This is a publication of the Taiwan Foundation for Democracy (TFD). The TFD is an independent, non-profit foundation dedicated to the study and promotion of democracy and human rights in Taiwan and abroad. Founded in 2003, the TFD is the first democracy assistance foundation established in Asia. The Foundation is committed to the vision of working together with other democracies, to advance a new wave of democratization worldwide.
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Foreword

The Taiwan Foundation for Democracy has compiled this *China Human Rights Report* year after year since 2004 under the guidance of the Foundation’s board of trustees and supervisory board as well as scholars in relevant fields. Over the past decade and half, the Foundation has consistently conducted systematic observations on human rights status in China as a routine task. The Foundation publishes this *Report* as a digest of valuable information primarily for readers – domestic or abroad – to gain insight into human rights situation in China, and also to promote appreciation about the role of democracy in safeguarding human rights.

The research team for this annual *China Human Rights Report* adopts the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic Social and Cultural Rights* (ICESCR) as the yardstick to assess the human rights situation in China through same-calendar-year events as well as multi-year trends. The sources are public domain information such as news reports and research papers. China’s official publications like leaders’ open statements, laws and regulations, policy declarations, and white papers are used to substantiate accounts gleaned from media reports.

Since its outset in 2004, the *China Human Rights Report* has always examined the human rights status in political, judicial, social, economic, environmental aspects as well as that of Taiwan-based businesses operating in China. Over the years, the issue areas have expanded to cover religious and ethnic minority, gender, and digital authoritarianism. A general observation, entitled *Human Rights Dialogue and Confrontation between China and the World*, was also added to explore the overall shift in human rights discourse and policy in China and the implication to the rest of the world. In 2019, massive protests erupted in Hong Kong against a proposed amendment to the *Fugitive Offenders Ordinance*. People’s outcry reflected the fast-
changing political atmosphere and deteriorating human rights status there. The size of street rallies, the duration of the protests, the intensity of confrontation between the people and police, and the speed at which Hong Kong people’s human rights crumbled were all unprecedented. People have begun to wonder if China is reneging on its commitment of “One Country, Two Systems” granting 50 years’ autonomy to Hong Kong and Macau. We present to you the outcome of our probe in a new chapter in this 2019 edition.

The 2019 project team of authors and research assistants worked under the able coordination of Professor Li-wen Tung to meet every other month. At such gatherings, each author made a presentation about her/his assigned chapter topic while staying abreast of the progress of other chapters and relevant human right status. TFD would like to extend the most sincere gratitude and appreciation for all the hard work and dedication provided by the authors and assistants in this yearlong endeavor.

This annual reincarnation of the China Human Rights Report has made available a consistent and reliable source of information for those interested in following the development of China’s human rights status. It is our belief that such persistent long-term observations with well-intended impartial critique will not only encourage better understanding of human rights status in China, but also bring about bolstered human rights in China eventually.

Ketty W. Chen

Acting President
Taiwan Foundation for Democracy
April 8, 2020
Preface

Li-wen Tung*


The focus of this year’s human rights report centers on three dimensions: (1) What is the position and belief of the Chinese government toward the protection of human rights? (2) What specific actions the Chinese government has taken with regard to human rights development? (3) Which particular cases have affected the development of human rights in China? Information and data collection began from January to the end of November 2019. In the process of collecting this information, which consist of published reports from overseas and Chinese official media sources, the report has strived to be objective and balanced.

With respect to the overall development of human rights in China, observation reports from all ten fields indicate that 2019 was even worse than 2018, yet the overall conclusion from last year’s report was: “the year can be considered as the worst year ever for human rights in nearly four decades since China began the process of reform and opening up.” Thus, we discover that, in the name of pursuing the Chinese Dream,

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the Chinese Communist Party (CCP) knows no bounds when it comes to committing serious human rights violations across various domestic domains. In the international arena, the Chinese government has aggressively stepped up its efforts to tout the “Chinese model” of governance, with the intention of changing and replacing the universal standing of human rights values around the world.

The Chinese government has no intention of protecting human rights but is instead committed to rationalizing and legitimizing its human rights abuses. Across each human rights domain, there have not only been many newly enacted policies and regulations that further restrict and infringe on people’s human rights, but many new instances of distressing and shocking human rights abuses have emerged. More serious is the fact that the Chinese regime takes a whole of government approach to manufacture fake news, spreading to the international community the false appearance that human rights have improved in China and that Chinese people follow the government’s leadership.

The following sections provide short summaries of this year’s monitoring reports from the different domains:

1. The Human Rights Dialogue and Confrontation between China and the World: Global Divide and a New Cold War over Human Rights

China’s purpose for conducting human rights dialogues with the international community is to transform the universal human rights value system of the international community and replace it with the “Chinese model,” but the end result is a global divide and a new cold war over human rights.

Compared to 2018, the year 2019 can be referred to as the “Year of Action” for the international community concerned with the state of human rights in China. In summary, the international community focused its attention on three major events in close succession: the advent of “digital authoritarianism,” the “anti-extradition bill
protests in Hong Kong,” and the existence of “re-education camps in Xinjiang,” all of which raised widespread concerns in the court of global public opinion and from governments around the world. Of the three events, the impact of Hong Kong’s anti-extradition bill protest movement had spread globally. Many civic groups and civil society from all over the world showed their willingness to stand in solidarity with Hong Kong’s anti-extradition bill protesters. The Hong Kong protests quickly became the most significant international human rights event of the year.

By contrast, the Chinese government and the CCP decided to take the international war of words over human rights to the United Nations. The regular sessions of the U.N. Human Rights Council had almost become a recurring gathering dedicated to discuss China’s human rights situation. At these international meetings, China mobilized and lobbied support from the international community by initiating many actions in and out of the meetings, such as issuing “joint statement on behalf of nearly 140 countries” inside the meeting hall and hosting regular thematic side events outside the venue. The Chinese government also sent a large delegation of officials, scholars and experts not just to attend the regular sessions of the U.N. Human Rights Council, but at the same time used the same delegation to hold formal bilateral human rights dialogues with various European countries, or participate in Track-II international human rights conferences. The core objective of China’s activism was to develop a regional plan that violates human rights through the promotion of a new multilateralism in the name of United Nations.

Combining the facts above we can see that the Chinese government has been promoting a new cold war over the issue of human rights, gradually pitting two rival camps—one based on the universal values of human rights and the other founded on the “China model”—against each other. China has taken the initiative to fight the international community, particularly the United States, on ideological grounds. In attacking human rights, democracy, and freedom, China’s behavior can only be described as very unwise, but such behavior nevertheless constitutes a major challenge to democracy and freedom in the world.
2. **Political Human Rights: Further Contraction of the Freedom of Speech**

Political human rights in China during 2019 have contracted even further when compared to 2018. This is mainly manifested in the Chinese government’s continuation, expansion, aggravation, and creation of new infringements on the people’s rights to liberty.

There are five cases of continuous violations of people’s rights to liberty by the Chinese government: lengthy prison sentences were imposed on Wang Quanzhang, Liu Feiyue, and Huang Qi, three prominent political dissidents whose freedoms of expression were infringed, in addition to their personal freedom and freedom of opinion. Similar to cases in 2018, Chinese dissidents will inevitably lose their personal freedoms during major holidays or national events.

Case examples of rights violation expansion include the case of imposing long prison sentences on rights-defending military veterans and the detention case of Changsha Funeng staff members. Although in the former case the authorities infringed on the people’s freedoms of opinion, expression, and assembly by placing restrictions on their personal freedom in a manner similar to the Qin Yongmin case in 2018, the Chinese government had never sentenced military veterans to jail terms for petitioning for their rights. Thus, this case shows that Chinese authorities have expanded the recipients of lengthy prison terms from political dissidents to rights-defending veterans. In the latter case, the government mainly infringed on the people’s personal freedom, while jointly violating their freedoms of opinion and expression, yet the government’s main purpose was to suppress their freedom of association. This case is similar to the case of Jasic workers from 2018, but the targets of Chinese authorities have expanded to from labor-related non-governmental organizations (NGOs) to any rights protecting organizations. The Changsha Funeng case shows that increasingly difficult situation of public welfare organizations in China. Moreover, Yue Xin, Shen Mengyu and other individuals who were arrested in the Jasic workers...
case still remained behind bars and were forced to shoot confession videos. Therefore, the future prospects of Cheng Yuan and his two colleagues look rather worrisome.

Examples of aggravation in rights violations include the “weiwen” cases during China’s National Day celebrations. Although in these cases the government mainly infringed on personal freedom, it jointly transgressed on the freedoms of opinion and expression in a manner similar to the “weiwen” cases during the Two Sessions meetings in 2018. However, Wang Meiyu died suddenly in prison during the “weiwen” period for the National Day celebrations. Wang’s family members were forced to agree to the post-death plan proposed by the Hengyang Municipal Government. Although the family had been offered compensation of 2.98 million RMB, they were not allowed to identify independently the cause of death, examine the remains, review the surveillance videos, and disclose any relevant information to the public. Therefore, this case has gone beyond the scope of a continuing violation of the rights to liberty and has become an aggravating violation of the rights to liberty.

New cases of rights violations include the case of the police stopping people to search their mobile phones. In this case the Chinese government infringed on the people’s freedom of privacy of correspondence and their freedoms of opinion and expression. There are no similar cases from 2018, in which the authorities searched the citizens’ mobile phones to infringe on their freedom of privacy of correspondence, which in turn produced fear in the public and further limited their freedom of opinion and expression.

3. Human Rights in the Chinese Administration of Justice—
Institutionalized Human Right Abuses Heightens Global Concerns

During 2019, the Communist Party of China (CPC) continued to command and dominate China’s judicial system, which, by deferring to political guidelines, provided little oversight against public authorities’ human rights abuses. Meanwhile, recent
judicial reform efforts in China have only focused on boosting professional skills and proficiency of actors in the judicial system without showing any commitment to developing judicial independence or to judicial capacity of checking public powers.

Human right defects identified previously in China’s judicial system have not been improved. Instead, they appear to have been institutionalized and become routine practices. Major human rights violations in 2019 include: (1) the prevalence of arbitrary detention and torture, not limited to during criminal investigation; (2) the lack of due process protection for people investigated by the supervisory commissions; (3) serious violations of the right to a fair trial as well as harsh punishments for dissidents in cases deemed “sensitive” by the government; and (4) tightened political control through the CPC’s “party building” efforts in the legal profession as well as persistent oppression of human rights lawyers.

As the human rights situation in China’s administration of justice continues to deteriorate, it has attracted much more global attention than ever in 2019, especially because of the protests in Hong Kong that were triggered in June 2019 by the Hong Kong Government’s attempt to render requested criminal suspects to Mainland China. Moreover, a Swedish court has set a precedent in denying China’s request to extradite a high-profile suspect on the Red Notice list of the International Criminal Police Organization (Interpol). These developments suggest that international society has become more vigilant in engaging with China’s criminal justice system. Unless there is significant improvement in the way China’s justice system operates, Beijing is likely to face increasing obstacles in its pursuit of extradition and mutual legal assistance.

The justice system operates with the Party’s leadership as the ultimate guiding principle. There is little space for judicial independence, and courts can rarely be relied upon to provide oversight over abuse of power by the Party/government. In 2019 we have seen similar problems that were identified in 2018, and such problems appear to be exacerbated: (1) the prevalence of arbitrary detention and torture, not
limited to during criminal investigation; (2) the lack of due process protection for
people investigated by the supervisory commissions; (3) serious violations of the right
to a fair trial as well as harsh punishments for dissidents in cases deemed “sensitive”
by the government; and (4) tightened political control through the CPC’s “party
building” efforts in the legal profession as well as persistent oppression of human
rights lawyers. Unless there is an overhaul of the justice system, these problems will
continue for many years to come.

For two decades China has continually maintained it is “creating conditions”
to ratify the ICCPR it signed in 1998, with no definite plan or schedule for actually
do so. But judging from the policies promoted in recent years, China seems to be
creating more obstacles to ICCPR ratification, not less. In recent years, violations of
personal liberty or the right to a fair trial have been written into laws, institutionalized
and normalized, such as RSDL in the 2012 revision of the Criminal Procedure Law,
and “liuzhi” (retention in custody) provided for by the 2018 National Supervisory
Law. Human rights violations in cases considered politically sensitive have also
become routine, including prolonged detention, no access to defense lawyers, forced
confessions in the media, imposition of government-assigned lawyers and closed
trials.

The targets of such abuse are not limited to individuals who advocate civil and
political rights. Civic organizations and activists that call for the implementation of
economic, social and cultural rights also are subject to government oppression, as we
see in the previously-mentioned cases of Xinhengdai (New Generation), a website
seeking redress for dusty-lung workers, and of NGOs campaigning for the rights of
underprivileged groups. The re-education camps and the far-reaching surveillance
across Xinjiang are serious infringement of religious and cultural rights of minorities.
Deterioration of human rights is hardly confined to civil and political rights.

The deaths of prison inmates deserve more attention than they have received.
In the poor prison conditions. Imprisoned activists are often the most vulnerable
to torture and other cruel, inhuman or degrading treatment or punishment, but their chance of obtaining medical parole is slim because their cases are considered “sensitive.” In recent years quite a few prisoners have developed serious conditions in incarceration but received no proper care. They died in prison or shortly after release, including Liu Xiaobo and Cao Shunli. The year 2019 saw the deaths of Ji Sizuen, Wang Meiyu, and Liu Zhen, as discussed earlier. However, these deaths seldom receive media attention except for the death of Liu Xiaobo. It is imperative that the outside world be informed of such cases and call for the Chinese government to allow prisoners in poor health conditions to receive timely, proper care or even medical parole.

Compared with 2018, events in 2019 suggest an increase in the world’s attention to China’s administration of justice. As the protests in Hong Kong attracted international attention, there has been more international discussion of the human rights problems in China’s justice system as well. The Swedish court has set a leading precedent in denying China’s extradition request based on the “non-refoulement” principle in international human rights law, and the courts in France, Czech Republic and South Korea have also made similar decisions. While these rulings are not binding on courts in other countries, they serve as important reference points that may lead to more decisions of this sort. Unless there is significant improvement in the way China’s justice system operates, Beijing is likely to face increasing obstacles in its pursuit of extradition and mutual legal assistance.

4. Social Human Rights – Risk Propagation amid Institutional Quandary

In 2019 the chapter finds that Chinese government has continued to inject resources to reinforce social security infrastructure, to reduce poverty and to reform the health care system. However, there still exist deficiencies behind the rosy propaganda picture: Systemic constraints and financial shortfalls of pension funds,
snags in senior-care marketization, food scare and drug contamination, bureaucratic misconducts related to poverty elimination efforts. Such persistent issues reflect the gap between the lofty ideals and the actual implementation of social policies in China, the current scope of which seems insufficient to safeguard basic human rights. Intrinsic constraints of China’s authoritarian regime are not helpful in resolving social human rights issues either. Those restrictions actually complicate the problems and result in transfer and propagation of risk.

In terms of social security, the old-age insurance system (the general pension program) was confronted with three problems: benefit bias by location, benefit bias by status and over-reliance on government subsidy originally intended to lessen employers’ contribution burden. All these have threatened the pension system’s viability, not to mention deepening the intrinsic cracks of an aged society. The ingrained social bias reflects the challenges the system designers are bound to face: acknowledging legacy schemes when tinkering for the future, devising robust measures to be responsive to the ever-changing context. One attempt was the introduction of market rules to administer long-term geriatric care at private facilities. But the flip side of the coin was government’s ulterior motive to shirk responsibility and hide its ineptitude to regulate this type of welfare service. Poor governance also contributed to widespread disruption to people’s ability to maintain a decent life. Local authorities’ lax attitude against African swine fever failed to contain the virus, triggering systemic crises that drive up the prices of meat, food and commodity. In response to declining housing prices, officials at the local level attempted to prop up the market but failed to recognize the financial burden –manifested in household debt-to-income ratio – of homeowners.

Regarding the right to health, scarcity of proper health care is reflected in short life expectancy of China’s elderly cohort. The HIV-contamination drug scare underscores regulatory deficiency of a biomedical industry ultimately controlled by nationalist capitalism. The food scare at schools exposed a network of cronies that gained control of the billion-yuan canteen business in the Sichuan region, and that
Chinese people don’t have equal access to health. Health hazards were everywhere. Toxic materials used in Audi cars, food containers made from medical waste… are everyday examples of state regulators’ failure to watch out for consumers. The state uses administrative power to discourage hospitals from doing C-sections, this is tantamount to denying an expectant mother’s rights to a delivery method of her choice. Regardless how health hazards are manifested, they all point to one prevalent political symptom: negligence and lack of accountability on the part of grassroots civil servants. Ironically, when it comes to getting the credit for poverty reduction or reducing C-section rates, bureaucrats have been eager to employ coercion to reach nominal goals at the expense of human rights.

Regarding the right to adequate standard of living, civic authorities seemed to have gone all out to eliminate poverty, but widespread abuses – arisen from ingrained institutional flaws – defied the whole purpose. Typically problems were corruption and deception, plus needless red tapes impacting normal everyday life of the lower class. Overzealous local cadres have doled out “loans” in an attempt to “look good” on the poverty-reduction performance report. In reality, financial over-leverage actually perpetuated poor people’s hardship – not only widening the gap between the rich and poor but also leaving them next-to-none disposable income. It seems the entire poverty alleviation campaign has turned out to be a hyped-up policy just to project a grandiose self-image; but doing little to uphold social human rights.

During 2019, there were numerous incidents eroding people’s standard of living: For example, African swine fever may not have had direct harm to human, but the price of pork – a staple in Chinese diet – soared beyond reach for an average household. Sub-standard epidemic control effectively undermined people’s rights to adequate standard of living. On another front, to keep property tax revenue flowing, officials at the local level made every effort to “stabilize the housing market” and “curb any price drop”. Consequently, it is the people that bore the brunt of high mortgage burden and low disposable income. Unjustified post-flood land grabbing by the local government
was driven by a similar motive. Grassroots officials put self-interest ahead of people’s social rights and paid little heed to the plight of flood refugees, let alone people’s rights to affordable housing. Again, this points to an authoritarian one-party state’s intrinsic, systemic constraints that deprive rather than uphold people’s social rights.

By and large, this 2019 status review sheds light on China’s systemic deficiencies in upholding social human rights. Most of these deficiencies come from inherent constraints of an authoritarian regime that: (1) focuses on “form” over “substance” – putting too much administrative resources in blind quest for quantitative presentations causing political misfires and dented social human rights, (2) lacks in general governance and regulatory oversight, thus undermining people’s rights to adequate standard of living, and (3) promotes policies “for show” than for effective results, thus failing to address people’s real needs, consequently inducing further social problems. The ensuing social risks reverberate on and on.

5. Economic and Environmental Human Rights – Intertwined Rights and Government’s Efforts to no Avail

The author examines status of economic and environmental human rights in China zooming in on aspects like depriving the right to work, human life and epidemic crisis, quality of life and consumer prices, pollution of air, water, waste and toxin as well as people’s grievance during 2019. Specific areas beget extra attention: African swine fever, the triply-new economy, generic drugs and goods beyond shelf life, shady supply chains, waste classification and incineration. One after another event erupted across the land: they are intertwined rather than isolated incidents. The author has three findings: First, China seems to have a pattern, a trilogy, to deal with crises: categorical denial in the beginning, followed by high-handed clampdown or enforcement claiming full control of the situation before the whole campaign quickly fizzles out. Second, China clearly prefers economic development to environmental protection though the two trends are inseparable. Third, more and more Chinese
people are becoming conscious of their own rights and willing to stand up for themselves: like parents of young victims of dubious vaccines, community residents against garbage incinerators, workers owed back pays and those working excessively long hours. The tremendous power of electronic media has made news of such incidents known to the outside world, and forced Chinese government to face such entrenched problems head-on.

It is worth mentioning that the Environmental Performance Index jointly issued by Yale University and Columbia University shows that China ranked the 120th (50.74 points) among 180 countries, but the 177th if both air pollution and PM2.5 are considered, and 130th in terms of heavy metal pollution and lead exposure. These rankings not only explained the rise in energy consumption and carbon emission, but also clearly depicted the distressing situation of environmental human rights in China.


The year 2019 has been the grimmest year since Xi Jinping came to power. Like the previous two years, China has upheld the principle of “national sovereignty” in fully implementing the Sinicization of religion, an idea proposed by Xi Jinping in 2016. State apparatus has crossed the boundary separating state and religion and cracked down on all religions within the territory.

Like in previous years, human rights transgressions in China include: suppressing foreign Christian missionaries, demolishing and shutting down Protestant and Catholic churches and crosses, not respecting the individual and collective freedoms of religious belief; continuing to crack down on xiejiao (sects or heterodox religions), violating the freedom to hold private belief; the state using education and bureaucratic mechanisms to promote anti-cult education, which violates the human right value of “education should be directed to promote interfaith understanding.
Regarding the human rights of ethnic minorities, China continues to rely on the macroscopic “Sinicization of religion” framework to set up “political re-education camps,” combat “extremism,” oppose the “halal generalization,” and to deal with ethnic issues in Xinjiang and Tibet. In the process, the Chinese state infringes on universal values such as “ethnic minority rights,” “education should be directed to promote interethnic understanding,” “protecting the culture of ethnic minority groups,” the right to “non-discrimination of ethnic minority groups,” and the right of “ethnic minorities to equality before the law.”

State behaviors that gotten more severe this year than in the past include: China expanded, from Xinjiang to nine other provinces including Hebei, its demolishment of mosques, domes, star-and-crescent symbols, and signs, thus not respecting the right of ethnic minority culture. Moreover, China used “religious over-fanaticism” and “over-commercialization of religion” as reasons for demolishing and shutting down giant outdoor statues and temples from Buddhism, Taoism, and folk religions, thus denying the “freedom of religious practice” of domestic religious persons. In addition, the Chinese government continued to prohibit the circulation of unofficial publications as in the past; this year the state had strictly reviewed and intervened in the content of Christian publications, completely violating the “religious freedom of the press.” Furthermore, the state also interfered with the sermons and religious addresses of Christian and Muslim clergy, completely disregarding their “freedom to preach.” China even required bishops and priests of underground Catholic churches to join the Three Self Patriotic Movement, infringing on the “freedom to appoint religious leaders.” China also vigorously banned foreign countries from establishing churches in its territory, thus transgressing on the universal value of “freedom to set up churches.” This year the Chinese government has caused tremendous harm on ethnic minorities by targeting extremism in other provinces and the phenomenon of halal generalization, jailing thousands. China also expanded the “political re-education camps” to Tibet, negating the right of “protection of ethnic minority culture.”
From this perspective, in terms of the China’s treatment of the human rights of religious and ethnic minorities, 2019 has been the Chinese government’s most effective year in implementing the policy of Sinicization of religion since Xi Jinping took office. China places the leadership of the Communist Party, socialist core values, and Xi Jinping above all religions; the CCP regime favors the sinicized Confucianism yet suppresses all other religions. For both religious and ethnic minority groups, 2019 has been a disastrous year.

7. Gender Human Rights – Two-faced Trick on the Domestic and Foreign Fronts

Compared to the two previous years, China has become more eager to appear gender friendly on the international arena in 2019. But on China’s territory, the authority has drummed up the suppression against gender human rights. In summary, the degree of gender human rights violations in China was much worse in 2019 than in the year 2018. This could be divided into four aspects.

1) Chinese president Xi Jinping has been directing a grand performance about reverting to traditional gender roles, pushing more and more women back to their household chores. The top leader’s directives, with support from the All-China Women’s Federation (ACWF) – the nationwide women’s network – to renovate conventional family ethics and values, are serious violation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Yet, on the international arena, like the United Nations, China has continued to feign its commitment to gender human rights. This was a stunning display of hypocrisy.

2) Escalating suppression of the civil society: Chinese foreign ministry’s open sanction of Asia Catalyst and condemnation of five American-based NGOs for involvement in Hong Kong’s anti-extradition movement have crushed the chance of survival of gender diverse groups.
(3) Heinous assaults against minors: compared to the two previous years, 2019 saw many more cases of physical attack on under-aged victims. The competent authorities’ initial attempt to cover up these assaults or bullying against girls sparked even more public rage. Consequently, the central government announced its intent to amend the Law on the Protection of Minors. The mid-December deadline came and passed without any sign of amendment proposals. Assaults on minor girls constitute violation of CEDAW General Recommendations No. 19 and 31.

(4) The ACWF has not voiced its support of rural women ever since the federation was absorbed into the state apparatus. This silence has made it harder for the author to verify if rural women’s land rights are being upheld. Violation of rural women’s land rights is an obvious contravention of CEDAW Articles 2, 3, and 5.

This report tried to examine China’s gender human rights status against CEDAW standards, and found that China failed to comply with the Convention in most indicators, like women’s freedom to assembly and association, women’s right to participate in politics, employment discrimination, female’s personal safety, rural women’s land rights and the human rights of gender diverse people.


Compared with last year’s report, there appears to be the problem of further tightening in the applications of emerging technologies in daily lives and government surveillance programs in 2019. China has added new offensive weapons and continued to invest heavily on surveillance and censorship, but basically has not deviated from similar tactics it used previously, such as real-name system, increasing the responsibility of local ISP providers, record back-up system, and severe punishments. In addition, the physical locations of surveillance have expanded from important transportation hubs to general public spaces such as parks and school campuses, even
private and intimate residential areas. However, in response to public pressure, the
government has proposed a policy of not disturbing “law-abiding citizens,” yet it
remains to be seen whether such policy is followed in practice. Furthermore, as China
has become more adept at employing information asymmetry and false information to
its advantage, in addition to utilizing applications such as “Xuexi Qiangguo” and “AI
Rumor Shredder” domestically within China to brainwash and shift blame through
reversing public opinion, China has also exported these related technologies to the
outside world, or has applied them in foreign nations.

In 2019, not only has the means of technological surveillance become more
diverse and strict, it has expanded from online and offline electronic monitoring
to the profile analysis of all possible biological characteristics, including facial
recognition, gait recognition, and even DNA. In this year’s report we find that China
has added new offensive weapons and continued to invest heavily on surveillance and
censorship, but basically has not deviated from similar tactics it used previously, such
as real-name system, increasing the responsibility of local ISP providers, record back-
up system, and severe punishments. Moreover, the physical locations of surveillance
have expanded from important transportation hubs to general public spaces such as
parks and school campuses, even private and intimate residential areas. In addition to
the more intuitive methods of infringing on people’s privacy, such as tracking citizen
movements by surveillance cameras, in China, the rights to privacy and privacy of
information are gradually infringed by the voluntary “consent” of individuals, who
would accept some rights transgressions in exchange for the convenience of daily life
and the enjoyment of the benefits of scientific progress.

Even so, while the costs of increased surveillance and social credit rating
continue to increase, the means remains similar so we should continue to keep a
watchful eye on issues of efficiency and effectiveness. Moreover, facing possible
backlash, although the government has proposed a policy of not disturbing “law-
abiding citizens,” some doubts linger. First, the definition and standard of what counts
as “law-abiding” varies; second, the scope of monitoring and evaluation includes politics, people’s economic livelihood, and entertainment activities; and third, whether such policy is followed in practice, remains to be seen. Furthermore, as China has become more adept at employing information asymmetry and false information to its advantage, in addition to utilizing applications such as “Xuexi Qiangguo” and “AI Rumor Shredder” domestically to brainwash and shift blame through reversing public opinion, China has also exported these related technologies to the outside world, or has applied them in foreign nations.

In summary, China’s approach to applying technologies in all aspects to attain perfect control over society has become more mature this year, is even export-ready, and continues to be strengthened. What makes China unique is the CCP government’s ability to desensitize people to human rights concerns. Using the metaphor of the “boiling frog,” it seems that most of the frogs are willing to enter the warming pot on their own, even coercing frogs outside the pot to jump in. Although only a few people are aware and they are trying to save themselves, infringements and violations to the rights to information, privacy, freedom of expression, and even health and property, continue to exist in China under most circumstances.

9. Taiwan-related Human Rights – Escalation in Political Confrontation Compresses Taiwanese People’s Rights and Interests

Looking overall at Taiwan-related human rights issues in 2019, both the treatment of human rights issues and the level of respect shown toward international human rights conventions have exacerbated in China. Since the announcement of “31 Measures for Taiwan” in 2018, Taiwanese people have begun to enjoy “national treatment” in terms of employment and examinations. At the same time, Taiwanese firms that participated in China’s domestic policy programs and economic development projects could also receive equal treatment as other Chinese enterprises.
Yet these related matters created administrative difficulties because they were one-sided issues and lacked the participation of the Taiwanese government. This situation has continued to exist in 2019. In early November, the CCP authorities further issued *Several Measures for Further Promoting Economic and Cultural Exchanges and Cooperation across the Taiwan Straits*, which contained 26 additional preferential measures for Taiwanese enterprises and citizens, with an emphasis on “providing equal treatment as the Chinese people.” This approach shows that China’s policy toward Taiwan mainly consists of strengthening its “one country, two systems” policy scheme, and intensifying its “peaceful reunification” strategic implementation through measures such as “national treatment” and “economic preferences.”

Since the Chinese government adopts the “one country, two systems” model as the guiding framework for managing cross-strait relations, on the domain of “Taiwan-related human rights” it has gradually begun to exhibit the characteristics of “one country.” The government’s attitude toward treating human rights-related issues has transformed in line with this political stance, resulting in mixed results. Moreover, at present various contradictions in China’s domestic politics have emerged. Although the CCP has underscored the need to modernize China’s national governance, its key solution lies in sticking with a system that adheres to the party’s leadership and a legal system under socialism with Chinese characteristics. This attempt to modernize China’s national governance system and its governance capabilities has turned out to strengthen the state’s supervision and control over society. The Chinese government uses big data management and electronic surveillance methods to achieve its goal of controlling and overseeing society and has strengthened its previous capacity to suppress organizations and monitor people’s thought. This development naturally has also affected “Taiwan-related human rights.” In 2019, the following issues have emerged in the field associated with “Taiwan-related human rights”:

First, due to the continuing suspension of official contact between the two sides of the Taiwan Strait, work associated with cross-strait social exchange and
the protection of people’s rights and interests could not be conducted smoothly. In addition, Chinese authorities have continued to handle affairs related to Taiwan in a unilateral manner, developing domestic programs to provide preferential treatment for the Taiwan people. China has even used its own laws and regulations to deal with the issue of protecting Taiwan people’s rights and interests, thus producing standard differences in the implementation of Taiwan-related human rights.

Next, due to the intensification of U.S.-China confrontation, U.S. actions in support of Taiwan has made the Chinese government very worry about whether its “one China” policy would be affected, causing it to increase political pressure on Taiwan. No matter whether it’s Taiwan’s space on the international stage, cross-strait interaction, or Taiwan’s domestic public opinion, these domains have all became the battlegrounds where China utilized its sharp power to interfere with the freedom of speech and space for political expression in Taiwan.

Finally, due to international concerns over Hong Kong’s anti-extradition bill movement, China is worried that Taiwan would take advantage of the Hong Kong protests to issue countermeasures against the “one country, two systems” formula. Thus, on the one hand, following the implementation of “31 Measures for Taiwan,” in November 2019 China has proposed an additional “26 Measures” to benefit Taiwanese enterprises and citizens, hoping to win over specific target populations. Yet, on the other hand, China has continued to block Taiwan internationally through means such as island encirclement drills by military aircrafts, passage of warships and aircraft carriers, and poaching of Taiwan’s diplomatic allies. These Chinese actions have made cross-strait relations even more dangerous and precarious, and they directly threaten the normal functioning of Taiwan’s democratic system.

The status of “Taiwan-related human rights” in 2019 may be briefly summarized as follows. Considering the Chinese government’s increasing control over society, coupled with the current deadlock in cross-strait ties, China has resorted to use verbal intimidation and saber rattling against Taiwan to defend its “one country,
two systems” model. Beijing also uses political intimidation, economic traps, and other means to divide the Taiwanese society. As a result, the protection of Taiwanese people’s rights and interests could not be implemented properly. From the above we learn that the situation of “Taiwan-related human rights” has become more severe compared to 2018, and the infringements of Taiwanese people’s rights and interests have become more frequent.

10. Human Rights in Hong Kong and Macau: Avalanche under Police Abuse

On February 13 of 2019, the Hong Kong government proposed a bill to amend the Fugitive Offenders Ordinance and the Mutual Legal Assistance in Criminal Matters Ordinance, hoping to get the amendment passed at the current-year session of the Legislative Council (LegCo), Hong Kong’s top legislative body. The official stance was that, a murder case has hastened the need for such legal fine-tuning that had been anticipated for years. The amendment was meant to facilitate sending criminal suspects to places currently not having extradition treaties with Hong Kong. The bill triggered public outcry and doubts from leaders around the world (including Taiwan) about the prospects of subjecting Hong Kong citizens to the jurisdiction and legal system in Mainland China. Hong Kong authorities, despite people’s vehement objection, insisted on pushing through the bill. That uncompromising stature resulted in the largest, longest series of street demonstrations in the history of Hong Kong.

There are three human rights aspects inherent to the anti-extradition movement: (1) erosion of the rule of law, (2) police abuse of power, and (3) lack of checks and balances mechanism. During the anti-extradition movement, there were numerous accusations against police abuses: use of excessive force, frivolous arrests and charges, ill-treatment during detention, collusion with gangsters, nonconformance of due process on some suspects, and multiple suspicious deaths. Such alleged misconducts not only inflicted direct trauma—physical and mental—on protesters,
but also nurtured deep-rooted collective distrust of public health authority and negative social sentiment. Time and again Hong Kong government ignored people’s outcry for independent review of police’s crowd-control conducts, allowing police power to expand unchecked. This does not bode well with Hong Kong’s long-term development. Frivolous arrests and charges have posed tremendous pressure on the city’s judicial system. The cases pending in the court deserve our continued attention for years to come.

Status of people’s civil liberty and the right to political participation continued to dwindle in Hong Kong. Peaceful protesters like the Nine Advocates of the Umbrella Movement have been convicted and serving time. Macau’s new legislations on national anthem and civil protection may deepen citizens’ self-censorship. Erosion of Hong Kong’s press freedom was no news. But in 2019, it sank into an abyss. The local election held on November 24, ostensibly to choose district council members, looked more like a referendum for the Five Demands [for the government to withdraw the Bill, to look into police misconduct, to release those arrested, to not use the term “riot”, and for Carrie Lam to resign]. Rumors of Beijing’s hand behind the scene ran unabated casting doubt on election fairness.

Despite the doubt over procedural integrity, the 70% voting rate was historic high, and pan-democracy camp won the majority of seats. This was consistent with outcomes of various public opinion polls: testifying to the strong support of the anti-extradition causes and deep resentment against Hong Kong government and police.

11. Conclusion

All the chapters in the Report have used the United Nations International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights to define human rights and adopt them as the normative standard for assessing the human rights situation in China, yet one additional characteristic of this Report is that it also tracks actual cases that occurred in China in
2019 so they may serve as the focus of discussion. Also, no matter the human rights issue in question – human rights confrontation between China and the world, political human rights, social human rights, economic and environmental human rights, judicial human rights, religious and ethnic minority human rights, scientific and technological human rights, gender human rights, Taiwan-related human rights, and the state of human rights in Hong Kong and Macau – all the chapters in the Report have relied on the white papers, laws and regulations, policies, and orders issued by the CCP to clarify the problem. In this manner, when comparing the similarities and differences before and after the development of some cases, the Report will not lose track of the overall context and development due to the uniqueness of the case, just as it will not pay attention only to laws and policies but ignore the real cases.

Overall, looking at the state of human rights in China in 2019, we can say that we are living an era in which both the Chinese people and democratic countries around the world have awakened and decided to take action. The world is wakening to the fact that the CCP regime is a hopelessly authoritarian and totalitarian government. Not only will China not abide by the universally-accepted political and economic norms, but it will use the country’s emergence as a political, economic, military, social, and cultural powerhouse to change global human rights principles and norms through a whole-of-government approach. The entire world needs to stand firm in expressing its concerns over China’s attacks on universal human rights values, the rule of law, and civil rights, and respond resolutely. All members of the international community must oppose and reject the Chinese government’s strategies to divert attention and its attempts to evade accountability for China’s worsening human rights situation.
The Human Rights Dialogue and Confrontation between China and the World in 2019 — Global Divide and a New Cold War over Human Rights

Li-wen Tung∗

Abstract

The year 2019 can be referred to as the “Year of Action” for the international community concerned with the state of human rights in China. Throughout the year, the international community focused its attention on three major events in close succession: the advent of “digital authoritarianism,” the “anti-extradition bill protests in Hong Kong,” and the existence of “re-education camps in Xinjiang,” all of which raised widespread concerns in the court of global public opinion and from governments around the world. By contrast, the Chinese government and the Chinese Communist Party (CCP) made the decision to counter accusations of human rights violations more prominently at the United Nations. The regular sessions of the U.N. Human Rights Council, in consequence, had almost become a recurring gathering dedicated to discuss China’s human rights situation. At these international meetings, China mobilized and lobbied support from the international community by initiating many actions in and out of the meetings. The core objective of China’s activism was to develop a regional plan that violates human rights through the promotion of a new multilateralism in the name of the United Nations. China’s Ministry of Foreign Affairs also publicly announced that “China and Russia will carry out collaboration in countering foreign interference.” In 2019, we can see that the Chinese government has been promoting a new cold war over the issue of human rights, gradually pitting two rival camps—one based on the universal values of human rights and the other founded

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on the “China model”—against each other. China has taken the initiative to fight the international community, particularly the United States, on ideological grounds. In attacking human rights, democracy, and freedom, China’s behavior can only be described as very unwise, and a major strategic misjudgment. The entire world needs to stand firm in expressing its concerns over China’s attacks on universal human rights values, the rule of law, and civil rights, and respond resolutely. All members of the international community must oppose and reject the Chinese government’s strategies to divert attention and its attempts to evade accountability for China’s worsening human rights situation.

Keywords: human rights violations, the China model, divide within the United Nations, new Cold War over human rights

1. Introduction

The China Human Rights Report, published annually by the Taiwan Foundation for Democracy, divides the discussion of human rights into different areas of observation based on the United Nations’ International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. This chapter on the “confrontation between China and the world” discusses a fundamental question: that is, how does the Chinese government defend its human rights record with the international community, to the extent that it hopes to transform the global system of human rights values and replace it with the “China model”? The structure of the present chapter is divided into three parts: (1) the key areas of foreign countries’ concerns with respect to the development of human rights in China; (2) how the Chinese government has responded to international human rights concerns; and (3) the global divide and a new cold war over human rights.

Compared to 2018, the year 2019 can be referred to as the “Year of Action” for
the international community concerned with the state of human rights in China. In summary, the international community focused its attention on three major events in close succession: the advent of “digital authoritarianism,” the “anti-extradition bill protests in Hong Kong,” and the existence of “re-education camps in Xinjiang,” all of which raised widespread concerns in the court of global public opinion and from governments around the world. Of the three events, the impact of Hong Kong’s anti-extradition bill protest movement had spread globally. Many civic groups and civil society from all over the world showed their willingness to stand in solidarity with Hong Kong’s anti-extradition bill protesters. The Hong Kong protests quickly became the most significant international human rights event of the year.

By contrast, the Chinese government and the CCP decided to take the international war of words over human rights to the United Nations. The regular sessions of the U.N. Human Rights Council had almost become a recurring gathering dedicated to discuss China’s human rights situation. At these international meetings, China mobilized and lobbied support from the international community by initiating many actions in and out of the meetings, such as issuing “joint statement on behalf of nearly 140 countries” inside the meeting hall and hosting regular thematic side events outside the venue. The Chinese government also sent a large delegation of officials, scholars and experts not just to attend the regular sessions of the U.N. Human Rights Council, but at the same time used the same delegation to hold formal bilateral human rights dialogues with various European countries, or participate in Track-II international human rights conferences. The core objective of China’s activism was to develop a regional plan that violates human rights through the promotion of a new multilateralism in the name of United Nations.

This year, as a result of the clash between China and the international community, the international community was divided into two. First, the United Nations was split over the issue of Xinjiang. On the one side, 54 pro-Chinese government supporters represented by the Belarusian Ambassador praised China for
making progress on counter-terrorism and de-radicalization issues in Xinjiang. On
the other side were 23 countries represented by the United Kingdom, which called
on Beijing to abide by its international commitments to protect religious freedom in
Xinjiang, a region mostly dominated by Uighurs.

Next, after multiple governments had joined in solidarity with Hong Kong’s
anti-extradition bill protest movement, and the passage of the Hong Kong Human
Rights and Democracy Act in the U.S., the Russian parliament began drafting an
international convention at the United Nations related to the “non-interference in
other countries’ internal affairs,” which would be submitted to the U.N. General
Assembly for review after the draft’s completion. China’s Ministry of Foreign Affairs
publicly announced that “China and Russia will carry out collaboration in countering
foreign interference.” We can see that the Chinese government has been promoting a
new cold war over the issue of human rights, gradually pitting two rival camps – one
based on the universal values of human rights and the other founded on the “China
model” – against one another. China has taken the initiative to fight the international
community, particularly the United States, on ideological grounds. In attacking human
rights, democracy, and freedom, China’s behavior can only be described as very
unwise, and a major  strategic misjudgment.

Overall, looking at the results of the human rights dialogue and confrontation
between China and the world in 2019, we can say that we are living in an era in
which both the democratic countries and the world alike have awakened and decided
to take action. The world is wakening to the fact that the CCP regime is a hopelessly
authoritarian and totalitarian government. Not only will China not abide by the
universally-accepted political and economic norms, but it will use its emergence as
a political, economic, military, social, and cultural powerhouse to change universal
human rights principles and norms through a whole-of-government approach.

China is attempting to weaken the human rights system of the United Nations
and its underlying foundations. The discourse of so-called “mutually beneficial
cooperation” is intended to benefit authoritarian countries, and comes at the expense of the human rights and fundamental freedoms of peoples in all countries – which we as contracting parties have the obligation to respect. All countries in the world should be committed to defend the human rights standards of the United Nations, and refrain from participating in any attempt that weakens the obligations and commitments of countries to respect the people’s human rights and fundamental freedoms, or to surrender human rights before other objectives, such as those related to economic or trade interests. The entire world needs to stand firm in expressing its concerns over China’s attacks on universal human rights values, the rule of law, and civil rights, and respond resolutely. All members of the international community must oppose and reject the Chinese government’s strategies to divert attention and its attempts to evade accountability for China’s worsening human rights situation.

This major international confrontation over human rights has had a major impact on Taiwan. To take the three major events of 2019 as examples – digital authoritarianism in China, the anti-extradition bill protests in Hong Kong, and the re-education camps in Xinjiang – we have yet to find many supporters of these policies in Taiwan. Rather, we only see fear and disapproval from the Taiwanese people, most of whom have urged the Taiwanese government to take precautionary steps and develop countermeasures. Taiwan should pay more attention to the protection of human rights in China, and refute outright the Chinese system of human rights, which neither represents China nor the Chinese culture in general.

2. Key Areas of the International Community’s Concerns with the Development of Human Rights in China

A chronicle of major events related to the international community’s concerns with China’s human rights in 2019 is presented below:

(1) On January 15, the German and French ambassadors to China awarded the “Franco-German Human Rights and the Rule of Law Prize” to Chinese
rights defenders and lawyers. This is the third year that France and Germany have awarded the Human Rights and the Rule of Law Prize to individuals in recognition and support of their outstanding work in the protection and promotion of human rights at the national and global levels.

(2) On January 15, Human Rights Watch (HRW), an organization dedicated to protecting and defending human rights around the world, issued a statement calling on the UN Human Rights Council to pay attention to the human rights violations of its member states. Newly elected members to the UN Human Rights Council, which include the Philippines, Eritrea, and Bahrain, have all committed human rights violations. “These states will join persistent human rights violators China, Egypt, and Saudi Arabia on the Council,” the group stated.

(3) On January 17, Human Rights Watch released its 2019 World Report, which reviews human rights practices in more than 100 countries around the globe. In the report’s section on China, the human rights group criticized the Chinese government for further tightening its overall control over society during 2018. The report’s other criticisms include China’s continued use of its permanent seat on the UN Security Council to block important discussions of human rights issues, and the adoption of a resolution proposed by China at the UN Human Rights Council, which focuses only on its vision of “win-win cooperation” but makes no mention of accountability for human rights violations. The group believed that China has increased its repression to the worst levels since the 1989 Tiananmen Square massacre. The report also indicated that there is a growing global trend to confront the rights abuses of autocrats. “Now more than ever, protecting human rights inside and outside China requires governments and international institutions working together to push back against the repressive policies of a rising superpower, and to end Xi’s abuses,” said Sophie Richardson, HRW China Director.
(4) On January 30, over 40 international human rights groups signed an open letter urging member states of the UN Human Rights Council to support a resolution opposing arbitrary detention and other human rights violations by China. This was the first time in more than a decade that the UN Human Rights Council had received such an organized call from rights groups, which demanded that China bear responsibility for its human rights violations.

(5) On March 13, the U.S. Department of State released the 2018 Country Reports on Human Rights Practices. At the press conference, U.S. Secretary of State Mike Pompeo said that China is in a league of its own when it comes to human rights violations, calling China one of the countries with the worst human rights records in the past 100 years.

(6) On March 19, the European Parliament held meetings in Brussels on the question of “China’s re-education camps and the persecution of ethnic minority groups.” At the meetings, it was revealed that two million people in Xinjiang are being held in re-education camps.

(7) On March 21, the UN Special Rapporteur on Human Rights and Hazardous Substances and Wastes, Baskut Tuncak, indicated that China is one of the world’s largest manufacturers of chemicals, including industrial chemicals and pesticides. By 2030, chemical sales (excluding pharmaceuticals) in China are forecast to account for nearly half of the world’s global chemical sales, which as a whole are projected to double. Tuncak’s remarks were among the international reactions after the explosion of a chemical plant in Yancheng, Jiangsu.

(8) On March 21, Xi Jinping began a visit to Europe. In a commentary, Human Rights Watch said that officials from various European countries and the European Union (EU) acted extremely weak towards China, and their unassertive positions were all the more disappointing. The dialogue mechanism between the EU and Beijing over the issue of human rights has long been criticized. Since its establishment in 1997, the dialogue has not achieved any substantial results.
On April, the 37 round of the EU-China human rights dialogue was held. In contrast to the Chinese delegation’s emphasis on economic achievements in poverty alleviation and social protection, the EU was more highly concerned with the issue of re-education camps in Xinjiang and the unjustified detentions of Chinese and foreign nationals. The EU also demanded that basic rights such as the detainees’ family visits be protected.

On April 24, EU foreign policy Chief Federica Mogherini urged member states and individual members of the European Parliament to stand united as Europeans when facing the issue of China’s human rights, and not shying away about the relevance of the topic. To improve human rights conditions in China, it is important for the EU to have a clear and consistent message. The EU’s best tool is to keep engaging with China on human rights in a respectful but extremely clear manner.

In early June, the U.S. State Department issued a statement on the 30th anniversary of the Tiananmen Square protest. The U.S. House of Representatives passed a resolution calls on China to provide a “full, transparent, and independent report” on the violent suppression of democracy protests in Tiananmen Square on June 4, 1989. The European Union and the United Kingdom also issued statements: “Today we mark 30 years since the tragic events of June 4, 1989, remembering those who lost their lives protesting peacefully in and around Tiananmen Square. Over the past 30 years, China has ratified a number of U.N. instruments relating to human rights. However, people in China are still unable to exercise their right to protest peacefully. We continue to urge the Chinese government to respect the citizens’ freedom of association, assembly, expression, and other fundamental rights and freedoms, as enshrined in China’s constitution and in international law.”

On July 10, Slovakia’s new President, Zuzana Caputova, met with Chinese Foreign Minister Wang Yi and expressed ‘her concerns and worries about
the deteriorating situation of human rights in China.” In her statement she also mentioned the detainment of lawyers and human rights activists, and the repressive treatment of ethnic and religious minorities.

(13) On July 24, the U.S. Senate Human Rights Caucus held a briefing on the Chinese government’s use of high-tech surveillance technologies in monitoring and persecute the Uyghurs in Xinjiang, Christians, Falun Gong practitioners, and other religious groups.

(14) On August 10, the Digital Agenda Committee of Germany’s parliament called off a planned trip to China over the Chinese government’s insistence that Margarete Bause, a Green party lawmaker in the delegation, be removed from the participants list because of her strong stance on China’s human rights record.

(15) On August 13, U.S. House of Representatives Speaker Nancy Pelosi issued a statement on the issue of Hong Kong, stating that the U.S. Congress will take action to support the people of Hong Kong. “In coming weeks, the bipartisan, bicameral Congress will begin our work to advance the Hong Kong Human Rights and Democracy Act,” the statement read.

(16) On August 23, U.S. President Donald Trump pressed on Chinese leaders to “humanely solve the Hong Kong problem,” and urged Xi Jinping to meet with the protesters.

(17) On August 28, the leaders of the seven largest industrialized countries (G7) issued a joint declaration on Hong Kong, calling on all parties to avoid violence, and reaffirming the existence and importance of the “Sino-British Joint Declaration.”

(18) On September 7, U.S. Secretary of Defense Mark Esper delivered a speech in a visit to Europe, in which he urged the Chinese government to exercise restraint on the Hong Kong issue and not forcibly intervene in Hong Kong, and warned European countries not to rely too much on Chinese investments.

(19) On September 7, German Chancellor Angela Merkel called for a peaceful
solution to the increasing unrest in Hong Kong through dialogue in her visit to China.

(20) On September 10, the New York-based Committee to Protect Journalists (CPJ) released the list of ten most censored countries in the world. Under the rule of the Chinese Communist Party, China ranks fifth on the list and is the country that jails the most journalists in the past two decades.

(21) On October 1, United States Senate Majority Leader Mitchell McConnell issued a statement on the 70th anniversary of the founding of the People’s Republic of China, which began with the following words: “On the 70th anniversary of the People’s Republic of China, we should pause to recognize the many millions of lives lost under Chinese communist rule.”

(22) On October 8, U.S. Secretary of State Mike Pompeo said in a television interview that China’s treatment of Muslims, including the Uighurs, in Xinjiang was an “enormous human rights violation,” and the United States will continue to raise this issue.

(23) On October 20, a coalition of 37 Chinese and international human rights organizations sent a joint letter to U.S. Customs and Border Protection (CBP), urging Acting Commissioner Mark Morgan to issue a Withhold Release Order (WRO), which would ban the import of all Chinese cotton, textile, and apparel products tainted by forced labor.

(24) On October 22, Amnesty International stated in a press release that China may attempt to white wash its tarnished reputation by hosting prominent tournaments such as the FIFA Club World Cup. Yahoo UK reported that the Fédération Internationale de Football Association (FIFA) may announce that China will host the 2021 FIFA Club World Cup. Additionally, China is also very keen to bid for the centennial FIFA World Cup in 2030.

Taken together, 2019 should be a “Year of Awakening” for the international community concerned with the state of human rights in China. In summary, the
international community has focused its attention on three major events in close succession: the advent of “digital authoritarianism/Skynet (mass surveillance) system,” the “anti-extradition bill protests in Hong Kong,” and the existence of “re-education camps in Xinjiang,” all of which raised widespread concerns in the court of global public opinion and from governments around the world. If we examine the regular press conferences of China’s Ministry of Foreign Affairs, human rights issues nearly accounted for more than one-fifth of the question-and-answer sessions.

Of course, the Trump administration has again listed human rights among the key issues in the relations between China and the United States. Many major U.S. initiatives were closely linked, which influenced global public opinion and spurred joint actions with its European allies, Japan, and Australia. President Trump’s remarks at the 74th session of the United Nations General Assembly, and Vice President Mike Pence’s speech at the Wilson Center are two clear examples (Central News Agency, 2019).

The international community’s concerns over China’s human rights issues have the following distinctive features:

(1) One important sign of change has emerged: countries that did not discuss human rights at all with China in the past have now began to voice their concerns about China’s human rights, such as Slovakia. Moreover, Western countries’ concerns about human rights in China have intensified. For example, the digital committee of Germany’s parliament cancelled their visit to China altogether rather than succumb to the Chinese government’s threats.

(2) Clearly, the battles between the Chinese government and universal human rights values are principally fought on the issues of anti-extradition bill protests in Hong Kong and over the treatment of Uighurs in Xinjiang, in addition to the U.S.-China trade war. As far as Hong Kong’s anti-extradition bill protests are concerned, leaders from the United States, France, Germany, United Kingdom, Japan, Canada, Australia, the European Union/European Council, the United
Nations Commission on Human Rights/High Commissioner for Human Rights have all expressed their views several times.

(3) The controversy surrounding the Office of the United Nations High Commissioner for Human Rights (OHCHR). Last year, human rights organizations heavily criticized this Office for being the subject of Chinese infiltration and interference. On the same day (November 6, 2018) that the U.N. Human Rights Council began conducting its third periodic review of the human rights situation in China, nine non-governmental organizations, which included the Tibetan Centre for Human Rights and Democracy, issued a joint statement condemning acts of “political censorship” by the OHCHR due to pressure from Beijing. The controversy arose because many submissions from non-governmental human rights groups to the OHCHR were removed from the OHCHR’s website or had their contents deleted without any explanation. Nevertheless, the Chinese government’s ability to conceal information by directly influencing and overtly interfering with the OHCHR seems to have reduced this year. When U.N. High Commissioner for Human Rights Michelle Bachelet expressed her concerns over the protests in Hong Kong, the news surprised and angered the Chinese government.

(4) The impact of Hong Kong’s anti-extradition bill protest movement has spread globally and continues to do so. Many civic groups and civil society from all over the world were willing to stand in solidarity with Hong Kong’s anti-extradition bill protesters. For example, the NBA had voiced its support for Hong Kong protests, and so had the author of the Japanese manga series SLAM DUNK, thus accelerating the passage of the Hong Kong Democracy and Human Rights Act by the U.S. government. In addition, current leaders of governments and parliaments from the world’s major democracies, including presidents, prime ministers, and legislators of major parties, were all willing to step forward to stand in solidarity with Hong Kong. Malaysian Prime Minister Mahathir
Mohamad even believed that Hong Kong Chief Executive Carrie Lam should step down (Heui, 2019). By contrast, on the Hong Kong situation Singapore’s Prime Minister Lee Hsien Loong said the following: “When Hong Kong is troubled, when there are demonstrations – or worse, riots –, when the Chief Executive is booted out of the Legislative Council chamber, I think that’s very sad for Hong Kong and very bad for the region. We will look on with concern (Hau, 2019).”

3. How the Chinese Government Has Responded to International Human Rights Concerns

Originally the Chinese government has adopted a defensive posture before international criticisms of its human rights record. However, after Xi Jinping took office, China has gone on the offensive to widely disseminate the message that Chinese perspectives on human rights are different from those of the West, have their own progressive and valuable features, and can replace the moral hypocrisy and double standards found within the Western human rights ideology. In other words, China has constructed a human rights system based on the concept of “a community of shared future for humanity,” which is a version of totalitarianism that it exports to the rest of the world, and through which it organizes a united ideological front against the West.

According to the Chinese government’s own announcements, China’s major diplomatic activities related to human rights include the following:

(1) On February 26, during the high-level meetings of the 40th regular session of the U.N. Human Rights Council, China and the Permanent Mission of the European Union in Geneva co-hosted a side event titled “Leave No One Behind: The Key Role of the Convention on the Rights of Persons with Disabilities.” The head of the EU delegation, Walter Stevens, and representatives from Romania, Bulgaria, Fiji, Indonesia, Belarus, Greece and other countries spoke at the event and
praised China and the EU for organizing the meeting.

(2) On March 4, during the general debate segment of the high-level meetings of the 40th regular session of the U.N. Human Rights Council, Ambassador Yu Jianhua, China’s Permanent Representative to the United Nations Office at Geneva, made statements in which he opposed politicization of and double standards on the human rights issue, as well as the practice of interfering in the internal affairs of other countries on the basis of human rights. Developing countries must have a greater say in the global human rights governance system. Last year, China completed the third round of Universal Periodic Review, and over 120 countries had positively evaluated China’s achievements and progress in human rights.

(3) During the 40th regular session of the U.N. Human Rights Council on March 11, the China Society for Human Rights Studies hosted a side event titled “The Development of Human Rights Since the Founding of the People’s Republic of China,” which introduced the development and progress of human rights in China. The event claimed that human rights research and education were actively advancing the cause of human rights in China. Presently, there were over 40 research institutions and hundreds of research teams focusing on human rights issues in China.

(4) On March 14, China’s State Council Information Office released two reports titled “Human Rights Record of the United States in 2018” and “Chronology of Human Rights Violations of the United States in 2015,” which sought to expose human rights violations in the United States. The reports criticized the United States for pointing fingers at and slandering human rights situations in over 190 countries, while blindly ignoring its own serious human rights problems.

(5) The Sino-German Forum for the Development of Human Rights was held in Berlin, Germany, on March 26, 2019. The theme of this year’s seminar was “Social Development and Progress in Human Rights—A 70-Year Retrospect and Prospect.” Human rights experts and scholars from China and Germany
conducted constructive discussions and exchanged ideas.

(6) On June 21, the 2019 China-Europe Seminar on Human Rights, co-sponsored by the China Society for Human Rights Studies and the Austria-China Friendship Association, was held at the Ministry of Justice in Vienna, Austria.

(7) On July 3, during the 41st regular session of the U.N. Human Rights Council and the Dialogue with the High Commissioner for Human Rights, the Chinese delegation said: regarding Madame High Commissioner’s mentions of two bill amendments in Hong Kong and questions related to Xinjiang, as well as the statement on Hong Kong made by the representative from the United Kingdom, China expresses its regret and dissatisfaction.

(8) On July 12, ambassadors of 37 countries to the United Nations at Geneva, including Russia, Pakistan, Saudi Arabia, Egypt, Cuba, Algeria, United Arab Emirates, Qatar, Nigeria, Angola, Togo, Tajikistan, the Philippines, and Belarus, sent a joint letter to the President of the U.N. Human Rights Council and the High Commissioner for Human Rights to support China’s policies in the Xinjiang region. The letter commended China’s remarkable achievements in the field of human rights in Xinjiang as the result of its counter-terrorism and de-radicalization measures.

(9) On July 15, Ambassador Li Song submitted a draft resolution on “The contribution of development to the enjoyment of all human rights” at the 41st regular session of the Human Rights Council.

(10) On July 28, the China Society for Human Rights Studies held a side-event on the “Human Rights Protection of China’s Ethnic Minorities Groups” at the U.N. Human Rights Council, which introduced in detail Tibetan Buddhism’s Living Buddha reincarnation system, and the state of social governance and human rights protection in Xinjiang. Members of the Society combined examples and even shared their own personal experiences about how radicalization violates and tramples on people’s lives.
(11) On July 26, the China Society for Human Rights Studies published an article titled “The Deep-rooted Racial Discrimination in the U.S. Highlights Its Hypocrisy on Human Rights.” The article exposed the long-standing problem of racial discrimination in the United States, which reflects the hypocrisy of its discourse on human rights. The article also indicated that race problems in the United States were difficult to solve.


(13) On September 6, an international symposium on “Counter-terrorism, De-radicalization and Human Rights Protection,” co-organized by the China Society for Human Rights Studies, the Human Rights Education and Research Center of the Southwest University of Political Science and Law, and the School of Politics and Public Administration of Xinjiang University, opened in Urumqi. Over 60 experts and scholars from 18 countries and international organizations including France, India, Turkey, Afghanistan and China attended the seminar. Ibrahim Alsheddi, member of the Advisory Committee of the U.N. Human Rights Council, delivered remarks at the seminar. Other foreign participants included Predrag Markovic, vice president of the Socialist Party of Serbia, and Christian Mestre, a professor and former rector at the University of Strasbourg in France. Jiang Jianguo, vice minister of the Publicity Department of the Central Committee of the Communist Party of China (CPC), said in his opening remarks that the United Nations must fully exercise its leadership and coordinating roles, resolutely follow the principles stipulated in the Charter of the United Nations and other international laws, and support the series of anti-terrorism resolutions
adopted by the U.N. Security Council. China is willing to cooperate with all countries to safeguard a counter-terrorism, de-radicalization and human rights protection system centered on the purposes and principles of the U.N. Charter, and work together to build a community of shared future for humanity, Jiang added.

(14) On September 9, the 42nd regular session of the U.N. Human Rights Council opened at the United Nations headquarters in Geneva. During the session, the China Society for Human Rights Studies held a side event on the theme of “70 Years of the Development of Human Rights in New China” at the Palais des Nations, which provided a comprehensive introduction of human rights achievements in the 70 years since the founding of the People’s Republic of China. Tom Zwart, a professor at the Utrecht University in the Netherlands, believed that China has made an indelible contribution to the cause of international human rights. More than 40 ambassadors from Russia, Finland, Mexico, the Philippines, Zambia, the European Union and other countries and international organizations, plus over 300 diplomats, officials, journalists and scholars from nearly 100 countries and international organizations, attended the opening ceremony.

(15) Since the opening of the 42nd regular session of the U.N. Human Rights Council on September 9, representatives from Angola, South Africa, Egypt, Venezuela, Cuba and Pakistan, and other developing countries stressed that the right to development is an inalienable and critical human right. However, for a long time, the international community and the U.N. human rights bodies have paid little attention to the issue of development, resulting in the United Nation’s Declaration on the Right to Development not being effectively implemented for more than 30 years. Close to 50 countries and non-governmental organizations spoke at the session and criticized the U.S. for playing naked power politics and imposing unilateral sanctions that grossly violate human rights.
(16) On September 13, at the 42nd regular session of the U.N. Human Rights Council, Ambassador Chen Xu, the Permanent Representative of China to the United Nations Office at Geneva and other International Organizations in Switzerland, issued a joint statement on behalf of nearly 140 countries entitled “Achieve the full realization of the right to development so that development may benefit all people.”

(17) On September 17, the China Society for Human Rights Studies held a side event on the theme of “The struggle against de-radicalization and human rights protection in Xinjiang” in Geneva. More than 50 individuals, including representatives from various governments, relevant international organizations and non-governmental organizations attended the event. However, the names and transcripts of foreign speakers had not been made public.

(18) On October 21, the Third Committee of the 74th United Nations General Assembly held an interactive dialogue with the Chairperson of the Committee on the Rights of Persons with Disabilities and the Special Rapporteur on the Rights of Persons with Disabilities.

(19) On October 25, the Permanent Representative of China to the United Nations and the China Society for Human Rights Studies hosted a side event on the right to development at the United Nations headquarters. Speakers at the event were ambassadors from Belarus, Cuba and Nigeria, senior officials of the UN Department of Economic and Social Affairs and the Office of the United Nations High Commissioner for Human Rights, and the China Society for Human Rights Studies Deputy Secretary-general Wang Linxia. Approximately 100 delegates from some 40 missions to the U.N., including those from Russia, Italy, Singapore, India and Algeria, attended the event.

China’s international human rights activities have five distinct features:

(1) China has seized every opportunity during relevant U.N. meetings and events to propagandize its version of human rights and make counter-accusations,
especially during the regular sessions of the U.N. Human Rights Council. On the one hand, Chinese diplomats and official representatives used keynote speeches or issued joint statements with other countries on different occasions and venues to maximize its voice at the meetings. On the other hand, China also hosted all kinds of themed side events outside of conference venues, either alone or in collaboration with other countries, in order to pass them off as officially sanctioned events of the U.N. Human Rights Council. In 2019, the UN Human Rights Council held its 40th, 41st and 42nd regular sessions, which provided the Chinese government and Communist Party ample opportunities for propaganda.

(2) In the past, the Chinese government would send a large delegation of officials, scholars and experts not just to attend the regular sessions of the U.N. Human Rights Council, but at the same time use the same delegation to hold formal bilateral human rights dialogues with various European countries, or participate in Track-II international human rights conferences. In 2019, the 37th round of human rights dialogue between China and the European Union, and Track II’s Sino-German Forum for the Development of Human Rights (March 26, 2019) and the 2019 China-Europe Seminar on Human Rights at Austria’s Ministry of Justice (June 21, 2019) were not highly publicized and only saw brief announcements. It can be inferred that various European governments seemed to have realized that bilateral human rights dialogues with China had been counterproductive, so they stopped holding them. In fact, bilateral human rights dialogues between China and the United States have not been held since 2015.

(3) China has often insisted that it follows the Charter of the United Nations and other principles and norms of international law, acts according to the United Nations Declaration on the Right to Development, and supports a series of anti-terrorism resolutions adopted by the U.N. Security Council. China swears to safeguard a counter-terrorism, de-radicalization and human rights protection system centered on the purposes and principles of the U.N. Charter, and is
willing to work together with other nations to build a community of shared future for humanity. In essence, however, the Chinese government is utilizing the people’s rights to subsistence and development plus measures related to counter-terrorism to bury and cover up all other human rights. China also uses some of its achievements on economic and social rights to conceal the fact that it often violates people’s civil and political rights.

(4) Both domestic and overseas forums and conferences, including the various types of events held by China in or outside of U.N. Human Rights Council sessions, have become increasingly international in scope. Foreigners are often invited to attend these Track-II domestic and overseas conferences, and China would especially put the spotlight on foreign representatives, human rights specialists, community leaders, or university presidents who speak positively on its behalf. It goes without saying that China would turn up the hype during U.N.-sanctioned events, touting that, “over 120 countries had positively evaluated China’s achievements and progress in human rights,” “ambassadors of 37 countries to the United Nations at Geneva sent a joint letter to the President of the U.N. Human Rights Council and the High Commissioner for Human Rights (to support China’s policies in the Xinjiang region),” and “China issued a joint statement on behalf of nearly 140 countries,” for example.

(5) In 2019, the Chinese government’s activities at the U.N. Human Rights Council principally focused on the issues of Hong Kong and Xinjiang. Beijing fully exercised its influence in the Council to mobilize nearly forty countries to support its position on the Xinjiang issue, which is a rare big move by China at the Council. As for the publication of two back-to-back articles by the China Society for Human Rights Studies that were highly critical of the United States, these articles were likely products of strong anti-American sentiment within China due to the U.S.-China trade war.
4. China Promotes a New Cold War over Human Rights

We can now be certain that the Chinese government and Communist Party decided to take the international war of words over human rights to the United Nations. The regular sessions of the U.N. Human Rights Council have almost become a recurring gathering dedicated to discuss China’s human rights situation. At these international meetings, China mobilized and lobbied support from the international community by initiating many actions in and out of the meetings, such as issuing “joint statement on behalf of nearly 140 countries” inside the meeting hall and hosting regular thematic side events outside the venue. The core objective of China’s activism is to develop a regional plan that violates human rights through the promotion of a new multilateralism in the name of United Nations.

The consequence of these actions was that the United Nations became divided in two over the issue of human rights (Ai, 2019). For example, on the issue of Xinjiang, on the one side is the Belarusan Ambassador to the United Nations Valentin Rybakov, who made a statement on behalf of 54 countries including China, Pakistan, Russia, Egypt, Bolivia, Democratic Republic of Congo, and Serbia at a U.N. Human Rights Committee. Rybakov praised Beijing for respecting and protecting human rights even when undertaking a series of counterterrorism and de-radicalization measures in Xinjiang. Rybakov also supported China’s commitment to openness and transparency since China has invited foreign diplomats, international organizations, officials and journalists to visit Xinjiang.

On the other side is the United Kingdom’s Ambassador to the United Nations Karen Pierce, who delivered a joint statement on behalf of 23 countries including the United States, Australia, Canada, France, Germany, Japan, the Netherlands, New Zealand, Norway and Sweden, before the 193-nation strong human rights committee of the United Nations General Assembly. These 23 countries called on the Chinese government to uphold its national laws and international obligations and commitments to respect human rights, including freedom of religion or belief, in Xinjiang and
across China. The signatory countries also urged Chinese government to urgently implement U.N. independent experts’ recommendations related to Xinjiang, including by refraining from the arbitrary detention of Uighurs and members of other Muslim communities. The statement also called on all the countries not to return refugees or asylum seekers to countries where they would likely face persecution.

Dueling statements respectively issued by 54 pro-China countries on one side and by 23 democratic countries on the other at the highest human rights body in the United Nations are extremely rare, as countries usually finalize formal resolutions in closed-door negotiations. Actually, as early as April 2019, U.N. Secretary General Antonio Guterres was widely criticized by international human rights organizations for not mentioning or denouncing China for allegedly imprisoning millions of Uighurs in Xinjiang when he participated in the second Belt and Road Forum Summit convened by Chinese President Xi Jinping. In response to the criticism, the United Nations officially stated that Guterres did raise the issue of Xinjiang with Chinese leaders, but China’s Ministry of Foreign Affairs then immediately accused Secretary General Guterres of interfering in China’s internal affairs (Xiao, 2019). These incidents indicate that even U.N. personnel themselves are subject to accusations by people with different positions on the issues.

In addition, when the United States passed the Hong Kong Human Rights and Democracy Act, which incurred strong protests from China, the Russian parliament began drafting an international convention at the United Nations related to the “non-interference in other countries’ internal affairs,” which would be submitted to the U.N. General Assembly for review after the draft’s completion. At the same time, Russian authorities announced that they will send a delegation to Beijing on November 25 to discuss with relevant Chinese authorities on the issue of preventing external forces from interfering in the internal affairs of sovereign states, as well as strengthen cooperation with China. China’s Ministry of Foreign Affairs also publicly announced that “China and Russia will carry out collaboration in countering foreign interference
This year, the Chinese government has continued to rely on its own “China model” of human rights, which advocates advancing the cause of human rights through a) development, b) security, c) cooperation, and d) fairness. The Chinese Communist regime then uses the “Chinese development model” to widely disseminate its human rights views, and its means for doing so are: 1. development of pro-neighborhood and good neighbor foreign policies; 2. construction of a “new type of great power relations,” and 3. promotion of the Belt and Road Initiative. The Chinese position with respect to the global human rights governance is thus: (1) to actively participate in international human rights affairs; (2) to strengthen human rights dialogues and exchanges with developing countries; (3) to actively strengthen the cooperative dialogue with Western developed countries in the field of human rights. Therefore, the channels and platforms used by the West in the past to encourage China to improve its human rights practices have now become the same channels and platforms used by the CCP to spread the “Chinese development model,” among the most notable of which include the United Nations Human Rights Council and the China-EU Human Rights Dialogue (Tung, 2019).

According to Sharon K. Hom, the Executive Director of Human Rights in China and Professor of Law Emerita at the CUNY School of Law, China employs three major methods in its human rights offensive. First, it attempts to convey to the rest of the world “a completely different narrative.” The CCP has instilled and spread the belief that any criticism of the Chinese Communist Party is to be anti-China, so any person who openly questions the CCP is hurting the feelings of the Chinese people and interfering with China’s sovereignty. Second, Beijing has attempted to create its own system of human rights values, which vilify the West’s democratic institutions. The third method is related to the impact of multilateralism. China lures Third World countries with development funds, which provides the Chinese Communist Party
ample opportunities to export its totalitarian beliefs as well as mass surveillance and Internet censorship technologies.

Based on the above facts, we can see that the Chinese government has been promoting a new cold war over the issue of human rights, gradually pitting two rival camps – one based on the universal values of human rights and the other founded on the “China model” – against one another. China has taken the initiative to fight the international community, particularly the United States, on ideological grounds. In attacking human rights, democracy, and freedom, China’s behavior can only be described as very unwise, and a major strategic misjudgment.

On the one hand, China continues to rely on the policy of exchanging economic benefits for ideological statements from Third World countries. This policy not only needlessly increases its own expenditures and the leverage of other countries to bargain, but the policy also rarely achieves concrete, active support beyond that of lip service. More importantly, the opinions of people in the Third World countries cannot be bought with economic benefits, not to mention the fact that the Chinese people themselves might not agree with the policy. Indeed, Chinese people have started to complain about the Chinese government’s spending spree around the globe.

On the other hand, China has taken the initiative to start a “war of civilizational values” against Western countries, even the entire world. Although China’s human rights ideology based on the concept of “a community of shared future for humanity” contains Confucian cultural elements, we do not dare to call it Confucianism as it does not appear to possess enough conceptual essence or content to match that of human rights, democracy, and freedom. As evidenced in the three major events of 2019—the advent of digital authoritarianism, the anti-extradition bill protests in Hong Kong, and the existence of re-education camps in Xinjiang—the Third World countries know exactly what the Chinese government is doing. Their alliance with China is absolutely not based on common values and ideology, but from an exchange of interests (or benefits), and the countries can abandon their partnership with China at any time.
China’s actions instead have greatly unified the democratic and free countries, most of which perceive a confrontation against China as a sacred war.

5. Conclusion

Overall, looking at the results of the human rights dialogue and confrontation between China and the world in 2019, we can say that we are living in an era in which both the democratic countries and the world in general have awakened and decided to take action. The world is wakening to the fact that the CCP regime is a hopelessly authoritarian and totalitarian government. Not only will China not abide by the universally-accepted political and economic norms, but it will use the country’s emergence as a political, economic, military, social, and cultural powerhouse to change global human rights principles and norms through a whole-of-government approach.

China is attempting to weaken the human rights system of the United Nations and its underlying foundations. The discourse of so-called “mutually beneficial cooperation” is intended to benefit authoritarian countries and comes at the expense of the human rights and fundamental freedoms of peoples of all countries that we as contracting parties have the obligation to respect. All countries in the world should be committed to defend the human rights standards of the United Nations, and refrain from participating in any attempt that weakens the obligations and commitments of countries to respect people’s human rights and fundamental freedoms, or to surrender human rights before other objectives, such as those related to economic or trade interests. The entire world needs to stand firm in expressing its concerns over China’s attacks on universal human rights values, the rule of law, and civil rights, and respond resolutely. All members of the international community must oppose and reject the Chinese government’s strategies to divert attention and its attempts to evade accountability for China’s worsening human rights situation.
This major international confrontation over human rights has had a major impact on Taiwan. To take the three major events of 2019 – digital authoritarianism in China, the anti-extradition bill protests in Hong Kong, and the re-education camps in Xinjiang – as examples, we have yet to find many supporters of these policies in Taiwan. Rather, we only see fear and disapproval from the Taiwanese people, most of whom have urged the Taiwanese government to take precautions and develop countermeasures. Taiwan should pay more attention to the protection of human rights in China, and refute outright the Chinese system of human rights values, which neither represents China nor the Chinese culture in general.
References


Political Human Rights in 2019 – Further Contraction of the Freedom of Speech

Chia-chou Wang*

Abstract

What is the state of political human rights in China during 2019? Compared to 2018, has there been an expansion or a contraction of political human rights? To answer these questions, this chapter uses existing international human rights covenants as the evaluation criteria, and provides critical analyses of the events that occurred in 2019 through a case-induction approach. The chapter finds that political human rights in China during 2019 have contracted even further when compared to 2018. This is mainly manifested in the Chinese government’s continuation, expansion, aggravation, and creation of new infringements on the people’s rights to liberty. There are five cases of continuous violations of people’s rights to liberty by the Chinese government. Similar to the hefty jail sentence that Qin Yongmin received in 2018, lengthy prison sentences were imposed on Wang Quanzhang, Liu Feiyue, and Huang Qi, three prominent political dissidents whose freedoms of expression were infringed. The cases in which the university teachers were punished for their speech are similar to the academic censorship and suspension case of Zhai Juhong in 2018. The June 4th “weiwen” (or stability maintenance) cases are similar to the “weiwen” cases during the 2018 “Two Sessions” meetings, displaying again that the personal freedoms of Chinese dissidents will inevitably be violated during major holidays or national events. Examples of rights violation expansion include the case of imposing

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long prison sentences on rights-defending military veterans and the detention case of Changsha Funeng staff members. This former case shows that Chinese authorities have expanded the recipients of lengthy prison terms from political dissidents to rights-defending veterans. The latter case shows that the Chinese government has begun cracking down on public welfare organizations, targeting not only labor-related non-governmental organizations (NGOs) but also any rights-protecting NGOs. Examples of rights violations aggravation include the “weiwen” cases during China’s National Day celebrations, during which Wang Meiyu, an anti-Xi Jinping activist, was beaten to death while in detention. New cases of rights violations include the case of the police stopping people to search their mobile phones, which infringes on the freedom of privacy of correspondence.

**Keywords:** rights to liberty, rights to political participation, compounded violations, trend toward authoritarianism

### 1. Introduction

The development of political human rights in China in 2019 continues to attract attention from observers both in and outside of China. U.S. Vice President Mike Pence remarked in a speech that the unrest in Hong Kong “displays the Chinese Communist Party’s antipathy to liberty” and criticized the NBA for “siding with the Chinese Communist Party and silencing free speech” (Voice of America, 2019c). When prominent Chinese human rights activist Guo Feixiong was released from prison in August 2019 after completing his prison sentence, in an interview with the Voice of America (2019b) he urged the Chinese Communist Party (CCP) to implement three political reforms: “first, draw support for the National People’s Congress to ratify the *International Covenant on Civil and Political Rights*; second, enable freedom of the press; and third, begin rolling out trial county-level elections in 100 counties across
China.” Nevertheless, none of Guo’s three suggested reforms was achieved in 2019.

The chapter on political human rights in last year’s 2018 China Human Rights Report uncovered five worrisome developing trends, which included a trend toward imposing heftier jail sentences, a trend toward repression, a trend toward further expansion, a trend toward settling scores, and a trend toward authoritarianism (Wang, 2019:36). Will these trends continue in 2019? In other words, what is the state of political human rights development in China during 2019? Compared to 2018, has there been an expansion or a contraction of political human rights?

To answer the above questions, this chapter uses the International Covenant on Civil and Political Rights that China had previously signed as evaluation criteria, and analyzes the 2019 events by using a case-induction approach. The chapter splits the rights to liberty into six sub-categories, which include personal freedom, freedom of privacy of correspondence, freedom of opinion, freedom of expression, freedom of assembly, and freedom of association. In a similar vein, the rights to political participation are divided into the right to suffrage and the right to hold public office. Please refer to Table 1 for a more detailed breakdown of political human rights.

Observing the development of political human rights in China during 2019, we note that its main characteristics are the continuous tightening of space in the people’s freedom of speech and the compounded violations in the people’s political human rights. Thus, in addition to the preface and conclusion, the chapter’s structure is divided into three parts, including a section on the representative cases of further contraction of the freedom of speech, a section on the representative cases of violations of other rights to liberty, and a section on the compounded violations of political human rights in China. Here freedom of speech is the general term used to refer to both freedoms of opinion and expression, while compounded violation is taken to mean the infringements of two or more sub-categories of political human rights within a single case.
Table 1. Categories and Description of Political Human Rights

<table>
<thead>
<tr>
<th>Category</th>
<th>Sub-category</th>
<th>Description in the Covenant</th>
</tr>
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<tbody>
<tr>
<td>Rights to liberty</td>
<td>Personal freedom</td>
<td>9.1: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.</td>
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<tr>
<td></td>
<td>Freedom of privacy of correspondence</td>
<td>17.1: No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.</td>
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<tr>
<td></td>
<td>Freedom of opinion</td>
<td>19.1: Everyone shall have the right to hold opinions without interference.</td>
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<tr>
<td></td>
<td>Freedom of expression</td>
<td>19.2: Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</td>
</tr>
<tr>
<td></td>
<td>Freedom of assembly</td>
<td>21: The right of peaceful assembly shall be recognized.</td>
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<tr>
<td></td>
<td>Freedom of association</td>
<td>22.1 Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.</td>
</tr>
<tr>
<td>Rights to political participation</td>
<td>Right to suffrage</td>
<td>25.1: To take part in the conduct of public affairs, directly or through freely chosen representatives; 25.2: To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors</td>
</tr>
<tr>
<td></td>
<td>Right to hold public office</td>
<td>25.3: To have access, on general terms of equality, to public service in his country.</td>
</tr>
</tbody>
</table>

Note: Figures in the table refers to the article numbers in the *International Covenant on Civil and Political Rights*.

Source: Compiled by the present study.
This chapter shall not discuss cases in which the right to suffrage or the right to hold public office was infringed. The main reason is that the most representative cases occurred in Hong Kong, and these cases are analyzed in a separate chapter. In addition, cases in which the Chinese government placed limits on the people’s political freedoms through technology are beyond the scope of this chapter, as there is already another chapter devoted to the discussion of scientific and technological human rights.

2. Representative Cases of Further Contraction of the Freedom of Speech

The trend toward authoritarianism in China’s political human rights in 2018 has continued through 2019 and is manifested in the further contraction of the freedom of speech. This section comments on four cases, described separately below.

2.1 Imposing a Long Prison Sentence on Wang Quanzhang

Human rights lawyer Wang Quanzhang was among the first group of detainees in the sweeping “709 crackdown” and the last individual to be trialed. Before his detention, Wang Quanzhang worked on many sensitive human rights cases, including Falun Gong and land rights cases. On January 28, 2019, the No. 2 Intermediate People’s Court in Tianjin found Wang Quanzhang guilty of subverting state power. Wang was sentenced to 4 years and 6 months in prison and deprived of political human rights for 5 years.

The trial of Wang Quanzhang was conducted in complete secrecy. The U.S. State Department had issued a statement urging China to release Wang Quanzhang immediately. The Germany government has expressed their concern about Chinese government’s holding of secret trial of this case as well. Doriane Lau, a China researcher at Amnesty International, commented that the lengthy prison sentence
handed down by a Chinese court to Wang Quanzhang was a “gross injustice” and a “shameful” verdict; he should be released immediately and unconditionally. She added, “Wang Quanzhuang is being imprisoned solely for doing his job. This will have a chilling effect on the many human rights lawyers in China who are still fighting very hard for justice.” Martin Lee Chu-ming, founding member of Hong Kong’s Democratic Party, stated that Wang Quanzhang “should not have spent a single day in prison” (Ling, 2019; Hernandez, 2019).

At a private gathering in Xiamen in late December 2019, human rights lawyer Ding Jiaxi and several democracy activists were arrested and detained by Chinese authorities. This latest round of arrests was seen as an exact repeat of the “709 crackdown.” Because this case spans across into the following year, its analysis will be included in the 2020 human rights report.

2.2 Imposing a Long Prison Sentence on Liu Feiyue

Liu Feiyue is a veteran Chinese human rights activist, and founder of the Minsheng Guancha (Civil Rights and Livelihood Watch) website. Established in 2006, the website has reported on a wide range of human rights issues in China. On November 17, 2016, the Suizhou Public Security Bureau of Hubei Province took Liu Feiyue into custody; on December 23, he was formally arrested by the Suizhou Procuratorate on the charges of inciting subversion. On January 29, 2019, a court in Hubei found Liu Feiyue guilty of inciting subversion of state power. Liu was sentenced to 5 years in prison, deprived of political human rights for 3 years, and had his personal property valued at 1.01 million RMB confiscated.

Wang Yaqiu, a China researcher at Human Rights Watch, said: “Liu Feiyue and others have given a voice to so many people who have suffered abuses at the hands of Chinese authorities.” “Sending Liu Feiyue to prison for five years is a travesty of justice meant to scare off others who might follow in his footsteps,” Wang added (Human Rights Watch, 2019). Reporters without Borders accused the Chinese
authorities for using the baseless charge of inciting subversion to dissuade journalists from their duty of providing information (Mai, 2019). People at Minsheng Guancha believed that Liu Feiyue’s hefty jail sentence by the Chinese authorities had again created the most shameful day in the history of China’s judicial system and human rights. Liu Feiyue’s mother, Ding Qihua, also issued a statement, stating that “I only now have come to understand that I’m proud of my son. Everything that my son has public said or done should have been protected by our Constitution as freedom of speech. The authorities have sentenced my son with a crime, but in fact it is the government officials who are undermining the rule of law in China, and undermining the freedom of speech guaranteed by China’s Constitution (Storm Media, 2019a).

2.3 Imposing a Long Prison Sentence on Huang Qi

Huang Qi, who created the “64 Tianwang” website in 1999, was arrested and sentenced twice for exposing local corruption, police torture, and other issues not usually reported by the mainstream Chinese media. In November 2016, Huang Qi was arrested for the third time, and subsequently charged with the crime of “illegally leaking state secrets to foreign entities.” On 29 July 2019, the Mianyang Intermediate People’s Court in Sichuan found Huang Qi guilty of “intentionally leaking state secrets” and sentenced to 3 years in prison. Huang was also found guilty of “illegally providing state secrets to foreign entities” and sentenced to 11 years in prison, deprived of his political human rights for 4 years, and fined 20,000 RMB. The court combined the two crimes and handed down a combined 12-year prison sentence, a four-year deprivation of political human rights and a 20,000 RMB fine.

Due to Huang Qi’s long-term poor health, a result from his having high blood pressure and kidney and heart diseases, Christophe Deloire, the secretary-general of Reporters without Borders, noted that the 12-year prison term is “equivalent to a death sentence” and called on Chinese President Xi Jinping to issue a pardon (Lu, 2019). Hong Kong Legislative Council members, Kwok Ka-ki, Andrew Wan Siu-kin,
and Leung Yiu-chung, together with the League of Social Democrats Chairman Ng Man Yuen Avery and other activists, marched from the Hong Kong Western District Police Station to the Liaison Office of the Central People’s Government in Hong Kong, holding a banner that read “release Huang Qi immediately, allow Huang Qi to receive medical treatment.” The group also chanted slogans “shame on the CCP, shame on China’s crackdown, release Huang Qi immediately, release all human rights lawyers immediately” along the way (Ming Pao News, 2019). Political commentator Lin Baohua (2019) noted, “How can Huang Qi, a civilian, possess state secrets that can put him away for 12 years? Any normal person will find it ridiculous. This verdict is definitely a political one.” A Minsheng Guancha editorial stated that the Chinese authorities handed Huang Qi a long prison sentence because the CCP disregards the facts, has only contempt for the legal system, indiscriminately plants evidence to set up human rights defenders, and tramples on human rights (Minsheng Bianji 1, 2019f).

2.4 Punishing University Teachers for Their Speech

In 2019, of all the cases in which scholars were censored and punished by the Chinese government for their speech, there were at least five that are more widely known. Xu Zhangrun, a professor at the Tsinghua University School of Law in Beijing, was suspended for urging the CCP to carry out political reform. Tang Yun, an associate professor at Chongqing Normal University, was stripped of his teaching credentials after a student reported on him for making comments that were “injurious to the country’s reputation.” Zheng Wenfeng, an associate professor at the University of Electronic Science and Technology of China in Chengdu, was suspended from teaching for two years for his social media comments that the four great inventions of ancient China “were not that innovative.” Liu Yufu, a teacher at the Chengdu University of Technology College of Law, had his teaching qualification certificate revoked by the Sichuan Provincial Department of Education after he was denounced of making improper remarks in class and erroneous remarks on the Internet. Niu Jie,
an associate professor at Nanchang Hangkong University, was punished by the school for making comments on WeChat that expressed sympathy for the students who had been arrested in Hong Kong.

Among the five cases above, Xu Zhangrun’s suspension has received the most media attention. In an editorial, the Global Times indicated that “one can never find a top university in any country tolerating a professor with such an aggressive anti-establishment view” as Xu Zhangrun (Shan, 2019). However, Xu Zhangrun received the solidarity from many people both at home and abroad. Guo Yuhua (2019), a professor in the Department of Sociology at Tsinghua University, asked: “as a professor of law, Xu Zhangrun advocates constitutional democracy and stresses on the rule of law. He is merely doing his duty, so where is the wrong in that?” Zhang Qianfan (2019), a constitutional law professor at Peking University Law School, believed that Xu Zhangrun “dared to state the obvious when others do not dare express their views. He is being framed for a ‘speech crime’.” Gao Hongjun, a professor at the Tsinghua University School of Law, indicated that the Xu Zhangrun case had caused fear among the faculty (Storm Media, 2019b). Independent scholar Wu Qiang expressed, “This incident shows that the CCP is seeking to censor and control the university professors’ political thoughts” (Yun, 2019). Seven international scholars, including Andrew Nathan, launched an online petition in support of Xu Zhangrun by penning an open letter, and received the counter-signatures from over 120 international scholars (Chung, 2019). Local Chinese public also issued an “open letter requesting Tsinghua University to immediately restore the teaching and research duties of Professor Xu Zhangrun” on the Internet, receiving the support of 595 individuals (Standing with Professor Xu, 2019).
3. Representative Cases of Violations to Other Rights to Liberty

The following five cases all involve violations of the rights to personal freedom, freedom of association, freedom of assembly, and freedom of privacy of correspondence.

3.1 Violations of Personal Freedom: June 4th Weiwen (Stability Maintenance) Cases and National Day Weiwen Cases

3.1.1 June 4th Weiwen Cases

The year 2019 marked the 30th anniversary of the 1989 Democracy Movement that was forcibly suppressed by the Chinese government. To cover up the truth of the suppression and maintain the regime’s stability, the Chinese government launched a crackdown on democratic activists before June 4. Many of the 1989 Democracy Movement witnesses, families of victims, rights defenders and activists, dissident writers, and scholars who had researched on the 1989 Democracy Movement had been put under close surveillance, forced to go on travel, or summoned and detained. Yang Shaozheng, a former professor at Guizhou University, is a representative case in which he made comments on social post regarding the 1989 Democracy Movement but was summoned and tortured by the authorities. The founder of ChinaChange.org, Cao Yaxue, said that the Chinese authorities accused Yang Shaozheng of picking quarrels and provoking trouble: “It was because Yang (on the evening of June 3) posted a message in a WeChat group that the personal driver of the 38th Group Army Commander Xu Qinxian had disclosed that the between 3,000 and 5,000 students were killed in the June 4th student protests.” Wu Zuolai, a Chinese political commentator now living in the United States, stated: “The Chinese government has stepped up the suppression of intellectuals and dissidents both before and after June 4th. I call on the international community to pay close attention to the case, help rescue Yang Shaozheng, and stop the CCP’s atrocities” (Lin, 2019).
In addition to Yang Shaozheng, there are many other similar cases. The founder of “Tiananmen Mothers,” Ding Zilin, was forced by the Chinese government to leave Beijing and to stay temporarily in her hometown in Wuxi, Jiangsu Province. Another founding member of the group, Zhang Xianling, was closely monitored by the police to strictly prevent her from being interviewed by reporters. Chen Xiaoya, a former researcher at the Chinese Academy of Social Sciences who had spent 30 years working on the *History of the 1989 Democracy Movement*, was interrogated by Beijing authorities on May 31 and placed under surveillance to prevent him from being interviewed by reporters. Hu Jia, a rights activist based in Beijing who personally witnessed the June 4th incident, was taken away from Beijing to Qinhuangdao, Hebei Province, by state security personnel for remote monitoring. The Sichuan-based independent documentary filmmaker Deng Chuanbin was criminally detained on May 17 simply because he posted photos of “June Fourth Wine Bottle” on Twitter. Shen Liangqing, a prominent dissident based in Anhui, was criminally detained on May 16 by the Hefei police on suspicion of “picking quarrels and provoking trouble.” A person familiar with Shen Liangqing believed that the principal reason Shen Liangqing was detained was that he posted comments regarding the 1989 Democracy Movement on social media such as Twitter and Facebook, in which he exposed and condemned the atrocities committed by the Chinese government (Minsheng Bianji 1, 2019b).

### 3.1.2 National Day Weiwen Cases

To celebrate the 70th anniversary of the founding of the People’s Republic of China, the entire country entered a “state of combat readiness” to maintain social stability. A large number of independent writers, scholars, lawyers, rights advocates, and petitioners across China had their personal freedoms restricted for the purpose of suppressing their freedom of opinion and expression. In summary, some of the main rights-abusing measures inflicted upon the Chinese people in September 2019 due to stability maintenance policy during China’s National Day celebrations include
forced travel, round-the-clock surveillance, forced disappearance, forced to return home, house arrest, detention, and even sudden death. Examples of each are described below:

First, forced travel. Independent writers Liu Di and Li Hai were asked to leave Beijing and forced to travel. Hangzhou dissident Zou Wei and many others were forced to travel. Second, round-the-clock surveillance. Human rights lawyer Liu Xiaoyuan was put under 24-hour surveillance by the Chinese authorities, so was Hangzhou dissident Qi Huimin. Third, disappearance. Chongqing-based human rights activist Jiang Zucheng was about to take a train to Beijing but was taken away by Jiulongpo police and his whereabouts remained unknown. Fourth, forced to return home. Wang Caixia, a petitioner from Yongquan, Gansu Province, was forcibly escorted back home to her place of origin by the Zhuji Police Station in cooperation with local interceptors in Beijing. Li Yaoming, a migrant worker who was petitioning about wages in Beijing, was detained by the so-called “black” (extralegal) security forces of the Beijing Office of Guixi City district, Yingtan City, Jiangxi Province. Fifth, house arrest. Bao Tong, a former policy secretary of Zhao Ziyang, was placed under house arrest and forbidden to use Twitter. Rights activist Shen Aibin from Wuxi, Jiangsu, was put under house arrest by stability maintenance forces. Wang Fengying, a petitioner from Liangxi District, Wuxi, Jiangsu Province, was intercepted and placed under house arrest after filing a petition at the National Public Complaints and Proposals Administration. Zhu Yufu, a Democracy Party of China member from Zhejiang, was forcibly taken back and put under house arrest after traveling to Yixing. Shanghai human rights lawyer Zheng Enchong was summoned by the Jing’an district police, but was then placed under house arrest in a hotel, and held incommunicado with the outside world. Sixth, detention. Zhejiang-based Democracy Party member Mao Qingxiang was administratively detained for his online speech. Lai Rifu, a human rights defender from Guangzhou, was criminally detained on suspicion of “picking quarrels and provoking trouble.” Fan Junyi and several citizens from Yuelu District,
Changsha, Hunan Province, were detained at the detention centers in Wangcheng and Yuelu Districts, after holding up signs in protest of the military parade. Qi Moulong, a netizen from Sichuan, repeatedly criticized the National Day military parade on the Internet, and was administratively detained for 7 days by the Chinese authorities on the grounds of “indiscriminately insulting military parade personnel.”

In addition to the above six rights-infringement measures, we may also include sudden (unnatural) death. On numerous occasions, Hunan human rights activist Wang Meiyu held up a placard in public that read, “I strongly urge Xi Jinping and Li Keqiang to step down immediately and give way to democratic elections.” He was charged with “picking quarrels and provoking trouble” on July 8, 2019, and was detained at the Hengyang City Detention Center. On September 23, his family suddenly received news of his death. After seeing her husband’s (dead) body, Wang Meiyu’s widow Cao Shuxia accused the authorities of killing her husband (Radio France Internationale, 2019). A local dissident told reporters, “With blood and tears Wang Meiyu sacrificed his life to protest against power. His story is moving and heart-wrenching. We don’t want this to happen again, but we must continue to do it as the demise of Chinese Communist Party is not that far away” (Hong, 2019). Human Rights Watch China researcher Wang Yaqiu stated, “Wang Meiyu’s death makes one sad and angry. The fact that he took to the streets calling for Xi Jinping to step down is both reasonable and legitimate, yet he paid with his life for it” (Xiao, 2019).

3.2 Violation of the Freedom of Association: the Detention Case of Changsha Funeng Staff Members

On July 22, 2019, Cheng Yuan, the founder of the non-governmental organization (NGO) Changsha Funeng, and his two colleagues, Liu Yongze and Wuge Jianxiong, were taken away by state security personnel and charged with the crime of “inciting subversion of state power.” They were detained at the State Security Bureau Detention Center in Changsha, Hunan Province, but the Chinese government did not
offer any explanations. Cheng Yuan’s wife, Shi Minglei, who had nothing to do with the NGO, was placed under residential surveillance on the suspicion of subverting state power. Cheng Yuan’s older brother Cheng Hao had been harassed by the police for speaking about his brother’s case online.

The Canadian HIV/AIDS Legal Network sent a letter to the Chinese delegation of the United Nations AIDS Programme Coordinating Board (PCB) and the Chinese Ambassador to Canada, Lu Shaye, in which it urged China to adhere to its legal procedures and protect the rights of Cheng Yuan and his two colleagues to due process and legal counsel. The group also expressed concerns about the harassment and intimidation of police towards Cheng Yuan’s family members (Central News Agency, 2019). In addition, more than 200 international NGOs and individuals issued an emergency joint open letter, stating that “China should be rewarding and showcasing the work of Changsha Funeng as a good practice to the international community, not punishing it.” The letter ended by urging the Chinese government to immediately release Cheng Yuan, Liu Yongze and Wuge Jianxiong (Human Rights in China, 2019).

Shi Minglei could not understand why her husband was arrested: “In the past 11 years, Cheng Yuan has worked toward achieving social fairness, social justice and social progress in this country. There was nothing that wasn’t to help the most disadvantaged groups. He should be given an award for being the most inspirational person in China or receive the rule of law award, not to be accused of subversion” (Central News Agency, 2019). Yang Zhanqing, co-founder of Changsha Funeng, believed that his colleagues were arrested because the organization received foreign funding to work on human rights projects in China, and hence was hated and targeted by the Chinese government. “Some time ago, the authorities began arresting NGO members advocating for labor rights. It is possible that they will begin mass arresting rights-defending NGO workers at this time.” After authorities detained Cheng, other Changsha Funeng employees suspended their work out of fear of arrest (Chan, 2019).

It was also possible the Cheng and his two colleagues were detained because they
supported the anti-extradition bill protests in Hong Kong. One week before his arrest, Cheng Yuan had travelled to Hong Kong to attend some public and private matters; for his part, Liu Yongze had publicly supported Hong Kong’s anti-extradition bill movement on Twitter (Xiao, 2019).

3.3 Violation of the Freedom of Assembly: Sentencing Rights-defending Veterans to Lengthy Prison Terms

On April 19, 2019, nine retired soldiers, including Bai Jungguo, who participated in the Zhenjiang, Jiangsu, protests in 2018, were sentenced by the Tongshan District People’s Court in Xuzhou, Jiangsu, to prison terms ranging from 2 to 4 years for public order offenses such as “assembling a crowd to disrupt public order” and “intentional assault.” Among the nine defendants, two received suspended sentences. On the same day, another group of nine veterans—including Zhong Shifeng—who participated in the protests in Pingdu, Shandong, in 2018 were sentenced by a court in Weifang, Shandong, to jail terms ranging from 2 to 6 years for offense such as “assembling a crowd to disrupt public order” and “obstructing officials from performing their duties.” Two of the nine defendants also received suspended sentences.

Media commentary generally remarked that since 2019 was the 100th anniversary of the May 4th Movement, the 30th anniversary of the June 4th incident, and the 70th anniversary of the founding of the People’s Republic of China, the need of the Chinese government to maintain regime stability was unprecedentedly severe. Imposing heavy jail sentences on military veterans represented a drastic change in the attitudes of the Chinese government toward veteran groups, and was believed to be a signal that the authorities will from now on take a hard stance against veterans who were collectively petitioning for the rights (Andelie, 2019; Luo, 2019; Chang, 2019). Minsheng Guancha issued three strong demands on the Chinese government: first, immediately release and acquit rights-defending veterans of all charges and
compensate them; second, investigate the legal responsibility of those who had persecuted the veterans, and third, immediately initiate reforms of the political system (Minsheng Bianji 1, 2019a).

### 3.4 Violation of the Freedom of Privacy of Correspondence: Stopping People to Search Their Mobile Phones

In June 2019, there were reports that police officers have begun stopping people to check their mobile phones at train or subway stations in both Beijing and Shanghai. Some netizens disclosed that the police were searching for videos related to the “anti-extradition bill” mass demonstrations in Hong Kong, with the intent to prevent Chinese netizens from spreading the videos. The targets selected for extra inspections were young people. Even if Chinese users removed all VPN software that can bypass China’s internet censorship, the police would still be able to check their internet history and records outside the Great Firewall. Some Chinese people were summoned or detained by the police for possessing the so-called sensitive information on their mobile devices; others were asked to delete the content. Chinese netizens believed that “checking the phones is not the goal; rather, creating an atmosphere of fear is the goal” (China Digital Times, 2019).

Ms. Xu, a Beijing citizen, said: “Our children’s phones were searched, and a little time later, many other people’s phones were also searched. It’s all about the mass demonstrations in Hong Kong. Some pictures were looked closely, some were not, and some were deleted.” Ms. Cheng, a petitioner from Shanghai, said that the police inspected the messages, call histories, and even the pictures on everyone’s mobile phones, which was a clear human rights violation. She also said that the Shanghai police were very strict. If a phone was found to contain software for circumventing China’s internet censorship, the phone’s owner may be briefly held up by the police or criminally detained, depending on the severity of the situation. Some people she knew had already been detained. Mr. Gu, another petitioner from Shanghai, said that
the police inspections of citizens’ mobile phones infringed on the people’s privacy and had caused great panic everywhere. He hoped that the international community would stop these illegal measures adopted by the Chinese government (Xiong, Li, and Shu, 2019).

4. Compounded Violations of Political Human Rights in China

The previous two sections list 9 representative cases of the Chinese government’s violations of the rights to liberty. This section shall explain below that in each of the nine cases, more than two sub-categories of people’s political human rights had been infringed, resulting in what the chapter calls compounded violations of political human rights. The compounded violations for each type of rights infringement are compiled in Table 2. The table shows that within these 9 cases of compounded violations, the minimum is two violations and the maximum is four. In all cases the subjects’ freedom of opinion and freedom of expression were infringed, whereas the infringement of their personal freedom was found in 7 cases. The compounded violations are described separately below.
Table 2. Compounded Violations for Representative Cases in 2019

<table>
<thead>
<tr>
<th>Number</th>
<th>Case Description</th>
<th>Personal freedom</th>
<th>Freedom of privacy of correspondence</th>
<th>Freedom of opinion</th>
<th>Freedom of expression</th>
<th>Freedom of assembly</th>
<th>Freedom of association</th>
<th>Right to suffrage</th>
<th>Right to hold public office</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lengthy jail sentence for Wang Quanzhang</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Lengthy jail sentence for Liu Feiyue</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Lengthy jail sentence for Huang Qi</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Punishing university teachers for speech</td>
<td></td>
<td>x</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>June 4th weiwen</td>
<td>X</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>National Day weiwen</td>
<td>X</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Detention of Changsha Funeng staff</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Lengthy jail sentences for military veterans</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Mobile phones searches</td>
<td>X</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: X indicates major violation; x indicates joint violation

Source: Compiled by the present study.

4.1 Compounded Violations in the Wang Quanzhang Case

The Chinese authorities accused Wang Quanzhang of providing investigative reports on China’s human rights situation to overseas organizations, initiating protests and demonstrations in Jiansanjiang in 2013, and slandering the Chinese government while handing a religion case, claiming that these actions were sufficient to constitute the crime of inciting subversion of state power. However, Hong Kong’s Chinese Human Rights Lawyers Concern Group and the Taiwan Support China Human Rights Lawyers Network issued a statement on “Demanding an Acquittal of Lawyer Wang Quanzhang,” which received the support of nearly 30 pro-democracy
organizations and political parties, as well as international law professional bodies and human rights groups (Hai, 2019). The statement explained that Chinese authorities’ accusations against Wang undoubtedly were inconsistent with the international standard of “endangering national security,” which fails to respect Wang’s right to demonstration and freedom of speech as guaranteed in the Constitution. “As stated in ‘the Johannesburg Principles,’ the Chinese authorities shall not impose restrictions nor punishment on Wang in the name of ‘national security’ simply due to his exercise of the freedom of expression, amongst others, delivering critical speeches against the government unless and until the evidence is legally sufficient to prove Wang’s behaviors and speeches incited immediate violence for the purpose of subverting state power,” the statement said (In-media, 2019). Therefore, the main purpose for the Chinese government to impose a lengthy prison sentence on Wang Quanzhang is to prohibit his freedom of expression and to deprive him of his personal freedom, and his freedoms of opinion and assembly.

4.2 Compounded Violations in the Liu Feiyue Case

The Chinese authorities accused Liu Feiyue of “spreading inflammatory speeches and articles, defaming the image of the Chinese Communist Party and the Chinese government, attacking the current political system, and encouraging the public to be dissatisfied with the country’s regime and socialist system.” However, in the eyes of individuals whose rights had been abused, Liu Feiyue is a person who had truthfully reported on the oppressed, many of whom were simply petitioning for their rights in accordance with the law, and a rights activist who dared to expose systemic corruption and social injustice (Voice of America, 2019a). Therefore, the main purpose for the Chinese government to impose a lengthy prison sentence on Liu Feiyue is to prohibit his freedom of expression and to infringe on his personal freedom and his freedom of opinion.
4.3 Compounded Violations in the Huang Qi Case

Morgan Ortagus, the spokesperson for the U. S. Department of State, said in a statement that “the imprisonment of Huang Qi underscores China’s continued repression of human rights and fundamental freedoms, including free speech.” The European External Action Service considered that Huang’s deprivation of liberty was arbitrary and in contravention with the Universal Declaration of Human Rights (Su, 2019). France and Germany issued a joint statement which said, “Huang Qi was arrested and convicted solely for carrying out his professional activities as a journalist and defender of the freedom of expression guaranteed by the Chinese Constitution and enshrined in the Universal Declaration of Human Rights” (Cai, 2019). “The Chinese authorities are using his (Huang Qi) case to scare other human rights defenders who do similar work exposing abuses,” said Patrick Poon of Amnesty International (Zhang, 2019). Therefore, the main purpose for the Chinese government to impose a long prison sentence on Huang Qi is to prohibit his freedom of expression and to infringe on his personal freedom and his freedom of opinion.

4.4 Compounded Violations in the Cases of University Teachers’ Punishments

With respect to the Chinese government’s censorship and punishment of university teachers’ for speech, Li Yuanhua, a former associate professor at Beijing’s Capital Normal University, stated: “The Chinese government wishes to create a chilling effect by punishing one to serve as a warning to one hundred others. Institutions of higher learning are now covered with this type of white terror, so that more and more teachers won’t dare to speak out once they realize the situation that they are in.” Jing Chu, a prominent dissident based in Guangxi, said: “The goal of the Chinese government’s control of education is to brainwash students. When the teachers disagree with the policy of brainwashing students, have a different opinion, or show some dissatisfaction, they are immediately reported by student informants
and won’t be allowed back to teach” (Tian, 2019). Therefore, the main purpose for the Chinese government in punishing university teachers is to prohibit their freedom of expression and to infringe on their freedom of opinion.

### 4.5 Compounded Violations in the June 4th Weiwen Cases

Minsheng Guancha criticized the Chinese government for violating rights during the implementation of stability maintenance policies around June 4th. It accused the Chinese regime of showing blatant contempt for the bottom line of human conscience and humanity, adding that “China poses a naked challenge to human civilization, tramples on human rights laws and conventions, and has abandoned its commitments to uphold the Constitution.” Minsheng Guancha strongly urged the Chinese government to “immediately stop suppressing all commemorative activities to honor the victims of the “June 4th incident,” release all activists currently held under arrest and in detention, start a dialogue with the Tiananmen Mother group on equal terms, and set up an independent June 4th investigative commission to resolve the June 4th issue publicly and impartially (Minsheng Bianji 1, 2019c). Therefore, this chapter believes that in the measures taken by the Chinese government in these cases, placing restrictions on the dissidents’ personal freedom was the state’s principal means for suppressing their freedoms of opinion and expression.

### 4.6 Compounded Violations in the National Day Weiwen Cases

In commenting about the Chinese government’s rights violations during the implementation of stability maintenance policies around the National Day, human rights lawyer Jiang Tianyong believed that “the authorities’ stability maintenance forces are now much stronger than before. The authorities claim that they implement stability maintenance measures only on a few special occasions, but in actuality they implement ‘weiwen’ throughout the year” (Hong, 2019). Minsheng Guancha strongly condemned the Chinese Communist authorities for creating more human disasters by
trampling on human rights during national celebrations” (Minsheng Bianji 1, 2019g). The people at Minsheng Guancha also believed that “the Chinese government’s arbitrary arrests of citizens who expressed their opinions are a flagrant violation of human rights, a violation of the rule of law, and a challenge to universal civilized values; such behavior puts in full display its authoritarian, barbaric, bloodthirsty, and abusive nature” (Minsheng Bianji 1, 2019h). Therefore, this chapter believes that in the measures taken by the Chinese government in these cases, putting restrictions on personal freedom was the state’s principal means for suppressing the people’s freedoms of opinion and expression.

4.7 Compounded Violations in the Changsha Funeng Case

Minsheng Guancha stated that, in a civilized world, it was really difficult to imagine a public welfare organization like Changsha Funeng, which was known for its dedication to safeguarding the rights and interests of the most vulnerable groups, would have its main staff members detained on the suspicion of subverting state power. But because the Chinese government really disliked the nature of public welfare, the Changsha Funeng case was not exceptional in China. Minsheng Guancha strongly demanded China to immediately stop the suppression of Changsha Funeng and to immediately release Cheng Yuan and his two colleagues (Minsheng Bianji 1, 2019e). Therefore, this chapter believes that in the measures taken by the Chinese government in this case, putting restrictions on personal freedom was the state’s principal means for suppressing the people’s freedoms of opinion and expression; furthermore, the main purpose of these government measures was to crack down on public welfare organizations, that is, to suppress the freedom of association in society.
4.8 Compounded Violations in the Cases of Rights-defending Veterans

The Chinese government officially characterized the military veterans’ protests in Zhenjiang and Pingdu as incidents in which “an extremely small number of people had illegally assembled a crowd to disrupt the social order under the banner of ‘retired soldiers’.” It underscored that the label of ‘retired soldiers’ absolutely does not give any person the license to break the law and commit a crime, and in regards to the very few individuals who committed crimes under the banner of ‘retired soldiers,’ the state must resolutely bring them to the court (People’s Daily, 2019). Nevertheless, the media generally believed that by sentencing these rights-defending veterans to lengthy jail terms, the Chinese government deliberately used these large, public trials to display the violent nature of its dictatorship. These acts also created an atmosphere of fear in the society that would help the state to achieve its twin objectives of deterring people to stand for their rights and suppressing various types of protests and movements (Minsheng Bianji 1, 2019a). Therefore, this chapter believes that in the measures taken by the Chinese government in these cases, putting restrictions on personal freedom was the state’s principal means for suppressing the people’s freedoms of opinion and expression; furthermore, the main purpose of these government measures was to suppress the freedom of assembly in society.

4.9 Compounded Violations in the Case of Mobile Phone Searches

The content of mobile phones belongs to the category of citizens’ freedom of correspondence and is protected by the Constitution. Except in cases necessary for national security or criminal investigation, the content of citizens’ mobile phones should be searched in accordance with procedures prescribed by law, and search warrants and other relevant legal documents should be obtained in advance. When Chinese police officers were universally checking people’s mobile phones at railway stations or subway stations, they could not possibly know the names of the
persons being searched in advance, nor be able to file and obtain the corresponding search warrants and other legal documents in advance. Therefore, this behavior is illegal and unconstitutional. Minsheng Guancha observed, Chinese police officers indiscriminately inspections of citizens’ mobile phones violated their right to freedom of speech, right to freedom of correspondence, right to privacy, right to property, and many other basic human rights (Minsheng Bianji 1, 2019d). Therefore, this chapter believes that in this case, the measures taken by the Chinese government not only infringed on the people’s freedom of privacy of correspondence, but also attempted to suppress their freedoms of opinion and expression.

5. Conclusion

In the introductory section, the chapter asked: what is the state of political human rights in China during 2019? Compared to 2018, has there been an expansion or a contraction of political human rights? After the discussion and analyses in the three sections above, this chapter concludes that political human rights in China during 2019 have contracted even further when compared to 2018. This is mainly manifested in the Chinese government’s continuation, expansion, aggravation, and creation of new infringements on the people’s rights to liberty.

There are five cases of continuous violations of freedom by the Chinese government in 2019. Similar to the hefty jail sentence that Qin Yongmin received in 2018, lengthy prison sentences were imposed on Wang Quanzhang, Liu Feiyue, and Huang Qi, three prominent political dissidents whose freedoms of expression were infringed. The cases in which university teachers were punished for their speech are similar to the academic censorship and suspension case of Zhai Juhong in 2018. The June 4th weiwen cases are similar to the weiwen cases during the 2018 “Two Sessions” meetings; displaying again that the personal freedoms of Chinese dissidents will inevitably be violated during major holidays or national events.
Case examples of rights violation expansion include the case of imposing long prison sentences on rights-defending military veterans and the detention case of Changsha Funeng staff members. Although in the former case the authorities infringed on the people’s freedoms of opinion, expression, and assembly by placing restrictions on their personal freedom in a manner similar to the Qin Yongmin case in 2018, the Chinese government had never sentenced military veterans to jail terms for petitioning for their rights. Thus, this case shows that Chinese authorities have expanded the recipients of lengthy prison terms from political dissidents to rights-defending veterans. In the latter case, the government mainly infringed on the people’s personal freedom, while jointly violating their freedoms of opinion and expression, yet the government’s main purpose was to suppress their freedom of association.

Examples of aggravation in rights violations include the weiwen cases during China’s National Day celebrations. Although in these cases the government mainly infringed on personal freedom, while jointly violating the freedoms of opinion and expression is a manner similar to the weiwen case during the Two Sessions meetings in 2018. However, Wang Meiyu’s sudden death in prison during the weiwen period for the National Day celebrations. Wang’s family members were forced to agree to the post-death plan proposed by the Hengyang Municipal Government. Although the family had been offered compensation of 2.98 million RMB, they were not allowed to identify independently the cause of death, examine the remains, review the surveillance videos, and disclose any relevant information to the public. Therefore,
this case has gone beyond the scope of a continuing violation of the rights to liberty and has become an aggravating violation of the rights to liberty.

New cases of rights violations include the case of the police stopping people to search their mobile phones. In this case the Chinese government infringed on the people’s freedom of privacy of correspondence and their freedoms of opinion and expression. There are no similar cases from 2018, in which the authorities searched the citizens’ mobile phones to infringe on their freedom of privacy of correspondence, which in turn produced fear in the public and further limited their freedom of opinion and expression.
References


Human Rights in the Chinese Administration of Justice—Institutionalized Human Right Abuses Heighten Global Concerns

Yu-Jie Chen∗

Abstract

During 2019, the Communist Party of China (CPC) continued to command and dominate China’s judicial system, which, by deferring to political guidelines, provided little oversight against public authorities’ human rights abuses. Meanwhile, recent judicial reform efforts in China have only focused on boosting professional skills and proficiency of actors in the judicial system without showing any commitment to developing judicial independence or to judicial capacity of checking public powers.

Human right defects identified previously in China’s judicial system have not been improved. Instead, they appear to have been institutionalized and become routine practices. Major human rights violations in 2019 include: (1) the prevalence of arbitrary detention and torture, not limited to during criminal investigation; (2) the lack of due process protection for people investigated by the new supervisory commissions; (3) serious violations of the right to a fair trial as well as harsh punishments for dissidents in cases deemed “sensitive” by the government; and (4) tightened political control through the CPC’s “party building” efforts in the legal profession as well as persistent oppression of human rights lawyers.

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As the human rights situation in China’s administration of justice continues to deteriorate, it attracted much more global attention than ever in 2019, especially because of the protests in Hong Kong that were triggered in June 2019 by the Hong Kong Government’s attempt to render requested criminal suspects to Mainland China. Moreover, a Swedish court has set a precedent in denying China’s request to extradite a high-profile suspect on the Red Notice list of the International Criminal Police Organization (Interpol). These developments suggest that international society has become more vigilant in engaging with China’s criminal justice system. Unless there is significant improvement in the way China’s justice system operates, Beijing is likely to face increasing obstacles in its pursuit of extradition and mutual legal assistance.

**Keywords:** Judicial Policy, Criminal Justice, Criminal Investigation, Supervisory Investigation, Trial, Prison, Lawyer

### 1. China’s Recent Judicial Policies

Under the leadership of Xi Jinping, the fourth plenum of the 18th National Congress of the Communist Party of China (CPC) in 2014—under the banner of “rule by law” (fazhi)—passed a resolution entitled “Decision on Some Major Issues of Comprehensively Promoting the Law-Based Governance,” launching a new set of judicial reforms, including implementing a “quota system” for judges and prosecutors, promoting judicial accountability, and minimizing undue influence on the justice organs from local administrative hierarchy and local politics. Such efforts are aimed at enhancing judicial skills and proficiency, but have done little to address human right issues that have occurred in the justice system. The common, often blatant, human rights violations in China’s administration of justice can be attributed to a number of intrinsic structural factors (Chen, 2019:66-67): (1) The three major authorities in
China’s justice system—the public security, the procuratorate [the prosecution] and the court—coordinate with one another on human rights transgressions, rather than check each other’s powers (Cohen, 2019). Frequently these authorities “cooperate with each other without any principle” (Chen, 2014:63). (2) In political dynamics, China’s public security enjoys more power and influence than the court; the latter is unable to effectively restrain abuses committed by the former. (3) There is no institution to effectively conduct constitutional review. The Standing Committee of the National People’s Congress is charged with “explaining the Constitution and monitoring its implementation” but the Committee has never declared unconstitutional any legislation or regulations that violate human rights protected by the Constitution. Yet the courts cannot invoke constitutional protection in their rulings.

Unless China’s leadership has the political will to address these structural factors in order to provide checks and balances on public authorities, human rights issues can hardly be improved. And yet, China’s judicial policies in recent years have not been conducive to checks and balances. Instead, the power structure is extremely tipped in favor of the Party and its power monopoly. In the policy to push for “comprehensive law-based governance”, the core message was about following the Party leadership, not about promoting judicial independence. In January 2019, for example, Xi Jinping in an article, “Strengthening the Party’s Leadership over Comprehensive Law-based Governance” said, “Party guidance is the unwavering anchor for perpetual endeavor of the Party and the State.” He declared that, “China would never take the path of the West’s ‘constitutionalism,’ ‘the three branches of government’ or ‘judicial independence’ (Xi, 2019)”.

In this vein, the Party adopted the Regulations Governing Political and Legal Affairs on January 18, 2019 that declared “the Party’s absolute leadership” to be the top guiding principle. The “absolute leadership of the Party” was weighty enough to deserve an entire chapter of the Regulations (Xinhua News, 2019a). Observers indicated this was the very first time that the Party openly and clearly defined the
duties of the Central Political and Legal Affairs Commission (PLAC) (Xinhua News, 2019b), bringing the Commission to the center stage from behind the scenes, and made clear that the Commission is the highest, unified authority for directing the public security, the prosecution, the court, the justice organs and the (secret) state security agency. All these moves have pointed to further Party-state consolidation under Xi’s leadership.

“Politics First” can also be seen in the 2019 annual reports of both the Supreme People’s Court (SPC) and Supreme People’s Procuratorate (SPP). Zhou Qiang, president of the SPC, advised courts at all levels to “stand firm on following the Party’s absolute leadership” and make it a top political mission to “learn and push through Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, and the guiding principles of the 19th CPC National Congress” and to launch the “comprehensive learning, discussing and training” to ensure the people’s courts are following the correct political direction to “always put the Party’s political development as the top priority.” Zhang Jun, China’s prosecutor general, also said the SPP should follow the guidance of Xi Jinping Thought, and should be “politically-minded.” In October 2019, the Party issued another decision entitled “upholding and improving the system of socialism with Chinese characteristics and the modernization of China’s system and capacity for governance,” further calling for “full coverage of party organizations and party work” to ensure the Party’s leadership over all levels of government, people’s organizations and social groups—including the supervisory commissions, the courts and the procuratorates.

Under the policy of the Party’s absolute leadership over justice, human rights in China’s administration of justice continued to deteriorate in 2019, including: (1) the prevalence of arbitrary detention and torture, not limited to during criminal investigation; (2) the lack of due process protection for people investigated by the supervisory commissions; (3) serious violations of the right to a fair trial as well as harsh punishments for dissidents in cases deemed “sensitive” by the government; and
(4) tightened political control through the CPC’s “party building” efforts in the legal profession as well as persistent oppression of human rights lawyers.

Such abuses not only violate the rights protections of China’s Constitution, but also depart from internationally-recognized human rights standards. China has yet to ratify the International Covenant on Civil and Political Rights (ICCPR), but since 1998 when it signed the Covenant, the Chinese government has repeatedly declared that it has been “creating conditions” for ratification. As a signatory state, China is obligated to “refrain from acts which would defeat the object and purpose” of the Covenant. The remainder of this article examines major human rights problems in 2019 from four aspects of the justice system: (1) criminal investigation and supervisory investigation, (2) trial, (3) prison and law enforcement, and (4) the legal profession, with special attention to relevant laws, regulations and policies as well as significant cases.

2. Criminal Investigation and Supervisory Investigation

2.1 Arbitrary Detention and Torture

Mishandled investigations may violate ICCPR Article 9 by harming personal freedom, Article 7 if torture is used, and/or Article 14 for failure to provide a fair trial. During pre-trial investigation, Chinese law enforcement authorities—including the public security, the state security, the supervisory commission, and the prosecution—all have extensive discretion and powers to detain a suspect. Such powers are prone to abuse—lawyers and courts have no way to intervene and there is no effective oversight from the outside (Bian, 2019:7-8, 12).

2 Due to word limits and in compliance with the requirements of the China Human Rights Report published by the Taiwan Foundation for Democracy, this article does not include citation of individual cases. All the cases documented in the article are reported in the public domain and can be found in the archive maintained by the Foundation as well.
Moreover, China’s criminal justice system has long centered on pre-trial investigation and relied on confessions (Chen, 2017). The investigative authorities are under tremendous pressure to promptly crack their cases in order to enhance their performance evaluation (Jiang, 2019:46-47). Hence in practice they favor prolonged detention as a way to allow repeated interrogations—and torture—to extract confessions (UNCAT, 2016). There is no right to habeas corpus and the detained is not entitled to a court process to promptly determine the legality of the detention (Chen and Cohen, forthcoming 2020).

As a result, arbitrary detention has become commonplace. One form of arbitrary detention is detention without any legal ground—what this article refers to as “extralegal detention.” Another form of arbitrary detention is that imposed on those for exercising fundamental freedoms. Although it presumably has a legal basis, it is still considered arbitrary detention because it violates internationally-established human rights.3 Here is an overview of various types of arbitrary detention commonly found in China.4

2.1.1 Extralegal Detention

Common practice of extralegal detention includes house arrests, “involuntary travel” (detainees are taken away during “sensitive” times), “petition interception” (petitioners are intercepted en route to Beijing then sent back home by force), abduction, “black jails” (forced custody without legal grounds, typically in a hostel or “training center”), and the so-called “vocational education and training centers” prevalent in Xinjiang (that is, mass internment camps; re-education camps).

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4 There can be multiple types of detention in one single case: public security authorities may put a person under administrative detention, and later take criminal compulsory measures. The person may then be officially arrested by the prosecutor before a formal indictment. Detention pending trial could last from days to years.
2.1.2 Legal Detention Prone to Abuse in Practice

(1) Administrative detention under the Public Security Administration Punishment Law (under 15 days; no more than 20 days for concurrent offenses);

(2) Compulsory hospitalization under the Mental Health Law;

(3) Criminal procedure:
   - Compulsory measures under the Criminal Procedure Law, including subpoena, pre-trial criminal detention (up to 37 days), post-arrest, pre-trial detention (usually for months or years) and residential surveillance (up to six months).
   - “Liuzhi” (retention in custody) by the National Supervisory Commission system (up to six months prior to possibly sending the suspect for compulsory measures above).

In reality, arbitrary detention is imposed on a wide range of individuals. Cases reported in the media during 2019 include: Muslim minorities (mostly Uighur and Kazakhs in Xinjiang), NGO and rights advocates, lawyers, dissidents, petitioners, netizens, students, and even foreigners:

(A) Muslim minorities

Over one million Uighurs and Kazakhs have reportedly been detained in what the Chinese government calls “vocational education and training centers” (re-education camps or concentration camps) in Xinjiang without any legal grounds (Clarke, 2018). In some reported cases, Uighurs who returned from abroad to visit the family in China have been arrested. According to the U.S. Congressional-Executive Commission on China’s Annual Report, torture other cruel, inhuman or degrading treatment or punishment are common in such camps, including beatings, electric shocks, forced ingestion of drugs, forced labor, over-crowding, deprivation of food, and political indoctrination (CECC, 2020: 15-16, 263-277).

(B) NGO and rights advocates, lawyers and dissidents

Independent advocacy NGOs—either promoting civil and political rights, or economic, social and cultural rights—have had limited space that is rapidly shrinking;
some have been forced to shut down, like the Beijing-based Yirenping Center (an anti-discrimination advocacy group) while others suffer continued oppression. Major cases during 2019 included: (1) Yang Zhengjun, Ke Chengbing and Wei Zhili, editors of Xinshengdai (New Generation), were arrested by police in January and March separately and put under criminal detention on the charge of “picking quarrels and provoking troubles.” Xinshengdai is a labor rights media site dedicated to helping pneumoconiosis (dusty lung) workers seeking compensations. (2) The head of Changsha Funeng—an NGO for the rights of vulnerable populations—Cheng Yuan as well as his staffers Liu Dazhi and Wu Ge Jianxiong were put under criminal detention in July by the State Security Bureau on suspicion of “subverting state power”; they were then officially arrested in August. They have been denied lawyers’ visits. SHI Minglei, wife of Cheng Yuan, was put under residential surveillance on the same charge. (3) The December 26 mass arrests (12.26 Mass Arrests): dozens of lawyers and activists have been detained or subpoenaed starting December 26, 2019. This is another wave of detention of lawyers and rights advocates since the 2015 “709 Crackdown”. Among those detained, lawyer Ding Jiaxi, and two activists Zhang Zhongshun and Dai Zhenya were accused of endangering state security and were placed under “residential surveillance at a designated location” (RSDL) and denied any lawyers’ visits. RSDL is a special form of detention that takes place outside the usual criminal detention quarters.

During 2019, as Hong Kong became engulfed in mass demonstrations triggered by the Hong Kong Government’s attempt to enact legislation authorizing extradition/rendition of requested suspects to Mainland China, some who were involved in the protests or simply showed support on the Internet were detained in the Mainland. One of the most unusual cases was that of Simon Cheng, a local staffer at the British Consulate in Hong Kong, who disappeared on a business trip to the Mainland in August. It was not until several days later that Chinese authorities acknowledged that Cheng was placed in 15 days of administrative detentions for allegedly “soliciting
prostitution” in violation of the national *Public Security Administration Punishment Law*. After his release, Cheng made public details of abuse he suffered during detention, including beatings and extraction of confessions. In another example, Huang Xueqin, an independent journalist and feminist activist, was detained on October 17, reportedly for her account about participating in a June anti-extradition demonstration. She was put under criminal detention and RSDL on the charge of “picking quarrels and provoking troubles.”

(C) Petitioners

Petitioners who seek to travel to petition in Beijing are commonly intercepted and returned to their hometown by force. Following interception, some of them are placed in administrative detention, or receive so-called “legal education and training” in black jails. In 2019, some were even criminally detained on the charge of “picking quarrels and provoking troubles.” It is noteworthy that the year 2019 saw two deaths of petitioners in detention. Liu Chen, from Shenyang, was intercepted in Beijing and criminally detained and arrested. He died suddenly in January 2019 in the detention center. Chen Chunzhang, from Fujian, was intercepted and put under criminal detention in August. In October, Chen lost consciousness in custody and died.

(D) Netizens

Ordinary people have also been detained for on-line activities considered undesirable by the authority. For example, Sun Yuanping, a netizen, was subpoenaed in March 2019 by police for “picking quarrels and provoking troubles” and placed in seven days’ administrative detention for “forwarding improper political comments on social media Twitter multiple times.” Chinese censors have long blocked Twitter. Using VPN (virtual private network) to get around the government Great Firewall is considered illegal, and as the case shows, netizens can be punished for accessing and circulating blocked contents.
(E) Students

The year 2018 saw cases of Peking University students detained by police for supporting the workers of Jasic Technology in Shenzhen to improve working conditions and to form a labor union. Related cases occurred again in 2019. Five students, Qiu Zhanxuen, Jiao Borong, Sun Jiayen, Li Ziyi and Wang Hanshu, all members of Marxism Student Society at Peking University, disappeared at the end of April. Two others, Shen Yuxuen and a Peking University classmate who supported the workers of Jasic Technology, were beaten up by police on April 29, 2019.

(F) Foreigners

Foreign nationals have also been implicated, especially due to the fluctuations in China’s diplomatic relations. In December 2018, Michael Kovrig and Michael Spavor, two Canadian citizens living in China, were detained for endangering state security. This was widely considered Beijing’s retaliation against Canada for arresting Meng Wanzhou (Chief Financial Officer of Huawei) on American request for extradition. Moreover, the Chinese court in an unusual move retried the case of Robert Lloyd Schellenberg, a Canadian citizen who had previously been sentenced to 15 years in prison for drug smuggling, and changed his punishment to the death penalty. In 2019, Kovrig and Spavor were formally arrested pending trial. Schellenberg has appealed his death sentence.

Foreign nationals of Chinese descent continued to be especially vulnerable to detention as well. Gui Minhai, co-owner of the Causeway Bay bookstore in Hong Kong was one prominent example. A naturalized Swedish citizen, Gui disappeared on a visit to Thailand in 2015. After he resurfaced in China, he was again taken away by law enforcement in China in January of 2018. Gui remained in custody in 2019. Yang Hengjun (real name Yang Jun), a famous Chinese-Australian blogger, lost contact with the outside world after arriving in Guangzhou in January 2019. Subsequently, China’s foreign ministry acknowledged that Yang had been put under RSDL by the State Security Bureau on suspicion of “conducting criminal activities endangering
China’s state security.” On August 23, Yang was formally arrested and later indicted for espionage. Reportedly Yang was held in harsh conditions and subjected to daily interrogation wearing cuffs and shackles.

(G) Taiwanese

Quite a number of cases of Taiwanese in Chinese custody have been reported in recent years. Following the case of LEE Ming-che, a Taiwanese NGO advocate who received a five-year sentence in China in 2017, three more cases were reported in 2019. Li Mengju, consultant to Taiwan’s Fangliao township of Pingdong county, was detained on August 20 when entering Shenzhen from Hong Kong, reportedly for having participated in Hong Kong’s anti-extradition protests. On October 31, Shenzhen’s procuratorate formally arrested Li on suspicion of “unlawfully supplying state secrets or intelligence to entities outside China.” Cai Jinshu, a Taiwanese doing business in China and chairman of the Federation of Southern Taiwan Cross-Strait Relations Associations, disappeared on July 20, 2018. It was not until September 25, 2019 that China’s Taiwan Affairs Office (TAO) acknowledged that Cai was “under review” for allegedly “conducting activities endangering state security.” Shih Cheng-ping, a professor retired from National Taiwan Normal University, also disappeared in China in August 2018. TAO confirmed in 2019 Shih’s case was also under review on suspicion of “endangering state security.” Reportedly, the cases of Cai and Shih have both entered the trial stage.

The cases described above are those exposed by the media. Many more cases may yet be uncovered.

Notably, China’s investigation authorities tend to bring charges on the basis of “pocket crimes” (Yu, 2013:67-72)—those prone to abuse due to vaguely-defined elements of crime—like the ambiguous offense of “picking quarrels and provoking troubles.” Some suspects are charged with more serious, state-security related crimes such as “subversion of state power” or “inciting subversion of state power”; they are punishable by life imprisonment.
During the months-long—if not years long—detention, the investigation authorities can, at any time, interrogate the detainee. The lawyer has no right to be present during interrogation. In cases deemed sensitive by the government, the lawyer is often denied any access to the detained client. The cases handled by the supervisory commission or state security officials are even less transparent. As there is no external oversight, the detainee is vulnerable to torture or other cruel, inhuman or degrading treatment or punishment, including repeated beating and verbal abuse; long-term sleep deprivation, prolonged restraint with cuffs and shackles, the “tiger bench” and the “dangling chair,” being tied to a chair and suspended from the ceiling in an agonizing position for a long time; electric shock; smoke in the eyes, being deprived of food and water, being force-fed unknown drugs, interrogation under fatigue and other injurious tactics (Teng, 2017); forced confession; and coerced repentance on television, even in broadcasts of court trials (Dahlin, 2018). The list goes on.

Many detainees have been subjected to RSDL up to six months. This form of detention is especially prone to abuse (Cheng, 2016): A lawyer has no access to the detainee; the family has no way to know about the well-being of the detainee, not even his whereabouts. This practice is tantamount to institutionalizing and normalizing forced disappearance (Caster, 2017).

2.2 The National Supervisory Commission

2.2.1 Institutionalized Violations of Human Rights

The National Supervisory Commission (NSC) was created in 2018 to spearhead the government’s anti-corruption campaign, marking a major institutional change in the administration of justice as well as the organization of the government. The supervisory commission at various levels works together with the Party’s Commission for Discipline Inspection in the same office (the consolidated organization is commonly referred to together as “jiwei jianwei”) to investigate “duty-related
violations of the law” and “duty-related crimes.” This kind of institution that blends the Party and the state is often called “one set of personnel, two different brand names” (Liangkuai Paizi Yitao Renma) arrangement. It allows the Party to directly command the justice system in cases handled by the supervisory commissions. Members of the Party committees at all levels take the lead in the sweeping anti-corruption campaign, and even enjoy the power to directly review and approve the initiation and investigation of major cases (Chen, 2019:6).

Fundamental procedural protection is lacking in the supervisory investigation. Violations of personal liberty and the right to a fair trial are institutionalized in such proceedings as the supervisory system develops formally (Chen, 2019:73-75). Supervisory commissions at various levels have very broad powers at their disposal—in the form of compulsory investigative measures, including interview (tanhua), interrogation (xùnwèn), questioning (xúnwèn), inquiry (chaxun), asset freezing (dongjie), evidence collection (diaoqu), seizure (chafeng), impoundment (kouya), search (soucha), inquisition and inspection (kanyan jiancha), appraisal (jianding), retention in custody (liuzhi) as well as requesting other agencies to impose measures of technical investigation, travel ban and arrest warrant etc. Supervisory commissions are free to use any measure of their choice without judicial control, and the person being investigated cannot retain a lawyer for legal defense during the supervisory process.

The measure that has caused the most concern is retention in custody (liuzhi), a form of detention that can last as long as six months, with no oversight from a court or lawyer intervention. The location of such detention tends to be places previously used by the Party’s Commission for Discipline Inspection for the notorious “shuanggui” — Party disciplinary procedure and detention, referring to the questioning of Party members at a designated place and a designated time. The person under investigation is susceptible to repeated interrogations to the point of making forced confessions (Chen, 2019). The year 2019 further saw a new practice, the “shuangkai video channel
(Southern Metropolis Daily, 2019).” That is, the person investigated by a supervisory commission is forced to confess over video published by the Party’s Commission for Discipline Inspection, which is a serious violation of the principle of presumption of innocence.

The long arm of the NSC system’s investigation power has now extended beyond the Party. Formerly, only CPC members were subjected to the scrutiny of the Party’s disciplinary unit. Now the NSC can probe into the conduct of all civil servants and related personnel as long as they perform public duties (Liu, 2019:6). Before the National Supervision Law was enacted, non-Party members serving public functions, such as village officers who were not CPC members, or administrators at a state owned entity (SOE), had not been within the reach of the Party’s Commission for Discipline Inspection. Article 15 of the new National Supervision Law specifies six types of categories subject to the law—including SOE administrators and administrators in the grassroot, mass self-governing organizations.5

2.2.2 Operations Targeting Fugitives Abroad

One essential aspect of China’s anti-graft endeavor is to track down corrupt officials who have fled abroad. NSC plays a critical role in such operations. Reportedly Beijing has resorted to all kinds of dubious tactics to force wanted fugitives to return, including harassing their family members still in China, banning family members from going abroad for travel or study, and even coercing family members to go abroad to talk fugitives into coming back. Moreover, Chinese authorities have aggressively pursued extradition. In November 2018, China extradited from Bulgaria Yao Jinqi, a former official suspected of corruption, making it the first successful extradition from a European Union member state.

Under international law, in extradition cases the requested state should consider the principle of “non-refoulement” in international human rights law and international

5 For example, since the National Supervisory Law was implemented, the number of people subject to the jurisdiction of “jiwei jianwei” has increased from 224,800 to 742,100 in Fujian Province, and from 206,000 to 679,500 in Jilin Province.
humanitarian law. Namely, the requested state must not extradite (or repatriate) a suspect to the requesting state if there is a risk of torture or violation of other important human rights. The year 2019 saw major cases that showed serious doubts from other countries about China’s justice system. In addition to the protests in Hong Kong that were first triggered by the Hong Kong Government’s attempt to revise legislation to allow rendition of suspects from Hong Kong to Mainland China, quite a few countries have rejected China’s requests for extradition. In July 2019, a Swedish court decided not to permit China’s request to extradite a former Chinese official Qiao Jianjun, citing his potential persecution in China as well as violations of the European Convention on Human Rights (ECHR) were he sent back to China due to his previous political activities, despite the evidence showing that he may have indeed committed crimes in China. Qiao’s lawyer said the Swedish court’s ruling to a certain extent was influenced by the anti-extradition protests in Hong Kong. Subsequently, courts in France, Czech Republic and South Korea have ruled against the Chinese government in a number of extradition cases.

In 2019, the Interpol rescinded “Red Notices” issued previously at China’s request. In August, Interpol cancelled the notice for Xie Weidong, a former judge of China’s Supreme People’s Court. It was Interpol’s conclusion that Xie had fled to Canada after being persecuted in China for criticizing the government. In October 2019, Interpol removed the notice for Wang Zaigang, a Chinese dissident, who had participated in a protest in Seattle against Xi Jinping on Xi’s September 2015 state visit to the US. In October 2015, Chinese authorities requested Interpol to issue a Red Notice for Wang on suspicion of “conspiracy for bid rigging”, with which Interpol complied. Such cases suggest that China’s justice system and its human rights problems will be subject to more international scrutiny.
3. Trial

3.1 Politics before Justice

Two major structural challenges exist in the protection of human rights in Chinese courts. The first is litigation structure. As previously discussed, criminal procedure in China is heavily focused on the investigation phase and dominated by investigation authorities. In many cases, the outcome is already determined during the investigation stage; the subsequent procedure, including court trial, is only a formality that cannot change the outcome. Court trial becomes a process to review and confirm the conclusions already arrived at during the earlier investigation stage and rarely reconsiders the facts of the case (Chen, 2017:4).

The second challenge lies in the power structure of the justice system. Chinese judges are a weak actor in relation to the police: in practice they have little oversight over the investigation agencies, and have no role to play in crucial procedures in criminal cases, such as the detention decisions. Chinese judges are also under political control and are required to heed the Party’s leadership rather than exercise independent judgment. In politically sensitive cases, the court has essentially become a tool of Party to oppress the defendant, rather than protect the defendant’s rights (Chen, 2019:78).

Since the Fourth Plenum of the 18th CPC National Congress in 2014 issued the "Decision on Some Major Issues of Comprehensively Promoting the Law-Based Governance,” a trial-centered litigation structure has become the goal of judicial reforms for the first time. The objective is to have all relevant evidence and facts presented, verified, and debated over in the court hearings before the judge, in order to minimize wrongful convictions. This reform is also said to be conducive to a redistribution of powers among the three major authorities in the administration of justice—the public security, the procuratorate and the court (Liu, 2019). In recent years, new rules, including the 2019 Judges Law and the Prosecutors Law, have
been enacted to promote the independent exercise of the adjudication power, to curb undue interference with judicial work, and to boost “judicial accountability” (Zhang, 2019:47-48).

These reforms, however, do not attempt to resolve the fundamental problems in the justice system. In fact, recent years have seen the space for judicial independence further constrained. For example, courts at all levels are required to continue to “strengthen the ideology” and to “consciously resist the erroneous Western thoughts” (Lin, 2019)—all for the purpose of ensuring the Party’s absolute leadership over the court (People’s Court Daily, 2019). Indeed, in the Work Report of the Supreme People’s Court in March 2019, the court leadership required courts at all levels to bolster their “Party building” and to attend training courses to fortify their political thoughts.

3.2 Campaign-style Law Enforcement and Politically “Sensitive” Cases

Under the policy of prioritizing politics over justice, the year 2019 saw many cases of violating the defendant’s right to a fair trial, especially in the “campaign-style enforcement” that is oriented towards political objectives and in cases considered politically sensitive.

In 2018, China launched a three-year campaign to “purge the mob, rid the vice.” Such campaign-style law enforcement is likely to be escalated into a “political mission” (Jiang, 2019:47) with pre-set targets, and investigation agencies are under tremendous pressure to achieve these targets at the expense of due process. This year many cases investigated in the campaign were prosecuted and tried. According to Professor Tong Zhiwei, a scholar on Constitutional law, cases in this campaign are often considered “sensitive” in the eyes of the government, and as a result, political considerations are rife at every step of the judicial process, including instructions at the beginning of the case, the drafting and revisions of case materials and the way
the trial is conducted. Court leadership and the Standing Committee of the Party’s Politburo can intervene in the court rulings, and consequently exert undue influence on justice (BBC Chinese News, 2019).

Other cases vulnerable to abuse are those targeting individuals considered "sensitive" in the eyes of the government, including dissidents, civil group activists, and human right lawyers. In 2019, there were several major cases of this sort in which the defendant was not only harshly punished but also subject to serious violations of their right to a fair trial, including prolonged detention and forced confession (Dahlin, 2018:25). In these cases, government-assigned lawyers were forced upon the defendant (while lawyers retained by the defendant or family had no access to the defendant or the dossier and were often forced by the police to drop the case. In addition, the defendant was forced to make confessions in official media, in violation of the principle of presumption of innocent. Families and human right activists were prevented by the police from attending court hearings. Some cases were even tried behind closed doors and the defendant’s family never received the court judgment.

For instance, Wang Quanzhang, the human rights lawyer who was the last defendant standing trial in the 2015 “709 Crackdown.” After three years’ detention, he was finally tried in December 2018. But the hearing was conducted behind a closed door. In January 2019, Wang was convicted of subversion of state power and sentenced to 4.5 years in prison and deprivation of political rights for five years. His family never received the court judgement.

Huang Qi, founder of the 64 Sky Net, a rights advocacy website, was charged with “illegally providing state secret overseas” and “revealing state secret” for uncovering a report by a local-level political and legal affairs commission on a petition case in 2016. During the first ten months of his detention, Huang had no access to his lawyer, and was beaten multiple times, deprived of sleep and forced to make confessions. He received no medical help as his health deteriorated. In January 2019, his case was finally tried, but only behind a closed door. Sui Muqing, a Guangzhou
rights lawyer, had been retained to represent Huang but his lawyer’s license was revoked in January 2018. Sui’s successor in the case, Liu Zhengqing, another rights lawyer, also saw his license revoked. In July 2019, Huang was eventually sentenced to 12 years in prison. This was probably one of the most severe sentences handed down to dissidents in China since Xi Jinping took office in 2012.

Liu Feiyue, founder of an advocacy website “Livelihood Watch,” was convicted in January 2019 for “inciting subversion of state power,” and was sentenced to five years in prison and confiscation of 1.01 million yuan of personal assets, the amount of the project funding Liu reportedly had received from overseas sources for his NGO. Liu’s defense lawyer repeatedly asked for, but was denied, the access to Liu in custody. That lawyer’s license was also revoked afterwards. In April 2018, the United Nations Working Group on Arbitrary Detention issued a decision about Liu Feiyue and Huang Qi, determining their detention to be arbitrary, and called for the Chinese government to release them immediately.

Fu Hailu, Luo Fuyu, Zhang Junyong, and Chen Bing, four Chengdu parents of victims of dubious vaccines, were prosecuted in 2016 for “inciting subversion of state power” for selling liquor commemorating the June 4 Tiananmen incident. The charge was later changed to “picking quarrels and provoking troubles.” They were tried in March 2019 after prolonged detention. No family member was allowed to attend the court hearing. Defense lawyers of their choosing were told by the police that they were to be replaced by government-appointed lawyers. Chen was sentenced to 3.5 years in prison while the other three defendants were sentenced to three years with probation of four to five years.

Pastor Wang Yi of a Chengdu Christian congregation independent of the state was detain and charged with “inciting subversion of state power” and “running an illegal business.” The authorities denied visits by the family-retained lawyers, and assigned another lawyer in Wang’s case. Wang’s trial was held in December 2019, closed to the public. He was sentenced to nine years in prison.
4. Prison and Enforcement

While it is challenging to monitor the situation of China’s prisons due to the lack of transparency, existing reports suggest common entrenched problems, including poor conditions, limited health care and being under-staffed and under-funded. In recent years, the Chinese government has begun to enhance the oversight over prison operations with a mechanism of “prosecutor-in-residence” (China’s Fifth CAT Report, 2014:9). On July 1, 2019 the Supreme People’s Procuratorate launched a new system of “circuit inspection” of prisons, turning the prosecution’s oversight of the prison from “residence” to “residence plus circuit,” which was considered a reform of prison supervision.

Even with this new reform in place, the rights protection for prison inmates remains seriously lacking: their rights are often overly restricted, including their access to lawyers; there is no strict legal control over severe punishment such as solitary confinement; and the inmate has no effective recourse for his complaint against disciplinary punishment (Feng, 2019:130).

Political prisoners often suffer worse treatment than fellow inmates. Recent years have seen cases in which the detainee died in prison or soon after release as they did not receive proper medical care in prison. Such examples included famous dissident Liu Xiaobo and activists Cao Shunli. This year more prison deaths came to light. Ji Sizuen, a Fujian human rights advocate known as a as a local “barefoot lawyer”, died in July soon after release after serving out the prison term. Ji’s family said he had been in good health before but began to develop multiple conditions in prison: from high blood pressure, diabetes, coronary disease, cerebral infarction and intestinal problems. Ji’s lawyer had requested for medical parole on behalf of his client several times, to no avail.

Another reported death occurred in the detention center. Activist Wang Meiyu was arrested in July 2019 for “picking quarrels and provoking troubles,” and died on September 23 in custody. According to Wang’s wife, there was blood behind Wang’s
skull. The government promised the family a compensation of 2.98 million yuan on the condition that the family would not pursue any investigation of the death. This case underscored the lack of transparency in the detention system. Outsiders, even family, have little information about the condition of the inmate.

Political prisoners are often mistreated. For example, Chen Yunfei, a dissident from Sichuan sentenced to four years of imprisonment for “picking quarrels and provoking troubles,” revealed after release how he was abused in prison: he was frequently punished, in the form of staying in a standing or sitting position for 15 consecutive hours and carrying shackles all day. The prison food was poor and he suffered loss of sleep. He was commonly subject to verbal abuse of prison guards.

Other reported cases of 2019 included the following. (1) Ilham Tohti, a Uighur scholar serving a life term, was deprived of visitation rights. His condition was unknown. (2) Qin Yongmin, a dissident serving a 13-year term, deteriorated in health and was not allowed to read books or write his journal. (3) Wang Bingzhang, a democracy advocate serving a life term, has been in prison for 17 years. He suffered several strokes in prison but the family could not obtain his medical records from prison authorities. In January 2019, Wang’s daughter flew in from Canada trying to visit him, but was denied entry at the airport. The letters and books sent from Wang’s family to him were all returned unopened. (4) Lee Ming-che, a Taiwanese NGO worker, has served two years in Chishan prison in Hunan province. According to his wife Lee Ching-yu, he was treated inhumanly, having to work over 10 hours daily with no rest day. Food served in the prison was spoiled. Lee could not buy food because his living-expense account was suspended by the prison authorities. He lost weight rapidly as a result.
5. Lawyers

China has promoted the policy of “full coverage of criminal defense lawyers,” “duty lawyers” and expansion of legal assistance, with the goal of broadening lawyers’ participation in criminal cases and making legal services more accessible to the general public. The direction of these reforms, however, is not to empower lawyers so that they can play a role in checking public power. Instead, the Party-state has a two-pronged strategy to rein in the legal profession. On the one hand, it is to reinforce the control over law firms and bar associations through “Party building” to ensure no oversteps the political line. On the other hand, it is to tighten the group of human rights lawyers by way of detention, criminal punishments, and disciplinary sanctions, including revoking their license to practice law, thus diminishing independent growth of this important group.

5.1 Ordinary Lawyers

During 2019 the CPC continued to pursue “Party building” in the legal profession (In 2017, the Party set up a National Legal Profession Committee (NLPC), which is tasked with rolling out a network of Party units in law firms across the country). The NLPC announced there would be training courses in 2019 for 10,000 party secretaries in law firms to fully implement the Party guidelines. The course would aim to instill in the legal profession “the Xi Jinping Thought on socialism with Chinese characteristics for a new era”, to have lawyers understand correct politics and to direct them to follow the Party’s leadership.

Besides “Party building”, which is aimed at placing the Party in control of the activities of lawyers and law firms, China also begins a professional classification system for lawyers, based on which the process of issuing the lawyer’s license and evaluating lawyers may be politicized. On March 27, 2019, the Ministry of Justice (MOJ) unfolded a nationwide pilot program to evaluate the professional proficiency
of lawyers that would determine the scope of a lawyer’s legal practice. According to the announcement, the government would “review particularly the applicant’s political performance and credibility so as to guide all lawyers to be politically minded.” Under this policy, the first to bear the brunt is likely the lawyers considered “politically incorrect.” Observers have pointed out that such a system would effectively undermine lawyers’ professionalism and their autonomy. It is viewed as a serious backward step in the development of the legal profession in China (The News Lens, 2019).

There is no major breakthrough in the participation of criminal defense lawyers despite the legal reforms to boost their role, as mentioned earlier. Lawyers have no right to be present during the client’s interrogation. The legal representation in criminal cases remains limited. This problem cannot be attributed alone to the fact that few defendants have the means to retain lawyers or that there are limited legal aid lawyers. There are deeper issues: the protection of criminal defense lawyers is limited, and lawyers deciding to take up criminal cases are at higher risk than other lawyers; moreover, defense lawyers can play only a limited role in influencing the court’s decision (Wang, 2019:90). As a result, lawyers generally tend to stay away from criminal defense.

Violations of lawyers’ rights remain prevalent. According to information collected by the Center for Protecting Lawyers’ Right to Practice of the All China Lawyers Association for the first ten months of 2018, generally there are serious violations in the following three categories: (1) lawyers’ rights to be informed, to apply for motions, to lodge complaints, and to see the client and to access case files are often infringed; (2) lawyers are insulted, slandered, threatened, retaliated upon, or physically assaulted; (3) lawyers also suffer other less serious but not insignificant violations such as receiving discriminatory inspection in security checks of the courts (Zhang, 2019). Most prominent challenge is the difficulty in meeting the client. Some detention centers refuse client-lawyer meetings on the ground that there is no meeting
room or meeting rooms are occupied, claiming there is a space shortage. Additionally, lawyers have no access to a client under or on medical parole. Lawyers who are under annual inspection or are undergoing renewal of their lawyer’s license are often denied in their request to meet the client. Each detention center may also have different requirements for lawyer-client meetings. Furthermore, in cases involving multiple victims or alleged mob activities, lawyers are often obstructed in their attempts to see the client. Furthermore, in some cases sent by the supervisory commissions to the procuratorate, lawyers cannot see their client in time (Zhang, 2019).

5.2 Human Rights Lawyers

The “weiquan” (rights defense) movement in China peaked around 2003 as weiquan lawyers took collective actions, spoke out as a community on important legal issues, took up pro bono legal cases and brought the government’s human rights abuses to media attention. As their influence expanded, the government soon reacted with suppression. In particular, in a 2015 operation later known as “the 709 Crackdown,” Chinese authorities detained, summoned and interrogated hundreds of lawyers and human rights advocates nationwide, weakening the momentum of human rights lawyering (China Human Rights Lawyers Concern Group, 2019). Rights lawyers are still under tremendous pressure today. In addition to frequent threats and harassments, they frequently face criminal punishment, arbitrary detention, or removal of their lawyer’s license.

5.2.1 Criminal Punishment

A number of cases were documented in 2019 where rights lawyers were criminally punished. As mentioned earlier, Wang Quanzhang, was sentenced to 4.5 years in prison. Wang’s wife Li Wenzu visited him in prison in 2019 and found him in poor physical and mental health. Another Beijing-based lawyer, Yu Wensheng, who represented defendants from the 709 Crackdown, was detained by the police in January 2018 after his wrote a proposal calling for amendments to China’s
Constitution. He was later placed under RSDL on the charge of “inciting subversion of state power” and was not granted any meeting with his lawyer. Reportedly, the court tried Yu in a secret hearing in May 2019 without notifying the family or the defense attorney. In November 2019, Qin Yongpei, a Guangxi lawyer whose license was revoked, was put under criminal detention for allegedly “inciting subversion of state power.” Chen Jiahong, from the same law firm as Qin, had been detained on the same charge in April 2019.

5.2.2 Arbitrary Detention

Rights lawyer Gao Zhicheng has been disappeared since 2017. According to his wife Geng He, who went into exile in the US, Gao had been abducted several times but this most recent disappearance was the longest. Lawyer Tang Jingling, after being “released” on April 29, 2019 upon finishing his five-year jail term, has been placed under “house arrest” in Hubei. Lawyer Jiang Tianyong, convicted in 2016 for “inciting subversion of state power” and sentenced to two years, was discharged in February 2019 but was forcibly sent to his parents’ house in Henan to be under round-the-clock surveillance. Jiang was reportedly forced to ingest multiple unknown drugs every day during incarceration. He has shown signs of memory loss and other conditions afterwards.

5.2.3 Revocation of License to Practice Law

The Chinese government forced many rights lawyers out of work by way of revoking their license to practice law or denying their annual inspection. According to scholar/activist Teng Biao, who is in exile in the US, the number of cases where the lawyer loses the license has increased significantly since the “709 Crackdown” in 2015, there have been at least 50 lawyers who have lost their license or could not pass the government’s annual inspection (Deutsche Welle, 2019).

In July 2019, a government document entitled “Opinion about speeding up the construction of the public legal aid system” proposed that only licensed lawyers
can provide legal representation in criminal cases. It proposed to ban lawyers whose practice is suspended or whose license has been removed from taking on criminal defense cases out of “unlawful motives and intention.” Under this new rule, rights lawyers deprived of their license may no longer work on criminal defense.

During 2019, a number of lawyers were known to have lost their license. In January 2019, lawyer Liu Zhengqing’s license was revoked by Guangdong’s Justice Department, which determined that Liu had made defense statements that merited “legal liability.” Lawyer Li Jinxing’s license was revoked in August by Shandong’s Justice Department for “making improper comments in Weibo and inciting actions of dissatisfaction against the Party and the state by way of a signature drive and an open letter.” In a similar fashion, Beijing’s Judicial Bureau revoked the license of lawyer Liu Xiaoyuan, a partner of the Beijing-based Fengrui Law Firm, which was targeted in the “709 Crackdown.”

In sum, cases of persecution of rights lawyers continued in 2019. While many lawyers convicted from the “709 Crackdown” were serving time, those “released” have not obtained freedom, a phenomenon that has been termed “non-release release” (Cohen, 2016). Many lawyers also found themselves out of work and had difficulties in making a living after their license was removed or law firm closed.

6. Conclusion

This article reviews the 2019 human rights policies and practice in China’s administration of justice, which essentially follow the same trends as in recent years. Namely, the justice system is ordered to follow the Party’s leadership as the ultimate guiding principle. There is little space for the development of judicial independence, and courts can hardly be relied upon to provide oversight over abuse of power by the Party/government. In 2019 we have seen similar problems that were identified in 2018, and such problems appear to be exacerbated: (1) the prevalence of arbitrary detention and torture, not limited to during criminal investigation; (2) the lack of
due process protection for people investigated by the supervisory commissions; (3) serious violations of the right to a fair trial as well as harsh punishments for dissidents in cases deemed “sensitive” by the government; and (4) tightened political control through the CPC’s “party building” efforts in the legal profession as well as persistent oppression of human rights lawyers. Unless there is a new political will to reform the justice system towards human rights, these problems will continue for many years to come.

For two decades China has continually maintained it is “creating conditions” to ratify the ICCPR it signed in 1998, with no definite plan or schedule for actually doing so. But judging from the policies promoted in recent years, China seems to be creating more obstacles to ICCPR ratification, not less. Violations of personal liberty or the right to a fair trial have been written into laws, institutionalized and normalized, such as RSDL in the 2012 revision of the Criminal Procedure Law, and “liuzhi” (retention in custody) provided for by the 2018 National Supervisory Law. Human rights abuses in cases considered politically sensitive have also become routine, including prolonged detention, no access to defense lawyers, forced confessions in the media, imposition of government-assigned lawyers and closed trials.

The targets of such abuses are not limited to individuals who advocate civil and political rights. Civic organizations and activists that call for the implementation of economic, social and cultural rights also are subject to government oppression, as we see in the previously-mentioned criminal cases targeting editors of Xinshengdai (New Generation), a website seeking redress for dusty-lung workers, and other cases persecuting NGOs campaigning for the rights of underprivileged groups. The re-education camps and the far-reaching surveillance across Xinjiang are serious infringement of religious and cultural rights of minorities. Deterioration of human rights is hardly confined to civil and political rights.

The deaths of political prisoners deserve more attention than they have received. Imprisoned activists are extremely vulnerable to torture and other cruel, inhuman or
degrading treatment or punishment, but their chance of obtaining medical parole is slim. In recent years quite a few political prisoners have developed serious conditions in incarceration but received no proper care. Some of them died in prison or shortly after release, including Liu Xiaobo and Cao Shunli. The year 2019 saw the deaths of Ji Sizuen and Wang Meiyu, as discussed earlier. These deaths seldom receive media attention except for the death of Liu Xiaobo. The outside world should call for the Chinese government to allow prisoners in poor health conditions to receive timely, proper care or even medical parole.

Compared with previous years, events in 2019 suggest an increase in the world’s attention to China’s administration of justice. As the protests in Hong Kong attracted international attention, there has been more international discussion of the human rights problems in China’s justice system. As discussed, a Swedish court has set a leading precedent in denying China’s extradition request based on the “non-refoulement” principle in international human rights law, and the courts in France, Czech Republic and South Korea have also made similar decisions to deny China’s extradition requests. While these rulings are not binding on courts in other countries, they serve as important reference points that may lead to more decisions of this sort. Unless there is significant improvement in human rights in China's administration of justice, Beijing is likely to face increasing obstacles in its pursuit of extradition and mutual legal assistance.
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Social Human Rights – Risk Propagation amid Institutional Quandary

Chan-hsi Wang∗

Abstract

This chapter looks into social human rights status in China during 2019, how social human rights are upheld or compromised in three major aspects: the right to social security, to health, and to an adequate standard of living. Chinese government has continued to inject resources to reinforce social security infrastructure, to reduce poverty and to reform the health care system. However, there still exist deficiencies behind the rosy propaganda picture: Systemic constraints and financial shortfalls of pension funds, snags in senior-care marketization, food scare and drug contamination, bureaucratic misconducts related to poverty elimination efforts. Such persistent issues reflect the gap between the lofty ideals and the actual implementation of social policies in China, the current scope of which seems insufficient to safeguard basic human rights. Intrinsic constraints of China’s authoritarian regime are not helpful in resolving social human rights issues either. Those restrictions actually complicate the problems and result in transfer and propagation of risk.

Keywords: social policy, social human rights, authoritarianism, well-off Society

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1. Introduction

The term “social human rights” refers to the protection of a person’s existence and standard of living so as to ensure his fundamental dignity. Social human rights are part of the second-generation human rights expounded in the *International Covenant on Economic Social and Cultural Rights* (ICESCR) promulgated in 1976 by the United Nations. Within the general realm of social human rights, seven basic rights are defined: the right to work (Articles 6~8), the right to social security (Article 9), family and children (Article 10), adequate standard of living (Article 11), the right to health (Article 12), the right to education (Articles 13~14), as well as that to culture and science (Article 15). China has been promoting social welfare services and social security policies under the goal of “achieving a comprehensive well-off society” proclaimed at the 18th National Congress of the Communist Party of China (NCCPC) in 2012. How do these programs fare? How much have people’s standards of living improved in relevant settings? This 2019 report ventures to find out.

As in the 2017 and 2018 editions of this report, our observation would focus on three core aspects of social human rights: the right to social security, to health and to adequate standard of living. Specifically, for social security, we probe into development and implementation of policies and institutional frameworks; for the right to health, we examine adjustments of relevant care policy and food safety governance, also the population’s general health status (disease control, public health, and medical care); for the standard of living, we delve into the recent-years poverty alleviation program and issues impacting people’s subsistence. Raw materials for this paper come from *China Human Rights Watch Database* maintained by the Taiwan Foundation for Democracy. It contains official narratives and policy statements made by the Chinese government, as well as media reports about China from domestic and foreign sources.

Careful planning and extensive implementation of social policies are the foundations to safeguard and promote social human rights. The Chinese Communist
Party – the sole governing party in this Leninist party-state – set a “first centennial goal” to achieve a “comprehensively well-off society” by 2020. During 2019, we have seen eager pursuit of existing programs as well as newly formulated policies. In July 2019, the State Council – China’s “cabinet” – issued two policy papers: the Opinions on Implementing Healthy China Action and the Healthy China Action (2019-2030) setting out health indicators and action plans. This declaration marked a significant policy shift from a treatment-centered approach to health-oriented care. Five months later in December, the Law on Basic Healthcare and Health Promotion was enacted to formally recognize people’s rights to health as an entitlement. Up to 1.305 billion individuals have obtained their social security cards (including 90 million electronic cards), getting close to the goal of full coverage. Regarding financing, the central government has stepped up its subsidy to 3.5% into the old-age insurance fund; while average payout levels have all risen too: occupational pension, basic old-age insurance and unemployment benefits. As to the poverty-busting program to ensure adequate standard of living, the central government splashed 20 billion yuan more than the 2018 injection, and claimed in December 2019 to have reached the annual target of 10 million people out of poverty, and cut number of poverty-stricken counties to under 60.

Nevertheless, it is worth looking into the rosy propaganda picture with a critical eye. Comparing with the 2017 and 2018 editions when we explored both the policy development trajectory and social disputes, this year we focus on controversies brought up by high-profile events to gauge the status and how social human rights are put in jeopardy or compromised. This report recounts the trend-setting events in 2019 impacting the right to social security, to health and to adequate standard of living – and in that order – before offering some conclusions.
2. The Right to Social Security

2.1 Inherent Constraints of the Old-age Insurance System

China formally became an aged society in 1999. The ensuing 19 years saw 118 million more senior citizens, making China the first nation to top the 200 million mark in 2018. As the entire population ages faster and faster, reform efforts for China’s old-age care system is entering a “deep-water zone”. Benefit biases, by status and by location, begin to appear.

2.1.1 Benefit Bias by Status

Official 2017 data show, monthly payout is 117 yuan for each “urban or rural resident”, and a pension of 2,362 yuan for someone retired from an urban job. Yet, six years ago in 2013, each retiree got 700 yuan per month. The Gini index for China’s senior cohort is 0.68: income inequality was very high (Zhu and Walker, 2018). The “old-age insurance for urban employees” scheme yields more benefit in a person’s waning years, yet only 30–40% of the labor force are enrolled in this insurance policy when still employed. In 2017, China had 280 million domestic migrant workers, of which only 62 million took up the Urban Employee scheme. This scheme is designed for compulsory participation, but most urban employers seem reluctant to enroll those short-term migrant workers to save on labor cost. And, migrant workers – unlikely to hold on to jobs without an urban household registration – would rather keep the premium money for themselves than contributing to an uncertain future. Generally speaking, different schemes in the old-age insurance system yield very different benefits depending on an elderly person’s status.

2.1.2 Benefit Bias By Location

The current-period balance varies widely from one province to another. Latest report of the Chinese Academy of Social Sciences (CASS) shows, after introducing the central adjustment mechanism, Guangdong still enjoys the highest 2019 reserve
amount of 129.6 billion yuan, ahead of a distant second of 47.83 billion yuan in Sichuan, and the third of 47.72 billion yuan in Beijing. But at the other end of the spectrum, up to 16 provinces ran into deficit during 2019. The fund balance in Inner Mongolia, Jilin, Liaoning, Qinghai and Heilongjiang were reaching an alarmingly low level. Each provincial government has less than three months’ reserve, even after injection from the central government. Before this adjustment mechanism went into effect, the top performer Guangdong actually had a higher balance of 200.07 billion yuan, almost the total sum of the nine provinces ranking the second to the tenth – Beijing, Hunan, Sichuan, Fujian, Yunnan, Guizhou, Xinjiang, Anhui and Tianjin (Zheng, 2019). Disparities in regional economic development impact old-age benefits significantly.

2.2 Adopting Market Rules for Senior Care

China’s “13th Five-Year Plan” sets a target of 35-45 long-term care beds for every 1,000 senior citizens: totally 8 million beds to be available by the end of year 2020. Currently there are only 29.9 beds for every 1,000 elderlies, far from the target. To honor that policy commitment, the authority in recent years has begun to loosen up, even give up, regulatory controls of senior care facilities. Private capital and market practices become the new rules of the game to fill the void where public funding cannot cope. As of August of 2019, permits are no longer required to operate senior homes in 11 provincial-level jurisdictions (Jiangsu, Beijing, Shanghai, Tianjin, Shandong, Hubei, Gansu, Xinjiang, Shanxi, Guangdong, and Guangxi). A few county-level districts followed suit – Nanyang City of Henan province, Qianxi County of Hubei province, Panzhou City of Guizhou province, and Shizueishan City of Ningxia Autonomous Region.

Some problems arose with this shift to market rules. First, resources inequality – few old people can afford the fee at private homes; hence long waiting lists at public-funded entities but lots of vacancies at private ones. Second, quality and safety
concerns – some shoddy senior homes have opened for business with little regulatory oversight – such as in fire safety, environmental hygiene, and professional expertise (People’s Net, 2019).

China’s eager quest for senior-care marketization, to a certain extent, could be interpreted as an attempt to shirk the state responsibility. In pursuit of the quantitative goals set for year 2020, the government hastily introduced the market rules with little planning or proper supporting measures. In the end, the quality of service suffers, eroding the fundamental social rights of the elderly seeking an abode and a fuller life.

2.3 Social Security Fund Pool Has a Huge Shortfall

An April-2019 CASS report predicts that, even with current level of central government subsidy, the pension-fund pool would run into the red in year 2028, and go bankrupt in 2035. Namely, if the authority fails to resolve the fiscal problems, there is a good chance that the generation born after 1975 may not get to enjoy adequate security of life when they retire.

To deal with this looming bomb, the government needs to bankroll 11.28 trillion yuan before year 2050. In July of 2019, the State-owned Assets Supervision and Administration Commission of the State Council (SASAC) said it was seriously considering a 521.7 billion-yuan endowment of equity from the 35 state-run enterprises (SREs) into China’s Social Security Fund (SSF). In a previous round of financing 82.1 billion yuan worth of equity from 18 SREs was injected. In fact, the State Council made a resolution in November 2017 that Social Security Fund would be allowed to hold up to 10% of an SRE’s shares (total value was around 6.6 trillion yuan). But SREs – unwilling to give the SSF more say in the boardrooms – simply ignored this resolution. It was not until the State Council put its feet down that SREs eased off. It remains to be seen if SREs are sincere to accommodate the SSF. Even with the injection of SRE equity, the SSF gaping hole is still hard to fill.
Besides, the policy to lower employer contribution rate will erode the financial health of the old-age care insurance system. In April of 2019, the State Council issued the *Comprehensive Plan to Reduce Social Insurance Contribution Ratios* stipulating that starting May 1, 2019, employers’ contribution ratio be lowered to 16% for those paying over 16% previously; and those already paying less than 16% need to find a transition strategy. Responding to this new measure, Li Peilin, sociologist and former CASS vice president, indicated cutting the contribution ratio may be good to overall economic development but it also speeds up depletion of the old-age care fund, the sustainability of which will be further hampered by the fast graying population (Storm Media Group, 2019).

Moreover, there is a risk of SSF’s over reliance on government subsidy. Premier Li Keqiang instructed at the National People’s Congress (NPC) to raise the monthly payout from 70 yuan to 88 yuan for all senior citizens, regardless urban and rural, starting 2018. More hikes are in the offing. Li also indicated that the central government’s Adjustment Fund was set up to ensure timely and full payment of old-age care benefits around the nation. However, the old-age care insurance system has intrinsic institutional flaws and financial gaps that go well beyond what government subsidy can compensate for. If not resolved soon, the system will go bust.

### 3. The Right to Health

#### 3.1 Health Care System Falling Apart

China may claim medical care for 95% of its population, but the health care system is on the verge of collapse. By the standards of the World Health Organization (WHO), there should be one medical doctor for each 1,500-2,000 persons. In China, the current ratio is one to 6,666, obviously far from meeting the standards (Huang, 2018). Meanwhile, many cancer patients – either have little access to a doctor, or cannot afford the high medical bill – are forced to “make” their own medicine with
ingredients bought on the internet based on instructions from “on-line forums”. In remote areas where medical resources are scarce, patients need to travel far to see a doctor. Rural residents with cancer diagnosis have a 30% higher fatality rate than their urban counterparts. Predicaments of such “cancer refugees” are only the tip of an iceberg about shortage and disparity of health care resources in China.

3.2 Poor Health of the Elderly

Already an aged society, China has 17% of its population over 60 years old, and is on track to a super-aged society (over 21%) soon. In keeping the elderly sane and happy, their physical health is one hefty task on top of financial health of the old-age care insurance system. In the 2018 Communiqué on the National Economic and Social Development published by the National Bureau of Statistics, there were 249.49 million people over 60 years old, or 17.9% of total population. The number actually almost doubled in 19 years: 126 million in year 2000. Health care has also become onerous. Data released by the National Health Commission (NHC) show an average life expectancy of 77 years, but a healthy life expectancy of only 68.7 years, meaning they would suffer from some type of illness in the last 8 years of life. Data from NHC’s Senior Health Agency show, over 180 million senior citizens have chronic conditions, and 75% of them have more than one. Another 40 million old-age people are totally or partially handicapped.

These numbers tell us, in today’s China, old people are not getting sufficient health care, hence not enjoying a healthy and decent life. The mandate to devote substantial resources to elderly care would gradually become an arduous task on China’s path to sustainable development.

3.3 Drug Safety: HIV-tainted Blood Products

In early February the NHC announced that a batch of immunoglobulin (a blood product) manufactured by the state-owned Shanghai Xinxing Medicine had been
tested positive – by disease control lab in Jiangxi – of HIV contamination. The NHC instructed provincial-level health agencies to immediately notify hospitals within each jurisdiction to suspend and seal that product bearing a particular batch number, and track down patients who had used it. Almost all of the 12,000 vials identified had been administered because it was in tight supply – according to an industry insider – making the situation quite complicated. Subsequently Xinxing Medicine circulated an apology letter, insisting that the probability of infection would have been very low, and that the company would provide compensation if anyone did get HIV infection. This announcement casts even more doubt in people’s mind.

On February 6, the NHC issued a Response to Issues Regarding Intravenous Injection of HIV Positive Products saying it had dispatched work teams to advise medical staffs at the earliest available time, and called for expert studies. On the same day, the National Medical Products Administration (NMPA, formerly known as China FDA) also published Preliminary Investigation about Shanghai Xinxing’s Related Products disclosing negative results from three crucial tests – HIV, Hepatitis B and Hepatitis C – on the batch of immunoglobulin products under suspicion. Jiangxi authority also got HIV negative on all patients tested. In the evening of February 10, Shanghai Xinxing announced to shut down the production line to scrutinize key points of control – the source materials, production processes and quality control procedures. Quickly, the incident dropped out of media and public attention.

Shanghai Xinxing Medicine – the alleged culprit – is affiliated with a former state enterprise of military background. It was jointly founded by entities associated with the China Xinxing Group under the auspice of the State Council, primarily the Shanghai Xinxing Blood Products Institute – the medical arm of the General Logistics Department of the People’s Liberation Army – and later merged into the China General Technology Group in 2009 after reorganization of the China Xinxing Group. In the year 2018, the Shanghai Xinxing Medicine enjoyed a net profit margin of 50.5%, but was rumored to have had flaws in its production competency and
The firm operated two plasma collection stations with an annual capacity of 70 tons. But it can process over 300 tons of raw-material plasma per year. Obviously the demand outstrips the supply. The company has not been clear about the source of its plasma, and was involved in litigations in 2016 and 2018 on accusations about problems in production processes.

This episode of alleged drug contamination brought to light the lack of oversight at all levels: not only in China’s entire drug industry, its drug regulation but also in the authoritarian state machine as a whole. First, negligence on the part of state-run entities and drug regulatory authority: due to a very high entry barrier, SREs and their political/business allies together dominate the lucrative drug industry. They operate seemingly beyond the reach of the regulatory authority that is too timid to stand up for the health of the populace. Second, the regulatory mechanism lacks societal oversight. The sudden eruption of the “scandal” and its even-faster disappearance from public sight suggested it was probably just a “tempest in the teapot” type power struggle behind the scene among state-run groups. Facing public outcry, the government chose to side with big businesses and claimed there was no risk of infection whatsoever from the allegedly tainted products. The regulators had failed to perform their duty but were never held accountable. Third, the authoritarian machine is the ultimate source of Chinese people’s health hazard: Under China’s authoritarian rules, SREs and the ruling elites have firm grips on lucrative business sectors which grow so huge that no civil servant dares to challenge on behalf of public interests. Meanwhile authoritarianism loathes people’s participation in policy-making and oversight on government functions, including regulatory mechanisms. Fallout of such institutional flaws may be difficult to detect right away but its long-term repercussion will eventually lead to systemic health hazard of the citizenry.

### 3.4 Food Safety: School Food Scare

In Sichuan province some students got ill from school-provided meal at the
Chengdu No. 7 Development High School. On March 13 parents rallied to demand accountability. Some parents even knelt down in front of the mayor begging for official investigation. Massive police power was deployed to disperse the protesters with pepper spray and force.

Turned out the school’s canteen service had been outsourced to Sichuan Deyu Logistics Management Service company, founded in 2015 and had contracts with twenty other schools serving over 200,000 students in Sichuan province on a daily basis. Deyu has sponsored a Principal’s Club – an association of high school principals throughout Sichuan with up to 200 member schools and four specially invited council members. Angry parents compared this affiliation ring to the promotional model to sell vaccines produced by Changchun Changsheng Life – which bought influence, even impunity, by sponsoring all kinds of events attended by disease control officials at various regions, while doling out incentives.

For a while, the “Chengdu No. 7 Development School” was one of the most searched terms on Sina Weibo, a micro-blogging social media widely used in China. Censors quickly took down relevant comments. The event may have dropped out of public eye and mind in Sichuan, the rage quickly spread beyond this central province. Chinese scholars pointed out: this was not an isolated issue with any specific product, group, location or social status; it was a symptom of widespread lack of food safety standards and enforcement mechanism (Duowei News, 2019). China, though in pursuit of a market economy, has failed to safeguard consumers’ rights. The going practice is protection based on social stratum. For example, there are special farms to supply green, hygienic and safe food items for elite groups and high-ranking officials. The lucky ones buy protection because they can afford high-priced “healthy” food. Nobody seems to care about food safety of the underprivileged class, such as indigent residents or migrant workers. Food safety and health of the populace will only deteriorate unless there are timely political reforms.
3.5 Health Hazard

3.5.1 Ambience Hazard: Toxic Material in Audi Cars

In March, six owners of made-in-China Audi cars and their families filed a complaint saying Audi cars probably used some toxic materials causing many people to suffer leukemia. Industry insiders revealed that, toxic materials are widely used by car manufacturers, not just the Audi cars made by the FAW-Volkswagen Company based in Jilin in Changchun province. Experts confirmed that inhaling the fume of such materials could cause cancer. A list of 85 ill owners of Audi car has been circulating on the web with data like the home province, name, gender, age, car model, license plate, disease type, time of car purchase, and the time of first symptom. More detailed information (diagnosis, driver’s license, death certificate, etc.) of 33 owners has been submitted to the State Administration of Market Regulation and Shenzhen City Consumer Ombudsman. In fact, similar issues had been raised before, but the authority chose to look the other way and do nothing. CTTV, China’s official television broadcaster, disclosed as early as in March 2013 that one source of the odor was asphalt – likely to release carcinogenic benzene fume when heated – that the Chinese car-maker FAW-Volkswagen uses in making shock-absorbent dampers. In 2017, press media and car owner representatives got together to witness a sampling test conducted by the Shenzhen Consumers Ombudsman, and proved air quality inside Audi cars was generally below standards.

3.5.2 Ambiance Hazard: Air Pollution

In the 2019 edition of the State of Global Air (based on 2017 data), the U.S.-based Health Effects Institute indicated the year 2017 saw 5 million people worldwide died of stroke, heart disease, lung cancer, diabetes or chronic obstructive pulmonary disease (COPD) from long exposure to polluted air, outdoor or indoor. China accounted for 1.2 million of the casualty. It was estimated that, air pollution shortened the average life expectancy by 23 months: 15 months from inferior outdoor air and
8 months from indoor air respectively. Among non-infectious diseases, air pollution contributes 26% to the onset of lung cancer, plus 17% and 12% to heart disease and stroke respectively. A more recent estimate by Hong Kong Chinese University shows that air pollution caused over one million premature deaths, and an economic loss of 276 billion yuan every year (The News Lens, 2019).

Moreover, China’s air pollution is so extensive that even neighboring countries are exposed to health hazard. WHO data show 18,000 people die of air pollution related diseases every year in South Korea, where 97% of the population surveyed in 2018 indicated they “suffered from physical and emotional pain from dirty air” – a social disaster declared by the country’s environmental authority. In the attempt to identify the source of air pollution, South Korean officials learned that, the closer to China, the more serious the problem. Concentrations of both carbon particles and SO2 in the ocean are much higher than that inside Korea, suggesting the source came from somewhere else. “China should be held accountable for 50-60% of the air pollution in South Korea”, said Park Won-soon, Mayor of the capital city Seoul, quoting third-party researchers on environment study (Liberty Times, 2019).

3.5.3 Health Hazard: Medical Waste Illicitly Reused

Disposable medical waste – like intravenous tubing, gloves, fluid bags for urine or blood – are hundreds or thousands times more infectious than typical municipal waste. Some biomedical waste may even contain hazardous or radioactive materials. CCTV disclosed a network of unscrupulous vendors collecting medical wastes to make disposable food containers, an industry valued at 243 billion yuan in 2019. Fast food may be convenient, but consumers run a risk when unknowingly using disposable food containers made from medical waste.

By law, only qualified vendors may collect biomedical waste (like fluid bottles or bags) to send to other qualified operators for proper disposal – like incineration – to eliminate the hazard. This is stipulated in the Regulation on the Control of Medical Waste (Order No. 830). On March 15, 2019, CCTV unveiled a medical
waste syndicate that pulverized plastic tubes/bags tainted with blood or urine to make “recycled plastic pellets” of greyish or yellowish shade by some simple processes. Such recycled pellets are raw materials widely used to make disposable food containers, among other cheap plastic products.

This was not the first exposé of medical waste misuse. Year after year, media reports attract public attention and outcry, but never long enough to bring about concrete changes. After the 2003 SARS epidemic, China enacted the Order No. 830 to regulate the medical waste trade. Seventeen years on, this has become a lucrative business operated by illicit syndicates. Children are potential victims too. On the 2012 nationwide broadcast of the Consumer Rights TV show it was revealed that toy makers in Shantou of Guangdong province turned medical waste into secondary raw material to make stuffed toys. The TV show created a quite a stir of panic. Later in January 2017, news media pointed the finger at vendors in three cities (Nanjing, Changsha and Xiangyang) where shady factories made food containers and toys from medical waste. People were enraged and lost faith in take-out food. But their frustration goes unanswered. The public is fed up with authority’s lack of enthusiasm in regulating this crooked trade, a time bomb ticking away precariously.

3.5.4 Health Hazard: The Decree to Curb C-section

Since the turn of the century, WHO has advised women against Cesarean surgery for child delivery unless absolutely necessary. WHO also warned China about its C-section rate (46% at some point) being one of the highest around the world. Under international pressure, China has sought to put a lid on that figure. A research paper jointly published by Harvard University and Peking University found China successful in capping C-section growth while Brazil and other nations were still trying to figure out what to do. That paper described China’s health authority sprang into action in 2001 making it a national priority to cut C-section rate, also imposing administrative fines (like linking state subsidies with C-section rates and revoking hospital licenses). These measures have achieved remarkable results. In 2012, hospitals in Hubei with
many C-section cases were told to face “discipline”. However, WHO pointed out no other country would penalize medical staff for high rates, and said “something quite unique to China is that… doctors are allowed to go against the will of the woman. In the legal guidelines, not just the clinical guidelines, doctors are told they can go against the woman’s wishes”. Such relentless focus on cutting C-section rates would take away mother’s rights to a choice of child-delivery method (BBC, 2019). In contrast, C-section rates have been low in Scandinavian countries, not because they promote rate-reducing policies, but due to available high-quality nursing care.

4. The Right to Adequate Living Standards

4.1 Poverty Reduction Campaign

Year 2020 is the “banner” year in which Xi Jinping had declared to “lift indigent people out of poverty definitely on schedule”. On October 17, 2019 Xi again claimed “the problem of absolute poverty would be historically resolved to make significant contribution to poverty elimination campaigns around the world.” But irregularities abound: grassroots officials “rushing to fake poverty to grab money”, or “hustling to skim off poverty-reduction funds” rather than actually helping poor residents. As the program is coming to an end, deceptive practices and bureaucratic irregularities are reaching an all-time high, highlighting the absurd nature of poverty reduction campaign under an authoritarian regime: a program, though zealously pursued, unlikely to genuinely improve the life of population at the bottom of the society. Specific issues found during 2019 were the following:

4.1.1 Resentment Against The “Achievement”

When celebrating the 40th anniversary of the Chinese Communist Party, jubilant Xi Jinping declared “740 million people were lifted out of poverty, and the poverty rate dropped by 94.4% over the last four decades.” Not everyone was appreciative
about it. Around the Lunar New Year, grassroots bureaucrats would perform an annual ritual to “deliver warmth in the form of rice and cooking oil” to destitute households. On two February 2019 video clips, the gesture backfired when farmer-recipients rejected the “warmth” and threw it right out.

4.1.2 Dubious Statistics to Cover Up Poverty

China’s National Bureau of Statistics in a February report put people earning 2,000-5,000 yuan per month in the “middle-income” bracket, a label that triggered heated debates. Economists said, for sure there would be a statistical distribution within each income bracket, but calling someone making 2,000-yuan a month as “middle income” is too much of a stretch, causing that term to lose its meaning and credibility (Fortune Times, 2019). It seems people at the low-income end of the middle-income bracket still live a tough life – in actual take-home income or in life style – not yet ready to experience the leisure, pastime and dignity typically associated with the image of the middle-income class.

4.1.3 Fraud and Waste Abound

Xi Jinping spoke about the poor areas yet to be relieved from poverty stressing they would be the most difficult to tackle, and urging officials to take pragmatic steps to “beat the sounding drums, and strike the alarm bells to achieve the goals”. Xi made the remarks at a deliberation session with deputies from Gansu province during the 2019 Lianghui. He advised the audience to steer clear of the “Great Leap Forward” mentality or “grandiose” style: not to fudge numbers to overstate achievements. Yet, negative publicity kept surfacing, suggesting officials could find virtually no other way but falsification to get around the tremendous pressure to “perform” in the poverty relief campaign. Here are some episodes that came to light during 2019:

- In April, China’s housing authority disclosed the construction of two “for show only” structures: (1) in Yuzhong of Gansu province – a county on the priority list for poverty relief. It spent 62 million yuan, about 10% out of its 2016 revenue
of 593 million yuan, to build a faux antique Chinese-style entrance. (2) in Hancheng of Shannxi province – the county had 62 villages in need of salvaging, but spent 190 million yuan to install a humongous “carp jumping over the dragon gate” landscape complete with miniature cliffs and waterfalls plus fancy lighting. Local people called it “officials’ show-off project”. A Shannxi resident said, “As far as I know, all poverty relief works are bogus. They promised to build new houses in town for poor households who had to pay some money but never got the house.”

* On February 21, at a village in Henan province a 90-year-old man was found dead of unnatural causes in his small run-down shelter. Local officials, for the purpose of meeting the poverty-relief quota, forced him to live with children for “state inspection.” Villagers said the old man did not get along with his son, and was depressed under the same roof with the son. Eventually the man moved back to his place and took his own life.

* In June a farmer in Hebei province was forced by merit-point-seeking officials to move from a cave dwelling to a barely habitable structure with no window or door. Her entire family – she, a bedridden husband and two sick children – had been listed as a needy household in 2016. The move did not include any subsidy; she had to choose between treating husband’s condition and furnishing the house. The husband secretly went out to sell blood for money to “fake being out of poverty.”

* China’s judo sport champion Ma Ruibin openly blew the whistle on two village-level CPC party officers at Benxi City of Liaoning province – one is the successor of the other – of embezzling over 10 million yuan of poverty relief fund, forcibly seizing village-owned business entities, and preying on villagers. A local resident claimed to have been harassed for telling on the officers who barked back “You will be dead if you squeal again!” Liu Zhongjun, one of the officials, falsified the acreage of land parcels planting Chinese magnolia vine
to make claim to over 10 million yuan in relief money. Subsequently Liu was forced to resign but the money was never recovered.

- Li Tientien, a female teacher serving the Tujia minority tribe in Hunan province, was wrongly punished for criticizing local officials who often pandered to superiors at the expense of students’ education. In an article titled “Forsaken Rural Children” the teacher wrote, for the school principal to look good when supervisors came to inspect, quite frequently, students were forced to skip learning for clean-up tasks every other day. Students were sacrificed when “classes are second to clean-ups” became a norm. Li also indicated, being a remote-area teacher, she had been designated as the literate liaison for five impoverished households – to figure out their income, fill out papers, collect and compile information to justify getting reliefs. Very often she had to skip classes to go to a government office in town to do paperwork in response to “inspection visits from high-ups”. Afterwards, Li called for help on WeChat saying she was summoned on short notice to answer inquiries at the education bureau in town, and was scared. Her accounts set off a wave of public discussion.

4.1.4 Overleveraged to Meet Targets

In recent years, China has actively mustered financial resources to advance the cause of poverty reduction. But grassroots cadres and private groups, in order to meet demands from the high-ups, have been known to borrow too much money resulting in looming financial crises. China’s central bank published *Opinions on Financing the Precision Poverty Relief* in March 2019 listing the risks of overextending credits in single-mindedly pursuits of magnitude and penetration. The sum of re-financing reached 167.9 billion yuan nationwide as of the end of March 2019. Under the “precision poverty relief” banner, outstanding loans to needy individuals on record was 712.6 billion yuan; and 1.17 trillion yuan to businesses. To meet the administrative goals set by higher-ups, local authorities and business sectors have gone over-leveraged for poverty relief tasks.
4.2 African Swine Fever Pushes Up Food Price

China used to be the world’s leader in pork production and consumption. That has changed since August of 2018 when African swine fever spread to the entire China and the number of pigs plummeted from massive culling. As of August of 2019, live pig population went down by 40% and pork price up by 50% year-on-year. In at least three provinces the authorities had to dig into war reserve stock to keep pork available for consumers. Consumer price index (CPI) has risen quickly. The September CPI grew 3% annually, the biggest surge in six years. Compared to 12 months ago food price has gone up by 10%, and meat price from four-legged live stock rose by 46.9%, contributing about 2.03% to the 3% CPI increase, out of which pork price accounted for 69.3%, or 1.65%, in the 3% CPI uptick. It seems pork is taking the lead in price hikes of meat and general commodity.

The government rolled out all kinds of measures to stabilize pork prices: subsidies, opening up wartime reserves, and urging farmers to speed up breeding. Vice Premier Hu Chunhua forewarned a severe pork shortage well into the first half of 2020. The shortfall of 100 million tons exceeds what imports can compensate. That was why boosting domestic breeding was a priority. Thus an urgent “political mission” was born: domestic meat production. “Returning to normal output level in 2020” was the gospel preached when Hu visited the three animal farming provinces in northern China: Shandong, Hebei and Henan.

With that “pork as a political mission” in mind, 10 provincial-level jurisdictions by the end of September 2019 had set pigs-for-slaughter targets. Even mayors had to commit to that target as one yardstick for year-end performance evaluation. The state devised various strategies to raise pork outputs also required large farms to boost their productivity.

Ultimately, curbing the spread of African swine fever would be crucial, otherwise a resurge of the epidemic would only wipe out the hard-earned increase in output. The agriculture authority had demanded pig farms to promptly report any sign
of epidemic, or the owner would be penalized. But there is a catch. The central and local government together have to pay the farmer 1,200 yuan for each pig culled. For local bureaucrats, the choice between paying compensation and denial/cover-ups is obvious, not to mention the red-tape ramification if the disease breaks out under his watch. As a result, farmers are anxious to get rid of sick animals on their hand to cut losses. Pigs showing the first sign of disease flood the market. The virus spreads on and on.

4.3 Yawning Wealth Gap Erodes Living Standards

Recent economic data shows 5% (roughly 70 million individuals) of Chinese population are well off with an average bank balance of 470,000 yuan per person, while the other 95% has an average of 24,000 yuan in each one’s bank account. But 40% (about 560 million persons) actually have no money in the bank. In fact, 92% of that 40% (about 510 million) are living from hand to mouth; their expenses exceed income. Official 1Q2019 data show Chinese residents spent more than what they earned. The full-year 2018 data show an average disposable income of 25,947 yuan nationwide, but only 13,432 yuan for rural inhabitants. Residents in 21 (out of a total of 23) provinces have an average disposable income less than 25,000 yuan a year, namely only about 2,000 plus yuan per month, but only a little over 1,000 yuan for rural folks per month.

Such numbers depict a nation that, despite a poverty relief policy eagerly promoted by the CPC party, there are still a huge low-income population, and a yawning wealth gap. The poverty reduction campaign may have projected an image of remote rural villages lifted out of poverty, but the majority of Chinese population are still waiting to enjoy their right to subsistence, to be free from want.

4.4 Housing Price Support and People’s Debt Ratio

In a recent CASS report, housing prices at “hot spots” are generally in decline:
in top-tier metropolis like Beijing and Shanghai, real estate values continue to drop, while property market in second- and third-tier cities are already in deep freeze. Small to medium sized brokerages quietly disappeared one by one; the big surviving ones are hawking houses at deep discounts. Local authorities found it necessary to intervene. In Guangxi province, Guilin City hall on September 20 held an event to prop-up housing prices by (1) condemning big developers like the Country Garden Company, for the “vicious intent to undersell properties” and (2) urging broker agencies to “boycott such evil efforts with group discipline to uphold the property market.” At cities in Hubei, Jiangxi and Henan provinces, local authorities were engaged in similar attempts to “bolster the real estate price” by “having a talk with each developer”.

Bureaucrats keep a close eye on the property market because it is the primary source of income, 25% of the national and 66% of the local revenue in year 2018. (1) At the national level, the total fiscal revenue was 6 trillion, 8.3 trillion, 26 trillion yuan respectively for years 2008, 2010 and 2018; a fourfold growth. Land lease income was 0.96 trillion, 2.7 trillion and 6.5 trillion yuan in those years; a growth of sevenfold. Land lease accounted for the annual revenue by 16%, 32% and 25% respectively. (2) At the local level, total fiscal revenue was 4.16 trillion, 6.9 trillion, and 9.79 trillion yuan respectively for years 2008, 2013 and 2018. Land lease income was 9,600 million, 4.1 trillion and 6.5 trillion yuan in those years. The ratio of land lease in local-level annual revenue was <25%, ~60% and ~66 % respectively.

Besides land lease, there are other property-related taxes levied on deeds, land value increase, housing, urban land usage, farm land occupation and so on. These taxes add up to a substantial amount: a total of 1.8 trillion yuan in 2018, contributing 32% to fiscal revenue at the national level, and 80% at the local level. Based on National Bureau of Statistics and the statistical yearbook, land grant lease currently accounts for 41% of commercial housing price from a peak of 55.8% in 2010. Namely, half of the sales income from commercial housing goes to the local government.
Steep housing price is good news to the government but a grief to homeowners. It is the culprit driving up a household’s debt burden and capital leverage ratio. Statistics show urban housing price has continued to grow. The July figures indicate a 9.7% year-on-year surge in 70 medium- to large-cities over a rising streak for 46 months, or month-on-month increase for 51 months. Money tied up in properties would curtail a household’s consumption ability. In 2012, Shenzhen ranked number four in total retail spending of consumer goods, only after Beijing, Shanghai and Guangzhou. In 2018, it dropped to the seventh place to be behind Chongqing, Wuhan and Chengdu. Shenzhen residents have to inject more capital into housing, thus leaving less liquid money to spend. A medium priced house in Shenzhen now costs 34 times of average annual household income in China. Outstanding mortgage debt in Shenzhen totals 1.994 trillion yuan. Upon a closer look, homeowner’s rising leverage ratio would lead to bank asset deterioration, drive up fiscal risks, curb consumption growth, and eventually hamper the overall economic momentum.

Household debt ratio offers another insight. Official numbers put China’s average ratio (household debt over household income) at 53%. This number is 34% higher than that in 2008 when the global financial crisis was raging. Moreover, this household debt ratio over disposable income has increased to 120% after fixed expenses are deducted. In the China Financial Stability Report (2018), household leverage ratio (mortgage debt outstanding/GDP) was 17.9% in 2008, but bloated to 49% in 2017, and cities in the south tend to have higher leverage than those in the north. One can surmise that expenses are exceeding income in an average Chinese household, and that the rate of debt increase is the highest among the world’s major economies. This is a situation similar to Japanese asset price bubble in the 1980s.

4.5 Governance of Flood Relief

Starting July 2019, over ten cities in China have been ravaged by floods, and water from Xiang River in Hunan province was the most devastating. Hunan’s
emergency response team on July 15 issued a public bulletin saying as of 20:00 of
July 14, two bouts of heavy rainfall had wreaked havoc on the life of 3.93 million
residents in 14 cities and 90 counties: 17 people dead or missing, 471,000 residents
evacuated to shelters, 179,000 people in need of urgent help, and 293,000 hectares
of farmland damaged (out of which crops in 67,000 hectares got wiped out), 3,250
households displaced, and 7,087 buildings collapsed. Direct economic loss totaled
10.3 billion yuan. The local government only granted a relief fund of 1.2 million yuan;
30 cents per head on average. Such a meager relief was only a drop in the bucket
compared to what would be needed for reconstruction. This incident exposed China’s
poor governance in disaster response, and apathy towards refugees. It is a bitter irony
when compared to the generous aids from China – typically tens of billion US dollars
apiece – to African countries.

In a separate flood event, the local authorities’ response was even more dubious.
In Heyuan City of Guangdong province, a total of 110,000 residents (including eight
deaths) in 63 townships suffered from a flood in July. Shangping Township was the
worst hit. Residents accused local authorities of land grabbing: officials took this flood
as an opportunity to confiscate and demolish some existing structures (not flooded
and in relatively good condition) and send residents away under the pretense of
resettlement. Compared to previous example of poor flood governance, this particular
case is more absurd that the local authority drove out resident to grab the land on the
pretense of flood relief.

4.6 The “House for Pension” Scam

During the months of April and May, Beijing Zhongan Minshen Company,
a pension service firm, was investigated for ripping off old people. Numerous
retirees in Beijing lost both their money and houses to the firm in a scam under the
pretext of “reverse mortgage” or “house for pension”. The elderly were particularly
vulnerable and got swindled throughout China. Tiendi Ziran, a nursing home in
Nanchang of Jiangxi province, has been pitching a vision to “build top class nursing homes in Jiangxi” for two years and recruited several thousand pensioner-members (shareholders). In April 2019, the person in charge suddenly dropped out of sight along with shareholders’ money. Zhongan Minshen in Beijing deliberately misrepresented itself as “in collaboration with” the Ministry of Civil Affairs, National Commission on Aging, China Aging Development Foundation and so on, tricking senior citizens to sign over the house in a property mortgage agreement, and profiting from selling the house at a discount or through an auction. The idea of “reverse mortgage” is for an old person to sign over property right to a bank or insurance company which would in turn pay the owner a living allowance until the end of life at which point the property become a bank asset.

The fact that many old people fell for Zongan Minshen’s scam has to do with China’s senior care policy. In view of the gaping shortfall in the old-age insurance (pension) fund pool, and the urgency to support elderly, the state began to promote this “reverse mortgage” policy throughout the country citing “the state should not be solely responsible to look after the elderly”. China’s enthusiasm in this program is in fact an attempt to shirk its fundamental responsibility to take care of the senior population. Many property firms tout the benefit of reverse mortgage but swindling is their true intent. In this context, gullible old people would eventually lose both the house and the money. Such episodes serve to show that – in the eyes and minds of officials – social policies are more about reaching quantitative targets at all costs rather than fulfilling the basic but noble duty to uphold social fairness and protect people’s rights. No wonder all kinds of social maladies emerge on the heel of well-intended social policies.
5. Conclusion

After reviewing events and trends related to social human rights in China during 2019, we identified issues keeping Chinese government from upholding social human rights, and analyzed them from three angles: the right to social security, to health and to an adequate standard of living.

In terms of social security, the old-age insurance system (the general pension program) was confronted with three problems: benefit bias by location, benefit bias by status and over-reliance on government subsidy originally intended to lessen employers’ contribution burden. All these have threatened the pension system’s viability, not to mention deepening the intrinsic cracks of an aged society. The ingrained social bias reflects the challenges the system designers are bound to face: acknowledging legacy schemes when tinkering for the future, devising robust measures to be responsive to the ever-changing context. One attempt was the introduction of market rules to administer long-term geriatric care at private facilities. But the flip side of the coin was government’s ulterior motive to shirk responsibility and hide its ineptitude to regulate this type of welfare service. Poor governance also contributed to widespread disruption to people’s ability to maintain a decent life. Local authorities’ lax attitude against African swine fever failed to contain the virus, triggering systemic crises that drive up the prices of meat, food and commodity. In response to declining housing prices, officials at the local level attempted to prop up the market but failed to recognize the financial burden –manifested in household debt-to-income ratio – of homeowners.

Regarding the right to health, scarcity of proper health care is reflected in short life expectancy of China’s elderly cohort. The HIV-contamination drug scare underscores regulatory deficiency of a biomedical industry ultimately controlled by nationalist capitalism. The food scare at schools exposed a network of cronies that gained control of the billion-yuan canteen business in the Sichuan region, and that Chinese people don’t have equal access to health. Health hazards were everywhere.
Toxic materials used in Audi cars, food containers made from medical waste… are everyday examples of state regulators’ failure to watch out for consumers. The state uses administrative power to discourage hospitals from doing C-sections, this is tantamount to denying an expectant mother’s rights to a delivery method of her choice. Regardless how health hazards are manifested, they all point to one prevalent political symptom: negligence and lack of accountability on the part of grassroots civil servants. Ironically, when it comes to getting the credit for poverty reduction or reducing C-section rates, bureaucrats have been eager to employ coercion to reach nominal goals at the expense of human rights.

Regarding the right to adequate standard of living, civic authorities seemed to have gone all out to eliminate poverty, but widespread abuses – arisen from ingrained institutional flaws – defied the whole purpose. Typically problems were corruption and deception, plus needless red tapes impacting normal everyday life of the lower class. Overzealous local cadres have doled out “loans” in an attempt to “look good” on the poverty-reduction performance report. In reality, financial over-leverage actually perpetuated poor people’s hardship – not only widening the gap between the rich and poor but also leaving them next-to-none disposable income. It seems the entire poverty alleviation campaign has turned out to be a hyped-up policy just to project a grandiose self-image; but doing little to uphold social rights. During 2019, there were numerous incidents eroding people’s standard of living: For example, African swine fever may not have had direct harm to human, but the price of pork – a staple in Chinese diet – soared beyond reach for an average household. Sub-standard epidemic control effectively undermined people’s rights to adequate standard of living. On another front, to keep property tax revenue flowing, officials at the local level made every effort to “stabilize the housing market” and “curb any price drop”. Consequently it is the people that bore the brunt of high mortgage burden and low disposable income. Unjustified post-flood land grabbing by the local government was driven by a similar motive. Grassroots officials put self-interest ahead of people’s social rights and...
paid little heed to the plight of flood refugees, let alone people’s rights to affordable housing. Again, this points to an authoritarian one-party state’s intrinsic, systemic constraints that deprive rather than uphold people’s social rights.

By and large, this 2019 status review sheds light on China’s systemic deficiencies in upholding social human rights. Most of these deficiencies come from inherent constraints of an authoritarian regime that: (1) focuses on “form” over “substance” – putting too much administrative resources in blind quest for quantitative presentations causing political misfires and dented social rights, (2) lacks in general governance and regulatory oversight, thus undermining people’s rights to adequate standard of living, and (3) promotes policies “for show” than for effective results, thus failing to address people’s real needs, consequently inducing further social problems. The ensuing social risks reverberate on and on.

Looking back to the 2017 and 2018 edition of this report, the 2019 picture is not much different: dysfunctional oversight, poor governance, excessive bureaucratic mobilization seeking quick symptom relief over long-term cure – these are simply various manifestations of constraints of authoritarianism. In summary, China has not addressed the root causes that breach people’s social rights. China may have continued to promote social policies and programs in 2019, but the pursuit of quantity did not make up for the lack of quality. In 2019, emerging social issues have been identified: mostly from half-minded implementation of policies, or from governance failure of other departments within the government. With non-existent accountability under an authoritarian rule, civic authorities barely pay attention to people’s grievances in a timely manner, let alone striving for responsive solutions, not to mention effective policy adjustments. Therefore, gauging social human rights status in China should go beyond the pre-defined social policies; rather, one should look to see if people’s needs are effectively and timely recognized and converted into policy goals to be conscientiously implemented.
In conclusion, before exiting institutional hindrances are resolved in China, new social perils have emerged but not yet been addressed. The social human right status of 2019 seemed locked in an impasse, perhaps even somewhat retrograded. In recent years, China has endeavored in active pursuit of a historic “comprehensively well-off society in 2020” where social rights are presumably upheld. The year 2020 also marks the first centennial of the CPC party. It remains to be seen if the political investment and implementation of social policies will lose steam after year 2020 causing people’s rights to diminish.
References


Economic and Environmental Human Rights –
Intertwined Rights and the Government’s Efforts
to No Avail

Yu-jung Lee∗

Abstract

Sifting through nearly 2,000 news entries from 160 media outlets, this author examines status of economic and environmental human rights in China zooming in on aspects like depriving the right to work, human life and epidemic crisis, quality of life and consumer prices, pollution of air, water, waste and toxin as well as people’s grievance during 2019. Specific areas beget extra attention: African Swine Fever, the triply-new economic sectors, time expired goods, shady supply chains, waste classification and incineration. Such cases occurred repeatedly across the land indicting they are not isolated incidents. The author has three findings: First, China seems to have a pattern, a trilogy, to deal with crises: categorical denial in the beginning, followed by high-handed clampdown or enforcement claiming full control of the situation before the whole campaign quickly fizzes out. Second, China clearly prefers economic development to environmental protection though the two trends are inseparable. Third, more and more Chinese people are becoming conscious of their own rights and willing to stand up for themselves: like parents of young victims of dubious vaccines, community residents against garbage incinerators, workers owed back pays and those working excessively long hours. The tremendous power of electronic media has made news of such incidents known to the outside world, and

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forced the Chinese government to face such entrenched problems head-on.

**Keywords:** late pay by employer, 996, raucous and rowdy, waste sorting

## 1. Introduction

### 1.1 Observations from Outside

China’s poor human rights records have been the focus of international attention, but mostly from the perspective of civil and political rights. Regarding economic rights, the European Union’s 2019 *Annual Report on Human Rights and Democracy in the World* pointed out China’s reforms since the 1980s have reduced poverty and created plenty of jobs and a robust health care system within its territory. However, the protection of economic and social rights is still hampered by people’s inability to freely assemble and associate. Namely, the failure of political and civil rights has limited the extent of people’s economic (and social) rights. This viewpoint is echoed in America’s State Department’s *Country Reports on Human Rights Practices*. Besides the analysis on China’s civil and political rights status and Tibet issues, this *Country Report* indicated China’s ban on association has curbed the formation and development of workers’ unions. The All China Federation of Trade Unions (ACFTU) has been the only union recognized by law. Without an independent, autonomous union, workers have no way to address their grievances. Corruption of bureaucrats and leaders at state-owned enterprises (SOEs) put additional shackles on economic rights of laborers.

Many countries, like Malaysia, Sweden, and Australia, as well as the European Parliament, have become wary of human rights status in China. Meanwhile, China continued to veto – a privilege as a permanent member of the UN Security Council – well-intended human rights petitions or proposals at the United Nations. That was why the American *Country Report* urged international entities to monitor and critique
human rights situations in countries around the world. However, China has taken a nonchalant attitude: denying UN experts’ request to visit, and ignore criticism from the UN Human Rights Council. The *World Report* by the Human Rights Watch, an NGO, also indicated that despite international advocates’ on-going criticism and denunciation of human rights status in China, very few groups have actually taken actions against China.

Regarding environmental human rights, the International Carbon Action Partnership in its *Global Carbon Market Report 2019* indicated that China’s competent authority for climate change has shifted, from the National Development and Reform Commission to the Ministry of Ecology and Environment (MEE) since China opened the carbon emission trading market in 2017, yet its energy consumption and CO2 emission continued to rise unabated. The Environmental Performance Index jointly issued by Yale University and Columbia University shows that China ranked the 120th (50.74 points) among 180 countries, but the 177th if both air pollution and PM2.5 are considered, and 130th in terms of heavy metal pollution and lead exposure. These rankings not only explained the rise in energy consumption and carbon emission, but also clearly depicted the distressing situation of environmental human rights in China.

### 1.2 Observation Criteria for this Report

For this report on the status of economic and environmental human rights in China, we adopt the three pillars of human rights norms: *the Universal Declaration of Human Rights* (UDHR), *the International Covenant of Civil and Political Rights* (ICCPR), and *the International Covenant of Economic, Social and Cultural Rights* (ICESCR). Explicit standards for economic rights are found in UDHR Article 25.1, ICESCR Article 6: the right to work, Article 7: the right to fair working conditions, and Article 11: adequate standard of living.
As to environmental human rights, Alan Boyle, a public law scholar, suggested the following standards: ¹ combining ICESCR Article 11 with Article 12 (the right to the enjoyment of the highest attainable standards of physical and mental health) to entail the rights to adequate and clean drinking water, zero exposure of chemicals, and staying clear of environmental conditions that directly or indirectly impact human health. In fact the United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses has reiterated in its Article 10 about requirements for vital human needs, emphasizing adequate (fresh) water resource as one crucial condition to ensure food production to avoid famine. Therefore, this paper focuses on the right to work, the right to adequate living conditions, and quality of life in her observations despite different legal interpretations in various sources. ²

For nuanced observation, though somehow narrowing down the scope, this paper looked in several sub-areas. In the economic realm: the freedom to work, job security, trade unions, quality of life, and the right to nourishment are listed under two broad areas. In the environmental sphere: the paper adopts the three areas used (land, air and water) in previous years. For sub-areas, this paper looked into the categorization scheme of Taiwan’s Environmental Protection Agency’s Environmental Management System (EMS) and the widely adopted ISO9001 and ISO14001 standards, then decided to address the issues in four sub-areas: air, water, waste and toxin. Such a grouping scheme is similar to the original design, but highlights mutual impact on one another, therefore more suitable for describing the environmental hazards and mutual impact between human and the environment. See Table 1.

¹ http://www.law.ed.ac.uk/includes/remote_people_profile/remote_staff_profile?sq_content_src=%2BdXJsPWh0dHAlM0ElMkYlMkZ3d3cyLmxhdy5lZC5hYy51ayUyRmZpbGV/VZG93bmxvYWQiMkZwdWJsaWNhdGlvbnMlMkYwXzEyMjFfaHVtYW5yaWdodHNvcmVudmllyb25iZW50YWxyaWdodHNhcmVhc3Nlcy5wZGYmYWxsPTE%3D. (accessed March 25, 2019).
² For example, the terms “family” and “family members” in the book International Human Rights Law are slightly different between the version edited by Chen Lung-chu (2006) and the version passed by the Legislature in 1999.
Table 1. Criteria for Observations on Economic and Environmental Human Rights

<table>
<thead>
<tr>
<th>Realm</th>
<th>Area</th>
<th>Sub-area</th>
<th>Description</th>
<th>Origin</th>
</tr>
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<tbody>
<tr>
<td>Economy</td>
<td>The right to work</td>
<td>Work freedom</td>
<td>The entire employment period</td>
<td>ICESCR Article 6</td>
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<td></td>
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<td>Job security</td>
<td>From wages, workplace conditions to vacations</td>
<td>ICESCR Article 7</td>
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<td>Trade union</td>
<td>Laborers</td>
<td>ICESCR Article 8</td>
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<td>Economy and life</td>
<td>Quality of life</td>
<td>Everyday needs</td>
<td></td>
<td>ICESCR Article 11</td>
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<td>Right to food</td>
<td>Food security and drinking water</td>
<td>ICESCR Article 11</td>
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<td>Trend and cases</td>
<td>Overall changes</td>
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<tr>
<td>Environment</td>
<td>Land</td>
<td>Air</td>
<td>Various incidents of pollution</td>
<td>ICESCR Article 11</td>
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<td>Water</td>
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<td>Cases and trend</td>
<td>Overall changes</td>
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Source: compiled by the author

Table 1 shows the scope of news entries collected for this observation report. One major difference between the two realms is: economic sub-areas are smaller scopes for nuanced observation whereas environmental sub-areas are intertwined with the “area” above it. For example, in the area “land”, there may be solid waste dumped and liquid waste discharged on the same piece of land. The interaction among items in these two tiers could be horizontal as well as vertical.

1.3 Quantitative Analysis of Media Entries by Areas of Concern

This objective of this annual report is, and has been, to observe and analyze human rights status in China using information collected from inside China to avoid over-reliance on Western-language sources, and to identify issues not yet covered in other publications. With that in mind, the paper searched thoroughly major news
media printed in simplified Chinese characters: official mouthpieces like the People’s Daily, the China News Net, China Economic Net, and some local newspapers like the Tianjin Daily, the Inner Mongolia Daily, the Beijing Evening News, and the Sichuan Daily. The paper also looked in publications like Hong Kong 01, and human rights watch reports by the Green Peace and various NGOs. The materials collected included a total of 1,555 news entries related to China’s economy, and 375 entries on environment from January to December of 2019. The big gap between these two numbers reflects the relative weight of media coverage. The percentage of each sub-area also reveals the proportion of rights infringement in that particular aspect.

Table 2. Number of Economic and Environmental News Entries by Month

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<th>Area</th>
<th>Economic Aspect</th>
<th>Environmental Aspect</th>
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<td>Sub area</td>
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<td>Trade union</td>
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<td>Quality of life</td>
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</table>

Source: compiled by the author
Table 2 does not include news entries about individual cases or overall trends.\(^3\) Percentage numbers are the ratio in economic or environmental realm of each area or sub-area. As economic news entries outnumber environmental news by four fold, the paper presents the percentage of each sub-area in each month for an easier comparison. The numbers in the economic realm indicate that, the right to food (clean, uncontaminated at a proper price) is the primary concern on people mind, and work freedom ranks the second. In the environmental realm, waste and water pollution are the prominent issues. It is noteworthy that, land, water resource and air each garnered 36%, 34% and 21% of media coverage. Upon cross-references with the sub-area items, it was “the waste” that attracted the most media attention in the environmental realm in China during 2019, and garbage disposal was the foremost issue.

Regarding the right to work, the top frustration issues are fuzzy accounting, late or no payment of wages, and labor shortage, plus discrimination against women at workplaces was still prevalent.\(^4\) As China’s domestic economy has shifted from the primary (extraction of raw materials), the secondary (manufacturing) to the tertiary sector (service), there are already over 3 million born-after-1990s couriers working as couriers. The delivery service industry, widely hailed in China as a triply-new economy (new sector, new revenue stream and new business models) accounts for 15.7% of China’s GDP, reportedly the world’s largest. Along with the magnitude came all kinds of consumer disputes and accidents in the line of duty, showing China has failed to pay attention to work safety and work freedom that come with industrial transformation (Qiu, Shi, and Zou, 2019). In terms of quality of life and there are all kinds of social unrest triggered by fake drugs, counterfeit medication, knock-off liquor, falsified seasonings, bogus cookies, fraudulent candies and all kinds of beyond-shelf-life goods and toxic products. Authorities have announced the top ten types of bogus food products to alert the public, but frauds and scams still abound: from credit

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3 In the economic realm, individual cases and overall trend entries account for 70% of the total, but only 9% in the environmental realm: they typically entail official information or isolated cases.

4 This issue is well covered in the chapter on gender human rights.
card fraud (identity theft), obscene phone calls, sales of fake certificates, to the shady supply chain. Apparently China still has a long way to go to uphold people’s economic rights.

Regarding environmental rights, China has bragged about turning farmers from “carriers of rural culture” to “recipients of urban civilization”. This declaration of dumping agriculture for commerce, essentially the objective of the “triple hundred-million people” campaign since 2014, has encouraged rural population to migrate to towns, or to integrate commerce into existing farming villages. Such “development” has caused widespread pollution in rural lands but no one seems to care. Specific incidents during 2019 included: water shortage impeded planting new crops in spring season, farm land rendered infertile due to pollution from nearby factories, alarming number of cancer deaths found in rural areas, and the rapid spread of fall armyworm. These mishaps are not isolated. They are convoluted with reverberating impacts (Wang, 2019d).

2. Areas of Concern

In this 2019 status analysis, the author divides the over 800 entries of media reports into five areas of concerns: violation of the right to work (ICESCR Articles 6 and 7), epidemic control and human life safety (ICESCR Article 11), quality of life and consumer price (ICESCR Article 11), compounded pollution of air, water, waste and toxin (ICESCR Article 12), and (5) rigged data and disinformation. The first and the third categories have more to do with economic human rights. The other three categories have implications in both economic and environmental human rights. There might have been infringement of other rights, but these five areas already cover the majority. Besides, other chapters of this annual report contain relevant analysis. There is no need to be repetitious.
2.1 The Violation of the Right to Work

In China, violation of the right to work is primarily manifested in unpaid wages and long overtime. Workers may seek recourse through their unions, but the employer and the state should be offering protections to incentivize employees to fully contribute their talents on the job. Besides, workers unions in China have been suppressed for decades and unable to survive by themselves, not to mention each department has its own interpretation about what the issues are related to the term “the right to work”. For example, Guangdong Province launched apprenticeship system and the employer was supposed to pay a salary of minimal wages (or above). But this well-intended policy became a tactic of filling existing manpower shortage with minimum-wage positions, thus created a new type of labor disputes. Essentially employers have abused this apprenticeship system to hire skilled workers at minimum-wage salary, and depressed the entire salary structure (Huang, 2019).

On the subject of unpaid salary, it happens everywhere, and migrant workers have born the most brunt. There is an estimate of about 300 million migrant workers in China, more than half of them were born after 1980s. They are supposed to be the core labor force for economic development. But scandals about migrant workers owed wages have never ceased. For example, in early 2019, news erupted that 42 firms in Guizhou Province owed 10,000 workers a total of 120 million yuan (Meng, 2019). In the first quarter of 2019, Hubei Province saw 875 cases of labor disputes worth a total amount of 260 million (Yang, 2019). It was disclosed in the third quarter that Hainan Province that 797 migrant workers were owed 115 million yuan. On a positive note, Qinghai Province claimed it has assisted 6,000 migrant workers to retrieve 70 million yuan worth of back pay in year 2019 (Chen, 2019).

To put things in perspective, in the 13th five-year national economic plan (2016-2020) local authorities around the nation have already helped one million migrant workers to seek repayment of wages of 11.6 billion yuan in total. Employers and grassroots bureaucrats have made pledges: Shanghai Petroleum company made public
its “Commitment Never to Owe Wages to Migrant Workers”; Guangxi Province set up a regional “Real-Name Based Payroll Platform” to disburse wages through banks; Beijing Human Resource and Social Security Bureau launched a Laborers’ Rights-Safeguard QR Code for workers to lodge real-name on-line complaints if there is any delay in wage payment, failure to sign an employment contract, or incident of overtime. Compared to the over 23,000 cases of wage disputes involving 370,000 workers in Beijing alone from January to May of 2019, this QR code platform only handled over 500 complaints. Obviously, this protection mechanism still needs more time to mature. Provinces like Zhejiang, Shanxi, Qinghai, and Shannxi have all issued “zero tolerance” ordinances such as (1) investigation within 30 days after a back wage complaint, and preferably a resolution within 40 days; and (2) scrutinizing ongoing projects involving public funding or state-owned entities (SOEs) to make sure no wages owed to workers in government-backed endeavors in the “three checks, two cleanups campaign”. But job security right was still jeopardized. In Henan Province, 36 medical doctors at grassroots public health facilities were owed huge sum of money (Cui, 2019c); they resigned en masse. A piece of news in July 2019 quoted a government report saying that public sector agencies and large SOEs had outstanding debts – totaling 380 billion yuan – to private entities. This piece of news gave the private sector a strong excuse to justify being in arrears (Fu, 2019).

Government reports demanded all public agencies to pay up half of the debts to private firms by the end of 2019, and banned any new extension on unpaid bills. From the description we can surmise people have taken it for granted that public agencies owe money to private firms, and private firms to their employees. From the number of labor-dispute arbitration cases, the total target amount, and the number of people

5 Check for (1) signs of late payments, (2) historical records of unpaid wages, and (3) all wage payments to migrant workers in projects involving government funding. Clean up the late payments on SOE projects, and government invested projects.
6 The 36 doctors justified the action citing: 30% filing charge and 5% deposit on each new farm house; price doubled on essential drugs; scope of basic public health service becomes larger year after year; and village doctors are overloaded.
seeking back payments, it is obvious the magnitude of the back-pay problem must have been underestimated.

In terms of working hours and job security, a self-mocking phrase has surfaced in 2019: “996 at work, ICU if sick” (with a few variations like “995 at work” or “996, ICU”). The number 996 means working from 9 a.m. to 9 p.m. for six days a week, and ICU means a worker will be sent directly to the intensive care unit because he would be in a very serious condition if he gets sick. Liu Qiangdong, founder of JD.com, a B2C e-commerce company, said his motto was “8116+8” and enjoyed it. He meant working from 8 a.m. to 11 p.m. for six days, plus eight hours on Sunday. He encouraged employees to be fully but voluntarily dedicated. Such self-mocking slogans have prompted engineers to call themselves “code farmer”: programmers tolling all day and night coding for the employer (Wu, 2019).

These code farmers have lodged on-line petition to call on employers and public agencies to respect their work schedule with slogans like “developers’ lives matter”. They also staged on-line voting to expose “unscrupulous sweatshops” like JD.com, Youzan, Alibaba, ByteDance, and Huawei. But the e-voting outcome is very different from the Github list that consists of mostly foreign-invested companies like Cisco, eBay and EMC which were accused of exploiting developers in China (Jiang, 2019).

One can tell that the rich-poor gap has been widening from the minimum wages announced by various provinces. In some provinces (like Hebei), the minimum wage level has stagnated for three years. Salary levels (of public sector jobs) also varied substantially from one place to another. This would perpetuate the urban-rural disparity in terms of social development. For example, a fresh college graduate teaching in primary or middle schools in Shenzhen made 290,000 yuan a year before tax, while his counterpart in central provinces made only 50,000 yuan and had to put up with salary delays (Jiang, 2019c).

In China the deficit ratios have continued to rise. Local governments continued to issue bonds, while cutting financing to private firms. As a result, government
funding has become the life-saving straw: Close to 100 publicly listed firms have thus obtained relief money through equity pledge financing as the last resort. Meanwhile, quite a few retired or active-duty officials reportedly assumed high-ranking positions of private firms during 2019. Such a move may be conducive to pushing through government policies within the company, but whispers about delayed salary and unjustified overtime were still going rampant. Apparently, the idea that “the right to work as a fundamental human right” has not been fully implemented when public agencies colluded with private firms to undermine, rather than uphold, people’s fundamental rights (Wang, 2019).

2.2 Epidemic Control and Life Safety

The most prominent epidemic news in China during 2019 was the scourge of African Swine Fever (ASF) and fall armyworms (Spodoptera frugiperda). Both were result of human negligence: ASF spread with livestock movements, while the worm has developed pesticide resistance from ingesting genetically modified organism (GMO) plants. The widespread disaster could be attributed to officials’ nonchalant attitude towards epidemic control and their disregard for human life.7

The series of 2019 media reports has portrayed a collective dereliction of bureaucratic duty. The Ministry of Agriculture and Rural Affairs (MARA) officials have adopted the habitual approach: to ignore and whitewash. Playing on euphemism, MARA asserted in February that ASF would not affect human life from the perspective of food safety, because pork is typically consumed cooked, not raw. Therefore there is zero human risk from ASF as long as the pork is cooked over 100-degree Celsius for more than one minute. Hence, MARA advised farmers to refrain from feeding pigwash to livestock. MARA also claimed the ASF epidemic was under control in 2019 since the outbreak in August 2018. Moreover, in early

7 The subject matter about “epidemic control and human life safety” is already covered in the chapter on social human rights. To avoid redundancy, here we only deal with the economic aspect of it.
April MARA lifted the lockdown in 21 provinces citing: “under the pressure of epidemic, the overall competency of the pork supply chain has improved; this sector’s stress resistance has improved amid quick consolidation.” According to an ASF fast-response manual published by MARA, a farmer may apply for a review to resume production 48 hours after taking the fast-response measures (Wang, 2019a).

MARA finally became more aggressive in fighting the relentless spread of ASF epidemic. The culling campaign started at the end of March offering 1,200 yuan for each infected pig culled. But the entire culling program was poorly thought through: it caused more confusion than solution; volatile pork price everywhere but the public and farmers were still at a loss about what to do (Jiang, 2019a). Other than telling consumers to switch to poultry, MARA has failed to extend trustworthy policies like whether to allow public access to pork testing reports, or how to protect human life. Pork was imported to make up for the gap between demand and supply. Then came the news of the largest U. S. border seizure of Chinese agriculture imports: 50 containers of meat from diseased pig carcasses. This pointed to the duplicity of the exporter and incompetency of Chinese bureaucrats (Wang, 2019c).

From the initial-stage denial to ensuing active campaign and full-fledged enforcement, the epidemic control program seemed to have just fizzled out in the end. In the case of fall armyworm (FAW), it invaded 11 provinces in China in the middle of the year. Judging from the speed of spreading, American reports warned of the likelihood of dented food supply in China by 10% in terms of agriculture loss. However, in the third quarter, MARA officials announced the completion of FAW control program and the plan to proceed to “stabilize the autumn harvest”. But FAW did not really go away, it simply went into hibernation in the southwest and the southern regions. Comes next year, FAW will return in the next annual cycle of north south migration (Jiang, 2019d).
2.3 Quality of Life and Consumer Price

Under the threat of ASF and FAW, pork price would continue to rise and would peak in the first half of year 2020, as forecast by the China Agriculture Outlook 2019-2028. Despite Chinese media’s tacit rules to “give only good news, never bad news”, consumer prices have continued to rise triggering concerns over possible inflation. Some experts said, under the impact of ASF, fresh food items like pork, apple, pear, lychee, garlic and egg would not cause inflation. The Ministry of Commerce (MOFCOM) also vouched for the security of production and supply. To support that claim, MOFCOM said there was domestic fruit production of 257 million tons, but only 5.52 million tons fruit imports. But the runaway price of pork was a well-known fact. In July, the pork price peaked, the highest since 2013. The months of August, September and October saw the price shot up at 10% a month. Meanwhile, pork importation from Brazil in the first eight months increased year-on-year by 48%. Tianjin city alone had imported 310,000 tons of pork, a 30% growth from previous year. Information about the dual rise of price and quantity attested to the fact of reduced supply. None of the expedient measures – like quota, price cap or subsidy – proved to work (Cheng, 2019; Song, 2019).

People’s grievances over consumer price hikes are compounded with declining quality of life, as dubious vaccines have rocked public confidence. Years after the “fake milk powder” scandal, people grew vigilant about manufactured goods. (1) Suspected fake HPV vaccine came to light this year, causing people to selectively reject vaccines from certain origins. (2) Parents took to the street to vent their anger after children got paralyzed from vaccine (for polio, Hepatitis A or tetanus). Public security authorities accused the parents of “provocation and disturbing social order”; some parents were even detained (Jiang, 2019a). (3) China claimed to meet the needs of the population with sufficient supply of domestic-made vaccines. But it requires entering a lottery at 1.37% winning rate to secure a vaccine. Drawing lots to get an essential item for life is hardly a proper way to ensure the quality of life (Yang, 2019).
Amid public impatience with poor quality of life and health – inflicted by fake vaccine and poor governance – the government launched a national Master Plan Responding to Public Emergencies. Will that help to improve the quality of life? Pharmaceutical companies in China may have been authorized to make generic drugs of essential medicines, but the prices remain too high to be accessible. There was also a scandal about monthly kickback of 1,000 yuan on specific drugs prescribed. All in all, the above incidents point to the poor quality of life, and an imperfect market economy. Further discussions can be found in the chapter about social human rights status (Jiang, 2019b).

2.4 Compounded Pollution of Air, Water, Waste, and Toxin

During the year 2019, a series of pollution news rocked the nation: Shenzhen workers got work-related vocational tumor (Cui, 2019d); two environmental NGOs – CBCGDF (China Biodiversity Conservation and Green Development Foundation) and No-poison Pioneer – found extremely high levels of plasticizers in 75% of toys sampled on-line; toy makers refused to divulge relevant information saying the e-commerce platforms had not required disclosure of product certificates. Same “non-disclosure disclosure” was found in the overhyped Guangzhou River Steward App launched two years before. It’s a palm-top mobile-phone platform for river-stewards and town mayors along the tributary to report pollution status of the 1,300 rivers around Guangzhou City. This App boasted a 100% installation rate, but upon an unannounced inspection of 177 pollution sites, data on 85.31% of them had not been

8 Expert in the drug industry says, price hikes of active pharmaceutical ingredients (API) can be attributed to the fact that only a few pharmaceutical companies are capable to make them. Out of 1,500 chemical materials, there are 50 types of APIs having only one qualified maker, 44 APIs have two qualified makers, another 40 APIs have only three qualified makers. With an oligarchy of 10% drug makers, drug price can easily be manipulated.

9 Information disclosure rates at three e-commerce sites: Taobao, Pinduoduo and JD are 65%, 67% and 19% respectively.
shown, meaning the river steward may have patrolled the river and sent in the data, but the app did not reflect the actual river pollution status (Zheng, 2019).

On another front, it was revealed that tens of thousands bottles of Maotai liquor seized in Hangzhou had been made in a squalid toilet. Sanitation was not the only concern. The fake liquor was bottled in genuine second-hand glass container and with authentic QR code on the 200,000 labels ready to be attached! That indicates the regulatory agency’s poor enforcement (Zhu, 2019). But people were more stunned by a directive from the Ministry of Environment and Ecology (MEE). MEE in September banned governments at all levels from illegally cutting pig farmers’ productivity in the name of improving the ecology. This seemed to imply that, environmental protection is a low-priority task compared to feeding and soothing the populace. The above incidents show a nation where the business world simply ignore the duty to safeguard the environment; regulators don’t pay attention to products’ hazard to human life, governments at all levels have no commitment to sound management of the environment, specifically, on pollutants in air, water, waste and toxins. In the end, “sustainable development” and “environmental protection” are only slogans found in government’s words, not in action.

Data and reports from various sources contradict each other. The *Blue Paper of Climate Change 2019 in China* – issued by the China Meteorological Administration’s Climate Change Center – indicates that the frequency of acid rain in China has dropped to the lowest level since 1992. The same could be found in a numeric representation of air quality: that is PM2.5 Shenzhen City said its 2018 air quality was the cleanest since the surveillance started in 2006. However, China’s air quality continued to worsen, according to the eco-efficiency indicator from Oxford University’s “Our World in Data” Catalogue, and the database of WHO.

There was also grievous water pollution in China in 2019. The latest information indicated 70% of ground water was of poor quality. Previously it was 50%, and had been rising. Sources of pollution include wastewater and liquid toxins from
factories, also fertilizer and pesticide from farming activities, as well as the garbage mindlessly dumped into various water bodies. The most recent issue of the Status of China’s Marine Ecological Environment Report stated: overall ecological situation was stable and improving, so was the overall quality of ocean water body; however “there is no reason to be upbeat about the quality of river water discharged into the ocean; some near-coast waters were still highly polluted. “Regarding the sources of liquid discharge, they are from the general outlets, industrial outlets, and municipal wastewater, ranked by volume.

Around the end of 2018, China enacted the Environmental Impact Assessment Law. Starting 2019, the State Council has set priority on pollution prevention and control as well as ecological development, and published the “Green Industry Guidance Catalogue” to set emission standards on pollutants before they could be discharged into air or water bodies, along with the aim to create national parks. However, these endeavors or policies have not seen desired results. For example, Gansu Province launched a garbage reform program aiming to completely get rid of wastes in each region. But the goal was misplaced. Instead of “no garbage touching the ground”, or expanding sanitary worker teams, one should look at classification and proper disposal, like the program Beijing has been doing. However, for now, it has been only implemented in public institutions like schools and hospitals, or commercial districts and tourism spots. It will take some time before Beijing can claim it has mastered the program (Yang, 2019).

There were quite a few news reports about waste classification since the summer season. On one hand, it shows China has been seriously addressing the garbage issue. In fact, the precursor could be traced to 2017 or even 2008 when retailers were banned to give out plastic bags for free. On the other hand, the tertiary industry (goods take-out or delivery) nowadays is consuming unprecedented volume of plastic waste. At the riverhead where wastewater discharges into the ocean, massive amount of plastic objects and micro-particles have been found. This finding in turn prompted local
governments to seriously consider the necessity of garbage classification. One early pilot site was Guangzhou, which enacted ordinances to regulate the classification, collection, transport and disposal of waste, but with lackluster outcome: a total of 13% deficiencies from 18,000 sampling checks of all four types of waste\(^\text{10}\) from July 2018 to June 2019. Starting summer of 2019 Guangzhou’s “exemplary pilot” program has rolled out to other cities: Beijing, Shanghai, Chongqing, Hubei, and Shandong (running since 2017), boasting an estimated 38% coverage rate.

In fact, China also linked waste classification policy with its social credit system. Various provinces or cities have pledged to start classifying garbage in early 2020, and to re-utilize over 50% of construction waste by 2025. But there may be significant shortfall in the future because this ambitious goal fails to consider the 7% growth rate of waste.\(^\text{11}\) There was another example of hastily launched programs without mutual supports among cities pursuing one’s own target of garbage classification: each city ended up constructing its own incinerator cum power plant to avoid being besieged by garbage. It is projected that over 100 incinerators would have been built by the end of 2020. There have been attempts to raise the garbage-burning rate from 30% to 54% (Liao, 2019). But the direct pollution from incineration has triggered protests in various cities. Wuhan City became famous for a week-long demonstration by 10,000 residents. Over 40 protests against garbage issues erupted in Hunan, Guangdong and Hainan provinces in 2019 (Yeh, 2019b).

China has been stepping up the garbage classification campaign with a “great leap forward” mentality but totally ignored the need for incineration, and has neglected to educate the people or design supporting measures. Shanghai Rendu Center, a charity organization on ocean-related causes, published a 2019 *Beach Garbage Brand Surveillance Report* showing 80% of the 70,000 items of garbage

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\(^{10}\) The four types of waste are: recyclables, kitchen scraps, hazardous waste and others.

\(^{11}\) At a 7% annual growth rate, the total garbage volume will increase by more than 35% in five years. But the projected reuse rate of 50% for construction material five years from now obviously is too low to consume the garbage amount at that time.
collected at 24 beaches are plastics, indicating the citizenry has yet to cultivate a recycling culture, and the authorities need to better implement garbage classification programs and its linkage with the social credit system (He, 2019).

Meanwhile, in the nationwide drive to classify garbage to boost recycling rate, demands for plastic garbage cans have skyrocketed. Production lines everywhere have a backlog of several months (Fan, 2019; Wu, 2019). It is a twisted irony that more plastics products are made to achieve the mission to minimize plastic waste.

Quota system of garbage incineration at various sites has exacerbated air pollution; indirectly disproved the claim in the *Blue Paper of Climate Change 2019 in China* that air quality has been improving. For example, Heilongjiang Province seeks to reduce municipal waste by 40% in 2020, but the air quality has worsened. Authorities claimed the air quality meet the target in 90% of days. Upon a closer look of that claim, the province had 52 days of heavy air pollution from January to July of 2019: a 173% of year-on-year increase from 33 days in the 2018 counterpart months (Chi, 2019).

The government boasted a great achievement in the “Blue Sky Defense Battle” during 2018-2019 in key regions, a triumph attributable to the carbon emission trading scheme (ETS) since 2017, and the pledge to peak carbon emission by year 2030 in compliance with the *Paris Agreement* by raising the use of non-fossil fuel to 20%. But the power demand already grew by 9.8% in 2018, causing the MEE to announce the intent to restart nuclear power. Specifically, the *White Paper on Nuclear Safety* released in the third quarter of 2019 was China’s first policy declaration on nuclear power. This declaration sent a shock wave across the world, as China has had the

12 The top three food-delivery service has served over 20 million orders. In 2017 alone, plastic bags used for delivery service already topped 8 billion pieces.

13 For example Shenzhen city budgeted 93.75 million yuan of incentive money at 1,000 yuan per person to reward individuals who practice garbage classification conscientiously. Ningbo city dispatched an equivalence of 1,500 inspector-visits on the first day of waste classification program. A total of 1,209 persons and 511 entities were brought into compliance by the on-scene inspector.
world’s third largest fleet of nuclear power units, and is currently building another 11 units, more than anyone else.

In sharp contrast, in countries involved in China’s Belt and Road Initiative (BRI), people began to express apprehension to China’s ambition. South Africa joined BRI in 2015, but 80% of respondents said they did not welcome China’s investment in coal fuel power plants there, 39% believed coal-related investment would only deepen government corruption. Namely, China promotes renewable energy to reduce greenhouse gas emission (GGE) and takes power from renewable energy sources (RES) as an indicator of domestic poverty alleviation achievement while exporting unpopular highly polluting coal–fuel projects to foreign countries through BRI. Environmental NGOs are urging the introduction of green investment principles (GIP) to incorporate low-carbon and sustainable development into projects in BRI countries (Jiang, 2019b). There is another scheme to transfer environmental pollution in the area of water resource protection. In Fukien Province, illegal sand mining along the coast has been widespread causing serious pollution in seawater. During 2018, there were seven mining-ship incidents with 15 deaths. The number escalated in 2019: during three days in November alone, the authority cracked seven syndicates engaged in illegal sand-mining involving 12 vessels and seized 750,000 tons of sea sand (Wang, 2019). The above cases served to demonstrate China’s duplicity: on one hand, claiming environmental protection and sustainability are important; on the other hand, transferring pollution from one medium to another, and exporting undesirable technology for resource exploitation in foreign lands.

2.5 Rigged Data and Disinformation

It is common knowledge that data from China lack credibility. When trying to gauge the status of economic and environmental human rights in China, this author has repeatedly come across rigged data and disinformation obscuring the fact. See examples below. It is essential to verify the information obtained in China before
The 2018 Report on Courier Service Development Index in China claimed there were 200,000 couriers nationwide, and on average each Chinese person used courier service 36 times in 2018. The report forecast an over 30% growth in 2019, and particularly fast in rural areas. But the 2019 Report said there have been over 3 million couriers born after 1980. It follows that the growth rate of the entire delivery force would be much higher than 30% in 2019! Besides, the requirement of a pre-job health check-up already prompted a new line of business to sell fake health certificate to would-be couriers, hence consumers’ food safety is now at risk. This has exposed the incompetence and negligence of the regulator (Yeh, 2019a). National Bureau of Statistics announced in May 2019 saying at least five city/county governments had tampered with census data. To a large extent, fake values were entered into the “Fourth Economic Census Report” under the instruction of government officials who determined what values should appear on the report. Persons filling out the form even went to great length to destroy relevant information to hide the evidence of forgery. This was a gross malfeasance (Yeh, 2019d).

Court ruling on an on-line shopping case has a similar issue as in the courier business. Chinese court ruled that on-line “haitao” meant a service to buy something “on your behalf” from abroad then send it to you via postal mail. The court was in the opinion that “haitao” was only a marketing gimmick (Cui, 2019a), and did not constitute a promise to mail the goods directly from abroad, and it is not a fraud as long as the price is comparable with the goods received. This author begs to differ. Overseas supplier of those particular goods also complained. In fact, this adjudication caused much concern. As China ranks the world’s number four in terms of number of patents, this court decision about “haitao” seems to imply counterfeit products are acceptable, not a patent infringement, as long as the price is compatible? Interestingly, in labor dispute litigations about non-competition restrictions of former employees, the Xiamen Court ruled the defendant should pay his former employer in one third
of the cases, and ruled in favor of the former employees in another 60% of the cases (Chen, 2019).

In addition to fake data and court rulings that defy public perceptions, there are all kinds of issues – like misleading claims, exaggerated information, food additives and discrepancy in cross-border standards – associated with various consumer products. It is said that 90% of a probiotics product for young children, allegedly at a 540% profit margin, actually shows no effect. There are no mechanisms to regulate or verify the claimed efficacy of many products. It is no news that some shops use expired materials to make hand shake drinks, or put the formulation up for sale, not to mention myriad of dubious vaccines. The Henan-based Youngman Automobile Group made false claims about engines running on hydrogen fuel cells. Pang Qing, the owner, had been found guilty 20 times for breaches of trust and subjected to debt enforcement. Yet, the local government entrusted him with huge sum of money and the TEB (TransitElevateBus) project that proved to be a huge scam and laughing stock. People wondered why (Peng, 2019).

Regarding the environment, the year of 2019 was the hottest in China in 58 years. High temperature and water shortage contributed to widespread drought in extensive swaths of land in the northeast, middle east and southwest regions, causing significant loss of crops. Compounded with the destructive march of fall armyworm (FAW), overall harvest data looked dismal. But, people were even more astonished by Henan-province officials’ instruction to harvest wheat by hand “to avoid harvesting machine jolting air quality data at monitoring posts nearby.” The officials’ explanation was “for the benefit of the absolute majority, the process of mitigating environmental pollution definitely would have some impact on a minimum portion of interest of a very small group of individuals.” This was a typical bureaucratic view to justify falsifying data at the expense of human rights simply for projecting a phony image of being environmentally conscious (Yeh, 2019e).
Then the question follows: Can people trust the *Air Quality Improvement Report 2013-2018* announced by the Ministry of Ecology and Environment (MEE)? The report maintained that the 2018 PM2.5 concentration was 42% lower than the 2013 value. Did that mean China has won this stage of the “Blue Sky Defense Battle” amid officials’ zealous pledge and high-handed enforcement? Party heads of Hebei Province vowed to defend Beijing’s blue sky and white cloud at the expense of GDP growth. Authorities around the country have imposed hefty fines on polluting businesses. In Hunan Province, 4,326 firms have been ordered to “shape up” including 1360 companies on record with a total penalty amount over 80 million yuan.

Ecology projects abound. Air quality initiative in Heilongjiang, water source clean up in Harbin, pollution warning system in Inner Mongolia (about upcoming sandstorm to hit Beijing), cracking down on illegal activities in river and lakes in Liaoning, vegetation recovery work on the slope of Genyen Holy Mountain in Sichuan and so on. But why do pupils need to wear masks in schools in Hunan? People wonder about the motive and effectiveness of such projects. But the self-contradicting data from various sources only generate more confusion than solutions (Cui, 2019b; Zhou and Zhou, 2019).

3. **Conclusion**

Regarding the five areas of concerns described above, 2019 media reports collected have shown violations of ICESCR Articles 6, 7, 8, 11 and 12 as listed in Table 1 to give a glimpse of the status of economic and environmental human rights in China. The absence of genuine workers’ unions, wage disparity among laborers as well as migrant workers, and the 966.ICU irony all point to the infringement of ICESCR Article 7: the right to just conditions of work. The law in China stipulates a 40-hour workweek, 8-hour workday, no more than 3 hours overtime per day, and up to 36 hours’ overtime per month. But the unspoken rule of 995/6 implies that “code
serfs” must work 60-72 hours per week. Such a workload is getting close to human physical limitations, regardless how much overtime pay is given.

Even though the right to work has rooms for interpretation with “Chinese characteristics”, people’s living condition and basic needs should be examined against a universal standard, as laid out in ICESCR Article 11: a right to an adequate standard of living. The author found a widespread falsification, expiration beyond shelf life, and hyperbolic statements on commercial goods, suspicious vaccines and agriculture products, as well as their price fluctuation or stagnation, only serve to show bureaucrats’ incompetency, passivity even deliberate condoning. From African Swine Fever to pork price, from pork rationing to tracking the size of cancer population, civil servants were at wit’s end. Facing the huge consumer demands for pork, the authorities are forced to take expedient measures – albeit ignoring the protection and development of ecological conditions – to assuage people’s fury. There is a pattern: on one hand, China pledges to adopt international norms with domestic enactments of regulations and standards; on the other hand it selects only some laws and standards to enforce but ignores the rest. This is exactly why, the European Union’s 2019 human rights report not only demands China follow the standards enshrined in the United Nations Charter, but also emphasizes the universality, indivisibility and mutual independence of human rights.

However, the root cause of China’s problem is in setting arbitrary restrictions and imposing censorship. In an ostensible effort to uphold the right to work, China set limits to restrict after-hour work-related instructions from the superior over social media platforms: how many work-related social media groups for each employee, appropriate time period to post work instructions, even trending, on social media platforms. Meanwhile the authority shut down many websites offering economic and financial news (Yeh, 2019c): Tiger Global Management on WeChat, Financial Street Detectives on Weibo, and Cloud on the Palm on Tencent. They have all been silenced. Such censorship tactics reveal China’s intent to set varying levels of restriction on
different types of human rights. For example, Chinese netizen have no access to
current activities of workers’ unions around the world. Only by comparing reports
from a myriad of sources can one discover the truth about human rights abuses that
Chinese government does not want the world to know (Wang, 2019b).

It is worth noting though; China’s restrictive measures and governance ability
are not infallible. For example, can China penalize failure of waste classification
with surveillance of personal data? There were still reports about a week-long protest
involving tens of thousands of people against pollution despite strict censorship (Yeh,
2019b). Discrepancies between official numbers versus reality invite even more doubt
and suspicion. For example: Henan Province claimed to have a 1,300 yuan minimal
wage level in October 2018. But a 2019 report disclosed sanitary workers were owed
monthly wages at 900 yuan by the local government. No wonder international human
rights groups have continued to challenge China’s claim of one uniform minimal wage
standard. To be fair, human rights watch tasks require digesting extensive information
to judge the status of various human rights. But outrageously sloppy data, deliberately
falsified information, shabby governance, and a languid corrupt officialdom make it
all the more difficult to come to a fair and just picture of the facts.

Still we need to give credit where credit is due. China has continued to enhance
regulatory measures: like setting up the real-name system for migrant worker
management to stamp out illegal or casual hiring that blatantly exploits domestic
migrant workers. By the same token, China has linked pollution activities with
company credit inquiry system and continued to advertise top ten polluters in each
city to seek accountability. But, China has yet to acknowledge a dozen requests from
UN human rights experts to visit China for first-hand observations. International
NGOs have had to take great risk sneaking into China in order to expose shenanigans
of foreign firms in China. 14 But international groups have little knowledge of pollution
facts or labor rights abuses inflicted by ordinary Chinese businesses or state-owned

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14 For example, two France-based NGOs exposed that Samsung exploited child labor in Dongguan,
Guangdong province.
enterprises. Lack of information from international sources also restricted the scope of research and findings of this report. Hence, it requires persistent and conscientious comparison and compilation of data to get a glimpse of the real human rights status in China.
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Religious and Ethnic Minority Human Rights – Sinicization of Religion and De-commercialization of Religion?

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Abstract

By and large, many of China’s actions with respect to the human rights of religious and ethnic minorities within its territory in 2019 have violated the rights and freedoms stipulated in the three international human rights conventions as adopted by the United Nations, including the freedom of religious development, the individual and collective freedom of religious belief, the religious freedom of the press, the freedom to hold private belief, ethnic minority human rights, the personal freedom of ethnic minorities, the right to non-discrimination of ethnic minority groups, the right to the protection of ethnic minorities, the right to oppose to all form of hatred and discrimination against ethnic minorities, and the right to the protection of ethnic minority religions and cultures.

Since Xi Jinping came to power, under the policy guidance of the two policy principles—Sinicization of religion and de-commercialization of religion—the aforementioned human rights have been more contracted in 2019 than in the past two years. China places the leadership of the Communist Party, socialist values, and Xi Jinping above all religions and ethnic minority groups. China continued to demolish

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Protestant and Catholic churches and crosses to prevent religious fanaticism. The Chinese state also demanded the Sinicization of the Islamic faith and expanded its demolitions of mosques and star-and-crescent symbols in various provinces and regions. The government also restricted the growth of cults and heterodox religions (xiejiao) by arresting and prosecuting large numbers of affiliated individuals and organizations. The state also curbed the excessive commercialization of two domestic religions, Buddhism and Taoism, and demolished giant statues and temples on a large-scale. In terms of religious and ethnic minority human rights, the level of human rights standards is low. For people residing in China, 2019 has been a disastrous year.

Keywords: religious human rights, ethnic minority human rights, Sinicization of religion, de-commercialization of religion, disastrous year

1. Preface

The 2019 status report for China’s religious and ethnic minority human rights continues the research practice of previous two years (Chang, 2018, 2019). The chapter uses as criteria (Wu, 1993) various freedoms and rights stipulated in the three international human rights conventions as adopted by the United Nations. These rights and freedoms include the freedom of religious development, the individual and collective freedom of religious belief, the religious freedom of the press, the freedom to hold private belief, ethnic minority human rights, the personal freedom of ethnic minorities, the right to non-discrimination of ethnic minority groups, the right to the protection of ethnic minorities, the right to oppose to all forms of hatred and discrimination against ethnic minorities, and the right to the protection of ethnic minority religions and cultures. Overall, the chapter finds that the government under Chinese Communist Party (CCP) has implemented tight control of religious and ethnic minority groups in its territory, using the principles of “Sinicization of
religious and “de-commercialization of religion” as guidance. As a result, religious and ethnic minority human rights have further contracted this year compared to the previous two years. The analysis is presented below.

2. Religious Human Rights

2.1 Controlling Both Buddhism and Taoism: Contravening the Freedom of Religious Development

2.1.1 Blow Up, Demolish, Cover Up, and Convert Giant Outdoor Religious Statues

In 2019 China’s state apparatus targeted the domestic religions of Buddhism and Taoism. In the name of “de-commercialization of religion” China has blown up, demolished, covered up, and converted 4,302 giant outdoor religious statues for violating Article 30 and Articles 52-53 of the new Regulations on Religious Affairs (Kuo, 2018) and other administrative orders such as building regulations. Some temples were demolished, shut down, or changed; some ancestral homes were turned into training bases or cultural halls; other temples changed their exteriors. In total, 6,318 temples were affected, which is unprecedented since Xi came to power.

Seven large outdoor statues were “blown up,” namely the 57.9-meter Guanyin statue in Shijiazhuang, Hebei (Secret China, 2019); the 32-meter four-faced Guanyin statue in Pumen Temple, Jilin, Changchun, and the 29-meter Sakyamuni statue in Jilin.

1 Xi Jinping proposed the concept of Sinicization of religion in 2016 and had used the concept to regulate Protestantism, Catholicism and Islam in the Chinese territory. The main purpose was to impose Chinese culture or Chinese cultural perceptions of top CCP leaders onto the hardware (places of worship) or software (religious doctrine) of foreign religions. This year, the policy impact of this concept can be clearly observed.

2 China’s Regulations on Religious Affairs were revised in August 2017 and came into force in February 2018. Based on the concept of de-commercialization of religion, religious groups are recognized as non-profit organizations, and they must not seek economic benefits from various religious activities and venues, and must not invest in religious venue activities or open large-scale religious statues, and conduct commercial propaganda in the name of religion.
City; the 25-meter four-faced Guanyin statue in Putuo Temple, Qianxi, Hebei; and
two large open-air Guanyin statues at Tiefo Temple in Hanzhong, Shaanxi.

The Chinese government dismantled about 1,984 outdoor religious statues.
Large-scale religious statues more than 10 meters tall include the 119-meter four-
faced Buddha and thousand-armed Guanyin in Dalian Golden Pebble Beach Tourist
Resort in Liaoning; a 70-meter reclining Buddha in Dehua No.1 Tourist Scenic Area,
Fujian; a Guanyin statue about 30 meters tall in the Qilu First Buddha Scenic Area,
Jinan City, Shandong Province; a 26-meter white jade stone sculpture of Guanyin in
the National 3A tourist attraction area in Anyang, Henan; a 27-meter Yaowang Buddha
(Bhaishajyaraaja) and a 21-meter Nanhai Guanyin statue in the Yaowang Valley Scenic
Spot in Beichuan, Sichuan; a 21-meter open-air male statue of Guanyin in Yubei,
Chongqing, Sichuan; a 18-meter bronze Guanyin statue at Doulu Temple in Jiujiang,
Jiangxi; a 10-meter Sakyamuni Buddha Statue in Longxing Temple, Luoyang, Henan;
a 18-meter bronze seated Maitreya Buddha in Longfeng Cemetery, Hebei; a 17-meter
Guanyin statue at Dabei Temple in Bazhou, Hebei; a 17-meter Guanyin statue in
Huayan Temple, Qingdao City, Shandong; a 14-meter-high outdoor Nanhai Guanyin
statue in Shangpan Town, Linhai City, Zhejiang; and a 10-meter open-air Buddha
statue in Wanhe Temple in Dalian, Liaoning.

Buddha statues below 10 meters include: Buddha Statue in Fuquan Temple,
Wu’an, Hebei; 33 Guanyin statues on Guanyin Island in Zhanghe New District,
Jingmen City, Hubei; a 10-meter Buddha at Shuangquan Temple and a 8-meter
Buddha at Zhenlongquan Temple in Chongqing City, Sichuan; a three-faced Guanyin
statue inside a park in Hohhot, Inner Mongolia; a Buddha statue in Yongning Temple,
Wensheng District, Liaoyang City, Liaoning; a Buddha head from Jiangsu’s Golden
Buddha, a Guanyin statue at Jishan Temple, Jingmen City, Hubei; a Guanyin statue at
Puzhao Temple in Shan County, Shandong; 58 “Light of World Buddhism” Buddha
statues carved in cliff in Hebei; 800 Arhats statues at Lingjiu Temple in Yunxiao
County, Zhangzhou City, Fujian; 50 Buddha statues at Buddhist temples in Xinzhou
City, Shanxi; 508 Arhats statues in Longshan Buddhist Scenic Area, Dongyang, Zhejiang; 500 Arhat statues in Luohan temple, Mianyang City, Sichuan; and 13 Buddha statues at Maguanyi tourist area in Yunnan Province.

A total of 2,305 large outdoor statues were covered up, including the 46-meter white giant reclining Buddha outside Luohan Temple in Mianyang, Sichuan; an 18-meter stone statue of Laozi in the National 4A-level tourist attraction area in Fuxian County, Jiangxi and a 12-meter open-air Guanyin statue at Yunfeng Temple in Pingxiang; an open-air thousand-armed Guanyin statue nearly 10-meters tall from Baimiaozi, Mianyang City, Sichuan; a statue of Guanyin in a community square in Lanshan District, Linyi City, Shandong; 500 Arhats statues at Shanyuan Temple, Fushun City, Liaoning; and 1,800 open-air statues in Lianhua Luohan Mountain Scenic Spot, Xiamen City, Fujian.

Six large outdoor religious statues were converted. The 21-meter Sacred Spring Guanyin in Shandong was modified to a statue of Confucius; The giant Guanyin statue in the Jiuhua Mountain Scenic Area in Linghai City, Liaoning, was modified into a “Chang’e Flying to the Moon” statue; the statue of Samantabhadra was replaced by corn, rice and other crops into “grains harvest” portrait; a 33-meter head of the Jade Emperor at the Tiantang Mountain Scenic Spot in Fengdu County, Chongqing City, Sichuan, was changed to a large propaganda poster with “Heaven Mountain Wonderland.” an Amitabha statue in Yongqing Temple, Chengde City, Hebei, was converted into a statue of the ancient emperor Kangxi; and the statue of Laozi riding a bull at Xuandu Palace in Dagushan Scenic Area, Donggang City, Liaoning, was converted.

2.1.2 Demolish, Shut Down, Smear, and Convert Temples and Ancestral Halls

A total of 5,967 temples were “demolished,” including 5,911 small earth temples in Gaoyou City, Yangzhou, Jiangsu (Xinhua Daily, 2019), the Dragon King Hall at Guanyin temple of Zhongnan Mountain in Xi’an, Shaanxi; the Mao Zedong temple in
Henan; temples in Renlitun Village, Weihui City and Taikang Hongshan temple, West Temple, Huangpi District, Wuhan City, Hubei; the Tianfu Temple of Honghu City; Foguang temple and Tianqi Palace in Yanwozhen, Honghu City; Xianfeng Ancient Temple in Datong Lake Management District, Honghu City; Fuzhu Temple, Nanfeng County, Jiangxi; a Taoist temple of Jiangwenling City; a Guanyin Hall in Wenling City; Buddhist temples in Tiantai County, Taizhou City; Taoist temples in Yuhuan City; Longfu Temple, Qianxi County, Tangshan, Hebei; a Qiyuan temple in Langqi Town, Fuzhou, Fujian; and about 40 temples in Zhengzhou, Henan, and the cities of Jining and Heze.

A total of 53 temples were shut down, including 42 temples in the town of Liuhe, Qichun County, Huanggang City, Hubei; the Xiuling temple and Guanyin Cave in Huangshi City; Quantang temple in the town of Taizi; the Chaoyin temple and Chaoyang temple, Bodhi Island, Tangshan City, Hebei; a Buddhist temple in Yicheng District, Zaozhuang City, Shandong; the Beigongzhuang temple, Feicheng Town, Fei County; Sanguandian and Jade Palace in Yucheng County, Henan; and Qingyun temple and Dekang temple, Shangrao City, Jiangxi.

A total of 12 temples and Taoist temples were “smeared or renamed.” Those smeared include one Taoist temple in Hanzhong City, Shaanxi and four Taoist temples in Fuzhou City, Fujian; the Big Buddha Temple, Dianjiang County, Chongqing; the “Chairman Mao’s Buddha temple” in Ruzhou City, Henan. Those undergoing name changes include the “Guanyin temple” in Datianzhuang Township, Feixian County, Shandong, which was changed to the Yuhuangtai Painting and Calligraphy Academy; the Momosheng Temple in Honghu City, Hubei, changed to a folk culture park; the Shaolin Temple’s Tagou Martial Arts School renamed as Shaolin Tagou Martial Arts School; the Yangshan Temple in Wuhan, Hubei was changed to a “Xiangxian
Chamber”; the “Luohan Mountain Scenic Area in Xiamen City, Fujian, was changed to a “Lotus College Academy”; the “Dizang (Kṣitigarbha) Hall” in the district was changed to a Confucius Academy; and the Temple of Wealth was changed to Zhuzi School.

A total of 286 temples and ancestral halls were converted into cultural training bases, elderly activity centers, government offices, party and government propaganda bases, or cultural auditoriums. These include 245 ancestral halls in Tongshan County, Hubei; 24 ancestral halls in Tongcheng County; Buddhist temples in Heze City, Shandong; 16 Taoist temples in Fengming Town, Baoji City, Shaanxi; and Big Amitābha temple in Xi’an City.

### 2.2 Controlling Christianity: Harming “Individual and Collective Belief” and “Religious Press Freedom”

Overall in 2019, China’s control of the legal Three Self Patriotic Movement (TSPM) churches and “illegal” underground churches and believers in its jurisdiction has been stricter than last year. At least 770 individuals were arrested, sentenced, or lost their permits to preach due to personal belief. Approximately 262 churches, gathering places, and crosses were demolished, shut down, interrogated, merged, or had their purpose changed; these incidents harmed the collective freedom of religious belief of Protestant believers. Moreover, the government also suppressed religious publications and used state machinery to systematically supervise and manage Christianity.
2.2.1 Individual Freedom of Religious Belief

(1) Arrest believers who protest the removal of crosses and churches

In terms of individual freedom to religious belief, 4 pastors and co-workers from a house church in Yuanyang County, Xinxiang, Henan, were arrested for protesting the removal of cross by government officials. Similarly, three pastors—Li Jun in Henan plus Geng Yimin and Sun Yongyao in Anhui—resisted the government’s demolitions of churches and were detained by the police on the charges of “disrupting the social order.” Officials arrested 393 believers for illegal worship from 13 underground churches across the provinces of Sichuan, Shanxi, Hubei and Inner Mongolia. Among them, Wang Yi, pastor of the Qiuyu Church in Chengdu, Sichuan, was charged with the crime of subverting state power and detained for 8 months. The daughter of Jin Mingri, founding pastor of the Zion Church in Beijing, was barred from leaving the country in the name of endangering national security.

(2) Revoke the permits of religious clergy who refuse to cooperate with the party

The government also heavily punished disobedient legal pastors. Fifty-seven pastors from the Three Self Patriotic Church in Sanmenxia City, Henan, had their preaching permits revoked. Two Sunday school teachers and elders from the Three Self Patriotic Church in Xi’an, Shanxi, were arrested. Reverend Song Yongsheng of the Three Self Patriotic Church from Shangqiu Christian Association, Henan, committed suicide to accuse the TSPM and the China Christian Council of “four unlikes” [unlike a church, unlike a government agency, unlike an association, and unlike a company] (Apple Daily News, 2019). The head of religious affairs in Henan asked 18 leaders of the Three Self Patriotic Church and 27 preachers to participate in the government’s activities in memory of martyrs to strengthen patriotism. A Chengdu court in Sichuan sentenced Qin Defu, an elder with the Qiuyu Covenant Church, to 4 years for “illegal business operations.”
After China and the Holy See signed the *Provisional Agreement on Appointment of Bishops*, the Pope issued an open letter encouraging bishops, priests and, believers of the underground Catholic churches in China to join the TSPM (Lin, 2019). However, four bishops, including Bishop Guo Xijin and other priests of the Mindong Diocese, a priest from Fu’an City in Ningde, and Father Zhang Guangjun of the Xuanhua Diocese of Hebei, refused to join the TSPM and hence were respectively interrogated or arrested. The CCP even threatened Bishop Guo with the demolition of 14 Via Crucis statues and the Sacred Heart of Jesus statue in Xiyin Village, Fu’an City, his hometown, if he does not follow government’s orders.

(3) Restrict contact with foreign countries or participation in foreign churches

According to the *Work Plan for the Investigation and Handling of Special Actions and Activities of Overseas Christian Churches* issued by the CCP’s United Front Department, religious officials in various provinces and cities are directed to strictly supervise foreign-related Christian and Korean churches. For contacting with foreign countries, the government arrested more than 100 followers of Jehovah’s Witnesses in Liaocheng (Shandong Province), Qingdao, and Cangzhou (Hebei Province).

China has arrested some 60 believers from different areas for participating in foreign churches established in China, including Korean churches located in Binzhou City, Shandong, and the cities of Daqing, Hegang, and Qiqihar, Heilongjiang. With respect to worship by foreigners at the legal Three Self Patriotic Churches, the Liaoning Provincial Government banned more than 80 African students from attending the Three Self Patriotic Church. Chinese authorities also detained two pairs of Korean missionary couples for more than 20 days and then sent them home. In addition, some 20 members of the Three Self Patriotic Church in Zhengzhou City, Henan, were barred from traveling to South Korea to prevent them from contacting Korean churches.
2.2.2 Collective Freedom of Religious Belief

(1) Shut down churches

Chinese authorities are fearful of the rapid development of Protestantism and Catholicism, and they are also concerned about the infiltration of local Protestant churches and gathering places by Korean churches in the Northeast. Thus, the government bans illegal house churches and attempts to consolidate the legal Three Self Patriotic churches and gathering places.

A total of 140 house churches have been shut down: 50 house churches covering the western city area of Yancheng, Jiangsu; 40 in Xiamen, Fujian; 23 in Guixi, Jiangxi; 10 in Fuzhou; 1 each in Wuyuan and Dexing; 3 each in Nanchang and Jiujiang, Jiangxi; 2 in Jixi, Heilongjiang; 1 in Harbin; 1 in Huinan, Jilin; 1 in Haidian, Beijing; 1 in Taiyuan, Shanxi; 1 in Wuhan, Hubei; 1 Catholic church each in Chengdu, Sichuan and Ji’an, Jiangxi; and 4 in Fuzhou.

In addition, authorities shut down the Maizi School, a kindergarten affiliated with the Xunsiding Church in Jimei District, Xiamen, Fujian, and shut down 2 underground Catholic orphanages for the disabled in Yongnian County, Hebei.

The government have consolidated 69 Three Self Patriotic Churches, including: 36 gathering places in Xi’an, Shaanxi; 14 in Tieling, Liaoning; 1 in Dandong, 1 church each in Changchun and Liaoyuan, Jilin; 2 in Poyang, Jiangxi; 2 in Xinyu; 1

3 The “old local churches” in Guixi, Fuzhou, Wuyuan, Dexing and other places in Jiangxi have developed rapidly. They are a branch of the Watchman Nee line of Christianity, and as such are regarded as illegal churches by authorities. According to statistics from Bitter Winter, “dozens” of old local churches in Fuzhou, Jiangxi, had been banned. Because it is not clear what “dozens” mean, the study applies a low standard and only lists 10 gathering places.

4 In February 2019, competent religious affairs officials in Yuxin City, Jiangxi, indicated that there can only have one church per area, so they must consolidate all the churches in the area. On October 23, the Henan Provincial Government ordered the consolidation of Three Self Patriotic Churches to slow down the growth of the Christian faith. The local government directed that churches with over 500 members be reduced to 500, and churches with less than 300 members be dissolved or merged. This order will greatly impact the present status of Three Self Patriotic Churches in the province.
each in Shangrao and Yichun, Jiangxi, and 10 TSPM churches in Henan.

China has always maintained a policy of refusing foreign missionaries to come to China to preach and set up churches. Missionary work by Korea’s Shincheonji Church of Jesus with the Calvary Christian Church in Liaoning and two foreign churches in Xi’an, Shaanxi, was banned by the competent religious authorities, who required believers to sign an affidavit stating that they will no longer participate in related church activities.⁵

(2) Demolish churches and crosses

China has demolished 20 legal TSPM churches and underground churches using various excuses, including illegal construction, occupation of state-owned land, road construction and land acquisition, violation of national security, prohibition of children from entering the church, and church’s refusal of donations without compensation. Three legal Catholic churches were demolished: part of the Sanctuary of Our Lady of the Seven Sorrows in Dongergou, Taiyuan, Shanxi (Qiao, 2019), Qianyang Church in the Fengxiang Catholic Diocese of Shaanxi; and the Catholic Church in Guantao County, Handan, Hebei. Twelve Three Self Patriotic Movement churches were demolished: 1 each in Yuanyang, Zhoukou, Xinxiang, Tanghe and Jiaozuo, Henan Province; 4 in Fuzhou, Fujian; and 1 each in Hangzhou, Zhejiang, Jiujiang, Jiangxi, and Funan, Anhui. Five underground churches were demolished: 2 in Zhejiang, the Catholic church in Xiantao Xuwan in Wuhan, Hubei, 1 in Hohhot, Inner Mongolia, and 1 in Caidu, Henan.

China demolished 8 Catholic or Protestant churches and crosses in the name of violating “building regulations” and “sweeping evil,” including the Catholic churches in Wuhan, Hubei and Handan, Hebei; the Protestant church in Linyi, Shandong; Huinan house church and gathering place in Jilin; the government-run church in

⁵ Xu Xiaohong, the Chairman of the Chinese Christian Three Self Patriotic Association, agreed with the Central Committee of the Chinese Communist Party in that the state should bring to justice all those churches that “conduct overseas infiltration and set up private gathering places.”
Fucheng Town, Jiangsu; the Three-Self Church in Gu County and Poyang; and the Yuanyang House Church.

(3) Raids and interrogations

Chinese authorities raided 30 underground churches and harassed their gatherings, including 23 in Huazhou, Shaanxi; 2 in Wuhan, Hubei; 2 in Shidong Street in Wuchang; the Jia’en Church in Qingshan District; and the Lantern Church in Wuhan, and the Living Stone Church in Guiyang, Guizhou, Sichuan.

(4) Transfer religious venues to public use, prohibit pilgrimage, and change Christmas

Chinese authorities converted two Three Self Patriotic Churches in Huixian, Henan, and Dongxiang, Fuzhou, Jiangxi, the house church in the town of Weishangqiao, Jiangxi, and the underground Catholic Church in Fengcheng into four “Civilization Practice Stations for a New Era.”

China has often interfered with the collective belief of Protestants and Catholics. Beijing police warned Christians not to participate in Easter activities. Shanghai police strictly forbade Catholics from visiting the grave of Bishop Peter Joseph Fan Xue-yan. May is the month of the Blessed Virgin Mary, so the government prohibited Catholics from making the pilgrimage to Sheshan in Shanghai and Ludezhuang.

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6 The “Civilization Practice Station for a New Era” that the Chinese government has set up in some Christian churches refers to places where local party officials can use as a cultural heritage base to promote and educate the people on the system of socialist values espoused by the government and party.

7 Bishop Peter Joseph Fan Xueyan (1907-1992) was one of the last bishops appointed by the Vatican before the severance of diplomatic relations between China and Vatican. He was arrested by the Chinese Communist Party authorities in 1990 and declared dead two years later. He is buried in his hometown of Xiaowangting, Qingyuan County, Hebei Province. Since his death, Catholics would visit his grave every year to pay their tributes. In 2001, the authorities realized the purpose of these visits, and began prohibiting believers from visiting to the grave. Every year, from April 11th to 13th, police would station near the cemetery to bar anyone from approaching.

8 The Sheshan Basilica is a large Catholic church located on the top of Sheshan Mountain in Songjiang District, Shanghai and a well-known Catholic pilgrimage site for the Virgin Mary. In May, the Month of Mary, many believers would make the pilgrimage to Sheshan Basilica.
Hejian County, in the Cangzhou Diocese, Hebei Province. From May 1 to 3, Catholics in Sheshan, Shanghai, were required to sing the national anthem and raise the national flag before mass. On September 3, the second anniversary of the death of the Father John Wang Zhongfa, an underground Catholic priest from Cangnan County, Wenzhou City, Zhejiang, the local authorities intercepted and dispersed hundreds of local believers away who were travelling to the gravesite for a commemorative mass.

Authorities in Henan, Guangdong, Shandong, Yunnan, Sichuan, Guizhou, prohibited people and elementary school students from gatherings on Christmas Eve. Among them, the Hengyang Municipal Government of Hunan Province required party members to take the lead in celebrating traditional Chinese festivals.

(5) Order church to stop holding summer camp

The Chinese Communist Party is wary and fearful of children learning about Christianity, so the regime has banned five churches from holding summer camps. These include a house church in Jiyuan City, Henan; the Ark Church and the Olive Tree Church in Foshan City, Guangdong; and 2 TSPM churches in Foshan City, Guangdong, and Lushan City, Jiangxi.

2.2.3 Religious Freedom of the Press

In March 2018, China removed bibles circulating on the internet within its jurisdiction, which meant that bibles could only be legally purchased through the Three Self Patriotic Movement churches. By reducing the circulation and sale of bibles, the CCP hopes to reduce the influence of the spread of the Christian faith (BBC Chinese, 2018; Chang, 2019). This year, the state expanded its control over religious publications, which infringed on the freedom of publishing religious publications of scholars, believers, or religious groups.

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9 In March 2019, China’s General Administration of Press and Publication conducted a special “quality management” work on books. It strictly censored 65 publications, of which 8 were related to religion, covering religious books, textbooks, and web information from Catholicism, Christianity, Buddhism, Islam, and Taoism.
The government uses state power to conduct forcibly censorship of religious publications. For example: any elementary school textbook and university course materials and theses that included Western religions in their contents were all banned; the publication of religious books in academia was affected; dissemination of religious ideas on mobile phones was also prohibited; even the printing of churches’ internal reference materials and the transportation of sacred objects of the cross were included in the ban.

This year, the CCP’s control over Christian publications has become more severe. In addition to continuing with the last year’s ban on the circulation of illegal Bibles, even the Songs of Praise, the Collection of Spiritual Songs, and the Selected Canaan Hymns used by the legal Three Self Patriotic Churches are now all prohibited. Churches can only use the Songs of Praise and related sacred music re-compiled by the state. Under the Sinicization of religion framework, Tianfeng, a state-run Christian publication in China, uses traditional Chinese culture and Confucian philosophy to reinterpret the Bible, and portrays Jesus and Mary in traditional Han attire in the magazine cover.

Additionally, Pastor Zhu Zhongcai of the Hunan Christian Church and his 11 colleagues were sentenced to 1-5 years in prison for printing church materials; the head of the Three-Self Patriotic Church in Inner Mongolia was demoted for circulating Mongolian-language and foreign scriptures; the TSPM churches in Shenyang, Liaoning and Nanping, Fujian were fined 10,000 yuan for circulated Korean Bibles and illegal publications, and had their publications confiscated. The government restricts the express delivery of crosses to Macau. At a TSPM church in Luoyang, Henan, the original “Ten Commandments” were replaced with “Quotations from Xi Jinping”; churches were also asked to cooperate with the government in putting up “anti-pornography and anti-illegal publication” banners and panel displays.10

10 The so-called “anti-pornography and anti-illegal publication” campaign refers to the government’s efforts at eradicating pornographic books and audiovisual images and the prohibition of illegal publications. With respect to religion, any publication that undermines social stability, endangers
The “invisible hands” behind the government’s management of religion have even reached the private enterprises in Henan, requiring businesses to remove “Islam,” “Bible,” “Santa Maria,” “Immanuel,” “Song of Songs,” “Bodhisattva,” “Muhammad,” “Muslim,” and related words in the names of their corporations.

2.2.4 State Supervision: The Government Crosses the “Wall Separating Religion and State”

To control religion, the Chinese government requires competent religious officials to monitor places of religious worship under their jurisdiction. To maintain a close watch at each level of management, the officials would dispatch a “three-person resident team,” require front-line officers to sign a “religious work responsibility certificate,” and encourage the establishment of a “religious affairs management service platform.”

(1) Three-person resident team

Three-person resident teams had been implemented at some locations in 2016, but they became more widely adopted in 2018. In 2019, in addition to fully implementing three-person teams for monitoring religious sites, the Chinese government also installed cameras to carry out electronic surveillance.

(2) Religious work responsibility certificate

Starting in March of this year, local grassroots government personnel in Fujian, Jiangxi, Hebei, and other places are required to sign a “religious work responsibility certificate,” to confirm their work on the religious sites and religious activities in the three levels of the county, towns (subdistricts), and villages (communities) under their jurisdiction. Responsible persons must sign the certificate to facilitate subsequent tracking and assessment. The main responsibilities include: (a) guarantee the complete ban of illegal religious places; (b) guarantee that there are no private gathering places that denies the leadership of the Communist Party, the socialist system, or has not been officially approved is also illegal.
in the responsible area; (c) guarantee that banned private gathering place will not resume activities; (d) ensure that no new private religious sites (including temples and churches) are added; (e) to be able to control the number of religious believers; (f) ensure that no religious ceremonials are held during funerals and weddings; (g) supervise and submit religious information at any time; (h) eradicate “cults” and prevent foreigners from preaching; (i) strictly prevent “underground religions” and infiltration of foreign forces; (j) crack down on newly built or rebuilt religious sites or the restoration of house churches.  

(3) Religious affairs management service platform.

China has comprehensively investigated the religious beliefs of all individuals affiliated with the military, enterprises, schools, and hospitals in the national bureaucratic system. A “religious affairs management service platform” was established in Fujian, Jiangxi, Hebei, Shandong, Bozhou City in Anhui, Jilin, Hangzhou in Zhejiang, Shangqiu City in Henan, Inner Mongolia, and other provinces and cities to supervise and manage the religious beliefs of employees in the military, public agencies, schools, hospitals, and state-owned enterprises.

2.3 Suppression of “Cults and Heterodox Religions” (Xiejiao): Violating the Rights of Individuals to Hold Private Belief

The Chinese regime adopts a two-prong strategy against cults in its territory. On the one hand, it uses state machinery to engage in anti-cult work, and on the other, it adopts a strict legal system to ban venues of cult worship and followers, which completely violates the religious human rights found in the U.N. Declaration of Human Rights. On the former strategy, Chinese authorities often use school education mechanisms, mass media, and party and government state machinery to engage in

11 Religious officials in Fujian, Zhejiang and Henan require all pastors and believers of the TSPM churches to register with their real names. What’s more, officials in Shangqiu, Henan, reviewed the pastor’s sermons in advance; Fujian authorities asked the church to promote Chinese culture and patriotism.
anti-cult work; this is a clear violation of the human rights principle that “education should serve to promote interfaith understanding.” Regarding the latter strategy, the government used the Anti-cult Law, the Criminal Law, and the Religious Affairs Regulations to shut down churches, as well as arrest, fine, or impose sentence on believers. This strategy clearly violates the human right of individuals to hold private religious belief.

2.3.1 Violating the Human Rights Principle of “Education Should Serve to Promote Interfaith Understanding”

(1) Anti-cult education in schools

As in 2017 and 2018, the Chinese government used the national education system at all levels to educate young people about “xiejiao” or cults. To do so, they introduce anti-cult promotional films and activities in elementary schools, high schools, and universities at various cities and provinces. The distribution is as follows: 26 times in Guangxi; 14 times in Anhui; 12 times in Jiangxi; 9 times each in Zhejiang and Sichuan; 6 times in Henan; 4 times in Shandong; 3 times each for Guangdong, Jilin, and Gansu; 2 times each for Inner Mongolia, Shaanxi, Nanjing, and Fujian; and 1 time each for Jiangsu, Hebei, Shanghai, Ningxia, Tianjin, and Hubei. In terms of the nature of education, the state should teach the next generation about religious equality, religious freedom, and respect for all religions. The government should do its part in enforcing the separation of state and religion and allow education to play a neutral role in promoting understanding between religions. However, the Chinese government wants to use educational mechanisms to cultivate hostility toward the so-called cults in the next generation.

(2) Anti-cult work in communities

In 2013, the CCP established the anti-cult website Kaiwind Newtork (Kaifeng wang). In 2017, it established the Office for the Prevention and Handling of Cults under the State Council. This office uses its official accounts on Weibo and WeChat
to carry out its aggressive anti-cult propaganda work. By 2018, nearly all counties and cities across China have constructed a dense anti-cult propaganda network, which serves to promote the government’s anti-“xiejiao” policies and to publicize the sentencing of “xiejiao” practitioners to Chinese netizens. This year is no exception. The anti-cult websites of various provinces and cities have made a big announcement on the results of the government’s crackdown on “cults.”

In addition to using the internet to promote anti-cult propaganda, the Chinese Communist Party and entire state machinery also use various activities such as “festivals,” “road races,” “ball games,” “dragon boat competitions,” “artistic performances,” “dances,” and “comics” to carry out anti-cult work. Chinese authorities have implemented anti-“xiejiao” promotion in Anhui, Jiangxi, Sichuan, Jiangsu, Guangxi, Zhejiang, Henan, Jilin, Shaanxi, Inner Mongolia, Guangzhou, Ningxia, Tianjin, Beijing, Gansu, Chengdu, Shaanxi, Shandong, Shanxi, Jiangsu, Nanjing, Hunan, Fujian, Hebei, and various communities and villages across Hubei, using “educational and entertaining” methods.

The biggest difference between this year and previous years is the integration of local “tourism, folklore, and cultural festivals” into the anti-cult theme. Cities and provinces that have participated include: the Mid-Autumn Festival, Jing People’s Ha Festival, Tourism and Culture Festival, Baikuyao New Year Festival, Cow Festival, Lotus Culture and Tourism Festival, Torch Festival, Gelao Taste New Festival, Bunuyao Zhuzhu Festival, Longan Festival, and Leisure and Culture Tourism Festival in Guangxi Province; the Respect for the Elderly Festival, Impression Huaxi Tourism Festival, and Cultural Tourism Festival in Jiangxi Province; the Heque Flower Cultural Tourism Festival in Guangzhou; the Tea Tourism Cultural Festival and Osmanthus Festival in Zhejiang Province; the Intangible Cultural Heritage Festival, Loquat Festival, Dragon Boat Festival, and Mid-Autumn Festival in Sichuan Province; the Hakka Traditional Fairy Day and Dragon Boat Festival in Guangdong Province; the Peach Blossom Tourism Festival in Tianjin; Dragon Boat Festival in
Fujian Province; the Traditional Culture and Art Festival in Gansu Province; and Apricot Flower Festival in Anhui Province.

(3) Anti-cult propaganda in party and government

The CCP not only educates and promotes anti-“xiejiao” work in schools, but it also demands that own cadres at all levels in the party and government departments to carry out anti-cult propaganda. Party members and government employees in Ningxia, Gansu, Anhui, Jiangxi, Zhejiang, Henan, Inner Mongolia, Jilin, Hebei, Shanxi, Guangxi, Hubei, Xinjiang, Sichuan, Guangdong, Tianjin and other provinces and cities have all invested heavily in this work. Inside the party, the emphasis is placed on the anti-cult education of local party members, secretaries, party schools, and those newly appointed to the “Politics and Law Commission”; in government departments, the emphasis is put on the anti-cult education of grassroots cadres and inspection systems personnel. China has also established anti-cult associations across all levels of government.

2.3.2 Harming the Right of Individuals to Hold Private Belief

There are at least 23 officially defined “cults” in China (Chang, 2014). From the perspective of democratic and free countries, these religions may just be “modern Chinese indigenous sects,” “new religious movements,” or “indigenous shouters.” People’s participation in these religious activities is a representation of their right to hold private religious belief. Yet, these religions are considered as “xiejiao” in China. In 2019, the Chinese government forcibly arrested, detained, sentenced, fined, and confiscated church assets of individuals who follow “cults” such as Falun Gong, the Church of Almighty God, the Lord God (Supreme Spirit) Sect, and the Disciple Society. Approximately 4,896 believers, 59 church locations, and 740,000-yuan worth of church assets were involved in the state repression of “cults.”

(1) Falun Gong

The CCP has long regarded Falun Gong as a “xiejiao.” In 2019, the government
arrested 8 Falun Gong practitioners in Guangzhou City, Guangdong. Four of the arrested followers were sentenced to administrative detention, five to six and a half years in prison, and a fine between 5,000 and 10,000 yuan for producing and distributing propaganda materials. Two adherents were heavily sentenced to eight years in prison and fined 10,000 yuan for promoting Falun Gong on social media. The remaining two followers were sentenced to 1.5 years in prison and fined 5,000 yuan for disseminating Falun Gong teachings.

(2) The Church of Almighty God

The arrest, interrogation, and sentence of followers of the Church of Almighty God are particularly prominent. In Guangdong province, 15 followers of the Church of Almighty God were sentenced to 1.5 and 3.5 years in prison and fined between 2,000 to 10,000 yuan for participating the church activities. In Anhui, Jiangxi, Shandong, and other provinces, 12 were tried, convicted, and heavily sentenced to jail terms from 7 months to 7 years for promoting the Church of Almighty God.

In Henan, Anhui, Gansu, Shandong, Hebei, Shanxi, Jiangxi, Fujian, Hunan and other provinces, Chinese authorities raided 37 locations of the Church of Almighty God and arrested 1,674 people. In the province of Henan alone, 2,742 church members were investigated by state authorities; 98 followers in Shanxi Province, who participated in church gatherings, were detained in the so-called “legal study base” (Zhang, 2019). In addition, officials confiscated 410,000 yuan from the Church of Almighty God in Henan and church assets valued at 330,000 yuan in Shanxi, totaling 740,000 yuan.

(3) Lord God (Supreme Spirit) Sect and the Disciple Society

The official ban on the Lord God Sect is concentrated in Guangxi. A follower was sentenced to one and a half years in prison and fined 5,000 yuan for inducing others to participate in the activities of the sect (Tan, 2019). Nineteen adherents were sentenced to 2-4 years in prison and fined between 3,000 and 10,000 yuan for
spreading the Lord God Sect. The ban on the Disciple Society is primarily located in Qinghai. Local officials raided 22 church locations and arrested 329 believers.

3. Ethnic Minority Human Rights

3.1 Interference with the Human Rights of Ethnic Minorities in Xinjiang and Other Provinces

3.1.1 Political Re-education Camps: Harming the Personal Freedom of Ethnic Minority Groups

China set up political re-education camps in Xinjiang in 2018. The CCP argues that these euphemistically dubbed “education and training centers,” provided vocational training for ethnic minorities. Since its creation, at least one million people had been arrested and sent to the center for re-education and reform. Although the Chinese government belatedly revised the *Xinjiang Uighur Autonomous Region Regulations on De-extremization* to provide legal basis for the centers, the existence of these camps still brought much attention and criticism from major countries and international media. The deputy secretary of the CCP Committee of Xinjiang

12 U.S. Vice President Pence strongly criticized China on October 24, 2019, calling out the Chinese Communist Party for suppressing the freedom of religion of the Chinese people and violating the human rights of ethnic minorities. In response to the CCP’s gross violations of the human rights of ethnic Uyghurs in Xinjiang, the U.S. House of Representatives passed the *Uighur Intervention and Global Humanitarian Response Act of 2019* (UIGHUR Act) on December 3, 2018, determining that the arrests of one million ethnic minorities and sending them to political re-education camps are discriminatory policies and practices. The Act stipulates that senior regional officials of the autonomous regions must be held accountable for human rights violations, urges China to lift all improper restrictions upon journalists, nongovernmental organizations, and American officials operating in the region, and instructs the U.S. government to use its influence to deter China from constrain the freedom of speech or religion of ethnic minorities, including the end to the practice of “political re-education”, mass arbitrary detention, and actions that discriminate Turkic Muslims. Chinese senior officials found to commit rights abuses would be sanctioned by the *Global Magnitsky Human Rights Accountability Act*. 
Uighur Autonomous Region publicly defended the centers on December 9, claiming the centers were established to fight terrorism and to improve the quality of life of ethnic minorities. The official also sternly responded to the *Uighur Intervention and Global Humanitarian Response Act of 2019* that was passed by the U.S. House of Representatives, calling the law an interference in China’s internal affairs.

To whitewash the negative image of political re-education camps around the world, China invited three waves of diplomats and media representatives to visit Xinjiang: 12 diplomatic envoys to China including the Russia representative in December 2018, Egyptian media in January 2019, and diplomats from 16 countries including Saudi Arabia in February 2019. Following the visits, these countries declared that China’s counter-terrorism and deradicalization measures deserve praise and recognition.\(^{13}\)

In May, hundreds of Uighurs and 500 Kazakh female workers were sent to the political re-education camps for “training.” In August, around 2,000 Uighurs were transferred to prisons in Henan Province from the political re-education camps. In September, hundreds of Xinjiang’s Turkic Muslims were escorted to the “re-education centers.” When the CCP arbitrarily arrests and detains ethnic minorities in re-education camps, statistics from 2019 shows that more than 100 children have disappeared and over 400 children have lost both parents at the same time.

In addition, in 2017 the Chinese Communist Party planned an “education and training center” for Muslim children that was similar to a boarding school. This year, the Xinjiang regional government sent 500,000 children to these “schools,”

\(^{13}\) In July 2019, a coalition of 22 U.N. Human Rights Council countries that included the United Kingdom and France condemned the detention of Uyghurs and other Muslims in Xinjiang, and urged China to allow the United Nations and independent observers access to the region to assess the situation. Yet, two days later, 37 countries including Russia endorsed China and praised its human rights achievements in anti-terrorism and de-extremism policies. China subsequently published a white paper titled *Historical Matters Concerning Xinjiang*, claiming that its policies for anti-terrorism, de-radicalization and vocational training centers should be respected internationally.
replacing Uighur language with Standard Chinese and teaching them to be loyal to the Communist Party and the country.

3.1.2 Against the “Generalization of Halal”: Violating the Right to Non-discrimination of Ethnic Minority Groups

(1) Demolition of mosques and Islamic symbols

Under the principle of “Sinicization of religion,” China opposes the generalization of halal in Muslim minority groups. In 2019, China demolished 35 “dome-style” mosques and hundreds of Islamic domes and star-and-crescent symbols, expanding the policy from Xinjiang to other inner provinces of China.

It has been confirmed that at least 30 mosques were demolished in Xinjiang alone (Yang, 2019). In the inner provinces, 2 mosques were demolished in Henan (one in Tawan, Luoyang City, and the other in Puyang County, Puyang City); 1 in the Gansu Uyghur Autonomous Prefecture, and 1 each in Huangniwan and Zheqiao Gazhuang in the Linxia Hui Autonomous Prefecture. Moreover, although 6 mosques remain in Xinjiang, their towers and domes had been torn down.

With respect to the removal of mosque’s domes and crescent symbols, the locations affected had expanded from Xinjiang to Linxia, Inner Mongolia, Henan, Hebei, Guangdong, Shaanxi, Beijing, Liaoning, and other provinces and cities. A total of 12 mosques had their domes dismantled, including 4 mosques in Linxia (the Nanfang Great Mosque in Yuanzhou District, Guyuan City; the Guyuan Great Mosque and Jiulong Road Mosque in Yuanzhou District; the Tuanju Mosque in Linxia Prefecture; the Mochuan Grand Mosque in Hanji, Linxia County) and 8 other mosques including the Zhengzhou Beida Mosque in Henan, the Zhengzhou Huayuan Street Mosque, the Luzheng Mosque and the Wumile Mosque. Moreover, both the large and small domes on top of the Jiupeng Building in Hohhot, Inner Mongolia, and the residential building in a Hui community in Liangyuan District, Shangqiu City, Henan, were also demolished.
Next, Islamic-style buildings and signs were also demolished. Those affected were: 2 domes and star-and-crescent archways on Nangeng Street, Beijing; Muslim Food Street in Changchun City and Jilin City in Jilin; the China Huixiang Culture Garden, a national 4A tourist attraction spot in Yongning County, Yinchuan City, Linxia; a 150-meter street section with Islamic signs in Hohhot, Inner Mongolia; Arabic signs and food packaging in more than 250 shops in Xinxiang, Henan; outside the gate of Jinlingzhen Huimin School and the school cafeteria; Minzu Square, in Shangdianzhen, Wugang City; and images of ethnic minority groups at a mosque in Zhenzhou.

In addition, the Hebei Provincial Government ordered the absolute removal of all Islamic signs and Arabic script, affecting 162 restaurants and shops in Jianchangyingzhen and Langfang City in Tangshan City, 280 restaurant and shops in Baoding City, and shops in Qinhuangdao City. Islamic images and Arabic script were also removed in shops and restaurants in Muslim Street in Chengde City, Liaoning, and the Muslim Street in Yuanjiacun, Guanzhong, Shaanxi, as well as those in the Beijing Municipal Government. This campaign also affected halal restaurants and Islamic buildings in various locales such as Baoji City and Lianhu District of Xi’an City in Shaanxi, and Helan County in Linxia; the university emblems of Xinjiang University, Xinjiang Medical University, and Ili Normal College in the Xinjiang region; and store signs, menus, and walls of halal restaurants in Guangzhou and Qingyuan in Guangdong.

(2) Erasing Muslim culture

The scope of China’s opposition to the generalization of halal is not limited to mosques, Islamic symbols, or Arabic signs. The Chinese Communist Party also requires Muslims not to wear their ethnic clothing or grow a beard. The government opposes the Muslims’ culture of fasting. Authorities had even required Muslims

14 Please refer to the Notice on Comprehensively Investigating and Regulating Arabic Symbols and Religious Elements in Public Places and the Issue of ‘Generalization of Halal.’
to celebrate the Chinese New Year, even giving away pork to low-income Muslim households during the Spring Festival.

In Hebei, authorities interrogated and fined Muslims for wearing white hats and growing beards, believing that they were against the Sinicization of religion. During the Spring Festival, officials from Yining (Ghulja) and Altay Prefecture in Ili, Xinjiang, demanded that the Kazakhs celebrate the Han Chinese New Year, threatening to send those who refused the order to the political re-education camps. What’s even more outrageous is that Director Ali, from the City Management Administrative Law Enforcement Bureau in Yining (Ghulja), distributed pork to the needy households in Dadamutucun, Yining (Ghulja), and completely ignoring Muslim taboo about eating pork.

Every year during the month of Ramadan, the Chinese government bans Muslims from observing fast or engaging in Islamic religious activities. The year 2019 was no exception. Fasting was prohibited in Kashgar, Hotan and other places in Xinjiang, and Muslims were required to sign a written pledge that they would not fast or engage in religious activities during Ramadan. Authorities even used the ten-household joint defense monitoring to ensure that no one fasts during Ramadan.

In summer of 2019, the Uighurs in Turpan, Xinjiang were required to put the Communist Party’s emblem and the national flag on “nan” bread and the slogan “Me and My Motherland.” In addition, Uighur children were asked to wear traditional Han clothing in place of ethnic costume.

3.1.3 Assimilation of Islamic Culture: Harming the Right That Ethnic Minority Groups Should Be Protected

(1) Han-Muslim civil servant-family pair up

In an article written by China’s United Front Work Department for its “United Front’s New Language” blog and posted on WeChat, it was mentioned that from 2016 to 2018, in cities and prefectures across Xinjiang, some 1.12 million cadres
and civil servants had paired up with more than 1.69 million locals from all ethnic minority backgrounds. The cadres and officials came from various administrative departments, enterprises from the central government and military departments, including the Xinjiang Production and Construction Corps and Xinjiang Armed Police Corps (Central News Agency, 2019). From January to the end of November 2018, party cadres and civil servants across Xinjiang had made a total of 31.49 visits to their Uighur “relatives,” and spent the night at the homes of their Uighur “relatives” approximately 10.50 million times (Shen, 2019). The CCP hopes that the Han Chinese party cadres in Xinjiang can make frequent contacts with ethnic minorities in the territory, using Chinese culture to assimilate Islamic culture.

In addition, in the name of building a park, Chinese authorities excavated and flattened a large area of Uyghur cemeteries in southern Xinjiang to turn it into a “Happiness park” with panda statues. These actions completely ignore the traditional funeral culture of Muslims.

(2) Sinicization of Islam

At the end of 2018, China put forward the Five-Year Plan for the Sinicization of Islam in China (2018-2022), with the goal of establishing a sinicized version of Islam in Xinjiang that was less connected with the Arab world. Among the measures in the plan include hosting lectures in the mosque, organizing a training class on “core socialist values” for Muslims so to better understand the sinicization of Islam, removing crescent symbols and domes of mosques, and banning various religious schools and courses in Arabic. Training classes on “socialist core values” and other measures. In short, China is using the state’s cultural hegemony to control Muslims in Xinjiang.

3.1.4 De-extremization: Opposing Ethnic Hatred and Discrimination

China has adopted very stringent laws to eliminate “extremism,” imposing severe penalties on minor crimes or innocuous behaviors of ethnic minorities. For
example, imam Ahetijan Batr from a mosque in Shawan, Xinjiang, was first sent to the political re-education camps and later sentenced to 17 years in prison, all merely to carrying out religious activities.

Similar situations happened to the leaders of Kazakh mosques and their families in Mongolküre (Zhaosu) County, Xinjiang: imam Ayelbek Nurzhahp, together with his wife Batima Beknur, daughter Batima, and son-in-law Awu Lebek, were sentenced to 16-25 years in prison. The imam of a mosque in Abdalazhen, Zhaosu County, Nurkelde Abdbai, and religious worker Nurpolati Nurgahopp, were sentenced to more than 16 years in prison. A Kazakh citizen, Gazila Gamalibek, was sentenced to three and a half years in prison for “illegal business operations.”

About 30 Kazakhs in Yumin County of Xinjiang were arrested for sending Kazakh songs to friends through WeChat; among them, Castiel Polati was shockingly sentenced to 15 years in prison. Moreover, an individual of Han descent was officially warned about communicating with terrorists after socially interacting with Uighurs. Tashpolat Tiyip, former president of Xinjiang University, and Halmurat Ghopur, former president of Xinjiang Medical University, after being prosecuted in 2017 and 2018 respectively for exhibiting ethnic tendencies and supporting extreme ideas such as separatism, were given suspended death sentences.

Serikzhan Bilash, the leader of the Atajurt Kazakh human rights organization, publicly criticized the Chinese government’s policies and political activities in Xinjiang. After being placed under house arrest for five months, Bilash was freed after promising not to criticize the government’s ethnic policies or participate in political campaigning. A non-resident imam who had preached at a mosque in Luoyang, Henan, for 9 years was deported by authorities for preaching across districts. Ten imams in Hualong County, Qinghai, who refused to accept the government’s policy of sinicization of religion, had their religious permits revoked; accordingly, the mosque was shut down.
Authorities in Henan and Hubei would review the sermons of imams, asking them to submit speeches in advance for verification. The sermons must also conform to the values of socialism and ethnic unity. In Puyang, Henan, and Airbnb, landlords have indicated that they refuse to serve Uighur tourists, which clearly violated the rights of ethnic minorities to live and travel. Tourists entering Xinjiang will be forced to install the state-sponsored BXAQ app (Fengcai) in their mobile phones, which will prevent them from spreading information about the ethnic minorities.

### 3.2 Interference with the Human Rights of Ethnic Minorities in Tibet

#### 3.2.1 Controlling Tibetan Buddhism: Hurting the Human Right to the Protection of Ethnic Minority Religions and Cultures

This year, regarding the state control of Tibetans and Tibetan Buddhism, the government requires civil servants and Tibetan party officials in Lhasa to refrain from participating in various Buddhist rituals on days and school holidays; if not, they will be deprived of their pensions. On the other hand, public officials and party cadres are required to attend government activities, otherwise their minimum living standards will be denied. For retired government officials, they are required to learn about Tibetan Buddhism to avoid being polluted by its teachings. Chinese authorities demolished the Jixiang Temple in Wutai Mountain, Xinzhou City; the Yaosi Tugegen Lama Temple in Inner Mongolia; a Tibetan Buddhist Pagoda in Hebei; they also took over the management of a Lama Temple in Wutai County.

With respect to government work on religious education and propaganda, the CCP has adopted the *Methods for Managing the Reincarnation of Living Buddhas in Tibetan Buddhism*, held training seminars for sutra teachers, and trained monks to understand state policy. Through examinations at Buddhist colleges, the CCP also selected monks from Tibet and Yunnan who agreed with the party-state system to serve as future leaders of Tibetan Buddhist temples. To allow party-state propaganda
inside the temples, the Chinese government set up the first “demonstration base for legal propaganda in temples” at Longen Temple in Gande County, Golog Tibetan Autonomous Prefecture, Qinghai Province.

3.2.2 Anti-separatism: Harming the Human Right that Ethnic Minority Groups Should Be Protected

The CCP exercises strict control over those who spread separatism or related information in Tibetan areas. Six Tibetans in Ganzi, Sichuan, were arrested and imprisoned for sharing and disseminating politically sensitive information with users overseas via WeChat. Before and after the “Saga Dawa Festival,” officials cracked down on illegal activities and tightly controlled WeChat, arresting around 300 individuals. To control the lives of Tibetans, social security cards are promoted in Tibetan areas to collect various types of information about residents. Two Tibetans in Sêrxü County, Sichuan, were arrested for chanting “Tibet independence,” distributing leaflets, and protesting in front of the local police station.

In 2019, the Communist Party of China issued a white paper titled, Democratic Reform in Tibet – Sixty Years On. The white paper referred the Dalai Lama as an old force, as there are 91 living Buddhas who have been approved thus far and they shall be trained to become senior religious figures in Tibetan Buddhism. Here, China uses state power to integrate Tibetan religious activities and traditions within the scope of “Sinicization of religion.”

3.2.3 Political Re-education Camps; Harming the Personal Freedom of Ethnic Minority Groups

The Chinese government copied the concept of political re-education camps from Xinjiang and replicated in Tibet in 2018. It has been confirmed that 3 such camps have been built to reform ethnic Tibetans who violate national policies (World Journal, 2019). More than 70 monks and nuns from the Yaqing Temple, Baiyu County, in eastern Tibet were expelled. After returning home, they were sent to patriotic and
political learning classes. They were required to take off their religious robes, forced
to criticize the “Dalai clique” every day, and compelled to praise state policies.

The Chinese regime also fears the excessive expansion of Tibetan language
education in Tibetan areas and has imposed restrictions since 2018. This year, China’s
Qinghai Provincial Government issued a statement saying the Tibetan language
teaching in monasteries violated national policy and shall be punished by law.

4. Observations and Analyses

4.1 Low Levels of Religious Human Rights and Ethnic Minority
Human Rights

Religious human rights or ethnic minority human rights, which are regarded as a
given in free countries, are exceptions in China. The CCP often uses state machinery
to suppress religious persons, religious organizations, and ethnic minority groups on
the grounds that national sovereignty cannot be challenged. Compared to 2017 and
2018, the level of religious and ethnic minority human rights in China appears to have
gone down another peg.

The level of religious human rights is low. China has either infringed or placed
restrictions on the following 7 universal values: the freedom of religious development,
the individual and collective freedoms of religious belief, religious freedom of the
press, the state does not cross the wall separating religion and state, the freedom to
hold private belief, education should serve to promote interfaith understanding, and
the right of individuals to hold private belief.

Similarly, the level of ethnic minority human rights is also low. China has either
infringed or placed restrictions on the following 4 basic rights: the personal freedom
of ethnic minorities, the right to non-discrimination of ethnic minority groups,
education should serve to promote interethnic understanding, and the protection of
ethnic minorities.
4.2 The Xi Jinping Effect

After Xi Jinping came to power, a “National Conference on Religious Affairs” was held in 2015. Among the many proposed ideas resulting from the conference, two remain relevant today. The first is favoring Confucianism in the name of “restoring the traditional Chinese culture.” The second is suppressing Protestantism, Catholicism, Islam, and “xiejiao” in the name of Sinicization of religion to consolidate the existing regime.

However, Xi Jinping does not “fully respect” the “freedom of religious development” of domestic Buddhism and Taoism. Through the newly amended Regulations on Religious Affairs, he sought to avoid the commercialization of religion, using such principle to regulate the over-commercialized and over-developed Buddhism, the Taoist temples, and large-scale religious statues.

4.3 Two-pronged Approach

In 2019, the CCP adopted restrictions on both domestic and foreign religions, taking a two-pronged approach to keep tight control of the religions’ hardware and software. In the past, Chinese authorities targeted foreign religions, shutting down churches and cutting off water and electricity; such tactics were rarely used against domestic religions. Now, places of worship for both types of religions are treated the same. Not only are Christian churches dismantled, so are mosques and temples and large-scale statues of domestic religions.

The Chinese government has demolished Christian churches and crosses in the name of violating building codes and regulations regarding religious sites. Chinese authorities have also dismantled domes on Islamic-style mosques—because they look different from traditional Chinese-style religious buildings—, star-and-crescent
symbols, and signboards and road signs written in Arabic, in the name of Sinicization of religion and opposition to the generalization of halal.¹⁵

The government also demolished or blew up giant outdoor religious statues under the pretense of “over-commercialization.”¹⁶ Based on the Implementation Plan for the Promotion of Red Propaganda Project and the Implementation Plan for the Special Renovation of Clan Ancestral Halls, and other administrative regulations, authorities have closed monasteries and ancestral halls, removed religious statues, or converted religious venues into “rural cultural centers” or “party propaganda bases.”

As for dealing with religious clergy and believers, as in the past the government focuses on the so-called “xiejiao” and “underground Christian churches,” using arrests, trials, and fines in accordance with Chinese laws. Newly added targets are bishops, priests, and believers of the underground Catholic churches. After the signing of the Provisional Agreement between the Holy See and China on the Appointment of Bishops, the CCP has begun to manage the Catholic underground churches and clergy.

### 4.4 Crossing the Wall Separating Religion and State

In democratic, constitutional countries there is a wall separating church and state, and neither may cross to the other side arbitrary. Yet however, on the principle of the supremacy of national sovereignty, the Chinese government often takes the easy way out and crosses the boundary. In particular, it has established a “religious legal system” with the relevant administrative orders to manage the behaviors of various religious groups and individuals in its territory, including religious ceremonies, religious doctrines and ideas, religious classics and religious venues of

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¹⁵ Improvements in the basic lives and economic environment of Muslims include “seven imports and two possessions” (water, electricity, roads, gas, information, radio and television, cultural and study houses, and the main mosque has bidet facilities and flush toilets), and nine equipment (medical services, electronic display screens, computers, electric fans or air conditioners, firefighting facilities, natural gas, drinking water, shoe covers or shoe cover dispensers, and lockers).

¹⁶ The CCP began to review its policy of “develop the economy through religion” in 2017, and this year it has restricted the commercialization of large outdoor statues.
various religions.

The government then uses the relevant laws and regulations to determine which religions are the “right faiths” and which are “cults” or “xiejiao.” The government also uses the same laws and regulations to define which religious activities and venues are legal or illegal. Authorities in China use the prosecutor’s office, police, and judicial systems to arrest and sentence “cults,” Protestant “house churches,” churches established by foreigners, and Muslim organizations and Muslims individuals in accordance with the law. The state then uses education and social networks to propagate and indoctrinate school children and the masses about the various actions of “xiejiao.” China has also banned language education, religion, and cultural inheritance of ethnic minority groups.

When China uses the protection of national security and social stability as reason for action, it can legitimately cross the wall to manage religion; on the contrary, religions cannot cross the wall to influence the government. To survive, the legal religions in the Chinese territory are also willing to be the government’s sidekick, join the state in cracking down “xiejiao” or other illegal religions.

4.5. Expansion and Defense of “Political Re-education Camps”

Since last year (2018), China has established “political re-education camps” in Xinjiang and formulated the Regulations on De-extremization. These regulations are then used to determine the degree of extremism in the speech and behavior of Uighur people. It is estimated that about a million Uighurs had been arrested and sent to the camps to receive a “patriotic” education.17

At that time, the existence of these camps attracted the attention of political leaders and mass media from major countries around the world. But in 2019, China has duplicated the political re-education camps in Tibet, using the exact same methods

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17 On August 16, 2019, the Chinese government announced the publication of Vocational Education and Training in Xinjiang white paper, which grants political re-education camps a legal basis and legitimacy to ethnic minority groups.
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5. Conclusion

Overall, when comparing China’s actions on religious human rights and ethnic minority human rights in 2019 with the past few years after Xi Jinping came to power, the year 2019 has been the grimmest year. Like the previous two years, China has upheld the principle of “national sovereignty” in fully implementing the Sinicization of religion, an idea proposed by Xi Jinping in 2016. State apparatus has crossed the boundary separating state and religion and cracked down on all religions within the territory.

Like in previous years, human rights transgressions in China include: suppressing foreign Christian missionaries as before, demolishing and shutting down Protestant and Catholic churches and crosses, not respecting the individual and collective freedoms of religious belief; continuing to crack down on “xiejiao” (cults or heterodox religions), violating the freedom to hold private belief; the state using education and bureaucratic mechanisms to promote anti-cult education, which violates the human right value of “education should be directed to promote interfaith understanding. Regarding the human rights of ethnic minorities, China continues to rely on the macroscopic “Sinicization of religion” framework to set up “political re-education camps,” combat “extremism,” oppose the “halal generalization,” and to deal with ethnic issues in Xinjiang and Tibet. In the process, the Chinese state infringes
on universal values such as “ethnic minority human rights,” “education should be directed to promote interethnic understanding,” “protecting the culture of ethnic minority groups,” the right to “non-discrimination of ethnic minority groups,” and the right of “ethnic minorities to equality before the law.”

State behaviors that gotten more severe this year than in the past include: China expanded, from Xinjiang to nine other provinces including Hebei, its demolishment of mosques, domes, star-and-crescent symbols, and signs, thus not respecting the human right of ethnic minority culture. Moreover, China used “religious over-fanaticism” and “over-commercialization of religion” as reasons for demolishing and shutting down giant outdoor statues and temples from Buddhism, Taoism, and folk religions, thus denying the “freedom of religious practice” of domestic religious persons. In addition, the Chinese government continued to prohibit the circulation of unofficial publications as in the past; this year the state had strictly reviewed and intervened in the content of Christian publications, completely violating the “religious freedom of the press.” Furthermore, the state also interfered with the sermons and religious addresses of Christian and Muslim clergy, completely disregarding their “freedom to preach.” China even required bishops and priests of underground Catholic churches to join the Three Self Patriotic Movement, infringing on the “freedom to appoint religious leaders.” China also vigorously banned foreign countries from establishing churches its territory, thus transgressing on the universal value of “freedom to set up churches.” This year the Chinese government has caused tremendous harm on ethnic minorities by targeting extremism in other provinces and the phenomenon of halal generalization, jailing thousands. China also expanded the “political re-education camps” to Tibet, negating the human right of “protection of ethnic minority culture.”

From this perspective, in terms of the China’s treatment of the human rights of religious and ethnic minorities, 2019 has been the Chinese government’s most effective year in implementing the policy of Sinicization of religion since Xi Jinping took office. China places the leadership of the Communist Party, socialist core values,
and Xi Jinping above all religions; the CCP regime favors the sinicized Confucianism yet suppresses all other religions. For both religious and ethnic minority groups, 2019 has been a disastrous year.
References


Gender Human Rights – Two-faced Trick on the Domestic and Foreign Fronts

Wei-ting Wu

Abstract

Pursuing to the 2017 and 2018 editions of this report, we continue to observe the status of gender human rights in China against the standards set out in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). During the year 2019, the greatest threat to gender human rights came from China’s leader Xi Jinping who called on women to embrace their “unique role” in the family. Responding to this remark, “No Communist leader before Xi has dared to openly say that women should shoulder the domestic burden,” said Professor Wang Zheng of women’s studies and history at the University of Michigan.

Yet, on the international arena, China continues to put on a charade of being agreeable to the idea of gender diversity. In an address to the United Nations 2019 General Assembly, China’s foreign minister Wang Yi said China has been against all kinds of gender-based discrimination and violence. But the Chinese delegation also stressed the need for the international society to respect the time-honored tradition and culture of each nation. China seems to be playing a two-faced game towards gender-diverse groups: support on the foreign front, but suppress domestically.

The 2019 observation on China’s gender human rights status was done through a number of indicators, namely the rights: to free assembly and association, to

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1. Introduction

Compared to the two previous years, China has become more eager to appear gender friendly on the international arena in 2019. For example, China’s representative in the United Nations displayed a commitment to upholding human rights of LGBTI (lesbian, gay, bisexual, transgender, and intersex) groups. But on China’s territory, the authority has drummed up the suppression against gender human rights. For example, censors routinely cut out media contents showing human rights of people with diverse gender identity.

By world standards, China has long scored poorly in gender human rights status. The GII (Gender Inequality Index) was developed by the United Nations Development Programme in 2010 to replace the GDI (Gender Development Index) and the GEM (Gender Empowerment Measure). The GII has three critical dimensions – reproductive health, empowerment and labor market participation – to assess (with five indicators) the losses on human development caused by gender inequality. In the GII ranking, China was the 35th in the world in 2017, and dropped to the 39th in 2018. As a top economic powerhouse, and a bellwether in global politics, China has done poorly by the CEDAW standards due to its negligence and passivity in areas related to gender equality.

This report focuses on the analysis of “state’s action to safeguard gender equality” using source materials from China’s domestic media and official responses to events. During 2019 the greatest threat to gender human rights actually came from
the leader Xi Jinping who seems to be waging a campaign reverting to traditional gender roles and pushing women further back into household chores.

Over the entire 2019, the head of ACWF (All-China Women’s Federation, state-backed network of women’s associations) toured the nation to preach Xi’s gospel: women should attend to family duties, instill family values to offspring, practice family-oriented ethics, because women have the “unique role” to rectify the family virtue. “No Communist leader before Xi has dared to openly say that women should shoulder the domestic burden,” said Professor Wang Zheng of women’s studies and history at the University of Michigan. “When the state policymakers needed women’s hands, they sent them to do labor… Now they want to push women back into marriage and have a bunch of babies,” said Wang (Qin, 2019).

Pursuing to the top leader’s doctrine, a myriad of activities were rolled out in 2019 to promote family virtues. For example, at a Belt and Road Initiative forum on China-Central Asia collaboration, an ACWF delegate urged women’s associations to engage in “deep and wide” efforts to raise proper families and to cultivate family virtues in support of prudent social ethos. Four actions items were identified – cultivating a civilized family, supporting family learning, upgrading family services and analyzing ways to deepen family values – to fulfill women’s unique role in sustaining civility in every household (Yeh, 2019). An article in China Women’s News, state-backed ACWF’s official publication, suggested in October that “cultivating family virtues” should be incorporated into China’s Civil Code (China Women’s News, 2019c).

On November 5, the central government issued a directive titled “Decisions on Major Issues Concerning Perfecting Socialism with Chinese Characteristics, and Modernizing the Ruling Hierarchy and Competence” pointing out the crucial role of family education and virtues in grassroots social governance. Meanwhile, the education and health authorities have worked together to promote anti-AIDS campaign in schools. There was a call to include “marriage and love” in the curriculum for regular colleges and vocational high schools (Chinese government
Ironically, a piece of news in November triggered heated debates. At a Jiangsu province local-level marriage registry office a wall plaque says “one husband one wife; concubines allowed; wife to live in husband’s house; despising men married down; mate for life; remarry is frowned upon (Beijing News, 2019d).” Bureaucrats there were reluctant to remove that plaque citing it was a truthful depiction of historic facts, but eventually did.

Such conservative, backward attitude seems common: from the top leaders all the way to the grassroots civil servants. How would that impact gender human rights? The decades-long women empowerment work has only begun to take roots. Are the roots strong enough to survive this wave of top-down whirlwind? It remains to be seen.

This observation report was made from five perspectives: (1) Gender politics, including the relation between gender rights groups and the state apparatus as well as women in politics. (2) Discrimination at workplace. (3) Personal safety: thwarting domestic violence, deterring sexual harassment and rape, as well as personal safety of minors. (4) Rural women’s right to land. (5) Human rights of gender diverse people. We examine the status in China through the CEDAW criteria for two reasons: CEDAW represents the universal values concerning women, and that China is supposed to follow CEDAW guidelines after signing the convention in 1980.

To critique Chinese government’s performance, this author has dug into China Women’s News as the main source of materials, plus media reports, to gain insight from Chinese women’s perspective about gender human rights.
2. Gender Politics

2.1 Gender Rights Groups and the State Apparatus

CEDAW Article 7 and CEDAW General Recommendation No. 23 (both concerning political and public life).

The analysis looks into how an authoritarian regime intrudes into and regulates the civil society. In this one-party-state, the party machine is intertwined with the state apparatus to curb the growth of the NGO (non-government organization) sector, at the same time to limit women’s opportunity to participate in public life. This constitutes a grievous breach of CEDAW Article 7 and CEDAW General Recommendations No. 23.

China’s Law on Administration of Activities of Overseas Non-governmental Organizations in the Mainland of China (the Overseas NGO Law), effective since 2017, has dealt a deadly blow to many gender rights groups, making them ineligible to register. The law’s adverse effects have reverberated into 2019, culminating in a few high-profile events. On November 25, the foreign ministry at a press conference announced that Asia Catalyst had broken Chinese law and had been penalized. One week later on December 2, another five U.S.-based groups – the National Endowment for Democracy, the National Democratic Institute, the International Republican Institute, Human Rights Watch, and the Freedom House – were accused of involvement in Hong Kong’s anti-extradition protest (Liu et al., 2019). Those gender rights groups having long worked with foreign NGOs are under tremendous pressure now by Chinese foreign ministry’s “name and shame” tactic.

Compared to groups for other causes, gender rights groups in China are particularly vulnerable under this Overseas NGO Law for two reasons: (1) the Law stipulates only nine areas of advocacy work to be legal, excluding gender equality or gender diversity. Namely, foreign NGOs used to work on gender human rights in China can no longer do so. (2) Gender rights groups advocate ideas far
from mainstream values; hence are less likely to get domestic donations. The Law practically cut off overseas funding these groups had relied on. With financial resources dried up, these groups face bleak future.

The public security ministry is the competent authority of the Overseas NGOs Law that has not only threatened the very existence of those groups relying on foreign aids, but also become the ministry’s axe to wield menacingly at the civil society. During 2019, one after another organization ceased operation under the axe. Chengdu-based Speak Out – an active LGBT peer-support group – was one of the first casualties. So was the Gender Study Graduate School at the Beijing Forestry University, as authorities began to vet research centers having close ties with foreign NGOs. Fang Gang, dean of this now-defunct graduate school, announced over the White Ribbon Volunteers, an account on WeChat, that he had filed for the graduate school’s dissolution for failure to meet the university’s 2019 criteria for an academic entity (Fang, 2019).

Regarding the interaction between gender rights groups and the state apparatus, this author noticed in three incidents that ACWF has been more flexible and extensive to penetrate into the civil society:

(1) In April, a brand-new women’s association Village Women Writers was formed out of an internet writers’ group called Chinese Internet Writers Village, the first such “virtual” organization with 100-plus members, including about 40 women. Supposedly, the next frontier the Party intends to firmly grip on is internet contents. Party building among internet writers is one crucial step closer to that goal. Village Women Writers had the first general assembly in April to elect the first slate of executive officers with Fong Diuzi, a pen name, assuming the presidency (Yao, 2019).

(2) In May, a novel “virtual” women’s association was launched. On May 20, about 30 women from Tangshan, Beijing (in China’s northeast), and Shenzhen (on the southeast coast) through on-line ballot elected the first slate of women leaders.
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That was the very first live-cast election and also the first women’s organization created online in Hebei province (Zhou, 2019). People are looking forward to seeing how this cross-province group would evolve to change the nature of women’s groups.

(3) News on May 16 carried a story about more women-only groups were formed in Xinjiang (in the vast northwest) “under the guidance of ACWF, over 20,000 women of all ethnicities shook off poverty through entities of various forms – cooperatives, individual seamstress shops, or satellite workshops – wherever Xinjiang Production and Construction Corps has a presence (Wang, 2019).” All brigade-level women’s units (more than 2000) in the Corps’ structure have taken affiliation in the ACWF hierarchy to generate 1,057 liaison points and 2,019 grassroots women’s homes. With such a close-knit ACWF network in Xinjiang, genuine civil-society women’s entities find it hard to survive.

2.2 Women in Politics

CEDAW Article 7 and CEDAW General Recommendation No. 23 (both concerning political and public life).

Starting in 2017, this report has used the number of women in politics as one indicator of gender human right status in China, where the national goal of “women holding up half of the sky” would have been easy to achieve, given its authoritarian nature. But, in reality women’s ratios at various levels of government position are still low, suggesting that party leaders, for decades, have been lax in upholding women’s rights. This is a serious breach of relevant clauses of the CEDAW.

Plenty of figures were disclosed in year 2019 in celebration of the 70th anniversary of the People’s Republic of China. The 2017 ratio of women in the party machine was 26.5%. In 2018, only 22.2% of employers (public or private entities) had women at the top position. Females accounted for 27.2% of the party membership, and only 24.2% of participants at the 19th NCCPC (National Congress of the
Female ratios in party membership or executive positions may be low, but the numbers are even lower at political leadership enclaves: only 24.9% in the National People’s Congress (NPC, China’s parliament) and 20.4% in the Chinese People’s Political Consultative Conference (CPPCC, the top political advisory body), both lower than what is required by China’s Election Law (China Women’s News, 2019a).

Female representations at the grassroots level are alarmingly low as well. The 2017 data show a nationwide average of 23.1% of female staffers in village committees (the smallest self-governing body elected by local residents). For such grassroots civil servants, the state has previously set a very low 10% standard but that is still considered a “high threshold” in some areas. For example, only 5.93% of village committee directors are women in the entire Guangxi province. Some regions have used “expedient double-counting” tactics to ostensibly meet that quota: like having the director for family planning also serve at the village chapter of the ACWF machine (Li and Xie, 2019).

Beyond political scenes, crucial areas for national development also lack female representation. There is a shortage of women professionals in science and technology, and much fewer at high levels. There were only 1~2% of female representation at the 1978 First National Science Conference. Even today, only 5.6~6% of fellows are women at the two top research institutes after decades of endeavor, suggesting a glass ceiling does exist (Zhou, 2019b).

Another finding in the 2019 observation was the higher visibility of ACWF’s role in the party machine. Since the end of 2018, executives of ACWF have initiated specific tasks rather than serving only nominal functions (Yao, Zhang, and Sun, 2019). In the past, many village chapters of ACWF had only symbolic chairwomen without any executive staff. In 2019, ACWF has become highly vocal against Hong Kong’s anti-extradition movement. For ACWF to voice opinions of a political nature was
a rarity in the past. The media reported that, from spring of 2019 when Hong Kong protests started, to the year’s end, ACWF Hong Kong’s delegation visited ACWF national headquarters at least five times. After each visit, ACWF national head would issue a statement in support of Carrie Lam, Chief Executive of Hong Kong, and the police force there.

Excerpts from statements by ACWF national president Shen Yueyue to the Hong Kong delegation: “Xi Jinping, General Secretary, and the central leadership of the CPC party are paying close attention to current situations in Hong Kong to make judgments and deployment from the strategic and overall perspectives setting the tones of our steadfast resolve to safeguard the national sovereignty and security also to protect Hong Kong… Sisters! Let us confirm our faith, reinforce the spirit of the central leadership, under the guidance of Chief Executive Carrie Lam and the territory’s government, to awaken more sisters and families to the true nature of the current situation, and to take on the most urgent tasks: curbing the violence, containing the chaos for a return to order” (China Women’s News, 2019b).

ACWF has begun to disclose its political aspiration. Along with an almost full-fledged national network, pay raises and new recruits since 2017, ACWF seems ready to devote itself to more tasks to stabilize the society.

3. Discrimination at Workplace

“Discrimination at workplace”, or the elimination of it, is a tricky proposition. The leaders including Xi Jinping have reiterated the commitment to wipe out that entrenched practice, but employers’ – public or private alike – prejudice against females, particularly pregnant women, is still widespread since 2018 when this author began to follow this issue. Public sector’s bias towards women at workplace constitutes a grievous violation of CEDAW Article 11.
On February 18, 2019, nine national-level agencies (on human resources, education, justice, health, state-own assets supervision, medical insurance, federations of workers unions and women, and the supreme court) issued a Joint Notice to Promote Women Employment listing “six no-no’s” in hiring processes, also clearly identified the duties of each regulatory body and defined specific penalty standards (Yang, 2019).

After the Joint Notice, employers and human resource agencies began to “do risk control and sidestep the new rules” by removing sensitive wordings like “men only” or “males preferred” in want ads. The touchy phrases may be gone, but employers still reject women under hidden rules. Such a mindset unfairly penalize female job seekers: they miss out on other potential offers after investing time and money on resumes, and attending interviews with prospective employers who have no genuine intention to hire women at all. Alas, there is no statutory law banning such tacit discriminations against women.

In fact, public sector gender bias in hiring is still widespread. On February 20, netizens exposed that a neighborhood unit in Shenzhen Yutang had many “males only” openings. Soon after, that community’s official website on February 22 evening posted an “Update on the February 2019 Want Ad” removing all gender-based requirements.

Not only grassroots public offices harbor such prejudice, the central government is not any better. The 2019 civil servant examination was held to fill 9,659 positions, of which 3,383, or 35.03%, specified gender preferences. On the party side, the Confidential Communications Bureau, a CPC national level agency for party and mass affairs, explicitly desired men. On the state side, 19 out of 272 vacancies, or 6.99%, at central administrative agencies would accept men only. Moreover, three specific entities – on public security, emergency response, and immigration affairs respectively – are known for discrimination in hiring (Wang, 2019).
Gender bias exists not only in job recruitment, but also in school admission policy. Of the 816 new cadets to enter Zhejiang Police Academy, females accounted for less than 15%. Similarly, in the enrollment plan, China Fire and Rescue Institute was going to admit 302 males, but only 18 females. On the website of the People’s Public Security University of China (PPSUC), the 2019 enrollment plan says: “Due to specific nature of public security work – high risk, intense emergency and physical overload – the school intends to admit less than 15% female students (PPSUC website, 2019”).

Instead of condemning gender bias in the public sector, the Communist Youth League posted messages on WeChat in defense of the deep-rooted practice, citing jobs off-limit to female workers in China’s Labor Law: Class-4 labor intensive work, or those involving cold water or low temperature setting unsuitable for women during menstruation; and using anatomical difference to justify low female ratios “in police-like jobs that involves great danger.” The League went further to vilify feminist-advocates crusading for fair hiring rules, describing them as “no longer promoting women’s rights; you could even say they have never cared about women’s rights at all.” (Li, 2019). Such on-line rhetoric from the Communist Youth League was considered willful distortion of the concept about “gender equality”.

Discrimination against pregnant women is even more rampant than hiring bias. The central authority began to promote the two-child policy in earnest in 2016. Yet, there were still reports of aversion to pregnant women in every month of 2019, many taking place at public-sector entities. For example, Hebei Institute of Communication Dean’s Office put out notice on the (1) status of staff pregnancy pre-plan and (2) penalty imposed on staffers deviating from the plan. Women staffers who got pregnant without prior approval faced disciplinary actions like: open reprimand in the school-wide bulletin, deduction of six months’ worth of performance bonus money, loss of eligibility for performance evaluation or promotion for two years, and job suspension after removal from a councilor position (Li, 2019).
Also, the government in 2019 seemed to have led the way in discriminating against in-home service providers who happened to be mostly female. Actually, household service has been a vocation eagerly promoted by the state starting 2019 with a cabinet-level cross-ministry commission to elevate the quality and magnitude of this novel form of service spearheaded by the Development and Reform Commission and the Ministry of Commerce. But ACWF was at the bottom of participants list for its meetings. Obviously, this commission considers regulating the market mechanism precedes protecting the right to employment for the predominantly female pool of household service providers (Beijing News, 2019c).

Complementing the cabinet-level joint commission, a number of provincial-level regions like Shanghai city began to formulate local ordinances to regulate pilot programs of household services (Ding, 2019b). However, existing pilot programs showed subtle prejudice against workers: a violation of CEDAW Article 11. For example, Shandong province approved a mobile-phone app for a prospective client to vet the would-be service provider for criminal records or traceability notes, like enrollment, training and dispatch history, as well as reviews by former clients (Yao, 2019). Such disclosure of personal data for a would-be-client to “pick and choose” is a grievous violation of a worker’s right to employment.

And such workers deserve a better pay. The press quoted an agency manager in Shannxi province that demands them had outstripped the supply; that a domestic worker in Hanzhong city made 2,000 to 3,000 yuan per month (Dang and Lu, 2019). That pay scale is obviously too low compared to a private-firm worker’s monthly average of 3,398 yuan disclosed in a Shannxi official survey.

Another issue is the availability of child day-care service, an indispensable help for women to overcome workplace prejudice. In November 2018, Xi Jinping met with the new slate of ACWF officers and urged them to help women juggle the dual task of family and career, particularly to offer extensive day care for children under three years old, a service also conducive to promoting the “universal two-child”
That instruction from the top was probably why this author observed in July and August of 2019 central government actively campaigning child day-care service. Alas it was more talk than action. Publicly available data show there were 50 million children under three years old, but mostly looked after by its own family because the parents did not have access to proper care during the day, hence having difficulty balancing work and family. Take Beijing for example, media reports indicated many child day-care places were private homes of non-professional baby-sitters, and most likely not compliant with specific health and safety standards for young children (Wang, 2019c).

4. Women’s Right to Personal Safety

CEDAW General Recommendations No. 19 raised the issue about personal safety. During 2018 “sexual harassment” was the first and foremost issue of contention between the state and gender rights groups. For the general public, it was the number one concern too, in particular after a female passenger was reported raped and murdered by a driver from Didi Taxi, a hailing service that was soon shut down.

In 2019, Didi Taxi resumed its service, but triggered public outcry over a policy discriminating against female passengers (Bai, Hu, and Li, 2019). In contrast to 2017 and 2018, the year 2019 saw public outrage sparked by many sexual assault cases against minors. In response to widespread agony and anxiety, state authorities promised to revise relevant laws but failed as the pledged target date came and passed.

4.1 Thwarting Domestic Violence

CEDAW General Recommendations No. 19 and No. 35

March 1, 2019 marked the third anniversary of China’s Anti-Domestic Violence Law but local authorities were very passive about enforcing it, which is tantamount to
violation of CEDAW General Recommendations No. 19 and No. 35.

Local authorities’ passivity and apathy are manifested in systemic lack of supportive measures against domestic violence. On May 1, Gansu province public security heads distributed to province-wide offices a notice and a manual to prevent and control domestic violence. The notice warned against inaction: “It is absolutely prohibited to reject, evade or delay sending out police over excuses like ‘domestic affairs’ or ‘not a police job’ (Yuan, 2019)”. But the fact that the notice was sent over three years after the law went into effect spoke volume about officers’ nonchalant attitude; that’s the reason why provincial officials found it necessary to reiterate police duties already prescribed in the three-year-old Anti-Domestic Violence Law.

Such laid-back stance is a violation of point 24 of the CEDAW General Recommendations No. 19. It reads:

The Committee on the Elimination of Discrimination against Women recommends that:

(a) States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act;

(b) States parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention.

4.2 Deterrence of Sexual Harassment

CEDAW General Recommendations No.19

During the year 2018 the issue about “sexual harassment” was the leading cause straining the relation between the state and gender rights groups, also the one with the most victims demanding more resources from the state to protect women.
Interestingly, only state-run media have been allowed to talk about sexual harassment, while feminist groups dedicated to the same cause were under strict censorship.

A milestone of gender human rights development in China was the revision of relevant clauses in the *Civil Code*. When the second NPC (China’s legislature) was reviewing some proposals to amend the *Personal Rights* Chapter, many participants believed the subject of sexual harassment deserved more elaborations, such as holding schools accountable for the prevention of sexual harassment, or deleting the wording “against other persons’ will” (Wang, 2019a). Such discussions clearly suggested that Chinese schools for years have not begun to educate students on this topic, constituting a breach of the CEDAW convention.

On August 21, Zang Tiewei, spokesperson for the NPC Legal Affairs Study team, revealed the government’s intent to better delineate relevant clauses in the *Civil Code*.

He said, power imbalance at workplace typically would be the cause of sexual harassment, but the act may not necessarily happen in the workplace. *Civil Code* revision was scheduled to finalize in March 2020 (Wang, 2019b). How much better protection will women get? It remains to be seen.

There was progress on another front: the first-ever court victory to claim damages for sexual harassment. It was an unprecedented triumph on this cause in China’s judicial system. The first-instance court in Chengdu ruled that Liu Meng, a personnel in the local social worker circle, did commit the crime of sexual harassment, and ordered Liu to make oral or written apology to the victim. Tien Dong, the lawyer representing the plaintiff Liu Li, told the reporter that, as soon as sexual harassment became a viable “independent ground for legal action”, they filed to change the cause of complaint from “general dispute on personal rights” to “liability for sexual harassment” and was soon approved by the court (The Paper – Zhuhai Women’s Federation Edition, 2019).
Nevertheless, the first-instance ruling was not a total victory. The court found the defendant’s action resulted in the plaintiff’s mental stress and trauma, but he was not liable for mental damages. Chinese government has failed to devise specific effective measures against sexual harassment; this was a violation of Section (t) of CEDAW General Recommendations No. 19 which reads: (t) States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia:

[Item] i. Effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence, including inter alia violence and abuse in the family, sexual assault and sexual harassment in the workplace.

4.3 Sexual Assault

CEDAW General Recommendations No. 19 and No. 31

In 2018, Chinese society was shocked by an atrocious case where a Didi driver sexually assaulted and murdered a female passenger. In November of 2019, Didi resumed its service, but announced it would not accept female passengers after 8 o’clock in the evening. Such a discriminatory policy sparked a wave of Didi-bashing, including criticism from state-run media outlets, like CCTV and Xinhua News (Bai, Hu, and Li, 2019).

Children were victimized too. During 2019 there were several disturbing cases of sexual assault, even gang rape, against minors. The perpetrators included public security personnel, business people, and school teachers. The magnitude of public fury was so high that the government promptly announced a number of revisions to the Law on the Protection of Minors. Their lack of protection against sexual assaults is obviously a breach of CEDAW General Recommendations No. 19 and No. 31.

On June 4, the Henan Kaifeng court announced, upon approval by the Supreme Court, that Zhao Zhiyong, a convicted perpetrator, had been executed for raping
multiple minor girls. Typically, offenders of child sexual assault rarely receive such a severe penalty. This particular death sentence was probably a response to the magnitude of public panic the crime had sparked. This category of crimes had three features: (A) group operation on multiple victims: some scouting for targets, some doing the battering, other driving the vehicle, many of them participating in the sexual act; (B) semi-openness: taking the car to the school entrance and abducting the girl in broad day light; (C) Aggravated violence: battery, physical or verbal threats, or taking nude photos of the girl for future coercion.

After the June execution of the rape convict, the month of July saw more sexual assaults against children. Wang Zhenhua, entrepreneur and chairman of Xincheng Financial Holding, was accused of raping a nine-year-old girl (Ding, 2019a). In the beginning, censors banned news coverage; even Shanghai police that investigated the case, would not divulge anything. But the intensity of public uproar was so huge that state-backed CCTV, among others, came forward to call for a full inquest, and named the offender by quoting other media.

Here are seven cases committed by civil servants or educators in chronological orders of the media reports:

(1) August 5, 2019 – Kang Yong, a high-ranking party officer at Hebei province Qianan city public security bureau, was sentenced to 16.5 years in prison for rape, taking and giving bribes. From summer of 2017 to early 2018, Kang had sex in eight incidents with six girls under 14 years old. Co-defendant in this case, a Mr. Wang, the Qianan city representative to the NPC and the village committee director, was also convicted (Wang and Peng, 2019).

(2) September 2019 – a Mr. Liu, formerly a public security investigator and station chief in Guangxi province Yangsuo county, committed rape against girl Zhang for six years while knowing at all times she was under-aged. Remarkably, this was the county’s very first guilty plead of a crime committed in the line of duty. Mr. Liu was sentenced to 7.5 years (Zhong, 2019).
(3) October 2019 – an educator at the Ganzhou Teachers College sexually assaulted two female students. News reports in the outset would only say “serious disciplinary misconducts”, but later disclosed the “improper liaisons between teacher Chen Ximing and two students” (Beijing News, 2019a). According to China’s Criminal Code, such acts clearly constitute sexual assault against minors. But the school was reluctant to take action. Early on, the media reported “the school decreed Chen Ximing be suspended to reflect upon his inner self.” It was not until much later did the media report that, “the school upon investigation decided to expel that teacher from the CPC party and remove him from the civil service job.” (Beijing News, 2019b). It was clear that the school originally had intended to cover up to let Mr. Chen get away with it.

(4) October 16, 2019 – a social network post alleged that “Zhang Xiangzhen of Central South University sexually assaulted a female student” saying the school’s television station director Zhang used his power over students to sexually assault and make pregnant a close friend of the female whistleblower. Journalists inquired into it but were stonewalled by the school. Two weeks later heated discussion on social media finally forced the school to acknowledge it (Li, 2019a). Such passivity and apathy were serious offense against women’s personal safety.

(5) November 2, 2019 – Prosecutors at Jiangsu province Danyang city obtained warrant to arrest Chen Guanghong, lead coach of Jiangsu women’s youth soccer team, on charges of compulsory indecency and child molestation (China News Net, 2019a).

(6) November 15, 2019 – Chunshan police station in Guangdong province Maoming city confirmed that a 12-year-old mentally retarded girl had been sexually assaulted twice in the previous year and got pregnant. The perpetrator was never found.

(7) November 18, 2019 – A father in Hunan province Hengyang city accused over
internet that several men, including two civil servants, raped his under-12-year-old daughter (Jiang, 2019).

These seven cases, one after another, set off outbursts of public rage. The government had to make a series of statements to reiterate its commitment. The Supreme Court disclosed that from 2015 to November 2018, a total of 11,519 child molestation cases went before the court nationwide, on average eight sexual offenses against children per day. However, according to the estimate of Wang Dawei, a criminal psychology professor at the People’s Public Security University of China (PPSUC), the number of sexual assault cases (especially those against children in primary and middle schools) has a hidden ratio of 7. Namely, out of every seven such incidents, only one is brought to justice (Luo, 2019).

In response to pumped public angst, the Supreme Court finally stepped forward. At an August 2 meeting on related issues, Shi Weizhong, head of the ninth prosecutorial department, said the top prosecutorial office would develop a nationwide database of sexual offenses against minors, and devise two systems: (1) background investigation of job applicants and (2) screening criteria for employees – in businesses involving under-aged individuals.

Soon afterwards, Zang Tiewei, spokesperson for the NPC legal work team, indicated at a press event that – in response to widespread sexual offense against minors and school bullying – the legal team would propose draft amendments to the Law on the Protection of Minors to be reviewed by the 14th conference of the 13th NPC. Though the amendment proposal was due for review in early November, the draft never came by the end of 2019 (Sina Weibo@Xinhu viewpoint, 2019).

Such blatant negligence of sexual offenses against minor was a clear violation of CEDAW General Recommendations No. 19 and No. 31.
4.4 Personal Safety of Minors

CEDAW General Recommendations No. 31

In view of serious human rights violations against young girls during the second half of 2019, this 2019 edition of the report has added a new section on personal safety of minor.

September 28 – in Henan province, a second-grader girl’s one eye got stuffed with dozens of paper bits. The school principal admitted that three boys did this, saying, “Just kids playing together for fun, these 7-8-year-olds don’t mean any harm (China News Net, 2019b).”

On November 11, a Yunnan man hurled alkaline liquid – highly corrosive sodium hydroxide – inside a kindergarten and injured 54 persons. The man obtained the knowledge and chemical materials on the internet (Li, 2019b). On the same day, a group of junior-high students ganged up on another in the school dormitory, and posted the video clip on the internet (Fan, 2019).

November saw the re-trial of a case involving a women teacher had beaten an 8-year-old girl to mental injury. The teacher remained on the job when the case was pending. The child was diagnosed to show Class 2 mental impairment, a condition requiring heavy care, as she would be unable to look after herself. In April, the first-instance court found the teacher guilty of maltreating someone under her care, and sentenced her to 1.5 years; in July the regional second-instance court remanded the case (Wang and Li, 2019).

Such violation of a minor’s personal safety is against CEDAW General Recommendations No. 13, in particular Paragraph 15 that reads:

Harmful practices are persistent practices and forms of behavior that are grounded in discrimination on the basis of, among other things, sex, gender and age, in addition to multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/or psychological harm or suffering. The harm that such practices cause to the victims surpasses the immediate physical and
mental consequences and often has the purpose or effect of impairing the recognition, enjoyment and exercise of the human rights and fundamental freedoms of women and children. There is also a negative impact on their dignity, physical, psychosocial and moral integrity and development, participation, health, education and economic and social status. The practices are therefore reflected in the work of both Committees.

5. Land Rights of Rural Women

Articles 2, 3, and 5 of CEDAW

This report has had “rural women’s land rights” as one indicator of gender human rights since the 2017 edition. Violation of this particular right puts in jeopardy the core legitimacy of China’s communist rule. But it was not until the end of 2018 did this author see the Supreme Court pay attention to the legal rights of rural married daughters and “Ruzhui son-in-laws”. (Wang, 2019a)

In February 2019, the No. 1 Central Document (a pronouncement paper to reiterate that agriculture, rural areas and farmers issues remain China’s top priorities) came out. This was the 16th consecutive year of the release. It has been an entrenched practice that rural married women are consistently denied inheritance right to her maiden family’s land. In 2019, for the first time, this issue is brought to the fore in the No. 1 Central Document (Zhou, 2019a).

It is unsure when the document’s “vision” would become a reality. ACWF conducted its own survey and learned that in most agriculture areas, the practice persisted. In fact, ACWF has been marginalized when it comes to the issue of rural women’s land right. There is a cabinet-level cross-ministry task force on the Rural Area Collective Property Rights System Reform for this purpose. It was not until March 14, 2019 (when the task force held the second joint meeting) did ACWF ‘s input got recognized: an entry on the invited participants list, a titular representative acknowledged, and office staffers as well as a liaison person identified (Chinese
The fact that ACFW – ostensibly a civil organization on behalf of all women in China – did not have a seat in the decision-making body on rural property rights until 2019 reveals the central government’s long-term negligence.

Such facts are a sobering breach of CEDAW Article 14, and a more serious violation of paragraphs in CEDAW: 2(e), 2(f), 3 and 5(a).

Article 2:

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise; and

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

Article 3:

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 5:

States Parties shall take all appropriate measures: (a) to modify the social and cultural patterns of conduct of men and women, with a view to achieve the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

It is mind-boggling though, ever since its inclusion in that cabinet-level task force, ACFW has remained silent about the progress on that front, making it difficult to check if rural women are really getting the land rights they have long yearned for.
6. Human Rights of Gender-diverse People

The 2019 gender human right status of gender-diverse groups was not much different from that in 2018. China may have declared at overseas venues (like in the United Nations) to uphold their social rights and their right to health, but domestically, the government continues to enact legislations, particularly in censorship, to curb cyber contents related to gender diversity.

At the Third Committee of the 74th Session of United Nations General Assembly in 2019, representatives from China’s foreign ministry said: “China is against discrimination and violence of any form based on sexual orientation and gender identify...China believes the international community should respect the historic tradition and culture of each nation...We also hope independent experts could continue to work in the fields to de-pathologize and decriminalize. Would you be able to summarize some best practices for other nations to share and exchange experience? (@Gay Voice, 2019).” This charade has been China’s strategy since 2018: pretending to be upholding human rights of gender-diverse groups on the foreign front, but continuing to bash these groups in domestic policies.

The author made observations in four aspects:

1. Censorship

The China Netcasting Services Association on January 9, 2019 published a set of 100 rules titled Standards for Short Netcasting Videos. Accordingly, Bohemian Rhapsody – a biopic about British rock band Queen – got all gay-related sound bites cut out before it could be shown in China’s cinemas (May and Fu, 2019).

Worse yet, trending topics webpages of les (short for “lesbian”, with 500 million hits) on Weibo (a twitter-like service) was blocked in April 2019 without warning (Womany, 2019). In fact Gay Super Trending Topics, the gay counterpart of les, had long been shut down since April 13, 2018. What happened to les on Weibo was part of a campaign – since April 2019 – to “crack down lewd and illicit information” by
a government propaganda taskforce charged to “stamp out porn and taboo contents” such as those “against proper concepts about love, marriage and family ethics”. Posts on platforms like Weibo and WeChat have been routinely censored (Wang, 2019f).

Meanwhile, gossips went viral about authority’s imminent plan to “cleanse” gender-diverse people. Rumors abounded about students told to register their sexual orientation, and about LGBT-dedicated columns/time slots in print or electronic media to be “made disappeared”. A netizen by the alias Naxin in that social media circle sent screen shots about someone demanding members of social media groups (by department and graduation year in Beijing University of Technology) to register their gender minority status, if any. Some same-sex couple were reportedly revealed and “discouraged”. The same screen shot triggered someone to indicate that, authorities had obtained the number and identities of homosexual people in a particular province, but could not divulge specifically how the information had been gathered (Liberty Times, 2019).

On December 29, 2019 the NPC legal work team spokesperson at a press conference disclosed, on his own initiative, that “legalizing same-sex marriage” was one major category of propositions for Civil Code revision (China Net, 2019). The fact that the spokesperson’s made the remark without prompting implied a change in the government stance? Or was it due to the 200,000 entries of suggestions mobilized by gay/lesbian groups? Only time will tell.

(2) Ambiguous laws

Another high-profile event was the conviction of an author of the Boy’s Love genre for “running an illegal business”. On May 15, the first-instance court found Tang Xin guilty and sentenced him to four years in prison. In a related lawsuit, a Taobao on-line shop owner was sentenced to 3.5 years, and a print shop operator got 2.5 years (Wang, 2019). This was the first-time a gay writer was convicted of “running an illegal business”. As early as June of 2015, Ding Yi, a writer on the Jinjiang platform, was convicted of “selling erotic objects for profit” but got a probation. Since
then, one after another gay literature author has been convicted on various charges. In December 2018, Ding Yi got 10.5 years at a first-instance trial for producing and selling erotic objects for profit.

There were two interesting facts in Tang Xin’s case. First, it was another writer that reported Tang to the authority after their mutual accusation of plagiarism. Second, the same “informer” had accused Tang’s father Tang Shijun, a professor at Wuhan University, of sexual harassment. It seems allegations like “running illegal business” and “sexual harassment” have become convenient means of vendetta against homosexual people. Such behavior is an aggravated violation of human rights of gender diverse people.

More importantly, the crime of “running an illegal business” is ill defined. Luo Xiang, a law professor at the Chinese University of Politics and Law, wrote a paper saying this offense is considered a “pocket crime” in the context of economy. Its predecessor was the “crime of speculation” in China’s 1979 edition of the Criminal Code. The problem with this crime is the ambiguity, in particular the fourth paragraph of the clause: “other illegal business behaviors that severely disrupt the market order.”

(3) Feminism under attack

A third aspect is social media, including state-backed ones, vilifying feminism. A barrage of social-media criticism against feminism started in June 2019, from state-backed outlets, independent opinion leaders, various you-tubers and interactive marketing shops. Their accusations revolved around “wanting rights without obligations”, “full of hatred of men”, and “provoking gender-based confrontation” (Chen, 2019). Such languages are similar to, even consistent with, the viewpoints expressed in official channels. Obviously these were no coincidence, or simply backlashes from someone ignorant of gender equality, or supporters of male ideology. Rather, this was a coordinated systematic attack, similar to the 2017 wave of assaults against feminism initiated by the Global Times.
(4) Legal guardian

The fourth aspect: guardianship. China launched “appointed guardianship” system in 2013 in the Law on Protection of the Rights and Interests of the Elderly. Starting 2017, not just old people, any adult may appoint his/her legal guardian. In 2019, at the urging of gender diverse groups, one after another same-sex couples began to appoint their respective partner as the guardian and file with notary public offices under the civil affairs authority. Nanjing and Beijing have seen such filings (Nanjing Notary Public WeChat Account, 2019). However, social media websites of these two cities’ public notary offices yanked the post shortly after disclosing the first filing of same-sex partner as guardian (Beijing Notary Public WeChat Account, 2019). Such flip-flops reflected the ambivalence in central government’s attitude towards gender diverse people.

7. Conclusion

In summary, the degree of gender human rights violations in China was much worse in 2019 than in the year 2018. This could be divided into four aspects.

(1) Chinese president Xi Jinping has been directing a grand performance about reverting to traditional gender roles, pushing more and more women back to their household chores. The top leader’s directives, with support from the ACFW – the nationwide women’s network – to renovate conventional family ethics and values, are serious violation of the CEDAW convention. Yet, on the international arena, like the United Nations, China has continued to feign its commitment to gender human rights. This was a stunning display of hypocrisy.

(2) Escalating suppression of the civil society: Chinese foreign ministry’s open sanction of Asia Catalyst and condemnation of five American-based NGOs for involvement in Hong Kong’s anti-extradition movement have crushed the chance of survival of gender rights groups.

(3) Heinous assaults against minors: compared to the two previous years, 2019
saw many more cases of physical attack on under-aged victims. The competent authorities’ initial attempt to cover up these assaults or bullying against girls sparked even more public rage. Consequently, the central government announced its intent to amend the Law on the Protection of Minors. The mid-December deadline came and passed without any sign of amendment proposals. Assaults on minor girls constitute violation of CEDAW General Recommendations No. 19 and 31.

(4) The ACFW has not voiced its support of rural women ever since the federation was absorbed into the state apparatus. This silence has made it harder for the author to verify if rural women’s land rights are being upheld. Violation of rural women’s land rights is an obvious contravention of CEDAW Articles 2, 3, and 5.

This report tried to examine China’s gender human rights status against CEDAW standards, and found that China failed to comply with the Convention in most indicators, like women’s freedom to assembly and association, women’s right to participate in politics, employment discrimination, female’s personal safety, rural women’s land rights and the human rights of gender diverse people.
## Appendix

Table 1 Violation of CEDAW stipulations in China during 2019

<table>
<thead>
<tr>
<th>Gender human rights</th>
<th>Subjects</th>
<th>CEDAW articles</th>
</tr>
</thead>
</table>
| 1. Gender politics  | 1.1 Gender groups and state apparatus  
1.2 Women in politics | Article 2 Policy measures  
Article 3 Basic human rights and fundamental freedom  
Article 7 Political and public life  
General Recommendations No. 23 |
| 2. Discrimination at workplace |                                | Article 2 Policy measures  
Article 3 Basic human rights and fundamental freedom  
Article 11 Employment |
| 3. Women’s right to personal safety | 3.1 Prevention of domestic violence  
3.2 Deterrence of sexual harassment  
3.3 Sexual assault  
3.4 Personal safety of minors | General Recommendations No. 19  
General Recommendations No. 19  
General Recommendations No. 19  
General Recommendations No. 31 |
| 4. Land rights of rural women |                                | Article 2 Policy measures  
Article 3 Basic human rights and fundamental freedom  
Article 5 Sex role and stereotyping |
| 5. Human rights of gender diverse people |                                | Article 5 Sex role and stereotyping  
General Recommendations No. 28 |

Source: *Convention on the Elimination of all forms of Discrimination Against Women*
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Taiwan-related Human Rights –
Escalation in Political Confrontation Compresses
Taiwanese People’s Rights and Interests

Hong-yuan Chang

Abstract

The Taiwan Foundation for Democracy has monitored and reported on the state of China’s human rights since 2004. It follows the spirit set forth in the United Nations International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights in establishing a standard to assess and make continuous observations of the human rights situation in China. Based on our assessment of the relevant information, we find that issues related to the rights of Taiwanese people in Mainland China had deteriorated in 2019. The Chinese Communist authorities exerted even greater pressure on the Taiwanese people in relation to the latter’s personal safety and political participation. Through internet surveillance and other infiltration endeavors of China’s sharp power, Taiwanese people’s political speech and Taiwanese companies’ general political attitudes also became the targets of Chinese control and manipulation. China has continued to use economic benefits or personal safety as its means of tightening control over the population of Taiwanese citizens in China, whose human rights remain adversely affected.

Keywords: Taiwan-related human rights, Hong Kong’s anti-extradition bill movement, Xinjiang’s labor camps, sharp power

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1. Introduction

1.1 Development and Assessment of Taiwan-related Human Rights Issues in China

Since its democratic transition, Taiwan has paid close attention to the issue of human rights construction due to its past political development experiences, actively seeking to improve the human rights and interests of its people. In recent years, Taiwan has even accelerated the development of human rights in Taiwan by guaranteeing them in the form of legislation. Although Taiwan is not a member of the United Nations (UN), it is willing to invoke international norms to guide the construction of its human rights system based on the universal values of human rights. In March 2009, after the Legislative Yuan passed the third reading of the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social, and Cultural Rights* (hereafter referred to as “Two Covenants”), relevant government agencies and civil society organizations have both pushed for political reform and social equality in accordance with the spirit of the Two Covenants. Human rights awareness has gradually spread and become a consensus in Taiwan’s society.

On the other hand, since Taiwanese people were allowed to visit relatives on the Chinese mainland beginning in 1987, cross-strait interactions have become more frequent, and these bilateral exchanges brought about many rights-related issues to light. However, due to differences in national conditions, when Taiwanese people encountered rights infringements in China, they might not be able to receive the same human rights treatment as Chinese nationals. This difference in human rights treatment has become the key difference between the two sides of the strait. However, due to existing economic, trade, and social links between the two sides, even though differences in human rights treatment exist, there is still a need for cross-strait exchanges to continue. Thus, to remind the Taiwanese people to stay vigilant when traveling to China and to show concern about the progress of human
rights development in China, the Taiwan Foundation for Democracy has monitored the state of China’s human rights since 2004. In 2010, Taiwanese businesspeople or entrepreneurs (taishang) working in China were added to the report’s target population of concern, and research was conducted on issues such as personal safety and property rights of taishang in mainland China. In recent years, in response to the expansion in the scope of cross-strait interaction, the relevant political, economic, social, and judicial human rights issues were also included in the reports. Finally, starting in 2019, in line with the adjustments made to the overall reporting policy, the research theme was revised again to “Taiwan-related human rights issues in China.” The main scope of discussion consists of paying close attention to the following: any negative consequences arising either from the possession of a Republic of China citizenship or Taiwan-related activity that led to sovereignty disputes across the strait, or any incidents in which the human rights of Taiwanese people were violated due to China’s improper extension of its jurisdiction.

To maintain objectivity in our observation and consistency in our commentary, the “Taiwan-related human rights issues” team uses the *International Covenant on Economic, Social and Cultural Rights* (hereafter referred to as “Covenant A”) and the *International Covenant on Civil and Political Rights* (“Covenant B”) as the main reference bases for investigating human rights violations encountered by Taiwanese people in their cross-strait interactions. Depending on the circumstances of the case, the most frequently cited provisions of the covenants are briefly described below:

First, Article 6 of Covenant A (hereafter referred to as A-6) stipulates that everyone has the right to earn a living by work which he or she freely chooses or accepts. Covenant A states that this right to work should be protected through technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development, and full and productive employment under the conditions that safeguard fundamental political and economic freedoms.
Next, Article 9 of Covenant B (hereafter referred to as B-9) states that everyone has the right to liberty and security of person. Any form of deprivation of personal freedom such as arbitrary arrest or detention without cause, is prohibited. Anyone who is deprived of his or her liberty is entitled to ask the court to review whether the arrest or detention is lawful. Victims of unlawful arrest or detention shall have a right to compensation, and anyone who is arrested shall be informed, at the time of arrest, of the charges against him or her. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized to exercise the law, and be entitled to a trial within a reasonable time or to release. Persons awaiting trial may be subjected to make guarantees to appear for trial or the execution of the judgement.

Furthermore, Article 10 of Covenant B (hereafter referred to as B-10) states that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. The aim of the penitentiary system is the reformation and social rehabilitation of prisoners. Accused persons shall be segregated from convicted persons and shall be subject to separate treatment; accused juvenile persons shall be separated from adults, given treatment appropriate to their age and legal status, and brought to adjudication as speedily as possible.

Lastly, Article 19 of Covenant B (hereafter referred to as B-19) states: everyone shall have the right to hold opinions without interference; everyone shall have the right to freedom of expression.

The provisions of the four aforementioned articles respectively deal with issues such as the right to work and economic rights, personal safety, humane treatment of convicted persons, and freedom of expression and opinion. This study will use these articles as the main bases when making observations on related human rights issues. In addition, since 2017 the research team has included the United Nations Human Rights Council’s *Guiding Principles on Business and Human Rights* (hereafter referred to as *Guiding Principles* ) as a reference in its analytical commentary. In accordance with the provisions of this *Guiding Principles*, to ensure that business
enterprises respect human rights in their business operations, States have obligations while business enterprises have responsibilities. Specifically, the Guiding Principles indicate clearly that when a business enterprise finds that it has caused or contributed to an adverse impact on human rights, it has the responsibility to provide access to remedy; moreover, for grievances to be addressed early and remediated directly, a business enterprise should establish or participate in effective operational-level grievance mechanisms. The Guiding Principles are established upon three pillars:

1. States have the obligations to protect against human rights abuses from third parties, including business enterprises, through effective policies, legislation, regulations, and adjudication;

2. Businesses have a responsibility to respect human rights, which means that they should implement due diligence to identify and avoid infringing on the human rights of others, and eliminate any adverse human rights impacts with which they are involved;

3. There is a need to provide broader and more effective judicial and non-judicial remedies for victims of business-related human rights abuses.

This study will make use of the aforementioned covenants and guiding principles to assess the individual cases, and on such foundations, provide an overall commentary on the state of “Taiwan-related human rights” in China in 2019.

1.2 Overall Assessment of Taiwan-related Human Rights Treatment in 2019

Given the particular circumstances of cross-strait relations and the stagnation of bilateral ties since 2016, the Chinese Communist Party (CCP) authorities has adopted a unilateral strategy with respect to cross-strait relations, introducing relevant Taiwan-related regulations without consulting or negotiating with the Taiwan government. In doing so China effectively “internalizes” the issue of Taiwanese people’s rights and interests, and further politicizes the issues related to human rights, which affects
the protection of the rights and interests of the citizens of Taiwan. This chapter will analyze the human rights treatment that Taiwan people received in 2019 and will attempt to provide an appropriate evaluation of the actions taken by relevant Chinese authorities on this issue.

Looking overall at Taiwan-related human rights issues in 2019, the research team believes that both the treatment of human rights issues and the level of respect shown toward international human rights conventions have exacerbated in China. Since the announcement of “31 Measures for Taiwan” in 2018, Taiwanese people have begun to enjoy “national treatment” in terms of employment and examinations. At the same time, Taiwanese firms that participated in China’s domestic policy programs and economic development projects could also receive equal treatment as other Chinese enterprises. Yet these related matters created administrative difficulties because they were one-sided issues and lacked the participation of the Taiwanese government (Hsieh, 2018). This situation has continued to exist in 2019. In early November, the CCP authorities further issued Several Measures for Further Promoting Economic and Cultural Exchanges and Cooperation across the Taiwan Straits, which contained 26 additional preferential measures for Taiwanese enterprises and citizens, with an emphasis on “providing equal treatment as the Chinese people” (Chung, 2019). This approach shows that China’s policy toward Taiwan mainly consists of strengthening its “one country, two systems” policy scheme, and intensifying its “peaceful reunification” strategic implementation through measures such as “national treatment” and “economic preferences.”

Since the Chinese government adopts the “one country, two systems” model as the guiding framework for managing cross-strait relations, on the domain of “Taiwan-related human rights” it has gradually begun to exhibit the characteristics of “one country.” The government’s attitude toward treating human rights-related issues has transformed in line with this political stance, resulting in mixed results. Moreover, at present various contradictions in China’s domestic politics have emerged. Although
the CCP has underscored the need to modernize China’s national governance, its key solution lies in sticking with a system that adheres to the party’s leadership and a legal system under socialism with Chinese characteristics. This attempt to modernize China’s national governance system and its governance capabilities has turned out to strengthen the state’s supervision and control over society. The Chinese government uses big data management and electronic surveillance methods to achieve its goal of controlling and overseeing society and has strengthened its previous capacity to suppress organizations and monitor people’s thought. This development naturally has also affected “Taiwan-related human rights.” In our opinion, the following issues have emerged in the field associated with “Taiwan-related human rights”:

First, due to the continuing suspension of official contact between the two sides of the Taiwan Strait, work associated with cross-strait social exchange and the protection of people’s rights and interests could not be conducted smoothly. In addition, Chinese authorities have continued to handle affairs related to Taiwan in a unilateral manner, developing domestic programs to provide preferential treatment for the Taiwan people. China has even used its own laws and regulations to deal with the issue of protecting Taiwan people’s rights and interests, thus producing standard differences in the implementation of Taiwan-related human rights.

Next, due to the intensification of U.S.-China confrontation, U.S. actions in support of Taiwan has made the Chinese government very worry about whether its “one China” policy would be affected, causing it to increase political pressure on Taiwan. No matter whether it’s Taiwan’s space on the international stage, cross-strait interaction, or Taiwan’s domestic public opinion, these domains have all became the battlegrounds where China utilized its sharp power to interfere with the freedom of speech and space for political expression in Taiwan.

Finally, due to international concerns over Hong Kong’s anti-extradition bill movement, China is worried that Taiwan would take advantage of the Hong Kong protests to issue countermeasures against the “one country, two systems” formula.
Thus, on the one hand, following the implementation of “31 Measures for Taiwan,” in November 2019 China has proposed an additional “26 Measures” to benefit Taiwanese enterprises and citizens, hoping to win over specific target populations (Central News Agency, 2019b). Yet, on the other hand, China has continued to block Taiwan internationally through means such as island encirclement drills by military aircrafts, passage of warships and aircraft carriers, and poaching of Taiwan’s diplomatic allies. These Chinese actions have made cross-strait relations even more dangerous and precarious, and they directly threaten the normal functioning of Taiwan’s democratic system.

The status of “Taiwan-related human rights” in 2019 may be briefly summarized as follows. Considering the Chinese government’s increasing control over society, coupled with the current deadlock in cross-strait ties, China has resorted to use verbal intimidation and saber rattling against Taiwan to defend its “one country, two systems” model. Beijing also uses political intimidation, economic traps, and other means to divide the Taiwanese society. As a result, the protection of Taiwanese people’s rights and interests could not be implemented properly. From the above we learn that the situation of “Taiwan-related human rights” has become more severe compared to 2018, and the infringements of Taiwanese people’s rights and interests have become more frequent.

1.3 Assessment of China’s Human Rights Situation in 2019

To celebrate the 70th anniversary of the founding of the People’s Republic of China, the Chinese government announced the new edition of its Human Rights White Paper on September 22nd. We can find that in this report, the “right to subsistence,” the “theory of development stages,” and the “integration of individual and collective human rights” were the focus of the CCP’s self-assessment of human rights (Central News Agency, 2019a). This is mainly due to the practical problems facing China in its development. As a result, the Beijing authorities distinguish the development of
human rights from the values of human rights, as they hold that human rights values corresponding to each different stage of development would be different. This belief is significantly different from the attitudes of most countries in the world that regard human rights values as universal. Yet it is also due to such a unique belief, and the fact that the Xi Jinping government had successively advanced development policies to build a “moderately prosperous society” to assist people in improving their living standards, that China takes its progress as a great achievement and expresses its satisfaction with the status of its human rights protection.

China’s unique perspective on human rights development was able to receive the support from Russia and other 37 countries at the United Nations Human Rights Council (Chung, 2019), but the significance of such diplomatic achievement remains very much open to discussion. The main explanation is that the current United Nations Human Rights Council is beset by political realities, having lost its original will to defend human rights values. For this reason, international human rights organizations no longer view the United Nations as their main battleground, and each organization chooses to release own observation reports to the world on topics of their concern. For example, in January 2019, the World Human Rights Report published by Human Rights Watch, an international human rights organization, indicated that the Chinese government led by Xi Jinping had suppressed Xinjiang, controlled religious freedom, and restricted the development of social movements (such as “Me Too”). The suppression of human rights by the Chinese government had reached its worst level since the Tiananmen Square incident in 1989 (BBC Chinese, 2019a). In addition, due to the expansion of Hong Kong’s anti-extradition bill movement and the deterioration of human rights violations in China, the international community has also begun to pay close attention to the state of human rights in China. For example, on October 16th, the Speaker of the U.S. House of Representatives Nancy Pelosi indicated that America cannot turn a blind eye to the human rights situation in China for commercial interests (NOW News, 2019). However, when facing foreign criticism, a Chinese
official responded: “currently, the human rights situation in China is at its best in history.” Clearly, regarding the cognitive gap on human rights issues, there is a big gap between Chinese and foreign perceptions (Xiao, 2018).

When confronted with the CCP authorities’ self-understanding of human rights concepts, we believe that their conditional understanding of the connotations of human rights uses an interpretation that sees human rights as a tool, while ignoring the dimension of human rights as a universal value. So even if the lives of the Chinese people have gotten better economically under the CCP’s reforms, if it were not for the mistakes in the Communist Party’s rule, then perhaps the Chinese people would not have to bear economic pains. Therefore, when the CCP makes the rights to subsistence and development as the goals of human rights governance, it is easier for it to ignore the human rights values advocated by other groups. And this observation can be corroborated by the following events:

1.3.1 Hong Kong’s Anti-extradition to China Protests

The introduction of the Fugitive Offenders Bill in Hong Kong in June 2019 led to the launch of massive anti-extradition to China protests by the Hong Kong people. Amnesty International issued a report on the clashes with the police that occurred during Hong Kong’s anti-extradition bill demonstrations (Initium Media, 2019). The report mentioned that the Hong Kong police had seriously injured subdued protesters with excessive use of force and the organization believed that police actions during the protest had violated international human rights law and standards (Lao, 2019). The Hong Kong Human Rights Monitor, a local human rights group, stated the problem of power abuse and misconduct against demonstrators by the Hong Kong police force was severe, and the group planned to submit relevant reports to the United Nations (Sanlih News, 2019; Citizen News, 2019). In addition to making the above allegations against the police, the group also indicated that the Hong Kong police prevented lawyers from meeting with the arrested demonstrators, which greatly violated human
rights and exposed Hong Kong to “an unprecedented humanitarian crisis” (United Daily News Network, 2019).

The International Federation for Human Rights passed a number of emergency resolutions at its 2019 annual meeting, including an emergency statement on the human rights situation in Hong Kong, which urged Hong Kong authorities to guarantee the right to freedom of peaceful assembly, conduct the policing of protests in accordance with international standards, and further train the police force in the appropriate use of force in accordance with recommendations of international experts. Moreover, the organization also called on Hong Kong authorities to set up and independent commission tasked with conducting thorough and impartial investigations into the reports of excessive use of force by police in order to identify and sanction those responsible. Hong Kong authorities were also urged to end the practice of the prior designation of assemblies as “unlawful,” and the use of such designation in order to ban demonstrations or take legal action against its participants (Taiwan Association for Human Rights, 2019).

An international conference concerned with the human rights situation in China, the “Geneva Forum 2019,” also expressed strong alarms over the suppression of Hong Kong people by both Chinese and Hong Kong governments (Apple Daily News Network, 2019). The U.S. Senate had also initiated the hotline process to accelerate the passage of the Hong Kong Human Rights and Democracy Act. This legislation will annually require the U.S. executive agencies to identify and impose sanctions against individuals who violate human rights in Hong Kong and conduct regular status assessments of fundamental freedoms and autonomy in Hong Kong (The News Lens, 2019).

1.3.2 Xinjiang’s Re-education Camps

In 2014 China began establishing “re-education camps” in Xinjiang. In 2018, China accepted the Universal Declaration of Human Rights, which advocates the rights to freedom of association, peaceful assembly, freedom of speech, and
participation in cultural life of the community. And in 2019, China issued a white paper on *The Fight against Terrorism and Extremism and Human Rights Protection in Xinjiang*, recounting the reasons for the establishment of the re-education camps and their current operational status (Tuan, 2019). However, in recent years many detainees have described the “re-education camps as concentration camps,” and they believed that the camps were set up as an attempt by China to eliminate religion, language, and ethnicity (Liu, 2019).

Human Rights Watch, a human rights organization, called on the international community to urge China to stop restricting the people’s freedom of speech and depriving citizens of their rights to peaceful assembly and association, and to respect the rule of law (Voice of America, 2019). In early 2019, over 40 international human rights groups also co-signed an open letter, urging the member states of the United Nations Human Rights Council to support a resolution opposing arbitrary detention and other human rights violations in China (Chen, 2019). Twenty-two countries also issued a joint statement demanding China end mass detention of Muslims in Xinjiang and other human rights abuses (Liberty Times, 2019). Amnesty International launched a signatory campaign calling on the Chinese authorities to close the “re-education camps” for ethnic minorities.

2. Analysis of Taiwan-related Human Rights and Associated Fields

2.1 Important Event Analysis of Taiwan-related Human Rights in 2019

Due to the chilling atmosphere in China’s overall political environment in 2019 and governance rigidity after the consolidation of power, the human rights situation of Taiwanese people in mainland China is naturally affected to a certain extent. To better understand the current human rights treatment of Taiwanese people in China, the research team follows the basic observational design of previous reports, takes as
research reference both the “Two Covenants” and the *Guiding Principles on Business and Human Rights*, and divides the topic into four facets: the rights to property, the rights to work, personal safety and political rights and interests, and the rights and interests of participating in economic activities. To fit with specific local conditions, this year’s study incorporates political considerations in addition to those related to personal safety because we are interested in observing the extent to which Taiwanese people exercise their political rights in China, and the developing trend of Taiwan-related human rights issues. The study intends to proceed with the analysis by applying the method of qualitative assessment, hopefully to be able to clarify the full story behind the infringements of Taiwan-related human rights. The research team has extracted the most representative events from the database and presented them in tabular form, using selected news headlines as reference (see Table 1).

Table 1. Classification Table for Taiwan-related Human Rights Events, January to November

<table>
<thead>
<tr>
<th>Issue</th>
<th>Personal safety</th>
<th>Political rights and interests</th>
<th>Opportunity for economic participation</th>
<th>Discriminatory treatment</th>
<th>Violation of Covenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Lee Ming-che case (Lee Ching-yu barred from visiting Lee Ming-che for 3 months)</td>
<td>✓</td>
<td>✓</td>
<td>x</td>
<td>x</td>
<td>B-9 B-10</td>
</tr>
<tr>
<td>China’s sharp power against Taiwan</td>
<td>x</td>
<td>✓</td>
<td>x</td>
<td>x</td>
<td>B-19</td>
</tr>
<tr>
<td>Hong Kong government introduces the <em>Fugitive Offenders Ordinance</em> bill amendments, Taiwanese may be arrested when travelling to Hong Kong</td>
<td>✓</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>B-9 B-10</td>
</tr>
<tr>
<td>Xi’s five points include Taiwan within the scope of One country, Two systems</td>
<td>x</td>
<td>✓</td>
<td>x</td>
<td>✓</td>
<td>B-19</td>
</tr>
<tr>
<td>Taiwan’s film industry restricted by China</td>
<td>x</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>A-6</td>
</tr>
</tbody>
</table>
### March-April

<table>
<thead>
<tr>
<th>Issue</th>
<th>Facet</th>
<th>Personal safety</th>
<th>Political rights and interests</th>
<th>Opportunity for economic participation</th>
<th>Discriminatory treatment</th>
<th>Violation of Covenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-year anniversary of the arbitration detention of Lee Ming-che coming up</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>x</td>
<td>x</td>
<td>B-9, B-10</td>
</tr>
<tr>
<td>China sets up websites in Taiwan to disseminate fake news</td>
<td></td>
<td></td>
<td>✓</td>
<td>x</td>
<td>x</td>
<td>B-19</td>
</tr>
<tr>
<td>China interferes with Taiwan’s participation in the international arena (World Health Assembly/African Swine Fever Conference)</td>
<td></td>
<td>x</td>
<td>✓</td>
<td>x</td>
<td>✓</td>
<td>A-6</td>
</tr>
<tr>
<td>Taiwanese artists harassed by China’s cultural revolution tactics/Taiwanese male model accused of supporting Taiwan independence is forced out of competition</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td>✓</td>
<td>A-6</td>
</tr>
</tbody>
</table>

### May-June

<table>
<thead>
<tr>
<th>Issue</th>
<th>Facet</th>
<th>Personal safety</th>
<th>Political rights and interests</th>
<th>Opportunity for economic participation</th>
<th>Discriminatory treatment</th>
<th>Violation of Covenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>China’s sharp power penetrates Taiwanese media</td>
<td></td>
<td>✓</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>A-6</td>
</tr>
<tr>
<td>Overseas Taiwanese citizens suppressed by the CCP (The Lord’s Mayor show and parade in London/International Day competition)</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>A-6</td>
</tr>
<tr>
<td>WHA refused Taiwan’s participation for third consecutive year</td>
<td></td>
<td>x</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>A-6</td>
</tr>
<tr>
<td>94 Taiwanese suspects extradited to China by Spain</td>
<td></td>
<td>✓</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>B-9</td>
</tr>
<tr>
<td>The Overseas Student Office at Fu Jen Catholic University discourages Hong Kong and Macau students from speaking out on the anti-extradition bill protests</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td>x</td>
<td>B-9</td>
</tr>
</tbody>
</table>
### July-August

<table>
<thead>
<tr>
<th>Issue</th>
<th>Personal safety</th>
<th>Political rights and interests</th>
<th>Opportunity for economic participation</th>
<th>Discriminatory treatment</th>
<th>Violation of Covenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinese exchange student Li Jiabao criticized Xi Jinping via live broadcast</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>B-9</td>
</tr>
<tr>
<td>Exchange student Ko Chuanyao, who planned to study in China, is reported by Chinese netizens</td>
<td>✓</td>
<td>✗</td>
<td>✓</td>
<td>✓</td>
<td>A-6 B-9</td>
</tr>
<tr>
<td>China suspends individual travel visas to Taiwan without warning</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
<td>✓</td>
<td>A-6</td>
</tr>
<tr>
<td>Taiwan handmade beverage chain supports China’s “one country, two systems”</td>
<td>✗</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>A-6</td>
</tr>
<tr>
<td>8 Taiwanese telecom fraud suspects extradited to China by the Czech Republic</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>B-9</td>
</tr>
<tr>
<td>China officially bans artists and films from participating in the Golden Horse Film Festival</td>
<td>✗</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>A-6</td>
</tr>
<tr>
<td>Taiwan suppressed internationally by China (country name removed from official website of foreign representative offices/the right to host international events revoked)</td>
<td>✗</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>A-6</td>
</tr>
</tbody>
</table>

### September-October

<table>
<thead>
<tr>
<th>Issue</th>
<th>Personal safety</th>
<th>Political rights and interests</th>
<th>Opportunity for economic participation</th>
<th>Discriminatory treatment</th>
<th>Violation of Covenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lennon Wall becomes a political battlefield</td>
<td>✗</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>B-19</td>
</tr>
<tr>
<td>Denise Ho attacked with paint in Taiwan</td>
<td>✓</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>B-19</td>
</tr>
<tr>
<td>Joshua Wong arrested on eve of trip to Taiwan</td>
<td>✓</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>B-9 B-10</td>
</tr>
<tr>
<td>Team representing Taiwan pressured at the World Bread Championship</td>
<td>✗</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>A-6</td>
</tr>
</tbody>
</table>
Taiwanese production supervisors have disappeared, Taiwanese enterprises targeted by China’s customs agents

Johnnie To resigns as Golden Horse Awards Jury President

Lee Meng-chu and Tsai Chin-hsudisappear in China

Application by Lee Ming-che’s family to return to Taiwan for funeral rejected

November

<table>
<thead>
<tr>
<th>Issue</th>
<th>Facet</th>
<th>Personal safety</th>
<th>Political rights and interests</th>
<th>Opportunity for economic participation</th>
<th>Discriminatory treatment</th>
<th>Violation of Covenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retired National Taiwan Normal University scholar detained in Beijing</td>
<td>✓</td>
<td>×</td>
<td>×</td>
<td>✓</td>
<td>A-6 B-9</td>
<td></td>
</tr>
<tr>
<td>Emails of cross-strait researchers spied by China for 3 years</td>
<td>✓</td>
<td>×</td>
<td>×</td>
<td>✓</td>
<td>B-19</td>
<td></td>
</tr>
<tr>
<td>Missing Taiwanese national detained in China, Taiwan issues travel warning</td>
<td>✓</td>
<td>×</td>
<td>×</td>
<td>✓</td>
<td>A-6 B-9</td>
<td></td>
</tr>
<tr>
<td>Taiwan suppressed by China (International Conference on Computer Vision/International B-Boy Competition/Academic conferences/Malaysia’s Representative Office)</td>
<td>×</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>A-6</td>
<td></td>
</tr>
<tr>
<td>China’s 26 Measures to benefit Taiwan may entice core industrial chain to relocate</td>
<td>×</td>
<td>✓</td>
<td>×</td>
<td>✓</td>
<td>A-6</td>
<td></td>
</tr>
<tr>
<td>Anti-extradition bill protests rage on, 284 Taiwan students in Hong Kong return home</td>
<td>✓</td>
<td>×</td>
<td>×</td>
<td>✓</td>
<td>A-6</td>
<td></td>
</tr>
<tr>
<td>Denise Ho’s smartphone allegedly monitored while in Taiwan</td>
<td>✓</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>A-6 B-19</td>
<td></td>
</tr>
<tr>
<td>China’s sharp power interferes with the affairs of democratic countries</td>
<td>×</td>
<td>✓</td>
<td>×</td>
<td>×</td>
<td>B-19</td>
<td></td>
</tr>
</tbody>
</table>
The table above broadly outlines the status of the “Taiwan-related human rights” issues in 2019. We believe that the problems lies in: cross-strait tensions, coupled with the fact that Hong Kong’s anti-extradition bill demonstrations triggered the Chinese authorities to come down hard on the freedom of speech, have led to a growing trend of violations of rights to freedom of speech and personal freedom. The controversy over the interference with and the suppression of different types of speech has continued to simmer. Whether Taiwanese people’s concern over Hong Kong is real or not, the fact that they are criticized or attacked by the Chinese government and its citizens not only drives the two sides further apart, but also deepens contradictions and confrontations across the strait. In the process of detention and interrogation, the Chinese government adopts secret detention techniques and restricts outside access to those suspected of endangering “national security.” These methods represent serious violations of the relevant provisions in the International Covenant on Civil and Political Rights. For example, according to a report by the China Review News Agency on August 24th, 2019, former New Party legislator Hsieh Chi-ta stated during the 8th Cross-Strait Peaceful Development Law Forum in August 2019 that she has assisted Taiwanese family members in arranging a visit to relatives held in detention centers. However, over the past few decades no one has ever succeeded in obtaining permission, thus clearly displaying the severity of the situation. The CCP’s exploitation of basic human rights shows that its awareness of human rights
is shrinking. In addition, because Chinese authorities use economic tools also as the tools for governing cross-strait relations, it is quite common to see Taiwanese firms threatened by public opinion into making political statements or punished commercially on political grounds. Taishang’s space for the self-management shrinks, they are caught in a double bind, and their rights to economic participation are infringed. These make cross-strait relations a highly uncertain factor for many Taiwanese nationals and enterprises when confronted with rights and interests to work and economic participation opportunities.

2.2 Statistical Analysis of Disputes Involving Taiwanese Businesspeople and Personal Safety Related to the Strait Exchange Foundation in 2019

The Straits Exchange Foundation (SEF) is tasked with conducting non-governmental exchange activities and services across the strait. Every year, its legal department will tally the number of relevant legal services and dispute resolution cases. The numbers can be used as an indirect reference for observing human rights situations faced by Taiwanese people in China. Data for disputes involving Taiwanese businesspeople (Table 2) and those related to personal safety statistics (Table 3) show that in 2019, with respect to the number of disputes involving taishang, the number of complaints from Chinese nationals and manufacturers was zero due to the suspension of official exchanges between the two sides of the strait. By contrast, personal safety statistics of taishang showed an increase in the categories of “personal freedom restricted due to legal case” and “disappearance” (figures collected until November 2019).
Table 2. Statistics of Disputes Involving Taiwanese Businesspeople Co-processed by the Straits Exchange Foundation in 2015-2019

<table>
<thead>
<tr>
<th>Year</th>
<th>Type</th>
<th>Personal safety</th>
<th>Property legal interest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Complaints by Taiwanese businesspeople</td>
<td>Complaints by Chinese nationals and firms</td>
</tr>
<tr>
<td>2015</td>
<td></td>
<td>199</td>
<td>392</td>
<td>14</td>
</tr>
<tr>
<td>2016</td>
<td></td>
<td>148</td>
<td>139</td>
<td>5</td>
</tr>
<tr>
<td>2017</td>
<td></td>
<td>163</td>
<td>85</td>
<td>1</td>
</tr>
<tr>
<td>2018</td>
<td></td>
<td>184</td>
<td>77</td>
<td>2</td>
</tr>
<tr>
<td>2019 Jan-Nov</td>
<td></td>
<td>159</td>
<td>75</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>821</td>
<td>760</td>
<td>22</td>
</tr>
</tbody>
</table>


According to statistics from the SEF, since 2016 there have been 149 cases of loss of contact of Taiwanese nationals in China, of which 67 have yet received any detailed information. The principal reasons for these disappearances include accidental deaths and business failures, and only a few involve political reasons (Chen, Peng, and Wang, 2019).

As Table 3 indicates, from 2015 to November 2019, it has been confirmed that 51 persons had disappeared, 136 individuals were arrested and tried, and even 6 persons were illegally detained by CCP authorities. China had not responded to multiple letters of inquiry from the SEF. The SEF stated that if a Taiwanese national’s freedom was restricted due to a pending legal case, the Chinese authorities should act accordance with the agreed mechanism signed by the two sides, and immediately notify Taiwan of the reason, time, and location of the detention to protect the rights and interests of the parties (Huang, 2019).
Table 3. Statistics Table of Personal Safety Cases Related to Taiwanese Businesspeople Co-processed by the Straits Exchange Foundation in 2015-2019

<table>
<thead>
<tr>
<th>Type</th>
<th>Year</th>
<th>Murder</th>
<th>Death from accident or illness</th>
<th>Hospitalization due to accidental injury or illness</th>
<th>Robbery, assault, intimidation and blackmail</th>
<th>Kidnapping, illegal detention</th>
<th>Personal freedom restricted due to legal case</th>
<th>Disappearance</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td></td>
<td>6</td>
<td>27</td>
<td>47</td>
<td>7</td>
<td>9</td>
<td>51</td>
<td>30</td>
<td>22</td>
<td>199</td>
</tr>
<tr>
<td>2016</td>
<td></td>
<td>1</td>
<td>19</td>
<td>33</td>
<td>2</td>
<td>4</td>
<td>43</td>
<td>9</td>
<td>37</td>
<td>148</td>
</tr>
<tr>
<td>2017</td>
<td></td>
<td>0</td>
<td>31</td>
<td>46</td>
<td>1</td>
<td>1</td>
<td>31</td>
<td>8</td>
<td>45</td>
<td>163</td>
</tr>
<tr>
<td>2018</td>
<td></td>
<td>0</td>
<td>33</td>
<td>37</td>
<td>0</td>
<td>0</td>
<td>28</td>
<td>16</td>
<td>70</td>
<td>184</td>
</tr>
<tr>
<td>2019 Jan-Nov</td>
<td></td>
<td>0</td>
<td>28</td>
<td>43</td>
<td>4</td>
<td>1</td>
<td>34</td>
<td>18</td>
<td>31</td>
<td>159</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>7</td>
<td>134</td>
<td>196</td>
<td>13</td>
<td>14</td>
<td>183</td>
<td>78</td>
<td>203</td>
<td>828</td>
</tr>
</tbody>
</table>


2.3 Changes in the Rights to Work and Participate in Economic Activities

Since China promulgated the “31 Measures for Taiwan” in February 2018, these relevant measures have indeed improved the rights of Taiwanese people to work and live in mainland China, because the provisions therein focused on cross-strait economic exchanges, industrial cooperation, and benefits to improve people’s lives, covering both the firm and individual levels. However, affected by the U.S.-China trade war, Taiwan’s telecommunications industry and other labor-intensive industries have begun to shift the focus of production and reconfigure the network of division of labor for production and operation. In addition, major American manufacturing companies require Taiwan’s supply chain to adjust their production bases. This has led to a significant decrease in the amount and number of investments made by Taiwanese
enterprises in mainland China (Table 4). This developing trend has also resulted in a
decrease in the number of people working in mainland China.

Under these circumstances, to avoid losing the economic leverage for
managing cross-strait relations, the CCP authorities announced on November 4th
Several Measures for Further Promoting Economic and Cultural Exchanges and
Cooperation across the Taiwan Straits. This bill has 26 Articles (hereafter referred
to as “26 Measures for Taiwan”) and is designed to benefit Taiwanese enterprises
and citizens by granting them “national treatment” with respect to investment and
employment opportunities. Among the 26 measures, Taiwan-funded companies
are allowed to participate in the investment in and construction of China’s major
technical equipment, 5G, circular economy (recycling), civil aviation, theme parks,
new types of financial institutions, and other construction projects. Taiwanese firms
can also supposedly enjoy financing, trade remedies, export credit insurance, import
and export facilitation, and other trade policies. Measures directed at the Taiwanese
people include benefits in the areas of consular protection, agricultural cooperation,
transportation, communication charges, home purchase requirements, and differential
recruitment and examinations.

The above developing trend shows that in the short term, China will strengthen
the impact of its work on Taiwan due to political factors. In terms of Taiwanese
people’s rights to work and Taiwanese enterprises’ participation in investments, since
the CCP authorities hopes to strengthen its united front work, there should not be
any major measures that would cause any serious harm to the rights and interests of
Taiwanese people and corporations.
Table 4. Summary Table of Approved Investments in Mainland China, 2015-2019

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Cases</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>427</td>
<td>10,965,485</td>
</tr>
<tr>
<td>2016</td>
<td>323</td>
<td>9,670,732</td>
</tr>
<tr>
<td>2017</td>
<td>580</td>
<td>9,248,862</td>
</tr>
<tr>
<td>2018</td>
<td>726</td>
<td>8,497,730</td>
</tr>
<tr>
<td>2019 Jan-Nov</td>
<td>558</td>
<td>3,724,644</td>
</tr>
<tr>
<td>Total</td>
<td>2,614</td>
<td>42,107,453</td>
</tr>
</tbody>
</table>


3. Overall Assessment of Taiwanese People’s Human Rights Treatment in the Mainland China in 2019

3.1 The Impact of China’s Strengthening of Its Sharp Power on Taiwan’s Democratic Values

First, the topic that received the most attention in 2019 is “sharp power.” This concept means the use of policies by one country to manipulate, infiltrate, or penetrate the political and information environment of a target country for the purpose of influencing specific issues or swaying public opinion. This practice has also appeared in cross-strait exchanges. For example, some Chinese exchange students studying in Taiwan have reported on specific professors based on their political stance to Chinese authorities, in an attempt to compel universities such as Fu Jen Catholic University, National Cheng Kung University, and National Sun Yat-sen University to censor the opinions of their faculty under the threat of university admission. In addition, according to reports by The Age, other Australian newspapers, and the New York Times on November 23rd, when Wang Liqiang, a Chinese citizen, filed an application for
political asylum in Australia, he provided information about Chinese espionage efforts to the Australian Security Intelligence Organization. He claimed that he had used the identity of a businessman as a cover, and had carried out a series of intelligence gathering, social infiltration, and manipulation of internet public opinion activities for the CCP in Hong Kong and Taiwan. This incident quickly raised concerns from all sectors about the infiltration of Hong Kong and Taiwan society by China’s sharp power (BBC Chinese, 2019b)

**3.2 China Manages Cross-strait Economic, Trade and Social Interaction Unilaterally**

In addition to using its sharp power to influence the opinions of Taiwan’s society and exert pressure on Taiwan’s international space, the CCP regime also sends “signals” through economic channels. For example, after releasing the original “31 Measures for Taiwan,” the Chinese government announced 26 more measures for Taiwan in November 2019, in an attempt to make it easier for Taiwan compatriots and Taiwan enterprises to integrate into the Chinese society or market through the means of “national treatment.” However, this approach is unusual. Policy positions are often associated with the development of cross-strait relations. The CCP regime tries to use this model to shrink the maneuverable space in cross-strait relations, so that its political views can be advanced according to their will. Moreover, the promotion of “national treatment” is intended to win over the hearts of the Taiwanese people. Yet on the other hand, China has also applied pressure on Taiwan’s economy and trade, shrinking any room for cooperation and mutual benefit. For example, recently there have been many products manufactured by Taiwanese companies in China that were blocked by the Chinese customs when they were sold back to Taiwan. Another example is that products exported to mainland China must have a “made in Taiwan, China” or “made in China” label on their outer packaging. China even announced on July 31st that it would stop issuing independent travel permits to Taiwan, which caused
a serious blow to Taiwan’s tourism industry. In short, these and related practices have seriously hurt the economic rights of Taiwanese people (Shih, 2019).

3.3 China’s Increasing Control over Society Heightens Its Control over Taiwan-related Human Rights Issues

Since China has begun to extend its domestic surveillance system, any influence of overseas forces on China’s interior will be strictly controlled. For example, after the Lee Ming-che incident, Taiwanese nationals, including Shih Cheng-ping, Tsai Chin-shu, Lee Meng-chu and others, have also been imprisoned by Chinese authorities on charges of endangering national security. Since the official communication channels across the strait have been completely shut down, persons who have gone missing in China are unable to pass information to their families through channels such as the SEF or judicial departments of both countries. For example, after Shih Cheng-ping disappeared in China in August 2018, his family members were able to learn about his situation through indirect means. However, after making direct contract with Shih, the family was intimidated by CCP officials, who threatened the family to not speak out about Shih’s case. This incident shows that, after relations across the Taiwan Strait have become tense, personal safety and legal rights of Taiwan compatriots cannot be effectively guaranteed if they are arrested.

3.4 The U.S.-China Confrontation Has Allowed the CCP to Strengthen Its Self-defense Mechanisms and Suppress Space for Our Democratic Values

Because the U.S. supports Taiwan politically and economically, the CCP authorities have ramped up pressure on Taiwan. To forcibly promote its one China principle, China has launched a diplomatic offensive against Taiwan on the international arena. For example, Taiwan was excluded from the World Health Assembly (WHA) held in May 2019 for the third straight year due to pressure
from the Chinese government. Another example was China pressuring Spain, the Czech Republic, Indonesia and other countries to transfer Taiwanese fraud suspects to Beijing. Moreover, beginning on August 5th, Hong Kong’s anti-extradition bill movement had affected Taiwan’s well-known handmade beverage chain, Yifang Fruit Tea. Afterwards, several handmade beverage chains, including CoCo, DaYungs, and Milk Shop, were forced to make political statements under coercion of Chinese netizens. Compelling Taiwan enterprises to make political statements against their will is a type of political witch hunt that will seriously damage the basic rights and interests of Taiwanese enterprises. Moreover, under this atmosphere, even normal cultural exchanges between the two sides of the strait, such as the 56th Golden Horse Awards, did not escape controversy: Chinese and Hong Kong artists stated that they wouldn’t be able to attend the Awards.

Looking at the overall situation of the facets of Taiwan-related human rights in 2019, due to the political and economic confrontation between China and the United States, the modernization of China’s strengthened governance capabilities, increasing political hostility in cross-strait interaction, and the intensification of the CCP’s united front work and absorption of Taiwanese people, the space for human rights protection has been suppressed by heightened tensions. In addition, because bilateral official exchanges remain stalled, the atmosphere of confrontation between the two sides of the strait is also extremely tense due to the factor of Taiwan’s 2020 elections. China also has strengthened societal surveillance, which means that the human rights situation of Taiwanese people has become more dangerous and precarious. In sum, this chapter believes that the development of “Taiwan-related human rights” has encountered a far more difficult situation in 2019 than in 2018.
4. Major Events Related to the Taiwan-related Human Rights in China

Influenced by internal and external factors, Chinese Communist authorities have tightened their grip on speech and strengthened political censorship. This factor signifies that “Taiwan-related human rights” will also be further suppressed. In this regard, this research team has selected a number of representative events in 2019, using them to explain the oppressive situation faced by “Taiwan-related human rights.”

4.1 Personal Safety Guarantees and Political Rights and Interests

Since Lee Ming-che was sentenced and imprisoned by China in 2017, news about the arrests of several Taiwanese after arriving China have begun to gradually appear. In September 2019, Lee Meng-chu, a consultant from Pingtung County’s Fangliao Township and Tsai Chin-shu, Chairman of the South Taiwan Cross-strait Relations Association, both went missing after traveling to China. The Taiwan Affairs Office of the State Council issued a statement stating that both were detained for “suspected criminal activities that endanger national security” and would be investigated according to law (Chou and Ti, 2019). In November of the same year, it was reported that Shih Cheng-ping, a retired scholar from National Taiwan Normal University, was being held in Beijing for national security reasons (Yang, 2019).

4.2 Property Rights Have Not Been Effectively Protected

In August 2019, Yifang Fruit Tea angered Chinese netizens for expressing support for the anti-extradition protesters. To save the company’s market in China, Yifang’s Chairman decided to allow the company’s representative agent in China to make a statement on the company’s official Weibo account that supported the “one country, two systems” formula and condemned the anti-extradition demonstrations.
in Hong Kong. Yet this move only triggered a counter-boycott from Taiwanese consumers, thus pleasing no one in the process (Mirror Media, 2019). Yifang’s franchisees in Taiwan were also affected by the controversy, so they started closing stores one after another in short order. It was reported that Yifang Taiwan had already closed 30 of its stores, with a loss of more than 50 million NT$. Since August, Yifang had accumulated more than 100 million NT$ of inventory. Due to political tension between the two sides of the strait, Yifang Fruit Tea, its franchisees, and its suppliers have all suffered major losses in property (Want Weekly, 2019).

### 4.3 Taiwan-related Incidents Have Affected the Right to Work

The 56th Golden Horse Awards was boycotted by China. Here Beijing not only explicitly banned Chinese entertainers and movies from participating in the Golden Horse Awards, but it also pressured several Hong Kong film studios to withdraw from the award. The Chinese Communist authorities even decided to hold its own Golden Rooster Awards Ceremony at the same time (General Reporting, 2019). Hong Kong director Johnnie To resigned his post as jury president of this year’s Golden Horse Awards following reports of Chinese pressure. Italian car manufacturer Maserati and the British fashion company AllSaints ended their partnership with the Golden Horse Awards, stating that they “respect China’s territorial integrity” (Tseng, 2019). However, the Taiwan Affairs Office stated that it was because Taiwan authorities had undermined cross-strait relations which forced China to suspend its participation in the Golden Horse Awards. The fact that Taiwanese films and entertainers could have been nominated for the Golden Rooster Awards demonstrated the seriousness of China in fully implementing the 31 Measures. However, we believe that by introducing politics into art, Chinese authorities have already infringed on human rights and suppressed liberty in practice (Yang, 2019). In addition, consider the case of Hong Kong lyricist Albert Leung, who recently spoke in support of Hong Kong, even participated in the “Free Hong Kong” concert in Taiwan. Yet as a result of his actions, Leung’s works
were blocked in China, and more than 3,000 of his songs were taken off the shelves (Chen, 2019; Tsai, 2019).

### 4.4 Fair Treatment Proved to Be Difficult When Participating in Economic Activities

With little warning, China has stopped issuing individual travel permits to Taiwan in August of 2019. According to statistics, 1.67 million people from China visited Taiwan in the first half of 2019, for an average of 250,000 tourists per month (Huang, 2019). Although the Taiwan Tourism Development Association stated that the visas remain valid for a period up to six months and that we have not yet witnessed any significant impact, it is believed that the number of individual travelers from China will go down to zero after six months (EBC News, 2019). China’s suspension of visa issuance may be attributed to Taiwan’s general elections in early 2020, and/or may be a countermeasure issued against Taiwan’s support of Hong Kong’s anti-extradition demonstrations. The rights to economic participation was subjected to political retaliation by the CCP authorities’ curtailment measures. These measures have clearly brought about a detrimental effect on the development of Taiwan’s tourism industry.

### 5. Conclusion

When authoritarian countries have more resources to strengthen and project their influence, the responsibility to protect democracy and defend human rights becomes ever more important. As an emerging democracy, Taiwan still has plenty room for enhancement and improvement with respect to the implementation of democratic values and defense of human rights. However, the best way to self-improvement is to examine oneself critically and take full care of the society around us. The research team has kept this purpose in mind when reviewing the status of human
rights development issues, hoping to strengthen a mutual recognition of human rights values. Since 2019, the research team has expanded the scope of care and began to incorporate incidents in which people’s human rights were violated due to cross-strait sovereignty disputes or due to economic or social differences. We refer these as Taiwan-related human rights. Although the two sides of the Taiwan Strait share the same cultural background, they have vastly different perspectives toward the development of human rights due to their distinct political systems and economic development levels. Under globalization, China has adeptly used government policies and market opening strategies to obtain fast economic growth, effectively solve the problems of food and clothing for the people, and induce diversified development in class mobility and income growth. Today’s Chinese economy has become an important pillar around the world, capable of driving the common growth of the international economy. However, economic achievements cannot be taken to contain all the connotations of human rights development. After solving the problem of food and clothing, we should keep pace with the times and respond to the needs of people for self-esteem and freedom. Yet the reforms needed to advance the development of human rights are not realized because they threaten the survival of the Chinese ruling power structure.

Because China insists on the party’s leadership over all work, it has also emphasized a law-based human rights system. However, in the process of concretely implementing human rights protection, there exist many situations where “the party’s will is greater than the law’s will.” So even if there are related discussions on the right to political participation, the right to economic development (Christina, 2019), and the right to social security, in reality these rights are conditional and discriminatory, because “the biggest feature of the law-based human rights system in China is the party’s leadership over a law-based human rights system.” When the CCP uses various new technologies such as the social credit system to restrain society, this modernized
governance system is more likely to become a shackle that confines the universal value of human rights (Liu, 2018).

The results of the overall assessment of “Taiwan-related human rights” in 2019 indicate that they have deteriorated if compared to 2018, especially in terms of personal safety and political rights and interests, where the extent of rights infringements has gotten worse. China’s adoption of internet surveillance to further tighten public opinion has creates a new model of “digital totalitarianism.” This model has also made Taiwanese people’s specific opinions expressed on the internet or in other media subjected to Chinese suppression. For example, the Lennon Wall incident, the Yifang Fruit Tea incident, the email hacking incident involving professors at Kaohsiung’s Sun Yat-sen University, or the incident surrounding a failed academic exchange trip of a college student surnamed Ko brought forth by his past online speech. From these cases, we have clearly found that cross-strait factors have led to the suppression of space for freedom opinions, since any assertion in democratic politics is considered taboo in China.

In addition, with respect to the rights to economic participation, property rights protection, and rights to work, these rights have marginally improved because they benefited from the Chinese government’s expansion of its united front efforts in Taiwan and the compensation for the supply chain pressure caused by the U.S.-China trade war. For example, the Chinese government issued the “26 Measures for Taiwan” to provide more “national treatment” for Taiwanese citizens. When Taiwan people and enterprises enjoy more institutional protection, the quantity of business disputes have decreased. Of course, this phenomenon is also related to the U.S.-China trade war and the downward trend of China’s overall economy. Because the number of Taiwan-based investments and the number of people going to work in China have decreased, the current number of rights infringements has also decreased.

In summary, due to tense cross-strait relations, the conflict between democratic values and the CCP system, and the influences of the U.S.-China trade war and the Hong Kong anti-extradition bill movement, “Taiwan-related human rights”
issues have witnessed the emergence of a strong opposition. On the other hand, the establishment of Xi Jinping’s system and the party’s adherence to centralized and unified leadership have produced political tension and tightening speech in Chinese society. This also makes the basic values of the political and social systems of Taiwan and China more profoundly different. This difference is reflected in the development of human rights and has become the biggest difference between Taiwan and China. It also makes people on both sides of the strait to have different mental projections about each other’s political development expectations. If this difference cannot be offset through more human rights concern and more human rights development, then the different attitudes toward human rights issues shall be the main cause of future cross-strait political disputes.
References


Scientific and Technological Human Rights – Global Export of a Seamless Double-edged Sword

Wesley Yi-hung Weng

Abstract

China’s research and development in high technologies have grown rapidly, and accordingly the opportunities for the people to access information technologies have greatly increased. In terms of extension and wide adoption of economic value-added applications of emerging technologies within the territory of China, there has been considerable progress in the rights of the people to enjoy the benefits of scientific progress, including property rights and intellectual property rights. In many ways, this progress can be regarded, more or less, as advancements in the fulfillment of international human rights conventions.

However, high-tech applications are not necessarily always beneficial to human rights; usually, they are a double-edge sword. Regarding the most serious and urgent human rights violations in science and technology in 2019, this year’s observation report focuses on how after information and communications technologies (ICT) have relatively improved and become available for mass use in China, the protection of human rights and other basic rights, especially political and civil rights, may collapse to a certain degree. As long as technological advances make life more convenient and are supported by the economy, the public will gladly accept, become indifferent to, or tolerate to the greatest extent possible, some violations to their human rights. This

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observation report assesses the relevant indicators related to science and technology human rights in China, including: (1) online: using technology to hinder the free flow of information and to monitor individuals; (2) offline: using technology to control every aspect of daily life; and (3) spillover: exporting technological authoritarianism.

Compared with last year’s observation report, there appears to be the problem of further tightening in the applications of emerging technologies in daily lives and government surveillance programs this year. China has added new offensive weapons and continued to invest heavily on surveillance and censorship, but basically has not deviated from similar tactics used previously, such as real-name system, increasing the responsibility of local ISP providers, record back-up system, and severe punishments. In addition, the physical locations of surveillance have expanded from important transportation hubs to general public spaces such as parks and school campuses, even private and intimate residential areas. However, in response to public pressure, the government has proposed a policy of not disturbing “law-abiding citizens,” yet it remains to be seen whether such policy is followed in practice. Furthermore, as China has become more adept at employing information asymmetry and false information to its advantage, in addition to utilizing applications such as “Xuexi Qiangguo” and “AI Rumor Shredder” internally within China to brainwash and shift blame through reversing public opinion, China has also exported these related technologies to the outside world, or has applied them in foreign nations.

In summary, China’s approach to applying technologies in all aspects to attain perfect control over society has become more mature this year, is even export-ready, and continues to be strengthened.

Keywords: Science and technology human rights, social credit rating, big data, freedom of information, Digital Rights, Data protection
1. Introduction

Scientific and technological human rights broadly encompass what the United Nations recognize as “the right to enjoy the benefits of scientific progress and its applications” (UNESCO, 2009). From the perspective of the International Covenant on Civil and Political Rights (ICCPR), Article 17 on the right to privacy, Article 19 on the right to freedom of expression, Article 18 on the right to freedom of thought, conscience and religion, Article 26 on the rights of all persons not to subject to discrimination, and the protection of the right to language and religion for ethnic minorities in Article 27, all include, in part, the right to privacy (of information), the right to freedom of speech, the right to (intellectual) property, and the right to access technology without discrimination or unequal treatment. In addition, the right to enjoy the fruits of scientific progress in Article 15, Section 1, Paragraph 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the protection of intellectual property rights in Paragraph 5, should all be applicable in cyberspace. From the perspective of international human rights law, protection of individuals’ access to information and communication technology (ICT) is a relatively recent trend. It was not until the adoption of the convention on access to official documents by the European Council in 2009 that the United Nations Human Rights Committee (OHCHR, 2013), the European Court of Human Rights, the Inter-American Court of Human Rights, and the European Commission began to recognize the right of access to ICT, albeit at a relatively slow pace (McDonagh, 2013).

In terms of internet penetration and digital applications, as of June 2019, the number of Chinese netizens was 854 million. In the first half of the year, 25.98 million netizens were added, and the internet penetration rate reached 61.2%, an increase of 1.6% from the end of 2018. The number of mobile internet users in China reached 847 million. In the first half of the year, 29.84 million mobile internet users were added, an increase of 0.5% from the end of 2017. Among internet users, the proportion of users using mobile phones reached 99.1% (China Internet Network Information...
Center, 2019). Judging from the trends summarized in the report, China’s internet network infrastructure has indeed been optimized and upgraded. However, there are still about 40% of China’s population who have yet to enjoy the benefits brought forth by this right, thus forming a digital divide, which is quite a pity. China’s research and development in high technologies have grown rapidly, and accordingly the opportunities for the people to access information technologies have greatly increased.

In terms of extension and wide adoption of economic value-added applications of emerging technologies within the territory of China, there has been considerable progress in the rights of the people to enjoy the fruits of scientific progress, including property rights and intellectual property rights. In many ways, this progress can be regarded as advancements in the fulfillment of international human rights conventions.

However, high-tech applications are not necessarily always beneficial to human rights; usually, they are a double-edge sword. Regarding the most serious and urgent human rights violations in science and technology in 2019, this year’s observation report focuses on how after ICTs have relatively improved and become available for mass use in China, the protection of human rights and other basic rights, especially political and civil rights, may collapse to a certain degree. As long as technological advances make life more convenient and are supported by the economy, the public will gladly accept, become indifferent to, or tolerate to the greatest extent possible, some violations to their human rights.

In this regard, with respect to China’s recent issues with using ICTs to monitor the people and its other human rights violations, the major concerns include direct violations to the protection of personal data and privacy rights by the mass electronic surveillance system, and infringements to people’s right to information and health by blocking or denying information. Yet another issue of special concern is how life conveniences and economic development generated by these emerging technologies have made people rather content to practice “self-discipline” when facing social control and intrusion to their human rights. And these social control methods also
reflect, to a considerable extent, the “technology-supported social governance system” that was different from the past and was thus specially added in the *Decision of the Central Committee of the Communist Party of China on Major Issues Concerning Upholding and Improving the System of Socialism with Chinese Characteristics and Advancing the Modernization of China’s System and Capacity for Governance*, which was adopted at the Fourth Plenary Session of the 19th Central Committee of the Chinese Communist Party. In addition, these science and technology applications, which affect the private lives of the people and all aspects of their civil and political rights, even models and infrastructures related to economic, social and cultural rights, have high probability of spilling over to other fields or jurisdictions.

To that end, this observation report assesses the relevant indicators related to science and technology human rights in China, including: (1) online: using technology to hinder the free flow of information and to monitor individuals; (2) offline: using technology to control every aspect of daily life; and (3) spillover: exporting technological authoritarianism.

2. Online: Using Technology to Hinder the Free Flow of Information and to Monitor Individuals

2.1 Hinder the Free Flow of Information

Regarding the infringement of human rights such as the free flow of opinion, of speech and of press, the original plan was to block the free flow of such information. In 2016, China promulgated the *Cybersecurity Law of the People’s Republic of China* as the legal basis for internet regulation. The law includes chapters on General Provisions; Cybersecurity Support and Promotion; Network Operation Security; Network Information Security; Monitoring, Early Warning, and Emergency Response; Legal Liability; and Supplementary Provisions. Among the provisions in the law more directly related to network surveillance, still in accordance with the *Decision*
of the Standing Committee of the National People’s Congress,¹ the law stipulates the general obligations of network operators and critical information infrastructure operators, and in the chapter on Network Information Security, specifies the relevant regulations for the confidentiality of personal information and monitoring of network information. Moreover, in the chapter on Monitoring, Early Warning, and Emergency Response, the law specifies the establishment of an early warning notification system for cybersecurity incidents, and the contingent emergency measures and actions that governments at all levels and network operators should take when the risk of cybersecurity incidents increases or when cybersecurity incidents occur.

As of 2019, with respect to censuring online information and blocking the flow of information, China has gradually shifted to use emerging technologies to try to make its censorship system more efficient and effective. These technologies, of course, still cause great domestic impact. In our observation this year, the first thing we noticed is that China still places considerable emphasis on the “direction” of online information flow and has adopted a multi-faceted approach. On the other hand, in terms of what information targets are blocked, in addition to those that challenge the bottom line of the regime—that is, any inciting speech or political ideology that affects the rule of the Communist Party—inspections of other social ideologies are also gradually carried out.

To this end, in terms of using technology to blocks the flow of information and speech, China’s approach to blocking citizens’ right to information can be roughly described as follows:

¹ In 2000, the Standing Committee of China’s National People’s Congress issued the Decision of the Standing Committee of the National People’s Congress on Preserving Computer Network Security.
2.1.1 Gradually Increase the Height of the Firewall and Difficulty of Censorship Circumvention

China also has disregarded the protection of the rights to privacy of information and personal information. It has collected and analyzed various types of information about users of censorship circumvention tolls (i.e., virtual private network, VPN), such as type of website, content, and browse time. By linking this information to user’s identity, a huge amount of data (Big Data) may be collected for analysis and used as the basis for formulating internet censorship measures. Even if someone wishes to bypass China’s internet censorship, many Chinese netizens who browse foreign websites through mobile VPNs had been given administrative penalties if the police discover that they have a “censorship circumvention” programs in their mobile phones. For example, a senior official with the Suzhou Broadcasting System was summoned by the local police, dismissed and demoted for using Twitter and browsing overseas websites (Wang, 2019).

What’s more, the original censorship circumvention tools themselves have become tools for blocking information and surveillance. In addition to use VPNs to block information, the government uses VPNs to uncover browse groups and then adopt surveillance or other offline enforcement measures against VPN users. Furthermore, China’s corresponding strategies include spending large sums of money to acquire overseas VPN companies, which increase the difficulty of circumventing China’s online censors (VPN Pro, 2019).²

2.1.2 Expand the Size of Censorship Factories

In terms of censoring information on the internet, China has gradually shifted to use emerging technologies to try to make its censorship system more efficient and effective. Yet, because algorithms are still not perfect and the database of sensitive

² A recent survey conducted by a U.S.-based security agency shows that among the 97 major VPN companies in the world, at least 29 are Chinese-funded companies, or almost 30%.
words needs to be constantly updated,³ people (netizens) often try to bypass sensitive words by outsmarting the algorithms, so human censors remain indispensable. Moreover, investment into human censors has even become a special emerging industry. In early 2019, the *New York Times* reported on these internet censorship factories. These censorship factories not only manually review the form of speech, but also its contents. Take Beyondsoft, a Beijing-based tech services company, as an example. Beyondsoft employs over 4,000 employees in its content reviewing factories to browse and review content day and night (Yuan, 2019). Compared to 2016, this company had only about 200 employers. It is worth noting the fact that human reviewers needed to undergo training to be taught about what kind of content is classified as “sensitive.” And the most interesting part is that these human reviewers, who initially were not interested in politics at all, had to try their best to learn some forbidden history and sensitive words.

Regarding the list of sensitive words, the China Netcasting Services Association published on its official website 100 rules of the *Detailed Implementation Rules for Online Short Video Content Review Standards*, which cover a wide range from the level of nations and ethnic groups to the level of individual private life” (People’s Daily Online, 2019d). The sensitive words are not limited to domestic events; international events, such as the coup in Venezuela, are also banned. Moreover, because the related terms are highly uncertain and the scope extends from political

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³ In the technological battle over artificial intelligence, if we compare the respective strengths of China and the United States, we find that the U.S. has a lead in chip technology needed for computing. However, because China neglects the issue of privacy and protection of personal information, China maintains a comparative edge in obtaining personal information. Under the development of this kind of technology, the most profitable industrial application in China’s AI field is the Chinese Communist Party’s mass surveillance of the Chinese people. This type of applications is often used under the guise of security, public safety, or smart cities programs. In other words, China not only spends a huge sum of Chinese taxpayers' money for “stability maintenance,” thus creating a large market demand for AI surveillance, at the same time it also provides comprehensive support from policy to funding and big data for related AI research and development.
speech and other high-censored speech to low censored speech such as advertisements, cartoons, and animation, the new regulations produced a large backlash. However, high-level officials in China’s central government were not unaware of such backlash. They had long proposed, as countermeasure, a “doubly random, one public” model of oversight conducted through the random selection of both inspectors and inspection targets and the prompt release of results (People’s Daily Online, 2019b). This concept mainly seeks to solve the problem of daily, routine supervision, and has two connotations. The first is to effectively solve the problems of “capricious inspection” and “law enforcement which causes public disturbance.” This oversight model also reduces the burden on enterprises, where the law-abiding and trustworthy are let alone and no one would be inspected for no reason. The second is to optimally allocate limited supervision resources of government departments, enhance the effectiveness of government inspection and law enforcement and the deterrence effect of laws and regulations, and impose severe punishments against lawbreakers.

In this regard, at the Second Session of the 13th National People’s Congress in 2019, Premier Li Keqiang stated in his report that the government will promote credit rating-based regulation and the Internet Plus Regulation reform initiative. “The government will develop better ways of enforcing laws on environmental protection, fire prevention, tax collection, and market oversight, and see that law breakers are punished in accordance with law and the law-abiding are let be. China will deepen the reform of coordinated law enforcement by government departments, overhaul government penalties and punitive measures, and address overlap and duplication in enforcement. Regulators themselves must also be subject to strong oversight and follow rules. There can be no tolerance for selective or arbitrary law enforcement or for making things difficult for businesses and people. The government will, in accordance with law, crack down on violations of law such as the production and sale of counterfeit and substandard goods, and make the price to pay for serious offenders too dear to afford” (People’s Daily Online, 2919c). Whether the first initiative will be
implemented in practice, and what political and social consequences will there be if the initiative was not fully implemented remain to be seen.

2.1.3 Blocking the Progress of Tools: Review of Unstructured Images

The Citizen Lab, based at the University of Toronto in Canada, published a research report and found that WeChat builds a huge and constantly updated database of images sent by users. The system automatically monitors and identifies “sensitive” non-structured images, which it adds to the blacklist and then proceeds to delete (Knockel and Xiong, 2019). WeChat implements real-time, automatic censorship of chat images based on text contained in images and on an image’s visual similarity to those on a blacklist. Moreover, WeChat targets predominantly political content including images pertaining to government and social resistance.

2.1.4 Internet Content Professionals

The People’s Daily Online issued the first batch of 67 “Internet Content Professional (Basic) Certificates” (People’s Daily Online, 2019a). This is also the first time that China has issued professional certification in the field of internet content. The state claims that online content training for certification is closely tied to the development of the internet, since it leverages the policy expertise and rich experience of the Party’s newspapers and networks in content production, quality control, and ideological security. Internet content professionals can provide consulting services in online content for all government departments, enterprises, NGOs, and public figures that rely on the internet for public relations. Yet by giving certification to online speech censors, this act not only impairs the freedom of expression, but also distorts the public’s understanding of basic rights such as freedom of speech and the right to information by providing economic incentives.

What’s more, the type of content that may be blocked are summarized below:

(1) Content related to public order and good morals

For example, Mimeng, a Chinese internet phenomenon with a public account
on WeChat, issued a personal apology, permanently closed her Weibo account, and deleted all content. The so-called “content violation” refers to the negative energies and sense of world-weariness or cynicism contained in her posts: in China, inspirational articles are called “chicken soup for the soul,” while the acerbic, vulgar and world-weary articles are referred to as “poisonous chicken soup.” Although Mimeng’s posts do not touch upon issues of national consciousness, they still crossed the red line of “selling anxiety” and were prohibited (Hsiao, 2019).

(2) Content related to public disaster and stability maintenance

At the scenes of disasters, technology is often used to interfere with press freedom for the sake of maintaining stability (Apple Daily, 2019a). Moreover, China had to deal with the swine fever epidemic at the beginning of 2019 and an outbreak of the plague at the end of 2019. Correct information on these epidemics on the internet has been blocked or interfered to a certain extent, so not only basic rights such as the right to information were infringed, people’s right to health was also significantly affected (Liberty Times, 2019b).

(3) Content related to the protection of specific enterprises

Just as Huawei’s 5G technology was generally being boycotted overseas, its Nova 3 smartphone launched last year suddenly exploded, injuring the user’s thighs. However, after the news surfaced in the newspapers, it was suspected that Huawei put its public relations to work. Chinese social media platforms and internet media began deleting news about the explosion of Huawei smartphones on a large scale (Secret China, 2019).

(4) Content related to sensitive incidents

With the 30th anniversary of the June 4th incident coming up, China comprehensively stepped up its efforts in blocking information, both online and offline. According to a Reuters article dated May 26th, as June 4th approached, China widely used online robots to work overtime to screen topics related to the June 4th
incident on the internet. As far as the algorithms were concerned, the accuracy of censorship was unprecedented. The article quoted an anonymous employee at Beijing Bytedance Company, who described that artificial intelligence as a scalpel, and a human as a machete. In addition to the June 4\textsuperscript{th} Tiananmen Square incident, sensitive words such as Taiwan and Tibet were also screened out. If a post on a social media platform contained dates, images, and names that reminded people of these sensitive events, it would be automatically censored. Avatars, or user profile pictures, could be changed on social platforms such as Weibo, QQ, WeChat, Tieba, Zhihu, Douban, Bilibili, Taobao, and NetEase Cloud in China. Foreign social media platforms such as Twitter are blocked, even access to popular websites for searching information such as Wikipedia was denied (Central News Agency, 2019).

The second major sensitive incident was the announcement in July by Hong Kong Chief Executive Carrie Lam that the proposed amendment to the \textit{Fugitive Offenders Ordinance} had completely failed. Even after the amendment bill had “died,” China nevertheless played a particularly important role in using technologies to disrupt the Hong Kong people’s fight against the amendment to the \textit{Fugitive Offenders Ordinance} in Hong Kong. The people and the government engaged in fierce tech battles, and secret messaging app Telegram and Xiaomi 6 smartphones both respectively came to the forefront of the digital battlefield. In addition, China completely blocked news about the Hong Kong protests inside China, and related foreign media reports had all been removed in social media platforms such as Weibo, WeChat and Baidu. In the same month, the Xuzhou District Government in Yibin City, Sichuan Province, held a cybersecurity education training meeting for WeChat group administrators to reiterate the “nine do-not-posts” principle for WeChat groups, including not posting unverified news from Hong Kong and Macau, and to remind them that if a group member were to be found guilty for speech crime, group administrators might be held responsible too (Lee and Mozur, 2019). Since June, it had been exceedingly difficult to sign up for a new account in WeChat. This was
because signing up for a new account must be approved by another account, and this other account must have existed for six months, be in “good standing,” and have not approved other accounts within the past month.

2.2 Using Technology for Online Surveillance

This year’s observations on the use of technology for online surveillance, which infringed on the people’s rights to private life and privacy of information, are as follows:

2.2.1 Integrated Joint Operations Platform

China’s system of surveillance has already developed an “integrated joint operations platform” that functions as a resource integration platform (United Daily News Network, 2019a). After integrating various personal data and other related types of data, the system is used to conduct profiling analysis on persons under surveillance on a large scale. For example, a report shows how the Xinjiang government used the integrated joint operations platform to collect information about people’s height, religious beliefs, and political leanings, and target suspicious individuals based on 36 behaviors such as not communicating with neighbors, refusing to use smartphones, or actively raising funds or soliciting material donations for mosques. However, despite the mass collection of a large amount of personal data, information security of the database may increase the risk of infringement of basic personal rights other than national surveillance due to the particularities of the regulatory environment and the existence of a regulatory vacuum.

2.2.2 Surveillance by Various Government and Private Apps: Huawei Jingwutong App

The new “jingwutong” (literally, police affairs and communications) smartphone for law enforcement was specifically developed by the First Research Institute of the Ministry of Public Security based on Huawei Mate10/10Pro hardware. It is equipped
with a dual system: One is a conventional system used by police officers in everyday situations; the other is made to access the internal public security database. Not only can the two systems run securely and independently, but they can be switched from one to the other with a single click. Thanks to the effective facial recognition and other biometric features installed on the phone, officers can photograph people or take their fingerprints and access their information from the database (Yang, 2019).

In terms of surveillance on social platforms, it is unveiled this year that Chinese and Chinese-funded apps may monitor users’ phones, and that these apps may disguise themselves so that users lower their vigilance. For example, the short video sharing platform “TikTok” had become extremely popular recently, with 500 million monthly active users worldwide. However, a study by a U.S. think tank indicates that TikTok may have already become a security risk in Western countries, by sending user data back to China and turning out to be one of the tools for China to gather intelligence (Lee, 2019). In this respect, a female college student in California accused TikTok in a class-action lawsuit of transferring private user data to servers in China (Paul, 2019).

2.2.3 Personal Data Surveillance in the June 12th Protest in Hong Kong

After the clash between the police and civilians in the June 12th protests, some demonstrators went to public hospitals to obtain medical treatment for injuries received during the protests but were instead arrested by the police, raising questions whether the medical staff leaked the patients’ private and sensitive information. Some medical personnel revealed that the Hong Kong Hospital Authority had required them to label those seeking medical attention, distinguishing whether the patient was involved in the demonstrations, and whether the patient was a “police officer,” “reporter,” “citizen,” or “other.”

Also, to suppress the anti-extradition bill movement that was in full swing, the Hong Kong government used digital footprints to find out the true identities of protesters, in a similar vein as how China conducts online surveillance. To avoid government surveillance, protesters in Hong Kong chose Telegram, a messaging app
known for its privacy protection, as its channel of communication. However, on June 12th, Telegram posted on its official Twitter account that it had suffered a DDoS attack. Telegram founder Pavel Durov even indicated that the attacking IP addresses came from China (Yang, 2019).

3. Offline: Using Technology to Control Every Aspect of Daily Life

Given rapid advances in ICTs and the shortage of legal regulations, over the past two years China’s surveillance has become ever stricter and its methods for doing so ever more extensive. In recent years, China has continued to strengthen its control over society on the grounds of stability maintenance, develop unremittingly various surveillance technologies, and use emerging technologies such as biometric systems for authoritarian social control.

3.1 Private Sphere: Phones, Smart Home Appliances, and Identify Cards

According to investigations by The Guardian, The New York Times, and the Süddeutsche Zeitung, for travelers entering China from the bordering Kyrgyz Republic, especially those entering Xinjiang at the remote border crossing of Irkeshtam Pass, Chinese border staff will remove their phones and secretly install mobile apps to monitor them. Moreover, Chinese border officials have begun routine searches of the mobile phones of Hong Kong travelers entering China.

In addition to the existence of space surveillance in public areas, China has built a series of high-tech surveillance systems such as “Skynet” and “Xueliang” (Sharp Eyes) in order to strengthen the overall control of its citizens; now it even requires homeowners to install cameras in rental houses. According to reports, people in many Chinese provinces have testified that since the end of last year they were told by the
police that if they wanted to rent out a house, they had to install surveillance cameras indoors and subject them to irregular inspections long-term. According to the police, the measure is meant to prevent theft. Once it is found that there were no cameras installed in the room, or the cameras were not working properly, landlords would be fined 500 RMB and forced to make improvements.

In addition, researchers from the cybersecurity company vpnMentor discovered in open internet a rich database linked to Orvibo’s Smart Home products. Orvibo is a smart home device manufacturer headquartered in Shenzhen. The public database contains more than 2 billion records, including user names, user IDs, email addresses, IPs, passwords, family members’ names, family members’ IDs, connected devices, account reset codes, precise geopositions, and other information.

With regards to identity cards, Hong Kong plans to implement a “digital personal identity” (eID) system that includes facial recognition for all residents for free next year. It has been confirmed that related services will be provided by Ping An Technology, a subsidiary of China’s insurance giant, Ping An Insurance, which won the bid for HK$ 44 million (approximately NT$ 172 million).

3.2 Facial Recognition

There are many types of biometric monitoring, ranging from fingerprints, the simplest type, to iris scans, voice samples, and DNA, the most complex type. For biometric monitoring to function effectively after the collection of samples, the most important thing remains the need to have comparison samples quickly and universal sample availability. Among the different biometric systems, facial recognition has several advantages over other technologies—human faces are exposed, facial recognition is already in widespread use, and the system can rely on cameras to directly collect comparison samples, all of which make the comparisons of facial recognition samples convenient. Given these advantages, therefore, it is particularly easy for facial recognition systems to infringe on the individuals’ right to information.
privacy and violate their basic rights and freedoms such as the right to personal data protection.

In comparing and collecting relevant samples, China has continuously strengthened its hardware and equipment and has installed surveillance cameras in large numbers. For example, Chinese researchers have unveiled a 500 megapixel cloud camera system, claiming that this “super camera” is capable of instantly capturing the facial details of each individual in a crowd of tens of thousands of people and accurately locating specific targets. The camera’s resolution is five times more detailed than the human eye, and it is also equipped with artificial intelligence (AI), facial recognition, real-time monitoring, and cloud computing technology (Liberty Times, 2019a).

Moreover, China has expanded the application of facial recognition technologies as much as possible, obtaining the most facial comparisons whether or not the people were conscious of it (and even if they did, they couldn’t resist). For example, due to their convenience, China is ushering in the era of facial payments, in which large amounts of facial features and comparison samples can be collected in a simple and relatively non-invasive way. There are, of course, great risks and concerns about the infringement of privacy. In practice, the Chinese government could use this data for other purposes, such as surveillance, monitoring, the tracking of political dissidents, social and information control, ethnic profiling, as in the case with Uighurs in Xinjiang, and even predictive policing (AFP, 2019).

In addition, facial recognition has also begun in various transportation hubs such as airports, railways, and ports. Following the pilot trial of “facial scanning” technology at 4 metro stations in Guangzhou, on September 20th Shenzhen Metro also began to pilot trial facial recognition software on its Line 11. Elderly people over 60 years of age, people with disabilities, and others who may freely ride the metro, can “scan their faces” to enter and exit the stations free of charge after registering with their real names. The new policy raised privacy concerns among the public, causing
some to worry that they may be monitored by the authorities. And especially since Shenzhen is located near Hong Kong, the policy may be detrimental to the anti-extradition bill movement.

While facial recognition technologies are ubiquitous in the physical world, they have now expanded into the virtual world, too. China’s Ministry of Industry and Information Technology issued the Notice on Further Improving the Management of Real-name Registration of Telephone Users, requiring telecom operators to scan the faces of people applying for new mobile phone services beginning on December 1st, in addition to requiring people to register with their real-names and show valid forms of identification. The new rules would ensure that phone users genuinely match with the ID provided.

### 3.3 Gait Recognition

Following facial recognition, Chinese artificial intelligence (AI) company Watrix announced in Beijing that it has developed the world’s first gait recognition system, “Sui Di Hui Yan.” Even when the targets’ faces are covered, the system can still recognize them by the way they walk. Gait recognition has many unique advantages such as its capacity to identify targets from far away and from any angle (Liberty Times, 2019c). Not only can the system immediately locate and track people from simultaneous real-time feeds on tens of thousands of monitors, it can also be used interactively by comparing real-time footage with large amounts of historical footage.

### 3.4 Brain Wave Tracking Headbands

A growing number of schools in China are equipped with AI cameras in their classrooms and the so-called AI headbands for their students. A Wall Street Journal reporter visited an elementary school in Shanghai to personally observe how the lives of school children were changed by AI. Although teachers and parents believed that AI headbands can help students enhance their concentration and improve their
grades, neuroscientist Theodore Zanto of the University of California, San Francisco, was quite surprised that the immature electroencephalography (EEG) technology was used on large numbers on elementary school students without any privacy protection (The Wall Street Journal, 2019).

### 3.5 Comprehensive Collection of Biometric Samples

Regarding behavioral biometrics, currently all major cities in China have established gait recognition systems and facial recognition systems. The collected monitoring data can then be compared with other databases in the backend to immediately locate the whereabouts of specific persons and constantly track their follow-up activities. In the past few months, most of the large-scale collection of biological characteristics have occurred in sensitive areas such as Xinjiang, but it appears that biometric data collection is gradually happening in other parts of China as well. For example, the Danzao police in Foshan, Guangdong, have begun taking saliva samples from passengers at bus terminals. China’s massive data collection, which started from collecting blood, voice samples, and fingerprints to now collecting “saliva samples” from citizens, shows that the “Xinjiang model” is presently being implemented across China (Apple Daily, 2019b).

China’s Ministry of Public Security has recently deployed a nationwide collection of DNA data, especially male DNA. For example, Yinzhou Police Online (Yunlong Police Station, Yinzhou Police) clearly stated in its response on September 9th that “data collection for the national DNA database will be implemented nationwide in the near future,” according to guidelines from the Ministry of Public Security. Recently, “the Yunlong Police Station has contacted the relevant departments in the town and village governments to carry out the data collection of male family DNA from village to village across town.” The tender announcement of the Public Security Bureau of Feidong County in Anhui Province emphasized that the “male family tree investigation system construction project” was a key task of the Ministry
of Public Security and the provincial Public Security Department from 2018 to 2019. The project involves testing individual samples collected in the construction of the male family tree investigation system for the county, and recording them into the national DNA database to build a Y-STR DNA database that covers the whole county.4

3.6 Social Credit Rating System

The so-called dishonest judgment debtor is defined by Chinese law as “a debtor having the capability of performing obligations but refusing to perform the obligations determined in an effective legal instrument,” as determined by the people’s courts at all levels of the judiciary system of the People’s Republic of China. They are prohibited by Chinese law from buying real estate, buying tickets second-class or higher when travelling by plane or train, staying in star-rated hotels, or even going on tours or vacation.

Through profiling and credit rating analyses, the Higher People’s Court of Hebei, China, launched the beta version of a mini-program called “Laolai Map” on WeChat on January 14th, which can pinpoint the location of debtors commonly known as “laolai” (dishonest judgment debtors who have failed to pay their debts or fines), within a 500-meter radius.5 The app would reveal the debtors’ personal information, including their real names and what rules they had broken. The map was even designed to have a sharing function, which “conveniently” made it easy for users to share with their circle of friends how many laolai were nearby anytime and anywhere.

However, human rights advocates worried that the arbitrary social credit rating system did not take personal factors into consideration; individuals and companies were often rated as untrustworthy under unfair conditions. These instances occurred

4 The Y-STR gene, located on the Y chromosome of the 23rd pair of human chromosomes, is used exclusively for male identification

5 The so-called dishonest judgment debtor is defined by Chinese law as “a debtor having the capability of performing obligations but refusing to perform the obligations determined in an effective legal instrument,” as determined by the people’s courts at all levels of the judiciary system of the People’s Republic of China.
easily, especially when the evaluation criteria of social credit system were opaque and unstable (BBC Chinese, 2019).

In actively promoting social credit scores, the Chinese government has spared no effort in propagandizing the personal image of President Xi Jinping. Riding the smartphone high-tech wave, the Chinese government launched an app called “Xuexi Qiangguo,” which contains a collection of Xi Jinping’s sayings and political philosophies. The government then forced nearly 90 million party members to download the app and compelled them to use the program every day under the disguise of a points system. Those with relatively low scores would even be notified for review. The “Xuexi Qiangguo” app was developed by Alibaba. To install “Xuexi Qiangguo,” users would have to grant up to 19 privacy-related permissions, including users’ real names and locations. In many ways, the app functions like mobile surveillance program.

3.7 Protection of the Freedom of Press: Xuexi Qiangguo and AI Rumor Shredder

In addition to surveillance concerns mentioned above, the Xuexi Qiangguo mobile app has raised other concerns. On August 23rd, the media oversight office of China’s Central Propaganda Department issued a Notice on the Establishment and Certification of News Gathering and Editing Learning Organization through the Xuexi Qiangguo Learning Platform. According to the Notice, applicants must pass training exams on the Xuexi Qiangguo mobile app before receiving new press cards. This rule raises concerns about infringements on the freedom of press.

On the other hand, Alibaba has developed the “AI Rumor Shredder,” designed to combat internet rumors and fake news. Analysis shows that the “AI Rumor Shredder” is a stability maintenance tool used by the CCP to maintain authoritarian and centralized rule though high tech. The problem is that the “messages” that are used as criteria for judgment are often the messages that the Chinese government “wants to be
widely disseminated,” regardless of their authenticity. As a result, these “clarifications” often become tools for brainwashing.

4. Spillover: Exporting Technological Authoritarianism

China uses technological control as means to move toward authoritarianism. After achieving certain results, it then begins to export its digital surveillance technology and models to the outside world.

4.1 Exporting Digital Surveillance Technology and Equipment

On the issue of Chinese digital surveillance technology being passively “installed” on devices, the U.S. Department of Homeland Security, for example, issued an alert in early May to warn U.S. TV networks that Chinese-made drones may be sending sensitive flight data to their manufacturers in China. The news once again raised concerns about the security of smart devices produced in China under the rule of the Communist Party. Accordingly, Bloomberg reported in May that two people familiar with the matter revealed that the U.S. government was considering blacklisting five Chinese surveillance equipment firms and restricting their purchases of U.S. technology and equipment like Huawei. These five companies are Hangzhou Hikvision Digital Technology Co., Zhejiang Dahua, Megvii, Meiya Pico, and Iflytek Co. Ltd. (United Daily News Network, 2019b).

However, some countries, in fact, were still willing to install digital surveillance equipment. For example, China’s vast investments in building an “AI surveillance system” and even digital authoritarianism have attracted the attention and interest of many countries. After China expanded the scope of surveillance to the entire country, the price of AI surveillance technology was also lowered and “exported” to other countries in the world. For example, according to a report released by Freedom House released last year, 18 countries including Zimbabwe, Uzbekistan, Pakistan, Kenya,
the United Arab Emirates, and Germany already used Chinese-made AI surveillance systems, and 36 countries received censorship training in China (Lai, 2019).

According to the *New York Times*, due to policy linkages with China’s Belt and Road Initiative, Ecuador, a country in South America that joined the Belt and Road Initiative, has borrowed US$ 19 billion from China to build dams and oil refineries, using the country’s oil reserves as collateral. At the same time, Ecuador has purchased China’s video surveillance system ECU-911, installed numerous cameras nationwide in the past four years, and invited Chinese engineers to Ecuador for technical guidance.

### 4.2 Main Tool for Overseas Surveillance and Information Warfare: Wechat

WeChat is not only the communications software used by the most people inside China, but it is also the communications software used by most overseas Chinese. However, WeChat has a resident internet police force dispatched by the Ministry of Public Security that constantly supervises the platform to enforce Chinese laws.  

6 According to Article 7 of the *National Intelligence Law of the People’s Republic of China*, “an organization or citizen shall support, assist in and cooperate in national intelligence work in accordance with the law and keep confidential the national intelligence work that it or he knows.” Article 14 states, “The state intelligence work organization shall carry out intelligence work according to law, and may require relevant organs, organizations and citizens to provide necessary support, assistance and cooperation,” and the state also protects individuals and organizations that support, assist and cooperate with national intelligence work. Moreover, Article 30 of the *Constitution of the Communist Party of China* stipulates that, a primary-level party organization shall be formed in any enterprise, villagers’ committee, government organ, school, research institute, subdistrict and community, social organization, company of the People’s Liberation Army, and any other primary-level danwei [an organization where people work] where there are three or more full Party members. And Article 19 of the *Company Law of the People’s Republic of China* stipulates that, “in a company, an organization of the Communist Party of China shall be established to carry out the activities of the party in accordance with the Constitution of the Communist Party of China. The company shall provide the necessary conditions for the activities of the party organization.”
Therefore, related researchers have indicated that for most people, convenience comes at a Faustian cost (Thayer and Han, 2019). At this time, regardless of whether users are located inside or outside China, are Chinese or non-Chinese, as long as they use the app, a large amount of their personal data and speech on WeChat would be blocked and monitored by Chinese laws. WeChat thus has become an important weapon of China’s grand external propaganda strategy, the place where false news are disseminated.

4.3 Collecting Private Data Overseas by Other Means

China has collected personal information and established a database overseas, and the issue of infringement of foreigners’ basic rights has begun to take shape. For example, on August 29th, the United Front Work Department of the Chifeng Municipal Party Committee of the Chinese Communist Party in Inner Mongolia issued the Notice on Carrying out Survey and Statistics of Overseas Chinese Situation and Taiwan Compatriots in the City, requiring the city to understand the situation of overseas Chinese, Chinese with foreign nationality, returned overseas Chinese, overseas Chinese dependents, Hong Kong, Macau and Taiwan residents, overseas students, returned overseas students, Hong Kong, Macau and Taiwan-affiliated companies, overseas Chinese-funded enterprises, Taiwan-funded enterprises, and build a database about the basic situation of overseas Chinese and Taiwan compatriots in the area.

The collection of personal information overseas also includes cultural and language types. Take Global Tone Communication Technology Co. Ltd., a subsidiary of the Propaganda Department of the Chinese Communist Party Central Committee as an example. It integrates the resources of Chinese state-owned enterprises, private technology companies, and overseas universities to mine and analyze large amounts of global data through advanced natural language processing and semantic computing technologies. This company collects data in 65 languages around the world and provides the analysis results to government and corporate customers.
4.4 Acquiring Technologies to Achieve Authoritarian Surveillance and Control

Russian newspaper Izvestia reported on June 3rd that Huawei has acquired Vocord’s facial recognition technology patents and development team, and some of Vocord’s employees were being transferred to Huawei (Tech News, 2019c). Vocord, founded in 1999, is a Russian professional video surveillance system development and manufacturing company that uses artificial intelligence biometric technology. Through this acquisition, Huawei is able obtain the world’s leading AI security technology applications in the shortest time.

On the other hand, the New York Times reported in December that officials in the city of Tumxuk, Xinjiang, have gathered blood samples from hundreds of local Uighurs to build a genetic database capable of analyzing the relationships among genotypes, personal appearance characteristics, and family ancestry, and to ultimately create a corresponding image of a person’s face. Although the technology is still in the early stages of development in China and can produce rough pictures good enough only to narrow a manhunt or perhaps eliminate suspects with incompatible characteristics, experts worry that China is building a tool that could be used to justify and intensify racial profiling and other state discrimination against Uighurs. In the future, it may even be possible for the Chinese government to feed images produced from a DNA sample into the mass surveillance and facial recognition systems that it is building in Xinjiang, tightening its grip on society by improving its ability to track dissidents and protesters as well as criminals. This technology seems to be highly connected with research conducted at the Max Planck Society and the Erasmus University Medical Center in the Netherlands (Wee and Mozur, 2019).

4.5 Overseas Export of Information Warfare

Regarding the export of disinformation (fake news) and information warfare overseas, a new book titled Red Infiltration and authored by Chinese political and
economic scholar He Qinglian was published in March. She believes that some of fake news circulating in Taiwan are the work of the CCP, and it is thus necessary for Taiwan to respond legislatively. She also stated that Taiwan cannot rid this “red infiltration” because China regards Taiwan as its core interest. Some of the CCP’s infiltration tactics include purchasing fan pages in social media platforms and attempting to spread false information in originally trusting relationships as to brainwash users.\(^7\)

In their press releases announced at the end of August, Facebook and Twitter stated that they had found evidence of China’s attempts to sow discord. In its announcement, Twitter wrote, “these accounts were deliberately and specifically attempting to sow political discord in Hong Kong, including undermining the legitimacy and political positions of the protest movement on the ground.” Therefore, Twitter announced the suspension of 936 suspicious accounts and will prohibit Chinese state-backed media from publishing propaganda tweets (Twitter Safety, 2019). Moreover, after receiving relevant information from Twitter, Facebook announced the removal of 7 pages, 3 groups, and 5 Facebook accounts, indicating that these pages, groups, and accounts “coordinated in engaging in inauthentic behavior.” The reason for their removal was that “we don’t want our services to be used to manipulate people” (Facebook, 2019).

Then, immediately on August 22\(^{nd}\), Google issued a statement on its website via Shane Huntley, the Director of the Threat Analysis Group, asserting that in its ongoing efforts to combat coordinated influence operations, it had discovered 210 channels on YouTube behaved in a coordinated manner while uploading videos related to the protests in Hong Kong. Google indicated that its discovery was consistent with recent

\(^7\) For example, the original administrator of Taiwan’s fan page “Zhongken Bunny Animated Image Collection Area” posted conversation records to confirm that the fan page has changed ownership. The new administrator also asked him to clarify that he did not sell the page to a Chinese national. But the cover of the said fan page was replaced with a picture of Xi Jinping, with the words “Unification Is Inevitable” written all over it. Internet pages of Taiwanese politicians or political organizations are frequently cluttered with simplified Chinese characters.
5. Conclusion

The progress of science and technology and the value-added benefits that they bring to people’s lives represent positive developments in the protection of economic, social and cultural aspects of international human rights. The economic benefits generated by China’s recent technological advances and their applications have indeed improved the people’s rights to enjoy the fruits of scientific progress, as stipulated in the ICESCR.

However, as science and technology advances, it would be a pity if one fails to notice that scientific and technological progress is a double-edge sword, since it may result in human rights violations. Compared with last year’s observation report, there appears to be the problem of further tightening in the applications of emerging technologies in daily lives and government surveillance programs this year.

In 2019, not only has the means of technological surveillance become more diverse and strict, it has expanded from online and offline electronic monitoring to the profile analysis of all possible biological characteristics, including facial recognition, gait recognition, and even DNA. In this year’s report we found that China has added new offensive weapons and continued to invest heavily on surveillance and
censorship, but basically has not deviated from similar tactics used previously, such as real-name system, increasing the responsibility of local ISP providers, record backup system, and severe punishments. In addition, the physical locations of surveillance have expanded from important transportation hubs to general public spaces such as parks and school campuses, even private and intimate residential areas. In addition to the more intuitive methods of infringing on people’s privacy, such as tracking citizen movements by surveillance cameras, in China, rights to privacy and privacy of information are gradually infringed by the voluntary “consent” of individuals, who accept some rights violations in exchange for the convenience of daily life and the enjoyment of the benefits of scientific progress.

Even so, while the costs of increased surveillance and social credit rating continue to increase, the means remains similar so we should continue to keep a watchful eye on issues of efficiency and effectiveness. Moreover, facing possible backlash, although the government has proposed a policy of not disturbing “law-abiding citizens,” first, the definition and standard of what counts as “law-abiding” fluctuates; second, the scope of monitoring and evaluation includes politics, daily economic livelihoods, and entertainment activities; and third, whether such policy is followed in practice, remains to be seen. Furthermore, as China has become more adept at employing information asymmetry and false information to its advantage, in addition to utilizing applications such as “Xuexi Qiangguo” and “AI Rumor Shredder” internally within China to brainwash and shift blame through reversing public opinion, China has also exported these related technologies to the outside world, or has applied them in foreign nations.

In summary, China’s approach to applying technologies in all aspects to attain perfect control over society has become more mature this year, is even export-ready, and continues to be strengthened. What makes China unique is the CCP government’s ability to desensitize its people to human rights concerns. Using the metaphor of the “boiling frog,” it seems that most of the frogs are willing to enter the warming pot
on their own, even forcing the frogs outside the pot to jump into the pot. Although only a few people are aware and are trying to save themselves, infringements and violations to the rights to information, privacy, freedom of expression, and even health and property, continue to exist in China for the most part.
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2019).


Human Rights in Hong Kong and Macau – Avalanche under Police Abuse

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Abstract

Until recently Hong Kong and Macau have been the only two bastions in the entire China to enjoy semi-democracy, judicial independence and high levels of civil liberties. In recent years, quickened erosion of human rights in these two territories has led to grave international concerns. The 2019 anti-extradition movement reflected people’s outcry against the sharp decline of the “one country two systems” principle: democratic reforms curtailed by Beijing, the rule of law and civil liberties undermined by politically-motivated charges and legislations. During months-long protests against the bill to amend the Fugitive Offenders Ordinance, Hong Kong police was accused of flagrant misconducts—excessive force, frivolous arrests and charges, enforcement bias and mistreating detainees. A lack of checks and balances on police’s tactics led to nasty standoffs and clashes, including several suspicious deaths. The Hong Kong government may have subsequently withdrawn the bill, but has yet to respond to protesters’ collective demands: to conduct impartial investigation into alleged police brutality, and to fulfill dual universal suffrage. It would serve the international community well to pay heed to the numerous judicial cases pending in the court, and investigations into police accountability. Meanwhile, the United States of America passed the Hong Kong Human Rights and Democracy Act, of which the ensuing impact and long-term implications on human rights status in Hong Kong and Macau deserve continued attention.

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Keywords: Hong Kong, Macau, anti-extradition movement, police abuse, the Nine Occupy-Central Activists, Hong Kong district council election

1. Introduction

Hong Kong and Macau, two former colonies, have retained economic-political systems and legal frameworks – hence human rights standards and practices – distinct from other regions of China since they reverted to Chinese rule and became special administrative regions (SARs) in 1997 and 1999 respectively. China’s bilateral treaties with the Britain and Portugal about sovereignty transfer were both based on the principle of “one country two systems” namely the two territories would enjoy high degree of autonomy “for at least 50 years without change”–except on foreign affairs and national defense – under the constitution-like Basic Law. All basic rights and regulations compliant with international standards – like covenants on human rights and labor rights – ratified during the colonial era would remain in force under the respective Basic Law. China, in contrast, signed the International Covenant on Civil and Political Rights (ICCPR) in 1998 but has yet to ratify it in domestic laws. The two SARs, meanwhile, must abide by stricter and better-defined legal obligations than China’s central government, are the only two beacons of high-level autonomy and liberty in the entire China.

The principle of “one country two systems” was formulated by then China’s leader Deng Xiaoping to keep people’s faith and prevent money exodus. Despite the safeguards set out in the Sino-British Joint Declaration and the Basic Law, intrinsic conflicts between the two systems remain glaringly clear. Toward the end of colonial rule, the British ruler in Hong Kong tried to institute long-lasting measures to uphold human rights and democracy. Most of them did not survive too far beyond the 1997 handover under China’s persistent coldshoulder. Twenty years on, the two-system ideals, even a thinly veiled protection of human rights, have gradually diminished.
under Beijing’s watchful eyes. Specifically, Hong Kong’s democratic reform efforts have stalled, even moved backwards since 2003: judicial independence eroded, national security laws enacted, patriotic education promoted, Greater Bay Area (Guangdong-Hong Kong-Macau) project pursued – all to expedite the integration with Mainland China at the expense of two-system principle. Human rights status here has quickly crumpled.

Take Hong Kong as an example: In a 2019 Freedom House report, Hong Kong’s human rights score has dropped 10 points in as many years. Specifically, in the five years since the 2014 Umbrella Movement the level of liberty continued to plunge under Beijing’s high-handed intervention (Freedom House, 2019). The city’s press freedom ranking by the Reporters Without Borders precipitated from the 18th in 2002 to the 73rd this year (Liu, 2019). Against this backdrop, Hong Kong government’s proposal to amend the *Fugitive Defendant Ordinance* inevitably triggered the largest and longest series of protests that were suppressed by local authorities with Beijing’s support. Human rights conditions continued to deteriorate.

Despite of their small land areas, Hong Kong and Macau together hold disproportionate sway over China’s domestic politics, China-Taiwan relationship, as well as the Indo-Pacific geopolitics. Political pundits constantly take the pulse of these territories to stay abreast of the state of affairs. That is why this Report introduces this new chapter specifically devoted to human rights conditions in Hong Kong and Macau. During 2019, news here was dominated by coverage of the Anti-Extradition Movement, and ancillary political rights issues – all the more fitting to shed light on the status of the “one country two systems” principle. Gleaning from abundant news resources, this author hereby presents a summary of news events followed by conclusions and the signs to watch out for pertaining human rights in Hong Kong and Macau.
2. Human Rights Issues during the Anti-Extradition Movement

On February 13 of 2019, the Hong Kong government proposed a bill to amend the Fugitive Offenders Ordinance and the Mutual Legal Assistance in Criminal Matters Ordinance, hoping to get the amendment passed at the current-year session of the Legislative Council (LegCo), Hong Kong’s top legislative body. The official stance was that, a murder case has hastened the need for such legal fine-tuning that had been anticipated for years. The amendment was meant to facilitate sending criminal suspects to places currently not having extradition treaties with Hong Kong (Ming Pao, 2019a). The bill triggered public outcry and doubts from leaders around the world (including Taiwan) about the prospects of subjecting Hong Kong citizens to the jurisdiction and legal system in Mainland China. Hong Kong authorities, despite people’s vehement objection, insisted on pushing through the bill. That uncompromising stature resulted in the largest, longest series of street demonstrations in the history of Hong Kong.

There are three human rights aspects inherent to the anti-extradition movement: (1) erosion of the rule of law, (2) police abuse of power, and (3) lack of checks and balances mechanism.

2.1 Erosion of the Rule of Law

2.1.1 Attempted Revision of the Fugitive Ordinance

The Fugitive Defendant Ordinance was legislated before the 1997 handover of Hong Kong rule. Its language specifically excluded the possibility to extradite suspects to “the People’s Republic of China or any part of it” to stick to the “one country two system” principle, to keep citizens’ rights from being infringed over discrepancy between the two sets of laws. As the Hong Kong Bar Association explained, the absence of a long-term extradition treaty between Hong Kong and China was not
a loophole \textit{per se} but a “prudent decision made after considering China’s criminal judicial system and human rights records” (The Stand News, 2019a).

Amending the \textit{Fugitive Defendant Ordinance} would project serious implications from the standpoint of Hong Kong’s rule-of-law system. First, the attempted revision would infringe on the “right to a fair trial” of Hong Kong citizens because China is not yet recognized for practicing the rule of law. Meanwhile, the intended new statute may open the door for fabricated evidence putting someone on trial in China. Prospects of such dreadful scenarios would hamper not only Hong Kong’s judicial independence, but also people’s interest in living or doing business here. Second, the bill lacked the due process for extradition: top administrative officials would be given \textit{ad hoc} authority to initiate the transfer of fugitive offender while (1) getting around legislative supervision, (2) bypassing the judicial court, and (3) failing to check if the requesting side’s judicial system can provide minimum protection of human rights. Recognizing the long-term and significant implications, Hong Kong Bar Association expounded the absence of a pressing need to amend the law just yet. As to the timely delivery of the murder suspect to Taiwan for trial – the presumptive reason for the urgent amendment bill – HKBA recommended two options that Hong Kong government chose to pass: (1) negotiating directly with Taiwan for a stand-alone treaty to resolve the quandary, or (2) revising the law enabling Hong Kong court to hear off-shore crimes committed by Hong Kong citizens (Hong Kong Bar Association, 2019).

\subsection*{2.1.2 Hasty Legislation and China NPC’s Intervention}

During the massive anti-extradition protests, police frequently fired tear gas into the crowd, arrested and charged many participants of “rioting”. Some sympathizers of the movement were sanctioned by their employers – regardless private or public – if seen to support the causes. To conceal one’s identity, also to fend against tear gas, most protesters wore face masks, surgical masks, respirators or any kind of covering. Citing “escalating violence” of protesters, Hong Kong government invoked
the *Emergency Regulations Ordinance* (ERO) to pass an anti-mask law (the *Mask Ban*) to prohibit the use of any covering that obscures the face at all assemblies or processions—authorized or unauthorized—starting on 00:00 of October 5 (Oriental Net, 2019). Pro-democracy camp filed for judicial review. Hong Kong’s Court of Final Appeal on November 18 ruled the *Mask Ban* as partially unconstitutional, saying (1) it contravenes the *Basic Law* because the ERO overstepped the legal limit in granting power to the top executive to enact new laws under the pretense of “public order being disrupted”, and (2) some statutes of the *Mask Ban* set dis-proportionate restrictions on people’s basic rights (Hong Kong In-Media, 2019).

Soon after, the Legislative Affairs Committee under the National People’s Congress—NPC, China’s top legislative body—along with the Hong Kong Macau Affairs Office (Beijing’s liaison office) issued a statement expressing serious concerns, citing “only the NPC’s Standing Committee is eligible to deliberate and adjudicate on whether a piece of legislation complies with Hong Kong’s *Basic Law*” (Xinhua News, 2019). Some legal scholars in China disagreed, saying (1) Beijing voiced its objection right after Hong Kong’s first-instance court ruling was disrespectful of Hong Kong court’s authority, and (2) such a stance seemed an attempt to interfere with the pending appeal, therefore tantamount to jeopardizing Hong Kong’s judicial independence, the core spirit of the *Basic Law* (Chang, 2019). Hong Kong’s legal professionals also expressed concerns and doubts about NPC’s statement (Ming Pao, 2019b).

Subsequently, the Court of Appeal of the High Court of Hong Kong twice approved to stay execution of the ruling that anti-mask law was unconstitutional (Li, 2019) until this Court refused to extend the stay a third time on December 10 when the anti-mask law officially became null and void.

However, the court decision clearly stated that, if the Hong Kong government eventually prevails in the appeal, those violating the anti-mask law during the interim would still face charges (The Stand News, 2019b).
2.2 Police Abuse of Power

2.2.1 Excessive Force

Hong Kong police has used excessive force to deal with protesters against the extradition bill. Besides the familiar tear gas, pepper spray and batons, the police introduced various crowd-control gadgets. Some of them are potentially lethal: such as live bullets (from a hand gun or rifle), water cannons, flash bangs, and stun grenades. Records show the police fired a total of 19 bullets (three of them hit protesters), 15,972 canisters of tear gas, 10,010 rubber bullets, 1,999 bean-bag rounds and 1,863 sponge grenades from June 9 to December 9 of 2019 (Mak, 2019).

According to the United Nations’ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (the Principles), police are to use force and firearms as a last resort, “only if other means remain ineffective or without any promise of achieving the intended result”. Meanwhile, text of the Principles says whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (1) exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (2) minimize damage and injury, and respect and preserve human life; (3) ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; (4) ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment. The Principles also stipulates that “governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law” and that “exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.”

However, there were frequent incidents where Hong Kong police used excessive or undue force and firearms:

- June 12 – Police launched a massive amount of tear gas into an originally relatively peaceful crowd, and for the first time fired – without warning–bean-
Bag rounds, pepper spray and sponge grenades. One male teacher got hit, and lost sight, in one eye (HK01, 2019a). A third-party report describes such police actions on June 12 as illegal, excessive use of force: suddenly moving in to disperse a peaceful legal assembly causing stampedes, improperly aiming tear gas at human body, and beating up protesters who made no effort to resist (Civil Rights Observer, 2019).

- July 14 – Police started to clear the street in Shatin. Some protesters were cornered into defiance at a shopping mall resulting in bloodshed (The Stand News, 2019c).
- August 11 – Police launched over 1,000 tear gas rounds in one single day. One female protester got hit, and lost sight, in the right eye by a bean-bag round. After two-month exposure to massive tear gas and potentially lethal firearms, protesters began to hurl home-made petrol bombs at police stations (Global Vision, 2019).
- August 31 – Major clash at MTR Prince Edward Station. Over 100 policemen entered to disperse the crowd on the platform. Special Tactical Squad – Hong Kong’s paramilitary riot-control force–rushed into train cabins to lash out on passengers at random. Many people sustained injury but police demanded MTR to shut down the station delaying ambulance access (Apple Daily 2019a).
- October 1 – Over 1,000 rounds of tear gas and rubber bullets each were fired. One high-school student wielded a metal pipe at a gun-holding policeman who opened fire. With a gunshot wound on his left chest, the youth was in critical condition at one point (Wai, 2019).
- November 11 – in a move dubbed the “Dawn Operation”, protesters erected barricades on major thoroughfare causing wide spread traffic disruption. A traffic police fired live rounds bullets at unarmed demonstrators. Two men were injured; one of them in critical condition at some point. An old man was doused with flammable liquid and set on fire after confronting a group of protesters. He
suffered severe burns (BBC Chinese Net, 2019a).

- November 11-15 – In the attempt to remove barricades and disperse traffic-blocking crowds, police clashed with protesters on the campus of the Chinese University of Hong Kong (CUHK). The conflict culminated on the 12th when police unleashed a massive amount of tear gas and fired water cannon. Dozens of protesters (mostly students) received medical care (Yang and Chen, 2019).

- November 17-29 – University of Science and Technology (HKUST) was under siege. Police kept social workers and paramedics from entering to help, and arrested whoever trying to leave. The police put on the greatest show of force since the movement began: multiple armored vehicles and water cannon trucks, helicopters, flash bangs, stunt grenades, live and rubber bullets, as well as snipers. On the 18th alone, 1,400 rounds of tear gas were fired. Protesters had no choice but to put up blockade with home-made petro bombs, and defend themselves with bricks, bow and arrows, and air guns. Casualty was huge: six policemen, plus over 280 civilians on and off campus were injured (BBC Chinese Net, 2019b).

According to confidential information leaked to the press, police had revised the use-of-force guidelines to relax the standards for shooting firearms, and to add items to the list of low-hazard devices like water cannon and bean-bag rounds (Cheung, 2019). However, even low-hazard devices could cause injury or death if the user does not comply with manufacturer’s instruction or international safety guidelines. During the months-long confrontation, so-called low-hazard devices have caused many protesters to sustained head injury; some with massive bleeding or coma. In the most unfortunate cases, at least two reporters and one male teacher lost partial vision.

Extensive use of tear gas also caused discomfort in front-line reporters, protesters and local residents, even babies. Police admitted to firing tear gas that had gone beyond expiration date, hence more toxic, but refused to disclose the chemical composition. Public health experts questioned the motive behind such secrecy (The
Michelle Bachelet, United Nations High Commissioner for Human Rights, expressed her concerns in a statement specifically to condemn Hong Kong police’s tactics: firing intensive tear gas into crowded, enclosed areas and directly at individual protesters on multiple occasions, “creating a considerable risk of death or serious injury…not conform to international standards”. She urged the Hong Kong authorities to investigate into these incidents immediately. She rebutted the Liaison Office’s comments about “sprouts of terrorism” emerging in Hong Kong, calling such accusations “not helpful and risk inflaming the situation.” (Reuters, 2019)

From time to time, Hong Kong police attacked the wrong targets, especially reporters in the line of duty. A citizen-compiled investigative report documented over 80 incidents, from June 10 to August 10, in which reporters were impeded from covering the events (Anonymous, 2019). Reporters without Border also pointed out, from June 12 to November 19, police deliberately pounced on journalist with pepper spray, intense spot light, battering, dispersion tools, and verbal abuse to restrain or block photography. Sometimes, reporters were detained (Reporters without Borders, 2019). Major incidents were:

- September 15 – One student journalist was arrested during reporting.
- September 29 – One Indonesian reporter lost his sight in the right eye by a rubber bullet in Wan Chai area.
- October 1 – one reporter doing live coverage was picked up and detained for over 24 hours.
- October 14 – A bean-bag round hit the back of head of an SNG truck operator who fell to the ground and was taken into a police office; the operator later claimed he was injured when beaten up at a police station.
- October 27 – police fired crowd-control bullets into the press group at MTR Mong Kok station; one reporter was hit in the leg; a photographer in a nearby area was detained for three hours.
November 17 – police shot water cannon at the press group outside the Hong Kong University of Science and Technology (HKUST); one social media reporter went into shock on the spot; at the hospital he was found to be bleeding from skull fractures requiring surgery.

November 19 – several reporters under siege inside HKUST were held at gunpoint to kneel down, raise their hands for body search, and forced to unlock cell phones to disclose the contents inside.

In contrast, police launched tear gas and water cannon at people outside the campus, injuring many reporters who – despite their protective gears – got hit in the head and midriff. A photographer from the Mad Dog Daily went into shock from bleeding and a fracture in the back of the skull (Li, 2019a).

Social workers on duty at the front line were not immune to police arrest either. Social worker groups’ data showed, at least 12 social workers were arrested by the end of August (Radio Free Asia, 2019a). Hui Li Ming, Secretary General of Hong Kong Social Workers’ General Union (HKSWGU), was detained after a street demonstration on September 29 (Kwong and Chan, 2019).

There were other dubious behavior in the name of law enforcement: Flanking to surround demonstrators leaving the scene; battering protesters showing no attempt to resist, or those already subdued; randomly stopping people on the street and beating them up; barging into business premises searching for suspects; curbing journalists at work; keeping detainees inside dark vehicles to ban outsiders from looking in; forceful dispersion of crowds triggering stampedes; aiming pepper spray or intense flash light at people’s face; ramming police vehicles into the crowd; and obstructing ambulances from attending to emergency (Anonymous, 2019).

The police’s typical defense for the use of force was that “protesters had turned violent”. Yet, there were witness accounts about policemen posing as protesters to hurl gasoline bombs before riding away on police vehicles. The police’s argument failed to convince the public (Tong, 2019).
Besides the abuse of force, the police was also accused of enforcement bias: turning a blind eye when triad-linked thugs assaulted protesters. On July 21 at Yuen Long MTR station, police remained on the sideline when a mob of hundreds of men in white shirt lashed out – with steel rods and rattan canes – at commuters in general and black-clad protesters in particular, inside the Yuen Long MTR Station. A total of 45 people were injured (Radio Free Asia, 2019b). Rumors suggested a link between the police and the instigators. Subsequently, about a dozen of activists, council members, students and reporters plus many citizens have been assaulted physically by the end of the year 2019. Two incidents in August – Fujian Gang members wielding long poles in North Point; and thugs vandalizing a Lennon Wall in Tseung Kwan O – put residents in constant fear of further violence (Kung and Lo, 2019). Out of the 34 suspects arrested by the end of October for involvement in the Yuen Long incident, only six were charged of participation in an act of violence (The Stand News, 2019e).

2.2.2 Frivolous Arrests and Charges

The number of arrested during this wave of demonstrations reached a new record since the Hong Kong 1967 Leftist Riot. Official police figures show, from June 9 to early December, a total of 6,022 persons (4,474 males and 1,548 females) aged from 11 to 84. Students, 2,393 of them, accounted for about 40% (BBC Chinese Net, 2019c).

Monthly arrest numbers were 73 in June, 224 in July (triple the June figure), 755 in August and September together (triple again), over 1,000 in October. The first 14 days of November saw 1,318 detained, more than the entire month of October (excluding the 1,377 persons arrested at HKUST incident). However, the post-arrest charging rates were quite low, 12% in June, 36% in July, 17% in August, 22% in September, 12% in October, and only 9% for the first half of November. Namely, about 80% of those arrested were not charged with any crime, leading to suspicion that most arrests were unjustified. A person can be detained for up to 48 hours by law, but the police claimed there were no records about time of detention, arraignment, or
taken to hospital (The Stand News, 2019f). Witness accounts and journalist reports suggested some policemen were involved in “framing” protesters, or verbally and physically abusing arrestees (Huang and Chen, 2019).

The alleged frivolous arrests may have resulted from an antiquated law. In essence, the term “riot” was poorly defined in Article 19 of the Public Order Ordinance (POO) when enacted under British rule. The ambiguous term gives a low threshold for an action to constitute a riot, and the up-to-10-year penalty discourages exercising the right to peaceful assembly (HK01, 2019b). When Hong Kong authority cited the POO to call a peaceful rally as a “riot”, it gave police an excuse to charge into the crowd and attack protesters indiscriminately. Meanwhile, the heavy penalty encouraged protesters to defy police orders for fear of oneself or partners getting arrested. During the siege of the Hong Kong Polytechnic University (PolyU), the police pressed charges of rioting against everyone on the campus—non-protestors included, like journalists, social workers, and third-party observers. Except for journalists with credentials, whoever present on campus at some point, even paramedics and social workers, were brought out with their wrists zip-tied. Those blockaded themselves in were fatigued in body and spirit. After negotiation, they gave themselves up—adults were arrested on the spot; under-aged individuals were allowed to leave, not before personal details taken and given a warning of possible charges (Yang, 2019). Under the principle of “no crime without law”, there is a gray area about what actions constitute a crime of “inciting riot”.

Moreover, the POO requires prior police consent for all forms of assembly and street march. Starting late July, the police repeatedly diverted demonstration routes or objected to rally plans. Consequently, many people inadvertently got entangled in the web of illegal assembly (Fo, 2019b).

In addition, there were lots of questionable searches. Simply because someone had a black shirt on, he or she would be subject to a search. Those not arrested were required to leave their personal information. Some policemen were accused of
break-in searches without a warrant. A police enforcement tactic caused concerns: many protesters were forced to unlock their cell phones (with finger print or facial recognition) to show the contents for police search (Chen, 2019). Authorities even resorted to “buying” evidence. Someone came forward to claim that Beijing paid him to take close-up facial photos of protesters during the 2014 Umbrella Movement and this 2019 wave of rallies (She, 2019). Sloppy law enforcement was common: Someone did not know he was charged until he saw it on TV news; no statement was taken for many arrestees; another arrestee did not get his statement taken and there was no charge on his bail document (Ming Pao, 2019c, 2019d).

2.2.3 Ill-treatment and Physical Abuse

There were plenty of shots on videos captured on scene to show female protesters’ undergarments exposed or their breasts touched in the tussle with police. On August 5, a lady’s skirt flipped open to disclose her undies when arrested (Wong, Lui, and Tju, 2019). On December 3 a female HKUST reporter claimed a male policeman pressed her breast for five seconds (The Stand News, 2019g).

There were multiple accusations about sexual abuses in the hands of police during detention. A female protester claimed she was subject to unjustified strip search in the presence of policewomen who made offensive moves (Kayue, 2019). A young girl alleged she was sexually assaulted, even gang raped by policemen (Lee, 2019). Hong Kong police denied all such charges.

A New York Times reporter was able to verify from on-scene video clips that a few undercover policemen rushed to arrest several protesters whom were badly roughed up. Instead of being sent to the hospital, they were delivered to a remote detention unit without access to lawyers or a chance to call the family. Two arrestees interviewed by New York Times showed serous physical and mental trauma (Marcolini, 2019).

Amnesty International (AI) was in the opinion that Hong Kong police used excessive force to conduct “reckless” and “random” arrests. Out of the 21 arrestees
that AI interviewed, 85% said they did get medical attention for injury or pain sustained during the arrest or detention, but someone waited for over seven hours in a police office before being sent to the hospital. A male arrested in the New Territories claimed police hit him at both legs with hard objects and shone laser pen into his eyes forcibly held open. He was sent to the hospital for bone fracture and internal bleeding. Another male protester arrested at Sham Sui Po said police demanded repeatedly he unlock the cellphone, or they would electric shock his genitals. He also witnessed a young man coerced by police to shine laser pointer into his own eyes for about 20 seconds. Many protesters held at San Uk Ling Detention Center were denied access to lawyers because “there was no telephone network” (Radio Free Asia, 2019c).

2.2.4 Suspicious Deaths

There were several people died of “suspicious causes” during the anti-extradition movement, including the mysterious fall of Chow Tsz-lok, an HKUST student, who died from a head injury (New York Times, 2019). Hong Kong Security Bureau’s report on November 13 that a total of 256 deaths – from June to September of 2019 – were tentatively determined to be suicide. This number has a year-on-year increase of 34, and is higher than same-period numbers in all four previous years. During the same June-to-September period, police responded to 2,537 calls that involved human corpses found, DBA (dead before arrival) or DOA (dead on arrival) cases, including some with to-be-determined causes of death. This number is higher than the same period of four previous years; including an increase of 311 calls from 2018 (Central News Agency, 2019a).

The above police data indicated a significant increase of unnatural deaths, suicides or causes unknown. But why? Nobody really knows. With the crumbling public trust in the police, it would be one person’s word against another’s unless there is independent investigation.
2.3 Lack of Checks-and-balances Mechanism

Carrie Lam, Hong Kong’s Chief Executive has always stood behind the police despite reports of questionable tactics and undue violence. Regarding specific accusations, Lam said she would defer to the existing supervisory mechanism and police force’s internal investigation. Meanwhile, she welcomed self-claimed victims of police brutality to press charges (The Stand News, 2019h). Meanwhile, the police always defended its controversial behavior despite widespread criticism, and attributed incoming allegations to accusers’ resentment facing charges of inciting riot. Hong Kong’s Independent Commission Against Corruption (ICAC) already acknowledged complaints filed by citizens charging police involvement in the July 21 Yuen Long station attack (The Stand News, 2019i).

Despite protesters’ repeated demand for independent investigation into police actions, Chief Executive Lam would not take it under consideration citing reviews by the Independent Police Complaints Council (IPCC), a police watchdog entity, would be adequate. However, the public had little faith in IPCC’s competence. Over the past seven years, there were 2,119 accusations about police using excessive force, only two cases, less than 0.1%, sustained (Economic Daily, 2019). In response to criticism that front-line policemen failed to show warrants or wear badges, some IPCC members openly advocated that the Special Tactics Squad, a paramilitary force nicknamed the Raptors, need not show police identification in the line of duty to avoid retaliation (Huang and Mo, 2019).

Hong Kong people generally believe IPCC has no teeth because it has no investigative power, nor authority to subpoena witnesses. Actually, Lam committed on September 4 to beef up IPCC’s investigative competency, specifically increasing the seats on IPCC board, and set up the International Expert Panel (IEP) to evaluate IPCC’s ability (Liberty Times, 2019). Two months later, the IEP issued a status report on November 8 saying IPCC’s mandate, capacity and impartiality – to look into police’s handling of protesters in a movement of such a magnitude – were too limited
to present a report compliant with international human rights standards. The IEP concluded that, IPCC’s current tasks would be, at the very best, to lay the foundation for future in-depth review by an impartial third party. On December 11, the five-member IEP resigned and recommended setting up another objective body (The Stand News, 2019). After the November local election Lam said she would consider setting up an independent review commission, but police actions would not be subjected to review (Lin, 2019).

Besides the existing grievance mechanism and independent review, private citizens could only resort to judicial procedures to seek civil compensations. A number of victim groups are raising funds to sue police for brutality (Apple Daily, 2019c).

3. Political Human Rights

3.1 Right to Political Participation and Fair Election

Hong Kong held a local election on November 24 for councils in all 18 districts. Beijing mobilized all possible channels trying to sway voters: Beijing’s liaison office in Hong Kong released a film entitled “Say no to violence” on the day before the election (Office of the Commissioner of the Ministry of Foreign Affairs of the People’s Republic Of China in the Hong Kong Special Administrative Region, 2019); a school in Guangdong solicited votes through students for a certain political party (Apple Daily, 2019d). Other irregularities included: an association of junior police officers applied for, and obtained, a court order to deny access of voters, candidates and press media to full electoral registry. Detractors saw that as trying to hide evidence of alleged vote rigging (Lau, 2019); Joshua Wong, a candidate of Demosisto, a pro-democracy party, was disqualified from running (Hai, 2019); some candidates gave elderlies free bus rides to the ballots with not-very-subtle in-bus reminders about whom to vote for (Kwok, 2019; the Stand News, 2019k).
On August 25 Macau’s Ho Iat Seng ran, uncontested, for Chief Executive to govern the former Portuguese colony. He was elected by a cliquey electoral college which was not chosen through popular votes. Both Hong Kong and Macau are governed under the “one country two systems” principle but only Hong Kong’s Basic Law, the pseudo constitution, stipulates a gradual progress toward general suffrage for the top governor and the top legislative body. However, Macau civil society conducted a referendum in 2014; 8,659 citizens (near 95%) out of 8,700 favored the idea to elect the top official via a general election (Central News Agency, 2019b; Voice of America, 2019a). Incidentally, the by-election on November 24 of one LegCo seat in Macau was also uncontested (Central News Agency, 2019c).

3.2 Freedom of Speech, Assembly and Association

In April, the Umbrella Nine, leaders of the 2014 pro-democracy Occupy-Central Movement – including Chan Kin-man, Chu Yiu-ming, Benny Tai Yiu-ting and current legislator Tanya Chan – were sentenced to various prison terms from eight to 16 months. Only Chu Yiu-ming and Tanya Chan got probation; the others were sent to jail right away (Tang, 2019; Pong, 2019a). Beyond the reverberation of Umbrella Nine’s sentences, ramification of the anti-extradition movement is looming in the horizon. Hong Kong police is still pursuing other defendants involved in the 2014 movement. Some pro-establishment LegCo members urged the University of Hong Kong (HKU) to dismiss Benny Tai from its faculty of law (Radio Free Asia, 2019d; The Stand News, 2019l). The four land activists convicted for the 2014 Rally for North East New Territories (NENT) got their cases remanded in March by the Court of Final Appeal. Two of them were promptly sent to serve the few weeks jail term (Lai, 2019). School campuses have their share of activism too. In March 2019 Hong Kong Polytechnic University’s disciplinary board meted out punitive actions – expulsion from school, suspension and social services–against four students who had scuffled with staffs in 2018 against school’s removing pro-independence posters from the
“democracy wall” on campus (The Stand News, 2019m). Even migrant workers were involved. One Indonesian house maid-cum-writer, was repatriated presumably for her support of the pro-democracy movement when her visa expired (Apple Daily, 2019e).

For years, Hong Kong’s activists have held memorials, like the June 4 candlelight vigils and the July 1 Rally, on the anniversary of the Tiananmen Square Incident that happened on June 4, 1989. But they face more and more pressure in recent years from the authorities to skip the ritual. On the 30th anniversary of the Beijing massacre, pro-China groups resorted to dirty tricks to disrupt the re-opening of the June 4th Memorial Museum (Ming Pao, 2019e). For two years in a row, police turned down human rights groups’ applications to start rally route at the Victoria Park (Lee, 2019).

Freedom of speech, assembly and association has also been under restraint in Macau. Some members of Macau’s LegCo, the top legislature, proposed to commemorate the June 4th event, but the legislative speaker refused to honor a discussion (AllAboutMacau, 2019a). Starting in August, Macau police repeatedly turned down citizens seeking to hold rallies against Hong Kong police’s crowd-control tactics. The Macau court upheld Macau police’s decision (AllAboutMacau, 2019b). In September and October, tension escalated between citizens/students and Macau police in a wave of confrontations. Like in Hong Kong, one Lennon wall popped up after another in Macau (1) in support of Hong Kong demonstrations and (2) against Macau’s city-wide electronic surveillance system. Many citizens were charged with “defacing properties”, or fined for illegal posting, and some students were intimidated with ID-checks. Some placard-holding students from Macau’s Institute for Tourism Studies were dispersed, and later investigated for alleged illegal assembly (AllAboutMacau, 2019c, 2019d).

Authorities in China, Hong Kong and Macau have abused their border control measures to suppress the freedom of speech. In recent years, that intimidation tool has extended to people from Taiwan and abroad. Hong Kong denied entry against “overseas
elements” in days leading up to the 30th anniversary of the June 4th Tiananmen Incident (Radio Free Asia, 2019e). During the anti-extradition movement, many citizens from Taiwan or Macau suspected to be supporting the causes were turned back at the Hong Kong border. Student activists and members of the pro-democracy camp from Hong Kong trying to visit Macau were rejected (Pong, 2019b; AllAboutMacau, 2019e; The Stand News, 2019n). Two former Philippine officials–having previously participated in a complain to the International Criminal Court against Xi Jinping for alleged “crime against humanity”–were detained for several hours upon arrival in Hong Kong (in May and June respectively); one of them was eventually denied entry (BBC Chinese Net, 2019d). Before and after Xi’s visit to Macau on December 18, many reporters were harassed or kept out while Chinese public security officials set up one more checkpoint for passengers entering Macau from Hong Kong (Shi Tao, 2019).

In the name of protecting the integrity of National Anthem and maintain public order, the two former territories have pushed for legislations to put a gag on free speech, artistic creativity and to silence dissents. Macau’s Regulations on the Use and Protection of National Flag, National Emblem and National Anthem (the National Anthem Law) was enacted in January 2019. Whoever alters the score or performs it in a “twisted or derogatory” manner will face a prison term up to three years (Voice of America, 2019b). Hong Kong government introduced a similar bill which is going through the second reading (Chang, 2019a). Macau’s Civil Protection Framework Bill (later enacted in June, 2019) introduced a new category of crimes “causing harm to public safety, order and peace”, more commonly known as the “rumor offense”.

The clauses–criticized for lack of rigorous definition–may become a tool to curtail the freedom of the press and expression (AllAboutMacau, 2019f).

Hong Kong’s education sector was affected too. About 80 teachers and teaching assistants were arrested from June to the end of year. The Education Bureau claimed there had been over 100 complaints since June about teachers “compromising their ethics”, mostly by “spreading hate languages, provocation and disseminating
improper teaching materials”. The bureau urged the schools to follow through certain guidelines to “dismiss such unlawful teachers and delinquent students”. The bureau chief threatened to fire school principles if they did not collaborate with official investigations. Such menace was tantamount to an atmosphere of “white terror” or witch hunt (Chang, 2019b; Sun, 2019).

3.3 Freedom of the Press

Reporters Without Boarder in Hong Kong issued a report in April saying freedom of the press had been severely eroded under the shadow of Beijing: more than half of Hong Kong’s media owners have close political or business ties with Chinese authority. Beijing’s Liaison Office here controls, in part or the whole, some major media houses (Liu, 2019). A survey conducted by the Hong Kong Journalists Association showed that 70% – 6% more than year 2018–of reporters feel intimidated covering news of different views when central government officials kept preaching “one country supersedes two systems”; and 22% of reporters surveyed say had been pressured by supervisors to skip entirely or cover less of Hong Kong’s pro-independence campaign (Fu, 2019a).

Sino United Publishing Group, a book distributor holding 80% market share and controlled by the Liaison Office, announced in April it would move the logistic center back to Guangzhou (inside China). The news triggered concerns that books published in Hong Kong would be subjected to censorship by China, and Hong Kong’s independent publishers would be doomed in the face of higher political risks and costs (Pong, 2019c).
4. Conclusion and Prospect

Hong Kong and Macau are the two last bastions enjoying some forms of democracy, judicial independence and high degree of civil liberty in the entire Chinese territory. However, the “one country two system” governance principle has been severely eroded recently: democratic reforms blocked by Beijing, the rule of law and civil liberty have dwindled under a series politically motivated allegations and legislations. Human rights situations have deteriorated in a faster pace, causing serious concerns worldwide.

The rule of law used to be the pride of Hong Kong, and the pillar of “one country two systems” principle. In early 2019 Hong Kong government’s resolve to amend the extradition mechanism was already an affront to the rule-of-law institution. Subsequently it chose to crush dissenting voices in order to force through the bill. During the anti-extradition movement, Hong Kong police engaged in tactics tantamount to widespread and severe violation of human rights, and enjoyed impunity due to lack of checks and balances. During the year 2019 human rights status in Hong Kong crumbled like an avalanche.

Though Hong Kong authority already formally withdrew the controversial bill, it remains to be seen if somebody may try to revive the attempt, or whether Chinese authorities will cross the border to “enforce Chinese laws”. The Mask Ban has been declared unconstitutional for now, but the Hong Kong government has filed an appeal. In the event the court eventually rules in favor of the government and the mask ban, people would fear there is no more legitimate judicial review to override Chief Executive’s invocation of emergency power. Moreover, members of China’s National People’s Congress (NPC), the top legislative body, declared only Beijing has the right to adjudicate on issues of constitutionality after Hong Kong High Court’s ruling on the Mask Ban. Hong Kong’s judicial independence seems in jeopardy.

During the anti-extradition movement, there were numerous accusations against police abuses: use of excessive force, frivolous arrests and charges, ill-treatment
during detention, collusion with gangsters, nonconformance of due process on some suspects, and multiple suspicious deaths. Such alleged misconducts not only inflicted direct trauma—physical and mental—on protesters, but also nurtured deep-rooted collective distrust of public health authority and negative social sentiment. Time and again Hong Kong government ignored people’s outcry for independent review of police’s crowd-control conducts, allowing police power to expand unchecked. This does not bode well with Hong Kong’s long-term development. Frivolous arrests and charges have posed tremendous pressure on the city’s judicial system. The cases pending in the court deserve our continued attention for years to come.

Status of people’s civil liberty and the right to political participation continued to dwindle in Hong Kong. Peaceful protesters like the Nine Advocates of the Umbrella Movement have been convicted and serving time. Macau’s new legislations on national anthem and civil protection may deepen citizens’ self-censorship. Erosion of Hong Kong’s press freedom was no news. But in 2019, it sank into an abyss. The local election held on November 24, ostensibly to choose district council members, looked more like a referendum for the Five Demands. Rumors of Beijing’s hand behind the scene ran unabated casting doubt on election fairness.

Despite the doubt over procedural integrity, the 70% voting rate was historic high, and pan-democracy camp won the majority of seats. This was consistent with outcomes of various public opinion polls: testifying to the strong support of the anti-extradition causes and deep resentment against Hong Kong government and police.

United States president Donald Trump signed the Hong Kong Human Rights and Democracy Act on November 27, 2019 thus turning over a new page in human rights status in Hong Kong and Macau. This Act stipulates an annual certification of Hong Kong’s autonomy to justify special treatment afforded to the city, and to impose targeted sanctions against those who violate human rights in the territory (BBC Chinese Net, 2019e). Hong Kong citizens will vote for a new slate of the Legislative Council in 2020. This Act requires the fulfillment of dual general suffrage in year
2020. The upcoming election will be a focus of attention for those closely watching Hong Kong’s political reform progress.
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Taiwan Foundation for Democracy

Background
Taiwan’s peaceful transition to democracy is not only a historical accomplishment for its twenty-three million people, but a landmark in the worldwide spread of democracy. Only after years of struggle and effort could this transformation take place. We must never forget this history, for it shapes the cornerstone of our continued commitment to the principles of democracy and human rights.

The Foundation was established with an inter-related, two-tracked mission in mind. Domestically, the TFD strives to play a positive role in consolidating Taiwan’s democracy and fortifying its commitment to human rights; internationally, the Foundation hopes to become a strong link in the world’s democratic network, joining forces with related organizations around the world. Through the years, Taiwan has received valuable long-term assistance and stalwart support from the international community, and it is now time to repay that community for all of its efforts.

The Ministry of Foreign Affairs initiated the Taiwan Foundation for Democracy project in 2002. After much research and careful evaluation, the Ministry integrated the required resources from many sectors of society. In January 2003, the Ministry obtained the support of all political parties to pass the budget for the Foundation in the legislature. At that meeting, Legislative Yuan President Wang Jin-pyng was elected the TFD’s first chairman, serving until 2016. On March 23, 2016, Legislative Yuan President Su Jia-chyuan was elected its second chairman, and on March 5, 2020, the current chairman You Si-kun was elected. According to its By-laws, the TFD is governed by a total of seventeen trustees and five supervisors, representing political parties, the government, academia, non-governmental organizations, and the business sector.

Mission
The Taiwan Foundation for Democracy (TFD) is the first democracy assistance foundation to be established in Asia, and is devoted to strengthening democracy and human rights in Taiwan and abroad. Its primary concerns are to further consolidate Taiwan’s democratic system, promote democracy in Asia, and actively participate in the global democratic network.

The TFD will put its ideals into practice through farsighted, transparent, and non-partisan management. Building on the strength of both political parties and civil society, the TFD will enable Taiwan to positively contribute to the worldwide movement for democracy. According to its By-laws, the Foundation’s mission is as follows:

■ Work with the international community to strengthen democracy around the globe and expand Taiwan’s participation in international activities;
■ Support democratization in Asia and the rest of the world by establishing close relationships with leaders of the world’s democracies and cooperative partnerships with civil society groups, political parties, think tanks, and non-governmental organizations in democratic countries; and
■ Elevate Taiwan’s democracy and further consolidate its democratic development by promoting education in democracy and international exchanges among academic circles, think tanks, parliaments, and political parties from the world over.

Our Tasks
The primacy source of funding for the TFD is the government. However, it is independently incorporated, non-partisan, and non-profit. According to its By-laws, the Foundation may accept international and domestic donations. One fifth of its budget is reserved for Taiwan’s political parties, supporting their own international and local initiatives that are in line with the mission of the TFD. The remaining budget is used for the TFD core activities, including:

■ Building relationships with related institutions around the world;
■ Participating actively in the global promotion of democracy and supporting the improvement of human rights conditions;
■ Supporting democracy promotion activities of NGOs and academic institutions;
■ Promoting research and publications on democratic developments at home and abroad; and
■ Holding seminars, workshops, conferences, and other educational activities in the area of democracy and human rights.