



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

CHINA

The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. At the national and regional levels, Party members hold almost all top government, police, and military positions. Ultimate authority rests with members of the Politburo. Leaders stress the need to maintain stability and social order and are committed to perpetuating the rule of the CCP and its hierarchy. Citizens lack both the freedom peacefully to express opposition to the Party-led political system and the right to change their national leaders or form of government. Socialism continues to provide the theoretical underpinning of Chinese politics, but Marxist ideology has given way to economic pragmatism in recent years, and economic decentralization has increased the authority of regional officials. The Party's authority rests primarily on the Government's ability to maintain social stability, appeals to nationalism and patriotism, Party control of personnel and the security apparatus, and the continued improvement in the living standards of most of the country's 1.27 billion citizens. The Constitution provides for an independent judiciary; however, in practice, the Government and the CCP, at both the central and local levels, frequently interfere in the judicial process, and decisions in a number of high profile political cases are directed by the Government and the CCP.

The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army, and the state judicial, procuratorial, and penal systems. Security policy and personnel were responsible for numerous human rights abuses.

China is making a difficult transition from a centrally planned to a market-based economy. The economy continues to expand. The country is a leading world producer of coal, steel, textiles, and grains. Trade and foreign investment are helping to modernize the economy. Major exports include electronic goods, toys, apparel, and plastics. According to official government statistics, the official gross domestic product (GDP) growth rate during the year was just over 7 percent, but the actual rate was widely considered to be

lower by experts. The economy faces growing problems, including state enterprise reform, unemployment, underemployment, and regional economic disparities. Rural unemployment and underemployment combined are estimated to be over 30 percent. Tens of millions of peasants have left their homes in search of better jobs and living conditions. Demographers estimate that between 80 and 130 million persons make up this "floating population," with many major cities counting 1 million or more such persons. Urban areas also are coping with millions of state workers idled on partial wages or unemployed as a result of industrial reforms. In the industrial sector, downsizing in state-owned enterprises prompted 6 million layoffs in the first half of 1999, bringing the total number of urban unemployed to well over 15 million. Industrial workers throughout the country sporadically protested layoffs and demanded the payment of overdue wages and benefits. Overall, however, economic reforms have raised living standards for many, provided greater independence for entrepreneurs, and diminished state control over the economy and over citizens' daily lives. Despite serious economic difficulties in the state sector, individual economic opportunities expanded in the nonstate sectors, resulting in increased freedom of employment and mobility. A constitutional amendment passed in March recognized the private sector as equal in status to the state sector. The total number of citizens living in absolute poverty continues to decline; estimates range from official figures of 42 million to World Bank figures of 150 million. However, the income gap between coastal and interior regions, and between urban and rural areas, is wide and growing. Chinese economists put the ratio of urban to rural income at 12 to 1. Urban per capita disposable income for 1998 was \$656, while rural per capita net income was \$261.

The Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent. A crackdown against a fledgling opposition party, which began in the fall of 1998, broadened and intensified during the year. By year's end, almost all of the key leaders of the China Democracy Party (CDP) were serving long prison terms or were in custody without formal charges, and only a handful of dissidents nationwide dared to remain active publicly. Tens of thousands of members of the Falun Gong spiritual movement were detained after the movement was banned in July; several leaders of the movement were sentenced to long prison terms in late December and hundreds of others were sentenced administratively to reeducation through labor in the fall. Late in the year, according to some reports, the Government started confining some Falun Gong adherents to psychiatric hospitals. The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms. These abuses stemmed from the authorities' extremely limited tolerance of public dissent aimed at the Government, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms. The Constitution and laws provide for fundamental human rights; however, these protections often are ignored in practice. Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. Prison conditions at most facilities remained harsh. In many cases, particularly in sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process because authorities attach higher priority to maintaining public order and suppressing political opposition than to enforcing legal norms. The Government infringed on citizens' privacy rights. The Government tightened restrictions on freedom of speech and of the press, and increased controls on the Internet; self-censorship by journalists also increased. The Government severely restricted freedom of assembly, and continued to restrict freedom of association. The Government continued to restrict freedom of religion, and intensified controls on some unregistered churches.

The Government continued to restrict freedom of movement. The Government does not permit independent domestic nongovernmental organizations (NGOs) to monitor publicly human rights conditions. Violence against women, including coercive family planning practices--which sometimes include forced abortion and forced sterilization; prostitution; discrimination against women; trafficking in women and children; abuse of children; and discrimination against the disabled and minorities are all problems. The Government continued to restrict tightly worker rights, and forced labor in prison facilities remains a serious problem. Child labor persists. Particularly serious human rights abuses persisted in some minority areas, especially in Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified.

Beginning in the spring, Communist Party leaders moved quickly to suppress what they believed to be organized challenges that threatened national stability and Communist Party authority. In the weeks before the 10th anniversary of the June 4 Tiananmen massacre, the Government also moved systematically against political dissidents across the country, detaining and formally arresting scores of activists in cities and provinces nationwide and thwarting any attempts to commemorate the sensitive anniversary. Authorities in particular targeted the CDP, which had already had three of its leaders sentenced to lengthy prison terms in December 1998. Beginning in May, dozens of CDP members were arrested in a widening crackdown and more of the group's leaders were convicted of subversion and sentenced to long prison terms in closed trials that flagrantly violated due process. Others were kept detained for long periods without charge. In one August week alone, CDP members Liu Xianbin, She Wanbao, Zha Jianguo, and Gao Hongming were sentenced to prison terms of 13, 12, 9, and 8 years, respectively. Dissidents also were rounded up in large numbers before the October 1 National Day celebrations. In addition, the press reported that the Government rounded up 100,000 or more persons and sent them out of Beijing under the custody and repatriation regulations prior to the October 1 National Day celebrations, to ensure order.

Control and manipulation of the press by the Government for political purposes increased during the year. After authorities moved at the end of 1998 to close a number of newspapers and fire several editors, a more cautious atmosphere in general pervaded the press and publishing industries during the year. As part of its crackdown against the popular Falun Gong spiritual movement, the Government employed every element of the state-controlled media to conduct a nationwide anti-Falun Gong propaganda campaign reminiscent of the campaigns against the democracy movement that followed the Tiananmen massacre of 1989. The press continued to report on cases of corruption and abuse of power by some local officials.

Unapproved religious groups, including Protestant and Catholic groups, continued to experience varying degrees of official interference, repression, and persecution. The Government continued to enforce 1994 State Council regulations requiring all places of religious activity to register with the Government and come under the supervision of official, "patriotic" religious organizations. There were significant differences from region to region, and even locality to locality, in the attitudes of government officials toward religion. In some areas, authorities guided by national policy made strong efforts to control the activities of unapproved Catholic and Protestant churches; religious services were broken up and church leaders or adherents were harassed, and, at times, fined, detained, beaten, and tortured. At year's end, some remained in prison because of their religious activities. In other regions, registered and unregistered churches were treated

similarly by the authorities. Citizens worshiping in officially sanctioned churches, mosques, and temples reported little or no day-to-day interference by the Government. The number of religious adherents in many churches, both registered and unregistered, continued to grow at a rapid pace. The Government launched a crackdown against the Falun Gong spiritual movement in July. Tens of thousands of Falun Gong members were reported detained in outdoor stadiums and forced to sign statements disavowing Falun Gong before being released; according to official sources, practitioners of Falun Gong had 35,000 confrontations with police between late July and the end of October. A number of practitioners were detained multiple times. An unknown number of members who refuse to recant their beliefs remain detained; others are serving prison or reeducation-through-labor sentences. An intensive proatheism, "antisuperstition" media campaign also accompanied the suppression of Falun Gong. In October, new legislation banning cults was passed. Adherents of some unregistered religious groups reported that these new laws are used against them.

Although the Government denies that it holds political or religious prisoners, and argues that all those in prison are legitimately serving sentences for crimes under the law, an unknown number of persons, estimated at several thousand, are detained in violation of international human rights instruments for peacefully expressing their political, religious, or social views. Persons detained at times during the year included political activists who tried to register an opposition party; leaders of a national house church movement; organizers of political discussion groups that exceeded what the Government deemed to be the permissible level of dissent; and members of the Falun Gong movement. Some minority groups, particularly Tibetan Buddhists and Muslim Uighurs, came under increasing pressure as the Government clamped down on dissent and "separatist" activities. In Tibet the Government expanded and intensified its continuing "patriotic education campaign" aimed at controlling the monasteries and expelling supporters of the Dalai Lama. In Xinjiang authorities tightened restrictions on fundamental freedoms in an effort to control independence groups.

The authorities released fewer political prisoners before their terms were over than in recent years, although three were released early. In February the journalist Gao Yu was freed 6 months early, after having served 51/2 years in prison. In September Internet dissident Lin Hai was released 6 months early. Shi Binhai, co-editor of the controversial book "Political China," who had been detained without charge since September 1998, was released in March. Liu Xiaobo was freed in October after having completed his 3-year reeducation term. However, at year's end several thousand others, including Bishop An Shuxin, Cai Guihua, Chen Lantao, Chen Longde, Han Chunsheng, Li Bifeng, Li Hai, Liu Jingsheng, Peng Ming, Qin Yongmin, Shen Liangqing, Wang Youcai, Pastor Xu Yongze, Xu Guoxing, Xu Wenli, Yang Qinsheng, Zhang Lin, Zhang Shanguang, Zhao Changqing, Zhou Yonjun, Ngawang Choephel, Abbot Chadrel Rinpoche, Jigme Sangpo, and Ngawang Sangrol (see Tibet addendum)--remained imprisoned or under other forms of detention for the peaceful expression of their political, social, or religious views. Some of those who completed their sentences and were released from prison--such as Bao Tong, senior aide to former Communist Party leaders--were kept under surveillance and prevented from taking employment or otherwise resuming normal lives. There were also reports of increasing surveillance of dissidents.

During the year, the Government continued efforts to reform the legal system and to disseminate information about new legislation. Initiatives to improve the transparency and

accountability of the judicial and legal systems continued. The Government also expanded efforts to educate lawyers, judges, prosecutors, and the public on the provisions of new laws. A number of statutes passed in recent years--e.g., the Administrative Litigation Law, the Lawyers Law, the State Compensation Law, the Prison Law, the Criminal Law, and the Criminal Procedure Law--if enforced effectively hold the potential to enhance citizens' rights. The revised Criminal Procedure Law, which came into effect in 1997, provided for the defendant's right to legal counsel, an active legal defense, and other rights of criminal defendants recognized in international human rights instruments. If fully implemented, this law would bring criminal laws closer toward compliance with international norms. However, enforcement of the new statute is poor, and the law routinely is violated in the cases of political dissidents.

Despite intensified suppression of organized dissent, some positive trends continued. Nongovernmental-level village committee elections proceeded, giving citizens choices about grassroots representatives, as well as introducing the principle of democratic elections. Additional experiments with higher level township elections were conducted without fanfare (or official approval by the central Government). Social groups with economic resources at their disposal continued to play an increasing role in community life. As many as 8.9 million citizens had access to the Internet, although the Government increased its efforts to try to control the content of material available on the Internet. Most average citizens went about their daily lives without significant interference from the Government, enjoying looser economic controls, increased access to outside sources of information, greater room for individual choice, and more diversity in cultural life. However, authorities significantly stepped up efforts to suppress those perceived to be a threat to government power or to national stability, and citizens who sought to express openly dissenting political and religious views continued to live in an environment filled with repression.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

The official press reported a number of instances of extrajudicial killings, but no nationwide statistics are available. In October a Falun Gong website reported that Zhao Jinhua, a Falun Gong member in Shandong, died from being beaten while in police custody. However, the official media reported that Zhao died of a heart attack (see Section 2.c.). Two other Falun Gong practitioners also reportedly died while in police custody; the authorities stated that they died of injuries received after jumping from moving trains (see Sections 1.c. and 2.c.). In February a domestic publication reported that a local government worker, suspected of embezzlement, died after 29 hours of police interrogation and torture. There were reports that persons held in custody and repatriation centers (where persons may be detained administratively to "protect urban social order") were beaten while detained, and that some have died as a result (see Sections 1.c and 1.d).

In January the Western press reported that police killed one protester and injured more than 100 others while dispersing villagers in Hunan province (see Section 2.b.). In late October, police killed 6 Uighurs (see Section 5).

There continued to be numerous executions carried out after summary trials. Such trials can occur under circumstances where the lack of due process protections borders on extrajudicial killing (see Section 1.e.). In February, for example, a government radio station in the Xinjiang Uighur Autonomous Region reported that eight "violent terrorists," who "had taken part in many illegal religious terrorist activities in recent years in a vain attempt to split the motherland," had been sentenced to death in public trials. According to the report, the eight were executed immediately after sentencing (see Sections 1.e. and 5).

In March the Western press reported a 1997 case in which police executed four farmers in rural Guangdong over a monetary dispute. Despite an attempted coverup by local officials, the families of the victims persisted in their demands for justice, lodging 27 separate complaints with the Government, while securing the assistance of a Beijing lawyer and the interest of the country's largest circulation newspaper on legal affairs. The resulting investigation by the Legal Daily finally forced provincial authorities to act. A Hong Kong-based human rights organization reported that seven policemen were arrested in December 1998 for the farmers' murders.

Early in the year, there were a number of apparently unrelated bombings in Liaoning, Guangdong, Changsha, Hunan, Henan, Tibet, Sichuan, and Jiangsu, some of which resulted in death. Based on available evidence, it was not possible to establish links to political or separatist activity; bombs are sometimes used in personal or economic violence.

b. Disappearance

There were no new reports of disappearances. However, the Government still has not provided a comprehensive, credible accounting of those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations. There were more reported incidents of long incommunicado detentions than in 1998 (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture; however, police and other elements of the security apparatus employed torture and degrading treatment in dealing with detainees and prisoners. Former detainees and the press reported credibly that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse against detained men and women. Prominent dissident Liu Nianchun, who was released in December 1998, reported that guards used an electric stun gun on him. Persons detained pending trial were particularly at risk during pretrial detention due to systemic weaknesses in the legal system or lack of implementation of the revised Criminal Procedure Law.

In February a domestic publication reported that an engineer in Liaoning province, suspected of theft, suffered brain damage as a result of hours of beatings while in police custody. The police eventually determined that the engineer was innocent and released her. She later sued the local government. Chinese reporters who attended her trial said that there were efforts in court to intimidate them. Also in February, a government-owned television station in Sichuan broadcast film taken secretly of city police officers beating and spitting on suspects in an effort to coerce confessions and to extort bribes. In June a Hong Kong human rights group reported that labor activist Guo Xinmin was beaten

repeatedly and hung by his tied hands by police interrogators trying to extract a confession. The same human rights organization also received a letter from a former vice mayor of Harbin, which had been smuggled out of prison, in which he claimed to have been beaten and given electric shocks while in custody. According to Amnesty International, some adherents of Falun Gong were tortured with electric shocks, as well as by having their hands and feet shackled and linked with crossed steel chains. There were reports that persons held in custody and repatriation centers were beaten while detained, and that some died as a result (see Sections 1.a and 1.d.).

In January police killed one protester and injured more than 100 others while dispersing villagers in Hunan province. In March police beat demonstrators in Sichuan province (see Section 2.b.). Police at times used force to disperse Falun Gong practitioners (see Section 2.c.).

Wang Wanxing, who protested in Tiananmen Square in 1992, continued to be held in a psychiatric hospital on the outskirts of Beijing until late August, when he was released for a trial period of 3 months. He reportedly was detained again on November 23, 4 days after he told the hospital director that he might hold a news conference to discuss the conditions he endured in the hospital (see Section 1.d.). Late in the year, according to some reports, the Government started confining some Falun Gong adherents to psychiatric hospitals.

After meeting briefly with a foreign diplomat on November 30, Fu Sheng, a member of the CDP, was detained for 6 days, questioned, and beaten in Beijing (see Section 1.d.).

The Government has stated that "the Chinese judiciary deals with every complaint of torture promptly after it is filed, and those found guilty are punished according to law." As part of its campaign to address police abuse, the Government in 1998 for the first time published national torture statistics, along with 99 case studies, in a volume entitled "The Law Against Extorting a Confession by Torture." The book, which was published by the Supreme People's Procuratorate, stated that 126 persons had died during police interrogation in 1993 and 115 in 1994. Most cases of torture are believed to go unreported.

One overseas human rights group reported in January that there had been some 9,000 cases of mishandling of justice discovered in 1998 and that 1,200 police officers had been charged with criminal offenses. Authorities continued a nationwide crackdown on police corruption and abuses. Government statistics released in March showed that in 1998 corruption prosecutions were up 10 percent, to over 40,000 investigations and 26,000 indictments of officials. In January there were reports that Public Security Bureau Deputy Minister Li Jizhou was detained for corruption. Several other high-ranking Party officials also were prosecuted on corruption charges during the year. Late in the year, National People's Congress Standing Committee Chairman Li Peng issued a warning on police corruption.

Conditions in penal institutions for both political prisoners and common criminals are generally harsh and frequently degrading. Conditions in administrative detention facilities (including re-education-through-labor camps and custody and repatriation centers) are reportedly similar to those in prisons. According to released political prisoners, it is standard practice for political prisoners to be segregated from each other and placed with

common criminals. There are credible reports that common criminals have beaten political prisoners at the instigation of guards. Zhang Lin, a dissident living overseas who secretly had returned to China in 1998, was arrested in November 1998 and sentenced to 3 years in a labor camp. While he was conducting a hunger strike to protest harsh camp conditions, fellow inmates at the order of camp guards reportedly beat him. His sentence was extended by an additional year following the incident, according to human rights organizations. Guards in custody and repatriation centers reportedly rely on "cell bosses" to maintain order; these individuals frequently beat other detainees and have been known to steal their possessions. Prominent political prisoners sometimes receive better treatment. Dissident Liu Xiaobo, recently released after 3 years in a labor camp in Dalian, told one foreign diplomat that he had never been beaten and that his treatment was in general better than that of non-political prisoners. The 1994 Prison Law was designed, in part, to improve treatment of detainees and increase respect for their legal rights. The Government's stated goal is to convert one-half of the nation's prisons and 150 reeducation-through-labor camps into "modernized, civilized" facilities by the year 2010. According to credible sources, persons held in new "model" prisons receive better treatment than those held in other prison facilities. (For conditions in prisons in Tibet, see the Tibet Addendum.)

Adequate, timely medical care for prisoners continues to be a serious problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill. Nutritional and health conditions can be grim. At year's end, political prisoners who reportedly had difficulties in obtaining medical treatment, despite repeated appeals on their behalf by their families and the international community, included Chadrel Rinpoche, Chen Lantao, Chen Longde, Chen Meng, Fang Jue, Hu Shigen, Kang Yuchun, Liu Jingsheng, Ngawang Sangdrol, Peng Ming, Qin Yongmin, Wang Guoqi, and Zhang Shanguang. Xu Wenli, despite repeated pleas by his family, was denied treatment for hepatitis. Xu tested positive for the disease during a prison hospital examination. Prison officials told Xu's family that the hepatitis had been contracted before his incarceration and was no longer active. However, his family reported that Xu was chronically fatigued and appeared jaundiced; he also reportedly is in need of dental care. Yu Dongyue, who defaced the portrait of Mao Zedong in Tiananmen Square during the 1989 student protests, reportedly is suffering severe mental illness from repeated beatings and mistreatment in a Hunan prison. According to press reports, Hua Di, a Stanford researcher, was sentenced to 15 years in prison in early December but the Government only acknowledges that he was arrested for suspicion of deliberately seeking state secrets. According to credible reports, his health is poor. According to one credible report in 1998, there have been instances in which women in reeducation-through-labor camps found to be pregnant while serving sentences were forced to submit to abortions (see Section 1.f.).

The Government does not permit independent monitoring of prisons or reeducation-through-labor camps, and prisoners remain largely inaccessible to international human rights organizations. Talks with the International Committee of the Red Cross (ICRC) on an agreement for ICRC access to prisons remain stalled. The Government suspended discussions with a prominent foreign businessman and human rights monitor on prisoner accounting, in response to a proposed resolution critical of China at the U.N. Human Rights Commission. Prison visits with family members and others are monitored closely.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain serious problems; there were more reports of long incommunicado detentions than in 1998. Because the Government tightly controls information, it is impossible accurately to determine the total number of persons subjected to new or continued arbitrary arrest or detention. The Government reported in March that prosecutors had censured police officers 70,992 times in 1998 for detentions that exceeded the legal time limit. According to estimates, thousands more remain incarcerated, charged with other criminal offenses, detained but not charged, or sentenced to reeducation-through-labor. Amnesty International documented 241 specific cases of persons who remain imprisoned or on medical parole for activities related to the 1989 Tiananmen protests alone. Official government statistics report that there are some 230,000 persons in reeducation-through-labor camps, sentenced to up to 3 years through administrative procedures, not a trial. It has been estimated that as many as 1.7 million persons per year were detained in a form of administrative detention known as custody and repatriation before 1996; the number of persons subject to this form of detention reportedly has been growing since that time. According to one report, Liu Xin, who was a 15-year-old junior high school student at the time of his arrest in 1989, remains in a Hunan jail serving a 15-year sentence for arson. Liu had apparently handed a box of matches to his brother-in-law during a demonstration in Shaoyang city in 1989. According to an April report in the Western press, Lu Decheng, one of three men jailed for throwing paint on the portrait of Mao Zedong in Tiananmen Square, was released in 1998 after serving 9 years of his original 16-year sentence. However, his two colleagues, Yu Dongyue and Yu Zhijian, remain in jail, both reportedly in solitary confinement. Chen Ziming remained under house arrest at year's end. Wang Wanxing, who protested in Tiananmen Square in 1992, was released from a psychiatric hospital near Beijing in late August but was detained and returned to the hospital on November 23, after informing the hospital director that he might hold a news conference on the conditions he endured in the hospital (see Section 1.c.). Late in the year, according to some reports, the Government started confining some Falun Gong adherents to psychiatric hospitals.

The amendments to the Criminal Procedure Law, which came into effect in 1997, represented a significant improvement in the statutes governing arrest and detention. The amendments provide for earlier and greater access for defendants to legal counsel and the abolition of a regulation that allowed summary trials in certain cases involving the death penalty. Under the old system, defendants were not allowed to consult an attorney until 7 days before trial, usually precluding the possibility of mounting an effective defense. The amended law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation. However, police often use loopholes in the law to circumvent a defendant's right to seek counsel and political activists in particular still have significant problems obtaining competent legal representation of their own choosing.

While the new criminal procedure law represents an improvement over past practice, anecdotal evidence indicates that implementation of the new Criminal Procedure Law remains uneven and far from complete, especially in politically sensitive cases. Differing interpretations of the law taken by different judicial and police departments have contributed to contradictory and incomplete implementation. The Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, the Ministry of Justice, and the Legal Work Committee of the National People's Congress in 1998 issued supplementary implementing regulations to address some of these weaknesses. During the year, the Government continued its efforts to educate lawyers, judges, prosecutors, and especially the public on the provisions of this

and other new laws. In June the Ministry of Justice announced that 500,000 ministry officials would undergo training over the next 3 years as part of "a massive effort to improve the quality of all judicial workers in the country." In March the President of the Supreme People's Court announced that all senior judges in the nation's courts would attend training courses within the next 3 years, with an emphasis on new laws and regulations.

Even if fully implemented, the Criminal Procedure Law still would fall short of international standards in many respects. For example, while the statute precludes a presumption of guilt, it includes no explicit recognition of the presumption of innocence; has insufficient safeguards against use of evidence gathered through illegal means such as torture; the appeals process it provides for fails to provide sufficient avenue for review; and there are inadequate remedies for violations of defendants' rights. However, the law did abolish an often criticized form of pretrial detention known as "shelter and investigation" that allowed police to detain suspects for extended periods without charge. Nonetheless, in some cases police still can detain unilaterally a person for up to 37 days before releasing him or formally placing him under arrest. Once a suspect is arrested, the revised law allows police and prosecutors to detain him for months before trial while a case is being "further investigated." Few suspects are released on bail or put in another form of noncustodial detention pending trial.

The Criminal Procedure Law also stipulates that authorities must notify a detainee's family or work unit of his detention within 24 hours. However, in practice timely notification remains a serious problem, especially in sensitive political cases. Under a sweeping exception, officials need not provide notification if it would "hinder the investigation" of a case. In January Che Hongnian, who had been held incommunicado for nearly 3 months, was sentenced to 3 years of labor in Shandong province, apparently for writing a letter asking how to contact a human rights organization in Hong Kong. His appeal was denied in March.

Police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret. For example, the family of China Development Union (CDU) founder Peng Ming was not allowed to see him for weeks after his detention. Police initially dismissed the family's requests to see Peng by claiming they did not have to allow visitation since Peng had not been "formally arrested"--i.e., charged with a specific crime. In July Wang Yingzheng, a 19-year-old activist in Jiangsu Province, was tried in secret for writing an article criticizing official corruption. Wang's family was not notified of the