

BACKGROUNDER

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How the Chinese Government Undermined the Chinese People's Attempts to Prevent and Respond to COVID-19

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KEY TAKEAWAYS

To save face, Beijing silenced those making early warnings about COVID-19— and may have enabled the coronavirus to spread more quickly.

Recent history suggests Beijing will continue to punish whistleblowers and sideline civil society organizations in favor of a heavy-handed government response.

The U.S. government should press Beijing to respect freedom of speech, association, and religion so citizens and NGOs can offer information, expertise, and resources. he novel coronavirus (COVID-19) has become a global pandemic. The number of infections has now reached close to 1,275,542 globally with over 69,000 recorded deaths as of this writing. The first cases of the disease were identified in Hubei province in the People's Republic of China (PRC).

Initially, the Chinese Communist Party (CCP) silenced whistleblowers like Dr. Li Wenliang, who tried to limit the spread of the disease domestically and abroad. The government subsequently repressed the freedom of speech of bloggers who tried to share accurate information about the spread of the disease, the mortality rate, and the challenges faced by medical professionals.

The CCP's ongoing, systematic repression of both freedom of association and freedom of religion has stunted civil society's capacity to respond to crises like infectious diseases—and the government has cracked down on private citizens' attempts to help each other, including the donation of medical supplies. The CCP's onerous requirements for international nongovernmental organizations and its current policies have also prevented international humanitarian aid from reaching the Chinese people in their time of need.

The experience and capacity of international humanitarian aid organizations is tremendous. Both secular and faith-based aid charities have developed professional expertise, experience, and rapid response capacity through years of responding to outbreaks of infectious diseases. Organizations like Doctors Without Borders/Medicins Sans Frontiers, Oxfam International, and Save the Children, as well as faith-based organizations (FBOs) like Samaritan's Purse, Caritas, Catholic Relief Services, and World Vision, were on the frontlines of fighting the Ebola and SARS epidemics.³ Dr. Ken Brantley was named one of *Time* magazine's people of the year for his work fighting Ebola on behalf of Samaritan's Purse.⁴ These groups are now combatting COVID-19 throughout Asia and in Europe.⁵ Their medical personnel are setting up field hospitals, and they are providing information about the disease to vulnerable populations in other countries.

However, because the Chinese Communist Party sought to maintain a positive public image by centralizing control while managing the outbreak, it sidelined and undermined its own citizens' attempts to limit the number of victims of COVID-19. The CCP's systematic repression of citizens' freedom of speech and association is especially pernicious in the face of the spread of a highly infectious disease.⁶

If the Chinese government genuinely seeks to address the health and financial impacts of COVID-19 on its people, then it should rely on its people to help in appropriate ways. Nongovernmental, international and domestic, faith-based and non-faith-based organizations not only offer their medical skills, knowledge, and supplies, they also can provide much needed social and financial support to individuals who are struggling.

To aid the Chinese people and to mitigate the global impact of COVID-19 and any future infectious diseases, the U.S. government should press the Chinese government to respect freedom of speech, freedom of association, and freedom of religion so that citizens and nongovernmental organizations (NGOs) can contribute their information, expertise, and resources. The U.S. is already the top single-country donor to China to counter the spread of COVID-19.⁷ As such, it should also press for better access for the U.S. Centers for Disease Control (CDC), as well as international aid organizations, including faith-based NGOs.

The CCP's Response to the Coronavirus and Humanitarian Challenges

As reports of a new virus began trickling in at the start of 2020, they were accompanied by stories of the Chinese government severely restricting freedom of information about the virus. The most stark example was the case of Chinese doctor and whistle blower, Li Wenliang. Dr. Li quietly sounded the alarm in a private WeChat message between himself and other doctors, alerting them to wear proper protective gear because he was witnessing the rise of a highly contagious, as-of-yet unknown pneumonia-like virus that is now known as COVID-19 or the novel coronavirus.

Dr. Li was called in for questioning and forced to recant his previous statements. He later died from the coronavirus. His death sparked outrage in China and an unofficial national period of mourning.

Restrictions on freedom of speech created challenges from the start. In shutting down Dr. Li's (and likely others') early warnings about the disease, the CCP may have enabled the disease to spread more quickly, as people did not know to take precautionary measures. In the same way, ongoing restrictions on speech will likely be obstacles to managing the disease going forward.

Other cases in which the Chinese government restricted free speech were reported, including the disappearances of outspoken individuals like businessman Fang Bin, human-rights-lawyer-turned-citizen-journalist ¹⁰ Chen Qiushi, and citizen-journalist Li Zehua. ¹¹ Their reporting provided on-the-ground evidence of over-crowded hospital conditions and the dead and dying on the streets of China, revealing the initial inadequate response by the Chinese government to COVID-19. ¹²

Even free speech that does not reflect poorly on the Chinese government is being restricted. On January 31, after the World Health Organization declared the coronavirus a global emergency, Sun Feng, a Christian in Shandong province, sent an urgent message to his WeChat group urging them to begin nine days of prayer and fasting for the victims and their families. On the seventh day of the fast, local police from the Public Security Bureau detained Mr. Sun for 24 hours. They ordered him to stop "unauthorized prayers." Instead, he announced an additional day of fasting and prayer as a form of nonviolent form of protest. The police confiscated his cell phone and computers. There are other instances in which persons of faith are being persecuted. Pastor Li Wanhua was summoned by State Security for re-sharing posts by Dr. Li originally warning of COVID-19; other congregants from pastor Li Wanhua's church have also been called in for questioning. 14

Concerns have been raised about the means the Chinese government has used to implement its quarantines. When people are considered for quarantine, their standing with the CCP and their social credit scores are reportedly taken into consideration. Thinese authorities have rolled out a new application called the Alipay Health Code that issues citizens a green, yellow, or red flag that determines the extent to which they are permitted to travel, based on the app's perceived risk about the individual's likelihood to contract the coronavirus. According to *The New York Times*, the app may have its utility during the coronavirus, but its far reach erodes personal privacy by sharing personal data, like location, with local law enforcement. The app's use after COVID-19 is over may prove a threat to the liberty of ordinary Chinese citizens in the future. For example:

New York Times analysis of the software's code found that the system does more than decide in real time whether someone poses a contagion risk. It 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.¹⁹

There are other indicators that highlight the draconian nature of the Chinese government's response to COVID-19. Video footage showed families being roughly, sometimes violently, dragged from their homes in order to comply with quarantine. ²⁰ And the individuals who disappeared, like the citizen journalists, have, in most cases, not yet reappeared. Additionally, drones, some purportedly operated by private citizens and others used by traffic police, have been deployed to harass people on the street and instruct them to wear masks. ²¹ China's checkered history with the use of surveillance technology casts this in a more sinister light. ²²

The draconian application of surveillance technology is unnecessary, counterproductive, and judging by its scope, likely motivated by political concerns beyond any response to COVID-19.

The Chinese authorities' overarching failure to safeguard freedom of speech has been coupled with restrictions on freedom of association and freedom of religion. These limits, as well as the government's increasing digital surveillance, severely limit civil society engagement, including during the coronavirus outbreak. From the outset of his tenure, Chinese President Xi Jinping began increasing the existing labyrinth of government regulations to exercise greater control over civil society.

Legal Barriers to Assistance

The 2016 Charity Law, 2017 Regulations on Religious Affairs, and the 2016 Foreign NGO law have had several notable impacts on China's response to the coronavirus.

GONGOs. Government-organized nongovernmental organizations (GONGOs) are favored to the exclusion of grassroots groups. The Chinese Government's 2016 Charity Law governs organizations with the charitable purpose of relief from damage caused by "public health incidents." But the law makes it extremely difficult for an organization without sponsorship by a Chinese government entity to register. ²³ At the end of 2018, the Ministry of Civil Affairs (MCA) reported that it had 816,027 registered "social organizations," many of which are GONGOs. ²⁴ NGOs that lack a government sponsor do not register and, therefore, risk punishment for their charitable activities. Others register as business entities even though they do not seek profit. In 2018, the government began clamping down on unregistered social organizations.

The MCA and the Ministry of Public Security investigated 5,845 unregistered social organizations. ²⁵ Because unregistered NGOs are barred from publicly raising funds, their ability to operate or grow is severely limited. The Chinese government directs the public to fund GONGOs like the Chinese Red Cross. The Red Cross is the country's biggest charity. But while it is a member of the International Federation of Red Cross and Red Crescent Societies (IFRC), unlike in most other countries, the Red Cross in China is government-controlled and gets most of its funding from the state. "The Red Cross in China is not just the Red Cross—it's a quasi-government organization," said Dali Yang, a political scientist at the University of Chicago. "So the problems with the Red Cross undermine the trust, the confidence in the government."²⁶

The public distrusts the Chinese Red Cross because of revelations of its employees buying extravagant luxury goods with the public's donations.²⁷ The public's mistrust is well-placed. *The New York Times* recently reported that the Chinese Red Cross failed to distribute supplies to fight COVID-19 to medical workers—and gave them to government agencies instead.²⁸

Registration and Personal Information. Registration for religious groups is conditioned on loyalty to the CCP. In 2018, the Chinese government launched a campaign to pressure unregistered religious groups to register with the State Administration for Religious Affairs (SARA) and the MCA under the 2017 Regulations on Religious Affairs (RRA).²⁹ Government officials essentially only accept the registration applications of groups that

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are affiliated with one of the five state-sanctioned patriotic religious associations (PRAs).³⁰ Most "house churches" do not affiliate with the Three-Self Patriotic Movement (TSPM) because of the requirement that they assist the CCP in carrying out its work of Sinicizing religious beliefs.³¹

In addition to affiliation with the TSPM, authorities also demand that house churches provide personal information about their members. In January 2019, the SARA and MCA issued a joint notice stating that religious groups must provide information on finances from an authorized accounting firm and provide the social credit scores of group leaders. House churches' lack of legal status prevents them from formally organizing relief efforts. Only faith-based organizations that have a close relationship with the PRAs, like the Protestant Amity Foundation or Catholic Jinde Charities, have limited freedom to respond to COVID-19. The state media and PRAs actively tout these groups' work—while affirmatively excluding other groups from joining in relief efforts. The state of the protestant and PRAs actively tout these groups' work—while affirmatively excluding other groups from joining in relief efforts.

International Registration. Onerous registration requirements discourage international NGOs from providing assistance. The 2016 People's Republic of China Law on the Management of Overseas Non-Governmental Organizations' Activities requires them to register with the Ministry of Public Security and conditions their work (including humanitarian aid) on vague terminology about "spreading rumors," "obtaining state secrets," and "endanger[ing] China's national unity." After the law passed, many international NGOs, including humanitarian groups, left the country. According to the Congressional-Executive Commission on China's 2019 Annual Report, the Chinese government intensified efforts to eliminate "illegal overseas NGOs" through Internet surveillance and mobilizing citizens to report on them. 36

The CCP's Inadequate Responses to Natural Disasters Predates COVID-19

Recent history further supports the supposition that the Chinese government will continue to punish whistleblowers and box out civil society organizations in favor of a heavy-handed CCP response to the COVID-19 crisis. Examples abound.

The 2003 Severe Acute Respiratory Syndrome (SARS) Virus. The SARS virus was another novel coronavirus that surfaced in China in 2002; similar to COVID-19, it was viewed by the Chinese government as a threat to the CCP's leadership. Cases were reported as early as November and December of 2002, but the Chinese government did not make the public

aware of the disease until February 2003—and the international community did not become aware of the *extent* of the disease until April 2003, when whistleblower, Dr. Jiang Yanyong, released a letter to international media.³⁷

Like with COVID-19, whistleblowers were quickly silenced. Dr. Jiang was the chief physician at a Beijing hospital and a senior member of the Communist Party. His leaked letter revealed that six people had already died, and another 60 were infected with the virus.³⁸ It also led to the resignations of the Minister of Public Health and the mayor of Beijing.³⁹ Some public health experts credit his open letter to the media with helping to contain the virus and prevent a pandemic. The government has intermittently detained Dr. Jiang, who has been under house arrest, most recently since April 2019, after he reiterated his calls for the CCP to admit responsibility for the crimes he bore witness to in Tiananmen Square in 1989.⁴⁰

By Chinese law, it is illegal for any entity other than the Ministry of Health to break the news about a health-related issue. The Implementing Regulations of the Law of the People's Republic of China on Guarding State Secrets actually classifies such information as a state secret.⁴¹ According to Jennifer Bouey at Rand Corporation, this law, coupled with China's lack of a center for disease control (at the time) or a reporting mechanism for health crises, contributed to the lack of information about the SARS epidemic.⁴²

The Chinese government's response to COVID-19 leaves the impression that history is, in fact, repeating itself. Apart from some notable improvements in the Chinese government's response to COVID-19, such as its reporting about the disease more quickly and its decision to share COVID-19's gene sequencing with the international community,⁴³ the Chinese government's suppression of civil society is almost a copy-paste of the PRC's response to SARS.

The 2008 Wenchuan Earthquake and 2010 Qinghai Earthquake.

When the eighteenth-deadliest earthquake in recorded history hit the Southwestern city of Wenchuan, killing more than 70,000 people, there was an unprecedented outpouring of grassroots citizen support. He Both local religious congregations and congregations from other parts of China sent volunteers and delivered financial aid and supplies. Then-President Hu Jintao faced strong criticism for his mishandling of the earthquake's aftermath. After a brief period of freedom, the Politburo Standing Committee (the top leadership of the CCP) member and former Minister of Public Security Zhou Yongkang urged the local government to "maintain stability," and they limited the grassroots groups' ability to provide aid. Two years later when a strong earthquake hit Qinghai province, the government required all donations to be handed over to local officials, causing what has

been described as the "Death of Charity."⁴⁷ Since then, there has been no comparable level of civil society response to a disaster.

Although responding to earthquakes is different than responding to a pandemic, they pose similar challenges to Chinese political leaders. Floods, earthquakes, and pestilence were once viewed as signs that an emperor had lost the "mandate of heaven." Today, they are seen as a direct reflection of the regime's broader fitness for governing. Rebecca Lee, a law professor at the University of Hong Kong, wrote that natural disasters—and the Wenchuan earthquake in particular—"brought the shortcomings of the bureaucratic government starkly into focus, creating the opportunity, and indeed the necessity, for the charitable sector to thrive." 48

Today, COVID-19 poses an unprecedented threat to President Xi Jinping's legitimacy. His government has gone into crisis management mode, with videos of him greeting hospital workers while wearing a face mask and relentless praise from state media seemingly doing little to stem the people's criticism.⁴⁹ Until that point, President Xi had been absent from media and the public for several weeks.

The Chinese government's impulse to centralize is simple: It wants the CCP to be seen as the sole provider for its people. If carried out successfully, the Chinese government's response to COVID-19 enhances the legitimacy of President Xi and the CCP's leadership. On the flipside, however, a failure to successfully contain the virus poses a serious threat to the Chinese government's legitimacy—which is why control has been so tight during the crisis.

Why Civil Society Should Be Permitted to Respond to the Coronavirus

In free societies, the "little platoons"—charitable organizations—are often the first to show up and the last to leave in a crisis. A shining light among those little platoons are FBOs. There are at least three types of faith-based organizations: (1) congregations; (2) national networks, which include national denominations, their social service arms (for example, Catholic Charities), and networks of related organizations (such as the YMCA and YWCA); and (3) freestanding service organizations, which are incorporated separately from congregations and national networks.⁵⁰

The unique strengths of faith-based organizations include a high level of public trust, ability to build the capacity of local leaders, access to human and financial capital, a holistic view of service, roots in local communities, and a higher calling that creates tenacity.⁵¹ In a pandemic, faith-based organizations can augment the work of other civil society organizations

by providing access to food, medical care (through faith-based hospitals), and social and economic support. A 2003 analysis of a World Bank survey found that "no other organisations are more firmly rooted or have better networks in poor communities than the religious ones."⁵²

In the U.S., both federal and state governments have long-standing relationships with FBOs. President George W. Bush created offices of faith-based and community initiatives at the White House and in federal agencies to coordinate the government's efforts to incorporate FBOs into the U.S.'s broader efforts to supply aid domestically and abroad. American religious institutions, such as universities, charities, and health systems, have a \$303 billion socio-economic impact annually.

Among FBOs are a nation's religiously affiliated medical networks. In America, 17 percent of hospitals are faith-based.⁵⁵ One in every six beds is at a Catholic hospital.⁵⁶ Advent Health (sponsored by the Seventh-Day Adventist Church) operates one of the largest nonprofit health systems in the nation and serves more than 5 million patients annually.⁵⁷ America's capacity to treat infectious diseases would be significantly reduced without their existence.

In stark contrast, the Chinese government's politicized registration requirements and draconian restrictions have prevented FBOs from developing the capacity and receiving the necessary training to provide aid in a professional manner, as they do in other countries. Before the Communist Revolution in 1949, missionary hospitals provided the most advanced treatments for the sick. Of the 500 hospitals in China in 1931, 235 were run by Protestant missions and 10 by Catholic missions. The mission hospitals accounted for 61 percent of Western-trained doctors, 32 percent of nurses, and 50 percent of medical schools. Although religious denominations opened the first modern clinics and hospitals and launched modern medical education in China, the CCP now excludes both "non-patriotic" international and domestic religious communities from health care.

While the response to a pandemic should be primarily government-led, civil society can fill in the gaps where governments cannot. In China it is hard to envision what a robust civil society response to COVID-19 would look like—precisely because these little platoons are largely absent from the landscape due to poor Chinese government laws and policies that fail to put the good of Chinese citizens above the desire for the CCP's power and control.

FBOs' development has been stunted, despite the massive growth of faith in China. According to the CCP's own estimate, there are at least 200 million religious believers in the country whose total population is estimated at 1.4 billion.⁶⁰

In a country with hundreds of millions of religious believers there are fewer than a handful of legally registered FBOs, like Amity Foundation and Jinde Charities. Forced underground by the requirement of loyalty to the CCP through affiliation with a PRA and registration with the local religious affairs bureau, the majority of religious believers seek to perform good deeds without attracting the ire of a government that wants to be seen as the sole source of help.

Nevertheless, there are prominent examples of faith-based groups stepping up in the midst of humanitarian crises in China—oftentimes only to be later shut down. One such example was Early Rain Covenant Church, formerly run by Pastor Wang Yi. His church offered aid to earthquake victims and advocated on behalf of parents whose children died when their schools collapsed on them during the 2008 earthquake. Ten years after the earthquake, police arrested Pastor Wang Yi and 200 members of the Early Rain Covenant Church when they were preparing to hold a memorial service for the victims of the earthquake. ⁶¹

In spite of these restrictions and crackdowns, religious communities and individuals are determined to help. The patriotic religious associations have stepped in with financial assistance equivalent to more than \$30 million. 62 But after seven house churches in Beijing donated \$10,000 in face masks and disinfectants to the people of Wuhan, police called their leaders in for questioning. 63

Reverend Huang Lei, a Wuhan church leader, believes that local officials rejected donations out of fear of angering Beijing officials who would accuse them of cooperating with "illegal organizations." He said, "In China, the government likes to control all channels for donating money.... They don't like civil society to participate, and especially not faith-based organizations." Another pastor in Wuhan expressed the church's desire for peaceful coexistence with the government: "We are to seek peace for this city, peace for those who are afflicted with this illness, peace for the medical personnel struggling on the front lines, and peace for every government official at every level." ⁶⁵

How the U.S. Government Should Respond to the Coronavirus

In a public health crisis, governments need to show their citizens strong leadership and a well-thought-out plan of action. That plan of action should include appropriate civil society responses, and even partnerships between the government and civil society actors. China's history of violating human

rights norms and suppressing civil society to centralize control in order to shore up its own legitimacy has exacerbated the harms of natural disasters and infectious diseases.

China should relax restrictions that sideline domestic civil society organizations and allow them to build capacity so they can respond when possible to alleviate suffering. China should also allow international humanitarian aid organizations to register without imposing onerous political requirements on them so they can respond to crises and help build the capacity of Chinese civil society.

The U.S. obviously does not have the power to direct the Chinese government response to crises like COVID-19. It should, however, seek to create greater space for civil society to organize and operate. As the top government donor—having donated nearly \$1.3 billion in aid to assist in the alleviation of COVID-19 as of March 10, 2020⁶⁶—the U.S. should press the Chinese government to improve access for international humanitarian aid and to expand freedom for domestic humanitarian groups to contribute to the response to this and future crises.

Specifically, the U.S. government should:

- Press the Chinese government to permit non-government-affiliated civil society organizations, including faith-based
 organizations, to operate. There should be no question that the U.S.
 will continue to provide assistance in the midst of the coronavirus
 crisis, but it should use any leverage gained through its generous
 donations to press for access for faith-based and secular NGOs, as well
 as for international humanitarian organizations. More specifically, it
 should press the Chinese government to lift the political requirements
 involved in NGO registration as mandated by the Ministry of Civil
 Affairs and Ministry of Public Security, including sponsorship by a
 government entity. The U.S. should also press China to eliminate the
 requirement that all faith-based NGOs register with a religious affairs
 bureau and be affiliated with one of the five Patriotic Religious Associations, which are in essence an extension of the CCP.
- Raise China's severe human rights track record in interactions with the Chinese government. The U.S. should continue to condemn, in no uncertain terms, the Chinese government's restrictions on freedom of speech, freedom of association, and freedom of religion, especially as they relate to COVID-19. It should also condemn reports of arbitrary detention and forced disappearances that are anecdotally

beginning to surface in the midst of COVID-19. Restrictions on religious freedom should be raised at the Ministerial to Advance Religious Freedom, slated to take place in Poland in July. The U.S. should also find other forums to raise concerns over restrictions on civil society and fundamental human rights and press the Chinese government to reform these practices.

- Press the Chinese government to permit access to the country for the CDC to respond to COVID-19. Granting the CDC access in China would ensure that the U.S. government could best assist China in the midst of the COVID-19 crisis by examining data on cases caused by contact with individuals who did not present any signs of the illness. This could provide key insights into how the disease is spread and how dangerous it is.⁶⁷ The CDC is on the front lines of the U.S. response to the crisis and having access to China may help them better fulfill their mission of safeguarding the health not only of Americans, but also of those around the globe infected with coronavirus.
- Sanction officials and entities under Global Magnitsky for their violations of religious freedom and other human rights. The Chinese government continues to engage in severe restrictions on religious freedom that are partly conveyed through the draconian way in which Chinese authorities have restricted the engagement of faithbased NGOs in responding to the coronavirus. While Chinese officials are unlikely to be sanctioned exclusively for impeding humanitarian access during the coronavirus, when coupled with Chinese official's severe track record of religious freedom violations, there may be a case to be made for sanctioning them. Global Magnitsky sanctions authorities permit the U.S. Treasury Department to designate individuals on human rights and corruption grounds. 68 Violating religious freedom qualifies under Global Magnitsky guidelines—and the U.S. government should consider making more active use of these authorities to respond to broader threats to religious freedom transpiring in China today.

Conclusion

As the world continues to grapple with the life-threatening effects of COVID-19, the U.S. government should use its influence to urge the Chinese government to expand freedom for both secular and religious civil society

organizations and allow them to contribute their considerable assets to bear on crisis management. The growth of both the charitable and religious impulses among the Chinese people can provide tremendous benefits to civil society, especially in times of crisis.

But by silencing whistleblowers and sidelining charitable service, the Chinese government exacerbated the human toll of SARS, earthquakes—and now COVID-19. The Chinese people are clamoring for the government to allow greater freedom for doctors and citizen journalists to respond to COVID-19—not because they desire to overthrow the government, but because they are *desperate* to obtain life-saving information. Meanwhile, as the Chinese government criticizes the international community for not offering enough medical supplies and donations, it is simultaneously preventing its own people from meeting each other's needs.

When Dr. Jiang Yanyong was recognized with an international award for his role in preventing SARS from becoming a global pandemic, he said, "I am a doctor. If I see a human life at stake, I will intervene." Today, many Chinese citizens share Dr. Jiang's desire to preserve human life. As the Chinese government seeks to demonstrate that it can govern well and meet the challenges that this crisis presents, it can do so by embracing a greater role for its own people.

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