

TIBET ADVOCACY COALITION

SUBMISSION TO THE UN COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

FOLLOW-UP TO THE CONCLUDING OBSERVATIONS OF CHINA'S
COMBINED FOURTEENTH TO SEVENTEENTH PERIODIC
REPORTS

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1. INTRODUCTION

Tibet Advocacy Coalition presents this submission to the United Nations (UN) Committee on the Elimination of Racial Discrimination (the Committee) to inform the follow-up procedure in relation to the Concluding Observations on the combined fourteenth to seventeenth periodic reports of the People's Republic of China (PRC) in August 2018.¹ As requested by the Committee, Tibet Advocacy Coalition evaluates China's progress in implementing the Committee's recommendations and would like to provide the following information in relation to: broad definitions of terrorism and separatism (paragraphs 36 and 37), Torture and ill-treatment (paragraphs 38 and 39), Tibetans (paragraphs 43 and 44); and employment (paragraphs 47 and 48).

¹ UN Committee on the Elimination of Racial Discrimination (CERD), UN Committee on the Elimination of Racial Discrimination: Concluding Observations, People's Republic of China, 19 September 2018, CERD/C/CHN/CO/14-17, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCHN%2fCO%2f14-17&Lang=en

2. BROAD DEFINITION OF SEPARATISM

2.1 THE COMMITTEE'S CONCLUDING OBSERVATIONS

36. The Committee is concerned by reports that the broad definition of terrorism, the vague references to extremism and the unclear definition of separatism in Chinese laws could potentially lead to the criminalization of peaceful civic and religious expression and facilitate the criminal profiling of ethnic and ethno-religious minorities, including Muslim Uighurs, Buddhist Tibetans and Mongolians.

37. The Committee recommends that the State party review its existing relevant laws, regulations and practices in order to ensure that they are narrowly tailored, that there are effective monitoring mechanisms and sufficient safeguards against abuse, and that they are implemented in a manner that does not constitute profiling or discrimination on the grounds of race, colour, descent, nationality, ethnicity or ethno-religious identity. The Committee requests the State party to provide in its next periodic report statistics, disaggregated by ethnicity, on prosecutions, convictions, sentences and other sanctions for crimes relating to terrorism, separatism and extremism.

2.2 TIBET ADVOCACY COALITION'S ASSESSMENT

Tibet Advocacy Coalition regrets that in their follow-up information, the Chinese authorities continue to maintain that there is no racial, ethnic and ethno-religious profiling of Tibetans despite the widespread evidence to the contrary. Since the Tibet Advocacy Coalition's original submission, the Chinese authorities have continued to further policies aimed at criminalising acts of 'separatism'; a broadly-defined state security crime that authorities have used to detain community leaders, writers, monks and nuns and other groups who have engaged in protests or online dissent, such as Tashi Wangchuk, a Tibetan language rights advocate who was sentenced to five years imprisonment in May 2018.

On 11 January 2020, the 11th People's Congress of the Tibetan Autonomous Region (TAR) adopted "Regulations on the Establishment of a Model Area for Ethnic Unity and Progress in the Tibet Autonomous Region" which serve to reinforce the Chinese government's broad and the unclear definition of separatism and formalise a system already geared towards eradicating the Tibetan identity. The law, which came into effect on 1 May 2020, codifies "safeguarding oneness of motherland, strengthening ethnic unity, and taking an unambiguous stand against separatism"

as the responsibility of each and every Tibetan. According to Article 46 of the new ethnic unity law, individuals ‘harming ethnic unity’ by ‘taking part’ or ‘discussing separatism’ and ‘jeopardising social harmony’ will be subjected to ‘re-education’ and the state will administer ‘corrective courses’ thereby posing a serious threat to a further escalation of patriotic re-education measures.² The law dictates that “public security bureaus” will deal with individuals and organisations that fail to abide by the law.

Following the implementation of the law, the government announced incentives for inter-ethnic marriages between Tibetans and Han Chinese individuals, including offering cash rewards and scholarships for children, in a renewed attempt to interfere in Tibetan’s private lives and erase the Tibetan identity.

On 20 May 2020, the Monastic Management Committee of Jangda Monastery, in Parga Town, Burang County in Ngari Prefecture of the TAR, launched a new initiative to promote patriotism among the monastery’s monks. At the event, the monks were requested to take the initiative in opposing separatism, and told that it was their duty to be patriotic and safeguard a unified China.³ On 12 June 2020, the Monastic Management Committee of Dengqi Monastery organised a similar campaign in the Dengqi Township in Sengri County, Lhoka Prefecture, in the TAR. Following the event, Tibetan monks were forced to state that they would consciously safeguard the unity of motherland and oppose separatism.⁴

In a similar effort to crackdown on ‘separatist activities’, the CCP Central Committee and CCP State Council announced a three-year campaign against organised crime across the PRC on 24 January 2018. In the Tibetan Autonomous Region, this was followed by a notification issued on 7 February 2018, by the TAR Public Security Bureau, which is accountable to the PRC’s Ministry of Public Security and which coordinates the work of the police across the TAR. The notification outlined the threats posed to the economy and to society by “underworld forces” and outlined 22 examples of organised crimes.¹⁶ Some of the examples of organised crimes can be identified as legitimate crimes (e.g. number 14, related to pornography, gambling and drugs, and number 21, related to extortion and blackmail, destruction of property and prostitution).

Alongside these crimes are more broadly and vaguely worded offences, which could be used to punish Tibetans for protesting, celebrating their culture or exercising their right to self-determination. For example, the second crime listed cites “[u]nderworld forces interconnected with the Dalai clique, accepting remote control or command, or participating in

² According to the law, detention in ‘education centers’ may be 5-15 days long, however Article 30 puts forth “educational placement” of those who have been convicted of extremist crimes and empowers the intermediate people’s court to determine the modalities of the educational placement - this means that there is no minimum or maximum duration attached to the “educational placement” of a person and creates a legal basis for limitless detention i.e. through patriotic re-education.

³ Tibet Watch, Chinese authorities intensify patriotism campaign in Tibet, 24 June 2020:

<https://www.tibetwatch.org/news/2020/6/24/chinese-authorities-intensify-patriotism-campaign-in-tibet>

⁴ Tibet Watch, Chinese authorities intensify patriotism campaign in Tibet, 24 June 2020:

<https://www.tibetwatch.org/news/2020/6/24/chinese-authorities-intensify-patriotism-campaign-in-tibet>

separatist and disruptive activities”.⁵ Since then, courts in Tibetan areas have used “gang crime” charges to sentence at least 51 Tibetans to up to 9 years in prison for peacefully petitioning or protesting issues related to religion, environmental protection, land rights, and official corruption.⁶ Information from official sources and information that has been smuggled out Tibet suggests that at least 400 Tibetans were arrested between early 2018 and mid 2019 as part of this ‘organised crime’ push.⁷

⁵ Tibet Advocacy Coalition in collaboration with Free Tibet, ‘The effects of China’s campaign against ‘organised crime’ in Tibet, 2018-2019 A UN Special Procedures Briefing September 2019’, <https://www.freetibet.org/files/Organised%20crime%20in%20Tibet%2C%20September%202019%2C%20HRC42%2C%20Tibet%20Advocacy%20Coalition.pdf>

⁶ Human Rights Watch, ‘China: Tibet Anti-Crime Campaign Silences Dissent At Least 51 Tibetans Convicted for Peaceful Speech,’ 14 May 2020: <https://www.hrw.org/news/2020/05/14/china-tibet-anti-crime-campaign-silences-dissent>

⁷ Tibet Advocacy Coalition in collaboration with Free Tibet, ‘The effects of China’s campaign against ‘organised crime’ in Tibet, 2018-2019 A UN Special Procedures Briefing September 2019’, <https://www.freetibet.org/files/Organised%20crime%20in%20Tibet%2C%20September%202019%2C%20HRC42%2C%20Tibet%20Advocacy%20Coalition.pdf>

3. DETENTION OF TIBETANS

3.1 THE COMMITTEE'S CONCLUDING OBSERVATIONS

38. The Committee, while noting that, according to the State party, the reports are false, is concerned by reports according to which certain Tibetans, Uighurs and other ethnic minorities, peaceful political protestors and human rights defenders have been tortured or otherwise subjected to ill-treatment. It is also concerned by reports that certain Uighur detainees have been held incommunicado for prolonged periods, which puts them at risk of torture and other ill-treatment.

39. The Committee recommends that the State party

- (a) Strengthen measures to prevent acts of torture and ill-treatment committed against members of ethnic minorities, including by improving their access to lawyers;**
- (b) Ensure that all custodial deaths, allegations of torture and ill-treatment, harassment and reported use of excessive force against members of ethnic minorities are promptly, impartially and effectively investigated by an independent mechanism, and that perpetrators are brought to justice;**
- (c) Allow independent experts to conduct an investigation into the deaths of members of ethnic minorities in custody;**
- (d) Fully implement the recommendations contained in paragraph 41 of the concluding observations adopted in 2015 by the Committee against Torture (CAT/C/CHN/CO/5);**
- (e) Take all necessary measures to provide a safe environment for those working to protect and promote human rights.**

3.2 TIBET ADVOCACY COALITION'S ASSESSMENT

The Tibet Advocacy Coalition regrets that the Chinese authorities have maintained their refusal to repeal, as a matter of urgency, the provisions of their Criminal Procedure Law that allow people accused of state security crimes to be denied due process and expose them to serious risk of incommunicado detention, torture and ill-treatment. Under this law, suspects have no right to a lawyer,⁸ have no right to an open trial,⁹ can be kept for indefinite periods of time in detention, and may be kept at undisclosed locations for interrogation.¹⁰ The family of the accused does not have

⁸ Criminal Procedural Law, Article 37

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

⁹ Ibid. Article 183

¹⁰ Ibid. Article 73

to be notified about the detention,¹¹ and family members may legally be kept under surveillance at their homes.¹² Evidence collected during the investigation process for criminal cases related to state secrecy is kept undisclosed, complicating any attempts for Tibetans to seek redress.¹³

China's failure to amend these provisions means that abuses and impunity have continued to worsen since August 2018. Tibetans continue to be subjected to torture and ill-treatment in detention and to date, there is no evidence of a single case of torture in Tibet being investigated or the perpetrators been held accountable. The Coalition is also seriously concerned that Tibetans continue to be held incommunicado for prolonged periods of time, denied access to lawyers and their families and have both died in detention as well as following their release from prison.

High profile Tibetan political prisoner Tashi Wangchuk has been denied access to his lawyer, Mr Lin Qilei, and family on multiple occasions since the Committee's latest Concluding Observations on China. For instance, on 15 January 2019, the activist's family and Lin Qilei made a request to visit him, but officials at the prison denied this request citing the political and sensitive nature of the case.¹⁴ More recently, Tashi was denied two visits with his lawyer, including on 27 April 2020¹⁵ and 19 June 2020,¹⁶ with COVID-19 given as the reason for his denied access, despite the fact that there are no reported active cases of COVID-19 in the area.¹⁷ While there have been reports that Chinese prisoners have been given video conference access to their lawyers, this option was not provided to Tashi.

Tibetans continue to die in custody as well as following their release from detention. In late November 2019, **Jimtri**, the brother of Tibetan nomad and environmental rights defender, A-Nya Sengdra, died in hospital in Xining, Qinghai Province, after spending almost a year in detention. Jimtri, 54, was arrested on 15 December 2018 by the Public Security Bureau in Gade County and on 26 July 2019 was charged with "gathering people to disturb social order". The precise date of his death and the circumstances that lead to it have not yet been confirmed.

The Chinese authorities have an appalling track record of detaining prisoners in prolonged solitary confinement and in dire conditions, subjecting Tibetan prisoners to torture and other ill-treatment and denying them access to medical care. The lack of proper medical attention afforded to Tibetans while in detention causes health problems and exacerbates existing and underlying health conditions, which had led to numerous Tibetan political prisoners dying following their release from prison.

¹¹ Ibid, Article 83

¹² Ibid. Article 73

¹³ Ibid. Article 52

¹⁴ Free Tibet, 'China Bars Lawyer of Tibetan activist from visiting client as "tense" anniversary approaches,' 20 February 2019, <https://www.freetibet.org/news-media/na/china-bars-lawyer-jailed-tibetan-activist-visiting>

¹⁵ Tweet by Tashi Wangchuk's lawyer, Mr Lin Qilei: <https://twitter.com/lqllawyer/status/1255653072690282497>

¹⁶ Tweet by Tashi Wangchuk's lawyer, Mr Lin Qilei: <https://twitter.com/lqllawyer/status/1279769623873744898>

¹⁷ https://bing.com/covid/local/qinghai_chinainland

On 26 April 2019, **Pema Wangchen**, a former political detainee in his early thirties, died in a hospital in Chengdu, the capital of Sichuan province, from a prolonged illness following injuries sustained after spending one month and four days in police custody where he was severely beaten and subjected to torture in early 2016. Pema was arrested after a video of him singing the banned Tibetan national anthem at a public gathering went viral on Wechat in 2016.¹⁸ On 17 February 2020, **Samdup**, a former Tibetan monk and political prisoner and monk died from a diabetes-related illness at 50 years old. He was imprisoned for seven years following his involvement in a peaceful protest in Lhasa in 1992 alongside 12 monks from his monastery.¹⁹

This highlights the urgent need for the Chinese authorities to carry out an investigation into these deaths, to determine whether their torture and ill-treatment was a contributing factor to their deaths and to ensure that those responsible for this violation of rights are held accountable.

¹⁸ Free Tibet, 'Former political prisoner dies from ill-health following torture', 30 April 2019, <https://www.freetibet.org/news-media/na/tibetan-former-political-prisoner-dies-ill-health-following-torture>

¹⁹ Free Tibet, 'Former Tibetan monk and political prisoner dies', 16 July 2020, <https://www.freetibet.org/news-media/na/former-tibetan-monk-and-political-prisoner-dies>

4. ERASING THE TIBETAN LANGUAGE

4.1 THE COMMITTEE'S CONCLUDING OBSERVATIONS

43. [The Committee]... is also concerned by reports that Tibetan language teaching in schools in the Tibet Autonomous Region has not been placed on an equal footing in law, policy and practice with Chinese, and that it has been significantly restricted; that Tibetan language advocacy has been punished; and that Tibetans do not have access to Tibetan language translations during court proceedings, which are held in Mandarin (arts. 2 and 5).

44. The Committee recommends that the State party:

(b) Preserve the Tibetan language in the Tibet Autonomous Region by, inter alia, encouraging and promoting its use in the fields of education, the judicial system and the media;

(c) Provide the Committee with information regarding the promotion of, and any restrictions on the use of, ethnic minority languages.

4.2 TIBET ADVOCACY COALITION'S ASSESSMENT

In the period since the Tibet Advocacy Coalition's original submission, the Chinese authorities have continued to crackdown on Tibetan language education in a manner that seriously calls into question their commitment to the rights of the Tibetan people to use and develop their own spoken and written language.²⁰ While the official policy is termed "bilingual education," far from promoting the teaching academic content in two languages, this measure has resulted in the replacement of Tibetan with Chinese as the medium of instruction in primary schools throughout the region, with the exception of classes studying Tibetan as a language.²¹ New measures have been initiated since 2018, to ensure the continued marginalisation of the Tibetan language. For instance, in May 2019, a leaked copy of an order issued by the Education Bureau in Golok, a Tibetan Autonomous Prefecture within Qinghai, showed that the Chinese authorities ordered primary and middle schools in the Golok Tibet Autonomous Prefecture to give lessons in Chinese

²⁰ Chinese Government's Follow-up Response to the Concluding Observations of the UN Committee on the Elimination of Racial Discrimination, 8 October 2018,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCHN%2fCO%2f14-17%2fAdd.1&lang=en

²¹ Human Rights Watch, 'China's "Bilingual Education" Policy in Tibet Tibetan-Medium Schooling Under Threat' 4 March 2020, <https://www.hrw.org/report/2020/03/04/chinas-bilingual-education-policy-tibet/tibetan-medium-schooling-under-threat>

instead of Tibetan for the 2019-2020 school year.²² The document, which was not intended for public distribution, states that all subjects, except for the Tibetan language, will be taught in Mandarin.

These efforts were further rolled out across other Tibetan populated areas, including in Ngaba County in Ngaba Tibetan and Qiang Autonomous Prefecture, Amdo province in Eastern Tibet (Ch: Aba, Sichuan Province). In early April 2020, Tibetans in Ngaba were informed that instruction in Tibetan schools would soon be given exclusively in Chinese, with Tibetan language instruction being reserved solely for when students are taught Tibetan as a language subject.²³ On 20 May 2020, a delegation of Tibetan nomads in Ngaba sent a letter to the Standing Committee of the National People's Congress, urging them to respect the right to Tibetan-education and to maintain Tibetan as the medium of instruction for all subjects, amid the recent move by the authorities. They stressed that a switch to Mandarin education would have an "adverse impact on relationships between parents and their children and goes against regional ethnic laws" and the consequences of the switchover would be "far-reaching on future generations of Tibetan students with nomadic background."²⁴

Historically Tibetan monasteries have played a crucial role in Tibetan language education in Tibet which have been the target of government measures aimed at clamping down on Tibetan language instruction. In December 2018, after the last review by the Committee, a local government notice entitled "Urgent notice concerning stopping illegal study classes in monasteries," prohibited Tibetan children from attending language classes in monasteries in Nangchen County,²⁵ eastern Tibet, warning that holding classes in the monasteries was a danger that would be "dealt with."²⁶

The Tibet Advocacy Coalition remains concerned that Tibetans who air their grievances about the erosion of Tibetan language education have continued to face reprisals by the Chinese authorities since the Committee's last review. **Sonam Palden**, a 22 year old Tibetan monk and language rights advocate from Kirti Monastery in Ngaba was arrested on 19 September 2019, after posting comments on social media platform WeChat expressing concern about Beijing's policies in Tibet that are leading to the eradication of the Tibetan language²⁷ in a poem entitled 'Father Tongue'. Sonam remains in incommunicado detention, unable to see his family or lawyer, placing him at a significantly elevated risk of torture.²⁸ Kirti Monastery houses approximately

²² Voice of America, 'Golok Prefecture plans to implement Chinese-language education', 16 April 2019, <https://www.voatibetan.com/a/4920012.html>

²³ Radio Free Asia, Classroom Instruction Switch From Tibetan to Chinese in Ngaba Sparks Worry, Anger, 9 April 2020: <https://www.rfa.org/english/news/tibet/classroom-04092020184114.html?searchterm:utf8:ustring=%20ngaba>

²⁴ Radio Free Asia, 'Nomads Appeal Plan to Make Tibetan Schools in Ngaba Teach in Chinese' 23 April 2020, <https://www.rfa.org/english/news/tibet/nomads-school-04232020110325.html?searchterm:utf8:ustring=%20tibetan%20language>

²⁵ Nangchen (Ch: Nangqên) County, Yulshul (Ch: Yushu Tibetan Autonomous Prefecture), Kham (Ch: Qinghai Province)

²⁶ Tibet Watch, 'Tibetan monks holding classes for children will be punished, China warns' 6 February 2019, <https://www.tibetwatch.org/news/2019/6/17/tibetan-monks-holding-classes-for-children-will-be-punished-china-warns>

²⁷ Radio Free Asia, 'Tibetan Monk Arrested by Chinese Police Last Month Remains Missing', 10 April 2019, <https://www.rfa.org/english/news/tibet/sonam-palden-10042019175054.html#:~:text=Sonam%20Palden%20was%20arrested%20in,monastery%20in%20Ngaba%20since%20childhood>.

²⁸ Tibetan Centre for Human Rights and Democracy, 'Monk detained for criticising China's policy on Tibetan language at high risk of torture' 11 November 2019, <https://tchrd.org/monk-detained-for-criticising-chinas-policy-on-tibetan-language-at-high-risk-of-torture/>

2,500 monks and has been infamously targeted for ‘patriotic re-education’ by the Chinese authorities in an attempt to stifle any opposition to or criticism of China’s policies in Tibet.²⁹

On 20 February 2019, **Tsering Dorjee**, 45, resident of Peleb village in Tashi Zom Township, was detained hours after he had a phone call in which he spoke to his younger brother about the importance of Tibetan language education for children. Dorjee was detained for over a month at the Dingri County PSB detention centre of Shigatse, U-Tsang, Tibet (CH: Xigaze, TAR) where he was reportedly subjected to beatings by the Chinese authorities.³⁰ In early 2018, regional police in China issued a public notice that declared organizations campaigning on “mother tongue” issues illegal and a form of “underworld gang crime.”³¹

The Tibetan language is the bedrock of Tibetan culture, religion and identity and it has been steadily undermined under Chinese rule over the past six decades. Since anti-government protests erupted across the Tibetan plateau in March 2008, the Chinese government has sought multiple ways of increasing control of the Tibetan people. Since then Chinese authorities have put an even more heightened focus on the dominance of the Chinese language to the detriment of Tibetan language, and have also marginalized Tibetan language by withdrawing it from the curriculum.

²⁹ International Campaign for Tibet, ‘Crackdown in Ngaba: monks detained for giving wrong answers in ‘patriotic education,’” 26 May 2011, <https://savetibet.org/crackdown-in-ngaba-monks-detained-for-giving-wrong-answers-in-patriotic-education/>

³⁰ Tibetan Centre for Human Rights and Democracy, ‘Tibetan man criminally detained for phone conversation about Tibetan language education’ 20 December 2019, <https://tchrd.org/tibetan-man-criminally-detained-for-phone-conversation-about-tibetan-language-education/>

³¹ Human Rights Watch, ‘In Tibet, it’s a crime to even talk about the value of mother-tongue education’, 15 April 2020, <https://www.hrw.org/news/2020/04/15/tibet-its-crime-even-talk-about-value-mother-tonque-education>

5. RESTRICTIONS ON TIBETANS' FREEDOM OF MOVEMENT

5.1 THE COMMITTEE'S CONCLUDING OBSERVATIONS

43. The Committee is concerned by reports that Tibetans are subjected to significant restrictions on movement within and beyond Tibet Autonomous Region, and that the issuance of passports for foreign travel is almost entirely banned in the region [...].

44. The Committee recommends that the State party

(a) Revise its regulations and practices to ensure non-discriminatory determinations on passport applications and freedom of movement for Tibetans who would like to travel within and beyond the Tibet Autonomous Region and abroad [...];

5.2 TIBET ADVOCACY COALITION'S ASSESSMENT

The Tibet Advocacy Coalition regrets that in their follow-up information, the Chinese authorities continue to maintain that they “protect the legitimate rights and interests of every citizen in exiting and entry into [China’s] territory”³² despite the widespread evidence to the contrary and the extensive system of police checkpoints designed to prevent the free movement of Tibetans, both within and beyond the Tibetan Autonomous Region.

The Tibet Advocacy Coalition remains highly concerned that Tibetans continue to face restrictions on foreign travel and Tibetan pilgrims have faced detention for travelling overseas. In March 2018, the Chinese authorities detained and confiscated the passports of around 60 Tibetan pilgrims from the Lhagong area in Datsedo county, Karze, Kham (Ch: Ganzi, Sichuan), who visited spiritual sites in Nepal and India.³³ Those detained reportedly were made to undergo ‘re-education’ programmes and were subjected to beating by the Chinese authorities.

Increased security efforts and cooperation with the Nepalese government served to further restrict the movement of Tibetans seeking to cross the border into Nepal. On 13 October 2019,

³² Chinese Government's Follow-up Response to the Concluding Observations of the UN Committee on the Elimination of Racial Discrimination, 8 October 2018, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCHN%2fCO%2f14-17%2fAdd.1&lang=en

³³ Free Tibet, ‘China detains Tibetan pilgrims’, 22 March 2018, <https://freetibet.org/news-media/na/china-detains-tibetan-pilgrims>

China and Nepal signed an agreement on a new “Boundary Management System” which commits both sides to returning “persons found while crossing border illegally” within seven days of being detained.³⁴ This new treaty poses a serious threat to Tibetans trying to flee persecution who now risk being forcibly returned and handed over to the Chinese authorities.

Tibetans also faced intensified restrictions on movement due to a series of politically sensitive anniversaries in 2019 and 2020, including for the 60th anniversary of the 10 March 1959 national uprising in 2019 and the 70th anniversary of the establishment of the People’s Republic of China in October 2019. The authorities announced facial recognition and real-time monitoring in taxis in Lhasa, subjecting Tibetans to increased monitoring of their movement and conversations in Lhasa.³⁵

During the week of the 60th anniversary of the 10 March 1959 national uprising in 2019, the authorities blocked travel by Tibetans, including Tibetans living in Dege county in Kardze Tibetan Autonomous Prefecture, Kham province (Ch: Ganzi, Sichuan Province). Not only were Tibetans prevented from travelling out of the County but they were also barred from moving between villages and towns within it.³⁶ Meanwhile, people entering Dzamthang county in Ngaba Tibetan Autonomous Prefecture (Ch: Aba, Sichuan Province) were told to register the times of their arrival and departure, and to inform the authorities of the reasons for their visit.³⁷

³⁴ International Campaign for Tibet, ‘New China-Nepal agreements could deny Tibetans freedom’ 11 February 2020: <https://savetibet.org/new-china-nepal-agreements-could-deny-tibetans-freedom/>

³⁵ Global Times, ‘Lhasa uses facial recognition, big data analysis in new taxis’, 5 March 2019: <http://www.globaltimes.cn/content/1141065.shtml>

³⁶ Radio Free Asia, ‘Tibetans Restricted in Sichuan, Gansu Ahead of Uprising Anniversary’ 6 March 2020: <https://www.rfa.org/english/news/tibet/restricted-03062019154656.html>

³⁷ Radio Free Asia, ‘Tibetans Face Security Clampdown in Sichuan’s Dzamthang, Yachen Gar’ 7 March 2019: <https://www.rfa.org/english/news/tibet/clampdown-03072019151212.html?searchterm:utf8:ustring=%20tibetans%20travel>

6. DISCRIMINATION IN EMPLOYMENT

6.1 THE COMMITTEE'S CONCLUDING OBSERVATIONS

47. The Committee welcomes the information provided by the State party, including Hong Kong, China, on the measures they have taken to promote the employment of ethnic minorities. While noting the State party's regional unemployment rate statistics, the Committee observes with concern, however, that they are not disaggregated by ethnicity. The Committee is also concerned by the lack of information from the State party about labour inspections and investigations relating to racially discriminatory practices in employment. It notes with concern that most of the 51 employment-related racial discrimination complaints handled by the Equal Opportunities Commission in Hong Kong, China between April 2013 and March 2018 were discontinued owing to a lack of substance. The Committee is also concerned by reports that ethnic Uighurs, Mongolians and Tibetans, together with certain other ethnic minorities in China, including Hong Kong, China, often face discrimination in job advertisements and recruitment processes. The Committee is further concerned that, from 2015 to 2017, the Labour Affairs Bureau in Macao, China did not open any cases relating to racial discrimination (arts. 2, 5 and 6).

48. The Committee:

- (a) Recommends that the State party, including Hong Kong, China, strengthen measures to prevent, detect and where appropriate sanction racial discrimination in public and private sector labour conditions, including recruitment and promotion, and ensure that any company or institution placing discriminatory job advertisements is held legally accountable;**
- (b) Encourages employers to lower the Chinese-language proficiency requirements in Hong Kong, China;**
- (c) Requests the State party, including Hong Kong, China, to describe the above measures together with goals, targets and results achieved in ensuring equal opportunity and treatment in employment without distinction as to race, colour, descent or national or ethnic origin;**
- (d) Requests China, including Hong Kong, China and Macao, China, to provide in its next periodic report statistics, disaggregated by ethnicity, on activity rates and employment and unemployment rates and on political and civil service employment, including at the managerial level, including in the judiciary, the police force and the prosecutor's office. It also requests data on labour inspection visits conducted with a view to detecting discriminatory practices against ethnic minorities, as well as statistics on violations detected, sanctions imposed and compensation provided to victims.**

6.2 TIBET ADVOCACY COALITION'S ASSESSMENT

The Chinese government continues to discriminate against Tibetans in relation to job advertisement and recruitment processes. Despite announcements by local authorities of rising employment, Tibetans - including Tibetan students - continue to express their frustration over the lack of government job opportunities available to them. Those who have done so, have at times faced arrest. In early April 2019, the Chinese authorities arrested **Sonam**, a Tibetan master's degree student at Minzu University in Lanzhou City after he wrote an essay for his Civil Service Entrance Exam which criticised the falling number of government job opportunities available to Tibetans.³⁸

On 14 December 2019, an announcement for the recruitment of 19 police assistants in Lhoka (Ch: Shannan) City in the Tibet Autonomous Region stated that if the individual "or family members have illegally entered or exited the country" they were disqualified from applying. This reference represents a clear effort by the Chinese authorities to penalise Tibetans who have fled abroad, visited family members overseas or gone on pilgrimage, including in neighbouring countries such as India.³⁹

On 25 May 2020, a police hiring notice for "Public Recruitment of Police Auxiliary Personnel" issued by eight departments⁴⁰ in Lithang County, Karze, Kham (Ch: Ganzi, Sichuan) stated that candidates should not apply for jobs with the police in Lithang country if they had participated in "supporting or funding for ethnic separatist activities" or "ethnic splitting and sabotage". To be considered for employment, Tibetan applicants must never have participated in protests against Chinese policies in Tibetan areas or spread "rumors and false information that undermine social stability."⁴¹ Given the Chinese government routinely imprisons Tibetans seeking to peacefully exercise their human rights on the grounds of 'separatism' and 'spreading rumours' this disqualification unnecessarily targets Tibetans and serves to further punish them and dissuade them from peacefully expressing their views.

On 2 May 2020, the Daocheng County People's Court issued a similar announcement with an additional component to those listed above, which stated that "those who have received or are

³⁸ Free Tibet, 'China arrests Tibetan University Student for writing a critical essay', 1 May 2019, <https://freetibet.org/news-media/na/china-arrests-tibetan-university-student-writing-critical-essay>

³⁹ 2019西藏山南市公安局招聘警务辅助人员19人公告, 14 December 2019, <http://www.offcn.com/zhaojiing/2019/1214/78225.html>

⁴⁰ Lithang County Discipline Inspection Committee, Lithang County Organization Department, Lithang County Political and Legal Committee, Lithang County Human Resources and Social Security Bureau, Lithang County Finance Bureau, Lithang County Education and Sports Bureau, Lithang County Health Development Bureau, and the Lithang County Public Security Bureau.

⁴¹ International Campaign for Tibet, 'China's hiring practices reveal state-sponsored discrimination in Tibet', 11 June 2020, <https://savetibet.org/chinas-hiring-practices-reveal-state-sponsored-discrimination-in-tibet/>

receiving funding from overseas illegal fund organizations” are not eligible to apply for the police entrance examination.⁴²

Alongside these discriminatory measures towards public sector employment, many Tibetans are also unable to find work in private companies and corporations due to discrimination in job advertisements and recruitment processes. In August 2019, Lens Technology, a tech company headquartered in Hunan Province with over 60,000 employees, published a job advert specifically barring Tibetans, Uighurs, and Mongolians from applying. The advert explicitly stated that the company could “accept other ethnic minorities” for the job posting as long as they were not Tibetan, Uyghur, Mongolian or Sichuanese.⁴³

⁴² 稻城县人民法院 稻城县人力资源和社会保障局关于招聘警务辅助人员的公告, 2 May 2020, <http://www.daocheng.gov.cn/news/detail/20200508160004491.html>

⁴³ Tibet Watch, 'Chinese tech firm bars Tibetans and Uyghurs applying for a job' 21 August 2019, <https://www.tibetwatch.org/news/2019/8/21/chinese-tech-firm-bars-tibetans-and-uyghurs-applying-for-a-job>