Comments on the Response of the Chinese Government to Questions Concerning the Combined 3rd and 4th Periodic Reports on the Implementation of the Convention on the Rights of the Child

With reference to both the response of the Chinese government to questions concerning the combined 3rd and 4th periodic reports on the implementation of the Convention on the Rights of the Child and the original joint submission by Free Tibet and Tibet Watch to the United Nations Committee on the Rights of the Child, we submit these final comments and updates.

Question 8 - Please inform the Committee of the mechanisms put in place by the State party to consult and involve children and their families from Tibet Autonomous Region in the planning and implementation of large-scale construction and infrastructure projects, in particular projects with a potentially negative impact on children's rights, including their right to culture.

Aside from claiming that various construction and infrastructure projects have been carried out on a voluntary, not compulsory, basis, the Chinese government has completely failed to answer the Committee's question regarding consultation mechanisms for children and families in the Tibet Autonomous Region. The Chinese government asserts that assessments are carried out prior to commencing any project but makes no attempt to explain how local communities are involved.

Tibet Watch has witnessed numerous large scale building projects, and the establishment of mines, which have been carried out in defiance of the local population and to the detriment of Tibetan culture. Such developments impact significantly upon the right of children to participate in their culture.

An example of such behaviour by the Chinese authorities includes the "beautification"[1] of the Barkhor area of Lhasa, including proposed shopping malls (in the old city) and car parks. The developments also appear to prevent Tibetan Buddhist pilgrims undertaking a traditional circumambulation route around the Jokhang Temple (a part of the Ensemble). This amounts to a clear deprivation of the cultural rights of the local population.

[1] "Our Lhasa is on the verge of Destruction! Please save Lhasa" by Tsering Woeser, who was recently placed under house arrest. Her post was translated for High Peaks Pure Earth: http://highpeakspureearth.com/2013/our-lhasa-is-on-the-verge-of-destruction-please-save-lhasa-by-woeser

In 2005 the UNESCO World Heritage Centre and the International Council on Monuments and Sites highlighted the "uncontrolled urban development and expansion of tourism-related facilities" and the "negative impact of the rehabilitation projects on the protection of the traditional urban tissue of the historic centre [of Lhasa]."[2]

The idea that the Tibetan people would consent to developments that degrade and destroy an ancient heritage is unthinkable. The majority of developments undertaken by the Chinese authorities are done so in the face of fierce opposition – often ruthlessly suppressed – from the indigenous population. During 2013 Tibet Watch has also documented various protests related to mining projects, all of which have been brutally repressed. While this is further evidence of the Chinese government's failure to consult on such projects, we have not provided a detailed account of the incidents as no children were directly involved.

Question 11 (part 1) - Please indicate whether the State party has conducted a thorough and independent inquiry into the number of cases of self-immolations of children in Tibet Autonomous Region (TAR). Please also indicate the steps taken to identify the reasons for such desperate acts by children and prevent future ones.

Although China expresses regret over the number of minors involved in self-immolations and states that investigations have taken place, the response does not address the root cause of the self-immolations and simply places the blame on the Dalai Lama and the 'Dalai clique'. As we outlined in our original submission, China continues to vilify the Dalai Lama in a way which infringes many of the rights set out in the Convention. This includes, but is not limited to, the right of the child to preserve his or her identity, the right to freedom of expression, the right to freedom of thought and religion and the right to enjoy his or her own culture.

Self-immolations have continued and during 2013 we have collected information about 23 protests. At least four of these involved persons aged 18 or under.

- Kunchok Sonam set himself alight at around 8:40 a.m. on 20 July in Ngaba Autonomous Prefecture, eastern Tibet. A monk from Thangkor Soktsang monastery, the 18-year-old set himself alight close to the monastery after morning prayers. Authorities tried to claim his body but local Tibetans were able to prevent them. Since his protest, communications restrictions have been intensified in the area.
- On 20 February 2013, 17-year-old Rinchen and 18-year-old Sonam Dhargye self-immolated in Kyangtsa township in Eastern Tibet at around 9:30 p.m. Both of them died.
- Jigji Kyab, a 17-year-old from Shitsang township, died on 19 January 2013. Jigji left a note for his family, calling on "Sons of the land of snow" to "rise up", and then consumed a poisonous substance. He collapsed and died in the street, carrying gasoline and matches, before he was able to set himself alight.

The Chinese government asserts that many of the self-immolations occur as a result of personal problems rather than as political protests. We refute this suggestion on the basis of evidence collected by Tibet Watch. This includes messages, left by some of those who have self-immolated, which directly contradict the Chinese government's assertion.

On 25 November 2012, 17-year-old Sangye Dolma set fire to herself and died in Dokarmo township, Tsekog county. She left behind a photo of herself with the inscription "Tibet is an independent country" clearly

[2] http://whc.unesco.org/en/soc/394

written on her hand. She also left behind a note in Tibetan which read:

> "There is a photo of mine in the memory card. Here is the will for the photo.
> Sons and daughters of Tibet, the darlings of snow lion,
> The brave sons of Tibet,
> Remember you are Tibetan.
> My name is Sangye Dolma
> Sixteen years old by Solar calendar, seventeen years old by Tibetan calendar."[3]

Other self-immolation protesters have left behind notes or recorded messages and many have been heard shouting political slogans or calling for the return of the Dalai Lama once they have set themselves on fire. It is clear that these are deliberate political protests and cannot be dismissed as desperate or suicidal acts.

As the self-immolations have continued, so have the collective punishments. In recent months we have seen a particularly harsh response to self-immolations in some areas. Tibet Watch received photographs of a notice which had been posted in Dzoge county outlining the consequences of any future self-immolations. These included penalties for the family of the person who self-immolated as well as penalties for the village and/or monastery where the protest took place.

The measures applicable to the family included the following:

- The family would be disqualified from:
  - applying for government jobs or enlisting in the army;
  - participating in elections, political membership and from staff membership of village groups;
  - policies benefiting the people for three years.
- The family would be listed as a non-honest family. Loans would not be granted to them for three years and any existing loans would be called in.
- The rights of cultivating land and pasture would be recalled.
- Applications for exit or entry to the TAR would be refused for a period of three years.

In addition, the measures applicable to the village and/or monastery included the following:

- The village/monastery would be disqualified from policies benefiting the people for one year.
- The village/monastery would be disqualified or suspended from national investment projects.
- They would be listed as a non-honest village and non-honest monastery. Loans would not be granted to them for three years and any existing loans would be called in.
- They would have to pay 10,000 to 50,0000 Yuan security deposit against the risk of any future self-immolation. The security deposit would be returned in full if there are no further self-immolations in the next two years. In the event of a further self-immolation the money would be confiscated as state treasury and a new security deposit would be required.
- The management right of land and pasture would be frozen for the village (community).
- All residents would be required to attend legality study class.

If implemented, these measures would not only impact children directly related to someone involved in a self-immolation but any children resident in the same area.

[3] http://www.freetibet.org/news-media/na/last-message-teenage-nun

Question 11 (part 2) - Furthermore, please indicate what steps have been taken to thoroughly investigate the reported use of excessive force during peaceful demonstrators, arbitrary arrest and detention of children, including child monks in Ngaba, Drango and Kandze county and Lhasa since 2008.

As we noted in our original submission, the UN Committee Against Torture demanded that China "conduct a thorough and independent inquiry into the reported use of excessive force, including against peaceful demonstrators and notably monks in Kandze county, Ngaba county and Lhasa" but no such inquiry has yet taken place. This same issue was included in the Committee's questions but the response from the Chinese government focuses solely on events which took place in March 2008 and neglects to address the subsequent years. There is no response to the specific question regarding the arbitrary arrest and detention of children in Ngaba, Drango and Kandze counties or in Lhasa.

Since we made our last submission, Tibet Watch has documented further examples of excessive use of force.

On 6 July 2013, several hundred Tibetans attempted to gather on the sacred Machen Pomra mountain in Tawu, Kandze Tibetan Autonomous Prefecture (TAP), Eastern Tibet, alongside monks from the nearby Nyatso monastery and nuns from the Geden Choeling nunnery. The purpose of the gathering was to offer prayers to mark the 78th birthday of the Dalai Lama. Security forces, thought to be Paramilitary Armed Police (PAP), were at the mountain waiting for the Tibetans and prevented them from reaching their chosen destination. The Tibetans then gathered at a nearby location and conducted their celebrations.

Around 3:00 p.m., Tibetans started to go home, but armed security forces surrounded the area and prevented people from leaving. Security personnel stopped cars and, when people verbally protested, members of the security forces threw stones at the leading car. Attendees at the event then protested that their gathering was legal and that the security forces were acting illegally when they damaged the vehicles. Security personnel privately offered apologies and agreed to compensate the car owners for the damage but the Tibetans insisted that the compensation and the apology should be official.

An argument ensued and some members of the security forces began to beat some of the Tibetans, two severely. Other Tibetans responded by throwing stones. At some point during the altercation, security forces deployed tear gas and opened fire, leading to injuries to 17 named individuals and a further unknown number of other individuals. On the basis of reported injuries and photographs, it appears that live ammunition and rubber bullets were used but details are not confirmed. Five individuals have been confirmed as sustaining bullet wounds of some kind, including Tashi Sonam, a monk, who was hospitalised with a serious head wound and whose condition remains unknown.

A senior official on site and apparently in charge of the security forces has been named by several sources as Tserang Norpu. Local Tibetans attempted to negotiate with him after vehicles were stopped and he reportedly became angry and made threats. According to at least one witness he fired into the air and gave the order to shoot at Tibetans but this has not been confirmed. Tserang Norpu's position/rank is unknown.

We have also continued to receive information relating specifically to the arbitrary arrest and detention of children. We recently ascertained that Wangchuck Dorje had been was sentenced for his alleged role in a demonstration of more than 4,000 young people in November 2012 (detailed in our previous submission). The peaceful march called for equality and language rights for Tibetans and the return of the Dalai Lama to Tibet. Wangchuck Dorje is a pupil at the Middle School of Nationalities in Rebkong county. Other students

detained at the protest have been released or sentenced already but the whereabouts and details of others are unknown. Wangchuck Dorje was detained and interrogated for several months. His age is unknown, although, as he was a middle school student, he is likely aged between 16 and 19 years.

Question 12 - In light of the Committee's previous concluding observations (CRC/C/CHN/CO/2, paras. 30 and 31, 2005), please clarify what measures have been taken to identify and reform policies and programmes that discriminate against girls and ethnic and religious minorities, such as Tibetan, Uighur and Hui children, and to ensure that they have equal access to health, education and other social services.

While we appreciate the information the Chinese government has provided regarding their provision of financial assistance to children of minority ethnic groups, this addresses only one of the concerns which we raised in our original submission regarding education. We also provided evidence regarding the lack of access to education and learning of the Tibetan mother-tongue and culture, closure of community schools, detention of teachers and ongoing discrimination against Tibetan students within the Chinese education system. The information provided by the Chinese government does not reassure us of any progress or improvement in these areas.

Question 16 - Please comment on reports according to which the right to freedom of religion and expression of some ethnic minorities, including ethnic Tibetan, Uigher and Hui children continues to be severely restricted. Please provide detailed information on the measures taken to fully guarantee freedom of religion for all children, including by repealing all forms of ban instituted by local authorities on Tibetan children of any age from participating in religious festivals or receiving religious education.

The Chinese government's response to this question asserts that the right to freedom of religion is respected and protected by law. However, our original submission provided evidence of China's ongoing attempts to control religion in Tibet and their continued vilification of the Dalai Lama.

Our previous submission detailed cases where children had been beaten or arrested for simply having photographs or portraits of the Dalai Lama. There was nothing in the Chinese government's response to suggest that these incidents are likely to cease. We, therefore, refute the suggestion that freedom of religion in protected by the Chinese government and refer the Committee to our original submission.

Question 19 - In the context of the bilingual education policy in mainland China, please inform the Committee how the State party promotes the use and learning of minority languages and the measures in place to ensure participation from ethnic minorities, including Tibetans and Uighurs at the local and regional levels of the decision making process of the education system.

We appreciate the information provided by the Chinese government in response to this question but note that it does not address the question regarding measures to ensure participation from ethnic minorities in decisions regarding education. We also refute the suggestion that China pursues a positive policy towards minority languages and refer the Committee to the evidence provided in our original submission.