

WOMEN IN CHINA
Imprisoned and abused for dissent

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captions:

Zhang Jin, a 19-year-old student, was shot dead by martial law troops
in Beijing on the night of 3 June 1989. © The Nineties Monthly

Ding Zilin continues to campaign to uncover the truth about the
massacre in Beijing in June 1989, during which her son was killed. ©
The Nineties Monthly

Prisoner of conscience Tong Yi, who was sentenced to two and a half
years of "re-education through labour" in December 1994.

Gao Yu, a journalist and prisoner of conscience serving a six-year
prison sentence for disclosing "state secrets".

Zhau Lei (left) and her husband Bai Weiji are both serving long prison
sentences for allegedly "illegally providing national secrets to a
foreigner".

Xin Hong, the elderly mother of an exiled former policeman. She has
been detained without trial since September 1994 accused of "leaking
state secrets".

Zhang Ruiyu has been brutalized by police and imprisoned three times

for a total of 10 years for her peaceful religious activities. Zhu Mei, a 76-year-old member of a Protestant house-church, is still suffering the effects of beatings she received in prison. Gyaltzen Pelsang was 13 years old when arrested. She is one of many juveniles who have been held without trial for joining peaceful pro-independence demonstrations in Tibet. © Tibet Information Network Phuntsog Yangkyi, a Tibetan nun and prisoner of conscience who died in custody in 1994 aged 20. Gyaltzen Kelsang, a 24-year-old prisoner of conscience who died while on medical parole in February 1995. © Tibet Information Network

Cover photo: Tao Jing, aged 21, at a sentencing rally in 1993 after which she was executed for drug-trafficking. © Next

INTRODUCTION

Locked up for years for joining the pro-democracy movement. Doing forced labour in punishment for political crimes. Hideously tortured with a range of specially designed implements. Raped and sexually abused in custody. Harassed and persecuted for promoting human rights. This is the experience of many women of independent mind at the hands of the Chinese authorities.

This report shows that women from all walks of life in China have suffered serious human rights violations. Many have been detained, restricted or harassed for exercising fundamental rights such as freedom of expression or association. Women have also been the victims of human rights violations because they have struggled for justice for imprisoned relatives, or simply because of the activities of male relatives.

The Chinese Government claims with justification that the plight of women in China has greatly improved since the Chinese Communist Party (CCP) came to power in 1949. Under the leadership of the CCP after 1949, footbinding, the purchase of child brides, slaves and concubines were outlawed. Women's literacy and access to education increased, women were mobilized into the workforce at all levels, and their rights and interests were addressed in a wide range of legislation.

In the past few years, however, the government has become more sanguine about the lasting impact of its attempts to improve the status of women. In its report, "Implementation of the Nairobi Strategies", prepared for the 1995 Fourth United Nations (UN) World Conference on Women, the government acknowledges the gap between legislation and reality. The report concedes that the modernization drive of the past decade has produced few women political leaders, that women are still disadvantaged in access to employment and education, and that the "social evils" of trafficking in women, pornography and prostitution have all re-emerged. In marriage "the personal rights of women have been infringed upon", domestic violence is on the increase, and sexual harassment is escalating, says the government's report as well as surveys and support services of the All China Women's Federation.

At the same time, an unofficial and semi-independent women's voice

has been emerging in China through women's studies groups established at universities across the country, legal advice centres, hotlines, and support and counselling services. This movement has generated debate and an alternative analysis of the problems facing women, which at times is openly critical of government policies and the role of government agencies.

While such debate has emerged in China, and China is host to non-governmental organizations (NGOs) from around the world for the UN World Conference on Women, it is significant that women in China continue to suffer human rights violations for activities which are considered entirely legitimate and central to the work of NGOs across the world. This report shows that women have been imprisoned for participating in demonstrations and peaceful religious activities. They have been jailed under broad and ill-defined charges such as those concerning state secrets, which encompass matters that are the subject of public debate and scrutiny in many other countries. This report also documents the cases of women who have remained strong in the face of official intimidation, surveillance and periodic detention; women who pursue legal redress for violations suffered by their husbands, or who continue to gather information on other victims of human rights violations.

Many of the human rights violations suffered by women which are described in this report have also been suffered by men and children. Some human rights violations, such as those related to the enforcement of the birth control policy, are suffered primarily by women.

The social context of violence against women

Of the issues currently being debated by women in China, violence against women is considered one of the most controversial. Members of unofficial women's groups stress that the UN World Conference on Women has given them the first opportunity to debate the issue publicly. Recent analysis of the problems in itself lies outside Amnesty International's specific mandate for action, but provides essential context to women's experience of torture, ill-treatment and sexual violation described in this report.

In a 1990 survey on women's status¹, nearly 70 per cent of all respondents agreed with the statement that "a woman's virginity is more important than her life". The stigma and the social consequences of rape and sexual violation are such that speaking out may be totally against the interests of any woman. In 1992 rape accounted for three per cent of reported crime, and, according to Chinese experts, was a factor in a large proportion of murder and assault cases. Women who attempt to report incidents to families have been driven out of their homes. Others fear they will lose their jobs through characterization as the guilty party.

Pursuing a rape case is difficult in itself. An official casebook on the crime of rape published in 1991 urges law enforcement officials not to take the "moral character of the woman" as the only determining factor. A textbook on the state compensation law² provides insights into other difficulties; a woman who in 1982 accompanied an alleged rape victim to the police station was charged with "false accusations and charges" and sentenced to three years' imprisonment. She was released one year later after a successful appeal, but received no compensation.

Migrant women are frequently characterized in the Chinese press as

without morals and the main source of prostitution. In 1994 a migrant woman who tried to bring a case of gang rape in Beijing was instead accused of prostitution and detained for 15 days by the police. She was assisted by a female lawyer in pursuing compensation for unlawful detention, but was advised that her case would not succeed as the police had not issued her with a "release certificate" which was deemed necessary proof of detention³.

A large number of women have been detained without trial or sentenced to terms of "re-education through labour" for sexual relations outside marriage. 1992 saw what was reported as the biggest crackdown on prostitution since brothels were closed by the new Chinese authorities in 1949. Chinese women may also face fines, detention and forced labour as arbitrary punishment for other "sex crimes" which include adultery, bigamy, "hooliganism" (including having sexual relations with foreigners where the effect on society is bad or the consequences serious) and destroying a soldier's marriage. Women imprisoned for these offences now make up a significant proportion of the female prison population: some 15 per cent in Zhejiang Provincial Women's prison in 1994, for example. One official survey estimated that 90 per cent of crimes committed by juvenile females are "sex crimes".

In recent years there has been much debate around the issue of non-consensual sex within marriage. Several provincial courts have given prison terms to men who, in some cases joined by relatives, raped wives who were in the middle of divorce proceedings or who attempted to leave arranged marriages. It seems unlikely that non-consensual sex forced on a woman by her husband alone within a marriage that was still legally binding would be considered rape. Chinese legal scholars have stressed a couple's rights and duties towards sexual relations in a marriage. A legal casebook goes further: "If a husband forces a woman to have sex against her will only in order to satisfy the requirements of a sex life, rape is not a suitable definition. If the husband's intentions are obscene, or designed to humiliate, etc, where the circumstances are serious, this may be defined as the offences of humiliation or hooliganism".⁴

Domestic violence in general was long assumed to be suffered mainly by rural women in impoverished villages where ideas that the "man is lord and master of the family, and woman is his private possession" persist. However, sample surveys of spiralling urban divorce cases indicate that wife beating is cited in at least a quarter of all cases. Women are often blamed and brutalized for infertility or the birth of a girl. Reports from rural areas indicate that "domestic" violence against rural women often involves members of the husband's extended family. Rural women are particularly vulnerable as it is the norm for the wife to be the outsider, having moved to her husband's home village. In some areas, nearly 80 per cent of marriages are unregistered and therefore outside the protection of the Marriage Law. Divorce is not a viable option for the majority of women, and few are aware of their rights in law. The Criminal Law includes two separate crimes of battery, depending on whether or not the parties are members of the same family. Comparison of the different penalties indicates that punishment for battery within the family is less severe⁵. Women's issues experts in Shanghai⁶ claim that the judicial authorities do not take domestic violence cases seriously and may

refuse to certify a woman's injuries. Where mediators are involved, for rural women these may frequently be members of her husband's extended family.

Trafficking in women and children has re-emerged since the late 1970s and is now a major problem across the country. Women and children are sold by their families, or are kidnapped or deceived with bogus offers of employment. Frequently raped or violated by their abductors, women are often transported long distances to be sold as wives, slaves or prostitutes. Villagers often protect the purchasers, and violently resist any attempt to rescue victims. There are also reports that local officials are involved in trafficking or turn a blind eye to the practice. For example, in Shanxi Province in January 1995 some village-level cadres were reported to "have gone so far as to stir up the masses to besiege and beat up police trying to rescue the women". Specific legislation against the kidnapping of women contains major loopholes. Currently, purchasing does not in itself constitute a crime because purchasers who "do not obstruct the woman from returning to her original place of residence according to her will... shall be exempted from being investigated for criminal responsibility"⁷. Chinese press reports in 1992 argued that this fatally weakens efforts against trafficking. A major crackdown has been in progress since mid-1993, and official reports indicate that more than 33,000 women have been "abducted and sold" over this period⁸. Reports rarely indicate how many of the women rescued successfully return home.

1. KILLINGS OF UNARMED CIVILIANS

Around midnight on 3 June 1989 a 19-year-old student, Zhang Jin, was shot and fatally wounded. She had been walking with her boyfriend near Xidan in central Beijing when they came upon troops firing. They hid in an alleyway near the Minzu Palace and witnesses say that Zhang Jin was shot in the back of the head in a hail of bullets fired by martial law troops.

Women from all walks of life were among the peaceful protesters and unarmed civilians killed by the army in Beijing that day during the suppression of pro-democracy protests. Six years on, the circumstances of many of the killings have still not been clarified and no official public investigation has ever taken place. The identity of many of those killed remains unknown and the families of many victims remain silent, fearing reprisals from the authorities if they speak out. Amnesty International considers many of the killings on and after 4 June were extrajudicial executions: deliberate and targeted killings of peaceful demonstrators by government forces. Many other people were killed apparently as a result of troops firing at unarmed protesters and bystanders who posed no threat to army personnel. Troops used excessive force in a manner contravening international standards for the use of force and firearms. As a result, many civilians who were simply onlookers or local residents were killed or injured. Many women were killed at Muxidi, a residential neighbourhood in west Beijing. Wang Weiping, a 25-year-old trainee doctor, was shot through the chin while she tended the wounded. Huo Xiangping, 54, a retired factory worker, was walking home over Muxidi bridge when she was shot through the heart. Ma Chenfen, 58, was chatting to neighbours in the courtyard of her apartment building when she was hit in the stomach by bullets fired from a tank.

Amnesty International has not been able to confirm all such cases in detail. Its repeated calls to the authorities to clarify the circumstances of the deaths and to bring to justice anyone found responsible for human rights violations remain unanswered. The authorities generally described the civilians killed as "counter-revolutionary rebels", "ruffians" or "rioters" who had taken part in a "counter-revolutionary riot" or "turmoil". While the official press gave prominence to 10 soldiers killed in action on 4 June and the execution of a number of people charged with killing them, no official public inquiry was held into the circumstances in which unarmed civilians were killed. Those responsible for these killings were not held accountable under the law and no compensation was given to the families of the civilians killed or to the thousands who were injured.

In the climate of terror which followed the crackdown, relatives were not only denied justice. They were also unable openly to mourn their dead, who were officially described as "rioters". When families took the bodies of their relatives for cremation, they had to fill out a form in which their loved ones were described as "ruffians". Some families were subjected to investigation of their political loyalties because a relative had been killed during the "turmoil". Others suffered harassment, intimidation or even dismissal from their jobs if they showed signs that they did not accept the official verdict on the dead.

Soon after the massacre, high ranking Beijing officials were quoted in newspapers published outside China giving assurances that compensation was being arranged for victims' families. The father of Zhang Jin saw one such report,⁹ but when he pursued his daughter's case with city authorities his three letters allegedly went unanswered.

Associate professor of philosophy Ding Zilin, whose 17-year-old son Jiang Jieliang was shot dead on the night of 3 June, saw the same report. In her continuing quest for justice she insists that, "despite repeated requests, no government official has ever announced the official verdict on whether my son was mistakenly injured or was a 'rioter'". She began to search for relatives of other victims "out of a natural need for mutual comfort". Ding Zilin is believed to have information on the families of at least 200 victims. The testimony she has collected indicates that such families have been subjected to economic sanctions and intimidation in a continuing attempt to conceal the facts about the June killings.

A widow with new-born twins was forced to sign an "agreement" with her husband's work unit in order to remain in her home. She had to undertake not to reveal the date or circumstances of her husband's death or speak to foreign journalists. Another widow with a young son was one of only a handful who were offered official compensation. Experiencing severe financial difficulties, the widow approached her husband's work unit for support. She was offered 800 yuan (US\$ 150) providing she signed papers stating that he had "died of natural causes". She refused.

Grieving families were harassed and put under pressure when they were most vulnerable during the crackdown. Their losses were left unexplained or unrecognized, and they were isolated. Even now relatives remain intimidated and under heavy surveillance by uniformed

and plain-clothes police when they visit graves for traditional memorial activities.

2. THE CONSEQUENCES OF SPEAKING OUT

"Five years ago our innocent loved ones were stripped of their right to exist by machine-guns and tanks. During these five years, we have suffered from unimaginable material, spiritual and physical pain. We have lost the right to enjoy a normal life and lost the right to express our opinions and viewpoints. Human rights, which should be universally enjoyed by all human beings, remain a luxury in present-day China, especially for those who are relatives of the victims of 4 June."¹⁰

These are the words of Ding Zilin (see Chapter 1), written in an open letter to the World Conference on Human Rights held in Vienna in 1993. Ding Zilin made her first public stand in 1991 to refute a statement made by Chinese Premier, Li Peng. He had stated that the Chinese Government would not publish a list of those killed in June 1989 out of respect for families who believed their relatives had been involved in an anti-government riot. Interviewed by foreign journalists, Ding Zilin denounced the brutal crackdown and called on the international community to pay attention to the plight of victims' families. As a result, she lost her status as a supervisor of graduate students at the People's University and with it a third of her salary. Her membership of the Communist Party was also revoked. Her husband, Jiang Peikun, lost his post as director of the People's University Aesthetics Institute after an interview with Voice Of America in 1993. Both have remained under almost constant police surveillance. Despite this, they have not been cowed. Assisted by friends and supporters, they continue to document victims and help families in difficulties¹¹. Ding Zilin insists: "I am doing nothing illegal... It is what the government should be doing, but if they won't do it, then I will".

The couple have also spoken out on other human rights issues. Following the arrest of several dissidents in Beijing in early March 1994, they signed an open petition to the authorities calling on them to "bravely end our country's history of punishing people for their ideas, speech and writing, and release all those imprisoned because of their ideas". Surveillance of the couple was then stepped up to virtual house arrest which has subsequently been repeated on numerous occasions. Foreign reporters attempting to visit Ding Ziling have been detained and interrogated, and friends have been officially warned not to visit her. In June 1994 harassment was such that Ding Ziling and her husband fasted for several days, calling for an end to police surveillance and a chance to mourn their son in peace. In mid-September Ding Zilin was reportedly detained for two hours at Shangyushu police station in Beijing and shown a state security arrest warrant accusing her of writing articles for overseas publications which hurt the feelings of some Chinese people. She was not arrested but decided to leave Beijing to escape further harassment and restore her health.

Ding Zilin's experiences are not unique. They are part of a pattern of continuing harassment, intimidation and attempted isolation of those who are openly critical of the authorities or who steadfastly pursue legal remedies on behalf of detained relatives or friends. Often they are subjected to periods of house arrest or even short-term detention. Such actions against those who have broken no law amount to violations of their basic human rights.

The authorities' attempts to silence one of China's best known dissidents, Wei Jingsheng, have resulted in the imprisonment of his assistant, Tong Yi. On 22 December 1994 Tong Yi was sentenced to two and a half years of "re-education through labour" without being charged or tried. She had already spent eight months in detention following her arrest on 4 April 1994 after informing journalists of Wei Jingsheng's arrest, which she had witnessed.

Four months after her arrest, Tong Yi was reportedly formally charged with forging an official seal in connection with an application to study abroad. This criminal charge appears to have been dropped and Tong Yi was sentenced instead under an administrative procedure. Tong Yi insists that her interrogators pressed her mainly to speak about Wei Jingsheng's activities, accusing her of being an "accessory".

While she was in police custody before her sentencing, security officials reportedly put pressure on her former husband to bring charges against her for illegal cohabitation with Wei Jingsheng. He apparently refused. Her detention order gave no indication of the offence for which she was sentenced, stating only that she was detained under an administrative regulation which refers in a vague way to activities which "disturb public order" but are considered "too minor" to be prosecuted under the Criminal Law.

On 9 January 1995 Tong Yi was transferred from Beijing to Hewan Labour Camp in Wuhan, Hubei Province, before the outcome of an appeal against her sentence was known. In a letter from the camp she described long hours of enforced labour and repeated beatings (see Chapter 4). Amnesty International considers Tong Yi to be a prisoner of conscience jailed for the non-violent exercise of her right to freedom of opinion and association. It is calling for her immediate and unconditional release.

Wives of prisoners of conscience detained in recent years have been subjected to similar violations of their human rights. Like the wives of prominent pro-democracy activists jailed in 1989, several have been detained for up to three months at the time of their husbands' arrests. Many have never before been politically active and have been moved to act solely by the human rights violations suffered by their partners. Few have been prepared for the consequences, but they continue to pursue all legal avenues to seek justice for their husbands.

On 2 March 1994 Wang Hui, a businesswoman, was arrested with her husband, Zhou Guoqiang, a labour activist lawyer and sponsor of the League for the Protection of the Rights of Working People (LPRWP), an independent labour organization which was refused official registration. She was released after a week but then rearrested in April 1994 and held without charge for three months. She had never been involved in her husband's activities: "They put me in prison just because I was married to Zhou".

Wang Hui had no idea where her husband was being held until December 1994, when she received a letter from him from Shuanghe Labour Camp, Heilongjiang Province. He had been sentenced on 15 September to three years of "re-education through labour" for "creating social disorder" by printing T-shirts with labour rights slogans. He had already lost his appeal. The day after receiving his letter, Wang Hui filed a suit on his behalf against the Beijing Public Security Bureau and the

Re-education through Labour Management Administrative Committee arguing that he was illegally detained. Immediately she faced harassment and was kept under surveillance by the police. When she visited her family in Changsha, Hunan Province, later that month, she found 20 policemen outside the house and was unable to continue her business activities. She insists: "I am not an activist, but I think someone should stand up to the authorities... Something like this could happen to anybody any time"¹².

Wang Hui continued to press the authorities about her husband's case. Her efforts resulted in one of the rare hearings of a dissident's lawsuit against unlawful detention. The West Beijing District Court travelled to Heilongjiang to hear the case in April 1995, apparently to avoid a hearing in Beijing. As of May 1995 the result had not been announced.

Gou Qinghui is the wife of another LPRWP sponsor, Xiao Biguang. He was detained on 12 April 1994 for "shelter and investigation" and held incommunicado for one year before being charged with "swindling". His trial on 10 April 1995 was adjourned after a two-hour hearing and he remains in detention.

Gou Qinghui has repeatedly requested information from public security officials about the circumstances of her husband's arrest and the charges against him. She was detained herself for questioning on 30 April and 28 May 1994. In June that year she wrote an open letter to the authorities demanding that his case be handled publicly and that she be allowed to visit him. She also wrote to the chairman and vice-chairmen of the National People's Congress (NPC) asking them to use their powers of supervision to investigate the use of illegal measures by the police in the case. Since then Gou Qinghui has been constantly followed by the police who have also reportedly interrogated and arrested people who visit her. In March 1995 Gou Qinghui was a signatory to a petition to the NPC calling for basic human rights safeguards. On 23 May she was detained by the police for several hours.

Zhang Fengying is the wife of veteran human rights activist Ren Wangding; he has been serving a seven-year prison sentence since 1989. His health has deteriorated considerably during those years and Zhang Fengying has campaigned for his release on medical parole. She has also appealed to the authorities on many occasions for his conditions of imprisonment to be improved. She was evicted with her teenage daughter from their accommodation in Beijing when her husband was sentenced and has been put under pressure by the police to return to her home city of Tianjin. On 12 May 1995 she took the unusual step of submitting a request to the Beijing police for permission to hold a demonstration against the harassment she has been subjected to by the police. Since then the surveillance on her has reportedly intensified.

Li Guoping is a lawyer and the wife of Yang Zhou, a veteran activist and spokesman for the Shanghai Chinese Human Rights Association, an unofficial group which was refused official registration in 1994. He was arrested in May 1994 and five months later was sentenced to three years' "re-education through labour" for "disturbing public order" and publishing "reactionary publications". Li Guoping has campaigned on his behalf while pursuing an appeal through the courts. As a result, she is kept under police surveillance and on several

occasions has been held for questioning. Despite this she has made a series of appeals to the NPC and in March 1995 signed a petition to the NPC calling for the abolition of the "re-education through labour" system because it was unconstitutional and allowed the police to act above the law.

A few days earlier Yang Zhou's first appeal had been overturned. Li Guoping had been given only three days's notice, leaving little time to brief a lawyer. The venue was also reportedly changed at the last minute to Dafeng in Jiangsu, a 10-hour drive from Shanghai, making it impossible for either his lawyer or family to attend. Li Guoping remains committed to pursuing the case.

3. PRISONERS OF CONSCIENCE AND POLITICAL PRISONERS

The total number of women detained in China for the non-violent exercise of their rights to freedom of expression and association is impossible to determine. The government claims it holds no political prisoners, only people convicted of "counter-revolutionary" crimes (under a specific chapter of the Criminal Law which contains vaguely worded provisions allowing for imprisonment for peaceful political activities). However, in addition to charges of "counter-revolutionary activities", charges of leaking state secrets, of interfering with production or disturbing social order and ill-defined administrative offences are routinely used for politically motivated detention. Moreover, many political prisoners are held for long periods without charge, or are sentenced to between two and three years of "re-education through labour" imposed without charge or trial. Others are sentenced to long prison terms after judicial proceedings which are believed to fall far short of international fair trial standards.

According to official sources, the number of "counter-revolutionary" prisoners has decreased from 5,777 in 1989 to 2,678 at the beginning of 1995. A gender breakdown was given in 1993: of 3,317 "counter-revolutionaries" officially recorded in prison, 144 were women. This figure includes only those who had been tried or convicted of a "counter-revolutionary" charge; it does not include those convicted of other offences, those subjected to "re-education through labour", those held in detention centres for investigation, or those awaiting trial – cases which constitute a large proportion of political prisoners held according to international human rights monitors¹³.

Arrests related to the 1989 protests

Across China thousands of political prisoners were arrested or detained arbitrarily during the crackdown on the 1989 pro-democracy protests. Women were among those jailed for months without charge, their whereabouts unknown to their relatives.

Gao Yu, deputy editor-in-chief of the pro-reform newspaper Economics Weekly which was banned during the crackdown, was jailed for 15 months before being released without charge. She was arrested on 3 June 1989 but for four months her family had no news of her and feared she had been killed in the massacre.

Others held for similarly long periods without charge or trial were members of the nascent Autonomous Workers Federation in Guangzhou, Guangdong Province. It was six months before they were accused of any offence and a further nine months before they were released and told that "criminal responsibility was not being pursued".

Students were similarly detained. Li Xiuping, a medical student from

Shenyang, Liaoning Province, took part in student talks with government representatives during the student protests in Beijing in May 1989. She was reportedly held without charge for eight months in a Beijing detention centre before being released.

Few women prisoners were ever brought to trial in connection with the 1989 crackdown. Of those who were, many were charged with "counter-revolutionary propaganda and incitement". In most of the cases known to Amnesty International, they were jailed for the peaceful exercise of their rights to freedom of expression and association. Long Xianping, a lecturer in English at Xiangtan University, Hunan Province, had not participated in the protests before 4 June. Moved by news of the massacre in Beijing, she made speeches and organized memorial activities at her university. Arrested later that month, she was not sentenced until December 1989 on charges of "counter-revolutionary propaganda and incitement", and was imprisoned for two years in Changsha Prison.

Tan Li, a student in the foreign languages department at Hunan Normal University, was arrested with her friend Zhang Xiaoyang. Their offence was writing and displaying a poster saying "down with the Chinese Communist Party". After one year in detention, she was sentenced to a further one year's imprisonment for "counter-revolutionary propaganda and incitement".

Other women jailed during the 1989 crackdown received long prison sentences for criminal offences such as "hindering traffic" during the demonstrations. Song Ruihing, a Shanghai steel plant inspector, was convicted of sabotaging transport equipment by deflating tyres and "herding together hoodlums to disturb traffic order". She was sentenced on 23 June 1989 to five years' imprisonment and one year's deprivation of political rights. There has been no news of her since then and her whereabouts are unknown.

Wang Lianxi, arrested on 10 June 1989 and sentenced to death seven days later, was accused of boarding a Beijing trolley bus on the night of 3 June and "setting fire to the chairs with a match and burning the entire bus". Her sentence was later commuted to life imprisonment on a plea from her lawyer that she was mentally retarded.

In these and other cases Amnesty International is concerned that the prisoners were convicted after summary trials which did not fulfil international fair trial standards. Many were reported to have been tortured or ill-treated to extract confessions, in violation of internationally agreed prohibitions on torture and China's own laws (see Chapter 4). Furthermore, they often received sentences which were totally disproportionate to the offences they were alleged to have committed.

For many women prisoners of conscience, punitive sanctions and restrictions on freedom of movement continued after their release. In Chengdu, Sichuan Province, philosophy lecturer Xiao Xuehui was jailed for 19 months in harsh conditions following the 1989 crackdown. She was released in February 1991 and "deprived of her political rights" for two years. This is a supplementary punishment to a prison term and imposes restrictions on freedom of movement and association. As a result, she lost her teaching position and her salary was cut to bare subsistence. She is reported to have initiated several legal suits against the university authorities, some in June 1993 when they refused to provide papers necessary for a passport application to

attend an international conference.

Reports of post-release dismissal or demotion are common. Some prisoners of conscience have been unable to find work after release because of their political record; others have been subjected to surveillance and restrictions on freedom of movement.

Mo Lihua, a teacher at Shaoyang Teacher's college, Hunan Province, served two years in Changsha Prison before being released in 1991 on parole. She had been dismissed from her teaching post and was unable to find work in her locality. When she attempted to leave her province to find work in the south, she was informed of parole conditions requiring that she stay at the school where she was living with her husband. She had to request permission to visit friends elsewhere in the city and was expressly prohibited from travelling to other provinces¹⁴.

State secret cases

Several women are among the journalists and others who have been imprisoned in the past two years under legislation concerning state secrets, in what appears to be a move by the Chinese authorities to stem the increasing flow of politically sensitive information reaching the foreign media. The broad definition of "state secrets" in China encompasses matters that would be the subject of public debate and scrutiny in many other countries and goes far beyond what is needed to protect national security. The information available on cases tried in the past two years indicates that the legislation has allowed the imprisonment of women and men for the non-violent and legitimate exercise of their right to freedom of expression.

Under the law, all such cases are tried in camera. Amnesty International is concerned that defendants faced trials which fell short of international standards for fair trial and that several women were imprisoned for exercising their right to freedom of expression and association.

Gao Yu, a journalist who was jailed for 15 months after the 1989 crackdown, was rearrested on 2 October 1993, two days before she was due to travel to New York to take up a journalism fellowship at Columbia University. She was held in incommunicado detention for many months. On 10 November 1994, following a series of blatantly unfair judicial proceedings, she was tried in secret and had no legal representation. She was sentenced to six years' imprisonment for disclosing "important state secrets". Her appeal was rejected in November 1994 and she was transferred to a prison 80 kilometres from Beijing, where she is still held.

Gao Yu was accused of obtaining "state secrets" from a friend, Gao Chao (himself later sentenced to 13 years in prison), who worked for the general office of the Chinese Communist Party Central Committee (CCPCC). She was also accused of publishing this information in articles she wrote for a Hong Kong magazine during early 1993. The court verdict states that the "state secrets" came from two classified documents shown to her by Gao Chao. One of these was a speech by a CCPCC leader; the other was a report on structural reforms and the civil service system. The court verdict does not elaborate on the evidence of the offending articles themselves.

While these documents may have been confidential, the verdict does not indicate that the information contained in them concerned matters of national security. The court nonetheless concluded that Gao Yu's

actions had amounted to "disclosing important state secrets", which is punishable under the Criminal Law.

The conduct of Gao Yu's case also raises doubts about the validity of the evidence against her. The court verdict reveals that the prosecution case was examined in court and found to be "inadequate" or "needing verification" on four occasions before her final trial¹⁵. She is known to have had legal representation on only one of these occasions, all of which were held in camera. In addition, Gao Yu had no legal representation at her final trial which was held in secret. Contrary to Chinese law, neither her husband nor her lawyers were notified of the final trial in advance; her lawyers were reportedly later told that the court had been "unable to find them". Amnesty International believes that Gao Yu is a prisoner of conscience detained for the peaceful exercise of her right to freedom of expression.

Gao Yu suffers from a heart complaint and Amnesty International is concerned that she has not received timely medical care. Despite clear indications of failing health at a medical examination on her transfer to prison, it reportedly took some time and concerted pressure from her husband for her to receive treatment in a prison hospital.

Zhao Lei and her husband Bai Weiji were tried in camera on 20 May 1993 and sentenced to six and 10 years in prison respectively for "illegally providing national secrets to a foreigner". Two others, Wang Jun and Tang Yi, were sentenced to two and four years' imprisonment in connection with the case.

Zhao Lei was an interpreter at the Foreign Ministry when she met Bai Weiji, who was then working for the information department of the ministry. Bai Weiji lost his job in 1989 after helping to organize a march of young ministry employees; he later found work with a foreign company. The couple were friendly with several foreign journalists in Beijing.

Bai Weiji was arrested on 5 May 1992. Twelve days later the offices of the Washington Post's correspondent, Lena Sun, were raided; she was interrogated by security officers and documents were removed. Lena Sun acknowledged receiving documents from Bai Weiji. She insisted that these did not contain "state secrets" but information not normally available to foreigners such as articles from official publications with a restricted circulation. Such publications provide a large readership of cadres and notables throughout China with domestic and foreign news and analysis which is not available in public newspapers. The Chinese authorities have not made public any information about the case, but there is no evidence that the information Bai Weiji provided to Lena Sun concerned matters of vital interest to national security. There is also no evidence to justify Zhao Lei's heavy sentence, other than that she translated some of the documents allegedly passed on. She appears to have been found guilty by association. Her sentence is a further indication that the authorities are intent on placing arbitrary limits on the freedom to express and disseminate ideas within or about China.

In August 1993, after a secret trial, Ma Tao, an editor at China Health Education News, was sentenced to six years' imprisonment plus one year's deprivation of political rights as an accomplice in a case of alleged "selling state secrets overseas". Wu Shishen, a sub-editor at the official New China News Agency, and believed to be her husband, was also tried in camera in the same case and sentenced to life

imprisonment. He reportedly sold the text of a speech by Communist Party General Secretary Jiang Zemin to a Hong Kong newspaper which printed it a week before it was due to be delivered. Ma Tao allegedly acted as go-between. Amnesty International is concerned that Ma Tao and Wu Shishen's prosecution was influenced by political considerations and that they did not have a fair trial in accordance with international standards.

The charge of "leaking state secrets" was also invoked to detain the elderly mother of an exiled dissident. Xin Hong, a 67-year-old retired coal delivery worker from Tianjin, was arrested in September 1994. She is in no position to have access to information likely to endanger national security. She is, however, the mother of Gao Peiqi, a former police officer in Shenzhen who fled China after being detained in connection with the 1989 pro-democracy movement.

Before her arrest in mid-September 1994, Xin Hong's house was searched and letters, pictures and some of her son's personal work diaries were confiscated. She had been sending these documents to her son, who lives in the United Kingdom, at his request. This appears to be the reason for the charge against her, which may also be related to her son's activities in Chinese dissident groups abroad.

Following Gao Peiqi's escape from China, his mother, sister and seven-year-old niece were expelled from their accommodation in police dormitories in Shenzhen and forced to move to Tianjin, their original place of residence in the north of the country. The family, including the child, have reportedly been under surveillance since then and frequently subjected to interrogation by the police. Xin Hong remains held.

Religious persecution

There has been a substantial religious revival in China over the past decade. In the Christian community, much of the expansion has been in religious groups which conduct their activities outside the Protestant and Catholic churches recognized by the government. The majority of worshippers, and many leading figures in these Protestant "house churches", are women. Both they and the "underground" Catholic communities have experienced continuing harassment and persecution, and there are frequent reports of severe beatings by police as they raid peaceful but unregistered religious gatherings and make arrests. Some of the religious "leaders" arrested have been sentenced to terms of imprisonment on "counter-revolutionary" charges after being accused of "colluding with foreign forces" to "carry out subversive activities" or to "deceive mainland believers".

Zhang Ruiyu, aged 54, from Xianyu county in Fujian Province, has served three prison terms totalling over 10 years for her religious activities. She is a member of the New Testament Church, a Protestant congregation which has been banned by local authorities. After release from prison in April 1989, she held small prayer and bible study meetings at her home. In May 1990 Public Security officers burst into her home and confiscated bibles and Christian literature. They burned her face with an electric baton and beat it so severely that several of her teeth were broken. Following this incident she was similarly ill-treated on several occasions before finally being detained on 25 August 1990. She was held incommunicado for many months before being tried on criminal charges of "counter-revolutionary propaganda and agitation". The grounds for the charges were reported to be that

she held "illegal" religious meetings and corresponded with foreigners. Sentenced to four years' imprisonment, she was released a year early on parole for good behaviour after considerable international lobbying on her behalf.

Zhu Mei, a retired primary school teacher and member of a Protestant house-church in Shanghai, was arrested by police in Shanghai in June 1987 and accused of "counter-revolutionary" offences for allegedly encouraging her son to run away from Shanghai. Her son had written a history of his family's persecution on account of their religious activities. After six months in detention, Zhu Mei, aged 68, was sentenced to five years' imprisonment. She was reportedly beaten with an electric baton at the time of her arrest, and again on several occasions in Shanghai Municipality No.1 Prison for failing to finish the work required of her when she was ill. In April 1992 she was released on bail for medical treatment. She reportedly still has difficulty walking as a result of the ill-treatment in prison.

Women preachers have also received terms of administrative detention on accusations of "disturbing public order" or "interfering with production". On 10 September 1993 Dai Lanmei, a 28-year-old farmer and Protestant preacher from Mengcheng county in Anhui Province, was sentenced with two other preachers to two years' "re-education through labour" for peaceful religious activities. The preachers were arrested after holding an evening prayer meeting for 100 people in Simen village. According to the detention order against them, this "seriously interfered with production and public order", as did organizing sessions for listening to Hong Kong gospel radio broadcasts, receiving overseas versions of the bible and holding a preachers' training class and a "gospel university" in Dai Lanmei's house. She was reportedly released six months early for good behaviour. Other communities have also had their means of production confiscated or destroyed by officials intent on closing unregistered religious groups. This is particularly the case with the Jesus Family, a Protestant community in Shandong Province, whose village was raided and partly destroyed by police using bulldozers in 1992. Eighteen women were among the 25 Jesus Family members who were subsequently sentenced to terms of two or three years of "re-education through labour". The women were reportedly subjected to cruel and degrading treatment while in police custody (see Chapter 4). Such was the depletion of the community that after the arrests only Gao Qingzhen, the elderly wife of the community leader Zheng Yunsu, remained in the ruined buildings with her youngest daughter. Her husband was sentenced to 12 years' and her four sons to between five and nine years' imprisonment.

In February 1994 in Chongren county, Jiangxi Province, 12 young Catholic women who had decided to live together and run a small knitting factory were sent home accused of organizing a convent. Public Security officials fined them each 500 yuan (one year's salary), confiscated their knitting machines and destroyed other tools.

Yi Jia mountain, also in Chongren county, has long been used as a place of worship by Catholics from across Jiangxi Province. Worshippers in the area, who have been frequently harassed by the authorities, were reportedly targeted again in 1995 when 30 to 40 Catholics were arrested between 13 and 18 April. Following an Easter Sunday Mass, celebrated on the mountain, further arrests were made.

Most of those detained were released after short periods. However, at least 17 people were still in detention in early May 1995, including 10 laywomen ranging in age from 18 to 60, and one 23-year-old nun, Zeng Yinzai. Many of the detainees were reportedly badly beaten on arrest. Gao Shuyun, aged 45, held in Chongren County Detention Centre, and Huang Guanghua, aged 43, held at Linchuan City Detention Centre, are both reported to have been beaten so severely that they could not feed themselves.

Extreme violence has become a feature in reports reaching Amnesty International about raids on unregistered religious groups. Women who have spoken out against such violations have been detained for long periods and others who have pursued legal redress have been threatened and intimidated by public security officials.

On 27 March 1993 in Taoyuan Village, Shaanxi Province, Xu Fang, aged 21, was one of 30 Protestants whose meeting was forcibly broken up by public security officials. She and four other participants were severely beaten, humiliated and tortured (see Chapter 4) before being taken to a local police station where they were held for eight days. During this time one of the men in the group, Lai Manping, who had been badly beaten, reportedly showed signs of severe internal injuries but was forced to leave the station. He died later. An official response denied that Christians had been brutalized or that Lai Manping had died as a result of police torture. Both the speed and substance of the official response raise doubts as to whether a genuine investigation had been carried out. In September 1993 Xu Fang and 23 others were arrested, reportedly as police tried to discover who had sent the information overseas about Lai Manping. Most of the group were released shortly after, but Xu Fang is believed to have been detained without charge or trial for over a year.

Yin Dongxiu is the widow of Zheng Musheng, a house-church Protestant who was killed in detention in January 1994 at Dongkou County Public Security Bureau in southwest Hunan Province. Zheng Musheng was arrested when public security officials broke up a religious meeting on 5 January 1994. Eight days later his family were notified of his death. Authorities in Dongkou later acknowledged that he had been killed in custody, but claimed that he had died at the hands of other inmates. Yin Dongxiu insists that her husband was repeatedly tortured by security officials trying to extract a confession. There were reportedly deep rope burns on his ankles and neck, as well as multiple stab wounds on his torso. In May 1994 Yin Dongxiu filed a suit against local and county public security officials. Since then she has been interrogated by public security officials many times, her house has been ransacked, and she has been kept under heavy police surveillance. Meanwhile, her legal case has reportedly made little progress.

Tibet Autonomous Region

At present, by far the largest group of female political prisoners known to Amnesty International in China is imprisoned in the Tibet Autonomous Region (TAR). Since the late 1980s, politically motivated arrests in the region have usually taken place during demonstrations involving small groups of mainly nuns and monks, chanting pro-independence slogans while following the pilgrimage circuit around the Jokhang Temple in Lhasa. Over half of such demonstrations recorded since 1987 have been led by nuns¹⁶. Many have lasted no more than five minutes.

Demonstrators have even been arrested before any protest has begun. Eleven nuns from Garu Nunnery received prison sentences of between two and seven years for their alleged part in a demonstration on 14 June 1993 which, according to unofficial sources in Tibet, never took place. A 13-year-old novice, Gyaltzen Pelsang, was held without charge for nearly two years at the Gutsa Detention Centre in Lhasa before being released in February 1995, apparently because she was "too young to be prosecuted under the criminal law"¹⁷.

Lay women have also been arrested, especially in the past two years, in rural areas of the TAR as well as regions inhabited by Tibetans in other provinces. They have been accused of leading political groups and involvement in pro-independence demonstrations. In April 1993 Dolma Tsamchoe, a 58-year-old farmer, was arrested and charged with "counter-revolutionary propaganda" for statements she had made about Tibetan independence at village meetings in the Ruthog area. She is serving an eight-year prison sentence in Drapchi Prison.

Phuntsog Nyidron, a 28-year-old nun from Michungri Nunnery, is serving the longest known sentence for a female prisoner in Tibet. On 14 October 1989, three days after Tibetans heard that their exiled spiritual leader, the Dalai Lama, would receive the Nobel Peace Prize, Phuntsog Nyidron and five other nuns staged a peaceful demonstration in Lhasa chanting pro-independence slogans. They marched for only a few minutes and were arrested. All the nuns were reportedly tortured during interrogation in police custody.

Phuntsog Nyidron was considered the ringleader and so was given the harshest sentence of nine years' imprisonment. On 8 October 1993 her prison sentence was increased to 17 years. Thirteen other nuns faced a trial with her at which their sentences were increased by up to nine years. The nuns had used a tape recorder smuggled into the prison to record pro-independence songs which were then circulated secretly in Tibet. On the tape each announced their name and dedicated a song or poem to supporters, reaffirming their commitment to Tibetan independence and demonstrating they were in good spirits. One nun sang: "To all of you outside who have done all you can for us in prison, we are deeply grateful and will never forget you". Another spoke of prison life: "Our food is like pig food, we are beaten and treated brutally. But this will never change the Tibetan people's perseverance. It will remain unfaltering."

Among the nuns given additional sentences were Gyaltzen Drolkar and Tenzin Thubten. They now face imprisonment until 2004 and 2006 respectively. Ngawang Sangdron was the youngest in the group. She was reportedly only 16 when first sentenced to three years' imprisonment for participating in a demonstration. She will be 24 before she is due for release.

It is believed that the Chinese authorities considered the public distribution of these songs amounted to "spreading counter-revolutionary propaganda". Under China's Criminal Law, for this offence only "ringleaders" or those whose crimes are considered "monstrous" should receive a sentence exceeding five years.

4. TORTURE AND ILL-TREATMENT

"In addition to violently beating us two sisters, they deliberately pushed us on to the bodies of the brothers all the while shouting the most vile language ever heard, to disgrace us. I don't know how long it was, but eventually we also passed out. When we came to, we

found ourselves on a stove and a large millstone of over 100 catties (50 kilograms) was placed on our backs whilst they continued to beat us with truncheons. They also ripped open our pants and showed our nakedness, abusing us terribly and using the most cruel methods to beat us in our private parts. It was absolutely repulsive, disgusting and base beyond description! They then suspended us above the ground with the brothers, and took turns in beating us with constant swearing until the next morning."

The woman who described this assault was among 30 Protestant worshippers whose meeting was violently broken up by police on 27 March 1993 in Taoyuan village, Xunyang county, Shaanxi Province. According to a detailed account of the incident, the police handcuffed her and another woman as well as three men and beat them until they were barely conscious. The police forced the other worshippers to beat them as well.

The use of torture has been acknowledged by the government, especially when security officials are trying to obtain confessions. The Chinese official press has also described instances of torture in detail and discussed its causes, in particular the "arrest, interrogate and beat" methods of the police. In recent years prosecutions of police for torture resulting in death have been publicized in a number of provinces. Such sources rarely report on the incidence of torture in penal institutions, and very few of the cases officially reported concern women. Nevertheless, women are tortured and ill-treated in police custody and penal institutions. They have reportedly been beaten with sticks, rifle butts and leather belts. In some cases dogs have reportedly been unleashed on naked women. In others electric batons have been used to give electric shocks to the breasts, thighs and sexual organs. Some women have alleged they were beaten with electric batons until they could not control their bladders. Others have had their arms cuffed diagonally behind their backs and have then been suspended by a rope attached to the cuffs. Many have also been exposed to extremes of heat and cold or deprived of food and water.

Most testimony currently available about the ill-treatment of women comes from Tibet. However, the methods described have also been reported in cases involving women in detention across China.

Women have been assaulted by police on arrest. In April 1995, for example, Catholics arrested in connection with the celebration of Easter Mass on Yi Jia mountain, Jiangxi Province, were reportedly assaulted by police. Two women among them, Gao Shuyun and Huang Guanghua, were so badly beaten they were reported to be unable to feed themselves.

Women have been brutalized in official vehicles while being taken to detention centres. A group of Tibetan nuns arrested while demonstrating in Lhasa in 1989 said they were tightly bound and forced on to the floor of a police jeep. They were then beaten with electric batons whenever they raised their heads. One, Dawa Langzom, was taken alone in a jeep with the arresting officers who reportedly cut her nipple and stabbed her toe with a pair of sharp scissors. Once at the police station, all the nuns were made to stand from noon until sunset as guards hit them and gave them electric shocks with electric batons on their faces, arms, gums and tongues.

Once in detention, prisoners are particularly vulnerable to torture

or ill-treatment as police officers attempt to extract information or a confession from them in order to formalize the arrest or justify the detention to their superiors. Detention without charge can last for many months while a case is "investigated". Some women detained for shorter periods have also been ill-treated.

For example, Duan Juan, a self-employed trader who was arrested on 5 May 1989 in Chongqing, Sichuan Province, for making a speech during pro-democracy demonstrations, was reportedly beaten for refusing to make a confession while she was held at the Songshan Shelter and Investigation Centre.

Tibetan nuns arrested for participating in demonstrations have reportedly been victims of particularly brutal treatment. Almost all of their testimonies detail the interrogators' relentless pursuit of an "admission" that men or others aside from the nuns are behind the protests. Officials appear most violent in their determination to "break the spirit" of nuns who are proud of their involvement in protest or who defend themselves with vigour. Nuns who have been arrested more than once are shown little mercy.

The use of torture and ill-treatment as punishment is also reportedly widespread in detention centres, prisons and labour camps. Solitary confinement in "punishment cells" is common. In 1994 officials at Zhejiang Women's Prison stated that prisoners could be kept in such cells for up to six months or one year. In some places, women held in punishment cells have reportedly been shackled to boards or assaulted with electric batons. Such incidents have reportedly happened, for instance, in the Guangzhou No. 1 Detention Centre, known as Huanghua Prison, Guangdong Province. A female political prisoner held for investigation in 1989 was reportedly taken to a punishment cell and beaten and burned with an electric baton for leading her cellmates in songs after lights out.

Women in the same prison have reportedly been subjected to one of the most cruel forms of shackling, known as the "tiger bed" (laohu chuang) or shackle board, which is also reported to have been used in various prisons and detention centres in Hunan Province. The device consists of a wooden door laid flat on short legs with handcuffs at the four corners. Prisoners are attached to the board for long periods with their arms and legs spread out and handcuffed at the corners. A hole in the centre of the board allows evacuation of urine and excrement.

Liu Ruliang, a woman in Huanghua Prison who was awaiting trial for a capital offence, was reportedly tortured in this way for three days in 1990. According to fellow prisoners, she had been deemed disruptive for helping her cellmates to hang their wet linen in front of an extractor fan to dry.

Women prisoners have also been kept in handcuffs or leg irons for long periods causing severe pain and loss of circulation. The use of leg irons is prohibited by international standards, and prolonged use of other instruments of restraint is also considered in some circumstances to amount to ill-treatment. Such practices are reportedly common for women in the days after they have tried to commit suicide. Attempted suicide has been described in academic articles published in China as a major problem among female prisoners.

Regulations published in 1982 for prison and labour camp wardens stipulate that handcuffs or leg irons should be used on women only

"in exceptional circumstances" and only with the approval of top prison authorities. Shackles are to be kept on "usually for seven days, and not over 15 days". However, "leg irons and handcuffs together may be used on prisoners awaiting execution" and there is no time limit for their use. Detention centre regulations published in 1990 reinforce this provision, stating that prisoners awaiting execution must be shackled.

Among female prisoners held in Huanghua Prison, Guangdong Province, in 1989 and 1990 were several women who had had appeals against their death sentences rejected. These women were kept in leg irons for over a month.

Women have also been beaten for failing to keep to labour targets while in prison. Prisoner of conscience Zhu Mei, aged 68, was beaten on several occasions during her five-year sentence from 1987 to 1992 in Shanghai Municipality No. 1 Prison. Prison guards reportedly attacked her for failing to finish her work when she was ill, and her right knee was broken during one beating.

Similar ill-treatment has been perpetrated against women by camp "trustees" (er zhengfu, er ganbu). These are usually common criminal prisoners chosen by prison officials to control cellmates and supervise labour tasks. According to many sources, "trustees" frequently use intimidation and beatings against other prisoners, either at the instigation of prison authorities or with their connivance or knowledge.

Tong Yi, assistant to leading dissident Wei Jingsheng (see Chapter 2), has been serving a two-and-a-half-year "re-education through labour" sentence in Hewan Labour Camp, Wuhan, Hubei Province, since 9 January 1995. She described in a letter how she had been repeatedly beaten on the face and body on 16 January by two inmates who were camp "trustees". The beating closely followed a complaint she had made to the camp authorities concerning her long hours of work. She said that prisoners were expected to work until 10pm to fulfil their production quotas. Those who were slow were made to work until two or three in the morning, she said. Following the beating, Tong Yi complained to camp officials about her treatment, but they took no action to protect her or punish the perpetrators. The following day, Tong Yi underwent another round of repeated beatings, this time by more than 10 women prisoners, as a result of which her face and body were reportedly swollen and covered with bruises.

Death in custody or shortly after release

Five Tibetan women have died in custody or shortly after being released from jail since 1991. All were in their early twenties and reportedly healthy on arrest, and were reportedly tortured or ill-treated during their time in prison.

Among the victims was Phuntsog Yangkyi, a 20-year-old Tibetan nun and prisoner of conscience, who was serving a five-year sentence in Drapchi Prison for taking part in a brief pro-independence demonstration in February 1992. According to unofficial sources, she and other nuns were beaten by prison guards for singing nationalist songs on 11 February 1994. She apparently lost consciousness after medical staff at the prison gave her medication because she was "speaking uncontrollably". She was transferred to the Police Hospital in Lhasa and died shortly after, on 4 June 1994.

The following month Phuntsok Yangkyi's case was submitted by the UN

Special Rapporteur on torture to the Chinese Government, who replied that the prison administration had discovered she had a tuberculoma and sent her to hospital for treatment. However, according to medical opinion given to Amnesty International, provided normal medical care was available, a tuberculoma would not have caused her death. It is also surprising that the diagnosis was made by the prison administration before Phuntsog Yangkyi was sent to hospital, given the difficulty of diagnosing a tuberculoma. Amnesty International is seeking from the Chinese authorities an account of the symptoms that made the prison administration send her to hospital, the time the tuberculoma was first diagnosed, and what treatment was given to her before and during her stay in hospital. In addition, it is accepted practice, both internationally and by Chinese standards, that a death in custody should give rise to an inquiry, including a post-mortem examination, to establish the exact cause and circumstances of death. If such an inquiry did take place, its findings should be published.

Gyaltzen Kelsang was reported to have died on 20 February 1995 when she was 24 years old, shortly after she was released from custody on medical parole. She was serving a two-year sentence in Drapchi Prison for taking part in a demonstration in June 1993. She was reportedly badly beaten and injured on arrest, but was nevertheless put to hard labour. A year later sources reported she was so ill that she had been bedridden for more than 20 days and that the guards had offered her no care. In late November 1994 she was reportedly taken to a police hospital in Lhasa where she was diagnosed as having severe kidney problems. While in hospital she is reported to have lost movement in her lower limbs and suffered speech impairment. After a month her health had apparently not improved, but she was sent to her parents' home on medical parole. Prisoners on medical parole remain legally under the control of prison authorities and are expected to return to prison once their health has improved. Her parents arranged for her to be admitted to the Tibetan Medical Hospital where she stayed for nine weeks. Seven days after being discharged, she died at her parents' home.

Amnesty International is calling on the Chinese authorities to provide information about the date and nature of the first diagnosis of Gyaltzen Kelsang's illness and what treatment was recommended and received. It is also calling on the authorities to disclose whether a post-mortem was carried out to determine the cause of Gyaltzen Kelsang's death, and if so, to publish the findings.

Rape and other sexual torture

There have been many reports of the use of electric batons and sticks to rape or sexually violate and torture women in custody. Women are not protected by the gender of their assailants: both female and male wardens are reported to have committed such acts.

One Tibetan nun described how on arrest in mid-1988, she and 11 other nuns were forced to stand in line as one by one they were stripped naked. Two policewomen with sticks then beat the naked nuns as male prisoners looked on. One of the nuns later reported: "I felt humiliated in the beginning, but later I forgot everything but the terrible pain." The policewomen then twice poked them with an electric baton and pushed it into their vaginas. By the time the nuns returned to their cells, they were "not aware of what was happening" around them.

Sonam Drolkar, a Tibetan woman, was arrested on 29 July 1990 and held at Seitru Prison, where she was tortured so badly that she was eventually hospitalized. She was stripped naked and given electric shocks every second day for six months. Electric batons were also pushed into her vagina. By February 1991 she was vomiting and urinating blood every day and the prison doctor warned the authorities that she was near death. She was moved to hospital from where she managed to escape.

In recent years, as violence against women has become an issue in the official Chinese media, there have been prominent cases of police and other government officials abusing their position in order to molest or rape women. Few cases involving prison officials or women in detention have been reported. Nevertheless, legal gazettes do give some indication that rape by prison or labour camp officials does occur in penal institutions. For instance, an article in the Supreme People's Procuratorate National Gazette in March 1992 replied to one such case raised by the Hubei Provincial Procuracy in 1991, although no details of the case were given.

Information received by Amnesty International also indicates that rape may be a serious problem in at least some local detention centres and "shelter and investigation" centres. Cellmates of female political prisoners have reported being raped and abused by male cellmates in pre-trial detention centres in the southern provinces. One woman reported being raped in 1985, when she was 13, by an official at a repatriation centre for migrants in Fujian Province.

Protective legislation

Current Chinese legislation, published regulations and directives from the highest judicial organs include provisions which appear to be aimed at protecting women against sexual abuse while in detention. However, individual testimonies from women prisoners suggest that these protections are not always effective in practice, especially at the local level.

Separate accommodation for men and women is stipulated in all regulations¹⁸. However, women are often kept in cells adjacent to men in pre-trial detention centres and have reported being raped or abused by male inmates who had obtained keys from the guards. Amnesty International has also received reports of extreme violence at new Compulsory Drug Rehabilitation Centres in Shaanxi and Yunnan Provinces, some of which appear to make no attempt to separate male and female inmates.

Regulations also stipulate that women prisoners should be supervised by female guards. Yet women are routinely interrogated by men alone. Male guards also have unaccompanied access to female prisoners. Tibetan nuns held in Gutsa Detention Centre in Lhasa have reported that they most feared being violated by the armed guards who patrolled the corridors at night. Dai Qing, a journalist detained in Beijing in 1989 to 1990, complained of male guards from whom she had no privacy. Abuse of medical regulations and inadequate medical care

Chinese legal provisions stipulate that on detention, all prisoners should have a physical examination to identify those who should not be detained for medical reasons, such as pregnant women and women nursing children under one year old. The Criminal Procedure Law states that such examinations should be conducted by a woman or a doctor. Sometimes, however, medical examinations are used to abuse and

humiliate women detainees. Eighteen female members of the Jesus Family were forced to have a blood test while detained at Weishan County Detention Centre, Shandong Province, from July to September 1992. They were then reportedly forced to undergo an intimate medical examination in the presence of male police officers. They were handcuffed in pairs and taken to Weishan County Hospital Gynaecology and Obstetrics department. There, each woman was forced to have a general physical examination and to have her genitals X-rayed. The women were reportedly forced to remove their underwear in front of two male and two female wardens. According to testimony received by Amnesty International, when the women showed reluctance to remove their underwear, one of the male wardens told them he would order two male staff members to take it off for them. One of the women reported:

"Since most of us women were unmarried and young, we cried with indignation and anger. After undergoing the forced physical examinations we were sent back to the detention centre. Several sisters felt very humiliated and angry and became suicidal. For a few days they did not eat anything at all. What is worse, the head of the County Public Security Bureau humiliated us further by saying that if any of us were found pregnant, we would be sent to the hospital and forced to have an abortion."

While Amnesty International welcomes the use of medical examinations to protect the interests of prisoners, all prisoners should be free to refuse an intimate examination. Intimate examinations are not necessary to determine pregnancy and were clearly used in this case to intimidate and humiliate the women. Amnesty International believes that such actions amount to cruel, inhuman and degrading treatment. Despite regulations specifically prohibiting the detention of pregnant women, pregnant women have been imprisoned and put at risk. For instance, prisoners held in Huanghua Prison in Guangzhou in 1990 reported sharing a cell with a woman who was at least six months pregnant. In another case in Tibet, Damchoe Pemo, a trader from Nyemo, was reportedly five months pregnant when she was detained in Seitru Prison in 1993. She miscarried a week after she had been made to stand for 12 hours and had been tortured with electric batons and deprived of food and sleep.

A detailed account of a political prisoner's miscarriage in 1990 in Xiamen Municipal Detention Centre also points to a lack of timely health care, and a confusion of responsibilities in the health care of prisoners. The woman had a pregnancy test two days after her arrest. Later that evening she began to bleed. She had to wait until the following day before she was taken to hospital. There, the doctors reportedly recommended admitting her at once, but instead she was returned to the detention centre where she had a miscarriage and reportedly collapsed from anaemic shock.

Former prisoners in Huanghua Prison have also complained about the failure to respond to medical emergencies. In 1990 a woman with a heart complaint who was awaiting trial on corruption charges began to have difficulties with her breathing. Her cellmates shouted to attract the guards' attention, but they were told nothing could be done because the officials responsible had gone home.

5. THE DEATH PENALTY

Amnesty International unconditionally opposes the death penalty on the grounds that it constitutes the ultimate form of cruel, inhuman and degrading punishment and is a violation of the right to life as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

The death penalty is used extensively in China. In 1994 Amnesty International recorded 2,496 death sentences and 1,791 executions in China. These figures, based mainly on monitoring published reports, are believed to fall far short of the reality. Although the Chinese authorities publicize some cases, overall statistics kept by the Ministry of Justice are considered a "state secret". The gender of victims of the death penalty is not always apparent from published reports, but it would appear that women constitute only a small proportion of those sentenced to death "with immediate effect". More appear to be sentenced, as accomplices, to death with a two-year reprieve. The increasing use of the death penalty for non-violent offences has also seen a corresponding increase in the proportion of women sentenced to death.

Chinese legal experts have estimated that at least 65 criminal offences are currently punishable by the death sentence. Only children under 16 and women pregnant at the time of their detention are exempted from the death penalty or the death penalty with a two-year reprieve. Amnesty International is concerned about several aspects of the use of the death penalty in China, including the large number of offences punishable by death, the high number of executions, the use of legislation providing for summary trial procedures in some death penalty cases, the shackling of prisoners sentenced to death and other practices which amount to cruel, inhuman and degrading treatment. Many of the offences currently punishable by death in China are non-violent. In recent years, a growing number of death sentences have been passed for economic offences, theft and drug-trafficking. Economic offenders may be sentenced to death if they are involved in cases classified by the authorities as "very serious". A Supreme Court resolution of December 1992 on the handling of cases of theft stated that sentences of life imprisonment or the death penalty would be imposed if sums involved were "especially large and there are at the same time other especially grave circumstances". This provision is open to liberal interpretation.

For example, on 10 February 1993 Lin Yi, a female kindergarten cashier, was executed for allegedly embezzling 179,000 yuan (approximately US\$ 36,000). The judge who sentenced her reportedly stated that he had taken into account the fact she had spent most of the money she had allegedly embezzled so that nothing could be recovered.

Women have also been among the high profile victims of recent campaigns against corruption and official profiteering. In January 1995 Yan Jianhong, a former member of the Guizhou Provincial Chinese Political Consultative Conference and chairman of the Guizhou International Trust and Investment Company, was sentenced to death for misappropriation of public funds, speculation and profiteering. She was alleged to have embezzled 650,000 yuan (approximately US\$ 130,000) and concealed 1.5 million yuan of the company's income.

Rises in reported death sentences and executions often occur during anti-crime campaigns when judicial organs are encouraged to "use all means necessary" to crack down heavily on a targeted group. Amnesty

International believes that this political interference critically hampers the independence of the judiciary and results in a large number of death sentences and executions for offences which at other times would be dealt with more leniently.

One such campaign which has resulted in the execution of many women is the Anti-Drugs Campaign initiated in June 1991 with the stated aim of eliminating drug-trafficking and abuse within three years. On 12 March 1993, for example, the Inner Mongolia Daily reported that an 81-year-old peasant woman had been sentenced to death for drug-trafficking. In Yunnan and Guangdong Provinces in particular, the death penalty appears to have been used as one of the principal means of dealing with drug offenders.

Mass sentencing rallies followed by mass executions have also taken place as a part of this policy, especially in Yunnan Province. In Kunming city, Tao Jing, a 21-year-old woman, was sentenced to death in late 1993 for drug-trafficking. Her sentence and her alleged crimes were announced at a public rally and she was executed immediately afterwards.

Executions and death sentences have also risen dramatically before and after 26 June (the annual "International Day against Drug Abuse and Trafficking"). Hu Chungiong and four other women were among 23 people executed for drug offences on 24 June 1994 in Kunming, Yunnan Province. The executions were publicized as the first of a wave to mark 26 June; 4,200 spectators attended the public sentencing rally at which their sentences were announced.

Amnesty International believes that the public humiliation of prisoners at mass rallies is a form of cruel, inhuman and degrading treatment, prohibited by the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which China became a party in 1988.

Women have also been executed or sentenced to death with two years' reprieve during the crackdown on gangs kidnapping and trafficking in women and children. In March 1994 in Zhejiang Province two women, Xu Guiying and Shen Yunbao, were sentenced to death for alleged kidnapping offences. Shen Yunbao was given a two-year reprieve. In another case, in August 1994, Ge Bihua was executed after a public sentencing rally in Nanchong City in Sichuan. She was an alleged ringleader in a kidnapping gang and had herself been kidnapped and sold as a child.

In addition to those death sentences designated "for immediate execution", courts may pronounce a death sentence in which execution is suspended for two years. During the time of reprieve, those condemned must carry out reform through labour and their attitudes are "examined for evidence of repentance". If the prisoner shows signs of repentance then the sentence may be commuted to life or fixed-term imprisonment. However, if the prisoner is deemed not to have "repented" or "reformed" the execution is carried out at the end of the two-year reprieve. Although Chinese official sources claim that most of those sentenced to death with a two-year reprieve have their sentences commuted, they do not publish information on such cases and the fate of many of those who have received "suspended" death sentences remains unknown.

Among such cases are those of women who were sentenced to death during the early 1980s for membership of religious sects officially labelled

as "reactionary secret societies". They, and many men accused of the same offences, were convicted of "counter-revolutionary" crimes. Many were tried and sentenced in 1983 at the height of an anti-crime campaign which resulted in thousands of summary executions. Most of the known cases are those of people accused of belonging to the Yi Guandao, a secret religious sect formed in north China in the late 19th century with particularly strong roots in Shanxi and Shaanxi Provinces. Various branches of the sect were apparently still active in these and other northern provinces during the early 1980s.

Zhou Zhiming, a 57-year-old woman from Shijing People's Commune in Hu county, Shaanxi Province, was arrested on 17 December 1982 with many others accused of involvement in "illegal activities" on behalf of the Yi Guandao. She had reportedly been frequently in trouble for her activities on behalf of the Yi Guandao and had previously served a five-year prison sentence imposed in 1969 for "counter-revolutionary" crimes. On 15 October 1983 she and other alleged "ring leaders" of the sect were sentenced to death by the Xianyang county Intermediate People's Court, Shaanxi Province. On 11 January 1984 the Shaanxi Provincial Higher People's Court upheld all but one of the death sentences, including that passed on Zhou Zhiming. However, in April 1984 the Supreme People's Court changed Zhou Zhiming's death sentence to a death sentence with a two-year reprieve. Her subsequent fate remains unknown.

Zhang Guiying, a 53-year-old farmer from Wuwei county in Gansu Province was among scores of members of the Yi Guandao sect in Gansu Province arrested in early 1983. She had previously served a sentence of 20 years' imprisonment imposed in 1958 for her activities in the Yi Guandao, but reportedly resumed her activities after her release and had allegedly been in charge of the group's membership lists from 1981 onwards. On 23 November 1983 Zhang Guiying and six other defendants were sentenced to death by the Wuwei Intermediate People's Court. However, four of the death sentences, including that passed on Zhang Guiying, were changed in March 1984 to the death sentence with a two-year reprieve. Her current fate and whereabouts are unknown.

6. HUMAN RIGHTS VIOLATIONS RESULTING FROM ENFORCED BIRTH CONTROL

Birth control has been compulsory in China since 1979. The government argues that population control is a prerequisite for modernization and to allow 20 per cent of the world's population to subsist on seven per cent of the earth's cultivatable resources. Government demographers set a target for the stabilization of the population by the year 2000. The target currently stands at 1.3 billion, which they claim can only be achieved through "strict measures".

The policy involves the strict control of the age of marriage and the timing and number of children for each couple. Women must have official permission to bear children. Birth control is enforced through quotas allocated to each work or social unit (such as school, factory or village). The quotas fix the number of children that may be born annually in each unit. Local party officials (cadres) have always monitored the system, but since 1991 they have been held directly responsible for its implementation through "target management responsibility contracts". A cadre's performance is now evaluated not just on the region's economic performance but also on its implementation of the birth control policy. Cadres may lose bonuses

or face penalties if they fail to keep within quotas. The policy has become known as the "one-child" policy. In fact, it is more complex than that and is applied differently in various areas. While the central authorities issue ideological directives, targets and guidelines, at present the detailed regulations, sanctions and incentives are left almost entirely to the county level administration, who determine them "according to the local situation". In most regions, urban couples may have only one child unless their child is disabled, while rural couples may have a second if the first is a girl. A third child is "prohibited" in most available regulations. Regulations covering migrant women indicate that abortion is mandatory if the woman does not return to her home region. Abortion is also mandated for unmarried women.

The authorities in Beijing initially insisted that ethnic groups with populations of less than 10 million were exempt from the one child policy or even from family planning entirely. It is clear, however, that controls have been applied to these groups for many years, including more stringent sanctions for urban residents and "prohibitions" on a third child. There have also been reports since 1988 of controls extending to enforcement of one-child families, in particular for state employees. Currently, as with the rest of the population, specific regulations and their implementation are decided by "Autonomous Regions and Provinces where the minorities reside". Couples who have a child "above the quota" are subject to sanctions, including heavy fines. In rural areas, there have been reports of the demolition of the houses of people who failed to pay fines. Peer pressure is also used as work units may be denied bonuses if the child quota is exceeded. State employees may be dismissed or demoted. Psychological intimidation and harassment are also commonly used to "persuade" pregnant woman to have an abortion. Groups of family planning officials may visit them in the middle of the night to this end. In the face of such pressure, women facing unwanted abortions or sterilization are likely to feel they have no option but to comply.

Amnesty International's concerns

Amnesty International takes no position on the official birth control policy in China, but it is concerned about the human rights violations which result from it, many of which affect women in particular. It is concerned at reports that forced abortion and sterilization have been carried out by or at the instigation of people acting in an official capacity, such as family planning officials, against women who are detained, restricted or forcibly taken from their homes to have the operation. Amnesty International considers that in these circumstances such actions amount to cruel, inhuman and degrading treatment of detainees or restricted persons by government officials. The use of forcible measures is indicated in official family planning reports and regulations, and in Chinese press coverage. Amnesty International also has testimony from former family planning officials as well as individuals who were themselves subjected to such cruel, inhuman and degrading treatment.

Details of county level regulations are difficult to obtain. Most available documents are ambiguous and full of euphemisms such as the "combined method" (abortion and sterilization) or "remedial measures" (abortion). Despite this, some insight can be gained into the use of coercion from provincial as well as county reports. For example,

in 1993 family planning officials in Jiangxi Province stated: "Women who should be subjected to contraception and sterilization measures will have to comply". Regulations published in January 1991 for Gonghe county in Qinghai (which has a substantial Tibetan population) state "the birth prevention operation will be carried out before the end of 1991 or in any case within the year 1992 and no excuses or pretexts will be entertained"¹⁹.

In a 1993 interview with Amnesty International, a former family planning official described the threat of violence used to implement the policy:

"Several times I have witnessed how women who were five to seven months pregnant were protected by their neighbours and relatives, some of whom used tools against us. Mostly the police only had to show their weapons to scare them off. Sometimes they had to shoot in the air. In only one case did I see them shoot at hands and feet. Sometimes we had to use handcuffs."

Several family planning officials who worked in Liaoning and Fujian Provinces from the mid-1980s to the mid-1990s are now in exile and have given testimony. They say they detained women who were pregnant with "out of plan children" in storerooms or offices for as long as they resisted being "persuaded" to have an abortion. This could last several days. One official reported being able to transfer such women to the local detention centre for up to two months if they remained intransigent. Once a woman relented, the official would escort her to the local hospital and wait until the doctor performing the abortion had signed a statement that the abortion had been carried out. Unless the woman was considered too weak, it was normal for her to be sterilized straight after the abortion.

A refugee from Guangdong Province described how he and his wife had suffered under the birth control policy. The couple had their first child in 1982 and were subsequently denied permission to have another. In 1987 the authorities discovered that his wife was pregnant and forced her to have an abortion. In 1991 she became pregnant again and to conceal it, the couple moved to live with relatives in another village. In September that year local militia and family planning officials from the city of Foshan surrounded the village in the middle of the night and searched all the houses. They forced all the pregnant women into trucks and drove them to hospital. The refugee's wife gave birth on the journey and a doctor at the hospital reportedly killed the baby with an injection. The other women had forced abortions.

The implementation of the birth-control policy has also resulted in the detention and ill-treatment of relatives of those attempting to avoid abortion or sterilization. Significantly, the Supreme People's Court felt the need to specifically outlaw the taking of hostages by government officials in a directive in 1990. However, the practice continues, as shown by a series of reports since late 1992 from Hebei Province.

Journalists from Hong Kong visited Zhao county, Hebei Province, in November 1992 while a birth control campaign was in progress. They saw villagers detained outside the county government offices in freezing temperatures who were under arrest for non-payment of fines for illegal births. Villagers reported that those who could not pay the heavy annual fine had their property confiscated or that their relatives were held hostage until the money was paid²⁰.

In January 1994 an official Chinese newspaper published a letter from Xiping county, Hebei Province, complaining that the reputation of the People's Emergency Militia (minbing yingji fendui) was being ruined because cadres were misusing them to enforce unpopular family planning policies²¹.

In April 1994 the annual review of family planning work in Hebei Province mentioned the use of "law enforcement contingents" and admitted that some cadres believed that any method was acceptable in pursuit of the family planning policy. Such cadres had "resorted to oversimplified and rigid measures and even violated laws... thus affecting the party-populace and cadre-populace relations"²². It is not clear what, if any, action was taken against these abuses, and violations have persisted in the province since then.

For example, villagers in Fengjiazhuang and Longtiangou in Lingzhou county, alleged they were targeted in a birth control campaign initiated in early 1994 under the slogan "better to have more graves than more than one child". Ninety per cent of residents in the villages are Catholic and many have been fined in the past for having more children than permitted because they reject on religious grounds abortion and sterilization.

An unmarried woman was one of those targeted. One of her brothers had fled the village with his wife fearing sterilization as they had four children. The sister had adopted one of their children and was detained several times, including once in early November 1994 when she was held for seven days in an attempt to force her brother and his wife to return and pay more fines. She was taken to the county government office and locked in a basement room with 12 to 13 other women and men. She was blindfolded, stripped naked, with her hands tied behind her back, and beaten with an electric baton. Several of those detained with her were suspended above the ground and beaten, and some were detained for several weeks.

A report by the Union of Catholic Asian News stated that other villages had been targeted in a similar way. Despite complaints to the county and provincial government and to the people's procurator, the family planning teams ignored the procurator's order to stop their actions, blaming the Catholics for "causing problems".

The taking and ill-treating of hostages by family planning officials was also reported in Fujian Province in 1994. An elderly woman who lived near Quanzhou city was detained for three months when her daughter-in-law fled from family planning officials; they had found out she was pregnant with her second child one year earlier than local regulations on birth spacing allowed. The elderly woman was reportedly kept in a cell with little ventilation or light, with 70 other people, and was only released when she became ill²³.

Despite assurances from the State Family Planning Commission that "coercion is not permitted", Amnesty International has been unable to find any instance of sanctions taken against officials who perpetrated such violations. This is in stark contrast to the treatment of those who assist women to circumvent the policies, or who shelter women from the threat of forced abortion and sterilization.

In December 1993 a district court in Guangzhou reportedly sentenced a man to 10 years' imprisonment and three years' deprivation of political rights for his part in a "save the babies and save the women group", which had assisted 20 women to give birth in excess of the

plan. The court reportedly claimed that by his actions he had entered into rivalry with the party and the state, and had therefore committed "counter-revolutionary" crimes as well as jeopardizing social order. The same month Yu Jian'an, the deputy director of the No. 2 People's Hospital in Anyang, Henan Province, was sentenced to death for collecting bribes of 190,000 yuan for issuing bogus sterilization papers. The hospital affairs director, Sun Changsheng, was sentenced to death with a two-year reprieve, and four others were given sentences of five years' to life imprisonment in connection with the offence. In the light of the information available about serious human rights violations resulting from the enforcement of the birth control policy and the lack of explicit and unequivocal prohibition in published regulations of coercive methods which result in such violations, Amnesty International calls on the Chinese Government to include such provisions in relevant regulations. It also calls on the authorities to take effective measures to ensure that officials who perpetrate, encourage or condone such human rights violations during birth control enforcement are brought to justice.

7. RECOMMENDATIONS

Stop torture and ill-treatment including rape and sexual abuse by government agents

1. Ensure that prisoners are held only in official detention centres, a list of which should be widely publicized. All forms of detention should be subject to the effective control of a judicial authority.
2. Inform families immediately of any arrest. All detainees should have access to family members and legal counsel promptly after arrest and regularly throughout their detention.
3. Make available judicial remedies (such as habeas corpus and amparo) to enable lawyers and relatives to locate prisoners and obtain the release of anyone who has been arbitrarily detained.
4. Reduce the risk of rape and other sexual abuses: female and male detainees should be held separately; female guards should be present during the interrogation of female detainees; only female guards should be responsible for carrying out body searches of female detainees; and there should be no contact between male guards and female detainees without the presence of a female guard.
5. Take measures to ensure that women are not detained, restricted or otherwise physically coerced in order to force them to have abortions or to be sterilized.
6. Conduct prompt, thorough and impartial investigations into all reports of torture or ill-treatment. Any law-enforcement agent or government official responsible for such acts, or for encouraging or condoning them, should be brought to justice.
7. Provide a medical examination, by a female doctor wherever possible, immediately to any woman in custody who alleges she has been raped. This is a crucial measure in obtaining evidence for legal prosecution.
8. Provide fair and adequate compensation and appropriate medical care to victims of rape and sexual abuse and other torture or ill-treatment in custody.

Safeguard the health rights of women in custody

1. Provide all women under any form of detention or imprisonment with timely and adequate medical treatment, denial of which can constitute ill-treatment.

2. Ensure that all detainees and prisoners are given the opportunity to have a medical examination promptly after admission to the place of custody and regularly thereafter. They should also have the right to be examined by a doctor of their choice and to refuse intimate medical examinations. Male guards should not be present during such examinations.

Investigate extrajudicial executions and deaths in custody

1. Conduct prompt, thorough and impartial investigations into all reports of extrajudicial executions or deaths in custody, and bring to justice those responsible.

2. Ensure that extrajudicial execution, or causing the death of a prisoner is a criminal offence, punishable by sanctions commensurate with the gravity of the crime.

3. Provide fair and adequate redress to relatives of victims, including financial compensation.

Stop persecution because of family connections

1. Release immediately and unconditionally any woman detained or imprisoned solely because of her family connections.

2. Make clear that the practice of abducting or torturing family members in order to bring pressure on their relatives will not be tolerated. Anyone responsible for such acts should be brought to justice.

3. Ensure that women who work peacefully to rectify human rights abuses committed against their relatives are free to do so without fear of intimidation or further abuses.

Protect human rights advocates

Guarantee that women activists, and non-governmental organizations, working peacefully for the promotion and protection of human rights, enjoy all rights set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Release all prisoners of conscience immediately and unconditionally
Release all detainees and prisoners held because of their sex, peaceful political beliefs or activities, ethnic origin, sexual orientation, language or religion.

Ensure prompt and fair trials for all political prisoners

1. Stop unfair trials and ensure that all political prisoners are treated in accordance with internationally recognized safeguards for fair legal proceedings.

2. Ensure that all political prisoners charged with a criminal offence receive a prompt and fair trial by a competent, independent and impartial tribunal.

Abolish the death penalty

1. Abolish the death penalty and stop all judicial executions.

2. Commute all death sentences.

3. Repeal legislation allowing summary trial procedures for some death sentences.

4. Stop the practice of fettering, shackling and parading in public prisoners awaiting execution.

ENDNOTES

¹ Chinese Academy of Social Sciences, Demography Department, 1993

² "Zhongguo xianshi guojia peichang zhidu", Renmin Fayuan Chubanshe,

1992 p. 95-6

³ Reuters

⁴"Xingshi fazui anli congshu (Qiangjianzui, Jianyinyounuzui)" Zhongguo Jiancha chubanshe, 1991 p. 159

⁵ Ann D. Jordan, "Women's Rights in the PRC: Patriarchal Wine Poured from a Socialist Bottle", Journal of Chinese Law, August 1994.

⁶ Kuang-Chiao Ching (Wide Angle), 16 December 1994

⁷ "Decision of the Standing Committee of the National People's Congress Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women and Children", 4 September 1991

⁸ Legal Daily, quoted by Reuters, 13 January 1995

⁹ Wen Hui Bao, Hong Kong, 8 July 1989, quoted the vice Party Secretary of Beijing giving assurances that "conscientious and appropriate" arrangements had been made for the funerals of those who qualified as "mistakenly killed". Their families would also receive compensation averaging 10,000 to 20,000 yuan, depending on family circumstances, and dependant children would be supported until aged 18.

¹⁰ Translated in China Rights Forum, Summer 1994

¹¹ Ding Ziling, "Liuisi shounanzhe mingce" ("List of the victims of 4 June"), Nineties monthly 1994

¹² The Observer, 26 March 1995

¹³ Official statistics are also misleading about the total number of women in detention in China. In 1994, of a prison population of 1,285,000, women officially accounted for 27,000. In 1993, 8,000 women were officially detained in "re-education through labour" camps, 3,800 of whom were said to be prostitutes. This figure did not appear to include those detained in separate rehabilitation camps for prostitutes, where women can be detained for up to 24 months. The Chinese press reported 560,000 prostitutes in "rehabilitation" in 1991 and 30,000 in 1995. Women are also detained in large numbers in Compulsory Drug Rehabilitation Centres.

¹⁴ Detained in China & Tibet, Asia Watch 1994, p. 448

¹⁵ This procedure is allowed for under Article 123 of the Chinese Criminal Procedure Law, which empowers the courts to return a case to the procuracy for "supplementary investigation" if they find "the evidence to be incomplete". It contributes to the unfairness of trials in China and is known to have been used in other political cases.

¹⁶ Tibet Information Network, News Review No. 23, March 1995

¹⁷ See Amnesty International's report "Persistent Human Rights Violations in Tibet", ASA 17/18/95, May 1995

¹⁸ Kanshousuo tiaoli (Regulations on Detention Centres), 17 March 1990 Article 14; Laodongjiaoyang shixing banfa (Implementation methods for re-education through labour), 21 January 1982 Article 18; Jianyu Laogaidui guanjiagongzuo xize (shixing) (Detailed Principles of Surveillance Work for Prisons and Reform-through-Labour teams (draft)), 21 January 1982 Article 7; Jianyu fa (Prison Law), 29 December 1994 Article 39; Measures for Compulsory Drug Rehabilitation, 18 January 1995 Article 9.

¹⁹ Tibet Information Network, March 1994

²⁰ Contemporary (Dangdai), 15 June 1993

²¹ Fazhi Ribao, 30 January 1994

²² FBIS, 11 April 1994

²³ Yi Chou Kan, 27 September 1994