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**The Tibet Bureau, Geneva**

**Parallel Report on People’s Republic of China for its Third Periodic Review**

Alternative Report to the UN Committee on Economic, Social and Cultural Rights for the Third Periodic Review of People’s Republic of China on Implementation of the International Covenant on Economic, Social and Cultural Rights- E/C.12/CHN/3

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# Brief Introduction

1. The Tibet Bureau Geneva submits this parallel report to the UN Committee on Economic, Social and Cultural Rights for consideration during the Third Periodic Review of People’s Republic of China (E/C.12/CHN/3) on Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR).
2. The People’s Republic of China has signed and ratified ICESCR and is due for its third periodic review under the Convention. China has failed in complying majority of the recommendations of the Committee rendered in its concluding observations on the second periodic review of China.
3. The report outlines the non-compliance and contravention of the Covenant by the People’s Republic of China especially focusing on Tibetans. These violations are largely experienced by Uighurs and Mongolians as well. This report lists the articles of the Covenant and the contraventions by China thereunder followed by set of recommendations in the end.

# Article 1: Right to Self-Determination

1. Article 1 of the Covenant, guarantees all people the right to self-determination especially in terms of political status and freedom to pursue their economic, social as well as cultural development. It further obligates the state to not deprive people of their means of subsistence. Despite China’s laws on ethnic minorities, there is no on ground implementation of the laws.[[1]](#footnote-1)
2. Even though Tibetans have been recognized as “people” with right to self-determination, they are not allowed to exercise the right.[[2]](#footnote-2) To exercise the right to self-determination on political status as guaranteed under the Covenant, it is necessary to have political rights to do so. However, Tibetans do not have any political rights. Tibetans do not have the right to elect their head of government, no free and fair elections, do not have any right to organize in different political parties, there is no political accountability and the Chinese government is deliberately trying to change the composition of Tibetans to tip the political balance in favour of the ethnic Chinese residents.[[3]](#footnote-3) Tibetans appointed to senior levels of the government departments are mostly figureheads with no actual power or authority.
3. Furthermore, Tibetans do not have the freedom to pursue their economic, social or cultural development and are deprived of their means of subsistence. Tibetan nomads are forcefully relocated, forceful agricultural land acquisition from farmers is rampant and also there is rampant illegal community land grabs by the triad of collusion between Chinese authorities, Judiciary and Police.[[4]](#footnote-4) The Chinese government has continued to place severe restrictions on religious practices of Tibetans including destruction of monasteries, banning of Tibetan students from participating in religious activities, prohibition on possessing pictures of their religious leader, celebration of festivals and important occasions etc.

# Article 2: Legislation and Non-Discrimination

1. **Legislation to guarantee full realization of economic, social and cultural rights:**
2. The Chinese government has time and again adopted legislations, rules and regulations with vague terminologies and overbroad definitions leading to abuse of laws. Tibetans are charged as “separatists” and sentenced to imprisonment of varying terms for airing legitimate grievances.[[5]](#footnote-5)
3. The Ethnic Unity law was adopted by the 11th People’s Congress of the Tibet Autonomous Region with the objective of establishing “model area for national unity and progress.” It came into effect from 1 May 2020. Similar law is already in force in Xinjiang. The aim of the law is to enforce a Han-centric identity and way of life which threatens the unique and distinct Tibetan way of life, its culture and language.
4. **Non-Discrimination:**
5. The Chinese government employs discriminatory practices against Tibetans in every aspect of life be it education, health care, employment or even issuance of passports. The UN Committee on Elimination of Racial Discrimination has raised concerns about the discriminative practices against Tibetans in the field of employment, health issues as well as issuance of passports to Tibetans.[[6]](#footnote-6) Tibetan students graduating with specialisation in Tibetan language do not have much job prospects.
6. Tibetans do not have the right to move freely be it within the designated Tibetan areas, Tibet Autonomous Region (TAR) or across China and abroad. They have to register and seek permission to travel. Further their applications for passports are rejected and the passports that were issued earlier were confiscated and destroyed.[[7]](#footnote-7)
7. China has been deploying mass surveillance systems across the country. But the most affected groups of such surveillance mechanism are often the so-called “ethnic minorities” like the Tibetans, Uighurs, Mongols etc. For effective surveillance against these people, the Chinese authorities collect biometrics including DNA and voice samples, personal information including name, date of birth, height, skin color, color of eyes, dental records, residential addresses, electric meter number, prayer routines, daily schedules, purchasing behavior, video gaming habits, social acquaintances, and adherence to rules in public spaces and so forth. Authorities employ high-tech mass surveillance systems that make use of QR codes, biometrics, artificial intelligence, phone spyware, surveillance cameras, facial recognition, big data etc[[8]](#footnote-8).

# Article 6 and 7: Right to Work under Favorable Working Conditions

1. **Militarized Forced Labour Camps:** Over half a million Tibetans are subjected to forced labour camps which is almost 15% of the population. It is a widespread system of forced labour in Tibetan Auonomous Region with over 500,000 Tibetans being enlisted under various programs including 2019-2020 Farmer and Pastoralist Training and Labor Transfer Action Plan.[[9]](#footnote-9)Over half a million Tibetans are being subjected to coercive labour trainings with enforced indoctrination, intrusive surveillance, military-style enforcements and harsh punishments.  The Chinese government deprived the Tibetans of their livelihood by illegal agricultural land grabs and forceful resettlement of the Tibetan nomads and then in the name of ‘poverty alleviation’ and ‘development’ China is now rounding up Tibetans in labour camps and factories for absolute subjugation.
2. **Forceful Resettlement of Nomads:** China has been forcefully resettling nomads and subjecting them to militarized forced labour camps or urbanization etc. For nomads the nomadic lands are their source of livelihood and part of their lifestyle. (**More under V**)
3. **Economic Marginalization:** Tibetans are subject to systemic economic marginalization. With the mass influx of ethnic Chinese migrants into Tibetan Autonomous Regions and Tibetan Areas where Tibetans live, Tibetans are left to compete with a migrant population that is better educated, understands the Chinese culture and speaks the language. State and private Chinese enterprises that make up a large portion of the economy prefer to employ the Chinese migrants and exclude Tibetans from any meaningful participation in the local economy.[[10]](#footnote-10) Under China’s “Western Development Strategy”, Chinese workers and recent graduates are encouraged to move to remote Tibetan area by providing benefits, such as, university loan repayment assistance.[[11]](#footnote-11) Such discriminatory policies exacerbate the marginalization faced by local Tibetans. For example, China claimed that the Gyama mine near the capital city Lhasa would bring employment opportunities to the local Tibetan population. It claimed that the company hired 191 local Tibetans and that 35% of the workers were non-Han Chinese.[[12]](#footnote-12) However, when a massive landslide struck the mining site, 83 miners were killed and only two of them turned out to be local Tibetans, while the rest were Chinese migrant workers.
4. In addition, the economic growth in Tibetan Autonomous Region is fueled by state subsidies and subsidized investments, making the local economy increasingly dependent on these subsidies. State subsidies were launched in the 1990s and increased over the years under China’s “Western Development Strategy”. In 2012, subsidies reached a high 116% of TAR’s GDP, an amount equal to 4.6 times the household income of a rural Tibetan family.[[13]](#footnote-13) However, the subsidies have had a ‘negative multiplier effect’ on growth with the key driver of TAR’s economy being money provided by the Chinese state.
5. Despite the increasing economic growth in TAR, Tibetans remain the poorest in all of China. According to the UN Development Programme (UNDP), in 2016, the human development index for TAR was only .600 – the lowest in China.[[14]](#footnote-14) The UNDP also ranked Tibet the lowest in all of China under the living standard index.[[15]](#footnote-15)

# Article 11: Right to Adequate Standard of Living

1. **Forced Relocation of Tibetan Nomads:** China’s forced relocation policies and practices violate the right to property and the right to housing in international law. Article 17 of the *Universal Declaration of Human Rights,* which is widelyrecognized as customary international law, states that “[e]veryone has the right to own property alone as well as in association with others” and that “[n]o one shall be arbitrarily deprived of his property.”[[16]](#footnote-16) Article 11(1) of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR)*,* which was ratified by China on 27 March 2001, also guaranteesthe right to housing. The UN Committee on Economic, Social and Cultural Rights has stressed that the right to housing includes guarantee of legal security of tenure.[[17]](#footnote-17)
2. The UN Commission on Human Rights has declared that forced eviction is a gross violation of human rights.[[18]](#footnote-18) Forced eviction does not have to rise to the level of physical force, but can include removal without meaningful consultation with the affected groups, no alternative accommodation, inadequate compensation, the lack of due process rights and no access to an effective remedy.[[19]](#footnote-19) The right to housing in ICESCR includes these procedural safeguards to ensure that evictions are carried out in conformity with international human rights law.[[20]](#footnote-20) However, under China’s mass relocation polices, Tibetans are arbitrarily denied their right to land and none of the aforementioned procedural rights are provided.
3. China’s economic development policies and practice are erasing Tibetans’ distinct and traditional way of life. Since 2006, over 2 million Tibetans have been relocated under China’s effort to “Build a New Socialist Countryside” in TAR, claiming to improve the living standards of rural Tibetans and boosting the local economy.[[21]](#footnote-21) This includes the relocation of thousands of nomads from their centuries-old nomadic lands. 50% to 80% of the 2.25 million Tibetan nomads have been relocated. [[22]](#footnote-22) Tibetans are forcibly removed and have no say in the mass relocation policies, which are radically altering their way of life.
4. The forced resettlements of nomads are also caused by the increasing development projects in TAR, particularly mining activities and damming projects. Despite the widespread resentment it causes, China is vested in gaining access to the nomadic land for the extraction of resources and ending traditional agricultural practices. As a result, there is a growing resentment among local Tibetans because they fear that the forced relocations are eradiating their traditional way of life.
5. In 2013, Human Rights Watch (HRW) published a comprehensive 115-page report documenting the extensive rights violations of Tibetan nomadic communities, contrary to China’s claim that Tibetans are grateful and benefiting from the new housing policies.[[23]](#footnote-23) HRW’s interviews of Tibetans from nomadic communities reveal that large numbers of nomads relocated did not do so voluntarily and that there was no prior consultation or any alternatives provided.[[24]](#footnote-24) It discovered many cases where local officials used a combination of promises, incentives, and threats to persuade the people to agree to relocate.[[25]](#footnote-25) The report further states that the locals avoided openly opposing the policy due to fear of arrest or official retribution.[[26]](#footnote-26)
6. The latest case once again shows that the Chinese government is forcefully removing Tibetans from their ancestral pastoral lands. After extensive illegal mining supported by the Chinese authorities, now it is attempting to convert it into a national park and for this China is coercing 4,000 Tibetan farmers and herders living in Themchen county’s Muru township and Suru and Drugkhyung villages to move to Golmud city in Qinghai by the end of 2020.[[27]](#footnote-27) This is not only depriving them of their sustainable life-style but also making them dependent on government’s welfare schemes which will be used as a coercive measure against them later on.
7. **Environmental degradation and pollution:** China’s flawed environmental and development policies have turned the resource-rich Tibetan plateau into a hub of mining and dam building activities. Such activities causing environmental crises in Tibetan plateau, threatening traditional agricultural practices which have sustained and protected the Tibetan environment for centuries. Also, given that Tibetan plateau has the highest elevation point in the world, the rising temperatures in the Tibetan Plateau makes it both a driver and amplifier of climate change in Asia and across the world.[[28]](#footnote-28)
8. The continuous mining of the sacred mountains, which is rich in metal and minerals, such as copper, gold and lithium is causing high level of pollution. China’s extractive industry is determined to exploit the rich deposits at the cost of widespread environmental damage, including land erosion and pollution of water sources for both humans and livestock. A number of protests against environment degradation broke in the past years: Anti-mining protest in Dechen County, Dechen TAP, Yunnan (November 2016)[[29]](#footnote-29); Anti-mining protest in Sangchu County, Kanlho TAP, Gansu (May 2016)[[30]](#footnote-30); Anti-mining protest in Minyak County, Sichuan (May 2016)[[31]](#footnote-31); Water pollution protest in Dartsedo County, Karze TAP, Sichuan (May 2016)[[32]](#footnote-32); Water pollution protest in Meldro Gungkar County, Lhasa City, TAR (Sept 2014).[[33]](#footnote-33); Anti-mining protest in Nangchen County, Yushu TAP, Qinghai (August 2014)[[34]](#footnote-34); Anti-mining protest in Dechen County, Dechen TAP, Yunnan (July 2014)[[35]](#footnote-35); Anti-mining protest in Dzogang County, Chamdo Prefecture, TAR (April 2014[[36]](#footnote-36); Anti-mining protest in Darge County, Karze TAP, Sichuan (December, 2013)[[37]](#footnote-37); Water pollution protest in Dartsedo County, Karze TAP, Sichuan (October, 2013)[[38]](#footnote-38); Anti-mining protest in Dzatoe County, Yushu TAP, Qinghai (August, 2013)[[39]](#footnote-39); Anti-mining protest in Driru County, Nagchu Prefecture, TAR (May, 2013)[[40]](#footnote-40).
9. Mega dams construction also poses serious threat to the Tibetan plateau, which is already geologically volatile and vulnerable to earthquakes. Dams, when the pressure of the water in the rocks increase, are likely to perpetuate a shake in the mountain causing earthquakes. Collection of multiple mega dams on its river further intensifies the situation. China’s 13th Five-Year Plan for 2016-2020 has a large focus on hydropower development. Today, China holds the largest number of mega dams in the world with more than 87,000 dams.

# Article 12: Right to Health

1. Tibetans in general do not have easy access to healthcare facilities especially when it comes to rural areas. Moreover, former Tibetan political prisoners upon release do not have access to healthcare under welfare benefits.
2. **Covid-19 Response:** The Chinese government is using the COVID-19 outbreak as an excuse to further suppress Tibetans. Tibetans are in “double lockdown” situation where the objective of the lock-down is not “prevention and cure” but “suppression and subjugation.” Instead of sending health workers the Chinese government is sending military soldiers; instead of sending temperature screening devices the Chinese government is sending guns and grenades; and instead of installing health centres the Chinese government is installing military tents and bunkers.[[41]](#footnote-41) China has also suppressed information about the COVID-19 cases amongst Tibetans including the number of active cases and deaths. COVID-19 is being used by China as a means for suppressing the Tibetans further.[[42]](#footnote-42)

# Article 13 and 14: Right to Education

1. The Chinese government is shutting down majority of the primary schools in the Tibetan areas of Qinghai province and is forcing Tibetan children out of their homes into boarding schools. This appears to be part of larger schemes of total sinization of Tibetans with these “boarding schools” teaching Mandarin instead of Tibetan language. Moreover, the few local schools that started classes were strictly ordered to replace Tibetan with Chinese language as medium of instruction.
2. Tibetans, though considered “ethnic minority” by China, do not have any language rights. Though on the face of it, China is practicing bilingual policy, Tibetan language has been replaced by Mandarin as a medium of instruction in Tibetan schools. Learning their own language has become a crime as reported by Human Rights Watch in their comprehensive report titled “China's ‘Bilingual Education’ Policy in Tibet- Tibetan-Medium Schooling Under Threat.”[[43]](#footnote-43)
3. Monasteries which were the secondary source for learning Tibetan have been banned from teaching the language to school children. Tibetan students graduating with specialisation in Tibetan language are deprived of any job prospects.
4. **Re-education Camps:** monks and nuns are subject to China’s “patriotic education” campaign.[[44]](#footnote-44) According to the 2016 US Department of State’s report on religious freedom in Tibet, the state-sponsored “patriotic education” classes denigrate the Dalai Lama, study materials praising the Chinese Communist Party, and swear allegiance to the Panchen Lama recognized by the government as opposed to the one rightfully recognized by the Dalai Lama.[[45]](#footnote-45)

# Article 15: Right to Cultural Life

1. The demolition of religious institutes and expulsion of religious practitioners reflect China’s growing repressive policies against Tibetans’ religious freedom. In addition, China’s takeover of internal monastic affairs in an attempt to micromanage religious communities is a gross violation of Tibetans’ right to religious freedom.
2. In June 2016, China ordered large-scale demolitions of two well-known Buddhist institutes, Larung Gar and Yachen Gar, in Karze (Ch: Ganzi) prefecture. Larung Gar was one of the largest Tibetan Buddhist institutes in the world until nearly 5000 monastic dwellings were destroyed and monks, nuns and lay Buddhist students evicted to reduce the population from more than 10,000 to 5000 residents.[[46]](#footnote-46) Similarly, out of the 10,000 residents at Yachen Gar, about 2000 residents were evicted and around the same number of homes were destroyed.
3. Chinese authorities recently banned religious offering of “*sangsol*” in front Jokhang temple, one of the holy sites in Lhasa for Tibetan Buddhists. There is a recurring pattern of restrictions impose on Tibetan Buddhists. Earlier Tibetan prayer flags were banned and forcefully removed by the Chinese authorities. Tibetan children are banned from engaging in religious activities during vacations and elderly retired Tibetans are prohibited from going on kora (circumambulation of religious shrines) and from participating in religious activities. The admission of novices to religious institutions are not just regulated but also restricted. There are fixed quotas for the number of monks and nuns. The right to freedom of religion of Tibetans from every age group is violated. Furthermore, recently Chinese government instituted “monastic management committees” forced Tibetan monks to study the “the Seventh Central Tibet Work Forum” to enforce their political indoctrination.
4. Linguistic rights of Tibetans are suppressed and many writers, singers, artists are being imprisoned for exercising their artistic freedom. There is continuous persecution of cultural rights defenders[[47]](#footnote-47) including linguistic rights.[[48]](#footnote-48)

# Recommendations

We call on the Committee on Economic, Social and Cultural Rights to urge the People’s Republic of China to:

1. Protect and guarantee the economic, social, and cultural rights of Tibetans in its true sense;
2. Stop all forceful evictions and relocations of Tibetan nomads immediately, and ensure that victims are provided with adequate safeguards and protections in line with international standards;
3. Stop subjecting Tibetans to arbitrary interference with their right to privacy and freedom of movement;
4. Take the necessary measures to ensure sustainable economic growth in TAR and Tibetan areas where Tibetans live and stop the discriminatory economic policies and practices against Tibetans;
5. Allow Tibetans to practice their freedom of religion or belief and stop state interference in religious affairs;
6. Facilitate the visits of the UN High Commissioner, Special Rapporteurs and Independent experts to Tibet Autonomous Region and other Tibetan areas where Tibetans live;
7. Take the necessary measures to ensure that environmental policies and development projects in Tibetan plateau are economically sustainable, and culturally sensitive.
8. Stop the arbitrary detention and arrest of human rights defenders and allow them to freely exercise their right to freedom of opinion and expression and the right to practice one’s culture;
9. Stop violating the linguistic rights of Tibetans and ensure that Tibetan children have access to learn Tibetan language;
10. Sign and Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
11. Ratify the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of all Persons from Enforced Disappearance, as well as ILO Convention No. 189 (2011) concerning decent work for domestic workers.
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2. UN Resolutions of 1353 (XIV) in 1959, 1723 (XVI) in 1961, and 2079 (XX) in 1965 recognize Tibetans right to self-determination. [↑](#footnote-ref-2)
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4. China Sentences 21 Tibetans in Tibet to Prison on Pretext of “Black and Evil Crimes”, https://tibet.net/china-sentences-21-tibetans-in-tibet-to-prison-on-pretext-of-black-and-evil-crimes/ [↑](#footnote-ref-4)
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13. Andrew Fisher*,* “Subsidizing Tibet: An Interprovincial Comparison of Western China up to the end of the Hu-Wen Administration” 2015, vol 221, page 73-99. [↑](#footnote-ref-13)
14. *China Human Development Report,* UNDP-China, 2016 <http://www.cn.undp.org/content/china/en/home/presscenter/pressreleases/2016/08/22/launch-of-china-national-human-development-report-2016.html> [↑](#footnote-ref-14)
15. ###  China National Human Development Report 2016, UNDP China

### <http://www.cn.undp.org/content/china/en/home/library/human_development/china-human-development-report-2016.html>

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