https://www.bbc.com/news/world-asia-china-65830185>.

¹³⁶ CAC, Interim Measures for the Administration of Generative Artificial Intelligence Services [生成式人工智能服务管理暂行办法] (July 13, 2023, 3:00 PM), https://www.cac.gov.cn/2023-07/13/c_1690898327029107.htm.

¹³⁷ CECC, *supra* note 43, at 236.

¹³⁸ Zeyi Yang, *Here’s How DeepSeek Censorship Actually Works—and How to Get Around It*, WIRED (Jan. 31, 2025, 2:33 PM), <https://www.wired.com/story/deepseek-censorship/>.

2. OUTPACING THE EVASION TACTICS

The party-state's censors have consistently stayed a step ahead of the majority of internet users, swiftly adapting to technical evasion methods like VPNs, which are frequently employed by Chinese citizens to bypass information controls. While the 1990s saw the Chinese government introduce regulations to prohibit VPN usage, enforcement was lax at the time.¹³⁹ However, the emergence of the CAC, the CCP's modern censorship arm, has revitalized the enforcement of these regulations in collaboration with tech-centric government departments, such as the Ministry of Industry and Information Technology (MIIT).¹⁴⁰ Newer regulations now prohibit ordinary Chinese citizens from utilizing these evasion techniques to bypass the "Great Firewall."¹⁴¹ In more recent times, Chinese authorities have clamped down on VPNs, further tightening control over online access.¹⁴² Under this revamped censorship framework, security departments monitor specific key nodes linking China's internet to the global web and identify VPN users by their IP addresses,¹⁴³ leading to repercussions ranging

¹³⁹ The State Council, Interim Provisions of the PRC on the Administration of International Networking of Computer Information Networks (IPAINCIN) [中华人民共和国计算机信息网络国际联网管理暂行规定], Art. 6 (Feb. 1, 1996), https://www.cac.gov.cn/1996-02/02/c_126468621.htm.

¹⁴⁰ Yuxi Wei, *China's New Cybersecurity Regulations: Analyzing the Ban on VPN Services*, UNIV. WASH. E. ASIA CTR. (Apr. 17, 2017), <https://jsis.washington.edu/news/chinas-new-cybersecurity-regulations-analyzing-ban-vpn-services/>.

¹⁴¹ MIIT [工业和信息化部], Notice on Cleaning up and Regulating the Internet Network Access Service Market [关于清理规范互联网网络接入服务市场的通知], (Jan. 23, 2017, 1:15 PM), https://www.cac.gov.cn/2017-01/23/c_1120366809.htm.

¹⁴² Apple, for instance, was directed to purge all VPN applications from its App Store. Hannah Kuchler & Max Seddon, *Apple Removes Apps That Bypass China's Censors*, FIN. TIMES (July 30, 2017), <https://www.ft.com/content/e83e8034-7543-11e7-90c0-90a9d1bc9691>. Similarly, Amazon's cloud services adhered to Chinese mandates, refraining from offering software that would enable users to sidestep government-imposed internet restrictions. *Amazon China Partner Tells Users to Stop Using Illegal VPNs*, REUTERS (Aug. 2, 2017, 4:35 PM PDT), <https://www.reuters.com/article/us-amazon-china-vpn-idUSKBN1AI0CM>.

¹⁴³ Zeyi Yang, *Massive Leak Shows How a Chinese Company Is Exporting the Great Firewall to the World*, WIRED (Sept. 8, 2025, 11:00 PM), <https://www.wired.com/story/geedge-networks-mass-censorship-leak/>.

from fines to detainment in practice.¹⁴⁴ Reflecting this harsher approach, in Shanghai, an anonymous blogger with expertise in information security was recently sentenced to seven years in prison for “inciting subversion of state power” after teaching others how to bypass government censorship tools to access overseas information and for publishing articles on sensitive topics.¹⁴⁵

IV. ASSESSING THE GLOBAL IMPACT OF CHINA’S TRANSNATIONAL CENSORSHIP LAWS ON FREE EXPRESSION

The codification of transnational censorship into legal norms carries dual implications: it shapes social realities through its “content-related function” and establishes a system linking law to politics through its “system-related function.”¹⁴⁶ Even though China isn’t formally bound by the ICCPR, its emerging transnational censorship over the past decade has significantly affected the freedom of expression as outlined in the ICCPR.¹⁴⁷ The party-state’s extensive censorship rules, aimed at aligning with its policies, have the potential to redefine the “freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers” beyond China’s borders.¹⁴⁸ Instead of facilitating “easy, prompt, effective and practical access” to China-centric information,¹⁴⁹ the party-state has established a transnational censorship order spanning political, commercial, and academic domains. Presently, China’s censorship extends to political discourse, public affairs commentary, commercial advertising, human rights discussions, cultural and artistic expressions, and education—areas traditionally safeguarded under the right to

¹⁴⁴ IPAINCIN, *supra* note 139, Arts. 14, 15. *China Detains Man for Service to Evade Internet Firewall*, PHYS ORG (Sept. 18, 2017), <https://phys.org/news/2017-09-china-detains-evade-internet-firewall.html>.

¹⁴⁵ See, e.g., Vivien Wang, *China Took Her Husband. She Was Left to Uncover His Secret Cause.*, N. Y. TIMES, (July 10, 2023), <https://www.nytimes.com/2023/07/05/world/asia/china-dissident-blog-program-think.html>.

¹⁴⁶ Burchardt, *supra* note 16, at 411–14.

¹⁴⁷ For recent critical reflection on this, see Lewis, *supra* note 3, at 183–84 (documenting China’s distancing performance in the protection of freedom of expression).

¹⁴⁸ ICCPR, *supra* note 2, Art. 19 (2).

¹⁴⁹ See Comm. on the International Covenant on Civil and Political Rights, Rep. of the Human Rights Comm. on its 102d Session, ¶ 19, U.N. Doc. CCRP/C/GC/34 (Sept. 12, 2011).

freedom of expression.¹⁵⁰ This approach underscores the party-state's ambition to challenge the globally accepted norms of freedom of expression covering political speech, commercial speech, and artistic speech, competing with foundational principles of liberal democracies.

A. IMPACTS ON INTERNATIONAL POLITICAL ENTITIES AND LEADERS

Foremost, China's transnational censorship zeroes in on political speech, particularly targeting foreign politicians and political factions. Over the past decade, the party-state has taken overt measures to restrict foreign governments, agencies, and politicians in their efforts to access or disseminate information deemed "harmful" by the Chinese government.¹⁵¹ Beyond the aforementioned national security laws, China introduced a foreign NGO law following its "709 crackdown" on civil rights advocates, aimed at prohibiting foreign NGOs from activities that could threaten China's "national security."¹⁵² Empowering the MPS with extensive investigative measures, this law has drawn criticism from UN human rights experts, who have called for its repeal.¹⁵³ Nevertheless, the party-state persists in its efforts to obstruct external access to or dissemination of politically sensitive information related to China. For example, German Federal Parliament's Human Rights Committee members were denied

¹⁵⁰ *Id.* ¶ 11.

¹⁵¹ To name but a few of the recent records, *see, e.g.,* *Lawmakers from 6 Countries Say Beijing Is Pressuring Them Not to Attend Conference in Taiwan*, ARAB NEWS (July 29, 2024), <https://arab.news/266ej>; Nusrat Ghani MP, *Parliament Won't Allow China to Bully MPs into Silence*, POLICY EXCHANGE (Mar. 26, 2021), <https://policyexchange.org.uk/blogs/parliament-wont-allow-china-to-bully-mps-into-silence/>; Aryeh Neier, *How China Silences Governments in Its Global War against Human Rights*, FREE MALAYSIA TODAY (Feb. 7, 2020), <https://www.freemalaysiatoday.com/category/opinion/2020/02/07/how-china-silences-governments-in-its-global-war-against-human-rights>.

¹⁵² The Act of the PRC on the Administration of Activities of Overseas Non-Governmental Organizations within the Territory of China, 2016, Art. 47(3) and (5).

¹⁵³ UN Hum. Rts. Off. of the High Comm'r, *China: Newly Adopted Foreign NGO Law Should Be Repealed, UN Experts Urge*, PRESS RELEASES/SPECIAL PROCEDURES, UN HUM. RTS. OFF. (May 3, 2016), <https://www.ohchr.org/en/press-releases/2016/05/china-newly-adopted-foreign-ngo-law-should-be-repealed-un-experts-urge>.

visas for planned visits to Tibet and Xinjiang.¹⁵⁴ Similarly, the U.S. embassy faced restrictions in disseminating sensitive political content via its official Chinese social media account.¹⁵⁵

However, these are merely reactive censorship measures. Recent global studies have unveiled the party-state's aggressive tactics, including hindering political candidates in U.S. local elections,¹⁵⁶ influencing the UK legislature,¹⁵⁷ manipulating Canadian constituency nominations through donation influence or social media targeting,¹⁵⁸ attempting to sway Australian candidates,¹⁵⁹ securing influential parliamentary positions in New Zealand,¹⁶⁰ and amplifying disinformation campaigns in Taiwan's local nominations and elections through polarization efforts.¹⁶¹

¹⁵⁴ Stuart Lau, *China Denies Visas to German Lawmakers over Their Human Rights Criticism*, S. CHINA MORNING POST (Aug. 21, 2019, 10:43 PM), <https://www.scmp.com/news/china/diplomacy/article/3023683/china-denies-visas-german-lawmakers-over-their-human-rights>.

¹⁵⁵ Siladitya Ray, *Chinese Social Media Platforms Censor US Embassy Posts*, FORBES (July 6, 2022, 9:44 AM), <https://www.forbes.com/sites/siladityaray/2022/07/06/chinese-social-media-platforms-censor-us-embassy-posts/?sh=31e8d622224a>.

¹⁵⁶ Joshua Kurlantzick, *China's Growing Attempts to Influence U.S. Politics*, COUNCIL ON FOREIGN RELATIONS (Oct. 31, 2022, 5:39 PM), <https://www.cfr.org/article/chinas-growing-attempts-influence-us-politics>.

¹⁵⁷ *Chinese Political Interference Has Western Spooks Worried*, THE ECONOMIST (Apr. 21, 2022), <https://www.economist.com/china/2022/04/21/chinese-political-interference-has-western-spooks-worried>.

¹⁵⁸ KEN HARDIE, A THREAT TO CANADIAN SOVEREIGNTY: NATIONAL SECURITY DIMENSIONS OF THE CANADA-PEOPLE'S REPUBLIC OF CHINA RELATIONSHIP, INTERIM REPORT OF THE SPECIAL COMMITTEE ON THE CANADA-PEOPLE'S REPUBLIC OF CHINA RELATIONSHIP, 44th Parliament, 1st Sess., 38–40 (May 2023), <https://www.ourcommons.ca/Content/Committee/441/CACN/Reports/RP12430173/cacnrp03/cacnrp03-e.pdf>.

¹⁵⁹ James Massola, *Labor Senator Sam Dastyari Quits over Chinese Donations Scandal*, THE SYDNEY MORNING HERALD (Sept. 7, 2016, 7:06 PM), <https://www.smh.com.au/politics/federal/labor-senator-sam-dastyari-quits-over-chinese-donations-scandal-20160907-grb3p1.html>.

¹⁶⁰ Derek Cheng, *National MP Jian Yang to Retire from Politics Following Election*, NEW ZEALAND HERALD (July 9, 2020, 3:33 PM), <https://www.nzherald.co.nz/nz/national-mp-jian-yang-to-retire-from-politics-following-election/4K2OLLQA2PFANAKCAGLBXCLXQ4/>.

¹⁶¹ Ben Sando, *Taiwan Local Elections Are Where China's Disinformation Strategies Begin*, COUNCIL ON FOREIGN RELATIONS (Oct. 4, 2022, 12:31 PM), <https://www.cfr.org/blog/taiwan-local-elections-are-where-chinas-disinformation-strategies-begin>.

These actions are not isolated incidents, but systematic results of a legal framework that undeniably projects authoritarian influence on political discourse in democratic nations.¹⁶²

B. IMPACTS ON INTERNATIONAL CORPORATIONS AND INVESTORS

China's expanding transnational censorship extends to commercial speech, especially those touching upon domestic policies. This not only curtails speech but also has ramifications for overseas commercial ventures. As previously highlighted, Beijing has introduced a slew of cybersecurity, data, and privacy laws to mandate organizations with extensive user bases to undergo evaluations and approvals for data management. Additionally, a comprehensive revision to China's counterespionage legislation has been enacted, prohibiting the dissemination of national security-related information and broadening the espionage definition to include all data and materials relating to national security and interest protection.¹⁶³ Business communities have raised concerns over the ambiguity of China's revamped counterespionage law, its stringent prohibitions on national security-related information transfer, the imposition of exit bans on foreign executives in China, and heightened scrutiny of due diligence firms.¹⁶⁴ A case in point is Wind Information Co., China's premier financial data provider, which recently notified its clientele of restrictions on overseas users accessing specific

¹⁶² See, e.g., DAVID L. SLOSS, TYRANTS ON TWITTER: PROTECTING DEMOCRACIES FROM INFORMATION WARFARE AT 82–99 (2022) (illustrating China's global strategy of influencing political discourse on China). For the development of such an agenda in the digital context, see Mei Danowski, *Becoming a Cyber Superpower: China Builds Offensive Capability with Military, Government, and Private Sector Forces*, in THE EMERGENCE OF CHINA'S SMART STATE 171, at 133–35 (Rogier Creemers et al. eds., 2024) (illustrating China's data localization framework).

¹⁶³ See, e.g., Jill Goldenziel, *China's Anti-Espionage Law Raises Foreign Business Risk*, FORBES (Jul 3, 2023, 8:21 PM), <https://www.forbes.com/sites/jillgoldenziel/2023/07/03/chinas-anti-espionage-law-raises-foreign-business-risk/?sh=7d948777769e>.

¹⁶⁴ Julie Zhu & Xie Yu, *China's Top Financial Data Provider Restricts Offshore Access Due to New Rules*, REUTERS (May 4, 2023, 3:38AM), <https://www.reuters.com/business/finance/chinas-top-financial-data-provider-restricts-offshore-access-due-new-rules-2023-05-04/>.

business and economic data, citing new directives from China's cybersecurity authority.¹⁶⁵

Moreover, China's transnational censorship is increasingly influencing foreign investments and trade dynamics. The China Securities Regulatory Commission has recently directed law firms to moderate the language in Chinese companies' overseas listing documents that outline business risks tied to China,¹⁶⁶ cautioning that non-compliance could jeopardize their overseas IPO prospects.¹⁶⁷ Typically, Chinese firms eyeing overseas stock listings often flag shifts in China's socio-economic landscape, evolving government policies, and US-China trade tensions as potential "business risks."¹⁶⁸ However, China's updated overseas listing regulations, effective from early 2023, prohibit any content that could be perceived as distorting, misrepresenting, or maligning China's legal policies, business climate, or judicial stance in listing documents.¹⁶⁹ While these regulations remain ambiguous about what constitutes such remarks, the Chinese government has unequivocally instructed all law firms to adhere strictly to the new overseas listing guidelines, emphasizing their statutory obligations.¹⁷⁰ It's evident that non-compliance with these

¹⁶⁵ Blocked Wind information so far accessed by overseas users includes business registration details such as the company's ownership structure and who it ultimately controls, as well as economic data such as home and land sales in certain cities. *Id.*

¹⁶⁶ Rebecca Feng & Dave Sebastian, *China's Economy Isn't Ailing—It's 'Evolving': IPO Lawyers Told to Watch Their Language*, WALL ST. J (Aug. 10, 2023, 12:06 AM), <https://www.wsj.com/articles/chinas-economy-isnt-ailingits-evolving-ipo-lawyers-told-to-watch-their-language-4d388b23>.

¹⁶⁷ Selena Li et al., *Heeding Beijing's Call, Law Firms Tone Down China Risks in IPO Applications*, REUTERS (August 15, 2023, 5:56 PM), <https://www.reuters.com/world/china/heeding-beijings-call-law-firms-tone-down-china-risks-ipo-applications-2023-08-15/>.

¹⁶⁸ *Id.*

¹⁶⁹ China Sec. Regul. Comm'n, Provisional Measures for the Administration of Overseas Issuance and Listing of Securities by Domestic Enterprises [境内企业境外发行证券和上市管理试行办法], 2023, art. 12.

¹⁷⁰ In practice, these descriptions could include: 1) there are uncertainties in the domestic legal system, which may come into effect without being announced to the public and may have retrospective effect; 2) it may be more difficult to go through administrative procedures, reach judicial decisions, and enforce agreements through courts or arbitration systems than in other countries and regions; 3) excessive government control of the economy and distorted resource allocation; 4) China's economic growth may not be sustainable; 5) the government's strict foreign exchange controls; 6) foreign court judgments and arbitration awards may be difficult to enforce in China; 7) the government may

copyright directives as part of China's "lawfare" will have repercussions—the so-called "negative" descriptions in prospectuses can significantly hinder project filings.¹⁷¹

*C. IMPACTS ON INTERNATIONAL ACADEMIC, EDUCATIONAL,
AND CULTURAL INSTITUTIONS*

China's expanding transnational censorship has significantly encroached upon artistic speech in the academic, educational, and cultural domains, casting a shadow over academic and creative freedom worldwide. British universities, which derive substantial revenue from Chinese student tuition fees, have increasingly practiced self-censorship on sensitive topics.¹⁷² This influence was evident when Chinese censors successfully pressured Cambridge University Press to retract numerous politically sensitive articles.¹⁷³ Furthermore, through the Confucius Institutes, the Chinese government exerted influence on French universities, nudging them to align their curricula with Beijing's ideological preferences.¹⁷⁴ In Germany, interventions from the Chinese embassy thwarted discussions in academic institutions about published works concerning China's top leadership.¹⁷⁵ Similarly, the American academic landscape is grappling with

interfere with business operations. [404 Document Library] *Legal Search | Law Firms: Any Statements That "Distort or Slander China's Legal Policies, Business Environment and Judicial Situation" Are Prohibited in Overseas Listing Documents!* [【404 文库】法律检索 | 各律所：禁止境外上市文件中出现任何“歪曲或诋毁中国法律政策、营商环境和司法情况”的表述！], CHINA DIGITAL TIMES [中国数字时代] (July 26, 2023), <https://chinadigitaltimes.net/chinese/698610.html>.

¹⁷¹ Jay Newman, *China's Coming Lawfare Offensive*, FIN. TIMES (Sept. 15, 2023), <https://www.ft.com/content/b410e920-ecaf-44ab-b4c8-602f2c42bfd8>.

¹⁷² Freddie Hayward, *How the Chinese Government Is Buying Its Way into UK Universities*, NEW STATESMAN (July 13, 2021), <https://www.newstatesman.com/politics/2021/07/how-chinese-government-buying-its-way-uk-universities>.

¹⁷³ Maeve Kennedy & Tom Phillips, *Cambridge University Press Backs down over China Censorship*, GUARDIAN (Aug. 21, 2017, 11:36 AM), <https://www.theguardian.com/education/2017/aug/21/cambridge-university-press-to-back-down-over-china-censorship>.

¹⁷⁴ *The Debate over Confucius Institutes Part II*, CHINAFILE (July 1, 2014), <https://www.chinafile.com/conversation/debate-over-confucius-institutes-part-ii>.

¹⁷⁵ Andreas Fulda & David Missal, *German Academic Freedom Is Now Decided in Beijing*, FOREIGN POL'Y (Oct. 8, 2021, 11:45 AM), <https://foreignpolicy.com/2021/10/28/germany-china-censorship-universities-confucius-institute/>.

escalating self-censorship pressures stemming from China.¹⁷⁶ Recent analyses indicate that the backlash against the Confucius Institute has merely led to a covert transformation of China's ideological outreach in American tertiary education.¹⁷⁷ Even at the primary education level in the U.S., the party-state's propaganda machinery has actively disseminated its ideological narratives via financial exchange programs.¹⁷⁸

These instances underscore the defensive censorship pressures China exerts on foreign, academic, and educational entities. However, in several countries, the party-state is also spearheading more aggressive campaigns. For example, Chinese students and scholars' associations in Canadian universities, backed by the Chinese embassy, reported individuals critical of the CCP's treatment of Uyghurs.¹⁷⁹ They also gathered data on dissidents' family members, which was subsequently used to threaten those relatives residing in China, intimidate the dissidents, and in some cases, force their return to China.¹⁸⁰ In another incident, a young Tibetan activist faced a barrage of online threats, and her family was subjected to harassment after her election as the student body president at the University of Toronto.¹⁸¹

To amplify the deterrent effect of its censorship apparatus on overseas creative freedom and cultural production, China's transnational censorship laws have moved beyond traditional territorial limits: They now directly impose legal penalties on foreign publishers and writers who violate state

¹⁷⁶ Isaac Stone Fish, *The Censorship Circus*, WIRE CHINA (Feb. 27, 2022), <https://www.thewirechina.com/2022/02/27/the-censorship-circus/>.

¹⁷⁷ Rachelle Peterson, Flora Yan, and Ian Oxnevad, *After Confucius Institutes: China's Enduring Influence on American Higher Education*, NAT'L ASS'N OF SCHOLARS (2022), https://www.nas.org/storage/app/media/Reports/After%20Confucius%20Institutes/After_Confucius_Institutes_NAS.pdf.

¹⁷⁸ U.S. HOUSE OF REPRESENTATIVES, PROMOTING RESPONSIBLE OVERSIGHT TO ELIMINATE COMMUNIST TEACHINGS FOR OUR KIDS ACT, 118TH CONG., 2D SESS., REP. 118-574, 4-5 (July 5, 2024), <https://www.govinfo.gov/content/pkg/CRPT-118hrpt574/pdf/CRPT-118hrpt574.pdf> (criticizing Confucius Institutes' conditional funding programs).

¹⁷⁹ HARDIE, *supra* note 160, at 18.

¹⁸⁰ *Id.*

¹⁸¹ 'China Is Your Daddy': Backlash against Tibetan Student's Election Prompts Questions about Foreign Influence, CBC NEWS (Feb. 15, 2019, 2:42 PM), <https://www.cbc.ca/news/canada/toronto/china-tibet-student-election-1.5019648>.

ensorship guidelines.¹⁸² Moreover, China has been making significant efforts to expand its global media presence and influence foreign perceptions of the country through expansion of state media,¹⁸³ content-sharing agreements with foreign media outlets,¹⁸⁴ and investments and acquisitions in international entertainment industries.¹⁸⁵ In the 2010s, Chinese companies invested heavily in Hollywood studios and production companies, which gave them a stake in the international film industry.¹⁸⁶ While this can lead to increased resources and funding for film production, it also means that Chinese investors may have a say in the content and direction of the films being produced.¹⁸⁷ Recently, widespread concerns about China's expanding media influence,

¹⁸² Sophie Richardson, *Sentenced Publisher Exposes Sweden's Flawed China Strategy*, HUMAN RIGHTS WATCH (March 2, 2020, 11:58 AM), <https://www.hrw.org/news/2020/03/02/sentenced-publisher-exposes-swedens-flawed-china-strategy>. See also Ben Doherty and Rafqa Touma, *Detained Australian Writer Fears He May Die of Kidney Condition in China Jail*, THE GUARDIAN (Aug. 27, 2023, 5:25 PM), <https://www.theguardian.com/world/2023/aug/28/yang-hengjun-detained-australian-writer-fears-he-may-die-kidney-condition-china-jail>.

¹⁸³ For example, China Global Television Network, China Radio International, and Xinhua News Agency have expanded their operations globally by opening more international bureaus, increasing their broadcasting in multiple languages, and enhancing their online presence. Merriden Varrall, *Behind the News: Inside China Global Television Network*, LOWY INSTITUTE (Jan. 10, 2020), <https://www.lowyinstitute.org/publications/behind-news-inside-china-global-television-network>.

¹⁸⁴ Chinese state media have entered into content-sharing agreements with foreign media outlets so that articles, videos, or other content produced by Chinese state media can appear in foreign publications or broadcasts. See Joshua Kurlantzick, *China Wants Your Attention, Please*, FOREIGN POL'Y (Dec. 5, 2022, 4:14 PM), <https://foreignpolicy.com/2022/12/05/chinese-state-media-beijing-xi-influence-tools-disinformation/>.

¹⁸⁵ Chinese companies, some with close ties to the government, have invested in or acquired stakes in foreign media companies or entertainment industries. This can potentially influence the content produced or the editorial stance of these entities. GLOBAL ENGAGEMENT CENTER, U.S. DEP'T OF STATE, *HOW THE PEOPLE'S REPUBLIC OF CHINA SEEKS TO RESHAPE THE GLOBAL INFORMATION ENVIRONMENT*, SPECIAL REPORT 7-8 (2023), https://www.state.gov/wp-content/uploads/2023/09/HOW-THE-PEOPLES-REPUBLIC-OF-CHINA-SEEKS-TO-RESHAPE-THE-GLOBAL-INFORMATION-ENVIRONMENT_Final.pdf.

¹⁸⁶ Christopher Grimes, *Hollywood Says Farewell to Chinese Investment Bonanza*, FIN. TIMES (Oct. 5, 2022), <https://www.ft.com/content/6958a7c0-01b5-47f2-a7c3-df613b998ff7>.

¹⁸⁷ See Shirley Li, *How Hollywood Sold Out to China*, THE ATLANTIC (Sept. 10, 2021), <https://www.theatlantic.com/culture/archive/2021/09/how-hollywood-sold-out-to-china/620021/>.

which lacks transparency and threatens journalistic independence and standards in host countries, have caused backlash from U.S. legislators.¹⁸⁸

D. IMPACTS ON FOUNDATIONAL PRINCIPLES OF LIBERAL DEMOCRACIES

The party-state's transnational censorship extends beyond individual targets, aiming to challenge and rival global democratic institutions. By shaping public opinion, suppressing dissenting views, waging collaborative information warfare, and building international institutional initiatives, China's censorship apparatus seeks to undermine foundational principles of freedom of expression and the rule of law.¹⁸⁹ Recent manifestations of China's transnational censorship and propaganda offer insights into its strategic blueprint to redefine international political narratives in competition with liberal democracies.¹⁹⁰

A primary narrative propagated by China's censorship and propaganda apparatus portrays the U.S. as the principal global agitator, promoting a purportedly "hypocritical" democratic model to undemocratic nations.¹⁹¹ Within this framework, the U.S. is consistently depicted as a confrontational "hostile foreign political force" with intentions to destabilize the CCP's leadership.¹⁹² This

¹⁸⁸ Jiayun Feng, *U.S. Passes New Bill to Curb Beijing-Appeasing Edits in Hollywood Films*, THE CHINA PROJECT (Feb. 7, 2023), <https://thechinaproject.com/2023/02/07/u-s-passes-new-bill-to-curb-beijing-appeasing-edits-in-hollywood-films/>.

¹⁸⁹ Sarah Cook, *Beijing's Global Megaphone: The Expansion of Chinese Communist Party Media Influence since 2017*, FREEDOM HOUSE SPECIAL REPORT, 24, (January 2020), https://freedomhouse.org/sites/default/files/2020-02/01152020_SR_China_Global_Megaphone_with_Recommendations_PDF.pdf.

¹⁹⁰ Forum Staff, *The CCP's Global Censorship Campaign – And How Ned's Partners Break Through*, NATIONAL ENDOWMENT FOR DEMOCRACY (July 10, 2025), <https://www.ned.org/the-ccps-global-censorship-campaign-and-how-neds-partners-break-through/>.

¹⁹¹ This narrative suggests that such U.S. influence results in hardships for its democratic allies, driven by the U.S.'s "selfish" motives. Ministry of Foreign Affairs of China, *Reality Check: Falsehoods in US Perceptions of China* (June 19, 2022, 16:57), https://www.mfa.gov.cn/eng/zy/jj/diaodao_665718/pl/202206/t20220619_10706059.html.

¹⁹² See generally JAMIE J. GRUFFYDD-JONES, *HOSTILE FORCES: HOW THE CHINESE COMMUNIST PARTY RESISTS INTERNATIONAL PRESSURE ON HUMAN RIGHTS* (2022).

portrayal aligns with Xi's worldview that contrasts the ascendant East with a declining West.¹⁹³ During the COVID-19 pandemic, China leveraged its propaganda machinery to craft and disseminate narratives emphasizing the superiority of its authoritarian response over liberal democracies.¹⁹⁴ State media highlighted China's efficient mask production and the success of its "Zero-COVID" policy, contrasting it with the alleged systemic "disadvantages" and struggles faced by liberal democracies.¹⁹⁵ However, the abrupt shift from the "Zero-COVID" strategy showcased the party-state's agility in adapting its narrative, transitioning from a stance of firm policy implementation to one that seemingly embraced the unpredictability it had previously criticized in Western responses.¹⁹⁶

This shift underscores China's strategic use of transnational censorship to craft divergent narratives about differing political systems. The CCP's propaganda extols the virtues of centralized governance and authoritarianism while simultaneously disseminating information highlighting the perceived shortcomings of liberal democracies.¹⁹⁷ This dual narrative was evident during the pandemic. A recurring theme suggests that the U.S. and its allies were responsible for creating and disseminating the virus to China.¹⁹⁸ Furthermore, while China championed its

¹⁹³ Chris Buckley, 'The East Is Rising': Xi Maps Out China's Post-Covid Ascent, N. Y. TIMES (Sept. 9, 2021), <https://www.nytimes.com/2021/03/03/world/asia/xi-china-congress.html>.

¹⁹⁴ BEN DUBOW ET AL., CTR. FOR EUR. POL'Y ANALYSIS, JABBED IN THE BACK: MAPPING RUSSIAN AND CHINESE INFORMATION OPERATIONS DURING COVID-19 9–12 (2021), <https://cepa.org/wp-content/uploads/2021/12/Jabbed-in-the-Back-12.2.21.pdf>.

¹⁹⁵ Peter Rough, *How China is Exploiting the Coronavirus to Weaken Democracies*, FOREIGN POL'Y (Mar. 25, 2020, 7:09 PM), <https://foreignpolicy.com/2020/03/25/china-coronavirus-propaganda-weakens-western-democracies/>.

¹⁹⁶ Simon Leplâtre, *China's Propaganda Struggles to Find New Tone after Zero-Covid Policy Abandoned*, LE MONDE (Dec. 25, 2022, 1:19 PM), https://www.lemonde.fr/en/international/article/2022/12/25/china-s-propaganda-struggles-to-find-new-tone-after-zero-covid-policy-abandoned_6009051_4.html.

¹⁹⁷ See, e.g., TINATIN KHIDASHELI ET AL., A WORLD SAFE FOR THE PARTY, CHINA'S AUTHORITARIAN INFLUENCE AND THE DEMOCRATIC RESPONSE: COUNTRY CASE STUDIES FROM NEPAL, KENYA, MONTENEGRO, PANAMA, GEORGIA AND GREECE 6–7 (David Shullman ed., 2021) (analyzing the popularization of China's authoritarian model), https://www.iri.org/wp-content/uploads/legacy/iri.org/bridge-ii_fullreport-r7-021221.pdf.

¹⁹⁸ Steven Lee Myers, *China Spins Tale That the U.S. Army Started the Coronavirus Epidemic*, N.Y. TIMES (July 7, 2021),

“vaccine diplomacy” during the pandemic to strengthen global ties,¹⁹⁹ its post-pandemic “wolf warrior diplomacy” was marked by a hawkish stance from its diplomats, reinforcing the narrative of the one-party system’s superiority over liberal democracies.²⁰⁰

In collaboration with Russia, especially post the Russia-Ukraine war, China has engaged in extensive information warfare, employing disinformation and misinformation campaigns to sway domestic and international opinions.²⁰¹ The party-state has utilized both state and social media platforms to subtly, yet effectively, endorse Russia, portraying it as a victim and lauding Putin’s leadership.²⁰² A notable instance includes the Chinese ambassador in France openly challenging the sovereignty of several EU members, subtly endorsing Russia’s imperialistic ambitions.²⁰³

More recently, China’s state-run media outlet, China Global Television Network (CGTN), has deployed generative AI to produce a series of animated videos titled “*A Fractured America*”, disseminated via X and YouTube.²⁰⁴ These videos depicted fabricated scenes of strikes and riots across the United

<https://www.nytimes.com/2020/03/13/world/asia/coronavirus-china-conspiracy-theory.html>.

¹⁹⁹ Detlef Nolte, *Relativizing the Success of China’s “Vaccine Diplomacy”*, GERMAN COUNCIL ON FOREIGN AFFAIRS (Feb. 1, 2022), <https://dgap.org/en/research/publications/relativizing-success-chinas-vaccine-diplomacy#:~:text=How%20successful%20has%20China%20been,the%20beginning%20of%20the%20pandemic>.

²⁰⁰ Aidan Powers-Riggs & Eduardo Jaramillo, *Is China Putting “Wolf Warriors” on a Leash?*, THE DIPLOMAT (Jan. 22, 2022), <https://thediplomat.com/2022/01/is-china-putting-wolf-warriors-on-a-leash/>.

²⁰¹ Clothilde Goujard, *EU Warns China on Ukraine Disinformation and Cyberattacks*, POLITICO (Sept. 18, 2023, 6:45 PM), <https://www.politico.eu/article/european-union-china-ukraine-disinformation-cyberattacks-war-russia/>. See also David Bandurski, *China and Russia Are Joining Forces to Spread Disinformation*, BROOKINGS (Mar. 11, 2022), <https://www.brookings.edu/articles/china-and-russia-are-joining-forces-to-spread-disinformation/>.

²⁰² Li Yuan, *Why the Chinese Internet Is Cheering Russia’s Invasion*, N.Y. TIMES (Feb. 28, 2022), <https://www.nytimes.com/2022/02/27/business/china-russia-ukraine-invasion.html>.

²⁰³ Simone McCarthy, *Chinese Ambassador Sparks European Outrage over Suggestion Former Soviet States Don’t Exist*, CNN (Apr. 25, 2023, 2:53 AM), <https://edition.cnn.com/2023/04/24/china/china-ambassador-lu-shaye-baltic-soviet-states-europe-intl-hnk/index.html#:~:text=The%20remarks%20by%20China's%20ambassador,especially%20in%20the%20Baltic%20states>.

²⁰⁴ CECC, *supra* note 43, at 236.

States, allegedly triggered by income inequality and a lack of democratic accountability.²⁰⁵ This marks the first known instance in which the Chinese party-state has successfully leveraged generative AI on a large scale to fabricate narratives aligned with its propaganda objectives within the context of the U.S.-China tech rivalry.²⁰⁶

Prior to this, a notorious network of automated social media accounts known as “Spamouflage”—believed to have been orchestrated by Chinese police—engaged in posting viral, inflammatory content.²⁰⁷ These accounts were designed to convincingly impersonate Americans, with the aim of exacerbating political divisions, spreading conspiracy theories, and making unfounded accusations against political leaders.²⁰⁸ At present, a broad array of Chinese-linked entities, often disguised as independent or non-Chinese news agencies, continue to engage in pro-CCP propaganda by publishing favorable reports and republishing content sourced directly from Chinese state media.²⁰⁹ The persistence of these state-sponsored transnational censorship and propaganda campaigns—though frequently exposed after the fact—poses a significant risk to the integrity of international public

²⁰⁵ *Id.*

²⁰⁶ Shaoyu Yuan, *AI Propaganda and the China-US Race for Influence*, THE DIPLOMAT (Sept. 23, 2025), <https://thediplomat.com/2025/09/ai-propaganda-and-the-china-us-race-for-influence/>.

²⁰⁷ Tiffany Hsu, *Chinese Influence Campaign Pushes Disunity Before U.S. Election, Study Says*, N. Y. TIMES (Feb. 15, 2024), <https://www.nytimes.com/2024/02/15/business/media/chinese-influence-campaign-division-elections.html>.

²⁰⁸ Christopher Bing & Katie Paul, *US Voters Targeted by Chinese Influence Online, Researchers Say*, REUTERS (Sept. 3, 2024, 11:20 AM GMT+1), <https://www.reuters.com/world/us/us-voters-targeted-by-chinese-influence-online-researchers-say-2024-09-03/>. See also Shannon Bond, *China Is Pushing Divisive Political Messages Online Using Fake U.S. Voters*, NPR (Sept. 3, 2024, 6:00 AM ET), <https://www.npr.org/2024/09/03/nx-s1-5096151/china-tiktok-x-fake-voters-influence-campaign>.

²⁰⁹ See, e.g., Giselle Ruhiyyih Ewing, *China-linked Influence Operation Tried to Overthrow Spain's Government, Report Says*, POLITICO (Jan. 30, 2025, 12:08 AM CET), <https://www.politico.eu/article/china-influence-operation-overthrow-spain-government-valencia-floods-spamouflage-graphika/>. See also Global Affairs Canada, *Rapid Response Mechanism Canada Detects Second 'Spamouflage' Campaign Targeting Canada-based Chinese-language Commentators and Their Families*, GLOBAL AFFAIRS CANADA, GOVERNMENT OF CANADA (Mar. 6, 2025), <https://www.canada.ca/en/global-affairs/news/2025/03/rapid-response-mechanism-canada-detects-second-spamouflage-campaign-targeting-canada-based-chinese-language-commentators-and-their-families.html>.

discourse.²¹⁰ Ultimately, such efforts have the potential to manipulate global public opinions, distort the free exchange of information, and undermine the open debate foundational to liberal democratic societies.²¹¹

Furthermore, China is proactively advancing its transnational censorship agenda within various international organizations and forums. At the UN Human Rights Council, it has successfully thwarted challenges to its censorship laws,²¹² and garnered support for its controversial national security legislation in Hong Kong, which severely restricts free speech.²¹³ China's commitment to its narrative of "cyber sovereignty" is evident in its substantial investments in trade-related areas, particularly international data governance.²¹⁴ China introduced its Global Initiative on Data Security to engage globally, including through discussions within the United Nations.²¹⁵ This initiative presents an expansive digital agenda that integrates China's digital censorship rules, emphasizing the concept of "cyber sovereignty."²¹⁶ In bilateral trade negotiations, China frequently aligns its discussions with its stringent data policies, particularly those that oversee political content within the private sector.²¹⁷ These strategic moves in transnational censorship underscore China's broader ambition of

²¹⁰ See Cate Cadell & Tim Starks, *Pro-China Influence Campaign Infiltrates U.S. News Websites*, THE WASHINGTON POST (July 24, 2023), <https://www.washingtonpost.com/politics/2023/07/24/pro-china-influence-campaign-infiltrates-us-news-websites/>.

²¹¹ See ARTICLE 19, *GOING GLOBAL: CHINA'S TRANSNATIONAL REPRESSION OF PROTESTERS WORLDWIDE 8* (June 2025), https://www.article19.org/wp-content/uploads/2025/06/Right-to-Protest-China-TNR_EN.pdf (summing up the impact of China's global campaigns).

²¹² Sui-Lee Wee and Stephanie Nebehay, *At U.N., China Uses Intimidation Tactics to Silence Its Critics*, REUTERS INVESTIGATES (Oct. 6, 2015, 1:03 PM GMT), <https://www.reuters.com/investigates/special-report/china-softpower-rights/>.

²¹³ Dave Lawler, *The 53 Countries Supporting China's Crackdown on Hong Kong*, AXIOS (June 2, 2020), <https://www.axios.com/2020/07/02/countries-supporting-china-hong-kong-law>.

²¹⁴ Dorwart, *supra* note 128, at 133 (evaluating China's influence on global data transfer).

²¹⁵ *China Focus: China Proposes "Global Initiative on Data Security,"* XINHUA AGENCY (Sept. 8, 2020, 11:50 PM), https://web.archive.org/web/20201204152903/http://www.xinhuanet.com/english/2020-09/08/c_139353373.htm.

²¹⁶ *Id.*

²¹⁷ Sutter, *supra* note 111, at 40–47.

establishing global “digital authoritarianism” rooted in the party-state’s political objectives.²¹⁸

Last but not least, China’s approach to transnational censorship is not confined to its borders but has potential global applicability in nations susceptible to authoritarian tendencies.²¹⁹ First, China has shared its digital censorship blueprint with close allies, notably Russia and North Korea.²²⁰ Additionally, Chinese tech giant Huawei has made significant inroads in Central Asia, with countries like Uzbekistan, Tajikistan, and Kyrgyzstan benefiting from its technological advancements.²²¹ Further, China’s influence is palpable in Latin America, where countries such as Ecuador and Venezuela have adopted Chinese censorship technologies and standards.²²² Finally, Africa has emerged as a pivotal region for China’s pilot projects, where it seeks to integrate its restrictive legal standards and digital infrastructure.²²³ Highlighting China’s deepening engagement in Africa, the CCP has inaugurated its inaugural overseas Party School in Tanzania.²²⁴

²¹⁸ Chen, *supra* note 18, at 568–70.

²¹⁹ See, e.g., FREEDOM HOUSE, CHINA: TRANSNATIONAL REPRESSION ORIGIN COUNTRY CASE STUDY, SPECIAL REPORT 2021, 16–17, https://freedomhouse.org/sites/default/files/2021-02/FH_TransnationalRepressionReport2021_rev020221_CaseStudy_China.pdf (documenting China’s “multi-faceted transnational repression bureaucracy”).

²²⁰ STAFF OF S. COMM. ON FOREIGN RELATIONS, 116TH CONG., THE NEW BIG BROTHER— CHINA AND DIGITAL AUTHORITARIANISM, T, S. PRT. NO. 116–47 (2020), <https://www.govinfo.gov/content/pkg/CPRT-116SPRT42356/pdf/CPRT-116SPRT42356.pdf>.

²²¹ *Id.* at 31.

²²² *Id.* at 29–33.

²²³ For instance, countries like Kenya, Nigeria, Sierra Leone, and South Africa are contemplating the adoption of these Chinese technologies and methodologies. Nigel Cory, *Writing the Rules: Redefining Norms of Global Digital Governance*, in CHINA’S DIGITAL AMBITIONS: A GLOBAL STRATEGY TO SUPPLANT THE LIBERAL ORDER 73, 82 (Emily de La Bruyère, Doug Strub & Jonathon Marek eds., Nat’l Bureau of Asian Res. 2022), https://www.nbr.org/wp-content/uploads/pdfs/publications/sr97_chinas_digital_ambitions_mar2022.pdf

²²⁴ Jevans Nyabiage, *China’s Political Party School in Africa Takes First Students from 6 Countries*, S. CHINA MORNING POST (June 21, 2022, 9:00 AM), <https://www.scmp.com/news/china/diplomacy/article/3182368/china-party-school-africa-takes-first-students-6-countries>.

V. CONCLUSION

This research presents an analytical framework that elucidates the PRC's strategic deployment of transnational censorship laws to extend the influence of its authoritarian governance globally. At its core, China's transnational censorship seeks to fortify its narrative of political legitimacy. This is achieved through a dual normative approach. On the one hand, defensive censorship seeks to deter and dissuade voices critical of the Chinese government, thereby limiting audiences' access to dissenting viewpoints. On the other hand, the objective of offensive censorship is to craft and propagate a narrative that underscores the legitimacy and superiority of the authoritarian model, highlighting its broad political endorsement, sustained foreign investment appeal, and technological prowess. Central to this strategy is the party-state's endeavor to recalibrate the global discourse surrounding China. This involves reinterpreting and rebranding key concepts like human rights and democracy through the lens of "Chinese exceptionalism." The overarching implication of these transnational censorship laws is their multifaceted functionality. They not only influence the content of political discourse but also pose a formidable challenge to the global free speech paradigm by championing the purported systemic advantages of authoritarianism over democracy. In essence, the past decade has witnessed a concerning trajectory of China's transnational censorship, marking a significant expansion in its scope and influence.