



SURVEILLANCE AND CENSORSHIP IN TIBET

Thematic Report, September 2020



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Tibetan Centre for Human Rights and Democracy

The Tibetan Centre for Human Rights and Democracy (TCHRD) is a registered non-governmental human rights organisation established in January 1996 in Dharamsala (India) with the mission to protect the human rights of the Tibetan people in Tibet and promote the principles of democracy in the exile Tibetan community.

The centre is entirely run and staffed by Tibetans in exile. TCHRD's work entails monitoring, research, translation, documentation of human rights violations in Tibet. The centre conducts regular, systematic investigations of human rights abuses in Tibet and publishes an annual report, thematic reports, translated testimony of victims of human rights violations, electronic newsletters, and briefings on human rights issues that confront Tibetans inside Tibet.

The centre generates awareness of a wide range of issues relating to human rights and democracy through both grassroots and diplomatic means, using regional and international human rights mechanisms as well as community-based awareness campaigns.

The TCHRD logo features the image of a white dove rising out of the flames. The dove and olive branch are universal emblems of peace. The flames, drawn in traditional Tibetan style, represent the suffering of the Tibetan people, as well as the devastating and purifying force of truth.

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Cover photo: A surveillance camera disguised as a Tibetan prayer wheel at the busy thoroughfare of Barkhor in Lhasa, 2013. (Photo: Tsering Woesser)

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I. Introduction

With the use of technology dominating human lives in the digital age, more people are exercising their ideas, actions, and behaviors online. There are however risks and dangers to human rights in the digital sphere, as can be seen from many governments manipulating and controlling technology to its advantage by adopting laws and policies that erode human rights and democratic freedoms. The government of the People's Republic of China (PRC) leads the global expansion in using Artificial Intelligence (AI) tools to monitor and surveil citizens, which along with mass surveillance and censorship policies and campaigns further deteriorate human rights situation in the PRC. Therefore it is only legitimate that all the human rights envisioned before the digital age must also be applicable to the virtual sphere.

This report begins with an overview of the current state of human rights violations pertaining to freedom of expression, information, and privacy, which has led to the creation of a police state, sustained by an imposed culture of self-censorship, in Tibet. The report then provides accounts of Tibetans who have faced surveillance and censorship when communicating or sharing information online including cases of detention, imprisonment and other violations of expression and privacy. This section is followed by a brief discussion on the most relevant international and Chinese domestic laws and standards on human rights in the digital sphere.

The report warns that ignoring the unprecedented level of imposed self-censorship and attendant human rights violations will have serious and widespread negative ramifications not only on human rights situation in Tibet and elsewhere in the PRC but also outside of it owing to the normalization of online transnational repression. Concluding with a list of recommendations, the report calls for a strong global coalition of states, civil societies, corporate bodies, and individuals united by their shared concerns and values about human rights and individual freedoms to counter the growing influence of Chinese state surveillance and censorship model.

II. Overview

To understand the psychological and social impact of omnipresent surveillance, it is important to know how such surveillance affects power dynamics and why it is such an alluring tool of authoritarianism. Chinese authorities rely on a strict and pervasive disciplinary machine to punish individuals it sees as a threat, which has resulted in extraordinarily high level of mutual self-censorship among Tibetans. The power of the Chinese Party-State's influence relies on a combination of basic surveillance and control instruments, a hierarchized system of monitoring and observation and distributed responsibility, and a normalization of fear, judgment, and social distrust.¹

The changes in Tibet over the last decade represent a systematized social control mechanism that ignores human rights such as the freedom of speech, religion, and peaceful assembly. Online surveillance, CCTV cameras, bugged homes, and checkpoints provide simple instruments of observation and monitoring to expand the influence of the state. This ensures a maximum number of points of contact between the state and the Tibetan people through which power and influence can flow.

Digital laws enlist Chinese internet companies into the hierarchy of surveillance,² and the "Grid Management"³ system distributes the power and influence of the Chinese state across Tibet. The "Advanced Double-linked Households"⁴ system and other policies⁵ compelling individuals to report suspicious activity bring the entire population into the hierarchy of control and surveillance, obligating individuals to report and betray one another or face consequences. The Party-State punishes any dissenting opinions or behavior and pushes state propaganda, 'normalizing

¹ Disciplines, silences and fieldwork methodology under surveillance, Agnieszka Joniak-Lüth, *Zeitschrift für Ethnologie*, 2016, Bd. 141, H. 2, Special Issue: Under Suspicious Eyes – Surveillance States, Security Zones, and Ethnographic Fieldwork (2016), pp. 197- 214

² Elizabeth C Economy, The great firewall of China: Xi Jinping's internet shutdown, *The Guardian*, 29 June 2018, available at <https://www.theguardian.com/news/2018/jun/29/the-great-firewall-of-china-xi-jinpings-internet-shutdown>

³ China: Alarming New Surveillance, Security in Tibet, Human Rights Watch, 20 March 2013, available at <https://www.hrw.org/news/2013/03/20/china-alarming-new-surveillance-security-tibet>

⁴ "Illegal Organizations": China's Crackdown on Tibetan Social Groups, Human Rights Watch, 30 July 2018, available at <https://www.hrw.org/report/2018/07/30/illegal-organizations/chinas-crackdown-tibetan-social-groups>

⁵ China extends grassroots surveillance program for ninth year in a row, TCHRD, 20 February 2020, available at <https://tchrd.org/china-extends-grassroots-surveillance-program-for-ninth-year-in-a-row/>

judgment’ and enacting a power structure that disadvantages Tibetans and penalizes expression of Tibetan political and cultural identity.

Since 2008 when Tibetans held widespread protests calling for freedom and return of the Dalai Lama, Chinese authorities have tightened control to ensure that such an event will never happen again. In 2012, the Party authorities appointed Chen Quanguo as the Party Secretary of the Tibet Autonomous Region (TAR), where he set about optimizing the power of the Party-state in Tibet.⁶ His prototype model of social control has proved highly successful in silencing Tibet and encouraging the rapid forced assimilation of Tibetans. In addition to the “Grid Management” system under which counties are subdivided into cells for intrusive monitoring and surveillance, a network of thousands of “convenience police posts”⁷ collects biometric data on the population and serves as outposts or checkpoints in the event of potential unrest. These police posts range across the entire region, with plans for building at least one such post in each of TAR’s 5464 villages, serving to extend the physical presence of the Party-state into every nook and corner of Tibet.⁸ Integrated computer systems track the movement of individuals between cells, relying on a combination of CCTV cameras, purchases, and satellite tracking.⁹

Another major characteristic of Chen’s social control system is the “Double-linked Household” that divides families into small groups to ensure stability and nip potential dissent in the bud. This system has a dual function of enlisting the communities themselves as low-level state surveillance; ‘loyal’ families are often paired with ‘suspect’ families to watch for ‘religious extremism’, potential threats to Party’s control, and monitor specific individuals.

In Tibet, high definition CCTV cameras watching streets, restaurants, and public transportation is not a recent development. However, in the past decade Chinese authorities have made a concerted effort to upgrade these cameras to better track the population. According to recent estimates, there are about 200 million surveillance cameras across the PRC and details of

⁶ Adrian Zenz and James Leibold, Chen Quanguo: The Strongman Behind Beijing’s Securitization Strategy in Tibet and Xinjiang, China Brief Volume: 17 Issue: 12, The Jamestown Foundation, available at <https://jamestown.org/program/chen-quanguo-the-strongman-behind-beijings-securitization-strategy-in-tibet-and-xinjiang/>

⁷ Supra note 3.

⁸ China Delves into Past to Police Tibet’s Future, Human Rights Watch, 7 September 2020, available at <https://www.hrw.org/news/2020/09/07/china-delves-past-police-tibets-future>

⁹ Official Chinese notification puts Nagchu Tibetans under secret surveillance, TCHRD, 11 October 2013, available at <https://tchrd.org/official-chinese-notification-puts-nagchu-tibetans-under-secret-surveillance/>

all of all 1.4 billion citizens are recorded in the Chinese government's facial recognition database.¹⁰ Increasingly accurate artificial intelligence aims to recognize individuals not only based on facial features, but also gait, so that even a mask would not disguise a person's identity. In the last few years, Chinese authorities have extended this system of cameras into rural areas as well as urban, and Tibetan monasteries are forcibly outfitted with cameras.

In an effort to extend 'internet sovereignty'¹¹ to the digital sphere, Chinese authorities have outlawed many social media platforms and search engines, such as Google, Facebook, and Twitter that allowed for greater freedom of speech and information. In their place, China has practically created its own internet guarded by the "Great Firewall", populated by China based platforms such as WeChat and Weibo. According to Chinese law, these platforms are obligated to do their part in maintaining "social stability", which includes censoring search results to match Party lines, and reporting suspicious individuals who engage in activity such as discussing human rights, critiquing the Party, or advocating for Tibetan culture. A study of Chinese microblogging sites found that more than half of messages originating in Tibet are deleted, compared to a mere 12% in Beijing.¹²

The Chinese state's repression machinery is built on accurate data,¹³ and increased surveillance measures represent aggressive actions to control Tibetans. In order to further limit the spheres in which free speech still exists, Chinese authorities have taken action to enforce real name registration online.¹⁴ On sites owned by Chinese tech giants such as Baidu, Alibaba and Tencent, it is impossible for individuals to access the internet without leaving a searchable footprint for authorities. The use of Virtual Private Network (VPN) is considered criminal and the penalty for accessing banned sites can often earn a prison sentence.¹⁵ Until recently, many Tibetans used voice messages to avoid surveillance mechanisms, which could interpret Tibetan and Chinese text, but

¹⁰ This Chinese facial recognition start-up can identify a person in seconds, CNBC, 16 May 2019, available at <https://www.cnbc.com/2019/05/16/this-chinese-facial-recognition-start-up-can-id-a-person-in-seconds.html>

¹¹ Niels Nagelhus Schia and Lars Gjesvik. The Chinese Cyber Sovereignty Concept (Part 1), The Asia Dialogue, 7 September 2018, available at <https://theasiadialogue.com/2018/09/07/the-chinese-cyber-sovereignty-concept-part-1/>

¹² China's social networks hit by censorship, says study, BBC News, 9 March 2012, available at <https://www.bbc.com/news/technology-17313793>

¹³ Zak Doffman. China Is Using Facial Recognition To Track Ethnic Minorities, Even In Beijing, Forbes, 3 May 2019, available at <https://www.forbes.com/sites/zakdoffman/2019/05/03/china-new-data-breach-exposes-facial-recognition-and-ethnicity-tracking-in-beijing/#245628e434a7>

¹⁴ Telephone and internet users in Tibet register under their real names, SCMP, 20 June 2013, available at <https://www.scmp.com/news/china/article/1264601/telephone-and-internet-users-tibet-register-under-their-real-names>

¹⁵ Fortifying the Great Firewall: The Criminalization of VPNs, Dui Hua Human Rights Journal, 14 August 2019, available at <https://www.duihuahrjournal.org/2019/08/fortifying-great-firewall.html>

only Chinese sound bytes. Recent Tibetan voice-to-text technology now allows algorithms to monitor not only voice messages in Tibetan, but phone calls as well.¹⁶

China's repression machine in Tibet does more than limit what behaviors are acceptable. Propaganda and laws regarding supposedly separatist or extremist behavior obligate individuals to take action; they set community standards that all individuals must follow if they want access to the resources provided by the state. As the Party-state continues to restrict and outlaw social resources that do not follow government guidelines, such as Tibetan language schools and traditional nomadic lifestyles, Tibetans are forced to embody the ideal model citizen, who "love[s] the Chinese Communist Party (CCP) above all else".¹⁷

China is currently working on a way to mechanize forced cooperation through the social credit system that will provide a score to each individual based on his or her political leanings, education, ethnicity, and personal associations.¹⁸ The score will define where one can find housing, employment, whether one has access to state healthcare, and whether someone can send their children to state-run schools. The more Chinese authorities replace community education, healthcare, and housing with state provided resources, the more Tibetans are forced to comply in return for simply accessing basic privileges.

Any talk of politics or critique of state policy is considered for a charge of separatism;¹⁹ posting, possessing, or even clicking on images of the Dalai Lama is grounds for a charge of religious extremism.²⁰ To speak of such matters with outsiders is often a more extreme crime in the eyes of the state,²¹ and Tibetans are routinely discouraged from contacting the outside world in any way whatsoever.²²

¹⁶ Mara Hvistendahl. How a Chinese AI Giant Made Chatting—and Surveillance—Easy, *Wired*, 18 May 2020, available at <https://www.wired.com/story/iflytek-china-ai-giant-voice-chatting-surveillance/>

¹⁷ Isabel Hilton. 'How China's strategy of repression has led to decades of violence in Tibet', Review of *Eat the Buddha: Life and Death in a Tibetan Town*, by Barbara Demick, *New Statesman*, 9 September 2020, available at <https://www.newstatesman.com/culture/books/2020/09/how-china-s-strategy-repression-has-led-decades-violence-tibet>

¹⁸ Anna Mitchell and Larry Diamond. China's Surveillance State Should Scare Everyone, *The Atlantic*, 2 February 2018, available at <https://www.theatlantic.com/international/archive/2018/02/china-surveillance/552203/>

¹⁹ Prominent former political prisoner Tsegon Gyal sentenced to three years on charge of 'inciting separatism', TCHRD, 18 February 2018, available at <https://tchrd.org/prominent-former-political-prisoner-tsegon-gyal-sentenced-to-three-years-on-charge-of-inciting-separatism/>

²⁰ Tibetan monk imprisoned for Dalai Lama pictures released after two years, TCHRD, 18 August 2017, available at <https://tchrd.org/tibetan-monk-imprisoned-for-dalai-lama-pictures-released-after-two-years/>

²¹ Tibetan monk sentenced to 6 years in prison for sharing information online, TCHRD, 9 December 2016, available at <https://tchrd.org/tibetan-monk-sentenced-to-6-years-in-prison-for-sharing-information-online/>

²² China issues vague and overbroad rules on internet censorship in Tibet, TCHRD, 17 November 2017, available <https://tchrd.org/china-issues-vague-and-broad-rules-on-internet-censorship-in-tibet/>

The punishments for anyone who crosses these largely invisible lines are steep and quick, and Chinese authorities have a long memory for such slights. Detentions and interrogations are commonplace for those who fall into suspicion of committing such crimes;²³ anyone bold enough to call for a free Tibet, human rights, or return of the Dalai Lama is subject to indefinite detention. Many Tibetans are known to have died due to wounds sustained from custodial torture, and many are currently missing with whereabouts unknown after being arrested and in some cases, disappeared. In addition, the government often restricts the rights of the families of political prisoners. Many cannot get jobs or apply for housing, and their children are barred from attending state schools.²⁴

In 2018, a three-year nationwide anti-crime campaign was launched to fight crime in PRC. The campaign categorized a range of activities as ‘organized crime’ that includes language protection initiatives, local environmental activity, and any form of support for increased autonomy for Tibetans. The state claims that many of these activities are secretly supporting the “Dalai Clique” and separatist groups.²⁵ Chinese authorities have always repressed such activities, but the recent campaign gives the repression the legitimacy of law. This represents a systematic violation of human rights, including the right to expression, freedom of assembly, and the right to participate in cultural life.

The mass collection of DNA profiles alongside online surveillance and censorship has enabled China to establish a high-tech surveillance state.²⁶ The nationally searchable DNA database of individuals built by the police without “oversight, transparency, or privacy protections” has sparked concerns about human rights violations.²⁷ In June 2019, Chinese authorities reported²⁸ that the DNA samples of all residents in Chamdo (Ch: Qamdo) City had been

²³ China announces fixed-term imprisonment of up to eight years for ‘illegal’ online content, TCHRD, 30 August 2019, available at <https://tchrd.org/china-announces-fixed-term-imprisonment-of-up-to-eight-years-for-illegal-online-content/>

²⁴ Ailing former Tibetan political prisoner interrogated and put under house arrest, TCHRD, 27 December 2017, available at <https://tchrd.org/ailing-former-tibetan-political-prisoner-interrogated-and-put-under-house-arrest/>

²⁵ China: Tibet Anti-Crime Campaign Silences Dissent, Human Rights Watch, 14 May 2020, available at [https://www.hrw.org/news/2020/05/14/china-tibet-anti-crime-campaign-silences-dissent#:~:text=\(New%20York\)%20%E2%80%93%20Chinese%20authorities,Human%20Rights%20Watch%20said%20today.&text=%E2%80%9CThe%20anti%20Dgang%20crime%20campaign,disloyal%20to%20Communist%20Party%20rule.%E2%80%9D](https://www.hrw.org/news/2020/05/14/china-tibet-anti-crime-campaign-silences-dissent#:~:text=(New%20York)%20%E2%80%93%20Chinese%20authorities,Human%20Rights%20Watch%20said%20today.&text=%E2%80%9CThe%20anti%20Dgang%20crime%20campaign,disloyal%20to%20Communist%20Party%20rule.%E2%80%9D)

²⁶ <https://www.wsj.com/articles/china-snares-innocent-and-guilty-alike-to-build-worlds-biggest-dna-database-1514310353>

²⁷ China: Police DNA Database Threatens Privacy, Human Rights Watch, 25 May 2017, available at <https://www.hrw.org/news/2017/05/15/china-police-dna-database-threatens-privacy>

²⁸ Chamdo City begins three important public service management projects, China Tibet Online [Tibetan language],

collected since the establishment of the online police DNA database system in the name of fighting crime although evidence show little in terms of fighting actual crimes.²⁹ Chamdo is the third largest city in TAR with an estimated population of 657505. The database covers all levels of governmental jurisdictions, monastic institutions, and the farming and nomadic community and contains basic information on all citizens including fingerprints, blood samples, and irises.

III. International and domestic legal standards

The right to freedom of opinion and expression, guaranteed under Articles 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), provides that everyone has the right to hold opinions without interference, and to seek, receive and impart information and ideas of all kinds through any media and regardless of frontiers. The realization of this right requires the full protection of the right to privacy, which is necessary for individuals to communicate without undue interference with their privacy. Such interferences can restrict and limit a range of human rights that are exercised online such as the free exchange of ideas and information without fear of retribution.

In addition to protecting human dignity, the right to privacy underpins other foundational rights, such as freedom of expression, information, and association. The legal requirement for online users to register with real name and identification, for instance, takes away the safety of anonymity and makes individual users vulnerable to a host of interrelated human rights violations at the hands of governments and other private entities.

Various international and regional human rights instruments and mechanisms recognize privacy as a fundamental human right. The right to privacy is protected in Article 12 of the UDHR, Article 17 of the ICCPR, Article 16 of the Convention on the Rights of the Child (CRC), Article 14 of the Convention on the Protection of All Migrant Workers and Members (CMW), Article 8 of the European Convention on Human Rights and Article 11 of the American Convention on Human Rights.

19 June 219, available at tb.chinatibetnews.com/nmtd/nmzc/201906/t20190619_2661857.html

²⁹ China: Police DNA Database Threatens Privacy, Human Rights Watch, 25 May 2017, available at <https://www.hrw.org/news/2017/05/15/china-police-dna-database-threatens-privacy>

The principles of equality and non-discrimination form the core of international human rights law and are enshrined in major human rights treaties such as the ICCPR (articles 2.1, 14, 24, 25 and 26); the International Covenant on Economic, Social and Cultural Rights (article 2.2); the Convention on the Elimination of All Forms of Racial Discrimination (articles 1, 2, 4 and 5); the CRC (article 2); the CMW (Article 7); the Convention on the Elimination of All Forms of Discrimination Against Women (articles 2, 3, 4 and 15); and the Convention on the Rights of Persons with Disabilities (articles 3, 4, 5 and 12).

Chinese authorities have enacted a plethora of laws and regulations in recent years that give them much leeway in restricting communication and violating user privacy in the digital sphere. This has resulted in violations of international human rights law as well as domestic legal provisions related to freedom of expression and privacy. Although Chinese laws do not specifically mention the right to privacy, there are provisions for dignity and human rights of a citizen. Similarly, Chinese Constitution grants and protects “freedom and privacy of correspondence” (Article 40) and freedom of expression (Article 35). Other laws such as the General Principles of Civil Law provides a "right of reputation" to citizens and corporations, stating, "[t]he personality of citizens shall be protected by law, and the use of insults, defamation or other means to damage the reputation of citizens or legal persons shall be prohibited."³⁰ Article 246 of the Criminal Law provides a further basis for the protection of this right, stating, "[t]hose openly insulting others using force or other methods or those fabricating stories to defame others, if the case is serious, are to be sentenced to three years or fewer in prison, put under criminal detention or surveillance, or deprived of their political rights."³¹

The implementation of abovementioned domestic legal provisions is however crippled by the ever-expanding Chinese censorship and surveillance regime, which obligates all internet service companies, both domestic and foreign, to remove and ban so-called illegal contents, in addition to providing the government direct access to user communication data. Tibetan legal analyst Dolma Kyab pointed out that the Cyber Security Law (2017) violates the right to privacy because it enables the government to identify and persecute those who hold political views deemed

³⁰ GENERAL PRINCIPLES OF THE CIVIL LAW OF THE PEOPLE'S REPUBLIC OF CHINA
<http://english.mofcom.gov.cn/aarticle/lawsdata/chineselaw/200211/20021100050859.html>

³¹ Criminal Law of the People's Republic of China <https://www.cecc.gov/resources/legal-provisions/criminal-law-of-the-peoples-republic-of-china>

illegal by the authorities.³²The Cyber Security Law³³ requires internet companies to collect and verify users' identities whenever they use major web sites or services and to "provide technical support and assistance" to security agencies during criminal investigations.³⁴ Having direct access to user activity logs and relevant data stored by internet companies, the government authorities are not required to follow due process when requesting internet companies for access to user data.

Other laws such as the National Intelligence Law (2017), Counter Espionage Law (2014), National Security Law (2015), Counterterrorism Law (2015), Foreign NGO Management (2016), as well as the Ninth Amendment to the PRC Criminal Law (2015) and the Encryption Law grant government authorities arbitrary powers to monitor suspects, raid premises and seize vehicles and devices.³⁵ They create affirmative legal responsibilities for both domestic and foreign individuals, companies, and organizations "to provide access, cooperation, or support for" the government's intelligence-gathering activities to promote the interests of the government.³⁶ Lacking any safeguards for human rights protection, these laws allow government authorities to surveil activists and persecute human rights defenders. The preoccupation with state security in numerous cybersecurity narratives ignores the risks it poses to human rights.³⁷ Article 7 of the National Intelligence Law, for instance, makes it an obligation of every Chinese citizen to "support national intelligence work," which results in widespread spying among the populace making self-censorship the only safe option.

IV. Self-Censorship and Human Rights

Self-censorship has become a mandatory quality of daily life in Tibet; one that usually includes cutting ties with loved ones for one's own safety. This is indicative of a systemic abuse of human rights, to the point the people are afraid to contact their own family even for something

³²Online interview conducted by TCHRD researcher Pema Gyal on 28 March 2020

³³ <https://www.hongkongfp.com/2016/11/07/china-passes-controversial-cybersecurity-law-as-online-freedoms-tighten-further/>

³⁴ Chinese law and state security requirements stunt companies' progress in 2019 RDR Index, <https://rankingdigitalrights.org/2019/07/17/chinese-law-and-state-security-requirements-stunt-companies-progress-in-2019-rdr-index/>

³⁵ China passes tough new intelligence law, Reuters, 27 June 2017, available at <https://www.reuters.com/article/us-china-security-lawmaking-idUSKBN19I1FW>

³⁶ <https://www.lawfareblog.com/beijings-new-national-intelligence-law-defense-offense>

³⁷ Surveillance and censorship: The impact of technologies on human rights, Policy Department, Directorate-General for External Policies, European Parliament, EP/EXPO/B/DROI/FCW/2013-08/Lot8/02. https://www.academia.edu/14962018/Surveillance_and_censorship_The_impact_of_technologies_on_human_rights

as simple as saying hello. The imposed separation of families on this level is unacceptable, and stems from imposed self-censorship.

On a national level, China has made censorship the responsibility of the populace. Aware of the long reach of state surveillance apparatus, Tibetans not only censor their own speech but also the speech of those around them. Chinese laws and regulations make it obligatory on the individuals to report any behavior that violates Chinese standards, which places them in the position of both monitoring the behavior of those around them and being aware that they themselves are being watched at all times. This puts further constraints and limits on human rights and fundamental freedoms as is evident in the creation of an authoritarian surveillance state in Tibet and Xinjiang.

By punishing those who so much as interact with a ‘suspicious’ individual, the Party-state forces Tibetans to take initiative and censor their own community. If a loved one or acquaintance is too vocal about issues that the government tries to suppress, Tibetans must choose between risking their own safety by doing nothing, reporting the individual to the police, or severing all contact with the loved one.

Not only are Tibetans censoring themselves, they are censoring each other; if a loved one speaks too openly about sensitive issues, it puts both the individual and the loved one in danger, and that danger compels the individual to take action. Mutual self-censorship threatens Tibetans’ ability to express their own political and cultural identity and protest human rights violations. This is the result of a very concerted effort on the part of the Party-state, which is fully aware of the impact of the social control mechanisms that it has put in place in Tibet. The former TAR Party Secretary Chen Quanguo’s transfer to Xinjiang, where he has replicated the exact same model of social control on the Uyghur population,³⁸ demonstrates a willful and organized repression of “ethnic minorities” in the People’s Republic of China (PRC).

PRC’s surveillance and censorship system is designed to discipline and produce subjects that are willing to exercise self-censorship in order to avoid coercive and punitive state retaliation. It is the fear of disciplinary actions such as torture and imprisonment of oneself and one’s loved ones that force many to self-censor and unwittingly protect the interests of the Party-state. It aligns

³⁸ The origin of the ‘Xinjiang model’ in Tibet under Chen Quanguo: Securitized ethnicity and accelerating assimilation, International Campaign for Tibet, 19 December 2018, available at <https://savetibet.org/the-origin-of-the-xinjiang-model-in-tibet-under-chen-quanguo-securitizing-ethnicity-and-accelerating-assimilation/>

on many levels with the Party's political and ideological campaigns to make citizens patriotic and loyal.

The censorship and surveillance rules of the Party-state are widely publicized and disseminated via state propaganda vehicles such as the “patriotic education”, “national security education”, and “legal education” to indoctrinate the different sections of the community with certain attitudes and beliefs deemed correct by the authorities.³⁹ Access to Internet and mobile phone connection for local Tibetans has always been subject to the prevailing political environment⁴⁰ and changing threat perceptions of the state.⁴¹ Incidents of erratic mobile phone signals and Internet shutdown⁴² have become more common. The intensification of political and ideological campaigns under president Xi Jinping has resulted in a chilling effect on Internet usage among local Tibetans, shutting down the already shrinking number of critical voices against government repression.

To further increase state control over digital sphere, Chinese authorities in TAR issued a directive in 2019, known as the “20 not-to-do's”, which mirrors the repressive provisions introduced in the National Security Law (2015),⁴³ the Cyber Security Law (2016),⁴⁴ the Counter Terrorism Law (2016,⁴⁵ and the Anti Espionage Law (2014)⁴⁶. The contents of the directive were made in a series of comic strips to attract public attention and to make the directive widely accessible. The activities deemed illegal under the directive and corresponding punitive actions have further caused a spike in self-censorship among Tibetans living in and out of Tibet. The

³⁹ Chinese authorities crushing freedom of expression in the name of internet security, TCHRD, 5 August 2019, available at <https://tchrd.org/chinese-authorities-crushing-freedom-of-expression-in-the-name-of-internet-security/>

⁴⁰ Fears for the life of a Tibetan man detained for sharing photos ahead of sensitive political anniversary, TCHRD, 12 November 2019, available at <https://tchrd.org/fears-for-the-life-of-a-tibetan-man-detained-for-sharing-photos-ahead-of-sensitive-political-anniversary/>

⁴¹ Monk stages burning protest in remote Tibetan town as China imposes Internet blockade, TCHRD, 10 July 2015, available at <https://tchrd.org/monk-stages-burning-protest-in-remote-tibetan-town-as-china-imposes-internet-blockade/>

⁴² Internet Blocked in Tibetan Areas of China in Run-up to Sensitive Anniversary, Radio Free Asia, 10 March 2017, available at <https://www.rfa.org/english/news/tibet/sensitive-03102017170655.html>

⁴³ China's new National Security Law a serious setback to human rights in Tibet, TCHRD, 9 July 2015, available at <https://tchrd.org/chinas-new-national-security-law-a-serious-setback-to-human-rights-in-tibet/>

⁴⁴ Tibetan Monk Detained on ‘Cybersecurity’ Charge, Radio Free Asia, 24 April 2018, available at <https://www.rfa.org/english/news/tibet/cybersecurity-04242018142800.html>

⁴⁵ China's New Counter-Terrorism Law: Implications and dangers for Tibetans and Uyghurs: A Joint Report by the International Campaign for Tibet and FIDH, November 2016, available at <https://www.savetibet.org/wp-content/uploads/2016/11/FIDH-ICT-Chinas-new-counter-terrorism-law-Implications-and-Dangers-for-Tibetans-and-Uyghurs-15-11-2016-FINAL.pdf>

⁴⁶ Tibetan nuns, monks receive anti-espionage education, Global Times, 13 November 2015, available at <https://www.globaltimes.cn/content/952453.shtml>

directive’s ulterior motive is evident in the way human rights advocacy particularly "rights defense" work and promotion of “public discussions on common issues of concern” is criminalized as “provoking the people to despise and attack the government” (Image 2).

There is a clear attempt to silence civil society groups that receive funding from foreign donors on the charge of “illegally using online communication tools to share fabricated news and information, which destroys the unity of the nation, inciting state subversion” (Image 4). There are provisions in the directive that reinforce the Chinese government narrative that all demonstrations and protests against the government are funded by hostile forces (Image 6) and people using the Internet to share information about human rights violations or other excesses of Chinese state power are “engaging in espionage activities on behalf of foreigners” (Image 3) and “illegally sharing state secrets” (Image 3). The directive further forbids using communication tools “to organize, participate in, and incite illegal activities such as religious extremism, violence, and fraudulent crimes” (Image 5); “inciting the public to destroy social order” (Image 7); “inciting ethnic hatred and ethnic divisions” (Image 8); and promoting “superstitious religious beliefs” and “illegal cults” (Image 9).

Image 1



Image 4



དྲ་རྒྱའི་འཕྲིན་གཏོར་ཡོ་བྱེད་རྒྱུ་ནས་རྒྱལ་ཁབ་ཚམས་གཏོར་བ་དང་། རྒྱལ་ཁབ་བྱི་བཞིག་གྱུར་ལ་གཏོར་བཞིག་གཏོར་བ། རྒྱ་ཆོས་ལ་ཡིད་
དྲིལ་སྤེལ་ཡིད་ལ་བརྟེན་ནས་རྒྱུད་སྐྱོར་བཅས་ཀྱི་ཆ་འཕྲིན་འཛོལ་བསྟེན་དང་། བཟོ་བ། སབ་ལེན། ཉར་ཚགས། ཡིངས་བསྐྲུགས། བརྒྱུད་བསྐྲུགས། ལྷུ་
ལྷུ་ལ་བཅས་བྱེད་མི་ཚོ་གྱུ་
严禁利用网络通信工具搜集、制作、下载、存储、发布、传播、宣扬颠覆国家、破坏国家统一、推翻社会主义制度的信息。

Image 5



དྲ་རྒྱའི་འཕྲིན་གཏོར་ཡོ་བྱེད་རྒྱུ་ནས་ཚོས་ལྟགས་ཐལ་རྒྱུ་དང་། གཏུམ་རྒྱུད་འཛིགས་སྐུལ་ལ་གོ་སྐོར་བསྟེན་དང་། ཉེན་འཕྲི་གནས་སྒྲུལ་དང་།
རིམས་ནད་བྱུང་ཚུལ། གནོད་འཚོའི་གནས་སྒྲུལ། ཉེན་བདའི་གནས་སྒྲུལ་བཅས་རྒྱན་མཉམ་བུལ་གྱི་ཆ་འཕྲིན་འཛོལ་བསྟེན་དང་། བཟོ་བ་སབ་ལེན།
ཉར་ཚགས། ཡིངས་བསྐྲུགས། བརྒྱུད་བསྐྲུགས། ལྷུ་ལྷུ་ལ་བཅས་བྱེད་མི་ཚོ་གྱུ་
严禁利用网络通信工具搜集、制作、下载、存储、发布、传播、宣扬宗教极端思想、暴力恐怖、诱骗诈骗等信息。

In 2017, the Machu (Ch: Maqu) County internet police issued a list of instructions to all online chat group administrators and owners of public online accounts on how to conduct self-censorship.⁴⁷ The directive took effect on 8 October and contains rules that are local version of two new regulations⁴⁸ released on 7 September by the Cyberspace Administration of China (CAC). All group chat administrators and founders of online public accounts are strictly prevented from sharing ‘illegal’ contents on the internet. The directive covers all online groups posting and sharing information to the public through any registered online platform as well as online chat groups, social media, and instant messaging apps.

A sweeping new directive issued jointly by TAR Internet Information Office, TAR Public Security Department and TAR Communications Administration to purportedly prevent and combat “illegal and criminal online contents”⁴⁹ has prioritized “internet security” in conjunction with the three-year nationwide anti-crime campaign (2018-2020) that has already contributed to the already shrinking space for freedom of expression, thought and information in Tibet.⁵⁰

Other local regulations have criminalized posting and sharing information about events in Tibet on social media, and displaying Tibetan national flags and distributing leaflets containing political contents. A July 2015 directive distributed to all 42 Tibetan Buddhist monasteries in Ngaba Tibetan and Qiang Autonomous Prefecture, for instance, stipulates in Article 5: “[The act of] illegally sending separatism-themed pictures and videos to foreign hostile forces via mobile messaging app WeChat shall be penalized with multiple charges including illegal sharing state secrets and inciting separatism.”⁵¹

Punitive measures for violating the ban on ‘illegal’ contents online range from imprisonment and denial of permission to harvest caterpillar fungus, an important source of

⁴⁷ China issues vague and overbroad rules on internet censorship in Tibet, TCHRD, 17 November 2017, available at <https://tchrd.org/china-issues-vague-and-broad-rules-on-internet-censorship-in-tibet/>

⁴⁸ Management regulations on internet community forums, 25 August 2017, available at http://www.cac.gov.cn/2017-08/25/c_1121541921.htm

⁴⁹ Chinese authorities crushing freedom of expression in the name of internet security, TCHRD, 5 August 2019, available at <https://tchrd.org/chinese-authorities-crushing-freedom-of-expression-in-the-name-of-internet-security/>

⁵⁰ See 2019 Annual Report: Human Rights Situation in Tibet, TCHRD, 16 June 2020, available at <https://tchrd.org/2019-annual-report-human-rights-situation-in-tibet/>

⁵¹ Chinese propaganda booklet confirms absolute criminalization of peaceful expression in Tibet, TCHRD, 26 August 2016, available at <https://tchrd.org/chinese-propaganda-booklet-confirms-absolute-criminalization-of-peaceful-expression-in-tibet/>

income among Tibetan nomads to short term detention for political education and monetary fines. A local regulation enforced in Diru (Ch: Biru) County in Nagchu Prefecture requires the police to detain and investigate people who engage in spreading rumors or propagating harmful information on the Internet at the instigation of others.⁵² The directive has deterred many local human rights informants from sharing information about deteriorating human rights situation in Tibet owing to harsh retaliatory measures adopted by the Chinese authorities.



In 2016, Chinese authorities in TAR credited the “Grid Management” system for the “calm and order” in Lhasa city as “the masses manage themselves and serve themselves”⁵³. This is a clear admission that the pressures to acquiesce to government diktats have turned citizens into docile subjects voluntarily self-censoring their speeches and actions to conform to the state’s conception of appropriate and orderly behaviors and opinions.

⁵² China holds Tibetan livelihood to ransom to secure political stability, TCHRD, 30 July 2014, available at <https://tchrd.org/china-holds-tibetan-livelihood-to-ransom-to-secure-political-stability-2/>

⁵³ China reverts to ‘grid management’ to monitor citizens’ lives, Financial Times, 3 April 2016, available at <https://www.ft.com/content/bf6a67c6-940e-11e5-bd82-c1fb87bef7af>

V. Testimonies of Tibetans in Exile

Gathering specific information on the impacts of censorship and surveillance on ordinary Tibetans is incredibly difficult, as those who share any information with the media or human rights groups put great risk on themselves and their families. Even Tibetans living in exile must be wary of anything that smacks of activism. Majority of Tibetans interviewed for this report asked for anonymity fearing for the safety of their family and relatives living Tibet. Tsangyang Gyatso, a Tibetan currently living in exile in India, was contacted from within Tibet regarding several self-immolations that had taken place in protest of Chinese occupation. Wanting to honor the sacrifices of those who had self-immolated, he informed the international community and shared further information about the abuses by the Chinese authorities. After the news was broadcast, his brother, who still lived in Tibet, was detained for three months, and his sister was called in for interrogation five or six times. His family was kept under constant watch, and local authorities informed his village that it was now illegal to maintain any contact with him or even discuss him. He was to be dead to them, banished, censored. It worked, and since then, he said, his family, relatives, and friends have completely blocked him. “I do not regret what I did,” he said in a personal interview, “but one of the greatest mental anguishes about gathering information about human rights abuses in Tibet is to learn about the torture and detention of information sources.”⁵⁴

A Tibetan monk under the pseudonym Arra Bazza described a similar experience. In 2005, he helped distribute the Dalai Lama’s pictures and audio teachings around Tibetan cafes and homes. Later, he learned that the two monks who had helped him had been arrested, and he received a call from local authorities ordering him to return home immediately or get his household certificate cancelled.⁵⁵ Knowing that meant a likely arrest, he remained where he was, hidden from the authorities. He has since moved to India, where he has had limited contact with his family. Around 2013, the police interrogated his family asking them about Arra’s work and if they had any contact with him. The family had no information, at which point the police ordered the village leaders to pressure the family for information. Again, they told the police nothing. Before 2013,

⁵⁴ 2017 Annual Report: Human Rights Situation in Tibet, TCHRD, May 2018, available at

⁵⁵ Interview conducted by TCHRD researcher Pema Gyal in September 2019

he had been able to call his family twice, just to ask how they were doing. “Since then I did not get to talk to them,” Arra said. “If I contact them, their lives will be in danger. Even if someone dies there, I get to know only after a year.” He is not alone in this situation, he said. Many Tibetans with family in Tibet have lost most or all contact with family in the past decade, even those who do not engage in any activism. Since the Chinese state began its campaign against ‘black and evil forces’ in 2018, Arra said, restrictions on communication have been heightened. When they do speak of politics or Chinese control, Tibetans must speak in code to avoid automated surveillance.

Choeden Sangpo, a Tibetan who came to India in 2010, described having good contact with his family until 2012.⁵⁶ Things changed for the worse when in 2013 when there were massive protests in his hometown in Diru County, Nagchu Prefecture, against forced hoisting of Chinese flags on Tibetan homes.⁵⁷ Surveillance has increased making it risky to contact his family. Despite his efforts, his family shunned him fearing government retribution. “I don’t blame them,” he said, “they fear for their own safety.” But Choeden said other Tibetans have a harder time dealing with abandonment. “They blame their relatives and friends for shunning them and this has only strained their personal relations. I think no one can be blamed. It is the Chinese policy that is creating all these problems.”

For now, Choeden’s only link to his family is his younger brother who goes to a school in China. “He usually keeps in touch with me when he is in China. The situation is very different when he goes back to Tibet. The restriction is more severe there.” When his brother finishes school and returns to Tibet, he knows he will lose contact with him. “It will be almost like I have no family at all.”

Another exiled Tibetan from Diru named Kunchok Rabten, who works as a journalist in India, has not been able to contact his family since 2014, the year his father died. Attempts to contact his mother and other family members proved unsuccessful because his family and relatives had blocked him for fear of government surveillance. Rabten said he could understand his family’s situation because defying the government order would result in a two-year ban on harvesting caterpillar fungus, risking his family’s livelihood.

⁵⁶ Interview conducted by TCHRD researcher Pema Gyal in August 2019

⁵⁷ Diru Crackdown: Three Tibetans sent to prison for up to 13 years, singer gets 9 years in prison, TCHRD, 23 December 2013, available at <https://tchrd.org/diru-crackdown-three-tibetans-sent-to-prison-for-up-to-13-years-singer-gets-9-years-in-prison/>

Similar restrictions and punitive actions have been enforced in neighboring Sog County since 2014 when Sogshod Dhargye, an artist in living in India, lost contact with his family and relatives.⁵⁸ Still he managed to keep abreast of his family's situation through his nephew, who studies in a Chinese city and was his only contact until the end of 2016 when that contact also ended apparently under pressure from local Chinese authorities. The news of his uncle's death in 2016 reached him a year later through other exile Tibetans from his hometown. Aside from performing necessary rituals in exile, he could not contact his parents or call his uncle's family to offer condolence. "I understood their fear because only an extraordinary fear could compel parents to block their own children from contacting them."

Ngawang Tharpa, a member of Tibetan parliament in exile, has not contacted his family and friends in Sog County since 2015. "If I had not cut off all contacts with them, they would have been arrested and tortured for maintaining contacts with outsiders. They would have to face other punishment such as denial school admissions for their children or banned from harvesting caterpillar fungus, accessing government subsidies, and opening businesses. Basically, the authorities would have made it impossible for them to lead a normal life. The risks are huge."⁵⁹

Almost all the Tibetan interviewees share similar experience of being blocked by their loved ones from WeChat or thrown out of online chat groups; those that use Indian phone numbers are particularly targeted for removal from group chats administered by Tibetans inside Tibet. Some said their relatives gave them advance warnings before blocking them while some still went the extra mile of borrowing IDs of their Chinese friends to buy new SIM cards and contact their relatives in India.

All across the exile Tibetan community, there are stories of families breaking apart for their own safety. This rupture coincides with increased surveillance and crackdowns in Tibet. Woesser, a Tibetan living in India, had to break off contact with his family members in 2018 after he shared information about the political persecution of his family members with exile Tibetan organizations.⁶⁰ In Woesser's hometown in Pema (Ch: Baima) County, Golok Tibetan Autonomous Prefecture, WeChat and Weibo users are often unable to send or receive information; audio and

⁵⁸ Interview conducted by TCHRD researcher Pema Gyal in August 2019

⁵⁹ Interview conducted by TCHRD researcher Pema Gyal in August 2019

⁶⁰ Chinese authorities threaten family to hand over former Tibetan political prisoner who lives in exile, TCHRD, 11 June 2018, available at <https://tchrd.org/chinese-authorities-threaten-family-to-hand-over-former-tibetan-political-prisoner-who-lives-in-exile/>

video files shared cannot be opened. “These days, it doesn’t matter whether you use phone or WeChat or if the communication contains any political content or not, just the act of keeping contacts with outsiders is viewed with suspicion by the authorities,” he said. In early 2018 when Woesser posted a picture of the Dalai Lama on WeChat, his sister and some friends asked him to remove it to save his family from police interrogations. A friend from Do Drubchen monastery, where Woesser used to be a monk before leaving for India, gave similar advice of avoiding “trouble from the authorities” in July 2019 when Woesser posted another picture of the Dalai Lama on WeChat. In April 2019, a monk named Choedhar from the same monastery had been detained and tortured for four months for sharing a photo of the Dalai Lama and the missing 11th Panchen Lama on his WeChat profile.

In August 2019, when Samdup Kelsang (pseudonym), a Tibetan journalist living in India, posted a video of the Dalai Lama on his WeChat profile, he received a voice message from his father in Dzoerge County in Ngaba Tibetan Autonomous Prefecture, asking him to remove it and to “behave well”.⁶¹ This was the first time his father had talked to him in that way and it further confirmed his fears of Chinese state surveillance. Kelsang later learned about the extreme pressure his father, a former village leader, had been under. In 2019, all former and current village leaders had been forced to attend political education campaigns, which required them to “listen to lectures on strictly toeing the Party line and learn red songs praising the Party”. His parents had been questioned on three different occasions when police visited their home asking about Kelsang’s whereabouts and occupation in exile.

Like many Tibetans interviewed for this report, Kelsang agreed that because of the intrusive surveillance, Tibetans are unable to get a fuller picture of the conditions inside Tibet, which serves as a perfect foil for the authorities to continue perpetrating human rights violations with impunity. Citing the August 2019 detention of Tibetan writer Dhi Lhaden⁶² as an example, Kelsang said, “We know he had been detained way back in August 2019 but that’s all we know. There are no details because local Tibetans who have the information are too scared to speak out.”

Mepo Shargang (pseudonym), who was born and raised in Dzoerge County and now works as a researcher in India, pointed out that the pervasive surveillance and censorship in Tibetan areas

⁶¹ Interview conducted by TCHRD researcher Pema Gyal in September 2019

⁶² ‘The Art of Passive Resistance’: Second book penned by underground Tibetan writer released, TCHRD, 30 June 2015, available at <https://tchrd.org/the-art-of-passive-resistance-second-book-penned-by-underground-tibetan-writer-released/>

was aimed at stopping any information sharing between Tibetans living in and out of Tibet. The disruption of communication between the two sides enables the authorities, on the one hand, to stop information about Tibet from reaching the international community. While on the other, it could block information about freedom and human rights movements from foreign countries reaching Tibet, which the authorities fear would “corrupt the minds and ideological standpoint of the masses”.⁶³ Mepo’s brother, a monk at Kirti Monastery in Ngaba, had been detained on 23 May 2019 by the Dzoerge County police for almost a month merely for sending money online. As Mepo knew police would question his family and create more hardships, he decided not to contact them to ensure their safety. “Regardless of the matter being political or not, Tibetans are not allowed to post views about issues related to their livelihood or share speeches and photos of Tibetan religious leaders. They are not allowed to read or share information about human rights, freedom of expression, equality, democracy,” he said.

Jangshon (pseudonym), a Tibetan researcher in India, contacts his family in Tsoe (Ch: Hezuo) City, Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, once or twice a year using a phone that has no WeChat or other messaging or social media applications. His family had come under the close watch of local authorities since he left Tibet in 1996. His parents had been interrogated several times about his whereabouts and activities. At the time, he was working as a journalist for an exile Tibetan newspaper in Dharamsala. The tragic news of his father’s death in 2017 reached him many months later and left unfulfilled his dream of taking his parents on a pilgrimage tour in India. Despite several efforts in the past, his parents had been denied passports to travel. Jangshon noted that all phones in Tibet are preinstalled with surveillance software that can record and recognize a speaker’s voice, forcing many local Tibetan informants to become unresponsive and evasive of questions about human rights situation in Tibet.⁶⁴ “They are fearful of the invisible state surveillance watching and keeping records of who they talk to, where they go to and who they meet.” he said. “Any communication with Tibetans living in exile in countries such as India is particularly targeted and any perceived transgression swiftly investigated by the police.”

An overwhelming number of interviewees agreed that since 2016, restrictions on local Tibetans and their phone and Internet connections have become noticeably severe. Jamyang, a

⁶³ Interview conducted by TCHRD researcher Pema Gyal on 20 March 2020

⁶⁴ Interview conducted by TCHRD researcher Pema Gyal in 16 March 2020

teacher at a Tibetan religious institute in India, noticed unprecedented levels of surveillance and censorship since 2016 in his hometown of Mangra County in Tsolho (Ch: Hainan) Tibetan Autonomous Prefecture.⁶⁵ He had not experienced such restrictions during his two-month visit to Tibet in 2015. He added that local police were now quick to interrogate and charge anyone of ‘endangering state security’ for sharing news, articles, scriptures, and pictures of religious leaders that had originally been published outside of Tibet. From 2016 to 2018, his father had been called for questioning thrice, once every year, to the local police station. The police warned his father that future travel permits for Jamyang would not be issued if he continued to work for the exile Tibetan government and get involved in political activism. Jamyang has since then decided not to visit Tibet again to ensure his and his family’s security.

In early 2016, Jamyang’s friend Karma Lhundup was detained by the local State Security Bureau personnel for posting a critical blogpost on the dismantling and relocation of a *latse* (cairn of stones and prayer flags), which had been originally built with the blessings of the previous 10th Panchen Lama in Tanakma (Ch: Heimahe) Township in Chabcha (Ch: Gonghe) County. The *Latse* ritual, an integral part of everyday life in Tibet, involves conducting the *bsang* purification ritual on mountaintops to propitiate local deities such as *yulha zhibdag* (guardian deities) by burning dried juniper leaves.⁶⁶ Lhundup, who had returned to Tibet from India in late 2015, was among the many Tibetans who have been detained in connection with so-called illegal online activities but whose cases remain unreported.

Taktsang Rigol (pseudonym), a college lecturer in India who originally belongs to Lithang County in Kardze Tibetan Autonomous Prefecture, recalled hearing about the arrest of a young Tibetan woman in Lhasa after police searched her mobile phone in 2018.⁶⁷ Friends and relatives in Tibet often tell Rigol “not to call them too much, send anything sensitive, or post Dalai Lama photos.” Rigol’s friends whose social media accounts were found communicating with anyone from India were quickly detained and interrogated. Rigol said that the government surveillance “scrutinizes every behavior and action to ensure that no one holds a contrary belief or idea or exercise one’s conscience on any issues including cultural and social conditions in Tibet.”

⁶⁵ Interview conducted by TCHRD researcher Pema Gyal on 22 March 2020

⁶⁶ Tan, Gillian G. 2018. Differentiating Smoke: Smoke as duwa and Smoke from bsang on the Tibetan Plateau, *Anthropological Forum*, 28(2): 126-136.

⁶⁷ Interview conducted by TCHRD researcher Pema Gyal in 29 March 2020

Many other Tibetans living in exile are unable to contact their families for months especially during sensitive anniversaries such as the 10 March 1959 Uprising and the Dalai Lama's birthday when imposition of internet shutdown and heightened censorship become routine. For Gonpo Tashi (pseudonym), a Tibetan living in India, making contacts with his family members in Tibet has always been an impossible task before and during sensitive anniversaries. Sometimes the calls do not go through even if the correct number is dialled.⁶⁸ During his 2016 visit to his hometown in Dola (Ch: Qilian) County in Tsojang (Ch: Haibei) Tibetan Autonomous Prefecture, Tashi faced intense restrictions unlike his previous visit in 2014. On his arrival in Xining, he had to report to the provincial United Front Work Department, where he was temporarily given an iPhone 4 that he was required to use for all communication purposes during his entire stay in Tibet. He was prohibited from using his own phone, which was subjected to a thorough search by the authorities. There was also an explicit order that forbid him from taking any pictures and videos of his hometown or share any such information with Tibetans in India.

The iPhone 4 had preinstalled malware that automatically downloaded pictures and audio messages enabling the authorities to track his movement and location, as Tashi later learned from his relatives. Local Tibetans in Tashi's hometown lock their phones away at appropriate distance when discussing the prevailing situation in Tibet and about exile Tibetans. Local authorities had announced bans on posting and sharing political information or photos of the Dalai Lama on the internet. Even prayer offerings for the sick and the deceased made to exiled Tibetan religious leaders had been banned. Punishment for violating these bans would result in seizure of nomadic pastureland and cancellation state welfare benefits, in addition to imprisonment in more serious cases.

Lobsang Dhondup, a student in India, said that Tibetans living in exile are viewed with more suspicion and their digital communication monitored more closely by the Chinese authorities irrespective of the content of the communication.⁶⁹ Dhondup had fled Tibet in February 2019 to avoid political persecution. As a student at a teachers training institute in Barkham city, Ngaba Tibetan Autonomous Prefecture, he had been detained in 2008 and 2011 for participating in demonstrations calling for language rights in Tibet. Soon after his departure from Tibet, local Chinese police visited his home putting pressure on his parents to convince Dhondup to return or

⁶⁸ Interview with TCHRD researcher Pema Gyal in March 2020

⁶⁹ Interview conducted by TCHRD researcher Pema Gyal in March 2020

lose his citizenship rights. The police further threatened to make his parents responsible for his crimes and create problems for his younger siblings who at the time were preparing to sit for annual school exams. The series of indirect threats including explicit order for his family to contact the police as soon as they heard from him forced Dhondup to stop contacting his family altogether since March 2019. The decision to cut off contact with his family was partly prompted by the detention of his uncle in early 2019 for sharing a photo of Dalai Lama in a WeChat group. In the custody of the county police, the uncle, who was a monk, was brutally beaten up for not admitting to the crime of sending the banned photo. Only after the monk confessed to the so-called crime did he receive a “lenient” sentence of a three-week criminal detention.

Kanyag Tsering, a monk at the India-based Kirti Monastery who had acted as a principal contact for information about human rights situation in Ngaba County, where the most number of self-immolation had occurred, summed up the most common experience of Tibetans in exile that have been forced to break off all contacts with family and friends in Tibet. “The pressure on your conscience is immense when many who provided you information are detained and tortured. That I cannot speak to or meet my parents and other family members in Tibet is my personal problem and I can deal with that. But what really troubles me is that I am somehow responsible for making my friends go to prison.”⁷⁰

VI. Exporting surveillance technology

With plans to be the global leader in artificial intelligence by 2030,⁷¹ China is a leading exporter of Artificial Intelligence (AI) surveillance technologies enabling the worrying growth of high-tech state authoritarianism worldwide.⁷² Three Chinese firms – Huawei, Dahua, and Uniview Technologies collect about 30 percent of all global video surveillance revenue.⁷³ Chinese

⁷⁰ Interview conducted by TCHRD researcher Pema Gyal in September 2019

⁷¹ This Chinese facial recognition start-up can identify a person in seconds, CNBC, 16 May 2019, available at <https://www.cnbc.com/2019/05/16/this-chinese-facial-recognition-start-up-can-id-a-person-in-seconds.html#:~:text=China%20plans%20to%20be%20the,of%20China's%201.4%20billion%20citizens>.

⁷² Steven Feldstein, The Global Expansion of AI Surveillance, Carnegie Endowment for International Peace, 17 September 2019, available at <https://carnegieendowment.org/2019/09/17/global-expansion-of-ai-surveillance-pub-79847>

⁷³ Sophie Perryer. Surveillance cameras have become one of China’s most valuable exports – here’s why, IFSEC Global, 29 October 2019, available at <https://www.worldfinance.com/featured/surveillance-cameras-have-become-one-of-chinas-most-valuable-exports-heres-why>

companies such as Hikvision, Dahua, and ZTE supply AI surveillance technology to 63 countries. At least 53 countries use AI surveillance technology produced by Huawei.

Owing to China's poor human rights record and authoritarian practices, there are legitimate concerns about data security highlighting glaringly worrying questions about the Party-state's ability to protect the right to privacy domestically and internationally. Moreover, the Party-state's possible misuse of data and information to increase its influence in international affairs raises the alarming prospects of China setting standards for the international community. There has been a marked increase in China's attempts to gain traction for its opinions and ideas in the international sphere, which is backed by the Party-state's vast and powerful propaganda system, whose two-fold mission is to instill domestic ideological unity and 'convincing the world about the peaceful rise' of China.⁷⁴

Data protection has emerged as a distinct human or fundamental right having acquired constitutional protection in many countries in Latin America and Europe.⁷⁵ Article 21 of the ASEAN Human Rights Declaration explicitly applies the right to privacy to personal data.⁷⁶ China has plenty of precedents to look for when drafting its own law to comprehensively protect the right to privacy at home and abroad.

China's Anti-Espionage Law, which mandates intelligence agents to do work "within and outside of" China, and compels organizations to assist in the espionage work further fuels espionage allegations against Chinese companies.⁷⁷ Chinese tech companies have faced accusations of spying on behalf of the Chinese government⁷⁸ and evidences point to Chinese complicity in human rights abuses in other countries that use Chinese surveillance technology. Huawei had helped the Ugandan government suppress opposition by hacking into the phones of

⁷⁴ Edney, K. *The Globalization of Chinese Propaganda: International Power and Domestic Political Cohesion*, Palgrave Macmillan US, 2014, available at <https://www.palgrave.com/in/book/9781137382146>

⁷⁵ Article 35 of the 1976 Constitution of Portugal

⁷⁶ *The Right to Privacy in China*, Stakeholder Report Universal Periodic Review 17th Session – China, Privacy International, and the Law and Technology Centre of the University of Hong Kong March 2013

⁷⁷ Girard, B. *The Real Danger of China's National Intelligence Law*, *The Diplomat*, 23 February 2019, available at <https://thediplomat.com/2019/02/the-real-danger-of-chinas-national-intelligence-law/>

⁷⁸ *Is Huawei compelled by Chinese law to help with espionage?* *Financial Times*, 5 March 2019, available at <https://www.ft.com/content/282f8ca0-3be6-11e9-b72b-2c7f526ca5d0>

local activists.⁷⁹ Chinese surveillance technology was “widely used to suppress dissent and led to an erosion of fundamental democratic freedoms such as the freedom of expression in Ethiopia.”⁸⁰

Recent reports have pointed to the alarming rise and normalization of ‘online transnational repression’ perpetrated by Chinese authorities to monitor and control Tibetans living in exile.⁸¹ China’s use of transnational digital tools suppresses freedom of expression and information on the Internet and prevents critical information about human rights abuses from going out of Tibet. Exiled Tibetan activists have long been subjected to digital surveillance and espionage activities as they face frequent attacks through malicious software⁸² while those with family connections in Tibet receive threats that their family members will be harmed.⁸³ China’s transnational repression of Tibetan activists and human rights defenders living in free and democratic countries must be held accountable under relevant domestic and international human rights law.

VII. Recommendations

To the Chinese government:

- End mass surveillance policy and use of surveillance technology including the deployment of thousands of ‘village-based cadres’, the “Grid Management” system, and other domestic surveillance systems such as the ‘Double-linked Households’
- Require consent to be obtained before collecting biometric data, which includes DNA and blood sampling, voice recordings, photographs, or any form of identifiable data

⁷⁹ China’s export of surveillance technology supports authoritarian regimes throughout the world, JASON Institute for Peace and Security Studies, <https://jasoninstitute.com/2020/02/16/chinas-export-of-surveillance-technology-supports-authoritarian-regimes-throughout-the-world/>

⁸⁰ Ibid.

⁸¹ Marcus Michaelsen, The silencing effect of digital transnational repression, Hivos, 26 February 2020, available at <https://www.hivos.org/news/the-silencing-effect-of-digital-transnational-repression/>

⁸² Kleemola, Crete-Nishihata and Scott-Railton, Tibetan Uprising Day Malware Attacks, The Citizen Lab, 10 March 2015, available at <https://citizenlab.ca/2015/03/tibetan-uprising-day-malware-attacks/>

⁸³ Chinese authorities threaten family to hand over former Tibetan political prisoner who lives in exile, TCHRD, 11 June 2018, available at <https://tchrd.org/chinese-authorities-threaten-family-to-hand-over-former-tibetan-political-prisoner-who-lives-in-exile/>

- Review, repeal and amend legislation and policy that go beyond the reasonable requirements of state security prevention of crime in breach of the right to privacy and other linked human rights

- Implement internationally accepted best practices, standards and safeguards in relation to the promotion and protection of the right to privacy with particular reference to the work of the International Intelligence Oversight Forum as relevant⁸⁴

- Ratify the International Covenant on Civil and Political Rights

- Introduce legislation to protect the right to privacy as a fundamental human right, including explicit mention and acknowledgement of the right to privacy in future

- Review and amend the Cyber Security Law to protect the right to privacy and freedom of expression

- Repeal laws and regulations requiring real-name registration for online users, censoring of contents, and restricting free speech

- Introduce safeguards to protect individuals' right to privacy, including by regulating the installation of surveillance cameras in private and public spaces and protecting the data from such cameras

- Introduce a national data protection law to protect personal information

To the Chinese corporations and foreign corporations working in China:

⁸⁴ Statement by Mr. Joseph Cannataci, UN Special Rapporteur on the right to privacy, at the 71st session of the General Assembly, 24 October, 2016, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21240&LangID=E>

- Implement the “Code of Conduct for Businesses Operating in Tibet”⁸⁵ to stop contributing to or participating in human rights abuses in Tibet

To the international community:

- Hold China accountable for violating basic rights relating to freedom of expression and opinion that are represented in Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, and Article 35 of the People’s Republic of China’s Constitution
- Build a strong global coalition of nations, civil society groups with shared values and principles on human rights and individual freedoms to counter China’s surveillance and censorship model

⁸⁵ Code of Conduct for Businesses Operating in Tibet, 30 June 2015, available at <https://tchrd.org/tchrd-calls-on-businesses-to-refrain-from-contributing-to-human-rights-abuses-in-tibet/>