



Briefing note on human rights issues in China

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As the 2008 Olympics approach, Amnesty International is monitoring the Chinese government's performance particularly closely in areas with a direct link to preparations for the Olympics, to core principles in the Olympic Charter and to promises of human rights improvements made by Chinese officials at the awarding of the 2008 Olympics to China in 2001.

While some positive developments have been noted on human rights in China in recent years, for example in application of the death penalty, serious human rights violations continue to be reported across the country, fuelling instability and discontent. As the attached briefing note outlining Amnesty International's recent findings in China highlights, some of the most worrying trends include:

- the continuing use of the death penalty and abusive forms of administrative detention,
- the arbitrary detention, imprisonment, torture and harassment of human rights defenders, including journalists and lawyers, and
- the censorship of the Internet.

While human rights violations in China are not restricted to these areas, given that the EU-China summit is taking place with less than a year to go until the 2008 Olympics, Amnesty International recommends that the EU can have the most impact by exerting pressure on these issues.

1. Reform of the criminal justice system

Death Penalty

On 8 June 2007, Chinese state media reported that there had been a reduction in the number of people sentenced to death and executed over the first five months of the year, compared to previous years. Citing death penalty statistics from Beijing No.1 and No.2 Intermediate People's Courts, Ni Shouming, a spokesman for the Supreme People's Court (SPC) suggested that the number of death sentences had dropped 10% compared with the same period last year. He added that this was the result of both the SPC and lower-level courts being more cautious when imposing the death penalty.

Amnesty International welcomes this apparent drop in execution numbers, but maintains that the best way to enable full and informed analysis of death penalty developments in China, not only by court officials but also by Chinese legal academics and others, would be to make the full data public. This would be a significant step forward towards informing the Chinese public about the true nature of the death penalty in China, enabling them to come to more considered opinions or conclusions about the death penalty in general. This is particularly important as the Chinese authorities have regularly cited 'public opinion' as a justification for retaining the death penalty or in defence of a measured, incremental approach towards abolition.

Greater transparency and public accountability is essential not only in the field of statistics but also over procedure in individual death penalty cases. In the last update, Amnesty International highlighted concerns over lack of transparency for the SPC review process. On 28 June 2007, Chinese state media reported the first execution in Beijing following the restoration of SPC review. Tao Jianhua was executed by order of the Beijing No.2 Intermediate People's Court for murder after his sentence had been approved by the SPC. While some reports provided information about the SPC review process in general, they did not include specific procedural details about Tao Jianhua's case, including whether he or his lawyer were able to make representations to the SPC review panel.

The extensive scope of capital crimes in China also remains a concern. Death sentences and executions continue to be imposed for 68 offences in China, including non-violent crimes such as economic and drug related offences. On Anti-Drugs Day, 26 June 2007, the Anti-Death Penalty Asia Network (ADPAN), of which Amnesty International is a member, issued a statement expressing concern about the high number of executions for drug-related offences in several Asia-Pacific countries, including China. During the previous two weeks - typically a peak period for death sentences and executions in China - Amnesty International had recorded 47 death sentences and 14 executions for drug-related offences, although the true figures were believed to be much higher.

Extension of detention without trial

Chinese legal reformists, UN human rights experts including the Special Rapporteur on Torture and the Working Group on Arbitrary Detention, and international human rights organisations like Amnesty International have long raised concerns about China's continued use of 'Re-education through Labour' (RTL) and other forms of detention without trial. Unchecked police powers to impose detention as a punishment without charge, trial or judicial review, is in flagrant violation of international fair trial standards, including provisions of the International Covenant on Civil and Political Rights (ICCPR) which China has signed and declared an intention to ratify in the near future.

It is particularly disconcerting that in spite of international criticism, and indeed internal Chinese debate - substantial reform or abolition of RTL in particular has been on the legislative agenda of the National People's Congress for many years – the Chinese government has used the Olympic Games as a pretext for the extension of the use of these types of punishment. Amnesty International has highlighted moves by the Beijing city authorities to mandate the use of RTL to detain offenders who had engaged more than twice in various types of petty crime in the run-up to the Olympics, including unlawful advertising, taxi-driving, vagrancy and begging. On 28 June 2007, the official Chinese media reported that unauthorized 'medical agents' would also be sent for RTL upon a third offence as part of a broader 'strike hard' campaign by the Beijing police to crack down on such practices.

The EU should emphasise that, in light of China's declared intention to ratify the ICCPR in the near future, this is a concrete and uncontroversial step forward that it must take ahead of the 2008 Olympics.

The EU should highlight the importance of greater transparency in the death penalty system, both through ensuring that families and lawyers of those sentenced to death are given access to them as well as administrative and procedural information about their cases, and by publishing data on the application of the death penalty nationwide. Following recent official statements that death sentences and executions have declined with the introduction of SPC review, the Chinese government should publish full national statistics on the application of the death penalty for 2007, and should continue to do so in the future.

In line with official statements that China's end goal is complete abolition of the death penalty, the EU should call on the Chinese authorities to remove non-violent crimes, including economic and drug-related offences, from the scope of the death penalty pending full abolition of the death penalty in law.

In order to address abuses of the right to fair trial and bring detention practice into line with the ICCPR, the EU should express their concern about ongoing use of Re-education through Labour, enforced drug rehabilitation and 'Custody and Education', which leave decisions on detention exclusively in the hands of the police. The use of these penalties should be abolished, and in the meantime, the EU should express concern at increasing use by the Beijing police of such forms of detention without trial as a method of 'cleaning-up' the city in the build-up to and during the Olympics.

2. Freedom of expression

Media crackdown

China's most significant step forward for media freedom to date, trumpeted widely by the official press, was the introduction of new regulations from 1 January 2007 aimed at increasing the freedom of foreign journalists to cover news stories in China in the run-up to and during the Olympics. However, the regulations were introduced against a background of increased official controls over the distribution of foreign news within China and a renewed crackdown on domestic journalism, including print, broadcast and online media. A recent example of this was the forced closure of the China Development Brief by a delegation of Beijing on 4 July 2007. Read widely by Chinese civil society groups and international aid donors, the publication had been established in 1995 as an independent publication reporting on topics related to development and civil society in China. Its founder and editor, Nick Young, a UK citizen, stated that he had been accused of conducting 'unauthorized surveys' in contravention of the 1983 Statistics Law.

Amnesty International also continues to draw attention to ongoing official censorship of any public debate about the 1989 crackdown following Tiananmen Square – an issue which remains erased from magazines, newspapers, school text-books and Internet sites in China.

If the promise to ensure 'complete media freedom' for the Olympic Games is to be upheld, it must mean equal opportunities for both foreign and domestic journalists to cover issues of legitimate public inquiry without discrimination and in line with fundamental rights to freedom of expression and information.

Internet control

Internet censorship remains pervasive in China with few signs that the authorities are prepared to relax policies of surveillance and control, thereby upholding freedom of expression and information online. Websites which have been closed down recently include a literary forum run by poet Lu Yang called *Forum for Contemporary Chinese Poetry*. The site was reportedly removed from its host server in line with instructions from the Shanghai Information Bureau on 11 July 2007.

On 6 July 2007, it was reported that local authorities in Xiamen, southeast China, planned to introduce new regulations aimed at forcing Internet users to register under their real names on tens of thousands of websites registered in the city. This was prompted by a recent online campaign by local residents to organise a peaceful protest involving thousands of people against a toxic chemical plant due to be built close to the city. Residents reportedly used the Internet and SMS text messaging to alert friends elsewhere in China about the plans, calling on the authorities to abandon the project due to alleged environmental and health risks.

Dozens of journalists and writers remain behind bars in China for reporting on issues deemed politically sensitive. They include Shi Tao, who continues to serve a 10-year sentence for sending an email summarising a Chinese Central Propaganda Department communiqué on how journalists should handle the 15th anniversary of the crackdown on the 1989 pro-democracy movement.

Continuing crackdown on human rights defenders

While the Chinese authorities have shown growing levels of tolerance for some forms of rights activism which are not perceived to threaten the status quo, activists who report more widely on violations, challenge policies which are deemed to be politically sensitive or try to rally others to their cause are facing heightened levels of abuse.

A number of Chinese activists are increasingly using China's staging of the Olympics to highlight their human rights concerns. For example, in early June, over 10,000 villagers in Fujin city, Heilongjiang province signed an open letter claiming that the local city authorities had forcibly expropriated their land for development without providing adequate compensation. They used the slogan: 'We don't want the Olympics; we want human rights', adding that as long as they have no land or means of subsistence it does not matter how many gold medals China wins at the Games.

Many have expressed fears that abuses against activists in other parts of China appear to be rising, partly because so much attention is focused on Beijing in the run-up to the Olympics. One recent case of particular concern was the death of Shanghai activist, Chen Xiaoming, shortly after being released from prison on medical parole. Chen, who suffered from a pre-existing chronic illness, was reportedly stripped naked, physically abused and held at an unknown secret location for eight months while in police custody and denied access to his family while he was in prison. His family found him emaciated, vomiting blood and barely conscious after he was hospitalized in June 2007. He died of a massive haemorrhage on 1 July 2007.

Lawyers and legal advisers who engage in robust defence work or activism on behalf of victims of human rights violations also remain a key target for abuse.

The EU should urge the Chinese government to ensure greater reporting freedom for both foreign and Chinese journalists. The authorities should cease the unwarranted censorship of broadcast, print and online media in China and take urgent measures to prevent the arbitrary detention, harassment or unfair dismissal of reporters and journalists in violation of their rights to freedom of expression.

The EU –China Summit is an opportunity for the EU to send a clear message to the Chinese government on the need for the immediate and unconditional release of all prisoners of conscience. The EU should also press the Chinese government to cease arbitrary detention, intimidation or harassment of activists who are not formally detained or imprisoned, but kept under tight police surveillance, often as prisoners in their own homes.

3. Discrimination against specific groups: freedom of religion; labour rights and right to health

Uighurs are a mainly Muslim ethnic minority who are concentrated primarily in China's Xinjiang Uighur Autonomous Region (XUAR). Since the 1980s, the Uighurs have been the target of systematic and extensive human rights violations. This includes arbitrary detention and imprisonment, incommunicado detention, and serious restrictions on religious freedom as well as cultural and social rights. Crackdowns in the XUAR intensified after September 11, 2001, with authorities designating supporters of independence as "separatists" and "terrorists." Uighurs, most of whom are Muslim, have been the main targets of the Chinese authorities in the region. Authorities have closed down mosques, detained Islamic clergy, and severely curtailed freedom of expression and association.

Chinese citizens from rural areas (including, but not restricted to Uighurs) who live and work in China's cities, experience wide-ranging violations of their human rights and are discriminated against on account of their social origin. They are shut out of a wide range of services, state benefits, and entitlements enjoyed by other urban residents, and many remain at risk of forcible removal back to their hometowns. China's *hukou* system provides the legal basis for such discrimination by conditioning the enjoyment of a wide range of rights and benefits on citizens' *hukou* designation, a status inherited from one's parents at birth. Amnesty International published a report on 1 March 2007 highlighting that the *hukou* system, even following the relaxations introduced in the past two decades, constitutes and facilitates discrimination in violation of international standards binding on China, including respecting, protecting and fulfilling rights provided in the International Covenant of Economic, Social, and Cultural Rights, that China ratified in 2001.

The EU should express concern about the systematic discrimination against the Uighurs, calling on the Chinese government to bring to an end the wide range of human rights violations inflicted on this group.

The EU should use the summit to press for reform of the hukou system to remove administrative categories based on social origin that can be used as a basis for discrimination in the exercise of human rights, and remove eligibility barriers to accessing urban healthcare schemes and education that discriminate against urban migrants.