

May, the National Human Rights Institute filed a new lawsuit relating to the torture of Víctor Queipul; the investigation for the second case was ongoing.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In September a law entered into force decriminalizing abortion in three circumstances: when the pregnancy poses a risk to the life of the pregnant woman or girl; when the foetus is not viable; or when pregnancy is a result of rape. It also established the right to conscientious objection for medical professionals and institutions who choose not to perform abortions even in those circumstances. Guidelines for the implementation of the law were approved in December. Abortion continued to be criminalized in all other circumstances.

## **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE**

In August a criminal case filed against a judge for allowing the change of name and gender markers for a transgender girl was closed with all charges dropped.

In June the Senate approved the Gender Identity Bill, which established the right of people over the age of 18 to have their gender identity legally recognized by changing their name and gender markers on official documents through an administrative process, without requiring gender reassignment surgery or medical certification. The bill was pending before Congress at the end of the year.

In August the government filed a bill in the Senate establishing marriage and adoption rights for same-sex couples in equality with different-sex couples.

# **CHINA**

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**People's Republic of China**

Head of state: **Xi Jinping**

Head of government: **Li Keqiang**

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**The government continued to draft and enact new laws under the guise of “national security” that presented serious threats to human rights. Nobel Peace Prize laureate Liu Xiaobo died in custody. Activists and human rights defenders were detained, prosecuted and sentenced on the basis of vague and overbroad charges such as “subverting state power” and “picking quarrels and provoking trouble”. Police detained human rights defenders outside formal detention facilities, sometimes incommunicado, for long periods, which posed additional risk of torture and other ill-treatment to the detainees. Controls on the internet were strengthened. Repression of religious activities outside state-sanctioned churches increased. Repression conducted under “anti-separatism” or “counter-terrorism” campaigns remained particularly severe in the Xinjiang Uighur Autonomous Region and Tibetan-populated areas. Freedom of expression in Hong Kong came under attack as the government used vague and overbroad charges to prosecute pro-democracy activists.**

## **LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS**

Sweeping national security-related laws and regulations continued to be drafted and enacted, giving greater powers to the authorities to silence dissent, censor information and harass and prosecute human rights defenders.

On 1 January the foreign NGO management law, whose provisions impeded independent operations of registered NGOs, came into effect. Foreign NGOs that had not yet registered and continued to operate in China could face a freeze on bank accounts, sealing of venues, confiscation of assets, suspension of activities and detention of staff.

In June, the National Intelligence Law was adopted and entered into force. These laws were part of a national security legal architecture introduced in 2014 – which also included the Anti-espionage Law, Criminal Law Amendment (9), National Security Law, Anti-terrorism Law and Cyber Security Law – and presented serious threats to the protection of human rights. The National Intelligence Law used similarly vague and overbroad concepts of national security, and granted effectively unchecked powers to national intelligence institutions with unclear roles and responsibilities. All lacked safeguards to protect against arbitrary detention and to protect the right to privacy, freedom of expression and other human rights.<sup>1</sup>

The draft Supervision Law, which opened for consultation in November, would, if enacted as is, legalize a new form of arbitrary detention, named *liuzhi*, and create an extrajudicial system with far-reaching powers with significant potential to infringe human rights.<sup>2</sup>

The authorities continued to use “residential surveillance in a designated location”, a form of secret incommunicado detention that allowed the police to hold individuals for up to six months outside the formal detention system, without access to legal counsel of their choice, their families or others, and placed suspects at risk of torture and other ill-treatment. This form of detention was used to curb the activities of human rights defenders, including lawyers, activists and religious practitioners.

## HUMAN RIGHTS DEFENDERS

On 13 July, Nobel Peace Prize laureate Liu Xiaobo died in custody from liver cancer. The authorities had refused a request from Liu Xiaobo and his family that he travel abroad to receive medical treatment.<sup>3</sup> At the end of the year, his wife Liu Xia remained under surveillance and illegal “house arrest” which had continued since Liu Xiaobo was awarded the Nobel Peace Prize in 2010. At least 10 activists were detained for holding memorials for him.

In November, writer and government critic Yang Tongyan, who had spent nearly half his life in detention, died shortly after his release on medical parole.

Among the nearly 250 targeted individuals who were questioned or detained by state security agents following the unprecedented government crackdown on human rights lawyers and other activists that started in July 2015, nine were convicted of “subverting state power”, “inciting subversion of state power” or “picking quarrels and provoking trouble”. Three people were given suspended sentences and one “exempted from criminal punishment” while remaining under surveillance and five remained imprisoned. In April, Beijing lawyer Li Heping, detained since the beginning of the crackdown, was given a three-year suspended prison sentence for “subverting state power”. He claimed that he was tortured during pre-trial detention, including being force-fed medicine. Yin Xu’an was sentenced in May to three and a half years’ imprisonment. Wang Fang was sentenced in July to three years’ imprisonment. Beijing lawyer Jiang Tianyong, who went missing in November 2016 and “confessed” at a trial in August to fabricating the torture account of lawyer Xie Yang by Chinese police and attending overseas workshops to discuss changing China’s political system, was sentenced in November to two years’ imprisonment for “inciting subversion of state power”. Hu Shigen and Zhou Shifeng, convicted in 2016, remained imprisoned. Beijing human rights lawyer Wang Quanzhang, held in incommunicado detention since the beginning of the crackdown, was still awaiting trial at the end of the year, charged with “subverting state power”. In January, an interview transcript with Xie Yang was published in which he said he faced torture and other ill-treatment during detention. Xie Yang was released on bail without a verdict in May after his trial. On 26 December, the court announced his conviction on the charge of “inciting subversion of state power” but ruled that he was “exempt from criminal punishment”. He remained under surveillance.

In July, Beijing lawyer Wang Yu, whose detention on 9 July 2015 marked the beginning of the crackdown, wrote in an article published online that she was ill-treated during detention. She was released on bail in mid-2016 but remained under close surveillance. Lawyers Li Shuyun, Ren Quanniu and Li Chunfu, and activist Gou Hongguo, reported that they were drugged during detention.<sup>4</sup>

In addition to the 250 targeted individuals, activist Wu Gan, who worked in a law firm later targeted by the authorities in the crackdown, was tried in August in a closed hearing for “subverting state power” after nearly 27 months’ pre-trial detention. On 26 December, he was sentenced to eight years’ imprisonment.

In March, Guangdong activist Su Changlan was sentenced to three years’ imprisonment for “inciting subversion of state power” for her online criticism of the Chinese Communist Party and the Chinese socialist system. She was detained in 2014 after expressing support for Hong Kong’s 2014 pro-democracy Umbrella Movement. She was released in October after serving the full sentence but with health concerns aggravated by poor conditions in detention.

On 19 March, Lee Ming-Cheh, manager of a Taiwan NGO, was detained by state security officers when he entered mainland China from Macao. In September, he was tried in Hunan Province for “subverting state power” and sentenced to five years’ imprisonment in November.<sup>5</sup>

At least 11 activists were detained in June for commemorating the 1989 Tiananmen crackdown; most were accused of “picking quarrels and provoking trouble”. Li Xiaoling and Shi Tingfu remained in detention, and Ding Yajun was sentenced to three years’ imprisonment in September.

In August, lawyer Gao Zhisheng went missing from an isolated village in Shaanxi province, where he had lived under tight surveillance since his release from prison in 2014. The family later learned he was in authorities’ custody but his location and condition remained unknown.

Lawyer Li Yuhan was detained in October and claimed she was tortured and ill-treated during detention.

## **WORKERS’ RIGHTS**

In May, labour activists Hua Haifeng, Li Zhao and Su Heng were detained in Jiangxi province while investigating work conditions at Huajian shoe factories. The activists were released on bail in June but remained under close surveillance.

In July, a Guangzhou court sentenced labour activist Liu Shaoming to four and a half years’ imprisonment for publishing his reflections about joining the pro-democracy movement and becoming a member of China’s first independent trade union in 1989, and experiences during the 1989 Tiananmen crackdown.

## **FREEDOM OF EXPRESSION – INTERNET**

Thousands of websites and social media services remained blocked, including Facebook, Instagram and Twitter. On 1 June, the Cybersecurity Law came into effect, making it obligatory for internet companies operating in China to censor users’ content. In August, the Cyberspace Administration of China and the Guangdong Provincial Cyberspace Administration launched an investigation into internet service providers Tencent’s WeChat, Sina Weibo and Baidu’s Tieba because their platforms contained user accounts which “spread information that endangers national security, public security and social order, including violence and terror, false information and rumours and pornography”. In September, China’s dominant messaging service WeChat introduced new terms of service to collect a wide range of personal information, and made data on its over 900 million users available to the government.

Huang Qi, co-founder of 64tianwang.com, a website that reports on and documents protests in China, was accused of “leaking state secrets”. He was allowed to meet his lawyer only eight months after he was detained and claimed that he was ill-treated in detention. At the end of 2017, 10

journalists of 64tianwang.com were in prison: Wang Jing, Zhang Jixin, Li Min, Sun Enwei, Li Chunhua, Wei Wenyuan, Xiao Jianfang, Li Zhaoxiu, Chen Mingyan and Wang Shurong.

Liu Feiyue, founder of human rights website Civil Rights and Livelihood Watch, was detained in late 2016 and charged with “inciting subversion of state power”. His lawyer said that the charge was mostly related to opinions he had expressed publicly and posted on the website.

In August, Lu Yuyu, who documented protests in China on Twitter and in a blog, was convicted of “picking quarrels and provoking trouble” and sentenced to four years’ imprisonment.

In September, Zhen Jianghua, executive director of online platform Human Rights Campaign in China, was criminally detained on suspicion of “inciting subversion of state power” and later placed under residential surveillance at a designated location. Police confiscated numerous documents related to his website which contained reports from grassroots rights activists.

## **FREEDOM OF RELIGION AND BELIEF**

In June, the State Council passed the revised Regulations on Religious Affairs, to come into effect on 1 February 2018. It codified far-reaching state control over every aspect of religious practice, and extended power to authorities at all levels of the government to monitor, control and potentially punish religious practice. The revised law, which emphasized national security with a goal of curbing “infiltration and extremism”, could be used to further suppress the right to freedom of religion and belief, especially for Tibetan Buddhists, Uighur Muslims and unrecognized churches.<sup>6</sup>

Falun Gong practitioners continued to be subjected to persecution, arbitrary detention, unfair trials and torture and other ill-treatment. Chen Huixia remained detained since 2016 for suspicion of “using an evil cult to undermine law enforcement”. In May, her trial was adjourned after her lawyer requested the court exclude evidence extracted through torture.

## **DEATH PENALTY**

In March, the President of the Supreme People’s Court announced that over the last 10 years, since the Court regained the authority to review and approve all death sentences, capital punishment “had been strictly controlled and applied prudently” and only applied “to an extremely small number of criminals for extremely severe offences”. However, the government continued to conceal the true extent of the use of the death penalty, despite more than four decades of requests from UN bodies and the international community for more information, and despite the Chinese authorities’ own pledges to bring about greater openness in the criminal justice system.<sup>7</sup>

## **TIBET AUTONOMOUS REGION AND TIBETAN-POPULATED AREAS IN OTHER PROVINCES**

### **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

In June, in his report of a 2016 visit to China, the UN Special Rapporteur on extreme poverty and human rights stated that while achievements towards alleviating poverty were generally “impressive”, the situation of Tibetans and Uighurs was deeply problematic, and “that most ethnic minorities in China are exposed to serious human rights challenges, including significantly higher poverty rates, ethnic discrimination and forced relocation”.

Tashi Wangchuk, a Tibetan education advocate, remained in detention awaiting trial at the end of the year, without access to his family. He was taken away in early 2016 for giving an interview to the *New York Times* in which he expressed fears about the gradual extinction of the Tibetan language and culture.

### **FREEDOM OF EXPRESSION**

Ethnic Tibetans continued to face discrimination and restrictions on their rights to freedom of religion and belief, of opinion and expression, of peaceful assembly and of association.

At least six people set themselves on fire in Tibetan-populated areas during the year

in protest against repressive policies, bringing the known number of self-immolations since February 2009 to 152. On 18 March, Pema Gyaltzen set himself on fire in Ganzi (Tibetan: Kardze) Tibetan Autonomous Prefecture in Sichuan Province. Tibetan sources said that he was believed to be alive when he was taken away by the police. His relatives were detained and beaten when they approached the authorities asking for his whereabouts. Tibetan NGOs abroad said that Lobsang Kunchok, a Tibetan monk detained after surviving a self-immolation attempt in 2011, was released from prison in March.<sup>8</sup> On 26 December, Tibetan filmmaker Dhondup Wangchen was reunited with his family in the USA, almost 10 years after he was first detained in China for making an independent documentary about the views of ordinary Tibetans ahead of the 2008 Beijing Olympics.

## **XINJIANG UIGHUR AUTONOMOUS REGION**

Under the leadership of new regional Communist Party Secretary Chen Quanguo, the Xinjiang Uighur Autonomous Region (XUAR) authorities put new emphasis on “social stability” and increased security. Media reports indicated that numerous detention facilities were set up within the XUAR, variously called “counter extremism centres”, “political study centres”, or “education and transformation centres”, in which people were arbitrarily detained for unspecified periods and forced to study Chinese laws and policies.

In March, the XUAR enacted the “De-extremification Regulation” that prohibits a wide range of behaviours labelled “extremist”, such as spreading “extremist thought”, denigrating or refusing to watch public radio and TV programmes, wearing burkas, having an “abnormal” beard, resisting national policies, and publishing, downloading, storing or reading articles, publications or audio-visual materials containing “extremist content”.

In April, the government published a list of prohibited names, most of which were

Islamic in origin, and required all children under 16 with these names to change them.

In May, there were media reports that the Chinese authorities in the XUAR had initiated a policy to compel all Uighurs studying abroad to return to China. Six Uighurs who had studied in Turkey but had returned to the XUAR were given prison sentences ranging from 5 to 12 years on undefined charges. In April, Chinese authorities detained relatives of several students in Egypt to coerce them to return home by May. Reports were received that some who returned were tortured and imprisoned. In July, the Egyptian authorities began a massive round-up of hundreds of Chinese nationals in Egypt, mainly Uighurs. Of these, at least 22 Uighurs were forcibly returned to China.

Buzainafu Abudourexiti, a Uighur woman who returned to China in 2015 after studying for two years in Egypt, was detained in March and sentenced in June to seven years’ imprisonment after a secret trial.<sup>9</sup>

In August, international media reported that education authorities had issued an order in June in the largely Uighur-populated Hotan Prefecture to ban the use of the Uighur language in schools, including for “collective activities, public activities and management work of the education system”. Media reports stated that families across the region were required to hand copies of the Qur’an and any other religious items to the authorities or risk punishment.

## **HONG KONG SPECIAL ADMINISTRATIVE REGION**

A series of actions taken throughout the year by the Hong Kong authorities increased concerns about whether freedom of expression and freedom of peaceful assembly were at risk.

In March, the founders of the Occupy Central campaign – Benny Tai, Chan Kin-man and Rev Chu Yiu-Ming – were charged with “public nuisance”-related offences, carrying a maximum penalty of seven years’ imprisonment, for their involvement in the Umbrella Movement.

In July, the High Court disqualified four elected pro-democracy legislators – Nathan Law, Leung Kwok-hung, Lau Siu-lai and Yiu Chung-yim – for failing to meet the requirements specified in the National People’s Congress Standing Committee’s interpretation of the Hong Kong Basic Law when they took their oaths of office in October 2016.

In August, the Court of Appeal sentenced Joshua Wong, Alex Chow and Nathan Law to six, seven and eight months’ imprisonment respectively for their part in a student-led demonstration in September 2014 which triggered the Umbrella Movement. Joshua Wong and Alex Chow had been found guilty in 2016 of “taking part in an unlawful assembly” and Nathan Law of “inciting others to take part in an unlawful assembly”. A magistrates’ court originally ordered community service or suspended sentences but prosecutors successfully appealed, seeking harsher penalties.<sup>10</sup> Joshua Wong and Nathan Law were released on bail in October and Alex Chow in November pending their appeals.

The District Court sentenced seven police officers to two years’ imprisonment in February for assaulting protester Ken Tsang during the Umbrella Movement protests. After the sentencing, China’s state mouthpieces initiated an orchestrated campaign attacking Hong Kong’s judiciary. Appeals were pending at year end.

#### **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE**

In April, the Court of First Instance ruled that the government’s refusal to extend work benefits to the same-sex husband of a civil servant was discrimination based on sexual orientation.

In September, the Court of Appeal ruled that the Immigration Department’s refusal to grant a dependant visa to the same-sex civil partner of a foreign professional on a work visa was discriminatory. The government appealed against the decisions in both cases.

## **MACAO SPECIAL ADMINISTRATIVE REGION**

In August, the Macao government stopped four Hong Kong journalists from entering Macao to report on the destruction and clean-up work of Typhoon Hato, which media reported caused 10 deaths. In December, Macao’s legislature voted to suspend pro-democracy lawmaker Sulu Sou and to remove his legislative immunity. He was elected in September and charged in November for taking part in a May 2016 peaceful protest against Macao’s Chief Executive.

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1. China: Submission on the draft “National Intelligence Law” ([ASA 17/6412/2017](#))
  2. China: Submission on the draft “Supervision Law” ([ASA 17/7553/2017](#))
  3. Liu Xiaobo: A giant of human rights who leaves a lasting legacy for China and the world ([Press release](#), 13 July)
  4. Further information: China – lawyer on bail remains under tight surveillance: Xie Yang ([ASA 17/6307/2017](#))
  5. China: Taiwanese activist sentenced to five years in jail ([Press release](#))
  6. Why China must scrap new laws that tighten the authorities’ grip on religious practice ([News story](#), 31 August)
  7. China’s deadly secrets ([ASA 17/5849/2017](#))
  8. China: Disclose the whereabouts of two Tibetans who attempted self-immolation ([ASA 17/6098/2017](#))
  9. China: Uighur woman incommunicado after secret trial – Buzainafu Abudourexiti ([ASA 17/7168/2017](#))
  10. Hong Kong: Freedom of expression under attack as scores of peaceful protesters face “chilling” prosecutions ([News story](#), 26 September)

## **COLOMBIA**

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### **Republic of Colombia**

Head of state and government: **Juan Manuel Santos Calderón**

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**The civilian population, especially Indigenous Peoples, Afro-descendant and peasant farmer communities, and human rights defenders, continued to be the main victims of the ongoing armed conflict. Although official figures indicated that there was a decrease in the number of civilians killed in military actions involving**