

Submission to the Committee on
the Elimination of all Forms of
Racial Discrimination

**96TH SESSION OF THE 14TH - 17TH PERIODIC
REPORTS BY THE PEOPLE'S REPUBLIC OF
CHINA**

CIVIL SOCIETY SUBMISSION

Submitted by: The Tibet Bureau, Geneva
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Introduction:

1. This submission entails Peoples' Republic of China's compliance of International Convention on the Elimination of All forms of Racial Discrimination in Tibet¹. The report pinpoints the fact that the Tibetans have suffered racial discrimination contradicting the Chinese commitment to the International Convention on the Elimination all Forms of Racial Discrimination.
2. The submission further pinpoints the fact that in contrary to China's commitment to uphold the International Convention on the Elimination all Forms of Racial Discrimination, Tibetans continue to experienced inequality and discrimination under state designed discriminatory policies.
3. The submission concludes with some recommendations that the Committee could consider asking the Chinese government in an effort to eliminate discrimination and protect Tibetans from China's discriminatory policies.

Suggested questions to the PRC

- a) How many schools in Tibetan areas have implemented Tibetan as the main medium of instruction in schools as provided in the China's Regional Ethnic Autonomy law?
- b) Explain measures that Chinese government has taken to ensure the Tibetan people has equal opportunity and free access to public services, and employment opportunities.
- b) What number of Tibetans in TAR and other Tibetan areas has been issued a passport since January 2017 and what is the total number of Chinese passports issued?
- b) Why are Tibetans living in Tibet denied access to acquire Chinese passports and the right to travel abroad freely with valid visa and passport?
- c) What is the status of the evicted monks, nuns, and students of Larung Gar and Yarchen Gar after the July 2016 large-scale demolition?
- d) What steps has the Chinese government taken to prevent custodial deaths and deaths of Tibetans due to torture after release?

¹ "Tibet" refers to all Tibetan-inhabited areas consisting of the three provinces of traditional Tibet: Amdo, Kham and Utsang, that are presently divided in "autonomous" regions and prefectures, including the Tibet Autonomous Region and areas incorporated into Chinese provinces of Sichuan, Gansu, Qinghai and Yunnan.

e) Please explain the dramatic rise in the internal security spending in Tibetan regions, specifically Aba Tibetan Prefecture and Ganzi Tibetan Prefecture as compared to other regions in Sichuan Province.

Defining Racial Discrimination:

4. For the purpose of this submission, the definition of racial discrimination is as defined in the Article 1(i) of the United Nations International Convention on the Elimination of all Forms of Racial Discrimination, racial discrimination is “any distinction, exclusion, restriction or preference based on race, color, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life².”

5. The Chinese government states the “ethnic discrimination” banned under Chinese law covers all types of discrimination and thus is in accordance with the definition of racial discrimination provided in Article 1 of the Convention³.

Failure in the upholding of United Nations Article 1 of the International Convention on the Elimination of all Forms of Racial Discrimination:

6. The common notion of development in Tibet is that the growth is inclusive and benefits all Tibetans but the ground reality depicts different pictures. China’s claim of development in Tibet, unfortunately, has become a tool to serve state’s vested interest to whitewash the state-backed social, economic and political discrimination faced by every Tibetans. The economic growth and infrastructure development in Tibet has instead fueled economic migration, marginalization of Tibetan people in Tibetan areas and challenge the very survival of Tibetan cultural identity by reducing the scope and space for promotion and protection of Tibetan culture, religion and practices.

7. China claims that Tibetans are being lifted out of poverty and are enjoying rapid economic growth with the Chinese state media reporting Tibet’s GDP touching 131.06 billion Yuan (USD 20.5 billion) in 2017.⁴ However, it is also important to note that in terms of internal military spending, Tibetan regions comes at the top indicating that these regions are the most repressed. The spending per capita in each prefecture of Sichuan province from 2005-2009 (as

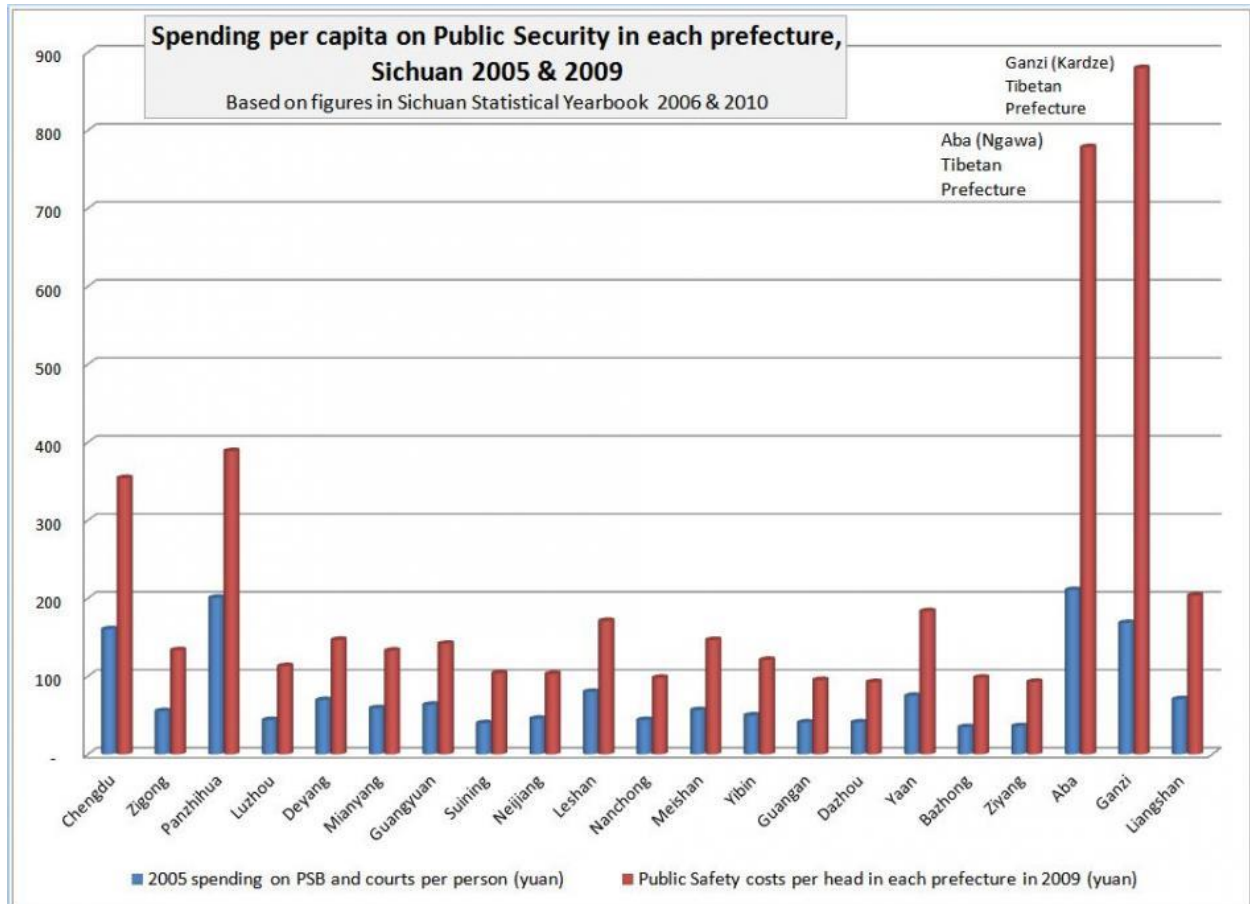
² United Nations. The International Convention on the Elimination of All Forms of Racial Discrimination, Article 1.

³ Consideration of reports submitted by States parties under article 9 of the Convention Fourteenth to seventeenth periodic reports of States parties due in 2015 China, pp 3-4.

⁴ Tibetan GDP grows more than 10 percent for 25th consecutive year, Global Times, March 08, 2018 Accessed July 24, 2018

shown in Figure 1 below) demonstrates a steep increase in the domestic security expenditure in Ganzi (Tibetan: Karze) Tibetan Prefecture and Aba (Tibetan: Ngawa) Tibetan Prefecture between as compared to Chinese prefectures.⁵

Figure 1: Spending per capita on Public Security in each prefecture, Sichuan 2005&2009 (HRW)



8. Reports from Tibet in the past years disclosed discriminations against Tibetans in the Tibet Autonomous Region where it was more difficult for Tibetans to obtain permits and loans to open businesses than ethnic Chinese.⁶ Highlighting this discrimination against the Tibetans in TAR, the *Country Report on Human Rights Practices in 2017* also stated that many Chinese, especially retired soldiers, were given incentives to move to Tibet.⁷

9. The discriminatory practices of giving more weightages to Mandarin than Tibetan language in Tibetan inhabitant areas sidelined or limited Tibetans educated in Tibetan language to

⁵ China: End Crackdown on Tibetan Monasteries, Human Rights Watch, October 12, 2012. Accessed July 25, 2018

⁶ Tibetans Stage Rare Public Protest in Lhasa, Radio Free Asia, Published November 08, 2006. Accessed July 25
https://www.rfa.org/english/news/tibet_protest-20061108.html

⁷ "Human Rights and Labor Country Reports on Human Rights Practices for 2017 China (includes Tibet, Hong Kong, and Macau) - Tibet." U.S. Department of State. Accessed July 19, 2018.
https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=277075&year=2017#wrapper.

participate in job market. This discriminatory practice further facilitates Chinese speaking non-Tibetans to grasp the employment opportunity in Tibet and thus Tibetans are marginalized in the economic activities. Educated Tibetans faces an uphill challenge for employment in Tibet because of the degree of the preference of Chinese employees over the Tibetans⁸. There is a lack of Chinese effort to foster Tibetans participation in economic development and more focus on bringing Chinese migrants to work in Tibetan regions. Thus, the Tibetans are marginalized⁹.

10. The case of economic marginalization is represented in this scenario, which occurred at the Gyama copper and gold mine near Lhasa on March 29, 2013. An avalanche of rock, mud and debris struck the mining site, killing 83 miners. Leaving out the concerns of environmental protection and workplace safety in Tibet that this case raised once again, the 83 miners who died in the accident revealed an interesting figure. According to official Chinese report, only two of them were local Tibetans, while the rest were Chinese migrant workers.¹⁰ The act of preferring Chinese migrant workers over Tibetans results in exclusion of Tibetan in economic activities and hinders Tibetan development.

11. The Chinese authorities' discriminatory treatment to Tibetan prisoners has resulted in custodial deaths of influential Tibetan religious and social figures including Tenzin Delek Rinpoche. Despite the near-total censorship on communications from Tibet, reports of former Tibetan political prisoners dying soon after releasing from prisons is a growing concern. Since 2008, at least 36 Tibetans have died while in custody or after release due to torture and inhumane treatment at the hands of Chinese authorities.

Article 5 (F): Right to access any general public space and property:

12. The People's Republic of China's propaganda of the Tibetan people as "separatist", "Dalai Clique" and "splittist" through various state media resulted in people of Tibetan origin being subjected to social discrimination by non-Tibetans. In some case, hotels refused to house Tibetans, after Chinese authorities placed Tibetans and Uyghurs on "blacklists"¹¹. In some Tibetan areas, hotels were strictly instructed to not accept Tibetans whereas in others, Tibetans were allow to stay only in approved hotels but they were required to take "special actions" for Tibetan guests, including informing the local police station.¹²

13. Former Tibetan political prisoners and their family faced social and economic discrimination harsher than the rest of Tibetans in Tibet. In such instance, an eight-year-old

⁸ "Marginalization", International Campaign for Tibet, <http://www.tibetpolicy.eu/wp-content/uploads/Marginalization.pdf>

⁹ Hillman, Ben. "Rethinking China's Tibet Policy." Heinrich Böll Foundation. Accessed June 26, 2018. <https://www.boell.de/en/navigation/asia-6120.html>.

¹⁰ "Marginalization", International Campaign for Tibet, <http://www.tibetpolicy.eu/wp-content/uploads/Marginalization.pdf>

¹¹ Tibetans, Uyghurs "Blacklisted" at Hotels in Chinese Cities, Radio Free Asia, Published 14 May, 2015. Accessed July 25 <https://www.rfa.org/english/news/china/china-minorities-05142015143907.html>

¹² Ibid.

Tibetan girl was refused school admission by the Chinese authorities in the Kanlho Tibetan Autonomous Prefecture in Amdo because her father Shonu Palden was a political prisoner.¹³

14. The usurpation of nomadic and grazing lands and putting the Tibetan nomads and herders into government housing often leaves those Tibetans with no economic options but to beg and do menial jobs. The report by Human Rights Watch reported that the transition of nomadic living to inactive living has failed economically for the Tibetans. Thus China discriminates against the Tibetan nomads by forcefully removing them and hindering their cultural exercise and destroying their way of life¹⁴.

Article 5 d: (i) (ii) (V) The freedom of movement

15. The freedom of movement is restricted for Tibetans in Tibet. One such instance is the Kalachakra¹⁵ in 2016 and 2017 where Tibetans were barred to travel to India to receive Buddhist teachings. Chinese officials confiscated the passports from Tibetans. All in all, in the region of TAR, there are close to a total ban on the issuance of ordinary passports¹⁶¹⁷.

16. The discriminatory and difficulties in procuring passports for Tibetan is rightly as articulated by one of Tibetan bloggers on Chinese-language website on October 2012 that “Getting a passport is harder for a Tibetan than getting into heaven. This is one of those “preferential policies” given to us Tibetans by [China’s] central government”.

17. An official leaked internal document issued by Tibet Autonomous Region, dated 29, 2012 revealed the heighted of China’s discriminatory practices in issuing passports in minority areas including Tibet. The internal circular placed two-systems in issuing passports-quick and straight forward and extremely slow process for areas populated mainly by Tibetans and other religious minorities.¹⁸

18. According to a 2015 Human Rights Watch report, in Chamdo Prefecture, which has a population of 650,000, only two passports were issued in the year 2012. The report titled “One Passport, Two Systems,” further stated that since 2012, Chinese authorities have confiscated

¹³ Dorjee, Sangey. "Tibetan Girl Denied Schooling Because of Father's Political Past." Radio Free Asia. December 21, 2017. Accessed June 26, 2018. <https://www.rfa.org/english/news/tibet/schooling-12212017162909.html>

¹⁴ ""They Say We Should Be Grateful" | Mass Rehousing and Relocation Programs in Tibetan Areas of China." Human Rights Watch. June 23, 2015. Accessed June 26, 2018. <https://www.hrw.org/report/2013/06/27/they-say-we-should-be-grateful/mass-rehousing-and-relocation-programs-tibetan>.

¹⁵ Kalachakra is the biggest Tibetan Buddhist religious gathering and initiation by His Holiness the Dalai Lama where tens of thousands of Tibetans gathered at the teaching site.

¹⁶ ""A Policy Alienating Tibetans" - the Denial of Passports to Tibetans as China Intensifies Control." International Campaign for Tibet. Accessed June 27, 2018. <https://www.savetibet.org/policy-alienating-tibetans-denial-passports-tibetans-china-intensifies-control/>.

¹⁷ "One Passport, Two Systems | China's Restrictions on Foreign Travel by Tibetans and Others." Human Rights Watch. July 14, 2015. Accessed June 27, 2018. <https://www.hrw.org/report/2015/07/13/one-passport-two-systems/chinas-restrictions-foreign-travel-tibetans-and-others>.

¹⁸ Ibid.

all ordinary passports held by registered residents of Tibet Autonomous Region- of which over 90% are Tibetans- with no replacement.¹⁹

19. The movement of Tibetans inside Tibet is strictly monitored and sometimes barred. In the case of Lhasa, since the 2008 outbreak, the government has restricted the Tibetans outside Lhasa to come in Lhasa fearing a major outbreak. The frequent frisking of private citizens, mainly Tibetan citizens have irked many residents of Lhasa.

(Article 5 (e) (V) (VI)) The freedom of expression and cultural rights

20. While the Law of the People's Republic of China on Regional National Autonomy, Chapter 1: Article 10 guarantees rights of autonomous region to develop their predominant native language, social advocate, such as Tashi Wangchuk, are detained and sentenced in Chinese courts for speaking out their concern for their native Tibetan language. It may seem how elaborate and beautiful those laws are written and constitution is crafted by the Chinese government, it remains a parchment guarantee in real sense.

21. The use of predominant language Tibetan in the Tibetan autonomous area is waning and the primary cause is a state directed mandate to Sinicize every aspect of Tibet. While the Chinese Law of the People's Republic of China on Regional National Autonomy, Chapter 3: Article 37. [International Convention on the Elimination of All Forms of Racial Discrimination (Article 5 (e) (V) (VI)) authorizes the use of predominant language as the main medium of education, China has curbed the use of Tibetan language in many Tibetan areas and it has agitated many Tibetan youth.

22. Tibetans who speak in Tibetan language faced more restrictions from seeing their imprisoned family members and friends. For instance, family members and friends of Shokjang, a prominent Tibetan writer and blogger who was imprisoned for three years in 2016 for “inciting ethnic hatred”, were permitted to see him for five minutes, if they speak in Tibetan, and for half an hour if they conversed in Chinese.

23. Employment of Tibetans/ college recruitment. Tibetan have seen a surge in employment but underlining the fact is Tibetans are marginalized in that increase. In public and even private job recruitment process, employers prefer individuals in Tibet with good grasp of Chinese language and favorable views towards Chinese culture and political situations. Undeniably lots of Tibetans, even more mainland Chinese immigrant find employment under such circumstances; majority Tibetans lacks in such Chinese understandings and are left out of job even with their college degree. While the number of employment does show significant growth in Tibetan employment, majority of Tibetans remain unemployed under such discriminatory practices. (Advertisement about discretion on pay)

¹⁹ Ibid.

24. The number of Tibetans in High-level Communist party offices. The government announced that around 70% of governmental positions in TAR are made up of predominantly Tibetans and other minority groups. However, the party secretary and the top brass position in TAR is always taken by the Han Chinese through their secretive meritocratic system. Eight positions of party secretary out of the nine TAP were Han Chinese. Moreover, most top position in different portfolios were held by Han Chinese in TAR and TAP.

25. "Health initiatives in Sichuan Aba area" - what about sizable number of HIV/AIDS infected Tibetans? The health situation.

26. Practice of religion "free to practice or not to practice a religion" [Article 5 (d) (VII)]
The limitation placed by the Chinese government to practice religion is a violation of basic rights listed within the International Convention on the Elimination of All Forms of Racial Discrimination. Chinese government has maintained huge military and police presence during religious ceremonies in Tibet. Additionally, stricter laws for monastery are placed. Monasteries are imposed to downsize the number of monks and nuns in prominent institutions such as Larung Gar.

27. Since mid-2016, one of the largest religious institutions in Tibet Larung Gar has faced large-scale state-led destruction and demolition of monastic dwellings. Monks and nuns residing are forcibly expelled from the institute. The evicted monks and nuns with no certain future are left uncared, discriminate and denied from their association and residence at the institute.

28. (pg 23, G Art. 7) Protection, "promotion and development of Tibetan culture" contrary to the Larung Gar demolition and renovation clearly for tourism purpose. The forceful renovation of the monastic institution is to accommodate the swarming tourist population. Secondly, it is to disperse the monks and nuns so that control over Larung Gar would be logistically easier and manageable for the Chinese government. Cultural heritage should never be the price to pay for development. For intrinsic development plays a larger role in Tibetan monastic institutions than extrinsic development

Conclusion

29. There are clear signs Tibetans suffer from economic marginalization, destruction of cultural sites, mass surveillance, and restricted travel access because of their identity: for being Tibetan. Such discriminatory policies and actions clearly account to racial discrimination and that too a state-directed one.

30. Noting the category of lists of themes by the Committee transmitted to PRC, we share the dissatisfaction of the CERD with regard to the Beijing's national report with several pertinent and specific violations in minority regions concerning human rights experts and researchers.

31. The Chinese state is one of the worst abuser of human rights and racial discrimination is one part of it. China acknowledges ethnic discrimination and has provided the United Nations with their resolution in 2017 but in 2018, the situation has not improved. Hence, we urge the Committee to raise the issues of racial discriminations faced by Tibetans in Tibet with the Chinese government. . The Chinese government must take swift and decisive actions to eradicate racial discrimination in Tibet and to uphold the principles of human rights, equality and dignity for all.

32. The [name of organizing submitting the report] urges the Committee to propel China on accepting the following recommendations:

Recommendations:

a) Press China to extend invitation to the Committee to assess the implementation of covenant's in China including Tibet and minority areas by the year 2020

b) Urge China to repeal its discriminatory practices in issuing passports to citizens in minority areas including Tibet

c) Exhort China to stop interferences in Tibetan Buddhist monastic institution and religious teaching, and targeting Buddhist institutions and learning centers for tourism projects under the pretext of development.

d) Cease the Chinese government's destruction of Buddhist monasteries and nunneries, mass eviction of monks and nuns, and forced removal of Buddhist students from their monasteries and nunneries.

e) Ensure that development foster respect and equality with the consent of the local residents. The ultimate beneficiaries of economic and infrastructure development in Tibet are to be Tibetans.

f) Ask China to respect minority language by designing policy and practices that equally cherished and protect minority languages including Tibetan
