



China - Universal Periodic Review in October 2013

The Swiss Tibetan Friendship Association (STFA) welcomes the opportunity to make a submission to the second United Nations' Universal Periodic Review on China.

Our submission highlights some of the most egregious human rights violations, in law and practice, and raises issues of particular current relevance. Our submission further raises concerns regarding China's human rights record in Tibet. They are as follows:

1. the denial of rights to freedom of expression, association and assembly;
2. the denial of the right to life;
3. arbitrary arrest, detention and torture;
4. the denial of the right to religious freedom;
5. the denial of the right to free, accessible and quality education, and discrimination in access to education.

China as a member of the UN Security Council and former member of the UN Human Rights Council must honour its pledges to uphold the highest standard of cooperation with UN Human Rights Council and its mechanisms.

During China's UPR in 2009, the State pledged to step up its cooperation with Special Procedures. We have not witnessed any such positive changes since. Please find our requests and further elaborations on the deteriorating situation in Tibet below.

We hope to provide additional, credible and reliable information here that might be considered helpful for the Office of the High Commissioner for Human Rights to compile a stakeholder summary report. In case of any questions or need of further information, please contact us.

Swiss Tibetan Friendship Association, 28 February 2013

The Swiss Tibetan Friendship Association (SFTA) was formed in 1983 to support the Tibetan population's concerns. Today the SFTA is Switzerland's largest non-governmental organisation on Tibet and counts around 2'000 members.



1. Requests and Recommendations

We would like to bring forward following requests:

1. A visit of the UN High Commissioner for Human Rights Ms. Navanethem Pillay to Tibet must be facilitated.
2. China must follow the UN High Commissioner for Human Rights' call on 2 November to "promptly address the longstanding grievances that have led to an alarming escalation in desperate forms of protest, including self-immolations, in Tibetan areas and also to provide access to independent monitors and media to assess the actual conditions in the Tibetan region".
3. A date for the visit of a Special Rapporteur on religious freedom or belief must be fixed immediately according to China's extended invitation in 2004.
4. Independent and impartial monitors must visit and assess the actual conditions on the ground. A lift of media access restrictions to the region is vital.
5. There are 12 outstanding requests for official visits to China by UN Special Rapporteurs on various human rights issues. These visits to China must take place anytime soon.
6. China must implement the recommendation by the UN Special Rapporteur on the right to food to suspend non-voluntary resettlement of nomadic herders.
7. China must implement the recommendations by the UN Committee on the Elimination of All Forms of Discrimination (CERD) that any policies or incentives result in a substantial alteration of the demographic composition of autonomous minority areas. The CERD also recommended that the State party carefully consider the root causes of the unrest in March 2008, including inter-ethnic violence, and the reasons for the escalations.
8. China must implement the recommendations of the UN Committee Against Torture in November 2008 to conduct a thorough and independent inquiry into events surrounding the protests in March 2008, including the reported excessive use of force against peaceful demonstrators, notably monks, in Kardze county, Ngaba county, and Lhasa; and into allegations of torture and ill-treatment against those arrested and detained.
9. China must end the patriotic re-educations in monasteries and allow monks and nuns to freely practice their Buddhist philosophy.
10. China must respect the right of Tibetan children to receive education and usage of Tibetan language as enshrined in the international treaties and PRC constitution.
11. China should promptly reengage in a dialogue with Envoys of His Holiness the Dalai Lama.

2. Dire human rights situation inside Tibet

In the following passages we further elaborate on some examples that reflect the dire situation inside Tibet from various angles of human rights violations.



Tibetan writers, bloggers, singers, teachers, documentary filmmakers and environmentalists are particularly targeted since the 2008 Beijing Olympics Games, during which over 342 protests took place across Tibet.¹

On 23, 24 and 26 January 2012, the Chinese police fired indiscriminately on hundreds of Tibetans in Drakgo, Serthar and Dzamthang County respectively in Eastern Tibet. Five Tibetans were shot dead. They had gathered peacefully to protest against the deteriorating situation and denial of their basic rights. Over 60 Tibetans were injured.

Instead of addressing the genuine grievances of the Tibetan people, the Chinese authorities have harshly cracked down on Tibetans.

2.3 Freedom of Religious Belief and Practice

China has institutionalised repressive policies on the practice of Tibetan Buddhism. “Patriotic education” and verbal attacks on the Dalai Lama have become the daily routine in monastic institutions.

Monks must pledge their allegiance to Beijing and denounce the Dalai Lama. They are required to hang portraits of Chinese Communist leaders and the Chinese national flags.² Possessing an image of the Dalai Lama is considered illegal.

Tight restrictions of religious freedom such as intensifying the “patriotic re-education” sessions and conducting night raids in monasteries and nunneries are key triggers for the wave of self-immolations.

Furthermore Gedun Choekyi Nyima, the 11th Panchen Lama recognized by His Holiness the Dalai Lama has not been seen publicly since May 1995. The Chinese authorities fail to provide adequate information to queries made and concerns expressed by the Working Group on Enforced or Involuntary Disappearances and Special Rapporteurs on religious freedom, the Committee on Rights of Child on the fate and whereabouts of him.

2.4 Controlled monastic life

The State Administration of Religious Affairs in 2007 declared Order No. 5, enforcing a set of “management measures for the reincarnation of Living Buddha's in Tibetan Buddhism.” Democratic Management Committees were set-up in all monasteries to implement complete authority over the monasteries.

¹ <http://www.youtube.com/watch?v=xK9Y632trIA>

² http://www.tchrd.org/index.php?option=com_content&view=article&id=224:china-re-launches-legal-education-campaign-in-tar&catid=70:2012-news&Itemid=162



The expulsion of 300 Kirti monastery monks in April 2011 marked a culmination point in Beijing's campaign to control the freedom of religion and belief of religious institutions.

In March 2012, Human Rights Watch reported a shift from the policy of monastic self-rule as for "every monastery in Tibet [is] under the direct rule of government officials that will be permanently stationed in each religious institution."³

Examples:

According to the Tibetan Centre for Human Rights and Democracy, local police in Chabcha (Ch: Gonghe) town of Serchen County in Tsolho (Ch: Hainan) Tibetan Autonomous Prefecture, Qinghai Province had detained three monks from Khyamru Monastery in Serchen County for sharing information of 26 November 2012 student protests.

On 1 December 2012, the local Public Security Bureau detained Sungrab Gyatso, age 36. His whereabouts remain unknown. On 2 December, People's Armed Police (PAP) came to Khyamru Monastery to detain Draksang but could not enter the prayer hall.

The following morning, a group of special armed police along with five PSB vehicles and some Chinese officials arrived at the monastery. Sources say police and government officials told the Tibetans that they had names of about 10 Tibetans who would be detained soon but for the time being they wanted to question Draksang and Yeshe Sangpo. Failure to hand over the two monks would result in further problems for the monastery, the police and officials warned.

Following the warning from the police on 3 December, Draksang and Yeshe Sangpo left for the local government office thinking that they would be released after answering some questions. But they never returned. Their condition and whereabouts remain unknown.

Tibetan Centre for Human Rights and Democracy (TCHRD) reported on 3 December 2012, Public Security Bureau officers from Amchok (Ch: Amuqu) County along with Bora Township government officials detained five monks from Bora Monastery in Sangchu (Ch: Xiahe) County in Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province. They were Gedun Gyatso, age 47, Lobsang Phagpa, age 34, Jamyang Soepa, age 25, Jamyang Lodo, about age 20, and Jamyang Gyatso, about age 20.

There has been no information about their condition or whereabouts since the detention.

2.5 Torture rampant in Tibet prison

Tibetan political prisoners held at Chushur Prison, outside Lhasa are routinely subjected to torture, often leading to physical injuries from which they do not recover. Radio Free Asia interviewed a former prisoner who took part in political protests in 2009:

³ Human Rights Council Twentieth session Agenda item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development Written statement submitted by the Helsinki Foundation for Human Rights, a non-governmental organization in special consultative status.



“We were tortured every day in jail,” the man said. “We were sometimes hung from the ceilings, with our hands and legs tied together.”

“They never fed us regularly. But when they did, they mixed sand in our Tsampa [roasted barley flour], which induced thirst, and many of us were forced to drink our own urine. Many of us were chained and tortured in the bathrooms” he added.

“The condition of my own health is not good,” he said. “My hands are damaged, and both my eyes were badly affected by my long imprisonment in Chushur and the prolonged torture that I endured.”

The Chinese interrogators repeatedly questioned the prisoners about other persons from outside Tibet that might have influenced them to protests in Tibet, the man said.

Furthermore prisoners stated that they had no freedom of religion or to express their thoughts.

2.6 Freedom to use and develop Tibetan language

Authorities in China’s Sichuan province have banned Tibetan language and culture classes taught by volunteers to Tibetan students during their winter break, Radio Free Asia reported on 10 January 2013. This angered locals who had sought to promote Tibetan national and cultural identity to their children.

Tibetan language classes organized by Beri monastery in Kardze prefecture and by monasteries in Dege County have also been banned.

In 2012, a Tibetan orphanage school in Kanlho, Gansu Province was closed down by the Chinese authorities on charges of giving priority to Tibetan language and culture. The headmaster and teachers of the schools were arrested according to Radio Free Asia.

In April 2012, the Chinese authorities closed a school in Karze County, Sichuan Province and ordered the parents to send children to government schools where only Chinese education is provided. The Chinese authorities shut an intermediate and elementary school in Machu County in January 2010.

Similarly, in April 2008 the Chinese authorities of Ngaba, Sichuan Province closed a school run by Taksang Lhamo Kirti Monastery.

In October 2010, thousands of Tibetan students from schools in Rebkong (Ch: Tongren) in Qinghai province protested against the Chinese policy to implement Chinese language as the medium of instruction in all the primary schools by 2015. A similar protest took place in Chabcha in Tsolho (Ch: Hainan), where hundreds of Tibetan students called for equality for nationalities and language. Hundreds of Tibetan teachers signed a petition in support of the student protests - respect the right of minorities to use and propagate language.



On 4 March 2012, nearly 700 students staged protest in Rebkong as a demand for language rights. Students of the school marched into town after they discovered that their new textbooks previously in Tibetan were written in Chinese.

The former UN Special Rapporteur on Education, Ms Katarina Tomasevski in a mission report on China⁴ urged, "an education that would affirm minority rights necessitates full recognition by the majority of the worth of minority languages and religions in all facets of life. Otherwise, education is seen as assimilationist".

2.7 Tibetan students sentenced to five years and many others in detention

The Chinese authorities in Chabcha (Chinese: Gonghe) County of Tsolho (Chinese: Hainan) Prefecture in Qinghai Province jailed eight Tibetan students for five years each on 5 December 2012 for their involvement in organizing a mass student protest on 26 November 2012.

They were Rabten, Wangdu Tsering, Jampa Tsering, Choekyong Kyab, Sangye Dhondub, Dola Tsering, Tsering Tashi, and Kunsang Bum. All aged between 18 to 23 and school's prefects or class monitors.

About 1,000 Tibetan students from Tsolho Sorig Lobling - a school for study of traditional Tibetan medicine - protested over the release of an official Chinese booklet that ridiculed the Tibetan language as "irrelevant." The booklet also described self-immolations by Tibetans as "acts of stupidity."

2.8 Forced removal of Tibetan Nomads and herders

For centuries, Tibetan nomads and herders have lived peacefully with their herds using their centuries-old local knowledge. However, the current forced 'villagization' policy in the name of development undermines the inherent skills of nomads and restricts their mobility. It also raises serious concerns about the long-term socio-economic impact of removing nomads from their traditional form of livelihood without adequate planning.

The UN Special Rapporteur on the Right to Food⁵ recommended to the Chinese government to suspend the non-voluntary resettlement of nomadic herders from their traditional lands and allow meaningful with the herders and improve employment opportunities, education and health services in "new socialist" villages.

⁴ [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2004.45.Add.1.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2004.45.Add.1.En?Opendocument)

⁵ <http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.59.Add.1.pdf>



2.9 Discrimination and movement restriction

A well-known Tibetan blogger Woesser⁶ was forced to leave Beijing for Lhasa before 18th Communist Party Congress in November 2012. She was stopped and searched repeatedly at every juncture, while the Chinese fellow travellers were not harassed. Tibetans themselves have become outsiders in their own land, questioned at every turn.

2.10 Tibet closed and communication channel blocked

Tibet is closed to independent tourist and foreign journalists. Internet and phone lines are inaccessible or being monitored. On 9 October 2012, the Australian Broadcasting Corporation showed their film crew being expelled from a Tibetan region where self-immolations took place.⁷

Tibetans who speak to foreign reporters or share information are charged with “leaking state secrets”. An article published on 3 October 2012, in the New York Times confirms this by reporting the sentencing of two Tibetan teenagers to lengthy prison terms. They were charged with leaking news of self-immolation protests to “outside contacts.”⁸

Reuters news agency reported on 27 December 2012, that the Chinese authorities had confiscated televisions from 300 monasteries in the west of the country and dismantled satellite dishes.

2.11 Tibetan leadership calls on China to investigate the real causes

The Central Tibetan Administrations based in Dharamsala, India, said on 11 December: “CTA invites Chinese authorities to send an investigative team to Dharamsala to prove their assertion that the self-immolations are incited by the Tibetan government and the Dalai Lama. This is in the wake of the recent Xinhua report alleging that two Tibetans have confessed that the Dalai Lama instructed Tibetans to set themselves on fire.”⁹

2.12 Exploitation of raw materials

Tibet faces a dramatic exploitation of raw materials through the Chinese authorities. The damages caused by wood clearing, the massive construction of dams and the exploitation of mineral resources are threatening the nomads lifestyle as well as the Tibetan’s health and food security.

⁶ <http://woeser.middle-way.net/>

⁷ <http://www.abc.net.au/7.30/content/2012/s3607238.htm>

⁸ <http://www.nytimes.com/2012/10/04/world/asia/china-jails-4-tibetans-linked-to-self-immolation-protests.html>

⁹ <http://tibet.net/2012/12/11/central-tibetan-administration-invites-china-teams-to-prove-allegations>