



Free Tibet, Gu Chu Sum, Tibet Watch

Joint UPR Submission: China, March 2018

1. Overview

1.1. This submission will review China's human rights record in Tibet¹ since 2013. We will provide the following information, as specified in the General Guidelines for the Preparation of Information for UPR:

- Section 2 will examine China's response to recommendations relevant to human rights in Tibet that it accepted in the second cycle. It will highlight China's failure to act on these recommendations and cases where existing problems have been exacerbated.
- Section 3 will detail further areas of concern which have either emerged since 2013 or were not accepted by China during the last UPR.
- We will conclude with a series of recommendations to China which would, if accepted, demonstrate genuine progress by China towards protecting the human rights of people in Tibet.

1.2. During the period under review, China has systematically violated Tibetans' civil and political, and economic, cultural and social rights. The Chinese government's focus on "stability maintenance" in Tibet has seen it utilise a range of legal and extra-legal techniques of repression, including extensive surveillance, tight restrictions on freedom of expression and violent suppression of public protests. These practices are enforced by organs of the state at every level, including security forces and legal institutions. Both public protest and private dissent in Tibet are criminalised as "splittism", or attempting to break up the People's Republic of China (PRC) and harshly penalised. Tibetans held in detention are at serious risk of torture and ill-treatment.

1.3. At the same time, China has pushed ahead with policies that risk causing long-term damage to Tibet's land and environment, such as mining projects and displacing millions of rural Tibetans, and to their religion and culture, including increased restrictions on Tibetan Buddhism, marginalising the use of the Tibetan language and promoting mass Chinese tourism to Tibet.

1.4. Tibetans' opposition to Chinese rule, the attacks on their culture and environment and the violations of their human rights are reflected in their protests, most damningly in self-immolation protests. Over 150

¹ This submission will cover all of Tibet, which, prior the Chinese invasion and occupation in 1949, comprised three provinces: Amdo, Kham and U-Tsang. Under the Chinese occupation, the eastern half of Tibet (Amdo and eastern Kham) has been divided into units called Tibetan Autonomous Prefectures, which have been incorporated into Gansu, Qinghai, Sichuan and Yunnan Provinces. The remaining western half of Tibet (western Kham and U-Tsang) is administered as the Tibet Autonomous Region (TAR).

self-immolation protests have taken place across Tibet since 2011,² with particularly high numbers in November 2012 when Xi Jinping was appointed General Secretary of the Chinese Communist Party (CCP). A range of measures have been introduced in this period to deter such protests, including the use of collective punishment against families and communities of self-immolation protesters. These measures have been imposed on Tibetans with no attempt to address the aforementioned, long-standing grievances.

1.5. Obtaining information about human rights abuses in Tibet is complicated by Chinese controls over telephone and internet communication, Tibet's borders and the internal movement of its people. Tibetans who attempt to communicate with the outside world about human rights abuses face severe punishments. These controls are particularly tight in the Tibet Autonomous Region (TAR). Therefore, while the cases detailed in this submission have been verified, it is likely that there are numerous other cases of human rights violations that remain unknown, further emphasising the need for international human rights monitors to be granted access to Tibet.

² The first self-immolation protest in Tibet was carried out in February 2009. After the next one in March 2011, the first of 12 that year, self-immolation protests steadily became a more common occurrence in Tibet. A full list of self-immolations can be found here: <http://freetibet.org/about/self-immolation-protest>

2. Developments since the previous review

Freedom of expression³

2.1. Although China accepted a range of recommendations relating to freedom of expression during its previous review⁴, Chinese authorities have continued to use detention and imprisonment in an attempt to deter protests and silence criticism of the occupation and human rights abuses on blogs or social media. These measures are also employed to penalise Tibetans who express their culture in a form that the ruling authorities deem to be separatist or disloyal to the (CCP) and the notion of one united China. Activities criminalised by the state but integral to Tibet's unique culture include flying the Tibetan flag, writing and performing patriotic songs and celebrating the Dalai Lama's birthday.

2.2. On 10 July 2015, Gomar Choepel, a monk from Rebgong County,⁵ was arrested during a search of his monastery by police. He was alleged to have been storing and sharing pictures of the Dalai Lama on his phone. He was sentenced to two years in prison on 17 February 2016 after being found guilty of "disturbing social stability" and "separating the nation".⁶ Gaybay, a singer, was arrested on 24 May 2014 after participating in a concert in Kakhog County,⁷ where he performed songs such as "Will Be Perished", which expresses the importance of preserving Tibetan language and culture. Gaybay was released a month later after his family paid bail and offered assurances to the Chinese authorities, in writing, of Gaybay's future good conduct⁸. Lolo, a singer sentenced to six years in 2013 for singing political songs, remains in prison in a location near Xining City, Qinghai. A photo of Lolo in May 2015 showed him in poor health⁹.

2.3. Criticism of the occupation or prohibited expressions of Tibetan culture routinely result in charges of "attempting to split the Chinese state", which empower authorities to impose significant legal penalties upon conviction. In August 2014 Dawa Tsomo, a Tibetan writer, was arrested after being accused of violating internet regulations by blogging on politically sensitive issues. Lomig, a monk from Ngaba County,¹⁰ was sentenced to seven and a half years in prison in 2016 for "inciting separatism". This charge stemmed from his political writings, which covered topics such as the 2008 Tibetan Uprising and self-immolation protests.¹¹ During his trial, in March 2016, essays on religious freedom written by Shokjang

³ Human rights information in this section is relevant to the Universal Declaration of Human Rights (Articles 9 and 19) and International Covenant on Civil and Political Rights (Articles 9 and 19).

⁴ "Expedite legal and institutional reforms to fully protect in law and in practice freedom of expression, association and assembly, and religion and belief" (Australia); "Increase transparency of its traditional and social media by guaranteeing the rights of Chinese citizens to freely critique any state organ or functionary" (Australia); "Continue strengthening the protection and promotion of the right of all citizens to publicly express their beliefs and opinions" (Chile); "Strengthen the measures aimed at guaranteeing freedom of expression and freedom of the press" (Cote d'Ivoire); "Reform legislation and law enforcement in order to ensure freedom of opinion and expression, including on the internet." (Germany); "Make further efforts towards safeguarding the freedom of expression of all citizens" (Norway); "Take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China" (Poland); "Further guarantee citizens' right to express themselves, to vote and to be elected" (Uganda)

⁵ Rebgong (Ch: Tongren) County, Malho (Ch: Huangnan) Tibetan Autonomous Prefecture, Qinghai Province. Villages, towns and counties in this report are referred to with their Tibetan names, with the Chinese pinyin equivalent in footnotes.

⁶ Information supplied by Tibet Watch, February 2016. Tibet Watch uses a network of contacts within Tibet and the Tibetan diaspora to obtain information on human rights abuses from within Tibet. The information that Tibet Watch has supplied for this report has been carefully checked and corroborated to ensure accuracy at all times. Sources are kept confidential to prevent reprisals against those who have given testimony or against their families and communities.

⁷ Kakhog (Ch: Hongyuan) County, Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan Province

⁸ Information supplied by Tibet Watch, May 2014, June 2014

⁹ Ibid., February 2013, May 2015

¹⁰ Ngaba (Ch: Aba) County, Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan Province

¹¹ Information supplied by Tibet Watch, May 2016

were used to convict him for “inciting separatism” and “disturbing social stability”, leading to a three-year prison sentence.¹²

Torture¹³

2.4. In 2013 China accepted recommendations urging it to enforce existing laws prohibiting torture and the admission of statements extracted under torture as evidence in court.¹⁴ In practice, China has not taken the necessary steps to combat torture in its prisons, police stations and detention centres during the last reporting period, a fact borne out by the testimonies of former Tibetan political prisoners and the United Nations Committee against Torture. The Committee, which evaluated China’s record in November 2015, found that the practice of torture and ill-treatment was “still deeply entrenched in the criminal justice system”, which “overly relies on confessions as the basis for convictions”. This included “numerous reports from credible sources that document in detail cases of torture, deaths in custody, arbitrary detention and disappearances of Tibetans.”¹⁵

2.5. Jigme Guri, a monk from Labrang Monastery,¹⁶ was released from prison in December 2016 after serving a five-year sentence. Eyewitnesses reported that he was frail and in poor health due to repeated torture and beatings that he endured, along with the poor conditions of the prison. Within two months of his release he was hospitalised and diagnosed with diabetes, high blood pressure and problems with his heart, liver and eyes.¹⁷ On 11 March 2016, Tashi, a Tibetan man in his thirties, committed suicide in a police detention centre in Markham County.¹⁸ During his time in detention he was severely beaten and tortured which, according to Tibetan exile sources, was so unbearable he committed suicide.¹⁹

2.6. Former Tibetan political prisoners who have since escaped Tibet have given detailed testimonies about the torture and ill-treatment that they experienced in custody. They recounted being held in incommunicado detention and forced to undergo interrogation sessions lasting several days, being beaten by police and other security services, subjected to mock executions and given electric shocks.²⁰ In 2015 Golog Jigme was able to testify to the United Nations after escaping Tibet, where he had been detained on three occasions between 2008 and 2012. He recounted being tortured in prison, including being chained to the chimney of a burning stove and to an iron chair where he was beaten and given electric shocks.²¹

¹² Ibid., March 2016, March 2018

¹³ UDHR (Article 3), ICCPR (Article 7), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

¹⁴ Recommendations accepted by China regarding torture during the second cycle in 2013: “Harmonize the definition of torture contained in the national legislation with the requirements of the CAT and ensure that statements obtained under duress are not admitted in court.” (Mexico); “Effectively implement and establish the necessary institutional mechanisms to ensure the enforcement of existing laws prohibiting torture and dismissing illegally obtained evidence.” (Denmark)

¹⁵ Concluding observations on the fifth periodic report of China, United Nations Committee against Torture, 3 February 2016 (CAT/C/CHN/CO/5), paras. 20, 40 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/017/44/PDF/G1601744.pdf?OpenElement>

¹⁶ Sangchu/Labrang (Ch: Xiahe) County, Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province

¹⁷ Information supplied by Tibet Watch, December 2016, February 2017

¹⁸ Markham (Ch: Mangkang) County, Chamdo (Ch: Changdu) Prefecture, TAR

¹⁹ ‘Tibetan man kills self in detention to avoid custodial torture’, TCHRD, 6 April 2016 tchrd.org/tibetan-man-kills-self-in-detention-to-avoid-custodial-torture/

²⁰ ‘Blood on the Snows’, Tibet Watch 2015, pp.9, 13, 16-17

http://www.tibetwatch.org/uploads/2/4/3/4/24348968/blood_on_the_snows.pdf; ‘Torture in Tibet:’, Tibet Watch, 2015, pp. 7, 10-12 http://www.tibetwatch.org/uploads/2/4/3/4/24348968/torture_in_tibet_-_february_2015.pdf

²¹ An Interview with Golog Jigme Gyatso, Tibet Watch, July 2014, pp.5-6

www.tibetwatch.org/uploads/2/4/3/4/24348968/an_interview_with_golog_jigme_gyatso.pdf

2.7. The use of torture is enabled by the tight restrictions imposed on political prisoners from the moment they are detained and during their imprisonment. Access to doctors and lawyers is often denied. The lack of outside scrutiny makes it almost impossible to verify the treatment of prisoners while they are in detention, or to carry out an independent and impartial investigation in the event of a death in prison, several cases of which occurred during this UPR period. Tenzin Delek Rinpoche, the most high-profile prisoner in Tibet at the time of his imprisonment, died in prison in July 2015, having served 13 years. He was denied medical parole, despite the clear need for treatment.²² After his death, the prison authorities cremated his remains against the wishes of his family and in violation of Article 55 of China's Prison Law".²³ Tenzin Choedak was released back to his family but died in hospital three days later, on 5 December 2014. At the time of his release Tenzin Choedak was physically emaciated, his jawbone was dislocated, all the bones in his feet were broken and he was vomiting blood because of a brain injury.²⁴

2.8. Despite China's own Criminal Procedure Law setting out a clear prohibition on the use of torture, and Article 18 of this law explicitly describing torture as a "crime" that should be investigated, there is no evidence of a single case of torture in Tibet being investigated or the perpetrators being held accountable. This conclusion was reinforced by the Committee against Torture in its 2015 concluding observations on China, in which it stated that it had not received any information on the number of investigations into torture allegations or information about criminal or disciplinary measures taken, and that past recommendations to China on "accountability for the events in the autonomous region of Tibet and neighbouring Tibetan prefectures and counties" had not been implemented.²⁵

Freedom of thought, conscience and religion²⁶

2.9. China accepted several recommendations in 2013 calling on it to protect the right to freedom of religion.²⁷ Freedom of religion nevertheless remains heavily restricted in Tibet, with Tibetans, the majority of whom are Tibetan Buddhists, permitted to practice their faith only within tight boundaries. Chinese authorities have explicitly stated that Tibet's monasteries and clergy must be loyal to the CCP and to one unified China. Monasteries have been ordered to fly Chinese flags and hang portraits of CCP leaders, while images of the Dalai Lama are forbidden. Historic responsibilities of monastic bodies, such as admitting and teaching monks and nuns and ruling on spiritual matters including reincarnation, have been transferred to Democratic Management Committees, which are accountable to the Chinese government. Controls have

²² 'Chinese Cremate Body of Revered Tibetan Monk, Ignoring Pleas', New York Times, 16 July 2015 www.nytimes.com/2015/07/17/world/asia/china-cremates-body-of-revered-tibetan-monk-tenzin-delek-rinpoche.html?mtrref=www.google.co.uk&gwh=FD45EE873FDAB44845226719A3F465EE&gwt=pay

²³ Prison Law of the People's Republic of China (1994), Article 55 "if a prisoner dies an abnormal death, the people's Procuratorate shall immediately conduct examinations and make an appraisal on the cause of the death" [https://www.icrc.org/ihlnat.nsf/0/01e13189da6b2950c125775000449262/\\$FILE/Prison%20Law%20of%20the%20People's%20Republic%20of%20China.pdf](https://www.icrc.org/ihlnat.nsf/0/01e13189da6b2950c125775000449262/$FILE/Prison%20Law%20of%20the%20People's%20Republic%20of%20China.pdf); CAT/C/CHN/CO/5, para. 24 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/017/44/PDF/G1601744.pdf?OpenElement>

²⁴ Remembering the fearless 'ghost' Tenzin Choedrak (1981-2014), Tibetan Centre for Human Rights and Democracy (TCHRD), 30 January 2015 <http://www.tchrd.org/2015/01/remembering-the-fearless-ghost-tenzin-choedrak-1981-2014>

²⁵ CAT/C/CHN/CO/5, paras. 6, 22 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/017/44/PDF/G1601744.pdf?OpenElement>

²⁶ UDHR (Article 18), ICCPR (Article 18), Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (Articles 1,2,3,4,6)

²⁷ Recommendations regarding freedom of religion or belief accepted by China during the second cycle in 2013: "Expedite legal and institutional reforms to fully protect in law and in practice freedom of expression, association and assembly, and religion and belief" (Australia); "Take effective measures to protect the right to freedom of religion or belief" (Austria); "Consider possible revision of its legislation on administrative restrictions in order to provide a better protection of freedom of religion or belief" (Italy); "Continue measures to further economic and social development of Xinjiang Uygur Autonomous Region, to protect the right to freedom of religion and belief as well as to maintain stability in this autonomous region" (Tajikistan)

been placed on how many monks can stay in a monastery and security cameras have been installed inside them to monitor day to day affairs.²⁸

2.10. Tibetan monks and nuns who practice their religion outside these confines have been harshly punished. In January 2014, Thardhod Gyaltsen, a monk and chant leader from Drongna Monastery in Diru County,²⁹ was sentenced to 18 years in prison after police found prohibited images of the Dalai Lama and recordings of his speeches and teachings during a raid on the monastery in late 2013.³⁰ In February 2016, two senior Tibetan monks from Chokri Monastery in Draggo County,³¹ Khenpo Pagah and Geshe Orgyen, were detained after a large prayer ceremony for the Dalai Lama was held at their monastery. There has been no further information about Pagah and Orgyen since their arrests.³²

2.11. When monks and nuns carry out protests, monasteries and nunneries can be shut down or subjected to month-long political re-education campaigns, where residents are forced to denounce the Dalai Lama and declare that Tibet is part of China. Those who have refused have been detained, tortured and forced to leave their monastic institutions. In September 2014, 26 nuns were expelled from Jhada Gon Palden Khachoe Nunnery in Benkar Township,³³ after they refused to criticise the Dalai Lama.³⁴

2.12. CCP efforts to regulate monasteries by curbing the number of residents, or in order to make them more accessible for the growing number of tourists, have caused harm to the sites and their residents. In September 2015, authorities expelled a further 106 nuns from Jhada Gon Palden Khachoe Nunnery, making many of them homeless. They then demolished the nuns' living quarters under the pretext of carrying out renovations to the nunnery.³⁵

2.13. In June 2016, local authorities in Serthar County³⁶ issued a multi-stage plan to reduce the number of residents at Larung Gar, the largest Tibetan Buddhist institution in the world, and put the site's management and finances under CCP majority control. By May 2017, 4,828 people had been removed and as many as 4,725 houses and buildings had been demolished.³⁷ In addition, authorities overseeing the plan repeatedly infringed on the rights of residents by prohibiting residents from gathering to observe the Dechen Shedrub festival in November 2016 and 2017. They also introduced screening procedures including scanners and ID cards, forcing residents to prove that they live at the site.³⁸ Residents who were forcibly removed were coerced into signing documents pledging not to return to live at Larung Gar.³⁹ Monks and nuns who were returned to their native regions from Larung Gar were prevented from joining new monasteries and nunneries.⁴⁰ Some were also subjected to patriotic re-education sessions or other

²⁸ 'Tibet's "Intolerable" Monasteries: The role of monasteries in Tibetan resistance since 1950', Tibet Watch, April 2016, pp.6-9 www.tibetwatch.org/uploads/2/4/3/4/24348968/tibets_intolerable_monasteries.pdf

²⁹ Diru (Ch: Biru) County, Nagchu (Ch: Naqu) Prefecture, TAR

³⁰ Information supplied by Tibet Watch, March 2014

³¹ Draggo (Ch: Luhuo) County, Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture, Sichuan Province

³² Information supplied by Tibet Watch, March 2016

³³ Benkar Township, Diru (Ch: Biru) County, Nagchu (Ch: Naqu) Prefecture, TAR

³⁴ Information supplied by Tibet Watch, November 2014

³⁵ Ibid., November 2015

³⁶ Serthar (Ch: Seda) County, Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture, Sichuan Province

³⁷ 'Destroying Heaven: China's campaign of destruction at Larung Gar', Free Tibet and Tibet Watch, October 2017, p.11 <https://www.freelibet.org/files/Larung%20Gar%20report-web.pdf>

³⁸ Information supplied by Tibet Watch, December 2017

³⁹ 'Destroying Heaven: China's campaign of destruction at Larung Gar', Free Tibet and Tibet Watch, October 2017, p. 8

⁴⁰ Ibid., p.9

humiliating activities.⁴¹ In February 2017, six UN special rapporteurs contacted the Chinese government to express their concern at the harm being caused to Larung Gar and its residents, noting that China's actions violated the residents' rights to an adequate standard of living and right to take part in cultural life.⁴²

Economic, social and cultural rights⁴³

2.14. A recommendation from Cambodia in 2013 that China protect the rights of minorities to learn, write and develop their own languages has not been acted on, despite being accepted.⁴⁴ Tibetans continue to be marginalised as a result of the exclusive use of Mandarin in several key areas of governance and education, despite Tibetan being an official language in the TAR and despite China's Regional Ethnic Autonomy Law stating that schools and other educational institutions should use appropriate "minority nationalities" languages where such languages are spoken by the majority of students.

2.15. Mandarin is the official language for communications, the predominant language of instruction in public schools in many Tibetan areas and is used in courses for jobs that require technical skills and qualifications. In January 2018, 180 Tibetans petitioned the People's Supreme Court of China to raise concerns over the absence of Tibetan language on the official websites of people's courts in autonomous prefectures. They argued that the lack of Tibetan text left those who did not know Chinese unable to read court announcements and communications, or understand the legal rights and protections available to them.⁴⁵

2.16. Tashi Wangchuk, a businessman and language advocate from Kyegudo County,⁴⁶ has been in detention since his arrest in January 2016. He was arrested after carrying out an interview with the New York Times about his attempts to ensure that all Tibetan children had access to Tibetan language classes in their schools. Tashi Wangchuk repeatedly made it clear that his language advocacy was non-political, but was nevertheless charged with "inciting separatism".⁴⁷ He finally stood trial in January 2018 but as of March 2018 had not been informed of a verdict or sentence.⁴⁸

2.17. Authorities have in some cases been proactive in curbing the use of the Tibetan language. In February 2014, authorities forced a Tibetan-language competition in Ngaba County to be cancelled, warning the organisers of "serious consequences", on the basis that "the Tibetan language contains words that can be used to "express opposition to Chinese rule".⁴⁹

⁴¹ Ibid.

⁴² U.N. Special Rapporteurs on Cultural Rights, Human Rights and the Environment, the Right to Freedom of Peaceful Assembly, Adequate Housing, Minority Issues, and Freedom of Religion or Belief, Joint Statement concerning severe restrictions of religious freedom in Tibetan Autonomous Prefecture, AL CHN 10/2016 (Nov. 7, 2016)

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22816>

⁴³ UDHR (Articles 2, 9, 19), ICCPR (Articles 2, 9, 19), International Covenant on Economic, Social and Cultural Rights (Articles 2, 6)

⁴⁴ "Continue pursuing measures and policy aimed at ensuring the rights of ethnic minorities' learning, writing and the development of their own languages according to the relevant laws." (Cambodia)

⁴⁵ Information supplied by Tibet Watch, January 2018

⁴⁶ Kyegudo/Jyekundo (Ch: Yushu) County, Yushu (Ch: Yushu) Tibetan Autonomous Region, Qinghai Province.

⁴⁷ Edward Wong, 'Tibetans Fight to Salvage Fading Culture in China', New York Times, 28 November 2015

http://www.nytimes.com/2015/11/29/world/asia/china-tibet-language-education.html?_r=2; 'Language campaigner disappears after international coverage', Free Tibet, 11 March 2016 <http://freetibet.org/news-media/na/language-campaigner-disappears-after-international-coverage>

⁴⁸ Information supplied by Tibet Watch, January 2018

⁴⁹ 'Country Reports on Human Rights Practices for 2014: Tibet', US Department of State, June 2015

http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=236434&year=2014#wrapper

2.18. The Chinese government has encouraged Han Chinese to settle in Tibet, where they enjoy preferential access to employment and education. Almost all of the senior government, police and military positions in the TAR and other Tibetan areas are held by Han Chinese CCP members.

2.19. Tibetan Buddhism is also threatened by Beijing's promotion of Tibet as a tourist destination for Chinese citizens. Tourist development has taken place without consultation with locals, leading to some areas of Tibet, particularly monasteries and sacred pilgrimage sites, becoming overdeveloped. Some monasteries have been renovated to accommodate restaurants, hotels and shops. Monks have reported large numbers of tourists coming to their monasteries on a daily basis, disturbing their way of life.⁵⁰ China accepted a recommendation from Iraq in 2013 to "promote the protection of cultural relics."⁵¹

Access for international monitors

2.20. The United Nations have been given almost no access to Tibet by the Chinese government and no free access at all – the rare, officially sanctioned visits are tightly-controlled. UN experts who have been able to visit Tibet have seen their work obstructed. A commitment to facilitate a visit by the UN High Commissioner for Human Rights, including to Tibet, has not been acted on.⁵² The last two High Commissioners have experienced prolonged delays to their request to visit China and Tibet.⁵³

2.21. In cases where UN experts have obtained access to China, Beijing has impeded their work. In August 2016, Philip Alston, the UN Special Rapporteur on extreme poverty and human rights, complained about Chinese government efforts to interfere with his work during a visit to the country by blocking access to individuals whom he had hoped to meet.⁵⁴

2.22. China has also failed to comply with requests for information from UN bodies. During its review of China's record on torture in 2015, the Committee Against Torture noted that in its previous review it had requested information on the cases of 26 Tibetan prisoners, and that China had failed to provide information on all but two of these cases.⁵⁵

⁵⁰ 'Tibet's "Intolerable" Monasteries: The role of monasteries in Tibetan resistance since 1950', Tibet Watch, April 2016, pp.14-15 www.tibetwatch.org/uploads/2/4/3/4/24348968/tibets_intolerable_monasteries.pdf

⁵¹ "Exert more efforts to protect cultures, especially those of ethnic minorities, and to promote the protection of cultural relics" (Iraq)

⁵² "Facilitate the visits of the UN High Commissioner and the special procedures, including to Tibetan and Uighur area" (Switzerland)

⁵³ 'The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms', *Human Rights Watch*, (September 2017), available at: <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>

⁵⁴ 'U.N. rights envoy says Chinese authorities interfered with his work', *Reuters*, (August 2016), available at: <https://www.reuters.com/article/us-china-un-rights/u-n-rights-envoy-says-chinese-authorities-interfered-with-his-work-idUSKCN10Y192>

⁵⁵ 'Information received from China on follow-up to the concluding observations', *Committee against Torture*, (January 2017), available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fCHN%2fCO%2f5%2fAdd.1&Lang=en

3. China's human rights record since the last UPR

3.1. In 2013, China accepted a broader recommendation to protect the rights of groups, including Tibetans, in accordance with its own constitution and international human rights commitments.⁵⁶ China's disregard for Tibetans' human rights is demonstrated in the violations outlined above and in numerous other human rights abuses that have emerged or escalated in Chinese-occupied Tibet since 2013. Some of these were raised with China during the second UPR cycle in 2013 in the form of recommendations, but were not accepted.

Arbitrary detention⁵⁷

3.2. Further to the cases outlined above in the sections on freedom of expression and torture, we have noted numerous instances between 2013 and 2018 of Tibetans being detained either without charge or on the basis of ill-defined laws on state security or splitting the nation. Tibetans who are arbitrarily detained are at the mercy of the police, who routinely use violent interrogation methods against detainees including torture and beatings. Tibetans in arbitrary detention are rarely granted their rights to legal representation, contributing to unfair trials.

3.3. On 15 May 2016, Jamyang Lodru was snatched by police in Ngaba County, who handcuffed him, put a bag over his head and dragged him into a vehicle. There was no news of him until July 2017, when he was sentenced to three years in prison. The reasons for his arrest, detention and imprisonment have all been kept secret, along with his current location.⁵⁸ In December 2016, Tsegon Gyal, from Kangtsa County⁵⁹ was arrested and held in detention until his secret trial on 3 May 2017. A further eight months passed before he received his verdict and sentence. He was found guilty of "inciting separatism" and sentenced to three years in prison. In August 2017 the UN Working Group on Arbitrary Detention found Tsegon Gyal's charges to be without legal basis and recommended that he be released immediately.⁶⁰

3.5. A new national security law and a new counter-terrorism law came into effect on 1 July 2015 and 1 January 2016 respectively. This legislation has been criticised for being too broad in its scope, allowing authorities to conflate peaceful dissidents and religious minorities with threats to national security.⁶¹

The right to a fair trial⁶²

3.6. There are widespread flaws with the criminal justice system in China. The CCP has effective control over the judicial system, with the party's Central Political and Legal Affairs Commission supervising courts and playing an influential role in verdicts and sentencing. Tibetans who are charged with state security crimes are routinely denied access to legal representation and are likely to be tried in secret.

⁵⁶ "Protect the rights of ethnic minority groups, including Tibetans, Uighurs, and Mongolians, in accordance with China's Constitution and international human rights commitments." (USA)

⁵⁷ Universal Declaration on Human Rights (Article 9), International Covenant on Civil and Political Rights (Articles 9, 14)

⁵⁸ Information supplied by Tibet Watch, July 2017

⁵⁹ Kangtsa (Ch: Gangcha) County, Tsojang (Ch: Haibei) Tibetan Autonomous Prefecture, Qinghai Province

⁶⁰ Opinions adopted by the Working Group on Arbitrary Detention at its 78th session, 19-28 April 2017, Opinion No. 4/2017 concerning Tsegon Gyal (China), United Nations Working Group on Arbitrary Detention, 11 August 2017 www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_4.pdf

⁶¹ 'China: Draft Counterterrorism Law a Recipe for Abuses', HRW, 20 January 2015 <https://www.hrw.org/news/2015/01/20/china-draft-counterterrorism-law-recipe-abuses>

⁶² UDHR (Article 11), ICCPR (Articles 9, 14), CAT (Article 15)

3.7. Statements obtained under torture have been used as evidence in trials. In August 2013, Dolma Kyab, the husband of a woman who died in a self-immolation protest, was convicted of her murder on the basis of a confession extracted during pre-trial detention. Dolma Kyab had previously refused to accede to demands from local authorities to say her death had been suicide. Witnesses in the same detention facility as Dolma Kyab reported that he was taken out of his cell every two to three days and would return unconscious.⁶³

Surveillance⁶⁴

3.8. The Chinese authorities have done little to address the grievances behind protests, including self-immolation protests, that have taken place across Tibet in recent years. They have instead invested more resources into monitoring Tibet with the stated objective of maintaining “social stability”. Chinese authorities continue to employ the ‘grid’ management system across the entirety of the TAR, in which patrols made up of Communist Party cadres and civilian volunteers gather comprehensive intelligence about the activities, loyalties and political views of Tibetans.

3.9. “Benefit the Masses”, a massive surveillance programme of Tibetan villages, introduced across the TAR in 2011 and scheduled to end in November 2014, has been indefinitely extended and possibly made permanent. As part of the programme, 21,000 Communist Party cadres, including party officials, police and security forces, are deployed throughout villages, towns and monasteries to closely monitor the lives of Tibetans. These village-based cadre teams have also, according to Human Rights Watch, subjected Tibetan villagers to intrusive questioning about their political and religious views and attempted to indoctrinate them by putting pressure on them to oppose the Dalai Lama. A communique issued by TAR authorities in December 2014 referred to the “Benefit the Masses” initiative as “long-term” and official announcements in August and November 2015 confirmed that the programme was being extended.⁶⁵

3.10. From 2012 onwards Chinese authorities began introducing long-term control mechanisms to monitor monasteries in eastern Tibetan areas. This included the establishment of police stations or police posts in certain larger monasteries, sending a small number of officials to reside in monasteries, and setting up new monastery committees led by cadres or government appointees. In October 2015 widespread village-level police stations or police posts were rolled out across Qinghai Province. In order to ensure further stability in Qinghai Province, 5,000 police officials were also sent to villages alongside 4,500 new security recruits. In December 2015, authorities announced new grassroots security schemes to eliminate instability and “control key persons”⁶⁶.

Forced resettlement of rural Tibetans⁶⁷

3.11. In January 2014, Chinese authorities announced the completion of a programme, initiated in 2006, to rehouse 2.3 million rural Tibetans in the TAR and Qinghai Province from their land into urban settlements.⁶⁸

⁶³ ‘Blood on the Snows: Torture in Tibet 2008-2015’, Tibet Watch, 2015, p.27

http://www.tibetwatch.org/uploads/2/4/3/4/24348968/blood_on_the_snows.pdf

⁶⁴ UDHR (Articles 12, 19), ICCPR (Articles 17, 19)

⁶⁵ ‘China: No End to Tibet Surveillance Program’, *Human Rights Watch*, 18 January 2016:

<https://www.hrw.org/news/2016/01/18/china-no-end-tibetsurveillance-program>

⁶⁶ China: Repression Expands Under ‘Stability Maintenance’ in Tibetan Areas, 22 May 2016

<https://www.hrw.org/news/2016/05/22/china-repression-expands-under-stability-maintenance-tibetan-areas>

⁶⁷ ICESCR (Article 11), International Convention on the Elimination of All Forms of Racial Discrimination (Article 5)

This relocation programme was carried out without consultation or informed consent from those being moved and in spite of existing evidence that the majority of resettled people were struggling to make the transition from self-sufficient farming on their ancestral land to generating an income in an urban environment due to their lack of skills or education and the considerably higher costs of food and utilities.⁶⁹ Most rural Tibetans cannot afford to meet the costs of the relocation and rehousing, forcing them to sell off some or all of their livestock and leaving others with unmanageable debts.⁷⁰

Freedom of movement⁷¹

3.12. Authorities confiscate passports from Tibetans that have family or community links to dissidents and individuals that have carried out self-immolation protests, a form of collective punishment that contravenes both international law and Chinese laws. Movement inside the TAR is restricted for all Tibetans, particularly monks and nuns, mainly via roadblocks and checkpoints on major roads and the outskirts of cities and monasteries. Political prisoners are frequently subjected to restrictions on their movement and ability to communicate after their release, including being prevented from possessing a phone, having to register with authorities before travelling and being banned from travelling to the TAR.

3.13. Tibetans now face increasing difficulties in leaving the country. Tibetans who escape to neighbouring India and Nepal each year, as well as fleeing for their own safety, also provide valuable information about life in Tibet. Their numbers have dropped dramatically due to increased security along these countries' borders, from over 2,000 per year before 2008 to under 50 in recent years.⁷²

3.14. Tibetans seeking to visit other countries and then return home are also penalised. In the months before the Kalachakra ceremony in India in early January 2017, in which Tibetan Buddhists would receive teachings by the exiled Dalai Lama, Chinese authorities began imposing restrictions. Security forces visited Tibetan homes to confiscate passports. They also intimidated the relatives of Tibetans who had already begun the journey to India, enforcing a deadline of 20 December 2016 for them to return. Those who failed to return would be excluded from government welfare schemes and given a lifelong travel ban. The threats resulted in thousands of Tibetans returning home, many of them at great expense⁷³.

Collective punishment⁷⁴

3.15. In response to Chinese occupation and repression, over 150 Tibetans have taken the decision to set themselves alight as a form of protest. These protests are often fatal and have attracted international attention. In response, regional authorities in Tibet have introduced measures to threaten the families, monasteries and villages of self-immolation protesters, with punishments including fines, travel bans,

⁶⁸ 'China Completes Controversial Nomad Relocation in Tibet', Voice of America, 24 January 2014

<http://www.voanews.com/content/china-completes-controversial-nomad-relocation-in-tibet/1837288.html>

⁶⁹ Zhou Huakun et al., "Difficulties of the Ecological Migrants of the Three River Area and Sustainable Development Strategy", China Population, Resource et Environment, Vol. 20 Issue 3 (2010), cited in "They Say We Should Be Grateful": Mass Rehousing and Relocation Programs in Tibetan Areas of China', *Human Rights Watch*, 2013, pp.100-101:

https://www.hrw.org/sites/default/files/reports/tibet0613webwcover_0.pdf

⁷⁰ "They Say We Should Be Grateful": Mass Rehousing and Relocation Programs in Tibetan Areas of China', *Human Rights Watch*, 2013, pp.92,94,107, 109: https://www.hrw.org/sites/default/files/reports/tibet0613webwcover_0.pdf

⁷¹ UDHR (Article 13), ICCPR (Article 12)

⁷² "Under China's Shadow: Mistreatment of Tibetans in Nepal", *Human Rights Watch*, (April 2014), available at:

<https://www.hrw.org/report/2014/04/01/under-chinas-shadow/mistreatment-tibetans-nepal>

⁷³ Information supplied by Tibet Watch, January 2017

⁷⁴ Universal Declaration on Human Rights (Article 9), International Covenant on Civil and Political Rights (Article 9)

arrests and patriotic re-education.⁷⁵ Since December 2012, individuals accused of collaborating with or inciting self-immolation protesters, both of which are broadly defined, have been charged with “intentional homicide”. This charge can carry long prison sentences or the death penalty, although this is often commuted to a prison sentence.⁷⁶ In 2013 authorities issued a formal notice warning Tibetans in Dzoeg County⁷⁷ that any future self-immolations would result in severe reprisals against the protester’s friends, family and entire community.⁷⁸

3.16. After Jigme Tenzin, a monk from Shador Monastery in Tsekhog County,⁷⁹ set himself on fire on 16 May 2014, police went on to arrest and severely beat fourteen monks from Shador Monastery, while the entire monastery was subjected to one hundred days of “political re-education”. Jigme’s father and two brothers were also arrested.⁸⁰ In June 2015, police detained Tamding Wangyal, the husband of self-immolation protester Sangy Tso, along with three monks whom they accused of being connected to the protest.⁸¹ On 18 March 2017, Pema Gyaltsen was arrested while carrying out a self-immolation protest in Kardze County⁸². In the days following the protest, a large detachment of security personnel carried out mass arrests throughout the surrounding area and beat onlookers. They detained those whom they identified as being close to the self-immolation scene and held overnight and beat members of Pema Gyaltsen’s family who were inquiring about his condition.⁸³

3.17. Security forces and local authorities have also attempted to coerce the families of Tibetans who have died as a result of self-immolations into lying about the motivations behind these protests. In March 2016, the family members of Kalsang Wangdu, an 18 year old monk who set himself on fire, were put under pressure by local authorities to claim that he had died in a house fire.⁸⁴ In December 2016, following the fatal self-immolation of Tashi Rabten in Machu County,⁸⁵ a group of eight Tibetans, including Tashi’s family, requested the authorities return his body and were detained and interrogated. All three beaten family members were forced to sign a document stating that Tashi Rabten had killed himself due to a domestic dispute.⁸⁶

3.18. Families of political prisoners have also been punished. After the death of Tenzin Delek Rinpoche in 2015, his niece, Nyima Lhamo, and her mother, who had seen the Rinpoche’s body, were detained and ordered to sign a document promising not to share any information about the Rinpoche’s death in public.⁸⁷

Right to freedom of expression, association and assembly⁸⁸

⁷⁵ ‘Dzoeg County: “Maintaining Harmony and Stability”’, Tibet Watch, October 2013, pp.6-7
www.tibetwatch.org/uploads/2/4/3/4/24348968/dzoeg_county_thematic_report.pdf

⁷⁶ “Acts of significant evil: the criminalization of Tibetan self-immolation”, *International Campaign For Tibet*, (July 2014), available at: <https://www.savetibet.org/acts-of-significant-evil-report/>

⁷⁷ Dzoeg (Ch: Ruo’ergai) County, Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan Province

⁷⁸ “Dzoeg County: maintaining harmony and stability”, *Tibet Watch*, (October 2013), available at: http://www.tibetwatch.org/uploads/2/4/3/4/24348968/dzoeg_county_thematic_report.pdf

⁷⁹ Tsekhog (Ch: Zeku) County, Malho (Ch: Huangnan) Tibetan Autonomous Prefecture, Qinghai Province

⁸⁰ Information supplied by Tibet Watch, May 2014

⁸¹ *Ibid.*, June 2015

⁸² Kardze (Ch: Ganzi) County, Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture, Sichuan Province

⁸³ Information supplied by Tibet Watch, March 2017

⁸⁴ *Ibid.*, March 2016

⁸⁵ Machu (Ch: Maqu) County, Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province

⁸⁶ Information supplied by Tibet Watch, December 2016

⁸⁷ “An Interview with Nyima Lhamo”, *Tibet Watch*, (October 2016), available at: http://www.tibetwatch.org/uploads/2/4/3/4/24348968/an_interview_with_nyima_lhamo.pdf

3.19 Demonstrations by Tibetans against the occupation, human rights abuses and environmental damage are often met with large deployments of police and security services, who have attempted to intimidate protesters or simply resorted to force. Such force is frequently excessive and has included beatings with batons, live gunfire or torture of protesters in detention.

3.20. On 28 September 2013, police and paramilitary forces were deployed in Driru County⁸⁹ after locals refused to fly Chinese flags on their houses. Around 40 Tibetans were arrested and many were severely beaten and injured. A further protest on 3 October, calling for the release of one of those who had been arrested, was dispersed with tear gas, guns and batons. At least 60 people were injured due to the beatings and, in at least one case, due to a gunshot wound.⁹⁰

3.21 In July 2014, local authorities responded to anti-mining protesters in Martag village⁹¹ by sending around a hundred police, including armed police, who severely beat and arrested protesters.⁹² On 20 May 2016 armed police were sent to the township of Akhokri⁹³ in eastern Tibet to monitor Tibetans who had been protesting against a local mining project. 80 armed police were sent in response, resulting in 20 Tibetans being beaten and seven people arrested. Those arrested were held for periods ranging from seven to 20 days before being released. A few of the detainees were severely beaten while in police custody.⁹⁴

3.22. The excessive use of force by police and security personnel has resulted in the deaths of protesters, none of which appear to have resulted in any inquiries. On 12 August 2014 security forces opened fire on a group of around 100 Tibetans in Shukpa village, Dege County⁹⁵ who had gathered outside the local government offices to call for the release of the village leader. At least four Tibetans died from injuries sustained during the shooting. The following day, approximately 250 troops and security personnel surrounded the village. They beat and interrogated family members of the demonstrators, many of whom had fled in advance to avoid arrest. Among those beaten were women and children.⁹⁶

Freedom of Information⁹⁷

3.23. The internet remains tightly restricted in China, with particularly severe restrictions in Tibet. The Chinese government refused to accept several recommendations to lift restrictions on internet freedom in 2013.⁹⁸ In 2017, for the third year in a row, Freedom House ranked China as the worst abuser of internet

⁸⁸ UDHR (Article 20), ICCPR (Article 21)

⁸⁹ Driru (Ch: Biru) County, Nagchu (Ch: Naqu) Prefecture, TAR

⁹⁰ "Driru County: The New Hub of Tibetan Resistance", *Tibet Watch*, (April 2014), available at: http://www.tibetwatch.org/uploads/2/4/3/4/24348968/driru_county_thematic_report.pdf

⁹¹ Martag village, Dechen (Ch: Deqin) County, Dechen (Ch: Deqin) Tibetan Autonomous Prefecture, Yunnan Province

⁹² Information supplied by Tibet Watch, July 2014

⁹³ Akhokri Township, Chuchen (Ch: Jinchuan) County, Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan Province

⁹⁴ Information supplied by Tibet Watch, May 2016

⁹⁵ Shukpa village, Dege (Ch: Dege) County, Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture, Sichuan Province

⁹⁶ "Crackdown in Kardze", *Tibet Watch*, (November 2014), available at:

http://www.tibetwatch.org/uploads/2/4/3/4/24348968/crackdown_in_kardze.pdf

⁹⁷ UDHR (Article 19), ICCPR (Article 19)

⁹⁸ "Remove all the obstacles to freedom of information on the Internet, and guarantee freedom of expression, assembly and association for all" (France); "Undertake measures enabling unrestricted use of Internet to all members of the society" (Estonia)

freedom due to issues such as the manipulation, blocking and filtering of content as well as prosecutions and detentions for online activities.⁹⁹

3.24. Since 2013 Beijing has introduced WeChat policies that have aimed to restrict free expression and which have led to numerous accounts being shut down. In October 2017, authorities in Tsekhog County¹⁰⁰ required local Tibetans to undertake WeChat training. The training instructed group chat organisers to adhere to Chinese law and block 'illegal' content which would include references to Tibetan independence.¹⁰¹

3.25. Tibetans who have expressed critical opinions about CCP rule are frequently detained or punished. After being detained in 2015 Lobsang Khedup, a monk from Kirti Monastery in Ngaba County,¹⁰² was given a 13-year prison sentence for creating a WeChat group to register names of local Tibetans wishing to offer prayers for the Dalai Lama's 80th birthday. Additionally, Akya-kya was sentenced to five years because of his role in organising similar celebrations in Ngaba as part of a WeChat group created by former Tibetan political prisoners.¹⁰³

3.26. China continues to censor politically sensitive websites and topics online. Authorities also shut down communications systems to suppress news of protests. In March and April 2017, following self-immolation protests in Nyarong¹⁰⁴ and Kardze County, cell service and internet apps such as WeChat were blocked.¹⁰⁵

⁹⁹ "Freedom on the Net 2017", *Freedom House*, (November 2017), available:

https://freedomhouse.org/sites/default/files/FOTN_2017_Final.pdf

¹⁰⁰ Tsekhog (Ch: Zeku) County, Malho (Ch: Huangnan) Tibetan Autonomous Prefecture, Qinghai Province

¹⁰¹ "In Tibet: China holds training, cracks down on spread of info via WeChat", *The Tibet Post*, (October 2017), available at:

<http://thetibetpost.com/en/news/tibet/5746-chinese-authorities-require-wechat-group-chat-organizers-to-attend-training>

¹⁰² Ngaba (Ch: Aba) County, Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan Province

¹⁰³ "China jails Tibetans for celebrating Dalai Lama's birthday: Nine Tibetans get varying terms of 5 to 14 years", *TCHRD*, (December 2016), available at: <http://tchrd.org/china-jails-tibetans-for-celebrating-dalai-lamas-birthday-ten-tibetans-get-varying-terms-of-6-to-14-years/>

¹⁰⁴ Nyarong (Ch: Xinlong) County, Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture, Sichuan Province

¹⁰⁵ Information supplied by Tibet Watch, March 2017, April 2017; '24-year-old Tibetan sets himself on fire in Sichuan province – reports', *Hong Kong Free Press*, 20 March 2017 <https://www.hongkongfp.com/2017/03/20/24-year-old-tibetan-sets-fire-sichuan-province-reports/>

4. Recommendations

4.1. The following actions, if implemented by China, would demonstrate that China is committed to protecting human rights in Tibet and to meaningful engagement with the UPR Process.

- Publicly disclose the location of all Tibetan political prisoners who are currently being held, along with the reasons for their detention. Any prisoners that are being held either without charge or without charge for an internationally recognised offence should be immediately and unconditionally released.
- End all forms of arbitrary detention, including residential surveillance at a designated location (RSDL), and ensure that any Tibetans who are detained on the suspicion of having committed a recognisable crime are granted their rights to legal representation and, if charged, a fair trial.
- Immediately and unconditionally end the practice of torture or other ill-treatment in prisons and other detention centres. Any allegations of torture should be investigated and those found culpable should be held accountable.
- Rescind all measures that impose collective punishments on Tibetans.
- Allow Tibetans to peacefully exercise their rights to freedom of expression, association and assembly without fear of arbitrary detention or excessive use of force.
- Ensure that police and security personnel that employ excessive force are held to account through prompt, independent and impartial investigations and appropriate disciplinary measures.
- Ensure that Tibetans are allowed to peacefully practice their religion and exercise their culture without fear of interference or coercion.
- End the “Benefit the Masses” surveillance network, the grid management system and internal surveillance of monasteries.
- Lift all restrictions on freedom of movement and permit Tibetans to freely move around Tibet, to leave the country and to access passports without undue restrictions.
- Resume the two-way dialogue with representatives of the Tibetan people with a view to responding to Tibetans’ grievances and resolving Tibet’s future.
- Issue an invitation to the UN High Commissioner on Human Rights to visit Tibet.
- Agree to requests from UN special rapporteurs to visit Tibet and allow them to conduct their work without restrictions or interference once there.
- Ratify the International Covenant on Civil and Political Rights and honour all commitments arising from the Covenant in full.