

HUMAN
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WORLD REPORT

2009

EVENTS OF 2008

CHINA

The Chinese government broke its promise to improve human rights in conjunction with its hosting of the 2008 Summer Olympic Games. The months prior to the Olympics were marked by a significant tightening of restrictions on freedom of association, expression, and religion.

Fundamental rights and freedoms are not guaranteed in China, particularly as the government continues to control and direct judicial institutions and decisions. Such control raises serious concerns about the integrity of legal proceedings in controversial cases and has made courts a less attractive venue for citizens seeking redress for official corruption, illegal land seizures, labor rights violations, and other abuses. With nowhere else to turn, people increasingly are taking to the streets, with tens of thousands of public protests, at times violent, now taking place across China each year.

2008 Beijing Olympics

In the run-up to the Olympics, authorities tightened restrictions on human rights defenders, obstructed the activities of civil society organizations, including groups devoted to assisting China's population living with HIV/AIDS, and heightened security controls on Tibetans and Uighurs. More stringent visa rules curtailed business and tourist travel into China for the duration of the games.

Olympics-related temporary regulations for foreign media freedom in effect from January 1, 2007, to October 17, 2008, gave foreign correspondents some increased freedom but failed to prevent dozens of incidents of harassment, detention, and physical assault by government officials and security forces. The government obstructed foreign journalists from reporting on "sensitive" issues, including instances of civil unrest, corruption, and detention facilities.

Despite pledges to allow foreign journalists unfettered access to the internet during the games, the Chinese government only did so after coming under intense international pressure in the days just prior to the games. It allowed access to previously blocked websites, including those of international human rights organ-

izations. However, websites of pro-Tibetan independence groups and the Falun Gong remained blocked throughout the duration of the games.

The government targeted high-profile critics who linked human rights abuses to preparations for the games. For example, land rights activist Yang Chunlin was sentenced to five years in prison on March 24, 2008, on charges of “inciting subversion of state power,” for initiating a petition titled “We Want Human Rights, Not the Olympics” that protested officials’ illegal land seizures.

The government also backtracked on its promise to allow citizens to demonstrate at designated protest zones in three Beijing parks. Instead, officials announced on August 20 that they had denied all 77 protest applications that had been filed, claiming that they had successfully resolved the applicants’ concerns through “dialogue and communication.” They also detained several people who made such applications, including two elderly women, Wu Dianyuan, 79, and Wang Xiuying, 77, who received a one-year sentence of “Re-education through Labor” on August 17 for seeking more compensation for the demolition of their homes. International condemnation prompted the government to rescind the sentence two weeks later.

Freedom of Expression

The Chinese government continues to strictly control journalists, and sanctions individuals and print and online media which fail to comply with extremely restrictive but unpredictably enforced laws and regulations. Potential punishments for journalists, webmasters, writers, bloggers, and editors who write or post articles critical of the political system or send news outside China range from instant dismissal to prosecution and lengthy imprisonment.

At this writing, at least 26 Chinese journalists remain in prison due to their work, many on ambiguous charges including “revealing state secrets” and “inciting subversion.” They include freelance reporter Lü Gengsong, who was sentenced to four years in prison in February 2008 on charges of “inciting subversion” for stories he had written for overseas websites on corruption and the trial of a Chinese human rights activist.



CHINA

China's Forbidden Zones

Shutting the Media Out of Tibet and Other "Sensitive" Stories

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Foreign media have been effectively barred from freely reporting in Tibetan areas with the exception of five government-organized and controlled tours since protest by monks and violence in the Tibetan capital Lhasa in March 2008. On June 26, the Foreign Ministry announced that Tibet was officially reopened to foreign media “in line with previous procedure,” a process which rarely resulted in permission to freely visit Tibet.

China’s censors temporarily loosened tight controls on freedom of expression in the aftermath of the May 12, 2008, Sichuan earthquake. Within days, however, domestic media were instructed to avoid reporting on topics including protests by parents of some of the thousands of children who died in the collapse of public schools during the quake. In mid-June, the Chinese government imposed tighter restrictions on foreign correspondents in the area.

The global consequences of stifled expression in China dominated post-Olympics coverage of the country. On September 10, the state media finally began to report that milk powder tainted by melamine continued to be sold domestically and internationally. Five weeks earlier, after being forced to admit the problem by an international partner, the Sanlu dairy group appealed to the government to “control and coordinate” media coverage of the issue rather than publicize it. 53,000 infants became sick and four died.

On October 17, 2008, the Chinese government permanently lifted certain restrictions on foreign journalists. However, the new freedoms do not extend to Chinese journalists and foreign journalists still have limited access to certain parts of the country, including Tibet.

Legal Reform

Despite significant achievements over the past decade in strengthening legal institutions, the Chinese Communist Party’s domination of judicial institutions and inconsistent enforcement of judicial decisions has meant that the legal system remains vulnerable to arbitrary and often politically-motivated interference. In 2008 the pace of legal reforms appeared to slow.

Police torture and coerced confessions remain important criminal justice concerns. Such concerns are particularly acute in death penalty cases, though judi-



CHINA

“Walking on Thin Ice”

Control, intimidation and harassment of lawyers in China

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cial authorities have announced a substantial decrease in the number of sentences imposed since the People's Supreme Court regained the authority to vet death penalty cases in 2007. The police also continue to make frequent use of the "Re-education through Labor" system, including for political and religious dissidents, which allows detention of "minor offenders" for up to four years without trial.

In March 2008 revisions to the Law on Lawyers were promulgated. These included some limited advances, such as affirmation of defense attorneys' procedural rights to meet their clients in detention, but failed to offer meaningful remedies for when these rights are violated. A top official from the Supreme People's Procuratorate (the public prosecution) announced in late April that defense attorneys' right to meet with criminal suspects in detention did not extend to cases involving "state secrets." The revisions also introduced a provision prohibiting lawyers from making statements in court that "harm national security."

Party and government authorities often associate lawyers with their clients' causes, rendering the lawyers vulnerable to official reprisals and undercutting efforts to establish the rule of law. In late May the Ministry of Justice threatened not to renew the professional licenses of a dozen Beijing lawyers who had publicly offered to represent Tibetan protesters. The ministry also prohibited lawyers from representing victims in two major national scandals that shook public opinion: the shoddy construction of schools that collapsed in the Sichuan earthquake, and dairy companies' poisoning of baby formula.

On May 1, new regulations regarding the disclosure of government-held information went into effect, allowing ordinary citizens to force government departments to disclose information. But an important exception is made for information classified as "state secrets," a broad category not limited to matters of national security but also to "social, economic, and cultural" information.

That tens of thousands of public protests—a fraction of them violent that erupt each year highlight the inherent dangers of not providing meaningful avenues for expression and redress for official misconduct. In one of several similar incidents in 2008, up to 30,000 people rioted in Weng'An county (Guizhou province), following suspicions that the police had tried to cover up the murder of a 15-year-old

girl. The crowds torched a police station, ransacked government buildings, and overturned police cars. Chinese media disclosed shortly after the unrest that the number of such “mass incidents” had reached 90,000 in 2006—the highest number ever reported.

Human Rights Defenders

Human rights defenders faced greater than usual difficulties in 2008 as the government strove to present a picture of “harmony” to the world ahead of the Olympics. Police warned defenders and dissidents not to talk to foreign media, monitored their phone and internet communications, tracked their movements, and subjected them to varying degrees of house arrest. Other independent observers—NGO leaders, intellectuals, civil rights lawyers—were also subjected to unprecedented surveillance and monitoring.

In the months before the Olympics, petitioners trying to come to the capital to seek redress for local abuses were systematically rounded up and sent back to their home province by police and agents paid by provincial authorities, often after having been fined or detained without legal process. As a result, many activists chose to postpone or suspend their work until the games were over. Several of those who did not were jailed.

China’s leading human rights activist, Hu Jia, was sentenced on April 3, 2008, to three-and-a-half years in prison after having been found guilty of “inciting subversion of state power.” In August 2007, Hu was one of 42 Chinese intellectuals and activists who co-signed an open letter calling for greater attention to human rights in China. In September 2007, Hu and lawyer Teng Biao published another open letter, “The Real China and the Olympics,” assessing specific human rights concerns in China in the context of the Beijing Games. On December 27, 2007, Hu was detained prior to being formally arrested on January 30, 2008. His wife, fellow activist Zeng Jinyan, remains under police surveillance in Beijing. Zeng Jinyan was detained in a hotel in Dalian in Liaoning province during the Olympics to prevent her from speaking with journalists.

Huang Qi, a Chinese internet pioneer and founder of a website through which he investigates and publicizes human rights abuses of the “nameless and power-

less” was also arrested in 2008. After the May 12, 2008, earthquake in Sichuan province, Huang published reports about the efforts of parents of schoolchildren who had been killed to hold local authorities accountable for constructing sub-standard schools. Huang was detained by authorities on June 10 and formally arrested on July 18 for “illegal possession of state secrets.”

Labor Rights

On January 1, 2008, the Chinese government unveiled a new Labor Contract Law, which aims to eliminate the widespread problem of employers denying workers labor contracts or failing to provide workers with copies of contracts after they have been signed. The success of the law will hinge on whether authorities enforce relevant worker protection regulations and punish employers who flout them.

A ban on independent trade unions leaves the Party-controlled All-China Federation of Trade Unions (ACFTU) as the sole legal entity dedicated to workers’ rights protection. Although the ACFTU plans to extend membership rights to the estimated 150 million internal migrants who labor in Chinese towns and cities, that status is unlikely to protect them all from rampant wage exploitation, dangerous work environments, and lack of medical and accident insurance.

China’s official household registration system, or hukou, continues to deny internal migrants public benefits including medical care and children’s education. The Chinese government has introduced temporary household registration certificates specifically for such workers, but only a small percentage of migrants obtain the documents.

Women’s Rights

Chinese women, particularly in rural areas, continue to be victims of violence, gender-based discrimination, and unequal access to services and employment. In March, the official Xinhua News Agency called domestic violence the most serious problem facing women in China. In July 2008 a Sichuan provincial court delivered China’s first-ever sexual harassment conviction, sentencing a man to five months’ imprisonment for harassing a female colleague.



CHINA

An Unbreakable Cycle

Drug Dependency, Mandatory Confinement, and HIV/AIDS
in China's Guangxi Province

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HIV/AIDS

China's HIV/AIDS policies continue to be both pragmatic and punitive. On January 1, 2008, the government took an important step in controlling the spread of HIV/AIDS and other blood-borne disease by implementing compulsory screening of all blood products. Yet overall prevention efforts were undercut by intensified repression of HIV/AIDS activists and grassroots organizations as part of a wider crackdown on "embarrassing" issues ahead of the Beijing Olympics and by abusive policies towards injecting drug users.

While the government has increased some services to injecting drug users, anti-narcotics policies continue to emphasize detention without due process in detoxification and "Re-education through Labor" centers. Drug users in such centers often have minimal access to health care or drug dependency treatment, are subject to forced labor, and are exposed to TB and HIV. In June 2008 a new anti-narcotics law went into effect which gives police broader authority to conduct searches.

Freedom of Religion

China's constitution guarantees freedom of religion, but the government restricts spiritual expression to government-registered temples, monasteries, mosques, and churches. The government vets religious personnel, seminary applications, and religious publications, and periodically audits religious institutions' activities, financial records, membership, and employees. The Chinese government considers all unregistered religious organizations, including Protestant "house churches," illegal; members risk fines and criminal prosecution. It also continues to designate certain groups as "evil cults," including the Falun Gong, and regularly cracks down on followers.

Official repression of religious activists continued during the Beijing Olympics. On August 10, police detained veteran house church leader Hua Huiqi as he was en route to a church in Beijing where US President George W. Bush was scheduled to attend religious services. Hua was confined to a makeshift detention center for several hours until he managed to escape.

Tibet

The situation in Tibetan areas sharply deteriorated in 2008. Against a backdrop of ever-more intrusive controls over religious and cultural activities, accelerated state-led economic development, and large-scale compulsory resettlement of farmers and nomads, major protests against Chinese rule erupted on March 10 in Lhasa and spread across the Tibetan plateau.

That date marked the anniversary of the failed 1959 uprising against Chinese rule. Over the next four days, hundreds of monks from Drepung, Sera, and Ganden temples peacefully protested in different locations and encountered varying degrees of police obstruction, including arrest. On March 14 near Romoche temple, members of the public started protesting police preventing monks from leaving the compound; some protesters turned violent and burned several police cars. The police retreated and then inexplicably disappeared from Lhasa for much of the rest of the day. Rioters burned Chinese shops and government buildings and attacked Chinese-looking passersby.

Chinese authorities claim that troops never opened fire but numerous witnesses say there was widespread shooting by security forces over a 36-hour period. Authorities say that 11 Chinese civilians and a Tibetan were burned to death after hiding in shops set on fire by the rioters, and that a policeman and six other civilians died from beatings of unknown causes. The Tibetan government-in-exile claims that over 80 Tibetans were killed in the police crackdown.

As protests spread throughout Tibetan areas, the government blanketed the entire plateau with military, armed police, and public security forces, and progressively expelled all foreign media. It also launched an aggressive propaganda offensive that covered only the March 14 violence and blamed the Dalai Lama for conspiring to “sabotage the Olympics Games.” Several thousand alleged protesters were arrested, and although the government has announced that it subsequently released most of them, the whereabouts of several hundred remain unknown. Police and Party authorities arbitrarily arrested, detained, or fined Tibetans suspected of passing information abroad through relatives, friends, or foreigners. Two groups of foreign journalists later permitted to visit Lhasa were

told by monks of a massive “patriotic education campaign” launched by the government in monasteries and places of worship.

In response to international condemnation, the government permitted 15 foreign diplomats to visit Lhasa in late March, but severely restricted their ability to speak freely to Tibetans, visit those in detention, or otherwise investigate aspects of the protests. In early April, a request from Louise Arbour, the then-UN High Commissioner for Human Rights, to visit Tibet was declined on grounds that it was “inconvenient.” A separate appeal issued jointly by six UN Special Rapporteurs was similarly declined. The Olympic Torch, however, passed through Lhasa on June 21.

Xinjiang

Tensions worsened in 2008 in the Xinjiang Uighur Autonomous Region. Beijing identified Uighur separatism as one of “the top three security threats for the games,” and launched a year-long security campaign focusing on “the three evil forces”—“terrorism, religious extremism, and separatism”—which resulted in even more drastic restrictions on religious, cultural, and political rights. Many Uighurs feel increasingly marginalized by rapid economic development but the government continues to prohibit domestic discussion of or reporting on human rights issues concerning Xinjiang.

The government prohibited employees and students from fasting during Ramadan, tightened control over religious personnel and mosques, reinforced civil militias, and deployed army and police patrols to prevent protests. Police also continued to confiscate Muslims’ passports in an apparent bid to prevent them from making non-state-approved pilgrimages to Mecca. In February new regulations were published prohibiting “23 types of illegal religious activities,” including praying in public or at wedding ceremonies. In March the authorities put down a large, peaceful demonstration in the town of Khotan.

At several points in 2008 police authorities in Xinjiang and Beijing announced that they had foiled “terrorist plots” and arrested “terrorist gangs” seeking to carry attacks during the games, but without releasing information sufficient to

dispel concerns that Beijing was using counterterrorism concerns, which were legitimate—as cover for a crackdown on peaceful political opposition.

The government alleged terrorist involvement in two serious incidents. On August 4 in Kashgar two men rammed a truck in a patrol of soldiers, killing 16, and on August 10, attackers detonated a series of small home-made bombs against government buildings and Chinese shops before dawn, killing one or two people.

These incidents, which the government says demonstrate that it is facing a serious armed separatist threat in Xinjiang, have deepened the polarization between Han Chinese and Uighurs.

Hong Kong

Following a December 2007 decision by China’s National People’s Congress Standing Committee, Hong Kong authorities repeatedly stated that the government had a “clear timetable” to move toward election by universal suffrage of the chief executive in 2017 and of all members of the Legislative Council in 2020.

Immigration authorities’ refusal to allow several visitors critical of China’s human rights record into Hong Kong ahead of the Olympics raised concerns that the territory’s autonomy was being eroded.

Key International Actors

International criticism of China’s rights record remained muted in 2008. Many of the abuses taking place in conjunction with the Olympics were enabled by near-total silence from other governments, the International Olympic Committee, and the corporate sponsors of the games, many of which had justified their support for the games by claiming the event would improve human rights.

Formal human rights dialogues with the Chinese government—conducted by the United States and others—failed to produce any measurable improvements. In October 2008 the European Parliament awarded the Sakharov Prize to Chinese activist Hu Jia.

China is due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in February 2009.

INDIA

Despite an overarching commitment to respecting citizens' freedom to express their views, peacefully protest, and form their own organizations, the Indian government lacks the will and capacity to implement many laws and policies designed to ensure the protection of rights. There is a pattern of denial of justice and impunity, whether it is in cases of human rights violations by security forces, or the failure to protect women, children, and marginalized groups such as Dalits, tribal groups, and religious minorities. The failure to properly investigate and prosecute those responsible leads to continuing abuses.

While India claims that its national and state human rights commissions ensure protection of human rights, these commissions are not fully independent—their members and chair are appointed by the government—they lack sufficient resources to conduct their own investigations, and they are not empowered to investigate violations by the army.

Violence continues in secessionist conflicts in northern Jammu and Kashmir and in Manipur, low intensity insurgencies in other parts of the northeast, and the Maoist conflict in several states of central India. In efforts to contain the armed groups, Indian security forces are responsible for extrajudicial killings, arbitrary detention, due process violations, and ill-treatment in custody. Laws such as the Armed Forces (Special Powers) Act sanction impunity.

Armed groups are responsible for human rights abuses against civilians including the use of explosive devices and landmines, forced recruitment including of children, threats, extortion, and killings. Bomb blasts in Guwahati, Ahmedabad, Jaipur, Delhi, and other Indian cities in 2008 claimed hundreds of lives. Police attributed most of these attacks to Muslim extremists.

Protests in Jammu and Kashmir

While the level of violence has decreased, failure to investigate human rights violations transparently and prosecute those responsible remains a strong reason for public anger. Kashmiris believe that many of the thousands “disappeared” over the last two decades were dumped into unmarked graves. The government

has ignored calls for an independent investigation by human rights groups to determine the fate of the victims.

Widespread protests erupted in Jammu and Kashmir after a state government decision in May 2008 to transfer forest land to a Hindu trust to build temporary shelters during an annual Hindu pilgrimage called “Amarnath Yatra.” Several people were killed and many injured in the protests, and the issue fueled religious tension. Security forces used tear gas and opened fire using live ammunition as well as rubber bullets to control protesters who set fires, damaged government property, hurled stones, and in some cases attacked policemen.

Separatist groups announced a boycott of state assembly elections in late 2008 and called for demonstrations.

Violence in Manipur and Other Northeastern States

Violence has continued in the northeast, particularly in Manipur, where over 300 people, including nearly a hundred civilians, were killed in the armed conflict in 2008. Caught between the armed groups and security forces, civilians also remain victims of human rights abuses.

A series of bomb attacks in Guwahati and other cities in Assam on October 30, 2008, killed 84 people and injured hundreds. Police believe the bombings may have been acts of revenge for earlier attacks on Bangladeshi Muslim settlers by local tribes in which nearly 50 people were killed.

In Manipur, security forces have been responsible for extrajudicial killings and torture. The impunity and free rein given to government forces has led to a culture where many soldiers and police officers appear to believe it is easier to kill suspects than gather evidence to secure convictions.

Despite the large deployment of government forces, armed groups claiming to protect the rights of the various ethnic communities in Manipur have succeeded in imposing their will on many communities. Manipuris are forced to build alliances with one group to ensure protection from the rest. Armed groups are responsible for extortion, killings, forced recruitment—including of children—and imposition of moral diktats, often by force.



INDIA

“These Fellows Must Be Eliminated”

Relentless Violence and Impunity in Manipur

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Naxalite Conflict

Maoist armed groups, also called Naxalites, continue to carry out bombings, abductions, beatings, and killings in several Indian states including Chhattisgarh. Security forces have responded with arbitrary detention, torture, and extrajudicial killings of suspected Naxalites or their alleged supporters.

The Naxalites claim to be fighting for the rights of the marginalized tribal groups, Dalits, and the poor, but have been responsible for forced recruitment and severe punishment of those who refuse to submit to demands for cash, shelter, and protection.

In Chhattisgarh, government security forces and state-government-backed vigilantes called the Salwa Judum are responsible for attacking, killing, and forcibly displacing tens of thousands of people in armed operations against Maoist rebels. The Naxalite rebels retaliate in a brutal manner, abducting, assaulting, and killing civilians perceived to be Salwa Judum supporters. The government has chosen to view those who do not join the Salwa Judum as Naxalite supporters.

All parties to the Chhattisgarh conflict have used children in armed operations. The Naxalites admit that it is standard practice to recruit children age 16 and above in their forces; they have used children as young as 12 in some armed operations. The Salwa Judum have included children in their violent attacks against villages as part of their anti-Naxalite campaign. The Chhattisgarh state police admit that in the past they recruited children under age 18 as special police officers, but claim they did so due to the absence of age documentation and that all children have now been removed from the ranks. Human Rights Watch investigators in Chhattisgarh found that underage special police officers continue to serve with the police and are used in counter-Naxalite combing operations.

Impunity

While law enforcement is needed to end the violence perpetrated by militants, India continues to provide extraordinary powers to its troops and grants them immunity from prosecution when they abuse those powers and commit human rights violations.



INDIA

“Being Neutral is Our Biggest Crime”

Government, Vigilante, and Naxalite Abuses in India’s Chhattisgarh State

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The Armed Forces (Special Powers) Act was enacted on August 18, 1958, as a short-term measure to allow deployment of the army in the northeast. The law has remained in force in various parts of the country for five decades. It provides the armed forces with sweeping powers to shoot to kill, arrest, and search in violation of international human rights law. The law has led to widespread human rights abuses and protects troops from prosecution for such crimes.

Protection of Vulnerable Communities

The government has failed to protect vulnerable communities including Dalits, tribal groups, and religious minorities.

Since August 2008, supporters of the Hindu militant groups Vishwa Hindu Parishad and Bajrang Dal in Orissa have attacked Christians, many of them tribal minorities or Dalits. The militants have burned churches, beat priests and nuns, and destroyed property. Several policemen were suspended for dereliction of duty after a nun alleged that she was raped. At this writing, at least 40 persons had died in the violence, with scores injured and thousands internally displaced.

Failure to secure justice for the 2002 Gujarat riots—in which more than 2,000 Muslims were killed following an attack on a train carrying Hindu pilgrims—has fueled anger amongst Muslims. Police continue to arbitrarily round up and detain Muslims nationwide after bomb blasts; many have alleged they were tortured during interrogation and forced into signing false confessions. Muslims also face discrimination in access to housing and jobs and the Indian government does little to protect them.

Despite a scheme launched four years ago to provide universal education, millions of children in India still have no access to education and work long hours, many as bonded laborers. Many children continue to be trafficked for marriage, sex work, or employment. Others languish in substandard orphanages or detention centers.

A case is still pending before the Supreme Court seeks to strike down Section 377 of the Indian Penal Code—a British colonial provision—so as to decriminalize consensual homosexual conduct between adults. While some officials, including the health minister, support repealing the law, others have vigorously defended it. In



INDIA

Getting Away With Murder

50 Years of the Armed Forces Special Powers Act

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October 2008, police in Bangalore arrested five *hijras*—transgender women—and then detained 37 human rights defenders and activists who came to assist them, beating and sexually abusing some of them.

According to the National AIDS Control Organization, more than 2.5 million people are living with HIV. Four southern states (Andhra Pradesh, Maharashtra, Tamil Nadu, and Karnataka) account for nearly two-thirds of those infected. Although antiretroviral therapy is supposed to be freely available at public health facilities, there are significant regional disparities in implementation of the policy.

Children and adults living with HIV/AIDS, as well as those whose marginalized status puts them at highest risk—internal migrants, sex workers, injection drug users, men who have sex with men, and transgender populations—face widespread stigmatization and discrimination, including denial of employment, access to education, orphan care, and healthcare.

Human Rights Defenders

The trial of Dr. Binayak Sen, a physician and human rights activist with the People's Union for Civil Liberties (PUCL), began in May 2008 in Chhattisgarh. Sen was detained in May 2007 under the Chhattisgarh Special Public Security Act and accused of having links to the Naxalites. In May 2008 police arrested filmmaker and PUCL member Ajay TG under the same act for alleged links to unlawful Maoist organizations. He was granted bail in August after the government failed to file charges within the mandatory 90 days stipulated in the act.

Key International Actors

As a strong emerging economy, India has built crucial trade links with the European Union and United States. After signing a deal with the US to secure nuclear supplies for civilian use, in 2008 India won a waiver from the 45-nation Nuclear Suppliers Group to lift restrictions on nuclear commerce. The restrictions were imposed after India carried out its first nuclear test in 1974.

In 2008 several key international partners were disappointed by India's refusal to take a strong public position against ongoing human rights violations in Burma



INDIA

Dangerous Duty

Children and the Chhattisgarh Conflict

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and Sri Lanka. In response to the renewed crackdown on dissent in Burma, New Delhi stopped the supply of lethal weapons to the Burmese military but otherwise offered only a tepid response, saying it believed in private engagement with the Burmese regime.

India initially refused to join the international community in demanding better human rights protections during the ongoing war in Sri Lanka. In September 2008 India finally expressed concern amid unconfirmed reports that civilians were increasingly being caught in the middle of the fighting, at risk from both government forces and the Liberation Tigers of Tamil Eelam. In November India agreed to ship relief materials for distribution by the International Committee for the Red Cross.

India has routinely ignored recommendations from UN human rights bodies including, UN committees on the elimination of racial discrimination and discrimination against women. India is a member of the UN Human Rights Council (HRC) and in 2008 came up for Universal Periodic Review by the HRC, agreeing to several recommendations including that it sign and ratify UN treaties banning torture and enforced disappearances.

INDONESIA

Indonesia saw little human rights progress in 2008. Basic freedoms in the country expanded dramatically following the resignation of President Suharto in 1998, transforming Indonesia from an authoritarian state to a vibrant if chaotic democracy. Today, there is a loss of momentum, with reforms in key areas bogged down and backtracking in some areas.

Apart from halting progress in prosecutions for the murder of prominent activist Munir Said Thalib, efforts to pursue accountability for past human rights crimes remain at a complete standstill. Current abuses, including endemic police torture, also routinely go unpunished.

In a major setback for religious freedom, the government in 2008 bowed to pressure from hard-line Islamic groups and banned the Ahmadiyah sect from publicly practicing their faith.

Indonesia has a diverse and lively media sector, but freedom of expression has been undermined by powerful officials and businessmen using criminal and civil defamation laws to silence criticism.

In Indonesian Papua, deeply rooted distrust of Jakarta is still a time bomb; failure to address human rights—including security force abuses—is one important reason the distrust has not been dispelled.

Impunity

Former president Suharto died in January 2008 having escaped prosecution for abuses committed during his 32-year rule. The list of abuses is extensive, and includes anticomunist pogroms that killed half a million or more people in 1965-1966, security force atrocities in East Timor, Aceh, southern Sumatra, and Papua, and the Trisakti and Semanggi killings in Jakarta in 1998-1999. Many collaborators in Suharto-era abuses still hold positions of power. Several are candidates for the forthcoming 2009 elections, including General Wiranto and Suharto's son-in-law Prabowo Subianto, implicated in abuses in East Timor and other crimes.

In March 2008 the Indonesian Supreme Court overturned the conviction of former militia leader Eurico Guterres for instigating violence following the 1999 UN-sponsored referendum on independence for East Timor. Indonesian-army-backed militias killed hundreds of Timorese and destroyed much of East Timor's physical infrastructure. With the reversal of the conviction, all 18 people indicted by the Indonesian Ad Hoc Human Rights Court on East Timor have been acquitted.

The Indonesian and Timorese joint Commission on Truth and Friendship released its final report in July 2008 assigning institutional responsibility for the 1999 atrocities to the Indonesian military, police, and government. UN Secretary-General Ban Ki-moon urged accountability, but President Susilo Bambang Yudhoyono insisted that no such action would be taken.

In August a military court convicted 13 marines for killing four civilians and wounding eight in a 2007 incident involving a land dispute in Pasuruan, East Java. The marines received light sentences of 18 months to three-and-a-half years.

Also in August, a US court ruled that a lawsuit against Exxon Mobil for alleged complicity in military abuses in Aceh could proceed to trial.

Military Business

Efforts to end Indonesian military business activity, a barrier to full civilian control of the armed forces, showed few results in 2008. An April presidential decree created a new advisory team on military business reform but it remained unclear whether the government would fully dismantle the military's economic interests before October 2009 as mandated by law.

While the government has focused on legal businesses, military involvement in illegal businesses, including in the logging and oil palm sector, also continues to feed corruption and generate conflicts of interest.

Freedom of Religion

In June 2008 the government ordered members of the Ahmadiyah sect to cease public religious activities or face up to five years' imprisonment. In the weeks following the decree, Muslim hardliners attacked Ahmadiyah mosques in Cianjur,

West Java, and Islamic Defenders Front members closed the local Ahmadiyah headquarters in Makassar, South Sulawesi. In September the South Sumatra provincial government issued a total ban on Ahmadiyah, claiming the ministerial decree did not go far enough.

In January 2008 a mob burnt down the Sangkareang Hindu temple in West Lombok and in July, Muslim hardliners attacked students at a Christian theology school in East Jakarta, injuring 18 and forcing the school to shut its 20-year-old campus.

In April, Abdul Salam, the self-proclaimed prophet and founder of the Islamic sect Al-Qiyadah Al-Islamiyah, was sentenced to four years' imprisonment for "blasphemy." Indonesian laws prohibiting blasphemy are primarily applied to practices perceived to deviate from mainstream Islam.

Migrant Domestic Workers

Approximately two million Indonesians, mostly women, work abroad. Many migrate as domestic workers and are subject to a range of human rights violations (see Saudi Arabia and Malaysia chapters). Prior to departure, poorly monitored labor recruiters often deceive workers about their jobs abroad and impose excessive fees, placing the migrants at risk of trafficking and forced labor.

Many Indonesian foreign missions in the Persian Gulf and Asia operate temporary shelters for the thousands of domestic workers facing abuses each year. Despite recent improvements, foreign missions often fall short of meeting minimum requirements including in the areas of shelter, case management, and legal representation.

Child Domestic Workers

More than 700,000 children, mainly girls, work as domestic workers in Indonesia. Typically recruited between the ages of 12 and 15, often on false promises of decent wages and working conditions, they may work 14 to 18 hours a day, seven days a week, earning far less than the prevailing minimum wage. In the worst

cases, child domestic workers are paid no salary at all and are physically, sexually, and psychologically abused.

Domestic workers are excluded from existing national labor laws, which afford protections such as minimum wage, an eight-hour work day, weekly day of rest, and vacation time. At this writing, draft national legislation that would mandate an eight-hour work day, a weekly day of rest, and an annual holiday for domestic workers remained stalled in the Ministry of Manpower.

Aceh

Six political parties in Aceh will take part in general elections in 2009. All party candidates must take a Quran reading test administered by Aceh's election commission, which discriminates against qualified secular or non-Muslim Acehnese.

There remains no accountability for past human rights violations committed during or after the Aceh conflict and there has been no movement toward establishing a truth and reconciliation commission.

Papua and West Papua

Despite dozens of Indonesian government statements pledging a new approach in Papua and positive developments on some fronts, justice has noticeably lagged. Security forces, including special Mobile Brigade (Brimob) police units, continue to engage in abuses in remote highland regions with virtual impunity.

Freedom of expression also continues to be corralled. In March police jailed nine Papuan activists for displaying the Papuan "Morning Star" flag. They remain in detention charged with rebellion (*makar*), a crime punishable by life imprisonment. In July police assaulted 46 protesters and charged six with rebellion for raising the Morning Star flag in Fakfak, West Papua. In August police fired live ammunition into a crowd, killing a peaceful demonstrator after protesters raised the Morning Star flag in Wamena.

Death Penalty

After a 14-month hiatus, Indonesia resumed executions in June 2008, killing two Nigerians convicted of drug trafficking. In July and August four Indonesians convicted of multiple murders were executed. In November, authorities executed Amrozi, Mukhlas, and Imam Samudra, convicted for the 2002 Bali bombings that killed 202 people. Over 100 people remain on death row in Indonesia.

Freedom of Expression and Press

In April 2008, the House of Representatives passed a freedom of information law after seven years of debate. Critics are concerned with a vaguely worded provision criminalizing “deliberate misuse” of public information.

Criminal and civil defamation laws continue to be used to silence press criticism. In February 2008, *Time Magazine* submitted a petition to reverse the \$US110 million libel ruling against it in favor of the Suharto family. In September a Jakarta court found Indonesia’s *Tempo* magazine guilty of defaming agribusiness giant Asian Agri for an investigative report on alleged tax evasion. In June 2008 a court convicted and jailed Risang Bima Wijaya, a Yogyakarta-based reporter, for an article on sexual harassment ruled to have insulted the manager of a local newspaper.

Human Rights Defenders

In January 2008 the Supreme Court reconvicted Garuda Airways pilot Pollycarpus Budihari Priyanto, and sentenced him to 20 years in prison for the 2004 murder of human rights defender Munir Said Thalib. An Indonesian court sentenced Indra Setiawan, a former airline official, to one year in prison for being an accessory. Reinvigorated police investigations uncovered key evidence linking Muchdi Purwopranjono—a former general, special forces commander, and deputy national intelligence chief—with Pollycarpus and the murder of Munir.

In a January 2008 report on Indonesia, Hina Jilani, UN expert on human rights defenders, concluded that defenders in Papua are particularly vulnerable to threats, harassment, arbitrary detention, and torture. She also noted that while

conditions for defenders in Aceh have improved since the 2005 peace agreement, no perpetrators have been brought to justice for abuses committed against defenders there between 2001 and 2005.

Key International Actors

United States Defense Secretary Robert Gates visited Indonesia in February 2008 offering increased military assistance to the Indonesian military. The US military has not resumed cooperation with Kopassus (special forces) and Brimob (antiriot police), units notorious for rights abuses.

Forty members of the US House of Representatives sent a letter to Yudhoyono in July 2008, requesting the release of Papuan political prisoners Filep Karma and Yusak Pakage.

Relations between Indonesia and Australia were strengthened through the June 2008 visit of Australian Prime Minister Kevin Rudd. Rudd and Indonesian President Yudhoyono discussed security cooperation and signed a joint Forest Carbon Partnership agreement, but Indonesia's commitment to curbing deforestation remained in doubt with corruption rampant in the forestry section and inadequate timber and financial tracking systems.

In April 2008 the UN Human Rights Council examined Indonesia's human rights record as part of the new Universal Periodic Review (UPR) process. Concerns put to Indonesia during the UPR dialogue included continuing impunity, torture, arrests, detention of peaceful political activists, and human rights violations in Papua. Indonesia made no clear commitments to address ongoing violations in Papua, but it agreed to criminalize torture and ratify the Optional Protocol of the Convention against Torture.

In May 2008 the UN Committee against Torture issued findings that both police and military routinely use torture; it expressed concern that no Indonesian official has been convicted of the offense.

As a key ASEAN member, Indonesia continues to press Burma to release Aung San Suu Kyi. Indonesia played a pivotal role in ASEAN efforts to convince Burma

to lift a ban on foreign assistance following the devastating Cyclone Nargis in May.

In October Indonesia's Parliament ratified the ASEAN Charter, but lawmakers and officials said they would press for future changes to strengthen its compliance with international standards and establish penalties for non-compliant members.

In September 2008 the Norwegian government abandoned its US\$1 billion investment in Rio Tinto over concerns with unethical conduct and environmental devastation at the Grasberg gold and copper mine in Papua.

MALAYSIA

Hopes that Malaysia's human rights climate would improve following elections in March 2008 proved unfounded. The ruling National Front coalition lost the two-thirds parliamentary majority it had enjoyed since Malaysia became independent in 1957 but was still in power at this writing. National Front leaders continue to insist that Malaysia's multiethnic society is too fragile to sustain genuine freedom of assembly and expression or full due process rights for all suspects.

The government continues to use outdated repressive laws and regulations to silence its critics and extend its rule. One such critic is former Deputy Prime Minister Anwar Ibrahim, now leading the opposition coalition People's Alliance. In what was widely viewed as a politically motivated attempt to discredit him, police charged him with consensual sexual relations with a male aide in August 2008.

The People's Volunteer Corps, a largely volunteer paramilitary force, continues to commit abuses against undocumented migrants, refugees, and asylum seekers.

Detention without Charge or Trial

Malaysia uses the Internal Security Act (ISA) to indefinitely detain, without charge or trial, individuals deemed by officials to threaten Malaysia's national security. This includes not only individuals suspected of planning terrorist attacks, such as members of the militant Islamist groups Jemaah Islamiah and Darul Islam, but also individuals allegedly promoting ethnic or religious discord.

On December 13, 2007, after the Hindu Rights Action Force (Hindraf) organized a massive rally to draw attention to discrimination faced by Malaysia's Indian population, the government detained five of its leaders. In October 2008, the government declared Hindraf an illegal organization on the grounds that it constituted a "threat to public order and morality." As of late November 2008, the leaders remained in ISA custody.

On September 12, 2008, police detained three government critics under the ISA. Raja Petra Kumaruddin, founder and editor of Malaysia's most popular website *MalaysiaToday*, was originally detained for two years for insulting Islam but was

freed on procedural grounds on October 7. The government is appealing the ruling. Authorities also detained opposition Democratic Action Party parliamentarian Teresa Kok for a week for involvement in “activities that may spark a religious dispute,” and Tan Hoon Cheng, a *Sin Chew Daily* reporter, for 18 hours.

According to the Abolish ISA Movement (Gerakan Mansuhkan ISA), 64 individuals were in ISA detention as of October 2008.

Migrant Workers, Refugees, and Asylum Seekers

According to Malaysia’s Immigration Department, there were 2.1 million documented migrants in Malaysia in November 2007. Undocumented migrants are estimated at over 400,000, some 150,000 of whom are refugees or asylum seekers.

As the Malaysian Immigration Act of 1959/1963 does not distinguish between undocumented migrant workers and refugees, all those without valid residency status are subject to arrest, detention, and deportation. The People’s Volunteer Corps (RELA), numbering half a million members, is empowered by law to enter any premises and arrest “undesirable persons” and suspected undocumented migrants. No search or arrest warrants are necessary. During 2007, close to 60,000 migrants—including children—were arrested, imprisoned, or deported. Most migrant children are denied access to schools and some end up in exploitative forms of child labor.

In May and June 2008, migrants told Human Rights Watch researchers how RELA members abused them with impunity during detention and in the immigration detention centers where RELA is responsible for security. Abuses include physical assault, intimidation, forced entry into living quarters, extortion, theft, destruction of residency papers, and sexual abuse.

Testimonies from migrants, refugees, and asylum seekers deported from Malaysia to the Thai border indicate collusion between Malaysian immigration officials and human smuggling gangs who charge steep fees to facilitate deportees’ return to Malaysia or back to Burma.

Cases of severe physical abuse of migrant domestic workers continue to be reported. In September 2008 a Malaysian employer forced an Indonesian domestic worker to drink boiling water. The criminal justice system has been slow to respond. A verdict in the case of Nirmala Bonat, burned and brutally beaten by her employer in 2004, was expected in late November 2008.

Many of the approximately 400,000 primarily Indonesian domestic workers in Malaysia experience withheld wages, forced confinement, and excessively long work hours without days off; some face physical and sexual abuse. Domestic workers are excluded from key provisions of Malaysia's 1955 Employment Act and their work permits tie them to a particular employer, making it difficult to report abuse for fear of deportation.

Freedom of Assembly and Police Abuse

Article 10 of Malaysia's constitution guarantees freedom of assembly, but the Police Act of 1967 severely restricts its exercise in practice. No more than four persons may assemble in public without a police license. Police are empowered to break up unlicensed demonstrations, arrest participants, and use force if orders to disperse are ignored. In January 2008 a peaceful protest organized by NGOs and opposition political parties targeting inflationary pressure resulted in 56 short detentions.

Excessive use of force at public demonstrations is one of the reasons that a May 2005 Royal Commission recommended the establishment of an Independent Police Complaints and Misconduct Commission. No such commission has been created.

Freedom of Expression

An increasingly vibrant blogosphere and use of electronic media and communications are challenging longstanding restrictions on free expression, but authorities continue periodic crackdowns on dissent.

On August 25, the Malaysian Communications and Multimedia Commission ordered all 19 internet service providers to block *MalaysiaToday*, suggesting it

published “libelous, defamatory and slanderous” material threatening public order. Postings had probed government activities the leadership apparently did not want exposed. The Malaysian cabinet overturned the closure order on September 11.

The broadly worded 1948 Sedition Act has been used to silence bloggers who express grievances against the government or who “promote feelings of ill will and hostility between” ethnic groups in Malaysia. In October 2008, Kamaruddin was put on trial for sedition for an article he wrote about a 2006 murder case.

The 1984 Printing Presses and Publications Act censors newspapers by requiring annual renewal of publishing licenses and by controlling production and distribution of foreign publications. The Home Affairs Ministry can restrict or ban a publication outright on several different vaguely defined grounds and no legal remedy or judicial review is available.

In September 2008 the ministry instructed three newspapers to “show cause” why their publication licenses should not be suspended or rescinded. *Sin Chew Daily*, a Chinese-language paper, had reported on allegedly sensitive issues affecting ethnic relations; *The Sun*, an English Daily, was cited for “manipulating and playing up numerous sensitive issues,” and *Suara Keadilan*, the People’s Justice Party internal publication, had claimed that an official became paralyzed after heart surgery.

Freedom of Religion

Islam is Malaysia’s official state religion, but the constitution protects freedom of religion for all. Tensions periodically arise over whether Malaysia is a secular or religious state and over attempts to widen or restrict the jurisdiction of Sharia courts.

On August 9, 2008, some 300 protestors disrupted an open forum entitled “Conversion to Islam,” sponsored by the Malaysian Bar Council. The protestors contended that non-Muslims had no right to discuss Islam. The forum addressed issues faced by families caught in jurisdictional disputes on matters such as civil marriage, divorce and custody battles, and burial rites.

Privacy

Section 377 of Malaysia's criminal code criminalizes "carnal intercourse against the order of nature," both consensual and non-consensual. Activists have urged Malaysian authorities to repeal provisions on consensual relations and replace the section on non-consensual sexual acts with a modern, gender-neutral law on rape.

Human Rights Defenders

The NGO community, the Malaysian bar, lawyers, journalists, and some opposition politicians actively defend human rights despite serious personal and professional risks. Police arrested and detained overnight eight activists including members of the bar and local non-governmental organizations during a December 2007 peaceful march to commemorate International Human Rights Day. Six of the eight went on trial in October 2008.

On January 6, 2008, police used water cannons to break up a vigil organized by the Abolish ISA movement. On September 26 and October 9, after more ISA arrests, police broke up additional candlelight vigils opposing the ISA. In the latter incident, police confiscated the camera of a newspaper reporter, one of 23 people temporarily detained after the vigil.

Key International Actors

Tension in the US-Malaysia relationship surfaced in 2008. While the US praised Malaysia as a regional counterterrorism leader, officials in August expressed concern over the filing of sodomy charges against Anwar Ibrahim, and in September summoned Ilango Karuppannan, the charge d'affaires at the Malaysian embassy, to protest Malaysia's crackdown on critics.

Lord Malloch-Brown, the UK's minister of state in the Foreign and Commonwealth Office, said the UK had also spoken with Malaysian officials about the crackdown and had raised the issue with its EU partners and the Commonwealth Secretariat.

In a September address to the UN, Malaysian Foreign Minister Dr. Rais Yatim objected to interference in Malaysia's internal affairs.

Although the US Department of State's June 2008 "Trafficking in Persons Report" upgraded Malaysia's status from Tier 3 to Tier 2, US Senator Lugar expressed concern about continuing reports of trafficking of Burmese at the Thai-Malay border.

Malaysia has supported the creation of an ASEAN regional human rights mechanism, but in July 2008 Foreign Minister Yatim said that its standards should reflect the "ASEAN value system," hearkening back to the "Asian values" debate and the discredited notion that Asians value human rights less than others.

NEPAL

National elections in April 2008 with the participation of former Maoist rebels and the subsequent seating of a Constituent Assembly marked a new era in Nepal after a decade of conflict that claimed over 13,000 lives. On May 28, the assembly abolished the monarchy and declared the country a republic. The deposed king moved out of the Kathmandu royal palace in June.

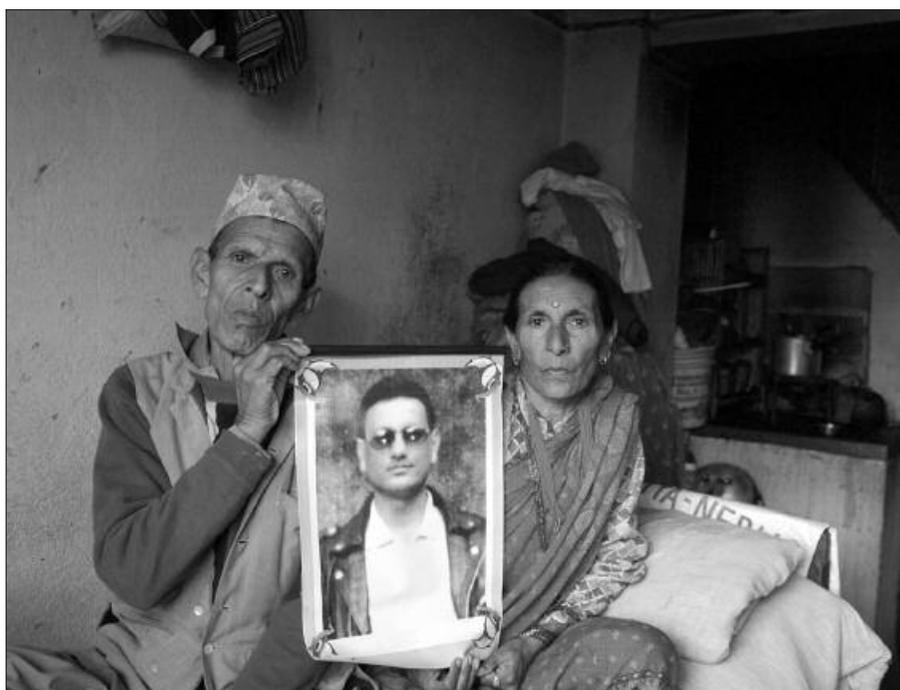
The Communist Party of Nepal (Maoist) (CPN-M) won more than a third of the assembly's 601 seats, making it the largest party. After months of political deadlock, the CPN-M in August formed a coalition government and Maoist leader Pushpa Kamal Dahal, also known as Prachanda, became prime minister. Women make up a third of the new assembly, a historic jump in women's representation in government.

Marginalized communities, particularly Dalits, ethnic minorities, and women, continue to face widespread discrimination. There is hope that proposed constitutional protections and new resolve from the Maoist-led government—the rebellion was fueled in part by a desire to remove discrimination against such groups—will lead to new legal protections and a significant reduction in abuses.

The new government has shown little interest in ending impunity for the widespread human rights violations committed before, during, and after the armed conflict.

Impunity

During the 1996-2006 armed conflict both security forces and the Maoist rebels were responsible for human rights abuses. Security forces committed hundreds of extrajudicial killings, widespread torture, and, in some years, the largest number of "disappearances" in the world. Maoist forces abducted, tortured, and killed civilians suspected of being "informers" or "enemies of the revolution," extorted "donations" from villagers, recruited children as soldiers, and abducted students for political indoctrination. Maoists often executed their victims in public, forcing the victim's relatives and other villagers to observe the killing.



NEPAL

Waiting for Justice

Unpunished Crimes from Nepal's Armed Conflict

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Even after they signed a peace agreement in November 2006, both the army and Maoists failed to cooperate with police investigations. At this writing, not a single perpetrator had been brought to justice before a civilian court. The Nepal Army continues to resist accountability. The police, subservient to the army, resist filing cases of human rights violations.

In one success, Kavre District police on August 11, 2008, following a Supreme Court order, finally registered a complaint for the murder of royalist party member Arjun Bahadur Lama in December 2005. But despite court orders and interventions from local and international organizations, no arrest followed.

Morang District police still have not filed a criminal complaint in the case of civilian Madhuram Gautam, allegedly killed by army personnel in December 2004, despite court orders and repeated appeals by local and international organizations.

The lack of political will to address such crimes is also reflected in proposals to grant an amnesty for serious human rights abuses committed during the conflict. Draft laws on both a truth and reconciliation commission and a disappearances commission contain such an amnesty.

In September 2008 the ruling parties affirmed their commitment to establish commissions on national peace and rehabilitation, truth and reconciliation, “disappearances,” and land reform, but had not made significant progress on establishing any of them at this writing.

Impunity for killings continues. Paramilitary police deployed for the security of Khum Bahadur Khadka, a former minister and Nepali Congress candidate, killed seven Maoists on April 7, 2008. Accounts conflict as to who initiated fire, but reports suggest that police used excessive force. The families of the victims have filed complaints, but police had taken no action at this writing.

There were widespread protests after the May 8, 2008, torture and killing of businessman Ram Hari Shrestha. Members of the People’s Liberation Army, the armed wing of the CPN-M, are believed responsible.

Armed Combatants in UN Cantonments

Under the November 2006 Comprehensive Peace Agreement, Maoist cadres were registered in cantonment sites under the protection of the United Nations Mission in Nepal (UNMIN), which also took custody of their weapons. According to UNMIN, after the verification of registered Maoist combatants was completed in December 2007, 15,756 men and 3,846 women remain in the cantonments. CPN-M wants to ensure that the former fighters are integrated into government security forces or provided alternate livelihoods.

In October 2008 the government said it would set up a special committee to ensure proper rehabilitation of combatants, but at this writing, there were still disagreements on the extent to which Maoist combatants should be integrated into the Nepal army.

Child Soldiers

During the conflict, an estimated 6,000 to 9,000 Maoist cadres were believed to have been children. Not all were cantoned after the conflict, however, making a precise count impossible. UNMIN has reported that over 3000 child recruits remain in the cantonment sites.

The government of Nepal now including the Maoists has said it will not use or enlist children age 18 or below in any military force and that all child soldiers will be properly rehabilitated. To date, these policies are not being properly implemented. Without proper rehabilitation and reintegration, many child combatants have found their way into violent groups such as the Young Communist League (YCL), the youth wing of the CPN-M.

Youth Communist League

The YCL has been implicated in abductions, beatings, and killings since it was re-established in December 2006. Violent attacks attributed to the YCL against perceived political opponents intensified before and after the April 10, 2008, elections. The YCL is comprised mainly of former People's Liberation Army commanders; its members are age 16-40.

The YCL has assumed broad powers to patrol communities across the country and “arrest” and punish offenders, saying police are failing to perform this function. Anointing itself the moral guardian and arbiter of disputes, the YCL has attacked political opponents, journalists, alleged drug users, and individuals suspected of extramarital relations. On August 6, ahead of his election as prime minister, Maoist chairman Prachandra ordered all party members including the YCL to halt violent activities.

Torture

Despite Nepal having ratified the Convention against Torture and other Cruel, Inhumane or Degrading Punishment, torture is still not a criminal offense in Nepal. Between January 1 and June 30, 2008, Advocacy Forum, a Nepal-based NGO, interviewed 1,423 detainees in their regular visits to 35 detention centers across 16 districts. Of this number, 396—124 of them children—claimed they had been tortured or ill-treated by police. The cases show a pattern of police abuse of juvenile suspects, with long periods of illegal detention, lack of access to adequate medical and legal assistance, and inhumane treatment including frequent and multiple beatings.

Situation in the Terai Region

Ethnic tensions continued in Nepal in 2008 over the rights of Madheshi communities in the southern Terai region. In February a strike by Madheshi groups turned violent. While the protesters threw stones and petrol bombs, targeting police posts and destroying government property, the police used lethal force to control the protest. At least six persons were killed and hundreds, including some police officers, were injured.

Arbitrary Arrest and Torture of Tibetans

After March 10, 2008, Tibetans living in Katmandu conducted a series of protests against the Chinese government’s harsh crackdown in Tibet. Nepali authorities, in their efforts to appease China, opposed such demonstrations and engaged in unnecessary and excessive use of force, arbitrary arrest, sexual assault of women



NEPAL

Appeasing China

Restricting the Rights of Tibetans in Nepal

HUMAN
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during arrest, arbitrary and preventive detention, beatings in detention, unlawful threats to deport Tibetans to China, and unnecessary restrictions on freedom of movement in the Katmandu Valley.

The government has in effect sealed the border to prevent the arrival of Tibetan refugees and has allowed Chinese security personnel to operate on the Nepali side of the border.

Lesbian, Gay, Bisexual, and Transgender Rights

In December 2007 Nepal's Supreme Court directed the government to repeal laws criminalizing homosexual conduct and laws otherwise discriminating against sexual minorities. The court also directed the government to official recognize a "third gender" in addition to "male" and "female," and established a committee to explore same-sex marriage for Nepal. No other country in South Asia has taken these steps.

Human Rights Defenders

Human rights defenders, especially women defenders, continue to face attacks. The Youth Communist League has been involved in several violent attacks against defenders, journalists, and political opponents but such cases are usually not investigated by police.

Key International Actors

Nepal relies on the aid and support of foreign governments including India, China, the United States, the United Kingdom, the European Union, and Japan. These actors have at times played an important role in strengthening human rights protection and demanding an end to impunity and security sector reform.

The US has still not removed the CPN-M from its terrorist exclusion list.

Nepali Prime Minister Dahal visited India in September and November 2008, and India assured him of economic assistance and help drafting a new constitution. Dahal also visited China to build economic and strategic ties.

On July 23, the Security Council extended the UNMIN monitoring mission until January 23, 2009. Despite budget reductions, the Office of the High Commissioner for Human Rights continues to play a significant role in Nepal investigating human rights violations, including “disappearances,” and seeking accountability for abuses committed during the conflict.