

Holding the Chinese Communist Party Accountable for Its Response to the COVID-19 Outbreak

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KEY TAKEAWAYS

Since the pandemic began, China's Communist Party (CCP) has distorted facts about COVID-19 and repressed freedom, limiting crucial information about the virus.

The CCP's actions severely limited the world's knowledge about the virus and hampered other countries' abilities to respond to domestic outbreaks.

The U.S. should press for an international investigation into the CCP's response and consider invoking sanctions against those responsible for the cover-up.

Since the start of the COVID-19 pandemic, the Chinese Communist Party's (CCP's) repression has been on full display. At the outset, the freedom of speech of whistleblowers—such as since-deceased Dr. Li Wenliang and others like him—was denied.¹ Citizen journalists documenting events in Wuhan were forcibly disappeared, and in many cases, have not reappeared since.² And, Chinese citizens were prevented from forming a robust civil society response to the outbreak.³

Article 35 of the Chinese constitution⁴ guarantees freedom of speech, and the CCP affirmed its commitment to uphold and protect those rights by signing the United Nation's Universal Declaration of Human Rights, a document the CCP helped to craft.⁵ The CCP's response to the novel coronavirus flies in the face of those commitments.

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The CCP's repressive activities do not stop with the individual. They extend to the collective. Studies now suggest that the CCP grossly underreported the number of COVID-19 infections as well as the death rate in China.

The coronavirus outbreak revealed that what the Chinese government does internally—restricting fundamental freedoms and fudging statistics—is not just an internal matter. Silencing those with information and downplaying the rate of infection made the rest of the world less prepared to combat their own domestic outbreaks of the virus.

As a result, there is now interest from the international community in taking measures to hold the CCP accountable. The U.S. should lead the way. It should press the international community to coalesce around pursuing an international investigation into the CCP's mishandling of the COVID-19 outbreak. And, in partnership with like-minded countries, the U.S. should press the CCP to respect civil society and individual liberties that can help prevent future catastrophes.

How the Chinese Government Mishandled the Response

The Chinese government's mishandling of the response to the coronavirus outbreak reveals the fragility of the CCP. The CCP has long prized internal stability as a top domestic and foreign policy priority.⁶ It sees pandemics, such as SARS and COVID-19, as threatening to that stability and, as such, has instituted policies that isolate and prioritize the containment of any political impact on the CCP.

The decision to do so means that any success—and conversely, any failure—is attributable to the CCP. In an attempt to be seen as the hero of the COVID-19 response, China has made the very individuals and entities it hoped to protect more vulnerable to international scrutiny.

The following events leading up to and during the CCP's response demonstrate the need for the international community to pursue accountability measures, not only to ensure a better ongoing response in the midst of COVID-19, but to ensure a better response to future outbreaks:

- **Misreporting the rate of infection, number of deaths, and transmissibility of COVID-19.** The Chinese government is notorious for distorting many figures, including on economic growth, household income, and now facts on pandemics.⁷ Some of the discrepancies in the numbers reported on COVID-19 are understandable. One article noted that the Chinese government adjusted the way that it counted coronavirus cases based on an increasing understanding of symptoms of the

virus—an experience shared by other countries attempting to measure COVID-19 cases and deaths.⁸ But the number of discrepancies cannot be explained away by a revision in counting. The Johns Hopkins coronavirus tracker (reporting figures provided by the Chinese government) lists only 84,000 cases of COVID-19 in China as of May 2020, with the majority of infections in Wuhan, where the virus originated.⁹ However, one study conservatively estimates that China had at least 2.9 million and possibly as many as 4 million COVID-19 cases based on migration patterns, population size, and the known rate of infections in other countries.¹⁰ This is too wide a gap to be excused as a mere counting error.

If the Chinese government misrepresented the rate of infection, it likely misrepresented the death rate, as well. Authorities in Wuhan adjusted the number of reported deaths from the original number of 1,290 to 3,869—a 50 percent increase in the death toll in Wuhan—which brought the total number of deaths in China to just over 4,500 by April 2020.¹¹ Even with the adjustments, the death rate in China is likely much higher than reported.¹²

The Chinese government further misled the international community when it issued claims that human-to-human transmission of COVID-19 was not possible despite seeing cases of human-to-human transmission.¹³ This assessment was parroted by the World Health Organization (WHO) on Twitter.¹⁴ The decision to purposefully relay inaccurate information about the novel coronavirus to the WHO and the world undermines China's already tarnished reputation as a responsible stakeholder.

The CCP also suppressed vital information about health care workers infected with COVID-19 by patients, for example, and silenced doctors, such as Dr. Ai Fen, who provided insight into the disease.¹⁵ Decisions to obfuscate the very real and dangerous nature of the novel coronavirus meant that the world had less time to prepare and less visibility into the scope and scale of the threat posed by the new virus.

- **Silencing critics and arresting citizen journalists.** The silencing of Dr. Li Wenliang will go down in the annals of history as symbolic of the consequences of the CCP's repression. In December 2019, Dr. Li sent a private WeChat message to other doctors, alerting them to the emergence of a highly infectious, pneumonia-like disease, now known

as COVID-19.¹⁶ He was called in for questioning by Chinese authorities and forced to recant his statement. On February 7, 2020, Dr. Li died of the same disease about he had tried to warn Chinese citizens and the world.¹⁷

History was repeating itself. During the 2002–2003 SARS outbreak, cases were reported in early November and December 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 a whistleblower, Dr. Jiang Yanyong, released a letter to international media revealing that six people had already died, and another 60 were infected with the virus.¹⁸ Some public health experts credit his open letter to the media with helping to prevent a pandemic.

The Chinese government also sidelined various citizen journalists who tried to alert the public about COVID-19. In some cases, citizen journalists, such as Fang Bin, Chen Qiushi, and Li Zehua, were the only individuals providing on-the-ground evidence for what was taking place in Wuhan.¹⁹ All three disappeared into “quarantine.” Only one of them, Li Zehua, has since re-emerged, and he says he was questioned and detained by Chinese authorities.²⁰ The fate of the other citizen journalists remains unknown.

One study from University of Southampton highlighted the impact of the Chinese government’s failure to report the nature of COVID-19 to the world sooner—a side effect of sidelining whistleblowers and citizen journalists. The study found that “if interventions in the country could have been conducted one week, two weeks, or three weeks earlier, cases could have been reduced by 66 percent, 86 percent and 95 percent respectively—significantly limiting the geographical spread of the disease.”²¹

- **Sidelining civil society.** The CCP’s decision to be the primary—and in many cases, the sole—provider of assistance during COVID-19 sidelined much-needed help from domestic and international civil society organizations. This goal was accomplished through pre-existing restrictions China has placed on domestic civil society through various onerous registration requirements.

There are many examples of how religious organizations bear the brunt of the CCP's restrictions, despite the immense value they add in coming to the aid of those in need in other humanitarian contexts across the globe.²² In other countries, religious organizations are often the first to arrive and the last to leave during humanitarian disasters, but in China, only a few faith-based organizations have the capacity to respond, due to the draconian restrictions put in place by the government. Most of the faith-based organizations in China, like Jinde Charities and Amity Corporations, are CCP-affiliated through their registration as patriotic religious associations.²³ During COVID-19, patriotic religious associations stepped in with financial assistance equivalent to more than \$30 million.²⁴ 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.²⁵ This is emblematic of the obstacles religious organizations in China face.

The CCP also places onerous restrictions on international nongovernmental organizations (NGOs) that substantially limited organizations like Doctors Without Borders and the Red Cross from providing much-needed medical assistance, equipment, and expertise to the Chinese public in the midst of the pandemic.²⁶ The CCP does so in order to favor CCP-affiliated organizations like the Chinese Red Cross, which, during COVID-19, re-allocated medical supplies intended for the Chinese public to the party.²⁷

In addition to restricting aid organizations' responses to COVID-19, China has also restricted Chinese academics from pursuing research related to the origins of the novel coronavirus.²⁸ A government directive intended to remain private, but posted on both Fudan University's and China University of Geosciences's websites, warned that any research on the origins of the coronavirus would be subject to heightened scrutiny by the State Council in China.²⁹ This allegedly extended to any academic partners of these universities. Restrictions on academic freedom also hamper the ability of the international community to derive valuable lessons from how the disease spreads, and the implications of what happened in China for other countries currently battling an outbreak.

- **Diplomatic sidelining of critical international actors.** The CCP exploited the problems generated from COVID-19 to achieve other

political objectives—some of which arguably made it more difficult to combat the novel coronavirus within its own borders. As early as the first week of January, the U.S. Centers for Disease Control and Prevention (CDC) offered assistance to China, which Chinese authorities refused.³⁰ The extent to which the Chinese government has granted access to the CDC today is unclear. Additionally, China has refused to grant access to the WHO, which wanted to launch an investigation into the origins of the disease.³¹

In addition to refusing help or granting only limited access to the CDC and the WHO, there is some evidence that China has used the outbreak as an additional means of sidelining Taiwan. During an interview with a Hong Kong media outlet, Bruce Aylward, a WHO assistant-director general, refused to discuss Taiwan, even going so far as to pretend to not hear the question from the reporter and eventually hanging up mid-interview.³² Both of the situations with the CDC and the WHO demonstrate how the CCP can manipulate other entities to restrict speech and solidify its own worldview.

U.S. Government Response to China's Mishandling of COVID-19

There is significant appetite both in the executive and legislative branches in the U.S. to hold China accountable for both its gross negligence and its active disregard for the lives of the Chinese people and people around the globe when it comes to its handling of COVID-19.

Representative John Curtis (R-UT) introduced the Li Wenliang Global Public Health Accountability Act of 2020, which calls for financial sanctions and travel bans on individuals who intentionally conceal or distort information related to a public health crisis.³³ A companion bill has been introduced by Senators Tom Cotton (R-AR) and Josh Hawley (R-MO).³⁴ The bills move from merely naming and shaming to levying direct consequences on individuals who hamper the response to pandemics or global health crises like China has done during COVID-19.

Representative Chris Smith (R-NJ) called on Secretary of State Mike Pompeo to form a task force to identify and investigate individuals for sanctioning, and for purposes of accountability in response to China's gross mishandling of COVID-19.³⁵ Representative Smith also notes that it is possible to use pre-existing Global Magnitsky sanctions authorities to target individuals on the basis of human rights violations committed during the pandemic.³⁶

Other actors around the world have also expressed a desire to pursue investigations into China's misconduct. Australia's Prime Minister Scott Morrison has called for an independent investigation,³⁷ as did the European Union and individual countries, such as Germany and Sweden.³⁸ With support coming from various corners of the world, there may be political will and momentum to form a level-headed, apolitical investigation into the CCP's mishandling of COVID-19.

Next Steps to Hold China Accountable

There are many elements of the CCP's response to COVID-19 that merit further investigation. And, beyond investigation, there are individuals and entities within the party (and perhaps outside it) who should be held accountable for their willful mishandling of COVID-19. The international community should seize on the current momentum and political will to form a coalition to investigate and hold accountable individuals responsible for suppressing information and human rights during pandemic in ways that contributed to its spread.

The U.S. should take the lead in pressing for:

- **An international investigative mechanism responsible for identifying individuals and entities in the Chinese government culpable for suppressing information, misleading the public, and repressing freedom during COVID-19.** Responsible stakeholders, like those already calling for an investigation, as well as others, such as Taiwan, should be a part of a broader effort to hold the Chinese government to account for its mishandling of the COVID-19 outbreak. Given its obvious usefulness to the exercise, a failure to include Taiwan would point to a disqualifying concern for Beijing's sensitivities. This coalition could be formed in partnership with, but preferably not led by, the WHO. Any inquiry should investigate the facts and events pertinent to China's response as well as identify and levy consequences against individuals and entities responsible for distorting information about COVID-19 in China.
- **Sanctions on officials and entities under Global Magnitsky for their misconduct during COVID-19.** The Chinese government continues to engage in severe restrictions on speech, association, and religious freedom in response to the coronavirus. Global Magnitsky sanctions authorities permit the U.S. Treasury

Department to designate individuals on human rights and corruption grounds.³⁹ Individuals involved in the disappearances of whistleblowers and citizen journalists, who put in place limits on freedom of speech and academic freedom may find themselves in the crosshairs of financial sanctions even in the midst of COVID-19.

- **Sanctions on individuals and entities directly responsible for the cover-up of COVID-19.** There may be some officials in the CCP who engaged in no human rights violations or corruption who may be eligible for sanctioning (both financial sanctions and visa sanctions) for their responsibility in obfuscating and distorting facts about COVID-19. The U.S. government should either create new authorities or make use of pre-existing authorities to target them for the actions they took that exacerbated the scope of the pandemic globally.
- **The release of all political prisoners or persons who have disappeared during COVID-19, such as Fang Bin and Chen Qiushi.** Under Xi Jinping, many individuals have been imprisoned. There are an estimated 2 million predominately Uighur Muslims held in political re-education facilities today.⁴⁰ The Trump Administration has pressed for their release—but should use concerns related to COVID-19 disappearances to continue to raise concerns over the CCP’s practice of arbitrary detention and forced disappearances.
- **The inclusion by the Chinese government of non-government-affiliated civil society organizations, including faith-based organizations in crisis response and otherwise.** More specifically, the U.S. 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.⁴¹ 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.

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