

# **An Inquiry into the Origin of Gross Human Rights Abuses**

Issues of Justice in the Spirit of Law

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# Abstract

The document is a legal inquiry into the social justice for LGBTQIA+ individuals. It examines on the original texts that stigmatize the LGBTQIA+ population in the Communist Party of China territories. Besides the marginalized group identity, the document presents evidence that constitutional nationalism under the CPC leadership is the source of the gross human rights abuses with the dualist approach to international law. Furthermore, the Chinese translation of the Universal Declaration of Human Rights is against the spirit of law laid in in the original texts in English, and the militarization of religion with the CPC Battle Assembly Bureau, misguidingly labelled as “United Front Work Department of the CPC Central Committee”, have been the source on the mass breaches of privacy with the gathering of psychological data in the cyber space with cyber sovereignty claims. Some explicit images on male genitals may be contained in the document and is solely used, in the spirit of confidentiality and protection on the honor of the individuals’ privacy that have been breached, for the completeness of evidence chain.

# Introduction

The document is prepared with the fundamental legal text of the Universal Declaration of Human Rights (UDHR) in English language. In respect on the universality of the equality of human regardless of gender and orientation thereof founding a family, the fundamental text in the UDHR referred to such rights in non-specific pluralist forms as “men and women”. Disregarding the very spirit of the fundamental legal text promoting social progress and better standards of life in larger freedom, the simplified Chinese linguistic translation diminishes the basis of equality in the charters with singular-specific wordings restricting & denying the LGBTQIA+ individual persons from the fundamental freedom bestowed upon them in the beginning<sup>1</sup>.

In the quest for the answer on the injustice and underlying abhorrence incurred & still torturing the innocent minds in pursuit of the simple, yet in mainstream ethics often taken for granted, happiness & bliss in life; the research reports on the origin of gross human rights abuses by the Communist Party of China (CPC) on the grounds of its dualist approach in international law that defies litigation of the spirit of law with the nationalism principles in constitution legislation procedures. Moreover, the basis of their justification on such gross human rights abuses is the translated texts of the charter itself.

In defying the spirit of law, not only the official language was restricted to Simplified Chinese, the CPC Battle Assembly Bureau known as the “United Front Work Department of the CPC Central Committee” was established to militarize the natural diversity of culture & religion. This very fact constitutes the basis of psychological torture, cruel, and inhumane treatments, disregarding the rule of law, for enforced degrading treatments and punishments<sup>2</sup>. With the accomplice of cyber sovereignty claims, disguised cyber conducts are performed with privacy

beaches & evidence tampering, and the commercialization of processed privacy data with psychological data gathering further enslave, economically & sexually, the population with telecommunication surveillance.

## **Legitimacy of the Fundamental Legal Text**

Albeit elements of the fundamental legal text are Christianity valued, the preamble is based on the inherent dignity, and the equal and inalienable rights of all members of the human family. As the foundation of a monogamous family, Article 16 recognizes family in its natural and fundamental form by marriage, without any limitation due to race, nationality, or religion. No gender specificity was assigned to men and women, by nature of our sexuality. As a fundamental human freedom, the basic unit of family by marriage is the legal pretext of human group and society. In an internationalized and global society, Article 13 granted the right of each family member the freedom of movement and residence across borders and across countries. And Article 30 defends this Declaration against being interpreted “as implying for any State, group or any person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein”.

The normative readings on the translated version of the simplified Chinese text, albeit in a slightly different cultural and humanity context, reveals the same spirit. However, in practice, the legitimacy of the fundamental legal text has never been put into legislature of the country or nation, with historic criminalization of the LGBTQIA+ population, implying the act aimed at the destruction of the rights and freedoms set forth. Such destruction is ongoing with the denial of LGBTQIA+ marriage both by law and constitutional interpretation, subjecting such person to torture, cruel, inhumane, degrading treatment and punishment in the fabrics of social interactions inside its borders.

## The Origin of the Violation

The origin of the violation is located at the legislative principle on nationalism. It trespasses the bottom-up human-centered principle of legislation and set political & dictatorial thoughts into legislation. The evidence, published in the 2018(5) issue of the East China University of Political Science and Law Journal, has outlined the fundamental political elements observed in the hinderance of democratic legislation. In the spirit of the fundamental legal text of the UDHR, the transliteration of the evidence interprets the core arguments in relation to specific articles that are violated by the analysis.

The evidence introduced the concept of nationalism as one subordinate form of political totalitarianism. The implementation of totalitarianism directly violates the spirit set forth in Article 2 to Article 6, Article 8 to Article 15, Article 17, and Article 18 to Article 29, albeit the categorization of politics & law is dubious in institutional rationale. In the introduction of nationalism, the evidence emphasized on the elements of “stressing unitary rule and highest rationality of the nation” as justification, and the will of the nation has to “interlude to personal life and social activities” via “top-down coercion to enforce national order of policy being unitary and authoritative”. And in legal practice, “the focus of theoretical research turned into the patch and revision of the socialist”, i.e. totalitarian, “legal system”.

Hereby, apart from the inherent dignities of the author as legal scholar being violated as set forth in Article 6, the intrusion on privacy as personal life and the top-down coercion constitute the violation on Article 12, Article 3 and Article 2, henceforth the socialist legal system. The grief on the turning of research focus implies the author’s rights set forth in Article 4 were violated with the remedy from Article 18 until Article 28 becomes a reality for procedural justice in the constitutional legislative practice of the regime ensured by Article 29.3.

Henceforth, the “performance indicators” under coercion constitute the criminal evidence on the “legislative stance” taken by the totalitarian leader. The commitment to the nationalism legislative procedure in the literary hence becomes of the organizational criminology without the literary interpretation of submission.

The guiding principle of the organizational criminology is identified as constructive rationalism. The specific coercion is “everyone’s interest and need have to obey” “the center and basis of the nation”. Its guiding criminal thoughts are summarized as “totalitarianism, the bigger interest, and constructive rationalism”. Its intrusions into the global liberal institutions are summarized with constructive rationalism. This is a direct indictment on the constitutional structure of P. R. China, eliminating the constitution choice set forth in Article 8. In identifying the criminal groups & entities based on procedural justice in constitutional legislation, the second chapter states “constitutional law” and “legislative law”, without the pretext on coercion implied by totalitarianism, ‘command National People’s Congress Standing Committee having the power to formulate and revise all other legislation except for the ones formulated by National People’s Congress’, meaning the National People’s Congress Standing Committee is also under coercion. The violation on Article 12, hence Article 16 is implied therein, with the specific mention of “marriage law” in Chapter 1 and indiction on the instrumentalization of law as political means.

Further coercions from the cyberspace, with the pretext on the violation of Article 12, are stated in Chapter 3, and the article concluded with the only methodological defense on coercion as social theater approach in discourse. However, the legislative principle(s) under military coercion does not justify the unitary interpretation of Article 16 in P. R. China’s legislature of marriage law in **Chapter 1 Article 2** stating men and women in the singular form of “one husband and one wife” by the heteronormative singular interpretation of the translated

Simplified Chinese texts<sup>3</sup>. Such a literary interpretation on the translated Simplified Chinese version of the UDHR in the singular terms of “man and woman” violates Article 1 of the fundamental legal text. Furthermore, no such implication that marriage is limited to one man and one woman is defined in Article 16, therefore, any State, group, or person involved in the interpretation thereof violate Article 30 of the UDHR<sup>4</sup>. The person coercing the interpretation of the UDHR is the person in the position of CPC secretary, P. R. China president, and Central Military Commission chairman Xi Jinping<sup>5</sup>.

**Evidence 1:** Yu, Hao. “Nationalism Stance in Contemporary China Legislative Principle(s),” *East China University of Political Science and Law Journal*, 5, 77-87 (2018). Available at: <http://www.cnki.com.cn/Article/CJFDTotals-HDZX201805008.htm>

## Functionality of the Cyberspace

As dictated by the totalitarianism, coerced nationalism extends to cyberspace with cyber sovereignty claims. Such claims aim at establishing root domain of perpetrator’s power. Apart from the repeating violations on the Articles enumerated above, more severe breaches of privacy are discovered on the coding of psychological data<sup>2</sup>. Moreover, the technical article “From ‘National Cyber Sovereignty’ to Talk Autonomous Root Name Server System Based on National Alliance” reveals on a dictated cyber force, willfully or not, with top-down interrogative power. The evidence drew on *article 20* of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security<sup>6</sup>. Albeit *article 20* acknowledged the jurisdiction over infrastructure within their territory, the denial of judicial independence of the State conduct of information and communication technologies related activities delegitimize state sovereignty by international norms of open internet and principles of the UDHR. Moreover, the evidence

willfully ignored the specificity of infrastructure in *article 20*, and forcefully interpreted the article as acknowledging cyber sovereignty with nationalism. The rest of the evidence, with nationalism as disguise and self-justification, analyzed the technical top-level domain and internet protocols with ICANN.

**Evidence 2:** Fang, Bingxing. "From 'National Cyber Sovereignty' to Talk Autonomous Root Name Server System Based on National Alliance," *Information Security and Communications Privacy*, 12, 35-38 (2014). Available at: <http://www.cqvip.com/qk/96111a/201412/84886677504849524950484951.html>

As **Evidence 1** suggested, the politicization of law is mostly concentrated on administrative, economic, and social realms. The power political suppression of free speech in cyber used criminalization as method, with nationalism obstructing procedural justice in jury coercion. The institutional source of the coercion is the CPC Battle Assembly Bureau, misguidingly and collectively labelled as the "United Front Work Department of the CPC Central Committee" in English. **Evidence 3** outlined the inception elicited its founding origin in the 1950s, and aims of "gather information, master policy, adjust relationships, and arrange human resources" as basic functions. Its expansion has coerced new responsibilities of reporting to all levels of the Communist Party with research and investigations, including implementing the centralized commands; connecting and reporting on the sampling of various party or nonparty representatives, implementing the centralized command's coercion & policy on such entity persons, implementing their subordinate political function, and grooming new representatives of such parties; politicizing ethnic and religious groups, and assisting relevant departments on picking ethnic minority leaders; developing unification works overseas, including the contact with influential ethnic Chinese; arranging political functions of non-Communist-Party persons, recommending them in governmental & legislative branches, and making Communist Party reserve leaders...



**Evidence 3:** CPC Battle Assembly Bureau. "Key Functions of the Bureau," *News of the Communist Party of China*. Available at: <http://cpc.people.com.cn/GB/64162/64171/65717/65718/4455937.html>

The exhaustive sampling method of society with mass human rights abuses and extortion with subordinate governmental & economic incentive reinforcements explains on the purpose of the gross human rights abuses, including in cyber and with psychological data gathering. It explains the adoption of Simplified Chinese as the sole official language under the territory with dualist approaches to international law.

## Conclusions

The power political breaches on privacy under the Communist Party of China's leadership is widespread in various media on the basis of coercion within its territory. The politicization of such data collection is spread into territories not in their direct control. Cyber sovereignty claims enhanced the capacity of their covert actions via commercial channels via ICANN, and causes public health emergencies in mental health, indirectly breaching the human rights of persons global wide. The imbalance of the human rights violations is on the direct human rights abuses on the LGBTQIA+ population.

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