

# **BRIEFS**

**Sept–Dec 2020**

# SEPT-DEC 2020

## Court Ruling Spells Setback for LGBTQ Activism

A Chinese court ruling in favour of a publisher of homophobic textbooks dealt another blow to LGBTQ advocates in China. On 3 September 2020, the Suyu District People's Court in Suqian, Jiangsu Province, issued a verdict on a case wherein an LGBTQ activist under the pseudonym of Xixi sued Jinan University Press (JUP) over textbook content deemed discriminatory against the LGBTQ community, including calling homosexuality a 'psychological disorder'. The verdict read: 'Publishing houses should regulate the quality of their books based on laws and regulations, but they are not responsible for censoring academic opinions or cognitive dissonance.' The court also told Xixi that while the two parties to the lawsuit held differing opinions on whether or not homosexuality could be classified as a 'sexual orientation disorder', the textbook did not contain 'factual errors'. While Xixi planned to appeal against the verdict, the court ruling marked a temporary end to a three-year-long lawsuit. Xixi, then a student at South China Agricultural University, first noticed the homophobic content in *Mental Health Education for College Students* in 2016, which described being gay as 'abnormal' and 'deranged'. Having reached out to JUP to no avail, she decided to take the issue to court in 2017. The initial hearing of the case was held on 3 July 2017, but the trial was then repeatedly delayed. While China stopped classifying homosexuality as a mental illness in 2001, Ge Ang, the lawyer representing Xixi, said some of the legal language remained ambiguous. (JL)

(Sources: QQ News; RadiiChina; Sixth Tone; Sohu; SupChina)

## China Holds the Line on Xinjiang in Spite of International Criticism

In the last quarter of 2020, the Chinese authorities continued to defend their controversial policies in Xinjiang. In response to denunciations from scholars and civil society groups, in early September, Chinese officials acknowledged substantial declines in birth rates in Xinjiang but denied there had been forced sterilisations in the region. On 17 September, China released a white paper on employment and labour rights in Xinjiang, claiming that, 'through its proactive labour and employment policies', living standards in Xinjiang continued to improve. On 26 September, President Xi Jinping asserted at the Xinjiang Work Conference that the Party's Xinjiang strategy was 'completely correct' and called for 'continuing the direction of Sinicising Islam'. During a United Nations meeting on 6 October, Germany led a group of 39 countries to urge China to respect Uyghurs' rights, while Turkey separately expressed its concerns about human rights in Xinjiang. In response, Cuba and another 44 countries expressed their support for China's policy. On 7 October, Disney was embroiled in a public relations storm as it emerged that its *Mulan* movie was partly shot in Xinjiang. The company justified its decision to film there as made 'in the interest of authenticity'. Other Western companies found themselves having to justify their links to Xinjiang, as more evidence of forced labour in the region's factories and cotton production came to light. While H&M and the Better Cotton Initiative decided to cut ties with Xinjiang, in November, Volkswagen defended its decision to continue its car factory operation in the area. Meanwhile, in the United States, Apple, Nike, and Coca-Cola were reported to be lobbying against the *Uyghur Forced Labor Prevention Act*, which on 22 September 2020 passed the House by 406 to 3 votes. (JL)

(Sources: ABC News; BBC; CNN; Human Rights Watch 1; Human Rights Watch 2; Radio Free Asia; The New York Times; Xinhua; Yahoo)

## A Permanent Crackdown on Lawyers and Activists

China's crackdown on dissidents and activists showed no sign of abating in the final quarter of 2020. In early September, the nongovernmental organisation (NGO) workers known as the 'Changsha Three' were secretly tried for 'subversion of state power'. At the same time, publisher and art curator Geng Xiaonan and her husband, who had supported Chinese dissidents, including Professor Xu Zhangrun, were detained in Beijing on suspicion of operating an 'illegal business'. On 22 September, Ren Zhiqiang, a real estate tycoon critical of the Communist Party leadership, was sentenced to 18 years in prison. While citizen journalist Chen Qiushi resurfaced in late September after his disappearance in February, poet Wang Zang and his wife were arrested in Yunnan for 'incitement to subvert state power'. On 7 October, Chinese-Australian Yang Hengjun was formally charged with espionage after being detained in Beijing for nearly two years. In a crackdown on illegal access to foreign websites, a person named Zhang Tao was admonished on 24 October for using a virtual private network (VPN) to visit *Wikipedia*. On 2 December, the Haidian District Court in Beijing began hearing a landmark case wherein Xianzi, a former intern at *CCTV*, accused Zhu Jun, a prominent TV host, of sexual harassment. An indictment sheet released on 16 November showed that citizen journalist Zhang Zhan faced up to five years in jail for spreading false information. The year ended on a dramatic note with both Zhang and lawyer Yu Wensheng sentenced to four years, for spreading false information and inciting subversion, respectively. Roughly at the same time, *Bloomberg News* employee Haze Fan and Chinese filmmaker Du Bin were detained, the former on suspicion of endangering national security and the latter for 'picking quarrels and provoking trouble'. (JL)

(Sources: ABC News; BBC 1; BBC 2; Human Rights in China; Radio Free Asia 1; Radio Free Asia 2; Radio Free Asia 3; South China Morning Post 1; South China Morning Post 2; The Globe and Mail)

## Hong Kong's Autonomy Further Eroded

In the final quarter of 2020, Hong Kong saw its autonomy from Beijing further eroded. In September, the Hong Kong police announced new media accreditation rules, which critics said would severely curb press freedom in the city. On 24 September, prodemocracy activist Joshua Wong was arrested by the Hong Kong police but later released on bail. One week later, Chinese authorities in Shenzhen announced official approval for the arrest of 12 Hong Kong activists, who would face trial in mainland China after being snatched in late August when they allegedly attempted to escape to Taiwan by boat. At the end of December, 10 of them were sentenced to between seven months and three years in jail for illegal border crossing. While seven Hong Kongers were acquitted of riot charges in late October, student activist Tony Chung was denied bail, and Choy Yuk Ling, producer of a documentary about the 2019 Yuen Long mob attacks, was arrested by the Hong Kong police. A decision on 11 November by the Standing Committee of the National People's Congress resulted in immediate disqualification of four prodemocracy lawmakers in Hong Kong, which triggered all the remaining prodemocracy lawmakers to resign in protest. On 2 December, prodemocracy activists Joshua Wong, Agnes Chow, and Ivan Lam were jailed for their role in the 2019 protests. On 6 December, Ted Hui, a former prodemocracy lawmaker who fled to the United Kingdom following his resignation in November, said his and his family's bank accounts in Hong Kong appeared to have been frozen. On 11 December 2020, media tycoon Jimmy Lai became the first high-profile figure to be charged under the new National Security Law. On 23 December, he was granted bail, but then at the end of the month he was returned to jail. (JL)

(Sources: Al Jazeera; Hong Kong Free Press 1; Reuters; South China Morning Post 1; South China Morning Post 2; SupChina; Sydney Morning Herald; The Guardian; The New York Times 1; The New York Times 2; The Washington Post)

## Express Delivery Workers on Strike

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In the third quarter of 2020, couriers across China went on strike over unpaid wages and poor working conditions. These couriers are the backbone of China's ecommerce industry, whose logistics companies have been locked in an intense price war since May 2019. As a result, costs have been pushed down to local franchises that employ couriers to complete the last leg of deliveries, with many franchises unable to pay their employees. Couriers often lack formal employment contracts, making disputes difficult to resolve. Their protests intensified around the online shopping event 'Singles Day' (11 November), and news of the strikes spread over Chinese social media, with the hashtag #DeliveryWorkerStrike (#快递罢工) receiving more than 13 million views on Weibo. Food-delivery platform Eleme and online shopping platform Meituan were particularly targeted in the protests. It was reported that both companies had gradually decreased delivery times and added penalties for late deliveries, which led to a rising number of traffic injuries and deaths. In the first half of 2019, Shanghai police reported almost one incident per day involving food couriers. Recent investigations describe how couriers are forced to deliver up to 12 meals at once and rely on poor navigation systems that often direct them against traffic. Many couriers who are involved in accidents are unable to make insurance claims, forcing them to bear the costs out of pocket, and surveys show that their average income is not enough to meet their basic needs. In response to the protests, Eleme and Meituan published open letters vowing to improve conditions, but many observers remained sceptical about their willingness to address the underlying structural issues. For example, Eleme promised to extend delivery times, but only if customers selected that option on their order. (AK)

(Sources: China Labour Bulletin 1; China Labour Bulletin 2; Rest of World; SupChina 1; SupChina 2; QQ 1; QQ 2; QQ 3; QQ 4; Sixth Tone; South China Morning Post; TechCrunch; The New York Times)

## As Shenzhen Legislates on Paid Holidays, Labour Unrest Erupts in Shanghai

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Shenzhen's municipal government in October released new policies that purportedly aimed to better protect workers' wellbeing. The policies are outlined in a set of health regulations that combat air pollution, improve food safety, and support mental and physical health. One rule requires local businesses to enforce mandatory annual paid leave for their employees—the first provision of its kind in any Chinese city. While employees are already legally entitled to this leave, many in Shenzhen choose not to use it for fear of falling behind on work or facing consequences from management. Shenzhen's startup industry is notorious for its intense work culture—widely known as '996' (working from 9am to 9pm, six days a week) and, more recently, as '007' (working from 12am to 12pm, seven days a week). Some are sceptical that the new regulations will be enough to change workers' behaviour, since many companies remain hypercompetitive, project-based environments. More concerns were raised in early November, when the Supreme People's Court issued an opinion that allows the southern metropolis more autonomy to legislate in the labour field to ensure the competitiveness of its companies. While Shenzhen was making the news for its reforms, workers elsewhere were taking to the streets. In Shanghai in mid-December, thousands of temporary workers gathered outside the Taiwanese-invested Apple supplier Pegatron's facility in the city, clashing with the large numbers of police sent by the authorities to block their entrance to the factory. The trigger for the protest was the company's attempt to transfer thousands of workers to another facility in Kunshan, Jiangsu Province. Workers who refused to relocate would be fired and forfeit their bonuses, which could amount to more than 10,000 yuan—a substantial proportion of their income. (AK)

(Sources: China Labour Bulletin; Inkstone; Radio Free Asia; Reuters; SupChina; Supreme People's Court; ZOL)

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