

Convention on the Elimination of Racial Discrimination (CERD)
Consideration of the State Report by the People's Republic of China

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Civil society submission by



**INTERNATIONAL
CAMPAIGN
FOR TIBET**

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The International Campaign for Tibet (ICT), founded in 1988 with offices in Washington DC, Amsterdam, Berlin and Brussels, works to promote human rights and democratic freedoms for the people of Tibet.

1. This civil society submission details issues pertaining to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Tibet from 2008 to 2015.¹ It outlines areas of concern, which call for immediate attention of the Committee on the Elimination of Racial Discrimination and the State Party itself. The submission is not exhaustive.

Discriminatory public narratives against Tibetans (Article 4 of the Convention)

2. Article 4 of the Convention condemns all propaganda which is based on ideas or theories of superiority of one race or group and which promotes discrimination in any form. In General Comment No. 35 by the Committee on “Combating Racist Hate Speech”, the Committee notes that the “drafters of the Convention were acutely aware of speech to creating a climate of racial hatred and discrimination”, and thereby underscored the importance of narratives directed against vulnerable groups of society on grounds of their ethnic or national origin, race, colour or descent.²
3. Although official Chinese statements and publications rarely contain blatantly racist remarks against Tibetans, one frequently encounters highly paternalistic references to Tibetans being ‘backward’ and undeveloped. This reference is to both economic and cultural backwardness and the point is made that Tibetans need to adopt Chinese concepts of development and culture, in order to ‘modernize’.³
4. While the report of the State Party (State Party report, para. 9) itself commits to the pursuit of “ethnic equality”, and avoids the notion of ‘backwardness’ of groups under its jurisdiction, the Chinese government, in the reporting period, has issued a number of other official publications. Examples of such are the ‘White Papers’ “Sixty Years Since Peaceful Liberation of Tibet”⁴, dated July 2011, and “Tibet’s path of development is driven by an irresistible historical tide”⁵, dated April 2015. Both of these official policy papers make use of the derogatory narrative of ‘Tibetan backwardness’. They describe Tibet before the advent of Mao Zedong’s military forces in Tibet as being “darker and more backward than in Europe in the Middle Ages” and having developed “from a state of isolation, poverty and backwardness to one of opening, prosperity and civilization”.⁶

¹ Note on the political geography of Tibet: Tibet was traditionally comprised of three main areas: Amdo (north-eastern Tibet), Kham (eastern Tibet) and U-Tsang (central and western Tibet). The Tibet Autonomous Region (TAR) was set up by the Chinese government in 1965 and covers the area of Tibet west of the Dri-chu (Yangtse river), including part of Kham. The rest of Amdo and Kham have been incorporated into Chinese provinces, where they were designated Tibetan autonomous prefectures and counties. As a result most of Qinghai and parts of Gansu, Sichuan and Yunnan provinces are acknowledged by the Chinese government to be “Tibetan.” The International Campaign for Tibet uses the term “Tibet” to refer to all Tibetan areas currently under the jurisdiction of the People’s Republic of China.

² Committee on the Elimination of Racial Discrimination, General recommendation No. 35, CERD/C/GC/35.

³ See International Campaign for Tibet, 2001, “Jampa: The Story of Racism in Tibet”, p. 58f.

⁴ State Council Information Office, July 11, 2011, “Sixty Years Since Peaceful Liberation of Tibet”.

⁵ State Council Information Office, April 15, 2015, “Tibet’s Path of Development is Driven by an Irresistible Historical Tide”.

⁶ State Council Information Office, July 11, 2011, “Sixty Years Since Peaceful Liberation of Tibet”.

5. In particular, such perceptions of superiority of Han-Chinese concepts of culture and development and Tibetan ‘backwardness’ have been revived in the immediate aftermath of the country-wide, more than 100 overwhelmingly peaceful protests in Tibet in 2008. Tibetan protests were then largely viewed – fanned by nationalist propaganda – as ingratitude on the side of the Tibetans. They were seen in the eyes of apparently many Chinese, as having been enjoying ‘preferential treatment’ by the government which had built roads, a high-altitude railroad and other infrastructure for Tibet.⁷ Chinese media had reported exclusively about Chinese victims of violent protests in Lhasa, while Tibetan victims of police brutality remained unreported. Tibetan voices who could have expressed reasons for widely felt grievances had been granted no coverage and were shut down. As a consequence, derogatory views of Tibetans among Chinese have been reinforced.⁸

6. In 2009, the Chinese authorities have introduced a holiday labelled ‘Serfs Emancipation Day’, to be observed on March 28 every year, to mark the “emancipation of millions of serfs and slaves”.⁹ A crowd of more than 13,000 watched the ceremony in front of Lhasa’s Potala Palace, the former home of the Dalai Lama, in 2009.¹⁰ The day is to commemorate the dissolution of the Tibetan government in 1959. This was after the Chinese authorities had violently suppressed a Tibetan uprising, forcing the Dalai Lama to flee into exile. In 2014, at the annual celebration of ‘Serfs Emancipation Day’, the Communist Party Secretary of Lhasa, the Chinese Qin Yizhi, stated that “[f]rom being an autocratic, backward and poverty-stricken plateau, the autonomous region has become a democratic, open and rich place”.¹¹

7. Feature films, as part of state propaganda on occasion of “Serfs Emancipation Day”, typically portray Tibetans as dark, stupid, barbarians or victims of a feudal system who are misled by religious institutions and the aristocracy. In the film “Serf”, featuring a downtrodden Tibetan named Jampa, it is the liberation by China that brings about a bright new world for Tibetans. “Serf”, produced in 1963, has

⁷ New York Times, April 18, 2008, “Sympathy on the Streets, but Not for the Tibetans”; New York Times, March 31, 2008, “Chinese Nationalism Fuels Tibet Crackdown”.

⁸ Notably, in March 2018, speaking during a panel session at the Chinese People’s Political Consultative Conference (CPPCC), Guowa Jiamaoji, who was born in a Tibetan area of Qinghai province, said the discrimination shown by the authorities against people from her ethnic group was “detrimental to national unity”, citing racially charged incidents when she was refused accommodation in Chinese hotels because of her ethnic origin. South China Morning Post, March 6, 2018, “Stop treating all Tibetans like separatists, army soprano tells political meeting”.

⁹ International Campaign for Tibet, January 16, 2009, “China to mark takeover of Tibet after March Uprising with celebratory holiday”.

¹⁰ BBC, 28 March, 2009, “Holiday marks Tibet’s ‘liberation’”.

¹¹ CCTV, 29 March, 2014, “Lhasa celebrates third annual Serfs Emancipation Day”. Official state media routinely publish propagandistic reports around the ‘Serfs Emancipation Day’, peaking in 2009 with “Ending serfdom in Tibet, a giant step in human rights progress that deserves commemoration” (NPC, March 27, 2009), “Former female serfs recollect tragic past” (Xinhua, March 27, 2009), or “A religious ceremony for the Dalai Lama used human blood, skulls and skin” (People’s Daily, March 13, 2009). While such articles are aimed at the international audience, efforts are made to indoctrinate the Tibetan population by various means, e.g. through mass manifestations or theatrical plays or movies, on occasion of “Serfs Emancipation Day”.

become the seminal film on Tibet for an entire generation of Chinese citizens.¹² The film's wide reappearance on Chinese state television after the introduction of the 'Serfs Emancipation Day' in 2009 led to angry reactions by Tibetan intellectuals, criticizing the film for depicting Tibetan people as being "born into a backwards and uncivilised Tibet".¹³

8. These official attitudes towards and widely-held perceptions of Tibetans, while being discriminatory themselves and a violation of Article 4 of the Convention, serve as elements of a framework for discriminatory policies and laws against Tibetans.

Discriminatory policies in Tibet

9. In the reporting period, the Chinese authorities have implemented a number of repressive policies and measures that are distinctly discriminatory against Tibetans, particularly because they do not apply to the Chinese, or as they affect areas which are particularly vulnerable, such as Tibetan Buddhism.¹⁴ In a report published in March 2014, the International Campaign for Tibet documented Chinese microbloggers' and tourists' social media posts on Chinese microblogging site Weibo when visiting Tibet. Many of whom expressed their surprise and shock at the intense security apparatus in Tibet.¹⁵ This report outlines examples of policies that distinctly target Tibetans, or which, in effect, discriminate against Tibetans.
10. Discriminatory policies in Tibet constitute a violation of Article 1 of the Convention, as they have the purpose of impairing particular rights and freedoms, or as, according to Article 1 of the Convention in connection with General Recommendation 14, they have "an unjustifiable disparate impact upon a group distinguished by race, colour, descent, or national or ethnic origin."¹⁶
11. This report in particular details the violation of certain rights guaranteed by the Universal Declaration of Human Rights and protected by Article 5 of the Convention, which have a disparate impact on Tibetans.

The security apparatus in Tibet (Article 5 (d) (vii), Article 5 (b), Article 5 (a))

12. The Chinese authorities have gradually over the years moved from instilling an oppressive environment in monasteries, nunneries and lay society in Tibet to a totalitarian one - an approach in which the state recognizes no limits to its authority, imposes a climate of fear, and seeks to regulate every aspect of public and private life.

¹² International Campaign for Tibet, 2001, „Jampa: The Story of Racism in Tibet“, p. 62.

¹³ See e.g. Tsering Woesser, in: High Peaks Pure Earth, April 12, 2011, "Replaying the film 'Serf' Won't Brainwash Anyone!"

¹⁴ This report, for obvious reasons, disregards the situation of other „minority nationalities“ under the jurisdiction of the People's Republic of China, such as of the Uyghurs or Mongols, who may have been subject of similar discriminatory policies. Referenced instead in this report is the situation of the "majority" Han-Chinese nationality.

¹⁵ International Campaign for Tibet, March 10, 2014, „Has life here always been like this?“

¹⁶ Committee on the Elimination of Racial Discrimination General Recommendation 14, U.N. Doc. A/48/18 at 114.

13. “It has gone beyond a simple ‘crackdown’ now, and is much more sophisticated, and terrifying,” a Tibetan source told the International Campaign for Tibet after speaking to a number of Tibetans from different parts of Tibet. “Security is invisible and everywhere. It is no longer only armed police patrolling the streets; often we don’t know who the police are as they blend into society, and officials are in our homes, asking about every part of our lives.”¹⁷
14. Repressive measures strengthening the reach of the Party state into people’s lives have been expanded across the entire plateau from the Tibet Autonomous Region, combined with a consolidation of the apparatus of the state such as the paramilitary and the People’s Liberation Army.
15. Rigorous and oppressive measures including an increase in Communist Party personnel at ‘grass roots’ levels have been in place since the 2008 protests in the Tibet Autonomous Region (TAR). Worryingly, these measures to eliminate dissent and enforce compliance to Chinese Communist Party policies are now being increasingly observed in the eastern Tibetan areas of Kham and Amdo.
16. In a remarkable development, some 21,000 Chinese Communist Party cadres, from 2011 on in a campaign called “Benefit the Masses”, were sent from townships and urban areas to live in teams of four or more in each of the 5,000 villages in the TAR.¹⁸ This exceptional program has been extended to Tibetan areas outside the TAR.¹⁹
17. Urban areas across the PRC have been subdivided into “grid management units” roughly corresponding to a block or street. In Tibet, there is a particular political dimension in that the offices focus on monitoring Tibetans’ lives, social issues, and loyalty to the Dalai Lama. The intrusive presence of Party cadres in villages and monasteries has been expanded to areas of eastern Tibet. This is following the ambitious deployment of a major village surveillance scheme in 2011 in the Tibet Autonomous Region. Now that the grid management system has been established across the Tibetan plateau, the Chinese authorities appear to have pulled back a more overt and visible security presence in some areas – such as troops in monasteries – with the awareness that forces can be deployed within minutes if any protest activity or dissent occurs. In the meantime the leadership is focused upon broader and deeper control measures, for instance in the religious sphere.

Laws and regulations discriminating against Tibetans (Article 5 (d) (viii))

18. The Chinese state has put into force a new set of laws that can be viewed as a systematic development of a security architecture, which – with regard to Tibet – dates back to the time before the presidency of Xi Jinping. Xi Jinping, most notably, has moved to ensure that a number of completely new laws have been

¹⁷ International Campaign for Tibet, February 16, 2016, “Tightening of an invisible net: new security measures in eastern Tibet heighten surveillance, control”.

¹⁸ Human Rights Watch, January 18, 2016, “China: No End to Tibet Surveillance Program”.

¹⁹ International Campaign for Tibet, February 16, 2016, “Tightening of an invisible net: new security measures in eastern Tibet heighten surveillance, control.”

drafted and adopted quickly, thereby completing this architecture. Among those are the 2015 Security Law, the NGO Law (in force January 2017), the 2016 Counter Terrorism Law, and the Cyber Security Law. With its ideological origins reflected in the notorious “Document No 9” which had become known in 2013²⁰, these laws represent the Communist Party’s will to gain maximum control over every aspect of societal activities, which from the Party’s point of view pose a threat to its legitimacy.

19. The “Counter-Terrorism Law” implicitly intends to view “distorted religious teachings” as the “ideological basis” of terrorism (while not defining “distorted”), or other means to incite hatred or discrimination. It thus places religious activities into direct correlation with terrorism or “extremism”. Religious policy in the PRC is shaped by the ideology of the ruling Communist Party and its political imperative of maintaining power. Importantly, while having used a broad definition of terrorism, the law refrains from defining “extremism”, a term that serves as a justification for prosecution.
20. Furthermore, the opaque concept of “extremism” in the new law is open to interpretation according to the political climate, and the authorities’ drive to secure convictions against specific individuals. For instance, in the context of the Chinese authorities openly blaming the Dalai Lama in exile for the wave of self-immolations across Tibet. The act of keeping a small photograph of the Dalai Lama in one’s private possession could conceivably be termed “extremist”. Consistent with the strident official language used to emphasize the new counter-terror drive, a major religious teaching by the Dalai Lama in exile, the Kalachakra in Ladakh, India, in 2014, was described by the Chinese state media in harsher language than before, saying that it incited terror. The authorities linked their attempts to prevent Tibetans from attending the Dalai Lama’s teachings in exile with “counter-terrorist” work in the ‘frontline’ border areas of Tibet. This includes Ngari (Chinese: Ali) in the Tibet Autonomous Region, which borders India.
21. Together with the National Security Law, the proposed counter-terror law outlines a counter-terrorism structure with vast discretionary powers. The conflation of “terrorism” with religious “extremism” in the law gives scope for the penalization of almost any peaceful expressions of Tibetan identity, acts of non-violent dissent, or criticism of ethnic or religious policies. It also broadens the reach of the state into lay society, for instance requiring the strengthening of “counter-terrorism education” in schools.

Relocation and forced settlement of nomads and herders (Article 5 (e))

22. In particular since the beginning of the “Western Development Strategy” in 1999–2000, the Chinese government has been implementing policies of settlement, land confiscation, and fencing of pastoral areas inhabited primarily by Tibetans, dramatically curtailing their livelihood. Thousands of Tibetan nomads have been required to slaughter their livestock and move into newly built housing colonies in

²⁰ ChinaFile, November 9, 2013, “Document 9: A ChinaFile Translation”.

or near towns, abandoning their traditional way of life.

23. The Chinese government asserts that all relocation and rehousing operations are entirely voluntary and respect “the will of the Tibetan farmers and herders.”²¹ However, interviews by Human Rights Watch in 2012 suggest nomads did not move voluntarily, and were never consulted or offered alternatives.²² Resettlement policies are generally implemented without consultation or consent, and local people have no right to challenge them or refuse to participate. The distinction between coercion and consent of nomad settlement is meaningless in the political climate in Tibet today. This is despite the fact that Chinese law requires that those who are to be moved off their land or are to have their property confiscated must be consulted, and, if they are moved, compensated for their losses, as also international law requires “free, prior and informed consent” ahead of relocations.²³
24. Moreover, the Chinese leadership is increasingly framing its policies in Tibet in the context of Xi Jinping’s “ecological civilization”. This broad and vague new Party terminology has been advanced under Xi to incorporate policy objectives from the creation of nature reserves and to the settlement of nomads.
25. The announcement that vast areas of Tibet will be turned into national parks is consistent with China’s policy direction involving the massive social engineering drive to remove and relocate Tibetan nomads from their pastures, given the grazing restrictions so far outlined in areas accorded national park status. It also allows the further development of mass tourism for domestic Chinese, particularly safari or adventure tourists.
26. For instance, China recently gained UNESCO World Heritage status for a vast landscape of wetlands, wildlife and lakes on the Tibetan plateau known as Hoh Xil (Tibetan: Achen Gangyab, Chinese: Kekexili)²⁴, traditionally traversed by Tibetan nomads, which it is now likely to be developed further for adventure tourism. On November 27, 2017, the Chinese authorities have issued a notice prohibiting access to the Hoh Xil nature reserve except for security personnel or other authorized officials. State media cited the Director of the Hoh Xil nature reserve as saying that the joint notice “aimed to crack down on illegal crossing and mining” and that anyone who did not follow the ruling would “be punished by the Public Security organs.”²⁵
27. In June 2011, the central government instructed all provincial units, including the Tibet Autonomous Region, Sichuan, Qinghai, Gansu, Inner Mongolia and Xinjiang

²¹ Human Rights Watch, 2013: “They say we should be grateful: Mass rehousing and relocation programs in Tibetan areas of China”.

²² Ibid.

²³ See, for legal background, FAO, October 14, 2016, “Free Prior and Informed Consent – An Indigenous Peoples’ right and a good practice for local communities”.

²⁴ International Campaign for Tibet, July 6, 2017, “Controversial China bid for heritage status in Tibet contravenes UNESCO values”.

²⁵ International Campaign for Tibet, December 11, 2017, “Ban on access to nature reserves in Tibet raises concern about Tibetan nomads at UNESCO site”.

to complete all ongoing relocation programs for hundreds of thousands of nomadic herders by the end of 2014.²⁶

28. Across Tibet, grasslands cover about 68% of the 1.22 million square kilometers of the TAR, as well as slightly more than 50% of Qinghai Province's 720,000 square km, and vast swathes of western Sichuan and Gansu Provinces and north-western Yunnan Province, totalling some 1.7 million square km (420 million acres; 656,000 square miles).
29. In the TAR, between 2001 and 2011, the Chinese government invested 1.2 billion yuan (US\$ 189 million) to settle 400,000 nomads.²⁷ Another 400 million yuan was marked for the campaign to resettle 13,400 herding families by 2015.²⁸ Assuming an average herding family has 5 members, this would equate to an additional 67,000 nomads resettled, and over 1 million resettled by 2015.
30. In Qinghai, the local government relocated and settled 300,000²⁹ nomadic herders under the "ecological migration" scheme. It had intended to sedentify 113,000 more by 2013,³⁰ making 90 per cent of Qinghai's herder population sedentary.³¹
31. In Aba, Sichuan province, the local government settled 210,000 residents: 60,000 nomads were resettled, and 150,000 were rehoused, indicated by a state media report from 2015.³²
32. On an official visit to China in 2010, the U.N. Special Rapporteur on Food, Olivier De Schutter, aligned himself with the new consensus on the value of keeping nomadic herders on the pasturelands, stating strongly that both Tibetan and Mongolian nomads should not be compelled to settle. Linking nomad settlement to deprivation of livelihood, the U.N. Rapporteur stated: "While there is little doubt about the extent of the land degradation problem, the Special Rapporteur would note that herders should not, as a result of the measures adopted under the 'tuimu huancao' ("removing animals to grow grass") policy, be put in a situation where they have no other options than to sell their herd and resettle."³³

²⁶ Human Rights Watch, 2013: "They say we should be grateful: Mass rehousing and relocation programs in Tibetan areas of China".

²⁷ China Daily, July 6, 2012, "Over 1 million Tibetan nomads choose settlement".

²⁸ Ibid.

²⁹ China Daily states over 270,000 nomadic herders have been settled between 2009-2012. See China Daily, July 6, 2012, "Over 1 million Tibetan nomads choose settlement", http://www.chinadaily.com.cn/china/2012-07/06/content_15555645.htm; and http://www.gov.cn/jrzq/2009-12/05/content_1481036.htm.

³⁰ Human Rights Watch, 2013, "They say we should be grateful".

³¹ VOA, January 24, 2014, "China Completes Controversial Nomad Relocation in Tibet".

³² China Daily, August 7, 2015, "Families moving into the modern era".

³³ Report of the Special Rapporteur on the right to food, Olivier De Schutter: Mission to China (Addendum), Human Rights Council: Nineteenth session Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, General Assembly, January 20, 2012, A/HRC/19/59/Add.1.

33. Although nomad relocation seeks to accelerate social development and improve ecological conservation, the policies have disempowered Tibetans. They have stripped them of their livelihood, indebting them with loans, and creating subsidy reliance; environmental benefits have also been limited and questionable. The Chinese government justifies its radical relocation policies, including the loss of traditional habitat, resources, livelihood, and community structures, by describing the longer-term benefits it says those affected will enjoy. However, economic and cultural impacts stemming from the loss of farmland and livestock and increasing living costs, while employment opportunities remain limited, have led to grievances among Tibetan communities.
34. Since 2009, more than a dozen Tibetans from nomadic communities have set themselves on fire, apparently in protest against the policies of the Chinese authorities.³⁴
35. At the same time, pressure on nomads, herders and pastoralists from the Chinese authorities remains high. In 2018, a state media report indicated that in Henan county, Malho (Chinese: Huangnan) Tibetan Autonomous Prefecture, Qinghai province, “the National Security Law, Anti-Terrorism Law, Anti-Secession Law, and other laws and regulations were explained to the masses of pastoralists” by the authorities.³⁵ Such indoctrination efforts are in line with the policies of the authorities for example in monasteries, villages and towns, schools and universities, in the media, in public as well as in private.

Restrictions on the right to freedom of movement (Article 5 (a) (ii))

36. In the reporting period, the Chinese authorities have intensified control over Tibetans’ movements by denying and recalling passports, requiring far more extensive documentation and banning travel abroad altogether.
37. From 2012, following the imposition of tough new measures restricting travel in Tibetan areas since the 2008 protests, Tibetans began to face tightening restrictions on the issuance of passports. This limits their travel outside Tibet, for instance to teachings of the Dalai Lama, or to study abroad. This is in contrast to the increasing number of Chinese citizens being granted a passport. According to the state media, the issuing of ordinary passports to Chinese nationals increased in the mid-1990s from one million to ten million, with an annual increase of around 20% since then.
38. The Chinese authorities used the opportunity of a PRC-wide transition to electronic passports in 2012,³⁶ when Chinese nationals were required to submit outdated passports for replacement, to single out both Tibetans and Uighurs for more severe restrictions and punitive measures. Regulations issued in 2012 in the

³⁴ See for further information on Tibetan self-immolations International Campaign for Tibet, „Self-Immolations Fact Sheet“, <https://www.savetibet.org/resources/fact-sheets/self-immolations-by-tibetans/>.

³⁵ Official Huangnan government website, May 28, 2018, “提高政治站位强化使命担当” , <http://hnb.hnz.gov.cn/content/2018-05/28/004091.html>.

³⁶ China News, May 16, 2012, “中国电子普通护照正式签发启用 采用新型防伪技术.”

Tibet Autonomous Region required all Tibetans in the Tibetan region to surrender their old passports, even when their validity had not expired, ostensibly to be replaced by the electronic version. But in numerous cases, the passports were not replaced.³⁷

39. The issue had become a subject of intense debate on social media in the People's Republic of China, with many netizens challenging the discriminatory policies against Tibetans. One Tibetan posted: "This year, both Tibetan New Year and Chinese Spring Festival will be within the same period, and only the Han Chinese nationality can travel outside the country for holiday [...] But the government of TAR has confiscated and taken away private passports for almost three years from the local Tibetan people. Why can we not go to travel outside for holiday, and why can our children (the new generation) not go to study abroad? The local government in Tibet has taken away our legitimate passports from us. It is an illegal action in terms of legal procedure as well as national constitution, it is intentional violation of law."
40. Measures published in the Tibet Autonomous Region on April 29, 2012 detailed the importance of "earnestly strengthening management work" over the issuance of passports. The government used the ePassports as an opportunity for recalling passports of TAR residents, to be followed by political investigation before a new passport is issued. This investigation involves every application for a passport going through multiple departments and requiring scrutiny from numerous individuals. The measures, sent to prefectural and county government departments as well as the TAR Military District Political Department, represent a shift in emphasis towards political and security concerns. They stated that the initial application must first be made to the prefectural-level Public Security Bureau where the individual's household is registered.³⁸

Religious policies (Article 5 (d) (vii))

41. Consistent with the 2016 Counter Terrorism Law and the 2015 Security Law, the revision of the religious affairs regulations in 2016/17 reflects the government's intention to add and underline ideas and notions of "state security", "religious extremism" and "terrorism" to the law, thereby linking religious activity directly to politically charged crimes. As in the 2016 Counter Terrorism law, neither "extremism", nor "terrorism" are sufficiently detailed in the law, and remain vague notions, offering the authorities vast discretionary powers to apply the terminology with regard to unwanted religious activity. "State security", "religious extremism" and "terrorism" have been added to both the general provisions, as well as to specific rules of the law. Accordingly, Article 3, laying out the purpose of the law, states: "The management of religious affairs upholds the principles of protecting what is lawful, prohibiting what is unlawful, suppressing extremism, resisting

³⁷ International Campaign for Tibet, July 12, 2015, "'A policy alienating Tibetans': New ICT report on systematic denial of passports to Tibetans".

³⁸ See Human Rights Watch, July 13, 2015, "One Passport, Two Systems - China's Restrictions on Foreign Travel by Tibetans and Others".

infiltration, and fighting crime”.³⁹

42. Thus, in conflating the law with undefined “extremism” linked to religion, with “terrorism” and “state security”, the regulations, as well as the Counter Terrorism Law, give scope for the penalization of almost any peaceful expression of Tibetan identity, acts of non-violent dissent, or criticism of ethnic or religious policies. In this political climate the exiled Dalai Lama has been accused of inciting terrorism through self-immolations, and even terror through his teachings, noted as “outside infiltration.” Referring to religious authorities living outside the People’s Republic of China such as the Dalai Lama, the revision stipulates “independence” from “foreign domination” as a precondition for any lawful operation of religious groups.
43. Since 2008, Chinese authorities have instilled an oppressive environment in Tibetan Buddhist monasteries and nunneries – an approach in which the state recognizes no limits to its authority, and strives to regulate every aspect of the religious life.
44. In 2015, Tibet’s top Party official called for Chinese red flags to be displayed on all Tibetan Buddhist monasteries, in a statement made in Lhasa, which was reported in the Chinese media. This followed a call for monasteries and nunneries to become centers for propaganda made by then Tibet Autonomous Region Party chief Chen Quanguo. The Party Secretary’s comments were in the context of a strategy by the Beijing leadership to intensify CCP presence and control across Tibet, following the unrest that swept across the plateau from 2008 onwards. This has led to a more pervasive and systematic approach to ‘patriotic education’, and a dramatic increase in work teams and Party cadres in rural and urban areas.⁴⁰
45. A harsh new “rectification” drive in the Driru region (Chinese: Biru) of Tibet stated that monasteries deemed “illegal” will be torn down and Tibetans who possess images of the Dalai Lama or place traditional prayer (mani) stones will be severely punished. The new measures detailing expulsions of monks and nuns from religious institutions appeared to have been enforced when 26 nuns characterized as “illegal” by the authorities were expelled from the historic Jada Nunnery in Driru on November 15, 2014, after a police raid. Many of the nuns had refused to denounce the Dalai Lama during their visit, according to Tibetan sources, and this led a work team of officials to examine the registration records of the nunnery to check that its population was in line with the officially imposed quota of 140 nuns.⁴¹
46. In January 2016, Tibetan shopkeepers were ordered to hand in images of the Dalai Lama by the county authorities in Draggo, Kardze, an extreme and counter-

³⁹ International Campaign for Tibet, October 25, 2016, “Suffocating religious freedom in Tibet: China’s draft regulations on religious affairs”.

⁴⁰ International Campaign for Tibet, April 8, 2015, “Tibet’s Party boss calls for all monasteries to fly the red flag”.

⁴¹ International Campaign for Tibet, November 20, 2014, “Harsh new ‘rectification’ drive in Driru: nuns expelled and warning of destruction of monasteries and ‘mani walls’”.

productive move that was endorsed later by an article in the Chinese state media comparing the Dalai Lama to Saddam Hussein. The orders came just a few days after a prayer ceremony for the Dalai Lama's health attended by hundreds of Tibetans on January 25, 2016.⁴²

47. In a further escalation of state surveillance and intervention in Tibet, the establishment of five police offices in monasteries in a Tibetan area of Gansu was announced in 2014, with an official report stating that it was part of a "recent focus on policing monasteries". In Labrang (Sangchu, Chinese: Xiahe), Gansu, where a number of self-immolations have occurred, the authorities announced that 24 police stations had been set up in monasteries.
48. The new offices are part of a rollout of plans announced after 2008 for construction of police stations in Tibetan monasteries, under Chinese policies of placing almost every monastery in Tibet under direct government rule and intensifying Party presence in both rural and urban Tibetan areas.⁴³
49. In 2015, new regulations issued in the Rebkong (Chinese: Tongren) area of eastern Tibet warned that various activities, including praying and lighting butter-lamps for the Dalai Lama or people who have self-immolated, are "illegal" and will be penalized.
50. The measures, which appeared to be guidelines for county officials mandated by higher-level authorities, enable criminal charges to be imposed for everyday and often devotional activities. They were another indicator of the political climate of impunity and the severity of repressive measures being imposed across Tibet, particularly in areas where there have been peaceful protests or self-immolations, such as Rebkong county. The measures heighten the dangers for Tibetans in the area, who have sought to protect their cultural and religious identity and traditions.⁴⁴

Torture and ill-treatment in Tibet (Article 5 (b))

51. There is a pattern of torture and ill-treatment of Tibetans in Tibet. The International Campaign for Tibet has conducted an investigation into cases of released prisoners, including details of Tibetans who have died as a consequence. The report concludes that although the PRC officially prohibits torture, it has become endemic in Tibet, a result both of a political emphasis on ensuring "stability" and a culture of impunity among officials, paramilitary troops and security personnel.⁴⁵

⁴² International Campaign for Tibet, February 11, 2016, "Dalai Lama compared to Iraqi dictator by Chinese state media as order issued for seizure of pictures".

⁴³ International Campaign for Tibet, June 20, 2014: "Escalation of surveillance over monks as authorities announce opening of police stations in Tibetan monasteries".

⁴⁴ International Campaign for Tibet, April 14, 2015: "Praying and lighting butter-lamps for Dalai Lama 'illegal': new regulations in Rebkong".

⁴⁵ International Campaign for Tibet, February 26, 2015, "Torture and Impunity – 29 Cases of Tibetan Political Prisoners".

52. Since the unrest in 2008 and crackdown in Tibet, the Chinese authorities have adopted a harsher approach to suppressing dissent and there has been a significant spike in the number of Tibetan political prisoners taken in Tibetan areas of the PRC. There is also evidence that since 2008 torture has become more widespread and directed at a broader sector of society.
53. In its Concluding Observations on the fifth periodic report of the PRC, the U.N. Committee Against Torture (CAT) did not only criticize the practice of torture and ill-treatment in China, but also tackled the entire PRC system, referring in particular to the lack of independence of the Chinese judiciary and the influence of the CCP as a fundamental failing. It said that it remained “seriously concerned over consistent reports indicating that the practice of torture and ill-treatment is still deeply entrenched in the criminal justice system”, and criticized the lack of independent investigation into torture.⁴⁶
54. In a report from 2015, the International Campaign for Tibet detailed specific cases of the 14 Tibetans, from an educated Tibetan in his early forties to a Buddhist teacher, who died as a result of torture in custody as well as the 15 others who survived but are still suffering. It also details the impact of imprisonment – whether extra-judicial, interrogation or a formal sentence – on the lives of former Tibetan political prisoners whose ordeals have become known to the outside world, despite rigorous controls on information flow.⁴⁷
55. Goshul Lobsang, 43, died at home on March 19, 2014, following severe torture during his imprisonment. The Tibetan, who was accused of being an organizer of a protest in 2008, had been beaten so severely that he could not even swallow his food. Images of him at his family home in the days before his death showed him looking emaciated and close to death at his family home in Machu (in Chinese, Maqu) county in the Kanlho (Gannan) Tibetan Autonomous Prefecture in Amdo, today a part of northwestern China’s Gansu province.
56. An influential Tibetan lama, Tenzin Delek Rinpoche, died on July 12, 2015, in his 13th year of a life sentence in prison. Armed security forces were deployed as hundreds of Tibetans gathered to call for his body to be returned to his monastery and community in the home area of Tenzin Delek Rinpoche. He was one of the highest profile Tibetan political prisoners. Tenzin Delek Rinpoche died in prison, his family being allowed access to him for only six visits during 13 years. Most recently they visited in 2013, despite requests for his release on medical parole by a number of Western governments. His relatives said that in 2013, they became aware that he was suffering from a heart condition, frequent unconsciousness, and uncontrollable shaking of parts of his body. It is not known whether Tenzin Delek Rinpoche, who was 64, had received any medical treatment in prison.

⁴⁶ UN Committee against torture, “Concluding observations on the fifth periodic report of China”, at https://www.savetibet.org/wp-content/uploads/2015/12/CAT_C_CHN_CO_5_22477_E.pdf.

⁴⁷ International Campaign for Tibet, February 26, 2015, “Torture and Impunity – 29 Cases of Tibetan Political Prisoners”.

57. As the authorities had refused to return the body, Tenzin Delek Rinpoche's family had urged the authorities not to rush a cremation. They cited a provision in Chinese law that allows families to appeal against hasty cremations of prisoners. Despite the reports about torture and the sensitivity of his case, the authorities did not conduct an autopsy of his body, and it was cremated only four days after Tenzin Delek's death. Pleas by his family were ignored.

Repression after incidents of self-immolations (Article 5 (a))

58. According to guidelines announced in the state media by the end of 2012, Tibetans can be sentenced on homicide charges based on their alleged 'intent' and presumed ability to influence a Tibetan who has self-immolated.
59. As a consequence, since 2012, at least 11 Tibetans have been sentenced to prison terms or even to death on "intentional homicide" charges. They allegedly have "aided" or "incited" others to self-immolate.⁴⁸
60. A considerable number of other sentences, detentions, and disappearances of Tibetans have complemented this approach. A report by the International Campaign for Tibet from 2014 lists 98 Tibetans who since 2010 have been subjected to such measures because of their alleged association with a self-immolation. The number of detentions may be higher, as Chinese media has reported that there were nearly 90 arrests linked to self-immolations in Qinghai and Gansu provinces alone.
61. In a number of cases, there is no evidence that those convicted either spoke to the self-immolator beforehand or even knew the self-immolator. Often, there is no further detail available on the underlying legal background. However, it is notable that the guidelines passed in 2012, while – apart from "intentional homicide" – stipulating further punishable behavior, may have provided yet another framework for persecution. Given the systematic disregard for principles of due process in the People's Republic of China, it must be assumed that affected Tibetans did not enjoy their right to a fair trial. In fact, in a number of cases documented in this report, there is reason for concern that those convicted did not receive a fair trial, as prescribed by international law.
62. Furthermore, the Chinese authorities have also stepped up deliberate attempts to penalize families and the broader community when a Tibetan self-immolates. In a set of new regulations passed in April 2013 in one of the areas where several self-immolations have occurred, the entire community is faced with financial and other penalties.

Participation in governance (Article 5 (c)) and civil society (Article 5 (d) (ix))

63. There are concerns about lack of participation in governance for Tibetans. Although Tibetans make up a considerable percentage of government cadres, they have been excluded from highest party ranks. The Party Secretary of the Tibet Autonomous Region, the most influential power broker of the region, has

⁴⁸ International Campaign for Tibet, July 31, 2014, „Acts of Significant Evil – the Criminalization of Tibetan Self-Immolations“.

never been an ethnic Tibetan since the inception of the TAR in 1965. The Chinese constitution regulates that most of the leaders and representatives of an “Autonomous Region” and the “People’s Congress” should be derived from the ethnic population of the region. This, however, does not apply to the Party Organs, of which the Party Committee is a critical component.

64. Tibetans, unlike Chinese citizens, are effectively barred from forming associations, even in areas which enjoy support of the Chinese government, such as environmental issues.
65. In June 2010, Tibetan environmentalist and philanthropist, Karma Samdrup was sentenced to 15 years imprisonment by a court in Xinjiang, which had found Karma Samdrup guilty on what are regarded as trumped-up charges. He and his two brothers, two cousins, other relatives and supporters in a major case in which prominent Tibetans had been targeted and imprisoned despite no evidence of political activities. The three brothers, who were all in custody and facing charges, had been regarded as model citizens and previously acclaimed in the Chinese state-run media for their environmental and cultural work.
66. Samdrup, founder of the award-winning Three Rivers Environmental Protection Group, was detained following unsuccessful efforts to secure the release of his two brothers, Chime Namgyal and Rinchen Samdrup, who were imprisoned on August 7, 2009, after their efforts to conserve wildlife in their home area of Chamdo (Chinese: Changdu) Prefecture in the Tibet Autonomous Region clashed with the local authorities, according to reports from Tibetans.⁴⁹

Use of Tibetan language (Article 5 (e) (v))

67. The Special Rapporteur on the right to education, the Independent Expert in the field of cultural rights, Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and Independent Expert on minority issues, on 22 October 2010, issued a joint urgent appeal to China. This was “regarding allegations relating to restrictions imposed on the use of the Tibetan language in schools in the Tibetan Autonomous Prefecture of China.”
68. The experts told the Chinese government: “Such alleged restrictions on the use of the Tibetan language in schools would have a negative impact on those of Tibetan origin and the preservation and promotion of the Tibetan language generally. Concerns related to the impact of the education reforms on the education outcomes as well as to access to their cultural heritage of children whose mother tongue language was Tibetan. Those children had benefited from bilingual education that had enabled them to become proficient in both languages, ensuring access to their own cultural heritage.”⁵⁰

⁴⁹ International Campaign for Tibet, June 24, 2010, “Fears for three environmentalist brothers as ‘gaunt’ Karma Samdrup on trial after torture”.

⁵⁰ Report of the Special Rapporteur on the right to education, Kishore Singh, A/HRC/17/29/Add.1.

69. China's response to the experts denied that there had been any detentions of students connected to the protests, and stated that they had listened to their grievances.
70. On 22 October, 2010, the International Campaign for Tibet reported that protests by Tibetan school and college students over plans to restrict the use of their language spread from several areas of Qinghai to Beijing. Several hundred Tibetan students at Minzu (Chinese: Nationality) University of China added their voices to Qinghai students in expressing their concern about the downgrading of the Tibetan language. The protests in Qinghai were caused by new measures that focus on Chinese as the main language of instruction with the Tibetan language to be treated only as a language class, and with less time allocated to it in the curriculum. This reflects the Qinghai authorities' emphasis on enforcing the importance of the Chinese language for Tibetans, which strikes at the core of Tibetan fears over the survival of their identity and culture.
71. In a petition written by Tibetan teachers to the authorities the Tibetan teachers write that they support a genuine bilingual language policy, in which the teaching of the Chinese language is strengthened, but subjects are taught through the Tibetan language medium. But the Qinghai authorities are setting in place what they also characterise as a "bilingual" policy, but which appears to mean in practice an education imperative designed to transition minority students from education in their mother tongue, to education in Chinese. New measures to "forcefully develop 'bilingual' pre-school education in the farming and pastoral areas, strengthen teaching of the Chinese language in the basic education phase, [and] basically resolve nationality students' fundamental ability issues in speaking and understanding Chinese" were outlined as part of a ten-year plan for 2010-2020 in Qinghai in June.⁵¹
72. In April 2018, according to reports, authorities in Nagchu county (TAR) have offered cash rewards up to 100,000 yuan for information on various activities, among them 'language and culture promotion',⁵² in an apparent drive to persecute Tibetans who – under the banner of culture promotion – are considered to be supporters of "genuine autonomy", a concept promoted by the 14. Dalai Lama.
73. In May 2018, Tibetan language rights advocate Tashi Wangchuk was sentenced to five years in prison, accused of 'separatism' after appearing in a New York Times video speaking of the importance of protecting Tibetans' 'mother tongue'.
74. Tashi Wangchuk, 33, was arrested in early 2016, two months after he was featured in a New York Times video and article about Tibetan language education. He

⁵¹ International Campaign for Tibet, October 22, 2010, "Protests by students against downgrading of Tibetan language spread to Beijing".

⁵² See Katia Buffetrille and Françoise Robin, June 20, 2018, "Tashi Wangchuk and the state of Tibetan language in China", in: "Asia Dialogue".

stood trial in January 2018, and no verdict was returned until May, when his lawyer Liang Xiaojun announced the five-year sentence in a microblog.

75. In the first known instance of an international news story being used in a criminal prosecution against a Tibetan, the New York Times video was used in court as evidence – despite Tashi Wangchuk’s clear disavowals of separatism, and his stated intention to use the Chinese law to protect the Tibetan language. Tashi Wangchuk and his lawyer pleaded not guilty. In China, prison terms begin on the date of detention, meaning that he will be due for release in early 2021.
76. The verdict, handed down by a court in Yushu, Qinghai, signals China’s harsh and extreme approach to Tibetan culture and the criminalization of moderate, peaceful efforts within Chinese law to protect the use of Tibetan language.⁵³
77. In 2018, a group of Tibetans wrote to the Supreme Court expressing their concern about the failure by regional courts to use the Tibetan language, which they state contravenes the Chinese Constitution. In a rare and bold step, the appeal letter, published on the Tibetan-language website Trimleng, an important forum for discussion particularly on legal and policy issues affecting Tibetans in Tibet, was signed with the names of 117 Tibetans who are both in Tibet and in exile.
78. The appeal is also a carefully-worded expression of support for businessman and shopkeeper Tashi Wangchuk, who was imprisoned in January, 2016, following the release of a New York Times video profiling his efforts to request additional Tibetan language classes at schools in his home area of Yushu (Yushu) in Qinghai.⁵⁴
79. While the State Party and the Chinese state media routinely report about their alleged achievements in promoting the Tibetan language, there are reports which indicate a less positive status of the Tibetan language, in particular at schools. A state media report from May 2018, for example, mentions that “students have at least one class every day in Tibetan”, which cannot be considered to be sufficient to promote the Tibetan language.⁵⁵

⁵³ International Campaign for Tibet, May 22, 2018, “Tibetan language rights advocate Tashi Wangchuk sentenced to five years in prison”.

⁵⁴ International Campaign for Tibet, February 12, 2018, „Tibetans in Tibet and in exile appeal to Chinese courts over use of Tibetan language, express support for Tashi Wangchuk”.

⁵⁵ Xinhua, May 23, 2018, „Tibetan language under better protection in China.”