Members of the China Unification Promotion Party commemorate China's national day by waving and wearing China's national flag near Taipei Railway Station on Oct. 1 last year.
Photo: Peter Lo, Taipei Times

An online petition to amend the Criminal Code to ban the Chinese national flag was yesterday rejected by the Ministry of Justice, which said it would infringe on people's freedom of speech.

The petition, proposed on the National Development Council's Public Policy Network Participation Platform, seeks to prevent secessionist activities and incitation of aggression by banning the public display of the Chinese flag.

The prevalence of the flag over the past decade has lowered people's guard against China, which would aid its efforts to annex Taiwan, the petition said.

The petition has gathered more than 5,000 signatures, requiring the Ministry of Justice to formally issue a response.

If hanging the Chinese flag were deemed an act of secession that could draw criminal punishment, it would be an obvious breach of the Constitution, which protects freedom of speech, the ministry said.

Freedom of speech is indispensable for a democracy, as it is a way to achieve self-realization, exchange opinions, guarantee the right to pursue knowledge, form public opinion, and facilitate

reasonable political and social activities, the ministry said.

The proposed amendment is disproportionate, as successionism is a political concept that lacks a clear and objective rationale, it said, adding that its definition could be changed by the political climate or the preference of law enforcers.

The reasoning behind the proposal is esoteric and runs counter to the principle that laws should be made as specific as possible, it said.

Existing laws already stipulate punishments for people who attempt to undermine the nation's system, occupy its territory, illegally change the Constitution or subvert state sovereignty, it added.

If the Criminal Code were amended, it would deny suspects the right to seek judicial relief, as it would be inappropriate for the ministry to deliberate on issues at the constitutional level, such as the nation's territory, it said.

Alternatively, the punishments would be unlikely to be enforced due to the impracticality of the legislation, it added.

The ministry said it would not accept the petition and has no plans to take further action.

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