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

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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 Tibet¹ 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

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 extrajudicial 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

² Relentless: Detention and Prosecution of Tibetans Under China’s ‘Stability Maintenance’ Campaign, Human Rights Watch, May 2016, available at <https://www.hrw.org/report/2016/05/22/relentless/detention-and-prosecution-tibetans-under-chinas-stability-maintenance>

³ TCHRD condemns arbitrary detention of Tibetan writer Shokjang, TCHRD, 21 April 2015, available at: <http://tchrd.org/tchrd-condemns-arbitrary-detention-of-tibetan-writer-shokjang/>

⁴ Inevitable Imprisonment: Special Report on Arbitrary Detention in Tibet, TCHRD, May 2017, available at http://tchrd.org/wp-content/uploads/2017/05/Inevitable-Imprisonment_-Arbitrary-Detention-in-Tibet.pdf

⁵ Prominent former political prisoner Tsegon Gyal sentenced to three years on charge of ‘inciting separatism’, TCHRD, 18 February 2018, available at <http://tchrd.org/prominent-former-political-prisoner-tsegon-gyal-sentenced-to-three-years-on-charge-of-inciting-separatism/>

⁶ Tibetan Businessman Battles Separatism Charges in Chinese Court, New York Times, 4 January 2018, available at <https://www.nytimes.com/2018/01/04/world/asia/tibet-china-language-separatism-tashi.html>

⁷ Extrajudicial killing, arbitrary detention and religious repression continue in restive Tibetan county, TCHRD, 15 December 2014, available at <http://tchrd.org/arbitrary-arrests-extrajudicial-killing-and-religious-repression-continue-in-restive-tibetan-county/>

⁸ An interview with Golog Jigme, respected monk and ‘Information Hero’ after his daring escape from Tibet, 29 July 2014, International Campaign for Tibet, available at: <https://www.savetibet.org/an-interview-with-golog-jigme-respected-monk-and-information-hero-after-his-daring-escape-from-tibet/>

⁹ Goshul Lobsang tortured with pain-inducing injections, leaves a defiant note after untimely death, 31 March 2014, TCHRD, available at: <http://tchrd.org/goshul-lobsang-tortured-with-pain-inducing-injections-leaves-a-defiant-note-after-untimely-death/>

6. TCHRD's alternative report to the Committee Against Torture documented 30 known cases of death in detention in Tibet.¹⁰ Since then, more cases¹¹ have emerged.¹² 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,¹³ trying to assist victims of self-immolations, leading protests against mining or government construction projects, and organizing village opposition to unpopular government decisions¹⁴.

11. Chinese authorities impose information blockade and exercise a high degree of scrutiny and censorship on the flow of information.¹⁵ Heavy presence of armed police and sophisticated surveillance systems make it easier for authorities to detain protesters.¹⁶

12. Tibetan writers, bloggers and artists have been harassed, detained and imprisoned after informing on human rights conditions, writing books on self-immolations and other issues regarding Tibet¹⁷, denouncing harsh policies or singing songs¹⁸.

¹⁰ Death in Detention: TCHRD Submission to UN Committee Against Torture, TCHRD, 29 October 2015, available at <http://tchrd.org/death-in-detention/>

¹¹ Tibetan man kills self in detention to avoid custodial torture, TCHRD, 6 April 2016, available at: <http://tchrd.org/tibetan-man-kills-self-in-detention-to-avoid-custodial-torture/>

¹² Tibetan Man Who Refused to Fly Chinese Flag Dies in Prison, Radio Free Asia, 8 February 2016, available at: <https://www.rfa.org/english/news/tibet/tibetan-man-who-refused-to-fly-chinese-flag-dies-02082016154201.html>

¹³ China disappears more Tibetans in Diru as crackdown spreads, TCHRD, 19 October 2013, available at <http://tchrd.org/china-disappears-more-tibetans-in-diru-as-crackdown-spreads/>

¹⁴ Beatings, detention, threats after Tibetans reject China's "Mass line" policy in Diru, TCHRD, 5 October 2013, available at <http://tchrd.org/beatings-detention-threats-after-tibetans-reject-chinas-mass-line-policy-in-diru/>

¹⁵ Report: Human Rights Situation in Tibet: 2013- 2016, Tibet Society (UK), 13 May 2016, available at: <http://www.tibetsociety.com/content/view/598>

¹⁶ No 'golden age' for peaceful Tibetan protesters: two more solo protesters beaten up and detained, TCHRD, 14 Sept. 2015, available at <http://tchrd.org/no-golden-age-for-peaceful-tibetan-protesters-two-more-solo-protesters-beaten-up-and-detained/>

¹⁷ Tibetan writer sentenced to 5 yrs in prison for writing book on self-immolation, TCHRD, 21 May 2013, available at <http://tchrd.org/tibetan-writer-sentenced-to-5-yrs-in-prison-for-writing-book-on-self-immolation/>

¹⁸ Two Tibetans, monk and singer, sentenced to prison, TCHRD, 13 March 2013, <http://tchrd.org/two-tibetans-monk-and-singer-sentenced-to-prison/>

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.¹⁹

17. Paramilitary forces have used lethal force to suppress peaceful protesters²⁰ by opening fire on unarmed protesters.²¹ Some Tibetans were sentenced to long prison terms of nine to 13 years for leading anti-mining protests.²² Armed police brutally attacked and beat women protesting mining at sacred sites.²³ Paramilitary forces had warned of more severe punishments if protests continue, specifically that they had been given orders to “kill, if necessary.”²⁴ In August 2014 armed police opened fire on a group of anti-mining protesters in Tsang Tobgyal Township in Shigatse Prefecture.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 Dzoerge County announced collective punishment for a self-immolator’s relatives, village and monastery.²⁶

22. Local regulations in Diru County also expanded upon the penalties for self-immolations.²⁷ The punishments for a self-immolation included refusal to grant permission to open a business and to apply for government jobs. The regulations also

¹⁹ China: Draft Police Law Entrenches Abuses, Human Rights Watch, 21 December 2016, available at <https://www.hrw.org/news/2016/12/21/china-draft-police-law-entrenches-abuses>

²⁰ TCHRD condemns Chinese police shooting of unarmed Tibetans in Kardze, 14 Aug. 2014, available at: <http://tchrd.org/tchrd-condemns-chinese-police-shooting-of-unarmed-tibetans-in-kardze-2/>

²¹ Chinese police officer dies after Kardze shooting; pregnant wife of Tibetan killed commits suicide, International Campaign for Tibet, 28 August 2014, available at: <https://www.savetibet.org/chinese-police-officer-dies-after-kardze-shooting-pregnant-wife-of-tibetan-killed-commits-suicide/>

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/>

²³ Tibetan women attacked, beaten at anti-mine rally, Radio Free Asia, 2 July 2014, available at <https://www.rfa.org/english/news/tibet/rally-07022014165303.html>

²⁴ *Ibid.*

²⁵ Thirteen wounded as Chinese 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>

²⁶ China announces unprecedented harsh measures to deter self-immolations in Tibet’s Dzoerge County, TCHRD, 14 February 2014, available at <http://tchrd.org/china-announces-unprecedented-harsh-measures-to-deter-self-immolations-in-tibets-dzoerge-county/>

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/>

prohibit Tibetans from harvesting caterpillar fungus for three to five years.²⁸ 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’.²⁹

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.³⁰ 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.³¹

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.³²

27. Chinese authorities have systematically interfered with the performance of religious ceremonies for deceased self-immolators.³³ Two monks from Beudo Monastery were sentenced to three years in prison for conducting rituals for a

²⁸ China hold Tibetan livelihood to ransom to secure political stability, TCHRD, available at: <http://www.tchrd.org/2014/07/china-holds-tibetan-livelihood-to-ransom-to-secure-political-stability-2/>.

²⁹ Dubois, T. (2016). How will China regulate religion? Retrieved from <http://www.eastasiaforum.org/2016/09/21/how-will-china-regulate-religion/>

³⁰ Abbot and senior monk detained for holding prayer for Dalai Lama’s health, TCHRD, 8 February 2016, available at <http://tchrd.org/abbot-and-senior-monk-detained-for-holding-prayer-for-dalai-lamas-health/>

³¹ Tibetans in critical condition after Chinese armed police shoot into crowd celebrating Dalai Lama’s birthday, TCHRD, 9 July 2013, available at <http://tchrd.org/tibetans-in-critical-condition-after-chinese-armed-police-shoot-into-crowd-celebrating-dalai-lamas-birthday/>

³² China issues demolition order on world’s largest religious town in Tibet, TCHRD, 15 June 2016, available at: <http://tchrd.org/china-issues-demolition-order-on-worlds-largest-religious-town-in-tibet/>

³³ Tibetan mother dies of self-immolation, denied proper cremation by Chinese authorities, TCHRD, 17 April 2013, available at <http://tchrd.org/tibetan-mother-dies-of-self-immolation-denied-proper-cremation-by-chinese-authorities/>

deceased self-immolator.³⁴This 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.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.³⁶ The same month, 100 nuns were expelled from Jada Gaden Khachoeing Nunnery in Diru.³⁷

29. The PRC government did not disclose new information about the disappeared 11th Panchen Lama Gedhun Choekyi Nyima.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.³⁹

FREEDOM OF MOVEMENT

31. Tibetans faced a long and discriminatory process to obtain a passport.⁴⁰

32. Travelling to TAR requires two special permits that authorizes the entry to “restricted areas” in Tibet.⁴¹ The Foreign Correspondents’ Club of China (FCCC), reported in 2013 annual survey “the continuing restrictions on journalists’ movements” in Tibet as one its greatest concerns.⁴²

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/>

³⁵ China imposes harsh new restrictions in restive Tibetan county, Radio Free Asia, 7 Oct. 2014, available at: <https://www.rfa.org/english/news/tibet/harsh-10072014165921.html>

³⁶ Document Exposes intensification of State- sanctioned religious repression in troubled tibetan county, TCHRD, 9 Nov. 2015, available at: <http://tchrd.org/document-exposes-intensification-of-state-sanctioned-religious-repression-in-troubled-tibetan-county/>

³⁷ Mass expulsion of nuns and land grabbing in Tibet’s Diru county, TCHRD, 13 oct. 2015, available at: <http://tchrd.org/mass-expulsion-of-nuns-and-land-grabbing-in-tibets-diru-county/>

³⁸ China says Panchen lama ‘living a normal life’ 20 years after disappearance, The Guardian, 6 Sept. 2015, available at: <https://www.theguardian.com/world/2015/sep/06/china-says-panchen-lama-living-a-normal-life-20-years-after-disappearance>

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

⁴⁰ One Passport, Two Systems: China’s restrictions on Foreign travel by Tibetans and others, Human Rights Watch (2015), available at: <https://www.hrw.org/report/2015/07/13/one-passport-two-systems/chinas-restrictions-foreign-travel-tibetans-and-others>

⁴¹ Tibet Travel Permits-Tibet Visa 2013, Access Tibet Tour, <http://www.accesstibettour.com/travel-permit.html>

⁴² Annual Working Conditions Survey, FCCC, 11 July 2013, <https://cpj.org/blog/CHINA%2007%2011%2013%20FCCC%20Annual%20Working%20Conditions%20Report%20for%20pdf.pdf>

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:

- Immediately ratify the International Covenant on Civil and Political Rights and International Convention for the Protection of All Persons from Enforced Disappearance

⁴³ China Seizes Tibetans' Passports in a Bid to Block Travel, Radio Free Asia, 14 November 2016, available at: <https://www.rfa.org/english/news/tibet/passports-11142016161438.html>

⁴⁴ China extends Tibet surveillance program for sixth year in row", TCHRD, 30 November 2016, available at <http://tchrd.org/china-extends-tibet-surveillance-program-for-sixth-year-in-row/>

⁴⁵ Samm Sacks and Paul Triolo. "Shrinking Anonymity in Chinese Cyberspace", 25 September 2017, available at <https://www.lawfareblog.com/shrinking-anonymity-chinese-cyberspace>

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%E4%BC%89/?lang=en>

⁴⁷ Official Chinese notification puts Nagchu Tibetans under secret surveillance, TCHRD, 11 October 2013, available at <http://tchrd.org/official-chinese-notification-puts-nagchu-tibetans-under-secret-surveillance/>

⁴⁸ China launches crackdown on personal cellphones in Lhasa, TCHRD, 11 March 2013, <http://tchrd.org/china-launches-crackdown-on-personal-cellphones-in-lhasa/>

⁴⁹ Crackdown on satellite dishes, broadcast equipment deepens in Tibet, TCHRD, 29 January 2013, available at <http://tchrd.org/crackdown-on-satellite-dishes-broadcasting-equipment-deepens-in-tibet/>

- . 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.⁵⁰

⁵⁰ As of 1 January 2015. See Special Procedures of the Human Rights Council, OHCHR, <http://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx>