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Geopolitical Tensions, Rise of a “Digital Democracy” and Human Rights Implications

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Geopolitical Tensions, Rise of a “Digital Democracy” and Human Rights Implications

Due to the unique geopolitical relationship between Taiwan and China, Taiwan’s isolated status as a non-member State of the World Health Organisation (WHO), its geographic isolation, and its experience with the 2003 SARS outbreak,¹ the Taiwanese government responded to the COVID-19 pandemic by implementing strict border controls and extensive contact tracing measures, even though it did not implement a lockdown.² This memo provides an overview of how geopolitics, involving international political tussles and international status concerns, played a prominent role in COVID-19 governance in Taiwan, in contrast to Finland and Sweden, where geopolitical factors were not so prominent in defining their approaches.

1. Geopolitical Factors in Border Control and Vaccine Procurement

Distrust of information transparency from China, together with Taiwan’s prior experience with SARS, shaped Taiwan’s early response to the COVID-19 pandemic. Given the close geographical proximity to, and significant political tension with China, the Taiwanese government decided to take stringent precautionary actions based on early reports and data, notwithstanding their limited scope and uncertain accuracy. Border control and vaccine procurement were two examples with clear geopolitical dimensions.

Upon learning of an outbreak of SARS-like disease in Wuhan, the Taiwanese government promptly began the earliest border control measures worldwide for flights from Wuhan, including medical examination for all aircraft passengers (initially not mandatory but with strong nudges) and quarantining passengers showing respiratory symptoms. The border measures gradually expanded. Starting from January 23, 2020, Taiwan suspended flights between Wuhan and Taiwan,³ and starting on February 10, 2020, all routes from China except

¹ Due to Taiwan’s close proximity to Guangdong, China, where SARS-CoV was first identified in 2003, Taiwan was one of the most affected countries. During the outbreak, the Taiwanese government lacked a cross-agency coordination mechanism to prevent the spread of the disease, and its exclusion from the World Health Organization hindered it from participating in emergency meetings and obtaining key information. Two hospitals were locked down due to the cluster of cases, and off-duty staff were compelled to return to the facility and were subjected to mandatory quarantine. The image of helpless people locked in the hospital was widely broadcast and caused a long-lasting sensation. The SARS experience also played a pivotal role in stimulating institutional reform. The Communicable Disease Act was amended to specify the conditions when a Central Epidemic Command Center (CECC), an ad hoc organization, should be established to coordinate pandemic control.

² Po-Han Lee & Ying-Chao Kao, *Health Apartheid during covid-19: A Decolonial Critique of Racial Politics between Taiwan and the WHO*, 5 INT. J. TAIWAN STUD. 375 (2022). <https://doi.org/10.1163/24688800-05020006>. Alzbeta Loduhova & Kristina Kironska *How Did Taiwan Go from ‘Most Affected’ during sars to ‘Least Affected’ during covid-19?: A Comparative Study of Taiwan’s Emergency Responses*, 6 INT. J. TAIWAN STUD. 291 (2022). <https://doi.org/10.1163/24688800-20221249>

³ Ministry of Health and Welfare, *All airlines of Taiwan suspended direct flights to and from Wuhan, and Chinese nationals residing in Wuhan were prohibited from entry into Taiwan*, CRUCIAL POLICIES FOR COMBATING COVID-19 (Jan. 23, 2020), <https://covid19.mohw.gov.tw/en/cp-4868-53725-206.html>

four were suspended.⁴ For inbound travelers, Taiwan first imposed entry restrictions on Chinese nationals from affected regions on January 23, then expanded to a prohibition on all Chinese nationals on February 6.⁵ On March 19, 2020, the prohibition was extended to cover all foreign nationals.⁶ Throughout the pandemic, Taiwan maintained heightened border restrictions against China, and the entry bans on Chinese nationals outlasted those on other foreign nationals. On October 13, 2022, Taiwan reopened its border to most foreign visitors, except those from China.⁷ It was not until September 1, 2023 – nearly one year later– that Chinese nationals were permitted to enter Taiwan.⁸

These China-specific border controls were widely regarded as having helped Taiwan block the first wave of infection and contributed to its positive reputation in preventing the pandemic.⁹ Against the backdrop of Taiwan’s long-standing international isolation, its relatively successful early control of COVID-19 created an opportunity for the government to enhance its international visibility and promote its international status. Since Taiwan gained a reputation for keeping infection rates low, strict measures continued to be implemented, but without paying enough attention to the collateral human rights costs.

As for vaccine procurement, Taiwan faced difficulties in purchasing vaccines in the first half of 2021 due to its exclusion from WHO and obstructions from China. When Taiwan tried to purchase BioNTech (BNT) vaccines from Germany, China obstructed it. As a result, President Tsai Ing-Wen publicly blamed China for interfering in Taiwan’s vaccine procurement. Although a Chinese pharmaceutical company, Shanghai Fosun, offered to supply BNT vaccines in the name of distributing the vaccine to “the greater China region,” the Taiwanese government refused the offer both because it refused to acknowledge Taiwan’s sovereignty and for product safety concerns.¹⁰ In response, the Chinese government accused

⁴ Ministry of Health and Welfare, *The amount of direct flights from Taiwan to China, Hong Kong and Macau drastically decreased. Only flights to Beijing Capital International Airport, Shanghai Pudong International Airport, Shanghai Hongqiao Intl Airport, Xiamen Gaoqi Intl Airport, and Chengdu Shuangliu Intl Airport remained active*, CRUCIAL POLICIES FOR COMBATING COVID-19 (Feb. 10, 2020), <https://covid19.mohw.gov.tw/en/cp-4868-53781-206.html>

⁵ Ministry of Health and Welfare, *China, Hong Kong, and Macau listed as a Level 2 Epidemic Area. All entry of Chinese nationals to Taiwan were suspended*, CRUCIAL POLICIES FOR COMBATING COVID-19 (Feb. 6, 2020), <https://covid19.mohw.gov.tw/en/cp-4868-53767-206.html>

⁶ Ministry of Health and Welfare, *Restrictions on all foreigners from entering into Taiwan. All inbound travelers were requested to undergo home quarantine for 14 days*, CRUCIAL POLICIES FOR COMBATING COVID-19 (Mar. 19, 2020), <https://covid19.mohw.gov.tw/en/cp-4868-53890-206.html>

⁷ Ministry of Health and Welfare, *With steady easing of border measures, Taiwan to end quarantine and adopt 7-day self-initiated prevention policy for arrivals on October 13*, CRUCIAL POLICIES FOR COMBATING COVID-19 (Oct. 13, 2022), <https://covid19.mohw.gov.tw/en/cp-4868-72015-206.html>

⁸ Mainland Affairs Council, *Mainland Affairs Council Announces Plans to Resume Cross-Strait Tourism and Ease Business Travel Restrictions for Chinese Nationals Visiting Taiwan* [陸委會公布恢復兩岸觀光旅遊及放寬陸籍人士來臺商務交流之相關規劃], Mainland Affairs Council (Aug. 24, 2023), https://www.mac.gov.tw/News_Content.aspx?n=05B73310C5C3A632&sms=1A40B00E4C745211&s=6245AA71E1396CC6

⁹ Chang-chun Chan & Chi-hsin Sally Chen, *The Taiwan Model of COVID-19 Control and its Global Implication*, 6 TAIWAN STRATEGIST 1 (2020).

¹⁰ Helen Davidson, *Taiwan accuses China of interfering with Covid vaccine deals*, GUARDIAN (May 27, 2021), <https://www.theguardian.com/world/2021/may/27/taiwan-president-accuses-china-interfering-covid-vaccine-deals> (last visited Jan. 6, 2025); Chia-hung Tsai & Shane Hsuan-yu Lin, *Containing the COVID-19 Pandemic*

the Taiwanese government of rejecting assistance from China and sacrificing the health of the Taiwanese people. As community transmission broke out sporadically, the Taiwanese government was therefore blamed for declining the Shanghai Fosun's vaccines.¹¹ The criticism subsided in the summer of 2021, when Japan and the United States, both of which have traditionally been Taiwan's allies, announced vaccine donations to Taiwan. These two countries made major vaccine donations when the island went through the first domestic outbreak in 2021. Poland, Czechia, Slovakia, and Lithuania also made small amounts of vaccine donations – these symbolic donations signified a weakened Chinese influence in Eastern European countries.

2. Pandemic Policy disproportionately burdened Specific Groups

It is noteworthy that specific groups were disproportionately targeted under pandemic policies in order to ensure the economic and social normalcy of the majority in Taiwan. In practice, this meant that certain groups were disproportionately affected because their professions covered essential needs for society to function under the stringent rules. For example, to maintain a viable workforce, healthcare providers were prohibited from traveling abroad during the initial stages of the pandemic, restricting their freedom of movement.¹² Further, although a two-week quarantine was imposed on anyone who had contact with confirmed cases or returned from abroad, pilots flying international routes were especially burdened by this policy as the border control literally suspended the air travel of ordinary citizens.¹³ In contrast, pilots were placed under a cycle of flight duty and quarantine to sustain the Island's economy and ensure the import of essential goods. Migrant workers (including factory and fishing industry workers) were already a disadvantaged group before the crisis, and the pandemic further worsened their situation. They had no choice but to be confined in their overcrowded and substandard dormitory environments, which became even harder to endure and which readily generated cluster infections.¹⁴

By introducing measures that targeted specific groups, Taiwan experienced very few domestic infection cases during the early stages of the COVID-19 pandemic, allowing it to remain a safe haven without implementing more draconian measures for the general

Under an External Threat: A Case Study of Taiwan, 140 *POLITICAL SCI. QUATER.* 63, 68-69 (2025).
<https://doi.org/10.1093/psquar/qgae054>.

¹¹ Tsai & Lin, *supra* note 9, at 69.

¹² Central News Agency, *Taiwan bans its healthcare professionals from traveling abroad*, TAIWAN NEWS (Feb. 2, 2020), <https://www.taiwannews.com.tw/en/news/3880226> (last visited Jul. 20, 2023)

¹³ Tommy Walker, *Taiwan Pilots, Cabin Crews Bemoan Stringent COVID Restrictions*, VOA (Aug. 31, 2022), <https://www.voanews.com/a/taiwan-pilots-cabin-crews-bemoan-stringent-covid-restrictions-/6724452.html> (last visited Jul. 20, 2023).

¹⁴ Melissa Marschke, Peter Vandergeest, Elizabeth Havice, Alin Kadfak, Peter Duker, Ilinca Isopescu & Mallory MacDonnell, *COVID-19, instability and migrant fish workers in Asia*, 20 *MARIT. STUD.* 87 (2021).
<https://doi.org/10.1007/s40152-020-00205-y>. Purnima Pandey & Mei-Kuei Yu, *Experiences of foreign residents during COVID-19 pandemic in Taiwan*, 5 *J. MIGRATION HEALTH* 100080 (2022).
<https://doi.org/10.1016/j.jmh.2022.100080>. Yuk Wah Chan & Pei-Chia Lan, *The politics of sanitization: Pandemic crisis, migration and development in Asia-Pacific*, 31 *ASIAN PAC. MIGR. J.* 205 (2022).
<https://doi.org/10.1177/01171968221129382>

population.¹⁵ However, from the perspectives of overburdened groups, human rights costs were far more underestimated and were overshadowed by the government's focus on its reputation of having a "successful" pandemic policy model. These groups often faced social pressures caused by stigmatization.¹⁶ Targeting specific groups also raises serious concerns under fundamental human rights principles and the concept of the abuse of rights that is enshrined in international human rights documents, such as the European Convention on Human Rights (ECHR).

3. Narratives of a Digital Democracy: Pursuing International Visibility at the Expense of Human Rights

It is important to note that the implementation and enforcement of the above measures heavily relied on digital measures, which involved the secondary use of personal data and arbitrary database linkages without an explicit legal basis.

As Taiwan's international status remains politically constrained, pandemic control became a channel through which the government promoted the so-called "Taiwan model" and projected its image as a "digital democracy." Within this narrative, Taiwan's trustworthy digital measures were presented as being in contrast to authoritarian China's draconian lockdown, reinforcing Taiwan's distinction from China. These technologies were subsequently framed not only as products of government-Civil Society collaboration but also as symbols of a technologically advanced State, thereby securing domestic trust and public support.¹⁷

Through its policies, under the "digital democracy" branding, Taiwan appears to have managed the pandemic better than many countries. However, the privacy and human rights costs were extremely under-evaluated.¹⁸ As mentioned above, specific groups' freedom and rights were particularly overlooked by the government. Moreover, Taiwan had long pursued a zero-tolerance policy until April 2022, which meant that Taiwan took a huge number of extensive measures restricting individuals' daily lives for an extremely long time. For instance, Taiwan deployed widespread digital tools for pandemic control. The cell-tower-based location data (private data) were linked with public databases, including immigration and national

¹⁵ Chih-Wei Hsieh & Mao Wang, *Taiwan makes itself a COVID-19 safe zone without draconian measures: Lessons and caveats*, 17 SOCIAL TRANSFORMATION 109 (2021). <https://doi.org/10.1108/STICS-09-2020-0022>

¹⁶ Ching-Fu Lin, Chien-Huei Wu & Chuan-Feng Wu, *Reimagining the Administrative State in Times of Global Health Crisis: An Anatomy of Taiwan's Regulatory Actions in Response to the COVID-19 Pandemic*, 11 EUR. J. RISK REGUL 256 (2020) <https://doi.org/10.1017/err.2020.25>; Frédéric Krumbein, *The Protection of Human Rights by Taiwan's Legislative Yuan during Taiwan's Crisis Management of the COVID-19 Pandemic*, 20 TAIWAN J. DEMOCRACY 155 (2024). <https://www.airitilibrary.com/Article/Detail?DocID=18157238-N202408020004-00008>

¹⁷ Lin et al., *supra* note 15, at 256-272.

¹⁸ Jen-ji Ho, *Balance Between Pandemic Prevention and Privacy During COVID-19: Analysis to Legal Issues Under Social Justice*, 387 TAIWAN LAW J. 23, 23-32 (2020). Shin-rou Lin, *All Taken as Necessary? Re-examine the Power and Restraints of Isolation and Quarantine*, 43 ANGLE HLTH. LAW REV. 52 (2020). Yi-hung Weng, *Processing of Data concerning National Health Insurance in the Context of the COVID-19 Outbreak: Applications and Limitations*, 51 ANGLE HLTH. LAW REV. 7 (2021).

health insurance (NHI) to enforce quarantine (called “digital fencing” because by using the cellphone signal as a proxy for the whereabouts of the individual owner, this effectively penned the individual into their home as the system would send the authorities an alert if the cellphone was identified as being out of this immediate area) and for contact tracing. Other digital tools, including SMS check-in (for contact tracing), the official NHI app (for ordering masks and an appointment for vaccination), and the Social Distancing APP (local version of the Google-Apple Bluetooth-based contact tracing app), were introduced during the course of the pandemic. However, measures such as the digital fencing and contact tracing have caused legal disputes for excessively infringing people’s fundamental rights,¹⁹ such as freedom of personal liberty, freedom of movement, right to privacy, property right, freedom of speech, freedom of assembly, and right to vote.²⁰

Even though Taiwan’s numerous digital measures that infringed on personal freedom had raised concerns, the Taiwanese government still branded itself as a “digital democracy,” in contrast to China’s digital authoritarianism. The Taiwanese government, under President Tsai Ying-Wen (Democratic Progressive Party, DPP), utilized two well-known COVID-19-related projects as examples to promote itself as a digital democracy – mask maps and SMS check-in. Both of these were first born in the g0v community (the largest civic tech community in Taiwan) and later adopted and deployed by the DPP government.

However, the closeness of the collaboration between the government and Civil Society was greatly overstated. An active participant of g0v who took part in our Civil Society Engagement process expressed concerns about the source code of many pandemic control digital tools being unavailable, including some of the tools mentioned above. Open-source code enhances trust and transparency by allowing the public to independently review the algorithm and the functions of the tools. The lack of such access therefore hindered Civil Society from monitoring the government’s measures and assessing the extent of privacy intrusions. An Expert Panel Survey was conducted by WP4 to assess the impact of pandemic control measures on human rights protection. While the broader g0v community rated ‘digital democracy’ a reasonably positive 6.4 (from 1 to 10, where 1 is low and 10 is high), the five members who took part in the discussion about either of the pandemic tools were sharply divided, with scores ranging from 1 to 10 (on a similar scale). This divergence, though limited in scale, illustrates that the government’s claim to ‘digital democracy’ is far from a settled fact.

¹⁹ Wen-Chen Chang & Chun-Yuan Lin, *Taiwan: Democracy, Technology, and Civil Society, in COVID-19 IN ASIA: LAW AND POLICY CONTEXTS* 43-56 (Chang Wen-Chen & Chun-Yuan Lin eds., 2021) <https://doi.org/10.1093/oso/9780197553831.003.0003>; C. Jason Wang, Chun Y. Ng & Robert H. Brook, *Response to COVID-19 in Taiwan: Big Data Analytics, New Technology, and Proactive Testing*, 323 JAMA 1341 (2020). <https://doi.org/10.1001/jama.2020.3151>; Paul M Garrett, Yu-Wen Wang, Joshua P White, Yoshihsa Kashima, Simon Dennis & Cheng-Ta Yang, *High Acceptance of COVID-19 Tracing Technologies in Taiwan: A Nationally Representative Survey Analysis*, 19 INT. J. ENV. RES. PUB. HE. 3323 (2022). <https://doi.org/10.3390/ijerph19063323>; Ming-Cheng M. Lo & Hsin-Yi Hsieh, *The “Societalization” of pandemic unpreparedness: Lessons from Taiwan’s COVID response*, 8 AM. J. CULT. SOCIOLOGY. 384, 384-404 (2020). <https://doi.org/10.1057/s41290-020-00113-y>.

²⁰ Shun-Ling Chen, Poren Chiang & Cathy Lee, *Observations on the SMS-based Contact Tracing System (IV): Effectiveness in Pandemic Control and Overall Conclusions*, INFORMATION LAW CENTER, IAS (Jun. 29, 2022), <https://infolaw.iias.sinica.edu.tw/?p=5064> (last visited Jul. 24, 2023).

4. Implications in Taiwan's Case

In the context of its limited international recognition, Taiwan's early success in containing COVID-19 provides a strategic opening for the government to leverage public health achievements to enhance global visibility and elevate its international standing. This narrative was further amplified under a unified government with congressional deference to administrative professionals²¹ and a geopolitical strategy aimed at framing a vivid contrast with the authoritarian regimes of China.²² However, following the massive community outbreak and the exponential surge in confirmed cases, the Taiwanese government continued to adhere to a Zero-COVID policy, prolonging border controls and strict prohibitions. Crucially, throughout the pandemic, the digital fencing and contact tracing tools operated without clear statutory authorization and were exempted from oversight. It remains questionable whether their claimed efficacy can survive the scrutiny of the principle of proportionality since most oversight organs voluntarily relinquished their checking power. What is already certain is that human rights violations of specific groups have already occurred, serving as the cost to sustain the narrative of successful 'digital democracy'.

Recommendations:

1. From a geopolitical perspective, Taiwan's official narrative, positioning itself as a thriving digital democracy, offered an appealing counter-model to more dystopian or authoritarian governance frameworks. However, it is worth noting that the Taiwanese government's internationally oriented self-presentation does not necessarily reflect the full reality of its domestic human rights practices.
2. Equally, Taiwan's performance during the COVID-19 pandemic was shaped by geopolitical considerations. Given that the government implemented multiple stringent measures concurrently, the effectiveness and necessity of each individual measure warrants careful and independent evaluation.
3. To accurately assess the reality of human rights governance in Taiwan, it is advisable to strengthen information exchange with Taiwanese Civil Society organizations and NGOs, so as to obtain reliable, on-the-ground evidence regarding the actual impact of specific human rights-related policy measures

²¹ Ming-hsin Lin, *Revisiting the Constitutionality Controversies of Special Act for Prevention, Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens Article 7*, 407 TAIWAN LAW J. 53 (2021). Chih-Wei Hsieh, Mao Wang, Natalie WM Wong & Lawrence Kapurchase-ki Ho, *A whole-of-nation approach to COVID-19: Taiwan's National Epidemic Prevention Team*, 42 INT. POLIT. SCI. REV. 300 (2021). <https://doi.org/10.1177/01925121211012291>

²² EUGÉNIE MÉRIEAU, *COVID-19, Authoritarianism Vs. Democracy: What the Epidemic Reveals about the Orientalism of Our Categories of Thought*, SCIENCEPO (Aug. 28, 2020) <https://www.sciencespo.fr/ceci/en/news/covid-19-authoritarianism-vs-democracy-what-epidemic-reveals-about-orientalism-our-categorie/>; Wen-Tsong Chiou, *Lost Between Exceptions and Normalcy: A Discourse on Legal Issues of Taiwan's Pandemic Control Strategies*, 22 J. JUDGES ASS'N 128, 129-131 (2021).