

JOINT SUBMISSION BY TIBET ADVOCACY COALITION AND INTERNATIONAL TIBET NETWORK MEMBER GROUPS TO THE FOURTH CYCLE OF THE CHINA'S UNIVERSAL PERIODIC REVIEW

45th Session, January 2024

Preparation and co-authoring of this report has been coordinated by Tibet Advocacy Coalition, a partnership of Tibet Groups working together to engage UN mechanisms, along with 124 International Tibet Network Member Groups from over 50 countries.

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For a full list of all joint submission signatories see
<https://tibetnetwork.org/2023-universal-periodic-review-joint-signatories-list/>



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1. Executive Summary

1.1. This submission sets out some of the Tibet Advocacy Coalition and International Tibet Network's Member Groups' key concerns and assesses the progress made by the Government of the People's Republic of China (hereinafter "PRC" or "China") in advance of China's fourth UPR cycle, as they relate to the human rights of the Tibetan people. This submission focuses specifically on China's continued failure to accede to core UN instruments; to cooperate with the UN special procedures; the administration of justice and the right to a fair trial; the continued use of torture and ill-treatment against Tibetans; its oppressive policies against Tibetan children; restrictions on the Tibetan language; the denial of freedom of religion; and unjust and unfavourable conditions of work. This report also sets out recommendations China must take if it is to demonstrate a commitment to improving the human rights of the Tibetan people.

1.2 In this submission, the word 'Tibet' refers to the three Tibetan provinces of Amdo, Kham, and U-Tsang. In the 1960s, the Chinese government split Tibet into new administrative divisions: the Tibetan Autonomous Region (TAR), and Tibetan Autonomous Prefectures within Qinghai, Gansu, Sichuan, and Yunnan Provinces. When the Chinese government references Tibet, it is referring to the TAR. Since China invaded and occupied Tibet in 1950, China has continued to deny Tibetans their fundamental human rights, including the right to self-determination.



2. Acceding to Core UN Human Rights Instruments

Overview

2.1 In the 2018 UPR, China accepted eight recommendations¹ related to the ratification of human rights instruments and noted 16 others. Those noted included calls that China ratify the Rome Statute of the International Criminal Court; the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention against Discrimination in Education; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Assessment

2.2 Since 2018, China has not signed or ratified any new human rights treaties and/or optional protocols, including those specifically recommended by UN Member States. Of the 18 International Human Rights Treaties and optional protocols, China has only ratified eight.² Of particular importance, given the large number of State recommendations made in 2018, is China's continued refusal to ratify the International Covenant on Civil and Political Rights (ICCPR), which it signed in 1998. China has also refused to set out a clear legislative timetable for doing so.³

2.3 The lack of progress in acceding to core human rights instruments demonstrates China's unwillingness to cooperate with the UN's mechanism and promote accountability. In the 2018 UPR, China rejected outright two recommendations that it accede to the Rome Statute of the International Criminal Court⁴ which would empower the Court to investigate and prosecute individuals accused of genocide, crimes against humanity, war crimes, and the crime of aggression in China. China also continued to ignore calls that it sign and ratify multiple International Conventions⁵.

Recommendations:

- Provide a clear legislative timetable for completing all the necessary administrative and judicial reforms toward compliance with the ICCPR and for its ratification.
- Sign the remaining human rights treaties and Optional Protocols that China has not signed.

¹ Human Rights Council, *Report of the Working Group on Universal Periodic Review: China*, U.N. Doc. A/HRC/40/6, at 5-23 (26 Dec. 2018) [hereinafter "3rd UPR Report on China"]. 28.212 Continue its legislative, judicial and administrative reforms to prepare for accession to the International Covenant on Economic, Social and Cultural Rights (Tunisia); That the Hong Kong Special Administrative Region introduce internal legislation to implement the Convention on the Rights of the Child (Croatia); Continue advancing administrative and judicial reforms in preparation for the ratification of the International Covenant on Civil and Political Rights (Greece); 28.4 Continue working towards ratification of the International Covenant on Civil and Political Rights by the earliest possible date (New Zealand); Accelerate the ratification of the International Covenant on Civil and Political Rights (Uruguay) (Mali); 28.9 Continue its actions and initiatives aiming at the ratification of the International Covenant on Civil and Political Rights (Benin); Take meaningful steps towards ratification of the International Covenant on Civil and Political Rights (Estonia); Further advance the preparation for the ratification of the International Covenant on Civil and Political Rights (Georgia); As previously recommended, continue national reforms with an aim to ratify the International Covenant on Civil and Political Rights; Continue taking steps towards an early ratification of the International Covenant on Civil and Political Rights (Malta); Continue taking steps in preparation for the ratification of the International Covenant on Civil and Political Rights (Namibia); 28.16 Implement the Convention on the Rights of Persons with Disabilities (Madagascar); 28.314 Ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Brazil); 28.1 Strengthen its cooperation and continue the process of ratifying the appropriate international instruments (Senegal);

² OHCHR, Status of Ratification Interactive Dashboard, <https://indicators.ohchr.org/>

³ 28.10 Before the next universal periodic review cycle, set a clear timeline for ratification of the International Covenant on Civil and Political Rights (Czechia).

⁴ 28.17 As previously recommended, explore options to accede to the Rome Statute of the International Criminal Court (Latvia); 28.18 Ratify the Rome Statute of the International Criminal Court and the Kampala amendments to the Statute (Liechtenstein); Sign and ratify the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court (Estonia);

⁵ the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention against Discrimination in Education; and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. Cooperation with Special Procedures

Overview

3.1 In 2018, China accepted two recommendations⁶ and noted ten others requiring it allow access for UN mechanisms, including to Tibet.⁷

3.2 China also accepted a recommendation that it strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights and Special Procedures.⁸ This would include country visits as well as facilitating full access to Tibet for all relevant United Nations Special Procedures.

3.3 As part of China's commitment and adherence to various human rights treaties, as well as participation in the Human Rights Council, China is obliged to comply with the monitoring mechanisms of the special procedures.⁹

Assessment

3.4 To date, there are at least 25 outstanding visit requests to China by UN experts, some outstanding for over 15 years.¹⁰ Since China's last UPR, 12 Special Rapporteurs and Working Groups have sent reminder requests to the Chinese authorities to conduct fact-finding visits. This includes three new reminder sent by the Working Group on Enforced or Involuntary Disappearances,¹¹ two by the Special Rapporteur on Torture¹² and two by the Special Rapporteur on the Right to Privacy.¹³ Despite China supporting a recommendation that it accept a visit from the Special Rapporteur on Freedom of Religion or Belief,¹⁴ this visit request has remained outstanding since 13 January 2003.¹⁵

3.5 Since 2018, China has permitted only one Special Procedures mandate holder to visit China: the Independent Expert on the enjoyment of all human rights by older persons.¹⁶ Ms. Rosa Kornfeld-Matte did not visit Tibet nor did her country report reference the term 'Tibet' or 'Tibetans'. In the rare cases when access to

⁶ 3rd UPR Report on China, *supra* n1. 28.24 Respond positively to the invitation addressed to it by the Special Rapporteur on freedom of religion or belief (Poland); 28.41 Strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights and the special procedures (Luxembourg).

⁷ 3rd UPR Report on China, *supra* n1. 28.22 Implement the recommendations of the Committee on the Elimination of Racial Discrimination on Xinjiang and allow the United Nations unrestricted access to monitor the implementation (United Kingdom of Great Britain and Northern Ireland); 28.23 Implement all of the recommendations of the Committee on the Elimination of Racial Discrimination of August 2018 regarding Xinjiang, particularly on putting an end to mass internments in camps, and invite the Office of the United Nations High Commissioner for Human Rights and special procedure experts (France); 28.25 Strengthen cooperation with the Human Rights Council special procedures, including by receiving the visits requested so far (Ukraine); 28.26 Cooperate with and allow unimpeded access to international monitors, such as the relevant special procedures, to investigate alleged related rights violations (Croatia); 28.27 Facilitate full access to Xinjiang and Tibet for all relevant United Nations special procedures (Denmark); 28.28 Allow independent observers, including special procedure, unhindered access to all regions (Germany); Allow independent observers unfettered access to all parts of China's territory (Hungary); 28.29 As previously recommended, respond positively to pending visit requests by the special procedure mandate holders of the Human Rights Council and consider the extension of a standing invitation to all special procedure mandate holders (Latvia); 28.34 Grant the United Nations High Commissioner for Human Rights and the special procedures access to all regions of China (Austria); 28.40 Grant access to the Office of the United Nations High Commissioner for Human Rights to all regions of the country including the Xinjiang Uighur Autonomous Region (Ireland); 28.317 Cease restrictions on the freedom of movement of Uighurs and Tibetans and allow the media and United Nations and foreign officials access to Xinjiang and Tibet (Australia).

⁸ 28.41 Strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights and the special procedures (Luxembourg);

⁹ OHCHR, Special Procedure of the Human Rights Council, <https://www.ohchr.org/FN/HRBodies/SP/Pages/Introduction.aspx>.

¹⁰ *Id.*

¹¹ Visit requests submitted on 18 January 2019, and 2 March 2020 and 7 January 2022:

<https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=CHN&Lang=en>

¹² Visit requests submitted on 21 November 2019 and 27 January 2021:

<https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=CHN&Lang=en>

¹³ Visit requests submitted on 9 February 2021 and 25 January 2023:

<https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=CHN&Lang=en>

¹⁴ 28.24 Respond positively to the invitation addressed to it by the Special Rapporteur on freedom of religion or belief (Poland);

¹⁵ OHCHR, View Country visits of Special Procedures of the Human Rights Council since 1998, China, available at: <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=CHN&Lang=en>

¹⁶ The Independent Expert on the enjoyment of all human rights by older persons visited China from 25 November to 3 December 2019: <https://digitallibrary.un.org/record/3874984?ln=en>

Tibet has been permitted, these visits are highly restricted, with experts unable to meet with independent Tibetan civil society actors.¹⁷ Such restrictions violate the UN Terms of Reference for fact-finding missions.¹⁸

3.6 The last UN High Commissioner for Human Rights to visit Tibet was Mary Robinson in 1998, after repeated failed requests by her successors. Since then, China permitted UN High Commissioner Louise Arbour to visit China in 2005 but she was subsequently denied a visit to Tibet in 2008.¹⁹ Despite assurances that High Commissioner Navi Pillay could visit the country at “a time convenient to both sides,” a visit was never facilitated.²⁰ Like his predecessor, High Commissioner Zeid was granted nothing but empty promises after he requested that China allow him to conduct a visit, particularly seeking access to Tibet.

3.7 Former High Commissioner Michelle Bachelet, continued to push for access to China and East Turkistan (Ch: Xinjiang). When High Commissioner Michele Bachelet was finally permitted access to China in June 2023, she did not visit Tibet and her visit to East Turkistan was highly condemned.

Recommendations:

- Immediately grant meaningful and unfettered access to Tibet for independent observers, including the UN High Commissioner for Human Rights and his Office, and all relevant special procedure mandate holders.

4. Administration of Justice and Fair Trial

Overview

4.1 In 2018, the Chinese authorities accepted six recommendations²¹ and noted one other related to the administration of justice and fair trials.²²

Assessment

4.2 Since 2018, China has continued to routinely violate the right to a fair trial, including the rights to a public hearing, to be presumed innocent, to adequate time and facilities to prepare a defence, to be tried without undue delay, to defend oneself in person or through counsel, to call and examine witnesses, not to incriminate oneself, to appeal and to protection from retroactive criminal laws.

¹⁷ Philip Alston, press conference, Beijing, China, August 23, 2016. The original link to this press conference is no longer active. See also <https://www.nytimes.com/2016/08/24/world/asia/china-un-human-rights-philip-alston.html?mcubz=1>.

¹⁸ The Terms of Reference for fact-finding missions include guarantees by the host country to provide freedom of movement “in the whole country,” as well as freedom of inquiry, including “[a]ccess to all prisons, detention centres, and places of interrogation;... [c]ontacts with representatives of non-governmental organizations, other private institutions and the media” and “[c]onfidential and unsupervised contact with witnesses and other private persons”. U.N. Office of the High Commissioner for Human Rights, “Country and visits of Special Procedures,” <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=CHN&Lang=en>.

¹⁹ During its 2009 UPR, China said that High Commissioner Navi Pillay could visit the country at “a time convenient to both sides.” China, however, never facilitated a trip for her visit.

²⁰ Remarks by Ambassador Li Baodong Head of the Chinese Delegation at Fourth Session of HRC WG on UPR (2 Feb. 2009), <https://www.fmprc.gov.cn/ce/cegv/eng/hom/t536333.htm>.

²¹ 28.214 Continue to implement initiatives for a comprehensive and far-reaching reform of the judicial system with a view to strengthening judicial guarantees in the field of human rights (Democratic Republic of the Congo); 28.215 Continue to strengthen the role of the judiciary in the protection of human rights (Egypt); 28.217 Further strengthen its national capacity with the aim of pursuing measures taken in the judicial sphere (Gabon); 28.218 Guarantee fair trials; allow all defendants unhindered access to their chosen lawyers, prompt notification of their families and transparent legal procedures (Germany); 28.221 Continue to promote openness of the judicial system and fully use the four major platforms for the openness of the approval process, trial procedure, judgement documents and information on the execution of judgments (Kyrgyzstan); 28.343 Uphold the rights, freedoms and rule of law embodied in the one country, two systems framework for Hong Kong (Australia);

²² 28.213 Guarantee fair trials, an independent judiciary and access to legal counsel, release all human rights defenders, including lawyers, and refrain from persecuting those who exercise their rights or defend others (Czechia);

4.3 Under the Chinese Criminal Procedure Law, people accused of state security crimes are denied due process. They have no right to a lawyer²³ or to an open trial,²⁴ can be kept for indefinite periods of time in detention, and may be kept at undisclosed locations for interrogation.²⁵ The family of the accused does not have to be notified about the detention²⁶ and family members may legally be kept under surveillance at their homes.²⁷ Evidence collected during the investigation process for criminal cases related to state secrecy is kept undisclosed, complicating any attempts for Tibetans to seek redress.²⁸

4.4 China routinely uses broadly and vaguely defined state security laws - including the crimes of “separatism”, “endangering state security”, “leaking state secrets” or “terrorism” - against Tibetans for peacefully exercising their human rights. 60 percent of people who are tried for inciting splittism by the Chinese authorities are in Tibet.²⁹ Kardze, Kham, Eastern Tibet [Ch: Ganzi Tibetan Autonomous Prefecture, Sichuan Province], comes out at the top of all regions (with 68 recorded cases of prisoners convicted of inciting splittism), followed by Ngaba County Amdo, Eastern Tibet [Ch: Aba, Sichuan Province] and Rebkong, Amdo, Eastern Tibet [Ch: Tongren, Qinghai Province].³⁰ Ngaba County is ranked third - in the PRC - for the highest number of Endangering State Security rulings; of 20 judgments disclosed, thirteen were trials of ‘inciting splittism’. There is a lack of public record of the trial or the detention of Tibetans sentenced for “inciting separatism” and few details about them are known, including the length of their sentences, age or current place of detention.

4.5 Those targeted include Tibetan human rights defenders, activists, writers, and scholars who have faced harassment, intimidation, and prosecution. Tibetan writer, intellectual, and monk Go Sherab Gyatso was sentenced to 10 years imprisonment in November 2021 in a secret trial³¹ and Rinchen Tsultrim was sentenced to four years and six months imprisonment and three years’ deprivation of political rights for the crime of “inciting secession”.³²

4.6 Tibetans are routinely subjected to closed-door trials and are denied the right to be brought promptly before a judge or other officer authorised by law to exercise judicial power.³³

4.7 In September 2020, the Shigatse Intermediate People’s Court tried four monks from Tengdro monastery in Dingri, U-Tsang [CH: Tingri County, Shigatse], in secret on unknown charges. They were found guilty and given extraordinarily harsh sentences ranging from five to 20 years in prison.³⁴ A further 16 monks were detained and held without trial for several months and later released after making pledges not to carry out any political acts but were not allowed to rejoin the monastery.

4.8 Prominent Tibetan nomad and environmental rights defender, A-Nya Sengdra, was sentenced to seven years in prison for “inciting separatism” in a closed-door trial on 6 December 2019 after over 14 months in pre-trial detention.³⁵ In 2021, Tibetan writer, Lobsang Lhundup (pen name Dhi Lhaden), was sentenced to four years in a closed-door trial on unknown charges. Since his arrest, his family has not been permitted to see or visit him, and fears for his well-being.

²³ Criminal Procedural Law, Article 37

<https://www.cecc.gov/resources/legal-provisions/criminal-procedure-law-of-the-peoples-republic-of-china>

²⁴ Ibid. Article 183

²⁵ Ibid. Article 73

²⁶ Ibid. Article 83

²⁷ Ibid. Article 73

²⁸ Ibid. Article 52

²⁹ Duihua, ‘Decoding State Security Trials, Part I: ESS Cases in Tibet Rose Sharply in 2020’,

<https://www.duihuajournal.org/2022/01/decoding-state-security-trials-part-i.htm>

³⁰ Duihua, ‘Ganzi Court Convicts Tibetans of Inciting Splittism’: <https://duihua.org/ganzi-court-convicts-tibetans-of-inciting-splittism/>

³¹ Human Rights Watch, ‘China: Imprisoned Tibetan Monk’s Health in Peril. Free Wrongfully Held Scholar Go Sherab Gyatso’ 9 February 2022:

<https://www.hrw.org/news/2022/02/09/china-imprisoned-tibetan-monks-health-peril>

³² <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36528>

³³ Article 9(3) of the ICCPR: “Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release...”

³⁴ Human Rights Watch, “Prosecute Them with Awesome Power” China’s Crackdown on Tengdro Monastery and Restrictions on Communications in Tibet, July 2021: <https://www.hrw.org/report/2021/07/06/prosecute-them-awesome-power/chinas-crackdown-tengdro-monastery-and-restrictions>

³⁵ International Tibet Network, UN Experts Call On China To Release Tibetan Nomad, A-Nya Sengdra, 19 May 2020:

https://tibetnetwork.org/un-experts_release-any-sengdra/

4.9 The Chinese authorities continue to arrest, detain, and subject Tibetans to enforced disappearance. In February 2022, six UN experts raised concern over the physical well-being of Tibetan musician Lhundrup Drakpa, writer Lobsang Lhundrub, and school teacher Rinchen Kyi, arrested and disappeared ‘in connection with their cultural activities in favour of the Tibetan minority language and culture.’³⁶ In July 2021, four UN experts expressed similar concern over the enforced disappearance of Rinchen Tsultrim and Go Sherab Gyatso, pointing to a “worrying pattern of arbitrary and incommunicado detentions (...) against the Tibetan religious minority.”³⁷

4.10 The Chinese authorities also routinely violate the right not to be compelled to incriminate oneself or confess guilt. Tibetans continue to be subjected to torture and other cruel, inhuman treatment and punishment as well as psychological pressure aimed at obtaining confessions of guilt (detailed in the next section).³⁸

Recommendations:

- Repeal or amend provisions of the Criminal Procedure Law that violate the rights of detainees to a fair trial.³⁹
- End the practice of enforced disappearances and of holding trials in secret and not publishing the trial proceedings of Tibetans accused of State Security crimes.
- Immediately and unconditionally release Tibetans arrested for peacefully exercising their human rights, including Rinchen Tsultrim, Go Sherab Gyatso, A-Nya Sengdra, and the four monks from Tengdro monastery.

5. Prohibition of Torture and cruel, inhuman, or degrading treatment

Overview

5.1 In 2018, the Chinese authorities accepted one recommendation that it “[s]trengthen measures preventing torture and ill-treatment”⁴⁰ and noted two recommendations that it ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴¹

5.2 Under Article 50 of the Chinese Criminal Procedure Law, the practice of extracting confessions through torture is prohibited while Article 54 forbids confessions extorted from a criminal suspect or defendant by illegal means such as torture. Article 55 provides up to three years imprisonment for state officials who extract confessions through force.⁴²

³⁶ OHCHR, AL CHN 14/2021 17 February 2022 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26936>

³⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26506>

³⁸ The Human Rights Committee has stated that the prohibition of coerced confessions requires “the absence of any direct or indirect physical or psychological pressure from the investigating authorities on the accused, with a view of obtaining a confession of guilt.” UN Human Rights Committee (HRC), General comment no. 32, Article 14, Right to equality before courts and tribunals and to fair trial, 23 August 2007, CCPR/C/GC/32, available at: <https://www.refworld.org/docid/478b2b2f2.html>; 41, 60

³⁹ Including the practice of holding trials in secret and not publishing trial proceedings against Tibetans accused of jeopardising state security.

⁴⁰ 28.170 Strengthen measures preventing torture and ill-treatment (Australia).

⁴¹ 28.2 Adhere to all human rights instruments to which it is not yet a party, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras); 28.13 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark) (Estonia);

⁴² Criminal Procedure Law of the PRC [hereinafter CPL of PRC], promulgated on 1 July 1979, as last amended in 2018, Arts. 50, 54, and 55, <https://www.cecc.gov/resources/legal-provisions/criminal-procedure-law-of-the-peoples-republic-of-china>.

Assessment

5.3 Since 2018, torture has remained systemic in Tibet, and is widely practiced with impunity. While torture is prohibited in practice, state security laws that deny due process rights (detailed in the section ‘Administration of Justice and Fair Trial’), help facilitate an environment in which torture can be carried out.⁴³

5.4 Torture and ill-treatment is particularly severe in Tibet,⁴⁴ which coupled with a lack of medical care and generally poor conditions of detention have led to multiple deaths in custody or shortly after release. In September 2022, a Tibetan man named Sherab died in custody after was arrested for bringing food to family members living in remote, nomadic communities.⁴⁵ Tibetan tour guide Kunchok Jinpa died on 6 February 2021,⁴⁶ as did 19-year-old Tibetan monk Tenzin Nyima in January 2021,⁴⁷ a 36-year-old Tibetan herder and mother of three, Lhamo, in August 2020,⁴⁸ and Jimtri, the brother of Tibetan nomad and environmental rights defender, A-Nya Sengdra, in November 2019.⁴⁹

5.6 There is a lack of promptness, thoroughness, independence, and transparency in many investigations of deaths in custody, and in some cases, by the immediate cremation of those who have died to prevent independent medical examinations from being carried out, which may reveal incriminating signs of torture and other ill-treatment.

5.7 Tibetans also continue to die shortly following release from prison and after reports of torture. Former political prisoner, Jigme Gyatso, died on 2 July 2022⁵⁰ after he had been unrecoverably ill since his release in October 2016 after serving five years in prison on a conviction for “inciting separatism”⁵¹ and Tibetan monk, Geshe Tenzin Pelsang, died in November 2022, following his release.⁵²

5.8 In 2021 it emerged that Dorjee Tashi, a Tibetan businessman and philanthropist, was subject to torture and ill-treatment during his pre-trial detention.⁵³ He was beaten with electric batons, cuffed to an iron bar and hung in the air, suffocated, had hot chili fluid poured through his nostrils, and subject to sleep deprivation. He is currently in critical health. Tibetan language rights activists⁵⁴ and environmentalists⁵⁵ have also been tortured in Chinese detention and there are extensive reports of Tibetan political prisoners being denied adequate and timely medical care while in custody.⁵⁶

⁴³ Ibid. Article 73

⁴⁴ Human Rights Watch, Tibetan Monk Dies from Beating in Custody, 21 January 2023:

<https://www.hrw.org/news/2021/01/21/china-tibetan-monk-dies-beating-custody>

⁴⁵ Tibet Times, “Chinese Police Beats Tibetan Man to Death.” 9 September 2022, tibettimes.net/2022/09/09/221994/

⁴⁶ Tibet Advocacy Coalition, Tibetan Deaths in Custody or Following Release, November 2020:

<https://docs.google.com/document/d/1Mk5M16gJf5WYC-t7ZlpRbh6xBdhvWdpch2okvSRyPxM/>

⁴⁷ Human Rights Watch, ‘China: Tibetan Monk Dies from Beating in Custody. 6 Others, Including Boy, Get Up to 5 Years for Distributing Leaflets, Video’ 21

January 2020: <https://www.hrw.org/news/2021/01/21/china-tibetan-monk-dies-beating-custody>

⁴⁸ Human Rights Watch, ‘China: Tibetan Woman Dies in Custody Two Detained for Sending Money to India’ 29 October 2020:

<https://www.hrw.org/news/2020/10/29/china-tibetan-woman-dies-custody#:~:text=Lhamo%2C%20a%20herder%20from%20Driro,transferred%20there%20from%20police%20custody.&text=She%20died%20two%20days%20later,which%20prevented%20a%20medical%20examination.>

⁴⁹ Tibet Advocacy Coalition, Tibetan Deaths in Custody or Following Release, November 2020:

<https://docs.google.com/document/d/1Mk5M16gJf5WYC-t7ZlpRbh6xBdhvWdpch2okvSRyPxM/>

⁵⁰ International Campaign for Tibet ‘Prominent former Tibetan political prisoner dies’ 7 July 2022:

<https://savetibet.org/prominent-former-tibetan-political-prisoner-dies/>

⁵¹ International Campaign for Tibet ‘Prominent former Tibetan political prisoner dies’ 7 July 2022:

<https://savetibet.org/prominent-former-tibetan-political-prisoner-dies/>

⁵² Free Tibet, ‘Tibetan monk and former prisoner dies from wounds’ 8 November 2022:

<https://freetibet.org/latest/tibetan-monk-and-former-prisoner-dies-from-wounds/>

⁵³ International Campaign for Tibet, ‘Testimony reveals pre-trial torture of Tibetan businessman-philanthropist’, 16 August 2021:

<https://savetibet.org/testimony-reveals-pre-trial-torture-of-tibetan-businessman-philanthropist/>

⁵⁴ Background Briefing 2017: Tibetan human rights defender Tashi Wangchuk, International Tibet Network,

<https://docs.google.com/document/d/1V42KWh8A1MxcSYTaJyMP2v1mhZGwa9qHli7I9EScNdS/>

⁵⁵ Tibet Advocacy Coalition ‘China’s Crackdown on Tibetan environmental defenders, April 2022:

<https://docs.google.com/document/d/11IMUsGRxPA9yUVDXfWcePS69qTKZYwb/edit?usp=sharing&oid=105961559656858895090&rtopof=true&sd=true>

International Campaign For Tibet, ‘Environmental defenders of Tibet: China’s persecution of Tibetan environmental defenders’ 3 June 2022:

<https://savetibet.org/environmental-defenders-of-tibet/> and

⁵⁶ International Campaign for Tibet, ‘Prominent former Tibetan political prisoner dies’, 7 July 2022:

<https://savetibet.org/prominent-former-tibetan-political-prisoner-dies/>

5.9 To date, there is no evidence of a single case of torture in Tibet being investigated or the perpetrators being held accountable. China also continues to refuse to ratify the Optional Protocol to the Convention against Torture.⁵⁷

5.10 In 2018, accounts came to light of Torture and sexual abuse - including rape^{58 59} in ‘transformation through education’ facilities targeting Tibetan monks and nuns for ‘correction’,⁶⁰ including in Sog (Chinese: Suo) county, Nagchu (Naqu) Prefecture in the TAR.

Recommendations:

- Undertake a full and impartial investigation into all allegations of torture and other ill-treatment against Tibetans.
- Immediately launch impartial investigations into the circumstances surrounding Tibetan deaths in custody or shortly following their release, including of 19-year-old Tibetan monk, Tenzin Nyima.
- Provide adequate and timely medical treatment and psychological support to all Tibetan prisoners.
- Fully implement the recommendations of the concluding observations adopted in 2015 by the Committee against Torture.

6. Oppressive Policies Targeting Tibetan Children

Overview

6.1 In 2018, China accepted at least 13 recommendations related to children's rights⁶¹ and noted at least two others, including on ratifying further international legal instruments to promote and protect child rights.⁶²

Assessment

6.2 Since 2018, the Chinese authorities have continued to violate the rights of Tibetan children. This has been particularly pronounced with the vast growth of colonial boarding schools, in which nearly one million Tibetan

⁵⁷ The Optional Protocol permits members of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to visit places where people are arrested, imprisoned or detained, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

⁵⁸ Tibet Advocacy Coalition, ‘Assaulting Identity: China’s New Coercive Strategies in Tibet’, 24 March 2021: <https://tibetadvocacy.org/2021-tibet-report/>

⁵⁹ Also see: ‘Tibetan Re-Education Camp Journal Tells of China’s Tactics Now Used on Uighurs’, May 25, 2019, <https://www.voanews.com/south-central-asia/tibetan-re-education-camp-journal-tells-chinas-tactics-now-used-uighurs> The former detainee says: “Those who the officials didn’t like would be captured and tortured with electronic devices. When they become unconscious, [the torturers] would splash water on their faces until their victims regained their consciousness. After doing that for a long time, they would use a black rubber tube as well as electronic baton to torture people. The bruised bodies of the prisoners turned blue and black, and people become half-dead. For some [strange] reason, their bones were not broken.”

⁶⁰ Tibetan Centre for Human Rights and Democracy report, May 28, 2018, <https://tchrd.org/tibetan-monks-account-reveals-rampant-use-of-torture-and-sexual-abuse-in-chinas-political-re-education-centres/>

⁶¹ 3rd UPR Report on China, supra n1. 28.264 Ensure access to quality education for all children in line with the Convention on the Rights of the Child (Slovenia); 28.60 Continue efforts to implement its international human rights commitments, particularly with regard to women’s and children’s rights (Peru); 28.299 Accelerate the process of modifying the relevant law in order to continue improving the legal protection of minors (Dominican Republic); 28.64 Further strengthen the rights of women, children, the elderly and persons with disabilities (Mauritius); 28.63 Intensify efforts to promote and fully ensure the rights of women, children and persons with disabilities (Italy); 28.253 Continue to promote the development of the physical and mental health of children in a balanced fashion (Gabon); 28.265 Further improve access to education for children, especially those living in rural areas and the children of migrant workers (Sri Lanka); 28.260 Take appropriate measures to ensure that all children fully enjoy the right to education (Portugal); 28.261 Make further efforts to provide the right to education for all without discrimination (Qatar); 28.262 Continue to advance in the area of fair and equal education so as to guarantee the right to education (Saudi Arabia); 28.263 Continue to invest in improving the conditions of schools in remote areas (Singapore); 28.273 Increase support for early childhood education in rural communities (Nepal); 28.297 Continue efforts to enhance children’s rights (Tunisia); 28.110 Make further efforts to strengthen the protection of the rights of children, persons with disabilities and other vulnerable groups (Bulgaria);

⁶² 3rd UPR Report on China, supra n1. 28.3 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal); 28.20 Ratify the Convention against Discrimination in Education and continue its efforts to ensure access to quality education for disadvantaged children in poor and remote areas (Afghanistan);

children have been forcibly separated from their families and communities.⁶³ This represents three out of every four Tibetan students between the ages of six and 18 - or 78% of all Tibetans in this age category. In addition, at least 100,000 four- and five-year-old children are estimated to be separated from their parents and living in boarding preschools for at least five days in a week.⁶⁴ In these schools, Tibetan children are forbidden from practicing their religion, taught mainly in Chinese, and subjected to intense political indoctrination.

6.3 These schools have a devastating impact on the emotional and psychological well-being of children as a result of being separated from their families, communities, and culture. The Chinese authorities claim that “Parents can pick up their children every weekend or every month, and students reunite with their families during winter and summer vacations. There is no so-called “separation” of children from their families.”⁶⁵ Testimonies on the ground show that while some of these boarding schools permit contact between children and their families every weekend or every ten days - if the family is nearby - others see their families once a year.⁶⁶ For instance, in Sichuan, research showed that due to distance and difficult travel, as many as 80% of Tibetan children do not return home during the school year (even for holidays), only meeting their parents halfway or staying with relatives or friends who live closer to the school.

6.4 Concerns over this residential school system imposed on Tibetan children have been documented extensively by UN experts. In November 2022, Special Rapporteurs said this was part of a “large-scale campaign [by the Chinese authorities] to assimilate Tibetan culture and language” and noted the “substantial increase in the number of residential schools operating in Tibet and in the number of Tibetan children living in them,” as well as that preschools in Tibet are required to operate in Mandarin Chinese despite Chinese government claims to the contrary.⁶⁷ The former UN High Commissioner, during her visit to China in May 2022, raised education policies in Tibet and “stressed the importance of children learning in their own language and culture in the setting of their families or communities.”

6.5 On 6 March 2023, the UN Committee on Economic, Social and Cultural Rights (CESCR) called on China to “immediately abolish the coerced residential (boarding) school system imposed on Tibetan children, as well as allowing private Tibetan schools to be established.”⁶⁸ On 9 June 2023, the Committee on the Elimination of Discrimination against Women (CEDAW) echoed this language and called on the Chinese authorities to “Abolish the coerced residential (boarding) school system imposed on Tibetan girls and authorize the establishment of and subsidize private Tibetan schools.”⁶⁹

6.6 CESCR stated that Tibetans “continue to face severe restrictions in the realization of their right to take part in cultural life, including the right to use and teach minority languages, history, and culture”⁷⁰ and called on China to “ensure that Mandarin is not the only language allowed as the language of instruction [in Tibetan schools].”⁷¹ CEDAW similarly called on China to “Ensure that girls and women belonging to the ethnic

⁶³ Tibet Action Institute, “Separated From Their Families, Hidden From the World: China’s Vast System of Colonial Boarding Schools Inside Tibet” December 2021: https://s7712.pcdn.co/wp-content/uploads/2022/01/2021_ColonialBoardingSchoolReport_Digital.pdf

⁶⁴ Tibet Action Institute “Eyewitness: China Operating Mandatory Boarding Preschools Across Tibet, 2022: <https://tibetaction.net/2022/05/24/eyewitness-confirms-mandatory-boarding-preschools-operating-across-tibet/>

⁶⁵ Replies of China to the List of Issues in relation to its third periodic report, E/C.12/CHN/RQ/3 29 March 2021, para 22: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHN%2FRO%2F3&Lang=en

⁶⁶ Tibet Action Institute “Eyewitness: China Operating Mandatory Boarding Preschools Across Tibet” 24 May 2022: <https://tibetaction.net/2022/05/24/eyewitness-confirms-mandatory-boarding-preschools-operating-across-tibet/>, page 30-32

⁶⁷ Special Procedures Communication, 11 November 2022: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27444>

⁶⁸ Committee on Economic, Social and Cultural Rights, Concluding Observations, 6 March 2023: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHN%2FCO%2F3&Lang=en

⁶⁹ Committee on the Elimination of Discrimination against Women, Concluding Observations, 9 June 2023: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC.12%2FCHN%2FCO%2F9&Lang=en

⁷⁰ Committee on Economic, Social and Cultural Rights, Concluding Observations, 6 March 2023: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHN%2FCO%2F3&Lang=en

⁷¹ Committee on Economic, Social and Cultural Rights, Concluding Observations, 6 March 2023: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHN%2FCO%2F3&Lang=en

minorities have access to instruction in their mother tongue... such as Tibetan”. They also called on China to “reverse the closure of schools providing instruction in minority languages.”⁷²

6.7 China’s boarding school policy is discriminatory in that it targets Tibetans and other “ethnic minorities,” while the rate of Chinese students in boarding schools is dramatically lower, even in rural areas. Tibetan parents are compelled to send their children to boarding schools due to a lack of alternatives and are unable to advocate for other options in Tibet’s repressive environment. Individual accounts show that intimidation and threats are used to coerce reluctant parents to send their children to such schools.

6.8 In March 2021, the 14th Five-Year Plan (2021-2025) for National Economic and Social Development and Long-Range Objectives for 2035 stated an intent to “raise the quality and level of education in ethnic minority regions and intensify efforts to popularise the national common language and writing system”.⁷³ In August 2021, a directive from the Ministry of Education made the use of the Mandarin in childcare activities compulsory in all preschools across China.⁷⁴

6.9 Over the last decade, Chinese authorities have systematically closed local Tibetan schools, including monastery schools and other privately-run Tibetan schools, leaving parents with no choice but to send their children away. Parental resistance has been met by threats and intimidation.⁷⁵

Recommendations:

- Immediately abolish the residential boarding school and pre-school system imposed on Tibetan children and authorise the establishment of and subsidise private Tibetan schools.
- Revise the “bilingual education” policy that replaces Tibetan with Chinese as the medium of instruction and ensure that all Tibetan children are able to use Tibetan in every aspect of their schooling.

7. Restrictions on Tibetan Language Education

Overview

7.1 In 2018, China accepted six recommendations related to language and education,⁷⁶ including to continue developing bilingual education and strengthen their approach to respecting cultural differences.

7.2 Article 4 of the Chinese constitution guarantees all ethnic groups the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.⁷⁷

⁷² Committee on the Elimination of Discrimination against Women, Concluding Observations, , 9 June 2023:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHN%2FCO%2F9&Lang=en

⁷³ Center for Security and Emerging Technology, ‘Outline of the People’s Republic of China 14th Five-Year Plan for National Economic and Social Development and Long-Range Objectives for 2035’: <https://cset.georgetown.edu/publication/china-14th-five-year-plan/>

⁷⁴ Radio Free Asia, ‘China Imposes Mandarin-Language Teaching on Kindergartens in Ethnic Minority, Rural Areas’ 6 August 2021:

<https://www.rfa.org/english/news/china/language-08062021092956.html>

⁷⁵ Tibet Action Institute, “Separated From Their Families, Hidden From the World: China’s Vast System of Colonial Boarding Schools Inside Tibet” December 2021: https://s7712.pcdn.co/wp-content/uploads/2022/01/2021_ColonialBoardingSchoolReport_Digital.pdf

⁷⁶ 3rd UPR Report on China, *supra* n.1. 28.326 Further strengthen the protection of the rights of ethnic minority groups, in accordance with China’s Constitution and international human rights commitments (Greece); 28.267 Continue efforts to narrow the gap in compulsory education between ethnic autonomous areas and the national average (Burundi); 28.268 Continue to develop bilingual education in ethnic minority areas (Democratic People’s Republic of Korea); 28.272 Continue to implement the free education policy in the Tibet Autonomous Region (Nepal); 28.274 Continue the increased supply of educational resources in remote, rural and ethnic minority areas (Bangladesh); 28.275 Strengthen the approach of respecting cultural differences within its territory (Peru).

⁷⁷ Constitution of the PRC, Article 4.

Assessment

7.3 China continues to the language rights of Tibetans, including by mandating Chinese as the medium language of instruction in schools across Tibet, closing down local Tibetan schools, and restricting efforts by Tibetans to develop and study Tibetan, including in monasteries.⁷⁸

7.4 While the official policy is termed “bilingual education,” this measure has resulted in the replacement of Tibetan with Chinese as the medium of instruction in primary schools throughout the region, with the exception of classes studying Tibetan as a language.⁷⁹

7.5 The new China National Program for Child Development (2021–2030), released on 27 September 2021, also omitted the previous directive to “respect and protect the rights of children of ethnic minorities to be educated in their own language” and instead committed to “promoting the common national language”.⁸⁰

7.6 In May 2019, a leaked copy of an order issued by the Education Bureau in Golok, a Tibetan Autonomous Prefecture within Qinghai, showed that the Chinese authorities ordered primary and middle schools to give lessons in Chinese instead of Tibetan for the 2019–2020 school year.⁸¹ The leaked document states that all subjects, except for the Tibetan language, will be taught in Mandarin. Similar efforts were rolled out across other Tibetan populated areas, including in Ngaba County in Ngaba Tibetan and Qiang Autonomous Prefecture, Amdo province in Eastern Tibet (Ch: Aba, Sichuan Province). In April 2020, Tibetans in Ngaba were informed that instruction in Tibetan schools would soon be given exclusively in Chinese, with Tibetan language instruction being reserved solely for when students are taught Tibetan as a language subject.⁸²

7.7 On 21 July 2021, the General Office of the Ministry of Education issued a notice clarifying that from September 2021 onwards, kindergartens in all ethnic and rural areas were to be taught in Mandarin Chinese to promote a standardised national language and equity of so-called “high-quality education”.⁸³ In July, an announcement by the Ministry of Education in Tsolho, Malho, and Yushu Tibetan Autonomous Prefectures in Qinghai Province, also issued notices in Chinese, stating higher admission score requirements for Tibetans enrolling in national high schools where Tibetan is the main medium of instruction, a move which sources in the area have described as strategic means of reducing access to Tibetan education.

7.8 The Chinese authorities have simultaneously closed down schools that teach in the Tibetan language. On 8 July 2021, Chinese authorities in Golog, eastern Tibet, ordered the closure of Sengdruk Taktse, a private Tibetan middle school in Darlak County.⁸⁴ In November 2022, UN experts raised concerns over the closing of this school and other similar measures by the Chinese authorities.⁸⁵

7.9 In October 2021, the Chinese authorities issued a notice to all districts and cities in Qinghai province, banning all informal classes or workshops that teach the Tibetan language during the winter when their schools are closed. A local government notice issued in December 2018 entitled “Urgent notice concerning stopping illegal study classes in monasteries,” already prohibited Tibetan children from attending language classes in monasteries in Nangchen County,⁸⁶ eastern Tibet, warning that holding classes in the monasteries was a danger

⁷⁸ Chinese Government’s Follow-up Response to the Concluding Observations of the UN Committee on the Elimination of Racial Discrimination, 8 October 2018, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2fCHN%2fCO%2f14-17%2fAdd.1&Lang=en

⁷⁹ Human Rights Watch, ‘China’s “Bilingual Education” Policy in Tibet Tibetan-Medium Schooling Under Threat’ 4 March 2020, <https://www.hrw.org/report/2020/03/04/chinas-bilingual-education-policy-tibet/tibetan-medium-schooling-under-threat>

⁸⁰ Voice of America, ‘China Steps Up Assimilation of Ethnic Minorities by Banning Languages in Schools’ 24 October 2021: <https://www.voanews.com/a/china-steps-up-assimilation-of-ethnic-minorities-by-banning-languages-in-schools-/6281558.html>

⁸¹ Voice of America, ‘Golok Prefecture plans to implement Chinese-language education’, 16 April 2019, <https://www.voatibetan.com/a/4920012.html>

⁸² Radio Free Asia, Classroom Instruction Switch From Tibetan to Chinese in Ngaba Sparks Worry, Anger, 9 April 2020: <https://www.rfa.org/english/news/tibet/classroom-04092020184114.html?searchterm=utf8:ustring=%20ngaba>

⁸³ Mandarin translation: http://www.moe.gov.cn/srcsite/A18/s3129/202108/t20210802_548318.html English translation: <https://bitterwinter.org/the-new-preschool-directive-cultural-genocide-now-starts-in-kindergarten/>

⁸⁴ Free Tibet, ‘Outcry From Tibetans After School Is Given Orders To Close’ 19 July 2021: <https://freetibet.org/news-media/na/outcry-tibetans-after-school-given-orders-close>

⁸⁵ Special Procedures Communication, 11 November 2022: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27444>

⁸⁶ Nangchen (Ch: Nangqên) County, Yulshul (Ch: Yushu Tibetan Autonomous Prefecture), Kham (Ch: Qinghai Province)

that would be “dealt with.”⁸⁷ Previously in 2018, regional police in China issued a public notice that declared organisations campaigning on “mother tongue” issues illegal and a form of “underworld gang crime.”⁸⁸

7.10 Tibetans who air their grievances about the erosion of Tibetan language education are also routinely arrested and sentenced to prison on politically motivated and trumped up charges, including Tibetan school teacher Rinchen Kyi in 2021, whose case was raised by UN experts in February 2022;⁸⁹ Tibetan monk and language rights advocate Sonam Palden in 2019;⁹⁰ Tsering Dorjee in 2019;⁹¹ 23 year old Tibetan college graduate Loten in 2021;⁹² two Tibetan youngsters named Yang Ri and Guldak in 2021.⁹³

Recommendations:

- Ensure that all Tibetan children are able to learn and use Tibetan language in all aspects of their school curriculum, from kindergartens upwards; and reverse the damaging ‘bilingual education policy’.
- Immediately lift the restrictions against voluntary and community-based Tibetan language associations and their classification as ‘illegal associations’ in order to ensure they are free to operate safely and effectively.

⁸⁷ Tibet Watch, ‘Tibetan monks holding classes for children will be punished, China warns’ 6 February 2019,

<https://www.tibetwatch.org/news/2019/6/17/tibetan-monks-holding-classes-for-children-will-be-punished-china-warns>

⁸⁸ Human Rights Watch, ‘In Tibet, it’s a crime to even talk about the value of mother-tongue education’, 15 April 2020,

<https://www.hrw.org/news/2020/04/15/tibet-its-crime-even-talk-about-value-mother-tongue-education>

⁸⁹ AL CHN 14/2021 17 February 2022 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26936>

⁹⁰ Radio Free Asia, ‘Tibetan Monk Arrested by Chinese Police Last Month Remains Missing’, 10 April 2019,

<https://www.rfa.org/english/news/tibet/sonam-palden-10042019175054.html#:~:text=Sonam%20Palden%20was%20arrested%20in,monastery%20in%20Nga%20since%20childhood> ; Tibetan Centre for Human Rights and Democracy, ‘Monk detained for criticising China’s policy on Tibetan language at high risk of

torture’ 11 November 2019, <https://tchrd.org/monk-detained-for-criticising-chinas-policy-on-tibetan-language-at-high-risk-of-torture/>

⁹¹ Tibetan Centre for Human Rights and Democracy, ‘Tibetan man criminally detained for phone conversation about Tibetan language education’ 20 December

2019, <https://tchrd.org/tibetan-man-criminally-detained-for-phone-conversation-about-tibetan-language-education/>

⁹² Radio Free Asia, ‘Tibetan man arrested for speaking against China’s language policy’ 11 January 2022:

<https://www.rfa.org/english/news/tibet/policy-01112022144007.html>

⁹³ Tibet Watch, ‘Two Tibetan youngsters detained for chat group in Tibetan language’ 9 September 2021:

<https://www.tibetwatch.org/news/2021/9/9/two-tibetan-youngsters-detained-for-chat-group-conversation-in-tibetan-language>

8. Denial of Freedom of Religion

Overview

8.1 In 2018, China accepted 15 recommendations on respecting the rights of freedom of thought, conscience, and religion.⁹⁴ China also accepted recommendations to continue to strengthen the development of laws and systems that protect religious freedom,⁹⁵ as well as to respond positively to the invitation addressed to it by the Special Rapporteur on freedom of religion or beliefs.⁹⁶ Most notably China supported recommendations to respect the rights to freedom of religion or belief, opinion and expression, peaceful assembly and culture for Tibetans⁹⁷ as well as to guarantee the freedom of religion or belief in Tibet.⁹⁸

8.2 The fact that China noted nine recommendations to ensure full transparency in situations involving religious minorities, ceasing arbitrary detention of religious minorities, and ending persecution on the basis of religious belief⁹⁹ demonstrates China's reluctance to provide Tibetans the freedom of religion rights to which they are guaranteed.

Assessment

8.3 Despite China accepting a recommendation in the last UPR that it responds positively to a visit request by the Special Rapporteur on Freedom of Religion and Belief, this visit has remained outstanding since 13 January 2003.¹⁰⁰

8.4 Chinese authorities have sought to further limit the freedom of thought, conscience, and religion of Tibetans, including by continuing to ignore calls that it accounts for the well-being and whereabouts of Tibet's 11th Panchen Lama, Gedhun Cheokyi Nyima, who on 17 May 1995 at the age of six, was subjected to enforced disappearance. On 2 June 2020, five UN experts reiterated their grave concern at this situation and requested that China provide prompt and detailed information on his whereabouts and endorsed the Committee on the Rights of the Child's recommendation to allow an independent monitor to visit him.¹⁰¹

8.5 The Chinese authorities have continued to destroy sacred cultural and religious sites in Tibet and ban religious rituals. Since October 2021, Drago County, Kardze, eastern Tibet (Ch: Luhuo County, Garzê Tibetan

⁹⁴3rd UPR Report on China, *supra* n1. 28.183 Respect, protect and fulfil the right to freedom of thought, conscience and religion, in accordance with general comment 22 of the Human Rights Committee (New Zealand); 28.24 Respond positively to the invitation addressed to it by the Special Rapporteur on freedom of religion or belief (Poland); 28.184 Continue accelerating the development of laws and systems that protect freedom of religion for all citizens (Peru); 28.197 Continue to strengthen the development of laws and systems for protecting freedom of religion or belief (Indonesia); 28.198 Improve the management of religious worship, in accordance with national laws (Algeria); 28.327 Prevent and combat all forms of discrimination and violence, especially against ethnic and religious minorities (Italy); 28.195 Respect the rights to freedom of religion or belief, opinion and expression, peaceful assembly and culture, including for Tibetans, Uighurs and other minorities (Germany); 28.322 Fully respect the rights of ethnic minorities, freedom of religion and expressions of cultural identity (Croatia); 28.186 Take the necessary measures to allow all citizens to enjoy the free exercise of religion or belief and to ensure that ethnic minorities can freely practise their religion and exercise their culture (Austria); 28.182 Fully protect freedom of religion or belief by ensuring Chinese law supports the rights of individuals to freely practise their religion (Australia); 28.185 Ensure full implementation of its international human rights obligations regarding freedom of religion or belief (Poland); 28.188 Continue to promote freedom of religious belief in accordance with the law; safeguard social and religious harmony among its people (Turkmenistan); 28.193 Continue promoting freedom of religion or belief in accordance with the context of national laws (Egypt); 28.194 Guarantee freedom of religion or belief, including in Tibet and in Xinjiang (France).

⁹⁵ 3rd UPR Report on China, *supra* n1. 28.184 Continue accelerating the development of laws and systems that protect freedom of religion for all citizens (Peru); 28.197 Continue to strengthen the development of laws and systems for protecting freedom of religion or belief (Indonesia).

⁹⁶ 3rd UPR Report on China, *supra* n1. 28.24 Respond positively to the invitation addressed to it by the Special Rapporteur on freedom of religion or belief (Poland);

⁹⁷ 3rd UPR Report on China, *supra* n1. 28.195 Respect the rights to freedom of religion or belief, opinion and expression, peaceful assembly and culture, including for Tibetans, Uighurs, and other minorities (Germany).

⁹⁸ 3rd UPR Report on China, *supra* n1. (28.194 28.194 Guarantee freedom of religion or belief, including in Tibet and in Xinjiang (France).

⁹⁹ 3rd UPR Report on China, *supra* n1 (28.32 Ensure full transparency on the situation for religious minorities in Xinjiang, including by allowing United Nations-mandated observers unrestricted access to places of internment in the region (Norway); 28.175 Cease the arbitrary detention of Uighurs and other Muslim groups in Xinjiang (Australia); 28.191 Ensure freedom of religion or belief and end the detention, harassment and so-called re-education of ethnic minorities, including in Xinjiang (Czechia); 28.178 Halt the practice of detaining ethno-religious minorities who have not been lawfully convicted for a criminal offence in re-education camps and release those currently detained under such circumstances (Belgium); 28.319 Take urgent steps to respect the rights of persons belonging to ethnic minorities, including the rights to peaceful assembly and to manifest religion and culture, in particular in Xinjiang and Tibet (Sweden); 28.189 Cease interference in the selection and education of religious leaders, such as Tibetan Buddhist lamas (United States of America); 28.190 End prosecution and persecution on the basis of religion or belief, including for Muslims, Christians, Tibetan Buddhists and Falun Gong (Canada).

¹⁰⁰ View Country visits of the Special Procedures of the Human Rights Council since 1998, OHCHR,

<https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=CHN&Lang=en>.

¹⁰¹ OHCHR, AL CHN 12/2020, 2 June 2020: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25294>

Autonomous Prefecture, Sichuan Province) has been the target of a series of demolitions including sites and objects of deep religious and historical significance to local communities. These include a Buddhist school; a prayer wheel building; a 99-foot-tall statue of the Buddha that was funded by local Tibetans to prevent natural catastrophes; a 45-foot-tall statue of Guru Rinpoche,¹⁰² a 30-foot statue of the Buddha of Future and its temple; a revered Buddhist leader's residence and the monastery's prayer flags, which were taken down and burned.¹⁰³

8.6 The Chinese authorities have continued to destroy the Buddhist sites of Larung Gar and Yarchen Gar in Kardze, Kham, Tibet (Ch: Ganzi Tibetan Autonomous Prefecture, Sichuan Province). A new wave of residential dwelling demolitions took place at Yarchen Gar in August 2019, levelling almost half of a heavily populated area on the western bank of the Buddhist Institute. The western half of the site is where Yarchen Gar's nuns live and prior to the demolitions consisted of some 13,000 dormitories. Satellite images commissioned by Tibet Watch reveal the extent of the recent demolitions¹⁰⁴ and show the clear contrast of the site from 2013 to 2019 with bare ground where a previously densely populated area of the community stood. A police checkpoint has been installed on the road to the site along with numerous security cameras while security forces have been deployed inside the site reportedly to monitor residents.¹⁰⁵ Local sources stated that around 7,000 people were forcibly removed from Yarchen Gar in 2019, with at least some held in internment facilities and subjected to patriotic re-education before being released, where one nun took her own life.¹⁰⁶

8.7 The "Management Measures for the Reincarnation of Living Buddhas in Tibetan Buddhism" continues to be implemented by the Chinese authorities to undermine Tibetan Buddhism.¹⁰⁷ The law stipulates that reincarnations may not be recognised without Party state approval, that 'living Buddhas' must live in the PRC and that any recognition of tulkus outside the PRC is illegal. In 2020, five UN experts raised their concern that the Religious Affairs Regulations 2017 "may interfere and possibly undermine, in a discriminatory way, the religious traditions and practices of the Tibetan Buddhist minority".¹⁰⁸

8.8 On 1 February 2020, the "Measures for the Administration of Religious Groups", came into effect, requiring that "Religious groups must follow the leadership of the Communist Party of China", "persist in the direction of sinification of religion" and "maintain national ethnic unity".¹⁰⁹ This builds on previous policies such as the "Four Standards" policy in 2018, which requires that Tibetan monks and nuns must demonstrate "political reliability," "moral integrity capable of impressing the public," and willingness to "play an active role at critical moments."¹¹⁰ The implication is that they must agree to forestall or block any attempts to protest against Chinese state policy. In August 2019, new regulations and notices were also issued that restrict religious freedoms in Tibet, including banning retired Tibetan government employees from taking part in religious activities.¹¹¹

Recommendations:

- Immediately repeal the "Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism" and the "Religious Affairs Regulations of 2017".

¹⁰² Guru Rinpoche is an 8th century Tantric master

¹⁰³ 'Destruction of Buddha statue, prayer wheels and prayer flags in Drago County', Tibet Watch, 24 December 2021:

<https://www.tibetwatch.org/news/2021/12/24/99ft-buddha-statue-and-45-prayer-wheels-forcibly-demolished-with-prayer-flags-taken-off-and-burned>

¹⁰⁴ Free Tibet, 'Images of Yarchen Gar demolitions, 2019' <https://www.flickr.com/photos/freetibetorg/albums/72157711045432981>

¹⁰⁵ 'Further evictions and repression at Yarchen Gar', Tibet Watch, 8 July 2019:

<https://www.tibetwatch.org/news/2019/7/23/further-evictions-and-repression-at-yarchen-gar>

¹⁰⁶ 'Tibetan Nun Expelled From Buddhist Center Commits Suicide in Internment Camp', Radio Free Asia, 14 February 2020 www.rfa.org/english/news/tibet/nun-02142020172455.html

¹⁰⁷ Translation of the regulations by the International Campaign for Tibet at:

<https://savetibet.org/new-measures-on-reincarnation-reveal-partys-objectives-of-political-control/> and

<https://www.cecc.gov/resources/legal-provisions/measures-on-the-management-of-the-reincarnation-of-living-buddhas-in-0>

¹⁰⁸ OHCHR, UN DOC AL CHN 12/20, 2 June 2020: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gtid=25294>

¹⁰⁹ Measures for the Administration of Religious Groups of the People's Republic of China (2015), see unofficial translation by China Law Translates: <https://www.chinalawtranslate.com/measures-for-the-administration-of-religious-groups/?lang=en>.

¹¹⁰ China: New Political Requirements for Tibetan Monastics, HUMAN RIGHTS WATCH (Oct. 30, 2018),

www.hrw.org/news/2018/10/31/china-new-political-requirements-tibetan-monastics

¹¹¹ Human Rights Watch, *China: Ban on Tibet Religious Activity Toughened* (11 Sep. 2019),

<https://www.hrw.org/news/2019/09/11/china-ban-tibet-religious-activity-toughened>

- Provide proof of the whereabouts and well-being of Gedhun Choekyi Nyima, the 11th Panchen Lama of Tibet.
- Immediately cease the destruction of cultural heritage in Tibet, including religious sites or objects.
- Immediately cease the policy of “political re-education” for Tibetans.

9. Unjust and Unfavourable Conditions of Work

Overview

9.1 In 2018, China accepted three recommendations related to the protection of labour rights and labour relations, including the strengthening of its laws in order to enhance the rights of workers.¹¹²

Assessment

9.2 Since 2018, Chinese authorities have failed to ratify ILO Convention No.29 on Forced or Compulsory Labour; ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise; ILO Convention No. 98 on the Right to Organise and Collective Bargaining, and ILO Convention No.105 on the Abolition of Forced Labour. This lack of progress in acceding to ILO Conventions demonstrates China’s unwillingness to cooperate with the United Nation’s mechanisms and to promote accountability in labour practices.

9.3 In March 2019, the Chinese government introduced new labour policies in its *Farmer and Pastoralist Training and Labor Transfer Action Plan (2019-2020) in the Tibetan Autonomous Region (TAR)* that expanded a labour transfer programme throughout TAR.¹¹³ According to official statistics, this programme has seen over 2.8 million Tibetan herders and nomads transferred between 2015-2020,¹¹⁴ with 604,000 in 2020 alone.¹¹⁵ In 2021, an addition of 700,000 herders and farmers were to be further assisted to follow an identical ‘labour transfer programme.’¹¹⁶ This programme has shifted mainly farmers, herders and other rural workers into low-skilled and low-paid employment.¹¹⁷ On 6 February 2023, UN experts raised concerns over this programme¹¹⁸ as did the Special Rapporteur on Contemporary Forms of Slavery in 2022¹¹⁹ and the CESCR.¹²⁰

9.4 A core component of this training and transfer scheme is ideological re-education, which at times constitutes the majority of the training.¹²¹ For instance, one policy document from the Shigatse (Ch: Rigaze) government

¹¹² 3rd UPR Report on China, *supra* n.1. 28.223 Continue strengthening and developing legislation that promotes the protection of labour and social rights (Eritrea); 28.246 Further improve laws and regulations regarding the rights and interests of workers and labour unions (Angola); 28.247; Continue to guarantee the right to work, and build harmonious labour relations (Mozambique).

¹¹³ Labour transfers to workplaces outside Tibet were introduced in 2020, under the same terminology used in Xinjiang’s labor transfers: “supra-regional employment transfer”. See Adrian Zenz

<https://jamestown.org/program/jamestown-early-warning-brief-xinjiangs-system-of-militarized-vocational-training-comes-to-tibet/>

¹¹⁴ People’s Daily, Lhasa, 7 February, 2021, using figures from the Department of Human Resources and Social Security of the TAR, <http://xz.people.com.cn/n2/2021/0209/c138901-34573359.html>, archived at <https://archive.vn/SuhEp>

¹¹⁵ Xinhua News Agency, Lhasa, 14 December 2020, reporting figures from the Tibet Autonomous Region Human Resources and Social Security Department, <https://archive.is/2gT9r#selection-553.0-553.330>

¹¹⁶ www.china.org.cn/china/2021-02/07/content_77196369.htm

¹¹⁷ Tibet Advocacy Coalition, ‘Assaulting Identity: China’s New Coercive Strategies in Tibet’, 24 March 2021: <https://tibetadvocacy.org/2021-tibet-report/>; Adrian Zenz, Xinjiang’s System of Militarized Vocational Training Comes to Tibet, JAMESTOWN FOUNDATION, published 22 September, 2020, accessed 19 January 2021, <https://jamestown.org/program/jamestown-early-warning-brief-xinjiangs-system-of-militarized-vocational-training-comes-to-tibet/>

¹¹⁸ OHCHR, UN Communication AL CHN 14/2022, 6 February 2023:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27776>

¹¹⁹ Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 19 July 2022, A/HRC/51/26, para 23: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F51%2F26&Language=E&DeviceType=Desktop&LangRequested=False>

¹²⁰ Committee on Economic, Social and Cultural Rights (CESCR), List of issues in relation to the 3rd periodic report of China, E/C.12/CHN/Q/3, 7 April 2021 para 16: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHN%2FQ%2F3&Lang=en

¹²¹ Website of the Rigaze Municipal People’s Government, <http://www.rkzsf.gov.cn/public-wj-detail.thtml?cid=8537>

indicates that no less than 70% of training time should be allocated to ‘order-based’ class hours.¹²² This focus on ideological indoctrination is a clear violation of Article 6(2) of the CDESCR.¹²³

9.5 Documents from the Commerce Department of the TAR show the ways in which the programme is being used to undermine Tibetan Buddhism¹²⁴ and “strengthen patriotic awareness” among trainees.¹²⁵ Current and former Tibetan prisoners are also targeted to stop them being “a burden” to the Party and to “ensure stability.”¹²⁶ Chinese language is prioritised over Tibetan in the labour transfer process.¹²⁷

9.6 The training programmes often do not develop or advance – and actively reverse - sustainable Tibetan livelihoods where Tibetans hold comparative advantages, such as woollen goods, dairy products and livestock, and many Tibetans are transferred to low-skilled, low-paid jobs.¹²⁸ This was recognised by CEDAW on 9 June 2023.¹²⁹ The Committee called on China to “Immediately halt non-voluntary “labour transfer” and “vocational training” programmes in the TAR of China, and carry out meaningful consultations with the affected women in order to explore alternative training options, including those that make full use of their unique skills and potential.”¹³⁰

9.7 Government documents and policy statements highlight the coercive nature of these training programmes. All stages of the programme- recruitment, the vocational training process, and the labour transfers- appear to utilise various methods of pressure, leaving Tibetans unlikely to be able to freely make choices once recruited into the programme. This is especially the case given Party Cadres are required to meet detained quotas - or risk punishment - which not only mandate how many surplus labourers each county must train but also how many are to be trained in each vocational speciality.¹³¹

Recommendations:

- Ratify and implement the four fundamental ILO Conventions, which China has yet to ratify.¹³²
- Immediately halt non-voluntary “labour transfer” and “vocational training” programmes targeting Tibetans and cease ‘political re-education’ in these programmes.
- Ensure that all vocational training programmes for Tibetans are available in the Tibetan language and carry out meaningful consultations with affected Tibetans to ensure they are able to learn appropriate skills and are not merely those designed for low-level/low-paid employment.

¹²² Website of the Rigaze Municipal People’s Government, <http://www.rkzsf.gov.cn/public-wj-detail.shtml?cid=8537>

¹²³ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, Para 6(2), available at: <https://www.refworld.org/docid/3ae6b36c0.html>

¹²⁴ Tibet Advocacy Coalition, ‘Assaulting Identity: China’s New Coercive Strategies in Tibet’, 24 March 2021: <https://tibetadvocacy.org/2021-tibet-report/>

¹²⁵ *ibid*

¹²⁶ For example, The Lhasa Xinxing Labour Skill Training Co., Ltd was assigned to work with the Office of Lhasa City Resettlement to provide skills training for more than 10 released prisoners in Lhasa in 2015. The Lhasa Judicial Bureau emphasized the importance of remolding and “managing” the former prisoners as a priority over practical skills, stating that the course was carried out: “In order to further strengthen the service and management of people released from prison, strengthen education and training in relevant laws and policies [...] and implement the Party’s mass line [of education][...]” Lhasa City Justice Bureau Office, web portal in Chinese, September 26, 2015: http://ls.wenming.cn/wmbb/201509/t20150926_2016595.htm

¹²⁷ Website of the Rigaze Municipal People’s Government, <http://www.rkzsf.gov.cn/public-wj-detail.shtml?cid=8537>. The document announced the intention to: “organize the transfer of employment of farmers and herdsmen in an orderly manner and strive to achieve organized employment of more than 50% of the labor force within 5 years, and achieve an increase of more than 20% in per capita labor income of farmers and herdsmen within 3 years.”

¹²⁸ Tibet Advocacy Coalition, ‘Assaulting Identity: China’s New Coercive Strategies in Tibet’, 24 March 2021: <https://tibetadvocacy.org/2021-tibet-report/>

¹²⁹ Committee on the Elimination of Discrimination against Women, Concluding Observations, , 9 June 2023:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHN%2FCO%2F9&Lang=en

¹³⁰ Committee on the Elimination of Discrimination against Women, Concluding Observations, , 9 June 2023:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHN%2FCO%2F9&Lang=en

¹³¹ See Adrian Zenz <https://jamestown.org/program/jamestown-early-warning-brief-xinjiangs-system-of-militarized-vocational-training-comes-to-tibet/>

¹³² No. 29 on Forced or Compulsory Labour, No. 87 on Freedom of Association and Protection of the Right to Organise, No. 98 on Right to Organise and Collective Bargaining, and No. 105 on Abolition of Forced Labour.