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# SPOTLIGHT ON CHINA

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# CHINA

**Regime type:** Authoritarian regime since before 1975.

**State of emergency:** No national state of emergency was declared.

**Covid-19 democracy and human rights impact summary:** China was the first country to raise the alarm about the existence of Covid-19, with the city of Wuhan in the Hubei province as the epicentre of the pandemic. Apart from several lockdowns in Hubei province, and especially in Wuhan, the central government has used a mix of restrictive measures and technology to trace and isolate cases to stop local transmission. After getting the virus under control in Hubei province, lockdowns and restrictions have taken place in diverse parts of the country when cases have been discovered. As of the first half of 2021, the authorities continue to impose domestic restrictions depending on levels of infection. As an autocracy with already low levels of freedom of expression and media integrity prior to the outbreak of the pandemic, the Government has severely limited freedom of expression and media reporting on the virus during the pandemic. Journalists and foreign correspondents continue to be harassed or detained for their reporting of the pandemic. Several international organizations have raised concerns about the limits on the freedom of expression, and the disproportionate impact such restrictions have had on the Uighur community in particular.<sup>1</sup>

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## ORIGINS OF THE PANDEMIC

As the country in which the Covid-19 pandemic originated, China has been a global focus of attention. But it is not just the pandemic's origins that are a focus, but also the Chinese Communist Party (CCP) leadership, who spent the first few weeks alternately denying and covering up the existence of Covid-19, but then, once a decision was taken to go public, made efforts to contain the country's spiralling public health crisis in the most efficient—and ruthlessly authoritarian—way. And in this context, as with much concerning the country since President Xi Jinping assumed the presidency in 2013, the state's largely unconstrained ability to decide, direct and control has been firmly on display.

Untrammelled central power, however, has consequences—and one was what proved to be a disastrous delay in reporting the pandemic's outbreak in Wuhan to the wider world. Embedded hierarchies play a critical role in decision-making by the CCP. Crucially here, the local and provincial leaders knew that they would have to wait for permission from the centre before releasing any pandemic-related information—which they did, for several weeks, while the pandemic escalated around them.

Numerous people who have spoken up against the official pandemic response have disappeared or been arrested. As early as 3 January 2020, Wuhan doctors—including Li Wenliang, who made an early attempt to alert colleagues to the pandemic—were warned by police for 'spreading misinformation' about the virus while a further eight doctors, all from Wuhan hospitals, were summoned by local police on the same day. Li Wenliang, who died from the virus on 7 February 2020, posthumously rose to international prominence, his death leading to widespread public expressions of anger at the authorities.

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## 'PANDEMIC DIPLOMACY'

For all Xi Jinping's intrepid 'pandemic diplomacy'—typically involving a package of financial support, face masks and other personal protective equipment (PPE) in regions such as Africa and the Pacific, usually provided with

a degree of public fanfare and backed up by targeted state information campaigns—towards the end of 2020 it became apparent that, at least in terms of the country's international standing, such efforts had made little dent in a pervasive and unremittingly negative external image. Among other things, this stemmed from China's early failures in announcing and containing the pandemic. An October 2020 Pew Research Center survey, for example, found that in every one of the 14 countries surveyed a negative image of China prevailed—at levels higher than any seen in similar polls conducted over the last decade.

On 25 August 2021, China accused the United States of politicizing research led by the World Health Organization (WHO) into the pandemic's origins. The Chinese authorities launched an international diplomatic offensive, deploying a senior official to accuse the USA of politicizing the issue by seeking to blame China and suggesting that any further WHO research should focus on the USA itself.<sup>2</sup> After a series of delays, the Chinese authorities allowed a WHO research team to visit the country, Wuhan included, in mid-January 2021, but they were criticized for their tight control over the team's movements and activities. In the meantime, suggestions that the pandemic's outbreak may have stemmed from an (accidental) laboratory leak of the zoonotic Covid-19 virus continue to be voiced in some expert quarters, even if a joint Chinese–WHO report from the January visit, released in March 2021, was careful to distance itself from this hypothesis.<sup>3</sup>

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## NATIONAL MOBILIZATION

At the same time, the fact remains that, in an astonishing feat of national mobilization—accompanied by some highly invasive and truly draconian public safety measures straight out of the authoritarian manual—the Chinese leadership succeeded both in curbing the pandemic and getting the country back on its economic feet. Exports grew by 9.5 per cent in August 2020, and the economy was reported to be expanding by 4.9 per cent during the year's third quarter.<sup>4</sup> This assessment was trumpeted by President Xi himself, who, at a September 2020 Beijing ceremony to celebrate 'victory' over Covid-19, proclaimed, 'We quickly achieved initial success in the people's war against coronavirus . . . We are heading the world in economic recovery and in the fight against Covid-19.' Whether, as Xi likes to claim, China offers a model for other countries to copy remains a moot point.

### Hong Kong and the new security legislation

In Hong Kong, Beijing has exploited the opportunity offered by lockdown to tighten its grip over the territory. In April 2020, opposition activists were arrested, and the central government pushed through a new National Security Law outlawing what it calls 'treason, sedition and secession' in the territory. In a further attempt to quash pro-democracy activism ahead of elections scheduled for September 2020, local authorities announced the disqualification of 12 activist candidates from running for office, allegedly for having advocated independence, solicited 'intervention' by foreign governments and/or opposed the new security law. It also disqualified four existing legislators on the same grounds, a move that prompted a further 15 members to announce their resignations. In the following months, a string of related arrests and trials ensued (see below).

Wielding the harsh new security legislation introduced in late June 2020, in early December 2020 a trio of young high-profile democracy activists and veterans of the 2014 'umbrella movement' were sentenced to 7–13 months' imprisonment for 'unauthorized protest' that had taken place over a year previously—when the new legislation was not in effect—outside the city's police headquarters. Then, 10 days later, they were joined by billionaire Hong Kong newspaper owner Jimmy Lai, a long-standing supporter of the territory's pro-democracy movement, who had been arrested in August 2020 and was now accused of conspiracy to endanger national security in cooperation with unnamed foreign powers. Under the new legislation, trials can be held in secret and without a jury, and cases can also be taken

over by mainland authorities. In May 2021, an already imprisoned Lai was sentenced to a further 14 months in jail for participation in an unauthorized assembly in October 2019. He was one of 10 activists sentenced to up to 18 months for the same offence.

The so-called 'patriotic' legislation, aimed at preventing democracy and pro-independence candidates from standing for election, was enacted in May 2021 ahead of polls for the Election Committee, the body responsible for choosing Hong Kong's leader and now also given the power to nominate all candidates for the Legislative Council, the Hong Kong parliament. The next indicator of the legislation's political impact will come in the parliamentary elections delayed since September 2020 and currently due in December 2021.

### **The Chinese military and Covid-19**

The military generally plays a key role in backing the authoritarian regimes of the wider region, regardless of a global pandemic. In China, this support has been rewarded with promises that the first doses of any new future vaccine will be given not to Chinese healthcare workers but to military personnel. The choice is not accidental either. In research leading to production of the main Chinese vaccine, as with other pandemic-related medical trials, research and development companies sponsored by the People's Liberation Army have played a central role.

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## **FREEDOM OF MOVEMENT**

A key focus of official efforts to curb the pandemic has been on contact tracing. Here the authorities partnered with two major companies, Alibaba and Tencent, to host health code systems on their popular apps Alipay and WeChat, the purpose being to control and monitor movement around China based on a user's risk profile. Users complete a questionnaire and are then allocated a QR 'health code', which is either green (low risk/free to move around), amber (at risk/obligatory quarantine for 7 days) or red (high risk/obligatory quarantine for 14 days). QR codes must then be scanned before entering public places, such as underground stations and shopping centres. Access will be denied and the authorities alerted if the QR health code indicates the person should be in quarantine. Privacy-related concerns have been raised in relation to this tracking system about, among other things, the fact that confirmed and suspected cases are hosted on a centralized server accessible to the authorities.<sup>5</sup>

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## **MINORITY RIGHTS**

In the Asia and the Pacific region, as elsewhere, one widely observed aspect of official pandemic responses is their tendency to reflect—and in some cases magnify—existing inequalities within society. In China's case, this is exemplified in the treatment of specific minority populations, notably Uighurs, a Muslim Turkic-speaking people that chiefly inhabits north-western Xinjiang province. The Uighurs have been the subject of close official scrutiny in the context of the national 'deradicalization' programme initiated during the post-September 11 'War on Terror'. International attention to the Uighurs' situation has intensified as a result of 2021 revelations of an allegedly expanding network of internment camps across Xinjiang in which large numbers of Uighurs and others (over one million according to one credible estimate) are being incarcerated—in many cases, too, for little more than obedience to basic Islamic dictates such as mosque attendance or wearing a beard.

Already in early 2020 some were pointing out that the combination of low health standards and the high density of detainees could easily turn these internment camps into a breeding ground for pandemic infections. For some months, official statistics suggested that this was not happening, although there were concerns that the prevailing media blackout might be helping to hide the real picture.<sup>6</sup> In July 2020, however, following a reported surge in

infection cases in the regional capital Urumqi, the authorities imposed a 'wartime state' on the city, including the suspension of all forms of group activity, but with no information provided on the situation in the camps, whose existence in any case remained officially denied. In the meantime, when factories closed in other parts of the country due to lockdowns, Uighur workers were reportedly forced to continue working, with some even forcibly transferred to factories in other regions. In late October 2020, a fresh infection outbreak was reported, this time in the provincial city of Kashgar. Here, again, analysts suggested that the real picture, including the actual number of cases, might well be being kept hidden from public view, not least to keep the spotlight off the camps' existence.<sup>7</sup>

More broadly, a range of types of discrimination—regional, racial, sexual—appear to have increased across the country during the pandemic. Social media has played a central role in this respect: as in many other countries, rumours fuelling chauvinistic, racist and sexist trends often circulate via social media, eliciting both endorsements and/or counter-rumour initiatives. The Chinese authorities have worked overtime both to censor critical presentations of their handling of the pandemic and portray the official response in a positive light. The truth, however, has suffered some prominent casualties in the process: in particular, authorities stand accused of having consistently under-reported the pandemic's spread (and resulting death rates).

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## GENDER IMPACT

Within China, narratives regarding women's role in combating the pandemic appear to follow two broad lines. On one side, official accounts emphasize the heroic role of female healthcare workers, especially parents, in the frontline struggle against the pandemic in Wuhan in early 2020. On the other is the less publicized but lived reality of hospitals where the majority female workforce struggle with shortages of everything from PPE to hygiene products such as tampons. This bifurcated narrative found clear expression in the way the authorities responded to health workers' extraordinary efforts to contain the pandemic. Official accolades, such as the medals issued by Xi Jinping to a group of individuals in early September 2020, focused on men, with only one woman included among the recipients; this was despite the fact that, for example, an estimated 70 per cent of frontline health workers in Wuhan were (female) nurses (other estimates put the figure as high as 90 per cent).

These issues were brought into sharp focus by a drama series titled *Heroes in Harm's Way* screened on the state CCTV-1 TV channel from mid-September 2020, which advertised itself as a real-life depiction of the dramatic events in Wuhan. The series soon became a subject of mounting criticism, not least for the way in which it appeared to marginalize women health workers' roles, while simultaneously pandering to received gender stereotypes in its depiction of nurses and other female workers. On a related note, it appears that, while some women—notably Major General Chen Wei, one of the country's leading virologists, who was included in the Beijing medal-giving ceremony—have been the subject of official celebration, others have not. Foremost among those is Doctor Ali Fen, who, along with colleague Li Wenliang, attempted to alert Wuhan authorities to the pandemic's initial outbreak. Neither of the two features in the CCTV-1 drama series.

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## CHECKS ON GOVERNMENT

**Legislature.** Since the Mao era, what can be called China's national parliament and its advisory body—the National People's Congress (NPC) and the Chinese People's Consultative Committee (CPCC)—have commonly held their annual meeting starting in March and lasting for around 10 days. Usually attended by anything up to 5,000 delegates from across the country, the NPC debates motions tabled in advance, and can reliably be expected to rubber-stamp key official policies that have already been decided. For the first time since the Cultural Revolution, however, in view of the prevailing conditions with Covid-19, the annual Congress's postponement was announced in March 2020.

At the end of April, easing pandemic conditions led the authorities to indicate that the NPC would convene from 22 May. Analysts suggested that the Congress would provide the CCP leadership with an opportunity to emphasize how well the country had managed the pandemic under the leadership of Xi Jinping—‘better than western democracy’, one added. In the event, official reports indicate that the Congress, which closed on 28 May, adopted a new civil code, endorsed several Hong Kong-focused pieces of legislation and approved the national economic plan and budget for 2020. In concluding remarks, the NPC chair emphasized that the country’s ‘strategic achievements’ in curbing Covid-19 in a little over three months ‘demonstrated the great strength of socialism with Chinese characteristics’.

**Media freedom.** This is an area where official ratcheting up of control in response to the pandemic has been particularly evident. This was underlined early on by a late February 2020 decision to expel three journalists from The Wall Street Journal, and, a month later, another 13 foreign correspondents. In a further tightening of the screw, online media platforms were required to ‘create a good online atmosphere’—meaning positive coverage of official anti-pandemic efforts—and a range of social media apps and accounts were reportedly removed due to posts judged to have failed in this regard.

Zhang Zhan, a citizen journalist who travelled to Wuhan to report on the pandemic in early 2020, was subsequently detained by the authorities. According to an indictment released in November 2020, she faced up to five years in prison for ‘picking quarrels and stirring up trouble’—an accusation often used against activists and online critics of the regime. In December, Zhang was sentenced to four years imprisonment in a case subsequently taken up by Amnesty International. In February 2021, Reporters Without Borders noted that seven Chinese journalists arrested for reporting on Covid-19 were still detained or missing.<sup>8</sup> And after more than a year of detention, in August 2021, two human rights activists arrested for archiving independent media reports, including on the pandemic’s early stages, were sentenced to 15 months imprisonment. The pair were officially charged with ‘picking quarrels and provoking trouble’—a catch-all offence lodged in law under the even vaguer crime of ‘hooliganism’ that is regularly used to deter dissent.

**Judiciary.** Consideration of the judiciary’s functioning during the pandemic can be approached from different angles. First are what might be called ‘technical’ aspects of the issue. In common with other countries in the region, China’s courts have continued to function largely uninterrupted to date. How they have done so raises some interesting questions, in particular regarding the use of digital platforms and other technology to enable courts’ remote functioning.

Analysts noted, for example, that even before the start of the pandemic ‘Internet Courts’ had been set up in a number of cities, reportedly proving themselves more than capable of dealing with litigation online. Accordingly, the online services since made more widely available are depicted as a response to the ‘incubators of new technology’ represented by earlier initiatives.<sup>9</sup> In June 2021, the Supreme People’s Court (SPC) released Rules of Online Litigation, which came into effect on 1 August 2021. The SPC stated that, having shifted to virtual proceedings to ensure access to justice, between 1 January 2020 and 31 May 2021 12.19 million cases had been filed online, with 1.28 million online hearings conducted—an indication that the country may be on the way to moving more litigation online in future.

Politically speaking, the picture is rather different. A look at the Chinese judicial system’s current self-presentation shows several things. The primary emphasis of official narratives—as seen in, for example, the ‘work reports’ of the SPC and the Supreme People’s Procuratorate (SPP) to the NPC session held in late May 2020 (see above)—is on the judiciary’s main roles issuing guidelines for a ‘crackdown on Covid-19 outbreak-related crimes’, ‘provid[ing] judicial guarantees for regular epidemic response and restoration of economic and social order’, and contributing to a ‘continuous drop in severe violent crimes’ by ensuring that offenders are punished and, where applicable, executed.

The judicial response to public criticism of the official pandemic response is apparent in the treatment meted out to retired property tycoon Ren Zhiqiang, who published an essay in late February 2020 offering thinly disguised criticism of President Xi for acting like a ‘clown’ during the pandemic outbreak. While not mentioning Xi Jinping directly by name, Zhiqiang wrote that he saw ‘not an emperor standing their exhibiting his “new clothes”, but a clown stripped

naked who insisted on continuing being emperor . . . The reality shown by this epidemic is that the party defends its own interests, government officials defend their own interests, and the monarch only defends the status and interests of the core.'

Personal criticism of Xi Jinping is one of the country's strongest current political taboos: in April 2020, CCP officials duly announced that Ren Zhiqiang was being investigated for offences widely viewed as euphemisms for corruption. Eventually, in late September 2020, a Beijing court found him guilty of 'corruption, bribery and embezzlement of public funds' and sentenced him to 18 years in prison.

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## CORRUPTION

Corruption has long been a pervasive issue, although it is only in the last decade that the authorities have started taking it seriously. This is exemplified by the Anti-Graft Campaign initiated under Xi Jinping's direction, prior to his becoming President in 2013, which declared a crackdown on what he called 'tigers and flies', meaning both top-level CCP officials and local civil servants. In subsequent years, over 100,000 people are estimated to have been charged for corruption-related offences, and reportedly Xi Jinping continues to see the campaign as central to his personal political standing and public image.

It thus comes at little surprise to learn that an SPP report to the May 2020 NPC congress notes that corruption convictions nearly doubled in 2019, a number of those prosecuted being high-profile subjects, including a former deputy minister and an ex-shipbuilding tycoon, along with a reported 50 per cent increase in the number of cases involving CCP members. The difficulties involved in interpreting these figures are highlighted by the case of Ren Zhiqiang noted above, whose conviction on corruption charges was palpably a smokescreen for political offences. Thus, while the Chinese authorities can reliably be expected to continue providing detailed future statistics on corruption charges, their accuracy and all-round credibility remain open to debate.

### From International IDEA's Global Monitor of Covid-19's Impact on Democracy and Human Rights

- As reported on 12 December 2020, people were publicly shamed for testing positive for Covid-19. In one instance, a woman, having tested positive, had her whereabouts, which included several nightlife venues, published by state authorities. Criticisms about her lifestyle went viral on social media and her identity was revealed. The person who posted this information on the internet reportedly received administrative punishment from state authorities.
- As reported on 14 April 2020, Africans in China, and particularly in Guandong province, were tested and quarantined forcefully for 14 days (even those who displayed no symptoms) in an allegedly inhumane manner. Racist attacks were widespread, including evictions from apartments and refusal of entry into hotels and restaurants.
- In February 2021, Human Rights Watch (HRW) reiterated the problem of racism in China, particularly against Black people and Africans, which has been exacerbated by the pandemic.
- On 1 July 2021, the National Health Commission reported that more than 1.24 billion doses of Covid-19 vaccines had been administered in China as of June 2021.
- It was reported in July 2021 that authorities were using vaccine donations to make political demands, especially on human rights issues. According to media reports, China pressured Ukraine into withdrawing its support at the Human Rights Council in respect of a statement calling for greater scrutiny of the human rights situation in Xinjiang, by threatening to withhold Chinese-made vaccines.

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## ENDNOTES

- <sup>1</sup> From International IDEA's Global Monitor of Covid-19's Impact on Democracy and Human Rights.
- <sup>2</sup> Moritsugu, K., 'China accuses US of politicizing Covid-19 origins research', AP News, 26 August 2021, <<https://apnews.com/article/health-china-coronavirus-pandemic-united-nations-e341233bbc1a21a9a5bd5eb7f5169eca>>, accessed 10 October 2021.
- <sup>3</sup> World Health Organization, WHO calls for further studies, data on origin of SARS-CoV-2 virus, reiterates that all hypotheses remain open, Press release, 30 March 2021, <<https://www.who.int/news/item/30-03-2021-who-calls-for-further-studies-data-on-origin-of-sars-cov-2-virus-reiterates-that-all-hypotheses-remain-open>>, accessed 10 October 2021.
- <sup>4</sup> Bostock, B., 'China is back to normal – the US and Europe are not. Here's how it succeeded', Business Insider, 19 October 2020, <<https://web.archive.org/web/20201220114045/https://www.businessinsider.com/coronavirus-china-back-to-normal-us-europe-struggle-2020-10?r=US&IR=T>>, archived 20 December 2020.
- <sup>5</sup> *New York Times*, 'In coronavirus fight, China gives citizens a color code, with red flags', 1 March 2020, <<https://www.nytimes.com/2020/03/01/business/china-coronavirus-surveillance.html>>, accessed 10 October 2021.
- <sup>6</sup> See e.g. Sciorati, G., 'Anti-coronavirus measures in China's Xinjiang: a litmus test for inequality', Italian Institute for International Political Studies, 29 May 2020, <<https://www.ispionline.it/en/pubblicazione/anti-coronavirus-measures-chinas-xinjiang-litmus-test-inequality-26367>>, accessed 3 October 2021.
- <sup>7</sup> Davidson, H., 'China: new coronavirus outbreak detected in Xinjiang city of Kashgar', *The Guardian*, 26 October 2020, <<https://www.theguardian.com/world/2020/oct/26/china-new-coronavirus-outbreak-detected-in-xinjiang-city-of-kashgar>>, accessed 10 October 2021.
- <sup>8</sup> Reporters Without Borders, 'China: One year after the Covid-19 outbreak, seven journalists still detained for reporting on the issue', 8 February 2021, <<https://rsf.org/en/news/china-one-year-after-covid-19-outbreak-seven-journalists-still-detained-reporting-issue>>, accessed 10 October 2021.
- <sup>9</sup> One innovation that has proved particularly useful are so-called 'mobile micro courts', which enable parties to appear via WeChat, the country's most popular social media platform—a particular plus for those lacking easy access to a computer.



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