



## Growing up under China's occupation: the plight of Tibet's children

photograph: Pedro Saraiva

A joint submission by Free Tibet and Tibet Watch to the United Nations Committee on the Rights of the Child in advance of examination of the People's Republic of China's third and fourth Periodic Reviews

“I was grazing yaks on the pasture. We heard something hissing over our head. It was the sound of bullets. We saw Chinese army on the hill, on the roadside and they were everywhere... We heard the cracking of gun shooting and artillery some times. That day I thought I would get killed”

15-year-old Tibetan girl, Lithang County,  
2009<sup>1</sup>

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<sup>1</sup> Tibet Watch interview, 2009

## Executive Summary

Free Tibet and Tibet Watch welcome the opportunity to make a submission to the United Nations (UN) Committee on the Rights of the Child (Committee) for the examination of the third and fourth periodic reports of the People's Republic of China (China) under the International Convention on the Rights of the Child (Convention).

The geographical scope of this report is limited to Tibet. China refers to Tibet as the Tibet Autonomous Region (TAR) and the Tibet Autonomous Prefectures (TAP). For clarity, this report will use these terms when referring to Tibet.

This briefing is not intended to comprehensively review all child rights issues in Tibet; rather, it highlights some of the most egregious child rights violations, in law and practice, and raises issues of particular current relevance. Drawing on recent Tibet Watch research, this submission highlights concerns regarding China's compliance with its international child rights obligations in the following areas:

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

While the joint submission documents serious violations of rights protected in the Convention resulting from:

- the failure of the State to prevent and stop violations, including through investigation and prosecution of individuals responsible for serious rights violations (including police and security forces);
- and discriminatory legislative and administrative measures;
- it is the Chinese Communist Party's overarching policy of upholding "the people's democratic dictatorship" and "leadership by the Communist Party of China"<sup>2</sup>, it is "One China" policy which is the root cause of the serious violations of the fundamental human rights protected in the Convention on the Rights of the Child, including the right to life, freedom of expression, thought, religion and education.

While limitations on some rights are permissible under the Convention, including for the protection of national security and public order, any such limitation must be limited to the exigency of the situation, provided for by law and proportionate.

In most instances, limitations are arbitrary, disproportionate, not limited to the exigency of the situation, undefined in law, cannot be subject to legal review and are discriminatory based on grounds of religion, political opinion and national (Tibetan) origin.

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<sup>2</sup> Preamble, Constitution of the Communist Party of China, amended and adopted at the 16th Communist Party of China National Congress on November 14, 2002.

Other rights including freedom from torture or cruel, inhuman and degrading treatment or punishment are non-derogable, yet are routinely violated.

Children in Tibet face arbitrary arrest, imprisonment and torture for their political and religious beliefs. Additionally, children involved in non-violent protests have been subject to violence, including in some instances the use of lethal force by state actors. China uses education as a tool to implement One-China policy and inculcate loyalty to the Chinese state, to denigrate Tibetan cultural identity and values, including through compulsory 'patriotic re-education' campaigns, in direct violation of right to freedom of thought and Article 29(1)(c) of the Convention. Restrictions on Tibetan language as the language of instruction in schools not only violates the right of Tibetans to enjoy their own culture and use their own language, but it also has a direct impact on Tibetans' ability to flourish in their education, thus affecting their chances of progressing into higher education. This in turn contributes to the economic marginalisation of Tibetans in Tibet, where the language of commerce and business is Mandarin.<sup>3</sup>

Tibet Watch has documented cases of children being punished on the basis of the activities and expressed opinions of their parents and other family members. Tibetan children's rights are further violated when parents and family members are killed, disappeared or unlawfully detained as a result of their political activities.

Our submission provides case studies to illustrate violations of the fundamental protections set out in the Convention. In many instances cases illustrate several violations. The cases highlighted in this report are not a complete record of our archive, and provide examples of only some of the violations of the obligations set out in the Convention. More information and additional case studies are available on request.

The submission of this report is timely. During the drafting of this submission an increasing number of Tibetans have resorted to setting themselves on fire (self-immolation) in protest at Chinese rule. Over two thirds of those who have self-immolated in Tibet are younger than 25 and have only ever known life under Chinese rule. Five children, Tibetans under 18 years of age, have set themselves on fire in protest, two of whom are confirmed dead.<sup>4</sup> The well-being and whereabouts of three remain unknown, despite requests from their families to see them. These acts of self-immolation are driven by the lack of recourse to freedom of expression, political or legal redress and must be seen as evidence that China's policies are not only failing Tibet's children and young people but China's policies in Tibet are directly causing serious violations of the Convention.

## Methodology

China does not allow independent, impartial organisations to freely conduct research or monitor the human rights situation inside Tibet. Nor does it permit journalists to freely enter Tibet. As a result, obtaining and verifying credible information can be challenging.

Most of the information contained in this submission has been sourced by Tibet Watch, an information-gathering and human rights monitoring charity<sup>5</sup> which works in close collaboration with Free Tibet. Tibet Watch staff work with a network of contacts both inside Tibet and in exile, collating and corroborating accounts (testimonies and eye-witness

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<sup>3</sup> Dr Andrew Fischer, Perversities of Extreme Dependence and Unequal Growth in the TAR, August 2007; <http://www.tibetwatch.org/Tibet%20Watch%20Special%20Report%20Andrew%20Fischer.pdf>

<sup>4</sup> Information secured by Tibet Watch contacts.

<sup>5</sup> Registered in the UK, Charity Number 1114404

accounts) of human rights violations. Staff also conduct interviews with Tibetan refugees who have recently left Tibet as well as monitor online sources, including Chinese Government websites.

All information contained in the submission has been extensively checked for consistency and factual accuracy.

The majority of the names and locations of our sources have been withheld in an effort to safeguard their or their family's identity. However, the place of origin and age of the interviewee is indicated where possible.

## Evidence

### Article 13 - the right to freedom of expression and Article 15 – the right to freedom of association and assembly

Evidence collated by Tibet Watch found that children as well as adults routinely faced strict limitations on their right to freedom of expression, assembly and association and faced severe consequences for peacefully expressing these rights.

During the reporting period (2006-12), some of the largest protests in several decades<sup>6</sup>, have been documented. Since October 2011, Tibet Watch has documented an increasing number of peaceful protests against Chinese rule across a widening geographic area, some involving several hundred Tibetans<sup>7</sup>, other protests have involved lone individuals. Children have participated in many of these protests.

Chinese state actors have in almost all cases used force to stop peaceful protests, as well as intimidatory tactics to prevent future protests.

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<sup>6</sup> During 2008, more than 125 protests were recorded in over 60 Tibetan counties. For more detailed information please see Tibet Watch protest logs:

<http://tibetwatch.org/Tibet%20Watch%20March%20April%20Protest%20Log.pdf>

<http://tibetwatch.org/Tibet%20Watch%20May%20June%20Protest%20Log.pdf>

<http://tibetwatch.org/Tibet%20Watch%20July%20Aug%20Sept%20Protest%20Log.pdf>

<sup>7</sup> For documented cases of protests in Tibet since October 2011, see Free Tibet press releases

<http://freetibet.org/news-media/press-releases>

Case Study: A sole teenage protester calling for the return of the Dalai Lama and freedom in Tibet was severely beaten, arbitrarily detained and sentenced to three years imprisonment for 'splitting China'.



*Jigme Dolma*

On 24 June 2012, a 17-year-old girl, Jigme Dolma, embarked on a solo, peaceful protest in Kandze county (Ch: Garzi), eastern Tibet. During the protest, Jigme Dolma scattered symbolic Tibetan Buddhist cards, which she had carried there in her bag, while shouting for the return of the Dalai Lama and the release of political prisoners. Her protest was stopped after only five minutes when she was surrounded by Chinese security forces and taken away. According to several eyewitnesses, security forces beat the 17-year-old before removing her.

Jigme Dolma was denied family visitation rights for the first six days of her detention, despite her family making repeated requests to the local Public Security Bureau (PSB) office as to her whereabouts and requesting access to visit her. She was also denied access to legal representation.

According to one eyewitness who saw Jigme Dolma during a point in pre-trial detention, she appeared to have wounds consistent with being tortured. According to the UN, torture in Tibet and China is widespread and routine<sup>8</sup>. Confessions gained through torture are routinely used in China as evidence against individuals in legal proceedings. Torture and other forms of inhuman and degrading treatment often take place during the first phase of detention; visitation rights and access to a lawyer are both important safeguards preventing torture.

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<sup>8</sup> United Nations Committee against Torture, "Consideration of Reports Submitted by States Parties Under Article 19 of the Convention, Concluding Observations, China," CAT/C/CHN/CO/4, Geneva, December 12, 2008.

On 25 August, Jigme Dolma was sentenced by the Kandze County People's Court to three years imprisonment, after she was found guilty of the charge of 'Splitting China'. Although her family were able to meet Jigme Dolma on two separate occasions, on 28 August, after she had been sentenced, she was transferred to a prison in China and, at the time of reporting, her family have not been informed of her whereabouts<sup>9</sup>.

#### Limitations on the right to freedom of expression, association and peaceful assembly

The Convention allows for limitations, including on grounds of national security, public order and morals. However any such limitation must be limited to the exigency of the situation, provided for by law and proportionate.

Regulations for legally demonstrating in China and Tibet are contained in the 1989 Law on Assembly, Procession, and Demonstration, and the 1992 implementing regulations. These laws, which effectively deny any right to peaceful protest, arguably exceed the exigency limitation and are disproportionate. It is also important to note that the application of Article 12(3), which denies permission for an assembly, a procession or a demonstration which 'instigates division among the nationalities' has a de facto discriminatory effect as it is used to prohibit all acts of protest by Tibetans on the sole grounds of ethnicity.

The crime of 'splittism' is undefined in Chinese law; it is arbitrarily applied to criminalise acts of freedom of expression, association and assembly, including possessing a Tibetan flag and public displays of support for the Dalai Lama. The penalties are severe, including life imprisonment or the death penalty for the crime of "organizing, scheming and carrying out activities to split the nation and sabotage national unity."<sup>10</sup>

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<sup>9</sup> Information secured by Tibet Watch contact.

<sup>10</sup> Article 103(1), Criminal Law of the People's Republic of China [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384075.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384075.htm)

## Article 6 - denial of the right to life and security of person

The use of excessive force, including lethal force

During the reporting period Tibet Watch documented several cases of the use of disproportionate force, including lethal force against unarmed civilians including children, most recently in February 2012.

Case study: school girl shot to death during peaceful protest



*Bodies outside Kirti Monastery, Ngaba, 16 March 2012-11-23*

Chinese security forces opened fire on a crowd of unarmed Tibetans in Ngaba county (Ch: Aba) during a peaceful protest on 16 March 2008, killing at least 13 people, including Lhundup Tso, a 16-year-old school girl. Tibet Watch has received reliable and corroborated testimony from separate sources who witnessed Chinese armed troops firing into a crowd of unarmed Tibetan civilians. First, tear gas was shot into the crowd and eyewitnesses attest that troops beat many of the protestors. Next, they fired live rounds of ammunition into the crowd. Photographic evidence examined by Tibet Watch show the entry-exit wounds on the bodies of the dead suggest the use of high velocity weapons; and the positioning of the wounds indicate that the troops were aiming to kill rather than disable those shot on.<sup>11</sup>

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”.<sup>12</sup> To date no such inquiry has taken place.

Case Study: Use of lethal force

<sup>11</sup> Free Tibet Submission for the 41st session of the UN Committee Against Torture, October 2008  
<sup>12</sup> United Nations Committee against Torture CAT/C/CHN/CO/4 , page 9 , 21 November 2008

Between 23 and 26 January 2012, Tibet Watch documented three separate cases of use of lethal force by Chinese security forces killing at least six individuals and wounding many more involved in peacefully exercising their basic rights. In Drango county (Ch: Luhuo), on 23 January, 36 Tibetans sustained gunshot wounds in what is the largest reported shooting of Tibetans since 2008. Two died from their wounds. Tibet Watch has photographic evidence of individuals with bullet wounds in Drango, including one with a bullet wound to the head.

In addition, disproportionate force has been used when detaining individuals suspected of having been involved in protests. On two separate occasions in 2012, lethal force has been used in the process of arrest<sup>13</sup>.

In many instances when disproportionate force has been used, children as well as adults have been present. Security forces would have been aware of this either because of the visible presence of children in such protests or intelligence that children would be present in family homes.

Case study: Five children and other family members shot during the arrest of two suspected protesters

On 9 February 2012, following a protest in Drango county, Chinese security forces opened fire on the family home of a monk, Yeshe Rigsel, who was suspected of participating in the protest. The monk and his brother, Yeshe Samdup, were shot dead by security forces<sup>14</sup>. At the time of the incident nine children between the ages of 5 and 16 were in the house. Five of the children sustained gunshot wounds. The children belonged to Yeshe Samdup and a third brother, Yongten Sampo, who received a bullet wound in the neck during the shooting and was disappeared for eight months. Their elderly grandmother, Sanglha, was shot in her left arm which was later amputated at the county hospital. The injured children were also treated at the hospital. An eyewitness described seeing the dead brothers' bodies being dragged along the ground with ropes tied around their necks, and some of the children may have been witness to this.

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<sup>13</sup> <http://www.guardian.co.uk/world/2012/mar/09/tibetan-shot-dead-chinese-police-station?INTCMP=SRCH>

<sup>14</sup> <http://www.freetibet.org/news-media/pr/two-tibetans-shot-following-protest-drango>

## Article 37 and 38 - arbitrary arrest, detention and torture

During the reporting period, Tibet Watch documented the unlawful arrest, torture and imprisonment of children solely for their political and religious beliefs, peaceful assembly or association in direct contravention of Articles 13-15, 37 and 40 of the Convention. Tibet Watch has widely documented the brutal crackdown in response to protests and self-immolation protests taking place in Tibet. The cases detailed below reveal that children have been included in those arbitrarily detained, accused of association with the self-immolators, or of spreading information or photos abroad about the self-immolations, handed down excessive sentences, including re-education through labour (ch: laojiao), a practice characterised by the former UN Special Rapporteur on Torture, Manfred Nowak as “a systematic form of inhuman and degrading treatment or punishment, if not torture.” The United Nations Committee Against Torture in its 2008 Concluding Observations recommended that all forms of administrative detention immediately be abolished “including “Re-education through Labour”.<sup>15</sup>

In all of the cases children were detained without due process of law. Cases documented by Tibet Watch, show that child detainees are arbitrarily deprived of their liberty in direct contravention of article 37(b). Chinese authorities fail to ensure that imprisonment is only used as a measure of last resort and for the shortest appropriate period of time. Interviews conducted by Tibet Watch with former child detainees or their relatives show that children, like adults are routinely held incommunicado, without access to legal representation or family visits.

The UN General Assembly declared that “prolonged incommunicado detention” and “detention in secret places”, facilitates the perpetration of torture and other ill-treatment and can in itself constitute a form of such treatment.<sup>16</sup>

Amendments to China's Criminal Procedure Law adopted in March 2012 guarantees notification of relatives within 24 hours, though the notification would not require them to disclose the whereabouts of the person and access to a lawyer within 48 hours in criminal cases. However, law enforcement agencies would have the power to detain national security or terrorism suspects in a designated location of the agencies' choice for up to six months.<sup>17</sup> The impact of this law on the legal rights of Tibetan children is deeply concerning as China defines “national security” crimes loosely, including criticism of the ruling Communist Party and the government as well as peaceful advocacy for self determination or independence by Tibetans.

Former detainees interviewed report that children are detained in cells with adult prisoners, despite the Convention explicitly stating that children should be kept separate from adult prisoners and the Minor Protection law which states that minors in custody, both pending trial and after sentencing, should be housed separate to adults.

From the evidence available the rights of children to a fair trial guaranteed under Article 40 of the Convention are routinely violated, in particular, to be informed promptly and directly of the charges against them, and, to have legal or other appropriate assistance in the preparation and presentation of his or her defence; and to have the matter determined

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<sup>15</sup> United Nations Committee against Torture, “Consideration of Reports Submitted by States Parties Under Article 19 of the Convention, Concluding Observations, China,” CAT/C/CHN/CO/4, Geneva, December 12, 2008.

<sup>16</sup> General Assembly Resolution A/RES/61/153 of 14 February 2007, paragraph 12

<sup>17</sup> Stanley Lubman . <http://blogs.wsj.com/chinarealtime/2012/03/21/chinas-criminal-procedure-law-good-bad-and-ugly/> and the Law Library of Congress [http://www.loc.gov/lawweb/servlet/lloc\\_news?disp3\\_1205403080\\_text](http://www.loc.gov/lawweb/servlet/lloc_news?disp3_1205403080_text)

without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law. However, in the cases documented by Tibet Watch for this report, the trials were held incamera and detainees, even after sentencing, received no family visits., so the extent to which guarantees under the Convention were violated remains unknown.

Case study: teenage monks disappeared and then sentenced for association with self immolators

Ngaba (Ch: Aba), an area of Tibet where a high number of self-immolations have taken place, has suffered a disproportionate response. Following the self-immolation and death of Gepey, a monk from Kirti monastery, in Ngaba county on 10 March 2012, two young monks from his monastery, Lobsang Jangchub, 17, and Lobsang Tsultrim, 19, were arbitrarily arrested, disappeared and then sentenced to 8 and 11 years respectively in prison for allegedly helping him to take his own life by setting himself on fire. They were disappeared for five months before sentencing and had no legal representation. Their families only learnt about their trial after they had been sentenced and have still not been informed of their current whereabouts at the time of reporting.<sup>18</sup>

In another case, Dorjee, a 16-year-old monk from Kirti monastery, was arrested in April 2012 along with two other monks in relation to the self-immolation of Lobsang Phuntsog who set fire to himself on 16 March 2011. On 5 September 2012, Dorjee was sentenced to three years imprisonment and re-education through labour (Ch: lao jiao) by the Ngaba Prefecture Court. The exact charges against Dorjee and the two other monks remain unclear and their current whereabouts is unknown.<sup>19</sup>

## Torture

The UN Committee against Torture concluded that torture in Tibet and China is widespread and routine. Research reveals that torture in Tibet is not limited to isolated cases but inflicted in a routine, if not systematic, manner.<sup>20</sup> Victims of torture in Tibet include children as well as adults. The Convention protects children from torture: “[n]o child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. The protection of children from torture goes further, the prohibition on torture is a peremptory norm of international law binding on all states. There are no circumstances under which torture can be justified: not in a time of war; when facing internal instability; or a state of emergency. The prohibition of torture is absolute.

It is evident from the interviews conducted by Tibet Watch that children have been subjected to the same forms of torture as adult detainees. Including beatings to the head and body with batons, fists, guns, kicking, stress positions, and psychological torture such as long periods of hooding, sleep and food deprivation and verbal abuse.

Case Study: 16-year-old girl arbitrarily detained, tortured and held without trial for over one year for a peaceful protest in 2008.<sup>21</sup>

In July 2008, 16-year-old Tsomo<sup>22</sup> drove with her uncle on his motorbike to the main Kandze county (Ch: Ganzi) town where “we threw wind horse leaflets into the air while

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<sup>18</sup> Information secured by Tibet Watch contact.

<sup>19</sup> Information secured by Tibet Watch contact.

<sup>20</sup> CAT/C/CHN/CO/4 , page 5 , 21 November 2008 and The Tortured Truth, Free Tibet, December 2009

<sup>21</sup> All of the quotes in the following case study are from two separate interviews conducted by Tibet Watch with the subject in 2010.

<sup>22</sup> Her real name is withheld for security reasons. The name used is not her real one.

shouting “Long Live Dalai Lama” and “We need Freedom.” After ten minutes they were surrounded by the Peoples Armed Police (PAP) and arrested. Tsomo was hooded and taken to a detention centre in Kandze county. Through a gap in her hood she could see her cell floor: “I saw there were many bloodstains”, believed to be from injured or tortured detainees who went before her. On the first day of detention, still hooded and deprived of food and water, she taken to a backyard where she was subjected to a severe physical assault: “They started to beat me hard on my elbows, kneecaps and feet ... with a thick plank of wood...it was extremely painful yet I remained silent... after a while I was unable to stand up anymore and I would fall down on the floor. They began to beat me all over my body and kick me here and here [she points to different parts of her body. The Tibet Watch interviewer is also shown physical scarring on her left arm from one of the beatings she was subjected to]”... “When I was lying on the floor I could hear the breathing of many people also on the floor and they were having difficulty breathing and sounded very sick or in pain”.

The torture went on for three days. She describes the third day of her interrogation: “they covered my head and brought me again into the interrogation room and commanded me to kneel on the floor. They asked me the same questions and beat me again as before but this time he used a belt to beat me and kicked me as well, even though I felt tremendous pain no words came out of my mouth. Then after sometime he took out his gun and pointed it to my forehead, saying that if I did not tell them who sent me to protest he would kill me. From the first moment they arrested me, I already felt dead, so feared nothing from his threats.”

After 15 days of interrogation, Tsomo was transferred to a prison where she was held without trial for one year and three months until she was released in September 2009. During this period she received no family visits, nor did she have contact with anyone outside her place of detention : “The Chinese police didn’t inform any of my family where I was held...during that one year and three months I didn’t see my parents once. Later I heard that even when my parents came to know where I was detained and tried to visit me many times, the Chinese police didn’t allow them to see me”.

The physical and psychological abuse inflicted on young people during torture have long term consequences on their health and wellbeing. Two years after her release, Tsomo still relives the interrogation: “I still dream of them beating me and sometimes I find it very difficult to breath, as I imagine that the black cover is still on my head.”

Persecution and or punishment of children whose parents, relatives or members of their community engage in protests, religious, 'political' or pro-Tibetan activities.

While some children have been arrested, and even shot, for their involvement in peaceful protests, as the cases above illustrate, many more face discrimination, persecution and punishment for the beliefs or activities of their family members or wider community in violation of the Convention's fundamental principal of non-discrimination.

Case study: child of Tibetan community leader violently threatened

In an attempt to suppress dissent, such as the protest that took place in Drango in January 2012, Chinese security forces in neighbouring Tawu (Ch: Dafao) county rounded up Tibetan community leaders, Tibetans who had recently visited India and Tibetans believed to support the Drango protestors. An eyewitness described the following scene: “the police went to the house of a Tibetan community leader to arrest him. When they found he was

not home, they dragged his son out of the house, into the courtyard and held a gun in his mouth. The boy was only about 12 or 13. He looked so frightened.”<sup>23</sup>

## Collective punishments

In locations of protest, communities have been subjected to collective punishment by the Chinese authorities. Children are not exempt from these punishments. These punishments are often in the form of Patriotic Re-education (PRE). China’s patriotic re-education programme is aimed at changing the fundamental elements of thought, conscience and religious belief.

Patriotic re-education is commonly referred to as ‘Love your Country, Love your Religion’. Originally launched as a five-year programme in 1996, patriotic re-education has been expanding since May 2006, was significantly extended following the March 2008 protests and has increased again since the end of 2011. Historically, patriotic re-education campaigns were aimed at monasteries and nunneries, but the campaign has been extended to schools and institutions of higher education. The UN Special Rapporteur on Torture in 2006, Dr Manfred Nowak, stated that re-education aimed at “breaking the will of detainees and altering their personality” violated the right to “personal integrity, dignity and humanity”, as protected by the International Covenant on Civil and Political Rights and the Convention Against Torture. He stated that forced re-education leads “to intimidation, submissiveness, self-censorship and a culture of fear.”<sup>24</sup>

Case study: Mass detentions and patriotic re-education, including children.

In the aftermath of the protest in Drango county on 23 January 2012, in which the Chinese security forces opened fire on a crowd of peaceful protestors, thousands of individuals from Drango county and neighbouring Tawu (Ch: Daofu) county were arbitrarily detained and subjected to PRE. People were detained for periods of one week to two months in informal places of detention, such as government office buildings. Children were included in the numbers of those who were detained and subjected to PRE. Students from Drango county middle school (14 – 16 years of age) were detained and underwent PRE. The school is located close to where the demonstration took place. These children were detained at the county level police buildings and subjected to patriotic re-education for one week.<sup>25</sup> The exact number of children subjected to PRE at this time is unknown.

Case study: Children of political prisoners face intimidation and persecution

After the arrest and imprisonment of a Tibetan man<sup>26</sup> in Lithang (Ch: Litang) county in 2007 for delivering a public speech in praise of the Dalai Lama, members of his family, including his daughter, faced persecution and abuse, as one relative explains: “his daughter was mistreated by police in the school... in the capital town of Lithang county. After he got arrested, some police came into the school and interrogated her. Three boys, one of them

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<sup>23</sup> Tibet Watch interview, 2012

<sup>24</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 10 March 2006, page 22 (E/CN.4/2006/6/Add.6)

<sup>25</sup> Information secured Tibet Watch contact

<sup>26</sup> Name withheld for security reasons

is my brother, stepped in and asked the police “why do you mistreat [...]’s daughter? You already arrested her father. What do more do you want?”<sup>27</sup>

Since the arrest of this man, the army camped near his family's home – an act which they family regarded as intimidation. The military undertook exercises, including the firing of live ammunition at such proximity to the family home that the 15-year-old niece who was grazing her animals nearby said: “I was grazing yaks on the pasture. We heard something hissing over our head. It was the sound of bullets. We saw Chinese army on the hill, on the roadside and they were everywhere... We heard the cracking of gun shooting and artillery some times. That day I thought I would get killed. The army blast a grenade near our nomadic community in order to threaten Tibetans. The army camped near my hometown since my uncle got arrested in August 2007”.<sup>28</sup>

#### Case Study: Separation of children from their parents during periods of detention

The detention of a parent can have serious consequences for their children. Tibet Watch receives reports of the families of political prisoners struggling to survive, especially where the prisoner was the primary bread-winner of the family; in other cases children are effectively orphaned, without a primary care-giver. The Convention reiterates the centrality of the family in the upbringing of the child and prioritizes regular family contact in cases where children are separated from their families, where separation of the child from his or her parent/s results from any action initiated by a State Party, such as detention, imprisonment, or death. Following a protest in Ngaba county on 16 March 2011, large numbers of Tibetans were rounded up. Included amongst the detainees was Tsering Kyi, the mother of two girls: a 9-month-old baby and a 3-year-old. Her husband Kesang Jinpa, a journal editor, had been in prison serving a 3 year sentence on charges of separatist activities since 19 July 2010. The children were left at home with nobody to care for them, despite appeals for Tsering Kyi's release to care for her children. A subsequent appeal for the children to join Tsering Kyi in custody was rejected. The 3-year-old became ill and was hospitalised. Tsering Kyi was released three days later but had sustained injuries from torture during her detention.<sup>29</sup>

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<sup>27</sup> Tibet Watch interview, 2009

<sup>28</sup> Tibet Watch interview, 2009

<sup>29</sup> Information secured Tibet Watch contact

## Article 14: the right of the child to freedom of thought, conscience and religion

The right of Tibetan children to freedom of religious belief is explicitly protected by Article 14 of the Convention. However, evidence gathered by Tibet Watch indicates that far from respecting this right, China engages in state-sponsored persecution of religion and religious education; criminalises peaceful expressions of worship of the Dalai Lama; controls the basic affairs of monasteries and nunneries through government-controlled Democratic Management Committees, including control over the admission, training, movement, teaching and discipline of members of the clergy; places restrictions on the publication and distribution of religious texts and on religious ceremonies and events. Furthermore, the rights of Tibetan parents to determine the wellbeing and future of their children, as well as provide direction to the child in the exercise of their right to freedom of thought and religion, as provided for by the Convention, are severely restricted.

Despite its official policy of respect for the freedom of religion, China's overarching concern is ensuring the adaption of religion in order to "safeguard the security, honour and interests of the motherland", a requirement which renders the freedom of religion illusory. Unlike most European countries, which are secular in their identity, Tibet is a religious society and Tibetan Buddhism is integral to its identity; and therefore the identity of its children.

Many Tibetan religious practices are suppressed and banned, in clear violation of Article 30 of the Convention which protects the right of ethnic or religious minority children to enjoy their own culture and to profess or practise their own religion. China requires that religious belief is practised in a way that accepts the leadership of the Party and the government above all else. China stipulates "the absence of foreign domination" which precludes the involvement of the leaders of the four Tibetan Buddhist lineages who all live in exile.

### Monastic control and restrictions

Since the mid-1990's, monasteries and nunneries have been managed by Democratic Management Committees (DMCs). DMCs were created to replace the monastic bodies which had for centuries overseen all religious and administrative aspects of monastic life. DMCs are generally composed of government-approved or 'patriotic' monks. In some monasteries, these include communist party cadres and government officials. By controlling the composition and functions of the DMC, the Chinese government can keep a close eye on all activities of monasteries. DMCs are responsible for implementing government policies on religion, ensuring adherence to government policies, managing religious activities and administration, including finances, education, travel, security and discipline<sup>30</sup>.

### Restrictions on numbers and ages of monks and nuns.

The Committee in its 2005 Concluding Observations urged China to enact legislation explicitly guaranteeing freedom of religion for those under 18 and to repeal any ban instituted by local authorities on children of any age from participating in Tibetan religious festivals or receiving religious education. Despite these recommendations, the authorities in Tibet continued to enforce regulations forbidding monasteries and nunneries from accepting individuals under the age of 18 for training and continued to apply an annual quota. Since the 1990s, each monastery has been assigned an annual government quota; once this has been filled no more permits are issued for new monks. That said, a large number of monks often

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<sup>30</sup> Free Tibet's Submission to the Conservative Party Human Rights Commission  
Freedom to Believe: Protecting and Promoting Article 18, July 2010; pp 11-15

do live unofficially in monasteries without permits. However, those who are not registered are not able to participate in certain religious ceremonies such as prayer assembly; they also go into hiding when 'patriotic re-education' work teams visit the monastery.

Whereas monasteries traditionally began educating children at a young age, under Chinese law it is illegal for anyone under 18 to enter monastic life. The ability of the state to enforce this law varies from region to region, as do the subsequent punishments. In some areas children do still reside in Tibetan monasteries, but go into hiding when officials visit. In other reports received by Tibet Watch, parents were fined if their children remained in a monastery.

The enforced closure of monastic schools is another way in which the government limits the number of children receiving religious education. For example, in April 2008, the Chinese authorities of Ngaba closed down a school run by the Taksang Lhamo Kirti Monastery, citing the "students' participation in the protest". In 1998, the Chinese authorities forcibly took over the governance of the school, two years after it was established, and consequently the school faced constant intervention from the Chinese authorities. At the time of its closure, the school housed 504 children and primarily educated novice monks below 18 years of age and children from surrounding nomadic areas in Tibetan language, literature and Buddhist philosophy<sup>31</sup>.

## The Dalai Lama

"The Dalai Lama is not merely a religious figure, he is also a mastermind of separatist activities. No sovereign country in the world would allow the hanging of a portrait of a person like that."

The Deputy Secretary of the Communist Party in Tibet and vice-chairman of the regional government Hao Peng to foreign press on 1 July 2010.

The government of China continues to vilify the Dalai Lama, Tibetans' spiritual leader, and blame the "Dalai clique" and "other external forces" for instigating the March 2008 protests in Tibet and the acts of protest and self-immolations that have been occurring with increasing frequency in 2011-12. Stamping out loyalty and devotion to the current Dalai Lama and eradicating his influence in Tibetan society, to the extent of banning photographs of him, is central in China's Tibet policy to promote what it refers to as 'stability'. In addition to the religious role the Dalai Lama plays as the head of the Gelukpa School of Tibetan Buddhism, the Dalai Lama was also, until 2011, the political leader of Tibet. For most Tibetans, the current Dalai Lama is also the symbol of Tibetan national unity and identity. He was recognised as the 14<sup>th</sup> Dalai Lama at the age of two in eastern Tibet and assumed full authority as head of the Tibetan state at the age of 15 in 1950, during the Chinese invasion of Tibet.

Despite living in exile for over 50 years, the Dalai Lama's influence and command in Tibetan society remains as strong as ever. During the 2008 protests that swept across the Tibetan plateau, almost all protests used slogans or images showing support for the Dalai Lama. A considerable number of those who have self-immolated, including the 15-year-old monk Dorjee, have called for the Dalai Lama's return to Tibet and the realisation of their religious freedom.

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<sup>31</sup> Information secured by Tibet Watch contacts

The vital role the Dalai Lama plays in Tibetan culture and religion, the ongoing campaign by China to discredit him, and the severe consequences for those who show support for him have a profound impact on the lives of Tibet's children and many of their rights afforded to them under the Convention, including but not limited to: the right of the child to preserve his or her identity; the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds; the right to freedom of thought and religion; to enjoy his or her own culture, to profess and practise his or her own religion.

While the government of China continues to publicly blame the Dalai Lama and his “clique” for the self-immolations in Tibet, Tibet Watch has gathered evidence of what is motivating escalating protests across Tibet . In Rebkong (Ch: Tongren), one of many counties that have been affected by self-immolations, a newly-appointed Communist Party Secretary for Rebkong, Jiang Shucheng, ordered a purge of photographs of the Dalai Lama across Rebkong (Ch: Tongren) County. Tibet Watch obtained pictures of notices posted in villages which instruct locals that photographs of “the Dalai” are completely banned from monasteries. A notice dated 17 September 2012, posted by the “Cultural Market Management Leader Team Office of Rebkong County”, prohibits the sale of materials relating to the Dalai Lama: videos, photos, books, letters, pendants, which “instigate the separation of the country”<sup>32</sup>.

Just over one month later, on the 7 November, Tamdin Tso, a young mother, set fire to herself in Rebkong County and died at the scene.

In a moving address, her father spoke about Tamdin Tso's self-immolation: “What triggered her self-immolation seems to be what happened about one month ago, when she went to Rebkong Dowa town with me and saw the posters which were distributed by the new local leader Jiangshu Cheng banning his holiness the Dalai lama’s picture... She was visibly angered and felt very sad to see those posters. She told me: “father, this is such a sad destiny of Tibetan people when we can’t even keep and pray before the picture of our spiritual leader His Holiness the Dalai Lama.”<sup>33</sup>

Case study: 15 and 16-year-old monks self-immolate in a triple self-immolation protest

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<sup>32</sup> <http://www.freetibet.org/news-media/pr/xi-jinping-cannot-ignore-new-evidence-real-causes-tibet-protests>

<sup>33</sup> <http://www.freetibet.org/news-media/na/emotional-tribute-protesters-father>



*Dorjee, age 15, the youngest Tibetan to self immolate*

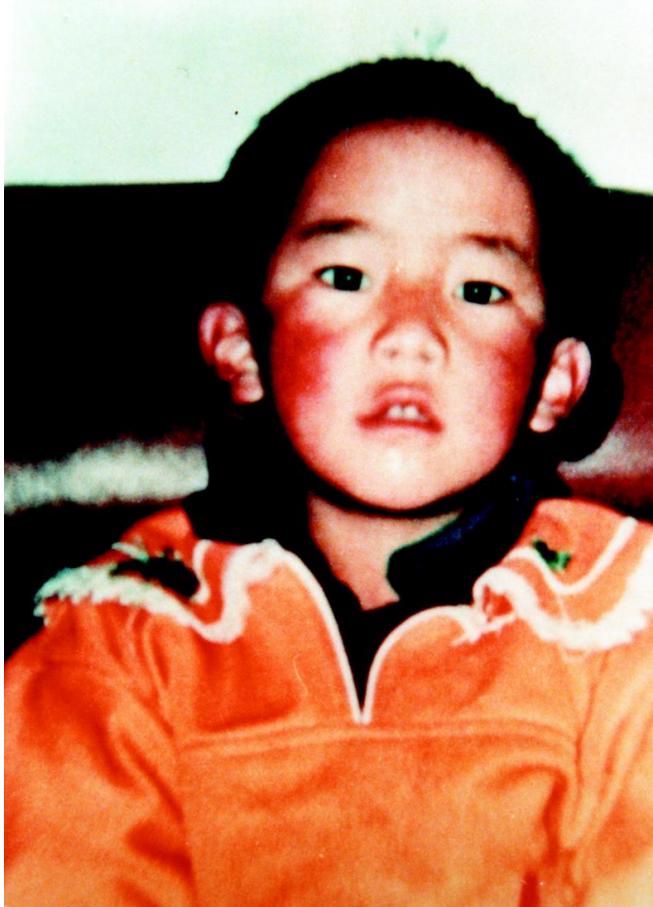
In the first documented case of a triple self-immolation, three teenage Tibetan monks, aged 15 and 16, set fire to themselves on 7 November 2012, calling for freedom for Tibet.<sup>34</sup> A total of four Tibetans set themselves on fire that day, the largest number of confirmed self-immolations in any one day. The triple self-immolation took place at approximately 3pm local time outside the gates of the local Public Security Bureau (police) office in Gomang Township, Ngaba (Ch: Aba) County, eastern Tibet. The boys called out for freedom in Tibet and for the return of the Dalai Lama as they set themselves on fire. Security forces arrived at the scene almost immediately. The youngest monk, 15-year-old Dorjee, died at the scene. His companions, 16-year-olds Samdup and Dorjee Kyab, were taken to hospital by security forces. Locals believe they are still alive but the authorities have not informed their families or representatives of their current whereabouts or condition at the time of reporting. Dorjee's family was denied the right to hold a prayer ceremony for his death until the 18th Communist Party Congress had ended.

#### Appropriation of the identification and education of reincarnate lamas

The Chinese government has appropriated the process of identification and education of reincarnate lamas. This aims to weaken and ultimately destroy the influence of Tibetan Buddhist religious leaders. It also aims to co-opt future Tibetan Buddhist clergy to serve the administrative and political aims of the Chinese state. In one such case, it led to the disappearance of Gedun Choekyi Nyima, the 11<sup>th</sup> Panchen Lama, when he was only six years of age.

Case study: The 11<sup>th</sup> Panchen Lama, disappeared at the age of six in 1995; his whereabouts remains unknown at the time of reporting

<sup>34</sup> <http://www.freetibet.org/news-media/pr/first-triple-self-immolation-protest-tibet-15-and-16-year-old-boys-set-themselves-fire>



The Panchen Lama is the second highest ranking lama in the Gelukpa tradition and has traditionally been one of the most important religious leaders for Tibetans. The 11<sup>th</sup> Panchen Lama, recognised by the Dalai Lama, was effectively disappeared, along with his family, by Chinese authorities in 1995 at the age of six and has not been seen since. The Chinese government has since selected its own candidate. Contrary to the Committee's 2005 request that China "Allow an independent expert to visit and confirm the well-being of Gedhun Choekyi Nyima while respecting his right to privacy, and that of his parents", the Chinese Government continues to refuse this request. His current whereabouts and that of his family remain unknown at the time of reporting.

Gedun Choekyi Nyima is now an adult, but his ongoing detention from the age of six has violated a host of obligations set out in the Convention – his own rights, for example the right to enjoy his own culture, to profess and practice his religion, and to use his own religion in his community, the right to preserve his identity, including nationality, name and family relations, without unlawful interference - but also the rights of his people to religious freedom are violated.

#### Rights violations that stem from China's attempts to control religion in Tibet

Despite China's assertion that it is merely ensuring that religious beliefs are manifested in accordance with the law, many of its efforts seek to change Tibetan religious beliefs and so violate the absolute nature of the right to freedom of religion. Government actions to control religion have also resulted in a wide variety of other human rights violations. Peaceful expressions of support for the Dalai Lama are punished. In Tibet, possession of an image of the Dalai Lama is illegal; the degree to which this is enforced varies but the punishments can be severe. Cases documented by Tibet Watch show children are arbitrarily

detained and beaten for having images of the Dalai Lama, in direct contravention of Articles 13- 15, 37 and 40 of the Convention; this can impair a child's inherent rights to survival and development guaranteed under Article 6 (b).

#### Case study: children face abuse and detention for peaceful expressions in support of the Dalai Lama

A girl interviewed by Tibet Watch describes what happened to her brother when the Police visited his school in Lithang county (Ch: Litang): “The police saw a pendant of the Dalai Lama on my brother’s neck. The police snatched and pulled it off. The police got angry and beat him. A Chief of Police kicked him and broke two of his teeth”<sup>35</sup>.

#### Case study: Children detained for possessing pictures of the Dalai Lama

In February 2012, Tibet Watch received reports that five school students in Sertha county (Ch: Seda) had been detained, accused of having photographs of the Dalai Lama on their mobile telephones and a small portrait of him on a pendant around their necks. The length of their detention is unknown<sup>36</sup>.

#### Case study: Child beaten and sentenced to one year in prison for showing support for the Dalai Lama

On 24 January 2012, in Pema county, Golog (Ch: Guoluo) TAP, Sonpa Palob, aged 17, along with five other Tibetans, held up a portrait of the Dalai Lama and shouted slogans in support of the Dalai Lama. They were detained at the time by the County-level Public Security Bureau and military. Eyewitnesses said that at the time of arrest they were “brutally beaten” and it was evident that they were seriously injured from the beatings. Sonpa Palob was later sentenced to 1 year imprisonment by Golog TAP People's Court. The crime under which he was sentenced is unknown, as are his whereabouts and condition at the time of reporting<sup>37</sup>.

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<sup>35</sup> Tibet Watch interview, 2009

<sup>36</sup> Information secured by Tibet Watch contact

<sup>37</sup> Information secured by Tibet Watch contact

## Articles 28 and 29 - Education

Access to free and compulsory primary schooling is guaranteed under the Convention. It is also provided for under the Constitution, and the 1986 PRC's law on "Compulsory education" enshrines nine years' free and compulsory education for all nationalities. However, many young people in Tibet are denied access to quality education and others have no access to education at all. Tibet Watch findings indicate significant barriers to accessible and free schooling. Chinese authorities systematically undermine the education system in Tibet by placing prohibitive costs on attending school, strictly censoring the curriculum, and providing teaching materials and classes only in the Chinese language.

### Access to education

According to China, primary education is compulsory, free, and universal. Furthermore, according to China's official figures, the illiteracy rate among Tibetans was 1.2 per cent in 2011.<sup>38</sup> Many observers question that figure, and some contended that the actual illiteracy rate among Tibetan youth and working-age adults was between 40 and 50 percent.<sup>39</sup> According to the United Nations Development Programs Report of 2005, the Tibetan Autonomous Region had the highest overall illiteracy rates of all PRC provinces. The national average is 10.3 per cent while the illiteracy rate in the TAR is 44 per cent. It also found that all Chinese provinces boasted primary school attendance rates of over 95%, except in the TAR where the average was 70%.

A shortage of schools and understaffing are major impediments to the access to quality education in rural areas. In a number of villages, there simply is no school and parents cannot afford to send their children to other areas to study.

A girl from Lithang (Ch: Litang) county explains: "There was no school in Ponkor, the village where I was born. There wasn't even a school in our (Maya) Township. So few children my age had the chance to study in the school. I grazed animals but I dreamed of reading books in school. There are several thousand people in Ponkor district but there was only one girl from my village who studied in a school, she had to go to the capital Town of Lithang County".<sup>40</sup>

Despite the Committee's 2005 recommendation for China to "Eliminate all miscellaneous and other "hidden" fees for primary education in order to ensure that it is truly free",<sup>41</sup> Tibet Watch continues to receive reports that families are required to pay additional fees if their children were to attend school. As a mother of two from Bawa township (Ch: Bathang) explains: "My son is 16 and my daughter is 17 years old now. They have never been to school. Due to our family condition, we were unable to afford the children's school costs so my daughter stayed at home for house work and my son grazes animals".<sup>42</sup>

A girl from Tawu (Ch: Daofu) describes her experience: "That's the one reason I left school: my family are farmers and the only income was from our field; if all the children go to school and it costs money like that where do we get the money? I heard my parents were also worried about it so I quit school and fled to India for free education. The other reason

<sup>38</sup> Xinhua News, [http://news.xinhuanet.com/english2010/china/2011-06/23/c\\_13946663.htm](http://news.xinhuanet.com/english2010/china/2011-06/23/c_13946663.htm), 23 June, 2011.

<sup>39</sup> US State Department report on Human rights: China, 2011

<sup>40</sup> Tibet Watch interview, 2009

<sup>41</sup> United Nations Committee on the Rights of the Child, CRC/C/CHN/CO/2, November 2008

<sup>42</sup> Tibet Watch interview, 2011

was that I could not stand myself, for I cannot read and write my own language. It makes me feel ashamed and always sad to face that fact".<sup>43</sup>

Every year, hundreds of children make the often perilous journey to India so they can receive an education in the Tibetan refugee schools. The journey over the Himalayas takes many weeks, with the constant threat of capture or injury by Chinese border guards.<sup>44</sup> In 2012 the Tibetan Children's Village School system in India has an enrolment of approximately 17,000 students, almost half of whom are escapees<sup>45</sup>. The lengths children and their families go to to receive a free and quality education is indicative of China's failure to provide free and quality education to Tibetan children.

Case study: Young children face a harrowing journey to pursue educational opportunities abroad

An 11-year-old boy describes his experience: "When we heard the shots, most people tried to run up the mountain. Three monks ran up to the left side. The guide and some others ran up on the right side. We heard Chinese voices yelling at us to 'lie down'. There was the sound of bullets hissing over our heads. "We ran for our lives. I thought it would be impossible to outrun the army and thought I should stop, so maybe I could find my parents. I could hear my heart pounding. After we stopped at a safe point, I could taste blood in my mouth. Later we found out eight of us were arrested: four monks, my parents, my sister and a little girl. They are still in prison.

"I miss them very much. I remember the words of my father before we went on this journey: 'You must go on with the group if mother, sister and I are arrested or are unable to go with you. Follow His Holiness the Dalai Lama and listen to his words. Study well in school and be a useful person in the future. Do things that benefit others, and especially help poor people.'<sup>46</sup>

In further testimony gathered by Tibet Watch, another 11-year-old boy recounts his journey : On the way to Nepal, we walked and climbed mountains. One night it was raining, we slept under a bridge. I so missed my parents that I sobbed, tears dripped from my eyes. I dreamed I was with my parents that night. I dreamed of my family and our happy life. When I woke up in the morning, I cried again. "<sup>47</sup>

Lack of access to education and learning of the mother tongue and culture

The freedom to use and develop minority languages is guaranteed under Article 53 of the PRC's Constitution and its 1995 Education Law. The Regional Ethnic Autonomy Law goes further and stipulates the language of minorities should be used in textbooks and as the language of instruction. However, in reality the Tibetan language is not taught at all in schools, or is retained only as a language subject, and all text books are in Chinese in direct contravention of the Committee's 2005 recommendation to "ensure that all teaching and learning materials for the primary and secondary level are also available in ethnic minority languages and with culturally sensitive content". Article 30 of the Convention and the principle of non-discrimination protect minority groups from discrimination in education. The Committee has emphasized in its General Comment No.1 that Article 29.1 "cannot be

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<sup>43</sup> Tibet Watch interview, 2011

<sup>44</sup> See the Free Tibet Campaign report 'The price of freedom' details the murder of Tibetan refugees by Chinese border guards:

<sup>45</sup> Written Statement to the UN Human Rights Council by International Educational Development, Inc., June 2012 , A/HRC/20/NGO/39

<sup>46</sup> Tibet Watch interview, 2007

<sup>47</sup> Tibet Watch interview, 2007

properly understood in isolation" from a number of provisions in the CRC, including specifically "the linguistic and cultural rights of children belonging to minority groups (art.30)."

Furthermore, minority language is not only vital to cultural and identity rights, but also as a fundamental medium to express opinions and thoughts.

Many students speak Tibetan as their mother tongue, and consequently the prohibition of bilingual education poses a barrier to early learning as children must become literate in a new language before they are literate in their mother tongue. The policy of using Chinese as the language of instruction in schools and universities is a contributing factor in Tibet having the highest illiteracy rate of all China's regions. Many Tibetans drop out of school due to the difficulty in following classes in a foreign language – Chinese, but are also not able to read, write and increasingly speak their own language properly due to the lack of instruction in Tibetan coupled with the widespread use of Chinese in public life. This in turn perpetuates poverty among Tibetans. A Tibetan, who left school after only seven years, explains the language difficulties he faced: "After reaching middle school all classes were taught in Chinese except the Tibetan class. It's a big change for us children from village. We don't know much Chinese and can't catch up and understand the full meanings. For example the maths class, I know how to calculate as seeing the figures but can't understand what it says in the Chinese questions".

A Tibetan girl who went to school in Lithang county described how the teacher would treat the Tibetan students in the class differently from the Chinese students: "the teacher would always say 'you Tibetans are very stupid and slow.' The Chinese students especially those who were well connected in the Communist Party would get praised and lots of encouragement from the teacher but it was easier for them because the classes were all in Chinese."<sup>48</sup>

Entrance exams to universities are exclusively in Chinese, in direct contravention of Article 28 (c) of the Convention to "Make higher education accessible to all on the basis of capacity by every appropriate means". This ultimately discriminates against Tibetans within the larger society as upward mobility depends on fluency in Chinese.

A Tibetan student from Tso city explains: "I would like to study Tibetan, but Chinese is more important than Tibetan if you want to continue to study in high school and university because we don't have Tibetan universities...so what I'm saying is that those students with Chinese section have more opportunity to take action in many universities and high school colleges in Tibet and China"<sup>49</sup>.

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<sup>48</sup> Tibet Watch interview, 2012

<sup>49</sup> Tibet Watch interview, 2008

## Case study: Students protest for language and equality rights



*Student protest, Rebkong November 2012*

The large number of protests by Tibetan school students calling for the realisation of their language rights illustrates the failure of China's education and language policy. In October 2010, a provincial government decision to replace Tibetan with Chinese as the medium of instruction in all Tibetan schools in Qinghai Province by 2015 set off protests by several thousand Tibetan students in Rebkong (Ch: Tongren) Tibetan Autonomous Prefecture. The students, some as young as 12, carried banners in both Chinese and Tibetan calling for "Equality for Nationalities" and "Expand the Use of the Tibetan Language" and "Freedom for the Nationalities."<sup>50</sup> These protests were the largest since 2008. The Protests, which began in Rebkong County, spread to Beijing. Approximately 400 Tibetan University students studying at Minzu University staged a protest echoing the demands of the earlier protests. News of the protests spread across Tibet via SMS. The text read: Yesterday, the Ministry of Education decided that the Tibetan language centred education system should be cancelled in all schools in Tibetan areas... Tibetan students are protesting for their mother- tongue in the Tibetan areas in Qinghai and others. For the sake of saving the Tibetan mother-tongue, please pass the message to each other. [sic]<sup>51</sup>

Student protests continued in 2012. On 4 March, around 700 students took part in a large protest for Tibetan language rights. Students were distressed to discover that their new textbooks for politics, history, geography, mathematics, biology, chemistry and physics, which were previously in Tibetan, were now in Chinese. They started ripping the books up and tried to march into the town to call for language rights.<sup>52</sup>

<sup>50</sup> <http://www.freetibet.org/news-media/pr/thousands-students-protest>

<sup>51</sup> <http://www.freetibet.org/news-media/pr/student-protests-spread-beijing>

<sup>52</sup> *ibid*

A former teacher from Tibet explains: “China’s policy to eliminate the Tibetan language, in an effort to erode Tibetan identity, is reflective of the daily abuses bringing ordinary Tibetans to protest in increasing numbers. These young students, like a growing number of Tibetans, are using protest to demand change on the issues that matter to them.”<sup>53</sup>

Student language-rights protests have been met by the Chinese authorities with relative restraint. However, Tibet Watch has received numerous reports that students have been suspended or held at schools during the weekends as a punishment and some teachers have been demoted.<sup>54</sup>

### Indoctrination and patriotic education

Not only are Tibetan children denied their right to learn in their mother tongue, but they are also subjected to a strict indoctrination of Chinese communist ideology, forced to denounce the Dalai Lama, and are prohibited from manifesting their Tibetan cultural and religious identity. Expressions of Tibetan cultural identity, especially Buddhism and respect for the Dalai Lama are discouraged or punished. According to a student from Sertha: “Students are not allowed to talk about nationalism and preservation of language in [...] School. Students who have discussed these things have been interrogated”.<sup>55</sup>

In Tibet, laws and regulations restrict discussion of Tibet's history, Tibetan traditions and punish expressions of Tibetan religious beliefs, creating an atmosphere of hostility to Tibetan cultural identity. This is in contravention of the Convention that the education of the child shall be directed to the development to the fullest potential of the child's personality, talents and mental and physical abilities and the development of respect for the child's own cultural identity, language and values;

A Chinese Government website report described the content of a Patriotic Lecture delivered to more than 300 students in Chamdo (Ch: Qamdo): “They condemned Dalai, his speech and deed... The lecturer intensively narrated the real facts of the violent event... It was a violent event created by Dalai Clique... Teachers and students must clearly realize the nature of Dalai Clique and the real facts of the violent 3.14 event [March 2008 protests]... Young and teenage students gradually realized the real face of Dalai and the rebellious nature of Dalai Clique. Young and teenage students thoroughly recognized that there would not be a new China without the Communist Party. Chamdo has today’s happy life only because communist party is present in Tibet”<sup>56</sup>.

In an effort to fill the need for quality education and the preservation of the Tibetan language, hundreds of ordinary Tibetans have taken education and the preservation of the Tibetan language into their own hands by setting up schools in their communities. Tibetan monks, teachers and university students hold Tibetan language classes and workshops in their communities to combat the increasing dominance of Chinese language in education. In a number of incidents documented by Tibet Watch, Tibetan language, monastic and community schools are forcibly closed and teachers harassed or detained. A monk from Qinghai Province, told how he and two fellow monks, recognising that most Tibetans can no longer read or write in Tibetan, set up classes for local children, teaching them to read, write and speak Tibetan. The classes proved so popular that a growing number of people from the surrounding areas joined the scheme. As the project flourished, local police began

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<sup>53</sup> <http://www.freetibet.org/news-media/pr/hundreds-students-join-tibet-protest>

<sup>54</sup> Tibet Watch interviews, 2010 – 2012.

<sup>55</sup> Information secured by Tibet Watch contact

<sup>56</sup> Chamdo Prefecture Government Website, TAR, <http://www.xzcd.com/news>, April 10, 2008

to take note; eight policemen came and ordered the monks not to hold any further classes.<sup>57</sup>



*Tibetan language classes*

#### Case study: community schools closed and teachers detained

In May 2012, a Tibetan orphanage school in Kanlho (Gansu Province) which housed 50 students, was forcibly closed down on charges of giving priority to the Tibetan language and culture. Two of its teachers were arrested.<sup>58</sup> In April 2012, the Chinese authorities forcibly closed a school established to teach and promote Tibetan culture and language in Kandze county and ordered parents to send students to government schools where only Chinese education is provided. During the closure, the authorities detained a headmaster and two teachers. Three other teachers, who were away from school at the time of the closure, were warned against coming back.<sup>59</sup>

In another incident, a teacher, Agan Tsultrim, was detained on the evening of 24 January 2012 in Sertha county. Following his detention, a local government TV channel reported "he worked political and illegal things with Dalai Lama and an organization in exile". In reality, Agan Tsultrim had founded an organization in 2008, the Future of Language, that would go to farming and nomadic villages and educate illiterate Tibetans during his winter and summer holidays. His whereabouts and condition are unknown at the time of reporting.<sup>60</sup>

<sup>57</sup> <http://www.freetibet.org/news-media/pr/preserving-tibetan-language-communities>

<sup>58</sup> Information secured by Tibet Watch contact

<sup>59</sup> Tibetan Centre for Human Rights and Democracy, [http://www.tchrd.org/index.php?option=com\\_content&view=article&id=211:tibetan-school-forcibly-closed-teachers-arrested&catid=70:2012-news&Itemid=162](http://www.tchrd.org/index.php?option=com_content&view=article&id=211:tibetan-school-forcibly-closed-teachers-arrested&catid=70:2012-news&Itemid=162)

<sup>60</sup> Information secured by Tibet Watch contact

# Recommendations for the Government of the Peoples Republic of China

## Freedom of expression, assembly and association

- Immediately and unconditionally release Tibetan children imprisoned for exercising their basic civil and political rights, such as the rights to religion, assembly, and expression.
- Cease the persecution, harassment, arbitrary arrest and wrongful imprisonment of children for peaceful political or religious activities, or those of their relatives or communities.
- Amend domestic law regarding peaceful assembly and freedom of expression, so that it is in line with international human rights standards and is non-discriminatory.
- Conduct an independent inquiry into the use of excessive force against unarmed protestors in 2008 and 2012, make the results public and hold accountable, in a manner consistent with international human rights law, those responsible for using excessive force against unarmed protestors.

## Arbitrary arrest, detention and torture

- Investigate all allegations of torture and mistreatment of children in detention, make the results public, and hold accountable, in a manner consistent with international human rights law, those found responsible for these crimes.
- Allow the International Committee of the Red Cross (ICRC) full and unrestricted access to places of detention and allow individual monitoring of detainees and prisoners by the ICRC in accordance with its standard procedures, to prevent torture and mistreatment and to safeguard the physical and psychological health of child prisoners.
- Immediately abolish the use of incommunicado detention and ensure children arrested and deprived of their liberty are brought before an independent authority to examine the legality of their deprivation of liberty within 24 hours; ensure that they have immediate access to legal representation; and the child's family is informed of their whereabouts without delay, in line with the provisions of the Convention.
- Immediately abolish the Patriotic Re-education campaign, as its elements qualify as inhumane and degrading treatment, if not torture.
- Prohibit the use of re-education through labour for child detainees.
- Ensure that prisoners and pre-trial detainees under the age of 18 are kept in separate facilities from adults.

## Religious freedom

- Release Gedhun Choekyi Nyima, the 11th Panchen Lama of Tibet, and his parents from state custody. As a minimum, allow an independent human rights representative to meet Gedhun Choekyi Nyima, the 11th Panchen Lama, and his family to confirm his whereabouts and well-being.
- Issue a standing invitation to all UN Special Procedures to visit the country, including re-opening the invitation extended to the the UN Special Rapporteur on Freedom of Religion in 2004.
- End state-intervention in the identification and education of Tibetan tulkus.
- End the vilification of the Dalai Lama and allow children to worship, observance, practice or teaching that relates to the Dalai Lama, which is integral to Tibetan Buddhism.
- Repeal any ban and end restrictions on children from participating in Tibetan religious festivals or receiving religious education.

## Education

- Address the high rate of illiteracy for Tibetans by building new schools and improving existing facilities in rural parts of Tibet so that all Tibetan children have access to education; and by ensuring that Tibetan language is the primary language of instruction throughout the education system.
- Eliminate all miscellaneous and other “hidden” fees for primary education in order to ensure that it is truly free.
- Allow Tibetan children to learn about Tibetan culture and history and allow Tibetans to control the curriculum regarding Tibetan culture and history at all educational levels.
- Allow freedom of expression and religion in education; cease to intimidate and arrest Tibetan teachers and cease the closure of extra-curricular, monastic and community schools.
- Support and encourage privately run schools which promote and protect Tibetan culture and language.
- Respect and implement the Regional Ethnic Autonomy Law by ensuring Tibetan language is the language of instruction for Tibetan children for all subjects. All teaching and learning materials and textbooks must be available in the Tibetan language.
- Ensure non-discriminatory language requirements for entrance into secondary and higher level education institutions for Tibetans, for example, if entrance examinations determine access to secondary and higher education, Tibetan children should be allowed to take these exams in the Tibetan language.