NGO Submission for the Universal Periodic Review of the People’s Republic of China

March 2018

Summary

1. Since the 2013 Universal Periodic Review (UPR), the People’s Republic of China (PRC) has neither met the commitments to which it already agreed nor has it adequately demonstrated that the criticisms about its human rights performance are unwarranted. To the contrary, human rights conditions in Tibet\(^1\) have markedly deteriorated.

2. By substantially expanding the security state in Tibet, the PRC implemented policies that are designed to place Tibetans under constant human and digital surveillance and building the infrastructure necessary to carry out and escalate repressive policies. Drastic increase in state measures and militarization of Tibet resulted in arbitrary detentions and torture, extrajudicial killings, enforced disappearances, restricted mobility, religious repression and violations of the right to freedom of assembly, expression, and other human rights abuses in Tibet.

3. This submission raises concerns and makes recommendations on specific human rights issues namely arbitrary detention and torture, freedom of expression, freedom of religion and belief, freedom of religion and belief, and right to privacy. As PRC’s third UPR cycle gets underway, it is imperative for the States to hold PRC to account for its failure to meet its human rights commitments and obligations. TCHRD urges States to raise the issues included in this submission with the PRC government during the interactive dialogue of the UPR.

ARBITRARY DETENTION AND TORTURE

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\(^1\) Tibet denotes the present-day Tibet Autonomous Region (TAR) and other Tibetan areas in the provinces of Qinghai, Sichuan, Gansu and Yunnan.
4. Chinese authorities routinely use arbitrary detention and torture as common punishments for political dissent and government criticism. Many of those detained and prosecuted most recently have been local community leaders, environmental activists, and villagers involved in social and cultural activities.²

5. The detention of Tibetans is frequently much more intrusive, secretive, and baseless.³ Nighttime and early morning raids are on the rise, resulting in secret extra-judicial deprivations of liberty without any adequate legal justification.⁴ Tibetans are denied access to legal representation and receive an unfair trial⁵ or sometimes no trial. Sometimes trials will have a no verdict outcome.⁶

6. Majority of arbitrary detention cases in Tibet are almost always incommunicado, unacknowledged, and indefinite with the purpose of placing the detainee outside the protection of law.

7. Torture is routinely used on detainees as a tool to extract forced confessions and to make an example out of a detainee so that the entire community is terrorized and intimidated.⁷ Former Tibetan detainees have spoken about routine beatings and other torture methods.⁸ Torture methods ranged from severe beatings and use of ‘tiger chairs’ to burning cigarettes and medical torture.⁹

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6. TCHRD’s alternative report to the Committee Against Torture documented 30 known cases of death in detention in Tibet. Since then, more cases have emerged. This indicates that recent changes made to reform detention conditions, including the impermissibility of forced confessions in judicial proceedings, have little impact.

9. Despite the PRC’s obligation to prevent death during detention and its obligation to investigate the deaths that do occur, there are no known instances of any investigations or prosecutions resulting from the death of a Tibetan in detention.

FREEDOM OF OPINION AND EXPRESSION

10. Since 2013, lay and religious leaders in rural communities have received unusually heavy sentences for expressions of dissent. The offenses that received the longest sentences included possessing or sending a sensitive image or text on one’s cellphone or computer, trying to assist victims of self-immolations, leading protests against mining or government construction projects, and organizing village opposition to unpopular government decisions.

11. Chinese authorities impose information blockade and exercise a high degree of scrutiny and censorship on the flow of information. Heavy presence of armed police and sophisticated surveillance systems make it easier for authorities to detain protesters.

12. Tibetan writers, bloggers and artists have been harassed, detained and imprisoned after informing on human rights conditions, writing books on self...

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immolations and other issues regarding Tibet\textsuperscript{17}, denouncing harsh policies or singing songs\textsuperscript{18}.

**FREEDOM OF ASSEMBLY**

16. Recent amendments to the Police law authorize weapons to be used in certain circumstances where protest does take place, thus putting protesters lives as well as liberty at risk.\textsuperscript{19}

17. Paramilitary forces have used lethal force to suppress peaceful protesters\textsuperscript{20} by opening fire on unarmed protesters.\textsuperscript{21} Some Tibetans were sentenced to long prison terms of nine to 13 years for leading anti-mining protests.\textsuperscript{22}

Armed police brutally attacked and beat women protesting mining at sacred sites.\textsuperscript{23}. Paramilitary forces had warned of more severe punishments if protests continue, specifically that they had been given orders to “kill, if necessary.”\textsuperscript{24} In August 2014 armed police opened fire on a group of anti-mining protesters in Tsang Tobgyal Township in Shigatse Prefecture.\textsuperscript{25}

18. Various methods of collective punishment have been implemented to discourage self-immolations and other protests by punishing innocent people unconnected with the event. In April 2013, PRC officials in Dzoege County announced collective punishment for a self-immolator’s relatives, village and monastery.\textsuperscript{26}

\textsuperscript{18} Two Tibetans, monk and singer, sentenced to prison, TCHRD, 13 March 2013, http://tchrd.org/two-tibetans-monk-and-singer-sentenced-to-prison/
\textsuperscript{22} Diru Crackdown: Three Tibetans sent to prison for up to 13 years, singer gets 9 years in prison, TCHRD, 23 December 2013, available at http://tchrd.org/diru-crackdown-three-tibetans-sent-to-prison-for-up-to-13-years-singer-gets-9-years-in-prison/
\textsuperscript{24} Ibid.
\textsuperscript{25} Thirteen wounded as Chinese\textsuperscript{23} police open re on Tibetan anti-mine protesters, Radio Free Asia, 1 October 2014, available at https://www.rfa.org/english/news/tibet/wounded-10012014142936.html
22. Local regulations in Diru County also expanded upon the penalties for self-immolations. The punishments for a self-immolation included refusal to grant permission to open a business and to apply for government jobs. The regulations also prohibit Tibetans from harvesting caterpillar fungus for three to five years. Because many Tibetans rely on the fungus for their livelihood, prohibiting its harvest is designed to make it impossible for Tibetans to earn a living.

FREEDOM OF RELIGION AND BELIEF

23. The revised version of the Regulations on Religious Affairs issued in September 2016 introduces sweeping new restrictions that will allow authorities arbitrary discretion to further equate religious practices and activities with so-called criminal acts of ‘breaking ethnic unity’, ‘splitting the nation’, and ‘carrying out terrorist activities’.

24. The worship of the Tibetan spiritual leader Dalai Lama’s photo is still banned in many areas of Tibet. In January 2016, two senior monks were detained incommunicado for holding a mass prayer for the wellbeing of Dalai Lama. A decree banning the display of Dalai Lama’s photos was issued and a deadline was set by which time everyone was required to submit all photos of Dalai Lama.

25. In July 2013, armed police beat, tear-gassed and fired live ammunition at Tibetans who had gathered to commemorate Dalai Lama’s birthday in Tawu County.

26. Since July 2016, thousands of monks and nuns have been forcibly evicted and their houses dismantled at Larung Gar Buddhist Institute in Serthar County.

27. Chinese authorities have systematically interfered with the performance of religious ceremonies for deceased self-immolators. Two monks from Beudo

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27 China holds Tibetan livelihood to ransom to secure political stability, TCHRD, available at: http://tchrd.org/china-holds-tibetan-livelihood-to-ransom-to-secure-political-stability-2/
Monastery were sentenced to three years in prison for conducting rituals for a deceased self-immolator.\textsuperscript{34} This amounts to a criminalization of mourning and denial of proper cremation rituals.

28. Authorities in Diru County launched a “rectification and cleansing” campaign in 2014 that required every stupa, shrine, and mound of mani stones built after 2010 to be destroyed.\textsuperscript{35} The following year, the county government began implementing a new regulation that called for the intensification and deepening of the campaign to “purge and reform” religious institutions.\textsuperscript{36} The same month, 100 nuns were expelled from Jada Gaden Khachoeling Nunnery in Diru.\textsuperscript{37}

29. The PRC government did not disclose new information about the disappeared 11\textsuperscript{th} Panchen Lama Gedhun Choekyi Nyima.\textsuperscript{38}

30. Tenzin Delek Rinpoche, a highly respected religious teacher and reincarnated lama died in prison on 12 July 2015 after serving 13 years behind bars.\textsuperscript{39}

**FREEDOM OF MOVEMENT**

31. Tibetans faced a long and discriminatory process to obtain a passport.\textsuperscript{40}

32. Travelling to TAR requires two special permits that authorizes the entry to “restricted areas” in Tibet.\textsuperscript{41} The Foreign Correspondents’ Club of China (FCCC),

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\textsuperscript{34} Two monks sentenced to 3 yrs in prison for holding prayers for self-immolator, TCHRD, 5 June 2013, available at http://tchrd.org/two-monks-sentenced-to-3-yrs-in-prison-for-holding-prayers-for-self-immolator/


\textsuperscript{39} TCHRD’s submission to the Committee Against Torture (CAT) in advance of its consideration of China’s Fifth Periodic report, 12 October 2015


reported in 2013 annual survey “the continuing restrictions on journalists’ movements” in Tibet as one its greatest concerns.42

33. A crackdown on Tibetan passport holders was launched in November 2016 in Qinghai, Sichuan, and Gansu provinces to stop Tibetans from attending the January 2017 Kalachakra teachings given by Dalai Lama in India.43

RIGHT TO PRIVACY

34. The PRC conducts widespread operation that involves monitoring all communications inside Tibet through mass surveillance campaigns44 and censorship laws.45

35. Many of the PRC’s legislation that restricts the right to privacy are so broad that it is impossible to know when the right to privacy may be restricted.46

36. Chinese authorities use secret codes to monitor and provide real time information on the movements and activities of Tibetans living in Nagchu.47

37. A special campaign to search and seize personal cellphones of monks living in Lhasa was launched in March 2013.48 Local government notice in January 2013 required all Tibetans living in Rebkong County to surrender banned satellite dishes and other broadcast equipment.49

Recommendations to the government of PRC:

46 Art. 18, Counterterrorism law of the People’s Republic of China (2015), China Law Translate, 27 December 2015, available at: http://www.chinalawtranslate.com/%E5%8F%8D%E6%81%90%E6%80%96%E4%B8%BB%E4%B9%89%E6%B3%95-%EF%BC%882015%EF%BC%89/?lang=en
Immediately ratify the International Covenant on Civil and Political Rights and International Convention for the Protection of All Persons from Enforced Disappearance. Immediately release all people arbitrarily detained, including protesters, monks and nuns, political dissidents, journalists, writers, artists, and activists. Introduce and strengthen legislation to prohibit torture and make it a criminal offence with proper independent investigation and sanction. Stop surveillance campaigns, permit all Tibetans to exercise their right of freedom of religion without government interference, and allow the free exercise of the right to information by Tibetans without criminal penalty. Review and repeal of national legislation that prevents the exercise by Tibetans of the right to peaceful assembly. Grant all Tibetans a valid passport without further delay. Extend invitations to UN officials and independent experts who have requested to visit Tibet and consider to join the 109 States which have extended a standing invitation allowing visits to the country to all UN thematic special procedures. 