CECC Annual Report 2021

KEY FINDINGS

PUBLIC HEALTH

- The Chinese government and Communist Party's public health response to the COVID-19 pandemic exposed authorities' reliance on entrenched patterns of authoritarian control, not only through "cover-up and inaction" at the time of outbreak but also through ongoing "secrecy and top-down control" over scientific research and information sharing. Researchers this past year also documented the government and Party's widespread promotion of propaganda and misinformation in China and globally in an attempt to shape a positive narrative about the government and Party's response to the COVID-19 pandemic, as well as to promote misinformation about the origins of SARS-CoV-2.
- Authorities have harassed, detained, and in several cases prosecuted individuals who attempted to document the COVID-19 outbreak or advocate for victims of COVID-19. In December 2020, Shanghai municipality authorities sentenced citizen journalist **Zhang Zhan** to four years in prison for her efforts to document COVID-19 in Wuhan municipality, Hubei province, the epicenter of the outbreak. In May 2021, a court in Beijing municipality tried two anti-censorship advocates, **Cai Wei** and **Chen Mei**, in connection with archiving news reports about the COVID-19 outbreak and epidemic in China.
- Health officials in China reportedly began to vaccinate select groups using domestically produced COVID-19 vaccines in China in July 2020 under an emergency use program, while the vaccines were still undergoing clinical trials. As of June 2021, 622 million people had been at least partially vaccinated in China, covering about 45 percent of the country's population. Numerous factors may have contributed to low vaccination rates, including the lack of publicly available information in China about COVID-19 vaccines, the distribution of the vaccines while they were still in experimental trials, and inequitable access to vaccinations.
- Although the Chinese government rejected calls for an independent, international investigation of the origins of SARS-CoV-2, a joint study with the World Health Organization (WHO) took place in January and February 2021. The government and Party obstructed the joint study during negotiations over its mandate, terms of reference, and timing; restricted access afforded the international experts while they were in China; and influenced findings in the final report of March 2021. The WHO Director-General, multiple governments, and international experts called for further investigation of the origins, including a rigorous examination of the hypothesis that the origins are linked to a lab incident in China. Moreover, the WHO Director-General in July 2021 noted that there had been a premature push to discount the lab theory. In July, the Chinese government categorically rejected the WHO's proposal for

- a second-phase study that entails laboratory and market audits in Wuhan.
- The Chinese government and Communist Party's crackdown on civil society engagement in public health advocacy, as well as on rights defenders and journalists, begun in 2013, indirectly weakened the official response to the COVID-19 outbreak, resulting in serious consequences "not just for China, but for the world," according to three longtime civil society advocates in a November 2020 article for the Diplomat. This past year, authorities detained lawyer Chang Weiping and two advocates for vaccine safety, He Fangmei and Hua Xiuzhen. Cheng Yuan, Liu Dazhi, and Wu Gejianxiong of Changsha Funeng—a non-governmental organization in Hunan province working to counter discrimination against persons with health conditions—remained in detention for alleged "subversion of state power" for a second year although a closed-door trial reportedly took place in September 2020.

PUBLIC HEALTH

Findings

- The Chinese government and Communist Party's public health response to the COVID-19 pandemic exposed authorities' reliance on entrenched patterns of authoritarian control, not only through "cover-up and inaction" at the time of outbreak but also through ongoing "secrecy and top-down control" over scientific research and information sharing. Researchers this past year also documented the government and Party's widespread promotion of propaganda and misinformation in China and globally in an attempt to shape a positive narrative about the government and Party's response to the COVID-19 pandemic, as well as to promote misinformation about the origins of SARS-CoV-2.
- Authorities have harassed, detained, and in several cases prosecuted individuals who attempted to document the COVID-19 outbreak or advocate for victims of COVID-19. In December 2020, Shanghai municipality authorities sentenced citizen journalist **Zhang Zhan** to four years in prison for her efforts to document COVID-19 in Wuhan municipality, Hubei province, the epicenter of the outbreak. In May 2021, a court in Beijing municipality tried two anti-censorship advocates, **Cai Wei** and **Chen Mei**, in connection with archiving news reports about the COVID-19 outbreak and epidemic in China.
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Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

O Press for an independent, international investigation into the origins and handling of the COVID-19 outbreak in China, requiring the inclusion of human rights experts in the scientific and medical expert groups that travel to China to carry out this work, and pressuring the Chinese government to release critical scientific data about the outbreak. Urge the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to conduct a mission to China within 12 to 18 months. O Increase support to international technical assistance and exchange programs on emerging and zoonotic infectious diseases, and global public health preparedness and response. Strengthen information sharing, particularly drawing on the legal framework established in the International Health Regulations (IHR). Contribute to the international community's ef-

 Urge the Chinese government to end the unlawful detention and official harassment of individuals in China who have shared opinions and information about COVID-19. Release or confirm the release of individuals detained, held in home confinement, or imprisoned for exercising freedom of expression, such as Xu Zhiyong, Fang Bin, Zhang Zhan, Chen Mei, Cai Wei, Ren Zhiqiang, He Fangmei, and Hua Xiuzhen. Amplify the work of Chinese citizen journalists, scientists, and medical professionals in documenting COVID-19 and other

forts to improve the IHR provisions and communications chan-

nels to effectively respond to public health emergencies.

public health developments in China.

Urge Chinese officials to focus attention on effective implementation of laws and regulations that prohibit health-based discrimination in access to employment and education, and on the development of a barrier-free environment. Where appropriate, share with Chinese officials the United States' ongoing experience and efforts to promote and enhance the rights of persons with disabilities and other health-based conditions.

Expand the number of site visits and exchanges for Chinese non-governmental health advocates, universities, and state-affiliated social work agencies to meet with U.S. rights groups, lawyers, and state and federal agencies to share best practices in outreach to, and services for, vulnerable communities. Release or confirm the release of **Cheng Yuan, Liu Dazhi,** and **Wu Gejianxiong,** whom authorities detained for public health advocacy. Raise these cases in bilateral dialogues, as well as through multilateral mechanisms such as the UN Working Group on Arbitrary Detention.

PUBLIC HEALTH

COVID-19 Pandemic

During the Commission's 2021 reporting year, the Chinese government's public health response to the COVID-19 pandemic raised concerns worldwide about its unwillingness to share scientific data with the international community or to cooperate with efforts to find the origins of the virus and its transmission among humans. Inside the country, information-control measures were used to silence individuals who criticized the government's handling of the COVID-19 epidemic, including the detention and prosecution of citizen journalists and others who attempted to document the outbreak. This past year, the Chinese government continued to use contact tracing, mass testing, and other public health precautions to attempt to prevent the spread of COVID-19.¹ Authorities also responded to small-scale outbreaks, primarily in the northeast and at the southwest border, using lockdowns and other control measures.²

UN Special Rapporteurs emphasized that the free flow of information and access to accurate information are crucial to the right to health, noting, "[h]uman health depends not only on readily accessible health care. It also depends on access to accurate information about the nature of the threats and the means to protect oneself, one's family, and one's community." ³ Healthcare professionals in Wuhan municipality, Hubei province, began to report cases online and to hospital administrators of an "unknown pneumonia" at the end of December 2019, ⁴ and by the first week in January 2020, scientists and laboratories in China had mapped the genome of a new coronavirus. Wuhan hospital officials, public health authorities, and other government and Communist Party officials, however, have been implicated in delaying information sharing,6 such as by obstructing the use of China's national infectious disease monitoring network ⁷ and significantly underreporting COVID-19 cases. ⁸ Moreover, multiple reports document that the Chinese government withheld information from Chinese citizens and the international community from the start of the outbreak to the present date, in violation of the International Health Regulations (IHR) 10 and other international instruments and standards on the right to health.¹¹ Under the IHR, an international treaty to which China is a State Party and that is overseen by the World Health Organization (WHO), States Parties must "provide to WHO all relevant public health information" whenever there is a public health event within their territory that "may constitute a public health emergency of international concern." 12

According to public health expert Yanzhong Huang, the Chinese government's "cover-up and inaction" in reporting news of the SARS-CoV-2 outbreak in December 2019 and January 2020 were a reminder of its delayed response to the SARS-CoV-1 outbreak in 2002 and 2003. While Chinese authorities eventually admitted to a coverup of the SARS-CoV-1 outbreak and subsequently made institutional and legislative changes to the public health system, the pattern of the Chinese government and Communist Party's public health response to the COVID-19 pandemic illustrated entrenched "political and institutional" arrangements of authoritarian

rule in China.¹⁵ Writing in December 2020, the Associated Press (AP) reported robust scientific research on COVID-19 taking place in China, which the AP alleged had not been shared with the international community, citing official guidance from March 2020 that stipulated official vetting of any COVID-19-related scientific research in China before publication.¹⁶ The AP described the vetting as part of "a pattern of government secrecy and top-down control that has been evident throughout the pandemic." ¹⁷ In addition, news and research reports this past year examined the widespread dissemination of government and Party propaganda and disinformation via social media platforms within China and internationally, some content of which was related to COVID-19.¹⁸ In one such analysis, journalists analyzed thousands of official documents to explain how Chinese authorities "stage-managed" the online response to COVID-19 in China, aiming to calm fears, "debunk falsehoods," and portray Chinese leadership favorably.¹⁹ Misinformation about COVID-19's origins that issued from the Ministry of Foreign Affairs also was highlighted in several reports.²⁰

DOMESTIC VACCINE ROLLOUT

Health officials in China reportedly began to vaccinate select groups using domestically produced COVID-19 vaccines in China in July 2020 under an emergency use program, while the vaccines were still undergoing clinical trials.²¹ In the summer and fall of 2020, hundreds of thousands of Chinese citizens were given experimental vaccines,²² including medical professionals and border workers,²³ vaccine manufacturer employees,²⁴ people working abroad,²⁵ airline employees,²⁶ and students wanting to study abroad.²⁷ In December 2020, Chinese regulators approved the country's first COVID-19 vaccine for general public use, the vaccine produced by the China National Pharmaceutical Group, or Sinopharm,²⁸ without releasing phase 3 trial data.²⁹

Authorities initially prioritized COVID-19 vaccination for adults under the age of 60, which a top epidemiologist said was aimed at "build[ing] an immune barrier for the rest of society" before authorities provided the vaccine to the elderly and other high-risk populations.³⁰ As of February 2021, neither of the two domestic vaccines approved by the country's regulators had proven effective in people over 59 years old.³¹ Cost was initially an additional prohibitive factor in obtaining a vaccination, with those who qualified for the experimental Sinopharm vaccines reportedly having to pay anywhere from 400 to 8,000 yuan (US\$62 to US\$1,240), a cost not

covered by medical insurance.³²

China's rate of vaccination initially failed to meet official targets and lagged behind that of other countries.³³ In the spring of 2021, authorities launched a mass vaccination drive, administering hundreds of millions of vaccine doses by the end of May.³⁴ Chinese officials set a goal of vaccinating 70 percent of the population by the end of 2021.³⁵ As of June 2021, 622 million people had been at least partially vaccinated in China, covering about 45 percent of the country's population.³⁶ Numerous factors may have contributed to low vaccination rates,³⁷ including the lack of publicly available information about COVID-19 vaccines,³⁸ the distribution of the vaccines while they were still in experimental trials,³⁹ and inequitable

access to vaccinations.⁴⁰ In April 2021, human rights lawyer Xie Yanyi published an open letter to the National Health Commission, asking it to compel vaccine manufacturers to provide more information to the public about domestic COVID-19 vaccines in order to en-

hance public confidence in the vaccines.41

Authorities used a combination of incentives and pressure to carry out the country's spring 2021 mass vaccination campaign and accelerate vaccination rates nationwide.⁴² Local incentives for getting vaccinated included cash, milk, eggs, laundry detergent, and bags of rice.⁴³ Small outbreaks of COVID-19, combined with corresponding restrictions and testing requirements, also prompted many people to get vaccinated.⁴⁴ Local authorities also mobilized vaccination teams to offices and vaccination clinics and to residential areas, and presented certificates to businesses with high vaccination rates.⁴⁵ More aggressive efforts included a government requirement in Haikou municipality, Hainan province, that companies vaccinate 85 percent of their employees, under penalty of possible suspension; ⁴⁶ some colleges' bans on unvaccinated students from graduating; ⁴⁷ and some companies' requirements that employees be vaccinated, sometimes without regard to health conditions.⁴⁸

CHINESE GOVERNMENT'S LACK OF TRANSPARENCY AND COOPERATION A BARRIER TO DETERMINING COVID-19 ORIGINS AND TRANSMISSION PATH

Ascertaining the origins of the SARS-CoV-2 outbreak ⁴⁹ will require "[d]ata accessibility, transparency, and full cooperation from China," according to the heads of the U.S. National Academies of Sciences, Engineering, and Medicine.⁵⁰ Although the Chinese government has claimed a high level of transparency in reporting on the outbreak,⁵¹ it repeatedly rejected calls for an independent investigation into the origins,⁵² and only consented to a joint study in China with the WHO following international pressure.⁵³ In January and February 2021, a joint study was conducted in China by a team comprising Chinese and international members ⁵⁴ with a mandate—as formulated by the World Health Assembly in May 2020—to "identify the zoonotic source of the virus and the route of introduction to the human population." ⁵⁵ The team's final report sustained the earlier hypothesis that SARS-CoV-2 was circulating in the population of Wuhan municipality, Hubei province, in early December 2019, at least two weeks before it spread to other parts of the province.⁵⁶

The WHO reportedly faced considerable difficulties in its negotiations with the Chinese government in developing the study's mandate ⁵⁷ and terms of reference, in arranging and implementing the study, ⁵⁸ and in agreeing on language used in the final report. ⁵⁹ As reflected in the joint study's title, "WHO-convened Global Study of Origins of SARS-CoV-2: China Part," the terms of reference denoted that in addition to the "China Part" of the study, examinations of the virus's origins would take place in other parts of the world. ⁶⁰ News reporting also described months of delay leading up to the travel of the international experts—two of whom were ultimately denied entry into China for allegedly carrying COVID-19 antibodies—and upon arrival in China, the experts spent the first

half of the month-long study in quarantine.⁶¹ Ostensibly due to COVID-19 precautions, limited contact between WHO team members and their Chinese counterparts during the two-week in-person part of the study prevented informal discussion of the study.⁶² The government, moreover, limited the WHO experts' access to information, specifically refusing to share raw and retrospective data.⁶³ Later, the WHO Director-General Tedros Adhanom Ghebreyesus commented on the release of the joint study report in March 2021, "I expect future collaborative studies to include more timely and comprehensive data sharing." ⁶⁴ In July, Tedros made an unambiguous public request to the Chinese government to provide raw data

and greater transparency.65

While the March 2021 joint report reiterated the premise that SARS-CoV-2 "is thought to have had a zoonotic origin . . .," it remained inconclusive about whether the transmission path of SARS-CoV-2 involved an intermediate host facilitating zoonotic transmission, direct zoonotic transmission, cold/food chain ("cold chain") transmission, or transmission due to a lab incident.66 Interest in cold-chain transmission was related to the sale of wild animals at the Huanan Market in Wuhan, according to one of the WHO experts.⁶⁷ Chinese health authorities, however, conflated the theory of cold-chain transmission with a preferred origins narrative that SARS-CoV-2 came from frozen goods imported into China.⁶⁸ Moreover, Chinese state media inaccurately reported that the international team had "ruled out the hypothesis" that the virus leaked from a lab.69 This evaluation of hypotheses, including the seeming dismissal of the lab incident hypothesis, and the other reported challenges of the joint study, elicited considerable international criticism and prompted calls for a full and independent investigation. The WHO lead of the joint study team later observed that "a different mechanism" than the team's narrow mandate would be required in order to rigorously examine the lab hypothesis.⁷¹ In July 2021, WHO Director-General Tedros stated that there had been a "premature push" to discount the lab incident theory.72 Tedros proposed a second phase of the WHO-China joint study to entail audits of laboratories and wildlife markets in Wuhan, 73 a proposal that Chinese officials categorically rejected.⁷⁴

HARASSMENT AND DETENTION

In responding to the COVID-19 outbreak and spread in China, the Chinese government and Communist Party used repressive tactics against individuals who provided unauthorized reports or tried to publicly raise grievances about the government's handling of the COVID-19 outbreak. Government-sanctioned coercive tools, such as "media control, obstruction of information, pressuring 'whistle-blowers,' and detaining critics" illustrated the Chinese government's approach to handling the COVID-19 emergency even while it promoted the "Chinese model" to contain the virus, observed Germany-based journalist Chang Ping. While the International Covenant on Civil and Political Rights allows governments to impose some restrictions on freedom of expression in cases of public emergencies, such restrictions must meet standards of legality, proportionality, and necessity. The Chinese official response of controlling free speech activity linked to COVID-19 appeared to violate

those standards as seen in the following selected cases from this past year.⁷⁷ [For more information on repression of speech, see Section II—Freedom of Expression.]

- Prosecution of citizen journalists Zhang Zhan, Chen Mei, and Cai Wei. Authorities in Shanghai municipality sentenced Zhang Zhan on December 28, 2020, to four years in prison for "picking quarrels and provoking trouble" in connection with videos she made in February 2020 showing conditions in the COVID-19 epicenter of Wuhan municipality, Hubei province. The Zhang posted 122 videos on YouTube, the first of which included a statement on freedom of speech. Chen Mei and Cai Wei were tried on May 11, 2021, by the Chaoyang District People's Court in Beijing municipality on the charge of "picking quarrels and provoking trouble" in connection with their project Terminus 2049, in which they archived news reports about COVID-19. Other cases of individuals detained for reporting on COVID-19 include Fang Bin, who was held in incommunicado detention, likely in Wuhan, and Chen Qiushi, who reportedly was restricted to his parents' home and environs in Qingdao municipality, Shandong province.
- Harassment of Fang Fang, author of "Wuhan Diary." Online attacks—including by state media outlets ⁸³—against Fang Fang, the pen name of author Wang Fang, continued this past year in connection with her social media diary about the lockdown period in Wuhan.⁸⁴ The diary was translated and published in book form in several languages, ⁸⁵ which reportedly generated "nationalist" backlash that she had portrayed the Chinese government in a negative light. Internet users issued death threats online against Michael Berry, the English language translator of "Wuhan Diary" and a professor of Chinese literature and film at the University of California, Los Angeles.⁸⁶ Ai Xiaoming, a prominent intellectual and author of another lockdown diary, commented that Fang Fang's status as a writer "within the system" may have given her some degree of protection against official measures in comparison to citizen journalists whom authorities "disappeared" during the COVID-19 pandemic.⁸⁷
- Intimidation of Dr. Li Wenliang's family members. Before Dr. Li Wenliang's death from COVID-19 complications in February 2020, he revealed in a social media post ⁸⁸ and in an interview with media outlet Caixin on January 30, 2020, ⁸⁹ that authorities from Wuhan had reprimanded him for sharing information online with fellow doctors about the outbreak of a viral pneumonia. According to the Foreign Correspondents' Club of China, in October 2020, authorities intimidated family members of Dr. Li into not speaking with a journalist from the German magazine Der Spiegel in Wuhan. ⁹⁰ A group of plainclothes individuals reportedly approached the journalist and Li's family members, one of whom spoke separately with Li's family; appearing "distraught and sobbing," Li's family members informed the journalist that they no longer wanted to speak with him. ⁹¹ In January 2021, Radio Free Asia reported that authorities continued to hold Li's wife, children, and elderly parents "under 'stability maintenance' measures." ⁹²

• Silencing advocacy for Wuhan COVID-19 victims. Several families in Wuhan tried to air grievances about local officials' response to the outbreak by calling for accountability, attempting to file lawsuits, networking online among families, and requesting to meet with experts participating in the World Health Organization study in January and February 2021. Authorities cracked down on these efforts, 4 including shutting down one of the social media networks established by the families. In addition, this past year, authorities reportedly harassed Yang Zhanqing, a Chinese civil society advocate based in the United States who facilitated legal and rights defense guidance for COVID-19 victims and their families in China.

Repressing Public Health Advocacy

The Chinese government and Communist Party's crackdown on civil society groups, rights defenders, and journalists, begun in 2013, indirectly weakened its response to the COVID-19 outbreak, resulting in serious consequences "not just for China, but for the world," according to three longtime civil society advocates in a November 2020 article for the Diplomat.⁹⁷ They argued that official suppression of civil society networks preempted the kinds of advocacy and information sharing that are critically needed during public health emergencies.⁹⁸

This past year, reports on new and ongoing detentions of individuals who have been involved in rights protection for persons with disabilities and health conditions revealed procedural flaws, such as preventing access to lawyers and family, 99 lengthy pre-trial detention, 100 and use of torture. 101 In October 2020, authorities in Baoji municipality, Shaanxi province, detained lawyer **Chang Weiping** for the second time in one year not long after he accused authorities of having tortured him during the earlier detention in January 2020. 102 Chang has been legal counsel in health discrimination lawsuits, among others. 103 Cheng Yuan, Liu Dazhi, and Wu Gejianxiong—the cofounder and two staff members of Changsha Funeng, a non-governmental organization in Changsha municipality, Hunan province, working to counter discrimination against persons with health conditions—remained in custody for a second year on the charge of "subversion of state power." 104 Authorities held a secret trial for the three men in September 20, 2020, but as of July 1, 2021, no verdict had been announced. 105 Authorities also detained two longtime vaccine safety advocates, **He** Fangmei and Hua Xiuzhen, in October 2020 and January 2021, respectively. 106 He Fangmei reportedly had recently protested outside a government building against unsafe vaccines, 107 and Hua's disappearance was linked to the arrival of the WHO expert delegation that was investigating the origins of the COVID-19 outbreak. 108

Notes to Section II—Public Health

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