

臺灣民主基金會
Taiwan Foundation for Democracy

本出版品係由財團法人臺灣民主基金會負責出版。臺灣民主基金會是一個獨立、非營利的機構，其宗旨在促進臺灣以及全球民主、人權的研究與發展。臺灣民主基金會成立於二〇〇三年，是亞洲第一個國家級民主基金會，未來基金會志在與其他民主國家合作，促進全球新一波的民主化。

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.

本報告由臺灣民主基金會負責出版，報告內容不代表本會意見。
版權所有，非經本會事先書面同意，不得翻印、轉載及翻譯。

This report has been published by the Taiwan Foundation for Democracy. Statements of fact or opinion appearing in this report do not imply endorsement by the publisher.

All rights reserved. No portion of the contents may be reproduced in any form or by any means without prior written permission of the publisher.



臺灣民主基金會
Taiwan Foundation for Democracy

《*China Human Rights Report 2020*》

Contents

Foreword..... i

Preface..... 1

Human Rights Dialogue and Confrontation between China and the World..... 23

Political Rights 59

Human Rights in the Chinese Administration of Justice 89

Social Rights 131

Economic and Environmental Rights 163

Religious and Ethnic Minority Rights..... 189

Gender Rights 225

Taiwan-related Human Rights 267

Scientific and Technological Rights..... 303

Human Rights in Hong Kong and Macau..... 337



Foreword

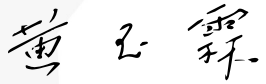
With the guidance and assistance of our Chairman, Board of Trustees, and Supervisory Board, as well as scholars and experts, the Taiwan Foundation for Democracy (TFD) has published the annual *China Human Rights Report* since 2004. It is the first multi-dimensional report in Taiwan dedicated to human rights in China. During the past 16 years, the scope of the report has been broadened according to the changes in China's human rights conditions. A general framework has been developed for the consistency of analysis that allows comparison across time. This report has its intrinsic value as a source of information for people and organizations at home and abroad. It is also expected to draw further international attention to the gradual deterioration of Chinese human rights conditions and to strengthen international public opinion calling on the Chinese government to improve its human rights record.

Human rights issues are multi-dimensional and dynamic, as set forth in the International Bill of Rights, including the *Universal Declaration of Human Rights* (UDHR) of the United Nations and the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). The *China Human Rights Report 2020* uses these core international human rights standards as benchmarks for its discussion of actual events and cases in China, which form the empirical basis for this report. The ten areas of the observation include Human Rights Dialogue and Confrontation between China and the World, Social Rights, Political Rights, Human Rights in the Chinese Administration of Justice, Economic and Environmental Rights, Religious and Ethnic Minority Rights, Taiwan-related Human Rights, Gender Rights, Scientific and Technological Rights, and Human Rights in Hong Kong and Macao. Therefore, this report is intended to present a comprehensive picture of human rights development in China from a perspective that is consistent over time.

© 2021 by Taiwan Foundation for Democracy

The project team for the *China Human Rights Report 2020* was led by Professor Liwen Tung. The authors of each chapter produced daily log collections and monthly reports on the basis of relevant public information available in China, Chinese government statements and decrees, and media reports from Taiwan and abroad. Through mutual discussions and exchanges of views at bi-monthly meetings, expert meetings, and external reviews, the authors updated their chapters to ensure the quality of the articles for publication. Under Professor Tung's leadership, the team of scholars and their assistants have contributed considerable efforts. Apart from regular annual analyses, the *China Human Rights Report* provides commentary on key events of the year. In 2020, these included the use of the Covid-19 pandemic to restrict people's freedom of movement, the introduction of the Hong Kong *National Security Law*, and the controversial developments in the Xinjiang re-education camps involving the transformation of ethnic identity. These developments indicated that Beijing has been comprehensively and systematically infringing on human rights areas across the board. The TFD hopes that this report will bring positive change through increasing awareness and understanding of current human rights conditions in China, thereby strengthening voices, both home and abroad, calling for improvements of these conditions and expressing concern for human rights activists in China.

Yu-Lin Huang



President
Taiwan Foundation for Democracy
March 23rd, 2021

© *2021 by Taiwan Foundation for Democracy*

Preface

Li-wen Tung*

The *China Human Rights Report*, published by the Taiwan Foundation for Democracy (TFD), follows the contents laid out in the United Nations *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social, and Cultural Rights*, and uses these two covenants as the norms and standards for observing and monitoring human rights in China. This year's report has ten parts, including chapters on the human rights dialogue and confrontation between China and the world, social rights, political rights, judicial rights, economic and environmental rights, religious and ethnic minority rights, science and technology rights, gender rights, human rights related to Taiwan/Taiwanese, and the human rights in Hong Kong and Macau.

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 2020. 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.

The Covid-19 pandemic first broke out in China at the beginning of 2020 and then spread to the rest of the world, causing immense damage that has not yet ceased. We can say that due to the outbreak of this once-in-a-century pandemic, China's human rights violations, especially in Hong Kong and Xinjiang, have

* Professor, Department of Public Security, Central Police University. E-mail: liwen@mail.cpu.edu.tw.

© 2021 by Taiwan Foundation for Democracy

reached unprecedented levels. Yet the CCP remains committed to justifying and legitimizing its suppression of human rights, including manufacturing lies about its coronavirus response. In all human rights domains, China has not only approved numerous new policies and regulations that restrict and infringe on people's rights, but it has also caused many new human rights persecution cases to emerge which are both disheartening and shocking. Even more serious is the fact that the CCP utilizes the entire resources of the government to tout to the international community that China's human rights situation has significantly improved and create the illusion that the Chinese people fully accept the government's leadership through disinformation methods.

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

1. Human Rights Dialogue and Confrontation between China and the World: A Year of Action in Which Liberal Democracies Joined Forces to Counter China

Compared to last year (2019), the year 2020 was a year of action in which liberal democracies joined forces to counter China. By and large, amid concerns over human rights abuses in China, the international community successively focused its attention on the following five major events: "China's deliberate cover-up of the Covid-19 outbreak," "how a free and democratic Taiwan achieved success in battling the pandemic," "China's use of wolf warrior diplomacy threatens the global regime of freedom, democracy, and human rights," the aftermath of "Hong Kong's *National Security Law*," and the ongoing saga of "Xinjiang re-education (internment) camps." The Covid-19 pandemic affected the entire world and caused heavy losses in many countries. Chinese efforts to conceal the true extent of the coronavirus outbreak and fabricate data allowed the pandemic to spread around the world, compelling numerous governments to propose resolutions at the World Health Organization (WHO) to

© *2021 by Taiwan Foundation for Democracy*

investigate the origins of the virus, its routes of transmission to humans, and the appropriate countermeasures.

The Chinese Communist Party (CCP) has applied military, political, and diplomatic pressure against Taiwan's democratic politics. However, Taiwan's successful response to the pandemic has increased solidarity and support for Taiwan from both governments and public opinions around the world. Furthermore, the CCP has passed and put into effect the *National Security Law* in Hong Kong, which undermines the *Sino-British Joint Declaration* and suppresses the democracy and freedom of the people of Hong Kong. China has also repressed ethnic Uyghurs through the establishment of concentration camps in Xinjiang. These major human rights abuses have continued to raise grave concerns in liberal democracies around the world, leading them to take collective action against China.

In response to international suspicion and criticism, China launched a global Covid-19 propaganda campaign (diplomacy and propaganda war), first through "head-of-state telephone or video diplomacy" led by the CCP General Secretary Xi Jinping, then followed by "mask diplomacy or health diplomacy," which involved the mobilization of the entire government. When Beijing discovered that its propaganda blitzes and deceptions were ineffective, it then unleashed the hardline "wolf warrior diplomacy" in an attempt to intimidate the international community into silence.

China has worked diligently to control the United Nations and promote its concept of "a community with a shared future for mankind," which is an attempt to replace universal human rights values of democracy and freedom. The core principles of the so-called "community with a shared future for mankind," are that (national) sovereignty is above human rights, no intervention in the internal affairs of other countries, and the use of authoritarianism's efficiency to develop the economy and keep the people under surveillance to achieve the so-called "peace, stability, and prosperity."

The new development in 2020 is that increasingly more governments and

© 2021 by Taiwan Foundation for Democracy

individuals from the world's liberal democracies have seen through the lies of the CCP, have had the courage to expose and condemn China's deceit, and have jointly taken stronger action to counter China's attacks on global freedom, democracy, and human rights.

2. Political Rights: Malignant Consequences of Restricting the Freedom of Speech

When reviewing the development of China's political rights in 2020, the two main features are the malignant consequences of restricting the freedom of speech and the compound violation of political rights. In this article, "freedom of speech" refers to the general term of freedom of opinion and expression, and "compound violation" refers to the violations of two or more than two types of political rights in one single case. Some representative cases of continued infringement of the right to liberty include Li Wenliang's admonition, the concealment of information regarding the Covid-19 epidemic outbreak and maintaining the stability of June 4th memorials. Some representative cases of the aggravated violation of the right to liberty include Cai Xia's disciplining and the approval of Geng Xiaonan's arrest. There are some new types of political right violation, including the arrest of the participants of the Xiamen Conference, Ren Zhiqiang's heavy sentence, and the case of Ye Fuxing's dismissal.

Compared with its situation in 2019, the Chinese political rights in 2020 were further restricted in three aspects: the scopes of the infringement are broader, the range of crimes used for the prosecution was broadened, the sentence of punishment for these new charges became longer. The CCP often violates political rights in the name of national security, and political security still ranks first in terms of national security. In 2020, the CCP purged the public security and political and legal systems in the name of anti-corruption. The commentators generally believed that these were Xi Jinping's acts to eliminate other factions to ensure political security, which may involve the infringement of the right to public service. At the 26th collective

© *2021 by Taiwan Foundation for Democracy*

study of the Politburo of the CCP Central Committee in December 2020, the theme was "ensuring national security." Xi Jinping put forward ten requirements for implementing the "Overall National Security Concept." From this perspective, the development of China's political rights and the room for freedom of speech may be even more constricted in 2021.

3. Human Rights in the Chinese Administration of Justice: Formalizing Ideology in the Political and Legal System and Institutionalizing and Normalizing Human Rights Abuses

This article explores five archetypical human rights problems in the contemporary Chinese justice system: (1) general trends in Chinese judicial policy, (2) criminal investigation and supervisory investigation, (3) trial, (4) prison and enforcement of the law, (5) the legal profession. The human rights issues observed this year and discussed in this article include: widespread instances of arbitrary punishment, imprisonment, and torture during the stages of criminal investigation and supervisory investigation; violations of human rights in pursuit and recovery of individuals and assets abroad; normalization of violations of the right to fair trial; lack of transparency in reporting transmission of Covid-19 in prisons; generally concerning issues regarding the health of political prisoners; and the ongoing repression of human rights lawyers.

As to judicial policies, the traditional "rule of law" is different from the China's "comprehensive law-based governance" policy. Chinese leader Xi Jinping emphasized that "comprehensive rule of law is to strengthen and improve the leadership of the party." In other words, Chinese leadership's use of the "comprehensive rule of law" policy should never be confused with the "rule of law" concept; the term is used not in hopes of restraining the party-state system under law, but to use law as a tool for the party-state machine. Although in recent years China has continued to implement

© 2021 by Taiwan Foundation for Democracy

judicial reforms, on the whole, these reforms have failed to address the structural causes of China's judicial rights violations. China's party-state system does not have the political will to "empower" the judicial system—that is, effectively strengthen the power of the judicial system to check and balance public power. The party-state is especially unwilling to grant autonomy and independence to the courts and lawyers so that they can exercise supervisory functions.

In Chinese political and legal system, there has emerged a practice of normalizing human rights abuses that this article will refer to as a "Standard of Procedure" (SOP) for human rights violations, including:

— Use "Residential Surveillance at a Designated Location" ("RSDL") against individuals in custody, or "retention in custody" in cases involving abuse of power (that is, normalize and institutionalize "disappearing" people);
— Completely isolate the individual in custody from the outside world for an extended period, causing that person to feel isolated;
— Deprive the person in custody of the opportunity to meet with a lawyer;
— Deprive the person in custody or family members of the right to engage a lawyer of their choosing, and appoint an "officially designated lawyer" to the case;
— Inflict torture or other cruel, inhuman, or degrading treatment or punishment on the person in custody;
— Repeatedly interrogate the imprisoned person, or compel that person to give a forced confession on official media;
— Prohibit family members or others to observe hearings, or conduct secret trials and legal proceedings;
— Prevent family members from obtaining case materials from "officially designated lawyers," or even receive relevant legal documents;
— Punish human rights lawyers who provide representation in relevant cases, including revoking their licenses to practice.

© *2021 by Taiwan Foundation for Democracy*

4. Economic and Environmental Rights: The Cases of Infringement Appearing With the Epidemic

With respect to economic and environmental rights, a total of 1,005 news items were obtained between January and December 31, 2020, including 727 pieces of relevant economic news and 278 items of relevant environmental news. The distribution of the proportion reveals that the focus of economic rights observation has remained the same as in 2019 on the right to work (57%). Moreover, the right to food (33%) and the issue of pork (price) have also received considerable attention. The main axis of the environmental rights observation has remained the same as in 2019 on waste (74%) and water pollution (12%). The trends in both aspects are similar to the trends in 2019. Therefore, the people's right to work and job security has been greatly threatened, and the Chinese government's provision of adequate living standards, referred as the economy and life in this article, has also become more difficult due to the occurrence of natural disasters such as swine fever, plague, pests, and floods. The environmental issues, on the other hand, used to focus on the improvement of air (pollution), water (bodies), waste (disposals), and poison, which were all man-made pollution.

In 2020, economic rights and environmental rights continue to be violated, and the focus of most news reports is on human behavior, which has led to greater attention being paid to economic rights than to environmental rights. This trend is not only evident in the news collected, but also in various international observations. Similarly, in terms of the level of concern for different rights, there is usually more interest shown for political and judicial rights than for economic rights (not to mention the environment), which explains the less frequent mention of economic rights in international observations in 2020. In terms of the environment, however, the rapid construction of pig farms and incineration plants and the lack of environmental assessments are expected to lead to a deterioration of the environment. All of these observations highlight the fact that the infringement of economic and environmental

© 2021 by Taiwan Foundation for Democracy

rights in China has become more serious in 2020 than in the past, but since the strength of the news reporting has been restrained, more careful observation is required.

5. Social Rights: Governance Failure in the Time of Covid-19 Pandemic

Compared to 2019, the level of protection for Chinese social rights suffered an evident decline in 2020. Such a decline was not entirely due to the outbreak of Covid-19 at the end of 2019, but instead was the result of a series of institutional defects in the Chinese government's handling of the Covid-19 crisis and other sudden events. These defects not only worsened the Covid-19 situation in China but also jeopardized the rights of its own people and other nations.

The first Covid-19 patient appeared in Wuhan City, Hubei Province, on December 1, 2019, and by December 31, 2020, this global pandemic had caused 83.52 million infections and killed more than 1.81 million people around the world. The outbreak of Covid-19 has not only caused severe damage to the health rights of the Chinese people but has also exposed a series of problems at different stages of epidemic management processes by the Chinese system. Such a dilemma is no longer due to the fragility of its public health system, but rather due to the will and political considerations of government officials at all levels of the Chinese Communist Party in the formulation of various epidemic prevention policies. These policies were neither formulated based on professional epidemic assessments nor prioritizing the comprehensive protection of people's health and life safety.

There are four unique features of social rights development in 2020 compared to previous years: First, the social policies launched by the Chinese government aim to consolidate its governance rather than stress the survival rights of its people. Second, problems related to authoritarian governance failure severely restrict the development of people's social rights in China. Third, it has become a common practice for the

© 2021 by Taiwan Foundation for Democracy

Chinese government to conceal problems, distort facts, and use unreasonable official standards to beautify its political achievements. Fourth, severe violations of political rights are the fundamental reason why social rights in China cannot be fully protected.

6. Religious and Ethnic Minority Rights: The Effects of "Xi-ism"

The effects of "Xi-ism" refer to the policies of "sinicization of religion," curbing the "over-commercialization of religion," campaigning against the "generalization of halal," and "sinicization of ethnic minority groups" for the purpose of regulating the rights of religious and ethnic minorities within the territory. In looking at the various actions of the Chinese government in 2020, the level of religious freedom in China is rated medium to low, while the level of human rights protection for ethnic minority groups is classified as low. With respect to the former, compared to 2019 the Chinese government has cut back, in terms of scale, the limitations placed on the freedom of religious development for Buddhist, Taoist, and folk religion practitioners; lessened the harm it inflicted on Christian religions' individual and collective freedoms of religious belief and of the press; eased the restrictions on the people's freedom to hold private belief in "xie jiao" (heterodox teaching or religion); and minimized violations of the principle that "education should serve to promote interfaith understanding."

With respect to the latter, compared to the previous year, the Chinese government has continued to harm the personal and religious freedoms of ethnic minority groups such as Uighurs, by establishing fourteen new "political education centers" (re-education camps) in 2020 and transferring 80 thousand Uighurs to these camps, which is lower than the number of one million Uighurs sent to camps last year. In its anti-halal campaign, the government has also continued to violate the ethnic minorities' right to non-discrimination by expanding the scope of removal of mosques, domes, Islamic symbols, and signs. Furthermore, the Chinese government has maintained the intensity of its ethnic assimilation policies. In 2020, minority

© 2021 by Taiwan Foundation for Democracy

groups targeted for assimilation have expanded from Uighurs to ethnic Mongolians and ethnic Koreans; in fact, bilingual education is maintained only for ethnic Tibetans. These policies violate the rights of ethnic minority groups to keep their religion and culture. In advancing anti-separatism and anti-radicalization policies, Chinese authorities still employ the legal system to arrest and prosecute minority dissidents, harming the ethnic minorities' rights to protection and freedom from hatred and discrimination.

Looking at the state of religious and ethnic minority rights in China, one finds that, although the scale and scope of persecution against religious and ethnic minorities was not as high as the previous year, under Xi Jinping's leadership, Chinese authorities continue to vigorously use the legal system, party-state bureaucracy, and public education mechanisms to further the party's absolute rule over the people, religious adherents, religious organizations, and minority groups such as Uighurs, Mongolians, Koreans, and Tibetans. The Chinese government's total control over the basic human needs of religious belief and cultural tradition has developed into a form of totalitarian model with "Xi-ism" at its core. This means that the Chinese government has subjectively interpreted the framework of religious and ethnic minority rights. Under such framework, the masses and ethnic minorities can only lead "one-dimensional" lives, which are far away from the ideal goals of the United Nations' covenants on the rights of religious and ethnic minorities.

The year 2019 was a disastrous year for religious and ethnic minority rights ever since Xi came to power. This year (2020), because the government was busy fighting the Covid-19 outbreak, the restrictions on religious and ethnic minority rights eased somewhat. Nevertheless, from the government's various actions we can still observe how China's party-state has combined "Xi-ism" to crack down on all religions and control ethnic minorities through repression and assimilation. The so-called "Xi-ism" refers to, with respect to religion, policies that have development of religion in the Chinese context (sinicization), and fight against the over-commercialization of religion

© *2021 by Taiwan Foundation for Democracy*

at their core. With respect to ethnic minority groups, "Xi-ism" refers to policies that are predominantly focused on anti-separatism, anti-radicalization, anti-terrorism, and language assimilation. Xi's doctrine is supplemented by a stringent legal framework, in which various laws and regulations governing religion and ethnic minority groups are formulated and adopted. The government can then work in conjunction with the party state machinery to govern the nation in accordance with the law, or act expediently and arbitrary to harm the rights of religious and ethnic minorities.

7. Gender Rights: The CCP's Emerging View of Gender Rights

There are two similarities in development between 2020 and 2019: Firstly, the Chinese government has adopted a dual approach to gender issues at home and abroad. Secondly, the Leader of the Chinese Communist Party, Xi Jinping, has requested women to return to their families, taking up family tradition, which continues to infringe on the development of women's rights. There are two important violations of gender rights in 2020. First, the United States and China used the meeting for the 25th Anniversary of the 4th World Conference on Women in Beijing as a stage to attack each other, and gender rights became a political tool. The second is Covid-19, which has caused global panic since the beginning of 2020. The epidemic has resulted in many gender rights abuses, targeting female medical staff, pregnant women, and women in general.

The CCP regime has been gradually proposing a theory of gender rights that cooperates with its governance in an attempt to dominate the international voice. It was mentioned that China and the U.S. used the 25th Anniversary of the World Conference in Beijing as a stage for mutual attacks. In August, when the U.N. expert report called on all countries to ban "treatments of homosexuality" and mentioned that there are still cases of forced treatments found in China, the Chinese representative immediately spoke to protest. The CCP has been trying to dominate the discourses

© 2021 by Taiwan Foundation for Democracy

of gender issues and at the same time, prevent the international community from criticizing its LGBTI rights. How this trend will affect the development of gender rights in China remains unknown, requiring further observations.

Compared to 2019, due to the impact of the epidemic that has caused global panic, the infringements of gender rights in China seemed to be more severe in 2020. It started with the violations of employment rights of female medical staff, followed by the right of pregnant women to seek medical treatments and the increase of domestic violence against women, etc. When reviewing the situations of gender rights violations during the past few years, one thing that remained the same in 2020 is both local and central governments' ignorance of these infringements, making it difficult to find quantitative data for comparison. Barring some personal safety issues related to survival rights, the problems of rural women's land rights, employment discrimination, and cultural discrimination against traditional gender roles are still neglected or ignored by the government.

8. Scientific and Technological Rights: Science and Technology Can Be a Force for Good but Also for Evil

China has gradually amended and adopted various laws and regulations, so that its promotion of a comprehensive digital governance (science and technology governance) has a legal basis. Yet this normative system demonstrates China's insistence on maintaining control over online information, virtual territories, and cyber sovereignty. For any intervening entity that infringes on Chinese interests, the state would implement cross-border (physical) measures and use the laws and regulations as the basis for monitoring cross-border data transfers.

The implementation of technological applications such as biometric monitoring, social credit rating system, and digital currencies have also profoundly interfered with the people's rights to privacy and with their right to freedom of expression. In 2020, the most important focus in science and technology rights is none other than the issue

© *2021 by Taiwan Foundation for Democracy*

of health code, which arose from the need for epidemic prevention. The health code system may not only interfere with one's personal information regarding location and freedom of expression, but it also creates some degree of restrictions on the freedom of movement and migration, freedom of association, and even the protection of the right to property. In fact, China's strategic measures (in response to the pandemic) may have instead increased the Chinese people's acceptance of technological surveillance. The diffusion and spread of these types of invasive measures around the world requires us to stay vigilant.

The social credit system has been implemented in all aspects of daily life, including transportation, the judiciary, business, education, academic research, finance, e-commerce, farmers' wages, and urban services. However, from all accounts, joint punishment remains the principal mechanism for inducing compliance. Still, the social credit system has begun to employ a "credit repair mechanism" this year. When individuals with previous acts of bad faith have corrected their dishonest behaviors and have met credit repair eligibility, they would be removed from the list of dishonest entities. Nevertheless, specific details regarding the implementation of the credit repair mechanism require further continuous observation. In observing the social credit system, the author also notes that the individuals targeted by the social credit system no longer are limited to Chinese nationals but have been extended to foreigners. In the future, we must continue to keep an eye on the diffusion of China's social credit system, which will cause problems for international scientific and technological rights.

On the issue of health codes, the first thing to note is that Wuhan is an important demonstration pilot project of China's smart city program, so the city's infrastructure already possesses many smart features. Monitoring people/coronavirus outbreak through smart infrastructure has been extremely effective and efficient; local authorities can effectively enforce quarantine measures and thus protect people's right to health and right to life through non-human contact means such as the use

© 2021 by Taiwan Foundation for Democracy

of drones. However, the blocking or censoring of coronavirus information on the Internet may have led to the spread of the epidemic, an act that not only violates the public's right to information but also impacts their right to health and even the right to life. Next, the implementation of "health codes" is a more serious concern. Unlike facial recognition, gait recognition, social credit system, and other Chinese digital surveillance and monitoring tools that this observational report has emphasized in the past, health codes, themselves born out of the abrupt pneumonia outbreak, cover a wider area in terms of management and control, employ more direct and in-depth means of intervention in people's lives, and appear more "sensible and reasonable" in the eyes of the public.

"Health code" has become the newest star among China's digital surveillance tools, and the problem cannot be ignored. As the epidemic evolves, China is bound to constantly upgrade the health code system so that it can further strengthen its "serve the people" philosophy. The health code system may not only interfere with private information regarding one's location and freedom of expression, but also will create restrictions on the freedom of movement and migration, freedom of association, and even the protection of the right to property to a certain extent. In fact, when employing digital technologies to fight the epidemic, most democratic countries will first consider balancing them against privacy and personal information protection concerns. China's strategic measures (in response to the pandemic) may have instead increased the Chinese people's acceptance of technological surveillance. The diffusion and spread of these types of invasive measures around the world requires us to stay vigilant.

9. Taiwan-related Human Rights: Continued Cross-strait Confrontation Further Compresses Taiwan's Human Rights

On the pretext of preventing Taiwan from "using the pandemic to plot independence," Chinese authorities meddled with Taipei's bid to cooperate and

© *2021 by Taiwan Foundation for Democracy*

exchange information with international health organizations; as a result, Taiwan was unable to participate in the meetings of important organizations such as the "WHO" and the "WHA." These actions gravely affected the rights and interests of Taiwanese people to health care. Other examples include forcing Taiwan's Tourism Bureau to change its name to "Straits Tourism Association" while participating in a regional travel expo or putting pressure on BirdLife International into removing Taiwan's "Republic of China Wild Bird Society" from the list of official partner organizations. These and other related incidents clearly show that the Chinese Communist Party once again are bent on restricting Taiwan's international space for political goals. China has devoted greater efforts in spreading its propaganda in Taiwan, using its sharp power tactics to increase social gulf and public confrontation across the strait. This can be seen especially during the inauguration of Taiwan's president, the Chinese Internet army increased its external propaganda efforts, carrying out cyberattacks against the international status of the Republic of China. Another example is that, under the influence of ideology, Chinese netizens have continued to censor the political stances of Taiwanese artists, which seriously damaged the right of Taiwanese citizens to express their political opinions freely.

Moreover, to strengthen its "one China principle," the CCP regime has attempted to lure away Taiwan's diplomatic allies such as Paraguay and Nicaragua. China has even flown military aircrafts across the median line of the Taiwan Strait, which undermined cross-strait peace and stability and pushed Taiwan to the brink of war. Lastly, the incident that deserves our strongest condemnation this year is the case of "Taiwanese spy confessions," in which Chinese authorities violated the judicial rights and interests of Taiwan nationals. Beginning on October 11th, 2020, the China Central Television (CCTV) broadcasted on three consecutive days the confessions of alleged Taiwanese spies. Taiwanese citizens Lee Meng-chu, Cheng Yu-chin, Tsai Chin-shu, and Shih Cheng-ping all willingly confessed their crimes on state media before going to trial. This incident severely crippled the foundation of mutual

© 2021 by Taiwan Foundation for Democracy

trust needed for the conduct of cross-strait exchanges. Recently, Chinese media has reported that Chinese officials are planning to put together a so-called "list of Taiwan independence advocates," in an attempt to exercise long-arm jurisdiction over the Taiwanese society. If this were to happen, cross-strait relations will inevitably take a giant step backwards, and the legitimate rights and interests of Taiwanese people will be even less likely to be protected.

By and large, on the issue of Taiwan-related human rights, due to tensions across the Taiwan Strait, the continuation of the Covid-19 pandemic, plus changes in the international politico-economic environment, cross-strait exchanges, regardless of whether they are official or private, have come to a halt in 2020. Hence if there are human rights violations involving Taiwanese nationals in China, there is presently no way of obtaining remedy through official channels. Moreover, in the absence of any benevolent interaction, both societies are gradually losing their sense of amity and goodwill toward the other side. This has caused public opinion across the Taiwan Strait to be on diametrically opposing sides on relevant human rights issues and has also weakened the society's power to monitor the protection of human rights. In addition, the Chinese Communist Party regime continues to exert pressure on Taiwanese society in areas of personal safety and political sovereignty. It has also used sharp power methods to intensify conflict within Taiwan society, such as broadcasting "Taiwanese spy confession" videos to intimidate and further divide the Taiwanese people. In general, in the domain of Taiwan-related human rights, the extent of damage caused by the CCP to the political and judicial rights of Taiwanese people has reached a serious level in 2020.

In the domain of Taiwan-related human rights, we see that China has taken a more stringent attitude when dealing with the political, economic, judicial, and personal safety rights of Taiwanese citizens in 2020. In the past, cross-strait interaction has always been dual-tracked: one official and the other civilian (or non-governmental). After 2016, governmental exchanges have been completely suspended

© *2021 by Taiwan Foundation for Democracy*

due to political factors, leaving only civilian channels free to operate. However, under a new U.S. Indo-Pacific strategy and increasingly divergent political identities across the strait, even civilian exchanges have encountered many difficulties, none bigger than the outbreak of Covid-19. Affected by the coronavirus, non-governmental exchanges between the two sides of the strait have also stalled. This trend is also reflected in the number of disputes involving Taiwanese businesses in the mainland: the 2020 data show that the number of disputes is clearly lower than previous years. Moreover, the amount of investment by "taishang" in mainland China has also decreased due to the impact of U.S.-China trade war and changing cross-strait relations. In protesting against closer Taiwan-U.S. ties, the Chinese government has stepped up its military intimidation against Taiwan, thus adding more tension to the already alienated cross-strait ties. In addition, with respect to government measures that may enhance or protect people's rights and interests, no progress was seen in 2020. Although the ECFA framework still exists to govern economic and trade relations across the Taiwan Strait and despite the fact that there has been some industrial decoupling, the overall industrial division of labor between Taiwan and China still endures. Nevertheless, Beijing has put up strong opposition against the possibility of allowing Taiwan to participate in economic integration efforts or giving Taiwan more international space. The overall tense climate has directly affected the atmosphere for improving cross-strait interactions.

Therefore, in observing Taiwan-related human rights, we have seen how China has dialed up its direct pressure against Taiwan, such as in the case of "Taiwanese spies," its refusal to allow Taiwan's participation in non-governmental international organizations, its obstruction in coronavirus management and coordination, its political censorship of Taiwanese public speech, and its influence on Taiwanese public opinion through sharp power methods. Thus, regarding the political rights and personal safety of Taiwanese people, there have been many violations of human rights conventions. Among the many abuses the most representative act was the case

© 2021 by Taiwan Foundation for Democracy

of the report on Taiwanese spies, which was broadcasted by the China Central TV on October 14th for three consecutive days. Here, a normal and routine exchange of opinions in a non-governmental or academic setting may now be regarded as espionage behavior by China due to the latter's national security concerns. And the practice of directly declaring suspects guilty without trial also allows the outside world to see how the Chinese government violates procedural justice.

Based on the above, the author believes that on issue such as Taiwan-related human right, China had taken a more direct and more stringent approach to suppress Taiwan. The suspension of official exchanges and private non-governmental interaction between the two sides means that Taiwan has no target to turn to for leverage or dialogue if it wishes to remedy the rights and interests of Taiwanese citizens. Taiwan officials could effectively communicate with their Chinese counterparts on various issues in the past, but now they need to tactically find a feasible mechanism that can convey their opinions across. In effect, the two sides are now unable to communicate effectively and resolve misunderstandings. Next, the state of China-U.S. relations and expansion of the pandemic have placed cross-strait relations at the center of the storm, and as such, the misunderstandings are not cleared up. It is also easy for the external environment to damage people's rights and interests on both sides of the Taiwan Strait, but at the same time, there aren't any effective tools or methods to deal with the situation. As a consequence, the performance of "Taiwan-related human rights" in 2020 has worsened in comparison with that of the previous year. Lastly, when mutual trust between Taiwan and China disappears, and incidents—such as the case of "Taiwanese spies," China's refusal to allow Taiwan's participation in non-governmental international organizations, its obstruction in coronavirus management and coordination, and its political censorship of Taiwanese people's speech—keep recurring on the Chinese side, Chinese attempts at influencing Taiwanese public opinion through sharp power tactics have led to many cases of rights infringement in the political rights and interests and personal safety of the Taiwanese

© *2021 by Taiwan Foundation for Democracy*

people. Based on the foregoing discussion, the state of Taiwan-related human rights in 2020 has gotten worse relative to the previous year.

10. Human Rights in Hong Kong and Macao: The National Security System Unveiling the Era of White Terror

On June 30, despite the opposition in Hong Kong and the international community, Beijing and Hong Kong government suddenly decided to pass and implement *Law on Safeguarding National Security in the Hong Kong Special Administration Region of the People's Republic of China* (hereafter, *National Security Law* of Hong Kong). Since the implementation of the *National Security Law* of Hong Kong in June, it has created a widespread atmosphere of "White Terror" in Hong Kong. The rule of law and freedom of speech are the first to bear the brunt.

The widespread atmosphere of "White Terror" in Hong Kong and Macau is probably just the beginning. Following the path of Xi Jinping's systematic suppression of civil society in mainland China after he took office, after fully controlling the public opinions published by the news media, the next step will be to further strengthen the censorship of online speech and target certain departments or sectors of civil society for suppression and consolidation until they "surrender" to the government control. According to Chinese Hong Kong and Macao affairs officials, the targets for this rectification in the coming year are likely to be civil servants, teachers, and judges. However, lawyers, churches, labor unions, and other associations outside the public system may also begin to feel more pressure.

The Hong Kong government used a series of "DQ" actions, such as postponement of the election, prosecutions of a number of Legislative Council members that involved in protests and direct central government intervention to disqualify their memberships, to force the pan-democratic members of the Legislative Council to resign. After removing the opposition from the Legislative Council, a fool-proof environment has been prepared for the accelerated implementation of Article

© 2021 by Taiwan Foundation for Democracy

23 and related legislation and policy measures before the next election. In the next step, the district councils, where the opposition camp still dominates, may become the target of this purge. In the future, the opposition camp may completely lose room for elections and parliamentary resistance, and Hong Kong's "semi-democracy" will also be back to square one.

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 so they may serve as the focus of discussion. Also, no matter the human rights issue in 2020 question—human rights dialogue and confrontation between China and the World, political rights, social rights, economic and environmental rights, judicial rights, religious and ethnic minority rights, scientific and technological rights, gender rights, human rights related to Taiwan/Taiwanese, and human rights in Hong Kong and Macao—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 or the developments before and after of a particular case, the report will not lose track of the overall context and background due to the uniqueness of the case, nor will it pay attention to laws and policies only and ignore the real cases.

Overall, looking at the state of human rights in China in 2020, we can say that under the impact of the pandemic, 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

© *2021 by Taiwan Foundation for Democracy*

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.

© 2021 by Taiwan Foundation for Democracy

© 2021 by Taiwan Foundation for Democracy

Human Rights Dialogue and Confrontation between China and the World—A Year of Action in Which Liberal Democracies Joined Forces to Counter China

Li-wen Tung*

Abstract

The year 2020 was a year of action in which liberal democracies joined forces to counter China. Amid concerns over human rights abuses in that country, the international community focused its attention on the following five major events (in order of appearance): "China's deliberate cover-up of the Covid-19 outbreak," "how a free and democratic Taiwan achieved success in battling the pandemic," "China's use of wolf warrior diplomacy threatens the global regime of freedom, democracy, and human rights," the aftermath of "Hong Kong's *National Security Law*," and the ongoing saga of "Xinjiang re-education (internment) camps." To thwart off suspicion and criticism of the international community, the Chinese Communist Party (CCP) launched a global coronavirus propaganda campaign, deployed "wolf war diplomacy, and strived to keep United Nations organizations under its control. But in 2020 increasingly more governments and individuals from the world's liberal democracies had seen through the lies of the CCP, had had the courage to expose and condemn China's deceit, and had jointly taken stronger action to counter the CCP's attacks on global freedom, democracy, and human rights.

Keywords: Covid-19, Hong Kong's *National Security Law*, Xinjiang's re-education camps, wolf warrior diplomacy, the greatest game

* Professor, Department of Public Security, Central Police University. E-mail: liwen@mail.cpu.edu.tw.

© 2021 by Taiwan Foundation for Democracy

1. Introduction

The present chapter, "Human Rights Dialogue and Confrontation between China and the World," monitors a fundamental question: which issues the international community is deeply concerned about the situation of human rights in China, and how has the Chinese Communist Party (CCP) responded to these international criticisms, even hoping to remake the universal human rights system that is common around the world and replace it with the "Chinese model"? The structure of the present observational report is divided into three parts: (1) A focus on foreign concerns regarding the development and state of human rights in China; (2) the CCP's response to concerns about universal human rights and the export of totalitarianism; (3) Results of the observation. That is, the chapter separately records and summarizes the principal human rights concerns of democratic countries and international organizations around the world, highlights the Chinese response and actions, and presents the results and analysis of the observation.

Compared to last year (2019), the year 2020 was a year of action in which liberal democracies joined forces to counter China. By and large, amid concerns over human rights abuses in China, the international community successively focused its attention on the following five major events: "China's deliberate cover-up of the Covid-19 outbreak," "how a free and democratic Taiwan achieved success in battling the pandemic," "China's use of wolf warrior diplomacy threatens the global regime of freedom, democracy, and human rights," the aftermath of "Hong Kong's *National Security Law*," and the ongoing saga of "Xinjiang re-education (internment) camps." The Covid-19 pandemic affected the entire world and caused heavy losses in many countries. Chinese efforts to conceal the true extent of the coronavirus outbreak and fabricate data allowed the pandemic to spread around the world, compelling numerous governments to propose resolutions at the World Health Organization (WHO) to investigate the origins of the virus, its routes of transmission to humans, and the appropriate countermeasures.

© *2021 by Taiwan Foundation for Democracy*

The CCP has applied military, political, and diplomatic pressure against Taiwan's democratic politics. However, Taiwan's successful response to the pandemic has increased solidarity and support for Taiwan from both governments and public opinions around the world. Furthermore, the CCP has passed and put into effect the *National Security Law* in Hong Kong, which undermines the *Sino-British Joint Declaration* and suppresses the democracy and freedom of the people of Hong Kong. China has also repressed ethnic Uyghurs through the establishment of concentration camps in Xinjiang. These major human rights abuses have continued to raise grave concerns in liberal democracies around the world, leading them to take collective action against China.

What has attracted the most attention is that China has aggressively utilized "wolf warrior diplomacy" to hit back at international suspicion and criticism, even using political and economic means as retaliation. Many Chinese diplomats directly resorted to use bullying behavior and vulgar language to attack any external accusation against China, instead of relying on arguments to refute or to explain. China also shirked the responsibility for the origin and spread of the virus to other countries and implemented economic retaliation against foreign criticism. Additionally, in international forums such as the meeting of the United Nations Human Rights Council, Chinese representatives would continuously bang on the table to interrupt or prevent any discussion on Xinjiang concentration camps, or verbally intimidate and insult any representative who criticized China's human rights record. In Fiji, Chinese diplomats gatecrashed an event to celebrate Taiwan's National Day and assaulted a member of the Taiwanese delegation. Even after the Five Eyes alliance—which consists of the United States, Australia, Canada, New Zealand, and the United Kingdom—issued a joint statement on the issue of Hong Kong, the response from the spokesperson of China's foreign ministry was, "No matter whether they have five eyes or ten eyes, they should be careful not to get poked in the eye!"

© 2021 by Taiwan Foundation for Democracy

Apart from the "wolf warrior diplomacy," what has remained constant from last year is communist China's persistent efforts to control the United Nations and promote its concept of "a community with a shared future for mankind," which is an attempt to replace universal human rights values of democracy and freedom. The core principles of the so-called "community with a shared future for mankind," are that (national) sovereignty is above human rights, no intervention in the internal affairs of other countries, and the use of authoritarianism's efficiency to develop the economy and keep the people under surveillance to achieve the so-called "peace, stability, and prosperity." From the perspective of the CCP's "Seven Major Tasks of China's Diplomacy in 2021," in the future Beijing will be more ambitious in expanding its political, economic, and technological influence at the global level and will do its best to transform or replace the global values system of democracy, freedom, and human rights.

The new development in 2020 is that increasingly more governments and individuals from liberal democratic countries around the world have seen through the lies of the CCP, have had the courage to expose and condemn China's deceit, and have jointly taken stronger action to counter China's attacks on global freedom, democracy, and human rights. As a result, new types of global anti-communist organizations and movements have emerged, including the "Inter-Parliamentary Alliance on China," the 2020 Halifax International Security Forum, publisher of an anti-communist handbook entitled *China vs. Democracy: The Greatest Game*, and the worldwide #SolidarityWithAustralia movement, which was launched after China imposed a series of retaliatory trade sanctions on democratic and free Australia.The lesson of these events for the world is that when China punishes any individual democratic country, China will always have the upper hand; yet if all the democratic countries in the world work together and coordinate their actions, then China is the one who will be isolated and punished.

© 2021 by Taiwan Foundation for Democracy

2. Key Areas of the International Community's Concerns about the Development of Human Rights in China

A chronicle of the major events related to international concerns about China's human rights in 2020 is presented below:

1. On January 6, the Trump administration released the *Guidance for Regulation of Artificial Intelligence Applications*. Officials indicated that the new artificial intelligence (AI) guidance includes ten major principles, requiring federal agencies to provide opportunities for public participation, carry out risk assessment and management analysis, consider issues of fairness and transparency, increase safety and security, as well as advance American values. The guidance not only promotes artificial intelligence applications within the United States but also fights against the use of artificial intelligence by totalitarian countries like China in repressing their own people. On February 11, 2019, President Trump signed the *Executive Order on Maintaining American Leadership in Artificial Intelligence*, directing all federal agencies to submit research reports and draw up guidelines for the promotion and application of artificial intelligence. Senior officials said that this *Guidance for Artificial Intelligence* is the first of its kind at the global level and will lead the world in protecting the values of freedom, human rights, and democracy. Regarding the use of artificial intelligence by totalitarian countries against their own people, senior officials said that the best way to combat AI abuse by totalitarian countries is to ensure the U.S. leading position in the global race for AI so that totalitarian countries cannot use this technology to repress and imprison their people. The United States has had been in contact with its European allies to establish common guidelines on artificial intelligence. The *Guidance for Artificial Intelligence* will have a 60-day public comment period, after which the White House will announce the outlines of its implementation (Lian, 2020).

© 2021 by Taiwan Foundation for Democracy

2. On January 8, the Congressional-Executive Commission on China (CECC), an independent agency of the U.S. government, issued its *Annual Report* and concluded that the Chinese Communist Party may be committing crimes against humanity. The report listed 16 cases of concern in its Political Prisoners Database (Wen, 2020).
3. On January 14, the non-governmental organization Human Rights Watch released in New York its annual *World Report* of human rights practices around the world, with the theme that the Chinese government has intensified its attacks on the international human rights system. As China's influence on global politics and economy has grown, the Chinese government had not only attempted to silence its domestic critics, but also obstructed other countries around the world from reviewing its human rights record (Radio France Internationale, 2020a).
4. On January 31, an international human rights organization issued a statement urging the Chinese government to respect human rights in its response to the Covid-19 outbreak, including lifting censorship, ceasing police intimidation and arbitrary detention, and easing indiscriminate travel restrictions. The organization documented 254 cases of netizens penalized by authorities for "spreading rumors" about the coronavirus emergency between January 22 and 28. Chinese police deployed invasive digital surveillance system to silence netizens and reinforce information controls, while press coverage by foreign media was restricted (Voice of America, 2020b).
5. On April 6, UN Watch, a non-governmental human rights organization, reported that China had been appointed to a seat on the United Nations Human Rights Council (UNHRC) Consultative Group and will be able to participate in the selection of the world body's human rights investigators. "That's like making a pyromaniac into the town fire chief, it's absurd and immoral," said Hillel Neuer, executive director of UN Watch (Wang, 2020).

© *2021 by Taiwan Foundation for Democracy*

6. On April 13, Hong Kong Human Rights Monitor and Sounds of the Silenced (SOS) issued a joint statement requesting the UN Human Rights Council to reconsider the decision to let China, which has a notorious and deplorable record in human rights, to send a representative to serve as a member of its Consultative Group. In the United States, Republican Congressman Chris Smith, Co-chair of the Tom Lantos Human Rights Commission, issued a statement opposing the appointment of China's representative as a member of the human rights panel (Radio France Internationale, 2020b).
7. On May 3, in response to the United Nations' recent appointment of Chinese diplomat Jiang Duan to the five-member UNHRC Consultative Group, Tony Perkins, chairman of the U.S. Commission on International Religious Freedom, called on the United Nations to reverse the appointment of China—one of the world's worst human rights abusers—to a seat on a U.N. Human Rights Council (UNHRC) panel (Epoch Times, 2020).
8. On May 19, at the assembly meeting of the World Health Organization, the European Union put forward a resolution calling for an "impartial, independent, and comprehensive evaluation" of the international response to the Covid-19 pandemic. The resolution was unanimously approved by member states without objection. The draft resolution included 11 demands such as calls for investigating the source of the virus, national response plans and their timelines, the route of transmission to the human population, the "actions taken by the WHO during the pandemic," and the timeline of the organization's response to the pandemic (BBC Chinese, 2020a).
9. On May 24, the United States announced sanctions against nine Chinese entities that are complicit in human rights violations committed in Xinjiang. These entities will face new restrictions on access to U.S. technology. China's Ministry of Public Security's Institute of Forensic Science and eight Chinese companies were added to the "Entity List," including China Huafu Fashion Co., a textile

© 2021 by Taiwan Foundation for Democracy

company that has a factory in Aksu, Xinjiang, and six technology companies that enabled high-technology surveillance such as CloudWalk Technology and FiberHome Technologies Group. These companies will all be restricted from obtaining technology and equipment from the United States. At the same time, the U.S. Department of Commerce also announced sanctions against another 24 Chinese firms and government institutions because they represent a significant risk of supporting procurement of items for military end-use in China, which endanger the national security or foreign policy interests of the United States (Voice of America, 2020c).

10. On May 20, the White House issued a report, *U.S. Strategic Approach to the People's Republic of China*, in which it writes: the Chinese Communist government has launched a widespread religious persecution—of Christians, Tibetan Buddhists, Muslims, and members of Falun Gong. Frank Gaffney, Vice Chairman of the "Committee on the Present Danger: China," suggested adopting the following measures: (1) Link China's (company) human rights violations with its financing activities in the U.S. capital market, for example, impede Chinese companies such as Hikvision from obtaining financing in the U.S.; (2) the United States plays a leading role in preventing the CCP from committing human rights abuses; (3) help breaking down China's Internet firewall and give Chinese people freedom of information (Ye, 2020).
11. On June 6, the Inter-Parliamentary Alliance on China was formed by more than 170 cross-party parliamentarians from 18 different countries and the European Parliament. The alliance works toward crafting a pro-active approach to address the challenges presented by China. The alliance believes that under the leadership of the Chinese Communist Party, China has brought significant challenges for democracies worldwide because China is internally an authoritarian state but externally an ambitious nation. Countries should work together to maintain the international order. The alliance says that it will focus on five broad areas:

© *2021 by Taiwan Foundation for Democracy*

safeguarding the international rules-based order, upholding human rights, promoting trade fairness, strengthening the formulation of security strategies against China, and protecting national integrity so as not to harm the economies of other countries (Xiao, 2020).

12. On June 10, the U.S. Department of State released the *2019 Report on International Religious Freedom.* The report indicated that the Chinese government continues to exercise control over religion and restrict the activities and personal freedom of religious adherents that it perceives as threatening state or CCP interests. Secretary of State Pompeo condemned the continuous intensification of state-repression against all religions (Xia, 2020).
13. On June 17, U.S. President Trump signed the *Uyghur Human Rights Policy Act of 2020* into law. The law authorizes the use of resources by parties in the United States to respond to the Chinese government's activities that violate and abuse human rights in Xinjiang, including large-scale surveillance, mass detention, etc. (BBC Chinese, 2020b).
14. On June 24, the U.S. Department of State released the *2019 Country Reports on Terrorism*, in which it accuses the Chinese Communist Party for continuing to repress and monitor Uyghur and other ethnic minorities and dissidents in the name of counter-terrorism (Su, 2020).
15. On June 24, the U.S. Department of State issued the 20th annual *Trafficking in Persons Report*. The report indicated that China ranks among the worst human trafficking countries in the world, often exploiting vulnerable populations and failing to take measures to address the problem (Voice of America, 2020d).
16. On June 27, fifty independent United Nations human rights experts called on the Security Council to convene a special meeting to pay close attention to the new *National Security Law* enacted by the Beijing authorities for Hong Kong. The *National Security Law* introduced poorly defined crimes that would easily be subject to abuse and repression, including at the hands of China's national

© 2021 by Taiwan Foundation for Democracy

security organs, which would be allowed to establish agencies in Hong Kong for the first time. It would deprive the people of Hong Kong the autonomy and fundamental rights guaranteed them under the 1984 *Sino-British Joint Declaration* and the "one country, two systems" governance framework. The new law would also undermine the right to a fair trial that the people of Hong Kong have always enjoyed, and peaceful human rights defenders would be subjected to arbitrary detentions and prosecutions. The independent experts urged the Chinese government to abide by its international legal obligations, including under the *International Covenant on Civil and Political Rights* (ICCPR) and the *Sino-British Joint Declaration*, and withdraw the draft *National Security Law* for Hong Kong. The experts also criticized China for censoring and restricting the right to free speech of journalists, medical workers, and others in relation to the Covid-19 outbreak (Li and Wang, 2020).

17. On September 5, seven United Nations experts, including the U.N. Special Rapporteur on protecting human rights while countering terrorism, Fionnuala Ni Aoláin, posted a joint letter on the U.N. human rights office website, stating that Hong Kong's *National Security Law* does not conform to China's legal obligations under international law. The experts raised serious concerns about the independence of Hong Kong's judges and lawyers under the new law, as well as the freedom of expression and other basic rights. Before making the joint letter public, the experts made the unusual decision of sending it to the Chinese government (Voice of America, 2020e).
18. At the 16th Human Rights Dialogue between Germany and China held on September 9, Ms. Bärbel Kofler, the Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance, said that she has observed how the human rights situation in China is "deteriorating dramatically and falling even further behind international obligations." She also stated that "we discussed the restrictions on civil and political rights in Hong Kong as a result of

© *2021 by Taiwan Foundation for Democracy*

the *National Security Law*." In addition, the topics discussed also included "the disastrous situation of the Uyghurs, the suppression of freedom of opinion and assembly, as well as the persecution of human rights lawyers." "On all of these issues, I was extremely clear in calling (on the Chinese) for transparency, as well as demanding the respect of human rights standards and international law," she said (Radio France Internationale, 2020c).

19. On September 9, over 300 human rights organizations from more than 60 countries around the world jointly signed an open letter urging the United Nations to urgently establish an independent mechanism to address the Chinese government's human rights violations. The open letter stated that authorities in Beijing seriously violated human rights across China, including in Hong Kong, Tibet, and Xinjiang. It also highlighted the impact of China's rights violations worldwide, including the targeting of human rights defenders; global censorship and surveillance; and rights-free development that has caused environmental degradation. The global coalition of organizations demanded an end to China's impunity at the United Nations Human Rights Council and urged the United Nations to immediately convene a special session to establish an independent investigation mechanism to hold China accountable. At the same time, 160 human rights advocacy groups also wrote a letter to the International Olympic Committee asking it to consider China's human rights record, including its suppression of pro-democracy movement in Hong Kong and the imprisonment of ethnic Uyghurs in Xinjiang, and revise its decision to let Beijing host the 2022 Winter Games (Li, 2020).
20. On September 14, the European Union called on China to take down trade barriers and rebalance the economic relationship between the EU and China. Growing criticism in Europe of China's human rights record cast a long shadow over the trade talks between the two sides. Europe voiced growing alarm over China's treatment of the Muslim Uighur population in Xinjiang and also

© 2021 by Taiwan Foundation for Democracy

requested that Beijing end its clampdown on pro-democracy protests in Hong Kong (Voice of America, 2020f).

21. On September 18, Human Rights Watch, a human rights advocacy group, reported that China's influence (damage) on the global human rights system has transcended China's borders. China is attempting to attack and gradually erode the global human rights system. China has also fended off calls for an independent investigation of its human rights violations and blocked critical voices at the United Nations (Si, 2020).
22. On September 22, French President Macron stated at the United Nations General Assembly that the basic human rights are universal values, not merely Western ideals. Whenever Western leaders or groups raise human rights issues with the Chinese side, China has always rejected them with "don't interfere in our internal affairs." However, the *Charter of the United Nations* clearly states universal respect for human rights, and all member states have signed and pledged to abide by it. To address the concerns of the international community, Macron suggested that an international mission should be sent to Xinjiang under the auspices of the United Nations to learn about the living situation of the Uyghur Muslim minority (Andelie, 2020).
23. On September 22, the Inter-Parliamentary Alliance on China formally asked the International Olympic Committee to reconsider whether to allow China to host the 2022 Beijing Winter Olympics. The alliance said that "the free world does have a strong position to say the bullying, the threatening, the internal repression, the border disputes, the arrogant attitude to neighboring countries, the breaking of the treaty with Hong Kong — these must have consequences." "At the moment, the Chinese believe these consequences are no more than just condemnation (by various countries)," the alliance further noted (Yang, 2020).
24. On September 25, Tariq Ahmad, the U.K. Minister of State for the Commonwealth and Overseas Territories in charge of human rights and the

© *2021 by Taiwan Foundation for Democracy*

United Nations, criticized China for imposing the *National Security Law* on Hong Kong at the U.N. Human Rights Council. He also blasted China's human rights violations in Xinjiang and called on the Chinese government to allow unfettered access to the region for U.N. personnel (Voice of America, 2020g).

25. On October 1, the European Council stressed its serious concerns about the human rights situation in China and developments in Hong Kong and requested China to finalize negotiations for the EU-China investment agreement before the end of the year. In a statement, the European Council underlined its serious concerns about the human rights situation in China, the developments in Hong Kong, and China's treatment of ethnic minorities. On the day before the summit, German Chancellor Merkel criticized China for its cruel treatment of minorities (Apple Daily, 2020).
26. On September 30, the U.S. government released a report on international child labor and forced labor. The report indicated that the intensity and scope of China's forced labor of detained Uyghur Muslims and religious minorities far exceeds that of other countries (Lin, 2020).
27. On October 6, thirty-nine countries expressed grave concerns about China's human rights violations at the United Nations and called for an international monitoring of the human rights situation. Supporters of the German-led statement included the United Kingdom, Canada, the United States, many European Union member states, Albania, Bosnia-Herzegovina, Haiti, Honduras, Palau, and the Marshall Islands. The joint statement endorsed an unprecedented appeal from 50 U.N. human rights experts for the creation of a U.N. mechanism for monitoring human rights in China. A recent global civil society appeal from over 400 organizations echoed the experts' call (Charbonneau, 2020).
28. In November, the Halifax International Security Forum published a handbook entitled *China vs. Democracy: The Greatest Game*, which is hailed as a primer for understanding how China threatens the global open society. The handbook aimed

© 2021 by Taiwan Foundation for Democracy

to redefine China and establish a common anti-China strategy for democracies. There are six chapters in the handbook. The first chapter, "Home Rules," reveals how the Chinese Communist Party spared no effort to defeat every threat to its regime, because the sole, overriding, and animating goal of the CCP is to remain in power, and for that reason it will establish an uncompromising tyranny. Chapter 2, "Democracies in the Crosshairs," refers to how the CCP use the United Front Work Department, the Thousand Talents Program, and Confucius Institutes to undermine the West's democratic order in an attempt to shape the international order in accordance with China's strategic interests. China's challenge to the world's democracies is not only different from the one mounted by the Soviet Union, but also potentially more difficult to deal with. The third chapter, "The Business of Tyranny," analyzes how the Belt and Road Initiative has promoted the CCP's geopolitical ambitions. China's competitive advantage lies in counterfeits, theft, and slavery. Chapter four, "China's Tech Authoritarianism," refers to China's launch of the Digital Silk Road Initiative, which aims to build a massive and global data-collection ecosystem. The fifth chapter, "Strategic Calculation," describes the continuous evisceration of Hong Kong's democracy, and how Taiwan comes to stand on the front line of the CCP's worldwide challenge to democracy. Chapter 6, "Stronger Together," stresses that democracies must pursue a carefully considered yet robust push back, so that the CCP recalibrates its global ambitions and backs off from its ongoing assault on the world's democracies (Pan, 2020).

29. On November 19, the newly established Inter-Parliamentary Alliance on China launched the "Solidarity With Australia" campaign. The alliance is composed of 200 anti-China parliamentarians from 19 countries. In a video Australian senator Kimberley Kitching said that China has cancelled Australian imports because Australia had criticized China on human rights. "This isn't just an attack on Australia, it's an attack on free countries everywhere," she stated (Mao, 2020).

© *2021 by Taiwan Foundation for Democracy*

3. China's Response to Universal Human Rights Concerns and How It Exports Totalitarianism

Important observations on China's response to universal human rights concerns and the action it has taken to export totalitarianism in 2020 are as follows:

1. On January 14, the spokesperson of the Permanent Mission of China to the United Nations issued a statement stating that it resolutely opposes wanton accusations by Human Rights Watch on the human rights situation of various countries, including China, because the non-governmental organization has disregarded the truth and facts and relied on massive amounts of unverified and false information in its report (Sputnik News, 2020).
2. The *World Report 2020* published by Human Rights Watch and a similar report issued by the Freedom House both indicated that human rights awareness in China was seriously low. In response, on January 15 Chinese Foreign Ministry spokesperson Geng Shuang said that he had not seen these reports and had no interest in reading them. "China's human rights condition is at its historical best," he added (Voice of America, 2020a).
3. On March 2, during the on-going 43rd session of the United Nations Human Rights Council, China hosted an international symposium on "Counter-terrorism, De-radicalization, and Human Rights Protection" at the Palais des Nations in Geneva. The seminar, co-sponsored by the Permanent Mission of China, the Permanent Mission of Cameroon, and the China Society for Human Rights Studies, was attended by officials from the Permanent Missions of Cambodia, the United Kingdom, Mexico, Malaysia, Syria, Algeria, Serbia, Qatar, Laos, Niger, and other countries, assistants to the special mechanism of the Human Rights Council, and representatives from non-governmental organizations. Symposium participants shared practices and experiences of various countries in counter-terrorism and de-radicalization and discussed effective ways of enhancing international cooperation (Permanent Mission of the People's Republic of China

© 2021 by Taiwan Foundation for Democracy

to the United Nations Office at Geneva and Other International Organizations in Switzerland, 2020a).

4. On March 4, Guangming Online published an article titled "Building a community with a shared future for mankind in the common fight against the coronavirus." The article argued that "China adopted various effective measures to combat the coronavirus, prevented the spread of the virus around the world, showed high dedication to the global public health cause, and was highly praised by the international community," as well as touted the superiority of China's institutions and the concept of "a community with a shared future for mankind" (Li, 2020).
5. On March 10, the *Guang Ming Daily* published an article titled "Pulling together to build a community with a shared future for mankind together—profound lessons from China's fight against the coronavirus" (Wu, 2020).
6. On March 28, eight national human rights education and training centers, including the Center for the Study of Human Rights at Nankai University, the Human Rights Research Center of the Renmin University of China, the Institute for Human Rights at the China University of Political Science and Law, the Human Rights Research Center at Fudan University, the Institute of Human Rights Studies at Wuhan University, the Research Center for Human Rights at Shandong University, the Human Rights Instituteat the Southwest University of Political Science and Law, and the Institute for Human Rights at Guangzhou University, co-hosted an online seminar on "Safeguarding Human Rights in Epidemic Prevention and Control." Seminar participants focused their discussion on the following four related issues: "Guaranteeing the Right to Survival in Epidemic Prevention and Control," "The Right to Know and the Right to Expression in Epidemic Prevention and Control," "Safeguarding the Rights of Vulnerable Groups in Epidemic Prevention and Control," and "Personal Freedoms and the Equality of Rights in Epidemic Prevention and Control" (Fu and Dong, 2020).

© *2021 by Taiwan Foundation for Democracy*

7. On March 30, Guangming Online published an article titled "China's battle against Covid-19 provides many answers for a community with a shared future for mankind," and a series of similar pieces (Liu and Ge, 2020).
8. On April 1, the *People's Daily* published an opinion piece entitled "Beware of those using racism as a political tool," which criticized the fact that people of Asian descent in Western countries have faced racist and xenophobic attacks linked to the virus. Since April, the Chinese government and various media have published a large number of articles and propaganda pieces to underscore the idea that "China has fought the coronavirus to build a community with a shared future for mankind" (Mao, 2020).
9. On May 9, the international seminar on "Guaranteeing the Right to Life in Epidemic Prevention and Control," organized by the Human Rights Institute at the Southwest University of Political Science and Law under the guidance of the Chinese Society for Human Rights Studies, was held in Chongqing. The seminar combined both virtual and in-person modes, and over 40 experts and scholars from China, the Netherlands, France, Pakistan, and Sri Lanka conducted discussions on the topics of "Values Hierarchy and Legal Protection of the Right to Life" and "Safeguarding the Right to Life of Vulnerable Groups under the Pandemic" (Ke, 2020).
10. On May 23, an international seminar on "Safeguarding the Rights of Vulnerable Groups During the Pandemic," organized by the Institute of Human Rights Studies at Wuhan University under the guidance of the Chinese Society for Human Rights Studies was held online. Nearly 50 scholars and decision makers in the field of human rights from Wuhan University, the Chinese Academy of Social Sciences, Fudan University, China University of Political Science and Law, the University of Hong Kong, as well as from Japan, the United Kingdom, Norway, Sweden, the United States, and other countries and regions participated in the online seminar (Ma, 2020a).

© 2021 by Taiwan Foundation for Democracy

11. On May 29, the United Nations Human Rights Council adopted the President's statement titled the *Human Rights Implications of Covid-19*. The adopted statement supports the fundamental role played by the United Nations institutions in coordinating global response to the pandemic and supporting the member states, especially the critical leadership role of the World Health Organization (People's Daily, 2020).
12. On May 30, the fourth session of the series of international seminars on "Global Epidemic Prevention and Control and Human Rights Protection" was organized by the Institute of Human Rights Law at Huazhong University of Science and Technology under the guidance of the Chinese Society for Human Rights Studies. Over 40 experts, scholars, and official representatives from China, Austria, the Netherlands, the United Kingdom, Pakistan, Nepal, and other countries as well as the United Nations participated in the online seminar. Discussions centered around topics such as "Human rights values and the fight against Covid-19," "Human rights protection and the fight against Covid-19," and "The diversity of human rights cultures and combating Covid-19 pandemic through enhanced solidarity and cooperation" (Ma, 2020b).
13. On June 8, the State Council published a white paper titled, *Fighting Covid-19: China in Action* (abbreviated as the Covid-19 white paper). The white paper is divided into four parts: (1) China's fight against the epidemic: A test of fire; (2) Well-coordinated prevention, control and treatment; (3) Assembling a powerful force to beat the virus; and (4) Building a global community of health for all. The white paper fully reflects the rationale, propaganda, and focus on misinformation in China's fight against the pandemic (Xin, 2020).
14. On June 22, the United Nations Human Rights Council again adopted a China-sponsored resolution titled "Promoting Mutually Beneficial Cooperation in the Field of Human Rights." The resolution calls upon all states to uphold multilateralism, foster a new type of international relations based onmutual

© *2021 by Taiwan Foundation for Democracy*

respect, fairness, justice, and mutually beneficial cooperation, build a community of shared future for mankind, undertake constructive and genuine dialogue and cooperation in the field of human rights, share concrete experiences and expertise in promoting and protecting human rights, and strengthen human rights technical assistance and capacity-building to achieve mutually beneficial cooperation (Xinhua Net, 2020a).

15. On September 15, the 45th session of the Human Rights Council held a general debate on the report of the United Nations High Commissioner for Human Rights. Ambassador Chen Xu, the Permanent Representative of China to the United Nations Office in Geneva and other international organizations in Switzerland, made a joint speech on behalf of countries with similar views, calling on the Office of the High Commissioner to continue to work with other countries and carry out dialogue and cooperation (Xinhua Net, 2020b).
16. On September 25, spokesperson of the Permanent Mission of China to the United Nations at Geneva Liu Yuyin stated that the U.K. Minister of State had made wanton accusations against China on Hong Kong and Xinjiang related issues at the Human Rights Council. "The U.K. side had abused the platform of the Human Rights Council to spread disinformation and distort history, fully exposing its arrogance, bias, and ignorance. China deplores and categorically rejects the accusations," he added (Liu, 2020).
17. On September 30, representatives from relevant social organizations in China successively made video presentations at the 45th session of the United Nations Human Rights Council, taking active steps to explain the Chinese position (Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, 2020b).
18. On October 1, regarding the criticism from the European Union, Xi Jinping responded that the Chinese people will not accept "an instructor" on human rights, and China firmly opposes any country's interference in its internal affairs

© 2021 by Taiwan Foundation for Democracy

(Voice of America, 2020h).

19. On October 7, Chinese Foreign Ministry spokesperson Hua Chunying remarked that nearly 70 countries made statements at the third committee of the 75th session of the United Nations General Assembly, supporting and echoing China's position. These countries believed that China's implementation of the *Law on Safeguarding National Security in the Hong Kong Special Administrative Region* is conducive to the stable and long-term development of the "one country, two systems" principle (Wu, 2020).
20. On October 13, the United Nations General Assembly voted to elect 15 of the 47 members on the Human Rights Council for a three-year term beginning on January 1, 2021. China, Cuba, and Russia were elected to the United Nations Human Rights Council, and China would again have a seat at the Human Rights Council (Zhang, 2020).
21. On November 18, numerous Australian news outlets received a dossier issued by officials of the Chinese Embassy in Australia, which lists 14 Australian activities and behaviors that have led to deteriorating relations between the two countries. The list of grievances includes: undermining Belt and Road agreements reached with China; making surprise raids of Chinese journalists in Australia; revoking visas for Chinese scholars; interfering in Hong Kong, Taiwan, and Xinjiang affairs; calling for an international inquiry into the origin of the coronavirus, banning Chinese technology company Huawei from the country's 5G network, and etc. Since May, Australian wine, barley, beef, copper, sugar, lobster, wood, coal, and other export products had been suspended or sanctioned by China's Ministry of Commerce (Flynn, 2020).
22. On November 19, regarding a joint statement on Hong Kong issued by the Five Eyes alliance consisted of the United States, Canada, the United Kingdom, Australia, and New Zealand, the spokesperson of the Chinese Ministry of Foreign Affairs Zhao Lijian responded strongly, "No matter how many eyes they have,

© *2021 by Taiwan Foundation for Democracy*

five or ten or whatever, should anyone dare to undermine China's sovereignty, security and development interests, be careful not to get poked in the eye (United Daily News Online, 2020).

23. On December 11, Chinese Foreign Minister Wang Yi listed seven major tasks of China's diplomacy in 2021. The seven tasks included, first, make best efforts to serve China's development strategies; second, strive to facilitate global economic recovery; third, advocate a new type of international relations; fourth, further deepen international and regional cooperation; fifth, proactively engage in the reform of global governance; sixth, promote mutual understanding between countries; and last, make continued efforts to build a community with a shared future for mankind (Ministry of Foreign Affairs of the People's Republic of China, 2020).

4. Results of the Observation

Since January 2020, China's human rights issues have been overshadowed by the Covid-19 pandemic. The right to medical care or public health as a human right became the focus of global concern, including how the World Health Organization failed to contain the outbreak, how it shielded China from criticism, as well as how international organizations were controlled and infiltrated by China. Problems neglected in the past surfaced. World media gave much attention to and reported that the WHO was overly politicized in its response to the pandemic. While Chinese officials were busy suppressing whistleblowers and concealing the true extent of the outbreak, WHO Director-General Tedros Adhanom Ghebreyesus actually praised China's "transparency" in handling the coronavirus, even lauding Xi Jinping's brilliant leadership. The "false sense of security" created by the WHO may be the principal reason for how the coronavirus outbreak quickly deteriorated into a global crisis within a month. In contrast, Taiwan, which is excluded internationally by China,

© 2021 by Taiwan Foundation for Democracy

has been widely praised as a model of epidemic prevention for democratic countries.

Looking at various human rights confrontations between China and the international community overall, first, there was a fierce clash with China over the investigation of Covid-19 origins. Among the most important incidents were likely the United States' announcement to withdraw from the WHO, and the unanimous adoption of an EU resolution calling for an "impartial, independent, and comprehensive evaluation" of the global Covid-19 pandemic at the 2020 World Health Assembly, which included 11 demands such as calls for investigating the source of the virus, national response plans and their timelines, the route of transmission to the human population, the "actions taken by the WHO during the pandemic," and the timeline of the organization's response to the pandemic.

Second, 2020 was also the time in which the U.S. government gave the most attention to human rights as the focus of its foreign policy in history. The U.S. actions included sanctions against Chinese entities over human rights abuses in Xinjiang; sanctions against Chinese Communist Party and Hong Kong officials for curtailing political freedoms in Hong Kong; publication of the *United States Strategic Approach to the People's Republic of China* with an emphasis on human rights; congressional passage and presidential signing of the *Uyghur Human Rights Policy Act*; publication of the *2019 Country Reports on Terrorism*, which criticized China's human rights abuses; publication of the *2019 Report on International Religious Freedom*, which condemned China's crackdown on religion; and the release of the annual *Trafficking in Persons Report*, which also detailed China's human rights violations. From these actions, it could be said that the Trump administration was the government that was most concerned about China's human rights issues in history. The Congressional-Executive Commission on China also accused the Chinese Communist Party of committing possible crimes against humanity, which was the most serious accusation and attempt at sanction it can levy.

In 2020, China launched a global Covid-19 propaganda campaign (diplomacy

© *2021 by Taiwan Foundation for Democracy*

and propaganda war), first through "head-of-state telephone or video diplomacy" led by the CCP General Secretary Xi Jinping, then followed by "mask diplomacy or health diplomacy," which involved the mobilization of the entire government. When Beijing discovered that its propaganda blitzes and deceptions were ineffective, it then unleashed the hardline "wolf warrior diplomacy" in an attempt to intimidate the international community into silence. The goal of Chinese foreign policy is to whitewash the role played by China, the Chinese Communist Party, and Xi Jinping during the pandemic, as well as to export China's totalitarian model of coronavirus response. In this regard, "the virus first broke out in Wuhan, China" and "China's cover-up of the coronavirus outbreak devastated the world" are probably two of the hardest responsibilities for the CCP to shirk. And about the most stupid thing the CCP had done was to accuse the U.S. military of bringing the coronavirus to China. This not only forced the Trump administration to hit back at China, but also aroused anti-China sentiment among Americans. In addition, China's state-run media widely circulated comments made by the well-known Italian doctor Remuzzi to advance the argument that "the coronavirus originated in Italy." This of course prompted Remuzzi to lash back, denouncing China of taking his statement out of context in a misleading and insinuating way for political propaganda purposes.

Clearly, the Chinese government has decided to wage global battle over human rights at the United Nations. In particular,the regular sessions of the U.N. Human Rights Council had nearly become an annual conference for discussing the human rights situation in China. China would use these international meetings to launch a number of initiatives in and out of the conference venue and then actively mobilize support from the international community. In 2020, China, Russia, Pakistan, and Uzbekistan were among the 15 countries elected to the United Nations Human Rights Council, a result that aroused outside suspicion and criticism. Human Rights Watch (HRW) charged that countries with deplorable human rights records should not be allowed to return to the Human Rights Council. The U.S. released a statement which

© 2021 by Taiwan Foundation for Democracy

plainly called the election of the Human Rights Council as "embracing autocrats." China's method of controlling international organizations is to extend its long arm to various U.N. agencies. There are more Chinese employees in charge of U.N. bureaucracy than any other country or government.

China's current strategy in the United Nations is striving to take over leadership positions in the "specialized agencies." China now has bagged some of the most important U.N. posts. The most worrying aspect is China's "party interests come first" attitude, which runs counter to the founding principles of the United Nations. It should be clear that China wants its nationals who hold U.N. positions to put China's national interests before all values. China's "eagerness" for participation in the U.N. is disproportional to its expected "share of financial contribution" and "share of the global population." A report has indicated that China is over-represented compared to other major donors, but Japan, the third largest donor to the U.N., is clearly underrepresented. The employment of U.S. nationals in the organization is also far from sufficient. The disheartening performance of liberal democracies almost means handing the United Nations to China.

China's expanding role at the United Nations means that it has control and influence over various global issues, including the ability to oust dissidents and silence critics at meetings organized by the United Nations. It gradually changes the values, plans, and policies of the United Nations in ways that are conducive to China's priority interests and ideology. In other words, the United Nations has almost become a tool for the CCP to pursue its own national interests, a tool for spreading authoritarianism and suppressing dissidents.The best example is China's suppression of Taiwan's participation in international organizations, completely ignoring its international responsibility, transparency, and the system of accountability.

It is worth noting that the "Seven Major Tasks of China's Diplomacy in 2021" put forward by Chinese Foreign Minister Wang Yi at the end of 2020 highly touts "making best efforts to serve China's development strategies," "building a

© *2021 by Taiwan Foundation for Democracy*

new type of international relations," and other objectives, including to promote the stable and smooth operation of global industrial and supply chains, advance "Belt and Road" cooperation, accelerate the development of the Health Silk Road, the digital Silk Road and a green Silk Road. Other tasks include continuing to uphold multilateralism, harnessing the roles and central positions of the United Nations and the World Trade Organization, working so that world get a more objective view of the CCP, and making continued efforts to build a community with a shared future for mankind. Clearly, in the future the CCP will be more ambitious in expanding its political, economic, and technological influence at the global level and will do its best to transform or replace the global values system of democracy, freedom, and human rights.

On the other hand, 2020 was a year of action in which liberal democracies joined forces to counter China. During a video conference of the foreign ministers from the seven major industrial countries in March, the foreign ministers at the virtual meeting all agreed that the CCP engaged in a disinformation campaign to reverse the fact that the origin of the coronavirus outbreak started in Wuhan. The CCP posed a threat to the free and open world order, just like the Covid-19 pandemic, hence the ministers urged all countries to join the fight so that international organizations would not be threatened by authoritarian forces.

For its part, the Trump administration again put the issues of Taiwan, Hong Kong, and human rights front and center of China-U.S. relations, having introduced many major policy measures that reshaped global public opinion and spurred action by U.S. allies in Europe, Japan, Australia, and Canada. Increasingly more countries have come forward to publicly voice their concerns about China's crackdown on the human rights of ethnic minority groups. In particular, the European Union countries, have made more frequent statements on the matter and their tones have become increasingly harsh. At the U.N., 39 countries expressed "grave concerns"

© 2021 by Taiwan Foundation for Democracy

about China's human rights abuses, and over 400 organizations agreed with such assessment.

In 2020, new types of global anti-communist organizations and movements have emerged. Among them is the "Inter-Parliamentary Alliance on China," which was founded in June and formed by more than 170 cross-party parliamentarians from 18 different countries and the European Parliament. The alliance believes that the CCP has brought unprecedented threats to the free and safe democratic system and to human rights, and hopes that through cooperation between countries, it can safeguard the international rules-based order, uphold human rights, promote trade fairness, strengthen security, and protect national integrity, so as to stop human rights abuses resulting from the rise of China.

In November 300 representatives from more than 80 democratic countries participated in the 2020 Halifax International Security Forum in Canada. The Forum published the anti-communist handbook titled *China vs. Democracy: The Greatest Game*. This 101-page handbook is hailed as a primer for understanding how China threatens the global open society, as it aims to redefine China and establish a common anti-China strategy for democracies. The handbook raised two questions: (1) what is the nature of the Chinese regime? and (2) what is the nature of the threat it poses to the world's democracies? After holding discussions with more than 250 experts and political and business leaders from nearly thirty countries, the Halifax Forum team reached the following conclusion. First, the Chinese regime is and will for the foreseeable future remain authoritarian, neither respecting nor deferring to the values of democratic nations, nor the global norms and institutions infused with those values. Second, China increasingly has the economic power to assert its own authoritarian value system in Asia, even cross the world. Third, the CCP under Xi Jinping is Leninist to the core and has made clear in both word and deed that it intends to assert that power. Therefore, the "Chinese Communist Party is the virus that really endangered the world." This forum will strengthen the strategic cooperation among

© *2021 by Taiwan Foundation for Democracy*

the world's democracies to effectively respond to the world's greatest challenges.

At the end of the handbook the Halifax Forum even formulates seven principles regarding China. The democratic world pledges to defend itself from the following practices that undermine its values and way of life:

1. Ignoring China's attempts to interfere in democratic societies;
2. Submitting to, collaborating with, or participating in any censorship or self-censorship of ideas, writings, artistic endeavors, or statements related to the People's Republic of China;
3. Participating in any business or technology-related practices or exchanges that aid and abet Chinese Communist Party oppression of its own people;
4. Neglecting to oppose attempts by the People's Republic of China to bring global governance of the internet and technological standards into alignment with its own authoritarian values and ambitions;
5. Supporting or engaging in any kind of punishment or sanction of anyone for engaging in criticism of China;
6. Failing to support democratically-minded people and governments across the world who face pressure or intimidation by the People's Republic of China;
7. Knowingly buying or trading in Chinese products or services made with forced labor, or that are the result of criminal activities like counterfeiting or intellectual property theft.

Finally, in 2020 Australia strongly urged the international community to launch an investigation into the outbreak of Covid-19, and repeatedly criticized China on issues related to Xinjiang, Hong Kong, Taiwan, and the South China Sea. As a result, China imposed a series of retaliatory trade sanctions on the democratic and free Australia, which led to the global launch of the #SolidarityWithAustralia movement. The lesson of these events for the world is that when China punishes any individual democratic country, China will always have the upper hand; yet if all the democratic

© 2021 by Taiwan Foundation for Democracy

countries in the world work together and coordinate their actions, then China is the one who will be isolated and punished.

© 2021 by Taiwan Foundation for Democracy

References

Andelie (2020). "At U.N. General Assembly, French President Macron Calls for an International Mission to Xinjiang to Investigate Uyghur Human Rights." Radio France Internationale. 2020/09/22. https://www.rfi.fr/tw/中國/20200922-法國總統馬克龍聯大會上要求派遣國際調查團前往新疆調查維吾爾人權. (accessed September 30, 2020).

Apple Daily (2020). "EU Council Statement: Serious Concerns about the Human Rights Situation in China and Developments in Hong Kong." Apple Daily. 2020/10/02. https://tw.appledaily.com/international/20201002/XDQRV34CKBHLXDZDTLYLXJATEU/. (accessed October 20, 2020).

BBC Chinese (2020a). "Coronavirus: World Health Organization Member States Agree to Set Up an Independent Probe." BBC Chinese. 2020/05/19. https://www.bbc.com/zhongwen/trad/world-52729603. (accessed May 20, 2020).

_____(2020b). "U.S. President Signs Uyghur Human Rights Bill into Law, Angering China: Here Are the Four Major Points." BBC Chinese. 2020/06/18. https://www.bbc.com/zhongwen/trad/world-53095947. (accessed June 20, 2020).

Charbonneau, Louis (2020). "39 Countries at U.N. Express 'Grave Concerns' about China's Abuses." Human Rights Watch. 2020/10/06. https://www.hrw.org/zh-hant/news/2020/10/06/376623. (accessed October 20, 2020).

Epoch Times (2020). "China Joins Human Rights Panel, Appointment Criticized as 'Fox Guarding the Henhouse'." Epoch Times. 2020/05/03. https://www.epochtimes.com/b5/20/5/2/n12078458.htm. (accessed May 20, 2020).

Flynn (2020). "Australian Prime Minister Refuses to Make Concessions After Chinese Officials Handed a List of '14 Grievances.'" Radio France Internationale. 2020/11/19. https://www.rfi.fr/tw/亞洲/20201119-被中國官員拉清單指涉華-14宗罪-澳總理拒絕讓步. (accessed November 20, 2020).

Fu, Liyuan and Qinmei Dong (2020). "Eight National Human Rights Education and Training Centers Co-hosted 'Human Rights Protection in Epidemic Prevention

© 2021 by Taiwan Foundation for Democracy

and Control' Online Seminar." Guang Ming Daily. 2020/03/30. http://www.humanrights.cn/html/2020/dt_0330/49929.html. (accessed March 30, 2020).

Ke, Gaoyang (2020). "International Symposium on 'Safeguarding the Right to Life in Epidemic Prevention and Control' Opens in Chongqing." People's Daily. 2020/05/09. http://www.humanrights.cn/html/2020/dt_0509/51181.html. (accessed May 20, 2020).

Li, Jinghui and Fan Wang (2020). "UN Experts Condemn China, Call on the International Community to Take Decisive Measures." Deutsche Welle. 2020/06/27. https://www.dw.com/zh/聯合國專家譴責中國-籲國際社會採取果斷措施/a-53964270. (accessed June 30, 2020).

Li, Bao (2020). "300 Groups from 60 Countries around the World Unanimously Urge the United Nations to Urgently Address China's Human Rights Abuses." Voice of America. 2020/09/09. https://www.voacantonese.com/a/rights-groups-un-china-20200909/5576535.html. (accessed September 20, 2020).

Li, Shu (2020). "Build a Community with a Shared Future for Mankind in the Common Fight Against the Coronavirus." Guangming Online. 2020/03/04. https://theory.gmw.cn/2020-03/04/content_33617056.htm. (accessed March 20, 2020).

Lian, Manting (2020). "U.S. Pushes Industry Standards to Counter China's Use of Artificial Intelligence to Repress Its People." The Epoch Times. 2020/01/08. https://www.epochtimes.com/b5/20/1/7/n11775026.htm. (accessed January 30, 2020).

Lin, Yan (2020). "U.S. Government Report: The CCP's Forced Labor Production Far Exceeds That of Other Countries." Epoch Times. 2020/10/02. https://www.epochtimes.com/b5/20/10/2/n12446676.htm. (accessed October 20, 2020).

Liu, Xianchun and Yingru Ge (2020). "Theorizing about Battle Against Covid-19: China's Battle Against Covid-19 Provides Many Answers for a Community with a Shared Future for Mankind." Guang Ming Daily. 2020/03/27. http://

© *2021 by Taiwan Foundation for Democracy*

theory.people.com.cn/n1/2020/0327/c40531-31651441.html. (accessed March 30, 2020).

Liu, Yeting (2020). "Liu Yuyin, Spokesperson of the Permanent Mission of China in Geneva, Comments on the Erroneous Remarks Made by the U.K. Minister of State Concerning China at the Human Rights Council." People's Daily Online. 2020/09/26. http://www.xinhuanet.com/2020-06/23/c_1126147408.htm. (accessed September 30, 2020).

Ma, Haiyan (2020a). "Chinese and Foreign Experts Discuss the Protection of Vulnerable Groups' Rights during the Pandemic." People's Daily. 2020/05/23. http://www.chinanews.com/gn/2020/05-23/9192945.shtml. (accessed May 30, 2020).

_____ (2020b). "Human Rights from the Perspective of Epidemic Prevention and Control, Chinese and Foreign Scholars Discuss Human Rights Perspectives between China and the West." China News Service. 2020/05/30. http://www.chinanews.com/gn/2020/05-30/9199102.shtml. (accessed May 30, 2020).

Mao, Junxiang (2020). "Beware of Those Using Racism as a 'Political Tool'." People's Daily. 2020/04/01. http://paper.people.com.cn/rmrb/html/2020-04/01/nw.D110000renmrb_20200401_2-16.htm. (accessed April 20, 2020).

_____ (2020). "The Stalemate between Australia and China: From 14 Grievances to Trade Dispute Over Wine." BBC Chinese. 2020/12/07. https://www.bbc.com/zhongwen/simp/world-55187261. (accessed December 15, 2020).

Ministry of Foreign Affairs of the People's Republic of China (2020). "Wang Yi Talks Seven Major Tasks of China's Diplomacy in 2021." Ministry of Foreign Affairs of the People's Republic of China. 2020/12/11. https://www.fmprc.gov.cn/web/wjbzhd/t1839412.shtml. (accessed December 15, 2020).

Pan, Wei (2020). "The 2020 Halifax International Security Forum Focuses on the China Challenge." Radio France Internationale. 2020/11/20. https://www.rfi.fr/cn /美洲/20201120-2020年哈里法克斯國際安全論壇重點討論中國挑戰.

© 2021 by Taiwan Foundation for Democracy

(accessed November 20, 2020).

People's Daily (2020). "United Nations Human Rights Council Urges Support for the World Health Organization." People's Daily. 2020/06/01. http://tyzx.people.cn/BIG5/n1/2020/0601/c372194-31730620.html. (accessed June 1, 2020).

Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland (2020a). "'Counter-terrorism, De-radicalization, and Human Rights Protection' Seminar Held in Geneva." Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland. 2020/03/02. http://www.china-un.ch/chn/dbtzyhd/t1751623.htm. (accessed March 20, 2020).

_____ (2020b). "Representatives from Social Organizations in China Speak Energetically at the 45th Session of the Human Rights Council: Promote Human Rights through Development and Build a Better World Together." Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland. 2020/09/30. http://www.china-un.ch/chn/dbdt/t1821022.htm. (accessed September 30, 2020).

Radio France Internationale (2020a). "Human Rights Watch Annual Report Criticizes the Chinese Government for Intensifying Its Attacks on the International Human Rights System." Radio France Internationale. 2020/01/14. https://www.rfi.fr/tw/中國/20200114-人權觀察年度報告批評中國政府加大力度攻擊國際人權體系. (accessed January 30, 2020).

_____ (2020b). "Hong Kong's Human Rights Organizations Oppose Chinese Representative Joining UN Human Rights Panel." Radio France Internationale. 2020/04/11. https://www.rfi.fr/tw/中國/20200411-港人權組織反對中國代表加入聯合國人權小組. (accessed April 20, 2020).

© *2021 by Taiwan Foundation for Democracy*

_____ (2020c). "German-Chinese Human Rights Dialogue: Human Rights Situation in China Is Deteriorating Dramatically." Radio France Internationale. 2020/09/09. https://www.rfi.fr/cn/歐洲/20200909-德中人權對話德國-中國人權狀況急劇惡化. (accessed September 20, 2020).

Si, Yang (2020). "How China Erodes the International Human Rights System One Step at a Time." Voice of America. 2020/09/18. https://www.voacantonese.com/a/china-global-human-human-rights-system-20200918/5588517.html. (accessed September 20, 2020).

Sputnik News (2020). "Permanent Mission of China to the United Nations: We Resolutely Oppose Human Rights Watch's Wanton Accusations on China's Human Rights Situation." Sputnik News. 2020/01/15. http://big5.sputniknews.cn/china/202001151030453459/. (accessed January 20, 2020).

Su, Jinghao (2020). "Pompeo Discusses Anti-communism Wave in the United States and Europe and Promises to Speak Up for the Chinese." Epoch Times. 2020/06/25. https://www.epochtimes.com/b5/20/6/25/n12210798.htm. (accessed June 26, 2020).

United Daily News Online (2020). "Inquiring about the Origin of Coronavirus Dooms Trade Deals, Understand at Once Why China and Australia Are at Odds." United Daily News Online. 2020/12/04. https://udn.com/news/story/6809/5066740. (accessed December 10, 2020).

Voice of America (2020a). "Human Rights Watch: The Chinese Government Is Carrying Out the Most Intense Attack on the Global System for Enforcing Human Rights." Voice of America. 2020/01/16. https://www.voacantonese.com/a/world-human-rights-report-china-hk-xinjiang-tibet/5246657.html. (accessed January 16, 2020).

_____ (2020b). "A Human Rights Organization Urges China to Protect Human Rights When Responding to Coronavirus Crisis." Voice of America. 2020/01/31. https://www.voacantonese.com/a/human-rights-group-urges-china-to-protect-human-rights/5268405.html. (accessed January 31, 2020).

© 2021 by Taiwan Foundation for Democracy

_____ (2020c). "U.S. Sanctions 33 Chinese Entities Involved in Human Rights Violations and Military Procurement." Voice of America. 2020/05/23. https://www.voacantonese.com/a/china-entity-human-rights-military-20200522/5432618.html. (accessed June 20, 2020).

_____ (2020d). "U.S. Department of State Lists China among the Worst Human Trafficking Offenders." Voice of America. 2020/06/26. https://www.voacantonese.com/a/china-offender-human-trafficking-20200625/5478304.html. (accessed June 26, 2020).

_____ (2020e). "U.N. Counter-terrorism and Human Rights Experts Issue Joint Letter Questioning Hong Kong's *National Security Law*, China Warns Against Meddling in Its Internal Affairs." Voice of America. 2020/09/05. https://www.voacantonese.com/a/china-warns-un-against-meddling-in-its-affairs/5572076.html. (accessed September 20, 2020).

_____ (2020f). "Xi Jinping Rejects EU's Human Rights Criticism." Voice of America. 2020/09/16. https://www.voacantonese.com/a/china-reject-eu-human-rights-criticism-09152020/5584759.html. (accessed September 20, 2020).

_____ (2020g). "U.K. Senior Official Criticizes China's Human Rights Violations in Xinjiang at a Session of the U.N. Human Rights Council." Voice of America. 2020/09/26. https://www.voacantonese.com/a/britain-criticises-china-over-xinjiang-hong-kong-20200925/5597763.html. (accessed September 26, 2020).

_____ (2020h). "European Union: China Needs to Honor Its Commitment to Open Markets and Stop Human Rights Violations." Voice of America. 2020/10/01. https://www.voacantonese.com/a/EU-leaders-to-tell-China-to-meet-2019-2020-trade-deadlines-20201001/5604884.html. (accessed October 20, 2020).

Wang, Chun (2020). "Like Asking a Spirit to Collect Your Prescription (lit. Asking a Fox to Guard the Henhouse): Beijing Will Be Able to Pick Human Rights Investigators." Secret China. 2020/04/07. https://www.secretchina.com/news/b5/2020/04/07/928825.html. (accessed April 20, 2020).

© *2021 by Taiwan Foundation for Democracy*

Wen, Hui (2020). "U.S. Commission Report: China's Human Rights Record and Rule of Law Have Deteriorated." New Tang Dynasty Television. 2020/01/09. https://www.ntdtv.com/b5/2020/01/09/a102748731.html. (accessed January 30, 2020).

Wu, Nianta (2020). "Human Rights in China Are a Global Concern, Hua Chunying: Western Countries' Human Rights Records Are Notorious." CTS News. 2020/10/07. https://news.cts.com.tw/cts/international/202010/202010072016246.html. (accessed October 20, 2020).

Wu, Zhicheng (2020). "Pulling Together to Build a Community with a Shared Future for Mankind Together—Profound Lessons from China's Fight Against the Coronavirus." Guang Ming Daily. 2020/03/10. http://epaper.gmw.cn/gmrb/html/2020-03/10/nw.D110000gmrb_20200310_2-14.htm. (accessed March 20, 2020).

Xia, Yu (2020). "Pompeo: State-sponsored Repression Against All Religions Continues to Intensify." Epoch Times. 2020/06/11. https://www.epochtimes.com/b5/20/6/10/n12176479.htm. (accessed June 20, 2020).

Xiao, Man (2020). "Inter-Parliamentary Alliance on China Crafts Unified Response to Address China Challenge." Radio France Internationale. 2020/06/06. https://www.rfi.fr/cn/中國/20200606-跨國議會對華政策聯盟-一致應對中共挑戰. (accessed June 20, 2020).

Xin, Wen (2020). "*Fighting COVID-19: China in Action* White Paper." Xinhua Net. 2020/06/07. http://news.cpd.com.cn/n18151/202006/t20200607_914536.html. (accessed June 20, 2020).

Xinhua Net (2020a). "The U.N. Human Rights Council Again Adopts China-sponsored Resolution Titled 'Promoting Mutually Beneficial Cooperation in the Field of Human Rights'." Xinhua Net. 2020/06/23. http://www.xinhuanet.com/2020-06/23/c_1126147408.htm. (accessed June 23, 2020).

© 2021 by Taiwan Foundation for Democracy

_____ (2020b). "On Behalf of Countries with Similar Views, China Calls on the U.N. Human Rights Office to Continue Dialogue and Cooperation with Various Countries." Xinhua Net. 2020/09/16. http://www.xinhuanet.com/2020-06/23/c_1126147408.htm. (accessed September 20, 2020).

Yang, Ming (2020). "Human Rights Groups and International Community Condemn China's Forced-labor Policy in Tibet." Voice of America. 2020/09/26. https://www.voacantonese.com/a/International-community-calls-for-action-against-China-Tibetan-forced-labor-20200925/5598768.html. (accessed September 30, 2020).

Ye, Ziwei (2020). "White House Report Calls Out the CCP's Persecution of Human Rights, Delighting U.S. Political Leaders and Scholars." Epoch Times. 2020/05/28. https://www.epochtimes.com/b5/20/5/27/n12141692.htm. (accessed June 20, 2020).

Zhang, Ting (2020). "China, Russia, and Cuba Elected to the U.N. Human Rights Council, Pompeo Condemns Election." Epoch Times. 2020/10/14. https://www.epochtimes.com/b5/20/10/13/n12473781.htm. (accessed October 20, 2020).

© *2021 by Taiwan Foundation for Democracy*

Political Rights: Malignant Consequences of Restricting the Freedom of Speech

Chia-chou Wang*

Abstract

What is the development of political rights in China in 2020? Did they become more open or restricted compared to 2019? In order to answer these questions, this article will use the *International Covenant on Civil and Political Rights* (ICCPR) as the standard to highlight the cases of 2020 (as the research objects) via an inductive method. The main features of Chinese political rights development in 2020 are the continuation, expansion, aggravation, and new types of violations to the political right. Examples of continued infringement of the right include Li Wenliang's admonition, the concealment of information regarding the Covid-19 epidemic outbreak and the June 4th "*weiwen*" (or stability maintenance). Examples of rights violations expansion include Cai Xia's disciplining and the approval of Geng Xiaonan's arrest. Examples of rights violations aggravation include Xu Zhangrun's Dismissal and Being Accused by Making a Documentary. Examples of new types of right violation, including the arrest of the participants of the Xiamen Conference, Ren Zhiqiang's heavy sentence, and the case of Ye Fuxing's dismissal. Compared with the situation in 2019, the development of China's political rights was further restricted in 2020, mainly manifested in a broader range of infringement objects, the expansion of the charges used, and the extension of sentence length.

* Professor in the Department of Public Policy and Management at I-Shou University. E-mail: jjw@isu.edu.tw. Many thanks to Wan-jing Chen, the Research Assistant, for her assistance on data collection.

© 2021 by Taiwan Foundation for Democracy

Keywords: Covid-19, right to liberty, right to political participation, compound violation

1. Introduction

The main features of China's political rights development in 2019 are the continuous restriction on the freedom of speech and the compound violation of political rights (Wang, 2020: 51-82). Will these features be extended in 2020? In other words, what is the nature of the political rights development of China in 2020? Has it become more open or restricted compared to the situation in 2019? In order to answer these questions, this article adopts an inductive method of case analysis using the standards included in the *International Covenant on Civil and Political Rights* (which was co-signed by China) to highlight relevant events of 2020.

The six categories of the right to liberty analyzed in this article include personal freedom, freedom of secret communication, freedom of opinion, freedom of expression, freedom of assembly, and freedom of association. 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 the details of political rights. The discussion on the cases of suffrage right violation is excluded in this article. The main reason for this exclusion is because most of these cases occurred in Hong Kong, and there is a separate chapter in this report dedicated to Hong Kong. The instances where the Communist Party of China (hereafter, CCP) used technology to infringe the freedom of secret communication are also not discussed in this article since there is a chapter on scientific and technological rights in this report. Furthermore, there is no discussion on the freedom of association in this article due to the lack of representative cases.

© 2021 by Taiwan Foundation for Democracy

Table 1. Categories, Types and Contents of Political Rights

Categories	Types	Contents of ICCPR
Right to Liberty	Personal Freedom	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.
	Freedom of Secret Communication	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.
	Freedom of Opinion	19.1: Everyone shall have the right to hold opinions without interference.
	Freedom of Expression	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.
	Freedom of Assembly	21: The right of peaceful assembly shall be recognized.
	Freedom of Association	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.
Rights to Political Participation	Right to Suffrage	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
	Right to Hold Public Office	25.3: To have access, on general terms of equality, to public service in his country

Source: Table was made by the author.

Note: The numbers in the table are the article's items of the *International Covenant on Civil and Political Rights* (ICCPR).

© 2021 by Taiwan Foundation for Democracy

When reviewing the development of China's political rights in 2020, the two main features are the malignant consequences of restricting the freedom of speech and the compound violation of political rights. Apart from the introduction and the conclusion, the structure of this article is divided into three parts, including the representative cases of the malignant consequences, resulted from the tightened control of speech, the representative cases of the violation of other political rights, and the discussion on the compound violation of political rights in China. In this article, "freedom of speech" refers to the general term of freedom of opinion and expression, and "compound violation" refers to the violations of two or more than two types of political rights in one single case.

2. The Representative Cases of the Malignant Consequences of Restricting the Freedom of Speech

The political trend of 2019 that further restricted the freedom of speech in China led to a malignant consequence in 2020: the global spread of Covid-19. Such a claim is not a unique argument proposed by this article. Ai Xiaoming (2020), for example, a retired professor of Sun Yat-sen University, and other concerned parties stated in their cosignatory open letter that the spread of Covid-19 is "another 'man-made disaster' caused by the strangling of the freedom of speech." The review and analysis of five cases in which the contraction of the freedom of speech led to malignant consequences are given as follows:

2.1 The Investigation and Punishment of a Physician's Early Warning Infringed the Freedom of Opinion and Expression: The Case of Dr. Li Wenliang's Admonition

Li Wenliang, an ophthalmologist at Wuhan Central Hospital, was one of the first whistleblowers of the Covid-19 outbreak. However, on January 3, 2020, he was

© *2021 by Taiwan Foundation for Democracy*

accused of "publishing false statements on the Internet" by the Zhongnan Road Police Station of the Wuchang Branch of the Wuhan Public Security Bureau. He was forced to sign a "letter of admonition" in violation of the *Public Security Administration Punishment Law*. Li Wenliang said, "I'm afraid I can't leave the station without signing it," and he was also worried about its impact on his future work and promotion. He pointed out that "I just want to remind my classmates to pay attention to it, and I don't intend to cause social panic." He believed that "a healthy society should not have only one voice, and it should not be overly interfered with by public power (Lin and Lu, 2020)." Dr. Li Wenliang died of Covid-19 on February 6, 2020.

2.2 The Intimidation and Punishment of Public Opinions Infringed the Freedom of Opinion and Expression: The Case of Concealing the Facts of the Epidemic

In order to conceal the actual situation of Covid-19's epidemic development, China arrested at least 325 of its citizens from January 22 to 28, 2020 (Xiong, Li, and Shu, 2020). Although Dr. Li Wenliang's death caused a wave of freedom of speech in China, the country continued to block the truth about the epidemic and its criticism. Many scholars, citizen journalists, and dissidents were warned, intimidated, house arrested, quarantined, arrested, or dismissed by the Chinese authorities.

(1) Warning: Because of signing on the open letter of "Only Changes are the Best Memorial to Dr. Li Wenliang," Professor Hao Jian of the Beijing Film Academy immediately received both written and oral warnings from his employer that he should not participate in similar actions again. In addition, Hu Jia, a human rights defender in Beijing, continued to comment on the situations of the Covid-19 epidemic on Twitter, and his parents were intimidated by the National Security Council of Beijing in an attempt to silence him.

(2) Intimidation: Chinese writer Fang Fang had recorded the development of the Covid-19 epidemic in Wuhan City in the form of diary entries, later assembled

© 2021 by Taiwan Foundation for Democracy

into a book called the "Wuhan Diary." On April 8, 2020, the English and German-language versions of the book were pre-sold on Amazon. As a result, Fang Fang was labeled a traitor to China and even received death threats. After that, none of her works could be published in China, nor could she write for newspapers and media.

(3) Disconnection: On February 2, Xu Zhangrun (2020), a professor of Tsinghua University, wrote an article criticizing the problems of "organized disorder" and "institutional incompetence" in China, stating that the epidemic of Wuhan was more a man-made disaster than a natural disaster. Not only was Xu Zhangrun's WeChat account blocked, but two people were surveilling the door of his residence, and no one could contact him again.

(4) Isolation: Citizen reporter Chen Qiushi went to Wuhan to film the Covid-19 epidemic on January 24, claiming that he "will tell the truth about the epidemic," but was reported missing on February 7. On February 8, his parents were informed by the public security police that he was under a compulsory quarantine, but they did not specify when, where, and why he could not be contacted. Netizens praised Chen Qiushi as "a person who dared to go to Wuhan to report on the best obtainable version of the truth during the worst period of the epidemic. He is a hero, and he is missing (Tsai, 2020)."

(5) Arrest: Fang Bin is also a citizen journalist. He once filmed and posted a video of 8 corpses being moved out of Wuhan Fifth Hospital within five minutes, causing a sensation both at home and abroad. He was forcibly taken away by the police on February 10, and no one has heard from him ever since. The day before Fang Bin's arrest, he also published a video appeal claiming that "the resistance of all people is required for returning politics to the people. The cruelty of the virus is far inferior to the cruelty of tyranny." Chinese netizens initiated a proposal to collectively turn off the lights, calling for the release of Fang Bin and Chen Qiushi, as well as for the rescue of Wuhan (Yan, 2020). Another citizen

© 2021 by Taiwan Foundation for Democracy

journalist, Zhang Zhan, went to Wuhan to report on the epidemic on February 1. He made posts about the real situations of the epidemic on social media websites such as Twitter and YouTube while helping local people to defend their rights. On May 15, he was detained by the Pudong branch of the Shanghai Public Security Bureau for "suspicion of provoking quarrels." He was arrested on June 19 and sentenced to 4 years in prison on December 28.

(6) Dismissal from work: On February 7, Zhou Peiyi, a Hong Kong teacher at the Faculty of Arts and Law of the Chinese Academy of Social Sciences, alleged that the spread of Covid-19 was a "social problem formed by the system." After being reported by the students, she was terminated immediately for her teaching duties and later dismissed from her job. The notice issued by the academy stated that "the inappropriate remarks" made by Zhou Peiyi failed to "consolidate with the political direction," causing "bad influence" among students. Chinese netizens described the reaction of the academy as "returning to the Cultural Revolution period," and "it is basically a modern version of literary inquisitions" (Ming, 2020). On April 26, Hubei University filed an investigation against one of its professors, Liang Yanping, who was reported by netizens for publishing an article supporting the writer Fang Fang's diary on the lockdown of Wuhan City. On June 20, the school alleged that Liang Yanping had repeatedly made false statements, causing extremely negative effects on society. As a result, both her CCP membership and her status as a master's student supervisor were canceled, and she was given a demerit and suspended from all teaching duties.

2.3 A Heavy Sentence for a Dissident Infringed Personal Freedom, Freedom of Opinions and Freedom of Expression: the Case of Ren Zhiqiang

On September 22, 2020, the Beijing No. 2 Intermediate Court found Ren Zhiqiang guilty of four crimes: corruption, bribery, embezzlement of public funds,

© 2021 by Taiwan Foundation for Democracy

and power abuse. He was sentenced to 18 years in prison and fined 4.2 million RMB. Ren Zhiqiang expressed in court that he would obey the court's decision and not appeal. The cause of this was his article (Ren, 2020), where he claimed that the CCP's strict control on the freedom of speech led to the outbreak of the Covid-19 epidemic, and where he also mocked Xi Jinping as a "clown who stripped naked and insisted on being an emperor." According to the Civil Rights and Livelihood Watch website, Ren Zhiqiang's article is "fulfilling his constitutional rights by law. It is illegal and unconstitutional for the CCP to suppress it" (CRLW Editor 1, 2020b).

2.4 The Stigmatization and Punishment of a Scholar Infringed the Freedom of Opinion and Expression: the Case of Xu Zhangrun's Discharge

On July 15, 2020, Xu Zhangrun, a law professor at Tsinghua University in Beijing, was expelled from the university. Tsinghua alleged two reasons for his discharge: the first one was that Xu Zhangrun had "committed the illegal conduct of soliciting prostitution which was already punished by police," and the second was that, since July 2018, he "has published several articles that seriously violated the regulations of *Ten Standards of Professional Conduct for College Teachers in the New Era*" (Radio Free Asia, 2020). Chinese and foreign public opinion generally believe that Xu Zhangrun has been the victim of slandered, which is a bludgeon. When Chengdu police arrested Xu Zhangrun on July 6 under the charge of "soliciting prostitution," Australian scholar Qiu Yueshou posted on Twitter: "In China, those who obey me (the ruler) prosper and those who oppose me solicit prostitution." Chinese sociologist Guo Yuhua commented on Twitter: "Even if all kinds of crimes and mistakes were fabricated, they couldn't cover up a basic fact: It is a political persecution, being guilty of words." Xu Zhangrun's friends stated that at the end of June 2020, Xu Zhangrun's new book, *Six Chapters of the Movement of 1898*, was published in the United States, which must be the direct reason for his arrest since

© *2021 by Taiwan Foundation for Democracy*

many parts of the book questioned the legitimacy of the CCP regime (DW Chinese Website, 2020).

2.5 The Cancellation of Retired Pension Infringed the Freedom of Opinions and Expression: The Case of Cai Xia's Discipline

On August 17, 2020, Cai Xia, a retired professor of the Central Party School of the CCP, was expelled from the Party, and her retirement benefits were canceled. The announcement on the school's website stated that Cai Xia "published the remarks that have serious political problems and damage the country's reputation" (Wenwei.com, 2020) but did not specify the facts of Cai Xia's violation of discipline. According to the media, there are three possible reasons for expelling her: first, she advocated replacing Xi's leadership and criticized the CCP as a "political zombie." Second, after Li Wenliang's death, she co-signed the open letter calling for freedom of speech. Third, she criticized the *National Security Law* of Hong Kong, saying that Beijing's move was "to rape Hong Kong people" (BBC Chinese website, 2020b).

3. The Representative Cases of the Violation of Other Political Rights

The following five cases respectively represent violations of personal freedom, freedom of opinion, freedom of expression, freedom of assembly and the right to serve public office.

3.1 The Arrest of Citizens Gathering in Groups Infringed Four Types of Freedom: The Case of Arresting the Participants of the Xiamen Conference

From December 7 to December 8, 2019, Xu Zhiyong, the initiator of the New Citizens Movement, gathered a group of citizens and human rights lawyers to meet

© 2021 by Taiwan Foundation for Democracy

offline in Xiamen. Starting on December 26, the Chinese public security officers successively arrested people who participated in the Xiamen Conference or gathered with the persons mentioned above on other occasions in Fujian, Shandong, Beijing, Hebei, Sichuan, Zhejiang, and other places. More than 20 citizens and human rights lawyers were arrested, summoned, or missing. Ding Jiaxi, Dai Zhenya, Zhang Zhongshun, and Chang Weiping were all designated for residential surveillance and were not allowed to meet with their defense lawyers. The first three were accused of inciting subversion of state power, while Chang Weiping was suspected of subverting state power. Xu Zhiyong was arrested by Guangzhou police on February 15, 2020, on suspicion of inciting subversion of state power. In June, the arrest for Xu Zhiyong was approved, and Ding Jiaxi was prosecuted.

3.2 Allegations of Felony Infringed Personal Freedom and Freedom of Opinion and Expression: The Case of Being Accused for Making a Documentary

On March 5, 2020, Chinese director Chen Jiaping was accused of "inciting subversion of state power" in Beijing for filming the "Documentary of Xu Zhiyong" and was detained under residential surveillance in a designated residence. The police refused all the requests of a visit made by Chen's wife on the grounds of "improper timing." As a result, Chen Jiaping was arrested for more than 40 days and still failed to meet with his lawyer and families. On April 12, Chen's wife exposed the situation of Chen Jiaping's arrest in an open letter. Chen's wife questioned the improper charge of "inciting subversion of state power" by the police, arguing that artists have the right to free expression. "The country will not be subverted because of a work of art, and the people will not be incited because of an unreleased documentary (Li, 2020)." On June 19, Chen Jiaping was released on bail.

© 2021 by Taiwan Foundation for Democracy

3.3 The Restriction of Personal Freedom Infringed the Freedom of Opinions and Expression: The Surveillance Cases of June 4th Weiwen (Stability Maintenance)

The year 2020 marked the 31st anniversary of the 1989 Tiananmen Square Protests suppressed by the CCP. Many dissidents, currently under the strict surveillance of the CCP, were closely monitored on the eve of June 4. Some of them were forced to travel, some of them were summoned and detained, and some just disappeared.

(1) Forced to travel: Chen Siming and Liu Jiacai are two cases in point. On June 1, Hunan rights activist Chen Siming was taken by the police from Hunan to Jiangxi and Anhui for tourism and was not sent home until June 5. During this period, the police followed him 24 hours a day, preventing him from publishing any content linked to June 4 online. However, after returning home, Chen Siming took a picture of himself raising a banner "In memory of the 31st anniversary of the Tiananmen Square" and posted it to online platforms such as Twitter. He then published an open letter commemorating the Tiananmen Square online, as a result, he was subjected to administrative detention for 15 days. Moreover, Hubei human rights activist Liu Jiacai went into exile after attending the "Xiamen Conference" at the end of 2019, but he continued to post online, focusing on Covid-19 and other social events. On June 3, he was taken by the Yichang Branch of the Public Security Bureau to travel abroad, and they did not return until June 11.

(2) Being Detained: the two cases in points are Wang Zang and Zhang Wuzhou. On May 30, the dissident and poet, Wang Zang was taken away, and his house was ransacked by the public security bureau of Chuxiong City, Yunnan Province due to the suspicion of "inciting subversion of state power" since local police suspected him that he might be holding an event to commemorate the "June 4 Massacre." In mid-September, Wang Zang was prosecuted by the Chuxiong Prefecture Procuratorate of Yunnan Province on the charge mentioned above. In

© 2021 by Taiwan Foundation for Democracy

addition, on June 4, Guangzhou human rights defender Zhang Wuzhou displayed some slogans such as "Don't forget the VI (64)" and "withdraw the evil law" in the Baiyun Mountain Scenic Area to commemorate the 31st anniversary of June 4. He also opposed the enactment of the *National Security Law* in Hong Kong and uploaded the photos to his WeChat group. On June 5, the Qingyuan City Police came to take him away for the suspicion of "disturbing public order." On June 6, he was charged with "picking quarrels and provoking troubles," detained and later arrested on June 19. On November 24, Zhang Wuzhou was investigated for criminal responsibility by the prosecutor for the crimes of disrupting public affairs and provoking disturbances.

(3) Missing: Chen Yunfei, Dong Shengkun, and Ding Lingjie are three cases in point. On May 31, Chen Yunfei participated in a global online event to commemorate the 31st anniversary of the Tiananmen Massacre and interacted with more than 200 people from China and overseas. In his online speech, he talked about the Sino-US trade war, the Hong Kong Anti-Extradition Law Amendment Bill Movement, and the spread of Covid-19 worldwide. "This shows that mainlanders have not found the root cause of the disease, and this also proves that what we insisted that 1989 is correct" (Shao, 2020). Beijing citizen Dong Shengkun, who also participated in the same commemorative event, was missing after being arrested. Furthermore, on June 3, Hebei human rights defender Ding Lingjie also disappeared after being taken away from Beijing by Hebei police.

3.4 The Punishment for the Words of Government Officials Infringed the Freedom of Opinion and Expression and the Right to Hold Public Office: The Case of Ye Fuxing's Dismissal

In September 2020, Ye Fuxing, the former Vice Chairman of the Xiangshan County CPPCC, was expelled from public office by the Supervisory Committee of Ningbo City and transferred by the law to the procuratorial system for review and

© 2021 by Taiwan Foundation for Democracy

prosecution. The Ningbo Municipal Supervisory Committee listed five major counts for his prosecution. The latter four were mainly about improper collection and sale of gifts and bribery, but the most noticed is the first count: "Serious violation of political discipline and political rules, spreading articles that slander the Party and the state leaders and colluding with others to confront organizational inspection" (Ningbo Supervisory Committee, 2020). The key to this case is the dissemination of the articles, but the CCP has not revealed their content. It is speculated that either Cai Xia or Ren Zhiqiang may criticize Xi Jinping and the CCP system in those articles (Han, 2020b).

3.5 Infringement of Personal Freedom, Freedom of Opinion and Freedom of Expression in the Name of Illegal Business: The Approval of Geng Xiaonan's Arrest

On September 9, 2020, Geng Xiaonan and her husband, the operators of a cultural business, went missing simultaneously. On September 12, the Public Security Bureau of Haidian District in Beijing issued a public announcement stating that the company legally represented by the couple had "printed and sold illegal publications," so they were detained for the crime of illegal business operations. In mid-October, the Beijing Municipal Procuratorate formally approved their arrest, which was enforced by the police (Central News Agency, 2020b). After their arrest, the couple received support from people from all social circles. On October 21, Xu Zhangrun and six other supporters (Xu et al., 2020) wrote a letter of appeal requesting the immediate release of Geng Xiaonan and her husband and stated in the letter that "Geng Xiaonan is not guilty," because "illegal business" is a vague and ill-defined charge that "could easily be made up by the authorities" as a tool and excuse to suppress citizens' freedom of speech and press. The letter stated that Geng Xiaonan's arrest was because she spoke in support of Xu Zhangrun, Xu Zhiyong, and Chen Qiushi after their conviction of crimes. The CCP's "real motive is to punish Geng Xiaonan's remarks." On February

© 2021 by Taiwan Foundation for Democracy

9, 2021, the Haidian District Court of Beijing sentenced Geng Xiaonan to 3 years in prison.

4. Compound Violations of Political Rights in China

The previous two sections cited ten representative cases of China's violation of the right to freedom in 2020. This section will further explain the compound violation of political rights, meaning that at least two types of political rights were infringed in the same case. Table 2 indicates the combination of compound violations in each case. It is clear that some cases only violate two types of political rights, and some cases contained four political rights infringements. The violations of freedom of opinion and expression were found in all ten cases, and six of them also involved the breach of personal freedom. The explanation of each case's situation is as follows:

Table 2. The Representative Cases for the Compound Violation of Political Rights, 2020

No.	The Case	Personal freedom	Freedom of Secret Communication	Freedom of Opinion	Freedom of Expression	Freedom of Assembly	Freedom of Association	Right to suffrage	Right to hold public office
1	Li Wenliang's Admonition			x	X				
2	Concealing the Facts of the Epidemic	x		x	X				
3	Ren Zhiqiang's Heavy Sentence	x		x	X				
4	Xu Zhangrun's Dismissal			x	X				
5	Cai Xia's Discipline			x	X				
6	Arresting the Participants of Xiamen Conference	x		x	x	X			
7	Being Accused by Making a Documentary	x		x	X				
8	June 4th weiwen	x		x	X				
9	Ye Fuxing's Dismissal			x	X				x
10	Approval for Geng Xiaonan's Arrest	x		x	X				

Source: Table made constructed by the author.

Note: X indicates the primary infringement, and x indicates the secondary infringement.

© *2021 by Taiwan Foundation for Democracy*

4.1 The Case of Li Wenliang's Admonition

After Dr. Li Wenliang died of Covid-19, netizens first initiated the discussion topic entitled "We want the freedom of speech" on Weibo. On February 7, the Fudan University Alumni Association (2020) in Shanghai issued an open letter to the Wuhan Municipal Public Security Bureau, stating that the police "use coercive means to prevent Dr. Li from speaking out is irresponsible to the lives of the people." On February 8, Peking University professor Zhang Qianfan and others jointly issued an open letter stating: "Without freedom of speech, there is no security" (Human Rights Protection Network, 2020). On February 9, Ai Xiaoming (2020), a retired professor of Sun Yat-sen University, and others alleged that the spread of Covid-19 was "China and the world paying for the loss of freedom of speech for Chinese people." The Civil Rights and Livelihood Watch believed that: Li Wenliang used his life to "prove that the protection of personal rights for individuals is important to the destiny of mankind (CRLW Editor 1, 2020a)." Therefore, the main purpose of the CCP's admonition to Li Wenliang was to prohibit his freedom of expression and to infringe his freedom of opinion.

4.2 The Case of Concealing the Facts of the Epidemic

In order to conceal the truth and criticism of the Covid-19 epidemic, the CCP warned Professor Hao Jian and Hu Jia's parents, intimidated Fang Fang, monitored Professor Xu Zhangrun, isolated Chen Qiushi, arrested Fang Bin and Zhang Zhan, fired Zhou Peiyi, investigated Zhou Xuanyi, and suspended Liang Yanping. Chinese dissident Chen Yunfei stated that the reason why many people were showing their support of Zhang Zhan online was to remind the CCP that: "Capture and concealment can only make the problem worse" (Luo, 2020). Beijing historian Zhang Lifan commented on the reported cases of Zhou Peiyi and Zhou Xuanyi, saying, "It is now an upgraded version of the '1984' novel, and the methods used here, such as silencing

© 2021 by Taiwan Foundation for Democracy

and reporting on others, have pulled this nation towards a worse direction (Han, 2020a)." The Civil Rights and Livelihood Watch criticized the CCP's suspension of Liang Yanping, which not only violated the promise of the *Constitution* that "citizens have the right to freedom of speech," but also showed that Chinese universities are "a tool of authoritarian rule" (CRLW Editor 1, 2020c). Therefore, the CCP's concealment of the truth and criticisms of the epidemic first violated the freedom of expression and then infringed on personal freedom and the freedom of opinion.

4.3 The Case of Ren Zhiqiang's Heavy Sentence

In general, the public opinion believed that Ren Zhiqiang's heavy sentence derived from his words against Xi Jinping. Beijing sociologist Guo Yuhua alleged that Ren Zhiqiang's hefty punishment is known as the conviction of words. Cai Xia, a former professor of the Central Party School, stated that: "Suppressing Ren Zhiqiang by convicting him with economic crimes is a warning to the public. The purpose is to make it an example to everyone. It is a message for all the party members, especially the second generation of high-level cadres known as 'hongerdai' (Buckley, 2020)." Political critic Deng Yuwen said that the heavy sentence of Ren Zhiqiang is obviously "a process of political trial to be covered by economic crimes." Political writer Chen Pokong alleged that "the trial of Ren Zhiqiang is not only political but also a conspiracy against him. It is Xi Jinping's public revenge (Fan, 2020)." Hu Ping, the honorary editor of Beijing Spring, believed that Xi Jinping's heavy sentence of Ren Zhiqiang is to send a signal to the Chinese society: "It (the CCP) would punish political remarks in the name of economic crimes," detering the public from discussing the dictatorship and tyranny (Jin, 2020). According to the Civil Rights and Livelihood Watch, the CCP's heavy sentence of Ren Zhiqiang is to persecute its dissidents with economic crimes. It not only violated the "state respect and protection of human rights" stipulated in the *Constitution* but also violated citizens' freedom of speech and the right to political discussion (CRLW Editor 1, 2020f). Therefore,

© 2021 by Taiwan Foundation for Democracy

the primary focus of the CCP's heavy sentence of Ren Zhiqiang was to infringe his freedom of expression, which subsequently violated his freedom of person and opinion.

4.4 The Case of Xu Zhangrun's Dismissal

After Xu Zhangrun's dismissal from Tsinghua University, Yan Huai, a Tsinghua alumnus, raised funds for him on WeChat and received 594 donations in just one day. Mike Pompeo, the U.S. Secretary of State, publicly stated that Xu Zhangrun's detention was because of his criticism of Xi Jinping's authoritarian regime and the CCP's mishandling of Covid-19 (Voice of America, 2020b). Deng Yuwen (2020a), a political commentator, indicated: Xu Zhangrun's arrest marks the beginning of a cold winter for Chinese intellectuals. Wu Qiang, another political commentator in Beijing, stated: the Xu Zhangrun's expelling is "another run of academic cleansing during the past eight years. However, the method used this time is rather dirty" (Voice of America, 2020a). The Civil Rights and Livelihood Watch criticized that Tsinghua University has "reduced itself into an accomplice of authoritarian rule" by expelling Professor Xu Zhangrun, who simply practiced his constitutional right to freedom of speech (CRLW Editor 1, 2020d). Therefore, the main purpose of the CCP's dismissal of Xu Zhangrun was to prohibit his freedom of expression, which subsequently infringed on his freedom of opinion.

4.5 The Case of Cai Xia's Disciplining

Cai Xia rebuked the CCP authorities for violating her human rights by depriving her of her pension. Cai Xia alleged that: "My retirement benefits are a due right, and it has nothing to do with my political opinions." Wu Zuolai, a scholar, stated that the CCP's cancellation of Cai Xia's retirement benefits is "the most obvious form of political persecution." Liu Shui, a senior Media worker, alleged: "Cai Xia is entitled

© 2021 by Taiwan Foundation for Democracy

to basic freedom of speech which is also a right clearly defined in the *Constitution* of the CCP. The current official persecution towards her is illegal (Huang and Chen, 2020).” Deng Yuwen, a political commentator (2020b), affirmed that the cancellation of Cai Xia’s retirement benefits shows that “the CCP is trying to use economic and financial means to restrict people’s freedom of speech,” which are very effective forms of punishment. Therefore, the main purpose of the CCP’s punishment of Cai Xia is to prohibit her freedom of expression, which consequently infringed her freedom of opinion.

4.6 The Case of Arresting the Participants of Xiamen Conference

Xu Zhiyong stated that people gathered in Xiamen to discuss some current affairs and the future of China and shared the civic movement experience. “In an authoritarian China, this has actually become our crime” (BBC Chinese website, 2020a). As one of the first signatories of *Charter 08*, Ye Du stated the characteristic of Chinese nationalism is to “put the opponents in a cage of power”; and this arrest was a continuation of the “709” incident, focusing on “the demobilization and suppression of civil political actions” (Ye, 2020). On January 17, 2020, the “China Human Rights Lawyers Concern Group” (2020) and 22 other human rights groups issued a joint statement strongly condemning China’s indiscriminate arrests and severe violations of procedural justice. A parade took place on January 17, where people shouted “Release human rights defenders” along the way (Zhang, 2020). On November 22, the China Democracy Education Foundation announced that Xu Zhiyong was the winner of the “34th Outstanding Contribution Prize for Democracy of China.” Therefore, the main purpose of the CCP’s arrest of Xiamen Conference’s participants is to prohibit their freedom of assembly, subsequently infringing their freedom of person, opinion, and expression.

© 2021 by Taiwan Foundation for Democracy

4.7 The Case of Being Accused by Making a Documentary

Hu Jia, a Chinese human rights activist, stated that the CCP arrested Chen Jiaping in retaliation for Xu Zhiyong's "political ambitions" and later convicted Xu Zhiyong based on the content of Chen Jiaping's documentary to prevent this documentary from forming a political force to promote democratization (Yang, 2020). The independent Chinese PEN center issued a statement stating that "Chen Jiaping is a broad member of the PEN, and we hope that the Chinese police can publicize the reasons for this incident, and clarify whether he has been arrested and why he has been detained over time" (Central News Agency, 2020a). Therefore, the main reason for the CCP arrest of Chen Jiaping was to prohibit his freedom of expression, consequently infringing on personal freedom and freedom of opinion.

4.8 The Case of June 4th Weiwen

In order to conceal the truth about the suppression of the "1989 Pro-Democracy Movement" and maintain the stability of its rule, the CCP chose to suppress Chinese democrats again around June 4. Some examples are that Chen Siming and Liu Jiacai were forced to travel, Wang Zang and Zhang Wuzhou were detained, Chen Yunfei, Dong Shengkun, and Ding Lingjie were missing. The Civil Rights and Livelihood Watch stated that: "The CCP's suppression of the memorials for the June 4th Movement is a serious violation of the citizens' constitutional right to freedom of speech and personal freedom (CRLW Editor, 2020)." Therefore, the CCP's actions of maintaining the stability of the June 4 memorials are mainly to prohibit the freedom of expression of democrats, which subsequently infringed their personal freedom and freedom of opinion.

© 2021 by Taiwan Foundation for Democracy

4.9 The Case of Ye Fuxing's Dismissal

Chen Zhi, a legal scholar, stated that Ye Fuxing was "framed for his charge" since "among all the bribers caught, none of them would refuse to obey the persons who handled their cases." Another scholar, Zhu Kangdi, alleged that in addition to the internal struggles of the CCP, Ye Fuxing's arrest merely for reposting the article means that the ruling party is increasing its control over the freedom of speech. The netizens in Nanjing Sun Xiaodong said, "Now that the control of speech is getting more and more serious, the CCP's top leaders will soon start a rectification campaign similar to Mao Zedong's in Yan'an (Lin, 2020)." The insiders of the CCP's system, if they criticize the central government, are often charged with economic crimes or corruption. The news media also compared this case with Ren Zhiqiang's felony conviction. Therefore, this case should not be regarded as a simple fight against corruption but may involve the infringement of political rights. Thus, the main purpose of the CCP's discharge of Ye Fuxing was to prohibit his freedom of expression and subsequently infringe his freedom of opinion and the right to serve public office.

4.10 The Case of Approval for Geng Xiaonan's Arrest

Hu Jia, a Chinese human rights activist, stated that the CCP's arrest of Geng Xiaonan "is to achieve a killing effect of isolating the dissidents and suppressing their supporters." The Deputy Editor of the human rights website "China Digital Times," Samuel Wade, further stated that Geng Xiaonan's arrest represents the CCP's vigorous suppression of the supporters for political dissidents to cut off their economic and legal aids and also reduce their access to the outside world and international attention (Hai, 2020). According to the Civil Rights and Livelihood Watch, the CCP's "detention of Geng Xiaonan is obviously to deter and intimidate those who dare to uphold their conscience and speak out for social justice" (CRLW Editor 1, 2020e). Therefore, the

© 2021 by Taiwan Foundation for Democracy

CCP arrested Geng Xiaonan to prohibit her freedom of expression and subsequently infringed her personal freedom and the freedom of opinion.

5. Conclusion

The CCP regime faced three major internal and external troubles in 2020, including the continued confrontation between China and the United States, the outbreak of the Covid-19 epidemic, and the rebound of *National Security Law* in Hong Kong. In this context, the features of the development of China's political rights in 2020 are the CCP's continuation, expansion, aggravation, and new types of violations to the right, as described below.

Li Wenliang's admonition, the concealment of the information of the epidemic outbreak, and the maintenance of the stability of June 4th memorials are all cases of continued violations of their right to liberty. Similar to the case of university teachers' punishment in 2019, Li Wenliang was intimidated by the use of censorship, mainly infringing on his freedom of expression and then his freedom of opinion. The concealment of the outbreak of the epidemic is similar to the National Day Stability Maintenance Case in 2019. Both cases used the means of intimidation, punishment, and restriction of personal freedom to suppress people's remarks, which primarily infringed their freedom of expression and then personal freedom and freedom of opinion. Like the June 4th Stability Maintenance Case in 2019, the control of June 4th memorials in 2020 also used the restriction of personal freedom to suppress the participants' freedom of opinion and expression.

Cai Xia's discipline and the approval for Geng Xiaonan's arrest are two cases of rights violations expansion. The censorship of speech was used to intimidate and punish them, which primarily violated their freedom of expression and was followed by the infringement of their freedom of opinion. Their cases were similar to the 2019 case of university teachers' punishment but with an expansion on its targets. The

© 2021 by Taiwan Foundation for Democracy

cancellation of Cai Xia's retirement benefits due to her remarks indicated the targets of CCP's speech control were extended to retired professors. Whereas, in Geng Xiaonan's case, the targets were expanded to cultural business operators.

The cases of Chen Jiaping's arrest and Xu Zhangrun's dismissal are both rights violations aggravation. In both cases, the censorship of speech was used to intimidate the accused, primarily infringing their freedom of expression and then personal freedom and freedom of opinion. It is similar to the university teachers' punishment case in 2019, but the scope of the human rights infringement became more severe in these two cases. The personal freedom of Chen Jiaping, the Director of the Documentary, was also violated in his case. In the case of Xu Zhangrun, he was suspended for investigation in 2019 and was incriminated with a "soliciting prostitution" charge and then expelled from his job.

There were no similar cases of 2019 in comparison to the case of arresting the participants of the Xiamen Conference and the cases of Ren Zhiqiang's heavy sentence and Ye Fuxing's dismissal. As a result, these three cases are the new types of the violation. In the former case, the restriction of personal freedom was used as a means to restrain the freedom of assembly and expression. Therefore, the freedom of assembly was primarily violated, followed by the infringement of personal freedom and the freedom of opinion and expression. Both Ren Zhiqiang and Ye Fuxing were members of the CCP system. The charges against them were economic crimes and corruption, but they were intimidated and punished due to the censorship of speech rather than the crimes accused. The freedom of expression was primarily violated in the case of Ren Zhiqiang's heavy sentence, followed by the infringement of personal freedom and the freedom of opinion. In the case of Ye Fuxing's dismissal, the freedom of expression was primarily violated, followed by the freedom of opinion and the right to hold public office.

Compared with its situation in 2019, the Chinese political rights in 2020 were further restricted in three aspects: First, the scopes of the infringement are broader. The

© 2021 by Taiwan Foundation for Democracy

targets of CCP's control of speech were expanded to retired professors, publishers, and internal members of the CCP system. Second, the range of crimes used for the prosecution was broadened. The new charges used by the CCP to suppress freedom of speech continue to increase. In addition to some common crimes of previous use, such as provoking trouble, subverting state power, and inciting subversion of state power, a charge of "soliciting prostitution" was used in Xu Zhangrun's case, and Geng Xiaonan was charged with illegal business operations, and Ren Zhiqiang was charged with corruption, bribery, misappropriation of public funds, and power abuse. All these charges against them were without solid evidence. Third, the sentence of punishment for these new charges became longer. Ren Zhiqiang was sentenced to 18 years in prison, which was longer than Huang Qi's 12-year sentence in 2019, but the charge against Huang Qi was "illegal provision of state secrets abroad," which was a more serious crime compared to what Ren Zhiqiang committed.

The CCP often violates political rights in the name of national security, and political security still ranks first in terms of national security. In 2020, the CCP purged the public security and political and legal systems in the name of anti-corruption. The commentators generally believed that these were Xi Jinping's acts to eliminate other factions to ensure political security, which may involve the infringement of the right to hold public office. At the 26th collective study of the Politburo of the CCP Central Committee in December 2020, the theme was "Ensuring national security." Xi Jinping put forward ten requirements for implementing the "Overall National Security Concept." From this perspective, the development of China's political rights and the room for freedom of speech may be even more constricted in 2021.

© 2021 by Taiwan Foundation for Democracy

References

Ai, Xiaoming (2020). "Only Changes Are the Best Memorial to Dr. Li Wenliang: an Open Letter to the National People's Congress, the Council of the State and Compatriots across the Country." Independent Media. 2020/02/10. https://www.inmediahk.net/node/1070663. (accessed February 16, 2020).

BBC Chinese Website (2020a). "The Wild Arrest of Chinese Lawyers: a Reload of '709' Incident?" BBC Chinese Website. 2020/01/07. https://www.bbc.com/zhongwen/trad/chinese-news-51009268. (accessed February 16, 2020).

_____ (2020b). "The Turbulence of the Cai Xia Incident: Four Highlights of the Cancellation of a Retired CCP Party School Professor's Party Membership." BBC Chinese Website. 2020/08/19. https://www.bbc.com/zhongwen/trad/chinese-news-53820805. (accessed August 31, 2020).

Buckley, Chris (2020). "Ren Zhiqiang Was Sentenced with a Heavy Sentence of 18 Years in Prison; the CCP Strengthened Its Suppression of Dissents." New York Times Chinese Net. 2020/09/22. https://cn.nytimes.com/china/20200922/china-ren-zhiqiang-tycoon/zh-hant/. (accessed October 22, 2020).

CHRLCG (2020). "A Joint Statement on the Grand Arrest of 1226." China Human Rights Lawyers Concern Group (CHRLCG). 2020/01/17. https://is.gd/TlV2KQ. (accessed February 16, 2020).

Central News Agency (2020a). "Filming a Documentary on Xu Zhiyong, Chinese Director Chen Jiaping Was Accused of Inciting Subversion of State Power." Central News Agency (CNA). 2020/04/13. https://www.cna.com.tw/news/acn/202004130204.aspx. (accessed April 18, 2020).

_____ (2020b). "Geng Xiaonan Was Officially Arrested for Illegal Business Operations." Central News Agency (CNA). 2020/10/20. https://www.cna.com.tw/news/acn/202010200086.aspx. (accessed October 22, 2020).

CRLW Editor (2020). "Strong Protest against the Authorities' Persecution of People Commemorating June 4." Civil Rights & Livelihood Watch (CRLW).

© 2021 by Taiwan Foundation for Democracy

2020/06/09. https://www.msguancha.com/a/lanmu2/2020/0609/19835.html. (accessed June 30, 2020).

CRLW Editor 1 (2020a). "Protecting Civil Rights Is the Best Memorial to Li Wenliang." 2020/02/08. Civil Rights & Livelihood Watch (CRLW). https://www.msguancha.com/a/lanmu2/2020/0208/19367.html. (accessed February 16, 2020).

_____ (2020b). "The Constitutional Right of Ren Zhiqiang to Practice the Freedom of Speech Is Not Guilty." Civil Rights & Livelihood Watch (CRLW). 2020/03/16. https://www.msguancha.com/a/lanmu2/2020/0316/19531.htm. (accessed April 18, 2020).

_____ (2020c). "The Liang Yanping Incident Proves the Nature of the Party School of Chinese Universities." Civil Rights & Livelihood Watch (CRLW). 2020/06/25. https://www.msguancha.com/a/lanmu2/2020/0518/19762.html. (accessed June 30, 2020).

_____ (2020d). "The Shame of Tsinghua University, the Glory of Mr. Xu Zhangrun." Civil Rights & Livelihood Watch (CRLW). 2020/07/20. https://www.msguancha.com/a/lanmu2/2020/0719/19953.html. (accessed August 29, 2020).

_____ (2020e). "Annihilating Conscience: The Protest against the Detention of Geng Xiaonan and Her Husband." Civil Rights & Livelihood Watch (CRLW). 2020/09/11. https://www.msguancha.com/a/lanmu2/2020/0911/20154.html. (accessed October 22, 2020).

_____ (2020f). "The Heavy Sentence of Ren Zhiqiang Is a Blatant Punishment of His Words and the Temple of Human Rights." Civil Rights & Livelihood Watch (CRLW). 2020/09/23. https://www.msguancha.com/a/lanmu2/2020/0923/20203.html. (accessed October 23, 2020).

Deng, Yuwen (2020a). "The Cold Winter for Chinese Intellectuals Is Here." DW Chinese Website. 2020/08/07. https://p.dw.com/p/3ewY9. (accessed August 29, 2020).

© 2021 by Taiwan Foundation for Democracy

_____ (2020b). "The CCP's 'New' Punishment for the Opponents in the Party." DW Chinese Website. 2020/08/19. https://p.dw.com/p/3hAr9. (accessed August 31, 2020).

DW Chinese Website (2020). "Professor Xu Zhangrun Was Dismissed by Tsinghua University for 'Moral Corruption.'" DW Chinese Website. 2020/07/14. https://p.dw.com/p/3fHkL. (accessed August 29, 2020).

Fan, Dongning (2020). "Ren Zhiqiang Was Severely Sentenced Due to Xi Jinping's Political Retaliation and Control 'the Second Generation of High-level Cardes' (*hongerdai*)." Voice of America. 2020/09/27. https://www.voacantonese.com/a/voaweishi-20200925-voapc-ren-zhiqiang-was-severely-sentenced/5598919.html. (accessed October 22, 2020).

Hai, Yan (2020). "Reviewing China from Geng Xiaonan's Arrest: The Siege Tactics Used by the CCP to Suppress Dissidents and Their Supporters." Voice of America. 2020/10/20. https://www.voachinese.com/a/China-Uses-Seige-Tactics-To-Suppress-Dissidents20201020/5628358.html. (accessed October 22, 2020).

Han, Mei (2020a). "The Prevalence of Snitching under the CCP's Rule; Students Reported Teachers for Their Criticisms of the Epidemic against the Authorities." Sound of Hope. 2020/02/11. https://www.soundofhope.org/post/342076?lang=b5. (accessed February 16, 2020).

_____ (2020b). "The Former Vice Chairman of the CPPCC in Xiangshan County Was Double-accused: Spreading Articles That Slander Top Leaders." Voice of Hope. 2020/10/15. https://sohfrance.org/xiangshanxianqianzhengxiefuzhuxibeishuangkai-zuimingchuanbodihuilingdaorenwenzhang/. (accessed October 25, 2020).

Huang, Xiaoshan and Wen Chen (2020). "Retired Scholar Cai Xia Criticized Xi Jinping and the CCP System as Political Zombies and Got Her Party Membership and Retirement Benefits Cancelled." Free Asia Radio. 2020/08/17. https://www.rfa.org/cantonese/news/cai-08172020072440.html. (accessed August 31, 2020).

© 2021 by Taiwan Foundation for Democracy

Human Rights Protection Network (2020). "The Right to Freedom of Speech Begins Today - an Open Letter to the National People's Congress and Its Standing Committee." Human Rights Protection Network (*Weiquanwang*). 2020/02/08. https://wqw2010.blogspot.com/2020/02/blog-post_8.html?spref=tw. (accessed February 16, 2020).

Jin, Zhe (2020). "The Mystery of Ren Zhiqiang's Heavily Sentenced Crime." Voice of America. 2020/09/24. https://www.voacantonese.com/a/Ren-zhiqiang-severely-punished-for-criticizing-xi-20200924/5596203.html. (accessed October 23, 2020).

Li, Zehui (2020). "An Open Letter to My Husband Chen Jiaping (aka Chen Yong): Could an Article Disturb the Society? Only Treacherous Government Officials Could Do It!" Human Rights Protection Network (*Weiquanwang*). 2020/04/13. http://wqw2010.blogspot.com/2020/04/blog-post_79.html. (accessed April 18, 2020).

Lin, Tsehung and Chiajung Lu (2020). "Passed from Person-to-person 3 Weeks Ago! Wuhan Doctor Li Wenliang Who Blowed the Whistle Was Sick and Interviewed by the Police." World Journal. 2020/02/06. https://is.gd/1jzAq2. (accessed February 16, 2020).

Lin, Zhongyu (2020). "A Zhejiang Government Official Were Investigated for Reposting a High-level CCP Article." Secret China. 2020/10/15. https://www.secretchina.com/news/b5/2020/10/15/949311.html. (accessed October 22, 2020).

Luo, Ya (2020). "Netizens Are in Support of Citizen Reporter Zhang Zhan Who Was Detained in Pudong Detention Center for Reporting on the Wuhan Epidemic." Epoch Times. 2020/05/17. https://hk.epochtimes.com/news/2020-05-17/87621231. (accessed June 30, 2020).

Ming, Si (2020). "'Convicted by Speech' a Female Hong Kong Teacher Got Fired from Her Post After Being Reported by Her Students in China." Vision Times. 2020/02/10. https://www.secretchina.com/news/b5/2020/02/10/922595.html.

© 2021 by Taiwan Foundation for Democracy

(accessed February 16, 2020).

Radio Free Asia (2020). "Tsinghua University Issued the Document of Dismissal to Xu Zhangrun, Claiming That He Violated the Teachers' Code of Conduct." Radio Free Asia. 2020/07/18. https://www.rfa.org/mandarin/Xinwen/6-07182020123909.html. (accessed August 29, 2020).

Re, Zhixiang (2020). "The Lives of the People Are Harmed by Both the Virus and the Severe Illness of the System." China Digital Times. 2020/03/12. https://is.gd/5FzLxb. (accessed April 18, 2020).

Shanghai Fudan University Alumni Association (2020). "An Open Letter from the Legal, Medical and Alumni Associations of Shanghai Fudan University to the Public Security Bureau of Wuhan City." Boxun.com. 2020/02/07. https://www.boxun.com/news/gb/china/2020/02/202002071756.shtml. (accessed February 16, 2020).

The Supervisory Committee of Ningbo City (2020). "Ye Fuxing, the Former Party Member and Vice Chairman of the Xiangshan County CPPCC, Was Expelled from the Party and the Public Office." Honest Ningbo. 2020/10/12. http://www.nbjw.gov.cn/art/2020/10/12/art_23243_4166711.html. (accessed October 22, 2020).

Tsai, Yuyen (2020). "The Second Li Wenliang? Bravely Breaking into Wuhan Epidemic Area to Record the Truth, Chinese Citizen Reporter Chen Qiushi Just Disappeared without a Trace." Storm Media. 2020/02/10. https://www.storm.mg/article/2273109. (accessed February 16, 2020).

Voice of America (2020a). "Dare to Speak Out! Tsinghua Professor Xu Zhangrun Was Expelled from His Post. Some Remarks Argued That Was Even Dirtier." Voice of America. 2020/07/14. https://www.voachinese.com/a/china-leadership-critic-xu-zhangrun-sacked-one-day-after-release-friends-say-20200714/5502341.html. (accessed August 29, 2020).

_____ (2020b). "Pompeo Urges China to Release Xu Zhangrun." Voice of America. 2020/07/09. https://www.voacantonese.com/a/pompeo-china/5496115.html.

© 2021 by Taiwan Foundation for Democracy

(accessed August 29, 2020).

Wenweipo.com (2020). "Cai Xia, a Retired Teacher, Lost Her Party Membership and Got Expelled from the Central Party School of the CCP." Wenweipo.com. 2020/08/17. http://news.wenweipo.com/2020/08/17/IN2008170048.htm. (accessed August 31, 2020).

Wang, Chiachou (2020). "Political Human Rights in 2019: Further Contraction of the Freedom of Speech." In Taiwan Foundation for Democracy (ed.), *China Human Rights Report 2019* (pp. 51-82). Taipei: Taiwan Foundation for Democracy.

Xiao, Man (2020). "June 4 in the Year of Gengzi: The Continuous Struggle of Chinese Mainlanders." Radio France International. 2020/06/09. https://is.gd/4vkpcd. (accessed June 30, 2020).

Xiong, Bin, Yun Li, and Can Shu (2020). "The Epidemic in Wuhan Is Out of Control; the CCP Arrests 325 People in 6 Days to Seal It Up." New Tang Dynasty Television. 2020/02/07. https://www.ntdtv.com/b5/2020/02/07/a102771731.html. (accessed February 16, 2020).

Xu, Zhangrun (2020). "Angry People No Longer Fear." Matters. 2020/02/04. https://is.gd/s6KDTz. (accessed February 16, 2020).

Xu, Zhangrun, Xianting Li, Jian Hao, Weifang He, Qianfan Zhang, and Yuhua Guo (2020). "The Letter of Appeal for Immediate Release of Geng Xiaonan and Her Husband." Democratic China. 2020/10/21. http://minzhuzhongguo.org/MainArtShow.aspx?AID=105842. (accessed October 22, 2020).

Yan, Xi (2020). "Wuhan Citizen Fun Bin Was Arrested, Causing the Public Demand on Returning Politics to the People." New Tang Dynasty Television. 2020/02/14. https://www.ntdtv.com/b5/2020/02/13/a102776523.html. (accessed February 14, 2020).

Yang, Weilian (2020). "Targeted by the Chinese Government for Making a Documentary on Xu Zhiyong, the Director, Chen Jiaping, Was Arrested." DW-Chinese. 2020/04/15. https://is.gd/acGbxF. (accessed April 18, 2020).

© 2021 by Taiwan Foundation for Democracy

Ye, Du (2020). "The '1226' Arrest: China's Suppression for Demobilization." Apple Daily Online. 2020/02/15. https://tw.appledaily.com/headline/20200215/ZZ7U6H7HVIE7LOFUFMQMJKRVMA/. (accessed February 16, 2020).

Zhang, Jiamin (2020). "The Group March to the Liaison Office of the Central Committee of the CCP Focusing on the Arrest of Several Human Rights Activists in the Xiamen Conference in December." HK01. 2020/01/17. https://is.gd/637Y46. (accessed February 16, 2020).

© 2021 by Taiwan Foundation for Democracy

Human Rights in the Chinese Administration of Justice: Formalizing Ideology in the Political and Legal System and Institutionalizing and Normalizing Human Rights Abuses

Yu-jie Chen*

Abstract

This article explores archetypical human rights problems in the contemporary Chinese justice system, with a particular focus on prominent human rights abuse cases and trends that emerged throughout 2020, and explores the structural reasons behind these problems. The article first discusses general trends in Chinese judicial policy in the past year, then examines representative human rights issues encountered with respect to each of the following key elements of the criminal justice process: Criminal investigation and supervisory investigation; trial; prison and enforcement of the law; and the legal profession.

The human rights issues observed this year and discussed in this article include: widespread instances of arbitrary punishment, imprisonment, and torture during the stages of criminal investigation and supervisory investigation (in domestic cases as well as cases involving foreign elements, or "foreign-related cases"); violations of human rights in pursuit and recovery of individuals and assets abroad; normalization of violations of the right to fair trial; lack of transparency in reporting transmission

* Assistant research professor at the Institutum Iurisprudentiae of the Academia Sinica, and an Affiliated Scholar of the New York University U.S.-Asia Law Institute. Contact information: yujiechen@gate.sinica.edu.tw. The author thanks Professor Margaret K. Lewis for commenting on an early draft, two anonymous reviewers for their valuable suggestions, and research assistant Mr. Peng Yankai for assisting in collecting data and proofreading the manuscript.

© 2021 by Taiwan Foundation for Democracy

of COVID-19 in prisons; generally concerning issues regarding the health of political prisoners; and the ongoing repression of human rights lawyers.

In comparison with previous years, in 2020, there were more cases resulting in the criminalization of speech, demonstrating the impact of ongoing contractions in the space for freedom of speech and for judicial independence, as well as a marked increase in the tendency of the Chinese party-state to view certain cases as "sensitive" (*mingan*). From the start of pre-trial investigation to the end of court proceedings involving so-called "sensitive" cases, there has emerged a practice of normalizing human rights abuses that this article will refer to as a "Standard of Procedure" (SOP) for human rights violations. The commonly seen methods on display in cases involving human rights abuses of the past few years have now become routine practice.

In late 2018, two Canadian citizens were arrested in China, and subsequently became widely recognized as victims of hostage diplomacy (*renzhi waijiao*). In 2020, similar cases occurred involving Australian and Taiwanese citizens. This same year, further evincing China's actions in recent years to illegally surveil, intimidate, and stalk people around the world, the United States Department of Justice prosecuted eight individuals accused of harassing and threatening individuals targeted by Interpol "Red Notices" and their family members based in the United States. These incidents have severely damaged the credibility of the Chinese judicial system.

Keywords: party leadership, criminal investigation, supervisory investigation, trial, prison, lawyer, personal freedom, fair trial, judicial independence, COVID-19

© *2021 by Taiwan Foundation for Democracy*

This article marks the author's third annual report on human rights in the Chinese administration of justice. The past reports for 2018 and 2019 (Chen, 2019, 2020) explored common human rights issues in China's criminal justice system and reviewed prominent judicial human rights cases and trends against the standards set out in the *International Covenant on Civil and Political Rights* (ICCPR),[1] which China has signed, but not ratified.[2]

This year's report takes the same approach. The structure of the article is as follows: Part one will discuss the overall trends in Chinese judicial policy in 2020, adopting a macro-level perspective on the policies behind the phenomenon of human rights violations in the various stages of law enforcement and adjudication. Parts Two, Three, and Four will examine the following aspects of Chinese criminal justice procedure: Criminal investigation and supervisory investigation (including the public powers of the public security organs, national security organs, supervisory commissions, and procuratorial organs); trial (the courts); and prison and enforcement of the law. Part Five will discuss the legal profession. This article will explore representative human rights abuse issues occurring in each important element of the Chinese judicial system, and the structural reasons behind these issues. The conclusion of the article will summarize the new trends of normalization and institutionalization of human rights violations in the Chinese administration of justice in 2020 under the control of the party-state and the implications of these trends.

1 As a signatory of the ICCPR, China is "obliged to refrain from acts which would defeat the object and purpose of a treaty," per Article 18 of the *Vienna Convention on the Law of Treaties*. With reference to the *Vienna Convention on the Law of Treaties*, China submitted its instrument of accession on May 9, 1997, and it entered into force for the country on October 3 of the same year.

2 Due to space limitations, this article follows the style of the *China Human Rights Report* published by the Taiwan Foundation for Democracy and does not provide additional notes for individual cases. The sources of the cases in the article are all available via media platforms on the public Internet. The Taiwan Foundation for Democracy also keeps relevant case reports on file.

© 2021 by Taiwan Foundation for Democracy

1. General Trends in Chinese Judicial Policies

As first pointed out in this author's 2018 report on "Human Rights in the Chinese Administration of Justice," in recent years, the Communist Party of China (CPC) has sought to continuously strengthen its leadership and control of the judicial system. The legal system itself has been fully subordinated to political control, and it has been exceedingly difficult to apply checks and balances to public power. This is a far cry from the core constitutive concept of traditional "rule of law" (*fazhi*), namely, protection of the people from the harms that come of the government's arbitrary use of power—a "government under law." Rather, Chinese leadership can be said to have distorted the term "rule of law." In 2017, the Chinese government established the central leading small group on "comprehensive law-based governance" (*quanmian yi fa zhiguo*), and in October 2019, the Fourth Plenary Session of the 19th Central Committee of the Communist Party declared that it would "uphold and improve the rule of law system of socialism with Chinese characteristics" (a shift in terminology from the "legal system of socialism with Chinese characteristics" of the past). Nevertheless, Chinese leadership's use of the "rule of law" slogan should never be confused with the concept itself; the term is used not in hopes of restraining the party-state system under law, but to use law as a tool for the party-state machine ("law under government") (Cohen, forthcoming).

The fundamental difference between the traditional "rule of law" and the Chinese conceptualization can be clearly seen from a statement made by Chinese leadership at the Central Committee's Comprehensive Rule of Law Work Conference in November 2020. As Xi Jinping emphasized at the outset of his speech, "[We] must uphold the Party's leadership of the comprehensive rule of law. Party leadership is the fundamental guarantee for advancing the comprehensive rule of law…Comprehensive rule of law is to strengthen and improve the leadership of the party…" (Xi, 2020). Further, the *Regulations on Work of the Central Committee of the Communist Party of*

© *2021 by Taiwan Foundation for Democracy*

China promulgated by the Central Committee itself on September 20, 2020,[3] enabled the decision-making, agenda-setting, and coordinating agencies originally attached to the Central Committee to obtain and institutionalize substantive decision-making powers, further realizing Xi Jinping's goal of a "centralized and unified leadership" (Liang, 2020). The impact of the *Regulations* for the Chinese judiciary is that they expressly stipulated that the Central Committee would set up Party groups within the Supreme People's Court and the Supreme People's Procuratorate to "be responsible to the Central Committee of the Communist Party of China, and implement the Central Committee's decision-making and deployment." This also demonstrates the general policy of the CPC to strengthen its control of the political and legal system.

Although in recent years China has continued to implement judicial reforms (Zhou, 2016), on the whole, these reforms have failed to address the structural causes of China's judicial rights violations.[4] These reasons include the lack of mechanisms for public security agencies, procuratorial agencies, and courts to mutually restrain each other (Cohen, 2019), to the extent that, in fact, "unprincipled cooperation" (*wu yuanze peihe*) between these agencies frequently occurs (Chen, 2014: 63). Secondly, in the tripartite power structure of the police, procurators, and courts (and, after 2018, including the supervisory committees), because the courts are one of the weaker parties, it is impossible to effectively restrain abuse of power by powerful government departments, especially the police. Moreover, China also lacks an effective constitutional review organ. The National People's Congress Standing Committee has never declared laws that violate human rights unconstitutional. At the same time, ordinary courts are not able to directly cite the provisions of the constitution in making judgments, and it is therefore difficult to implement the provisions of the constitution that protect human rights.

3 *Regulations on Work of the Central Committee of the Communist Party of China*, Article 13, paragraph 3.

4 This passage is taken from Chen (2020: 62).

© 2021 by Taiwan Foundation for Democracy

China's party-state system does not have the political will to "empower" the judicial system—that is, effectively strengthen the power of the judicial system to check and balance public power. The party-state is especially unwilling to grant autonomy and independence to the courts and lawyers so that they can exercise supervisory functions.

To the contrary, as can be discerned from CPC political and legal policies of recent years, the law is seen as a tool to seize power rather than a binding norm. Policies in 2020 continue to emphasize the party's leadership in political and legal work. For example, at the Fifth Plenary Session of the 19th Central Committee of the Communist Party of China held in October 2020, with regards to the next five years of policy, it was emphasized that: "Sustaining the comprehensive leadership of the party and strengthening the centralized and unified party leadership is the first, primary principle of the Fourteenth Five-Year Plan for economic and social development that must be respected" (Jiang, 2020). After the meeting, the CPC's Political and Legal Committee issued the *Notice on the In-depth Study, Publication, and Implementation of the Spirit of the Fifth Plenary Session of the 19th Central Committee of the Communist Party of China*, which requires political and legal institutions at all levels to study and implement General Secretary Xi Jinping's important speeches and the spirit of the party's Fifth Plenary Session of the 19th National Congress as a crucial political duty for the present and extending into the future. That is, these principles are meant to underpin future policy in the "Fourteenth Five-Year Plan" (2021-2025) that will continue to strengthen the ideology of loyalty to the CPC and Xi Jinping.[5]

On July 8, 2020, the Political and Legal Committee of the CPC Central

5 In recent years, similar important policies have also included the adoption of the *Implementation Opinions on Comprehensively Deepening Reforms in the Political and Legal Fields* by the Comprehensive Deepening Reform Committee of the CPC Central Committee in 2019. The Committee also held meetings to promote reform and carry out relevant measures, including strengthening the Party Committee's Political and Legal Committee to "comprehensively coordinate political and legal work." The core elements of these various measures are meant to strengthen the Communist Party's absolute leadership over the political and legal system.

© *2021 by Taiwan Foundation for Democracy*

Committee convened a meeting to announce the launch of a pilot program for national political and legal team rectification and education. Outside of China, this was immediately compared to Mao Zedong's 1942 "Yan'an Rectification" campaign, an important development in the political and legal system. After the rectification began, several senior officials of the political and legal system were successively removed. It is expected that the nationwide rectification will be fully launched next year and will be completed at the 20th National Congress of the CPC in 2022. Thus, in the future, the party will have further consolidated control over the political and legal system (Chu, 2020).

This "political and legal team education and rectification" policy has two implications for human rights in the judicial system: First, in the future, as more political and legal system officials may be investigated by the party's Discipline and Inspection Committee and the government's Supervisory Committee,[6] it can be anticipated that the number of "retention in custody" (*liuzhi*)[7] cases that violate human rights will only increase.[8] This will result in more cases that feature restrictions on the personal freedom of a person under supervisory investigation, do not permit lawyers to intervene, may take as long as six months, and involve retention in custody in a location that is actually not subject to any supervision.[9] Second, moving forward, the political and legal system will be even more subservient to "political correctness," insofar as it will maintain a loyal and correct ideology with reference to the party and Xi Jinping, silence divergent voices, and continue to be unable to fulfill an independent supervisory function.

6 For an explanation of the "Supervisory Committee," please refer to Chen (2020: 93-97).

7 For an explanation of "retention in custody," see *supra* note 6.

8 Huang and Wu (2020).

9 The Supervisory Committee exercises its investigative powers in the context of investigatory procedures in accordance with the provisions of the *Supervision Law*. They are not regulated or protected by the *Criminal Procedure Law*, which is not conducive to the protection of human rights. See Liu (2020: 160).

© 2021 by Taiwan Foundation for Democracy

2. Criminal Investigation and Supervisory Investigation

The criminal investigation and supervisory investigation processes primarily involve the exercise of the public powers of the following agencies: public security organs, national security organs, supervision committees (including the Communist Party Disciplinary Inspection Commission) and procuratorial organs. Abuse of these public powers in turn create the conditions for easy violation of the following provisions of the ICCPR: the right to liberty and security of the person (Article 9); prohibition against torture or cruel, inhuman or degrading treatment or punishment (Article 7); and the right to a fair trial (Article 14). This report summarizes the main human rights issues in the criminal investigation and supervisory investigation stages as recorded in 2020. Here, this article offers description and analysis of the following two main trends in this area, which are considered in turn below: first, regarding arbitrary punishment, imprisonment, and torture domestically; and second, transnational pursuit of individuals outside Chinese borders.

2.1 Arbitrary Punishment, Detention, and Torture

The issue of arbitrary detention and torture by Chinese investigative agencies is a grave defect in the Chinese criminal justice system. There are many institutional reasons for this (Chen, 2020: 87-88, not repeated here). For the convenience of readers, in the past report, the author categorized various types of detention, specifically, "extralegal detention" and "statutory detention that is vulnerable to abuse" (Chen, 2020: 88-89). Regardless of the type, however, the vast majority of cases in recent years display the characteristics of "normalized human rights violations," that is, most of them exhibit the following characteristics, which can be considered the SOP for sensitive cases:

— Use "Residential Surveillance at a Designated Location" ("RSDL") against individuals in custody, or "retention in custody" in cases involving abuse of power (that is, normalize and institutionalize "disappearing" people);

© *2021 by Taiwan Foundation for Democracy*

— Completely isolate the individual in custody from the outside world for an extended period, causing that person to feel isolated;
— Deprive the person in custody of the opportunity to meet with a lawyer;
— Deprive the person in custody or family members of the right to engage a lawyer of their choosing, and appoint an "officially designated lawyer" to the case;
— Inflict torture or other cruel, inhuman, or degrading treatment or punishment on the person in custody;
— Repeatedly interrogate the imprisoned person, or compel that person to give a forced confession on official media;
— Prohibit family members or others to observe hearings, or conduct secret trials and legal proceedings;
— Prevent family members from obtaining case materials from "officially designated lawyers," or even receive relevant legal documents;
— Punish human rights lawyers who provide representation in relevant cases, including revoking their licenses to practice.

Since the only channel for a person in custody to communicate and receive information is a lawyer (according to Chinese law, family members cannot visit the detained suspect or defendant during the criminal investigation stage), the use of "RSDL" and "retention in custody" to prevent lawyers from meeting the detainee is effective in breaking his or her will. As a result of extended isolation, mental trauma, and abuse in countless interrogations, people in custody can be easily persuaded to confess guilt in return for less severe punishment or treatment. However, even if individuals plead guilty, facts demonstrate that they do not necessarily receive a lighter punishment. As can be seen from the following cases, many defendants who pled guilty still suffered harsh penalties of many years of imprisonment.

It is worth noting that it is impossible for the outside world to know what cases will be regarded as sensitive by the Chinese government. There is no clear distinction

© 2021 by Taiwan Foundation for Democracy

between "sensitive" and "ordinary" cases; this unclear boundary is a representation of the arbitrary nature of public power. Further, this ambiguity allows the party-state, at the lowest possible price, to achieve the desired effect of causing individuals to engage in self-censorship. From observations of case developments in recent years, it is clear that the scope of sensitive cases is growing to be increasingly broad. It is not necessary for a given issue to touch explicitly on civil and political rights to receive the designation. For example, a case involving nongovernmental organization (NGO) staff advocating against discrimination and for economic and social rights was treated as sensitive.

In terms of the conduct of public security and national security agencies, this year, this author observed an incredible number of cases concerning arbitrary detention and torture. Due to space constraints, this article cannot present all of the cases in a comprehensive way. Instead, it will focus on a few significant cases, and to facilitate understanding, present them according to the following categories for discussion:[10] (1) domestic cases and (2) foreign-related cases (that is, arbitrary punishment, detention, and torture of non-Chinese citizens inside China).

2.1.1 Domestic Cases

(1) Cases involving COVID-19 whistleblowers and citizen journalists

During the COVID-19 epidemic, a number of cases emerged in which whistleblowers and citizen journalists were punished by the government for exposing or investigating the epidemic. Among these was the case of Dr. Li Wenliang, who was one of the first to reveal the epidemic to the outside world. Dr. Li was issued a written warning by police for "publishing untrue information on the Internet" on January 3, 2020 after posting news about the epidemic to a private WeChat group. Police further

10 Discussion of the relevant judicial issues in Xinjiang and Hong Kong are outside the scope of this article and appear in other sections of this volume. Regarding the Xinjiang concentration camps and cases involving arbitrary arrest in Hong Kong, please refer to the "Religious and Ethnic Minority Rights" and "Human Rights in Hong Kong and Macau" in the *2020 China Human Rights Report*.

© *2021 by Taiwan Foundation for Democracy*

warned Dr. Li that if he continued to "engage in illegal activities," he would face legal consequences. Dr. Li died of COVID-19 on February 6, 2020.

Dr. Li Wenliang's case was not an outlier. According to official Chinese media reports and information collected by the NGO Chinese Human Rights Defenders, aside from the eight whistleblowers punished for "spreading false information" in Wuhan in December 2019, as of March 12, 2020, there were 5,511 instances of individuals punished by Chinese authorities for sharing information related to the epidemic. The majority of these individuals were subject to administrative detention for three to fifteen days. Others were ordered to pay light administrative fines, issued verbal warnings, education, and reprimands, whereas others faced more stringent penalties involving criminal detention. In February 2020, it was reported that seven people were criminally detained in Tibet for sharing information about the pandemic, or in official terms, "disseminating false information." These were merely officially reported cases; the total toll was presumably significantly higher.

Police across China threatened human rights activists and lawyers to prevent them from speaking out about the epidemic. Ordinary people or citizen journalists who tried to independently report on the epidemic were disappeared. Among them was Chinese lawyer Chen Qiushi, who went to local hospitals and communities in Wuhan to conduct interviews after the city was locked down. Friends reported losing contact with Chen on February 7, 2020, and later disclosed that he had been put under house arrest by the government. On February 9, citizen journalist Fang Bin was also disappeared after filming the conditions in a Wuhan hospital. Other cases of media disclosures about the pandemic included former China Central Television (CCTV) host Li Zehua, with whom contact was lost after being taken away by police in February 2020; Li uploaded a video in April to provide evidence of being released. A democratic activist from Nanjing, Guo Quan, and independent critic Zhu Xinxin of Hubei Province were also detained by the police in February for expressing concern about the epidemic. In addition, Liu Yingying, a lawyer from Henan Province,

© 2021 by Taiwan Foundation for Democracy

received a warning from the bar association in April after she posted pictures of family members with the ashes of the remains of COVID-19 victims on the Internet.

Another notable case is that of Zhang Zhan, a citizen journalist and former lawyer, who was covering the epidemic in Wuhan. On May 16, Zhang's family received a "*Notice of Detention*" issued by the Shanghai police, stating that Zhang was being arrested on the suspicion of the crime of "picking quarrels and provoking trouble." The lawyer initially hired by Zhang's mother, Ren Quanniu, was unable to meet with Zhang or apply for review of the case materials. Instead, the public security and national security agencies forced Zhang's mother to dismiss the lawyer she retained and engage an "officially designated lawyer." In December 2020, Zhang was sentenced to four years in prison.

Further, on April 19, 2020, three volunteers from the Terminus 2049 website were taken into custody. The Terminus website specialized in backing up deleted articles from Chinese social platforms. During the epidemic, a large number of news reports deleted by officials were uploaded on the site, including content relating to the timeline of discovery of person-to-person transmission, and interviews with whistleblower doctors. Two of the volunteers, Chen Mei and Cai Wei, were placed in RSDL on suspicion of "picking quarrels and provoking troubles." They were charged on September 11, but their families never received notice of the court hearing. The police refused family members' request to select a lawyer on the grounds that the two had already applied for legal aid. The lawyer ultimately engaged by family members stated that the situation made it difficult for him to intervene in the case. As of this writing, nothing is known about even the physical health of the two volunteers.

Moreover, the general public have not proven immune to abuse of power by law enforcement. In February 2020, the media reported many incidents of brutal law enforcement actions and human rights violations. These included, for example, government workers stopping, verbally abusing, or even beating people who did not wear masks. In one notable case, some individuals who had gathered to play mahjong

© *2021 by Taiwan Foundation for Democracy*

were paraded through the streets to be ridiculed by the public.

The turmoil of the COVID-19 epidemic has wreaked havoc not only as a public health crisis, but in terms of the many human rights problems it has also brought to the surface. In particular, it has highlighted the extent to which public security organs are willing to make use of a wide range of punishment tools, ranging from relatively minor "warnings" or "reprimands" to the more severe criminal justice mechanisms involving imprisonment. Examples of punishing whistleblowers, independent journalists who reported on the epidemic, and improper use of law enforcement tools against ordinary members of the general public are testament to the widespread abuse of the power of Chinese public security agencies, which is subject to neither supervision nor restriction.

(2) Dissidents

Xiamen Gathering (12/26 Crackdown)

In early December 2019, more than 20 human rights lawyers and human rights activists gathered in Xiamen to discuss social and political issues. On December 26, the Ministry of Public Security launched an investigation and detention of the participants. This marked the most systematic action against human rights defenders since the "709 Crackdown" in 2015. The crackdown against those present at the Xiamen gathering is now referred to as the "12/26 Crackdown." In the past year, many participants at the Xiamen event have been criminally detained by public security authorities on national security-related charges, to the point that some are being placed under RSDL—meaning they are unable to meet with lawyers, have their whereabouts kept from the outside world, and are very likely being tortured. Some have had their detention formally approved and are now facing legal proceedings. In addition, although some detainees have been "released on guarantee to await trial," this in reality has meant that they are subject to significant uncertainty as the police may initiate criminal investigations at any time and reapply compulsory measures. Below

© 2021 by Taiwan Foundation for Democracy

are a few specific cases of the individuals who gathered for the event in Xiamen and were subsequently detained:

— Xu Zhiyong, who holds a doctorate in law from Peking University and is the founder of the New Citizen Movement. Xu was forced to flee from authorities near the end of 2019. During his time in hiding, he criticized Xi Jinping's handling of the COVID-19 epidemic. He was taken into custody in Guangzhou on February 15, 2020, and formally arrested on charges of "inciting subversion of state power" on June 20. Public security authorities have refused to allow the lawyer appointed by Xu Zhiyong to meet with his client.

— Human rights lawyer Ding Jiaxi was accused of "inciting subversion of state power." His wife, Luo Shengchun, posted on Twitter in July that Ding has been subject to torture and maltreatment during his lengthy imprisonment in the detention center. According to Luo, Ding has been deprived of sleep for extended periods, harassed by loud noises and bright lights in the facility for 24 hours a day, forced into painful physical postures for lengthy periods, and given little or no food.

— Human rights lawyer Chang Weiping, of Shaanxi Province, was accused of "subversion of state power" by police in January 2020 and placed in designated surveillance. After his release, he disclosed the extent of the "extreme torture" he suffered during the accusation process up until October. According to Chang, he was held in secret custody in a hotel guest house for 10 days and was forced to sit in a "tiger chair" around the clock, causing him to lose feeling in the index and ring fingers of his right hand. Because of this disclosure, on October 22, 2020, Chang was once again disappeared, this time from his hometown. A friend confirmed that he had been taken away by police and placed in designated surveillance, this time on suspicion of "inciting subversion of state power."

— Other lawyers—including Huang Zhiqiang, Lu Siwei, Liu Shuqing, Lu Tingge, and Zhuang Daohe—all faced summons, detention, had their offices searched, and other measures as part of investigations related to the crime of "picking

© *2021 by Taiwan Foundation for Democracy*

quarrels and provoking trouble."

— Others also in attendance at the Xiamen gathering were also detained but have since been released on bail: Dai Zhenya, Zhang Zhongshun, Li Yingjun, Li Qiaochu, Chen Jiaping and others.

This severe crackdown targeted not only participants at the Xiamen event, but also involved harassment of human rights activists not in attendance. As of this writing, this harassment has resulted in some cases involving severe crimes such as "subversion of state power" and "inciting subversion of state power." Some of these offenses, if deemed "severe," may result in life imprisonment. Immense pressure has been exerted on an already sorely tested human rights activist community. In particular, the arrest of Xu Zhiyong, an important symbolic figure, has further harmed morale. As a result, this large-scale crackdown against the community of human rights lawyers and activists has had a strong silencing effect. In the words of Chinese NGO activist Yang Zhanqing: "After several waves of crackdowns, most people are afraid of reprisals by the authorities. Defense attorneys and family members rarely accept media interviews. People who have lived through the crackdowns are afraid to talk about their experiences, even those who have fled overseas. This leads to insufficient attention from the outside world, and a lack of source material for the attention of the international community" (Radio Free Asia, 2020).

(3) Scholars

A law professor at Tsinghua University, Xu Zhangrun, published an article in early February 2020 about Chinese leadership's incompetent handling of the epidemic entitled, "When Fury Overcomes Fear." After returning to Beijing, Professor Xu was promptly placed under house arrest. On July 6, 2020, he was issued a term of administrative detention by police on obviously trumped-up charges of "visiting a prostitute," and released on July 12. Subsequently, Tsinghua University dismissed Professor Xu from his teaching position and expelled him from public office on the

© 2021 by Taiwan Foundation for Democracy

grounds of "moral corruption." In August, the Harvard University Fairbank Center invited Professor Xu to visit for a year, but he was told by the police that he was not allowed to leave the country or accept media interviews.

People who assisted in Professor Xu's case have also been impacted. When Professor Xu was taken away by the police, Geng Xiaonan, a respected Chinese cultural figure, was the first person to share information about Xu's detention. Geng and her husband Qin Zhen were disappeared on September 9, 2020. They were later confirmed to be criminally detained on suspicion of "illegal business operations," and formally arrested in October. The police accused Geng of printing and selling illegal cookbooks and other monographs without proper licenses. When meeting with a lawyer in the detention center on September 30, Geng mentioned that she had undergone more than a dozen interrogations during her more than 20 days of detention.

(4) Private entrepreneurs

In 2020, there were several unusual cases involving the detention of private entrepreneurs reported in the media. The case that received the most attention was that of a well-known Chinese agricultural entrepreneur Sun Dawu, the founder of Hebei Dawu Group. Sun was taken away by police together with his family and senior company executives on November 11. Ministry of Public Security officials stated that they were suspected of "picking quarrels and provoking trouble" and "sabotage of production or business operation." Media reports also confirmed that Sun's enterprise was forcibly taken over. A private entrepreneur currently in exile in the United States, Wang Ruiqin, said that there are risks that accompany operating a business in China: "When your business is too large, it can pose a threat to the government. This is unacceptable to the CPC. Business owners are very concerned about the country's future and current political affairs. This is also unacceptable [to the government]. If a business owner pays attention to current politics and their opinions are not totally the

© *2021 by Taiwan Foundation for Democracy*

same as that of the party, you are seen as someone who is not a loyal follower of the party, and [government officials] will place restrictions on you or even exert pressure on you" (Chen, 2020).

There was more than one case involving the arrest of wealthy private entrepreneurs. According to a report by "Rights Defense Online" (*Weiquan Wang,* an online blog chronicling human rights issues in China), a private entrepreneur in Chongqing, Li Huaiqing, was arrested three years ago for reposting articles and recordings with politically sensitive content on WeChat. The prosecutors accused him of "instigating the subversion of state power by spreading rumors, defamation, or other methods" seven times on WeChat, specifically by reposting content containing words such as "moral resistance" and "violent revolution." On November 20, 2020, he was sentenced to 20 years in prison by the court on four counts of "inciting subversion of state power, fraud, extortion, and illegal detention."

In addition, in November 2020, the head of Jiangsu Fuxin Wealth Asset Management Co., Ltd., Xia Weiguo, and the parent company's chairman, Yang Zongyi, were both subject to criminal compulsory measures on suspicion of engaging in illegal fundraising. At present, as case information has not been made public, it is difficult to determine whether the evidence presented by the prosecution is sufficient to demonstrate the truth of the charges.

(5) Activists, petitioners, civil society actors, and journalists

Since their arrest on suspicion of "subversion of state power" in 2017, staff members of an NGO focused on disadvantaged groups, Changsha Funeng, have all been unable to meet with lawyers. On March 16, 2020, the six lawyers hired by the families of the three defendants, Cheng Yuan, Liu Yongze, and Wu Ge Jianxiong, were dismissed en masse. According to letters received by family members, Cheng and Wu Ge "admitted to breaking the law," expressed that they had hired their own lawyers, and that they would "accept no one else's representation." The families

© 2021 by Taiwan Foundation for Democracy

called into question that these letters represented the true intentions of the defendants, and expressed suspicion that the three defendants were coerced by police to dismiss the originally appointed lawyers.

Normally held in March, because of the epidemic, the annual "Two Sessions" were convened this year close to the anniversary of the June Fourth massacre. Human rights defenders subsequently reported that the government was even more severe in its "stability maintenance" (*weiwen*) efforts, and monitored, intercepted, and removed more petitioners than in previous years. Cases reported by the media included but were not limited to: the detention of Shanghai human rights defender Jin Meizhen and her husband Zhang Kunfu; the interception of a total of eight petitioners from Shanghai on May 6; and the "interception" of Yang Xiumei and other petitioners in Liaoning Province, who were brought to a hotel by authorities and forced to undergo mandatory quarantine. In Beijing, an independent scholar, Gao Yu, a political dissident, Zha Jianguo, a Christian church leader, Xu Yonghai, and others were all subject to surveillance operations (which is often referred to as "put on duty," or *beishanggang*). Finally, a human rights activist in Sichuan Province, Chen Yunfei, was disappeared.

In addition to offline crackdowns, in recent years, the online space for free speech in China has become increasingly constrained. In September 2013, the Supreme People's Court of China and the Supreme People's Procuratorate issued an *Interpretation on Several Issues Regarding the Applicable Law in Cases of Using Information Networks to Commit Defamation and Other Such Crimes*. Under this, certain forms of online speech could be punished for the crime of "picking quarrels and provoking troubles," which has led to many cases of the criminalization of online speech. This undermines the freedom of speech and violates the principle of statutory crimes and punishments in relevant provisions of the *Law on Legislation* (Liu and Song, 2020). In 2020, a number of incidents demonstrated a growing trend in criminalizing online speech. For example, online activist Qu Hong was detained by

© *2021 by Taiwan Foundation for Democracy*

the police on suspicion of "picking quarrels and provoking trouble" on May 30, 2020. A month earlier, on April 29, a member of the Overseas Independent Chinese PEN Center, Xie Wenfei, was taken away by the police, and later criminally arrested for "picking quarrels and provoking trouble." On the day he was taken into custody, Xie had criticized aspects of the epidemic in Wuhan on Twitter.

On December 7, a Chinese employee of Bloomberg News, Fan Ruoyi (or Haze Fan), was detained. A few days later, on December 11, the Chinese Ministry of Foreign Affairs issued a statement that Fan had been detained on suspicion of endangering national security. The case is still under investigation, but no details whatsoever have been released. This case took place a few months after Chinese authorities detained an Australian journalist of Chinese descent, Cheng Lei, and threatened two Australian journalists in August (see below), in a further demonstration of the extent of the deterioration in the Chinese media environment.

2.1.2 Foreign-related Cases

(1) Foreigners and hostage diplomacy

Close to the end of 2018, after the Canadian government arrested the Chief Financial Officer of Huawei, Meng Wanzhou, in accordance with an extradition request from the United States, the Chinese government immediately detained two Canadian citizens located in China: Michael Kovrig, a former Canadian diplomat, and Michael Spavor, a businessman. The move was widely criticized by the outside world as hostage diplomacy. On June 19, 2020, the Supreme People's Procuratorate of China announced that Kovrig and Spavor faced legal charges. The specific charges against Kovrig and Spavor, respectively, are: "spying on state secrets and intelligence for foreign actors" and "spying and reporting on state secrets for foreign actors."[11]

11 Translator's note: The phrase "for foreign actors" may also be translated as "for overseas actors." It is important to note that, under PRC law, this would include spying for organizations, individuals, or entities based in Hong Kong, Macau, and Taiwan.

© 2021 by Taiwan Foundation for Democracy

Sino-Australian relationships soured this year, and this state of affairs had direct implications for Australians in China. On August 14, 2020, an Australian of Chinese descent working as a reporter for the CCTV English channel, Cheng Lei, was detained in Beijing. China's Ministry of Foreign Affairs announced that because Cheng "was under suspicion of engaging in criminal activities that could endanger China's national security, she has been subject to criminal compulsive measures by relevant authorities in accordance with the law, and is under investigation." The MFA also noted that Cheng was behind held under designated residential surveillance. Six months after being criminally investigated, Cheng Lei was formally arrested in February 2021 and charged with "illegally providing state secrets to overseas actors."

After Cheng Lei was detained in August 2020, two Australian journalists in China, Bill Birtles and Michael Smith, were told by Chinese national security officials that they had become involved in an ongoing national security investigation and must accept an invitation to be interviewed, and furthermore, were not permitted to leave the country. The two journalists immediately sought protection from the Australian Embassy in China and were accompanied to their interview with Chinese national security personnel by Australian diplomats. Some of the content of the interview touched on the Cheng Lei case. After the interview, on September 7, the two journalists immediately and with urgency left China.

In addition to this, an Australian citizen of Chinese descent, writer Yang Hengjun, met with a defense attorney for the first time on September 3, 2020, following his detention in January 2019 (meaning Yang went over 19 months in custody without seeing an attorney). Yang said that during his detention, he had been interrogated many times and for extended periods, sometimes while wearing handcuffs and a blindfold. Every interrogation involved the same questions revolving around his political activities in Australia, the United States, and China. Because Yang Hengjun had been unable to contact the outside world and had been denied consular visits on several occasions, he expressed to his attorney that he had felt increasingly

© *2021 by Taiwan Foundation for Democracy*

isolated for over a year—particularly as the hearing in his case was further postponed until April 2021.

(2) Forced confessions from Taiwanese citizens

Just as with Sino-Australian relations, when cross-Strait relations are tense, Taiwanese citizens living in China may also become victims. Following the 2017 Lee Ming-che case (Chen and Cohen, 2017), in 2019, the media reported that several Taiwanese had been "disappeared" in China. In October 2020, a number of Taiwanese citizens who had been detained in China appeared in video clips played on a CCTV television program called "Cases of Taiwanese Espionage." Over the course of three days of this programming, in various video clips, the following Taiwanese citizens were recorded giving confessions and announced to be suspected of espionage: Lee Mung-chu (a Pingtung County Township political advisor), Cheng Yu-chin (a Taiwanese scholar living in Europe), Tsai Chin-shu (a former chairman of the Southern Taiwan Cross-Strait Relations Association), and Shih Cheng-ping (a retired associate professor at National Taiwan Normal University). The report further noted that Tsai had been sentenced to four years in prison for espionage by the Chinese courts in July 2020, and that Shih had also been sentenced to four years in prison for espionage on November 25. There had been no news or reports of public hearings for either of these two cases, heavily implying the two had been tried in secret. Obviously, this phenomenon of politicized "forced confession" violates the principles of due process of law and presumption of innocence, in addition to seriously damaging cross-Strait relations.

2.2 International Pursuit of People and Assets; Transnational Repression

The anti-corruption campaign launched under the leadership of Xi Jinping was never intended to be an exclusively domestic-facing initiative. An important

© 2021 by Taiwan Foundation for Democracy

element of the crackdown has featured the extraterritorial pursuit of people and assets, from China's "Operation Fox Hunt" in 2014 to "Operation Skynet" in 2015. Now on "Operation Skynet 2020," it is clear that China attaches great importance to the pursuit of alleged fugitives and stolen money abroad. It has even reached the point that, in an early phase, authorities were ordered to seize the exit permits and passports of Communist Party officials above the county level (Kuang and He, 2009), a clear restriction on the personal freedom of movement.

However, there is a tension between international human rights norms and China's transnational efforts to pursue people and assets, particularly under the "non-refoulement principle." According to this principle, when deciding whether to agree to an extradition request from the Chinese government, the requested government must consider the non-refoulement principle in international human rights law and humanitarian law—that is, if the person to be deported or extradited is in danger of being subjected to torture and other cruel, inhuman, or degrading treatment or punishment when returned to China, extradition should not be considered. In recent years, the practice of non-refoulement has also continued to develop; in addition to considering the possibility of torture, some courts will also apply the non-refoulement principle to refuse to deport or extradite a person when that person's right to a fair trial may be seriously infringed upon returning home.

Though domestic human rights issues in the Chinese administration of justice have not seen any improvement, China is still actively pursuing people and property beyond its borders. Since its establishment in March 2018, starting in 2019, the National Supervisory Commission of China (NSC) replaced the Supreme Prosecutor's Office to become the lead unit of the special operations to pursue individuals and assets across international borders. One of its important functions is to specifically pursue people and assets across international borders as part of investigations into cases involving abuse of public office. In addition to leading overseas actions to seize individuals or property, the NSC was also designated by China as the central entity for

© *2021 by Taiwan Foundation for Democracy*

coordinating the judicial system's work under the United Nations *Convention Against Corruption* and pursuing judicial assistance with other countries. For instance, the NSC has proactively signed anti-corruption agreements with relevant agencies of the United Nations as well as those of the Philippines, Thailand, and other nations. The NSC also hosts meetings of the Sino-U.S. anti-corruption working group and Sino-Australia anti-corruption enforcement working group, among other efforts.

In actuality, however, the supervisory commission system has built in many mechanisms that violate human rights, including the aforementioned practice of "retention in custody." Indeed, the NSC has authority to implement a range of compulsory investigation measures that do not require court approval and completely lack effective external supervision (Chen, 2019: 101). When foreign governments and international organizations conduct judicial assistance activities with the NSC, they should comprehensively consider whether they violate international human rights norms in doing so.

The 2019 "Human Rights in the Chinese Administration of Justice" report last year noted that there were some significant cases in 2019 demonstrating that foreign countries have serious doubts about Chinese justice, including foreign courts rejecting extradition requests from the Chinese government (Chen, 2020: 96-97). In addition, the relationship between China and the International Criminal Police Organization (Interpol) has also attracted attention. Meng Hongwei, the former chairman of Interpol, who also served as the former deputy minister of the Ministry of Public Security of China, disappeared after returning to China in September 2018. Chinese courts sentenced him on January 21, 2020 to thirteen and a half years in prison. Based in France, Meng's wife, Grace, stated that Meng was in fact persecuted for political reasons.

Interpol mechanisms have long been subject to abuse by authoritarian nations (Lemon, 2019). The Meng Hongwei case drew international attention to China's role in the operation of Interpol and the appropriateness of Interpol's relevant law

© 2021 by Taiwan Foundation for Democracy

enforcement actions. For example, in recent years, China has made liberal use of Interpol's "Red Notice" system to track down many individuals of Chinese origin based in other countries. Some are claimed by Chinese authorities to be escaped corrupt officials; others are in fact nongovernmental advocates (such as the President of the World Uyghur Congress, Dolkun Isa), or even private entrepreneurs pursued by the Chinese government (Hua, 2020). It is likely that at least some of these cases are politically motivated, such as those reflecting a desire to repress dissidents;[12] in any case, it is impossible for international organizations to avoid the longstanding issues of human rights abuse inherent in the Chinese judicial system. Against this backdrop, in the past few years, Interpol has successively withdrawn some "Red Notice" requests submitted by China (Chen, 2020: 96-97).

In 2020, media reports also revealed that, back in 2015, Switzerland signed an agreement with China allowing "experts" from the Ministry of Public Security to stay in Switzerland for two weeks. These "experts" may enter Switzerland without revealing their official identity, and further, the reports given by these experts to Swiss authorities are classified as confidential and subject to Switzerland's confidentiality practices. During their visits, these Chinese "experts" may meet and interview Chinese citizens the Swiss consider to be likely of interest to PRC authorities, or are found to be "illegally overstaying." Under this agreement, Chinese "experts" may interview a maximum of six people per day, and a total of 60 people each time they enter the country. Moreover, there is no supervision of the actions of these authorities, and the cost of the visit is paid entirely by the Swiss. Then, after receiving subsequent investigatory reports from the Chinese public security officials, Swiss authorities work with the Chinese Embassy in Switzerland to determine who will be repatriated to China. Professor Margaret Lewis of Seton Hall University School of Law in the United States commented that this agreement is extremely beneficial to China and

12 Regarding discussion of authoritarian states using or trying to reshape norms of international law to suppress dissent abroad, see Ginsburg (2020).

© *2021 by Taiwan Foundation for Democracy*

surpasses general intelligence sharing agreements. In her words: "If it is a low-level case such as illegally overstaying, the Ministry of Public Security will likely not specially dispatch officials. The Ministry of Public Security would likely only be deployed for an individual of interest to the Chinese Communist Party" (Central News Agency, 2020). This Sino-Swiss agreement expired this year, but because of widespread resistance from civic groups, the Swiss government has decided for the moment not to extend the arrangement.

As Western countries increasingly decline China's requests for extradition and mutual legal assistance, moving forward, the Chinese government may turn to signing more extradition and mutual legal assistance treaties with authoritarian and developing nations. However, these jurisdictions are not the destinations of most people fleeing China; therefore, it seems likely China's work to pursue these individuals will continue to run into bottlenecks. In the foreseeable future, if China's human rights practices in the context of the judicial system do not improve, its external requests for extradition and mutual legal assistance through formal legal channels may suffer yet more setbacks.

As formal channels are frustrated, media reports have revealed the Chinese government's efforts to make use of illegal channels to "urge return" (*quan fan*), China's so-called new method for pursuing individuals abroad;[13] that is, to use all manner of methods to entice, coerce, and even abduct targets and bring them back to China. A prosecution by the United States Department of Justice (DOJ) is an example of China's normalization of practices for using illegal law enforcement methods abroad; specifically, in November 2020, the DOJ prosecuted eight people suspected of

13 Regarding "urging return" (*quan fan*) as a new method of pursuing people abroad, see Huang (2016). Regarding the so-called "theory of harmonious pursuit," please refer to Liu and Pu (2015: 38): "The so-called 'theory of harmonious pursuit' refers to the practice of public security officials making proper use of social relationships between the fugitive and society, the public, and especially friends and family to win their understanding and, after they are comforted and persuaded by friends and family, move them to voluntarily surrender themselves."

© 2021 by Taiwan Foundation for Democracy

threatening an individual named in an Interpol "Red Notice" and the person's family members while on U.S. territory. The indictment stated that between 2016 and 2019, these eight people acted as Chinese government agents and used various methods to stalk, intimidate, and threaten individuals named in "Red Notices" and their family members, to force them to return to China and face investigation. In fact, the NGO Human Rights Watch (HRW) published an investigative article as early as January 2018 demonstrating that the Chinese government imposes various forms of unending punishment on individuals named in "Red Notices" and their family members. In certain cases, this has included the Chinese government forcing family members of individuals named in "Red Notices" still based in China to travel to the country where the target is located to persuade them to return and use any manner of methods to threaten and harass them—all to avoid standard extradition requests or mutual legal assistance procedures. The experience of Li Gang, a resident of the United States who was named in a "Red Notice," is a representative example. Li stated that his family was constantly faced harassment in China, which resulted in his younger brother being detained by police in March 2018. As of this writing, Li's brother has yet to have been allowed to meet with his family or a lawyer. Li's ex-wife's parents also had their personal accounts completely frozen (Hua, 2020). In addition, back in the United States, Li claims that due to surveillance, harassment, and intimidation by CPC overseas agents, he has had to constantly move.

3. Trials

Chinese "trials" differ greatly from the Western conceptualization of "trials." In any given case, witnesses rarely appear in court, and in so-called "sensitive cases," trials are mainly for show, rather than engaging in any objective finding of fact, and are used as a tool for punishment.[14] By the structure of power, Chinese courts have

14 The author would like to thank Professor Margaret Lewis for this observation.

© *2021 by Taiwan Foundation for Democracy*

played a weak role in relation to the police—this is their own "Achilles' heel," which has made them totally ineffective in terms of their capacity to safeguard human rights (Chen, 2019: 98-100, not repeated here).

There were two trends in 2020 that are of particular interest here. First, the right to a fair trial for defendants continues to face severe, systematic violations. This is especially obvious when government authorities deem the case to be sensitive. As mentioned earlier in this article, nearly all sensitive cases follow a specific SOP—that is, they exhibit the following characteristics: Forcing the defendant to plead guilty; conducting a secret trial, or not letting the defendant's family attend a court session; handing down a severe punishment; and preventing even family members from obtaining case materials or court judgments. The second trend is that of the normalization of criminalizing acts of speech, especially online speech. Most of these cases involve heavy sentences for minor crimes such as "picking quarrels and provoking trouble." In recent years, it has even been observed that these prosecutions and penalties have extended to include Chinese citizens who make comments or posts on foreign social media platforms (Wall Street Journal, 2021).

— For example, on April 30, 2020, former media personality Chen Jieren was sentenced to fifteen years in prison for the crimes of "picking quarrels and provoking trouble," blackmail and extortion, illegal operation of a business, and bribery. The verdict stated that Chen had "pursued unlawful gains" by publishing false or negative information online that "attacked and slandered the Party, government, and judicial organs" starting back in 2015. One month after Chen was arrested, CCTV broadcasted a video clip of him giving a confession.

— On July 7, 2020, a Guangzhou citizen, Chen Zong, was sentenced to one year and three months in prison for forming a WeChat group in which Chen then shared a significant amount of content from outside China's "Great Firewall." This was declared by the court to constitute the crime of "picking quarrels and provoking trouble."

© 2021 by Taiwan Foundation for Democracy

— In addition, there are countless cases domestically in China that involve people facing punishment for circumventing the Great Firewall and criticizing the government. For example, a political dissident in Kunming, Yunnan Province, Xu Kun, posted a large number of photos of and content about Hong Kong's "Anti-Extradition Law Amendment Bill" activities on Twitter, and was subsequently arrested by police on charges of "picking quarrels and provoking trouble" in August 2019. After this, during the ensuing court proceedings, officials only allowed two family members to observe when the case was heard on August 16, 2020. Defense counsel's request for a witness was summarily dismissed. The trial itself lasted only ten minutes before the court announced an adjournment and scheduled a date to produce the verdict.
— Neither is immunity guaranteed for those who publish online remarks while overseas. This year the media reported on a case from 2019 involving a Chinese student studying abroad at the University of Minnesota in the United States, Luo Daiqing, who made satirical posts about Xi Jinping on Twitter. After returning to China in July 2019, Luo was arrested by the police and later sentenced by the courts to six months for "picking quarrels and provoking trouble."

Convictions for acts of speech are not limited to ordinary citizens. One of the most prominent cases in 2020 was that of Ren Zhiqiang, former real estate tycoon and chairman of Beijing Huayuan Property Co., Ltd. and member of the "red second generation" (*hong er dai*), the sons and daughters of prominent revolutionaries. In early March, Ren wrote an article criticizing the government for covering up the truth of the COVID-19 epidemic and referring to Xi Jinping as "a clown stripped naked who insists on being called emperor." On March 12, Ren was disappeared. On April 7, the Beijing Municipal Commission for Discipline Inspection announced that Ren was under suspicion of serious violations of discipline and law and was undergoing disciplinary review and supervisory investigation. His case was heard in

© *2021 by Taiwan Foundation for Democracy*

court on September 11, 2020. The procuratorate accused Ren of corruption, bribery, embezzlement of public funds, and abuse of power as an employee of a state-owned company. On September 22, the court pronounced that Ren's conduct fulfilled the conditions of these crimes, and he was handed down the severe sentence of 18 years in prison and a fine of CNY 4.2 million.

4. Prison and Enforcement of the Law

There were two prominent issues related to human rights in prisons in 2020:

4.1 Transmission of COVID-19 in Prisons

On February 21, 2020, China reported a cluster of COVID-19 infections in five prisons in Shandong, Zhejiang and Hubei Provinces, resulting in 512 confirmed cases and 10 suspected cases. Meanwhile, in Wuhan, 565 confirmed cases of COVID-19 were reported on a single day on February 29. Prisons alone accounted for 233 cases, demonstrating the severity of the situation. However, there were no follow-up reporting on this issue starting from March. From the time the epidemic began in January up until February 21, there was no official news regarding transmission of the disease in prisons. When news was communicated, the problem was already quite serious, demonstrating that the government suppression of information was actually not conducive to controlling the epidemic. An associate professor at the City University of Hong Kong and expert in public health management, Dr. Nicholas Thomas, stated that because space in prisons is extremely confined, transmission of disease is difficult to avoid, and therefore made it likely cases had been developing in prisons for some weeks—and yet it was only made clear that this was the case on February 21 (BBC Chinese Website, 2020).

© 2021 by Taiwan Foundation for Democracy

4.2 Concerns over the Health of Political Prisoners

Prisoners—especially political prisoners and activists—are subject to extreme mistreatment in prison. For example, following his release from prison, human rights activist Xing Wangli revealed to the media several instances of mistreatment including denial of medical attention or referral to a hospital despite a weak and sickly physical condition; refused permission to receive or send letters; and being slapped in the side of the head on one occasion after a dispute with prison guards. Xing also repeated other prisoners' statements that they had been forced to work more than ten hours a day or being frequently beaten by police officers and cell bosses.

The 2019 "Human Rights in the Chinese Administration of Justice" report called on the outside world to pay attention to the deterioration of the health of political prisoners in prison, including death of such individuals in custody or shortly after release. In July of this year, Reporters Without Borders reported that at least 114 journalists and defenders of press freedom are currently being held in custody in China, some of whom are facing life imprisonment. The list highlights ten of these individuals with particularly distressing health conditions (or those whose condition is unclear as authorities refuse to give permission to family members to visit). If these individuals are not released immediately, their life and health may be in danger. These ten individuals are: Ilham Tohti, a Uyghur scholar; Gulimila Yiming, a writer and webmaster; Lu Jianhua, a political commentator; Zhang Haitao, a political commentator; Qin Yongmin, a political commentator; Huang Qi, founder of the "6/4 Sky Net," a website commemorating the Tiananmen Square massacre; Yao Wentian, a publisher; Gui Minhai, a Swedish citizen and publisher; Wu Gan, an activist arrested during the 709 crackdown; and Jiang Yefei, a cartoonist. Of these, Ilham Tohti's case is an illustrative example. According to his daughter, since 2017, the Chinese government has refused to allow his family members to visit. Tohti suffers from cardiopulmonary disease and has experienced significant weight loss. Clarity about his physical health has been impossible to ascertain since late 2018.

© *2021 by Taiwan Foundation for Democracy*

Finally, Taiwanese human rights worker Lee Ming-che has been in Chinese custody for three years. On March 19, 2020, Lee's wife, Lee Ching-yu, and the civil society alliance "Team for the Rescue of Lee Ming-che" held a press conference to call on the public to continue to carry out efforts to rescue Lee. Since the explosive outbreak of COVID-19 in China, Lee Ching-yu has been unable to either visit Lee Ming-che in China or speak to him on the phone.

5. Lawyers

While the "Party-building" work of general lawyers is still ongoing (Chen, 2020: 104-105), on the other hand, China has never let up in its efforts to repress human rights lawyers. July 9, 2020 marked the fifth anniversary of the "709 Mass Arrest Incident" (Chen, 2019: 104-106). As Professor Jerome A. Cohen of New York University has noted, the 709 incident demonstrates that repression of human rights lawyers is much more than a single, opportunistic crackdown; it is a long-term and ongoing process.

Even so, the community of human rights lawyers has not been extinguished. There are still many lawyers engaging in efforts to support the public interest, though there are many severe difficulties in carrying out this work. For example, in early March 2020, some lawyers set up a "Coronavirus Lawyers Advisory Group." Although the advisory group received more than a dozen applications for legal assistance, some families gave up their efforts as they could not bear to deal with threats from the government. Attorney Chen Jiangang, a member of the advisory group who fled to the United States, said that many lawyers in the group have also been warned that if a lawsuit is ultimately filed, that very act may be deemed to endanger national security.

The repression encountered by human rights lawyers can be divided into the following categories (which may exist simultaneously or at different points in time in a given case):

© 2021 by Taiwan Foundation for Democracy

(1) Criminal sanctions (including of family members of lawyers), up to and including instances of "being disappeared"

In addition to the aforementioned lawyers who attended the gathering in Xiamen, below are descriptions of cases involving other lawyers subject to crackdowns (because of space limitations, only a few, key cases are included here):

— Attorney Yu Wensheng (who represented Wang Quanzhang, a lawyer who was arrested in the 709 crackdown) was sentenced to four years in prison for "inciting subversion of state power" and deprived of political rights for three years in June 2020. Yu's wife, Xu Yan, said Yu was subject to a secret trial, and the family has not received the court's verdict. After being detained for nearly a thousand days, Yu was finally allowed to meet with a lawyer on August 14, 2020. However, his health was in a poor state; some of his teeth had fallen out, and his right hand was experiencing severe tremors. Yu's wife has not yet been able to see her husband. In December, the court of appeal issued a decision upholding the original judgment.

— Attorney Tan Yongpei was detained and arrested on suspicion of "inciting subversion of state power" in October 2019 for posting on Twitter, and to date, has been unable to meet with a lawyer. On March 2, 2020, the case was transferred to the People's Procuratorate for review and prosecution. However, the lawyer originally engaged by Tan's family, Attorney Xie Yang, announced that his law firm had received direct pressure from the public security and national security agencies, and he would have to withdraw from the case. In addition, Tan Yongpei's nephew, Zhu Xingming, was detained by the police in July 2020; Zhu's family was formally informed only in August, when they received a police notice stating that Zhu was being criminally detained on suspicion of running a gambling ring. Tan's family members suspect that this is a method by which police are putting pressure on Tan and his family before the trial begins.

© *2021 by Taiwan Foundation for Democracy*

— Attorney Chen Jiahong, formerly at the same law firm as Tan Yongpei (and who also provided support to Yu Wensheng) was detained and arrested in April 2019 on suspicion of "inciting subversion of state power." The trial began in June, but the result is unknown; there has been no news about the progress of the case.
— Attorney Gao Zhisheng was disappeared again in August 2017, and as of this writing, there has been no news of his case. His elder sister became depressed and committed suicide in May 2020.

(2) Torture

In a media interview in June, recently released human rights lawyer Wang Quanzhang detailed the torture he faced in prison for the first time. From his detention in August 2015 until his official arrest was announced in January 2016, Wang was imprisoned by the police in Tianjin in a place he described as a "hotbed of torture." Wang was kept in a small cell and monitored by two armed police 24 hours a day. He was forbidden to move even while sleeping, was beaten for several hours at a time, and was required to stand with his hands held up high for 15 hours. He was eventually forced to sign a statement admitting that he accepted foreign funds to try and subvert the state.

(3) Harassment, surveillance, and false release

— The final lawyer tried as part of the 709 crackdown was Wang Quanzhang, who completed his criminal sentence and was released from prison on April 5, 2020—only to be immediately sent to Jinan, Shandong Province, the place of his *hukou* registration, in the name of undergoing "quarantine," rather than being reunited with his wife and children. There were more than ten people standing guard outside Wang's apartment day and night who refused to allow any visitors to enter. Wang's situation, similar to that of other human rights lawyers, has been called a "non-release release" by Cohen (Cohen, 2016). After serving the

© 2021 by Taiwan Foundation for Democracy

terms of his sentence, rather than gaining freedom, Wang was simply transferred from a small prison to a larger one.

— Attorney Jiang Tianyong, who assisted the family members following the 709 incident, was released from prison at the end of February 2019 and was put under supervision for 24 hours. So far, his movement has been severely restricted, which puts him in a situation equivalent to house arrest.

(4) Infringing on the practice of law

— Although exempted from criminal punishment by the court when accused of "inciting subversion of power" five years ago, Xie Yang, a human rights lawyer, had his license revoked by the local Justice Bureau in August 2020. The reason given was that when he was handling cases five years ago, he disrupted the order of the court.

— Yang Bin, a lawyer from Guangdong, had her license revoked by the Department of Justice in August. The ostensible reason was that Yang had not renewed her contract with her law firm and therefore did not meet the requirement of having an affiliated law firm. However, the cancellation of Yang's license to practice is more likely related to her involvement in the Xu Zhiyong case. In February 2020, police arrested Xu at Yang's apartment, and as a consequence, Yang and her husband and son were also deprived of their personal freedom.

— In many cases recorded in 2020 (including the "#save12HKyouths"[15] case involving Hong Kong protestors; and the aforementioned "Changsha Funeng" and "Terminus 2049" cases), lawyers hired by the defendant or family members were pressured to withdraw from the case, or were dismissed by public security officials in various ways in favor of appointment of an "officially designated lawyer," effectively depriving the defendant or family members of the right to select legal counsel. Peng Yongfeng, a Chinese human rights lawyer in the

15 See the 2020 "Human Rights in Hong Kong and Macau" article in this volume.

© *2021 by Taiwan Foundation for Democracy*

United States, believes that it is more appropriate to refer to these officially-appointed lawyers as "stability maintenance lawyers" (*weiwen lüshi*). In Peng's words: "These lawyers will only get involved in a case under unified dictates from officials, and hope that their clients will participate in putting on a judicial 'show' for the government. Obviously this is part of 'stability maintenance' efforts."

— Attorney Lu Siwei and Attorney Ren Quanniu, both of whom offered representation to defendants in the case involving 12 youths who attempted to flee Hong Kong, received notification from the local Department of Justice on January 4, 2021 that their licenses to practice law are to be revoked.

6. Observations and Conclusions

This year marked an extremely grave period for human rights in the administration of Chinese justice. Compared with last year, more cases involving criminalization of speech were recorded in 2020, especially during the COVID-19 period. Many independent citizen journalists or critics were arrested for speaking out, and in some cases, the punishment was unusually severe in comparison with years past. This demonstrated the further reduction in the space for freedom of speech and expression. In addition, the number of cases regarded as "sensitive" by the Chinese party-state also increased significantly and expanded beyond the scope of civil and political rights-related cases. The prosecution of staff members of "Changsha Funeng," a group advocating anti-discrimination and providing assistance to disadvantaged groups, is a useful example of how even NGOs advocating for economic and social rights were swept up in this trend.

From the beginning of the investigation to the end of the trial, a standard of practice (SOP) has emerged for such "sensitive" cases:

© 2021 by Taiwan Foundation for Democracy

— First, the public security organs place detainees in "RSDL" for up to six months, during which time they are not permitted to meet lawyers and family members are not notified of even the place of detention. In this way, the imprisoned person can be completely isolated from the outside world for an extended period, resulting in feelings of isolation.
— If the case involves abuse of power, the State Supervisory Commission will implement "retention in custody," which can also last up to six months, is not subject to supervision, and again, does not permit consultation with lawyers, completely isolating the detainee.
— Deprive the accused or their family members of the right to select a lawyer and force the use of an "officially appointed lawyer" to act in the case.
— Inflict torture and other cruel, inhuman, or degrading treatment or punishment on the imprisoned person, such as repeatedly interrogating the imprisoned person and force him or her to plead guilty on official media.
— Conduct secret trials and do not allow family members to observe legal proceedings and prevent family members from obtaining any information related to the case from the "officially appointed lawyers," including official legal materials.

These are all common methods that have been observed in cases involving human rights violations in the past few years, which have now become a set of normalized practices.

In the wake of the arrest of two Canadian citizens in China at the end of 2018, who have since been deemed victims of hostage diplomacy, similar cases have since been observed in 2020, and in fact appear to be getting worse; there was a marked deterioration in Sino-Australian relations this year, to the point the Australian government issued an official warning in July that Australian citizens in China should be aware of a heightened risk for arbitrary arrest by Chinese authorities. Subsequently,

© *2021 by Taiwan Foundation for Democracy*

in August, Chinese CCTV reporter Cheng Lei, an Australian citizen of Chinese descent, was arrested in Beijing on suspicion of "endangering national security." Not long after, two Australian journalists were intimidated and interviewed by authorities. Most external observers believe that these events are all related to the worsening of Sino-Australian relations. Similarly, relations across the Taiwanese Strait have also come under strain. Chinese CCTV broadcast the taped confessions of four Taiwanese citizens over the course of a three-day television special, accusing them of espionage. After these incidents, the credibility of the Chinese judicial system in the international arena have been severely damaged. This will in turn hinder China's plans to pursue individuals and assets that have escaped across its borders.

When China fails in efforts to request mutual legal assistance through legal channels, it may resort to illegal ones. In recent years, NGOs have already begun to document instances of Chinese authorities illegally surveilling and coercing targets abroad. For example, in 2020, the United States brought charges against eight people for harassing and threatening certain individuals named in Interpol "Red Notices" who were residing in the United States at the time. It is difficult to guarantee that such cases will not happen again in the future. If China continues to resort to these illegal methods in order to pursue individuals and recover assets, and is unwilling to systematically improve domestic judicial human rights, then the stage has been set for sharply increased points of conflict with the judicial systems of other countries.

© 2021 by Taiwan Foundation for Democracy

References

Chinese-language references

BBC Chinese News (2020). "Pneumonia Epidemic: Clusters of Outbreaks in Multiple Chinese Prisons Reveal Loopholes in Prevention and Control Systems." BBC Chinese. 2020/02/21. https://www.bbc.com/zhongwen/trad/chinese-news-51583101. (accessed December 20, 2020).

Central News Agency (2020). "Secret Agreement Revealed: Switzerland Permits Chinese Agents to Enter the Country and Make Arrests." Central News Agency. 2020/12/11. https://www.cna.com.tw/news/firstnews/202012110003.aspx. (accessed December 31, 2020).

Chen, Guangzhong (2014). "How to Order the Relationship between Law, Procuratorate, and Public Officials in the Administration of Criminal Justice." *Global Law Review*, No. 1: 63.

Chen, Wenwei (2020). "A True Rights Defender and a Straight Shooter! Chinese Agricultural Entrepreneur Sun Dawu Arrested and Company Taken Over." China Central Radio. 2020/11/12. https://www.rti.org.tw/news/view/id/2084512. (accessed December 1, 2020).

Chen, Yujie (2019). "Human Rights in the Chinese Administration of Justice." In Taiwan Foundation for Democracy (ed.), *Chinese Human Rights Report 2018* (pp. 83-112). Taipei: Taiwan Foundation for Democracy.

_____ (2020). "Human Rights in the Chinese Administration of Justice." In Taiwan Foundation for Democracy (ed.), *Chinese Human Rights Report 2019* (pp. 83-114). Taipei: Taiwan Foundation for Democracy.

Hua, Hu (2020). "The CPC Is Accused of Harassing Individuals with "Red Pass" Notices Overseas and Taking Family Members Hostage in China." Voice of America. 2020/11/07. https://www.voachinese.com/a/ccp-s-

© *2021 by Taiwan Foundation for Democracy*

harassment-of-red-notice-fugitives-overseas-and-their-family-members-in-china-20201107/5651894.html. (accessed December 1, 2020).

Huang, Lina (2016). "Research in the Use of 'Urged Return' to Pursue Individuals Abroad." *Legal System and Society*, No. 14: 247-248.

Huang, Yuanyuan and Yihui Wu (2020). "Inquiry into the Setup of Observation and 'Retention in Custody' Locations." *Legal System Exposition*, Vol. 14: 214-215.

Jiang, Jinquan (2020). "Adhering to the Comprehensive Leadership of the Party and Strengthening the Centralized and Unified Leadership of the Party Central Committee Are the Primary Principles That Must Be Followed in the Economic and Social Development of the '14th Five-Year Plan.'" Xinhua News Agency. 2020/10/30. http://www.xinhuanet.com/politics/2020-10/30/c_1126677818.htm. (accessed December 1, 2020).

Kuang, Naian and Zhenghua He (2009). "Designing a System for Preventing the Escape of Corrupt Officials." *The Rule of Law Forum,* Vol. 2: 130-137.

Liang, Shuyuan (2020). "Implications of the Adoption of the Regulations on Work of the Central Committee of the Communist Party of China." National Defense Security Research Institute. 2020/10/16. https://indsr.org.tw/tw/News_detail/3250/%E3%80%8A%E4%B8%AD%E5%9C%8B%E5%85%B1%E7%94%A2%E9%BB%A8%E4%B8%AD%E5%A4%AE%E5%A7%94%E5%93%A1%E6%9C%83%E5%B7%A5%E4%BD%9C%E6%A2%9D%E4%BE%8B%E3%80%8B%E9%80%9A%E9%81%8E%E4%B9%8B%E6%84%8F%E6%B6%B5. (accessed February 18, 2020).

Liu, Jihua (2020). "The Nature and Legalization of the Investigation of Crimes Involving Abuse of Public Office by the Supervisory Committee." *Comparative Legal Research*, Vol. 3: 160-174.

Liu, Liming and Qiuju Pu (2015). "Thoughts on the Pursuit of Individuals and Assets Abroad, with 'Operation Fox Hunt' as an Example." *Hunan Police Academy Journal*, Vol. 28, Number 6: 31-39.

© 2021 by Taiwan Foundation for Democracy

Liu, Zhiqiang and Haichao Song (2020). "An Examination of the 'Three Conditions' in the Judicial Interpretation of the Crime of Picking Quarrels and Provoking Trouble." *Academia*, Vol. 5: 82-92.

Radio Free Asia (2020). "'709' Crackdown Strikes Again, with Many People Placed under 'Residential Surveillance at a Designated Location.'" Radio Free Asia. 2020/01/15. https://www.rfa.org/mandarin/yataibaodao/renquanfazhi/cc-01142020103623.html. (accessed December 1, 2020).

Xi, Jinping (2020). "Unerringly Follow the Path of Socialist Rule of Law with Chinese Characteristics, and Provide a Strong Guarantee for the Rule of Law for the Comprehensive Construction of a Modern Socialist Country." Procuratorate Daily. 2020/11/18. http://newspaper.jcrb.com/2020/20201118/20201118_001/20201118_001_1.htm. (accessed December 1, 2020).

Zhou, Di (2016). "The Supreme People's Court Publishes a White Paper on 'Judicial Reform in China's Courts.'" Democracy and Legal Times. 2016/03/01. http://e.mzyfz.org.cn/paper/paper_9140_3103.html. (accessed December 1, 2020).

English-language references

Buckley, Chris (2020). "'Drive the Blade In': Xi Shakes Up China's Law-and-Order Forces." New York Times. 2020/08/21. https://www.nytimes.com/2020/08/20/world/asia/china-xi-jinping-communist-party.html. (accessed May 18, 2021).

Chen, Yujie and Jerome A. Cohen (2017). "A Taiwanese Man's Detention in Guangdong Threatens a Key Pillar of Cross-Straits Relations." China File. 2017/04/20. https://www.chinafile.com/reporting-opinion/viewpoint/taiwanese-mans-detention-guangdong-threatens-key-pillar-of-cross-straits. (accessed December 1, 2020).

Cohen, Jerome A. (2016). "Non-release 'Release' of Human Rights Activists and Their Confessions." 2016/08/02. http://www.jeromecohen.net/jerrys-blog/2016/8/2/non-release-release-of-human-rights-activists-and-their-

© *2021 by Taiwan Foundation for Democracy*

confessions. (accessed February 20, 2020).

_____ (2019). "Law's Relation to Political Power in China: A Backward Transition." *Social Research: An International Quarterly*, Vol. 86, No. 1: 231-251.

_____ (forthcoming). "'Rule of Law' with Chinese Characteristics: Evolution and Manipulation." *International Journal of Constitutional Law*.

Ginsburg, Tom (2020). "Authoritarian International Law?" *American Journal of International Law*, Vol. 114, Issue 2: 221-260.

Lemon, Edward (2019). "Weaponizing Interpol." *Journal of Democracy*, Vol. 30, No. 2: 15-29.

The Wall Street Journal (2021). "China Is Now Sending Twitter Users to Prison for Posts Most Chinese Can't See." The Wall Street Journal. 2021/01/29. https://www.wsj.com/articles/china-is-now-sending-twitter-users-to-prison-for-posts-most-chinese-cant-see-11611932917#comments_sector. (accessed February 18, 2021).

© 2021 by Taiwan Foundation for Democracy

© 2021 by Taiwan Foundation for Democracy

Social Rights: Governance Failure in the Time of Covid-19 Pandemic

Chan-hsi Wang*

Abstract

The year 2020 was crucial for observing the practice of social rights in China. Compared to 2019, the level of protection for Chinese social rights suffered an evident decline in 2020. Such a decline was not entirely due to the outbreak of Covid-19 at the end of 2019, but instead was the result of a series of institutional defects in the Chinese government's handling of the Covid-19 crisis and other sudden events. These defects not only worsened the Covid-19 situation in China but also jeopardized the rights of its own people and other nations. There are four unique features of social rights development in 2020 compared to previous years: First, the social policies launched by the Chinese government are aimed at consolidating its governance rather than stressing the survival rights of its people. Second, the problems related to authoritarian governance failure severely restrict the development of people's social rights. Third, it has become a common practice for the Chinese government to conceal problems, distort facts, and use unreasonable official standards to beautify its political achievements. Fourth, severe violations of political rights are the fundamental reason why social rights in China cannot be fully protected.

Keywords: social rights, China, Covid-19, authoritarian politics

* Ph.D. of Graduate Institute of East Asia Studies of National Chengchi University (NCCU), E-mail: chanhsi@gmail.com. Many thanks to the precious suggestions of Professor Chia-chen Chou, Professor Chien-fa Yen and two anonymous reviewers and the help of Mr. Yu-lei Su, the Research Assistant, for data collection.

© 2021 by Taiwan Foundation for Democracy

1. Introduction

The year 2020 was crucial for observing the practice of social rights in China. Compared to 2019, the level of protection for Chinese social rights suffered an evident decline in 2020. Such a decline was not entirely due to the outbreak of Covid-19 at the end of 2019, but instead was the result of a series of institutional defects in the Chinese government's handling of the Covid-19 crisis and other sudden events. These defects not only worsened the Covid-19 situation in China but also jeopardized the rights of its own people and other nations. There are four unique features of social rights development in 2020 compared to previous years: First, the social policies launched by the Chinese government aim to consolidate its governance rather than stress the survival rights of its people. Second, problems related to authoritarian governance failure severely restrict the development of people's social rights in China.[1] Third, it has become a common practice for the Chinese government to conceal problems, distort facts, and use unreasonable official standards to beautify its political achievements. Fourth, severe violations of political rights are the fundamental reason why social rights in China cannot be fully protected.

The main purpose of this article is to examine the trends and reasons why the primary social rights of the Chinese people have been violated or under-protected under the authoritarian system rather than reviewing the overall development of Chinese social policies. In terms of substantial analysis, this article examines some

1 Governance failure, in general, refers to the overemphasis on omnipotent government that in practice is unable to solve any problems due to the overload of government functions, the specialization of administrative organizations, and the decrease on governmental fiscal and political abilities. Barring the discussion on other types of human rights in the Report, in terms of issues on social rights, the initial focus of many Chinese social policies may not be based on social rights, which does not mean that, *per se*, these policies would damage social rights in China. For instance, the improvement of medical resources would help the protection of health rights. However, the institutional failures inbuilt in the Chinese authoritarian system often prevent the government from achieving its planned policy goals and cause governance failure, resulting in substantial violation or lack of protection on individual social rights.

© *2021 by Taiwan Foundation for Democracy*

controversial issues arising in important cases across various fields and analyzes the development level and problems of social rights in China. This article is mainly based on the analysis of public data collected by the China Human Rights Watch Database of Taiwan Foundation for Democracy. This analysis has been focused on three main aspects of social rights: the right to social security, health rights, and the right to an adequate standard of living. The data sources include official discourses, policy documents, Chinese government guidelines in related fields, and domestic and foreign media reports.[2]

2. Health Rights

The outbreak of the Covid-19 pandemic was the most important event affecting both Chinese society and the rest of the world in 2020. The first Covid-19 patient appeared in Wuhan City, Hubei Province, on December 1, 2019, and by December 31, 2020, this global pandemic had caused 83.52 million infections and killed more than 1.81 million people around the world. The conservative estimation of the global economic losses reached $21 trillion U.S. dollars. The outbreak of Covid-19 has not only caused severe damage to the health rights of the Chinese people but has also exposed a series of problems at different stages of epidemic management processes by the Chinese system.

2.1 Failure of Chinese Health and Epidemic Prevention System

After the SARS crisis in 2003, the Chinese government vigorously promoted the reform of the public health and disease control system and established a modern epidemic surveillance and control mechanism. However, the Covid-19 epidemic still caused a serious and comprehensive impact on China soon after its emergence,

2 The various news reports and materials used in this article have been included in the China Human Rights Watch database, therefore the source of the information is not listed in detail in the article.

© 2021 by Taiwan Foundation for Democracy

highlighting China's dilemma in facing the threats of emerging diseases. Such a dilemma is no longer due to the fragility of its public health system, but rather due to the will and political considerations of government officials at all levels of the Chinese Communist Party (hereafter, CCP) in the formulation of various epidemic prevention policies. These policies were neither formulated based on professional epidemic assessments nor prioritizing the comprehensive protection of people's health and life safety.

When the first cases of Covid-19 appeared in Wuhan City, Hubei Provence, the lack of reasonable control was an important reason for the subsequent large-scale outbreak and global spread of the epidemic. When reviewing the early stages of the epidemic, the delayed responses at all levels of government in China are evident:

2.1.1 First Stage of the Outbreak (December 2019)

The Wuhan Municipal Government initially noticed the emergence of this epidemic but did not announce it immediately. "Epidemic whistleblowers" such as Li Wenliang and Liu Wen who raised warnings were suppressed. The Wuhan Municipal Health Commission did not publicly notify the epidemic until December 31, 2019, but they still did not take any active measures to prevent its spread. At that time, the Mayor of Wuhan City, Zhou Xianwang, said:

"As a local government, I can only disclose information until I receive the authorization. On January 20, 2020, the State Council held an executive meeting and decided to designate Covid-19 as a type of infectious disease and demand territorial responsibility for it. After that, our work has been more proactive."

Zhou Xianwang's statements show that he tried to shift the responsibility of concealing the outbreak of the epidemic in Wuhan City onto the State Council. However, they also reveal the local government's operational logic of being responsible "to the top" rather than "to the public" under the Chinese political system.

© *2021 by Taiwan Foundation for Democracy*

2.1.2 Second Stage of Epidemic Development (January 1 to 19th, 2020)

Although the National Health Commission of the People's Republic of China (hereafter, P.R.C.) confirmed the existence of a new epidemic, no active epidemic prevention measures were launched yet. On January 19, the epidemic was still regarded as "preventable and controllable." In an attempt to maintain social stability, the Wuhan Municipal Government even hosted some social events as scheduled, such as the city-level "Two Sessions" and "Thousands-household Banquet" (Wanjia Yan). On January 6, Gao Fu, the Director of the Chinese Center for Disease Control and Prevention, made a request to initiate a secondary emergency response. However, due to the lack of attention from high-level leaders, disease control experts such as Gao Fu could only use some indirect methods, such as publishing papers in international journals, to raise awareness of the situation. Xi Jinping later declared that the instructions for the epidemic prevention and control were given as early as January 7 during the meeting of the Standing Committee of the Political Bureau of the Central Committee. However, it was also stressed in the same meeting that such an epidemic should not cause panic and affect the festive atmosphere of the Chinese New Year.

2.1.3 Third Stage of the Epidemic Spread (January 20 to 31st, 2020)

The epidemic spread rapidly within China and started to spread to other countries. On January 26, 2020, the Chinese government established the "Central Leading Group" for the epidemic to activate the emergency prevention and control mechanism in full nationwide. However, the effectiveness of such a mechanism in practice was hindered by the CCP's political considerations, such as maintaining economic development and social stability. For example, on January 21, the Secretary of the Hubei Provincial Party Committee and the Governor of Hubei Province still attended the Spring Festival delegation. On January 30 at the Wuhan epidemic briefing (which happened after Wuhan city was put on lockdown), Jiang Chaoliang, the Secretary of the Hubei Provincial Party Committee, was unable to answer the

© 2021 by Taiwan Foundation for Democracy

questions regarding the refusal to allow returnees to enter their homes and the supply shortage for hospitals in Wuhan.

Since mid-March 2020, the CCP government started to claim that the spread of the domestic epidemic was under control. In order to avoid the impact of the suspension of work and production on China's economic performance, Xi Jinping strongly requested economic production to be resumed as soon as possible. Due to the central government's request, local governments forced local businesses and factories to restart work despite the uncertainty about the epidemic situation. This compulsory resumption of work not only led to the phenomenon of "resumption of work without resumption of production" but also exposed workers to the risk of infection. According to a media report, a government official in Beijing revealed that compared to national health and safety concerns, economic concerns have always been the priority of the CCP top leaders since "the dead and the sick cannot resist, but the CCP will collapse once the Chinese economy collapses" (Chiang, 2020).

The inadequate handling of the epidemic at the early stages of its development caused the full spread of the epidemic in Wuhan City and resulted in the rapid spread of Covid-19 to different provinces in China and other countries around the world. Such a fast spread process has revealed at least three institutional problems existing in the current CCP political system: first, the local government concealed the outbreak of the epidemic. Illustrated by Wuhan Mayor Zhou Xianwang's responses to the epidemic before, it is a common practice for local governments to hide the situation of possible epidemic outbreaks. The SARS pandemic in 2002 and several other cases during the past few years are the cases in point. The second problem is the central government's ignorance in response to the epidemic. Based on the reactions of Xi Jinping and the National Health Commission shown above, it is clear that the decision-making process, even if it is about the risk control of certain diseases, is still led by the judgment of top political leaders rather than professional assessment, which eventually delays the process of comprehensive epidemic prevention. Third, the

© *2021 by Taiwan Foundation for Democracy*

capacity of China's sanitation and epidemic prevention system is insufficient. In 2002, the outbreak of SARS aroused the Chinese government's attention for sanitation and epidemic prevention, and in the following 20 years, an epidemic prevention system in line with international standards was initially established. However, this epidemic prevention system still cannot bypass the inertia of central and local government behaviors, i.e., politics always prevail over scientific and professional advice.

2.2 The Chinese Government's Actions on the Concealment of Epidemic Situation and Fact Distortion.

Xi Jinping announced at an epidemic prevention meeting in February 2020: "The Party Central Committee's judgment on the epidemic situation is accurate, the deployment of work is timely, and the substitutions taken are effective and efficient." He also denied the concealment and delays in response to the epidemic prior to its outbreak. However, the authenticity of the CCP's official epidemic data has been widely questioned by the people in China and around the world. A U.S. intelligence official stated that due to serious bureaucratism in China, local cadres from different levels of government feared that the high number of reported cases would affect their political career or cause severe punishment, therefore, they chose to underreport (Barnes, 2020).

In December 2020, CNN obtained and released a batch of the Chinese government's internal documents, which clearly showed the serious problems of the Chinese government in preventing and controlling the epidemic and releasing relevant information. Known as "the Wuhan files", these documents outlined the problems of fabricating public data and serious internal governance failures of the Wuhan Municipal Government during the early stages of the outbreak (Walsh, 2020), including:

- Announcement of erroneous epidemic data: The official number of newly confirmed cases was 2,478 on February 10, but the number in the Wuhan

© 2021 by Taiwan Foundation for Democracy

files was 5,918, which is more than twice the number announced. Also, China announced that until March 7, there were 2,986 Covid-19 deaths in Hubei Provence, but the real number was 3,456.

- Inefficient virus testing: Before March 2020, it took an average of 23 days for the Chinese testing system to diagnose a confirmed patient, and most people who took their test before January 10 received a negative result due to a test error. This situation greatly affected the implementation of monitoring and control measures to prevent the epidemic.
- Failure of the health and epidemic prevention system: Internal audits found that insufficient funds, insufficient staff, low morale, and a history of bureaucratic governance have hindered the development of early warning systems in China.
- The prevalence of influenza before the outbreak of the epidemic already overwhelmed the local medical system: A large-scale and undisclosed influenza pandemic occurred in Hubei Province in early December 2019. The number of cases increased 20 times compared to the previous year, making it almost impossible for the local medical system to cope with them.

In the global process of fighting against Covid-19, the Chinese government has continually tried to use some propaganda to conceal the fact that China is the birthplace of the virus. Most of the information has later been proved to be distorted or incorrect, but the Chinese government rarely clarified these mistakes. For instance:

- In February 2020, Zhong Nanshan, a member of the Chinese Academy of Engineering, said that the epidemic may not have originated in China.
- In April 2020, Chinese Foreign Minister, Zhao Lijian, used Twitter to accuse the U.S. military of bringing the virus into Wuhan.
- In June 2020, the Oxford Internet Institute at the University of Oxford in the United Kingdom reported that Chinese and Russian media published Covid-19

© *2021 by Taiwan Foundation for Democracy*

misinformation in their German, French, and Spanish language outlets (Rebello et al., 2020).

- In November 2020, the Chinese Academy of Sciences submitted a paper to the international journal, Lancet, attempting to indicate that Covid-19 was spread to China after its outbreak in India and Bangladesh.
- In November 2020, Chinese media incorrectly quoted Michael Ryan, the Director of the World Health Organization's Emergency Program, by saying that the first appearance of the Covid-19 virus was not found in Wuhan. The World Health Organization later denied this report.
- In December 2020, the Chinese government claimed that the research of German scholar, Alexander Kekulé, found that Italy was the origin of the virus, but Kekulé later rebutted such a claim and stressed that his research results were severely distorted by it.

2.3 The Damage of Speech Control and Lack of Information Transparency

During different stages of the epidemic development, both professional and public opinions are subject to the Chinese government's speech control, resulting in the lack of external supervision on governmental measures of epidemic prevention and control. Dr. Li Wenliang, who initially exposed the possible existence of the Covid-19 virus, was detained, and warned by the local police on January 3, 2020 for "publishing false statements on the Internet." The Wuhan Municipal Government did not verify the possible outbreak of the epidemic accordingly, missing a significant opportunity for early prevention and control of the epidemic.

After the outbreak of Covid-19, public opinions of dissatisfaction continue to emerge in the Chinese society, demanding the government to review its institutional problem of suppressing the freedom of speech that has affected the prevention and control of the epidemic. However, the propaganda departments of the Chinese

© 2021 by Taiwan Foundation for Democracy

government keep launching various propaganda focusing on positive energy and the praise for government achievements on the one hand. On the other hand, they continue to enhance the effectiveness of propaganda in guiding and controlling public opinions and social surveillance. Some examples of speech control include:

- After the death of Li Wenliang from Covid-19, some headlines such as "Wuhan government owes Dr. Li Wenliang an apology" and "We want the freedom of speech" appeared on Weibo (China's top microblogging platform), but after a quick spread, they were soon removed.
- Simultaneously to Li Wenliang, Ai Fen, another physician and whistleblower who tried to expose the epidemic, was interviewed by the media, but the Chinese government deleted this interview report.
- More than a hundred Chinese scholars co-signed an open letter stating that the Li Wenliang incident reflects that the loss of freedom of speech in China has led to the paralysis of the disease warning mechanism. However, some signatories of the open letter received warnings from the authorities.
- Citizen reporter, Chen Qiushi, visited major hospitals, funeral homes, and temporary isolation wards in Wuhan, claiming that "the truth about the epidemic should be revealed." Chen Qiushi was put under house arrest in the name of medical isolation for at least six months.

2.4 Local Governance Failure

2.4.1 Tumults among Local Governments

The phenomenon of local protectionism in which local governments act independently and intervene with each other for local interests has reappeared in the process of epidemic prevention and control. The governments of various provinces and cities in China began to fight for medical masks, and some "robbery notices" (notice of temporary seizure) were issued in the name of local governments. On

© *2021 by Taiwan Foundation for Democracy*

January 29, the State Council of the CCP issued an emergency notice prohibiting the detention and transfer of medical supplies. After it was is, not only did official robbery incidents continue, but the situation also intensified. More and more cities got involved, and in some cases, the police force was used to enforce the robbery. For example:

- As an important port for import and export and transportation channel in Southwest China, Dali City, Yunnan Province, managed to detain medical protective materials sent to Chongqing, Xinyang in Henan Province, Lijiang in Chengdu, Zunyi in Guangxi Province, Cixi in Zhejiang Province, and other places, by compulsory means in early February 2020. Even the medical supplies for severely affected areas, such as Huangshi and other places in Hubei Province, were intercepted. In response, these cities also issued urgent official documents demanding (the return of) their masks.
- A business in Shandong purchased 20 medical masks but got robbed by the Shandong government. The Changshu government in Jiangsu Province purchased 500,000 masks from abroad, but they were all impounded by Guangzhou Customs. The Secretary of Taicang City, Jiangsu Province, directly stated: They would not block the medical supplies to be sent to Hubei Province, but the shipment to the rest of localities, especially those to Shandong and Guangzhou, would be detained.

In addition, the health codes were set by local governments for the prevention and control of the epidemic. Due to lack of data circulation and the absence of a mechanism for mutual authentication, local governments do not recognize each other's health codes, which is a disguised restriction on the movement of people. For example, in March 2020, the public security and epidemic prevention departments in Renhuai, Guizhou Province, required people who presented the health codes of Hubei Province to quarantine for 14 days. Similarly, people with health codes from Hubei

© 2021 by Taiwan Foundation for Democracy

were banned from entering Jiaojiang, Jiangxi Province. These local governments did not recognize Hubei's health codes.

These events above indicate that under the threat of a rapidly spreading epidemic, local governments not only lack good coordinative mechanisms with each other but also ignored the central CCP government's emphasis on "coordinating all the activities of epidemic prevention and control as in a chess game." The chaotic situation of local robbery for resources has further highlighted the central government's dilemma of insufficient command capability.

2.4.2 The Negligence of Local Government Officials for Epidemic Prevention

In mid-April 2020, a new wave of cluster infections broke out in Heilongjiang Province, highlighting that China was still at the risk of a second outbreak. According to the internal review documents of Heilongjiang Province cited by the media, the epidemic prevention work in Harbin had the problem of "being formal and ineffective", highlighting that the CCP's negligence for epidemic prevention became a threat to public health and safety (Gu, 2020).

After initially controlling the development of the epidemic, the Joint Prevention and Control Mechanism of the State Council proposed a guideline for "normalizing the prevention and control work", and the Chinese government also gradually reduced the response levels of public health emergencies in various regions (such as downgrading the emergency response level to 3 for the Beijing-Tianjin-Hebei area on June 6 and for Hubei Province on June 13). The "normalization of epidemic prevention and control" is considered a milder form of social control to monitor the spread of the epidemic while attempting to achieve the goal of maintaining the normal operation of economic activities. However, local governments failed to thoroughly implement epidemic prevention policies, and sporadic epidemic cases continued to appear in different provinces, including:

- In early May 2020, the epidemic began to reappear in Heilongjiang and Jilin. In June, a new outbreak was found in the "New Markets" area of Beijing. The

© *2021 by Taiwan Foundation for Democracy*

epidemic then spread to other provinces from these three localities.

- In July 2020, the outbreak of the epidemic was found in Urumqi, and some cluster infections also occurred in Dalian, Liaoning.
- In mid-October 2020, a hospital cluster infection was reported in Qingdao, Shandong, with at least 12 confirmed cases. In late October, an outbreak of the epidemic was found in Kashgar, Xinjiang, with at least 178 infected people, and the cause of the infection remains unknown.
- In November 2020, local cases continued to appear in Tianjin, Shanghai, and Inner Mongolia.
- In December 2020, small-scale cluster infections occurred in Chengdu, Sichuan.

2.4.3 Local Government Official's Negligence and Dereliction of Duty and Their Abusive Use of Power

With the frequent spread of the epidemic in various places and the full mobilization of the Chinese government, there have been frequent cases of local government officials deliberately neglecting their duties or abuse of privileges. The dereliction of duty and abuse of power by local government officials is the result of a lack of supervision from public voices and a loophole in the epidemic prevention and control work.

Some examples of negligence and dereliction of duty include:

- On January 21, Li Wenjie, a government official, was transferred to the Headquarter of Covid-19 Epidemic Prevention and Control in Zhangjiajie City, Hunan Province, to serve as the section chief responsible for reporting the epidemic information. When he learned of a confirmed case in the city, he was afraid that he and his family could get infected, so they fled to Thailand for refuge on January 30.
- On January 30, Tang Zhihong, the Director of the Huanggang Municipal Health Commission, and Chen Mingxing, the Director of the Center for Disease Control and Prevention, were unable to answer some basic questions in regards to local

© 2021 by Taiwan Foundation for Democracy

epidemic prevention and control, such as the admission and treatment capacity of designated hospitals in their city, despite the fact that Huanggang City was severely affected by the epidemic. Such an attitude of ignorance caused public outrage, as a result, Tang Zhihong was dismissed from his position.

- On February 16, six Hubei government officials were reported and dismissed. Among them, Ding Na, the Deputy Head of Qichun County and Party Secretary of Liuhe Township, was accused of "relaxing and bending" the rules for the centralized quarantine order on people who had close contacts with the infected. Wang Gonghua, the Deputy Director of the Standing Committee of Danjiangkou City People's Congress, was accused of fabricating local epidemic prevention work logs. Both Wang Xuju, the Chairman of Yunxi County's Chinese People's Political Consultative Conference (CPPCC), and Zheng Zhongtan, the Deputy Director of Yunxi County People's Congress, were accused of being perfunctory for epidemic prevention and control work. Liu Yu, the Secretary of the CCP Committee of Maoba Town, Lichuan City, and Chen Su, the Mayor of Lichuan City, were accused of omitting to report and track the critical personnel of cluster infections in their jurisdiction. You Hao, the Secretary of the CCP Committee of Chunmuying Township in Xuanen County, and Xu Zhaohai, the Mayor of Chunmuying Township, were accused of ineffective control of returnees from Wuhan.

There are some examples of local government official's abusive use of power:

- Chen Beiyang, a retired deputy director of the Hubei Provincial Department of Justice, and his family of three should have been treated in isolation after being diagnosed with the disease. However, Chen Beiyang believed that the hospital ward "does not meet the standards for department-level officials" and refused to be treated there. On February 4, Chen Beiyang's family moved to Taoshan Village in the Chagang community, which had no confirmed cases, and refused to

© *2021 by Taiwan Foundation for Democracy*

accept the isolation requirements of the epidemic prevention department, forming a loophole in local epidemic prevention work.

- He Hao, the son of a local government official from Jingzhou City, Hubei, posted an article on Weibo to show off how his father, He Yan, the Chief of the Market Operations Section of the Jingzhou Municipal Bureau of Commerce, used his privilege to arrange a car to take him back to Jingzhou from Tianmen when there was a full lockdown in Hubei Province.

2.5 The Collusion of Political and Business Groups for Profit-seeking

According to a report of a large-scale independent investigation done by the Associated Press, when the Covid-19 epidemic first appeared in Wuhan, the Chinese Center for Disease Control and Prevention received money from three companies in Shanghai and exclusively authorized the use of virus screening agents produced by them. However, due to the low quality of the screening agents, no confirmed cases were detected for some time. As a result, the authorities did not issue any control measures over large-scale gatherings and outings, later causing the rapid global spread of the epidemic. Scholars estimated that if China managed to take some action two weeks earlier, it would have reduced the number of infected cases by 86%. The Associated Press has repeatedly requested the Chinese Ministry of Foreign Affairs and the National Health Commission to verify this incident, but no reply has been received (Kang, 2020).

2.6 Epidemic Prevention Policy Violates Other Rights of the People

2.6.1 Health Code

In order to prevent and control the spread of the epidemic, the Chinese government uses mobile phones to monitor people's personal information, actions, and health conditions through a health code app developed by Tencent and Alibaba.

© 2021 by Taiwan Foundation for Democracy

Users' personal information such as the user's name, gender, mobile phone number, and address is recorded by this app which is then used to track their movements by air, rail, road, and urban public transport, as well as information regarding payments made to telecommunication operators, banks and other financial institutions. In most areas of China, it is necessary to show a green health code that represents good health when entering and leaving residential communities and office buildings.

Although the health code has played an important role in epidemic prevention, the method of collecting a large amount of sensitive personal information also constitutes a serious breach of privacy. Some related issues include violation of people's rights to prior knowledge and consent, the misuse of personal data obtained for epidemic prevention purposes, and the question of whether the Chinese government will attempt to normalize this surveillance method after the emergency is over.

- In principle, the Chinese government emphasizes the need to obtain people's consent before recording personal information, but this has not been implemented in practice. After evaluating the health code programs across 14 provinces in China, it was found that only three regions included the pre-use privacy protection clause in their health code apps. The rest of them neither included any user agreements and privacy policies nor required users' consent.
- After analyzing the health code programs, the New York Times found that in addition to determining whether the user is at risk of infection, the health code system seems to share information with the police. Once the user authorizes the software to access personal data, the software would actively send the user's location, city name, and identification code to the server of the Chinese police. Therefore, the police can monitor individual actions for other purposes.
- The municipal government of Hangzhou has proposed a plan to make the health code program permanent, attempting to monitor the health of the people at any time and on a long-term basis. In so doing, the Hangzhou government hopes

© *2021 by Taiwan Foundation for Democracy*

to evaluate an individual's health from multiple aspects, displaying the results in different colors and comparing them with one another. Therefore, this has exposed the Chinese government's intention to permanently monitor all kinds of people's personal information.

2.6.2 Emergency Use of Vaccines

In the global competition for manufacturing the Covid-19 vaccines, the Chinese state-owned pharmaceutical company, Sinopharm Group, confirmed that several employees, including the company's senior executives, received experimental injections before the government's approval on human testing. In addition, the employees of PetroChina, a state-owned oil company, were told that they could use one of two "emergency" vaccines to protect themselves when working overseas. They have become unofficial "guinea pigs" in clinical trials to test vaccines that have not been proven effective. However, the Chinese government did not mention possible side effects, nor did it warn the employees of PetroChina that their sense of security might be false because these vaccines were not proved by regulatory agencies yet (Tang, 2020).

In July 2020, China initiated the emergency use of vaccines and the vaccination process. At that time, the Chinese government claimed that the emergency use of vaccines was given to front-line medical personnel, border port workers, and other high-risk people who volunteered, were informed, and gave consent. However, these vaccines, which were still in clinical trials at the time, were widely used in many cities in Zhejiang Province, where 734,000 people voluntarily agreed to be vaccinated since July 2020. According to a BBC investigation, there was no clear indication of who would be held accountable in case of vaccination accidents or severely ill patients in the vaccine information statement and consent form for the public. Neither the Chinese government nor the vaccine manufacturers would be held responsible for the negative consequences, shifting all the responsibility onto the people who do not

© 2021 by Taiwan Foundation for Democracy

understand the risks of the vaccine (Wee, 2020). Public health experts criticized the Chinese government for abusing the name of "emergency use", which is not in line with medical ethics. At the same time, people who received vaccination under this circumstance were not well informed that the use of experimental vaccines may cause serious complications or increase their chance of being infected, putting their health rights in jeopardy (Wee, 2020). In order to accelerate the research and development of the vaccine, the Chinese government has not strictly controlled the test procedures during its development process. On the contrary, it seems to tolerate and encourage experiments with flawed procedures, infringing the recipients' health rights.

2.7 The Suppression of People's Actions to Protect Their Rights

After the lockdown was lifted in Wuhan City, there have been incidents in which the families of the epidemic victims filed lawsuits against the CCP government for statutory rights protection, accusing the government of concealing the information of the epidemic and neglecting patients' need for treatment, resulting in the death of their relatives. The "Legal Advisory Team for Covid-19 Claims" was established in July 2020 to assist the families of Covid-19 victims in defending their rights. Since then, it has provided consultations and assistance to more than 40 victims and their families. Among them, seven family members of the victims have decided to defend their rights through litigation, and four of them, including Zhang Hai, Xu Min, and Zhao Lei, have already filed their lawsuits in courts. The other three were still preparing for their cases. However, local courts generally refused the litigant's actions of legal rights protection by verbally rejecting the filing of the case. Such a practice was not just some illegal acts of individual court staff but the unified requirement of Wuhan Intermediate Court to create artificial barriers for the plaintiff in similar cases, which clearly violated citizens' basic rights of using legal means to request governmental protection on their health rights. The CCP authorities also adopt some severe measures to suppress and silence these family members. Many family members intending to

© *2021 by Taiwan Foundation for Democracy*

defend their rights have given up their cases due to the fear of retaliation. Some open cases include:

- Zhang Hai, a citizen of Wuhan, filed a lawsuit in June 2020, demanding compensation worth 2 million RMB from the Wuhan government, making it the first case of claims by the families of epidemic victims in China. However, after receiving the complaint, the Wuhan Intermediate Court only informed Zhang Hai by phone that his case was not opened. Zhang Hai then questioned the court for the reasons of the rejection and requested a written ruling by the law, and the Wuhan Intermediate People's Court refused to answer Zhang Hai's request by telling him to "check the law yourself". Later, Zhang Hai was jointly investigated by the public security and government agencies in full, demanding him to sever contact with the media, threatening to get several of his relatives unemployed and to take against him based on the State Security Law.
- The plaintiff and the family member of the victim, Zhao Lei, believes that the Hubei Provincial Government and Wuhan Municipal Government and their subordinate functional departments, the Health Commission, deliberately concealed the epidemic information from the public, which is the main reason for the widespread of Covid-19. After Zhao Lei filed a lawsuit, the Wuhan Intermediate People's Court verbally notified that the case would not be opened, and the lawsuit materials were returned.
- The father of the plaintiff Xu Min became ill in January 2020, and two weeks later, he was diagnosed with Covid-19 and died after just four days of hospitalization. Since the hospital did not provide any treatment except for oxygen, Xu Min decided to sue the Wuhan Municipal Government and the Hubei Provincial Government. However, Xu Min was also notified that the case would not be opened. At the same time, when Xu Min was going to be interviewed by the media because of the court's delay in opening the case, she was soon pressured by local government officials from her community.

© 2021 by Taiwan Foundation for Democracy

During the spread of the pneumonia epidemic, the risks of food safety and health still threaten people's health rights. In mid-May 2020, many parents in Yongxing County, Hunan Province, discovered that their children had suffered severe weight loss and deformed skulls resembling "big head dolls". After examination, the doctors found that such abnormal health of these children was caused by the long-term use of "Beiminan", a brand of special infant formula (deep hypoallergenic and lactose-free). The manufacturer and its salespersons had exaggerated the product's functions and misled the consumers with false information and promotion, causing malnutrition in young children who were the long-term users. The same phenomenon also occurred in Guangzhou. In early June 2020, nearly 60 parents in Guangzhou filed online complaints against more than ten hospitals for recommending two brands of problematic infant formula, "Bei Er Tai" and "Min Er Shu Stage 2", causing malnutrition in young children. Such cases reflect the loopholes in China's current food regulation, resulting in serious profit-seeking behavior. Due to the lack of sufficient regulations, China can only impose small fines on these manufacturers for false promotion, which cannot protect people's health rights.

3. The Right to an Adequate Standard of Living

The year 2020 is the final year for the Chinese government's goal to "establish a well-off society in all respects." In the Fifth Plenary Session of the 19th National Congress of the CCP, Xi Jinping and the Party proclaimed in high-profile that they have successfully achieved this task. However, China's continuous political propaganda on the effectiveness of poverty alleviation work cannot conceal the fact that their work of poverty alleviation does not relieve the dilemma that the gap between the rich and the poor continues to widen and that there are still a large number of high-poverty groups in the Chinese society.

© *2021 by Taiwan Foundation for Democracy*

3.1 The Reality of Poverty

On May 28, Li Keqiang, the Premier of the State Council, stated at a press conference after the closing of the National People's Congress meetings that China "has 600 million people at or below the low- and middle-income groups, and the average of their monthly income is about 1,000 RMB." Li Keqiang then stressed that "with 1,000 RMB a month, they may even have difficulties in renting a place in a medium-sized city." Li Keqiang's speech highlighted that under China's policy of pursuing comprehensive poverty alleviation, many people are still unable to maintain a stable and reasonable standard of living. At the same time, there is a serious uneven distribution of social wealth. According to data from the National Bureau of Statistics of China, the annual per capita disposable income of Chinese residents in 2019 was 37,330 RMB, and in conversion, their average monthly income was 2,561 RMB. The statement that "600 million people have an average monthly income of only 1,000 yuan" indicates the fact that nearly 43% of China's population earns only 39% of the national average monthly income.

According to a survey done by Beijing Normal University, 39.1% of the population in China had a monthly income of less than 1,000 RMB, accounting for about 547 million people. At the same time, there were 52.5 million people whose monthly income was between 1,000 and 1,090 RMB. Therefore, about 600 million people, who accounted for 42.85% of China's population, earned less than 1,090 yuan per month. Among these 600 million people, 5.46 million had no income at all, 220 million had a monthly income of less than 500 RMB, and the other 420 million had a monthly income of less than 800 RMB. The typical feature of these 600 million people was that most of them lived in rural areas, mainly in the central and western regions. In addition, among the people with a monthly income of more than 1,090 yuan, there were 364 million belonging to low- and middle-income groups, with a monthly income between 1,090 and 2,000 RMB. Overall speaking, approximately 964 million people in China belong to low- and middle-income groups. This survey data

© 2021 by Taiwan Foundation for Democracy

not only supports Chinese Premier Li Keqiang's earlier statement that 600 million people have a monthly income of less than 1,000 RMB but also highlights that more than two-thirds of China's population is still in poverty or facing the risk of not being able to maintain an adequate standard of living.

3.2 The Serious Disparity between the Rich and the Poor

The People's Bank of China released the "2019 Survey on Assets and Liabilities of Urban Households in China" based on a survey of 30,000 urban households in various provinces and cities across the country. The survey results illustrate the problem of the polarization of Chinese urban household assets, including:

- In China, the average total assets per urban household were 3,179,000 RMB, and most wealth was in the hand of a small number of households. The top 10% of households accounted for 47.5% (nearly half) of total urban assets, whereas the lowest 20% of households accounted for only 2.6% of total wealth owned by the sample households in this survey.
- In terms of financial assets, the wealthiest 10% of the households accounted for 58.3% of all financial assets, close to 60%. The least wealthy 20% of the households accounted for only 1% of all financial assets, and the other 40% of the households accounted for only 4.8% of it.
- The average amount of household debts was 512,000 RMB, but only 56.5% of them were in debt. 10.5% of the households had a debit balance of more than 1 million RMB. Among the households with debts, 76.8% owed mortgage loans, and the average amount of their mortgage was 380,000 RMB, which accounted for 75.9% of the total household debts.

© *2021 by Taiwan Foundation for Democracy*

3.3 Abysmally Low Poverty Standards

The success of poverty alleviation claimed by the Chinese government is based on China's abysmally low poverty standards, which were deliberately lowered, and which do not cover the latest definition of poverty by the international community. The current poverty standard of the Chinese government is 4,000 RMB per year. However, according to the World Bank, in 2018, the poverty line for lower middle-income countries was 3.2 USD per person per day, which was approximately 643 RMB per month, whereas the poverty line for higher middle-income countries was 5.5 USD per person per day, which was around 1,105 RMB per month or 13,266 RMB per year. China was classified as a higher middle-income country in 2014, but its poverty standard is still less than one-third of the international standard (see Table 1). Regarding the aforementioned survey results on the monthly income of the Chinese population, the 600 million people who earn less than 1,090 RMB per month are considered living under the poverty line in accordance with the new standards of the World Bank. From this perspective, the poverty alleviation work vigorously promoted by the Chinese government does not guarantee the Chinese people an adequate standard of living.

Table 1. Population of Poverty in China (based on the 2018 World Bank Standards)

Level of Development	Poverty Standard	The Number of Chinese People who live below the poverty line (of the World Bank's standards)
Lower middle-income countries	3.2 USD per day 643 RMB per month	220,000,000 - 420,000,000
Higher middle-income countries	5.5 USD per day 1,105 RMB per month	600,000,000

Source: Table was made by the author.

© 2021 by Taiwan Foundation for Democracy

4. The Right to Social Security

4.1 The Failure of Unemployment Benefits

In the first half of 2020, the Chinese government adopted strict epidemic prevention and control policies that led to economic recessions and many unemployed workers. Among all the unemployment problems caused by the epidemic, the low- and middle-income groups, young groups, and self-employed individuals were affected the most and were at higher risk of falling into poverty. The large group of migrant workers was even more directly hit by this wave of unemployment. By the end of March, nearly 80 million people still did not resume work, and 70% of them, with approximately 50 million people, were migrant workers. According to the statistics of the Ministry of Human Resources and Social Security, the urban surveyed unemployment rate was 5.4% in September 2020. At the end of the third quarter, the urban surveyed unemployment rate dropped to 4.19%. Although the Chinese government claimed that the unemployment rate was lower than expected, the real unemployment rate may exceed the one released by the Chinese government.

A survey conducted by Scott Rozelle, the co-host of the Rural Education Action Project (REAP) of Stanford University, found that during the first four months of 2020, at least 92% of the rural population surveyed was economically affected by the epidemic prevention measures, and on average, about half of the respondents lost between 2,000 and 5,000 RMB in March alone. The report of this project stated: "When the quarantine measures began, the employment rate of migrant workers was zero for at least a full month." Rozelle said that more than half of the interviewees had to reduce their clothes and food expenses, replacing meat and fruits with vegetables and grains in their diets. The expenses on children's education and health were also reduced. China's official media, People's Daily, also quoted a survey conducted by the Chinese Academy of Agricultural Sciences that more than 80% of farmers indicated

© *2021 by Taiwan Foundation for Democracy*

a more than 20% loss of their incomes, and some of them even lost as much as 40% (Wang, 2020).

Shao (2020) stated that according to the Chinese government's statistical method, unemployed migrant workers are not considered "unemployed" because their status has been transferred from "worker" back to "farmer". However, these migrant workers are also defined as the "surplus rural labor force" working in urban areas. The Chinese government has used this method of arbitrarily defining and changing the social classes of migrant workers to conceal the actual unemployment situation and to reduce social expenditures such as unemployment insurance and unemployment benefits. Only very few unemployed migrant workers managed to receive subsidies during the epidemic. In the first quarter of 2020 (January to March), the Chinese government only provided 9.3 billion RMB worth of unemployment insurance for 2.3 million unemployed people. The recipients were mainly urban residents with urban household registration (hukou) instead of rural migrant workers. The only social security for migrant workers was the one-off living allowance of 410 million RMB, provided for 67,000 legally contracted migrant workers unemployed in the first quarter of 2020, and on average, each of them received 6,100 RMB. Until late March, the estimated number of unemployed migrant workers in China reached 50 million, but only 0.13% of them received some unemployment subsidies.

These phenomena demonstrate the Chinese government's systematic ignorance of migrant workers' needs for unemployment protection. By distorting the definition of migrant workers and their social status, the Chinese government also created a delusion of lowering the unemployment rate. While contributing their manpower to society, a large group of unemployed migrant workers is still not entitled to reasonable social security.

© 2021 by Taiwan Foundation for Democracy

4.2 Marginal Groups in the Social Safety Net

Between October and November 2020, several courier strikes occurred in Suzhou, Changsha, Zhengzhou, Nanjing, and other places in China. Affected by the epidemic, these delivery companies changed the delivery fee of couriers from 1.2 yuan to 0.5 RMB per parcel, and many of them canceled the basic salary for the couriers. The low commission of each delivery became the only source of income for them. In addition, the incidents of salary arrears also occurred in many places, revealing the fact that couriers still belong to a marginalized group omitted by China's social safety net.

According to the statistics of the Chinese government, the number of people working for the courier industry was 1.18 million at the end of 2016 and increased to over 3 million at the end of 2019. However, they usually have neither a formal employment contract nor a professional status. There is almost no protection for them in the event of disputes, and the State would not provide any subsidiaries or benefits if they become unemployed. In fact, the Chinese government has increased the coverage of its social safety net (also known as the social insurance system) since 2018, and people who work for the courier industry are listed as the key targets to be protected by the social safety net. Although the size of this professional group is continuedly expanding, they haven't been able to enjoy the protection of the social safety net yet, indicating a serious loophole in the implementation of social insurance policy in China.

4.3 State Control behind Social Security

In May of 2020, Stanford University scholar Jennifer Pan published a new book, *Welfare for Autocrats*, explaining that the hidden reason for the Chinese government's promotion of the "subsistence allowance system" (also known as Dibao) is to establish an authoritarian regime that oppresses dissidents (Pan, 2020). This critical study

© *2021 by Taiwan Foundation for Democracy*

overtly revealed that the purpose of China's social welfare policy is to strengthen public support to the government by improving people's living standards and exercise more extensive and strict control over the people.

Jennifer Pan found that the Chinese government is strongly inclined to provide subsistence allowances to people who may join the protest and even force them to join the subsistence allowance system first. Through the selective implementation of this policy, the Chinese government attempts to increase these people's dependence on subsistence allowances. Simultaneously, once the recipient list of subsistence allowances is published, it also increases the difficulties for these people to find jobs themselves which further strengthens their dependence on the system. Moreover, the Chinese government uses neighborhood committees and other grassroots organizations to control and reform their actions and thoughts. This study clearly presented that the goal of the Chinese government to establish a subsistence allowance system and promote poverty alleviation work is not to help disadvantaged groups or to secure the general public's adequate standard of living, but to establish a mechanism of social stability and maintenance in order to enhance its authoritarian rule. The irony is that under the political propaganda of the Chinese government, such social policies that implicitly strengthen the purposes of the government control over the public have been glorified as the benevolent rule of the government caring for the well-being of the people, winning the support of many Chinese people. Such a practice has illustrated the intricate methods of how the Chinese government consolidates its authoritarian rule.

© 2021 by Taiwan Foundation for Democracy

5. Conclusion

In the observation of Chinese social rights development in 2020, four key points can be summarized.

First of all, the starting point of the Chinese government in providing various social welfare services is not because people's basic right to survival should be unconditionally protected and maintained by the State, but as a tool to gain support from the people and consolidate the ruling authority. Although in the past few years, such a practice seemed to prompt the government to upgrade various systems and policies related to social rights. However, the direction of Chinese social rights development in 2020 has shown that on the one hand, the Chinese government would sacrifice the rights of the people for the benefit of the regime. On the other hand, the implication of protecting social rights often echoes with the government's intention of strengthening social control.

Second, the Chinese government's ability to protect social rights is deeply affected by its capabilities of governance, but governance failures derived from its authoritarian system have severely restricted people's chance to be benefited from these social policies. When facing these major crises such as the outbreak of the epidemic and large-scale floods in 2020, various governance failures, such as bureaucratic failure and the shuffle of responsibilities, the rent-seeking behaviors between political and business groups, and poor performance in the process of policy implementation, have become more evident. The authoritarian system is unable to self-regulate and improve these situations, becoming significant constraints to the protection of social rights.

Third, on the premise of consolidating ruling interests, the Chinese government has not only been secretive towards many actions concerning the people's social rights, but also deliberately lowered the poverty standard and widely distorted the facts to exaggerate its political achievements. According to the trend of social rights development in 2020, this phenomenon not only becomes more severe but

© *2021 by Taiwan Foundation for Democracy*

also highlights two points: The first one is that the Chinese government's actions to conceal problems and distort facts harmed not only the rights of the Chinese people, but also cause incalculable damage to other countries around the world. Secondly, in the face of international supervision and accountability, the Chinese government's responses are often hostile and full of political propaganda that involve even more lies, indicating that it is very difficult for the Chinese government to change its pattern of behaviors under the current authoritarian system.

© 2021 by Taiwan Foundation for Democracy

References

Barnes, Julian E. (2020). "C.I.A. Hunts for Authentic Virus Totals in China, Dismissing Government Tallies." The New York Times. 2020/04/03. https://www.nytimes.com/2020/04/02/us/politics/cia-coronavirus-china.html. (accessed April 30, 2020).

Chiang, Chingping (2020). "'Chinese-style Resumption of Work': A Ridiculous Drama of Mutual Deception between the Authorities and the Public." United Daily News. 2020/03/19. https://udn.com/news/story/6852/4427871. (accessed March 20, 2020).

Gu, Qinger (2020). "[Exclusive] CCP Confidential Documents Admit the Loss of the Control over the Outbreak of the Epidemic in Harbin." Epoch Times. 2020/04/21. https://www.epochtimes.com/b5/20/4/21/n12047737.htm. (accessed April 30, 2020).

Kang, Dake (2020). "China Testing Blunders Stemmed from Secret Deals with Firms." The Associated Press. 2020/12/03. https://apnews.com/article/china-virus-testing-secret-deals-firms-312f4a953e0264a3645219a08c62a0ad. (accessed December 6, 2020).

Pan, Jennifer (2020). *Welfare for Autocrats: How Social Assistance in China Cares for Its Rulers*. New York: Oxford University Press.

Rebello, Katarina, Christian Schwieter, Marcel Schliebs, Kate Joynes-Burgess, Mona Elswah, Jonathan Bright, and Philip N. Howard (2020). "Covid-19 News and Information from State-Backed Outlets Targeting French, German and Spanish-Speaking Social Media Users." Project on Computational Propaganda. 2020/06/29. https://comprop.oii.ox.ac.uk/wp-content/uploads/sites/93/2020/06/Covid-19-Misinfo-Targeting-French-German-and-Spanish-Social-Media-Users-Final.pdf. (accessed June 29, 2020).

Shao, Jiang (2020). "Chinese Migrant Workers Who Were Sacrificed in the Epidemic! The Rate of Their Unemployment Is Not Calculated, With Meager Subsidies,

© *2021 by Taiwan Foundation for Democracy*

All They Wish for Is Not to Get Infected." Radio Taiwan International. 2020/10/13. https://www.rti.org.tw/news/view/id/2082050. (accessed October 29, 2020).

Tong, Daojin (2020). "[New Coronary Pneumonia] Vaccine Competition is Getting Fierce! The 'Preemptive Injection' of Senior Directors of Sinopharm." Up Media. 2020/07/17. https://www.upmedia.mg/news_info.php?SerialNo=91783. (accessed July 20, 2020).

Walsh, Nick Paton (2020). "The Wuhan Files: Leaked Documents Reveal China's Mishandling of the Early Stages of Covid-19." Cable News Network . 2020/11/30. https://edition.cnn.com/2020/11/30/asia/wuhan-china-covid-intl/index.html. (accessed December 6, 2020).

Wang, Yingchih (2020). "Xi Jinping's Ambition to Lead China out of Poverty in 2020 Is Completely Disrupted by the Outbreak of Covid-19! What to Do with the Last 10 Million Poor People in China?" The Storm Media. 2020/07/11. https://www.storm.mg/article/2834562?page=1. (accessed July 29, 2020).

Wee, Suilee (2020). "China's Big Gamble on Wuhan Vaccine: Tens of Thousands Vaccinated with Unknown Risks." The New York Times (Chinese). 2020/09/28. https://cn.nytimes.com/business/20200928/china-coronavirus-vaccine/zh-hant/. (accessed September 28, 2020).

© 2021 by Taiwan Foundation for Democracy

© 2021 by Taiwan Foundation for Democracy

Economic and Environmental Rights: The Cases of Infringement Appearing with the Epidemic

Yu-jung Lee*

Abstract

Economic rights and environmental rights are two different types of human rights that interactively influence human activities. Therefore, this project (*China Human Rights Report*) has combined the discussions of these two topics in the same chapter of its annual reports for 16 years in a roll since 2005. The previous annual reports usually defined and separated the economic discussions from the environmental ones. However, due to the influence of Covid-19 in the past two years, many infringement cases of economic and environmental rights seemed to have the same origin or be very similar to each other in nature. As a result, the 2020 economic and environmental rights report decides to break its existing structure which separated the economic and environmental discussions into two parts by discussing the infringement of these two types of rights under similar themes.

The article is divided into three parts, namely introduction, indicative cases and the observer's review. The first part uses international observations on Chinese human rights to explain the definition and types of data collection used in this chapter. There are three themes proposed in the second part to review relevant news in 2020. The final part summarizes the observer's experience and findings. It is hoped that this method will provide readers with a new perspective on economic and environmental issues.

* Associate professor at the Department of Public Policy and Management, Shih Hsin University (email: ylee@mail.shu.edu.tw). Many thanks to the precious suggestions of two anonymous reviewers and the help of Mr. Sun, Wei-cheng, the Research Assistant, for gathering and selecting data and proofreading this article.

© 2021 by Taiwan Foundation for Democracy

Keywords: right to work, government failure, policy failure, environment impact assessment, green channel

1. Introduction

This introduction is divided into two parts. The first part focuses on the overview of international observations on Chinese economic and environmental rights publicized by the United Nations (UN), the European Union (EU), and the United States of America (USA) in 2020. The second part explains the types and trends of the data collected.

1.1 The Trend of International Observations

According to the EU's *Annual Report on Human Rights and Democracy in the World* (European Union, 2020), China has kept a better record on economic (and social) rights protection compared to its protection of political rights. Derived from the *Universal Declaration of Human Rights* which insists on the protection of the universality, indivisibility and inalienability of human rights, the EU conducted 37 human rights negotiations with China in 2019. At the same time, the UN Human Rights Council raised concerns about human rights in China during the March, June, September and October meetings of the UN General Assembly. However, the *UN Human Rights Appeal* (United Nations Human Rights Office, 2020), especially with its extrabudgetary requirements for 2020, did not discuss China's human rights achievements, funding, issues, and other relevant concerns. Its main tasks for 2020 included the establishment of headquarters, national human rights offices and regional offices, UN peace and political missions, and human rights commissioners under UNSDG- none of them involved China. The two reports and relevant trends, on the one hand, can be explained as that China has no human rights issues, or that its human rights situation has improved compared with the past. On the other hand, they also

© *2021 by Taiwan Foundation for Democracy*

imply that the stance of the UN or the EU on China's human rights situations has shifted or they felt helpless in this matter.

Even though the discussion on relevant human rights issues was absent from international reports, there were many cases of illegal exploitation of workers being exposed in 2020, involving some well-known multinational brand names, such as Adidas, Calvin Klein, Coca-Cola, Esprit, H&M, Nike, Tommy Hilfiger Costco and others. Some domestic businesses, such as Urumqi Shengshi Huaer Culture Technology Company, Yili Zhuo Wan Garment Manufacturing Company and Zhihui Haipai Internet of Things Technology Company, were associated with the extremely controversial Xijiang re-education camps. Due to the exposure of forced labor, the right to work became the focus of economic rights in 2020.

In terms of environmental rights observation, the U.S. State Department announced the "China's Environmental Abuses Fact Sheet" (U.S. Department of State, 2020) in September 2020. The report examined the issues of air pollution, mercury leakage, illegal hunting and smuggling of wild animals, waste pollution, ocean plastic garbage, water pollution, and fish bans in China. Most of these issues have been documented in the previous economic and environmental rights reports over the years.[1] China's "official" attitude towards these issues has always been zero tolerance, but in practice, it is usually the opposite.

1.2 Observation Criteria for This Report

The 2020 report continues to use the classification of 2019, applying the relevant regulations of the international human rights law, namely *Universal Declaration of Human Rights* (UDHR), *International Covenant on Civil and Political Rights* (ICCPR) and *Economic, Social and Cultural International Convention on Human Rights* (ICESCR), as its standards of observation. Among these three treaties, the regulations

1 Limited by the definition and actual situation of observation in this article, unlike the US report, this report did not take the issue of wildlife into consideration.

© 2021 by Taiwan Foundation for Democracy

related to economic rights include UDHR Article 25 (1), ICESCR Article 6: the right to work, Article 7: working conditions, Article 8: basic labor rights and Article 11: equivalent living standards. The regulations for environmental rights can be found in ICESCR Articles 11 and 12. In this report, the observation of economic rights consists of three areas: right to work, economy and life, and economic trends and indicative cases.[2] However, due to the difficulties of data collection, there are only four sub-areas of economic rights observation this time: work safety, work freedom, quality of life, and the right to food. There were many trade union issues observed in 2019, however, such issues seemed to become rarer, which may also indicate the human rights situation in 2020.

The categorization of environmental rights observation continues to focus on the three elements of nature: land, air, and water, and the four sub-areas of observation are constructed based on the threats to humans deriving from these three natural elements: air pollution, water pollution, waste pollution and toxins. A total of 1,005 news items were obtained between January and December 31, 2020, including 727 pieces of relevant economic news and 278 items of relevant environmental news. However, among these news items, some of them cannot be categorized. The proportion of the monthly news entries is provided in Table 1, excluding the news items categorized as "the others" for environmental rights observation and these categorized as "economic trends and indicative cases" for economic rights observation.

2 The standards of this classification remain the same as the past, so only the reason for using this classification is summarized here.

© *2021 by Taiwan Foundation for Democracy*

Table 1. Proportion of Monthly Entries of Relevant Economic and Environmental News

	Economic Aspect					Environmental Aspect				
Area	Right to Work (57%)		Economy and Life (43%)							
Sub-Area	Job Security (6%)	Work Freedom (51%)	Quality of life (9%)	Right to food (33%)	Total	Air (3%)	Water (12%)	Waste (74%)	Toxin (10%)	Total
Jan.	9%	44%	9%	38%	45	7%	7%	73%	13%	30
Feb.	8%	58%		34%	38		19%	81%		16
Mar.	9%	52%	3%	36%	66		13%	70%	17%	30
Apr.	3%	42%		55%	38		24%	71%	5%	21
May		56%	2%	42%	45			94%	6%	18
June	10%	52%		39%	31			83%	17%	12
July	2%	46%	18%	34%	50	6%	24%	71%		17
Aug.		28%	10%	62%	29		11%	89%		19
Sept.	3%	76%	6%	15%	33	5%	9%	73%	14%	22
Oct.	19%	44%	31%	6%	16		10%	90%		10
Nov.	12%	68%	15%	6%	34	4%	21%	67%	8%	24
Dec.	4%	50%	46%		24	25%		13%	63%	8
Total	27	231	42	149	449	7	28	169	23	227

Source: The table is constructed by the author.

As stated in Table 1, the proportion of each area and sub-area, with the exclusion of "trends and indicative cases" in the economic aspect and "the others" in the environmental aspect, is calculated on a monthly basis.[3] According to each month's records, some sub-areas sometimes have no news entry, which may indicate the CCP's suppression of this particular type of news (such as air pollution). The distribution of the proportion reveals that the focus of economic rights observation has remained

3 Although "trends and indicative cases" in the economic aspect and "the others" in the environmental aspect are excluded in Table 1, the discussion on these topics are included in this report.

© 2021 by Taiwan Foundation for Democracy

the same as in 2019 on the right to work (57%). Moreover, the right to food (33%) and the issue of pork (price) have also received considerable attention. The main axis of the environmental rights observation has remained the same as in 2019 on waste (74%) and water pollution (12%). The trends in both aspects are similar to the trends in 2019.

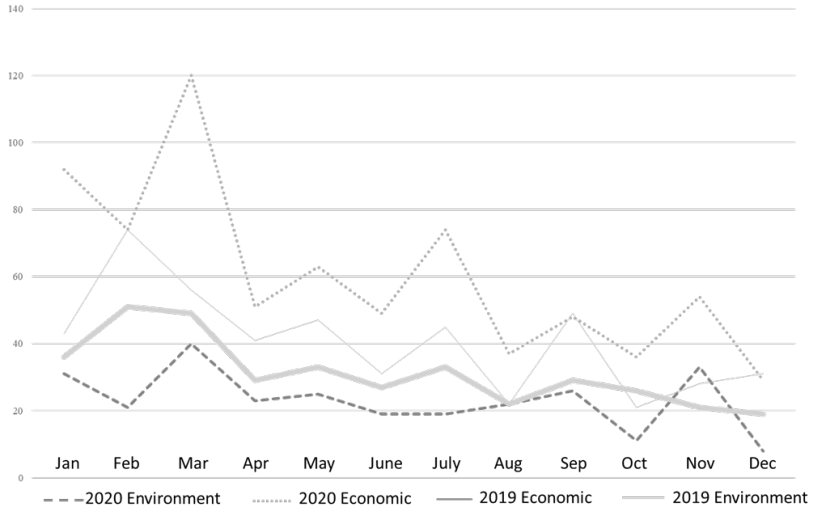


Figure 1. Monthly News Counts for Economic and Environmental Rights
Source: The figure is constructed by the author.

Comparing the number of news items collected in 2019 and 2020 (Figure 1), barring the sharp rise in the news counts for relevant economic news in March and July, other changes between the curves of 2019 and 2020 are insignificant to each other, suggesting that there may be a cyclical trend. The successive reopening of Covid-19 lockdowns started in March, indicating that the focus of economic rights in 2020 was closely related to the epidemic. In fact, in order to effectively control it, mainland China implemented relatively strict centralized and household quarantines and reduced the population density by restricting their movement. Due to the rise of other problems across the country such as swine fever, insect pests, plague and other disasters, various norms and methods were adopted. These comprehensive measures

© *2021 by Taiwan Foundation for Democracy*

caused various controversies and public grievances, including the inflation of prices, the accumulated arrears of salaries, business disputes, medical waste and other economic and environmental problems, which are discussed under three major themes in section 2.

2. Indicative Cases

Due to the outbreak of Covid-19 in 2019, many things remained chaotic in 2020, such as the inflation of prices, various frauds and imposter scams. One of the obvious examples is given by the prices of pork, medical masks, forehead thermometers and Covid-19 diagnostic kits that went double, but the products turned out to be useless. There were also many incidents of piracy, license sales and identity thefts due to online teaching, as well as the disputes over extra service charges of property management companies due to household quarantine restrictions. Furthermore, hundreds of medical institutions were found defrauding medical insurance funds. Some of these phenomena were personal actions, and some of them were deliberate actions of organizations. In fact, neither of them was considered a special event that first occurred in 2020. They already existed for a long time and were coincidentally being exposed one after the other in 2020. The disclosure of these incidents took a long time, sometimes more than a dozen years and sometimes even decades. In many cases, the victims did not realize that they had been imposed until they reached their own retirement, or when things could no longer be hidden. They were unable to retire, inexplicably burdened with loans, or became unemployable, revealing all kinds of corruption and malfeasance.[4]

4 Interestingly, according to the Global Corruption Barometer published by Transparency International (TI) in November 2020, 62% of people in China considered government corruption to be a serious problem, 28% had offered bribes to government officials, and 32% had used their relationships to socialize with government officials in the past year. In contrast, 90% of people in Taiwan considered government corruption to be a serious problem, 17% had offered bribes

© 2021 by Taiwan Foundation for Democracy

Unexpected changes brought by the epidemic, floods and other natural and man-made disasters on the living environment seem to expose various social disorders. Barring firing all the involved staff, punishing them through the party mechanism, and other relevant sanctions, the government's inaction in protecting people's property and rights was evident in various cases. For instance, when the homeowners of the "other types of happiness" (*beiyangxinfu*), an abandoned construction project, voluntarily moved into these unfinished buildings that had no water, no electricity and no windows due to increased personal economic pressure, the Yunnan government required them to sign an accident consent form to protect the government from any future disputes or national remedy. Therefore, the 2020 report decided to provide a summative review of three types of news reports consisting of different proportions of economic and environmental factors, and each of them records dozens of individual cases.

2.1 The Intensification of the Right to Work Violations

There used to be less news of infringing the right to work reported, therefore, this issue was not often addressed in the previous annual reports. The main reason for this news scarcity was derived from the fact that the right to work has been relatively protected in socialist countries. However, the economic depression caused by the outbreak of the epidemic resulted in a large amount of data available in this category since 2019, dominating the proportion of economic news observed (Table 1). For example, after the lifting of the lockdown restrictions and the resumption of work in April, many localities issued administrative orders to ban discrimination

to government officials in the past year (2019), and 14% had used their personal relationships to socialize with government officials (Transparency International, 2020). These figures may suggest that corruption is a more serious problem in China than in Taiwan, but the public there view it as a widespread phenomenon, in contrast, Taiwan may be relatively uncorrupted, but the public does not approve of corrupt behavior.

© *2021 by Taiwan Foundation for Democracy*

against the Hubei people. However, maybe because of the fear, many employers still refused to hire people from Hubei province, Wuhan city or even Henan province. Moreover, the candidates who went to the same job examinations were also refused. A similar situation also occurred to those who were already employed. Some hospitals chose to lay off medical staff who had been to the severely infected areas due to a fear that they might cause internal infection after their return. One of the hospitals claimed that this was just a part of its talent optimization plan, legally requiring employees to "voluntarily leave their jobs". However, the medical staff claimed that they had just signed a ten-year contract with the hospital not long ago, so how could they voluntarily resign from these jobs? These two types of cases show that this phenomenon of regional discrimination mainly derives from the fear of the epidemic.

In addition to the problems related to job hunting and employment due to the epidemic, the court verdicts across China on overtime and emergency task-based working time caused public panic. In May, the Jiangsu court ruled that if an employee refuses to work overtime in an emergency situation, resulting in a company loss, the employee shall be held responsible for corresponding compensation. This trend may be the cause of longer working hours than usual in 2020. Based on the previous 996 system (working from 9 am to 9 pm, 6 days a week), many large companies, such as Alibaba, Huawei, and 58.com required their employees to work 997 (from 9 am to 9 pm, 7 days a week), 9106 (from 9 am to 10 pm, 6 days a week), 9116 (from 9 am to 11 pm, 6 days a week), 715 (7 days a week, 15 hours a day) or other arrangements of working time, and privately threatened to dismiss them if they refuse to cooperate.

Apart from the above-mentioned problems of freedom at work, there were also many work-security cases in 2020. From the accumulated arrears of talk show actors' performance-based remunerations by Xiaoguo Culture, footballers' wages by Beijing Sport University (BSU) and accounts for small and medium-sized enterprises in Yunan, to the use of certain "motivational" measures such as forcing employees who failed to meet performance standards to eat earthworms alive, or requiring

© 2021 by Taiwan Foundation for Democracy

employees to show their appreciation on bended knees and kowtow by the road, once these news reports were disclosed, employers who were under social pressure started counter-accusing their employees of "biting the hand that feeds them". There were some unbelievable news reports of employee dignity deprivation exposed, such as the employees in Changsha voluntarily running naked due to substandard performance, and the cleaning staff in Shandong chronically drinking toilet water to prove their working ability.

It is undeniable that many companies declared bankruptcy in 2020 and caused many disputes. However, the police refused to file the cases against these companies in small and medium cities by claiming that the amount of money involved in each case was too insignificant. In terms of accumulated arrears of employee salaries, local governments started to take stock and monitor the situation and also encourage the public to report. For example, Hebei Province launched a special summer action to investigate the problem of migrant workers' salaries in arrears, Inner Mongolia claimed to basically achieve the goal of no salary arrears, Shaanxi claimed to have assisted more than 8,000 migrant workers to recover wages worth more than 100 million yuan in 2019, and Shandong also cleared the accumulated government arrears of more than 42 million yuan to local privately-own companies through audits. When reviewing the penalties given in the situation of salary arrears, proportionally speaking, the employer's behavior of owing money to employees was not considered a major problem in the government's view. Instead, the government chose to provide various loans and relief programs to these companies. For example, the government claimed that the total amount of company tax exemption given already exceeded 2.3 trillion, while the CEO of a company in Nanchang misappropriated employee salaries worth 4.86 million and was only sentenced to 2 years and 10 months in prison and a fine of 50,000 yuan.

From an institutional perspective, China has made significant progress in the promotion of a whistleblowing system, which is in line with international trends. For

© *2021 by Taiwan Foundation for Democracy*

example, the Tianjin government systematically divided the reporting of salary arrears into four levels and claimed that 95.14 million yuan were recovered for employees, and 7.57 million yuan of this back pay were compulsorily executed. However, the problem of financial arrears between government departments and state-owned enterprises was deeply rooted in the system. The government of Danfeng County in Shaanxi, for instance, owed 10 million of lunch debt to 76 schools, whereas, the Guizhou government owed 479.61 million of teachers' salaries in the past five years and misappropriated 341.94 million of other funds for these teachers (such as their housing provident fund and social insurance fund), which counted for 76% of the total budget (Zhou, 2020; Zhao, 2020). These cases show that the phenomenon of salary arrears was widespread in various industries and different sectors, and the public sector did not perform better in this matter compared to the private sector. Furthermore, one of the main reasons why many companies started owing their employees' salaries was due to the unsettled payments from the public sector as their debtors, revealing the financial problems and governance conditions of different levels of government.

In 2020, various localities encountered the problem of accumulated salary arrears or uneven rewards and punishments in their public sectors. In addition to the above cases in Yunnan and Guizhou, the outbreak of the epidemic resulted in some cases where the performance bonus of medical staff (498 yuan) was lower than the administrative staff's performance bonus (2,600 yuan). Therefore, the medical staff requested a job transfer due to rage. Regardless of whether the salary structure and payment methods of the public sector were reasonable in China, the salary arrears of government officials became a common phenomenon. In fact, the CCP has long been aware of this problem and launched a three-year plan for teachers to get paid no less than government officials in 2018. However, in 2018, the gap in salaries between teachers and civil servants was 800 yuan in Guizhou. After three years of implementing this plan, their salary gap turned into 5,000 yuan. Such an ever-growing

© 2021 by Taiwan Foundation for Democracy

increase in salary differences demonstrated both government and policy failures.

The numerous cases of the right-to-work infringement or protection mentioned above revealed a crowing-out effect found in various localities and even within government departments. One of the obvious examples is given by the growth of the gig economy in China. In order to obtain a stable income, many workers have turned to the gig economy amid the booming demand for food delivery services. These gig workers (known as "riders") frequently violated traffic rules such as speeding and fought with each other over food delivery orders (known as "grabbing orders") for their livelihoods. It is estimated that there were more than a thousand cases of traffic violations each month. In order to improve and rectify this chaos, the online food delivery platform gradually relaxed the regulations on the delivery time, allowing extra 5 to 10 minutes of delivery time in addition to the original 30-minute delivery guarantee for the delivery address within 3 kilometers. However, this new regulation failed to fundamentally solve the traffic chaos created by the rigid regulations of food delivery time, nor did it substantially protect the working rights and interests of these riders.

Taking the rapid growth of the gig economy into consideration, from a perspective of labor protection, the CCP government banned all businesses from "sharing labor" and declared this arrangement as illegal labor dispatch. At the same time, it also declared to "remove unreasonable restrictions on flexible employment, support the establishment of a multi-channel flexible employment system, and encourage self-employment", and aimed at providing social security subsidies to those who are either unemployable or who are unemployed college graduates within the first two years of their graduation. Such government regulations attempting to encourage and prohibit part-time jobs at the same time were neither carefully constructed by considering all aspects, nor did they provide actual protection to people's right to work (Wang, 2020). However, the severity of salary arrear issues has forced the formation of trade unions, which is quite a rare case in China. For the first time, the Beijing Federation of Trade Unions requested to include the monthly payment

© *2021 by Taiwan Foundation for Democracy*

methods for migrant workers' salaries in their employment contracts, which illustrates the prevalence of salary arrears in practice.[5]

2.2 From Salary, Price for Pigs to Pig Farms

During the past two years, the price of pigs has continued to attract much attention. On the one hand, African swine fever led to a continuous increase in pig prices, however, this statement was officially denied in 2019, claiming that there was no swine fever. An alternative explanation for the stabilization of pig prices was that swine fever was under control. However, after two years of observation, baring the case of smuggling live pigs to other countries in 2019, the flood disasters in Southern China offered a new explanation for the increase of pig prices in 2020: Due to the heavy rains in Hunan, Hubei, Jiangxi, Guangdong, Fujian and other places, the floods made the transportation of pigs into these areas very difficult, resulting in the increase of local prices for pork.

Apart from continuous heavy rains, the prohibition of imported pork and the return of swine fever were the other two popular explanations for the recent increase in pork prices. The prohibition of imported pork was due to the existence of the Covid-19 virus found in slaughterhouses and in customs inspections. Regardless of all possible reasons, the insufficient supply of live pigs in China was the key to drive up pork prices. Although the return of swine fever appeared to be the most evident reason for this shortage of pig supply, it was also the least reason for being officially recognized.

Apart from some news reports, such as Chongqing once found African swine fever among the illegal pigs from other provinces, more evidence was revealed by comparing the price of pork with the price of grain. If the increasing price of pigs was not due to African swine fever but heavy rains, the prices of other agricultural

5 Compared to 2019, there is a lack of coverage on union news in the data of 2020. There was only one piece of union-related news appearing in the middle of the year.

© 2021 by Taiwan Foundation for Democracy

products should also rise. However, in 2020, the prices for rice, peanut oil and flour basically remained the same, whereas, the wholesale prices of leafy vegetables and fruits, which are easily affected by rains, were slightly decreased. The increase in pig prices, therefore, was unlikely related to this natural disaster.

By reviewing the salary data, it can also be found that the salary standards in 2020 were similar to that in 2019, but the price of pigs rose from an average of 28 yuan per kilogram in 2019 to 45 yuan in 2020, barring the fact that the price of pigs did fall back to 42 yuan in May and October (see Figure 2).

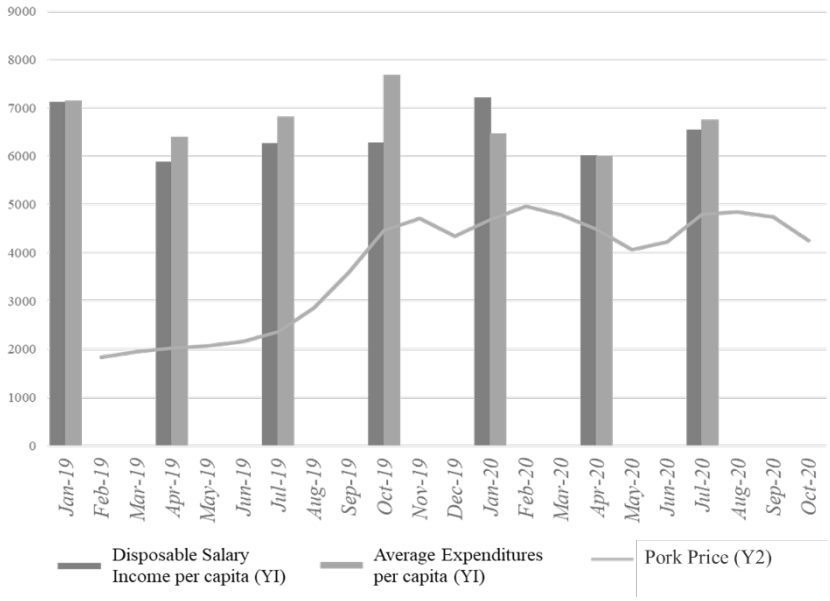


Figure 2. Changes in Income, Expenses and Pig Price from 2019 to 2020
Source: The figure is constructed by the author based on the Ministry of Agriculture and Rural Affairs of China (2020) and the National Bureau of Statistics of China (2020)

Figure 2 presented the salary income and consumption expenditure of the Chinese people (the abscissa) and the monthly pork price (the ordinate). The gap between quarterly salary income and consumption expenditure stated that the pressure of the economic depression was more severe in 2019 than in 2020, especially the

© *2021 by Taiwan Foundation for Democracy*

gap at the end of 2019, showing that the people were "unable to make ends meet". However, were the economic situations really improved in 2020? In addition to the above-mentioned cases of salary arrears in Part 1, the news reports on the never-reducing pig price (Y2) and the promulgation of corresponding government orders seemed to say otherwise. Two observations are provided as follows:

The first observation is about the price of pigs. There were still some news reports of swine fever by the end of 2020, revealing the disparity between supply and demand. In order to fill the people's demand for pork, the CCP government officially announced its guarantee on the output value of 25 million pigs in 2021 and 40 million in 2022. Such a policy goal led to the establishment of pig farms everywhere. There were more than 9,093 newly established pig farms found in mid-2020 (July), 11,202 existing ones that resumed to work, and 2,030 new ones to be built in August. Apart from issues such as the acquisition of farmland and breeding boars, the approval of environmental impact assessments and construction licenses, and future pollution problems, due to the encouragement and subsidies of the government, many companies, which main business was not farming, such as JD.com, Alibaba and Vanke started getting involved in this pig breeding industry. However, according to the pig price data in Figure 1, the supply from more than 200,000 pig farms still seemed insufficient.

Due to the economic depression and the high demand for pork, the land supply for pig farms has become a big problem. Since the mid-2020, there were sporadic news reports about the development of pig farms. Apart from resuming the use of existing pig farms, converting farmland into pig farms, cutting down forests, or moving tombs were also common tools to acquire land for pig farms. It is noteworthy that based on the protection of agriculture, farmland classified as "permanent basic farmland" is prohibited to be used for other purposes. Since the size and scale of pig farms varied, local governments declared that for pig farms with less than 5,000 pigs, they only need to submit a signed commitment to protect the environment instead

© 2021 by Taiwan Foundation for Democracy

of conducting a mandatory environmental impact assessment. Such a policy caused the rapid growth of small pig farms in various ways. The trend of deforestation and reclamation became increasingly obvious after the third quarter of 2020, and the scope of these violations on land use was increased by 5.16 times compared to 2017.6

The exemption of environmental impact assessment seemed to be a quick way to solve people's consumption needs, however, such a practice also resulted in the lack of comprehensive planning for land use and (future) pollution issues. It is learned from the previous incidents such as mercury pollution and soil contamination by chemical factories (in Taiyuan) that once the land was contaminated, it would be very difficult to restore it from the subsoil level. The only solution was soil replacement. Compared to land contamination, water pollution is an even more serious problem associated with pig farming. Since most pig farms are on small scales, under the current environmental commitment system, it is very likely for these farms to invest in swine manure treatment and filtration systems (such as solid-liquid separation). These obvious problems are all contradictory to China's (so-called) policy of pursuing a sustainable environment. In addition, the environmental pollution in various places is deteriorating, such as the farmland in Pan'an County, Zhejiang Province that became deformed, the pollution caused by the overflow of sludge in Qingninghou landfill site of Xiqing District, Tianjin, and the illegal landfill of sludge occurred in Beijing. In short, these pig farms helped to alleviate economic pressure and public grievances by bringing the dark ages of the environment.

Apart from causing public grievances, the rise of pork prices also helped many pork-related businesses such as Muyuanand Wen's to at least double their

6 Pan'an County, Zhejiang Province, is the main source of Qiantang River, Ou River, Ling River and Cao'e River, and is also an important ecological function area. However, its situation of forest destruction and reclamation has been intensifying since 2015. It was reported that 4, 10 and 14 forest-related reclamation projects were established in Pan'an County in 2015, 2016 and 2017, involving 15.22, 49.35 and 75.25 hectares of forest destruction and reclamation respectively. 781.01 hectares of illegal area was found in Pan'an County in 2018, when the reclamation of forestland for farmland was completely banned in Zhejiang Province.

© *2021 by Taiwan Foundation for Democracy*

growth. However, a ban on all-you-can-eat catering deals started emerging in various localities. For example, the N-1 meal ordering mode, allowing each table to order up to a fixed number of dishes that is one number less than the total number of dinners, was reinforced in Wuhan. Whereas, the N-2 meal ordering mode was launched in Liaoning. A restaurant in Hunan required customers to weigh themselves before ordering meals. The prevalence of so-called "half-dishes", "small portions", and "the red list and blacklist of restaurants" demonstrated such a trend on food control. At the institutional level, China's Ministry of Commerce was in the process of drafting a service specification for the catering industry to encourage frugal banquets, including creating a new job for professional meal ordering advisors. The Bureau of Education in Xi'an included students' behavior of saving food as part of their general education assessment. There are two official explanations for all these bizarre regulations above: Firstly, according to the 2018 statistical report, the food waste per capita was 93 grams per person per meal, which counted for about 11% of the meal. Secondly, according to *China Rural Development Report 2020* (Wei and Du, 2020), there will be 130 million tons of food shortage at the end of the 14th Five-Year Plan (2021-2025). Therefore, there is a need to thoroughly control food waste. Overall speaking, from the discussions on salary income to pork prices and pig farms, the motives for restricting one's eating behaviors are self-evident. These discussions also further illustrated the problem of salary arrears addressed before.

2.3 Ill-advised Dealing of Pollution and Waste

Under the trend of emphasizing economic expansion and ignoring environmental protection, the weaknesses of many good-will environmental policies have gradually revealed. For instance, even though the plastic restriction order was reinforced in 2008, white pollution is still rampant. In Shandong, wastewater was systematically monitored and governed with a reward system for reporting water pollution, however, all the costs and efforts of pollution control went in vain due to the fracture of the

© 2021 by Taiwan Foundation for Democracy

interception pipes. The failure of government supervision, accompanying by the public negligence of the importance and vulnerability of environmental public goods, such as arbitrary discharge of wastewater, garbage dumping caused the blockage of reservoirs' spillway and frequent incidents of polluting water for domestic use.

For example, the arbitrary discharge of wastewater in Jiangxi Province caused the local water plant to stop supplying water for 84 hours, while rivers in Hebei, Shanxi and other places were full of large amounts of domestic and construction wastes. Unscrupulous businesspersons illegally started construction work in the upper reaches of local reservoirs. After forced demolition, the remaining construction waste appeared in the reservoirs. These news reports of deliberate water pollution were clearly inconsistent with the official reports of water protection. For example, it was claimed that the quality of water in Beijing was improving day by day, while Heilongjiang claimed that it had achieved the best water quality in local history. Haidian District claimed to have the lowest level of PM2.5 and the best quality of surface water in Beijing, whereas, Jiancheng District in Guangzhou claimed to achieve full collection and coverage of sewage treatment in 2020.

Under the trend of reporting good news but not bad news, environmental data may show a tendency to divorce from the actual situation. For instance, a car accident in Guangdong in which corrosive chemical substances contaminated groundwater, causing a total of 6 villages prohibiting from using the water. However, the follow-up reports stated that the water quality in these places was unpolluted, and the test of the atmosphere was normal. Similarly, Hunan declared that by 2025, its flood control regulations will be made perfect, and the development of riversides for sightseeing is strictly prohibited. However, the development of various water-based platforms, viewing platforms, and garden landscapes was already prosperous along the river.

The control of water pollution in various places has been focused on zero discharge. Zhejiang's industrial parks, for example, are expected to complete their zero-direct sewage discharge plan in 2022. The demolition operations of illegal construction were launched in Guangzhou, whereas the inspection of sewage

© *2021 by Taiwan Foundation for Democracy*

discharge was conducted in Guangdong and Hainan (with the issuance of licenses). Both the Fenhe River in Shanxi (Taiyuan) and Hebei claimed to have completely eliminated the five more severe types of wastewater in their localities, the 91% water bodies of the Yellow River was classified as category C and above, and the wastewater discharge from ships was zero for Qiandao Lake in Hangzhou. However, the credibility of all the good news was highly in question. In contrast, there were still some negative reports, such as black and smelly water bodies in Inner Mongolia, Sichuan ships discharging black liquid to the Jialing River, and the direct discharge of sewage to the sea by the breeding industry of Wuchuan county in Zhanjiang, Guangdong that turned the 20-kilometer golden coast into a black beach. Moreover, some news, such as the amount of hydrogen chloride in the air and whether to mining the mines in Ningxia, seemed to be positive, but the reality was usually the opposite.

Although the relevant source (Water Affairs Bureau) stated that the reasons why the water quality of type 5 rivers cannot be effectively improved toward zero discharge, included direct rainwater discharge and agricultural pollution, and the former (rainwater pollution) was more destructive. This statement is obviously inconsistent with common sense, nor can it explain the serious pollution in the upper reaches of the Yangtze River, the excellent water quality in its lower reaches, and the problems at the mouth of the sea, such as ship wastewater, sewage caused by garbage, and poor environmental protection facilities in ports.

In addition, the implementation of the garbage sorting system in 2019 was facing the challenge of Covid-19 after several months of operation. In order to immediately supply all kinds of medical supplies, the Ministry of Ecology and Environment authorized local ecological and environmental bureaus to provide “green channels” for the production of anti-epidemic materials, allowing businesses to increase or expand production first and then applying for environmental impact assessment approvals. A total of 55 items were proved, including masks and medical equipment manufactured in Tianjin, and the production of protective clothing, disinfectant, protective materials,

© 2021 by Taiwan Foundation for Democracy

and thermometers in Heilongjiang. For exempted materials, factories or temporary sites, whether or not they caused contamination during the manufacturing process, the parties involved can act arbitrarily in this outbreak with no retrospective effect.

The rapid accumulation of waste materials and medical wastewater was caused by the epidemic. According to a report from the Ministry of Ecology and Environment, a total of 192 tons of medical waste (including infectious waste, chemical waste, pharmaceutical waste, pathological waste, and damaging waste) had been accumulated in Wuhan before March, and there were about 5,948 tons of national medical waste needed to be handled on a daily basis. After verification, the author found that the figure of 5,948 was actually for 2013 rather than 2020. The growth rate (geometric average) up to 2018 was 7% (Table 2). Until March 2020, there were 487 medical waste processing units in China with a daily processing capacity of 6,022 tons.

Table 2. The Annual Capacity of Medical Waste Disposals

Year	2013	2014	2015	2016	2017	2018
Production (tons)	548,000	622,000	697,000	721,000	781,000	817,000
Processing (tons)	542,000	607,000	695,000	720,000	779,000	816,000
Annual growth rates		14%	12%	3%	8%	5%

Source: The table is constructed by the author based on Li (2020).

Apart from professional dealing by the medical waste units, part of the waste was also handed over for incineration. According to the regulations of the comprehensive medical waste management work plan implemented in February 2020, every county and city shall have an operating system for medical waste collection, temporary storage and transportation, and every city above the prefecture level shall establish at least one central processing facility that meets the requirements for medical waste management. As a result, many newly established and rectified waste incineration

© *2021 by Taiwan Foundation for Democracy*

plants (Figure 2) were found across the country in 2020. By mid-year, China claimed to have been able to process waste produced by 2,767 designated hospitals, 2,124 sewage treatment plants and 6,259 isolation fields.

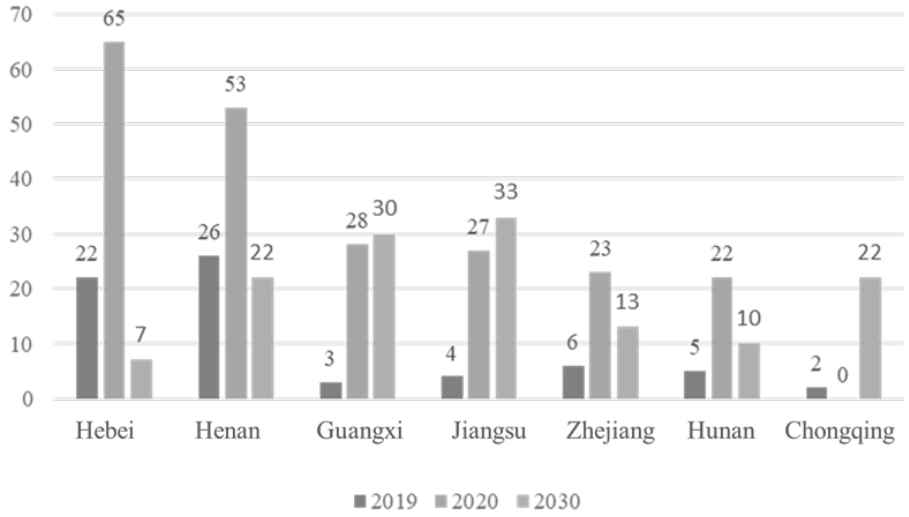


Figure 3. The Number of New Waste Incinerators
Source: The figure is constructed by the author based on Shao and Ma (2020)

Due to the availability of local information, there was a lack of stronger evidence (such as data from Hubei, where the occurrence of Covid-19 was suspected) to support Figure 3. However, the increasing number of incinerators in each region in recent years, and their projected targets for 2030, all suggest that 2020 would be a treacherous year for environmental rights. Apart from the air pollution generated by waste incineration and the dealing of non-burnable solids, the land acquisition method for waste incineration plants is also worth to be observed in the future.

The increase in medical waste has led to the massive construction of incinerators. However, there is still a lack of relevant mechanisms to deal with medical wastewater. Barring the deliberate contaminations and discharges mentioned above, all localities began to stress the importance of water resources. For example,

© 2021 by Taiwan Foundation for Democracy

Guangxi and Fujian recently began to regulate the discharge of domestic sewage, and Hubei also prohibited feeding leftovers from restaurants to pigs or throwing them into sewers or rivers. However, the *Emission Standards for Pollutants for Urban Sewage Treatment Plants* adopted in Fujian believed that by letting domestic sewage passed through farmland and woodland, various components (such as nitrogen and phosphorus) would be eliminated, revealing the roughness of mainland China's awareness and safeguarding of environmental protection.

One of the most serious cases of water pollution is given by the Yangtze River. Its index of biological integrity (IBI) has reached the no-fish level in 2020, which is the worst level of IBI. Therefore, starting from 2020, fishing is going to be completely banned for 10 years in 332 nature reserves and aquatic germplasm resource protection zones, including the National Nature Reserve for Rare and Endemic Fish on the upper reaches of the Yangtze River. The ban has not been well received by the public, affecting more than 10 provinces and cities, 113,000 fishing boats, and 280,000 fishermen. Various disputes between the government and the public have continued under the purported financial assistance and job transfer arrangements, and related court verdicts on this matter have already been issued.

Ironically, while the Yangtze River has become fishless due to deteriorating water quality, the environmental quality of its surface water is reported to be generally good, especially "the excellent water quality in the Chongqing section of its tributaries." The Yangtze River Basin Ecological and Environmental Supervision Administration of the Ministry of Ecology and Environment even claimed that the protection and restoration of the Yangtze River have begun to show its effectiveness. At the end of 2019, the overall water quality of the Yangtze River Basin was excellent. Compared to 2018, the proportion of grade I - grade III river sections was increased by 4.2%, constituting 91.7% of the Yangtze River. In addition, the proportion of grade V river sections was decreased by 1.2% in 2019. This data is not only contrary to the 10-year fishing ban on the Yangtze River but is also ironic when compared with the

© *2021 by Taiwan Foundation for Democracy*

news from Heilongjiang. Heilongjiang aimed at reaching more than 59.7% of good surface water bodies in 2020 and keeping the extremely poor rate of its groundwater quality within 17.7%. These self-contradictory news reports demonstrate that mainland China is good at media suppression, and one can only get a glimpse of the actual situation by carefully comparing different sources.

3. Observer's Review

In this report, the observations on economic and environmental rights are considered asymmetry in terms of the quantity and types of news collected and used. Compared to relevant environmental news, the economic aspect of the news is chaotic. The people's right to work and job security has been greatly threatened, and the Chinese government's provision of adequate living standards, referred as the economy and life in this article, has also become more difficult due to the occurrence of natural disasters such as swine fever, plague, pests, and floods. The environmental issues, on the other hand, used to focus on the improvement of air (pollution), water (bodies), waste (disposals), and poison, which were all man-made pollution.

In other words, economic rights and environmental rights continue to be violated, and the focus of most news reports is on human behavior, which has led to greater attention being paid to economic rights than to environmental rights. This trend is not only evident in the news collected, but also in various international observations. Similarly, in terms of the level of concern for different rights, there is usually more interest shown for political and judicial rights than for economic rights (not to mention the environment), which explains the less frequent mention of economic rights in international observations in 2020. In terms of the environment, however, the rapid construction of pig farms and incineration plants and the lack of environmental assessments are expected to lead to a deterioration of the environment.

When reviewing the three types of cases in this report, apart from the right to work, which is obviously related to the economy, the discussions on pig prices in the

© 2021 by Taiwan Foundation for Democracy

second part and pollution in the third part involve both economic and environmental issues. Various changes observed have indicated that the economy has a significant impact on the environment, and through long-term observation, many contradictions and deficiencies can be found in both aspects. For example, the prohibition of employee sharing versus the encouragement of flexible employment, and geographical discrimination versus the implementation of job security are economic-oriented. Whereas the disparity of water quality in the Yangtze River where its upstream pollution is serious but the downstream water quality is excellent, the rough discharge method of domestic sewage, the green channel of fast customs clearance and the exemption of environmental impact assessment are environmental-oriented. The soil and water conservation versus waste discharge of pig farms and the overfishing versus fish ban policies on the Yangtze River are both economic and environmental-oriented.

It is noteworthy to mention that the whistleblowing system, which has been promoted in recent years, was used in 2020 for reporting salary arrears. However, the mobile application (app) for managing local River Chief Systems (hezhang), which was heavily reported in 2019, provided a similar function as the whistleblower, but there was no follow-up report found in 2020. The disappearance of the Hezhang app demonstrated that the establishment of the system is simpler than its maintenance, as well as raised questions about its effectiveness. A similar observation can be made on the number of news reports on the right to food (Table 1): soon after the rapid increase in the number of pig farms, the number of conflicts caused by the demand for pork started to decline. However, air pollution, one of the most concerned issues, seemed to be non-existent, in contrast to the air pollution generated by the massive construction of waste incinerators, revealing China's tight control of news reports. All of these observations highlight the fact that the infringement of economic and environmental rights in China has become more serious in 2020 than in the past, but since the strength of the news reporting has been restrained, more careful observation is required.

© *2021 by Taiwan Foundation for Democracy*

References

European Union (2020). *EU Annual Report on Human Rights and Democracy in the World 2019*. Brussels: European Union.

Li, Yingshi (2020). "2020 China Medical Waste Industry Development Status and Prospect Analysis Focusing on the Completion of Medical Waste Collection, Transfer and Disposal System." Foresight Industry Research Institute. 2020/03/19. https://www.qianzhan.com/analyst/detail/220/200318-cb816a2e.html. (accessed November 4, 2020).

Ministry of Agriculture, China (2020). *Pork Wholesale Prices by Month in China*. http://zdscxx.moa.gov.cn:8080/nyb/pc/index.jsp. (accessed November 15, 2020).

National Bureau of Statistics of China (2020). *Statistics of Disposable Wages per Capita in China*. http://www.stats.gov.cn/tjsj/. (accessed November 15, 2020).

Shao, Lingling and Ding Ma (2020). "Waste-to-Energy Industry in Depth: Review and Outlook, the Advanced Path of Waste-to-Energy." Essene Securities. 2020/04/17. http://qccdata.qichacha.com/ReportData/PDF/174ac66f2e0153874 16d80ed85533846.pdf. (accessed November 20, 2020).

Transparency International (2020). "Global Corruption Barometer.'' Transparency International. 2020/11/22. https://www.transparency.org/en/gcb/asia/asia-2020/results/vnm. (accessed December 12, 2020).

United Nations Human Rights Office (2020). *UN Human Rights Appeal 2020*. Switzerland: The Office of the United Nations High Commissioner for Human Rights.

U.S Department of State (2020). "China's Environmental Abuses Fact Sheet." U.S Department of State. 2020/09/25. https://www.state.gov/chinas-environmental-abuses-fact-sheet/. (accessed December 12, 2020).

Wang, Yang (2020). "Li Keqiang: Removing Unreasonable Restrictions on Flexible

© 2021 by Taiwan Foundation for Democracy

Employment." The Official Website of the Chinese government. 2020/07/23. http://www.gov.cn/xinwen/2020-07/23/content_5529454.htm. (accessed July 24, 2020).

Wei, Houkai and Zhixiong Du (2020). *China Rural Development Report 2020.* Beijing: China Social Science Press.

Zhao, Tianchen (2020). "2000 Yuan Deducted from Yunnan Teachers' Monthly Allowance. The Official Response: It Was an Incentive Performance Subsidy." Yanshan Rong Media. 2020/09/18. http://www.bjnews.com.cn/news/2020/09/18/770534.html. (accessed September 19, 2020).

Zhou, Chi (2020). "State Office of Supervision and Investigation Office: Guizhou Dafang County Owes $479.61 Million for Teacher's Monthly Subsidies." China News. 2020/09/04. http://www.chinanews.com/gn/2020/09-04/9282992.shtml. (accessed September 5, 2020).

© *2021 by Taiwan Foundation for Democracy*

Religious and Ethnic Minority Rights: The Effects of "Xi-ism"

Chia-lin Chang*

Abstract

When looking at the various actions of the Chinese Communist regime in 2020, one finds that the scale of persecution levied by the regime against religious and ethnic minority groups was not as high as the previous year due to the Covid-19 pandemic. Yet, under the preponderance of "Xi-ism" in China, the Chinese government has continued to implement the policy of "sinicization of religion," curb the "over-commercialization of religion," conduct campaigns against the "generalization of halal," and carry out the "sinicization of ethnic minority groups" and other policies for the purpose of regulating the rights of religious and ethnic minorities within the territory. Overall, in the past year the level of religious freedom in China is rated medium to low, while the level of human rights protection for ethnic minority groups can only be classified as low.

In the realm of religious rights, compared to last year the Chinese government has cut back, in terms of scale, the limitations placed on the freedom of religious development for Buddhist, Taoist, and folk religion practitioners; lessened the harm it inflicted on the Christian religions' individual and collective freedoms of religious belief and of the press; eased the restrictions on the people's freedom to hold private belief in "xie jiao" (heterodox teaching or religion), and minimized violations of the

* Professor in the Department of Religious Culture and Organization Management at Aletheia University. Email: ah950802@hotmail.com. The author is grateful to Assistant Professor Hsiu-chin Tsai for writing the first draft of this chapter, and research assistant Pei-min Su for collecting and compiling data.

© 2021 by Taiwan Foundation for Democracy

principle that "education should serve to promote interfaith understanding."

In the sphere of ethnic minority rights, the Chinese government has continued to harm the personal and religious freedoms of ethnic minority groups such as Uighurs, by establishing fourteen new "political education centers" (re-education camps) in 2020 and transferring 80 thousand Uighurs to these camps, which is lower than the number of one million Uighurs sent to camp last year. In its anti-halal campaign, the government has also continued to violate the ethnic minorities' right to non-discrimination by expanding the scope of removal of mosques, domes, Islamic symbols, and signs. Furthermore, the Chinese government has maintained the intensity of its ethnic assimilation policies. In 2020, minority groups targeted for assimilation have expanded from Uighurs to ethnic Mongolians and ethnic Koreans; in fact, bilingual education is maintained only for ethnic Tibetans. These policies violate the rights of ethnic minority groups to keep their religion and culture. In advancing anti-separatism and anti-radicalization policies, Chinese authorities still employ the legal system to arrest and prosecute minority dissidents, harming the ethnic minorities' right to protection and freedom from hatred and discrimination.

Keywords: religious rights, ethnic minority rights, Xi-ism, exquisite totalitarianism, language assimilation policy

1. Introduction

This year's (2020) report on the state of religious and ethnic minority rights in China continues to use the indicators found in the reports from the past three years. More specifically, the chapter takes various freedoms and rights listed in the three United Nations human rights conventions and utilizes them as the criteria for evaluation (Wu, 1993). These rights and freedoms include the freedom of religious development, the individual and collective freedom of religious belief, the freedom of

© *2021 by Taiwan Foundation for Democracy*

religious press, the freedom to hold private belief, the basic rights of ethnic minority groups, the ethnic minorities' right to personal freedom, the ethnic minorities' right to non-discrimination, the ethnic minorities' right to protection, the ethnic minorities' freedom from hatred and discrimination, and the ethnic minorities' rights to keep their religion and culture.

The author believes the effects of Xi-ism can be felt everywhere. Particularly, the Chinese government has continued to implement the policy of "sinicization of religion," curb the "over-commercialization of religion," campaign against the "generalization of halal," and carry out the "sinicization of ethnic minority groups" and other policies for the purpose of regulating the rights of religious and ethnic minorities within the territory. In looking at the various actions of the Chinese Communist regime in 2020, the level of religious freedom in China is rated medium to low, while the level of human rights protection for ethnic minority groups is classified as low. With respect to the former, compared to 2019 the Chinese government has cut back, in terms of scale, the limitations placed on the freedom of religious development for Buddhist, Taoist, and folk religion practitioners; lessened the harm it inflicted on Christian religions' individual and collective freedoms of religious belief and of the press; eased the restrictions on the people's freedom to hold private belief in heterodox religions; and minimized violations of the principle that "education should serve to promote interfaith understanding."

With respect to the latter, the Chinese government has continued to harm the personal and religious freedoms of ethnic minority groups such as Uighurs, by establishing fourteen new "political education centers" (re-education camps) in 2020 and transferring 80 thousand Uighurs to these camps, which is lower than the number of one million Uighurs sent to camps last year. In its anti-halal campaign, the government has also continued to violate the ethnic minorities' right to non-discrimination by expanding the scope of removal of mosques, domes, Islamic symbols, and signs. Furthermore, the Chinese government has maintained the intensity

© 2021 by Taiwan Foundation for Democracy

of its ethnic assimilation policies. In 2020, minority groups targeted for assimilation have expanded from Uighurs to ethnic Mongolians and ethnic Koreans; in fact, bilingual education is maintained only for ethnic Tibetans. These policies violate the rights of ethnic minority groups to keep their religion and culture. In advancing anti-separatism and anti-radicalization policies, Chinese authorities still employ the legal system to arrest and prosecute minority dissidents, harming the ethnic minorities' rights to protection and freedom from hatred and discrimination.

Looking at the state of religious and ethnic minority rights in China, one finds that, although the scale and scope of persecution against religious and ethnic minorities was not as high as the previous year, under Xi Jinping's leadership, Chinese authorities continue to vigorously use the legal system, party-state bureaucracy, and public education mechanisms to further the party's absolute rule over the people, religious adherents, religious organizations, and minority groups such as Uighurs, Mongolians, Koreans, and Tibetans. The Chinese government's total control over the basic human needs of religious belief and cultural tradition has developed into a form of totalitarian model with Xi-ism at its core (Tung, 2019: 47-48). This means that the Chinese government has subjectively interpreted the framework of religious and ethnic minority rights. Under such framework, the masses and ethnic minorities can only lead "one-dimensional" lives, which are far away from the ideal goals of the United Nations' covenants on the rights of religious and ethnic minorities (Marcuse, 2015).

© *2021 by Taiwan Foundation for Democracy*

2. Religious Rights

2.1 Contravening the Principle of "Separation of State and Religion": Harming and Controlling Religious Freedom

In 2020, China tightened its control of religion through the law, and the extent of its infringement on the rights of various religious groups was wide. In February, the *Measures for the Administration of Religious Groups* took effect; between April and May the *Provincial and Municipality Regulations on Religious Affairs* were amended; and in September the *Provisional Agreement between the Holy See and China on the Appointment of Bishops* was renewed (BBC Chinese, 2020). In using the legal system to transgress the "the wall separating state and religion," the state achieves its goals of upholding the supremacy of national sovereignty and maintaining political stability.

The *Measures for the Administration of Religious Groups* emphasize that religious groups shall adhere to the leadership of the Communist Party of China, abide by laws and regulations at various levels of government, develop religions in the Chinese context (sinicization), embrace core socialist values, and safeguard national unity, ethnic solidarity, religious harmony, and social stability. The State Administration for Religious Affairs and the competent religious affairs departments of various provinces and cities shall guide, supervise, and administer religious groups and their activities in accordance with the law.

The *Provincial and Municipality Regulations on Religious Affairs* are based on the *Regulations on Religious Affairs* issued by the central government in 2017. In April 2020, authorities in Guangdong passed the *Regulations of Guangdong Province on Promoting the Development of Ethnic Areas and amended the Regulations of Guangdong Province on Religious Affairs*. In May, Beijing revised the *Draft of Regulations of Beijing Municipality on Religious Affairs.* In April, Zhejiang announced the promulgation of "Standards of Zhejiang Province for Classifying Temples, Churches and Other Fixed Premises of Religious Worship," which became

© 2021 by Taiwan Foundation for Democracy

effective on June 1st. In addition to the above, the provincial governments of Jiangxi, Fujian, and Shandong also passed and implemented similar regulations.

It is projected that provinces and municipalities (cities) will likely comprehensively revise the provincial-level rules specified in the *Regulations on Religious Affairs* in the future, so that Xi Jingpin's views on state control of religion are achieved. To this end, local authorities will further implement strict control measures such as developing religions in the Chinese context, curbing the commercialization of religion, opposing terrorism, combatting separatism, and campaigning against the generalization of halal.

In September, China and the Holy See renewed the *Provisional Agreement between the Holy See and China on the Appointment of Bishops*, which was an indication that the initial application of the agreement by both parties over the past two years had been quite positive. Under the *Provisional Agreement*, the Holy See obtained China's concession that it would recognize the Pope as the formal leader of the Chinese diocese, and that the two parties would negotiate on the candidates for bishops and vice-bishops of the Chinese diocese. For China, the *Provisional Agreement* allowed Beijing to oversee the underground Catholic churches that had come to light, and require Catholic cardinals, bishops, priests, and parishioners to join the Chinese Patriotic Catholic Association (CPCA), thus defusing the ticking time bomb of Catholic underground churches. Moreover, the state can use relevant laws and sanctions to discipline any practicing Catholic who refuses to join the CPCA, an act that clearly violates the freedom of religious belief of Catholics.

2.2 Controlling Buddhism, Taoism, and Folk Religion: Contravening the Freedom of Religious Development

2.2.1 Demolishing both Indoor and Outdoor Religious Statues

In 2019, the Chinese government demolished, closed off, and remade over

© *2021 by Taiwan Foundation for Democracy*

4,300 giant religious statues for violating the newly revised *Regulations on Religious Affairs* and other administrative orders such as building codes. This year, 41 giant outdoor statues of Buddha, Guanyin, and folk religion's deities had been demolished, including 18 statues in Henan (Yang, 2020), 16 in Sichuan, 2 in Fujian, and one each in Shanxi, Shandong, Hubei, Guangxi, and Hebei. Of these 41 statues, two were torn down for reasons such as "outdoor Buddha statues cannot exceed 10 meters in height," "religious statues cannot be placed on business premises," and "statue is too tall." Although the remaining 39 religious statues were less than 10 meters in height, they were nonetheless demolished.

To prevent excessive commercialization and to curb the rapid spread of Buddhism and Taoism, the Chinese government often made use of the *Regulations on Religious Affairs* to demolish as well as restrict the people from building giant deity statues in temples and scenic areas. Last year, the demolitions and destructions of giant large statues in various provinces and autonomous regions caused great concerns among Chinese societies. This year, the dismantling of religious statues has continued, albeit on a much smaller scale. But in essence, these activities only served to reduce and restrict the freedom of the followers of Buddhism, Taoism, and folk religions to make statues and worship deities. Hence this is akin to using public authority to constrain the "freedom of religious development" of Chinese religions.

2.2.2 Demolishing, Seizing, Repurposing, and Vandalizing Temples

Following the dismantling of nearly 6,000 temples last year, the scale of demolitions was reduced this year. Authorities torn down about 129 small folk religion temples in rural areas, including 104 in Hebei, 10 in Henan, 10 in Sichuan, and one temple each in Zhejiang and Anhui (Shen, 2020).

In addition, local governments had seized, repurposed, or vandalized small folk religion temples on the grounds that they were "unauthorized construction projects" and "adversely affecting the city's appearance." A total of 110 temples were seized

© 2021 by Taiwan Foundation for Democracy

by local authorities in Hebei, followed by three in Henan, and one in Yunnan. People could no longer worship in temples that had been seized by authorities, which meant that their freedom of religious belief had been harmed. Temples that were repurposed had turned into libraries, recreational rooms, and cultural centers. Authorities also vandalized temples by smearing their names out, or affixed socialist slogans on them. All these measures ignored the people's affection and need for religious belief.

2.2.3 Interfering in Folk Religion's Funeral Ceremonies

The Chinese government again interfered with the people's funeral rituals and customs. The Government of Xingtai City in Hebei Province strictly prohibited residents from burying their ancestors and pushed for "cremation" instead; the rate of cremation in the city reached 100% before October 1st. Similar phenomenon occurred in Liaoning Province, where the official Ethnic and Religious Affairs Commission issued the *Notice on the Prohibition of Religious Funeral Ceremonies in Funeral and Burial Sites*, which required the departments under its jurisdiction to ban religious funerals at burial sites. Based on these reports, local governments appear to have used its public authority to restrict the freedom of the people to hold religious funeral ceremonies.

2.3 Controlling Christianity: Harming the "Individual and Collective Freedom of Religious Belief" and "Religious Press Freedom"

In 2020 the Chinese Communist Party had not lessened its control over the "legal" Three-Self Patriotic Movement (TSPM) and Chinese Patriotic Catholic Association, or the "illegal" underground churches and their followers within the territory. With respect to the individual freedom of religious belief, about 65 people were sentenced and detained for violating various religious regulations. With respect to the collective freedom of religious belief, approximately 820 churches were demolished, forced to take down crosses, repurposed to other uses, subjected to random raids and

© *2021 by Taiwan Foundation for Democracy*

inspections, had their water supply and electricity cut off, banned from holding assemblies, and obliged to participate flag-raising ceremonies and organize patriotic activities. Additionally, after the renewal of the *Provisional Agreement between the Holy See and China on the Appointment of Bishops*, Chinese government authorities exerted great pressure on underground churches that had not joined the Patriotic Catholic Church.

2.3.1 Individual Freedom of Religious Belief

(1) Restricting the freedom of Christians to spread the gospel

Chinese Communist officials have placed strict restrictions on the ability of Christian clergy and ordinary Christians to spread the gospel. As a rule, pastors are forbidden to evangelize across provinces and regions. In recent years, the Chinese government has disallowed the private sales of religious publications outside the Three-Self Patriotic Movement and put restrictions on evangelism online by both legal and illegal churches. After the policy to "sinicize" religion was put forward, Chinese authorities have begun to regulate the sermons of priests and pastors.

On July 3, police in Fuzhou, Jiangxi, arrested 2 Christians from Quzhou, Zhejiang, detaining them for 10 days simply because they were not religious personnel and because they were engaging in cross-jurisdictional evangelistic activity, which violated existing Chinese laws and regulations. Government officials also arrested 4 Christians in Shenzhen who were selling audio bible players. In addition, the owner of "Wheat Bookstore," an online bookseller of religious publications, was sentenced to seven years in prison and fined nearly $200,000 by a court in Zhejiang for engaging in "illegal business operations" (Mak, 2020).

With respect to the practice to evangelism over the Internet, during the pandemic local police officials in the provinces of Sichuan, Henan, Shandong, and Liaoning restricted the live broadcasts from both unofficial house churches and state-approved Protestant churches, harassing everyone who participated.[1] Among them, six

1 In September 2018, the State Administration of Religious Affairs of China issued a draft of the

© 2021 by Taiwan Foundation for Democracy

followers of the Early Rain Covenant Church in Chengdu, Sichuan, were arrested, and pastor Zhao Huaiguo in Hunan was given a heavy sentence for using Internet censorship circumvention software to browse foreign media reports of the coronavirus epidemic. Authorities in provinces such as Henan, Jiangxi, Liaoning, Shandong, Hunan, Zhejiang, Jilin, and Heilongjiang, put restrictions on the live broadcasts of church services. Three churchgoers and pastors were interrogated by the authorities, who demanded that all live streaming must cease. Provincial authorities in Ningxia, Shandong, Henan, Zhejiang, Hebei, Gansu, and Jiangxi also had installed monitors and facial recognition cameras to control the activities of Protestant and Catholic clergies and individual adherents, thus infringing on the Christians' rights to hold private belief.

Under the guidance of official policies such as "sinicization of religion," "patriotic education," and "four requirements" (sijin),[2] the Chinese Communist regime organized activities in Shandong, Liaoning, Fujian, Zhejiang, and Henan to promote those initiatives. Activities included the integration of Catholic theology with traditional Chinese culture, a sermon competition on the sinicization of Christian doctrine, requiring religious clergy to write articles about patriotism and their love for the party, Xi Jinping, and Xi's policies, a reading and writing program on Xi Jinping's policies, commemorative activities related to China's victory in the War of Resistance against Japanese Aggression and tribute to martyrs, and a platform to give praise to the government's success in fighting the pandemic. Moreover, local officials demanded Catholic and Protestant churches in Henan, Jiangsu, Sichuan, Shandong,

Measures on the Administration of Internet Religious Information Services, which requires that "organizations and individuals must not transmit text, images, audio/visual, etc. of religious activities such as Buddhist prayer, burning incense, ordainment, chanting scripture, prayer, mass, or baptisms, in any manner live or recorded."

2 The "four requirements" (*sijin*) initiative refers to four practices that religious communities must adopt in the campaign to sinicize religion: 1) ritually raise the national flag and sing the national anthem; 2) teach believers about, and promote, the Chinese *Constitution*, laws, and regulations; 3) preach and promote the core Socialist values; and 4) promote "China's fine traditions."

© *2021 by Taiwan Foundation for Democracy*

Fujian, Hebei, and other places to hold national flag-raising ceremonies, sing the national anthem, and commemorate and celebrate the National Day.

(2) Restricting Christian sacred objects and beliefs

Police in China used their public authority to restrict Christians from hanging or pasting couplets about their belief in the Lord, owning a cross at home, or believing in Christ. In the past, it was regarded as normal for Christians to hang or paste "belief-in-the-Lord" couplets during the Lunar New Year. This year, the police in Henan and Jiangxi provinces banned the pasting and selling of religious couplets, requiring believers to replace them with a portrait of Xi or spring couplets that demonstrate a love for the party. Those who violated the order were fined or jailed.

The police in Henan, Jiangxi, Shanxi, and Shandong targeted the poor, the elderly, and ordinary Christians in their implementation. Police officers forcibly entered 49 homes of Christian adherents, tore up crosses and images of Jesus Christ, the Virgin Mary, or the Lord, and replaced them with the portraits of Mao and Xi. If compliance was not forthcoming, the police threatened to revoke the elderly's retirement benefits from the "five guarantees" program.[3]

2.3.2 Collective Freedom of Religious Belief

(1) Demolition of crosses and churches and forced renovation of churches

Like in 2019, the police in China continued the campaign to remove crosses from Christian churches, and their efforts had intensified in 2020. Officials used various pretexts such as the crosses were placed "too high and unsafe", "too exposed," "too conspicuous," and "cannot physically be higher than the national flag" to tear down crosses and other religious structures from about 310 Chinese Patriotic Catholic and Three-Self Protestant churches in the provinces of Anhui, Jiangxi, Hebei, Shandong,

3 The "five guarantees household" (*wu bao hu*) refers to the system in which elderly people who have lost their ability to work or have no other source of income would have their food, clothing, housing, medical care, and funeral expenses guaranteed by the state.

© 2021 by Taiwan Foundation for Democracy

and Zhejiang. Chinese officials also targeted the crosses on top of underground churches, removing a total of 21 crosses from house and underground churches in provinces such as Anhui, Jiangxi, Shandong, and Hebei.

A more serious development is that local government officials demolished nine legal Three-Self churches or religious gathering places in the provinces of Henan, Anhui, Jilin, and Jiangxi under the pretexts of "flood control canal expansion" and "road construction." In addition, as many as six underground churches were destroyed, with most of them concentrated in Jiangxi, Guangdong, Yunnan, and Fujian provinces. Among them, a Catholic nursing home in Minqing County, Fuzhou, also was demolished.

To curtail the rapid spread of Christianity, government officials repurposed places of worship, turning them into entertainment venues, activity centers for the elderly, and cultural centers, or transformed their exterior to promote patriotism and core socialist values. A total of eight Protestant and Catholic churches in Jiangxi, Zhejiang, and Liaoning were repurposed.

Regardless of whether the church was state-approved or not, government authorities would demolish or repurpose church crosses and church venues using all types of pretexts, thereby fully snubbing the Christians' collective freedom of religious belief to build churches and erect crosses.

(2) Administrative interference and suppression of church services, weddings, and funerals

Chinese Communist officials often used their administrative powers to interfere with and suppress Catholic and Protestant churches. Methods included conducting church inspections, cutting off the supply of water and electricity, shutting down churches, or expelling, prosecuting, and placing under house arrest clergy members to restrict them from leading their congregation in the church's collective faith activities.

Although China and the Holy See signed the renewal of the *Provisional*

© *2021 by Taiwan Foundation for Democracy*

Agreement on the Appointment of Bishops, the Chinese government still spared no effort in cracking down on underground Catholic churches. Chinese officials "inspected" a total of 422 underground churches in the provinces of Jiangxi, Sichuan, Shandong, Henan, Fujian, and Zhejiang, threatening those in charge that if they did not join the Chinese Patriotic Catholic Association, the government would shut down the parish, issue heavy fines, and arrest the priests. Among those effected, Bishop Vincent Guo Xijin of the Diocese of Mindong was evicted from the clergy house, and all the priests who worked under him were expelled from the Catholic Church. Several priests who refused to join the Chinese Patriotic Association were placed under house arrest in Jiangxi. Father Liu Maochun from the Diocese of Mindong in Fujian was imprisoned, and Father Zhu Rutuan was held in detention by the police. Officials also used torture methods such as sleep deprivation to force a priest surnamed Huang into joining the Patriotic Catholic Church.

Additionally, local officials cut water and power supply to six parishes in Fujian and Guandong on the grounds that these churches' fire safety precautions were not up to standard. The government also closed 33 house churches in Hebei, Jiangxi, Shandong, and Qinghai for "illegal assembly." Authorities banned underground churches from conducting worship services and outdoor gatherings in the provinces of Fujian, Guangdong, Henan, Jiangxi, Shandong, and Zhejiang. Six underground churches were raided, searched, and had their gatherings disbanded by officials; 15 believers were placed under administrative detention. The case of the Xingguang Church in Xiamen was the most serious: the police forcibly broke into church premises and destroyed private property.

In addition, Pastor Wang Yi of the Early Rain (Qiuyu) Covenant Church in Chengdu, Sichuan, who had long led believers in the fight against state control of religion and criticized Xi Jinping's leadership, was arrested by police in 2018 and sentenced by a Chinese court on December 30, 2019, to nine years in prison, on the charges of "inciting subversion of state power" and conducting "illegal business

© 2021 by Taiwan Foundation for Democracy

operations." Pastor Wang was also deprived of his political rights for three years and fined 50,000 yuan. Through the sentence, the court completely deprived Pastor Wang's freedom to lead his congregation and preach the gospel.

Furthermore, the Chinese Communist government used the excuse of curbing the spread of Covid-19 to prohibit believers from gathering in funerals, weddings, and tomb sweepings. A total of seven Catholic and Christian-related rituals were broken up or restricted by authorities in Ningxia, Henan, Jiangsu, Hubei, Jiangxi, Fujian, and Liaoning. Among them, the most outrageous was the prohibition on official churches against the hosting of weddings and funeral ceremonies, an order that was issued by the Religious Affairs Bureau of Xinmin City in Liaoning province.

(3) Restrictions on the religious freedom of the press

The Chinese Communist regime banned the circulation of common bibles in its territory since 2018, and currently bibles could only be purchased through Three-Self Patriotic Movement churches. In 2019, religious affairs officials used their public authority to review the teachings, textbooks, and articles at all levels of education for the purpose of censoring out Western religious ideas and restricting their dissemination over the Internet. The government even outlawed internal reference materials printed by the church or any material not yet reviewed by government, and this year was no exception.[4] In the provinces of Jiangxi and Shandong, poetry collections and other non-bible publications published by the two associations (i.e., the CPCA and TSPM) were removed from the shelves. Moreover, officials also rewrote the contents of the bible to better fit with China's patriotic propaganda and Chinese culture, declaring that "the Lord loves the Chinese people" and that "Jesus is a patriot." These state actions caused a lot of backlash in academic and religious circles. The Religious

4 China's regulation of religious and cultural publications is not limited to Christianity. In Inner Mongolia, Liaoning, and Zhejiang, officials confiscated Buddhist books and prohibited the photocopying of Buddhist materials. In addition, in Shanxi publications authored by Taiwan's Master Chin Kung, Master Cheng Yen, and Master Hui Lu were taken off the shelves and destroyed.

© *2021 by Taiwan Foundation for Democracy*

and Moral Education Section of the Catholic Education Office, however, defended these government measures, claiming that textbooks that incorporated Chinese cultural elements would be conducive to moral education. Nevertheless, the strong interference of the state in church publications and educational textbooks absolutely violated the churches' religious freedom of the press.

2.4 Suppressing Xie Jiao: Violating the Rights of Individuals to Hold Private Belief

2.4.1 "*Anti-Xie Jiao*" *Education and Propaganda by the Party-state: Violating the Human Rights Principle of* "*Education Should Serve to Promote Interfaith Understanding*"

The United Nations' covenants on human rights give great importance to the human rights principle in which education should be directed to promote interfaith understanding. However, to curb the expansion of the so-called "xie jiao" in schools, communities, governments, and the party, the Chinese government often acted in ways that went against this universal principle. The regime used the state machinery to fervently carry out "anti-xie jiao" education and propaganda work.[5]

5 In the past, China had sanctioned 24 "xie jiao" or heterodox religions. From 1955 to the 1960s when the Chinese Communist Party was founded, the party vigorously sought to eradicate homegrown religious organizations such as Yiguandao and the counter revolutionary Huidaomen. In the 1980s, the targets were Xiantiandao, a Christian sect from the United States known as the Shouters, and an indigenous Christian denomination—the "Full Scope" or "All Range" Church and Born Again Movement. Beginning in 1990, the Chinese government continued to crack down on new sects that split from the Shouters such as the Anointed King, the Church of Almighty God/Eastern Lightning, the Teachings of Changshou, Lord of Ability, True God, Mainland China Administrative Deacon Station, and Lord God Sect, suppress other domestic Protestant sects such as the Disciples Society, the Lingling Sect (Spirit Church), and the Three Grades of Servants Church, and initiate a nationwide campaign to stamp out the indigenous Falun Gong. In addition, China rejected the introduction of new religious movements from Taiwan and other countries such as the Children of God, the Dami Mission, the World Elijah

© 2021 by Taiwan Foundation for Democracy

Because the Chinese Communist regime has an oppressive national character, it frequently imposes its will onto the educational mechanism, pushing its "anti-xie jiao" propaganda at all school levels and across all provinces and regions. Throughout 2020, Guangxi was the most active province, with 11 instances of "anti-xie jiao" promotional events; followed by Zhejiang with 6; Anhui, Jiangxi, Henan and Sichuan with 5 each; Inner Mongolia and Guangdong with 3 each; Shanghai, Shanxi, and Tianjin with 2 each; and Guizhou with 1. In total, the Chinese government vigorously promoted "anti-xie jiao" education 50 times on school campuses at various provinces and regions across the country, "brainwashing" the next generation of children. Ultimately, the aim was so that the children would reject "xie jiao" from an early age, making it difficult for heterodox religions to survive or thrive in the future. However, what the Chinese government classifies as "xie jiao" are nearly all regarded as normal and legal "new religious movements" in the democratic countries.

At the community level, the local party and government system invested significant efforts in "anti-xie jiao" propaganda work, even more so than the schools. What's more, authorities in Shandong, Hainan, and Guangdong adopted the *Measures for Rewarding the Reporting of Xie Jiao's Activities*. In local communities across all provinces, the government combined "anti-xie jiao" propaganda with activities and campaigns related to epidemic prevention, anti-drug movement, festivals, tourism, factory resumption, speaking tours, national security, Falun Gong, health service, elderly health, arts and culture, building a civilized city, national day celebration, promotion of filial piety, project to purify the Internet, national health drive, safe construction for the New Year, and Chongyang Respect for the Elderly Day. These efforts could be found at bus and train stations, high-speed rail, neighborhoods, enterprises, factories, rural villages, grassroots organizations, Internet infrastructure,

Gospel Mission Association, and the New Testament Church. Chinese authorities also disallowed Buddhist sects such as Guanyin Method and the True Buddha School, which originated from the United States and Taiwan, expelled the spread of "Unification Church" imported from South Korea, and vigorously prohibited Zhong Gong, an indigenous spiritual movement.

© *2021 by Taiwan Foundation for Democracy*

and places of worship.

Among the provinces, Guangxi was the most active, with 73 "anti-xie jiao" promotional events, followed in order by Sichuan with 49 events, Anhui with 34 events, Zhejiang with 31 events, Shaanxi with 29 events, Henan with 24 events, Guangdong with 12 events, Guizhou with 11 events, and Jilin with 10 events. The remaining were 9 events in Shandong; 8 events each in Tianjin, Jiangsu, and Gansu; 7 events in Fujian; 6 events each in Shanxi, Hubei, and Hunan; 5 events in Shanghai; 4 events in Beijing; and 1 event in Liaoning. There were 341 events nationwide.

In China, the party leads the government. The Chinese regime believes that only when party, government, and military officials solidify their "anti-xie jiao" resolve that they can effectively lead the people into joining the "anti-xie jiao" ranks. Therefore, party, government, and military departments across China had also invested heavily in "anti-xie jiao" propaganda work, organizing as many as 52 events throughout 2020. Anhui was the province with the most promotional events, at 10. Anhui was followed by Jiangxi with 7; Shandong with 6; Zhejiang with 5; Guangdong, Guangxi, Sichuan, and Shaanxi with 4 each; Inner Mongolia with 3; Shanxi and Guizhou with 2 each; and Henan with 1.

2.4.2 Arresting and Prosecuting "Xie Jiao" Organizations and Followers: Harming the Rights of Individuals to Hold Private, Religious Belief

The Chinese Communist government has banned the following eight religious organizations: the Church of Almighty God, Falun Gong, the Born Again Movement,[6] the Bloody Holy Spirit Sect, the Shouters, the Three Grades of Servant Church, the

6 In this year's report, I incorporated the official arrests of 40 followers of the Born Again Movement in Jiangsu and Fujian between November and December 2019. This sect was founded in 1968 and was designated as a *xie jiao* by the Chinese government in 1988. Born Again Movement members are characterized by their public display of repentance, confession of sins, and tearful weeping during worship, hence some people call them "criers." A U.S. evangelical publication estimated that there were approximately 20 million Born Again Movement followers in China. However, this number seems a bit large and should only be used as reference.

© 2021 by Taiwan Foundation for Democracy

Disciples Society, Korea's Shincheonji Church, and India's Oneness Movement. At the individual level, a total of 1,670 believers had been arrested or sentenced. The Church of Almighty God had the highest number of those arrested or tried, at 1,473 believers. Among them, some believers were given prison sentences ranging from six months to three years and seven months, fines between 2,000 and 10,000 yuan, and 596,500 yuan of property confiscated. Next on the list was Falun Gong, with 10 practitioners sentenced from 9 months to 5 years and fined between 1,000 to 10,000 yuan, and 120 followers arrested. The Born Again Movement had 40 of their members arrested, while 19 followers of the Bloody Holy Spirit Sect were held in custody or sentenced to 2 years in prison and fined 30,000 yuan. Moreover, six members of the Shouters were sentenced from 1.5 to 5 years in prison and fined between 3,000 and 6,000 yuan; two members of the Three Grades of Servants Church were arrested, and one member of the Disciples Society was arrested. As for the two foreign religious groups, both Korea's Shincheonji Church and India's Oneness Movement received criticism and verbal warnings from the government-sanctioned Three-Self Patriotic Movement church or state media.

As for the affected provinces and regions, Chinese officials arrested Church of Almighty God followers in Shanxi, Guangdong, Guangxi, Zhejiang, and Shandong, which is by far the widest covered area. Falun Gong was next, as its followers were arrested, tried, and sentenced in Liaoning, Jilin (Wang and Zhang, 2020), Inner Mongolia, Guangdong, and Guangxi. With respect to Born Again Movement, its members were arrested in Jiangsu and Fujian. As for the other religious groups, arrests of Bloody Holy Spirit sect members occurred in Guangdong, those of the Shouters were concentrated in Anhui, and believers of the Three Grades of Servants Church were arrested in Shandong and Sichuan.

Members of these so-called "xie jiao" were considered to have violated the law and therefore arrested by the police or sentenced from 2 to 4 years in prison by the court, merely for "preaching religion," "producing and posting religious materials,"

© *2021 by Taiwan Foundation for Democracy*

"downloading or distributing religious promotional materials," "exchange and learning over the computer," "operating a western-style restaurant for the purpose of evangelization," and "religious gathering." In democratic countries, these are all regarded as normal religious activities, yet the Chinese government uses extremely strict laws to punish followers of "xie jiao." Sometimes the adherents are sent to political re-education camps, sometimes they are held and interrogated at the police station; more serious offenders are sentenced to prison or have their church assets confiscated.

3. Ethnic Minority Rights

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

3.1.1 Political Education Camps and Hajj Pilgrimage: Harming the Freedom of Person and Freedom of Religious Pilgrimage of Ethnic Minorities

From 2017 to the present, the Chinese government had set up about 380 "political re-education camps" in Xinjiang, of which 14 were built in 2020. At least one million ethnic Uighurs between 2017 and 2019, plus another 80,000 individuals in 2020, were sent to political reeducation camps to receive "vocational" or "educational" training, solely on the charges that they "wore ethnic clothing," "believed in Islam," "adhered to Muslim customs," "could not sing the national anthem," "used the Uighur translation of the Quran," and "refused traditional Chinese customs." In fact, in the eyes of the Chinese Communist regime, the actions of these Uighurs were in violation of the *Regulations on De-extremization*. While confined at the camps, ethnic Uighurs were required to learn Chinese, obtain legal knowledge, and acquire vocational skills; sing patriotic songs; and refrain from speaking Arabic or using Muslim greetings.

© 2021 by Taiwan Foundation for Democracy

Those who disobeyed were forced to remain standing, imprisoned, and even denied food. After the training session was over, Uighurs were transferred to work at the factory, and their freedoms of religion, of work and of movement were restricted.

The Chinese government promulgated the *Measures for the Administration of Islamic Hajj Affairs* in October of this year, which took effect in December. The new measures required Muslims in all provinces and autonomous regions to legally apply, under certain conditions, for the Hajj pilgrimage to the holy city of Mecca, which the China Islamic Association shall be responsible for arranging in accordance with the law; no other organization or individual may organize Hajj activities. To select the Hajj pilgrims, China would use a system of quotas, provincial allocations, pre-trip assessments, and individual reviews of the applicants' level of patriotism, level of de-radicalization, and their ability to afford Hajj-related expenses. Essentially, China issued the guidelines to regulate the desire of millions of Muslims in China to perform Hajj at least once in their lifetime. Based on the above, the new rules violated the Muslims' freedom of making Hajj to the holy city.

3.1.2 Campaigning Against the Generalization of Halal: Violating the Right of Ethnic Minorities to Non-discrimination

After Xi Jinping put forward the "sinicization of religion" policy in 2016, the Xinjiang government began its campaign against the generalization of halal in 2017 by issuing new regulations. The measures listed a ban on long beards, veils or full-face coverings, and names that have religious connotations. Other rules included "Islamic architecture should be rebuilt in a more Chinese style," "entry to mosques prohibited except on Jumuah (Fridays)," "halal restaurants should be renamed," and "sale of halal foods is prohibited." At first, the regulations only applied to Uighurs residing in the Xinjiang region, but by 2018 the policy was expanded to the provinces of Ningxia and Gansu, with an emphasis on the removal of all halal or Islamic symbols. In 2019, Chinese authorities targeted mosques or the domes on top of the domes, demolishing 53 of them in the provinces of Xinjiang, Henan, Hebei, Guangdong, Shaanxi, Beijing,

© *2021 by Taiwan Foundation for Democracy*

Liaoning, Gansu, and Ningxia. Hundreds of Islamic-style signs and boards were taken down or destroyed.

In 2020, Chinese officials continued its policy of demolishing Islamic-style buildings with extreme vigor, tearing down about 63 mosques, domes, and signs in Jilin, Gansu, Henan, and Ningxia.[7] In addition, local authorities demolished or forced owners to renovate halal signs and symbols of approximately 3,700 Muslim-style hotels and businesses in Henan, Jilin, Yunnan, and other places.[8] The Muslim Street in Beijing also underwent substantial renovations by the government. Government officials even demanded 309 households in Shandong and Henan to conceal or remove duas—prayers or blessings praising Allah—above the doors of their homes.

Other Muslim-related customs such as "no alcohol," "no (pork) meat," and "fast during Ramadan," were also forbidden by authorities. To eradicate Muslim culture in Xinjiang, the Chinese Communist regime issued an order to ban fasting during the month of Ramadan and to change the Muslims' living habits. Officials would travel to the rural areas and demand ethnic Uighurs and Kazakhs to break their Ramadan fast by drinking and eating as usual. Authorities also asked them to dine in traditional Chinese square tables instead of traditional Uighur low tables, sleep in beds instead of mattresses, even setting up alcohol drinking training centers to induce ethnic minorities to break their alcohol taboo and violate their religious beliefs. Under this policy, selected local government officials drank alcohol to demonstrate that they love

7 According to an estimate provided by an Australian think tank, the Chinese Communist regime destroyed 16,000 mosques in Xinjiang between 2017 and 2020 (Central News Agency, 2020b).

8 The Ethnic and Religious Affairs Commission of Henan Province issued the *Notice on the Issuance of Halal Food Certificates*. The notice provided regulations related to the "definition of halal foods," "approval and inspection requirements," "company and shop names not allowed to have religious connotations," "production and retail venues cannot be decorated with religious images or ornaments," "product packaging and advertisement," "list of prohibited and restricted words in the registration of business names related to Islam," and "common religious colors and patterns." According to this notice, government officials can remove or restrict the use of halal signs by people and in houses, shops, advertisements, and food products.

© 2021 by Taiwan Foundation for Democracy

the party and the country (Qiao, 2020).

3.1.3 Assimilating Islam: Harming the Ethnic Minorities' Rights to Protect Their Culture

From 2016 to 2019, the United Front Work Department of the Communist Party of China announced that there were about 41.99 million Han Chinese and Muslim marriages. In 2020, the information was not updated, except news that a few hundred Uighur women had married Han men. In addition, it was reported that Uighurs were prohibited from performing the Islamic marriage vow known as nikah, and all nuptials were changed to Han Chinese-style wedding ceremonies. Furthermore, by comparing satellite images, foreign press disclosed in January 2020 that about 105 Uighur graveyards in Xinjiang's Hotan and Xayar Counties were leveled or destroyed in 2018 and 2019. Among the ruined burial sites was the thousand-year-old Sultanim Cemetery, which was converted to a parking lot.

3.1.4 Anti-radicalization Measures: Clearly Violating Ethnic Minorities' Protection from Ethnic Hatred and Discrimination

As Covid-19 spread at the beginning of 2020, twelve Uighurs in Xinjiang who discussed the outbreak on WeChat were arrested by relevant authorities for spreading rumors and administratively detained. Moreover, an imam from Shenyang, Liaoning, a province in China's northeast, had his user account disabled by government censors solely for explaining Islamic holidays on social media.

3.2 Interfering with the Rights of Tibetans and Other Ethnic Minorities

China's repression and regulation of ethnic minority rights of Tibetans, Mongolians, and Koreans in its territory can be divided into two main types: controlling Tibetan Buddhism and combatting separatism

© *2021 by Taiwan Foundation for Democracy*

3.2.1 Controlling Tibetan Buddhism: Violating the Rights of Ethnic Minorities to Keep Their Religion and Culture

The Chinese Communist regime's grip over Tibetan areas still very much relied on keeping a close watch on Tibetan Buddhism. In August, Xi Jinping put forward a "Ten musts" strategy for governing Tibet, detailing the government's plans to further "sinicize" Tibetan Buddhism.[9] Moreover, the Khenpo Sodargye Bodhi Institute of Compassion and Wisdom was asked by officials to disband, which indicated that religious organizations no longer possessed the freedom of association to study Tibetan Buddhism. The Chinese government also used Internet technologies to block the contact between Tibetans and the Dalai Lama, even impeding local Tibetans from contacting their family members outside the country, a clear violation of "freedom of communication." Traditional "spring plowing ceremonies" in Tibet generally consisted of Tibetan religious rites, but after the Chinese government had intervened, these ceremonies had become a stage for political propaganda and patriotism.

To implement the nations' religious policies, government officials travelled to major Buddhist monasteries and ranches in Tibetan areas to teach the monks about the *Constitution of China*, the *Compulsory Education Law*, and the *Regulations on*

9 The "ten musts" refer to: (i) must uphold the leadership of the Communist Party of China, the socialist system with Chinese characteristics, and the system of regional ethnic autonomy; (ii) must adhere to the strategic thinking of "govern the nation, we must govern our borders; to govern our borders, we must first stabilize Tibet"; (iii) maintaining the unification of the motherland and strengthening national unity must be the spotlight and focus of Tibet's work; (iv) must adhere to the important principles of governing Tibet according to law, enriching the people and rejuvenating Tibet, building Tibet for a long time, uniting people's hearts, and laying a solid foundation; (v) the overall domestic and international situation must be coordinated; (vi) improving people's livelihood and uniting people's hearts must be taken as the starting point and goal of economic and social development; (vii) must promote the exchanges and integration of all ethnic groups; (viii) must adhere to the direction of the sinicisation of religion in China and manage religious affairs in accordance with the law; (ix) must insist on ecological protection first; and (x) must strengthen party building, especially political building (Xinhua News Agency, 2020).

© 2021 by Taiwan Foundation for Democracy

Religious Affairs.[10] For anyone wishing to be selected or promoted in the Tibetan police, authorities would conduct a thorough review of the candidates' political stance and behavior; in general, those who had participated or supported anti-separatist activities would not be considered. According to past practice, civil servants and state officials were not allowed to participate in the Tibetan Buddhist festival of Saga Dawa (held between 5/23 and 6/21); and violators would be expelled from public office ranks and their retirement benefits would be denied. Authorities also shut down many simmering furnaces in Lhasa in the name of protecting the environment, and people were prohibited from using the smoke of simmering mulberry to pray for blessings.[11] To prevent the next generation of Tibetans from getting too close or familiar with Tibetan Buddhism, parents were required to ban their children from participating in any type of religious activities, including celebrating the "Saga Dawa Festival."

China passed the *Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism* in 2007. In 2019, the government offered classes to Tibetan monks so that they would become more familiarized with the policy and selected those who identify with China's party-state through Buddhist monastic examinations. This year (2020), six quasi-living Buddhas that the government had trained completed elementary degrees at the Tibetan Buddhist College, as they prepared themselves for the succession of the Dalai Lama and reincarnation of other living Buddhas.

3.2.2 Combatting Separatism: Harming the Ethnic Minorities' Right to Protection

(1) Laws

The Chinese government adopted the *Regulations on the Establishment of a*

10 The policy of preaching national laws and regulations to ethnic minority religious persons not only applies to Tibetans, but also extends to religious personnel from Tibetan Buddhism, Christianity, and Islam in Xishuangbanna, Yunnan (Xishuangbanna Dai Autonomous Prefecture People's Government Website, 2020).

11 "Simmered mulberry," or smoke sacrifice, is the method through which Tibetans use grains, pine, and cypress branches to worship the gods.

© *2021 by Taiwan Foundation for Democracy*

Model Area for Ethnic Unity and Progress in the Tibet Autonomous Region in January of this year, which would become effective in May. The new regulations called for combatting anti-separatism and promoted marriages among Han Chinese and Tibetans. In March, the government issued the *Measures for Rewarding Informants in Efforts to Combat Pornography and Illegal Publications in the Tibet Autonomous Region* to restrict freedom of speech and encourage Tibetans to spy and report on each other.[12]

The dominant concept found in the first legislation cited above was to implement objectives that the Chinese Communist Party had always emphasized in the past, such as "national unity," "ethnic unity," "anti-separatism," "the leadership of the party," and the Xi Jinping thought on socialism with Chinese characteristics for a new era. The purpose of the statute was to promote national language education, using the party and government apparatus of the Communist Party in Tibet to co-manage and advance the sinicization of religion, promote Chinese-language signs and symbols, encourage schools at all levels to support patriotic education and ethnic unity policies, and help religious organizations, schools, and places of worship resist the infiltration of external religious forces. These measures aroused the attention of the U.S. Congress and international think tanks, which believe that the new regulations flagrantly violated the human rights of Tibetans and would lead to an ethnic and cultural cleansing in Tibet (Chen, 2020).

The second legislation listed above aimed at restricting the freedom of speech of Tibetans. Any publishing and disseminating of print and electronic media publications with contents that criticize the party and country, party and government leaders; harm national unity; incite ethnic hatred and discrimination; advance religious extremism;

12 In 2019, the Office of the National Work Group for Combating Pornography and Illegal Publications (or the National Office Against Pornographic and Illegal Publications) published the *Notice on Issuing the Measures for Rewarding Informants in Efforts to Combat Pornography and Illegal Publications*. The Tibet Autonomous Region government cited the above Notice and made the measures public in March of this year.

© 2021 by Taiwan Foundation for Democracy

preach "xie jiao"; disrupt social order; advocate gambling or violence; insult other persons; endanger public morality or an ethnicity's cultural traditions; and attack central government's policies on Tibet would fall within the legislation's scope for rewarding reports.

(2) Government practices

In 2017, the Chinese Communist regime began promoting Chinese language education in Uighur and Kazakh schools and heavily sentenced Sattar Sawut, head of the Education Department of Xinjiang Uighur Autonomous Region. The Chinese government continued with the policy in 2018, aiming to achieve the sinicization of Uighurs and eradication of pan-Turkism and anti-separatism. China prosecuted and tried three Xinjiang education officials and expanded the language policy to Inner Mongolia.[13] In 2020, China again vigorously expanded the policy, this time to ethnic Mongolian and Korean schools. Officials announced that starting in August, state-approved Chinese language textbooks shall be adopted. In September, at least 183 ethnic Mongolians were arrested for protesting. Public school teachers were required to begin class on time and those who refused would be suspended or fired without pay (Yang, 2020). Ordinary citizens were violently detained, as 37 Mongolians who were arrested in connection with the protests, including two officials, two teachers, and rights activist Yang Jindulima and her husband. By taking these steps, the Chinese government harmed the right of ethnic minority groups to receive protection. In strengthening the implementation of its "sinicization of religion" and "national unity" policies, China rebuffed the language and education rights of ethnic minorities.

In the name of "eradicating criminal and illegal activities," police in Sog County, Tibet, arrested 12 Tibetans for establishing an anti-government religious

13 In December 2020, Chen Xiaojiang, Deputy Secretary of the Central Commission for Discipline Inspection of the Communist Party of China and Deputy Chairperson of the National Supervisory Commission, was appointed as the Party Secretary of the National Ethnic Affairs Commission. Chen become the first Han official to lead the Commission in 66 years, likely will continue to promote and intensify the policy of sinicizing ethnic minorities (Xiao, 2020).

© *2021 by Taiwan Foundation for Democracy*

organization; these Tibetans were sentenced between nine months to one year in prison. Additionally, three Internet celebrities from Qinghai were arrested on charges of "violating moral code" for their online marketing activities.

4. Observations and Analyses

4.1 Exquisite Authoritarianism

Since Xi came to power, China has gradually developed a party-state totalitarian system based on the principle that the party shall lead the government. The level of government control over the rights of religious and ethnic minority groups has surpassed the authoritarian regimes of Deng Xiaoping, Jiang Zemin, and Hu Jintao. China uses state machinery and Internet technologies to conduct 24/7 comprehensive surveillance of religious leaders, members of heterodox religions, and ethnic minority dissidents. Those who violate government policies will be suppressed, arrested, and tried. The Chinese government constantly revises and makes new laws and decrees as it sees fit; the law has long become a tool of the party-state for maintaining a tight control over the people (Central News Agency, 2020a).

I think that we continue to observe strong traces of Xi Jinping-ism, or "Xi-ism", in China's abuse of religious and ethnic minority rights this year. This is shown in the implementation of the "sinicization of religion" policy, which was used to repress Protestantism, Catholicism, Islam, and "xie jiao", thus consolidating Xi's regime. Sign of Xi-ism is again shown in efforts against the over-commercialization of religion, which aimed to curb the spread of indigenous Buddhism, Taoism, and folk religions. Lastly, evidence of Xi-ism can be seen in the anti-separatism, anti-radicalization, anti-terrorism, and anti-halal campaigns, which were used to suppress the rights of religious and ethnic minorities in Xinjiang and Tibet. These government practices turn China into an "exquisite totalitarian regime" that practices "rule by law," rather than a "constitutional state" that respects human rights and the "rule of law."

© 2021 by Taiwan Foundation for Democracy

4.2 Strict Laws and Harsh Governance

After Xi Jinping came to power, he has emphasized the importance of "law-based governance." A strict legal code and system has become his main governing tool (Chang, 2016: 13-19). This year the Chinese government either newly passed or revised several laws, including the *Measures for the Administration of Religious Groups*, the *Provincial and Municipality Regulations on Religious Affairs*, the renewal of the *Provisional Agreement between the Holy See and China on the Appointment of Bishops*, the *Measures for the Administration of Islamic Hajj Affairs*, the *Regulations on the Establishment of a Model Area for Ethnic Unity and Progress in the Tibet Autonomous Region*, and the *Measures for Rewarding Informants in Efforts to Combat Pornography and Illegal Publications in the Tibet Autonomous Region*. China uses these laws and decrees to repress religions and ethnic minority groups alike, hence restricting the fundamental rights of the people to freedom of religion and speech.

However, there are also a few low-level party and government officials in the provinces and autonomous regions who tried to guess what the leadership wanted and acted expediently rather than in accordance with the law. For example, the demolition of indoor and outdoor deity statues and folk religion temples on the grounds that they were "unauthorized construction projects" and "adversely affecting the city's appearance" deprived the people's freedom to believe in domestic religions. Moreover, forcing churches to take down crosses for being placed "too high to be safe," "too exposed," "too conspicuous," "physically higher than the national flag," and other bizarre reasons brought much pain to Christians. Local officials even used the pretexts of "flood control canal expansion," "road construction," and "curbing the spread of religion" to demolish both legal and illegal churches, or repurposed them to other uses, thus completely snubbing the freedom of Christians to erect churches and crosses. This year, the Chinese Communist regime, with authority bestowed by the party-state, has switched from suppressing illegal religions to persecuting state-approved or legal religions as well. This kind of behavior has surpassed the discourse

© *2021 by Taiwan Foundation for Democracy*

that China will not interfere in the so-called "red religions" made by observers in the past (Yang, 2006: 41-47).

4.3 The Party-state Takes Root

The Chinese Communist Party is well versed in the practice of the theory of "cultural hegemony" (Gramsci, 2000). It deftly uses the party-state machinery, mass media, Internet censorship, and educational system as "great internal propaganda" to sway the domestic audience and to brainwash the next generation.

With respect to Christianity, China has placed restrictions on the Christians' ability to sell bibles or religious books on the Internet. The government also used network technologies to strictly regulate online evangelism by individual Christians or churches. Chinese officials have used their public authority to change the content of the bible and inserted Chinese culture elements into religious teaching materials at all school levels. Local party and government organizations demanded that portraits of Mao and Xi and spring couplets that demonstrate a love for the party should be put up instead of religious couplets declaring a belief in the Lord, crosses, and images of Jesus Christ.

With respect to "anti-xie jiao" work, since the very beginning China has set up "anti-xie jiao" websites in all provinces and regions, disseminating its "anti-xie jiao" message and using the entire power of the state to battle the spread of heterodox teachings/religions. "Anti-xie jiao" education and advocacy work is carried out in schools, in communities, and in party and government organizations. Children are taught from an early age to spurn heterodox religions, and people are trained to fear "xie jiao", and would subsequently report them.

4.4 Control and Sinicization of Ethnic Minorities

In 2020 the Chinese Communist government adopted the twin strategies of

© 2021 by Taiwan Foundation for Democracy

"control" and "sinicization" in its governance of ethnic minorities. With respect to control, it has continued its efforts from the previous three years. Since initiating the campaign against "the generalization of halal" in 2017, it still has not scaled back its operations in 2018 and 2019. The campaign put severe restrictions on Uighurs' Islamic faith, lifestyles, customs, and festivals. In 2018, authorities began removing halal symbols and signs in Xinjiang, expanding the policy to all provinces and regions this year. And in 2019, authorities began to demolish mosques and domes, in addition to halal symbols and shop signboards. From this perspective, party and government officials have expanded their control over other lives of ethnic Uighurs and Hui minority outside of religion.

For those who violate the state's anti-halal policy, they will be sent to existing or newly built "political re-education camps," where they are taught to love the party, the country, and the leadership of Mao Zedong and Xi Jinping, hence expanding the connotations of "patriotism" (Kuo, 2019). In addition, they are forced to learn Chinese, obtain legal knowledge, and acquire vocational skills. China also has trained quasi-living Buddhas at the Tibetan Buddhist College, as they prepared themselves for the succession of the Dalai Lama and reincarnation of other living Buddhas. The government also uses Internet technologies to block the contact between Tibetans and the Dalai Lama, or between local Tibetans and the outside world. Authorities also use the law to arrest or prosecute Internet celebrities, individuals who set up anti-government religious organizations, and ethnic minority groups who resist Chinese language education.

As for the policy to sinicize ethnic minorities, the Chinese government has continued to promote intermarriage between Uighur and Han ethnic groups, and require ethnic minorities change their customs of fasting, no consuming pork, and no drinking alcohol during the month of Ramadan. To ensure that ethnic minority children will identify with the Chinese Communist regime, the government has vigorously advocated Chinese language education in Xinjiang over the past two years,

© *2021 by Taiwan Foundation for Democracy*

and in 2020 this language policy has expanded to ethnic Mongolian and Korean schools; currently, bilingual education is maintained only for ethnic Tibetans. It is estimated that in the near future, Tibet will move toward adopting a Chinese language education policy like the Uighur, Mongolian, and Korean minority groups in China.

5. Conclusion

The year 2019 was a disastrous year for religious and ethnic minority rights ever since Xi came to power. This year, because the government was busy fighting the Covid-19 outbreak, the restrictions on religious and ethnic minority rights eased somewhat. Nevertheless, from the government's various actions we can still observe how China's party-state has combined "Xi-ism" to crack down on all religions and control ethnic minorities through repression and assimilation.

The so-called Xi-ism refers to, with respect to religion, policies that have development of religion in the Chinese context (sinicization), and fight against the over-commercialization of religion at the core. With respect to ethnic minority groups, Xi-ism refers to policies that are predominantly focused on anti-separatism, anti-radicalization, anti-terrorism, and language assimilation. Xi's doctrine is supplemented by a stringent legal framework, in which various laws and regulations governing religion and ethnic minority groups are formulated and adopted. The government can then work in conjunction with the party state machinery to govern the nation in accordance with the law, or act expediently and arbitrary to harm the rights of religious and ethnic minorities.

China not only represses foreign religions such as Protestantism, Catholicism, and Islam, but also homegrown religions such as Buddhism, Taoism, and folk religion. The government's goal is to prevent the rapid spread of religious beliefs, which may challenge the status of the Communist Party as the "state religion." The Chinese Communist regime not only controls and sinicizes ethnic Uighurs and Tibetans, but

© 2021 by Taiwan Foundation for Democracy

also has recently targeted ethnic Mongolians and Koreans. Under the sinicization of religion mantra, churches and mosques must incorporate Chinese cultural elements in their exteriors. Even the bible, religious publications, and religious storylines in elementary and secondary school textbooks must be modified to fit within a Chinese national context.

Accordingly, Xi-ism, combined with the existing party-state machinery, is quite efficient in repressing the rights of religious and ethnic minority groups, either at home or abroad. Although the scale of repression has reduced this year, it is estimated that in the coming year, given the above mighty combination, religious individuals and groups and ethnic minorities would have a difficult time attaining a high level of human rights protection in China.

© *2021 by Taiwan Foundation for Democracy*

References

BBC Chinese (2020). "The Vatican and China Renew the Provisional Agreement on the Appointment of Bishops—the Holy See Says Foreign Affairs Not Involved." BBC Chinese. 2020/10/22. https://www.bbc.com/zhongwen/trad/chinese-news-54649226. (accessed October 27, 2020).

Central News Agency (2020a). "Chinese Society Is Under a Comprehensive, 24/7 Surveillance—Cai Xia: China Is Entering an Era of Exquisite Totalitarianism." Central News Agency. 2020/09/21. https://www.cna.com.tw/news/firstnews/202009210191.aspx. (accessed October 27, 2020).

____ (2020b). "Australian Think Tank: China Has Destroyed 16,000 Mosques in Xinjiang in Recent Years." Central News Agency. 2020/09/25. https://www.cna.com.tw/news/firstnews/202009250239.aspx. (accessed October 27, 2020).

Chang, Chialin (2016). "Deregulation or Austerity: An Analysis of Xi Jinping's Speech at the National Conference on Religious Affairs." Prospect & Exploration, Vol. 14, No. 6: 13-19.

Chen, Wenwei (2020). "U.S. Legislator Criticizes Tibet's Ethnic Unity Law for Flagrant Violation of Human Rights, Fears Ethnic Cleaning." Radio Taiwan International. 2020/01/15. https://www.rti.org.tw/news/view/id/2048226. (accessed February 15, 2020).

Gramsci, Antonio (2000). *The Prison Notebooks*. Beijing: China Social Sciences Press.

Hsu, Mingchou (2020). "After Xinjiang's Destruction, Can Mongolia Be Far Behind? Inner Mongolians Are Completely Fed Up with 91% of Their Territory Being Han and Their Textbooks Written in the Chinese Language." Radio Taiwan International. 2020/09/15. https://www.rti.org.tw/news/view/id/2079397. (accessed October 27, 2020).

Kuo, Chengtian (2019). "Introduction: Religious Nationalism in Chinese Society." In Shuwei Hsieh and Chengtian Kuo (eds.), *Chinese Religions and Nationalism*

© 2021 by Taiwan Foundation for Democracy

(pp. 1-29). Taipei: National Cheng-chi University Press.

Mak, Yinting (2020). "Zhang Xiaomai Sentenced to 7 years in Prison for Selling Foreign Religious Books Online." Radio France Internationale. 2020/10/02. https://www.rfi.fr/tw/中國/20201002-網上出售外地宗教書籍-張小麥判囚7年. (accessed October 27, 2020).

Marcuse, Herbert (2015). Wang, Yu-tse and Chi Liu (trans). *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society*. Taipei City: Rye Field Publishing.

Qiao, Long (2020). "Xinjiang Muslims Forced to Drink and Smoke." Radio Free Asia. 2020/01/17. https://www.rfa.org/mandarin/yataibaodao/shaoshuminzu/ql2-01172020104835.html. (accessed February 15, 2020).

Shen, Xinran (2020). "Eradicating Religion Like During the Cultural Revolution: Henan and Hebei Continue Destroying a Large Number of Folk Religion Temples." Bitter Winter. 2020/07/28. https://zh.bitterwinter.org/numerous-folk-religion-temples-destroyed-in-henan-and-hebei/. (accessed August 30, 2020).

Tung, Liwen (2020). "The Human Rights Dialogue and Confrontation between China and the World in 2019—Global Divide and a New Cold War over Human Rights." Taiwan Foundation for Democracy (ed.), *China Human Rights Report 2019* (pp. 23-49). Taipei: Taiwan Foundation for Democracy.

Wang, Fengshi and Bo Zhang (2020). "During the Pandemic, Falun Gong Practitioners Post Reactionary Slogans in Secret." China Anti-Xie Jiao Network. 2020/02/07. http://www.chinafxj.cn/sabx/202002/07/t20200207_25531.shtml. (accessed February 15, 2020).

Wu, Keng (1993). *Weber's Political Theory and Its Philosophical Foundations*. Taipei: Linking Books.

Xiao, Lusheng (2020). "Chen Xiaojiang Takes Over as Party Secretary of the National Ethnic Affairs Commission." The Epoch Times. 2020/12/15. https://www.epochtimes.com/b5/20/12/15/n12621451.htm. (accessed February 17,

© *2021 by Taiwan Foundation for Democracy*

2021).

Xinhua News Agency (2020). "Xi Advocates 'Sinicization of Tibetan Buddhism,' Does Not Mention the Dalai Lama." Hong Kong Apple Daily News. 2020/08/30. https://hk.appledaily.com/china/20200830/GG2RGNBC3ZAEFKOO7UGBUCWKVA/. (accessed August 30, 2020).

Xishuangbanna Dai Autonomous Prefecture People's Government Website (2020). "In 2020 the First Training Class for Representatives of Southern Buddhism (Theravada) from the Xishuangbanna Prefecture Will Be Held in Menghanzhen." Xishuangbanna Dai Xishuangbanna Dai Autonomous Prefecture People's Government Website. 2020/06/24. https://www.xsbn.gov.cn/143.news.detail.dhtml?news_id=79678. (accessed June 30, 2020).

Yang, Fenggang (2006). "The Triple Religious Markets in China." *Journal of Renmin University of China*, Vol. 6: 41-47.

Yang, Xiangwen (2020). "National Rectification Campaign Continues Amid the Pandemic: Nearly 100 Folk Religion Sites Suppressed and Demolished." Bitter Winter. 2020/06/21. https://zh.bitterwinter.org/nearly-100-folk-religion-sites-suppressed-in-three-provinces/. (accessed June 23, 2020).

© 2021 by Taiwan Foundation for Democracy

© 2021 by Taiwan Foundation for Democracy

Gender Rights: The CCP's Emerging View of Gender Rights

Wei-ting Wu*

Abstract

Since 2017, the Gender Rights Report has continued to review the status of gender rights in China by using the standards of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW). There are two similarities in development between 2020 and 2019: Firstly, the Chinese government has adopted a dual approach to gender issues at home and abroad. Secondly, the leader of the Chinese Communist Party, Xi Jinping, has requested women to return to their families, taking up family tradition, which continues to infringe on the development of women's rights. However, due to the struggles between China and the United States and the Covid-19 epidemic in 2020, there are different types of violations found in 2020, which are very different from the cases of 2019.

2020 is the 25th anniversary of the United Nations World Conference on Women in Beijing. China and the United States continued to use gender issues as a tool for mutual attacks. Both countries used this arena to blame each other, pointing out their counterpart's mistakes on gender rights. The spread of the epidemic since the beginning of 2020 caused several concerns, including the violations of the human rights of female medical staff, the hospital refusal of taking in certain types of patients such as pregnant women, gender discrimination in employment, and the increase of domestic violence cases.

* Associate Professor of Graduate Institute for Gender Studies, Shih Hsin University. Email: wwuatny@gmail.com. Many thanks to the Research Assistant, Yihan's contribution to this report.

© 2021 by Taiwan Foundation for Democracy

Similar to the situation in 2019, China's attitude towards LGBTI groups remains the same. The government overtly supported their rights on various international occasions but domestically suppressed these groups. In 2019, Xi Jinping started to advocate the so-called "family tradition", which was incorporated into policies and laws in 2020. In order to keep the top leader happy, various centers for the promotion and education of family tradition were established across the country, including one built inside a shopping mall.

This report uses several indicators derived from the Convention to observe gender rights in China, including the freedom of association of women's groups, gender discrimination in employment, the right to education, the personal safety of girls and women, the land rights of rural women, and LGBTI rights. There are many infringement cases found for each indicator.

Keywords: gender rights, women's group, rural women

1. Introduction

The Gender Rights report (hereafter, the Report) first reviews China's performance on international indicators of gender equality. It uses the same "Gender Inequality Index" (GII) ranking of the United Nations Development Programme (UNDP) as the report did last year and introduces a new ranking from the *Gender Gap Report* of the World Economic Forum in this report. According to the *Human Development Report* of UNDP, China ranked 35th in the GII in 2017, dropped to 39th in 2018, and remained to be 39th in 2019. Among the five indicators of GII, the labor force participation rate of women aged 15 or older decreased by 0.8% in 2019 compared to 2018, and the gap between this indicator and that of men increased (United Nation Development Programme, 2020). The *Gender Gap Report* of the World Economic Forum has four indicators: economic participation and opportunity,

© *2021 by Taiwan Foundation for Democracy*

education, health, and political empowerment, and each of them all has some sub-indicators. During the past four years, China ranked 100 out of a total of 144 countries in 2017, 103 out of a total of 149 countries in 2018, and 106 out of a total of 153 countries in 2020. There was no report in 2019. Among the four indicators, China was at the bottom of the health indicators for the three consecutive reporting years. Among its sub-indicators, China's sex ratio at birth was the most imbalanced in the world for the three consecutive reporting years. It is obvious that China must have violated the *Convention on the Elimination of All Forms of Discrimination against Women* (hereafter, CEDAW) (World Economic Forum, 2017, 2018, 2020).

The Report bases its analyses on "the actions and inactions of the State in response to gender discrimination". Therefore, the main sources of data collected are from Chinese domestic media and official discourses. Based on the observations in 2019, the biggest threat to gender rights in China came from Chinese leader Xi Jinping. From Xi Jinping's talks in 2019, he asked women to return to their families and take responsibility for family tradition. According to the observations in 2020, a series of policies and measures on family tradition were introduced one after another by both local and central governments.

Compared to 2019, there are two important violations of gender rights in 2020. First, the United States and China used the meeting for the 25th Anniversary of the 4th World Conference on Women in Beijing as a stage to attack each other, and gender rights became a political tool. The second is Covid-19, which has caused global panic since the beginning of 2020. The epidemic has resulted in many gender rights abuses, targeting female medical staff, pregnant women, and women in general.

In addition, some new trends different from 2019 have emerged in the following five areas: Firstly, there are two important developments of gender politics: the entry of the All-China Women's Federation (ACWF) into colleges and universities to establish women's federations has seriously affected other gender groups' organizational strategy of using colleges and universities as a base, and China

© 2021 by Taiwan Foundation for Democracy

Women's News transformed into a party newspaper and held its first party congress. The second trend focuses on employment discrimination. Apart from the persistent gender discrimination in employment in the public and private sectors, the issue of inconsistent retirement ages between men and women has also begun to be discussed. The third trend focuses on the issue of personal safety. Several major domestic violence cases were observed, including jumping from a building to escape domestic violence, a female spouse being abused and killed by her in-laws, but the court gave the suspect a lenient sentence. The fourth trend is about the appearance of menstrual poverty in health rights. Fifthly, in terms of the right to education, it is observed that the ages of rural girls had been misreported, so they could be married off early and unable to go to school.

There are other two issues: (the violations of) rural women's land rights and LGBTI rights, which are similar to discriminatory national practices observed in 2019.

The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) is used as the standard of review for this report. The reason for choosing CEDAW as the basis for the review is because, on the one hand, it represents the universal value of women's human rights among the nine human rights conventions of the United Nations (UN). On the other hand, the Chinese government signed the CEDAW as early as 1980 and should have complied with the relevant provisions. Please see Table 1 for a comparison of the relevant issues and CEDAW provisions.

Finally, as mentioned above, the perspective of observation offered by this report focuses on government behaviors, including both its actions and inactions. Therefore, the main source of information is from the official media "China Women's News." In addition to this newspaper, the other two main references used are "Beijing News" and "The Paper." These two sources are used to verify the government's actions on gender rights from the perspective of local gender groups. This report has collected

© *2021 by Taiwan Foundation for Democracy*

1,885 reference materials, including 1,502 news reports from "China Women's Daily". The period of observation was from December 2019 to November 2020. Among them, there are 1,008 news reports on gender politics, 288 news reports on personal safety, and 305 news reports on employment discrimination, health rights, education rights, rural women's land rights, and LGBTI rights. A comparison of the infringements of general rights reported in the news and the relevant regulations of CEDAW are listed in the table below.

Table 1. China's Violation of the CEDAW Provisions in relation to Gender Rights in 2020

Gender Rights	Items	CEDAW Provisions
1. Gender Politics	1.1 Sino-US Struggles	Article 2 The Pursuit of All Appropriate Means and Without Delay A policy of Eliminating Discrimination against Women. Article 5 The Elimination of Gender Prejudices and Customary and All Other Practices. Article 7 and Article 23 The elimination of discrimination against women in the political and public life of the country and the achievement of gender equality.
	1.2 The Transformation of Women's News to the "Party News"	
	1.3 The Relations between Gender Groups and the State	
	1.4 The Movement of Promoting "Family tradition"	
2. Covid-19		Article 5 The Elimination of Gender Prejudices and Customary and All Other Practices. Article 11 Employment General Recommendation No. 24 of Article 12 on Women and Health General Recommendation No. 34 of Article 14 on The Rights of Rural Women
3. Employment Discrimination		Article 2 The Pursuit of All Appropriate Means and Without Delay A policy of Eliminating Discrimination against Women. Article 4 Maternity Protection Article 11 Employment

© 2021 by Taiwan Foundation for Democracy

4. Female Personal Safety	4.1 Prevention of Domestic Violence	General Recommendation No. 12, No. 19, and No. 35 on Violence against Women. General Recommendation No. 33 on Women's access to justice. General Recommendation No. 31 on the Rights of the Child.
	4.2 Anti-Sexual Harassment	
	4.3 Minors' Personal Safety	
5. Rural Women's Land Rights		Article 2 The Pursuit of All Appropriate Means and Without Delay A policy of Eliminating Discrimination against Women. Article 5 The Elimination of Gender Prejudices and Customary and All Other Practices. General Recommendation No. 34 of Article 14 on The Rights of Rural Women
6. Health Rights		General Recommendation No. 24 of Article 12 on Women and Health General Recommendation No. 34 of Article 14 on The Rights of Rural Women
7. Right to Education		General Recommendation No. 36 of Article 10 on Education General Recommendation No. 34 of Article 14 on The Rights of Rural Women General Recommendation No. 31 on the Rights of the Child.
8. LGBTI Rights		Article 2 The Pursuit of All Appropriate Means and Without Delay A policy of Eliminating Discrimination against Women. Article 5 The Elimination of Gender Prejudices and Customary and All Other Practices. Article 10 Education General Recommendation No. 28 on Sexual Orientation and Gender Identity.

Source: The table is constructed by the author based on the CEDAW.

© *2021 by Taiwan Foundation for Democracy*

2. Gender Politics

2.1 Gender Issues as the Stage for Sino-U.S. Struggles

The primary observation of gender politics in 2020 is that gender issues have become one of the themes of the confrontation between the United States and China. At the 25th anniversary of the World Conference on Women in Beijing organized by the U.N., the United States Representative, Betsy DeVos, the Secretary of Education, referred to China as "the worst violator of women's rights" after Chinese President Xi Jinping's speech (Zhang and Hong, 2020).

In his speech at the event, President Xi Jinping mentioned the need to help women overcome the impact of the epidemic, and indicated that China would donate another 10 million U.S. dollars to UN Women over the next five years. He also proposed that world leaders hold another World Conference on Women in 2025 (China Women's Daily, 2020f). The U.S. Secretary of Education, Betsy DeVos, who spoke later, condemned the Chinese Communist Party (hereafter, CCP) for killing "millions of baby girls" since 1995, suppressing Uyghurs and other ethnic minorities and forcing women to have sterilization and abortion. She urged the U.N. to "stop ignoring and assisting these repressions" (Zhang and Hong, 2020).

At the same time as the meeting, Mike Pompeo, the Secretary of State, issued a statement criticizing China's forced abortion and sterilization of Uyghur women and the suppression of women's freedom of speech and association (Voice of America, 2020). In response to the successive attacks of the U.S., the spokesperson of the Chinese Foreign Ministry and the spokesperson of the Permanent Mission of China to the U.N. responded with a series of counter-attacks, using the rise of the Me-Too movement against sexual harassment in the U.S. and the communal issue of Black Lives Matter to question the seriousness of human rights abuses in the U.S. (Ministry of Foreign Affairs Website, 2020).

© 2021 by Taiwan Foundation for Democracy

2.2 Transformation of China Women's News into a Party Newspaper

At the beginning of 2020, the China Women's News started positing itself as "a newspaper of the Party for women", further strengthening its awareness of transforming into a party's newspaper (China Women's News, 2020b). This self-declaration of the China Women's News was also reflected in the change of its coverage, presenting more talks from the top leader Xi Jinping in its news reports and reporting daily on the actions or speeches of the ACWF chairperson in January and February. In addition, in the "Top 10 Women of 2019" organized by China Women's News, the head of Maxim's Group, Wu Suk-ching, who played a controversial role in Hong Kong's anti-Extradition Movement, was selected (China Women's News, 2020a).

In March and April, the China Women's News published weekly on General Secretary Xi Jinping's remarks, the ACWF Chairperson's call for its members from all levels of the organization to study the top leader's instructions, and the enthusiastic responses of community-level ACWF cadres to General Secretary Xi's remarks. In May, the China Women's News held its first CCP Representative Meeting since the establishment of the newspaper and elected the CCP committee members and the members of the CCP Commission for Discipline Inspection for the first time (Fu, 2020). The newspaper that used to be independent media since its inception, has veritably become a political mouthpiece.

2.3 The Relations between Gender Groups and the State

The relations between gender groups and the state is highly related to the way how an authoritarian regime intervenes and manages its civil society. The development of Chinese civil society has been suppressed by two major systems, the State and the Party. The suppression and restriction of opportunities and space for women to participate in public affairs is a serious violation of Article 7 of the CEDAW

© *2021 by Taiwan Foundation for Democracy*

and General Recommendation No. 23.

The most important observation in 2020 was the news about the ACWF's entry into the higher education system in August when it was reported that a pilot project of such an expansion was launched in Jiangsu Province (Yao, 2020a). In September, the ACWF of Zhejiang organized a training course for these college and university ACWF chairpersons. This was the first training course held for the leaders of ACWF in colleges and universities after the reform of the group. It was attended by the chairpersons and vice-chairpersons from 38 college and university branches of ACWF across the province and the "trainees" who were actively preparing to form their own ACWF branches in colleges and universities (Yao, 2020c). The entry of the ACWF into colleges and universities would affect the strategic choices of other feminist groups since colleges and universities used to be their main field to develop influence.

At the same time, the ACWF continued to incubate social organizations, and in September there was the first report about the ACWF's incubation of social organizations after the outbreak of the epidemic. For example, the ACWF of Fenghua District in Ningbo established the "Lanxin HUI" social organization hub platform, nurturing and incubating 12 "core level" female social organizations, 54 "close level" female social organizations, and 148 "peripheral level" female social organizations (Yao, 2020b). The ACWF of Suzhou organized the incubation of 1,100 professional female social organizations at various levels (Ru, 2020). The ACWF of Beijing nurtured a total of 23 women's and children's social organizations. Apart from that, there were more than 3,000 women's and children's social organizations closely linked to the ACWF through political leadership, business cooperation and incubation (Xu, 2020).

2.4 The Promotional Campaign of "Family Tradition"

Based on the observations in 2019, the biggest threat to China's gender rights came from Chinese leader Xi Jinping. From Xi Jinping's talks in 2019, he asked

© 2021 by Taiwan Foundation for Democracy

women to return to their families and take responsibility for family tradition. In 2020, it was observed that various policies and measures of promoting family tradition were made at different levels of government.

In January, a marriage and family counseling center was established in every county in Shangdong (Yao, 2020a). The ACWF of Chongqing launched the "Happy Family Classroom in the Community and Village" project through the purchase of social services in 2002 (Xu, 2020). From the central to the local levels of government, reconstituting family tradition was not just a matter of preaching traditional family values but a chance to show their allegiance to leaders at all levels. The national ACWF submitted the *Recommendations on Incorporating the Related Contents of Building a Family Education Guidance Service System into Family Education Legislation*, suggesting that when the National People's Congress enacts the *Family Education Law*, it should strengthen the core tasks of family moral education in the relevant provisions to ensure that the implementation of the law would establish the good family tradition stressed by General Secretary Xi Jinping (Qiao, 2020b).

The *White Paper on the Judicial Protection of Women's and Children's Rights and Interests* issued by the Shanghai government mentioned that Shanghai courts are guided by creating a harmonious family atmosphere and must achieve the function of emotional healing in family trials (Cao, 2020). This trend seriously endangers the human rights of women. In addition to laws and policies, there were various promotions of family tradition across different localities. For example, the "Hengxin Museum of Family Tradition", a base for the innovation and practice of family education, was officially opened in Yantai Development Zone, Shandong. It was also the first center of family tradition built in a shopping mall (Yao and Liu, 2020).

© *2021 by Taiwan Foundation for Democracy*

3. Covid-19

Covid-19, which brought the greatest impact on the world in 2020, also brought significant violations to women's rights in China. There were numerous news reports of human rights violations against women, from the frontline female health workers facing Covid-19 to professional women and housewives, as a result of the epidemic. Firstly, according to Chinese official statistics, 28,000 of the 42,000 medical workers, accounted for two-thirds of the personnel, sent to assist the epidemic outbreak in Hubei are women (Tian, 2020b). However, female medical staff not only failed to get the protection they deserved, but their rights were also frequently violated. The three common types of violations of female medical staff's rights are summarized as follows.

Firstly, many female members of the medical teams from different cities and provinces sent to assist Hubei were forced to cut their hair. One of the obvious examples is given by the news report from Gansu Province. One day, the website of Gansu Daily published a piece of news titled "Cut Off Your Hair, Get Ready for Battle" (Tian, 2020). It can be seen in the video that 14 of the 15 female medical staff sent by the Gansu Provincial Maternity and Child Health Hospital had their heads shaved. Some women were crying during their haircuts. Almost all the medical teams sent by different provinces and cities to assist Hubei required their female members to cut their hair, leading to a doubt whether it was ordered by the central government?

Secondly, the lack of menstrual supplies and other supportive items for female medical staff would harm women's health. The ACWF of Shanghai posted an article on its official WeChat account that it learned from medical and health institutions fighting at the forefront of the epidemic that more than 50% of the doctors there and more than 90% of the frontline nurses were female (Yao, 2020). A doctor from Shanghai Ruijin Hospital told the Vice Chairman of the ACWF of Shanghai, "Once wearing the isolation gowns, these female medical staff could not eat or drink for 8 hours. It must be very uncomfortable for them during their period" (Red Star News,

© 2021 by Taiwan Foundation for Democracy

2020b). During a menstrual cycle, sanitary napkins should be replaced within 2 hours at most to prevent bacterial infections. According to many media reports, the lack of menstrual supplies and other supportive items for frontline female medical staff was serious. For example, some female medical staff was unable to change their sanitary napkins for a long time, "the blood and urine are mixed together", "they have to stick to their posts during their period without menstrual supplies. They applied to the head nurse for some sanitary napkins two days ago but still haven't received them" (Ying, 2020). It was reported that until the end of February, the ACWF urgently raised 40,000 packs of sanitary napkins, and the civilian campaign of "Sisters' Peace of Mind in Battle" raised more than 300,000 disposable sanitary pants and more than 200,000 disposable panties for these frontline female medical workers (China Newsweek, 2020). In February 2020, the National Development and Reform Commission of China issued the "List of Guaranteed Materials for Epidemic Prevention and Control", including not only medical supplies, but also living supplies such as tents, quilts, vegetables and food, but there were no menstrual supplies in the list (Office of the National Development and Reform Commission, 2020). As a result, these products could neither be centrally procured by the command centers as guaranteed materials nor be delivered through the special "green channel" for anti-epidemic materials. The transportation and distribution of these products became very limited (Yu and Zhang, 2020).

Thirdly, according to the report of the Beijing News, some hospitals, including the Obstetrics and Gynecology Hospital of Fudan University, provided progesterone for their frontline female medical staff to delay their periods (Xu, 2020).

General women, who are not medical staff, also experienced violations of their rights during the epidemic. The four common types of rights violations against general women are as follows. Firstly, there were many cases of pregnant women who had no hospital willing to deliver their babies. For example, a pregnant woman with a fever in Wuhan was transferred among 6 hospitals to give birth on the Chinse New Year's

© *2021 by Taiwan Foundation for Democracy*

Eve. The export interviewed said: "It is necessary to clarify who will receive special patients as soon as possible" (Red Star News, 2020a). There was no media report found until November 7 that the National Health Commission issued the *Notice on Doing a Good Job in the Prevention and Control of the Covid-19 Epidemic in Autumn and Winter in Maternal and Child Health Institutions*, clarifying the requirements for the hospitalization of pregnant women (@Xinhua View, 2020).

Secondly, domestic violence cases were increased significantly. For example, the Beijing court mentioned that due to the impact of the epidemic, many family members who were isolated at home were prone to conflicts, increasing the risk of domestic violence (Wang, 2020). In addition, Wan Fei, a retired policeman and the founder of "Women and Children's Rights Protection Association under the Blue Sky" for anti-domestic violence in Jingzhou, Hubei Province, said that local police have received twice the amount of domestic violence reports since the outbreak (The Paper, 2020a).

The third type of violation is employment discrimination. China's Women's News reported that female employees who were pregnant and breastfeeding were at risk of being dismissed due to the survival pressure of the company during the epidemic (Wang, 2020a). In fact, the situation of female workers being unable to work or being laid off as a result of the epidemic is very severe. There are multiple reports of unpaid leave and forced resignation of female workers who were pregnant. The China Federation of Trade Unions even required that "women's groups in trade unions at all levels…should investigate and grasp the difficulties and interests of female employees during this special period, actively research and mapping the problems and conduct collective bargaining (with employers)" (Qiao, 2020a). However, similar news reports of employment discrimination continued to appear.

The fourth type of violation is the stereotype of gender roles. There were reports of women being asked to stay at home to look after children because of the epidemic. For example, the Jinan government initiated: for the family with two working parents, the mothers should act as the primary takers for children who were home because of

© 2021 by Taiwan Foundation for Democracy

the delayed start of school (Liang, 2020). Many families fell into the predicament of having unsupervised children at home due to parents' confirmed infection, suspected infection, or need for observation in isolation, or the need for epidemic prevention and anti-epidemic work. Many places reported on the arrangement of temporary guardians, such as "temporary mother" or "ACWF mother", for unsupervised children. However, the government has blindly shifted the responsibility of caring for children to women, seriously hurting women's autonomy and employment rights. The State Council issued the *Work Plan for Rescuing and Protecting Children Without Guardianship Due to the Covid-19*, and once again, the provision of this guardianship service was fallen into a stereotype and got delegated to the ACWF (Tian, 2020a).

According to China Women's News, the central government continued focusing on the ideological and political guidance for women's roles in the prevention and control of the epidemic: "In order to unite women's groups to obey the party's decisions and follow the party's new ideas and methods, the party's ministry of the organization decided to coordinate all central media and media in associated with the ACWF to immediately publicize the spirit of General Secretary Xi Jinping's latest important speech and the deployment of party's central decisions, promoting the Chinese spirit, the Chinese strength, and the Chinese responsibility to strengthen the confidence and determination of women in fighting the epidemic" (China Women's Daily, 2020h).

4. Employment Discrimination

The issue of employment discrimination presents a paradox. The central government, starting with President Xi Jinping, has taken the lead in declaring the elimination of sex discrimination in employment. However, the observations made since 2018 continued to reveal the practices of employment discrimination against women, especially pregnant women, in both the public and private sectors. Apart from

© *2021 by Taiwan Foundation for Democracy*

gender discrimination in employment in both sectors, another issue that has sparked debate in the community is the long-standing issue of inconsistent retirement ages between men and women. In the past, women were required to retire at the age of 50. The government took the lead in employment discrimination, which seriously violates Article 11 of the CEDAW.

In June, the *Sex Discrimination Report on National Civil Servants Recruitment* released by the "Sex Discrimination Monitoring Team", a gender group, showed that the state-led cases of gender discrimination in employment were still emerging (Gender Discrimination Monitoring Team, 2020). For example, the recruitment of auxiliary police officers in Taicang, Jiangsu was limited to men. When asked why there was sex discrimination, the person in charge responded that the quota for female auxiliary police was full. When asked why the 110 operators were also required to be male, the aforementioned person in charge stated that the police officers need to be "available 24 hours a day. The female (auxiliary police) may have to take care of the children, which is inconvenient" (Yang, 2020).

The Wuchang City Office in Heilongjiang publicized the *Announcement on the National Open Recruitment of Wuchang City Government Officials* in 2020, aiming at recruiting 145 civil servants, and 30 of them were required to be male. These male-only positions were from: Audit Bureau, Emergency Management Bureau, Business Environment Construction Supervision Bureau, and Public Security Bureau. There was one surprising news report by China Women's News questioning that if the positions offered by the Public Security Bureau of Wuchang City were dangerous, it may be understandable why only male applicants were allowed. However, why did the Organization Department of Wuchang Municipal Committee of the CCP also limit the positions offered by the Wuchang Municipal Audit Bureau, the Wuchang Municipal Emergency Management Bureau, and the Wuchang City Business Environment Construction and Supervision Bureau to be male-only too (Jia and Liu, 2020)?

© 2021 by Taiwan Foundation for Democracy

In addition, there were several examples of violations of maternity protection. Baring the fact that her score was the second-highest in the written exam, the highest in the interview, ranked the first in terms of the total scores in the recruitment process, a pregnant woman was rejected by a teaching post because she did not include a chest X-ray in her physical examination report. A similar situation was reported by five other pregnant women, who suspected that the omission of some physical examination items was just an excuse used by the Bureau of Culture, Education, Sports, and Health to discriminate against pregnant women (Yu, 2020). Such an action violated not only the *Law on the Protection of Women's Rights and Interests* but also the *Notice on Establishing a Cooperative Mechanism for Joint Promotion of the Protection of Women's and Children's Rights and Interests* announced by the Supreme People's Procuratorate and the ACWF on January 8, 2020, which clearly stated the necessity to prohibit any forms of sex discrimination suspected in the recruitment processes of state agencies and institutions.

The news on the violations of maternity protection of CEDAW Article 4 Paragraph 2 was also found in the private sector. A private company's personnel department required its female employees to submit an article of sales experience daily during their breastfeeding period. They were required to write 600 words per hour with a fine of 50 yuan for each typo, a fine of 100 yuan for a repetitive sentence, and a fine of 500 yuan for a late or no submission. This regulation only targeted female employees who were breastfeeding, constituting sex discrimination in employment (Chen, 2020).

Apart from the continuous sex discrimination in employment and violations of maternity protection in the public and private sectors, another fundamental source of sex discrimination in employment is China's retirement system, where men and women retire at different ages. The retirement age for men is 60 years old, 55 for female cadres, but female workers have to retire at the age of 50. Such a division on retirement ages was based on gender and occupational class, forcing women

© *2021 by Taiwan Foundation for Democracy*

to leave their jobs earlier. In the past, as a Socialist country, China may manifest early retirement as a form of protection or care to women. However, the standards of pension have remained the same during the past decades, and more and more private companies failed to provide adequate retirement protection. Under the current circumstances, early retirement is equivalent to forced retirement.

This issue involves how a state views its labor force. Therefore, although women had complained in the past, they could not prompt the government to rethink its retirement policy until China was faced with the problems of low birthrate and aging. Xinhua News Agency issued the *Recommendations of the Central Committee of the CCP on Formulating the 14th Five-Year Plan of National Economic and Social Development and Long-Term Goals for 2035* in 2020, stating the need to "gradually delay the statutory retirement age" (China Women's News, 2020g). In fact, since 2015, the retirement ages have been delayed for female cadres and educated women, but the rights of blue-collar women who are facing forced retirement and insecurity in their retirement are still being violated.

The final discussion is the labor rights and personal safety of sex workers. In the past, the custody and education system was implemented according to Article 4, Paragraphs 2 and 4 of the *Decision of the Standing Committee of the National People's Congress on Prohibition of Prostitution* to detain sex workers, which seriously violated their human rights. This system was terminated on December 29, 2019 (Xinhuanet, 2019). The custody and education system allowed the public security system to abuse its powers by arbitrarily detaining sex workers without notification of the length of their detention. Therefore, sex workers were often willing to pay money in exchange for not being transferred to the custody and education system. However, after the termination of this system, a news report found in November 2020 that a police station in Changsha published a joint announcement with local communities that prostitutes and their clients would all be reported to their families and employers (Cao, 2020). This announcement once again caused panic among sex workers, fearing

© 2021 by Taiwan Foundation for Democracy

the threat of violence, intimidation and bribery by the police in the past would be repeated.

5. Women's Right to Personal Safety

5.1 Domestic Violence Prevention

March 1, 2020 was the fourth anniversary of the implementation of the *Anti-Domestic Violence Law of the People's Republic of China* (hereafter, the *Anti-Domestic Violence Law*). However, after four years of implementation, most local governments still have very negative attitudes towards domestic violence prevention, which is in breach of CEDAW's General Recommendation No. 19.

In several domestic violence cases that shocked society, the personal safety of female victims was violated by the public security and judicial systems. In Nanjing, a man was sentenced to death for murdering his wife, and his wife had reported to the police for domestic violence six times before. The police were unable to stop the husband, and eventually, she was killed (Luo and Fu, 2020). A woman from Zhecheng County, Shangqiu City, Henan Province jumped off the building because of unbearable family violence. She jumped from the second floor to escape her husband, causing 9 fractures in her body, including her left eye socket, lumbar spine and thoracic spine in the lumbar spine and thoracic spine, and both lower limbs were paralyzed (The Paper, 2020b). In September, Lamu, an Internet celebrity from Aba, Sichuan, was burned to death by her ex-husband during a live broadcast at her home, arousing national outrage (He, 2020).

In Shandong, a woman was tortured to death due to infertility. Her husband and mother in-laws hit her repeatedly, and she was malnourished due to a lack of sufficient food. The court of the first instance, however, imposed a lenient penalty. According to the news reports, the accused, Zhang Moulin, Liu Mouying, and Zhang and the

© *2021 by Taiwan Foundation for Democracy*

victim Fang Mouyang lived together, and by beating, freezing, starving, and detaining the victim, they caused both physical and mental damages to the victim. Apart from malnutrition, the victim also suffered from multiple blunt force traumas, resulting in extensive soft tissue contusions as a cause of her death. The circumstances were execrable.

However, the verdict of the Yucheng People's Court of First Instance stated that: the lenient punishment for the accused was based on their confession and repentance. After investigation, the court found that the crime committed by the accused Zhang was relatively minor, and he had shown repentance and was not in danger of committing another crime. The probation was granted since his release would not bring any adverse effects on society (Zong, 2020). Moreover, the People's Court of Yucheng City did not hold a public hearing, which violated the legal procedures required by law, as well as CEDAW's General Comment No. 33.

Moreover, the *Anti-Domestic Violence Law* has been legislated for more than four years, but the courts across the country have only issued a total of 6,649 protection orders for personal safety (Wang, 2020c). According to the 2007 ACFW survey that more than 30% of households had domestic violence incidents, 6,649 protection orders in four years only showed the inaction of courts and police.

Some news about local governments' self-review on their inaction was also found. For example, the Public Security Bureau of Taizhou admitted that "because grassroots police stations are not clear about when to issue a warning, the total number of domestic violence incidents reported sometimes don't match the total number of warnings issued in the same day. There are some circumstances where the warnings were not issued" (China Women's News, 2020e). In November, the Public Security Department of Jiangxi Province and the Provincial Women's Federation jointly issued the *Notice on Promoting the Protection of Women and Children's Rights by Police Stations in the Province*, which clearly stated that police stations must become the first line of defense to protect women and children, effectively prevent and stop domestic

© 2021 by Taiwan Foundation for Democracy

violence, and never allow a case to be dismissed, pushed away or ignored because of its minor nature (Liu and Wen, 2020).

5.2 Anti-Sexual Harassment

There were many cases of sexual assault and sexual harassment on campus, including the sexual assault case of a teacher in the Southern College of Sun Yat-Sen University (Lei, 2020), the suspicion of sexual assault of Wang Yulei, a professor of South China University of Technology (Jiang, 2020), and the sexual harassment case against Hou Yunhua, who was a teacher of the Faculty of Arts of Henan University and a member of the Henan Provincial Committee of the Political Consultative Conference, by his students (Yu and Yang, 2020). The Ministry of Education responded that a "CCP Committee Teacher Work Department" and other organizations would be established to deal with teachers' "morale and morality" (The Ministry of Education of China, 2020), but it was still reluctant to directly establish a formal investigation mechanism for sexual harassment complaints.

In the face of endless cases of sexual harassment and assault on campus, several universities used discriminatory language in their prevention and treatment campaigns. For example, in a booklet of safety knowledge for university students in Zhejiang, "loving to dress up" was listed as a reason for the sexual assaults of female students (The Paper, 2020e). In its publication of "Safety Strategy for Girls," Guangxi University advised girls "not to wear revealing clothes and skirts showing their chests, waists, and backs to prevent sexual temptation" (Liu, 2020).

5.3 Personal Safety of Minors

The issue of minors' personal safety was first addressed in the 2019 Report. In 2020, there were several major social cases severely violating the human rights of young girls protected by CEDAW's General Recommendation No. 31. The

© *2021 by Taiwan Foundation for Democracy*

numerous cases of juvenile abuse that have been the subject of public debate finally led to the legislation of the *Minor Protection Law* on October 17, 2020, which will be implemented on June 1, 2021. This newly amended law is expected to deal with issues such as unfavorable guardianship, campus bullying, sexual abuse of minors, and minors' internet addiction.

The major cases in 2020 that violated minors' personal safety include: the "Green Apple Home" team of Qingpu District Procuratorate found that the principal and party secretary of the primary school involved in an on-campus sexual assault case not only concealed the fact that the student had been sexually assaulted but also failed to report it to the relevant educational department in time nor to the public security until the victim's parents reported the case to the police themselves (Ding, 2020). A cadre from a street office in Guangxi was suspected of repeatedly sexually assaulting underage girls (Ma and Bo, 2020). A 5-year-old girl was sexually assaulted in Harbin (Jia, 2020), whereas, a 10-year-old girl was killed in Quanzhou County, Guilin (Gao, 2020). An underage daughter was forced into prostitution by her biological father and stepmother in Laixi, Shandong (The Paper, 2020c).

In addition, the first domestic news reported on the sexual assaults of men was also founded in 2020. Mr. Liang, a high school teacher in Yibin City, Sichuan Province molested many male students, at least 30 boys, during the past ten years (China Women's News, 2020d). Among these students who suffered from various levels of sexual assaults by Liang, more than 10 of them chose to report to the police this time. Such a delayed report has illustrated the ignorance of sexual assaults of men in the past.

According to the *White Paper on Juvenile Procuratorial Work (2014-2019)* issued by the Supreme People's Procuratorate, the procuratorate prosecuted 16 people in 2017, 38 people in 2018, and 40 people in 2019 for abuse and 86 people in 2017, 92 people in 2018 and 117 people in 2019 for abandonment, and 10 people in 2017, 57 people in 57 and 60 people in 2019 for abuse of guardianship (Wang, 2020b).

© 2021 by Taiwan Foundation for Democracy

Proportionally speaking, these number has revealed the dark figure of crime against minors' protection.

6. Rural Women's Land Rights

Since 2017, the Gender Rights Report has listed rural women's land rights as one of the indicators to examine whether gender rights have been violated. The infringement of rural women's land rights highlights the crisis of the legitimacy of the CCP's foundation of governance. In February 2019, the CCP officially released the 16th Central Document No. 1, to guide the work of "agriculture, rural areas, and farmers" (hereafter, "Three Agriculture") in the 21st century. It was only in this document, entitled *Several Opinions of the Central Committee of the CCP and the State Council on Adhering to Prioritizing the Development of Agriculture and Rural Areas and Doing a Good Job in the* "*Three Agriculture*" *Work*, that the protection of married women's land rights was first addressed.

The second plenary meeting of the National Inter-ministerial Joint Conference on the Reform of the Rural Collective Property Right System was held on March 14, 2019, and the ACWF was added as a member of this joint conference. Since the ACWF has been incorporated into the central mechanism of governance, it has no longer spoken out for rural women's land rights, which made it very difficult to find out whether rural women's land rights have begun to be protected. Compared to previous years, there were only a small number of reports on rural women's land rights in China Women's News in 2020, highlighting that rural women's land rights are still being violated. For example, it was reported that the Hainan Provincial Department of Natural Resources and Planning issued the *Notice of Opinions on How to Handle Historical Issues of the Confirmation and Registration of Rural Real Estates*. Although this notice clearly stated that the rights and interests of rural women's homesteads should be legally protected, it also stipulated that for rural women who left their own villages (the former collective economic organizations)

© *2021 by Taiwan Foundation for Democracy*

due to marriage, if they already obtained the right to use the homesteads of her new families, they should also be registered by the law. In so doing, they should not claim the right to use the homesteads of the former villages (Liu, 2020). This provision has seriously damaged married daughters' right to an inheritance.

7. Health Rights

The issue that has attracted the most social attention on health rights in 2020: menstrual poverty. It started when a Chinese Weibo user posted a screenshot of an advertisement for bulk of sanitary napkins sales from Taobao. The screenshot showed that the price for 100 pieces of sanitary napkins in this online store was only 21.99 yuan. On the customer discussion page of this online shop, some people questioned: "Anyone dares to use such a cheap product that has no manufacturing date, no approved certificate for the product, and no name of the manufacturer? Do you dare to put it on your private parts?" Some buyers replied: "Life is hard" and "I am in difficulties". This Weibo post immediately triggered a discussion among netizens on "menstrual poverty".

Some media quoted Zhang Ruwei, the secretary-general of Ai Xiaoya Fund, a social welfare foundation in China, as saying that there are about 40 million poor children in China, and about 10% of them are girls aged 12-16 who may soon have or already have their periods. In other words, about 4 million Chinese girls are facing the problem of "menstrual poverty". China currently charges a 13% value-added tax on sanitary napkins, and there are some discussions in social media that sanitary napkins should be tax-free or tax-reduced (BBC Chinese website, 2020).

The government has not taken any policy measures for the issue of "menstrual poverty". In contrast, it was reported that some social groups have launched self-help and mutual assistance actions. Liang Yu is the initiator for the charity project known as "Sisters' Peace of Mind in Battle" sponsored by the Lingshan Charity Foundation. On October 14, she posted on her Weibo about a mutual aid box of sanitary napkins

© 2021 by Taiwan Foundation for Democracy

initiated by a female middle school teacher in her school. Xu Luming, a second-year student of Huazheng University, was inspired by this Weibo article and placed a mutual aid box in her school for "taking one piece for emergency and putting one back later". Xu Luming also deliberately placed the mutual aid box in the public washbasin outside the toilet to oppose "menstrual shame."

Xu Luming later reported her practice at school to Liang Yu, Liang Yu then initiated a discussion topic of "Sanitary Napkin Mutual Aid Box" on Weibo to encourage everyone to do the same, which formed a chain reaction. Within 4 days, the Sanitary Napkin Mutual Aid Box Action in colleges and universities became one of the most searched hashtags on Weibo. The first one to join the action was East China University of Political Science and Law, followed by China University of Political Science and Law, Chengdu Medical College, and other major universities. Within a short period of time, the action of mutual aid boxes was supported by more than 40 universities (Wang, 2020).

At the same time, there were some opposed behaviors, such as some male students tearing up the posters for mutual aid boxes, etc.

8. Right to Education

In June, it was reported that the identity of a farmer girl from Shandong was stolen, and the imposter went to university by using her identity. She and her family members requested to restore her student status and reputation (Qi, 2020). Based on the reports on the punishment for relevant personnel, many people were involved in this case, including the Deputy Secretary of the Town Party Committee, the Mayor of the Town, the Deputy Director of the Urban Branch of the Public Security Bureau, the Director of Xiaomeng Police Station, the Director of Liying Police Station, and the police officers of Tangkou Police Station, the household registration police of Liying Police Station, the Deputy

© *2021 by Taiwan Foundation for Democracy*

Captain of the Inspection Team of the Urban Branch, the Deputy Principal of Jining Experimental Middle School, the Director of the Teaching Office, the Deputy Director of the City Admissions Office, the Director of the Teacher Training School Office, the Deputy Director of the Education Committee (Yao Jian, 2020b). This network of accomplices was constituted by the Party, the public security, and the education system.

Rural girls usually face multiple human rights violations, especially their right to education. According to some new reports, in some rural areas of Guizhou, parents often lied about their daughters' ages to make them 3 to 5 years older than their actual ages in order to marry them off earlier. These girls became mothers of several children at a young age. They are often trapped in an obvious "poverty cycle" that poor people keep having more children and become even poorer because of these children. In terms of education, these rural girls often reached junior high school at most. Many of them got married at the age of fifteen or sixteen, and most of them were too young to sign their marriage certificates, so the marriage ceremony was often a meal with families. The gap between male and female students widens rapidly as the grade level rises. For example, in Gaoqiu Village, Shuangjiang Town, the ratio of male and female students is 1.2:1 in elementary school, 2:1 in junior high school, and 13:1 in high school. This village never has a female college student, but nine boys went to college before. There is only one female high school student. Children in poverty often suffer from stunted growth, and these stunted girls are forced into teenage pregnancy, causing fatal illnesses and high death rates of their babies (China Women's News, 2020c).

In another news report, Xiaoxian (a pseudonym), a 17-year-old girl from Yuntan Town, Gaozhou, Maoming, Guangdong, went to local ACWF to "report" her parents for forcing her into marriage, and this marriage proposal was withdrawn after ACWF's intervention. On July 23, the reporter contacted Xiaoxian again. She already completed the senior high school entrance exam and submitted her application form.

© 2021 by Taiwan Foundation for Democracy

She said that she no longer expects her parents to pay for her high school tuition (Yu, 2020).

When observing women's right to education, the problem of gender stereotypes was found in textbooks. For example, East China Normal University Press had launched two versions of mathematics textbooks for middle school students based on different levels of difficulty. The design was the "blue version for boys and the red version for girls," and the version for boys was more difficult than the version for girls. After arousing social criticisms, the university later apologized and recalled the textbooks (Beijing News, 2020b).

9. The Rights of International Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI)

There are similarities between the development of LGBTI rights in 2019 and 2020. The Chinese government promised in the U.N. and other international occasions to protect the rights of LGBTI groups from discrimination, but there were endless cases of domestic discrimination against them in China. The main difference observed in 2020 is the increasing clarity of the central government's discriminatory attitudes towards LGBTI rights, as they are beyond the CCP's redline.

Firstly, in a similar vein to previous years, in July, the U.N. expert report called on countries to ban the "treatment of homosexuality." This report also mentioned that forced treatments are still practiced in China. The Chinese representative immediately protested: "China has always expected that the international community would respect the differences in one's history, religious and cultural traditions, social systems and levels of development. Therefore, the path of one's human rights development is an independent choice by each country on its own. No countries should impose their own values on others." But he also said, "China opposes all forms of discrimination and violence, including discrimination, violence, and intolerance based on sexual orientation and gender identity (@The Gay Voice, 2020)."

© *2021 by Taiwan Foundation for Democracy*

However, at the same time, there were many news reports of governmental discrimination against LGBTI groups. For example, when the Central Cyberspace Administration and the Ministry of Education started their joint control of online education platforms for minors to prevent "improper contents," it was mentioned that: the "Home Class" channel of the Today's Toutiao app, was promoting low-quality and vulgar contents such as homosexuality (Beijing News, 2020a). There are some printed materials of LGBTI discrimination found in colleges and universities. For example, the *Health Education Handbook* issued to students by Huaiyin Normal University in Huai'an City, Jiangsu Province contained many biased contents, including: "homosexuality violates the laws of nature; a homosexual person has character defects and suffers from mood swings", "homosexuals would instigate normal people and cause insecurity to normal people", "the life expectancy of homosexual people life is shorter than normal people because homosexuality is a perverted behavior", "homosexual people are more likely to use drugs" (The Paper, 2020d).

On October 15, Sichuan Institute of Business and Technology published on its official website and official WeChat account an article with the title of "A Proposal for the Promotion and Education of Rejecting Five Bad Behaviors and Cultivating Five Good Habits" In the paragraph of "Reject AIDS, Love Yourself", it mentioned "advocate a healthy and civilized lifestyle, love yourself, stay away from homosexuality, and establish correct sexual ethics and knowledge" (Yu, 2020).

Among biased news against LGBTI groups, there was a positive example provided by a court's verdict. A male employee of Dangdang.com asked for a two-month leave to undergo his sex reassignment surgery, which was approved by his supervisor but bit by the employee relations manager. Dangdang.com later dismissed Mr. Gao on the grounds of "absenteeism." The employee first applied for arbitration, and the committee ruled that both parties should continue to perform their employment contract. The court's first-instance judgment stated that it is illegal for Dangdang.com to terminate its employment contract with Mr. Gao, and both parties should continue to perform this contract. The second-instance judgment (final verdict)

© 2021 by Taiwan Foundation for Democracy

remained the same as the first one. The judge specifically pointed out in the verdict that the focus of this case is not on transgender but the protection of worker's rights (Zhaoqing Justice, 2020).

Finally, in 2020, it was observed that the state's attitude towards LBGTI groups was becoming clearer. When answering questions about the *National Security Law* of Hong Kong at a press conference on July 1, Shen Chunyao, the Director of the Legislative Affairs Committee of the Standing Committee of the National People's Congress used why same-sex marriage would not be legalized in China as an example to demonstrate "both rights and freedom have boundaries, depending on one's own situations. There are boundaries and bottom lines for the maintenance of national security in Hong Kong (Chinese Government Website, 2020)." His speech shows that the mobilization of LGBTI groups to send letters to the National People's Congress to lobby for same-sex marriage during the development of the *Civil Code* indeed caught the attention of relevant officials. However, the same speech also shows the legalization of same-sex marriage is still an official taboo in China.

10. Conclusion

When applying the standards of the CEDAW to review China's gender rights in 2020, it was found that almost all the indicators, including freedom of association of women's groups, discrimination in employment, personal safety of girls and women, rural women's land rights, health rights, the right to employment, and the rights of LGBTI, were violated.

The important development of gender rights observed in 2020 shows that the CCP regime has been gradually proposing a theory of gender rights that cooperates with its governance in an attempt to dominate the international voice. It was mentioned that China and the U.S. used the 25th Anniversary of the World Conference in Beijing as a stage for mutual attacks. The spokesperson of the Chinese Ministry of Foreign Affairs and the spokesperson of the Permanent Mission of China to the

© *2021 by Taiwan Foundation for Democracy*

U.N. counterattacked against the U.S. by questioning the seriousness of its domestic human rights abuses revealed by the anti-sexual harassment campaign, known as the Me-Too Movement, and the anti-racial discrimination campaign, known as "Black Lives Matter." In August, when the U.N. expert report called on all countries to ban "treatments of homosexuality" and mentioned that there are still cases of forced treatments found in China, the Chinese representative immediately spoke to protest that "China has always expected that the international community would respect the differences in one's history, religious and cultural traditions, social systems and levels of development. Therefore, the path of one's human rights development is an independent choice made by each country on its own. No countries should impose their own values on others."

The CCP has been trying to dominate the discourses of gender issues and at the same time, prevent the international community from criticizing its LGBTI rights. How this trend will affect the development of gender rights in China remains unknown, requiring further observations.

Compared to 2019, due to the impact of the epidemic that has caused global panic, the infringements of gender rights in China seemed to be more severe in 2020. It started with the violations of employment rights of female medical staff, followed by the right of pregnant women to seek medical treatments and the increase of domestic violence against women, etc. When reviewing the situations of gender rights violations during the past few years, one thing that remained the same in 2020 is both local and central governments' ignorance of these infringements, making it difficult to find quantitative data for comparison. For example, sexual harassment is not recognized by law as a type of human rights violation, and there is a huge number of unreported sexual assaults. Barring some personal safety issues related to survival rights, the problems of rural women's land rights, employment discrimination, and cultural discrimination against traditional gender roles are still neglected or ignored by the government.

© 2021 by Taiwan Foundation for Democracy

References

@The Gay Voice (2020). "The UN Expert Report Calls on All Countries to Ban 'Treatments of Homosexuality' Chinese Representative Speaks to Explain Their Position." Sina Weibo@The Gay Voice. 2020/07/11. http://weibointl.api.weibo.com/share/168919631.html?weibo_id=4525463575785927. (accessed August 6, 2020).

@Xinhua View (2020). "National Health Commission: Women and Children's Institutions Shall Not Use the Prevention and Control of the Epidemic as an Excuse to Delay Emergency Patients' Treatments." The Paper. 2020/11/07. https://www.thepaper.cn/newsDetail_forward_9894595. (accessed November 8, 2020).

BBC Chinese Website (2020). "Menstrual Poverty: Are There Still Chinese Women Who Could Not Afford M Towels? Online Shopping Platform Sells Bulk Sanitary Napkins that Shocks the Public." BBC Chinese Website. 2020/09/04. https://www.bbc.com/zhongwen/simp/chinese-news-54012392. (accessed October 5, 2020).

Beijing News (2020a). "Central Cyberspace Administration and the Ministry of Education Jointly Launch a Rectification of Online Course Platforms Involving Minors." Beijing News. 2020/08/07. http://www.bjnews.com.cn/news/2020/08/07/756359.html. (accessed August 25, 2020).

____ (2020b). "East China Normal University Press Apologizes for the 'Boy and Girl Versions of Mathematics Textbooks' Which Were Terminated and Removed from the Shelf." Beijing News. 2020/08/20. http://www.bjnews.com.cn/news/2020/08/20/760843.html. (accessed August 27, 2020).

Cao, Lingjuan (2020). "The Release of *Shanghai White Paper on Judicial Protection of Women and Children's Rights and Interests (2019)*." People's Daily. 2020/04/08. http://sh.people.com.cn/BIG5/n2/2020/0408/c134768-33935027.html. (accessed April 26, 2020).

© *2021 by Taiwan Foundation for Democracy*

Cao, Wei (2020). "A Joint Announcement of Changsha Police Station and Local Community: Prostitutes and Clients of Prostitutes Would Be Reported to Their Families and Employers." The Paper. 2020/11/16. https://www.thepaper.cn/newsDetail_forward_10008161. (accessed November 18, 2020).

Chen, Yue (2020). "Female Employees on Maternity Leave Are Asked to Write Reports on Their Sales Experience. The District Human Resources and Social Security Bureau: Can Take Actions of Mediation, Arbitration, and Prosecution." The Paper. 2020/08/25. https://www.thepaper.cn/newsDetail_forward_8876182. (accessed August 27, 2020).

China Newsweek (2020). "On the Front Line of Fighting the 'Epidemic', Their Needs Are Worth Seeing." Sohu. 2020/02/23. https://www.sohu.com/a/375209757_220095. (accessed December 28, 2020).

China Woman's News (2020a). "The Top Ten Female Figures in 2019 Named by the Editorial Department of Our Newspaper." China Woman's News. 2020/01/01. http://paper.cnwomen.com.cn/content/2020-01/01/066278.html. (accessed February 18, 2020).

____ (2020b). "The Announcement of Revised Edition to Readers." China Woman's News. 2020/01/01. http://paper.cnwomen.com.cn/content/2012-01/01/066260.html. (accessed February 18, 2020).

____ (2020c). "The Age of 'Flower-like' Mothers Is a Mystery: A Few Years of Age Often Added during Their Household Registration with Random Year of Birth Given." We Chat Public Account of China Woman's News. 2020/07/06. https://mp.weixin.qq.com/s/gJ5f-olKQdsejgN2ThxF5Q. (accessed August 7, 2020).

____ (2020d). "The First Case in China! Male Students Who Have Been Sexually Assaulted Are No Longer Silent." China Woman's News. 2020/08/04. https://mp.weixin.qq.com/s/IyY6L6X9FRJcAApTQ8-8Fg. (accessed August 25, 2020).

____ (2020e). "Clarification on the 'Responsibility System of the First-Recipient'! Taizhou City in Zhejiang Promulgates the Work Regulations of the Police

© 2021 by Taiwan Foundation for Democracy

to Handle Domestic Violence." Wei Chat Public Account of China Woman's News. 2020/09/09. https://mp.weixin.qq.com/s/Wprkyst95iQcJaeRYTJCwg. (accessed October 5, 2020).

____ (2020f). "Speech at the High-Level Meeting of the UN General Assembly to Commemorate the 25th Anniversary of the Beijing World Conference on Women." China Woman's News. 2020/10/02. http://paper.cnwomen.com.cn/content/2020-10/02/072807.html. (accessed October 22, 2020).

____ (2020g). "The Proposal of the Central Committee of the CCP Emphasizes on the Basic National Policy of Equality Between Men and Women, Protecting the Legitimate Rights and Interests of Women and Children." China Woman's News. 2020/11/04. http://paper.cnwomen.com.cn/content/2020-11/04/073449.html. (accessed November 18, 2020).

____ (2020h). "Announcement from the Party Organization of the All-China Women's Federation on the Fourth Round Inspection and Improvement Exhibition of the 19th Central Committee." China Woman's News. 2020/11/06. http://paper.cnwomen.com.cn/content/2020-11/06/073498.html. (accessed November 18, 2020).

Chinese Government Website (2020). "The State Council Information Office Held a Press Conference on the Relevant Situation of the Hong Kong Special Administrative Region's Law on Safeguarding National Security." The Official Website of the Chinese Government. 2020/07/01. http://www.gov.cn/xinwen/2020-07/01/content_5523217.htm. (accessed August 6, 2020).

Ding, Xiuwei (2020). "The Principal and Party Secretary of a Primary School in Qingpu, Shanghai Were Dismissed for Concealing a Sexual Assault Case." China Woman's News. 2020/07/23. http://paper.cnwomen.com.cn/content/2020-07/23/071033.html. (accessed August 6, 2020).

Fu, Dongyan (2020). "The First Party Congress of China Women's Newspaper Was Successful." China Women's News. 2020/05/19. http://paper.cnwomen.com.cn/content/2020-05/19/069385.html. (accessed June 20, 2020).

© *2021 by Taiwan Foundation for Democracy*

Gao, Feng (2020). "The Murder of a 10-Year-Old Girl in Quanzhou County, Guilin Attracts Attention. The Guangxi Women's Federation Actively Follows Up the Progress of the Case and Cares for the Victims' Family Members." China Women's Daily. 2020/09/07. http://paper.cnwomen.com.cn/content/2020-09/07/072240.html. (accessed October 5, 2020).

Gender Discrimination Monitoring Team (2020). "Sex Discrimination Report on National Civil Servants Recruitment in 2017-2020." Sencha Group. 2020/06/21. https://mp.weixin.qq.com/s/UNHB_8kT80_UjTdgJz7Ffw. (accessed February 26, 2021).

General Office of the National Development and Reform Commission (2020). "An Official Letter of the General Office of the National Development and Reform Commission on the List of Guaranteed Materials for Epidemic Prevention and Control." National Development and Reform Commission. 2020/02/20. http://www.gov.cn/xinwen/2020-02/20/content_5481265.htm. (accessed February 26, 2020).

He, Quanli (2020). "Internet Celebrity Lamu Was Set on Fire by Her Ex-Husband and Died 16 Days Later After Being Rescued. Her Family Hope the Murderer Would Receive Harsh Punishment." The Paper. 2020/10/01. https://www.thepaper.cn/newsDetail_forward_9434527. (accessed October 25, 2020).

Jia, Yingying and Fuguo Liu (2020). "Wuchang City in Heilongjiang Updated the Announcement of Local Government Official Recruitment, and One of the Job Requirement Was Changed from 'Male-Only' to 'No Preference.'" China Women's Daily. 2020/11/02. http://paper.cnwomen.com.cn/content/2020-11/02/073387.html. (accessed November 18, 2020).

Jia, Yingying (2020). "The Sexual Assault of a 5-Year-Old Girl in Harbin Has Aroused Concern, and the City ACWF Established a Level-4 Human Rights Protection Work Team to Track the Progress of the Case throughout the Process." China Women's Daily. 2020/09/02. http://paper.cnwomen.com.cn/

© 2021 by Taiwan Foundation for Democracy

content/2020-09/02/072123.html. (accessed October 5, 2020).

Jiang, Ziwen (2020). "South China University of Technology: Wang Yulei Severely Violated Teacher Professional Ethics and Was Dismissed." The Paper. 2020/10/09. https://www.thepaper.cn/newsDetail_forward_9497820. (accessed October 26, 2020).

Lei, Yanchao (2020). "The Second Instance of the Sexual Assault of a Teacher in the Southern College of Sun Yat-sen University Upholds the Original Verdict, and the Defendant Was Sentenced to Three and a Half Years." Beijing News. 2020/10/15. http://www.bjnews.com.cn/news/2020/10/15/777826.html. (accessed October 26, 2020).

Liang, Wen (2020). "Jinan Government Advice: Due to the Delayed Start of Semester, for Family That Both Parents Have to Work, the Mother Should Stay Home." Dazhong.com. 2020/02/18. https://finance.sina.com.cn/china/gncj/2020-02-18/doc-iimxxstf2371167.shtml. (accessed February 22, 2020).

Liu, Xu and Xiaoxia Wen (2020). "The Public Security Department of Jiangxi Province and the Women's Federation Jointly Issued a Notice Stating That the Reports on Domestic Violence Were Never Allowed to Be Ignored or Push Away." China Women's Daily. 2020/11/17. http://paper.cnwomen.com.cn/content/2020-11/17/073751.html. (accessed November 18, 2020).

Liu, Xu (2020). "Hainan Issued a Document Clearly Proposing to Protect the Rights and Interests of Rural Women's Homesteads by the Law." China Women's Daily. 2020/08/07. http://paper.cnwomen.com.cn/content/2020-08/07/071445.html. (accessed August 25, 2020).

Liu, Yang (2020). "Girls Should Not Be Overly Revealing? Guangxi University's Guideline of 'Girls' Safety Strategy' Raises Questions." Beijing News. 2020/09/01. http://www.bjnews.com.cn/edu/2020/09/01/764480.html. (accessed October 5, 2020).

Luo, Zhenyu and Yinglin Fu (2020). "A Man in Nanjing Was Sentenced to Death for Killing His Wife, and His Wife Had Reported to the Police 6 Times for

© *2021 by Taiwan Foundation for Democracy*

Domestic Violence before." Beijing News. 2020/07/24. http://www.bjnews.com.cn/news/2020/07/24/752013.html. (accessed August 6, 2020).

Ma, Mingren and Qiyu Bo (2020). "A Cadre of a Street Office in Guangxi Is Suspected of Having Repeatedly Sexually Assaulted Underage Girls and Is Currently under the Custody of the Police." The Beijing News. 2020/08/19. http://www.bjnews.com.cn/news/2020/08/19/760268.html. (accessed August 25, 2020).

Ministry of Foreign Affairs Website (2020). "Foreign Ministry Spokesperson Hua Chunying's Remarks on U.S. Secretary of State Mike Pompeo's Incorrect Statement Concerning China." The Ministry of Foreign Affairs of People's Republic of China. 2020/10/02. http://www.gov.cn/xinwen/2020-10/02/content_5549069.htm. (accessed October 22, 2020).

Qi, Chao (2020). "A Shandong Peasant Girl's Chance to Go to College Was Stolen by the Imposter. Families Demand to Restore Her Student Status and Reputation." Beijing News. 2020/06/11. https://wap.yzwb.net/wap/news/583150.html. (accessed June 22, 2020).

Qiao, Hong (2020a). "Women's Groups of Different Levels of Trade Unions Work to Solve the Problem of Protecting Female Workers' Rights During the Epidemic." China Women's Daily. 2020/04/01. http://paper.cnwomen.com.cn/content/2020-04/01/068265.html. (accessed April 26, 2020).

____ (2020b). "Checking Its Proposals for the Two Sessions in 2020, the Foci of ACWF Are the Expectations of Women and Children." China Woman's News. 2020/05/22. http://paper.cnwomen.com.cn/content/2020-05/22/069456.html. (accessed June 24, 2020).

Red Star News (2020a). "Pregnant Women with Fever in Wuhan Being Transferred to 6 Hospitals on New Year's Eve to Give Birth. Experts: It Is Necessary to Clarify Who Should Receive Special Patients A.S.A.P." Red Star News. 2020/01/30. https://mp.weixin.qq.com/s/hg_CtebRrgHfVShD0Q7gqg. (accessed February 5, 2020).

© 2021 by Taiwan Foundation for Democracy

____ (2020b). "Gansu Provincial Maternity and Children Health Hospital Responded on Shaving Nurses' Heads: They Were Not Forced; Shaving Helps to Prevent Infection and It's Easy to Clean." Red Starts News. 2020/02/18. https://mp.weixin.qq.com/s/Ko8ZjceqCyu8YJC015Wddw. (accessed February 20, 2020).

Ru, Xijia (2020). "Suzhou Actively Explores Innovative and Effective Ways to Deepen Participation in Social Governance." China Women's Daily. 2020/09/07. http://paper.cnwomen.com.cn/content/2020-09/07/072232.html. (accessed October 15, 2020).

The Ministry of Education of People's Republic of China (2020). "The Reply to Recommendation No. 4812 of the Third Session of the Thirteenth National People's Congress." The Ministry of Education of People's Republic of China. 2020/09/16. http://www.moe.gov.cn/jyb_xxgk/xxgk_jyta/jyta_zfs/202009/t20200927_491741.html. (accessed October 5, 2020).

The Paper (2020a). "Chinese Families: That Domestic Violence Caused by the Epidemic." The Paper. 2020/03/08. https://baijiahao.baidu.com/s?id=1660556100541328566&wfr=spider&for=pc. (accessed April 05, 2020).

____ (2020b). "The Divorce Case of a Woman Who Jumped Off the Building to Escape from Domestic Violence. The Court: The Verdict Will Be Issued Soon." The Paper. 2020/07/25. https://mp.weixin.qq.com/s/jAS3XFNARPCMsd2fjORurw. (accessed August 6, 2020).

____ (2020c). "The Underage Daughter Was Forced into Prostitution by Her Biological Father and Stepmother, and the Couple in Laixi, Shandong Were Sentenced to Seven Years in Prison." The Paper. 2020/09/21. https://www.thepaper.cn/newsDetail_forward_9271137. (accessed October 5, 2020).

____ (2020d). "A University in Huai'an Claimed to Have Recalled the 'Health Manual Accused of Discriminating against Homosexuals', Admitting Such Contents Being Impropriate." The Paper. 2020/09/23. https://www.thepaper.cn/newsDetail_forward_9303999. (accessed October 5, 2020).

© *2021 by Taiwan Foundation for Democracy*

____ (2020e). "The Reason That Girl Got Sexually Assaulted Is Because of Their Love to 'Dress up'? The Safety Knowledge Booklet for College Students Will Be Revised in Zhejiang." The Paper. 2020/09/25. https://www.thepaper.cn/newsDetail_forward_9329256. (accessed October 5, 2020).

Tian, Shanlei (2020a). "The Office of the All-China Women's Federation and the Office of the Women's and Children's Working Committee of the State Council Issued a Notice to Deploy and Cooperate in the Rescue and Protection of Children Lack of Guardianship Due to the Impact of the Covid-19 Epidemic." China Woman's News. 2020/03/16. http://paper.cnwomen.com.cn/content/2020-03/16/067845.html. (access April 5, 2020).

____ (2020b). "The Fight against the Epidemic Once Again Demonstrates the Irreplaceable 'She Power', UN Women Declares: Jointly Promote the Construct a More Resilient, Inclusive and Equal World." China Women's Daily. 2020/08/27. http://paper.cnwomen.com.cn/content/2020-08/07/071460.html. (accessed August 27, 2020).

Tian, Xi (2020). "Cut Off Your Hair, Get Ready to Set Off." Gansu Daily. 2020/02/16. http://gansu.gansudaily.com.cn/system/2020/02/16/017354946.shtml. (accessed December 14, 2020).

United Nation Development Programme (2020). "Human Development Report 2020." United Nation Development Programme. http://report.hdr.undp.org/. (accessed February 26, 2021).

Voice of America (2020). "On the 25th Anniversary of the Fourth World Conference on Women in Beijing, Mike Pompeo Accused the CCP of Violating Women's Rights." Voice of America. 2020/10/12. https://www.voacantonese.com/a/pompeo-china-women-rights-20201002/5606288.html. (accessed October 22, 2020).

Wang, Chunxia (2020a). "How to Solve the Work Problem of Female Employees Who Are Pregnant or Breastfeeding during the Epidemic Prevention Period?" China Woman's News. 2020/03/02. http://paper.cnwomen.com.cn/

© 2021 by Taiwan Foundation for Democracy

content/2020-03/02/067508.html. (accessed April 5, 2020).

____ (2020b). "The Supreme People's Procuratorate Released a White Paper on the Procuratorial Work of Minors, and the Number of Crimes against Minors Is Rising." China Woman's News. 2020/07/02. http://paper.cnwomen.com.cn/content/2020-06/02/069697.html. (accessed June 24, 2020).

____ (2020c). "A Total of 6,649 Personal Safety Protection Orders Have Been Issued by Courts Across the Country." China Woman's News. 2020/10/16. http://paper.cnwomen.com.cn/content/2020-10/16/072992.html. (accessed October 25, 2020).

Wang, Jun (2020). "Dialogue with the Initiators of the Sanitary Napkin Mutual Aid Box in Colleges: Eliminating Menstrual Shaming and Helping Girls to Establish Self-Confidence." Beijing News. 2020/10/27. http://www.bjnews.com.cn/news/2020/10/27/781968.html. (accessed November 18, 2020).

Wang, Wei (2020). "Shijingshan Court: During the Epidemic Prevention Period, a 'Green Channel' Was Opened for Filing Domestic Violent Related Cases." Beijing News. 2020/03/04. http://www.bjnews.com.cn/news/2020/03/04/698858.html. (accessed April 5, 2020).

World Economic Forum (2017). "The Global Gender Gap Report 2017." World Economic Forum. https://cn.weforum.org/reports/the-global-gender-gap-report-2017. (accessed February 26, 2021).

____ (2018). "The Global Gender Gap Report 2018." World Economic Forum. https://cn.weforum.org/reports/the-global-gender-gap-report-2018. (accessed February 26, 2021).

____ (2020). "The Global Gender Gap Report 2020." World Economic Forum. https://cn.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality. (accessed February 26, 2021).

Xinhuanet (2019). "The Standing Committee of the National People's Congress Passed the Decision to Abolish the Legal Regulations Related to the Custody

© *2021 by Taiwan Foundation for Democracy*

and Education System." Xinhuanet. 2019/12/28. http://www.xinhuanet.com/politics/2019-12/28/c_1125399152.htm. (accessed December 12, 2020).

Xu, Meihui (2020). "Preparing Progesterone for Frontline Female Medical Staff to Delay Their Periods? Hospital Response: Voluntary." Beijing News. 2020/02/20. http://www.bjnews.com.cn/news/2020/02/20/692347.html. (accessed February 22, 2020).

Xu, Xu (2020). "Beijing Women's Federation Expands Participation in Social Governance Coverage to Enlarge the Stage of Women's Social Organizations." China Women's Daily. 2020/09/11. http://paper.cnwomen.com.cn/content/2020-09/11/072354.html. (accessed October 15, 2020).

Xu, Zhenxue (2020). "Chongqing Launches the Project of 'Happy Family Classroom Entering the Village and Community'." China Women's Daily. 2020/01/09. http://paper.cnwomen.com.cn/content/2020-01/09/066446.html. (accessed February 18, 2020).

Yang, Caini (2020). "Being Accused of Sex Discrimination, the Recruitment of Auxiliary Police in Taicang, Jiangsu Is Restricted to Men Only. The Response: the Quota of Female Auxiliary Police Are Full." The Paper. 2020/09/29. https://www.thepaper.cn/newsDetail_forward_9401317. (accessed October 15, 2020).

Yao, Gigai (2020a). "The ACWF Has Entered Colleges and Universities in Zhejiang 'Based on Each School's Conditions.'" China Women's Daily. 2020/08/24. http://paper.cnwomen.com.cn/content/2020-08/24/071835.html. (accessed October 15, 2020).

____ (2020b). "Fenghua City in Zhejiang Has Innovated on Social Concepts and Created a 'HUI' Hub Platform to Enable Female Social Organizations Becoming the 'Engine' of Social Services and Boosts the Harmony of the Society." China Woman's News. 2020/09/04. http://paper.cnwomen.com.cn/content/2020-09/04/072202.html. (accessed October 15, 2020).

____ (2020c). "The Training Class for University ACWF's Chairpersons Was Held in Zhejiang." China Woman's News. 2020/09/08. http://paper.cnwomen.com.

© 2021 by Taiwan Foundation for Democracy

cn/content/2020-09/08/072263.html. (accessed October 15, 2020).

Yao, Jian (2020a). "The Centers for Marriage and Family Counseling Will Be Established in Every County in Shandong." China Women's Daily. 2020/01/01. http://paper.cnwomen.com.cn/content/2012-01/01/066277.html. (accessed February 18, 2020).

____ (2020b). "Shandong Notified the Investigation Results of Two Imposters for the College Entrance Exam (gaokao). The Cases Were Filed and Investigated by the Public Security Bureau, and Some Compulsory Measures Were Taken against the Imposters. Many People Were Held Accountable." China Women's Daily. 2020/06/30. http://paper. cnwomen.com.cn/content/2020-06/30/070404.html. (accessed August 7, 2020).

Yao, Jian and Zheng Liu (2020). "Being Popular, Down-to-Earth, and Vigorous, the First Family Tradition Center Inside a Shopping Mall Was in Yantai, Shandong." China Women's Daily, 2020/11/10. http://paper.cnwomen.com.cn/content/2020-11/10/073572.html. (accessed November 18, 2020).

Yao, Peng (2020). "Volunteers from China Women's University Initiated a Donation Campaign: Raising Hygiene Supplies for Frontline Female Medical Workers in Hubei." China Women's Daily. 2020/02/12. http://paper.cnwomen.com.cn/content/2020-02/12/067073.html. (accessed February 22, 2020)

Chen, Ying (2020). "The Most Searched News of 40,000 Packs of Sanitary Napkins: Shanghai Was the First to Act in This Relay of Donating Menstrual Supplies to Frontline Female Medical Staff." Xinmin Weekly. 2020/02/29. https://xw.qq.com/cmsid/20200229a0emdb00. (accessed February 10, 2021).

Yu, Jiao (2020). "The Content of 'Staying Away from Homosexuality' in the Proposal of a College in Sichuan Was Deleted After Being Accused of Discrimination." The Paper. 2020/11/05. https://www.thepaper.cn/newsDetail_forward_9861305. (accessed November 18, 2020).

Yu, Yan (2020). "Official Response on Pregnant Women Who Lost Their Teaching Posts Due to the Lack of Chest X-rays in Their Health Examination Reports:

© *2021 by Taiwan Foundation for Democracy*

There Is No Deliberate Obstruction." The Paper. 2020/08/22. https://www.thepaper.cn/newsDetail_forward_8841414. (accessed August 27, 2020).

Yu, Yan and Caini Yang (2020). "Henan Provincial Committee of the Chinese People's Political Consultative Conference Responds to the Alleged Sexual Harassment of a Professor at Henan University: Will Deal with It According to Police Investigations." The Paper. 2020/10/09. https://www.thepaper.cn/newsDetail_forward_9493993. (accessed October 26, 2020).

Yu, Yijing (2020). "A 17-Year-Old Girl in Maoming Who Was Forced into Marriage Has Completed the Entrance Exam for Senior High Schools and Fill in Her Application. She Has Also Applied for a Vocational School." Southern Metropolis Daily. 2020/07/23. https://www.sohu.com/a/409241016_161795. (accessed August 7, 2020).

Yu, Zhanyi and Zhang Su (2020). "For Women Who Greatly Support the Control and Prevention of the Epidemic, Who Will Help to Maintain 'Her' Decency?" China News Network. 2020/02/10. https://hope.huanqiu.com/article/3x7VnKDewIC. (accessed February 19, 2020).

Zhang, Ping and Sha Hong (2020). "The 25th Anniversary of the Beijing World Women's Association: No Country Keeps Its Promises." DW Chinese Website. 2020/10/02. https://www.dw.com/zh/%E5%8C%97%E4%BA%AC%E4%B8%96%E5%A6%87%E4%BC%9A25%E5%91%A8%E5%B9%B4%E6%B2%A1%E6%9C%89%E4%B8%80%E4%B8%AA%E5%9B%BD%E5%AE%B6%E5%85%91%E7%8E%B0%E6%89%BF%E8%AF%BA/a-55138825. (accessed October 15, 2020).

Zhaoqing Justice (2020). "A Male Employee of Dangdang.com Was Fired After the 'Sex Reassignment Operation'. What Happened Here? The Court's Verdict Is Out." The Paper. 2020/07/09. https://www.thepaper.cn/newsDetail_forward_820621. (accessed August 6, 2020).

Zong, Zhaoyang (2020). "A Woman in Shandong Being Abused to Death Due to Infertility: Her In-Laws and Husbands Took Turns to Beat Her Up and Got

© 2021 by Taiwan Foundation for Democracy

Sentenced with Light Punishments." Shandong Business Daily. 2020/11/16. https://www.thepaper.cn/newsDetail_forward_10020475. (accessed November 18, 2020).

© *2021 by Taiwan Foundation for Democracy*

Taiwan-related Human Rights: Continued Cross-strait Confrontation Further Compresses Taiwan's Human Rights Space

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 continuously observe and assess the human rights situation in China. Based on our evaluation of the relevant information regarding the issue of Taiwan-related human rights, due to tensions across the Taiwan Strait, the continuation of the Covid-19 pandemic, and changes in the international politico-economic environment, cross-strait exchanges, regardless of whether they are official or private, have come to a halt in 2020. Hence if there are human rights violations involving Taiwanese nationals in China, there is presently no way of obtaining remedy through official channels. In addition, the Chinese Communist Party regime continues to exert pressure on Taiwanese society in terms of personal safety and political sovereignty. It has also used sharp power methods to intensify conflict in Taiwan society, such as broadcasting "Taiwanese spy confession" videos to intimidate and further divide the Taiwanese people. In general, in the domain of Taiwan-related human rights, the degree to which the Chinese

* Associate Professor, Department of International Trade, Chihlee University of Technology. Email: g4260503@gmail.com.

© 2021 by Taiwan Foundation for Democracy

Communist Party regime has harmed the political and judicial rights of Taiwanese people has become extremely severe in 2020.

Keywords: Taiwan-related human rights, Covid-19, spy case, sharp power

1. Introduction

1.1 The State of Taiwan-related Human Rights and the Impact of Cross-strait Relations in 2020

The year 2020 was affected by factors such as the Covid-19 pandemic, Taiwan's elections, and the anti-extradition movement in Hong Kong. These factors, coupled with cross-strait tensions and positive developments in Taiwan-United States ties since 2016, have led the Chinese Communist Party (CCP) regime in China to continue to cut-off official cross-strait exchanges on the one hand, and use military threats to intimidate Taiwan on the other hand. As a result, cross-strait relations did not show any sign of conciliation in 2020, and bilateral interactions also did not experience any constructive development.

Since the "40th Anniversary of the Issuance of the *Message to Compatriots in Taiwan*" event was held on January 2, 2019, in Beijing, when Xi Jinping interpreted the "1992 consensus" as "both sides of the Taiwan Strait belong to one China and will work together to seek national reunification," cross-strait relations—which already lacked mutual trust—have become even frostier because Xi's interpretation differs greatly from how Taiwan understands the concept of "1992 consensus" and what Taiwan would find acceptable. In addition, under the policies of the Trump administration, the interaction between Taiwan and mainland China has shifted from the position of "cold peace" to "cold war." Today, both China and the U.S. are displaying their military might over the Taiwan Strait, and the processes of diplomatic competition and industrial decoupling have continued to accelerate.

© *2021 by Taiwan Foundation for Democracy*

Various trends all seem to indicate the following: in 2020 cross-strait relations, whether they are governmental or civilian exchanges, have come to a halt. If Taiwanese people encounter difficulties in the mainland, they will not be able to obtain relief or assistance through formal channels. Moreover, in the absence of any bona fide interaction, both societies are gradually losing their sense of goodwill toward the other side. This has caused public opinion across the Strait to be on diametrically opposing sides on relevant human rights issues and has also weakened the society's power to monitor the protection of human rights.

1.2 The Criteria for Assessing the State of Taiwan-related Human Rights in 2020

The purpose of the present report is to conduct an annual review of the actions taken by Chinese authorities on human rights issues related to the Taiwanese people. Following past practice, the report uses the *International Covenant on Economic, Social and Cultural Rights* (hereafter referred to as "Covenant A")[1] and the *International Covenant on Civil and Political Rights* ("Covenant B")[2]

1 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.

2 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.

© 2021 by Taiwan Foundation for Democracy

[3] [4] as criteria for assessment. In addition, due to the relatively frequent economic and trade interactions between the two sides of the Strait, we also take as reference the United Nations Human Rights Council's *Guiding Principles on Business and Human Rights* for the purpose of observing how the government and enterprises protect human rights in the economic domain. Based on the relevant provisions of the above human rights documents, this chapter will focus its attention on four facets: personal safety, political rights and interests, economic rights and interests, and discriminatory treatment. To be objective, the scope of observation in the present study is media reports. Any person who had been repressed by China's Communist regime for exercising their rights, or any individual whose rights had been violated solely because they are Taiwanese, fall within the chapter's purview. Additionally, this report is also extremely concerned about the governing measures of the Chinese government regarding the basic human rights of Taiwanese citizens. The chapter aims to evaluate the performance of China with respect to "Taiwan-related human rights" in 2020 in an objective and truthful manner.

1.3 Assessment of the State of Taiwan-related Human Rights in 2020

In 2019, cross-strait relations were affected by political factors, which stopped all official interaction between Taiwan and China. Nevertheless, China still attempted to win the hearts of the Taiwanese people through united front tactics such as the "31 Measures for Taiwan." In 2020, however, similar "heart-warming" actions or measures had been greatly reduced. In addition, troubling diplomatic and military

3 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.

4 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.

© *2021 by Taiwan Foundation for Democracy*

incidents continued to pile on, and all kinds of talk about "using force to promote unification" had made the overall state of cross-strait affairs ever more dismal.

First, accusing Taiwan of "using the pandemic to plot independence," Chinese authorities have meddled with Taipei's bid to cooperate and exchange information with international health organizations; as a result, Taiwan was unable to participate in meetings of critical organizations such as the "WHO" and the "WHA." Given the global spread of the coronavirus, China's actions severely affected the health care rights and interests of Taiwanese people. Other examples include forcing Taiwan's Tourism Bureau to change its name to "Straits Tourism Association" while participating in a regional travel expo or putting pressure on BirdLife International into removing Taiwan's "Republic of China Wild Bird Society" from the list of official partner organizations. These and other related incidents clearly show that the Chinese Communist Party once again are bent on restricting Taiwan's international space for political goals. In addition, in 2020 China has devoted greater efforts in spreading its propaganda in Taiwan, using its sharp power tactics to increase cross-strait estrangement and societal divide. This can be seen especially during and after the inauguration of Taiwan's president in May, the Chinese Internet army increased its external propaganda efforts, carrying out cyberattacks against the international status of the Republic of China. For example, under the impact of ideology, Chinese netizens continue to censor the political attitudes of Taiwanese artists, which have seriously damaged the rights and interests of Taiwanese citizens to express political opinions freely. Furthermore, to strengthen its "one China principle," the CCP regime has attempted to lure away Taiwan's diplomatic allies such as Paraguay and Nicaragua. China even flew military aircrafts across the median line of the Taiwan Strait, which seriously damaged cross-strait peace and stability and pushed Taiwan to the brink of war. Lastly, the incident that deserves our strongest condemnation this year is the case of "Taiwanese spy confessions," in which Chinese authorities violated the judicial rights and interests of Taiwan nationals. Beginning on October 11, 2020,

© 2021 by Taiwan Foundation for Democracy

the China Central Television (CCTV) broadcasted on three consecutive days the confessions of alleged Taiwanese spies. Taiwanese citizens Lee Meng-chu, Cheng Yu-chin, Tsai Chin-shu, and Shih Cheng-ping all willingly confessed their crimes on state media before going to trial. This incident severely crippled the foundation of mutual trust needed for the conduct of cross-strait exchanges. Recently, Chinese media has reported that Chinese officials are planning to put together a so-called "list of Taiwan independence advocates," in an attempt to exercise long-arm jurisdiction to interfere with the Taiwanese society. If this were to happen, cross-strait relations will inevitably take a giant step backwards, and the legitimate rights and interests of Taiwanese people will be even less likely to be protected.

2. Analyses of Taiwan-related Human Rights and Associated Domains

2.1 Important Event Analysis of Taiwan-related Human Rights in 2020

In 2020 China's response to and management of human rights issues has become relatively more rigid due to the influences of events such as Sino-U.S. relations, Xinjiang's human rights violations, and Hong Kong's anti-extradition protest movement. This trend has also affected the human rights situation of Taiwanese citizens residing in the mainland. To get a detailed understanding of the human rights treatment that Taiwanese people are currently experiencing in China, the research team follows the design of observational items mentioned previously and, by taking as research reference the *Two Covenants* and the *Guiding Principles on Business and Human Rights*, divides the topic into four facets: the right to property, the right to work, personal safety/political rights and interests, and the right to participate in economic activities. To better match with specific national conditions, this year's study incorporates political participation in the personal safety category so that we may

© *2021 by Taiwan Foundation for Democracy*

observe the extent to which Taiwanese people exercise their relevant political rights in mainland China, and the developing trends of Taiwan-related human rights issues. The study intends to investigate the situation by applying the method of qualitative assessment, expecting to be able to analyze the reasons for the infringements of Taiwan-related human rights. The research team has extracted the most representative incidents from the events database and presented them in tabular form, using selected news headlines for reference (see Table 1 in Appendix).

In the process of classifying the most important events, we observe that in the months of January and February, most human rights issues linked to Taiwan were connected to concerns over personal safety and political rights. In March and April, in addition to personal safety, political rights, and other issues, the number of discriminatory cases began to increase. Our preliminary analysis is that this was due to the impact of the coronavirus outbreak. On the one hand, the public needed governmental assistance in dealing with this epidemic emergency, and on the other hand, the Chinese government took steps to prevent Taiwan from expanding its international space during the pandemic. Afterwards, in the months of May and June, most incidents became more associated with political and economic rights. As for July and August, events were still mostly concentrated in the facets of political and economic rights, and the same pattern that would repeat in the months of September and October. This evolution was due to changes in the trilateral U.S.-China-Taiwan relations. On the one hand, the U.S. and Taiwan had developed closer ties, but on the other hand, China had ramped up its pressure on Taiwan. As a result, there had been an increase in hostility among Chinese netizens toward Taiwan, and the interaction between the two sides entered a phase of vicious spiral as those with more extreme opinions used the online platforms to attack each other. The trend continued to worsen so that in November we can observe the problem of discriminatory treatment had moved to the center of Taiwan-related human rights issues.

© 2021 by Taiwan Foundation for Democracy

2.2 Statistical Analysis of SEF-related "Taiwanese Business Disputes" and "Personal Safety" in 2020

Apart from monitoring the most important events of the year as presented in Appendix Table 1, we can additionally use the number of relevant legal services and dispute resolution cases—statistics that are collected by the legal department of the Straits Exchange Foundation (SEF), which is responsible for overseeing cross-strait non-governmental exchange activities and services—as an indirect reference for monitoring the human rights situation of Taiwanese people in China. Data for disputes involving Taiwanese businesspeople or "taishang" show (Table 1) that in 2020, due to the suspension of official cross-strait exchanges and the coronavirus outbreak, the number of complaints from Chinese nationals and manufacturers was zero, indicating that cross-strait economic and trade exchanges had become increasingly stalled.

Table 1. Statistics of Disputes Involving Taiwanese Businesspeople (Taishang) Co-processed by the Straits Exchange Foundation in 2016-2020

SEF Department of Economic and Trade Affairs

Table created on 12.04.2020

Type / Year	Personal safety	Property legal interest		Total
		Complaints by Taiwanese businesspeople	Complaints by Chinese nationals and firms	
2016	148	139	5	292
2017	163	85	1	249
2018	184	77	2	263
2019	172	77	0	249
2020 Jan-Nov	161	41	0	202
Total	828	419	8	Total
				1255

Source: The Straits Exchange Foundation Department of Economics and Trade Affairs (2020)

© 2021 by Taiwan Foundation for Democracy

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

Since China promulgated the "31 Measures for Taiwan" in February 2018 and announced an additional "26 Measures for Taiwan" in November 2019, these relevant measures have indeed improved the Taiwanese people's right to work in mainland China as well as their living conditions, because the provisions therein covered both industry and individual levels. However, due to the impact of the U.S.-China trade war and the pandemic, the number of investments by Taiwanese enterprises in mainland China has shown a significant decline, and the growth rate of investment amount has also been flat compared to the same period last year (Table 2).

To further implement and promote cross-strait economic and cultural exchange and cooperation found in the "31 Measures" and "26 Measures," the Chinese government issued on May 15, 2020, the *Notice of the Work Concerning the Overall Arrangements for Supporting the Development of Taiwan-funded Enterprises and Promoting Taiwan-funded Projects in Response to the Pandemic*. The *Notice* contains 11 articles (hereafter referred to as 11 measures), which concern the prevention and control of Covid-19 as well as economic and social development. These 11 measures include assisting Taiwanese enterprises to resume work and production, participating in the construction of new and traditional infrastructure, encouraging the development of foreign trade and cross-border e-commerce, a comprehensive tax reduction and exemption package, guiding Taiwan-funded enterprises to turn to the domestic market, and strengthening the financial support for Taiwan-funded enterprises in the prevention and control Covid-19. Although the above measures certainly helped taking care of the economic rights and interests of Taiwanese enterprises, because they mostly targeted Taiwanese enterprises that had invested in the mainland, these measures were not aimed at promoting normal cross-strait economic and trade operations. Moreover, since political considerations remained a top priority in any type of cross-strait economic and trade exchange during the coronavirus outbreak, this

© 2021 by Taiwan Foundation for Democracy

report thus cannot regard these new measures by Beijing as a sign of improvement in "Taiwan-related human rights."

Table 2. Summary Table of Investments Approved by Ministry of Economic Affairs Investment Commission in Mainland China, 2016-2020

Unit: US$1,000

Item	Investments in Mainland China	
Year	Number of Cases	Amount
2016	323	9,670,732
2017	580	9,248,862
2018	726	8,497,730
2019	610	4,173,090
2020 Jan-Sept	352	4,214,932
Total	2,591	35,805,346

Source: Compiled from the monthly statistical reports of the Ministry of Economic Affairs Investment Commission (2020).

3. Overall Assessment of Taiwanese People's Human Rights Treatment in the Mainland China in 2020

3.1 Intensification of China's Political Pressure Has Affected the Political Rights and Interests of Taiwanese People

This year, cross-strait relations has become even more tense than in 2019. During the U.S. presidential election, the Trump administration approved more arms sales and showed more political support for Taiwan, gradually forcing China to adopt highly threatening policies to suppress Taiwan's space, which directly led to more repressive actions at the level of "Taiwan-related human rights." At the political level, Chinese authorities were ever more opposed to Taiwan's membership in international organizations and Taiwan's participation in international non-governmental activities. On the one hand, these moves removed the possibility for Taiwan to declare its sovereignty to the outside world; on the other hand, they compelled Taiwan into

© *2021 by Taiwan Foundation for Democracy*

accepting the "one China" principle. Under such circumstances, the basic political rights and interests of the Taiwanese people, including their rights and interests during the pandemic, were negatively affected.

3.2 China Has Infringed on the Health Rights and Interests of Taiwanese People under the Pretext of "Using the Pandemic to Plot Independence"

Facing the rapid spread of Covid-19, the governments on both sides of the Taiwan Strait should have coordinated and worked together on questions such as how to handle passenger travel, how to solve the problems of virus prevention and integration of epidemic prevention resources, etc. However, Chinese authorities clung on to their political stance and were unwilling to abandon their political discourse due to the pandemic, and consequently they were not keen in resuming any form of dialogue and exchanges with the Taiwanese government. As a result, during the pandemic, issues concerning people's rights and interests, such as the means through which Chinese students and spouses can come (back) to Taiwan, the requirements for business travel on both sides, and the exchange of epidemic information and cooperation in vaccine research and development, were half-heartedly dealt with due to the lack of communication and much time was wasted in the process. This operating mode, one that placed politics above the pandemic, led to Taiwan's exclusion from the global health and disease prevention network, severely affecting the health rights and interests of the Taiwanese people.

3.3 China Has Used Its Sharp Power to Put Pressure on the Human Rights of Taiwanese People

Because Taiwan held a presidential election in 2020, China stepped up its digital defensive and propaganda efforts to infiltrate the Taiwanese society. At the same time, it recruited hackers to steal businesses and technologies from Taiwan's semiconductor

© 2021 by Taiwan Foundation for Democracy

industry. Since the Chinese government relies on digital control and information monitoring to keep tabs on society and utilizes the party-state system to direct research in related industries, China has a considerable lead in the development of surveillance technologies. And its digitally driven social stability maintenance system has gradually been applied to issues related to the operation of cross-strait relations. For example, China has launched information attacks and united front operations against specific party/government leaders and companies, and used its cyber army to infiltrate social media platforms for the purpose of undermining the freedom of speech and social trust in Taiwan.

3.4 China Has Adopted a Hard Line Against Taiwan, Limiting the Space for Taiwan Public to Express Their Opinions

Under a chilly political climate on both sides of the Taiwan Strait, the Chinese Communist Party regime has kept its scorched-earth policy of regulating speech in commercial, entertainment, and other civil society domains. For example, from the Luckin Coffee and Taobao incidents, we clearly see that an individual's words and deeds, which belong to the domain of personal speech, were directly subjected to China's political surveillance and Internet censorship. This practice has caused one to run into trouble for speech and affects the rights and interests of workers. A second example is provided by the latest U.S. State Department report on human rights, which directly pointed out that China's intervention in Taiwan's media outlets has negatively affected press freedom in Taiwan. Another example is the case in which Taiwanese citizens were accused of being spies and "forced to confess" their crimes on CCTV. Here China does not simply trample on the relevant parties' judicial rights and interests, but also has produced a chilling effect on speech and exchanges of opinion on cross-strait affairs.

© *2021 by Taiwan Foundation for Democracy*

4. Major Events Related to Taiwan-related Human Rights in China

Influenced by internal and external factors in 2020, the Chinese Communist Party regime has interfered in Taiwan's attempts to forge new international ties even more so. In this regard, the research team has selected a few representative events in 2020, using them to unravel the oppressive situation faced by "Taiwan-related human rights."

4.1 The Pandemic Has Unfairly Treated Taiwanese People in Mainland China (Economics, Politics, Personal Safety)

After the onset of the Covid-19 pandemic, international health bodies stopped providing information to Taiwan and the World Health Organization (WHO) did not invite Taiwanese experts to participate in the discussions of Public Health Emergency of International Concern (PHEIC) under pressure from Beijing. It was not until February 11 that Taiwan was able to join an online conference under the name of "Taipei" to discuss new Covid-19 drugs and vaccines (Tang, 2020; Lu, Lo, and Lee, 2020). For example, on January 30 the Prime Minister of Canada and the Prime Minister of Japan both supported Taiwan's entry into the World Health Organization. On February 1, the Bavarian State Parliament (*Landtag*) in Germany also expressed support for Taiwan to join the World Health Assembly (WHA) as an observer. However, the Taiwan Affairs Office (TAO) of China's State Council stated on February 6 that if Taiwan wishes to join the WHA, it must comply with the "one China" principle and can only participate in the WHA as an observer and under the name of "Chinese Taipei" (Liu, 2020; Lee, 2020; Tai, 2020).

Second, regarding the evacuation of overseas Taiwanese due to the epidemic, the Mainland Affairs Council (MAC) stated that it has negotiated chartered flights with the Chinese government through various channels to retrieve about 300 Taiwanese

© 2021 by Taiwan Foundation for Democracy

residents in Wuhan. However, to avoid being seen that it had any contact with the Taiwanese government, the TAO deliberately announced that it had not received the message, which delayed the time for people to receive medical care (Lee, 2020); hence, Taiwan did not receive the first batch of citizens until February 3. Also, at that time there was a hemophilic child who was almost out of medicine but could not be evacuated right away. Afterwards, it was only through the collaboration of the Taiwanese government, the SEF, and a Taiwanese businessman that the problem of medicine delivery was promptly solved (PTV News, 2020a; Lin, 2020). Nevertheless, there was still much turmoil in the second evacuation of Taiwanese citizens from China. Chinese officials even tried to sneak additional individuals onto the plane at the last moment, but their attempt was denied by the Taiwanese crew. Regarding this incident, the Chinese state media publicly criticized Taiwan's epidemic prevention measures in an attempt to aggravate cross-strait differences (PTV News, 2020c).

Lastly, due to Taiwan's exceptional pandemic response, an achievement that was recognized by the world over, many countries made proposals inviting Taiwan to participate in the WHA. However, on May 15, the *Foreign Policy* magazine revealed a Chinese confidential document which mentioned that Taiwan's participation in the WHA must be handled in accordance with the "one China principle" (Liao, 2020). China's Foreign Ministry Spokesperson Zhao Lijian also demanded the United States to stop supporting Taiwan's political efforts to advance the cause of Taiwan independence through the pandemic (Chang and Liao, 2020). China also pressured Taylor & Francis, a British publisher, not to accept or publish articles that praise Taiwan's coronavirus response in its academic journals, and to provide the submitting authors' manuscripts and academic backgrounds to China's Ministry of Foreign Affairs (Wang, 2020).

© *2021 by Taiwan Foundation for Democracy*

4.2 The Impact of the CCP Regime on the Freedom of Speech, Economic Rights, and Political Rights of the Taiwanese People

On March 11, the U.S. State Department released the *2019 Country Reports on Human Rights Practices*, which stated the CCP regime had put pressure on Taiwanese businesses and had canceled advertisements in publications that feature content the Chinese authorities would find undesirable. The report also mentioned how the Want Want Group, which has substantial operations in China, had repeatedly filed lawsuits against reporters or news agencies that publish reports that contain unfavorable coverage of the Chinese regime (Hsu, 2020; Hsieh, 2020).

On July 1, Somaliland announced that it would set up reciprocal representative offices with Taiwan, which triggered a major attempt by the Chinese government to try to stop Somaliland from establishing diplomatic ties with Taiwan (Central News Agency, 2020). Paraguay's Ambassador to Taiwan, Marcial Bobadilla Guillen, said at a friendship association meeting on July 21 that the Chinese Communist government has continued to pressure the Paraguayan government to sever diplomatic relations with the island. It was also reported that the CCP is targeting Nicaragua and Paraguay and will continue to suppress Taiwan via diplomatic blockade and other tactics (Chu, 2020). On August 9, U.S. Health and Human Services Secretary Alex Azar arrived in Taiwan on an official visit, and on the 10th, he attended a memorandum of cooperation signing ceremony with Taiwan's Minister of Health and Welfare Chen Shih-chung. Beijing authorities publicly expressed their dissatisfaction, and reacted by flying Chinese military jets over the Taiwan Strait that very morning (BBC Chinese, 2020).

In addition, to ease cross-strait relations Taiwan originally had planned to send delegates to Fujian to participate in the Straits Forum, hoping to create new opportunities for dialogue. But after the China Central Television made its "suing for peace" remarks, which suggested that Wang Jin-pyng was leading a delegation as a messenger of the Democratic Progressive Party (DPP) and intended to dwarf Taiwan's status as a state, there was so much dissatisfaction among Taiwan's ruling and

© 2021 by Taiwan Foundation for Democracy

opposition parties that the Taiwan side decided to cancel its participation in the Forum (Lin, 2020). All the incidents mentioned above show that the Chinese government has already taken a fixed political stance and has no intention to reach out or to engage in dialogue with the Taiwan government. Accordingly, to pressure Taipei into accepting its position, China has taken a persistent and hardline approach in areas such as cross-strait civilian exchanges, economic interactions, and political rights and interests.

4.3 Forced Confessions of Taiwanese Spies

After China sentenced Lee Ming-che to prison in 2017, the Chinese regime not only has expanded its military intimidation against Taiwan but has also accused the island of engaging in espionage against the mainland. For three consecutive days beginning on October 11, the CCTV aired in its "Focus Report" program "forced confession" videos of Taiwanese men—who all went missing between 2018 and 2019—with no known prior spying behavior, including Lee Meng-chu, a local political consultant working for Fangliao Township in Pingtung County; Tsai Chin-hsu, the chairman of the South Taiwan Cross-Strait Relations Association; and Shih Cheng-ping, a retired professor at the National Taiwan Normal University (Cho and Chen, 2020). Chinese authorities also announced the espionage case of Cheng Yu-chin, a former assistant of former DPP Chairman Cho Jung-tai. In the program, the Chinese government used forced confession techniques to allege that Cheng Yu-chin, a Taiwanese scholar who taught in the Czech Republic, engaged in espionage activities; Cheng has been arrested by authorities and is awaiting trial (Chiu, 2020). For over two years Shih Cheng-ping, a retired professor at the National Taiwan Normal University, was accused by the Chinese regime of using cross-strait academic exchanges to collect internal information on China. Shih was detained by relevant Chinese authorities from November 2019 to October 2020, and at the conclusion of his trial on November 25, Shih was sentenced to 4 years in prison for espionage (PTV News, 2020b).

© *2021 by Taiwan Foundation for Democracy*

4.4 Discussion over the List of Taiwan Independence Advocates

Hong Kong's newspaper *Ta Kung Pao* reported that the Chinese government is putting together a "list of Taiwan independence advocates," that is, "those stubborn separatists who have made outrageous pro-Taiwan independence statements and who have committed egregious acts in pursuit of Taiwan independence, as well as their major supporters and sponsors." These independence advocates will be brought to justice in accordance with the *Anti-Secession Law* and the provisions of the *Criminal Law* and the *National Security Law* relating to the "crime of secession," and authorities will chase them for the rest of their lives to hold them accountable (Chang, 2020). Individuals included in the list of Taiwan independence advocates will be punished in accordance with the law and be held criminally liable. The listees will not be allowed to enter China, Hong Kong, and Macao for the rest of their lives, and their visits to other countries will also not be entirely risk-free (Yang, 2020).

Additionally, regarding how Chinese authorities would define stubborn Taiwanese separatists and their sponsors, Li Zhenguang, deputy director of the Institute of Taiwan Studies at Beijing Union University, said that the conditions to be eligible on the list of stubborn Taiwanese separatists are: first, those powerful, harmful, and stubborn well-known Taiwan independence advocates who insist on promoting Taiwan independence shall be on the list; second, the small number of individuals who make outrageous pro-Taiwan independence statements shall be on the list; and third, ordinary citizens, whether they had previously criticized China or not, as long as they are not Taiwan independence activists or Taiwan independence diehards, they do not need to fret about being included in the list. As for Taiwan independence sponsors, if there is conclusive evidence that someone has used large sums of money to fund Taiwan independence activities and support stubborn Taiwan independence advocates, they shall be identified as Taiwan independence sponsors (Chen and Lu, 2020).

© 2021 by Taiwan Foundation for Democracy

China's practice of convicting and sentencing Taiwanese citizens through its laws is a clear violation of the latter's judicial rights and personal safety. Not only do these measures hurt cross-strait relations and public sentiment, but they also increase hostility on both sides and undermine the foundations for mutual trust.

4.5 Special Cases That Have Emerged in Various Places (Taiwan-related Incidents That Affected the Right to Work)

Chinese authorities have asked the film and television industry to avoid employing artists from Hong Kong and Taiwan who had not made a political pledge. Performing artists must agree to a clause stating that they promise to be politically correct for 10 years and must pay a fine if they breached the contract (Lin, 2020). Malaysian artist Wave, one of the co-hosts of PTS Taigi program "Uni-thinking, Uni-roaming", was accused of being a supporter of Taiwan independence after referring to Taiwan and Thailand as "two countries" and had to publicly apologize in social media (Wang, 2020).

Recently, due to pressure from China, the name of Taiwan's representative office in Fiji was changed from "Trade Mission of the Republic of China in Fiji" to "Taipei Trade Office in Fiji." According to foreign media reports, on October 8, Chinese embassy officials caused a big disturbance at a reception hosted by Taiwan's representative office in Fiji, even assaulting Taiwanese diplomatic staff and leaving one with a concussion (Chen, 2020).

Chinese media outlet Guancha reported on September 20, Chinese coffee chain Luckin Coffee has suspended one of its Taiwanese employees for posting hateful comments about Chinese people on Facebook (Lin, 2020). A customer service employee of a Taiwanese baby and infant foods brand in Taobao was fired by the company for replying to a Chinese customer, "Taiwan is an independent country!" which angered Chinese netizens. The company Rivsea issued a statement on October

© *2021 by Taiwan Foundation for Democracy*

15, emphasizing that the company will always adhere to the "one China principle" and that Taiwan is an inseparable part of China's territory (Sing Tao Daily, 2020).

5. Conclusion

5.1 Cross-Strait Relations Are Chilly, and Official and Civilian Exchanges Continue to Be Suspended

In general, in the domain of Taiwan-related human rights, we see that China has taken a more stringent attitude when dealing with the political, economic, judicial, and personal safety rights of Taiwanese citizens. In the past, cross-strait interaction has always been dual-tracked: one official and the other civilian (or non-governmental). After 2016, governmental exchanges have been completely suspended due to political factors, leaving only civilian channels free to operate. However, under a new U.S. Indo-Pacific strategy and increasingly divergent political identities across the strait, even civilian exchanges have encountered many difficulties, none bigger than the outbreak of Covid-19. Affected by the coronavirus, non-governmental exchanges between the two sides of the strait have also been halted. This trend is also reflected in the number of disputes involving Taiwanese businesses in the mainland: the 2020 data show that the number of disputes is clearly lower than previous years. Moreover, the amount of investment by "taishang" in mainland China has also decreased due to the impact of U.S.-China trade war and changing cross-strait relations.

5.2 Mutual Trust between the Two Sides of the Strait Has Disappeared, and the CCP Regime Has Decided to Apply Full Pressure on Taiwan's Politics

In 2020 relations between Taiwan and China have further drifted apart due to the suspension of official exchanges and the interruption of civilian/non-governmental

© 2021 by Taiwan Foundation for Democracy

exchanges. In protesting against closer Taiwan-U.S. ties, the Chinese government has stepped up its military intimidation against Taiwan, thus adding more tension to the already alienated cross-strait ties. In addition, with respect to government measures that may enhance or protect people's rights and interests, no progress was seen in 2020. Although the ECFA framework still exists to govern economic and trade relations across the Taiwan Strait and despite the fact that there has been some industrial decoupling, the overall industrial division of labor between Taiwan and China still endures. Nevertheless, Beijing has put up strong opposition against the possibility of allowing Taiwan to participate in economic integration efforts or giving Taiwan more international space. The overall tense climate has directly affected the atmosphere for improving cross-strait interactions.

Therefore, in observing Taiwan-related human rights, we have seen how China has dialed up its direct pressure against Taiwan, such as in the case of "Taiwanese spies," its refusal to allow Taiwan's participation in non-governmental international organizations, its obstruction in coronavirus management and coordination, its political censorship of Taiwanese public speech, and its influence on Taiwanese public opinion through sharp power methods. Thus, regarding the political rights and personal safety of Taiwanese people, there have been many violations of human rights conventions. Among the many abuses the most representative act was the case of the report on Taiwanese spies, which was broadcasted by the China Central TV on October 14 for three consecutive days. Here, a normal and routine exchange of opinions in a non-governmental or academic setting may now be regarded as espionage behavior by China due to the latter's national security concerns. And the practice of directly declaring suspects guilty without trial also allows the outside world to see how the Chinese government violates procedural justice.

© *2021 by Taiwan Foundation for Democracy*

5.3 China Has Used Its Sharp Power to Undermine and Divide the Internal Consensus of Taiwan's Society

Because Taiwan held a presidential election in January 2020, China has used its sharp power to infiltrate Taiwan's media outlets and to mislead the Taiwanese public's cognitive attitudes toward the election and cross-strait relations through online propaganda. Additionally, China also allowed its netizens to engage in malicious confrontation against the Taiwanese on social media platforms. The war of words between the two sides quickly depleted the affection that had previously accumulated across the strait, and as a result, the mutual trust between the two societies has eroded, and the talk about "the two sides of the strait will/must eventually go to war" began to circulate widely. This development, driven by China's nationalistic sentiments and anti-Taiwan independence rhetoric, has led to the demonization of Taiwan's achievements in democratic development and good human rights governance, both of which had been avowed by the Chinese people in the past.

Based on the above, the author believes that on issue such as Taiwan-related human right, China had taken a more direct and more stringent approach to suppress Taiwan. Without a platform for official exchanges and private non-governmental interaction, Taiwan has no target to turn to for leverage or dialogue if it wishes to remedy the rights and interests of Taiwanese citizens. Taiwan officials could effectively communicate with their Chinese counterparts on various issues in the past, but now they need to tactically find a feasible mechanism that can convey their opinions across. In effect, the two sides now are unable to communicate effectively and resolve misunderstandings. However, China-U.S. relations and the coronavirus pandemic have placed cross-strait relations at the center of the storm, and as such, the misunderstandings are not cleared up. It's also easy for the external environment beyond the Taiwan Strait to expose people's rights and interests to threats, but at the same time, there aren't any effective tools or methods to deal with them. As a consequence, the performance of "Taiwan-related human rights" in 2020 has worsened in comparison with that of the previous year.

© 2021 by Taiwan Foundation for Democracy

Appendix

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

January-February					
Facet / Issue	Personal safety	Political rights and interests	Economic rights and interests	Discriminatory treatment	Violation of Covenant
Anti-extradition medic disappeared in China	✓	✓	×	×	B-9 B-10
ICAO ignores Taiwan, which must fight the epidemic "alone"	✓	✓	✓	✓	B-19
To stop coronavirus, Italy bans flights from Taiwan	✓	✓	×	✓	B-9
Wang Ting-yu criticizes the WHO for allowing the CCP to play politics with epidemic prevention and suppress Taiwan	✓	✓	✓	✓	B-19 A-6
The Philippines bans Taiwan tourists according to "one China" principle, Taiwan's MOFA: Taiwan is not China	✓	✓	×	✓	B-19
Vietnam abruptly bans flight from Taiwan to prevent coronavirus, EVA plane turns back in mid-air, Starlux plane returns to tarmac before take-off	✓	✓	×	✓	A-6
New Human Rights Watch report: the CCP violates human rights	✓	✓	×	✓	B-9 B-10
Italy temporarily halts flights from Taiwan, China Airlines and EVA affected	✓	✓	×	×	A-6
March and April					
Facet / Issue	Personal safety	Political rights and interests	Economic rights and interests	Discriminatory treatment	Violation of Covenant

© 2021 by Taiwan Foundation for Democracy

Taiwan's response to coronavirus is worth sharing with the world, US lawmaker: will strongly advocate Taiwan's participation in the WHA	×	×	×	✓	B-19
The Times of India: Taiwan has successfully fought coronavirus, its exclusion from WHA is ridiculous	×	×	×	✓	B-19
China intends to "agree" Taiwan's participation in the WHA? Taiwan's foreign ministry: Just don't meddle	×	×	×	✓	B-19
Taiwan to become a WHA observer! Japanese media: China's ambassador to Japan reveals that Beijing has softened its stance to sidestep international criticism	×	×	×	✓	B-19
Chinese students banned from coming to Taiwan, private university administrators worry that the ban will hurt cross-strait cultural and educational exchanges	×	✓	×	✓	A-6 B-19
China wanted to sneak another 30 persons in second chartered flight, Ma Ying-jeou calls on the MAC to open borders	✓	✓	×	✓	B-19

© 2021 by Taiwan Foundation for Democracy

Latest U.S. State Department human rights report highlights concerns about the CCP's pressure on Taiwan's press freedom	✓	✓	×	×	B-19
MAC: We will never allow the CCP to intervene in Taiwan's media operations with its sharp power	✓	✓	×	×	A-6 B-19
Zoom admits data was "mistakenly" sent to China! Numerous governments and companies announce a Zoom ban	✓	✓	×	×	A-6 B-19
Chinese netizens spread misinformation about coronavirus, Facebook removes over 60 accounts	✓	✓	×	×	B-19
Chinese netizen poses as Taiwanese, admits to attacking Tedros and issuing fake apology	×	✓	×	×	B-19
May-June					
Facet / Issue	Personal safety	Political rights and interests	Economic rights and interests	Discriminatory treatment	Violation of Covenant
New Zealand supports Taiwan's participation in the WHA, China: what Taiwan success?	×	✓	✓	×	B-19
Ridiculous! China warns other countries about Taiwan's WHA participation… Taiwan's foreign ministry: Arrogant bullying	×	✓	✓	×	B-19

© 2021 by Taiwan Foundation for Democracy

China's foreign ministry announcement: Hungary adheres to the "one China" principle and opposes Taiwan's participation in WHO	×	✓	✓	×	B-19
Grand external propaganda is back! China pressures international journal to not promote Taiwan	✓	✓	✓	✓	B-19
China's foreign ministry: We urge the U.S. to stop supporting Taiwan's plan in "using the pandemic to plot independence"	×	✓	×	×	B-19
Despite China's threats, Brazil extols "Long live Taiwan"	×	✓	×	×	B-19
Spokesperson of China's Ministry of National Defense: Taiwan independence is a dead end	×	✓	×	×	B-19
Never-ending anger? The U.S. sells torpedoes to Taiwan, China's defense ministry fires back again	×	✓	×	×	B-19
China again? The Presidential Palace was hacked… confidential document doctored and leaked! He reveals the shocking political motives	✓	✓	×	×	B-19
Two congressional assistants and one taishang charged by Bureau of Investigation for recruiting diplomats and journalists as spies	✓	✓	×	×	B-9 B-10

© 2021 by Taiwan Foundation for Democracy

Gangster leader turned spy is returned to Taiwan after being used by China	✓	✓	×	×	B-9
The CCP forces performing artists from Hong Kong and Taiwan to promise 10 years of political correctness, causing an uproar	×	✓	✓	×	A-6
Calling Taiwan a "country" angers Chinese viewers, the host of Taiwan's PTS Taigi program forced to apologize	×	✓	✓	×	A-6 B-19
Helped Bright in apologizing to China! Male host faces backlash and claims innocence: He voluntarily said it himself	×	✓	✓	×	A-6 B-19
July-August					
Facet / Issue	Personal safety	Political rights and interests	Economic rights and interests	Discriminatory treatment	Violation of Covenant
Somaliland rejects China's pressure to stop ties with Taiwan	×	✓	✓	×	B-19
The Paraguayan ambassador to Taiwan says that China pressured country to cut off ties with Taiwan! Beijing mulls a diplomatic blockade to warn the US and Taiwan	×	✓	✓	×	B-19
Several Taiwanese officials forced to leave Hong Kong for refusing to sign "one China" document	×	✓	✓	✓	B-19

© *2021 by Taiwan Foundation for Democracy*

After the adoption of National Security Law Hong Kong places stricter requirements on "one China" policy, Taiwan-Hong Kong interaction becomes more problematic	×	✓	✓	✓	B-19
At least 7 Taiwanese semiconductor companies have been targeted by Chinese hackers	✓	✓	✓	×	A-6
U.S. government and police warn that hackers supported by the Chinese government are launching attacks with this variant	✓	✓	×	×	A-6
September-October					
Facet / Issue	Personal safety	Political rights and interests	Economic rights and interests	Discriminatory treatment	Violation of Covenant
U.S. charges 5 Chinese hackers! A university in Taiwan was victimized with more than 60,000 photos leaked	✓	✓	✓	×	B-19
Described as going to China to "sue for peace," KMT cancels its participation at the cross-strait forum	×	✓	✓	✓	A-6
Taiwan-based Chinese Wild Bird Federation kicked out of BirdLife International after refusing to change name, Taiwan's foreign ministry condemns Chinese pressure	×	✓	✓	✓	A-6 B-19
Taiwanese employee of Luckin Coffee suspended for making hateful comments against mainland Chinese in 2016	×	✓	✓	×	A-6 B-19

© 2021 by Taiwan Foundation for Democracy

MAC: The CCP shamefully frames Taiwan nationals conducting exchange in China as spies	✓	✓	×	×	B-9
Taiwan withdraws participation in international travel expo after China pressured to change name, Tourism Bureau recounts what happened	×	✓	✓	✓	B-19
MAC: Will do what we can to assist 48 citizens who disappeared in China	✓	✓	×	×	B-9 B-10
Due to China's pressure, it's difficult for Taiwan's foreign embassies to have "Taiwan" in its name	×	✓	×	×	A-6 B-19
Verbal intimidation and saber rattling! Lee Meng-chu detained at a state security detention facility and given a prison number before trial	✓	✓	×	×	B-9 B-10
Taobao's customer service rep replies "Dear, Taiwan is an independent country," company dismisses employee and apologizes: China and Taiwan are inseparable	×	✓	✓	✓	A-6 B-19
Chinese warplanes disturb Taiwan every day, expert says China intends to "internalize" the Taiwan Strait	✓	✓	×	×	
After Taiwan National Day event scuffle in Fiji, China says Taiwan has no diplomats	✓	✓	✓	✓	B-19

© *2021 by Taiwan Foundation for Democracy*

Taiwanese spy case has become a tool for grand domestic propaganda, scholar: this will impact cross-strait academic exchanges	✓	✓	×	×	B-9 B-10 B-19
November					
Facet / Issue	Personal safety	Political rights and interests	Economic rights and interests	Discriminatory treatment	Violation of Covenant
Ask Xi Jinping to release Lee Ming-che at APEC? John Deng: Meeting is held online, so no opportunity to raise issue	✓	×	×	✓	B-9 B-10
Designating Taiwanese students in Norway as citizens of China violates their human rights, Taiwan's Ministry of Foreign Affairs will negotiate with the EU	✓	×	×	✓	A-6
Taiwanese are in danger! Experts unveil Chinese spy craft and expose the methods of CCP's "hostage diplomacy"	✓	✓	×	✓	B-9 B-10
"Taiwan independence" supporters say they support "Hong Kong independence" but they actually despise it	×	✓	×	✓	B-19
China plans to compile a list of "stubborn Taiwan independence advocates," and will severely punish them in accordance with the law and hold them accountable for the rest of their lives	✓	✓	×	✓	B-9 B-10

© 2021 by Taiwan Foundation for Democracy

Taiwan's participation in the WHA obstructed, the KMT calls out to China: Suppressing the Republic of China will not help cross-strait development	×	✓	✓	✓	B-19
Under Chinese pressure and obstruction, WHA again excludes Taiwan	×	✓	✓	✓	B-19
"Forced to plead guilty" but still with little chance of escaping jail, retired professor Shih Cheng-ping sentenced to four years in prison by China	✓	×	×	✓	B-9 B-10
Pompeo says Taiwan is not part of China, but the State Department reiterates its one China policy and takes no position on Taiwan's sovereignty	×	✓	✓	×	B-19
Taiwan Affairs Office talks RCEP: The one China principle is a prerequisite for Taiwan's participation	×	✓	✓	×	B-19

Source: compiled by this study

© *2021 by Taiwan Foundation for Democracy*

References

BBC Chinese (2020). "U.S. Secretary of Health Visits Taiwan, Chinese Fighter Jets Cross the Taiwan Strait Median Line." BBC Chinese. 2020/08/10. https://www.bbc.com/zhongwen/simp/chinese-news-53723023. (accessed August 16, 2020).

Central News Agency (2020). "Somaliland Rejects China's Pressure to Stop Ties with Taiwan." United Daily News Net. 2020/07/06. https://udn.com/news/story/6809/4681363. (accessed July 16, 2020).

Chang, Juhsien (2020). "For Refusing to Sign a Political Declaration Document Bird Society Was Delisted, Author Ku Ling Says: Migratory Birds Are Not Allowed to Spend the Winter and Would Rather Freeze to Death in 'My Motherland'." Newtalk. 2020/09/28. https://newtalk.tw/news/view/2020-09-28/471748. (accessed September 30, 2020).

Chang, Peitzu (2020). "China Is Planning to Compile a List of 'Taiwan Independence Advocates' and to Hold Them Accountable for the Rest of Their Lives, Joyce Huang: This Is Just the Beginning." Newstalk. 2020/11/23. https://newtalk.tw/news/view/2020-11-23/498360. (accessed November 25, 2020).

Chang, Shuling and Tsunghan Liao (2020). "China's Foreign Ministry: We Urge the U.S. to Stop Supporting Taiwan's Plan in "Using the Pandemic to Plot Independence." Central News Agency. 2020/05/29. https://www.cna.com.tw/news/acn/202005130361.aspx. (accessed June 5, 2020).

Chen, Yanchiao and Chiajung Lu (2020). "China's List of Taiwan Independence Advocates Indirectly Confirmed by the Taiwan Affairs Office." United Daily News Net. 2020/11/19. https://udn.com/news/story/7331/5026407. (accessed November 25, 2020).

Chen, Yunyu (2020). "China Gatecrashes Taiwan's National Day Event, Concussing One Diplomat, and Pressures Fiji to Downplay the Incident." Central News Agency. 2020/10/20. https://www.cna.com.tw/news/firstnews/202010190117.aspx. (accessed October 28, 2020).

© 2021 by Taiwan Foundation for Democracy

Chiu, Kuochiang (2020). "China Continues to Hype the Case of Taiwanese Spies, Czechia-based Taiwanese Scholar Cheng Yu-chin Is Detained for Carrying Out Espionage." Central News Agency. 2020/10/12. https://tw.stock.yahoo.com/news/中國續炒台諜案-指捷克台籍學者鄭宇欽涉案被捕-131443709.html. (accessed November 19, 2020).

Cho, Kuanchi and Chiachun Chen (2020). "Forced Disappearance and Forced Spying, Which Countries Are Also Victims of China's 'Hostage Diplomacy'?" PTV News. 2020/10/23. https://news.pts.org.tw/article/497354. (accessed November 5, 2020).

Chu, Yanchen (2020). "Paraguay Accuses Beijing of Exerting Pressure to Establish Diplomatic Relations, Taiwan's Ministry of Foreign Affairs: We Must Remain Highly Vigilant." Duowei News. 2020/07/22. https://www.dwnews.com/臺灣/60204927/巴拉圭指北京施壓建交台外交部高度警覺. (accessed July 25, 2020).

FTV News (2020a). "After Being Released from Quarantine the Taiwanese Businesspeople from Wuhan Thank Him First! Lee Cheng-hao: This Proves Hsu Cheng-wen Had the Authority to Decide Who Goes on the List." FTV News. 2020/02/18. https://www.ftvnews.com.tw/news/detail/2020218P07M1. (accessed February 19, 2020).

_____ (2020b). "China Wanted to Sneak Another 30 Persons in Second Chartered Flight, Ma Ying-jeou Calls on the MAC to Open Borders." FTV News. 2020/03/11. https://tw.tv.yahoo.com/第二波包機中國又想偷塞30人-馬英九唱和-呼籲陸委會開放入境-105647488.html. (accessed March 18, 2020).

_____ (2020c). "'Forced to Plead Guilty' but Still with Little Chance of Escaping Jail, Retired Professor Shih Cheng-ping Sentenced to Four Years in Prison by China." FTV News. 2020/11/25. https://tw.news.yahoo.com/被認罪-難逃囹圄-退休教授施正屏遭中判刑四年-112842005.html. (accessed December 4, 2020).

Hsieh, Lihui (2020). "MAC: We Will Never Allow the CCP to Intervene in Taiwan's

© *2021 by Taiwan Foundation for Democracy*

Media Operations with Its Sharp Power." Newtalk. 2020/03/12. https://newtalk.tw/news/view/2020-03-12/375593. (accessed March 25, 2020).

Hsu, Ichen (2020). "MAC: 48 Taiwanese Citizens Missing or 'Unable to Confirm Whereabouts' in China." China Times Net. 2020/10/15. https://www.chinatimes.com/realtimenews/20201015005566-260409?chdtv. (accessed November 25, 2020).

Hsu, Weiting (2020). "Latest U.S. State Department Human Rights Report Highlights Concerns about the CCP's Pressure on Taiwan's Press Freedom." Central News Agency. 2020/03/12. https://www.cna.com.tw/news/firstnews/202003120041.aspx. (accessed March 25, 2020).

Lee, Suchun (2020). "Germany's Landtag Passed a Resolution to Support Taiwan's Participation in the WHA." Yahoo News. 2020/02/01. https://tw.news.yahoo.com/德國邦議會通過決議-支持台灣參加wha-025000209.html. (accessed February 9, 2020).

Lee, Tsunghsien (2020). "Wuhan Pneumonia: A Cross-Strait Controversy Triggered by Taiwan's Mask Ban." BBC Chinese. 2020/01/29. https://www.bbc.com/zhongwen/trad/chinese-news-51296645. (accessed February 4, 2020).

Liao, Chemin (2020). "Ridiculous! China Warns Other Countries about Taiwan's WHA Participation… Taiwan's Foreign Ministry: Arrogant Bullying." SET News. 2020/05/16. https://www.setn.com/News.aspx?NewsID=744168. (accessed May 22, 2020).

Lin, Chingyin (2020). "Child Suffering from Hemophilia Gets Medicine, the SEF and a Taiwanese Businessman Team Up to Deliver Medicine a Thousand Mile Away." United Daily News. 2020/02/10. https://udn.com/news/story/120936/4333206. (accessed February 19, 2020).

Lin, Kuanchien (2020). "Breaking News: Described as Going to China to 'Sue for Peace,' KMT Cancels Participation at the Cross-Strait Forum." NOWnews. 2020/09/14. https://tw.news.yahoo.com/快訊-遭指赴陸為-求和-國民黨宣布取消前往海峽論壇-083838178.html. (accessed September 21, 2020).

© 2021 by Taiwan Foundation for Democracy

Lin, Shiyuan (2020). "The CCP Requires Performing Artists from Hong Kong and Taiwan to Promise 10 Years of Political Correctness, Causing an Uproar." Epoch Times. 2020/05/06. https://www.epochtimes.com/b5/20/5/6/n12087823.htm. (accessed May 15, 2020).

Lin, Wangching (2020). "A Taiwanese Employee of Luckin Coffee Suspended for Making Hateful Comments Against Mainland Chinese in 2016." United Daily News Net. 2020/09/20. https://udn.com/news/story/7333/4875047. (accessed September 20, 2020).

Liu, I (2020). "Wuhan Pneumonia: Japan and Canada Join Calls to Include Taiwan in the WHO." Yahoo News. 2020/01/30. https://tw.news.yahoo.com/武漢肺炎-日本-加拿大同發聲-台灣必須加入who-073805981.html. (accessed February 4, 2020).

Lu, Ihsuan, Chi Lo, and Jungping Lee (2020). "WHO Meeting: Taiwan Will Participate as Taipei." Liberty Times. 2020/02/11. https://news.ltn.com.tw/news/politics/paper/1351168. (accessed February 19, 2020).

Ministry of Economic Affairs Investment Commission (2020). "Summary Table of Investments Approved by Ministry of Economic Affairs Investment Commission in Mainland China, 2016-2020." Ministry of Economic Affairs Investment Commission. 2020/10/20. https://www.moeaic.gov.tw/news.view?do=data&id=1472&lang=ch&type=business_ann. (accessed November 19, 2020).

Sing Tao Daily (2020). "Taiwan's Online Store's Customer Service States That 'Taiwan Is a Country,' Store Boycotted by Mainland Netizens." Sing Tao Daily. 2020/10/18. https://www.singtao.ca/4554258/2020-10-18/ news-台灣網店客服稱「台灣是國家」+遭內地網民抵制/?variant=zh-hk. (accessed October 20, 2020).

Tai, Juifen (2020). "China's Taiwan Affairs Office: Taiwan's Participation in WHA Must Be Based on the One-China Principle." Economic Daily News. 2020/02/06. https://money.udn.com/money/story/5603/4325703. (accessed

© *2021 by Taiwan Foundation for Democracy*

February 9, 2020).

Tang, Peichun (2020). "WHO's Emergency Coronavirus Meeting Again Excludes Taiwan, Deflecting International Calls for Its Inclusion." Central News Agency. 2020/01/30. https://www.cna.com.tw/news/firstnews/202001300011.aspx. (accessed February 4, 2020).

The Straits Exchange Foundation (2020). "Statistics of Personal Safety Cases of Taiwanese Businesspeople 2014-2018." The Straits Exchange Foundation. 2020/12/07. https://www.seftb.org/cp-1011-466-110b7-1.html. (accessed December 23, 2020).

Wang, Ankuo (2020). "Grand External Propaganda Is Back! China Pressures International Journal Not to Promote Taiwan." Central News Agency. 2020/05/13. https://www.setn.com/News.aspx?NewsID=751420. (accessed May 18, 2020).

Wang, Chunhan (2020). "Calling Taiwan a 'Country' Angers Chinese Viewers, the Host of Taiwan's PTS Taigi Program Forced to Apologize." Newtalk. 2020/06/22. https://newtalk.tw/news/view/2020-06-22/425184. (accessed June 28, 2020).

Wang, Weiting (2020). "Executive Yuan: National Dignity Cannot Be Sacrificed, We Fully Support the Tourism Bureau's Decision to Withdraw from the PATA Travel Expo." Radio Taiwan International. 2020/10/08. https://www.rti.org.tw/news/view/id/2081770. (accessed October 15, 2020).

Yang, Yang (2020). "Editorial: Stubborn 'Taiwan Independence' Advocates List Reflects Historical Justice." Huanqiu Net. 2020/11/16. https://opinion.huanqiu.com/article/40iylQKJt3h?fbclid=IwAR0qSjEYAhK2ONNfWraFZ96s3JurN1UAJBO5Sd61odEp6wRfYC1oyV1r38o. (accessed November 25, 2020).

© 2021 by Taiwan Foundation for Democracy

© 2021 by Taiwan Foundation for Democracy

Scientific and Technological Rights: Science and Technology Can Be a Force for Good but Also for Evil

Wesley Yi-hung Weng*

Abstract

China's advances in high-tech research and development (R&D) and product applications have attracted worldwide attention. This considerable positive development in the rights of the people to enjoy the interests of scientific progress, which include the right to property and intellectual property rights, can be regarded as progress in PRC's fulfillment of international human rights conventions. For example, due to the Covid-19 pandemic and quarantine regulations in 2020, the Chinese government took active measures to ensure that telecommuting (work from home), online educational instruction, and social services such as online healthcare were efficiently provided over the Internet and other technological applications. China's e-commerce services, online delivery services, and even digital payment services were found to be extremely convenient, and they fostered the development and protection of the digital economy and the right to property.

Nevertheless, last year's observation report had indicated that high-tech applications do not merely bring benefits to human rights; rather, they are usually best thought as a double-edged sword. As far as this year's report is concerned, this technological double-edged sword has not only become more trenchant on the "benefits" side, but the opposing "harms" side—mass surveillance, government

* Associate Professor, College of Law, Shih Hsin University. In drafting this observational report, the author has greatly benefited from the valuable comments and thoughtful suggestions provided by the discussant and two anonymous reviewers, to whom the author is sincerely grateful. The author also wishes to thank his colleagues at the Taiwan Foundation for Democracy again for their indefatigable assistance and support.

© 2021 by Taiwan Foundation for Democracy

interference, human rights violations—has also become more manifest.

First, unlike the policy-based government interventions of digital human rights in the past, China has gradually amended and adopted various laws and regulations, so that its promotion of a comprehensive digital governance (science and technology governance) has a legal basis. Yet this normative system demonstrates China's insistence on maintaining control over online information, virtual territories, and cyber sovereignty. For any intervening entity that infringes on Chinese interests, the state would implement cross-border (physical) measures and use the laws and regulations as the basis for monitoring cross-border data transfers. Moreover, there remain in fact many uncertain and abstract legal concepts within the three laws, which would certainly affect the protection of rights (including the right to property) of foreign enterprises and individuals, even the rights of Chinese citizens themselves.

In practice, the implementation of technological applications such as biometric monitoring, social credit rating system, and digital currencies have also profoundly interfered with the people's rights to privacy and with their right of freedom of expression. In 2020, the most important focus in science and technology rights is none other than the issue of health code, which arose from the need for epidemic prevention. The health code system may not only interfere with one's personal data regarding location and freedom of expression, but it also creates some degree of restrictions on the freedom of movement and migration, freedom of association, and even the protection of the right to property. In fact, China's strategic measures (in response to the pandemic) may have instead increased the Chinese people's acceptance of technological surveillance. The diffusion and spread of these types of invasive measures around the world requires us to stay vigilant.

Keywords: scientific and technological rights, social credit rating, big data, freedom of information, data protection, health code

© *2021 by Taiwan Foundation for Democracy*

1. Introduction

From the perspective of international human rights covenants, Article 17 of the *International Covenant on Civil and Political Rights* (ICCPR) 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 information privacy, the right to freedom of speech, the right to (intellectual) property, the right to access technology without discrimination or unequal treatment, and the right to enjoy the benefits of scientific progress and its applications. In addition, the right to enjoy the interests 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. Since the adoption of the *Convention on Access to Official Documents* by the European Council in 2009, these scientific and technological rights had been recognized by the United Nations Human Rights Council, the European Court of Human Rights, the Inter-American Court of Human Rights, and the European Commission.

China's advances in high-tech research and development (R&D) and product applications have attracted worldwide attention. This considerable positive development in the rights of the people to enjoy the interests of scientific progress, which include the right to property and intellectual property rights, can be regarded as progress in China's fulfillment of international human rights conventions. In terms of Internet penetration and digital applications, the number of netizens (Internet users) in China reached 940 million as of June 2020. In the first half of the year, 25.98 million new users were added to the total netizen population, and Internet penetration reached 67%, up 2.5 percentage points from March 2020. The difference in Internet penetration between urban and rural areas was 24.1%, the first time it had fallen under 30% since 2017. The number of 5G users had exceeded 66 million, and the three main

© 2021 by Taiwan Foundation for Democracy

telecommunications operators in the country had built over 400,000 5G base stations. Indeed, based on overall trends summarized in the official report, China's vast Internet infrastructure has been improved and upgraded, but a significant degree of digital divide remains.

On the other hand, the application of these modern technological advancements has also delivered many social benefits. For example, due to the Covid-19 pandemic and quarantine regulations, the Chinese government took active measures to ensure that telecommuting (work from home), online educational instruction, and social services such as online healthcare (telemedicine) were efficiently provided over the Internet and other technological applications. For instance, according to relevant public reports, as of June 2020, the number of online education users reached 381 million, accounting for 40.5 of all Internet users; 276 million availed themselves of online healthcare services, accounting for 29.4% of all netizens; and 199 million engaged in telecommuting, or 21.2 % of the total netizen population (China Internet Network Information Center, 2020). Moreover, China's e-commerce services, online delivery services, and even digital payment services were found to be extremely convenient, and they fostered the development and protection of the digital economy and the right to property.

Nevertheless, last year's observation report had indicated that high-tech applications do not necessarily just bring benefits to human rights; rather, they are usually best thought as a double-edged sword. As far as this year's observation report is concerned, this technological double-edged sword has not only become sharper on the "beneficial" side, but the opposing "harmful" side has become more evident as well if we consider the extent of surveillance, government interference, and human rights abuses that now exist in China.

In fact, from the perspective of international human rights, China also feels the importance of scientific and technological rights. For example, on March 5, 2020, Liu Hua, the special representative for human rights of the Chinese Ministry of Foreign

© *2021 by Taiwan Foundation for Democracy*

Affairs, indicated that China attaches great importance to protecting the privacy of citizens at the 43rd session of the United Nations Human Rights Council, calling on the United Nations to take practical measures to prevent certain countries from conducting large-scale electronic surveillance and personal data collection worldwide (Liberty Times, 2020a). She further identified, correctly, a few possible criteria for assessment: "the illegal or arbitrary monitoring of people's communications and the collection of personal data not only constitute an invasion of privacy, but also affect people's right to freedom of speech, association and assembly, and the right to information. Due to the highly globalized nature of communication technologies represented by the Internet, large-scale electronic surveillance not only violates the human rights of Chinese citizens, but also tramples on the human rights of people of other countries and their national sovereignty. This practice also runs counter to the principles of respecting national sovereignty and territorial integrity and non-interference as enshrined in the UN Charter" (Nie and Chen, 2020).

In this observation report, the relevant indicators for evaluating the state of scientific and technological rights in China include the following: a normative system for governing science and technology under the concept of law-based governance and the disputes surrounding the laws and regulations themselves; the problems of digital surveillance and state intervention in the free flow of information; and this year's most special event, which is none other than the ferocious outbreak of the Covid-19 pandemic: therefore, we shall pay close attention to China's "health code" system itself and its due effects on scientific and technological rights.

© 2021 by Taiwan Foundation for Democracy

2. A Normative System for Governing Science and Technology That Is Out of Step with Human Rights

2.1 The Construction of a Normative System for Science and Technology Governance

Unlike the policy-based interventions of digital rights in the past, China has gradually amended and issued various laws and regulations, so that its promotion of a comprehensive digital governance (science and technology governance) has a legal basis. While the adoption of the Hong Kong *National Security Law* by the Standing Committee of the 13th National People's Congress of China attracted worldwide attention, in 2020 what merit our attention in the field of scientific and technological rights are the three fundamental laws and regulatory norms, including the related *Opinions* or *Notices*, that had been accumulated from recent years to 2020 in the development of digital technologies: the *Cybersecurity Law*, the *Data Security Law*, and the *Personal Data Protection Law*.

Since China highly values the fundamental and strategic role of information technology development in advancing the country's modernization, the *Cybersecurity Law* is unquestionably its first basic law that attempts to comprehensively regulate the problem of cyberspace security management. The law includes the following core principles: establishing cyberspace sovereignty and specifying the security obligations of Internet product and service providers, as well as those of network operators; improving the rules governing personal data protection; establishing a security system to protect critical information infrastructure; and providing regulations for the cross-border transfer of important data within the critical information infrastructure.

Second, according to the *Data Security Law of the People's Republic of China (Draft)* published by the Standing Committee of the National People's Congress of China on July 3, the aims of the legislation, in addition to maintaining political stability, also include ensuring data security, promoting the use of data, and using the

© *2021 by Taiwan Foundation for Democracy*

law as the basic law that governs the field of information technologies. Moreover, beyond the construction of a complete data security supervision system, among the law's provisions related to digital rights is Article 2, which stipulates any organization or individual outside the borders of China that is engaged in data activities which harm China's national security or the public interest of its citizens would be investigated for legal liability in accordance with the law. Based on the contents of this article, it should be clear that the Chinese government plans to exercise extraterritorial jurisdiction in the digital domain.

Third, in October 2020 China published the *Personal Data Protection Law of the People's Republic of China (Draft)*. This law not only attempts to link up Chinese and international data protection rules, especially the European Union's general personal data protection regulations, its focus is also to establish a sound and feasible normative system based on the concept of personal data protection. While the law has left a few controversial theoretical questions open, it works in connection with the *Civil Code* and other relevant laws and regulations to refine and enrich the personal data protection rules.

2.2 Observing China's Normative System for Science and Technology Governance from a Human Rights Perspective

In terms of structure, the systemic areas regulated by the three fundamental laws mentioned above are the cyberspace, data security, and all types of personal data.

What deserves our attention is that the laws are stoked with "Chinese characteristics." For any organization or individual outside the territory of China that has engaged in activities that harm the rights of personal data and interests of individual Chinese citizens, and for any country or region that has taken unreasonable measures against China in terms of personal data protection, the laws stipulate the corresponding measures that the government may adopt. In other words, this shows China's insistence on maintaining control over online information, virtual territories,

© 2021 by Taiwan Foundation for Democracy

and cyber sovereignty. For any intervening entity that infringes on Chinese interests, the state would implement cross-border (physical) measures. However, from the perspective of human rights, state intervention here is not really about protecting personal data or the individual human rights, but mostly concentrated on protecting China's national interests.

Furthermore, the three laws for science and technology governance also establish that critical information data operators and personal data handlers processing personal information reaching quantities prescribed by the Cyberspace Administration of China must pass a security assessment organized by the national cyberspace authorities when it is necessary for them to provide personal data outside of the borders of China. For other persons who need to provide personal data across borders, the laws stipulate that they must obtain certification conducted by professional agencies, and apparently also provide the legal basis for monitoring these cross-border data transfers.

Moreover, there remain in fact many uncertain and abstract legal concepts within the three laws, which would certainly affect the protection of rights (including the right to property) of foreign enterprises and individuals, even the rights of Chinese citizens themselves. Lastly, the relevant laws and regulations allow administrative agencies to require enterprises or organizations located overseas to hand over foreign personal data, but since there is no separation of powers, no judicial review exists to provide oversight protection. This makes it possible for anyone to be charged with a crime "in accordance with the law" whenever they engage in any digital information activities, no matter if they are located inside or outside China.

3. Technological Control in Every Aspect of Daily Life

3.1 Hindering the Free Flow of Digital Information

The Cyberspace Administration of China began to implement regulations on the ecological governance of online information content, requiring the establishment

© *2021 by Taiwan Foundation for Democracy*

of a positive cyberculture towards kindness. In this regard, online information content producers may not produce, copy, and publish any illegal content, including information that: violates the fundamental principles set forth in the *Constitution*; jeopardizes national security; divulges state secrets; subverts state power; undermines national unity; damages the reputation or interests of the state; and distorts, defames, desecrates, or denies the deeds and spirit of heroes and martyrs. The laws strictly prohibit the acts of insulting and defaming others, making threats, spreading rumors, infringing upon the privacy of others, engaging in online traffic fraud, and other 11 types of content violations. Online information content producers are encouraged instead to produce and copy information or speech that publicizes the "Xi Jinping Thought", publicizes the Chinese Communist Party's theoretical line, principles, and policies, as well as the major decisions and arrangements of the Chinese Communist Party, and carries forward the core socialist values. Furthermore, the Cyberspace Administration of China announced on May 22 that it would launch in 2020 an eight-months, nationwide "clean up the Internet" campaign that targets various online communication channels and platforms to remove all types of unlawful and harmful content from the cyberspace (Cyberspace Administration of the People's Republic of China, 2020a).

From the outside looking in, it is noted that the laws' legislative intent is to respond to the general public's concerns over pornographic and vulgar content, online violence, malicious marketing, infringements of citizen's privacy, and other negative and harmful information that is constantly being updated and easily keeps coming back, all of which seriously pollute the cyberspace ecological system and detrimentally affect the physical and mental health of young people. However, the relationship between the laws' motivations and the regulation of online information content may not be legitimate from the perspective of human rights protection. In addition, since the "clean up the Internet" campaign is a fundamental and long-term task of comprehensive cyberspace governance, it has a permanent character.

© 2021 by Taiwan Foundation for Democracy

Therefore, in the context of human rights protection, it seems that the principle of proportionality should be applied.

3.2 Using Technology for Surveillance

This year's observations regarding the use of technology for online surveillance activities, which infringe on the people's right to privacy, right to freedom of expression, and right to take part in cultural life as guaranteed by Article 15 of the ICESCR, are described below:

3.2.1 The Social Credit System

The definition in Chinese law of the so-called dishonest person subject to enforcement is "any person subject to enforcement who has the ability but fails to perform obligations determined in an effective legal instrument," as recognized by the people's courts at all levels of the judiciary system of the People's Republic of China. And as for the collection and processing of the relevant social credit information, if we take the Ministry of Transport as an example, we find that the Chinese government has used Internet technologies to strengthen data collection and sharing, accumulating a total of 3.37 billion pieces of household information, and establishing "One Account" files for 8.502 million enterprises and business households and 22 million employees. In collecting all this information, China may have violated core data protection principles of data minimization and purpose limitation. The legal consequence of China's social credit system is joint punishment, that is, "a trustworthy person will have smooth sails, but a dishonest or untrustworthy person will face restrictions everywhere," an outcome that runs counter to the principle of proportionality. In fact, the social credit system is extremely detrimental to the autonomous development of a person's character, and as such it visibly infringes on an individual's right to privacy protection as specified in Article 17 of the ICCPR.

© *2021 by Taiwan Foundation for Democracy*

On the other hand, the social credit system has been implemented in all aspects of daily life, including transportation, the judiciary, business, education, academic research, finance, e-commerce, farmers' wages, and urban services. Premier Li Keqiang indicated at an executive meeting of the State Council that the social credit system must be implemented in accordance with the law, that the scope and procedures for sharing credit information must be standardized, and that the principles of personal data protection must be abided by based on clear facts. He even stated that financial institutions, credit service agencies, industry associations, chambers of commerce, and news media should not be forced to punish entities (Credit China, 2020). However, from all accounts, joint punishment remains the principal compliance mechanism. Still, the social credit system has begun to employ a "credit repair mechanism" this year. When individuals with previous acts of bad faith have corrected their dishonest behaviors and have met credit repair eligibility, they would be removed from the list of dishonest entities (Wen Wei Po, 2020). Nevertheless, specific details regarding the implementation of the credit repair mechanism require further continuous observation.

In observing the social credit system, the author also notes that the individuals targeted by the social credit system no longer are limited to Chinese nationals but have been extended to foreigners. On July 21, China's Ministry of Education issued the *Measures for the Employment and Management of Foreign Teachers (Draft for Solicitation of Comments)*. The new measures stipulate that a "credit record system" for foreign teachers will be established, which is similar to the social credit scoring system currently in effect in China. However, there is great confusion about the social credit system, leading to much criticism among the citizens. The current credit system in China includes "credit checking" that is more related to one's economic behavior, as well as the social credit score system that is led by the National Development and Reform Commission and linked to all other aspects of one's social life. In actual implementation, it appears that the problem is that the two "credit" models/systems

© 2021 by Taiwan Foundation for Democracy

often get mixed up. And when the mechanisms of punishments and incentives are incorrectly applied, the original concept of credit scoring becomes hollow and prone to abuse.

3.2.2 Surveillance by Various Government and Private Apps

With respect to food, after Chinese President Xi Jinping put forward a policy against food waste, local governments responded avidly. Relevant measures include setting up surveillance cameras at the tray return areas of restaurants located inside provincial governments to catch wasteful eating behaviors. If any wasteful behavior were detected, the person committing the act would be automatically identified, and the person's unit would be notified depending on the circumstances. For example, government agencies in the Heilongjiang province have installed cameras near the restaurant's tray return area to catch wasteful behavior. By contrast, the city of Xi'an has added food-saving behaviors to its assessment of students' daily performance, so this type of surveillance is also linked to China's social credit system.

In the realms of clothing, housing, and transportation, the overuse of technological surveillance has also caused the protection of personal data and privacy to start getting out of control. One example is the abuse of facial recognition technology. The urban management department of Suzhou, a city of six million people in Anhui Province, published surveillance photos taken by street cameras of seven residents wearing pajamas in public along with parts of their names, government identification numbers, and the locations where their "uncivilized behavior" had taken place (Qin, 2020).

In education, given the onset of the Covid-19 pandemic, virtually all coursework has moved to online instruction. However, due to concerns over secret recording of class sessions and indiscriminate reporting to authorities, teachers would inevitably self-censor themselves when arranging the class syllabus and in selecting course materials.

© *2021 by Taiwan Foundation for Democracy*

As for entertainment, China has passed or revised the *Law on the Protection of Minors* and the *Regulations on the Protection of Minors Online*, which are laws that regulate online gaming behaviors of minors. In May PlayStation China announced without warning on its official Weibo account that it would temporarily suspend service, which caused dissatisfaction among Chinese gamers. It was rumored that the suspension of service was because someone had reported to the authorities about a possible back door in the console that could allow users to switch to overseas services.

As a matter of fact, censorship of content in China is nothing new. Yet if government censorship severely affects the economy and people's daily routines, then it would normally create a more immediate impact and public response. In addition to censoring content, China's restrictions on online and mobile games have extended to imposing time limits. Based on the guidelines found in China's *Notice on Preventing Minors from Indulging in Online Games*, several current games have already put restrictions on playing time and set spending limits for minors, because the government wants to "help children build healthy game playing habits and avoid family conflicts produced by the children's playing behavior."

In addition to games, the Chinese government also announced in June that it will strengthen the management of online literary publications. The related measures include establishing a complete content review mechanism, strictly regulating publishing conduct (i.e., a real-name system), carrying out periodic social benefit appraisals and evaluations, strengthening the management of award selection activities, further regulating the order of the online literary market, strengthening the management of the online literature market and online literary publications, and even performing local management duties (Cyberspace Administration of the People's Republic of China, 2020b).

In short, the government's supervision and control over people's daily online activities has moved beyond content and has been extended to monitoring the citizens' Internet usage. This development is worth continuing to observe in the future.

© 2021 by Taiwan Foundation for Democracy

3.2.3 Digital Currency

Regarding the application of blockchain technologies, one of the more relevant applications is the launch of digital currencies. At the end of 2019, Chinese leader Xi Jinping publicly stated that "blockchain is an important breakthrough in independent innovation of core technologies and should be viewed as one of the core technologies for the future development of the country." Since then, China has quickly regarded blockchain technologies as mainstream. As of April 2020, China's Ministry of Industry and Information Technology announced the formation of the "National Blockchain and Distributed Ledger Technology Standardization Technical Committee." This committee, which is comprised of 15 organizations from various political, financial, industrial, academic and research backgrounds, will be tasked with setting up national standards for blockchain and distributed ledger technology (Jim, 2020).

On April 3rd, the People's Bank of China held the 2020 National Currency Gold Silver and Security Work Video and Telephone Conference, announcing that the bank will "strengthen the top-level DCEP design and unswervingly further its research and development of a legal digital currency." According to Chinese media reports, the Agricultural Bank of China was rumored to have launched a trial run of its digital yuan wallet. Although only whitelisted users participated initially, it is expected that the trial runs will be piloted in Shenzhen, Xiong'an, Chengdu, and Suzhou. The People's Bank of China will issue digital currency as a form of transport subsidy, and it was reported that the bank will distribute digital yuans to employees of district-level agencies, institutions, and directly affiliated enterprises in Xiangcheng District, Suzhou, in May. Officials from the Xiangcheng District in Suzhou required administrative employees of the district to install digital wallets in April, and in May 50% of their salary's transportation subsidies will be distributed by the central bank in the form of digital currency (Lin, 2020).

However, the biggest problem with the implementation of digital currency from a scientific and technological rights perspective lies in: (1) due to digital divide

© *2021 by Taiwan Foundation for Democracy*

a sizeable number of the population will not be able to access digital currency; (2) monitoring and controlling people's lives and all facets of their behaviors can be remarkably effective through the use of digital currency; and (3) a digital currency can gradually replace private companies such as Alibaba and WeChat Pay and further consolidate the state's overall control over the financial sector (Yi, 2020), just as Ant Financial was forced to temporarily suspend its IPO on the eve of its public listing. Specifically, the purpose of the central bank's move is to occupy a dominant position in the field of electronic payments, and to gradually replace private companies such as Alibaba and WeChat Pay. But since China's central bank has already stated that digital currency shall be issued and monitored by the central bank, this means that China's digital currency will not be truly decentralized but will further consolidate the state's overall control over the financial sector (Yi, 2020).

It is important to note that due to the impact of the coronavirus epidemic, the launch of digital currency may further accelerate. For a short period of time, both organizations and individuals would be more inclined to use contactless payment methods such as digital currencies, and this tendency would quickly develop into a kind of customer stickiness (Lai, 2020). And such stickiness becomes another link between surveillance and digital authoritarianism.

3.2.4 Digital Surveillance Issues in Hong Kong

The promulgation and implementation of Hong Kong's *National Security Law* creates a significant level of risk for human rights in Hong Kong, and this risk also occurs in the field of scientific and technological rights.

According to the implementation rules of the Hong Kong *National Security Law*, some of the provisions target social media and network service providers, including the part in which the police have the authority to require enterprises to remove information deemed to endanger national security. If the companies do not cooperate, they can be sentenced to 6 months in prison and fined 100,000 Hong Kong dollars. For example, according to the Implementation Rules for Article 43 of the

© 2021 by Taiwan Foundation for Democracy

Hong Kong *National Security Law* promulgated by the Hong Kong government, if the Commissioner of Police has "reasonable ground for suspecting" that some messages on an electronic platform are "likely" to constitute or cause the occurrence of an offense endangering national security, with the approval of the Secretary for Security, the Commissioner may authorize police officers to require the person who has published the messages, the platform service provider, the hosting service provider, and the network service provider to remove the messages that endanger national security, and restrict anyone from receiving such messages on an electronic platform. On the other hand, if the person publishing electronic message does not cooperate promptly and the message has "gravely impacted" the public, then the police may apply to a magistrate for a warrant to seize the relevant electronic devices and require service providers to provide identification record or decryption assistance. Moreover, these regulations do not only affect the digital rights of the people of Hong Kong, but also affect the protection of the rights of citizens from other countries, even leading to extraterritorial effects. This is due to Article 38 of the Hong Kong *National Security Law*, which stipulates that, "this law shall apply to offences under this law committed against the Hong Kong Special Administrative Region from outside the Region by a person who is not a permanent resident of the Region."

Here the biggest problem is that the aforementioned "reasonable ground," "likely," and "gravely impacted" are all uncertain legal concepts with significant vagueness. Moreover, the main entities making the judgment calls are the police and other law enforcement officers, not the courts with judicial independence, so the guarantee of an impartial independent review would be difficult to achieve.

However, it is precisely due to these problems that several social media companies issued statements regarding Hong Kong. For example, Facebook, WhatsApp, Google, Twitter, Zoom, LinkedIn, and the two encrypted message apps frequently used by Hong Kong protesters, Telegram and Signal, released statements stating that they would temporarily stop sharing user information with the Hong

© *2021 by Taiwan Foundation for Democracy*

Kong police. TikTok, a subsidiary of the Chinese Internet and social media company ByteDance, also confirmed to the BBC (BBC Chinese, 2020a) that it had decided to suspend operations in Hong Kong in response to incidents. However, Douyin, the Chinese (domestic) version of Tik Tok is still operational.

4. Human Rights Concerns in Epidemic Prevention through Science and Technology: Health Code and Its Diffusion

4.1 Smart City and Epidemic Prevention

China began promoting its smart cities initiative in 2013, a project that has now integrated 5G, AI, big data, and other technologies such as facial recognition. One example of the technologies used to power smart cities is the facial recognition system of Wanda Information Co., a listed company. This system, widely adopted by governments, organizations, and enterprises, performs face contrast, face search, face detection, and accurate facial recognition, in addition to collecting relevant data in real time. In particular, Wanda Information has a local office in the city of Wuhan and has participated in the Wuhan Smart Health Initiative since 2013, just when Wuhan decided to become a smart city. To that end, the Wuhan government invested nearly 175 million yuan to implement smart city projects and collaborated with Microsoft to set up a state-owned enterprise called Wuhan Smart-Eco Technology Investment Co., Ltd. (National Development and Reform Commission of the People's Republic of China, 2020). However, after 2019, the smart city initiative ended in failure with many unfinished projects and triggered a lawsuit between the city of Wuhan and Microsoft.

So, given the outbreak of Covid-19, what human rights concerns can be observed from the construction of these smart cities?

© 2021 by Taiwan Foundation for Democracy

The first serious problem that may appear is the blocking or censoring of information about the true situation of the epidemic. Cases of pneumonia of unknown cause were detected in Wuhan as early as December 2019. However, it was not until January 1, when news came to light about the police had summoned eight Wuhan residents for spreading "rumors" about the epidemic, that the pneumonia outbreak from Covid-19 started to attract global attention. China's National Health Commission began updating the epidemic situation in Wuhan on its website every day since January 11 and began publishing national data every day since January 21. On January 23, images of patients dropping directly to the ground at the hospital or on sidewalks were circulated on China's WeChat and Weibo, but the images were continuously removed from these platforms.

On the issue of surveillance, countries around the world have become increasingly concerned about China's pattern of using technology to develop intrusive electronic surveillance, especially for monitoring the Uyghurs in Xinjiang. Recently, according to Chinese state media and social media publications, it was also discovered that the Chinese government had used all types of surveillance data to track the spread of the coronavirus. For example, the *Wall Street Journal* reported that Shizhou county in Chongqing used big data to track more than 5,500 people arriving for the Lunar New Year holidays from Hubei province and was able to successfully isolate about half of them at their homes. Yet the county did not provide any explanation on how it collected or processed personal data (Lin, 2020).

Surveillance through cellphones is certainly not difficult to envision. At the local level, several Chinese tech companies have already developed mobile apps that can obtain patient list information from the state media and allow users to check if they have been on a flight or a train with a confirmed Covid-19 patient. In addition to imposing city-wide lockdowns across China to curb the spread of the virus, the government even launched an app that can track users' mobile information and send out warnings when they came in close contact with an infected person. For example,

© *2021 by Taiwan Foundation for Democracy*

the E-government Office of the General Office of the State Council, the National Health Commission, and the China Electronics Technology Group collaborated to develop a "close contact detector" app and the "coronavirus risk perception platform," which served to control the spread of Covid-19 and help monitor the infected cases through the means of big data.[1]

However, these measures harm human rights and are themselves discriminatory, especially with respect to the right to privacy. For example, the *Wall Street Journal* reported that unidentified persons had posted on the Internet the personal data, including the home addresses, of hundreds of individuals returning home from Wuhan for the holidays. Among the latter group, many were university students, and a few of them received nonstop harassment phone calls and were frenetically attacked by netizens on social media. What's more, since the large-scale outbreak of the coronavirus, China tried to curb the spread of the epidemic with strict measures such as mandating city lockdowns and controlling people's movements. And in response to the outbreak, in early February the Standing Committee of Shanghai Municipal People's Congress adopted a decision on epidemic prevention and control. The decision specified that the government will strictly pursue, in accordance with the law, legal action against individuals who have concealed their medical history, travel history in areas affected by the coronavirus, history of contact with confirmed or suspected patients, and have evaded isolation for medical observation. Moreover, relevant departments will also disclose information about their dishonest behavior to the Shanghai Public Credit Information Platform in accordance with national and municipal regulations and take disciplinary measures as required by law (Chou and Guo, 2020).

1 To the author's knowledge, the app is extremely easy to use. After downloading the app, users only need to scan a QR code on their mobile devices through popular apps like WeChat and QQ. After the download is complete, by entering their names, phone numbers, and ID numbers they can find out if they had come in close contact with a confirmed patient in the past. If they are found to have been in close contact with a confirmed coronavirus carrier, the app would advise them to stay at home and automatically contact the local health authorities.

© 2021 by Taiwan Foundation for Democracy

An even more invasive surveillance measure is the deployment of drones to contain the epidemic. A video posted to Twitter by the Global Times showed images of how the Chinese government was using drones to combat the epidemic. The police used drones to issue warnings to pedestrians who were not wearing masks. Local authorities also used drones to prevent residents from playing mahjong outdoors or gathering outdoors altogether. Additionally, the Chinese government also employed drones to facilitate medical inspections (Chen, 2020). And according to the South China Morning Post, Chinese local officials started deploying drones in cities along southern China to monitor how the hospitals disposed of the multiple tons of medical waste produced every day, and also in Shanghai to check the drivers' body temperatures (Huang, 2020a).

It is important to note that regarding the deployment of drones, the Global Times collected several video clips of Chinese people being frightened by the drone's loudspeakers. At a tense moment when the coronavirus was spreading, the videos were fun[2] and heart-warming (Kang, 2020). An analysis by Reuters indicates that in the past, many Chinese grumbled about being under strict surveillance by the state, yet during this extraordinary period, there were many who believed that the application of such technologies was reasonable and acceptable to fight against the coronavirus outbreak. Indeed, the pandemic actually may have vastly increased the Chinese people's acceptance of electronic surveillance (UDN Global International Desk, 2020).

4.2 Health Code and Its Qualitative Diffusion: Integrated with Other Data, Normalized, and Permanent

Beginning on February 11, Alibaba's Alipay, Tencent, and WeChat successively launched a system of color-based health QR codes, gradually expanding its deployment from Hangzhou to other provinces and cities in China. Tencent partnered

2 For example, young people were warned by a surveilling drone to don their masks as they displayed affection in public.

© *2021 by Taiwan Foundation for Democracy*

with the National Government Service Platform to launch a national "epidemic prevention health code" system, which steadily integrated the local health code systems from Guangdong, Shanghai, and other areas. Health code users must fill in their personal data, location, and health status, and the "system" will determine whether they are allowed to travel or move freely. Users' health status codes are divided into three categories: red, yellow, and green. In principle, users with a fever, a confirmed diagnosis, or have suspected symptoms are given a red code and must be quarantined at home or a centralized location for 14 consecutive days. Red codes will turn green if the users' daily check-ins are healthy for 14 consecutive days. Users who had close contact with those with a red code are given a yellow code, and they are instructed to self-isolate at home or a centralized location for 7 days. The yellow code reverts to green once the users' daily check-ins are healthy for 7 consecutive days. A green code means the user is healthy and allowed to travel freely. But it is still unclear how the health code system classifies people and what the legal consequences for each of the categories are. Moreover, the system does not allow users to make inquiries or file a complaint since it lacks a mechanism for relief, oversight, and debugging.

Moreover, an investigation by the New York Times found that as soon as a user grants the software access to personal data, a piece of the program labeled "Report Info and Location to Police" sends the person's location, city name, and an identifying code number to a server. The report also indicated that the health code system also appears to share information with the police, setting a template for new forms of "automated social control" that could persist long after the epidemic subsides (Zhong, 2020), thus becoming a normalized and permanent practice.

In addition to privacy issues, another concern with the health code system is that the system is linked to payment apps such as Alipay. Therefore, as long as the red code is present, payments would become frozen; so even if users were allowed to go outside, they could hardly conduct any economic activity. This problem will likely worsen after the full implementation of a digital currency in the future.

© 2021 by Taiwan Foundation for Democracy

In addition, the health codes may not just affect an individual's economic and property rights. According to the *Notice on Doing a Good Job in Supporting the Normalization of Epidemic Prevention and Control Work by Means of Information Technology* issued by the General Office of the National Health Commission of China, even when the coronavirus outbreak has subsided in China, the government has decided to improve the health code system by advancing the universal recognition of health codes across the country, placing health codes under centralized management, and fostering the integration of multiple "codes." Under the premise of complying with the relevant laws and ensuring public safety, the government seeks to promote the full integration of health access codes and electronic health codes and to make greater efforts to develop its "Internet plus Health Care" initiative. It should be noted that the so-called "Internet plus Health Care" plan focuses on strengthening data sharing and refining standards and regulations. Moreover, the initiative has been added to the list of "government services," which accelerates the construction of the "Internet plus Government Services" platform and the "Internet plus Supervision" system to achieve integration with the National Integrated Government Service Platform. The initiative reinforces identity authentication, electronic signatures, and e-vouchers, promotes deep integration of online and offline platforms, and broadly advances the construction and application of electronic licenses for medical institutions, physicians, and nurses. Since China already conducts comprehensive surveillance online and tightly controls the flow of information, the combination of online and offline platforms during the epidemic opens the door for digital surveillance.

In fact, if these platforms are integrated with new types of data technologies, including but not limited to big data and artificial intelligence applications, the state will not only be able to get hold of citizens' past and present personality traits, but also have a remarkably high chance of being capable of conducting accurate "profiling" and predicting individuals' future behavior individuals under conditions that may be discriminatory and interfere with their privacy. Such action would thus infringe on the science and technology rights to a considerable extent.


© 2021 by Taiwan Foundation for Democracy

4.3 Health Code and Its Quantitative Diffusion: Cross-Regional and Cross-National Implementation

The integration of health codes with other online and offline data does not only occur in the mainland of China. Starting in May and June, China began to link up the special administrative regions. For example, in May Macao and the nearby city of Zhuhai in Guangdong implemented mutual recognition of their respective health code systems. In the same month, Hong Kong's Secretary for Food and Health, Sophia Chan Siu-chee, revealed that authorities in Guangdong, Hong Kong, and Macao are discussing mutual recognition of quarantine measures and virus testing, and will study the possibility of a mutual recognition system of health codes issued by the three places. However, this would involve the sharing of technology and information between the two special administrative regions and a province of China under "one country, two systems." Users in Hong Kong naturally worried that even if the data were sent to company servers, they would still be monitored by the Chinese government.

In Hong Kong, the pro-Beijing camp and the Hong Kong government also hoped to introduce a health code system that would facilitate cross-border travel to mainland China and Macao and reboot the severely hit economy. The original intention was to allow people who need to travel to these places to pass through customs freely with the relevant certificates without being quarantined. However, with a second wave of coronavirus outbreak in Hong Kong, mainland China and Macao continued to tighten entry restrictions for Hong Kong. Plus, the relevant measures caused a controversy in Hong Kong, so the plan had not been implemented (BBC Chinese, 2020b). Nevertheless, in November Hong Kong Chief Secretary Matthew Cheung Kin-chung announced, that the Hong Kong government will introduce three measures aiming to make contact-tracing by the Centre for Health Protection more effective, including the launch of the "Leave Home safe" app, which records the citizens' travel history electronically. However, because many Hong Kongers highly value their personal

© 2021 by Taiwan Foundation for Democracy

privacy, it remains to be seen whether the app can achieve the desired effect (BBC Chinese, 2020c).

Furthermore, as the number of pneumonia cases in Hong Kong spiked again in the summer due to multiple cluster infections, Hong Kong Chief Executive Carrie Lam stated on July 13th that, with the assistance of the Shenzhen government, her administration will arrange for Chinese-funded organizations to provide free Covid-19 tests for 400,000 residents considered high risk. Specifically, the Hong Kong government required the assistance of two private firms in Shenzhen to provide "free" virus testing for 400,000 people working in elderly care homes, restaurants, and property management companies, as well as taxi drivers. Late on July 14, Hong Kong's Food and Health Bureau announced that in fact there were three companies that will assist in providing the test services, including the "Sunrise Diagnostic Centre" established by the BGI Group.

However, it should be noted that Hong Kong media has revealed that a subsidiary of the BGI Group, the Shenzhen-based BGI Genomics Co., was suspected of conducting a human genetics study with the University of Oxford in the United Kingdom and fined for illegally exporting human genetic resources. Moreover, the chairman of Sunrise Diagnostic Centre, Anthony Wu Ting-yuk, is currently a standing committee member of the Chinese People's Political Consultative Conference. And the "China Inspection Co." has openly supported the Hong Kong *National Security Law* previously. Moreover, in a press release dated July 20, the U.S. Department of Commerce blacklisted Xinjiang Silk Road BGI and Beijing Liuhe BGI for cooperating with the Chinese government in committing human rights abuses, mass arbitrary detention, forced labor, involuntary collection of biometric data, and genetic analyses targeted at Muslim minority groups from the Xinjiang Uyghur Autonomous Region.

In addition to the diffusion of health codes to China's Special Administrative Regions, the issues of health surveillance and right to personal data protection have

© *2021 by Taiwan Foundation for Democracy*

spread from China to the rest of the world. For example, in response to the epidemic, Chinese police, health personnel, and transportation-related workers have been using smart helmets to monitor people's body temperatures and other real-time data. As countries in Europe rush to lift quarantine restrictions, these helmets are preparing to enter the global market (Huang, 2020b).

On the other hand, Chinese President Xi Jinping also has underscored at the G20 summit that "China has proposed a global mechanism on the mutual recognition of health certificates based on nucleic acid test results in the form of internationally accepted QR codes. We hope more countries will join this mechanism." Xi proposed to adopt a global "health code" mechanism that is mutually recognized to facilitate the flow of personnel and goods and looked forward to the restoration of global industrial and supply chains after the virus outbreak is contained (BBC, 2020). Xi, however, did not explicitly say how this global health code mechanism would work, or whether the code system he was suggesting should follow the Chinese model. The lack of specifics most likely pushed democracies that value scientific and technological rights to have reservations about the mechanism.

In addition to health codes, China has continuously strengthened its cooperation with the United Nations with respect to science and technology governance in recent years. One of the "big data research center" will be built in Hangzhou, China, which raised international concerns. Quoting a report by the *Wall Street Journal*, the Voice of America indicated that two Chinese officials representing the Chinese government and the United Nations respectively signed a memorandum of intent to establish a United Nations big data research center in Hangzhou, China, specifically the "United Nations Global Geospatial Knowledge and Innovation Center and the International Research Center of Big Data for Sustainable Development Goals." The big data research center is included in the United Nations "2030 Agenda for Sustainable Development" and will be used to measure, monitor, and manage sustainable development goals, as well as improve people's lives (Liberty Times, 2020b). However, in terms of science and

© 2021 by Taiwan Foundation for Democracy

technology rights, since China often conducts surveillance and interfere with basic human rights through big data, if the United Nations builds a big data center there, one questions whether China's high-tech surveillance model might diffuse to other countries.[3]

In addition to infrastructure construction, China's State Councilor and Foreign Minister Wang Yi delivered a keynote speech entitled "Upholding Multilateralism, Fairness and Justice and Promoting Mutually Beneficial Cooperation" at the International Seminar on Global Digital Governance on September 8. Wang stated that, in view of the new issues and challenges emerging in the field of digital governance, China would like to propose a "Global Initiative on Data Security" and looks forward to the active participation of all parties to counter the Trump administration's "Clean Network" campaign. The contents of China's initiative mainly center on Internet data security at the national level, such as opposing the use of information technologies by states to impair other states' critical infrastructure or steal important data. The initiative urges states to avoid directly asking companies to provide data located in other states or accusing them of installing backdoors in their products and services to illegally obtain user data. Companies are asked to respect the laws of host countries and states should desist from coercing domestic companies into storing data generated and obtained overseas in one's own territory. Here we can again get a glimpse of China's attempts to assert its virtual territorial claims and cyber sovereignty, which may result in human rights violations outside of its territory.

3 It is worth mentioning that, even in these cases, whether due to the epidemic or other reasons such as convenience or even indifference about privacy, the party whose right to personal data protection was infringed had given prior consent, which reflects some degree of the right to self-determination. Yet the premise is that such consent still must comply with information disclosure rules and observe the principle of proportionality.

© *2021 by Taiwan Foundation for Democracy*

5. Conclusion

Scientific and technological advancements add value to our lives, and as such they represent a positive development for the protection of international human rights in the economic, social, and cultural aspects. Indeed, the economic benefits produced by recent science and technology advances and their applications in China have secured the people's right to enjoy the fruits of scientific progress, a right that is featured in international human rights covenants. And to a large extent, there has even been progress in the right to health in China.

However, as science and technology advance, it would be a pity if we fail to notice the potential human rights violations resulting from developments in science and technology, since they have the characteristics of a double-edged sword. Comparing 2020 observations to those of 2019, there appears to be a problem of further tightening in the application of newly emerged technologies in daily life and government surveillance.

China has already passed a relatively complete set of laws and regulations for digital development and established a normative system for China's science and technology governance. Here we can observe some trends in the face of new applications of digital technologies. Not only is the original *Cybersecurity Law* taken seriously, both the more comprehensive *Data Security Law* and the internationally influenced *Personal Data Protection Law* are already in the works. In the future, state supervision of and intervention in the digital applications industry regarding the movement of personal data across countries will be more evident and severe. In addition, the *Personal Data Protection Law* and related drafts also clearly indicate China's position on the issue of digital territory and cyber sovereignty; in particular, when foreigners engage in any digital information activities in China, they may be charged with a crime "in accordance with the law."

On the other hand, the social credit system has been implemented in all aspects of daily life, including transportation, the judiciary, business, education, academic

© 2021 by Taiwan Foundation for Democracy

research, finance, e-commerce, farmers' wages, and urban services. However, from all accounts, joint punishment remains the principal compliance mechanism. Still, the social credit system has begun to employ a "credit repair mechanism" this year. When individuals with previous acts of bad faith have corrected their dishonest behaviors and have met credit repair eligibility, they would be removed from the list of dishonest entities. Nevertheless, specific details regarding the implementation of the credit repair mechanism require further continuous observation. In observing the social credit system, the author also notes that the individuals targeted by the social credit system no longer are limited to Chinese nationals but have been extended to foreigners. In the future, we must continue to keep an eye on the diffusion of China's social credit system, which will cause problems for international scientific and technological rights.

On the issue of health codes, the first thing to note is that Wuhan is an important demonstration pilot project of China's smart city program, so the city's infrastructure already possesses many smart features. Monitoring people/coronavirus outbreak through smart infrastructure has been extremely effective and efficient; local authorities can effectively enforce quarantine measures and thus protect people's right to health and right to life through non-human contact means such as the use of drones. However, the blocking or censoring of coronavirus information on the Internet may have led to the spread of the epidemic, an act that not only violates the public's right to information but also impacts their right to health and even the right to life. Next, the implementation of "health codes" is a more serious problem. Unlike facial recognition, gait recognition, social credit system, and other Chinese digital surveillance and monitoring tools that this observational report emphasized in the past, health codes, themselves born out of the abrupt pneumonia outbreak, cover a wider area in terms of management and control, employ more direct and in-depth means to intervene in people's lives, and appear to be more "sensible and reasonable" in the eyes of the public. "Health code" has become the newest star among China's digital

© *2021 by Taiwan Foundation for Democracy*

surveillance tools, and the problem cannot be ignored. As the epidemic evolves, China is bound to constantly upgrade the health code system so that it can further strengthen its "serve the people" philosophy. The health code system may not only interfere with one's personal data regarding location and freedom of expression, but it also creates some degree of restrictions on the freedom of movement and migration, freedom of association, and even the protection of the right to property. In fact, when employing digital technologies to fight the epidemic, most democratic countries will first consider balancing them against privacy and personal data protection concerns. China's strategic measures (in response to the pandemic) may have instead increased the Chinese people's acceptance of technological surveillance. The diffusion and spread of these types of invasive measures around the world requires us to stay vigilant.

© 2021 by Taiwan Foundation for Democracy

References

BBC (2020). "Covid-19: China Pushes for QR Code Based Global Travel System." BBC. 2020/11/23. https://www.bbc.com/news/business-55039662. (accessed December 13, 2020).

BBC Chinese (2020a). "Hong Kong National Security Law: TikTok to Withdraw from Hong Kong, Facebook, Google, Twitter Won't Share User Data with the Police." BBC Chinese. 2020/07/07. https://www.bbc.com/zhongwen/trad/business-53319715. (accessed December 3, 2020).

_____ (2020b). "Novel Coronavirus Pneumonia Epidemic: Hong Kong Implements Universal Testing and Health Codes, Raising Public Concerns about Effectiveness and Transparency." BBC Chinese. 2020/08/18. https://www.bbc.com/zhongwen/trad/science-53816371. (accessed December 3, 2020).

_____ (2020c). "China Has Promoted the Development of Guangdong-Hong Kong-Macao Greater Bay Area, but Why Residents from the Three Areas Have Not Been Able to Pass Customs Normally So Far." BBC Chinese. 2020/11/11. https://www.bbc.com/zhongwen/trad/chinese-news-54886893. (accessed December 3, 2020).

Chen, Iwei (2020). "China Uses Drones to Catch Those Still Out and about during the Coronavirus Outbreak One by One." Central News Agency. 2020/02/14. https://www.cna.com.tw/news/acn/202002140097.aspx. (accessed December 2, 2020).

China Internet Network Information Center (2020). "The 46th Statistical Report on Internet Development in China." China Internet Network Information Center. 2020/09/29. http://cnnic.cn/gywm/xwzx/rdxw/202009/t20200929_71255.htm. (accessed December 3, 2020).

Chou, Yi and Jingdan Guo (2020). "Shanghai: Individuals Who Conceal Medical History and Evade Isolation for Medical Observation Will Be Placed in Social Credit Blacklist." Xinhua Net. 2020/02/07. http://www.xinhuanet.com/

© *2021 by Taiwan Foundation for Democracy*

legal/2020-02/07/c_1125542615.htm. (accessed December 2, 2020).

Credit China (2020). "Li Keqiang Presided Over an Executive Meeting of the State Council to Optimize the Bad Faith Deterrent Mechanism and Refine the Social Credit System." Credit China. 2020/11/27. https://www.creditchina.gov.cn/toutiaoxinwen/202011/t20201126_218238.html. (accessed December 2, 2020).

Cyberspace Administration of the People's Republic of China (2020a). "Cyberspace Administration of China Kicks Off the 2020 'Clean Up the Internet' Campaign." Cyberspace Administration of the People's Republic of China. 2020/05/22. http://www.cac.gov.cn/2020-05/22/c_1591689448656108.htm. (accessed December 3, 2020).

_____ (2020b). "Notice of the National Press and Publication Administration on Further Strengthening the Management of Online Literary Publications." Cyberspace Administration of the People's Republic of China. 2020/06/18. http://www.cac.gov.cn/2020-06/18/c_1594027630041470.htm. (accessed December 3, 2020).

Huang, Yan (2020a). "Epidemic Prevention by Invasive Drones, Expert Says the Chinese Are Used to Them." Tech News. 2020/02/05. https://technews.tw/2020/02/05/drones-to-address-coronavirus/. (accessed December 2, 2020).

_____ (2020b). "China's Surveillance Technologies Go Global, the United States Pushes for Covid-19 Data Protection Law." Tech News. 2020/05/18. https://technews.tw/2020/05/18/surveillance-tech-in-coronavirus/. (accessed December 3, 2020).

Jim (2020). "Universal Standard Time! China Puts Together a Blockchain Committee, China's Central Bank, Tencent, and Baidu Join Hands to Set National Standards." Asia Blockchain Media. 2020/04/14. https://admin.abmedia.io/china-released-an-official-notice-stating-that-they-have-put-together-a-technical-committee-of-15-organizations/. (accessed December 3, 2020).

© 2021 by Taiwan Foundation for Democracy

Kang, Hsinyu (2020). "35-Sec Viral Clip Shows a Drone Caught Mask-less Young Couple in Public Display of Affection, She Nicely Calls Out: I Saw Everything." ET Today News. 2020/02/12. https://www.ettoday.net/news/20200212/1643533.htm. (accessed December 3, 2020).

Lai, Yingchi (2020). "Li Li-hui: Fight against the Novel Coronavirus Pneumonia Has Given Digital Currencies a Boost." Commercial Times. 2020/02/19. https://ctee.com.tw/news/china/222484.html. (accessed December 3, 2020).

Liberty Times (2020a). "Diverting Attention Away from Itself? China Calls on the United Nations to Stop Certain Countries from Conducting Electronic Surveillance." Liberty Times. 2020/03/08. https://news.ltn.com.tw/news/world/breakingnews/3092839. (accessed December 1, 2020).

_____ (2020b). "Becoming the World's Most Surveilled Country? United Nations Big Data Center to Be Built in Hangzhou, China." Liberty Times. 2020/10/16. https://news.ltn.com.tw/news/world/breakingnews/3322895. (accessed December 3, 2020).

Lin, Liza (2020). "China Marshalls Its Surveillance Powers Against the Coronavirus." The Wall Street Journal. 2020/02/05. https://cn.wsj.com/articles/中國動用數字監控力量防控疫情-121580872217. (accessed December 3, 2020).

Lin, Wangching (2020). "China's Central Bank Launches Digital Currency, Issues Transportation Subsidies." China Times Net. 2020/04/16. https://www.chinatimes.com/realtimenews/20200416002146-260409?chdtv. (accessed on December 3, 2020).

National Development and Reform Commission of the People's Republic of China (2016). "Wuhan, Hubei: Government, Business, and Civil Society Join Hands to Promote the Construction of a Smart City." National Development and Reform Commission of the People's Republic of China. 2016/05/30. https://www.ndrc.gov.cn/xwdt/ztzl/xxczhjs/zhsd/201605/t20160530_972624.html.

© *2021 by Taiwan Foundation for Democracy*

(accessed December 3, 2020).

Nie, Xiaoyang and Junxia Chen (2020). "Special Representative for Human Rights of the Ministry of Foreign Affairs: The United Nations Should Prevent Large-Scale Electronic Surveillance and Personal Data Collection by Some Countries." Xinhua Net. 2020/03/06. http://www.xinhuanet.com/world/2020-03/06/c_1125671017.htm. (accessed December 2, 2020).

Qin, Amy (2020). "Citizens Shamed for Wearing Pajamas in Public, China's Controversial Use of Facial Recognition in Law Enforcement." New York Times Chinese. 2020/01/22. https://cn.nytimes.com/china/20200122/china-pajamas-facial-recognition/zh-hant/. (accessed December 2, 2020).

UDN Global International Desk (2020). "'The Age of Surveillance Capitalism': Please Give Me Social Credit? The China Syndrome under Digital Totalitarianism." UDN Global. 2020/09/19. https://global.udn.com/global_vision/story/8663/4867849. (accessed December 2, 2020).

Wen Wei Po (2020). "State Council: Optimize the Bad Faith Deterrent Mechanism and Refine the Social Credit System." Wen Wei Po. 2020/11/27. http://paper.wenweipo.com/2020/11/27/CH2011270011.htm. (accessed December 2, 2020).

Yi, Lin (2020). "China's Digital Currency Ready to Launch, Will It Challenge the U.S. Dollar?" Voice of America. 2020/01/25. https://www.voachinese.com/a/China-Official-on-Digital-Currency-20200124/5259006.html. (accessed December 3, 2020).

Zhong, Raymond (2020). "China Uses Health Codes to Monitor the Epidemic and the Public." New York Time Chinese. 2020/03/03. https://cn.nytimes.com/china/20200303/china-coronavirus-surveillance/zh-hant/. (accessed December 2, 2020).

© 2021 by Taiwan Foundation for Democracy

© 2021 by Taiwan Foundation for Democracy

Human Rights in Hong Kong and Macao: The National Security System Unveiling the Era of White Terror

Hsing-chung Wang*

Abstract

The human rights situation in Hong Kong and Macao deteriorated at an accelerated speed in 2020. After the violent suppression of the "Anti-Extradition Movement" by Hong Kong police in 2019, Beijing unilaterally enacted the *National Security Law* of Hong Kong in 2020. This new law not only restricts people's freedom of speech, assembly, association and other basic rights, but is also very likely to cause serious harm to their right to a fair trial. The national security system of Macao was expanded at the same time. The principle of "One Country, Two Systems" has become a formality, showing a trend of political assimilation with mainland China. The Chinese government arrested twelve young Hong Kongers for absconding to Taiwan by boat and deprived their due process rights. The Hong Kong government used the prevalence of Covid-19 as an excuse for the abusive use of the Gathering Restriction Order and the *National Security Law* to restrict and suppress peaceful gatherings. The police and the Department of Justice rampantly conducted arbitrary arrests and prosecutions under the command of their national security departments. The judges for these national security cases were "handpicked" by the Chief Executive, threatening the independence of the judiciary. The freedom of speech was significantly

* The adjunct Assistant Professor of Political Science Department, Soochow University. Email: sydaway@gmail.com. Many thanks to the precious suggestions of two anonymous reviewers and the help of Mr. Ta-sheng Chen, the Research Assistant, for gathering and selecting data and proofreading this article.

© 2021 by Taiwan Foundation for Democracy

shrunk, and academic freedom and the freedom of the press were targeted by the authorities for purging. The postponement of Legislative Council elections and the central government's aggressive deprivation of certain electees' membership led to the resignation of many pan-democracy members. Overall speaking, the national security system has ushered Hong Kong and Macao into the era of white terror. Barring the degeneration of the freedom of the press and publishing, assemblies and associations that have not yet hit rock bottom, the core value of Hong Kong's governance - the rule of law, and the previously reduced semi-democratic electoral system have all become shaky under the national security system.

Keywords: Hong Kong, Macao, *National Security Law*, civil and political rights, One Country and Two Systems

1. Forewords

Hong Kong and Macao's human rights situation deteriorated at an accelerated pace in 2020. After the protest against Hong Kong's *Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill* of 2019 (hereafter, "Anti-Extradition Movement") was violently suppressed by the police, Beijing unilaterally issued the *National Security Law* of Hong Kong while the rest of the world was busy dealing with the Covid-19 epidemic that originated in Wuhan, China. In the meantime, Macao's national security system was also expanding, and the so-called "One Country, Two Systems" seems to come to an end. Hong Kong and Macao used to be semi-free and semi-democratic, but they were "trotting" into the era of white horror and gradually aligning with cities in mainland China.

This article documents the human rights situation of Hong Kong and Macao, the two Special Administrative Regions (SARs) of the People's Republic of China, in 2020. Similar to last year's report, it continues to observe the development of their political and judicial rights throughout the year. The discussion on their social rights

© *2021 by Taiwan Foundation for Democracy*

(especially health rights related to the Covid-19 epidemic), technological rights, and Taiwan-related human rights issues are not included in this article since they are covered by other relevant chapters of the *China Human Rights Report 2020*.

This article first discusses the establishment and changes of the national security systems in Hong Kong and Macao and analyzes their threats to human rights. Secondly, it follows the framework and standards of the *International Covenant on Civil and Political Rights* (hereafter, the ICCPR) to record and analyze personal freedom and safety, due process protections, freedom of opinion, expression and information, freedom of assembly and association, and political rights and concludes with a summary of the human rights situation of Hong Kong and Macao in 2020 and its future development.

2. The Impact of National Security Systems of Hong Kong and Macao on Human Rights

2.1 The Establishment and Expansion of National Security Systems in Hong Kong and Macao

In May 2020, despite the second wave of epidemic climax in Hong Kong, Beijing suddenly authorized the Standing Committee of the National People's Congress (hereafter, NPCSC) to launch the legislation for *National Security Law* and included the result in Annex III of the *Hong Kong Basic Law*.[2] Although this decision

2 According to Article 18 of the *Hong Kong Basic Law*, laws listed in Annex III should "be confined to those relating to defence and foreign affairs as well as other matters outside the limits of the autonomy of the Region as specified by this Law." Article 23 stipulates that the Hong Kong government should "enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government." Since the *National Security Law* of Hong Kong targets acts against national security in Hong Kong SAR, which is within the autonomy of the Region, the central People's Government should not unitarily include it into Annex III, which may be unconstitutional in nature.

© 2021 by Taiwan Foundation for Democracy

caused an uproar in Hong Kong and the international community, Beijing still enacted it on time. The NPCSC neither published the contents of the draft nor consulted the public opinion, but reviewed and passed the *Law on Safeguarding National Security in the Hong Kong Special Administration Region of the People's Republic of China* (hereafter, *National Security Law* of Hong Kong) in just 12 days. On June 30, the National People's Congress decided to pass the legislation and add it to Annex III, and then it was quickly signed and promulgated by the President of the State. The Hong Kong government gazetted and implemented it immediately at 11 p.m. on the same day.

The *National Security Law* of Hong Kong consists of organizational law, substantive law, and procedural law. In terms of organizational law, it adds a national security agency over the chief executive of Hong Kong. In terms of substantive law, it includes the crimes of "secession of the country", "subversion of state power", "terrorist activities" and "collaboration with foreign or overseas forces to endanger national security," and the behaviors of incitement and abetting would be penalized with the first two crimes. In terms of procedural law, the coercive powers of the police are greatly expanded, and under certain circumstances, the police are free from the jurisdiction and litigation procedures of Hong Kong courts. Although the law states on the continuity of "implementing the principles of 'One Country, Two Systems,' 'Hong Kong People Ruling Hong Kong,' and 'High Degree of Autonomy'," it has brought a devastating blow to the practice of "One Country, Two Systems."

The Macao government passed the *Maintenance of National Security Law* (hereafter, *National Security Law* of Macao) as early as 2009, but it was never implemented in practice. During the past two years, the laws and institutions of Macao's national security system were expanded. In September 2018, the Macao government established the "National Security Maintenance Committee" chaired by the Chief Executive to coordinate the maintenance of Macao's national security affairs and support its auxiliary work with the Judicial Police Department. In February

© *2021 by Taiwan Foundation for Democracy*

2019, the Macao Legislative Council passed a law stating that national security cases can only be assigned to judges and judicial officers of the procuratorate who are Chinese citizens. In October 2020, the *Special Duties System of the Judicial Police Departmen*t came into effect, bringing cybersecurity and national security into the scope of the police's powers, and at the same time, establishing a national security department within the Judicial Police Department. This new law allows the direct recruitment of people from mainland China based on the special nature and conditions of the work. Similar to a "secret police" clause, the police department can request the Chief Executive to exempt the list of personnel performing special tasks from being published. Similar provisions are also found in Articles 16 and 17 of the "*National Security Law* of Hong Kong", which seem to pave the way for the extension of technology surveillance in mainland China to Hong Kong and Macao. It is concerned that online speech and personal privacy in Hong Kong and Macao will be further restricted.

2.2 Threats to Human Rights from the *National Security Law* of Hong Kong

2.2.1 Nominal Human Rights Protection Mechanism

Article 4 of the *National Security Law* of Hong Kong stipulates to "safeguard national security in respect and protection of human rights" and legally protect the rights and freedom enjoyed by Hong Kong residents in accordance with the *Basic Law*, the *International Covenant on Civil and Political Rights* (ICCPR), and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), "including the freedom of speech, news and publication, and the freedom of association, assembly, procession and demonstration." The implementation of the ICCPR was through the *Hong Kong Law of Human Rights*, and the superiority of this *Human Rights Law* over other Hong Kong laws is clearly stated by its Article 62.

© 2021 by Taiwan Foundation for Democracy

However, the contradictions brought by the *National Security Law* of Hong Kong are likely to lead to the loss of the protection over various civil and political rights. Many of its provisions infringe the relevant basic rights and their protection mechanisms.

In addition, Article 7 of the *National Security Law* of Hong Kong requires the Hong Kong government to "complete…the implementation of the *National Security Law* listed in the *Basic Law* as soon as possible and improve relevant laws accordingly." According to a relevant government official's explanation, the Hong Kong government needs to not only promptly implement this new law according to Article 23 of the *Basic Law* but also continuously modify existing local laws related to national security, emphasizing that relevant legislation and implementation must not violate the central law (People's Daily Online, 2020). If Hong Kong keeps "enhancing" its local laws by aligning with mainland Chinese laws on how to govern its non-governmental organizations and crimes related to literary inquisitions, the level of human rights violations in the future will be unimaginable.

2.2.2 The National Security Department and the Unchecked Power of the Police

A "Committee of Safeguarding National Security" is formed by the *National Security Law* of Hong Kong (hereafter, the "National Security Committee of Hong Kong"), consisting of the Chief Executive, the heads of various administrative departments in the Hong Kong government and an "Advisor on National Security Affairs" (hereafter, National Security Advisor) appointed by the central government to attend and provide opinions in the committee meetings. The Hong Kong Police Department and the Department of Justice then established their own national security law enforcement and prosecution departments. The central government also established the "Office for Safeguarding National Security of the CPG in the HKSAR" (CPGNSO), with members dispatched by the Chinese National Security Department.

According to the law, the National Security Council of Hong Kong is an agency of the Hong Kong government, but it is only responsible to the central government.

© *2021 by Taiwan Foundation for Democracy*

Its work is not subject to interference from institutions such as the Legislative Council or individual residents. Its work information is disclosed, and decisions made are not subject to judicial review. The expenditures and staffing of national security-related affairs are not restricted by the current laws and regulations of Hong Kong. As the chairperson of the National Security Committee, the Chief Executive must *de facto* accept the guidance of a national security adviser who is only a cadre but more senior in handling national security affairs, as well as the "supervision and guidance" of the Office for Safeguarding National Security of the CPG in the HKSAR. Similarly, the head of the National Security Prosecution Department under the Department of Justice is appointed based on the advice of the Office for Safeguarding National Security of the CPG in the HKSAR to the Chief Executive. When they are on duty, the Office for Safeguarding National Security of the CPG in the HKSAR and its officers are not subject to the jurisdiction of the Hong Kong government and are entitled to some privileges, such as free from being searched. In summary, from top to bottom, from the inside to the outside, from decision-making to implementation, a national security system that overrides the power of the Hong Kong government and is free from the supervision of the people has been constituted.[3]

Under the aforementioned national security system, as long as the suspects are charged with crimes against national security, the *National Security Law* of Hong Kong and the implementation rules of Article 43 allow the police, security bureau and other administrative departments to conduct various investigation measures without a court approval, including compulsory searches, restrict exits, freeze property, censor Internet information, requesting foreign or overseas institutions to submit information,

3 Article 22 of Hong Kong *Basic Law* stipulates that "all departments, provinces, autonomous regions, and municipalities under the Central People's Government shall not interfere with the affairs that the Hong Kong Special Administrative Region manages on its own in accordance with this law." However, the members of the National People's Congress said that the Office for Safeguarding National Security of the CPG in the HKSAR is an "organization directly established by the central authority" rather than a "central department" indicated by the *Basic Law*, therefore, it is not subject to this law.

© 2021 by Taiwan Foundation for Democracy

monitoring and interrogation, which greatly expands police's power but poses a great threat to the protection of human rights.[4]

2.2.3 Infringement of the Right to a Fair Trial and Judicial Independence

Although the *National Security Law* of Hong Kong stipulates the "rule of law" principle in its general provisions such as the legally prescribed conviction, the presumption of innocence, the non-two punishments, and the protection of the litigant's right to defense and other litigation rights in accordance with the law, many of its provisions on procedures are at odds with the rule of law. For example, trials related to "state secrets" are not allowed to be conducted in public, and defense lawyers "should keep the secrets of the state", and the Chief Executive's classification on state secrets is bound in court. Moreover, the defendant cannot be released on bail unless the judge is convinced that he "will not continue to endanger national security." A variety of highly compulsory measures are available to be used by national security and police agencies without a court approval, and the National Security Commission has the exclusive right to supervise related measures, and the Department of Justice can decide to exclude jury trials.

In the era of the *National Security Law*, Hong Kong's judicial independence is facing unprecedented challenges. This law not only authorizes the Chief Executive to appoint judges in national security cases, but also stipulates that when relevant acts or evidence materials are suspected to be national secrets, judges are bounded over by the Chief Executive's administrative decision in writing, which may violate the principle of independent trials in the *Basic Law* of Hong Kong. More importantly, it stipulates that all "complex" and "serious" cases recognized by the central government can be investigated and handled by the Office for Safeguarding National Security of the

4 For more detail, see Mainland Affairs Council of Republic of China (TAIWAN) (2020), "Implementation Rules for Article 43 of the *National Security Law* in Hong Kong: Infinitively extended and terrifying power of the police", Available at https://www.mac.gov.tw/cp.aspx?n=54CC3C3B3C188026.

© *2021 by Taiwan Foundation for Democracy*

CPG in the HKSAR and prosecuted and trialed by designated Mainland procuratorial organs and courts in accordance with criminal proceedings in mainland China. Such provisions are suspected to conflict with the relevant provisions of the *Basic Law* and may even endanger the foundation of the rule of law in Hong Kong.

In this regard, some judges publicly expressed their concerns before the enactment of the *National Security Law*, saying that "national security" is used as an excuse by high-level leaders in Beijing to attack Hong Kong's judicial independence, which is "the greatest threat to the rule of law since the transfer of sovereignty in 1997" (Tong, 2020a). After Cheung Kui-nung, who is generally regarded as pro-China, was appointed as the Chief Judge of the Court of Final Appeal in June, many foreign judges who are regarded as the symbol and guarantee of Hong Kong's judicial independence resigned due to the *National Security Law* or other factors, and at least one judge was under internal investigation since someone complained him for giving a light sentence to the defendant in an "Anti-Extradition Movement" case.

3. The Deprivation of Personal Freedom and Safety

3.1 2020 Detainment of Hong Kong Residents at Sea by China

The 12 Hong Kong residents accused of violating the *National Security Law* were arrested by the Chinese Coast Guard on August 23 when they were suspected of absconding to Taiwan by boat. After their arrests, they lost contact with the outside world for 20 days. It was not until September 13 that the Shenzhen Public Security Bureau came forward to explain that the 12 people were involved in the crime of illegally crossing the border and were detained in Shenzhen Yantian Detention Center. Several mainland Chinese lawyers appointed by the families went to the detention center, but their requests for meetings were all refused. Some lawyers were pressured by the authorities to withdraw from the case, while others were restricted from

© 2021 by Taiwan Foundation for Democracy

publishing relevant information and accepting interviews. The detainees' families publicly stated that they refused to accept "the lawyers assigned by the government", demanding these detainees to have access to necessary medication and their families. They also asked the Hong Kong government to ensure the rights of the detainees and take them back to Hong Kong immediately. On December 30, 10 of them were sentenced to between 7 months and 3 years in prison and fined by Shenzhen Yantian Court for organizing and executing smuggling across the border. The other two minors were deported to Hong Kong without prosecution.

According to media reports, the Hong Kong police were suspected of knowing their escape plans by sea beforehand, but deliberately letting them leave Hong Kong waters, then cooperated with the Chinese Coast Guard to intercept and arrest them in Chinese waters. As a result, these 12 Hong Kong residents were not protected by the legal procedures of Hong Kong which is more comprehensive. Their rights to be visited by family members as well as to appoint lawyers were deprived, and they were more likely to be tortured and abused.

3.2 Arbitrary Arrest and Detention in the Cases against *National Security Law*

The *National Security Law* of Hong Kong stipulates that the rights enjoyed by Hong Kong people in accordance with the ICCPR should be protected. However, Article 42 (2) of the law requires judges to detain the defendants in principle, which clearly violates Article 9 (3) of the ICCPR that "…It shall not be the general rule that persons awaiting trial shall be detained in custody." In addition, the period of pre-trial detention should not be too long, otherwise, it may violate the principle of presumption of innocence stipulated in Article 14 (2) of the ICCPR.[5]

5 The Office of United Nations High Commissioner for Human Rights (OHCHR), General Comment No. 35, Article 9 (Liberty and Security of Person), Paragraph 37, CCPR/C/GC/35, 2014/12/16.

© *2021 by Taiwan Foundation for Democracy*

However, since July, many defendants of criminal cases involving violations of the *National Security Law* and related laws were convicted of detention for pending trials, and in some cases, they were detained for at least half a year. Heard by judges designated by the National Security Council, these cases are as follows:

- Tong Ying-kit's case: Tong Ying-kit was charged with the crime of inciting secession and terrorist activities. He rode a motorcycle with a flag signed "Recover Hong Kong" during the "July 1st Parade" and disobeyed police interception and injured a police officer. He was arrested on the same day. The judge cited the *National Security Law* to refuse his bail.
- Tam Tak-chi's (Fast Beat) case: The former radio host and current Vice Chairman of the People's Power, Tam Tak-chi, was charged with various crimes including using slogans and catchphrases during demonstrations in an "intent to arouse hatred against the Hong Kong government" and publishing seditious texts, etc. He was arrested on June 6, and the judge refused bail.
- Tony Chung Hon-lam's case: Chung Hon-lam, a former member of the "Studentlocalism", was accused of establishing an organization advocating the independence of Hong Kong on the Internet and was involved in the offense of secession. After being arrested for the second time on October 27, the judge cited the *National Security Law* to refuse his bail.
- Jimmy Lai Chee-ying's case: Jimmy Lai, the founder and chairman of Next Digital Group, was arrested for several cases and charged with a number of crimes including collusion with foreign forces. On December 2, he was summoned for a case involving the *National Security Law* and later charged with fraud and will remand in custody until April 2021. The other two defendants in the same case were both released on bail.

Since the implementation of the *National Security Law*, the Hong Kong police have abusively used the extensive provisions of the law to restrict people's expression of opinions, violating the provisions of the same law on protecting residents'

© 2021 by Taiwan Foundation for Democracy

freedom of speech, assembly, and association, which may result in arbitrary arrest and detention.[6] In addition to Tam Tak-chi' case above, other relevant cases of the violations include:

- On August 10, Chow Ting, a former member of Demosistō, Li Yu-hin, a member of Hong Kong Story, and Wilson Li Chung-chak, a former member of Scholarism, were arrested. The police accused them of still operating relevant organizations after the establishment of the *National Security Law* to support activities calling for international sanctions on Hong Kong and received funding from overseas.
- On October 15, a man was arrested by the police for shouting "the restoration of Hong Kong" and other slogans in a shopping mall to mourn the dead during the Anti-Extradition Movement.

4. Protection of Judicial Process

In December 2020, the three defendants of the "6.21 Siege of the Police" in 2019, Wong Chi-fung, Chow Ting and Lam Long-yin, were sentenced to between 7 and 13.5 months in prison for inciting, organizing, and participating in an unauthorized assembly. In this case, there was no violent behavior except the crowd blocking the road and throwing eggs at the building, and no police officer was injured. However, in what was considered an unfair trial, they were accused of using violence and sentenced to imprisonment (Yang, 2020).

According to a social indicators survey conducted by the Public Opinion Programme of the University of Hong Kong (HKU), the scores given by Hong Kong residents for the evaluation of "the justice of the judicial system" and "the fairness of the courts" have remained relatively high during the past two decades. The numbers of

6 According to the opinion of the United Nations Human Rights Committee, arrest or detention for the lawful exercise of the rights guaranteed by the ICCPR constitutes arbitrary arrest or detention. Same as Note 4, paragraph 17.

© *2021 by Taiwan Foundation for Democracy*

these indicators started to decline at the beginning of 2015 and dramatically decreased since 2017. In mid-2020, the result of these scores no longer indicated a higher level of trust for Hong Kong's legal and judicial systems but a negative feeling towards them (Hong Kong Public Opinion Research Institute, 2020). During the same period, the Hong Kong judiciary significantly increased the punishment for criminal cases related to assemblies and demonstrations. In particular, the Department of Justice repeatedly appealed against the original sentences, demanding aggravated penalties. The lack of a clear definition of "violence" in courts is part of the reason why the sentencing of civil disobedience cases has been steadily increased.

This article also records several assembly and procession cases in which the Department of Justice appealed for aggravated sentences, and some of the accused were minors under the age of 16. A magistrates' court was usually in charge of sentencing, however, the Department of Justice often used the appeals against original sentences to increase the period of imprisonment, which inevitably raised doubts on the separation between the administrative and judicial authorities (Tseng, 2018).

The applications of legal aid for the cases related to the "Anti-Extradition Movement" seemed to be treated unfairly by the authorities. On October 1, 2019, a high school student who was shot by a police officer in his left chest appealed to the court for compensation from the police department, but his application for legal aid was rejected by the Legal Aid Department on the grounds of "reasonable use of force by the police". Such a decision was tantamount to ruling before trial, hindering the defendant's right to a fair trial. According to statistics, the Legal Aid Department accepted 394 cases related to the "Anti-Extradition Movement" but refused to hire the lawyers nominated by legally aided persons in 34 cases. The Hong Kong Bar Association criticized that the Legal Aid Department failed to fully consider the litigation interests of the defendants by adopting such impractical standards of lawyer assignation (NOW News, 2020).

© 2021 by Taiwan Foundation for Democracy

5. Freedom of Assembly and Association

5.1 The Police Violated the Freedom of Assembly

Hong Kong's *Public Order Ordinance* (POO) stipulates that any assembly and procession must obtain police permission in advance, which has long been criticized by United Nations human rights bodies for excessively restricting the people's right to freedom of peaceful assembly. Due to the Covid-19 epidemic, the Hong Kong government started to limit the size of public gatherings (Gathering Restriction Order) at the end of March, and the Macao government also urged residents to avoid public gatherings. Since then, the police in the two places often used gathering restriction orders or the need for epidemic prevention and control to prohibit peaceful assemblies.

According to the guiding principles provided by the UN human rights experts on the prevention measures for Covid-19 in various countries, public health emergencies should not be used as an excuse to suppress the right to peaceful assembly (OHCHR, 2020). However, the Hong Kong government has continued to extend the "Gathering Restriction Order". Since May, almost all applications for assemblies and processions were rejected by the police. The June 4th Gala hosted by Hong Kong Alliance in Support of Patriotic Democratic Movements of China (hereafter, the Hong Kong Alliance) in Victoria Park was banned for the first time in 30 years, and the applications of other Hong Kong and Macao civil organizations for June 4th memorials were also refused. The police charged four initiators of June 4th memorial activities for inciting illegal assembly.

In addition, the Hong Kong police frequently used excessive force to disperse large-scale peaceful gatherings, arresting participants and passengers or enforcing judicial prosecutions against the organizers after the events took place. It is often suspected that the Hong Kong police leaked the personal data of demonstrators obtained by interception, evidence search, or side-shooting, sometimes causing

© *2021 by Taiwan Foundation for Democracy*

the parties to be harassed. However, if demonstrators dox police officers, they get punished (The Stand News, 2020a). After the implementation of the *National Security Law* of Hong Kong, the Hong Kong police seem to have begun to take DNA samples of protestors arrested during the demonstrations.

5.2 Vengeance on the "Anti-Extradition Movement"

Until the end of October 2020, 10,148 people were arrested for the "Anti-Extradition Movement", and 2,325 people were prosecuted (Liberty Times, 2020). Even during the Covid-19 pandemic in 2019, the Hong Kong government continued to take revenge on the "Anti-Extradition Movement" by arresting pan-democratic leaders and participants, creating fear:

- On February 28, the police arrested Lee Cheuk-yan, the Vice Chairman of the Labor Party, Jimmy Lai, the founder of Next Media Group, and Yeung Sum, the former chairman of the Democratic Party, and accused them of participating in the illegal assembly held on August 31 last year.
- On April 18 2020, the police arrested fifteen pan-democratic leaders, including Martin Lee, the founding Chairman of the Democratic Party, Lee Cheuk-yan and Ho Chun-yan, the Chairman and Vice-Chairman of the Hong Kong Alliance, Leung Kwok-hung, the Vice Chairman of League of Social Democrats, Ng Ngoi-yee, a barrister for Civil Party, and Lai Chee-ying, the founder of Next Media. They were charged individually with inciting, organizing, or participating in four unauthorized processions between August and October last year.
- On December 2, Fong Chung-yin, the Acting President of Hong Kong Baptist University (HKBU) Students' Union, was arrested and prosecuted by the police on three counts, including the suspicion of "possessing offensive weapons in public places". This was the third time for his arrest in relation to the case in which he bought some laser pens during the "Anti-Extradition Movement" period.

© 2021 by Taiwan Foundation for Democracy

The prosecution rate of those arrested during the "Anti-Extradition Movement" is only about 23%, and the conviction rate of the cases by the court is only about 40% (the average conviction rate of Hong Kong courts is about 70%). In other words, there were more than 10,000 people arrested, and nearly 80% of them were not prosecuted (without suspicion of crimes), and less than one-tenth of the accused were convicted, indicating that the Hong Kong police and the Department of Justice were likely to conduct indiscriminate arrest and prosecution (The Stand News, 2020c).

5.3 Deprivation of Freedom of Association

Under the *National Security Law* of Hong Kong, the National Security Agency of China officially entered Hong Kong, bringing unpredictable risks to pro-democracy non-governmental organizations (NGOs) and international organizations in terms of their personnel, data, funds, or partners. In particular, the law not only contains the "crime of colluding with foreign powers," but also specifically targets foreign and international governments, NGOs, and news agencies. It explicitly requires the Office for Safeguarding National Security of the CPG in the HKSAR and the Office of the Commissioner of the Ministry of Foreign Affairs in Hong Kong to "take necessary measures to strengthen management." As a result, many NGOs, deemed to be "sensitive" by Beijing, chose to disband their organizations or seriously considered this possibility. Some of them arranged for their important members to withdraw from the organization or even leave Hong Kong.

Local organizations that announced their dissolution shortly before and after the implementation of the *National Security Law* include Demosistō, which played an important role in international lobbying, Hong Kong Higher Institutions International Affairs Delegation (Hong Kong IAD), Studentlocalism, Hong Kong National Front and other NGOs that advocated Hong Kong's independence. Some foreign institutions, such as the Friedrich-Naumann Foundation for Freedom from Germany chose to exit Hong Kong.

© *2021 by Taiwan Foundation for Democracy*

6. Freedom of Opinion, Expression and Information

6.1 Freedom of Speech

Hong Kong's *National Anthem Law* came into effect in June 2020. After that, any disrespect to the Chinese national anthem, including insults, tampering with the lyrics, or improper use and other offenses, is punishable by a hefty fine and imprisonment of up to three years. Under the pressure of the Hong Kong government, all three main radio stations in Hong Kong began broadcasting the national anthem every morning. After the implementation of the *National Security Law*, the Hong Kong government has taken a series of measures to suppress freedom of speech:

- Law Kwun-chung and others, who opposed the *National Security Law* of Hong Kong abroad and called for international sanctions, were wanted on the charges of "collusion" and "incitement" by the government.
- The slogan "Liberate Hong Kong, Revolution Now" was banned since it may offend the crimes of separatism and subversion.
- Pressure was put on the "Yellow Economic Circle" (YEC) consisting of pro-democracy businesses which supported the "Anti-Extradition Movement". Many "yellow shops" withdrew their participation due to such pressure, and apps and maps for YEC were removed from downloading.
- An inventory on all public libraries was conducted, and reading materials suspected of violating the *National Security Law* were removed.
- Primary and secondary schools were requested to remove textbooks and books suspected of violating the *National Security Law*, and students were prohibited from singing or playing protest songs such as "May the Glory Return to Hong Kong" at school.
- The Education Bureau intervened in the debate contest hosted by the Hong Kong Schools Debate Association since some topics used were in relation to the "Anti-

© 2021 by Taiwan Foundation for Democracy

Extradition Movement".

- Civil servants are required to be "completely loyal" to the government and must not criticize the government or policies.
- The celebration of the National Day of the Republic of China hosted by some Hong Kong residents seemed to encounter some political pressure. "The flags of Taiwan" (the National Flag of the Republic of China) were removed, and many events were suspended due to last-minute cancellations of rented venues without explanation.

Publishers in Hong Kong have also experienced more severe pressure. It is reported that a publisher wanted to print out a collection of "Anti-Extradition Movement" articles but got rejected by several printing houses. It had to delete or modify some contents for publication. Even for Hong Kongers who are abroad or have foreign nationalities, such as Samuel Chu (American), the Director of the Hong Kong Democracy Committee of the United States, and Lau Cho-dik, the initiator of "Fight for Freedom. Stand with Hong Kong", as long as that they advocate for Hong Kong's independence or international sanctions, they are wanted by the Hong Kong government on charges of inciting secession", "colluding with foreign forces" and other crimes.

6.2 Academic Freedom and General Education

Universities and colleges have always been the cradles of social movements in Hong Kong. Since the protest against patriotic education in 2012, many high schoolers joined the ranks of the resistance. In response to this, China's official media, People's Daily, published an article in May criticizing that Hong Kong's education was "deeply poisoned", teaching materials used were "toxic" and teachers were "drug broadcasters", and requesting the Hong Kong education department to "scrap the bones to detox" (People's Daily, 2020). In the past year, the Hong Kong government clearly enhanced its suppressive control of school speech.

© *2021 by Taiwan Foundation for Democracy*

As for teachers, there were many cases of suppression of freedom of speech across universities in Hong Kong. The HKU professor, Tai Yiu-ting, and HKBU professor, Shiu Ka-chun, were dismissed by their schools after being sentenced in the "Occupy Nine" (nine leaders for the "Occupy Central with Love and Peace" movement) case in 2019. Although Tai Yiu-ting was determined by the HKU Senate consisting of teachers and students that there was no valid reason for his dismissal, he was expelled by the HKU Council. The professor of Lingnan University, Ip Iam-chong, wrote an article criticizing the government, then was not reappointed after his contract came to an end. All three of them questioned the political interference of school decisions. In addition, the Vice-Chancellor of Chinese University of Hong Kong (CUHK), Tuan Sung-chi, who had a dialogue with students during the "Anti-Extradition Movement" and called for investigations into police abuse of force, was also repeatedly pressured by police officers' associations that he was responsible for social unrest.

Primary and secondary school teachers were also under pressure because the Hong Kong government used complaints from parents and NGOs as weapons. According to the statistics released by the Hong Kong Education Bureau in April, at least 39 complaints involving the "Anti-Extradition Movement" were investigated, filed and punished. It is reported that there was at least one teacher who got punished by the Education Bureau for sharing relevant news and commenting on the government's disposal on Facebook, even though the school determined that there was no professional misconduct. Another elementary school teacher was disqualified by the Education Bureau at the end of September for using a pro-independence talk as an example to discuss the concept of freedom of speech. Carrie Lam, the Chief Executive, emphasized in her policy address that she would continue to "thoroughly probe incompetent and unethical teachers."

In terms of teaching materials, whether general education for secondary education should be abolished or what should be included in the content became

© 2021 by Taiwan Foundation for Democracy

the focus of discussion. The Task Force on Review of School Curriculum issued a report in September, recommending to maintain the compulsory course of general education, stating that it would be inappropriate to use "recent events" as teaching topics, and supporting the submission of textbooks for review. In the past, the general education textbooks for secondary education in Hong Kong did not have a review mechanism. In 2020, a number of publishers sent their general education textbooks to the Education Bureau for review, and the "sensitive" content was deleted or modified, including the definition of "separation of powers." In her policy address, Carrie Lam also emphasized that it is necessary to correct the "alienated" phenomenon of general education and strengthen patriotic education.

University autonomy is an important foundation of academic freedom, and the maintenance of campus order should be based on the principles of self-management by universities themselves rather than the intervention of the military and police. On November 19, the CUHK students held a peaceful demonstration on campus. The school voluntarily asked the police to investigate, and it was the first case for the police to enter the university campus. At least 8 students were arrested, and three of them were charged with inciting secession.

6.3 Purge of the Press

6.3.1 Threatening or Attacking Media Representatives

According to the Police General Orders (PGO) of Hong Kong, all police officers should "facilitate the work of media representatives as far as practicable and accord them consideration and courtesy" and "not block camera lenses". However, incidents of police aggressions against journalists performing interview tasks became a common occurrence. Some cases are as follows:

- On January 19, a journalist from "the Stand News" was intercepted when interviewing participants of a gathering. The police placed the reporter's ID card

© *2021 by Taiwan Foundation for Democracy*

in front of the live camera and published the reporter's mobile phone.

- When the police were dispersing a crowd in Mong Kok on the evening of May 10, they once surrounded dozens of journalists and asked them to kneel on the floor and stop filming. The police sprayed pepper water on them and arrested two student media representatives as well.
- At the "SING with You" rally on May 13, police officers sprayed pepper water on journalists without warning.
- On June 12, journalists reporting on the anniversary exhibition of the "Anti-Extradition Movement" were once surrounded by the police.

6.3.2 Violations on the Freedom of the Press by Amending the Definition of "Media Representatives"

The PGO of Hong Kong originally stipulated that "media representatives" included those who held a certificate issued by a media organization or a membership card issued by the Hong Kong Journalists Association or the Hong Kong Press Photographers Association. However, this definition was amended in September 2020. After the amendment, "media representatives" only include reporters, photographers and television crews from media organizations subscribed for the Hong Kong Special Administrative Region Government News and Media Information System, or internationally recognized, well-known non-local news agencies, newspapers, magazines, TV and radio stations, excluding Internet and student media reporters whose statuses as journalists were issued by the Journalists Association. However, according to some scholars' observations, the police still failed to keep their promise on facilitating the work of media representatives that meet the new standards by denying their entry to the cordoned-off areas for interviews (Tong, 2020b).

In fact, the police has already illegally implemented media censorship. When the police searched the Next Media Building on August 10th, several media outlets were denied entry for interviews. They stated that only "trusted media" that meet the

© 2021 by Taiwan Foundation for Democracy

conditions of "fair reporting" and "without compromising police work" can enter the cordoned-off areas for interviews.

RTHK news anchor, Nabela Qoser repeatedly questioned senior officials at police press conferences and was under internal investigation by RTHK. The editor of "Hong Kong Connection", a TV program of Hong Kong Radio, Choy Yuk-ling was arrested by the police on the charge of improperly obtaining license plate information. The prohibition of the media from accessing car registration information would affect their ability to conduct investigations and reports. It is suspected that the investigation of Choy Yuk-ling's case as a criminal offense was retaliation for her previous reports, which may lead to a chilling effect.

The Hong Kong government also used visa to restrict foreign journalists' freedom of interviews: In February, Michael Yon, an American journalist who had reported on the "Anti-Extradition Movement", the spread of the Covid-19 epidemic and the medical strike in Hong Kong, was denied entry for no reason. In August, an Irish journalist was denied a visa. In May, a New York Times reporter who had been deported by China was also denied a visa to work in Hong Kong. Reporters Without Borders criticized that such an approach was to "weaponize" visas, aimed at intimidating foreign journalists (Reporters Without Borders, 2020).

6.3.3 Suppress News Organizations

(1) Apple Daily

Jimmy Lai, the founder of Apple Daily, has always openly supported the pro-democracy movement, and his newspaper has also been recognized as one of the few independent media in Hong Kong and Macao that refuses the interference of the Communist Party of China (hereafter, CCP). On August 10, the Hong Kong police arrested 7 senior executives of Next Digital Group, the parent company of Apple Daily. On the same day, the National Security Department of the police not only searched for his office in the editorial department of Apple Daily, but also went through and inspected other reporters' desktop files without showing a search order.

© *2021 by Taiwan Foundation for Democracy*

He was charged with violating the Hong Kong *National Security Law* and conspiracy to defraud and was detained awaiting trial on December 4. In addition to the pressure of judicial prosecution, at least one convenience store chain owned by a Chinese state-owned enterprise stopped selling the newspaper.

(2) Radio Hong Kong

Due to the content of its news programs, the public media Radio Hong Kong (RTHK) was under pressure to stop broadcasting some important programs. For example, in early April, RTHK was publicly accused by senior officials of the Hong Kong government of violating the "One Country, Two Systems" principle for broadcasting an interview with a WHO official who mentioned Taiwan. Later, the authorities gave it a warning on its political news programs "Left, Right Red, Blue, Green" and "Headline News" for satirizing the current political situations. RTHK decided to stop broadcasting "Headline News". The authorities announced the establishment of a task force to review the internal management of RTHK and canceled funding for RTHK school education TV programs, arousing the suspicion of political interference.

(3) Cable TV

Hong Kong Cable Television (hereafter, Cable) lay-offed 40 people on December 1, including all members of "News Lancet", an editorial news program, and an interview director of its China News Group was also fired. All members of the China News Group resigned and expressed their protest on the same day. It was not the first time that Cable had laid off a large number of employees due to its poor financial situation in recent years. However, the "News Lancet" often reported on the police or the government in 2019, and there were some external concerns that such layoffs were due to political intervention on news editing and reporting in the name of reducing expenditure.

© 2021 by Taiwan Foundation for Democracy

7. Political Rights

For the Legislative Council election scheduled to be held in September 2020, the political review on the nomination process became stricter than before. As long as candidates had spoken against the *National Security Law*, they would be disqualified (DQ) on the basis that they "do not support the *Basic Law*", resulting in the nomination of 12 pan-democratic candidates being invalidated, which means that the administrative agency can pre-screen the candidates based on their opinions and speeches (The Stand News, 2020b). Even so, the Hong Kong government eventually postponed the election for one year on the grounds of epidemic prevention. The NPCSC then took over relevant arrangements for this "vacuum period" of the Legislative Council. This is another central government intervention in the affairs of the Hong Kong Legislative Council after the oath-taking controversy in 2016, depriving the opportunity for Hong Kongers to reflect public opinion with their votes. The series of actions by the Hong Kong government not only affected the freedom and fairness of elections, but also seriously violated the people's right to participate in public affairs.

After the NPCSC decided to extend the term of office of current legislative council members for one year, most of the pan-democratic members decided to stay in office to protect the power of parliamentary supervision. However, less than three months after the extension, the government made another move. First of all, the Hong Kong police suddenly arrested 8 pan-democratic Legislative Council members, former members and assistants in early November, alleging that they were involved in a violent protest in the Legislative Council on May 8. Such arrests violated relevant regulations in the *Legislative Council (Powers and Privileges) Ordinance*. On November 11, the NPCSC legislated on the qualifications of the members of the Hong Kong Legislative Council, and the Hong Kong government announced the disqualification of the four legislative council members based on this new legislation. The NPCSC decision stipulates that any members of the Legislative Council who

© *2021 by Taiwan Foundation for Democracy*

support Hong Kong's independence, refuse to recognize China's sovereignty, seek foreign or foreign interference, or involve "other acts that endanger national security" will immediately lose their membership after being identified. This decision empowers the Hong Kong government to arbitrarily dismiss members of the Legislative Council, leading to the collective resignation of pan-democratic Legislative Council members, and the Legislative Council was left with an overwhelming majority of pro-government members which reduced the functions of the Legislative Council to "a rubber stamp".

8. Conclusions and Prospects

Since the implementation of the *National Security Law* of Hong Kong in June, it has created a widespread atmosphere of "White Terror" in Hong Kong. The rule of law and freedom of speech are the first to bear the brunt, but this is probably just the beginning. According to the *Proposals for the Fourteenth Five-Year Plan and Long-Term Goals for 2035* adopted by the Fifth Plenary Session of the 19th CCP Central Committee in October 2020, Beijing's future policy towards Hong Kong and Macao is to "implement the central government's comprehensive management of the SARs, safeguard their legal systems and implementation mechanisms of national security and maintain national sovereignty, security, development interests, and the overall social stability in the SARs (Xinhua News Agency, 2020)."

Following the path of Xi Jinping's systematic suppression of civil society in mainland China after he took office, after fully controlling the public opinions published by the news media, the next step will be to further strengthen the censorship of online speech and target certain departments or sectors of civil society for suppression and consolidation until they "surrender" to the government control. According to Chinese Hong Kong and Macao affairs officials, the targets for this rectification in the coming year are likely to be civil servants, teachers and judges (Yan,

© 2021 by Taiwan Foundation for Democracy

2020). However, lawyers, churches, labor unions, and other associations outside the public system may also begin to feel more pressure.

The Hong Kong government used a series of "DQ" actions, such as postponement of the election, prosecutions of a number of Legislative Council members that involved in protests and direct central government intervention to disqualify their memberships, to force the pan-democratic members of the Legislative Council to resign. After removing the opposition from the Legislative Council, a fool-proof environment has been prepared for the accelerated implementation of Article 23 and related legislation and policy measures before the next election. In the next step, the district councils, where the opposition camp still dominates, may become the target of this purge. In the future, the opposition camp may completely lose room for elections and parliamentary resistance, and Hong Kong's "semi-democracy" will also be back to square one.

Luo Huining, the Director of Liaison Office of the Central People's Government in the Hong Kong SAR and the Consultant to the National Security Committee, said at an event one day after the implementation of the *National Security Law* of Hong Kong: "The promulgation of the *National Security Law* of Hong Kong is a major turning point in Hong Kong's transition from chaos to governance. It is an important milestone of Hong Kong's practice of 'One Country, Two Systems' (Xinhuanet, 2020)." In fact, what we have witnessed is the turning point in Hong Kong's transition from freedom to autocracy, and the milestone of the end of "One Country, Two Systems".

© *2021 by Taiwan Foundation for Democracy*

References

Hong Kong Public Opinion Research Institute (2020). "The Webpage of Rule of Law Indicator." https://www.pori.hk/pop-poll/rule-of-law-indicator. (accessed December 7, 2020).

Liberty Times (2020). "More Than 10,000 People Were Arrested, 2,325 People Were Prosecuted, and the Hong Kong Police Announced the Number of People Arrested during the Anti-Extradition Movement." Liberty Times. 2020/11/10. https://news.ltn.com.tw/news/world/breakingnews/3347705. (accessed June 20, 2020).

Mainland Affairs Council (MAC) of Republic of China (TAIWAN) (2020). "Implementation Rules for Article 43 of the National Security Law in Hong Kong: Infinitively Extended and Terrifying Power of the Police." MAC (TAIWAN). 2020/07/10. https://www.mac.gov.tw/cp.aspx?n=54CC3C3B3C188026. (accessed December 12, 2020).

Now News (2020). "A Barrister Was Repeatedly Rejected by the Legal Aid Department to Handle Riot Cases, Questioning the Unreasonable Review Standards." Now News. 2020/10/03. https://news.now.com/home/hot/player?newsId=407681&hot=1. (accessed October 10, 2020).

OHCHR (2020). "The UN Special Rapporteur on the Right to Freedom of Peaceful Assembly and Freedom of Association, Clément Voule, Said: 'Countries Should Not Take the Deprivation of Freedom of Peaceful Assembly and Association as Measures to Deal with the Threat of the COVID-19.'" Office of United Nation High Commissioner for Human Rights (OHCHR). https://www.ohchr.org/CH/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=C. (accessed June 20, 2020).

People.com (2020) "Shen Chunyao: The National Security Law of Hong Kong Is Much More Extensive Than Article 23 of the Basic Law." People.com. 2020/07/01. http://npc.people.com.cn/BIG5/n1/2020/0701/c14576-31766710.

© 2021 by Taiwan Foundation for Democracy

html. (accessed December 12, 2020).

People's Daily (2020). "Hong Kong Education Needs 'Scraping the Bones to Detox'." Chinanews.com. 2020/05/17. http://www.chinanews.com/ga/2020/05-17/9186556.shtml. (accessed June 20, 2020).

Reporters Without Borders (2020). "Hong Kong Caught in Chinese Practices of Visa Weaponisation against the Press." Reporters Without Borders. 2020/09/01. https://rsf.org/en/news/hong-kong-caught-chinese-practices-visa-weaponisation-against-press. (accessed September 1, 2020).

The Stand News (2020a). "Police Officers Suspected for Repeatedly Photographing Protesters and Journalists, Leaking the Personal Information of Citizens, and Handing Them over to the Pro-government Camp to Facilitate 'Manhunt' Attack." The Stand News. 2020/03/27. https://www.thestandnews.com/politics/%E8%AD%A6%E5%93%A1%E7%96%91%E5%A4%9A%E6%AC%A1%E6%8B%8D%E6%94%9D%E7%A4%BA%E5%A8%81%E8%80%85%E8%A8%98%E8%80%85-%E6%B4%A9%E5%B8%82%E6%B0%91%E5%80%8B%E4%BA%BA%E8%B3%87%E6%96%99-%E4%BA%A4%E5%BB%BA%E5%88%B6%E9%99%A3%E7%87%9F%E5%8A%A9-%E8%B5%B7%E5%BA%95-%E6%94%BB%E6%93%8A/. (accessed April 20, 2020).

_____ (2020b). "Crazy DQ: 12 People Including Yeung Ngok-kiu, Kwok Wing-hang, Kwok Ka-ki, Wong Chi-fung, Ho Kwai-lam and Others Were Banned from Becoming the Candidates for the Election of the Legislative Council. The Government: People Who Oppose the National Security Law Will Not Sincerely Support the Basic Law." The Stand News. 2020/07/30. https://www.thestandnews.com/politics/%E7%98%8B%E7%8B%82-dq-%E6%A5%8A%E5%B2%B3%E6%A9%8B-%E9%83%AD%E6%A6%AE%E9%8F%97%E7%AD%89%E5%85%AC%E6%B0%91%E9%BB%A8%E5%9B%9B%E4%BA%BA-%E4%BD%95%E6%A1%82%E8%97%8D-%E5%B2%91%E6%95%96%E6%9A%89%E7%AD%89%E9%80%BE-10-

© *2021 by Taiwan Foundation for Democracy*

%E4%BA%BA-%E8%A2%AB-dq-%E5%8F%83%E9%81%B8%E8%B3%87%E6%A0%BC/. (accessed August 23, 2020).

_____ (2020c). "Statistics on the Anti-Extradition Movement Cases: Tracking Nearly 600 Charges, 22% Withdrawn or Not Guilty." The Stand News. 2020/10/14. https://www.thestandnews.com/politics/%E5%8F%8D%E9%80%81%E4%B8%AD%E6%A1%88%E4%BB%B6%E7%B5%B1%E8%A8%88-%E8%BF%91-600-%E9%A0%85%E6%8E%A7%E7%BD%AA%E8%BF%BD%E8%B9%A4-22-%E6%92%A4%E6%8E%A7%E6%88%96%E7%84%A1%E7%BD%AA/. (accessed October 28, 2020).

Tong, Waiwan (2020a). "People from All Walks of Life in Hong Kong Pay Attention to the Reuters' Report, Senior Judges Worry about Judicial Independence Being Attacked by Beijing." Voice of America. 2020/04/15. https://www.voacantonese.com/a/reactions-to-reuters-report-on-independence-of-hk-judicial-under-assault/5372845.html. (accessed June 20, 2020).

_____ (2020b). "86 People Arrested for October 1 March in Hong Kong, Scholars Criticize the Police for Tightening Media Coverage Restrictions." Voice of America. 2020/10/02. https://www.voacantonese.com/a/hk-reactions-on-oct-1-rally-the-first-rally-after-police-accreditation-change-20201002/5606201.html. (accessed October 28, 2020).

Tseng, Shihhsing (2018). "The Case of Retaking the Civic Square: The Final Court Approved the Sentencing Guidelines, but Instructed the Court of Appeal Not to Increase the Sentence Rashly." The News Lens. 2020/02/08. https://www.thenewslens.com/article/89398. (accessed December 7, 2020).

Xinhua News Agency (2020). "Proposals of the Central Committee of the Communist Party of China on Formulating the Fourteenth Five-Year Plan for National Economic and Social Development and the Long-term Goals for 2035." The Official Website of the Chinese Government. 2020/11/03. http://www.gov.cn/zhengce/2020-11/03/content_5556991.htm. (accessed December 31, 2020).

© 2021 by Taiwan Foundation for Democracy

Xinhuanet (2020). "Luo Huining: The National Security Law of Hong Kong Is a Major Turning Point for Hong Kong's Transition from Chaos to Governance." Xinhuanet. 2020/07/01. http://www.xinhuanet.com/gangao/2020-07/01/c_1126182459.htm. (accessed December 6, 2020).

Yan, Shuekeng (2020). "Luo Huining Seemed to Blame the Levitative Authorities That the National Security Law Is Not Perfect." Radio France Internationale (RFI). 2020/12/05. https://www.rfi.fr/tw/%E4%B8%AD%E5%9C%8B/20201205-%E9%A7%B1%E6%83%A0%E5%AF%A7%E5%AB%8C%E5%9C%8B%E5%AE%89%E6%B3%95%E6%9C%AA%E5%A4%A0%E5%AE%8C%E5%96%84%E4%BC%BC%E5%8A%8D%E6%8C%87%E5%8F%B8%E6%B3%95%E6%A9%9F%E9%97%9C. (accessed December 6, 2020).

Yang, Chinchian (2020). "Joshua Wong, Chow Ting and Ivan Lam Jailed between 7 and 13.5 Months for 621 Siege of Police Headquarter. The Supporters: The Authorities Wanted to Kill the Chicken to Scare the Monkey." The Reporter. 2020/12/02. https://www.twreporter.org/a/hong-kong-joshua-wong-chow-ting-ivan-lam-jailed. (accessed December 7, 2020).

© *2021 by Taiwan Foundation for Democracy*

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.

2020 中國人權觀察報告

出　　版：財團法人臺灣民主基金會
地　　址：106臺北市信義路三段147巷17弄4號
電　　話：+886 (2) 2708-0100
傳　　眞：+886 (2) 2708-1128, 2708-1148
電子信箱：information@tfd.org.tw
網　　址：http://www.tfd.org.tw
© 2021年6月/版權屬臺灣民主基金會

China Human Rights Report 2020

Publisher: Taiwan Foundation for Democracy
Contact: Taiwan Foundation for Democracy
No.4, Alley 17, Lane 147, Sec.3, Sinyi Rd., Taipei 106, Taiwan
Telephone: +886(2) 2708-0100
Fax: +886 (2) 2708-1128, 2708-1148
information@tfd.org.tw
http://www.tfd.org.tw
© 2021 June by Taiwan Foundation for Democracy