



Brussels, 27 March 2014

EU MUST PUT HUMAN RIGHTS AT THE CENTRE OF RELATIONS WITH CHINA

Dear EU decision-makers,

Ahead of President Xi Jinping's March visit to the European Union (EU), Amnesty International is urging you to put human rights at the centre of EU relations with China. There are urgent human rights concerns that must remain at the top of the EU-China dialogue and agenda. These include: the death penalty, prisoners of conscience, including Human Rights Defenders (HRDs), arbitrary detention, freedom of expression and business and human rights. The EU has already expressed public concern about many of these issues and must ensure that the opportunity to raise human rights directly in a dialogue with President Xi Jinping is not missed.¹

Death Penalty. Today, China remains the world's top executioner. In China, the death penalty is imposed after proceedings that do not meet international fair trial standards, often based on "confessions" that are possibly extracted through torture or other ill-treatment. The death penalty is applicable for approximately 55 offences in China, including non-violent offences such as drug related and economic crimes. Official statistics on the the death penalty remain state secrets in China, preventing informed discussion about its application. China provides no clemency procedures to those who have been sentenced to death and have exhausted their appeals.

In line with the EU Guideline on the Death Penalty, the EU should call on China to fully abolish the death penalty, introducing a moratorium on executions and a legal procedure to seek clemency or pardon. The EU should advocate that China increases transparency both in the application of the death penalty and in the final review of all death sentences.

Arbitrary detention and the abolition of the Re-Education Through Labour (RTL) system. On 28 December 2013, the Standing Committee of the National People's Congress adopted a resolution abolishing the RTL. For nearly sixty years, the RTL system had allowed the police to lock people up for up to four years without judicial review, appeal, or any due process. RTL inmates were typically forced to work for many hours a day under harsh and unsafe conditions, for little or no pay. The living conditions in RTL were also poor, and torture, especially of political prisoners, was commonplace. The abolition of the RTL is a welcome and important step towards the protection of human rights in China.

However, initial evidence gathered by Amnesty International suggests that the authorities are increasingly using alternative channels of arbitrary detention as well as criminal prosecutions of individuals who previously may have been sent to RTL. These include petty criminals, suspected drug users, sex workers, *falun gong* practitioners, activists and human rights defenders and petitioners. Without more fundamental changes in the policies and practices that drive arbitrary detention, the abolition of the RTL is at risk of becoming nothing but a change in the name of the system.² Despite abolishing RTL, China still has other forms of punitive administrative detention in place, such as "Compulsory Isolation for Drug Rehabilitation" and "Custody and Education". These allow authorities to detain suspected drug users and sex workers or their clients without trial or judicial overview, for up to three years (possibly followed by another three years of 'community correction') and two years respectively. Conditions in these forms of administrative (and arbitrary) detention are similar to RTL, including forced labour.

The EU should use the momentum of the abolition of the RTL system to urge China to abolish all forms of punitive administrative detention and to close down all places of detention which deprive individuals of their liberty without due process, including the rights to judicial review and safeguards against torture and other ill-treatment.

Freedom of expression. The first year of President Xi Jinping's administration has seen an intense crackdown on civil society. As of 26 February 2014, nearly 70 people allegedly connected with the New Citizen's Movement have been

¹ "Declaration by EU High Representative Catherine Ashton regarding the death of Chinese Human Rights defender Ms. Cao Shunli," 15 March 2014. http://eeas.europa.eu/statements/docs/2014/140315_02_en.pdf; "Declaration by High Representative Catherine Ashton on behalf of the European Union regarding the treatment of human rights defenders and their relatives in China," 05 February 2014. http://eeas.europa.eu/delegations/china/press_corner/all_news/news/2014/20140205_en.htm; "Statement by EU Delegation on the sentence of Dr. Xu Zhiyong," 26 January 2014. http://eeas.europa.eu/delegations/china/press_corner/all_news/news/2014/20140126_en.htm; "EU Special Representative for Human Rights Lambrinidis visits China," 20 September 2013. http://www.eu-un.europa.eu/articles/en/article_13960_en.htm.

² See "Changing the soup but not the medicine?" Abolishing re-education through labour in China." <http://amnesty.org/en/library/info/ASA17/042/2013/en>.

criminally detained or subjected to enforced disappearance. Sixteen are known to have been indicted or tried, including legal scholar and human rights activist Xu Zhiyong, sentenced to four years imprisonment in January.³

As of 19 March, the UN Human Rights Council will have adopted the China Universal Periodic Review (UPR) outcome document. Many civil society organisations, HRDs, and petitioners were not allowed to participate in the UPR process and the state did not meaningfully consult with civil society organisations. Cao Shunli was taken away by the police on 14 September as she was on her way to a human rights training in Geneva. Her detention was believed to be a result of her role in organising a June 2013 sit-in protest along with other activists in front of China's Ministry of Foreign Affairs, to demand greater transparency and civil society participation in the UPR process. On 14 March, Cao Shunli died from organ failure at a hospital in Beijing, after five months in detention.⁴ Repeated requests by Cao's family for her to receive medical care for serious health problems had been denied. Most recently, Chinese authorities prevented her family from seeing her body, raising fears that the authorities will cremate Cao to destroy any evidence of her mistreatment in detention. Officials also rejected requests by the family for copies of Cao's medical records. The circumstances around her death should receive a thorough, transparent and independent investigation, including an autopsy; those responsible should be brought to justice.

In recent months, other high profile activists, including Liu Xia, wife of jailed Nobel Peace Prize laureate Liu Xiaobo, have been denied medical treatment. She had been prevented from receiving the treatment she needed after suffering a heart attack in January, but after having been able to have medical examinations and treatment, her health condition has improved. As she remains under illegal house arrest, Amnesty International remains concerned about her situation.

Other key cases of concern include Ilham Tohti and Karma Tsewang.⁵ Prominent Uighur scholar Ilham Tohti has been formally arrested on suspicions of "separatism" in China. If convicted, Ilham Tohti could be sentenced to life in prison or even the death penalty. He is still denied access to his lawyer and his family, and remains at risk of torture and other ill treatment. There is growing concern for prominent Tibetan monk, Karma Tsewang, who has not been allowed access to his family or lawyer since being seized by public security officers on 6 December 2013 in Chengdu, south-west China. Sixteen supporters who protested against his detention were detained and later released; but Karma Tsewang remains behind bars.

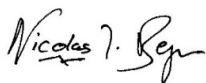
In line with its commitments under multiple human rights guidelines and to place human rights at the centre of all EU external action, the EU and its member states must urgently call on China to release all prisoners of conscience, and stop criminal prosecutions, illegal and arbitrary detentions, enforced disappearances, and other intimidation and harassment of individuals for peacefully exercising their rights to freedom of expression, association and assembly, religion and belief.

Business and Human Rights. A 2013 Amnesty International report on the mining industry in Katanga, Democratic Republic of the Congo (DRC)⁶ found that Chinese companies were causing or contributing to human rights abuses, contrary to their responsibility to respect human rights as outlined in the UN Guiding Principles on Business and Human Rights. Evidence collected by Amnesty International also suggests that Chinese companies are purchasing ore and minerals extracted in the DRC under exploitative and degrading conditions, contrary to international standards on supply chain due diligence.

In line with international standards on business and human rights and its commitment to place human rights at the centre of all EU external action, the EU and its member states must urge China to engage on business and human rights, including by calling on Chinese companies to cease all action that causes or contributes to human rights abuses and to ensure their operations comply with international standards on business and human rights.

We look forward to your response and stand ready to provide any further information you may require.

Yours sincerely,



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Director

³ See Amnesty International Urgent Action, 14 February 2014 <http://amnesty.org/en/library/info/ASA17/006/2014/en>.

⁴ "China: Authorities have "blood on their hands" after activist's death," 14 March 2014. <http://www.amnesty.org/en/news/china-authorities-have-blood-their-hands-after-activists-death-2014-03-14>; "China: Fear of cover-up as Cao Shunli's body goes missing," 26 March 2014. <http://www.amnesty.org/en/news/china-fear-cover-cao-shunli-s-body-goes-missing-2014-03-26>

⁵ See Amnesty International Urgent Actions and other communications of January-March 2014 on Liu Xia (<http://amnesty.org/en/library/info/ASA17/007/2014/en> ; <http://www.amnesty.org/en/library/asset/ASA17/017/2014/en/036947fc-bc36-4efa-9f3c-e61aa48aafc5/asa170172014en.html>), Ilham Tohti (<http://amnesty.org/en/library/info/ASA17/009/2014/en>) and Karma Tsewang (<http://amnesty.org/en/library/info/ASA17/002/2014/en>).

⁶ "Profits and Loss: Mining and Human Rights in Katanga, DRC" <http://www.amnesty.org/en/library/info/AFR62/001/2013/en>