

General Assembly
HUMAN RIGHTS COUNCIL
Eleventh Session

Item 6: UPR - Outcome Document of People's Republic of China

Statement by Helsinki Foundation for Human Rights, delivered by Ms. Dekyi Dolkar

Thank you, Mr. President.

We wish to acknowledge that the UPR of China was the first major opportunity for the United Nations to scrutinize the human rights record and achievements of China since the Commission on Human Rights in 1995, following the rejection of China's 'no action' motion. When the opportunity was presented in February this year, Tibetans, Uyghurs and Inner Mongolians had some expectation from the UPR mechanism. On their behalf we gratefully thank the Governments, including the Czech Republic, for their important interventions and concrete recommendations on China, many of which call for greater momentum in efforts to protect and promote the fundamental rights of "ethnic minorities" (Tibetans, Uyghurs and Inner Mongolians).

We, however, remain very concerned by the State-managed infiltration of GONGOs in the UPR exercise and alarmed by the politicization of the UPR mechanism. In particular, we are deeply concerned by the rejection of 50 recommendations by China, including almost all those that seek an improvement in the human rights situation of the Tibetan people. The rejected recommendations included:

- review laws and practices on freedom of religion, movement, protection of culture and language [para. 82(f)]
- revision of legislation and practice that violate the right to freedom of expression and release (of) all persons held [para.82 (b)]
- ending the "strike hard campaign" in Tibet. [para. 82(g)]
- investigation of all cases in Tibet of police brutality and torture [para. 82(h)],
- ensuring protection in Tibet of the right of peaceful assembly and release persons arrested for such assembly [para. 82(i)] and,
- respecting the fundamental rights notably freedom of religion and movement. [para. 31(d)].

Mr. President, we believe that accepting these recommendations would compel the Chinese authorities to revisit and review some of the following issues affecting the Tibetan people:

- First, Order No. 5, issued by the State Council of China, interferes in an ancient religious procedure and tradition of the confirmation of reincarnates of Tibetan Buddhism.
- Second, finding ways to end the "strike hard campaign" will have a calming effect on the situation in Tibet. We also argue the same for the use of patriotic education programs that force Tibetans to denounce their spiritual leader, the Dalai Lama.
- Third, an official investigation into brutalities by the security services in Tibet. This would signal that China is serious about its Constitutional obligation which "respects and safeguards human rights".

Mr. President, what is urgently needed in Tibet is greater transparency so that a realistic, objective assessment can be made of the situation there. A recent report by a Beijing based think-tank, which includes a number of respected Chinese academics, argues: "When handling crisis situations, it must first be discerned whether there is a social problem, an economic problem, or a religious problem, with different problems having different means of being handled. The central government should be in the position of "arbiter," and maintain a distinction to the best of their ability from local officials' inappropriate conduct. Sensitive incidents should be "de-sensitized" to the greatest degree."

In conclusion, Mr. President, we must all realize that the current human rights situation in Tibet faces major challenges. Much of the responsibility for this lies with the failure of the Chinese authorities to recognize and heed the deep-rooted grievances of the six million Tibetan people. The Chinese leadership must recognize the Tibetans' legal right to air their opinions and manifest their unique culture and identity. This is for the good of the Tibetans and is the legal obligation of the government of the PRC.

Thank you, Mr. President.