

TCHRD 1996-2006
A Decade of Human Rights Research



Tibetan Centre for Human Rights & Democracy

Tibetan Centre for Human Rights and Democracy

The Tibetan Centre for Human Rights and Democracy (TCHRD) is the first Tibetan non-governmental organization to be formed with the mission to promote and protect human rights of Tibetans in Tibet and to educate the exile Tibetan community on human rights concepts and democratic principles. TCHRD is independent of the Tibetan Government-in-exile, and is based in Dharamsala, India. It is funded by donations from individual supporters and foundations around the world. It was founded in January 1996 and was registered as an NGO on 4 May 1996.

TCHRD conducts regular, systematic investigations of human rights abuses in Tibet and publishes research documents on various human rights issues confronted by the Tibetan people in Tibet. TCHRD organizes various educational programmes like workshops, talk series, and public discussions in an effort to empower the Tibetan exile community to play an important participatory and vigilant role in a democratic future Tibet. TCHRD attends the UN Commission on Human Rights and takes part in other national and international conferences to highlight the human rights situation in Tibet.

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INTRODUCTION

2006 marks the 10th anniversary of the Tibetan Centre for Human Rights and Democracy (TCHRD), which was established in 1996. Over the past ten years, TCHRD has endeavored to uncover human rights violations in Tibet and reveal its findings to the rest of the world. The Centre's location in Dharamasala in northern India allows it direct access to Tibetan refugees in exile, from whom it gathers first hand information. This has enabled the Centre to publish timely reports, press releases and news updates regarding the human rights situation in Tibet under Chinese rule. As TCHRD prepares to embark upon another decade of human rights research, it remains firmly committed to realising the goals set out in its 'mission':

- To educate the Tibetan community in exile in the principles and concepts of human rights and democracy.
- To promote and protect the human rights of the Tibetan people in Tibet through letter writing and signature appeals and to submit memoranda to visiting delegations and the media providing factual data challenging the Chinese authorities over their human rights record in Tibet.

TCHRD firmly believes that we must engender a culture of human rights and democracy within the Tibetan community in exile to ensure that these ideals are realised in a future Tibet. The Centre therefore organises annual collaborative workshops with international NGOs to educate the exile community on the concepts and ideals of human rights and democracy. The Centre has so far organized fourteen large-scale human rights workshops giving human rights skill training to Tibetan school and university students as well as governmental and non-governmental staff. The staff of the Centre visit schools, institutions and settlements to give talks, which aim to deepen the exile community's understanding of these concepts. TCHRD also engages in public campaign activities as well as organising in-depth awareness programs. The Centre produces a range of educational materials on human rights and democracy for free distribution.

TCHRD uses three methods to fulfill its goals: investigations, research and publishing. The Centre conducts systematic investigations of hu-

man rights abuses in Tibet, monitors China's shifting policies and publishes research documents on human rights issues concerning the people of Tibet. The Centre releases its annual report on the human rights situation in Tibet in January every year. It also publishes topical reports on specific human rights cases: torture, prison conditions, education, religious repression, land and housing rights, capital punishment and on any other urgent issues it deems necessary.

TCHRD actively engages with the global community through diplomacy, advocacy and partnership. The Centre targets the United Nations with its research and it regularly attends the UN Commission on Human Rights in Geneva (now the Human Rights Council), as well as other regional, national and international conferences. The Centre also submits memoranda to visiting delegations and the media, providing factual data regarding the human rights record of the Chinese authorities in Tibet. TCHRD also conducts international campaigns such as letter writing and petitions.

This report gathers together the research that TCHRD has done over the last ten years, presenting a general overview of the human rights situation in Tibet. It focuses on violations of human rights as enshrined in international law, using primary and secondary sources to represent a coherent picture of the abuses committed by the Chinese Communist Party against the Tibetan people. The sections in this report cover the torture inflicted under the banner of the Strike Hard and Patriotic Education campaigns and the deaths that have resulted; the economic discrimination against the Tibetan people and the negative impacts of 'development'; the state of education for the Tibetan population; the environmental destruction in Tibet and the human rights implications of the exploitation of natural resources and sacred land; and finally the response of the UN and the international community to the actions of the Chinese government that consistently infringe the human rights of the Tibetan community.

TCHRD owes its gratitude to many individuals and organisations who have contributed immensely to the Centre's work and who continue to raise awareness of the plight of the Tibetan people. The Centre would like to give specific thanks to Heinrich Boell Foundation, whose grateful financial support has ensured the continuance of TCHRD's work.

OVERVIEW

Since 1949, the Communist Party of China (CPC) has consistently and systematically deprived Tibetan people of their basic human rights: this has had a wide-reaching and negative impact on traditional Tibetan way of life. China's first Five Year Plan in 1957 was followed by the Great Leap Forward campaign, which disturbed the entire economic set-up of the countryside. The Cultural Revolution inflicted further upheaval on the countryside: as a direct result of China's policies Tibet suffered its first ever famine, and it is popularly estimated that the Chinese occupation resulted in the deaths of 1.2 million Tibetan people. The scale of loss of life in Tibet is tantamount to genocide according to international norms, though international condemnation of China has not always been forthcoming. China claims that the guaranteeing of human rights is a gradual process for a country with such a large population, yet this cannot justify five decades of consistent abuse of human rights. As a signatory to the International Covenant on Civil and Political Rights (ICCPR), China should take its obligations under this treaty seriously.

STRIKE HARD CAMPAIGN

Introduction

The Strike Hard campaign, known as 'Yanda' in Chinese, was first launched in 1983 by the Chinese government with the alleged aim of cracking down on increasing crime rates. Criminal activities were to be countered with harsh measures, involving swift and rapid adjudication and severe punishments. Rather than having any perceptible effects on crime rates in China, the Strike Hard campaign rather eroded fundamental human rights and civil liberties, and was used as a means of eradicating any form of political dissent within Tibet.

The Strike Hard campaign launched in Tibet in 1996 was a manifestation of the policy of 'zero tolerance' that had been pursued by the Chinese authorities since the unrest of the late 1980s, in Tibet. The popular protests in Tibet September 1987, October 1988 and March 1989, as well as the turbulent events of Tiananmen Square led to a conviction that hard line policies were necessary to protect 'national stability'. With the first two months of the campaign, launched on 28th April 1996, over 1000 death sentences in China were recorded by Amnesty International, most of which were executed. Legislation passed during the 1983 Strike Hard campaign led to the speeding up of trials and sentencing so that defendants were tried without warning and without being given a copy of their indictment in advance. These procedures violated the right of the individual 'to have adequate time and facilities for the preparation of his defense', outlined in Article 14 of the International Covenant on Civil and Political Rights, to which China is a signatory.

All three Strike Hard campaigns were used as a way of rooting out political dissidence in Tibet, and the 2001 campaign specifically recognized 'threats to the nation's stability' as a major offence. Wang Lequan, Party Secretary to Xinjiang, stated quite explicitly that 'different regions have a different focus depending on their local situation' and such Strike Hard was seen as linked to the anti-splitist struggle. It was this recognition that led to the 'Patriotic Re-education' campaign alongside Strike Hard in 1996, focusing specifically on religious institutions in Tibet that were seen as the bastions of political dissent.

Since September 11th, Strike Hard tactics against political dissidents have been justified in the name of the 'war on terror'. Tulku Tenzin Delek Rinpoche and Lobsang Dhondup were both convicted for committing 'terrorist acts', though concrete evidence has not been forthcoming. Their mistreatment in the hands of the authorities is documented below. Since the end of 2004, the pre-emptive fight against 'splittists', Dalai cliques', 'religious extremism' and 'underground activities' has intensified and in October 2004 'Patriotic Reeducation' was formally re-launched. Below are outlined some of the many instances of political suppression, torture and violence against Tibetan people in the name of the Strike Hard campaign.

Political suppression, Imprisonment and Violence under Strike Hard²

China is a signatory to the Universal Declaration of Human Rights (UNDR) and the International Covenant on Civil and Political Rights (ICCPR). It has signed and ratified the International Covenant on Economic Social and Cultural Rights (ICESCR) and the Convention Against Torture (CAT). Since 1991 China has been releasing regular white papers on human rights, and has made some attempts to respond to basic human rights issues. This attitude marks a welcome shift from the years when the emerging concept of universal human rights was ignored, or even treated with hostility. Nonetheless, human rights violations continue in Tibet. To date, TCHRD has recorded 81 deaths of Tibetans as a direct result of torture. This section outlines examples of abuse over the last decade, including the suppression of political beliefs, martial law, physical violence and torture.

Restriction of Freedom of Expression

This subsection will give examples of political suppression that specifically restrict expression in the arts. These instances are generally part of the Strike Hard campaign against political dissidence, and represent a violation of Article 19 of the UDHR and ICCPR.³

Gonpo Dhondup, a 24-year-old musician from the Achok township, was fined and imprisoned after being accused of performing politically subversive songs. Dhondup had initially fled Tibet in the mid nineties,

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• but returned in 1997 after failing to adapt to the Indian climate. Upon return, he worked for the Song and Dance Institute of Labrang County. It was during this period that his employers alleged to the Chinese authorities that Dhondup's songs were 'political in nature'.

There have also been attempts to suppress discussion of Tibetan culture. Gendun, a monk and teacher of Monastic dance, was arrested in February 2005 after holding a meeting on Tibetan culture and history in the Tsolho "Tibetan Autonomous Prefecture" ("TAP"), Qinghai Province. Close to twenty students and teachers were arrested in connection with the meeting. Gendun was sentenced to four years imprisonment reports from Tibet indicate he is serving his sentence in a forced labour camp.

The Tibetan writer Woeser (Ch: Wei Se) was removed from her job at the Tibetan Cultural Association after writing a collection of thirty-eight essays on Tibetan history and social life. The essays were banned in parts of China after the United Front Department and Publications Bureau claimed it contained positive references to the exiled Dalai Lama. After losing her job, Woeser was also evicted from her home, had her health and pensions benefits terminated and lost the right to apply for a passport to leave the country. In July 2006, two blogs by Woeser hosted by the tibetcul.net and daqi.net were shut down on government order following an increased surveillance and control of internet.

Dolma Kyab a.k.a Lobsang Kelsang was arrested on 9 March 2005 in Lhasa for writing unpublished manuscripts. The twenty nine year old middle school history teacher was detained for writing on topics including democracy, sovereignty of Tibet, Tibet under communism, colonialism, religion, belief and so on. He also wrote manuscripts on sensitive topics such as on location and number of Chinese military camps in China. Dolma Kyab was sent to "Tibet Autonomous Region" ("TAR") Public Security Bureau Detention Centre (known as *Seitru* in Tibetan). September 16th 2005 saw him wrongly charged for "Endangering State Security" by the Lhasa People's Intermediate Court. He was sentenced to ten years imprisonment. Whilst his time in prison, Dolma Kyab managed to smuggle a letter appealing to U.N human rights body for help. The Chinese deny the arrest of Dolma Kyab as well as the existence of such manuscripts. His family appealed for a retrial and upon declaration, he was transferred to a newly opened Chushul Prison. How-

ever the prison officers refused to accept him as he had contracted Tuberculosis whilst in detention. After some treatment he was then transferred to the Chushul Prison in March 2006.

Forced Labour

Forced labour is another form of abuse. Below are listed just some examples of the numerous cases of forced labour in occupied Tibet, which violate Article 8 of the ICCPR, and Article 7 of the ICESCR⁴, and Principle 2 (b) of the International Labour Organisation's Declaration on Fundamental Principles and Rights of Work.⁵

Until 1998, local authorities in the Shekar township forced labour upon all Tibetans over the age of eighteen. Labour consisted of road construction, irrigation and building work. All living and travel expenses had to be borne by the worker. A similar situation was reported in the Trago township villages, where Tibetans between the ages of 16 and 58 were expected to work on road construction without pay. The authorities fined those who failed to participate

Prisoners are often forced into labour in specially designed camps. Powo Tramo's labour camp, 500 kilometres east of Lhasa houses nine political prisoners: eight monks and one former Lhasa University student. Their crimes include publicising independence slogans and breaking a government building nameplate. Living conditions are reported to be poor in the camp; cells are often flooded, meals are unhygienic and unreliable road connections prevent regular family visits.

Violence and Torture

China ratified the UN Convention Against Torture in October 1988. As a result, it is obliged to take '*effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction*'. Despite this, there continue to be reports of violence and torture occurring in Chinese prisons which result in physical and mental impairment. Those who perpetrate these crimes continue to be treated with impunity. The following examples of violence and torture represent violations of Article 2 and 4 of the Convention.⁶

Drapchi Prison has been the site of numerous alleged tortures. Reports from Tibet indicate eight prisoners died in the prison during 1 May and 4 May 1998 protests by prisoners, whilst a further sixty were injured (fifteen critically). Previous violence in the prison includes the case of nun Rinzin Choenyi. Imprisoned in 1989 for her participation in a political demonstration, Choenyi was initially sent to Gutsa Detention Centre where she suffered beatings, electric shocks and cigarette burns to her body, as well as being hung from the ceiling. After two months Choenyi was transferred to Drapchi, where she experienced further and more extreme torture, including electric shocks to the mouth, forced prostrations in water and ice, and blood extraction. Further abuse in Drapchi includes: nuns being beaten and electrocuted for celebrating Tibetan National Uprising and New Year; Gyaltzen Choedron, a 28-year-old nun, being beaten so severely that her right leg is permanently damaged; ill prisoners Ngawang Choekyi and Gyaltzen Kalsang being forced to partake in strenuous exercise.

Following the two demonstrations, all regular activities in Drapchi Prison were suspended and severe restrictions were imposed on visitors wanting to meet with prisoners. It was reported that every prisoner was subjected to interrogation about the demonstrations; prison officials allegedly threatened prisoners with execution if they spoke of the circumstances surrounding the demonstrations.

In Dartsedo Detention Centre, Sichuan, the torture of Lobsang Dhondup injured him so extremely that the prison he was to be transferred to refused to accept him. Dhondup was arrested in June 2002 in connection with the bombing of Chengdu's main square in April of the same year. Whilst in custody he has reportedly had both legs broken, and lost his sight in one eye. Dhondup had no health complications prior to his imprisonment.

There have been further reports of torture in the Sichuan Province as recently as August 2005. Whilst staging a protest against the Manikengo slaughterhouse, which resulted in it being burnt down, six men were arrested and held in Dege Country Jail. After sustained torture in detention, one of the six detainees was reportedly blinded.

Torture resulting in death

To date, 81 Tibetans have died as a direct result of injuries sustained in detention. Some of the deaths occur after sustained torture, and the absence of medical attention or intervention. The cases described below are a few of the examples TCHRD has researched.

Phuntsok Yangkyi, a 20-year-old nun from Michungri Nunnery, died on 4 June 1994. Yangkyi was serving a five-year prison sentence for participating in a pro-independence demonstration in Lhasa. After being hospitalised (reports vary as to whether she was hospitalised for beatings, or a tuberculoma) Yangkyi was allegedly injected twice into her back, and had a fluid extracted from her back. After the extraction, Yangkyi went into a coma and her nails, tongue and lips turned blue. Six days after her admission to hospital, Phuntsok Yangkyi died. Her body was not returned to her family.

Sonam Wangdue, a 44-year-old trader from Lhasa, died in late March 1999. Wangdue was imprisoned in 1988 for his alleged involvement in the killing of a Chinese policeman during a Tibetan demonstration. Wangdue was sentenced to life imprisonment, and initially sent to Gutsa Detention Centre where he underwent extreme torture. In Gutsa he suffered kidney damage and a broken back, before being transferred to Drapchi Prison where additional beatings left him wheelchair-bound with a badly damaged head and face. When released in 1993, Wangdue was partially paralysed and incontinent, dying some years later from related complications.

Tenzin Phuntsok, a 64-year-old former member of Khangmar 'People's Political Consultative Conference', died on the 8 September 2003. After being detained in February 2003 on suspicion of being involved in forbidden political activities, Phuntsok was subjected to beating in Nyari Prison. He died suddenly whilst in custody, but was apparently in good health prior to his arrest.

Nyima Drakpa, a 29-year-old monk from the Nyitso Monastery, died on 1 October 2003. Drakpa had been serving a nine-year sentence for 'endangering state security' and 'incitement against the masses'; he was caught pasting pro-independence posters on the gates of a memorial garden in Tawu County, Sichuan. It is reported that due to torture in

Tawu County Detention Centre, Drakpa had fractured legs and hands and needed help to go to the bathroom. He was released on medical parole few weeks before his death.

Martial law

Since occupation, the Chinese authorities have frequently resorted to the military repression of protests and demonstrations. This intimidation in the face of protest represents a violation of the right of peaceful assembly as upheld by Article 21 of the ICCPR.

One of the many examples of the intensification of security in Tibet was during the early months of 1989. It was intended to prevent any public protest on March 5 and March 10, the 10th anniversary of the 1981 Tibetan demonstration and the 40th anniversary of the 1959 Tibetan National Uprising respectively. It is reported that PSB and PAP officials and local police stations in Lhasa were issued with emergency orders to be alert in all politically sensitive areas in Lhasa. Orders were issued prohibiting residents of Lhasa from assembling two or more people in public places. An official circular was also sent to all educational institutions and government departments. Members of the institutes and departments were ordered to remain inside the office and to refrain from going outside. Any member who wished to travel was required to seek permission from their local offices.

Border Crossings

Every year thousands of Tibetan refugees leave China to seek asylum in Nepal or India. In December 2005 alone, the United Nations High Commission for Refugees (UNHCR) reported registering 3,395 Tibetan refugees' arrival in Katmandu.⁷ The hazards on this journey are numerous: health problems during the two to six week crossing of the Himalayas, arrest by the People's Armed Police or the Nepalese Border Police, inadequate healthcare on arrival in Katmandu and robbery and violence in transit, are all regularly reported.

80% of Tibetans making the journey across the Himalayas do so between October and April, to minimise the likelihood of bad weather.

impeding their travel. Nonetheless, many will suffer from hypothermia, snow-blindness, frostbite and injury from falling. Alongside this, they risk abuse and arrest by the various national police forces of Nepal and China guarding the border zones. On 22 February 2005 one Tibetan monk was beaten and robbed of 5000 Nepalese rupees by Nepalese police as he passed near to Lukla airport.⁸ In April 2005, police beat a group of 52 Tibetan refugees in the same area, before letting them pass to Katmandu.⁹

The Chinese People's Armed Police have been involved in numerous violent incidents in the border area, the most recent being the internationally reported shooting of Tibetan refugees near the 19000 ft. Nangpa-la pass on 30 September 2006. Some Western climbers, on their way up Everest, witnessed the shootings, and reported what they had seen to the international press: 'The [refugees] started to cross the glacier and there were... shots. [Climbers] were probably about 300 yards away from the Chinese who were shooting. This time it definitely wasn't warning shots: the soldiers were putting their rifles to their shoulders, taking aim, and firing towards the group. One person fell, got up, but then fell again. We had a telescope with us but the soldiers took this. Later they used it to look at the dead body.'¹⁰ Many of the refugees escaped over the pass, although there have been two reported deaths, and many more are still missing. The International Campaign for Tibet further reports that armed Chinese police detained ten of the children traveling in the group. One monk, who successfully reached Katmandu, described his ordeal: 'I just heard gunshots passing my ears. I don't remember how many people were shot. First 36 people escaped, and the rest came later. The Pass was about two hours and the snow was knee deep. The nun who was with us was shot and a boy was shot in the leg... I just ran to save my life...'¹¹

A group of 51 Tibetan refugees were also shot at in August 2005. Though no-one was killed, the majority of the group was captured. One of the three escapees, who wished to remain anonymous, testified that: "About 30 Chinese border officers including Tibetans officers learned of our escape and surrounded us from all sides. The Tibetan officers threatened us not to flee or they would open fire. Scared, the members of our group began to run recklessly in different directions. The officers opened fire and all of us got scattered in the chaos. Fortunately the three of us managed to escape the firing and reached the Nepal-Tibet border from

where officials from the United Nations High Commissioner for Refugees secured our safe passage to Kathmandu¹²

Refugees that reach Nepal safely faced further problems upon arrival especially during the reign of King Gyanendra. In January 2005 the Office of the Dalai Lama's Representative in Nepal, and the Tibetan Refugee Welfare Centre were given notice of closure by the Nepalese government, after sustained pressure from the Chinese government. Both centres have been open since the 1960s, and have been vital in protecting the interests of new Tibetan arrivals. The closures made it difficult for new arrivals to receive even basic healthcare and accommodation. Since the deposition of King Gyanendra's government, the situation became slightly better.

In October 2005, the Nepalese government also stopped issuing exit permits for Tibetans traveling on to India, in anticipation of an unusually high number of refugees passing through Nepal. Many wanted to see the Dalai Lama perform the Kalachakra in Southern India. Despite the withdrawal of exit permits, the Tibetan Refugee Reception Centre registered 3406 refugees in December 2005, the highest number since 1993. Two years earlier, in May 2003, the Nepalese government handed over 18 Tibetan refugees to the Chinese government. Both incidents violate the 'Gentlemen's Agreement' between the Nepali government and UNHCR, which guarantees the Nepalese government's co-operation in providing safe transit to India for Tibetan refugees. The incidents also represent a violation of the UDHR, which upholds the right to 'seek and enjoy in other countries asylum from persecution'. Furthermore, the 1951 Geneva Convention on the Status of Refugees upholds the right of legitimate refugees to receive treatment at least as favorable as that accorded to nationals.¹³ The provision of these rights is contingent on having legitimate refugee status, which is accorded to those who are unwilling to return to their country 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.'¹⁴ Most of those fleeing Tibet have legitimate grounds to claim refugee status as they are often escaping political and religious persecution, or discrimination on the basis of their race and social group.

Despite all the problems associated with leaving China to seek exile in Nepal or India, the number of Tibetans crossing the Himalayas shows no sign of abating.

'PATRIOTIC RE-EDUCATION' CAMPAIGN

Introduction

The 'Strike Hard' campaigns, covered earlier in this booklet, were used to punish political dissent in the autonomous regions of Tibet and Xinjiang. However as the campaigns intensified, it became clear that 'Strike Hard' did not have the remit needed to fight the apparent source of "splittism": Buddhism and the Dalai Lama.

The resultant 'Patriotic Re-education' campaign was officially launched in 1996. The thinking behind the campaign had been consolidated at The Third Forum in 1994, where Buddhism was identified as an obstacle in achieving unity. Concerns about the power and appeal of the Dalai Lama and Buddhism had intensified after the Dalai Lama was awarded the Nobel Peace Prize in 1989. His increasing popularity abroad, combined with the continued loyalty of Tibetan Buddhists, branded him a threat. Further to this, monks and nuns had long been some of the most fervent Tibetan nationalists; monasteries were seen as the strongholds of political dissent. Thus, at the Third Work Forum on Tibet it was agreed that Buddhists would be forced to pledge their loyalty to China and the Communist Party. This idea developed into the 'Patriotic Re-education' (PR) campaign. This new campaign would 'oppose the Dalai Clique' and 'those who take advantage of religious reasons to split the country'.¹⁵

The PR campaign banned all pictures of the Dalai Lama, sent 'work teams' to monasteries with the aim of 'introducing Marxism to Buddhism', and required all monks and nuns to take a pledge, upon pain of expulsion from their institutions:

1. Agree to the historical unity of China and Tibet.
2. Recognise the Chinese-appointed Panchen Lama.
3. Deny Tibet will ever be independent.
4. Denounce the Dalai Lama as a splittist
5. Declare opposition to separatism.

Lobsang Tsering, a senior monk at Pomda was arrested, disrobed and taken naked to the county police station after refusing to read the re-education pamphlet. Lobsang was severely beaten in Pashul prison. Later, when he was transferred to Chamdo prefecture prison, he was beaten with electric cattle prods. In 1996 he was transferred to Drapchi prison in Lhasa, where he is reportedly held indefinitely unless he agrees to the work team's re-education.

Gendhun Gyaltso (aged 18) a monk at Pomda monastery, was arrested when a drawing of the Tibetan flag incorporating a photo of the Dalai Lama was discovered in a drawer in his desk. The monastery's caretaker saw him being dragged away by the work team in the middle of the night. He was sentenced to four years in Chamdo prison, and none of his relatives have been permitted to see him.

Kirti Monastery

Chinese 'work team' members arrived in Kirti Monastery in April 1998. As with all patriotic re-education campaigns, monks were forced to accept the principles of re-education, or face expulsion. When they refused, they were kept under house arrest for weeks. Pictures of His Holiness, the Dalai Lama were banned in the monastery and severe penalties were imposed for offenders. Further to this, the Chinese 'work teams' decided that monks under the age of eighteen, or over the age of fifty would no longer be able to stay in the Monastery. Those affected by this new rule were reported to be extremely worried, as they would have nowhere else to go. There are roughly 2,300 monks in Kirti Monastery. If the forced depopulation materialises, it is estimated that only about 600 monks will remain.

Further restrictions were imposed on those connected to the Kirti Monastery in 1999, when the Chinese authorities assumed administration of the, originally private, school that educated many novice monks. After the Chinese began administration, monks were forced to wear laymen's clothes. Chinese teachers were introduced to the school, as were the compulsory subjects of Chinese politics and socialist ideology. The school was later declared closed when the students returned from their vacation.

• • • **Drakyerpa Hermitage and Monastery**

In Drakyerpa Monastery, 30 km northeast of Lhasa, in March 1998, 112 monks and nuns in the hermitage were ordered to stop meditating. Four nuns refused, and were subsequently arrested. On 12 March 12 monks and nuns from the monastery went to Lhasa for circumambulation and prostration. Chinese authorities told them to leave immediately, and upon their refusal they beat them and forced them to return to their homes. On 7 April 1998, Chinese officials entered the Drakyerpa monastery and destroyed idols and other items of worship.

Drepung Monastery

Drepung Monastery came into focus towards the end of 2005. On 25 November 2005, more than 400 monks sat on a peaceful sit-in protest in the monastery courtyard in solidarity of five monks who were expelled failing to comply official orders to denounce the Dalai Lama. A huge contingent of officers from the Army, People's Armed Police (PAP) and PSB quelled the protest brutally. Thereafter severe restrictions were placed and the officers maintain strict vigilance of the monastery and the monks' activities round the clock.

Serthar Buddhist Institute

The summer and autumn of 2001 saw the dismantling of the leading centre for Buddhist scholarship and practice on the Tibetan plateau. Work Team officers arrived at the Serthar Buddhist Institute and first expelled the institute's 1,000 mainland and overseas Chinese practitioners. They next targeted the over 4,000 nuns in the nunnery affiliated to the Institute. Well over 1,000 dwellings to ensure permanent eviction.

Gyabdak Nunnery

In June 2005, officials from the Religious Bureau visited Gyabdak Nunnery, located in Dzongshul village in Phenpo Lhundrup County, "TAR". The officials conducted "patriotic education" and demanded the 50

nuns of the nunnery to pose for individual photographs. Except for six nuns who were members of the Nunnery's Democratic Management Committee (DMC), the remaining nuns refused to comply with the order. Consequently the officials nullified their enrollment in the nunnery and called for their immediate expulsion.

Sera Monastery

In the beginning of April 2005, officials from the Lhasa Religious Bureau began to conduct a three month long "patriotic education" campaign in Sera Monastery, one of the three great monasteries of Tibet. The monks were issued six different literatures to study and four education sessions per week were conducted. The literatures were titled "Handbook on Crushing the Separatists," "Handbook of Contemporary Policies," "Handbook of Policies on Religion," "Handbook on Law," "Handbook on Ethics for the Masses," "Handbook of History of Tibet". The monks were subjected to random questions regarding the texts, and an examination was conducted at the end of the campaign in July 2005 to test their knowledge regarding the handbooks and their allegiance to the state. Reportedly 18 monks were expelled out of which eight monks faced detention in the Public Security Bureau Detention Centre.

Other Monasteries

Tenzin Bhagdo, a twenty-three-year-old monk, reported a work team arriving at Drepung monastery on 2 August 1996. Members of the work team individually interrogated each monk. Monks were expected to denounce the Dalai Lama and to recognise the Chinese-appointed Panchen Lama. Each monk was interrogated three times; if monks failed to comply by the third discussion, they would be expelled, and possibly imprisoned. Tenzin left the monastery before his third interrogation for fear he would be detained.

Six monks of Reting Monastery were arrested in December of 1996 due to their refusal to comply with the re-education process. The monks were tried in the Lhasa Intermediate People's Court in spring 1997 and all except one were charged with possessing a prohibited audio "TAP" e. Jampel Sangye was imprisoned for one year in Toelung 'Reform-through-Labour' camp.

In May 1996 Sangye Tenphel, a nineteen-year-old monk from Khangmar Monastery, died in Drapchi Prison after being subjected to serious torture. Tenphel was beaten with an electric baton and a bicycle pump during interrogation, and reportedly suffered brain damage before his death. In September of the same year, Tenschok Tenphel was killed in Sakya detention centre just two weeks after his arrest. His family was told he had committed suicide, and was not invited to his cremation. In October 2005, Ngawang Jangchub, died under mysterious circumstances in the Drepung Monastery after heated arguments with a work team. In line with the re-education campaign, monks were required to condemn the Dalai Lama as a 'splittist'; Jangchub refused, instead calling the Dalai Lama 'the savior for the present and the next life'. He further challenged the team's claims over Tibetan history, saying that 'Tibet has never been a part of China historically'. The next day Jangchub did not appear for re-education classes, and when other monks checked on him, they found him dead. Some speculate on suicide as the cause of death, due to psychological trauma.

CAMPAIGNS AGAINST RELIGIOUS FIGURES

Dalai Lama

One of the earliest, and most devastating, policies of the Patriotic Education campaign was the banning of all photos and pictures of the Dalai Lama. Monks were forced to hand in any photos they possessed with the threat of expulsion if they failed to comply. Raids were often conducted in monasteries, and civilian homes, with photo-carriers being fined up to 500 Yuan each. Confiscation of photos and pictures was practiced all over Tibet and in Nangka County photos were publicly burnt. In 2001, Dhangri County authorities conducted extensive raids on civilian houses. Villagers were concerned that the fear provoked by the raids would lead to many photos of the Dalai Lama being disposed off disrespectfully. To prevent this, one villager, Kyiloe, collected 70 photos from his neighbours, and put them on a hastily constructed altar on his roof. In 1996, in the Gaden Monastery, monks were ordered to take down a large picture of the Dalai Lama, which had been hung in the main hall. Monks refused, and a fight ensued between officials and monks. Eventually the People's Armed Police surrounded the Monastery, expelling some monks and imprisoning others for up to fifteen years.

As well as photos, the celebration of the Dalai Lama's birthday, *Trungha Yarsol*, was also banned on 26 June 2000. At the time authorities suspected that the 'Dalai Clique' were instigating disturbances in Tibet on the pretext of the *Trungha Yarsol* celebration. In Lhasa, the Chinese authorities distributed official circulars 'illegalising' *Trungha Yarsol*, issued threats and arrested hundreds of Tibetans in the Lhasa region on the 4 June. The Chinese government's circular, *Strengthening Abolition of the Illegal Activities of Trungha Yarsol Celebration and Protection of Social Stability*, issued on the 24 June 2001, underlines the strength of the government's desire to curb any political activities that occur during the celebration, and praises the actions of the police in the Lhasa region. Indeed, since 2001, the authorities have watched annual celebrations in Trungha Village, Ngachen Township closely, with 16 Tibetan youths being fined 500 Yuan each for picnicking during the celebration period.

XI Panchen Lama

China has signed and ratified the UN Convention of the Rights of the Child (CRC). Despite this, China continues to detain Gedhun Choekyi Nyima, recognised by the Dalai Lama as the reincarnation of the Xth Panchen Lama. In detaining Nyima, six at the time of his seizure, now almost seventeen, China breaches numerous articles of the CRC, including *Article 37* which states that: *'no child shall be deprived of his or her liberty unlawfully or arbitrarily'* and *'every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance'*.

On the 14th May 1995 the Dalai Lama recognised six-year-old Gedhun Choekyi Nyima as the reincarnation of the Xth Panchen Lama. China described this announcement as 'illegal and invalid'. Three days after the announcement, Nyima and his parents disappeared from their home. Instead, China then identified a different boy as the reincarnation of the Xth Panchen Lama: Gyaltzen Norbu, the son of Tibetan Communist Party functionaries.

Initially, China denied any role in the disappearance of Nyima. But after pressure from the UN Committee on the Rights of the Child, China admitted that it was holding Nyima and his family 'at their own request'. It claimed the boy was at risk of being 'kidnapped by separatists' and that the family did not want their child's education and upbringing disrupted. Despite claims of benevolent intentions, China has consistently refused to allow independent international access to the child. In October 2000, during human rights discussions in London, a British delegation were shown photos of a boy the Chinese claimed was Nyima, but refused their request for an independent figure acceptable to the Chinese government and the Dalai Lama to be allowed to visit the boy. Poland, Australia and the UN have had similar requests denied.

• • • XVII Karmapa

China's manipulation of reincarnate religious leaders continued with its treatment of Ogyen Trinley Dorje, the XVII Karmapa. The Karmapa is a powerful figure, accepted as a reincarnate Buddha by both Chinese and Tibetans. During his youth, the Karmapa was used as evidence of Tibetan support for Chinese-controlled Tibet: at eleven years old, he was brought on an official visit to Beijing, during which he apparently announced support for Mao and the Communist Party. However, on 4th January 2000 the Karmapa left Tibet for exile in India. Since his arrival in India, the Karmapa has made numerous explicit speeches criticising the lack of religious freedoms in Tibet.

Trulku Tenzin Delek

In an effort to eradicate popular religious figures, China employs dubious means to implicate them. China's manipulation of the global war on terrorism resulted in the sentencing of Trulku Tenzin Delek, a.k.a. Ah-Nga Tashi (Ch: A An Xha Xi), a highly respected Buddhist teacher, on 2 December on charges of causing bomb explosion.

It is widely believed that Trulku Tenzin Delek is framed with false allegations of involvement in bombing incidents. Trulku is a staunch activist in the revival and restoration of Tibetan culture and religion and was actively engaged in social welfare activities. Trulku's rising popularity for his outspoken allegiance to the Dalai Lama and his numerous community services — construction of seven monasteries, an old people's home, and an orphanage school in Nagchuka County (*Ch: Yaijing Xian*) started to trigger China's concern over "national stability".

Geshe Sonam Phuntsok

On 25 October 1999, a team of around 20 PSB officers arrested Geshe Sonam Phuntsok at gunpoint. Around 3000 local Tibetans gathered in front of Rongbatsang Government Office and demanded his immediate and unconditional release. About 600 PSB officers and People's Armed Police ("PAP") threw tear gas shells and fired indiscriminately into the crowd to quell the protest. Many Tibetans were detained and some

received imprisonment terms and monetary fines for their acts. Tsering Wangchuk, a protester died while in detention.

In March 2001, Kardze People's Intermediate Court sentenced Geshe to five years' imprisonment term on charges of "Inciting splittist activities among the masses", "travelling to India on an illegal document procured from Lhasa, for seeking audience with the Dalai Lama and for taking photographs with him", "illegally conducting religious ceremony on several occasions within Kardze County", and "for conducting long-life prayer ceremony for the Dalai Lama in Rongbatsang".

Bangri Rinpoche

Jigme Tenzin Nyima a.k.a Bangri Rinpoche ran an orphanage in Lhasa. On allegations of having connections with a Tibetan, Tashi Tsering, who was arrested for an alleged anti-Chinese protest during the National Minority Games in Lhasa in August 1999, Jigme was arrested on 27 August 1999. The orphanage was later closed and the authorities directed the children to return to their places of origin.

On 26 September 2000, on charges of "splittism" Lhasa Intermediate People's Court sentenced Jigme to life imprisonment term. Dr. Manfred Nowark, UN Special Rapporteur on Torture, met him during his visit to Chushul Prison in November 2005.

Khenpo Jigme Phuntsok

Khenpo Jigme Phunstok founded the Serthar Buddhist Institute, a non-sectarian study centre in Larung Gar in 1980. The Institute later expanded to a spiritual oasis for over 8,000 monks, nuns and lay students. Fearing huge followings, the Chinese authorities ordered the eviction of monks and nuns under the pretext of health issues. Over 1,000 dwellings were destroyed to ensure permanent eviction and Khenpo was held in incommunicado detention for over a year.



EDUCATION POLICY

China is a signatory of the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights* and the *Convention on the Rights of the Child*. All these documents recognise education as a fundamental human right, to which all children must have equal access. Ostensibly, China fulfils some of the obligations of these covenants and treaties: primary education has been compulsory since 1994, since 1997 most university courses have been available in Tibetan, basic education is state-funded. However, the actuality of education in China for the Tibetan minority is quite different. Linguistic discrimination, political indoctrination, individual financial responsibility, poor infrastructure and corrupt admissions procedures are widespread in the Tibetan Autonomous Region. This section of the report will outline the main educational problems that Tibetans have faced in the last decade.

Access to Education

The United Nations Economic and Social Commission for Asia and the Pacific reports that as of 2000, 80% of the Tibetan population in China lived in rural locations. The often remote location of Tibetans introduces the first serious barrier to education. Schools are sometimes hours from the family home, necessitating transport that is unavailable to many Tibetan families. One eleven year old from Kham reported that neither he nor his four siblings attended school because the nearest primary school took over an hour to reach by truck.¹⁸ The affect of poor access to education in rural areas is apparent in a comparison of urban and rural literacy rates in Tibet.

Illiteracy

During the 1990s, illiteracy was also a problem that was not adequately addressed. According to 1995 population statistics, 17,000 people lived in Themchen County, of which the vast majority was Tibetan. The survey reported that approximately 9,000 Tibetans were illiterate. However, based on the results of a simple exam that was administered in 1998, the Chinese authorities claimed that only 400 people were illiterate. Tibetans in exile reported, however, that the exams were not conducted on a systematic basis that not all individuals were tested, and that literate individuals would often take exams for their illiterate friends. This led to speculation that the Chinese were attempting to hide the true illiteracy rate, which was corroborated by the allocation of only 5000 Yuan for literacy training in 1995. Illiteracy problems continue into the twenty-first century, with the United Nations Economic and Social Commission for Asia and the Pacific reporting that the "TAR" has an illiteracy rate of 32.5%: the highest in China.¹⁹

Tuition Fees

The 1976 devolution of responsibility for funding education to local government has caused a further barrier to education for Tibetans. Local governments leave schools under funded, with families increasingly being expected to raise any outstanding costs. Tibetans living rurally are reported to be responsible for constructing schools, the supply costs and supplementing teachers' salaries. To add to the financial burden, it is alleged that primary school education financially discriminates against Tibetan families. One primary school in Lhasa typically charged Tibetan families 600 Yuan a year extra for educating their children, when compared to Chinese families in the same school.²⁰

Often, any form of payment expected for primary-level education causes problems for Tibetan families. Migmar Dolma, from Sungma Village in Dingri County told TCHRD that of three children, only her youngest brother received any kind of education. At 350 Yuan per semester, the fees were too high for all of them to go to school. In Trago township, according to Samdup, 95 per cent of the children aged 7 to 15 could not attend school. Of 75 children in Samdup's village, only 4 of them went to the township primary school.²¹

• • • Language

In the liberalisation period of the 1980s, there were attempts to make Tibetan the official language of the "Tibet Autonomous Region". For the Chinese administration, the Tibetan language was vital in disseminating Communist ideology amongst a population who could not speak Chinese; for Tibetans, their language was needed to preserve Tibetan culture. However, these liberal language policies failed, and since then education in the "TAR" has been problematised by linguistic discrimination. Whilst the CRC states that *'the education of the child shall be directed to... his or her own... language'* (Article 28, Article 29), China has increasingly been marginalising the use of Tibetan in schools. This has been a particular problem since huge population transfer. The recent opening of the Qinghai-Tibet Railway has led to the estimated daily arrival of over 2000 Chinese into the "TAR"²². This threatens to make Tibetans and the Tibetan language a minority in the "TAR".

In 2002 the Tibet Autonomous Region's Peoples Congress equalised the Chinese language with Tibetan as a language of instruction, with the result that many lessons in the "TAR" are now conducted in Chinese. Primary classes in urban areas, including Lhasa, are now fully conducted in Chinese. Other more rural areas will undergo the linguistic shift from Tibetan to Chinese at secondary level. Many Tibetan students have found the introduction of Chinese into day-to-day education a serious barrier to learning: one girl from Amdo commented that she *'couldn't understand Chinese well enough to learn another subject through it...'*; another girl from Lhasa, similarly reported that she *'used to sit idle and wait for lessons to end'* because she could not understand the language the teacher spoke.²³

Opportunities beyond secondary-level education are almost exclusively for those that speak Chinese. Entrance examinations for further education and university are written in Chinese. Despite a promise that by 1997 'most' university courses would be available in Tibetan, only a handful are offered in Tibetan in 2006. Chinese is the language of government, business, the public and private sector; job prospects and practical considerations force young Tibetans to abandon their mother tongue.

Discrimination

Basic racial discrimination has allegedly further impeded Tibetans' right to education. Unfair quotas introduced by the Chinese authorities in educational institutions prevent equal access for Tibetans to education. The Tsonub Mongolian and Tibetan Prefecture's Nationalities Teacher Training School admits more Chinese students than all minority groups combined, despite ostensibly being established for minorities. Of 360 students, 240 are Chinese, 60 Tibetan, and 60 Mongolian.



ECONOMIC, SOCIAL AND CULTURAL PROBLEMS

Resettlement and Dispossession

Resettlement of Han Chinese in the “Tibet Autonomous Region” is a policy systematically pursued by the Chinese government. The recent opening of the Qinghai-Tibet Railway as part of the tenth Five Year Plan has led to the estimated daily influx of over 2000 Chinese into the “TAR”²⁴. Whilst the Chinese government hails the project as an engineering miracle that will bring economic prosperity to Tibet, there is also a distinct political edge to the construction of the railway. Whilst it will undoubtedly boost tourism in Tibet, which will have a positive effect on the livelihoods of many Tibetan people, the railway will also herald an era of unprecedented migration of Chinese people into Tibetan regions. If current migration patterns via the railway continue, it will be a matter of time before the Tibetans become a minority in their own land. This will represent a significant threat to Tibetan culture and undermine the case for autonomy.

The evident disregard of the interests of the Tibetan community in relation to the construction of the railway is revealed by the lack of consultation with local Tibetans, despite the rhetoric of the Chinese government espousing the benefits of the project to the Tibetan population.²⁵ As a result of the construction, the authorities have been resettling nomads in poorly built houses and forcing them to embrace modern life. The apparent lack of consideration of Tibetan communities during the construction of the railway appears to violate Article 1 (3) of the Declaration on the Right to Development, adopted by the General Assembly in December 1986, which states: ; ‘States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting there from.’

Other projects pursued by the Chinese government further exacerbate the drive for resettlement. The Three Gorges Dam Project, due to be completed in 2009, will require the resettlement of approx 1.2 million people, many of whom will be encouraged to move to under-populated areas such as Tibet. Lobsang Guegan reported that in the winter of 1999, Chinese authorities began construction of a new building complex to house Chinese immigrants, on a large picnic reserve at Village #2, Taktse County. In accordance with the region's ten-year development plan, 100,000 Chinese civilians were to be resettled in the area, despite the fact that the area had been transformed into a large orchard over the years, where many families grew their trees. Anyone who attempted to hinder development work was threatened with severe legal measures. No compensation was offered to any of the villagers, though it is alleged that some district leaders took bribes of 2000 Yuan each for the people's land. Residents in the Tsame Tal area, Takse County, faced a similar fate when the government began the building of an international airport across their land in January 2000. All the trees they had planted were removed.

Tibetan nomads and farmers have also been forced to resettle as a result of both reforestation and logging. In 2001 the Tibet Information Network reported that nearly 1,000 families were moved out from Jomda, Markham and Gonjo counties in Chamdo Prefecture "to keep the forest intact". In December 2001, 60 families in Gonjo County, Chamdo Prefecture were resettled in Nyingtri (Kongpo) Prefecture in "TAR". A 38-year-old farmer from Bugod Village, Gonjo County in Chamdo Prefecture reported to TCHRD that *'the Chinese authorities in the past had ordered the resettlement of about 2,400 families from Jangsum, Langmed, Khor, Shiri, Motsa and Jamsam Villages in Gonjo County to Kongpo. Upon eviction from their ancestral land, the authorities then cut the trees and the timber was transported in trucks. The authorities on the contrary said that the Tibetans in Gonjo County were being resettled as many of the villages fall on the banks of Drichu River.'*²⁶⁴

According to the Deputy Director of the Office of the Leading Group under the State Council for Development of the Western Region, Li Zibin; 920,000 hectare of cultivated land had been reforested by 2004. A Xinhua article dated 21 November 2004 reported that as a result of the reforestation the number of sandstorms in Lhasa had dropped to 5.2 days in 2004 from 53.8 days in the early 1950s. Li Zibin reiterated

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that the “policy of returning reclaimed farmland to forest will remain unchanged in the years ahead”.

As a result of reforestation projects, Tibetan farmers and nomads are either resettled or forced to stop farming or herding activities. This has had devastating effects on the livelihood of the Tibetan nomads and herders. Of the 2.3 million Tibetan population in the “TAR”, 1.9 million are in agricultural and pastoral regions and 80 percent of the economic output of the whole region comes from agriculture and animal husbandry. As part of the conversion projects, Tibetan farmers and nomads are either resettled or forced to stop farming or herding activities. Whilst reforestation is necessary to reduce the number of sandstorms, the programs appear not to take into account the potential destruction of Tibetans’ livelihoods, as well as failing to recognize that it was the misguided agricultural policies of the Chinese government and the destruction of grasslands that led to desertification in the first place.

Unfair Taxation and Regulations

The taxation levied on the rural Tibetan population has long been disproportionately high and posed a significant threat to the livelihoods of many Tibetan farmers and nomads. Though the Chinese government has spent a significant amount of total income from taxation in subsidies and financial aid to the “TAR”, the lion’s share of these subsidies has gone towards meeting chronic financial deficits accrued by state owned enterprises in industry, construction, transportation and trade as well as funding grain management (that is purchase of grain from Chinese provinces for sale at subsidised rates to Tibet’s urban residents). In 1993 alone, subsidies amounted to 91.6% of the total income of the “TAR”, yet Tibetan people did not benefit from this in terms of better services, education and welfare provision. On the contrary, education in the “TAR” continues to be the worst in China, and Tibetans working in agriculture have suffered from at best arbitrary and at worst punitive regulations and taxations.

Though Beijing claimed in 2004 that the local tax rate in Tibet was three percent lower than the rest of the China²⁶, reports and testimonies suggest that the burden of taxation continues. Whilst taxes are necessary for the provision of essential services and education, it is evident

that expenditure of tax revenue has often failed to benefit Tibetan communities, even though many farming families have been forced to pay disproportionately high taxes and fees. According to a number of testimonies, taxes have been levied on their crop yield, number of animals, animal products, number of family members, as well as water and grass.

A nomad called Dhondup from Golog County in Qinghai reported to TCHRD that in 2003 a Supervision Division was set up which instituted a number of new rules. One of the rules made it compulsory for all nomadic families to fence their land at their own expense, even though many poorer families could not afford it.²⁷ Compulsory fencing has presented a considerable financial burden to many nomadic families. 29-year-old Phuntsok Namgyal, from Horshe Shang in Golok Serta County of Karze told TCHRD that farmers were fined 2000 yuan for not erecting a fence, even though fencing his land would cost 8000 to 9000 yuan, representing a considerable financial burden and a threat to his livelihood. Sonam Tsering from Qinghai also related the hardship inflicted upon his family as a result of the fencing regulations. His family borrowed 2000 Yuan to buy the barbed wire, yet their livestock quickly cleared the land allocated by the authorities, and some animals died due to lack of food.²⁸

Restrictions have also been imposed on ownership of livestock. Dhondup recalled a second rule that the Supervision Division introduced in Golog County, which stipulated that nomadic families were only entitled to four animals per family member, and that fees of 500 yuan would be imposed for exceeding the allocation. Furthermore, restrictions are often based upon the number of members in a family. **Kunchok Sangmo** from Nagchu Prefecture reported in exile in November 1998 that the Chinese imposed a restriction of only four animals per member of a family. Her family had nine members and 62 animals in total and hence had to pay an annual fine of 100 yuan per yak or dri, 50 yuan per sheep or goat and 300 yuan per horse. If any family failed to pay the fine then their animals were either killed or sold. This, she said, greatly reduced the possession of animals by nomads resulting in a threat to their survival.

As a result of the strict and often crippling regulations and taxes imposed on Tibetan nomads, some of them have turned to collecting the traditional Tibetan medicinal plant 'Yartsa Gunbhu'. Yet this has also

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 • been subject to taxation, with nomads in Arig village reporting that they were required to give five sang of yartsa-gunbu each time they collected the plants.

Discrimination in Employment

There have been widespread reports of discrimination against Tibetans in employment. In 1996, the UN Committee on the Elimination of Racial Discrimination (CERD) articulated concern at 'the under-representation in business in some areas of persons of minority groups, which may be indicative of structural obstacles to their enjoyment of increases in economic prosperity.'²⁹ The Committee also indicated concern over 'allegations that members of minority nationalities may not enjoy the same working conditions as persons of Han origin.'³⁰ The vast influx of Chinese settlers into the "TAR" has led to the favouring of Chinese over Tibetans in the workplace. This discrimination represents a violation of Principle 2 (d) of the ILO's Declaration of the Fundamental Principles and Rights of Work.³¹ Furthermore, those Tibetans who *are* employed by the Chinese authorities face restrictions to their freedom of speech and are expected to conform to the ideas of the Communist Party of China. The following cases provide evidence of a clear bias towards the Chinese in terms of employment.

In 1990 the Mhera Mining Area was established in Themchen County, employing around 1000 workers. Although the surrounding area and nearby villages were predominantly inhabited by Tibetans, the majority of employees at the mine were Chinese. The Chinese mine owner discriminated against Tibetans when contracting workers, and Tibetans were prevented from getting high salary jobs. This violates Article 7 (c) of the ICESCR, which upholds '*equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence*'.

Luthar Gyal, from Chekok Township in Thongren County, testified to the TCHRD in Dharamasala in 1999 about the discrimination he faced at his work in a gold refinery in Mapa village. The refinery employed 170 workers, out of which 20 were Tibetan. The Chinese workers were paid around 500-800 Yuan per month, and Tibetans were paid from 200-400 Yuan per month. This represents a violation of Article 7 (a) (i)

of the ICESCR, which upholds the right for *'fair wages and equal remuneration for work of equal value'*.

In 2000, tourist guide Lobsang Dawa was sacked when it was discovered that he had been discussing Tibetan politics with a group of foreign tourists. He had been a guide in Gyalthang County, Yunnan province since 1998. He took a group of French tourists to Sadang across the border between Tibet and China, where he spoke to them about Tibetan politics and history, and appealed for their help in the struggle for Tibetan freedom. The group later openly discussed his remarks back at their Chinese hotel, and the information eventually reached the authorities, whereupon he was questioned, his employment was terminated, and the hotel where he worked was fined 5000 Yuan.³²

Discrimination extends to employment in politics. Whilst Tibetans are proportionately represented in government in the "TAR", they are not proportionately represented in positions of power. Chinese officials typically occupy CCP positions, whilst Tibetans occupy government positions. The latter are subordinate to the former. A Tibetan has never held the highest political position in the "TAR", Secretary of the "TAR" CCP.³³



ENVIRONMENTAL DESTRUCTION

Since Chinese occupation, Tibet's environment has suffered considerably from rapid development, changes in systems of agriculture, exploitation of raw materials and desertification. TCHRD has consistently highlighted the damaging effects of Chinese policies that are ostensibly pursued in the name of development. Though the International Human Rights Covenants do not make explicit reference to environmental issues, they enshrine many rights which cannot be enjoyed if environmental destruction deprives people of the conditions in which these rights can be exercised. In 1989, the Declaration of Human Rights and the Environment was written by a group of experts commissioned by the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities. It recognized that environmental preservation and sustainability are integral to the enjoyment of human rights, especially by those whose livelihood and culture depends on the land. The following section on environmental destruction outlines some of the most serious environmental problems that have faced Tibet since Chinese occupation, and which TCHRD have brought attention to in their research.

Desertification

The degradation of Tibet's grasslands poses serious problems for the environment, as well as threatening the livelihood of Tibetan nomads. There is expert consensus that the development policies of the Chinese authorities have had directly negative impacts on grassland areas. The conversion of grassland to cropland during the Great Leap Forward campaign in the early 1950s, as well as the reclamation of communal land to allow for commercial development has led to the depletion of the grasslands and subsequent desertification. Furthermore, during the production fervour of the 1960s and 70s, high yields were demanded from Tibetan lands, especially in meat production, which the seasonal grasses could not bear. In 2001 the World Bank noted: 'the total area of degraded grassland [in China] increased by about 95 percent between 1989 and 1998, with a notable acceleration in the middle to late 1990s. It is hard to avoid the conclusion that the most fundamental underly-

ing cause has been poor government development policies.' The undermining of the traditional Tibetan community based management of grasslands has exacerbated the problem of desertification. During the 1980s, Chinese settlers with little experience in managing the grasslands would often plough native grasses and plant grain, which led to topsoil being blown away in storms.³⁴

The practices of the Chinese government in relation to traditional farming methods not only arguably violate Article 15 (1) a of the International Covenant on Economic, Social and Cultural Rights, that recognises the right of everyone 'to take part in cultural life', but also infringe Principle 15 of the Declaration of Human Rights and the Environment, which states that '*Indigenous peoples have the right to control their lands, territories and natural resources and to maintain their traditional way of life. This includes the right to security in the enjoyment of their means of subsistence.*'

Logging

Logging is a serious environmental problem in Tibet, and another cause of deforestation. In Pema County the Chinese authorities have established two forestry departments called Dokhog Forest Department and Makhog Forest Department that are responsible for logging the area. Vast portions of forestland in the area have already been reduced to arid desert land. The departments are essentially state enterprises, and loggers must deposit a huge sum of money for logging rights; the Dokhog gold mining company pays 750000 yuan, Dokhog Forest department pays 150000 yuan and Makhog Forest Department pays 100000 yuan.³⁵ The total amount of 1 million yuan goes directly to the Chinese government treasury. The state enterprises then sell Tibet's timber resources at low state-controlled prices to other State enterprises, which manufacture railway sleepers, construction timber and mine pit props.

In 1987 an official Chinese publication revealed that in just one Tibetan prefecture - Kanlho in Gansu Province - extracted logs, if laid end to end, would encircle the planet twice. The wholesale deforestation of Tibet has had adverse impacts on wildlife due to destruction of habitat.

In 1998, China instituted a nationwide ban on logging, in the hope that reforestation would avert the extremes of flood and drought. However, inside Tibet, particularly in the eastern regions, it is feared that illegal logging still continues. Eyewitness information suggests that it has simply become more expensive to acquire logging permits through bribing local officials. Furthermore, a black market has evolved as timber has become a luxury commodity: managers of state owned forests are lured into selling on the black market due to the requirement that they make profits whilst retaining large workforces, despite the fact that logging is officially banned.³⁶

Urbanisation

The increasing concentration of immigrant populations in towns and cities has imposed huge and often unsustainable demands on surrounding areas, which are dumped with largely untreated waste. Despite the Chinese government's emphasis on urbanization in Tibet, little has been done to mitigate the negative environmental impacts that accompany it. In 2002 the United Nations Development Program reported that the length of sewer pipes in the "TAR" was 0.3% of Chinese sewers, and that the amount of waste carried away was only 0.35% of China's total. If sewerage were proportionate to population size, these figures should be doubled.

The lack of waste disposal in the "TAR" is also an increasing problem attending urbanization. Lhasa is the only major urban centre in the "TAR" with a waste disposal plant, and even sacred sites such as Mount Kailash experience uncontrolled littering by tourists and pilgrims, which the authorities make no effort to remedy through collection.

The marked lack of basic systems of sanitation and waste disposal constitute a violation of Article 25 (1) of the Universal Declaration of Human Rights, which states the individual's right 'to a standard of living adequate for the health and well-being of himself and his family'. It further violates Principles as laid out in Part I (2) and Part II (5) of the Draft Declaration of Human Rights and the Environment.³⁷

Water Exploitation

The Tibetan plateau is important as a geologically distinct home to diverse ecosystems which support a rich variety of plants and species. Yet the Chinese government's plans to construct an enormous south-north water transfer project would destroy the wetlands of Amdo's Zoige region at the great bend of the Ma Chu. The plans to build three megadams, as well as blast hundreds of kilometres of tunnels through the eastern Tibetan plateau will divert up to 20 billion cubic metres of water annually to meet mounting water demands in the central and north-eastern provinces of China. Construction is set to begin in 2010, yet the project will have no tangible benefits for Tibetan people. On the contrary, it will entail the destruction of eco-systems, the disruption of traditional Tibetan way of life, and the undermining Tibetan culture and identity through the huge influx of Chinese migrant workers.

China's non-participation in the 1997 UN Convention on the Non-navigational Uses of International Watercourses highlights the state's antisocial practice of unilateral large-scale development on the upper reaches of transnational rivers - like the Mekong. It further highlights China's disregard for protecting and preserving the ecosystems of international watercourses, which is provided for in the Convention.

It is also worth noting that programs of reforestation can have a negative impact on nomadic way of life. In the aftermath of the Dri Chu flood in 1998 the authorities of Ngaba County, Sichuan Province, forced the local farmers to grow plants and trees on their fields, claiming that it would prevent flooding in the area. The fields were dug up, and a variety of plants and grasses were grown in abundance. Lobsang, 16, from Ragzi Village claims that this presented an obstacle to the farmers' usual practice farming.

The farmers' opposition was crushed with the deployment of more police to the area, and they were told that non-conformity would have dire consequences. As a result of the new planting, the farmers did not have sufficient land to produce enough to survive and subsequently their living standards dropped significantly.

• • • Mining

Gold and mineral mining accounts for about 20% of Tibet's industrial output, and at gold mining conference in 1995 there were reported to be 148 mine zones in the "TAR". Tibetan sources reported in the same year that in Gansu province in eastern Tibet and from Tso-ngon province (Ch: Qinghai) to the districts to the west of Nagchu in central Tibet, there are about 12,000 gold miners unlawfully extracting gold from the area. Nomads and farmers have raised serious objections to heavy extraction of mineral resources and destruction of green pastures, to no avail.

A 1996 Beijing-based US Embassy report on illegal gold mining in China - focusing particularly on Tibet's Amdo Province - suggested the connivance of local authorities with illegal miners in the uncontrolled gold mining on Amdo and Kham's grasslands. The mining methods utilised by the miners leave the grasslands devastated and make future mining unprofitable due to the short term and highly destructive techniques used. The region's nomads are unable to prevent this ecologically devastating encroachment on their traditional grasslands. Mining in the Mhera area of Themchen County has also led to the depletion of surrounding grassland, and the waste materials that have been dumped around the area have caused major environmental damage. Local protests have been largely ignored.

In 1997, in exile in Dharamasala, Phuntsok Chosang recounted his experiences of protesting against the environmental practices of the Chinese authorities in his hometown, Meldro Gongkar. He reported that in 1989 the authorities created a plan to build roads for the purpose of mining natural resources in his hometown. After having pasted wall posters demanding that the authorities refrain from exploiting Tibetan land, Phuntsok Chosang was arrested and only released on medical parole after one year and two months.

Jamyang Jinpa, 27, a native of Theko Village, Ngura Township reported that in July 2004 Chinese miners began work at Dokri, a hill located nearby. As a result the area was guarded by police and fenced off with barbed wire. The nomads used to visit the hill to graze their livestock during seasonal rotation, but the mining activity meant they were forbidden to use the area again. Furthermore, the explosives used to ex-

tract the gold deposits polluted the river downstream, making the water undrinkable. By the end of 2004, over 40 of the nomads' livestock had died from drinking from the polluted river, yet the Chinese government ignored the nomads' appeal to stop mining, declaring that the land was the property of the government of China.

The introduction of commercial mining in Tibet under the Chinese administration has also undermined the religious freedoms of the Tibetan people, as enshrined in the Universal Declaration of Human Rights, the ICCPR and the ICESCR. The mining for uranium under a sacred Tibetan hill near the town of Riwoche, in the Kongpo region of U-Tsang has had a direct impact on the ability of Tibetan people to practice their religion freely.³⁸ Both the excavation of Lake Lhamo Lhatso in the Gyatsa district, and the possible sale of Nagla Hill in the Nagchu district are also reasons for concern. Both are revered spiritual sites in Tibet, and their destruction would amount to a clear violation of the Tibetan people's right to *'freely pursue their economic, social and cultural development'*, as protected by Article 1 of the ICESCR. Their destruction would also amount to a violation of Article 18 of the Universal Declaration of Human Rights, allowing everyone the right to *'freedom of religion'.. and 'to manifest his religion in practice..'*

Though China has introduced positive environmental legislation, there seems to be little will on behalf of the authorities to enforce regulations. The encroachment of mining activities on traditional Tibetan nomadic way of life, under the mantra of 'development', constitutes a violation of Article 15 (1) a of the International Covenant on Economic, Social and Cultural Rights, that recognizes the right of everyone *'to take part in cultural life'*. As Tibetan nomadic farming practices are so integral to nomadic culture, the denial of access to land constitutes an infringement to their ability to carry out their culture and way of life.

Tourism

Though tourism has the potential to bring wealth and prosperity to a sector of Tibetan society, it is evident that development in this area has often been irresponsible and shown little respect for the environment and culture of Tibetan people.

Since 2002, a Chinese style gate has been constructed at the approach to Mount Kailash, an important sacred pilgrimage site for Tibetan Buddhists. Shedup Yonten, a 26-year-old nomad from Bayang County, Shigatse, reported that around 60 Chinese security guards are stationed at Mt. Kailash.³⁹ An accommodation building has been constructed for the guards, indicating that this is to be a permanent station. The main purpose of this guard outpost is to issue permits now required for pilgrims. Obtaining permits is often a lengthy and expensive process, and there are reports of difficulty obtaining them at all. The three-day pass costs 18 yuan (14 yuan for people over 50). A new permit must be purchased after three days.

In 2003/04 there were numerous reports of plans by the Chinese authorities to build a ring road around the base of Mount Kailash. According to an Observer report, the survey work for the road was completed in 2003, although construction will commence pending the availability of funds.⁴⁰ The exploitation of this sacred site for utilitarian purpose effectively denies Tibetan people the right to their religious practice, constituting a violation of Article 26 of UDHR⁴¹

Conclusion:

The Tibetan Centre for Human Rights and Democracy since its inception has strived to uplift the human rights situation in Tibet. The Centre has consistently brought out detailed and accurate information on cases of concern, conducted research on issues of concern and published annual reports about the human rights conditions in Tibet during a calendar year.

Despite the hard work and efforts by various organizations in the world including TCHRD, the human rights situation in Tibet remains to be of grave concern. In light of the courageous selfless activities and calls of freedom by Tibetans in Chinese occupied Tibet, TCHRD is inspired to work harder and will continue to highlight the situation more vigorously in the years to come.

Endnotes

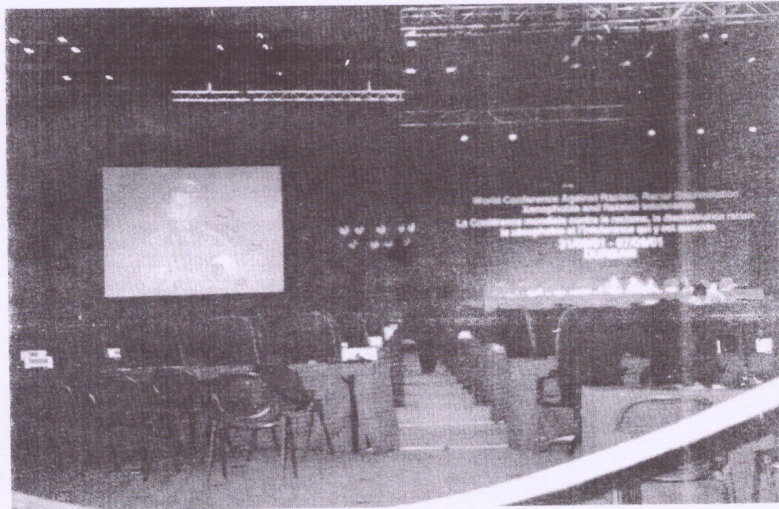
1. www.tibetinfo.net/news-updates/nu270601.htm
2. The examples in this section are based on testimonies given by Tibetan refugees in Dharamasala. More detailed accounts can be found in TCHRD's Human Rights Updates, which are archived at www.tchrd.org/publication/hr_updates/
3. Article 19 of the Universal Declaration of Human Rights states that 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference'. Article 19 of the International Covenant on Civil and Political Rights
4. Article 8, 3 (a) of the ICCPR states: No one shall be required to perform forced or compulsory labour. Article 7 of the ICESPR upholds 'the right of everyone to the enjoyment of just and favourable conditions of work which ensure... fair wages and equal remuneration for work of equal value.
5. Adopted in 1998, the Declaration commits Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions. These categories are: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation.
6. Article 4 of the Convention Against Torture states that: *'Each state party will make these offences punishable by appropriate penalties'*.
7. The International Campaign for Tibet, *2005 Refugee Report: Dangerous Crossing - 2005 Update*, 2005
8. *ibid*
9. *ibid*
10. <http://news.independent.co.uk/world/asia/article1834347.ece>
11. *ibid*
12. Interview with escapee, conducted by TCHRD in September 2005. http://www.tchrd.org/publications/hr_updates/2005/hr200509.html#fires
13. *Convention on the Status of Refugees*. See Article 7, Clause 3 of. http://www.unhchr.ch/html/menu3/b/o_c_ref.htm
14. *op. cit.* Article 1 A (2)
15. [www.guchusum.org/Tibetan Envoy/ strike_hard.html](http://www.guchusum.org/Tibetan%20Envoy/strike_hard.html)
16. The incidents of re-education, torture, arrests, expulsions and imprisonment in this section are based on the testimonies given to TCHRD by Tibetan refugees in Mcleodganj, Dharamasala, as well as Tibetan arrivals in Katmandu, Nepal. For more detailed accounts see www.tchrd.org/publications/hr_update. These reports have been also corroborated by evidence accumulated by journalists.

17. See Footnote 6.
18. *A Generation in Peril: Tibetan children under Chinese rule*, International Committee of lawyers for Tibet
19. *ibid*
20. *State of Education in Tibet*, TCHRD
21. *ibid*
22. Tibetan Review, September 2006
23. *A Generation in Peril: Tibetan children under Chinese rule*, International Committee of lawyers for Tibet
24. Tibetan Review, September 2006
25. Railway, Development and Myth, TCHRD 2006
26. *China's Tibet: Facts and Figures 2004*
27. Interview with Dhondup conducted by TCHRD in Dharamasala in 2004.
28. Interview conducted by TCHRD in 2004
29. United Nations, Committee on the Elimination of Racial Discrimination, 'Concluding Observations' Para. 16.
30. *ibid*
31. The Declaration of the Fundamental Rights and Principles of Work was passed by the International Labour Organisation in June 1998. Principle 2 (d) aims for the elimination of discrimination in respect of occupation and employment.
32. The firing of someone for their political views is explicitly outlawed in the
33. ICJ, *Tibet: Human Rights and the Rule of Law*, 96-97
34. Tibet Environmental Watch: *Tibet 2003: State of the Environment*. www.tew.org/tibet2003/index.html
35. See *Human Rights Update* archives. www.tchrd.org/updates
36. Tibet Environment Watch: *op cit*.
37. The Declaration of Human Rights and the Environment was written by a group of experts commissioned by the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities in 1989.
38. Laura Ziemer: *Application in Tibet of the Principles on Human Rights and the Environment*, Harvard Human Rights Journal, Spring 2001
39. Interview conducted by TCHRD in McLeodganj,
40. Ed Douglas, *The Observer*, 14th September 2003
41. Laura Ziemer: *Application in Tibet of the principles on Human Rights and the Environment*, Harvard Human Rights Journal, Spring 2001

**TCHRD ACTIVITIES
1996-2006**



Mr. Lobsang Nyandak speaking at a conference in Paris during his tenure as the Executive Director (1998)



Mr. Lobsang Nyandak delivering speech during the World Conference Against Racism at Durban (2001)



Mr. Urgen Tenzin, Executive Director, during the XVth TCHRD Human Rights & Democracy Workshop (2006)



Mrs. Tsewang Lhadon along with Justice Verma during the XIIth TCHRD Human Rights & Democracy Workshop at Songtsen Library, Dehradun, during her tenure as the Executive Director (2004)



TCHRD organises preparatory meeting for WCAR in Dharamsala (2001)



Campaigning hard against racism in Tibet during WCAR in Durban (2001)



Mrs. Tsewang Lhadon meeting with Tanak Jigme Sangpo during the Tibet Support Groups meeting in Prague (2003)



Mr. Tenzin Norgay attending the World Forum for Democratization in Asia held in Taipei (2005)



Ms. Norzin Dolma briefing workshop participants during VIth Annual Workshop on Human Rights and Democracy in Varanasi (2002)



Mr. Jampa Monlam and Mr. Tenzin Norgay speaking at the World Social Forum in Mumbai (2003)



Mr. Tashi Choephel speaking at the XIVth TCHRD Human Rights and Democracy Workshop held at Tibet Pavilion, Auroville (2006)



Mr. Urgen Tenzin, Executive Director, briefing the media after releasing the 2005 Annual Report



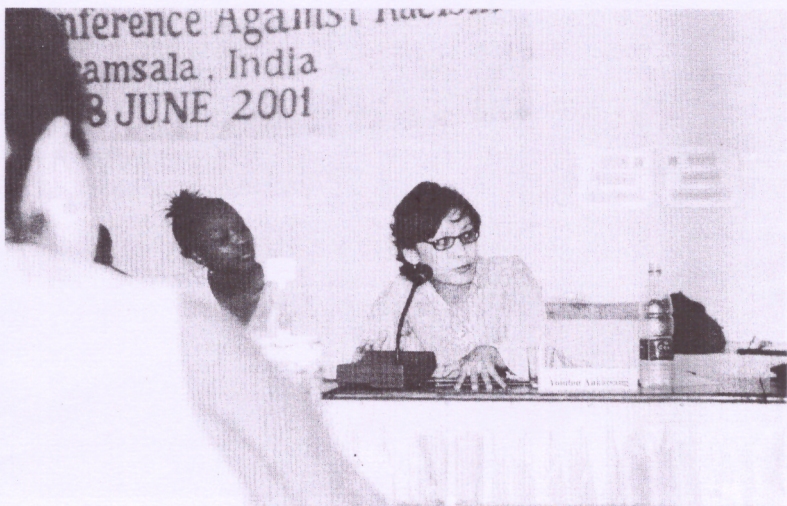
Mr. Tashi Phuntsok delivering a talk during Human Rights Workshop organised by Regional Tibetan Women Association, Haridwar (2006)



Mr. Dawa Tsering educating Tibetan Community in exile about Human Rights Situation in Tibet (2004)



Campaigning for the release of Panchen Lama (2003)



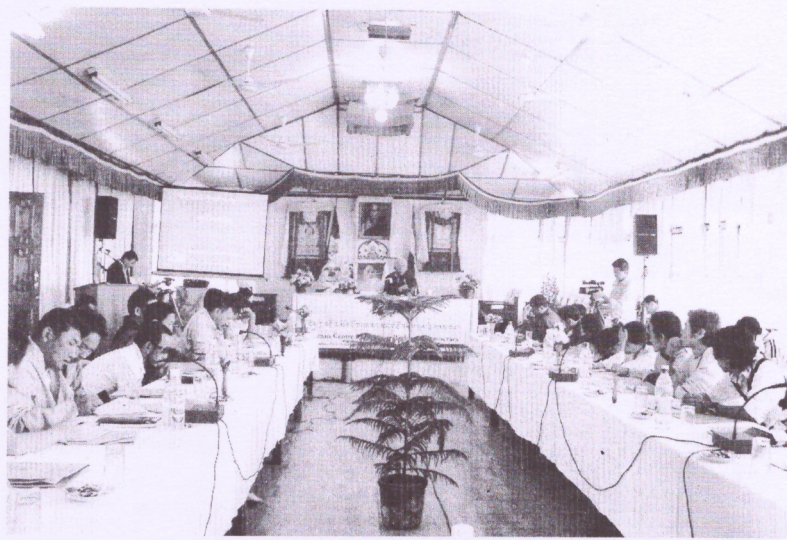
Ms. Youdon Aukatsang speaking at the WCAR preparatory meeting in Dharamsala (2001)



Ms. Tenzin Chokey delivering a talk on current human rights situation in Tibet



Participants group photo during the XVth TCHRD workshop on Human Rights and Democracy



Workshop session in progress (2006)



Staff members of TCHRD in 1998



Staff members of TCHRD in 2004

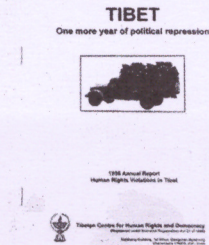
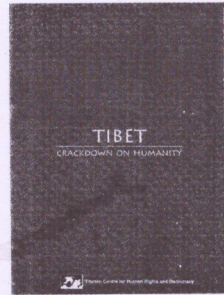
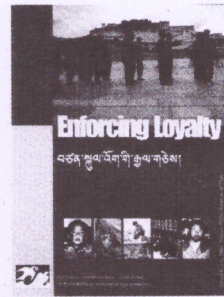
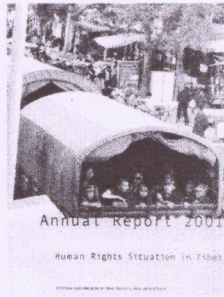
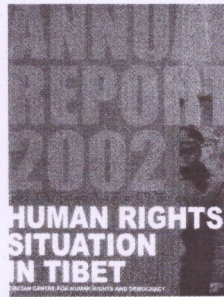
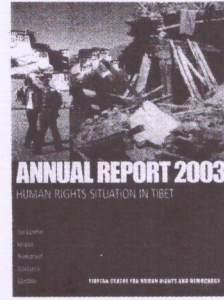
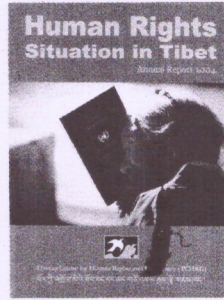
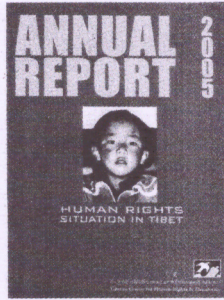


Staff members of TCHRD in 2005

TCHRD PUBLICATIONS 1996-2006

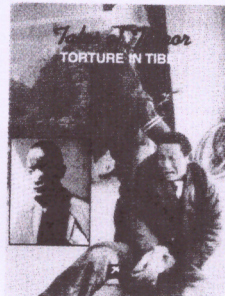
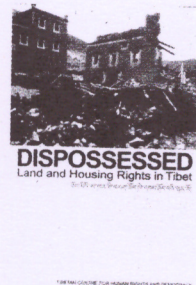
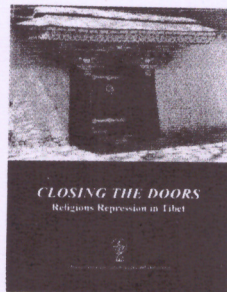
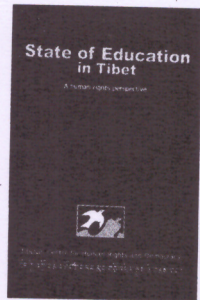
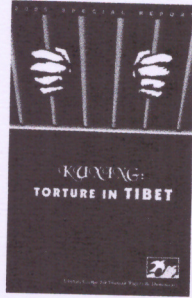
60 English Publications
64 Tibetan Publications

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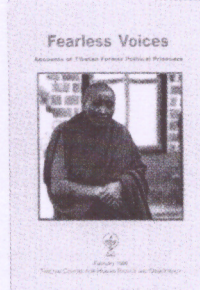
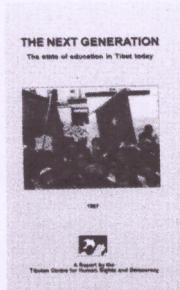


TOPICAL REPORTS (ENGLISH LANGUAGE)

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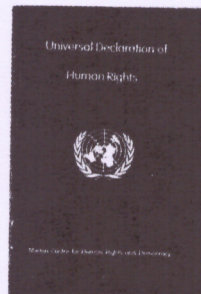
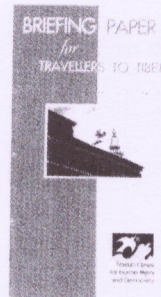
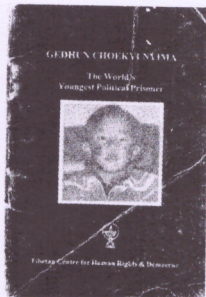
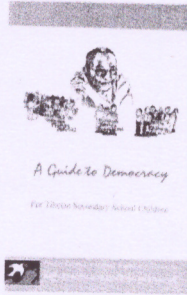
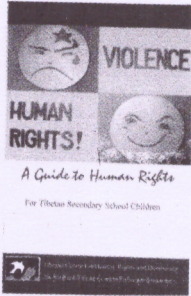


BROCHURES AND CAMPAIGN FLYERS (ENGLISH LANGUAGE)



EDUCATIONAL BOOKLETS (ENGLISH LANGUAGE)

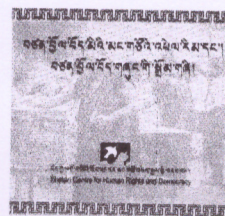
63 TCHRD PUBLICATIONS 1996-2006



VISUAL DOCUMENTARIES

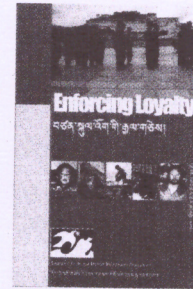
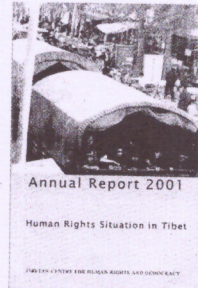


Destruction of Serthar Buddhist Institute (Video)



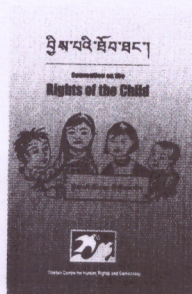
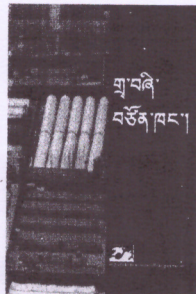
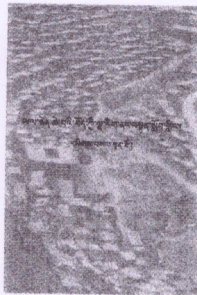
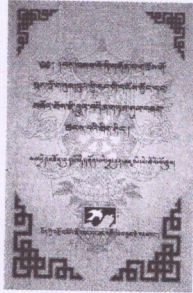
Democratisation process in exile and Structural framework of the C.T.A

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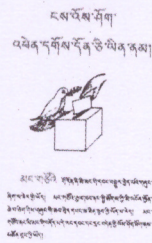


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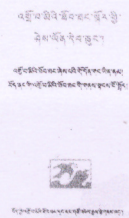
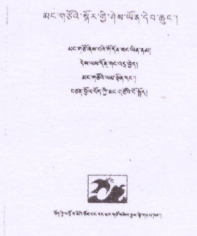
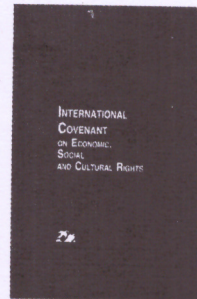
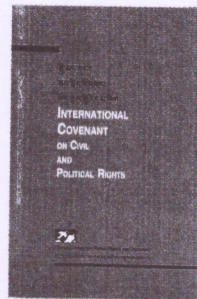
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● ● ● BROCHURES AND CAMPAIGN FLYERS (TIBETAN LANGUAGE)



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