

**Information on Tibet for consideration by the UN Committee on the Elimination of Racial Discrimination for the List of Themes in Advance of the Review of the People's Republic of China**

**Information submitted on June 1st, 2018 by the Tibet Advocacy Coalition, co-authored by the International Tibet Network, Students for A Free Tibet, Tibet Initiative Deutschland, Tibet Justice Center and the Tibetan Youth Association in Europe (VTJE).**



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## Introduction

1. The systematic denial of human rights for Tibetans by the Chinese government occurs in a climate of endemic racial discrimination in Tibet.<sup>1</sup> The Chinese Communist Party's revival of the concept of *Zhonghua Minzu*<sup>2</sup> racialises Tibetans as a 'backward', so-called 'ethnic minority' in China, in need of 'liberation' from their traditional 'backwards' ways through being Sinicised.
2. China's last review by the the UN Committee on the Elimination of Racial Discrimination (UNCERD) in 2009 took place in the aftermath of a massive, predominantly non-violent, uprising in Tibet in 2008, and China's violent response in the form of crackdowns, including police brutality, mass arrest, and incarceration. In the years following the uprising and since the last review, the Chinese government enacted a series of oppressive policies designed to monitor and control the Tibetan population and prevent any future dissent against the government. Xi Jinping's ascension to power in 2012 saw a concerted increase and continuation of these policies. As such, the climate of racial discrimination has increased, as Tibetans have been targeted with discriminatory policies by the Chinese government in most aspects of their daily lives.
3. The Chinese constitution guarantees that "All nationalities in the People's Republic of China are equal".<sup>3</sup> China stated in their State report to UNCERD for the current review cycle, that 'China has consistently opposed and condemned all forms of racism, such as racial segregation and apartheid', and cited many laws that they say they have implemented in accordance with UN standards on racial discrimination. These claims are contradicted by the lived experiences of Tibetans in Tibet.
4. Since the last review and in particular since 2008 and since 2012, Tibetans in Tibet are facing increased levels of racial discrimination. Since 2008, the Chinese government has crafted discriminatory policies targeted at Tibetans only, rendering them at disproportionate risk of being tortured, denying Tibetans fewer economic, social and political rights than Chinese citizens, and fostering an overall climate of Han supremacy over so-called 'ethnic minorities'.
5. A system of racial discrimination has been carefully designed in order to respond to Tibetan resistance and civil society. Tibetans are targeted with specific policies, which do not apply to other people in China; Tibetans are unable to exercise freedom of movement within Tibet, while Chinese can move freely; Tibetan nomads are evicted from their lands, while Chinese have been encouraged to set up permanent residence in Tibet; Tibetans have no access to Tibetan language translations during court proceedings, which are all held in Mandarin. If Tibetans resist by trying to exercise their rights, they are very often criminalised as 'separatists'.

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<sup>1</sup> Tibet was a sovereign nation until China's invasion in 1950. China's occupation of Tibet remains illegal under international law and violates the Tibetan people's right to self-determination. The historic territory of Tibet has been annexed into the Chinese provinces of Gansu, Qinghai, Sichuan, Yunnan and the 'Tibet Autonomous Region' (TAR).

<sup>2</sup> Sander, K. (2016) *One Chinese Nation? Promoting the notion of 'Zhonghua Minzu' as a means for the solution to ethnic problems in the People's Republic of China*, Available at the Student Repository of the University of Leiden, <https://openaccess.leidenuniv.nl/handle/1887/41883>.

<sup>3</sup> Constitution of the People's Republic of China (2004), [http://www.npc.gov.cn/englishnpc/Constitution/node\\_2825.htm](http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm).

## Ending Nomadic Way of Life:

6. In paragraph 21 of its concluding observations to the 2009 Review of China, the Committee recommended that disparities in regional economic and social development should be eliminated; that ethnic minorities should benefit from economic growth; that economic, social and cultural rights should be implemented; and that cultures and traditions should be respected.
7. Since the last review, the Chinese government has launched a number of poverty alleviation programs combined with its economic plans in Tibet, including its launch of a plan to “Leapfrog Development”<sup>4</sup>. One would expect that these plans would have provided a higher economic standard of living for Tibet’s nomadic population living across Tibet, but this has not been the case. The government has also implemented a variety of ecological conservation programs, which, rather than protecting the land that Tibetans inhabit, has instead paved the way for exploitation of that land. Our analysis of the government’s recently launched Belt and Road Initiative (BRI) is that, rather than an economically supportive initiative, it is most likely to be extractive and thus hugely detrimental to the Tibetan nomads’ way of life.
8. Since 2008, Tibet’s nomadic culture has come much nearer to extinction. At the launch of China’s ‘Western Development Program’ in 1998, Qi Jingfa, the then vice-minister of agriculture was reported as saying that all herdsmen were expected to end the nomadic way of life by the end of the century.<sup>5</sup> Since then, nomad resettlement across Tibet intensified drastically. In 2013, Human Rights Watch estimated that over two million Tibetans had been resettled in the TAR since 2006.<sup>6</sup> China’s BRI is what now poses a serious threat to the remaining nomads.
9. The BRI will encompass extensive railway networks and highways that will pass through Tibet and connect China to Pakistan, Nepal and South-East Asia<sup>7</sup>. It is anticipated that once the infrastructure is established, there will be an increase in mining operations, domestic and international tourist facilities, and hydro-power projects. The nomadic culture could be extinct at the latest by 2030, the predicted end of the completion of the BRI routes through Tibet.
10. Tibetan nomads have resisted resettlement, and development of their grazing land, and have often been met with state violence as a result. On May 1, 2018, approximately sixty Tibetan nomad families from Nyimo county, Lhasa prefecture, TAR, made an appeal to the Chinese

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<sup>4</sup> New York Times, 31 May 2010, *China to seek “stability” in Tibet via Development*  
<https://www.nytimes.com/2010/01/24/world/asia/24china.html>.

<sup>5</sup> Xinhua News, 18 March 1998, *Herdsmen in China to End Nomadic Life*. The submission authors have a saved copy of the article but it is no longer available online. This article was quoted in the report of the UN Special Rapporteur on the right to food about China by Olivier De Schutter in 2012, available here:  
[http://www.srfood.org/images/stories/pdf/officialreports/20120306\\_china\\_en.pdf](http://www.srfood.org/images/stories/pdf/officialreports/20120306_china_en.pdf)

<sup>6</sup> Human Rights Watch (2013) *“They Say We Should Be Grateful”: Mass Rehousing and Relocation Programs in Tibetan Areas of China*,  
<https://www.hrw.org/report/2013/06/27/they-say-we-should-be-grateful/mass-rehousing-and-relocation-programs-tibetan>, p.4.

<sup>7</sup> Our research shows that the BRI through Tibet will have multiple railway lines through nomadic areas of Tibet. One will connect China to Pakistan via Sichuan Province in the city of Chengdu through Tibet in traditionally nomadic areas in the Provinces of Sichuan, Gansu and Qinghai. Another will connect China to Nepal with a railway line between Chengdu and Lhasa and onwards to Shigatse and then the border with Nepal. Another railway line will go from Yunnan Province to Lhasa in the TAR, passing through traditionally Tibetan nomadic areas like Dechen, Tibetan Autonomous Prefecture. A majority of these plans are due to be completed between 2020 and 2030.

authorities concerning their loss of grazing land that was seized by Chinese authorities in mid-2017 and set to be developed as a 'tourist zone'.<sup>8</sup> Nyimo county is a stop on the BRI route planned to connect Lhasa via Shigatse to the Western part of Tibet and onwards to Nepal. The land was confiscated under the pretext that it was being turned into a farming zone or a pasture. Since then local nomads livelihoods have been endangered as several thousand animals have starved. Tibetans were threatened by officials after they appealed to higher officials for compensation for the land. The locals were told no compensation would be given as the land belonged to the Chinese Communist Party, and were told to remain silent or leave, otherwise they would face arrest or jail.<sup>9</sup>

11. In 2014 and 2015, in several townships across Sangchu (ch. Xiahe County), Gansu Province, Tibetan nomad-led peaceful protests erupted, opposing nomad land seizure by the Government in order to build a highway. Concerns were also raised about linking the highway construction to mining activities. In May 2017, on a Chinese government website it was announced that a planned railway between the city of Xining and the city of Chengdu would be build and become part of the BRI. The route would pass through Tongren Prefecture, reaching Chengdu via Hezuo City. While the exact route of the planned highway and railway is unclear, a passageway through Xiahe county seems practical and is further supported by reports of highways being built. Major railway lines tend to overlap with highways.
12. Village leader and environmental activist Tsewang Kyab died on 25 April, 2017, 11 months after he led peaceful mass protests against illegal gold mining in Amchok, Sangchu (Ch: Xiahe County), Gansu Province, near the sacred mountain Gong Ngon Lari. The protest started on 31 March 2016 with over 100 people and lasted for almost a week, gathering 2,000 people. They held banners calling for an end of the mining, reading "Stop Mining at Amchok Gong Ngon Lari" and shouted: "Protect the environment and the Tibetan belief system". State security forces beat protestors. Tsewang Kyab was beaten, and detained. He suffered internal organ failure which is believed to have led to his death.
13. **Suggested Question:** Please consider and present alternative routes to the existing planned railway line through Lanzhou, Xining, Chengdu, Qamdo, Dechen and Lhasa, including air transport, so that the railway does not traverse Tibetans nomad areas.
14. **Suggested Question:** Please provide details and data about how the railway and highway network as part of the BRI through Tibet is carried out in full compliance of obligations under the ICERD and without threatening the extinction of the Tibetan nomadic lifestyle.
15. **Suggested Question:** Please explain why lands that have been confiscated from nomads since 1998 have been turned into tourist zones, hydro-power projects, mining sites, when the stated aim was ecological conservation of the lands.

### **Freedom of Movement:**

16. Tibetans are denied the right to freedom of movement. For a Tibetan, movement within their own Tibetan territory and the Chinese state, as well as travelling abroad has been extremely

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<sup>8</sup> Free Tibet, 17 May 2018, *Nomads left without compensation after land grab*, <https://freetibet.org/news-media/na/nomads-left-without-compensation-after-land-grab>

<sup>9</sup> Ibid.

- restricted since 2008. These restrictions are based upon discriminatory practices and target Tibetans as an ethnic group.
17. Tibetans are targeted collectively by both police and military, whose presence in Tibet has intensified since 2012<sup>10</sup>. The militarization of Tibet creates an atmosphere of fear in everyday life which hinder Tibetans from moving freely within Tibet. This is in direct contrast to Chinese migrants who are able to visit Tibet freely and permanently settle, and tourists.
  18. On important religious occasions Tibetans gather at monasteries to hold prayer festivals and national celebrations such as Tibetan New Year. On such occasions the police and military forces often physically block Tibetan pilgrims from entering the area and going to the monastery, thus violating the Tibetans' right to freedom of assembly.
  19. During dates which are deemed politically sensitive with regards Tibet's history, such as 10 March which marks the first Tibetan uprising in 1959, as well as the 2008 uprising, the government imposes so called "black periods"<sup>11</sup> on Tibetan areas. Shortly before and after 10 March regulations are intensified, and military presence increases in most Tibetan regions, monitoring all Tibetans. Such measures are also executed in Tibet during the Chinese Communist Party's annual Congresses in Beijing.<sup>12</sup>
  20. Today the Tibet Autonomous Region<sup>13</sup> is the most inaccessible region within the PRC and Lhasa, the cultural and religious center and capital city for Tibetans, is the most difficult place to access for Tibetans.<sup>14</sup> For Tibetans from Kham and Amdo within the Provinces of Yunnan, Qinghai, Sichuan and Gansu, it has become extremely difficult to obtain permits to go to Lhasa. Our researchers have found that through administrative regulations the Chinese government has further institutionalized racist practices to restrict Tibetans' movement ,for example, to go from Tibetan areas outside the TAR to Lhasa, a Tibetan is required to have a complicated set of documents, obtained from both village and county levels.<sup>15</sup>
  21. Our researchers found that Tibetan monks and nuns are disproportionately targeted by racist practices, having to obtain additional documents from their monastic institution, as well as the religious department of the county. This is a sign of intensified racial discrimination based not only on their belonging to an ethnic group, but also to a religious group.
  22. Within Lhasa, the Chinese government has installed an extensive number of police checkpoints to surveil and control Tibetans, and is the most sophisticated police surveillance system within the Chinese state.<sup>16</sup> By 2012, there were police stations every 500 metres within the city<sup>17</sup>.

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<sup>10</sup> Zenz, A. & Leibold, J. (2017) *Chen Quanguo: The Strongman Behind Beijing's Securitization Strategy in Tibet and Xinjiang*, China Brief Volume: 17 Issue: 12.

<sup>11</sup>International Campaign for Tibet (2018) *Access Denied: China's enforced isolation of Tibet, and the case for reciprocity*, <https://www.savetibet.org/access-denied-chinas-enforced-isolation-of-tibet-and-the-case-for-reciprocity/#133>, Chapter Tourist Access to Tibet and the Security State.

<sup>12</sup> International Campaign for Tibet (2018), supra note 9, at *Executive Summary*.

<sup>13</sup> TAR was established by the Chinese government in 1965. Traditionally, this territory represents only Central Tibet, which is less than half of the actual Tibetan territory.

<sup>14</sup> International Campaign for Tibet (2018), supra note 9, at Locked In, *Locked Out: Tibetans Inside and Outside Tibet*.

<sup>15</sup> Our researchers have found that when Tibetans travel from Tibetan areas outside the TAR to Lhasa, they first have to get a permit from the village council, then from the police stations of the township and the county, and then from the administrations of township and county.

<sup>16</sup> Zenz, A. & Leibold, J. (2017) supra note 10.

<sup>17</sup> Zenz, A. & Leibold, J. (2017), supra note 8.

23. In areas outside the TAR in Eastern Tibet, our researchers found that since 2009, at least one new police station has been established in each township and that in every monastic institution in Tibet there is a police station and an intelligence unit.
24. Since 2012 Tibetans have faced intensified administrative obstacles to obtaining passports<sup>18</sup>, while Chinese citizens do not face similar barriers to travelling abroad. A majority of Tibetans do not have a passport. When Tibetans do travel abroad they often face reprisals upon their return.
25. On 13 February 2017, Tibetan pilgrims from Gansu province were stopped from entering Sichuan province to attend a traditional prayer festival at Kirti Monastery in Ngaba (ch: Aba).<sup>19</sup>
26. In February 2014, Tibetan blogger Tsering Woesser published a leaked government document which stated that hotels in Tibet must report Tibetans from politically sensitive areas to the police and obtain permission from the police before these guests are allowed to check-in. The same is not required of Chinese guests from the same area.<sup>20</sup>
27. In October 2017, during the 19th Chinese Communist Party Congress in Beijing, foreign travelers and Tibetans from Qinghai were barred from entering Lhasa for 10 days.<sup>21</sup>
28. Tibetans who travelled abroad in July 2012 to join the Kalachakra, a religious teaching given by the Dalai Lama in India, were stopped on their return and then put into “re-education” camps<sup>22</sup>. Subsequently, in July 2014 there were more Chinese Buddhists participating in the Kalachakra teachings in India than Tibetans from Tibet<sup>23</sup>.
29. **Suggested Question:** What are the steps the Government is taking to guarantee Tibetans’ freedom of movement within Tibet (TAR, Qinghai, Sichuan, Gansu, Yunan provinces) and in particular in and out of Lhasa?
30. **Suggested Question:** Please provide details and data about deployed police and military forces in Tibet, as well as the construction of police and military stations since 2008.
31. **Suggested Question:** Please provide details and data on issuance of passports to Tibetans, including how the passport application process differs for Tibetans, and why this is.

**Language:**

32. In China’s UNCERD State report, they say that “spoken and written ethnic minority languages are used in the administrative and judicial fields”, that “the normalization, standardization and information processing of spoken and written ethnic minority languages are being promoted”, that “relevant bilingual education policies are being implemented”, and that China “has also

<sup>18</sup> International Campaign for Tibet (2018), supra note 9, at *Locked In, Locked Out: Tibetans Inside and Outside Tibet*.

<sup>19</sup> Free Tibet, 13 February 2017, *Military Build-Up On Tibetan Borders As Pilgrims Prepare For Prayer Festival*, <https://freetibet.org/news-media/na/military-build-tibetan-borders-pilgrims-prepare-prayer-festival>.

<sup>20</sup> Photograph of document (Chinese) and translation available from Free Tibet. Source: Twitter account of Beijing-based Tibetan blogger Tsering Woesser, [twitter.com/degewa/status/408181594642325504](https://twitter.com/degewa/status/408181594642325504)

<sup>21</sup> Radio Free Asia, 22 September 2017, *Tibet Closes to Travelers For 10 Days in October*, <https://www.rfa.org/english/news/tibet/closes-09222017153847.html>.

<sup>22</sup> International Campaign for Tibet (2018), supra note 9, at *Locked In, Locked Out: Tibetans Inside and Outside Tibet*.

<sup>23</sup> Ibid.

created ethnic-language work-management networks at the national, provincial/regional, prefectural/league and county levels [...] for the spoken and written languages of ethnic minorities”.

33. Since the last review, the Chinese government has focused on continuing to provide bilingual language education for Tibetans and has claimed on state-sponsored media that they are promoting Tibetan language by helping standardise 10,000 new words in the Tibetan vocabulary, supporting Tibetan language online search engines and apps, as well as publishing new Tibetan language dictionaries.
34. Since the Tibetan Uprising in 2008, China has been systematically cracking down on Tibetan language by persecuting Tibetan language rights defenders, and voluntary and community-driven Tibetan language associations, and imprisoning Tibetan-language singers and writers whose work is deemed politically charged. Education policies and politically-motivated policies targeting Tibetans specifically, have become a serious and systematic threat to the survival of the Tibetan language. The government has facilitated an environment where campaigning for the right to speak Tibetan is viewed as an act against the state.
35. The push for *Putonghua*, Standard Mandarin, as the official lingua franca since 2000 has created a Tibetan language-averse environment regarding economic and employment opportunities.
36. The push for *Putonghua* goes hand in hand with bilingual education policies for ethnic minorities, and in particular for Tibetans. While bilingual language education sounds progressive on paper, it is a means to establish Mandarin as the main language of instruction. Our analysis is that bilingual education policies are a defacto threat to the Tibetan language.
37. The Chinese government-led standardisation of ethnic minority languages and the alleged contributions of adding new vocabulary to the Tibetan language is in reality a trend of Sinicising Tibetan language.
38. Since 2008, many volunteer-led and community-based language associations run by Tibetans in Tibet have started to offer free Tibetan language classes outside of the state-controlled education system.<sup>24</sup> The Chinese government has cracked down on these associations by not issuing permits to run language related events.<sup>25</sup> The government has canceled planned events at the last minute citing no or political reasons. The government has also cracked down on these initiatives by labeling them ‘illegal associations’, leading to classes being held in secret and at the risk of being criminalised.
39. In 2010 and 2012 there were Tibetan student-led mass peaceful protests in response to the bilingual language system and shrinking space for Tibetan language in general. Between October 20-27, 2010, thousands of students ranging from middle school to university took to the streets in several locations in Tibet in Qinghai and in Gansu county, and in Beijing, shouting slogans and holding banners asking for ‘Equality and freedom for Tibetans to use the Tibetan

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<sup>24</sup> Radio Free Asian, 20 January 2016, *New Controls on Tibetan Language Study in Qinghai's Pema County*, <https://www.rfa.org/english/news/tibet/controls-01202016160851.html>.

<sup>25</sup> *Ibid.*

language". The protests were prompted by the bilingual education policies being imposed wherein Mandarin would become the primary language of instruction. On November 26th, 2012, armed police and paramilitary broke up a peaceful student-led protest of over 1000 individuals in Chabcha (ch. Gonghe), Tsolo Prefecture, Qinghai Province, leaving around 20 people hospitalised, many injured and five students sentenced to five years in prison.

40. In 2014 it was reported that a language competition in Tibetan was blocked in Songpan, Sichuan Province at the last minute, with a police officer quoted as saying "Tibetan language contains words that can be used to express opposition to Chinese rule".<sup>26</sup>
41. In 2016, the 'Save the Language' association in Pema, Golog Prefecture, Qinghai Province was deemed an 'illegal association' and forced to shut down their 7 year long language class efforts<sup>27</sup>.
42. On 22 May 2018, Tibetan language advocate Tashi Wangchuk was sentenced to a 5 year prison term after he featured in a New York Times article and video report [7] about his journey to Beijing in May 2015, to file a formal complaint against Chinese officials for failing to support Tibetans' right to Tibetan language education. Despite the fact that he explicitly stated in the report that he was not calling for Tibetan independence, Tashi Wangchuk was arrested and charged with the highly politically motivated 'offence' of "inciting separatism", a charge that "criminalize(s) the legitimate exercise of freedom of expression and his defense of cultural rights", according to UN experts. Prior to his trial, Tashi Wangchuk was held in arbitrary detention for two years, as recently confirmed in an opinion by the UN Working Group on Arbitrary Detention.<sup>28</sup> Tashi Wangchuk was also tortured and suffered inhumane and degrading treatment during the first weeks of detention. His trial finally took place on 4 January 2018 where he was charged with the overblown crime of "inciting separatism". His lawyer, Liang Xiaojun, commented on Twitter that Tashi did not accept the verdict and planned to appeal. The trial was conducted in Mandarin. No update has been given as to his current whereabouts or where he will serve his sentence.
43. **Suggested Question:** What are the government plans to reform the bilingual education in Tibet towards making the Tibetan language the main language of instruction, while ensuring that Mandarin will be studied in an auxiliary Mandarin language class only?
44. **Suggested Question:** What steps is the government taking to ensure that economic and professional opportunities in Tibetan language are predominant in Tibet?
45. **Suggested Question:** Define on what grounds voluntary and community-based Tibetan language associations are deemed illegal and what steps the government is taking to facilitate a legal space for Tibetan-led voluntary language associations?

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<sup>26</sup> Radio Free Asia, 22 April 2014, *Tibetan Language Promotion Event Blocked by China*, <https://www.rfa.org/english/news/tibet/language-04222014150658.html>.

<sup>27</sup> Radio Free Asian, 20 January 2016, supra note 24.

<sup>28</sup> Statement by six UN experts: Mr. Philip Alston, Special Rapporteur on extreme poverty and human rights, Special Rapporteur on the situation of human rights defenders, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the independence of judges and lawyers, Chair-Rapporteur of the Working Group on Arbitrary Detention, and Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances.; and further endorsed by Special Rapporteur on the right to health, 23 March 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=22981>.

46. **Suggested Question:** Please provide data on the percentage of schools in Tibet using Tibetan as the primary language of instruction.

### **Torture and Detention:**

47. Under the People's Republic of China, Tibetans are disproportionately tortured, held incommunicado and die in prison. Tibetan human rights defenders all run the risk of being arrested by a state government that clamps down on any perceived form of dissent. They live with the knowledge that if they were to be arrested, they and their family members would be at risk of suffering torture during their time in custody. This limits the growth and functioning of civil society in Tibet.
48. Chinese Criminal Procedure Law prohibits the use of torture. But evidence demonstrates that there is an alarming gap between the law and actual practice. Evidence collected by key Tibet research groups points to the continuing widespread and routine use of torture by the Chinese authorities particularly inside Tibet. Freedom House reported that since the Chinese Communist Party's leadership change in November 2012, Tibetans "were more likely than other categories of victims to be subjected to long prison sentences of 10 years or more, systematic torture, and death in custody".<sup>29</sup>
49. Patterns appearing in recent years include Chinese authorities opening fire on peaceful protesters and then detaining the wounded, denying them access to medical treatment. In August 2014, three such Tibetan protesters who had been shot and detained by the authorities died from their gunshot wounds after being left untreated.<sup>30</sup> Another pattern has seen 'politically unreliable' Tibetans sent to extralegal centres and 're-educated'. Such processes reportedly include torture and sexual harassment<sup>31</sup>
50. In spite of legal and policy changes, such as the Regulations on Administrative Detention Facilities (ADF), a repressive state security apparatus continues to carry out human rights violations against Tibetans. Confessions that are acquired through the use of torture and inhuman treatment still appear to be routine in the Chinese justice system in Tibet.
51. Dolma Kyab was sentenced to death (with a two year reprieve) on August 15, 2013 in a three hour-long trial for allegedly murdering his wife who self-immolated in March 2013; he was tortured to extract a false confession<sup>32</sup>. Tibet Watch reported that during his time in custody, Dolma Kyab was taken out of his cell every two to three days and returned unconscious<sup>33</sup>.
52. Jigme Gyatso (also known as Golog Jigme) endured multiple arrests for making the documentary 'Leaving Fear Behind' in 2008. In 2014, he stated about his arrest: "(...) my hands and feet were shackled and I was tied hanging for 10 hours. Later, I experienced similar torture

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<sup>29</sup> Freedom House, *The Politburo's Predicament*, <https://www.freedomhouse.org/report/china/politburo-predicament>, Chapter: *Part II: Legal and Security Apparatus*.

<sup>30</sup> Radio Free Asia, 19 August 2014, Three More Detained Tibetan Protesters Die from Gunshot Wounds, <https://www.rfa.org/english/news/tibet/wounds-08192014131944.html>.

<sup>31</sup> Tibetan Center for Human Rights and Democracy, 28 May 2018, *Tibetan monk's account reveals torture and sexual abuse rampant in China's 'political re-education' centres*, <http://tchrd.org/tibetan-monks-account-reveals-torture-and-sexual-abuse-rampant-in-chinas-political-re-education-centres/>.

<sup>32</sup> International Campaign for Tibet, 21 August 2013, *Death Penalty For Tibetan After Death Of Wife in Ngaba*, <http://www.savetibet.org/death-penalty-for-tibetan-after-death-of-wife-in-ngaba/>.

<sup>33</sup> Tibet Watch, *Dzoegen Thematic Report 2013*, [http://www.tibetwatch.org/uploads/2/4/3/4/24348968/dzoegen\\_county\\_thematic\\_report.pdf](http://www.tibetwatch.org/uploads/2/4/3/4/24348968/dzoegen_county_thematic_report.pdf).

seven times, which often lasted between 2 to 5 hours. Even today I continue to have severe pain on the backbone and ribs and my knee dislocates whenever my body gets cold<sup>34</sup>.

53. Tenzin Choedrak, a 34-year old Tibetan social activist and political prisoner, died in December 2014 just two days after he had been released early from detention, having served six years of his 15-year prison sentence. His physical injuries suggest he was subjected to foot whipping, as well as beatings.<sup>35</sup>
54. Tenzin Delek Rinpoche was a highly-respected Tibetan lama renowned for welfare activities and promoting Tibetan culture, who was tortured, denied medical treatment, and died in prison as a result. He was arrested in 2002 on a false charge of masterminding a bomb explosion and distributing separatist leaflets.<sup>36</sup> The only evidence against him was extracted from a relative, Lobsang Dhondup, under torture. Dhondup, who was executed, later recanted his statement, clearing Tenzin Delek of any wrong-doing.<sup>37</sup> Tenzin Delek's trial was held in secret, and even though he had no independent legal counsel, he received a death sentence, which was later commuted to life in prison and then to a 20-year sentence. Tenzin Delek Rinpoche is believed to have been tortured in detention. In 2010 prison officials told relatives that he was ill with "ailments related to bones, heart, and blood pressure." Tenzin Delek Rinpoche became eligible for medical parole in 2009 but his family's application was ignored. In June 2015, Tenzin Delek Rinpoche died under suspicious circumstances during his thirteenth year of detainment.<sup>38</sup> After seeing his body, Tenzin Delek Rinpoche's sisters reported that "his lips and fingernails had turned black; they believed he was murdered."<sup>39</sup> Tenzin Delek Rinpoche's death is a tragic example of "China's contempt for its own laws."<sup>40</sup>
55. **Suggested Question:** Please expand on how the state responded to the deaths of ex-prisoners Tenzin Choedrak, Jamyang Jinpa, Goshul Lobsang, and Tenzin Delek Rinpoche particularly as these are alleged to be as a result of torture sustained in detention. If there was no response, will the state party investigate these deaths now on hearing there are real concerns that these were as a result of torture?
56. **Suggested Question:** Please give details and data of the number of investigations carried out into incidents of torture of Tibetans in detention in Tibet since the last review, and their findings.
57. **Suggested Question:** Please describe how accountability mechanisms can be implemented to prevent early release of dying prisoners being used by prison staff in Tibet as a way to circumvent accountability for torture carried out in detention?

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<sup>34</sup>Central Tibetan Administration, 28 May 2014, *Golog Jigme Speaks About His Arrest and Escape from Chinese Prison*, <http://tibet.net/2014/05/28/golog-jigme-speaks-about-his-arrest-and-escape-from-chinese-prison/>.

<sup>35</sup>Tibetan Center for Human Rights and Democracy, 30 January 2015, *Tsewang Rigzin, Remembering the fearless 'ghost' Tenzin Choedrak*, <http://www.tchrd.org/2015/01/remembering-the-fearless-ghost-tenzin-choedrak-1981-2014/>.

<sup>36</sup>Human Rights Watch (2004) *Trials of a Tibetan Monk; The Case of Tenzin Delek* Vol(16) 1c, <https://www.hrw.org/report/2004/02/08/trials-tibetan-monk/case-tenzin-delek>.

<sup>37</sup> Ibid.

<sup>38</sup> Congressman McGovern, 20 July 2015, *Statement on Death of Tibetan Activist Tenzin Delek Rinpoche*, <https://mcgovern.house.gov/news/documentsingle.aspx?DocumentID=396707>.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

## Demographics:

58. In Paragraph 13 of UNCERD's Concluding Observations in 2009, the Committee reiterated its previous recommendation that any policies or incentives offered that may result in a substantial alteration of the demographic composition of autonomous minority areas be reviewed.
59. In China's state report to the Committee it stated that there was a 'two-way population flow', which also would enable ethnic minorities to move into Han areas. This statement disregards the fact that ethnic minority numbers do not alter the demographic makeup in Han areas, whereas Han Chinese entering minority areas significantly does.
60. Tibetans are becoming a minority in Tibet<sup>41</sup>. In-migration of Han Chinese into Tibet has been a key policy of China for many decades, part of its securitisation plan for resource extraction and securing international borders. It appears, that the goal is to change demographics so that Tibetans become a minority in their own country, which would further undermine Tibetans' ability to govern their own affairs and have a majority vote.
61. Han Chinese settlers enjoy economic, social and political privileges in Tibet, being the dominant Chinese identity. The State's report alleges that "For accelerating the economic and social development of ethnic areas, however, talent is key. The State has introduced a number of policy incentives to attract talented people in all areas of specialization to poverty-stricken ethnic minority areas and inspire them to make contributions there." This wording suggests that ethnic minorities themselves are without talent and that the in-migration of skilled Han Chinese are necessary for Tibet's progress, which chimes with China's colonial narrative of Tibet as a backward country that needs development by China. These remarks are also a denial of the right to self-determination, such as Tibetans have to freely determine their cultural, social and economic development.
62. Mandarin is the official language in Tibet and, as a result, Chinese settlers have fundamental advantages in everyday life and in business compared to Tibetans. If Tibetans cease to hold majority representation in Tibet due to demographic changes, it will further undermine Tibetans' ability to govern their own affairs..
63. Intensifying and institutionalizing Chinese settler policy on a large scale appears to have been one of the key goals behind the establishment of the Lhasa railroad in 2006, a railway that connected Beijing and Lhasa for the first time. The official argument is that Tibetans will profit from this new infrastructure economically but one of its main goals seems to be to facilitate Chinese settlement to Tibet.
64. A critical problem with challenging China's Chinese settler policy in Tibet is a lack of concise population data. However, defacto demographic change has happened and is ongoing. Much of the service industry in Tibet is dominated by Han Chinese migrants. In the capital city of Lhasa, Han Chinese have begun increasingly to occupy positions in retail businesses.<sup>42</sup> In 1990 the Tibetan population in Lhasa was 68.9 percent of the total population while Han were 28.8 percent, but in 2000 the Tibetan population decreased to 62.9 percent and the Han increased

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<sup>41</sup> Free Tibet (2018) *Introduction to Tibet*, <https://freetibet.org/about>.

<sup>42</sup> Zhu, Y. & Dongyan, B. (2012) *Economic Expansion, Marketisation and their Social Impact on China's Ethnic Minorities in Xinjiang and Tibet*, Asian Survey, Vol. 52, No.4, pp. 714-733.

to 34.4 percent.<sup>43</sup> After the opening of the Beijing to Lhasa railway in 2006, by 2009 the ‘floating’ population in Lhasa reached 200,000 people, even though the overall population was only half a million. Two thirds of the floating population are Han, who are attracted by the construction and the infrastructure industry. The BRI will likely increase in-migration of workers.

65. **Suggested Question:** Please provide historical data regarding the demographic change of Tibetan areas in the TAR and in the provinces of Qinghai, Gansu, Yunnan and Sichuan for each year from 2000 -2017.

66. **Suggested Question:** Please provide information to demonstrate how Tibetan areas will be protected as majority ethnic minority areas.

### Human Rights Defenders:

67. China wages a wholesale attack against Tibetan human rights defenders, criminalising the slightest dissent. Tibetan human rights defenders are “almost systematically labeled as anti-state or inspired by a ‘separatist agenda’, and their actions “immediately suppressed”<sup>44</sup>. Even when asking for basic rights, Tibetans are often accused of the Chinese crime of “separatism”, a paranoia stemming from China’s continued occupation of Tibet and the denial of self-determination to the Tibetan people. China systematically denies Tibetans the right to Article 5(d)(viii) of the ICERD, which guarantees the right to freedom of opinion and expression. Defenders also regularly face arbitrary detention, torture, violations of their cultural rights, and of their right to freedom of association and assembly.<sup>45</sup> There is incredibly limited space for lone defenders, let alone a wider civil society.

68. As of 2017, there were 1,906 Tibetan political prisoners in Chinese detention<sup>46</sup>. Tibetan writer and Buddhist monk **Lobsang Jamyang (pen-name Lomik)** was detained by Chinese authorities in April 2015 from Kirti Monastery, in Ngaba, eastern Tibet (ch: Aba Tibetan and Qiang Autonomous Prefecture, Sichuan Province), and sentenced to seven years and 6 months in prison on charges of “leaking state secrets” and “engaging in separatist activities”,<sup>47</sup> believed to be related to his writings and open discussions involving other Tibetan writers.<sup>48</sup> **Tsegon Gyal** was arrested in December 2016. The Chinese authorities have never stated a public reason for Mr. Gyal’s initial arrest, although the Tibetan Centre for Human Rights and Democracy has linked his arrest to “a blogpost on *WeChat*” that criticized China for failing to genuinely promote its policy of ‘ethnic unity’. He wasn’t tried until May 2017, and sentenced only in January 2018 to three years’ imprisonment on charges of separatism.<sup>49</sup>

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<sup>43</sup> Ibid.

<sup>44</sup> Human Rights Watch (2013) supra note 4, at p.23.

<sup>45</sup> Tibet Advocacy Coalition, *Mid-Term Universal Periodic Review Assessment Report The Deteriorating Human Rights Situation in Tibet*,

[https://tibetnetwork.org/freedom2/wp-content/uploads/2016/03/2016\\_ChinaUPR-Mid-Term\\_AssessmentReport.pdf](https://tibetnetwork.org/freedom2/wp-content/uploads/2016/03/2016_ChinaUPR-Mid-Term_AssessmentReport.pdf), p.8.

<sup>46</sup> Tibetan Center for Human Rights and Democracy, Status: 28 September 2017, Political Prisoner Database, [http://www.tchrd.org/tchrd\\_pdb/prisoners-database/](http://www.tchrd.org/tchrd_pdb/prisoners-database/).

<sup>47</sup> Tibetan Centre for Human Rights and Democracy, 9 May 2016, *Tibetan writer sentenced to 7.5 years after more than a year of secret detention*,

<http://tchrd.org/tibetan-writer-sentenced-to-7-5-years-after-more-than-a-year-of-secret-detention/>

<sup>48</sup> Human Rights Watch (2016) *World Report 2017: China*,

<https://www.hrw.org/world-report/2017/country-chapters/china-and-tibet>

<sup>49</sup> Radio Free Asia, 20 February 2018, *Tibetan Writer Handed Three-Year Prison Term For ‘Inciting Separatism’*, <https://www.rfa.org/english/news/tibet/inciting-02202018150053.html>.

69. In the aftermath of Tenzin Delek Rinpoche's death in July 2015, his niece **Nyima Lhamo** was the main source of information and publicly demanded an investigation. She was consequently arbitrarily detained for 10 days by Chinese authorities, along with her mother Dolkar Lhamo, threatened and then put under surveillance. She subsequently fled Tibet, arriving in India in July 2016. In September 2016 she participated in a side event at the 33rd session of the Human Rights Council and briefed UN Special Procedures' Offices and Diplomats on the Chinese authorities' ongoing targeting of her and other family members. An investigation has never been made into Tenzin Delek Rinpoche's death.
70. Tibetan businessman and environmental philanthropist, **Karma Samdrup**, founded the Three Rivers Environmental Protection group and pushed for conservation of the source region for the Yangtze, Yellow and Lancang (Mekong) rivers. His group has won several awards for its work, including the Earth Prize, which is jointly administered by Friends of the Earth Hong Kong and the Ford motor company. In 2006, he was named philanthropist of the year by state broadcaster China Central Television (CCTV) for "creating harmony between men and nature". He advocated for the release of his two brothers **Rinchen Samdrup** and **Jigme Namgyal** who ran their own environmental protection groups and had been imprisoned. On 3 January 2010 Karma was sentenced to 15 years imprisonment by the Yangqi county courthouse in Xinjiang for what are believed to be false charges of robbing graves and stealing cultural artefacts.<sup>50</sup>
71. On 2 April 2018 Chinese authorities detained **31 Tibetans** and disappeared a village leader after they had opposed plans to mine Sebtra Zagyen, a sacred mountain with an 800 year-old history that overlooks several villages located in Shakchu (Ch: Shaqu) Town in Diru (Ch: Biru) County, Nagchu (Ch: Naqu) Prefecture, TAR. Their whereabouts are currently unknown.<sup>51</sup>

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<sup>50</sup>Tibetan Center for Human Rights and Democracy, 9 July 2010, Six Family Members Arbitrarily Detained and Sentenced Over Their Activism, <http://tchrd.org/six-family-members-arbitrarily-detained-and-sentenced-over-their-activism/>.

<sup>51</sup> Tibetan Center for Human Rights and Democracy, 14 May 2018, Village leader among 31 Tibetans detained for opposing mining at sacred mountain, <http://tchrd.org/village-leader-among-31-tibetans-detained-for-opposing-mining-at-sacred-mountain/>.