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Legal Policy & Pandemics

**The Journal of the
Global Pandemic Network**

Legal Policy & Pandemics

The Journal of the Global Pandemic Network

FOUR-MONTHLY REVIEW

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Editorial

Editors-in-Chief, Managing Editors** and Director*

1. Aims and Scope

The editors-in-chief, managing editors and director are excited to share with you the first Volume (issues 1, 2, 3) of Legal Policy & Pandemics (LPPJ), an open-access publication of the Global Pandemic Network (GPN)¹ designed to host and promote comparative debate on the legal and social issues related to pandemics.

The focus starts with the current COVID-19 pandemic, recognized as ‘the greatest challenge we have faced since World War II’² emerged in Asia in late 2019 and rapidly spread to Europe, Africa, the Americas, and Oceania.

It undoubtedly represents the major global health crisis of our time still unresolved after two years,³ despite the wide range of measures adopted at all levels of governance to respond to it.⁴

Healthcare systems in all countries have proven inadequate, compromising people’s access to treatment and medical services.⁵ Globally, the COVID-19 pandemic showed the weakness of the international health architecture, also in its relationship to non-health sectors (e.g., environment, trade, travel, migration).⁶

But, as widely recognized, COVID-19 is not just a health crisis.⁷ It has induced severe social, economic, and institutional challenges,⁸ including links to the ecological crisis.⁹

Early data¹⁰ shows a national and global recession, increase in absolute poverty and inequality,¹¹ job losses, a devastating impact on education and the enjoyment of many fundamental rights, civil, political, and ecological,¹² particularly affecting those least able to cope, such as women,¹³ youth, low-skilled workers, vulnerable communities, and

* Antonio Herman Benjamin, Paola Iamiceli, Emmanuel Kasimbazi, Jolene Lin, Nicholas Robinson, Elisa Scotti.

** Cristiana Lauri and Maria Antonia Tigre.

¹ Global Pandemic Network. <<https://www.globalpandemicnetwork.org>>. See below § 2.

² United Nations Development Programme (UNDP). COVID-19 Pandemic. Humanity Needs Leadership and Solidarity to Defeat the Coronavirus. 2020. <<https://www.undp.org/content/undp/en/home/coronavirus.html>> accessed 10 October 2021.

³ WHO Coronavirus (COVID-19) Dashboard <<https://covid19.who.int>> accessed 10 October 2021.

⁴ The Articles in the first section of this Volume provide a wide overview of the government response around the world.

⁵ GHS. The Global Health Security Index. <<https://www.ghsindex.org/>> accessed 10 October 2021.

⁶ IDI, 12th Commission, S. Murase (rapporteur) Report on Epidemics and International Law, May 2021, <<https://www.idi-ii.org/app/uploads/2021/05/Report-12th-commission-epidemics-vol-81-yearbook-online-session.pdf>> accessed 10 October 2021. Resolution 2/2020 Global health law, International law Association, Kyoto <<https://disaster-law.ifrc.org/sites/default/files/media/disaster-law/2021-01/Resolution%20%20Kyoto%202020%20Global%20Health%20Law%20FINAL.pdf>> accessed 10 October 2021.

⁷ United Nations Development Programme (UNDP). COVID-19 Pandemic. Humanity Needs Leadership and Solidarity to Defeat the Coronavirus. 2020. <<https://www.undp.org/content/undp/en/home/coronavirus.html>> accessed 10 October 2021.

<<https://www.undp.org/content/undp/en/home/coronavirus.html>> accessed 10 October 2021.

⁸ *Ibidem*.

⁹ OECD ‘The long-term environmental implications of COVID-19’ <https://read.oecd-ilibrary.org/view/?ref=1095_1095163-jpelnkdei2&title=The-long-term-environmental-implications-of-COVID-19> accessed 10 October 2021. David Quammen, *Spillover: Animal Infections and the Next Human Pandemic* (Norton, W. W. & Company, Inc, 2013).

¹⁰ OHCHR, ‘COVID-19 and its human rights dimensions’ <<https://www.ohchr.org/EN/NewsEvents/Pages/COVID-19.aspx>> (accessed on 10 October 2021). World Bank, Global Economic Prospects, June 2021, <<https://www.worldbank.org/en/publication/global-economic-prospects>> accessed 10 October 2021.

¹¹ OHCHR ‘COVID-19 and its human rights dimensions’ <<https://www.ohchr.org/EN/NewsEvents/Pages/COVID-19.aspx>> accessed 7.9.2021; World Bank, Global Economic Prospects, June 2021, <<https://www.worldbank.org/en/publication/global-economic-prospects>> accessed 10 October 2021.

¹² Maria Antonia Tigre and others, Environmental Protection and Human Rights in the Pandemic. Position Paper, in this Volume, Section III.

¹³ UNGA resolution 16 December 2020 n. 75/157, Women and girls and the response to the coronavirus disease (COVID-19) <[https://undocs.org/pdf/symbol=en/A/RES/75/157](https://undocs.org/pdf/symbol/en/A/RES/75/157)> accessed 10 October 2021.

indigenous peoples.¹⁴ These inequalities are predicted to persist,¹⁵ even though states have adopted exceptional budgetary measures, liquidity, and aid policies through recovery plans to provide relief to citizens and sectors particularly affected and stimulate recovery.¹⁶ According to the current estimations,¹⁷ about 100 million people will have fallen back into extreme poverty by the end of this year despite the (uncertain and uneven) recovery. Additionally, in an expected scenario of persisting global inflation, climbing food prices may compound rising food insecurity in low-income countries and communities¹⁸.

At the institutional level, governments appeared to be unprepared to face the risk of a pandemic outbreak.¹⁹ The response, uneven, has been based on emergency procedures that derogate from the ordinary competencies of representative assemblies, strengthens the executive and central power, highlights the complexity of multilevel governance of digital society, and restricts fundamental rights in ways that are challenging jurisdictional systems²⁰ and reshaping the post-pandemic State.²¹

The link between the pandemic and the environmental crisis has come to the fore. This link is not limited to the risk that the pandemic economic recovery may hinder the pursuit of environmental goals.²² It concerns, first and foremost, the causes of

the pandemic and, therefore, its prevention strategy.²³ As broadly acknowledged, the COVID-19 pandemic reflects the ecological crisis, a zoonotic disease resulting from a spill-over from animals to humans driven by the loss of biodiversity and disruption of natural habitat.²⁴ It is not the first, nor will it be the last. In particular, what is drawing attention is the intensifying emergence of zoonotic diseases over the previous fifty years. This increase is driven by the growing anthropogenic impact on nature and, in particular, loss of biodiversity, disruption of natural habitat, and increasing rate of wildlife-human contacts.²⁵ We now realize that 'the next pandemic is here'.²⁶ We must act immediately to prevent future pandemics with an integrated approach by protecting the health of animals, humans, and the ecosystem together²⁷. Planetary health should be at the center of the strategy for a more resilient world.²⁸

The reaction against COVID-19, which is also essential to analyze given any potential future pandemic, touches on all these aspects. While we are still struggling with COVID-19 from a health perspective, we should also try to recover and rebuild a more resilient society against the various institutional, economic, social, and ecological risk factors. The declared intentions of the public²⁹ and private sectors³⁰ are aligned in this direction.

¹⁴ Maria Antonia Tigre and others, 'The Inter-American system during COVID-19: Development of Green Human Rights on Indigenous Cases' (2021) 15 *Revista de Derecho Ambiental* 7.

¹⁵ World Bank, *Global Economic Prospects*, June 2021, <<https://www.worldbank.org/en/publication/global-economic-prospects>> accessed 10 October 2021.

¹⁶ OECD, 'The COVID-19 Recovery Dashboard', <<https://www.oecd.org/coronavirus/en/recovery-dashboard>> accessed on 10 October 2021.

¹⁷ See footnote no. 15.

¹⁸ *Ibidem*.

¹⁹ See all the contribution in Sections I and II of this Volume and, in Section III, the reports on this matter.

²⁰ F. Cafaggi and P. Iamiceli, 'Global Pandemic and the Role of Courts. Opening Survey', in this Volume, Section II.

²¹ Frances Z. Brown, Saskia Brechenmacher and Thomas Carothers, 'Coronavirus Reshape Democracy and Governance Globally? Carnegie Endowment for International Peace' <<https://carnegieendowment.org/2020/04/06/how-will-coronavirus-reshape-democracy-and-governance-globally-pub-81470>> accessed 10 October 2021. For the large-scale intervention of the state in the economy see OECD, 'The COVID-19 Recovery Dashboard', <<https://www.oecd.org/coronavirus/en/recovery-dashboard>> accessed 10 October 2021.

²² UNDP Green Recovery Data Platform, <<https://data.undp.org/greenrecovery/>> accessed 10 October 2021.

²³ Maria Andotina Tigre, 'COVID-19 and Amazonia: Rights-based approaches for the pandemic response' (2021) *Review of European, Comparative & International Environmental Law* 30 162.

²⁴ David Quammen (n. 9).

²⁵ *Ibidem*.

²⁶ Nicholas A. Robinson, 'The Next Pandemic is Here', *The Environmental Forum*, 2020 <<https://www.globalpandemicnetwork.org/wp-content/uploads/2020/11/ZoonosisEssayEnvForumEliNov2020.pdf>> accessed 10 October 2021.

²⁷ FAO/OIE/WHO (2017) 'The Tripartite's Commitment. Providing multi-sectoral, collaborative leadership in addressing health challenges' <https://www.who.int/zoonoses/tripartite_oct2017.pdf> accessed November 30, 2021.

²⁸ Nicolas A. Robinson, 'Juridical Principles to Sustain Planetary Health. Pathway to the 2022 Declaration Blog', 5 May 2021 <www.pathway2022declaration.org/?post_type=article&p=621> accessed 10 October 2021.

²⁹ See, for example, the Recovery Plan for Europe. <https://ec.europa.eu/info/strategy/recovery-plan-europe_en#introduction> accessed on 10 October 2021; the US Recovery Plan <<https://www.whitehouse.gov/briefing-room/legislation/2021/01/20/president-biden-announces-american-rescue-plan/>> accessed 10 October 2021; for the People's Republic of China approach see 'Fighting COVID-19 and Leading Economic Recovery Through Solidarity and Cooperation', Remarks by the President H.E. Xi Jinping at the APEC Informal Economic Leaders' Retreat, 16 July 2021 <https://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1895056.shtml> accessed 10 October 2021.

³⁰ See the Larry Fink's 2021 letter to CEOs <<https://www.blackrock.com/corporate/investor-relations/larry-fink-ceo-letter>> accessed 10 October 2021 and the BlackRock's 2021 letter to clients <<https://www.blackrock.com/corporate/investor-relations/blackrock-client-letter>> accessed 10 October 2021.

Many are the paradigm shifts implied, influenced mainly by public policies and state plans attempting to recover from the crisis and transition towards more robust and resilient economic, social and institutional paradigms.

Against this backdrop, 'legal policy and pandemics' has rapidly emerged as a crucial cross-sectoral field of inquiry. The question of how pandemics are re-shaping public policy and how to increase the systemic resilience of our society to the many risks it faces (not only limited to health) is becoming a priority. Relatedly, it is essential to consider how to bring policies, law, and science into a balanced relationship with a preventive and precautionary perspective.

What is a resilient society is indeed a complex issue that starts from the recognition, in the Anthropocene era, of the importance of a holistic and adaptive perspective that considers the mutual interdependence and inseparability of social and ecological systems.

Stimulating comparisons and a global discussion on these common issues in the social sciences is therefore of particular importance today, not only in academic research but also to offer a valuable contribution to the ongoing transitions towards a more resilient society. To this end, it will be essential to verify the changes in the nineteenth and twentieth-century paradigms of the rule of law, economic freedoms, and fundamental rights. Moreover, legal comparisons are crucial to grasp the most important trends and foster pluralism of ideas and methods, an essential asset that the freedom of academic research provides.

2. The Global Pandemic Network (GPN)

In 2020, a group of scholars from various universities founded the GPN,³¹ an international network in the humanities, intending to bring together young researchers alongside distinguished academics and experts to mutually exchange research and information on pandemics, engage in in-depth discussions, and propose solutions to decision-makers based on the analysis of best practices and the comparison of experiences in the field of law and policy of pandemics. The field of study and comparison are the following thematic focuses: COVID-19 and government response, human rights, environment, cities, competition, digital society, taxation, health systems, public management, international organizations, international investment.

The intention is to develop resilience models based on environmental protection, respect for human rights, and sustainable economic paradigms.

As a stimulus to debate and confrontation in full respect of differences and recognition of their fundamental value, the GPN is also intended as a tool for resilience, able to contribute to the ongoing transition process through debates, discussions, and academic reflections, focusing on the creativity of young scholars and stimulating the establishment of international teams working together on different aspects of the response. Working groups have been established on cities, human rights, the environment, and governmental response. GPN activities include webinars, scientific reports, and academic studies, and founding this Journal.

3. The WHO Litigation Project

The GPN had the opportunity to partner with the Covid-19 litigation project³² through fruitful collaboration.

The COVID-19 litigation project is supported by the WHO and coordinated by Trento University. The project's main goal is to collect, organize, and present a worldwide collection of relevant cases concerning the disputes arising from the governments' adoption of public health measures to address the COVID-19 pandemic.

This project is aimed at enabling access by public and private stakeholders to these decisions, mainly:

- governments and institutions that need to adopt measures in emergency contexts like the present one;
- courts that need to address unprecedented conflicts between the right to health and other fundamental rights, fundamental freedoms and other rights;
- lawyers and other legal experts, who need to assist persons/institutions affected by these decisions and measures;
- scholars who engage in legal and interdisciplinary research in the field of public health and related fields.

To this end, an online open-access archive (Co-Lit Database) will be set up and constantly updated to classify and present relevant case law collected worldwide.

At a different level, this work also aims to compare different approaches and techniques for balancing the governmental police power and the right to health with other fundamental rights, fundamental freedoms, and other rights, and the possible definition of guidelines on balancing techniques in these challenging situations.

The approach is selective and not comprehensive. The selection is based on two pillars:

³¹ See footnote n. 1.

³² COVID-19 Litigation (Development preview) <<https://www.covid19litigation.org/>> accessed 10 October 2021.

- representativeness within the context of the country litigation;
 - relevance in respect to some focal points adopted in this initiative, namely:
 - o The extent to which emergency leads to a revision of power allocation (division) among public authorities (part. legislative v. administrative; central v. peripheral powers);
 - o The identification of conflicts between (fundamental) rights and freedoms, generated by the adoption of containment measures;
 - o The different techniques used by courts to strike a balance between the right to (public) health and other (fundamental) rights and freedoms whenever they conflict with each other;
- Additional criteria for selection relate to case relevance in respect of:
- o the type of court involved (supreme courts' decisions are favored);
 - o the type of procedure (heading to a balanced mix between interim/urgency procedures and final ones);
 - o the kind of measures/remedies sought (so that different measures/remedies are dealt with in selected cases);
 - o the case result (so that decisions in which the claim is upheld or the challenged act is annulled are considered distinct from those in which the claim is rejected or the challenged act is upheld).

Based on a long-term experience developed in judicial training projects at the EU level, the current initiative builds on close cooperation between judges and academics. This cooperation extends from project design to project results; the role assigned to the International Network of Judges and Scholars³³ reflects this methodological choice.

4. The Journal

The Legal Policy & Pandemics Journal (LPPJ) is a publication of the GPN designed to host research on the legal and social issues related to pandemics.³⁴

More specifically, the research topics included are in the area of social sciences and cover law, political science, sociology, and the history of institutions. LPPJ hosts contributions on pandemics and government responses; sustainable development; markets and the circular economy; digitalization; climate change, environmental protection, and human rights.

With its mission to reflect on issues related to systemic changes driven by the pandemic, LPPJ strives to be at the forefront by stimulating debate, encouraging reflection, and shaping discussions on the most important and relevant legal issues

through a rigorous selection, peer review, and editing process.

Without renouncing the scientific rigor of the contributions hosted, LPPJ is open to reflections of scholars and experts from universities, institutions, professions, and social spheres that have experience in these issues.

LPPJ is intended to serve as essential reading for scholars, policymakers, advocates, institutions, NGOs, public officials, and the general public interested in learning more about the global response to pandemics and a wide range of related issues.

It is structured in three parts.

The first part (Articles), edited by the Journal's editors-in-chief and managing editors, features articles by scholars from different parts of the world, aiming for an original and critical examination of the issues addressed while respecting different research methodologies. This objective is balanced with the need to understand a new and constantly changing reality and the related need for speed, given the intention of reflecting on ongoing issues and stimulating debate.

The second part (COVID-19 Litigation) edited by Fabrizio Cafaggi and Paola Iamiceli, focuses on the litigation generated by COVID-19. This section is linked to the COVID-19 Litigation project mentioned above and will be inaugurated by the introductory article by both editors. This section examines the role of courts in overseeing the adoption and implementation of governmental policies to contrast the pandemics. National and international courts have been quite relevant to ensuring the preservation of the rule of law and respecting democratic values during pandemics. Courts have been custodians of fundamental rights when overseeing the constitutional validity of legislation and the conformity of administrative acts. However, they face new challenges when adjudicating cases in which individuals and organizations claim compensation for losses suffered due to the pandemic or the adoption of restrictive measures. Courts are also scrutinizing the vaccination campaign and its impact on fundamental freedoms through the lenses of proportionality, self-determination, and non-discrimination.

This section will also compare different approaches of judicial oversight and investigate the relationship between governments and courts during the various stages of pandemics. Moreover, it will explore the role of science and decision-making control in conditions of uncertainty and lack of consolidated medical and scientific knowledge. Finally, the section will monitor the evolution of case law in a comparative perspective combining surveys and

³³ International Network of Judges and Legal Scholars, <<https://www.covid19litigation.org/international-network-judges-and-legal-scholars>> accessed 10 October 2021.

³⁴ See above paragraph 1.

articles focusing on specific aspects or legal domains.

A third section (Report) is devoted to the reports of the GPN working groups and is edited by the coordinators of the group involved.

As a global journal, it represents the different areas of the world in its editorial, scientific, and management committees. It has a strong presence of young scholars in international research groups that form its stimulating backbone.

In the context of such a wide-ranging discussion, the fundamental approach of the Journal is pluralism and mutual respect for all visions and different methodological traditions, subject to strict compliance with criteria of research quality and originality guaranteed by anonymous referencing according to international standards and the prior verification of the coherence of the articles submitted with the research areas of the Journal.

5. The first Volume

The first Volume we present here (issues 1,2,3) is devoted to the legal response to COVID-19 and the comparison between different systems, the first significant challenge to which the pandemic has subjected our legal community, and to the impact of COVID-19 on cities, which are on the 'front lines managing zoonotic diseases, since most of the world's people live in cities', so that 'spatial planning of cities and new developments determines environmental security'³⁵. It features analyses from several countries representing world regions: Europe, Asia, Africa, North America, and South America.

The theme is institutional, and is discussed from a legal perspective. How different systems have reacted to the crisis and what strengths and weaknesses have emerged will be examined in the first section with contributions on individual countries by C. Fraenkl Haeberle and Elena Buoso for Germany, M. Fermeglia and S. Van Garsse for Belgium, Y. Drossos for Greece, M. Gnes for Italy, E. Kazimbasi for Uganda, T. Qin for mainland China, A. Gao for Taiwan, L. Sulistiawati for Indonesia, U. Shankar for India, A. Harrington for the USA.

The need for a Code of Conduct for local urban governments that should consider a range of interconnected civil rights and political rights is explored by the two essays authored by Ronald Car and other members of the 'COVID-19, Cities and Civil Rights' Working Group.

The litigation section investigates how jurisprudence has reacted to the central issues of personal freedoms, data protection, and vaccinations with

contributions by S. Fassiaux, C. Angiolini, G. Sabatino. The section is opened by an in-depth and wide-ranging contribution of a methodological framework by Fabrizio Cafaggi and Paola Iamiceli.

The impact of Covid-19 on cities, fundamental rights and the environment will be examined in the third section, with an extensive and in-depth report by the 'COVID-19, Cities and Ecological Rights' Working Group led by Maria Antonia Tigre. This section will also feature reports from the working group on government response focusing on case study analyses.

The Volume builds on two global webinars organized by the GPN and supported by Un-Habitat: 'Covid-19 and cities. Building resilience on human rights and environmental protection' (July 2020) and 'Supernational, national and regional responses. Building resilience through comparative experiences' (March 2021). Both webinars hosted a comprehensive discussion with authoritative academics from diverse regions of the world and, in open sessions, meetings of global scholars and international working groups (coordinated and participated by Giovanni Antonelli – GPN co-founder, Flaminia Aperio Bella, Ittai Bar-Siman-Tov, Ronald Car, Gianluca Crispi, Martin Crook GPN co-founder, Chiara Feliziani, Matteo Fermeglia, Anton Ming-Zhi Gao, Valina Geropanta, Maria Luisa Gomez Jimenez, Emma Guernaoui, Cristiana Lauri - GPN co-founder, Eduardo Parisi, Maciej M. Sokolowski, Maira Tito, Maria Antonia Tigre) to reflect and discuss the topic. We are particularly grateful to them for their enthusiasm, innovation, cohesion and inspiration, making the GPN and the LPPJ a place open to the participation of all those interested in the debate and joining our project. We look forward to engaging with our authors and reviewers and receiving feedback from our readers.

³⁵ Nicholas A. Robinson, 'The Next Pandemic is Here' (2020) The Environmental Forum <<https://www.globalpandemicnetwork.org/wp-content/uploads/2020/11/ZoonosisEssayEnvForumEliNov2020.pdf>> accessed 10 October 2021.

SECTION I – ESSAYS

China's Legal Response to COVID-19

Qin Tianbao and Chen Cheng

Abstract. After the outbreak of COVID-19, China quickly adopted a series of response measures. New laws and policy documents have been introduced in the legislation. These laws and documents cover all aspects of compulsory isolation, market regulation, economic recovery, and people's livelihood protection. In terms of implementation of laws and policies, law enforcement agencies help enterprises resume production and work, they use technological methods to implement laws and policies, and focus on strengthening law enforcement and supervision in areas such as public health and medical health. The Chinese judicial organs have clarified the common charges of crimes involved in the pandemic, attached importance to civil dispute resolution, issued guiding cases, and implemented online litigation. China conducted communication and cooperation with the international community, shared information as soon as possible, and actively fulfilled its obligations under international law. China's experience can be used for reference by other countries.

Keywords: COVID-19 Pandemic, China, Legal Response

1. Introduction

Since the COVID-19 outbreak, China quickly took a series of measures to respond.¹ The epicenter of China's outbreak were the city of Wuhan and Hubei province. Chinese government restricted travel from and to Hubei province and implemented a number of measures to contain the outbreak.² The quick containment of COVID-19 in China is impressive and sets an encouraging example for other countries.³ In China, one of the most important aspects was to prevent and control the pandemic through legal means such as making laws and policies, and implementing them.⁴ In comprehensively advancing the rule of law, it is an inevitable choice for governments to improve public security, enact scientific legislation.⁵ We conclude that China's legal response to the pandemic is specifically divided into four parts: (i) laws and policies formulation, (ii) laws and policies implementation, (iii) judicial protection of

pandemic prevention in accordance with law, and (iv) international response. This article will delve into these four aspects separately as a way to assess China's legal experience in tackling the pandemic.

2. Formulation of Laws and Policies

Before the pandemic outbreak, China had already promulgated laws related to public health incidents, such as:

- 'The Emergency Response Law of the People's Republic of China (the PRC) (2007)' and 'Law of the PRC on the Prevention and Control of Infectious Diseases (2013)'. These two laws provide a legal basis for preventing and eliminating the occurrence and prevalence of infectious diseases and ensuring citizens' health and public health.
- "Animal Epidemic Prevention Law of the PRC (2015)" and "Wild Animal Protection Law of the PRC (2018)". These two laws have strengthened the

¹ Tina J. Park, 'China's Response to COVID-19: Turning Crisis into an Opportunity' *China Today* (19 March 2020) 14, 16.

² WHO, *Infection prevention and control during health care when novel coronavirus (nCoV) infection is suspected Interim guidance* (25 January 2020) <<https://apps.who.int/iris/handle/10665/330674>> accessed 30 September 2021.

³ 'Sustaining Containment of COVID-19 in China' (18 April 2020) *The Lancet* 395, 10232, 1230 <[https://www.thelancet.com/journals/lancet/article/PIIS01406736\(20\)30864-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS01406736(20)30864-3/fulltext)> accessed 30 September 2021.

⁴ Chen Jun, 'A Study on Chinese Communist Party's Leadership in Legislation for Fighting COVID-19 Pandemic' (July 2021) 42, 4 *Journal of Xinjiang Normal University, Philosophy and Social Sciences* 32, 41.

⁵ Dai Haijun, 'The Governance Logic and Legal Path of Emergencies from the Perspective of the Prevention and Control of the COVID-19 epidemic', (April 2020) 2 *Administrative Law Review* 53, 66.

management of animal epidemic prevention activities, especially the prevention and elimination of animal epidemics, so as to promote the development of breeding industry and prevent and control zoonotic infectious diseases.

Since the beginning of the pandemic, China has issued a new law and policy documents to build a strong legal system regarding pandemic prevention and control, as will be studied in the next section.

2.1. Enacted a New Law

The Standing Committee of the National People's Congress promulgated a law on 24 February 2020 entitled *"The Decision of the Standing Committee of the National People's Congress on the Total Banning of Illegal Wildlife Trade, Eliminating the Bad Habits of Wild Animals, and Effectively Protecting the People's Life, Health and Safety."*⁶

Some studies have even shown that wild animals are the source of many human infectious diseases, accounting for 43% of the 335 confirmed acute infectious diseases.⁷ This law is mainly to deal with the problem of great hidden dangers to public health caused by indiscriminate eating of wild animals. Preventing public health events such as the COVID-19 pandemic urgently requires the country to strengthen the prevention and control of the spread of wild animal viruses.⁸

The law focuses on the prominent problem of wild animals' consumption. It establishes a system to completely ban wild animals' consumption and severely crack down on illegal wildlife trade.⁹ For example, it stipulates that hunting, trading and transporting terrestrial wild animals that naturally grow and reproduce in the wild environment for the purpose of eating are completely prohibited and take strict enforcement measures.

2.2. Issued a Significant Number of Policy Documents

These policy documents are regulatory documents that were issued by the central and local

governments to fight the pandemic. They are executive orders in nature. The execution of these executive orders from top to bottom ensures laws can be implemented.

3. Longitudinal Perspective: Government-led Prevention and Control Model from Central to Local

3.1. Central

After the COVID-19 outbreak, the Central Committee of the Communist Party of China (the CPC) and the State Council of the PRC respectively established a leading group and a joint mechanism, and issued a series of policy documents to deal with the pandemic with these two institutions.¹⁰ These policy documents play a leading and guiding role in the fight against the pandemic.¹¹ Firstly, the policy documents are efficient and flexible, overcoming the limitations of written law, so that the epidemic prevention and control can achieve the effect of unified leadership, unified command and unified action; Secondly, the legislative cost of policy documents is low; Finally, policy documents can supplement legislative gaps, so these policy documents play an important role in governance.

For example, the Ministry of Finance issued 33 documents including the *"Notice on Facilitation of Procurement for Epidemic Prevention and Control"*¹², which provides guidance for government procurement activities during the epidemic; the Ministry of Communications issued 26 important documents such as the *"Notice on the Control of Transport Means in and Out of Wuhan"*¹³, which strictly controls the flow of people during the pandemic; the Ministry of Education issued 9 documents including the *"Guiding Opinions on the Organization and Management of Online Teaching in Universities"*¹⁴, which requires schools to carry out online teaching. These policy documents stipulate all aspects of people's life and minimize the impact of the epidemic on residents' normal study and life.

⁶ See <<http://www.legaldaily.com.cn/government/content/2020-02/25/content8125301.htm>> accessed 30 September 2021.

⁷ Kate E. Jones, Nikkita G. Patel, *et al.*, 'Global trends in emerging infectious diseases.' (2008) 451, 7181 Nature 990, 993.

⁸ Zhang Qi, 'Solving the wildlife legal problems in response to the epidemic' (2020) 15 People's Tribune 224, 225.

⁹ Zhou Ke, Sun Sijia, 'Adaptation and Disruption of the Legal Regime for Wildlife Use' (2020) 224, 6 Law Review 135, 145.

¹⁰ See <<http://kns.cnki.net/kcms/detail/11.2787.R.20200205.1133.002.html>> accessed 30 September 2021.

¹¹ Xue Xiaohui, 'Substantial Effect and Legal Rules of COVID-19 Normative Documents' (August 2020) Journal of North Minzu University, Philosophy and Social Science 4 165, 170.

¹² See Ministry of Finance of the People's Republic of China <http://gks.mof.gov.cn/guizhangzhidu/202001/t20200126_3464030.htm> accessed 30 September 2021.

¹³ See <https://xxgk.mot.gov.cn/2020/jigou/ysfws/202006/t20200623_3316058.html> accessed 30 September 2021.

¹⁴ See Ministry of education of the People's Republic of China <http://www.moe.gov.cn/jyb_xwfb/gzdt_gzdt/s5987/202002/t20200205_418131.html> accessed 30 September 2021.

3.2. Local

Under the guidance of the policy documents of the State Council and its ministries and commissions, local governments issued policy documents in accordance with local pandemic prevention and control, forming a joint model between the central and local governments.¹⁵ For instance, the Hubei Provincial Government has continuously released documents on COVID-19 epidemic prevention and control since 21 January, 2020, such as: *"Notice on Implementing Measures to Wear Masks in Public Places in Wuhan"*¹⁶, which requires people wear masks in public; *"Notice of the People's Government of Hubei Province on Strengthening the Prevention and Control of Pneumonia Infected by Novel Coronavirus"*¹⁷ and *"Interim Measures for the Prevention and Control of the Pneumonia Epidemic Caused by the Novel Coronavirus Infection in Wuhan"*¹⁸, these two documents make overall arrangements for epidemic prevention and control in Hubei Province.

4. Horizontal Perspective: All-round Coverage in Various Fields

4.1. Mandatory Control

On 23, January, 2020, China raised its national public health response to the highest state of emergency: Level 1 of 4 levels of severity in the Chinese Emergency System, defined as an "extremely serious incident".¹⁹ The National Health Commission had included COVID-19 into Category B infectious diseases according to the *"Infectious Disease Prevention and Control Law"*, and had taken prevention and control measures against Class A infectious diseases.²⁰ According to Articles 41 to 44 of the *"Law of the PRC on the Prevention and Control of Infectious Diseases"*,

when Category A and Category B infectious diseases break out or spread, the government may adopt quarantine measures against personnel in specific areas, close down affected area and carry out health quarantine on people, materials and vehicles entering or leaving the epidemic area.²¹

In the early morning of 23, January 2020, Wuhan issued a city closure announcement. This administrative order mandated residents to quarantine at home. To cooperate with Wuhan's closure measures, the Ministry of Communications issued the *"Emergency Notice on the Prevention and Control of the Epidemic Prevention and Control of Transportation in and Out of Wuhan"*.²² As part of the national emergency response, Wuhan ordered quarantine to suspected and confirmed cases, suspended public transportation (buses and subways), closed schools and entertainment venues, banned public gatherings, and conducted health checks on immigrants who were entering the country at the moment.²³ Since then, 31 provinces have launched first-level responses to public health emergencies.²⁴ Regions have issued policy documents for restrictions on travel or quarantine measures.²⁵

4.2. Market Regulation

The full-blown outbreak of the epidemic has also led to a shortage of epidemic prevention materials, such as masks, antiviral drugs, disinfection and sterilization supplies, related medical devices.²⁶ In the face of possible materials shortages and price raise, the State Administration for Market Regulation issued *"Guiding Opinions of the State Administration for Market Regulation on the Investigation and Punishment of Illegal Acts of Price Raising during the Prevention and Control of the COVID-19 Epidemic"*²⁷, which severely crack down

¹⁵ See *ibidem* at 11.

¹⁶ See 'China-Africa innovation cooperation conference opens in Wuhan, central China' <http://www.hubei.gov.cn/zwggk/hbyw/hbywqb/202001/t20200123_2014357.shtml> accessed 30 September 2021. <http://m.news.cctv.com/2020/02/16/ARTInYY6x6kLnLiooQigfQJ200216.shtml>.

¹⁷ See <http://sthjt.hubei.gov.cn/hjsj/ztzl/zcckqyq/tzgg/202002/t20200217_2039965.shtml>.

¹⁸ See The Government of Wuhan <http://www.wuhan.gov.cn/zwgk/tzgg/202003/t20200316_972483.shtml> accessed 30 September 2021.

¹⁹ Tian Huaiyu, *et al*, 'An Investigation of Transmission Control Measures during the First 50 Days of the COVID-19 Epidemic in China' (May 2020) 368, 6491 Science 638, 642.

²⁰ 'Urgent Research Agenda for the Novel Coronavirus Epidemic: Transmission and Non-Pharmaceutical Mitigation Strategies' (February 2020) 41, 2 Chinese Journal of Epidemiology 135, 138.

²¹ See The National People's Congress of the People's Republic of China <http://www.npc.gov.cn/wxzl/wxzl/200012/05/content_4516.htm> accessed 30 September 2021.

²² See The State Council of the People's Republic of China <http://www.gov.cn/zhengce/zhengceku/202001/23/content_5471864.htm> accessed 30 September 2021.

²³ See *ibidem* (n. 19).

²⁴ See <<https://baijiahao.baidu.com/s?id=1660602278686510102&wfr=spider&for=pc>> accessed October 11, 2021.

²⁵ Wei Chen, Qing Wang, *et al*. 'Early Containment Strategies and Core Measures for Prevention and Control of Novel Coronavirus Pneumonia in China' (March 2020) 54, 3 Chinese Journal of Preventive Medicine 239, 244.

²⁶ Feng Qiaobin, 'Solving the shortage of epidemic prevention materials requires the concerted efforts of the government and the market' (17 February 2020) China Economic Times.

²⁷ See The State Council of the People's Republic of

on fabricating or disseminating false information about the epidemic, causing panic among the masses and pushing up prices.

4.3. Economic Recovery and Livelihood Security

The Central Committee of the CPC and local governments have issued a series of policy documents on stimulating consumption. For example, the Leading Group of the CPC Central Committee for COVID-19 Prevention and Control issued the *"Guiding Opinions on Actively Promoting the Resumption of Work and Production While Effectively Preventing and Controlling the Epidemic"*²⁸. This document has made overall arrangements for the resumption of production and work, with the following aspects.

(i) Return to work in batches and orderly staggered peaks. Energy supply, transportation and logistics, urban and rural operations, medical supplies, food and other important sectors of the national economy and people's livelihood should resume work and production immediately.

(ii) Make every effort to ensure the organization of transportation such as railways and civil aviation, and effectively reduce the risk of epidemic transmission.

(iii) Improve rapid screening capabilities such as nucleic acid testing, and strengthen the isolation of key populations and the admission of cases.

(iv) Guide enterprises to implement various epidemic prevention requirements seriously.

(v) Investigate major safety risks in a timely manner.

4.4. Improved the Treatment and Security of Medical Staff

In order to ensure the working conditions of the medical staff working on the front line of pandemic prevention and control, the State Council and local governments have introduced various measures to improve the treatment of medical staff, such as: the State Council issued the *"Notice on the Title of Professional and Technical Personnel on the Front Line of COVID-19 Epidemic Prevention and Control"*.²⁹ Hubei Province issued the *"Notice of the 4 Provincial Departments on Several Measures to Further Care and Inspire Frontline Medical Staff in the Prevention and Control of COVID-19 Epidemic"*.³⁰

China <http://www.gov.cn/zhengce/zhengceku/202002/02/content_5473889.htm> accessed 30 September 2021.

²⁸ See The State Council of the People's Republic of China <http://www.gov.cn/zhengce/content/2020-04/09/content_5500698.htm?trs=1> accessed 30 September 2021.

²⁹ See <<http://www.mohrss.gov.cn/SYrlzyhshbzb/rencarenshe/zcwj/zhuanyejishurennyuan/202003/t2020>

These documents are useful for improving the working and living conditions of medical staff. Specific measures include:

(i) Provide financial subsidies to medical and epidemic prevention workers participating in the front-line epidemic prevention and control, and the central government will fully cover it.

(ii) Provide work-related injury insurance protection for medical staff infected with COVID-19 and open a green channel for work-related injury identification.

(iii) Recognize and reward the medical team and individuals who have made outstanding contributions in a timely manner.

(iv) The subsidies and bonuses received by medical personnel participating in epidemic prevention and control are exempt from personal income tax.

5. Implementation of Laws and Policies

In terms of implementation of laws and policies, law enforcement agencies help enterprises resume production and work, they use technological methods to implement laws and policies, and focus on strengthening law enforcement and supervision in areas such as public health and medical health.

5.1. Help Enterprises Resume Production and Work

In the early stage of the COVID-19 epidemic, the Ministry of Industry and Information Technology, the Ministry of Human Resources and Social Security, the Ministry of Commerce, and the National Development and Reform Commission collected various difficulties in production and operation during the pandemic prevention and control period from the national small and medium-sized enterprises³¹, which can be summarized as follows:

(i) Transportation and logistics were restricted. Affected by the pandemic, some inter-provincial highways were closed, which greatly increased the transportation cost, time cost, management cost, and coordination cost of enterprises.

(ii) Employees cannot return to work. Various prevention and control measures such as isolation, traffic control, and closure have been adopted in various regions, making it difficult for many non-local employees to return to work on schedule.

0305_361440.html> accessed 30 September 2021.

³⁰ See <http://wjw.hubei.gov.cn/bmdt/ztzl/fkxgzbg rfyyq/fkdt/202002/t20200218_210433.shtml> accessed 30 September 2021.

³¹ Yang Dongri, et al, 'Central and local governments should work together in an orderly manner to restore work and production of small and medium-sized enterprises' (16 March 2020) China Information Weekly.

(iii) Insufficient anti-epidemic materials. It is difficult to purchase anti-epidemic and protective materials such as disinfectants, protective clothing, and temperature measuring guns.

(iv) Difficulties in the delivery of upstream and downstream products in the industrial chain.

(v) Rising costs and greater pressure on the capital chain.

Law enforcement agencies have understood the difficulties and problems, so they have adopted humanized law enforcement measures during law enforcement to support corporations in going back to resume production.³² For example, the Tianjin city have established a fault-tolerant mechanism, which exempts some minor market violations from punishment. The Tianjin Municipal Market Supervision Commission and the Municipal Drug Administration have formulated the "*Tianjin Municipal Market Supervision Field Exemption List*" and identified 50 illegal acts that are exempt from punishment.³³ The exemptions correspond to minor illegal violations that are not intentional and do not cause harmful consequences. Administrative punishment is hence exercised prudently. Law enforcement officials have taken full account of the pandemic's impact on small, medium and micro enterprises, and set a reasonable time limit for rectification for those companies that have taken proactive measures to fulfill relevant obligations and have temporarily been excluded from the list of joint punishments.³⁴ The implementation of flexible law enforcement can promote the unity of legality and rationality, and make law enforcement produce better social effects.³⁵

5.2. Use of Technological Methods to Implement Laws and Policies

During the pandemic, law enforcement agencies used modern technology such as big data, the Internet of Things, and artificial intelligence to enforce the law. For example, Shanghai connected

the "Smart City Management" app with the city's "One Network Management" data platform to provide information for pandemic prevention and control.³⁶

Similarly, using the "Urban Management and Epidemic Prevention App", the market supervision and management department can dynamically grasp business openings, health status of the operators, and implementation of the pandemic prevention measures.³⁷ Citizens can also use personal mobile terminals to handle some urban management law enforcement matters without leaving the house, which greatly improves the effectiveness of epidemic prevention and control.³⁸

Finally, the special environment in pandemic prevention period also gave birth to the practical application of "off-site" law enforcement.³⁹ Based on modern scientific and technological means, multi-angle and all-around video evidence collection for illegal activities were carried out, this method helped reduce on-site law enforcement conflicts, reduce law enforcement manpower costs and risks, and improve case handling efficiency.⁴⁰

5.3. Specific Implementation Measures

a. Home Quarantine Measures

During quarantine, residents stayed at home as much as possible to reduce gatherings and visits.⁴¹

Measures such as social distancing, personal hygiene, disinfection and mask-wearing have been extensively carried out.⁴² In areas where the pandemic prevention and control situation is severe, each family's daily needs were delivered to their home by community volunteers, and residents were not allowed to go out without authorization.⁴³ In areas with less pandemic prevention and control, each household were able to send a member to a designated store to buy daily commodities at regular intervals.⁴⁴

³² Xu Zhihu, 'Thoughts on law enforcement work of urban management under the COVID-19 epidemic' (24 April 2020) China Construction News.

³³ See <http://scjg.tj.gov.cn/tjsscdglwyh_52651/zwgk/zfgznew/bdwwjnew/sjwwj_1/202012/t20201214_4995029.html> accessed 30 September 2021.

³⁴ See Tianjin Administration for Market Regulation <http://scjg.tj.gov.cn/tjsscdglwyh_52651/zwgk/zfgznew/bdwwjnew/jdhynew/202012/t20201214_4998502.html> accessed 30 September 2021.

³⁵ Yao Jianming, et al, 'The Enlightenment from Covid-19 Prevention and Control to Market Regulation' (November 2020) 11 Research on China Market Regulation 72, 75.

³⁶ Ju, Yunpeng, 'Social governance in a screen' *People's Daily* (29 April 2020).

³⁷ *Ibidem* at 32.

³⁸ *Ibidem* at 36.

³⁹ Cheng Weijia, 'Enabling off-site supervision with intelligence' *China Environment News* (20 January 2021).

⁴⁰ *Ibidem* at 32.

⁴¹ Jingzhong Wang, Yi Liao, et al., 'Incidence of novel coronavirus (2019-nCoV) infection among people under home quarantine in Shenzhen, China' (2020) 37 *Travel Medicine and Infectious Disease* 101, 660.

⁴² See <<http://health.people.com.cn/n1/2020/0628/c14739-31760766.html>> accessed October 2021.

⁴³ See <https://www.sohu.com/a/442842120_816671> accessed 5 October 2021.

⁴⁴ See <https://www.sohu.com/a/370897787_561929> accessed 5 October 2021.

b. Community-Level Public Health Intervention

Community closed management can effectively hinder the spread of the virus and buy precious time for fighting the epidemic.⁴⁵ Communities were under closed management and strict control measures were adopted by local government. Law enforcers in urban management, health, market supervision, traffic control, and communities are involved together.⁴⁶ They were on duty at community crossings, assisting the community in pandemic investigation and information registration.⁴⁷ Chinese government departments have extensively persuaded members and cadres of the CPC, and government organs, enterprises and public institutions to join the frontline of community prevention and control as volunteers, and set up work teams to serve as “propagandists”, “inspectors”, “sterilizers” and “distributors” in the community grid, so as to realize all-around investigation and closed management.⁴⁸ Finally, these volunteers have guarded the community’s line of defense, and the prevention and control work has achieved obvious results, and the epidemic prevention situation has improved.⁴⁹

c. Stronger Market Supervision and Management

During the pandemic, some illegal businesses were raising prices, making significant profits, or producing and selling fake and of inferior quality prevention and protection products and medicines, which severely disrupted market order.⁵⁰ Law enforcers kept a close watch on products such as masks and disinfectant, and on daily necessities such as vegetables, rice and noodles.⁵¹ They dealt with price gouging promptly and severely to ensure the daily needs of residents by strict supervision

and severe penalties. The market supervision and management department has strengthened the random inspection of anti-pandemic materials and cracked down on the fake products.⁵²

d. Stronger the Supervision of Medical and Health Work

The health supervision department urged the COVID-19 designated hospitals to implement infection measures.⁵³ On the one hand, hospitals should strengthen the prevention and control of nonsocial infection, promote time-divided appointment diagnosis and treatment, strictly implement the requirements for the zoning management of medical institutions, timely check risks and take measures to deal with them.⁵⁴ On the other hand, hospitals should implement protective measures for medical staff and check protection procedures and the protection work to avoid cross-infection of medical staff.⁵⁵

e. Stronger the Supervision of Public Health Conditions

Law enforcement agencies strengthen the supervision of the sanitary conditions of public places. For example, law enforcement agencies checked centralized air-conditioning in key places such as supermarkets, office buildings, and hotels, and evaluated main disinfection status.⁵⁶ Law enforcement officers conducted key supervision and inspection of hotels, supermarkets, and entertainment venues that had not yet closed to prevent large-scale crowds from gathering.⁵⁷

⁴⁵ Shen Guoming, ‘Rule of law is the fundamental follow of risk society governance’ (April 2020) 4 Exploration and Free Views 16, 18.

⁴⁶ See <<https://baijiahao.baidu.com/s?id=1662311340901451854&wfr=spider&for=pc>> accessed 5 October 2021.

⁴⁷ See <<https://baijiahao.baidu.com/s?id=1662544169184536263&wfr=spider&for=pc>> accessed 5 October 2021.

⁴⁸ See Beijing Municipal Civil Affairs Bureau <http://mzj.beijing.gov.cn/art/2020/3/10/art_4490_622218.html> accessed 5 October 2021.

⁴⁹ Geng Lian, ‘Community prevention and control efforts will be tightened’ *Xinhua Daily* (14 August 2021).

⁵⁰ Ding Jiafa, ‘Price gouging under the pretext of the epidemic will be severely punished’ *People’s Court Daily* (8 August 2021).

⁵¹ *Ibidem* (n. 32).

⁵² Wang Wenhua, Yao Shuju, ‘The application of law in cases involving epidemic crimes is balanced with the

criminal policy’ (2020) 8 People’s Procuratorial Semimonthly 152, 157.

⁵³ General Office of National Health Commission of the People’s Republic of China, Office of National Administration of Traditional Chinese Medicine. ‘Diagnosis and treatment of corona virus disease-19 (8th trail edition)’ (October 2020) 15, 10 China Medicine 1494, 1499.

⁵⁴ *Ibidem* (n. 53).

⁵⁵ See The State Council of the People’s Republic of China <http://www.gov.cn/zhengce/content/202005/08/content_5509896.htm> accessed 8 September 2021.

⁵⁶ See <http://wjw.beijing.gov.cn/xwzx_20031/jcdt/202005/t20200528_1910564.html> accessed 30 September 2021.

⁵⁷ Tao Feng, Wang Chenting, ‘Beijing has stepped up quarantine checks on ‘three types of workplaces’ as businesses resume work’ *Beijing Business Today* (12 February 2020).

6. Judicial Guarantee for Epidemic Prevention According to Law

This part will describe the efforts made by China's judicial authorities to fight the epidemic. The Chinese judicial organs have clarified the common charges of crimes involved in the pandemic, attached importance to civil dispute resolution, issued guiding cases, and implemented online litigation.

6.1. Criminal justice — Clarified the Common Charges of Crimes Involving the Pandemic

In order to severely crack down on crimes about epidemic prevention and control, the Supreme People's Court have issued judicial interpretation clarifying the common charges of pandemic-related crimes,⁵⁸ and requiring the following crimes to be cracked down:

- Crimes that resist pandemic prevention and control measures: crime of employing dangerous means to endanger public security, crime of impairing the prevention and treatment of infectious diseases, crime of disturbing public service.
- Violent medical crimes: crime of offense of intentional injury, crime of provocation, crime of insult, crime of false imprisonment.
- Crimes of manufacturing and selling counterfeit products: crime of producing and selling counterfeit medicines, crimes of producing and selling inferior medicines, crimes of producing and selling medical devices that do not meet standards.
- Crime of forcing up price: crime of illegal business operations.
- Crimes of spreading rumors: crime of fabrication and deliberate dissemination of false information.
- Crimes of dereliction of duty in epidemic prevention: crime of impairing the prevention and treatment of the infectious diseases, crimes of spreading infectious.

⁵⁸ Zhao Bingzhi, *et al.*, 'Research on China's Criminal Policy for the Prevention and Control of Major Public Health Incidents: Focusing on China's New Crown Epidemic Prevention and Control Criminal Policy' (December 2020) 6 Jianghai Academic Journal 149, 157.

⁵⁹ Sun Hang, 'Proper trials of civil cases related to the epidemic in accordance with the law serve to ensure economic and social development' *People's Court Daily* (21 April 2020).

⁶⁰ See China Court <<https://www.chinacourt.org/law/detail/2020/05/id/150160.shtml>> accessed 30 September 2021.

6.2. Civil Law — Emphasis on Dispute Resolution

Pandemic adverse impacts made it crucial for judicial departments to strengthen their pre-litigation mediation and conflicts and disputes resolution through non-litigation means, which will fully restore social order and boost the economic restart.⁵⁹

During the pandemic, the Supreme People's Court attached great importance to civil disputes closely related to people's livelihoods. For example, the Supreme People's Court issued "*opinions on the force majeure rules and labor disputes*"⁶⁰ that are of the greatest concern to the public, this judicial interpretation provides guidance for courts at all levels in handling labor dispute cases.⁶¹

In addition, it is difficult for the courts to carry out enforcement work during the pandemic. The Supreme People's Court has issued a judicial interpretation on the basis of full investigation and soliciting opinions from all parties in the early stage, which provides a unified standard for the handling of enforcement cases during the pandemic prevention and control process.⁶²

6.3. Guiding Cases Issued by Judicial Organs

Judicial authorities have successively released guiding cases related to the pandemic.⁶³ These cases mainly involve various COVID-19 response measures such as obstructing the prevention and control of infectious diseases, making and selling fakes, illegal operations, obstructing public affairs, provoking troubles, maintaining the order of pandemic prevention and control, maintaining economic and social order, and helping to resume work and production.⁶⁴

These cases cover almost all the practical needs of judicial cases in the process of preventing and controlling the pandemic according to law, and objectively alleviates the urgency requirements of the COVID-19 on judicial organs.⁶⁵ For example, these cases provide solutions on how to conduct investigations and obtain evidence during the special

⁶¹ *Ibidem* at 59.

⁶² Xiao Jianguo, 'Judicial Guidelines for Properly Handling Execution Cases Involving the COVID-19' *People's Court Daily* (9 June 2020).

⁶³ 'Give full play to the role of demonstration and guidance of typical cases related to the epidemic' *Procuratorial Daily* (9 March 2020).

⁶⁴ *Ibidem* at 62.

⁶⁵ See <<https://baijiahao.baidu.com/s?id=1660602278686510102&wfr=spider&for=pc>> accessed 30 September 2021.

period, how to apply compulsory measures, how to conduct interrogations and appear in court to support public prosecution, and how to accurately distinguish between crimes of endangering public safety by dangerous methods and crimes of hindering the prevention and control of infectious diseases.⁶⁶ This provides guidance for the uniform application of laws to ensure the correct application of law.

6.4. Online Litigation

Prior to the pandemic outbreak, Chinese laws and judicial interpretations had some provisions on online litigation by using modern information technology.⁶⁷ For example, Article 87 of the 2012 *Civil Procedure Law* stipulated that courts could use electronic methods to serve litigation documents for the first time.⁶⁸ In September 2018, the Supreme People's Court issued the *"Regulations on Several Issues Concerning the Trial of Cases by Internet Courts"*.⁶⁹

When the COVID-19 pandemic broke out, local courts spontaneously adopted online methods for filing, trial, and enforcement.⁷⁰ In order to standardize online litigation activities and meet the judicial needs of the people during the pandemic, the Supreme People's Court issued in April 2020 a judicial interpretation entitled *"Notice on Strengthening and Standardizing Online Litigation Work during the Prevention and Control of the New Coronary Pneumonia Epidemic"*. This judicial interpretation requires that cases with online handling conditions should be handled online in principle to minimize personnel travel and gatherings.⁷¹

On June 17th, 2020, the Supreme People's Court issued the *"People's Court Online Litigation Rules."*⁷²

Its introduction marked a new stage in China's Internet judicial development. The "Rules" established an online litigation rule system covering all trial areas and the entire litigation

process, comprehensively summed up the results of the court's online litigation field in recent years, and actively responded to the people's new judicial needs in the Internet era. Since then, China has formed a relatively systematic and complete online litigation rule system, which has effectively filled the institutional gaps in the field of online litigation in China and has also provided Chinese wisdom and Chinese solutions for the development of Internet justice in the world, this experience will help other countries better conduct online litigation.

7. International Response—Actively Fulfilling Obligation under International Law

In the face of the global public health crisis, countries to strengthen cooperation in epidemic prevention will not only help maintain global and regional public health security, but also help build a community with a shared future for mankind.⁷³ China has made the following efforts from the level of international law.

7.1. Information and Evidence Sharing

Based on the principles of transparency and openness, China has publicly communicated the characteristics of the virus, the route of infection, the current situation of the pandemic, and treatment plans to the international community.⁷⁴ China is a party to the *International Health Regulations*.⁷⁵ According to Article 6 of the Regulations: After a public health emergency in a country, the country shall notify WHO (World Health Organization) within 24 hours of assessing public health information, carry out international prevention and control of the epidemic as soon as possible.⁷⁶

In this pandemic, the Chinese government actively fulfilled the obligation of information notification under international law.⁷⁷ The Chinese government has taken the following actions: First,

⁶⁶ *Ibidem* at 52.

⁶⁷ Zhou Cui, 'The present situation and future of civil judicature pluralism reform in China' (2018) 1 China Legal Science.

⁶⁸ See The National People's Congress of the People's Republic of China <http://www.npc.gov.cn/wxzl/gongbao/2012-11/12/content_1745518.htm> accessed 8 October 2021.

⁶⁹ See China Court <<https://www.chinacourt.org/article/detail/2018/09/id/3489797.shtml>> accessed 8 October 2021.

⁷⁰ See China Court <<https://www.chinacourt.org/article/detail/2020/02/id/4822417.shtml>> accessed 8 October 2021.

⁷¹ See The State Council Information Office of the People's Republic of China <<http://www.scio.gov.cn/xwf>

bh/xwbfbh/wqfbh/42311/42602/xgzc42608/Document/1674055/1674055.htm> accessed 8 October 2021.

⁷² See The Supreme People's Court of the People's Republic of China <<http://www.court.gov.cn/fabu-xiangqing-309551.html>> accessed 8 October 2021.

⁷³ Ding Jinguang, Wang Mengmeng, 'Strengthen international cooperation in epidemic prevention and maintain global public health security' *Chinese Social Sciences Today* (28 July 2020).

⁷⁴ Yang Yongchun, 'The crisis test requires more legal thinking' (2020) 22, *People's Tribune* 90, 91.

⁷⁵ See <https://apps.who.int/gb/ebwha/pdf_files/WHA58/WHA58_3-ch.pdf> accessed 30 September 2021.

⁷⁶ *Ibidem*.

⁷⁷ The State Council Information Office of the PRC, 'China's response to COVID-19' *People's Daily* (8 June 2020).

quickly established a response mechanism, carried out etiological and epidemiological research.⁷⁸ Second, the government shared the gene sequence of the new coronavirus as soon as possible, and the rapid development of a national and international consortium helped in the swift analysis of the virus and in making the sequences publicly available within a few days.⁷⁹ Third, successfully developed a test kit within 16 days, and immediately notified the international community of virus data and related epidemics.⁸⁰

7.2. Pandemic Prevention and Control Measures

China takes prevention and control measures based on the characteristics of the pandemic, transmission route, susceptible population, and country's medical conditions, including controlling the source of infection, cutting off infection route, and actively treating patients, while protecting medical staff from infection.

Pandemic prevention and quarantine measures adopted by China have been highly appraised by the international community. United Nations Secretary-General Antonio Guterres praised China's contribution to the global fight against the novel coronavirus pneumonia outbreak, noting that the Chinese people are making efforts for all of humanity.⁸¹

7.3. Communication and Cooperation with International Organizations

As pointed out in the *White Paper: Fighting COVID-19: China in Action*:

The global spread of COVID-19 is causing great concern. Both the fight to rein in the virus and the endeavor to fend off a deepening global recession call for the international community to stand in unity and engage in cooperation. They also call for multilateralism, and commitment to building a global community of shared future. Solidarity and cooperation are the most powerful weapons available to the international community in the war against the pandemic.⁸²

During this pandemic, China opened its door to experts such as the World Health Organization, and

Chinese medical institutions communicated and cooperated with them in a timely and effective manner.⁸³ According to official data, by April 2020, China had organized and implemented anti-pandemic assistance to 89 countries and 4 international organizations in four batches, donated a large amount of anti-epidemic materials to these countries and regions, and sent expert groups to help these countries quickly control the pandemic.⁸⁴

In international cooperation on joint prevention and control, it is essential that major countries take the initiative, fulfill their responsibilities and do their share of the work. China is ready to strengthen exchanges and cooperation with other countries including the US to jointly tackle this pandemic, especially in the fields of research, development, production and distribution of vaccines and drugs.⁸⁵

8. Conclusion

The Chinese model emphasizes the establishment and strict prevention of disease spread, supplemented by strict accountability afterwards.⁸⁶ Specifically, China has made comprehensive efforts in four aspects: (i) legislation, (ii) law enforcement, (iii) justice and (iv) international response. In terms of legislation, China fully relied on the *"Infectious Disease Prevention Law"*, *"Animal Epidemic Prevention Law"*, *"Wild Animal Protection Law"* and other existing laws and has issued a series of legal documents on market control, illegal wildlife trade, restoration of the people's economy, promotion of people's livelihood, security and improvement of the medical workers' treatment. These documents have provided a sufficient legal basis for fighting the pandemic in accordance with law. In terms of law enforcement, China has adjusted law enforcement concepts in a timely manner, optimized implementation methods, implemented closed management of communities and focused on strengthening law enforcement and supervision in areas such as public health and medical health. The Chinese judicial organs have clarified the common charges of crimes involved in the pandemic, issued guiding cases, unified the enforcement standards,

⁷⁸ *Ibidem* at 78.

⁷⁹ Nkengasong John, 'China's Response to a Novel Coronavirus Stands in Stark Contrast to the 2002 SARS Outbreak Response' (March 2020) 26, 3 *Nature Medicine* 310, 311.

⁸⁰ *Ibidem* at 78.

⁸¹ See UN Covid-19 Response <<https://www.un.org/zh/coronavirus>> accessed 8 October 2021.

⁸² See 'White Paper: Fighting COVID-19: China in Action' <http://www.china.org.cn/chinese/2020-08/06/content_76173252.htm?f=pad> accessed 8 October 2021.

⁸³ *Ibidem* at 78.

⁸⁴ See The State Council Information Office of the People's Republic of China <<http://www.scio.gov.cn/xwfbh/xwfbh/wqfbh/42311/42784/index.htm>> accessed 30 September 2021.

⁸⁵ *Ibidem* at 73.

⁸⁶ Chen Zhong, 'Resilience: Behavioral Philosophy Response to Risk Society' (April 2020) 4 *Exploration and Free Views* 29, 32.

and implemented online litigation. These measures provide standards for the proper handling of judicial cases in the context of normalization of pandemic prevention and control. In terms of fulfilling its international obligations, China shared the gene sequence of the new coronavirus as soon as possible, and actively fulfilled its obligation to report information under international law. China timely controlled the source of infection, cut off the route of infection, and actively treated patients, which helped win time for other countries and regions to fight the pandemic. Chinese medical institutions have conducted timely and effective communication and cooperation with the WHO. China has sent expert teams to help other countries quickly control the epidemic.

In general, the response of the Chinese government to the pandemic can be summarized as follows: pandemic prevention according to law. This way was China able to balance limiting individual basic rights and freedoms and effectively protecting individual life and health, while rapidly restoring life and the economy, ensuring the legitimacy and efficiency of pandemic prevention measures and the credibility of the government according to law. This way was China able to balance limiting individual basic rights and freedoms and effectively protecting individual life and health, while rapidly restoring life and the economy, ensuring the legitimacy and efficiency of pandemic prevention measures and the credibility of the government.