

HUMAN RIGHTS SITUATION IN TIBET

# Annual Report 2006



**Tibetan Centre for Human Rights and Democracy**



**Cover photo: Nangpa La Shooting Incident (Photo source: ICT)**

On 30 September 2006, border patrol officers of the Chinese People's Armed Police (PAP) shot at a group of seventy five Tibetan refugees, killing Kelsang Nortso, a seventeen-year-old nun and injuring twenty-year-old Kunsang Namgyal. The incident occurred as the group led by two guides, approached the glaciated Nangpa La, a 18,753-foot pass near the Mount Cho-Oyu base camp. In addition to the injury and death, the PAP arrested about thirty of the refugees, including fourteen children as they attempted to flee. Some members of the group remain missing while forty one reached Kathmandu, Nepal safely. The Chinese government claimed that any violence on the part of the PAP was in "self-defense". However, eyewitness accounts of nearby Everest mountaineers testify that, "the refugees were running uphill, away from the shooting. They were shooting, again and again at the group of Tibetans without any warning, who were completely defenseless." The defense statement used by the Chinese Foreign Ministry was later proved a lie when video evidences surfaced clearly showing that the refugees were being shot at "like dogs" and later being hunted down by the officers. Each year hundreds of Tibetans attempt to escape Chinese rule by crossing the Himalayan border in order to reach Nepal by risking their lives.

# TABLE OF CONTENTS

<b>Executive Summary</b>	<b>5</b>
--------------------------	----------

<b>Civil and Political Liberties</b>	<b>13</b>
--------------------------------------	-----------

- » introduction
- » change in “TAR” leadership
- » right to freedom of expression muffled
- » arrest for pasting pro-independent posters
- » arbitrary arrests and detentions
- » anti-fur campaign
- » employment demonstrations
- » forced statements against the dalai lama
- » enforced or involuntary disappearances
- » prisoner releases and sentence reductions
- » torture in prison and during detention
- » chushul prison: a new prison for political prisoners
- » plight of tibetan refugees - killing and arrest at nangpa la pass
- » right to information: censored
- » conclusion

<b>Religion</b>	<b>39</b>
-----------------	-----------

- » freedom of religion as a basic human right
- » banning of religious days
- » the anti- Dalai Lama campaign
- » the reinvigoration of patriotic (re-)education
- » the Regulations on Religious Affairs
- » the Panchen Lama
- » arrest and detention of religious personnel
- » the violation of human rights through the control of religion
- » conclusion

## **Education in Tibet**

**51**

- » introduction
- » international and domestic legal obligations
- » flawed education policy
  - state funding
  - nine-year compulsory education
  - fees and “guangxi”
- » rural urban disparity
  - rural areas
  - urban areas
- » content of education
  - history, culture and religion
  - language
- » re-education in schools
- » access to employment
- » conclusion

## **Development**

**69**

- » Introduction
- » Development: The Year in Perspective
- » Railway: A Tool of Cultural Genocide
- » conclusion

## **Appendices**

1 List of known political prisoners in Tibet	83
2. Known arrests in 2006	89
3. Known deaths as a result of torture from 1987 - 2006	90
4. Prisons and Detention Centres in Tibet	96
5. Table of relevant human rights instruments signed and/or ratified by PRC	99
6. Glossary of Terms and Abbreviation	100
7. List of Publication	103

## **Map of Tibet**

## EXECUTIVE SUMMARY

The year 2006 saw a host of sad events unfold. The Chinese authorities in Tibet did not show any sign of let-up. Throughout the year, various human rights abuses in Tibet were documented affecting both the civil and political rights, and economic, social and cultural rights of the Tibetan people. Arbitrary arrest, detention and imprisonment continue to be appalling as ever in Tibet. During the year, two events of concern — start of Gormo-Lhasa railway<sup>1</sup> and the Nangpa Pass tragedy<sup>2</sup> — gripped international attention intensifying concerns over cultural genocide in Tibet and the plight of Tibetans escaping human rights abuses in Chinese occupied Tibet.

The Gormo-Lhasa railway officially started in July 2006. Since the unveiling of plan, the world's highest railway line was hit with controversy consistently. Among the myriad concerns, political motives and ethnic cleansing stands out prominently. Although government of the People's Republic of China (PRC) insist on development and tourism as motives for making the railway line, deployment of army in large numbers, immigration of Chinese settlers in Tibet, political strategic advantage, environment and hegemony are issues of grave concern. The railway facilitating a huge population influx<sup>3</sup>, including Chinese settlers into Tibet, is bound to inevitably change Tibet physically and culturally causing further alienation of Tibetan identity. The region will see a growth in mineral exploration, employment and

enterprise bringing sudden huge demographic transformation in the region. The reigning factors like scientific know how, technology, knowledge, skills and expertise, government incentive, will stimulate the influx of population into Tibet as all these favour the Chinese than the Tibetans. Tibetans are bound to be excluded further in an already marginalized Tibet. Despite the government propaganda of development and tourism, nowhere has the concerns and voices of farmers and nomads been addressed. The tertiary sector dominates 80 percent of Tibet and yet their concerns remain accounted for. It is a clear motive by Beijing to invest in the commercially non-viable railway line; political motive reigns supreme as former President of PRC, Jiang Zemin, said as early in 2001, "Some people advised me not to go ahead with this project because it is not commercially viable. I said this is a political decision, we will make this project succeed at all costs, even if there is a commercial loss".<sup>4</sup> In light of such a motive, China plans to enhance its economic and political grip over the restive region; a political tool designed to wipe out the Tibetan identity.

On the contrary, investments in human capital development such as health and education have been significantly smaller than investments in hard infrastructure development projects. Therefore, in regards to the most basic and fundamental aspects of human development, Beijing has mismanaged its priorities inside Tibet. Hence, Beijing's actions

established the fact that it is more concerned with laying an iron track, a tool of control and administration, than in constructing clinics and schools in rural areas, which actually empower and bring positive development to the Tibetan people. Beijing's actions further demonstrate that, in formulating its developmental designs and modernisation in Tibet, it has served its own interests and long-term designs at the expense of the Tibetan people.

The plight of the Tibetan people came to the attention of the international community on 30 September 2006 when the world saw Chinese border police shooting indiscriminately upon fleeing Tibetans, resulting in death of at least two Tibetans at the Nangpa Pass in the Himalaya.<sup>5</sup> Despite the shock and condemnation expressed by individuals, non-governmental-organizations, governments and diplomats, status of the 32 arrested people remains unknown to date.<sup>6</sup> It was even more disappointing that the Office of the UN High Commissioner for Human Rights (OHCHR) chose to remain silent over the tragedy<sup>7</sup> signaling an apparent silence by the OHCHR not to antagonize China, a permanent member in the UN Security Council. While no official statement came out from the OHCHR at the time of writing this report, authorities in Tibet have vowed to "strike hard" on Tibetan escapees. On 28 December 2006, in a video conference, all the Public Security Bureaus (PSB) in "TAR" resolved to "strike hard" on Tibetan escapees. The conference presided by the PSB head issued directives to curb "illegal crossings" and "to strike hard during the first half of 2007 [6 months] against illegal crossings", calling the campaign a part of measures to strike hard on "separatist" to ensure stability in the region. All the administrative offices in the "TAR" were directed to implement the campaign and also announce to and educate the public.<sup>8</sup>

Despite gruesome accounts of human rights abuses being documented on the Tibetan plateau over the years, China was able to win a seat in the newly formed United Nations Human Rights Council<sup>9</sup>. It is deplorable that a state tainted with countless abuses of human rights wins a place in the newly formed council irrespective of calls from various human rights organizations and NGOs to reject China's candidacy. PRC is yet to ratify the international covenant on civil and political rights although it is a signatory party to the covenant since 1998. The newly created Council, which its President called a new beginning for the promotion and protection of human rights, elected the first 47 members on 9 May 2006, by General Assembly. China getting elected as one of the 47 members of the council by obtaining 146 of a possible 191 votes makes the motives and purposes of UNHRC questionable. Key abuser of human rights such as China is unfit to sit on the council. The then UN Secretary General, Mr. Kofi Annan, in his message stated candidly "the true test of the Council's credibility will be use that member states make of it..."<sup>10</sup> The human rights situation in Tibet was raised during the first three meetings of the Council.

In Tibet, the Chinese authorities continue to abuse human rights of the Tibetan people. In May 2006, high-level Chinese Communist Party (CCP) members of the so-called "Tibet Autonomous Region" ("TAR") in a meeting from 15-16 May 2006 resolved to "strike hard" against the Tibetan freedom activists and called for intensification of "patriotic education" campaign in the monastic institutions in Tibet.<sup>11</sup> In an interview with *Der Spiegel* on 16 August 2006, Zhang boasted that the authorities in Tibet are "organizing patriotic education everywhere, not just in the monasteries". On another instance at the end of October 2006, the "TAR" CCP plenary meeting resolved to stamp out "separatism" completely and achieve the "final victory"<sup>12</sup>. Tibetan nationalists who became the focal

point of the campaigns are subjected to arbitrary arrest, detention and imprisonment, enforced disappearance and a host of other violations of rights enshrined in the international bill of human rights. The monastic community is a regular target for implementation of the Chinese campaigns to enforce loyalty to the state. The political campaigns in the monastic institutions greatly hinder the spiritual studies of monks and nuns. Much against their wishes, they are forced to denounce the Dalai Lama thus creating a religious blasphemy. A new “TAR”-specific religious affairs regulations in addition to the regulations earlier promulgated by the State Council in March 2005 is now put into effect since 1 January 2007. The regulations are designed to harness loyalty to the state by the monastic community and to stamp out the Dalai Lama from the hearts and minds of Tibetan people. In light of the new “TAR”-specific religious affairs regulations, religious repression in Tibet seems set to escalate further in 2007.

In early February and July 2006, it became evident that the Dalai Lama rules the hearts and minds of Tibetan people inside Tibet. In an instant reaction to a call by the Dalai Lama based in India banning use of wildlife skin, Tibetans burnt large quantities of garments made of animal pelt.<sup>13</sup> Public bonfires of burning animal skin were reported from several parts of Tibet; Rebkong, Labrang, Kardze, Chantsa, Ngaba “TAP”, Kirti Monastery, and Lhasa.<sup>14</sup> Chinese authorities in Tibet fearing public uprising against the state quickly put a counter ban by restricting Tibetans from assembling to make wild life pelt bonfires. In a startling gesture by the authorities in Tibet, television broadcasters of the Qinghai TV were officially directed to wear garments decorated with animal pelts.<sup>15</sup> In another instance Tibetans gathered in large numbers at Kumbum Monastery when rumours swept through that the Dalai Lama was going to be there.<sup>16</sup> Several hundreds of Tibetans continued to wait in order to catch a

glimpse of him showing defiance despite thousands left the spot after official orders to disperse. Although a rumour, the incident clearly showed the continued reverence to the Dalai Lama by the Tibetans in Tibet.

While Chinese authorities in Tibet carry vilification campaigns against the Dalai Lama, the international recognition of the Dalai Lama as a global leader and statesman grew. The United States, Canada and the Republic of Kalmykia offered their recognition to the meritorious works of the Dalai Lama. In June 2006, Canada’s new government led by Prime Minister Stephen Harper granted honorary citizenship to the Dalai Lama.<sup>17</sup> The United States in September this year awarded the Congressional Gold Medal for his contribution to “interfaith religious harmony and non-violent conflict resolution”<sup>18</sup>. On 10 December 2006, the President of the Republic of Kalmykia awarded the Dalai Lama with the White Lotus order, the republic’s highest honor, “for his outstanding merits and considerable contribution to the spiritual revival and prosperity of the republic.”<sup>19</sup>

Two important changes occurred in the leadership of the so-called “TAR” this year. First, was the appointment of hardliner Zhang Qingli as the new “TAR” Party Secretary on 26 May; he had already been acting Secretary since November 2005 and took full responsibility of the office in June.<sup>20</sup> The second was a major shift in the composition of Lhasa’s Communist Party Committee, which now seats only 8 Tibetans, or 26 percent of the Committee’s thirty seats.<sup>21</sup> A close ally of President Hu Jintao, Zhang was appointed to Tibet just as the Gormo-Lhasa railway was nearing completion suggested that Beijing wanted to tighten control over Tibet in 2006, which Zhang was quick to do. In June 2006, he expanded the patriotic re-education campaign and shortened government contracts with Tibetan NGOs from five to two years.<sup>22</sup> Tibetan representation in the Lhasa Communist Party

Committee has declined over the years and is now at a historical low. For the first time in 25 years, Qin Yizhi, a non-Tibetan leads the Lhasa CPC.<sup>23</sup> The low Tibetan representation (26 percent only) is a mockery of the PRC's Regional Ethnic Autonomy Law, whose preamble states, "Regional ethnic autonomy reflects the state's full respect for and guarantee of ethnic minorities' right to administer their internal affairs."<sup>24</sup> The Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance of the then UN Commission on Human Rights in a report in December 2002 said "Although laws guarantee Tibet self-government, Tibetans' governing power is very restricted and is subject to strict supervision and authorization by the central authority". Instead of the public representation improving, the year saw the lowest Tibetan representation.

In 2006, TCHRD documented 26 known Tibetans<sup>25</sup> arrested for alleged political activities.<sup>26</sup> There are currently 116 known Tibetan political prisoners in Tibet.<sup>27</sup> This year some prominent cases of imprisonment of Tibetans; Dolma Kyab<sup>28</sup>, Sonam Gyalpo<sup>29</sup> and Namkha Gyaltzen's<sup>30</sup> stand out from the rest owing to the utter harshness in serving long-term sentences between 8 to 12 years prison term. Dolma Kyab, a 29-year-old teacher and writer was sentenced to 10 years imprisonment for writing a manuscript "Restless Himalaya" which never got published. His writings about democracy, self-determination and other Tibetan issues landed him in jail on charges of "Endangering State Security", a crime otherwise not understandable to the international community and human rights law. In a hand-written letter to the UN written from prison<sup>31</sup>, Dolma said that he was accused of "espionage" and "separatism" for writing a manuscript. He further stated his firm commitment and belief of raising awareness among humanity in promotion of environmental protection and women's health protection. In another case,

Sonam Gyalpo who was last heard of being led away by Chinese State Security Bureau officers on 28 August 2005, a few days ahead of the commemoration of the 40<sup>th</sup> founding anniversary of the so-called "TAR", was reported to be served with 12 years prison term on charges of "Endangering State Security". His crime was possession of audio and videotapes of teachings by the Dalai Lama and few literatures of political nature. Being a fervent Tibetan nationalist who was earlier put in jail for three years for participating in a peaceful demonstration on 27 September 1987, Sonam was looked upon with suspicion by the Chinese authorities as a routine practice. Another prominent case was that of Namkha Gyaltzen, a monk from Thinley Lado Village, Kardze, sentenced to eight years jail term for alleged painting "separatist" slogans on government property and circulating pro-independence posters and displaying banned Tibetan national flag.

Chushul (*Ch: Qushui*) Prison in Tibet, which began operational around April 2005, is highlighted this year. The UN Special Rapporteur on Torture, Dr. Manfred Nowark, in his report<sup>32</sup> to the UN Human Rights Council this year described the abominable conditions of the prison and called for the release of three prisoners (Jigme Gyatso, Bangri Jigme Tsamtrul Rinpoche and Lobsang Tsultrim)<sup>33</sup> who he was able to meet convicted "of a political crime, possibly based on information extracted by torture". The Chinese authority in Tibet use the new prison to imprison Tibetans served with long prison terms. Not much is currently known about the prison but in light of the Special Rapporteur's report, the conditions and maltreatment in Chushul Prison seems to be harsher than Drapchi Prison<sup>34</sup>. It was reported that many Tibetan political prisoners served with long-term sentences have been transferred from Drapchi to Chushul Prison.



It was inspiring to note that Phuntsok Nyidron, formerly a nun at Michungri Nunnery who spent 15 years in Drapchi Prison, was able to testify about the atrocities being carried out in Tibet to the UN Sub Commission on Human Rights on the Promotion and Protection of Human Rights on 14 August 2006<sup>35</sup>. On behalf of the Tibetan people she thanked the Sub-Commission for the historic resolution on Tibet adopted on 23 August 1991. In June 2006, two of the formerly “Drapchi 14 singing nuns”, Rigzin Choekyi and Lhundrup Sangmo, arrived in exile in India.<sup>36</sup> Along with Phuntsok and other nuns they recorded songs of freedom and inspiration in 1993. Rigzin and Lhundrup served 12 and 9 nine years prison term respectively in Drapchi Prison. Upon arrival, they too spoke of the maltreatment political prisoners receive in Chinese administered prisons in Tibet. Similarly Palden a.k.a Phuntsok Tsering<sup>37</sup> and Tsering Dhondup<sup>38</sup> who served six and five years in Drapchi Prison respectively upon arrival in exile testified of the abominable conditions and maltreatment political prisoners receive in Drapchi Prison.

In a good development this year, the situation in Nepal improved making it easier for the fleeing Tibetans to transit Nepal for exile in India. For the past few years the Tibetans faced enormous hardship during the government of King Gyanendra and the Maoist insurgency in Nepal. The political agreement this year between the democratic government of Nepal and the Maoists paved way for an easier transit for the Tibetans.<sup>39</sup> Resident Tibetans in Nepal could observe important Tibetan national days including the birthday of the Dalai Lama, Tibetan National Uprising Day, and Tibetan Democracy Day etc, which were otherwise prohibited in Nepal.

A total of 2445 Tibetan refugees escaped into exile and reached Dharamsala this year<sup>40</sup>. Of these, majority comprises of teenage Tibetans and novice monks and nuns who seek religious education that

is banned in Tibet; children sent by their parent to study in Tibetan exile schools, feeling that it is their only chance for a reasonable education; and nomads and farmers leave because they have been relocated from their land for development projects, like the Gormo-Lhasa railway.

The status of education in Tibet is grim. About half the total exodus from Tibet continues to be minors below 18 years seeking educational opportunities in exile in India. Majority of the fleeing Tibetans who were struck with tragedy at the Nangpa Pass were minors. When images of the tragedy and its survivors flashed across the globe, the world wondered at the innocent face of 7-year-old Dekyi Paltso who was part of the fleeing group. Like many others, despite the risks involved Dekyi was also sent by her parents to get broad-based education in Tibetan schools set up in India, an apparent dissatisfaction over the quality of education in Chinese controlled Tibet. For many Tibetans who graduate from higher educational institutions in Tibet, discriminatory practices by Chinese authorities in hiring Tibetans for civil services is rampant. There is also rampant practice of giving jobs to only rich, affluent and those having connection to officialdom [Ch: *Guanxi*]. In a December 2002 report, the UN Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance said that “Tibetans in the “TAR” suffer various forms of systematic and institutional discrimination in the fields of employment, health care, education and public representation.” In late October 2006, Tibetan students of the Tibet University staged a rare public protest in front of government offices in Lhasa over discrimination by Chinese authorities in hiring Tibetan graduates to civil service jobs.<sup>41</sup> Public Security Bureau (PSB) officers quickly acted upon the incident by rounding up the students and forbade them from mass gathering. In May 2006 Tibetan graduates in Golog “Tibetan Autonomous Prefecture” (“TAP”) in

Qinghai Province petitioned to the local government to give jobs without bias and discrimination as promised in a policy implementation between 2001 – 2005 but apparently failed.<sup>42</sup> Fake household registration in Tibet by mainland Chinese students usurp opportunities meant for Tibetans. The Education Department of “TAR” in a rare public acknowledgement in the official media said, “...these days many Chinese students from mainland China were making “TAR” household registration card...”<sup>43</sup>

In an important landmark this year, a committee from the National People’s Congress visited the “TAR” in August 2006 to review the implementation of Regional National Autonomy law promulgated in 1984.<sup>44</sup> The visit by the committee is first of its kind since the promulgation of law. Although little is known about the visit, the Centre sees this as an important positive development in light of the ongoing Sino-Tibet dialogue. Envoys of the Dalai Lama visited China for a fifth round of talks from 15-23 February 2006.<sup>45</sup> The delegation had a day long meeting with the Executive Vice Minister of the United Front Work Department, Zhu Weiqun, on 22 February 2006, in Guilin City. The latest round of discussion saw the two parties agree that there is a major difference in approaching the issue and agreed that more discussions and engagements will clear the obstacles. The host arranged a trip to Guangxi Zhuang Autonomous Region for the envoys to observe the situation; an interest the envoys had shown in their earlier visits.

In the early part of 2006, human rights organizations and free speech campaigners have heavily criticized internet corporate giants Google<sup>46</sup> and Yahoo Inc. Bowing to official diktat, Google launched a censored service in China. For their weakness in fighting for a right to information,

protesters followed Google workers at conferences, university lectures and at its headquarters in California.<sup>47</sup> Almost all Tibetan organizations and Tibet supporters removed Google services from their respective websites. Yahoo Inc, for helping Chinese authorities in jailing a Chinese writer, was also heavily criticized by the international community.<sup>48</sup> All the big names in internet business have now bowed to the Chinese authorities in an effort to expand their presence in the Chinese market. Microsoft, Cisco were earlier criticized for their meekness in filtering information for internet users in China, and Google and Yahoo followed suit. It is deplorable that internet corporates help abusive states like PRC in their crackdown on online dissidents and deprive correct information to millions of information hungry citizens.

2006 marks the 10<sup>th</sup> anniversary of the Tibetan Centre for Human Rights and Democracy, which was established in 1996. Over the decade, TCHRD has endeavored to uncover human rights violations in Tibet and reveal its findings to the rest of the world. As the Centre embarks upon another decade of human rights research, it remains firmly committed to realizing the goals set out in its mission. Despite the dedicated hard work by individuals and various organizations in the world including TCHRD, the human rights situation in Tibet remains grave. In light of the courageous selfless activities and calls for freedom by Tibetans in Chinese occupied Tibet, TCHRD is inspired to work harder and will continue to highlight the situation more vigorously in the years to come.

- (12 yrs) 19) Karma Tseten (16 yrs) 20) Lodoe Namkha (16 yrs)  
 21) Karma (19 yrs) 22) Samten (19 yrs) 23) Dhondup Palden (21 yrs)
- 7 “UN Human Rights Chief Questioned on Nangpa Pass Killings”, Ngawang C. Drakmargyapon, available at <http://www.phayul.com/news/article.aspx?id=14929&t=1&c=1>
- 8 Original in Chinese: “Strike hard against illegal crossings”, *Chinatibetnews.com*, 29 December 2006
- 9 “UN elects new human rights body”, *BBC News*, available at <http://news.bbc.co.uk/2/hi/americas/4754169.stm>
- 10 “True Test of New Human Rights Council Will Be Member States Make Of It, Secretary-General Says”, 15 March 2006, available at <http://www.un.org/News/Press/docs/2006/sgsm10376.doc.htm>
- 11 “Tibet Autonomous Region Party leaders work meeting on opposing the separatists” *www.tibetinfo.com*, 17 May 2006, available in Chinese at [http://infotibet.cn/news/xzxw/szfl/t20060517\\_115686.htm](http://infotibet.cn/news/xzxw/szfl/t20060517_115686.htm)
- 12 Original in Chinese: “Zhang Qingli’ speech during 7th TAR CCP general body meeting”, *www.tibet.cn.news*, 30 October 2006
- 13 “Tibetans burn animal skins in Rebkong”, *Tibetinfo.net*, 10 February 2006, available at <http://www.tibetinfo.net/content/update/1> see also “New hope for tigers as demand for skins goes up in flames?” *Care for the Wild*, 10 February 2006, available at [http://www.careforthewild.org/default\\_detail.asp?detail=true&I\\_ID=385&section=Adoptions](http://www.careforthewild.org/default_detail.asp?detail=true&I_ID=385&section=Adoptions)
- 14 “New hope for Tigers as demand for skins goes up in flames?”, *Care For the Wild International*, available at [http://www.careforthewild.org/default\\_detail.asp?detail=true&I\\_ID=385&section=News](http://www.careforthewild.org/default_detail.asp?detail=true&I_ID=385&section=News)
- 15 “Tibetan TV presenters ordered to wear animal skin chubas”, *Wildlife Protection Society of India*, 29 April 2006, available at <http://www.wpsi-india.org/news/29042006.php>
- 16 “Thousands of Tibetans wait for Dalai Lama in Amdo after rumors spread”, *International Campaign for Tibet*, 17 July 2006, available at <http://www.savetibet.org/news/newsitem.php?id=1005>
- 17 “China to Canada: Dalai Lama Award Could Hurt Ties”, *Reuters*, 26 July 2006, Available at *TibetInfoNet*, *Tibet News Digest*: <http://www.tibetinfo.net/content/news/10246>
- 18 “Feinstein introduces bid to award Dalai Lama Congressional Gold Medal”, *Tibet News*, *International Campaign for Tibet*, 11 May 2006, <http://www.savetibet.org/news/newsitem.php?id=969>
- 19 “Dharamshala celebrates Nobel Peace Prize day with fanfare” *Department of Information and International Relations*, Sunday, 10 December 2006, available <http://www.tibet.net/en/flash/2006/1206/101206.html>
- 20 “Zhang Qingli becomes new Party chief of Tibet”, *Xinhua*, 29 May 2006, [http://news.xinhuanet.com/english/2006-05/29/content\\_4616959.htm](http://news.xinhuanet.com/english/2006-05/29/content_4616959.htm)
- 21 “Background on Lhasa City Communist Party Committee”, *Human Rights Watch*, <http://hrw.org/pub/2006/lhasa110606.pdf>

## endnotes

- 1 “Lhasa Ready to Receive First Train”, *Xinhua News Agency*, 1 July 2006, <http://www.china.org.cn/english/2006/Jul/173322.htm>
- 2 “There is no excuse, China: Nangpa La video shows border guards sharpshoot refugees”, *Mounteverest.net*, available at <http://www.mounteverest.net/news.php?id=15182>, Original Pro TV video available at <http://www.youtube.com/watch?v=rLN4KWxqZ-0>, Independent climbers testimonies available at <http://www.mounteverest.net/news.php?id=15159>
- 3 Official Chinese media Xinhua reported the railway carried 272,700 passengers and 37,400 tons of freight between July–September 2006, *TibetInfoNet*, available at <http://www.tibetinfo.net/content/news/32> last paragraph
- 4 *New York Times*, 10 August 2001
- 5 Seven or eight Tibetans were reportedly shot according to independent eyewitness accounts by western climbers at Mount Cho Oyu. Kelsang Nortso, a 17-year-old nun succumbed to gunshot as evidenced by video and still images. Official Chinese media citing an anonymous government officials confirmed death of a Tibetan in a hospital reportedly due to “Oxygen shortage”. The name of the deceased is not made public. “Stowaway case thwarted in Tibet” *People’s Daily Online* [http://english.peopledaily.com.cn/200610/13/eng20061013\\_311337.html](http://english.peopledaily.com.cn/200610/13/eng20061013_311337.html)
- 6 While majority of the names were obtained, few remain unknown. The list is as follows: 1)Kunsang Namgyal (22 yrs) Palyul County (hit in leg as seen by others, dead or survived not known), 2)Lobsang Paljor (33 yrs) from Lhopa Township, Kardze County 3)Jampel Tseten (16 yrs) from Poda Township Pashoe County 4)Sonam Wangdue (13 yrs) from Lhasa Tsemonling 5)Sonam Palzom (22 yrs) from Driru County 6)Lobsang a.k.a Tsering Choegyal (monk) (33 yrs) from Tarchen Township Nagchu County 7) Lodoe Nyima (15 yrs) from Domed 8) Gatsok (19 yrs) from Gatha Township Tengchen County 9) Jigme Phuntsok (15 yrs) from Sertsu Township, Tengchen County 10) Sonam Phuntsok (10 yrs) from Jodha County 11) Ming Shomo (13 yrs) from Dege County 12) Karma Tsethar (9 yrs) from Derge County 13) Tenwang (7 yrs) 14) Lhakpa Dolma (8 yrs) 15) Dhondup Lhamo (9 yrs) 16) Dechen Dolma (10 yrs) 17) Wangchen (11 yrs) 18) Tsendon

- 22 Macartney, Jane. "Beijing pledges 'a fight to the death' with Dalai Lama", *The Times*, 14 August 2006, <http://www.timesonline.co.uk/article/0,,25689-2312796,00.html>
- 23 "China: Fewer Tibetans on Lhasa's Key Ruling Body", Human Rights News, *Human Rights Watch*, 7 November 2006, <http://hrw.org/english/docs/2006/11/07/china14522.htm>
- 24 "The People's Republic of China Regional Ethnic Autonomy Law (Chinese and English Text)", Available on the US Congressional-Executive Committee on China's "Virtual Academy" website: <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingl=9507>
- 25 Although 26 known Tibetans were documented as arrested during 2006, TCHRD obtained detail information of 15 Tibetans; investigation about the remaining 11 is still in the process.
- 26 List in Appendix 2 at the end of report.
- 27 List in Appendix 1 at the end of report.
- 28 "Commentary manuscript lands Tibetan youth ten years in prison", TCHRD, 25 July 2006 available at <http://tchrd.org/press/2006/pr20060725.html>
- 29 "Former Tibetan political prisoner served with 12 years prison term", TCHRD, 24 Nov 2006, available at <http://tchrd.org/press/2006/pr20061124.html>
- 30 "Eight years sentence for suspected Tibetan monk", TCHRD *Human Rights Update*, July 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200607.html](http://www.tchrd.org/publications/hr_updates/2006/hr200607.html)
- 31 "A letter by Tibetan writer serving ten year prison term", TCHRD, *Human Rights Update*, August 2006, available at [http://tchrd.org/publications/hr\\_updates/2006/hr200608.html#writer](http://tchrd.org/publications/hr_updates/2006/hr200608.html#writer)
- 32 UN Special Rapporteur on Torture's Mission to China report E/CN.4/2006/6/Add.6 available at <http://daccessdds.un.org/doc/UNDOC/GEN/G06/117/50/PDF/G0611750.pdf?OpenElement>
- 33 E/CN.4/2006/6/Add.6 page 47 and 48
- 34 E/CN.4/2006/6/Add.6 page 46 para 4
- 35 "Phuntsok Nyidron Testifies at UN Expert Body", *World Tibet Network News*, 15 August 2006, available at [http://www.tibet.ca/en/wtnarchive/2006/8/15\\_4.html](http://www.tibet.ca/en/wtnarchive/2006/8/15_4.html)
- 36 "Drapchi singing nun" Rinzin Choekyi arrives in exile, TCHRD, *Human Rights Update*, [http://tchrd.org/publications/hr\\_updates/2006/hr200605.html#Rinzin](http://tchrd.org/publications/hr_updates/2006/hr200605.html#Rinzin)
- 37 "Biography of former political prisoner Phuntsok Tsering", TCHRD, *Human Rights Update*, [http://www.tchrd.org/publications/hr\\_updates/2006/hr200608.html#Phuntsok](http://www.tchrd.org/publications/hr_updates/2006/hr200608.html#Phuntsok)
- 38 "Five years term for chanting 'Free Tibet'", TCHRD, *Human Rights Update*, [http://www.tchrd.org/publications/hr\\_updates/2006/hr200606.html#Tibet](http://www.tchrd.org/publications/hr_updates/2006/hr200606.html#Tibet)
- 39 "Nepal Immigration facilitates swift transit to four Tibetans", *Phayul.com*, 24 November 2006, available at <http://www.phayul.com/news/article.aspx?article=Nepal+Immigration+facilitates+swift+transit+to+4+Tibetan+refugees&cid=14864>
- 40 The figure is for the period between 1 January 2006 to 31 December 2006
- 41 "Tibetans stage rare public protest in Lhasa" *Radio Free Asia*, 8 November 2006, available at [http://www.rfa.org/english/news/2006/11/08/tibet\\_protest/](http://www.rfa.org/english/news/2006/11/08/tibet_protest/)
- 42 "Tibet University Students Stage Protest", TCHRD, *Human Rights Update*, November 2006 issue, available at [http://tchrd.org/publications/hr\\_updates/2006/hr200611.html#University](http://tchrd.org/publications/hr_updates/2006/hr200611.html#University)
- 43 Ibid
- 44 China News, 11 August 2006, available at [http://info.tibet.cn/news/xzxw/szfl/t20060811\\_140231.htm](http://info.tibet.cn/news/xzxw/szfl/t20060811_140231.htm)
- 45 Congressional-Executive Commission on China, Annual Report 2006, para 7, available at <http://www.cecc.gov/pages/annualRpt/annualRpt06/Tibet.php>
- 46 "Tibetan activists target Google censorship", *The Daily*, Andrew Sengul, available at <http://www.phayul.com/news/article.aspx?article=Tibet+activists+target+Google+censorship&id=11869>
- 47 "Internet corporates lending an evil hand in China", TCHRD, *Human Rights Update*, available at [http://tchrd.org/publications/hr\\_updates/2006/hr200601.html#internet](http://tchrd.org/publications/hr_updates/2006/hr200601.html#internet)
- 48 "China's net policies in spotlight", *CNN.com*, 9 April 2006, available at <http://www.cnn.com/2006/TECH/internet/03/08/china.web/index.html>

# CIVIL AND POLITICAL RIGHTS

## introduction

In the year 2006 while many governments have extended their welcoming arms to the head of the People's Republic of China (hereafter refer to as PRC) and praised its recent phenomenal economic developments, the fact is, the country remains a one-party state that does not hold national elections, has no independent judiciary, is hell-bent on suppressing any political dissents, spearheads the world's execution, aggressively censors the Internet and represses its minority nationalities. The year 2006 was no different in Tibet under the communist rule. The PRC continued with its repressive policies of denying the Tibetan people freedom of expression, association, assembly, asylum and legal protection throughout the year. Amidst the fifth round of talk between the envoys of the Dalai Lama and the Chinese delegations in China, the deluge of denunciations and defamation against the Dalai Lama went unabated with the newly appointed Party Secretary of the "Tibet Autonomous Region" (TAR) Mr. Zhang Qingli embarking on a fierce campaign to crush loyalty to the exiled Tibetan leader and to extinguish religious belief among government officials.<sup>1</sup>

The year began with Internet web-based search engine, Google, capitulating to political pressure from China by censoring access to information about Tibet and other sensitive political issues, such as the

protests on Tiananmen Square in 1989 in order to harvest ever growing Chinese market. Google's rivals Yahoo and Microsoft have already censored their sites in accordance with Chinese government wishes. With these announcements, people were denied free and uncensored flow of information.

The United Nations Commission on Human Rights (UNCHR) was dissolved this year. The newly formed UN Human Rights Council (UNHRC), which its President called a new beginning for the promotion and protection of human rights, elected the first 47 members on 9 May 2006, by the General Assembly. It is appalling that country such as China tainted with numerous human rights abuses got elected to the UN Human Rights Council despite calls from various human rights organizations to reject her candidacy. It is also ironic that PRC won membership to the Council after receiving 146 votes (out of a possible 191)<sup>2</sup> placing it as the eighth Asian state to be elected and will remain a member of the council until 2009. Human rights organizations as well as governments have consistently documented human rights abuses against Tibetans under Chinese rule and the UN has frequently acted upon these reports, calling on China to cooperate with the UN or halt the violations. Yet PRC has generally ignored UN criticism of the country's human rights record and PRC membership of the new Council makes motives and purpose of the new UNHRC questionable.



Just months before the election, the European Parliament declined China's requests for the European Parliament (EP) to lift an arms embargo, citing China's human rights' record as a major obstacle to lifting the embargo.<sup>3</sup> The actual commitment falls short of pledges made by the PRC prior to the election to the new Council. This is evident from China's aversion to vigilant human rights mechanisms, non-governmental organizations(NGOs), scrutiny of its human rights record, and is disinterested in establishing a regional human rights mechanism.

Furthermore, the Council's second declaration in the General Assembly resolution that established the Human Rights Council is that the council shall:

[Reaffirm] also the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments.<sup>4</sup>

Yet, PRC is only a signatory to the International Covenant on Civil and Political Rights (ICCPR); Beijing is yet to ratify the treaty, or five other of the fourteen human rights treaties.<sup>5</sup> This disregard for international human rights treaties is a clear violation of the simple guideline given by the UN for the elections, vote only for countries that "uphold the highest standards in the promotion and protection of human rights."<sup>6</sup> It is not as though UN member states are unaware of China's poor human rights record. In addition to the EP's formal recognition of human rights abuses in China, the report by the UN Special Rapporteur on Torture, released in March, made some distressing conclusions regarding the treatment of prisoners in China.

In May 2006, high level Chinese Communist Party (CCP) members of the "TAR" in a meeting from 15-16 May 2006, resolved to strike hard against the Tibetan freedom activists and intensification of the 'patriotic re-education' campaign in the monastic institutions in Tibet and working harder on social stability more than every before<sup>7</sup>. On another occasion in November this year, the "TAR" CCP general body meeting resolved to stamp out 'separatists' completely<sup>8</sup>. Invigorated Patriotic re-education campaign in nunneries and monasteries has driven more nuns and monks to face the danger of Nangpa La to escape Tibet. Most of the refugees travel in autumn and winter when deep snow reduces the chances of meeting border patrols.

The status of civil and political rights in Tibet is testimony to China's disingenuous announcements about its dedication to human rights. This year, Tibetans launched a successful environmental campaign, which brought about detentions and a re-education campaign; citizens continued to be arrested for religious and political beliefs; reports from a new prison have emerged that documented prisoner abuse; access to information has continued to deteriorate; and the political leadership in Tibet continued to shift away from Tibetans and toward ethnic Chinese who are loyal members of the Communist Party members.

## **change in "TAR" leadership**

Two important changes occurred in the leadership of the "Tibet Autonomous Region" this year. First, was the appointment of Zhang Qingli as the new "TAR" Party Secretary on 26 May; he had already been acting Secretary since November 2005 and took full responsibility of the office in June.<sup>9,10</sup> The second was a major shift in the makeup of Lhasa's Communist Party Committee, which now seats only 8 Tibetans, or 26 percent of the Committee's thirty seats.<sup>11</sup>

Last year, we reported that Zhang is a “close ally” of President Hu<sup>12</sup> and “the appointment [is seen] as part of President Hu’s strategy to move allies to key positions.<sup>13</sup>” Previous to this position, Zhang was a vice chairman<sup>14</sup> of the Xinjiang Uyghur Autonomous Region (XUAR) (Muslim majority) and a commander of the Xinjiang Production and Construction Corps, the department responsible for promoting Chinese immigration to ‘XUAR’. His appointment to Tibet just as the Lhasa-Gormud railway was nearing completion suggested that Beijing wanted to tighten control over Tibet in 2006, which Zhang was quick to do. By June, Zhang had expanded the patriotic re-education campaign (see Religion chapter) and shortened government contracts with Tibetan NGOs from five to two years.<sup>15</sup>

In addition to the appointment of the new Party Secretary, the Lhasa Communist Party Committee came under attack in 2006. Tibetan representation on Lhasa’s Communist Party Committee has been declining over the years, from the high of 80 percent and 55 percent in 1986 and 1997 respectively, to the current historical low of 26 percent in the committee.<sup>16</sup> Furthermore, the committee will be now led by Qin Yizhi, the first time in 25 years that the CPC will not be led by a Tibetan.<sup>17</sup> According to Human Rights Watch, this change in CPC leadership, “[f]undamentally compromises Tibetans’ right to participate in Lhasa’s most powerful institution.<sup>18</sup>” This shift to a Chinese majority led CPC is a violation of the People’s Republic of China Regional Ethnic Autonomy Law, whose Preamble states, “Regional ethnic autonomy reflects the state’s full respect for and guarantee of ethnic minorities’ right to administer their internal affairs.”<sup>19,20</sup>

The appointment of hardliner Zhang Qingli as Party Secretary of the “TAR” in May has signaled a renewed determination by Beijing to cement the region to China. Chinese migration into Tibet has

accelerated with the opening of the new high altitude railway to Lhasa from Gormud on 1 July 2006. Restriction in religious freedoms in the “TAR” has been tightened in what Mr. Zhang called a “fight-to-death” struggle against the Dalai Lama in a speech in May.

## **right to freedom of expression muffled**

The Chinese authorities continue to suppress the Tibetan people’s basic rights to freedom of speech, expression and opinion. Almost all known Tibetan political prisoners languishing in various prisons and detention centres in Tibet were arrested solely for peacefully expressing their political views and opinions. Under the ‘patriotic re-education campaign’ re-launched by Chinese authorities in July last year, monks or nun who ventures to speak their own opinion, or to question those of the Chinese officials face arrest and expulsion from their monastery or nunnery.<sup>21</sup>

The recent wave of detentions and sentencing of Tibetans based on ambiguously worded charges including ‘illegally leaking state secrets’, ‘disturbing public order’, ‘subversion’ among others for the peaceful exercise of their fundamental right of free expression sends a unmistakable message to the Tibetan people of the risks they run in exercising their rights. There was no let-up in the restrictions over the press, investigative reporting, the Internet, radio and other forms of broadcasting in Tibet. PRC Government uses advance technology, prior restraints, intimidation, detention, imprisonment, and ambiguously and arbitrarily applied censorship regulations to suppress free expression and control China’s media. China justified its repression of free speech under a broad interpretation of “national security”.

The right to freedom of expression and freedom of press are internationally recognized and are guaranteed in the Chinese Constitution and international covenants<sup>22</sup>, which China is a signatory. Article 19 of the Universal Declaration of Human Rights states; “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”

Article 27 of the Chinese Constitution states that “...All state organs and functionaries must rely on the support of the people, keep in close touch with them, heed their opinions and suggestions, accept their supervision and work hard to serve them.” Article 35 of the Constitution of the PRC declares: “Citizens of the People’s Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.”

However, while protecting the aforementioned citizens’ rights, the Constitution also stipulates that the exercise of these rights must not cause harm to the State or to social and collective interests, nor infringe on the rights of other citizens, and all acts in violation of the Constitution and the law will be punished.<sup>23</sup>

The People’s Republic of China on 5 October 1998 signed the International Covenant on Civil and Political Rights (ICCPR), which binds them in principle to the provisions therein, including the freedom of expression and hold opinion. Article 19 of the ICCPR clearly stipulates, “Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

Despite stipulations and guarantees for the right to freedom of expression in the constitution and various international covenants that China has signed, regrettably the existence of right to freedom of speech and expression is rendered redundant by the harsh crackdown on people exercising these rights. Any Tibetan who express political views differing from those mandated by the state are at the high risk of being arrested, tortured and imprisoned with lengthy prison sentence. The gap between the laws and its application remains significant as authorities continue to place a higher priority of ‘stability’ than on addressing national and international laws and norms. The arbitrary nature of these arrests are reflected both by the reason for the arrests as well as the disregard of procedural safeguards. Once detained, the detainees’ rights in the areas of pre-trial detention, fair trial guidelines and appellate procedure are violated.

Gendun, 30-year-old monk scholar and teacher of Tibetan monastic dance *cham* has been sentenced to a four-year prison term in January 2006<sup>24</sup>. Gendun originally hailed from Gongma Township, Chabcha County, Tsolho ‘TAP’ in Qinghai Province. Formerly a student at Serther Buddhist Institute studying Buddhist philosophy and Tibetan medicine, Gendun has been a *Cham* dance teacher at Yulung Monastery in Tsigorthang County since the late 1990s. He was reportedly arrested in February 2005 after he held a meeting to speak about Tibetan culture and history at a teacher’s training college in Tsolho Tibetan Autonomous Prefecture “TAP”, Qinghai Province. Around 20 students and teachers have also been detained in connection with his case. Although the others have been reportedly released, Gendun was sentenced to a four-year prison term in January 2006. Although his current location is unknown, reports coming out of Tibet indicate that he was held in various detention centres during 2005 and is indicated to be in a “reform through labour” camp in the west of Xining, Qinghai Province ‘TAP’.



## **arrest for pasting pro-independent posters**

Namkha Gyaltzen, a Tibetan monk from the Gyasoktsang family in Thinley Lado Village, Kardze prefecture, Sichuan Province ‘TAP’ is facing up to eight years in jail for allegedly painting separatist slogans on government property and circulating pro-independence posters and displaying the banned Tibetan national flag<sup>25</sup>. Namkha is one of four master chanters at the Kardze Monastery. He allegedly painted pro-independence slogans on the walls of government buildings in Kardze and on two iron bridges nearby in March this year, fearing arrest he ran away from Kardze to escape to India via Lhasa, but police pursued him to Lhasa, detained him, and returned him to Kardze. Namkha Gyaltzen is known to be facing a sentence of seven to eight years and said to be held in Ngaba(*Ch*: Aba) ‘TAP’.

## **arbitrary arrests and detentions**

Given China’s lack of transparency and continued refusal to disclose the names of people detained or arrested, it is often difficult to determine the number of arrests. However, we know that to date there are 116 known political prisoners in Chinese prisons and detention centres across the Tibetan plateau. 51 or 43.96 percent are serving ten or more years of prison sentence. TCHRD documented 26 new known cases of Tibetan arrested for alleged political activities in Tibet during the year<sup>26</sup>. There were also a number of arrests for activities that are protected under the UDHR’s and ICCPR’s Article 19 - protection of freedom of expression. The case of Dolma Kyab (see below) typifies this gross violation of international human rights law.

The authorities have adopted a variety of countermeasures to deal with different types of unrest

and protest that challenge the regime politically with a policy of intimidation, exile, lengthy imprisonment, administrative detention and house arrest. China’s continued practice of detaining prisoners for extended lengths of time without charge or trial violates Article 9 of the ICCPR, particularly Article 9, paragraph 2, “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”; Article 9, paragraph 3, “Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.” The right to a quick trial is also enshrined in Article 14, paragraph 3(c), of the ICCPR.

However, for those connected to the August 2005 fire at a slaughterhouse in Kardze ‘TAP’, official charges and trial remain elusive. The judicial processes are still compromised by political interference, reliance on forced confessions, closed trial and administrative sentencing- convictions on charges of ‘subversion’ and ‘of leaking state secret’ continue to result from vaguely worded state security and state secrets laws. According to Human Rights Watch, five of the more than 160<sup>27</sup> people detained in August 2005 have yet to be officially charged and have not been allowed to meet with lawyers, doctors, or family members.<sup>28</sup> Sogyia, around 50 years old was blinded after receiving brutal beatings by the police and was denied medical treatment<sup>29</sup>. The six men held in a Dege County jail have been identified as Sherab Yeshe, aged around 70; Sogyia [one name], aged around 50; Dawa [one name], aged around 30; Dawa, aged around 50; and two other men about whom no details were available<sup>30</sup>.

Unfortunately, we have also learned of more incidences of torture of detainees and prisoners. The reports have come primarily from two sources:

released prisoners and the United Nations' report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, released in March. Information about newly operational Chushul Prison near Lhasa, has also come out this year, which has begun to receive political prisoners from Drapchi Prison and prisoners serving sentences more than fifteen years. According to one source who recently escaped into exile after spending years in Shigatse Detention Centre, three years Drapchi Prison and later spent three months at the new Chushul prison testified that all the political prisoners were shifted to Chushul prison in Nyethang County in 2005<sup>31</sup>.

Moreover, According to the Congressional-Executive Committee on China, nine of the ten political arrests (total was as of early October) were of residents of Kardze.<sup>32</sup> According to the CECC:

The 2006 detentions in Kardze 'TAP' represent a return to an established pattern of Tibetan political activism and imprisonment. Chinese courts treat peaceful expressions advocating Tibetan independence as endangering state security by "inciting splittism" and "undermining national unity," crimes under Article 103 of China's Criminal Law.<sup>33</sup>

Following are the few known cases of Tibetans arrested and detained this year and there are still many whose cases remain unaccounted for due to secrecy surrounding the case of arrest and detention and lack of free flow of information from Tibet due to risk involved. We have added here a few known cases of arrest and detention for the record, which the Centre came to know from reliable sources this year but which had happened in the previous year. While the nature of arrest and location may vary, all of them have been linked to political activities deemed to 'endanger state security'.

- i. Dolma Kyab, a 29 year old history teacher and writer originally from Ari Village, Chilen (*Ch: Qilian*) County, Tsochang "Tibetan Autonomous Prefecture" ("TAP"), Qinghai., was arrested in March 2005 for writing a manuscript "Restless Himalaya" (*Ch: Sao dong de Ximalayashan*), which was not published. The Lhasa People's Intermediate Court on 16 September 2005 sentenced Dolma Kyab to ten years in prison on charges of endangering state security. Information regarding Dolma Kyab's arrest came from a letter he wrote to the United Nations stating he was arrested for writing a book about "democracy, freedom and the situation in Tibet and he was accused of 'espionage' and 'separatism' for writing a manuscript."<sup>34</sup> An arrest for writing a book, just like the distribution of political pamphlets and other written material, is a clear violation of Article 19, paragraph 2, of the ICCPR.<sup>35</sup> He is currently imprisoned at Chushul (*Ch: Qushui*) Prison, "TAR".
- ii. Two monks, Gedun and Jampel Gyatso, were detained on 2 April 2005 after Gedun spoke to a group of students about Tibetans' lack of freedom of expression. The two men were arrested on 29 April 2005. The formal charge against Gedun was "doing great harm to society", while Jampel Gyatso was charged with "the crime to incitement to split the state". Gedun was sentenced to four years, while Gyatso was sentenced to three. Twenty other monks were also detained with Gedun and Jampel Gyatso, but they were all released. There are reports that one was severely beaten.<sup>36</sup>
- iii. In May 2005, five Tibetans from Gansu province were arrested, three nuns and two monks for distributing leaflets on Tibetan



independence and for calling for the cancellation of the 2008 Olympic Games.<sup>37</sup> The Gannan Intermediate People's Court in Gansu province sentenced Choekyi Drolma, Buddhist nun, to three years' imprisonment in December 2005 for "inciting splittism".<sup>38</sup> Two nuns, Tamdrin Tsomo and Choekyi Drolma, and one monk, Dargye Gyatso from Labrang Tashikyil Monastery, received three years imprisonment, while one nun, Yonten Drolma, and one monk, Jamyang Samdrub, each received one and a half year's imprisonment.<sup>39</sup> Choekyi Drolma is imprisoned in the Gansu Provincial Women's Prison and is due for release in May 2008<sup>40</sup>. Other nuns are likely imprisoned in the same prison. Information about the monks' place of imprisonment is not available, but it is likely that they are held in a provincial-level prison near the capital, Lanzhou. Tamdin Tsomo and Dargye Gyatso are also serving

- iv. The Dui Hua Foundation also confirmed that Choeying Khedrub, a monk arrested in 2000 for "inciting splittism", was sentenced to life in prison in 2001. Choeying Khedrub is now the second known prisoner serving a life sentence for a political crime. While not confirmed, Choeying Khedrub is most likely imprisoned at Chushul Prison.<sup>41</sup>
- v. A report has come out that as a result of the re-education campaign that was launched in reaction to the anti-fur campaign (see above), seventeen students from Kardze were arrested after "showing respect" for the Dalai Lama.<sup>42</sup> The information comes from a Tibetan refugee after a phone conversation with his parents who still reside in Kardze, but no further information has become available.<sup>43</sup>
- vi. There are differing reports regarding the arrest of three monks and one boy, all from Kardze, in Lhasa in October 2005. It appears that they were tracked to Lhasa and arrested for political

activities in Kardze (they were planning on fleeing to Nepal), but some reports state that they were arrested for attempting to leave the country.<sup>44</sup> It has also been reported that the men were first taken to Shigatse where they were beaten and tortured before being turned over to officials in Kardze. Two of the monks and the boy were all released in February 2006, but it is known that Namkha Gyaltsen is still being held.<sup>45</sup> He is reportedly being held for painting anti-governmental slogans on buildings<sup>46</sup> and bridges as well as possibly distributing free Tibet pamphlets and displaying a Tibetan national flag.<sup>47</sup> He is facing 7-8 years. There is no more information regarding his trial.

- vii. Gyalsen Namdak, (lay name Dawa) a 24-year-old monk at the Sera Monastery in Lhasa was given a five-year prison term in October by the Lhasa People's Intermediate Court on charges of "endangering state security".<sup>48</sup> Gyalsen had been arrested in May 2006 for distributing pamphlets containing political material. Following his arrest in May 2006, he was detained at the Gutsa Detention Centre until the court pronounced its verdict. He is currently imprisoned at Chushul (*Ch: Qushui*) Prison.
- viii. In mid-2006, Sonam Gyalpo, a former monk, was sentenced to twelve years for "endangering state security". Sonam, 44, was arrested last September during the roundups and detentions prior to the 40th anniversary celebrations. Sonam's house was raided where it is reported that a videotape of the Dalai Lama was found. He was imprisoned for three years in 1987 for his role in the 27 September demonstration in Lhasa and was detained for one year in 1993. Sonam Gyalpo is currently imprisoned at Chushul Prison.<sup>49</sup>



- ix. In June 2006, five Tibetans, all native of Kardze, Sichuan Province, which include Kayi Doega, his eldest daughter Yiga, a former nun, and Sonam Lhamo, from the Geci Nunnery; Sonam Choetso and Jampa Yangtso were reportedly detained by Chinese authorities for handing out leaflets calling Tibetan independence. Yiga, Sonam Choetso, and Jampa Yangtso were detained by Chinese authorities in Lhasa City in early June, for allegedly handing out leaflets from a van calling for Tibetan independence in Kardze prefecture earlier<sup>50</sup>. Authorities also detained Kayi Doega on 1 June and Sonam Lhamo on 2 June, on mere suspicious ground that they were behind the leafleting activity. Kayi Doega was earlier jailed on 2002 for offering prayers for the Tibetan exiled leader, the Dalai Lama. He was freed much before the expiry of his prison term on medical parole while serving three-year sentence. Doega also burned furs during the anti-fur campaign earlier last year.<sup>51</sup>
- x. In June 2006, Yiwang, a middle school student from Kardze, was detained for “writing leaflets” along with five others.<sup>52</sup>
- xi. Tashi Gyatso, 30 year-old, a monk of Gyamo Monastery, has been reportedly sentenced to four years prison term. Earlier in 1999, he came into exile in India and studied at Sherab Gatsel Lobling school for two years. He was detained by the Chinese officials and his body thoroughly search while on his return journey to Tibet in 2002. During the search, the official found a small Tibetan national flag from his pocket. On the mere charges of carrying the banned Tibetan national flag, he was arrested and subjected to severe beating. Later he was given four years sentence on charges of ‘endangering state security’. At present, he is serving his prison sentence at Drapchi prison.<sup>53</sup>
- xii. On 19 July 2006, A Tibetan monk and writer, Rinchen Sangpo, was arrested by Chinese police in Lhasa on way to home and his whereabouts is not known to his family and friend. The 30-year-old monk of Drepung Monastery Rinchen Sangpo, was arrested for having the picture of the Dalai Lama in his room.<sup>54</sup> He was said to have detained from Lhasa railway station.
- xiii. On 23 August 2006, Abbott Jinpa of Choktsang Taklung Monastery in Sertha County, Kardze, Sichuan Province ‘TAP’ was detained. There is no further information regarding a charge. At present he is being detained in Dartsedo (Dardo) County, Kardze “TAP”.<sup>55</sup>
- xiv. On 6 September 2006, Lobsang Palden, a monk of Gephelling Monastery, was arrested for “inciting splittism” and was reportedly beaten for “refusing to implicate other persons”.<sup>56</sup>
- xv. On 3 September 2006, a 23-year old monk held a demonstration for independence on Barkhor Street in Lhasa. The demonstration lasted only minutes before he was taken away by Public Security Bureau (PSB) officials and security personnel. There is no more information available regarding his detention or identity, although there are reports that he is from Nechung Village in Toelung Dechen County ‘TAR’ and was expelled from the Takdrak Monastery eight years ago on political grounds.<sup>57</sup>
- xvi. There is no information available on the whereabouts and fate of 32 Tibetan refugees arrested from the initial group of 75 fleeing Tibetan refugees who were shot at by the Chinese People’s Armed Police(PAP) at Nangpa la Pass on 30 September<sup>58</sup>. Fourteen of these were children, the youngest is eight years old. Of the refugees who were not injured or arrested, some are missing, while 41 (27 are minors below eighteen years of age) managed to reach Kathmandu, Nepal.



## anti-fur campaign

At the founding anniversary of a Tibetan school in exile<sup>59</sup> and at the Kalachakra teachings in mid-January 2006, the Dalai Lama spoke out against Tibetans' use of animal skins, especially endangered animals, and called for an end to this practice. The Dalai Lama's statement in January came only months after the Environmental Investigation Agency (EIA) and the Wildlife Protection Society of India (WPSI) released a study that found Tibet to be the primary destination of India's endangered animals, particularly tigers, leopards, and otters, and concluded that the use of animal skins to decorate chupas provided an enormous demand for the illegal trade in endangered animals.<sup>60</sup> A coalition of environmental organizations was at the Kalachakra teachings and provided information regarding the illegal trade in animal skins, offering the 10,000<sup>61</sup> Tibetans in attendance an opportunity to learn more about their role in the poaching and extirpation of wildlife. The Dalai Lama's comments and the environmental campaign that he obviously supported moved Tibetans to reject the use of animal skins, which resulted in public and private burnings of chupas and skins throughout Tibet early last year. It was also reported that fewer people were seen wearing clothing made of animal skins. There were fewer displays of animal skins in shops, and sales were down significantly.<sup>62,63</sup>



**Still from fur burning campaign in Tibet**

Reports of burnings of fur began to emerge in mid-February with reports of demonstrations in Ngaba, 'TAP' where first over 250 fox skins were reportedly burned in the town of Tsodruk, and then more than 10,000 Tibetans demonstrated at the Kirti Monastery in central Amdo.<sup>64</sup> While these demonstrations were able to proceed, in Rebkong the Chinese government banned the burning of fur after skins had been collected for a number of days in preparation for a large bonfire on 12 February.<sup>65</sup> On 8 February, Tseten Gyal was detained for spearheading this campaign, but he was released after being forbidden from publicly burning animal skins, a command that he ignored.<sup>66</sup> It was reported that police and troops had begun to patrol the street, and by this time public burnings had occurred in Labrang, Kardze, and Lhasa.<sup>67</sup> There were also at least two public burnings in Lhasa, on the 6 and 15 February.<sup>68</sup> Burnings were reported to have occurred in Gansu province on the 11 and 14 March.<sup>69</sup>

As the anti-fur campaign swept through Tibet, Chinese officials stepped up their attempt to thwart any further attempts at public demonstrations. A crowd of over 150,000 attended a Kalachakra ceremony at Gersel Monastery in Kanlho 'TAP' with the intention of burning animal skins, but "2,000 heavily armed security personnel and plainclothes officials" prevented them from doing so.<sup>70</sup> Eight youths were also detained in Ngaba Prefecture for their involvement in the campaign, but there is no further information regarding their status.<sup>71</sup> In Lhasa, the police notified the public and pilgrims traveling to the city that any individuals who were involved in fur burning incidents would be prosecuted and students were warned that if they were involved in such incidents, they would face expulsion from their institutions.<sup>72</sup>

The Chinese government's swift reaction to this new campaign went beyond forbidding citizens from burning skins in public or detaining campaigners.

There are also reports that they launched a re-education campaign in Tibetan schools where children were told they could not burn fur.<sup>73</sup> Even more extreme was their decision to force Tibetan television presenters to wear fur.<sup>74</sup>

While it is too early to conclude the long-term success of this campaign, it certainly appears that the campaign succeeded in altering the behavior of Tibetans during 2006. As mentioned above, fewer people were seen wearing or displaying animal skins during February and March. The EIA and WPSI released a new report in September after visiting a number of the summer festivals, and they found that the number of people wearing chupas made of animal skins was down substantially since 2005, by as much as 50 percent at one festival.<sup>75</sup> Furthermore, they reported that compared to 2005, in 2006 those interviewed had a much higher understanding of origins of the skins and the environmental consequences of the endangered animal trade.<sup>76</sup>

## employment demonstrations

Students successfully held public demonstrations in Lhasa during the last week of October over discriminatory practices in the hiring of new graduates for civil service positions. The protests were over the entrance exam for the official positions; the exam was offered only in Chinese and tested ancient history, not recent history as the Tibetan students had expected. Furthermore, of the 100 openings, only two went to Tibetans.<sup>77</sup> Discrimination against Tibetans (or any group) in the workplace is a violation of the International Covenant on Economic, Social and Cultural Rights. Article 7(c) provides protection for equal access to career advancement, “Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.” The

practice of having exams in Chinese for employment in Tibet discriminates against ethnic Tibetans. Exams conducted in both languages does not correct discriminatory practice as China favors examinees who have taken the Chinese language test. This ensures that Tibetans will continue to trail Chinese residents of Tibet, which will undermine their economic development.

Perhaps most significant about this event is that no arrests were made. In fact, the government made motions of appeasing the protesters by increasing the number of positions available to 140 and announcing a number of changes in the hiring procedures and the requirements for new employees, which would improve employment opportunities for Tibetans.<sup>78</sup> It is not yet known if more positions were offered or if the new regulations were put into place.<sup>79</sup>

## forced statements against the dalai lama

While patriotic re-education campaigns’ demands to denounce the Dalai Lama are not new to monasteries and nunneries, for the first time it has been reported that civil servants have been commanded to make their own denunciations.<sup>80</sup> In August, *The Washington Post* reported that thousands of government employees in Phenpo, northeast of Lhasa, had been instructed to “write criticisms of the Dalai Lama<sup>81</sup>”. The article did not state when this had happened or if it is an ongoing campaign. This new requirement was also reported in a similar report in *The Times*, in August, which stated that the writing requirement was for “[e]thnic Tibetans” in Lhasa and its surrounding counties.<sup>82</sup> The report continued to say that, “Senior civil servants must produce 10,000-word essays while those in junior posts need write only 5,000-character condemnations.<sup>83</sup>” This is a clear violation of Article

18 of the UDHR, “Everyone has the right to freedom of thought, conscience and religion”. The right to religious belief is also enshrined in Article 18 of the ICCPR. More information on the international protection of freedom of religion can be found in the Religion chapter.

## **enforced or involuntary disappearances**

The PRC’s practice of enforced disappearance of persons infringes upon an entire range of human rights embodied in the Universal Declaration of Human Rights and set out in both international covenants on human rights<sup>84</sup> as well as in other major international human rights instruments.

“Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international instruments in this field.” This was clearly stated in the article 1 of the UN Declaration on the Protection of all Persons from Enforced Disappearance<sup>85</sup> adopted by the United Nations General Assembly Resolution 47/133 of 18 December 1992.

Enforced disappearances generally violate the right to a family life as well as various political, economic, social and cultural rights such as the right to an adequate standard of living and the right to education. According to the Declaration<sup>86</sup>, the systematic practice of disappearance is a crime against humanity and constitutes a violation of the right to recognition as a person before the law, security of the person and the right to liberty, and the right not to be subjected to torture; it also violates and constitutes a grave threat to the right to life.

Moreover, the general prevalence of incommunicado detention makes victims even more vulnerable and susceptible to abuses of various magnitudes. The PRC being one of the permanent members of the Security Council of the United Nations and the member of the newly formed UN Human Rights Council, is under an obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance.

The PRC’s total disregard of international standards of the right to life, liberty and security of person can be best illustrated by the abduction of Gedhun Choekyi Nyima, the 11th Panchen Lama for the tenth consecutive years who turned 17 on 25 April 2006. Despite strong international concerns and appeals, China continues to conceal the location and condition of this child.

In October, TCHRD learned that Thubten Samten, originally from Zachukha, Sichuan Province ‘TAP’ and a monk from Sera Monastery (Lhasa) disappeared on 23 May 2006. The Chinese ‘work team’ had warned him for having pictures of the Dalai Lama and the Panchen Lama as well as a Tibetan national flag. Thubten Samten was suspected for his possible involvement in numerous wall-posters that appeared in Sera Monastery and in certain areas of Lhasa City.<sup>87</sup>

## **prisoner releases and sentence reductions**

The release of Nyima Choedron on 26 February<sup>88</sup> and the reduction of her husband’s, Bangri Chogtrul Rinpoche (Jigme Tenzin Nyima), sentence for the second time this year was good news. Bangri Rinpoche was the founder of Gyatso children’s school in Lhasa; Nyima was a teacher at the school. The two were arrested in 2000 in connection to the

arrest of the school's building contractor, Tashi Tsering, who tried to raise a Tibetan flag in a main square in Lhasa. The school was shut down and many on the staff were arrested. Bangri Chogtrul Rinpoche was charged with conspiring with Tashi Tsering and was given a life sentence for "attempting to split the country".<sup>89</sup> According to Dui Hua Foundation, the Lhasa Intermediate People's Court, which commuted Bangri Chogtrul Rinpoche's life sentence for "splittism" to 19 years on 31 July 2003, granted the prisoner a one-year sentence reduction on 17 November 2005. His sentence is now due to expire on 30 July 2021<sup>90</sup>. He has been transferred from Drapchi Prison to Chushul Prison along with other political prisoners.

According to the information known this year, Ngawang Phulchung, a monk of Drepung Monastery and one of the prominent Tibetan political prisoners from late 1980's received a sentence reduction on 22 September 2005. He was given a six-month sentence reduction. Ngawang was charged with leading fellow monks in pro-independence activities at Lhasa in 1988 and 1989, and received the heaviest sentence of 19 years' imprisonment following the counterrevolution trial of 11 monks by the Lhasa Intermediate People's Court in November 1989. Although his other colleagues imprisoned during the same trial were released from prison early after completing their prison sentence or receiving sentence reductions, Ngawang served over 16 years of his 19-year sentence before receiving a six-month sentence reduction. Ngawang is now due to be released from Tibet's *Qushui* (Chushul) prison on 18 October 2007.<sup>91</sup>

When eventually released, a former political prisoner will be discriminated against in employment and faced with social difficulties as well as psychological trauma of being cloistered and monitored. For many, they need serious long-term medical attention after their release and many simply couldn't afford the

exorbitant medical expenses. Monks and nuns in particular find it difficult as they are forbidden from rejoining monastery and nunnery with authorities suspecting they might 'pollute' the mind of other monks and nuns. Problems and traumas are not limited to the treatment of former political prisoners themselves; their families, friends and close associates, can potentially be affected. The chances of re-arrest or expulsion are great prior to any anniversary or major festivals. Palden (a.k.a Phuntsok Namgyal, ordained name), a former political prisoner who served six years term in Drapchi Prison arrived in exile this year, as he was unable to bear the continued harassment by the Chinese authorities and loss of job have forced him to attempt thrice to escape into exile. His testimony reflects the problem former political prisoners have to go through. "During national holidays or ceremonies and also when some dignitaries arrive in the city or whenever a big meeting is taking place, I was ordered to leave Lhasa because of which I lost jobs on numerous occasions. In September 2005 there was a grand ceremony in Lhasa commemorating 40 years of establishment of the "TAR". Much in advance I was ordered to leave Lhasa"<sup>92</sup>

Rinzin Chokey, layname Yangzom, a member of the 14-Drapchi singing nuns came into exile last year after spending 12 years in prison for her participation in pro-independence demonstration in Lhasa in September 1990, testifies on life after release, "For any former political prisoners, to find a job to sustain their livelihood was like indulging in the wildest fantasy.... For me life after prison was no better. I was frequently interrogated, my movement closely monitored, and I was under the constant watch and surveillance by the authorities thus depriving me from leading a normal life.... I had spent the best part of my life in prison for 12 years on the acts of my participation in a peaceful demonstration and secretly recoding the songs in the prison. After the



release from prison, life offers no hope and happiness for me. I was convinced that to put an end to my mental trauma and suffering was to escape into exile. Moreover, I had a quest to seek an audience with the Dalai Lama, breath freedom for myself and receive education. I escaped into exile leaving behind my family and country with a heavy heart.”<sup>93</sup>

The authorities were quick to grab the advantage of the poor state of former political prisoners by using them as an example to discourage and serve as a deterrent to aspirant political dissidents on risk involved in open defiance, resistance and challenging the authorities. Under such circumstances, many former political prisoners make the harrowing choice to leave their family and homeland and make a new life in exile.

## **torture in prison and during detention**

Protection of the treatment of prisoners is enshrined in numerous international treaties. Article 7 of the International Covenant on Civil and Political Rights (ICCPR) states, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.” Additionally, the Standard Minimum Rules for the Treatment of Prisoners set by the United Nations is a basic set of guidelines protecting the rights of prisoners. Finally, the Convention Against Torture (CAT) (1988), ratified by China, requires States to prevent torture and punish those in violation of the law.<sup>94</sup> So, it was a good sign that China allowed a UN Special Rapporteur on Torture to visit prisons and prisoners in November 2005 as the initial request to perform an inspection came ten years prior to the visit.<sup>95</sup> Unfortunately, when the report was published this

March, the Special Rapporteur, Manfred Nowak, reported that China failed to accommodate his requests to meet and interview prisoners, and he found that torture and mistreatment of prisoners in Tibet, and all of China, continues to be widespread.

The Special Rapporteur found that China violated a number of international treaties, specifically prisoners’ right to counsel and right to a fair trial.<sup>96</sup> Nowak also pointed out that China has failed to amend its own laws to comply with Article 1 of CAT.<sup>97</sup> Of special concern to the Special Rapporteur is the number of confessions extracted from political prisoners and the treatment of political prisoners, who are often sentenced to long prison terms, undergo torture, are forced into re-education programmes, and re-education through labour. According to the report, treatment of political prisoners violates a number of international human rights laws and Nowak states that these programmes should be abolished.<sup>98</sup>

According to the report, Tibetans constitute 6 percent of the torture cases in China.<sup>99</sup> During his visit to “TAR”, the Special Rapporteur discovered that a number of the prisoners he had wanted to interview at Drapchi Prison had been transferred to Chushul Prison (referred to as Quishi in the UN report) in April 2005.<sup>100</sup> The existence of Chushul Prison was unknown to the Special Rapporteur and not on his itinerary. Without proper planning, the Special Rapporteur was only able to interview 3 of the 10 prisoners with whom he requested visits.<sup>101</sup> The Special Rapporteur’s conclusion for all three prisoners was the same:

Since he has been convicted of a political crime, possibly on the basis of information extracted by torture, the Special Rapporteur appeals to the Government that he be released.<sup>102</sup>

The Special Rapporteur's findings were clear: prisoners, especially political prisoners, are frequently subjected to torture from the time of detention through imprisonment. Furthermore, prisoners are frequently discriminated against, are often refused the right to practice religion, and are subjected to degrading treatment.<sup>103</sup>

While the international community rightly applauded China for allowing the UN Special Rapporteur's investigation, reports are now coming out that one of the prisoners Jigme Gyatso who was interviewed has been tortured since the interview, apparently as punishment for giving the interview. Jigme has been held in solitary confinement since the interview and has also been beaten and tortured (it is unclear if he has been held in isolation without reprieve or only for periods).<sup>104</sup> According to the article, the beatings were such that Jigme Gyatso required hospitalization for several weeks and is still "unable to walk properly" as a result of a leg injury sustained during beatings.<sup>105</sup> Jigme Gyatso's case has been addressed before by the United Nations; in 2004 the United Nations Working Group on Arbitrary Detention found Gyatso was arbitrarily detained and his arrest violated the UN Declaration on Human Rights.<sup>106</sup> The Dui Hua Foundation was also able to confirm that Jigme Gyatso's term had been extended by three years, not two as reported by the UN Special Rapporteur on Torture, making his release date on 30 March 2014.<sup>107</sup>

In one of the more distressing stories to emerge this year, one of the men detained last year in connection to the burning of a slaughterhouse in Manikengo (Kardze TAP) was released after "he lost both his eyes [after] beatings by Chinese prison officials".<sup>108</sup> Detainees connected to the slaughterhouse fire have been refused medical treatment (see above, "arrests and detentions").

Restricted access to the outside world and the lack of effective complaints mechanisms are key factors allowing the practice to flourish. People accused of political or criminal offences continue to be denied due process. Detainees' access to lawyers and family members is severely restricted and trials fall far short of international standards for fair trial.

The UN report was not the only study released this year that found that torture continues in Tibetan prisons. The United State's annual report on human rights reached a similar conclusion about the widespread use of torture in Tibet:

The security apparatus employed torture and degrading treatment in dealing with some detainees and prisoners. Tibetans repatriated from Nepal reportedly suffered torture, including electric shocks, exposure to cold, severe beatings, and were forced to perform heavy physical labor. Prisoners were subjected routinely to "political investigation" sessions and were punished if deemed to be insufficiently loyal to the state.<sup>109</sup>

China may be able to claim bias or poor reporting if one study or organization makes a claim for the widespread use of torture. However, when multiple reports from multiple sources, some as reputable as the United Nations and the United States Department of State, find the mistreatment of Tibetan prisoners is systematic, China cannot deny the charges and expect the international community to believe their claims.

## **chushul prison: a new prison for political prisoners**

In 2006, it was discovered that a prison outside Lhasa built in the 1960s, but thought to be decommissioned, has become operational.<sup>110</sup> The

new prison is in Chushul (*Ch: Qushui*) County, near Nyethang (*Ch: Nidang*), off the road leading south from Lhasa towards Shigatse. The prison has been described as “very tough and hard for prisoners, even compared to Drapchi prison.”<sup>111</sup> It was confirmed that, some of the prominent political prisoners with long sentences have been transferred and incarcerated in the new Chushul Prison. TCHRD consider this as a new tactic to further segregate political prisoners from the general prison population.<sup>112</sup> Some of the prominent Tibetan political prisoners transferred and incarcerated in the new Chushul Prison are Bangri Chogtrul Rinpoche who is serving 19 years prison term, formerly imprisoned in Drapchi Prison, Amdo Jigme Gyatso serving 17 years prison term, formerly imprisoned in Drapchi Prison, Ngawang Phulchung serving 19-years, formerly imprisoned in Drapchi, Lobsang Tsultrim from Pashoe Drongsar Monastery serving 14 years prison term, Lobsang Tenzin serving 18 years prison term, formerly imprisoned at Pawo Tromo Prison and twenty five other political prisoners have been transferred to the new prison.

The cells are reportedly smaller with fewer (and higher) windows than the cells at Drapchi. It was also reported that Chushul has more surveillance than Drapchi.<sup>113</sup> Furthermore, the UN Special Rapporteur on Torture made these recommendations regarding Chushul Prison following their visit to Tibet in 2005 that:

prisoners are provided with recreational activities; are allowed to conduct religious worship; the temperature is adequately controlled, particularly in summer and winter months; and that the quality of food is improved.

Given the findings of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for political prisoners, we

are greatly concerned that China seems to be sequestering Tibetan political prisoners in a prison with substandard facilities.

In addition to the new prison, there are four major prisons and three major “reform-through-labour” facilities in the “TAR” alone. Apart from that each region has nine detentions centres in them. In July 2004, the Chinese Government has constructed a new detention centre in the Ngari region that has a capacity to hold around 200 prison inmates. In September 2005, the Chinese Government has constructed a new detention center for juveniles in the Lhasa area. In 2004, the Chinese Government started the construction project of detention centres in all parts of the rural and nomadic regions of Tibet.

## **plight of tibetan refugees - killing and arrest at nangpa la pass**

Throughout history, people have fled their homes to escape persecution. Enshrined in Article 14 of the 1948 Universal Declaration of Human Rights is the right “to seek and to enjoy in other countries asylum from persecution.” This principle recognizes that victims of human rights abuse must be able to leave their country freely and to seek refuge elsewhere.

In 1950, the Office of the United Nations High Commissioner for Refugees (UNHCR) was created to protect and assist refugees, and, in 1951, the United Nations adopted the Convention Relating to the Status of Refugees, a legally binding treaty that, by February 2002, had been ratified by 140 countries.

It was a problematic year for Tibetan refugees residing in Nepal and those who seek to escape into exile via Nepal. Generally the escape into exile is a

daunting and a dangerous task. The most commonly used route is over the Himalayas, through the Nangpa-la Mountain Pass situated in the west of Mount Everest region of Nepal's Solu Khumbu with a height of 5,716m (18,880 feet) above sea level. On this crossing, Tibetans risk hypothermia, snow blindness, frostbite and the possibility of falling to death and even killing by border police patrol. For some, a twisted kneecap or sprained ankle can mean being abandoned by the group or guide. From Nangpa-la Pass, the journey forward to Nepal takes several more days and puts the Tibetans at a further risk of arrest and refolement by border police or robbery from bandits and Maoist insurgents.

The plight of Tibetans escaping through Tibet-Nepal Border continues despite repeated appeals for a free and safe transit through Nepal. Arrest, brief detention, imprisonment, rape, looting, harassment, etc are some of the impending problems Tibetan escaping from Tibet into exile usually face but most goes unreported. Despite these problems, on average between 2,000 and 3,000 Tibetans make the dangerous crossing through the Himalayas via Nepal to India each year, seeking refuge every year. A total of 2445 Tibetan refugees escaped into exile and reached Dharamsala last year<sup>114</sup>. Of these, majority are teenagers and novice monks and nuns who seek a religious education that is banned by Beijing; children sent by their parent to study in Tibetan exile schools, feeling that it is their only chance for a reasonable education; and nomads and farmers leave because they have been relocated from their land for development projects, like the Lhasa- Gormud railway.

At the end of 2005, a group of 18 Tibetan refugees were arrested on 28 November while crossing into Nepal and a separate group of four Tibetans have also been reported to be arrested.<sup>115</sup> All the Tibetans arrested were later released from the Kathmandu Central jail on 8 December 2005 after a huge sum

of monetary fines were paid by the Tibetan Refugee Reception Centre (TRRC) based in Kathmandu.

Another group of 21 Tibetans were arrested by Nepal Police of Dolakha District on 21 July for illegally entering Nepal without any valid travel document. Most of them are young men from about 16-25 years of age.<sup>116</sup>

In one instance, a group of 26 Tibetans, of which 9 were children, started their journey from Lhasa for their journey into exile on 15 June 2006 for education opportunity. While on their escape journey, the group lost two Tibetan youths and one Tibetan died due to stomach disorder<sup>117</sup>. All three were male and in their twenties. It was not yet known whether the two lost youth were arrested by Chinese police or took different routes. There are no reports on their safety and whereabouts. The remaining 23 people have safely reached the Tibetan Reception Centre at Dharamsala.

Around the evening of 16 June at a place near Dhingri in western Tibet, the Chinese border police arrested thirteen Tibetans who were on their way into exile to Nepal.<sup>118</sup> The fate of those arrested was unknown.

In another incident, 13 Tibetans after crossing the Nepal-Tibet border while trying to enter Kathmandu from Bhotechour were stopped by local residents and then handed over to the police in Sindhupalchowk and kept at the Immigration Office at Tatopani, the bordering town in Sindupalchowk.<sup>119</sup> The report also said that the locals even beat up the refugees, suspecting them as members of a gang involved in human trafficking. There is no information available on them.

The PRC's record of human rights abuse of Tibetans in Tibet is no a great secret. The 30 September blatant shooting and killing of fleeing Tibetan

refugees at the Nangpa La Pass cannot be more obvious to the international community of China's tyrannical regime. This time the world has had the opportunity to witness horrifying killings of the whole incident from independent sources. In the words of one of the eyewitnesses, "they were shooting them like dogs", said Sergiu Matei, a cameraman from Romania who was on his first trip climbing to Cho Oyu, west of Mount Everest and near the border with Nepal.

The Chinese border patrol frequently arrests Tibetans who cannot elude capture, and on 30 September 2006, the People's Armed Police (PAP) shot at a group of 75 Tibetan civilians on Nangpa La Pass, killing at least two people.<sup>120</sup> Kelsang Nortso, a 17-year old nun, was shot and killed on the mountain, while Kunsang Namgyal was shot in the legs and then arrested. PAP officers arrested at least thirty Tibetans, including fourteen children.<sup>121</sup> It was the first time foreign nationals witnessed and documented the firing upon the Tibetan civilians on the pass; however, there have been past reports that suggest that Chinese police had previously fired at, and perhaps killed, Tibetans who attempted to leave Chinese-controlled Tibet.<sup>122</sup> While the frequent arrests of Tibetans who attempt to go to India via Nepal violate the right to freedom of movement, and in some cases the right to seek asylum from persecution, the Nangpa La Pass incident demonstrates the extent of China's human rights violations in its efforts to prevent Tibetans from escaping Chinese repression.

In addition to the UDHR, ICCPR and Convention on the Elimination of All Forms of Racial Discrimination (ICERD)<sup>123</sup> clearly stipulates that all people have the right to leave any country and the right to seek asylum in another country,<sup>124</sup> and yet the Chinese government considers crossing a border without a permit a criminal act, punishable by up to one year in prison.<sup>125</sup> While Article 12 of the

ICCPR authorizes some restrictions to the freedom of movement, China's attempts to justify its prevention of Tibetans from exiting the country in the interest of national security illegitimately stretches the limitations of the restrictions.<sup>126</sup> China may view Tibetans who attempt to flee the country as security threats; however, the government cannot defend its practices with the idea that exiting Tibetans will reach the Tibetan community in exile in India, where refugees find the freedom that has been denied in their homeland. On the contrary, the arrival of Tibetans from Tibet constitutes one of the main sources of information about the conditions in Tibet, and the refugee community provides insight that is critical to the promotion of human rights in Tibet. Consequently, these refugees do threaten the Chinese government to the extent that each refugee illuminates human rights violations in Tibet as well as the corresponding need for China to abandon its restrictive policies and practices. However, such a threat clearly falls outside of the limitations contemplated by Article 12 of the ICCPR<sup>127</sup>.

In addition to violating Article 13 of the UDHR<sup>128</sup> and Article 12 of the ICCPR<sup>129</sup>, the PAP's actions violated the right to life as established in Article 3 of the UDHR and Article 6 of the ICCPR<sup>130</sup>. Following mounting press for disclosure on the killing of innocent people at NangpaLa, Beijing was forced to break its silence. The official Chinese media said even though frontier soldiers had tried to persuade the Tibetan "stowaways" to return, they refused and "attacked" the soldiers, who were then "forced to defend themselves."<sup>131</sup> A Chinese official account attributed one death to oxygen shortage<sup>132</sup>. However, Matei's video clearly showed that the Tibetans were unarmed and had their backs to the soldiers. There was no resistance, and Kelsang, the teenage nun, was apparently shot in the back.



While Article 51 of the UN Charter does enshrine a right to self-defense, the right can be legitimately exercised only if a national is under armed attack.<sup>133</sup> According to one refugee who survived the incident and continued safely to Dharamsala, India, via Nepal, none of the group members carried any weapons, and when the first shots rang through the air, the group of Tibetans began to run in the snow.<sup>134</sup> This testimony is supported by foreign eyewitnesses who confirmed that the Tibetans did not attack the PAP.<sup>135</sup> Rather, the officers knelt in the snow, took aim at the group of civilians, and fired repeatedly, striking and killing at least two members of the group.<sup>136</sup> Even if the refugees had forcibly resisted, the officers would not have been justified in shooting at them. The 27 July 2006 “Prevention of Human Rights Violations Committed with Small Arms and Light Weapons” report, submitted by the UN Special Rapporteur Barbara Frey, further clarifies the rights of states in self-defense: ‘Article 51 of the Charter of the United Nations applies to States acting in self-defense against armed attacks against their State sovereignty. It does not apply to situations of self-defense for individual persons.’ She added that ‘[s]tate officials must refrain from violations [of human rights] with small arms.’<sup>137</sup> Based on the reports of numerous witnesses, video footage of the incident, and the conclusions of several governments and human rights organizations, it is almost certain that the Tibetan civilians did not carry arms or attack the PAP officers.

The international community has made numerous calls to China to release information regarding the thirty missing people and to punish the PAP officers involved, but the calls have gone unheeded. By mid-October, the Canadian Minister of Foreign Affairs, Peter Mackay called for China to conduct an independent investigation, punish those responsible for the shootings and murder, and release the arrested children immediately as dictated by China’s obligation under the UN Convention on the Rights

of Children;<sup>138</sup> on 26 October, a resolution passed by the European Parliament called for an investigation of the shootings;<sup>139</sup> and Human Rights Watch called for an independent investigation into the shootings.<sup>140</sup> That China has called the actions of the PAP officers self-defense and has continued to ignore the calls for an independent investigation is a clear indication Beijing is not working to improve the human rights situation in China and constitutes a dereliction of her responsibilities as a member of the Human Rights Council.

In addition to its attempts to prevent Tibetans from escaping Chinese-controlled Tibet, China has put pressure on the Nepali government to assist China in its objective. Nepal abruptly shut down the Tibetan Refugee Welfare Office in Kathmandu in January 2005, which, due to an agreement with the United Nations High Commissioner for Refugees, had facilitated the process of Tibetan refugees reaching India.<sup>141</sup> Although the Tibetan Reception Centre has reopened, it is thought that Chinese pressure caused Nepal to close the office in the first place and delay the reopening despite the fact that Tibetans in Nepal had met the government’s conditions for replacing the centre.<sup>142</sup> Additionally, the Nepali police have arrested Tibetans for illegally entering the country, including forty-one who were arrested in January 2006.<sup>143</sup> Tibetans who escape to Nepal face increasing risks of arrest and refoulement, by which the Nepali police send Tibetans back to the Chinese authorities where they face almost certain persecution. In March, the United States Department of State published a report that concluded refugee seekers were subjected to torture after arrest:

Tibetans repatriated from Nepal reportedly suffered torture, including electric shocks, exposure to cold, severe beatings, and were forced to perform heavy physical labor. Prisoners were subjected routinely to

“political investigation” sessions and were punished if deemed to be insufficiently loyal to the state.<sup>144</sup>

While it is beyond the scope of this report to analyze Nepal’s international obligations, China must be held accountable for pressuring the Nepali government to help it deny Tibetans fundamental human rights, including the right to freedom of movement and the right to seek asylum in another country.

## **right to information: censored**

The country’s media outlets are more numerous and aggressive now, but repression, carried out jointly by the government departments of propaganda and public security, has increased. The government of the world’s most populous country stresses that it wants to keep its monopoly on all news, mainly through the state-run Xinhua news agency. Censorship has been stepped up, penalties increased, many news websites shut down and physical attacks have escalated. One journalist was killed by police.<sup>145</sup>

*Reporters Without Borders*

China ranked 163rd out of 168 on the 2006, four place fall since the 2005 in the Worldwide Press Ranking compiled by Reporters Without Borders (*Reporters sans Frontieres*). And the country remains one of those where nothing has changed and remain the worst predators of press freedom.

On the one hand, China’s media outlets are growing, but at the same time repression, carried out jointly by the government departments of propaganda and public security, has also increased. China tightened its grip on the media in September last year and

banned all reports distributed within the country by foreign agencies until they had been cleared by the State<sup>146</sup>. The PRC government wants to keep its monopoly on all news, mainly through the state-run Xinhua news agency. The new rules give the state-owned Xinhua the power to censor the foreign news agencies’ reports in China<sup>147</sup>. To paraphrase, the censorship has been stepped up, restriction of flow of information increased; many news websites shut down and physical attacks have escalated.

It came as a shock when Google announced they would create a Google China site, Google.cn, which will censor, through blocking or filtering, websites and web searches, especially on searches for Tibet, the Dalai Lama, Taiwan, or democracy. Google joins Microsoft and Yahoo who also censor their Chinese websites. The companies argue that they are complying with local law, which they must do to legally operate in the country.<sup>148</sup> The web companies’ decision to do so have them assisting China in breaking international human rights law that protect all people’s right to disseminate information.<sup>149</sup>

While in Tibet, the PRC authorities continue to ban a large number of publications, printed material, distribution of audiovisual materials that come from abroad and advocate Tibetan independence. The materials also include locally printed independent journals, writings dealing with political or expressing human rights matters and even expressing one’s personal opinion.

Over the past two years, Woesser, a Tibetan intellectual, whose works are banned in China, operated two blogs in which she raised sensitive issues such as the Lhasa-Gormud Railway, the 40th anniversary of the Cultural Revolution, HIV/AIDS in Tibet, and other sensitive topics. After her writings were censored by the government,<sup>150</sup> Woesser began to use the Internet to express herself; however, the government periodically shut down pages of her site,

and when she began to blog on another listing, it closed both in late July 2006. Woesser concedes many reasons for officials being upset with her blogs, including her poem on the Dalai Lama's 71st birthday on 6 July posted along with a photo of the religious leader<sup>151</sup>. In another instance, she posted 20 Cultural Revolution photos online and Dalai Lama's statement made in January urging Tibetans to stop wearing the fur of endangered species and the authorities were enraged by the swift reaction to the Dalai Lama's speech<sup>152</sup>. In August 2006 Woesser attempted to post her writings on another forum, but the authorities removed the blog in September. Both Article 19 of the UDHR and Article 19 of the ICCPR establish right to freedom of expression and opinion. In his comments on the protection and promotion of freedom of opinion and expression, then-UN Special Rapporteur Abid Hussein stated:

As regards the impact of new information technology on the right to freedom of opinion and expression, the Special Rapporteur considers it of pre-eminent importance that they be considered in light of the same international standards as other means of communication and that no measures be taken which would unduly restrict freedom of expression and information; in case of doubt, the decision should be in favour of free expression and flow of information. With regard to the Internet, the Special Rapporteur wishes to reiterate that on-line expression should be guided by international standards and be guaranteed the same protection as is awarded to other forms of expression.<sup>153</sup>

Similarly, Ambeyi Ligabo, the current UN Special Rapporteur on the right to freedom of opinion and expression, stated that it is critical to guarantee freedom of opinion and expression on the Internet and remove all present obstacles to the free flow of

information.<sup>154</sup> The authorities have not only ignored this demand, but in fact has implemented new and strict policies to ensure their absolute and full control over the use and exchange of information through internet. While Article 19 of the ICCPR provides certain restrictions to this right, the government cannot impose its limits in such a way as to prohibit peaceful political expression.

In addition to violating Woesser's rights, the Chinese Government's actions violated her readers' right to freedom of information. International law establishes only a general right to freedom of information; however, the right of access to information comes precisely from the expression "to seek [and] receive...information and ideas of all kinds" as contained in Article 19 of the UDHR and ICCPR.<sup>155</sup> Although this right attaches most strongly to information sought from public bodies, it also covers information from private sources.<sup>156</sup>

China also moved to restrict tourists in Tibet. In mid-December, China announced it would impose limits on expeditions on the Tibetan route to Everest beginning Spring 2007.<sup>157</sup> While Beijing claims that the decision was made in preparation for the 2008 Olympic Games, it is widely believed that this is a reaction to the Nangpa La Pass incident on 30 September.<sup>158</sup> This is one more attempt to seal off information regarding the plight of Tibetan refugees.

Although Chinese citizens enjoy freedom of speech, press and of broadcasting under its constitution, in practice, the government continues to suppress freedom of information in a manner that directly contravenes not only the UDHR and the International Covenant on Civil and Political Rights, but also the Constitution<sup>159</sup>. In the last one year, the PRC authorities have added new legal, administrative, technological and political means of monitoring, suppressing free expression and controlling and restricting the flow of information



in various media and in other word to maintain complete control over China's media and free flow of information in Tibet. Those reporting on sensitive issues or challenging the state are at enormous risk of dismissal, arbitrary detention or imprisonment.

On 10 September, Xinhua - China's national news agency - released new regulations on the dissemination of news and information. The new rules force all foreign reporters to distribute their reports through Xinhua, which has the power to censor the reports.<sup>160</sup> This is just one more step that China is taking to limit its citizens' access to information.

To summarize, freedom of speech and opinion is suppressed in China. No dissident voice is tolerated and all media and communication channels are controlled and used as a tool in the Communist Party's quest to maintain its power monopoly.

## **conclusion:**

In the 35 years of its UN membership, election to the new UN Human Rights Council this year and its increasing engagement in the international politics, Beijing's human rights policy has become sophisticated but not softer. PRC has failed to address the widespread, systematic human rights violations, which continue to occur in Tibet. There is need to promote greater transparency, respect for fundamental human rights of the people, strengthen social justice and most importantly strengthen the rule of law and respect the human rights enshrined in the constitution and international covenants and treaties that PRC has signed and ratified.

Throughout the year Tibet witnessed heightened restrictions on the right to freedom of movement, asylum, expression, opinion, assembly and conscience. The incidents of arrests and detentions taking place across the Tibetan plateau was unabated

during the year. The continuing situation of Tibetans still facing long-term prison sentences for their peaceful political opposition to the Chinese authority reflects the unchanging situation of Tibetans in their rights to the freedom of enjoying civil and political rights.

TCHRD expresses its concern with those 32 Tibetans escapees who were arrested by the Chinese PAP at the NangpaLa Pass on 30 September whereof 14 of them are children. The Centre urges the Chinese authorities to guarantee that the Tibetans detained during the incident will not be ill-treated in detention and be release immediately, and that international human rights and humanitarian law standards are being respected. The Centre also urges the Chinese authorities to conduct a full investigation into the events at Nangpa Pass and ensure that those responsible for any crimes committed are brought to justice.

## **Endnotes**

- 1 "Beijing pledges 'a fight to the death' with Dalai Lama" Jane Macartney in Beijing, *Times Online*, Tuesday 15 August 2006 <http://www.timesonline.co.uk/article/0,,25689-2312796,00.html>,
- 2 "Human Rights Council Election Results", Reform the UN, 09 May 2006, <http://www.reformtheun.org/index.php?module=uploads&func=download&fileId=1469>, pdf p.1, date accessed: 04 December 2006.
- 3 "China Told No End to Arms Embargo Until Human Rights Improves", *Tibet News*, International Campaign for Tibet, 09 February 2006, <http://www.savetibet.org/news/newsitem.php?id=909>, date accessed: 04 December 2006.
- 4 United Nations General Assembly, Resolution 60/251, 15 March 2006; [http://www.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](http://www.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf)

- 5 “Human Rights Council: Asian Seats”, *Human Rights Watch*, <http://www.hrw.org/un/elections/asia/asia.htm>, date accessed: 04 December 2006.
- 6 “ICT Statement: Is China fit for the UN’s Human Rights Council?” *Tibet News*, International Campaign for Tibet, 11 April 2006, <http://www.savetibet.org/news/newsitem.php?id=946>, date accessed: 05 December 2006.
- 7 “People’s Republic of China high on renewing campaigns against peaceful Tibetan dissidents.” *Human Rights Update*, Volume XI, Number 5, TCHRD, May 2006
- 8 The details of the meetings were available on the Chinese website [http://info.tibet.cn/news/zfzx/dzdt/t20061030\\_169982.htm](http://info.tibet.cn/news/zfzx/dzdt/t20061030_169982.htm)
- 9 “Zhang Qingli becomes new Party chief of Tibet”, *Xinhua*, 29 May 2006, [http://news.xinhuanet.com/english/2006-05/29/content\\_4616959.htm](http://news.xinhuanet.com/english/2006-05/29/content_4616959.htm), date accessed: 15 December 2006.
- 10 “Zhang Qingli ‘elected’ TAR Party Chief”, *Update, TibetInfoNet*, 31 October 2006, <http://www.tibetinfonet.net/content/update/35>, date Accessed: 15 December 2006.
- 11 “Background on Lhasa City Communist Party Committee”, *Human Rights Watch*, <http://hrw.org/pub/2006/lhasa110606.pdf>, date accessed: 27 November 2006.
- 12 “2005 Annual Report”, *Tibetan Centre for Human Rights and Democracy*, Dharamsala, India, 2006, p.5.
- 13 Ibid, p.13.
- 14 Ibid
- 15 Macartney, Jane. “Beijing pledges ‘a fight to the death’ with Dalai Lama”, *The Times*, 14 August 2006, <http://www.timesonline.co.uk/article/0,,25689-2312796,00.html>, date accessed: 15 December 2006.
- 16 “Background on Lhasa City Communist Party Committee”, *Human Rights Watch*, <http://hrw.org/pub/2006/lhasa110606.pdf>, Date accessed: 27 November 2006.
- 17 “China: Fewer Tibetans on Lhasa’s Key Ruling Body”, *Human Rights News, Human Rights Watch*, 7 November 2006, <http://hrw.org/english/docs/2006/11/07/china14522.htm>, 30 November 2006.
- 18 Ibid
- 19 “The People’s Republic of China Regional Ethnic Autonomy Law (Chinese and English Text)”, Available on the US Congressional-Executive Committee on China’s “Virtual Academy” website: <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=9507>, date accessed: 07 December 2006.
- 20 “Tibet”, in: Annual Report-2006, Congressional-Executive Committee on China, 29–862 PDF, Washington DC: U.S. Government Printing Office, 20 September, 2006, p. 164.
- 21 “China recommences ‘patriotic education’ campaign in Tibet’s monastic institutions”, TCHRD Press Release dated 13 October 2005
- 22 International Covenant on Civil and Political Rights (ICCPR) which PRC signed on 5 October 1998
- 23 UN Doc. E/CN.4/2000/4, Report of the Working Group on Arbitrary Detention Follow-up information received from the Government of China, 28 December 1999
- 24 “A Monk scholar sentenced to four years prison term for talking about Tibetan culture” *Human Rights Update*, Vol XI Number 3, TCHRD, March 2006,
- 25 “Tibetan Monk Faces Eight Years for Separatism”, *Radio Free Asia*, available at [http://www.rfa.org/english/news/2006/07/14/tibet\\_monk/](http://www.rfa.org/english/news/2006/07/14/tibet_monk/) Saturday July 15, 2006
- 26 For detail see the list of new arrestees in 2006 at the end of the report
- 27 “One of five Tibetans held for slaughterhouse fire freed, blind”, *Radio Free Asia*, 02 February 2006, Available on TibetInfoNet: <http://www.tibetinfonet.net/content/news/10009>, date accessed: 18 December 2006.
- 28 “Tibetan released blinded from Prison”, *Human Rights Update*, Volume XI Number 2, TCHRD, February 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200602.html#police](http://www.tchrd.org/publications/hr_updates/2006/hr200602.html#police)
- 29 “Tibetan released blinded from prison”, *Human Rights Update*, Volume XI Number 2, TCHRD, February 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200602.html#police](http://www.tchrd.org/publications/hr_updates/2006/hr200602.html#police)
- 30 Ibid
- 31 TCHRD Interview (Pachen Dorjee)
- 32 “Officials Detain Nine Tibetan Residents of Sichuan for Links to Leaflets, Posters”, *Virtual Academy: Human Rights and Rule of Law- News and Analysis*, US Congressional-Executive Committee on China, 11 November 2006, <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=71551>, date accessed: 10 December 2006.
- 33 Ibid
- 34 “Commentary manuscript lands Tibetan youth ten years in prison”, *Press, Tibetan Centre for Human Rights and Democracy*, 25 July 2006, <http://www.tchrd.org/press/2006/pr20060725.html>, date accessed: 18 December 2006.
- 35 Article 19, para. of the *International Covenant on Civil and Political Rights* states, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”
- 36 “Monks Imprisoned for Discussing Lack of Freedom in Tibet”, *Tibet News*, International Campaign for Tibet, 09 November 2006, <http://www.savetibet.org/news/newsitem.php?id=1057>, date accessed: 15 December 2006.
- 37 “Three Buddhist nuns and two monks sentenced following calls for no Beijing Olympic Games until Tibet issue is peacefully resolved” *Free Tibet Campaign*, Press Release - 6 February 2006 see at <http://www.freetibet.org/press/pr060206.html> Also refer to: “China Jails Tibetans for Railing at Olympics Groups”, *Reuters*, 7 February 2006, available at *Phayul.com*, <http://www.phayul.com/News/article.aspx?id=11786&t=1&c=1>, date accessed: 12 December 2006.
- 38 “Official information confirms sentence for Tibetan Nun who put up posters.” CECC posted on 08 November 2006. Also see <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=77963>
- 39 “Tibetans given prison term for demanding Beijing Olympics

- be called up”, *Human Rights Update*, Volume XI Number 2, TCHRD, February 2006
- 40 “Official information confirms sentence for Tibetan Nun who put up posters.” CECC posted on 08 November 2006. Also see <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=77963>
- 41 “Long sentences for Tibetan political prisoners for ‘splitist’ offences”, *Tibet News*, International Campaign for Tibet, 12 May 2006, <http://www.savetibet.org/news/newsitem.php?id=971>, date accessed: 18 December 2006.
- 42 “Students re-educated in Tibetan regions to discourage support for Dalai Lama campaign,” Tenzin Chophel, *Dossier Tibet*, available through LaoGai Research Foundation at: <http://www.laogai.org/news/newsdetail.php?id=2588>, date accessed: 07 December 2006.
- 43 Ibid
- 44 “Tibetan monk still being held in Kandze”, *Phayul*, 21 July 2006, <http://www.phayul.com/news/article.aspx?id=13314&t=1>
- 45 Ibid
- 46 “Tibetan Monk Faces Eight Years for Separatism”, *Radio Free Asia*, 14 July 2006, [http://www.rfa.org/english/news/2006/07/14/tibet\\_monk/](http://www.rfa.org/english/news/2006/07/14/tibet_monk/), date accessed: 15 December 15, 2006.
- 47 “Tibetan monk still being held in Kandze”, *Phayul*, 21 July 2006, Available at <http://www.phayul.com/news/article.aspx?id=13314&t=1>
- 48 “Monk sentenced to five years term for distributing political pamphlets” TCHRD Press Release dated 14 November 2006
- 49 “Former Tibetan political prisoner served with 12 years prison term”, Press statement, Tibetan Centre for Human Rights and Democracy, 24 November 2006, <http://www.tchrd.org/press/2006/pr20061124.html>, date accessed: 15 December 2006.
- 50 “Chinese Authorities Detain Five Tibetans for Alleged Leafleting”, *Radio Free Asia*, 16 June 2006, [http://www.rfa.org/english/news/2006/06/16/tibet\\_karze/](http://www.rfa.org/english/news/2006/06/16/tibet_karze/)
- 51 Ibid
- 52 “Officials Detain Nine Tibetan Residents of Sichuan for Links to Leaflets, Posters”, Virtual Academy, Human Rights and Rule of Law - News and Analysis, US Congressional-Executive Commission on China, 10 December 2006, <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=71551>, date accessed: 15 December 2006.
- 53 “Tibetan sentenced to four years for carrying small Tibetan National Flag.” *Human Rights Update*, Vol XI Number 7, TCHRD, July 2006
- 54 “Rinchen Sangpo, a writer disappeared”, *Human Rights Update*, Volume XI Number 8, TCHRD, August 2006
- 55 “A Tibetan monk arrested for allegedly displaying pro-independence poster a year ago”. *Human Rights Update*, Volume XI Number 9, TCHRD, September 2006
- 56 “Officials Detain Nine Tibetan Residents of Sichuan for Links to Leaflets, Posters”, Virtual Academy, Human Rights and Rule of Law - News and Analysis, US Congressional-Executive Commission on China, 10 December 2006, <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=71551>, date accessed: 15 December 2006.
- 57 “Lone Tibetan monk stages demonstration in Lhasa Barkhor street”, Press Statement, Tibetan Centre for Human Rights and Democracy, 05 September 2006, <http://www.tchrd.org/press/2006/pr20060905.html>, date accessed: 13 December 2006.
- 58 “Press Statement by TCHRD at the Press Club of India, New Delhi”, Press Statement, TCHRD Dated 23 October 2006 available at <http://www.tchrd.org/press/2006/ps20061023.html>
- 59 While delivering a speech at the upper Tibetan Children Village School founding anniversary on 23 October 2005, the Dalai Lama called for the end of use of animal skins especially endangered animals.
- 60 “Skinning the Cat: Crime and Politics of the Big Cat Skin Trade,” Wildlife Protection Society of India and Environmental Investigation Agency, September 2006, [http://www.wpsi-india.org/images/EIA-WPSI\\_Skinning\\_The\\_Cat.pdf](http://www.wpsi-india.org/images/EIA-WPSI_Skinning_The_Cat.pdf), date accessed: 04 December 2006, p. 3.
- 61 “Burning the animal skin revolution sparked in Tibet”, *Phayul*, 18 February 2006, <http://www.phayul.com/news/article.aspx?id=11881&t=1&c=1>, date accessed: 15 December 2006.
- 62 “Burning of wildlife skins prohibited as tensions rise in Rebkong”, Update, *TibetInfoNet*, 14 February 2006, <http://www.tibetinfonet.net/content/update/3>, date accessed: 15 December 2006.
- 63 “Fashion statement of ‘Chubas’ no longer a favorite”, *Wildlife Trust of India*, 14 April 2006, available online at [http://www.wildlifetrustofindia.org/html/news/2006/060414\\_chuba.html](http://www.wildlifetrustofindia.org/html/news/2006/060414_chuba.html), date accessed: 15 December 2006.
- 64 “Burning the animal skin revolution sparked in Tibet”, *Phayul*, 18 February 2006, <http://www.phayul.com/news/article.aspx?id=11881&t=1&c=1>, date accessed: 15 December 2006.
- 65 “Burning of wildlife skins prohibited as tensions rise in Rebkong”, Update, *TibetInfoNet*, 14 February 2006, <http://www.tibetinfonet.net/content/update/3>, date accessed: 15 December 2006.
- 66 “Tibetan Youth Detained over anti fur campaign”, *Radio Free Asia*, 21 February 2006, [http://www.rfa.org/english/tibetan/2006/02/21/tibet\\_fur/](http://www.rfa.org/english/tibetan/2006/02/21/tibet_fur/), date accessed: 15 December 2006.
- 67 Ibid
- 68 “Tibetans detained after wave of burning of animal skins throughout Tibet”, *Tibet News*, International Campaign for Tibet, 24 February 2006, <http://www.savetibet.org/news/newsitem.php?id=915>, date accessed: 04 December 2006.
- 69 “China installs paramilitary troops in Tibetan areas”, *Kyodo News*, 30 March 2006, Available on Phayul.com, <http://www.phayul.com/news/article.aspx?id=12222&t=1&c=1>, date accessed: 18 December 2006.
- 70 “Public burning of fur not permitted during Kalachakra in Amdo”, *Tibet News Digest*, *TibetInfoNet*, 25 September 2006, <http://www.tibetinfonet.net/content/news/10287>, date accessed: 27 November 2006.
- 71 “Tibetans detained after wave of burning of animal skins

- throughout Tibet”, *Tibet News*, International Campaign for Tibet, 24 February 2006, <http://www.savetibet.org/news/newsitem.php?id=915>, date accessed: 15 December 2006.
- 72 “Burning of wildlife skins prohibited as tensions rise in Rebkong”, *TibetInfoNet Update*, 14 February 2006, available at <http://www.tibetinfonet.net/content/update/3>, date accessed: 13 December 2006
- 73 Tenzin Chophel, “Students re-educated in Tibetan regions to discourage support for Dalai Lama campaign,” *Dossier Tibet*, available through LaoGai Research Foundation at: <http://www.laogai.org/news/newsdetail.php?id=2588>, date accessed: 07 December 2006.
- 74 “How an exile defies China”, Hilton, Isabel, *The Guardian*, 22 August 2006, <http://www.guardian.co.uk/comment/story/0,,1855318,00.html>, date accessed: 15 December 2006.
- 75 “Skinning the Cat: Crime and Politics of the Big Cat Skin Trade,” Wildlife Protection Society of India and Environmental Investigation Agency, September 2006, [http://www.wpsi-india.org/images/EIA-WPSI\\_Skinning\\_The\\_Cat.pdf](http://www.wpsi-india.org/images/EIA-WPSI_Skinning_The_Cat.pdf), date accessed: 04 December 2006, pp. 9-11.
- 76 Ibid
- 77 Jackson-Han, Sarah, “Tibetans Stage Rare Public Protest in Lhasa”, *Radio Free Asia*, 08 November 2006, [http://www.rfa.org/english/news/2006/11/08/tibet\\_protest/](http://www.rfa.org/english/news/2006/11/08/tibet_protest/), date accessed: 13 December 2006.
- 78 Ibid
- 79 Ibid
- 80 Fan, Maureen, “China Tightening Control over Tibet”, *The Washington Post*, 05 August 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/04/AR2006080401471.html?nav=emailpage>, date accessed: 18 December 2006.
- 81 Ibid
- 82 Macartney, Jane. “Beijing pledges ‘a fight to the death’ with Dalai Lama”, *The Times*, 14 August 2006, <http://www.timesonline.co.uk/article/0,,25689-2312796,00.html>, date accessed: 15 December 2006
- 83 Ibid
- 84 International covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, social and Cultural Rights (ICESCR). China signed and ratified ICESCR and only signed ICCPR and yet to ratify it.
- 85 UN Declaration on the Protection of all Persons from Enforced Disappearance adopted by General Assembly resolution 47/133 on 18 December 1992
- 86 UN Declaration on the Protection of all Persons from Enforced Disappearance adopted by General Assembly resolution 47/133 of 18 December 1992
- 87 “Tibetan monk disappears, whereabouts unknown”, Press, Tibetan Centre for Human Rights and Democracy, 16 October 2006, <http://www.tchrd.org/press/2006/pr20061016.html>, date accessed: 15 December 2006.
- 88 “China releases Nyima Choedon serving ten years prison term” TCHRD Press Release dated 29 June 2006 available at <http://www.tchrd.org/press/2006/pr20060629.html>
- 89 Ibid
- 90 “Dui Hua Executive Director Attends Trials, Explores Judicial Openness; Clemency Granted to Tibetan Monk, Labor Activist” Dated 28 February 2006. Available at [http://www.duihua.org/press/statements/press\\_on\\_China\\_Trip\\_060228.htm](http://www.duihua.org/press/statements/press_on_China_Trip_060228.htm)
- 91 “Official Responses Reveal Many Sentence Reductions”, Dialogue, *DuiHua Foundation*, Issue 25, Fall 2006, p. 2.
- 92 “Newly arrived former political prisoner speaks of police brutality” *Human Rights Update*, Vol XI, No. 2, TCHRD, February 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200602.html#police](http://www.tchrd.org/publications/hr_updates/2006/hr200602.html#police)
- 93 “Drapchi singing nun” Rinzin Chokey arrives in exile” *Human Rights Update*, Vol XI, No. 5, TCHRD, May 2006, degrading treatment or punishment: Mission to China,” UN Doc E/CN.4/2006/6/Add.6, 10 March 2006, p. 15.
- 94 Nowak, Manfred. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Mission to China,” UN Doc E/CN.4/2006/6/Add.6, 10 March 2006, p. 15.
- 95 Nowak, Manfred. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Mission to China,” UN Doc E/CN.4/2006/6/Add.6, 10 March 2006, p. 5.
- 96 Ibid, p. 23.
- 97 Ibid, pp. 15-16.
- 98 Ibid, pp. 18-19.
- 99 Ibid, p. 6.
- 100 Ibid, p. 46.
- 101 Ibid, p. 47.
- 102 Ibid, pp.47-48.
- 103 Ibid, pp.17-19.
- 104 “Fears for welfare of Tibetan prisoner following meeting with UN Rapporteur”, *Tibet News*, International Campaign for Tibet, 01 December 2006, <http://www.savetibet.org/news/newsitem.php?id=1065>, date accessed: 02 December 2006.
- 105 Ibid
- 106 Ibid
- 107 “New Research and Prisoner Responses”, Dialogue, *Dui Hua*, Issue 25, Summer 2006, p. 6, [http://www.duihua.org/our\\_work/publications/newsletter/current\\_issue/nl\\_25-6.pdf](http://www.duihua.org/our_work/publications/newsletter/current_issue/nl_25-6.pdf), date accessed: 06 December 2006.
- 108 “One of five Tibetans held for slaughterhouse fire freed, blind”, Radio Free Asia, 02 February 2006, Available on *TibetInfoNet*: <http://www.tibetinfonet.net/content/news/10009>, date accessed: 18 December 2006.
- 109 “China (includes Tibet, Hong Kong, and Macau)”, in: Country Reports on Human Rights Practices - 2005, Bureau of Democracy, Human Rights, and Labor, US Department of State, 8 March 2006, available at: <http://www.state.gov/g/drl/rls/hrrpt/2005/61605.htm>, date accessed: 15 December 15, 2006.
- 110 “New Prison in Lhasa: More Oppressive”, *Tibet Press Watch*, International Campaign for Tibet, 18(1), p.9.
- 111 “New prison in Lhasa: increased surveillance for political prisoners, ‘oppressive’ cell-blocks”, *Tibet News*, International Campaign for Tibet, 20 January 2006, <http://>



- www.savetibet.org/news/newsitem.php?id=896, date accessed: 23 November 2006.
- 112 TCHRD Interview with newly arrived former Tibetan political prisoner Pachen Dorjee in December 2006
- 113 “New prison in Lhasa: increased surveillance for political prisoners, ‘oppressive’ cell-blocks”, *Tibet News*, International Campaign for Tibet, 20 January 2006, <http://www.savetibet.org/news/newsitem.php?id=896>, date accessed: 02 December 2006.
- 114 Tibetan Reception Centre for Refugees, Mcleodganj Dharamsala (The data was collected for the period between 1 January 2006 to 31 December 2006)
- 115 “Tibetan refugees continue to face hardships while on transit through Nepal”; *Human Rights Update*, Vol XI, No 1, TCHRD, January 2006
- 116 “Nepal Police arrest & detain 21 Tibetans for illegal entry”; Tenzin Choephel Phayul correspondent [www.phayul.com](http://www.phayul.com) Wednesday, 26 July 2006
- 117 “One died, two lost while fleeing into exile” *Human Rights Update*, Vol. XI, No 7, TCHRD, July, 2006, [http://www.tchrd.org/publications/hr\\_updates/2006/hr200607.html#exile](http://www.tchrd.org/publications/hr_updates/2006/hr200607.html#exile)
- 118 “Chinese Police arrest 13 Tibetans fleeing into exile” Phayul correspondent available at [www.phayul.com](http://www.phayul.com) Wednesday, 12 July 2006
- 119 “13 Tibetan asylum-seekers arrested in Sindhupalchowk” *Nepalnews.com*, available at <http://www.nepalnews.com/archive/2006/nov/nov25/news06.php> Saturday, 25 November 2006
- 120 TCHRD Interview; “Tibetans Survive Border Guards...”
- 121 “China: Permit Independent Investigation into Shooting of Tibetan Refugees”, Human Rights News, *Human Rights Watch*, 26 October 2006, <http://hrw.org/english/docs/2006/10/26/china14460.htm>, date accessed: 18 December 2006.
- 122 “Tibetan Children in Chinese Custody After Shooting at Nangpa Pass”, *Tibet News*, International Campaign for Tibet, 09 October 2006, <http://www.savetibet.org/news/newsitem.php?id=1037>, date accessed: 18 December 2006.
- 123 Article 5 (d) (ii) of the ICERD, “The right to leave any country, including one’s own, and to return to one’s country”
- 124 Article 13 of the UDHR and article 12 of the ICCPR establish the international right to freedom of movement, which grants every individual the right to freely leave and return to his or her country. UDHR article 14 grants every individual the right to seek asylum from persecution in other countries.
- 125 “Rights group wants China Tibetan shooting inquiry”, *Reuters*, 27 October 2006, available at [http://in.today.reuters.com/news/newsArticle.aspx?type=topNews&storyID=2006-10-27T071628Z\\_01\\_NOOTR\\_RTRJONC\\_0\\_India-273833-2.xml&archived=False](http://in.today.reuters.com/news/newsArticle.aspx?type=topNews&storyID=2006-10-27T071628Z_01_NOOTR_RTRJONC_0_India-273833-2.xml&archived=False) OR Can be accessed at <http://www.phayul.com/news/article.aspx?id=14478&t=1&c=1>
- 126 ICCPR Article 12 authorizes some restrictions, they must be provided by law and must be necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and be consistent with the other rights recognized in the ICCPR.
- 127 Article 12 of the ICCPR states that, “1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. 4. No one shall be arbitrarily deprived of the right to enter his own country. “
- 128 Article 13 of the UDHR states that; “1 Everyone has the right to freedom of movement and residence within the borders of each state. 2) Everyone has the right to leave any country, including his own, and to return to his country.” 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. 4. No one shall be arbitrarily deprived of the right to enter his own country.”
- 129 Article 12 of the ICCPR states that; “1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own.
- 130 Article 6 Part 1 of the ICCPR states that, “1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”
- 131 “Stowaway case thwarted in Tibet”, *Xinhua News*, 13 October, 2006 Available at [http://english.people.com.cn/200610/13/eng20061013\\_311337.html](http://english.people.com.cn/200610/13/eng20061013_311337.html)
- 132 Ibid
- 133 “Charter of the United Nations,” Available on UN website: <http://www.un.org/aboutun/charter/>, date accessed: 18 December 2006.
- 134 TCHRD Interview
- 135 “Tibetans, Westerners Describe Deadly Shooting at China-Nepal Border”, *Radio Free Asia*, 13 October 2006, [http://www.rfa.org/english/tibetan/2006/10/13/tibet\\_shooting/](http://www.rfa.org/english/tibetan/2006/10/13/tibet_shooting/), date accessed: 18 December 2006.
- 136 Ibid
- 137 Ibid
- 138 “Canada condemns Chinese soldier killing of Tibetan refugee”, *AFP; Students for a Free Tibet*, Canada, 19 October 2006, <http://sftcanada.wordpress.com/2006/10/18/canada-condemns-chinese-soldier-killing-of-tibetan/>, date accessed: 18 December 2006.
- 139 “European Parliament wants full investigation of Tibetan shootings”, *Tibet News*, International Campaign for Tibet, <http://www.savetibet.org/news/newsitem.php?id=1046>, date accessed: 18 December 2006.
- 140 “Rights group wants China Tibetan shooting inquiry”, *Reuters*, 27 October 2006, available on Unrepresentative Nations and Peoples Organization, <http://www.unpo.org/article.php?id=>

- 5712, date accessed: 18 December 2006.
- 141 “China” in World Report 2006, *Human Rights Watch*, Available online at: <http://hrw.org/wr2k6/>, date accessed: 18 December 2006.
- 142 Ibid
- 143 “Nepal Police Detain 41 Tibetans”, Phayul, 22 January 2006, Available on *TibetInfoNet*, <http://www.tibetinfonet.net/content/news/10006>, date accessed: 18 December 2006.
- 144 “China (includes Tibet, Hong Kong, and Macau)” Country Reports on Human Rights Practices - 2005, Bureau of Democracy, Human Rights, and Labor, US Department of State, 8 March 2006.
- 145 “Worldwide Press Freedom Index 2006,” *Reporters Without Borders*, 23 October 2006, [http://www.rsf.org/article.php3?id\\_article=19382](http://www.rsf.org/article.php3?id_article=19382), date accessed: 02 December 2006.
- 146 “Chinese censors tighten rules to stop foreigners spreading news”, *The Times*, By Jane Macartney in Beijing, Monday, 11 September 2006
- 147 “New regulations reinforce Xinhua’s control over foreign news agencies” *Reporters Without Borders*, [Tuesday, 12 September 2006, available at [http://www.rsf.org/article.php3?id\\_article=15172](http://www.rsf.org/article.php3?id_article=15172)
- 148 McDonald, Joe, “Google defends cooperation with China”, AP, 12 April 2006, *Phayul.com*. Available at <http://www.phayul.com/news/article.aspx?id=12328&t=1&c=1>, date accessed: 18 December.
- 149 Article 19 of the UDHR states, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 19 para 2 of the ICCPR states, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.”
- 150 “China: Tibetan Intellectual’s Blog Shuttered,” *Human Rights Watch*, 9 October 2006, available at <http://www.hrw.org/english/docs/2006/10/09/china14364.htm>, date accessed: 18 December 2006.
- 151 “Unfree thinker”, *South China Morning Post* By Paul Mooney Thursday, 04 January 2007 posted on Asia Media available at <http://www.asiamedia.ucla.edu/article.asp?parentid=60240>
- 152 Ibid
- 153 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the U.N. Commission on Human Rights, 29 January 1999, E/CN.4/1999/64.
- 154 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the U.N. Commission on Human Rights, 17 December 2004, E/CN.4/2005/64\*, para. 57: The Special Rapporteur believes that guaranteeing freedom of opinion and expression on the Internet and other new communication tools is the central challenge for the future. The achievement of a global information society, in which the poor can also have access to modern technologies, may represent a leap forward for mankind, opening new paths for human and economic development
- 155 United Nations Universal Declaration of Human Rights, Article 19 and International Covenant on Civil and Political Rights, Article 19.
- 156 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the U.N. Commission on Human Rights, 17 December 2004, E/CN.4/2005/64\*.
- 157 “China puts curb on Tibet route to Everest”, IANS, available at *Phayul.com*, 13 December 2006, <http://www.phayul.com/news/article.aspx?id=15069&article=China+puts+curbs+on+Tibet+route+to+Everest>, date accessed: 15 December 2006.
- 158 Ibid
- 159 Article 19 and 35 of the constitution of the PRC Article 19 states, The state develops socialist educational undertakings and works to raise the scientific and cultural level of the whole nation. The state runs schools of various types, makes primary education compulsory and universal, develops secondary, vocational and higher education and promotes pre-school education. The state develops educational facilities of various types in order to wipe out illiteracy and provide political, cultural, scientific, technical and professional education for workers, peasants, state functionaries and other working people. It encourages people to become educated through self-study. The state encourages the collective economic organizations, state enterprises and undertakings and other social forces to set up educational institutions of various types in accordance with the law. The state promotes the nationwide use of Putonghua (common speech based on Beijing pronunciation). Article 35 states, Citizens of the People’s Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.
- 160 “China tightens grip on information”, *Tibet News Digest*, *TibetInfoNet*, 10 September 2006, <http://www.tibetinfonet.net/content/news/10276>, date accessed: 18 December 2006.

# RELIGIOUS FREEDOM

2006 witnessed the escalation of repression by the Chinese authorities in relation to freedom of religion in Tibet, inviting condemnation from governmental, inter-governmental and non-governmental bodies. The European Parliament expressed its deep concern in relation to the intensification of the patriotic re-education campaign<sup>1</sup> and deplored “the contradiction between the constitutional freedom of belief...and the ongoing interference of the State in the affairs of religious communities”.<sup>2</sup> The UK Foreign and Commonwealth Office continued to list China among its major countries of concern and expressed particular concern over the repression of religious freedom in Tibet;<sup>3</sup> whilst the US government continued to report a high level of religious repression in Tibet<sup>4</sup> and announced that it was redesignating China as a ‘Country of Particular Concern for Severe Violations of Religious Freedom’.<sup>5</sup>

Throughout 2006, TCHRD reported on incidents which evidence the perpetuation and escalation of religious repression in Tibet. In this chapter, we highlight the most prominent of these and focus on the Chinese authorities’ intensification of control over religion, for example, through the implementation of the new religious regulations (which came into effect in March 2005) and the reinvigoration of the patriotic education campaign.

## **freedom of religion as a basic human right**

The Chinese authorities recognise that freedom of religion represent[s] a basic human right<sup>6</sup>

[as] provided for in the United Nations Charter<sup>7</sup>, the Universal Declaration of Human Rights<sup>8</sup>, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights<sup>9</sup> and the Vienna Declaration and Programme of Action.<sup>10</sup>

However, the authorities fail to respect this right in practice. It is maintained that freedom of religion is protected by the Chinese Constitution and in legislation and that these legal safeguards are consistent with the spirit and main provisions of international agreements.<sup>11</sup> However, as has been demonstrated once again in 2006, this is not the case in Tibet where constitutional, legal and administrative provisions operate to restrict rather than protect religious freedom.

Article 36 of the Constitution states:

Citizens of the People’s Republic of China enjoy freedom of religious belief. No State organ.. may... discriminate against citizens who believe in, or do not believe in, any

religion. The State protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State. Religious bodies and religious affairs are not subject to any foreign domination.

Although it is claimed that Article 36 of the Constitution guarantees the protection of religious freedom, the opposite is in fact the case. The United States Commission on International Religious Freedom concluded, after its visit to China in 2005, that

the space for...greater civil and individual freedoms is narrowing in China. Over the past year, the Communist Party has tightened its control over religious leaders...[and] view pressure to guarantee individual and political rights as evidence of a plot to Westernize and split China.<sup>12</sup>

The Commission cited a speech given by President Hu Jintao to the Central Committee of the Chinese Communist Party (CPC) in September 2004 warning against “hostile forces...using the banner of political reform to promote...parliamentary democracy, human rights and the freedom of the press”.<sup>13</sup> It is against this background of suspicion in relation to human rights that the Chinese authorities’ claims that the right to freedom of religion is respected must be viewed.

## **banning of religious days**

Religious ceremonies are restricted in Tibet. Prohibitions continue to be in place for important days like *Saka Dawa*<sup>14</sup>, *Gaden Ngamchoe*,<sup>15</sup> birthday of the Dalai Lama and the 11<sup>th</sup> Panchen Lama Gedun Choekyi Nyima. CCP and the government

circulate official notices prohibiting individuals and groups to refrain from religious activities. A joint notice issued by the Lhasa City Party Secretary Office and the Lhasa Governor Office on 12 December this year clearly prohibited the Party members, civil servants, staff, public institutions (schools, banks etc), vocational centres, students and retired civil servants not to participate or even see the activities of *Gaden Ngamchoe* anniversary.<sup>16</sup> It was warned that those failing to abide by the official notice would be served with salary cut, etc. For the retired Tibetans this is especially difficult because of their faith in religion yet their faith restricted by official strictures. Similar restrictions are also in place during other important religious ceremonies like *Saka Dawa*. Individual reports from Tibet confirm that Tibetans engaging in small businesses like selling incense and juniper leaves are searched thoroughly and their goods confiscated prior to religious days. Absolute ban on the celebration of birthdays of the Dalai Lama and the 11<sup>th</sup> Panchen Lama continue.

## **the anti-dalai lama campaign**

The population of Tibet, according to the 2000 census, was 5,354,540, with about 2.4 million Tibetans living in the so-called “Tibet Autonomous Region” (“TAR”) and about 2.9 million Tibetans living in Tibetan prefectures and counties outside the “TAR”. Most Tibetans practice Tibetan Buddhism<sup>17</sup> and the important role played by religion in Tibetan culture has long been recognized.<sup>18</sup> The Dalai Lama, as the spiritual leader and most important figure in Tibetan Buddhism, is central to Tibetan Buddhists’ religious practice. In 2006, however, the authorities continued to suppress any religious activity venerating him, perceiving this to be evidence of “splittism” (support for Tibetan independence).<sup>19</sup> The authorities perceive “fervent religious practice” among Tibetans as “an impediment to economic modernization and an



organizational pole around which terrorists or ‘splittists’ may gather”.<sup>20</sup> Although possessing or displaying pictures of the Dalai Lama is not technically prohibited in Chinese law, however, in practice it is officially banned in Tibet. Chinese officials also openly admit their view that the Dalai Lama’s influence must be eliminated.<sup>21</sup>

The Chinese authorities heightened their efforts at undermining the influence of the Dalai Lama in 2006 with Zhang Qingli, now the leading communist party official in the “TAR”,<sup>22</sup> describing him as “commander in chief of the splittist clique plotting ‘Tibet’s independence’” and “a true instrument of the international anti-China forces”;<sup>23</sup> as well as claiming that “[t]he Dalai Lama used to be an acknowledged religious leader...but what he has done makes him unworthy of the title”<sup>24</sup> and describing him as “the biggest obstacle hindering Tibetan Buddhism from establishing normal order”.<sup>25</sup> This “defamation of the Dalai Lama” by the Chinese authorities was criticized at the Human Rights Council.<sup>26</sup>

The Chinese authorities attempt to eliminate the Dalai Lama’s influence and tightly control religious activity in Tibet by monitoring the activities and education of monks and nuns and requiring that they denounce the Dalai Lama as the spiritual leader of Tibetan Buddhists. Then control monasteries through government-approved management committees, insisting upon approving the selection and training of reincarnate lamas, controlling religious publications, and placing tight restrictions upon religious celebrations.<sup>27</sup>

## **the reinvigoration of patriotic (re-)education**

From 2005 there was a renewal of the patriotic education of monks and nuns leading to the

expulsion from monasteries and nunneries of those who refused to denounce the Dalai Lama, accept the legitimacy of the Chinese appointed Panchen Lama or accept that Tibet has always been a part of China.<sup>28</sup>

The perceived need for the renewal of patriotic education was heightened in the wake of a conference of leading party cadres of the “TAR” Committee of the CPC that was held on 15 and 16 May 2006. The Tibet Daily reported that the focus of the conference was to “to discuss and draw up a plan on the specific issue of fighting against splittism”. It was reported that Zhang Qingli emphasized the necessity of deepening the “understanding of the grim situation of Tibet’s present stability” and depicted the struggle against the Dalai Lama, whose clique had been “stirred up” by “hostile forces of the West”, as “a struggle of life and death”. He said that “patriotic education” needed to be “resolutely and vigorously carried out” in the monasteries, “their democratic administration committees overhauled and consolidated” and that it must be ensured that “the power of authority...is firmly in the hands of religious personnel who are patriotic and love religion”. He signaled that the Regulations on Religious Affairs should be implemented and that the constitution and the law should “enter into the monasteries” and “enter into the heads of monks and nuns”.<sup>29</sup> Six steps were put forward as a means of “striking hard<sup>30</sup> against political activities in Tibet” including the intensification of striking hard against separatists and the separatist movement; the intensification of the patriotic re-education campaign in monastic institutions; and striking hard against those violating state security.<sup>31</sup>

Patriotic education was again emphasized at the first plenary session of the seventh congress of the “TAR” Committee of the CPC in October 2006, when it was confirmed that among the party’s top priorities was keeping separatist activities in check. It was said

that “education on patriotism will be promoted among the region’s temples to ensure that religious leaders love their country”.<sup>32</sup> It is clear then that the Chinese authorities view patriotic education as a crucial means of controlling religious institutions, thereby controlling the practice of religion, in Tibet.

The dire impact of patriotic education upon the lives and education of monks and nuns is evident from the testimonies of those who have fled Tibet. TCHRD reported on a number of such cases in 2006. One monk, for instance, confirmed that at his monastery in Lhasa, from which he and other monks were expelled after they refused to denounce the Dalai Lama, all monks had to study Communist Party-approved texts and attend patriotic re-education classes for 8 hours a day, leaving little time for the study of Buddhist scriptures. After being expelled, they were prevented from re-joining their own or other monasteries and faced constant harassment and surveillance, eventually leading to two of them renouncing their monkhood.<sup>33</sup> Similarly, a nun who arrived in Nepal from Tibet in April 2006 confirmed that in 1996, she and 38 other nuns were expelled from Podo nunnery in Phenpo Lhundrub County, “TAR” by work team officials because they refused to denounce the Dalai Lama. They too were deprived of their religious education as they were prevented from re-joining their own or other nunneries. The nun returned to her nunnery unofficially for a few months at a time when work teams were not present but she reported that even this became impossible in 2005 given the increasing control over religious institutions.<sup>34</sup> In another account, a monk who fled Tibet in late 2005 in advance of the reinvigoration of patriotic education at Ganden Monastery and as a result of his fears of ill-treatment following the death of another monk, Ngawang Jangchub, at Drepung Monastery in October 2005 (after a heated dispute with the monastery’s work team over his refusal to denounce the Dalai Lama),<sup>35</sup> expressed his view that

*..while [the authorities] are happy to have monasteries populated by monks, they aim to have museum-like monasteries...So from the outside it looks like there is religious freedom...But basically the authorities see the monks as a potential threat to the Communist Party and the state...<sup>36</sup>*

The patriotic education campaign was also used by the authorities outside of religious institutions in 2006. It was reported by *The Times London* that junior and senior civil servants in Lhasa and surrounding rural counties have been required to write 5,000 and 10,000 character condemnations of the Dalai Lama<sup>37</sup>. Similarly, *The Washington Post* reported that “thousands of government workers in Phenpo” were required to write such criticisms.<sup>38</sup> There has been widespread disapproval of the use of patriotic education in Tibet,<sup>39</sup> including at the UN Human Rights Council where concern was expressed about the “ongoing serious abuses of religious freedom in China” in the light of the intensification of the patriotic education campaign.<sup>40</sup>

## **the regulations on religious affairs**

The authorities’ control over religious institutions in Tibet has also been strengthened by the Regulations on Religious Affairs which came into effect in March 2005. The US State Department confirms that

The regulations’ preamble state[s] that the provisions aim to protect freedom of religious belief, maintain harmony between different religions and society, and regulate religious affairs throughout the country.<sup>41</sup>

The authorities reportedly “heralded [the regulations]....as ‘a significant step forward in the

protection of Chinese citizens' religious freedom"; however, when they were officially implemented, a senior State official emphasized that the primary goal of the regulations was to help expand government management of religious affairs.<sup>42</sup> The authorities also see the regulations as "a legal weapon to resist foreign forces" taking advantage of religion to infiltrate the country<sup>43</sup> and a means to "strengthen the management of religious work by inspecting monasteries to look for elements of instability, enforce controls and collect data on monks and nuns who illegally enter and exit the region".<sup>44</sup> The United States Commission on International Religious Freedom concluded, after the regulations had been in force for over a year that "[they] were issued in large measure to regularize the management of religious affairs, thus offering Party leaders more extensive control over all religious groups and their activities",<sup>45</sup> whilst Human Rights Watch concluded that they have

not created a space for the free exercise of religion that was promised...instead, Chinese citizens who engage in the most basic religious activities can still find themselves arrested, in jail, or under threat.<sup>46</sup>

Repression of religious freedom is set to be greater in 2007 with the implementation of "TAR"-specific regulations on religious affairs. The new Religious Affairs Regulations for the "TAR" will be implemented w.e.f 1 January 2007, according to Tenzin Namgyal, the Head of "TAR" Nationality and Religious Affairs Bureau.<sup>47</sup> The said regulations, which comprise of 56 articles with 5 chapters, have been drafted on the basis of the Chinese Constitution and Religious Affairs Regulations promulgated by the State Council in March 2005. The regulations will aim at curbing Tibetan nationalism, and curb "unlawful" religious activities by the monastic community in Tibet. It is bound to be implemented with the sole aim of harnessing loyalty to the state by the monastic community.

## **the panchen lama**

During 2006, the Chinese authorities "routinely asserted control over the process of identifying and educating reincarnated lamas" and restricted contact between them and the outside world.<sup>48</sup> This was evident at the recent enthronement of the 7th Aalok Gunthang at Labrang Tashikyil Monastery in Amdo. The authorities reportedly "strongly interfered" in his selection in 2004 and his enthronement was carried out under strict surveillance with over 1000-armed soldiers deployed in and around the monastery premises.<sup>49</sup>

The authorities also maintained their refusal to reveal the whereabouts of the now 17-year-old 11th Panchen Lama, Gendun Choekyi Nyima, an important figure in Tibetan Buddhism. He disappeared over 11 years ago on 17 May 1995 shortly after recognition by the Dalai Lama and, much to the authorities' annoyance, has been termed "the world's youngest political prisoner".<sup>50</sup> During 2006, the authorities stepped up their efforts at promoting Gyaltzen Norbu, the boy officially appointed as Panchen Lama after Gendun Choekyi Nyima's disappearance.<sup>51</sup> They also pressurized monks to sign statements pledging allegiance to him, urged Communist Party members to support him and continued to ban pictures of the Dalai Lama-appointed Panchen Lama who the overwhelming majority of Tibetans recognize as the true Panchen Lama.<sup>52</sup> Because of the official ban, display of portraits of Gendun Choekyi Nyima is not seen in monasteries and individual homes. Showing a strong silent protest, Tibetans do not display pictures of Gyaltzen Norbu either to show their allegiance to the Dalai Lama's appointment. As a mark of devotion to the Panchen Lama, Tibetans instead display pictures of the late 10<sup>th</sup> Panchen Lama who passed away in 1989.

The international community continued to pressure the Chinese authorities in relation to the whereabouts of Gendun Choekyi Nyima in 2006 but without success. In November 2005, the UN Committee on the Rights of the Child recommended that an independent expert be allowed to confirm his well being<sup>53</sup> after receiving information from the Chinese authorities confirming he was an ordinary Tibetan child who was “living a normal, healthy life in China”.<sup>54</sup> In April 2006, a senior Canadian official made an unsuccessful attempt to gain access to the Panchen Lama.<sup>55</sup> In a written statement to Reuters, the authorities claimed that the Gendun Choekyi Nyima was “no reincarnation of the Panchen Lama” but “just an ordinary boy” who “lives a normal happy life and is receiving a good cultural education”.<sup>56</sup> The issue was raised at the United Nations Working Group on Enforced or Involuntary Disappearances of the UN Commission on Human Rights in April 2006. The Working Group noted that its session “coincided with the 17th birthday of the Panchen Lama who disappeared when he was only 6 years old” and indicated that it “would appreciate being provided by the Government of China with documents supporting its statement that he and his parents had appealed to the Government for protection and were ‘leading normal lives and enjoying perfect health.’”<sup>57</sup> The issue was further raised at the UN Human Rights Council in September 2006, when a group of nine NGOs expressed their deep concern about the disappearance of the Panchen Lama and his parents,<sup>58</sup> and by the European Parliament which expressed its concern over the situation in Tibet, and in relation to the Panchen Lama in particular, after the visit of the President to Beijing, Lhasa and Shanghai in July 2006.<sup>59</sup> The European Parliament also expressed its support for the recommendation of the UN Committee on the Rights of the Child.<sup>60</sup>

In April 2006, China hosted the World Buddhist Forum, its first international religious forum since

the founding of the People’s Republic of China. The forum was reported to have been timed “to coincide with the Christian festival of Easter...apparently to send a message of China’s greater religious tolerance to [the] church-going U.S. President...ahead of his summit with Chinese President Hu Jintao” later in April<sup>61</sup> and was denounced as “‘cynical propaganda’ aimed at sugarcoating religious repression in Tibet”.<sup>62</sup> The Dalai Lama was not invited to the forum and it was claimed by the Vice President of the Chinese Religious Culture Communication Association, Qi Xiaofei, that this was because he would “pose a really disharmonious note to the general harmonious tone of the forum”.<sup>63</sup> The Chinese authorities made its choice of Panchen Lama the figurehead of what was reported to be a “carefully scripted forum”<sup>64</sup> and he gave a speech in which he said that “Defending the nation and working for the people is a solemn commitment Buddhism has made to the nation and society”.<sup>65</sup> It was reported, however, that he appeared to be shunned by delegates at the forum.<sup>66</sup> Beijing’s desperate attempt to promote its choice of Panchen Lama and the politicization of the institution is known thoroughly by the conferees. The absence of the Dalai Lama, a world statesman and considered the ultimate authority on Buddhism, is noted by the international community and thus the validity of the World Buddhist Forum became questionable.

## **arrest and detention of religious personnel**

To date, the number of known political prisoners in Tibet is 116, 70 per cent of whom are monks or nuns and there have been 26 known arrests in 2006, which are documented in Appendix 2 in this report.<sup>67</sup> Just as the majority of known Tibetan political prisoners are monks or nuns, a large number of those who are known to have been arrested or sentenced for political reasons in Tibet in late 2005 or early

2006, generally in connection with pro-independence activities, are monks and nuns. Given the possible consequences of such activity in terms of arrest and detention, this is undoubtedly an evidence of the desperation felt by religious personnel at the stranglehold under which they are forced to live in attempting to practice their religious activities.

Monks and nuns who are known to have been arrested in 2006 or arrested in previous years and sentenced in late 2005 or 2006 have been listed in the chapter on civil and political rights. Detailed accounts of the type of ill-treatment suffered by those who are arrested and detained for political reasons only rarely emerge given the repressive situation in China. However, a number of former political prisoners managed to escape Tibet in 2006 and from their testimonies and the report of the UN Rapporteur on Torture and Inhuman and Degrading Treatment, Manfred Nowak, which is discussed in further detail in the chapter on civil and political rights, it is clear that the use of torture against political prisoners and denial of the right to practice their religion is widespread. Nowak in his report on the mission to China concluded that

the combination of deprivation of liberty as a sanction for the peaceful exercise of freedom of expression, assembly and religion, with measures of re-education through coercion, humiliation and punishment...constitutes a form of inhuman or degrading treatment or punishment... incompatible with the core values of any democratic society based upon a culture of human rights.<sup>68</sup>

He also highlighted how persons convicted of political offences are not allowed to practice their religion.<sup>69</sup>

Three of the 'singing nuns',<sup>70</sup> Phuntsok Nyidron, Rinzin Choekyi and Lundrup Sangmo managed to

leave Tibet this year.<sup>71</sup> While Phunstok arrived in the United States on medical parole in March 2006, the later two undertook the arduous journey through the Himalaya and reached Dharamsala in north India in May 2006. Phuntsok Nyidron testified before the UN Sub-Commission on the Promotion and Protection of Human Rights on 14 August 2006. She related how she was sentenced to 9 years' imprisonment after taking part in a peaceful demonstration in support of the Dalai Lama and Tibetan independence in 1989. This sentence was extended by a further 8 years after she recorded songs in support of the Dalai Lama and Tibetan independence in 1993. She confirmed that political prisoners are subjected to "severe inhuman torture" and routinely denied medical treatment. She also confirmed that after being released from prison, "Tibetan political prisoners were bound by chains of suffering" as they were not allowed to rejoin their religious institutions, were continually kept under surveillance and had to seek permission from the authorities if they wished to leave their locality.<sup>72</sup> Similar testimony was provided by the other two nuns who escaped into exile and reached Dharamsala in June 2006. Rinzin Choekyi, who served a total of 12 years in prison, confirmed that during interrogation, officials used electric batons, dog bites and kicking and hitting as methods of torture and that she was subjected to "severe physical as well as mental torture";<sup>73</sup> whilst Lhundrup Sangmo, who served a total of 9 years in prison, related how she and others were subjected to "severe inhuman torture" and "unthinkable torture and beatings" during interrogation and at other times.<sup>74</sup>

## **the violation of human rights through the control of religion**

It is impossible for us to detail every violation of religious rights in Tibet during 2006 given the sheer number involved and also because of the difficulty



in obtaining comprehensive information about the situation throughout Tibet given the level of repression there. Serious violations which have occurred but which are not detailed above include, for instance, the authorities banning prayer flags in one area of Tibet;<sup>75</sup> government officials being warned not to attend Saka Dawa prayer ceremonies under threat of being denied their wages;<sup>76</sup> and an outright ban on Tibetan civil servants of all ranks “attending any religious ceremony or...entering a temple or monastery”.<sup>77</sup> As is therefore clear from the above and despite the Chinese authorities’ claims that freedom of religion is respected, there is widespread and worsening violation of religious rights in Tibet.

As discussed above, China recognizes freedom of religion as contained in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) to be a basic human right. Article 18 of both of these instruments guarantees to everyone the right to freedom of thought, conscience and religion and the freedom to manifest his or her religion or belief in teaching, practice, worship and observance. This right is also contained in the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

The ICCPR distinguishes the freedom of thought, conscience, religion or belief in Article 18(1) from the freedom to manifest religion or belief in Article 18(3). The former is unconditional, whilst the latter is subject to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. The Human Rights Committee of the United Nations has confirmed that the fundamental character of these freedoms is reflected in the fact that Article 18 of the ICCPR cannot be derogated from even in times of public emergency.<sup>78</sup> It has also confirmed that the freedom to manifest

religion or belief in worship, observance, practice and teaching encompasses a broad range of acts including:

ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including ...the display of symbols, and the observance of holidays and days of rest...acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.<sup>79</sup>

The restrictions in Article 18(3) “must not be applied in a manner which would vitiate the rights guaranteed in Article 18...are not allowed on grounds not specified... [and must be] directly related and proportionate to the specific need on which they are predicated”.<sup>80</sup> The Human Rights Committee has also stipulated “Persons already subject to certain legitimate constraints, such as prisoners, continue to enjoy their rights to manifest their religion...”<sup>81</sup>

The Chinese authorities effectively banned pictures of the Dalai Lama and suppressed any activities venerating him. The monks, nuns and others have been ordered to renounce him as the spiritual leader of Tibetan Buddhism and sought to control the process through which religious leaders are appointed and educated (even going so far in 2005 as to assert that they would choose the next Dalai Lama).<sup>82</sup> Controlling religious institutions and the activities carried out therein through the so-called patriotic education and the Regulations on Religious Affairs whereby religious personnels are unable to properly pursue their religious studies are clear violations of international human rights law which China claims it recognizes and respects. This was also the conclusion of the United States Commission on

Religious Freedom which found that

Policies enforced by Chinese officials that restrict human rights in order ostensibly to protect 'national unity' or 'national security' exceed those restrictions permitted under international standards<sup>83</sup>

## conclusion

2006 was marked by an escalation of religious repression in Tibet as the Chinese authorities sought to further tighten their grip on religious institutions and the religious practice of religious personnel and other sections of the population.

The scope of 'normal religious activity' continues not to be clearly defined in the Chinese constitution and also in the new Religious Affairs Regulations. Arrests, closures and expulsions from monastic institutions are bound to continue under the provision for activities not being 'normal'. With Zhang Qingli at the helm of power in Tibet, religious repression looks to continue on the same scale in the coming years if not worsen in view of his attitude of 'fight to death' against the Dalai Lama and a five year political plan to stem out "separatism" from Tibet. 2007 will be harder for the Tibetans especially the monastic community in light of the new "TAR" - specific religious affairs regulations in addition to the regulations earlier promulgated by the State Council. As long as there is repression of what the Chinese authorities accept to be the basic human right to freedom of religion, there will be resistance and the perpetuation of this cycle of human rights violations.

## endnotes

- 1 A description of the 'Patriotic Education' campaign is given in "Strike Hard" Campaign: China's crackdown on political dissidence, pg 22, 2005, available at [http://tchr.org/publications/topical\\_reports/strike\\_hard-2004/strike\\_hard-2004.pdf](http://tchr.org/publications/topical_reports/strike_hard-2004/strike_hard-2004.pdf) 'The main aim of the patriotic education campaign in Tibetan areas, which reached even the most remote monasteries and nunneries, is to tighten Party control over religion and undermine the influence of the Dalai Lama in society and religious institutions. A sub campaign 'love your country, love your religion' underlines the basic message of the campaign - that loyalty to the state is pre-requisite to being a good monk or nun'.
- 2 Session document Final A6-0257/2006 20.7.2006 Report on EU-China Relations (2005/2161(INI)), Committee on Foreign Affairs Rapporteur: Bastiaan Belder available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2006-0257+0+DOC+PDF+V0//EN&language=EN>
- 3 *Human Rights Annual Report 2006*, United Kingdom Foreign and Commonwealth Office, October 2006, available at [http://www.fco.gov.uk/Files/kfile/hr\\_report2006.pdf](http://www.fco.gov.uk/Files/kfile/hr_report2006.pdf), pg 19.
- 4 *International Religious Freedom Report 2006*, U.S. State Department Bureau of Human Rights, Democracy and Labor, released 15 September 2006, available at <http://www.state.gov/g/drl/rls/irf/2006/71338.htm#tibet>
- 5 Announcement made on the 13 November 2006 at a press briefing in Washington, D.C., by Ambassador-at-Large for International Religious Freedom, John V. Hanford III. See "United States Redesignates China Serious Violator of Religious Freedom", Tibet News, International Campaign for Tibet, 14 November 2006, available at <http://www.savetibet.org/news/newsitem.php?id=1060>
- 6 Second periodic report of States parties due in 1997:China. UN Doc.CRC/C/83/Add.9 (State Party Report), 15 July 2005, para 73
- 7 Article 1(3) of the UN Charter says that one of the purposes of the United Nations is to 'achieve international co-operation in ....promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.'
- 8 Article 18 of the *Universal Declaration of Human Rights* says 'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.'

- 9 Article 18 of the *International Covenant on Civil and Political Rights* says ‘1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice or teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedom of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions’. Article 27 of the *International Covenant on Civil and Political Rights* says ‘In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.’
- 10 Part II of the Declaration says ‘26. The World Conference on Human Rights urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities. 27. Measures to be taken include facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country.’
- 11 Ibid
- 12 *Annual Report of the United States Commission on International Religious Freedom, May 2006*, available at <http://www.uscirf.gov/countries/publications/currentreport/index.html>, p. 32.
- 13 Ibid
- 14 Saka Dawa: The 15th day of the 4th month on the Tibetan lunar calendar; the day of Buddha’s birth, enlightenment, and death.
- 15 Gaden Ngamchoe: Day of passing of great master Je Tsongkhapa’s (1357-1419) which falls on the 25th of the tenth month of the Tibetan Lunar calendar. Je Tsongkhapa founded the Gelug tradition (yellow hat school) of Tibetan Buddhism.
- 16 *Lhasa Evening News*, pg 2, 12 December 2006
- 17 *International Religious Freedom Report 2006*, U.S. State Department Bureau of Human Rights, Democracy and Labor, released 15 September 2006, available at <http://www.state.gov/g/drl/rls/irf/2006/71338.htm#tibet>
- 18 See, for instance, *Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution 1994/18, UN Doc E/CN.4/1995/91, (22 December 1994), 133 which says “The Special Rapporteur noted the extremely devout attitude perceptible in Tibet...This factor must be taken into account when analysing the religious situation in Tibet.” See also *Annual Report of the United States Commission on International Religious Freedom*, May 2006, available at <http://www.uscirf.gov/countries/publications/currentreport/index.html>, p. 23 in which the Commission recognized religion as an important aspect of ethnic identity for Tibetans.
- 19 *International Religious Freedom Report 2006*, U.S. State Department Bureau of Human Rights, Democracy and Labor, released 15 September 2006, available at <http://www.state.gov/g/drl/rls/irf/2006/71338.htm#tibet>
- 20 Ibid, p. 23
- 21 Ibid, p. 24
- 22 See Chapter on Civil and Political Rights
- 23 “”3/14”, the new TAR party secretary, a “last ditch-struggle” and “the heads of monks and nuns””, Update, *TibetInfoNet*, 31 May 2006 available at <http://www.tibetinfonet.net/content/update/20>
- 24 “Dalai Lama unworthy of religious leader: Tibetan official”, *Xinhua*, Lhasa, 8 August 2006, available at [http://news.xinhuanet.com/english/2006-08/09/content\\_4937478.htm](http://news.xinhuanet.com/english/2006-08/09/content_4937478.htm)
- 25 “TAR Party Secretary calls for tighter control of monasteries”, *TibetInfoNet Tibet News Digest*, 21 June 2006 available at <http://www.tibetinfonet.net/content/news/10213>
- 26 “Defamation campaign against the Dalai Lama raised at UN”, *Phayul, TibetInfoNet Tibet News Digest*, 22 September 2006, available at <http://www.tibetinfonet.net/content/news/33>
- 27 *Annual Report of the United States Commission on International Religious Freedom*, May 2006, available at <http://www.uscirf.gov/countries/publications/currentreport/index.html> pp. 23-24.
- 28 “China: A Year After New Regulations, Religious Rights Still Restricted. Arrests, Closures, Crackdowns Continue”, *Human Rights Watch*, 1 March 2006 available at <http://hrw.org/english/docs/2006/03/01/china12740.htm> This article cites examples of the expulsion of monks and nuns.
- 29 “”3/14”, the new TAR party secretary, a “last ditch-struggle” and “the heads of monks and nuns””, Update, *TibetInfoNet*, 31 May 2006 available at <http://www.tibetinfonet.net/content/update/20>
- 30 The ‘Strike-Hard’ campaign was introduced in Tibet in 1996 with the aim of stifling political dissent. For discussion of the campaign see “Strike Hard” Campaign: China’s crackdown on political dissidence, *TCHRD*, available at [http://tchrd.org/publications/topical\\_reports/strike\\_hard-2004/strike\\_hard-2004.pdf](http://tchrd.org/publications/topical_reports/strike_hard-2004/strike_hard-2004.pdf)
- 31 “People’s Republic of China high on renewing campaigns against peaceful Tibetan dissidents”, press release, *TCHRD*, 17 May 2006, available at <http://www.tchrd.org/press/2006/pr20060517.html>
- 32 “Zhang Qingli “elected” TAR party chief”, Update, *TibetInfoNet*, 31 October 2006 available at <http://>

- www.tibetinfonet.net/content/update/35
- 33 “Patriotic re-education” and fate of monk” *Human Rights Update*, TCHRD, August 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200608.html#monk](http://www.tchrd.org/publications/hr_updates/2006/hr200608.html#monk)
- 34 “Patriotic re-education campaign in Podo Monastery” *Human Rights Update*, TCHRD, June 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200606.html#Podo](http://www.tchrd.org/publications/hr_updates/2006/hr200606.html#Podo)
- 35 *International Religious Freedom Report 2006*, U.S. State Department Bureau of Human Rights, Democracy and Labor, released 15 September 2006, available at <http://www.state.gov/g/drl/rls/irf/2006/71338.htm#tibet>
- 36 “Fleeing a Tibetan Monastery”, *BBC News*, 27 April 2006, available at <http://news.bbc.co.uk/1/hi/world/asia-pacific/4946414.stm>
- 37 “Beijing pledges ‘a fight to the death’ with Dalai Lama”, *Times online*, 14 August 2006, available at <http://www.timesonline.co.uk/article/0,,25689-2312796,00.html>
- 38 “China Tightening Control Over Tibet Even Amid Talks, party Moves to Curb Influence of Dalai Lama” *Washington Post*, 5 August 2006, available at [http://www.washingtonpost.com/wp-dyn/content/article/2006/08/04/AR2006080401471\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2006/08/04/AR2006080401471_pf.html)
- 39 See, for instance, *Human Rights Annual Report 2006*, United Kingdom Foreign and Commonwealth Office, October 2006, available at [http://www.fco.gov.uk/Files/kfile/hr\\_report2006.pdf](http://www.fco.gov.uk/Files/kfile/hr_report2006.pdf), 19; the report adopted by the European Parliament: Session document Final A6-0257/2006 20.7.2006 Report on EU-China Relations (2005/2161(INI), Committee on Foreign Affairs Rapporteur: Bastiaan Belder available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2006-0257+0+DOC+PDF+V0/EN&language=EN>
- 40 “Defamation campaign against the Dalai Lama raised at UN”, *Phayul, TibetInfoNet Tibet News Digest*, 22 September 2006, available at <http://www.tibetinfonet.net/content/news/33>
- 41 *International Religious Freedom Report 2006*, U.S. State Department Bureau of Human Rights, Democracy and Labor, released 15 September 2006, available at <http://www.state.gov/g/drl/rls/irf/2006/71338.htm#tibet>
- 42 *Annual Report of the United States Commission on International Religious Freedom*, May 2006, available at <http://www.uscirf.gov/countries/publications/currentreport/index.html> p. 25.
- 43 The view reported by “TAR” Vice Chairman Jagra Lobsang Tenzin to a meeting of “TAR” officials on 17 January 2005, according to a Chinese Government website, *International Religious Freedom Report 2006*, U.S. State Department Bureau of Human Rights, Democracy and Labor, released 15 September 2006, available at <http://www.state.gov/g/drl/rls/irf/2006/71338.htm#tibet>
- 44 (in Kardze “Tibetan Autonomous Prefecture”, Sichuan Province) *Ibid*
- 45 *Annual Report of the United States Commission on International Religious Freedom*, May 2006, available at <http://www.uscirf.gov/countries/publications/currentreport/index.html> p. 107.
- 46 “China: A Year After New Regulations, Religious Rights Still Restricted. Arrests, Closures, Crackdowns Continue”, *Human Rights Watch*, 1 March 2006 available at <http://hrw.org/english/docs/2006/03/01/china12740.htm>
- 47 “Implementation of the new Tibet Autonomous Region religious affairs regulations in new year”, <http://www.chinatibetnews.com/GB/channel2/24/200612/21/57538.html>, 29 Dec 2006
- 48 *International Religious Freedom Report 2006*, U.S. State Department Bureau of Human Rights, Democracy and Labor, released 15 September 2006, available at <http://www.state.gov/g/drl/rls/irf/2006/71338.htm#tibet>
- 49 “7th Aalak Gunthang Enthroned in Tibet under strict Chinese surveillance”, *Phayul*, 14 November 2006, available at <http://www.phayul.com/news/article.aspx?id=14664&t=1&c=1>
- 50 See “World’s Youngest Political Prisoner Turns Seventeen”, Reuters, *Washingtonpost.com*, 23 April 2006, Beijing, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/23/AR2006042301349.html> and “China says boy not political prisoner”, Reuters, 28 April 2006, Beijing, available at [http://chinadigitaltimes.net/2006/04/china\\_says\\_tibetan\\_boy\\_not\\_political\\_prisoner\\_reuters.php](http://chinadigitaltimes.net/2006/04/china_says_tibetan_boy_not_political_prisoner_reuters.php),
- 51 See, for instance, “China steps up exposure of 11th Panchen Lama”, *Press Trust of India, ptinews.com, Canada Tibet Committee, World Tibet Network News*, 25 September 2006, available at [http://www.tibet.ca/en/wtnarchive/2006/9/26\\_1.html](http://www.tibet.ca/en/wtnarchive/2006/9/26_1.html)
- 52 *International Religious Freedom Report 2006*, U.S. State Department Bureau of Human Rights, Democracy and Labor, released 15 September 2006, available at <http://www.state.gov/g/drl/rls/irf/2006/71338.htm#tibet>
- 53 Concluding observations (unedited version) China, Hong Kong (China), Macau (China), UN Doc. CRC/C/15/Add.271 (Concluding observations/comments), 30 September 2005, para 45 (e).
- 54 Summary Record of the 1064th Meeting: China, UN Doc. CRC/C/SR.1064, 3 October 2005, para 11.
- 55 “World’s Youngest Political Prisoner Turns Seventeen”, Reuters, *Washingtonpost.com*, 23 April 2006, Beijing, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/23/AR2006042301349.html>
- 56 “China says boy not political prisoner”, Reuters, 28 April 2006, Beijing, available at [http://chinadigitaltimes.net/2006/04/china\\_says\\_tibetan\\_boy\\_not\\_political\\_prisoner\\_reuters.php](http://chinadigitaltimes.net/2006/04/china_says_tibetan_boy_not_political_prisoner_reuters.php)
- 57 “Un Expert Group Discussed the Case of Panchen Lama”, *Phayul, Canada Tibet Committee, World Tibet Network News*, 2 May 2006, available at [http://www.tibet.ca/en/wtnarchive/2006/5/2\\_2.html](http://www.tibet.ca/en/wtnarchive/2006/5/2_2.html)
- 58 Human Rights Council Second Session Summary Record of the 3rd Meeting Held at the Palais des Nations, Geneva, on Tuesday, 19 September 2006, UN Doc. GENERAL A/HRC/2/SR.3 3 October 2006.
- 59 “EP President remains concerned about Tibet at the end of China visit”, *Human Rights Update*, TCHRD, July 2006,



- available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200607.html](http://www.tchrd.org/publications/hr_updates/2006/hr200607.html) - EP
- 60 Session document Final A6-0257/2006 20.7.2006 Report on EU-China Relations (2005/2161(INI)), Committee on Foreign Affairs Rapporteur: Bastiaan Belder available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2006-0257+0+DOC+PDF+V0/EN&language=EN>
- 61 “China marks post-1949 first with Buddhist forum”, *Reuters, Phayul.com*, 12 April 2006, available at <http://www.phayul.com/news/article.aspx?id=12324&t=1&c=1>
- 62 “Rights groups denounce Chinese Buddhism forum as ‘cynical propaganda’”, AP, Hangzhou, China, 14 April 2006, *World Tibet Network News*, available at [http://www.tibet.ca/en/wtnarchive/2006/4/14\\_2.html](http://www.tibet.ca/en/wtnarchive/2006/4/14_2.html)
- 63 “Dalai Lama’s presence at Buddhist forum disharmonious”, Xinhua, Hangzhou, 12 April 2006, *World Tibet Network News* available at [http://www.tibet.ca/en/wtnarchive/2006/4/13\\_4.html](http://www.tibet.ca/en/wtnarchive/2006/4/13_4.html)
- 64 “Rights groups denounce Chinese Buddhism forum as ‘cynical propaganda’”, AP, Hangzhou, China, 14 April 2006, *World Tibet Network News*, available at [http://www.tibet.ca/en/wtnarchive/2006/4/14\\_2.html](http://www.tibet.ca/en/wtnarchive/2006/4/14_2.html)
- 65 “Panchen Lama Makes Rare Public Appearance”, AP, Hangzhou, China, 13 April 2006, *World Tibet Network News* available at [http://www.tibet.ca/en/wtnarchive/2006/4/13\\_5.html](http://www.tibet.ca/en/wtnarchive/2006/4/13_5.html)
- 66 “China hosts first Buddhist forum”, *BBC News*, 13 April 2006 available at <http://news.bbc.co.uk/2/hi/asia-pacific/4905140.stm>
- 67 The Congressional– Executive Commission on China (CECC) reported that at the time of their annual report the number of known political prisoners was 107, 70 percent of whom were monks or nuns. See “Official Information Confirms Sentence for Tibetan Nun Who Put Up Posters”, CECC, available at <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingl=77963>
- 68 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Manfred Nowak, Mission to China, UN Doc. E/CN.4/2006/6/Add.6, 10 March 2006, Summary.
- 69 Ibid para 67.
- 70 The ‘singing nuns’ are a group of 14 nuns who, whilst political prisoners in Drapchi Prison in 1993, recorded songs eulogizing the Dalai Lama, calling for the independence of Tibet and describing the situation of political prisoners in Tibet and had their prison sentences extended as a result. Details provided by Phuntsok Nyidron in her testimony to the UN Sub-Commission on the Promotion and Protection of Human Rights on 14 August 2006– see “Testimony of Phuntsok Nyidron before human rights expert body”, *Human Rights Update*, TCHRD, August 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200608.html#expert](http://www.tchrd.org/publications/hr_updates/2006/hr200608.html#expert)
- 71 “Phuntsok Nyidron arrives in the U.S. days ahead of President Hu’s visit”, *Human Rights Update*, TCHRD, March 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200603.html#Phuntsok](http://www.tchrd.org/publications/hr_updates/2006/hr200603.html#Phuntsok) “Drapchi singing nun’ Rinzin Chokey arrives in exile” *Human Rights Update*, TCHRD, ‘ May 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200605.html#Rinzin](http://www.tchrd.org/publications/hr_updates/2006/hr200605.html#Rinzin) and “Lhundrup Sangmo, one of the ‘Drapchi 14 singing nuns’ in exile”, *Human Rights Update*, TCHRD, July 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200607.html#Sangmo](http://www.tchrd.org/publications/hr_updates/2006/hr200607.html#Sangmo)
- 72 “Testimony of Phuntsok Nyidron before human rights expert body”, *Human Rights Update*, TCHRD, August 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200608.html#expert](http://www.tchrd.org/publications/hr_updates/2006/hr200608.html#expert)
- 73 “‘Drapchi singing nun’ Rinzin Chokey arrives in exile” *Human Rights Update*, TCHRD, ‘ May 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200605.html#Rinzin](http://www.tchrd.org/publications/hr_updates/2006/hr200605.html#Rinzin)
- 74 “Lhundrup Sangmo, one of the ‘Drapchi 14 singing nuns’ in exile”, *Human Rights Update*, TCHRD, July 2006, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200607.html#Sangmo](http://www.tchrd.org/publications/hr_updates/2006/hr200607.html#Sangmo)
- 75 “The Panchen Lama’s 17th birthday: more control of religion in Tibet, ban on prayer-flags in one Tibetan area”, *Tibet News, International Campaign for Tibet*, 25 April 2006, available at <http://www.savetibet.org/news/newsitem.php?id=959>
- 76 “Tibetans warned against taking part in Saka Dawa Prayer Ceremonies”, *Human Rights Update*, May 2006, TCHRD, available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200605.html](http://www.tchrd.org/publications/hr_updates/2006/hr200605.html) - Saka
- 77 “Beijing pledges ‘a fight to the death’ with Dalai Lama”, *Times online*, 14 August 2006, available at <http://www.timesonline.co.uk/article/0,,25689-2312796,00.html>
- 78 General Comment no. 22: The right to freedom of thought, conscience and religion (Article 18), 30 July 1993, CCPR/C/21/Rev.1/Add.4, para 1, available at [http://www.unhcr.ch/tbs/docs/nsf/\(Symbol\)/9a30112c27d1167cc12563ed004d8f15?OpenDocument](http://www.unhcr.ch/tbs/docs/nsf/(Symbol)/9a30112c27d1167cc12563ed004d8f15?OpenDocument).
- 79 Ibid para 4.
- 80 Ibid para 8.
- 81 Ibid
- 82 *Human Rights Watch World Report 2006*, Events of 2005, January 2006, available at <http://hrw.org/wr2k6/wr2006.pdf>, p. 251.
- 83 *Annual Report of the United States Commission on International Religious Freedom*, May 2006, available at <http://www.uscirf.gov/countries/publications/currentreport/index.html> p. 25.



# EDUCATION IN TIBET

*“Education for all is important for three reasons. First, education is a right. Second, education enhances individual freedom. Third, education yields important development benefits.”*<sup>1</sup>

John Daniel,

UNESCO’s Assistant Director-General for Education

## introduction

The right to education can be characterized as ‘empowerment right’ which provides the individual with control over his or her life and the power to interact meaningfully in his or her community. Education, whilst constituting a human right in itself, is also a precondition for the enjoyment of other human rights. The individual’s right to education is central to a State’s right to develop. With equal access to education, comes in theory, an equal access to resources, opportunities, and empowerment; it follows that with the aggregate of such individual advancement comes national progress. Furthermore, the enjoyment of many civil and political rights, such as freedom of information and expression, requires a minimum level of education, which includes literacy. Similarly, many economic, social and cultural rights, such as right to work, to receive equal pay for equal work and to have equal access to public representation, can only be exercised in a meaningful way once the individual has had access to a basic education.<sup>2</sup>

However in Tibet, many Tibetan children are being deprived of access to basic education, a basic human right as enshrined in the Universal Declaration of Human Rights (UDHR) where “everyone has the right to education and education shall be provided free of cost at least in the elementary and fundamental stages”.<sup>3</sup> Due to lack of school

availability in rural Tibet, and in some case exorbitant fees charged by school and government authorities, deprived many Tibetan children from accessing basic education. A few education opportunities available to Tibetan were only meant to indoctrinate the mind of Tibetan children with communist political ideology.

The aim of school education is to develop the children’s ability to function in society, and thereby raise the level of competence of society for all people. Ironically, China is using education as a tool to further tighten its hold on Tibet by laying down several preconditions in getting admission in high school. The education policy of the People’s Republic of China (PRC) is designed to inculcate love for “communism” and the “motherland” and demands the denunciation of the Dalai Lama and his “clique” in exile.

## international and domestic legal obligations

The People’s Republic of China (PRC), as a member of the United Nation, is a state party to a number of international treaties and covenants that uphold the right to education without discrimination. China has signed and ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of

the Child (CRC). It has also signed, though not ratified, the International Covenant on Civil and Political Rights (ICCPR). As such, China is obliged to ensure that no individual is deprived of the right to education.

All these international treaties and covenant state the right to education for every human being, irrespective of nationality, race, caste, religion and economic background. Moreover, ethnic minorities enjoy enhanced educational rights under international law. This is significant for Tibetan children as China classifies Tibetans as one of its fifty-five so called 'minority nationalities'. Educations also find special mention in the Articles 28 of United Nation Convention on the Rights of the Child (CRC), where state parties "recognize the right of the child to education", and urged the state parties to "make primary education compulsory and available free to all". "Encourage the development of different forms of secondary education" and "make secondary and higher education accessible to all on the basis of capacity".<sup>4</sup>

Chinese domestic law echoes the sentiments of the international treaties, and the Constitution obliges the State "to develop educational facilities of various types in order to wipe out illiteracy and provide political, cultural, scientific, technical and professional education to all the peoples of the State." It also requires that the government "make primary education compulsory and universal."<sup>5</sup> The Education Law of the People's Republic of China further adds that "all citizens of the People's Republic of China shall have the rights and obligation to receive education" and "regardless of ethnic group, race, sex and religious belief, shall enjoy equal opportunities for education".<sup>6</sup>

## **flawed education policy**

In 1993, China's Educational Reform and Development programme pledged that China would eliminate youth illiteracy, and ensure 9 years of compulsory education by 2000. In 2002, these goals had been realized in 91 percent of the national population and in 87 percent of all counties.<sup>7</sup> Illiteracy had been reduced to 9.1 percent in 2004 for those above 15 years old, a figure significantly below the global average.<sup>8</sup> The national figures are, however, misleading when considering the state of education and literacy in different Chinese provinces. Education standard vary widely throughout the country with western and predominantly rural provinces often failing to reap the benefits of the government's professed commitment to improving education. Literacy and school attendance in Tibet continue to fall well below the national average, prompting speculation that there is a government bias towards areas populated by Han Chinese.

Despite claims by the state-owned Chinese press that 94.7 percent of school-age children in Tibet were in school in 2004<sup>9</sup>, official statistics provide a less optimistic figure. The **Chinese Statistical Yearbook of 2004** reveals that 44.9 percent of people aged 6 and over in "TAR" had no schooling at all, and only 55.1 percent of the population enrolled in primary education, with 14.2 percent and 0.8 percent enrolling in secondary and tertiary education respectively. These figures represented a drop from 62 percent for primary education and 15.4 percent for secondary education in 2002, though the figures in tertiary education level remain more or less same. The Tibet Statistical Yearbook 2005, further reveal that number of primary schools dropped by 6 schools from 892 in 2003 to 886 in 2004, and increase in the number of secondary schools from 115 in 2003 to 120 in 2004, representing misplaced emphasis on further education in a state where access to elementary education is severely limited. However,

the numbers of Regular Institution of Higher Education number remain same at 4 from previous year.<sup>10</sup> The decline in expenditure on primary education has most affected the native Tibetan who belongs to rural region, where accessibility of education is still a major hurdle.

Illiteracy rates in Tibet continue to be the highest in China with a 54.86 percent against national average of 10.95 percent.<sup>11</sup> UNDP reported in 2005 that illiteracy rates in Tibet were 62.63 percent for women and 45.82 percent for men, compared to less than 7 percent in provinces such as Beijing, Shanghai and Tianjin. The gender discrepancy in Tibet is 16.81 percent, compared to 9.73 percent nationwide.<sup>12</sup> China's "Tibet Autonomous Region" plans to make nine-year compulsory education universal and to eliminate illiteracy among the young and middle-aged over the next decade<sup>13</sup> proved a complete failure. According to 2003 Human Development index<sup>14</sup> of different provinces in China, Tibet rank last in education index<sup>15</sup> with 0.478 while average Chinese education index is 0.819.<sup>16</sup>

### **state funding**

The poor standards of education and literacy in Tibet are influenced by a number of factors, the most significant being lack of funding. Government spending on education is fairly low as compared to international standards. Despite its goal set in 1985, that 4 percent of GDP will be spent on education by 2000, the proportion of funds spent on education was still only 3.4 percent in 2002, which is below their set goal and significantly lower than the international average.<sup>17</sup> China spent massively in building physical capital like railway, road and cities in Tibet and failed to invest in human capital which is main requirement for the acceleration of national development.

In 1980, over 75 percent of school funding was from the state, but in 2000 this had dropped to 54 percent only.<sup>18</sup> County governments give more support to secondary schools than to primary schools and the administration and financing of primary schools were placed under the responsibilities of township or village.

The devolved system of administration for Chinese schools means that costs on a local level are usually shared between local government and parents. Naturally, the expenditure on local education therefore depends on the financial capacity of the government and parents, so richer socio-economic areas have more disposable resources to support education. The logical conclusion to the situation in which richer areas can afford better education is that economic development becomes prerequisite to educational development, even though it is universally recognized that education is integral to the achievement of any such economic development. In a predominantly rural, poor area like Tibet with limited economic development, it should therefore be the responsibility of the state to provide funding for education, yet in Tibet this necessary governmental assistance is not forthcoming. Hence, many schools in Tibet face financial constraints and have difficulties in paying civil servants and teachers, and necessitates the reliance of many schools on extra-budgetary income, such as tuition fees.

A 23-year-old Tsewang Gyatso from Dartsedo County (Tib: Mi-Nyak), Kandze Tibetan Autonomous Prefecture ("TAP"), Sichuan Provinces, who attended 12 years of schooling in Tibet told TCHRD that, "We pay more than 2000 Yuans per session and two sessions were held annually. In our school, there were also children of Chinese officials and traders. Compared to Chinese, most Tibetan Childrens were financially poor, hence face the problem while sending their children to school."<sup>19</sup>

Tenzin Choezom, a 17-year-old girl from Chakri Village, Drachi Township, Drenang County, Lhoka Prefecture, “Tibet Autonomous Region” (“TAR”) has attended village elementary school for six years, but had to drop out from school due to family financial constraints. According to her,

My mother developed a serious ailment in her leg and we spent a lot of money for the treatment. By the time she was discharged from the hospital, we had paid an exorbitant amount for the treatment. Due to poor financial status of my family, I dropped out from the school. I went to Lhasa when I was 13 years old and worked in a Tibetan house as a maid till 2004. My duties include cleaning the house, washing clothes, baby sitting and helping in the kitchen.<sup>20</sup>

### **nine-year compulsory education**

Even the idea of compulsory education has been used by the government to harass Tibetan children and deprive them of access to real education. A superficial interpretation of the Education Law shows an admirable attempt to implement the recognized human right to education for all children. The Education Law of the PRC, requires government to “applies a system of nine-year compulsory education. People’s governments at all levels shall take various measures to guarantee school-age children and adolescents access to education. Parents and guardians of the Children shall have the obligation to ensure that school-age children and adolescents receive and complete compulsory education for the prescribed number of years.”<sup>21</sup>

Chinese authorities in order to implement the ‘1993 goal of universal nine-years compulsory education’ in Tibet, often forced Tibetan families to send their children to school and to pay fees that they cannot afford. This has become a system of schooling where

parents are punished and forced to send their children to schools that they cannot afford. The government is keen to meet its targets but is reluctant to commit the financial resources necessary, thus shifting the financial burden to families who can ill afford it. According to Tashi Dhondup from Nyalam County, Shigatse Prefecture, “TAR”,

All Tibetans were made to send their children to school irrespective of their financial situation under the ‘nine years compulsory education’ program. Many Tibetans who were unable to pay the fees were badly affected by the program. After complaints, the tuition fees were waived, but many students still couldn’t afford the costs of food and returned to their homes, at which point the county officials and PSB forced them to come back to school, where they were forced to pay fees in kind instead of cash. But in high school there was no system of fees waiving - we had to pay full fees irrespective of ones’ financial condition.<sup>22</sup>

This insufficient funding represents a violation of Article 13.2 (a)<sup>23</sup> of the ICESCR, as well as an infringement of the principles laid out in Article 8 (1) of the Declaration on the Right to Development, which upholds ‘equality of opportunity for all in their access to basic resources, education...’<sup>24</sup>

### **fees and “guangxi”**

The practice of charging fees is a big paradox to the ideals expressed in **Chinese Education Law**: “The State, in light of the characteristics and needs of the different minority ethnic groups, provides assistance to the development of educational undertakings in regions inhabited by the minority ethnic groups. The State shall support and assist the development of educational undertakings in the outlying and poverty-stricken areas”.<sup>25</sup>

**Article 56** additionally says that, “[t]he State Council and the people’s governments at or above the county level shall set up a special fund for education to be used mainly for assisting outlying and poverty-stricken areas and areas inhabited by minority ethnic groups in enforcing compulsory education there”.<sup>26</sup>

However many Tibetan students in Tibet were unable to continue their education due to exorbitant fees charged by school authorities. They drop out from schools and engage themselves in household chores and farming. A 20-year-old Tseten Bhum from Mangra County, Tsolho “Tibetan Autonomous Prefecture” (TAP), Qinghai Province told about the high fees charged by the authorities and its effect on native Tibetan.

I joined elementary school at Tharshul Township at the age of 7 and completed my six years studies. I attended Nationality Intermediate School in Mangra County at the age of 13 to 15. The fees at that time exceed 1000 Yuan. After finishing intermediate education, I joined Tsolho Teachers’ Training School in Tsolho “TAP”. The school authorities charged as much as 4000 Yuan per year as fees. Though the teaching training course was for four years, I could not continue my studies after two years, due to high fees. Since 60 percent of the Tibetan students in the school came from nomadic and farming background, they usually faced lots of problem in finding fees for their continuous education.<sup>27</sup>

Sonam Dorjee, from Yadze County, Qinghai Province, who came into exile in August 2006, to enroll his children to school administered by Tibetan Government in exile also told that, “Before coming into exile, my two childrens were studying at Wedho Intermediate Nationalities School. I have to pay 1200 Yuan per year for one children and 2400 Yuan for two childrens. As my children are staying in the

hostel, I myself have to arrange food for them. If my children finished the intermediate school and enroll for higher education, the fees per student are 1400 Yuan. And for the enrollment in university, the fees are as high as 40,000 Yuan per student for one year. Due to my inabilities to pay fees, I withdrew my two children from the school and brought them here to enroll in Tibetan schools in exile where they will get free and quality education”.<sup>28</sup>

In addition to tuition fees levied by national and district government or school, parent has to bear the indirect charges such as spending on uniform, stationary and other informal levies imposed by teacher. In some areas, parents were also made to pay additional fees to meet the salaries of teachers. The rate of Tibetan students dropping out of school is much higher than Chinese counterparts. The reason for the drop out was due to high fees rate and poor financial background of their parents. Education in Tibet has now become an exclusive right of few rich people. A 23-year-old Sonam Dhondup from Rebkong County, Malho “TAP”, Qinghai Province, said that, ‘he had to discontinue from school due to financial problem in his family.’<sup>29</sup>

For those families who cannot afford to pay school fees and costs, government stipends are sometimes available. However, poor families are often unable to utilise these funds because of the Chinese practice of *guanxi*.<sup>30</sup> Whilst *guanxi* is a traditional part of Chinese society, it is alien to Tibetan culture. *Guanxi* can lead to problems when it violates bureaucratic norms and encourages corruption. The government stipends of Article 56<sup>31</sup> are not automatic and must be requested by families. When making this request, families are often expected to offer bribes to the officials involved in providing the stipend, or need to have *guanxi* with officials. The use of bribe and *guanxi* in this context at worst prevents families from taking up the stipend at all, or at best adds to the financial problems of families specifically seeking financial help.



## **rural-urban disparity**

The situation regarding education in Tibet is compounded by the considerable discrepancy between urban and rural incomes. In 2005, the per capita GDP of the TAR was 6871 Yuan, but urban income was 19,891 Yuan compared to an average rural income of 3837 Yuan.<sup>32</sup> This income discrepancy has increased since China's transition to a market economy, which limited the guaranteed income for farmers. The fact that the vast majority of the Tibetan population (80 percent) live in rural areas and have low incomes in turn leads to limited resources. The education in urban areas is therefore considerably better than rural areas, and schools in Lhasa are generally better funded and administrated than their rural counterparts. The larger number of Chinese living in urban areas in Tibet also accounts for this.

### **rural areas**

Children in rural areas of Tibet do not usually attend full nine-year compulsory education required by the Education Law.<sup>33</sup> Students report that schools in rural areas are often at great distances from their homes. A 12-year-old Lobsang Dolkar, from Dzogang County, Chamdo Prefecture, "TAR" reported that, 'she had seven brothers and sisters and all of them did not attend any school due to unavailability of school in their village. The closet school is one hour's walk from her house. Very few people in her village attend the school. She did not go to school as it is not worth going over there and the students are also not taught well.'<sup>34</sup>

The conditions of the schools in rural Tibet are very abominable. There is no proper furniture and the buildings of the school are in dilapidated state. The school lacks basic amenities like proper drinking water and health care. An 18-year old Chung Tsering of Phenpo Lhundrup County reveal to TCHRD

about the 'lack of electricity and proper drinking water in his school. Many students in school suffer diarrhoea after consuming contaminated drinking water. And there is no any clinic and health care to take care about ailing students'.<sup>35</sup>

The quality of education is so poor that children and their families cannot justify the financial and temporal sacrifices necessary for the children to attend school. Many students only complete a few years of schooling, and return to their families to help parents with their nomadic or agricultural works. A 19-year old Tsering Phuntsok from Guru Township, Chamdo County told TCHRD about the state of education in his village. According to him,

Natives in my village prefer not to send their children to government school. The government gives education free up to elementary level, and began to charge fees from intermediate level onwards. However, the rates of fees keep increasing as the student go to the next grade. Higher the class, more the fees one has to pay. Moreover, the nature of teaching and content of the education is not good. Parents think that 'sending children to the government school is not beneficial for



**Learning in deprivation**

them' and prefer them working at farm. Moreover, parents always fear that by sending their children to government school, they will inherit Chinese way of living and the children will lose their Tibetan culture and identity. Thus, they withdraw their children from schools afterwards.<sup>36</sup>

Generally, Chinese government has not reached rural areas in improving the quality and accessibility of education. Most of the village schools are constructed by villagers themselves with their own labour and donation of money or livestock. Students are required to pay fees to support the salaries of the teachers, materials for the students and basic administration of the schools. The teachers and classrooms are limited in these schools and the teachers are not well qualified to teach and were all sub standard. Most of the schools in rural Tibet do not meet the minimum requirement set by Education Law of PRC, where qualified teachers; teaching and learning rooms and fund necessary for operation of the school are required for the establishment of school and other educational institution.<sup>37</sup> A 9-year old recent escapee, Jamyang Sherab from Tsawa Pangda, Pashod County, Chamdo Prefecture, "TAR" reveal to TCHRD that,

In my school we have many Chinese teachers who also run restaurant simultaneously. They rarely devote time for their teaching job. They just roam around and then go back to their restaurant. I did not learn anything from them. We also have some Tibetan teachers, but they also care very little about students. The Chinese teachers taught exclusively in Chinese. I could not understand what the teachers said. Due to poor education standard in our region, my parents decided to send me to India for better education.<sup>38</sup>

## urban areas

The schools in cities like Lhasa are generally better funded and better administrated than rural schools. Schools in urban areas received more attention by the government and much of this can be correlated with the fact that the numbers of Chinese living in these areas are significantly higher than more impoverished rural areas. Students who have attended schools in urban areas report that their school are satisfactorily furnished and staffed. However, the disparity between treatment of Chinese and Tibetan students becomes a type of economic discrimination that is, in practice, tied to students' ethnic background. There are number of report from recent escapees which state that, 'Tibetan students were subject of discrimination in school by Chinese teachers. They were treated as dumb and were sometimes abused by the Chinese teachers as well as by Chinese students'. A 22 year old, Tashi Dhondup from Nyalam County, Shigatse Prefecture, "TAR", who attended 12 years of schooling in Tibet told TCHRD that,

We have Tibetan as well as Chinese teachers in our school. The attitudes of the Chinese teachers towards Tibetan students are not good. Tibetan students were treated as a backward and dumb. A math teacher who is a Chinese burst in the class that 'Tibetans are pigs'. We took the matter with school authorities and ask for his replacement by a Tibetan. But school authorities rejected our demand and told us to adjust with him.<sup>39</sup>

In urban areas, students have to pay fees even for elementary school, however, the fees depend on the possession of Household Registration Card [Ch. Hukou]. The fees for students having household registration card are greatly reduced. Kelsang from Lhasa reported that, "her family having a household

registration card paid only 200 Yuan per school session. However, those students without registration cards have to pay 700 Yuan per session. The families that do not have household registration cards are normally nomads and/or those who come from remote areas like Kham and Amdo. Chinese migrant can easily secure card by buying house or through bribe".<sup>40</sup>

Students in "TAR" who have household registration cards are also entitled to study in better school in mainland China, after passing elementary school. However, a mere technical or clerical error in registration card can prohibit student from securing this opportunity. Kelsang, was reportedly 'denied an opportunity to study in mainland China, as her date of birth was written incorrectly in her household registration card'.<sup>41</sup> The importance of accuracy in documentation cannot be denied. However, there is evidence that the bureaucratic system is being used to deny student of a certain economic and ethnic group access to education, and subsequent access to higher education and employment.

Moreover, Chinese students in mainland China, secure through their family connection household registration card (*Ch: Hukou*) of "TAR" and sit in the exam for the seats which are meant for Tibetan students. This unfair practice by the Chinese deprives many Tibetans opportunities in education and employment and has negatively affected the Tibetan students from continuing their education. According to the information provided in Xinhua, the state-owned news agency of PRC, the head of research section of "TAR" Education Department, Mr. Lobsang Tsering, has revealed that 'after a joint investigation undertaken by Education Department and Security Department, they found 38 mainland Chinese students had sat for the entrance exam for Senior Secondary School by buying household registration card. All of the 38 Chinese students were

debarred from sitting in the examination'. Xinhua news agency further add that, 'these days many Chinese students from mainland China were making "TAR" household registration card and enrolling themselves in schools in the "TAR"'.<sup>42</sup>

## **content of education**

Those who do have access to education in Tibet often face a number of obstacles to learning: the syllabus is designed to inculcate a 'love of the motherland', so learning about traditional Tibetan culture and religion is disallowed, whilst the teaching of Communist ideology is a major priority. The "TAR" Party Secretary revealed the strategy of the Chinese government regarding education in Tibet during the "TAR" Conference on Education in 1994. He said,

The success of our education does not lie in the number of diplomas issued to graduates from universities, colleges, polytechnic schools and middle schools. It lies, in the final analysis, in whether our graduating students are opposed to or turn their hearts to the Dalai clique and in whether they are loyal to or do not care about our great motherland and the great socialist cause. This is the salient and the most important criteria for assessing right and wrong, and the contributions and mistakes of our educational work in Tibet.<sup>43</sup>

## **history, culture and religion**

Students report that mention of Tibetan history is non-existent or superficial at best in their history classes. Instead they are taught about Chinese military, political, and historical figures. The teaching of Tibetan culture and religion is disallowed due to the politicisation by the Chinese of a distinct Tibetan

identity: separate Tibetan consciousness is deemed to be dangerous, anti-Chinese and potentially extremist. Though Tibetan language schools do exist in the TAR and in other Tibetan provinces, the content of the syllabus continues to be heavily focused on Chinese history and Communist ideology to the exclusion of any mention of Tibet. This absence of the teaching of Tibetan culture and history in schools has led many Tibetans to seek education in exile, where they are free to learn about subjects relating to Tibet. One Tibetan refugee called Norzin from Golog Tibetan Autonomous Prefecture, Qinghai, recalled her experience of education under Chinese occupation.

I joined a Tibetan language school as I was not able to learn Tibetan language in Chinese schools. However, I was disillusioned to find that, we were taught only Chinese history, culture and politic, as well as the ideology of Karl Marx, Lenin and Mao Tse-tung, even in the Tibetan language school. The actual script of the books was in Tibetan, but there was no single mention of Tibet's history, culture and religion. As Buddhists, we Tibetan believe in life before and after death and the law of karma, but we were indoctrinated in school that, no such things exist. It was impossible to acquire knowledge of our own culture, history and custom in Tibet. We had no freedom or medium to study our own history and culture, so I opted to come into exile for a better education, where I could learn these things.<sup>44</sup>

The aim of education in Tibet was to indoctrinate socialist ideology into the mind of Tibetan children. The Education Law of People's Republic of China has greatly emphasized on the construction of socialist ideologies in the educational curriculum.

Article 3 of Education Law state that, "In developing the socialist educational undertakings, the state shall uphold Marxism-Leninism, Mao Zedong thought and the theories of constructing socialism with Chinese characteristics as directives and comply with the basic principles of the Constitution".<sup>45</sup> A 19-year old Tenzin Tsezin, a native of Lhasa, who arrived in exile for better education testified that,

When we were in school, all the subjects were taught in Chinese except for Tibetan language. They really focus on imparting communist ideologies to produce loyal communist Tibetans. The history taught in school is devoid of Tibetan perspectives and thrust upon the students to learn only the Chinese version of Tibetan history. Since there is not much of an opportunity for speaking and writing in fluent Tibetan, most of the students including me preferred to give more emphasis on Chinese and naturally so because all the subjects are taught in Chinese only.<sup>46</sup>

He further adds that, "the school administrators restrict students from performing prayers and religious ceremonies, particularly the birthday of the Dalai Lama. We were warned with the expulsion from the school immediately if found violating. Later, school administrator distributed handbook among the students and instructed to memorize the content. The handbook contained a material critical of the Dalai Lama and the "separatist" movement. The students were required to answer the questionnaires given by the administrator to prove their knowledge and loyalty after memorizing the book. School authorities are using various means to brainwash the Tibetan students like making students sing the Chinese national anthem every morning and were also made to celebrate Chinese national day on 1 October with great pomp".<sup>47</sup>

A 27-year old Yongdrung Lodoe from Tengchen County, Chamdo Prefecture “TAR” reveal that, “students in her school were not allowed to visit temples, attend teaching and initiation as well as forbidden to watch and hear the teaching of Lama Mani (*monk describing the different aspect of Buddhism as illustrated in thangka*)”.<sup>48</sup>

## language

The use of Chinese as a medium of instruction posed a further problem for many Tibetan students. In 2002 the Chinese language was equalised with Tibetan as the medium of instructions, with the result that many lessons in the TAR are now fully conducted in Chinese language. This is despite the UN Convention on the Rights of the Child, which China has signed and ratified, stating that “the education of the child shall be directed to... his or her own... language”<sup>49</sup> and China’s own Education Law providing for minority languages in education: “in schools and other institutions of education in which students of a minority ethnic group constitute the majority, the spoken and written language used by the specific ethnic group or commonly used by the local ethnic groups may be used for instruction”.<sup>50</sup>

The fact that a majority of middle and higher schools conduct teaching in the Chinese language poses a serious obstacle for Tibetan students to learning. A study by a research unit at George Mason University in Virginia, USA, has recently proved a direct link between academic results and use of the mother tongue. Of twenty three schools involved in the project, the majority showed that children educated bilingually, in the mother and host language, performed consistently better in schoolwork. A study in New Zealand produced similar results when tracking the academic progress of Maori pupils who learnt their own language as well as English, and those who only learnt English.<sup>51</sup>

Students in the “TAR” are taught in Tibetan only at the beginning of primary school, and after class four instructions are switched to Chinese for all subjects.<sup>52</sup> This abrupt change is problematic for many Tibetan pupils who subsequently have difficulties in following and understanding the lessons. The class four shifts to Chinese language are increasingly being accompanied by the replacement of Tibetan teachers with Chinese, further disrupting the education of Tibetan students. A nine-year old, Jamyang Sherab from Tsawa Pangda, Pashod County, Chamdo Prefecture, “TAR”, told that, “recently in my school, Chinese has replaced our Tibetan teachers. At present, there is only one Tibetan teacher left at the school”.<sup>53</sup> In urban areas, including Lhasa, the emerging teacher replacement policy is a direct result of the population transfer taking place in the “TAR”. Financial incentives have persuaded increasing number of Chinese citizens to move to the “TAR”, meaning Tibetan students are often outnumbered in urban schools. This in turn encourages the assimilation of the nationality of teachers within the dominant Chinese composition of classrooms.

However, elementary school in villages and remote areas inhabited mostly by Tibetans, teaching is conducted mainly in Tibetan language. But in the middle and higher schools, medium of instruction is suddenly switched to Chinese, and Tibetan is taught only as a language. Tashi Dhondup, from Nyalam County, Shigatse Prefecture, “TAR” told about the usage of Tibetan in his school.

He says,

During my study at elementary school, everything was taught in Tibetan, but in middle school, medium was suddenly switched to Chinese except for Tibetan language. We Tibetan students faced lot of difficulties due to sudden change in the medium of study.<sup>54</sup>



Moreover, there are also some schools in Tibet, where everything is taught in Chinese from the beginning of school and Tibetan is taught only as a language, that also up-to elementary level. A 23-year old Tsewang Gyatso, a recent escapee from Dartsedo County (Tib: Mi-nyak), Kandze “TAP”, Sichuan Provinces, testified that,

I went to Government elementary school for 6 years, middle school for 3 years and high school for 3 years. In elementary school we were taught Tibetan as a separate language, whilst all other subjects were taught in Chinese. In middle and higher school, we were taught English instead of Tibetan as a second language, and all other subjects were taught in Chinese.<sup>55</sup>

It was reportedly told by recent escapees that, ‘the Chinese teachers promote the study of Chinese language and discourage them from taking Tibetan and English language’. A 22-year-old, Tsewang Dolma from Rebkong County, Malho Tibetan Autonomous Prefecture, Qinghai Province recall how their English teacher advised them to learn Chinese language instead of English. “We have two-three English teachers in our school who are Chinese. Instead of teaching us English, they tell us the importance of learning Chinese language and made us to study Chinese even during the English language class”.<sup>56</sup>

Though many Tibetans lament the absence of opportunities in school to learn Tibetan language, history and culture, they also feel obliged to learn Chinese and participate in the Chinese-dominated schools system in order to enhance their employability, as only those students who excel in Chinese have a chance of higher education. Opportunities in higher education are almost exclusively for those that speak Chinese, primarily because entrance examinations are conducted in

Chinese. A 25 year old, Namdrol Lhamo from Lhasa, who was unable to pursue higher studies, as she was unable to score the required marks by .5 percent told TCHRD that, “in all government runs schools it is mandatory for the students to give their first priority to Chinese language starting from elementary school. If one is not fluent in Chinese language, it is very difficult to find job even though one has passed the exam with good result. Those who fail to score good marks in Chinese are not eligible to apply for higher studies”.<sup>57</sup>

Above all, educational trainings and courses on higher education are rarely available in Tibetan language. The 1997 Chinese government promise to provide a majority of higher education opportunities in Tibetan as well as Chinese languages has not yet yield any concrete results. Lucrative employments are often difficult to find without sufficient command in Chinese language. Yongdrung Lodoie testified that, “in his region only those who are fluent in Chinese language were given job”.<sup>58</sup> and Tsewang Gyatso stated that “the Tibetan language is not necessary to find oneself a job in Tibet”.<sup>59</sup>

Chinese language today has achieved a prominent status as a mainstream language replacing the native Tibetan language not only in schools and government offices, but also in all the day to day activities. Many Tibetan prefer studying Chinese language over Tibetan since the Tibetan language can



**Post Office in Lhasa, where only Chinese language is used.**

not fetch them daily bread and butter. All the government documents are written in Chinese.<sup>60</sup> Even the menial activities like posting letters requires to be addressed in Chinese Language, long distance call via the switchboard operator have to be placed in Chinese, and all telegram have to be sent in Chinese. Even electrical appliances instructions are all written in Chinese.<sup>61</sup>

## **re-education in schools**

Poor educational access and lack of quality education motivates many Tibetan parents to send their children to pursue monastic education. This is the only feasible alternative to study one's own language, religion, history and culture, which are not possible in regular schools in Tibet. However, with the launch of "Patriotic re-education" Campaign in 1996, the Chinese government has tighten its hold on monastic education in Tibet.<sup>62</sup> Monks are prevented from studying regular religious education. Rather they have to under-go "re-education" and made to study six books<sup>63</sup> on "patriotic re-education".<sup>64</sup>

With Zhang Qingli taking over as a party secretary of "TAR" in May 2006, Chinese government quickly launched a "patriotic re-education" campaign beyond monasteries and nunneries to the wider population in Tibet, including schools.<sup>65</sup> A recently arrived young Tibetan student from Kandze "TAP", Sichuan Province, said that,

Soldiers in uniform came to our school and told us that Tibetans could not burn animal skins and if anybody wanted to do it, they were asked to burn them in the privacy of their homes; they also asked the students class by class whether they liked His Holiness the Dalai Lama, if somebody said they didn't, they were encouraged to trample underfoot a photo of His Holiness

but I could not do such a thing, so before the day soldiers reached my class I escaped from Tibet...<sup>66</sup>

A 23-year old monk, Ngawang Lodoe, one of the 41 Tibetan refugees who survived the perilous journey to India through Nangpa La pass, when Chinese People's Armed Police (PAP) fired on 75 unarmed escapees without any warning on 30 September 2006, testified to TCHRD that,

Whilst in monastery, I learnt that Chinese authorities are going to re-launch the 'patriotic re-education' campaign around Kongpo Nyingtri Prefecture in October this year, after their failure to yield any concrete result from the campaign launched in Gaden, Drepung and Sera monasteries. I also learnt that this year the campaign targets not only monasteries but also general public and will be comparatively more rigorous.<sup>67</sup>

## **access to employment**

Unemployment among Tibetan is highest in Tibet. Discriminatory education system and use of Chinese in job markets hurt many Tibetan students from getting rewarding and well paying job. Even a menial job in restaurants, hotels, dance bars, travel agency and clubs requires good command of Chinese language. A 25-year old Namdrol Lhamo, who worked at a hotel in Lhasa for nearly four years after failing in exam, said that,

The owner of the hotel is a Tibetan and there are nearly 140 workers and most of them are Tibetans. Most of the employees have been to middle school and were forced to discontinue their higher education owing to lack of tuition fees as the schools charged exorbitant fees, while there were

some who can afford the fees, but fail to qualify the requisite mark by 3 percent. The qualification required for getting an employment in restaurants, hotels, dance bars, travel agencies and clubs can be met if an applicant has middle school degree and possess good command in Chinese language. The Government set the criteria that those who do not know Chinese language will not get jobs in these sectors and anyone who applies for job has to give qualifying exam in Chinese language.<sup>68</sup>

Many Tibetans, especially those hailing from Kham, Amdo and outside of Lhasa were not fortunate enough to get employed even in hotels and restaurants, as they lack proficiency in Chinese language and end up working in brothels. The number of Tibetan engaging in prostitution is growing by day.<sup>69</sup>

However these days, a mere possession of educational qualification cannot guarantee a steady job in Tibet. You need *guanxi* or enough money to pay bribes to officials. With the large influx of Chinese migrants into Tibet, the situation is getting more deplorable day by day. The problem of unemployment was further intensified with the government declaration of its inability to provide governmental jobs for Tibetans in “TAR”. In May this year, government issued a new regulation where ‘guaranteed jobs for all Tibetan graduates to be phased out in next year’.<sup>70</sup> Tenzin, during his interview with Radio Free Asia (RFA) through phone told that, “Chinese government has declared that distribution of governmental job will be phased out by the end of this year. Afterwards, the student has to find job themselves after completing their higher education. Moreover, I read from the “TAR” daily newspaper that Chinese government has decided to abolished job distribution and urged the Tibetan to sustain themselves in finding employment”.<sup>71</sup>

The problem of unemployment in Tibet is increasing every year and the reason for the high unemployment rate among Tibetan in Tibet can be attributed to scarce job opportunities in Tibet and many applicants for the said post as there are also many Chinese, who come to Tibet and compete for the seats which are meant for native people.

Chinese students in mainland China, through their family connections secure a household registration card (*Ch: Hukou*) of “TAR” and sit in the exam for a seats which are meant for Tibetan students. This unfair practice by the Chinese deprived many Tibetans opportunities in employment. Tashi, a student of Beijing University told that, “the policy of “TAR”, requires 70 percent of seats to be distributed among Tibetans during admission of students and job distribution. But in practice, it is opposite. Han Chinese receive more jobs than Tibetans. Thus, many Tibetan students were unable to find job and leaving scores of Tibetan graduates unemployed”.<sup>72</sup>



**Education and unemployment in Tibet.**

This discriminatory practice by Chinese authorities in hiring Tibetans for civil service jobs become known when about 1000 Chinese and Tibetan students sat for a civil service examination on 30 September 2006 for 100 jobs in the administration of the “TAR”, where 98 of the jobs went to Chinese students with only two job placements went to Tibetans.<sup>73</sup>

Moreover, under Western Development Programme, Chinese government encourages its mainland Chinese students to work in western region particularly in Tibet<sup>74</sup>, by introducing number of incentives like study loan waiver if they work in Tibet for a minimum of five years,<sup>75</sup> and guaranteed salaries, medical care, and subsidies for those who work in Tibet.<sup>76</sup> Due to that policy, the number of Chinese migrating to Tibet for employment is on the rise, resulting in unemployment among Tibetan graduates. This trend has further intensified with the opening of new railway line between Golmud and Lhasa.

The practice of Chinese “*guanxi*” system and bribery for securing job in Tibet has further contributed to the growth of ‘unemployment’ among Tibetan youths as most of the Tibetans come from nomadic and poor families and cannot afford bribes for the officials. In October 2004, more than 300 unemployed Tibetan graduates from Golog “TAP”, Qinghai Province, staged a rare protest by putting up tents in front of government offices and appealed before the government for jobs. They re-appealed in May 2006, and asked the government to change the practice of giving jobs in Golog “TAP” only to rich, affluent peoples and those having “*guanxi*”, while denying jobs to natives of the region. However, they did not receive any response to their appeal, and these unemployed graduates are currently working at restaurants and guest houses as waiters and servants.<sup>77</sup>

In addition to the above, most of the secondary and tertiary sectors in Tibet are owned and run by Chinese businessman. Very few Tibetan own and run industry and business in Tibet. Hence, Han Chinese is preferred more over Tibetan in this sector for the employment. Due to that, Tibetans constitute most of the unemployed in Tibet.

## conclusion

Twenty years has passed since the enactment of the national law on education calling for a “nine-year compulsory education” by the National People Congress (NPC) in 1986.<sup>78</sup> However in Tibet, educations continue to remain beyond the reach of many natives.

Twenty years down the line, many Tibetan children still do not have adequate access to school. The unavailability and unaffordability of the education have denied education to a generation of Tibetans. The education available to some Tibetan are only meant to indoctrinate the Tibetans. The lesson on Tibetan history, culture, religion and language are non-existent in school curriculums. The aim of the Chinese government’s education policy in Tibet is to ‘inculcate a love for the motherland and socialism’ and to oppose the ‘separatist activities’. With the launch of “patriotic re-education” campaign in schools, the state of education in Tibet has gone from bad to worse.

Due to lack of education opportunities in Tibet and left with no further alternatives, many Tibetan children were compelled into fleeing across the treacherous Himalayan mountains through long perilous journey for a better education in schools run by exile Tibetan government. Cases like frostbite, starvation, death and lost, arrest and maltreatment by border security officials are common risk they undertake in hope of pursuing better education in



exile. Those who are caught by Chinese police are taken back to Tibet and put in prison, while those caught by Nepalese border police are deported back to Tibet.

In June 2006, a group of 26 Tibetans, of whom 9 were minor children, started their journey from Lhasa via Lhartse to Shar-Khumbu for Dharamsala. While on their journey, one Tibetan died and two lost from the group. Those who managed to escape said that, “they had faced lots of hardship during their treacherous journey as they have to sleep during day and travel during night in order to avoid and elude the Chinese and Nepalese border police”.<sup>79</sup>

It can be concluded from the fact that most of the recent escapees constitute mainly of school age children, monks and nuns, highlight the deplorable current state of education in Tibet. Of the 75 refugees who crossed the glaciated Nangpa La Pass (*where Chinese People’s Armed Police fired on a group of 75 escapees on 30 September 2006, which resulted in the death of at least two Tibetans including 17 year-old Kalsang Nortso*), 41 of them were children below eighteen year.<sup>80</sup> Despite all the measures undertaken by Chinese government to prevent Tibetan from fleeing into exile, 2445 Tibetan were able to seek refugee in India in 2006 alone (*the figure represent only those who have registered at Dharamsala based Tibetan Reception Centre in 2006*), majority of the escapees constitute of children below 18 years of age.<sup>81</sup> They come into exile to receive audience with the Dalai Lama and for better school and monastic education. Certainly, not so many Tibetan children and youth would undertake such a high risk for the sake of education, if the freedom, facilities and opportunities existed in Tibet.

## endnotes

- 1 [http://portal.unesco.org/education/en/ev.php-URL\\_ID=18845&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=18845&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- 2 [http://portal.unesco.org/education/en/ev.php-URL\\_ID=9019&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=9019&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- 3 Articles 26 (1), Universal Declaration of Human Rights
- 4 Articles 28 (1), UN Convention on the Rights of the Child
- 5 Article 19, Constitution of the People’s Republic of China
- 6 Articles 9, Education Law of the People’s Republic of China
- 7 China Human Development Report 2005, *Disparities in education*, page 46
- 8 Human Development Report 2006, *Table 12-Literacy and enrolment*, page 324
- 9 [www.china.org.cn/english/zhuanti/tibet%facts/163911.htm](http://www.china.org.cn/english/zhuanti/tibet%facts/163911.htm)
- 10 Tibet Statistical Yearbook 2005, *Number of Schools by Level and Type*, page 256
- 11 China Human Development Report 2005, *Table 8- 2003 sexual illiterate/semi-illiterate percentage in different provinces*, page 161
- 12 ibid
- 13 [www.fpeng.peopledaily.com.cn/20000321\\_37815.html](http://www.fpeng.peopledaily.com.cn/20000321_37815.html)
- 14 The Human Development Index (HDI) is a composite of three basic components of human development: longevity, educational attainment and standard of living. Longevity is measured by life expectancy at birth. Educational attainment is measured by a combination of adult literacy (two third weight) and combined primary, secondary and tertiary enrolment ratios (one-third weight). Standard of living is measured by purchasing power, based on real GDP per capita and express in terms of purchasing power parity (US dollars).  
For the construction of the HDI, fixed minimum and maximum values were established for each of these indicators:  
1) Life expectancy at birth: 25 years and 85 years  
2) Adult literacy: 0 percent and 100 percent  
3) Combined enrolment ratio: 0 percent and 100 percent  
4) Real GDP per capita (PPP \$): 0 percent and 100 percent
- 15 Formula for computing Educational Index of Tibet:  
*Adult literacy index:*  
$$\frac{\text{Actual value (45.14)} - \text{Minimum value (0)}}{\text{Maximum value (100)} - \text{Minimum value (0)}}$$
Adult literacy index=0.45  
*Combined enrolment index:*  
$$\frac{\text{Actual value of 3 sector (53.9)} - \text{Minimum value (0)}}{\text{Maximum value (100)} - \text{Minimum value (0)}}$$
Combined enrolment index= 0.53  
*Education index of Tibet:*  
Two third Adult literacy (0.3) + enrolment index (0.17)  
Education index= 0.47



- 16 China Human Development Report 2005, *Table-1, 2003 Human Development Index (HDI) of different provinces*, page 154
- 17 China Human Development Report 2005, *Allocation of public resources*, page 50
- 18 China Human Development Report 2005, *Allocation of public resources*, page 52
- 19 Interview with Tsewang Gyatso at Sherab Gatsel Lobling, Dharamsala in October 2006
- 20 “Sinicization, affordability and malpractices drive Tibetan children across the Himalaya”, *Human Rights Update*, TCHRD, Vol. XI, No. 4, TCHRD, 2006, p.4, also available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200604.pdf](http://www.tchrd.org/publications/hr_updates/2006/hr200604.pdf)
- 21 Article 18, Education Law of the People’s Republic of China
- 22 Interview with Tashi Dhondup at Sherab Gatsel Lobling, Dharamsala in October 2006
- 23 Article 13.2 (a), *International Covenant on Economic, Social and Cultural Rights*; “The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: (a) Primary education shall be compulsory and available free to all;”
- 24 Article 8 (1), *Declaration on the Right to Development*; “States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.”
- 25 Article 10, Education Law of People’s Republic of China
- 26 Article 56, Education Law of People’s Republic of China
- 27 Kathmandu TCHRD Interview No# 4, July 2006
- 28 Kathmandu TCHRD Interview No# 8, August 2006
- 29 Interview with Sonam Dhondup at Sherab Gatsel Lobling, Dharamsala, October 2006
- 30 “*Guanxi*” literally means ‘relationships’ or ‘connections’, and refers to the personal connection between two people in which one is able to prevail upon another to perform a favour or service.
- 31 Article 56, *Education Law of the PRC*; “[t]he State Council and the people’s governments at or above the county level shall set up a special fund for education to be used mainly for assisting outlying and poverty-stricken areas and areas inhabited by minority ethnic groups in enforcing compulsory education there.”
- 32 China Human Development Report 2005, *Table-7, 2003 Rural & urban per capita GDP of different provinces (yuan)*, page 160
- 33 Article 18, *Education Law of the PRC*; “The State shall adopt a nine-year compulsory education system. The People’s government at different levels shall adopt every measure to ensure children and juveniles of school age to go to school. Parents and guardians of children and juveniles of school age and relevant social organizations or individuals shall have the duty to ensure that children and juveniles of school age complete the compulsory education of a prescribed length.”
- 34 Interview with Lobsang Dolkar at Tibetan Reception Centre, Mcleod Ganj on 21 July 2006
- 35 Kathmandu TCHRD Interview No# 7, July 2006
- 36 Kathmandu TCHRD Interview no# 7, November 2006
- 37 Article 26, *Education Law of PRC*; “The establishment of schools or other educational institutions shall be subject to the following requirements of availability: 1. organized institution and constitution; 2. qualified teachers; 3. teaching and learning rooms, facilities and equipment that meet the prescribed standards; 4. funds necessary for operation of the school and steady source of capital injection”.
- 38 Interview with Jamyang Sherab at Tibetan Reception Centre, Mcleod Ganj on 21 July 2006
- 39 Interview with Tashi Dhondup at Sherab Gatsel Lobling, Dharamsala, October 2006
- 40 Interview with Kelsang at Tibetan Reception Centre, Mcleod Ganj on 21 July 2006
- 41 ibid
- 42 “Tibetan University Students Stage Protest”, *Human Rights Update*, TCHRD, Vol. XI, No. 11, 2006, page 2. Also available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200611.pdf](http://www.tchrd.org/publications/hr_updates/2006/hr200611.pdf)
- 43 Speech by “TAR” Party Secretary Chen Kuiyuan at the fifth Regional Meeting for Education in “TAR” on 26 October, 1994
- 44 Interview with Norzin at Sherab Gatsel Lobling, Dharamsala in October 2006
- 45 Article 3, Education Law of PRC
- 46 “Sinicization, affordability and malpractices drive Tibetan children across the Himalaya”, *Human Rights Update*, TCHRD, Vol. XI, No. 4, 2006, page 4. Also available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200604.pdf](http://www.tchrd.org/publications/hr_updates/2006/hr200604.pdf)
- 47 ibid
- 48 Interview with Yongdrung Lodoe at Sherab Gatsel Lobling, Dharamsala in October 2006
- 49 Article 29, *Convention on the Rights of the Child*; “1. State Parties agree that the education of the Child shall be directed to: (c) The development of respect for the Child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;” and Article 30, CRC; “In those States in which ethnic, religious or linguistic minorities or persons of indogenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”
- 50 Article 12, Education Law of the People’s Republic of China
- 51 [http://portal.unesco.org/education/en/ev.phpURL\\_ID=20280&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.phpURL_ID=20280&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- 52 Interview with Kelsang at Tibetan Reception Centre, Mcleod Ganj in 21 July 2006
- 53 Interview with Jamyang Sherab at Tibetan Reception Centre on 21 July 2006

- 54 Interview with Tashi Dhondup at Sherab Gatsel Lobling, Dharamsala in September 2006
- 55 Interview with Tsewang Gyatso at Sherab Gatsel Lobling in August 2006
- 56 Kathmandu TCHRD Interview No# 2, November 2006
- 57 “Unfavourable education policies compels Tibetan girls into prostitution”, *Human Rights Update*, TCHRD, Vol. 11, No. 7, page 2. Also available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200607.html](http://www.tchrd.org/publications/hr_updates/2006/hr200607.html)
- 58 Interview with Yongdrung Lodoe at Sherab Gatsel Lobling, Dharamsala in August 2006
- 59 Interview with Tsewang Gyatso at Sherab Gatsel Lobling, Dharamsala in August 2006
- 60 RFA interview with Sonam la through phone on 14 November 2006, [www.rfa.org/service/audio\\_popup.html?file=http://www.rfa.org/tibetan/tamleggiletse/tamlenzhalpar/2006/11/14/t1115-call.mp3](http://www.rfa.org/service/audio_popup.html?file=http://www.rfa.org/tibetan/tamleggiletse/tamlenzhalpar/2006/11/14/t1115-call.mp3)
- 61 “Problem Related to Bilingual education in Tibet” by Badeng Nima, available at <http://www.khamaid.org/programs/education/Tibetan%20language%20in%20education.htm>
- 62 Refer to “Patriotic re-education” in Religion Chapter, Annual Report 2006, TCHRD
- 63 Six books of “Patriotic re-education” were handbook on; “crushing the separatist, handbook of contemporary policies, handbook of policies on religion, handbook on Law, handbook on Ethics for the masses and handbook of history of Tibet.”
- 64 “China recommences “patriotic education” campaign in Tibet’s monastic institutions”, *Human Rights Update*, TCHRD, Vol. X A, No. 9, 2006, page 2. Also available at [http://www.tchrd.org/publications/hr\\_updates/2005/hr200509.html](http://www.tchrd.org/publications/hr_updates/2005/hr200509.html)
- 65 “China Tightening Control Over Tibet” by Maureen Fan, *Washington Post Foreign Service*, Saturday, August 5, 2006; A16. Available at [http://www.washingtonpost.com/wp-dyn/content/article/2006/08/04/AR2006080401471\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2006/08/04/AR2006080401471_pf.html)
- 66 “Re-education campaign in Tibetan schools in Tibet; students detained in Kandze”, *Phayul.com*; Available at <http://www.phayul.com/news/article.aspx?id=12930&t=1&c=1>
- 67 “Tibetan Monks still faces hardship due to “Patriotic re-education””, *Human Rights Update*, TCHRD, Vol. XI, No. 11, 2006, page 6. Available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200611.pdf](http://www.tchrd.org/publications/hr_updates/2006/hr200611.pdf)
- 68 “Unfavorable education policies compels Tibetan girls into prostitution”, *Human Rights Update*, TCHRD, Vol. XI, No. 7, 2006. Also available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200607.html#girls](http://www.tchrd.org/publications/hr_updates/2006/hr200607.html#girls)
- 69 ibid
- 70 “China’s last guaranteed jobs axed, Tibetan graduates face market”, *China Tibet Information Center*; available at [http://en.tibet.cn/news/tin/t20061128\\_182205.htm](http://en.tibet.cn/news/tin/t20061128_182205.htm)
- 71 RFA interview with Tenzin la, through phone on 14 November 2006, [http://www.rfa.org/service/audio\\_popup.html?file=http://www.rfa.org/tibetan/tamleggiletse/tamlenzhalpar/2006/11/14/t1115-call.mp3](http://www.rfa.org/service/audio_popup.html?file=http://www.rfa.org/tibetan/tamleggiletse/tamlenzhalpar/2006/11/14/t1115-call.mp3)
- 72 Radio Free Asia interview with Tashi la, through phone on 14 November 2006, [http://www.rfa.org/service/](http://www.rfa.org/service/audio_popup.html?file=http://www.rfa.org/tibetan/tamleggiletse/tamlenzhalpar/2006/11/14/t1115-call.mp3)
- 73 “Tibetans Stage Rare Public Protest in Lhasa”; *Radio Free Asia*, available at [http://www.rfa.org/english/news/2006/11/08/tibet\\_protest/](http://www.rfa.org/english/news/2006/11/08/tibet_protest/)
- 74 “Chinese President encourages college graduates to work in west”, *Xinhua News*, 19 September 2005
- 75 RFA interview with Tenzin la, through phone on 14 November 2006, [http://www.rfa.org/service/audio\\_popup.html?file=http://www.rfa.org/tibetan/tamleggiletse/tamlenzhalpar/2006/11/14/t1115-call.mp3](http://www.rfa.org/service/audio_popup.html?file=http://www.rfa.org/tibetan/tamleggiletse/tamlenzhalpar/2006/11/14/t1115-call.mp3)
- 76 Morning news from RFA on 20 November 2006
- 77 “Tibet University Student Stage Protest”; *Human Rights Update*, TCHRD, Vol. XI, No. 11, 2006. Also available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200611.pdf](http://www.tchrd.org/publications/hr_updates/2006/hr200611.pdf)
- 78 James C.F Wang, *Contemporary Chinese Politics, An Introduction*, Seventh Edition, Page 340
- 79 “One died, two lost while fleeing into exile”, *Human Rights Update*, TCHRD, Vol. XI, No. 7, 2006, page 5. Also available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200607.html#exile](http://www.tchrd.org/publications/hr_updates/2006/hr200607.html#exile)
- 80 “Illegitimate killing on Nangpa La pass by Chinese police”, *Human Rights Update*, TCHRD, Vol. XI, No. 10, 2006, page 1 Also available at [http://www.tchrd.org/publications/hr\\_updates/2006/hr200610.html#Nangpa](http://www.tchrd.org/publications/hr_updates/2006/hr200610.html#Nangpa)
- 81 The statistic for 2006 was received from Tibetan Reception Centre, McLeod Ganj, Dharamsala



**Mining and Enviromental Destruction in Tibet**

# DEVELOPMENT IN TIBET

## introduction

One of China's stated aims in occupying Tibet in 1950 was to promote the development of Tibetan people; whilst in recent times, *stability* and *development* are stated to have been at the core of China's policy in Tibet. China claims that since PLA soldiers entered Tibet, there has been a significant progress, particularly in the area of infrastructure development; however, the question of what constitutes "infrastructure development" and who has benefited from such development, i.e., the Chinese or Tibetans, remains highly controversial.

2006 was the year of the "historic" completion of the Qingzang Railway, which took 7 years to build and cost over 4 Billion dollars. It remains the most expensive single project ever undertaken in Tibet.

The 10th Five Year Plan called for a redirection of economic focus and attention from Chinese coastal cities, which had long benefited from government funding, to the Chinese countryside. This was implemented under the 11th Five Year Plan when the slogan "The Creation of Socialist Countryside" was adopted. China put forward many plans and lofty ideals of bringing riches to the central and western regions of China, with a particular emphasis on Tibet, which even surprised many China-watchers. In theory, this ought to have been beneficial for Tibetans as millions of dollars have

been pumped into Tibet; however, it is questionable whether Tibetan people, particularly those in rural areas, have benefited from this State funding. There is much propaganda on Xizang TV and Tibet Television claiming great strides and colourful achievements under the wise and benign leadership of Chinese Communist Party; however, a significant proportion of those Tibetans who seek exile in India present a different picture: one of suffering and poverty in Tibet.

**Disclaimer:** This chapter is intentionally brief in order to provide readers with an introduction to issues and matters related to *development* without elaborate research and analysis. The chapter aims to present information received by TCHRD from Tibet on the situation and violation of human rights there in the Year 2006.

## development: the year in perspective

### displacement and dispossession of lands<sup>1</sup>

Sonam Dorjee, 44, from Bido village, Ra-shing Township, Qinghai Province, gave testimony to TCHRD at Kathmandu Refugee Reception Centre on 8 August 2006.

The local authorities in his area decided to construct a road passing through his hometown. The route of the road was apparently chosen for the benefit of the *Huis* Chinese population in the town of Senphen, a town consisting of 420 families. The road encroached upon the farmlands of Bido, which is a Tibetan village, and caused serious damage to the crops and farms of the Tibetan villagers.

Sonam Dorjee reported:

Our villagers approached the Huis Chinese community and asked them not to construct the road. However the exchange of opinions failed to resolve the problem and soon the matter escalated into a bitter feud resulting in serious injury to one Tibetan man, Dukar Kyap, a 32 year old villager. He was later hospitalized but, unfortunately, the Huis Chinese community did not pay his medical expenses.

Later police came in two vans to settle the feud. The local authority decided not to continue constructing the road. In the past, the two communities have had a complicated relationship. Three years ago, the *Huis* Chinese community inhumanely killed cattle and domestic animals owned by Tibetans when the animals encroached their farms. There have also been other similar incidents of this nature which hurt and angered local Tibetans. However, our side has not retaliated against the *Huis* Chinese since we have been reduced to a minority group.

According to Sonam Dorjee, feuds and tension between the two communities are common. The *Huis* Chinese people own rich commercial enterprises and, therefore, have a powerful influence on the local Chinese authorities. They look down

upon Tibetans whom they perceive to be illiterate and backward. Poverty is widespread in the Tibetan community.

**Assessment:** This case study illustrates how Tibetan people are reduced to minority and feel disempowered in some areas.

### **man-made displacement crisis<sup>2</sup>**

A few years back, there was a forced resettlement of a large group of Tibetans from the Jol region of Kham who, under strict orders from the Chinese authorities, were resettled to Gyamda County, Nyingtri Prefecture, “Tibet Autonomous Region” (“TAR”), Kongpo. Such insensitive and often forced resettlement of people has resulted in tension between various communities. Since the resettlement of the Jol Tibetans, there have been problems over pasture and other ownership rights as Khampas and ethnic Chinese, who have no rights over the land from which the Tibetans were forcibly displaced, have collected “caterpillar fungus”, 500g of which can be sold for up to 15,000 Yuan, from the Tibetans’ land.

During disputes, the local Chinese authorities have remained silent and haven’t punished the wrongdoers, nor helped to settle disputes. They have turned a blind eye to the unlawful behavior of Khampas and ethnic Chinese. This has had the effect of encouraging many Khampas and Chinese to continue collecting and selling the “caterpillar fungus”, with resulting tax revenue for township and county level government.

### **mining and displacement of tibetans in phenpo lhundup county<sup>3</sup>**

According to testimony given to TCHRD by a new arrival from Tibet to India who withheld his name, there has been a mass displacement of Tibetans from



an area in which they have lived for centuries in the wake of the discovery of a mineral deposit in Phenpo Lhundup County.

70 families from Sertsa village, Nyana Township, Phenpo Lhundup county were required by the Chinese government to move from Sertsa village to Yulchen township. The inhabitants of Sertsa village were largely farmers and nomads who had been living in the area for generations. The village head petitioned the local authority against the planned displacement; however, the authority turned down the request that the Tibetans be allowed to stay in their homes.

From late 1999, Chinese scientists and survey groups visited the remote valley of Sertsa and carried out meticulous research, leading to the discovery of mineral deposits. The Chinese government planned to resettle the Tibetans in Sertsa village from 2000; however, the villagers were largely kept in the dark about these plans. From early 2003 onwards, the local authority began the displacement of the Tibetans in a phased manner, moving 20 Tibetan families at a time.

In Yulchen Township, the Chinese government constructed houses for the displaced Tibetans from Sertsa village but the houses were too small to accommodate them. Houses have 5 small rooms but this is not sufficient to accommodate Tibetan families with many family members. The houses also lack basic amenities, such as a fresh water supply, electricity and drinking water. The displaced Tibetans have to fetch drinking water from springs and rivers.

### **the crisis faces by the tibetans**

The displaced Tibetans from Sertsa village were all farmers and nomads. Sertsa village is known for its rich pasture for livestock. In Yulchen township, the villagers have to pay heavy pasture tax, as well as

suffering as a result of the lack of proper housing and basic amenities.

The Chinese government gave a lame excuse for the forced displacement, saying that Sertsa village is too remote, that there are no proper roads and that it is unsafe to carry out the necessary development of the village. None of the villagers have spoken out against the government, fearing the consequences if they do. The interviewee said

I would say that 30 percent of profits and benefit goes to the local Tibetans and the other 70 percent goes to the Chinese. The Chinese government does not care about the welfare and interests of the Tibetan people. I saw dynamite and explosives were used to dig the mines and quarry. There was so much destruction and damage to the ecology and environment of the surrounding areas.

### **hydroelectric powers station submerges tibetan villages<sup>4</sup>**

Rinchen Dhondup, 25, from Bido village, Nyitha Township, Henan County, Qinghai Province, gave testimony to TCHRD at Kathmandu Refugee Reception Centre on 12 July 2006 about the displacement of Tibetan villages due to the construction of a hydroelectric power station in the area.

According to the Chinese government's plan, a hydroelectric power station will be built in Henan County and Bido village, with 160 families; Nitha village, with 100 families; and Suchen village, with 120 families, are all to be submerged under water once the dam fills up.

The local residents are very worried and fearful. They are of view that not only will this lead to massive

destruction of the environment and ecology, it also creates uncertainty about their lives and future. However, the construction is to go ahead unhindered and is to be completed in 2 years' time.

### **health care<sup>5</sup>**

Dorjee Dhondup, 25, from Do-ge Township, Kanlho Prefecture, Gansu Province, gave testimony to TCHRD at Kathmandu Refugee Reception Centre on 20 September 2006.

He was born to a poor semi-nomadic family of five. He is the eldest of the siblings. During his teen years, he had an accident that damaged his ear drum and since then he has experienced problems with his hearing. His other ear later became infected and he needed urgent treatment, probably immediate surgery, in order to save his hearing.

When he visited a Chinese doctor at the hospital, the doctor demanded 2,000 Yuan from him without which he would not provide the required urgent treatment. At the time, Dorjee Dhondup only had 700 Yuan with him. The doctor didn't even look at his ears. Dorjee Dhondup then borrowed 2500 Yuan from a person in his village and went back to the doctor. He was hospitalized for nearly a month. No diagnosis was made in relation to his infected ear problem. He paid 3,000 Yuan but was not given proper treatment or medication. He submitted numerous petitions to the local authorities, requesting that he be provided with health care and support, but received no positive response.

Due to his hearing problem, he was unable to go to school to receive education and worked as sheep and yak herder. A few years back, he had a poor harvest. Finally, having concluded that he cannot forever live in poverty, he decided to flee Tibet in hope of receiving medical treatment for his ear and education.

### **education: a colonial design<sup>6</sup>**

Dhondup Tsering, 30, a businessman from Shit-Tsa Township, Talung County, Qinghai Province, gave testimony to TCHRD at Kathmandu Refugee Reception Centre on 8 October 2006.

At the age of 7, he attended the people's school and studied until the fifth grade. There were 49 students in his school. When he was in first grade, Tibetan language was removed from the curriculum. The Tibetan teacher was sent back to his native village as there was no need for him given that Tibetan language was no longer to be taught at the school. Later, Dhondup Tsering attended the county school at Bayen where there were 300 students. The 50 percent of the students were *Han* Chinese, 30 per cent were *Huis* Chinese and 20 percent were Tibetans. Subjects such as Chinese language, history, physics, chemistry and political science were taught. Tibetan language was not taught. The Tibetan students at the school were required to speak Chinese rather than Tibetan.

In the last few decades, there has been a dramatic rise in the Chinese population in the area. The cost of education is very expensive and almost unaffordable for Tibetans. Dhondup Tsering wanted to pursue higher education but was unable to due to the exorbitant fees. Each semester cost around 600 Yuan, which, according to official statistics, is 60 per cent of the annual income of a person in Tibet. He left school and set up a small shop.

### **minority and economic disadvantages<sup>7</sup>**

Dhondup Tsering also gave testimony to TCHRD in relation to the economic disadvantages faced by Tibetans as a minority group.

There are many shops, restaurants and hotels owned by *Huis* Chinese in and around the Kokonor Basin.

In the summer, and even in winter, *Huis* Chinese people catch fish from Kokonor Lake. Since they have become the dominant ethnic group in the area, they monopolize the fishing business in the area. Every year, thousands of Chinese tourists flock to the area in and around Kokonor Lake Basin and stay in hotels and guesthouses built by the Chinese government. These hotels and guesthouses are rented to the *Huis* Chinese, who run them, keeping a share of the profits and giving the rest to the government. *Huis* Chinese hoteliers charge around 6000 to 7000 Yuan per year. This is 7 times more than the annual per capita income of Tibetans in Tibet.

*Huis* Chinese businessmen are skilled and shrewd. Dhondup Tsering couldn't survive the competition and his business was no longer profitable. He reports that every month, hundreds of *Huis* Chinese move to the Kokonor Basin to begin new life. Owing to immense pressure, waste and drainage are heavily polluting the Kokonor Lake. In hope of finding a new life and hope for the future, Dhondup Tsering sought exile in India.

### **repressive economic policies and taxation burden<sup>8</sup>**

On 23 October 2006, a person from Gyamda County, Kongpo, Nyingtri Prefecture gave testimony to TCHRD at Kathmandu, Nepal. He withheld his name. He reported:

Like all of my villagers, I had been living the life of a poor farmer. There is no mobility in life. Therefore, the villagers in my locality go up to highland to collect Yartsa Gunbu (a Caterpillar Fungus which is used in Chinese medicine that fetches a very good price in the market) to supplement our income. The peak months are between March and May.

The growing surge of income for the villagers caught the attention of the local Chinese authorities. Local government officials, often corrupt, eyed the lucrative "fungus" as another way of levying tax on people so that they could generate some extra income. Of late, "fungus" collectors have had to pay heavy taxation to the local authorities and, moreover, people coming from outside the region have to pay a much higher rate of tax, up to 3000 Yuan per collector. This is 3 times more than annual per capita income of Tibetans in Tibet.

Due to the growing number of Tibetans collecting "fungus" during the peak summer season, the size of harvest has been shrinking. Nevertheless, taxes, often heavy, must be paid to both the township and county level authorities.

### **environmental and ecological destruction<sup>9</sup>**

Tashi Tsering, aged 18 from Dromo Township, Gyamda County, Nyingtri Prefecture, gave testimony to TCHRD at Kathmandu Refugee Reception Centre on 17 October 2006 in relation to ongoing environmental and ecological destruction in his native hometown.

According to Tashi Tsering, China is continuing its' immense destruction of the Kongpo forest in Tibet with no regard to ecological considerations. The famed Kongpo forest was a region of dense forest prior to the Chinese occupation and even before the Cultural Revolution. Today, however, a major part of the forest cover has disappeared, leaving behind barren valleys and hills after years of unchecked deforestation and logging. Many of the species of the region have also vanished according to local people.

Ironically, the Chinese government issued strict orders restricting the collection of firewood by local

Tibetans, explaining to villagers the harmful consequences of ecological and environmental destruction caused by cutting down trees. The local and central governments initiated campaigns calling on local people not to cause damage to the environment and ecology. Villagers were mobilized to plant and grow trees. The local authorities, in close collaboration with central government, then resorted to rampant and reckless deforestation and logging to sell and trade timber to companies outside of the region. Tashi Tsering recounted, “It was a regular sight to see huge convoys of trucks transporting timber and wood to Lhasa and to other provinces in China. Strangely, not a single piece of wood or log reaches ordinary Tibetans”.

It is now rare to see species which inhabited Kongpo forest and were previously prevalent, including bears, mountain sheep and musk deer. Of late, the Chinese government has banned Tibetans from poaching; however, there is a growing number of Chinese settlers in the Kongpo region, many of whom make their living by poaching and hunting.

### **tibetans forced to build new houses<sup>10</sup>**

Tashi Tsering also gave testimony to TCHRD in relation to Tibetans being forced to build new houses under China’s Housing Programme.

Under the Housing Programme, which is compulsory, the government lends money to all Tibetan families to construct new houses. According to the government, it costs around 20,000 Yuan for a family to build a new house. The government lends families 10,000 Yuan and they must find the other 10,000 Yuan from other sources.

If families refuse to build new houses, the government issues an enforcement warning indicating that they must comply or have their houses demolished. Tibetans are thus being forced

into debt and penury. At present, many Tibetans in rural areas are living under the burden of substantial loans. The Chinese government is doing little to address their problems.

Tibetans forced to build new houses under the Housing Programme complain that the houses are not of traditional Tibetan design and are bad for their health. They are made of bricks and cement, rather than wood; are narrow; and are not large enough to house Tibetan families with many family members. The fact that the new houses must be built to Chinese, rather than Tibetan, specification in terms of design, raises questions of the erosion of traditional Tibetan culture and identity. Any arguments based upon environmental considerations which the authorities might use to justify the fact that timber materials cannot be used in building the houses would appear to be undermined by their actions in selling timber and wood for construction in large cities and to large companies in China.

### **impoverishment of tibetan nomads<sup>11</sup>**

Rinchen Dhondup, 25, from Botho village, Nyitha Township, Henan County, Qinghai Province, gave testimony to TCHRD at Kathmandu Refugee Reception Centre on 12 July 2006 about the impoverishment of nomads in his area of Tibet by virtue of new legislation.



**Impoverishment of Nomad**

Rinchen reported:

In 2003, the Chinese government introduced a new domestic law for Tibetan nomads. The new law, calling for the “Modernization of Western China”, required Tibetan nomads to decrease the size of their animal herds. The law was hard-hitting for Tibetan nomads, who pride themselves on rearing and herding livestock on the steppes for their livelihood, a way of life that has been passed down the centuries.

The law placed Tibetan nomads under pressure to sell the meat of their livestock to Chinese meat merchants at reduced rates. The Chinese government has long issued propaganda depicting the nomadic way of life as “primitive and backward”. The government has also informed nomads that keeping large amounts of livestock puts pressure on grassland pasture, leading to degradation.

Rinchen testified:

Prior to the new law, my family had 90 Zsos (cross breed between yak and cow) and 250 sheep. But now we are allowed to keep no more than 2 Zso and 5 sheep. Moreover, we would be taxed if we were to keep herds of animals. The government is trying hard to make us abandon our ancestral nomadic tradition. The years ahead will be tough for the Tibetan nomads.

According to Rinchen, the new law has been introduced for 2 reasons. Firstly, it is the aim of Chinese government to destroy the nomadic tradition and to ensure that nomads move to towns and cities. In the past, those nomads who have abandoned their livelihoods have met with tragedy. They are illiterate and have no alternative skills to earn a living. Many of them have ended up living a life of impoverishment and destitution. Secondly,

the Chinese government has discovered natural resources in Rinchen’s locality where the hill named “Nyida” is believed to contain gold, silver, coal and iron deposits. The introduction of the new law was, therefore, a clever ploy by the government to move nomads to a distant place in order to exploit these natural resources.

### **chinese government and PLA soldiers put gansu nomads in crisis<sup>12</sup>**

Pema Rinchen, 46, a nomad from Kanlho, Sangchu county, Gansu Province gave testimony to TCHRD at Kathmandu Refugee Reception Centre on 13 December 2006 in relation to the impoverishment of nomads in Gansu Province.

He said:

The Chinese government has recently introduced a new policy in respect of nomads. The new policy, directed at nomads in Gansu, is aimed at reducing the size of their herds of livestock. Pasture is distributed amongst them. Each family has to pay pasture tax, such as 2.50 Yuan per Mu (roughly 67 square meters) of land. The pasture tax comes to 2000 Yuan every year. We dislike the new policy but can’t do anything about it. We are not able to rear and raise livestock as we did in the past. At the present we are not allowed to keep more than 50 to 100 livestock.

In the past, Tibetan nomads in Sangchu County, Kanlho had the best pastureland. They had large herds of livestock, a good life, meat, cheese, milk and other animal products in abundance. They sold their surplus products in the markets.

Pema Rinchen further stated:

I had around 300 Yaks and 300 sheep. I had an income of 200, 000 Yuan but now



the Chinese government has restricted me to keeping 30 Yaks and 80 sheep. Our income and living standard have drastically decreased. Nowadays, we eat meagerly so that our provisions last for a year.

He reported that in June 2006, 5000 military personnel, People's Armed Police ("PAP"), carried out a military drill on Kanlho pastureland. An area of 30,000 square Mu. During the drill, soldiers did not allow local nomads to use the pastureland as Tibetans were not allowed in the vicinity of the drill exercise. The pastureland was damaged and destroyed during the drill.

He said:

There were many small airplanes, around 200 motor vehicles, artillery shells, explosives, and sniping and marksmanship by the soldiers. They even used livestock as targets, killing animals. Moreover, the soldiers left behind seriously damaged pastureland. They paid nothing in compensation to the nomads. The nomads were deeply hurt and angered yet they could do nothing.

### **local government misuse of power<sup>13</sup>**

In the same county of Kanlho, the local authorities mismanaged the nomad's fund. In 2001, a Chinese entrepreneur collected money from Tibetan nomads, however, with the involvement of local authorities, the money collected disappeared without a trace. The nomads forwarded a petition to the local authorities but received no response.

In 2005, a peaceful protest against the local authorities was held, however, a local Tibetan official, Tsering Dhondup; *Huis* Chinese officials; and PAP soldiers suppressed the protest and issued a terse warning that such protest would amount to counter revolutionary activities with dire consequences.

Later, after a change in government officials, new local officials solved the case by stating that this was a case of "corruption and misuse of public funds". Each family had invested 100 Yuan in the enterprise and there were 2,200 families. The authorities at all levels - County, Township and Prefecture - took money rightfully owned by the Tibetans. So far, the authorities have not reimbursed the local Tibetans.

### **poverty and prostitution<sup>14</sup>**

Choepa Tso, 25, from Nyagong village, Lhucho Township, Sangchu County, Qinghai Province, gave her testimony to TCHRD at Kathmandu Refugee Reception Centre on 23 June 2006 in relation to widespread poverty in her village and how young rural girls opt to work as sex workers in order to evade poverty.

Choepa Tso said:

I was born to a poor semi-nomadic family in Amdo. In our family, we have six members. A poor agricultural yield and taxation by the local authority are common in our village. Poverty is widespread. I am illiterate; people in my village hardly go to school. When I was 20 years old, I developed a strong urge to support my family financially. I was forced to leave my home and lived in Lhasa working as dishwasher cum waitress in restaurants. I moved from one ill-paid job to another. Most of my masters were *Huis* Chinese Businessmen, very cruel and mean.

There are many Tibetans from rural Tibet who are willing to do any kind of work in order to escape poverty. They are not educated. They are illiterate and exploited on the streets of Lhasa and other big cities. There were 8 other girls working in Choepa Tso's restaurant. They were beaten, scolded, maltreated and threatened and had to work long

shifts in unhygienic conditions. They were often coerced by the owners to sleep with clients with the promise of increased wages.

Choepa Tso said:

Finally I landed in a well-paid job as a waitress in one of the gambling dens in Lhasa. The owner was a Tibetan; customers were Tibetans, *Huis* Chinese and *Han* Chinese. Waitresses in the gambling den smoke, drink alcohol and even sleep with clients to make easy and fast money. Sex workers charge 100 Yuan for a night. I have seen so many lives of young Tibetan girls ruined.

Like me, more and more young Tibetan girls from rural areas are moving into cities in search of a better livelihood at an alarming rate. However, very often they end up working as prostitutes, as it is the only way to make fast and easy money. They belong to the most vulnerable portion of population.

Seeing nothing but a bleak future in Tibet, Choepa Tso fled Tibet and reached Kathmandu, Nepal on 21 July 2006.

### **poverty widespread in rural tibet<sup>15</sup>**

An exile returnee, Lobsang Choedor, 32, from Samdup village, Chukhog township, Ngari county, “Tibet Autonomous Region” (“TAR”) gave testimony to TCHRD at Kathmandu Refugee Reception Centre on 6 May 2006 in relation to widespread poverty in his native hometown in Tibet, to which he returned after an absence of 7 years.

Lobsang Choedor sought exile India in 1999. He became monk and joined Drepung Monastery in South India. 7 years later, he returned to his native hometown in Tibet. He said:

I really wanted to know the true situation in my home town. But to my disappointment, nothing had really changed in all those years. Instead, the Chinese are more cautious and wary of exile returnees, particularly monks and nuns. There are many informers and spies in the village and therefore I couldn't move an inch when I was in Tibet.

Lobsang Choedor recounted:

To my disbelief, no positive changes were visible. In the name of development, the local government constructed one stone house, but there was nothing of practical assistance to the local Tibetans. In the past, the Chinese government had distributed two and half kilograms of wheat flour and three and half kilograms of rice to the locals. The event was widely publicized and broadcast in the State media.

In truth, the local Tibetans are mostly farmers and they live in abject poverty. The village still has no electricity. The Chinese government has completely neglected the locals because of their remoteness and lack of political significance. Villagers of all ages seek jobs in the nearby township and



**Impoverishment of Farmer**

county city and work on construction sites. There is no school and all the locals in village are illiterate.

For the ethnic Chinese, however, the situation is different. *Huis* Chinese and *Han* Chinese who have settled in the region in last decade today dominate business in the area and the local economy. They are far wealthier than Tibetans, owning restaurants and hotels. They have more political clout and influence. Tibetans are reduced to a minority community, alienated from the new Chinese settlers. As Choedor concluded, "It is sad and pitiable to see the situation in which Tibetans live. The widespread poverty and their plight are very visible".

### **lands taken from the tibetans in toelung dechen<sup>16</sup>**

Testimony was also given to TCHRD by another exile returnee, Lobsang Choedrak, 32, from Zsamo township, Toelung Dechen county, "Tibet Autonomous Region" ("TAR"), at Kathmandu Refugee Reception Centre on 6 May 2006 in relation to land being grabbed from local Tibetans in Toelung county.

In Toelung Dechen County, the Chinese authorities were grabbing land and property from local Tibetans in order to build lavish hotels and luxury resorts in the name of development. These government "development projects" have evicted and displaced thousands of Tibetans from the area. The evicted and displaced Tibetans have only been given paltry monetary compensation of a few thousand Yuan.

### **new administrative regulations pushing tibetans to the brink**

Jampa Choeden, 29, from Rangpatsang township, Kardze county "Kardze Tibetan Autonomous Prefecture" ("TAP"), gave testimony to TCHRD

at Kathmandu Refugee Reception Centre on 6 December 2006 in relation to the Chinese authorities' new regulations on Tibetans and the poor state of education in Tibet.

He said:

This year the Chinese government has stopped issuing travel permits and passports to people in Kardze. The government impose heavy restrictions on the movement of people and the only way to procure travel permits is either through bribing officials or by having contacts at high levels. There is no other way. The move was triggered by the widespread burning of animal skins in wake of the Dalai Lama's 2006 Kalachakra Initiation where he advised Tibetans in Tibet against wearing animal skins as part of fashionable trends....I moved to Lhasa and worked as a wall painter and calligrapher. In that way, I was able to make a living.

He secured a job which required him to be included on a "Guest List", a record of all Tibetans from "non-TAR" regions who come to stay or settle in and around Lhasa. Their presence is recorded in this way because the "TAR" is a politically volatile and sensitive place. He further said:

If anyone is involved in political activities, he or she can be easily traced and arrested. However, on the other side, since July 2006, Chinese settlers have been coming to Lhasa, but the local government is not keeping any record of them. There is a growing surge of Chinese labourers coming to Tibet. As a result, Tibetan labourers are facing stiff competition in the labour market. More and more Tibetans are becoming unemployed. The new Chinese settlers are using advanced technologies and, as a

result, the commercial value of Tibetan skilled work is fast diminishing.

## **railway: a tool of cultural genocide**

Following several years of massive government propaganda, the “Qinghai-Tibet Railway” opened on 1 July 2006. Chinese President Hu boasted, “The project is not only a magnificent feat in China’s history of railway construction, but also a great miracle of the world’s railroad history”. Hu stressed that China intended the train to bring development and economic prosperity to Tibetans. According to the government in Beijing, the train is the “center-piece” of a developmental plan that will facilitate economic development in Tibet and other western regions of China. In contrast, a monk who recently sought exile believes the train will bring harm and long-term ills to Tibetan society. In testimony given to TCHRD, he contradicted the Chinese government’s claims.

Tseten Norbu is a 25 year old monk from Toelung Dechen County, a couple of hours drive from Lhasa city. In August 2006, he left Tibet and reached the Tibetan Refugee Reception Center in Kathmandu, Nepal. He told TCHRD about the impact of the railway on the Lhasa cityscape and Tibetan society.

After the completion of the construction of Qinghai-Tibet Railway in Tibet, the Chinese government issued two or three flags to all of the government offices in Lhasa city and Lhasa residents to mark the opening ceremony. They were issued with strict instructions that the flags had to be hoisted on the rooftops of houses to celebrate the inaugural ceremony. Government officials issued terse warnings

to residents that if they failed to hoist the Chinese flags on their rooftops, this would be interpreted as a gesture of defiance and revolt against Motherland China. The government also said that they would take firm and stringent action against those who failed to hoist the flag. In response to these threats, Tibetan residents in Lhasa city hoisted Chinese flags.

Tibetan people have been living in intense fear and anxiety over the laying of the Qinghai-Tibet Railway line in Tibet. In addition, just two months after the passenger cars were on the tracks, the train brought an exodus of ethnic Chinese from China into Lhasa city in search of new livelihoods. Every train that came to Lhasa station filled Lhasa’s streets with ethnic Chinese searching for a new beginning. The Chinese authorities gathered them together for an orientation meeting. Hundreds of Chinese settlers based themselves on the sides of highways looking for a new lease of life with sleeping bags and goods on their backs. There are lots of Chinese circus entertainers, carrying monkeys, drums and luggage and making their monkeys to do tricks and gimmicks in Lhasa’s streets, and in that manner they earn their livelihood.



**Railway committing Cultural Genocide in Tibet**

Likewise, so-called Chinese Shaolin monks entertain the crowds in Lhasa's streets by displaying martial arts and Kungfu. Tibet has now become a victim of China's population transfer and assimilation. In recent years, the Chinese government has intensified and stepped up the influx of people to Tibet.

On the streets of Lhasa, Chinese settlers have taken over public transportation services, taxis and human peddled rickshaws. There are very few Tibetans providing transportation services. In the service sector, Chinese businessmen and businesswomen own most of the hotels and restaurants. A very large numbers of Tibetan young men and women work for them as employees. They earn around 400 to 500 Yuan per month. Under the guise of the official tag, "Chinese tourists", large numbers of unemployed Chinese migrants arrive in Tibet by train. Amongst the swarms of migrants, many are Chinese sex workers and Lhasa city has witnessed an unprecedented rise in thefts and robbery in a very short period of time since the arrival of the train in Lhasa. As far as the cultural landscape of Lhasa city is concerned, the old traditional image of Lhasa is no longer visible; instead, Lhasa city has been converted into a typical sprawling modern Chinese city.

In recent times in the streets of Lhasa city, Mandarin has become a day-to-day language used and spoken by people. Even elders, young people and children in Tibetan families now mix Mandarin words into the Tibetan language. There is a dominant stigma prevalent in Tibetan society that if anyone doesn't know how to speak

Mandarin, they are not part of mainstream society and trends. This is very true. Similarly, the Tibetan butcher and meat sellers in and around Potala Palace, Tsuglagkhang temple, Ramoche Tsuglagkhang and Norbulinga Palace only speak Mandarin.

They have almost lost their own mother tongue. The large open ground in front of Potala palace and Tsuglagkhang is occupied by thousands of Chinese settlers brought in by the train. The Chinese government explained that the train would bring Chinese tourists from Mainland China and even foreign tourists contributing largely to the generation of income. In their rhetoric, the government stated that the economic development in Tibet and for the Tibetan people would move ahead like a young moon growing to its full moon stature. Unfortunately the Chinese government has not kept to that goal in implementing their plans but rather they are fully preoccupied and engrossed in stepping up the influx of Chinese settlers into Tibet.

I have seen myself that since the coming of train to Lhasa city, the city has witnessed a steady rise in population. The Chinese government is now implementing the construction of many guesthouses and residence quarters. Government propaganda and claims to the outside world that the Chinese authorities are transforming Lhasa city into an ultra modern city are nothing but a deception and window dressing. The construction of new residence quarters is in fact to accommodate Chinese settlers, an agenda contrary to the authorities' stated claims in



government sponsored media. The new residences are not for the purpose of housing Tibetans from Kham, Amdo and Tibetan people in villages around Lhasa city, but for Chinese settlers moving into Tibet.

Old and traditional Tibetan housing and architecture inside Lhasa city are now being destroyed. In place of old traditional buildings, strange looking buildings are mushrooming up in all places, and as a result, when we enter Lhasa city, we no longer have the feeling that we are entering our Lhasa city of Tibet but, rather, the feeling we are entering a Chinese city.

Chinese settlers, after a month, began resorting to cheating and deceiving Tibetan people from rural areas coming to Lhasa by selling poor quality watches they brought from China at a high rate, telling the Tibetans that the watches are made and brought from foreign countries. At times when Tibetan people realized that they have been cheated and deceived, any effort to fight back against the Chinese is in vain. Tibetans are trapped in a hopeless situation. Lhasa city is now completely dominated by the influx of Chinese settlers, and since they form the majority, Tibetan people can't dare to fight back against the Chinese. They are reduced feeling that they are in a foreign land, although in their own land. There is nothing else they can do apart from keeping quiet. However, it might be possible that the Qinghai-Tibet Railway will bring economic development to Tibet.

Still then, the development and economic prosperity of Tibet claimed by the Chinese government has serious long-term negative consequences upon our virtuous Tibetan

culture. In recent times in the streets, narrow lanes and corners of Lhasa's alleyways, whether they are Chinese or young men and women without any tinge of shyness and shame, people display their emotions and sentiments in public by hugging and kissing in the streets. I saw many of them.

This intrusion of disgraceful and shameless culture did not penetrate our Tibetan culture and manners in the past, but now, with the influence of China and its negative fall out in general society, a growing number of Tibetan young men and women are embracing and emulating Chinese shameful ways and manners. Therefore the Qinghai-Tibet Railway has become a tool inflicting heavy and serious damage to the unique and precious cultural identity of Tibetan people which has defined Tibet and Tibetans for centuries. This cultural genocide will continue in the future. There is little doubt what negative impact and damage it can do to Tibetan identity and culture judging by the present trends and changes brought to Tibetan society thus far."<sup>17</sup>

## **conclusion**

The testimonies and information gathered by TCHRD in 2006 continue to shed light on the deplorable conditions prevailing in rural Tibet, alongside the fast growing urban economy. The testimonies show three major trends:

- (a) Those Tibetans who fled Tibet hail from the rural Tibet and are mostly poor farmers and nomads.
- (b) Most are illiterate, young children and women; the most vulnerable sections of society.

- (c) Most live on fringe, failed by the China's political and economic system in Tibet. They have no access to reasonable living conditions, education, health care or prospects for a better life.

China's economic and development strategy in Tibet produces polar economies. On the one hand, the economy is driven by fast paced capitalism with massive growth in urban Tibet which is dominated by *Huis* and *Han* Chinese settlers; whilst on the other hand, the rural face of Tibet, representing more than 80 percent of the Tibetan population, remains trapped in widespread poverty and neglect.

Today, China has a growth rate of more than 10 percent annually. On face value, this growth projection might seem to paint a bright picture for Tibet as the fastest developing region in China; yet growth rates and projections only illustrate the overall picture in Tibet and do not reflect the position for most Tibetans. Yes - there is more than 10 percent growth taking place in Tibet annually but only in the urban sector which, as mentioned above, is dominated by *Huis* and *Han* Chinese settlers. In the rural sector, there is little growth and, in fact, animal husbandry and grain production are plummeting, showing a downward trend in growth. In Tibet, there are thus two economies operating side by side.

The present development strategy in Tibet has failed to yield positive results in the past and seems likely to continue to do so in the future. The Chinese authorities must not feed the economy of larger China at the expense of Tibetan people. It is because it has done so to date that the vast majority of Tibetans remain poor, despite so much of growth in urban enclaves in Tibet. The root cause of the impoverishment of Tibetans is the persistent and deliberate policy of the Chinese leadership not to "empower" Tibetans.

The true yardstick of development can only be assessed through the empowerment of Tibetans - through the implementation of people-friendly policies, considering the unique characteristics of Tibetan people. Education is one of the key areas which Beijing prefers to shun. China must now focus on education, health, rural development, agriculture, and nomadic culture, handing over the ownership and power to Tibetan people.

So far in Tibet, the absence of all of the above has led to lopsided growth and an economy which is highly polarized. In the last decade, TCHRD has been appealing to the leaders of China to introduce a strategy which suits Tibetans.

In a nutshell, unless and until China reforms its development approach and strategy in Tibet, as has been the case in the past, however many five years plans there are in the future, the fate of Tibetans is unlikely to change. The denial of opportunity to Tibetans is a gross denial and violation of human rights.

## endnotes

- 1 Kathmandu TCHRD Interview No 9, 8 August 2006
- 2 Kathmandu TCHRD Interview No 10, 23 October 2006
- 3 Kathmandu TCHRD Interview No 2, 5 May 2006
- 4 Kathmandu TCHRD Interview No 2, 12 July 2006
- 5 Kathmandu TCHRD Interview No 7, 20 September 2006
- 6 Kathmandu TCHRD Interview No 3, 8 October 2006
- 7 Kathmandu TCHRD Interview No 3, 8 October 2006
- 8 Kathmandu TCHRD Interview No 10, 23 October 2006
- 9 Kathmandu TCHRD Interview No 8, 17 October 2006
- 10 Kathmandu TCHRD Interview No 8, 17 October 2006
- 11 Kathmandu TCHRD Interview No 2, 12 July 2006
- 12 Kathmandu TCHRD Interview No 6, 13 December 2006
- 13 Kathmandu TCHRD Interview No 6, 13 December 2006
- 14 Kathmandu TCHRD Interview No 9, 23 June 2006
- 15 Kathmandu TCHRD Interview No 3, 6 May 2006
- 16 Ibid
- 17 Kathmandu TCHRD Interview No 11, 12 September 2006

**APPENDIX 1**

**List of Known Political Prisoners**

<b>TCHRD</b>	<b>STATUS</b>	<b>NAME</b>	<b>LAY NAME</b>	<b>SEX</b>	<b>AGE</b>	<b>AFFILIATION</b>	<b>ARREST</b>	<b>PRISON</b>	<b>TERM</b>	<b>ORIGIN</b>
96-007	DET?	Atsag	Dawa Dhondup	M	30	Gaden Monastery	5/7/1996	Chushul Prison	10 yrs	Lhoka Gongkar
99-046	DET	Bangri Rinpoche	Jigme Tenzin	M	40	Kongpo Bangri Monastery	26/8/1999	Chushul Prison	18 yrs	Kham Nangchen, Qinghai
06-017	DET	Bhuchung	Unknown	M	30	Tashi-lhunpo Monastery	00/05/2006	Shigatse DC		Shigatse, TAR
94- 077	DET	Chemi Dorjee	Unknown	M	30	Serwa Monastery	29/03/1994	Chushul Prison	15 yrs	Chamdo Pashoe
05-025	DET	Chemi Gonpo	N/A	M	30	Kardze	21/06/2005	Kardze DC		Kardze TAP, Sichuan
04-001	DET?	Choedhen Rinzin	Unknown	M	25	Gaden Monastery	12/2/2004	Gutsa DC		Meldrongkar County
05-011	DET	Choekey Dolma	Unknown	F	24	Gaden Tengyeling Nunery	20/05/2005	Tsolo TAP DC	3 yrs	Thunde County, Tsolo TAP
01-026	DET	Choenga Tsering	Gyaltsen	M	18	Kardze Monastery	00/04/2001	Ngaba Prison	8 yrs	Kardze
05-006	DET	Chung Tsering	Unknown	M	28	Pangsa Monastery	00/04/2005	Gutsa		Medrongkar TAR
96-224	DET	Dawa Dorjee	N/A	M	31	Bank Employee	00/00/1996	Chushul Prison	15 yrs	Nagchu
98-030	DET	Dawa Tsering	Unknown	M	54	Farmer	00/09/1998	Chushul Prison	15 yrs	Markham, Chamdo TAR
05-008	DET	Dhargye Gyatso	Unknown	M	25	Labrang Monastery	20/05/2005	Tsolo TAP DC	3 yrs	Amdo Arig, Tsolo TAP
06-009	DET	Dolma Kyap	Unknown	M	30	Teacher, Writer	9/3/2005	Chushul Prison	10 yrs	Tsochang, TAP Qinghai
04-002	DET	Dorjee Tsephel	N/A	M	28		20/05/2004	Chabcha DC	4 yrs	Chabcha County
05-018	DET	Gedhun	Lobsang Gedhun	M		Yulung Monastery	2/4/2005	Chabcha DC	4 yrs	Tsolo TAP, Qinghai
95-005	DET	Gedun Choekyi Nyima	Unknown	M	6	Tashi Lhunpo Monastery	17/05/1995	Beijing ?		Nagchu, Lhari
02-005	DET?	Gendun	Unknown	M		Bank Employee	21/12/2002	Shigatse DC		Ngamring County, Shigatse
94 -163	DET	Gonpo	Unknown	M	18	Tawu Monastery	00/00/1994	Sheduk kyang	12 yrs	Kardze
04-017	DET	Gyalpo	Unknown	M	26		00/02/2004	Ngapa Prison	11 yrs	Kardze County, TAP Sichuan
06-012	DET	Gyaltsen Namdak	Unknown	M	24	Sera Monastery	00/05/2006	Chushul Prison	5 yrs	Shigatse, TAR

## List of Known Political Prisoners

TCHRD	STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
00-008	DET	Gyurmey	Unknown	M	28	Sog Tsedhen Monastery	17/03/2000	Chushul Prison	10 yrs	Sog-Sogrongmi
02-038	DET	Jampa Namgyal	N/A	M	40	N/A	00/01/2002	Ngaba Prison	9 yrs	Kardze County
06-001	DET	Jampa Yangtso	Unknown	F		Kardze	06/06/2002	KardzeDC		Kardze TAP, Sichuan
05-003	DET	Jamphel Gyatso	Unknown	M	26	Dakar Tretsong Monastery	14/01/2005	Xiling	3 yrs	Tsekor thang County, Tsolo TAP
05-023	DET	Jamphel Gyatso	Unknown	M	26	Dakar Tretsong Monastery	2/4/2005	Qinghai PSB DC	3 yrs	Xinghai County, TAP, Qinghai
05-022	DET	Jamyang Samdrub	Unknown	M		Labrang Monastery	00/05/2005	Tsolo TAP DC	1 yrs 6 months	Amdo Arig, Tsolo TAP
05-007	DET?	Jigme Dhasang	Unknown	M	22	Kubhum Monastery	00/05/2005	Hongzhong DC		Tsolo TAP, Qinghai
96-259	DET	Jigme Gyatso	N/A	M	34	Amdo Labrang Monastery	30/03/1996	Chushul Prison	18 yrs	Kanlho Sangchu
06-007	DET	Jinpa	Unknown	M		Chogtsang Taklung Monastery	23/8/2006	Kardze DC		Kardze TAP, Sichuan
06-015	DET	Kayi Doega	Unknown	M		Geci Nunnery	1/06/2006	Kardze DC		Kardze TAP, Sichuan
02-029	DET?	Kelsang Dhondup	Unknown	M	38	Drakar Tetsong Monastery	5/08/2002	Xiling	3 yrs	Chabcha County
03-003	DET?	Kunchok Choemphel	Unknown	M	30	Labrang Monastery	11/4/2003	Sangchu DC		Sangchu County
01-032	DET	Kunchok Dhargay	Unknown	M	32	Rabgya Monastery	00/05/2001	Machen DC	6 yrs	Machen County, Golok Qinghai
96-165	DET	Kunchok Dhondup	Unknown	M	24	Gaden Monastery	5/10/1996	Chushul Prison	11 yrs	Meldrogungkar Drangda
03-017	DET	Kunchok Tenpa	Unknown	M	24	Taktsang Lhamo Kirti Monastery	00/01/2003	Ngapa DC ?		Dzogyey County, TAP Sichuan
95-136	DET	Legshe Phuntsok	Sonam Dhondup	M	23	Nalanda Monastery	03/05/1996	Chushul Prison	12 yrs	Phenpo Lhundrup
92-051	DET	Lhundrup Dorjee	N/A	M	23	N/A	30/06/1992	Chushul Prisoni	15 yrs	Meldrogungkar Dashar
05-004	DET	Lobsang Dharygye	Unknown	M	37	Dakar Tretsong Monastery	14/01/2005	Xiling	2 yrs	Tsekor thang County, Tsolo TAP
97-053	DET	Lobsang Dorjee	Unknown	M	19	Drongsar Monastery	7/01/1997	Chamdo DC	14 yrs	Chamdo Pashoe

**List of Known Political Prisoners**

TCHRD	STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
94-076	DET	Lobsang Jinpa	Pema Tsering	M	23	Serwa Monastery	29/03/1994	Chushul Prison	15 yrs	Chamdo Jojugyabdo
04-016	DET	Lobsang Khedrup	Unknown	M	22		00/02/2004	Ngapa Prison	11yrs	Kardze County, TAP Sichuan
96-067	DET	Lobsang Khetsun	Lobsang Dawa	M	27	Gaden Monastery	5/07/1996	Chushul Prison	12 yrs	Phenpo Lhundrup
06-006	DET	Lobsang Palden	Unknown	M	22	Kardze Monastery	00/08/2006	Kardze DC		Kardze TAP, Sichuan
95-119	DET	Lobsang Sherab	Unknown	M	19	Drongsar Monastery	8/11/1995	Chushul Prison	12 yrs	Chamdo Pashoe
94-079	DET	Lobsang Tendar	Lobsang Tsegyal	M	31	Serwa Monastery	29/03/2004	Chushul Prison	15 yrs	Chamdo Pashoe
96-157	DET	Lobsang Tenpa	Jampa Lodroe (Poloe)	M	23	Gaden Monastery	05/07/1996	Chushul Prison	15 yrs	Drigung Meldro
03-009	DET	Lobsang Tenphen	Unknown	M	38	Business	2/12/2003	Ngapa Prison	5 yrs	Kardze Lithang
88-052	DET	Lobsang Tenzin	N/A	M	22	TAR""University	19/03/1988	Chushul Prison	18 yrs	Lhasa
06-011	DET?	Lobsang Tenzin	Dawa	M	38	Farmer	00/00/2001	Chushul Prison	5 yrs	Shigatse, TAR
06-013	DET	Lobsang Thoesam	Unknown	M	23	Kundelling Monastery	00/08/2006		3 yrs	Tsongon, TAP
95-118	DET	Lobsang Tsering	Bushow	M		Drongsar Monastery	8/11/1995	Chamdo DC	14 yrs	Chamdo Pashoe
95-144	DET	Lobsang Tsultrim	Choesang	M	20	Drongsar Monastery	08/11/1995	Chushul Prison	12 yrs	Chamdo Pashoe
93-240	DET	Lodroe Gyatso	N/A	M	33	Sog Drama Association	17/01/1993	Chushul Prison	21 yrs	Sog, Sogrongmi
00-006	DET	Luzi Tashi Phuentsok	N/A	M	29	Othok Monastery	00/04/2002	Yakraphug	7 yrs	Kardze
06-017	DET	Nagwang Rigsang	N/A	M	26	Gaden Monastery	17/03/2006	Chushul Prison	2 yrs 6 months	Meldrogungkar, TAP
06-004	DET	Namkha Gyaltzen	Unknown	M	30	Kardze Monastery	06/03/2000	Ngaba Prison	8 yrs	Kardze TAP, Sichuan
97-085	DET?	Ngawang Geyser	Ngawang Gyalsey	M	21	Sog Tsendhen Monastery	18/08/1997	Disappear		Sog Ya- Ngashang
89-166	DET	Ngawang Phulchung	Anu	M	34	Drepung Monastery	16/04/1989	Chushul Prison	19 yrs	Toelung Dechen



## List of Known Political Prisoners

TCHRD	STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
99-043	DET?	Nyima Tenzin	N/A	M	20		14/09/2004	Sog DC?		Sog County
04-009	DET	Nyima Tsering	Unknown	M	65	Teacher	12/6/2002	Chushul Prison	5 yrs	Gyantse County
02-025	DET	Pasang	N/A	M	21	N/A	3/8/1989	Chushul Prison	15 yrs	Lhasa
89-133	DET	Pasang Tseggye	Pasang Tsering	M	38	Gaden Monastery	5/7/1996	Chushul Prison	12 yrs	Meldro Gyalding
97-118	DET	Phuntsok Dhondup	Tsering Bakdro	M	28	Gaden Monastery	5/7/1996	Chushul Prison	10 yrs	Lhasa Drushi
94-092	DET?	Phuntsok Tsering	Unknown	M	24	Dhargayling Monastery	21/12/2004	Nyari DC		Lhatse Shigatse
04-011	DET	Phuntsok Wangdu	Unknown	M	29	Gaden Monastery	2/7/1997	Chushul Prison	14 yrs	Taktse Drushi
06-005	DET	Rinchen Sangpo	Unknown	M	30	Drepung Monastery	19/07/2006	Gutsa?		Tsolo TAP, Qinghai
97-063	DET	Sey Khedrup	Unknown	M	27	Sog Tsendhen Monastery	19/03/2000	Chushul Prison	life	Sog Yognashang
00-014	DET?	Sherab	Unknown	M	25	Labrang Monastery	20/05/2005	Tsolo TAP DC		Thunde County, Tsolo TAP
05-010	DET	Sherab	Unknown	M	42	Tsang monastery	00/11/2002	Xiling	5 yrs	Hainan County, Qinghai
02-023	DET	Shethar	Unknown	M	35	Khangmar Monastery	00/01/2003	Ngaba DC	12 yrs	Marthang County
03-010	DET?	Sonam	Unknown	M	43	Potala Care taker	21/8/2005	Gutsa?		TAR
06-002	DET	Sonam Choetso	Unknown	F		Kardze	00/06/2006	Kardze DC		Kardze TAP, Sichuan
05-019	DET	Sonam Dorjee	N/A	M	23	N/A	30/06/1992	Chushul Prison	13 yrs	Meldro Dashar
92-175	DET	Sonam Gyalpo	Unknown	M	43	Business	28/08/2005	Chushul Prison	12 yrs	Lhoka Prefecture TAR
06-014	DET	Sonam Lhamo	Unknown	F		Geci Nuntery	00/06/2006	Kardze DC		Kardze TAP, Sichuan
01-032	DET	Sonam Ngodup	Serpo	M	25	Kardze Monastery	00/04/2001	Ngapa Prison	7 yrs	Kardze

**List of Known Political Prisoners**

TCHRD	STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
01-027	DET	Sonam Nyidrup	N/A	M	18		14/09/2004	Sog DC?		Sog County
04-021	DET?	Tamdin	N/A	M	63		3/9/2001	Chushul Prison	6 yrs	Chamdo Palbar
05-020	DET	Tamdrin Tsomo	Unknown	F		Gaden Tengyelung Nunnery	00/05/2005	Gansu Women Prison	3 yrs	Thunde County, Tsolo TAP
01-035	DET?	Tasang Norbu	Unknown	M	21	Gaden Monastery	5/7/1996	Chushul Prison	10 yrs	Meldro Drigung
96-139	DET	Tashi Gyaltzen		M	28	Dakar Tretsong Monastery	14/01/2005	Xiling	3 yrs	Tsekor thang County, Tsolo TAP
05-001	DET	Tashi Gyatso		M	37		5/5/2001	Xiling	12 yrs	Amdo Golok Machen County
01-045	DET	Tashi Topgyal		M	50	Carpentary	00/08/2002	Chushul Prison	6 yrs	Ngamring County, Shigatse
01-042	DET?	Tenpa Dhargay	N/A	M	20	Amdo	00/00/2001	Chushul Prison	5 yrs	Amdo Golok
05-024	DET	Tenzin	N/A	M	30	Kardze Monastery	00/03/2005	Kardze DC		Kaedze Sichuan TAP
99-001	DET	Tenzin Dorjee	Unknown	M	23	Shabten Monastery	00/00/1997	Chushul Prison	10 yrs	Nagchu
97-006	DET	Tenzin Gelek	Penpa	M	23	Gaden Monastery	5/9/1996	Chushul Prison	12 yrs	Taktse Lamo Chawa
96-169	DET	Tenzin Khedup	Unknown	M		Tsampung Monastery	18/07/2001	Chamdo DC	Life	Tengchen County
96-232	DET	Thoe Sanden	Unknown	M	32	Dakar Tretsong Monastery	14/01/2005	Xiling	2yrs	Tsekor thang County, Tsolo TAP
06-008	DET	Thupten Samten	Unknown	M	19	Sera Monastery	23/5/2006	Gursa?		Zachukha, TAP Sichuan
05-002	DET	Thupten Thabkai	Unknown	M		Tsampung Monastery	18/07/2001	Chamdo DC	Life	Tengchen County
01-016	DET	Thupten Yeshi	Unknown	M	42	N/A	7/6/1992	Chushul Prison	15 yrs	Meldro Dashar
00-032	DET	Trakru Yeshi		M	48	Electrical employee	19/03/2000	Chushul Prison	12 yrs	Sog County Nagchu TAR
92-156	DET	Trinkar	Unknown	M	33	Farmer	00/00/1992	Chushul Prison	22 yrs	Sog County, Nagchu TAR
04-007	DET	Trulku Tenzin Delek	Ah-Nga-Tashi	M	54	Lithang Monastery	4/7/2002	Chuandong	Life	Lithang, Karze TAP
02-018	DET	Tsepal	Unknown	M	64	Serwa Monastery	00/00/1997	Chushul Prison	16 yrs	Chamdo Pashoe
97-052	DET?	Tsering Dhondup	Unknown	M	33	Sera Monastery	00/07/2005	Gutsa		Phenpo Lhundup County

## List of Known Political Prisoners

TCHRD	STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
02-020	DET	Tsering Lhagon	N/A	M	40	N/A	19/03/2000	Chushul Prison	15 yrs	Sog Yaklashang
02-017	DET?	Tseten Gyatso	N/A	M	0	N/A	00/07/2001	Chushul Prison	8 yrs	Amdo
00-79	DET?	Tsewang	N/A	M	30	Amdo	00/00/2000	Chushul Prison	6 yrs	Amdo, TAP, Qinghai
00-79	DET	Tsokphel	Unknown	M	31	Khangmar Monastery	00/01/2003	Ngaba DC	12 yrs	Marthang County
01-029	DET	Tsultrim Phelgye	Unknown	M	38	Dakar Tretsong Monastery	14/01/2005	Xiling	2 yrs	Tsekor thang County, Tsolo TAP
05-005	DET?	Tsundue Gyamtso	Unknown	M	23	Taktasang Lhamo Kirti Monastery	00/06/2004	Ngapa DC ?		Dzogyey County, TAP Sichuan
04-018	DET?	Ugyen Tashi	N/A	M	53	N/A	28/08/1995	Chushul Prison	9 yrs	Chamdo Pashoe
95-074	DET	Voessel	Jamyang Woesser	M	30	Khangmar Monastery	00/01/2003	Ngaba DC	8 yrs	Marthang County
03-013	DET?	Yaepu	Unknown	M	24	Kardze Monastery	00/04/2001	N/A	5 yrs	Karze Dhamdo
00-78	DET	Yeshi Dorjee	Unknown	M	25	Monk	00/02/2001	Chushul Prison	6 yrs	Amdo, Golok
02-028	DET	Yeshi Jinpa	Pema Sandup	M	20	Sungrabling Monastery	28/06/1997	Chushul Prison	11 yrs	Lhoka Gongkar
93-148	DET	Yeshi Rabgyal	Bhagdro	M	28	Gaden Monastery	5/7/1996	Chushul Prison	15 yrs	Meldro Gyama Trikhang
96-136	DET	Yeshi Tenzin	Unknown	M	32	Sog Tsedhen Monastery	17/03/2000	Chushul Prison	15 yrs	Sog, Sogrongmi
06-003	DET	Yiga	Unknown	F		Kardze	00/06/2006	Kardze DC		Kardze TAP, Sichuan
06-016	DET	Yiwang	Jampa	F		Kardze Middle School	00/06/2006	Kardze DC		Kardze TAP, Sichuan
05-021	DET	Yonten Drolma	Unknown	F		Gaden Tengyeling Nunnery	00/05/2005	Gansu Women's Prison	1 yrs 6 months	Thunde County, Tsolo TAP
02-026	DET	Yonten Gyalpo	Tenzin Norbu	M	28	Gaden Monastery	5/10/1996	Chushul Prison	12 yrs	Meldrogungkar
03-011	DET	Zoepa aka Soepa	Unknown	M	33	Khangmar Monastery	00/01/2003	Ngaba DC	12 yrs	Marthang County, TAP

Known arrest in 2006

APPENDIX 2

STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
DET	Bhuchung	Unknown	M	30	Tashilhunpo Monastery	00/05/2006	Shigatse DC		Shigatse TAR
DET	Gyaltsen Namdak	Dawa	M	24	Sera Monastery	23/05/2006	Chushul Prison	5 yrs	Shigatse TAR
DET	Jampa Youtso	Unknown	F		Kardze	06/06/2006	Kardze DC		Kardze TAP, Sichuan
DET	Jinpa	Unknown	M		Chogtsang Taklung Monastery	23/08/2006	Kardze DC		Kardze TAP, Sichuan
DET	Kayi Doega	Unknown	F		Geci Nunnery	00/06/2006	Kardze DC		Kardze TAP, Sichuan
DET	Lobsang Palden	Unknown	M	22	Kardze Monastery	00/08/2006	Kardze DC		Kardze TAP, Sichuan
DET	Lobsang Thoesam	Unknown	M	23	Kundelling Monastery	20/12/2006	Tsolo DC	3 yrs	Tsongon TAP, Qinghai
DET	Ngawang Rigsang	Unknown	M	26	Gaden Monastery	17/03/2006	Chushul Prison	2 yrs 6 Months	Meldrogungkar, TAR
DET	Namkha Gyaltzen	Unknown	M	30	Kardze Monastery	00/03/2006	Ngaba Prision	8 yrs	Kardze TAP, Sichuan
DET	Rinchen Sangpo	Unknown	M	30	Drepung Monastery	19/07/2006	Gutsa?		Tsolo TAP, Qinghai
DET	Sonam Choetso	Unknown	F		Kardze	06/06/2006	Kardze DC		Kardze TAP, Sichuan
DET	Sonam Lhamo	Unknown	F		Geci Nunnery	20/06/2006	Kardze DC		Kardze TAP, Sichuan
DET	Thupten Samten	Unknown	M	19	Sera Monastery	23/05/2006	Gutsa?		Zachuka, TAP Sichuan
DET	Yiga	Unknown	F		Kardze	00/06/2006	Kardze DC		Kardze TAP, Sichuan
DET	Yiwang	Unknown	F		Kardze Middle School	00/06/2006	Kardze DC		Kardze TAP, Sichuan

### Known deaths as a result of torture from 1987-2006

### APPENDIX 3

NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
<b>1987</b>								
1 Geshi Lobsang Wangchuk	73	M	Nagchu Prefecture	7/11/1987	Monk	10 +13 years	Drapchi	Died in custody
2 Gonpo Sonam	61	M	Gyantse County	23/12/1987	Lay	2+16 years	Drapchi	Died when released on medical treatment
3 Lobsang Dhonyoe	28	M	Shigatse County	00/10/1987	Monk			
4 Dawa	33	M	Lhasa	1/10/1987	Lay			
<b>1988</b>								
5 Lobsang Dolma	26	F	Shugseb Nunnery, Chusul County	17/5/1988	Nun	2 months	Gutsa Detention	Died after release
6 Lhakpa Dhondup	22	M	Lhasa	00/03/1988	Lay	7 months	Gutsa Detention	Died after release
7 Lobsang Choephel	21	M	Lhasa	5/3/1988	Lay		Detention Center	Died in custody
8 Lobsang Sonam	30	M	Lhasa	5/4/1988	Printing Press Staff			Died in hospital
9 Yeshi Lhundup	75	M	Lokha, Lokha Prefecture	18/12/1998	Lay	1 year		
10 Tashi Tsering	37	M	Nechung Monastery	00/00/1988	Monk			
11 Tashi Yeshi	22	M	Gaden Monastery, Taktse County	00/00/1988	Monk	2 years	Trisam Prison	Died after release
12 Tenzin Sherab	23	M	Lhasa	23/03/1988	Driver			
13 Yeshi Lhundrup		M	Lhasa	00/00/1988	Staff of TGJE		Sangyip Prison	Died after release
<b>1989</b>								
14 Chozed Tenpa Choephel	68	M	Lhasa	25/8/1989	Gardener		Sangyip Prison	Died in custody
15 Lobsang Khedrup		M	Lhasa	10/10/1989	Lay	1 year and 7 months	Gutsa Detention Center	Died after release
16 Migmar	30	M	Lhasa	00/00/1989	Lay		Setriu Prison	Died after release
17 Ngawang Zegan	27	M	Drepung Monastery, Lhasa	00/00/1989	Monk	Four months	Gutsa Detention Center	Died after release
18 Yeshi		M	Lhasa	22/08/1989	Lay	Three months	Gutsa Detention Center	Died after release



**Known deaths as a result of torture from 1987-2006**

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	<b>1990</b>								
19	Lhakpa Tsering	20	M	Lhasa, Kyi-Rae	15/12/1990	Student	3 years	Drapchi Prison	Died in custody
20	Nyima	25	F	Shugseb Nunnery, Gongkar County	00/06/1990	Nun	1 week	Lhasa PSB Detention Center	Died at home
	<b>1991</b>								
21	Jampa Gelek	26	M	Gaden Monastery, Meldrogungkar County	00/00/1991	Monk	Five months	Detention	Died after release
22	Tsamla	39	F	Lhasa	25/02/1991	Lay	2 years	Armed Chinese Soldier Office	Died in custody
	<b>1992</b>								
23	Rinzin Choeden a.k.a Kunsang Choekyi	24	F	Shugseb Nunnery, Chusul County	10/10/1992	Nun	1 week	Choshul County Prison	Died after release
24	Dawa Dhondup	32	M	Gyangtse County	00/00/1992	Lay	2 years	Sangyip Prison	Died after release
	<b>1993</b>								
25	Lhadar	25	M	Lithang Monastery	20/09/1993	Monk		Lithang District Prison	Died in custody
26	Tsenyi *	23	F	Lhasa	00/10/1993	News reporter		Seitru Prison	Suicide
	<b>1994</b>								
27	Phuntsok Yangkyi	20	F	Michungri Nunnery, Lhasa	4/6/1994	Nun	6 months + 5 years	Drapchi Prison	Died while released on medical treatment
28	Dawa Tsering a.k.a Kyerna	28	M	Lhasa	14/05/1994	Lay	1 year	Sangyip Prison	Died after release
29	Lobsang Yonten a.k.a Tsasur shangla	65	M	Lhoka Gongkar	30/10/1994	Lay	23 year + 1year (rearrest)		Died in custody

## Known deaths as a result of torture from 1987-2006

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	<b>1995</b>								
30	Gyaltsen Kalsang (lay name: Kalsang Dolma)	24	F	Garu Nunnery, Lhasa	20/02/1995	Nun	2 years	Gutsa Detention and Drapchi Prison	Died after release on medical parole
31	Kalsang Dawa *	29	M	Phenpo Lhundrup County	00/10/1995	Painter	2 and half years	Sangyip Prison	Died in custody
32	Ngawang Nyidron	21	F	Michungri Nunnery, Meldrogungkar	00/05/1995	Nun	3 years (labour camp)	Lhasa Detention Center	
33	Ngawang Yangchen	32	F	Tsamkhung Nunnery, Lhasa	00/08/1995	Nun	1 year + 3 years	PSB Detention/re-education through labour	Died after release
34	Sherab Ngawang	17	F	Michungri Nunnery, Lhasa	17/04/1995	Nun	3 years	Trisam Prison	Died after release
35	Sonam Tashi	53	F	Lhasa	00/00/1995	Carpenter	1 year		Died after release
36	Tashi Tsering	58	M	Shigatse County	17/01/1995	Lay	7 years	Drapchi Prison	Died after release
37	Choephel	20	M	Lithang Monastery, Kardze County	06/02/1995	Monk			Beaten to death in the detention centre
	<b>1996</b>								
38	Dorjee Khangshiri	66	M	Chabcha (Qinghai)	00/08/1996	Lay			Died in hospital
39	Jamyang Thinley	25	M	Chamdo Monastery, Pomda County	00/00/1996	Monk	4 months	Chamdo Prison	Died after release
40	Kalsang Thutop (lay name: Bhagdro)	50	M	Drepung Monastery, Toelung Dachen County	00/06/1996	Monk	18 years	Drapchi Prison	Died in custody
41	Lhundrup Tendar *	66	M	Gaden Choekhorling Monastery, Namling County	00/00/1996	Monk			Suicide
42	Passang	26	M	Dechen Sa Ngag Monastery, Takse County	17/12/1996	Monk	5 years	Drapchi Prison	Died in custody
43	Phurbu *		M	Dagyab Magon Monastery	00/00/1996	Monk			Suicide
44	Phurbu Tsering a.k.a Tingchue	36	M	Lhasa, Dranak Shol	7/2/1996	Lay		PSB Detention	Died after release
45	Sangye Tenphel	19	M	Khangmar Monastery, Damshung County	00/05/1996	Monk	4 years	Gutsa Detention	Died in custody
46	Thinlay Chodak	19	M	Kardze County	00/00/1996	Monk	3 years	Drapchi Prison	Died in custody

**Known deaths as a result of torture from 1987-2006**

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	<b>1997</b>								
47	Rigzin	61	M	Ngari Prefecture	11/2/1997	Lay	3 years	Ngari Prison	Died after release
48	Jamyang Thrinlay	28	M	Chamdo Moastery	00/01/1997	Monk		Chamdo Detention	Died in custody
49	Thekchok Tenphel *	27	M	Sakya Drupa Lhakhang, Sakya County	00/11/1997	Monk		Sakya County Prison	Died in custody (suicide in prison)
	<b>1998</b>								
50	Ven. Lobsang Tsundue a.k.a Hor Largen	88	M	Drepung Monastery, Lhasa	00/12/1998	Monk			
51	Dickyi Yanggom (layname: Drupkyi Pema)	21	F	Nyenmo Dowa Choten Nunnery, Nyemo County	00/06/1998	Nun	4 years	Drapchi Prison	Died in custody
52	Geshe Choephel	71	M	Sungrabling Monastery,	24/09/1998	Monk	15 days Detained	Police Station	Died after release
53	Khedrup	26	M	Gaden Monastery, Meldrongkar County	23/05/1998	Monk			Died in custody
54	Kundol Yonten	28	F	Jhogon Nunnery, Nyenmo County	00/06/1998	Nun			Died in custody
55	Lobsang Choephel* (lay name: Thinlay Phuntsok)	25	M	Khangmar Monastery, Damshung County	4/5/1998	Monk	4 years	Drapchi Prison	Died in custody
56	Ngawang Tenkyong (layname: Lobsang Wangchuk)	26	M	Gaden Monastery, Taktse County	6/5/1998	Monk	10 years	Drapchi Prison	Died in custody (suicide in prison)
57	Lobsang Wangmo (lay name: Tsamchoe Dolkar)	31	F	Dokthe Nyenga Nunnery, Phenpo County	00/06/1998	Nun	5 years	Drapchi Prison	Died in custody
58	Ngawang Dekyi	25	F	Potoe Nunnery, Phenpo County	21/08/1998	Nun	6 years	Gutsa Detention Center	Died in custody
59	Tashi Lhamo	24	F	Jhogon Nunnery,	00/06/1998	Nun	4 years	Drapchi Prison	Died in military hospital
60	Tenpa Phulchung	62	M	Lhasa	29/11/1998	Lay	4 years + 7 years	Sangyip Prison and Trimok Prison	Died after release
61	Tenzin Yeshi (lay name: Yeshi Samten)	24	M	Gaden Monastery, Taktse County	12/5/1998	Monk	2 years	Trisam Prison	Died after release
62	Tsultrim Sangmo (lay name: Choekyi)	25	F	Shar Bumpa Nunnery, Phenpo	00/06/1998	Nun	5 years	Drapchi Prison	Died in custody

## Known deaths as a result of torture from 1987-2006

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	<b>1999</b>								
63	Sonam Wangdue a.k.a Shugden	44	M	Lhasa	8/4/1999	Lay	Life imprisonment	Drapchi Prison	Died after release on medical parole
64	Lekshe Tsoglam	21	M	Phenpo Nalanda Monastery	00/04/1999	Monk		Gutsa Denton Center	Died after release
65	Ngawang Jinpa (layname: Lobsang Dawa)	35	M	Gaden Monastery, Phenpo Lhundrup County	20/04/1999	Monk	12 years	Drapchi Prison	Died in custody
66	Norbu	21	M	Nalanda Monastery, Phenpo Lhundrup County	00/03/1999	Monk	1 year	Gutsa Denton Center	Died after release
67	Phuntsok	60	M	Lhasa	00/09/1999	Lay	2 years	Drapchi Prison	Died after release
68	Tashi Tsering *	39	M	Lhasa Nyangrae	00/02/1999	Lay	1 month in hospital		Died in hospital
	<b>2000</b>								
69	Lobsang Sherab (Lay name: Norbu)	30	M	Sera Monastery, Nakartse County, Lhoka "TAP"	20/10/2000	Monk	3 years +4 months	PSB Detention/ Gutsa Prison	Died after release
70	Penpa	40	M	Lhasa Tsuklakhang, Gyantse County	00/02/2000	Monk	3 years	Lhasa/Outridu Prison	Died after release on medical parole
71	"Shol" Dawa	60	M	Lhasa Shol	19/11/2000	Tailor	9 years + 2 years	Drapchi Prison	Died in custody
72	Sonam Rinchen	27	M	Medrolgungkar County	00/01/2000	Lay	15 years	Drapchi Prison	Died in custody
73	Tsering Wangdrak	45	M	Kardze County	4/6/2000	Lay	4 years		Died in custody
	<b>2001</b>								
74	Tsultrim Topgyal		M	Khimshi Township, Gongkar County, Lokhar	00/08/2001	Monk	5 years	Drapchi Prison	Died after release
75	Namgyal Tashi	66	M	Lhasa	20/08/2001	Lay	8 years	Drapchi Prison	Died at home
76	Ngawang Lochoe	28	M	Toelung Dechen County	5/2/2001	Nun	10 years	Drapchi Prison	Died in custody
77	Saru Dawa	27	M	Ngaba County	9/1/2001	Monk			Died in custody
78	Tseta Marong		M	Thandong Township, Tenchen County, Chamdo	18/07/2001	Lay			

**Known deaths as a result of torture from 1987-2006**

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	<b>2002</b>								
79	Lobsang Dhargay	40	M	Rabgya Monastery, Machen County, Golog "TAP"	19/11/2002	Monk	16 years +2 and half years	Golhok Prison	Died in Reformed Labour Camp
80	Thupren Namdrol	65	M	Lhoka	17/05/2002	Monk	20 years	Pawo Trimok Prison	Died at home
81	Yulo Dawa Tsering	72	M	Takase County	16/01/2002	Monk	20 years + 10 years	Drapchi Prison	Died at home
82	Ngawang Donsel	28	F	Chursang Nunnery, Dranang County, Lhoka Prefecture	00/00/2002	Nun	4 years	Drapchi Prison	Died at home
	<b>2003</b>								
83	Lobsang Damchoc	62	M	Gyantse County	31/01/2003	Monk	20 years (labour camp) + 5 years	Gutsa Prison	Died after release
84	Nyima Drakpa	29	M	Tawu Nyitso Monastery, Tawu County	1/10/2003	Monk	9 years	Tawu County Prison	Died at home
85	Tenzin Phuntsok	74	M	Shigatse	8/9/2003	Lay		Nyari Prison	Died in custody
86	Yeshi Gyatso	65	M	Lhasa	15/01/2003	Lay	10 years + 10 years	Drapchi Prison/Sangyip Prison	Died at home after being released on medical parole
	<b>2004</b>								
87	Rinzin Wangyal	59	M	Lhasa	00/00/2004	Lay	Life imprisonment	Pawo Trimok Prison	Died in custody
88	Tsemonling Dawa	67	M	Lhasa Tsemonling	22/02/2004	Lay	3 years and four month + 3 years	Gutsa Detention Center/Trisam Labour camp	Died at home

\* Tibetans who have committed suicide either in custody or after release due to intolerable torture or torture trauma



## APPENDIX: 4

### LIST OF KNOWN PRISONS AND DETENTION CENTRES IN TIBET

**“Tibet Autonomous Region” Prison or Drapchi Prison** is the largest and the most notorious prison located in the north-east outskirts of Lhasa, Tibet’s capital. Believed to have been constructed in 1960, and directly administered by the “TAR” Law Enforcement Department, there are nine units in the prison. The 3rd and 5<sup>th</sup> units hold female and male political prisoners respectively while rests of the units house non-political prisoners. Due to overcrowding, the southern gate of Drapchi Prison was reportedly demolished and expansion work commenced in April 1998. Prisoners are mainly assigned to work at the vegetable farm, house constructions, tailoring, carpet weaving and mechanical repairs.



**“TAR” Public Security Bureau (PSB) Detention Centre or Sangyip Prison** is situated in the northern district of Lhasa City. It is believed to have been constructed in 1983. Sangyip has the capacity to hold approximately 70 inmates in its three cellblocks with 12 cells in each block. Those suspected of more serious political crimes, including organising protest or collecting politically sensitive information, are interrogated in this prison. Any prisoners from the “TAR” jurisdiction and with shorter prison terms are detained here, while long-term prisoners are transferred to other major prisons in “TAR”.



**Lhasa City PSB Detention Centre or Gutsa Prison** is located three km east of Lhasa, near the Kyichu River. Gutsa’s main section holds prisoners who are “under investigation” or awaiting sentences. Most of its inmates have not been formally charged or given administrative sentences and many of them are reportedly forced to do manual labour such as breaking boulders. While Gutsa is predominantly for prisoners who are awaiting sentences, approximately one percent of prisoners are believed to be held here even after sentencing, generally for periods of up to one year.



**“TAR re-education-through-labour camp” or Trisam Prison** is under the jurisdiction of “TAR” Law Enforcement Department and situated 10 km west of Lhasa near the Toelung County Bridge. Trisam was opened in or around February 1992 and has since received many of the political prisoners from Sangyip, Outridu and Gutsa.



Trisam has three units: the first for male political prisoners, the second for male criminals and the third for women prisoners, both political and criminal. At least eight cells at Trisam are reportedly used for solitary confinement. It acts as an “administrative detention centre” for juveniles and prisoners whose term does not exceed three years. Inmates at Trisam are known to perform hard labour.

**Powo Tramo** is formerly referred to as the “**TAR**” **No.2 Prison**. It is situated near the town of Tramo in Pome County, Nyingtri Prefecture (Ch. *Linzhi*), 500 km east of Lhasa. It is administered by the “**TAR**” authorities and is built for prisoners who have been sentenced to 10 years or more. It is one of the largest prisons in the “**TAR**” with facilities for solitary confinement. Most prisoners here are subjected to hard labour such as felling trees and farm labour.



**Lhasa Prison (formerly known as Outridu)** may be the institution that the Chinese authorities described to the European Union’s Traoika as Lhasa Municipal Prison, during their visit in May 1998. It acts as a part of the “**TAR**” Law Enforcement Department. Solitary confinement cells used to punish prisoners have a space of six by three feet with no windows. Chinese authorities have already expanded the capacity of Lhasa Prison by building several new prison cells. There are currently four cellblocks. Lhasa Prison holds detainees who have been formally sentenced to less than five years. Most of them are subjected to hard labour such as breaking boulders and working on the prison’s vegetable farm.



**Tibetan Military Detention Centre** is administered by the PLA and has existed since 1959. Around 1992 it was moved to the Tsalgunthang area about 11 kilometres east of Lhasa. Some political prisoners are known to have been held there in 1999, but due to the expansion programme undertaken in other prisons it is uncertain whether more political detainees have subsequently been brought there. The centre now holds military prisoners.

**Prefecture Detention Centres (PDC)** are located at the administrative headquarters of each prefecture. There are six regions in the “**TAR**” besides Lhasa Municipality: Shigatse, Nagchu, Ngari, Lhoka, Kongpo-Nyingtri and Chamdo. These have “administrative detention” centres and *kanshuo suo* (detention centres for prisoners, who have not yet been sentenced). In addition, there are prisons at the county level, which are generally for prisoners who have not yet been sentenced. The Chinese authorities reported to the visiting EU delegation in 1998 that each region and a number of counties have a local detention centre.



**Zethang “Reform-through-labour facility”** is a new facility (*laojiao*), which began functioning on 15 January 1998 with the first detainees being six Drayab monks. This “reform through re-education” complex is in Zethang village, 10 kilometres east of Chamdo. It is under the direct administration of the Law Enforcement Department in Chamdo Prefecture. The accused, who are given prison terms by the respective provinces (administrative sentences), are transferred to this new facility. There are 30 rooms in the compound, which can each accommodate six prisoners. The facility has 30 prison staff.

**Maowan Prison** (Ch. *Aba Jian Yu*), is located in Maowan Qiang Autonomous County in Ngaba “Tibet Autonomous Prefecture”, Sichuan. This prison accommodates prisoners from Ngaba and Kardze regions and is one of the largest prisons in Sichuan Province. Those who are sentenced to long-terms are incarcerated here, including political prisoners. There are detention centres and prisons in every county and prefecture in the Tibetan regions of Sichuan, Qinghai, Gansu and Yunnan provinces.



**Chamdo Detention Centre or Chamdo Prison** is located in Chamdo County, “TAR”. It was constructed in 1960 and is believed to be one of the largest prisons in “TAR”. The prison has been expanded and the number of criminal prisoners held here has increased. Prisoners serving short sentences ranging from one year to five years are held here.



**Shigatse Nyari Detention Centre** is located about seven km north-west of Shigatse in the Nyari Valley, Shigatse County, “TAR”. Both political and criminal prisoners are held here. Many of the political prisoners are Tibetans who have visited India. They are detained for several months on their return to Tibet, accused of bringing political documents or tapes from India or Nepal. In 1997, Nyari Detention Centre consisted of five cellblocks, each of which held a different category of prisoners and had 10 cells. Prisoners are assigned to work in vegetable fields and to perform general farm labour. There are approximately 30 mu of fields and in addition there is a fruit farm on which the prisoners are made to work.



**Chushul Prison** (Ch: *Qushui*) is a new prison which became operational in August 2005. It was located in Chushul County, Lhasa Municipality, “TAR”. It houses hundreds of inmates including monks and political prisoners. The construction began about four years ago and the first batch of 35 prisoners arrived from Drapchi Prison in August 2005. It is reported that Chinese authorities transferred some of the prominent political prisoners with long sentences to continue their terms in the new prison.



Bangri Chogtrul Rinpoche, Amdo Jigme Gyatso, Lobsang Tsultrim, Lobsang Tenzin and a host of 25 other political prisoners have been transferred to the new prison, where conditions are reported to be harsh. The UN Special Rapporteur on Torture, Mr. Manfred Nowak, during his 12 days investigation tour of China, Xinjiang Autonomous Region and Tibet at the end of 2005, visited the prison and was able to meet few of the Tibetan political prisoners. The new prison is popularly known as Nyethang Prison by the local Tibetans as it is located in Nyethang Township, which is about half an hour's car ride from Lhasa City.



## APPENDIX 5

**Table Listing Relevant International Human Rights Instruments Signed and/or Ratified by the People's Republic of China**

<b>Instrument</b>	<b>Signed on</b>	<b>Ratified on</b>	<b>Ideals</b>
International Covenant on Economic, Social and Cultural Rights (ICESCR)	27 October 1997	27 March 2001	Recognising that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.
International Covenant on Civil and Political Rights (ICCPR)	5 October 1998		Recognising that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights as well as his economic, social and cultural rights.
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)		29 December 1981	Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination.
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	17 July 1980	4 November 1980	Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity.
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	12 December 1986	4 October 1988	Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world.
United Nations Convention on the Rights of the Child (CRC)	29 August 1990	2 March 1992	Considering that the Child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the UN, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

## APPENDIX 6

### GLOSSARY OF TERMS AND ABBREVIATIONS

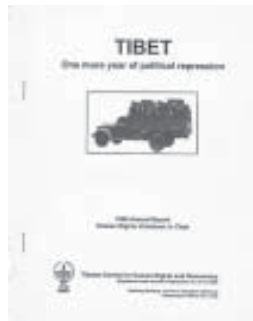
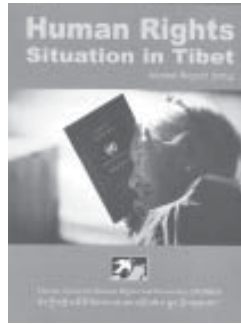
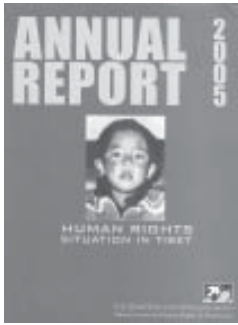
“TAP”	“Tibet Autonomous Prefecture” (Tib. <i>Bod rang skyong khul</i> ); There are 10 of these administrative areas (below the level of a province or region) created outside “TAR” by the Chinese authorities, located in northern and eastern Tibet (in the Tibetan provinces of Kham and Amdo)
“TAR”	“Tibet Autonomous Region” (Tib. <i>Bod rang kyong lljongs</i> , Ch. <i>xizang Zizique</i> ); Formally created by China in 1965, this area of central and western Tibet, covering the area of west of the Yangtse River and south of the Kunlun Mountains, is the only area recognized by China as being “Tibet”
Barkhor (Tib)	The old Tibetan quarter and market area around the Jokhang Temple in Lhasa. In Tibetan it literally means the “middle circuit” or central circumambulation
Cadre	(Tib. <i>le che pa</i> , Ch. <i>gan bu</i> ) Technically applies to staff of the Chinese Government administration; also referred to those working on official projects or in state enterprises
CAT	United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CCP	(Ch. <i>Zhon Guo Gong Chan Dang</i> ) Chinese Communist Party; founded in July 1921
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
Circumambulation	A religious ritual circling clockwise around a holy place in order to accumulate merit
County	(Tib. <i>dzong</i> , Ch. <i>xian</i> ) The Middle level administrative unit equivalent to district
CPL	Criminal Procedure Law; the revised CPL came into effect on 1 January 1997
CPPCC	Chinese People’s Political Consultative Congress
Cultural Revolution	(Tib. <i>rigs-nas-gsar-brje</i> ); The campaign initiated in 1966 by Mao Zedong in order to regain control of the Communist Party by ordering the youth to “bombard the headquarters” (purge opponents within the Party) and to eradicate the “four olds” (old ideas, old culture, old customs and old habits). The Chinese authorities no describe it as “Ten Bad Years”, referring to the entire period of 1966 to 1979.



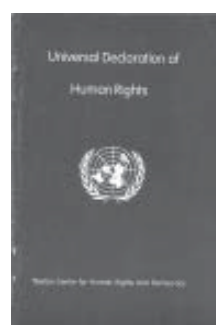
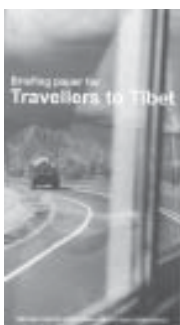
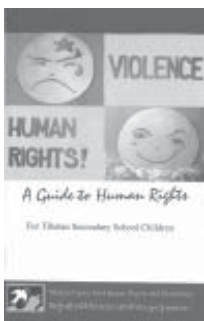
<b>Detention Centre</b>	(Tib. <i>lta srung khang</i> , Ch. <i>kanshoushuo</i> ) Place where prisoners are held without charge prior to sentencing
<b>DMC</b>	(Tib. <i>u-yon lhan khang</i> , Ch. <i>we yuan hi</i> ) Democratic Management Committee; Administrative organs established in 1962 in religious institutions in Tibet and reconstructed under the 1996 “patriotic re-education” campaign
<b>Drapchi prison</b>	Officially known as “Tibet Autonomous Region” Prison
<b>Endangering State Security</b>	Charge introduced in the revised CPL to replace “counter-revolutionary”
<b>Floating population</b>	(Ch. <i>liudong renkou</i> ) Term used to refer to Chinese migrants who are unregistered permanent and temporary residents in Tibet
<b>Geshe (Tib)</b>	Spiritual title and doctorate; monk or lama who has completed the highest course in metaphysics and other academic monastic studies in the Gelugpa school
<b>Guanxi (Ch)</b>	Literally, “connection”; colloquially a connection to officialdom to acquire preferential treatment
<b>Gyama (Tib)</b>	Unit of measurement equivalent to 500 grams
<b>Gyama (Tib)</b>	Unit of measurement equivalent to 500 grams
<b>Hukou (Ch)</b>	Household Registration card
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>Khenpo (Tib)</b>	Literally abbot. In Nyingma and Kagyu tradition of Tibetan Buddhism, Khenpo is analogous to the Geshe degree
<b>Lama (Tib)</b>	The Tibetan term for a respected religious teacher, equivalent to the Sanskrit term guru. A lama is not necessarily a monk, although monasticism is preferred for all lamas in the Gelugpa School. Chinese politicians use the term incorrectly to refer to any monk
<b>Mu (Tib)</b>	A measure of land equal to 67 square meters
<b>NPC</b>	National People’s Congress
<b>PAP</b>	People’s Armed Police
<b>Patriotic re-education</b>	Initiated in 1996 in Tibet’s monasteries and nunneries, “patriotic re-education” campaign was designed to purge the influence of the Dalai Lama, to indoctrinate the monks and nuns with political ideology and to crackdown on dissent activities.
<b>Potala Palace</b>	Official winter residence of the Dalai Lama in Lhasa
<b>PRC</b>	People’s Republic of China
<b>Prefecture</b>	(Tib. <i>sa khul</i> , Ch. <i>diqu</i> ) The administrative area below the level of province or region and above the level of a county
<b>Procuracy</b>	(Tib. <i>zhib chu</i> , Ch. <i>jian chayan</i> ) A Chinese judicial agency responsible for investigating and prosecuting criminal cases. It also handles complaints against police, prison officials and other branches of the administration
<b>Prostrate</b>	Buddhist practice of lying face down before any sacred body

<b>PSB</b>	(Tib. <i>schide chus</i> , Ch. <i>Gong An Ju</i> ) Public Security Bureau, local level police force responsible for detaining and arresting suspects and for pre-trial custody
<b>Re-education</b>	Indoctrination of Chinese Communist ideology and national unity; carried out extensively in religious institutions and labour camps in Tibet
<b>Rukhag (Tib)</b>	One small unit within a prison, village, school, or military etc
<b>Saga Dawa (Tib)</b>	The month of Buddha's birth, Enlightenment and Death
<b>Splittism</b>	(Tib. <i>Khadral ringlugs</i> ) Party term for the movement for Tibetan independence or any nationalist sentiments
<b>Strike Hard</b>	(Tib. <i>dungdek tsanen</i> , Ch. <i>yanda</i> ) A PRC campaign targeted at crushing corruption and crime. Within Tibet, Chinese authorities are aiming the campaign at "splittists"
<b>Tsampa (Tib)</b>	Roasted barley flour
<b>Tsongkhul (Tib)</b>	Detention Area
<b>Tsuglhakhang (Tib)</b>	Central Cathedral in Lhasa
<b>UNWGAD</b>	United Nations Working Group on Arbitrary Detention
<b>Work Team</b>	(Tib. <i>las don ru khag</i> , Ch. <i>gongzuo dui</i> ) Specially formed units of government personnel sent to conduct "patriotic re-education" in an institution or locality
<b>Yartsa Gunbu (Tib)</b>	A Tibetan medicinal plant (Botanical name <i>cordyceps sinensis</i> )
<b>Yuan (Ch)</b>	Chinese currency (8 Yuan is equivalent to 1 dollar.)

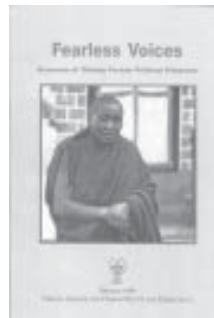
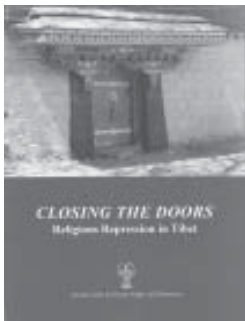
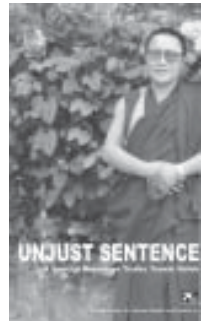
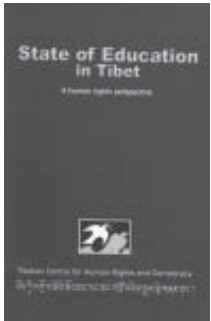
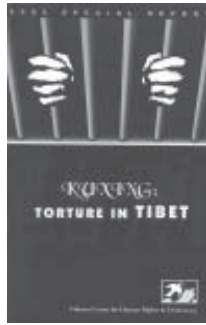
**ANNUAL REPORTS (ENGLISH LANGUAGE)**



**EDUCATIONAL BOOKLETS (ENGLISH LANGUAGE)**



**TOPICAL REPORTS (ENGLISH LANGUAGE)**



**VISUAL DOCUMENTARIES**



Destruction of Serthar Buddhist Institute (Video)



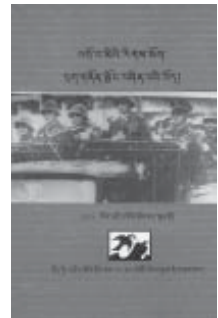
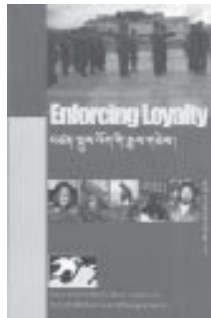
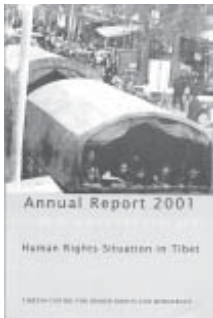
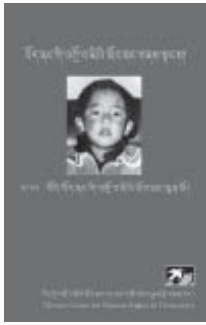
Democratisation process in exile and Structural framework of the C.T.A

**BROCHURES AND CAMPAIGN FLYERS (ENGLISH LANGUAGE)**





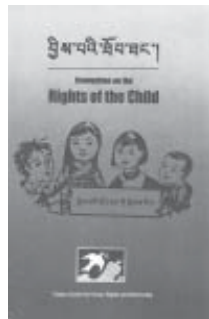
ANNUAL REPORTS (TIBETAN LANGUAGE)



EDUCATIONAL BOOKLETS (TIBETAN LANGUAGE)



**TOPICAL REPORTS (TIBETAN LANGUAGE)**



**BROCHURES AND CAMPAIGN FLYERS (TIBETAN LANGUAGE)**

