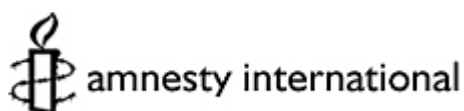


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Amnesty International Annual Report 2012 - China

Head of state: Hu Jintao
Head of government: Wen Jiabao
Death penalty: retentionist
Population: 1,347.6 million
Life expectancy: 73.5 years
Under-5 mortality: 19.1 per 1,000

Fearful of a protest movement inspired by events in the Middle East and North Africa, in February the authorities unleashed one of the harshest crackdowns on political activists, human rights defenders and online activists since the 1989 Tiananmen Square demonstrations. Harassment, intimidation, arbitrary and illegal detention, and enforced disappearances intensified against government critics. Ethnic minority regions were under heightened security as local residents protested against discrimination, repression and other violations of their rights. The authorities increased ongoing efforts to bring all religious practice within the control of the state; this included harsh persecution of some religious practitioners. China's economic strength during the global financial crisis increased the country's leverage in the domain of global human rights – mostly for the worse.

Background

China's economy remained relatively resilient despite the global financial crisis, raising fears that international actors would be reluctant to criticize China's human rights record, a trend already evident in the recent past. China was increasingly successful in using its growing financial and political clout to pressure other countries to forcibly return increasing numbers of Chinese nationals of certain backgrounds, such as Uighurs, back to China, where they risked unfair trials, torture and other ill-treatment in detention, and other human rights violations.

Freedom of expression

The authorities continued to abuse criminal law to suppress freedom of expression. They detained or arrested close to 50 people and harassed and intimidated dozens more during the crackdown on "Jasmine" protests that began in February in response to the popular movements in the Middle East and North Africa. An initially anonymous call for peaceful

Sunday strolls spread across a growing number of cities as a form of protest against corruption, the suppression of rights, and the lack of political reform.

Amendments in March to the Regulations on the Administration of Publications added a new requirement that those who distributed publications over the internet or information networks must be licensed, or risk criminal penalties. The authorities shut down or took direct control of a number of publications that had published investigative journalism pieces on sensitive issues. They reportedly banned hundreds of words from mobile phone text messages, including "democracy" and "human rights".

- Two veteran activists detained during the "Jasmine" protests were sentenced to long prison terms for their political writings. On 23 December, Chen Wei was charged with "inciting subversion of state power" and sentenced to nine years for 11 articles he had written in support of democracy and political reform. On 26 December, Chen Xi was sentenced to 10 years on the same charge, for 36 articles he published overseas. Ding Mao in Sichuan province, and Liang Haiyi in Guangdong province, remained in detention for their involvement in the "Jasmine" protests.

Human rights defenders

The authorities continued to harass, intimidate, persecute and criminalize pro-democracy and human rights activists. Activists supporting the China Democracy Party were sentenced to long prison terms.

- In March, Liu Xianbin was charged with "inciting subversion of state power" and sentenced to 10 years in prison for his pro-democracy activism, his support of the Charter 08 petition movement, and his writings on political reform.
- Human rights activist Chen Guangcheng remained under illegal house arrest along with his wife, Yuan Weijing, and daughter, since his release from prison in September 2010. A grass-roots movement in support of Chen Guangcheng, who is blind, gained momentum across the nation, with many activists posting photos of themselves online wearing his signature dark glasses. Supporters travelled from different parts of China to his home town in an effort to see him, and were beaten and robbed by plain-clothes police stationed in the area.

Enforced disappearances

The number of people subjected to enforced disappearances grew. Many were held in secret detention, including Hada, a Mongolian political activist. Many others remained or were placed under illegal house arrest. They included Liu Xia, wife of Nobel Peace Prize winner Liu Xiaobo, and Zheng Enchong, a housing rights lawyer from Shanghai.

On 30 August, the authorities released draft revisions of China's Criminal Procedure Law, the first proposed changes since 1997. Notwithstanding some positive amendments, the revisions proposed to legalize detention of individuals for up to six months without notification of their family or friends. Many legal commentators regarded this as a legalization of enforced disappearances. Prohibitions against the use of illegal evidence, including coerced confessions and other evidence obtained through torture and other ill-treatment, were incorporated into the draft revisions. However, torture remained pervasive in places of detention, as government policies, such as ones requiring prison and detention centre staff to "transform" religious dissidents to renounce their faith, fostered a climate conducive to torture.

- On 16 December, Gao Zhisheng, a well-known human rights lawyer who had been subjected to enforced disappearance on and off for nearly three years, was sent to prison to serve his three-year sentence for "repeatedly violating his probation", just days before his five-year probation was due to end. During his disappearance he was believed to have been in official custody.

Forced evictions

The forced eviction of citizens from their homes and farms, without adequate due process or compensation, accelerated and was increasingly marked by violence. On 21

January, the State Council issued new regulations on the expropriation of houses in urban areas. While a step in the right direction, the regulations only covered city dwellers and not tenants or other non-owners, leaving the majority of Chinese people unprotected against forced evictions.

- On 29 December, former lawyer Ni Yulan was tried on charges of "picking quarrels" and "fraud" and faced a possible lengthy prison sentence. Ni Yulan was herself forcibly evicted from her home in 2008, before the Beijing Olympics, and was paralysed from the waist down as a result of beatings in detention.

Death penalty

In February, the National People's Congress passed the eighth revision of China's Criminal Law which removed the death penalty as punishment for 13 crimes. At the same time, it added a number of new capital crimes and expanded the scope of others. China continued to use the death penalty extensively, including for non-violent crimes, and to impose it after unfair trials. Executions were estimated to number in the thousands. However, statistics on death sentences and executions remained classified.

Freedom of religion or belief

The authorities pursued their goal of bringing all religious practice under state control, including state oversight over religious doctrine, appointment of religious leaders, the registration of religious groups and construction of sites of worship. People practising religions banned by the state, or without state sanction, risked harassment, detention, imprisonment, and in some cases, violent persecution. Banned religions included underground Protestant house churches and Catholics who accept the authority of the Holy See. Around 40 Catholic bishops remained unaccounted for, and were presumed to be held by the authorities.

- Between 10 April and the end of the year, members of the underground Shouwang Church in Beijing were detained on a weekly basis as they attempted to hold an outdoor Sunday service in north-west Beijing. Most detainees were held in police stations or under house arrest to prevent the service from taking place. The Church had been repeatedly expelled from rented locations and prevented from taking possession of a building it had purchased years ago.

Falun Gong

The authorities continued to pursue a systematic, nationwide, often violent campaign against the Falun Gong, a spiritual group banned since 1999 as a "heretical cult". The government was in the second year of a three-year campaign to increase the "transformation" rates of Falun Gong practitioners, a process through which individuals were pressured, often through mental and physical torture, to renounce their belief in and practice of Falun Gong. Practitioners who refused to renounce their faith were at risk of escalating levels of torture and other ill-treatment. The authorities operated illegal detention centres, informally referred to as "brainwashing centres", for this process. Falun Gong sources reported that one practitioner died every three days while in official custody or shortly after release, and said that thousands remained unaccounted for.

- On 5 March, Zhou Xiangyang, a Falun Gong practitioner, was arrested at his home in Tangshan, Hebei province and taken to Binhai Prison in Tianjin city. He immediately went on hunger strike. He had previously spent over nine years in detention and was subjected to forced labour and torture, including sleep deprivation, electric shocks, beatings, and being stretched over a low table with his limbs anchored to the floor. The authorities continued to refuse him a lawyer. In response to an appeal written by his wife, Li Shanshan, more than 2,500 residents in and around his home town signed a petition calling for his release. She was subsequently detained in September, along with Zhou Xiangyang's older brother and at least four others.

Inner Mongolian Autonomous Region

The murder on 10 May of Mergen, an ethnic Mongolian herder, by a Han Chinese coal truck driver sparked widespread protests across the region. Relations were already tense due to grievances on the part of local herders who felt their livelihood was being threatened by land grabbing and environmental damage to livestock grazing from mining companies, many of which were Han Chinese.

- From 23 to 31 May, hundreds of herders and students took part in largely peaceful, daily protests across the region. While responding to some of the grievances raised, the authorities widely deployed armed security and military forces, and detained dozens of protesters. They blocked off internet sites that mentioned the protests, restricted mobile phone access and shut down most Mongolian-language websites.

Xinjiang Uighur Autonomous Region (XUAR)

The authorities escalated security measures through a succession of "strike hard" campaigns which increased around-the-clock street patrols and involved "mobilizing society to wage battle" against acts the authorities claimed harmed state security. In Urumqi, whole neighbourhoods were reported to have been sealed off by security checkpoints.

Extreme restrictions on the flow of information within and from the XUAR left uncertain the fate of many hundreds detained in the aftermath of the 2009 crackdown on protests in Urumqi. In January, the head of the XUAR High People's Court referred to ongoing cases connected to the 2009 protests, but the authorities provided no information on the trials. Family members of detained individuals were often not informed of the fate or whereabouts of their loved ones and were often too afraid to communicate with those outside China, for fear of retribution by the authorities.

Freedom of expression in the XUAR continued to be severely restricted, including by vaguely defined crimes of "ethnic separatism" and "terrorism", which included distributing materials or literary works with "separatist content".

- Noor-Ul-Islam Sherbaz died on 13 November, allegedly as a result of torture in prison. He was serving a life sentence on charges of "murder" and "provoking an incident" after an unfair trial. He was alleged to have thrown stones during the July 2009 protests, and was aged 17 at the time of his detention. According to a family friend with access to information from the jail, Noor Ul-Islam had been regularly beaten with electric batons in prison. His family were not allowed access to his body and the authorities buried him before an autopsy was done. The authorities failed to provide adequate evidence at his trial, except for his "confession", which may have been extracted through torture. During his trial, he was represented by a lawyer appointed by the court.

The Chinese government used economic and diplomatic pressure on other countries, including Kazakhstan, Malaysia, Pakistan and Thailand, to forcibly expel or hand over more than a dozen Uighurs to the Chinese authorities. Uighurs forcibly returned to China were at high risk of torture, arbitrary detention and unfair trials, and were often held incommunicado.

Tibet Autonomous Region

From 16 March to the end of the year, 10 monks or former monks and two nuns in the Tibetan areas of China set themselves on fire. Six were believed to have died as a result. These protests appeared to be in response to increasingly punitive security measures imposed on religious institutions and lay communities in the region, following the March 2008 protests. The first self-immolation, by Phuntsok Jarutsang, was followed by protests, mass arrests (including of 300 Kirti Monastery monks), enforced disappearances and possible killings by security forces. Two elderly Tibetans (a man and a woman) died after local residents clashed with security forces while trying to stop the arrests. A third man died from injuries sustained following a police crackdown on demonstrators outside a police station. Individuals connected to protests around the immolations were sentenced to prison terms ranging from three to 13 years. Despite the rash of self-immolations, there was no indication that the Chinese authorities intended to address

the underlying causes of the protests or acknowledge the grievances of the Tibetan community.

Hong Kong Special Administrative Region

Freedom of expression, association and assembly

Security forces and police used excessive force against peaceful protesters.

- During a peaceful demonstration on 15 May, the International Day Against Homophobia and Transphobia, police threatened to arrest protesters unless they stopped dancing. Police argued that organizers – including Amnesty International Hong Kong – had not obtained a "temporary public entertainment license". Critics considered this harassment, having no legal basis.
- On 2 July, police arrested 228 participants in the annual 1 July pro-democracy march, for causing an obstruction in a public place and unlawful assembly. The Hong Kong Journalists Association said that 19 journalists were attacked with pepper spray and one journalist was arrested during the 10,000-strong march. Police also attempted to arrest Law Yuk Kai, Director of Hong Kong Human Rights Monitor, while he observed them removing and arresting protesters who were blocking traffic. All those arrested were released later the same day. Several were subsequently charged with disturbing public order.

During Chinese Vice Premier Li Keqiang's three-day visit to Hong Kong in August, police set up "core security areas" keeping protesters and press away from him. Legislative Councillors and others criticized these tactics as heavy-handed, undermining freedom of expression. Police dragged away one resident wearing a t-shirt commemorating the 1989 Tiananmen massacre.

Legal developments

- In June, the government introduced controversial proposals which in some circumstances would end by-elections as the means for replacing Legislative Council members whose terms ended early.
- Also in June, the Law Reform Committee issued a consultation paper on setting up a Charity Law and a Charity Commission. Amnesty International and other rights-based groups criticized the proposals' definition of charity, which excluded human rights activities while recognizing 13 other sectors, including animal rights.

Discrimination

- On 30 September, the High Court ruled in favour of a Filipina domestic helper, determining that immigration provisions prohibiting foreign domestic helpers from applying for right of abode were unconstitutional. The government appealed against the ruling. Critics of the government's stance believed the exclusion amounted to ethnic discrimination.
- On 25 November, a post-operative transsexual woman lost her second appeal against a judgement denying her the right to marry her boyfriend in her reassigned sex. The Court of Appeal stated that any potential changes to law were a matter for the legislature and not the courts. The appellant said she would take the case to the Court of Final Appeal.

Refugees and asylum-seekers

In July, the government introduced the Immigration (Amendment) Bill 2011, as a step towards creating a statutory framework to handle claims made under the UN Convention against Torture.

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