

China 3rd Cycle Universal Periodic Review

Written Contribution to UN Human Rights Council

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The **CANADA TIBET COMMITTEE** (CTC) is a federally-registered not-for-profit organization created in 1987. The CTC defends and promotes human rights of the Tibetan people. The CTC monitors developments inside Tibet and builds public awareness in Canada through its community outreach activities. The CTC encourages support for Tibet from the Government of Canada through participation in consultative processes. The CTC cooperates with Canadian institutions and national non-governmental organizations that are engaged in human rights advocacy.

Introduction

1. The Canada Tibet Committee submits this contribution for the third cycle Universal Periodic Review (UPR) of the People's Republic of China. The contribution focuses on implementation of recommendations accepted by China during its second cycle review with particular attention to the promotion and protection of economic, social and cultural rights (ESCR) in Tibet. China has ratified the International Covenant on ESCR which guarantees the right of all peoples to “freely pursue their economic, social and cultural development.”ⁱ
2. This contribution is accompanied by 2 annexed documents: (a) List of ESCR-related commitments made by China during the 2nd cycle UPR (by contribution category); (b) original research report titled “Harassment and Intimidation of Individuals in Canada Working on China-related Activism”.

Summary

3. Of the 204 recommendations that China accepted in the 2nd UPR cycle, twenty-three contained language promoting or protecting the economic, social and cultural rights of ethnic minorities in China, or economic development in rural areas (the majority of Tibetans live in rural areas).ⁱⁱ This goal is also expressed in China's Constitution, Article 4, which recognizes that all nationalities in China are equal, and that discrimination and oppression of any nationality are prohibited.
4. Based on the twenty-three recommendations identified, findings are presented here in three categories: Commitments related to the general protection of ESCR in Tibetan areas of China; Commitments made related specifically to economic rights and development; and commitments related specifically to social and cultural rights. Each category section includes an overview of commitments made, an assessment of how those commitments have been implemented since 2013, and recommendations.
5. In response to paragraph 19 of the publication titled *Universal Periodic Review: Information and guidelines for relevant stakeholders' written submissions*ⁱⁱⁱ prepared by the United Nations for civil society, this contribution also provides information about the intimidation of human rights defenders in Canada, with specific references to individuals who defend human rights in Tibet (paras 23 – 28).

Review, assessment, and recommendations

I. Commitments related to the general protection of ESCR in Tibetan areas

6. China accepted recommendations related to the general protection of ESCR anywhere in China, including Tibet [“Continue to provide comprehensive protection to citizens’ economic, social and cultural rights” *A-186.185 Democratic People’s Republic of Korea*]. It also accepted recommendations specific to the ESCR of all minority groups, including Tibetans [“Continue to promote economic development in ethnic minority regions and strengthen their capacity for development” *A-186.226 India*]. Finally, China accepted recommendations specific to ESCR in Tibet [Protect the rights of ethnic minority groups, including Tibetans, Uighurs, and Mongolians, in accordance with China’s Constitution and international human rights commitments *A-186.234. United States of America*].

- Implementation assessment

7. On paper, China endows autonomous regions with sufficient rights to manage policies and programs necessary for the fulfilment of ESCR including full participation in decision-making and the protection of cultural traditions.^{iv} The Law on Regional Ethnic Autonomy includes the right to enjoy self-government, to manage internal affairs, to formulate regulations, to protect cultural traditions including language, and to manage economic development independently.^v In practice however, such rights are not exercised, possibly because they must be approved by state ministries (effectively a veto) or because such action may be seen as harmful to the state. To date, no provincial law has been passed in Tibet.

8. The ability to monitor the implementation of UPR commitments related to ESCR in Tibetan areas of China is limited by the broader lack of freedom in Tibet, insufficient access to information, and restricted access for international observers. For example, China officially invited the UN High Commissioner for Human Rights in 2008 but the visit has not yet taken place. Similarly, the UN Special Rapporteur on Freedom of Religion has been in lengthy negotiation for a country mission to China, but has so far been unsuccessful.

9. Notably, the Government of Canada has also experienced challenges gaining access to Tibet. Former Canadian Minister of Foreign Affairs Stéphane Dion revealed in 2015 that officials in the Tibet Autonomous Region (TAR) regularly delay travel permit approval for Canadian diplomats by imposing convoluted application procedures or citing insufficient staff.^{vi} In some cases, permits were denied even when the visit purpose was to monitor Canada-funded projects. When a permit was provided, according to Minister Dion, visits by

Canadian diplomats are “tightly managed by local authorities” with little or no opportunity to interact with local residents.

10. In a recent example, on February 17, 2018 video footage circulated on social media showing a fire at the Jokhang Temple in the Tibetan capital city of Lhasa. The seventh-century “holiest of holy” temple is designated as a UNESCO world heritage site and yet authorities moved quickly to suppress any information about the fire, even forbidding local people to share photos of the event.^{vii} The example serves as evidence that documenting timely and accurate information inside Tibet remains an overwhelming obstacle even for Tibetans themselves.

11. Recommendations:

- i. China should take steps to implement existing constitutional and legal provisions that guarantee autonomy for Tibetans in the areas of economic, social and cultural rights.
- ii. In an effort to encourage “best practice” examples, China should actively engage stakeholders in countries where ethnic minorities or indigenous populations enjoy political, cultural and economic autonomy within a federal state.
- iii. China should invite UN observers (including the UN High Commissioner for Human Rights, UNESCO representatives and representatives of other UN agencies) to Tibet without restrictions.
- iv. China should respect and enable reciprocal diplomatic access to Tibet.
- v. China should eliminate special permits required for foreign tourists visiting Tibet. Equally, China should facilitate foreign travel by Tibetans by providing fair access to passports.

II. Commitments related to economic rights

12. During its 2nd cycle review, China made commitments to improve the economic well-being of Tibetans, with special attention to the most vulnerable. [“Continue the efforts aimed at fighting against poverty and discrimination of the most vulnerable groups” *A186.76. Ecuador*]. In addition, China committed to affirmative action to uplift minorities and encourage regional autonomy. [“Continue to carry out the system of regional autonomy in ethnic areas and give more favourable conditions to ethnic minorities for participating in the fields of politics, economy and culture *A186.228 Viet Nam*].

- Implementation assessment

13. Despite China’s rising prosperity and high levels of economic growth in Tibetan areas, poverty continues to plague Tibetans living under Chinese authority. While the Government of China often highlights economic development in Tibet by pointing to an array of aggregate statistics illustrating reduced levels of poverty, increases in GDP, and increasing subsidies from the central government,^{viii} in reality Tibetans in Tibet face discriminatory policies coupled with ongoing political repression that have entrenched a two-class economic and social system based primarily on race.

14. UN statistics confirm that in 2016 Tibetan areas of China remained the poorest in all of China. The UN Development Programme (UNDP) compiles information by province in China and assigns a “human development index” to each for comparison purposes. In 2016, the index for Tibet was the lowest in China.^{ix} The UNDP also produces a “living standard index” for China which looks at social and economic indicators including access to water, roads, internet, and more. Here Tibet again ranks lowest in all of China while Qinghai, a predominantly Tibetan area, is second lowest.^x

15. Most Tibetans live in rural areas and follow a semi-nomadic lifestyle. China’s policy for improving economic well-being of Tibetans is one that encourages or compels rural-to-urban resettlement.^{xi} Available evidence indicates, however, that the policy has been unsuccessful.^{xii} Even in cities where employment opportunities are diverse, Tibetans remain disadvantaged by their ethnicity, lower education levels, and lack of fluency in Chinese language. As a result Tibetans continue to struggle in an exclusionary economy and are often relegated to self-employment or to physical labour.^{xiii} In effect, once vibrant nomadic communities of the Tibetan plateau have been deprived of their traditional livelihoods and driven into poverty by China’s urbanization policies in Tibet.

16. Recommendations:

- i. China should undertake a full assessment to determine the causes of persistent poverty in both urban and rural areas of Tibet and take steps to eliminate obstacles identified.
- ii. China should target its program of subsidies and other support to Tibetan-led sectors of the economy in order to develop production and marketing capacities and facilitate access to both domestic and foreign markets.
- iii. China should adopt affirmative action policies that encourage Tibetan employment such as specialized training, student work programs, quota for hiring Tibetans, and requirements for Tibetan language in the workplace.

III. Commitments related to social and cultural rights

17. During its 2nd cycle UPR, China accepted recommendations aimed at fulfilling social and cultural rights, including promotion of the Tibetan language [“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”, A-186.219.Cambodia]. China also committed to the protection of cultural traditions of Tibetans [“Exert more efforts to protect cultures, especially those of ethnic minorities, and to promote the protection of cultural relics”, A-186.220.Iraq] and [“Make further efforts for securing all human rights, including cultural rights of minorities”, A-186.221 Japan].

- Implementation

18. China argues that it defends and promotes Tibetan culture in part by efforts to encourage cultural tourism in Tibetan areas. Tibetans instead highlight what they view as the “disneyfication” of their traditions and institutions. In a recent and stark example in Kardze Autonomous Prefecture, Larung Gar Buddhist Institute, which was the largest Buddhist study centre in Tibet, was placed under official order in July 2016 to cut the number of residents from 10,000 to 5,000. Residences and other buildings were demolished while expelled students were forced to undergo “re-education” and barred from ever returning to Larung Gar.^{xiv} Reports that the demolitions and evictions were part of a plan to re-develop the area for tourism were confirmed when in 2016 several foreign delegations, including from Canada, were invited to visit Kardze and to invest in Tibet’s “cultural industries”. Construction of a new tourist village is now underway at the foot of Larung Gar.^{xv}

19. Tibetans report a systemic campaign to undermine use of the Tibetan language through reduced attention to Tibetan-language instruction in primary school, mandatory proficiency in Mandarin in the workforce, and regulatory requirements for professional licenses.^{xvi} In 2018, more than 180 Tibetans petitioned the People's Supreme Court of China to raise concerns over the lack of Tibetan language on the official websites of people’s courts in Tibetan autonomous prefectures.^{xvii}

20. In 2015, high school students in Qinghai marched in an act of rare defiance to protest the elimination of Tibetan as the main language of instruction in schools. Officials accused the “hostile western forces” of influencing the students and “sabotaging harmony”.

21. Efforts to advocate for greater respect of the Tibetan language can result in arrest and imprisonment as in the case of language advocate Tashi Wangchuk. Mr. Wangchuk had

voiced concern publicly about the lack of Tibetan-language education when authorities in Kyegundo stopped local monasteries and a private school in the area from teaching Tibetan to laypeople. Wangchuk travelled to Beijing in 2015 to explore filing a formal complaint against officials for failing to support Tibetan language education. He was subsequently arrested, charged with “inciting separatism” and currently awaits sentencing.

22. Recommendations:

- i. China should take steps to ensure that the promotion of tourism in Tibetan areas of China is not associated with forced evictions of Tibetans from institutions. communities in the name of cultural preservation and development.
- ii. Following public consultations with Tibetans, China should develop a policy of responsible tourism that respects and protects the cultural rights of Tibetans.
- iii. China should incorporate a bilingual and bicultural curriculum in Tibetan schools with emphasis on the perspectives of Tibetan communities and with value afforded to cultural tradition.
- iv. China should prioritize the training and employment of qualified bilingual teachers who can teach effectively in both Tibetan and Mandarin language.
- v. China should immediately release Tashi Wangchuk.

IV. Intimidation of Tibetan human rights defenders in Canada

23. In 2016 the Canada Tibet Committee, as a member of the Canadian Coalition on Human Rights in China^{xviii}, documented examples of harassment and intimidation of China-related human rights defenders in Canada. A report was prepared and submitted to the Government of Canada in April 2017. A redacted version of that report is annexed.^{xix}

24. The report provides detailed examples in the following categories: cyber-attacks; phone harassment; distributing hate propaganda; in-person monitoring of people in Canada; harassment at demonstrations; harassment of Canadians in China; harassment of family members in China; interference with freedom of assembly and media.

25. Although it is difficult to attribute incidents to Chinese authorities, the report presents an organized and sustained pattern of harassment and intimidation which is consistent with allegations that they are part of a coordinated Chinese government-sponsored campaign to target certain groups and individuals outside of China who monitor and report on violations of human rights in China.

26. In the report, Tibetans and their non-Tibetan supporters describe physical confrontations with Chinese officials in Canada. For example, during a peaceful 2014 protest in Toronto against the screening of a Chinese government film called “Glorious Tibet”, pro-Tibetan activists said they were assaulted by Chinese security officers.

27. Citizen Lab, an interdisciplinary research institute at the University of Toronto, contributed to the report stating that it had examined targeted malware-enabled espionage operations against ten civil society organizations that had enrolled as study subjects over a period of four years. Of the ten groups, 5 were human rights organizations or news organizations focused on Tibet (some with offices in Canada). The investigation found that the groups in its study were persistently targeted by malware operations that attempted to compromise their private communications.

28. During preparation of the report, researchers spoke to numerous Tibetans (and others) in Canada who said they do not attend rallies or speak critically about human rights in Tibet for fear that family members in Tibet might be put at risk by their actions.

Conclusion

29. China’s acceptance of numerous recommendations regarding economic, social and cultural rights in Tibet is welcomed. Acceptance of recommendations implies intent. Intent, however, must be accompanied by identifiable, concrete steps taken by the Chinese State which has responsibility for the progressive realization of economic, social and cultural rights within its jurisdiction. As the United Nations monitors and evaluates China’s progress via this UPR, it is important to remember that the Tibetan people themselves are largely excluded from the process because they lack the basic freedoms to participate freely.

ⁱ Article 1, International Covenant on Economic, Social and Cultural Rights, ratified by China in 2001.

ⁱⁱ See Annex 1 – List of ESCR recommendations accepted by China.

ⁱⁱⁱ Universal Periodic Review: Information and guidelines for relevant stakeholders’ written submissions, Office of the High Commissioner for Human Rights, 2018
<http://www.ohchr.org/Documents/HRBodies/UPR/TechnicalGuideEN.pdf>

^{iv} Law on Regional Ethnic Autonomy <https://www.cecc.gov/resources/legal-provisions/regional-ethnic-autonomy-law-of-the-peoples-republic-of-china-amended>

^v White paper on regional autonomy for ethnic minorities in China, State Council Information Office 2005 <http://www.china-un.org/eng/zt/xzwt/t418939.htm>

^{vi} Minister Dion’s statement can be accessed at
http://randallgarrison.ndp.ca/sites/default/files/multisite/149171/field_content_files/order_paper_question_q-337_tibet_june_15_2016.pdf.

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- vii Jokhang temple: fire engulfs ancient 'heart' of Tibetan Buddhism, The Guardian, February 18, 2018. <https://www.theguardian.com/world/2018/feb/18/jokhang-temple-fire-engulfs-ancient-heart-of-tibetan-buddhism>
- viii Andrew M. Fischer (2015). Subsidizing Tibet: An Interprovincial Comparison of Western China up to the End of the Hu-Wen Administration. The China Quarterly, 221, pp 73-99. http://journals.cambridge.org/abstract_S0305741014001581
- ix 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>
- x 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>
- xi See “Tibet's urbanization rate expected to exceed 30% by 2020”, Xinhua News Agency, January 14, 2015, <http://www.globaltimes.cn/content/901927.shtml>
- xii A Critical Analysis of China's Campaign to End Tibetan Pastoral Lifeways, Tibetan Centre for Human Rights and Democracy, 2015 <http://tchrd.org/wasted-lives-new-report-offer-fresh-insights-on-travails-of-tibetan-nomads/>
- xiii China's subsidies to Tibet, Andrew M. Fischer, Canada Tibet Committee <https://www.youtube.com/watch?v=9xkEu2hYEtE&t=8s>
- xiv China takes a chainsaw to 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>
- xv See the promotion of Kardze at the Shenzhen International Cultural Industries Fair: <http://www.prnewswire.com/news-releases/charming-ganzi-tibetan-autonomous-prefecture-welcomes-global-investors-and-visitors-to-ganzi-at-the-12th-china-shenzhen-international-cultural-industries-fair-300269615.html>
- xvi Bilingual Education Policy in Tibet: The Systematic Replacement of Tibetan Language with Mandarin Chinese, 83-85. Tibetan Center for Human Rights and Democracy, 2017 <http://tchrd.org/wp-content/uploads/2017/04/TCHRD-Report-Bilingual-Education.pdf>
- xvii Tibetans push back against the lack of Tibetan language in local courts, Free Tibet, January 17, 2018 <https://www.freetibet.org/news-media/na/tibetan%E2%80%99s-hit-out-against-lack-tibetan-language-local-courts>
- xviii A consortium of human rights organizations and academics in Canada, established in 1993, and currently chaired by Amnesty International Canada.
- xix Harassment and Intimidation of Individuals in Canada Working on China-related Activism, Canadian Coalition on Human Rights in China, April 2017 (appended)