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UNIVERSAL PERIODIC REVIEW

FOURTH WORKING GROUP
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People's Republic of China

The Human Rights Crisis in Tibet¹

This submission on the Human Rights Crisis in Tibet is an initiative of Tibetan UPR Forum, a global coalition of organizations acting as the Tibetan consultation on the UPR. This report notes with that there have been no independent reports of any consultations held in Tibet on the national report of the People's Republic of China (PRC). The only independent information that ordinary Tibetans in Tibet may have received about the Universal Periodic Review mechanism of the Human Rights Council is from external radio broadcasts in Tibetan language by Voice of Tibet, Radio Free Asia and Voice of America.

Introduction

1. As the prospect of China's 1949-50 invasion grew, the Fourteenth Dalai Lama made a series of appeals to the United Nations and its members, requesting intervention on his country's behalf. While resolutions concerning Tibet were adopted by the General Assembly in 1959, 1961 and 1965, Tibet failed to be recognized as an independent country.
2. In his paper, "Is Tibet Entitled to Self-Determination?"², Hong Kong human rights lawyer, Paul Harris said: 'No-one disputes that the Tibetans are a distinct people with their own language and culture, who form a large majority of the population of Tibet. They do not control their own destiny. Tibet is controlled by the Chinese Government by means of military occupation for the benefit of the Chinese state. Tibet is a country under foreign military occupation, and its people are subject to alien subjugation, domination and exploitation within the meaning of the UN Resolutions on Colonial Peoples and on Friendly Relations.'³

Nature of Human Rights Violations in Tibet

3. Since 10 March 2008 over 125 demonstrations in more than 60 counties on the Tibetan Plateau have taken place to protest the lack of civil, political, economic, social and cultural rights as a result of Chinese misrule. Tibetans are unable to fully participate in the political process and decide the rules whereby their society is governed without being subject to politically motivated arrest and detention.
4. The Special Rapporteur on racism has stated that Tibetans in the Tibetan Autonomous Region (TAR) suffer various forms of systematic and institutional discrimination in the fields of employment, health care, education, housing and public representation. On political representation, the Special Rapporteur said that: "Although laws guarantee Tibet self-government, Tibetans' governing power is very restricted and is subject to strict supervision and authorization by the central authority."⁴
5. The Special Rapporteur on Violence against Women has stated that "women in Tibet continue to undergo hardship and are also subjected to gender-specific crimes, including reproductive rights violations such as forced sterilization, forced abortion, coercive birth control policies and the monitoring of menstrual cycles."⁵ In May 2005, the Committee on Economic, Social and Cultural Rights (CESCR) said it was "deeply concerned about reports of forced abortions and forced sterilisations imposed on women, including those belonging to ethnic minority groups, by local officials in the context of the one-child policy, and of the high maternal mortality rate as a result of unsafe abortions."

¹ The term TIBET here refers the present-day China's administrative areas of the Tibet Autonomous Region (TAR), Qinghai Province, two Tibetan Autonomous Prefectures and one Tibetan Autonomous County in Sichuan Province, one Tibetan Autonomous Prefecture and one Tibetan Autonomous County in Gansu Province and one Tibetan Autonomous Prefecture in Yunnan Province.

² Paul Harris, a human rights lawyer in Hong Kong, wrote the piece which explores Tibet's right to self-determination under international law. A shorter version of the article appeared in the South China Morning Post. According to Harris, after commissioning an expanded version of the SCMP article, the Board of the Hong Kong Law Society's Hong Kong Lawyer magazine later pulled it, saying the topic was too political: <http://chinadigitaltimes.net/2008/04/is-tibet-entitled-to-self-determination>

³ <http://www.hku.hk/ccpl/pub/occasionalpapers/documents/OccasionalpaperNo.18.pdf>

⁴

<http://74.125.45.104/search?q=cache:3lpBagQ7f88J:www.unhchr.ch/Huridocda/Huridoca.nsf/0/1cec7613d4e77098c1256b8900524221/%24FILE/G0210831.doc+Special+rapporteur+%22Althoug+h+laws+Tibet&hl=en&ct=clnk&cd=5&gl=us> guarantee

⁵ <http://www.voanews.com/tibetan/archive/2003-04/a-2003-04-14-4-1.cfm>

6. According to a report submitted by Katarina Tomaševski, the Special Rapporteur on the Right to Education, she was “dismayed at the illiteracy rate in Tibet, 39.5 per cent, and asked the Ministry of Education [of the People’s Republic of China] whether one reason might be the fact that the literacy test was in Tibetan, while Mandarin is used in political, economic and social life...Otherwise, education is seen as assimilationist and, hence, not compatible with China's human rights obligations.”⁶

‘Reminiscent of the Cultural Revolution’

7. Tibetans describe the current military crackdown and policies adopted by China towards Tibetans as reminiscent of the Cultural Revolution. Well known Tibetan commentator, Wooser, reported on her blog on April 20: “All the working units in TAR and other Tibetan areas in Gansu, Qinghai, Sichuan and Yunnan provinces, one after another, held the various meetings angrily to condemn the ‘Dalai Clique.’ Some former Red Guards, the former rebel factions and the form ‘activists’, who were active during the ‘Cultural Revolution’ have again picked up the crazy languages prevalent during the ‘Cultural Revolution.’ They giped at the Dalai Lama and Tibetans in exile, and some even launched personal attacks against the former. Some cadres who retired with special honors or retired regularly suggested that the authorities should establish Joint Defense organizations among the residents, in reality, these organizations are just like the militia organization which ‘turned all the civilians into soldiers’ during the ‘Cultural Revolution.’ In other words, they are plainclothes police.”⁷

8. A comprehensive report on the 2008 Tibet Uprising by the International Campaign for Tibet, “Tibet at the Turning Point: The Spring Uprising and China’s New Crackdown,” said: “While demonstrators in the late 1980s were primarily monks and some nuns, although many protests were joined by laypeople too, unrest since the spring has involved farmers, nomads, university students, school children, laborers, and intellectuals as well as monks and nuns, expressing a unified nationalistic sentiment and a wish for the Dalai Lama to return home.”⁸

9. Some of the alarming findings of this report were:

- The ‘disappearance’ and detention of hundreds of Tibetans, including monks, nuns and school children, who are treated with extreme brutality in custody;
- Unarmed peaceful protestors who have been shot dead, or have died following torture in prison or as a result of suicide. It is believed that at least 100 Tibetans were killed in Lhasa and nearby areas during the crackdown from March 14 onwards, while at least 40 Tibetans were shot dead or died as a result of the repression of dissent in other Tibetan areas;
- More than 125 protests across the Tibetan plateau—the overwhelming majority non-violent;
- Sweeping new measures to purge monasteries of monks and ban worship in the wake of the protests, revealing a systematic new attack on Tibetan Buddhism led by Chinese leader Hu Jintao that is reminiscent of the excesses of the Cultural Revolution.

Arbitrary Detention

10. An analysis by the Congressional Executive Commission on China (CECC) of figures disclosed by Chinese officials since March 10 reveals that over 4,400 Tibetans have been detained or allegedly surrendered in connection with protests which began on 10 March 2008.⁹ These figures cover Lhasa in the TAR and Gannan Tibet Autonomous Prefecture in Gansu province, as well as in Ngaba prefecture in Sichuan province, but does not include every Tibetan area of the PRC where protests and detentions have occurred. Over 3,000 Tibetans have reportedly been released, leaving the detention status of over 1,200 Tibetans unknown.¹⁰

11. On 20 June 2008, Amesty International urged the Chinese authorities “to provide information about the over 1,000 people detained during the protests last March and called for free access to Tibet by

⁶ <http://daccessdds.un.org/doc/UNDOC/GEN/G03/170/38/PDF/G0317038.pdf?OpenElement>; Report submitted by the Special Rapporteur, Katarina Tomasevski, Addendum, Mission to the People’s Republic of China,

10–19 September 2003; UN Economic and Social Council, Commission on Human Rights, Sixtieth session, Item 10 of the provisional agenda, E/CN.4/2004/45/Add.1, 21 November 2003

⁷ ‘Tibet Update (3) April 15 – 27 (<http://chinadigitaltimes.net/2008/04/tibet-update-3/>)

⁸ http://www.savetibet.org/documents/pdfs/Tibet_at_a_Turning_Point.pdf

⁹ ‘Officials Report Release of More Than 2,000 of the More Than 4,400 Detained Tibetan “Rioters” (<http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=107985>)

¹⁰ Ibid

independent observers.¹¹ The call came as Amnesty International published an update on the situation in Tibet since the outbreak of violence – looking at the continuing violent crackdown against protesters, the situation of those detained, including those reported to have been beaten and deprived of proper health care and adequate food, and the severe censorship facing journalists and Tibetans.¹²

Disappearances

12. The International Campaign for Tibet has reported that “since the first protests in Lhasa and Qinghai on March 10...monasteries have been encircled by armed soldiers, while thousands of Tibetans – farmers, nomads, monks, nuns, students, shopkeepers – have ‘disappeared.’ In Lhasa, people sleep in their clothes, fearful of a knock on the door in the middle of the night. Someone disappeared from almost every Tibetan household in Lhasa in the weeks since March 14, according to one Tibetan source...”
13. “Many Tibetans are being taken to prisons far from their homes, and their families have no idea whether they are alive or dead. Hundreds of Tibetans from Lhasa, including many monks, have been seen being taken out of the city on the new train to Qinghai.”¹³
14. The enforced disappearance of the Panchen Lama, in accordance with the UN Declaration on the Protection of All Persons from Enforced Disappearance, “is a continuous crime,” according to a joint statement by 15 NGO’s delivered to the UN Human Rights Council by the Movement against Racism and for Friendship among Peoples. Since 1995, China has refused to publicly declare the whereabouts of Gedhun Choekyi Nyima, the Eleventh Panchen Lama and avoids responding to calls by the UN Committee on the Rights of the Child to allow an independent expert to meet and confirm the well-being of the Panchen Lama.¹⁴

Torture

15. Despite the UN Committee Against Torture’s recommendation that China “ensure the prompt, thorough, effective and impartial investigation of all allegations of torture”¹⁵, reports again emerged following the 2008 Tibet Uprising on the continued use of torture on Tibetan detainees, including cases of Tibetans who have died while in detention due to torture. In one instance, a 38-year-old Tibetan woman named Nechung, succumbed to torture in late-March after nine days detention following her participation in Tibetan protests in Ngapa county, Sichuan province on 16 and 17 March.¹⁶ In another instance, Dawa, a 31 year-old Tibetan farmer from Phenpo Lhundup County in the Tibetan Autonomous Region, died on 1 April 2008 after being severely beaten by Chinese prison guards. In another case, Thabkey, a 30 year-old monk of Labrang Monastery, arrested along with seven other monks for briefing a group of foreign media personal on a government managed tour in Labrang, Gansu province, was released after being detained for several days while in a mentally unstable condition with bruise marks all over his body from severe beatings while in police custody.¹⁷

Administration of Justice

16. While the PRC denies the existence of “political prisoners”, Tibetans continue to be prosecuted under political terms for crimes such as “splittism” (“splitting the State or undermining unity of the country”)¹⁸ for expressions of the Tibetan identity.
17. In commenting on the case of a group of Tibetans who established a “youth group” whose “purpose was to associate peacefully, or express their beliefs peacefully, without inciting or resorting to violence” and subsequently charged with “endangering national security and supporting separatist activities”, the UN Human Rights Council’s Working Group on Arbitrary Detention adopted the opinion that “unless the

11 “One thousand protesters unaccounted for in Tibet lock-down” - <http://www.amnesty.org/en/news-and-updates/report/china-one-thousand-protesters-unaccounted-tibet-lock-down-20080620>

12 “People’s Republic of China: Tibet Autonomous Region: Access Denied” - <http://www.amnesty.org/en/library/asset/ASA17/085/2008/en/815a7bd6-3d33-11dd-a518-c52d73496467/asa170852008eng.html>

13 pp. 7-8 http://www.savetibet.org/documents/pdfs/Tibet_at_a_Turning_Point.pdf

14 Committee on the Rights of the Child – Concluding observations 30 September 2005 - <http://www.savetibet.org/documents/pdfs/UNCRC2005ConcludingObservations.pdf>

15 [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/A.55.44.paras.106-145.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/A.55.44.paras.106-145.En?OpenDocument)

16 A Tibetan woman succumbs to torture: <http://www.tchrd.org/press/2008/pr20080505.html>

17 www.tchrd.org

18 See Part 1, Chapter 2, Section 1, Article 13 and Part 2, Chapter 1, Article 102 of ‘Criminal Law of the People’s Republic of China’ <http://www.cecc.gov/pages/newLaws/criminalLasENG.php>

application of these crimes ["endangering national security and supporting separatist activities"] is restricted to clearly defined areas and in clearly defined circumstances, there is a serious risk of misuse."¹⁹

18. Venerable Ngawang Phulchung²⁰ released in October 2007 after spending more than 18 years of imprisonment. One of his "crimes" was distributing a Tibetan version of the Universal Declaration of Human Rights with his nine monk-colleagues.
19. Another case concerns a Tibetan teacher²¹ whose unpublished manuscript entitled "The Restless Himalayas", which discusses political and social issues such as sovereignty, religion, history and geography and who was planning a project addressing women's rights in Tibet. He was sentenced in September 2005 to 10 years' imprisonment for "endangering State security".²²
20. In November 2007, Ronggye Adak (52) was sentenced to 8 years. Adak told the court that he did not carry out his protest (of 1 August 2007 in Lithang) in favor of the Dalai Lama to be a hero. He said: "I wanted His Holiness to return, and wanted to raise Tibetan concerns and grievances, as there is no outlet for us to do so. That made me sad and made me act." Ronggye Adak's government-appointed lawyer reportedly argued that asking for the return of the Dalai Lama to Tibet was purely a religious action, and not an act to bring down the government. Three other Tibetans charged of being involved were tried. Ronggye Adak's nephew, Adak Lupoe, sentenced to ten years, Kunkhyen, was sentenced to nine years while Jarib Lothog was sentenced to three years.²³

Indoctrination Campaigns and Religious Freedom

21. China's "patriotic education" campaign aimed at undermining Tibetan Buddhism and the spiritual authority of religious figures, such as the Dalai Lama, remains active in Tibet's monasteries and nunneries. According to the Tibetan Centre for Human Rights and Democracy, more than 10,000 monks and nuns have either been expelled or left their monasteries and nunneries after the "patriotic education" sessions introduced in 1996. In one example, Radio Free Asia reported on the resignation of Khenpo Tsanor, 70, as head of Dungkyab monastery in Gade county, Golog Tibetan Autonomous Prefecture, Qinghai. Commenting on his resignation, Khenpo Tsanor said: "I saw the government documents...It was written that the Dalai Lama should be thoroughly criticized and his splittist behavior should be condemned."
22. "I had no intention to sign. I knew very well that all who do not sign have to face trial in a Chinese court. They even threatened that the monastery would be shut down if we did not sign documents."
23. "Some county officials came to the monastery [and] asked me whether I will agree to step down from the position of chief abbot," he said. "I agreed since I didn't have the option of not accepting it."²⁴
24. In June 2008, Sweeping new measures²⁵ introduced in Kardze, Sichuan province to purge monasteries of monks and restrict religious practice in the wake of protests across the plateau reveal a systematic new attack on Tibetan Buddhism that is reminiscent of the Cultural Revolution. According to the new measures, specified in an official document from Kardze (Chinese: Ganzi) Tibetan Autonomous Prefecture in Sichuan province (the Tibetan area of Kham):
 - Monks who express dissent or refuse to 'conform' can be expelled and their residence demolished;
 - Tulkus (reincarnate lamas) could be 'stripped of the right to hold the incarnation lineage' if they communicate with foreigners or engage in protests against the Chinese authorities - a measure that

19 E/CN.4/2004/3/Add.1 (p. 74) <http://daccessdds.un.org/doc/UNDOC/GEN/G03/169/00/PDF/G0316900.pdf?OpenElement>

20 Freedom at last after 18 years- China releases Ngawang Phulchung: <http://www.tchrd.org/press/2007/pr20071025.html>

21 A letter from Dolma Kyab which emerged from Tibet said: "On 26 and 27 November 2005", when a representative of the United Nations Human Rights Commission [referring to Dr. Manfred Nowark] arrived in Lhasa, they transferred and hid me in another place fearing that he might get to know the real situation. Because of these reasons, I could not tell to other people that I have not received a just sentence under the law. I feel that because of my campaigns for the protection of the Tibetan antelope and freedom of love in the nomadic regions [of Tibet] have led them to deem me as indulging in pro-independence activities. I believe that [to educate] about the protection of environment, women's health protection, family planning, individual's health and hygiene, promotion and protection of natural science and receive 10 years' imprisonment term is something that is surprising in contemporary history."

http://www.tchrd.org/publications/hr_updates/2006/hr200608.html#writer

22 <http://www.savetibet.org/news/newsitem.php?id=1013>

23 <http://www.freetibet.org/campaigns/ucs-031208-runggye-adak-sentenced>

24 <http://www.savetibet.org/news/newsitem.php?id=1140>

25 <http://savetibet.org/news/newsitem.php?id=1341>

is consistent with an earlier ruling that all reincarnate lamas must have the approval of the Chinese government;

- Buddhist practice will be suspended in monasteries where a specific percentage of monks have engaged in protest or dissent;
- Senior religious teachers could face public 'rectification' or imprisonment if they are shown to have even 'tolerated' peaceful protest activity.

25. The document, dated June 28 and published under the name of the head of Kardze prefecture, Li Zhangping, the measures are aimed at "dealing clearly with participants in illegal activities aimed at inciting the division of nationalities, such as shouting reactionary slogans, distributing reactionary writings, flying and popularising the 'snow lion flag' and holding illegal demonstrations."²⁶

Right to Development and Population Transfer

26. In the last fifty years, China claims that it has 'developed' Tibet and improved the living standards of Tibetans and that "Tibet Autonomous Region" today enjoys extraordinary economic growth averaging over 10 percent during the past five years. In 2001, the "TAR" showed the highest growth rate in all of China at 12.8 percent...Beijing pours huge subsidies and funds into Tibet, especially in the "TAR", amounting to more than 90 percent of the region's total revenue, thereby making Tibetans inefficiently dependent on government sources of finance from Beijing. Such finance continues to be targeted at urban areas where Tibetans have the hardest time competing with Chinese migrants.²⁷

27. Available statistics on Tibet indicate that Tibetans now lead impoverished lives. Based on UNDP's China Human Development Reports in 1997, 1999, 2002 and 2005, the "Tibet Autonomous Region" continues to remain at the bottom when ranked on the Human Development Index, a composite of health, education and income indicators. The World Bank also puts the TAR at the very bottom, in its 2003 report, East Asia Integrates. According to the UNDP's National Human Development Report 2005, education in the TAR is the worst among all of the 31 Chinese provinces. It estimates that 55 percent of the Tibetan population are illiterate, while the other 30 provinces have illiteracy rates below 20 per cent.

28. China's Western Development Strategy (WDS) is now being seen as another threat to both the fragile environment of the Tibetan Plateau and to the very survival of the Tibetans as a people. The WDS has caused concern is the exploitation of Tibet's rich natural resources, including water. China has stated that since 1999 over 1000 researchers divided into 24 separate regiments fanned out across the Qinghai-Tibet Plateau to geologically map the area, finding 16 major new deposits of copper, iron, lead, zinc and other minerals worth an estimated US \$128 billion. If the findings are confirmed, it would make Tibet one of the richest areas of China.²⁸

Forced Evictions

29. One development linked to the WDS is highlighted in a new report by Human Rights Watch, whereby the Chinese authorities have been implementing forced evictions, land confiscation and fencing policies in pastoral areas inhabited primarily by Tibetans causing irreparable consequence on their livelihood.²⁹ While thousands of Tibetan nomads and farmers have been moved from their lands, on 15 August 2008, China's state media announced that 73,700 nomadic Tibetans living in Gannan (Tib: Kanlho) "Tibet Autonomous Prefecture" ('TAP') will be relocated to brick houses in the next five years.³⁰ It is estimated that in the past few years, more than 250,000 Tibetans have been forced to move into these "socialist villages."³¹

Questioning China's commitment to improving the human rights situation in Tibet

²⁶ *Ibid*

²⁷ *Environment and Development in Tibet-Crucial Issues:*

<http://www.tibet.net/en/diir/pubs/edi/enviro/crucialIssue2008.pdf>

²⁸ *Tibet: Resource Exploitation Feared:* <http://www.unpo.org/article.php?id=6353>

²⁹ "No One Has the Liberty to Refuse", *Human Rights Watch*, June 2007.

³⁰ http://news.xinhuanet.com/english/2008-08/15/content_9343243.htm

³¹ *China orders resettlement of thousands of Tibetans'* <http://www.mcclatchydc.com/world/story/16232.html>

30. Attempts by the international community, the UN and civil society organizations outside China to engage China on substantive issues related to the human rights situation in Tibet are met either with silence or a fierce, uncompromising response from the Chinese government. Government policies in Tibet, no matter what their characteristics or consequences, are deemed purely the internal affairs of China and not subject to 'outside interference'. Participants in bilateral and multilateral human rights dialogues with China report little substantive progress other than the existence of the dialogues themselves.
31. Even objective assessments of the situation in Tibet supported by independent, expert research and testimony by human rights defenders are rejected by Beijing as tactics to shame China or the acts of "hostile foreign forces". Nevertheless, several high profile Tibetan political prisoners have been released to the United States since 2001³², some of whom have testified at the UN Human Rights Commission and Council, while foreign delegations, including UN human rights experts have been received on tightly-controlled fact-finding missions to Tibet.
32. Instead, the Chinese government has exacerbated existing human right problems, introducing harsh new restrictions on how Tibetans practise their Buddhist faith and increasing pressure on both the Tibetan monasteries and laypeople to publicly denounce the Dalai Lama in an atmosphere reminiscent of the Cultural Revolution. In March 2008, the Communist Party leader in Tibet Autonomous Region called the Dalai Lama "a jackal in Buddhist monk's robes, an evil spirit with a human face and the heart of a beast".³³ This kind of rhetoric aimed at the most revered spiritual symbol for Tibetans can only contribute to a widening gap between Tibetans and the Beijing government.
33. The complete lack of political will by Chinese authorities to acknowledge the existence of a human rights problem in Tibet means that the legitimate grievances of the Tibetan people receive no fair hearing. This refusal to engage in discussions with Tibetans and the Dalai Lama on their real concerns must be considered a primary cause of the wide scale uprising by Tibetans against Chinese rule during Spring, 2008.
34. In March 2008, a letter from Tibet³⁴ which reached the outside world following the demonstrations in Lhasa had this appeal to the Chinese authorities: "Instead of simply blaming the unrest on the Dalai Lama, the government should look closely at the situation with an open mind and enter into negotiations with Dalai Lama. What we are seeking is a genuine degree of autonomy (not to be confused with an independent Tibet), where Tibetans have the right to govern themselves within the Chinese system and preserve their own cultural and religious identity, while having equal economic opportunities to those afforded to the Chinese. As long as Tibetans can live happy, prosperous lives, we don't care what flag what we do it under."

Prospect for a negotiated solution to the Tibet question

35. The Dalai Lama has consistently stated that a solution for Tibet must be found through non-violent means. To this end, since 2002, envoys of the Dalai Lama have met with representatives of the Chinese government on eight occasions in an effort to begin a substantive dialogue on the situation in Tibet and how it can best be resolved.
36. Such a dialogue and eventual negotiations could, with courage and compromise on both sides, result in a sustainable solution that satisfies both parties. However, again here the genuine commitment of the Chinese government to this process as a tool for real progress for Tibet must be called into question.
37. After the last round of discussion between the two sides concluded on 3 July this year, Special Envoy of His Holiness the Dalai Lama, Lodi Gyari, head of the Tibetan delegation said in a statement that: "Throughout our talks we have reiterated to our counterparts that the issue at hand is the welfare of the Tibetan people and is not about the personal status and affairs of His Holiness the Dalai Lama or that of the Tibetans in exile³⁵", and that "In the course of our discussions we were compelled to candidly

³² Tibetan Nun Phuntsog Nyidron was released on 26 February 2004 – <http://www.savetibet.org/News/News.cfm?ID=2327&c=7>

³³ <http://news.bbc.co.uk/2/hi/asia-pacific/1347735.stm>

³⁴ <http://savetibet.org/news/newsitem.php?id=1245>

³⁵ In a 10 March 2003 statement, the Dalai Lama said, "It is necessary to recognise that the Tibetan freedom struggle is not about my personal position or well-being. As early as in 1969 I made it clear that it is up to the Tibetan people to decide whether the centuries-old institution of the Dalai Lama should continue or not. In 1992 in a formal announcement I stated clearly that when we

convey to our counterparts that in the absence of serious and sincere commitment on their part the continuation of the present dialogue process would serve no purpose.”

38. Addressing the ground realities in Tibet in cooperation with the Dalai Lama is the Chinese government's only path to legitimacy in Tibet and the peaceful development of Tibetan areas. Members of the UN Human Rights Council must do all they can to acknowledge and address those ground realities, and to compel their Chinese counterparts to respect the human rights of all China's citizens and to engage sincerely with the Dalai Lama in order to bring respect, welfare and peace to Tibet.

return to Tibet with a certain degree of freedom I would not hold any office in the Tibetan government nor any other political position. However, as I often state, till my last day I will remain committed to the promotion of human values and religious harmony. I also announced then that the Tibetan Administration-in-Exile should be dissolved and that the Tibetans in Tibet must shoulder the main responsibility of running the Tibetan government. I have always believed that in the future Tibet should follow a secular and democratic system of governance. It is, therefore, baseless to allege that our efforts are aimed at the restoration of Tibet's old social system. No Tibetan, whether in exile or in Tibet, has any desire to restore old Tibet's outdated social order. On the contrary, the democratisation of the Tibetan community started soon upon our arrival in exile. This culminated in the direct election of our political leadership in 2001. We are committed to continue to take vigorous actions to further promote democratic values among the ordinary Tibetans.”

Recommendations to the Government of the People's Republic of China

This report offers the following recommendations:

1. Adopt and implement laws and regulations for Tibetans that create conditions of genuine autonomy, where Tibetans have the rights and means to participate in decision-making on the future direction and development of Tibet
2. Provide unimpeded access to Tibet for UN human rights experts, including the UN High Commissioner for Human Rights and other independent observers to assess the human rights situation in Tibet
3. Provide unrestricted foreign media access to all Tibetan areas
4. Fully implement the many recommendations on Tibet as issued by the Special Procedures mandate-holders and UN Treaty Bodies
5. Release immediately and unconditionally all those detained and imprisoned solely for engaging in peaceful protest and/or other peaceful political activities
6. Receive and allow access to Tibet for the Special Rapporteur on Freedom of Religion or Belief and other invited Special Procedure mandate-holders of the UN Human Rights Council, including the Special Rapporteur on Summary or Arbitrary Executions
7. End policies and practices targeted at Tibetan Buddhist institutions and which undermine the practice and preservation of Tibetan Buddhism, including State intervention in the identification and training of Tibetan reincarnate lamas, and the use of 'patriotic education' campaigns, which include denunciations of the Dalai Lama
8. Fully implement the recommendations of the UN Committee on the Rights of the Child, including access for an independent body to visit the Gendun Choekyi Nyima, the 11th Panchen Lama of Tibet
9. Allow the functioning of independent civil society organizations in Tibetan areas, and offer access and support to bilateral technical assistance providers and international NGO programs to further the development of Tibetan CSOs
10. Impose a moratorium on the resettlement of Tibetan nomads displaced by government development policies, pending an independent assessment and legal review of such policies. In all prior instances of resettlement, offer affected persons the opportunity to return or settle in an area nearby or like the one from which they have been moved
11. Ratify immediately the International Covenant on Civil and Political Rights and ensure that its protections are extended to all Tibetans
