

Rights of lesbian, gay, bisexual, transgender and intersex people

More than 3,000 participants attended the Pride march in Budapest on 12 July. In April, the Chief of the Budapest Police decided to ban it on the grounds that it would disrupt traffic flows. The ban was quashed by the Budapest Metropolitan Court a few days later. According to the organizers, the police provided adequate protection for the march.

Amnesty International visits/reports

- ✈ An Amnesty International delegate visited Hungary in July.
- 📄 Hungary: Report into vigilante activities in Gyöngyös fails to address discrimination (EUR 27/001/2012)
- 📄 New Hungarian Criminal Code: A missed opportunity to do more on hate crimes (EUR 27/003/2012)

INDIA

REPUBLIC OF INDIA

Head of state: **Pranab Kumar Mukherjee (replaced Pratibha Patil in July)**
Head of government: **Manmohan Singh**

Torture and other ill-treatment, extrajudicial executions, deaths in custody and arbitrary detentions persisted. Victims of human rights violations and abuses were frustrated in their quest for justice largely due to ineffective institutions and a lack of political will. The first execution in India since 2004 took place in November. At least 78 people were sentenced to death. The authorities persistently failed to curb violence against women and girls, and a high-profile rape case in December spurred countrywide protests for legal and other reforms. At least 340 people, including civilians, were killed in clashes between armed Maoists and security forces. Accountability for crimes under international law remained outside the scope of ongoing peace initiatives in Nagaland and Assam. At least 65 people were killed in intra-ethnic and communal clashes in Assam leading to the temporary displacement of 400,000 people. Adivasi (Indigenous), fishing and other marginalized communities continued to protest against forced

eviction from their land and habitats, while official investigations progressed into the allocation of land for corporate mining. Defenders of human rights were threatened and harassed by state and non-state actors; some were sentenced to long-term imprisonment. The government attempted to censor websites and stifle dissent expressed through social media, prompting protests against internet restrictions.

Background

The government faced allegations of corruption over its failure to ensure inclusive growth, within the context of a global recession which severely affected India's economy. Poor and already marginalized communities, estimated at 30% to 50% of the population, were hit hard by price rises.

Government talks with neighbouring Pakistan continued, including on Kashmir. In March, India supported UN Human Rights Council Resolution 19/2, urging Sri Lanka to address alleged violations of international law, but was reluctant to speak out on other human rights concerns. The Special Rapporteur on extrajudicial, summary or arbitrary executions visited India in March. India's human rights record was assessed under the UN Universal Periodic Review in May; the state did not accept recommendations to facilitate a visit by the UN Special Rapporteur on torture and by the Working Group on Arbitrary Detention, or to hold its security forces to account for human rights violations. Parliament amended the Unlawful Activities (Prevention) Act on financing terrorism but failed to bring it in line with international human rights standards.

Violence between security forces, militia and Maoists

Clashes between armed Maoists and security forces continued in eastern and central India. Both sides routinely targeted civilians, and killings, arson and abductions spread to Gadchiroli district in Maharashtra state, where Maoists killed 19 civilians including eight serving and former local government members.

In Chhattisgarh, the number of people killed since 2005, including members of the security forces and armed Maoists, rose to 3,200. Some 25,000 people remained displaced – 5,000 in camps and 20,000 dispersed in neighbouring Andhra Pradesh and

Orissa. Hundreds of members of the state-sponsored Salwa Judum militia continued to be integrated into a 6,000-strong auxiliary police force, despite concerns over their involvement in human rights violations.

■ In March and April, Maoists abducted two Italian tourists in Orissa, releasing them in exchange for six Maoists captured by security forces. Maoists released an Orissa legislator after 33 days.

■ In April and May, Maoists shot dead two security guards and abducted the head of Sukma district administration in Chhattisgarh. They released him after 13 days, when the state authorities promised to consider the release of 300 Maoist suspects on bail.

■ In June, central paramilitary forces in Chhattisgarh claimed to have killed 17 Maoists in “combat”, but human rights activists discovered the victims to be local unarmed Adivasis, including three teenagers. A judicial inquiry into the killings commenced five months later.

Corporate accountability

In August, the Indian Supreme Court ordered that toxic waste lying in and around the Union Carbide factory in Bhopal should be disposed of within six months by the central and state governments. It also ordered better medical surveillance, monitoring and referral systems to improve health care for victims. The Court ruled that the state government should provide clean water to people living in the vicinity of the factory.

UK-based Vedanta Resources continued to fail to provide remedies to Indigenous and other local communities for the impact of its alumina refinery project in Lanjigarh and failed to consult on plans to undertake mining in a joint venture with the Orissa Mining Corporation (OMC) in the Niyamgiri Hills. The OMC's challenge to the central government's refusal to grant forest clearance for the mining project was pending before the Supreme Court.

■ Adivasis in the Mahan and Chhatrasal areas of Madhya Pradesh state and the Saranda area of Jharkand state, protested against moves to divert land to mining projects which flouted their claims to the land under the Forest Rights Act.

Death penalty

On 21 November, India resumed executions after an eight-year hiatus by hanging Ajmal Kasab, a Pakistani national, for his involvement in the 2008 Mumbai terror attacks. During the year, courts sentenced at

least 78 people to death, raising the number of prisoners on death row to over 400. Ten death sentences were commuted by presidential order. Five other prisoners challenging the President's rejection of their mercy petitions awaited the Supreme Court's verdict.

In July, 14 former judges appealed to the President to commute the death sentences of 13 prisoners, which the judges claimed had been wrongly upheld by the Supreme Court. In November, the Supreme Court called for a review of the sentencing principles given the inconsistent application of the death penalty. The Supreme Court ruled against the mandatory application of the death penalty for the use of prohibited firearms resulting in death. In December, India voted against UN General Assembly resolution 67/176 calling for a worldwide moratorium on executions with a view to abolishing the death penalty.

Violence against women and girls

The authorities failed to curb high levels of sexual and other violence against women and girls, even as reports of such incidents increased.

■ In December, 11 men were convicted for the sexual assault of a woman in Guwahati city, Assam.

■ Five men and one boy were arrested in December for the gang-rape and subsequent death of a young woman in Delhi. The assault prompted countrywide protests calling for a review of laws addressing violence against women.

Impunity

Impunity for human rights violations remained pervasive, with no repeal of the Armed Forces Special Powers Act or the Disturbed Areas Act. Both Acts grant excessive powers to security forces in specified areas, and provide them with de facto impunity for alleged crimes. Protests against these laws were held in Jammu and Kashmir and the north-east, with concerns expressed by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions during his visit to India in March, and by the UN Human Rights Council in September. Suspected perpetrators of enforced disappearances and extrajudicial executions in Assam (in 1998 and 2001), Manipur, Nagaland, Punjab (during 1984-1994) and other states, remained at large.

■ In January, the Supreme Court ordered new investigations into 22 alleged extrajudicial executions in Gujarat, mostly of Muslim youth, during 2003-2006.

■ In April, the National Human Rights Commission (NHRC) closed its inquiry into alleged unlawful killings and mass cremations by police during the Punjab conflict, without recommending criminal investigations. It awarded 279.4 million Indian rupees (US\$5.78 million) in compensation to the families of 1,513 of the 2,097 dead. The findings of a Central Bureau of Investigation probe into the killings remained unpublished.

■ During 2007-2012, the NHRC distributed cash compensation to the families of 191 out of 1,671 people killed in the country, after determining they had been extrajudicially executed. Criminal investigations into the majority of such killings failed to make serious progress.

Jammu and Kashmir

Widespread impunity prevailed for violations of international law in Kashmir, including unlawful killings, extrajudicial executions, torture and the enforced disappearance of thousands of people since 1989. The majority of cases of more than 100 youths shot dead by the police and other security forces during protests in the summer of 2010 were not fully investigated.

■ In May, the Supreme Court allowed eight members of the armed forces, suspected of involvement in the extrajudicial executions of five villagers from Pathribal in 2000, to effectively sidestep civilian courts. Instead, they faced trial in military courts, later boycotted by the victims' relatives.

■ In July, the Jammu and Kashmir High Court cited the Pathribal verdict when ruling on a similar case, relating to the 2010 Machil extrajudicial executions of three villagers.

■ In August, the state authorities rejected the state Human Rights Commission's recommendation to use modern forensic techniques to identify bodies in more than 2,700 unmarked graves in north Kashmir.

■ In December, a report by two Srinagar-based human rights organizations on 214 cases of enforced disappearance, torture, extrajudicial executions and other violations since 1989, alleged that the authorities were unwilling to investigate serious charges against 470 security personnel and 30 state-sponsored militia members.

Limited amendments to the Public Safety Act (PSA) in April after calls for its repeal, failed to bring it in line with India's international human rights obligations.

Administrative detentions under the PSA continued with political leaders and separatist activists held without charge or trial.

■ In December, the authorities acknowledged that 219 people were detained under the PSA, including 120 foreign nationals, and seven whose detention orders had already been quashed by the courts. Teenagers Mushtaq Saleem Beigh, Mohammed Mubarak Bhat and Danish Farooq were released from administrative detention.

Proposed amendments to the state's juvenile justice law, raising the age of majority from 16 to 18, remained pending before the legislative assembly.

Communal and ethnic violence

In July and August, 75 villagers were killed in clashes between Bodo and Muslim communities in Assam. A total of 400,000 people were temporarily displaced across 270 camps. Involvement of armed groups exacerbated tensions and violence. The authorities were criticized for their inadequate response.

Ten years after the 2002 Gujarat violence in which 2,000 people, mostly Muslims, were killed, the majority of victims and their families had not secured justice. At least 78 suspects were convicted, including former Minister Maya Kodnani, and some 90 acquitted, in three of the cases being monitored by the Supreme Court.

■ In February, a special team set up by the Supreme Court to investigate 10 Gujarat cases found no evidence to prosecute Chief Minister Narendra Modi and 62 other senior politicians and officials. Zakia Jaffri, who had accused the Chief Minister and others of failing to save the life of her husband Ehsan Jaffri and 68 others, petitioned the Court, questioning the basis for the team's conclusions.

Members of Dalit communities continued to face discrimination and attacks. Special laws to prosecute suspected perpetrators were rarely used.

■ In November, 268 Dalit houses in Natham Colony, Tamil Nadu, were looted and damaged by caste Hindus enraged by the suicide of a man whose daughter had married a Dalit.

Excessive use of force

On several occasions, police used unnecessary or excessive force to quell protests, and authorities failed to conduct prompt, impartial and effective inquiries into most incidents.

■ In March and April, at least 10 people were injured when police used excessive force to evict slum-dwellers from Nonadonga area, Kolkata, in a bid to acquire land for urban infrastructure projects.

■ In September, one protester was killed by police and more than 60 others were injured when police cleared a demonstration against the Kudankulam nuclear power plant in Tamil Nadu.

■ In November, one person was killed and five others were injured by police during protests over the amount of compensation for land in Loba village, West Bengal, acquired for a private coal mine.

Sedition laws

Protests grew against archaic sedition laws used to imprison peaceful demonstrators.

■ Over 50 peaceful protesters against the Kudankulam nuclear power plant, including Dr Udayakumar and Pushparayan, were charged with sedition and “waging war against the state”.

■ In August, social activists Seema Azad and Vishwa Vijay, were released on bail by the Allahabad High Court while appealing against their conviction on sedition charges for collaborating with armed Maoists.

Human rights defenders

People defending the rights of marginalized communities continued to be targeted by state and non-state actors – as highlighted by the UN Special Rapporteur on human rights defenders in February.

■ In July, environmental activist Ramesh Agrawal, who had sought to expose environmental and Adivasi rights violations linked to mining projects, was shot and injured in Raigarh district, Chhattisgarh.

■ In September, the Supreme Court rejected the bail petition of prisoner of conscience and Adivasi leader Kartam Joga, jailed since September 2010.

■ In September, the Supreme Court agreed to consider the medical report of Adivasi schoolteacher Soni Sori, after she complained of torture, including sexual violence, by the Chhattisgarh police while she was in their custody in October 2011.

■ In October, Adivasi rights activist Dayamani Barla was imprisoned for two months for a 2008 incident, amid allegations that she was being targeted by Jharkhand authorities for protesting against the forced eviction of farmers at Nagri.

Freedom of expression

The authorities used overbroad and imprecise laws to arrest at least seven people for posting online comments criticizing the government.

■ In April, Kolkata police arrested academic Ambikesh Mahapatra for posting a cartoon criticizing West Bengal Chief Minister Mamata Banerjee.

■ In September, Mumbai police arrested Aseem Trivedi for publishing a series of cartoons parodying India’s national symbols as part of an anti-corruption protest.

■ In October, Puducherry police arrested Ravi Srinivasan for tweeting about allegations of corruption involving the Union Finance Minister’s son.

■ In November, Mumbai police arrested two women, Shaheen Dhada and Renu Srinivasan, for posting Facebook comments questioning a public protest called for by supporters of a recently deceased senior political figure.

Amnesty International visits/reports

📄 Human rights defenders in India need effective protection: Amnesty International’s written statement to the 19th session of the UN Human Rights Council (ASA 20/005/2012)

📄 India: Vedanta’s perspective uncovered – policies cannot mask practices in Orissa (ASA 20/029/2012)

📄 Amnesty International urges India to promptly ratify the Convention against Torture and invite the Special Rapporteur on torture to visit India (ASA 20/034/2012)

📄 India: Still a “lawless law” – detentions under the Jammu and Kashmir Public Safety Act (ASA 20/035/2012)

INDONESIA

REPUBLIC OF INDONESIA

Head of state and government: **Susilo Bambang Yudhoyono**

Security forces faced persistent allegations of human rights violations, including torture and other ill-treatment and excessive use of force and firearms. At least 76 prisoners of conscience remained behind bars. Intimidation and attacks against religious minorities were rife. Discriminatory laws, policies and practices prevented women and girls from