



Joint Intervention by Member Groups of the International Tibet Network to the UPR Pre-Session Briefing

People's Republic of China

September 2013

This intervention is delivered by Iona Liddell, Tibet Justice Center on behalf of the International Tibet Network, a coalition of 185 Member Groups from over 50 countries. Lead Organisations on this intervention are Tibet Justice Centre, Canada Tibet Committee, Students for a Free Tibet, International Tibet Network Secretariat, with the support of Australia Tibet Council.



International Tibet Network Registered Address: 1310 Fillmore Street #401, San Francisco, CA 94115, USA

W: www.tibetnetwork.org

E: campaigns@tibetnetwork.org

For a list of all supporting Member Groups see www.tibetnetwork.org/MemberGroupsUPR

Introduction

Good morning. I very much appreciate the opportunity to address you. My name is Iona Liddell, I am the ED of Tibet Justice Center and I represent a network of 185 Tibet groups.

Since China's last UPR, we have observed a significant deterioration in the human rights situation of the Tibetan people and can pinpoint this to policies enacted in and specifically tailored to the Tibetan region by the Chinese state. We elaborate on these in detail in our submission, so I will just take this time to draw your attention to specific concerns related to: Tibetans as an ethnic minority group in China, particularly to the situation for Tibetan nomads; the Chinese policy of patriotic re-education as it affects freedom of religion in Tibet; and Freedom of Expression issues specific to Tibetan areas¹.

The Chinese government has a targeted approach to the Tibetan region and its people. We believe this warrants a similarly targeted approach to addressing the human rights concerns of Tibet during the UPR and we urge Member States to adopt such an approach.

Issue 1. Tibetans as an ethnic minority

During its first cycle UPR, China stated that it was already working on protecting ethnic minorities' "religious, civil, socio-economic and political rights" and on "allowing ethnic minorities...to fully exercise their human rights, to preserve their cultural identity and to ensure their participation in decision-making".² China committed to eight recommendations related to improving Tibetans' access to human rights, as a minority group within China³ and at the 13th session of the Human Rights Council in 2010, claimed to have advanced human rights protections for ethnic minorities.

Yet, since 2009 China has continued to undermine, discriminate against and otherwise violate the rights of ethnic minority groups, seemingly out of a fear that empowered ethnic minorities would threaten the physical integrity of the Chinese State. Whilst there are some similarities in the ways in which China treats its ethnic minority groups, their particular histories and interactions with the Chinese state have generated region-specific policies, region-specific violations and necessitate region-specific solutions. For Tibet, 2008 was the watershed year for China's changed Tibet policy, in response to widespread non-violent protests across Tibetan areas. At the time, Ms Navanethem Pillay, the UN High Commissioner for Human Rights, stated that the underlying causes of these protests "include discrimination and the failure to protect minority rights". Rather than address these root causes, China has compounded the discrimination by framing Tibetans as a state security threat, justifying a large scale crackdown⁴. In March 2009, a year after that crackdown began, and just a month after China's last UPR, a Tibetan monk self-immolated. Since then more than 120 other Tibetans have set themselves on fire in protest at China's discriminatory approach to Tibetans and these repressive policies, prompting Ms Pillay, in November 2012, to again urge China to address "deep-rooted frustrations with human rights in Tibetan areas"⁵.

We contend that firstly the possibility of Tibetans accessing and enjoying rights within the PRC has been much reduced by targeted policies planned and implemented by the State under Review and secondly that this cycle of protest and repression will continue if new approaches to the situation that address root causes

¹ Please note that Tibetan areas encompass the Tibet Autonomous Region and Tibetan autonomous prefectures of Qinghai, Gansu, Sichuan, and Yunnan.

² As recommended by Australia and Austria respectively.

³ Recommendations were made by New Zealand, Angola, Nicaragua, South Africa, Jordan, Russian Federation, Japan and UK.

⁴ This crackdown includes massive police and military deployment in Tibetan areas, tightened restrictions on freedom of movement within Tibet, increased border patrolling to prevent Tibetans attempting to claim refuge in a safe third country, and a patriotic re-education campaign which seeks to replace religious teaching with political doctrine. More insidiously, a proposed education policy threatens Tibetan language use.

⁵ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12729&LangID=E>

sensitively and in consultation with Tibetans are not adopted. It is thus highly important that such new approaches are recommended within this upcoming UPR session.

Recommendation:

Implement an immediate review of policy on ethnic minorities with specific reference to addressing restrictions on the rights to freedom of thought, religion, assembly and expression.

Case Study: Tibetan Nomads

We wish to draw particular attention to the situation for Tibetan nomads, or herders, who are being affected by China's resettlement policy that has dramatically accelerated since the last review. This is causing rights violations that could potentially affect more than a third of the Tibetan population.

In January 2011 the Governor of the Tibet Autonomous Region (TAR) reported that over half of Tibetan farmers and herders, some 1.43 million people, had been moved into "new homes". In May 2012, according to an official statement⁶, China aims to "resettle" the remaining Tibetan nomad population of 1.157 million people by 2015.

The policy is politically driven, as Former Tibet Autonomous Region Party Secretary, Zhang Qingli, described it as essential in building a "beautiful, new socialist countryside", maintaining "stability" and countering the Dalai Lama's influence.⁷

We commend China for inviting the UN Special Rapporteur on the Right to Food to undertake a country mission in 2010 (as recommended in its last UPR⁸). In his concluding report⁹, the Special Rapporteur urged the Government of China to suspend the non-voluntary resettlement of nomadic herders from their traditional lands as well as the non-voluntary relocation of other rural residents, yet China has not taken steps to implement this or the other related recommendations¹⁰. China continues to impose resettlement policies that deprive Tibetan nomadic herders and other rural residents of their land and their means of subsistence, whilst also destroying the social fabric of their communities, in clear violation of their rights to health, education, food, freedom of movement, and their right to a cultural life.

We feel it is highly important that China is questioned on this lack of implementation and has such recommendations made again during this Universal Periodic Review.

Recommendations:

End the non-voluntary resettlement of nomadic herders and other rural residents in Tibet, and consult with those who are already settled and facilitate their return to their land if they choose to do so.

Introduce measures to ensure free, prior and informed consent of Tibetan nomadic communities affected by large-scale projects including conservation, parks and protected areas, as well as development projects, including resource extraction and dam construction.

⁶ Posted on the official website of the Central People's Government of the PRC.

⁷ Source: US State Department report 2007, quoted in ICT's Tracking the Steel Dragon.

⁸ Recommendation 9 in the last UPR, as suggested by Saudi Arabia.

⁹ The concluding report was published in January 2012.

¹⁰ The Special Rapporteur on Food's related recommendations were for China to examine options for sustainable pasture management; and to improve education and health services in resettlement villages.

Issue 2. Patriotic re-education

a. During the first cycle UPR China rejected or did not answer four recommendations regarding Tibetans' right to freedom of religion and belief¹¹.

b. Since 2009 the Chinese authorities' intensified measures to increase their control in Tibet have included restricting religious freedom.

Work teams, including armed police, soldiers and Chinese officials, have been stationed inside monasteries to monitor and "re-educate" monks and nuns e.g. In April 2011, Kirti Monastery, Ngaba¹² had armed police, soldiers and Chinese officials stationed inside the building to ensure "All monks are learning the basics of the Chinese Constitution, Criminal Law and regulations on religious affairs"¹³.

In January 2012 China arbitrarily detained and 're-educated' hundreds of Tibetan pilgrims¹⁴ on their return from religious teachings in India¹⁵.

Recommendation:

End completely the use of political or patriotic re-education policies, including the presence of work teams in Tibetan monasteries, nunneries and villages, which are a cause of increased tension in Tibetan areas.

Issue 3. Freedom of expression and assembly

a. China rejected two recommendations regarding freedom of expression¹⁶ during its first cycle UPR, claiming that "no individual or press had been penalised for voicing their opinions or views" and that China's laws provide "complete guarantees" on freedom of expression.

b. Since 2009, China has made increased attempts to control information flowing in and out of Tibet¹⁷. TAR Party Secretary Chen Quanguo described these restrictions as necessary "to ensure the absolute security of Tibet's ideological and cultural realm".

Tibetans suspected of being critical of state policies are systematically targeted on charges of "separatism". For example, on 18 June 2012, a Sichuan provincial court sentenced senior Tibetan cleric, Yonten Gyatso, to seven years in prison, accused of disseminating information about the situation in Tibet including to human rights organisations overseas.

On 6 July 2013, People's Armed Police opened fire on Tibetans who had gathered to peacefully celebrate the Dalai Lama's birthday¹⁸. At least ten Tibetans were injured.

¹¹ Three recommendations - from Italy, Switzerland and the Czech Republic - were rejected. One, from Australia, was unanswered.

¹² (Ch: Aba Town, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan Province)

¹³ ICT, May 2011; [Ngaba students protest crackdown, authorities respond: new information on deaths of Tibetans who tried to protect monks](#)

¹⁴ ICT February, 2012, 'Lockdown in Lhasa at Tibetan New Year; unprecedented detentions of hundreds of Tibetans after Dalai Lama teaching in exile'

¹⁵ Human Rights Watch said this was the first known instance since the late 1970s in which the Chinese authorities have detained laypeople in Tibet in such large numbers to force them to undergo re-education.

¹⁶ Sweden and Czech Republic.

¹⁷ Including tightened restrictions on the use of communication tools including internet and telephones increased restrictions on the publication of literature, photocopying, and music publishing and heightened government propaganda via new TV channels, village education sessions, film screenings and distribution of official books. Foreign journalists continue to be banned from accessing Tibetan areas.

¹⁸ This incident occurred in Tawu, a region of eastern Tibet in Sichuan Province.

Political detentions of Tibetans have continued to rise, with 988 political prisoners currently reported. 269 of these are detentions from 2012, the large majority of whom were detained, disappeared and sentenced on the deeply problematic charges of 'leaking state secrets' and 'endangering state security'.

Recommendations:

Amend domestic laws regarding peaceful assembly and freedom of expression, so that they are in line with international human rights standards and are non-discriminatory.

Amend the State Security laws in relation to definitions of 'crimes' of "endangering state security", to prevent "organizing, scheming and carrying out activities to split the nation and sabotage national unity" being arbitrarily applied to peaceful acts of freedom of expression and assembly.

Conclusion

I hope that I leave you with a good sense of why China's current targeted approach to the Tibetan people necessitates a similarly targeted approach from states in order to address this deteriorating situation.

Conditions in the Tibetan region are on a downward spiral. It is clear that this needs to be urgently addressed, and the UPR provides a real opportunity for this. I strongly urge you to include recommendations related to the human rights situation of the Tibetan people within your engagement with China next month¹⁹.

Please read our full submission for more details, areas of concern and suggested recommendations.

Thank you for your time.

Iona Liddell
Executive Director, Tibet Justice Center

execdir@tibetjustice.org
www.tibetjustice.org

on behalf of the International Tibet Network
www.tibetnetwork.org

¹⁹ China's failure to implement recommendations made during the 2009 UPR review cannot be seen as a lack of capacity, but rather a distinct lack of political will. This attitude threatens to destabilise the Universal Periodic Review mechanism. We feel it is paramount that missions continue to press China on key concerns, with a view to China accepting and sincerely implementing more recommendations in this second UPR cycle.