Wanted: A Miracle-Working Public Relations Staff to Save China from Itself

By Anne S. Kimbol, J.D., LL.M.

If it was not all self-inflicted, you could feel bad for China. The bad press lately has been almost suffocating – between tainted dog food, tainted drug products, bad air quality, and human rights abuses, it seems like China just can not catch – or is unwilling to give itself – a break. The latest news is not going to help with the country’s ever-growing image problems. The Chinese Olympic Organizing Committee published a list of 57 points or rules for the approximately 500,000 foreign travelers expected to come to China for the Olympics. The list, just to ensure that is completely clear for all foreigners planning on traveling there, was published only in Chinese, while most of the Olympic information is available in a variety of languages.¹

Portions of the list have been translated by the press. Some are expected rules about not sleeping in public places, not insulting or harming the Chinese flag, and limits on political or cultural banners or slogans at Olympic events. The list includes documentation rules and warns travelers that just because they have tickets to the Olympics does not mean they are guaranteed a travel visa.²

Not all of the list, however, is that straightforward or expected. The list prohibits people with mental diseases or contagious conditions, including sexually-transmitted diseases (STD), from entering the country.³

After the initial shock of hearing of the rules begins to subside, questions being to arise. The rules – at least as translated by the press – contain no definitions of what will count as mental illnesses or communicable diseases. Additionally, the Organizing Committee never explained how it was going to get access to this information. Will everyone applying for a visa need to undergo STD and psychiatric testing? Will embassies processing visas require medical records and/or a statement of health from the potential traveler’s physician? If so, how broad will the medical records request be – will there be time limits or not? If examinations are required, who picks the person who performs the test?

The regular tourist visa application forms for China do not appear to ask for any health information, as the physical examination form – which asks numerous health questions –

² Id.
mentions its use only for students and business travelers who will be in China for six months.  

China’s concern about having people with diseases that can be transmitted by air or close, non-sexual contact at the Games is legitimate. Any country would have similar concerns, and their public health officials would properly advise any related committees to consider the health consequences of having so many people in the same spaces during the Games. China’s concern about political protests is also understandable, particularly given the protests that followed the Olympic torch. While it is extremely difficult to sympathize with China on many of the political issues it is facing, the Organizing Committee may be right that the Olympic Games are not the appropriate stage for such actions and the athletes should be able to focus on their performance and not be caught in political or religious battles. But the decision to ban everyone person who has been exposed to HPV, herpes, or similar conditions is not based on legitimate public policy or public health policy. To claim that anyone ever diagnosed with a mental illness, people whose illnesses are controlled, or even those whose illness may not be well controlled but are non-violent, should not be allowed in the country or at the Games has no legitimate policy basis.

Unfortunately, the United States is no place to kick up a fuss, as our visa requirements are not much better. US law prohibits those with “communicable disease[s] of public health significance”, without providing a definition of “public health significance,” from obtaining visas. Having a physical or mental condition or history that suggests a threat to the applicant or others is also a grounds for denial of a visa to enter the US. The addition of the qualifying terms “public health significance” and the possible threat may ease the way for people who would not be eligible for a Chinese visa, but sadly our law still allows great discretion in terms of banning people with diseases not easily transmitted and/or controlled mental health conditions.

If China has decided that it is fine with discriminating against large groups of people and banning them from what is meant as a celebration of international goodwill and athleticism, it should have to, as we would say here in Texas, “cowboy up” and admit openly, in a variety of languages, that this is the plan and the embassies are sticking to it. The United States should do so too, rather than act appalled should public pressure rise against the Chinese for these rules. To hide behind a document available only in Chinese – or in the case of the US in legalese in a rather long and detailed Immigration and Nationality Act – and to attempt to link these rules to honest public health policy concerns is utterly and completely absurd and deeply offensive.

Both China and the United States should be called upon to update their visa requirements to reflect current knowledge and understanding of public health concerns. The apparent lack of response from the International Olympic Committee (IOC) suggests that it is

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4 See [http://www.china-embassy.org/eng/hzqz/zgqz/t84240.htm](http://www.china-embassy.org/eng/hzqz/zgqz/t84240.htm) to download the visa application and the physical examination record for foreigners.

5 Immigration and Nationality Act, Section 212(a).

6 Id.
willfully blind to its potential role as an international rights organization, the power it
wields and the money it promises give it a strong bargaining position if the IOC wanted to
push changes. Martin Luther King, Jr. and other activists have warned us time and again
about the dangers of sitting idly by in the face of discrimination and hate. Apparently the
IOC dreams instead of quiet Games at any cost.

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http://www.law.uh.edu/healthlaw/perspectives/homepage.asp