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**BUREAU DU TIBET**  
Représentation de  
Sa Sainteté le Dalaï-Lama

**OFFICE OF TIBET**  
Representation Office  
of H.H. the Dalai Lama

**BUREAU VAN TIBET**  
Vertegenwoordiging  
van Z.H. de Dalai Lama

Brussels, 06 September 2018

H.E. Jean-Claude Juncker  
President  
European Commission  
Rue de la Loi 200  
B-1049 Brussels

Your Excellency,

The Office of Tibet wishes to presents its compliments to you and would like to take this opportunity to acknowledge with gratitude [REDACTED] letter of 31 July 2018 reassuring us of the EU's consistent stand on human rights and religious freedom of Tibetans in Tibet.

Related to the same theme and especially in connection with discourse on the matter in the Human Rights Council in Geneva, we would like to draw your attention to the forthcoming China's 3<sup>rd</sup> UPR cycle in November.

Firstly, we express regret and disappointment for continuing abrogation of the recommendations in the last 5 years despite multilateral, bilateral exchanges both in the Human Rights Council and the annual EU-China Strategic dialogue and EU-China Human rights dialogue. In particular, we are aggrieved at the continuing violation of Economic, Social and Cultural rights, forced relocation of nomad, disregard to Tibet's fragile ecosystem in the name of development and intensified attack against Human Rights Defenders.

We urge the EU and its member states to use their good offices for China to sincerely implement the recommendations of the 2<sup>nd</sup> cycle.

In order to facilitate your attention, we are enclosing herewith a 15-page joint report submission for the 3rd cycle, by the Tibet Bureau, Geneva, and 44-page document entitled "Human Rights Violations: The Case Of Tibet" compiled by the Department of Information and International Relations, CTA, Dharamsala, India.

It is in the continuing stand of the EU as defender of Human Rights and Universal Declaration of Human Rights we appeal the EU and member states to issue written and oral statements in advance of the session to be held in November.

We would also be grateful to you if we would get an appointment with you anytime that is convenient to you from 15-30 October 2018 to enable us to present the case of Tibet in person.

We would appreciate it if your office could get in contact with [REDACTED]  
[REDACTED]@tibetoffice.eu, for coordinating a possible meeting.

With assurances of our high regards,

Yours sincerely,



# HUMAN RIGHTS VIOLATIONS: THE CASE OF TIBET

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Human Rights Desk,  
Department of Information and International Relations (DIIR),  
Central Tibetan Administration, Dharamshala, India  
2018

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## 1 - RELIGIOUS REPRESSION AND CULTURAL GENOCIDE

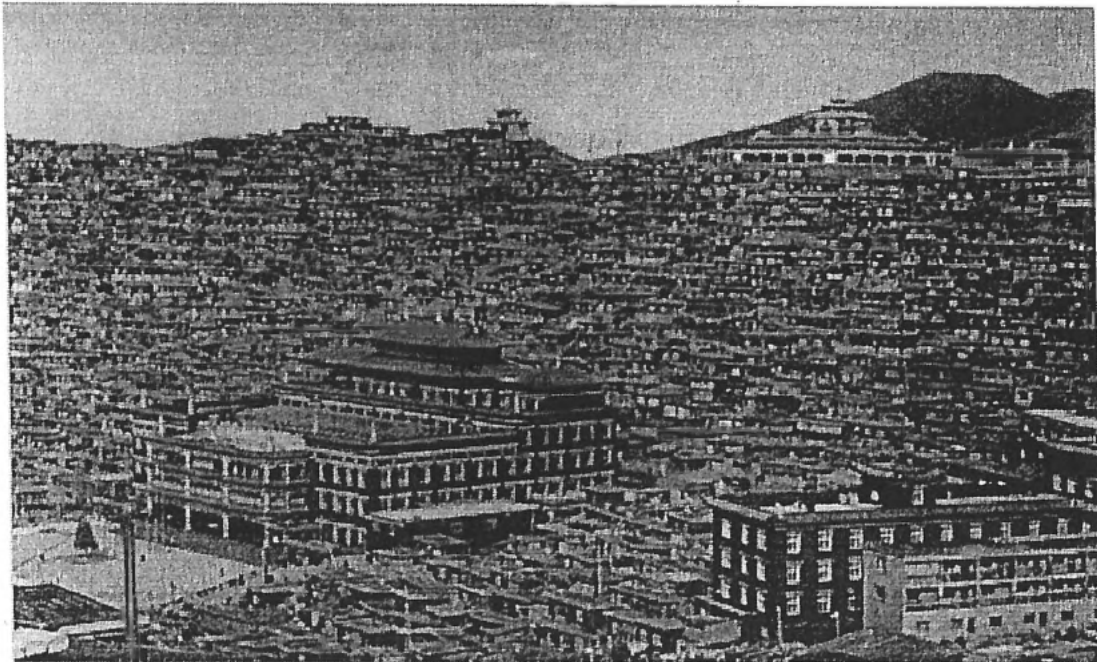
Tibetan Buddhism forms the core of Tibetan way of life and is practiced by majority of Tibetans. It sets the foundation for Tibetan cultural identity. However, the Chinese government has designed policies to place restrictions on Tibetan monastic institutes. The state interference in religious affairs has reduced the space for practice of Tibetan Buddhism in the wake of State interference in religious life of Tibetan people. Monasteries are barred from giving traditional monastic education and are instead replaced with 'Patriotic Education' enforced on monks and nuns.

In mid-July this year, Chinese authorities in Kham Sershul forced Tibetan monks below the age of 16 out of their monasteries and instead, were ordered to join government-run schools. As many as 200 young monks were removed from Dza Sershul Monastery, Dzachuka on July 10, 2018 according to news reports. If the monks refuse to abide, the monasteries will face closure while their administrators, the monks' religious teachers, as well as their parents will be punished, warned the authorities. The parents of the young monks were also threatened that the authorities would close the monastery if the monks refused to leave.



*Tibetan monks below 16 years old are forced out of the monastery to join government-run schools. Photo/RFA*

## The Case of Larung Gar: Demolition and Eviction at World's Largest Buddhist Academy

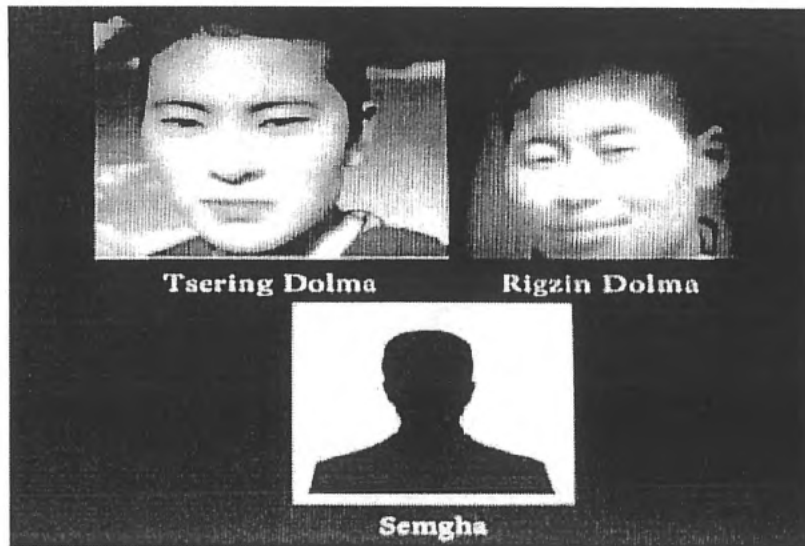


*Larung Gar Buddhist Centre*

Larung Gar, one of the largest Buddhist study centers in the world is facing wide-scale demolitions under the directions of the Chinese authorities. Beginning in 2001, the institute faced severe threats of destruction and expulsion of monks, nuns and lay practitioners. In June, 2016 the Chinese authorities ordered Larung Gar to slice its population of estimated 10,000 monks, nuns and lay practitioners by half and the demolitions were subsequently carried out in the following month. This led to the forced removal of at least 4,800 residents and dismantling of homes to a similar extent. Residents were neither consulted about the demolition plan prior to the government order, nor have they received any legal remedy or corresponding compensation. The evicted monks and nuns were forced to sign a document undertaking that they will not come back to Larung Gar and that they will not join any other monastic institutes in their hometown.

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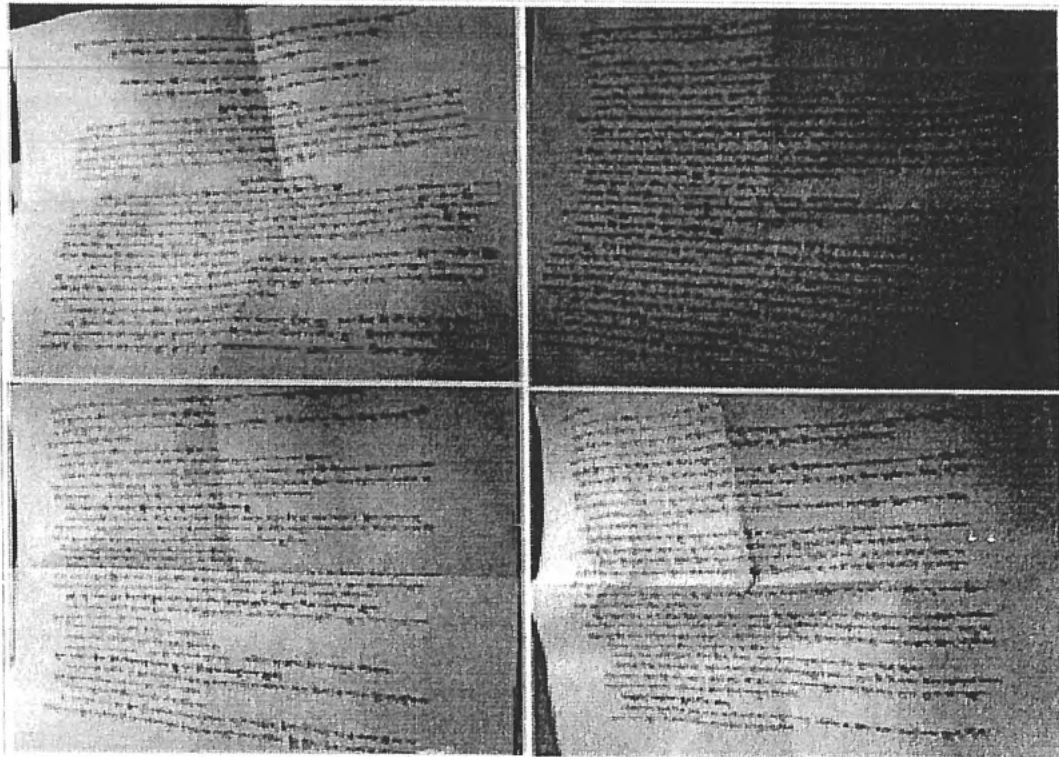


*Distressed over the demolition, three nuns hanged themselves to death in denouncing China's repression on religious freedom.*

Video footages received despite the crackdown on communication show nuns wailing helplessly as they watch their fellow nuns who were being shoved into buses and sent back to their hometowns. Monks and nuns were seen weeping in grief and some losing consciousness witnessing the forced separation from their friends, while government-sponsored Chinese military trucks transport monks and nuns out of the Buddhist institutes.

The evictees were forced to undergo patriotic education exercise. Video show Tibetan nuns dressed in military uniform forced to sing the song "Chinese and Tibetans are Children of One Mother." Another video show Tibetan nuns believed to be evictees of Larung Gar performing on stage to pop songs. This is not only a violation of their monastic vows but also the highest level of humiliation a nun can face. Images received from Tibet show that the evictees were housed in concentration camps. This is also a case of revival of Cultural Revolution in Tibet and case of Cultural Genocide.

Saddened by the demolition of the institution, three Tibetan nuns—Rigzin Dolma, Tsering Dolma and Semgha, committed suicide and left notes referring to the demolitions and Government "harassment."



*A photo of the four-page demolition notice*

### **Further Sources:**

- Central Tibetan Administration, “Larung Gar Before and After Demolition: Satellite Images Reveal the Scale of Destruction”: <http://tibet.net/2017/10/larung-gar-before-and-after-demolition-satellite-images-reveal-the-scale-of-destruction/>
- Short Film on the Large-Scale Demolition of Larung Gar: <https://www.youtube.com/watch?v=UQq6QNntXW4&feature=youtu.be>
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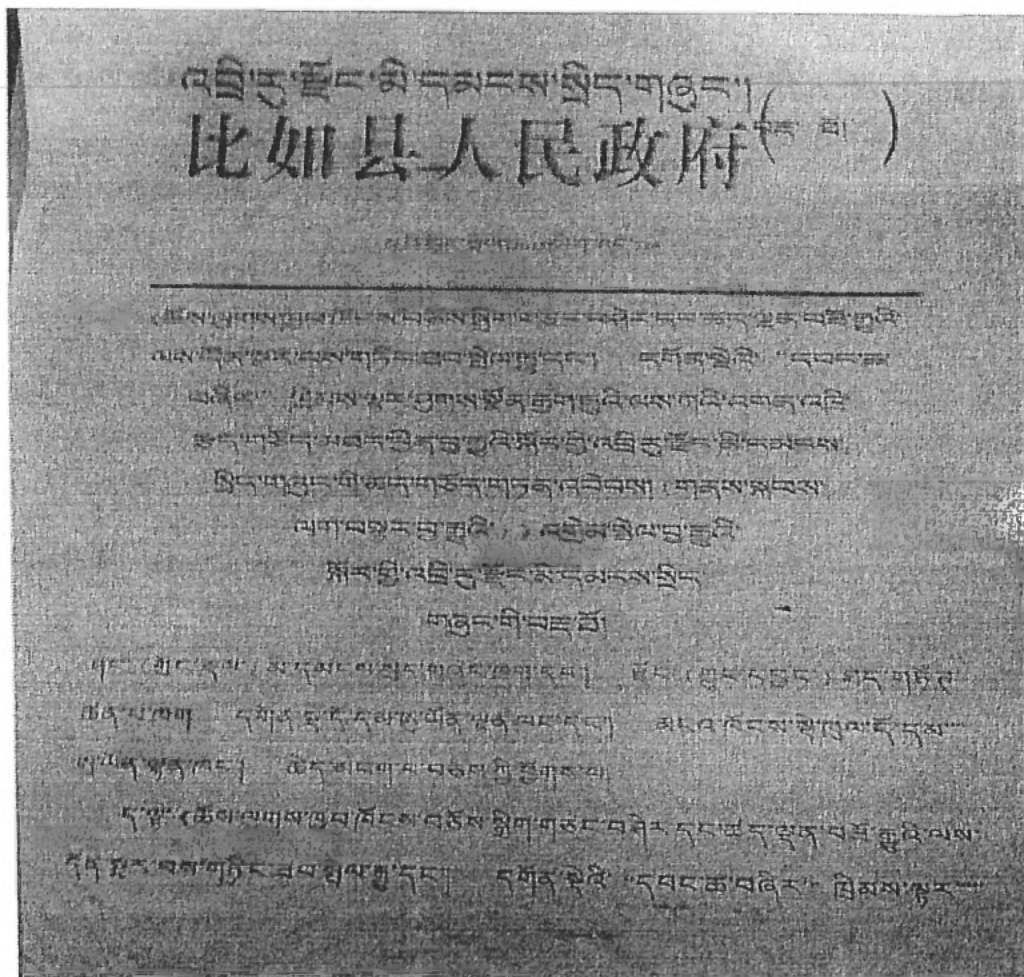
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- Asia Pacific News, “China Steps Up Demolition, Evictions at Larung Gar Buddhist Center”:  
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#### **Administration of Monasteries**

The Communist government controlled Democratic Management Committee (DMCs) has taken over the administrative role of abbots, traditional heads of monastery. Human Rights Watch has reported that the Chinese authorities have established Monastery Management Committees in 1787 monasteries since November 2011. The committee is composed of state-approved ‘patriotic’ monks and nuns, party cadres and government officials, in some cases ‘trusted’ Tibetan officials. It is given the responsibility of administering monasteries and imposing rules and regulation through ‘Patriotic Education.’ It serves as a link between the Chinese government and the Tibetan Buddhist monasteries and monitors activities and movements of monks and nuns.



*Leaked document exposes new level of religious repression*

A leaked document obtained by Tibetans in exile in 2015 reflects an entirely new level of repression in the monastic institutes. Document entitled “Notification of the Driru County People’s Government on the need to intensify and deepen the work of cleaning up and reforming the religious institutions [For temporary implementation]” reveals the systematic efforts to convert Tibetan monastic institutions into Chinese government offices and the monastic population into Chinese Communist Party members. The document contains set of regulations that identify activities through which religious institutions will be reformed. The document says, the Chinese authorities will control all financial activities of religious institutions including offerings made to reincarnate or senior monks. Every Thursday monks and nuns at all religious institutions in Driru County are required to attend political



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education sessions. The Chinese authorities will keep an account of all monastic properties, and retain the sole authority to decide over their storage and repair.

### **Patriotic Education**

Patriotic re-education (or simply patriotic Education) was initially launched in Tibet in 1996 as a part of Beijing's "Strike Hard" campaign against crime and corruption. The campaign has been expanding ever since, and today it has reached to the entire region, even to the remotest part of Tibet. The core message of the campaign was that the "loyalty to the State is a pre-requisite to be a good monk or nun". Under this campaign, a Work Team (Tib: ledon rukhag), consisting both Chinese and trusted Tibetan officials, visit monasteries and nunneries and force monks and nuns to denounce His Holiness the Dalai Lama and declare their allegiance toward the Communist Party leadership through an examination, or by signing a pledge. Moreover, under "Nine Must Haves" program, which is under the umbrella of Patriotic Re-education campaign, all monasteries and nunneries must display the portrait of the Chinese communist leaders and the Chinese National flag. Any attempts to boycott the session or defy the demands of the Work Team may result in expulsion, arrest or torture.

### **Order No: 5**

On January 2007, China's State Administration of Religious Affairs issued a new regulatory measure called "Order No. 5" on "management measures for the reincarnation of living Buddhas in Tibetan Buddhism." The decree makes it compulsory for all the Tulkus (reincarnated teachers) to register and get government approval. Article 2 of the regulation says that "reincarnating living Buddhas shall not be interfered with or be under the dominion of any foreign organization or individual" and shall be (article 7) "recognized by the provincial or autonomous regional Buddhist Association or the China Buddhist Association in accordance with religious rituals and historically established systems."

### Further sources:

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- Tibetan Centre For Human Rights And Democracy, “Document Exposes Intensification Of State-Sanctioned Religious Repression In Troubled Tibetan County”:  
<http://tchrd.org/document-exposes-intensification-of-state-sanctioned-religious-repression-in-troubled-tibetan-county/>
- Global Times, “Committees to Ensure Stability in Tibet’s Monasteries”:  
<http://www.globaltimes.cn/content/696094.shtml>



## 2 - MONITORING AND SURVEILLANCE

### Restriction on Freedom of Movement: Grid-Based Surveillance



Under the guise of “social stability maintenance,” Tibet is under heavy surveillance and control. With launch of “grid-system of social management” since 2012, and imposition of over 600 “convenience police-posts” with high-tech equipment to monitor daily life, particularly of “special groups” in the region--former prisoners and those who have returned from the exile community in India, among others are under constant watch.

With already stringent measures against freedom of expression, belief, association and movement of Tibetans, the “grid system of social management” further exacerbates the situation. Under the system, a designated place is divided into smaller sub-divisions, for instance, Chengguan district in the capital city of Tibet, Lhasa, is divided into 175 divisions. The system intended to facilitate the officials to closely monitor and identify the “potential trouble makers,” and gather real-time information from the community worker stationed within the areas.

Every movement of the residents is monitored on screens in offices and information is fed to these officers by grid staff stationed in respective areas equipped with smartphones, which can upload geo-tagged photographs.

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The ID cards issued are smart chip enabled. Beijing-based writer Wooser mentions that on her visit to Lhasa she noticed the Chinese authorities were scanning ID cards of the Tibetans who arrived with her on the train. The ID cards are scanned around Lhasa at all the checkpoints to limit movement and that those flagged are turned back.

“All villages become fortresses, and everyone is a watchman” is the official slogan used to describe the objective of the village-based grid management teams.

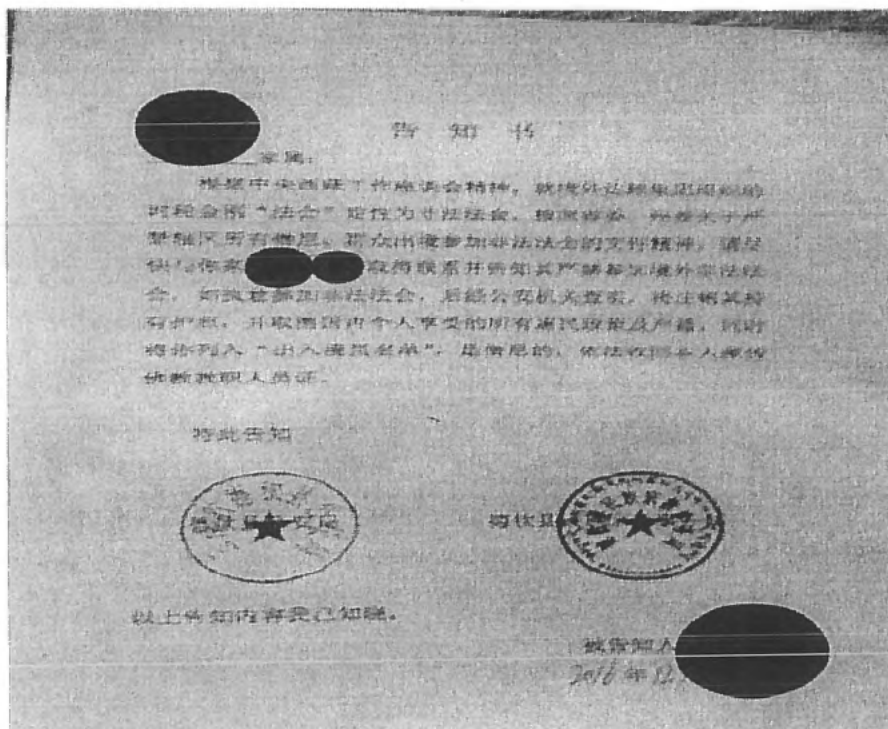
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- Human Rights Watch, “China: ‘Benefit The Masses’ Campaign Surveilling Tibetans - Cadre Teams In Villages Collecting Political Information, Monitoring Opinions”:  
<https://www.hrw.org/news/2013/06/18/china-benefit-masses-campaign-surveilling-tibetans>

## Travel Restrictions during Buddhist Teachings

The Chinese government has time and again imposed severe travel restrictions on Tibetans in Tibet to block them from attending Buddhist Teachings in India.

In 2017, the Chinese government imposed severe travel restrictions to block the Tibetans from attending the 34th Kalachakra Initiation—a prominent Buddhist ceremony led by His Holiness the Dalai Lama from January 2 to January 14, 2017 in Bodh Gaya, a place in India where Lord Buddha attained enlightenment. After spending years and huge amount of money to obtain passports for legal travel, thousands of Tibetan pilgrims who had come from Tibet purely to attend the spiritual gathering were ordered to return back.



*Directives issued by Dechen County authorities in Dechen Tibetan Autonomous Prefecture, Yunnan Province, describes the acts linked to Kalachakra teachings as criminal acts and to be punished accordingly.*

According to sources, around 7000 Tibetans from Tibet had to return back to Tibet before the start of the Kalachakra Initiation owing to threat and pressure received from Chinese authorities.

Authorities had threatened the family members of cutting subsidies, jobs and severe consequence if they did not before January 3, 2017, the day the Kalachakra initiations were to begin. Travel agencies in Nepal had received travel advisory circular from China, and had asked all travel agencies and airlines to cancel all travel plans and bookings made until January 10, 2017.

Upon their return to Tibet thousands of Tibetans were detained and their passports were confiscated and destroyed. Even in 2012, more than 10,000 Tibetan pilgrims from Tibet had attended the Kalachakra and upon their return to Tibet many were jailed or detained for “re-education” in military camps.

Again in January, 2018 similar restrictions were imposed and the Chinese government refused to issue or reissue passports to Tibetans to block them from attending Buddhist Teachings led by His Holiness the Dalai Lama at Bodhgaya, India.

#### **Further Sources:**

- Washington Post, “Hundreds of Tibetans defy China, gather at birthplace of Buddhism in India”:  
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- Radio Free Asia, “Authorities in China’s Qinghai Province Block Tibetans From Travel Amid Dalai Lama Teachings”:  
<https://www.rfa.org/english/news/tibet/travel-01242018164735.html>

### **Nepal and China - Travel Restriction on Tibetans**

According to available information, Tibetans are arrested when no other witnesses are present at the border or within Nepali territory and are forcibly returned to China by Nepali authorities. Officials who work at the Department of Immigration at one of the major crossing points between China and Nepal admitted that Tibetans are occasionally forced back due to pressure from China.

Where some Tibetans who travel to India to attend Buddhist Teachings are caught by the Chinese Authorities while entering back into Tibet, they are refused re-entry even though they carry the documents proving their citizenship of China. Human Rights Watch mentioned that there have been several cases of China refusing re-entry to its own citizens of Tibetan ethnicity since 2012. In some cases, the Tibetans were simply refused entry, and had no choice but to stay in Nepal; in others they were told by Chinese police that they should go to the Chinese Embassy in New Delhi and apply for a special permit to re-enter Tibet.

### **Further Sources:**

- Human Rights Watch, "Under China's Shadow: Mistreatment of Tibetans in Nepal":  
<https://www.hrw.org/report/2014/04/01/under-chinas-shadow/mistreatment-tibetans-nepal>
- DNA, "Nepal says China travel restriction on it to prevent Tibetans visiting to India":  
<http://www.dnaindia.com/world/report-nepal-says-chinatravel-restriction-on-it-to-move-to-prevent-tibetans-visiting-to-india-2286004>

## Discriminatory Practices in Issuing Passport for Tibetans



The United Nations' Committee on the Elimination of Racial Discrimination (CERD) recently concluded its review of the "combined 14<sup>th</sup> to 17<sup>th</sup> periodic reports of China" and published its concluding observations on August 30, 2018. The UN Committee in its report has raised concerns over the significant restrictions on movement of Tibetans within and beyond Tibetan Autonomous Region (TAR) and also abroad. It has further raised concerns about the entire banning of issuance of passports to Tibetans for foreign travel and has recommended China to revise its regulations and practices to ensure non-discriminatory determinations on passport applications and freedom of movement of Tibetans within and beyond TAR, and abroad.

China has heightened its restrictions on freedom of movement of Tibetan people by denying them passports since 2012. (Annexure 1) It has been reported that in 2012, in Tibet's Changdu (Tib: Chamdo) prefecture with a population of 650,000, only two passports were issued.

"Getting a passport is harder for a Tibetan than getting into heaven. This is one of those "preferential policies" given to us Tibetans by

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HUMAN RIGHTS VIOLATIONS: THE CASE OF TIBET  
[China's] central government.” – Posted by a Tibetan blogger on a  
Chinese-language website, October 2012

According to Human Rights Watch, since 2012, the Tibet Autonomous Region (TAR) authorities have ordered the confiscation of all ordinary passports held by registered residents of the region, over 90 percent of whom are Tibetans.

A discriminatory regulation placed two-systems in issuing passports:

- 1- Quick and straight-forward,
- 2- Extremely slow (Annexure 2)

The quick and straight-forward system is available in areas that are largely populated by Chinese majority, while the extremely slow system-has been imposed in areas populated mainly by Tibetans and other religious minorities. In case of the fast-track system, a passport application only requires approval from one office—the local branch of the Exit and Entry Administration under the Ministry of Public Security—and these offices are required to issue a passport to any citizen within 15 days of an application or to explain the delay. But residents of areas under slow-track processing are subjected to extremely long delays, often lasting several years, before passports are issued, or are routinely denied for no valid reason.

**Minority Areas Excluded From Fast-Track Processing  
(Human Rights Watch Report)**

Provinces with prefectures that are not permitted fast-track passport processing	Number of prefectures not permitted fast-track processing	Number of prefectures not permitted fast-track processing that have substantial Tibetan or Muslim populations
Xinjiang	14	14
TAR	7	7

Jiangxi	1	0
Sichuan	2	2
Yunnan	1	1
Gansu	2	2
Qinghai	8	8
Total	36	35

### Further Sources:

- Central Tibetan Administration, “UN Expert Group Observes China’s Discriminatory Practices in Tibet”:  
<http://tibet.net/2018/09/un-expert-group-observes-chinas-discriminatory-practices-in-tibet/>
- Independent, “China 'Bans' Tibetans and Other Religious Minorities from having Passports”:  
<http://www.independent.co.uk/news/world/asia/china-bans-tibetans-and-other-religious-minorities-from-having-passports-10384709.html>
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ANNEXURE-1

**Internal Notice issued by the TAR authorities, April 29, 2012.**

**(Unofficial translation from Chinese.)**

[Page 1]

TAR Party Committee General Office Document

TAR Party Committee GenOffDoc (2012) No. 22

TAR Party Committee General Office

TAR People's Government General Office

**Notice on Printing "Suggestions on Further Strengthening Our Region's Passport Handling, Approvals, and Issuance Management"**

All prefecture and prefecture-level city Party committees, all administrative offices and the Lhasa City People's Government, the Regional Party committee and all departmental committees, all committees, offices, departments and bureau in the autonomous region, and all People's collectives:

"Suggestions on Further Strengthening Our Region's Passport Handling, Approvals and Issuance Management" has been approved by the regional Party committee and government, and is hereby issued to you in print. Please integrate realities and implement conscientiously and thoroughly.

[Page 2]

TAR Party Committee General Office

TAR People's Government General Office

April 29, 2012

(This document has been sent to prefectural department levels, and to county Party committees and county governments.)

[Page 3]

### Suggestions on Further Strengthening Our Region's Passport Handling, Approvals, and Issuance Management

In order to further regulate our Region's passport handling, approvals and issuance work and in accordance with relevant national laws and regulations, and by integrating the work realities of our region, the following work suggestions are specially proposed:

#### **I. Earnestly strengthen management work over citizens' handling, approvals and issuance of ordinary passports**

1. Using the opportunity of the national launch of ePassports in May of this year, all still-valid ordinary passports in our region shall be withdrawn without exception.

Those needing to apply for an ordinary passport shall be re-issued with an ordinary ePassport following strict review and approval.

2. Strictly control approvals for the issuance of ordinary passports. Ordinary passport applications and issuance shall be carried out under a system of "apply in the domicile, examine at the prefecture, unified approval by the regional Public Security Department." First, all citizens in the region without exception and in accordance with the principle of local management, when applying for an ordinary passport shall apply to the prefecture-level (prefecture-level city) public security agency where their household is registered; the regional Entry and Exit Administration of the Public Security Department shall no longer accept or handle applications. Second, ordinary passport applicants must provide a self-completed application to be delivered in person to their local

village (neighborhood) committee, township (town) People's Government (neighborhood affairs office) and police station for initial examination. The police station shall submit the application materials to the township (town) People's Government (neighborhood affairs office) for review by the leaders, and report it to the county (county-level city, district) Public Security Bureau for handling. Following a review by the county (county-level city, district) Public Security Bureau, the application materials shall be sent to the county (county-level city, district) People's Government leaders for examination and approval and for them to provide their opinions. After reporting to the prefecture-level (prefecture-level city) Public Security Exit and Entry Administration, the application materials shall be delivered to the principal leaders of the prefecture-level (prefecture-level city) Public Security Bureau (Office) for examination and approval, and then reported to the principal leaders of the [prefecture] administration (Government) for review and approval. Once all formalities are complete, the prefecture-level (prefecture-level city) Public Security Entry and Exit Administration departments shall report to the Regional Public Security Department Entry and Exit Administration for review and approval, and issuance. Upon returning to the country, passport-holders without exception must hand their passport in to the local prefecture-level (prefecture-level city) Public Security Exit and Entry Administration department for unified safe-keeping.

3. Strictly limit state workers holding ordinary passports. When prefecture (prefecture level city) Public Security Exit and Entry Administration departments receive a citizen's application for an ordinary passport, an examination should be carried out of the applicant's application materials and the applicant should be interviewed to ascertain whether or not they are a state worker. On the principle of not issuing ordinary passports to state workers in our region, if an ordinary passport is required for crossing the border due to exceptional circumstances, cadres at county-level and below

shall be reviewed and approved by their local prefecture (prefecture-level city) Party committee Organization Department; cadres above county level applying for an ordinary passport shall be reviewed and approved by the autonomous regional Party committee Organization Department. Upon returning to the country from traveling abroad, all passports without exception must be handed in to the passport-holder's local Organization Department at the county-level (county-level city, district) or above for unified safe-keeping.

4. Implement a system of persons [Ch.: renyuan] with ordinary passports signing a declaration of responsibility [Ch.: zeren shu]. When such persons collect an ordinary passport for the purpose of private foreign travel, they must sign a declaration of responsibility in person at the prefecture (prefecture-level) Public Security Exit and Entry Administration, guaranteeing that on leaving the country they will not engage in any activities that threaten national security or national interests, or other illegal criminal activities. The Public Security Exit and Entry Administration must seek out a visit with the passport holder on their return and conduct a face-to-face interview, and if any illegal activities are discovered, the passports without exception shall be canceled or declared invalid.

**II. Conscientiously carry out good work on tour group passport applications** In accordance with Article 9, Chapter II of the "Tourist Agency Regulations" promulgated by the State Council, and the provisions of Article 10, Chapter II of the "Detailed Implementation Measures," earnestly strengthen the handling of tour groups' ordinary passports.

1. When travel agency tour groups travel abroad, citizens from our region applying for an ordinary passport necessary for travel must carry out their passport application in strict accordance with the relevant provisions, being checked and approved one by one, and in strict accordance with the principle of "whoever checks also approves and is also

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HUMAN RIGHTS VIOLATIONS: THE CASE OF TIBET responsible.” Travel agencies must sign a formal travel contract with the traveler.

2. When travel agencies complete their handling of passports, a responsible person shall go to the autonomous regional Tourism Bureau Supervision and Management Office to receive a “Form for a Name list of Chinese Citizens Leaving the Country in a Tour Group,” and complete it conscientiously. Once completed by the tour group operator, the third copy of the “Form for a Name list of Chinese Citizens Leaving the Country in a Tour Group” shall be retained by the autonomous regional Tourism Bureau Supervision and Management Office.
3. Strict tour-group management of passports. Regarding citizens from our Region who have participated in a tour group and applied for an ordinary passport, and upon such tour group participants’ return to the country, without exception, their passports shall be collected and handed in to the prefecture (prefecture-level city) Public Security Exit and Entry Administration department by the travel agency organizing the tour group for safe-keeping.

### **III. Further strengthen management work on the approval and issuance of public affairs passports**

1. Strictly strengthen management work on public affairs passports in accordance with the “Notice on Printing ‘Diplomatic Passport, Service Passport, and Public Affairs Passport Retrieval Measures’ (MFA Doc [2006] No. 60)” issued by the Ministry of Foreign Affairs, the “Notice on ‘Detailed Measures on the TAR Public Affairs Passports Issuance and Management Implementation’ (Experimental)” and the “Notice on the ‘TAR Public Affairs Passport Retrieval and Management Detailed Implementation Measures’ (TAR External Affairs Doc [2007] No. 53)” issued by the TAR External Affairs Office, and in accordance with the spirit of the “Notice on Printing ‘Diplomatic Passport, Service Passport

and Public Affairs Passport Issuance and Management Measures' (MFA Doc [2006] No. 23)."

2. All tour groups and individuals traveling abroad on public affairs who apply for a public affairs passport must handle formalities through application channels for going abroad on public affairs. Public affairs passports must be returned to the agency nominated by the issuing department within seven days of returning to the country for safe-keeping or for cancelation. Individuals or work units which delay handing in passports or who do not carry out document management provisions shall be temporarily prevented from going abroad on public service.
3. Strengthen passport management for foreign travel by enterprises and work units in our region, increasing the rigor of approvals for public affairs passports for going abroad on public affairs, and put an end to ordinary passport-holders going abroad to conduct public affairs.

Copies sent to:

TAR Military District Political Department, Air Force Lhasa Command Office Party

TAR Party Committee General Office Private Secretary's Office.

Printed on April 29, 2012

ANNEXURE-2

**The 10 Stages of the Application Process for an Ordinary  
Passport in the TAR**

A summary based on the instructions given in Notice No. 22, April 29, 2012

Source: Human Rights Watch

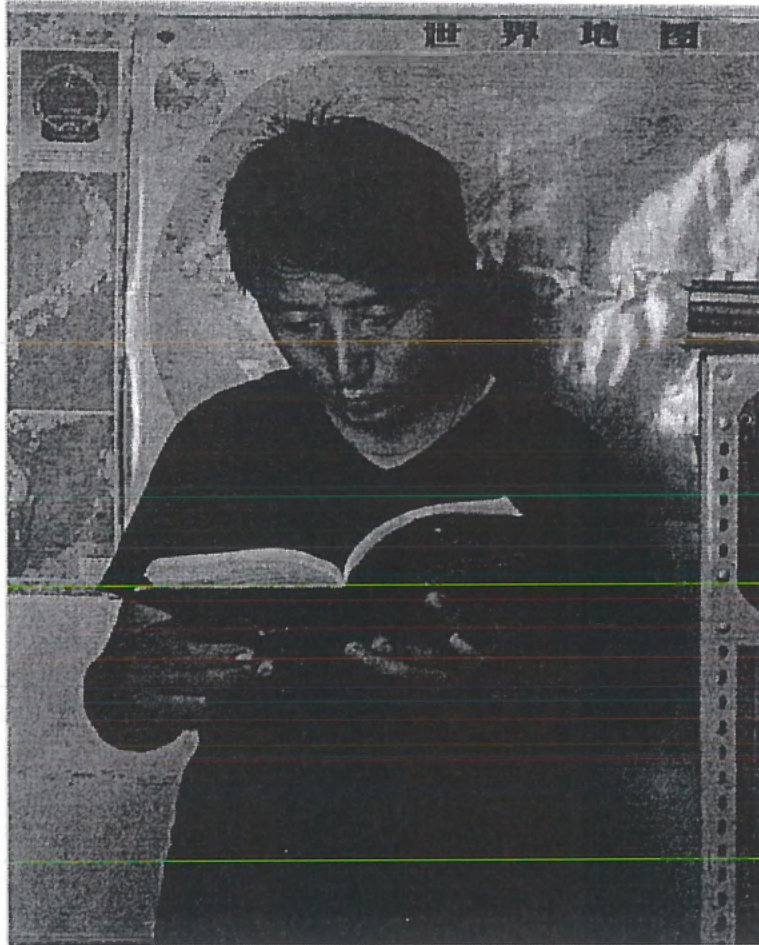
1. Applications are submitted to the applicant's local Village (or neighborhood) Committee, Township (or Town) People's Government (or neighborhood affairs office), and police station for initial examination.
2. Applications are submitted by the applicant to the applicant's local police station for initial examination.
3. The local police station submits the application to the Township (or Town) People's Government (or neighborhood affairs office) for "review by the leaders" [Ch.: yiba shou].
4. The application is submitted to the County-level (county-level city, district) Public Security Bureau for review and approval.
5. The application is then submitted for examination and approval to the County-level (county-level city, district) People's Government leaders, who "provide their opinions" on the application.
6. The application is then filed with the prefecture-level Public Security Exit and Entry Administration for review and approval.
7. Following approval, the application is passed on to the "principal leaders" [Ch.: zhuyao lingdao] of the prefecture-level Public Security Bureau [the Exit and Entry Administration's controlling agency] for examination and approval.

8. The application is then submitted to the “principal leaders” in the prefecture-level government for review and approval.
9. The prefecture-level Public Security Exit and Entry Administration files the application with the autonomous regional Public Security Department Exit and Entry Administration for review and approval.
10. The autonomous regional Public Security Department Exit and Entry Administration issues the passport.



### 3 - LANGUAGE AND CULTURAL RIGHTS

#### Arbitrary Arrest and Detention of Language Rights Advocate: Tashi Wangchuk



*Tashi Wangchuk in an undated photo*

- *Went missing in January 2016*
- *News of his arrest emerged in March 2016*
- *January 2018 trial started under closed doors*
- *Charged with "Inciting Separatism"*
- *May 2018 Sentenced to 5 years imprisonment*
- *August 2018 appeal dismissed, 5 years imprisonment upheld*

Tashi Wangchuk, a Tibetan language rights advocate was arbitrarily detained by Chinese authorities in January 2016, a few months after he appeared in a New York Times documentary about his concerns for Tibetan language and his efforts in reaching out to Chinese officials. He mainly talked about Tibetan language and culture preservation in the documentary released in November 2015.

Tashi Wangchuk remained missing for more than 2 months since January 2016. After enormous attention generated by international media outlets on his case, his family was finally informed of his arrest on 24 March 2016.

Tashi Wangchuk had travelled to Beijing in May 2015 to file a formal complaint against officials in his hometown, Kyegudo (Ch: Yushu) in Kham, Eastern Tibet now incorporated into China's Qinghai Province, for their failure to support Tibetan language education.

He was seen explicitly expressing his concern over the deterioration of Tibetan language education in his hometown Kyegudo. Under the pretext of promoting bilingual education, the Chinese government has promoted Mandarin as the medium of instruction in Tibetan schools. He had made clear in his interviews with New York Times that he was not an advocate of Tibetan 'independence,' and that he was concerned about the protection and preservation of Tibetan language and culture, and called for implementation of the rights and freedoms associated with the equal protection and promotion of Tibetan language and culture, as stipulated in the Chinese Constitution and the law on Regional National Autonomy. However, Tashi Wangchuk was charged with "inciting separatism," and after a closed-door trial he was sentenced to 5 years imprisonment in May, 2018.

The Chinese Constitution and Law on Regional Ethnic Autonomy say that minorities have the right to use and develop spoken and written language. There are many other provisions including PRC's

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HUMAN RIGHTS VIOLATIONS: THE CASE OF TIBET compulsory education that provides language rights to minority nationalities. Despite these provisions, Tashi Wangchuk was detained and charged with political crimes for simply expressing his concern over the marginalization of Tibetan language, and for filing a lawsuit against the Chinese authorities for their failure in implementing the legal provisions.

On December 10, 2016 World Human Rights Day, the American ambassador to China, Max Baucus, released a statement in which he mentioned a number of people being held by China, including Tashi Wangchuk, who he said was “in jail for his peaceful advocacy of Tibetan language education.” He called for his immediate release.

PEN America listed Tashi Wangchuk’s case in China’s attempt to censor foreign reporting.

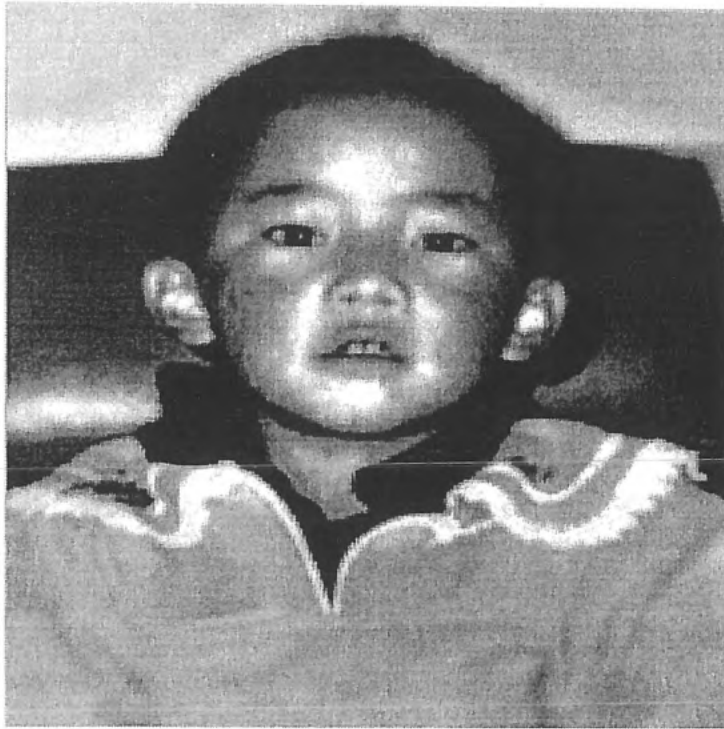
On August 23, 2018, Tashi Wangchuk's lawyer Liang Xiaojun tweeted that his appeal against the sentencing was dismissed by the Appeals Court. The arguments presented by Tashi Wangchuk and his defense lawyer were rejected and his five-year sentence was upheld by the Qinghai High Court.

### **Further Sources:**

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#### **4- ENFORCED DISAPPEARANCES: CASE OF PANCHEN LAMA**



*Gedhun Choekyi Nyima, 11<sup>th</sup> Panchen Lama of Tibet*

Chinese authorities continue to arbitrarily arrest, sentence and disappear Tibetans who express their devotion to His Holiness the Dalai Lama and advocate for Tibetan cultural and language rights and express their opinion against the Chinese policies or who attempt to publish their views. More than 730 known prisoners of conscience were detained on or after March 2008.

On 14 May 1995, His Holiness the Dalai Lama recognized Gedhun Choekyi Nyima, aged 6, as the reincarnation of the 10<sup>th</sup> Panchen Lama.

On May 17, 1995, the Chinese authorities abducted him, thus making him one of the world's youngest prisoners of conscience. Since then, his whereabouts remain unknown. The Chinese government instead installed another young boy of the same age as their choice of the 11<sup>th</sup> Panchen Lama.

On 8 April 2011, the United Nations' Working Group on Enforced and Involuntary Disappearances has publicly stated Gedhun Choekyi Nyima disappeared in 1995 when he was six years old. The Chinese authorities have "admitted to taking him away."

They have continually refused to divulge any information about him or his whereabouts, making his case an enforced disappearance".

A number of human rights bodies including the UN Committee against Torture, the UN Committee on the Rights of the Child, as well as the Special Rapporteur on Freedom of Religion or Belief, have called for the Panchen Lama's whereabouts to be made known.

This year marks 23 years since his disappearance.

#### **Further sources:**

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- BBC, "China Urged to Release Panchen Lama after 20 years":  
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## 5 - ARRESTS AND SENTENCING

### A. Dr. Yeshi Choedon



*Yeshi Choedon*

Yeshi Choedon, a 54-year-old retired Tibetan doctor, was arbitrary detained without valid charges during the peaceful protests by Tibetans in Lhasa in March 2008. Her family was denied the right to meet her during her detention. Later, on 7 November on the charges of 'espionage', Dr. Yeshi Choedon was sentenced to 15-year imprisonment by the Intermediate People's Court in Lhasa. She was accused of leaking out information to the outside world during the peaceful protests in March 2008.

The last available news of Dr. Yeshi Choedon was in 2016 that reported that she was seriously ill due to torture in prison and hospitalized for the second time for emergency treatment. She was hospitalized earlier in 2012. Since 2016, there has been no information about her health condition and whereabouts.

A mother of two sons and a recipient of Tibet Medal of Courage, Dr. Yeshi Choedon was among the 35 world political prisoners profiled at the Geneva Summit in February, 2018 that highlighted 6 Tibetans.

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- Central Tibetan Administration, "Six Tibetans Profiled Among 35 Political Prisoners at 10<sup>th</sup> Geneva Summit for Human Rights and Democracy":  
<http://tibet.net/2018/02/six-tibetans-profiled-among-35-political-prisoners-at-10th-geneva-summit-for-human-rights-and-democracy/>



**B. Dorjee Tashi**



*Dorjee Tashi, a Tibetan Businessman sentenced to imprisonment for life*

Dorjee Tashi, one of Tibet's richest businessmen, known for working within the system joined the ruling Communist Party in 2003. The Chinese administration named him as one of "10 outstanding youth of Tibet."

Tashi was handed imprisonment for life in 2010. He was sentenced in a secret trial under alleged charge of "illegal business operations". It is believed that he was arrested after the Chinese authorities found a letter he had received from His Holiness the Dalai Lama for making a donation. Post sentencing, there is no available information on his whereabouts and well-being.

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- The Globe and Mail, "One of Tibet's Businessmen Gets Life for Helping Exiles":  
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- The Guardian, "Tibetan Businessman Jailed for Life":  
<https://www.theguardian.com/world/2010/aug/12/tibet-businessman-dorje-tashi-jailed>

### C. Chinese Court Sentences Tibetans for Celebrating HH the Dalai Lama's Birthday



The Intermediate Peoples' Court in Barkham, Ngaba prefecture has sentenced 10 Tibetans, both monks and laypeople, to varying terms of 5 to 14 years in prison for taking part in the 80<sup>th</sup> birthday celebration of the Tibetan spiritual leader, His Holiness the Dalai Lama in Ngaba County, incorporated in China's Sichuan Province.

#### List of Tibetans Sentenced to Varied Terms of five to 14 Years

S.NO	NAME	AGE	GENDER	PRISON TERM
1	Drukdra	50	Male	14 years
2	Lobsang Khedrup	44	Male	13 years
3	Lobsang Gepel	29	Male	12 years
4	Lodro	41	Male	9 years

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HUMAN RIGHTS VIOLATIONS: THE CASE OF TIBET

5	Tare Key	unknown	Female	8 years
6	Wonkho Kyi	48	Female	7 years
7	Bonko Kyi	48	Male	7 years
8	Tsultrim	32	Male	6 years
9	Ajaya	unknown	Male	5 years
10	A Kyakya	35	Male	5 years

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## 6 - TORTURE AND DEATH IN PRISON: TENZIN DELEK RINPOCHE



*Tenzin Delek Rinpoche*

Tenzin Delek Rinpoche (65), a highly respected Tibetan spiritual leader and one of the most prominent Tibetan political prisoners died under suspicious circumstances on July 12, 2015, while being incarcerated in a Chinese prison in Tibet. Tibetans, global leaders and lawmakers have urged for an “international investigation’ into his death.

Tenzin Delek Rinpoche was arbitrarily arrested from his monastery in April 2002, under trumped-up charges of being involved in a bomb blast in Chengdu. In 2002, he was sentenced to life imprisonment on trumped up charges and denied access to a fair trial.

Tenzin Delek, is a Buddhist religious leader and a social worker. He first came under Chinese government’s scrutiny in 1987 when he returned from India after meeting with the Dalai Lama.

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#### HUMAN RIGHTS VIOLATIONS: THE CASE OF TIBET

As a spiritual leader, Tenzin Delek's influence extended far beyond. But it was his strong advocacy for Tibetan cultural identity and Tibet's environment that posed serious threat to China's legitimacy in Tibet. His efforts in conserving Tibet's environment by speaking against slapdash logging and mining projects, construction of old people's home and setting up of schools for orphans made him not just a spiritual leader but an environmental advocate, social activist and a visionary.

Tibetans, global leaders and lawmakers have urged for an "international investigation" into his death. Tenzin Delek's innocence was reinforced when in 2004, Human Rights Watch stated that the legal proceedings against Tenzin Delek Rinpoche had been "procedurally flawed" and he had been charged to "curb his efforts to foster Tibetan Buddhism and his work to develop Tibetan social and cultural institutions."

Tibetans in Tenzin Delek's home county of Lithang, in eastern Tibet have fearlessly made steadfast efforts to secure his release. In 2009, 40,000 Tibetan people risking arrests and even death, signed with red ink thumb impression, a petition calling for his release.

Months before his death, Tibetans across the globe marked the 13th year of Tenzin Delek Rinpoche's imprisonment and demanded that he be released on medical grounds. His family members in Tibet sought medical parole in accordance with the Chinese law, particularly the Prison Law of People's Republic of China that provides for a 'commutation from punishment and release on parole'. This effort gained considerable support from the international community, including the U.S. Congressmen Jim McGovern who called on the U.S. State Department to make his release on medical parole a priority. Tibetans were hopeful but this again was short-lived.

While demanding the release of his body, many local Tibetans sustained injuries from gunshot. His sister Dolkar Lhamo made a five-point appeal letter to the Chinese authorities citing a provision in its law that allows families to plea against cremations of

prisoners. Lhamo also raised her suspicion that her brother's death may not have been natural.

Within a matter of days, the authorities secretly cremated his body in a remote high-security prison facility with the attendance of his family members, who noticed the deceased had black lips and nails — heightening their suspicion surrounding his death.

After his followers were handed over the ashes by prison authorities, the police confiscated the ashes from them at a hotel in Lunding at gunpoint and threatened to throw it in a nearby river. A few days later, his sister and niece went missing. His niece Nyima Lhamo later escaped to India and has testified before various International Committees about the period before and after the suspicious death of Tulku Tenzin Delek Rinpoche.

Tenzin Delek's death points to China's gross violation of the principles of Universal Declaration of Human Rights. It also reflects on China's violation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders stipulating, "sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals."

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## 7 - SELF-IMMOLATION PROTESTS IN TIBET



*"...since we do not have freedom to voice the truth about our condition, I had to sacrifice my life to be a witness of truth to the world in general and specifically to the Chinese government and people..."* Sonam Topgyal, male, 26 year-old, died after self-immolation protest on 9th July 2015.

- **152 Tibetans have self-immolated in Tibet since February 27, 2009.**
- **126 men, 26 women**
- **130 of the 152 are known to have died following their protest**
- **26 of the Tibetans who self-immolated were 18 or under**

Since 2009, 152 Tibetans have self-immolated in Tibet.<sup>1</sup> 126 of them succumbed to the injuries. The whereabouts and conditions of the surviving self-immolators remain unknown. All the self-immolators have called for 'freedom in Tibet' and 'the return of His Holiness the Dalai Lama to Tibet.'

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<sup>1</sup> As of July 2018

However, instead of addressing the underlying grievances of Tibetans, the Chinese authorities have responded to these self-immolations with further repressive policies by heightening restrictions in Tibetan areas and dismissing the self-immolations as “acts of terrorism” and criminalizing the partners, friends and relatives of the self-immolators with arrests and heavy sentences.

Labelling self-immolation as an “act of terrorism” incited by the “Dalai Clique”, the Chinese authorities have issued guidelines (Annexure - 3) aimed at punishing family members and the relatives of the Tibetan self-immolators. The guidelines bar family members of self-immolators from travelling, applying for loans and licences, employment opportunities and governmental aid.

Till date, more than 50 Tibetans have been sentenced to imprisonment for varying prison terms under the alleged charge of having link with self-immolation protests. China’s prosecutions of Tibetans in response to the self-immolation protests only exacerbates the situation instead of addressing the legitimate grievance of Tibetan people in Tibet.

*“The suffering of Tibetans without basic human rights is far worse than the suffering that we endure when we set ourselves on fire...”*  
Sonam and Choepak Kyab, both died after self-immolation protest on 19 April 2012.

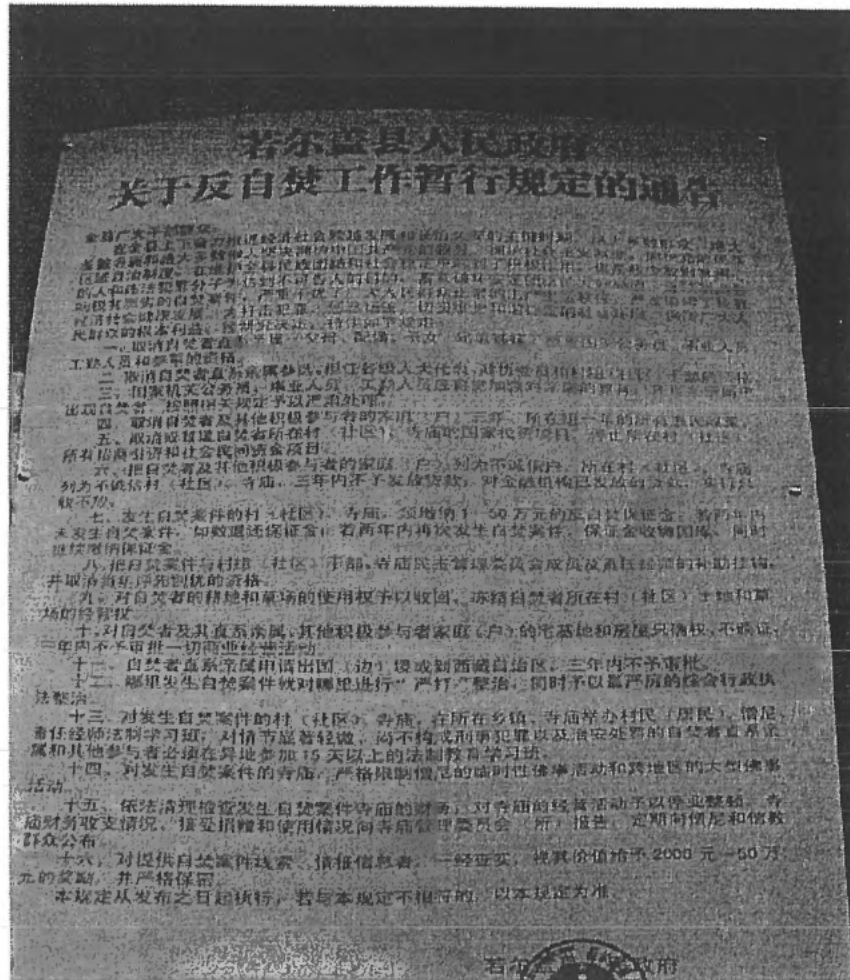
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## ANNEXURE - 3

## English Translation of Dzoerge County's rules in self-immolation



**Notification on the Provisional Regulation of the Work against Self-immolation Issued by Dzoerge County People's Government** To all the Government staffs and the mass in the county;

At this crucial moment when the entire county makes utmost effort for promoting leap frog expansion of economy and long-term stability, the majority of the mass, monasteries, and monks give determined adherence to the leadership of Chinese Communist Party, adherence to the Socialist System, and adherence to the system of minority regional autonomy.

All over the county they played an active role in safeguarding the national unification and social stability. However a tiny minority with ulterior motives and lawless criminals deliberately destroyed the overall stability and unity for reaching their evil intentions. They fabricated consecutive cases of self-immolation and caused extremely impact. Regular order of production and normal life of the mass were seriously interrupted. Healthy development of economy and society got married. In order to combat the crime, in order to praise virtue and punish vice, in order to make earnest efforts for maintaining harmony and stability of social environment, and in order to protect the fundamental interest of the mass, the regulations are specifically formulated through study and decision.

1. Lineal consanguinity (parents, spouse, children, cousin) of the self-immolated person should be disqualified from applying national public servant, enterprise staff, worker, unit clerk, and enlistment in army.
2. Lineal consanguinity is disqualified from participating in the election, from deputizing National People's Congress, from member of Chinese People's Political Consultative Conference, and from staff membership of village group (community).
3. Public servants of state organs, enterprise staffs and workers should consciously strengthen the education for their relatives. Once self-immolation occurs among their immediate relatives, the person (Note: government employed one mentioned in the context) should be dealt with seriously in accordance with the relevant regulation.
4. The family of the self-immolator should be disqualified from policies benefiting the people for three years, and the village group in where the self-immolated person lived should be disqualified from policies benefiting the people for one year.
5. The village (community) and monastery in where the self-immolator lived should disqualified or suspended from national investment projects. All the projects of investment attraction, all the social and rural capital projects should be

HUMAN RIGHTS VIOLATIONS: THE CASE OF TIBET  
cut off from village (community) in where the self-immolator lived.

6. The family (household) of self-immolator or other active participators should be list as non-honest family. The village (community) and monastery in where the self-immolator lived should be list as non-honest village and non-honest monastery. Loans should not be granted to them for three years. For the loans already granted by financial institutions should only be called in, should not grant any new loan to them.
7. The village (community) or monastery at where self-immolation happened should pay 10,000 to 50, 0000 Yuan security deposit for counter self-immolation. The security deposit will be returned in full if self-immolation does not happen for two years. If self-immolation happen again, the security deposit will be confiscated as state treasury, simultaneously the security deposit should be continued.
8. Self-immolation cases should be linked to the subsidies for the cadres of village group (community), member of monastery democratic management committee and monk teacher in accountability. They should be disqualified from the selection of excellence for the year.
9. The rights of cultivating land and pasture should be recalled from self-immolator. The management right of land and pasture should be frozen for the village (community) in where the self-immolator lived.
10. Only ownership confirmation can be granted to the residential property and the house belong to the self-immolator, immediate relatives and other active participators. But certification should not be granted to their residential property and house. All their commercial operating activities should not get approval for three years.
11. Applications of exit the country (border) or entry to TAR, submitted by the immediate relative of self-immolator, should not get approval for three years.

12. Where self-immolation case happens, there should have “harsh crackdown” and punishment. Simultaneously should have comprehensive administrative law enforcement.
13. Legality study class should be launched for the villagers, monks, nuns, and religious teachers, whoever from the village (community) and monastery where self-immolation case happened, whoever from the township and monastery in where the self-immolator lived. If the self-immolator’s case is apparently slight, not constitutes criminal offense and public security penalty, immediate relatives of self-immolator and other active participator must attend more than 15 days legality education class held in somewhere else.
14. For the monastery where self-immolation happened, temporary activities of Buddhist affair and inter-regional major Buddhist events should be seriously restricted.
15. Inspection and cleaning will be done to financial affair of the monastery where self-immolation happened in accordance with the law. Management activities of the monastery should be shut down and cleaned up. Financial income and expenses, and the statement of the donation receive and use should be reported to the Monastery Management Committee (department), and should be periodically announced to the monks, nuns and the religious believers.
16. If anyone reports clue and intelligence of self-immolation case, once the information get confirmed true, the informant will get an award 2,000 to 500,000 Yuan by valuating the intelligence. The process should be strictly kept confidential.

This regulation should be implemented from the day of announcement. Any other regulation discrepant to this regulation should take this regulation as criterion.

Sealed by  
People’s Government of Dzoerge County  
Dated: 8 April 2013

# JOINT REPORT SUBMISSION

**Third Cycle  
Thirty First Session of the Universal Periodic Review  
UN Human Rights Council  
March 2018**

**Country - PEOPLES REPUBLIC OF CHINA**

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**This report is endorsed by:**

- **Unrepresented Nations and Peoples Organization**
- **Nonviolent Radical Party Transnational Transparty**
- **Tibetan Community in Switzerland & Liechtenstein**
- **Swiss-Tibetan Friendship Association**
- **Tibetan Women Association Switzerland**
- **Tibet Initiative Deutschland**

*As part of its mandate to defend the fundamental rights of Tibetans inside Tibet, following specific organization: Unrepresented Nations and Peoples Organization, Nonviolent Radical Party Transnational Transparty, Tibetan Community in Switzerland & Liechtenstein, Swiss-Tibetan Friendship Association, Tibetan Women Association Switzerland and Tibet Initiative Deutschland, monitor human rights situation in Tibet Autonomous Region and adjacent Tibetan areas which are incorporated into Chinese provinces of Sichuan, Qinghai, Yunnan and Gansu.*

## **I. Introduction**

1. This joint submission is made by Unrepresented Nations and Peoples Organization (UNPO), Nonviolent Radical Party Transnational Transparty, Tibetan Community in Switzerland & Liechtenstein, Swiss-Tibetan Friendship Association, Tibetan Women Association Switzerland and Tibet Initiative Deutschland for the Universal Periodic Review (UPR) of China in November 2018. In it, the specific organizations highlight China's failure in the implementation of the recommendations made in the previous UPR and how it continues to violate the fundamental human rights of Tibetans.
2. China's argument that its economic achievements in Tibet are a significant contribution to the cause of human rights is unsubstantiated given the increase in repressive policies. China's push for "human rights with Chinese characteristics," which places development above human rights, is contradictory to the interconnection between development and human rights recognized by many international instruments.
3. Specifically, the report uncovers how China's development goals are violating the economic, social, and cultural rights of Tibetans through the forced resettlement of nomads and the marginalization of Tibetans. Second, it looks at how the forced relocations strengthen state surveillance. Third, the report touches upon the infringement of religious freedom under the guise of development. Fourth, it highlights the environmental crisis in Tibet from China's flawed policies. Finally, the report expresses grave concerns about the intensified crackdown on human rights defenders.
4. The report concludes with recommendations to China on how to address the human rights challenges mentioned in this report.

## **II. Relevant 2<sup>nd</sup> Cycle UPR Recommendations to China**

1. During its 2<sup>nd</sup> UPR in 2013, China responded by accepting several recommendations to protect and promote human rights, and human rights defenders, as well as environmental rights in Tibet:
  - i. 186.62. Ensure that human rights defenders can exercise their legitimate activities, including participation in international mechanisms, without being subjected to reprisals (Switzerland);
  - ii. 186.68. Consider the possibility of extending an invitation to special procedures to visit China taking into account the appropriate balance between economic, social and cultural rights and civil and political rights (Ecuador);

- iii. 186.73. Take the necessary concrete steps to facilitate a visit by the UN High Commissioner for Human Rights as soon as possible (Austria); Organize a visit of the High Commissioner in the coming future (Slovakia); Facilitate the visits of the UN High Commissioner and the special procedures, including to Tibetan and Uighur area (Switzerland);
- iv. 186.138. Take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China (Poland);
- v. 186.139. Continue promoting the freedom of religious belief and safeguarding social and religious harmony among its people (Malaysia);
- vi. 186.140. Take effective measures to protect the right to freedom of religion or belief (Austria);
- vii. 186.143. Consider possible revision of its legislation on administrative restrictions in order to provide a better protection of freedom of religion or belief (Italy);
- viii. 186.144. Strengthen the human rights framework to ensure religious freedoms (Namibia);
- ix. 186.149. Facilitate the development, in law and practice, of a safe and enabling environment in which both civil society and human rights defenders can operate free from fear, hindrance and insecurity (Ireland);
- x. 186.219. Continue pursuing measures and policy aimed at ensuring the rights of ethnic minorities' learning, writing and the development of their own languages according to the relevant laws (Cambodia);
- xi. 186.222. Take further legislative and practical measures to allow ethnic minorities to preserve their cultural identity, to fully exercise their human rights and to ensure their participation in decision-making, in accordance with the Chinese Constitution (Austria);
- xii. 186.221. Make further efforts for securing all human rights, including cultural rights of minorities (Japan);
- xiii. 186.224. Strengthen protection of ethnic minorities' religious, socio-economic and political rights, ensuring reports of violations are promptly and transparently investigated (Australia);
- xiv. 186.226. Continue to promote economic development in ethnic minority regions and strengthen their capacity for development (India);

- xv. 186.234. Protect the rights of ethnic minority groups, including Tibetans, Uighurs, and Mongolians, in accordance with China's Constitution and international human rights commitments (United States of America);
- xvi. 186.246. Continue efforts in environmental protection and in improving living conditions (Belarus).

### III. Failure in the Implementation of 2<sup>nd</sup> UPR Cycle Recommendations

#### a) Development Denying Tibetans' Economic, Social and Cultural Rights

##### *Development amidst growing repressive policies*

1. Despite having accepted the aforementioned 2<sup>nd</sup> cycle recommendations, China has failed to implement these recommendations and continues to grossly violate the fundamental human rights of Tibetans. This failure is a direct result of China's push for "human rights with Chinese Characteristics", which places economic development over fundamental human rights. According to China's idiosyncratic interpretation, development goals absolve it from respecting its human rights obligations. However, such interpretation is directly contradictory to the true, universal meaning of human rights.
2. China's 'development first' agenda fails to appreciate that human rights norms cannot be understood without their cultural contexts. The notion that human rights and development are 'interdependent and mutually reinforcing' is reflected in many international instruments, including the 1993 *Vienna Declaration and Programme of Action* (VDPA), endorsed by the UN General Assembly and in which China participated.<sup>1</sup> Paragraph 8 states: *Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached.*<sup>2</sup>
3. In addition, paragraph 10 of the VDPA clarifies that development is not a tool to infringe on internationally protected human rights. It states: *The World Conference on Human Rights reaffirms the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human*

<sup>1</sup> "Vienna Declaration and Programme of Action," Office of the United Nations High Commissioner for Human Rights, June 25 1993. <http://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf>

<sup>2</sup> Ibid., para 8



*rights[...]*As stated in the Declaration on the Right to Development, the human person is the central subject of development[...]*While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights.*<sup>3</sup>

4. China argues that because of its development policies, Tibetans are being lifted out of poverty and enjoying rapid economic growth, and this is a testament to China's significant contribution to the global cause of human rights. Chinese state media has reported that Tibet's GDP reached 131.06 billion Yuan (USD 20.5 billion) in 2017, a 10 percent growth since the previous year and marking the 25<sup>th</sup> consecutive year of double-digit growth.<sup>4</sup>
5. However, while China boasts about Tibet's GDP growth in 2017, it fails to mention that during the same year Freedom House report ranked Tibet as the second least free country after Syria, and worse off than North Korea, South Sudan and Eritrea.<sup>5</sup> Similarly, the Washington Post reported that Tibet is harder to get access to than North Korea.<sup>6</sup>
6. While China boasts about Tibet's rapid economic increase as its contribution to human rights, it fails to mention the rise in the number of Tibetans committing self-immolation in protest against China's repressive policies. Since 2009, at least 152 Tibetans, from all walks of life, have self-immolated since 2009. The most recent self-immolation occurred on March 7, 2018, committed by a middle-aged man, leaving behind his aged mother, wife and two daughters.<sup>7</sup> "The protestors have called for an end to China's repressive policies against Tibetans-and for the return of His Holiness the Dalai Lama to Tibet".

#### *Forced resettlement of nomads*

7. China's economic development policies and practice are erasing Tibetans' distinct and traditional way of life. Since 2006, over 2 million Tibetans have been relocated under China's effort to "Build a New Socialist Countryside" in Tibet, claiming to improve the living standards of rural Tibetans and

<sup>3</sup> Ibid., para 10

<sup>4</sup> Shan Jie, Zhang Hui, "Tibetan GDP grows more than 10 percent for 25<sup>th</sup> consecutive year," *Global Times*, March 8 2018. <http://www.globaltimes.cn/content/1092504.shtml>

<sup>5</sup> Tibet's aggregate score is 1/100 where as Syria's, the least free, is -1/100 and North Korea scored 3/100 "Freedom in the world 2017: Tibet," *Freedom House*, 2018. <https://freedomhouse.org/report/freedom-world/2017/tibet>

<sup>6</sup> Simon Dayer, "Tibet is harder to visit than North Korea. But I got in and streamed live on Facebook," *The Washington Post*, September 16 2016. [https://www.washingtonpost.com/news/worldviews/wp/2016/09/16/in-tibet-the-door-cracks-opens-for-foreign-media-and-then-slams-shut-again/?utm\\_term=.5aa14bc3eb8](https://www.washingtonpost.com/news/worldviews/wp/2016/09/16/in-tibet-the-door-cracks-opens-for-foreign-media-and-then-slams-shut-again/?utm_term=.5aa14bc3eb8)

<sup>7</sup> "Tibetan Dies in Self-Immolation in Sichuan's Ngaba County," *Radio Free Asia*, March 7 2018. <https://www.rfa.org/english/news/tibet/tibetan-dies-in-self-immolation-in-sichuans-ngaba-county-03072018112200.html>

boosting the local economy.<sup>8</sup> This includes the relocation of thousands of nomads from their centuries-old nomadic lands. 50% to 80% of the 2.25 million Tibetan nomads have been relocated.<sup>9</sup> Tibetans are forcibly removed and have no say in the mass relocation policies, which are radically altering their way of life.

8. The forced resettlements of nomads are also caused by the increasing development projects in Tibet, particularly mining activities and damming projects. Despite the widespread resentment it causes, China is vested in gaining access to the nomadic land for the extraction of resources and ending traditional agricultural practices. As a result, there is a growing resentment among local Tibetans because they fear that the forced relocations are eradicating their traditional way of life.
9. In 2013, Human Rights Watch (HRW) published a comprehensive 115-page report documenting the extensive rights violations of Tibetan nomadic communities, contrary to China's claim that Tibetans are grateful and benefiting from the new housing policies.<sup>10</sup> HRW's interviews of Tibetans from nomadic communities reveal that large numbers of nomads relocated did not do so voluntarily and that there was no prior consultation or any alternatives provided.<sup>11</sup> It discovered many cases where local officials used a combination of promises, incentives, and threats to persuade the people to agree to relocate.<sup>12</sup> The report further states that the locals avoided openly opposing the policy due to fear of arrest or official retribution.<sup>13</sup>
10. China's forced relocation policies and practices violate the right to property and the right to housing in international law. Article 17 of the *Universal Declaration of Human Rights*, which is widely recognized as customary international law, states that "[e]veryone has the right to own property alone as well as in association with others" and that "[n]o one shall be arbitrarily deprived of his property."<sup>14</sup> Article 11(1) of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), which was ratified by China on 27 March 2001, also guarantees the right to housing. The UN Committee on Economic, Social and Cultural Rights has stressed that the right to housing includes guarantee of legal security of tenure.<sup>15</sup>

<sup>8</sup> "Nomad Resettlement," *International Campaign for Tibet*, retrieved on March 19 2018, <http://www.tibetpolicy.eu/wp-content/uploads/Nomad-Resettlement.pdf>

<sup>9</sup> Ibid.

<sup>10</sup> "They say we should be grateful," *Human Rights Watch*, Retrieved on March 19 2018, <https://www.hrw.org/report/2013/06/27/they-say-we-should-be-grateful/mass-rehousing-and-relocation-programs-tibetan>

<sup>11</sup> Ibid. HRW, relocation, 62, 68.

<sup>12</sup> HRW, relocation, 63

<sup>13</sup> HRW, relocation, 62

<sup>14</sup> Article 17, Universal Declaration of Human Rights <http://www.un.org/en/universal-declaration-human-rights/>

<sup>15</sup> "CESCR General Comment No.4: The Right to Adequate Housing," *Office of the HCHR*, December 13 1991, Paragraph 8a. <http://www.refworld.org/pdfid/47a7079a1.pdf>

11. The UN Commission on Human Rights has declared that forced eviction is a gross violation of human rights.<sup>16</sup> Forced eviction does not have to rise to the level of physical force, but can include removal without meaningful consultation with the affected groups, no alternative accommodation, inadequate compensation, the lack of due process rights and no access to an effective remedy.<sup>17</sup> The right to housing in ICESCR includes these procedural safeguards to ensure that evictions are carried out in conformity with international human rights law.<sup>18</sup> However, under China's mass relocation policies, Tibetans are arbitrarily denied their right to land and none of the aforementioned procedural rights are provided.

*Economic marginalization amidst growth*

12. By removing them from centuries-old nomadic lands, Tibetan nomads are forced to live in an urban environment where they lack the skills required for a stable livelihood in permanent settlement. Relocated families are faced with increased costs of living, loss of assets given the lack of space to rear livestock, and left in debt. The social structure they are accustomed to is also radically altered.<sup>19</sup>
13. In urban Tibet, Tibetans are subject to systemic economic marginalization. With the mass influx of ethnic Chinese migrants into Tibet, Tibetans are left to compete with a migrant population that is better educated, understands the Chinese culture and speaks the language. State and private Chinese enterprises that make up a large portion of the economy prefer to employ the Chinese migrants and exclude Tibetans from any meaningful participation in the local economy.<sup>20</sup> Under China's "Western Development Strategy", Chinese workers and recent graduates are encouraged to move to remote Tibetan area by providing benefits, such as, university loan repayment assistance.<sup>21</sup> Such discriminatory policies exacerbate the marginalization faced by local Tibetans.
14. For example, China claimed that the Gyama mine near the capital city Lhasa would bring employment opportunities to the local Tibetan population. It claimed that the company hired 191 local Tibetans and that 35% of the workers were non-Han Chinese.<sup>22</sup> However, when a massive landslide struck the mining site, 83 miners were killed and only two of them

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<sup>16</sup> United Nations Commission on Human Rights, Resolution 1993/77, 67th meeting, March 10 1993.

<sup>17</sup> UN Committee on Economic, Social and Cultural Rights (UNCESCR), General Comment No. 4 on the Right to Adequate Housing (Sixth session, 1991), paragraph. 18,

<sup>18</sup> Also see, The Committee on Economic, Social and Cultural Rights, "The Right to Adequate Housing," United Nations doc E/1992/23, 1991 and "Forced Evictions", United Nations doc.E/1998/22, Annex IV, 1997.

<sup>19</sup> "Environmental Protests on the Tibetan Plateau," *Tibet Watch Thematic Report*, January 2015.

[http://tibet.net/wp-content/uploads/2015/02/environmental\\_protests\\_on\\_the\\_tibetan\\_plateau.pdf](http://tibet.net/wp-content/uploads/2015/02/environmental_protests_on_the_tibetan_plateau.pdf)

<sup>20</sup> "Marginalization," *International Campaign for Tibet*, retrieved on March 19 2018.

<http://www.tibetpolicy.eu/wp-content/uploads/Marginalization.pdf> page 2

<sup>21</sup> Andrew Fisher, *Perversities of Extreme Dependence and Unequal Growth in the Tibetan Autonomous Region*, Tibet Watch Special Report, August 2007, page 1.

<sup>22</sup> "Mining to become key to Tibet's economy", *China Daily*, July 2012.

[http://usa.chinadaily.com.cn/business/2012-07/09/content\\_15560025.htm](http://usa.chinadaily.com.cn/business/2012-07/09/content_15560025.htm)

turned out to be local Tibetans, while the rest were Chinese migrant workers.

15. In addition, the economic growth in Tibet is fueled by state subsidies and subsidized investments, making the local economy increasingly dependent on these subsidies. State subsidies for Tibet were launched in the 1990s and increased over the years under China's "Western Development Strategy". In 2012, subsidies reached a high 116% of Tibet's GDP, an amount equal to 4.6 times the household income of a rural Tibetan family.<sup>23</sup> However, the subsidies have had a 'negative multiplier effect' on growth with the key driver of Tibet's economy being money provided by the Chinese state.
16. Despite the increasing economic growth in Tibet, Tibetans remain the poorest in all of China. According to the UN Development Programme (UNDP), in 2016, the human development index for Tibet was only .600 – the lowest in China.<sup>24</sup> The UNDP also ranked Tibet the lowest in all of China under the living standard index.<sup>25</sup>

## **b) Forced Relocation for State Surveillance**

1. China's relocation policies are part of a larger political objective to strengthen its control over the scattered Tibetan rural population. In flagrant violation of Article 12 and 13 of the *UDHR*, China has implemented state monitoring programs that can interfere with the right to privacy and the right to freedom of movement.
2. State surveillance of Tibetans intensified since 2011 when China launched what is referred to as the 'grid-system of social management'.<sup>26</sup> The grid management system is intended to gather real-time information about every individual movement and facilitate the identification and close monitoring of 'potential troublemakers,' i.e. former political prisoners and Tibetans returning from India.<sup>27</sup> Forcing Tibetans into concentrated settlements makes way for massive state surveillance targeted to suppress any 'separatist' sentiments among Tibetans.
3. Under the grid-system, towns and cities are divided into small subdivisions for surveillance by security workers so that every movement of residents is monitored on screen in offices. Roadblocks and checkpoints are set up on

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<sup>23</sup> Andrew Fisher, "Subsidizing Tibet: An Interprovincial Comparison of Western China up to the end of the Hu-Wen Administration" 2015, vol 221, page 73-99.

<sup>24</sup> *China Human Development Report*, UNDP-China, 2016  
<http://www.cn.undp.org/content/china/en/home/presscenter/pressreleases/2016/08/22/launch-of-china-national-human-development-report-2016.html>

<sup>25</sup> China National Human Development Report 2016, UNDP China  
[http://www.cn.undp.org/content/china/en/home/library/human\\_development/china-human-development-report-2016.html](http://www.cn.undp.org/content/china/en/home/library/human_development/china-human-development-report-2016.html)

<sup>26</sup> "China: Alarming New Surveillance, Security in Tibet," *Human Rights Watch*, March 20 2013,  
<https://www.hrw.org/news/2013/03/20/china-alarming-new-surveillance-security-tibet>

<sup>27</sup> Ibid.

major roads and monasteries within and on the outskirts of cities. For example, Chengguan District, which includes most of Lhasa and its surrounding area, is divided into 175 units with grid officers and staffs stationed in each unit. Grid officers are empowered to question Tibetans about their political and religious views, and collect other information that could lead to detention or other punishment.<sup>28</sup>

4. Tibetans have to be registered at a particular place and are only entitled to reside and buy food rations there. Going from one place to another for any purpose, even for a short duration, requires official permission. In some cases, Tibetans are required to obtain special permission from multiple government offices in order to travel to and from the Tibet Autonomous Region (TAR). In addition, Tibetans living outside TAR who traveled to Lhasa from non-TAR areas reported that authorities there required them to surrender their national identification cards and notify authorities of their plans in detail on a daily basis.

### **c) Development Justifying Interference with Religious Freedom**

#### *Mass demolition and destruction*

1. China is also using development goals to justify interference with the constitutionally protected rights of Tibetans to freely practice their religion.<sup>29</sup> Citing the need to address overcrowding and public safety, in June 2016, China ordered large-scale demolitions of two well-known Buddhist institutes, Larung Gar and Yachen Gar, in Karze (Ch: Ganzi) prefecture, eastern Tibet. Larung Gar was one of the largest Tibetan Buddhist institutes in the world until nearly 5000 monastic dwellings were destroyed and monks, nuns and lay Buddhist students evicted to reduce the population from more than 10,000 to 5000 residents.<sup>30</sup> Similarly, out of the 10,000 residents at Yachen Gar, about 2000 residents were evicted and around the same number of homes were destroyed.

#### *Interference with internal monastic affairs*

2. However, the demolitions and expulsions were followed by new administrative measures to allow China to control the internal monastic affairs.<sup>31</sup> The management committees of the institutes, which formerly consisted of monks and nuns were replaced by government-backed agencies, such as, the State Administration for Religious Affairs, the

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<sup>28</sup> "China: No end to Tibet surveillance program," *Human Rights Watch*, January 18 2016.

<https://www.hrw.org/news/2016/01/18/china-no-end-tibet-surveillance-program>

<sup>29</sup> Article 36 Constitution of the People's Republic of China <http://www.hkhrm.org.hk/english/law/const03.html>.

<sup>30</sup> Edward Wong, "China takes a chain saw to a center of Tibetan Buddhism," *New York Times*, November 28 2016. <https://www.nytimes.com/2016/11/28/world/asia/china-takes-a-chain-saw-to-a-center-of-tibetan-buddhism.html>

<sup>31</sup> "China: New Controls on Tibetan Monastery," *Human Rights Watch*, January 24 2017.

<https://www.hrw.org/news/2017/01/24/china-new-controls-tibetan-monastery>

Religious Affairs Bureau, and officially approved religious organizations like the Buddhist Association of China.<sup>32</sup> The new control measures cover a range of areas including admissions, management, finances, security and administrative matters.

3. The grid management system, as discussed above, was also launched within religious communities to tighten control and surveillance over the monastery population. For example, all residents and visitors are required to have tags identifying them – red tags for monks, yellow for nuns, and green for laypersons.<sup>33</sup> Evidently, the demolitions and limiting the monastery population have nothing to do with addressing overcrowding, but is part of China's larger objective to strengthen its grip over Tibetans, including Tibetan monks and nuns.
4. In November 2016, six UN Special Rapporteurs took a rare step to collaborate and issue a joint statement to China to condemn the mass expulsion of monks and nuns from the two religious institutes. In a sharply worded statement, the rapporteurs expressed "grave concern...over the serious repression of the Buddhist Tibetans' cultural and religious practices and learning in Larung Gar and Yachen Gar."<sup>34</sup> The six rapporteurs came from various areas including cultural rights; sustainable environment; right to adequate housing; minority rights; freedom of peaceful assembly and of association; and freedom of religion or belief.

#### *Suicide and self-immolation in protest*

5. In protest of China's destruction of Larung Gar, three nuns from the institute, Tsering Dolma, Semgha, and Rigzen Dolma, committed suicide within a couple of days apart in July 2016.<sup>35</sup> Tsering Dolma, a 20-year old nun, left a suicide note, which stated: "My heart is so sad. The reason is the Chinese government does not allow us the freedom to practice our religion. Even the tiny shelters have been destroyed. It is better to die." China prevented any investigations into these suicide cases.
6. Moreover, the self-immolation protests began with a monk in 2009 when, Tapey, a monk from Kirti Monastery in Ngaba Prefecture of Sichuan Province set himself on fire. Out of the 152 self-immolations to date, 43 were committed by monks, nuns, former monks and former nuns.<sup>36</sup> The protesters have called for the return of their spiritual leader His Holiness the Dalai Lama back to Tibet, and for freedom in Tibet.

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> "Demolition at Larung Gar: Tibetan nun's protest suicide note denounces china's policy of religious repression," *Tibetan Centre for Human Rights and Democracy*, August 14 2017. <http://tchrd.org/demolition-at-larung-gar-tibetan-nuns-protest-suicide-note-denounces-chinas-policy-of-religious-repression/>

<sup>36</sup> "Self Immolations by Tibetans," *International Campaign for Tibet*, March 7 2018. <https://www.savetibet.org/resources/fact-sheets/self-immolations-by-tibetans/>

7. However, monks and nuns are subject to China's "patriotic education" campaign.<sup>37</sup> According to the 2016 US Department of State's report on religious freedom in Tibet, the state-sponsored "patriotic education" classes denigrate the Dalai Lama, study materials praising the Chinese Communist Party, and swear allegiance to the Panchen Lama recognized by the government as opposed to the one rightfully recognized by the Dalai Lama.<sup>38</sup>
8. The demolition of religious institutes and expulsion of religious practitioners reflect China's growing repressive policies against Tibetans' religious freedom. In addition, China's takeover of internal monastic affairs in an attempt to micromanage religious communities is a gross violation of Tibetans' right to religious freedom.

#### **d) Development Projects Threatening Tibet's Fragile Ecosystem**

1. China's flawed environmental and development policies have turned the resource-rich Tibetan plateau into a hub of mining and dam building activities. Such activities causing environmental crises in Tibet, threatening traditional agricultural practices which have sustained and protected the Tibetan environment for centuries. Also, given that Tibet has the highest elevation point in the world, the rising temperatures in the Tibetan Plateau makes it both a driver and amplifier of climate change in Asia and across the world.<sup>39</sup>
2. Mining the sacred mountains of Tibet, which is rich in metal and minerals, such as copper, gold and lithium, is essential to China's booming economic growth. China's extractive industry is determined to exploit the rich deposits at the cost of widespread environmental damage, including land erosion and pollution of water sources for both humans and livestock. A number of protests against environment degradation broke in the past years as listed below:
  - Anti-mining protest in Dechen County, Dechen TAP, Yunnan (November 2016)<sup>40</sup>
  - Anti-mining protest in Sangchu County, Kanlho TAP, Gansu (May 2016)<sup>41</sup>

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<sup>37</sup> "2016 Report on International Religious Freedom: China – Tibet," US Department of State, August 15 2017. <https://www.state.gov/j/drl/rls/irf/2016/eap/268724.htm>

<sup>38</sup> Ibid.

<sup>39</sup> Tibet's Plea: fix the roof of the world before it's too late, *The Guardian*, November 11 2015.

<https://www.theguardian.com/commentisfree/2015/nov/11/tibet-climate-change-paris-talks-dalai-lama>

<sup>40</sup> Tenzin Tseten, "Twenty Tibetans arrested for anti-mining protest in Dechen County" *Phayul*, November 18 2016. <http://www.phayul.com/news/article.aspx?id=38299>

<sup>41</sup> Tibetans in Amchok protest illegal mining at Holy Gong-ngon Lari Mountain, June 3 2016, *Central Tibetan Administration*. <http://tibet.net/2016/06/tibetans-in-amchok-protest-illegal-mining-at-holy-gong-ngon-lari-mountain/#>

- Anti-mining protest in Minyak County, Sichuan (May 2016)<sup>42</sup>
- Water pollution protest in Dartsedo County, Karze TAP, Sichuan (May 2016)<sup>43</sup>
- Water pollution protest in Meldro Gungkar County, Lhasa City, TAR (Sept 2014).<sup>44</sup>
- Anti-mining protest in Nangchen County, Yushu TAP, Qinghai (August 2014)<sup>45</sup>
- Anti-mining protest in Dechen County, Dechen TAP, Yunnan (July 2014)<sup>46</sup>
- Anti-mining protest in Dzogang County, Chamdo Prefecture, TAR (April 2014)<sup>47</sup>
- Anti-mining protest in Darge County, Karze TAP, Sichuan (December, 2013)<sup>48</sup>
- Water pollution protest in Dartsedo County, Karze TAP, Sichuan (October, 2013)<sup>49</sup>
- Anti-mining protest in Dzatoe County, Yushu TAP, Qinghai (August, 2013)<sup>50</sup>
- Anti-mining protest in Driru County, Nagchu Prefecture, TAR (May, 2013)<sup>51</sup>

3. Mega dams construction in Tibet also poses serious threat to the Tibetan plateau, which is already geologically volatile and vulnerable to earthquakes. Dams, when the pressure of the water in the rocks increase, are likely to perpetuate a shake in the mountain causing earthquakes. Collection of multiple mega dams on its river further intensifies the situation. China's 13th Five-Year Plan for 2016-2020 has a large focus on hydropower development. Today, China holds the largest number of mega dams in the world with more than 87,000 dams.

### e) Intensified Attack against Human Rights Defenders

<sup>42</sup> Tenzin Dharpo, Tibetans protest mining inMinyak County, *Phayul*, May 7 2016.

<http://www.phayul.com/news/article.aspx?id=37505>

<sup>43</sup> "Lichu River Poisoned – Case ofMinyak Lhagang Lithium Mine Protest" *Central Tibetan Administration*, June 6 2016. <http://tibet.net/2016/06/lichu-river-poisoned-case-of-minyak-lhagang-lithium-mine-protest/>

<sup>44</sup> "Tibetans rebuked for protesting poisoning by Chinese mines" *Tibetan Review*. October 1 2014.

<http://www.tibetanreview.net/tibetans-rebuked-for-protesting-poisoning-by-chinese-mines/>

<sup>45</sup> "Environmental Protests on the Tibetan Plateau," January 2015, *Tibet Watch* Thematic Report.

[http://tibet.net/wp-content/uploads/2015/02/environmental\\_protests\\_on\\_the\\_tibetan\\_plateau.pdf](http://tibet.net/wp-content/uploads/2015/02/environmental_protests_on_the_tibetan_plateau.pdf)

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.



1. While China claims that it promotes development of civil and political rights based on the needs of economic and social development, the crackdown on human rights defenders has worsened under President Xi Jinping's rule. China uses its vaguely written laws and absurd criminal charges to crackdown on Tibetan activists, causing the international community to express grave concerns about China's worsening human rights situation.
2. By criminalizing the advocacy and protection of Tibetan language and culture, China is violating both its own domestic law and international law. Under the UDHR, everyone has the right to freedom of opinion and expression and the right to freely participate in one's cultural life.<sup>52</sup> It further guarantees that no one shall be subject to cruel, inhuman or degrading treatment or punishment; and also protects against arbitrary arrest or detention.<sup>53</sup> Similarly, Article 35 of the Chinese constitution guarantees freedom of speech and association. Article 37 prohibits unlawful detention or deprivation of an individual's freedom."<sup>54</sup>
3. For example, Tashi Wangchuk, a 32-year-old language activist was arrested in 2016 and tried for "inciting separatism" after he appeared in a New York Times documentary criticizing the Chinese government for not teaching Tibetan language in schools. Chinese Court officials refused to allow diplomats from the European Union, the United States, Britain, Germany and Canada to attend the trial held at the Intermediate People's Court in Yulshul County of eastern Tibet
4. While Mr. Wangchuk's verdict is pending since January 2018, six UN Special Rapporteurs have called for the immediate release of Mr. Wangchuk.<sup>55</sup> In a sharply worded statement, the rapporteurs said, "We condemn the continued detention of Mr. Wangchuk and the criminalization of his freedom of expression as well as his right to stand and speak up for what he perceives as human rights violations in his region and country."<sup>56</sup> The rapporteurs went on to say, "Free exchange of views about State policies, including criticism against policies and actions that appear to have a negative impact on the lives of people need to be protected and further encouraged."
5. In another high-profile case, Tenzin Delek Rinpoche, a 65-year-old prominent religious leader was sentenced to life imprisonment in 2002 on charges of "causing explosions" and "inciting separatism." Rinpoche's case was widely viewed as politically motivated and an attempt by the Chinese

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<sup>52</sup> Art 19 of the Constitution of the People's Republic of China  
<http://www.hkhrm.org.hk/english/law/const02.html>

<sup>53</sup> Ibid.

<sup>54</sup> Art 35 and 37 of the Constitution of the People's Republic of China  
<http://www.hkhrm.org.hk/english/law/const03.html>

<sup>55</sup> China: UN experts denounce the criminalization of linguistic and cultural rights advocacy, February 21 2018.  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22683&LangID=E>

<sup>56</sup> Ibid.

government to silence him given his growing popularity among the public and his staunch loyalty to the Dalai Lama. The local Tibetans viewed Rinpoche as a champion in advocating for the economic, cultural, religious, and environmental rights of the Tibetan people. The international community, including the European Union, the United States and other international human rights organizations had criticized Rinpoche's sentence and called for his immediate release.<sup>57,58</sup>

6. Unfortunately, Rinpoche died in custody in 2015 under mysterious circumstances, after serving 13 years of his sentence. Rinpoche's niece Nyima Lhamo, who later escaped to India, testified at the 9th Geneva Summit for Human Rights and Democracy, stating that Rinpoche had been tortured and poisoned to death.<sup>59</sup> Ms. Lhamo revealed that when the family was finally allowed to see Rinpoche's body, they noticed that his lips were dark. Neither Rinpoche's body nor his ashes were returned to his family to perform Buddhist last rites despite a significant outcry from locals and international supporters.

#### IV. Recommendations for China

1. Unrepresented Nations and Peoples Organization (UNPO), Nonviolent Radical Party Transnational Transparty, Tibetan Community in Switzerland & Liechtenstein, Swiss-Tibetan Friendship Association, Tibetan Women Association Switzerland and Tibet Initiative Deutschland calls on the government of the People's Republic of China to:
  - i. Take the necessary measures to ensure that development policies in Tibet do not violate the economic, social, and cultural rights of Tibetans.
  - ii. Stop all forced evictions immediately, and ensure that victims are provided with adequate safeguards and protections in line with international standards.
  - iii. Ensure victims of forced eviction have the right to an independent and impartial judiciary for their complaints and access to an effective remedy.
  - iv. Under the grid-management system, stop subjecting Tibetans to arbitrary interference with their right to privacy and freedom of movement.

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<sup>57</sup> Trials of a Tibetan Monk: The Case of Tenzin Delek, *Human Rights Watch* report. 2004  
<https://www.hrw.org/report/2004/02/08/trials-tibetan-monk/case-tenzin-delek>

<sup>58</sup> The Prison Death of Tenzin Delek Rinpoche, *Voice of America*, July 17 2015  
<https://www.voatibetanenglish.com/a/2866419.html>

<sup>59</sup> Nyima Lhamo, Escaped Tibetan activist, niece of Buddhist monk Tenzin Delek Rinpoche who died in Chinese prison, February 21 2017. *Geneva Summit*. <https://www.genevasummit.org/nyima-lhamo-speaks-at-2017-geneva-summit/>

- v. Take the necessary measures to ensure sustainable economic growth in Tibet and stop the discriminatory economic policies and practices against Tibetans.
- vi. Allow Tibetans to practice their freedom of religion or belief and stop state interference in religious affairs.
- vii. Facilitate the visits of the UN High Commissioner and Special Rapporteurs to Tibet.
- viii. Take the necessary measures to ensure that environmental policies and development projects in Tibet are economically sustainable, and culturally sensitive.
- ix. Stop the arbitrary detention and arrest of human rights defenders and allow them to freely exercise their right to freedom of opinion and expression and the right to practice one's culture.

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swiss-tibetan friendship association  
gesellschaft schweizerisch-  
tibetische freundschaft  
**g s t f**



**TIBETISCHE FRAUEN-ORGANISATION IN DER SCHWEIZ (TFOS)**  
Tibetan Women's Organisation in Switzerland and Austria (TFOS)  
Organisation des Femmes Tibétaines Suisse (OFTS)



Tibetan Community in Switzerland & Liechtenstein

Tibeter Gemeinschaft in der Schweiz & Liechtenstein



**TIBET INITIATIVE  
DEUTSCHLAND**