

Ercilla, Araucanía region, as part of their campaign for the return of their traditional territory.

■ In October, four Mapuche imprisoned in Angol prison called off their 60-day hunger strike after the Supreme Court granted a new trial for one of the men and imposed lesser charges on one other; his sentence was subsequently reduced from 10 years to prison to three years in parole. Both men had been initially convicted of the attempted murder of a policeman in 2011.

■ In August, a military court acquitted a policeman of the murder of Jaime Mendoza Collio, a 24-year-old Mapuche, in 2009. There were concerns about the impartiality of investigations into this case and about the use of military courts to deal with crimes committed by members of the police and military against civilians.

Sexual and reproductive rights

Abortion remained a criminal offence in all circumstances. In October, the CEDAW Committee called on Chile to review its legislation and to decriminalize abortion in cases of rape, incest or threats to the health or life of the woman.

Amnesty International visits/reports

■ Chile: Carta abierta al Presidente de la República de Chile al cumplir dos años de su mandato (AMR 22/001/2012)

CHINA

PEOPLE'S REPUBLIC OF CHINA

Head of state:

Hu Jintao

Head of government:

Wen Jiabao

The authorities maintained a stranglehold on political activists, human rights defenders and online activists, subjecting many to harassment, intimidation, arbitrary detention and enforced disappearance. At least 130 people were detained or otherwise restricted to stifle criticism and prevent protests ahead of the leadership transition initiated at the 18th Chinese Communist Party Congress in November. Access to justice remained elusive for many, resulting in millions of people petitioning the government to complain of injustices and seek redress outside the formal legal system. Muslims,

Buddhists and Christians, who practised their religion outside officially sanctioned channels, and Falun Gong practitioners, were tortured, harassed, arbitrarily detained, imprisoned and faced other serious restrictions on their right to freedom of religion. Local governments continued to rely on land sales to fund stimulus projects that resulted in the forced eviction of thousands of people from their homes or land throughout the country. The authorities reported that they would further tighten the judicial process in death penalty cases; however thousands were executed.

Background

The Chinese Communist Party made its first official top leadership change in 10 years at the 18th Chinese Communist Party Congress (CCPC) in November. Xi Jinping was promoted to party leader and Li Keqiang to the second ranked member of the Communist Party Politburo Standing Committee. The two were expected to replace, respectively, President Hu Jintao and Premier Wen Jiabao, in March 2013.

Justice system

The state continued to use the criminal justice system to punish its critics. Hundreds of individuals and groups were sentenced to long prison terms or sent to Re-education Through Labour (RTL) camps for peacefully exercising their rights to freedom of expression and freedom of belief. People were frequently charged with “endangering state security”, “inciting subversion of state power” and “leaking state secrets”, and were sentenced to long prison terms, in many cases, for posting blogs online or communicating information overseas that was deemed sensitive.

Lawyers who took on controversial cases faced harassment and threats from the authorities and, in some cases, the loss of professional licences, severely curtailing people’s access to justice.

Criminal defendants faced routine violations of the right to a fair trial and other rights, including denial of access to their lawyers and family, detention beyond legally allowed time frames, and torture and other ill-treatment in detention. The use of torture to extract confessions remained widespread.

Revisions to the Criminal Procedure Law, adopted in March to be effective 1 January 2013, introduced strengthened protections for juvenile criminal

suspects and defendants, and those with mental disabilities. However, for the first time, the revisions authorized police to detain suspects for up to six months for certain types of crimes, including “endangering state security”, without notifying the suspect’s family of the location or reasons for detention. The revisions therefore potentially legalized enforced disappearance.

Arbitrary arrests and detentions

Police arbitrarily deprived hundreds of thousands of people of their liberty by placing them in administrative detention, including RTL camps, without recourse to independent courts.

The authorities operated hundreds of places of detention, including “black jails” and Legal Education Training Centres where they held thousands arbitrarily, and where torture, sometimes leading to death, was an established method of “correction” or deterrence.

■ Blind Shandong legal activist Chen Guangcheng, and members of his family, were tortured and held under illegal house arrest for a year and a half before they escaped to the US embassy in April 2012. After a diplomatic stand-off, they were permitted to leave for the USA in May.

■ Human rights and environmental activist Hu Jia remained under house arrest and monitoring since his release in June 2011. Prior to the CCPC in November 2012, he was forced out of his Beijing home by the internal security police and kept in a hotel until 16 November.

Human rights defenders

Tension between civil society and the government remained acute. Academics and activists issued several public letters to the government and incoming leaders, calling for elimination of RTL and other arbitrary detention systems such as “black jails” and psychiatric detention.

The authorities budgeted over 701 billion yuan (approximately US\$112 billion) to maintain public security, an increase of over 30 billion from 2011. Provincial governments called on lower level authorities to “strengthen community works” in the run-up to the Chinese Communist Party leadership transition. This included collecting information from community monitors, frequently warning dissidents and their families, and imprisoning government critics

or placing them under house arrest all as a means to silence dissent.

At the end of 2011 and beginning of 2012, several human rights defenders who consistently called for political reform were sentenced to long jail terms for “inciting subversion of state power” through articles and poems they wrote and distributed. Sentences included 10 years for Guizhou human rights forum leader Chen Xi and activist Li Tie, nine years for Sichuan human rights activist Chen Wei, seven years for Zhejiang Democratic Party member Zhu Yufu and, at the end of 2012, eight years for Jiangsu internet activist Cao Haibo, who set up an online group to discuss constitutional law and democracy.

Human rights defenders working on economic, social and cultural rights were also targeted. They were either placed under surveillance, harassed, or charged with vaguely worded offences.

■ Shanghai housing rights activist Feng Zhenghu was put under house arrest at the end of February and remained so throughout the year.

■ Women’s rights and housing activist Mao Hengfeng was again detained for “disturbing public order” one month before the 18th CCPC and eventually ordered to serve 18 months of RTL.

■ Human rights lawyer Ni Yulan and her husband, both housing rights activists, were sentenced in July to 30 months and 24 months respectively for “picking quarrels and causing trouble”, after a second trial.

■ On 6 June, veteran dissident and labour rights activist Li Wangyang was found dead in hospital just days after an interview, in which he spoke about being tortured, aired in Hong Kong. The authorities claimed he committed suicide by hanging himself; however many questioned the likelihood of this. Li Wangyang was blind, deaf and unable to walk without assistance as a result of being tortured when he was jailed after the 1989 crackdown. He had been jailed twice for a total of more than 21 years.

Death penalty

Death sentences continued to be imposed after unfair trials. More people were executed in China than in the rest of the world put together. Statistics on death sentences and executions remained classified. Under current Chinese laws, there were no procedures for death row prisoners to seek pardon or commutation of their sentence.

■ In May, the authorities rescinded the death sentence imposed on business woman Wu Ying for “fraudulently raising funds”, adding to debates about the abolition of capital punishment for economic crimes.

Amendments to the Criminal Procedure Law would allow the Supreme People’s Court to amend death sentences in all cases. These would make it mandatory to record or videotape interrogations of suspects potentially facing the death penalty or life imprisonment. The amendments would require the courts, prosecutors and the police to notify legal aid offices to assign a defence lawyer to all criminal suspects and defendants who face potential death sentences or life imprisonment and who have not yet appointed legal counsel. Chinese legal scholars called for legal aid to be assured at all stages of a criminal process which may lead to the death penalty.

In November, the authorities announced that a voluntary organ donation system would be launched nationwide in early 2013 to phase out reliance on organs removed from executed prisoners.

Housing rights – forced evictions

Sudden and violent evictions were widespread, and were typically preceded by threats and harassment. Consultation with affected residents was rare.

Compensation, adequate alternative housing and the ability to access legal remedies were severely limited. In many cases, corrupt village leaders signed deals with private developers, handing over land without residents knowing. Those who peacefully resisted forced eviction or sought to protect their rights through legal channels risked detention, imprisonment and RTL. Some resorted to drastic measures, setting themselves on fire or resorting to violent forms of protest.

Enforcement of the 2011 Regulations on the Expropriation of Houses on State-owned Land and Compensation remained weak. The Regulations outlawed the use of violence in urban evictions and granted urban home-owners facing eviction limited protections. In November, the State Council put forward to the National People’s Congress proposed draft amendments to the 1986 Land Administration Law. Revisions to the law were expected to provide legal protections against forced eviction and increased compensation to rural residents.

■ The authorities continued to demolish houses in Shiliuzhuang village, Beijing, between April and August. Some demolitions took place at 5am and without

advance notice. The residents were not offered alternative housing and some received no compensation for their loss. The residents said they were not genuinely consulted, and some said they had been beaten and briefly detained in the run-up to the eviction.

Tibet Autonomous Region

The authorities continued to repress Tibetans’ right to enjoy and promote their own culture as well as their rights to freedom of religion, expression, peaceful association and assembly. Socioeconomic discrimination against ethnic Tibetans persisted unchecked. During the year, at least 83 ethnic Tibetan monks, nuns and lay people set themselves on fire, bringing the total number of self-immolations in Tibetan populated areas in China to at least 95 since February 2009.

■ At least three men were sentenced to up to seven and a half years in prison in separate cases for passing on information about cases of self-immolation to overseas organizations and media.

Numerous people allegedly involved in anti-government protests were beaten, detained, subjected to enforced disappearance or sentenced following unfair trials. At least two people were believed to have died because of injuries sustained from police beatings.

■ In January, security forces reportedly shot at Tibetan protesters in three different incidents in Sichuan province, killing at least one and injuring many others.

The authorities used “patriotic” and “legal education” campaigns to force Tibetans to denounce the Dalai Lama. Officials increased their interference in management of monasteries and expelled monks.

Xinjiang Uighur Autonomous Region (XUAR)

The authorities maintained their “strike hard” campaign, criminalizing what they labelled “illegal religious” and “separatist” activities, and clamping down on peaceful expressions of cultural identity.

■ In January, media reports stated that 16 of 20 Uighurs who were forcibly returned from Cambodia in December 2009 were sentenced to prison terms ranging from 16 years to life.

■ In May, nine Uighurs were sentenced to prison terms ranging from six to 15 years for participating in alleged “illegal religious activities”. In June, an 11-year-old boy, Mirzahid, died in custody after being detained for studying in an “illegal religious school”.

■ In July, several dozen families revealed to overseas groups their ongoing search for relatives missing since the crackdown that followed the July 2009 unrest. The youngest person missing was aged 16 when he disappeared.

■ Patigul, mother of Imammet Eli, aged 25 when detained, revealed to overseas media that she had searched for her son since his detention on 14 July 2009. She said that former inmates told her Imammet had been tortured in detention, and was taken to a hospital in August 2009. Since then she had no further news of him.

Hong Kong Special Administrative Region Legal and institutional developments

In March, Leung Chun-ying was selected as Hong Kong's next Chief Executive not directly by the people but by a 1,193-strong Election Committee. Just days before the election, 220,000 people cast ballots in a straw poll in protest against the "small circle election", the outcome of which was widely perceived to have been determined by the Beijing government.

Fears for the independence of the judiciary and other government bodies were raised when in September the Chief Secretary remarked that the Ombudsman's Office and the Independent Commission Against Corruption were a major hurdle against policy implementation. In October, the former Secretary of Justice criticized Hong Kong judges for a lack of understanding of the relationship between Beijing and Hong Kong.

The government planned to introduce Moral and National Education in primary schools, starting from 2012. Many perceived the subject as political propaganda and students were reportedly to be graded not only on their knowledge of the subject matter, but also on their emotional identification with the state. On 29 July, more than 90,000 people rallied against the curriculum. After the government initially ignored protesters' demands, in late August protesters gathered outside government headquarters, and some went on hunger strike. At the height of the campaign, a reported 100,000 people joined a week-long protest. On 8 September, the government announced that the subject would be suspended indefinitely.

In November, Cyd Ho Sau-lan, a legislator, made a non-binding motion calling for a public consultation on a new law to protect people from discrimination on the basis of sexual orientation. The motion was defeated.

Migrant workers' rights

There were approximately 300,000 migrant domestic workers in Hong Kong, all of whom were excluded from the minimum wage law. Migrant domestic workers regularly paid the equivalent of three to six months of their salary in fees to recruitment agencies, despite Hong Kong law limiting the amount an agency can charge to 10 per cent of the workers' first month's salary. In September, the separate minimum allowable wage for migrant domestic workers increased from HK\$3,740 (US\$483) to HK\$3,920 (US\$506) per month, but many workers did not receive this minimum.

■ On 28 March, the Court of Appeal overturned an earlier ruling by the Court of First Instance in favour of Filipino national Vallejos Evangeline Baneo. She was employed as a domestic worker in Hong Kong since 1986, and was seeking the right for migrant domestic workers to apply for permanent residency and the right of abode. The case was admitted by the Court of Final Appeal and was likely to be heard in early 2013.

Macau Special Administrative Region

On 29 February, the Standing Committee of China's National People's Congress decided that there would be no direct election of the Chief Executive in 2014. The job of selecting the Chief Executive would continue to be performed by the Election Committee which in the last election had 300 members, only six of whom were directly elected. Pro-democracy politicians urged the government to reform the existing electoral system, including by increasing the ratio of directly elected seats in the legislature. In an online public opinion poll conducted in April the majority of respondents supported electoral reform.

■ On 1 May, police interfered with a peaceful demonstration which included dozens of reporters wearing black T-shirts, protesting against self-censorship in Macao's mainstream media.

Amnesty International visits/reports

📄 Standing their ground: Thousands face violent eviction in China (ASA 17/001/2012)