

NGO Information for United Nations Human Rights Committee at its 129<sup>th</sup> session

## **Note on Censorship of Events related to the Tiananmen Square Incident (June 4<sup>th</sup> Incident) by Macau, China**

Submitted by Macau Conscience on June 1<sup>st</sup> 2020

Prepared by Mavis Pek Iok MA, Scott Ming Hin CHIANG

### **About Macau Conscience**

Macau Conscience is formed of professionals, teachers, and students who are progressive social activists from Macau. Macau Conscience is best known for organizing the largest demonstration ever in Macau since 1989 in May 2014.

### **Background**

Macau Conscience would like to inform the United Nations Human Rights Committee (HRC) of Macau government's political censorship of events related to the Tiananmen Square Incident (also known as June 4<sup>th</sup>, 1989 Incident) starting this year. The Macau Conscience alleges that **Macau, China is breaching its obligations under article 19 (freedom of expression) and article 21 (freedom of peaceful assembly) of the International Covenant on Civil and Political Rights (ICCPR).**

For three decades, the “Uniao de Macau para o Desenvolvimento da Democracia” (UMDD) has hosted a touring exhibition and a vigil every year to call for democratic reform of China and mourn the students who died in the struggle for democracy at the Tiananmen Incident. In 2020, the New Macau Association (NMA) also planned to hold scattered vigils. This year, the Macau authorities took measures prohibiting all these events from taking place.

### **Ban on political exhibitions**

The Municipal Affairs Bureau (IAM) is the authority responsible for allocating public venues to event organizers. In the past three decades, UMDD has applied to the predecessors of IAM for the permit to use several public places to run a touring exhibition about the history of Tiananmen Incident.

This year, initially, as usual, the IAM granted a permit to UMDD to host the month-long touring exhibition. However, four days into the exhibition, IAM revoked the permit.<sup>1</sup>

In IAM's official letter to UMDD, the IAM stated that the criteria for granting permits to event organizers to use public places had been revised. The IAM claimed the exhibition did

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<sup>1</sup> UMDD. (2020, May 7). Retrieved from [https://www.facebook.com/permalink.php?story\\_fbid=3301873699846007&id=785421204824615](https://www.facebook.com/permalink.php?story_fbid=3301873699846007&id=785421204824615)

not meet the revised criteria, yet the criteria in question were not specified. According to the leaders of UMDD, an IAM clerk verbally revealed to them that under the revised criteria, only events in the areas of “culture, leisure, environment, and hygiene” would be permitted.<sup>2</sup> Technically speaking, the reference to these “four areas” comes from the legal responsibility of the IAM. The “four areas” should not bind the private citizens who would like to use the public spaces for exhibitions and other events.

UMDD formally objected to the revocation of the permit. The IAM decided to uphold its decision to disallow the exhibition from taking place.<sup>3</sup>

Macau Conscience is concerned that the ban on the Tiananmen exhibition may become permanent because of the lack of effective remedies. Although IAM told UMDD about the availability of remedies such as lodging an appeal to the administrative court, leaders of UMDD decided not to file an appeal because it usually takes several months before the administrative court comes to decide the case.<sup>4</sup>

It must be noted that IAM would only accept an event organizer to apply for the use of a public place between 90 days and 30 days before the commencement of a planned event.<sup>5</sup> It means that exhibition organizers will never have enough time to take the matter to court. The “90 - 30 days” application window would effectively prevent exhibition organizers from challenging the IAM’s new “four areas” criteria in court.

### **Abuse of public health ground to ban all forms of memorial events on June 4<sup>th</sup>**

The police banned the UMDD’s vigil and NMA’s scattered vigils scheduled for June 4<sup>th</sup> 2020. The police claimed that the gathering of people should not be allowed during the COVID-19 pandemic. Although public health is a ground on which the exercise of the right to assembly may be restricted, in the context of Macau, the prevention of COVID-19 is very unlikely a *bona fide* reason for disallowing Tiananmen vigils. The bans are more likely politically motivated.

In NMA’s notification to the police about its Tiananmen memorial events, NMA made it clear that scattered vigils would be sized between one to five persons and participations would be required to wear face masks. Despite the low proposed headcount and other measures proposed like, the police banned all these planned events on the same ground of COVID-19 prevention. According to documents provided to Macau Conscience by NMA, the police stated that these vigils might bring “unspeakable consequences” that impact society if

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<sup>2</sup> All About Macau. (2020, May 8). 市署突修准則不批活動場地 八九民運圖片展或被迫取消. Retrieved from <https://aamacau.com/2020/05/08/市署突修准則不批活動場地-八九民運圖片展或被迫/>

<sup>3</sup> UMDD. (2020, May 12). Retrieved from [https://www.facebook.com/permalink.php?story\\_fbid=3314629218570455&id=785421204824615](https://www.facebook.com/permalink.php?story_fbid=3314629218570455&id=785421204824615)

<sup>4</sup> Beitler and Lam. (2020, May 14). Lawmaker says it’s too late to appeal axing of photo exhibition. *Macau Daily Times*. Retrieved from <https://macaudailytimes.com.mo/lawmaker-says-its-too-late-to-appeal-axing-of-photo-exhibition.html>

<sup>5</sup> IAM, 2019. PEDIDO DE INSTALAÇÕES E APOIO LOGÍSTICO. Retrieved from <https://www.iam.gov.mo/c/pdf/eformDetail/PDF338>.

allowed to proceed. NMA alleged that political motivation was behind the police's decision against these events<sup>6</sup>.

Macau is not officially on lockdown. Nor the COVID-19 prevention measures in force in Macau amount to a "lockdown" as in many countries. It must be noted that Macau is among the few territories in the world in which the number of cases has been extremely low, having merely 45 cases from January to April including imported cases owing to the early closure of its borders.<sup>7</sup> In Macau, schools have reopened. And people go to work as usual. As of June 1<sup>st</sup> 2020, 3 out of 4 cinemas in Macau are open without any social distancing requirements. The public libraries have reopened since March 2<sup>nd</sup>.<sup>8</sup> It is "business as usual" for most of the cafés, restaurants as well as karaoke boxes in Macau. It is extremely absurd for the Macau authorities to allow these establishments, where people necessarily gather in enclosed places, to operate as usual while disallowing outdoor, small-scale and scattered vigils.

## Observations

The political sensitivity around the Tiananmen Incident is the only sensible explanation for the bans on the exhibition and the vigils.

This year, in 2020, there will be no vigils mourning the students who died during the Tiananmen Incident in Macau. The touring exhibition about the Tiananmen Incident was cut short from a month to a few days.

In light of IAM's "revised criteria" of "culture, leisure, environment and hygiene" for exhibitions using public places, whether or not exhibitions about politics may be granted a permit to use a public place remains unclear.

The restrictions on small-scale and scattered events about Tiananmen in the name of COVID-19 prevention are hardly *bona fide*. Public health measures have been weaponized against political dissent by Macau officials.

Macau Conscience is concerned that the concerted efforts by the Macau authorities to suppress public events which the Chinese government considers politically sensitive would further erode the freedom of expression and the right to peaceful assembly guaranteed in the ICCPR.

## Recommendations

Macau Conscience recommends that the Human Rights Committee:

- Pays close attention to the rapid deterioration of right to free expression and the right to assembly in Macau;

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<sup>6</sup> Macau Concealers. (2020, May 31). 一人集會悼念六四照禁 警：摧毀有效防疫嚴重危害安全. Retrieved from <https://www.facebook.com/photo/?fbid=2952458348156580>

<sup>7</sup> Macau Health Bureau. (n.d) *Epidemic information*. Retrieved from <https://www.ssm.gov.mo/apps1/PreventCOVID-19/en.aspx#clg17458>

<sup>8</sup> Macau Public Library. (2020). *Library Opening Notice*. Retrieved from <https://www.library.gov.mo/en/aboutus/notice/235>

- Asks the Macau government to clarify the scope of events and exhibitions which may be permitted by the IAM to use the public places; and
- Asks the Macau government to clarify the disproportionate restrictions imposed on political events and exhibitions in the name of COVID-19 prevention, taking into account the fact that the vast majority of businesses and public facilities are open as usual in Macau.