



Joint Submission by Member Groups of the International Tibet Network to Session 17 of Universal Periodic Review

## People's Republic of China

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## A. Executive summary

This report, authored by a coalition of Tibet-related NGOs who are Member Groups of the International Tibet Network, addresses issues of concern in the context of China's forthcoming Universal Periodic Review that are specific to the human rights of the Tibetan people. Our references to Tibet encompass the Tibet Autonomous Region and Tibetan Autonomous Prefectures under the Provinces of Sichuan, Qinghai, Gansu and Yunnan<sup>1</sup>.

In this submission we provide information under sections B, C and D as stipulated in the General Guidelines for the Preparation of Information under the UPR:

- In Section B we outline a number of deteriorations in human rights in Tibet since China's first cycle UPR, which can be seen as an escalation of the major crackdown of 2008. New areas of concern include freedom of movement, independence of the judiciary and lack of due process, and increased use of 'patriotic re-education'.
- In Section C we raise specific concerns in relation to the Tibetan self-immolation protests and exacerbating features of China's response, freedom of assembly and association (with emphasis on disproportionate use of force in response to mass gatherings, contraventions of the right to freedom of expression and limitations on the enjoyment of economic, social and cultural rights (with emphasis on the right to adequate food including access to land)
- In Section D we make a number of recommendations for action by China.

China's policies in Tibet, over the last 60 years have failed to protect the fundamental human rights of the Tibetan people, and are thereby undermining the Human Rights Council on which China sat during the reporting period. Rather than "[m]ake more widely available to the world its experience in combining a strong state with ethnic regional autonomy"<sup>2</sup>, China must accept that new, constructive strategies need to be adopted in Tibet which have at their heart the human rights of the Tibetan people. China must implement immediate changes and work to make concrete positive progress in Tibet's human rights situation, in line with its stated commitments as well as rejected recommendations from its first cycle UPR.

Due to internet censorship, surveillance, and restrictions on media freedoms, timely information about the situation in Tibet is extremely difficult to obtain. However, this report is based on credible and reliable information obtained by research-based human rights monitoring organisations, including authors of this submission.

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<sup>1</sup> Tibet is comprised of the three provinces of Amdo, Kham, and U-Tsang. Amdo is now split by China to form parts of the Chinese provinces of Qinghai, Gansu and Sichuan. Kham is largely incorporated in the provinces of Sichuan, Yunnan and Qinghai, and U-Tsang, together with western Kham, is today referred to by China as the Tibet Autonomous Region (TAR).

<sup>2</sup> [Report of the Working Group on the Universal Periodic Review for China](#), 2009; 114.38, Sri Lanka

## B. Developments since the previous review in context of China's international commitments

1. Since 2009, the human rights situation in Tibet has significantly deteriorated as a direct result of:
  - a) China's failure to implement provisions to protect Tibetans' human rights, including recommendations committed to during the China's first cycle UPR, and
  - b) Specific policies enacted within Tibet by the Chinese authorities.

### Protecting Tibetans as an ethnic minority group:

2. During its first cycle UPR, China stated that it was already working on protecting ethnic minorities' "religious, civil, socio-economic and political rights"<sup>3</sup> and on "allowing ethnic minorities...to preserve their cultural identity"<sup>4</sup>. China committed to seven recommendations related to improving Tibetans' access to human rights, as a minority group within China<sup>5</sup>. At the 13th session of the Human Rights Council in 2010, the Chinese government claimed to have advanced human rights protections for ethnic minorities<sup>6</sup>. Yet, since its first cycle UPR, China has increased its application of strategic, systematic policies in Tibet that violate the Tibetan people's fundamental human rights.

3. In 2008, Ms Navanethem Pillay, the UN High Commissioner for Human Rights, stated that the underlying causes of protests in Tibet "include discrimination and the failure to protect minority rights"<sup>7</sup>. China has done nothing to address these root causes and, since 2009, more than 100 Tibetans have set themselves on fire to protest China's repressive policies (see C i).

### Continuing violations:

4. Since 2009 Tibetans have continued to face severe restrictions on their rights to free expression, association and assembly, with consequent human rights violations by the Chinese State including disappearances, torture, and false convictions, with Tibetans – suspected of being associated with protests or self-immolations – being targeted in crackdowns (see C ii).

5. China has engaged in a systematic attempt to block the flow of news coming out of Tibet. Tibetans who communicate between themselves and exile communities, or attempt to do so, face significant dangers<sup>8</sup>. Tibetans continue to face social and institutional discrimination, including inequalities in access to education, employment and healthcare. China's public portrayal of expressions of the Tibetan identity as 'threatening' to China's security infringes on the cultural, social and religious rights of the Tibetans, compounding their disenfranchisement.

### Areas of concern 2009 – 2012:

#### *i. Freedom of movement*

6. In response to its first cycle UPR, China rejected two recommendations related to freedom of movement<sup>9</sup>. Since 2009 Tibetans' freedom of movement has been even more severely curtailed. Since

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<sup>3</sup> Ibid; 115.3, Australia

<sup>4</sup> Ibid; 115.3, Austria

<sup>5</sup> Ibid; 114.16, New Zealand; 114.22, Angola; 114.3, Nicaragua; 114.20, South Africa; 114.24, Jordan; 114:26, Russian Federation; 114:37, Japan

<sup>6</sup> Human Rights Watch (HRW), January 2011; ['Promised Unfulfilled': An Assessment of China's National Human Rights Action Plan](#), p58

<sup>7</sup> Ibid; p48

<sup>8</sup> HRW, July 2012; ['I Saw It With My Own Eyes: Abuses by Chinese Security Forces in Tibet, 2008-2010](#), p29

<sup>9</sup> Ibid [2]; 117.31.(d), Switzerland; 117.82 (f), Czech Republic

1 March 2012, the Chinese authorities have required any ordinary citizen seeking to enter the Tibetan Autonomous Region to show four different identity cards<sup>10</sup>. Border security has also been increased to prevent Tibetans seeking refuge in a safe country by transiting through Nepal, causing a significant decline in refugee numbers. Large numbers of Tibetans who attended Kalachakra teachings in India in 2012 subsequently had their passports withdrawn, despite having been given permission to travel. Evidence suggests that new rules have been introduced which require any Tibetan, before getting a new passport, to make a written declaration not to do anything while abroad that might threaten China's national security<sup>11</sup>. A further major concern relating to freedom of movement is the acceleration of China's stated intent to permanently "to end the nomadic life by the end of the century" (see C iv).

### *ii. Independence of the judiciary and lack of due process*

7. China further rejected a recommendation to "ensure the independence of the judiciary and lawyers", but since 2009, controls on lawyers across China have been further tightened<sup>12</sup>. After the widespread protests across Tibet in 2008, "thousands of protesters and ordinary Tibetans were arrested and detained regardless of legal procedures ... where a politicized judiciary controlled by party authorities, conducted proceedings in which defendants had virtually no due process"<sup>13</sup>. In one example, the 2010 case of Karma Samdrup, a prominent Tibetan businessman, environmentalist and philanthropist, was "rife with violations of due process", with his lawyer reporting that the trial "ignored the facts" and "trampled on the legal system"<sup>14</sup>.

### *iii. Increased use of patriotic re-education*

8. Since China's first cycle UPR, the Chinese authorities have intensified measures to increase their control in Tibet by restricting religious freedom and the right to freedom of expression. Work teams, including armed police, soldiers and Chinese officials, have been stationed inside monasteries to monitor and "re-educate" monks and nuns. In April 2011, Kirti Monastery, Ngaba (Ch: Aba Town, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan Province) became a major focus of the campaign with armed police, soldiers and Chinese officials stationed inside the building to ensure "All monks at the Kirti Monastery are learning the basics of the Chinese Constitution, Criminal Law and regulations on religious affairs, in line with a local government circular issued on April 22"<sup>15</sup>. Furthermore, in January 2012 China arbitrarily detained and 're-educated' hundreds of Tibetan pilgrims in the vicinity of Lhasa<sup>16</sup>, on their return from religious teachings in India. Human Rights Watch said this was the first known instance since the late 1970s in which the Chinese authorities have detained laypeople in Tibet in large numbers to force them to undergo re-education<sup>17</sup>.

## C. Promotion and protection of human rights on the ground

### *i. Immolations and exacerbating features of China's restrictions on Civil and Political Rights:*

9. On 3 February 2013, Drugpa Khar, a father of three, became the 100th Tibetan to set his body alight to protest China's repressive policies in Tibet. As of 4 March 2013, a staggering 107 self-immolation protests by Tibetans have been confirmed<sup>18</sup>. Tibetans who have resorted to this extreme form of political action to

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<sup>10</sup> International Campaign for Tibet (ICT); [Storm in the Grasslands](#), 2012, p58

<sup>11</sup> Professor Robert Barnett, Director of Tibet Studies Institute, Columbia University; The Atlantic, '[China to Tibetans: Stay Put](#)'

<sup>12</sup> Ibid [8]

<sup>13</sup> HRW, 16 February 2012, [China: End Crackdown on Tibetans Who Visited India](#)

<sup>14</sup> ICT, August 2010; '[A sharp knife above his head': the trials and sentencing of three environmentalist brothers in Tibet](#)

<sup>15</sup> ICT, May 2011; [Ngaba students protest crackdown, authorities respond: new information on deaths of Tibetans who tried to protect monks](#)

<sup>16</sup> ICT February, 2012, '[Lockdown in Lhasa at Tibetan New Year: unprecedented detentions of hundreds of Tibetans after Dalai Lama teaching in exile](#)'

<sup>17</sup> [17] Ibid [13]

<sup>18</sup> ICT; [Self-Immolations Inside Tibet Fact Sheet](#)

protest their fundamental lack of human rights represent a wide cross section of Tibetan society: highly revered Buddhist teachers, monks, nuns, nomads, students and teenagers, farmers, mothers and fathers. As evident from the last words of the self-immolators and eyewitness reports, the overarching demands from the individuals who have self-immolated are freedom and the return of the Dalai Lama to Tibet<sup>19</sup>.

10. The Chinese government's response to the self-immolations has resulted in further human rights violations which, instead of addressing Tibetans' legitimate grievances through legal redress or policy reviews, have exacerbated the already tense situation. Examples are the heavy deployment of police and armed forces, the disproportionate use of force in the suppression of peaceful protests including opening fire on Tibetan protesters, the barring of Tibetans from attending funerals of the self-immolators, increased use of patriotic re-education, and launching a widespread campaign to criminalize the self-immolations and blame the Dalai Lama for the crisis.

11. In February 2009, People's Armed Police (PAP) forces shot Tapey, a young monk and first documented self-immolator in Tibet, in Ngaba Town<sup>20</sup>. In March 2011, Phuntsog, also a young monk and the second documented self-immolator in Tibet, was kicked and beaten by Chinese security personnel whilst he was still on fire, also in Ngaba<sup>21</sup>. In other instances, armed police have beaten Tibetan self-immolators with iron rods and spiked batons<sup>22</sup> and according to the Tibetan Centre for Human Rights and Democracy (TCHRD), at least one survivor of a self-immolation attempt was denied medical treatment while in police custody<sup>23</sup>.

12. Extreme and indiscriminate violence has also been seen to be used against Tibetans attempting to stop Chinese security personnel attacking self-immolation protesters, and in response to protests linked to self-immolations. For example on 27 January 2012, armed police forces killed Ogyen, a Tibetan student, after opening fire on a peaceful demonstration in Dzamthang county (Ch: Rangtang county), Ngaba<sup>24</sup> (see also C iii).

13. An aggressive drive by the Chinese state to criminalize the self-immolations has recently been launched. In December 2012, the Malho (Ch: Huangnan Tibetan Autonomous Prefecture) People's Intermediate Court and the Public Security Bureau offered cash rewards of up to 50,000 Yuan (€ 6,150) for any information regarding the self-immolations<sup>25</sup>. On 31 January 2013, a Chinese court sentenced Lobsang Kunchok, a monk from Ngaba, to death with a two-year reprieve for "intentional homicide" for allegedly "inciting" or "coercing" Tibetans to self-immolate<sup>26</sup>. His nephew Lobsang Tsering was sentenced to 10 years in prison on similar charges (see C, ii). Human Rights Watch described such prosecutions as "utterly without credibility" on the grounds of documented endemic use of torture, cruel, inhuman or degrading treatment, and coercion of Tibetans in detention<sup>27</sup>. This coalition shares these serious concerns about the prevalence of torture in Tibet, especially in connection to "confessions" made by those detained following self-immolations.

14. Furthermore, as part of a widespread misinformation and propaganda campaign about the self-immolations, China's state-run media has branded the self-immolators "criminals", "low-lives" and "religious fanatics". On 24 November 2011, Xinhua published an article blaming monks at Kirti monastery in Ngaba for masterminding the self-immolations and for spreading news about the self-immolations online<sup>28</sup>. In a Global Times article published on 5 November 2011, the Dalai Lama was blamed for inciting and encouraging the

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<sup>19</sup> Tsering Woesser, [Last Words of 19 Tibetans Who Committed Self-immolation](#) published in English by Global Voices, 23 November 2012; [Original Chinese version](#)

<sup>20</sup> ICT, February 2009; [Monk in Tibet sets himself on fire: shot by police during protest](#)

<sup>21</sup> ICT, March 2011; [Monk immolates himself; major protests at Tibetan monastery violently suppressed](#)

<sup>22</sup> Free Tibet, 27 February 2009; [Tibetan monk shot by Chinese police after setting himself alight in tense Ngaba](#)

<sup>23</sup> Tibetan Centre for Human Rights & Democracy (TCHRD), 28 November 2012; [Tibetan dies of untreated burns in police custody in Nagchu](#)

<sup>24</sup> ICT, 27 January 2012; [Tibetan student killed, several injured, after police open fire in Ngaba; news of two more prayer vigils for New Year](#)

<sup>25</sup> ICT, 24 October 2012; [Chinese authorities offer large rewards for information on 'black hand' behind Tibetan self-immolations](#)

<sup>26</sup> ICT, 21 January 2013; [Distress at death sentence for Tibetan accused of 'inciting' self-immolation'](#)

<sup>27</sup> HRW, 1 February 2013; [China: Stop Sentencing Tibetans for "inciting" Immolations](#)

<sup>28</sup> Xinhua, 24 November 2011; [Renowned Tibetologist condemns self-immolations](#)

self-immolations<sup>29</sup>. Xinhua published a further article on 8 January 2012, claiming those who had self-immolated had done so for reasons of involvement in “wrongdoings such as whoring, gambling and burglary, or deep in debt because of gambling”<sup>30</sup>.

*ii. Freedom of Assembly and Association, with emphasis on disproportionate use of force, including lethal force, in response to mass gatherings:*

15. China's controls on the right of assembly, in the stated interest of “social stability” may include the use of excessive force including lethal force. It should be noted that Article 4 of China's Constitution, which purports to protect China's ethnic minorities, prohibits “any act which undermines the unity of the nationalities or instigates division”; this effectively prohibits all acts of protest by Tibetans on the grounds of ethnicity<sup>31</sup>. Furthermore, arbitrary application of China's State Security Laws criminalizes simple acts of freedom of expression, such as displaying support for the Dalai Lama or photographs of self-immolators as “organizing, scheming and carrying out activities to split the nation and sabotage national unity”<sup>32</sup>.

16. This section gives a number of examples of gatherings and protests that took place in 2012 in Tibetan areas under the jurisdiction of two different Provinces – Sichuan and Qinghai – where China's denial of the right to freedom of assembly and use of disproportionate, including lethal force, led to violations of the right to life, liberty and security of the person. Further examples of protests across Tibet between January 2011 and February 2013 can be found in [International Tibet Network's Resistance in Tibet Report](#)<sup>33</sup>

*Sichuan:*

17. On 14 January 2012 in Ngaba Town, 22 year-old Lobsang Jamyang self-immolated and later died. Local eyewitnesses reported to Kirti monks in exile in Dharamsala that while Chinese Police extinguished the flames they violently beat Lobsang and attempted to remove his body. Video footage of the incident was later sent to exile sources<sup>34</sup>. Kanyag Tsering and Lobsang Yeshe, the Kirti monks in exile, said, “Unable to bear this sight [of Jamyang being beaten by police] local Tibetans on the scene stood up to the armed security personnel without regard for their own lives, and shouting that the body should be handed over to them, tried their best to block their path as they tried to take him away”. Eyewitnesses described how police used disproportionate force, including beatings, tear gas and opening fire on the crowd. A number of Tibetans were injured, some severely, including a woman who was blinded and a man who sustained a severe injury to his neck from a metal prod used by police. Lobsang Jamyang, a former monk, was a leading member of a popular association for the promotion of the Tibetan language in his village, as a result of which he had been harassed by local government authorities<sup>35</sup>.

18. On 23 January 2012 in Drango County, Kardze (Ch: Luhuo County, Ganzi Tibetan Autonomous Prefecture), 36 Tibetans sustained gunshot wounds in what is the largest reported shooting of Tibetans since 2008. Two died from their wounds. The NGO Tibet Watch has photographic evidence of individuals with bullet wounds in Drango, including one with a bullet wound to the head<sup>36</sup>. To date at least five Tibetans have been sentenced to varying terms of six to seven years in connection with the 23 January protest in Drango<sup>37</sup>.

19. On 24 January 2012 in Serthar County, Kardze (Ch: Seda, Ganzi), two Tibetan men died after security forces opened fire on a protest of over 300 Tibetans, who were shouting slogans calling for the return of the Dalai Lama and Tibetan freedom. TCHRD received eye-witness reports that Chinese security forces arrived on the scene and started beating and kicking the protesters, following which they began firing indiscriminately on the unarmed protesters. TCHRD reported that Dawa Dakpa, 33, from Serwa village and

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<sup>29</sup> Duo, Yi, Global Times, 5 November 2011; [Self-burnings Drama Shows Dalai Lama's Desperation](#)

<sup>30</sup> Xinhua, 8 January 2013; [2 former monks set themselves on fire in Sichuan](#)

<sup>31</sup> [Constitution of the People's Republic of China, Article 4](#)

<sup>32</sup> [State Security Law of the People's Republic of China](#)

<sup>33</sup> International Tibet Network; [Resistance in Tibet: Self-immolations & Protest](#)

<sup>34</sup> ICT, 17 April 2012; [Vivid new footage shows young Tibetan being beaten by police while on fire](#)

<sup>35</sup> ICT, 18 January 2012; [New information on latest self-immolation, Tibetans critically injured by police](#)

<sup>36</sup> TCHRD, 16 August 2012; [Tibetan sentenced to four years, another to two years](#)

<sup>37</sup> Free Tibet, 23 January 2012; [Tibetan killed as Chinese fire upon protesters](#)

an unidentified Tibetan from Hoen-Dza-Wo village were shot dead by Chinese security forces. Eyewitnesses reported that ten Tibetans were seriously injured and some 40 others were detained<sup>38</sup>.

20. In 2012, the Chinese government shuttered some locally-founded Tibetan social, educational and environmental organisations labeling them ‘illegal’. In April 2012, the local government in Kardze Tibetan Autonomous Prefecture passed a public notice requiring all social organisations to register with Civil Affairs Bureau or risk being termed ‘illegal’ and closed. Registration for NGOs remained arbitrary, bureaucratic and politically-influenced in Tibet<sup>39</sup>.

### *Qinghai:*

21. On 26 November 2012, at least 1,000 Tibetan students from Sorig Lobling school staged a peaceful protest in Chabcha Town, Tsolho (Ch: Gonghe Town, Hainan Tibetan Autonomous Prefecture). Gathering early in the morning the students called for Tibetan language freedom, and the “establishment of a new government”. After a number of hours Chinese security forces arrived to stop the demonstration by carrying out indiscriminate beatings, injuring up to 20 students, some of whom were hospitalized. A further eight students were detained. Armed police and military forces then surrounded the school, making it impossible for parents to establish whether their children were safe. Radio Free Asia reported that another large protest occurred two days later, on 28 November, citing local sources, when students peacefully demonstrated in front of government offices in Chabcha, calling for freedom and the right to be educated in the Tibetan language. Security forces again used tear gas and beat students, detaining five, according to RFA. A Tibetan source in exile told the International Campaign for Tibet (ICT) that three monks, Sungrab Gyatso, Sangdrag and Yeshe Sangpo were detained in early December, accused of spreading information and possibly disseminating photographs of the Chabcha protests. Their current whereabouts are unknown<sup>40</sup>.

22. This protest was prompted by a local political education campaign, that included the distribution among students in November of a prefectural government booklet. Parts of the booklet have been obtained and translated by TCHRD, and contain chapters on self-immolation, bilingual education and ‘illegal’ assembly, procession and demonstrations, as well as derogatory language about the Dalai Lama<sup>41</sup>.

### *iii. Contraventions of the Right to Freedom of Expression*

23. China signed the International Covenant on the Civil Political Rights (ICCPR)<sup>42</sup> in 1998, however they have still failed to ratify the Covenant despite expressing intent on a number of occasions<sup>43</sup>. In the 2009 –10 National Human Rights Plan<sup>44</sup> Chinese officials declared that the ICCPR constituted one of the fundamental principles on which China’s plan was based. During China’s first cycle UPR, China claimed that “no individual or press had been penalised for voicing their opinions or views” and that China’s laws provide “complete guarantees” on freedom of expression. However such guarantees are made void by China’s broad legal provisions regarding the disclosure of ‘state secrets’ and incitement of ‘subversion’, as well as further systems of censorship, media control and regulation of telecommunications<sup>45</sup>.

24. The self-immolation protests in Tibet (see C i) are driven by the overwhelming lack of recourse to freedom of expression, political or legal redress and must be seen as conclusive evidence of China’s failure to “continue its efforts to further ensure ethnic minorities the full range of human rights including cultural rights”, as accepted in 2009.

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<sup>38</sup> TCHRD, 6 November 2012; [Five ‘disappeared’ Tibetans sentenced to varying prison terms](#)

<sup>39</sup> TCHRD, 25 January 2012; [Indiscriminate Firing Kills 2 Tibetans, Maims 10 in Serta County](#)

<sup>40</sup> ICT, 19 December 2012; [Tibetan student detentions after protests in Chabcha, Rebkong](#)

<sup>41</sup> TCHRD, 29 November 2012; [China alienates, angers Tibetan students with political education](#)

<sup>42</sup> [International Covenant on the Civil Political Rights \(ICCPR\)](#)

<sup>43</sup> [United States Congressional-Executive Commission on China 2009 Annual Report](#)

<sup>44</sup> State Council Information Office, [National Human Rights Action Plan of China \(2009 - 2010\)](#)

<sup>45</sup> Joshua Rosenzweig, Senior Manager, Research & Hong Kong Operations, The Dui Hua Foundation; [Testimony to the Congressional-Executive Commission on China for the hearing](#)

25. Tibetans suspected of being critical of political, religious, cultural, or economic state policies are systematically targeted on charges of “separatism”<sup>46</sup>. For example, on 18 June 2012, a Sichuan provincial court sentenced senior Tibetan cleric, Yonten Gyatso, to seven years in prison, accused of disseminating information about the situation in Tibet including contacting human rights organisations overseas<sup>47</sup>. (see C i & iii.)

26. State officials systematically exploit legal tools to punish citizens who peacefully express political opposition or advocacy for human rights. Despite constitutional guarantees for freedom of expression<sup>48</sup> there continues to be increasing internet censorship, surveillance, and restrictions on media freedoms. Reporters Without Borders recently expressed alarm at the continuing media blackout in Tibet, noting “not only are foreign media organisations prevented from covering these events, but the authorities have also organized a veritable disinformation campaign, using pro-government media such as the Global Times, which play down the disturbances and accuse the international community of interfering”<sup>49</sup>. In addition to restricting the flow of information from Tibet to the outside world, China recently stepped up control of the flow of information into Tibet. Tightened restrictions on the use of communication tools including internet and telephones were added to new measures described by TAR Party Secretary Chen Quanguo as necessary “to ensure the absolute security of Tibet’s ideological and cultural realm”<sup>50</sup>. Further restrictions on the publication of literature, including photocopying, and music publishing have been increased and government propaganda heightened via new TV channels, village education sessions, film showings and distribution of official books.

27. The number of political detentions in Tibet has continued to rise with the total number of known political prisoners currently reported to be 988<sup>51</sup>, 269 of which are detentions from 2012, and an overwhelming number of whom were detained, disappeared and sentenced on charges of ‘leaking state secrets’ and ‘endangering state security’<sup>52</sup>.

#### *iv. Limitations on the enjoyment of economic, social and cultural rights; Emphasis on the Right to Adequate Food including access to land*

28. China has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). In its first cycle UPR, China supported recommendations related to the enjoyment of ESCR, including recommendations 3, 9, and 26 which make specific reference to the Tibet Autonomous Region.

29. Pursuant to recommendation 9, in 2010 China invited the UN Special Rapporteur on the Right to Food to undertake a country mission. In his concluding report, published in 2012, the Special Rapporteur urged the Government of China: to suspend the non-voluntary resettlement of nomadic herders from their traditional lands as well as the non-voluntary relocation of other rural residents; to examine options for sustainable pasture management; and to improve education and health services in resettlement villages<sup>53</sup>. These are recommendations that Chinese scholars and land-management practitioners, working with Tibetan nomads in the vast Sanjiangyuan region of Qinghai province, have identified as already showing results and needing further implementation, yet China has not taken steps to implement these recommendations<sup>54</sup>. China continues to impose resettlement policies that deprive Tibetan nomadic herders and other rural residents of their land and thereby their means of subsistence which is a violation of ESCR.

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<sup>46</sup> ICT, 24 October 2012; [Chinese authorities offer large rewards for information on ‘black hand’ behind Tibetan self-immolations](#)

<sup>47</sup> TCHRD, 21 August 2012; [Senior monk sentenced to 7 years for sharing information](#)

<sup>48</sup> Reporters without Borders, 1 March 2012; [Authorities tighten grip, isolating Tibet even more from the outside world](#)

<sup>49</sup> Human Rights Watch; 13 July 2012; [China: Attempts to Seal Off Tibet from Outside Information](#)

<sup>50</sup> TCHRD, 17 January 2013; [Annual Report on Human Rights Situation in Tibet](#)

<sup>51</sup> Ibid

<sup>52</sup> [Constitution of the People's Republic of China, Article 35](#)

<sup>53</sup> [Report of the Special Rapporteur on the Right to Food, Olivier De Schutter, Mission to China, Human Rights Council, January 2012](#)

<sup>54</sup> [Ecological Conservation, Cultural Preservation, and a Bridge between: the Journey of Shanshui Conservation Center in the Sanjiangyuan Region, Qinghai-Tibetan Plateau, China](#)

30. It is China's stated intention to end the nomadic way of life; in 1998, China's Agriculture Vice Minister, Qi Jingfa said, "All herdsmen are expected to end the nomadic life by the end of the century"<sup>55</sup>. In January 2011 the Governor of the Tibet Autonomous Region (TAR) reported that 1.43 million farmers and herders had been moved into "new homes"<sup>56</sup>. In May 2012, according to a statement on the official website of the Central People's Government of the PRC, China's "Twelfth Five-Year Plan for the Project on Resettling Nomadic People within China" included the aim of "resettling" the remaining nomad population of 246,000 households or 1.157 million nomads by 2015. The socio-economic and political purposes of the project were stated as "to accelerate the development mode shift of animal husbandry and grassland eco-system protection in pastoralist areas, to maintain ethnic harmony and frontier stability, and to lay a firm foundation for building an all around prosperous society"<sup>57</sup>.

31. Impact of the resettlement programme is illustrated by China's 2010 census figures which reveal that the proportion of workers in the TAR employed in farming and herding dropped from 76 per cent in 1999 to 56 per cent by 2008<sup>58</sup>. Figures provided in the Special Rapporteur's 2012 report indicate that this trend continues upwards with between 50 and 80 per cent of the 2.25 million nomads on the Tibetan plateau now relocated or in the process of being relocated<sup>59</sup>.

32. The full regime of access to and control over land and land-use decision-making is proscribed in the Law of Land Administration of China (1998). One of the stated purposes of the Law is to "protect cultivated land against industrial development" (article 4). Nevertheless, numerous personal testimonies have documented land seizures for industrial development in Tibet including for resource extraction and dam construction; without free, prior and informed consent and often with no, or insufficient, compensation despite legislation requiring "market value" compensation. Displaced families commonly receive only a small portion of projected land-related income as compensation (compensation based on production output value rather than land value) despite new regulations adopted in 2010 that could increase compensation for seized land up to full market value and make legal recourse more accessible.

33. Anecdotal reports indicate that promised employment opportunities in the newly constructed resettlement townships have not materialized, or they favour migrant workers from outside Tibetan areas who often benefit from incentives and other preferences. Social assistance allowances do not compensate resettled Tibetans for the higher cost of living in the townships which are commonly located near urban centres. The effect is to increase social marginalisation of Tibetans by removing their economic independence along with their cultural identity.

34. Non-voluntary resettlement of nomadic herders and other rural residents in Tibet is exacerbated by the absence of civil and political rights. The lack of popular participation in decision-making processes in China combined restrictions on freedoms of expression and association as well as systemic discrimination against Tibetans, has limited victim efforts to seek recourse when land rights are violated. Although access to remedy is available in theory – through various petitioning mechanisms, local courts, and the Ministry of Land and Resources for example – in practice using these procedures commonly results in harassment, intimidation, or arbitrary detention.

35. Access to land is a prerequisite for food security in nomadic and rural communities. Therefore, continued implementation of the resettlement policy, depriving communities of access to their traditional land, constitutes a violation of the state obligation to respect the right to food.

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<sup>55</sup> China Human Rights Rule of Law Update, 2005; [Government Campaign to Settle Tibetan Nomads Moving Toward Completion](#), p8

<sup>56</sup> Xinhua, 16 January 2011; [Figures tell Tibet's development in five years](#)

<sup>57</sup> See [http://www.smhric.org/news\\_445.htm](http://www.smhric.org/news_445.htm). See also [China Daily](#)

<sup>58</sup> [Provincial Migration in China: Preliminary Insights from the 2010 Population Census](#), Andrew Fischer, Institute of Social Studies, Erasmus University, Netherlands, 2012

<sup>59</sup> *Ibid* [53]

## D. Recommendations for action by the People’s Republic of China

36. The following actions would demonstrate China’s commitment to human rights and the UPR process – as would China’s acceptance, during this upcoming UPR, of more concrete recommendations for improving the human rights situation for Tibetans under Chinese rule.

Area of concern	Recommendations
Compliance with United Nations Human Rights Mechanisms	<ol style="list-style-type: none"><li>i. China must ratify the ICCPR in accordance with its acceptance to take steps towards this in its first cycle UPR and be pressed to give specific timeframes and commit to working towards ensuring ICCPR compliance.</li><li>ii. China must urgently agree to dates for the High Commissioner for Human Rights to visit in the near future, including agreement that such a visit would include Tibetan Autonomous Prefectures, especially in Sichuan and Qinghai where self-immolations have been more frequent, and the Tibet Autonomous Region.</li><li>iii. China must meet agreements for other Special Rapporteurs to visit, including the Special Rapporteur on Religious Freedom, and accept that such visits must include Tibet as an area of specific concern.</li></ol>
Alleviating tensions caused by violations of Civil and Political Rights in Tibet, in connection to the self-immolation protests in Tibet.	<ol style="list-style-type: none"><li>iv. China must implement an immediate review of its policies on ethnic minorities with specific reference to addressing restrictions on the rights to freedom of thought, religion, assembly and expression. Specifically, China must end its use of political or patriotic re-education.</li><li>v. China must cease the persecution, harassment, arbitrary arrest and wrongful imprisonment of Tibetans for peaceful political or religious activities, or those of their relatives or communities. Tibetans imprisoned for exercising their basic civil and political rights, such as the rights to religion, assembly and expression should be immediately and unconditionally released, including those arrested or sentenced on charges of “intentional homicide” in connection with self-immolations.</li><li>vi. China must withdraw armed forces from affected towns and monasteries where self-immolations have taken place.</li><li>vii. China must remove restrictions on freedom of information and expression, including on the Internet</li></ol>
Enjoyment of Economic, Social and Cultural Rights	<ol style="list-style-type: none"><li>viii. China must end the non-voluntary resettlement of nomadic herders and other rural residents in Tibet, and allow Tibetan nomads already resettled to return to their land if they wish.</li><li>ix. China must introduce measures to ensure free, prior and informed consent of Tibetan nomadic communities affected by large-scale projects including conservation, parks and protected areas, as well as development projects, including but not limited to resource extraction and dam construction.</li></ol>
Enjoyment of Civil and Political Rights	<ol style="list-style-type: none"><li>x. China must amend its domestic laws regarding peaceful assembly and freedom of expression, so that it is in line with international human rights standards and is non-discriminatory.</li><li>xi. China must amend its State Security laws in relation to definitions of ‘crimes’ of “endangering state security”, to prevent “organizing, scheming and carrying out activities to split the nation and sabotage national unity” being arbitrarily applied to simple and peaceful acts of freedom of expression and assembly.</li></ol>