

**AMNESTY  
INTERNATIONAL**



**European Institutions Office**

President Herman Van Rompuy  
President of the European Council

Brussels, 29 September 2010  
Our Ref: B994

Dear Mr Van Rompuy,

**Subject: EU-China Summit 6 October 2010**

The EU-China Summit to be held in Brussels on 6 October is the first major high-level event between the two global powers following the entry into force of the Treaty of Lisbon. The summit therefore sets an important precedent for future relations between the EU and China, as one of the EU's major strategic partners.

Recent visits by the High Representative, Catherine Ashton to Beijing have paved the way for increased cooperation in a number of areas. Calls have been made for greater coherence and consistency in the EU's relations with China, including the need for issues to be addressed in a more comprehensive manner. In a letter to EU Foreign Ministers, the High Representative is reported to have called for EU action to be more focused and result-oriented, such as in the area of human rights and the rule of law, thereby pointing out that the EU's primary methods for pursuing these legitimate concerns, including the human rights dialogue, have not proved to be the most effective.

As set out by the special European Council meeting on 16 September on strategic partners, we understand that the EU-China summit will focus on promotion of bilateral trade, market access and investment conditions, the protection of intellectual property rights, export subsidies and exchange rate policies. Amnesty International is disappointed that the issues specified do not explicitly include human rights, despite the EU's longstanding commitment to ensuring that its trade, economic, and strategic partners uphold international standards of rule of law and human rights. Discussions on human rights should not remain confined to the human rights dialogue, but should also be integrated into the Summit in an open and frank manner, in order to achieve coherent and consistent handling of all issues of interest to both sides. In its aspirations as a global leader, the EU has an important responsibility to ensure that the human rights situation in China, another aspiring global leader, remains in the spotlight, and is not sidelined in the face of prevailing economic interests and trade relations.

While there have been small signs of improvement, such as the adoption of new rules on exclusion of evidence extracted through torture, as well as proposals to reduce the number of capital crimes, the human rights situation in China remains poor. Voices seeking to raise concerns about human rights violations – including human rights defenders – continue to be silenced. In every society, human rights defenders play an important role in drawing attention to violations of fundamental human rights and helping victims of abuses gain redress. This role is recognized in the UN Declaration on Human Rights Defenders which affirms the duty of states to ensure specific protection for the peaceful activities of human rights defenders.

The civil society sector in China, and in particular the *weiquan* ('rights defence') movement is growing. At the same time, human rights defenders who attempt to report on human rights violations, who challenge policies which the authorities find politically sensitive, or who try to organize or rally others to their cause, face serious risk of abuse. This continues to include those who criticise the government's handling of the crackdown of the 1989 pro-democracy movement. Lawyers who are willing to take the risk of representing victims of human rights violations constitute an important part of the *weiquan* movement. Their ability to conduct their work free from fear of hindrance, intimidation, arbitrary detention or imprisonment is crucial for achieving a society governed by the rule of law. However, human rights lawyers - like other human rights defenders - are harassed, assaulted, kept under surveillance and face criminal prosecution and imprisonment on trumped up charges or under sweeping and vaguely worded state security legislation long used to arbitrarily criminalize peaceful dissent.

The Chinese government continues to make extensive use of the death penalty, which can be imposed for around 68 offences including many economic and non-violent crimes. On 23 August, the Standing Committee of the National People's Congress began discussions on the 8<sup>th</sup> revision to the Criminal Law of China. According to publicly available commentary on the draft amendments, these include proposals to abolish the death penalty for 13 non-violent and economic offences. Amnesty International would welcome reductions in death sentences and executions; however these measures may have only a minimal effect in practice. According to Chinese legal scholars, these offences have rarely, if at all, been used to sentence people to death in recent years. As long as official statistics on the application of the death penalty in China remain classified as state secrets, and anyone disclosing them could face criminal prosecution, it will be impossible to verify reported reductions.

Amnesty International also remains concerned that death sentences are imposed following proceedings which do not comply with international fair trial standards. Common failings of trial proceedings include the failure to exclude evidence extracted through torture and the lack of access to lawyers. In May 2010, the Chinese authorities announced new rules regarding the use of evidence in capital cases and the procedure for excluding confessions by criminal suspects that have been obtained through illegal means such as torture. The rules came into effect on 1 July 2010, and mark a positive step in that they underscore the seriousness with which national-level authorities view the problem of illegally obtained evidence. Conversely, there is disappointment that they did not go further, and concern about their implementation in practice. They cover evidentiary rules within formal criminal proceedings only, may not provide an absolute exclusion of illegally obtained evidence and as yet provide no clear standards for the assessment of evidence or the burden of proof.

In practice, access to legal counsel of one's choosing remains restricted for individuals held on charges of gathering or leaking so called state secrets, as well as for defendants belonging to ethnic minorities, such as in Tibet Autonomous Region (TAR) and other Tibetan populated areas in neighbouring provinces and in the Xinjiang Uighur Autonomous Region (XUAR), and for other groups perceived as subversive, including the Falun Gong spiritual movement. Administrative punishments imposed without charge or trial– such as Re-education Through Labour (RTL) – continue to be frequently used. According to official figures, 190,000 people were held in RTL-facilities in 2009, down from half a million several years ago, although the real figures for all types of administrative detention are likely to be much higher. In March this year, the Chinese authorities announced that legislation on 'illegal behaviour correction law' would be issued in an effort to 'reform and standardize' the application of RTL. However, as of yet there are no signs that the RTL system will be abolished.

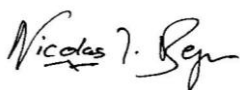
Despite the constitutional guarantee of freedom of belief, the Chinese authorities continue to persecute those who peacefully practice their religion, including an eleven year campaign of persecution against Falun Gong practitioners, Christians who practice their religion in independent "house churches", and Catholics who do not practice in the officially recognized church.

As long as human rights defenders, lawyers and others are harassed, intimidated and imprisoned, as long as scores of individuals are executed following unfair trials, at times because of evidence extracted through torture, as long as hundreds of thousands of individuals are assigned RTL or other forms of punitive administrative detention without charge or trial, as long as ethnic minorities – including in the TAR and XUAR – are discriminated against, the spotlight needs to remain on the human rights situation in China.

In seeking to be more focused and result-oriented, the EU must use the opportunity offered by the upcoming EU-China summit to ask for concrete improvements in the field of human rights. Sidelining human rights in the interests of trade and other issues is contrary to the drive for comprehensive, coherent and consistent strategic partnerships the EU now espouses.

Amnesty International urges the EU, as a global actor, to ensure that respect for human rights is genuinely placed at the core of all foreign policy decisions, to give meaning to the treaty commitments of doing so, and to set the standard for coherence in the substance of EU foreign policy.

Yours sincerely,



Dr Nicolas J. Beger  
Director

**CC:** José Manuel Barroso, President, European Commission  
Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission