Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**306**
Land:	Kina
Kilde:	Amnesty International.
Titel:	Standing Their Ground. Thousands face violent eviction in China
Udgivet:	1. oktober 2012
Optaget på baggrundsmaterialet:	20. december 2012

STANDING THEIR GROUND

THOUSANDS FACE VIOLENT EVICTION IN CHINA

HOUSING IS A HUMAN RIGHT

AMNESTY INTERNATIONAL

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

AMNESTY
INTERNATIONAL

First published in 2012 by
Amnesty International Ltd
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

Index: ASA 17/001/2012 English
Original language: English
Printed by Amnesty International,
International Secretariat, United Kingdom

Cover photo: Police arrest a woman as she tries to stop local officials from razing a building for urban development in the Kuancheng district of Changchun city, Jilin province, north-east China, 9 June 2010.

amnesty.org

CONTENTS

1. INTRODUCTION 3

The importance of prohibiting forced evictions under international human rights law 5

Methodology 8

2. BACKGROUND 10

History 10

The impact of the 2008 Beijing Olympics 11

Emphasis on economic growth above all else 12

Land sales 13

3. ABUSES IN THE EVICTION PROCESS 15

Inadequate notice and consultation 16

Harassment 19

Violence and unnecessary use of force 20

International standards on use of force and other procedural protections during evictions 23

4. BARRIERS TO ACCESSING EFFECTIVE REMEDIES 25

Procedural and practical barriers to legal action 25

Lack of official assistance for victims of violence during evictions 28

Ineffectiveness of and repercussions for petitioning 31

Persecution and harassment of advocates 33

5. SUPPRESSION OF RESISTANCE 37

Peaceful resistance 37

Deaths as a result of resisting evictions 38

Violent resistance 40

Self-Immolation 40

6. THE DOMESTIC LEGAL FRAMEWORK: SOME PROGRESS BUT STILL INADEQUATE ... 44

The Constitution of the People's Republic of China 44

The Property Rights Law 45

The Law of the People's Republic of China on Urban Real Estate Administration 46

The Land Administration Law 46

The Rural Land Contracting Law 47

Regulations on the Expropriation of Houses on State-owned Land and Compensation – New regulations for urban expropriation 47

Challenges implementing the law 50

7. CONCLUSION 53

Recommendations 53

Appendix: List of cases involving self-immolation 56

ENDNOTES 66

1. INTRODUCTION

"Consultation, negotiation and litigation help little for land issues. Officials collude with businessmen to seize the land in the name of economic development and use land as a mortgage to harm the interests of villagers."

Lin Zuluan, newly elected leader for Wukan village, Guangdong province [1]

Late in 2011, the village of Wukan, in China's southern province of Guangdong, made international headlines. For months, villagers there had been protesting what they said was the local government's latest attempt to secretly sell off their farmland to developers, as well as what they said was a village committee instated after unfair elections. In media interviews the villagers said the local Communist Party officials had not consulted them on the sale and that they only learned of it after construction on their farmland began. Residents said they had endured the theft of their land by local officials for nearly forty years and they'd had enough. In September, villagers staged a demonstration, storming government office buildings.

In December, a thousand police descended on Wukan to arrest five people they claimed had organized the September protest. Villagers blocked police from entering, but finally police arrested Xue Jinbo, 43, and four others. On his third day in police custody, Xue Jinbo died. Family members and villagers told reporters that Xue Jinbo appeared to have been tortured, as he had dark bruises and cuts on his face. Officials from Shanwei city, which oversees Wukan, said they interrogated Xue Jinbo twice in custody, during which he "confessed" to being part of the September incident. Officials said that on his third day of custody, he appeared ill and they sent him to the hospital, where he died from cardiac failure.[2]

After Xue Jinbo's death, enraged villagers chased their Communist Party leaders out of town. To quell the unrest, provincial authorities stepped in, promising Wukan could hold new village elections. In March, villagers elected two new leaders – both of whom had helped lead the land protests.[3] Many in China celebrated the election,[4] saying it marked a peaceful resolution to the stand-off and could serve as a democratic model for China.

But the optimism might be premature. To this day, there has been no independent investigation into Xue Jinbo's death. The villagers still have not got any of their land back. And there are now reports that authorities have been harassing and spying on activists in

Wukan. The activists included Xue Jinbo's oldest daughter, Xue Jianwan, who had reportedly been sacked from the local school where she taught after announcing she would stand in the village election (she later withdrew at the last minute).[5]

The forced eviction of people from their homes and farmland has become a routine occurrence in China and represents a gross violation of China's international human rights obligations on an enormous scale.[6] Despite international scrutiny and censure of such abuses amid preparations for the Beijing Olympics in 2008, the pace of forced evictions has only accelerated over the past three years,[7] with millions of people across the country forced from their residences without appropriate legal protection and safeguards.[8] These evictions are often marked by violence, committed both by state and private actors in pursuit of economic gain and, less commonly, by frustrated residents in desperate acts of protest and resistance.

Chinese who lose their homes or land in forced evictions often find themselves living in poorly constructed dwellings far away from jobs, schools and public transport. Because there is not yet a comprehensive social welfare safety net in the countryside, rural residents are particularly vulnerable to severe economic hardship after evictions. Farmers who lose their land often end up in poverty.[9] The problem of forced evictions represents the single most significant source of popular discontent in China[10] and a serious threat to social and political stability.

Premier Wen Jiabao and other members of the Chinese leadership have publicly acknowledged the gravity of the situation, with Wen recently saying in a meeting: "What is the widespread problem right now? It's the arbitrary seizure of peasants' land, and the peasants have complaints, so much so that it's triggering mass incidents [protests]."[11] But other Chinese officials have sought to minimize the problem and defended abuses in the eviction process as a necessary cost of modernization.[12]

In January 2011 the central government issued regulations[13] outlawing the use of violence in urban evictions and granting urban owners facing eviction new protections, including the right to air concerns in public hearings, file legal appeals and receive adequate compensation based on market value. Housing rights activists and lawyers say the new urban regulations are insufficient especially because they only apply to home owners and not renters, and that the government has not extended similar protections, however weak, to people living in rural areas.[14] This would require long promised revisions of the 1986 Land Administration Law.

Rural residents continue to face official discrimination when evicted. They have no say in the expropriation of their land and, under current law, they are entitled to compensation based only on the agricultural value of their land (including, for example, the value of the crops they have sold in the last three years), rather than market value. Ostensibly, the law restricting agricultural land-use rights[15] is maintained, in part to enhance food security and the central government maintains a "red line" critical acreage of arable land to be protected.[16] But local officials routinely violate national policy by converting the land expropriated from peasants into land for non-agricultural use and then selling it for commercial development.[17]

The pace of forced eviction in China has accelerated in part because local officials have a fiscal incentive to clear land for development. Income from the sale of land rights comprises the single largest source of revenue for local governments, which have struggled with

structural budget shortfalls since tax reforms in the mid-90s. The Chinese government's response to the global recession has exacerbated the problem, with local governments borrowing huge amounts from state banks to finance stimulus projects and relying on land sales to cover interest payments.[18] Officials have other incentives to engage in forced eviction as well: China's ruling Communist Party promotes those who deliver economic growth, and land redevelopment – whether for new roads, factories or residential complexes – is seen as the most direct path to visible results.

These incentives create the potential for an intertwining of interests between local officials and real estate developers when it comes to removing residents from coveted parcels of land. Opportunities for abuse proliferate because the Chinese political system allows local officials to operate with few checks and only limited public accountability. Corruption in the form of bribes from developers to officials has been widely documented in state controlled media.[19]

According to the evictees, housing rights activists, lawyers and academics Amnesty International interviewed for this report – people facing eviction enjoy only tenuous protections under Chinese law, and they face significant challenges in asserting their rights. Access to effective remedies as required under international law, is often compromised because local party committees exert influence over both the judiciary and other agencies that hear eviction-related disputes. Courts rarely accept eviction-related appeals, and attempts to petition higher-level government agencies almost always fail.[20] Local authorities also violate international standards by interfering with the efforts of evictees to seek adequate legal advice and representation. Housing rights activists and lawyers often face harassment, the loss of professional licenses, imprisonment and violence. At the same time, violence against evictees and their representatives is rarely prosecuted or punished. According to people interviewed by Amnesty International, some evictees sign "agreements" under coercion, including violence, and this makes it even harder for them to challenge their evictions later.

THE IMPORTANCE OF PROHIBITING FORCED EVICTIONS UNDER INTERNATIONAL HUMAN RIGHTS LAW

This report uses the definition of forced evictions found in international human rights law and standards, that is the "removal against their will of individuals, families and/or communities from the homes and/or land they occupy[21] without the provision of, and access to, appropriate forms of legal or other protection".[22]

Under international human rights law and related standards, forced evictions are prohibited and governments can only carry out evictions as a last resort after exploring all feasible alternatives.[23] These legal standards reflect the catastrophic effects forced evictions can have not only on people's right to adequate housing and to family life and the home but also on a range of their other economic and social rights including on their right to work, access to services such as water and sanitation, utilities, health and education.

As specified in the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by China in 2001, governments may only carry out evictions when a range of procedural protections are applied. The Committee on Economic Social and Cultural Rights (CESCR)[24] has determined that such protections include:

- an opportunity for genuine consultation, including the discussion of feasible alternatives to eviction;

- adequate and reasonable notice;

- information made available in a reasonable amount of time on the proposed evictions, including, where applicable, the purpose for which the land or housing will be used;

- government officials or their representatives being present during an eviction;

- the people carrying out the eviction identifying themselves;

- refraining from carrying out evictions at night or in particularly bad weather, unless the affected persons give their consent otherwise;

- the provision of legal remedies; and

- the provision, where possible, of legal aid to people who need it to seek redress through the courts.[25]

Governments are also required to protect people from forced evictions by private actors.[26]

China has an obligation to prohibit and end forced evictions as a party to the ICESCR and other international human rights treaties that require it to respect and protect the right to adequate housing and related guarantees including family and private life.[27] The CESCR has stated that it "considers that instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances and in accordance with the relevant principles of international law."[28] The importance of the duty to prohibit and halt forced evictions is signified by its immediacy, as is the duty to respect and not to violate individuals' right to housing.[29]

The practice of forced evictions highlights the indivisibility of economic social and cultural rights and civil and political rights. As this report shows, victims can be subjected to torture or ill-treatment by the authorities or their agents and are frequently denied effective remedies and prevented from or punished for exercising their right to engage in peaceful protest.

This report demonstrates that contrary to China's obligations under international law, Chinese people are rarely consulted in a way that complies with international law before evictions. Many times they do not receive adequate information on the timing or purpose of an eviction, and their efforts to appeal, whether via courts or government agencies, are routinely blocked and sometimes result in imprisonment. Chinese who are evicted often must relocate far from jobs, schools and transportation and those who receive new housing do not always receive the proper legal documents of home ownership – putting them at risk of future forced evictions and, in some cases, preventing them from being allowed to legally sell their homes, if they choose. Farmers are particularly vulnerable after evictions and often end up in poverty after losing land, which is one of the few social welfare safety nets available to rural residents. If they do receive compensation, it usually falls far short of what they would need to rebuild their lives after being forced from their land and community.

This report also shows that the Chinese government fails to protect people from violence by real estate developers and other private parties, such as corporations, with an economic interest in the eviction process, and that state actors, such as police or other state security forces, have incentive to – and in many documented cases have engaged in – violence against evictees as well.

In the cases Amnesty International reviewed, violence was typically the culmination of a campaign of escalating harassment aimed at pressuring residents into signing eviction and resettlement agreements. Academics, activists and lawyers Amnesty International spoke with and other reports show this pattern is common. These campaigns often employ coercive tactics in violation of international law, including the interruption of services such as water, heat and electricity. Physical intimidation of holdouts is common, and often followed by a range of violent acts. Beatings are the most commonly reported type of violence, however there have also been some alleged abductions and murders. In some cases, victims were killed or injured during the demolition process, including one case in which a woman trying to stop a demolition crew was buried by a bulldozer. Usually these deaths were at the hands of non-government actors, but at least one victim died while in police custody.[30] In a few of the high-profile cases documented in this report, authorities investigated and punished those responsible for injuries or deaths. But more often, activists report that authorities do not investigate eviction-related violence. Sometimes, police have stood by as violence unfolded and did not intervene or arrived so late after being called that the victims believed they were purposefully stalling (See below under 'Unnecessary force and violence').

In some cases, evictees respond with violence, including attacks against police and government officials. One measure of poor redress mechanisms and the desperation of victims of forced eviction in China is an unprecedented surge in protests by self-immolation. At least 41 individuals resisting eviction have set themselves on fire in protest since 2009.

Throughout the report, Amnesty International cites cases that illustrate a range of human rights violations suffered during the eviction process. We also include eight, detailed, case studies for a more in-depth look at the dynamics and abuses involved in forced evictions. This report also includes an overview of current laws and regulations pertaining to housing rights and forced evictions. It includes a detailed analysis of the 2011 Regulations on the Expropriation of Houses on State-owned Land and Compensation, which apply to evictions carried out in the cities. In the analysis, Amnesty International points out the positive steps the Chinese government has taken in moving closer toward meeting its obligations under international law. We also provide recommendations on how to improve the regulations--for example, by extending similar protections against forced eviction to all residents, not simply homeowners and not only those living in urban areas. Amnesty International would welcome the opportunity to discuss these issues further with Chinese authorities.

Key recommendations

The Chinese government should:

- Halt immediately all forced evictions, explicitly prohibit them under law and ensure that adequate safeguards and protections are put in place in line with international law, in part by ensuring implementation of the January 2011 Regulations on the Expropriation of Houses on State-owned Land and Compensation;

- Develop and adopt guidelines for evictions based on the UN Special Rapporteur's Basic Principles and Guidelines on Development-Based Evictions and Displacement that comply with international human rights law and standards;

- Develop and adopt concrete and effective measures to ensure the entire population a minimum degree of security of tenure sufficient at least to protect them from forced evictions and other threats and harassment;

- Ensure that nobody is rendered homeless as a result of an eviction and is provided with adequate alternative housing;

- Ensure that all victims of forced evictions have access to independent and impartial adjudication of their complaints and to an effective remedy;

- Respect and guarantee the independence of the judiciary and the rule of law;

- Punish and prosecute state and non-state actors who violate the rights of residents, including but not limited to the use of violence, during the eviction process; and

- Introduce an immediate moratorium on any new mass evictions until the above key reforms are implemented.

A more comprehensive set of recommendations is set forth at the end of this report.

METHODOLOGY

Amnesty International conducted research for this report between February 2010 and January 2012. This included detailed interviews with around 30 victims of forced eviction, lawyers and housing rights activists from across mainland China. In addition, we conducted interviews with international scholars and other authorities on Chinese land and housing rights and international housing rights advocates. This report also draws on extensive Chinese and international academic research, studies by a Chinese human rights organization and published accounts in both Chinese and international media.

In our research, we examined in detail 40 instances of forced eviction, involving at least several households each, occurring between January 2009 and January 2012 in Beijing and Shanghai, in the provinces of Anhui, Guangdong, Guizhou, Heilongjiang, Henan, Hubei, Hunan, Jiangsu, Jiangxi, Jilin, Shandong, Shanxi, Sichuan, Yunnan and Zhejiang and in the autonomous regions of Inner Mongolia and Guangxi. Each of these cases involved at least one violent episode. We also documented an additional 41 cases of self-immolation related to forced eviction in the same time period. Whenever possible, we confirmed details of these incidents through multiple channels, including interviews with witnesses, lawyers and activists, as well as reports in Chinese state media and international media, legal documents and written, first-hand accounts. Our aim was to explore the circumstances that lead to violence in the eviction process in China and to identify patterns of conduct by the Chinese government and its agents including any violation of international human rights standards.

The Chinese government severely restricts the activities of civil society and nongovernmental organizations, particularly those of human rights advocacy groups such as Amnesty International. As a result, our research was conducted with utmost attention to the security of those interviewed. Because of the possibility of reprisals, we are withholding information about when and where these interviews were conducted. All participants were informed of the purpose of these interviews and were offered the opportunity to remain anonymous in this report.

Amnesty International tried to document what happened to evictees at all stages of an eviction, including after the eviction itself. However, due to the difficulty in obtaining information from those who live in mainland China without jeopardizing their security – as well as restrictions on outside organizations wishing to conduct research on the mainland – it was difficult in many cases to follow up on the whereabouts of villagers after they had been evicted.

The findings of this report complement numerous other reports on the topic of forced eviction in China by domestic and international researchers, including Chinese Human Rights Defenders,[31] the Chinese Urgent Action Working Group,[32] the Centre on Housing Rights and Evictions (COHRE),[33] and the Building and Social Housing Foundation.[34] The findings also are consistent with the Special Rapporteur on the Right to Food's findings and recommendations after his 2010 mission to China[35] and recommendations to the Chinese government from the CESCR.[36]

This report does not include research in the ethnic autonomous regions of Tibet and Xinjiang. Forced evictions have been reported in Tibet and Xinjiang, [37] but the examination of the distinct features affecting the way the process is carried out in these areas – such as discrimination against members of the Tibetan and Uyghur ethnic groups – is beyond the scope of this report. The Chinese government also controls access to these areas even more tightly than it does to other parts of China, hampering independent research.[38]

2. BACKGROUND

HISTORY

Even before it took power, the Chinese Communist Party under Mao Zedong established its legitimacy in the countryside through land-to-tiller, mass-mobilization policies intended to break the economic and social control enjoyed by rural elites. The Party redistributed farmland from landlords to peasants in a process frequently marked by violence.[39] After the People's Republic of China was established in 1949, the Communist Party continued to pursue socialist transformation through mass-mobilization campaigns, during which both rural land and urban property was transferred from private to public ownership.[40] By the end of the 1950s, the Party's efforts at land collectivization had placed all rural land under the control of agricultural cooperatives, which included production teams, brigades and communes. In urban areas, city dwellers' lives were increasingly regimented within a system of "work units" (or *danwei*), which assigned members with housing in newly constructed housing blocks or former private dwellings that had been subdivided.[41]

Although one goal of Maoist mass mobilization was to spur China's economic transformation, it ultimately failed to deliver on this promise and resulted in disastrous consequences for the economy and the Chinese people, millions of whom died during the most destructive campaigns.[42] Another consequence of the relentless focus on mass mobilization was the relative lack of development in legal rights and institutions. Soon after Mao's death in 1976, Deng Xiaoping took steps to undo the legacy of class struggle by introducing a new policy of "reform and opening up" that promoted market reforms and a basic legal framework in hopes of stimulating China's economic development.

The revival of markets and the reintroduction of the notion of legal rights would have significant consequences for land and housing policies in China. The 1982 Constitution declared for the first time that the state owned all urban land and that rural and suburban land were to be held by "collectives."[43] The term "collective" was not defined, and that vagueness is a key source of conflict in the current eviction crisis in the countryside.[44] Generally, the "collective" is controlled by a village committee.[45] However, a concession that was granted shortly after 1982 still exists today: people could retain land-use rights, which meant they did not own the land but could use it for a fixed period of time. That period is 30 years in the countryside[46] and 70 years for urban residential use.[47] The market reforms of the late 1970s and early 1980s also introduced the "household responsibility system," which allocated rights to use specific plots of farmland to rural households – rather than a production team – and initiated an agricultural boom.[48] Such land continues to be collectively owned. While rural households are allowed to use the land for farming purposes under this system, they are generally not allowed to engage in construction on the land or sell the land use rights for the purpose of urban construction.

The creation of urban land-use rights allowed a private real estate market to emerge. By 1985, the state began allowing private companies from Hong Kong and foreign joint ventures to lease land. In the 1990s, state enterprises began privatizing employee flats, selling them at a subsidized rate to tenants.[49] By 1998, state firms had stopped providing flats to urban employees and begun paying housing allowances instead – marking the beginning of the

dismantling of the *danwei* system. A frenzy of real estate activity had begun. Because of chronic housing shortages in Chinese cities – a legacy of inefficient state planning – property values skyrocketed. Since the state owned all urban land, the burgeoning real estate market did not benefit the original urban resident-homeowners. Instead, developers lobbied local officials to sell them land-use rights at a discount to market prices, often by offering to build roads or other municipal projects in exchange. Officials, eager to spur growth in a political system that now rewarded growth above almost all else, generally cooperated – even though their grants or allocations of urban land use rights to developers generally necessitated the eviction of existing residents, both homeowners and tenants , in order to "clear" the land use rights that had been sold. The process was frequently marked by bribes and kickbacks, as a series of high-profile corruption cases made clear.[50] The basic dynamics of this process remain in place to this day.

Between 1991 and 2003, more than a half-million families in Beijing alone were evicted from their homes.[51] In the process, according to one study, private homeowners were cheated out of more than US$4.5 billion in compensation, and tenants received more than US$7 billion less than they should have been paid under government regulations.[52]

In the countryside, peasants were – and continue to be – less well-off when it came to compensation, compared to those whose homes are on urban land. According to one study, rural and suburban evictees between 1979 and 2005 received compensation equal to only 5 percent of the total amount that developers paid the government for their land.[53] According to another study by the prominent Chinese Academy of Social Sciences scholar Yu Jianrong, local authorities expropriated more than 16.5 million acres of land in the countryside between 1990 and 2010, paying an estimated total compensation about 2 trillion yuan (about US$314.8 billion) below the land's market value to those forced from their homes and farms.[54]

This is mainly a matter of policy. Rural and suburban land owned by collectives must, with few exceptions, be used for agriculture,[55] but when this land is converted to state ownership there are far fewer limits on how it can be used.[56] As a result, land values can increase sharply, especially in rapidly urbanizing areas around growing cities. By contrast, current Chinese law calculates compensation for rural and suburban evictees using a formula that relies heavily on the original agricultural value of their land, not the much higher price that developers are willing to pay to use it for non-agricultural purposes.[57] When developers eager to build new apartment complexes, shopping malls, or factories purchase rights to use this land from local authorities, still only a fraction of the payments are passed on to the farmers losing their plots. With the small amount of compensation they receive – and with urbanization happening so quickly around them – farmers are often priced out of the community they have lived in their whole lives.

THE IMPACT OF THE 2008 BEIJING OLYMPICS

Several cities that have hosted the Olympic Games have come under fire for violating housing rights.[58] Beijing was no exception: Chinese and international human rights activists documented hundreds of cases of forced eviction amid preparations for the 2008 Olympic Games in Beijing. Many who had supported Beijing's bid to host the Olympics had argued that international attention in advance of the event would deter such abuses, but, in fact, violations continued and accelerated as the Games approached. The widespread housing

rights violations that occurred in the run-up to the Olympics in Beijing were not an isolated event, but they offered a glimpse into the larger story of housing rights violations in China as the country developed.

Using government reports, the COHRE estimated that some 1.5 million people were displaced from their homes in the run-up to the Olympics in Beijing between 2000 and 2008. Not all of these people were evicted as a direct result of construction projects for the Olympic Games.[59] However, the figure did not include large numbers of migrant workers living in temporary housing who were forced to leave the city. Though it is difficult to ascertain how many of these evictions violated international standards, COHRE documented widespread housing rights abuses and violations of domestic law by the Beijing municipal government and the Beijing Organizing Committee for the Olympic Games (BOCOG).

COHRE demonstrated that BOCOG and city authorities used harassment, repression, imprisonment and violence against housing rights activists. Evictions were often carried out without due process, adequate compensation, or legal recourse. Many displaced residents received no compensation at all, or compensation so meagre that they were forced to relocate far from employment opportunities, schools or health care facilities.[60]

COHRE also found that local authorities often used the Olympics as an excuse to accelerate evictions for projects unrelated to the Games, pressuring residents to sign agreements surrendering their property and accusing those who resisted of being unpatriotic. Officials often spray-painted buildings with slogans imploring residents to support the Olympics and offered rewards to people who agreed to move out early. Words such as "beautification" were employed to link evictions and demolitions across the city to the state's effort to host a successful Olympics showcasing Beijing's arrival as a world-class city. In one traditional alleyway slated for demolition to make way for a project unrelated to the Games, for example, COHRE investigators found a wall painted with the slogan: "Demolish Quickly. Welcome the Olympics. Switch to a New Look."[61]

EMPHASIS ON ECONOMIC GROWTH ABOVE ALL ELSE

Urbanization and economic growth do not have to result in forced evictions. On the contrary, such evictions are often the product of flawed government policies, lack of political will and a failure by governments to enact and enforce the prohibition against forced evictions that is a requirement under international law.[62] In China, a set of specific policies and systemic weaknesses have fuelled the problem in recent years. These include the Party bureaucracy's emphasis on growth and stability above all else in evaluating officials for promotion; the heavy reliance of local governments on land sales for financing operations and stimulus projects; the lack of independent judicial and administrative agencies to protect residents and adjudicate disputes and appeals; and a political and legal environment that allows and encourages authorities to punish other efforts by residents to assert their rights, including peaceful protests.

With few exceptions,[63] government officials in China are appointed to their posts. The ruling Communist Party controls these appointments, and the Organization Department of its Central Committee is charged with managing the process. It does so through the use of lists covering more than 30 million state positions, and a system that controls the appointment of the leaders of all administrative agencies and organs from the township level up. The

department regularly evaluates the performance of these officials, and uses these reviews to determine future assignments.

A variety of factors are reportedly considered in these evaluations, including: ideological purity; the opinion of superiors, colleagues and subordinates; success at keeping population growth within limits; environmental protection; worker safety; and social stability, as measured by the ability to defuse protests and prevent grievances from reaching higher levels. But there is strong evidence that these reviews value macroeconomic performance above all other criteria and put little emphasis on the specific means by which officials achieve growth. At the provincial level, more than half the score that provincial officials could earn is based on economic growth.[64] Studies have also shown promotions are more likely, and demotions less likely, among officials in provinces with higher economic growth rates.[65]

LAND SALES

Land provides the main source of revenue for local governments. The governments derive land revenue in two ways. As regulator, the government can collect taxes and surcharges on land appreciation and from development projects. But more importantly, as a proprietor, the government can rent out government-built structures and collect revenue from direct land-lease sales. Because revenue from selling land leases falls outside the formal State budgetary system, *all* the proceeds go into local government coffers.[66] With so much money to be made from land-lease sales and development, many municipal government agencies operate their own development companies to reap benefits at as many stages as they can. In 1995, for example, Beijing established hundreds of these development companies. In Shanghai, district governments hold premium land in the centre of the city and the Shanghai municipal government allows these districts to control land use, including the right to make urban development plans, approve development projects and negotiate deals with developers. These districts are allowed to retain up to 85 percent of the revenue from land-lease sales.[67]

Local officials rely on the profits from land-lease sales to make up for huge budget shortfalls – created in part when Beijing reformed the tax system in 1994 and most tax revenue started going to the central government. In 2009, total income from land sales was 1.424 trillion yuan (US$223.8 billion), up 43.2 percent compared with 2008. This amounts to about 46 percent of the total national income for local financial administrations during the same period, according to a 2010 report by Chinese academics. The same report attributed the rise in eviction conflicts to this increasing dependence on land-lease sales and the failure of higher level officials to intervene.[68]

Beijing's response to the 2008 global economic crisis put even more pressure on local finances. The central government enacted a 4 trillion yuan (US$628.5 billion) stimulus package, providing 1.2 trillion yuan (US$188.6 billion) and leaving local governments to supply much of the rest. At the same time, the government called on banks to "unleash a blast of credit to power the Chinese economy to recovery" and Chinese banks issued 17.5 trillion yuan (US$2.7 trillion) of new local currency loans in 2009 and 2010, almost one-quarter of the economy's total output for that period.[69] The loosening of credit allowed local governments to take out loans at an "unprecedented scale."[70] But local governments could barely cover operational expenses let alone invest in even more projects, so they sank deeper into debt. The central government has struggled to rein in lending ever since the economy resumed normal growth in 2009. Because local authorities rely on their ability to sell land

leases in order to reduce their debt burden, they increasingly find their interests aligned with those of real estate developers.[71]

3. ABUSES IN THE EVICTION PROCESS

"What's the point if a few of us live well and shut our mouths but the government continues to abuse other citizens, creating more broken families and poverty and pushing people outside the city to give their land to the richest businessmen. Many who seek justice through law face detention and torture in custody. What we ask for is not a personal settlement, but public justice."

Housing rights advocate Mao Hengfeng[72]

The incidence of forced eviction in China has not subsided since the 2008 Beijing Olympics. On the contrary, Chinese housing rights activists, lawyers and academics report that such abuses remain widespread and that the problem has intensified over the past three years amid a nationwide construction boom spurred by massive stimulus spending after the global financial crisis. There are no reliable estimates of the total number of people who have been forced from their homes or farms during this period, but there is little doubt the figure has risen significantly. In the countryside alone, a 2011 study by the Landesa Rural Development Institute, found that 43.1 percent of villages had experienced land expropriation since the late 1990s and that the number of cases each year have risen steadily since 2007.[73] Our research indicates that evictions are common place in Chinese cities as well and that they are frequently carried out in violation of international standards.

In this section, Amnesty International has documented cases where the government has failed to provide adequate notice or genuine consultation to evictees; condoned or failed to punish abuse and violence during the eviction process or during the time period before an eviction agreement is signed; and used, or failed to stop, unnecessary use of force during the eviction process and failed to provide alternative accommodation, frequently rendering people homeless.

INADEQUATE NOTICE AND CONSULTATION

International standards require that those likely to face eviction must receive "adequate and reasonable notice" of proposed plans and "an opportunity for genuine consultation."[74] The UN Special Rapporteur on the Right to Adequate Housing has emphasized that evictions should only occur in exceptional circumstances and once all other feasible alternatives have been explored in genuine consultation with all affected persons.[75] People should also be fully consulted on resettlement options.[76]

International standards also require that people should be provided with written notification of each household affected well in advance of the eviction date, information on the proposed evictions and on the alternative purpose for which the land or housing is to be used. In particular the eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions. Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated.[77] In situations where evictions involve large groups of people, authorities must allow a reasonable amount of time for public review of, comment on, and/or objection to the proposed plan. Authorities must also provide people the opportunity for legal, technical and other advice about their rights and options.[78] All final decisions should be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary.[79]

China has taken some welcome steps to acknowledge these standards in law if not in practice, as evidenced by the country's 2011 regulations on urban expropriations.[80] The regulations require, among other things, that the public be consulted about development plans that involve evictions and that city and county governments organize feasibility studies on compensation for expropriation and "disclose information for public comment for a period of no less than 30 days."[81]

However, numerous examples suggest that Chinese citizens are rarely legitimately consulted in practice prior to evictions and that there is little to no transparency in most cases (see 'Case study one: Xiaohongmen, Beijing municipality'). Victims, lawyers and housing rights activists told Amnesty International that residents often learn they are facing eviction only by word of mouth or by the sudden appearance of a poster on a neighbourhood wall just weeks or days before demolition is scheduled. In some cases Amnesty International reviewed, residents received no formal notice at all. Our research showed that local authorities routinely neglected to convene public hearings, and residents and their advocates told Amnesty International that on the rare occasions authorities convened hearings, those meetings were only for show. Local officials sometimes told residents they would be evicted and then refused to entertain objections or alternative proposals. In other cases, authorities pledged to relocate residents during the meetings but later demanded payment for new homes.

For example, in November 2010, local authorities forcibly evicted at least 527 households of Beisanli, a suburban village located in Weifang city, Shandong province, without formal notice, public hearings or any type of public consultation.[82] According to Wang Jinwen, a law

student at Beijing's prestigious Tsinghua University who had grown up in the village, local authorities told residents in March 2010 only that they would have to move so their farmland could be redeveloped. No information was provided about what would be built on the land, when they would have to leave, how much they would receive in compensation or where they would be resettled. Wang said his family never received written notice of an eviction.

On 17 November 2010, Wang learned that a demolition team had razed his parents' home without warning. "My house was bulldozed and immediately cleared away – furniture, clothing, food, my books from junior high school to university scattered everywhere," he wrote shortly afterwards in an open letter to the mayor of Weifang city that caused a national sensation.[83]

"I am not against development; I welcome development. I do not oppose urbanization; I welcome urbanization. I am not against demolitions and resettlements; I am for demolitions and resettlements.... Why do villagers have objections and why are they unwilling to have their homes demolished and be relocated? As the person-in-charge, I think you know better than I. If there is no protection, nothing to rely upon and no remedial measures, it is only natural that villagers do not wish or agree with demolitions and resettlement. Until now, neither the villagers nor I have ever met this so-called developer or been provided with any information about the developer's qualifications. Neither the villagers nor I have discussed or voted on any issues relating to evictions through a democratic process. To this point we haven't even seen any relevant accounts or the basis for eviction, and we know nothing about any resettlement arrangements... According to the existing law of the People's Republic of China, it is crucial that relevant information should be provided in an open manner to villagers who can discuss among themselves and bargain and negotiate directly with relevant parties..."

On 21 April 2011, Wang Jinwen filed an administrative reconsideration request alleging "illegal land expropriation" with the State Council but to date has received no response and continues to be denied any remedy for the forced eviction of his family. In December 2011, he went to the State Council Legislative Affairs Office to look at the documents relevant to his family's case. He said several documents showed foul play by the local officials in the Beisanli case. One was a letter signed by the Beisanli village committee head waiving the villagers' rights to a public hearing on the eviction. Another document showed that more than 26 million yuan (US$4.1 million) was to have been made available to the residents for monetary compensation and resettlement. However, Wang Jinwen said as far as he knew, the villagers did not receive any of this money.[84]

Wang Jinwen's case does not appear unusual, though his detailed and heartfelt account managed to capture national attention. None of the housing rights advocates interviewed by Amnesty International were aware of any genuine public consultations taking place before evictions that would meet international standards. Other studies conducted in China have also noted a lack of any form of consultation in the majority of evictions. Nearly 60 percent of farmers who reported land expropriation in a 2010 Landesa study indicated that the authorities never consulted them about any form of compensation before eviction whilst almost 30 percent said they received no advance notice before their farms were seized.[85]

CASE STUDY ONE, XIAOHONGMEN, BEIJING MUNICIPALITY[86]

On 13 January 2011, around midday, unmarked mini-buses with no license plates pulled into a suburban village in Xiaohongmen township in the Chaoyang district of Beijing. According to housing rights activists interviewed by Amnesty International, witnesses said at least 100 men descended on the area, which had been slated for demolition by the authorities. The men did not identify themselves, but according to witnesses the group included local police and members of the *chengguan* ("urban management"), China's para-police organization.[87] The men dragged people from their houses and then razed what was left of the village.

Residents of four villages in Xiaohongmen township – around 10,000 households – were given notices by the township in late 2006 saying the local government would seize the land to create a "green zone". Parts of each of the four villages were to be demolished. Later, villagers discovered the township officials had lied about the reason for their eviction. Secretly, they had colluded with members of the village committee to sign a deal with a real estate developer in 2005 to turn over the land. Villagers had never been consulted on this deal and given any opportunity to challenge it and/or present alternatives.

In September 2007, each family received a booklet outlining the procedure for securing a new home, including how much they would have to pay if they wanted a home that was larger than their current home. The notice did not include any information about where the families would be relocated or what type of neighbourhood it would be. The notice named two companies that would implement the relocation and said relocation would begin 29 September 2007 – just weeks away. "If you move out early, you will get a reward," the document said.[88] The booklet said villagers would find out details of the relocation in a meeting at a later date.

Villagers said when they finally learned where their new houses would be, they were stunned but had had no opportunity to complain. The new homes were four to five kilometres away, outside Beijing's fifth ring road, much further from the centre of the city than their current homes. Although their homes were single family homes, the new houses were located in tall apartment buildings that residents felt were of low quality construction. There were no schools or health clinics nearby and public transportation was unreliable. Although the villagers had legally owned their previous homes, the new homes did not come with documents that would allow them to resell and could in fact leave them vulnerable to another eviction because the documentation they received for the homes was not legal.[89] Resident Wu Lihong said her neighbours were distraught when they saw the new housing. "There were no businesses, no plaza, no supermarket, nothing. Just these buildings standing alone," she told Amnesty International.

From the beginning, many villagers demanded to negotiate with authorities and refused to sign the eviction agreement. Members of the *chengguan* began harassing them and threatening them to sign and at one point destroyed crops some of the residents had planted. Police also threatened those who refused to sign, and even detained some of the residents. Villagers said people broke into their homes and stole their belongings, and Wu Lihong said they suspected the "thieves" were actually men sent by the government. Sometimes when people refused to sign, police detained their family members.

By 2009, the villagers and officials had not reached an agreement. But meanwhile, most people had already moved to the new housing having been effectively forcibly evicted due to the repeated harassments and threats. Wu Lihong and other villagers filed several administrative lawsuits against various Beijing city departments and one against the Chaoyang district government on the principle of disclosure of information. The suits were filed in several different courts, including the Beijing Xicheng District People's Court and the Chaoyang District People's Court, which refused them a hearing six times, saying that the villagers did not have the right or the legal status to ask for this information.[90] Many families moved out after realizing they

would be forced out anyway. Housing rights activists told Amnesty International that those who remained to fight for fair compensation reported they were followed by unmarked cars, harassed and intimidated by thugs. Spotlights were trained on the homes of some holdouts. When residents complained to police, they were ignored, or worse, arrested and charged themselves.

On 23 June 2010, resident Chen Huan was walking her dog when she saw several men destroying a neighbour's vegetable plot. The owner of the plot later told reporters the men had not identified themselves, but he determined they were members of the *chengguan* as well as people hired by the demolition office. Always ready with her digital video recorder, Chen began filming the men. The men attacked her, grabbing her camera. In the struggle, Chen was bruised and her shirt was torn off. She called the police for help, but when they arrived they arrested Chen Huan, rather than her attackers. Several neighbours and housing activists went to the police station to ask for her release and to *weiguan*, ("surround and watch"; see below under 'Suppression of resistance' for more details). Police held Chen Huan for several hours, and then charged her with "indecent exposure." She received one-week probation.

In January 2012, Wu Lihong's house was the only one left standing in her village. She was living in a noisy construction zone with her 14-year-old son, her husband and her father-in-law. Authorities continued to harass her, sometimes shining a spotlight on her home all night. "I can't sleep at night and I feel threatened," she said. "My son cannot rest and this has affected his studies."

Wu Lihong continued to fight the eviction "because it isn't fair... I'm fighting to the end for my dignity." She finally gave up in February 2012 out of fears for the safety of her family.

Neither Wu Lihong nor any of the other residents have ever been compensated or been able to access any form of effective remedy for what happened to them.

HARASSMENT

After evictions are announced, housing rights activists, lawyers and academics interviewed by Amnesty International said that local officials and developers typically begin a concerted campaign to persuade residents to sign papers agreeing to surrender their property and accept a usually inadequate compensation or resettlement offer. Many residents quickly sign and move out. Those who resist are subjected to a range of high-pressure tactics aimed at forcing them to cooperate, which many end up doing out of fear. Amnesty International was told of many instances where the authorities cut services such as water, heat and electricity in an attempt to drive residents from their homes long enough for a bulldozer to be sent in. Civil servants who resist face reprisals or dismissal from their jobs. In July 2011, residents facing eviction in the southern city of Shenzhen said a developer went so far as to release hundreds of scorpions into their neighbourhood after talks over compensation stalled.[91] Often, the authorities also target family members in an attempt to use blood ties to put pressure on evictees.[92] In January 2011, for example, a school principal in a town in Jiangsu province suspended several teachers who failed to convince relatives to sign eviction agreements.[93] In the end, according to those interviewed by Amnesty International, usually only a minority of residents hold out.

Undue pressure on and harassment of residents facing eviction is a clear violation of international law which requires that everybody has a degree of security of tenure protecting them against forced evictions, harassment and other threats.[94] Prior to eviction, all residents

must have the opportunity to engage in genuine consultation with the authorities regarding alternatives to evictions, compensation and resettlement options, without fear of coercion or harassment. They must be provided with information on the eviction, options for resettlement and compensation. In addition they must be provided with legal remedies, including legal aid where necessary in order to be able to have unimpeded access to justice to challenge forced evictions.[95]

VIOLENCE AND UNNECESSARY USE OF FORCE

In a number of cases, these campaigns to pressure residents into surrendering their property escalate into violence (see 'Case study two: Pizhou city, Jiangsu province' for an example of farmers surprised by a violent attempt to take their land). According to State media and sources Amnesty International interviewed for this report, people facing eviction have been beaten, abducted, murdered, and in at least one case buried alive by a bulldozer. In many cases, violence is carried out by state actors such as police, *chengguan* or other government employees. In other cases, local authorities are accused of conspiring with developers to send hired thugs wielding steel rods, wooden sticks or knives to intimidate and rough up residents. Police often refuse to respond to calls for help, arrive late, or stand by and do nothing when they are on hand to witness the violence. Amnesty International found that these crimes are rarely investigated, and the perpetrators are rarely punished except when a case involves a particularly violent incident that receives an enormous amount of public attention.[96]

One case that illustrates the lack of accountability during forced evictions occurred in Wuhan city, Hubei province. At around 11am on 3 March 2010, a 70-year-old woman, Wang Cuiyun, attempted to stop a crew of about 30 to 40 workers hired by developers from demolishing her house. Workers had dug a ditch around the house to begin the demolition. According to her daughter-in-law, Huang Hongxia, Wang Cuiyun was either pushed or fell into the ditch.[97] Then, an excavator buried her with earth, killing her. Initially, police detained the driver of the excavator, as well as one of his supervisors. However, the local government later declared the death an accident and Huang Hongxia said there has been no further investigation.[98]

Huang Hongxia recalls:

"We were at home when a group of thugs arrived. They were driving something like an excavator and started digging in front of our house, a three-meter ditch. They dug up the dirt so much that it was pushing over the wall of the yard. After the wall was knocked over, all of our family members went outside. We asked them to stop, but they wouldn't listen. So we called the police. After the police came, we told them what happened. But the police instead pulled us aside and asked us not to move. Those thugs kept working. They had weapons.

After that, the thugs rushed toward us. We only had a few people, elderly and kids. There were another four of us inside the house. My mother-in-law then stepped up and asked them not to dig the ditch."

Huang Hongxia said that her mother-in-law then either fell or was pushed into the ditch.

"When we turned around, they had already buried her…She was buried deep, deep down and it took a half an hour to dig and pull her out…The two police officers had been helping the thugs….It's not until my mother-in-law got killed that they offered to help….They rushed her to the hospital for emergency treatment but after a person has been buried for half an hour, how could she be alive? She didn't make it…."

Almost immediately after her mother-in-law's death, the government blocked the road so that visitors could not come and pay condolences. Local officials also kept the family under surveillance. Huang Hongxia said her family attempted to petition the Hubei provincial government for justice for her mother-in-law's death, but people they suspect were sent by the local government beat them up. Huang Hongxia said that lawyers they approached would not accept their case. "The government was involved, and they were quite scared," she told Amnesty International.

In 2010, the Ministry of Housing and Urban-Rural Development estimated that violence had occurred in only about one in 500 eviction cases in China in the last two years.[99] But housing rights activists and lawyers interviewed by Amnesty International said that this figure significantly understates the true scope of the problem and that violence and the threat of violence are integrated into the eviction process because it is seen as key to the success of developers and local officials in clearing out neighbourhoods at minimal cost.

In some cases, the violence inflicted amounts to torture or other cruel, inhuman or degrading treatment. On 15 June 2011, in Wenchang city in Sichuan province, police reportedly took a 20-month-old boy from his mother, Xu Hua, and refused to return him to her unless she signed an eviction agreement. Xu had been among several residents resisting eviction who were detained after clashes with local authorities who cut off their electricity.[100] Local officials have also deployed family planning authorities against women resisting eviction. On 17 May 2011, officials in Hexia township in Jiangxi province summoned family planning officials after residents from Pingchuan village arrived at the government building to complain about expropriation of their farmland. The family planning officials beat one of the villagers, Zhang Julan, and then forced her to undergo a tubal ligation thereby forcibly sterilizing her, a practice which Amnesty International and UN human rights bodies consider amounts to torture or other cruel, inhuman or degrading treatment.[101] Afterwards, officials tried to force her to sign both an eviction agreement and a statement consenting to the operation.

In some cases, violence is committed on a large scale. In November 2010, for example, some 500 police officers, fire fighters and riot police, along with German Shepherd dogs, descended on Shuangren, a rural village in Guangxi Zhuang Autonomous Region, to evict its 300 residents, many of whom were resisting eviction from farmland designated for a new automobile plant. It was the second incident in Shuangren. In September 2010 security forces bulldozed crops and indiscriminately beat residents. "The bulldozers levelled

everything in their way, no matter whether you signed or not, or took the compensation money or not," one villager, Qin Shujin, told Radio Free Asia. "When they came, we tried to argue with their bosses, asking, 'Why are you destroying our crops?' But the land was surrounded by police and we had no way to deal with them." Developers paid 310 million yuan (US$45.6 million) for the land in a deal that residents allege local authorities had tried to keep secret and that provincial authorities had ruled illegal.[102]

CASE STUDY TWO: PIZHOU CITY, JIANGSU PROVINCE

On 18 April 2011, a few hundred men in plain clothes, accompanied by an official from the Pizhou City Economic Development Zone, entered Lichang village in Jiangsu province intending to evict the farmers there. The men attacked farmers, dragging away about 20 women. They stripped the trousers off of one woman and beat another so badly she later had to go to the hospital. They shoved animal faeces in one woman's mouth. They locked up another woman in a house in a nearby village and beat her as well. They shoved screaming villagers into cars. Some of the villagers tried to film the scene and one person managed to forward a video clip to a journalist, who put it online.[103]

Officials from Pizhou city had ordered the peasants who farmed the land in Lichang to vacate it earlier that year without any form of consultation taking place. Many refused to sign the eviction agreement because the authorities offered them no land for farming in return or adequate compensation. In the end, some of the officials from the village signed the agreements, despite not having consulted with the farmers and acting as their genuine representatives, and ordered the land cleared to make way for a commercial development. On the day of the beatings, the thugs shouted at the villagers that if they didn't leave, they would have trouble with the family planning office, among other threats (in China, the local family planning office can sometimes be ruthless in enforcing the country's family planning policy, in some cases forcibly sterilizing women who have violated the policy by having more than one child).

After the incident, several of the farmers went to see other officials from Pizhou to complain, but the officials did nothing. A Chinese reporter published a story on the incident. Shortly after, authorities warned the villagers not to talk to anyone about the situation. Two villagers agreed to speak to Amnesty International but asked that their names not be used because they were scared of the consequences.

The villagers have not filed a case in the courts. "They can't help us. They don't pay any attention to the common people," one villager said. "We will fight for our land. Without the land, we wouldn't be able to live." They are afraid that one day soon, "thugs" will return to pressure them to vacate their farmland.

The leaders of Pizhou city earned a reputation years ago for their ruthless tactics in pursuit of a high local GDP. The party secretary of Pizhou, Li Lianyu, embarked on a plan for economic growth and urban expansion through land sales and huge, often wasteful, construction projects that included a massive government centre locals dubbed the "Pizhou Zhongnanhai," after the Communist Party leadership compound in Beijing.

When the Ministry of Land and Resources conducted a spot check of Pizhou in late 2009, local officials paid peasants to camouflage construction sites from the ministry's satellites.[104]

Less than three months after the ministry gave Pizhou a passing grade, a 22-year-old villager in Hewan village of Pizhou was stabbed to death by unknown assailants while trying to protect his land during a forced eviction. Central and provincial officials investigated and finally, Li Lianyu was removed from his post in April 2010.

Over the past several years, state media reported, officials in Pizhou have cut electricity to villages, threatened peasants – in one case with drowning to sign eviction notices and beaten farmers during evictions. They have routinely used land slated for farming for development purposes without following proper procedures. And yet, at the annual National Meeting on County Economic and Scientific Development in 2009, Pizhou was named one of the top 100 counties in China. Across the country, local officials still study the "Pizhou Phenomenon" of economic growth and urbanization.[105]

In many cases of forced eviction, authorities rely on teams from the *chengguan*[106] to put pressure on reluctant residents or clear homes to make way for the bulldozers. There are many reports of *chengguan* engaging in violence against evictees.

On 27 October 2011, the *chengguan* came to tear down a building in Zhumadian city, Henan province, by force and met resistance from the elderly owner. The *chengguan* team attacked the owner, throwing him to the ground, and neighbors called the police. When Police Officer Zhang Qia arrived, the *chengguan* reportedly assaulted him, tearing his clothes. Then they pushed him – at times pulling his hair – into a car and took him to the police station to complain to his superiors, claiming Zhang interfered with their work. The crime squad was finally called in to subdue the *chengguan.* A few days later, in November, police detained three members of the *chengguan* on charges of "disrupting public service."[107] Earlier in the year, in Kunming, Yunnan province, a police officer returned to the police compound to see the *chengguan* tearing down his house, which they said was an illegal structure. When he tried to stop them, the *chengguan* broke his leg.[108]

INTERNATIONAL STANDARDS ON USE OF FORCE AND OTHER PROCEDURAL PROTECTIONS DURING EVICTIONS

Under international law, any legal use of force by law enforcement officials must respect the principles of necessity and proportionality.[109] This requirement explicitly covers the eviction process and includes the application of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and any national or local code of conduct consistent with international law enforcement and human rights standards.[110] More generally evictions "shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected." International guidelines require governments to ensure "no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children." Moreover, states must ensure that "women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected."[111]

The procedural requirements for ensuring respect for human rights standards include the mandatory presence of governmental officials or their representatives on site during evictions. The governmental officials, their representatives and persons implementing the eviction must identify themselves to the persons being evicted and present formal authorization for the eviction action. Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during an eviction process.[112]

States and their agents must take steps to ensure that no one is subject to attacks or acts of violence. They must also ensure no one is arbitrarily deprived of property or possessions as a result of demolition, arson or other forms of destruction resulting from deliberate action or

negligence or any form of collective punishment. States must also protect property or belongings involuntarily left behind. Authorities and their agents must never require or force those evicted to demolish their own dwellings, although people may do so if they choose.[113]

4. BARRIERS TO ACCESSING EFFECTIVE REMEDIES

Victims of forced evictions in China face many barriers to accessing effective remedies. Below, we outline some of the most common barriers, including the difficulty finding lawyers who will agree to pursue such cases or courts that will agree to hear them (for more details, see 'Case study three: Nantong city, Shandong province'). Under international law people should be able to challenge a proposed eviction. People whose rights are violated, including those subjected to forced evictions or ill-treatment or other be, must have access to an effective legal remedy including the provision of legal aid for those seeking redress from the courts.[114] At the same time governments should ensure that lawyers and legal advisors are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.[115]

PROCEDURAL AND PRACTICAL BARRIERS TO LEGAL ACTION

Under Chinese law, property owners have the right to challenge government-requested evictions on grounds that the compensation is unfair, the expropriation of land would be illegal or if the government has violated the law in the expropriation process.[116] For example, the 2011 regulations on urban expropriations guarantee residents the right to appeal or challenge either through administrative reconsideration, or through litigation in court.[117] Chinese who face eviction may also petition the government at the same time or as an alternative to pursuing a court case. Others choose less formal methods, such as public protest or putting pressure on individual officials. However, in reality, housing rights activists, lawyers and evictees told Amnesty International that people hoping to challenge their eviction or seek redress after a wrongful eviction have little hope of obtaining justice. All of the avenues of resistance or remedy are fraught with difficulties or even danger.

Because land-related grievances elicit widespread public sympathy, and because many forced evictions involve official corruption, land-related cases are potentially as sensitive in the eyes of local officials as cases involving the country's family planning policy, or freedoms of expression, association or religion. According to activists, victims and other sources interviewed by Amnesty International, few lawyers are willing to take on clients with forced eviction cases for fear of losing their licenses or suffering other repercussions at the hands of officials with vested interests in carrying out evictions.[118]

In December 2010, three lawyers went to Guantangqiao village, Jiangsu province, to provide legal advice to 10 families facing eviction who had experienced violence at the hands of personnel from the village's demolition office. During the meeting, more than ten men from the demolition office broke into the house where the meeting was taking place and began beating up the lawyers. Then, they brought two of the lawyers to another place, put them in separate rooms and continued to beat them until police eventually arrived and stopped the attacks. Police later confirmed that the place where the two lawyers had been beaten was the Guantangqiao village committee office.

The judiciary in China is neither independent nor impartial.[119] "Difficult" or "sensitive" cases are frequently referred to court "adjudication committees" (which exist at every level) for discussion before even being resolved by the original judge(s) hearing the case, thereby allowing judges sitting on higher level courts to determine the outcome beyond the immediate panel without any opportunity by the original claimant to be heard or exercise a right of appeal. The "adjudication system" is almost entirely opaque – detailed minutes are taken of committee meetings but they are considered state secrets and are not part of the formal trial records.[120]

This secretive process creates opportunities for both local government and Communist Party officials to exert undue influence over the handling of individual court cases. Party dominance over the judicial system is also maintained through the government's control of court appointments, budgets and other resources and the Party's system of "political-legal commissions," through which general policy interests are communicated and any dissonant views within the legal system are "coordinated" or disciplined. The Party's influence is further strengthened because it has never, as an institution, been held subordinate to the law. In this environment, the Party's interpretation of overriding public interests such as economic development or stability (preventing mass unrest) – as well as the private interests of local officials – can easily trump the rights of individual homeowners or farmers.[121]

Activists and lawyers told Amnesty International that courts seldom accept forced eviction cases. When they do, they rarely rule in favour of the victim because judges do not want to anger their superiors who are local party cadres to whom they report. Lawyers and activists also said they had not heard of a court ever ordering the stay of an eviction order. Lawyer Li Baiguang told Amnesty International he has never heard of a court completely overturning plans for an eviction, only increasing compensation for victims. "No one can stop it if the government wants to do it," he said.

Because so many lawyers will not accept forced eviction cases, some self-taught legal advisors have stepped in to fill the void as "civil representatives." They are not formally accredited as lawyers, but many have themselves studied the relevant laws and regulations and agree to represent people in hearings or administrative proceedings in which a lawyer's license is not required. Many of these "barefoot lawyers" charge very little, or nothing, for their services, and they often focus on areas where professional lawyers are afraid to tread – such as forced eviction cases or cases involving abuses of the country's family planning policy.

Ni Wenhua, a civil representative from Shandong province, has worked for more than a decade defending residents against the government in cases involving forced evictions. Over the years, authorities have harassed him, beaten him and detained him. He said courts use various unjustified means to keep him or his clients out of court. Once in 2003, Ni Wenhua said, the top court in Guangxi Zhuang Autonomous Region issued a blanket prohibition against accepting cases that involved "highly sensitive matters with the potential to result in protests among the general public," including conflicts between peasants and village collectives regarding compensation and re-settlement allowances for appropriation of land.[122]

In December 2010, Ni Wenhua agreed to help a group of villagers who had been the victims of a forced eviction in the Huaiyin district of Jinan city in Shandong province. Almost 1000 men in plain clothes and uniformed police had arrived to force them out of their homes. Before that, authorities had turned off their hot water to try to force them out. The local court told Ni Wenhua that it had received verbal orders from the local Communist Party organs that prohibited it from accepting forced eviction cases. Ni Wenhua then tried to take the case to the city court, which also refused it. "The laws are good, but the Communist Party does not rule by law. They don't enforce it," Ni Wenhua told Amnesty International. "Now it's harder to bring cases. A lot are refused. The legal system is getting worse, in general, and not improving." He added that the government is particularly "afraid of groups".[123]

CASE STUDY THREE: NANTONG CITY, SHANDONG PROVINCE

Zhang Hua's eviction ordeal began in the run up to the 2008 Beijing Olympics. Her long struggle illustrates the obstacles evictees face when trying to challenge their evictions in court and ultimately the failure to obtain justice.[124] In April 2007, the local government of Nantong city, Jiangsu province, hung posters in Zhang's village notifying the 600 families there, including Zhang's, that they would be evicted to make way for a commercial development. The authorities gave no formal notice to individual families, and there was no public consultation. Local officials began showing up at residents' homes, sometimes in the middle of the night, to "convince" them to move. Sometimes the officials hired people to light firecrackers near the homes.

Authorities offered families a chance to resettle but on very limited and unfair terms that failed to meet international standards. In Zhang Hua's case they said she could move to another house, but would not have the right to sell it (she owned her house at the time). They also told her she would have to pay 150,000 yuan (US$23,570) for the relocation. Zhang Hua refused to move. But in early 2008, authorities forcibly evicted her from her home. Without warning local government officials arrived, along with police and men hired by the government and began knocking down houses. In the process, people she assumed were "dispatched by the government" beat her mother, breaking several of her ribs. Zhang Hua was so afraid of local officials that she did not visit her mother in the hospital for fear of being seized by them and sent to jail.

After the eviction, Zhang Hua was homeless. She stayed with friends and relatives, though she continued to be harassed by police.

Seeking redress for the treatment of her mother and for what she claimed was an illegal eviction, Zhang Hua petitioned the Nanjing provincial government in late February 2008. Shortly after, Nantong officials placed Zhang Hua under house arrest for five days without charge in the home of one of her neighbours not allowing her to leave whilst her 12 year-old son was taken to his school's library, where they ordered one of his teachers to watch him for the same period. The teacher told Zhang Hua's son that something had happened at his house and therefore he could not return home.[125]

On 16 May 2008, Nantong officials again sent people to detain Zhang Hua, this time while she was attempting to petition the Supreme People's Court in Beijing. Her jailers held Zhang Hua at a "black jail," or secret illegal detention centre without charge.[126] Zhang Hua went on a hunger strike to protest her detention.[127]

As the 2008 Olympics approached, authorities rounded up petitioners and activists across the country to prevent protests during the big event.[128] Authorities in Nantong detained at least three petitioners without charge, including Zhang Hua, and did not release them until 28 September. The authorities held the petitioners in several local black jails and, at one point, in the Nantong City Psychiatric Hospital. Zhang said

that, just before her release, authorities held her incommunicado in a black jail and forced her to write a self-criticism in which she promised never to petition again.[129]

Around the time of her eviction, Zhang Hua had turned to civil representative Ni Wenhua, for help. Ni Wenhua and Zhang Hua attempted to file a civil suit against Nantong city officials asking for revocation of notarization of her eviction. They claimed, among other things, that members of the eviction team had illegally detained Zhang Hua while authorities conducted an inventory of her possessions at her home. Ni Wenhua alerted people via his legal blog to come to the hearing and *weiguan*.[130] Many people showed up, including some from other cities.

However, the Ganzha District People's Court refused to hear Zhang Hua's case.[131] In 2009, the Nantong government said that Ni Wenhua could no longer represent clients there because of his law blog. The officials told him his online writings were harmful to the legal process.

Authorities continued to persecute Zhang Hua. In early 2010, as the annual sessions of the National People's Congress (NPC) and Chinese People's Political Consultative Conference drew near, authorities in Nantong kept her under close surveillance for fear that she would try to travel to Beijing to petition. When she tried to lose her tail by getting into a taxi, six officials dragged her out of the taxi. When her brother complained, the officials beat him.

Then, shortly after the NPC, a local party secretary from Nantong's Ganzha district visited Zhang Hua and asked her to promise never to petition again. According to Ni Wenhua, Zhang told the official she was homeless and had no money, so the official gave her 1,500 yuan (US$236) for herself and additional money for her mother and suggested she stay in a guesthouse although Ni Wenhua questions the motives behind the payment. During Zhang Hua's ordeal, Ni Wenhua had published a list of local officials' names online and demanded they be punished for illegally detaining Zhang Hua. The public list made the officials – including this one – nervous, the official said.

Ultimately, it appears to have been this public pressure, not the courts, that brought resolution to Zhang Hua's personal ordeal. After the initial gift was given to her by the official, authorities soon settled Zhang Hua in a new house with the required legal documents she would need in order to sell. Instead of charging her 150,000 yuan (US$ 23,570) to relocate, they gave her a lump sum, which she has not revealed. Zhang Hua is the only person from her village who received such a settlement. The others had to move to the originally designated houses.

When asked if any officials were ever held accountable for the harassment and forced eviction of Zhang Hua and her family, Ni Wenhua answered, "Not one."

LACK OF OFFICIAL ASSISTANCE FOR VICTIMS OF VIOLENCE DURING EVICTIONS

Amnesty International's research and other expert analysis has shown that victims of violence during forced evictions in China rarely succeed in bringing cases to court. In many instances, the police will not even investigate the case. A 2010 study of forced evictions found that most of the cases where conflict turned violent were unresolved because law enforcement officials refused to help the victims. The report said officials responsible for deaths during eviction were not punished and sometimes were even promoted.[132] When investigations are carried out and perpetrators of unlawful acts held to account, it is usually only after reporting of incidents in the press and online create broader social outrage, such as in the case of the

murdered beancurd seller, Meng Fugui. (See 'Case study four: Guzhai village, Shanxi province'). Meng Fugui's case received widespread coverage in the state-run media and extensive interest online.

CASE STUDY FOUR: GUZHAI VILLAGE, SHANXI PROVINCE

On 30 October 2010, at 2am, a group of men from a local demolition "security" company beat 54-year-old Meng Fugui and his neighbour, Wu Wenyuan, with a steel rod and bricks while trying to forcibly evict them from their homes in Guzhai, a suburban village located outside of Taiyuan, the capital of Shanxi province. One man hit Meng with a piece of brick, then another man saw the fight and joined in, hitting Meng twice on his head with a steel rod. Soon after, the group of men moved Meng Fugui and Wu Wenyuan to the backyard, where they struck Meng Fugui's legs with a steel rod, fracturing his shin bone. The men left the victims on the side of the road and fled.[133]

Neighbours called the police and ambulance service and Meng was taken to the hospital. He arrived unconscious and died shortly thereafter. His neighbour, Wu Wenyuan, had four broken fingers and a fractured arm.

The incident was the culmination of a series of acts taken by the authorities to forcibly evict the villagers in order to extend a nearby road through Guzhai village, the preparations of which had begun over three years earlier in March 2007. In May 2009, the Jinyuan district government issued a document to villagers revealing that 300 homes, including those belonging to Meng Fugui and Wu Wenyuan, would be demolished and setting out a plan for demolition, compensation and relocation. The notice said that structures made of brick and wood would be valued at 1500 yuan (US$236) per square metre and that mud-brick houses would be compensated at 1600 yuan (US$251) per square metre. Many villagers said they could not afford to buy similar houses with this level of compensation. Despite this in October 2010, the district government issued a demolition notice to villagers. However, a lawyer working on behalf of Meng Fugui's family claims that Meng Fugui never even received the notice, that local authorities never held a public consultation, never went to the village to count the number of homes or the size of the houses to assess compensation and never checked the villagers' property documents.[134]

Shortly after the compensation and eviction notice had been issued, a report by state-run China Central Television revealed that the land would be used in part to build luxury housing, with the cheapest villa selling for about 3 million yuan (US$471,400).[135] The report also disclosed that the village had set up a real estate company to sell the houses and that the company would help to resettle the former inhabitants – but villagers later said the new houses they were to receive were of poor quality and no one wanted to live there for this reason.

The night demolition crews attacked Meng Fugui, his son Meng Jianwei, then a 26-year-old doctoral student at Fudan University in Shanghai, received a telephone call at 4am informing him of the news. His university advisor loaned him 5,000 yuan (US$786) to fly the 1,300 kilometers home from Shanghai. By the time he returned home, his father was dead.

When Meng Jianwei didn't see anything in the local papers about his father's death, he became angry and decided he would go to the media and the Internet for justice. He started an online diary to chronicle the events of his father's case. His first entry appeared on the social networking site, *Renren*, just hours after the incident. About 3,000 people read the first entry and Meng Jianwei soon became a "national icon."[136]

The following is an excerpt from his online diary:

"Later, I went to the 17th Bureau hospital to see my mother. Mother's blood pressure is relatively high usually, and her hair is already grey. As an unfilial son, that breaks my heart. 'You're not eating well out there, and you've become so thin,' [Mother said]. I didn't say a word. I just wiped away tears. 'That house was more than ten years of hard work, built with your father's hands and sweat, piece by piece. If everything could be finished, you have to bury your father there. That piece of land is his and only belongs to him,' [Mother said]. I could only nod."[137]

On 1 November, the Meng family received a visit from Liu Sui, head of the Taiyuan Communist Party's Political-Legal Commission. Liu informed them that an investigation had shown that on the night of the incident, Wu Ruijun, the owner of the Qixing Security firm, had gathered a group of "security" personnel for a forcible eviction to be carried out in the middle of the night. Though the plan for that night had been to demolish the east side of the village only, because it went smoothly, they decided to move to the western side, too. They had knocked down Meng Fugui's wall with a bulldozer. Then the men had begun beating people and dragging them outside.

Liu Sui also said the Qixing Security firm was not qualified to do demolitions and evictions but had been sub-contracted by oral agreement by the demolition and eviction company in charge of that particular project. Liu confirmed that Wu Ruijun had a reputation for being a tough guy and that local officials used his companies to "maintain public order".

On 24 January 2011 Meng Jianwei wrote an online letter of protest in which he called for a more just legal system to empower farmers to decide for themselves whether or not to move.

On 31 January 2011, the Taiyuan Intermediate Court sentenced 17 defendants. Gao Haidong was charged with intentional injury, intentional property destruction and sentenced to death. Wu Ruijun was sentenced to death with a two-year suspension. Defendant Li Yanzhong received life imprisonment. Others were charged with intentional injury, intentional property destruction and received punishments ranging from probation to 27 months imprisonment to 16 years.

The Court concluded that Wu Ruijun, Li Yanzhong, Gao Haidong and Zhang Junqi had deliberately planned to attack Meng and Wu with weapons and therefore were the prime instigators. The Court found the illegal destruction of Meng and Wu's homes caused 120,000 yuan (US$18,856) worth of intentional property destruction. A Court spokesperson told The Southern Metropolis Daily newspaper that the defendants and others had used their identities as security guards from the Qixing Security and Property Management Company (an illegal security and demolition business owned by Wu Ruijun) as a front for demolishing houses and that the severity of the events "are definitely harmful to society".

On 17 November 2010, the lawyer working on behalf of Meng Jianwei and other villagers filed a civil suit against the demolition company at Taiyuan Intermediate Court. In addition to claiming that the eviction notice was never delivered to Meng, the lawyer said local officials and the relevant departments had failed, among other things, to conduct a public consultation with the affected villagers. In December 2011, Meng Jianwei reached an agreement with the demolition company in which it agreed to pay him 1.08 million yuan (US$169,705).[138]

INEFFECTIVENESS OF AND REPERCUSSIONS FOR PETITIONING

In China, the right to *shang fang* (seek an audience with a higher authority) dates back centuries. The process is sometimes also called, *xinfang*, (letters and visits). The right to petition is guaranteed in the Chinese Constitution (Article 41) and by the 1951 "Decision on the Work of Handling People's Letters and Receiving People's Visits" issued by the State Council and is also covered in the 2005 State Council Regulation on Letters and Visits.[139] Local governments have a petitioning office but petitioners can appeal to the highest level – the State Bureau for Letters and Visits in Beijing – if they are unhappy with the local government's answer. Some people head straight to Beijing rather than test their luck with the local bureaus, which have the perception of being corrupt.[140]

The extrajudicial process of petitioning is popular for all manner of grievances. Millions of people file petitions each year. According to official figures released in 2011, almost three-quarters of the petitions filed by farmers are related to land disputes, including evictions.[141] Despite the popularity of seeking help from a higher authority, petitioning is utterly ineffective – less than 0.2 percent of petitioners achieve success.[142] Still, some petitioners persist for years trying to get their claims heard.

There is ample evidence that petitioners experience violence and other ill treatment at the hands of authorities--usually local or provincial authorities - seeking to prevent them from exposing them to the central leadership or the media (See 'Case study five: Shanghai Expo and petitioners' for details). In 2007, a survey by Chinese Academy of Social Sciences (CASS) of petitioners in Beijing found that 71 percent had experienced increased harassment or retaliation from their local government for petitioning. Well over half of the petitioners had been detained or treated badly by local officials.[143] Since 2003, large numbers of Chinese who have petitioned in Beijing have been detained, sometimes secretly, in illegal detention facilities operated by local and provincial officials.[144]

In September 2011, police detained and tied up six petitioners in Chengdu to prevent them from trying to contact U.S. Vice President Joe Biden during his visit to China. The six women had for years sought help for their grievances over what they believed was unfair compensation from the Shuangliu government in Sichuan province for farmland it seized from their families.[145]

CASE STUDY FIVE: THE 2010 SHANGHAI EXPO AND PETITIONERS

The slogan of the 2010 Shanghai Expo was "Better city, Better life," but many of the families who lost their homes during the preparations for the international fair did not share this enthusiasm. To ensure that nothing would disrupt the Expo, local authorities silenced critics, including well-known housing rights advocates, through intimidation, detention, and arrest. The campaign against these activists intensified as the Expo opening day grew closer. Among those targeted by authorities were a group of women who had a long history of supporting housing and land rights in Shanghai – and a long history of repression suffered at the hands of the authorities.

One of those women was forced evictions petitioner Shen Peilan, whom authorities detained on 7 March 2010 and held in a "black jail" for eight days without charge. Her detention coincided with the two biggest annual political events in Beijing – the NPC and the Chinese People's Political Consultative Conference – during which Beijing tries to silence anyone who might provide embarrassing disruptions.[146] Since 2000, police had

detained Shen Peilan more than 100 times as a result of her work on behalf of victims of forced evictions.[147] Before the Shanghai Expo opened, her own neighbourhood, in the Minhang district of Shanghai, was one of the last to be levelled to make way for the Expo. At the time, she told Amnesty International: "At least 3,000 families are victims of Minhang district demolition. They are so poor that many have no place for shelter. Some rent a very small room without a toilet. I really cannot stand to see people live like this and not speak out."

Shanghai authorities also targeted housing rights activist and forced evictions victim Jin Yuehua during this time, stationing police officers and city security guards outside her house, preventing her from leaving to see friends or even to buy food. A few months before the Expo opened, she told Amnesty International, "Minhang district was the last district in Shanghai under construction. Even two weeks ago there were still people being beaten and bones being broken because people living in Minhang district refused to move out."

Jin Yuehua became a housing rights activist in 2004, after authorities in Minhang district razed her electronics shop, destroying her only source of income. Jin Yuehua documented cases of others who had lost their homes and livelihoods due to forced evictions and began petitioning the central government. Local government authorities have repeatedly detained Jin Yuehua and placed her under house arrest since she began her work on housing rights. Jin Yuehua is now in Beijing, where she continues to try to petition the government. She told Amnesty International that she and hundreds of other petitioners are regularly subjected to surveillance by police.[148]

Authorities sentenced Shanghai petitioner Duan Chunfang to 18 months in prison for "obstructing official business" many months before the Expo. They denied her medical treatment for her poor health and heart condition and kept her in a freezing cold cell (she was released from detention in December 2010).[149] Duan began her work as a housing rights activist in 2000, after authorities demolished her house. In 2006, police severely beat her and her brother, Duan Huimin, who had worked with his sister to petition the government. In 2006, authorities sentenced Duan Huimin to 13 months of Re-education Through Labour (RTL). Two days after he was released, Duan Huimin died, allegedly due to injuries he sustained while tortured in detention.

On 4 March 2010, Shanghai authorities sentenced long-time housing and reproductive rights activist Mao Hengfeng to 18 months of RTL after she participated in a peaceful demonstration in support of imprisoned human rights activist Liu Xiaobo. Authorities released her early, on 22 February 2011, on medical parole. But two days later, they again detained her, claiming she violated the terms of her parole. Police took her to Shanghai Prison Hospital, beating her in the car along the way. At the hospital, they placed her in a cell and forbid her from leaving her bed, except to use the toilet. Authorities assigned other inmates to spy on her – if she moved from her bed she was beaten – and threatened the inmates who refused with prolonged detention.

About a month before the end of her RTL term, without informing her family, officials sent Mao Hengfeng home in a wheelchair. Her family found her unconscious outside the house. The formal release notice said she was let go early because of her high blood pressure and that she should receive treatment in a public hospital.[150] Mao Hengfeng's husband, Wu Xuewei, asked the authorities to send her to a nearby motel with the family for monitoring until her health stabilized.[151] When the family tried to take her to hospital the next day, police guarding the motel would not allow her to leave. Although the Expo was over, authorities had another reason to hide Mao Hengfeng. They told her, "Shanghai is hosting the 14th FINA World Championship until 31 July. For social stability reasons, people like Mao Hengfeng are not allowed to go out." After the championships, authorities allowed Mao Hengfeng to go out but continued to keep her under tight surveillance.[152]

PERSECUTION AND HARASSMENT OF ADVOCATES

Lawyers, activists and ordinary people who work to prevent forced evictions face harassment, detention and violence from the authorities, demolition workers, or unidentified thugs.[153] Housing rights advocates told Amnesty International they must often work in secret when attempting to inform people of their rights or when interacting with fellow advocates in other parts of the world, across the country, or even in their own communities.

Some housing rights activists have lost nearly everything in their struggle to protect their fellow Chinese from forced evictions.

The following two case studies (Six and Seven) illustrate the ways authorities retaliate against those who attempt to defend their own housing rights, or the housing rights of others.

CASE STUDY SIX: BAIHUTOU VILLAGE AND HOUSING RIGHTS ADVOCATE XU KUN

On 29 April 2011 the Yinhai District People's Court in Beihai, Guangxi Zhuang Autonomous Region, sentenced Xu Kun to four years in prison and a fine of 200,000 yuan (US$31,427) for "illegal business activity" for operating a parking lot. Xu Kun's family members and his lawyer allege that the evidence against Xu Kun was based on false testimony (see further below) and that he was convicted because he had spent the last four years fighting local government plans to evict residents of Baihutou village – where he served as the democratically elected village chief[154] – to make way for a luxury waterfront development.

Two other men who had been challenging the evictions, fellow villagers Gao Shifu and Zhang Chunqiong, were also sentenced to two years in prison and given fines of 150,000 yuan (US$23,570) each on the same charge.[155]

Xu Kun's battle began in 2006, after his predecessor as village chief signed a document turning over 125.5 acres of village land to the Beihai municipal government and Beihai Municipal Land Reserve Centre. The document waived any right to public hearings or consultations with villagers. When the deal came to light, a group of the villagers, including Xu Kun, began appealing to higher level government offices to stop the project. The villagers claimed, among other things, that Beihai authorities offered them only a small amount of compensation – each villager would have received only about 36 yuan (US$5.70) per square metre.[156] And, many of the villagers made a living next to the sea, running family hotels, renting beach umbrellas, and operating showers or selling food. Moving away from the ocean would mean losing their livelihoods.

In 2007, relocation and demolition began. Villagers who agreed to relocate found themselves in housing seven kilometres away with no schools or hospitals nearby and little opportunity for employment.

In 2008, the remaining villagers elected Xu Kun village chief. He continued to work on their behalf to protest the evictions. As a result, in 2009, the Communist Party expelled Xu Kun and took away his official seal, though he remained village chief.[157] Villagers continued to petition local authorities and the central government, including the NPC, the State Council and the Supreme People's Court, but received no response.

In October 2009, police arrested Gao Shifu's brother and father when the men joined more than 100 people protesting demolition of a village building. During that incident, a relative, Wu Chunman, 85, was seriously injured by members of the wrecking crew and died shortly afterwards in a local hospital.[158] Police did not

arrest any members of the wrecking crew. However, in June 2010 a court sentenced Gao Shifu's brother and father to two years in prison for "obstructing official business" for their involvement in the protest.

By early May 2010, 74 families (around 200 people) were still refusing to relocate. On 8 May, several hundred police and "auxiliary police" blocked the entrances to the village and surrounded Xu Kun's house, according to witness accounts. Xu Kun's family left the four-story home but Xu Kun barricaded himself and his father inside. Xu Kun spread acid and petrol around the house, and later said he was prepared to light it if the police came inside. But police did not enter his home that day. On the next day, police retreated and Xu Kun fled the house. On 14 May, police found and arrested Xu Kun.

Before he was taken into custody, police questioned 20 elderly villagers involved in the parking lot operation. Some of them told a human rights group[159] they were forced to sign or put their thumb print on documents they could not read because they were illiterate. Some people said the documents contained large blank spaces above their signature or thumb print, apparently so officials could insert false testimony. Police interrogated and tortured Xu Kun.

Before his trial, Xu's wife said, "Our house doesn't belong to us but to Xu Kun's parents. We are refusing to go also because the new location is by the river. We have always lived off the sea. No one from the government ever made any effort to help us resolve the matter. And now they're holding him unjustly. What can we do but fight to our death?"[160]

On 19 May 2010, police blocked Xu Kun from meeting with one of his lawyers, Zheng Jianwei, claiming the case involved state secrets. Under the Lawyers Law of 2007, lawyers are guaranteed access to their clients before trial, but authorities continue to rely on a provision of the Criminal Procedure Law of 1996 requiring lawyers to obtain permission from investigators before seeing clients in cases involving state secrets. Zheng Jianwei said Beihai Municipal Public Security Bureau refused to give him an official document denying his request to meet with his client. Xu Kun and his co-defendants were tried on 28 February 2011. One of Xu's representatives, the prominent legal scholar Teng Biao, did not show up in court. Police had detained him a few days earlier as part of the crackdown related to the so-called Jasmine Revolution and were still holding him.[161]

Lawyer Zheng Jianwei is currently preparing to help Xu Kun appeal. He has also invited a representative from the NPC to investigate the situation, and she has accepted. "The eviction has been stopped, temporarily, because last October Xu Kun's case gained national attention," Zheng Jianwei said. "Xu Kun's house is still there."[162]

CASE STUDY SEVEN: NI YULAN, HARASSED, IMPRISONED AND TORTURED IN BEIJING

Rights advocate Ni Yulan has suffered countless abuses at the hands of authorities while trying to defend people from forced evictions. Amnesty International has been documenting her case for many years.[163] Ni Yulan began providing legal aid to other victims of forced evictions in 2001 – and later became a victim of this practice herself. On 27 April 2002, police arrested Ni Yulan as she attempted to collect evidence for a case by filming a demolition in progress. She was held for 75 days at a police station without charge, where she was beaten. After her release, she staged a protest against her detention and the physical abuse she had

suffered. Police detained her again at the Xinjiekou police station in Beijing for "obstructing the performance of official duties," and, they beat her so severely she has been unable to walk without crutches since. In November 2002, authorities sentenced her to one year in prison.

After her release, police continued to detain Ni Yulan frequently. Between 27 July 2004 and 16 March 2006, police held her under illegal detention and surveillance for a total of 597 days. Just before the Olympics in 2008, Ni Yulan unsuccessfully challenged the demolition of and forced eviction from her own home. Someone who witnessed most of the eviction process told Amnesty International that the family resisted until they were the last people in the area remaining. Later, at 6am one day, workers from the demolition office (*chaiqianban*) came and beat Ni Yulan. Later that day, the family called the police to report the incident, but police told them the demolition office had already called and reported that family members had attacked its workers. Police took Ni Yulan to the Xinjiekou police station, where they took away her crutches. They accused her of kicking an officer in the "lower body" and causing him a "testicular contusion". They took her to a dark room, beat and interrogated her. Then they charged her, for the second time, with "obstructing the performance of official duties," and after trial jailed her. She was imprisoned for two years as a consequence not only of defending her home but also for her earlier protests against police malpractice and her continued provision of legal aid to victims of forced evictions.

Before the demolition of Ni Yulan's home, one family member managed to take some clothes and photo albums out of the house. On the day of the demolition, just one week before Ni Yulan's trial, demolition workers disposed of the family's remaining belongings.[164]

Upon her release in April 2010, Ni Yulan and her husband, Dong Jiqin, were homeless. They stayed in a hotel until police forced them out and blocked them from renting other accommodation or even staying with friends. By June 2010, the couple was living in a park. After dozens of people held a demonstration in support of the couple, police moved them into Beijing's Yuxinggong Guesthouse. Authorities continued to subject them to surveillance and other types of harassment, such as cutting off the electricity and water supply to their room and blocking their internet access. Ni Yulan maintained her connection to activists, lawyers, and journalists and, when possible, publicized human rights abuses on her microblog.

On 7 April 2011, police detained Ni Yulan and her husband again and, after 40 days of detention without charge, on 17 May formally arrested and charged them with "picking quarrels and provoking trouble." Police later added the charge of "fraud" in Ni Yulan's case. Both Ni Yulan and her husband are held at the Xicheng District detention centre in Beijing. Both need medical care. In addition to not being able to walk without crutches Ni Yulan suffers from respiratory, heart and digestive problems from previous torture and people who are familiar with her situation have said her weight had dropped to an alarmingly unhealthy low as of mid April 2012. Her husband has high blood pressure. Before their trial, their family was not allowed to meet with them and at one point authorities refused to deliver Dong Jiqin his high blood pressure medicine.[165] Ni Yulan's trial was scheduled for 24 November 2011, but the day before her lawyer was informed it was cancelled due to the need to "further investigate and clarify the situation."

A trial was held on 29 December 2011 at Beijing's Xicheng District People's Court that Amnesty International considers did not meet international fair trial standards.[166] On 10 April 2012, the court sentenced Ni Yulan to two years and eight months in prison and sentenced Dong Jiqin to two years.

On 27 July 2012, a Beijing court overturned on appeal Ni Yulan's sentence on a fraud charge. However, the court upheld her and her husband Dong Jiqin's sentences for "picking quarrels and provoking trouble"

Because Ni Yulan's sentence for "fraud" was overturned, her sentence is now two years and six months in prison. Dong Jiqin's sentence remains as before.

5. SUPPRESSION OF RESISTANCE

PEACEFUL RESISTANCE

Protests break out on a daily basis across China. Chinese scholars estimate that as many as 180,000 so-called "mass incidents" (both peaceful and violent) occurred across the country in 2010, double the number estimated for 2006.[167] Eviction-related disputes account for the greatest number of protests.[168] In the countryside, the seizure of farmland accounts for as much as 65 percent of all mass protests, according to a study released by the CASS in 2006.[169]

The large number of peaceful protests, riots and clashes with police that take place every year reflects simmering anger over land expropriation and evictions. In January 2010, for example, thousands of residents of Tongle village in Pingle county, Guangxi Zhuang Autonomous Region peacefully protested the seizure of farmland by the county for redevelopment, claiming the county had not paid them compensation. Riot police used tear gas and electric batons against some of the protesters, including elderly.[170] In March 2011, in one of the largest protests of the year, paramilitary police were called in to break up a demonstration in Suijiang county in Yunnan province by nearly 2,000 villagers concerning inadequate compensation for their land, which was seized to build a dam.[171]

Chinese protests concerning evictions are almost always limited to the particular village or neighbourhood affected. Instead of respecting people's right to peaceful protest, the Chinese authorities are quick to quell protests and make it virtually impossible for groups with similar grievances to network across the country or even within a city. Some activists are making modest efforts to network with peers across the country or to link victims of forced eviction city-wide in order to create solidarity. But forming networks even to share information, let alone mobilizing peaceful protestors, is dangerous. There are no officially recognized Chinese NGO's that deal with housing rights. One activist told Amnesty International that even sending in "volunteers" to a community facing eviction to share information and legal advice must be done without attracting the attention of the authorities.

People who publicly protests against forced evictions often end up in jail or in RTL centres. Authorities in Shandong province sentenced Li Hongwei, a victim of a forced eviction, to 21 months in RTL for delivering two protest speeches in a public plaza in early 2011.[172] Authorities accused her of "endangering state security," among other charges following the demolition of her house and forced eviction in 2007 while she was not at home. Authorities had not given her any notice of an eviction, civil representative Ni Wenhua and other activists told Amnesty International.[173]

SOLIDARITY AND THE "SURROUNDING GAZE"

The term *weiguan* translates to English as "surrounding gaze". The term refers to the act of drawing attention to an event or injustice with the hope of changing the outcome by shaping public opinion to put pressure on officials or other perpetrators. Usually, this involves the Internet or social media, although sometimes activists use the term to mean gathering a crowd in the real world to witness an event.[174]

Housing rights activists and residents told Amnesty International they use the practice of *weiguan* during several different stages of a forced eviction. They use it to ward off violence by the authorities or thugs during the eviction itself by gathering witnesses. Sometimes an activist or resident will video the eviction and livecast it to attract an even wider audience. Or, they will put any incriminating video online after the event to galvanize public support in hopes the victim will be able to claim compensation or the perpetrators will be punished. Sometimes activists organize people to *weiguan* outside a courtroom if a judge is hearing a forced eviction case. "All our work is organized by citizens and activists and we are very loosely organized," one housing rights activist said. "But the way we are doing it is enough to get to the authorities and make them shiver."

DEATHS AS A RESULT OF RESISTING EVICTIONS

Of the 40 forced evictions that Amnesty International examined in detail for this report, nine culminated in the death of people (six men and three women) resisting or protesting eviction. Local government officials described only two of these deaths as murder (one intentional homicide and one manslaughter).In seven of the nine cases, residents died or were killed as demolition crews or hired muscles attempted to forcibly remove them from their homes or as demolition was underway. Amnesty International calls on the Chinese government to conduct thorough and impartial investigations into all eviction-related deaths and to hold those responsible accountable as required under international law. It also urges the government to end the harassment and intimidation of family members of those who have died or been injured in the eviction process, as many have told Amnesty International that they feared speaking out because they felt authorities were monitoring their communications. Amnesty International reminds the government that it has the obligation to prevent violence and unnecessary use of force both during and after the eviction process and to ensure that all evictions meet the criteria laid out in international law and standards set out in this report.

- On 30 October 2009, more than 100 police officers and demolition workers raided Baihutou village in Guangxi Zhuang Autonomous Region to begin clearing land for the construction of a waterfront commercial development. Hundreds of villagers attempted to stop them and about a dozen were injured in clashes. One villager, Wu Chunman, 85, was seriously injured by members of the wrecking crew and died shortly afterwards in a local hospital. Police made no arrests.[175]

- On 3 March 2010, in Wuhan city in Hubei province, a 70-year-old woman named Wang Cuiyun attempted to stop a crew of about 20 workers hired by developers from demolishing her house. It is unclear what happened next, but she either fell, or was pushed by workers, into a ditch. She was then buried with dirt by an excavator. Wang had already reached a compensation agreement with developers and was packing to leave, but the crew refused to wait and began knocking down her house, prompting the conflict. Witnesses said two police officers on the scene did not intervene. The local government declared the death an accident, saying Wang fell into a pit while resisting demolition.[176] Police subsequently detained a

supervisor and the driver of the excavator.[177] (For more detail, see interview with daughter-in-law above under 'Unnecessary use of force and violence'.)

- On 13 or 14 May 2010, a 40-year-old man named Zhang Ruichen was beaten to death when a group of some 50 men hired by developer, armed with knives and iron bars, attempted to remove two families from their homes in Hohhot (in Chinese: Huhehaote) city in Inner Mongolia. Zhang and his brother had been hired by one of the families to protect them and prevent a forcible eviction. Zhang's brother was also beaten and seriously injured. Police detained 17 suspects of whom more than 10 were later indicted. State media reported they had been hired by the Songjiang Real Estate Development Company.[178]

- On the night of 30 October 2010, a private security and demolition firm hired by developers attempted to remove two families from their homes in Taiyuan city in Shanxi province. Employees of the firm, the Qixing Security and Property Management Company, attacked and severely beat two residents. One of them, a 54-year-old beancurd seller named Meng Fugui, died shortly afterwards from his injuries. Seventeen people were later convicted in connection with the crime, and one was sentenced to death. (For further information, see 'See 'Case study four: Guzhai village, Shanxi province'.)

- On 30 November 2010, a 49-year-old man named Zhou Daming died after an altercation with a demolition crew sent to his home in downtown Shanghai. His neighbourhood had been slated for demolition to make way for a new residential complex, and Zhou was among the last holdouts resisting eviction. Relatives said Zhou died after being beaten by "dozens of people," but local authorities said he suffered a heart attack and made no arrests.[179]

- On 25 December 2010, residents in Zhaiqiao village in Zhejiang province found the elected village chief, Qian Yunhui, 53, dead under the front wheel of a truck. Since 2004, Qian Yunhui had led protests against the expropriation of farmland from villagers to build a power plant. Witnesses told journalists that a group of men held Qian Yunhui down while a truck ran him over, but the witnesses later recanted, reportedly under pressure.[180] Local authorities said Chen was killed in a traffic accident and closed the case with the arrest of truck driver Fei Liangyu, who was sentenced on 1 February 2011 to three-and-a-half years in prison for causing the accident by driving without a license and overloading his truck.[181]

- On the night of 26 March 2011, demolition workers forcibly removed residents from an apartment building in Changchun city in Jilin province, and then knocked it down. A 50-year-old woman named Liu Shuxiang resisting eviction was trapped in the building and killed. Police detained 11 suspects for investigation, including the manager of the demolition firm.[182] In March 2012, state media reported that six men who worked for a real estate company and demolition company involved in the eviction were imprisoned for manslaughter. They each received prison sentences of between three and five years.[183]

- On 13 May 2011, hundreds of demolition workers descended on an apartment complex in Lianyungang city in Jiangsu province where about 15 families were resisting eviction. One resident, Lu Zengluo, died after a confrontation with demolition workers in his second-floor apartment. Relatives and neighbours said workers beat him with a steel pipe and burned his body to cover up evidence of the assault. Some family members called the police, who took

half an hour to arrive at the scene, even though the police station is just minutes away from the site. Both a family member and a former neighbour told Amnesty International that Lu had never received official notice to vacate his apartment. Family members cannot find justice, as the local government has declared the case closed. Local authorities described the incident as a "case of unusual death," saying Lu set fire to his own apartment, and made no arrests.[184]

- In September 2011, Xue Jinbo died in police custody in Wukan, Guangdong province. He had been leading protests against forced evictions (see Introduction of this report for more details).

VIOLENT RESISTANCE

Forced evictions have fuelled anger and desperation in communities across China. Residents confronting eviction-related violence and the prospect of losing their homes have at times resorted to violence themselves, but Amnesty International's interviews and research indicate these incidents are rare compared with violence perpetrated by state and non-state actors against evictees. On 30 May 2009, for example, in Suqian city in Jiangsu province, a woman named Wang Maling attacked a demolition worker with some sort of weapon and hacked him to death after he sealed her apartment shut and forced her and her elderly mother to use a window to come and go.[185] On 26 May 2011, a 52-year-old man named Qian Mingqi used homemade explosives to bomb three government buildings in Fuzhou city in Jiangxi province, killing himself and three others and injuring ten people. Qian had petitioned local authorities for years seeking proper compensation after the demolition of his house and his wife's grocery store in 1995, and another house in 2002. "Ten years of miscarriage of justice, and there are still no resolutions. In the end, I will have to take practical measures to get fairness and justice," he wrote in one microblog post before the bombings. "Even if I go to heaven, I'm going to take a few of my enemies along with me!" he wrote in another.[186]

SELF-IMMOLATION

Barred from access to legal remedies, harassed or detained when they attempt to exercise their right to peacefully protest, and pushed aside by authorities who pursue development at all costs without soliciting their opinions, some Chinese have turned to a drastic form of protest – self-immolation. By searching Chinese- and English-language news sources, Amnesty International documented 41 cases of self-immolation related to forced evictions from 2009 until the end of 2011. That compares to fewer than 10 such cases reported from 1998 until 2009.[187] Of the 41 people who set themselves on fire, 28 were men, 10 were female. We were unable to confirm the gender of the remaining three. Eight of the self-immolators died.

These numbers illustrate a troubling trend of a rise in self-immolations related to forced evictions. Self-immolation as a form of protest has been incredibly rare throughout contemporary history. A leading scholar on the subject estimated there were only between 800 and 3,000 acts of self-immolation worldwide between 1963 and 2002 with China accounting for fewer than 10 such cases in those four decades.[188]

In many of the cases documented by Amnesty International, the individuals setting themselves on fire had previously suffered violence at the hands of authorities or non state actors – which seemed to also be the case for many of the evictees who engaged in other

forms of protest. In some cases of self-immolation, the victims had also acted violently toward authorities.[189]

Tang Fuzhen, a victim of forced eviction in Chengdu, initiated the current wave of self-immolations over forced evictions in China. On 13 November 2009, unidentified men wearing helmets and carrying steel rods came to remove Tang and her family from what the local government claimed was an illegal structure. Contravening international law, authorities had notified the family to tear down the building themselves so the government could build a highway, but the family refused.[190] That morning, when the men arrived, they began beating up members of the family. Tang Fuzhen, 47, and her relatives fought back, throwing stones and bottles full of gasoline. Finally, Tang Fuzhen climbed to the roof, poured gasoline over herself and lit herself on fire. She died from her burns 16 days later. Tang Fuzhen's case became a rallying cry for critics of the Chinese government's failure to adequately prevent and safeguard against forced evictions.[191] Many people visit the site where she died.

On 7 November 2011, three brothers set themselves on fire in Hebei province to protest the expropriation of their land. That morning, local authorities had sent around 300 men with bulldozers and other heavy equipment to level their fields in Peipozhuang village, Yongnian county. Villagers said the men who arrived to clear the land were armed with iron bars and that several unarmed villagers tried to fight them and were wounded. Villagers also said the farmers involved in the eviction had not been informed in advance. State media reported that three local officials had been punished, but only said that "suspension" was involved, without specifying further details.[192]

Experts on self immolation say the individuals are not necessarily suicidal. Unlike a suicide that stems from, say, depression or personal hardship, self-immolation is carried out for a collective cause and those who take the risk usually do so in public or write a letter to political figures or the public beforehand. And unlike suicide attacks – also done in the name of a cause – self-immolators do not appear intent on hurting others.[193]

The rarity of self-immolation throughout modern history, including China, makes the current trend as a form protest against forced evictions and land grabs especially shocking.[194] Although the Chinese government cannot be held directly responsible for those who choose this form of protest, the rise in self-immolations related to land disputes reflects a failure by the Chinese government to fulfil its duty to protect its people from the unchecked and often violent mode of development that local authorities have adopted. Amnesty International's interviews document the desperation many feel is the result of feeling completely shut off from effective remedies once the eviction process has begun and the feeling that there is no way to be heard when it comes to being forced from their homes.

CASE STUDY EIGHT: YIHUANG COUNTY, JIANGXI PROVINCE [195]

On 10 September 2010, workers from a demolition crew, government officials and a crew from the *chengguan* visited the home owned by brothers Zhong Rukui, Zhong Rutian and Zhong Ruman in Yihuang county, Jiangxi province. The visitors claimed they needed to come inside to check the gas and that it was an emergency. Zhong Rucui, Zhong Rukui's sister, asked if they had a search warrant and locked the door. The police broke the door down and went upstairs. There was a standoff. And then Zhong Rukui's mother, Luo Zhifeng (59), his sister, Zhong Ruqin (31) and his uncle, Ye Zhongcheng (79) climbed to the roof of the three-story home,

covered themselves in petrol and set themselves on fire. Ye Zhongcheng was pronounced dead shortly afterward, while the other two sustained serious injuries.

Eight family members lived in the house. Since 2007, the county government without providing genuine consultation had tried to forcibly evict more than 20 households in order to build a bus station. The Zhong family refused to move, unhappy with the 400,000 yuan (US$62,854) offered in compensation. The authorities had already cut their electricity, forcing them to use a generator.[196]

According to a government file made public two days after the altercation, the Yihuang Investment and Development Company had offered the family two choices – to accept money or exchange their house for another about 60 meters away. The file said the Zhongs rejected both alternatives as unacceptable (although no reasons were given) and countered with other possibilities, including 3 million yuan (US$471,400) in compensation. The government web site said the incident was an "accident." The web site said that government staff had gone to the home to negotiate compensation and had not started a forced eviction.[197]

Zhong Rucui said that on the day of the incident people from the Public Security Bureau, the Construction Bureau and the Department of Housing Management were all there, and thus it was hard to believe they were all "mediators." She said that even though they didn't bring demolition equipment, it was an attempt at forced eviction. "They have done it before - first they find a way to control you to take away your home, and then they burn it down," she said. The family said the government lied about the rest of the homes having signed agreements. Zhong Ruqin recorded the event with her mobile phone. On the recording, there were people shouting. Demolition workers are heard saying, "You don't want to know how you'll die if you don't demolish your home today," according to an article in *Caixin* magazine. The magazine described the later parts of the recording, saying, "The second son from Zhong's family, Zhong Rukui shouts, 'Let me go to rescue my mother. She is on fire.' The distressed shouts last almost another two minutes. Demolition workers restrained Zhong as he watched his mother become engulfed in flames."[198] Online reports showing graphic photos were quickly censored.

On 16 September 2010, two of the Zhong family members, Zhong Rucui and her sister Zhong Rujiu, attempted to travel to Beijing to petition the central government. On their way to the airport in Nanchang, police and government officials chased them. When they arrived at the airport, the two women reportedly locked themselves in a bathroom and sent text messages to local reporters asking for help.

Blogger Deng Fei posted an update to the girls' status after the airport incident, saying they had checked into a hostel in Nanchang. Deng Fei had shown the women how to update their status via mobile phone and in a post wrote that Zhong Rujiu would "no longer kneel down and bow her head like her father's generation, she will use micro-blogging to defend her rights." He then gave her Sina micro-blog and tencent addresses.[199]

Zhong Rujiu then opened her own micro-blog. She wrote that at 1am on 18 September, her uncle had been pronounced dead in the hospital from the self-immolation and that government officials had tried to steal the corpse.

"Around 70 to 80 people from the government are surrounding us now. And they have robbed the corpse from us. After the government took away my uncle's body, we tried to stop the car of the county magistrate, Su Jianguo. But Su just sat inside the car without saying anything. Then around 40 government officials dragged us away. Su's car left. My two sisters left for the hospital first, I followed after. Soon after, I stepped out of my room, and 4-5 Yihuang officials tried to grab me. I ran away and jumped into a cab to escape."[200]

After that message on 18 September, Zhong Rujiu went to the hospital in Nanchang to see her mother and sister. Soon after arriving, authorities forced her and her family into a bus that took the Zhongs (five people total) back to Yihuang. A photo of her crying on that bus was reposted by tens of thousands of people online but deleted later in the day after webmasters discovered it. Netizens were outraged and posted messages of support for the Zhong family.

On 10 October, following an investigation of the Yihuang county demolition project, the Jiangxi provincial government sacked two Yihuang county officials. The Party secretary, Qiu Jianguo, and the head of the county government, Su Jianguo, were both fired for using illegal tactics before and after an attempt to demolish the Zhong home. An investigation also found that Yihuang authorities had illegally detained two family members of the victims when they went to petition in Beijing although there is no evidence that anybody has been held to account for this unlawful act.[201]

The Yihuang incident enraged people around the country. And yet, in an open letter to the Chinese magazine, *Caixin* an Yihuang county official (Hui Chang) defended forced demolitions and said Yihuang had become a "scapegoat". He wrote that everyone was the "beneficiary" of forced demolitions and that "there is no 'new China' without forced demolition."[202]

After the letter was published, a cartoon appeared on the QQ blog of artist Zhang Xianda titled "The Henchmen of Forced Demolition." Hong Kong University's China Media Project provided this caption: "An official, identified by his imperial-style official's cap, stands atop a home with a scythe like the figure of Death. A green banner flowing out from the scythe reads: 'Without forced demolition there can be no New China.' The familiar red character for demolish (拆), drawn in a red circle, drips like fresh blood."

6. THE DOMESTIC LEGAL FRAMEWORK: SOME PROGRESS BUT STILL INADEQUATE

The Chinese government has attempted to bring some of its laws and regulations in line with its international obligations and standards in relation to the respecting, protecting and fulfilling housing rights. For example, protecting residents against violence in the eviction process and recently providing compensation guidelines for urban home owners, stipulating that they must receive market value for their homes if evicted.

Amnesty International commends the authorities for these welcome but limited steps. However, the laws and regulations related to housing rights and evictions still fall short of international standards in many ways. One blatant example is the failure of the latest regulation on urban demolitions, passed following a public outcry against forced evictions, to extend basic protections against eviction to all residents rather than just owners. Those interviewed for this report by Amnesty International also note that implementation of laws and regulations is weak.

The following section analyzes the existing laws and regulations related to housing rights and evictions against the international framework and its requirements. It contains a detailed analysis of the newest regulations on urban expropriations, pointing out the strengths and weaknesses of the regulations and recommending how they could be improved and move the government closer toward meeting its obligation to protect all residents against forced evictions and to ensure the protection of the right to adequate housing.

THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA[203]

Article 10 of China's Constitution states that all land in the cities is owned by the state and that land in the rural and suburban areas is owned by "collectives," unless owned by the state. In 1988, Article 10 was amended to prohibit buying, selling or transfer of land by illegal means and more significantly, to expressly allow that "the right to the use of land may be transferred according to law."[204] Some consider this amendment a first step toward property rights, though the State maintains the power to reassign land use rights.[205]

The Fourth revision to the Constitution, in 2004, strengthened property rights, stating that "citizens' lawful private property is inviolable."[206] Articles 10 and 13 were also revised to state that, "in the public interest" and in accordance with the law, the state will "expropriate or requisition private property for its use and shall make compensation for the private property expropriated or requisitioned."

The right not to be forcibly evicted, as well as being an integral component of the right to adequate housing, is indivisibly linked with many civil and political rights protected under

both international and Chinese law. For example, the following constitutional provisions are of potential relevance:

- No law or administrative or local rules and regulations shall contravene the Constitution. All state organs…and all enterprises and undertakings must abide by the Constitution and the law. All acts in violation of the Constitution and the law must be investigated. (Article 5)[207]

- The State respects and preserves human rights. (Article 33)[208]

- Freedoms of speech, of the press, of assembly, of association, and procession and demonstration. (Article 35)[209]

- The freedom of person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ. Unlawful deprivation or restriction of citizens' freedom of person by detention or other means is prohibited; and unlawful search of the person of citizens is prohibited. (Article 37)

- The home of citizens of the People's Republic of China is inviolable. Unlawful search of, or intrusion into, a citizen's home is prohibited. (Article 39)

- Right to criticize and make suggestions regarding any State organ or functionary. (Article 41; often called the right to petition)[210.]

THE PROPERTY RIGHTS LAW

To support the constitutional provisions on property rights, the Property Rights Law was enacted in 2007. It governs evictions in both the urban and rural context.

Covering the property rights of the state, the collective, and individuals, the Property Rights Law attempted to bring China's legal framework in line with the reality of the changes in property ownership during the previous three decades. Since economic reforms had begun in the 1980s, millions of people had already bought homes and set up businesses, even without formal protection of property rights.[211]

Article 42 of the Property Rights Law states that authorities may expropriate collectively-owned land, houses or other property for the purpose of "public interest." However, the law does not define public interest or provide criteria or examples and has yet to be clarified by the courts. Nor does the law explicitly prohibit forced evictions.

According to Article 42, the authorities must compensate when expropriating "collectively owned land," including for the land expropriated, resettlement subsidies, compensation for fixtures and young crops as well as social security for farmers whose land is expropriated "in order to guarantee their normal lives and safeguard their lawful rights and interests." For owners of property not on collectively owned land, the law guarantees compensation for demolition (eviction) and resettlement. Finally, Article 42 says that no one shall "withhold, misappropriate, embezzle or privately divide the compensation for expropriation."

THE LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON URBAN REAL ESTATE ADMINISTRATION

The Urban Real Estate Administration law, which took effect in January 1995, outlined the requirements for conducting real estate transactions, including provisions on leasing land from the state (land-use rights), mortgages, housing leases, registration of land and punishments for violating the terms of the law. Article 20 of the law says the state may terminate land-use rights early and take land in the name of "public interest", as long as it provides "appropriate compensation" based on how the land was used and developed by the user. Again there is no definition of 'public interest' or any prohibition on forced evictions.

THE LAND ADMINISTRATION LAW

The Land Administration Law governs collectively owned land – land in the countryside and suburbs and the first version came into effect in January 1986. In most cases, the "collective" is controlled by the village committee. Rural Chinese do not actually have private property rights but only use rights that are based on membership of the rural collective. The law explicitly limits the use of collectively owned land to agriculture, housing for farmers, public facilities, or rural enterprises operated by local governments. Any change in land use must be approved at the county government level or higher. Farmers cannot sell their rights to land use. They are therefore at a disadvantage compared to their urban counterparts, who may buy and sell their property. Farmers have strict limits on how they can use their land. But once land is converted to state-owned land, it can be used in many different ways.[212]

The law allows for expropriation in the public interest, but as in other laws, does not define its meaning or scope. Essentially "expropriation" in rural China is often the state taking land from a quasi-state entity (the collective) and the use rights from private parties.[213] Often, the government will simply change the land-use rights of a piece of land and then forcibly evict the farmers in order to sell the land to a private development company at a huge profit. Farmers are not allowed to sell the land to developers themselves, however and are therefore cut off from the real estate market.[214]

In Article 47, the Land Administration Law spells out three kinds of compensation to be given when rural land is expropriated: payment for the land itself, "resettlement assistance" payments for occupants and compensation for any fixtures and existing crops. The law states that compensation for the land should be between six and ten times the average value of the agricultural output of the land for the three years previous to the taking. Significantly, the valuation of the land is based on its designated use prior to expropriation, typically the agricultural use. The formula means that farmers are effectively unable to receive anywhere close to the market value of their land,[215] contrary to what international standards require in terms of fair and just compensation.[216] The law also does not reflect the current situation, as many peasants are no longer even growing crops on their land, but instead running small, agriculture-related businesses.

The law states that disputes over ownership or land use rights must be settled through negotiation between the parties concerned. If negotiation fails, the government must step in. Parties can only bring a case to court after mediation by the government fails, and they must do so within 30 days after they receive the notification of the government's decision. The law states that the land use cannot be changed until disputes are settled.[217] The law clearly

states that people must be given the opportunity to pursue litigation if they are unsatisfied with a decision. However, Amnesty International is concerned that many people will be pushed toward mediation in cases where officials do not want to handle such a sensitive issue and refuse to hear or it or reject it out of hand thereby undermining their ability to exercise their right to an effective remedy.

At the time of publication, China's legislators are trying to draft an amendment to the 1987 Land Administration Law to curb forced evictions in the countryside and suburbs, but the process has been slow. The amendment is long overdue. The new regulations on urban expropriations passed in early 2011 leave out the vast majority of Chinese affected by rapid urbanization and forced evictions – those living in the suburbs and in the countryside. Some housing rights activists as well as academics who study housing and land issues told Amnesty International they hope the new amendment to the Land Administration Law will reflect some of the positive aspects of the new urban regulations – such as provisions that allow evictees to challenge compensation and protect evictees from violence (see below). However, rights activists and others told Amnesty International that developers and others who benefit from the expropriation of collective land have done their best to hold up the amendment or at least weaken it.

THE RURAL LAND CONTRACTING LAW

The 2003 Rural Land Contracting Law gives rural households 30-year use rights to the land they farm and requires that local governments award each household a land rights contract and certificate. The law grants farmers "long-term and guaranteed" land-use rights. This provision, combined with provisions in the Property Law that say farmers' 30 year contracts will be extended "according to law," is supposed to improve the security of tenure for farmers. However, there is no definition of what "guaranteed" means in this context. And, neither law offers any specifics on how a 30-year contract would be extended meaning that security of tenure is unclear beyond this period.

A recent survey found that implementation of the Rural Land Contracting Law falls far short of its intended goal of improving security of tenure. The 17-province survey, conducted by Landesa showed that less than half of rural households had been issued both a land-rights certificate and a land-rights contract. And, despite the guarantee in the Rural Land Contracting Law that "women shall enjoy equal rights with men" and that women's "legitimate rights and interests... shall be protected in contract," in practice only 17.1 percent of the contracts issued listed wives' names and only 38.2 percent of the certificates did so.[218]

REGULATIONS ON THE EXPROPRIATION OF HOUSES ON STATE-OWNED LAND AND COMPENSATION – NEW REGULATIONS FOR URBAN EXPROPRIATION

On 21 January 2011, the State Council issued new regulations on the expropriation of houses in urban areas. The regulations replace the 2001 Regulations Governing Housing Demolitions in Urban Areas, as well as the supplement to those regulations passed in 2003, the National Regulations for Urban Residential Eviction and Demolition Administrative Work.

The new regulations represent the government's response to the massive social upheaval caused by forced evictions across the country and to the criticism academics, lawyers, and activists have levelled at the previous regulations.

Previously, evictions could be carried out by a private development company once it had obtained the demolition permit. Even though the evictor had to pay compensation, the regulation contained no guidance on how the compensation should be determined and allowed for eviction and demolition of property even before compensation had been paid. Local governments and property developers working in collusion could essentially carry out evictions whenever they liked with no supervision from a higher authority.

Public outcry over several violent incidents related to forced eviction pressed the government to enact the new regulations, which came into being with unprecedented participation from the Chinese public.

In December 2009, five scholars from Beijing University wrote an open letter to the National People's Congress Standing Committee urging it to repeal the 2001 regulations and replace them with regulations that did not conflict with the property rights spelled out in the Constitution and the property law. The letter came shortly after Chengdu resident Tang Fuzhen set herself on fire to stop local authorities from evicting her from her home, one of several horrifying forced eviction stories that had propelled the issue into the public spotlight. Among the scholars' criticisms were the facts that the 2001 regulations did not define public interest, did not require compensation be paid before an eviction could take place, and allowed eviction of residents by private agents, rather than local governments.

Before enacting the regulations, the State Council published two drafts in January and December 2010 and sought broad public feedback on each version. The State Council received around 100,000 comments, most of which raised concerns over forced evictions and unfair compensation.[219] This was the first time that the State Council Legislative Affairs Office had published an updated draft of its regulations for a second round of public commentary.

The regulations ultimately adopted in 2011 made some progress toward protecting Chinese against forced evictions in line with international law and standards, and, in particular, the violence that accompanies evictions. There are several positive developments:

- For the first time, the new regulations state that compensation for homeowners must not be lower than market value. Compensation also must include relocation expenses and for losses arising from interruptions in business and production caused by the expropriation (Articles 17, 19, 22 and 23).

- Compensation must be paid before an eviction can take place (Articles 12 and 27).

- House expropriation and compensation records are to be kept and made available to the public (Article 29).

- The regulations explicitly forbid the use of violence or coercion (such as shutting off electricity or heat) to evict homeowners (Articles 27 and 31).

- The regulations put responsibility for expropriation and the payment of compensation in the hands of the government, rather than private companies. Private companies, such as developers, cannot be involved in evictions (Article 4).

- Homeowners can initiate administrative reconsideration (essentially arbitration) or administrative litigation against a decision by the government on the house expropriation or compensation (Articles 14 and 26).

- The government must notify potential evictees in a timely manner and also solicit public opinion (Articles 9, 10, 11 and 13).

- The regulations, for the first time in any official document, provide examples of what constitutes "public interest" (Article 8).[220]

- There are provisions on liability and punishment of those involved in expropriation and compensation who have failed to adhere to the regulations, including punishment for those who use violence, threats, or illegal means to evict or those who embezzle compensation funds. The type of punishment is not spelled out in the regulations (Articles 30-33).[221]

- Real estate appraisal agencies which issue false assessments or make major errors can be fined specified amounts (Article 34).

Despite these positive developments, Amnesty International has several concerns regarding the new regulations, many of which are shared by Chinese lawyers, academics, and citizens.

One major problem is that the regulations only cover evictions on state-owned, or urban, land. Planned amendments to the Land Administration Law that would extend protection against illegal forced evictions to rural Chinese are long overdue. Rural land that has been converted to state-owned land and sold off for commercial purposes does not enjoy the same protection afforded to state-owned urban land, meaning that the residents of China's growing suburbs are experiencing the worst of the urbanization process without the protections now enjoyed by their urban neighbours. In practice the experience of forced evictions differs little between urban and rural areas – violence in particular is part of the experience in both settings. In these circumstances and in the absence of any compelling justification for so doing, omitting to protect rural dwellers could be considered discriminatory. Amnesty International would urge China to enact regulations against forced evictions that encompass all residents – both urban and rural – reflecting the fact that they face the same violations of their rights.

The second most flagrant problem with the new regulations is that they only provide protection and remedies for *owners*.[222] Tenants and other types of residents have been left out completely. Amnesty International would remind China that the state has the responsibility to protect all members of society from forced eviction, including "squatters," informal traders, pavement dwellers and others without a formal title. Because China has ratified the International Covenant on Economic, Social and Cultural Rights, it is required to fulfil the obligations of that treaty for everybody without discrimination, particularly, in this case, with respect to Article 11(1), guaranteeing the right to adequate housing, including security of tenure for all and prohibiting forced evictions as elaborated in the UN Economic, Social and Cultural Rights Committee's General Comments 4 and 7.

CHALLENGES IMPLEMENTING THE LAW

The third most significant problem with the new regulations is a general one applying beyond forced evictions: the lack of independence of Chinese courts hindering their ability to ensure that victims of rights violations receive an effective remedy. It is admirable that the State Council has given courts the ability to block expropriations if they find the compensation is unfair, or that the expropriation is illegal.[223] It is also commendable that the regulations allow victims of forced evictions to seek redress through the legal system. However, even if the courts uphold victims' claims, which based on their track record to date is unlikely they will still be very reluctant to hand down appropriate remedies due to the undue influence of local party officials. It would take a brave judge to rule against the wishes of the local party cadres who effectively act as his or her superior including controlling the courts' budgets.

In an investigation published in September 2011, *Caixin* magazine found that in 20 cases from the Chengdu area, the court had ruled that government-backed evictions were illegal. However, none of the farmers, despite all of them citing the Administrative Compensation Law, won compensation. Lawyer Wang Cailiang, who specializes in forced eviction cases, told the magazine that courts hesitate to rule in favour of compensation claims because the local party will often take the compensation straight out of the court's budget. A first instance level court judge from Chengdu said he had hoped to support farmers according to the rule of law, but found it difficult. "A government can tolerate a ruling that is against the government," the judge said. "But if the ruling is also for compensation, the government will certainly resist. The court is, after all, beholden to the government."[224]

Lawyer Li Baiguang, who has handled many eviction cases, said a court's willingness to accept cases on forced evictions for consideration often comes down to how many local leaders sympathize with the issue and whether those leaders will pressure the court to accept a case. For example, he said he has had some success in bringing cases in Fujian and Zhejiang provinces, where the local leaders are more aware of the rights issues surrounding forced evictions. "It comes down to the personality of the leaders," he said. "Once there is a change of government, things shift."[225]

In addition to the three major concerns listed above, Amnesty International notes several other areas of concern in the regulations:

- It is unclear who exactly will have a supervisory role over evictions. Article 5 mentions "house appropriation departments" but it is not clear who has ultimate responsibility for supervising and whether they will be sufficiently neutral and independent to ensure compliance with international standards.[226] This should be spelled out more clearly.

- The public interest criteria laid out in the regulations remain very broad permitting potentially any justification to be covered.

- The regulations go a long way in seeking to bring transparency to the compensation system. However, the regulations fall short of internationally agreed-upon standards for public consultation and discussion of other aspects of an eviction.[227] For example, there is no mention of the government providing the reason for an eviction or of allowing the public to discuss alternatives. Amnesty International urges the Chinese government to provide a more robust definition of public consultation that complies with relevant international standards

before an eviction and to specify what information the public is entitled to during this consultation process. Amnesty International also urges the Chinese authorities to engage in genuine consultation with the public before any eviction with the goal of minimizing evictions and finding alternative solutions to eviction. These consultations should meet international standards as laid out in the UN CESCR General Comment 4 and the UN Special Rapporteur Basic Guidelines section III. Amnesty International would like to remind the Chinese authorities that the CESCR also urged China to undertake "open, effective and meaningful consultations" with residents affected by evictions in its concluding observations in May 2005[228] and to report back on progress made.

- Article 12 states that the government will carry out a "social stability risk assessment" before carrying out large-scale evictions. On its face this would appear to focus on the Chinese authorities determining how likely an eviction is to spark public anger and then weigh the costs and benefits of proceeding. If this is the case this is not the type of "assessment" that will fulfil the country's obligations as set forth in international standards requiring impact assessments that include strategies that seek to minimize harm to all those affected.[229]

- Article 13 of the regulations require the government to notify the public of evictions in a "timely manner." This is a positive step, but the regulations should have been more specific, suggesting time frames for mass relocations as well as smaller-scale evictions.

- The regulations state in Article 15 that a "survey" conducted by house expropriation departments will determine the size of the home to be evicted, among other things, and register this information to prevent false claims of compensation. Amnesty International is concerned that the regulations do not provide details as to how this survey will be conducted, how independent it will be or whether the information will be made public. The regulations also fail to specify how an owner might challenge the results of such a survey.

- Article 22 requires relocation costs to be paid to the owner. However, the regulations offer no details as to how these costs would be assessed.

- Article 24 notes that "illegally" constructed temporary buildings do not qualify for compensation. However, there is no definition of what an illegal structure might be and even occupiers of illegal dwellings enjoy the right not to be forcibly evicted under international standards and to have access to an effective remedy including compensation.

- The regulations fail to spell out the due process required during an eviction as specified in General Comments Number 4 and 7 and the UN Special Rapporteur guidelines.

- Article 32 states that if a person impedes a legitimate house expropriation and compensation through violence, threats and "other means," he she will be committing a crime and be prosecuted. Amnesty International is gravely concerned that by employing such a broad definition, i.e. "other means", this article will be used by Chinese authorities to continue to prosecute, detain, or harass individuals who engage in peaceful protest against forced eviction contrary to their rights to freedom of expression, association and assembly.

- Finally, the process of determining the rightful owner of a property has not been spelled out in the regulations. Amnesty International worries that this will allow authorities to continue making arbitrary and non-transparent decisions as to ownership that residents will be unable to challenge.

7. CONCLUSION

The Chinese government has increasingly recognized the threats that forced evictions pose to not just individuals but to society as a whole. In passing the January 2011 regulations on urban expropriation that outlawed the use of violence and granted home-owners facing eviction new protections – including the right to public hearings and to receive compensation based on market value – the government has made some progress toward fulfilling its responsibility under international law to protect against forced evictions.

But other Chinese officials have sought to minimize the problem and defended abuses in the eviction process as a necessary cost of modernization. And as Amnesty International has documented, a range of human rights abuses, including violence against evictees, continues.

Under international law, governments can carry out evictions only as a last resort and after exploring all feasible alternatives. These legal standards have been developed based on a recognition of the catastrophic effects forced evictions have not only on people's right to adequate housing and to a home but also on their ability to enjoy a range of other economic and social rights, including to work, health, education and to services such as water and sanitation.

Under international human rights law the forcible eviction and removal of people from the homes or land they occupy without giving them appropriate legal or other protections is a gross violation of human rights, in particular the right to adequate housing.

As specified in international treaties, ratified by China, these protections include genuine consultation with those affected to identify all feasible alternatives to evictions, provision of adequate and prior notice, legal remedies, included but not limited to adequate compensation, and adequate alternative accommodation. Governments are also required to protect people from forced evictions by private actors and from related acts of violence or harassment.

As a party to the ICESCR and other international human rights treaties China is required to respect and protect the right to adequate housing and related guarantees, including family and private life. As such, it must prohibit and end forced evictions.

Amnesty International offers recommendations to the Chinese government on how it can take steps to end forced eviction and welcomes the opportunity to discuss these recommendations – or other issues related to forced eviction – with the relevant authorities.

RECOMMENDATIONS

To the Chinese authorities:

- Halt immediately all forced evictions, explicitly prohibit them under law and ensure that adequate safeguards and protections are put in place in line with international law, in part by ensuring implementation of the January 2011 Regulations on the Expropriation of Houses on State-owned Land and Compensation.

- Develop and adopt concrete and effective measures to guarantee a minimum degree of security of tenure to the entire population, sufficient at least to protect them from forced evictions and other threats and harassment. In particular ensure that those living in rural areas and all those who do not own their homes enjoy the same level of protection as those owners living in urban areas.

- Develop and adopt guidelines for evictions based on the UN Special Rapporteur's Basic Principles and Guidelines on Development-Based Evictions and Displacement that comply with international human rights law and standards.

- Ensure that law enforcement officials involved in evictions comply with the UN Code of Conduct and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

- Ensure that nobody is rendered homeless as a result of an eviction and is provided with adequate alternative housing.

- Ensure that all victims of forced evictions have access to independent and impartial adjudication of their complaints and to an effective remedy, including access to justice and the right to reparations, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

- Ensure that all dispute resolution mechanisms, including the courts, are accessible to victims, strictly respect the rule of law and due process and are guided by the results of impartial investigations.

- Respect and guarantee the independence of the judiciary and the rule of law.

- Punish and prosecute state and non-state actors who violate the rights of residents, including but not limited to the use of violence, during the eviction process.

- Introduce an immediate moratorium on any new mass evictions until the above key reforms are implemented.

- Develop and adopt effective legal and policy standards on freedom of information, consultation and participation, in line with the requirements of international human rights law in order to respect, protect and fulfill the rights to participation of the population in all decisions related to evictions and relocation.

- Ensure that the rights of human rights defenders, including local activists, to voice their grievances and exercise their rights to freedom of association, expression, assembly and movement are respected.

- Implement the recommendations set forth by the CESCR in 2005, including keeping detailed information on the number and nature of forced evictions and information on the homeless, including breakdowns of age, gender, sex and place of residence (city or countryside).[230]

- Implement the recommendations by the Special Rapporteur on the Right to Food to ensure issuing land certificates to rural residents, in the name of both husband and wife.

- Prioritise and encourage alternative funding streams for local authorities to ensure that they are not so dependent on development-based land sales and construction that are resulting in mass forced evictions.

APPENDIX: LIST OF CASES INVOLVING SELF-IMMOLATION

Date	Name	Location	Extent of Injuries	Brief Description of Event	Response from Authorities
3 Nov 2011	Wang Liushi	Erqi District, Zhengzhou City, Henan	Death	Wang's son and daughter-in-law climbed onto the roof and poured gasoline over themselves in a bid to stop the 300-people demolition team. Unexpectedly, the house where 81-year-old Wang Liushi was in exploded. It is believed that Wang died after setting herself on fire as the team tried to knock down her home. Her son and daughter-in-law were detained for 10 days for disrupting social order.	Officials claimed the incident was a fire as opposed to self-immolation. However, the family failed to claim back the dead body even they made a number of petitions.
25 Aug 2011	Fan Yulong	Rugao City, Jiangsu	Severe burns	Staff of the city government was sent to Ninghai East Road to pull down vacated houses and persuade the remaining residents to move out. Among them was Fan Qinming who owned three houses and leased them for a living. That afternoon, the staff called the Fans for negotiation at the site. Fan Yulong, Fan Qinming's son, became emotional when the staff demolished the house next to theirs. He poured some liquid onto his body and set himself on fire. The fire was put out and he was sent to hospital. His condition remained stable despite 30 per cent of his skin was burnt.	The Rugao government pledged to investigate the incident. Yet no further news can be found on follow-up actions.
23 Jun 2011	Ji Wenxing	Hanbin District, Ankang City, Shaanxi	Severe burns	In 2009, Ji's house was demolished to make way for the Shitian highway. According to news reports, compensation was paid and relocation site was selected. Ji was not satisfied with the resettlement and worried about the increasing construction cost. On 23 June 2011, Ji bumped into the local officials and quarrelled with	The Ankang government reported and investigated the incident preliminarily. However, there has been no report of further actions.

				them in front of a school. He left and come back with a barrel of gasoline. He poured it on himself and lit fire. 70% of his skin was damaged and the local government sent him to a hospital in Xian for further treatment. His condition was improving.	
18 May 2011	Xie Peng	Yangzhou. Jiangsu	Severe burns (Suspected death but cannot be confirmed)	Xie had been under constant threats and harassment for not agreeing to vacate his house for development project. On 18 May 2011, a group of rogues alleged being employed by the local government and the developer broke into and damaged Xie's home while he was away. The rogue was after him when he returned home. Xie ran to the local government office and set himself on fire in front of the building. Over 90% of his skin was burnt and it was suspected he was dead. His family members were moved away.	According to news report, the Yangzhou government did not make any responses.
13 May 2011	Lu Zengluo	Luzhuang Village, Shizhuang Rural County, Guanyun County, Jiangsu	Death	Official reports said that workers from Shizhuang Rural County were sent to demolish the illegal structure of the house in which Lu was staying. Lu lit the gasoline and was found dead immediately when the workers was inspecting the house. The house belonged to Lu's father and brother and was to be pulled down according to an agreed resettlement plan. Lu was staying there while his own house was under construction. However, according to the family, the house actually belonged to Lu Zengluo, not his father and brother. Lu was beaten to death by the demolition team at the scene and then his dead body was burnt to cover up the truth.	There is no report of any government action.
9 May 2011	Zhang Guihua	Xinghua, Jiangsu	Severe burns	Zhang set himself on fire in protest of the court's judgement to demolish the premise he rented from a social welfare institution where he ran his	Except for a press conference detailing the incident, no further follow-up actions can be found.

				business. Zhang was severely burnt. He was not satisfied with the compensation offered by the social institution.	
22 Apr 2011	Wang Jiazheng	Hengshi Village, Zhuzhou City, Hunan	Death	Wang Jiazheng's family members were sleeping at home when the demolition team broke in early in the morning. Not present in the house, Wang and his son came back immediately and climbed up to their house roof. While the excavator kept digging and moved close to their house, Wang poured gasoline on his body and set himself ablaze. He died in the hospital seven days later.	Zeng Kanrong, deputy chief of Zuzhou City NPC Standing Committee resigned after being warned by disciplinary commission. Wang Dezhong, deputy chief of Hetang District Court was also warned by the Hunan Provincial Court.
18 Dec 2010	Mr Wan	Hongwan Road, Nanchang City, Jiangxi	Severe burns	To make way for the construction of a highway, Wan's house was pulled down by the authorities even though there was a lack of consent. In protest, Wan poured gasoline on his body and lit the fire. He was severely hurt.	The local authorities pledged that they would follow up the incident. However, no further reports can be found on this case.
30 Nov 2010	Wang Dedong	Sanshan District, Wuhu City, Anhui	Severe burns	The Sanshan District government used force to acquire Wang's three paddy fields illegally. Wang poured gasoline on his body and burned himself badly in the village party leader's office after failing to be heard by local authorities.	In June 2011, Wang was charged with arson. It is unclear whether he is convicted or not.
29 Nov 2010	Huang Dequan (father), Huang Zhimin, Huang Zhixue (sons)	Ashenhe Street, Acheng District, Harbin City, Heilongjiang	Huang Dequan and Huang Zhimin (severe burns), Huang Zhixue (minor burns)	The Acheng City government held a press conference to detail the incident. The Huangs was the only household left to fight for their land. The city government allegedly that Huang Dequan obtained the right to use part of the conflicted land illegally when he was serving as local party secretary for City Construction Division in 1995. The local authority has issued three notices on removing illegal construction on the conflicted land but Huang refused to do so. On 29 Nov, the authority went to remove the alleged illegal construction. Wang's two sons threw gasoline towards the staff and attacked them with weapons. Then the three of them	The project was shelved because of villagers' protest. Huang and his sons were criminally investigated for using explosives, endangering public safety & resisting law violently. Huang Dequan was investigated for illegal use of the "Wuhuang land".

				set ablaze their cloths and ran at the enforcement staff. The firemen at the scene put out the fire and sent them to the hospital.	
7 Nov 2010	Xie Ling (not real name)	Zhonghe Block, Yinzhou District, Ningbo City, Anhui	Severe burns	The local authorities went to remove the "illegal structure" in Xie's factory without notice. Xie and her husband were denied entry to their factory. Xie got very emotional. She poured gasoline onto herself and pushed her way to the factory. She lit the fire on the way and were severed burnt. After 14 months' of treatment, she was in stable condition. She took the case to People's Court and sued the local authorities for illegally removing her private property	The local authorities reported the incident. They were made as a defendant in the administrative litigation by Xie. No further information can be found about the judgment on the web.
30 Oct 2010	Cui Dexi	Mishan City, Heilongjiang	Severe burns	Cui refused to demolish his house due to a dispute on compensation since July 2008. On 30 October, the authority again tried to settle with the Cui family. Cui and his wife defended their house on the roof top while the son-in-law was responsible for negotiating with the staff. An agreement was nearly reached. However, Cui's wife insisted the authority to deliver compensation in cash directly. At the same time, Cui poured some gasoline onto his body and lit the fire. Cui's face, neck and hands were burnt. According to the son-in-law, the local government did not take any action after the incident and they have not obtained any compensation.	There is no report of any local government action.

4 Oct 2010	Zhong Qingling	Jiahe Furniture Centre, Hebian Village, Jiahe Town, Baiyun District, Guangzhou City, Guangdong	Attempted self-immolation, but not injured	Zhong was one of the tenants of the furniture centre. The authority claimed that the centre was illegal. Zhong agreed to move out and requested sufficient time to clear his furniture. However, the authorities did not give him extra time and nearly damage his furniture in a forced eviction attempt. In protest, Zhong tried to set fire on himself.	The government claimed that sufficient prior notice was given and the eviction was legal.
16 Sep 2010	Mr Wu (brother of the owner of the house which the authority claimed illegal construction)	Xinjin Street, Ningguo City, Anhui	Severe burns	The local authority was pulling down the illegal structures of the houses, belonging to Wu's brother. Wu ran to the scene and set himself on fire. The fire was put out at the scene and he was taken to the hospital.	According to the news report, the local government pledged to investigate the incident. Yet, no further news can be found.
10 Sep 2010	Luo Zhifeng (mother), Zhong Ruqin (daughter) and Ye Zhongcheng (family friend)	Fenggang town, Yihuang County, Fuzhou City, Jiangxi	Luo Zhifeng (severe burns), Zhong Ruqin (severe burns) and Ye Zhongcheng (death)	Luo Zhifeng, Zhong Ruqin and Ye Zhongcheng set them alight on Friday morning after quarrelling with a relocation team of 40, including local officials and police. Ye died on 18 Sep 2010 in hospital. Luo and Zhong were still receiving treatment as of December 2011. 200 government workers had shown up to evict them on the day.	The county Party Secretary and county chief were investigated after the incident and removed from their posts on 9 Oct 2010. However, there was news that the two managed to make a comeback and were assigned posts with the city government.
30 Jul 2010	Pan Liguo	Suileng town, Suihua County, Harbin City, Heilongjiang	Severe burns	After several rounds of failed negotiation on compensation, a large group of staff attempted to pull down Pan's two-storey house by force. Pan locked himself up in his house, poured gasoline onto him and to the staff from the second floor. In a fight with an officer, a fire was lit and he was severely burnt. Pan's wife agreed to settle as she needed to pay for Pan's medical fees.	The local government demolished the house on 9 Aug 2010.
30 Apr 2010	Wang Yonglai	Shangzhuang Village, Weifang City, Shandong	Death	Wang wielded a home-made hammer at five children and a teacher in a primary school in Weifang City. He then self-immolated and died instantly. All five children and the teacher suffered injuries but were in stable condition. Wang's wife said the family had spent all	The police investigated the case but no result has been released.

				their savings, building a house that was about to be torn down because it had been erected on farmland, which is illegal in China.	
22 Apr 2010	Shi Jianjun, Cheng Jianzhong, Yin Guiyin and Feng Guihua	Baoning Village, Eshan Town, Emeishan City, Sichuan	Cheng Jianshong (severe burns), Shi Jianjun, Yin Guiyin and Feng Guihua (minor burns)	More than 10 local villagers brought with them gasoline to try to stop city government from doing construction work on farmland which was expropriated as scenary spots of Exiu Lake. During the confrontation, four villagers (Cheng Jianzhong, Wu Ming, Yin Guiyin and Feng Guihua) poured gasoline onto themselves and one of them lit the fire. Except for Wu who jumped out, the other three were trapped in the ring of fire. Shi Jianyun tried to save them but burnt himself.	After a press conference, no concrete action was reportedly taken by the city government. The local police claimed that several villagers involved had turned themselves in.
27 Mar 2010	Tao Huixi (son) and Tao Xingyao (father)	Huangchuan Town, Donghai County, Lianyungang City, Jiangsu	Tao Huixi (death) Tao Xingyao (severe burns)	Tao Huixi and his father locked themselves inside the house and set themselves alight when the town chief led a demolition working group and almost 100 people to forcibly demolish their pig farm without demolition permit. Tao Huixi died instantly while his father suffered severe burns.	Town chief was temporarily suspended.
3 Feb 2010	Mr Zhang & two unknown persons	Wangsiying Township, Chaoyang District, Beijing	Mr Zhang (burns), two other persons (unknown)	Dissatisfied with the compensation, Zhang lit a fire in a car parked in his vehicle repair shop. He suffered from burns while the conditions for the unkown persons were not clear. Four other demolition staff also had minor burns.	No information can be found concerning the government responses.
26 Jan 2010	Zeng Huan	Yingbin Road, Tinghu District, Yancheng City, Jiangsu	Death	Police officers summoned Zeng's son to question him for splashing gasoline towards public officers pulling down illegal structure in Jan 2010. Zeng left home to set himself ablaze without anyone's notice. He suffered from severe burns. He died on 24 May 2010 after 4 months' treatment in hospital.	The city government claimed that it paid for Zeng's medical fees.
14 Dec 2009	Xi Xinzhu	Beiwu Village, Sijiqing Town, Haidian District,	Severe burns	On 11 Dec 2009, a noticed was sticken on the outside wall of Xi's family property by the village committee. The family was asked	It is unclear how the petition ends or the court case goes on.

		Beijing		to automatically vacate the property before 8am on 15 Dec or the order will be executed. On 14 Dec, more than 100 people gathered outside Xi's family property and tried to get into the courtyard. Xi Xinzhu asked those people to get out and poured gasoline on his body. When his wife ran to the other side to call for help, she heard some noise and found that Xi set himself ablaze. On 17 Dec, Xi's family went to Haidian District Court to sue the village committee for destruction of property. They also sought help from local deputies.	
8 Dec 2009	Huang Yucai and his wife	Futian District, Shenzhen	Attempted self-immolation, but not injured	The Huang couple rented a place in the district to run their business. It turned out that the landlord had already signed an agreement with the local authorities to demolish the place due to security concerns. The officers went to pull down their shop. To defend their properties, the couple poured gasoline onto them. Fortunately, they were not burnt.	No follow-up action can be found on the web.
13 Nov 2009	Tang Fuzhen	Jinhua Village, Jinniu District, Chengdu City, Sichuan	Death	Unidentified men wearing helmets and carrying steel pipes went to remove Tang Fuzhen and her family from what local government said was an "illegal structure." When the men arrived, they beat up Tang's family. The family threw rocks and bottles of gasoline. Tang climbed to the roof and set herself on fire. She died from her burns 16 days later.	The City Management Bureau chief of Jinniu District was suspended for investigation after the incident, but was reportedly (according to news report in Apr 2010) reinstated in the post.
28 Oct 2009	Zhang Xia	Jiaozhou City, Shandong	Severe burns	The negotiation on compensation terms failed. Zhang Xia, owner of a two-storey restaurant, used gasoline in a self-immolation bid when the building was being forcibly demolished. Zhang survived, but was severely burned.	There is no reported follow-up action.
5 Jun 2009	Jin Lixia (Elder daughter of Jin Qinghu, owner of the house to	Dongning County, Mudanjiang City,	Severe burns	The Jin family was not satisfied with the compensation and refused to make an agreement. A group of county officials went to	In exchange of the Jin's family remaining silent, the county government resettled

	be demolished)	Heilongjiang		Jin Qinghu's house to forcibly evict them and tear down the house. Lixia rushed in, poured gasoline on her body and set herself ablaze.	the family and paid for Jin's medical bills.
25 Feb 2009	Maimaiti Wushe'er , his wife and one unknown family member	Beijing	Maimaiti Wushe'er and his wife (severe burns), other family member (unknown)	The family set themselves on fire while they were inside a car near Tiananmen Square. They had been in a dispute with Urumqi government over resettlement to make way for a new school.	Xinjiang officials claimed that they were given two apartments and 400,000 yuan compensation. They opined that other demands such as decent jobs were unreasonable.
13 Feb 2009	Wang Na (daughter of Shi Guoqing, owner of one of the apartments to be demolished)	Hada Street, Hongshan District, Chifeng City, Inner Mongolia	Burns and inhalation injury	The Hongshan District Court issued a judgement to forcibly demolish the building in where Huang Yang and Shi Guoqing were living. On 13 Feb in the morning, the court came to evacuate them. During the period, Wang Na, Shi Guoqing's daughter became very emotional. Later, the fire department received an emergency call from Wang Na's aunt, saying Wang lit the gasoline inside the apartment, and asked for help.	Shi Guoqing was reportedly to have reached agreement with the demolition party and moved away. There was no other news on investigation.

Table sources:

Wang Liushi: 拆迁 - 郑州81岁老太　强拆现场自焚, Southern Metropolis Daily, 30 Dec Nov 2011, http://nf.nfdaily.cn/epaper/nfds/content/20111230/ArticelAT06002FM.htm.

Fan Yulong: 江苏如皋一男子因拆迁"自焚" 烧伤面积约为30%, Southern Metropolis Daily, 27 August 2011, http://nf.nfdaily.cn/nfdsb/content/2011-08/27/content_29024811.htm.

Ji Wenxing: 陕西安康通报拆迁户自焚事件 称安置款已经支付, People's Daily Net, 27 June 2011, http://sn.people.com.cn/BIG5/190198/190215/15000480.html.

Jie Peng: 扬州逾百人强拆及殴打业主 男子市政府门前自焚抗议, RFA, 22 May 2011, http://www.rfa.org/mandarin/yataibaodao/ql-05222011161900.html?searchterm=%E8%A7%A3%E9%B9%8F.

Lu Zengluo: 江蘇一農民因強拆自焚身亡, Shantou City Daily, 15 May 2011, http://www.stcd.com.cn/html/2011-05/15/content_212258.htm; 江苏百警强拆煤气罐爆炸 一死两伤公安抢尸受阻, RFA, 13 May 2011, http://www.rfa.org/mandarin/yataibaodao/qiangchai-05132011110024.html.

Zhang Guihua: 江苏兴化男子不满法院强拆其租用浴室自焚, Yangtse Evening Post, 10 May 2011, http://unn.people.com.cn/BIG5/14748/14591024.html.

Wang Jiazheng: 湖南株洲农民为抗强拆自焚重伤 官方称已中止强拆, People's Daily Net, 24 April 2011, http://news.qq.com/a/20110425/000137.htm.

Mr Wan: 南昌一名农户因拆迁纠纷自焚深度烧伤, 20 December 2010, Southern Metropolis Daily, http://news.sina.com.cn/s/2010-12-20/055621671971.shtml.

Wang Dedong: 非逼大家造反？安徽自焚農民被逮捕 放火罪, Aboluowang, 14 June 2011, http://www.aboluowang.com/news/2011/0614/%E9%9D%9E%E9%80%BC%E5%A4%A7%E5%AE%B6%E9%80%A0%E5%8F%8D%EF%BC%9F%E5%AE%89%E5%BE%BD%E8%87%AA%E7%84%9A%E5%86%9C%E6%B0%91%E8%A2%AB%E9%80%AE%E6%8D%95%E6%94%BE%E7%81%AB%E7%BD%AA-127025.html.

Huang Dequan & sons: 哈尔滨父子三人自焚反抗拆迁 被以暴力抗法立案, Dongbeiwang, 30 November 2010, http://www.dsqq.cn/xwpd/kbtt/2010/11/30083542703.html.

Xie Ling: 身价数千万女企业家自焚抗拆迁 官方称伤情稳定, Xinhua News Agency Outlook Weekly, 19 November, 2010, http://news.sina.com.cn/s/sd/2010-11-19/145221500587.shtml.

Cui Dexi: 黑龙江密山强拆引自焚 老汉点汽油多处烧伤, Southern Metropolis Daily, 2 November 2010, http://nf.nfdaily.cn/nfrb/content/2010-11/02/content_17233134.htm.

Zhong Qingling: 家具城老板全身浇汽油欲自焚阻止强拆, Southern Metropolis Daily, 15 October 2010, http://news.sina.com.cn/s/p/2010-10-15/122821282456.shtml.

Mr. Wu: 安徽宁国一男子为阻拆迁自焚, Anhui Daily, 17 September 2010, http://news.ifeng.com/society/1/detail_2010_09/17/2543300_0.shtml.

Luo Zhifeng & family: Trio set themselves alight over eviction, China Daily, 13 Sep 2010, http://www.chinadaily.com.cn/usa/2010-09/13/content_11293712.htm.

Pan Liguo: 房主为阻强拆被严重烧伤 信访办称拆房才给治病, Dongbeiwang, 17 August 2010, http://legal.dbw.cn/system/2010/08/17/052678423_01.shtml.

Wang Yonglai: Chinese man attacks kindergarten class, kills himself, security on campus beefed up, Xinhua, 30 April 2010, http://news.xinhuanet.com/english2010/china/2010-04/30/c_13273605_2.htm.

Shi Jianjun & Others: 峨眉山村民因征地自焚 哭诉最乖公民为何遭不幸, Beijing News, 24 April 2010, http://finance.people.com.cn/GB/11443884.html.

Tao Huixi & Tao Xingyao: 东海自焚事件镇长被停职 政府没拆迁证强拆, Beijing News, 31 March 2011, http://news.sohu.com/20100331/n271221983.shtml.

Mr Zhang: 不满拆迁 男子车内自焚, Southern Metropolis Daily, 5 February 2010, http://gcontent.oeeee.com/6/ad/6ad4174eba19ecb5/Blog/711/f1d0a7.html.

Zeng Huan: 老人已逝，协议仍悬空, Yangcheng Evening Post, 25 May 2010, http://www.ycwb.com/epaper/ycwb/html/2010-05/25/content_836379.htm.

Xi Xinzhu: 北京一男子遭强拆当场自焚 强拆人员怂恿其点火, Legal Daily, 16 December 2009, http://www.legaldaily.com.cn/index/content/2009-12/16/content_2006070.htm.

Huang Yucai and his wife: 违建被强拆商户欲自焚 城管部门称商户是暴力抗法, Southern Metropolis Daily, 9 December 2009, http://gd.news.sina.com.cn/news/2009/12/09/749435.html.

Tang Fuzhen: 成都女企业家自焚阻拆迁, Shanghai Evening Post, 3 December 2009, http://news.qq.com/a/20091203/002025.htm.

Zhang Xia: 青岛女子因暴力拆迁自焚 市委书记称是老事情, Xiaoxiang Morning Post, 4 December 2009, http://www.gxnews.com.cn/staticpages/20091204/newgx4b190cb3-2461176.shtml.

Jin Lixia: 拆迁引发拆迁户被打、自焚事件, Oriental Morning Post, 17 December 2009, http://news.163.com/09/1217/10/5QNR0CQT000120GR.html;
黑龙江东宁县长告诫“钉子户”：不要以卵击石, Southern Metropolis Daily, 18 December 2009, http://news.southcn.com/c/2009-12/18/content_7260324.htm.

Maimaiti Wushe'er: Self-immolation People Have "Unreasonable Demands": Official, Xinhua, 6 March 2009, http://english.cri.cn/6909/2009/03/06/53s461185.htm.

Wang Na: 内蒙赤峰红山区通报拆迁引起自焚事件调查结果, Xinhua, 25 May 2009, http://news.xinhuanet.com/legal/2009-02/25/content_10888729.htm.

ENDNOTES

[1] Qu Yunxu, "An Insider's Account of the Wukan Protest", Caixin online, http://english.caixin.com/2012-03-19/100369893_2.html, accessed 30 March 2012.
[2] See Amnesty International press release, "China must end land grabs amid protests over death in custody," 14 December 2011, http://www.amnesty.org/en/news/china-must-end-land-grabs-amid-protests-over-death-custody-2011-12-14, accessed 30 March 2012.
[3] "Wukan villagers in China Elect Protest Leaders to Replace Ousted Officials," Bloomberg, 5 March 2012, http://www.bloomberg.com/news/2012-03-04/china-s-wukan-villagers-elect-new-leaders-after-december-s-land-protests.html, accessed 30 March 2012.
[4] See, for example, http://weibo.com/iven6?key_word=%E4%B9%8C%E5%9D%8E%20%E9%80%89%E4%B8%BE%20%E6%B0%91%E4%B8%BB&is_search=1, 乌坎的民主选举为当代中国的民主建设注入了一支强心针！一人一票，公平，公正，公开！("Wukan democratic election will boost China's democratic development! One person, one vote, fair, just and transparent!").
[5] Lau, Mimi, "Activists in China's Wukan Village Being 'spied upon, harassed,'" South China Morning Post web site, 10 March 2012.
[6] China has ratified the International Covenant on Economic, Social and Cultural Rights which includes Article 11 guaranteeing the right to adequate housing including to be protected against forced evictions.
[7] A 2011 survey of 1,791 farmers across 17 Chinese provinces by Landesa has shown a steady increase in "takings of land for non-agricultural purposes" since 2008. The survey was previously conducted in 1999, 2001, 2005, 2008, 2010 (www.landesa.org/china-survey-6/, accessed 15 Feb. 2012). A 2010 report by housing rights lawyers and experts on evictions in the city and countryside found that in 2010, "the vast majority of locations have not stopped demolitions…and in fact have increased the number of demolitions" (English translation of report summary from "Housing Demolition 2010: A report, found at http://chinageeks.org/2011/01/housing-demolition-in-2010-a-report-part-1/, accessed 8 February 2011. Original Chinese at http://chinageeks.org/zh/archives/366, accessed 15 February 2012.
[8] For example, 未来五年失地农民每年将新增300万 将重点保障, 新京报. ("Landless farmers in China to increase by 3 million annually over next five years,") Beijing News (Xinjing Bao), 24 June 2006, http://news.xinhuanet.com/politics/2006-07/24/content_4870041.htm, accessed 27 May 2012. ("Landless farmers")
[9] See "Landless farmers". See also, the "Special Rapporteur on the Right to Food, Mission to the People's Republic of China from 15 to 23 December 2010, Beijing December 23 2010, Preliminary Observations and Conclusions," paragraph 17, http://www.srfood.org/index.php/en/component/content/article/1044-mission-to-china-premilinary-observations-and-conclusions, accessed 27 May 2012, which states that "For the large number of small-scale farmers in the Chinese countryside, access to land still represents a basic social safety net. Unless their levels of education improve and they are given real employment opportunities in the urban areas in decent conditions, an acceleration of land concentration through market mechanisms could result in more food insecurity, because of the increased poverty that would follow".
[10] Yan Jie, "Demolitions cause most social unrest," China Daily, 27 June 2011, http://www.chinadaily.com.cn/china/2011-06/27/content_12780316.htm, accessed 27 May 2012. The article cites a 2010 survey by the Research Centre for Social Contradiction. The Centre operates under the Beijing Office of Letters and Calls which is responsible for handling citizens petitions and protests

addressed to the Central authorities.

[11] Spegele, Brian, "Chinese Leader Backs Land Rights," The Wall Street Journal, 6 February 2012, http://online.wsj.com/article/SB10001424052970203315804577204771721905982.html , accessed 12 February 2012.

[12] See excerpts of letter to Caixin Weekly from Yihuang County official, Hui Chang, in which he writes, "When so many are denouncing the forced demolition policy, it seems that we all ignore a basic fact – everyone is the beneficiary of forced demolition policies. When you are living in a spacious and comfortable house, when you are walking on the street, when reporters are writing articles condemning forced demolition policies in luxurious hotels, can you imagine that the land under your feet was once obtained by the government by forced demolition? Therefore, to some degree, we won't have urbanization without forced demolitions. And we won't have a 'brand new China' without urbanization. From this point, I would add that there is no 'new China' without the forced demolition." Translated excerpts available from Dec. 10, 2010 Caixin at http://english.caixin.com/2010-10-12/100187862.html, accessed 27 May 2012.

[13] Order of the State Council No. 590, Regulations on the Expropriation of Houses on State-owned Land and Compensation, effective 21 January 2011, "国有土地上房屋征收与补偿条例", available in Chinese at http://www.gov.cn/zwgk/2011-01/21/content_1790111.htm, accessed 27 May 2012.

[14] Those interviewed by Amnesty International agreed that similar protections had not been extended to rural residents. They cited the fact China is long overdue to amend its Land Administrative Law, which covers those living in the countryside, as one example of the slow pace at which protections against forced evictions for rural people are evolving. See also, "Legal reform urged on forced demolitions," China Daily, 5 April 2012, http://www.china.org.cn/china/2012-04/05/content_25063643.htm, accessed 27 May 2012.

[15] The Land Administrative Law of China, "available in English at http://www.china.org.cn/china/LegislationsForm2001-2010/2011-02/14/content_21917380.htm, accessed 28 May 2012. See also, "Protecting Arable Land," China Daily, 20 February 2012, http://www.chinadaily.com.cn/opinion/2012-02/20/content_14643458.htm, accessed 28 May 2012.

[16] 120 million hectares. See, Ministry for Land and Resources, Communiqué on Land and Resources of China 2007, http://www.mlr.gov.cn/mlrenglish/communique/2007/, accessed 14 March, 2012. See also, "Shrinking arable land threatens grain security," China Daily, 18 October 2010.http://www.chinadaily.com.cn/china/2010-10/18/content_11423618.htm, accessed 18 October 2012.

[17] This rule is set out, among other places, in the 2002 Rural Land Contracting Law, which allows converting farmland only in exceptional circumstances (Article 17 (1).

[18] In 2009, income from land sales nationwide climbed more than 40 percent from the previous year, accounting for nearly half of total national income for local financial administrations during the same period. In 2010, revenues from land sales increased 70 percent. China's four largest cities all relied on land sales for at least half of their funds. See Housing Demolition in 2010: A Report. Summary by Wang Cailiang. English translation can be found at http://chinageeks.org/2011/01/housing-demolition-in-2010-a-report-part-1/, accessed 28 May 2012. For a discussion on local government debt and reliance on land sales, see Shih, Victor, "Local government debt: Big rock-candy mountain," China Economic Quarterly, June 2012, pp. 26-32.

[19] See, for example, "Two former city officials executed for bribery as China beefs up anti-corruption fight," Xinhua, 19 July 2011, http://news.xinhuanet.com/english2010/china/2011-07/19/c_13995433.htm, accessed 28 May 2012. See also, "A miserable year for corrupt officials in China," People's Daily Online (original source, Global Times), 31 December 2009,

http://english.peopledaily.com.cn/90001/90776/90785/6857138.html, accessed 28 May 2012.
[20] In 2004, a Chinese Academy of Social Sciences survey conducted by Yu Jianrong of petitioners in Beijing found that fewer than 0.2 percent achieved a successful resolution of their problem. For a more in-depth look at the petitioning system and its drawbacks, see Human Rights Watch's November 2009 report, "An alleyway in Hell," http://www.hrw.org/reports/2009/11/12/alleyway-hell, accessed 28 May 2012, and see, Carl F. Minzer's, "Xinfang: an alternative to formal Chinese legal institutions, Stanford Journal of International Law, vol. 42: 1, 2006, www.cui-zy.cn/Recommended/宪政与民主/MinznerXinFang.pdf, accessed 28 May 2012.
[21] In this case, "occupy" is not restricted to "living on" and therefore this definition also covers those people whose farmland, for example, is taken from them – even if they do not live on the land.
[22] CESCR General Comment 7, para. 3.
[23] International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 11(1), the right to adequate housing and Committee on Economic, Social and Cultural Rights (CESCR) General Comment 7: The right to adequate housing (art. 11 (1) of the Covenant): forced evictions; Sixteenth session, 20 May 1997, para. 13; complemented by International Covenant on Civil and Political Rights, Article 17.1, the right to be protected against "arbitrary and unlawful interference" with one's home, and Human Rights Committee General Comment 16.
[24] The UN body of experts charged with monitoring the implementation of the ICESCR.
[25] CESCR, General Comment 7, para. 15.
[26] CESCR General Comment 7 para 8
[27] See Article 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination Against Women (1980); Article 5(e)(iii) of the Convention on the Elimination of All Forms of Racial Discrimination (1981); Article 17 of the International Covenant on Civil and Political Rights; Articles 16(1) and 27(3) of the Convention on the Rights of the Child (1992) and Articles 9, and 28 of the Convention on the Rights of Persons with Disabilities.
[28] CESCR, General Comment 4: The right to adequate housing (art. 11 (1) of the Covenant), Sixth session, 13 December 1991, para. 18.
[29] Many duties placed on states under the ICESCR require progressive, rather than immediate, fulfilment.
[30] See "China must end land grabs amid protests over death in custody," Amnesty International press release, 14 December 2011, http://www.amnesty.org/en/news/china-must-end-land-grabs-amid-protests-over-death-custody-2011-12-14, accessed 16 March 2012.
[31] See, "Thrown Out: Human rights abuses in China's breakneck real estate development," Chinese Human Rights Defenders, February 2010, http://chrdnet.com/2010/02/08/thrown-out-human-rights-abuses-in-chinas-breakneck-real-estate-development/, accessed 28 May 2012.
[32] See, "Papering over the cracks: Reform of the forced eviction regime in China," Chinese Urgent Action Working Group, 29 March 2010, http://cuawg.wdfiles.com/local--files/reports/PAPERING%20OVER%20THE%20CRACKS.pdf, accessed 28 May 2012.
[33] See, "One world, whose dream?: Housing Rights Violations and the Beijing Olympic Games," Centre on Housing Rights and Evictions, July 2008, http://sheltercentre.org/sites/default/files/COHRE_OneWorldWhoseDreamHousingRightsViolationsAndTheBeijingOlympicGames.pdf, accessed 28 May 2012.
[34] See, "How people face evictions," Developing Planning Unit/University College London, 2010 in partnership with the Building and Social Housing Foundation (an independent research charity), May 2010, http://www.bshf.org/scripting/getpublication.cfm?thePubID=3C273379-15C5-F4C0-9923675FEF6ADEFB, accessed 28 May 2012.
[35] Report of the Special Rapporteur on the right to food, Olivier De Schutter (findings and

recommendations from country visit to China from 15 to 23 December 2010, presented to Human Rights Council, Nineteenth Session, http://www.srfood.org/images/stories/pdf/officialreports/20120306_china_en.pdf, accessed 13 June 2012.

[36] UN Committee on Economic, Social and Cultural Rights (CESCR), UN Committee on Economic, Social and Cultural Rights: Concluding observations: People's Republic of China (including Hong Kong and Macao), 13 May 2005, E/C.12/1/Add.107, available at: http://www.unhcr.org/refworld/docid/43f306770.html, accessed 15 February 2012.

[37] See, for example, "World Report 2012: China," Human Rights Watch, http://www.hrw.org/world-report-2012/world-report-2012-china, accessed 13 June 2012, which states that "By the end of 2011, 80 percent of traditional neighbourhoods in the ancient Uighur city of Kashgar will have been razed. Many Uighur inhabitants have been forcibly evicted and relocated to make way for a new city likely to be dominated by the Han population". See also Selby-James, Carly, "China under fire from UN for Tibet Human Rights Violations," The Tibet Post International, 17 March 2011, http://www.thetibetpost.com/en/news/international/1535-china-under-fire-from-un-for-tibet-human-rights-violations, accessed 13 June 2012, which discusses the forced relocation of Tibetan nomads to urban centres.

[38] China strictly controls foreigners' access to Xinjiang and Tibet, making these regions even more difficult to access for research purposes, and particularly for Amnesty International because of its human rights focus. Sometimes, the government bans foreign access altogether. See, for example, Wong, Edward, "China: Foreigners barred in Tibet," The New York Times, 6 June 2012, http://www.nytimes.com/2012/06/07/world/asia/china-foreigners-barred-in-tibet.html?_r=1, accessed 13 June 2012.

[39] For a classic source on land reform, see William Hinton's, Fanshen: A documentary of revolution in a Chinese village (Monthly Review Press, 1966).

[40] The PRC Constitution, adopted in 1954, contained a provision confirming the right of individuals to own farmland, but set a goal of gradual elimination of private ownership of rural land, encouraging farmers to form and contribute land to agricultural cooperatives (Articles 7 and 8 of the 1954 PRC Constitution).

[41] The danwei controlled virtually every aspect of a person's life, from providing health care and child care to authorizing people to marry or divorce. For an in-depth look at the danwei system, see Lu, Xiaobo and Perry, Elizabeth, "Danwei: the changing Chinese workplace in historical and comparative perspective," (M.E. Sharpe 1997).

[42] Mao launched The Great Leap Forward (1958 to 1961) to turn China into an industrialized society. Among other things, the Communist Party ordered people to build backyard steel furnaces and outlawed private farming. The Great Leap Forward led to famine with anywhere from 18 million to 42 million people dying from starvation. See, Becker, Jasper, Hungry Ghosts: Mao's Secret Famine (New York: The Free Press, 1997). See also, Dikötter, Frank. Mao's Great Famine: The History of China's Most Devastating Catastrophe, 1958-62, (Walker & Company, 2010). Also see, Yang, Jisheng, Tombstone: A Record of the Great Chinese Famine, 1958-1962 (Chinese version, Cosmos Books, 2008, with English translation to be released in fall 2012 by Farrar, Straus and Giroux). Mao's bloody Cultural Revolution (1966-1976) aimed to rid the society of capitalist elements. See MacFarquhar, Roderick and Schoenhals, Michael: Mao's Last Revolution (Harvard University Press, 2006).

[43] PRC Constitution, 1982, Article 10.

[44] For a discussion on the problems associated with the unclear identity of collectives during evictions, see, Pils, Eva, Waste No Land: Property, Dignity and Growth in Urbanizing China, 2009. See also,

Washburn, Valerie, "Regular takings or regulatory takings? Land expropriation in rural China," Pacific Rim Law & Policy Journal, 1 January 2011, http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/485/20pacrimlpoly071.pdf?sequence=1, accessed 15 June 2012.

[45] The Law of Land Administration of the PRC, Article 10. See also, "China expects new law amendment to upgrade protection of farmers' land rights," Xinhua, 31 December 2011, http://www.china.org.cn/china/2011-12/31/content_24303216.htm, accessed 15 June 2012. Also, Property Rights Law, Article 60.

[46] Law of Land Administration, Article 14.

[47] Interim Regulations of the People's Republic of China Concerning the Assignment and Transfer of the Right to the Use of the State-owned Land in the Urban Areas, May 1990, Article 12 (1).

[48] For details see Lin, Justin Yifu, "The Household Responsibility System Reform in China: A peasant's institutional choice," American Journal of Agricultural Economics, Vol. 69, No. 2, May 1987, pp. 410-415, http://www.jstor.org/stable/1242295 (subscription).

[49] "Developing At the Expense of Residents: Forced Evictions in Chongqing", Report by the International Federation of Human Rights, June 2007, p. 10.

[50] For an explanation of the corruption in obtaining land use rights, and examples of high profile corruption cases, see Yan Sun, "Corruption and Market in Contemporary China," (Cornell University Press, 2004).

[51] Fang Ke and Zhang Yan, "Plan and Market Mismatch: Urban Redevelopment in Beijing During a Period of Transition," Asia Pacific Viewpoint 44, no. 2, 2003, pp. 149-162.

[52] Plan and Market Mismatch.

[53] Hou Huali and Du Jian, "Land Development Rights and the Protection of Farmers' Interests," 11 Nongcun Jingji, 2005. (Chinese)

[54] "三位农村专家剖"圈地"原因," ("Three Rural Experts Analyze The Reasons Behind Land Seizures"), Beijing News, 10 November 2011, http://www.bjnews.com.cn/news/2011/11/10/163444.html, accessed 18 June 2012.

[55] See, Circular of the State Council on Strengthening Land Control, State Council, 31 August 2006. Several articles of the Law of Land Administration also limit non-agricultural uses of rural land (See Articles 43, 44, 63, 81).

[56] For more in-depth discussion of this discrepancy, see Washburn, Section III (A), pp. 84-88, https://docs.google.com/viewer?a=v&q=cache:-tNk8emiGpwJ:digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/485/20pacrimlpoly071.pdf%3Fsequence%3D1+&hl=en&pid=bl&srcid=ADGEESimaN5-4pskVIbGAnL0c-Ji1K_vGbvp3BAjq8hH0HEB6qzET7hCET9LTSqBI3GDJeIA5IRrKzQvXcsfBE5pPEem3NtTxIXfCzyGl9Ot4ggEyOPtFyE274Plp7ZciTB71MbzCYuv&sig=AHIEtbTJvj1pTiCPEUMbrpIs8gfP_-dFiw, accessed 22 June 2012.

[57] Law of Land Administration, Article 47.

[58] See, Fair Play for Housing Rights: Mega-events, Olympic Games and housing rights opportunities for the Olympic movement and others, Centre on Housing Rights and Evictions (COHRE), 2007, http://iocc.ca/documents/FairPlayForHousingRights-COHRE.pdf, accessed 15 June 2012, which mentions Olympic-related evictions having occurred in cities such as Seoul and Atlanta.

[59] See "One World, Whose Dream? Housing Rights Violations and the Beijing Olympic Games," Centre on Housing Rights and Evictions (COHRE), July 2008, p. 7. Also see, "Demolished: Forced Evictions and the Tenants' Rights Movement in China," report by Human Rights Watch, 2004.

[60] "One World, Whose Dream?", pp. 14-15.

[61] "One World, Whose Dream?" p. 11.

[62] For an in-depth discussion on the characteristics, underlying causes and judicial framework of forced evictions, see
Forced evictions: Analytical report compiled by the Secretary-General pursuant to Commission resolution 1993/77 (E/CN.4/1994/20),
http://www.unhchr.ch/huridocda/huridoca.nsf/%28Symbol%29/E.CN.4.1994.20.En?Opendocument, accessed 18 June 2012.
[63] Chinese are allowed to vote for representatives to the National People's Representatives Congress. In the countryside, Chinese vote in direct elections for their village committees.
[64] Cai Hongbin, Treisman, Daniel; "Did Government De-centralization cause China's Economic Miracle?" World Politics, 2006, 58, pp. 505 - 535.
[65] Chen, Y., Li, H., & Zhou, L. (2005), "Relative Performance Evaluation and the Turnover of Provincial Leaders in China," Economics Letters, 88(3), pp. 421-425.
[66] Hsing, You-Tien, The Great Urban Transformation: Politics of Land and Property in China, Oxford University Press (2010), pp. 47-48.
[67] "The Great Urban Transformation," pp. 51-52.
[68] Summary of report, Housing Demolition in 2010, published by Beihang University. The report was translated to English by China Geeks, who received it from a Chinese reporter whose media outlet refused to publish a story on it. English and Chinese version available at http://chinageeks.org/2011/01/housing-demolition-in-2010-a-report-part-1/, accessed 8 February 2011.
[69] Reuters China, "Exclusive: China banks warned against 'extreme' lending," 1 March 2011, http://www.reuters.com/article/2011/03/01/us-china-banks-warning-idUSTRE7200PH20110301, accessed 30 March 2012.
[70] Zhang, Monan, "Tackling local government debt," China Daily. 20 July 2011. The author notes that the Budget Law prohibits local governments from borrowing, but to get around this, they set up "local government investment companies." PDF available at
http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CFQQFjAB&url=http%3A%2F%2Fpub1.chinadaily.com.cn%2Fcdpdf%2Fus%2Fdownload.shtml%3Fc%3D43319&ei=itzeT-SgEIaRiQe7oOimCg&usg=AFQjCNFcbGb-5xJ8v0H8CYSzb0eEuLvW3A, accessed 18 June 2012.
[71] Shih, Victor, "Local Government Debt, Big Rock-Candy Mountain," China Economic Quarterly, June 2010, pp. 26-32.
[72] See Amnesty International Press Release, "China silences women housing rights activists ahead of Expo 2010," 30 April 2010, http://www.amnesty.org/en/news-and-updates/china-silences-women-housing-rights-activists-ahead-expo-2010-2010-04-30, accessed 20 June 2012.
[73] See Landesa 6th 17-Province China Survey, Summary, "Insecure Land Rights: The Single Greatest Challenge Facing China's Sustainable Development and Continued Stability". The survey was done in cooperation with China's People's University and Michigan State University in mid-2011. The sample consisted of 1,791 households in Anhui, Fujian, Guangxi, Guizhou, Hebei, Heilongjiang, Henan, Hubei, Hunan, Jiangsu, Jiangxi, Jilin, Shaanxi, Shandong, Sichuan, Yunnan and Zhejiang provinces. http://www.landesa.org/china-survey-6/, accessed 20 June 2012.
[74] CESCR, General Comment 7 para 15.
[75] UN Basic Principles and Guidelines on Development-based Evictions and Displacement, (Basic Principles) para.37 and 38, 2007,
https://docs.google.com/viewer?a=v&q=cache:47_RxdpylVgJ:www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf+&hl=en&pid=bl&srcid=ADGEESg2ZkEw28T3ueUkSMkX5Gf73TLaDpxZ6ogv5XUPwNsTzzbepyTf17Kf3pHzVJoyIscgYeOBm4V0q8tGekAHKE9qPzE5uJ9WZh6BQWLQjH8v2hLpsGA7mPVOyEVrid2k3PUccbEj&sig=AHIEtbT9bktiuS8O_aar76m6EOde2mQb3Q, accessed 20 June 2012. See also

CESCR General Comment 7 para 13.
[76] Basic Principles, 56 (e).
[77] Basic Principles, para. 41 and 42.
[78] Basic Principles, para 37.
[79] Basic Principles, para 41
[80] The Regulations on the Expropriation of Houses on State-owned Land and Compensation (国有土地上房屋征收与补偿条例), adopted at the 141st executive meeting of the State Council on 19 January 2011. Chinese available at http://www.gov.cn/zwgk/2011-01/21/content_1790111.htm, accessed 20 June 2012.
[81] Regulations on the Expropriation of Houses on State-owned Land and Compensation, adopted 21 January 2011, Articles 9-10.
[82] This number (527) was reported in state media, which claimed all but Wang Jinwen's family signed an agreement to leave. See reports at http://www.s1979.com/m/young/announce/2010/1227/98914.shtml (accessed 20 February 2012). But Wang Jinwen said many other families had resisted. In April 2010, he filed a claim under China's "Open Government Information" regulations and received a document showing there were 678 households covered in the eviction. He claims the media purposefully did not include the 151 other households in its count to make it look like his house was the only holdout.
[83] "Open Letter from Tsinghua Law PhD Wang Jinwen to Engineering PhD Mr Xu Liquan on the Subject of Demolition and Removal," 1 December 2010, available at http://www.yulaoda.com/faxue-vs-gongxue, accessed 20 February 2012. See Regulations on Expropriation of Houses on State-owned Land and Compensation, Article 3 ("In the process of house expropriation and compensation, the principles of democratic decision-making, due procedures and outcome disclosure shall be observed."). For an example of the media coverage the letter received, see, "Internet used to oppose forced house demolitions," Xinhua, 3 December 2010, http://www.china.org.cn/china/2010-12/03/content_21477693.htm, accessed 20 June 2012.
[84] Wang Jinwen provided information and documents online, http://t.qq.com/baiyeluguanshengju, accessed 20 June 2012.
[85] See Landesa's 5th 17-province study, 2010, http://www.landesa.org/where-we-work/china/research-report-2010-findings-17-province-china-survey/, accessed 20 June 2012.
[86] Information on the case of Xiaohongmen township was obtained through Amnesty International interviews with resident Wu Lihong,Beijing housing rights advocates, including Han Ying, and state media. See Yang Jie, "Woman attacked, then arrested," Global Times, 24 June 2010, http://www.globaltimes.cn/metro-beijing/update/society/2010-06/545068.html , accessed 20 June 2012.
[87] The *chengguan* is a parapolice agency that exists to enforce non-criminal sanctions under, urban administrative regulations. For a detailed look at the *chengguan's* abusive behaviour, see Human Rights Watch's May 2012 report, "Beat Him, Take Everything Away: Abuses by China's chengguan para-police," http://www.hrw.org/reports/2012/05/23/beat-him-take-everything-away-0, accessed 20 June 2012.
[88] Amnesty International saw a copy of this document.
[89] In China, five certificates are needed to prove legitimate ownership, which gives owners the right to get mortgages or to sell their homes legally: the certificate of use rights of construction land, the certificate of use rights of state land, the permit for development plans, the permit for project construction and the permit of sales. In the rural outskirts of cities, townships often build huge complexes on farmland that has not been legally converted and use it to accommodate those who've been evicted due to urban expansion. The township then issues *xiangchanquan*, or "township-granted ownership certificates". See Hsing, You-Tien, The Great Urban Transformation: Politics of Land and Property in China, 2010, Oxford

University Press. Hsing points out that these certificates are worthless because they are issued by the township, which has no authority to issue ownership certificates.

[90] For details, including photos of court documents, see Wu Lihong's blog, http://wlh5588.blogspot.hk/2011/02/1.html, accessed 21 June 2012.

[91] See 上万毒蝎夜袭民, 20 July 2011, http://gcontent.oeeee.com/1/44/144A3F71A03AB7C4/BLOG/875/1A3B87.HTML, accessed 20 June 2012.

[92] Sometimes such pressure is in the form of incentives. See Pan, Philip P., Out of Mao's Shadow (Simon & Schuster 2008) pp.148- 174, in which a man appeared to be offered greater compensation if he could get his brother to sign an agreement to move.

[93] Southern Metropolis Daily, 26 January 2011, http://epaper.oeeee.com/A/html/2011-01/26/content_1287995.htm, accessed 20 June 2012.

[94] CESCR General Comment 4 para 8(a).

[95] CESCR, General Comment 7 para 15.

[96] See, for example, the case of Meng Jianwei in this report. See also, Summary of report, Housing Demolition in 2010, published by Beihang University. Translated by China Geeks, who received it from a Chinese reporter whose media outlet refused to publish a story on it. English and Chinese version available at http://chinageeks.org/2011/01/housing-demolition-in-2010-a-report-part-1/, accessed 8 February 2011. And, Zhu Shanshan, "Officials punished for forced demolition," Global Times, 27 September 2011, http://english.people.com.cn/102780/7605872.html, accessed 20 June 2012, which sites Xinhua report stating that certain cases caught the attention of authorities but many more forced demolitions go unpunished.

[97] Huang Hongxia told Amnesty International it was difficult in all the chaos to see whether her mother-in-law fell or was pushed.

[98] Amnesty International interview with Huang Hongxia.

[99] Yan, Alice, "Courts to Rule on Forced Demolitions," South China Morning Post, 17 December 2010, http://www.scmp.com/vgn-ext-templating/v/index.jsp?vgnextoid=4f8a9a55610fc210VgnVCM100000360a0a0aRCRD&ss=China&s=News&vgnextfmt=teaser, accessed 18 July 2012.

[100] 胡雅君,"拆迁冲突悬疑：抢孩子逼签协议,"21世纪经济报道, 7 July 2011 http://www.21cbh.com/HTML/2011-7-7/1NMDY5XzM0OTQ1NA.html, accessed 30 March 2012. Amnesty International spoke with the reporter of the story, who claims the local government denies Xu Hua's accusations. There were no witnesses.

[101] UN Human Rights Council, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, 15 January 2008, A/HRC/7/3,[paras.38, 39]. See also UN Committee Against Torture (CAT Committee), General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, CAT/C/GC/2 [para.22]; UN General Assembly, Rome Statute of the International Criminal Court (last amended January 2002), 17 July 1998, A/CONF. 183/9 [Article 7(1)(g)].

[102] http://www.rfa.org/english/news/china/bulldoze-09072010173124.html and see also http://chankoko.blog.163.com/blog/static/365642602010101504824391/, accessed 30 March 2012.

[103] Amnesty International interviews.

[104] China uses satellites to monitor land use in 2,895 cities. See Wang, Qian, "China Vows Tough Measures to Curb Illegal Land Use," China Daily, 21 January 2011, http://www.chinadaily.com.cn/business/2011-01/21/content_11898402.htm, accessed 7 July 2012.

[105] Tu, Chonghang, Beijing News, 2010. See English translation at http://www.danwei.org/real_estate/pizhou_land_controversy.php, accessed 13 July 2012.
[106] HRW, "Beat Him, Take Everything Away".
[107] "Police officer ganged up by Chengguan in Henan," China Hush, 20 November 2011, www.http://www.chinahush.com/2011/11/20/police-officer-ganged-up-by-chengguan-in-henan/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+ChinaHush+%28ChinaHush%29, accessed 1 December 2011. There is a video and photos of the incident on the site. See also, 河南20多名城管围攻警察 其中三人已被拘留, 3 November 2011, http://news.sina.com.cn/c/2011-11-03/133423408879.shtml, accessed 18 July 2012.
[108] Xinhua, 4 January 2011, 警察被打断腿房子遭强拆
城管称"打的就是警察,http://news.xinhuanet.com/local/2011-01/04/c_12942327.htm, accessed 1 December 2011.
[109] See Article 3 of the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169 of 17 December 1979) and Preamble of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
[110] UN Basic Guidelines para 48.
[111] See UN Basic Guidelines para. 47.
[112] Ibid,. para 50.
[113] Ibid. para 51.
[114] See CESCR General Comment 7 paras 13 and 15.
[115] UN Basic Principles on the Role of Lawyers (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) Principle 16.
[116] See Article 26 of the Regulations on Expropriation. Also see 10 April 2012 Supreme People's Court judicial interpretation of the regulations, http://www.court.gov.cn/qwfb/sfjs/201204/t20120409_175809.htm, accessed 21 June 2012.
[117] Article 14 of the Regulations on the Expropriation of Houses on State-owned Land and Compensation.
[118] For more on the repercussions lawyers face for taking on forced eviction cases, as well as other politically sensitive cases, see Amnesty International's report, "Against the Law - Crackdown on China's Human Rights Lawyers Deepens" June 2011, AI Index 17/018/2011. http://www.amnesty.org/en/library/info/ASA17/018/2011/en
[119] See UN Basic Principles on the Independence of the Judiciary (adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985).
[120] See "Only in China: 'Adjudication Committees' Serve Judicial System," in Dui Hua's Dialogue, issue 39, 28 April 2010, http://duihua.org/wp/?p=2615, accessed 13 July 2012.
[121] See Amnesty International, People's Republic of China: Establishing the Rule of Law and Respect for Human Rights: The Need for Institutional and Legal Reforms, October, 2002 (AI Index: ASA 17/052/2002).
[122] See "Papering Over the Cracks: Reform of the forced eviction regime in China," report by Chinese Urgent Action Working Group, 29 March 2010, p. 55, https://docs.google.com/viewer?a=v&q=cache:iaCPit7sefEJ:www.china-action.org/Portals/0/Reports/PAPERING%2520OVER%2520THE%2520CRACKS.pdf+&hl=en&pid=bl&srcid=ADGEESjGq6KqqoYYJBxGldGIzJZUMJXEdjoKZEWkHOj_UkzX6EpvRCU4QwFdblyht2559WyDRFEAz

pktLAgZ1NZIAwq7Dh_4oukCk3f8N-FWnOppjhKvIjsLSIZH3YEmcH2hQ2j7Ygz4&sig=AHIEtbRiGY18xjB1_W1JlGeIR-mbBmuezQ&pli=1, accessed 21 June 2012. Ni Wenhua confirmed information from this report in interviews with Amnesty International.

[123] Interview with Ni Wenhua, Februrary 2010.

[124] Information on Zhang Hua's case from multiple Amnesty International interviews with Ni Wenhua and from reports by China Human Rights Defenders.

[125] Amnesty International interview with Ni Wenhua. See also, CHRD, China Human Rights Briefing, 1-15 March 2008, http://chrdnet.com/2008/03/15/china-human-rights-briefing-march-1-15-2008/, accessed 21 June 2012.

[126] For more on "black jails," see Human Rights Watch's report, "An Alleyway in Hell: Shining a light on China's secret 'black jails,'" November 2009, http://www.hrw.org/en/reports/2009/11/12/alleyway-hell-0, accessed 21 June 2012. See also report by Chinese Human Rights Defenders (CHRD), "Black Jails in the host city of the Open Olympics," June 2007, http://174.36.235.116/?p=5739, accessed 21 June 2012.

[127] See CHRD, China Human Rights Briefing, 16-31 May 2008, http://chrdnet.com/2008/05/31/china-human-rights-briefing-may-16-31-2008/#_edn16, accessed 21 June 2012.

[128] See Amnesty International report, "The Olympic Countdown: Broken promises," July 2008, http://www.amnesty.org.uk/uploads/documents/doc_18574.pdf, accessed 21 June 2012.

[129] See CHRD, China Human Rights Briefing, 1-15 October 2008, http://chrdnet.com/2008/10/17/chrbriefings-article-2/, accessed 21 June 2012. A self-criticism is a form of punishment that requires a person to write an admission of wrongdoing which is often displayed in public and includes a promise to avoid repeating the same mistake in future.

[130] Ni Wenhua's law blog can be found at http://niwenhua234.blog.163.com/, accessed 21 June 2012.

[131] Papering Over The Cracks," pp. 56-57.

[132] From summary of "Housing Demolition in 2010: A report," English translation of summary found at http://chinageeks.org/2011/01/housing-demolition-in-2010-a-report-part-1/, accessed 8 February 2011. Original Chinese at http://chinageeks.org/zh/archives/366.

[133] "Life and Death Sentences in Taiyuan Demolition Murder Trial," Southern Metropolis Daily, 31 January 2011, original Chinese at http://epaper.oeeee.com/A/html/2011-02/01/content_1291029.htm.

[134] See lawyer Li Jingsong's blog at http://bjytljs.blog.sohu.com/entry/. See also the following article about an administrative law suit Li Jingsong filed on behalf of another villager from Guzhai. http://www.yt580.com/html/yitongzixun/20101116/1786.html, accessed 21 June 2012.

[135] http://news.9ask.cn/Article/sdzz/201011/929852.shtml

[136] "Murdered Protestor's Son Takes Fight to the Web," by Zhang Kun, China Daily, 13 January 2011, http://www.chinadaily.com.cn/china/2011-01/13/content_11842521.htm.

[137] Meng Jianwei's online diary, http://user.qzone.qq.com/524040701/blog/1288519118#!app=2&pos=1288519118 , accessed 30 March 2012.

[138] See 南方都市报(Southern Metropolitan Daily), 30 December 2011, http://nf.nfdaily.cn/epaper/nfds/content/20111230/ArticelAT06002FM.htm, accessed 21 June 2012.

[139] Not everyone agrees that Article 41 covers petitioning per se but the language does seem to support it. It states, "Citizens of the People's Republic of China have the right to criticize and make suggestions to any state organ or functionary. Citizens have the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary; but fabrication or distortion of facts with the intention of libel or frame-up is prohibited. In

case of complaints, charges or exposures made by citizens, the state organ concerned must deal with them in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures, or retaliate against the citizens making them. Citizens who have suffered losses through infringement of their civil rights by any state organ or functionary have the right to compensation in accordance with the law," (PRC Constitution, Article 41).

[140] For an in-depth look at petitioning, see Minzner, Carl, "Xinfang: Alternative to Formal Chinese Legal Institutions," 42, Stanford Journal of International Law, 103 (2006).

[141] Figures reported in the 2011 "Blue Book of China's Society," Chinese Academy of Social Sciences. Original article in the China Daily, and can now be found at http://english.cntv.cn/20101216/109913.shtml, accessed 21 June 2012.

[142] Li Li, "Life in a Struggle," Beijing Review. 10 November 2005.

[143] http://china.hrw.org/press/news_release/china_beijing_petitioners_village_faces_demolition,6 September 2007, accessed 22 June 2012.

[144] Human Rights Watch, "An Alleyway in Hell: China's Abusive 'Black Jails." November 2009 at http://www.hrw.org/sites/default/files/reports/china1109webwcover_1.pdf.

[145] Wong, Gillian "Chinese Petitioners Detained During Biden's Visit," Associated Press, 15 September 2011, http://news.yahoo.com/chinese-petitioners-detained-during-bidens-visit-034328396.html, accessed 13 October 2011.

[146] See "Shanghai Petitioner Recounts Detention in Black Jail and Leveling of Family Farm," HRIC, 18 March 2010, http://www.hrichina.org/content/384, accessed 25 August 2011 and "China Silences Women Housing Rights Activists Ahead of Expo 2010," Amnesty International press release, 30 April 2010, http://www.amnesty.org/en/news-and-updates/china-silences-women-housing-rights-activists-ahead-expo-2010-2010-04-30, accessed 24 August 2011.

[147] See Amnesty International press release, "China Silences Women Housing Rights Activists Ahead of Expo 2010".

[148] Amnesty International interview with Jin Yuehua.

[149] Updated information on Duan Chunfang provided by Jin Yuehua in interview with Amnesty International.

[150] Amnesty International Press Release, "Mao Hengfeng Released, But in Poor Health," 12 August 2011, www.amnesty.ie/news/mao-hengfeng-released-poor-health, accessed 21 February 2012.

[151] In Shanghai and elsewhere, some detainees have died several days after being sent home in very poor health.

[152] Chinese Activist Released Due to Poor Health, 10 August 2011, http://www.amnesty.org/en/library/asset/ASA17/039/2011/en/f9985e04-e0af-48ca-a4a0-8974b37dbe35/asa170392011en.html, accessed 25 August 25, 2011. Mao Hengfeng is not currently under surveillance but her health continues to be poor.

[153] Amnesty International, "Against the Law - Crackdown on China's Human Rights Lawyers Deepens" June 2011, AI Index 17/018/2011. http://www.amnesty.org/en/library/info/ASA17/018/2011/en

[154] In China, villages in certain rural areas can hold direct elections for village leader.

[155] After serving their sentences, Gao Shifu and Zhang Cunqiong were released on 25 May 2012 and 6 June 2012 respectively. See, "Guangxi Villagers Who Fought Land Appropriation Released from Prison," Human Rights in China, http://www.hrichina.org/content/6111, accessed 21 June 2012.

[156] This and all other details of this case study were gathered from reports by Human Rights in China, as well as interviews conducted by Amnesty International with Xu Kun's lawyer, Zheng Jianwei.

[157] HRIC, "Guangxi Villagers Tried for Illegal Business Activities in Fight Against Land Requisition," 28 February 2011, http://www.hrichina.org/content/4899, accessed 21 June 2012.

[158] HRIC, "Defending Rights in Baihutou Village," 2010, http://www.hrichina.org/content/4960, accessed 21 February 2012.
[159] HRIC, "Guangxi Authorities Target Village Chief Active in Land Rights," 19 May 2010, http://www.hrichina.org/content/401, accessed 21 February 2012.
[160] HRIC, "Guangxi Authorities Target Village Chief Active in Land Rights," 19 May 2010, http://www.hrichina.org/content/401, accessed 21 February 2012.
[161] See Amnesty International press release, "Chinese Government Wages Campaign of Harassment Against Lawyers," 5 April 2011, http://www.amnesty.org/en/news-and-updates/chinese-government-wages-campaign-harassment-against-lawyers-2011-04-05, accessed 21 February 2012.
[162] Amnesty International interview with lawyer Zheng Jianwei, 2011.
[163] See, for example, Urgent Action, 19 April 2011, http://www.amnesty.org/en/library/info/ASA17/020/2011/en, accessed 29 March 2012.
[164] Amnesty International interview.
[165] See Amnesty International Urgent Action, 7 July 2011 http://www.amnesty.org/en/library/Info/ASA17/035/2011/en, accessed 24 August 2011.
[166] See Amnesty International press release, "China: Jail sentence for disabled housing activist 'unacceptable,'" 10 April 2012, http://www.amnesty.org/en/news/china-jail-sentence-disabled-housing-activist-unacceptable-2012-04-10, accessed 20 June 2012.
[167] Estimate provided to Bloomberg by Tsinghua University professor Sun Liping. "China's Spending on Internal Police Force in 2010 Outstrips Defense Budget," Bloomberg, 6 March 2011, http://www.bloomberg.com/news/2011-03-06/china-s-spending-on-internal-police-force-in-2010-outstrips-defense-budget.html, accessed 29 August 2012.
[168] 2010 survey by the Research Center for Social Contradiction, which operates under the Beijing Office of Letters and Calls.
[169] Originally published here: "中央将逐步改革征地制度减少农村群体性事件",Beijing News [新京报], February 23, 2006, http://www2.sdnews.com.cn/news/yw/2006-2/23_168052.html. Experts contend the percentage is still accurate today.
[170] See China Worker, http://chinaworker.info/zh/content/news/960/, accessed 9 July 2012. See also Boxun, http://boxun.com/news/gb/china/2010/01/201001261100.shtml, accessed 9 July 2012.
[171] Spegele, Brian, "Chinese Police Quash Protest Over Land Rights," Wall Street Journal, 1 April 2011, http://online.wsj.com/article/SB10001424052748704530204576234491628881466.html, accessed 22 June 2012. According to a local government spokesperson, more than a dozen police were injured in the incident.
[172] See report at http://www.boxun.com/news/gb/china/2011/07/201107120052.shtml, accessed 18 July 2011. Report confirmed in Amnesty International interviews with Ni Wenhua and other Chinese activists and lawyers.
[173] In 2010, Li Hongwei filed a filed a landmark lawsuit against the Lixia district government for detaining her in a black jail for 17 days. Li's application for reconsideration of the RTL decision was accepted by the Jinan municipal government.
[174] For a fascinating discussion on "weiguan," including an interview with Beijing University professor Hu Yong, see Hong Kong University's China Media Project, http://cmp.hku.hk/2011/01/04/9399/, accessed 18 July 2012.
[175] Human Rights In China, "Defending rights in Baihutou village," http://www.hrichina.org/content/4960, accessed on 22 August 2012.
[176] See CHRD's China Human Rights Briefing, 2-8 March 2010, http://chrdnet.com/2010/03/09/china-human-rights-briefing-march-2-8-2010/, accessed 30 March 2012.

[177] Amnesty International interview with daughter-in-law Huang Hongxia. Also see Moore, Malcolm, "Chinese Granny Buried Alive by Property Developers," The Telegraph, 6 March 2010, http://www.telegraph.co.uk/news/worldnews/asia/china/7374701/Chinese-granny-buried-alive-by-property-developers.html, accessed 21 June 2012.
[178] 呼和浩特发生一起暴力拆迁致伤亡案 造成1死1伤, Xinhua, 25 May 2010, http://news.xinhuanet.com/legal/2010-05/25/c_12138142.htm, accessed 30 March 2012 and 10余名嫌疑人被公诉, Nei Menggu Chen Bao, 14 October 2011, accessed 3 September 2012.
[179] Qian Yanfeng, "Mystery over Demolition Death n Shanghai," China Daily, 2 December 2010, http://www.chinadaily.com.cn/china/2010-12/02/content_11640406.htm, accessed 22 June 2012. See also Zha Minjie, "Report: Man died of natural causes," Shanghai Daily, 3 December 2010, http://www.shanghaidaily.com/sp/article/2010/201012/20101203/article_456282.htm, accessed 22 June 2012.
[180] Lasseter, Tom, ""Death in China: Crushing Dissent or Tragic Accident," 12 January 2011, http://www.mcclatchydc.com/2011/01/12/106671/death-in-china-crushing-dissent.html, accessed 30 March 2012. The death of Qian Yunhui is highly controversial. Villagers say he was murdered but at least one investigation by a group of lawyers ruled the death an accident. Either way, his death sparked outrage and shed light on the distrust villagers have of local officials when it comes to land deals.
[181] Wong, Gillian, "China Convicts Driver who Ran Over Lobbying Farmer," Associated Press, 1 February 2011, http://news.yahoo.com/china-court-sentences-truck-driver-3-1-2-20110131-220321-693.html, accessed 30 March 2012.
[182] Hu Jianlong, "Supervision Ministry Rules Forced Demolition in Changchun Illegal," Caijing, 11 October 2011, http://english.caijing.com.cn/2011-10-11/110891344.html, accessed 22 June 2012.
[183] Qingchu, Wang, "Six Jailed for Killing Woman in Forced Demolition," Shanghai Daily, 22 March, 2012, http://mobile.shanghaidaily.com/article/?id=497261, accessed 23 March 2012.
[184] Amnesty International interviews with one neighbour and one family member, both of whom wished to remain anonymous. Also, see http://boxun.com/news/gb/china/2011/05/201105271556.shtml, accessed 15 November 2011.
[185] "Woman Sentenced to Jail After Killing One After House Demolition Dispute," People's Daily (English), 21 February 2010, http://english.people.com.cn/90001/90776/90882/6898355.html, accessed 22 June 2012.
[186] Martina, Michael and Wee, Sui-lee, "China Explosions Expose Raw Nerve of Forced Demolitions," Reuters 27 May 2011, http://www.reuters.com/article/2011/05/27/china-blast-idUSL3E7GR03Z20110527, accessed 22 June 2012. See also Lasseter, Tom, "Rare Series of Bombings Hits China Government Buildings," McClatchy, 26 May 2011. and "The Sad Story of Jiangxi Bomber, Qian Mingqi," Shanghaist, 27 May, http://shanghaiist.com/2011/05/27/jiangxi-bomber-qian-mingqi.php, accessed 22 June 2012.
[187] Technically, the term "immolation" means sacrifice, but since the 1960s "self-immolation" has been used almost exclusively to refer to the act of setting oneself on fire and we use the term here as such.
[188] Biggs, Michael, "Making Sense of Suicide Missions," (Oxford University Press 2005). Biggs only used English language sources, searching news databases for the time period.
[189] In one exceptional case, farmer Wang Yonglai, 45, attacked five children and a teacher with a homemade hammer at 7:40 a.m. at Shangzhuang Primary School in Weifang City, Shandong Province. He then self-immolated. There were injuries, but no deaths. Wang's wife, Wang Xiulian, said the family had spent all their savings, 110,000 yuan (US$16,100), building a house that was about to be torn down because it had been erected on farmland, which is illegal in China (See http://news.xinhuanet.com/english2010/china/2010-04/30/c_13273605.htm). Typically, self-

immolators do not attack others, according to experts.

[190] See Basic Principles, para.51, which states that authorities must not force evictees to demolish their own homes.

[191] See Huang Zhiling and Liu Weitao, "Burning Issue," China Daily, 8 December 2009, http://www.chinadaily.com.cn/china/2009-12/08/content_9136665.htm, accessed 20 June 2012. See also Wang Huazhong and Wang Jingqiong, "Demolition Rules Seek Public Input," China Daily, 16 December 2010, http://www.chinadaily.com.cn/cndy/2010-12/16/content_11709220.htm, accessed 20 June 2012.

[192] "河北永年3名村民自焚阻止施工 副县长停职检查" ("Deputy county chief suspended pending investigation after three villagers in Yongnian, Hebei, self-immolate") Xinhua, 4 November 2011, http://news.163.com/11/1104/20/7I1T653I00011229.html, accessed 22 June 2012

[193] Biggs, Michael.

[194] In China, self-immolation has been used primarily as a form of protest against religious oppression and forced eviction – only a few reported instances over the past few decades have been related to other causes. The recent self-immolation by Tibetan monks to protest the Chinese government's oppression of religious freedom and culture has gained international attention. Others have also used this practice to protest oppressive government policies. In January 2001, five members of the Falun Gong spiritual group set themselves on fire in Tiananmen Square to protest the repression of their movement by the Chinese government.

[195] Photo gallery on Caixin at http://english.caing.com/2010-09-14/100180674.html.

[196] See, "Officials Punished After 3 People Light Themselves on Fire," China Daily, 19 September 2010, www.chinadaily.com.cn/china/2010-09/19/content_11323756.htm, accessed 22 June 2012.

[197] http://english.caing.com/2010-09-20/100182844.html

[198] "Families of Victims: The forced demolitions were carried out for private gain," Caixin online, 20 September 2010, http://english.caing.com/2010-09-20/100182854.html, accessed 7 July 2012.

[199] See 21 September 2010 report on Global Voices, http://globalvoicesonline.org/2010/09/21/china-yihuang-self-immolation-incident-and-the-power-of-microblogging/, accessed 22 June 2012.

[200] Original Chinese available on Global Voices:
现在政府来了七八十个人把我们包围起来，抢走了我们的尸体政府的人把我大伯的遗体抢走后，我们试图在车头拦住带队抢我们遗体的苏建国县长的车子。但苏建国在车里一直无动于衷。随后有四十几名宜黄县的领导干部，强行把我们拉开。最后苏建国坐车离开。我两个姐姐先去了医院，我随后去的。刚一出门就有四五个宜黄县人想抓住我，我拼命往前跑他们一直在后面追。最后我跳上一辆出租车拼命挣脱才逃出来的。现在政府来了七八十个人把我们包围起来，抢走了我们的尸体。

[201] Liu, Chang, "Yihuang Officials Dismissed for Demolition Tactics," Caixin English, October 11 2010, http://english.caing.com/2010-10-11/100187462.html.

[202] Letter to Caixin Weekly from local official from Yihuang County, Hui Chang. (Translated excerpts from Dec. 10, 2010 Caixin at http://english.caing.com/englishNews.jsp?id=100187862&time=2010-10-12&cl=111&page=all

[203] http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm

[204] The PRC Constitution, Amendment One, 12 April 1988.

[205] See International Federation for Human Rights report, "Developing at the Expense of Residents: Forced Evictions in Chongqing,", June 2007, p. 15, http://webcache.googleusercontent.com/search?q=cache:LpnavWVkQEgJ:www.fidh.org/spip.php%3Faction%3Dtelecharger%26arg%3D2386+&cd=1&hl=en&ct=clnk&client=firefox-a, accessed 22 June 2012.

[206] Amendment to the Constitution of the People's Republic of China, 14 March 2004, Articles 22 – 20.

[207] "The state upholds the uniformity and dignity of the socialist legal system. No law or administrative or

local rules and regulations shall contravene the constitution. All state organs, the armed forces, all political parties and public organizations and all enterprises and undertakings must abide by the Constitution and the law. All acts in violation of the Constitution and the law must be investigated. No organization or individual may enjoy the privilege of being above the Constitution and the law," (Constitution of the PRC, Article 5).

[208] "The state protects and preserves human rights," (Constitution of the PRC, Article 33 was amended to include this on 14 March 2004).

[209] "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration," (Constitution of the PRC, Article 35).

[210] "Citizens have the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary; but fabrication or distortion of facts with the intention of libel or frame-up is prohibited. In case of complaints, charges or exposures made by citizens, the state organ concerned must deal with them in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures, or retaliate against the citizens making them. Citizens who have suffered losses through infringement of their civil rights by any state organ or functionary have the right to compensation in accordance with the law," (Constitution of the PRC, Article 41).

[211] FIDH, "Developing at the Expense of Residents: Forced Evictions in Chongqing," June 2007, p. 15.

[212] For more in-depth discussion of this discrepancy, see Washburn, Section III (A), pp. 84-88, https://docs.google.com/viewer?a=v&q=cache:-tNk8emiGpwJ:digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/485/20pacrimlpoly071.pdf%3Fsequence%3D1+&hl=en&pid=bl&srcid=ADGEESimaN5-4pskVIbGAnL0c-Ji1K_vGbvp3BAjq8hH0HEB6qzET7hCET9LTSqBI3GDJeIA5IRrKzQvXcsfBE5pPEem3NtTxIXfCzyGl9Ot4ggEyOPtFyE274Plp7ZciTB71MbzCYuv&sig=AHIEtbTJvj1pTiCPEUMbrpIs8gfP_-dFiw, accessed 22 June 2012.

[213] Washburn, p. 5.

[214] Pils, Eva, "Waste No Land: Property, Dignity and Growth in Urbanizing China," Asia-Pacific Law & Policy Journal, Vol. 11:2.

[215] Washburn, p. 6.

[216] See UN Basic Guidelines para 60.

[217] LAL, Article 16.

[218] Landesa, Summary of 2011 17-province survey. These percentages did represent a slight improvement over the 2010 survey, in which the percentages were 15.8 and 31.1 respectively.

[219] See, "New Rules Put an End to Forced Demolitions," China Daily, 28 January 2011, http://www.chinadaily.com.cn/business/2011-01/28/content_11934513.htm, accessed 22 June 2012.

[220] Examples of "public interest" include "the case of needs of national defence and foreign affairs (1)," "public undertakings such as science and technology, education, culture, hygiene and sanitation, sports, environment and resources protection, disaster reduction and mitigation, cultural relic protection, social welfare and public utility organized and implemented by governments (3)" and "old city reconstruction projects in districts with dilapidated buildings and poor infrastructural facilities that are carried out by the governments pursuant to relevant provisions of the urban and rural planning law (5)" among others.

[221] Of course, criminal law already provides for punishment for violent acts.

[222] Nothing stops local governments from enacting their own rules protecting others, however.

[223] This was further spelled out in a 10 April 2012 Supreme People's Court judicial interpretation, http://www.court.gov.cn/qwfb/sfjs/201204/t20120409_175809.htm, accessed 22 June 2012.

[224] Deng, Hai, "Winning Court Hearings, Losing Their Homes," Caixin, 28 September

2011,http://english.caixin.com/2011-09-28/100310006.html, accessed 7 July 2012.
[225] Amnesty International interview.
[226] See UN Basic Guidelines paras 38 and 70.
[227] Amnesty International would also point out that authorities often censor media discussions on evictions as they do reports on other topics. The protection of free speech would greatly aid in protecting people against forced eviction.
[228] Committee on Economic, Social and Cultural Rights, Thirty-fourth session 25 April-13 May 2005
[229] UN Basic Guidelines para 32
[230] See paragraph 61 of CESCR, Concluding Observations and Recommendations to China, 2005, http://sim.law.uu.nl/SIM/CaseLaw/uncom.nsf/89e6367c3ac1ba6fc12567b70027d9fb/4795ef1e78f4e592c12570070028b2af?OpenDocument, accessed 9 July 2012.

I WANT TO HELP

WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

WHAT CAN YOU DO?

Activists around the world have shown that it is possible to resist the dangerous forces that are undermining human rights. Be part of this movement. Combat those who peddle fear and hate.

- Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us make a difference.
- Make a donation to support Amnesty International's work.

Together we can make our voices heard.

☐ I am interested in receiving further information on becoming a member of Amnesty International

name

address

country

email

☐ I wish to make a donation to Amnesty International (donations will be taken in UK£, US$ or €)

amount

please debit my Visa ☐ Mastercard ☐

number

expiry date

signature

amnesty.org

Please return this form to the Amnesty International office in your country.

For Amnesty International offices worldwide: www.amnesty.org/en/worldwide-sites
If there is not an Amnesty International office in your country, please return this form to:

Amnesty International, International Secretariat, Peter Benenson House,
1 Easton Street, London WC1X 0DW, United Kingdom

STANDING THEIR GROUND
THOUSANDS FACE VIOLENT EVICTION IN CHINA

In the last three years, the pace of forced evictions in China has accelerated. The country's rapid rate of urbanization – unprecedented in history – and the pursuit of profit above all else, have driven millions of Chinese people from their homes.

Evictions are increasingly violent, with people being harassed, beaten and sometimes killed for daring to resist. The scale of abuses committed by the state authorities and developers in the course of such evictions is vast, with the state consistently failing to respect, protect and fulfil the right to adequate housing for the millions affected. Forced evictions account for the most significant source of discontent in the country.

But voicing that discontent is not easy. Residents have little recourse if they feel their rights have been violated. Their efforts to appeal, whether through the courts or government agencies, are routinely blocked and sometimes result in imprisonment. In desperation, some evictees have set themselves on fire in protest.

By documenting the risks and dangers Chinese people face in trying to protect their homes and farmland, this report offers a glimpse into the challenges facing China. The struggle for people to protect their homes is also their struggle for justice, equality and a say in the future of their country.

amnesty.org

Index: ASA 17/001/2012
October 2012

HOUSING IS A
HUMAN RIGHT

AMNESTY
INTERNATIONAL