

THE PLAN THAT NEVER WAS



Reassessing China's Assessment Report on National
Human Rights Action Plan (2009-2010)



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Tibetan Centre for Human Rights and Democracy

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In April 2009, the State Council Information Office of the People's Republic of China (PRC) released a report titled National Human Rights Action Plan (2009-2010)¹. The National Human Rights Action Plan (NHRAP) was the Chinese government's first formal document that 'guaranteed' human rights to Chinese citizens and pledged to address human rights violations in the PRC.

The international community warmly welcomed the document, calling it a giant step forward in the right direction, and expressed hope that its provisions would be implemented to improve the dismal state of human rights in the PRC and not remain just another tool for external propaganda.

The NHRAP guaranteed human rights in five major sections viz., Economic, Social and Cultural Rights; Civil and Political Rights; Rights and Interests of Ethnic Minorities, Women, Children, Elderly People and the Disabled; Human Rights Education for the Public; and Performing International Human Rights Duties and Conducting Exchanges and Cooperation in the Field of International Human Rights.

On 14 July 2011, the State Council Information Office of the PRC issued the Assessment Report on the National Human Rights Action Plan of China (2009-2010),² prepared by a group of officially-approved experts and scholars. The

report called the government's performance during the action plan period a success, saying all provisions and guarantees made in the plan were implemented within the two-year time frame.

The reality is the human rights situation has deteriorated to such a degree that violations and abuses of fundamental rights and freedoms occur with alarming regularity in both China and Tibet.

Development and Stability

In 2010, from 18 to 20 January, the Central Committee of the Communist Party of China (CPC) and the State Council convened the Fifth Tibet Work Forum, a high-level strategy meeting to decide on policy outlines for Tibet from 2010-2020. Both President Hu Jintao and Premier Wen Jiabao addressed the meeting, which is held every five or ten years to decide on Tibet policy matters.

The Fifth Tibet Work Forum adopted a two-pronged strategy on Tibet: to promote leap forward development and to maintain long-term stability in Tibet. After the meeting, the scale and intensity of repressive government practices have increased in Tibet as the authorities continue to strike harder across the Tibetan plateau.³ It is now Beijing's official priority to identify and strike hard on causes of instability, to thoroughly deepen the campaign of 'patriotic re-education' and 'legal education' particularly in the monastic communities, to regulate the monastic activities and religious practices according to domestic laws and party directives.

The Chinese authorities have issued Seven-Must-Do's and Four-Protection guidelines, which have to be followed during the implementation of official policies in Tibet.⁴

From 20-21 August 2010, the Ministry of Public Security held a meeting⁵ in Lhasa on the public security work situation in Tibet Autonomous Region (TAR) and Tibetan areas in Qinghai, Sichuan, Gansu and Yunnan provinces. Decisions taken at the meeting included cracking down hard on separatist activities, promoting development and protecting stability, intensifying border control and restricting travel movements. It was also decided to upgrade the uniforms, gadgets, tools, and weaponry of Public Security personnel.

From 14 to 15 August 2010, in Shigatse (Chinese: Xigaze) Prefecture, TAR, the Central Committee of the United Front Work Department⁶ of the CPC held a meeting to discuss the work situation within the Tibetan monastic community.

The TAR Religious Affairs Bureau held another meeting on 30 September 2010 and issued a 44-point regulation called 'Management Measures for Tibetan Buddhist Monasteries'⁷ to further control monastic activities. Also known as Order No. 8, the regulation went into effect on 1 November 2010. It is aimed at creating a specific distance between monastic institutions in Tibet and 'foreign influence' and 'separatist activities'. Monasteries and nunneries in Tibet having sister affiliations abroad are barred from maintaining any contacts. This has severely affected the traditional spiritual ties between Tibetan Buddhist practitioners in Tibet and abroad; it has also violated their right to religious freedom, which is one of the non-derogable rights enshrined in major international human rights conventions and covenants.

In the name of maintaining stability, the Chinese authorities have violated their own laws by crushing public expressions of Tibetan resistance to official policies. Any non-violent expressions of Tibetan identity through the protection and promotion of traditional culture, environmental preservation, freedom of thought, conscience and religion, and freedom of opinion and expression are viewed with aggressive suspicion by the authorities.

By labeling these acts as political, the Chinese authorities continue to commit abuses and violations in the form of widespread arbitrary arrests, extra-judicial detentions, enforced disappearances, inhumane treatment and torture, and illegal trials and verdicts.

Official policies do not reflect the genuine wishes and concerns of the Tibetan people; these policies ignore and disregard the real causes of instability in Tibet.

The implementation of these policies has severely restricted the movements of Tibetans and their freedom to sustain their culture and practice their faith. A series of regulations and CPC directives continue to impose further restrictions and control on Tibetan monastic institutions, which have long been the traditional centers of learning and scholarship in Tibet. These regulations have rendered meaningless the constitutional guarantees of human rights and freedoms enshrined in China's constitution. Article 33 of the Chinese Constitution provides that the "state respects and protects human rights." Contrarily, Beijing has consistently violated Article 33.

Reassessing the Assessment Report

Avoiding any preposterous assertions, this report sets out to review some of the human rights achievements cited by the Chinese government in the NHRAP (2009-2010) Assessment Report.

I. Economic, Social and Cultural Rights

The PRC's Assessment Report on NHRAP (2009-10) states, "In 2009 and 2010, the state took effective measures and worked hard to improve the people's livelihood, strengthening the guarantee of people's economic, social and cultural rights. Most targets set in the Action Plan for ensuring these rights were fulfilled ahead of schedule or over-fulfilled."

Even as China became the second largest economic power in the world, many in Tibet and China still do not enjoy equal opportunities for employment, equal opportunities for competition, and rural farmers are denied their rightful wages in time. In Tibet, most of the jobs and profits generated by large-scale infrastructure projects go exclusively to Chinese cadres and workers.

In recent years, many Chinese migrants and settlers, through their sheer numbers, have overwhelmed the Tibetan demography particularly in urban towns and cities. They either work in with the army, or in government service; some run private businesses or seek employment. Chinese migrants get the majority of high-skilled jobs increasing the hordes of unemployed Tibetans.

The Chinese employees are paid more than their Tibetan counterparts for the same job. For instance, a job vacancy

ad in the Tibetan capital, Lhasa, publicly declared that the hired employee, if Chinese, would get 50 RMB while a Tibetan would be paid only 30 RMB.

In Tibet, applying for jobs in government service or even in the tourism sector requires the applicant to meet political conditions. In 2012, it was made mandatory for all tour guides to appear for the tour guide license test. Candidates for the test are required to demonstrate clearly the correct political stand and oppose the 'separatist' activities of the 'Dalai clique'. These new conditions have caused numerous Tibetan tour guides to lose their jobs. Instead of them, the Chinese government has sent Chinese tour guides, under its 'Aid Tibet Cadres' project, to organize and control group tours in Tibet.

On 15 October 2011, the ninth meeting of the National Tour Guides Aid Tibet Summary reported that 496 Aid Tibet cadres sent by the Chinese government have worked in Tibet organizing group tours.⁸ Under the discriminatory restrictions imposed by various official policies and regulations, many young and educated Tibetans have lost their jobs as tour guides and the Chinese tour guides are now filling these posts. The work of a Tibetan tour guide now entails unexpected spells of unemployment, being forced to demonstrate one's loyalty to the Party and love for the Motherland. Those who were educated in Tibetan schools abroad face exceptional challenges in getting employed in tourism business.

The situation is grimmer for former political prisoners, who struggle to get regular employment after their release from prison. Even if a former political prisoner manages to get a day laborer's job, his employer is harassed and intimidated, and finally forced to close shop or fire his employee. Some former political prisoners who are able to open small shops and restaurants get frequent

visits from government security police. In the past, the authorities have illegally closed some restaurants whose owners or staff were former political prisoners.

On 15 March 2008, Ngawang Namgyal, the owner of a grocery shop near the Lhasa Lubug Railway Station, was arrested and his six employees – who were all former Tibetan political prisoners – were detained and questioned by security personnel. Although there was no legal reason for Namgyal's arrest, he was accused of 'engaging in illegal gatherings' and was arbitrarily arrested. On 22 March 2008, the official Chinese news agency Xinhua reported that the six former shop employees, including Bhuchung and Soepa, had been released after the expiration of their detention period, adding that they had engaged in 'separatist' activities.

In Tibet, most of the higher-paying jobs are already going to Chinese cadres and migrants. Under the official campaign of 'Open Lhasa, We Welcome You', an increasing number of Chinese businessmen, workers and laborers are entering Tibet to take advantage of the opportunity to amass money. Beijing's official policy of opening up Tibet has encouraged hordes of Chinese migrants to transfer their base to Tibet, which in turn shifting the demographic imbalance in favor of Chinese migrants and settlers.

These Mainland migrants own many of the bigger restaurants, cafes, and shops in Lhasa; they even dominate artisan jobs like carpentry, stonemasonry, tailoring, etc., making it harder for Tibetans to find employment and widening the gap between poor and rich. This is exacerbated by the predominance of Chinese as the commercial language. Very few Tibetans in rural areas, which constitute the majority of the Tibetan Plateau, are literate in Chinese.

On 9 December 2011, the State-owned Xinhua news agency reported that the annual GDP of TAR had touched 12 percent and the annual per capita income of Tibetan farmers and nomads was 4,138.7 RMB (US\$ 653.26).⁹ However, these figures fail to show the number of poor people in nomadic areas and in urban towns, who struggle daily to meet their needs as their incomes fail to meet the rising cost of subsistence items.

The TAR Civil Affairs Bureau had announced that those who earn less than 800 RMB (US\$ 126.27) a year would be categorized as poor and are eligible for State assistance.¹⁰ On 7 May 2009, Xinhua reported that there were 230,000 Tibetan farmers and nomads whose annual income was below 800 RMB in TAR.¹¹

Almost 80 percent of Tibet's population are farmers or nomads living in rural areas. But not much has been done to improve the lives of rural Tibetans. The inadequate transportation and communication network makes it difficult to obtain daily necessities. Most remote villages lack proper medical facilities or qualified doctors, forcing serious cases to be taken to faraway County hospitals to receive treatment. There is a dearth of health education campaigns on preventive health and 'severely insufficient' medical facilities for dealing with maternal and child health.¹²

Malnutrition is a leading cause of health problems among mothers and children. In 2007, research conducted by the University of California Berkeley found that the rate of infant mortality in TAR was higher than in any Chinese province in the PRC.¹³ And in 2009, the United Nations International Children's Emergency Fund (UNICEF) reported that approximately 40 percent of children in rural PRC are stunted as a result of maternal and childhood malnutrition.¹⁴

Education standards in rural areas lag far behind compared to urban areas. Most of the fully-functioning government schools are located in towns and cities, so rural residents face obstacles when sending their children away from home to achieve an education. There is a dearth of middle schools, high schools and vocational centers in rural areas; this is largely responsible for the high school dropout rate in rural Tibet.

On 9 May 2009, in its investigative report on Tibet in the aftermath of the March 2008 uprising, the now-defunct Beijing-based Open Constitution Initiative or Gongmeng, a private Chinese legal assistance group, citing 2007 official Chinese statistics, revealed that the average term of education in Tibetan areas was less than four years, and the high school enrolment rate was extremely low.¹⁵

Moreover, the report disclosed that the majority of rural children between the ages of 15 and 20 hadn't even graduated from primary school and are entirely illiterate. The report expressed serious concerns over "extremely" low level of basic education in Tibetan areas where the majority of adults are illiterate.

The official failure to implement an educational policy conducive to the local conditions has undermined the cultural autonomy of the Tibetan people, as promised in the PRC's Regional Ethnic Autonomy Law. Without any consideration to the local reality, the Chinese authorities have imposed a uniform national education policy which restricts and marginalizes Tibetan cultural and linguistic traditions.

Contrary to the cultural autonomy provisions in the PRC's Constitution and the Autonomy Law, the Chinese authorities have implemented a uniform national educational policy without taking into consideration

the special situation in Tibet. This, and other repressive policies, has restricted the promotion and protection of Tibetan cultural, linguistic and religious traditions.

The traditional centers of learning such as the monasteries have long played a major role in preserving and promoting Tibetan culture and language. But the Chinese authorities have consistently tried to violate and disrupt the normal religious educations and rituals at the monasteries by forcing monks to enroll in 'patriotic re-education' sessions.

In September 2010, the Chinese authorities in the Tibetan Province of Amdo in Qinghai Province released a bilingual education reform plan as part of a ten-year plan for 2010-2020.¹⁶ The plan envisaged the adoption of Chinese language as medium of instruction in Tibetan schools with Tibetan relegated to language class.

The official plan to marginalize Tibetan language touched off a storm of protests among Tibetan students with Tibetan teachers and students petitioning the authorities. On 22 October 2010, protests by Tibetan school and college students spilled over from Qinghai to Beijing.¹⁷ Hundreds of Tibetan students in various counties in Malho (Chinese: Huangnan) Prefecture, Qinghai Province, rose up in demonstrations against the implementation of the new bilingual education policy in Tibetan areas in Qinghai. The students carried banners and pamphlets and shouted slogans such as 'equality of nationalities' and 'language freedom,' and demanded an end to the new bilingual education policy. In Beijing, Tibetan students at Minzu (Chinese: Nationality) University of China carried out a solidarity protest.

The Qinghai authorities immediately announced the withdrawal of this new bilingual education policy.

However, during the winter of 2011, the authorities began imposing the policy under which the Chinese language is the medium of instruction for all subjects except Tibetan language classes from primary school level.

On 2 April 2012, the authorities in Sichuan's Kardze Prefecture shuttered a private Tibetan school called the Khadrok Jamtse Rokten Lobda.¹⁸ The security personnel arrested the school's principal, Nyendak, and a volunteer teacher, Yama Tsering. Their condition and whereabouts remain unknown.

In August 2006, Gyen Tenzin Thapkey, a graduate of Tibet Medical University founded a vocational training school in Nagchu (Chinese: Naqu) County town (TAR) with funding from the International Red Cross Fund. Students at this vocational school – mainly farmers and nomads – are given lessons in both traditional and modern knowledge, traditional arts and crafts, and traditional medicine. The school put special emphasis on teaching Sowa Rigpa, the Tibetan science of healing, which is one of the Five Major Sciences of Tibetan Buddhism (Tibetan: Rigney Chewa Nga). The school had about 250 students and ten teachers. Classes were also offered in Tibetan grammar and poetry, thangka painting, and tailoring. The local public had wholeheartedly welcomed and supported the school's initiative in introducing not only Tibetan but also Chinese and English language classes. But the Chinese authorities closed down the school due to political suspicions and 250 students lost their opportunity to get a Tibetan education.¹⁹

In August 2009, the authorities in Pekar County town in Nagchu Prefecture (TAR) closed a private school founded by Losang Nyandak, a monk-teacher at Pekar monastery. The Pekar Education and Training School (Tibetan: Pekar Sherig Lagtsel Lobda) opened in January

2007 and offered classes in both traditional and modern education. Students were provided a free education and other essential materials including books, stationery and uniforms.

In Qinghai Province, on 8 March 2012, Zatoe (Chinese: Zaduo) County security personnel secretly arrested Khenpo Gyewala, abbot of Gyegyel Zogchen Monastery over political suspicions.²⁰ After weeks of incommunicado detention, Khenpo Gyewala was sentenced to two years' imprisonment. Khenpo Gyewala founded Mongsel (English: Lighting up the Darkness), a winter school that provided classes in traditional Tibetan culture and language for the children of farmers and nomads in Zatoe County, Jyekundo (Chinese: Yushu) Prefecture. In addition to being the abbot, he was also a teacher at the Philosophy and Debate class of the monastery.

In August 2008, the Discipline Inspection Commission of TAR Central Committee of the CPC, and the TAR Government Supervision Department, announced punitive measures against those TAR government officials whose children study abroad in schools run by 'the Dalai clique'.²¹ The measures stated that children of government officials studying at schools and monastic institutions run by Tibetan exiles were allowed return home but could face punitive actions if they fail to do so. Tibetan officials working in the TAR government were threatened and intimidated, forcing them to choose between their jobs or letting their children study abroad. Consequently, many Tibetan children had to discontinue their education in exile and return to Tibet.

The environment of the Tibetan Plateau, also termed the Third Pole²² for its storehouse of ice and snow rivaled only by the North and South Poles, affects the

welfare not only of the Tibetans but also whole of Asia – including China and India. In keeping with Beijing's goal of promoting 'leap forward development,' re-articulated at the Fifth Tibet Work Forum, the Chinese authorities have implemented large-scale infrastructure projects such as building highways, railways, airports, etc, in Tibet. The development projects also include turning Tibetan villages into 'a new socialist countryside,' mineral exploration and building houses under the controversial and ill-conceived policy of resettling Tibetan nomads. Instead of benefiting the Tibetan farming and nomadic communities, employment and profits generated from these projects go to Chinese businessmen and government officials.

The Tibetan Plateau is also the source of major rivers in Asia including the Indus, Yangtze, Mekong, and Brahmaputra. Large sums of money are spent to extract natural resources and build hydropower projects such as dams to divert Tibetan waters to the parched Chinese cities. Chinese planners have long fantasized about diverting the river water to China.²³

The quality of life of local Tibetans has deteriorated over the years as environmental destruction caused by extractive industries and unrestricted urbanization has become more pronounced and severe. As drinking water gets contaminated, pastures for the herds dry up, and dust and sandstorms become more common, Tibetans in many areas have publicly expressed concern and even submitted petitions appealing to the authorities to put a halt to environmentally-destructive activities. However, the authorities have rejected these petitions; instead the petitioners were accused of obstructing and harming the development policy and were intimidated and arbitrarily arrested on trumped-up charges of engaging in political activities.

On 21 May 2010, a number of Tibetans held a demonstration outside the County government office appealing for an end to mining activities in Namling (Chinese: Nanmulin) County in Shigatse Prefecture, TAR.²⁴ The Tibetans said mining activities had affected 'the local environment, the supply of drinking water, and the grazing ground for their cattle.' The county government office refused to hear their appeal and the Public Security Bureau (PSB) personnel arrested 50 Tibetans on the suspicion that they were the organizers of the demonstration. And on 17 August 2010, four Tibetans were shot dead and as many as 30 Tibetan protesters were wounded after they clashed with the PSB personnel during protests against the expansion of a gold mining operation in Payul (Chinese: Baiyu) County, Kardze Prefecture.²⁵

On 24 June 2010, the Yangqi County Court in Xinjiang Uighur Autonomous Region sentenced 42-yr-old Karma Samdup, an award-winning Tibetan environmentalist, to 15 years in prison.²⁶ Karma Samdup was the founder of the Three Rivers Environmental Protection group, an NGO that used to work for environmental protection in the source region for the Yangtze, Yellow (Tibetan: Machu) and Lancang (Mekong) rivers. In 2006, the Chinese government named him the philanthropist of the year for 'creating harmony between men and nature' and his NGO had won several awards including the Earth Prize, which is jointly administered by Friends of the Earth Hong Kong and the Ford motor company.

Karma Samdup's brothers, 44-year-old Rinchen Samdrup and Chime Namgyal, were arrested in August 2009 after their environmental group – Voluntary Environmental Protection Association of Kham Anchung Senggenamzong – attempted to blow the whistle on government officials engaged in hunting endangered animals.²⁷ Rinchen

was sentenced to five years' imprisonment for 'inciting subversion' and Chime was given a 21-month Re-education-Through-Labour sentence for ESS.

On 6 November 2011, two Tibetan monks – Nyanag Phuntsok and Kelsang Jamyang – were arrested by the County PSB officers in Bongtak Themchen (Chinese: Tianjun) County, Tsonub (Chinese: Haixi) Prefecture in Qinghai Province.²⁸ Nyanag Phuntsok, abbot of Dhargyeling Monastery and a resident of Bongtak Themchen Township had, along with Kelsang Jamyang, a student at Ditsa Monastery, penned lyrics about environmental destruction caused by mining activities in Tibet. Along with some Tibetan singers, Nyanag and Kelsang had released the songs in a CD album titled Dulnag ki Phayul. Nyanag's family managed to learn that he was being detained at Themchen County; but Kelsang was taken to Wulan County, some 80 kms away from Themchen County. The Wulan County PSB officers reportedly handed over Kelsang's monastic robes and Yuan 2,000 to his family, but the security personnel did not divulge any information about his whereabouts.

2. Civil and Political Rights

In its second section titled 'Guaranteed Civil and Political Rights', the PRC's Assessment Report on NHRAP (2009-10) states, "Over the past two years, China has been taking effective measures to enhance democracy and the rule of law, actively and steadily advancing the reform of the political system. Civil and political rights have been guaranteed more effectively and the goals about civil and political rights set in the Action Plan in this regard have been achieved."

Article 35 of the Chinese Constitution provides that "Citizens of the People's Republic of China enjoy freedom of speech, of the Press, of assembly, of association, of procession and of demonstration."²⁹

However, Tibetans in Tibet exercising these rights and freedoms – enshrined in the Chinese Constitution as well as international human rights conventions – are arbitrarily arrested on charges of ESS or 'Leaking State Secrets'; overly broad and vague legal provisions. Lawful acts of dissent such as holding demonstrations, expressing one's opinions, religious devotion, and environmental conservation, etc, are suppressed in the name of protecting national stability.

In Tibet, cases of arbitrary arrests, enforced disappearances, and use of psychological and physical torture during police detention is common. Detainees are frequently denied access to judicial process; trials – if they do happen – are conducted behind closed doors, with the choice of defense lawyer denied to the suspect, and the judicial verdicts are politically motivated. Even those who participate in non-violent demonstrations are given heavy sentences.

The policy decisions taken at the Fifth Tibet Work Forum to 'strike harder' than before on causes of instability are now being implemented in the TAR as well as Tibetan areas incorporated into Chinese provinces.

In August 2010, during a meeting held in Lhasa on the security situation in TAR and Tibetan areas incorporated in Chinese provinces, the Ministry of Public Security decided, among others, to strike hard against separatist activities to maintain stability.³⁰ Border controls would be tightened to stop Tibetans from fleeing into exile, which explains the growing Chinese influence and interference

in Nepal, and the uniforms, gadgets, tools, and weaponry of the security personnel would be upgraded.

PSB personnel and other security personnel have implemented intensive 'Strike Hard' Campaigns in towns and cities where the dominant population is Tibetan. Additional police checkpoints have been set up on major highways, restricting local people's movement. Many are arrested on mere suspicion through random checks on hotels and guest houses. The PSB and People's Armed Police (PAP) personnel conduct extra surveillance through 24-hour patrols in Tibetan neighborhoods. New security barricades have been set up to look for any possible suspects and round-the-clock security measures have also been implemented. Since 2009, in Lhasa, it has now been made mandatory for non-TAR Tibetans to get a temporary resident permit from the local police station to legalize their stay. Many Tibetans who visit Lhasa from Tibetan areas in Qinghai and Sichuan Provinces to are forced to leave if they fail to produce official permits.

On 3 March 2010, a widespread and intensive "Strike Hard" campaign was launched in all the seven prefectures of TAR against 'all kinds of criminal activity and to vigorously uphold the social order and stability', reported the official Lhasa Evening News.³¹ In a massive show of force aimed at intimidating local Tibetans, the Lhasa City PSB officials, under the order of Lhasa City government, the TAR PSB, TAR Party Committee and Lhasa City Party Committee, had carried out the 'Strike Hard' Campaign from 9:00 pm (Beijing standard time) across the Tibetan capital, Lhasa. The campaign was also launched across all seven prefectures under the TAR. The official report also noted that the Lhasa PSB personnel detained 70 people without official registration and identity cards from rented rooms located on Sera Road.

On 4 March 2010, the state-run website, ChinaTibetNews.com reported the detention of 435 Tibetans from Lhasa city alone after the launch of the "Strike Hard" Campaign.³² The report stated the Lhasa City Public Security Bureau Police Brigade raided a total of 4,115 rented accommodations, thoroughly checked 60 crime-prone areas, major gathering areas for the migrant population, and carried out comprehensive checks on a total of 7,347 temporary residents in the city, raiding more than 70 guest houses, internet cafes, entertainment centres and bars; a total of 435 people were detained.

The same official website on 5 March 2010 reported that "the Lhasa City PSB headquarters have mobilized 1,134 of its personnel and more than other 300 security forces and raided a total of 2,787 rented accommodations; 21 crime-prone areas; 71 karaoke bars, guest houses, internet cafes, bars; confiscated 12 knives and six banned publications and detained 49 suspects without "Three No". The "Three No" refers to identity card (Chinese: Shen Feng Teng), household registration card (Chinese: Hukou) and temporary stay permit (Chinese: Zian Zhu Zheng)

Taking a cue from the Fifth Tibet Work Forum, which decided to destroy and flush out even the slightest causes of instability, the law enforcement officials are increasingly engaging in arbitrary arrests, illegal detention, torture and enforced disappearances of Tibetan suspects, and in the process they continue to violate the legal provisions and procedural guarantees in Chinese law.

Political prerogatives take precedence over proper legal procedures when trying Tibetan suspects. The judiciary bodies, such as the courts and the procuracy, are powerless to exercise their independence as the directives issued by the CPC remain the supreme factor that influences their

judgments and verdicts. The charges for ESS carry one of the harshest and heaviest sentences. The majority of ESS suspects are almost always Tibetans and Uyghurs. The ESS suspects are frequently denied the rights provided in the PRC's Criminal Law Procedure. Judgments on Tibetan suspects are mostly politically motivated.

Defendants are barred from hiring their own lawyers and are compelled to take the one appointed by the government. Attempts to hire private lawyers are blocked by the authorities, either by applying the skewed logic that this amounts to undue interference in the judicial process or by intimidation of the hired lawyers. Secrecy shrouds the judicial process and interrogation sessions; sentences are given often without the knowledge of the suspect's relatives.

On 11 April 2008, a group of 21 Chinese lawyers expressed their willingness to provide legal assistance to Tibetans who were arrested in the aftermath of the 14 March 2008 protests in Lhasa. In the open letter, the lawyers stated, 'According to the relevant news reports in our country, several hundred people have already been arrested in the Incident of March 14 in Tibet. As practising lawyers, we hope that the government departments involved, in their dealings with Tibetans arrested, will strictly abide by the constitution, the law and the relevant criminal procedures. They should put an end to extorting a confession by torture, respect the independence of the judiciary and safeguard the dignity of law. Here we would like to show our great concern for the relevant cases in Tibet, and would be happy to provide legal assistance to Tibetans arrested.'³³

Several of the 21 Chinese lawyers were warned by the authorities not to defend the Tibetans and some had to withdraw due to official intimidation. These lawyers

said that the Beijing Municipal Bureau of Judicature had talked to these lawyers, forbidding them to represent the Tibetans or to defend them.

In May 2009, the Beijing-based Gongmeng Law Research Center, which released a groundbreaking investigative report on the causes of the widespread Tibetan protests, had also offered their legal assistance to Tibetans arrested after the 2008 protests. However, on 17 July 2009, the public interest group, Gongmeng was closed on charges of 'tax evasion' by the authorities and its founder, lawyer Xu Zhiyong, was arrested.³⁴

On 25 May 2010, Dokru Tsultrim, a 28-year-old Tibetan monk and writer was arrested along with his friend Kelsang Tsultrim at the former's residence in Gomang Monastery, Ngaba (Chinese: Aba) Prefecture, Sichuan Province. At the time of their arrest, they were working on a book that mourns the tragedy caused by the massive earthquake that befell Jyekundo (Chinese: Yushu) Prefecture in Qinghai Province. For almost a year, the fate of both monks remained unknown even as relatives approached officials at both the County and Prefecture PSB offices.

In early May 2011, Dokru's family received a notice from the Intermediate People's Court of Ngaba Prefecture informing them about their son's impending sentence. When Dokru's father and two of his family members reached Barkham, the capital of Ngaba Prefecture, the court had already sentenced Dokru on 7 May to four years and six months' imprisonment.

Dokru was accused of writing two articles that were critical of the Chinese government. He was also the editor of a private journal called "Khawai Tsesok" which was shut down after his arrest.

The Kardze (Chinese: Ganzi) Intermediate People's Court in Dartsedo (Chinese: Kangding) on 23 December 2009 sentenced renowned Tibetan lama, Tulku Phurbu Tsering Rinpoche to eight years and six months in prison.³⁵ Tulku Phurbu Tsering Rinpoche, the abbot of Puruna and Yartse Nunneries in Kardze Prefecture, was arrested in May 2008 on charges of 'keeping an illegal pistol, bullets and cartridges and embezzlement'.

On 16 April 2009, two prominent Beijing-based Chinese civil rights lawyers, Jiang Tianyong and Li Fangping, agreed to defend Rinpoche. After investigating the charges leveled by state prosecutors against Rinpoche, both lawyers concluded that there was no basis in law to support the charges. The lawyers said serious violations of Chinese law have occurred during the judgment on the case and added that the charges against Rinpoche 'lack[ed] factual clarity and sufficient evidence'.³⁶ Rinpoche and his lawyers refused to accept the charges.

In his report to the US Congress on Chinese law and the state of religious freedom in PRC, Jiang stated that his client, Puruna Rinpoche (Phurbu Tsering Rinpoche), was arrested on charges of 'keeping illegal weapons and embezzlement.' In the testimony, Jiang also said, 'after careful investigation of the charges, we have learned that there were other reasons to prosecute Rinpoche.'

Since protests broke out in Lhasa on 14 March 2008, the Chinese authorities have stepped up the implementation of 'patriotic re-education' campaigns in Tibetan monastic institutions, under which monks and nuns are forced to attend 're-education' sessions for long hours. The main thrust of the 're-education' session is to oppose the "Dalai clique"; labeling Dalai Lama with derogatory names; keeping a clear distance from the Dalai Lama; denouncing the Dalai Lama and barring his pictures.

On 14 May 2008, over 200 nuns from Puruna and Yartse Nunneries staged protests against the coercive 'patriotic re-education' campaign carried out by official cadres and police. The protest occurred at the County town where the nuns shouted slogans for religious freedom in Tibet. Many nuns were beaten and arrested by the security officers. Some of the arrested nuns received heavy sentences for their non-violent protests: Sonam Lhatso was sentenced to 10 years, and Bhumo to 9 years, while Sokha and Yangchen Khando received 3 years imprisonment and Tashi Lhamo 2 years. Nun Sonam Choedon became mentally unstable after being repeatedly tortured in custody.³⁷

A former Puruna nun, Wotso Dolma (aged 28), who is now in exile in India, was hit on the head during her participation in the Kardze protest. The blow knocked her unconscious and she, along with other nuns, was arrested.³⁸ In her testimony to TCHRD, Wotso said the nuns staged the protest against coercive 'patriotic re-education' campaigns at the nunnery. Days before the protest, the nuns had refused to sign statements the political education sessions denouncing the Dalai Lama as is required, among others.

Ever since his arrest on 28 March 2008, the Tibetan documentary filmmaker, Dhondup Wangchen, was detained incommunicado for about one year and four months in official custody. He was partly detained at Gongshan hotel, an extrajudicial detention facility or 'black jail'.³⁹ In July 2009, it was learned that Dhondup was detained at Xining City No. 1 Detention Center after his lawyer Li Donyong visited him. Beijing-based lawyer Li was hired by Dhondup's family and friends to represent him. When Li arrived in Xining, the Qinghai court officials barred him from defending Dhondup, saying that the

government had already appointed a defense lawyer. On 28 December 2009, Dhondup Wangchen was sentenced to six year's imprisonment for 'subversion', following a closed-door trial in Xining.

In a secret trial on 21 May 2009, the Intermediate People's Court of Kanlho (Chinese: Gannan) Prefecture, Gansu Province, sentenced Tsultrim Gyatso and Thabkey Gyatso, both monks at Labrang (Chinese: Xiahe) Monastery respectively to life and 15 years imprisonment on charges of ESS.⁴⁰ Both monks, along with 13 other Labrang monks, had staged peaceful protest calling for human rights in Tibet, in front of a foreign media group in April 2008. Families of the monks decided to appeal and hired Beijing-based civil rights lawyer Li Fangping to defend their cases. But Li was barred from providing legal assistance to the two Tibetan monks. Jamyang Jinpa, 37-year-old, who took part on 9 April 2008 protest died on 3 April 2011 after suffering severe torture in detention.⁴¹ Another Labrang monk, 43-year-old Sangey Gyatso, one of the main organizers of the April 2008 protest, died after a year in hiding.⁴²

Two Tibetan men, Loyak and Lobsang Gyatso, were executed in Lhasa for their alleged roles in the protests in Lhasa on 14 March 2008.⁴³ On 20 October 2009, the Lhasa Municipality Intermediate People's Court sentenced Loyak, a resident of Lubuk Township and Lobsang Gyatso, a resident of Taktse County, to death after a secret trial.

Both Loyak and Lobsang Gyatsen were denied access to due process of law; their own choice of defense lawyers; and the whole judicial process was carried out in great secrecy. The court also sentenced Penkyi, Kangtsug and Tenzin Phuntsok to death with two years' suspension; Dawa Sangpo was sentenced to life imprisonment.

The NHRAP (2009-2010) Assessment Report had stated that the 'Death penalty shall be strictly controlled and prudently applied...The state implements stringent judicial procedures for death sentences, and improves such procedures for review.'

As is evident in many cases emanating out of Tibet, lack of due process of law, absence of the right to choose one's own lawyer and the forced appointment of government lawyers for suspects has enabled the courts and procuratorates to issue politically-motivated and extra-judicial verdicts.

On 8 May 2009, on the basis of its principled opposition to the death penalty, the European Union condemned the executions of Lobsang Gyaltzen and Loyak. The EU reiterated its 'concerns about the conditions under which the trials were conducted, especially with regard to whether due process and other safeguards for a fair trial were respected.'⁴⁴

Religious freedom is one of the non-derogable human rights under international law. This right is enshrined in the Chinese Constitution, in the PRC's Regional Ethnic Autonomy Law, and the International Human Rights Covenants. But these provisions are not implemented in Tibet. Instead, the authorities impose restrictive regulations, unwarranted interferences, and accompanying crackdowns on the Tibetan monastic community.

Under the regressive 'patriotic re-education' sessions, the authorities attempt to instill compliance among the Tibetan monastic population towards official viewpoints and political prerogatives. The 're-education' curriculum aims to mould and destroy the traditional education, scholarship, and practice of Tibetan Buddhism.

The traditional centers of Tibetan Buddhism - the monasteries and the nunneries - bear the brunt of intrusive official campaigns against Tibetan Buddhism. The authorities have increased the intensity and frequency of 'patriotic re-education' and 'legal education' campaigns in monastic institutions. Security personnel at the monasteries conduct the so-called 'legal education' classes. Normal religious classes are cancelled to accommodate political education sessions. Monks have staged mass boycotts against the forced implementation of official campaigns. Many were arrested or expelled leading to the closure of many monasteries in Tibet.

Official work teams are now stationed permanently in monasteries and nunneries running 'patriotic re-education' sessions. A series of regulations were introduced in recent years to regulate and restrict the activities of Tibetan monastic institutions. Using these regulations as a tool, the authorities have increased their control and surveillance over the Tibetan monastic populace. The monastic population has decreased in the aftermath of the 2008 demonstrations. For instance, at Drepung Monastic University in Lhasa, in 2008 there were about 1,200 monks: 800 were registered and 500 non-registered. At present, there are only 400 monks left.

In November 2011, Beijing began implementing a new program called 'The Six Ones'.⁴⁵ Based on this six-point directive, the program allows government cadres to spy on the activities and movements of monks and nuns. The Six-Ones is now being implemented all over the Tibetan Plateau. The Chinese authorities view Tibetan monastic institutions only through a prism of political suspicion, leading to political repression and 'Strike Hard' Campaigns against monks and nuns.

Under a new program, over 20,000 government cadres grouped under various 'work teams' have been tasked to 're-educate' Tibetans and document their personal details.⁴⁶ This program, set to last for two-three years, has cadres visiting every village and town located even in the remotest of places in Tibet.

In December 2011, the State-owned Tibet Daily reported the introduction of the Nine-Must-Haves program to supply Tibetan monastic institutions with newspapers, radios, libraries, and television programs produced by the Chinese government.⁴⁷

As a welfare initiative, the Chinese government announced the supply of new roads, running water and electricity to monasteries and nunneries. The program also requires the monasteries and nunneries to hang portraits of four past and present Chinese leaders and the Chinese national flag in their inner sanctums and residences. On 22 January 2012, the official Chinese news agency, Xinhua, reported the successful hanging of over a million national flags and portraits of Chinese leaders in 'Tibetan houses, temples, schools and government offices' in TAR.⁴⁸ Xinhua said the purpose of hanging Chinese leaders' portraits is to express 'gratitude for the Party and central government.'

Many monks and nuns were arrested or expelled, one even died, during the forced hanging of Chinese leaders' portraits and Chinese national flags in the inner sanctums of monasteries and monastic residences.

In recent months, the Chinese authorities in Tibet have established Monastery Management Committees (MMCs), an unelected body whose staff are directly appointed by the Party and the government.⁴⁹ On 15 February 2012, the officially-approved Global Times reported that since November 2011, the Chinese authorities had established

MMCs in 1,787 monasteries.⁵⁰

The MMCs now exercise the power and authority held by the erstwhile Democratic Management Committees (DMCs). A Communist Party cell is embedded in every monastery or nunnery. The bigger monasteries now have police stations in their compounds. People's Armed Police camps, called the Armed Police Fire Brigade, have been set up at Drepung and Sera monastic universities in Lhasa, TAR.

Around the end of February 2012, a number of Tibetan monasteries in Nagchu (Chinese: Naqu) Prefecture's Diru (Chinese: Biru) County in TAR have been forced to hand over the entire administration and management of the monasteries to groups of cadres sent by the Beijing government.⁵¹

On 19 April 2012, at the award ceremony to honor 'model monasteries' and 'highly advanced and patriotic' monks and nuns, the TAR Party Secretary Chen Quanguo said monks and nuns should 'effectively recognize the politics of the Dalai Clique's reactionary, religious hypocrisy, and deceptive means' and 'separate themselves from separatist activities by draw[ing] line with the Dalai clique' and 'not participating in separatist activities to disrupt social order'.⁵²

In April 2012, an unidentified elderly monk at Denchokor Monastery, in Jomda (Chinese: Jiangda) County, Chamdo (Chinese: Qamdo) Prefecture, TAR, died of a heart attack after the Chinese government work teams forcibly hung portraits of Chinese leaders and Chinese flags in the monastery. Many monks at Denchokor have since left, as the monastery remains vacant.

In March 2012, about 20 of the 22 monasteries in Diru (Chinese: Biru) County, Nagchu (Chinese: Naqu) Prefecture TAR, had to be closed after the monks refused to comply with the demands of the 'patriotic re-education' sessions under which denouncing the Dalai Lama, the revered spiritual leader of the Tibetan people, is mandatory.

By 27 May 2012, some 37 Tibetans had self-immolated in protest against the Chinese government, calling for the 'return of the Dalai Lama to Tibet', 'freedom for Tibet', 'human rights', 'religious freedom', and 'independence for Tibet', etc. Out of them, 28 died after succumbing to burn injuries and the surviving ones are battling for their lives.

In March 2012, five monks were arrested after protests broke out against official attempts to hang portraits of Chinese leaders and Chinese national flags at Lhundhing Monastery in Ngamring (Chinese: Angren) County, Dachu Township, Shigatse Prefecture. The monks had protested that the monasteries were meant for religious practices and not for political propaganda.

On the afternoon of 30 May 2011, when monks at Drepung Monastery were making preparations to observe the annual fasting ritual, a group of officials and PSB personnel approached the venue and ordered the cancellation of the ritual. Devotees from outside the monastery were forced to leave, and major intersections and the venue itself were cordoned off.

Two Drepung Monastery officials, staff member Jamphel Wangchuk and tutor Konchok Nyima were sentenced respectively to life and 20 years in prison.⁵³ There are no details yet on the judgment passed by the Lhasa Municipal Intermediate People's Court in June 2010. Both were

arrested 11 April 2008 on political suspicions. Both were detained incommunicado for over a year-and-a-half.

On 22 May 2009, the abbot of Denchokor Monastery, Gyen Tenzin Gyaltsen (aged 37) was sentenced to 15 years in prison by Jomda County People's Court in Chamdo Prefecture. Gyen Tenzin Gyaltsen was charged with 'organising separatist activities' and 'supporting the Dalai clique'. Former staff of the monastery including Gyen Nyichig (aged 50), Ngawang Tashi (aged 51), and Tado (aged 30) were sentenced to 15 years each in prison for 'throwing grenades' and 'engaging in separatist activities'.

On 16 January 2009, Gyen Jamyang Sherab (aged 42), the senior chant master of Denchokor Monastery, was sentenced to 13 years' imprisonment for engaging in 'separatist activities' and 'supporting the Dalai clique' after he refused to comply with the government officials' order to sign a document containing all sorts of allegations and derogatory remarks denouncing the Dalai Lama. Another former staff member of the monastery, Tsering Palden, 36, was sentenced to 12 years for ESS and 'engaging in separatist activities'.

In 2009, Lobsang Tsultrim, a staff member of Jakhyung Monastery at Tsoshar (Chinese: Haidong) Prefecture in Qinghai Province was expelled from his monastery and forbidden from joining other monasteries. On 27 June 2009, a group of officials from the County PSB arrived at the monastery and directed Lobsang Tsultrim to organize a meeting to introduce political education sessions in the monastery. Lobsang Tsultrim did as he was directed but failed to get a single monk to attend the meeting, due to which the County officials had to cancel that year's 're-education' session. The officials criticized Lobsang Tsultrim for his failure to impart the correct education

to the monks and accused him of not maintaining proper order at the monastery. Political aspersions were cast on the senior monk for failing to attract even one monk to the political education meeting.

The Chinese authorities have said that there are over '1,700 venues of religious activities,' such as temples, monasteries, and nunneries and over '46,000 religious faculties' such as monks and nuns.

However, on 10 June 2011, the State-owned ChinaTibetNews.com reported that the total number of Communist Party members in TAR had reached 280,000, which accounts for 7.2 percent of the overall population in TAR.⁵⁴ Also the number of Party units such as administration, police, army, etc was 12,000. The report also stated that over three million live permanently in TAR, among them over 2.7 million are Tibetans. This means that about 90.48 percent are Tibetans majority of whom are devoutly religious. However, there are only 1,700 religious activities centers such as temples, monasteries, etc, for the Tibetans. Compared with 12,000 Party activities centers, 1,700 religious centers are woefully meager.

The PRC's NHRAP Assessment Report further states that the Chinese people were able to express their opinions online. The report said that in the end of 2010, the total number of internet users in China had risen to 457 million. About 34.3 percent of the PRC's population uses the internet. According to the report, there were 552 websites in PRC.

In practice, any expression of opinions through online writings on subjects ranging from language rights, traditional culture and traditions, or any truthful reportage inconsistent with official narratives are

criminalized under the vague and overbroad law on 'ESS'. Such websites were closed down, and their owners and contributors arrested, disappeared, or sentenced without fair trials. On 1 February 2012, several of the most popular independently-run Tibetan language blog sites were closed.⁵⁵

On 1 May 2012, the Chinese authorities in TAR introduced a new regulation with 16 rules, which required all internet service providers and users in TAR to register with the local internet watchdog, reported the State-approved website Global Times.⁵⁶ According to the website, real-name registrations had already started in TAR since early 2011. The TAR real-name registration regulation requires users to register their personal details and a record of the time spent at internet cafes, tea houses, bars, and waiting rooms at airports. Internet service providers and owners are required to 'keep a record of published information, including time and websites' and submit a report to the local Internet Office of TAR within at least 60 days.

Xu Zhitao, an official on Tibet-related issues at the United Front Work Department of the CPC Central Committee has said that the real-identity registration was 'due to the complicated ethnic and religious reality'.⁵⁷ In a statement issued on 15 February 2012, the TAR Party Secretary Chen Quanguo called for tighter real-name registration requirements for internet and mobile phone usage, and greater supervision of internet to help ensure the 'absolute security of Tibet's ideology and culture'.⁵⁸

On 1 October 2009, China's National Day, three Tibetan youths, Gyaltsen (aged 25), Nyima Wangchuk (aged 24), and Yeshe Namkha (aged 25), all hailing from Rata village, were arrested in Sog County, Nagchu Prefecture, for 'communicating with foreigners'. Sources familiar with the situation suspect that they were arrested for

sharing photographs and speeches of the Dalai Lama in their online writings on qq.com, the online Chinese chat service. The fate of the three youths remains unknown to this day. An unconfirmed report in December 2009, however, said Gyaltzen and Nyima Wangchuk were sentenced to three years.⁵⁹

The Intermediate People's Court of Kanlho Prefecture, Gansu Province, sentenced Kunchok Tsepel, the editor of Choemey (English: Butter Lamp) website to 15 years in prison for 'Leaking State Secrets'. Kunchok Tsepel was charged with publishing writings and pictures opposed to the official viewpoints.⁶⁰ The same court sentenced Kunga Tseyang (Pseudonym: Gangnyi), a monk at Longkar Monastery and writer-photographer for a local environment organization in Golog (Chinese: Guluo) Tibetan Autonomous Prefecture, Qinghai Province, to five years imprisonment for writing essays titled 'Who is the Real Splittist?' and 'Chinese Must Apologise to the Dalai Lama'. He was charged with 'Leaking State Secrets'.⁶¹

3. Rights and Interests of Ethnic Minorities, Women, Children, Elderly People and the Disabled

The PRC's NHRAP (2009-10) Assessment Report states that 'Over the past two years, China has taken further measures to protect the rights and interests of ethnic minorities, women, children, elderly people and the disabled, and achieved the goals set by the Action Plan.'

Article 112 to Article 122 of the Chinese Constitution provide for 'Organs of Self-Government of National Autonomous Areas,' implementation of regional national autonomy for minority nationalities living in minority areas to exercise their right to regional autonomy.⁶²

Further, on 31 May 1984, the second session of the Sixth National People's Congress (NPC) adopted the Law on Regional Ethnic Autonomy and enforced it on 1 October 1954. In 2001, the Standing Committee of the NPC made revisions to the Law on Regional Ethnic Autonomy. To a certain extent, the current law provides a number of special rights to 'ethnic minority nationalities' on paper. But after over 50 years, these legal provisions have failed to protect and promote the rights of the minority nationalities.

The CPC Party Secretary is the most powerful post in TAR; it is the Party Secretary who directs or decides on policy and administration of TAR. For instance, in TAR, the highest level practical decision-making body is the TAR Party Committee. The Party rules over the TAR government, the TAR People's Congress, the local courts, local procuratorates, etc. Under the TAR Party Committee, the local Party Committees and government cadres hold the second most powerful position. Tibetan cadres or officials, even if they hold high posts administrative or political posts, lack actual authority and power in the policy-making process.

According to the Chinese Constitution, the TAR People's Congress is the most powerful law-making body but it continues to function under the policies and directives of the Party. Moreover, the members of the TAR Party People's Congress are not elected directly by the people; they are elected by the members of the CPC.

On 22 October 2010 four human rights experts of the 17th session of the UN Human Rights Council jointly issued an urgent appeal to China 'regarding allegations relating to restrictions imposed on the use of the Tibetan language in schools in the Tibetan Autonomous Prefecture'.⁶³ Further, the UN human rights experts said

“such alleged restrictions on the use of the Tibetan language in schools would have a negative impact on those of Tibetan origin and the preservation and promotion of the Tibetan language generally.”

On 17 March 2010, four editors and contributors to the student magazine, Namchak, were arrested in Barkham County.⁶⁴ Sonam Rinchen, 19, Sonam Dhondup, 18, Yargay and Drakden studied at the Barkham Nationalities' Higher Intermediate School where they initiated a gathering of Tibetan students on March 17 this year to commemorate the 2008 uprisings.

Sonam Rinchen and Yargay were sentenced to two years in prison but there is no information on their current whereabouts. Sonam Dhondup and Drakden are said to be in detention somewhere in Barkham County.

4. Human Rights Education for the Public

The PRC's NHRAP (2009-10) Assessment Report states that 'With the Chinese government's efforts in the field of human rights education and publicity, the Chinese public's awareness of human rights and their ability to safeguard such rights have been greatly enhanced during the past two years.'

In practice, even as a member of the United Nations, the PRC has not fulfilled its responsibilities in educating Chinese citizens on human rights. The claims that the Chinese government organized educational programs and workshops are mere words that were not implemented in practice. The public schools and the common people were not given human rights education or, as the assessment report claims - 'training sessions.' Arbitrary arrests and detention of human rights activists are a common occurrence.

In August 2011, Jigme Guri, a monk and scholar at Labrang Monastery, was detained for the fourth time after he recorded a 22-minute video testimony of his own torture and imprisonment and other human rights violations in Tibet.⁶⁵ In January 2011, the Procuratorate of Kanlho (Chinese: Gannan) Tibetan Autonomous Prefecture charged Jigme with ESS. However, details on his trial or sentencing are not available, nor any information on the location of his detention.

During the plan period, the authorities launched a few human rights websites such as Tibet Human Rights website (Chinese: Xizang Renquan Wang), which provides a highly-imbalanced picture glossing over the real human rights situation in Tibet. Cases of human rights violations are rarely reported on these websites. Moreover, no United Nations literature on human rights conventions and covenants are available in the Tibetan language in Tibet, denying the opportunity of learning to those Tibetans who are interested in getting a human rights education.

5. Performing International Human Rights Duties, and Conducting Exchanges and Cooperation in the Field of International Human Rights

The PRC's NHRAP (2009-2010) Assessment Report states that 'China conscientiously fulfils its obligations under the international human rights conventions to which it is a signatory, and advocates and actively participates in exchanges and cooperation in the field of international human rights. It has fulfilled its commitments in the Action Plan, making new efforts for the healthy development of international human rights endeavors.'

In recent years, international criticisms against China's human rights violations have increased considerably and many countries have regretted the downward slide in the human rights situation, particularly in Tibet.⁶⁶ To counter and deflect such criticisms, the Chinese government held a number of meetings with the governments of the US, the UK, The Netherlands, Germany, Italy, etc. on the subject of human rights. However, these talks have failed to bring any improvement in the human rights situation in Tibet and it is increasingly felt that the Chinese government is merely using such international dialogues as a smokescreen.

China spend billions of dollars on burnishing its international image, not realizing that its human rights record also plays an important role in determining whether China - for all its economic achievements - is also a responsible and civilized member of the international community.

A number of provisions enshrined in international human rights covenants remain unimplemented in Tibet as the Chinese government continues to give excuses for its failure to respect the rights and interests of the Tibetan people. Official pronouncements make distinctions between Chinese and international systems, ideologies, cultures and traditions.

In 2009 and in 2010, in Beijing, the Chinese government held two international symposiums respectively on human rights where there was no discussion or even a mention of the human rights problems in China or Tibet.⁶⁷ For all its talk on protecting Tibetan autonomy and human rights, at the symposiums, there was not a single participant from the significant corpus of individual Chinese human rights advocates or NGOs, and none from Tibet or Xinjiang. The voices that are most reflective of

the long-running human rights wrongs committed by the authorities are sidelined, intimidated and silenced.

In his written address to the China Society for Human Rights Studies⁶⁸ on the occasion of the 60th anniversary of the Universal Declaration of Human Rights, the Chinese president Hu Jintao said China "will strengthen international cooperation" in the human rights field to contribute to the building of a "harmonious world featuring lasting peace and common prosperity."⁶⁹ Stressing the "principle of 'people first'", Hu also said China will "prioritize people's rights to existence and development in its socialist modernization drive and ensure, in accordance with law, the equal rights to participation and development of all society members.

Hu made these high-flown statements in the middle of Beijing's widespread crackdown on legitimate mood of desperation and despair of Tibetan protests, which continues to this day - albeit in a more heightened way.

Conclusion:

Tibetan protesters, even when airing their grievances non-violently, are beaten up, arrested and tortured. All expressions of Tibetan identity - of restoring and promoting Tibetan culture; protecting the environment; expressing one's opinions through art, poetry, and songs; practicing one's beliefs and observing religious rituals; etc. - are viewed with suspicion and Tibetans are frequently charged and tried in kangaroo courts mostly for ESS charges.

Tibetan human rights advocates, grassroots activists, citizen journalists, bloggers, writers, artists, students, and religious practitioners are arbitrarily arrested without

warrants and held in extra-judicial detention. Cases of enforced disappearances and torture occur on a routine basis. Heavy sentences are delivered through no-trial or politically motivated trials.

The official security apparatus has unleashed a series of arbitrary acts of abuse, restricting and controlling the lives of Tibetans. The official policies currently being implemented in Tibet run contrary to Tibet's belief system, cultural traditions, and Tibetan way of life since time immemorial. Since 2011, self-immolation protests have occurred in major parts of Tibet without any let-up in sight. Security personnel violently suppress non-violent protests involving Tibetans distributing leaflets, waving Tibetan flags, taking out protest marches, or organize gatherings.

A 2011 study by Human Rights Watch pointed out that by 2009, per capita annual spending on public security in Ngaba had reached 779 RMB, five times the average spent per person on public security in non-Tibetan areas of Sichuan Province.⁷⁰ The report attributes high security spending to self-immolation protests, adding, 'heavy-handed security exacerbates [Tibetan] grievances, desperation.'

In 2012, the PRC's planned budget for police, state security, the armed militia, courts and jails was US\$95 billion, a 13.8 percent jump from previous estimates.⁷¹ With this hike, China's planned internal security spending has outstripped its defence budget for the first time.

Frequent regulations and directives are introduced by Beijing to tighten control over monastic activities, leading to the consistent violation of religious freedom. On 14 February 2012, the State-owned Tibet Daily quoted Te Feng, Director of the Nyingtri (Chinese: Nyingchi) County

United Front Work Department as saying that the reason for harmony and stability in Lama Ling Monastery in Nyingtri was due to the efficient work done by the Communist Party branch (Chinese: Tang Zhi Pu) in the newly-established MMCs.⁷² The report also said the MMCs' first priority was to set up a Communist Party branch in every Tibetan monastery and to enforce campaigns such as the 'Nine-Must-Haves' and 'The Six Ones'.

Monks and nuns are forced to abandon their respective monasteries and nunneries due to the continued implementation of 'patriotic re-education' and 'legal education' campaigns. Party cadres take the lead in organizing official campaigns in the monastic institutions. The intense surveillance leaves no room for the monks and nuns to attend normal religious classes, which are often cancelled to accommodate the official political education sessions.

Many are accused of harboring what the authorities call 'separatist' ideology if they refuse to comply with the demands of political education sessions, which force monks and nuns to sign statements denouncing the Dalai Lama. Many are arrested, expelled or barred from joining other monasteries. The PSB and PAP personnel are now posted inside the monastic compounds, reducing the monasteries to virtual prisons. Since 2008, the number of monks and nuns has gone down. In April 2011, Chinese security personnel imposed a long-running siege on Kirti Monastery in Ngaba Prefecture, location of the majority of self-immolation protests.⁷³ As a punishment to the monks for resisting 'patriotic re-education' campaigns, the authorities cut off water and power supply to the monasteries and barred monks from venturing outside, even for grocery-shopping. This led to severe lack of food in the monastery.

A growing number of monastic institutions are being closed or are on the verge of closure after arrests and imprisonment of highly-revered Tibetan spiritual masters on trumped-up charges. For instance, the fate of Puruna and Yartse Nunneries in Kardze County, Sichuan Province, is uncertain following the arrest of the head of the nunneries, Tulku Phurbu Tsering Rinpoche, who was sentenced to eight-and-a-half years' imprisonment.

Upon its release in 2009, the National Human Rights Action Plan (2009-2010) had raised hopes and expectations among the world community of rights activists. But welcoming it as a giant step in the right direction was premature and naively optimistic. Like all the promises of a socialist paradise since the era of Mao Zedong, this plan remains purely on paper in Tibet. Today the plateau is suffering diminishing freedoms, harsh new campaigns to control and crush the practice of Tibetan Buddhism, and economic discrimination leading to poverty and despair.

To set your precious human body on fire is not attention-getting, a fad, or a sign of mental derangement. Under China's increasingly brutal control, it is the only thing you can call your own. And offering it is a signal to the world that Tibetans have reached the point where the cost of living under the rule of Beijing is far greater than the cost of exercising one's human rights.

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