

Time to stop

European policymakers and human rights NGOs must engage with China in the fight against torture, says **Willy Fautré**

In February 2009, China was reviewed by the UN's universal periodic review (UPR) in Geneva. A number of recommendations were made by the UN member states. China accepted 42 of them and rejected 50. Following the review, in April 2009 the Chinese government issued a national human rights action plan, the first of its kind. This is an important policy document intended to promote human rights in the country.

In March and September 2010, China reported its progress as part of the UPR follow-up procedure. It claimed to have adopted a series of measures in order to improve people's living standards, employment, healthcare, social security and education. It also declared that "with regard to law enforcement and administration of justice, emphasis has been placed on preventing the extraction of confessions by torture and punishing those responsible for it". In May 2010, the government announced its intention to enact two regulations delineating the procedure invalidating evidence obtained under torture in cases involving the death penalty. This was most probably triggered by the sudden release of Zhao Zuohai, who in 1999 was imprisoned due to confessions extorted under torture by the police for allegedly murdering his neighbour when the 'victim' reappeared alive 10 years later. He was originally sentenced to death but had the sentence commuted to a 29-year prison term. Mr. Zhao told China Daily that police had beaten him with sticks and set off fireworks over his head to force him to confess to the crime. "They taught me how to plead guilty. They told me to repeat what they said or I would be beaten," the newspaper quoted him as saying. He was eventually given a financial compensation of €70,000 in accordance with the amended state compensation law and two policemen accused of beating him were arrested.

This court decision and this law have not solved the problem of police torture and correspondents say convictions in the Chinese court system still depend strongly on confessions, motivating police to use force in order to obtain them. However, this case has allowed China to take a step forward without losing face. This should not be forgotten or overlooked when designing and prioritising strategies to promote



"The EU should activate its various mechanisms through which it could help China fight against torture"

human rights in China or any other country. An opportunity for cooperation instead of confrontation has hereby been opened between Beijing and Brussels.

Zhao Zuohai was released from prison 10 years after being forced to admit to a "murder" when the alleged victim reappeared.

As China shows its willingness to ban torture and to prosecute those policemen who engage in torture, the EU should activate its various mechanisms through which it could help China fight against torture: the European external action service, the European parliament delegation for relations with China, the human rights dialogues, and other mechanisms for constructive engagement with China.

It is also the role and the responsibility of human rights NGOs to collect reliable data on alleged torture cases through their own channels and to identify the perpetrators so that this information can be channelled through the appropriate EU institutions and be taken into positive consideration by China. Don't torturers in the Chinese police deface the image of their own country through their criminal behaviour? ★

Willy Fautré is director of Human Rights Without Frontiers