

HUMAN RIGHTS SITUATION IN TIBET

ANNUAL REPORT 2005



TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY

There is a great and growing desire for change in the world: change that ushers in a renewed commitment to ethical and spiritual values; that resolves conflicts peacefully, employing dialogue and non-violence; that upholds human rights and human dignity as well as human responsibility.

His Holiness the Dalai Lama's message to
G8 Summit and "Make Poverty History" Campaign

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*Dedicated to the Ten years disappearance of the
11th Panchen Lama*

EXECUTIVE SUMMARY

Pico Iyer, celebrated travel writer, writes, *“Tibet lives mostly in corners and shadows these days, under its breadth and you have to seek it out. Today Tibet is in some respects better off than it was then, although it looks less and less like itself. Tibet today is essentially two different countries living on top of, around, and even inside one another: a worn Tibetan amulet inside a gaudy Chinese box”.*

The year 2005 was eventful for Chinese-occupied Tibet. The fourth round of Sino-Tibetan dialogue between the Dalai Lama’s envoys and Chinese representatives took place in Berne, Switzerland. The People’s Republic of China (PRC) celebrated with aplomb the commemorative event of the 40th founding anniversary of the “Tibet Autonomous Region” (“TAR”), completed track laying of Qinghai-Lhasa railway project, released White Papers on issues of international concern, and unveiled its “revolutionary” 11th Five Year Plan for Economic and Social Development. President Hu Jintao’s personal interest in Tibet and his direct involvement in controlling Tibetan areas is clearly evidenced by his appointment of close allies to the most important position in Tibet — “TAR” Party Secretary. In November 2005, Tibet witnessed Hu’s close ally Zhang Qingli¹, appointed as the acting party secretary of the “TAR”, after Yang Chuantang, who was appointed as the “TAR” Party Secretary in December 2004, reportedly fell ill.

June 4, 2005, marks the 16 years of bloody crackdown on democracy in and around Tiananmen Square. Nations, mostly of the Third World kind, have rallied to support China’s anti-secession legislation of March 2005, which is designed to “take back” at a time and in a circumstance of its choosing a piece of territory called Taiwan.² The year also saw important inspection visits in China of the UN High Commissioner for Human Rights, UN Special Rapporteur on Torture, the President and secre-

tary of the US, British Prime Minister and other important delegations. While Beijing authorities’ regular fuss over the Dalai Lama’s meetings with important world leaders saw no let up, its top leaders like Hu Jintao and Wen Jiabao made the rounds of their regular international visits striking up business deals, renewing contacts and generally attempting to refine and soften its international image. China’s technological prowess was evidently manifested and claimed with the success of the second manned spacecraft Shenzhou VI mission in 2005.

Beijing authorities upheld the age-old rhetoric of remarkable achievements made in the field of human rights protection and enjoyment of human rights and freedom in accordance with law in China at every opportune time. At the panel discussion of “TAR” deputies to the Chinese National People’s Congress (NPC) held on 5 March 2005, President Hu Jintao stressed the importance of constructing a harmonious socialist society full of “democracy, rule of law, faith, vitality and order”, echoing a notion recently endorsed by the central authorities as the new guidelines for the country’s social and economic development.³ China’s Foreign Minister Li Zhaoxing says China has great respect for each individual’s human rights in China.⁴

Current buzz that abounds in the legal circles and human rights community and generating optimism is China’s possible review of death penalty next year with an amendment to China’s Criminal Procedure

Law in the upcoming 10th National People's Congress. Beijing and many governments around the world have hailed its 2004 constitutional amendment seeking to protect human rights as the "first time ever". Enforcement mechanism and actual implementation over the stipulation is where China watchers, legal scholars and human rights organization, have always had concerns.

That PRC is committed towards upholding the standards of human rights and democracy is revealed in its White Papers on *Human Rights, Democracy, Regional Autonomy for Ethnic Minorities in China* and the most recent on *Peace Development* released by China's Information Office of State Council in 2005. Though human rights abuses and lack of democratic freedom have been a concomitant feature of the PRC for the last 46 years of its rule in Tibet, China has in its White Paper on democracy admitted the problems the country encounters and the need to reform its political system. The 11th Five Year Plan too has cited the need to "strengthen the construction of socialist democratic politics" and to "respect and safeguard human rights". Similar acknowledgement of challenges that China faces on its road of development are clearly stated in the White Paper on Peace Development which admits, "Chinese government and people are well aware that China is still a developing country facing a lot of difficulties and problems on its road of development." Hopeful observers talk of more and more openness, of increased respect for law, greater institutionalization and transparency of government process and so forth.

Contrary to the signs, statements and show of progress, the Tibetan Centre for Human Rights and Democracy (TCHRD) is alarmed by the increasing reports of human rights violation in Tibet in 2005. Tibetans in Tibet witnessed increased restrictive measures on religion, security and ideological control, limits on freedom of expression, opinion and con-

science, and lack of rule of law. A "culture of fear" and a "palpable sense of fear and self censorship" is pervasive in Tibet. There is a deep seated and widespread zero-tolerance level on any activity or viewpoint that is suspected as challenging the Communist Party's control over aspects of society it deems crucial. As of December 2005, estimated 2524 Tibetan refugees have fled Tibet across the Himalaya and into India, reporting repression and seeking freedom in exile. According to information received and researched by TCHRD in 2005, it becomes clear that severe repression in the eastern regions of Tibet like Sichuan Province in the recent years has now once again shifted towards areas within the "TAR".

Jampa Phuntsog, Chairman of "TAR", highlights Beijing's current policy in Tibet by referring to "two famous slogans" as the two most crucial things that the Tibetans should do today: "Hold a clear-cut stand in fights against splittism and firmly advance Tibet's development."⁵ At a closed meeting held prior to the 40th founding anniversary of the "TAR", President Hu Jintao stressed the importance of eliminating "*separatism*" and accelerating economic development in Tibet. These oft-repeated mantras of stability and development are used to increase central control by pursuing a policy of greater assimilation of Tibet into a "unified" Chinese state. Following the meeting's decision to "resolutely oppose all kinds of separatists and sabotage activities, and uphold the motherland's unity and Tibet's stability", China's top security officials called for stepped up intelligence work to smash the activities of hostile forces. Internally, marked socio-economic tensions have forced the People's Armed Police (PAP) to commission special units, known as anti-riot squads, to deal with terrorism, violent crimes, riots and threats to public security, and this squad will also be responsible for safety during major public occasions such as the "TAR" anniversary and the 2008 Olympic Games⁶.

The Dalai Lama had expressed regret at the “very, very repressive policies in TAR”⁷ and China’s human rights records, undemocratic actions, the lack of the rule of law and the unequal implementation of autonomy rights regarding minorities being responsible for tarnishing China’s image.⁸ The Dalai Lama’s envoy Kelsang Gyaltzen had called “no positive change” and “increased repression” inside Tibet, even after opening of direct contact, as the “most disturbing” and of “great concern.”⁹

civil and political liberties

The Chinese authorities regard “religious extremism” as one of “three evil forces” along with “separatism” and “terrorism” in the Xinjiang Uighur Autonomous Region and Tibet, said Amnesty International in its first report on China that focused specifically on human rights defenders. Reports also emerged of military exercise drill code named “Task Force 05” which began in Lhasa on 14 August 2005 to deal with sudden outbreak of untoward incident, and participated by the security wings of Lhasa Security Bureau Police, (PAP) and State Security Bureau (SSB).

At a meeting of all cadres of offices and departments within Lhasa City on 18 August 2005, Beijing authorities called for unprecedented precautionary measures during the events leading up to the 40th founding anniversary of the “TAR”, described as an important “political responsibility.” Jia Qingling, Politburo Standing Committee member and Chairman of China’s People’s Political Consultative Committee (CPPCC), was quoted as saying on the occasion, “Separatist activities must be strictly cracked down on in accordance with law, so as to ensure social stability and state safety.”¹⁰ Anti-separatists strategies like the “summer strike hard” campaign and the “patriotic re-education” campaigns were unleashed to purge dissent activities and to inculcate

“proper” ideology, and allegiance to the “splittist” Dalai Lama in any form became the chief target of repression.

The ambiguous charges of “endangering state security”, and anti-terrorism provisions in China’s Criminal Procedure Law are widely used to criminalise “separatist” activities in the politically restive regions like Tibet and Xinjiang. Tibet this year experienced heightened security and restrictions during the “TAR” founding anniversary.

In 2005, TCHRD has recorded 20 confirmed and known cases of Tibetans who were arrested for their political beliefs and possession of items deemed “reactionary” by Chinese such as the Dalai Lama’s photo, banned Tibetan national flag and literatures from exile. As of December 2005, TCHRD has recorded 132 known political prisoners languishing in various prisons and detention centres across Tibet.

There is also rampant misuse of administrative detention, lack of fair trials, torture and mistreatment of prisoners, and coerced confessions. The UN Special Rapportuer on Torture highlighted the existing system of “re-education through labour” as serious human rights violations necessitating abolition.

religion

Of all the human rights violations of Tibetans, the dramatic rise of religious repression has been the most concerning this year. As in the past, the official suspicion of interlinkage between Tibetan Buddhism and Tibetan nationalism has led to harsher and stricter policies on religion. China’s new regulations on Religious Affairs, which became effective on 1 March 2005, and the subsequent meetings on religion only helped to limit and curtail religious freedom in Tibet.

In an attempt to adapt religion to socialist way of life and to exert state control, the Beijing authorities has resorted to intensive “patriotic re-education” campaign, anti-Dalai Lama campaign, imposed control over monastic curriculum, practice and study of Tibetan Buddhism, and persecuted popular religious figures leading to continuous degeneration of the essence of Tibetan Buddhism. Drepung Monastery was in the highlight this year owing to one death, several expulsions and mass sit-in protest of monks over denunciation of the Dalai Lama under the banner of “patriotic re-education” campaign.

2005 being the 10th year anniversary of the disappearance of Gedhun Choekyi Nyima, the XIth Panchen Lama of Tibet, total absence of additional information on his whereabouts and well-being is a cause for great concern. In the mean time, Beijing leaves no stone unturned in vigorously promoting Gyaltsen Norbu, “fake Panchen”, as the real Panchen. *Xinhuanet* news service June 28 reported the Chinese Panchen Gyaltsen Norbu touring dozens of counties in Tibet and cited as saying he would “carry forward the patriotic traditions handed down from his predecessors and do his best to promote the country’s reunification, unity of the various ethnic groups, and the social and economic development.” The Dalai Lama’s special envoy Lodi Gyari said, “Its not about a young boy, a young prisoner, but the issue of reincarnation. When a good communist says he wants to have the final say in reincarnation, that’s an issue a good communist should stay out of.”¹¹

information

Control, censorship and surveillance over media and free flow of information remain widespread in Tibet. Owing to concerns over sensitive regions like Tibet and Xinjiang, compounded by Beijing’s stability concerns inside and international image outside, the information inflow and outflow from Ti-

bet have been severely restricted. Considering the tremendous lack of transparency and secretive nature in which Chinese authorities work, monitoring and evaluating human rights violations in Tibet has continued to be a challenge.

Internet service providers, Web sites and Internet cafes are expected to limit what their customers see and do online, and U.S. companies that provide Web sites to the Chinese are not exempt. Yahoo, for instance, filters its search results so that a search for “Free Tibet” in Chinese yields zero web pages. Google does not censor its searches, although the Chinese Government’s system blocks many web sites that Google links to.¹² Microsoft stops internet users searching for the words for democracy, freedom, human rights or demonstrations.¹³ China also banned a computer game called “Soccer Manager 2005” because it classifies Taiwan, Hongkong, Macau and Tibet as countries.¹⁴

Brave Tibetan writers like Woesser, who aired their “incorrect” views on the Dalai Lama, Tibet’s history and political prisoners in Tibet, faced persecution, while websites that promote discussion on sensitive topics were ordered closed. China’s media is state-owned and strictly controlled by the government, thereby resulting in denial of the public right to know and media’s right to provide information on current happenings in China and outside. Radio broadcast in Tibetan such as Voice of Tibet (VOT), Voice of America (VOA) and Radio Free Asia (RFA) were most of the time blocked and jammed.

development

The recurrent theme in Beijing’s discourse on Tibet has been its “developmental” and “beneficial” role in Tibet. The PRC has emphasized the “right to live and develop” as the “most urgent demand of the Chinese people”¹⁵ and further considers the “right

to subsistence as the most important of all human rights, without which other rights are out of the question.”

Tourism, traditional Tibetan medicine, minerals, wood and traditional craftworks have been listed as the five pillar industries that “TAR” will develop. Through the 1999 Western Development Program and other development projects specifically targeting Tibet, Beijing’s effort to develop Tibet has resulted in infrastructure developments in certain urban regions of Tibet. Such an effort is noticeable in the investment of 6.42 billion yuan in 24 projects covering agriculture, industry, communication, road, school, energy and public health at the “TAR’s” 40th anniversary while official reports stated an earlier investment of 500 million yuan in 43 projects on the “TAR’s” 20th anniversary and 4.6 billion yuan in 62 projects on the 30th anniversary.¹⁶ Jampa Phuntsok, “TAR” Chairman said that in 2004, over 16.6 billion yuan (US\$ 2 billion) yuan was invested in building infrastructure in the “TAR” with most of the investment coming from Beijing under its “Western Development Program.”²⁰ At a national conference on Tibet, while recording an annual economic growth rate of 10.7 percent over the past five years, the Chinese Government has decided to invest 31.2 billion yuan (about 3.76 US dollars) in 117 projects in the “TAR” over the coming five years.¹⁷

In contrast to official reports of rapid economic growth and improved subsistence and development rights and state investments, the actual condition of Tibetans tell a different story with Tibet remaining China’s poorest administrative units. By any measure, Tibetans are poor, with low Human Development Index levels, with evidences of systematic exclusion, deprivation, discrimination and marginalisation in all areas of life. Since over 80 percent of the Tibetan population is nomads and farmers residing in rural areas, they have been marginalized from the economic growth. Beijing’s spending in Tibet is described as a “bubble

economy with little trickle-down benefit to the ordinary citizen” because of the state investment being urban oriented and its poor integration with the local economy. The impoverishment in Tibet emerges from the very process of state-led modernization as Tibetans become less able to participate in the economic opportunities available. For every yuan the state spent in the “TAR” in 2001, Gross Domestic Product (GDP) increased by only 0.47 yuan and this negative multiplier effect has been a characteristic of Chinese investment in Tibet since the 1950s.¹⁸

The United Nations has warned that the increasing wealth gap between rural and urban areas in China, which is among the highest in the world, could threaten the stability of the Communist nation despite its government’s efforts to stem the growing tide. Though China has been able to lift 250 million people out of poverty over the past 25 years, the inequality in income has doubled, according to new report released by the United Nations Development Programme (UNDP).²¹ This is further corroborated by World Bank President, who said on 18 October 2005 that China has 150 million people living in acute poverty despite its impressive economic growth decades in the past two decades.¹⁹

While China claims to prioritise economic and subsistence rights for the Tibetans as in its 11th Five year Plan where growth in a “fair, balanced and sustainable”²² is called for, Tibetans have actually failed to benefit from Beijing’s development from the rights and need perspective of development. This failure can be rightly attributed to the denial of right to self-determination and meaningful autonomy of Tibetans in particular. Reasoning economic development as political control takes away the essence and meaning of real and meaningful development for Tibetans. For instance, the completion of track laying for Qinghai-Tibet railway project, described a marvel of engineering feat, has more a political and ego motive behind it than to actually benefit

and develop the Tibetans. Official statements have stressed the need for a railway to “consolidate national defense” and to “unite nationalities.”

Additionally, the urban oriented rapid growth strategies and the practice of population transfer of Chinese immigrants into Tibet does not help to benefit the Tibetans. While lauding China’s promise of zero-tax for the agricultural sector within five years, the Dharamsala-based exile Tibetan government had accused the local government there of continuing to impose a range of taxes and fees on the Tibetan farmers and nomads.

education

Based on reports and testimonies emanating out of Tibet, TCHRD found no evidence of major improvements and progress in the field of education. The situation is not the same in every region owing to differences in “local flavors.” As was the pattern for the past many years, the education in Tibet has not helped towards freer and fuller development of the children. Though Beijing claims increased investments in education in Tibet, the quality and accessibility of broad based education in Tibet still remains a distant dream in most rural areas of Tibet.

The ideological content of educational aspect was strengthened in 2005 as evidenced by the Education Department’s decision to “strengthen and improve ideology and ethnic education for primary and secondary school students and ideology and political education for college students.”²³ The extensive and almost exclusive use of Chinese language in commerce and administration has relegated Tibetan as a second rate language. Moreover, biased representation of history, exorbitant school fees and lack of qualified personnel in rural areas to impart knowledge are still factors of concern.

international concerns

China’s lack or absence of human rights and democratic freedom has featured prominently in reports, dealings and statements by many governments, UN representatives and human rights watchdogs. Human Rights Watch had described China’s human rights situation as “dire” and “dismal”. China was sharply condemned in the US State Department’s report entitled “Supporting Human Rights and Democracy” released in March 2005. The US-based Freedom House has categorised Tibet amongst the two “worst-rated territories” for the 2004-2005 period, in terms of respect for political rights and civil liberties. Listed under “Disputed Territories” and its freedom rating as “Not Free”, Tibet scored seven in both political rights and civil liberties, making it as the region having the lowest level of freedom.²⁴

The near lifting this year of arms embargo by European Union²⁵, torn between the lure of China’s market and moral scruples, failed owing to China’s adoption of anti-secession law threatening military action against Taiwan. Volker Ruehe, Chairman of the Foreign Affairs Committee in the German Parliament, said, “It will not be lifted.”²⁶ Following the ninth annual round of dialogue on human right between Beijing and Australia on 27 June 2005, Australia notes continuing areas of concern in human rights regardless of the considerable progress made by China in the field.²⁷

UN High Commissioner for Human Rights had raised the issue of the missing Panchen Lama and called for ratification of the International Covenant on Civil and Political Rights during her china visit. Upon their China visit, the UN Working Group on Arbitrary Detention have criticised imprisonment without trial through its “re-education through labour system” (*Chi:Laogai*), widespread use of ambiguous terms in political arrests such as “disrupting social order” and “endangering state security”, and

recommended better protection of fundamental rights guaranteed in the Chinese Constitution. The UN Committee on Economic, Social and Cultural Rights (CESCR), after examining China's record for the first time, noted with "concern the reports from sources other than the State party relating to the right to the free exercise of religion as a right to take part in cultural life, and the use and teaching of minority languages in the Xinjiang Autonomous Region and the Tibet Autonomous Region." The Committee also expressed concern "about the lack of effective consultations and legal redress for persons affected by forced evictions and demolitions, including those of historic structures, buildings and homes in Lhasa, Tibet."

UN Special Rapporteur on Torture Mr. Manfred Nowak, after his two-week investigations of Chinese prisons and detention facilities this year, noted some progress in reducing violence against prisoners since China signed the Convention Against Torture (CAT) in 1988. Nevertheless, the UN investigator condemned the widespread use of torture and "obtaining confessions" and fighting "deviant behaviour" to be the central goals of criminal justice system. He experienced many attempts to "obstruct or restrict" his investigation.²⁸ China later denied reports of torture and said the general principle of the visit was fully respected.²⁹ During an examination of a report on China, the President of the UN Committee on the Rights of the Child, Jacob Egbert Doek, called for demands for an independent person to verify the well being of Gedhun Choekyi Nyima, XIth Panchen Lama of Tibet. While Beijing's ambassador to the UN in Geneva, Sha Zhukhang, told the committee that the child and his family "do not wish to be disturbed by foreign visitors because that could have negative effects." Gedhun was a Tibetan child like any other, who was in secondary school and received good results, the Chinese delegation said.³⁰

China's violation of human rights again came under the scanner at the 61st session of the UN High Commission on Human Rights (UNHCHR) in Geneva even though no member states sponsored resolutions critical of world's key human rights violators such as China, Iran, the Russian Federation in Chechnya, Turkmenistan, Uzbekistan, and Zimbabwe. Joanna Weschler, U.N. advocacy director for Human Rights Watch rightly noted, "This session has been a powerful demonstration of the need to scrap the commission and replace it with something new and better. Even though the commission took some positive steps, overall it was even more timid than in preceding years. This only confirms the need to replace the commission with a body that would take more decisive action against human rights violations wherever they occur, respond to human rights crises, and be ready to follow up on commitments made by violating countries."³¹ In that context, the calls for bold measures by the UN Secretary General Kofi Annan to give human rights their rightful central place in the UN and to succeed in its reform of the UN human rights machinery is of paramount importance.³²

china, human rights and dialogue

Human rights in PRC have been a perennial perplexing issue. Such perplexity originates from Beijing's unique outlook, perception and applicability of human rights in general. Beijing glosses over the universality of human rights with its cultural relativism concept, defends its lack of civil and political liberties with the "paramount" right to subsistence, and the underlying objectives and ideological principles of Chinese communism that upholds duty towards state over individual rights limits the nature and content of human rights discourse in the PRC. Politically sensitive and volatile regions under China like Tibet, Xinjiang, and Taiwan, have been Beijing's

Achilles' heel, for whom national stability and reunification supersedes even the fundamental human rights. It remains to be seen how long can China continue to limit free speech and other civil liberties with its increasing role in global politics and economy and where human rights issues still remains a bone of contention for smooth relationship between nations.

Since the mid-1990s, Beijing has lobbied intensively in the international arena to transform the "confrontational approach" adopted by many countries in their human rights relations with China to a face saving bilateral dialogue. The fact that bilateral dialogue is characterized by lack of transparency, accountability and timeline has not deterred countries from pursuing this "non-confrontational" path. Such willingness and effort from both the parties have been ascribed to the great global economic promises and a rising superpower that China has come to represent.

The White Paper on Peace Development released 22 December 2005 had acknowledged "China cannot develop independently without the rest of the world. Likewise, the world needs China if it is to attain prosperity."³³ Most of the third world countries follow China and the developed liberal west has "adapted to it in varying degrees and numerous ways." Chinese Foreign Minister Li Zhaoxing reviewed China's diplomatic performance in 2005, saying that the country has made substantive achievements on diplomatic stage despite complex international environment.³⁴ In such a scenario, no real progress on human rights could be achieved, as the issue becomes a mere diplomatic exercise and a political gimmick. The European Parliament expressed disappointment at the lack of substantial results as regards the dialogue in its resolution passed on 8 September 2005.

President Hu Jintao, a fourth generation leader, now holding the country's three top positions as chairman of the Central Military Commission, general secretary of the Communist Party, and President of China, is a man of many shades. Amid uncertainty about his political views and standpoints, President Hu is described as an "unyielding leader determined to preserve the Communist monopoly on power"³⁵. At the same time, with the resumption of Sino-Tibet contacts in September 2002, four rounds of discussions were held between the representatives of the Dalai Lama and the concerned officials of the PRC government. The Dalai Lama credits China with economic development in Tibet, acknowledges its rise as a major global player and further commits to his long held Middle Way Policy to seek genuine and meaningful autonomy for all Tibetans living in the three traditional provinces of Tibet within the constitutional framework of the People's Republic of China.

Despite lackluster response from the Chinese side, many governments have welcomed the discussions and hope for substantial result out of the contacts established. Vice Minister Zhu Weigun³⁶ was pleased that direct contact has now become stable and "an established practice", and that existing gaps could be narrowed down through more meetings and exchange of views.³⁷ The Dalai Lama's envoy said an important beginning has been made and the necessity for both parties to demonstrate their sincerity and trustworthiness by taking small tangible steps.³⁸

conclusion

The violation of human rights of Tibetans in civil and political rights as well as in economic, social and cultural rights is rightly traced to denial of right to self-determination of Tibetans inside Tibet and lack of implementation and abuse of laws. Through its policies and propaganda, constitutional guarantees and international legal provisions to which it has committed, Beijing claims to provide all freedom and rights to its citizens.

After the establishment of “TAR” in 1965, China’s Constitution and the National Regional Ethnic Autonomy Law of 1984 provides for Tibet’s autonomy in areas of politics, economy, religion, culture, economic undertakings, natural resources, education and others. However, an emerging pattern over the past four decades of Chinese rule has been a centralized control in Tibet characterised by top-down approach that is ridden with stability concerns and development rhetoric. Such an approach has resulted in denying Tibetans their due autonomous rights and the right to self-determination as guaranteed under China’s Constitution as well as China’s much-hyped Regional National Autonomy Law and the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) respectively. The unrelenting calls for human rights and freedom by brave Tibetans in the midst of repressive atmosphere, unabated reports of human rights abuses of Tibetans in all sectors of life, and exodus of Tibetan refugees every year clearly confirms the absence of meaningful autonomy enjoyed by Tibetans in Tibet.

TCHRD believes that a positive outcome in terms of genuine self-rule or meaningful autonomy out of the pre-negotiation contacts between the Dharamsala and Beijing would mean more fundamental rights and freedom for people of Tibet. US

Secretary of State Condoleezza Rice called freedom, democracy, and human rights “non-negotiable demands of human dignity.” TCHRD also underscores the importance of openness, transparency, accountability, freedom and respect for rule of law in China. Otherwise no amount of cosmetic changes, empty sloganeering, and rule making and policy formulation will bring about any real progress in human rights situation in China. With the threat of loss of Tibetan identity³⁹, it is high time Beijing government realize that the Dalai Lama is “not the problem but the key to the resolution of Tibet’s problems”⁴⁰ as well as towards the achievement of Tibet’s stability in the long run.

Notes

- 1 Mr Zhang was one of the vice chairman of the largely Muslim Xinjiang Uyghur Autonomous Region. He is seen by many as a political ally of President Hu Jintao and the appointment as part of President Hu’s strategy to move allies to key positions. As many allies of Hu Jintao, Zhang was a member of the China Youth League from 1979 to 1986 when he served as section chief and later as vice minister with a responsibility for young workers and farmers
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- 21 "UN warns of China's wealth gap", *Financial Express*, Press Trust of India, 17 December 2005
- 22 "New Five Year Plan called 'revolutionary'", Beijing, available at <http://www.atimes.com/atimes/printN.html>
- 23 Speech by Zhou Ji, Minister of Education, at a press conference sponsored by the State Council Information Office, 27 January 2005, available at <http://www.china.org.cn/e-news/2005-01-27.htm>
- 24 "Freedom House survey list Tibet with Lowest Level of Freedom", 22 December 2005, available at <http://www.savetibet.org/news/newsitem.php?id=887>
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- 27 "Human Rights Dialogue: Australia speaks of progress and concerns in China", *Tibetan Review*, August 2005, p.11
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- 33 "China issues white paper on peaceful development", *People's Daily*, 22 December 2005
- 34 "Foreign Minister on China's 2005 diplomatic performance", *People's Daily*, at http://english.people.com.cn//200512/21/eng20051221_229648.html
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- 36 Deputy head of the United Front Work Department of the Chinese Communist Party and also a member of the Central Commission for Discipline Inspection of the Communist Party
- 37 The statement of the special envoy of His Holiness the Dalai Lama, Lodi G. Gyari, head of Tibetan delegation which met Chinese representatives in Berne, Switzerland, on 30 June and 1 July 2005
- 38 Full text of Envoy Kelsang Gyaltzen's speech at the Fourth World Parliamentarians' Convention in Edinburgh, 19 November 2005
- 39 B. Blair Dedrick, "Dalai Lama's envoy makes plea for cultural identity", *World*, Washington D.C, 7 November 2005
- 40 A quote by Prof. Samdhong Rinpoche, the Prime Minister of the Dharamsala based Tibetan government in exile in an article entitled "Dalai Lama is not the problem but the key to the resolution of Tibet's problem", Asia News Agencies, Dharamsala, 6 July 2005
- 41 Pico Iyer, "Tibetan Reflections – Lhasa today is a worn Tibetan amulet inside a gaudy Chinese box", *Tibetan Bulletin*, January-February 2005, p.27



RECOMMENDATIONS

To the government of the People's Republic of China (PRC)

Civil and Political Liberties

- ▶▶ Ratify the International Covenant on Civil and Political Rights signed on 5 October 1998, and its two Optional Protocols;
- ▶▶ Respect rule of law, its universal relevance and application;
- ▶▶ Incorporate in its domestic law a definition of torture that fully complied with definition contained in the United Nations Convention Against Torture and ratify its optional protocol;
- ▶▶ Abolish “re-education through labour” and similar forms of forced re-education of detainees in prisons and pre-trial detention centers in accordance with the relevant international standards;
- ▶▶ Ensure that the reform of the criminal procedure law conforms to ICCPR fair trial provisions such as the right to remain silent and the privilege against self incrimination; the right to cross examine witnesses and the effective exclusion of evidence extracted through torture;
- ▶▶ Provide a definition in China’s Criminal Law for expressions such as “endangering state security”, “state secrets” and “terrorist acts”,
- ▶▶ Consider a moratorium on all executions of political prisoners;
- ▶▶ Allow freedom of movement of Tibetans wishing to leave or enter Tibet without restrictions of any kind;
- ▶▶ Release all prisoners of conscience held in prisons, labour camps and detention centers in Tibet;
- ▶▶ Grant Tibetans the right to freedom of opinion and expression and the right to self-determination, so that Tibetans can freely choose their leaders and express their thoughts without fear of arrest or persecution.
- ▶▶ Cooperate with all thematic special rapporteurs and working groups of the Human Rights Commission, and to give consideration and implement to their recommendations.

Religion

- ▶▶ Cease all practices of sending “work teams” to religious institutions, and to desist from all efforts to coerce the monastic population to conform to the communist ideologies propounded in “patriotic re-education” session;
- ▶▶ Review the role of Democratic Management Committee (DMC) in the monasteries and nunneries;
- ▶▶ Release Gedhun Choekyi Nyima, the XIth Panchen Lama of Tibet, whose whereabouts has remained unknown since May 1995;
- ▶▶ End the anti-Dalai Lama campaign in Tibet and allow Tibetans to worship the Dalai Lama as the essence of Tibetan Buddhism;





- ▶▶ Release from any form of detention all those held for peaceful practice of activities associated with their religious beliefs;
- ▶▶ Withdraw the compulsory education of books on political ideologies under “patriotic re-education” campaign in monasteries and nunneries;
- ▶▶ Stop persecution of religious figures through arrests, sentencing and restrictions.

Information

- ▶▶ Stop limiting the right to freedom of information;
- ▶▶ Allow for free and unlimited access to radio, TV, internet and all other sources of information;
- ▶▶ Undertake a review of the domestic legal system with a view to bringing it into line with international standards governing the right to freedom of opinion and expression;
- ▶▶ Take concrete legislative and administrative steps toward the implementation of the principle sanctioned by Article 35 of the Constitution (freedom of the press);
- ▶▶ Review the legal provisions of the Chinese Criminal Law and the Law of the State secrets that is used to infringe upon the rights to freedom of opinion and expression and information;
- ▶▶ Make legal provisions for a number of mechanisms to address the problem of a culture of secrecy within the government;
- ▶▶ Provide a definition of “state secrets” in the domestic laws dealing with the right to access to information.

Development

- ▶▶ Respect the principles set forth in the International Covenant on Economic, Social and Cultural Rights, particularly the right to self-determination of the Tibetan people;
- ▶▶ Engage the Tibetan people in the development processes and ensure that their concerns are taken into account while policies are formulated;
- ▶▶ Reprioritize its development strategies in the region and invest more in people, especially in basic social services such as education and health care;
- ▶▶ Advocate a different strategy for economic growth, one that supports local economic activity, locally owned and controlled businesses and local capital accumulation;
- ▶▶ Encourage sustainable small-scale local projects that directly fulfill the basic needs of farmers and nomads in the western regions;
- ▶▶ Use the ICESCR instruments as a reference for discussing and addressing poverty issues;
- ▶▶ Halt population transfer practice in Tibet that has adversely affected the livelihood of the Tibetan people;
- ▶▶ Stop the sinicization of the Tibetan people through economic, social and cultural policies.





Education

- » Respect the Tibetan people's fundamental right to control the content of the curriculum and the medium of instruction in their children's education as stipulated in the Convention on the Rights of the Child;
- » Take steps in order to ensure that the nine-year compulsory education is free of charge for all Tibetan children;
- » Take concrete measures in order to make schools available in sufficient quantity in the most remote areas of Tibet;
- » Ensure that Tibetan children are guaranteed full opportunities to learn and study in their mother tongue as well as the opportunity to develop knowledge about their own culture;
- » Carry out a thorough review of history textbooks with a view to eliminating any biased presentation of the history of Tibet.

To International Agencies and Governments:

- » Put the issue of human rights as a necessary pre-condition for all bilateral or multilateral talks with the Chinese Government;
- » Put pressure on China for concrete results on the ground with regard to the implementation of human rights treaties;
- » Call upon China to release Gedhun Choekyi Nyima and all other political prisoners in Tibet;
- » Demand that China take concrete steps towards the abolition of the death penalty;
- » Urge China to allow free movement of the Tibetan people within or outside Tibet, especially of the exile returnees without fear of persecution or arrest;
- » Urge China to engage in meaningful and constructive dialogue with the representatives of the Tibetan people;
- » Urge China to involve the Tibetan people on all development projects in Tibet.

To Multinational Businesses and Corporations:

- » Ensure that Tibetan people's participation in all stages of development projects;
- » Undertake comprehensive social and environmental studies and impact assessments;
- » Provide sustainable development initiatives that bring desired community benefits;
- » Any project in Tibet must respect the sentiments and values of the Tibetan people.





Military parade during the 40th founding anniversary of “Tibetan Autonomous Region”

CIVIL AND POLITICAL LIBERTIES

“Human rights are what reason requires and conscience demands. They are us and we are them. Human rights are rights that any person has as a human being. We are all human beings; we are all deserving of human rights. One cannot be true without the other.”

– Kofi Annan, Secretary-General of the United Nations

introduction

The People’s Republic of China (PRC) over the past one year has achieved so much in the sphere of economic development and technological field with the success of the second manned spacecraft Shenzhou VI mission which was hailed as a symbol of China’s technological prowess,¹ but these developments were clouded by new repressing states policies designed to assert more control over minority population and gross violation of human rights remain a constant fixture of the situation in Tibet.

The PRC’s continued draconian policies of restricting free civil and political rights of Tibetan people would not help it’s leaders’ long term goal of achieving social stability and economic development. The year witnessed Chinese authorities tightened control on religion, speech, media, expression and assembly. There has been continuous reports of arrests, torture, mistreatment of prisoners, incommunicado detention, and denial of due process. Authorities remained quick to suppress religious, political or social groups and individuals that they perceived as threat to the government or national stability, often detaining those exercising their fundamental freedoms.

The year 2005 began with the continued campaign for Trulku (re-incarnated lama) Tenzin Delek’s release as his death sentence with two-year reprieve

expired on 25 January 2005. Under heavy international campaigns, the Higher Court in Sichuan Province, in the southwestern China, on 25 January 2005 spared the life of Trulku Tenzin Delek convicted in a series of fatal bombings, commuting his death sentence to life imprisonment because ‘he obeyed unspecified legal conditions during the reprieve’, *Xinhua*² reported³. But his whereabouts still remains unknown and none of his family members have seen him for the last about three years. A life sentence in Tibet’s prisons is tantamount to a death sentence given the prevalence of torture and inhumane prison conditions. The legal process which led to death sentence with two-year reprieve to Tenzin Delek and the subsequent execution of Lobsang Dhondup on 26 January 2003 was heavily criticized internationally.

The late Sergio Vieira de Mello, former United Nations High Commissioner for Human Rights, wrote to the Chinese authorities expressing his concern that the trial “does not appear to have met minimum standards.” Despite assurances by the Chinese authorities to allow them, international observers were not invited to attend the trial. Linking the case to the fight against terrorism, a Xinhua report of January 2003 justified holding the proceedings in secret by stating that “the court did not hold an open hearing because some of the defendants’ criminal acts were related to state secrets.” So far no evidence against Trulku Tenzin Delek has been

made public. The year also marks the tenth anniversary of disappearance of the XIth Panchen Lama of Tibet since his abduction by the Chinese authorities on 17 May 1995. There has been no information on the whereabouts and well being of Gedhun Choekyi Nyima and his parents to the international bodies and human rights watchdogs. The latest is the Chinese campaign to blacklist key Tibetan religious figures known to be close to the Dalai Lama. The campaign began in 26 October in Tibet Chamdo Prefecture, “TAR” and focuses heavily on banning the prominent Oser (Woeser) Lama from returning to his homeland Southern India.⁴ He is not allowed to return to Tibet and no one is allowed to have any contact with him. This is not an isolated case, many prominent Tibetan religious leaders in Tibet who command respect and inspires the local community by their philanthropic works and shared religious affinity with the Dalai Lama particularly become vulnerable targets and many serving long prison sentence.

This year China escaped condemnation of its poor human rights record at the 61st session of the United Nation’s Human Rights Commission (UNCHR). No member countries has sponsored resolution critical of China’s human rights record. However, many human rights organizations and NGOs in their statement at the United Nations have expressed concern about poor human rights situation inside Tibet and called upon China to improve it.

China’s State Council Information Office released three separate “White Papers” namely, “*Regional Autonomy for Ethnic Minorities in China*”⁵ on 28 February 2005 and “*China’s Progress in Human Rights in 2004*”⁶ on 13 April 2005 and “*Building of Political Democracy in China*” released on 19 October 2005⁷.

The white paper, ‘*Regional Autonomy for Ethnic Minorities in China*’ appropriately eludes to address

major pressing issues of unemployment, basic human rights and civil and political rights, destruction of environment and gross human rights violation and the gross discontentment amongst the ethnic people inside these so called “autonomous” areas. The white paper in length boasts the right of self-government of ethnic autonomous areas through the representation of the ethnic groups in the people’s congress and the people’s government of the autonomous area. But it is a universally acknowledged fact that the people’s congress and people’s governments are mere rubber stamp committees that work at the whim and directives of the authoritarian Communist Party of China (CPC). The white paper categorically fails to mention the role that the CPC plays in handling the overall affairs in the ethnic autonomous areas. The most powerful position in Tibet is that of the Communist Party Secretary, a post that no Tibetan has ever held, with Beijing directly appointing all the Party Secretaries.

The second white paper covers and highlights China’s progress in human rights in 2004 in six main areas: People’s rights to Subsistence and Development, Civil and Political Rights, Judicial Guarantee for Human Rights, Economic, Social and Cultural Rights, Equal Rights and Special Protection for Ethnic Minorities and the rights and interests of the disabled. The claims filled with communist propaganda and plethora of distorted statistical data boasting of its achievement in various fields found a prominent place in the white paper.

The PRC’s first white paper on democracy dashed the hopes for political reform in China; the 12 parts document that despite its name reaffirmed the Communist party’s determination to cling to power and defined China as a ‘democratic dictatorship’ in which the Communist party had been chosen by history to play the guiding role. According to Chinese dissident writer Liu Xiaobo, the latest white paper was another official report eulogizing communist rule.

“It is old wine in a new bottle, but at least the hypocritical government realizes that it needs democracy to decorate its corrupt bureaucracy,”⁸

The life imprisonment sentence passed on Trulku Tenzin Delek and Bangri Tsamtrul Rinpoche and the continued silence on the whereabouts and condition of the 11th Panchen Lama for the past ten years reaffirms the worthlessness of the white paper’s claim of religious freedom. The interference in the ancient Tibetan religious practice and belief by Democratic Management Committee in controlling and curtailing the religious activities in Tibet clearly shows the magnitude of control and suppression of rights and freedom of Tibetan people.

The number of political prisoners still languishing across the Chinese administered prisons and detention centers in Tibet and number of unknown political prisoners who remain unaccounted for still continue to suffer various forms of abuses including torture, indiscriminate beating, harassments, detention, imprisonment for expressing their political views and conscience, particularly in a campaign late in the year against writers, religious activists, dissidents, and petitioners.

civil and political rights

Beijing’s policy of giving territorial integrity and social stability the utmost important has led to the violation of Tibetan people’s right to civil and political rights. Tibet being the albatross around the neck of Chinese leadership, for most Tibet related issues having political shades were systematically crushed. Under China’s widespread use of vaguely defined terms, imprecise or sweeping elements in its criminal law, such as “endangering state security” and “disrupting social order”, Tibetans face arrest and detention for peaceful exercise of their fundamental human rights and freedom.

Prior to 1997, many of the offenses now covered by the criminal law’s chapters on endangering state security and heretical organizations were included in the chapter on counterrevolution. Although the counterrevolution was removed from the Criminal Law in 1997, individuals convicted of this crime remain in prison with severe prison sentence. There is a lack of precise definition of the concept of ‘endangering state security’, which is applied to a broad range of offences, the criminalization of contacts and exchange of ‘classified’ information with individuals, institutions or organizations based abroad, and the danger posed to the freedom of expression.

Under the existence of vague, imprecise and sweeping elements like ‘disrupting social order’, ‘endangering national security’ in the Chinese Criminal Procedure Law (CPL), Tibetans are arrested and detained for expressing their political belief, possessing portrait of the Dalai Lama, banned Tibetan national flag, distributing and pasting pro-independence leaflets and possessing literatures from exile which it deemed ‘reactionary’. In the CPL, the ‘endangering of state security’ is regarded as a grave crime, under the pretext of which many human rights violations are committed. Many Tibetans have been arrested, detained and tortured for their political belief and shared religious affinity with the Dalai Lama as the justification for the ‘protection of state security’ and unity of the motherland’.

The PRC has signed the International Covenant on Civil and Political Rights (ICCPR) on 5 October 1998 but is yet to ratify the Covenant. Whilst recent piecemeal proposals for legal reform have been presented by officials or legal academics as a move towards compliance with the ICCPR, the government is yet to present a coherent plan of reform that would bring the Chinese institutions and practice in line with the standards contained in the Covenant. The ICCPR is a key human rights instrument, that provides, within a legally-binding

treaty, for fundamental human rights enshrined in the Universal Declaration of Human Rights (UDHR). The PRC ratification of this covenant is thus an important step in committing the PRC government to the protection of these internationally recognized rights, and to follow through on its earlier promises to fully commit to the terms of this covenant.

The recent visit of UN High Commissioner, Ms Louise Arbour, to China includes formal steps to provide assistance to the authorities in clearing way for ratification of ICCPR and in implementing recommendations from the United Nations Economic, Social and Cultural Committee. The High Commissioner said China stated commitments to ratification and to removing obstacles to acceptance of the treaty meant that even pending ratification one should expect 'more than modest progress' in the area of civil and political rights⁹.

China's repressive social and political controls continued to limit the fundamental freedom of Tibetans and risked undermining Tibet's unique cultural, religious, and linguistic heritage. During 2005, there was massive suppression of the right to freedom of opinion and expression in Tibet. The arrest of four monks from Labrang Tashikyil Monastery in Sangchu County, Ganan "TAP", Gansu Province, for postings calling for freedom in Tibet on 23 May 2005¹⁰ and sentencing of two monks of Taktsang Lhamo Kirti Monastery in Ngaba "TAP" to three years for pasting pro-independence posters¹¹ and many other cases clearly exemplifies the extent of control that is being exercised by the Chinese authorities on the freedom of expression and opinion.

arbitrary detention

The United Nations Working Group on Arbitrary Detention (WGAD) regards deprivation of liberty as arbitrary in the following cases:

- a) When it manifestly cannot be justified on any legal basis (such as continued detention after the sentence has been served or despite an applicable amnesty act).
- b) When the deprivation of liberty is the result of a judgment or sentence for the exercise of the rights and freedoms proclaimed in the Universal Declaration of Human Rights¹² and also, in respect of States parties of the International Covenant on Civil and Political Rights.¹³
- c) When the complete or partial non-observance of the relevant international standards set forth in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned relating to the right to a fair trial is of such gravity as to confer on the deprivation of liberty, of whatever kind, an arbitrary character.¹⁴

The legal tools contained in the Constitution of the People's Republic of China, the country's Criminal Law and the Criminal Procedure Law, combine to provide the state with a multitude of options to repress, prohibit, investigate or punish almost any form of expression or activity of an individual and can justify the assertion that the State's agencies are upholding the law and constitution. It further stipulates, "The exercise by citizens of the PRC of their freedoms and rights may not infringe upon the interests of the State, of society and of the collective, or upon the lawful freedoms and rights of other citizens."¹⁵

The Working Group on Arbitrary Detention in their report released on 25 February 2005 following their visit to Tibet in September 2004 criticized Beijing

for arbitrarily jailing those who peacefully voice their religious and political view and urged China to better safeguard constitutionally protected rights. The UN group called on China to give “proper weight to the rights of the individual” and better protect fundamental rights guaranteed by the country’s own constitution. The report also said that official interference in the September visit to the notorious Drapchi Prison in Lhasa, was “unacceptable” and the UN investigators were told that prison regulations prohibited certain prisoners from being interviewed by ‘foreigners’¹⁶.

The UN group has identified three matters of concern following their visit; China’s lack of precise definition of the concept of “endangering national security”, which is applied to a broad range of offences, the criminalization of contacts and exchange of ‘classified’ information with individuals, institutions or organizations based abroad, and the danger posed to the freedom of expression by the punishment of “control”, a measure introduced in order to reduce the inmate population¹⁷. At the same time the Working Group report said that “Definitions in criminal law legislation having such vague, imprecise or sweeping elements...shall not be used to punish the peaceful expression of the rights and freedoms that the UDHR grants everyone.”¹⁸ And it further urged the Chinese authorities to give due recognition to “the rights of the individual” and to better protect these fundamental rights guaranteed in the Chinese constitution.

China’s arbitrary detention of Tibetan people solely on account of their peaceful and legitimate human rights activities violates key rights protected in international law and in domestic laws, for instance, article 9 of the ICCPR states, “*Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as established by law.*”

And article 18 of the same covenant guarantees freedom of thought, conscience and religion and article 19, which guarantees freedom of expression.

Article 9 of the Universal Declaration of Human Rights prohibits arbitrary arrest, detention, or exile. Article 37 of the Constitution of the PRC stipulates that, “The freedom of person of citizens of the People’s Republic of China is inviolable...”

Almost all Tibetan political prisoners in Chinese prisons in Tibet were arbitrarily arrested and detained. More than 132 known political prisoners continue to languish in prisons without any formal trial and 26 Tibetans were known to have been arrested this year¹⁹, most after peacefully exercising their right to freedom of expression, opinion, religious freedom, assembly and other fundamental human rights. Out of total number of known Tibetan political prisoners, 52 or 39.3% are serving more than 10 years prison sentence, whereas monks constitutes 91 or 68.93% of the total known number of political prisoners. There are also unconfirmed reports of arrest of more than 60 Tibetans leading to the 40th founding anniversary of the Tibetan Autonomous Region “TAR”.

While the nature of arrest and location may vary, all of them have been linked to political activities deemed to “endanger state security”. Detention of Tibetans for being discovered in possession of pictures and audiotapes containing speeches of the Dalai Lama are common. Others, already serving a prison term have had their term extended for exercising their rights of freedom of speech and opinion, lengthy detention periods are of particular concern because they provide ample opportunity for investigation authorities to “extract information” from the suspect. Testimonies from various detainees, both former and current, corroborate this fact.

1. In December 2004, Lhatse County police arrested Phuntsok Tsering, a chant master of Magar Dhargyeling Monastery in Shigatse Prefecture, “TAR”, because he was found possessing a portrait of the Dalai Lama. Phuntsok was taken to Nyari Prison in Shigatse. No further information is available on his condition and charges made against him.²⁰
2. According to Tibet Information Network (TIN), on the night of 23 December 2004, Sonam Phuntsog²¹, a monk from Tsozhi Village in Dardo County, Kardze ‘Tibetan Autonomous Prefecture’ (“TAP”) was arrested following a fire incident at the local hall of the People’s Representative Conference. He was accused of intentionally starting the fire.²²
Approximately the same time that the fire broke out, posters calling for a free Tibet were on display in the area. However, no evidence could establish a direct link between the two events.
3. In April 2005, pro-independence pamphlets were found pasted on the gate of the government office of Tashigang Township located in Meldrogungkar County, Lhasa Municipality “TAR”. The PSB officers carried out extensive investigations by questioning each monk of Pangsa Monastery. At the time, Chung Tsering who was out of station became the prime suspect. In the end of April 2005, Chung Tsering was arrested and taken to Lhasa City Detention Centre where he continue to be detained²³.
4. In April 2004, Kardze Intermediate People’s Court sentenced Lobsang Khedrup, 22, and Gyalpo, 26 from Dartsedo Township and Shungteng Township, Sichuan Province “TAP”, to eleven years’ prison term. The monks were charged with hoisting a banned Tibetan national flag on a radio tower in Kardze County in 2003. Gyalpo was arrested in January 2004 while Lobsang was arrested a month later. The family members after trying in vain to locate their whereabouts only recently came to know about

their relatives’ imprisonment in a prison at Dartsedo.²⁴

5. Tsering Dhondup, 32, monk from Sera Monastery and originally from Chema Township, Phenpo Lhundrup County, “TAR” was arrested in early July 2005 by Lhasa Kyere PSB officials for allegedly distributing ‘pro-independence’ leaflets. Tsering went suddenly missing from the monastery during which time his panic-stricken family members and friends along with monastery administration searched for him. About thirteen days later, Lhasa PSB called the monastery administration and informed them about him being in their custody at Gutsa Detention Centre. The authorities restricted the family members from meeting him except to pass along a couple of clothing. There is no further information available on the status of his sentencing.

In other instances of arrests between 5-9 May 2005, eight monks from Sera Monastery and 13 nuns from Shugseb Nunnery have been reported to be arrested and their whereabouts are currently unknown²⁵.

enforced disappearance

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 as well as in other major international human rights instruments.

Article 1 of the UN Declaration on the Protection of all Persons from Enforced Disappearance²⁶ states that, *“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 Uni-*

versal Declaration of Human Rights and reaffirmed and developed in international instruments in this field.”

Disappearances generally violate the right to a family life as well as various economic, social and cultural rights such as the right to an adequate standard of living and the right to education. According to the Declaration²⁷, the systematic practice of disappearance is of the nature of a crime against humanity and constitutes a violation of the right to recognition as a person before the law, the right to liberty and security of the person, and the right not to be subjected to torture; it also violates or constitutes a grave threat to the right to life. Moreover, the prevalence of incommunicado detention makes it even more vulnerable and susceptible to abuses. The PRC being one of the permanent members of the UN, is under an obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance and should make it offences under criminal law.

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 XIth Panchen Lama for the tenth consecutive years who turns 16 on 25 April 2005. Despite strong international concerns and appeals, China continues to conceal the location and condition of this child. The year 2005 has been declared as the International Year of Gedhun Choekyi Nyima, the 11th Panchen Lama of Tibet by the Dharamsala based Tibetan Women's Association. China's detention of boy Panchen Lama is a clear violation of the Convention on the Rights of the Child, which it signed in 1990 and ratified in 1997, other international obligations.

On 14 May 1995, the Dalai Lama declared the then six-year-old Gedhun Choekyi Nyima as the reincarnation of the Tenth Panchen Lama. The PRC gov-

ernment declared the announcement 'invalid' and 'illegal'. Three days later, Gedhun Choekyi Nyima and his parents disappeared. For the past ten years now, no information on their whereabouts and well being have been available so far.

The meeting of China's Party Secretary and President Hu Jintao with Gyaltzen Norbu-the Child chosen by Beijing as the reincarnation of the Panchen Lama on 3 February 2005 at the Great Hall of People²⁸ and the authorities attempt to raise the profile of its chosen Panchen Lama by showing him blessing worshippers in a ceremony marking his enthronement ceremony at Tashilhunpo Monastery²⁹, clearly represents intensification of China's ongoing campaign to enforce the teenager's legitimacy as a religious and patriotic figure. *Xinhua* was quoted as saying that, "the ceremony was attended by devoted Tibetans, including mothers with babies and young men carrying their elderly fathers or mothers on their backs, who viewed Gyaltzen Norbu (Chinese appointed) as their new spiritual leader."³⁰

In a closed-door meeting in Qinghai Province in November 2004, the regional authorities came down heavily on 20 senior Buddhist leaders and Chinese officials in Amdo region of Tibet, forcing them to give approval and support to Gyaltzen Norbu. The Buddhist leaders were threatened with unspecified punishment if they failed to comply with this ruling and the move apparently came following lackluster reception Gyaltzen Norbu received while on his visit to other regions of Tibet in 2003. Chinese officials told the religious leaders that obedience would be rewarded with improvements to their "economic livelihoods," while failure would be met with punishments that they didn't describe.³¹

The PRC actions are designed to exert unquestioned state control over religion to the point, in this instance, of dictating whom Tibetan may revere as a religious hierarch. In other cases, the state has as-

sumed a visible presence in certifying certain incarnations and harshly suppressing those who dissent. An ethnic Tibetan told a reporter that, “In the old days, when the 10th Panchen Lama reigned, ordinary people would pour into the Tashilhunpo Monastery to revere him. Now when the 11th Panchen Lama (referring to Gyaltsen Norbu) visit to the Tashilhunpo, they have to be ordered to go, or they will be fined by the government.”³² Most Tibetan do not accept Gyaltsen Norbu as the legitimate Panchen Lama for Tibetans maintain loyalty to Gedhun Choekyi Nyima, the boy recognized by the Dalai Lama, is often a keen way to express their loyalty for the Dalai Lama. China has failed miserably to win over the hearts and minds of Tibetans.

At the session of the UN Committee on the Rights of the Child (CRC) held on 19 September 2005, the Chairperson of the UNCRC, Prof. Jacob Doek has highlighted the regular denial of requests for access to the Panchen Lama and requested for ‘candid, open, and frank answer,’ that an independent body be allowed to visit Gedhun Choekyi Nyima. However, the Chinese representative at the session responded that he would pass on the request to higher authorities in Beijing³³. To a question asked by Ms. Lucy Smith, the CRC expert from Norway about the religious freedom in Tibet and religious education in schools in particular and more information on the current status of XIth Panchen Lama, the Chinese representative repeated the usual rhetoric that Gedhun Choekyi Nyima is nothing but a normal child who is receiving a good education and attending secondary school and scoring good grades. The Chinese delegates responded that they have not allowed foreign visitors to the Panchen Lama because “too much interference creates too many problems” and the boy and his parents did not wish to be disturbed due to security reasons. The present call for action comes nine years after the UN Committee on the Right of the Child last reviewed China’s report in May 1996.

Chadrel Rinpoche, former abbot of Tashi Lhunpo Monastery, the traditional seat of the Panchen Lama, and the Chairman of the Search Committee for the reincarnation of the 10th Panchen Lama, and his assistant Champa Chungla disappeared from Chengdu Airport in Sichuan Province on 14 May 1995. On 21 April 1997, the Shigatse Intermediate People’s court sentenced Chadrel Rinpoche to six years of imprisonment on charges of “plotting to split the country” and “leaking state secrets”. He was accused of working for and assisting the Dalai Lama in the search for the 11th Panchen Lama. Although his sentence ended on 13 May 2001 following the completion of a six-year prison term, there is no information available on his whereabouts and well-being, it is believed that he is now kept under house arrest.

Champa Chungla, 66-year-old former assistant of Chadrel Rinpoche, was arrested in 1995 for his participation in the search committee of the 11th Panchen Lama and sentenced to a four-year prison term. He continues to be held in custody even after the completion of his original four-year prison term.

An atheist State like China has implemented various policies aimed at subordinating religious practices and sentiment to serve the political needs of the state. These policies impinge upon the freedom of many Tibetans to peacefully put into practice or even express certain key aspects of their religious belief and such policies are implemented through the use of coercion, violent suppression and imprisonment for those who dissent the official dictum.

2005 “summer strike hard” campaign

Following the famous Mao Zedong’s classic dictum, “A spark from heaven can light up an entire plan,” in reference to the fact that one single instance of

insurrection, unless muffled quickly at the source, could spread across the country and wreak havoc on the Chinese Communist Party (CCP) administration. Underlining the importance of maintaining stability and sovereignty of China, Beijing relaunched the hard line policy of striking hard on those suspected of undermining it. Chinese authorities in Tibet has redoubled its efforts to crack down on dissents and other destabilizing forces before the “TAR” 40th founding on 1 September 2005. As a precautionary measure for smooth celebrations, “2005 Summer Strike Hard” (Ch. *Yanda*) campaign was launched for the first time on 22 July 2005³⁴ despite the launch of the general “strike hard” campaign in the last months of 2004.

The current campaign called by the security committee for the “TAR” founding anniversary and by the “TAR” development department, aims to curb political activism mainly in Lhasa and other adjacent areas in the “TAR” through huge Chinese PSB personnel presence and intensified security measures.

Under ‘Strike Hard’ campaign any signs of reverence for the Dalai Lama are interpreted as equating to ‘endangering state security’ or ‘effecting stability and unity of motherland’ providing an ideal ground to carry out harsh crackdown and stifle political dissents. The campaign is characterized by forceful crackdown with severe punishment and swift execution of power by police and authorities with impunity, lack of transparency and accountability. It empowers authorities’ immense power to carry out arbitrary arrest and detention of any suspects thereby violating fundamental human rights of the individual.

TCHRD was informed in early July 2005 that Tibetans who fall under suspicion of engaging in political activism and former political prisoners are arbitrarily detained and rounded up for interrogations. In some cases, they were reportedly ordered to leave

Lhasa City prior to the celebration, whereas in some cases their family members were ordered to sign surety paper to take responsibility for any untoward incident. The restrictions were coupled with round-the-clock surveillance and restrictions on their movement apparently to discourage public protest. An official report on 22 July 2005 stated that, *“the security committee for the “TAR” foundation anniversary and “TAR” overall development department have called for the launch of summer 2005 strike hard campaign beginning from 22 July 2005 in the whole of “TAR” to achieve grand success in celebration of 40th anniversary of the “TAR”.*”³⁵

During the campaign, the state law enforcement agencies were given extraordinary power to arbitrarily arrest, detain, interrogate, and ransack houses and issue illegal threats and warning to people under suspicion. The nature of the campaign was such that verdicts were issued swiftly and decisively. “Every time there is a celebration of national event, security officials go to these ex-political prisoners and harass them with all kinds of restriction. During the event, officials went to their homes daily to check on them and harass them,” one source said. “When the former political prisoners react angrily, the authorities use it as an excuse to raid their homes and if they find any contraband, such as photos of the Dalai Lama, they go back to jail.”³⁶ The “strike hard” campaign has led to the political crackdown in Tibet with arbitrary detention, imprisonment, incommunicado detention, sweeping restriction on religious, cultural and social rights resulting in severe blow on the Tibetan people’s civil liberties.

intensified control during the “TAR” founding anniversary

The “Tibet Autonomous Region” (“TAR”) was formally founded at the First Session of the People’s Congress of the Autonomous Region on 1 Septem-

ber 1965. Since the establishment of the People's Republic of China in 1949, the Communist Party had agreed to set up autonomous regions in areas where the minority group constitutes a substantial percentage of the population, in keeping with Article 3 of the 17-Point Agreement signed in Beijing on 23 May 1951, which had promised that "the Tibetan people have the right to exercise national autonomy under the unified leadership of the Central People's Government." By creating this China has managed to create a completely new administrative structure for control of Tibet and to promote its version of autonomy.

It is openly acknowledged by the Chinese authorities that the economic development of Tibet is a political as well as an economic issue, and lies at the centre of attempts to maintain 'stability'. Thus the development of the autonomous areas and the claims of more autonomy given to the ethnic minorities further the Chinese political and economic priority of integration with the rest of China. The explosive growth hasn't brought about any major political change in China, and the people deemed a threat to the one-party state are routinely jailed and sentenced with long prison term. The closed meeting of the Politburo presided over by the Party Secretary and President Hu Jintao, before the anniversary in order to determine Tibet policy for the 21st century week, stressed the importance of eliminating 'separatism' and accelerating economic.

A delegation of 52 senior Chinese and Tibetan officials arrived in Lhasa on 27 August 2005 for the formal commemoration of the anniversary, which represents a significant opportunity for Beijing to showcase the successful establishment of "TAR", its achievements in a colorful extravaganza, and the PRC's ownership of Tibetan areas. Security around Lhasa has been beefed up prior to the anniversary, with reports that armed police and soldiers have been increasingly visible on the streets of Lhasa city to

check any disturbances. Jia Qinglin, ranked fourth in the Communist Party hierarchy said that, PLA troops were "not afraid of bloodshed, not afraid of sacrifice, fought heroically, successfully completed their mission and put down rebellion...and put down the disturbance."³⁷

Prior to the anniversary, a major propaganda drive was launched in the various Chinese medias like *Xinhua*, when it accused the Dalai Lama of being "hypocritical" in his wish for genuine autonomy. The editorial on 1st September said the Dalai Lama "has shown little living wisdom when he strains all his nerves peddling his idea of the autonomy of Tibet in spite of the fact that an autonomous mechanism has existed on the snowy lands for years." The editorial also questioned the Dalai Lama's motives suggesting that "a former hierarchical regime...is not at all qualified to make any remarks on a democratic structure." Other official mouthpiece, the *People's Daily*, continued the propaganda stating, "Only under the leadership of the Communist Party...can Tibet have today's prosperity and progress."³⁸

The PRC authorities' overriding paranoia about maintaining stability and to avert disturbances by Tibetan during the major anniversary and events has steered the authorities to embark on various preemptive measures including heightened vigilance, closer supervision of suspected individuals and former political prisoners, even resorting to arbitrary arrest and detention and expulsion from one's residence to distant place until the completion of the event. Individual with background in political activism or those previously convicted political prisoners who have completed their prison sentences and those Tibetans who were caught, even years earlier, after returning from unauthorized trips to India, became vulnerable target and were detained and interrogated. Such restrictions and tightened control had created an atmosphere of tense and fear in different parts of Tibet during the entire period of

anniversary celebration. The one-day celebration of extravaganza was turned into grand suppression of civil liberties of Tibetan people by 'image-hungry' Chinese authorities.

On 31 July 2005, the Lhasa City's People's Municipality forcefully picked up beggars from the streets of Lhasa and returned them to their native hometowns in order to clean up the environment of the area. Also tourists and visitors in Lhasa City were made to report themselves to the Lhasa Security Bureau office along with their host from the first week of July. The hosts were made to promise their accountability and responsibility for the guests. The regulation and control over monasteries in the surrounding areas of Lhasa City especially in Drepung and Sera monasteries were intensified more than it had been in the past. Tibetans are also barred from going to Lhasa city for circumambulation during the morning, day and evening. In the Sera Monastery, from the first week of July, an extra number of Chinese government officials arrived at the monastery and resumed 'patriotic re-education' campaign in the monastery.

On 14 August 2005, a big Military Exercise drill code name "Task Force 05" started in Lhasa to deal with sudden outbreak of untoward incidents. The security wings that participated in the Military Exercise were Lhasa Security Bureau Police, People's Armed Police and National Security Departments. The important leaders such as "TAR" Party Secretary, Yang Chuantang and the chairman of 'security and stability' committee made speeches calling for more efforts from the people in achieving a long period of 'peace and stability' in Tibet.

Again on 18 August 2005 the stationed Security personnel of Lhasa Security Bureau conducted a 'Motivation' meeting and asked the security personnel to put extra effort to avert political incidents during the celebration. The senior officials directed

security personnel to consider the celebration as an important political responsibility, not a mere maintenance of stability and security.

The meeting of the Politburo on 26 August led by Hu Jintao concluded that 'Tibet work holds an important place in the overall work of the Party and state'³⁹ The meeting emphasized that the Party 'must resolutely oppose all kinds of separatists and sabotage activities, and uphold the motherland's unity and Tibet's stability'. The president also stated that, 'the regional autonomy system has been continually consolidated and perfected' and that 'it is necessary to seriously make a success of the celebrations for the 40th anniversary of the founding of the "TAR". China pledged to boost the economic development and maintain 'social stability', which aimed at increasing central control by pursuing a policy of greater assimilation of Tibet into a 'unified' Chinese state. "Tibet has undergone tremendous changes. Tibet has a great potential and a broad prospect for development. Tibet now faces two major tasks: one is development and one is stability,"⁴⁰ the state news agency Xinhua quoted Jia Qinglin as saying.

At the end of August 2005, representative from the Central government headed by Mr. Jia Qinglin, were given lavish welcome ceremony at the Gongkar airport and near Norbulingka Palace. It was later revealed that the welcoming team was selected by the local authorities prior to their visit to Lhasa. Further reports indicates that the welcoming team was coerced to wait for long hours without any food as eatables, drinks and umbrella were banned due to security reason. Others were coerced into attending official ceremonies, with the threat of loss of pay and pension, and foreign nationals were restricted from traveling in the region until the intensified period of security had elapsed. Restaurants and teashops on their route were ordered to close.⁴¹

arrests and expulsion of Tibetans prior to the anniversary

Although there were many unconfirmed reports of arrest and detention of Tibetans prior to the anniversary, sources in Tibet report that around ten Tibetans were detained in Lhasa, by the Chinese State Security Bureau (SSB) in the days leading up to the anniversary⁴².

TCHRD has documented few confirmed cases of preemptive detention and measures taken by the authorities in connection with the anniversary. For instance, on 28 August 2005, **Sonam Gyalpo**⁴³, a tailor by profession from Lhoka region and a former political prisoner was arrested by the state security from his home. The arrest coincided with the 'Summer Strike Hard' Campaign launched in July 2005. Sonam Gyalpo, 43, from Lhoka region, "TAR" has been residing in Lhasa.

Sonam,⁴⁴ a monk in his 40s, from Toelung Dechen County, Lhasa Municipality, "TAR" was reportedly arrested on or about 21 August 2005 at the rear vehicle entrance of the Potala Palace. Sonam was one of the first monks allowed to enroll at the Potala Palace following its reopening several years after the end of the Cultural Revolution (1966-1976).⁴⁵

Before Sonam's arrest, he was reportedly lured by a message saying that someone was waiting for him. He was quietly taken away in an unmarked vehicle. The incident occurred during a heightened security alert before the "TAR" founding anniversary. As per the latest information, he was released on an unspecified date after the anniversary.⁴⁶

Wangchen, 30, a monk of Sungrabling Monastery and originally from Khimshe Village, Khimshe Township, Gongkar County, Lhoka Prefecture, "TAR" is a former political prisoner who reached exile in November 2005. He had already spent three

years in Drapchi Prison. He reports, "On 1 September 2005 during the 40th founding anniversary of "TAR", PSB officials from Lhoka Tsethang arrived at my shop on Ngachen road, Lhasa and I was forced to close the shop for three days and ordered to leave for Lhoka right away as they suspect of any untoward incidents during the anniversary ceremony in Lhasa."⁴⁷

re-education through labour (RTL)

Introduced in 1957 by the Chinese authorities, the re-education through labour system (RTL) refers to a system of detention and punishment administratively imposed on those who are considered to have committed offenses but are not legally considered criminal. Re-education through labour (Ch. *laodong jiaoyang* or *Laojiao*), according to the Ministry of Public Security, is an administrative measure of reform through compulsory education designed to change offenders into people who 'obey law, respect virtue, love their county, love hard work, and possess certain standards of education and productive skills for the building of socialism.'

The Reeducation Through Labour Management Committee is responsible for directing and administering the work of reeducation through labour and for examining and approving those who are in need of reeducation. The management committee is composed of officials from the civil affairs, public security, and labour departments. This committee operates in provinces, autonomous regions and municipalities directly under the central government. Public security organs are in charge of actual labour camps and the people's procuratorates' supervise the activities of all agencies involved in the re-educational process. The police acting on their own determine the reeducation term. Sentence could run from one to three years' confinement in a camp or

farm. The sentence could be extended subjected to the judgment of prison authorities.

The recipients of a re-education through labour sentence has no right to a hearing, no right to counsel, and to any kind of judicial determination of his case and in many cases decisions are made hastily. In RTL, the period of time for which criminal suspects can be held in police custody without judicial approval is too long, and the status of the public prosecutor does not meet international law and standard.

China's practice of Re-education Through Labour and other system of administrative detention stand in violation of Article 9 of the ICCPR which clearly provides for,

- “1. *the right to liberty and security of person...*
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.
 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...
 4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.”

Moves by the Chinese authorities to abolish or reform RTL appear to have delayed over recent months.⁴⁸ The UN High Commissioner for Human Rights emphasized the need for judicial review of all decisions regarding deprivation of liberty, including forms of administrative detention such as ‘re-education through labour’ system.⁴⁹ The main

obstacle to reform appears to be the Ministry of Public Security, which seems to be reluctant to give up its broad powers of detention and sanction under RTL. The five major problems with reeducation through labour are the lack of any kind of procedural restraints, the use of re-education to incarcerate political and religious dissidents, the problem of appeal; the condition in the camps, and the system of ‘retention for in-camp employment’ that permits authorities to keep detainees or prisoners in the camps after the completion of their sentences.

Unfortunately, China has found its extensive administrative justice system a convenient mechanism with which to control dissidents and activists. The figures of the number of people incarcerated in re-education through labor bear this out. The US State Department estimates that at least 250,000 people—and possibly as many as 310,000—are serving sentences in ‘re-education through labour’ camps and ‘other forms of administrative detention not subject to judicial review.’ The subjects of such crackdowns have included labour, religious and political activists.⁵⁰

The report issued by UN Working Group on Arbitrary Detention following a mission to China between 18 to 30 September 2004, levied a heavy condemnation against jailing citizens without trial through its “re-education through labour” policy and that the rules and practices concerning judicial deprivation of liberty used in China are not in line with international law and standard.⁵¹ The Working Group visited Beijing and the cities of Chengdu, capital of Sichuan Province, and Lhasa, capital of the Tibet Autonomous Region and they also visited 10 detention facilities included in a list previously submitted to the authorities. This included the police stations, pre-trial detention centres, prisons, re-education through labour camps and psychiatric hospitals.

re-education through labour camps in “TAR”

In recent years, the Chinese authorities have been increasingly using the labour camps to imprison Tibetans with political incidents and fleeing Tibetans. In addition to the two fully functional “re-education through-Labour” camps in the “TAR”⁵², a newly built re-education through labour camp in Senge Township, Ngari Region “TAR” was made functional in 2004. Ngari region falls in the route of Tibetans fleeing Tibet and those returning from India. With the newly established facility, the authorities will be able to crack down and curb the flow of Tibetan refugees on a massive scale.

A person can be convicted by a local Public Security Bureau (“PSB”) or by the re-education-through-labour Management Committee without a court trial. Although it falls in prison category according to international law, the Chinese authorities do not consider the labour camps as prisons.

In practice, conditions in “re-education through labour camp”, are harsh and the workload heavy. Inmates have to work in mines and brick factories and do heavy agricultural labour. The People Armed Police ‘PAP’ guard reeducation inmates just as they guard those who have been judicially convicted.

An account of a former political prisoner with experience in re-education through labour sheds light on the existence and practice of labour for reform and re-education. Bhudruk, 52 year-old former political prisoner from Sarshing County, Kardze Prefecture, Sichuan Province, “TAP” escaped into exile in 2005 year after completion of his prison sentence in November 2004 reported, “In December 1990 Kardze People’s Intermediate Court sentenced me to fifteen years... I was imprisoned in Rangaka Prison, cell no. one. Everyday I was forced to perform labour. I served the three years of my

term in Kardze Prison; two of my friends were also in the same prison. I served the remaining eleven years in Maowan Prison⁵³....the rich and influential businessmen from China visited the Prison guards and officials. They exploit the system of ‘reform through labour’ and made the prisoners work extensively to produce their own goods without any wages and salary.”⁵⁴

The process of reeducation is arbitrary in nature, it removes the legal presumption of innocence, involves no judicial proceedings, provides for no public trial, and makes no provision for defense against the charges. Access to the case file by the defence counsel during the pre-trial phase has been excessively restricted. The rights of the defence are even further restricted if the case concerns charges of endangering national security or state secrets. The system of re-education through labour go beyond the legitimate rehabilitation measures and aim at breaking the will of detainees and changing their personality. Such measures of re-education of detainees strike at the very core of the human right to personal dignity, integrity and humanity⁵⁵. The system of re-education through labour is not only a serious violation of human rights to personal liberty, but must also be considered as a systematic form of inhuman and degrading treatment or punishment, if not torture and therefore, should be abolished.

torture inside prison

Torture has long been practiced in prisons and detention centers across China despite its signing and ratification of the United Nations Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) in 1986 and 1988 respectively. PRC has now signed all the major United Nations’ laws relating to human rights, however, evidence and testimonies from recently released political prisoners and detainees highlights

low commitment by the Chinese authorities of upholding its international legal commitments.

Article 43 of the revised Criminal Procedure Law of PRC states that, “*the use of torture to coerce statements and the gathering of evidence by threats, enticement, deceit or other unlawful methods are strictly prohibited.*” Article 11 of CAT specifies that: “*Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrests, detention or imprisonment in the territory under its jurisdiction, with a view to preventing any cases of torture.*”

The arrest and imprisonment of Tibetans are frequently carried out as a result of peaceful dissident activity and there are serious cases of abuses following detention. Testimonies given by former Tibetan political prisoners further shed light on the incidents of severe beatings at the time of arrest, torture during incarceration, and severe beatings of inmates already sentenced are reported with sufficient frequency so much so that it put the issue beyond doubt and clearly demonstrate that such abuses are not isolated incidents but rather the product of a policy of dealing with political dissidents. TCHRD continue to receive report of such abuses.

Torture in Tibet is still used to extract confessions, defeat Tibetan prisoners’ nationalist spirit, intimidate prisoners and cause humiliation and mental trauma that affect the prisoners for the rest of their lives. While torture can and does take place at all stages of detention in various police stations and detention centres in China, when a period of detention is prolonged illegally, detainees are at higher risk of being tortured. This is particularly the case when detainees are held incommunicado, that is without access to legal representation or the right of the family being informed and of their visits. The frequent incidence of prolonged detention in China

was clearly highlighted by an announcement published on the Supreme People’s Procuratorate’s website in August 2003, calling for an end to all cases of prolonged detention of ‘three years and over’ by 1 October 2003, and all others to be cleared ‘by the end of the year.’⁵⁶

Furthermore, under Chinese law detainees are not guaranteed immediate access to legal representation; confessions extracted through torture and other ill treatment are often used as evidence against the accused in court despite being outlawed⁵⁷. And a defendant in court is effectively required to prove their innocence rather than the prosecution being required to prove the defendant’s guilt, all in violation of several provisions of the ICCPR, including Article 7 which states that “*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.*”

And Article 9 and 14 of ICCPR dwell on fair trial rights for an individual. Forced confessions have become the biggest injustice in China’s judicial system. In many instances, Chinese courts have often reached verdicts heavily influenced by the testimony of the accused. Policemen are prone to exhort confessions through torture in order to improve their rate of criminal case solutions.⁵⁸ People accused of ‘political offences’ continued to be denied due process, detainees’ access to lawyers and family members continued to be severely restricted and the trial fell far short of international fair trial standards especially those charged with offences related to ‘state secrets’ or ‘endangering state security’ had their legal rights restricted and were tried in camera. The CPL should be revised to establish the principle of presumption of innocence and to allow lawyers to be present during interrogation.

The practice of torture and ill treatment continued to be reported in a wide variety of state institution despite the introduction of several new regulations aimed at curbing the practice. The common methods of torture and ill-treatment recorded by the TCHRD and given by the UN Special Rapporteur on Torture after their visit includes kicking, beating, suspension by the arms, electric shock baton (esp. cattle prod⁵⁹) shackling in painful position, cigarette burns; hooding/blindfolding; guard-instructed or permitted beatings by fellow prisoners; use of hand cuffs or ankle fetters for extended period including solitary confinement or secure holding areas, submersion in pits of water or sewage; exposure to conditions of extreme heat or cold, being forced to maintain uncomfortable position, such as sitting, squatting, lying down, or standing for long periods of time, sometimes with objects held under arms; sleep and food or water deprivation, prolonged solitary confinement, denial of medical treatment and medication; hard labour and others⁶⁰.

The UN Special Rapporteur on Torture, Prof. Manfred Nowak following the inspection visit to China from November 20 to 2 December, which includes visits to Beijing, Lhasa, "TAR" and Urumqi, Xinjiang Autonomous Region, confirms that torture still remains widespread in China.⁶¹ Prof. Nowak told, "There is a growing awareness that torture is quite widely practiced in the common criminal proceedings (in China) by the police and that something needs to be done."⁶² The visit by Nowak, who is the first special rapporteur on torture to visit China, comes after years of negotiations between the UN and China on allowing unfettered access to prisons, private talks with detainees and no retaliation on prisoners. In the early 1990s, a UN Special Rapporteur on Arbitrary Detention visited Drapchi prison in Tibet. But prisoners were later punished for what they told the investigator. Many were beaten and some of the prisoners got their sentences increased.

Despite minor steps forward in describing offenses of torture and ill-treatment that can be prosecuted, the definition of torture in Chinese law continues to fall far short of the definition contained in Article 1 of the Convention Against Torture. Torture in Chinese law is still essentially defined as the use of physical force (the Chinese word for torture, 'Kuxing' primarily connotes physical torture), which has serious consequences, resulting in permanent injury or death, to coerce a statement or extract confession. Given this explanation, torture is rarely prosecuted in China. In particular, physical or mental torture that leaves no physical trace is difficult if not impossible to punish with appropriate penalties in China. The law prohibits only physical abuse and does not incorporate mental torture. No provision in the law prohibits psychological torture, which constitutes a major part of torture, particularly significant omission in view of China's documented use of solitary confinement to punish prisoners who refuse to submit to 're-education' or reform'.⁶³ While providing impunity for officials who employ physical violence, this reality also effectively encourages many law enforcement officials to rely on ill treatment, rather than on proper investigative techniques, to break cases.

With the purported legislative improvements enacted by its 1997 revisions of the Chinese Criminal Code and the Criminal Procedure Law (CPL) of 1979⁶⁴; included the redefinition of the charge "counter-revolutionary activities" to "endangering state security". These amendments, however, remain inadequate to deter, punish and redress acts of torture. China's focus on nominal legislative change betrays its tacit recognition that the practical realities of Tibet remain largely unchanged. Torture continues to be endemic and prevalent occurrence in detention centres and prisons and it continues to be an instrument of state control in Tibet, resulting in many serious physical and mental injuries and deaths. The police, prison guards, Public Security

Bureau officials routinely torture Tibetan detainees, particularly for those held for political crimes.⁶⁵

From various provisions of the CPL, the most pertinent to Tibet are articles 102 to 106, which redefine and expand the scope of crimes against the security of the state, the new practical equivalent of 'counter-revolutionary' crimes⁶⁶. Article 103 of the new Criminal Code is devoted expressly to crimes of 'splittism,' a provision 'clearly aimed at pro-independence movements and activists in restive ethnic minority regions such as Tibet, Xinjiang and Inner Mongolia⁶⁷.

Almost all the Tibetan prisoners arrested have at some stage undergone severe physical abuse at the hands of either Public Security Bureau officers or prison guards, or often by both. In practice, most of these perpetrators enjoy impunity for their acts as Tibet lack genuinely independent judiciary that facilitates the impunity for perpetrators and those acts in violation of the Torture Convention. Moreover, the inadequate sentences or punishments handed down to perpetrators of torture demonstrate the ineffectiveness of China's implementation policies.

In short, China has generally failed to take substantive measures to prevent torture since its last report to the Committee in 1999.⁶⁸ China's revised Criminal Procedure Law(CPL), along with the revised Criminal Law(CL), has done little to prevent torture. Combating torture in China is further impeded by the absence of essential procedural safeguards necessary to make its prohibition effective, including the effective exclusion of evidence from statements established to be made as a result of torture; presumption of innocence; the privilege against self-incrimination; timely notice of reasons for detention or arrest; prompt external review of detention or arrest; granting on non-custodial measures, such as bail; the right to habeas corpus; and timely access

to counsel and adequate time and facilities to prepare a defence. Other serious limitations are the lack of an independent monitoring mechanism of all places of detention and a functional complaints mechanism.

Unfortunately, claimed progress on human rights issues has repeatedly been shown as rhetoric and often legislation is proscribed by newer laws. In the Criminal Procedure Law, the 'endangering of state security' is regarded as a grave crime, under the pretext of which many human rights violations are committed. Numerous Tibetans have been arrested, detained and tortured with the justification of 'protection of state security'. In particular, launch of the summer 'Strike Hard' campaign has been used to justify a swift and very powerful crackdown on political dissidence.

There were many instances where Tibetans died either in Chinese custody or after release from the prisons in their very poor health conditions due to torture⁶⁹. Reports indicate that denial of timely and effective medical attention to the prisoners has been one of the main causes of their deaths.

1. Rinzin Wangyal a.k.a Rinwang, 59, who was serving life term, died in Pawo Tramo prison⁷⁰ at the end of 2004. Neither has there been any official confirmation of his death nor his body was handed over to his family. His health condition was reportedly known to have gravely deteriorated due to constant torture over the years in prison⁷¹.

He was first arrested in 1966-67 for alleged pro-independence underground movement while working as a laborer in a cement factory. He spent 17 years in Drapchi Prison where he endured regular torture and interrogation and was ultimately released in 1982. He was rearrested in August 1995 being involved in activities aimed

at disrupting the 30th founding anniversary of the “TAR” on 1 September 1995 and sentenced to a 16-year prison term in October 1997. His sentence was extended to life imprisonment while in prison because of his involvement in the prisoners’ protest during the visit of the UN Working Group on Arbitrary Detention on 11 October 1997.

In the spring of 1996, Rinzin Wangyal was refused permission to see his seriously ill wife, Sonam, who died later that year. During her prolonged illness, the PSB failed to respond to several letters of appeal by Rinzin Wangyal and his wife’s relatives requesting for a last meeting between the couple. Political prisoners were denied even the very basic fundamental human rights and tortured both mentally and physically for their offences.

2. Dolkar, a nun of Shubtsang Nunnery and a former political prisoner⁷², testified to TCHRD about numerous tortures that she and her friends had undergone while in Drapchi Prison. “I was made to kneel down, kicked and beaten discriminately. I told that, ‘I would not kneel before you as you are not any lamas’. At that moment I was hit with belt buckle on my head leading me to bleed profusely. Without even a tinge of compassion they continued to hit and slap my face and my friends. Torture and beating are always part and parcel of every interrogation session in the detention center. We were all interrogated and tortured separately and were put into different cells. We were kept in the detention center for exactly seven months with guard always keeping surveillance.”
3. Ngawang Tsultrim, a former political prisoner⁷³ recounts the torture he and his friends had undergone, “The four of us demonstrated for a few minutes in the crowded Barkhor market

when a team of officers from Lhasa PSB and Anti-riot police dressed in civilian clothes arrested and shoved us into a vehicle. We were taken to Gutsa Detention Centre where we were lined up and hit on our knee, joints and all over the body with a hammer. We collapsed on the ground unable to stand the excruciating pain. Each of us was then held by our feet by two officers and dragged towards the cells like a corpse. We were locked up in separate cells. The next day, we were called for interrogation separately. An officer asked me questions while two others stood by the side hitting me when I didn’t answer properly.” Ngawang was severely tortured when interrogators were enraged with his answer during interrogation session, “they lifted up my monastic robe from the back and started to lash me with their leather belts. One officer took an iron ashtray lying on the table and hit me on my head. When I regained my consciousness, they started to kick and punch me on the face. My co-protestors also met with the same fate.”⁷⁴

4. Tashi Dolkar along with four other nuns from Shubsang Nunnery in Lhasa, were arrested and sentenced to three years for peaceful demonstration against the Chinese government in Barkhor Street in Lhasa. She shared the pain and torture she and her friends had to undergo in the prison and during interrogation session, “Police officials told us to tell the truth and even warned us that it would be better to accept the mistake. During the hour long interrogation session, I was banged against the wall. I was even slapped, punched and kicked indiscriminately. Then we were taken to Gutsa Detention Center in a truck. When Ngawang Tsetan ask about the destination, in no time the police gave her a tight slap on her face. On reaching Gutsa, the police force handed over the detail interrogation paper to Gutsa officials and we were left standing outside for hours on end. On the front wall of

the house following words were written in Tibetan and Chinese. “*leniency to those who confess, severity to those who resist*” (*Ch. tanbai congkuan, kangju congyan*). We were later taken to different cells and questioned by police separately one after another. They asked us about the reason behind the demonstration and name of the group leader.”

“I was solitarily confined in cell no. 8 for more than two months. During my two months in solitary confinement, I had a severe nose bleeding. I even asked the police for medical attention which they refused.”

A sudden and mysterious death of a monk of Drepung Monastery, Ngawang Jangchup, 28, in the first week of October 2005⁷⁵ can be attributed to mental torture that he had to undergo following the ‘work team’ officials visit to conduct “patriotic re-education” campaign. Following a heated argument with the ‘work team’ when he flatly refused to condemn the Dalai Lama as a ‘splittist’ and pledge his loyalty to the Chinese government as required by the patriotic campaign, he furiously returned to his quarter and never came back alive. Monks of the monastery speculate his death as suicide due to extreme psychological trauma. The authorities’ vigorous and incessant campaign to denounce their religious and spiritual guide the Dalai Lama lead them to undergo extensive mental agony—sometimes driving them to take extreme step of committing suicide.

The use of torture and other inhuman treatments are endemic in various detention centers and prisons across China, which were used to extract and forced confession from the suspects and prisoners. Torture and inhuman treatment still continue to prevail. And impunity for the perpetrators is major concern for all member countries and should take appropriate measures to check the use of torture.

China has long refused to allow outside inspectors, such as those from the International Committee of the Red Cross, to visit its prisons except under controlled conditions. Its rigid position has derailed several proposed tours by the U.N. Special Rapporteur to investigate allegations of torture in Chinese jails.

The Criminal Law of the People’s Republic of China, promulgated by the National People’s Congress on July 1, 1979 and amended on March 14, 1997 specifically prohibits state functionaries from extracting confession from criminal suspects by means of torture.⁷⁶ Article 14 of the Prisoner Law forbids prison official from “*coercing confession by torture, physical abuse, imposing corporal punishments against imprisoned*”⁷⁷ and “*from insulting the dignity of the imprisoned*.”⁷⁸ The CPL also lacks a clear presumption of innocence and a right to remain silent to avoid self-incrimination, the very basis for a fair legal system. China should adopt these basic principles in its criminal law in order to bring the Chinese legal system in compliance with international human rights norms.

Forced confession is common in China although ineffective measures were taken to tackle torture. The procurator-general of China’s Supreme People’s Procuratorate, Jia Chunwang, made a report to China’s top legislature, the Standing Committee of the National People’s Congress (NPC) that from January to August 2004, the prosecutor organ nationwide had probed and dealt with more than 700 cases related to illegal detention and interrogation by torture.⁷⁹ A law professor told *Xinhua* that, “Although strictly forbidden by law, forced confession is common in many places in China because the police are often under great pressure from above to solve criminal cases.”⁸⁰

China lacks an independence judiciary, and the judiciary suffers from relatively low status in com-

parison to other State organs. Without a court system that judges cases fairly and independently according to law, thereby redressing grievances in a timely manner, the problem of torture cannot be brought under effective control, particularly in a context where police exercise wide discretion in matters of arrests and detention and are under pressure to solve cases.

The continued use of torture by law enforcement officials in China is a matter of great concern. The government has taken steps to minimize the use of torture, notably the creation of new police affairs supervisory departments within the Public security organs to investigate police officers who use torture to extract confessions and break the law in other ways⁸¹ but China lacks the public institutions or an independent monitoring mechanism necessary to monitor and expose law enforcement abuses in all places of detention and lack a functional complaints mechanism. And the practice of torture still continues to be widespread despite government measures and the prohibition of torture by law

lack of judicial independence

Though the PRC has made three major legislative changes since 1999, a Constitutional amendment enshrined in the constitution the principle that the PRC is a State governed by the rule of law,⁸² secondly, in 2000, the National People's Congress (NPC) enacted the Legislation Law, a statute intended to standardize China's law-making process and define the boundaries of legislative power. Under this law, only the NPC, and in some cases its Standing Committee, can pass legislation on matters relating to the structure of State organs, the criminal justice system, and the deprivation of liberty of Chinese citizens. Before the Legislation Law was enacted, the State Council (government branch) was empowered with a wide mandate to regulate;

thirdly, on 14 March 2004, the NPC amended the Constitution by adding a provision: 'The State respects and safeguards human rights', providing for the first time in its history a constitutional protection of human rights. Enshrining human rights in the Constitution is, therefore, a matter of major importance and a milestone in the move to promote and protect human rights. As a result of this decision, the Criminal Law, the Criminal Procedure Law and the framework governing administrative detention are under consideration by the NPC Standing Committee in order to bring them into line with the new provisions of the Constitution and gesture hailed by a law expert in Beijing as 'one more step towards judicial justice.'⁸³

Article 126 of the Chinese Constitution states that "*courts shall, in accordance with the law exercise judicial power independently and are not subject to interference by administrative organs, public organizations, or individuals.*" In reality, the Chinese judiciary system comes under three bodies in the enforcement of law: the procuracy, the court and the police forces. The fact that all of them operate under the close control of the Communist Party is, therefore, in clear contrast with the UN basic principles on the independence of judiciary which states that, "*the judiciary shall decide matters before them impartially, on the basis of the facts and in accordance with the law, without any restrictions, improper influence, inducement, pressures, threats or interference, from any quarter for any reason.*"⁸⁴

The status of procurator in China does not have the required independence of an officer as regulated by the law to exercise judicial power as stipulated by the article 132 of the Constitution of PRC, "*The Supreme People's Procuratorate is the highest procuratorial organ. The Supreme People's Procuratorate directs the work of the local people's procuratorates at different levels and of the special people's procuratorates; people's procuratorates at higher*

levels direct the work of those at lower levels.” As a consequence of this hierarchical subordination of the organs of prosecution, procurators are bound by the orders of their superiors. In the absence of any clear provision stating that individual procurators are independent in exercising their power to take decisions in pre-trial detention matters, procurators do not meet the criteria of an officer authorized by law to exercise judicial power as per the meaning of article 9, paragraph 3, of the ICCPR.

Under the Chinese law, the police may detain a criminal suspect without formal charges for 24 hours, which can be extended with the approval of the procurator for a period of up to seven days, and in exceptional cases to 37 days.⁸⁵ The approval is apparently taken on the basis of the case file, and in many instances without hearing the suspect in person and this does not satisfy the international standards. The rationale behind the requirement is that the person in custody shall be brought before a court or a judicial officer that before taking a decision on his arrest, the suspect shall be given an opportunity to argue against this decision.

Recently China’s top legislators are considering reducing police powers to detain suspects in order to safeguard citizens’ rights... Under the new draft, the police power to detain suspects for 36 hours and keep them in jail for 30 days would be cut to a maximum of 12 hours detention and 20 days in jail respectively.

The individual accused of political crimes in ‘endangering state security’ and those accused of exchange of ‘classified’ information with individuals, institutions or organizations based abroad are often denied the right to a fair trial and other judicial guarantees enshrined in the article 10 and 11(1) of the UDHR. Under the international law, a person detained on a **criminal** charge shall be promptly brought before a judge or other judicial officer au-

thorized by law to exercise judicial power, and shall within a reasonable time be entitled to trial or released. This requirement is expounded in article 9, paragraph 3, of the ICCPR⁸⁶ reflecting the generally accepted standard of customary international law, irrespective of whether a State is a party to the Covenant.

the right to defence of people restricted

During the entire pre-trial phase, access to the case files by the defence counsel has been excessively restricted and the defence counsel cannot review the documents and other evidence relating to the facts of the case before the opening of the trial⁸⁷. Whereas in the case of charges of endangering state security, the rights of the defence are even further restricted.

Under article 96 of the revised CPL, the right of the accused to be represented by a counsel of his own choosing as from the first hours of detention and the right of the lawyer to meet his or her client are subject to a preliminary authorization by the authorities in charge of the investigation. During the course of the detention the lawyer may meet with the suspect but the authorities in charge of the investigation can, in view of ‘the serious nature of the crime and when it deems it necessary’, impose the presence, of police officers or other investigators assigned to the case. This provision is manifestly incompatible with article 14, paragraph 3(b) of the ICCPR.

Moreover, in practice, this provision appears to give rise to numerous abuses, either because the notion of state secret is not defined with sufficient precision, or because it is interpreted in an extensive manner. In the case of Trulku Tenzin Delek, a serious procedural flaw during his closed trial was mentioned by the three member fact-finding experts of

the United Nations Commission on Human Rights⁸⁸. They called on the attention of the Chinese authorities to the violation of the right to a public trial, the violation of the right to choose his own lawyer, denial of the right to know and have the opportunity to examine the evidence presented against him in court and for holding incommunicado detention and ill-treatment during the pre-trial period.

As far as Criminal Law is concerned the situation has unfortunately not evolved. An official with the Commission of Legislative Affairs under the Standing Committee of the National People's Congress has termed the current Criminal Procedural Law, which was enacted in July 1979 and revised in 1996 as 'ineffective'. The amendment draft of the Criminal Procedural Law will be submitted to the top legislature for deliberation in 2006 and is expected to be voted on for adoption in 2007⁸⁹.

release of high profile political prisoners

Just before the commencement of the 61st session of the United Nations' Commission on Human Rights (UNCHR) in Geneva in 2005, the Chinese Government handed U.S. officials a list of 51 political prisoners who have been granted sentence reductions or are being considered for early release, a gesture that comes as the Bush administration was weighing whether to sponsor a resolution criticizing China's human rights record at a U.N. meeting⁹⁰.

It was reported that the list includes information about 56 people who have been imprisoned for political offenses in China. Fifty-one of them have been released early from prison, received sentence reductions or are being considered for reductions, said John Kamm, executive director of the Dui Hua

Foundation based in San Francisco. Though the list includes prominent political prisoners, it was significant that more than half of the prisoners on the list were previously unknown to foreign governments and human rights groups, including **Wangdu**, a Tibetan sentenced to 17 years for inciting separatism.

Recently much of China's disclosure of information on some sentence reductions is new unlike previously disclosed document given to U.S. officials. For example, the list includes information about 16 people convicted for spying for Taiwan and 13 Tibetan prisoners⁹¹.

The flurry of activity was unusual because almost all of the prisoners were accused of "endangering state security" or "counterrevolution," crimes defined vaguely in Chinese law and routinely used to punish dissidents. The law says sentence reductions for such prisoners should be "handled strictly," and studies indicate they receive clemency at far lower rates than others in China's prisons.

The recent release of the list of prisoners by Chinese government just before the 61st session of the United Nations' Commission on Human Rights (UNCHR) was just a political tactic to muffle the international criticism of its poor human rights record. Many prisoners even after their release suffer from physical pain and psychological trauma and face difficulty in merging into normal social life.

Following are profiles of three political prisoners known to be released in 2005

- 1 **Jampel Jangchub** was freed around 7 March 2005 after 16 years and four months imprisonment in Drapchi Prison. He was accused of "... *illegally establishing a separatist organization at the monastery, collecting secret intelligence, slipping across the frontier, distributing leaflets*

advocating Tibetan independence and taking part in the March 1989 riots".⁹²

After having initially been detained for his involvement in Tibet's first major demonstration after the 1959 uprising on 27 September 1987, Jampel was arrested on 19 April 1989 and then sentenced in November 1989 to 19 years prison term for his involvement with a clandestine pro-independence organization set up by monks from Drepung Monastery. In 1994, Jamphel's sentence was reduced, reportedly because of his good work in the vegetable garden of Drapchi Prison in Lhasa.

Jamphel is now 43 years old and is reported to be suffering from heart and kidney ailments after years of torture and maltreatment in the prison. With Jamphel Jangchub's release, the only member of the 'Group of Ten' Drepung monks, still in detention is Ngawang Phulchung who is serving 19 years of cumulative prison term.

2. **Anu**, a.k.a. Ama Anu, a seamstress who lost her leg after being hit by a truck when she was young, was released this year after completing a four-year sentence. Although the exact charges against her are not known, she was detained as part of a '*Strike Hard*' crackdown begun in March 2001 in Lhasa and sentenced in the following October. Taking food to political prisoners, as well as providing shelter to some of them after their release, may also have attracted the attention of the authorities and led to her arrest. Anu is now about 52 years old⁹³.
3. **Lobsang Namgyal**⁹⁴, a monk of Lhasa's Nechung Buddhist Institute was arrested in March 2001 and sentenced to four years imprisonment in Drapchi Prison after being sentenced to three years re-education through labour' in 1995. He is now in his late 30s.

clampdown on popular Tibetan lamas

Release of political prisoners by Chinese authorities does not seem to indicate that Chinese policy on Tibet has changed for the better. In the past twelve months the Chinese authorities took actions to clamp down on certain Tibetans, individuals who have made tremendous contribution towards the preservation of Tibetan culture and religion and look after the needy people of their locality.

It is widely believed that religious leaders, due to their mass following and potential to influence the local people, have in recent times become prime targets for persecution and faced insurmountable obstacles. This pattern of perceiving religious leaders as threat has resulted in a series of arrests of revered lamas including Geshe Sonam Phuntsok, Trulku Tenzin Delek and Bangri Tsamtrul Rinpoche over their alleged links to 'splittist' activities and their loyalty to the Dalai Lama. Such repression of religious leaders have been aimed to set intimidating precedent for other religious heads or community leaders who work for the welfare of the people and towards the preservation of Tibetan religion—a vital foundation of the Tibetan culture and tradition. Such cases appear to reflect a more stringent trend by the Chinese authorities in Tibet of undermining local community leadership by singling out for severe punishment individuals, who have been involved with work focusing on Tibetan language, culture and religion. The attack is less on community service and more on their growing popularity, which would threaten the stability and incite separatist.

Following are few known cases of arrest and subsequently prison sentence and persecution clamped on the popular religious leaders and their associates.

Bangri Tsamtrul Rinpoche and Nyima Choedon

Bangri Tsamtrul Rinpoche (*a.k.a* Jigme Tenzin Nyima) and Nyima Choedon, a couple who founded and ran the Gyatso Children's Home in Gyatso Township, Lhasa, are currently serving life imprisonment and seven and a half years prison sentence respectively for alleged political offences including 'espionage and endangering state security'.

After their arrests in May 1999⁹⁵ Bangri Rinpoche was given life term while Nyima Choedon was initially sentenced to ten years. On 29 May 2001 both were shifted to Drapchi Prison in the north of Lhasa City and were incarcerated in solitary confinement for more than a year. They were later shifted to prison unit no. 5 meant for prisoners with political charges. At least 23 people were arrested in connection with Bangri Rinpoche's case and twelve of them were sentenced to imprisonment with varying terms.

Recent information from Tibet indicates that Bangri Rinpoche has been physically weakened by his imprisonment and was hospitalized at least once during his sentence in November 2002, and an eyewitness report describes that, "He was shackled to the bed by his wrist and his ankles, although he was too weak to move anyway. There was no one else in the ward apart from prison guards, who were very hostile. He didn't seem to know exactly what treatment he need or what was being done, but he was in a lot of pain with his stomach. He was scared to have an operation as he didn't trust the treatment he was receiving and had been treated so badly."⁹⁶

Nyima Choedon has had her sentence reduced twice, by 18 months in 2003 because she had expressed "repentance", and by another year in February 2004. According to official information given to the San Francisco-based Dui Hua Foundation by Beijing, Nyima Choedon is now due for release on 26 February 2007.⁹⁷

The Gyatso Children's Home was closed following the arrests of Bangri Rinpoche and Nyima Choedon in 1999. The Gyatso Children's Home housed and provided education and welfare for about 60 children between the ages of three and fifteen, many of whom were orphans, and others whose parents were unable to provide care for them for reasons including poverty or social difficulties. The Home was run with the donations from the local community as well as from overseas charities. After their arrests, some of the children were interrogated by police before being sent back to their areas where they had come from. The rest took to the streets of Lhasa to beg for food.

Dechen Choezom, *a.k.a* 'Ani (nun) Dechen', 44-year-old elder sister of Bangri Rinpoche had worked at the Children's Home as a housemother who upon completion of her three years' imprisonment on 17 October 2002, escaped into exile. She recounts, "Before I left Tibet, I saw with my own eyes that some of the children we cared for at Gyatso were still on the streets of Lhasa and are very poor, without education or a home. My family and our orphanage's home has been broken apart, and I am particularly fearful for my brother in prison. He was not a splittist—he simply felt he was doing his duty as a Tibetan by helping to provide education and a home for children."⁹⁸

Trulku Tenzin Delek

Trulku Tenzin Delek, popularly known as Ah-Nga Tashi, is a highly respected lama in Lithang County, Kardze "TAP", Sichuan Province. On 5 December 2002, Kardze People's Intermediate Court sentenced Trulku Tenzin Delek to a suspended death sentence and Lobsang Dhondup to immediate death. On 26 January 2003, Lobsang Dhondup, the key witness to Trulku was executed after a secret trial at Sichuan People's Court. Trulku's sentence was later com-

mutated to life term due to extensive campaign and international pressure in January 2005.

This crackdown came at a time when the Chinese Government is hell-bent on branding political activities with acts of terrorism following the September 11 incident. Amendments to the Chinese Criminal Law adopted in December 2001 places severe punishments for those who “organize or lead a terrorist organization” from three to ten years’ imprisonment to between ten years and life⁹⁹. The term “terrorist organization” is not defined, thereby allowing a broad and ambiguous range of interpretation including criminalization of non-violent political activities.

The real reason for his arrest may have to do with his growing popularity over his community welfare services among the Tibetans, and for his vociferous support for the Dalai Lama and his recognized Panchen Lama. Renowned for his active involvement in the restoration of Tibetan culture and religion, social welfare activities and his bold statements about repressive Chinese policies in Tibet, Trulku had always emphasized the need to adhere to the teachings of the Dalai Lama and to preserve Tibet’s unique culture. Moreover, he had had an audience with the Dalai Lama in India before his return to Tibet.

In February 2004, the Chinese Foreign Ministry informed the German Foreign Ministry in regard to an official EU demarche that Trulku Tenzin Delek is being held in Chuangdong Prison in Dazu district, Sichuan Province. In a report to the UN Commission on Human Rights, published in April 2005 by the UN Special Rapporteur on Freedom of Religion or Belief, the Chinese authorities were denounced for failing to uphold the international standards of fair trials in Trulku’s case. The failings included “serious procedural flaws during the closed trial; violation of the right to choose his own

lawyer; denial of the right to know and have opportunity to examine the evidence presented against him in court.” The report also expressed concern for Trulku’s mental and physical integrity in light of his incommunicado detention and reports of his torture.

Although the Chinese Constitution provides for fundamental human rights, these protections are more than often ignored in practice. In most political cases, the judicial system denies the defendants basic legal rights and due process because authorities attach higher priority to maintaining public order and suppressing political opposition than enforcing legal norms. With such perverse rules of legal process in operation, a high incidence of wrongful conviction becomes a virtual certainty.

The Chinese legal system has contributed to the conditions in which disappearances are able to occur in Tibet by allowing for prolonged detention and administrative detention without trial. Trulku’s case contravenes Rule No.37 of the United Nations ‘Standard Minimum Rules for the Treatment of Prisoners (45) whereby it was guaranteed, “*Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.*”

Like Trulku Tenzin Delek, in July 1999, **Gyaye Phuntsok**, a Tibetan scholar from Gyaye village, Rigmon Township, Ghongo County, Tsolho “TAP” Qinghai Province, was sentenced to six years in prison (and reportedly released on medical parole) for the crime of “damaging the stability of the nation.” Gyaye Phuntsok had founded a school, funded partially by UNESCO, which caters for some of the region’s poorest Tibetan families and focuses on the study of the Tibetan language.¹⁰⁰

freedom of expression

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 this 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.¹⁰¹

In the past one year, the authorities have added new legal, technological and political measures of monitoring, controlling, and restricting the free flow of information and expression in various media. 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 not let-up in the relaxation over the press, investigative reporting, the internet, radio and other forms of broadcasting in Tibet. Chinese 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, which China is a signatory. Article 19 of the Universal Declaration of Human Rights states; "*everyone has the right to freedom of opinion and ex-*

pression; 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.¹⁰²

Article 19 of the International Covenant on Civil and Political Rights (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, regretfully the Chinese authorities have in practice restricted the ability of the Tibetan people to fully enjoy freedom of expression and opinion. The gulf between the laws and this application remains significant as authorities continue to place a higher

priority of 'stability' than on addressing to the national and international laws and norms. 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 sentence.

1. Lobsang Tenzin and Thupten Nyima, a recent arrival in Nepal, recounts the incident of expulsion for voicing their opinion over admission,¹⁰³ "In Lhasa Ramoche Monastery, two officials permanently resides in the monastery under instructions from the Lhasa Religious Bureau, and conduct 'patriotic re-education.'¹⁰⁴ The elected monastery heads Yeshe Lodoe and Drakpa Gyaltzen¹⁰⁵ reasoned with the government officials that the admission of new monks should be done through a reasonable and fairer manner unlike the current criteria of political ideology test."¹⁰⁶

"The next day, 115 monks of the monastery were called for a meeting whereby the elected heads were accused of hindering the administrative work of the monastery and they were declared expelled from the monastery."

2. Three monks and three nuns, were reportedly arrested on 14 May 2005 for allegedly pasting pro-independence posters in public areas on the walls in Sangchu County, Luchu County, Machu County and other prominent areas in Kanlho, "TAP" Gansu Province. The nuns are, Yonten Dolma (lay name: Dukar Kyi), 22, Tamdin Tsomo, 23 and Choekyi Dolma, 23 and they all belong to Gendun Tengeyling Nunnery. The monks are Dargay Gyatso, 25, of Tsang Monastery, Jampa Samdup, 27 and Lobsang, 25 from Labrang Tashikyil Monastery¹⁰⁷.

Currently Yonten Dolma and Choekyi Dolma are known to be detained in Ganan "TAP"

Detention Centre and the whereabouts of others are still unknown.

3. Four monks¹⁰⁸ from Labrang Tashikyil Monastery, Sangchu County, Gansu Province, "TAP" were arrested by Chinese PSB officers on 23 May 2005. Jamyang Dhondup, 25, Dhargay Gyatso, 23, and two other unidentified monks were arrested on suspicion of pasting numerous bills calling for 'freedom in Tibet' on the walls of the monastery and its surrounding areas the day before. Their whereabouts are currently unknown after they were led away by the PSB officers from the Monastery.¹⁰⁹

life after release

Many of the former political prisoners after their prison sentence go back to their respective village or monastery but many are faced with social difficulties as well as psychological trauma of being cloistered and monitored. Many former prisoners need serious long-term medical attention following their release from prison. And many simply couldn't afford the exorbitant medical expenses and have to withdraw involuntarily from hospital. The poignant saga of these political prisoners never ends after their release; monk and nun prisoners in particular find it difficult to rejoin their monastery and nunnery. And worst of all, these former political prisoners become virtual pariah in the society and are being ostracized as they are under the constant glare of the authorities in their daily lives, have to report and be interrogated regularly with no job prospects.

Problems are not limited to the treatment of former prisoners themselves; their families, friends and other associates, can all potentially be affected. Former colleagues also often fall under official suspicion simply through association. The chance of re-arrest is great prior to any major anniversaries or festivals.

Taking advantage of the poor state of former political prisoners after their release, they were often used by the authorities to discourage and serve as a deterrent to aspirant political dissents on the risks involved in open defiance and resistance. Most of the former political prisoners who made it into exile testify the hard and grueling life after their release and difficulties it bring about for their parents and friends as well.

1. A recent arrival, Tenzin Choegyal,¹¹⁰ 21, reported on the life outside and after prison sentence for Geshe Sonam Phuntsok. Geshe Sonam Phuntsok is a well known Buddhist scholar and Tibetan language teacher from Kardze, Sichuan Province. Geshe had spent five years in prison for “inciting splittist activities for traveling to India and for seeking an audience with the Dalai Lama and for taking photographs with him.” He was released on 24 October 2004.

“The Chinese authorities not only disallowed Geshe from joining monastery but also prohibited him from going for retreat. His freedom of movement was restricted as he was ordered to seek the permission from the local authorities to go outside his area. Since his release from the prison, continuous flow of devoted followers flock to seek an audience with Geshe Sonam Phuntsok. Unlike average daily audience of around thousand people coming from far and wide places on rented vehicle in large numbers, the Chinese authorities have placed restriction on strength and time duration of the audience. The authorities suspected Geshe of instigating people with political and separatist ideologies. Three officials from the district religious department would frequent the monastery two days a week and to question the abbot about the activities of Geshe and the public talk that he has given during the audience.”

“Since 28 January 2005 people coming from faraway places to seek Geshe’s audience were stopped at Zakog Bridge and stopped devotees from entering. The authorities have posted two security personnel near Zakog Bridge round the clock. Sometimes three or four officials from the county would frequent to round up devotees and would warn people against keeping photos of the Dalai Lama and Geshe Sonam Phuntsok and to denounce ‘separatist’ activities.”

2. Choekyong, a monk of Ado Monastery, Ngaba County “TAP” was released from Ngaba PSB Detention Center after being detained for three months on charges of surfing ‘unlawful’ site containing the Dalai Lama portrait. ‘Although Choekyong was readmitted into Ado Monastery after his release, his stay was made uneasy due to his political ‘crime’. He was not able to carry on his normal monastic life as he was constantly kept under the surveillance of monk informants in the monastery. His political crime was pronounced in front of around 170 monks of the monastery and the monastic officials instructed other monks against such activities. The PSB officials even threatened the monastic officials with expulsion and other heavy punishment if they failed to check such activities.”
3. Ngawang Tsultrim, a former political prisoner released from Drapchi Prison on 19 June 2000 after serving six years in prison for pro-independence demonstration in Lhasa He gave an account of life after prison, “Upon release, I couldn’t return to my monastery since the prison authorities had already asked for my expulsion although the monastery authorities would have given me permission to rejoin. Hence I went home and stayed there. However, I was required to present myself at the Township office once a month in front of the County authorities. Life after release is very difficult for political prisoners

since they are not given job by anyone and their movements are restricted. They are bound by an invisible chain.”¹¹¹

4. Bhudruk, 52, was released from the Rangaka Prison in November 2004 after serving fifteen years prison sentence. He recounts life after prison, ‘After my release I was deprived of political rights for five years. In addition, every month I had to report to the PSB office to present myself. I was also instructed to stay out of the monastery for the next three years, and was especially barred from mingling in the large crowd.’¹¹²
5. Tsering Gyurme¹¹³, 32, was arrested in February 2001 for singing a song in praise of Thupten Ngodup, (a Tibetan who immolated himself during hunger strike in Delhi) at a Nangma bar in Lhasa. On 24 August 2001, Lhasa Intermediate People’s court sentenced Tsering to three years’ prison term in Drapchi Prison. Tsering recounts that a difficult life lies ahead for every former political prisoner in Tibet. For Tsering two informants were assigned to keep vigil on him in Lhasa after his release. Unable to tolerate such surveillance, Tsering left for Shigatse to help his father in his business.¹¹⁴

hardships faced by Tibetan refugees

The right to leave ones own country is distinctly specified in the major international laws including the Universal Declaration of Human Rights,¹¹⁵ International Covenant on Civil and Political Rights (ICCPR)¹¹⁶ and Convention on the Elimination of All Forms of Racial Discrimination (ICERD)¹¹⁷.

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 daunt-

ing 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 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. 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 refoulement by border police or robbery from bandits and Maoist insurgents.

Majority of the Tibetan state the desire to meet the Dalai Lama in Dharamsala as their prime motivation for flight. However, this is not the only reason for Tibetan deciding to leave their homeland, there are numerous reasons. The decision must be viewed in the context of the continued Chinese repression of Tibetan people’s political rights and resultant economic marginalization that encompasses the real situation of Tibet today.

Approximately two thirds of all refugees arrive in Nepal in the second half of the year, during the months from August to January and particularly during the four winter months. Many attribute this timing to fewer visible border guards patrolling on the frozen passes during the winter session. Oblivious of the imposing danger of sudden and furious storm in those mountain passes, the asylum seekers wades through waist deep snow and that bad weather can result in frostbite and constant glare in the snow causes snow blindness. Temperatures can be as low as -40 degrees Celsius, and therefore, frostbite plus snow blindness are common occurrence among Tibetans fleeing their homeland through such treacherous Himalayan passes. Moreover, many refugees undertake the journey without knowledge of the weather conditions and the terrain they will have to cross.

Upon reaching Nepalese area, Tibetans face the further hazard of possible arrest at the numerous police check posts along the roads and towns leading to Nepal. The monetary penalties incurred and physical abuses one has to endure if caught by the Nepalese police can be high. Theft of cash and valuable is a certainty. The dominant fear among the asylum seekers is arrest and deportation back to the Chinese border police. Beijing has taken advantage of the turmoil created by the Maoist insurgency and conflict within Nepal following royal coup in February 2005, to exert an increasing political influence on Nepal. As a result Tibetans escaping from Tibet and Tibetan residing in Nepal are put in a very precarious position.

closures of Tibetan offices in nepal

The unceremonious closure of the Office of the Representative of HH the Dalai Lama and Tibetan Refugees Welfare Office (TRWO) in Kathmandu, Nepal sent the alarm bell ringing across the Tibetan community in Nepal and those Tibetan transiting through Nepal were put in an increasingly insecure position in the politically unstable Nepal. The TRWO has until now been the local partner of the United Nations High Commissioner for Refugees (UNHCR) office in Kathmandu which was in charge of coordinating the transit of Tibetan refugees arriving from Tibet and going to India.

In a written notice delivered to the representative of the Dalai Lama and the Tibetan Refugees Welfare Office in Kathmandu on 21 January 2005 by the Chief District Officer of Kathmandu, an administrative office of Nepal's Home Ministry,¹¹⁸ ordered both offices to be closed immediately on the grounds that they were not legally registered. The permanent closure of the TRWO would mean that the UNHCR would not have a legal implementing

partner to care for the approximately 2,500 Tibetan refugees who transit Nepal annually on their way to India. In 2005, 2524 new Tibetan refugees have fled Tibet across the Himalayas and into India, exposing various kinds of repressions and exploitations and seeking freedom in exile.

Since majority of the Tibetans escaping Tibet into Nepal are minors it is a matter of great concern that closure of TRWO might trigger another spree of refolement as there was no domestic legislation in the Kingdom that covers the rights of refugees and asylum-seekers. Majority of the escapees consisting of children, who have often been sent into exile by their parents with unflinching hope to get enrolled in exile schools and monasteries and for a better life, undertake such a risky journey by crossing the treacherous and sometimes fatal journey across the Himalayas. Most of the adult Tibetans who arrive in Nepal are monks and nuns, seeking religious and broad-based education that is not possible in Tibet. Others leave because they have been unable to find work due to competition from Chinese migrants, or have been relocated from their ancestral land to make way for developmental projects and urbanization in Tibetan areas under China's western development project.

According to the international law, Nepal is expected to provide safety, security and welfare of the refugees taking refuge in its territory. Article 15 of the Geneva Convention Relating to the Status of Refugees, that came into force on 28 July 1951, says, "As regards non-political and non-profit making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favorable treatment accorded to nationals of a foreign country, in the same circumstances."

To assist Tibetan asylum seekers in coping with Nepalese Immigration Law while transiting through Nepal to India, the UNHCR has an unofficial agreement with His Majesty's Government of Nepal. The so-called 'Gentleman's Agreement', a verbal understanding between the Department of Immigration (operating under the Home Affairs Ministry of His Majesty's Government of Nepal) and the UNHCR, Nepal. This agreement states that the Nepalese police should escort Tibetan new arrivals to Kathmandu for processing by the office of the UNHCR. But the presence of active Maoist insurgencies on the route and in peripheries of Tibet Nepal border and section of the Royal Nepalese army and police stationed at the border region have made Tibetan asylum seekers more vulnerable to arrest and heightened the chances of turning over Tibetans to Chinese border guards.

The main international legal tools for protecting the human rights of refugees are contained in the 1951 Refugee Convention and the refinement to that Convention are made in the 1967 Protocol. Additionally, there are two fundamental human rights principles contained within the Universal Declaration of Human Rights and the Refugee Convention: the Right to Asylum, and the Right Not to be forcibly Deported often known by the French term *non-refoulement*. The principle of *non-refoulement*, too, has become part of international customary law, respected regardless of whether a state has ratified the Refugee Convention or not.

The Right to asylum is contained in Article 14 of the UDHR, "*Everyone has the right to seek and to enjoy in other countries freedom from persecution.*" And that the right to asylum has become a part of international customary law—respected and practiced by UN member states regardless of whether they have signed the 1951 Refugee Convention. In addition, Article 33 of the Optional Protocol of the Refugee Convention of 1951 states that, "*No*

Contracting state shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

Meanwhile the Nepalese Government has decided to cease the issuance of travel documents to all the refugees in Nepal for an indefinite period.¹¹⁹ And with the winter approaching the fate of the Tibetan refugees pouring in from Tibet on large scale during this cold season remains uncertain. Such action by the government will curtail the mobility of Tibetan refugees and create a sense of uncertainty among Tibetans residing in the Himalayan kingdom.

Moreover, the number of newly arrived Tibetans provided for at the Reception Center has grown to around few thousands lately, thus raising the profile of the Centre and closure of the refugee center would leave thousands without critical support. Destitute and often frostbitten, they are helped by the welfare office with shelter and papers to proceed to Dharamsala, North India.

It is evident from the recent development that the PRC Government has increased its direct political pressure on Nepal's Foreign and Home Ministries although Nepal Minister of state for Foreign Affairs denied any Chinese pressure¹²⁰ for the closure of two Tibetan offices in Kathmandu. The authorities' recent attempts to restrict religious and cultural activities of exile Tibetans living there and harsh new restrictions on refugees fleeing Tibet for Nepal are widely thought to be a direct result of China's increased leverage in Kathmandu. China's ambassador to Nepal, Sun Heping, said last year that the Tibet issue is "China's major concern in Nepal."¹²¹ On 28 May 2004 speech to the Nepalese Council on World Affairs entitled "China's Foreign Policy in South Asia", Ambassador Sun said: "We appreciate it very much that His Majesty's Government of Nepal is

committed to the one China policy, understands how sensitive the Tibet issue is to China and never allows any anti-China activities to be carried out on Nepali soil.”

arrest of Tibetan escapees

1. At the end of August 2005, Chinese border police officers fired live ammunition on a group of 51 fleeing Tibetans consisted mainly of people from eastern Tibet like Kardze County, Drakyab County, Chamdo, Derge County of Kardze Prefecture and Bri Ru County of Nagchu Prefecture. Except for three who managed to reach Tibetan Reception Centre based in Katmandu, the situation of the rest of the group still remains unknown and it is feared that they might have been arrested in the aftermath of pursuit by the armed officers, one member of the group opined. It is said that all of them attempted to escape Tibet due to restrictions on religious teachings, lack of educational opportunities and poor livelihood in Tibet.¹²²
2. On 13 October 2005, Wangdue 20, Ngawang Yonten, 22 and Dawa 25, from Shigatse and Tsekyi, 23, from Kham Drayab were arrested by Nepalese police at the border town of Rasowa. The four were charged with illegally entering Nepal and traveling without documents. They were taken to Kathmandu on 19 October and fined over thousand Nepalese rupees by the Nepalese immigration office a day later.¹²³
3. From two groups consisting of twelve member Tibetan escapees, three were arrested by Chinese border officials at Kyirong, Shigatse Prefecture, “TAR” who were trying to flee into exile from Tibet. The Tibetan arrestees are Lobsang Choephel (lay name Drakpa), a monk of around 19 years old from Minyak, Kham region; a

woman of around 20 years from Rishoel Village, Markham County, Chamdo Prefecture, “TAR” and also a teenage boy from Markham County. The arrestees were detained at a local Chinese army camp located in close proximity to Kyirong Town.¹²⁴

4. On 7 October 2005, Sonam Tsering, 18, holding *Tong Xin Zhang* (Travel permit which allows one to travel till the border) was arrested by the Nepalese police in Kathmandu. Two days later he was handed over to the Immigration Department of the Nepalese Home Ministry where he was imposed a monetary penalty of Nepalese Rupees 27,000 (approx:\$375) or an imprisonment term of three years. Since he failed to pay the penalty, he was subsequently sentenced to three years term in Dilli Bazaar Jail in Kathmandu.¹²⁵
5. Another Tibetan exile returnee, Norbu Tsering, 25, was arrested on 24 September 2005 at the Nepal-Tibet border while on his way back to Tibet. Norbu was handed over to the Nepalese Immigration Department on 28 September 2005 and was imposed a monetary penalty of NRs. 28,651 which he failed to pay and consequently was sentenced to three years and three months imprisonment term.¹²⁶

Although according to national law or the immigration law of Nepal, the Nepalese Government claims the right to detain illegal immigrants, under international human rights standards this detention is termed ‘arbitrary’. As it was determined by the UN Working Group on Arbitrary Detention that ‘arbitrary detention’ might arise in cases of ‘deprivation of freedom when the facts giving rise to the prosecution or conviction concern the exercise of the rights and freedoms protected by the Universal Declaration of Human Rights and the Civil and Political Rights ...”

conclusion

Despite fourth round of Sino-Tibetan dialogue between the Dalai Lama's envoys and Chinese representatives in June-July this year, issuance of four white papers, commemoration of 40th founding anniversary of "TAR" and completion of laying track of Golmud-Lhasa railway project, however, these failed to result in any significant policy changes leading to improved protection of the basic human rights of Tibetans.

The situation on the ground remained tense throughout the year in Tibet. Tibet witnessed heightened restriction measures on the right to freedom of movement, expression, opinion, assembly and conscience and arbitrary detention continued unabated especially during the days leading to the 40th founding anniversary of "TAR" and during the 'summer strike hard' campaign launched in July this year.

Detainees were denied many fundamental legal rights such as fair trial, legal representation and appeal. The PRC invitation to the UN Special Rapporteur on Torture after the gap of ten years did reveal the loopholes in the Chinese legal system and widespread practice of torture at various stages of incarceration.

The Chinese authorities officially announced an intention to reform "Re-education through Labour", a system of administrative detention used to detain people for up to four years without charge or trial. The system is not only a serious violation of human rights to personal liberty, but must also be considered as a systematic form of inhuman and degrading treatment or punishment, if not torture and therefore, should be abolished.

The ambiguous charges of "endangering state security", "disrupting social order" in the Criminal Procedure Law are widely used to criminalize "separatist" activities in Tibetan region. China should amend

its criminal procedure law to ensure that all suspects, particularly those accused of 'political' crimes, receive prompt and competent legal representation from the moment of their apprehension. The combined effects of repressive and vaguely worded criminal legislation, stability concerns, use of administrative detention, a weak judiciary and impunity for officials who abuse their power continued to result in widespread abuses of human rights.

Though lately the PRC has made dramatic progress in the realization of economic development but there is need to reduce China's growing economic disparities, promote greater transparency, fight corruption, strengthen social justice, undertake balance and sustainable development and most importantly strengthen the rule of law and respect the human rights enshrined in the constitution and international covenants that PRC has signed and ratified. The PRC should meet the growing and increasingly asserted aspirations that economic changes is generating among Chinese citizens. The United Nations High Commissioner for Human Rights, Ms Louise Arbour, told the Chinese counterparts during her week long visit to China on 2 September 2005 that "the aspiration translate into calls for transparency, fairness, and full extension of the rule of law. Seen from the human rights perspective, meeting these expectations means taking seriously the relationship between economic and social rights on the one hand, and civil and political rights on the other. Human rights and development are mutually reinforcing."¹²⁷

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Notes

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- 40 *Xinhua News*, August 31 2005 available at <http://www.xinhuanet.com>
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- 43 Sonam Gyampo was one of the 21 group of monks from Drepung Monastery who participated in peaceful pro-independence demonstration on 27 September 1987. He was later charged for his involvement in this demonstration. He spent few months in Gutsa Detention Centre and later spent three years in Drapchi Prison before being released on 20 September 1990. His second arrest was on 23 July 1993 when he was

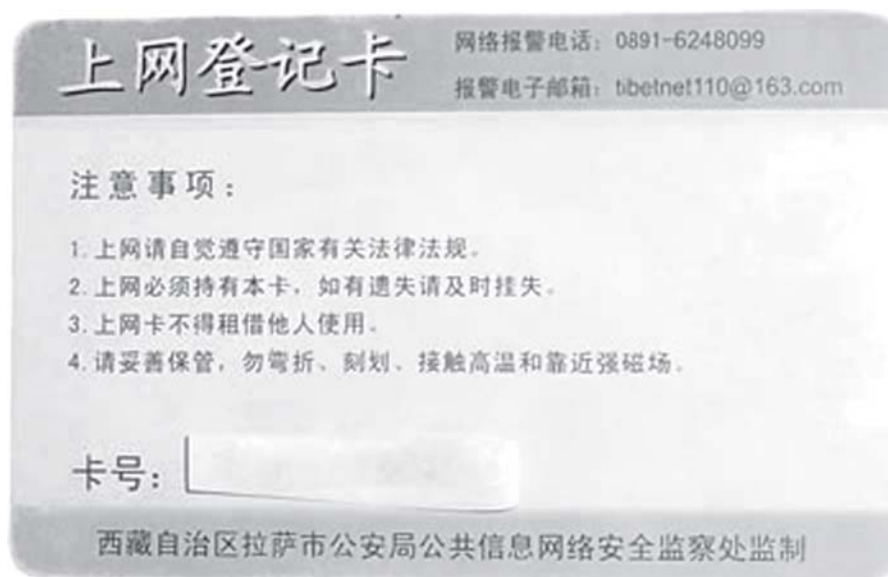
- traveling without valid papers. He was first detained at the Sietru PSB Detention Center for few days, before being taken to Nyari Prison (Shigatse PSB Detention Center). After six months at Nyari Prison, where he was denied visitors, he was transferred to Sangyip prison in Lhasa, where he spent a further six months.
- 44 Sonam was also appointed as a delegate on an official trip to Nepal in the mid-1990s, an indication of official trust in his loyalty. He worked first as a cook but was later promoted to the position of (Tib. *ku-nyer*) or caretaker monk, at the Maitreya Temple within the Palace.
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- 65 Ibid., p.6 China’s revised Criminal Procedure Law substitutes the crimes of ‘endangering state security,’ ‘subversion,’ and ‘attempts to overthrow the state’ for the prior crime of ‘counter-revolutionary’ activity. But in practice, ‘the underlying content of the law has remained intact and there is little evidence to suggestion that the move is anything more than an attempt to bring criminal definition in line with international norms.’
- 66 Ibid. p.7
- 67 Ibid. p.17
- 68 Third Periodic Report of the People’s Republic of China on Implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 19 September 1999.
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- 98 Ibid.
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Front side of the Chinese Internet ID card, which all Tibetan are required to use to access the Internet



Back side of the Chinese Internet ID card, which all Tibetan are required to use to access the Internet

INFORMATION

“The charges against ‘Notes on Tibet’ have mainly centered around my points of view on religion and Tibet’s reality. Asking me to “jump the hurdle” is to demand that I state that my believing in Buddhism is false, that I should not have used my own eyes to observe Tibet’s reality, and that in my future writing I must renounce religion and keep in tune with official directives to describe Tibet... From my perspective, to cooperate is to violate the calling and conscience of a writer.”

Woeser (In her letter, dated 09/14/2003, to the TAR Literature Association’s highest decision-making circle, the Party group-Wenlian Party Group)

introduction

Information is power in today’s world and the right to information equips an individual with the very “Right to Know” tool and lays the foundation for several other freedoms and fundamental rights. The right to information, although seen as an integral part of the broader right to freedom of opinion and expression, of its own, it forms and is a right in and of itself encompassing three interrelated dimensions: “the right to seek information,” “the right to receive information” and “the right to impart information.” The right to information further entails the existence of the free and independent media and, a pluralistic system of information through which objective, complete, true and timely information can be made both accessible and available to anyone anywhere and anytime regardless of frontiers and without interference.

However, the degree of enjoyment of the right to information depends on the degree of commitment and cooperation of the state. The Special Rapporteur on the freedom of opinion and expression, in his report to the 60th session of Commission on Human Rights 2004, endorses definition of the right to information as “an independent right that imports positive obligation on States to ensure access to information.”¹ While the state should strive to ensure that objective, complete and timely information reaches all segments of society without dis-

crimination based on ethnicity, language, religion or gender and political affiliations, it should also refrain from interfering in the free exchange and dissemination of information and from preventing individuals from accessing information that should, otherwise, be made freely available to the public, including government held information.

The right to information, including the freedom of speech and expression and, of press and broadcasting, are internationally recognized and these rights are also, somehow and in some ways, guaranteed under the laws of the People’s Republic of China (PRC), although a consolidated law on the right to information has not been implemented so far.

Although, China now openly claims that it respects and promotes freedom of information, the situation in Tibet has not eased that much. The past years have seen that the Chinese authorities in Tibet continue to implement vague and arbitrarily applied laws and enforce new and strict censorship regulations from time to time to ensure effective control over media and free flow of information. As Paris-based media watchdog, Reporters Without Borders (RSF), stated that, harsh repressive measures deprive millions of Tibetans of the right to be informed and to express themselves.²

Heavy and systematic censorship and surveillance, subsequent banning of publication, intimidation,

detention, imprisonment, blocking news broadcasts and websites, and even interruption of personal communications at times, are seen to be some of the popular measures employed by the Chinese authorities to prevent individuals from accessing information. Moreover, the Beijing government continues to develop and employ new technologies to further prevent its citizens from accessing information from sources it cannot control, including short wave and satellite broadcasts, foreign web sites, e-mail, and mobile phone text messages. In Tibet, in addition to the above modes of disrupting freedom of information rights, language barrier and lack of independent media further hinder free flow of information and Tibetan people's right of easier access to information.

Above all, free flow of information reaching Tibet from the outside as well as the information emanating out of Tibet has never become easier in recent years. This is self-evident from the fact that denial of freedom of information has proved to be one primary problem for the outside world to closely monitor human rights situation inside Tibet.

right to information

Recognising the importance of the freedom of information as the very basis of realizing all other freedoms, the UN General Assembly, in its very first session in 1946, firmly laid down:

Freedom of information is a fundamental human right and is the touchstone of all freedom to which the United Nations is consecrated and that freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without letters.³

The Preamble to the Johannesburg Principles, adopted in October 1995, reaffirms the belief that

the freedom of information is vital to a democratic society and is essential for its progress and welfare and for the enjoyment of other human rights and fundamental freedoms.⁴

Accordingly, the right to information, which includes the right "to seek, receive and impart information and ideas through any media and regardless of frontiers" including the right "to hold opinion without interference,"⁵ has been well rooted in the Universal Declaration of Human Right and further elongated in the International Covenant on Civil and Political Rights (ICCPR). In its Draft Resolution 2005 on the right to freedom of opinion and expression, the Commission on Human Rights has once again strongly reaffirmed its recognition of the right to information.⁶ Similar provision is also laid down under the Convention on the Rights of the Child (CRC)⁷ and in article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, article 19 of the African Charter on Human and People's Rights and article 27 of the American Convention on Human Rights to mention a few.

Thus, right to information helps specify the content of the right to freedom of opinion and expression and better defines some of its constitutive elements without which, the later right will never become complete in itself. As such, the right to information provides freedom for everyone, including journalists, to freely move around in order to seek and gather information and to disseminate the same. In short, the right to information guarantees free flow and exchange of information and ideas regardless of boundaries and through any medium of information.

According to China's Constitution, citizens of the People's Republic of China "enjoy the freedom of speech, of the press, of assembly, of association, of procession and of demonstration"⁸ and states that,

“the state promotes the development of literature and art, the press, broadcasting and television undertakings, publishing and distribution services, libraries, museum, cultural centres and other cultural undertakings, that serve the people and socialism, and sponsors mass cultural activities.”⁹ And under the 1984 Law of the People’s Republic of China on Regional Autonomy, the organs of self government of national autonomous areas are to independently “develop literature, art, the press, publishing, radio broadcasting, the film industry, television and other cultural undertakings in forms and with characteristics unique to the nationalities.”¹⁰

All the above provisions in the Chinese laws strongly indicate that the freedom of information is somehow respected, guaranteed and protected in China and in regional national autonomies. Moreover, one simple statement in the latest White Paper, *China’s Progress in Human Rights in 2004* and released on 13 April, 2005 by the Information Office of the State Council of the PRC, clearly consolidates all the above stated provisions on the freedom of right to information. The paper claims that, “Citizens’ freedom of information, of speech and of the press is protected by law.”¹¹

public information and access to government held information

The right of access to information, especially information held by public bodies, is easily deduced from the expression “to seek [and] receive ... information” as contained in article 19 of both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.¹² The preamble to the Johannesburg Principles clearly states, “...if people are to be able to monitor the conduct of their government and to participate fully in a democratic society, that they have access to government held information.”¹³ In Tibet, this right of ac-

cess to government held information is to be assessed with more special focus.

Right of access to information is the key to unlock doors and make information held by government and public authorities available to the general public, which will contribute not only to public debate, but also provide the context for better informed public debate on the choices facing them. Easier and greater access to official information can create an atmosphere of greater transparency, greater accountability¹⁴ and greater engagement between the citizens and the state and the Chinese government has recognized the same.¹⁵

The right of access to information held by government must be the “Rule” rather than the exception.¹⁶ Greater transparency can be practically ensured only when the citizens’ right of requesting access to information retained by government is properly protected and promoted by state legislation. A Right in Law, to know and ask, their government, local authorities, local schools, hospitals and police forces, for information about a whole range of issues and policies that matter the interests of the general public, must be made enforceable. People across the country must have free access to wide ranging information about the functioning and policies of their government and related public authorities, about their local environment, their local communities and services, and about developmental issues. In contemporary society, because of the social and political role of information, the right of everyone to receive information and ideas has to be carefully protected.¹⁷

In his report, the UN Special Rapporteur on the Right to freedom of Speech and Expression stated: “Under laws, on the right to access information,” *bodies performing public function*, “should designate an office or officer to handle requests for information. In smaller institutions, an officer can be sufficient who might have other duties, while in larger

bodies, a department might be dedicated to promoting transparency and providing information. In addition, all bodies performing public functions should publish an annual report and a financial account of their activities, and make them easily available to the public even in the absence of any information requests.”¹⁸

The White Paper on human rights released in April 2005 claims that China undertook a lot of activities, which “greatly increased the transparency of government work, and helped citizens become better informed about administrative affairs” and further promoted the “protection of citizens’ rights to information, supervision and participation in public affairs.”¹⁹

However, the situation inside Tibet is different. Tibetans inside Tibet have no means of requesting access to government held information, and there are no proper administrative or judicial procedures through which agencies can be ordered to disclose information under their possession or control. A former Tibetan Teacher from Lhasa, the capital city of Tibet, (on condition to remain unnamed) firmly stated,

*In Tibet, an individual’s attempt to access official information or question government’s policies or participate openly in public affairs or opposing the Party policy or not following the Party line, faces more discouraging obstructions. Those who are in Government service prefer staying away from sensitive public affairs either to avoid unnecessary official harassment or, from fear of losing their jobs. It is self evident that denial of information rights and freedom of opinion and expression has resulted in Tibetans’ lack of control over the right to active, free and meaningful participation in planning decision-making activities and policies. In fact, the general Tibetans are not aware of their own rights in Tibet.*²⁰

In Tibet, considering its political situation, TCHRD feels that, the freedom of right of access to information in practice can lead to de-mystifying complex and sometimes little understood Government policies, such as Cultural Revolution or, more recently, the strict imposition of the much criticised and the ongoing “patriotic education”²¹ or, the “strike-hard”²² campaign policies, arbitrarily extended to hammer “splittist” forces in monastic and other educational institutions. The regular and arbitrary imposition of these campaigns laden with Chinese government propagandas have been creating more doubts, suspicion and fear in the minds of the Tibetan people and widespread speculation among the international human rights organisations against the Chinese Government.

The Chinese Government should set an example to the rest of the public sectors in pursuit of greater openness and lead the way in making the information it releases available to the widest possible audience and making Tibetans in Tibet aware of their rights. A good government is an open government. It’s the government that should ensure that freedom of information disclosures at the local, regional and national level contribute and enhance the quality and completeness of public debate, which in turn leads to mutually acceptable solution between citizens and the government. Access to information is a citizen’s right and that the procedures for accessing information should be simple, rapid and free or low cost.²³ The government should constantly share information with the public wherever the public interest is at stake. Principle 13 of the Johannesburg Principles states that in all laws and decisions concerning the right to obtain information “*the public interest in knowing the information shall be a primary consideration.*”²⁴

However, the Chinese authorities explain away the denial of any information disclosure by invoking “State Secrets,” “national security,” “public interest,”

“social order” as constant reasons. According to the new internet news regulations introduced in September 2005, an update of those in effect since 2000, the Chinese Government aims to restrict distribution of any uncensored version of a news event and commentary. The restrictions include all news related to “politics, economics, military affairs, foreign affairs, and social and public affairs, as well as... fast-breaking social events such as a coal mine disaster, an official demotion, a strike, or an organized protest against environmental degradation.”²⁵ Further, the new regulation is to ensure that even news reports are “serving socialism,” “upholding the interests of the state,” and “correctly guiding public opinion.”²⁶

On the other hand, China’s Constitution asserts that, “Citizens of the People’s Republic of China have the right to criticize and make suggestions to any state organ or functionary.”²⁷ And, moreover, throughout China’s white paper on human rights released in April 2005²⁸ and its first white paper on “political democracy” released on 19 October, 2005,²⁹ the Chinese Government claims, without hesitation, that the Government actively listens and learns from the public: their interests, their problems and their requests and, redresses their issues.

When citizens’ right to public information is guaranteed by law, citizens not only have the right to request for information, they can also hold public authorities to account for their decisions and actions that matter to individuals and communities. When more and more information passes through the hands of political rivals, police, judiciary, media and the people, it opens all the official departments across the country to strict public scrutiny. In its Draft Resolution 2005, the Commission on Human Rights stresses on the importance of full respect for the fundamental importance of “access to information, to democratic participation, to accountability and to combating corruption.”³⁰

But, inside Tibet, TCHRD has consistently noted through past experiences and, testimonies confirmed by former political prisoners and Tibetan refugees, which show that there is a distinct absence of any official accountability or provision for appeal against what are often or in most cases arbitrary, unfair, harsh, or discriminatory in nature. For instance, in almost every case of custodial death of Tibetan political prisoners, in the highly restricted Chinese detention centers in Tibet, leaves the concerned officials with little or no accountability at all. Commenting on the lack of reliable data on the extent of the use of the death penalty, the UN High Commissioner for Human Rights at the end of her visit to China in September 2005, said “*transparency is critical for informed public debate on the issue*.”³¹

The long standing issue of the Panchen Lama and the denial of access to reliable information by the Chinese Central Government on his whereabouts and safety, even under strong international pressure, is a glaring testimony that there are many unreported incidences that continue to occur inside Tibet, but remain completely inaccessible. Even in simple cases of arbitrary arrests or imprisonment of Tibetan political prisoners, information leading to the reasons and grounds of their arrests including their safety and whereabouts, sometimes, due to lack of direct access to and difficulty in getting first hand information, either remains unreported or by the time they become available to the outside world are unfit to be reported as news due to lapse in time. Many of these political prisoners, who later manage to escape into exile, keep reporting incidences where information of their whereabouts remained unavailable even to their own family members for over a prolonged period of detention.

The very recent case of one Dolkar Tsering (name changed), aged 39, a resident of Lhasa, clearly shows how the family members are deprived of the right to be informed. Dolkar was arrested in October

2002 after an unsuccessful attempt to flee Tibet. After undergoing repeated interrogation sessions and preliminary prison sentences in different detention centres in Tibet, Dolkar was subsequently sentenced to a final prison term of about one year and five months in the Lhasa Drapchi prison before she was finally released on 30 March, 2005. At the end, managing to get out of Tibet in 2005, Dolkar has only this to say:

Upon completion of my sentence, on 30th March 2005, I was released. During my days at prison, my husband, cut off from any information of what had happened to me, had married another woman. Therefore, I had no home to go back and instead, I went to my native place. After staying there for over two months, I fled to Nepal via Lhasa. Since I can't return to Tibet without putting my life in danger, I have no other choice but to stay in India and start a new life.³²

The absence of right to public information in practice has, thus, given the Chinese Central Government and the public authorities to exercise wide discretionary power to arbitrarily suppress and silence the Tibetan people's most basic freedoms.

The right of access to official information in practice can empower Tibetans with dignity and value, and without fear of intimidation, to acquire and avail information held by government and to counteract false information and propaganda or to question undesired or harsh Chinese governmental policies in Tibet. It is through timely and correct information that the Chinese government can create better public awareness and avoid public misconception among the Tibetan people. And, in doing so, Tibetans do not only become aware of their rights, but are better placed to exercise their rights and, to participate fully in and supervise the work of the government.

free flow of information and control over media

The UN General Assembly, in its very first session in 1946 recognised that:

Freedom of information requires as an indispensable element, the willingness and the capacity to employ its privileges without abuse. It requires as a basic discipline the moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent...

Although Chinese citizens enjoy freedom of speech, freedom of 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 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, but also the Chinese Constitution.³³

Thus, TCHRD has observed that Chinese authorities employ three tools to hinder free flow of information and suppress freedom of expression in Tibet:

1. Administrative and technology prior restraints,
2. Monitoring, jamming and blocking of communications, and
3. Selective enforcement of broad and vague national security laws.

The later parts of this report section, and the testimonies collected by TCHRD, through individual interviews and from international sources, will clearly highlight the instances where Chinese authorities make extensive use of each of these tools to suppress free expression and to maintain complete control over China's media and free flow of information in Tibet.

abuse of local journalist

According to an annual index published by Reporters Without Borders (RSF), China was once again among the countries with the poorest record on press freedom.³⁴ Of the world's 104 imprisoned journalists as of January 1, 2005, 46 were in Asia, including a world-leading 27 in China, one of them faces the death penalty for divulging state secrets, stated Reporters Without Borders in its 2005 Asia Annual Report.³⁵

The group said that a limited amount of media privatization in China had done little to alter the basic realities of reporting there. *"The government's propaganda department monitors the media, which were forbidden to mention dozens of sensitive subjects in the past year,"*³⁶ the statement said. The group further observed:

*Journalists there simply relay government propaganda. Anyone out of step is harshly dealt with. A word too many, a commentary that deviates from the official line or a wrongly-spelled name and the author may be thrown in prison or draw the wrath of those in power.*³⁷

As such, Chinese and Tibetan journalists are forced to comply with state directive and every year the government gives them lists of subjects to be covered as a priority. As regards religion, only articles about officially approved religious expression are permitted.³⁸ In China, and in reality, even local journalists who report on topics that meet *"with the Government's or local authorities' disapproval suffer harassment, detention and imprisonment"*, says Susan W. O' Sullivan, senior advisor for Asia in the U.S. State Department's Bureau of Democracy, Human Rights and Labour.³⁹

In Tibet, an independent media either does not exist or journalists are persecuted and censored on a

daily basis. Freedom of information and the safety of journalist are not guaranteed there. As a measure of administrative prior restraint, only those with government authorisation may legally gather news or engage in publishing. Individuals, who publish criticisms of the Communist party or the Central Government, or publish writings based on self-observation, independent research and true accounts, but which contradict the government's claims or policies, are often accused and convicted on grounds of containing "serious political mistakes" or "subversive elements" and are often forced to admit their mistakes or are detained and imprisoned.

banned publications

In Tibet, the Chinese government continues to ban a large number of publications, printed material photocopies and distribution of audiovisual materials that come from abroad and advocate Tibetan independence. The materials also include locally-produced independent journals, any writing dealing with political matters and expressing human rights concerns or even simple notices expressing one's personal opinion. The official media regularly carry reminders of the ban. China's Publicity Department (previously known as Central Propaganda Department) and the Security Ministry have the job of enforcing these measures.

A resolution passed during the Tibet Autonomous Region (TAR) Branch of the Central Communist Party's (CCP) Third Work Forum in July 1994, explicitly deals with this ban:

Some people bring from abroad published counterrevolutionary materials and materials such as cassettes and tapes and then they record them or make copies of them in great numbers for distribution. The Public Security Bureau, the Commercial and Cultural Departments,

*etc. should check up on these things seriously and confiscate them as soon as they appear without any hesitation... Those who make, put up, or distribute counterrevolutionary publications and those who shout counterrevolutionary slogans should be punished severely and in a timely manner according to the relevant stipulations in the law.*⁴⁰

The Chinese authorities are deliberately vague in their definition of such counterrevolutionary materials so that publications such as lectures by the Dalai Lama, materials produced by the Dharamsala-based Tibetan Government-in-Exile, and anything at all critical of the Chinese government and its occupation of Tibet or even human rights documents and pamphlets sometimes fall under this ban.

In October 2004, Chinese authorities decreed that, “*Xizang Biji*” (Notes On Tibet), a book on Tibetan culture by a Chinese-language poet, Woesser (Ch. *Wei Se*) with favourable and sympathetic references towards the Dalai Lama, contained “political errors” and subsequently banned it. Because of the ban on her book, Woesser has since been removed from her position in the “TAR” Literature Association and the housing assigned to her has been confiscated and was further deprived of her income, medical insurance, and retirement pension, and restricted from applying for a passport to leave the country.⁴¹

Woesser is a Tibetan woman author writing in Chinese. Born in Lhasa in 1966, she grew up in the Tibetan region of Sichuan Province. She graduated from the Department of Chinese Language and Literature at the Southwest Minorities College in 1988. After working as a reporter for Ganzi (Kardze in Tibetan) Daily, in 1990 she was transferred to Lhasa to work as an editor with Tibetan Literature (*Xizang Wenxue*), an official journal of the Literature Association of the Tibet Autonomous Region (*Xizang Wenlian*). She has so far published “Tibet Above”

(*Xizang Supreme*), “Map of Burgundy Red” (*Xianghongsede Ditu*), and “Notes on Tibet” (*Xizang Biji*). It is “Notes on Tibet” that has caused her troubles.

“Notes on Tibet” is an anthology of Woesser’s prose writing, which was first, published in 2003, by Huacheng Publishing House in Guangzhou, Guangdong Province. While the book became popular, and soon went into a second print run, it began to attract the attention of the censors. At first, the United Front Department of the Chinese Communist Party considered the book to have made “serious political mistakes.” This accusation was followed by the demand from those in charge of ideological work in Tibet to examine the book. At the same time, its sale in TAR was banned. Finally, the Bureau of Journalism and Publication, Guangdong Province, was ordered to completely ban the book.⁴²

So, in spite of not being thrown into prison, Woesser has been deprived of everything that can be taken away from her. An ex-official and teacher from Lhasa, who cannot be identified, testified to the possibility of ulterior motives for her punishment:

When I was a government official, Woesser worked nearby. In addition to being a writer, she was also concerned with the preservation and promotion of Tibetan culture. When a Chinese well-known professional swimmer, Zhang Jian, wanted to swim across Lake Nam Tso in “TAR”, she successfully campaigned against it. She was also involved in a campaign to stop a singer who wanted to descend from a helicopter onto the roof of the Potala and hold a concert there...

*After Woesser wrote her book, she was told to admit her mistakes and apologize for harming the reputation of the publishing house and disgracing the government. She refused.*⁴³

In fact, China's continuing crackdown on press freedom and the right to information in Tibet concentrates above all on those who try to publish, distribute or read the exiled Dalai Lama's writings.⁴⁴

-On 21 December 2001, Phuntsok Tsering, a 24-year-old monk from Lhatse region in "TAR", was arrested for simply having a teaching book of the Dalai Lama in his possession. He is still under detention.⁴⁵

-On 28 August, 2005, Sonam Gyalpo was arrested and led away by the Chinese secret service agency (Ch. *Ang Jang Jue*) on discovering incriminating materials" such as four video tapes containing teachings of Dalai Lama, few political literatures and pictures of Dalai Lama in his house. Whereabouts of Sonam Gyalpo is still unknown.⁴⁶

Principle 24 of the Johannesburg Principles states that:

*A person, media outlet, political or other organization may not be subject to such sanctions, restraints or penalties for a security-related crime involving freedom of expression or information that are disproportionate to the seriousness of the actual crime.*⁴⁷

TCHRD has, however, reported numerous cases of Tibetans in Tibet receiving highly disproportionate penalties for such expressions. For example, on 15 January, 2005 Tashi Gyaltzen, 41, a monk from Drakar Trezong Monastery was arrested for his role on the editorial board of the monastery's journal. The authorities deemed the content of the journal to be politically sensitive, and thus banned it from publication and sentenced Tashi Gyaltzen, along with four other editorial board members, to three years of re-education through labour.⁴⁸

In July 2005, TCHRD was informed of the case of Jigme Gyatso, 26, a monk from Bamu Village,

Machu County, Gansu Province. In 2001, when Jigme was returning to Tibet after studying in India with his brother Lungtok and another man named Tenam, police searched the men and found such materials as speeches made by the Dalai Lama and a Tibetan translation of the Universal Declaration of Human Rights. Jigme testified to the consequences they faced for possessing these banned materials:

*For three days without any food, three of us were interrogated and beaten severely. The police demanded to know who told us to carry the books and the purpose of carrying them into Tibet. When we replied that we had brought them on our own for reading purposes, they slapped and booted us. After three days, we were led to Lhasa and thrown into the Public Security Bureau Detention Centre. We were separated into different cells and interrogations followed for the next 16 days. Three times a day, we were put under interrogation and each time when the official was not satisfied with my answer, he would beat me and electrocute me until I fell unconscious. My brother and Tenam received similar treatment.*⁴⁹

For the mere crime of possessing such harmless materials, these men subsequently received prison sentences ranging from two to four years in Drapchi prison. Jigme has since been released and has escaped into exile.

In addition to these cases, TCHRD has reported numerous arrests of Tibetans for merely expressing their opinion by posting pro-independence notices, including the following cases:

-In April 2005, Chung Tsering, a monk from Pangsa Monastery, was arrested for posting pro-independence notices on government office buildings. He is currently detained at Lhasa City PSB Detention Centre.⁵⁰

-In mid-May 2005, Jigme Dasang, 22, a monk from Kumbum Monastery in Qinghai Province, allegedly posted notices around the monastery criticizing government policies. He has since been detained in Kumbum County PSB Detention Centre on charges of engaging in separatist activities.⁵¹

-On 14 May, 2005 Yonten Dolma, 22, Tamdin Tsomo, 23, and Choekyi Dolma, 23, nuns from Gendun Tengeyling Nunnery, together with Dargay Gyatso, 25, Jampa Samdup, 27, and Lobsang, 25, monks from Labrang Tashikyil Monastery, were all arrested for posting pro-independence notices in several counties around Gansu Province. While two of the nuns are being held in Gannan “TAP” Detention Centre, the whereabouts of the other four individuals are unknown.⁵²

The UN Special Rapporteur on freedom of expression and opinion has stated that governments should “ensure that the exercise of the freedom of opinion and expression through media is open and accessible to various actors of the civil society, local communities and minorities, vulnerable groups, in addition to economic and political groups.”⁵³ And the same was further urged in the 61st Session of the UNCHR.⁵⁴

Yet, the Chinese Government consistently prohibits the free flow of information by banning materials or publications containing personal opinion or dealing with any matter they consider to be politically sensitive, especially those that originate from outside Tibet. The Chinese Government, as a measure of controlling publishing in China, even rations out ISBNs (International Standard Book Number) to official publishing, which limits complete freedom over publishing.⁵⁵

censorship and regulation of news on internet

In his 2005 report to the UN Commission on Human Rights, the Special Rapporteur on the right to freedom of opinion and expression urged governments to “adopt laws and regulations allowing people to communicate freely over the Internet and to remove all present obstacles to the free flow of information.”⁵⁶ The Chinese Government has 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 the Internet.

On 25 September, 2005, the Ministry of Information Industry, together with the State Council, issued the Rules on the Administration of Internet News Information Services.⁵⁷ According to the state-owned news agency Xinhua, this new policy, an update to the Internet regulations issued in 2000, permits only “healthy and civilized news,” and only “information that is beneficial to the improvement of the quality of the nation, beneficial to economic development and conducive to social progress”⁵⁸ is allowed to be reported on the Internet, while “the spreading of any news with content that is against national security and public interest” is strictly prohibited.⁵⁹ These new rules require that all websites, discussion groups, and even personal emails contain only officially approved news and commentary, and that anyone wishing to distribute such information first register as a news organization.

The definition of what constitutes news is so vague and overarching that essentially anything written in a discussion group, chat room or personal website must comply to these regulations. This allows the government to prevent the distribution of any uncensored or sensitive material over the Internet, and severely curtails the freedom of expression and information of Internet users, as well as their ability to access and impart information.

In order to ensure compliance with this policy, and to further restrict the free flow of information over the Internet, the Chinese Government applies methods such as filtering, blocking, and monitoring of Internet use. In filtering the content of information exchanged over the Internet, any items containing politically sensitive phrases such as Tibet independence, Dalai Lama, human rights, etc. are blocked.⁶⁰

The major search engines such as Google and Yahoo aid China in its censorship efforts. While Google claims to be “the only major search engine that does not censor any web pages,”⁶¹ in fact, it has also acknowledged that it excludes sites banned by the Chinese Government in its search results. And Yahoo has not only agreed to censor its search engines and discussion forums, but recently also provided information to the Chinese Government that led to the arrest of a Chinese journalist Shi Tao, who has been accused of committing seditious online activity by using his Yahoo email account to send information about a Communist Party meeting to a New York-based website.⁶² Recently, Microsoft has also agreed to filter out content containing sensitive phrases from its Chinese blog services.⁶³

Chinese authorities also restrict access to information over the Internet by banning websites containing content that does not follow regulations, thereby blocking access to these sites. It has been reported that China blocks access to over 250,000 websites, discussion forums, and blogs. In order to find these offensive sites, the government employs 30,000 human monitors to scan websites, search engine results, chat sites, and personal emails.⁶⁴ China prefers to keep these efforts at censorship hidden, so that when an Internet user attempts to access a banned site, they are either rerouted to an acceptable site, or simply receive a notice that the address is invalid.⁶⁵

On 30 March, 2005, the Tibetan cultural website www.tibetcul.com was shut down by the Lanzhou

Public Security Bureau’s Internet Administration Department for simply posting articles on “sensitive topics.” While the ban was lifted shortly after due to international pressure, the website’s writer and editor-in-chief Tsewang Norbu was reported missing.⁶⁶

Tsewang, a monk from Serthar Institute, Kardze “TAP” in Sichuan Province who studied in Lhasa commented on the lack of access to international news websites such as CNN and BBC:

*The government doesn’t care about people having access to general international news, but they ban international news websites so that we won’t have access to occasional news specifically on Tibet and the Dalai Lama. It’s easier to block entire websites rather than filtering the news every day.*⁶⁷

Even with all these efforts to censor information over the Internet, the Chinese government also finds it necessary to strictly monitor Internet usage, particularly at Internet cafés. A teacher and an ex-official from Lhasa who recently escaped into exile reported the following:

*Internet cafés are heavily monitored. We are required to present an official registration card that we have to seek from the authorities. Usually, I go late at night when there is less monitoring, and when I am searching for topics dealing with sensitive matters, I change computers every 10 minutes to avoid detection.*⁶⁸

This has been further confirmed by international sources, which also note that Internet café owners are required to log users and monitor what websites they access, especially when access to banned websites is attempted.⁶⁹ In this way, the Chinese authorities strictly monitor who accesses what. The Chinese Government recognizes the powerful ability of the

Internet as a source of information and thus “apparently think that keeping more than 100 million Internet users in the dark is better than allowing the peaceful exchange of opinions or expressions of grievances,” said Brad Adams, Asia Director of Human Rights Watch.⁷⁰

In addition to restricting free access to sensitive information on internet, they also use the Internet as a tool for imparting state propaganda. According to the International NGO Reporters Without Borders, online news sites that are permitted, such as www.xinhuanet.com and www.chinadaily.com, are entirely controlled by the Communist Party. The government also sets up its own websites on Tibet, such as www.tibetinfor.com and www.tibetology.com, which provide government propaganda for its distorted views of the region.⁷¹ Clearly, China uses every means possible to restrict the right to information of Internet users.

newspaper and television

Although international bodies and NGOs, such as the United Nations, Reporters Without Borders and Article 19 implore the necessity of independent media, it is no secret that China’s media is owned and strictly controlled by the government. The Xinhua News Agency, China’s official provider of the news, the head of which has the rank of a minister and appointed directly by the Chinese Communist party (CCP), has been called the “linchpin of control of the Chinese media”⁷² as well as “the mouthpiece of the Party”⁷³ and even brazenly touts itself as “the official news agency of the Communist Party and the Government of China.”⁷⁴ With the control of news-providing media, such as newspapers and televised news broadcasts, the Chinese Government is able to stifle the media and the right of the public to know what is going on both domestically and internationally.

Chinese authorities manage to do this through the Publicity Department. In addition to systematic monitoring of the press, this government unit issues directives to media editors, telling them what is permissible and prohibited to publish. The editors are then responsible for ensuring that their journalists comply with such directives. The presence of party members in all key management posts in the Tibetan media further prevents any possibility of editorial freedom and hinders the complete independence of media. Articles are subject to lengthy vetting procedure before they are published.⁷⁵ This in turn helps more flow of information through the hands of Government officials.

A Chinese journalist explains this process in detail:

*New events are ever-changing and often happen without warning so it is impractical for each detail to be first vetted by the propaganda department. When incidents happen, editors and reporters are still encouraged to conduct interviews and take photographs but decisions on if and how to report are made later by the editorial departments. Although the information collected may not be publicly reported, officials may actually need the information for their own purposes... News censorship is for the public. Officials still need to know the facts.*⁷⁶

If editors fail to ensure compliance with Publicity Department directives, they may lose their position or have their publication or program shut down; journalists who fail to comply are often criticized and even detained.⁷⁷ China currently has over 40 imprisoned journalists accused of such ‘crimes’, the highest number in the world.⁷⁸ In early 2005, when a local television station in Tibet inadvertently showed footage of a man in Nepal with a Tibetan flag behind him, the station suffered a huge crackdown from Chinese officials, whereby station man-

agers were forced to acknowledge their mistakes and staff had to undergo re-education sessions.⁷⁹

On 16 January 2005, Tashi Gyaltzen, Lobsang Dhargay, Thoe Samden, Tsultrim Phelgay and Jampel Gyatso all five from Drakar Trezong Monastery were arrested for publishing a newspaper containing poems and articles of political nature. They are now in a labour camp in Qinghai, near Xining, in northwestern China, serving sentences of two to three years of re-education through work.⁸⁰

As a result of this censorship, the so-called news is mainly filled with the Party propaganda and misinformation. For example, in an article published by *Xinhua* on 1 June 2005, it was reported that “Dalai Lama has become more and more unpopular in southwest China’s Tibetan Autonomous Region since what he wants is to split the region from China, regardless of its robust development momentum and sound ethnic relations” and that “The Tibetans hold a clear-cut stand in their fight” against Western forces that support the Dalai Lama’s attempts to split the Motherland.⁸¹ In addition to these improbabilities, the article boasted of the Party’s accomplishments in Tibet: “With financial and policy support from the central government, Tibet’s economy has been growing with a rapid speed in the past decade.” The article then goes on to list a plethora of supporting statistics, numbers that are often doctored and manipulated for propaganda purposes. Further, this article serves as a means for propagating Party policy and replying to those who criticize it, when it states “The Chinese government’s policies toward the Dalai Lama on the Tibet issue will never change in nature as far as the Dalai Lama’s nature of splitting Tibet remains unchanged.”

Recently received testimony reported to TCHRD by a teacher and an ex-official from Lhasa, who prefers to remain unnamed attests to this manipulation and censorship of the news:

*On TV, there are very few programs in Tibetan. Most are Chinese programs dubbed into Tibetan, containing political messages and criticism of Tibetan culture. Sure, there are news broadcasts in Tibetan, but most people don’t care for them. When TV comes on, people and even Tibetans in government services in their private conversations say, ‘Oh, it’s time for the lie-news’ because they know it’s mostly about the government and government activities and that the facts are distorted in any real news. This is because journalists are required to get approval before writing on politically sensitive matters, but in Tibet everything is considered a politically sensitive matter, so it is difficult to report anything.*⁸²

In addition, Reporters Without Borders reported that the systematic use of the Chinese language in the media poses another major obstacle to Tibetan access to information.⁸³ The group said that the Qinghai TV has a very limited slot, from 5 p.m. to 6:30 p.m., for Tibetan-language programmes and a 15-minute daily news bulletin in Tibetan is broadcast at 5 p.m. while the Chinese-language news programme goes out at 7 p.m., a peak viewing time. The group further reported that the production of original Tibetan-language programmes is virtually non-existent and between 80 and 90 per cent of the programmes broadcast in Tibetan on Qinghai TV are dubbed versions of Chinese-language programmes.⁸⁴ Although, this is expected to change in 2006, as Qinghai TV has approved to increase its Tibetan language broadcasts to 12 hours a day, nothing can be assured of its contents.

radio jamming

Perhaps the best means of accessing information in Tibet, particularly in rural areas, is by radio. As the Voice of Tibet (VOT) website states, “In Tibet,

where much of the population is illiterate and poor, the power of radio is particularly obvious. Radio broadcasting is the main medium for mass information and education.”⁸⁵ Radio is so important that the Chinese Government boasts of emphasizing programs that increase radio coverage so that according to official statistics, over 94% of the country’s population has radio coverage.⁸⁶

Yet, the government is constructing the ‘Great Wall of the airwaves’ by blocking access to non-state controlled radio stations originating from independent sources, such as VOT, Voice of America (VOA), and Radio Free Asia (RFA) which all broadcast Tibetan-language programs into Tibet⁸⁷ and, most recently, jamming of San Francisco based radio “Sound-of-Hope” which can no longer be heard at all.⁸⁸

Chinese authorities employ two methods to restrict access to these radio stations. First, Reporters Without Borders has observed the distribution of new radio sets in the Kardze region of Sichuan Province that are supposedly of better quality than older ones, but in actuality are preset, locked on to a fixed bandwidth and thus prevent users from tuning into international stations.⁸⁹ Second, and more prevalent, a technique called jamming is practiced, whereby broadcasts from these stations are drowned out by music, official radio broadcasts, or static.

In order to jam prohibited radio broadcasts and maintain the monopoly of state radio broadcasts, the Chinese Government has deployed huge resources to construct numerous jamming towers throughout Tibet. Radio Free Asia, which broadcasts on 10 different frequencies in an attempt to get round the censorship, but they are all systematically jammed by diffused noise or music says Reporters Without Borders.⁹⁰

Tsewang, a monk from Serthar Institute in Sichuan Province, testified to the infringement of the right to access information via radio in Tibet:

When I was living at Serthar Institute in 2001, there was a tower built about 20 km away at a cost of 4,00,000 Yuan. I also heard that earlier this year, construction began on a second tower five km away at a cost of 10,00,000 Yuan. They told us these towers were built to improve transmission and reception, but actually they are used for jamming. When I was at Serthar, I purchased a new radio but I couldn’t access the independent stations. So, I returned it back and tried two other radios but, still couldn’t get any reception of these stations... In May 2005, when I was studying in Lhasa, I was in my room near Sera Monastery listening to VOA on the radio when suddenly several police entered my room, snatched away my radio, told me I wasn’t allowed to listen to VOA, and ordered me to pay a fine. I asked for my radio back and demanded to know why I wasn’t allowed to listen. Having no proper explanation, they gave back my radio and left.⁹¹

With the help of French military manufacturer company, Thalès, ALLISS aerials are now set up in different corners of the country by the Chinese Government to improve its jamming capabilities, which can now effectively block short-wave broadcasts by foreign radio stations. Such aerials were installed above all in the far northwestern city of Karshi, Ngari County, “TAR”, which are used to jam international radio signals. Similarly, in very recent time, the authorities installed new jamming towers in Pemba (in the Chamdo region) and since then residents have been unable to get Voice of America.⁹²

restrictions on international monitoring bodies and foreigners

China not only controls the exchange of information domestically, but has also stretched its censorship net wide over the international community as well by restricting foreign journalists from freely accessing information in Tibet and by giving international human rights monitors a limited scope to closely examine human rights situation inside Tibet. The restrictions also prevail over tourists exchanging information with local Tibetans and on the freedom of speech and expression in other countries when it relates to Tibet.

Foreign journalists are constantly prevented from adequately gaining access to information inside Tibet. According to Reporters Without Borders, China refuses to give visa to foreign journalists and, especially those interested in and supportive of Tibet were not made welcome in China. They are gravely concerned of the real situation of Tibet being highlighted to the outside world.

Highlighting a typical situation, in October 2005, Chinese Government refused to issue tourist visas to two French journalists Jean-Claude Buhner, *Le Monde's* former correspondent at the UN in Geneva, and Claude B. Levenson, a specialist on Tibet due to their previous investigations regarding human rights in Tibet. They applied for their visas at the Chinese embassy in Bangkok for a trip to Chengdu, the capital city of Sichuan Province. The reason for the denial of visa was stated as their "activities" as journalists.⁹³ In 2003, Buhner wrote a survey for Reporters Without Borders on the malfunctioning of the UN Human Rights Commission, which Chinese diplomats often manage to manipulate in order to cover up human rights violations in China.

As Buhner later stated;

*The mere fact of being a journalist and having written about human rights in Tibet is clearly a sufficient reason to be refused a visa.*⁹⁴

In rare cases, where foreign journalists are permitted inside China, they face extreme difficulty not only in Tibet but in the PRC as well. Those foreign journalists, who were able to secure visas to visit, were either forced to follow a strict set of rules directed by local authorities or had to face the hostility of the local authorities.

The case of the recent situation in Taishi village, Guangdong Province, illustrates this difficulty: when a Malaysian and a French journalist went to investigate reports of uprisings in the village calling for the resignation of corrupt village leaders, they were attacked by local thugs reportedly hired by local authorities. They also found that locals were banned from speaking with journalists, and local journalists were not allowed to report on the situation either.⁹⁵ Soon after, a reporter from the Guardian also attempted to enter Taishi but was stopped outside of the town and to his dismay watched his Chinese companion being beaten to a pulp by local thugs before he himself was detained, questioned, and subsequently removed from the area.⁹⁶ Clearly, China does not want foreign journalists witnessing what it tries so hard to deny to the rest of the world.

China especially does not want foreigners witnessing evidence of human rights abuses in the country. So, it restricts international human rights monitors from accessing information to avoid allegations of such abuses. This is especially evident in the case of the Panchen Lama, whom the international community has been pressing China for information about since his detention in 1995. Groups, such as the UN, Amnesty International and the International Campaign for Tibet, and even governmental bodies

have repeatedly called for China to grant access to the boy and his family, or at the very least provide information about his whereabouts and well being. In response, the Chinese authorities deny that he is in fact missing, while at the same time arguing that access to him is prevented for his own safety, and that “too much interference creates too many problems.”⁹⁷ After his request for access to the Panchen Lama was once again denied in September 2005, the Chair of the UN Committee for the Rights of the Child responded, “In view of the refusal of the authorities to allow such an independent visit, it would seem that something is wrong.”⁹⁸ When China continues to deny access to information to foreign bodies, it sends a clear message to the rest of the world that the authorities have something to hide.

Tourists who travel to Tibet are also restricted from exchanging information with locals; for fear that they will obtain evidence of human rights abuses in the region. Tourists are a vital source of information on the situation in Tibet as they are able to provide first hand accounts of the situation inside Tibet, thus verifying the need to support the Tibetan cause and further heightening the pressure on China to rectify the situation. A Western student who studied in Lhasa in 2004, explains these restrictions:

*As soon as we arrived in the city, we met with university officials, who handed us each a list of rules, which we were told to follow for our own safety. These rules stated, among other restrictions, that we were to limit our interaction with locals, and that we were forbidden from visiting their homes or engaging in discussion on sensitive matters. We were later also told by staff to watch what we wrote in our emails and even what we said on the telephone, and to play it safe by assuming our interaction with Tibetans would always be watched.*⁹⁹

Further, Tsewang, a monk from Serthar Institute, explained what happened to him when he attempted to engage in a simple conversation with a foreigner in Tibet:

*In February 2005, when I was studying English at the Tibetan Academy of Social Sciences in Lhasa, I met a foreigner in the Barkhor and decided to practice my English. All I did was ask him, ‘May I speak with you?’ and was suddenly taken away to a secluded area by a police officer. I was questioned for a while and then fined 300 Yuan before he let me go.*¹⁰⁰

In addition, the Chinese Government goes as far as to restrict the right to information even in other countries when the information pertains to Tibet. In 2004, due to pressure from the Chinese embassy, several films about Tibet were excluded from the Third Eye Asian Film Festival in India.¹⁰¹ Again, in October 2005, during a football game between Germany and China in Hamburg, Tibetans and their supporters were barred from displaying Tibetan flags, due to pressure from Chinese authorities.¹⁰² As, Tenzin Tsundue, the General Secretary of Friends of Tibet based in India, explains, “If we in the outside world...succumb [to] the Chinese pressure, there is no hope for the millions in China and Tibet who are brutally oppressed.”¹⁰³

monitoring mobile phone text messages

Although very little information has been available regarding monitoring of mobile phone text messages in Tibet, TCHRD remains concerned about the recent developments in China.

Now, with 330 million people in China owning mobile phones, news of violence sometimes spread quickly across the country even if public officials make attempts to prevent it. So, it is clear that with

the old regulations focused more on news sites, people in China now prefer using SMS to organize themselves, to pass news around or to rally crowds of protesters.¹⁰⁴ Xiao Qiang, Director of the China Internet Project at University of California, Berkeley, said cell phones were successfully used to organize anti-Japanese protests in April 2005. Though protesters were supporting the government line, Xiao said, the use of the technology served as a wake-up call to its potential threat to government control.¹⁰⁵

In fact, the state-run China Daily even cites SMS text messages, a fast and efficient communications means available to anyone with a mobile phone, to fall within the ambit of the new Internet Regulations issued in September 2005.¹⁰⁶ Besides, the Ministry of Public Security has also announced plans to roll out a software program developed by Venus Information Technology, a local company, that will monitor cell phone text messages in China.¹⁰⁷

TCHRD is seriously concerned that, in a place like Tibet, where in many areas, fax machines and e-mails remain uncommon or unavailable and, telephones, TVs and newspaper are yet to become part of everyday life, monitoring electronic communication poses few challenges for Chinese public security agencies.

right to information versus national security

The rights contained in the Universal Declaration of Human Rights (UDHR) including right to information, are subject only to reasonable and minimum limitations and such limitations are to be prescribed by law.¹⁰⁸ Similar limitation on the ground of national security, but to be specifically prescribed by law is also laid down in the ICCPR.¹⁰⁹

Under the Johannesburg Principles guaranteeing freedom of information including the right to obtain information from public authorities, “no restrictions on the grounds of national security are to be placed unless the government can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect a legitimate national security interest. The burden of demonstrating the validity of the restriction rests with the government.”¹¹⁰ As such, the limitations on the ground of national security are to be drawn narrowly and with precision and are to be specifically prescribed by law so as to place minimal limitation on the exercise of right to information.

However, in China and more so in politically sensitive regions like Tibet and Xinjiang, the government uses national security laws having the widest possible implications, wherever necessary, to restrict access to and dissemination of news and information. Besides, the Chinese Government, through Information Office of the State Council and Ministry of Information Industry, releases strict, but vague regulations from time to time, to have effective control over the right to acquire and disseminate information in the name of national security.

The 1997 amendments to China’s Criminal Code transforming counterrevolutionary crimes into crimes against national security have prompted new trends in political prosecutions.¹¹¹ Articles 103 and 105 of the China’s Criminal Code impose harsh penalties on those who incite “the breakdown of national unity” and the “subversion of state authority” or “stealing state secrets.” China’s current National Security Law has divided the former counter revolutionary crimes into three main categories:

- damaging state power (separatism, subversion, theft of state secrets);
- defection, turning traitor;
- espionage, assisting the enemy.¹¹²

At the end of 2001, Sonam Ngodup, 29 year-old, from Sichuan Province, was sentenced to seven years' imprisonment term by Kardze People's Intermediate Court for merely engaging in political activities and putting up pro-independence posters in Kardze County and other prominent places. The charges framed against him were of "inciting masses through anti-government propaganda" and "endangering State security." If his prison term is not extended, Sonam will be released in 2007.¹¹³

Nyima Tsering, for example, a former monk who taught Tibetan language and Buddhist philosophy at Gyantse in "TAR" region, was arrested in 2002 for distributing pro-independence documents. He was sentenced in June 2003 to five years in prison for threatening state security. Nyima is currently serving his sentence in Drapchi Prison in Lhasa.¹¹⁴

Furthermore, Reporters Without Borders states that, in Tibet, where all the news medias are controlled by the Chinese Communist Party or state bodies, it is an uphill struggle for Tibetans to get access to non-governmental information. There are only a few underground publications produced by Tibetans, above all monks.¹¹⁵

In recent times, list of Tibetans detained for State Security crimes are not many, this is not because of a lack of arrests of Tibetans for political reasons, but because details of arrests and trials are not made available.¹¹⁶ However, from the limited information emanating out of Tibet, TCHRD continues to receive number of new cases of detainees inside Tibet every year, but because of the closed and secret trial nature of the Chinese Court proceedings, the grounds for their convictions and charges framed against them could not be ascertained. It can be safely assumed that a significant number of these arrests were on allegations of state security crimes such as separatists.¹¹⁷

Although freedom of information has been guaranteed under the Chinese Constitution and law of the PRC on Regional Autonomy yet, Chinese citizens in general and Tibetans in particular are little aware of these rights. Besides, the Chinese Government makes little effort to create awareness of these rights to the general people. The government is fearful that disseminating information on these rights will lead to civil and political unrest in the country.

In his report, the UN Special Rapporteur on the Right to Freedom of Opinion and Expression stated, "All information held by public bodies shall be publicly available unless it is subject to a legitimate exemption, and all bodies performing public functions, including governmental, legislative and judicial bodies, should be obliged to respond to requests for information."¹¹⁸

The Chinese authorities, however, constantly explain away the denial of any information disclosure by invoking "national security," the "public interest," "State Secrets," "social order" ever-shifting terms left purposefully undefined.¹¹⁹ "China's leaders claim to be modernisers and that they are leading the country towards greater freedom and democracy," said Brad Adams, Asia Director of Human Rights Watch. "Yet, they still remain afraid of their own citizens and the healthy diversity of news and views, which defines a modern society,"¹²⁰ In China, even "online dissidents who post items critical of the government, or those expressing opinions in chat rooms, are regularly arrested and charged under vaguely worded state security laws."¹²¹

conclusion

Today, more and more countries are making firm and lasting commitment towards the policy of openness and transparency by adopting consolidated national statutory laws on the Right to Freedom of

Information. Approximately 60 countries around the world now have laws establishing mechanisms for the public to request and receive Government held information.¹²²

“The Freedom of Information Act”¹²³ and the “Right to Information Act, 2005”, which respectively came into force as on 1 January, 2005 in UK and on 12 October, 2005 in India¹²⁴ are the most recent examples guaranteeing its citizens right of access to information and dissemination of information, especially the information held by government and public authorities, to make them freely and widely available for public knowledge.

The “Need-To-Know” culture of the olden days is thus left far behind and the “Right To Know” in law is now increasingly put into practice and protected, which confirms that this right is here to stay and urges the need to be further promoted and implemented by other remaining countries. Although China declares that law protects its citizens’ right to information and asserts that “there is no news censorship in China”¹²⁵ but, in reality, the individuals, especially the journalists, are systematically controlled from exercising this right.

If a law can be drafted by PRC to protect its “National security,” then, why can it not also be drafted to protect “public interest” and/ or “public safety” by guaranteeing citizens right of free access to information, which is in the best interest of its citizens?

China is rapidly pursuing a more open economic approach to the outside world and openly propagates that it has set up and improved “an open information system and other related systems to ensure that the citizens enjoy full democratic rights to information, supervision and participation in public affairs.”¹²⁶ On practical grounds, China still retains and practices the very old and repressive culture of closed-door secrecy by controlling both the

free flow of information reaching Tibet from the outside as well as the information flowing out of Tibet. It is here that TCHRD finds direct access to reliable information on human rights situation inside Tibet has never become easier if not worse. It is at this time, when the world is becoming more committed to move towards a shared vision of building a truly inclusive people-centred, development-oriented global information society,¹²⁷ the Chinese government should learn that only free exchange of information can act as the route to a stronger, more transparent and open connection between citizens and the state.

Since 1991, the Chinese Government has often released White Paper documents to announce its stated position on and progress made in human rights including the freedom of information. However, the timing and the release of white paper, without independent means to check its accuracy and credibility, is seen by TCHRD as a deliberately manipulated official propaganda of the PRC designed to ward off international criticism against its human rights violations and abuses. It’s an empty report without accountability. In releasing white paper, the Chinese Government doesn’t provide enough space and scope for strict scrutiny or a procedure for verifying the accuracy of its claims by International Agencies, governmental bodies, independent NGOs or human rights watch bodies to closely monitor the reports as per the international standards.

In his report, the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Ambeyi Ligabo, is of the view that:

*Any declaration on the right to information excluding exhaustive references to that right...is an empty exercise of international relations.*¹²⁸

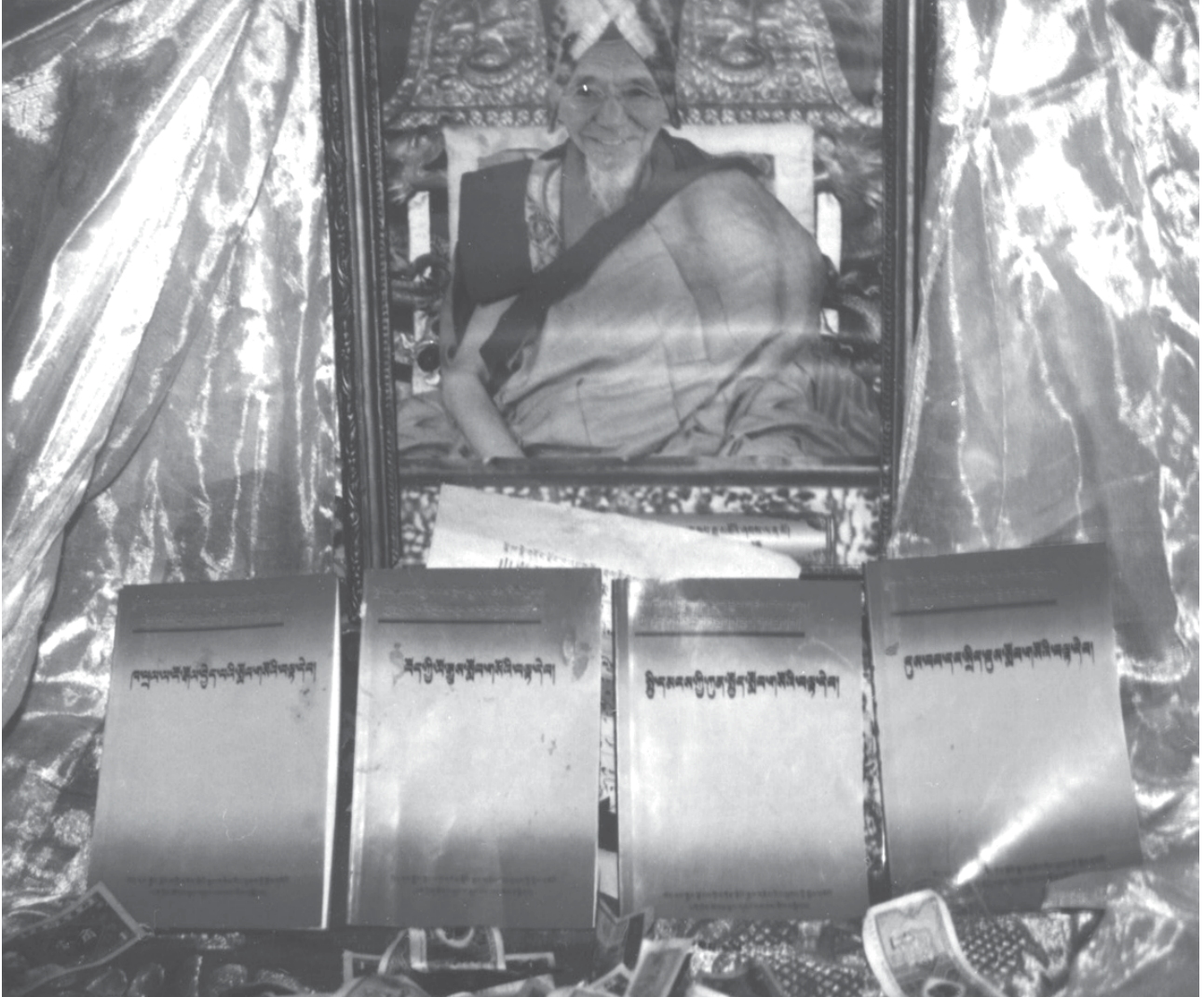
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- 3 United Nations General Assembly, Resolution 59(1), 1946; <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/033/10/IMG/NR003310.pdf?OpenELEMENT>
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- 5 See Article 19 of both the instruments.
- 6 Draft Resolution-2005 on Freedom of Opinion and Expression, 15 April 2005 at the 61st Session of the UNCHR, para 1, available at E/CN.4/2005/L.52, which states that, “The rights regarding the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the 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 their choice, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs.”
- 7 Article 13, CRC, which contains the right “to seek, receive and impart information and ideas of all kinds, regardless of frontiers.”
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Handbooks issued during the “patriotic education” campaign in the monastic institutions

RELIGION

*“Those who have religious knowledge will slowly die out, religious affairs are stagnating, knowledge is not being passed on, there is worry about there being no training for new people, and so we see the elimination of Buddhism, which was flourishing in Tibet and which transmitted teachings and enlightenment. This is something which I and more the 90% of Tibetans cannot endure.”*⁸

— The Tenth Panchen Lama in his 70,000 Character Petition

introduction

The year 2005 has been characterized by a dramatic rise of religious repression in Tibet. Increased Party scrutiny and control on religious practices and belief have been carried out on Tibetans although religious freedom continued to be formally guaranteed under China’s national laws as well as international laws. The Tibetan people’s freedom of religion has been trampled upon by means of a thoroughly targeted and intensified “patriotic re-education” campaign², which is but a campaign against separatism and the Dalai Lama, Tibet’s leader in exile. The terminology “patriotic re-education” is just an embellishing description of “forceful political brainwashing in religious institutions”, as closer examination reveals.³

The status of religion in Tibet, formerly known as the spiritual golden roof of the world, is highly alerting. “The level of religious repression is high” deduces the US State Department’s 2005 Annual International Report on Religious Freedom from observations made during its investigative mission to Tibet.⁴ It is, of course, well-known that ever since the 1959 occupation of Tibet and the Cultural Revolution⁵, thereafter freedom of religion has never again returned to the region to its full extent except for a brief period of cultural revival in the mid eighties.⁶ Apart from the cultural genocide⁷, the Tibetan people had to endure in the past, the practice of

their main⁸ religion, Tibetan Buddhism, seems to be an itching thorn in the ruling Party’s eye.⁹

As a matter of fact, Tibetan Buddhism itself has long been interpreted by Beijing’s government as a threat to “split the Chinese motherland”.¹⁰ Tibetan Buddhism with its overwhelming population of loyal practitioners in Tibet, with its influential religious leaders, monasteries and nunneries, being, thus, the organizing principle of Tibetan society, is labelled by the party as a contradiction to the atheist communist ideology.¹¹ Genuine religious practice of Tibetan Buddhism and its religious head the Dalai Lama¹² fall therefore easy prey to being perceived as expression of Tibetan nationalism and a vehicle for political dissent by the Chinese authorities.

The Dalai Lama has been for years the prominent target of a diligently conducted “anti-Dalai Lama” campaign¹³ in which Chinese officials systematically pressure Tibetans to denounce their spiritual leader as head of “splittism”. The campaign is psychologically thoroughly planned as every expression of religious loyalty toward the Dalai Lama is being forbidden or harshly suppressed, apparently in the hope to eradicate within Tibetans their genuine religious worship towards the Dalai Lama. Measures imposed under the “anti-Dalai Lama” campaign include a ban on celebrating the Dalai Lama’s birthday as well as the possession of pictures of or books written by the Dalai Lama.

Another highly concerning issue of religious suppression is the violent intrusion of Chinese authorities in the issue of choosing reincarnations within the Tibetan Buddhist tradition. The attempts of the Chinese Government to exert control over issues that are of sole religious relevance have been successful to the point that the whereabouts of the Panchen Lama, who had been chosen following religious rites, remains unknown, while the Beijing-sanctioned 11th Panchen Lama is being promoted as the real Panchen.

Because of tight Party bans on outgoing information, only few reports on religious repression find their way into the international media. Often, the lack of background information available about the deeper motives of Chinese measures leaves the world community ignorant about the dimensions and the depth of religious suppression taking place in Tibet. Still, the limited information that emanates out of Tibet speaks volume about demand and suppression of religious freedom in Tibet as noted with concern by governments and human rights monitoring agencies around the globe.¹⁴ It is usually overseen that the Chinese Party's goal is to overcome the historic phenomena of religion as such.¹⁵

The Congressional-Executive Commission on China (CECC) points out that

*The Party demands that Tibetan Buddhists promote patriotism toward China and repudiate the Dalai Lama, the religion's spiritual leader. The intensity of religious repression against Tibetans varies across regions ... Sichuan authorities sometimes impute terrorist motives to Tibetan monks who travel to India without permission.*¹⁶

In its 2005 Annual Report, the U.S. Commission on International Religious Freedom (USCIRF)¹⁷ lists China again among its so-called "CPCs" or "Countries of Particular Concern" due to their en-

gaging in or tolerating "systematic and egregious violations of religious freedom" and judges China's attitude towards religion as follows:

*In China, the government continues to be responsible for pervasive and severe violations of religious freedom and related human rights. Every religious community in China is subject to restrictions, discriminations, and state control. The most serious religious freedom violations are experienced by Tibetan Buddhists, Uighur Muslims, Roman Catholics, house church and unregistered Protestants, and spiritual groups such as the Falun Gong.*¹⁸

Due to the complex measures exerted in many ways¹⁹ by Party officials through the arbitrary interpretation²⁰ of their legislation, certain traditions of Tibetan Buddhist religion are in danger of complete degeneration. To give an example, in the light of the spiritual significance that the Dalai Lama holds in Tibetan Buddhist religious practices, the prohibition of his photos and publications are a grave violation of religious freedom. Monks and nuns, who during "patriotic re-education" campaigns are forced to spit on their spiritual leaders' picture, often undergo a subsequent massive mental trauma with severe consequences on their general health state. The intrinsic violence that is part of some measures of religious repression becomes evident only after understanding the degree of high value attached to certain beliefs within their cultural and religious context.

At the October 2004 Workshop meeting held in Lhasa, Tibet's capital, Chinese authorities laid down principles that have resulted in a wave of increased control, to curtail Tibetan nationalism²¹ which, according to official sources, is apparently misunderstood to "infiltrating" genuine Tibetan Buddhist traditions and institutions, which therefore become a target of political persecution themselves.

During the October 2004 Meeting, the head of the Committee for Patriotic Education in Lhasa, Lobsang Gyurmey, emphasized:

*Patriotic Education should be implemented to the fullest in the monasteries and nunneries and to prevent separatist activities. Precautionary measures should also be taken to stop the infiltration of literatures from the splittist group based in exile.*²²

According to Lobsang Gyurmey, the committee's main objective was to promote a new fervour of patriotism. The participating officials work at the monasteries for a period of one or two years to promote and carry out an intensified "patriotic re-education" campaign against separatism. The past practice of "patriotic re-education" has clearly shown that the argument of "patriotism" is being used to justify repressive measures taken against Tibetan Buddhist practices that are viewed by Chinese Communist Party officials to endanger a stronger influence of Party ideology over religious beliefs.

The continued misinterpretation or politically motivated underestimation of international human rights' law²³ by Chinese Party officials and the resulting cases of mysterious death, torture, imprisonment or expulsion among Tibetan Buddhist monks and nuns as well as of important religious figures²⁴ are of particular concern.²⁵ Systematic religious repression by Chinese adopted measures,²⁶ in particular political indoctrination in monasteries, continues to manipulate and eventually eradicate the very grounds of Tibetan Buddhist beliefs.

TCHRD considers the politically motivated and the intensification²⁷ of "patriotic re-education" campaigns²⁸ in Tibet's remaining²⁹ monasteries and nunneries as the most concerning Chinese infraction of Tibetan people's human rights in 2005. This well-organized enforcement of indoctrination campaign

has culminated in one reported mysterious death³⁰ and the unlawful detention of five monks³¹ who resisted denouncing the Dalai Lama as required by the campaign. The violent crackdown³² on a silent, non-violent mass protest of the monks in Drepung Monastery happened to coincide with a rare visit to China, Tibet and Xinjiang by Manfred Nowak, the U.N. envoy on torture.³³

Amnesty International (AI) who over recent years has been extremely active in order to save Tibetan prisoners of conscience from ill-treatment, states in 2005 about "TAR" and other ethnic Tibetan areas that not only "freedom of religion, expression and association continued to be severely restricted" but also "arbitrary arrests and unfair trials continued." As of December 2005, TCHRD holds record that 132 Tibetan prisoners of conscience, 91 of them Tibetan Buddhist monks and nuns, remain in prison."³⁴

AI says contacts between the Chinese authorities and representatives of the Tibetan government in exile did exist, showing even some signs of progress which "however failed to result in any significant policy changes leading to improved protection for the basic human rights of Tibetans."³⁵

The persecution, intimidation and long-term detention of Tibetan Buddhist leaders and scholars whose whereabouts and state of health sometimes remain unknown after their official release, tend to come as a cruel side-effect of official concern over the potential of important religious leaders in influencing the masses into political activism. The continued incorporation of political contents to the *Geshe Lharampa*³⁶ degree examination can be seen as a consequence of a political attitude that aims at tightly controlling and arbitrarily reshaping religious traditions, challenge authority along the socialist line and to uphold national stability:

*We must enhance the knowledge of the monks and nuns about patriotism and law. Tibetan Buddhism must self-reform ... they must adapt themselves to suit the development and stabilization of Tibet ... Religious tenets and practices which do not comply with a socialist society should be changed.*³⁷

A real danger that appears to threaten the cultural patrimony of humanity, is the possible long-term effect of Chinese policies to literally empty Tibetan Buddhist monastic institutions of the essence of their religious teachings, practices and traditions.³⁸ The danger is that Tibetan monasteries in Tibet, deprived of the necessary number of qualified teaching scholars, might end up being repurposed to serve Chinese economy as lucrative tourist attractions, as museums filled with religious objects whose inner purpose has been eradicated. Meanwhile, monks and nuns are forcefully instructed by Chinese officials to pretend happiness towards visiting foreigners³⁹ as if freedom of thought, conscience, religion and belief were not a dream yet to come true in Tibet.

The continued and now intensified labelling of some Tibetan Buddhist religious practices and beliefs as “splittist” and “anti-patriotic” is a very common and practical argument for the People’s Republic of China (PRC) to justify methods of religious repression as “security measures” on behalf of the state.⁴⁰ Events in 2005⁴¹ are sad evidence that freedom of religion would be now, more than ever, a top priority to deal with in Tibetan-Chinese negotiations.⁴² International conventions on religious freedom are easily set aside because the Party’s current policy is pragmatic in nature and more than anything else designed to keep religious influence at bay. Only a dialogue could help the Government to overcome its outdated interpretation of religion and develop flexibility to deal with religious issues from the perspective of respect for human rights.

international commitments and domestic legislations

The People’s Republic of China (PRC) is bound by international commitments and domestic legislations to respect the freedom of thought, conscience, religion and belief. Freedom of Religion⁴³ is an internationally recognized human right that the PRC has officially agreed to respect as a basic right of its citizens.

Sometimes referred to as the “heart of human rights”, freedom of religion is incorporated into international law being the preservation of its values of concern to the entire world community. As enshrined in Articles 1, 2 and 18⁴⁴ of the United Nation’s Universal Declaration of Human Rights (UDHR) and the Article 1 of the Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief,⁴⁵ the right to freedom of thought, conscience and religion, the freedom of choice of one’s religion and the right to exercise one’s religion freely and publicly, are firmly established as everyone’s right.

Given that Tibetan society is characterized by the inseparability of religion and culture, the Tibetan people’s freedom of religion is also protected under Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which recognizes the right of everyone “to take part in cultural life”.⁴⁶ ICESCR has been signed and ratified by the PRC in October 1997 and in March 2001⁴⁷ respectively.

The fact that religious freedom is guaranteed in the Chinese Constitution is evidenced by Article 36 of its 1982 Constitution which states

Citizens of the People’s Republic of China enjoy freedom of belief. No state organ, public organization or individual may compel citizens

to believe in, or not to believe in, any religion; nor may they 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 ...

This guarantee is, however, easily put in question every time when it becomes subject to the State's interpretation: the phrasing adds vaguely that only so-called "normal religious activities" are permissible.⁴⁸ To this date international reports observe "increased government restrictions on Chinese citizens who worship in state-controlled venues or write for state-controlled publications. Citizens who challenge state controls on religion, speech, or assembly continue to face severe government repression."⁴⁹

In addition, there are several articles in PRC's legal codes⁵⁰ that formally protect religious freedom in PRC by explicitly prohibiting religious discrimination against believers or non-believers. As a matter of fact, 95% of Tibetans are Tibetan Buddhist practitioners or see themselves as adhering to Tibetan Buddhism:

Tibetan Buddhism is not simply the "religion" of the Tibetan people. Over the centuries, Tibetan national and cultural identity became indistinguishable from religious identity to the extent that Buddhism regulated the life of all Tibetans. Monasteries and nunneries were places of learning where students studied not only for their own practice but also to impart knowledge to the community.⁵¹

Yet, on 1 March 2005, the PRC's State Council implemented new religious affairs regulations that supersede the Government's 1994 regulations to manage religious sites and to consolidate controls

on freedom of religious belief and expression. The provisions' aim is, according to the regulations' preamble, "to protect freedom of religious belief, maintain harmony between different religions and society, and regulate religious affairs throughout the country."⁵² The Commission of International Religious Freedom (USCIRF)⁵³ concluded:

... Though the Chinese Government issued a new Ordinance on Religion in March 2005, its provisions in fact restrict rather than protect religious freedom, offering Party leaders more extensive control over all religious groups and their activities.⁵⁴

Previously, on 17 January 2005, "TAR" Vice Chairman Jagra Lobsang Tenzin told a meeting of "TAR" officials that the regulations⁵⁵ provided "a legal weapon to resist foreign forces' taking advantage of religion to infiltrate our country."⁵⁶ This remark is symptomatic of a situation⁵⁷ where official suspicion over alleged interlinks between Tibetan Buddhism and Tibetan nationalism become all too apparent and the regulation only helps to limit and control religion.

international reactions

On the one hand the year 2005 stands out for heightened restriction on religion when in early July 2005, reports of intensification of surveillance on former Tibetan political prisoners reached the Tibetan Centre for Human Rights and Democracy (TCHRD):

... Tibetans who fall under suspicion of engaging in political activism, in addition former political prisoners, are rounded up either for detention or interrogation. In some cases, they are ordered to leave Lhasa for the duration of the month, whilst in other cases, their families were ordered

*to take responsibility for preventing them from engaging in any political activities. The already difficult life of the former political prisoners has become even more miserable with round-the-clock surveillance and restrictions on their movement.*⁵⁸

On the other hand the year 2005 has also been marked by global appeals to Chinese authorities to put an end to religious repression of Tibetan Buddhism. On 8 September 2005, the European Parliament adopted a resolution with 78 votes in favour to 5 against with 1 abstention on breaches of human rights in China, in particular in regards with freedom of religion. A press statement from the European Parliament urged Chinese authorities “to allow access for the U.N. Special Rapporteur on Freedom of Religion or Belief to the Panchen Lama designated by the Dalai Lama.” The Parliament called on the Commission and the Council to remind the Chinese authorities that a genuine partnership could only develop when shared human rights values were fully respected and put into practice.

Later, in September 2005, on the occasion of the Joint Statement of the Eighth EU-China Summit held in Beijing, the EU put again efforts to make some progress in the Human Rights Dialogue with China.

On 9 November 2005, USCIRF (U.S. Commission on International Religious Freedom) Chair Michael Cromartie, in his presentation on the occasion of USCIRF’s release of recommendations⁵⁹ to the U.S. government for “Policy Focus on China,” singled out the danger of the Chinese Party’s practice of putting religion under State control and requiring politics in a religious environment when exactly these measures were the most likely to betray the right to religious freedom:

*The Commission continues to find that the Chinese Government systematically violates the right to freedom of thought, conscience, and religion or belief, contravening both the Chinese Constitution and international human rights norms ... Moreover, there is a fundamental misapprehension on the part of Chinese officials about what freedom of religion or belief means under international instruments. They have mistaken—cynically or inadvertently—the proliferation of state-sanctioned and state-controlled religious expression with the guarantee of the individual right of freedom of religion or belief. The growth of religious sentiment within the spaces sanctioned by government does not constitute freedom of thought, conscience, and religion or belief.*⁶⁰

The official reactions from Beijing, however, came, not surprisingly, and in the usual manner of propaganda, in a praising tone about the improved human rights situation in China.⁶¹ But meanwhile the most recent human rights abuses in Tibet, the violent curfew placed on Lhasa’s Drepung Monastery, had at last become a news known to the world: the monastery with an approximate of thousand inhabitants⁶² had been hermetically sealed by Special Forces and no one has been allowed to enter or leave its buildings between end of November and December.⁶³ On 15 December 2005, the EU Parliament had grown already so concerned about China’s continued disregard of international law that it had adopted a resolution only in regards with the human rights situation in Tibet and Hongkong. The next day, the EU-Commissioner for External Relations Benita Ferrero-Waldner released a statement on behalf of the EU-Commission that points out primarily a deep concern about China’s relations with Tibet:

...As regards the situation in Tibet, the EU has put Tibet very high on its agenda with China. It has, in particular, mainly focused its attention

*on the preservation of the cultural, religious and linguistic identity of the Tibetan people. The present situation in the region, which we follow very closely, raises indeed grave concern, especially with respect to the exercise of religious freedom. We are worried to see that the local authorities have imposed a strict framework setting the limits of this exercise and we deplore the recent cases of detention of monks and in particular the blockade of the monastery of Drepung in Lhasa...*⁶⁴

a brief historic overview

The institutionalization of religious control in Tibet has been systematically undertaken since 1994⁶⁵ when a range of Communist Party and government structures were harshly but effectively introduced to make religious practices more acceptable to Chinese leadership. Looking back over the last decades, different phases of intensity⁶⁶ in Chinese policy on religion in the “TAR” can be distinguished. These phases range from a relatively liberal dealing with religious affairs, including even a period of cultural revival and religious liberalization, over an utmost tight interpretation of Party policies on religious control to a total crackdown on religion by prohibiting religious practices of certain faiths.

After the systematic material destruction carried out on monastic institutions, after the killing of thousands of Tibetan Buddhist monks and nuns as well as lay people in the previous decades, the Chinese Party has moved its focus towards an unbloody but yet more dangerous measure of religious repression: the sophisticated manipulation and forceful indoctrination of the Tibetans’ new generation. To understand why the Chinese authorities have come to take this latest, dramatic step, it is indispensable to pass review on their past policies and the effects they had on the practice of Tibetan Buddhism.

From 1950 onwards religion underwent strict controls conducted by state-run associations.⁶⁷ Upon China’s consolidation in Tibet, monasteries, which were recognized as the resident society’s threshold of knowledge and order, became a main target of political crackdown. Already before the start of the Cultural Revolution in 1966 more than 2,000 monasteries⁶⁸ of Tibet’s monasteries had been destroyed. According to official sources⁶⁹, from 115,600 monks and nuns only some 16,900 remained in the areas affected by religious repression.

During the Cultural Revolution itself (1966-76) religious activity was no more controlled but categorically banned. As one informant stated, “During the Cultural Revolution there did not exist any teachings of Buddha”.⁷⁰ Entire libraries with religious scriptures, some of them unique, were systematically burned, sacred objects destroyed. Monks, nuns and lay Tibetan Buddhist practitioners had to endure nameless hardships, many of them were imprisoned, tortured and killed.⁷¹

After 1977, a phase of leniency re-admitted religious activities to some limited extent, particularly in 1979 with the opening up policy of Deng Xiaoping. Even the Panchen Lama, jailed in summer of 1967 for presenting a criticism of Party policies in Tibet to Mao Zedong, was released from detention in 1977. The highly revered Jokhang Temple in Lhasa was re-opened to the public in 1979. In the following year, Hu Yaobang initiated with new policies of liberalisation era and allocated money for the reconstruction of some monasteries.⁷² The year 1986 meant to many Tibetans a new mile stone in their hopes for a re-establishment of their religious freedom because for the first time in 20 years they were again allowed to celebrate *Monlam Chenmo*, the “Great Prayer” festival. What they soon would find out, however, was that the Party officials would be omnipresent with their surveillance cameras and observers in festivals and high religious feasts in or-

der to supervise who attended them and therefore, following the Party logics, was bound to be a person with a potential “separatist” attitude towards the Chinese motherland.

Thus, despite this period of moderate tolerance (1977-86), the conditions for religious practice were not those of religious freedom.⁷³ Peaceful demonstrations by monks from several major monasteries resulted in the major 1987 security crackdown. Subsequently, Tibetan Buddhist practices became a target of the governments’ intensified observation, control and curtail. Between December 1989 and April 1990, more than 200 monks and nuns were expelled from their monasteries.⁷⁴

The Chinese Government sought to undertake strict measures targeted at breaking what they interpreted as joint Tibetan resistance under the cover of religion. But China’s outspoken move to actively suppressing and restricting further religious growth rather than to suppress it, came on the Third Work Forum in Tibet held in 1994.⁷⁵ The four steps that the Third Forum called to be taken in religious institutions reveal that there really was never an intention to let Tibetan Buddhist institutions enjoy religious freedom:⁷⁶

1. *vetting the political position of each member of every Democratic Management Committee and appointing only pro-Chinese monks to those committees*
2. *enforcing a ban on the construction of any religious buildings except with official permission*
3. *enforcing limits set some years earlier on the numbers of monks or nuns allowed in each institution*
4. *obliging each monk and nun to give declarations of their absolute support for the leadership of the Communist Party and the integrity of the “Motherland”.*

On the basis of the Work Forum’s decisions⁷⁷, restrictions on the size of monastic institutes were immediately put into practice. One example is the destruction at Yachen Gar in 2001 where every fall monks and nuns used to enter a strict three-month retreat of contemplation. The destruction of their homes by intruding “work teams” disrupted the scholars’ practice and left them without place to go. Another drastic example is the partial destruction of the Serthar Institute in 2001 where the impact of the regional authorities’ forceful demolition of residential quarters and expulsion of religious practitioners was very similar to the destruction caused elsewhere during the Cultural Revolution. High-level officials from Beijing, including some from the United Front Work Unit oversaw furthermore the reduction of the monastery’s population. From the approximate total of 3,000 nuns at Serthar Institute the majority was expelled. Likewise, from the prior approximately 8,000 resident monks, a ceiling of 1,400 was imposed.⁷⁸

Beijing, on the basis of its professed Party principles on social materialism, had just no tool at hand to explain itself the phenomena of Tibetan Buddhism continuing to flourish on the basis of religion and a few religious leaders who had become an example of virtuous conduct to their students:⁷⁹ What was it about Tibetan Buddhism that could possibly make it so popular even after years of severe controls? Why was it that despite the new framework for management of monasteries and other regulations, the loyalty to the Dalai Lama was not yet extinguished nor had the integral role of Tibetan Buddhism in Tibetan society been tempered sufficiently? Why had the Chinese Party’s attempts to discredit the Dalai Lama, the Tibetan Buddhists’ religious head, as “splittist” not yet resulted in any visible success? Most apparently authorities feared then and continue to fear that the political influence of the Party might be in danger if religion has this unexplainable potential to attract so many followers.⁸⁰ For this sole

reason, as the fear of religion seemed more important in people's lives than politics, the severe crackdown on the most populated and active monasteries in Tibet seemed inevitable... and was swiftly carried out, leaving behind material destruction and deep human despair.⁸¹

The personal agony caused by the destruction of their living space and realm of religious practice resulted in the suicide of many monks and nuns, as eye-witnesses report.⁸² In an interview conducted by TIN (Tibetan Information Network), a nun remembers the worst day of her life:

They told me I must go back to my home and not to another nunnery. I told them I didn't want to leave. Then two armed policemen entered my wood hut and threw my Buddha statue on the floor. They dragged me out of the hut and one of the policemen tossed my daily recitation book into the wood stove.⁸³

The levels of religious repression have taken on new aspects which are difficult to distinguish from the outside. The main methods that the Chinese Government has employed to control religion successfully are, thus, "patriotic re-education" and a thorough legal management of religious affairs. In fact, for the past years the so-called "legal" management of religious affairs tends to be composed by a combination of propaganda, re-education, administrative regulation, punishment and implementation of increasingly sophisticated security measures.⁸⁴ Without an in-depth understanding of their functioning that is skilfully targeted at indoctrinating and changing the mind and beliefs of people, the gravity of religious repression in China is likely to be underestimated in its gravity.

new aspects of crackdown on religion

It is of utmost relevance to note that ever since the early nineties and in particular since the 1994 Third Work Forum and the 2001 Fourth Tibet Work Forum, the Chinese Government has *purposely* enforced⁸⁵ and in 2005 has intensified⁸⁶ a legal management of religious affairs⁸⁷ that in its practice intervenes in the free unfolding of Tibetan Buddhist religious traditions:

... in Tibet ... official control of religion is tighter than in predominantly ethnic Chinese areas. In the "TAR" and in areas in provinces with concentrated Tibetan populations, the government limits the number of monasteries, the total number of monks, and the number at any given monastery; vets all applicants wishing to join a monastery or nunnery; interferes with the independent selection of the monastic leadership at all monasteries; prohibits the performance of traditional rites; conducts ongoing re-education campaigns; limits large religious assemblies; periodically sends work teams to monasteries to check on adherence to all rules; and as Human Rights Watch has been told, "appoints paid informants in the monastery as well as villages near to the monastery to keep an eye on monks." There is a permanent police presence in the larger monasteries. As is well known, the police will search for contraband, such as photos of the Dalai Lama or tapes of his speeches...⁸⁸

There is only a subtle line of perceivable distinction between the outer manifestations of religious activities which are mostly allowed and the Party's increased suppression of traditional religious practices. The Chinese Government has given proof of resourcefulness and inventiveness in pretending to the outside an apparent reality of religious freedom that, on the inside, is meanwhile skilfully curtailed in its essence.

Pictures of Tibetans celebrating religious feasts in Tibet or twirling their prayer wheels should not blind the public awareness of the very systematic and well-thought out impediments that are being institutionalized thereby denying the Tibetan monks and nuns to continue their religious practices as prescribed by tradition, e.g. the Communist Party's emphasis on economic welfare of the monastery and the addition of political beliefs to religious vows in place of rigorous study and practice. Therefore, from the outside it might seem to an observer that Tibetans in Tibet continue, as they have always done, to pray, prostrate, participate in festivals, twirl their prayer wheels and undertake pilgrimages or circumambulations around sacred sites.⁸⁹

But the main issue of concern is the irreconcilable contradiction between the official assertions and Tibetan Buddhist traditional religious practices such as the observance of religious traditions and the transmission of religious teachings. These are less visible to the outside but constitute the essence of traditional religious values:

Monasteries must often receive official permission before certain types of teachings, initiation, or ceremonies are performed and the authorities are particularly wary of any religious event that is likely to attract a mass gathering. Monks and nuns are also restricted or forbidden from performing a variety of traditional rituals in people's home and in other places outside of the monastery. As with other aspects of religious policy, in some areas the restrictions are minimal and in others they are scrupulously enforced.⁹⁰

Beijing is aware that directly banning religion was not the solution. Instead, the government passed new laws that seem to give proof of a serious concern over religious affairs. Precisely these laws help the government put restrictions on Tibetan Buddhist core beliefs by facilitating the widespread es-

tablishment of administrative hindrances⁹¹ to the transmission of original teachings. Such hindrances are, for example, the immense difficulties monks and nuns have to go through before they can eventually obtain official admission to a monastery; for receiving the official "registration card" they are actually required to denounce their loyalty to the Dalai Lama which to genuine religious practitioners of Tibetan Buddhism would be equal to giving up the loyalty to their root-Guru.

De facto it is the Chinese Communist Party who determines what Buddhism is supposed to be to the Tibetans: "inappropriate beliefs" are forcefully replaced by "patriotic" and therefore "normal" ones. According to the Party's dichotomy "inappropriate beliefs" are all those that in some way or the other could be understood as "unpatriotic" or incongruent with what is propagated as truth by the Party, such as the official version about the historic reasons why Tibet has always been a legitimate territory of China. Similarly, "appropriate" Tibetan Buddhism excludes "worshipping the Dalai Lama" who, according to tradition, is the spiritual head of Tibetan Buddhists and occupies the role of being revered as the reincarnation of the Buddha of Compassion.

Nevertheless, in August 2002, in a frequent attempt to undermine the religious authority of the institution of the Dalai Lama, Guo Jinglong, "TAR" Party-Secretary told *Reuters*:

In China, there is no such thing as political differences due to religious beliefs. The population here believes in religion but that does not mean they must believe in the Dalai Lama.⁹²

In January 2005, the former Chinese Premier Zhu Rongji stressed the good management of religious affairs by saying that

*... it is in the interest of the country's reform and development that people enjoy the freedom of religious belief should be well implemented and religious affairs should be handled according to law. The Chinese religious circle's fine tradition of loving the country and serving society should be further encouraged to reinforce the unity of the nation.*⁹³

The Premier called on governments at all levels

*to support the work related to religious affairs and help all religious believers in overcoming difficulties in their daily life so that they can contribute to the development and prosperity of the country.*⁹⁴

This statement might seem inoffensive but exemplifies the implication that religious activities are expected to embrace political loyalty to the principles of a socialist society as well as *love for the motherland*.⁹⁵ The January 2005 article "Religions adapt to socialist society in China"⁹⁶ puts this aim of the Party in evidence. In it, China's Xinhua News Agency reports about the progress⁹⁷ with policies of religious freedom in Lhasa:

*The activities of both monks and nuns should be in line with the country's political system and the law, said Nyada, a member of political and consultative committee of Nagqu county.*⁹⁸

The bottom line that the religious communities' activities need to be congruent with the Communist principles is, however, a threatening indicator of the PRC's constant iron hand on the admission or suppression of certain religious practices. By irony, the PRC's crackdown on religion in "TAR" can most easily be managed by the liberal interpretation of laws⁹⁹ and always be justified by going back to China's dictate that "Buddhism must conform to socialism and not the other way round."

In contrast to the news proclaimed by Xinhua News Agency, official measures¹⁰⁰ on religion seem to be purposefully designed to limit the freedom of religion and, more than that, to actually wiping out the roots of genuine religious beliefs in Tibet. The crackdown on religion in Tibet occurs, thus, in two manners: Firstly, through the "Anti-Dalai Lama" campaign, involving bans and restrictions on anything related to the Dalai Lama, lashing out on religious practitioners,¹⁰¹ all of which has received some coverage by world media¹⁰² and enrages the international community's moral sentiment. Secondly, the Chinese officials have pursued, camouflaged as administrative support units and helpful educational teams, a politics of fitting the traditional schedule of life and teaching in Tibetan Buddhist monasteries to Party requirements.¹⁰³ This latter, "silent" manner of crackdown on religion runs the risk of remaining invisible to the broad public¹⁰⁴ and underestimated in its destructive long-term results.¹⁰⁵

At the October 2004 Workshop Meeting clearly stated, "patriotic re-education" versus traditional religious education has become a top priority in the Parties' programme.¹⁰⁶

Accounts about the forceful carrying out of "Love your Religion, Love your Country" re-education sessions in Sera Monastery, one of the three great monasteries in Lhasa, in summer 2005 speak their own language:

On 10 July 2005, officials from the Lhasa Religious Bureau began the campaign. Our monastic inhabitants have been hampered by the current campaign. Many monks returned to their native hometown when the notice for the conduct of the campaign reached the monastery. We were grouped into two and issued six different books to study. The officials conducted four sessions per week, putting questions to monks at random regarding the texts. The current campaign will last for three

months, at end of which an examination will be conducted to test the monks' allegiance to the state....

A few days prior to the birthday of the Dalai Lama on 6 July 2005, PSB officers were placed at the monastery main gate to maintain 24-hour surveillance to monitor us for any political activities. On 6 July, no one was allowed to go outside the monastery. Even the monks who had been previously registered to perform prayers in private homes were not allowed to leave the monastery grounds.¹⁰⁷

traditional religious education in Tibetan buddhism

His Holiness the Dalai Lama believes that the survival of the Tibetan culture is dependent on the continuity and the continued integrity of the Tibetan monastic tradition ... Tibet's highest cultural and spiritual attainments and the ones the Tibetans are most proud of were realised and nurtured in the lonely and desolate caves and hermitages of Tibet and in its bustling monastic universities. Traditional Tibet lived and continues to live in its monasteries....¹⁰⁸

As mentioned in the Chapter on Education¹⁰⁹, the instruction and education of youngsters¹¹⁰ has been a major focus in Tibetan society for centuries. According to tradition, it used to be the pride of each family to have at least one member from each generation receive high scholarly education in a monastic institution and eventually dedicate the rest of his or her life to the pursuit of religious practice. In Tibetan culture literacy in the Tibetan language, higher education and religious practice are, thus, interconnected. Even the knowledge of sciences, such as Tibetan medicine and astrology, used to be instructed and studied in monasteries and always within the context of religious scriptures.¹¹¹

Moreover, the monastic community, being the spiritual as well as the intellectual backbone of society, has had since its beginnings the eminent function of counselling lay people in all aspects of their life. It should, therefore, be acknowledged that any change in the rules of the monastic communities' functioning is necessarily destined to draw consequences in the life and functioning of the lay community. In this sense, though the official measures of religious repression seem to target chiefly the monasteries and nunneries, direct shortcomings of the imposed restrictions concern the Tibetan lay society as much as the monastic community.¹¹²

If Tibetan Buddhist religious belief and practices are to be kept alive according to tradition, it will be vital to maintain the integrity of the monastic community. The standard and authenticity of its education will be essential to pass on to the new generations the teachings of wisdom as they were taught and practiced for centuries. But the ability of the monasteries to produce the same quality of monkscholars as before clearly depends on first on the extent of religious freedom available and on being able to rely on fully qualified teachers of the traditional lineages¹¹³ of Tibetan Buddhism who would be able to instruct the new generation of monastic students from an early age onwards.

The question over whether monasteries can train young monks and nuns, as tradition requires (from ages as early as two years old in the case of recognized re-incarnate Lamas), has been much contested. Fact is that the kind of high-level skills that monastic education is able to produce in students, depends on an intensive training starting at an early age.¹¹⁴

The very problem that monks and nuns face in Tibet is precisely the difficulty of accessing religious education freely and fully in the monasteries. DMCs (Democratic Management Committees)¹¹⁵ continuously interfere in either the free in-depths study of

religious texts or the participation of the monastic community in the all important text transmissions or spiritual empowerments. DMC's, the committee of "loyal" monks, described as having usurped the traditional role of monastic abbot because they oversee the curriculum and activities in the monastery.

Yet, the worst impediment to the continuity of teachings is the forceful removal of renowned scholars from their monasteries. Such removal in the form of house arrest or formal detention leads to an interruption of the tutorship between these would-be scholars and their teachers (or "Lamas") at a time when it would be highly vital for them to receive teachings on a wider range of texts as well as qualified advice on their personal meditative practices.¹¹⁶ A study¹¹⁷ on the Monastery Labrang tells about this progressive loss of monastic discipline and traditions:

*...Despite these persistent endeavour to restore the monastery both materially and spiritually, several old monks who lived in the monastery before 1958 have voiced their criticism of the discipline and the level of education. The monastery lost a number of educated monks during the two waves of destruction and the continuity of transmission of teachings from teacher to pupil, which is of high importance in the Tibetan Buddhist tradition, was not maintained. There is now only a small number of highly qualified monks.*¹¹⁸

It is well-known that the practical know-how on contemplative practices is of utmost importance in Tibetan Buddhism. However, what needs to be pointed out here is that the most highly regarded teachings are being transmitted, by tradition, from teacher to student, not in a written form but by so-called oral transmission. The value of the oral transmission of teachings resides in the pride that knowledge has been passed on to vastly trained practitio-

ners in an unbroken lineage that can be traced back to the Buddha himself.

Chinese rule in Tibet has led to massive hindrances¹¹⁹ in maintaining the unbroken chains of transmission:

*...Chinese authorities have interfered with scholarly studies of Buddhism and the transmission of Buddhist practices to an upcoming generation of students and would-be scholars and monks. Most critically, in many areas there are few, if any, master scholars and teachers, and there are restrictions on inviting monks from other areas to give teachings. In at least two areas, monks cannot go on pilgrimages outside their own region for longer than five days. As one monk reported, "The monastery is helpless, as it is the order from higher authorities." University and public school students have told Human Rights Watch that they have been barred from observing rituals and holidays, and in some cases threatened with expulsion.*¹²⁰

The life of monks and nuns¹²¹ in Tibetan Buddhist monasteries follows a set of strict rules that emphasize not only long prayer sessions or meditation. Above all the monastic community engages in the study, logic, debate and memorizing of complex doctrinal treaties that require a proper and intensive mental preparation, such as an exceptional capacity for concentration and sharp analysis.

*... After their much heated debate sessions on Buddhist philosophy, they find their way to the terrace or the corridors of the buildings, where they sit and memorize huge chunks of Buddhist teachings, from thick Tibetan Buddhist texts...*¹²²

It is safe to state that Tibetan monks and nuns are the intellectual elite of their society. Their mission is to let lay people benefit from the spiritual knowl-

edge they gain from scholarly studies and meditational insights.¹²³ Practitioners need long hours to listen and study the fundamentals of Buddhism and assimilate its philosophy to their ethical conduct in daily life. The reason for monks and nuns to seclude from the secular and business-oriented society is their goal to achieve a detachment from mundane affairs for being able to more fully fuse with the spiritual aspects of their chosen path.

In 2005, the Chinese Communist Party accused the monastic communities for being a “drain on resources in society”, forcing them to seek self-sufficiency by re-orientating their functioning according to materialistic criteria.¹²⁴

*In Tibet, as in many Asian societies, there exists a symbiotic relationship between the lay community and religious community; the lay community offering financial support and the monastic community offering spiritual guidance. The Chinese Communist Party views the traditional position of monasteries in Tibetan society as parasitic and exploitative ... Party policy on religion emphasizes the need for monasteries ... to be economically self-sufficient.*¹²⁵

The PRC authorities put emphasis on economic welfare of the monastery and the addition of political beliefs to religious vows and rigorous study and practice. In other words, monks who would usually spend their time engaging in the various disciplines of the Tibetan Buddhist tradition are now obliged to give priority to productive skills (such as farming or providing services such as wood-block making, type-setting, medical care, handicrafts, running a guest-house and restaurant, making incense, running shops, being tourist guides or dedicating themselves to gardening)¹²⁶ that allow their monastery to run independently from donations.¹²⁷

Seen from the perspective of the Chinese Government, those monasteries where such enforcements have been carried out, have turned, indeed, into cost-efficient institutions¹²⁸ that are less of a financial “burden” on the state. From the Tibetan Buddhists’ and human rights’ perspective, however, this situation is a worrying case example of political intrusion in religion. In many ways it looks as if the Party is getting closer to its proposed aim to *pioneering a new brand of socialist monks*.¹²⁹

the “patriotic re-education” campaign

*There has been a paradigmatic shift of increasing religious repression in Tibet in the recent months. Beijing authorities’ suspicion of alleged interlinks between Tibetan Buddhism and Tibetan nationalism is clearly evidenced by official attempts to control religion through “patriotic re-education” campaign¹³⁰ and arrests, torture and imprisonment. Under the “patriotic education” campaign in the various monasteries in Tibet this year, arrests and expulsions of clergy have been reported consistently.*¹³¹

The objective to instruct Tibetan monks and nuns in Chinese party ideology and in China’s interpretation of Chinese history and denunciation of the Dalai Lama found its culmination in the launching of the “patriotic re-education” campaign in 1996.¹³² As Chen Kuiyuan, the then “TAR” Party Secretary mentioned on 23 July 1996, “The main battlefield of our struggles against the Dalai clique is in the spiritual field.”¹³³ The increased control over monasteries as well as continued crackdowns on the expressed allegiance to the Dalai Lama have been experienced by some Tibetans as being like a “Second Cultural Revolution”, of which “patriotic re-education” is the most concerning practice.

Meanwhile the larger international audience did not seem to notice that “patriotic re-education” was not a legitimate move by Chinese authorities but instead a channel for what is known as China’s utmost violent¹³⁴ “Strike Hard” campaign. Both campaigns were launched in 1996 and research¹³⁵ shows that they are complementary to each other. The Chinese argument is that monasteries and nunneries in Tibet have been for years “bastions of political dissidence” and that the attitude of monks and nuns needed “correction” through “re-education”. Those who would resist “re-education” would consequently be dealt with harshly on the basis of the “Strike Hard” campaign.¹³⁶

An article in *Tibet Daily*¹³⁷ specifies the methodology of the “patriotic re-education” campaign whose aim is to remove the “*Dalai’s cloak layer by layer*”:¹³⁸

1. *Establish a mechanism and clearly define the responsibilities of each of the leading group for patriotic education and the religious affairs management group.*
2. *Provide sufficient staff and conduct training at different levels.*
3. *Take a clear cut stand and pay attention to policy, such as removing child monks.*¹³⁹
4. *Combine education for monks and nuns with education for laymen.*
5. *Contrast new with old; demonstrate typical examples of old peasants, herders and monks and nuns subjected to the Dalai’s rule and suppression in old Tibet.*
6. *Conduct activities such as literary and art performances to enhance the educational effect.*
7. *Make verbal and written denunciations (of the Dalai Lama).*
8. *Provide guidance for different categories, advance in depth step by step.*¹⁴⁰

The enforcement level of “patriotic re-education” varied among regions within Tibet but official docu-

ments and refugee testimonies suggest that the implemented policies have been very similar throughout all Tibetan populated regions.¹⁴¹ The consistency with which the Chinese authorities deal with the influence of the Dalai Lama points at the fear the Party apparently has over the unity of Tibetans through Tibetan Buddhism and the impact of the monastic tradition on their society.

The Party is well aware that it is “difficult to change people’s mind in a short space of time”¹⁴² and sets therefore its hopes on the long-term effects of constant repetitions of lies¹⁴³ to bring them into existence as a new reality. “Patriotic re-education” is based on making believe and loyally adhere to a prefixed five-point requirement. The acceptance of the five principles listed by the political pledge is essential for being able to receive a red-card¹⁴⁴ and its privileges. The principles that the Chinese party expects the monks and nuns to agree are:

1. *Opposition to separatism*
2. *Unity of Tibet and China*
3. *Recognition of the Chinese-appointed Panchen Lama as the true Panchen Lama*
4. *Denial that Tibet was or should be independent*
5. *Agreement that the Dalai Lama is destroying the unity of the Motherland*¹⁴⁵

Of these required points the PRC particularly cares about the adherence to two un-truths that it tries to convert, under threats and beatings, into a truth that the feared Tibetan should finally start to believe in. Any admission to a monastery, the pursuit of studies and any kind of permission¹⁴⁶ that goes in the direction to consuming one’s religious freedom, is bound to the repetition of two new mantras¹⁴⁷, firstly, the applicants’ stressed allegiance to the State and secondly, the denunciation of the Dalai Lama. Lessons of “patriotic re-education” campaign extend usually for many hours with only a few five-minute

breaks and sometimes go on from a few days only to several months; religious teachings are, of course, suspended for the time being. The lessons on patriotism consist in the reading and explaining of a series of political texts¹⁴⁸ that give the Party's lengthy reasons of why the Dalai Lama¹⁴⁹ is a "chief villain", who "must be publicly exposed and criticized... stripping away his cloak of being a "religious leader".¹⁵⁰ The long hours of indoctrination are usually followed by severely conducted question-answer sessions in which officials investigate if monks and nuns have properly assimilated the lessons. Students who are unable to give satisfactory answers or who are simply unable to reply well enough in the Chinese language,¹⁵¹ face discrimination in front of their community and risk being expelled from the monastery.¹⁵²

Besides, the implementation of "patriotic re-education" needs also to be understood as a reaction to the controversy between the Chinese Government and the Dalai Lama in exile over the identification of the eleventh reincarnation of the Panchen Lama.¹⁵³ Tibetan Buddhists had not accepted the Chinese choice of the XIth Panchen Lama, Gyaltzen Norbu, which has led to ongoing tensions between the monastic communities and the state. Meanwhile Gedhun Choekyi Nyima, the Panchen Lama recognized by the Dalai Lama remains missing for the last ten years, since 1997. The government therefore found that it was time to counteract these tensions by first forcing Tibetan Buddhist monks and nuns to accept the Chinese chosen Panchen Lama and then indoctrinating them about the state authority to make this choice.

In the already mentioned Third Tibet Work Forum in 1994, Chinese leaders began for the first time to place new restrictions on religious institutions that were supervised by the Democratic Management Committee (DMC) and "work team" units which were installed on the premises of monasteries or pay visit often. Suddenly, the monks and nuns had a

controlling, indoctrinating and harshly castigating political entity integrated to the very place where they were meant to pursue their religious studies. The "work teams" became a constant threat to the monks and nuns, creating an atmosphere of suspicion and anxiety. As some Tibetan officials and members of the monastery, out of ignorance or lured by materialistic promises, changed to the Chinese party side, nobody could fully trust anybody anymore.¹⁵⁴ Denouncing one's neighbour if he or she did not practice in conformity with the regulations laid down by the Democratic Management Committee (DMC) became a patriotic duty in monasteries. Since then the serious study of Buddhist philosophy is characterized by political intrusion and curtailment.

Practitioners have to conform to live with the constant threat to end up in a Chinese prison where maltreatment and torture are known to be the order of the day.¹⁵⁵ Accounts of those who have survived lengthy prison sentences for acts in defence of their religious freedom are testimonies of shattered lives: the years in prison are bereft of essential religious study and practice. Moreover, after their release from prison, which usually leaves inmates mentally and physically broken, monks and nuns are not readmitted to monasteries and become unemployable outcasts of society because of their prison history.¹⁵⁶

According to interviews conducted by TCHRD, the pressure exerted by authorities in monasteries leads sometimes to desperate tensions among the religious practitioners themselves.¹⁵⁷ As authorities use to threaten harshly with the closure of monasteries if the resident monks or nuns refrain from denouncing the Dalai Lama and pledging their loyalty to the motherland, old monks who are more afraid of being expelled from the monastery supplicate their fellow younger monks to just obey the authorities for the sake of maintaining the monastery function-

ing. To eventually crack the unity of the monasteries by expelling those who are showing the smallest signs of resistance is another important goal of “patriotic re-education” next to bringing about a lasting change of attitude in religious practitioners in terms of patriotic fidelity.

However, the change that so far has been brought about is the institutionalization of psychic stress mechanisms under forceful and sometimes life-threatening circumstances.¹⁵⁸ Thus, monastic institutions, originally set up for providing religious practitioners with a conducive environment for meditation on religious contents and for achieving inner peace, are being forcefully re-functioned to serving the Party as a production machinery of loyal political followers.¹⁵⁹

The requirement of accepting Tibet as an inalienable part of China is the basic message of the “patriotic re-education” campaign and is known under the expression “Love your country, love your religion.” Evidently, the political suggestion underlying the slogan is that being a good monk or nun depends on one’s loyalty to the state. No slogan could summarize in a better way the basic obstacle to religious freedom in Tibet. On the one hand the Chinese Party sees religion principally always as related with politics. On the other hand, a free and genuine practice of Tibetan Buddhist religion necessarily excludes the involvement of political issues with religious matters. There is no space in Tibetan Buddhist meditations for loving one’s country or pledging loyalty to it.

Freedom of religion for Tibetan Buddhists would mean that government authorities cease not only with their controls and restrictions in Tibetan Buddhist institutes but most importantly cease mixing up a party’s ideological messages with religious traditions. Any attempts, the violent destructive ones as well as the nearly unperceivable ones that operate through indoctrination and manipulation, any at-

tempts to assimilate politics and religion into a political version of religion are a gross downfall against a people’s right to freedom of their religion.¹⁶⁰

An excellent example for the clash of interests between Chinese authorities and a Tibetan Buddhist religious institution is the Labrang Monastery in the PRC’s Gansu Province. After two waves of destruction inflicted by Chinese officials on this influential monastery, there have been attempts in recent years to push forward a revitalisation process of the monastic life which is, by the way, one of the main tourist attractions of the area.

As mentioned earlier, economic interests are of primordial relevancy to Chinese authorities. The revitalisation of the Labrang Monastery was not undertaken to establish religious freedom in the first place as since the beginning of the revitalisation process, permanent supervising DMCs were put in place to dim down the possible political impact of the monastery towards encouraging the pro-independence movement. Labrang Monastery was not spared from falling under the control of the DMC and becoming subjected to “patriotic re-education”. The conflicting interests over a greater degree of revitalisation are a reflection of a general problem that permeates the Tibetan Buddhist-Communist Chinese relations. It seems that a merely traditional religious institution is not acceptable to the Chinese side as long as political supervision is missing, while Tibetans, rightly, reject such intrusion:

...on the one hand the desire of the Chinese authorities administratively to control the internal life of the monastery; and on the other hand the endeavour of the Tibetan monks and lay people to proceed further with the revival of the monastery with the aim of re-establishing it in its traditional role, which encompassed not only religious authority but political and economic power as well. These two trends are contradictory:

*the alternative of a limited revival is unacceptable for Tibetans as the vision of the gradual resurrection of the traditional role of the monastery, represented by Jamyang Yhepa and Gungthang [the reincarnate founder of the monastery and the second highest reincarnation of Labrang; both recognized by Tibetan Buddhists], which would result in the creation of parallel administrative structures independent of the Chinese state, is for the Chinese.*¹⁶¹

recent events

Following the October 2004 Workshop Meeting in Lhasa¹⁶² the practice of “patriotic re-education” has become notably harsher. Throughout the year 2005, recent arrivals who fled Tibet reported to TCHRD about the campaign being conducted in Talung Monastery, Phenpo Gyabdrak Nunnery, Shugseb Nunnery and Sera Monastery located in “TAR”. Authorities are now more vigilant and require full-hearted loyalty pledges to the motherland and disapproval of the Dalai Lama. Being superficially conforming with the Party’s professed truths by mere words is, thus, not enough anymore.

In 2005, Chinese officials expanded their controls over the practitioner’s inner world of thoughts and emotions. Testimonies from 2005¹⁶³ speak of forced essay writing about the students’ “personal emotions about receiving patriotic re-education classes”. The psychic pressure exerted on the students leaves them in dilemma over whether to resist the campaign or risk losing personal freedom and every tiny possibility they are having in their present situation to continue their religious education. If they decide to show conformity with the principles and requirement of the campaign, they risk remaining traumatized as a consequence of their remorse about having betrayed their innermost religious beliefs and convictions.

International attention was turned to the “patriotic re-education” practice for the first time since long when in the beginning of October 2005, Chinese officials started an intensive “re-education” campaign in Lhasa’s Drepung Monastery¹⁶⁴. While in recent years there had been proven evidence of several death cases¹⁶⁵ in direct relation with “patriotic re-education”, one monk’s mysterious death in Drepung seemed to finally make a difference. The EU Parliament adopted a new resolution on human rights in Tibet, expressing first of all its deep concern about the ongoing practice of “patriotic re-education”. In a 14 point document¹⁶⁶ regarding Tibet, the EU demands China among other things to clarify the circumstances of Ngawang Jangchub’s death¹⁶⁷ which had become first known through a TCHRD press release:

... “work team” officials arrived in the monastery in the beginning of October 2005 to conduct the campaign. As stipulated by the guidelines of the campaign, the monks in the monastery were required to condemn the Dalai Lama as a “splittist” and to pledge their loyalty to the Chinese government. Some of the monks refused to be “educated” and an argument erupted between them and the officials. It is reported that during the argument, Ngawang flatly refused to condemn the Dalai Lama calling him “the saviour for the present and the next life”. He told the officials that he had no regrets, even if he was to be expelled from the monastery. Ngawang further refuted the Chinese officials’ claim of Tibet being a part of China; he reportedly said, “Tibet has never been a part of China historically and I dismiss your claim over Tibet”. In response, the officials verbally abused him and threatened him with dire consequences. Following the argument, Ngawang furiously returned to his quarter and did not come for the next day’s session. When the other monks went to check on him, they found him dead in his room. The exact cause of

*his death is unknown although the monks speculate suicide due to extreme psychological trauma.*¹⁶⁸

Instead of providing clarification on the case, Chinese officials seemed to impose a news blackout and continued without interruption the “patriotic re-education” campaign in Drepung Monastery. On 23 November 2005, during a re-education class five monks stood up against “work team” officials, like Ngawang had done, and refused to sign a document denouncing their spiritual leader and pledge their adherence to China: Ngawang Namdrol from Tsotod Township, Phenpo Lhundrup County, Lhasa Municipality, “TAR”; Ngawang Thupten a.k.a. Shogbu Metok from Lhasa Inner City, Lhasa Municipality; “TAR”, Ngawang Phelgey from Rinbung County, Shigatse Prefecture, “TAR”; and Phuntsok Thupwang from Gongkar County, Lhoka Prefecture, “TAR”; were immediately expelled from the monastery’s premises and handed over to the local PSB (Public Security Bureau).¹⁶⁹

Meanwhile about 400 resident monks in Drepung Monastery joined together in a silent, non-violent mass protest¹⁷⁰ which has been described as one of the biggest in a decade despite a climate of severe restrictions and repressions in the Chinese occupied Tibet.¹⁷¹ The “TAR” authorities immediately imposed a crackdown and curfew. By coincidence, the swift crackdown on the monks’ peaceful protest took place days after Beijing’s President, Hu Jintao, gave assurances of improving human rights to President George W. Bush, during the latter’s visit to PRC from 19 to 21 November 2005. The crackdown in Drepung led to a wave of protest actions at Chinese Missions and embassies all over the world, counting the one in New York with mass attendance by activists.¹⁷² Appeals of international human rights organisations as well as of the EU Parliament have so far failed to learn the whereabouts and well-being of the detained monks.

In a statement Tsultrim Dorjee, the General Secretary of the TYC (Tibetan Youth Congress)¹⁷³, the largest Tibetan non-governmental organisation in exile, demanded the complete withdrawal of “patriotic re-education” practices in Tibet and warning that “further suppression of the Tibetan people’s basic human rights will result in violent upheaval within the Tibetan community.” The TYC demanded the reinstatement of the monks and nuns who had faced expulsion due to the campaign policies and expressed its particular concern over the recent deputation of Zhang Qingli, former vice-governor of Xinjiang and a close aide of President Hu Jintao, in Tibet as the new Chief of “TAR”. Mentioning that TYC has received reports¹⁷⁴ about protests at Gharig Nunery near Sera Monastery, similar to those in Drepung, because “patriotic re-education” was being carried out so harshly, Tsultrim Dorjee said:

*We fear that preparations are underway for stronger implementation of brutal communist policies in Tibet that have largely succeeded in reducing the other ethnic minorities in China into unthreatening, frightened and disillusioned people.*¹⁷⁵

In the wake of these events the question remains if Beijing is planning to continue making empty promises of religious freedom till the goals of “patriotic re-education” are achieved. These goals are contrary to the right to freedom of religion as well as the minority rights that Tibetan Buddhists are— theoretically—protected in China’s Constitution and the Regional Ethnic Autonomy Law. Knowing that in the time span from January 1996 to August 2004¹⁷⁶ under the concept of Chinese operated “patriotic education” campaigns the forceful and sometimes violent expulsion of a total of 11,383 clergy was counted, “patriotic re-education” has still not been halted.

the democratic management committees (DMCs)

For the “patriotic re-education” to function and to achieve its goal, the PRC relies on the Democratic Management Committees which are actually the main incarnation of institutionalized religious control in Tibet. As a matter of fact, DMCs virtually all consist of monks elected in monasteries or a State-approved lay person. Evidently, DMC officials need to conform with the Chinese patriotic approach to the management of institutions and therefore many of them are Chinese though there are also a number of Tibetans who have been given the role to supervise the functioning of monasteries in allegiance to the State ideology.

The legal management of religious affairs had been proposed for the first time in 1990 during a Standing Committee meeting of the National People’s Congress.¹⁷⁷ Before that time monasteries used to be visited by so-called “work teams” who would exert their control on them and supervise the monastic institutions’ activities. But since 1994¹⁷⁸ when the state decided on a paradigmatic shift in tightening control on Tibet, DMCs started in part to substitute the flexible and only visiting “work teams” and in 1996 were again enforced in their function due to their utility within the “patriotic re-education” campaign.

DMCs are permanently installed control units in monasteries, they are the fix government’s eyes and hands in religious institutions. Basically, DMCs are committees responsible to regulate the overall management and to supervise religious affairs in monasteries and nunneries such as study schedule and contents, administration, finances, production and security. According to a statement of an official of the Tibetan Regional Nationalities Affairs Commission in 1994, the “DMCs have been set up in all temples and monasteries so that monks and nuns can manage religious and other affairs on their own.”¹⁷⁹

All important religious practices understand the control of DMCs, especially in larger institutions whose influence on society at large is feared: vigilance, searches and raids are common measures to control practices such as performing rituals, transmitting teachings, religious worship and going on retreats. DMCs as well as “work teams” are work units whose purpose is to spy and to promote mistrust among the spiritual communities. They create a constant atmosphere of fear while the reason for their operations is officially to “*protect the habits of the Tibetan people and all lamaseries.*”¹⁸⁰ According to refugee testimonies¹⁸¹ essential duties of religious nature need to receive official approval through the passing of various procedures of admission. Work reports about the monasteries’ activities and patriotic progress are being handed in to the monastic assemblies periodically, usually every six months.

DMCs have proved very effective in carrying out “patriotic re-education” because they have the ability to constantly oversee monks’ and nuns’ progress towards becoming more “patriotic”. The DMCs’ institutionalized religious control resides on the one hand, in expelling practitioners who do not comply with the regular political education sessions and on the other hand, in appraising the loyalty of those who give in to their repressive methods and end up denouncing the Dalai Lama and accepting the unity of Tibet with China. DMCs are also responsible for imposing official limits on the number of monks and nuns in religious institutions, such as the 18-year age limit on the admission of novices. Already in 1995 this practice, which led to many monasteries emptying out, has been severely criticized by Mr. Abdelfattah Amor, the then United Nations Special Rapporteur on Religion¹⁸² who asked China to introduce a legislation guaranteeing the right of religious belief to minors.

The continued successful propagation of Party ideologies through the implementation of political

education classes in monasteries has been, thus, proliferated through the work of the DMCs. Reports suggest that DMCs are also involved in overseeing the rentability of monastic institutions by adopting measures that will increase their economic income. A monk from Sera Monastery recalls about the role of DMCs:

The traditional head of the monastery was sidelined by this committee and had only nominal power...even the smallest decisions, like spending a few hundred yuan, cannot be made before consulting the committee. Overall it seems that the Chinese had hijacked the monastery to serve their own purpose of making a lot of money from tourists, and carrying out propaganda work. The main purpose of the monastery was neglected. ... Since 1996 a new curriculum was prescribed by the authorities. Any one found skipping the studies is liable to be expelled from the monastery. Monks were supposed to attend the lecture session every day, although now this strict schedule has been relaxed and monks have to attend classes about once in a month. As the classes on patriotism, monks are taught what to say to the foreign and overseas Chinese tourists who visit the monastery. Interaction between tourists and monks are strictly monitored by the DMC...¹⁸³

the anti-dalai lama campaign

Sometimes tourists come here and bring photos of the Dalai Lama. I tell them not to bring such images. Not because I don't want to see His Holiness, but we have him in our hearts. I tell the tourists, if you really want to make a difference, try to help us preserve our spiritual heritage.¹⁸⁴

The Dalai Lama, being the only religious as well as secular leader of Tibetans enjoys great popularity all over the world owing to his vast knowledge¹⁸⁵ and exemplary approach towards confronting the fate of his country which he hopes to resolve by a constructive dialogue with Chinese authorities based on a respect for human rights and the Gandhian principle of non-violence. Despite this positive outlook and approach, Chinese authorities have for years refused to enter in dialogue with the Dalai Lama whom they obstinately call the “head of splittists” and an “enemy of China”. The move towards a politics that sets all cards on discrediting the leader of Tibet whose land has been overtaken came during the late eighties when China saw itself compelled to suppress pro-independence movements in Tibet following a brief period of revival of religious affairs. It is true that the personality of the Dalai Lama represents a unifying symbol for the Tibetan people and Chinese authorities have taken this fact as a good reason to try to strip it out of Tibetans’ hearts and substituting it with an imposed loyalty to the unified Chinese motherland.

The Dalai Lama is feared by the Chinese Government for his ability to “internationalize” the Tibet issue which China views as a domestic affair. On every one of his trips outside India, the Chinese Government keeps a close look at his agenda and express its disapproval at every given opportunity. Until the period of relative liberalization had begun at the end of the ’70s, the religious authority of the Dalai Lama used to be more or less accepted until at the Third Forum decisions where the Dalai Lama was accused of violating Buddhist doctrine and using religion to encourage social tensions. The Dalai Lama, thus, became the culprit for any dissent or unrest that had been incited by Chinese policies inside Tibet, portraying him to the West as the ring-leader of anti-Chinese activities. Tibet support groups use to be referred to by Chinese officials as “Dalai clique”.¹⁸⁶

But the Dalai Lama is more than a religious or secular leader to Tibetans and followers of Tibetan Buddhism. According to Tibetan Buddhism, the reincarnations of the Dalai Lama are considered to be the embodiments of *Avalokitesvara*, the Buddha of Compassion. This Buddha is venerated by countless Buddhists in the whole world, not only by Tibetan Buddhists but also by Mongolians and in the Russian Republics. In their spiritual practices Tibetan Buddhists establish a very near, personal relationship with the Buddha of Compassion and their principal teacher¹⁸⁷ who, for many of them, is the Dalai Lama. Thus, it is natural for many Tibetan Buddhist practitioners to follow the Dalai Lama's scholarly commentaries on Buddhist treaties and to study his writings to obtain spiritual advice and to gain a deeper insight into the complex topics of Buddhist philosophy. Moreover, there are other esoteric practices that place a lot of emphasis on searching a connection with one's main teacher.

Therefore the Chinese authorities' harsh requirement that monks and nuns denounce who is their main teacher is a deeper violation of religious rights than it might seem at first sight. While there are no political implications with these religious beliefs and practices, the Chinese Government is trying to convince Tibetans that their adherence to the Dalai Lama as a spiritual leader is equal to becoming severely guilty of disloyalty to China. In this way, matters that would be of sole religious importance have become tangled up with the Chinese Party's politics that is ready to blindly follow a path of violence against any opposition of the official version of what "patriotism" is meant to be and of what "appropriate" Buddhist practices are supposed to be like.

The Chinese Government seems to equate religious influence with political influence, in particular, in case of the Tibetan people who profess so much faith towards one person. Communist ideology hinges on the support of the people in order to maintain

the Chinese Communist Party's power. Therefore, the Tibetans' display of loyalty to the Dalai Lama is misinterpreted as having political connotation and, hence, as a constant threat to the unity and stability of PRC. The places for carrying out "anti-separatist" policies are therefore preferably the monastic institutions.

The Party's main objective seems to play down the role of the Dalai Lama and, consequently, of any high religious Lamas¹⁸⁸. It has also been making efforts to control the recognition of important reincarnations as can be seen in the case of the Panchen Lama¹⁸⁹ whose Tibetan reincarnation, according to Tibetan Buddhist religious rites properly chosen, has been substituted by a politically appointed Chinese Panchen Lama who understands directly to Party officials. And there are seemingly plans for a future systematic control of all important reincarnations within Tibetan Buddhism:

*Just two days ago, on July 19, 2005, the Chairman of the "TAR", Qiangba Puncog, stated that Beijing will choose the next Dalai Lama, a critical example of blatant interference with religious belief and practice.*¹⁹⁰

Given the key role of the Dalai Lama and several high ranking and much estimated Tibetan Lamas in the Tibetan Buddhist tradition, it has been difficult for Chinese authorities to win over the heart of the Tibetan people. In order to ensure the legitimacy of Chinese rule in Tibet, forceful measures have been undertaken to change people's minds that include prohibition on the possession of the Dalai Lama photographs and the banned Tibetan national flag which referring to the Dalai Lama reads: "The leader of Tibet, the land of snows, the great protector, treasure-of-all, may he live to the end of the universe."

*In Tibetan areas, numerous official controls continue to limit the practice of Tibetan Buddhism. Authorities often characterize religion as backward and its practice as a burden on society. Chinese authorities argue that the Dalai Lama is a hostile political figure, not a legitimate religious leader, and that programs counteracting veneration of him do not violate religious freedom. Chinese authorities attempt systematically to repress Tibetan devotion to the Dalai Lama, with little success. Police confiscate printed, audio, and video material featuring the Dalai Lama's religious teachings and speeches, and those possessing such material sometimes face abusive treatment, including beating and detention.*¹⁹¹

Not only pictures of the Dalai Lama are prohibited in “TAR” and other regions of Tibet but also the very popular festivities for his birthday on 6 July have been a target of authorities’ curtailment for years,¹⁹² arguing that the Dalai Lama’s birthday celebrations are essentially a political tool of the Dalai Lama and that the festivities could adversely affect social stability. Authorities went even so far to say, that Tibetan people themselves had wanted to see the celebrations stopped.¹⁹³ This affirmation stands in a strong contrast to the Tibetans’ religious and personal wish that the ban on the Dalai Lama’s birthday celebrations may be lifted:¹⁹⁴

*...The reason why we want to outlaw the *trunglha yarso*¹⁹⁵ activities [Birthday celebration of the Dalai Lama] is because primarily they are an illegal activity to make power for the head of the splittist group, the Dalai. ... Secondly, all kinds of problems happened during the time of *trunglha yarso*¹⁹⁶ activity and incidents caused by them have offended the constitution and law of the country, severely affected the masses’ normal production, life, work and studying order, affected the unity of the nationalities and so its*

*social harm is significant. Thirdly, the numerous cadres and masses... are strongly demanding that the government take measures to punish and ban it.*¹⁹⁷

Evidence on how dangerous it can be for Tibetans to just carry with them some pictures or books by the Dalai Lama for their personal use has been given in several refugees’ accounts. In 2005, TCHRD received a report¹⁹⁸ by Jigme Gyamtso¹⁹⁹, a young Tibetan monk originally from Bhashing Monastery, located in Machu County, Amdo Kensu Province. After a stay for further studies in South India’s Sera Monastery, he wanted to return with his brother, a monk, to their home village in Tibet. They had all the necessary documentation including visas for re-entry to Tibet. After reaching Dram at the Nepal-Tibet border, they decided to travel in a rented vehicle together with another monk from Chamdo, Ten-nam, who was returning to Tibet, too.

“After a stop for fuel, our papers were inspected and found in order. But it seems the vehicle’s driver informed the PSB officials that we were exile returnees. Within minutes we had to stop and five PSB officials equipped with pistols surrounded us. While searching our luggage they found several pictures of the Dalai Lama and some books written by him were confiscated. In July 2001, the three of us were kept in a room for three days and shocked with various electric cattle prods till we were unconscious. We were beaten with belts and wooden planks while officials interrogated us for the purpose of carrying these books and which institution was behind it.”²⁰⁰ The three monks were charged for having the intention of inciting anti-state elements among the masses and other crimes that they had not committed. In the detention centre they were tortured and fed with left over foods. They received different lengths of prison terms which they had to serve at Drapchi Prison in Lhasa, known for its particularly cruel methods of torture.²⁰¹ Even in prison “patri-

otic re-education” was being carried out. The memorization of Party’s books on politics and history became vital for the monks’ survival:

*There, we were given books about patriotic education which we had to memorize. If we failed to memorize the books, we would not be given food. The diet was poor and the winter very cold, which caused severe ulcer problems. As a remedy we were given outdated medicines.*²⁰²

Jigme Gyamtso and his brother Tsedor were released on 3 July 2005 and Ten Nam was set free on 18 July 2005. Jigme Gyamtso was not allowed to return to his monastery and is restricted to join any institutions and government organizations. After staying in his hometown and studying English for four months, he managed to escape to India and is planning to join a monastery in exile.

politicization of the geshe lharampa degree

It can be positively noted for the year 2005 that the *Geshe Lharampa* exam continued to be admitted after its resumption in July 2004. (The exam was banned twice in the past).²⁰³ A ban on such an important exam means removing every possibility to ensure a high level of erudition among the scholars of future generations.

The scholarly tradition based on the institution of the *Geshe Lharampa* exam is of high importance to the Gelugpa School.²⁰⁴ This school was founded by Tibet’s greatest scholar saint Tsongapa and puts emphasis on logical debate and the high learnedness of its teachers. The title *Geshe* means “learned man” or “scholar” and *Lharamapa* is a distinctive indication for the most profound or the highest level of erudition. In order to obtain the highest academic

religious honor or *Geshe Lharampa* title, the applicants must participate in a detailed and strenuous testing on all canons of Tibetan Buddhism. The exam is being held in the presence of a large assembly of religious scholars who enter into a dialectical debate with the applicant.

But the practice of the resumed *Geshe Lharamapa* exam as conducted under the surveillance of Chinese authorities has been subject to some changes that prove to be significant in their repercussion on the original meaning of *Geshe Lharampa*. Due to a policy introduced by Chinese authorities, applicants for the degree have to study six books on political thoughts known as “*Love Your Country, Love Your Religion*” which are taught in the “patriotic re-education” campaign. Moreover, a total of 77 members of the PRC’s Committee for the Conferment of the Degree for the Highest Buddhist Studies were formed²⁰⁵ to join the examination assembly which, by tradition, would be constituted by a prestigious congregation of only highly learned religious scholars. Such criteria of political texts deny their religious convictions and have nothing to do at all with the Buddhist canons that the exam is all about. The traditional institution of the *Geshe Lharampa* examination used to be the sacred thread of Gelukpa Buddhism that ensured the continued quality of both, teachings and teachers. It remains questionable what benefit there would be for the tradition as long as political requirements are being arbitrarily integrated to the religious examination.

Already in 2004, soon after the re-introduction of the *Geshe Lharampa* exam, a monk who was interviewed by TCHRD explained that candidates were not selected anymore on “the basis of their academic merit but on the basis of their allegiance to the authorities’ directives.”²⁰⁶ In 2005 withdrawals took place not yet from the Chinese side over the political adaptations as imposed on the exam.

While it is certainly an important progress that the *Geshe Lharampa* examination has been re-admitted by the Chinese Government, there would be an urgent need to remind it of respecting article 6 of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief which guarantees the freedom to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards by any religion or belief. Considering the introduction of the political contents to the examination and the choice of politically appointed examiners it seems evident that political bias will be the main parameter for evaluating the qualification of *Geshe Lharampa* candidates: qualification itself depends on the applicants' pronounced readiness to display exemplary patriotism and loyalty to the Party's principles. The best way to "reform" the current state of the examination would be to fully restore the right to religious freedom.

persecution of important religious leaders

Despite insistent appeals from the United Nations, concerned governments and well-known international bodies, the PRC has refused to enter into serious dialogue on the whereabouts of several religious leaders who have been missing, in some cases for several years.

Apparently, the Chinese authorities are greatly concerned about the role played by some Tibetan Buddhist lamas and the popularity they enjoy among their followers. The targeted playing down of these Lama's influence goes hand in hand with the Party's policies of curbing "splittist" activities. Evidently, the unlawful imprisonment²⁰⁷ or disappearance of Tibetan Buddhist leaders originates from the alleged links between religious influence and political influence.²⁰⁸ The case of Trulku Tenzin Delek, Bangri

Tsamtrul Rinpoche, Geshe Sonam Phuntsok, Chadrel Rinpoche clearly illustrates Beijing's fear over their potential influence to instigate the masses into political activism.²⁰⁹ For this same reason the Beijing Government goes to great length in the recognition process of reincarnations.

gedhun choekyi nyima the 11th panchen lama

The classic example of an official attempt to politicize a very fundamental religious procedure that is essential to choosing future religious leaders, is the case of the 11th Panchen Lama Gendun Choekyi Nyima. On 17 May 1995, he was taken into "safe custody" soon after his recognition by the Dalai Lama and remains missing ever since. In contradiction to religiously established processes that need to be observed in the procedure of finding a reincarnation and its recognition, a boy called Gyaltzen Norbu, the son of exemplary "patriotic" parents, was politically appointed and subsequently enthroned²¹⁰ as the Panchen Lama by Chinese authorities.

The ongoing detention of the real 11th Panchen Lama, Gendun Choekyi Nyima, has been a tremendous intrusion into the traditional role and functioning of the Panchen Lama in the Tibetan Buddhism. This is not only a severe case of depriving Gendun Choekyi Nyima of the proper religious education or of taking away a child's personal and religious freedom. More than that, it adversely affects the continuation of the original lineage of the original Panchen Lama.

The institution of the Panchen Lama was established in the 17th century with the Tibetan Buddhist scholar Lobsang Choekyi Gyaltzen whose importance was acknowledged by the 5th Dalai Lama by conferring on him the title of "Panchen"²¹¹ meaning "Great Scholar". The 10th Panchen Lama, Choekyi

Gyaltzen, born in 1938, had been one of the foremost critics of Chinese Communist policies within Tibet. In his official capacities, he undertook many tours throughout the PRC and observed the living conditions of the Tibetans under Chinese rule. In his 1962 Petition²¹² to Mao Zedong, for which he was held in house arrest afterwards, he analysed these observations²¹³ affirming his deep concerns for the survival of Tibetan culture and religion.

After the 10th Panchen Lama turned out to be one of the most influential leaders of Tibetan Buddhism and the most outspoken critics of religious repression, it comes not as a surprise that Chinese authorities opted to determine and educate their own Panchen Lama. Due to general concern amongst Tibetans about the disappearance of the original Panchen Lama, reports about Gyaltzen Norbu had not been abundant in the last years though there had been many attempts by Chinese officials to accustom the public to slowly accepting the “patriotic” and politically correct Panchen Lama as the real one. For example, pictures of Gedhun Choekyi Nyima were forbidden in Chinese controlled monasteries and exchanged by those of Gyaltzen Norbu whose religious veneration forms part of a political campaign to establish him in his role as a religious leader approved by the Communist Party.

In 2005, Chinese media reports about Gyaltzen Norbu have become for the first time more eloquent about his activities. According to *Xinhua*, the boy, now aged 16, has “grown up from a child to the leader of Tibetan Buddhism” which was being celebrated in several Chinese organized religious events, including “head-touching” ceremonies that were reportedly attended by “thousands of worshipping Tibetans”.²¹⁴ According to Tibetan sources themselves²¹⁵ Tibetan people have been offered financial rewards by Chinese officials to attend religious services held by Gyaltzen Norbu and to approach him with devotion in order to generate acceptance of the Chinese appointed Panchen Lama.

Following these logics, the authorities have actually passed to underline the importance of religious leaders even more and to officially insist that religious freedom is fully respected everywhere in Tibet. On 18 July 2005 “TAR” Chairman Jampa Puntsok remarked at a press conference on the sidelines of the Tibetan Culture Week that Tibet now has “over 1,700 religious venues and more than 460,000 registered monks and nuns, and important religious festivals and activities are regularly held. Each year the capital Lhasa alone receives nearly 1 million Buddhist pilgrims.”²¹⁶ Jampa Phuntsok was quoted later by Asianews/SCMP²¹⁷ as saying about the recognition of the next Dalai Lama: “If the spiritual leader ... dies in exile, Beijing will follow Tibetan Buddhist precedent to choose his reincarnation.”

No remark could be more revealing about the eagerness of the Chinese Government to take total control of Tibetan Buddhist religion by reserving the right to choose its religious leader, the Dalai Lama, all by itself. Meanwhile the unsuccessful international interventions with Chinese authorities about the whereabouts of the original Panchen Lama Gedhun Choekyi Nyima have culminated in the sad anniversary of an entire decade since his disappearance.

In the face of these events it becomes clear that the Communist Party of the PRC is adapting its management of religious affairs to the now accepted need of the population—Tibetan and Chinese—to embrace spiritual values and to follow religious figures. The Chinese Government seems to have learned its lesson that a total ban on religion would not only be unacceptable to the international community but also lead to an upheaval within its own people. Therefore, taking over the control of the recognition of religious leaders and converting certain religious activities into “patriotic” ones, has become a handy approach towards manipulating religion in return for an increased political power. Religion is,

thus, not something that the Chinese Party aims at overcoming immediately, as its Marxian principles would suggest, but religion, at present, seems to have become the joker card for making politics more attractive to the broad public.

*Given the centrality of the Panchen Lama's role in Tibetan Buddhism and Tibetan culture, not to mention his status as a minor, China's failure to address meaningfully the inquiries of UN human rights mechanisms, including that from CRC and other international actors regarding this case is striking.*²¹⁸

At the same time the politically appointed Panchen Lama has been vastly promoted by Chinese authorities with China's state-run Xinhua News Agency quoting the Beijing-approved "living Buddha" as praising China's religious policies, which have attracted criticism from many international rights groups as well as the Bush administration:

*I've been to many places in the past decade and witnessed the ample freedom enjoyed by individuals and religious organizations alike. Living Buddhas like myself are able to perform religious rituals under the wing of the Chinese Constitution and other laws.*²¹⁹

expulsion and non-admission in monastic institutions

A major obstacle to freedom of religion in Tibet is the practice of expelling monks and nuns from monasteries or of not admitting them to continue their religious training. While the torture of monks and nuns for so-called "splittist" activities without comparison the most cruel severe violation of religious freedom. The widespread, intentional administrative reduction of the monastic population in monasteries gives much reason for concern in the

long run. Tibet's religious culture used to live in populated monasteries which were attended by floods of eager practitioners. These days the eagerness of young monks and nuns to commit to a spiritual life in monastic institutions has not diminished but is literally made impossible by several measures that the Chinese authorities have adopted within the complex framework of "patriotic re-education", the "legal management of religious affairs", the DMCs and the "anti-Dalai Lama" campaign.

It is therefore no wonder that many Tibetan monks and nuns are compelled into fleeing across the treacherous Himalaya mountains to come into exile. Starvation, death in crevasse, frostbite, arrest and maltreatment by the border security patrol are the risks that they undertake in hopes to greater freedom in exile where religious studies can be undertaken in an atmosphere of freedom. Unfortunately, many of those who after a period of intense studies in exile, face definite expulsion from their religious community or non-admittance into their monastery when they seek to rejoin their home monastery.

Lobsang Tenzin and Thupten Nyima, who arrived in Nepal in March 2005, reported the control and interference by government officials in their monastery:

*In Lhasa Ramoche Monastery, two officials have been permanently residing in the monastery under instructions from the Lhasa Religious Bureau. Although the monks of the monastery elect their heads, they have no control over the activities of the monastery. The government appointed officials call meetings in the monastery and conduct "love your religion, love your country" political education sessions in the monastery.*²²⁰

They also report that monks who seek a first time admission to a monastery are admitted only on the grounds of “political correctness” or a show of “patriotic sentiments”:

*New monks are recruited on the basis of examination. However, instead of examining the monks on the basis of their spiritual knowledge, they are examined for their political ideology. The questions are designed to test the new monks’ allegiance to the Communist Party of China. Anyone who fails to pass the allegiance test is not given admission in the monastery.*²²¹

Sonam Gyatso²²², 27, a monk at Thashar Monastery in Samdo Township, Tsolho “TAR”, Qinghai Province, reported on official ceiling placed on the monastic population, the imposed control, expulsion and restriction on foreign students in his monastery:

*On 1 June 2004, Rinpoche passed away at the age of 77. Around two months later, a meeting was called comprising of eight heads from the monastery and eight government officials from the county and township government offices. The government officials demanded a cut down on the monastery population from 600 monks to 400 and expulsion of monks below 18 years of age. Against all reasonings by the monastery heads, the ceiling was put into effect and the monks were either expelled or transferred to other monasteries. The authorities also made a limited stay period for the foreign students of Rinpoche from Hongkong, Taiwan, Japan, The US, England and China, who could earlier stay much longer peacefully studying the Buddhist texts.*²²³

buddhism growing amidst restrictions

What could possibly be the reason for the silent but massive use of measures aimed at forcefully “patriotizing” Tibetan Buddhism in accordance with the political interests of the Chinese Communist Party? Perhaps because Party ideology has not managed to fill the people’s hearts fully.

Recent years have witnessed a rising interest for religion among the PRC’s population. There seem to be indications that religion is getting more important to the mainstream Chinese citizen than politics. The Chinese Communist Party has taken well-thought measures to counteract this phenomena by using religion as a political tool to gain more power and control over people. By coincidence, Tibetan Buddhism which at first might have been perceived just as the religion of the ethnic minority of Tibetans living in the PRC is one of the religions that the Chinese population has turned to with particular interest. Thus, the Party’s attempt of religious control has to do with the key role that this religion has been taking on despite all repressing regulations throughout the PRC:

*In the past few years there has been a dramatic development of newfound interest in Tibet, Tibetan culture and Tibetan Buddhism among ordinary Chinese. The politically motivated official position that Tibetan culture was backward is being challenged by the growing appreciation among ordinary Chinese of the deeper aspect of Tibetan Buddhism and the positive role that it is playing in the development of the society. Books on Buddhism by the Dalai Lama as well as other Tibetan Lamas have been translated into Chinese and are reportedly hot favourites not just in Chinese-speaking areas outside of China, but also in different provinces of China.*²²⁴

While outside observers judge that Communism is virtually dead inside China, the Chinese population seems to turn away from a political ideology that does not convince them to religious traditions that promise to add a spiritual dimension and depth to people's lives. Likewise, the Chinese Government seems to re-discover the virtue of cultivating the teachings of cultivating its sage Confucius' teachings²²⁵ whose wisdom was considered "dirtier than mud" during the Communist revolution. But in September 2005 hundreds of top Communist cadre from across the nation celebrated with pomp and pageantry the 2556th birth anniversary of Confucius under the blast of television coverage:

What is going on? The Communist Party of China appears to have taken a considered political decision to restore Confucius to his traditional place of pride at the centre of Chinese worldview. As it copes with growing economic inequalities and social tensions, the CPC believes Confucius might offer the right social and political medicine...

The Chinese republicans—both nationalists and Communists—at the turn of the 21st century believed rejection of Confucius was critical for the building of a new nation based on "science and democracy". When he launched the Cultural Revolution in the mid-1960s, Mao Zedong personally renewed political attacks on Confucianism as the bad social weed that must be eliminated....

*But precisely at the moment when China seems to have successfully modernised and is poised to emerge as powerful nation on the world stage, the party-state in Beijing badly needs Confucius to re-bind society on traditional values. History has its own ways of wreaking revenge on all social engineers.*²²⁶

It is very telling of the growing influence of religion and the increasing difficulties to keep the Communist Party in power that it is trying to build up its own leaders for religious matters, such as its approved Panchen Lama, or for Chinese philosophy such as Confucius. Yet, a trend among mainstream Chinese and Taiwanese nationals has manifested towards following teachings on Buddhist philosophy taught by the Dalai Lama who, according to government sources is nothing but a "national enemy":

*There is a growing number of Chinese-speakers attending the teachings by the Dalai Lama, whether in India or in other parts of the world. More significantly, Chinese devotees have been requesting teachings to be given to their community by the Dalai Lama.*²²⁷

According to the organizing Norbulingka Institute²²⁸ the January 2006 Kalachakra Initiation²²⁹ in Amaravati, South India, has drawn an unprecedented number of practitioners and interested people from all over the world to attend the event. From the over 200,000 registered participants, an estimated 10,000 Tibetans have undertaken the financial burden and political risk to leave Tibet to be present at the religious ceremony and philosophical commentary given by the Dalai Lama on the Kalachakra teachings.

an essential problem to religious freedom

*The Dalai Lama has said that he does not seek independence and aims for a solution based on Tibetan autonomy within China. But China's leaders do not seem to recognize the benefits of moving forward in the dialogue with the Dalai Lama or his envoys.*²³⁰

Judging from newspaper reports the diplomatic relations between the Chinese Government and the Dalai Lama over the past years continued to be marked by a pattern that seems to have become characteristic for their relationship. The Dalai Lama puts in many of his speeches in evidence that he is not, as Chinese officials try to insist, pursuing “independence” from China. Yet, the Chinese Government seems to heed these repetitive affirmations. Is the Chinese Government perhaps fearing that every effort put into the “Anti-Dalai Lama” campaign²³¹ in which the Dalai Lama is represented as China’s enemy, would vanish as soon as it recognizes the Nobel Peace laureate as a valid partner for moving on in a dialogue on human rights?

Over the years, the Chinese policies have intensively targeted the Tibetan issue within China but seemed to be talking its way out from openly presenting its perspectives on Tibet. Throughout 2005 many governments, including the United States and the highest EU-representatives urged, so far²³² in vain, the Chinese Government to meet the Dalai Lama and to move the current contact with his envoys to substantive discussions in particular in regards with allowing religious and political freedom for Tibetans.²³³

The United States hopes that there will be improved relations with the Dalai Lama’s representatives so that Tibetans can clearly pursue their cultural interests”, Secretary of State Condoleezza Rice told reporters at the end of her talks with China’s top leadership, including President Hu Jintao. China has ruled out talks with the exiled Tibetan spiritual leader, Dalai Lama, unless he renounces his quest for Tibetan independence and publicly states that Tibet and Taiwan are inalienable part of Chinese territory...

If Dalai sincerely hopes to improve the relations with China, he should face up to the reality in a comprehensive and objective way, truly give

up his proposition of Tibet independence, and stop all actions of secession. He should also publicly declare that Tibet is an inalienable part of China and that the government of the People’s Republic of China is the only legal government that represents China”, the Chinese Foreign Ministry had said in a statement on 15 March, 2005.

“The government will listen to what he says and more importantly observe what he does”, the statement said in response to the Dalai Lama’s latest conciliatory statements on March 10.²³⁴

Interestingly, the Dalai Lama has never denied that the PRC is the only legal government that represents China but China repeats unilaterally its same conditions for commencing a dialogue as if there was never a reaction from side of the Dalai Lama. In November 2005, the Envoy of His Holiness the Dalai Lama, Kelsang Gyaltzen, tried to shed light on the apparent difficulties in establishing a dialogue with China. Speaking at the Fourth World Parliamentarians’ Convention on Tibet in Edinburgh²³⁵ he looked back on the years after the Dalai Lama’s escape from Chinese military forces in 1959 in order to explain to an international audience about some drawbacks but most importantly about the seeming recent advances in the dialogue with Chinese delegations:

Our first direct contact with the Chinese leadership after our escape from Tibet in 1959 was established in late 1978. Before going into exile His Holiness the Dalai Lama has tried his best for more than eight years to work out a peaceful co-existence with the Chinese leaders as well as with the Chinese Generals of the People’s Liberation troops in Tibet. When China emerged from the turmoil of the Cultural Revolution and Deng Xiaoping signalled a willingness to have direct contact, His Holiness responded positively without any hesitation.

Right from the beginning of the Sino-Tibetan conflict, His Holiness was determined to pursue the path of non-violence and to seek a resolution of the conflict through dialogue.²³⁶

However, over many years, there appeared to be a lack of political will on the part of the Chinese leadership to respond to the numerous initiatives of the Dalai Lama, leading to the end of every formal contact in August 1993. Subsequently the Tibetan Government-in-exile tried to explore informal channels of communication to the Beijing leadership which resulted in a few rounds of meetings with private personas and semi-officials. Without any obvious reasons even these channels were suddenly shut down in autumn 1998. Despite this and numerous other setbacks, continued efforts through informal channels managed to pave the way to a first face-to-face meeting outside of China with Chinese officials who were overseeing policies on Tibet. The talks resulted in the entry permission for a Tibetan delegation to China and the Tibetan capital Lhasa in September 2002²³⁷ and subsequent visits in 2003 and 2004.

On 30 June, 2005, the Tibetan and Chinese delegation met again outside of China, this time at the Embassy of the PRC in Berne, Switzerland. According to Kelsang Gyaltzen the discussions were “concrete and substantive, and held in a cordial, frank and business-like atmosphere.”²³⁸

The Tibetan side had the opportunity to respond in detail point by point to the criticism, objections and allegations made by the Chinese side during the last round of discussions in Beijing. We also put forward some proposals that will help build trust and confidence and move the ongoing process to a new level of engagement aimed at bringing about substantive negotiations to achieve a mutually acceptable solution to the Tibetan issue. We reiterated our commitment

to continue making every effort to create a better environment. At the same time we urged the Chinese side to join in this effort, and highlighted the absence of such gestures from their side.²³⁹

While both sides had a positive assessment of the process that they hope to become an “established practice”, the Tibetan side stresses that there is a great need to take “tangible steps to build mutual trust and confidence”²⁴⁰, especially in view of the enormous gap existing between the positive outlook of the talks and the present reality of religious repression in Tibet:

What is presently most disturbing and of great concern to us is that there have been no positive changes inside Tibet since the opening of direct contact with the Chinese leadership. On the contrary repression inside Tibet has increased recently. Nor has Beijing reciprocated the confidence building measures undertaken by the Tibetan leadership in exile after our first visit. We must face the fact that so far there has been no indication of any change in China’s harsh policies in Tibet nor have there been any clear signs that the Chinese leadership is genuinely interested in beginning an honest dialogue.²⁴¹

Meanwhile the U.S. State Department states regretfully in its 2005 report²⁴² about China that the government continued its suspension of the official U.S.-China Human Rights Dialogue, which had included religious freedom as a major agenda item. The latest Dialogue session took place in December 2002, at which the Government committed to invite the U.S. Commission on International Religious Freedom (USCIRF) and the U.N. Special Rapporteur on Religious Intolerance to visit the country. In January 2005, USCIRF members visited Hong Kong, a visit, as the U.S. State Department remarks, “authorities from the country publicly criticized.” Furthermore it states:

*U.S. officials in Washington and Beijing continued to protest individual incidents of abuse. On numerous occasions, the Department of State, the Embassy, and the four Consulates in the country protested government actions to curb freedom of religion and freedom of conscience, including the arrests of Falun Gong followers, Tibetan Buddhists, Uighur Muslims in Xinjiang, and Catholic and Protestant clergy and believers. The Embassy routinely raised reported cases of detention and abuse of religious practitioners with the Ministry of Foreign Affairs and the State Administration of Religious Affairs, except from March through November 2004, during which the Government unilaterally implemented a policy of refusing to discuss such cases with Embassy officials in response to U.S. sponsorship of a resolution on Chinese human rights at the March 2004 session of the U.N. Commission on Human Rights.*²⁴³

In its Annual Report for 2005, the Congressional Executive Commission on China (CECC) stressed, as was reiterated by the EU representatives at the end of the year that “dialogue” was the key that the future fate of Tibetans depended only on dialogue. The development of the rule of law in the PRC could be encouraged to orientate itself on international human rights standards:

The future of Tibetans and their religion, language, and culture depends on fair and equitable decisions about future policies that can only be achieved through dialogue. The Dalai Lama is essential to this dialogue. To help the parties build on visits and dialogue held in 2003, 2004, and 2005, the President and the Congress should urge the Chinese government to move the current dialogue toward deeper, substantive discussions with the Dalai Lama or his representatives, and encourage direct contact between the Dalai Lama and the Chinese leadership.

Moreover, Senator Chuck Hagel (R-NE), the Commission’s Chairman, evaluated the present attitude of the Chinese government saying

*China’s leaders will not achieve their long term goal of social stability and continued economic development without building a future that includes human rights for all Chinese citizens. China’s development will impact all of Asia, and the world. Respect for human rights must be part of that future.*²⁴⁴

Adopting a similar tone, the European Parliament voiced its critics of the EU-China human rights dialogue, stating there was “disappointment at the lack of substantial results as regards this dialogue” and calling for a “thorough assessment of its effectiveness”.²⁴⁵ The Parliament called on the Commission and the Council to make clear to the Chinese authorities that a genuine partnership could only develop when shared values were fully respected and put into practice and that Chinese authorities should finally “allow access for the UN Special Rapporteur on Freedom of Religion or Belief to the Panchen Lama designated by the Dalai Lama.”²⁴⁶

While the picture of the situation remains nebulous due to the continued holding in custody of the Panchen Lama,²⁴⁷ the incarceration and torture of important Tibetan Buddhist scholars and religious leaders, the intensification of “patriotic re-education” and the “Anti-Dalai Lama” campaign in Tibet, the crackdown on a non-violent protest of Lhasa’s Drepung monks in the beginning of December and many other violations of religious freedom against the Tibetan people, there is a silver line on the horizon for a dialogue to bring positive fruits if, and only if, a strong international concern for Tibet continues to back the peaceful resolve of Tibet’s issue.

In general terms it must be admitted that there are certainly signs that the Chinese Government is real-

izing the importance to observe international human rights law, including religious freedom, and democracy. In 2005 the first white paper on democracy has been issued by the PRC.²⁴⁸ Although at present the reality in China is not the one of a democracy the white paper must be taken as a sign that the government is beginning to consider democracy which leaves the outlook that, over time, a development towards respecting the human rights of people is bound to take place.

The Dalai Lama's high-profile 10-day visit to the United States seemed to mark a new step towards a possibility of strengthening international support for the human rights of Tibetan people. A strong sign in favour of religious freedom in Tibet and the Tibetan human rights' cause as such was surprisingly made by U.S. president during his official stay in Beijing which coincidentally followed his talks with the Dalai Lama at the White House:²⁴⁹

Mr Bush said that he had urged China's leaders to hear for themselves that the Dalai Lama, living in exile since an abortive 1959 uprising against Chinese rule, had no desire for an independent Tibet: "I talked about the Dalai Lama. I thought it would be wise for the Chinese Government to invite the Dalai Lama, so he can tell them exactly what he told me in the White House the other day, that he has no desire for an independent Tibet."²⁵⁰

Flexibility, far-sightedness and a vision to bridge differences will be needed on both sides, Tibetan and Chinese, to find a viable solution to overcome the present reality of religious repression in Tibet by means of a dialogue that does not get stuck in empty promises before it is too late. As thorough investigation suggests it soon could be too late really to revive original Tibetan Buddhist traditions that are endangered²⁵¹ to disappear and it has often been already, in the past, been too late before liberty could

be restored to prisoners who were held in conditions of severe ill-treatment for the mere crime of believing in their faith and engaging in traditional religious practices.²⁵²

The fact that the mere appeal for establishing a dialogue with the Dalai Lama can be easily misunderstood by Chinese officials became evident when, according to information provided by a source to Radio Free Asia, a group of monks and nuns from the Labrang Tashikyel monastery²⁵³ in Kanlho Tibetan Autonomous Prefecture, Gansu Province, were arrested on 22 December 2005 for putting up a poster urging the Chinese leadership to initiate dialogue with His Holiness the Dalai Lama:

Family members suspect that the arrested nuns and monks were detained in a jail in Kanlho. When their family members requested the local officials' permission to visit their relatives in prison, it was denied", said the source, who declined to be identified because of fear of retaliation ...

However, the officials offered to hand over money from the family to the prisoners.²⁵⁴

It should never be too late to re-consider to give human treatment and to restore freedom of religion to the Tibetan people without making this freedom dependant on their adherence to a party's ideology. As the Envoy of the Dalai Lama, Kelsang Gyaltsen, pointed out

It is a delicate process, requiring both quiet diplomacy and some very public gestures and initiatives.²⁵⁵

During this delicate process which requires both an active dialogue on human rights and respect for the principles of religious worship which are characteristic for Tibetan Buddhism, the Dalai Lama himself actually stands out in his key function as a reli-

gious leader capable of unifying the Tibetans as a harmonious and peaceful society.

In Tibetan circles, at times voices have become loud calling for fighting against the weary Chinese oppression. Yet, these voices have only been pacified due to the Dalai Lama's continued calls upon Tibetans to maintain an orientation of non-violence and compassion. The Dalai Lama has therefore proven to be, in reality, all the contrary to what Chinese Government officials call him: He is not the "head of the splittists" but so far he has been at all times a religious leader who remained loyal to his spiritual credo of compassion and the so-called *Middle-Way Approach*, which seeks to resolve all matters, even political ones, in a peaceful, non-violent way.²⁵⁶

As a matter of fact, the Dalai Lama faces increasing criticism from his own people over his peaceful push for more autonomy instead of fighting China for full independence:

*Criticism about my approach, not seeking separation, is growing, increasing and my response to them is to be patient.*²⁵⁷

The young generation of Tibetans look around, to Israel or Palestine or the Middle East, and seem to take reason in believing that violence can bring about desired changes. They are also looking at the country's own warrior past, strongly contrasting, thus, the Dalai Lama's peaceful approach that seeks dialogue with Chinese officials.

*For Tibetans as such, violence is something we cannot normally think of. But we have again a youth section which is not so much influenced by the Buddhist philosophy. They are very much attracted by the movements which are going on all over the world — mostly violence-infested movements and people see they are achieving results.*²⁵⁸

Coincidentally, the Dalai Lama, on his visit to the New York city, was presented in an symbolic act with the key to New York by the city's Mayor, Michael Bloomberg, on 25 November 2005, who described the Tibetan religious leader as a "moral beacon to millions around the world, with a clear and constant voice for human rights".²⁵⁹

conclusion

An evaluation of the situation of the right to religious freedom in Tibet in the year 2005 necessarily leads to the conclusion that the level of religious repression has reached a subtle stage of manipulation that endangers the continuation of the very essence of Tibetan Buddhist traditions.²⁶⁰

In a December 2005 interview with Reuters, the Dalai Lama remarked that the Chinese appointed Panchen Lama "obviously has to speak what his superiors want", indicating that, in contradiction with the Chinese Panchen Lama's statements about a free religious culture in Tibet, human rights abuses are still the norm in Tibet.

The 70-year old Nobel Laureate said he was saddened by reports that monks had been killed and tortured by Chinese authorities for refusing to denounce him as a "separator" bent on damaging China and also stressing the traumatising repercussion of the enforced "patriotic re-education" campaign:

*I had stressed if they have to denounce me then please denounce me—no problem. Their safety is more important. Just please denounce me.*²⁶¹

It remains to be hoped that the genuine interest and growing influence of Tibetan Buddhism which is spreading in mainland China and the Western hemisphere will be able to restore in time religious freedom to the original holders of the line, the Tibetan

scholars and practitioners living in Tibet. For such a change to take place, the PRC will inevitably have to react to the insistent calls of the international community to enter a constructive dialogue with the Dalai Lama and with governments of other countries.

An encouraging assurance that could perhaps be given to the Chinese Government towards taking this step is the insight that more freedom for people to follow their spiritual interests would result in a religious population who is less likely to commit violence and crimes. Speaking in similar terms at the inauguration function of the Dolma Ling Nunnery on 8 December 2005 in Dharamsala, the Dalai Lama emphasized the importance of religion expressing his hope that the Tibetan issue could be resolved on the very basis of non-violence that is a principle professed by Tibetan Buddhism and other world religions:

The number of people embracing Buddhism and Christianity in China and Russia, which for decades forced people to think that religion was a poison, is on the rise ... Buddhism can really help us imbibe a sense of non-violence and compassionate mind thus making us more capable of resolving our issue amicably.²⁶²

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Notes

1. *A Poisoned Arrow - The Secret Report of the 10th Panchen Lama*, Tibet Information Network, London 1997.
2. For details consult, "The "Patriotic re-education" campaign," in the chapter on Religion of this report, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
3. "Chinese Authorities Step Up Anti-Separatist Campaign in Tibetan Region," Radio Free Asia, 2005. Available at http://www.rfa.org/english/news/politics/2005/10/13/china_tibet
4. "US State Department's International Report on Religious Freedom 2005" states about China that "*the government's respect for freedom of religion and freedom of conscience remained poor...*" and continues to say that the "*preservation and development of the Tibetan people's unique religious, cultural, and linguistic heritage and the protection of their fundamental human rights is of concern.*" Available at <http://www.state.gov/g/drl/rls/irf/2005/51509.htm>
5. For details, see http://en.wikipedia.org/wiki/Cultural_Revolution and "A Chronology of Tibet's History," <http://www.pbs.org/wgbh/pages/frontline/shows/tibet/etc/cron.html>
6. There is a prevalent underestimation of the fact that the Party's fear of the continued, to them unexplainable flourishing of Buddhism interpreted as a threat to the Party's rule and national stability itself. Regarding bans on information flow consult the chapter on Information of this report.
7. Maura Moynihan, "Genocide in Tibet," *The Washington Post*, 25 January 1998, see www.refugeesinternational.org/content/article/detail/1112/ and "The Dalai Lama condemns cultural genocide in Tibet," Reuters, 9 October 2003. Available at www.tibet.ca/en/wtnarchive/2003/10/9_2.html
8. More than 95% of Tibetans are Tibetan Buddhists and there is a small minority of Tibetan Muslims.
9. *When the Sky fell to Earth*, International Campaign for Tibet, 2004.
In 2001, the Chinese Government did not refrain from spending major sums for the demolition of several particularly successful monastic institutions where Tibetan Buddhism flourished and attracted up to 40,000 students during important prayer festivals. According to reports received by ICT on the destruction of Larung Gar Monastery, also called Serthar Institute, "*several hundred Chinese and Tibetan migrant workers had been brought into the valley ... were reportedly paid 250 Yuan for each dwelling destroyed.*" The housings destroyed went into the thousands.
10. Already before the launch of the "Strike Hard campaign" in "TAR's" monasteries in 1996, Chinese religious authorities warned "*those who make use of religion to interfere with administrative, judicial, martial, educational and other social affairs, especially those who take advantage of religious reasons to split the country, must be severely cracked down upon according to*

- law.” See *Closing the Doors, Religious Repression in Tibet*, TCHRD, 2000, p.1
11. “Approximately 615 Tibetan Buddhist religious figures held positions in local People’s Congresses and committees of the Chinese People’s Political Consultative Conference. Nevertheless, the Government continued to insist that Communist Party members and senior employees adhere to the Party’s code of atheism, and routine political training for cadres continued to promote atheism. Government officials confirmed that some Religious Affairs Bureau (RAB) officers were members of the Communist Party and that religious belief was incompatible with Party membership. This prohibition notwithstanding, some lower level RAB officials practiced Buddhism.” See chapter “China”, Section II., Status of Religious Freedom, Restrictions on Religious Freedom, *U.S. State Department’s International Report on Religious Freedom 2005*. Available at <http://www.state.gov/g/drl/rls/irf/2005/51509.htm>
 12. The Dalai Lama is the religious head of Tibetan Buddhism.
 13. Consult more details in “The “Anti-Dalai Lama” Campaign” in the Chapter on Religion of this report, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
 14. Over the past years many governments have asked the PRC to abide by their human rights’ conventions that they ratified and to change their practice towards respecting the religious rights of Tibetan Buddhists and other religious minorities in China. Yet, there has been a constant denial from official government sources of any repression. Due to the importance of economic interests that rule relationships with China, due to the partial dependency of some economies on inexpensive imports coming from China, discussions on human rights’ issues regularly prove inefficient in their outcome.
 15. *When the Sky fell to Earth*, International Campaign for Tibet, 2004, pp.5-13.
 16. “Freedom of Religion,” *Annual Report 2005*, Congressional-Executive Commission on China (CECC), concludes as well that “*the religious environment for Tibetan Buddhism has not improved in the past year*,” 11 October 2005. Visit www.cecc.gov
 17. United States Commission on International Religious Freedom, www.uscifr.gov
 18. *Annual Report of the United States Commission on International Religious Freedom*, May 2005, p.28 Visit www.uscifr.gov
 19. View “patriotic re-education” in the Chapter on Religion of this report, 2005 Annual Report on the Human Rights Situation in Tibet, TCHRD.
 20. More details in “International conventions and domestic legislations” in the Chapter on Religion of this report.
 21. It is true that Tibetan nationalistic sentiments in exile are being fed and strengthened precisely by seeing harsh restrictions of human rights painfully experienced by Tibetans living under Chinese rule to date. Contrary to these nationalistic sentiments, the Dalai Lama, himself wrongly labelled by the Chinese Communist Party as the “head of the splittists,” has long given up to seek “independence” from China. Instead, he is hoping to obtain a status of true autonomy in Tibet which would allow to establish it as a “zone of peace or Ahimsa” as exposed in his “Five Point Peace Plan for Tibet,” contained in his address to the United States Congressional Human Rights Caucus, delivered in Washington, D.C., on 21 September 1987.
 22. Officials from the United Front Work Department, Religious Bureau and State Law Enforcement bodies attended the workshop. The participants decided to implement the contents of the workshop in two or three monasteries at the end of the year 2004 as a trial. It was decided that a successful implementation would lead to city wide implementation in the next couple of years beginning from 2005 which has been so throughout the year 2005. This information was published by the *Lhasa Evening Daily*, 1 November 2004. Further details in *Human Rights Update*, TCHRD, October 2004, available at http://www.tchrd.org/publications/hr_updates/2004/hr200410.html
 23. Given the fact that the Chinese Party puts every emphasis on a providing good livelihood to its population, other human rights such as the right to free access to information or the right to religious freedom seem to be constantly relegated to the sphere of circumstances that are regarded as unessential for the welfare of a socialist society.
 24. See “Persecution of well-known Religious Leaders” in this chapter, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
 25. Since 1999, the U.S. State Department has designated China a “Country of Particular Concern” under the International Religious Freedom Act for “*particularly severe violations of religious freedom*,” www.state.gov/g/drl/rls/irf/2005/51509.htm
 26. Please consult “Institutionalized Religious Control” in the Chapter of Religion of this report, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
 27. See www.tchrd.org/press/2005/nb20051013.html
 28. “*Through the conduct of Patriotic Education in the monasteries in recent years, since the roots of the Dalai clique have been shaken and the ideological and social foundations of splittism weakened, the challenges to state security and disturbances caused by law-breaking monks and nuns have been effectively stopped, haphazard monastery construction and monastic recruitment and emboldening of illegal religious activities have completely overturned, and not only has the regular discipline of normal religious activity been made better than before, but responsibility for it has been ensured.*” excerpt from “*TAR*” Patriotic Education for Monasteries, Propaganda Book no. 4, Handbook for Education in (Party) Policy on Religion, issued in May 2002 and since in use for “political re-education”.
 29. At present there are no reliable sources accessible about the exact number of the remaining monasteries.
 30. The case of Ngawang Jangchub, 28 years old. Press Release, TCHRD, 8 November 2005, available at www.tchrd.org/press/2005/pr20051108.html
 31. Press Release, TCHRD, 30 November 2005, available at www.tchrd.org/press/2005/pr20051129.html Also visit www.reuters.com
 32. See www.tchrd.org/press/20051130.html; Also *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD

33. "Challenges at the End of Visit to China," Beijing, 2 December 2005, <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/677C1943FAA14D67C12570CB0034966D?open=document>. See also TCHRD's memorandum to the U.N. Special Rapporteur on Torture visiting Tibet and China, available at <http://www.tchrd.org/press/2005/nb20051111.html>
34. TCHRD counted by the end of December 2005 a total of 133 prisoners of conscience, 91 of who belong to monasteries and thus are 68% of the detained prisoners of conscience. See for comparative counts the chapter on China, *Amnesty International Human Rights Report 2005*, www.amnestyinternational.org Amnesty International speaks of "over hundred" prisoners of conscience without indicating an exact number, see <http://www.amnestyusa.org/countries/china/document.do?id=ar&yr=2005> According to TCHRD records there are 133 Tibetan prisoners of conscience as of end of December 2005.
35. Ibid.
36. Read further details in "The Politicization of the Geshe Lharampa Degree" in the Chapter on Religion of *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
37. *A Golden Bridge Leading to a New Era*, Tibet Autonomous Region Party, 1994.
38. "China loots the Potala again, Tibetan appeal to world to stop China from emptying Tibet of its religious wealth," Press Release, Department of Information and International Relations, Dharamsala, 21 April 2001. Visit www.tibet.net
39. "Travellers' account of Tibet experience," *Human Rights Update*, TCHRD, July 2002. Visit www.tchrd.org
40. Ever since the War on Terror started with the U.S. led invasion of Iraq, China has increasingly referred to "splittism" or lately even so-called "terrorism" being the motive behind certain Tibetan Buddhist religious beliefs and practices, such as the veneration of the Dalai Lama, who for Tibetan monks and nuns is the spiritual head of Tibetan Buddhism and whom they base their spiritual practice on. Political aspects of whether the Dalai Lama is "the head of the splittists" as the Party constantly repeats, are not issues of concern for genuine religious practitioners. Evidently, the Party's approach to religion is to always see it in connection with politics which leads to the constant confusion of spiritual practices with "terrorist" motivated acts and the subsequent repression of such practices.
41. *Human Rights Update*, TCHRD, archive section for the year 2005, visit www.tchrd.org
42. Consult more details in "An Essential Problem to Religious Freedom" in the Chapter on Religion of this report, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
43. "The Government strictly controlled access to and information about Tibetan areas, particularly the "TAR", and it was difficult to determine accurately the scope of religious freedom violations..." Chapter "China", Section II, Status of Religious Freedom, "Abuses of Religious Freedom," *U.S. State Department's International Report on Religious Freedom 2005*. Available at <http://www.state.gov/g/drl/rls/irf/2005/51509.htm>
44. Article 18: "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."
45. Article 1: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever 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 and teaching."
46. ICESCR, available at http://www.unhcr.ch/html/menu3/b/a_ceschr.htm
47. ICESCR was ratified by China on 27 March 2001; see 2002 HRW Report available at www.hrw.org/reports/2002/chinalbr02/chinalbr0802.htm
48. *Annual Report 2003*, CECC, pp.28-29.
"...the state's requirement that religion be congruent with patriotism has led to widespread repression of religion. In Tibetan and Uighur areas where separatist sentiment often is interwoven with religious conviction, state repression of religion is particularly harsh. Chinese authorities do not clearly distinguish between the peaceful expression of separatist sentiment and terrorism, creating additional pressures on religious practices that do not embrace Chinese nationalism..."
49. "Executive Summary," *Annual Report 2005*, CECC, 2005, available at www.cecc.gov
50. Such as the Criminal Law, the General Principles of the Civil Code, the Law on Regional Autonomy for China's National Minorities, the Military Service Law, the Law on Compulsory Education, the Electoral Law for the National People's Congress, Local People's Congresses and the Organisation Law of Village Committees
51. *Closing the Doors: Religious Repression in Tibet*, TCHRD, 2000, p.1.
52. "Ostensibly designed to protect believers, the regulations strengthen requirements for any group hoping to register as a legal religious institution. Once approved, institutions must submit to increased scrutiny and must open their membership rolls to civil authorities. Requirements are vaguely worded, allowing authorities extraordinary leeway to shut institutions, levy fines, dismiss personnel, and censor texts," comments Human Rights Watch, the new religious affairs regulations in an open letter of recommendations to the U.N. Commission on Human Rights, 9 November 2005. Available at <http://hrw.org/english/docs/2005/03/10/china10296.htm>
53. *Annual Report of the United States Commission on International Religious Freedom*, May 2005. Available at www.uscirf.gov
54. Ibid. p.28
55. Chapter "China", Introduction, *U.S. State Department's Annual International Report on Religious Freedom 2005*, available at <http://www.state.gov/g/drl/rls/irf/2005/51509.htm>:
"Some saw the new regulations as reflecting a more tolerant atmosphere and establishing legally protected rights for religious groups to engage in activities such as publishing, education, and social work. Others criticized the regulations as merely codifying past practice and questioned whether they would enhance religious freedom."

56. "According to a Chinese Government website," as cited in the U.S. State Department's Annual International Report on Religious Freedom 2005, Chapter "China", Section II. Status of Religious Freedom, Legal/Policy Framework.
In this context read *When the Sky fell to Earth*, ICT, 2004: "The Chinese Communist Party sees religious belief as one of its most significant problems in Tibet, largely due to the ties between Tibetan Buddhism and Tibetan identity. The Party has been confounded by its failure to draw Tibetans away from its failure to draw Tibetans away from their religious beliefs, and particularly their loyalty to the Dalai Lama. As well as posing an ideological problem for the Party, their concerns over religious belief in Tibet are also political and strategic. The Party's fear of a Tibetan desire for separation from China and instability in the PRC's border regions has increased its sensitivity to any perceived infiltration from outside 'hostile' anti-China forces."
57. Chinese Government White Papers available in English at <http://www.china.org.cn/e-white/>
58. "China launches Summer 2005 "Strike Hard" Campaign," Press Release, TCHRD, available at http://www.tchrd.org/publications/hr_updates/2005/hr200507.html#summer
59. The findings in "Policy Focus on China" are the result of the Commission's August 2005 official two-week delegation to China. The issuing of the recommendations for U.S. policy was especially timely in light of President George W. Bush's November 14 meeting in Beijing with Chinese President Hu Jintao. The Commission questioned the unique situation in Tibet and, raising specific cases of concern with law enforcement officials, was allowed to meet with recently released Tibetan Buddhist nun Phuntsog Nyidron during its visit to Lhasa. According to USCIRF, Chinese authorities had to be pressed to restore her freedom of movement so that she could get needed medical attention outside of China. More details are available at www.uscirf.gov
60. Ibid.
61. Consult the "Chinese White Papers: First White Paper on Democracy," issued in 2005, available at http://news.xinhua.net/english/2005-10/19/content_3648177.htm For previous White Papers see <http://chineseculture.about.com/library/china/whitepaper/blswhitepaper.htm>. Also see "China denies U.N. Torture Reports," 6 December 2005, available at <http://www.guardian.co.uk/world/latest/story/0,1280,-5460270,00.html>
62. Counting as inhabitants both, monks, nuns and lay people.
63. Coverage of the crackdown on Drepung Monastery on 25 November 2005 could be found in nearly all main independent tortured or, eventually, released. The exact details were still unknown by the closure of the present edition of *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD, at the end of December 2005.
64. http://www.eu.int/comm/index_en.htm
65. It is hard to pinpoint when and how Party practices of religious repression came into existence. The development of the Democratic Management Committee, for example, seems to have resulted from the Party's renewed commitment to obtain "from each monk or nun a written or oral declaration that they would not support the political position and claims of the Dalai Lama or his followers," at the Third Tibet Work Forum held in Beijing, in 1994. According to TCHRD report "Closing the Doors: Religious Repression in Tibet," DMCs reportedly began to be very active as tool of religious repression already in the eighties.
66. *A Season to Purge: Religious Repression in Tibet*, Washington, International Campaign for Tibet, 1996.
67. Religion was officially endorsed by the 1954 Constitution and also in "17-point Agreement" of 1951 between Beijing and Tibet.
68. This number equals about 80% of central Tibet's monastic institutions. The approximate numbers given here are being indicated by sources such as the Tibetan government and *When the Sky fell to Earth*, ICT, 2004. A complete count and reliable percentage is extremely difficult to find access to at this time.
69. "TAR" Vice-Chairman Buchung Tsering, 1987.
70. Martin Slobodnik, "Destruction and Revival: The Fate of the Tibetan Buddhist Monastery Labrang in the People's Republic of China," *Religion, State & Society*, Vol.32, No.1, Keston Institute, March 2004.
71. Official figures state that by 1978, all but eight monasteries had been erased. By then only 970 monks and nuns remained in the "TAR".
72. The period between 1983 and 1987 was one of rapid growth for monasteries and nunneries. Garu Nunnery, for example, increased from 20 nuns in 1985 to about 130 by 1987. For further details consult *When the Sky fell to Earth*, ICT, 2004.
73. China's basic religious policy was set out in a key policy paper, Document 19. It was enshrined in the Constitution in 1982 and its full title is "The basic viewpoint and policy on the religious question during our country's Socialist period." Consult for a comprehensive translation of Document 19, "Religion in China Today: Policy and Practice," Donald E. MacInnis (trans.), Orbis Books, 1989.
74. *When the Sky fell to Earth*, ICT, 2004, pp.64-73.
75. The documents of the Third Work Forum are a proof of the Party's concern if not fear of Tibetan Buddhism's popularity. The Forum's guidelines highlight the need of heightening controls and eventual eliminating of Tibetan Buddhist practices for the suspected link between monasteries and political activism, between religion and the pro-independence movement. For details consult *A Season to Purge: Religious Repression in Tibet*, Washington, International Campaign for Tibet, 1996.
76. *Cutting Off The Serpent's Head: Tightening Control in Tibet, 1994-1995*, TIN and Human Rights Watch Asia, March 1996, p.29.
77. The policies and guidelines formulated at the Third Tibet Work Forum were endorsed at the Forth Tibet Work Forum held in 2001.
78. The details given are based on investigations carried out by International Campaign for Tibet, available at www.savetibet.com and www.tchrd.org/publications/annual-reports/2002/

79. Khenpo Jigme Phuntsok from Serthar Institute enjoyed a lot of popularity among his followers who sometimes were Chinese students interested in the practice of Tibetan Buddhism and who came from far away places in order to listen to his teachings. Khenpo Jigme suffered from the pressure put on him by Party's officials to send his students away from the monastery. He soon fell ill and was barred from the monastery. *Destruction of Serthar Institute: A Special Report*, TCHRD, published in December 2001 together with a documentary film. Available at www.tchrd.org for both.
80. "Religion is growing but Communist Party membership is not, so authorities have reason to be afraid," according to "China cracks down on growing faiths," *Boston Globe*, 2 March 2002.
81. Khenpo Jigme was allowed to come back to the monastery and teach the faintly reduced community under the gunpoint of control units that had been sent to keep the place under control.
82. This fact is highly worrying as it shows that religious repression must not be directly involved in killing but may eventually succeed in causing trauma to a degree that religious practitioners, out of hopelessness and inner depression, proceed to inflict serious harm to themselves. "Destruction of Monasteries and Persecution of Religious Leaders," *When the Sky fell to Earth*, ICT, 2004, pp.63-79.
83. "Serthar teacher now in Chengdu, new information on expulsions of nuns at Buddhist institute," *TIN News Update*, 8 November 2001, available at www.ciolek.com
84. See the China country report on "Human Rights Practices 2003," U.S. State Department, 25 February 2004 and the *U.S. Annual Report on International Religious Freedom for 2003*, available at <http://www.state.gov>
85. According to reports on decisions taken during the October 2004 Workshop Meeting held in Lhasa.
86. View the news updates at www.tchrd.org
87. Testimony on "Freedom of Thought, Conscience, Religion, and Belief" before the House Committee on International Relations, presented by Mickey Spiegel, Senior Researcher, Human Rights Watch, 21 July 2005, available at <http://hrw.org/english/docs/2005/07/25/china11426.htm>
88. Ibid.
89. "Taxing faith: taxation on religious practices," *Closing the Doors, Religious Repression in Tibet*, TCHRD, 2000, pp.58-59; and "Restrictions on Pilgrimage," *When the Sky fell to Earth*, ICT, 2004, pp.59-60.
90. *When the Sky fell to Earth*, ICT, 2004, p.21.
91. See "Democratic Management Committees" in the Chapter on Religion in this report, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
92. "China thwarts Buddhist Lama's India visit," *Human Rights Update*, TCHRD, November 2002, available at www.tchrd.org
93. www.peopledaily.com, 12 January 2005.
94. Ibid. Note the adverse effects on Tibetan people's human rights' situation through the Party's policies for ensuring "prosperity of the country," Chapter on Development, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
95. The requirement to incorporate such profoundly political sentiments to religion is virtually incompatible with a continued genuine practice of Tibetan Buddhist traditions. "Love for the Chinese motherland" is one of the key issues in "patriotic re-education," requiring monks and nuns to vow that "*Tibet is a legitimate part of China*" which includes denouncing beliefs that are laid down by religious tradition, such as the role of the Dalai Lama who is practically the root-Guru of Tibetan Buddhists.
96. www.xinhua.net, 13 January 2005.
97. "Religions are adapting to China's socialist society and gaining vitality, the first meeting of the eighth political consultative conference committee of the Tibet Autonomous Region was held on Thursday. China followed a policy of freedom of religious belief, which accommodated the situation of Tibet, said Zhukang Tubdankezhub, a member of the eighth Chinese People's Political Consultative Conference National Committee. The policy offered an opportunity for the growth of Tibetan Buddhism while temples could open their doors to anyone, said Zhukang. Lamas, who were well read in religious doctrine, played an important role in Tibetan Buddhism. Monks, who could speak English and Chinese or use computers, were also vital, he added. China's religious belief policy ensured the basic rights of religious adherents and protected Tibetan Buddhism's growth, according to participants at the meeting," www.xinhua.net, 13 January 2005.
98. Ibid.
99. Article 251 (formerly Article 147) of the Criminal Law of the PRC states that "*serious cases in which any government employee illegally deprives citizens of their rights to religious belief and infringes upon ethnic customs and practices, may result in custody or a sentence of two years in prison*". To this date there has not been any report on government employees being held for abusing this provision.
100. HRW Report 2005 on Tibet states "*The Chinese government's effort to eliminate support for Tibetan independence severely limits Tibetans' core human rights. Regulations limit the number of monks and nuns and impose secular control over the administration, activities, finances, and personnel of all monasteries. Personal testimonies tell of arbitrary detention, torture and ill treatment, and of judicial processes that fail to meet international standards.*" Available at <http://hrw.org/english/docs/2005/03/10/china10296.htm>
101. Consult TCHRD reports on expulsion, persecution, torture and killing in Tibet, available at www.tchrd.org
102. www.tibetdaily.com, consult updated reports on the human rights situation in Tibet by an independent daily.
103. For example, only "politically correct" *Lamas* are given permission to teach; only monks and nuns who pledged loyalty to Chinese unity are allowed to officially register with their monastery; age-limits to admission and limits on the number of residents in monasteries have led to a drastic reduction of monks and nun living in monasteries.
104. The information flow about events in Tibet are subjected to severe Party control. Reports on abuses of religious freedom in particular tend to find little attention by the international

- media. See Chapter on Information, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
105. View details about the core importance in Tibetan Buddhism of unbroken lineage-holding through reading transmission from the teacher's mouth to the disciple's ear. *When the Sky fell to Earth*, ICT, 2004, p.21.
 106. *Human Rights Update*, TCHRD, October 2004, available at www.tchrd.org
 107. "Love Your Religion, Love Your Country" political campaign in Sera Monastery," *Human Rights Update*, TCHRD, July 2005, available at http://www.tchrd.org/publications/hr_updates/2005/hr200507.html#Sera
 108. Thubten Jinpa, the translator of the Dalai Lama, in an interview in 2005 on the occasion of the release of a book on education in Tibet, available at www.phayul.com
 109. See chapter on Education, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
 110. By tradition, parents would hand over their sons and daughters to a monastic institution as a major offering from their part, requesting both, that the monastery may take care of the child as well as that the child may become a blessing to the family in return for the good instruction it would receive.
 111. Before Chinese rule came to Tibet, by tradition, education was linked to receiving general knowledge and religious education in a monastery. There were only a few exceptions of secular schools that did not understand a monastic institutions. These were lay schools that had been set up by aristocratic Tibetan families and counted with few students only. All sciences are, by tradition, intrinsically connected with the Tibetan Buddhist explanation of how things exist and are therefore bound to their religious context.
 112. Lay people who usually would be in contact with their regional monastery are often discouraged to do so, school children are charged fines for wearing the traditional Tibetan protection strings and are barred from entering monastery premises. Such seemingly minor prohibitions can, however, have a major impact on the lay society's behaviour in the long run. These measures of religious suppression are evidently aimed to introduce a trend towards atheism and materialism in Tibetan society that is bound to threaten the cultivation of its religious heritage.
 113. Tibetan Buddhism divides up into four major schools or lineages: Nyingmapa, Kagyupa, Sakyapa, Gelukpa. The two most prominent figures are the Dalai Lama and the Panchen Lama. The continuity of most Tibetan Buddhist traditions and sacred text interpretations relies, by tradition, on a firm bond between teacher and the disciple. Consult *Mapping the Tibetan World*, Kotan Publishing, 2000.
 114. In every case, the non-recognition of the right to religious education and belief for young people under the age of 18 is contrary to the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief Declaration and article 14 of the Convention on the Rights of the Child (CRC) which states: "States Parties shall respect the right of the child to freedom of thought, conscience and religion." The RC has been ratified by China on 2 March 1992. See chapter on Religion of this report, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD, 2005, p.5.
 115. View "Democratic Management Committees" in the chapter on Religion of this report, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
 116. *Guru* is the Sanskrit term for a teacher, *Lama* the Tibetan term. Note the high importance given in Tibetan Buddhism to being able to rely on a personal teacher who acts as both, a virtuous example to follow as well as a very close, beloved tutor in all matters concerning the disciple's spiritual development and the very scholarly aspects of religious text study. It is said that without a personal, qualified teacher no spiritual attainments can be achieved. Therefore, the arbitrary detention of qualified teachers from the old generation is exceptionally harmful to ensuring the transmission of their knowledge to their young disciples. In Tibetan Buddhism a personal Guru or Lama is not easily exchangeable as priests are in Christianity, for example.
 117. Martin Slobodnik, "Destruction and Revival: The Fate of the Tibetan Buddhist Monastery Labrang in the People's Republic of China," *Religion, State & Society*, Vol.32, No.1, Keston Institute, March 2004.
 118. Ibid.
 119. In an ICT interview 2003 an elderly monk from central Tibet told: "Sometimes there are the texts and students but no teacher who can teach it. Then there are times when a teacher comes who have the texts, but there are no students. And then sometimes, we have both the students and teachers present but the text was destroyed in the past (during the Cultural Revolution)."
 120. Testimony on "Freedom of Thought, Conscience, Religion, and Belief" before the House Committee on International Relations, presented by Mickey Spiegel, Senior Researcher, Human Rights Watch, 21 July 2005, available at <http://hrw.org/english/docs/2005/07/25/china11426.htm>
 121. For an experiential report see "A day in the life of a monk," available at www.timesoftibet.com/authors/90/Tenzin-Pema
 122. Ibid.
 123. This does not mean that the monastic community would not be familiar with mundane tasks that are different to their prime occupations which are related with their religious practice. In every case, economic pursuit, "money-making" or creating a surplus of wealth for their monastery is not a primordial concern that monks and nuns would usually need to have.
 124. Consult for details the Chapter on Development of this report, *Human Rights Situation in Tibet: Annual Report 2005*, TCHRD.
 125. "Financial Management of Monasteries," *When the Sky fell to Earth*, ICT, 2004, p.58.
 126. *When the Sky fell to Earth*, ICT, 2004, pp.58-59.
 127. Note that offering donations to the monasteries used to be a deeply rooted tradition that is now losing ground due to intimidating threats of Chinese officials against the lay population. The purpose of making offerings to monks and nuns was to reciprocate the benefits lay people received from the services of the monastic communities. The Chinese officials' frequent prohibitions on lay people to seek counsel with

- monasteries as well as the requirement that monasteries function self-sufficiently has contributed to creating an unnatural gap between the former symbiosis of the monastic community and the lay community. Interestingly, in certain regions there has been a slightly opposite trend, namely Chinese officials ask Tibetan monks to go out “gathering alms,” considering it a “productive labour activity” —contradicting a tradition according to which monks and nuns would never beg or go out with the sole purpose of obtaining donations.
128. The importance of economic development to the Chinese state and the multiple implications to this importance should never be underestimated, even or in particular when looking at the right to religious freedom in the “TAR”: *“The Chinese Communist Party has always emphasized that there is an important link between atheism and economic development ... there is a belief that economic development will counter the influence of religion and therefore promote atheism.”* *When the Sky fell to Earth*, ICT, 2004, p.55.
 129. As a matter of fact, *“pioneering the new brand of socialist monks”* is a quote from the concluding statements in an official document called “Study Material for the Propagation of Patriotic Education in Tibetan Buddhism,” United Front of the Party Central Executive Committee of Gansu Province under the auspices of the Religious Affairs Bureau of the Gansu Province, issued in January 1998.
 130. In the early nineties, the PRC set up a DMC to manage monasteries and nunneries inside Tibet. “Patriotic re-education” is purposely designed to control Tibetan religious practices and to impose nationalistic sentiment by, among other things, instructing and examining all Tibetan monks and nuns on State ideologies and requiring them to pledge their loyalty to the Chinese Government while forcing them to denounce their spiritual leader, the Dalai Lama, as a “hostile separatist” or “splittist”.
 131. More information available at www.tchrd.org
 132. *“China’s Strike Hard (Ch. Yanda) Campaign is in grave contravention of international human rights instruments. During the campaign, the state law enforcement agencies are given extraordinary power to arbitrarily arrest, detain, interrogate, ransack houses and issue illegal threats and warnings to people under suspicion. The campaign’s nature in dealing with issues by striking hard, fast, and severely leaves many fundamental human rights violated.”* according to “China launches 2005 Summer “Strike Hard” Campaign,” *Human Rights Update*, TCHRD, available at www.tchrd.org
 133. *When the Sky fell to Earth*, ICT, 2004.
 134. Torture under “Strike Hard” Campaign: *China’s crackdown on Political Dissidence*, Special Report, Chapter 4, TCHRD, 2005, pp.41-46. Can be downloaded from www.tchrd.org
 135. *“Strike Hard” Campaign: China’s crackdown on Political Dissidence*, TCHRD, 2005, p.23
 136. Ibid. For more details on the “Strike Hard” campaign.
 137. Dated 28 November 1997.
 138. Translation and reference taken from “The aims of Patriotic Education,” *When the Sky fell to Earth*, ICT, 2004, p.48.
 139. This is an infraction of article 14 of the Convention on the Rights of the Child which states *“States Parties shall respect the right of the child to freedom of thought, conscience and religion.”*
 140. As can be observed, the methodology of “patriotic re-education” is diligently based on psychology’s findings about in depth mind-changing by relying on the power of repetition and the use of visual, auditive and motoric elements for accelerating the learning process of the mind about a determined topic.
 141. Tibetan regions from the “TAR” to the Tibetan areas of Sichuan, Qinghai, Yunnan and Gansu. In recent years religious restrictions have been extended to isolated regions of Tibet outside the “TAR”. Even remote hermitages have become subject of authorities’ control and intolerance of the rights to religious freedom of Tibetan Buddhist practitioners.
 142. Cited statement of a “TAR” official in John Gittings, “Cultural Clash in land on the roof of the world,” *The Guardian*, 8 February 2002.
 143. So far, the accusation of the Dalai Lama being the “head of splittists” has proven to lack every evidence. If there was truth to it, governments other than the Chinese would have raised their voices to join in this accusation. But most importantly, the political position that the Dalai Lama has adopted for years is that of seeking “autonomy” and not “independence” for Tibet, an autonomy in which the human rights of the Tibetan people would be respected. In speeches that go back as far as the Nobel Lecture on 11 December 1989, the Dalai Lama has asked for a dialogue with China on the establishment of a “zone of Ahimsa” and in his March 10th Speech in 1995 proposed a referendum of the Tibetan people to decide on their fate by themselves, making clear that he does not hold on to “independence” despite the confusion deception among many Tibetans about his position: *“Many Tibetans have voiced unprecedented criticism of my suggestion that we should compromise on the issue of total independence. Moreover, the failure of the Chinese government to respond positively to my conciliatory proposals has deepened the sense of impatience and frustration among my people ... However, as long as I lead our freedom struggle, there will be no deviation from the path of non-violence.”* Likewise, it can safely be stated that the Chinese version of Tibet’s history is favourably distorted to the benefit of China. Even though most governments accept in the meantime the status of Tibet being part of China, the ways and arguments of how this status was achieved do not absolve China from the crimes committed against humanity.
 144. Holders of the red ID-card are considered as “permanent” or “official” monks or nuns of the monastery and enjoy more privileges. Monks and nuns are issued red-cards for their assent to the “re-education” principles and the card allows them unrestricted travel within Tibet/China. They are seen by the Chinese authorities as having “great belief and love for their country and religion”. See more details in *“Closing the Doors, Religious Repression in Tibet,”* TCHRD, 2000, p.10
 145. *“Closing the Doors: Religious Repression in Tibet,”* TCHRD, 2000, p.9.
 146. Ibid. pp.9-11.
 147. *Mantras* are phrases that are being repeated many times in order to bring about a change in the mind.

148. According to recent interviews conducted by TCHRD, there are currently six “re-education” manuals in use. They are printed by the “TAR” Monastic Patriotic Education Committee and are collectively called *Explanation and Commentaries for the Propagation of Patriotic Education in Monasteries Throughout the “TAR”: Brief Explanation and Proclamation of Tibet’s History, Brief Explanation and Proclamation of Crushing the Separatists, Brief Explanation and Proclamation of Religious Policy, Brief Explanation of Legal Knowledge, Brief Explanation of Contemporary Policies, Brief Explanation on Ethics for the Masses.*
149. “What kind of person is the Dalai? The Dalai is the main leader of the splittists who conspire for Tibet Independence, a tool used by international anti-China forces to promote hostility, the chief inspiration for those causing unrest within Tibetan society, and all those who obstruct the re-establishment of discipline in the regulations of Buddhist (monasteries) in Tibet.” Excerpt from a booklet used for “patriotic re-education,” translation provided in *When the Sky fell to Earth*, ICT, 2004.
150. Statements of Chinese authorities’ official anti-Dalai Lama stand, Fourth Session of the Sixth Regional People’s Congress, 24 May, 1996.
151. The implicit requirement of Chinese officials that Tibetans need to be fluent in the Chinese language is in contradiction with the rights of Minorities: “States Parties shall respect the right of the child to freedom of thought, conscience and religion.” UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief Declaration and article 14 of the Convention on the Rights of the Child (CRC).
152. The expulsion of monks and nuns who fail to accept the truths predicated in the “patriotic re-education” campaign forces many monks and nuns to go into exile to India. As standards of religious instruction are falling in Tibet, they seek better education in exile. After their return to Tibet, they come easily under suspicion of having ties either with the Tibetan Government in Exile or the “Dalai clique”.
153. Gendun Choekyi Nyima, the Panchen Lama recognized by the Dalai Lama, one of the highest ranking Tibetan Buddhist leaders, has been missing since 1995 when Chinese authorities took him into custody. At the time he was six years old and should have undertaken his religious studies. Despite international pressure, Chinese authorities do not reveal neither the Panchen Lama’s nor his families’ whereabouts but claim that Gendun Choekyi Nyima is still alive.
154. TCHRD Interview, Dharamsala, 2004.
155. “Strike Hard” Campaign: China’s crackdown on Political Dissidence, Special Report, TCHRD, 2004.
156. www.amnestyinternational.org
157. TCHRD Interview, Dharamsala, December 2005.
158. *When the Sky fell to Earth*, ICT, 2004.
159. There are no statistics so far about the number of Tibetan Buddhist monks and nuns who converted to convinced Party members. It must be supposed that most monks and nuns have so far either resisted accepting the principles proposed by “patriotic re-education” (and taken the consequences for it) or they have seemingly conformed to these principles in the hopes to regain some free space for their religious practices. There is no doubt, however, that the imposed political atmosphere in monasteries has completely changed the outlook for a genuine pursuit of religious studies and meditation.
160. Universal Declaration of Human Rights, available at <http://www.un.org/Overview/rights.html>
161. Martin Slobodnik, “Conclusion,” “Destruction and Revival: The Fate of the Tibetan Buddhist Monastery Labrang in the People’s Republic of China,” *Religion, State & Society*, Vol.32, No.1, March 2004.
162. *Human Rights Update*, TCHRD, October 2004, details available at www.tchrd.org
163. TCHRD Interview, Dharamsala, Summer 2005.
164. “China recommences “patriotic education” campaign in Tibet’s monastic institutions,” Press Release, TCHRD, 13 October 2005, available at <http://www.tchrd.org/press/2005/nb20051013.html>
165. For number of reported deaths due to “patriotic re-education” consult previous Annual Reports and Executive Summaries, TCHRD, available at www.tchrd.org See *Tibet, Crackdown on Humanity*, TCHRD, 2000.
166. The EU-Parliament passed its resolution on the human rights situation in Tibet and Hongkong on 15 December 2005. The documents’ points regarding Tibet are 14, regarding Hongkong 4 points.
167. The monk’s exact name and provenience are: Ngawang Jangchub a.k.a. Aku Ril Ril, hailing from Lhaxhang Village, Phodo Twonship, Phenpo Lundurup County, Lhasa Municipality, “TAR” (Tibet Autonomous Region).
168. “A young monk dies under mysterious circumstances following the “patriotic education” campaign in Drepung monastery,” Press Release, TCHRD, 8 November 2005. See <http://www.tchrd.org/press/2005/pr20051108.html>
169. Details as known by the closure of edition at the end of December 2005: Appeals of international human rights organisations as well of the EU Parliament have not yet been successful to learn about the monks’ whereabouts and state of health.
170. Following the arrests, on 25 November, more than 400 monks sat on a peaceful protest in the front courtyard of Drepung Monastery. The protesters refused to follow the authorities’ directives to denounce the Dalai Lama and to accept “Tibet as a part of China”. They also called for the release of the five arrested monks. Visit www.tibetoffice.org
171. Press Release Archive, TCHRD, www.tchrd.org
172. <http://www.phayul.com/news/>
173. Very much in contrast to the Dalai Lama himself, TYC demands for Tibet complete independence from PRC.
174. According to information received by TYC there has been a non-violent protest carried out by about 120 nuns.
175. <http://www.tibetanyouthcongress.org> and www.tibetanyouthcongress.us
176. TCHRD, latest count as of end of 2005.
177. Former President Jiang Zemin and the then Premier Li Peng came up with the proposal of a legal management of religious affairs.

178. As an outcome of the Third Tibet Work Forum held in Beijing, a paradigmatic shift took place that established for the first time an official relationship between monastic institutions and pro-independence movements in Tibet. Hence, the role of the DMC's implementation in Tibet was given greater importance than before.
179. Statement by Zhou Dunyou as quoted in "Rights groups slam claim of religious freedom in Tibet," UPI, Beijing, 7 October 1994.
180. *When the Sky fell to Earth*, ICT, 2004, p.81.
181. Testimonies received by TCHRD in interviews over the years as well as by *When the Sky fell to Earth*, ICT, 2004, pp.55-61.
182. "Report on China," United Nations Special Rapporteur on Religion, Geneva 1995.
183. *When the Sky fell to Earth*, ICT, 2004, p.56.
184. ICT interview with Senior Rinpoche from the "TAR", Winter 2002.
185. "...the rigorous intellectual training that the Dalai Lama received in his student years appears to have left a lasting impact both on his personality and his thought. Despite his extensive exposure to modernity and contemporary western thought, his appreciation of the scholastic tradition of Tibet remains deeply rooted in the ancient teachings of the Buddha." Thubten Jinpa, the translator of the Dalai Lama, in an interview in 2005.
186. "The main political struggle in Tibet – The Anti-Dalai Lama Campaign," *When the Sky fell to Earth*, ICT, 2004, pp.15-19
187. Principal teacher or root-*Guru*.
188. "China Blacklists Tibetan Lamas Recognized by the Dalai Lama," RFA, 25 November 2005, available at http://www.rfa.org/english/news/social/2005/11/09/tibet_lamas/
189. In connection with the recognition of the Tibetan Panchen Lama who is kept in hiding by Chinese authorities, several Lamas have been taken into custody because they consulted, as prescribed by the Tibetan Buddhist tradition, with the Dalai Lama. Chadrel Rinpoche, head of the search team for the Eleventh Panchen Lama, has been kept under house arrest, even after his official release from a six-year long prison sentence.
190. Testimony on "Freedom of Thought, Conscience, Religion, and Belief" before the House Committee on International Relations, presented by Mickey Spiegel, Senior Researcher, Human Rights Watch, 21 July 2005, available at <http://hrw.org/english/docs/2005/07/25/china11426.htm>
191. *Annual Report*, CECC, 2003, p.28
192. The first crackdowns started in the eighties. From the nineties onwards the Dalai Lama's Birthday celebrations were first allowed to take place under close monitoring, discouraging the performance of the usual rites and burning of incense. Finally the celebrations were banned in 2002.
193. In contrast to this denunciation by Chinese authorities, a letter from Tibet was received on the Dalai Lama's birthday whereby 99% of Tibetans pledge their support to his approach on his birthday.
194. Birthdays are not usually celebrated by Tibetans. There is only one exception and that is the Dalai Lama's birthday which is celebrated as if it was the birthday of all Tibetans. The curtailment on these celebrations is therefore particularly harsh.
195. Celebrations of the Dalai Lama's Birthday on 6 July.
196. Ibid.
197. "A Reader for Advocating Science and Technology and Doing Away with Superstitions," Propaganda Department of the Central Committee of the "TAR" Communist Party. Obtained by ICT in August 2002. Cited as in *When the Sky fell to Earth*, ICT, 2004, p.18-19.
198. TCHRD Interview, Summer 2005.
199. Jigme Gyamtso, Kalsang Jigme (lay name), aged 26, and his brother Lungtok, Tsedor (lay name), aged 32, from Barma Village, Nyima Township, Machu County, Amdo Kensu Province.
200. Ibid.
201. *Kuxing: Torture in Tibet*, Special Report, TCHRD, 2006.
202. TCHRD Interview, Summer 2005.
203. The announcement was made on the Xinhua website www.xinhua.net.
204. Also known as Yellow Hat school, the Dalai Lama is a monk within the Gelugpa School and simultaneously its head.
205. On 20 August 2004.
206. TCHRD Interview, Kathmandu Tibetan Refugee Reception Center, 24 July 2004.
207. Usually, the unlawful imprisonment of important religious scholars is based on arbitrary detention which has been defined by the UN Working Group as "Cases of deprivation of freedom when the facts giving rise to the prosecution or conviction concern the exercise of the rights and freedoms protected by certain articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights." ICCPR has been signed by PRC on 5 October 1998.
208. For more details please consult the Chapter on Civil Liberties of this report, *2005 Annual Report on the Human Rights Situation in Tibet*, TCHRD.
209. Details on the case of Trulku Tenzin Delek, Bangri Tsamtrul Rinpoche, Chadrel Rinpoche, Geshe Sonam Phuntsok can be found in Civil and Political Liberties of this report.
210. The enthronement of the Chinese appointed Panchen Lama took place on 8 December 1995, about half a year after the disappearance of the Panchen Lama who had been recognized by Buddhist Lamas in consultation with the Dalai Lama and in accordance with the pre-established religious rites and requirements.
211. "Panchen" is the contraction of the Tibetan expression "Pandita Chenpo".
212. Known as "70,000-Character Petition".
213. Referred mainly to the period 1959-61.
214. "China promotes its Panchen Lama as new Tibetan leader," 21 December 2005, available at <http://www.phayul.com/news/article.aspx?id=11483&t=0>
215. "Tough Panchen task for Qinghai's Buddhist leaders," *Tibetan Review*, February 2005, p.5.
216. "Regional chairman briefs on religion, ecology in Tibet," available at <http://www.phayul.com/news/article.aspx?id=10243&t=1>

217. "Panchen Rinpoche's case raised at the 57th Session of the UN Sub-commission on Promotion and Protection of Human Rights," states <http://www.phayul.com/news/tools/print.aspx?id=10297&t=1>
218. Ibid.
219. Quote according to www.xinhuanet.com
220. More information available at www.tchrd.org
221. "Monks expelled over voicing their opinion on admission policy," available at www.tchrd.org
222. TCHRD Interview, Kathmandu Tibetan Reception Center, May 2005.
223. "Monks expelled upon passing of the monastery's chief," available at www.tchrd.org
224. "Lhasa PSB lifts monk from Sera Monastery for detention," available at www.tchrd.org
225. Confucius lived from 551-479 BC.
226. C. Raja Mohan, "The Confucian Party of China," *The Indian Express*, 19 December 2005, p.9. Also available at www.expressindia.com
227. According to the fourth issue of Liaowang Xizang, the Chinese-language journal published by the International Campaign for Tibet.
228. The Institute promotes the traditional arts and literary studies of Tibet, and comprises a Centre for Arts, an Academy of Tibetan Culture and a Literary and Cultural Research Centre. www.norbulingka.org
229. The teachings on Kalachakra have been first given by the historic Buddha and enjoy a great popularity among Tibetan Buddhist practitioners due to being said to promote peace in the world. See <http://www.kalachakra2006.com>
230. *Annual Report 2005*, CECC, 2005, www.cecc.gov
231. Consult for more details "The Anti-Dalai Lama campaign" in the Chapter on Religion in this report, *2005 Annual Report on the Human Rights Situation in Tibet*, TCHRD.
232. By the closure of this edition, there have not been any news about China accepting to resume talks with the Dalai Lama.
233. It has been, rightly, stated by many governments and international monitoring agencies that Chinese nationals are, as much as any ethnic minorities living in Chinese territory, deeply affected by the Chinese government's lack of respect for religious freedom and basic human rights in general.
234. "Allow Religious Freedom in Tibet," 22 March 2005, available at www.rediff.com
235. 22 November 2005.
236. Ibid.
237. It was the first time since 1980 that representatives of the Dalai Lama have been able to visit Lhasa.
238. www.tibet.net
239. Ibid.
240. Ibid.
241. Ibid.
242. "U.S. State Department's International Report on Religious Freedom 2005," available at <http://www.state.gov/g/drl/rls/irf/2005/51509.htm>
243. Ibid.
244. *Annual Report 2005*, CECC, 2005, available at www.cecc.gov
245. European Parliament, 13 September 2005, available at www.europarl.eu.int
246. Ibid.
247. "Gedhun Choekyi Nyima, the 11th Panchen Lama: Still disappeared," available at <http://www.tchrd.org/press/2005/nb20050425.html>
248. "China issues 1st white paper on democracy," *Xinhuanet*, 19 October 2005, available at http://news.xinhuanet.com/english/2005-10/19/content_3645611.htm
249. The U.S. president had invited the Dalai Lama for talks at the White House which were not commented in detail during a following press conference. No official photo of the meeting was published on the government's webpage. Meanwhile China's criticism of the Dalai Lama's reception at the White House was harsh because the visit had not been suspended despite Chinese disapproval of the encounter between the U.S. President and the Tibetan spiritual leader. Consult the article "China firmly opposes Dalai Lama's US visit": "*The Dalai Lama is not merely a religious figure but a political exile in disguise, who has been engaged in activities to split China and undermine ethnic solidarity.*" http://www.tibetoffice.org/en/index.php?url_channel_id=1&url_publish_channel_id=1522&url_s_subchannel_id=1522&well_id=2
250. <http://www.timesonline.co.uk/article/03-1881338.00.html>
251. View "The Politicization of the Geshe Lharampa Degree" in this report, *2005 Annual Report on the Human Rights Situation in Tibet*, TCHRD.
252. *Kuxing: Torture in Tibet*, Special Report, TCHRD 2006. Consult also with www.amnestyinternational.org
253. The monks and nuns arrested were Thargyal from the Arik area, Jamyang Samdup from Drakmar, a monk named Sherab, and Chokyi Dolma, a nun from Gomang township.
254. "China Arrests Tibetan Monks, Nuns for Dalai Lama Poster," Radio Free Asia (RFA), 22 December 2004, available at www.rfa.org
255. 22 November 2005, www.tibet.net
256. An ample definition and a short history of the *Middle-Way Approach*, which is analogue to the 17-Point Agreement, are available at <http://www.tibet.net/en/diir/sino/std/imwa.html>
257. "Dalai Lama rejects Tibetan Buddhist praise of China," Reuters, Terry Friel, 29 December 2005. See <http://www.phayul.com/news/article.aspx?id=11518&article=Dalai+Lama+rejects+Tibetan+Buddhist+praise+of+China&t=1&c=1>
258. Ibid.
259. Karen Matthews, "Dalai Lama: Hopeful signs in China of interest in Tibetan culture," Associated Press, 27 September 2005. See <http://www.tibet.com/NewsRoom/hhcolumn/biauni1.htm>
260. Religious repression as in the case of the "patriotic re-education" campaign is leading to a successful infiltration of political ideology in Tibetan Buddhist practices leads at times to the annihilation of some fundamental beliefs such as the denial of the validity of the recognition process of religious leaders according to Tibetan Buddhist tradition; the denial of

the Dalai Lama being the religious head of Tibetan Buddhists; the destruction of the original criteria for scholarly achievement in Tibetan Buddhism as established by tradition etc.

261. "Dalai Lama rejects Tibetan Buddhist praise of China," *Reuters*, Terry Friel, 29 December 2005. See <http://www.phayul.com/news/article.aspx?id=11518&article=Dalai+Lama+rejects+Tibetan+Buddhist+praise+of+China&t=1&c=1>
262. "Buddhism is All We Have – Dalai Lama," 8 December 2005, available at <http://www.phayul.com/news/tools/print.aspx?id=11386&1=0>



China has recently completed the railway line linking Beijing-Golmud-Lhasa for the first time in history. The railway line is said to be operational by early 2007. Many experts have described the railway line as a political strategy rather than actual strategy to bring development to the Tibetan people.

DEVELOPMENT

“Cultural imperialism is first of all presented as an egoistic pride, the kind of pride that has, collectively or individually, consciously or unconsciously, permeated every aspect of life. On the way from Lhasa’s Gongkar Airport, at the headquarters of Qushui County (Chushur in Tibetan) stands the “Taizhou Plaza”, a “helping Tibet project (yuan Zang xiangmu)” that shows typical characteristics of cultural imperialism. The plaza is huge and is a result of swallowing up acres of good farming land. Besides being a showcase for the builder’s great wealth and crude taste, it is hard to explain the necessity of the plaza’s existence. It features a pavilion, stone bridge and artificial creek. All of these area part of the Han-style landscape design and do not merge well with the local surroundings.”

Wang’s critique “Tibet Facing Imperialism of Two Kinds”¹

introduction

On 1 September 2005, People’s Republic of China (PRC) marked the 40th anniversary of founding “Tibet Autonomous Region” (“TAR”), which was celebrated in a grand fashion in front of the Potala Palace. While the event was to commemorate the achievements and development that PRC has brought to Tibet, it came across to the international community as China’s affirmation of its control over Tibet. Alison Reynolds of Free Tibet Campaign commented on the 40th founding anniversary,

China’s celebration of 40 years of the Tibet Autonomous Region is yet another propaganda extravaganza, Whatever new measures China comes up with to enhance Tibet’s so called ‘autonomy’, or however much money China spends in Tibet, the Tibetan people will not be satisfied until there is political change which will give them genuine control of their own affairs.

In short, the slogan of China’s rule over Tibet in the last five decades has been progress and modernization of Tibet. It is also the truth that China has been spending billions of yuan every year in Tibet but unfortunately the development still eludes the Tibetan people of rural and nomadic regions of Tibet. For instance, the central government has invested 6.42 billion yuan in 24 projects covering agricul-

ture, industry, communication, road, school, energy and public health at “TAR” 40th founding anniversary. All these massive investments were part of developmental projects under the Western Development Strategy launched in 1999 by former President Jiang Zemin. Jampa Phuntsok, the “TAR” Chairman said that in 2004, over 16.6 billion yuan (US\$ 2 billion) was invested in building hard infrastructure in the “TAR” alone.

The year 2005 was also a year of developmental milestones for Tibet. The year fulfilled the dreams of the visionary founder of modern China, Dr. Sun Yat Sun’s 1921² blue print of linking China and Tibet by a railroad. His blue print was far more ambitious and daring than the railway lines currently constructed in Tibet. The year ended with the materialization of one of the complex engineering feats of China and ushers in a new revolutionary proposal of development blue prints in the daring 11th Five-Year plan beginning in the spring 2006. The content of the draft does reflect a ‘rhetorical shift’ of focus from coastal economy to the ravines of rural and western regions of China.

China’s first ever White Paper, *China’s Peaceful Development Road*³ released on 27 December 2005 emphasized that China’s rise to economic superpower status hinges on mutual benefit and common development with other countries.

From the available case studies, this chapter looks into the state of education and health sector in Tibet and how rights based and needs-based development is guaranteed or violated in any form and manner. This report investigates if Tibetans are the owners and masters of development from planning till implementation phase in Tibet. Taking 'development as a fundamental right', the chapter looks into the development process in Tibet in the last few years to verify if the current developmental program in Tibet actually violates the rights of Tibetan people to be developed.

The second half of the chapter studies China's current development strategy and why the strategy fails to deliver China's own stated goals and objectives. The chapter studies the two economic systems of the traditional of economy of rural Tibetans and urban economy and highlights how the lack of linkages between these two economies is hurting the genuine development of ordinary Tibetans. It also argues why China's phenomenal economic experiment and growth has not and would not work in the case of Tibet and why urban model of economy has resulted in exclusionary growth and social exclusion. It argues which group of people in the society actually benefit from the development projects, economic policies and strategy placed in Tibet.

The chapter studies a growth trend in the traditional rural background of Tibetan society and that of industrial and urban areas. Much of the focus is given to inflow and outflow of capital investment and subsidy from the central government and argues why it failed to trickle down to benefit the intended targets groups of society. The chapter asks: is China's development model of heavy infrastructure and resource extraction enclaves is a suitable and appropriate way to alleviate rural poverty and people who are at the bottom of social ladder? Is there another way to the development of rural Tibetans? This chapter attempts to look at the other way of the development of rural Tibetans.

development: concepts and rights

'Development' is a term that encompasses many attributes of individual, community, culture, nation and state. "Development" is suggestive of something positive, keeping the welfare of human beings at the base or human beings as a yardstick of measurement. The underlying motives of 'development' in the long history of human evolution have been to bring comfort and happiness. The scientific and material advancements are not an end in itself but they are to provide the prime needs of a man i.e. comfort, protection and happiness.

The Right to Development was proposed in the early 1970s as a human right belonging to peoples and individuals and given official definition in the Declaration on the Right to Development in 1986 adopted by the UN General Assembly. The Declaration centres on the right of individuals to national development policies that improve their well-being equitably and with their full participation.

Right to development is not only a fundamental right that Tibetans have under international law but also an obligation that the Chinese Government must fulfill under the International Covenant on Economic, Social and Cultural Rights (ICESCR), *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) and the *Convention on the Rights of the Child* (CRC) all of which have been signed and ratified by China.

Article 1 of the ICESCR states unequivocally that:
All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

Article 1 of the Declaration on the Right to Development states that:

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

Article 2 of the same Declaration clearly states that:

The human person is the central subject of development and should be the active participant and beneficiary of the right to development.”

development in Tibet: rhetoric and reality

The ‘development’ in the past Tibet concentrated more on the spiritual development than the material development. The economy of Tibetans was largely subsistence based on agriculture and animal husbandry. The livelihood and economic pattern of Tibetans centered on moderate and harmonious utilisation of natural resources suited to the unique and fragile environment of Tibet for centuries. The entire Tibetan way of life, tradition, culture and heritage developed on these backgrounds.

Keeping these underlying factors at the background, it is clear that an ideal approach in developing Tibet should not be merely producing urban centres and ignoring rural countryside. Modernity is a welcome change and to reject material prosperity and development blindly is also a historical error. However, the best option of development should promote and propel the heritage and culture and traditional aspect of Tibetan society. Material development must go hand in hand with unique physical, geographic and demographic characteristics of Tibet.

Philosophers, economists and political leaders have long emphasized human well-being as the purpose, the end goal of development. Development is about much more than the rise or fall of national incomes. It is about creating an environment in which people can develop their full potential and lead productive, creative lives in accord with their needs and interests. Development is thus about expanding the choices people have to lead lives that they value. And it is thus about much more than economic growth, which is only a means —if a very important one — of enlarging people’s choices⁴.

Nobel prize winning economist Amartya Sen in his book *Development as Freedom* argues:

Development requires the removal of the major sources of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation. Neglect of public facilities as well as intolerance or over activity of repressive states.⁵

The right to participation in policy making is a right of the Tibetans which is guaranteed under international law and which the Chinese are under an obligation, due to their commitments in international law, to protect.

The abject exclusion of the Tibetans in the infrastructure developments and the dominant role of migrant Chinese as evidenced by official statistics demonstrate inequity and ethnic favoritism. There was no fair and transparent mechanism. The testimonies of the new arrivals from Tibet consistently express a wide range of social and economic exclusion of Tibetan people whether it is intentional or unintentional. In such circumstances, Tibetans have lost total ownership of development. This is a classic case of an absence of ‘self-determination’ of people on whose behalf development was supposed to have been introduced and this in turn results in the denial of the right to development.

The key issue that lies at the heart of the developing Tibet is the 'right to self-determination' or a development that is pushed forward and pressed by very people who are supposed to be the recipient or the target of benefits. In other words, the development must have 'socialist characteristics', keeping the interest of people on the top. Ideally development should be a phenomenon 'determined' by the people through popular democratic consensus. No development is legitimate and legal without consulting the beneficiaries and that development cannot be imposed and thrown upon people for development sake. The right to development also means decentralization of power where all sections of society have equal rights and participation in decision-making process.

The biggest shortcoming of developing Tibet has been the absence of participation by the Tibetan people, be it from running their own local affairs, handling decisions to plan and craft development strategies and policies with full freedom and authority. Not only is this officialdom and high-handedness but on practical grounds it is quite unlikely for leaders in Beijing to have first hand knowledge and insight into situations on the ground. Only negligible cases of 'spin off' benefits go to Tibetans, that too to Tibetans thronged in urban centers who have more comparative advantages compared with their kinsmen in rural countryside where 80% of Tibetan population live. It is true to admit that Tibetans are lacking and backward in the field of scientific and engineering fields of modern world. However it would be a sound development policy to accommodate and let rural Tibetans play a crucial role in deciding any developmental projects that have affected their livelihood, by bringing the consensus of rural Tibetans together.

ownership of development

It is to be noted that China has been a great success in creating vibrant urban centres and bringing infrastructure face-lift changes to Tibet. Not so surprisingly many visitors to Tibet are shocked as the picture of Tibet they read in books hardly match the facts on the ground. Lhasa City for example is the best illustration of an image of old Tibet that is hardly visible anymore today. Modern buildings, stretch of shopping malls, bars, broad boulevards, discotheques, hotels and traffic. However, the picture of modern Lhasa City as well as in all towns and cities in Tibet can be very deceptive as these are meant to stand as a proof of China's claims of 'development' in Tibet after fifty years of their rule. The truth is that the development of Tibet cannot be gauged from the superficial image that is so visible to the eyes.

The true yardstick to measure development is the ownership of development from the first stage of formulating policy decision, to implementation and finally the reaping of benefits from development. In these processes, the interest and benefit of Tibetan people should be kept at the centre and not on periphery. China's development over the past years has failed to benefit Tibetans as it excludes the agrarian Tibetan community where more than 80% of Tibetan people are concentrated.

Underdevelopment of Tibetan community in rural areas persists, although every year central government pour billions of yuan to Tibet. Perhaps in the last decade Tibet has been the largest per capita recipient of subsidy and fund from the central government compared to any regions in China. On "TAR"'s 20th anniversary 500 million yuan was spent for 43 projects, on "TAR"'s 30th anniversary 4.6 billion yuan was spent for 62 projects and on "TAR"'s 40th anniversary 6.42 billion yuan was spent for 24 projects. The "TAR" Chairman Jampa Phuntsok said

that in 2004 over 16.6 billion yuan (US\$ 2 billion) yuan was invested in building infrastructure. Most of the funds came from central government under the “Western Development Program.”

However the monetary and political focus has been oriented towards the urban sector. This indicates the absence of ‘human face’ to a planned economic policy. One of the most viable and reliable means to uncover what obstructs the development of Tibetan people is to study the nature of three sectors of Tibetan economy i.e. primary, secondary and the tertiary.

In the case of land and housing rights, China’s constitution provides, “*land is owned by the State... can be requested for public purposes.*” However Tibetan people in Tibet today faces ownership crisis of their ancestral lands and housing rights through forced eviction, displacement, confiscation of private properties and the practice of population transfer or swamping in Tibet.

development in three sectors of Tibet

The true form of development promoted by social scientist for Tibetans is ‘human capital formation’ and implementation of the ‘right to development’ and right to self-determination of Tibetan people. It is only on these grounds that true development of Tibetans in Tibet can be accessed and examined. In order to assess the development for Tibetans, we look at the three sectors of Tibetan economy i.e. Primary, Secondary and Tertiary sectors. The monetary investments and infrastructure projects in Tibet do not present the true picture of growth. Perhaps the answer lies in breaking down the entire economic activity of Tibet into primary, secondary and tertiary sectors.

comparison among three sectors:⁶

The sectoral breakdown of Gross Domestic Product (GDP) in “TAR”, Qinghai and the entire China reflects unfair growth and how the entire GDP picture of Tibet also reflects the false growth figure.

The GDP of Tibet in 1998 was 9.118 billion yuan, 10.561 billion yuan in 1999, 11.746 billion yuan in 2000 and 13.873 billion yuan in 2001. Therefore the GDP growth of entire Tibet reflects is 10% annually.

The GDP of primary sector was 3.131 in 1998, 3.419 billion yuan in 1999, 3.632 billion yuan in 2000 and 3.747 billion yuan in 2001. This shows the growth in primary sector was roughly 2% yearly.

In the secondary sector the GDP was 20.24% in 1998, 24% in 1999, 27.21% in 2000 and 32.18% in 2001.

Here, the growth was 4% annually in the secondary sector with growth picking up from 2000 onwards, indicating the sector enjoy growth due to economic boom in coastal China. In comparison, the growth in the secondary sector was two times more compared to primary sector which has only 2% annual growth. This brought into picture that 87% of agrarian Tibetan community in primary sector’s growth was half of the growth enjoyed by the secondary sector, which is overwhelmingly non-Tibetans or migrant workers.

In the tertiary sector the GDP was 39.63% in 1998, 47.42% in 1999, 53.93% in 2000 and 69.08% in 2001.

In this sector the growth was 6% annually, highest of the three sectors. It is the middle class Tibetans who has a robust share in tertiary sector in areas of administration and clerical works. The 6% annual growth demonstrates the overriding political emphasis and weight.

Based on this statistics, it projects the picture that GDP growth in Tibet as well as in China was 10%. However, distributing the growth among the three sectors, the larger share was predominant in urban enclaves or core growth regions. While in the primary sector where majority of Tibetan population live, the meagre growth experienced is 2% growth. Only 13% of Tibetan population living in urban enclaves enjoys the benefit of growth. Again within the urban enclaves, 90% of Chinese origins live in urban centres. Chinese migrants and handful of Tibetan urbanites in this closer study shows the economic prosperity while 87% Tibetans have been virtually left out of prosperity and growth.

Similarly in the Qinghai region, the growth projection shows a different picture where the secondary sector dominates but again closer study reveals the same growth trend of benefits and prosperity to Chinese migrants and exclusion of Qinghai nomads and semi nomads.

The GDP of entire Qinghai was 220.16 million yuan in 1998, 238.39 million yuan in 1999, 263.59 million yuan in 2000 and 300.95 million yuan in 2001.

Based on these figures, the GDP growth was 12.2% annually in Qinghai region. Judging it from the overall picture there was a growth but it reveals a different picture on a closer look. In the primary sector where most Tibetans are associated, *the GDP growth was 41.63% in 1998, 40.54% in 1999, 38.53% in 2000 and 42.79% in 2001.*

The annual growth was 1.16%, which is slightly lower than "TAR." This lower growth could be because of the "TAR" being the favourite destination of central funding because of the political sensitivity attached to the region. In Qinghai the Chinese migrants are mostly concentrated in secondary sector unlike the tertiary sector in "TAR".

The secondary sector shows the handsome

growth of 88.42% in 1998, 97.88% in 1999, 114% in 2000 and 132.18% in 2001.

This is 16.5 % growth. This growth also could have been due to closer proximity to China and its other economic and logistics advantages. Taking 16.5% as a growth projection would exaggerate the development to Tibetan people involved in secondary sector which is very minute compared to the compositions of non-Tibetans in this sector, they are the largest players. The growth in tertiary sector was lower than secondary, however high by the entire China's growth standard.

The GDP in tertiary sector was 90.11% in 1998, 99.97% in 1999, 111.06 in 2000 and 125.98% in 2001.

The growth rate in the region is 13.3% annually. In the Qinghai region for the Tibetans to compete in tertiary sector, they need both competitive and comparative advantages to compete with the Chinese counterparts in the secondary sector.

In Qinghai region, Tibetan population is largely restricted in rural nomadic background and hence the players in this sector are predominantly Chinese migrants. In the secondary sector, Chinese shop owners, entrepreneurs, skilled workers and semi-skilled workers working in the large constructions projects, mining and industry in the Qinghai belt occupy this sector. Actual trickle down growth for ordinary Tibetans is entirely nullified by the massive role of secondary and tertiary sector.

In a nutshell the government expenditure in "TAR", Qinghai and entire China in 2001 give us a clear picture of China's preference and emphasis on infrastructure and fixed asset growth over human capital formation.

In the year 2001, the investment in infrastructure development in China was roughly 12.5%, while

in “TAR” it was massive 33% and relatively high figure of 26% in Qinghai. This illustrates that the investment in infrastructure development in “TAR” was three times more than China, and the investment in infrastructure development in Qinghai was two times more than China. In this regard, the investors from China in state projects, migrants workers both skilled and semi-skilled, businessmen and contractors from the western regions of China benefited most from the massive infrastructure in “TAR” and Qinghai considering that majority of the agrarian Tibetan population have no direct and indirect role in this investment sector.

Out of the overall government investment in China in year 2001, the “TAR” has the highest percentage of 13% and 8% in both China and Qinghai. The statistics show that China has the highest expenditure in education of 15% while “TAR” has the lowest of 8% and Qinghai region relatively higher rate of 10%. This is to affirm and illustrate what many international experts and social scientists argue for the social and human development of Tibetan people. In health sector, all the three regions have relatively low rates of 4% in China, 3% in “TAR” and 4% in Qinghai. Again the “TAR” scores the lowest investment in health sector from the three regions.

Amongst all the regions of China, Tibet lacks behind in terms of human development in Tibet today remains one of the poorest regions in China. Take education, in 2001 China has illiteracy rate of 9.1% with 22.9% below the 14 years age. With this high ratio of illiteracy how many of Tibetans are involved in secondary sector which is thoroughly a skill based sector of economy. In “TAR”, the illiteracy rate was staggering 47.3% that is five times higher than national average with 31.2% of children below the age of 14 are illiterate. In other words, every three in ten children in Tibet below the age of 14 don't know how to read and write. Qinghai re-

gion has slightly lower illiteracy rate of 25.4% when compared to “TAR”, which is almost three times higher than the national average and almost half the size of illiteracy rate in “TAR” with 26.9% of children below the age of 14. Sichuan region has 9.9% of illiteracy rate, which is far lower than “TAR” and negligibly higher than the national average. The region has 22.6% of children below the age of 14, which remains a worrying concern. It means that out of 100 hundred illiterate people in the region, the 22% of them are children below the age of 14. This throws the future status of literacy in a bleak scenario. This is the overall picture of level of education and illiteracy in the Tibetan areas of Tibet.

The most disturbing tale of poverty in “TAR” and rural Tibet is chiefly because of apathy and exclusive interest of China's leaders, while agriculture comprises the background of economy of rural Tibetans in “TAR”, in stark contrast it has the lowest investment of 2% with China and Qinghai little higher of 2.5%. The President of World Bank said on 18 October 2005 that China has 150 million people living in acute poverty.

Putting Tibetans behind was the chief factor for the lack of development and progress in Tibet. In order for leaders in Beijing to achieve meaningful results, they need to rethink their agriculture policies. This sector desperately needs a human face in the pace of developments.

the primary sector

The primary sector forms the basic subsistence economy of Tibetans involving the first level economic activities such as agriculture and animal husbandry. Since over 80% Tibetan population lives in rural region the primary sector of economy forms the backbone of Tibetan economy till today. Therefore, “TAR” is the most agrarian region of Tibet followed by Qinghai.

The economic growth in entire China is divided into three growth rates i.e. 'fast growth' in the coastal Chinese cities where it has experienced phenomenal economic growth for a decade stretch. The interior and non "TAR" region of Tibet where secondary sector of economy is strong and therefore, it is categorized under 'moderate growth'. However in "TAR", where currently two forms of economy is functional, that is traditional agrarian and rural economy and the urban model economy with both heading in two opposite directions.

By and large, the livelihood pattern in rural parts of Tibet as indicated from the testimonies is still very much the same as that of the livelihood pattern that existed during the pre-1959 Tibet. The yields from the farm provide them with staple diet and grains throughout the year and animal husbandry provides them with animal dairies. In this way the Tibetan people subsist on basic self-sufficient economy. Much of the daily needs are being derived from animal products such as milk, butter, wool, hide and most importantly the ready supply of meat. So far all the investment and subsidies in "TAR" is primarily concentrated in the urban enclave with massive infrastructure development and investments with little focus and emphasis on the traditional economy of Tibetans. Hence Andrew Fischer described it as 'highly polarized growth'⁷.

In the primary sector the 'trickle down of benefits' for Tibetans is as remote and minute since economic policy is focused on creation of urban enclaves and much of the resource is being spent for administration, maintaining security and large presence of military forces in "TAR". The core of the central funds are being consumed by administrative and security requirements leaving little to trickle down to ordinary Tibetans.

The key reason why traditional Tibetan economy remained on the periphery for long seems to have

been the nature of economy in the first place. The nature of traditional Tibetan economy is subsistence, based on agriculture, which normally does not generate surpluses of income and profit. It is true in other parts of the world, even the rich and developed countries, for instance European Union give high subsidies for its farming community. It naturally would not attract private investors and migrant Chinese entrepreneurs because of the absence of comparative and competitive advantages in this sector.

The core objective of China's economic plans in Tibet seems to be a rapid and fast track creation of urban enclaves and industrial regions so as to achieve a great economic take-off as it has experienced in the coastal China. However the Chinese planners seems to have over looked the fundamental factors that clicked the economic take off in the coastal regions of China. There are (a) Huge untapped market, (b) Absence of bureaucratic interferences, (c) Supply of cheap labour, (d) Ready availability of cheap raw materials, (e) intensive farm production, (f) rural township enterprises adding value to farm products.

If the absence of the above favourable reasons have kept away the private investors, the eyes and ears of China's economic planners from Tibet, then the only valid argument would be the Chinese leaders have neglected the real needs and interest of Tibetan farmers and nomads whether it is deliberately or unintentionally. Or it must be creating some kind of strategic demographic shaping of Tibetan political issue in Beijing's favour since the current economic blueprint in Tibet has tremendous potential to attract and drive in floods of migrant workers and immigrants from China. If leadership in Beijing wants to disprove the criticism of this kind, then they should rethink and re-priorize the economic policies currently placed in Tibet. There is no third way or third perspective to explain the economic policy and development strategy in Tibet.

The regular inflow of floating Chinese migrant workers in Tibet seems to depict that China has taken a short cut road in the infrastructure and human development of Tibet, by relying solely on manpower and expertise straight away imported from China than recruiting and training Tibetans locally. Tibet has to be considered as an exception region with its unique ethnic and ethnographic characteristics. Therefore, the focus should be on long-term development and genuine growth for Tibetans. Ben Hillman's review of Andrew Fischer in 'Far Eastern Economic Review', December 2005 has it,

More controversially, Mr. Fischer denies that poverty in Tibet is entirely a result of ecological factors (altitude, harsh climate, low soil fertility) on the high plateau. He argues that impoverishment emerges from the very process of state-led modernization as Tibetans become less able to participate in the economic opportunities available. The solution he proffers is a sensible one—the state should completely reprioritize its development strategies in the region and invest more in people, especially in basic social services such as education and health care. He also advocates a different strategy for economic growth, one that supports local economy activity, locally owned and controlled businesses and local capital accumulation.

However, it seems that better days lay ahead for the farming community in the rural areas of China and Tibet as according to the United Nations Development Program (UNDP) report the Chinese Government is going to take some bold and positive steps for the Chinese farmers such as abolishing the agriculture tax and relaxing the *Hukou* or residential permit which was long described as 'peasant apartheid'. As Khalid Malik says,

The Government is already taking concrete steps to address these human development inequities.

By the end of this year, it will have completely abolished agriculture taxes across the country. To improve literacy rates in rural communities, the government is promoting compulsory education for the rural poor through renovation of primary and middle schools and providing free textbooks for 24 million students and poor families.⁸

the secondary sector

The secondary sector is the backbone of Chinese economy in all the different provinces of China and the 21st century China is described as the world factory or manufacturing unit. In terms of income and wealth, this sector contributes far more to the national GDP than the primary and tertiary sectors. In the case of Tibet, the secondary sector is far stronger in non-“TAR” regions, such as Qinghai and Sichuan region. Qinghai region has more industrial units and productive core regions than “TAR.” While in “TAR” the tertiary sector is dominant in terms of consuming income or a sector that enjoy lion's share of central funding and subsidy while on the front economic activity, primary sector is the largest sector with over 80% of Tibetan agrarian population at the background. The absence of dominant role of primary and tertiary sector in the non-“TAR” regions such as Qinghai and Gansu, naturally allows secondary sector to loom large.

According to the official statistics⁹, the labour shares in 2001 showing 71.8 % of labour forces are concentrated in the primary sector, this could be argued as “TAR” being the most agrarian provinces in the entire China. In sharp contrast to the trend in entire China where secondary sector is the highest contributor of income, in “TAR” the labour shares in this sector is as low as 6.5% which is roughly ten times lower than the primary sector. The labour shares of 6.5% are certainly a grim tale provided

that it is the secondary sector, the manufacturing sector where China's wealth stands and incidentally the largest contributor of GDP in China. Over 90% of Chinese population in "TAR" lives in urban centers including military personnel, police forces, technicians, businessmen, prostitutes and also skilled and semi skilled work force represent a total chunk of population in "TAR". On the other hand, the labour share in tertiary sector is 21.7%, which is quite a robust figure. This because of high presence of service sector in the "TAR" such as administration constituting the largest component of tertiary sector, followed by booming tourism industry and prostitution, retailing, banking and transport. etc.

Similarly, in Qinghai, the labour share is 60% in primary sector where Tibetan farmers and nomads come under this category. The labour shares in secondary sector were 13.0% twice more than "TAR"'s 6.5% of labour shares. Qinghai has some of the most productive industries and petro chemical factories; some of them were profitable compared to other unproductive production units. Due to region's proximity to China, that the labour in these factories comes from Chinese migrant workers. In the case of tertiary sector in Qinghai, again the region over more than 80% of Tibetan population are involved in the agriculture and animal husbandry. The labour force for the secondary sector in Qinghai comes from towns and cities where ethnic Chinese who were settled there long time back and also constituting the floating migrant workers.

It would be very interesting to understand why Tibetans are most excluded in this secondary sector where it is the largest contributor of income and wealth in China. This fact explains the strangest episode of development and economic reality in Tibet today. The following statistic perhaps sheds some light on the ownership of labour share ratios of Tibetans in "TAR" and Qinghai region in all the three sectors of economy. It would be interesting to

know about the labour concentration of Tibetans. This cast China's development process in a dubious shadow as going by the available statistics.

The concern now is how much from that meagre 6.5% of labour shares are Tibetan work forces or employees. This perhaps could explain the real gain of job opportunities and employment prospects for Tibetans and take a direct participation in the development projects and processes. According to Andrew Fischer, out of provinces investors tend to invest in Mainland China and local investors tend to invest locally. Perhaps the biggest setback of this poor show of labour shares in secondary sector is that if this trend continues China would never produce skilled and semi skilled Tibetan work forces in the foreseeable future. As the UNDP report of 2005 supports the argument and expressed similar concern,

The authors (people who drafted the UNDP report) highlights that improving the educational level of farmers plays an important role in raising their skills levels and ultimately their incomes. To make the curriculum and the education system more relevant to the demands of the labour market, the study recommends the establishment of community universities for vocational training to disadvantage groups and enterprise training.

It is understandable that China's urbanization in Tibet will continue to gain momentum and backing but at least in the Tibetan part of the processes skill and expertise stay in Tibet and subsequently benefits local economy is of primary concern and an effort needed to retain it. In order to empower Tibetans, a serious and sincere effort is needed from the Chinese Government in investing funds in social services such as education and training Tibetans in scientific know how techniques and other vocational training.

the tertiary sector

The demographic and geographic divide of Tibetan society is such that in the case of tertiary sector, it is predominantly concentrated in urban enclaves. Lhasa City is a classic example of this scenario. The three most vibrant tertiary activities in the Lhasa city are booming tourism industry, fast flourishing prostitution, ever expanding administration units, transport, retail, banking and finance. Among the three service groups, administrations compose the largest share.

Of all the three sectors, it is the tertiary sector that generates most income and wealth in terms of salaries and other incentives in the administrative urban enclaves such as Lhasa City. In urban enclaves, the administrative works absorbed a large chunk of funds meant for "TAR" i.e. constructing and renovating office buildings, staff, cadres, electricity, water and other security purposes. Although the package of fund and money that comes from central government may appear huge but then the money simply evaporates when it goes down the administrative apparatus and functioning. In terms of economic productiveness, it is simply a great drain of money and resources because they don't generate profit and income. This could be one of prominent reason why the billions of yuan from Beijing fail to trickle down to the needy and actual targets of the development. However, the middle class Tibetans in the urban areas does get benefit in the administrative service of the tertiary sector. But then that portion of Tibetan middle class working in administration constitutes a negligible number and at the same time they represent quite high proportion of the Tibetan population in the urban centre.

This scenario alone reflects the worrying economic divide first between rural hinterlands and urban enclaves. Secondly, the Chinese migrants live mostly in urban enclaves. According to Fischer, the figure

of Chinese population living in Lhasa City between months of September to April 2000 was 160,000 including all military and migrants Chinese. In this respect almost 90% of Chinese migrants live in urban enclave and it is this portion of the population that benefits most from these three service sectors. For instance, Chinese migrant entrepreneurs own most of the hotels, bars and shops; most of the sex workers in Lhasa were Sichuanese Chinese. The most booming part of economy in Tibet is largely dominated by Chinese and urban elites.

In the last decade, the tertiary sector has enjoyed honeymoon status in receiving the central fund, over the years the percentage has jumped by leaps and bounds. In "TAR", there was a huge increase in funds from 1998 to moderate increase in 1999 and to 5% increases in 2000. In Qinghai, the increment was from 12% to massive 17.5% between year 2000 and 2001. Under the Western Development Program the agriculture has a slow growth rate of 5% percent a year.

In the tertiary sector too the trickle down of benefit is staggeringly low and meager, out of multi billions of yuan that is pumped in Tibet every year, only a meager 6.5% of labour shares involves in secondary sector, that too a sector completely dominated by Chinese migrant skilled workers, professionals, businessmen, investors, hotels and shops in the Lhasa city.

At the macro level the concentration of wealth was chiefly in the secondary and tertiary sectors where non Tibetans, chiefly Han and other ethnic Chinese have upper hand dominance in generating income and wealth. Contrary to China's claims, the inflow of funds concentrated in the hands of non-Tibetans directly and indirectly. The Tibetans are not the beneficiaries of subsidies.

The United Nation's top staffer in China Khalid Malik¹⁰, commented at the release of the China's Human Development Report 2005 that,

*China's wealth gap between urban and rural communities is among the highest in the world, but according to a UNDP report released today, the government is coming to grips with the widening disparities that threaten the country's stability. China's Human Development Report 2005 is the first comprehensive study to offer a set of bold and practical policy recommendations to improve conditions for the rural poor, and bolster education, health care and the social security system.*¹¹

who constitutes the urban population?

According to Andrew Fischer the urbanization of Tibet is based on the migration of Chinese migrants and the new urban enclaves in Tibet mushrooming around the core resources and mining regions of Tibet. It is predominantly the case in Qinghai region of Tibet where many towns have emerged around the resources rich areas in the last several decades. It is noteworthy to see few portion of the population in urban areas are Tibetans.

Tibetan agrarians and the semi-nomadic people occupy the traditional belt of the Tibetan economy that is agriculture sector. Therefore there is little logic to envisage waves of Chinese migrants trying to fill the already saturated agrarian economy of traditional Tibet. The most ideal role the Chinese migrants could play is to fill the untapped labour market under the high profile infrastructure investments and projects.

The secondary and tertiary sectors of Tibetan economy have become a monopoly of Han and Hui

Chinese Muslim in all the towns and cities of Tibet. In Lhasa City for instance, half of the population is Han alone excluding the Hu Muslims who settled much ahead of Han Chinese. Much of the phenomenon of settling of Chinese migrants were due to the shortsightedness of local leaders since they consider the inflow of skilled and semi skilled migrants as success rather than a threat to the local populace. However, there seems to have been a pattern in the inflow of migrants to Tibet where the seasonal months between May and September, the population of migrants tend to increase dramatically and then return back to Mainland China during the winter months. According to Chinese official statistics there were around 160,000 Chinese but to some NGO workers and researchers, the population of Chinese migrants in "TAR" is estimated to be 900,000 in 2003.

In the past twenty five years the Chinese Government has succeeded in lifting 250 million people from the clutches of poverty, a phenomenal record by any world history, however it was during the same period that inequality in the per capita income of citizens has doubled. According to the UNDP report of 2005, the dwellers in China earned on average \$1000 a year while in hinterlands and people on the margins of western regions earns \$300, which is three times lesser compared to income earned by urbanites. Moreover, an urban citizen in China lives five years longer than farmers in rural regions according to experts. The prospects and greatness of China's great economic achievements will be undermined if picture of huge income disparity and sharp contrast in the quality of life remains neglected and not being addressed.

The inflow of investment, wealth and subsidies from the first phase of issuing, awarding contracts, generating incomes and reinvestments all circulated within a web of business merchandise located out of Tibetan provinces. There is enormous growth in ur-

ban enclaves and these are all controlled and owned by ethnic Chinese. For Tibetans the development and growth exist in ceremonial awarding or releasing of funds in the propaganda newspapers and documents, not in their hands. The most significant parts of large construction projects are contracted out of provincial companies depriving local Tibetans of opportunities which otherwise could be theirs. So naturally these out of province companies use high input of outside finance, material resources and labour be it skilled or unskilled. Andrew Fischer believes that this practice of funding coming from the outside of the Tibetan areas can be seen as a strategy to nurture and promote regional and national construction companies. Much of the subsidy announced by central government goes to these out of province companies for their complex engineering projects rather than funding and helping to nurture the locally owned business and expertise.

Andrew Fischer points out,

Thus begs the question; why could the local community not set up and operate the mine themselves, thereby benefiting from profitable opportunity and directing profits towards further community development? Such a venture could have been organized a county owned, cooperative, or even private operation, allowing local Tibetans to build up the expertise and confidence of bringing such economic projects to fruition. Locals described three constraints to such an outcome: lack of capital; lack of expertise, experience and education; lack of connections and networking (Ch. Guanxi).¹²

isolated case studies

The basic purpose of development is to enlarge people's choices. In principle, these choices can be infinite and can change over time. People

often value achievements that do not show up at all, or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, satisfying leisure hours, political and cultural freedoms and sense of participation in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives. --- Mahbub ul Haq¹³

case study- 1:

iron dragon runs roughshod over Tibetans.¹⁴

Tibetan farmers along the route of China's Qinghai-Tibet railway are appealing against eviction from their homes and the paltry compensation offered by the infrastructure project worth US\$ 3.1 billion.

A resident of Dongkar county told TCHRD that, said representatives of local families had already tried to petition the authorities regarding the planned relocations. "The Tibetan farmers went to different departments, including the Tibetan Autonomous Region government, to appeal but nothing really helps", told an elderly woman from the affected area. She said that a local Communist Party secretary who had tried to speak out on behalf of his community had been stripped of his post. "So nobody dares to speak out", she said. Local residents said that while the authorities had promised to relocate them, they would still have no means of making a living in the new location.

All this is what they call the great western development plan. We are victims of these developments. The rail track which is a major part of development as explained by the

Chinese falls through my house and farmland”, the woman said. She said authorities had promised to build new houses of brick or stone elsewhere for the farmers, but that only some had been completed. “Our only source of income is land. Those who work in offices or other jobs have a steady monthly income, but we don’t. Now when our land is taken for the construction of railways, we have nothing to live on. It is said that we will be compensated about 3,500 Yuan [US\$422] and given a 50,000 Yuan loan, but nothing is definite.

Rui Xia in her article “The Iron Rooster in the land of snows” writes of the potential long-term danger and threats of railway track on Tibetan people, culture and its fragile alpine ecology.

But this is not the whole story, either. As in other areas of western China, one of the main objectives of the Qingzang rail link is improving access to some of the natural resources buried under the frozen land. Tibetan uranium, especially, is important for China’s future nuclear programs. Oil, gold, and other minerals will be loaded on the rail cars to be shipped east to the booming coastal economy. It seems that, yet again, investments in the west mainly contribute to the already flourishing east, leaving millions of local residents in wretched poverty with an ever-slimmer chance of improvement.¹⁵

economic exclusion of Tibetans

It is indeed quite ironical that the China invaded Tibet in 1950 with the promise of “freeing the serfs” and leading and guiding them into an era of progress and modernization. Although much of their claims are credible but in rural areas and remote regions there seems to have been a shortage of efforts in reaching out the broad enmasse Tibetans in rural Tibet. In relative terms in the rural communities,

the economic policies in the last few decades have led to dramatic increase in poverty and inequality in Tibet between the rural Tibet and urban Tibet. Andrew Martin Fischer in his book, ‘*State Growth and Social Exclusion in Tibet: Challenges of Recent Economic Growth*’ uses Chinese government statistics to show how the polarizing dynamics of Beijing’s current drive to develop the Western regions of China, including Tibet, combined with the increasing influx of Chinese migrants into urban Tibetan areas, is leading to increasing exclusion of the indigenous Tibetan population in the development of their land¹⁶.

‘Polarisation means that whatever small gains are made in the rural economy or in education; the hurdles to access the dynamic sectors of the economy, concentrated in the urban areas and controlled by out-of-province companies or local Tibetan elites, may nonetheless become ever higher for rural migrants and the urban poor. In this manner, social exclusion can be understood as the dark side of current growth in the Tibetan areas. Poverty thus is not merely an issue of remote communities still trapped in some form of “ecological” destitution, but rather, it is a dynamic integral to the very processes of modernization within the Tibetan areas, processes that are essentially determined by the state.’¹⁷

This migration of Chinese into Tibetan areas is not about ‘general population swamping’, but about ‘short-term swamping of urban employment’. Where low-skill opportunities do exist within Tibetan cities and towns, Tibetan rural migrants and the urban poor are met by competition from Chinese migrants who possess, on average, much higher levels of education and skills. The disadvantage of less-educated Tibetans is compounded by lack of fluency in Chinese and lack of connections with larger regional commercial networks, which can be critical competitive factors in the lower-skill areas

of the economy that are booming, such as services, commerce and tourism. These competitive factors are compounded by the fact that most of the large and medium-sized construction projects in the Tibetan areas are contracted to out-of-province Chinese companies that mostly hire non-Tibetans.

The only option ahead to benefit both Tibetans, and ultimately the economy in Tibetan areas, is to pursue a much more proactive, affirmative and preferential policy towards Tibetans, particularly with regard to the rural and urban poor, encompassing education, training, employment and business, and combined with a variety of locally oriented infrastructure and service developments. Two larger policy initiatives would address the challenges of both exclusion and growth in the Tibetan areas. The first would involve a massive expansion of social services, primarily in education and health care, but also in various forms of social security. The other would involve a re-orientation of economic strategy towards local integration and ownership. These initiatives could lead to an overall shift towards '*Tibetanising*' development.

Some local cadres and scholars, both Tibetan and Chinese, together with national and international NGOs, are already promoting such ways forward. The question remains as Fischer¹⁸ states, 'whether these efforts will be overwhelmed by the general trend of polarization in the regional economy, which is pushing rapidly towards a form of exclusionary growth that is simply not observed elsewhere in China'.

In Tibet, Chinese migrants monopolise the incentives and benefits of the job opportunities and then take all the income and wealth back to their homes in China, hence the income and the money does not generate the local economy. Even most of the needs and products of their daily lives are provided by shops owned by Chinese shopkeepers and the

job markets of Tibetans falls to Chinese. After certain years of working in China when those who have grown rich migrant workers leave Tibet, the vacuum left is replaced by fresh inflow of Chinese migrant workers. This circle works in clockwise manner leaving no opportunity for the Tibetans workers to obtain experiences and enlarge their job scopes. More so, Tibet has become somewhat like a laboratory for Chinese workers to obtain professional experiences that will never stay in Tibet but move into core regions of coastal area where it is more profitable. In the long-term perspective this trend blocks the emerging future Tibetans professionals or skilled workers because of lack of space to grow and evolve. The explanation is that Tibetans are not trained and skilled workers, the chief reason is their lack of training and professional expertise that can be acquired through sound education in modern education that the Chinese Government is quite reluctant to do so going by providing low expenditure spending on education.

Quite strangely, the demographics of Chinese migrants tend to produce 'subsidy parallelism' (coined). According to this trend, the more there is inflow of central funding and subsidies, the more Chinese migrants tend to flock around in that particular region looking at the prospects of incentives and benefits. The law of migration reveals higher subsidy with higher inflow of ethnic Chinese migrants, lower subsidy with lower inflow of ethnic Chinese migrants.

For instance, the Qinghai-Tibet railway involves a consortium of state-owned construction and engineering companies from around the country, many from coastal areas. A single state-owned company from Chengdu has constructed almost all of the numerous bridges along the railway. 'This use of public development funds by Beijing or the provinces is therefore comparable to the US strategy of using lucrative defense contracts to subsidize many

US businesses, such as in information technology and aeronautics,' writes Fischer¹⁹. 'This logic is also similar to the contracting of US funds for the reconstruction of Iraq to US companies. The country or region is constructed (or reconstructed), in one way or another, however shoddily and almost despite the local population, but in the process ownership in the economy is transferred to foreigners (in the case of the US in Iraq) or to non-Tibetan outsiders (in the case of the "TAR" in China).'²⁰

the practice of population transfer

In international law, population transfer is defined as "the moving of peoples [as] a consequence of political and or economic processes in which the state government or state authorized agencies participate." Also in the Article 49 of the Fourth Geneva Convention provides that "*the occupying powers shall not deport or transfer part of its own civilian population into the territory it occupies.*" In recent times population transfer is seen as a tool to consolidate political control over occupied ethnic minority regions in order to achieve intended goal of linguistic, racial and cultural assimilation. Therefore the latest definition of Geneva Convention, population transfer includes circumstances such as:

Demographic manipulation preceding or consequent upon the formation of new States as part of the consolidation or integration of statehood, accompanied by measures aimed at either balancing population density or at ethnic homogenization, or separatist apartheid tendencies; Transfer purportedly for development of other public purposes; the implantation of settlers.

In this respect, the definition aptly suits the present Chinese practice of population transfer into Tibet.

For several thousand years, Tibetan people lived in harmony with their harsh and ecologically fragile plateau region with respect and moderate utilization of natural resources. The climate and geographic landscape of Tibet could be an explanation for the small population of Tibet, dependent on their ancestral farmlands for cultivation and keeping animal livestock for meat and dairies.

Though PRC ratified the ICSCER in 2001 and the Constitution of China promises the people with the provision of economic, social and cultural rights but in reality the implementation of law is still a far cry from reality. For the Tibetans the real challenges come from the official interpretation of constitutional laws, where the said law is interpreted according to the interest and benefits favouring the ethnic Han Chinese and the guideline policies of the Communist Government.

The first waves of population transfer of ethnic Chinese took place during the radical period of Mao era of 1950s, 1960s and 1970s. The most of Qinghai and Gansu areas were populated during those eras. In those eras, the population consisted of communist cadres who were supposed to develop Tibet and help the 'Xizang' brothers. The late reformer Hu Yaobang suggested to demobilize the communist cadres inside Tibet so as to make Tibetans the masters of their own affairs in Tibet. The second wave of population transfer took place in mid 1980s during the reformed era of patriarch Deng Xiaoping where the impoverished western provinces of China looked more west (Tibet) because commercial incentives and benefits were given to the migrants to encourage their migration. Hence the transfer was not 'voluntary' in nature in a sense being directly spearheaded and carried out by the government. Chinese scholar Wang Lixiong described migrants who came in latter waves as 'opportunistic treasure seekers'.

Migrant workers mainly the Hui Muslims and Han Sichuanese involved in the construction of highways and railway lines. Leave aside the benefits of these huge infrastructure investments that are believed to benefit Tibetans, the more so on the practical grounds the job opportunities and prospect of controlling contracts goes to Chinese. Therefore, Tibetans are deprived of both immediate benefits as well as long-term benefits of such developmental projects.

It was in the middle of 1980s that the large movement of ethnic Chinese began and which received a great deal of impetus and endorsement from the government in early 1990s. There are various reasons for the large exodus of Chinese into Tibet. The most obvious ones was the population explosion in China where it was felt by the Communist echelons to lure them to resettle in the western regions like Tibet). Another prominent reason was the success of assimilation of ethnic Han Chinese in Xinjiang region in jeopardizing the cultural and linguistic identity of Uighurs who in the past rose up for separate independent country. The pro-independence movements in Tibet further confirmed the Communist Government's fear of Tibet breaking away from their political stranglehold, in the Communist jargon, "breaking up from the great family motherland China." In order to counter the ethnic uniqueness and identity of Tibet, the large-scale mobilization of population transfer took place under the cover of "Western Development Programme" which still continues in full swing.

In the case of land and housing rights, where constitution says '*land is owned by the State... can be requisitioned for public purposes*'. In the name of supposed development of Tibet, lands are arbitrarily taken away from Tibetan commoners. On the one hand the Chinese Government speaks about Tibet's unique characteristics while the processes of development goes contrary to Tibet's unique characteris-

tics. The developments of infrastructure such as highways, railway track and dams and water reservoirs have nothing to do with Tibetans since more than 80% of them are nomads and peasants. So far, the deprivation of Tibetan people's fundamental land and housing rights, displacement and impoverishment take place in the name of development. China's quest for infrastructure developments in Tibet only serves the strategic political requirement of China, be it transporting the natural resources to China, to hasten the pace of population transfer or to materialize the sinicization of Tibet. The real development of Tibetan plateau is not based on a human centric development, of improvements in livelihoods, health care, education and housing sector by taking into consideration the Tibet's unique cultural, ecological and ethnographic characteristics.

The last decade witnessed extensive demolition of traditional Tibetan buildings and construction of new Chinese apartment blocks on the demolished site. Not only did the Tibetans lose their ownership of house and property, they were also not compensated and resettled properly. Even if Tibetans are to live in the newly constructed buildings they have to pay the rents. This phenomena is now not restricted alone in Lhasa area but also prevalent in other parts of the ethnographic Tibet. Apart from wider positive developments and improvement in the field of infrastructure there are negative impacts of the China's much claimed development and modernization of Tibet on the other side of the bank

According to demographic movements, much of the non-Tibetans settlers in Qinghai, Gansu and Sichuan are largely permanent and settled however, in the case of "TAR" much of demographic movements has been 'floating population', they come and go.

The practice of population transfer naturally exerted pressure on the ancestral lands owned by Tibetan

people as economic and infrastructure development stem in. With the overwhelming number of towns and cities flooded with ethnic Chinese grapping away of economic opportunities, the authorities resorted to measures accommodating the population pressure on land and therefore, the land and properties of native Tibetans are being transformed into urban constructions. In the process the exercise amounts to legal inconsistencies in tackling the Tibetan people's ancestral land and housing rights.

It is to be noted that the case studies that support the arguments are only from the testimonials taken from new refugees coming from Tibet and not from any field research undertaken in Tibet. The disenfranchisement of Tibetan people's land and housing rights stem from two fundamental principles, Tibetan people's deprivation of their fundamental right to self-determination and the loss of total say over their economic and cultural affairs.

forced eviction and displacement

The People's Republic of China has a reputation of a large-scale displacement of people in many of its dam projects. China has instituted new regulations and compensation policies for the affected and displaced people, but so far the compensations were severely inadequate and, worse still, produced thousands of homeless people with ever increasing figures of migrant workers mushrooming in big cities. In the case of ongoing construction of railway track in Tibet, it is still not clear how many people are affected, forcedly evicted, displaced, inadequately resettled and environmental and ecological damages that can directly affect the nomads and farmers in long run.

The article 11 of ICESCR

The States Parties to present Covenant recognize

the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the international co-operation based on free consent.

Tibet is still an inaccessible area for independent researchers and foreign non-governmental organizations to carry out investigative study. According to the limited information TCHRD received from testimonies of new arrivals from Tibet, there are potential areas of human rights violations concerning the illegal relocation of people without any adequate compensation and resettlement schemes. Particularly the deprivation of land and housing rights of Tibetan people are of great concern. In the case of Tibet, the displacement take place for two major reasons, firstly the resettlement of Han ethnic Chinese into Tibet and secondly to facilitate the displacement of Tibetans in the name of development.

In China's White Paper on Human Rights released on 13 May 2005, it was declared that the policy of development was people centric and putting people first. The White Paper also promised that "*Document No.1, known as Opinions on Several Policies to Promote Increase of Farmers' Incomes, which explicitly stated that China must adhere to the strategy of comprehensive development of urban and rural areas and the principle of "giving more, taking less, and being flexible", and that it is a basic task to realize...*" However in Tibet, this enshrined policy in White Paper is an alien concept in the actual implementation and application.

The Article 17 of UDHR states that, (1) "*Everyone has the right to own property alone as well as in association with others.*" (2) "*No one shall be arbitrarily deprived of his property.*"

Lobsang Tashi, 20, told TCHRD, *The Government didn't do anything for them besides giving them compensation money. Therefore, most of the evicted families had to seek refuge in the homes of their relatives. All families who were evicted face an uncertain future the Government had also taken away their farms and vegetable gardens on which their livelihoods depended. Adding insult to injury was the order by higher authorities not to construct their house in the manner and style of traditional Tibetan houses but with square stones, sand and cement.*²¹

Another case related to the forceful confiscation of land took place in Dongmo Gang region in relating to the construction of railway track.

Out of 40 householders in Dongmo Gang area 30 householders lost their land to the Government. The families, which lost their lands, explained that the lands thus confiscated were ancient ancestral property and that the meager compensation money they had received from the government was of little use to them in the long run explains Lobsang Tashi.

Another case of eviction is evidenced by the testimony of Tenzin²²,

There were about 500 farming families in Chanza County, Malho region, Tsongon Prefecture. They were directed by the higher authorities to move to Shasang area after the construction of Shawo Gag hydroelectric dam was finally completed in April 2004. The Chinese authorities did not inform the local inhabitants about the necessary safety procedures regarding the dam. The dam was located between Chanza and Yartse County and is about 10 km from Chanza County. In no time the water level of the dam's reservoir rose and started encroaching on the farmlands and houses. It has been several months since the eviction of local Tibetans to Shasang area took place, but still there are many families who live without shelter. There are many who have taken shelter in the homes

of their relatives, while many in make shift tents provided by the Government. They are paid 3000 Yuan per month as a stipend to sustain themselves. However, those who stay in the homes of relatives have not been given a single penny though they have lost their ancestral property in the aftermath of the dam construction. Much to their dismay, the people realized that the government's promises of providing housing, food and other facilities proved to be empty promises. The Government had based the monthly stipend to Tibetans on their daily expenses prior to the displacement and beyond that they did not show any interest in their welfare.

A dispute erupted among the displaced Tibetans over the ownership of land and water after the completion of the dam. The dispute has been going on for the last few months and is fast snowballing into a major dispute. However, the higher authorities were not paying any attention or taking any step to settle the dispute. The Tsongon region houses some of Tibet's biggest hydro electric dams that were constructed decades ago but the Tibetans living in the vicinity of the basin were still deprived of electricity in their homes. The electricity generated from the dams were lighting the homes of Chinese villages in the Mainland China. There still may be many Tibetan villages without any supply of electricity.

In the recently released White Paper on human rights, the PRC claimed, *"The government has adopted measures to improve the farmers' cultural, scientific and technological qualities, enhance their ability to increase their incomes, and improve their production and living condition."* However, on the ground reality, the Tibetan people are seriously deprived of their land and housing rights. The affairs of their land and housing are governed and decided arbitrarily by the higher Chinese authorities. Tibetans have no say over uses of their farms but instead they must conform to the wishes of Communist Party leaders and their interpretation of laws.

Since from ancient times the Tibetans depended on their traditional crop such as barley and wheat. However in recent times Chinese authorities were imposing on the local Tibetan farmers in certain regions of Tibet to grow pasture and trees on limited arable land, which is a deprivation of local Tibetans' source of survival and sustenance and is a serious violation of economic, social and cultural of the Tibetan people. Due to this and other local factors Tibetans were facing the brunt of poverty and economic hardships under the "grand-to-green" policy.

The White Paper on human rights also claimed that the PRC is protecting the legitimate rights of farmers,

The government attaches great importance to the protection of the farmers' legitimate rights and interests. In 2004, the government examined compensation for and settlement of farmers whose collectively owned lands had been requisitioned, and paid defaulted compensation for land requisition totaling 14.77 billion Yuan.

The ground realities faced by Tibetan farmers tell a different picture. The four new arrivals²³,

Around spring 2000, the four villages of Tsering, Sachu, Laying and Deda (Bawa County) were chosen to implement this policy. Chinese authorities summoned respective village heads and common people for a meeting in which they were instructed to convert the farmlands (on which the Tibetans had traditionally grown wheat and Barley) into pastures. The affected villages are Tsering, Sachu, Laying and Deda in Bawa County in Sichuan Province. They were told that they were misusing their lands by growing barley and wheat on them as it not only makes the soil infertile but it posed the threat of floods to the Mainland China. Moreover, the authorities also ordered village leaders to further intensify their efforts to stop Tibetan people from cultivating wheat and barley. The village heads

were also informed that they would be held responsible for the success or failure of the above policy. They further clarified that since the Chinese Government was the owner of the land the people would have to obey to the directives issued by the Government, failing which they would be punished.

The authorities promised the people that the Chinese Government would grant 200 Gyama (100 KG) of rice every year to compensate them. After two months, the directive was also enforced in other villages. The Chinese Government gave six bags of grass seeds to each family and forced them to cultivate the seeds on their lands. Only 2% of the total land owned by farmers was left to them. At present most farmers cultivate radish, spinach and potatoes in this left over portion of their land. Those lands that were confiscated were forcibly planted with pine, eucalyptus and other trees. However, the authorities did not make any arrangements to have the plantations looked after.

As a result these people had to spend a lot of money in buying 'tsampa' (barley flour) from the market, as the tsampa available at the market was very expensive. Moreover, the grant of the 200 Gyama (100Kg) rice was arbitrary and without taking into consideration the number of people in a family. For instance, in the case of Mr. Tsultrim, they had four members in his family and hence faced a great difficulty in sustaining for a year on 100 KG of rice for a year.

The Chinese Government imposed an extra condition that the families must send their children to school failing which they would be denied a share of their rice by the Government. The interviewee Pema Ngodup couldn't go to school for a month and because of that his family was deprived of 50 Gyama (25 kg) of rice. The Tibetan people in the Bawa County having been left with no other source of income collect 'Yartsa Gumbu' (caterpillar fungus used in medicine preparation) during the summer, which fetched them some money when sold in the market. It is with this

income that they bought their clothes and other things. The deprivation of farmers' right to self-determination is another example of how China violates the Tibetan people's fundamental human rights. The Article 1 (2) of the ICSECR, which provides, "All people may, for their own ends, freely dispose of their natural wealth and resource without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence".

education

In 2004, China produced their first magazine on Human Rights titled *Putting People First*. The magazine hailed the developmental projects and improving human rights condition in Tibet. The improving state of education received praise and emphasis but the claims of magazine (mouthpiece of Communist regime) stand stark contrast to the actual state of education in Tibet.

In the White Paper on human rights claimed about the progress and availability of education for Tibetans children,

"Education in ethnic-minority areas has advanced with great strides. The ethnic autonomous areas are key targets for the state's plans to basically make nine-year compulsory education universal and basically eliminate illiteracy among the young and middle-aged population".

According to UNDP 2005 report, half the population in Tibet can actually read and write while over 97 percent of Chinese people living in Beijing, Shanghai or Tianjin are literate. In the entire national level, illiteracy rate for women is more than double that of men. In Tibet, less than 1.5 percent of Ti-

betan children go to junior high schools while in Beijing, Shanghai or Tianjin more than 60 percent of children go to junior high schools. In light of this, the need of spending in education is highly critical if China really wants to bring development inside Tibet.

In China today, Tibet remains one of the poorest regions with the lowest literacy rate. So far after the establishment of the People's Republic of China, development oriented, progressive and open-minded education has never been imparted in Tibet. Education in Tibet remained a sole repertoire for Communist regime to promote and impart ideological education to produce generation loyal to Communist China, with a special intended goal of achieving cultural sinicization and racial integrity with the ethnic Han Chinese. One of the chief areas of education is history, where distorted version of Tibetan history is taught. Other branches of subjects are heavily loaded with socialist ideology and backwardness of Tibetan race. A true education of real progress and human development is not being taught in schools for Tibetans. The kind of education prevails in Mainland China and one in Tibet has a sea of difference in terms of quality, contents and despite objectives.

In the post opening up of China as well as after the advent of capitalist market economy in China, the Tibetans are facing increasing frequency of unaffordable tuition fee and the lack of proper infrastructure and schools in the Tibetan inhabited areas. Though the Chinese constitution stipulates that the primary education is free of cost. However, this seems not to be on the day-to-day livelihoods of Tibetan commoners. The obvious effects of such problems are witnessed by flow of young refugees to exile India to receive education. Their testimonies revealed the poor state of education in Tibet and the obstacles they faced in getting education.

The seventeen-year-old Migmar Dolma from Toe Tingri testifies the condition of education in her village.

*My younger brother was also studying in the County school and we had to prepare meals for him too. The school charged 350 Yuan per term and the expenses of a student for two terms would go up to 700 Yuan. Even with that fee the school did not provide lunch for the students. We are not the only ones who are struggling with poverty. In our Sungma Drongtsong village there are about forty families and almost all of them have difficulties and problems in their day-to-day life.*²⁴

*Most men landed jobs as construction labourers, and most women were forced to work in Nangma bars, discotheques and brothels. They earned their money by sleeping with their customers. Most of the parents in our village have a very low morale in sending their children to Chinese Government schools. In the first case the tuition fees are expensive and unaffordable by the local Tibetans, secondly the low market value of Tibetan language and thirdly the extreme difficulty in finding jobs even after finishing the education. In today's world education alone is not enough, one needs to have money and muscle besides connection in the high places to get a job. Moreover the chances of Tibetan youth getting spoilt are very high. They have no jobs at home and not getting any jobs at cities and towns, so they roam in streets, steal, involving in streets fights. Since parents knew about these social problems they prefer not to send their children to schools.*²⁵

It is necessary as well as mandatory for Tibetan students to integrate with the ethnic Chinese by taking up Mandarin as the official language or a medium of instruction while Han ethnic Chinese in turn do not study Tibetan language. This goes against the

principles of the rights of the minority nationalities enshrined in Chinese constitution. Tsering Dorjee, 31, a teacher from Rebkong Amdo petitioned against such discriminatory practices in the school but ended up as a vain effort. He soon left the teaching job at Middle Nationality School. Tsering Dorjee explains,

*Though majority of the students were Tibetan the medium of instruction was Mandarin. The Tibetan students were thus put into a lot of difficulties in putting extra efforts to learn Mandarin. English was taught at school but only for an hour daily. Tibetan was also taught but the Chinese students had the option of studying English during that time. This practically forced the Tibetan students to choose between their mother tongue and English while a third language Mandarin was compulsory for them. I realized that this policy of the government was highly discriminative and biased against both the Tibetan language and the Tibetan students. I complained to the body in charge of the school affairs that the time devoted to English and Tibetan was not enough. Even the students petitioned the authorities but our entreaties fell on deaf ears. I was hurt by this unjust policy but more so on my helplessness and resigned from the job.*²⁶

In September 1998 I joined Tsongon Nationality Editorial Board and studied there for two years. After the completion of my course I worked as an English teacher at Tsekhod county public school, which is meant only for the children of Chinese officials. I taught there for a year. After this I left my job so that I could continue my studies on English at Trojang nationality school in Beijing. The tuition fees there were high and hostels unaffordable for most. Therefore most students preferred to stay outside by renting houses. I remained a student of the school for three years during which I took

*four and half months of tuitions in English. However I had to quit the school before the completion of my studies as my family could no longer afford to support me.*²⁷

An expert from Beijing also expressed similar view on minorities' nationalities and their languages,²⁸

But in recent years the education in Tibet faces another challenge and this time the challenge is more subtle and threatening. The challenges to their linguistic identity which is not crafted by Chinese authorities but a direct result of fast changing facets of society and globalization of market economy in all parts of China. Although Tibet is remote yet she is not exception to this threat. The demands of economic prosperity and importance of Mandarin language in day to day life is taking its toll on the survival of the languages in many of the minority nationalities in China today. As Paul mooney reported,²⁹

The education for common masses was non-existent in the past Tibet. However, there was religious education, which was only for Buddhist monks and nuns. For the ordinary masses even the traditional education was not prevalent. In the feudal Tibet, the education was exclusively reserved for the sons of aristocrats who would later take up administrative work like their fathers did in their lifetime. Tse

healthcare and aids

China's White Paper on human rights released in 2005 claimed, "*China attaches great importance to the health conditions of the people. The national public medical care network has been strengthened further*".

However, it seems that investment in rural areas are still low and deficient. As UNDP reports of 2005 highlights a need for more spending in sufficient preventive health care, health education, planned

immunization and quick and effective responses against the outbreak of epidemics like SARS and Bird Flu diseases. In rural areas by 2004, only 15% of rural residents had medical insurance in 2004, where as half of urban population in China benefited from full insurance.

One of the most important pressing issue Tibetans face today is an urgent need to improve the health care of the Tibetan people particularly those Tibetans living in the remote regions and farming communities. There has been general tendency of a neglect and apathy for the health care needs of the Tibetan people. Leave aside educating or promoting health related awareness such as one of HIV/Aids among the Tibetans, as of now even clinics are not available in the remote farming regions of Tibet.

It has been the case for many Tibetans that they have to travel long distance to reach a hospital. The testimony of 35-years-old Bhuti is an example of the state of health care in Tibet. Bhuti from Toe Phuring County testifies,

When I was 19, I contracted jaundice, fortunately our Tibetan doctor Rinchen la treated to jaundiceo some extent. I did all kinds of medication but with little effect. Then I went to Government hospital, where the doctor told me to stay at the hospital. I stayed there for a month, but then it was too expensive to afford bedding charges at the hospital. I manage to get a recommendation letter from our Tibetan doctor Rinchen la to get free medical treatment. Unfortunately, the Chinese doctor didn't look at the letter and then I approached the most senior doctor in the hospital. The doctor declined the free medical treatment and said that if they were to help all the poor people with free medication then there are so many people to look after. At that moment, I burst into tears and wept bitterly. He then told me if I couldn't

afford bedding charges then I could rent a house outside. I rented a small room outside whose owner was a Tibetan. I told him about my problems and he allowed me to stay there at free of cost. Since I am from a village I faced many language and other problems. In total I spent 1000 Yuan on all the medical expenses. After the medication I returned to home and stayed for a year. Unfortunately, the doctor had not given me a proper treatment last time, due to which the illness relapsed again. When I went again to the hospital there was a new doctor in place. He did some checking on my body and prescribed me a medicine for a month without telling me anything. It cost me around 600 Yuan. He tested my blood and prescribed pills for a month, in total I spend 1300 Yuan. The Chinese doctor only prescribed pills and didn't tell me anything about the disease and symptoms. I wanted to press the doctor to tell me about my illness but then I don't know mandarin language. What else I could do? Then I consulted a Tibetan doctor. I stayed in that hospital for a month where I received good diagnosis and treatment. The Tibetan doctor after having known that I came from a poor economic background only charged me 60Yuan.

Once when I was helping my neighbor in renovating the house, one of the beams fell on my back and caused serious internal injuries. After that accident my pain relapsed again. I spent around 10,000 Yuan for the treatment. My relatives and friend helped me with the treatment but I didn't receive a single penny from the Chinese Government. One truth I want to convey to the world is that the Chinese Government's claim that they are looking and helping the poor Tibetan people, is just a fictitious lie in the broad day light.³⁰

In the 1960s Mao's 'barefoot doctors' visited the hinterlands of China to look after the health care of People. It was also the case in Tibet. That was only means of health care in rural villages. Barefoot doctors were functioning as late as mid 1980s in few rural hinterlands of Tibet. Though China has made great economic strides but still then health care for Tibetans were deficient and lacking in the remote rural areas of Tibet. The health care infrastructure has still not reached the Tibetan areas and there were almost no trained Tibetan doctors. The equity of opportunities among all nationalities seems to be a political euphemism. The lack of trained Tibetan doctors was a major cause for the rural health care crisis.

Over the years, China has its strange battle against AIDS pandemic. Melinda Liu a noted journalist writing for Newsweek Magazine made a comprehensive study of AIDS in China in 2004. In her article "The Blood Ties That Bind" *Newsweek* 2004 has in it some of the alarming findings and how AIDS could wreak havoc in China if it continues to remain hidden under the carpet. At present, neither the Government nor any organization has any actual statistic of people infected with AIDS in China. During the September 2002 press conference the Government revised the AIDS figure from previous 850,000 to 1 million but many experts doubted the official figure. According to the United Nations Theme Group on HIV/Aids in China says that if the government does not take drastic steps to control AIDS epidemic, the infection rate could leap to 10,000 by 2010. U.N. health officials believe that China may have 6 millions people infected with AIDS.

Melinda Liu writes, "*As of 2000, the most recent year for which figures are available, 51 percent of all known HIV cases in China were in Yunnan, where the epidemic first appeared and where 52 of China's minority groups are represented. An additional 37 percent*

of the cases were on the Central Asian frontier in the Xinjinag Uighur autonomous region, where 62 percent of the population is non-Han. . . In both provinces epidemic has found perfect breeding conditions: an abundances of poverty, illiteracy, intravenous drugs and prostitution. China's population is 91 percent Han, but according to UNAIDS, most HIV cases have been among the non-han minorities, including the Uighurs of Xinjiang and the hill tribes of Yunnan."³¹

The explosion of AIDS in Yunnan province and Xinjiang Uighurs autonomous region was due to Heroin drag and drugs. In Yunnan province drugs come from Burma which were far more available and cheaper than the ones found in the country. In Xinjiang heroin comes from Afghanistan. The two of the countries where poppies are growing and from where through borderland streets, drugs and diseases are bred and transmitted across different regions. Going by the histories of Xingjiang and Yunnan regions, AIDS wouldn't be that far away to reach and breed in Tibet since it has all the favourable conditions existing in these two minority regions.

Prostitution as an entertaining industry does not exist in pre 1959 Tibet and to extend before the Deng reform period in Tibet. Liberalization and population transfer and inflow of migrants have contributed the emergence of entertainment industry in Tibet. Andrew Fischer argued that the massive presence of military personnel and male migrant workers have led to a massive demand for commercial sex workers in Tibet. The *Tibetan Bulletin*³² argues,

*"Despite a string of laws and regulations made to prevent it, prostitution flourishes in Tibet. Karaoke bars, gambling halls and discos all legal under the policy of economic reform provide a breeding ground for this booming trade."*³³

For some years it was believed that sex workers in Tibet were Chinese origins particularly from the

western hinterland regions of China but in recent times young Tibetan girls are also being dragged into the booming and profitable entertainment sector.

*Young Tibetan girls some as young as 13 or 14 are also forced into this trade because of widespread acute poverty in the rural areas. Many move on to cities in search of a better life, but due to lack of education and Chinese language skills, they don't fetch decent jobs to eke out living. The only employment opportunity they find open to them is in the entertainment business "karaoke bars, gambling halls and discos" which eventually mires them in the world of prostitution.*³⁴

According to Melbourne based Macfarlane Burnet Centre, ". . . a large number of Chinese who indulged in commercial sex hails from those areas of China where AIDS is already widespread. They found that Lhasa in particular has a rapidly growing sex industry with no public information, poor management and supervision of Sexually Transmitted Disease and limited availability of condom. "Our fear is that unless appropriate strategies are taken, Aids could blow out in Tibet in much the same way it has done in other developing countries", said Dr. Alison Morgan, liaison officer of the task force, in the report."

It is not difficult to envisage that AIDS could wreak potential threat and dangers to Tibetans given low education and awareness programs on AIDS and precautionary methods. In addition parts of Tibet has high illiteracy and rural poverty, which presents ideal ground for breeding AIDS epidemic unless some real efforts to control the disease is initiated from the central government. The health in Tibet is still basic and not in positions to deal with disease like AIDS. Tibetan people have every right to achieve and enjoy this kind of human development and awareness that is one of crucial areas of concern for Chinese leaders.

conclusion

Looking back at the 10th Five-Year Plan, the most prominent achievement was the completion of railway track linking Beijing and Lhasa for the first time in history. The Dalai Lama remarked on the railway track in Tibet,

*Tibetans have reason to be afraid: A rail link from China could swamp their dwindling numbers with Chinese ... My death would be a serious setback.*³⁵

The “Western Development Program” had not brought any significant positive changes and improvements to the large section of Tibetan people who are nomads and farmers. The review of the 10th Five-Year Plan is underway and the progress report of the 10th Five-Year Plan due on early 2006.

Strangely, on Xizang TV interviews and reports are done in the remote rural areas of farming and nomadic regions of Tibet. The TV report focus on how the “Creation of new socialist village community” has brought positive developments to the lives of rural Tibetan people. Ironically, Beijing quietly accepts that the construction of the railway has no positive impact directly on the nomads and farmers and therefore to save the face of the 10th Five-Year Plan the TV propaganda of “The creation of new socialist village community” appears to be launched. The rhetoric of the campaign was issued in 2003 but now it seems that the rhetoric is the core focus of the 11th Five-Year Plan.

While on other hand a picture of development in Tibet from limited testimonies of new arrivals from Tibet presents another version of development. Although this portion of people represents a negligible group of people coming from Tibet but alarmingly almost 100 percent of them came from rural backgrounds. This is an indication that rural areas of Ti-

bet remained underdeveloped compared to economic prosperity experiencing in the urban enclaves.

What is lacking in China’s development approach is a skillful means to deliver the fund and resources right in the hand of intended targets. If the investment in infrastructure is given top priority then it is also crucial and essential that a decent and considerable priority in terms of spending and investment be equally poured in the rural areas for schools, health care, social security and promotion of rural economy. In this context, China’s development strategy or policy needs to have a ‘human face’ and the overriding emphasis should keep the interest and the need of Tibetan people in the rural areas. For the last decade so much has been spent on urban enclaves, perhaps now it is the turn of the rural areas and farming communities to receive equal attention and support in economic matters.

Looking at development over many years, it seems that Chinese leaders have lacked their faith and trust in Tibetans in running their own affairs, be it in economy and grassroots matters. Chinese leadership has not utilised the potential talents and manpower of Tibetan people. Perhaps the best way to develop Tibet is to hand over the decision-making power and ownership back to Tibetans at least at the grassroots level.

The 11th Five-Year plan draft carries the spirit of the Third Plenum meeting of 2003, which called for “putting people first” (Ch. *yiren weiben*). It seems that the 11th Five-Year plan has a heavy influence of Wen Jiabao’s slogan of ‘scientific ‘developmentalist view point’ in his long speech on 21 February 2004. He is largely believed to be pro-rural mass leader of Hu’s China. The ‘scientific developmentalist view point’ raised two critical questions such as what government must do to ensure long-term economic growth will be sustainable and what must be done to distribute wealth equally across broad sections of

society. On the other hand the famous call of Hu Jintao for 'creation of new socialist village community' and a 'harmonious society' at the core heart of the 11th Five-Year plan. The rural policies are to stress on the new dictum of "extracting less, putting more back in, and enlivening". It also stressed nine-year compulsory education and revitalizing cooperative health system. On the positive note the 11th Five-Year plan for rural Tibetans of Tibet has its promises in the spirit of the draft, as Barry Naughton in his article 'The New Common Economic Program: China's Eleventh Five Year Plan and What It Means' has it,

*'The need to protect farmers' land rights makes two important appearances. First, farmers must be protected against the unfair exploitation of their land for development schemes supported by local officials (who, it is left unsaid, may be getting rich off them). Second, the right of farmers to transfer use-rights to their lands must be ensured. This latter is designed to allow farmers greater freedom in selling or leasing their land in order to leave agriculture together.'*³⁶

2005 marks the end of Tenth-Year plan and according to some sources the blue print of the 11th Five-Year plan carries policies that favours poor and underdeveloped regions of China. The equity in income distribution and to reduce the gap between the rich and poor appears to the spirit of the 11th Five-Year plan. If it is true then this will definitely bring positive changes and development in rural areas of Tibet. There is some ominous sign of this change of policy as the new "TAR" Party Secretary Zhang Qingli was shown in Xizang Television visiting the homes of rural households, listening to their problems and giving monetary help to families. Could these gestures be a new twist in economic policies that would kick-start after the announcement of 11th Five-Year plan in 2006 during the an-

nual meeting of National People's Congress (NPC) in Beijing?

In last decade China was tremendously successful in attaining great economic development and strides in the coastal and urban centres. The favourable policies for urbanites and coastal entrepreneurs have catapulted modern China in the forefront of economic power in the global arena. The challenge now remain: can the Chinese leaders repeat the Midas's wonder for their poor kinsmen in rural countryside, interior hinterlands and on the margins to meet the economic prosperity and boom enjoyed by their kinsmen in the coastal regions? This is perhaps the greatest challenge as well as the greatest contribution of Communist Party in the 21st century China. The 11th Five-Year plan has in it the virtues to realize this goal, the question now is: can the Chinese leaders implement the spirit of the 11th Five-Year proposals? Only then the rural and nomadic Tibetans can tread the roads of development and prosperity in the long run.

Notes

1. Her book *Notes on Tibet* (Ch. Xizang biji) was bestseller until it was banned due to her treatments of sensitive issues of Tibet and praises for the Dalai Lama. The book was since been banned.
2. Sun Yat Sun, *Development of China*, 1921
3. China Through A Lens, www.china.org.cn 12/27/2005
4. <http://hdr.undp.org/hd/>
5. Amartya Sen, *Development As Freedom*, Oxford University Press, New Delhi, 1999, p.3
6. The statistics used in this chapter is referred from Andrew Fischer, "Urban Fault Lines in Shangri-la", *Development DESTIN*, June 2004 and *Tibet Statistical Year Book*, China Statistics Press, 2001
7. Ibid.
8. www.undp.org.cn
9. Source: 2002 CSY, table 5-3, Andrew Fischer
10. UNDP Resident Representative/ UN Resident Coordinator in China
11. www.undp.org.cn
12. Andrew Fischer, *Economic Dimension of Autonomy and the right to Development in Tibet*.
13. Team Leader from 1990 to 1995 of the "Human Development Report" published by the UNDP.
14. *Asia Times Online*, <http://www.atimes.com/atimes/China/GE12Ad01.html>
15. www.atimes.com
16. "Official Chinese statistics show dramatic increases in inequality in Tibet" <http://www.savetibet.org/news/newsitem.php?id=760> June 14th, 2005
17. Andrew Martin Fischer, *State Growth and Social Exclusion in Tibet: Challenges of Recent Economic Growth*, Nordic Institute of Asian Studies Press, 2005.
18. Ibid.
19. Ibid.
20. Ibid.
21. Testimony: TCHRD Interview
22. Ibid.
23. Tibet, Sherab Wangchen, 28, monk, Pema Ngodup, 10, student, Tsultrim Dorjee, 30, farmer, Tsering Passang, 23, monk together testified this testimony, TCHRD interview
24. Testimony: TCHRD Interview
25. Ibid.
26. Ibid.
27. Ibid.
28. Teng Xing an anthropologist at Beijing's Institute of Ethnic Education Studies summed up his views on the linguistic identity crisis suffered by the minority nationalities, "Minority languages and cultures are of no use in a market society. Minority may want to sustain their culture, but it is very difficult. In 10 to 20 years, minority languages in China will become languages only found in museums. This is the reality.
In the face of globalization, most minority parents aren't sentimental about holding onto their native language. Chen Mingxiang, head of the education and human-development department at Beijing University, says almost all the minority parents she interviews want their children to be fluent in Mandarin. "Parents are more concerned about survival", says Chen. "And they can't really see how their children can survive if they don't learn Mandarin as a way of life"
29. Paul Mooney writes in his article "Keeping Language Alive," "The country's ethnic minorities face a difficult decision. While learning Mandarin may ensure their children's future, it could cost them their cultural heritage" ... "On a recent afternoon deep in Tibet's mighty Kham Mountains, a tall monk in burgundy and saffron robes stood before a dozen of students huddled together in a makeshift outdoor classroom. The lama then did something you don't see every often in China nowadays. He turned to rough blackboard, while his students fingered dog-eared textbooks, and began to write in Tibetan. "I want to teach the children our language", the monk, Lobsang Choeden, would explain later. "I don't want them to lose their culture". He might already be too late. After 50 years of assimilation in a country run by communist mandarins, to most locals Lobsang's Tibetan script is as foreign as a Shakespeare's sonnet."
30. Testimony: TCHRD Interview
31. Melinda Liu, "The Blood Ties That Bind," *Newsweek* (Special Issue), 2004, p.60, Para 2 and 3
32. *Tibetan Bulletin*, The official Journal of Central Tibetan Administration, May-June edition, Vol.9, No.3 has discussed the negative impacts of development boom in Tibet, particularly the flourishing sex industry. Also available at <http://www.tibet.net/tibbul/2005/0506/environment.html>.
33. Ibid.
34. Ibid.
35. Interview to *The Economist*, 31 Dec 2005
36. China Leadership Monitor No.16 Barry Naughton



Tibetan schoolchildren are made to salute the Chinese flag as the Chinese national anthem plays in their elementary school.

EDUCATION

“The investment in children and mothers today will be the guarantor of the well-being and productivity of future generations. Indeed, children are our most accurate measure of development.”

– Carol Bellamy, UNICEF Executive Director, Dublin, October 1997

introduction

The year 2005 marked the beginning of the United Nations Decade of Education for Sustainable Development (2005-2014). Under that banner, the United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that,

Quality education is a prerequisite for education for sustainable development... Quality education is locally relevant and culturally appropriate; [it] is informed by the past (e.g. indigenous and traditional knowledge), is relevant to the present, and prepares individuals for the future... [It] should equip all people to be fully participating members of their own communities and also citizens of the world.¹

Meanwhile, in Tibet, 2005 was just one more year where education was used to denigrate Tibetan culture, to indoctrinate students, to assimilate a people, and to deny Tibetans any participation in their own development. It is of concerns that, in a decade when such great concepts are being elaborated, the assimilation of a culture through its educational system, what will inevitably lead to its annihilation, is tolerated.

After fleeing into exile in 1959, the Dalai Lama immediately started working on the establishment of a broad-based educational system combining modern education with preservation of traditional

Tibetan culture because he realized that, “The Tibetan children are the seeds of our future Tibet.”²

The People’s Republic of China (PRC) also understood that the Tibetan children are the seeds of its future Tibet.

In spite of its international obligations and in violation of its own laws, since the invasion of Tibet in 1949, China has been conducting an education policy aimed at indoctrinating Tibetan students with communist ideologies and ultimately at totally assimilating Tibetans in order to secure the unity of the motherland. The education policies towards the Tibetans have more than once radically changed orientation. Some changes that appeared positive were never implemented due to a lack of funds that was most likely the result of a lack of will. However, since the political unrest of the late 1980s, Tibetan culture is seen as a threat to the territorial integrity of China; thereupon education in Tibet has openly been used as a tool of indoctrination aimed at eliminating that menace.

The year 2005 has witnessed no significant progress in the field of education in Tibet. On the contrary, Beijing has reasserted the indoctrination goal of education by strengthening the ideological content of the curriculum and has conducted the largest indoctrination campaign since Mao’s death. The indoctrination process goes hand in hand with the denial of Tibetan history and the denigration of Tibetan culture and religion through the education system

to create the perfect conditions for the total assimilation of the Tibetan people.

No measures have been taken to preserve the Tibetan language that is becoming useless since the Chinese language dominates the economical and administrative spheres in Tibet, thereby sidelining the use and significance of the Tibetan language. “Patriotic education” campaigns and severe crackdown on religious education have left at least one monk dead and have led to the largest peaceful protest since the political unrest of the late 1980s.

In spite of Beijing’s claims of increased investments in education in Tibet, it is still seriously underfunded, particularly in rural areas where 87 percent of the Tibetan population lives. This can be seen by the lack of schools, which creates widespread distance problems, and by the terrible condition of the schooling facilities that exist. The quality of teaching is also very low, in part because of the absence of financial incentives for teachers. Rural schools must charge fees to make up for the deficient funding; consequently, parents must pay exorbitant amounts to provide their children with inadequate education. Those fees are a huge drain on poor rural families’ incomes, who can often afford to educate only one child. Thus, education is still unavailable and inaccessible to the vast majority of Tibetans despite the high official enrollment figures presented by Beijing.

On top of failing to provide an adequate education to Tibetan children, in 2005 China increased its effort to prevent them from getting a quality broad-based education in exile. Beijing has taken opportunity of the uncertain political situation in Nepal to increase its leverage in Kathmandu in order to gain the collaboration of the Nepalese authorities in curbing the flow of refugees. Border patrols have also been increased along the Tibet-Nepal border to stop the exodus of refugees.

In short, Tibetan children are denied any way to get an all-round education in accordance with their beliefs. In the beginning of a decade where quality education is widely promoted, they are refused a broad-based education that would give them tools to participate in the development process occurring in their own country. They are simply left out and are relegated to the status of second-class citizens, increasingly diluted in an ever-growing Chinese population.

Beijing has still to understand that the improvement of education in Tibet does not merely require increased funding; it requires a complete change of orientation based on a recognition of the worth of Tibetan culture and on a sincere desire to accord Tibetans the basic right of self-determination as guaranteed in the international laws or a meaningful autonomy as provided by China’s Regional National Autonomy Law, instead of aiming at making them dependent on China.

PRC’s obligations

The People’s Republic of China is bound by various international treaties and covenants it has signed and ratified, and by national laws it has adopted since its formation in 1949, to provide a sound education to all its citizens.

international commitments

Various international treaties bind China to provide a quality education to its citizens. By being a permanent member of the United Nations, China is obligated to respect the Universal Declaration of Human Rights (UDHR) and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. China has furthermore signed the International Covenant on

Civil and Political Rights (ICCPR), which it has still to ratify. It has ratified the Convention on the Rights of the Child (CRC) in 1992 and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 2001.

All these treaties and covenants stipulate that every human being, without discrimination of any kind, has a right to education. Education shall be aimed at the full development of the human personality. Parents also have the recognized right to choose education for their children in accordance with their own beliefs and convictions. This education should be free and compulsory at least in the primary stage and further education shall be encouraged and made available to all on the basis of merit.³ The CRC and ICESCR further state that States Parties shall encourage the development of different forms of secondary education and make them available to all by every appropriate measure.⁴ The CRC finally adds that states parties shall “take measures to encourage regular attendance at schools and the reduction of drop-out rates [and] take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity.”⁵

Moreover, these treaties have provisions for freedom of movement within one’s country, for freedom to quit and return to one’s country and provisions against torture and degrading treatment towards any human being.⁶ The ICCPR and CRC also contain provisions stating that persons belonging to minorities shall not be denied the right to practice their own culture and speak their native language.⁷

Finally, under the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, China should protect the existence of the Tibetan minority and should provide Tibetans with an opportunity to learn their mother tongue. China should also promote the knowledge of Tibetan history, tradition, and culture.⁸

domestic legislations

Some of the principles expressed by these international treaties are reflected in the Constitution of China and in its laws. China’s Constitution of 1982 recognizes education as a right and as a duty that should be aimed at the all-round development of children. It also asserts that the state makes primary education compulsory and universal, and that secondary, vocational, and higher education are being developed.⁹ China’s Education Law of 1995 adds that all citizens shall enjoy equal opportunities in education and defines compulsory education as being nine years. It states that measures must be taken to ensure that school-age children can attend school. It also stipulates that in a school where a minority ethnic group forms the majority, the minority language can be used for instruction.¹⁰

China’s Compulsory Education Law adds that compulsory education shall be free, that a system of grants shall be established for poor students, and that conditions must be created so that all school-age children can attend school. It also stipulates that schools must be established at such locations that students can attend school near their home, and that appropriate facilities for education must exist in both urban and rural areas.¹¹

China’s Higher Education Law, adopted in 1998, affirms that the State supports the development of higher education in minorities’ areas with the goal of training specialists among them and that it takes measures to permit minority students and poor students to receive higher education.¹²

Lastly, China’s law on Regional National Autonomy stipulates that self-government of national autonomous areas shall decide on the plan for education, on the curriculum and on the language used in education and should use textbooks in their native language.¹³

flaws in chinese laws

However, as mentioned by the former United Nations Special Rapporteur on Education, Ms. Katarina Tomaševski, after her mission to China in 2003, “China’s law does not yet conform to the international legal framework defining the right to education.”¹⁴ Some internationally recognized rights that should be reflected in China’s laws are still absent. For example, the right of parents to choose an education for their children according to their convictions and the right to impart education are not recognized. Religious education is still prohibited by law¹⁵. Moreover, the notion of all-round education takes a totally different sense in Chinese laws. The Education Law mentions that education must serve the socialist modernization drive by training builders and successors for the socialist cause, and that the State conducts education in patriotism, collectivism, socialism, and stresses the importance of national unity.¹⁶ The Compulsory Education Law adds that the quality of education must be improved to achieve all-round development to create builders of socialism, and that teachers must be dedicated to the cause of socialist education.¹⁷ The Higher Education Law stipulates that teachers must have a sound ideology and that students must “diligently study Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory” and must have sound ideology.¹⁸ Finally, the law on Regional National Autonomy stipulates that the self-governments of autonomous regions must promote the virtues of love for the motherland and for socialism and conduct education in patriotism and communism.¹⁹

Besides, the provision of the Education Law that specifies that the native language of an ethnic group can be used if that group constitutes the majority in the school offers no protection to Tibetans in face of the intensive population transfer presently occurring in Tibet. As soon as the Tibetans stop being the majority in a school, the Tibetan medium of in-

struction can lawfully be eliminated. In addition, Chinese laws on education permit school factories²⁰ in which children may be forced to perform manual labor during their class hours. Fees can also be collected by schools to cover various expenses, making free compulsory education far from being free for the poorest citizens, a category in which most rural Tibetans can be found. Finally, Chinese laws also stipulate that local authorities are responsible for compulsory education and that they should encourage individuals to make donations to pay for education²¹, which creates various problems that will be presented later.

The implementation of the education policies in Tibet is even further from the internationally recognized rights regarding education since China is known for not even applying the laws it gives itself and not respecting the Constitution it is based on. Liu Kang, Professor of Chinese Cultural Studies and Director of the Program in Chinese Media and Communication Studies at Duke University, described China’s constitution as “a joke in China because by and large they just ignore it.”²²

brief history of education in Tibet

To understand the current status of education in Tibet, it is necessary to look at the different stages it went through. The education system in Tibet can be traced as far back as the seventh century, when an official system of religious education initially appeared. Later, in the mid-ninth century, the first monasteries were founded, introducing an institutionalized form of education. From that point on, most of the education in Tibet was religious; there were only two non-monastic government-run schools in Lhasa, the capital of Tibet. Secular education was based on private tutoring, had no central curriculum, and was mostly reserved for the elite.

The teaching tradition was passed from generation to generation. After the British invasion of Tibet in 1904, the 13th Dalai Lama tried to establish new lay schools but it failed due to resistance from the clergy and the traditional elite.²³

This was the picture in Tibet when China invaded in 1949. Soon after the invasion, China forced Tibet's officials to sign the 17-Point Agreement, recognizing Tibet as an inalienable part of China. Even this agreement, imposed by the threat of arms on Tibet, had provisions for the respect of its culture and religion, and for the improvement of education.²⁴ However, both sides revoked that treaty in 1959, after interference by the Chinese government created unrest in Tibet and the flight of the Dalai Lama into exile in India.

Under Chinese rule, education policies in Tibet swung between two extremes: "quality" or "expert", which emphasizes academic and technical education, and "quantity" or "red", which prioritizes ideological education of the masses. During the early 1950s, the quality approach was prominent. The idea was to use education to create local experts who would help the development of Tibet. During Mao's Great Leap Forward of 1958-1959, the quantity approach dominated. Mao thought that massive indoctrination would create 'the socialist constructors' of China. The Lhasa uprising of 1959 was a confirmation to Mao that ideological indoctrination was necessary for the unity of the motherland. However, in the early 1960s, Mao's influence briefly waned and the quality approach promoted by Deng Xiaoping reemerged. But Mao quickly secured his power and implemented his Cultural Revolution (1966-1976), one of the darkest periods of Tibetan history. All culture-specific education was abolished; the children from elite families were sent to work in the fields, while mass indoctrination of peasants, workers and soldiers was the priority.

After Mao's death in 1976, Deng Xiaoping was rehabilitated and re-implemented his quality approach, which he thought was needed to create experts that would lead China's economic development. But the quality approach, which seems better at first view, also had its drawbacks for Tibet. Since the goal was to quickly create experts to bring China to the level of developed countries, emphasis was put on developing further the already advanced regions. This tactic favored developed provinces over underdeveloped provinces, urban education over rural education, elite over mass education and higher over basic education; Tibet and the Tibetan people were far from being primary targets for these reforms in education.²⁵

Nonetheless, during the decade following Mao's death, recognition was given to minorities, including Tibetans, and they were encouraged to preserve and develop their own culture and language. The First and Second Work Forum on Tibet, respectively held in 1980 and 1984, promoted the improvement of conditions in the "Tibet Autonomous Region" ("TAR") and the improvement of education. As a result, Tibetan-medium primary education was implemented, and later plans were made to expand Tibetan-medium education to the secondary level but were never put into practice. However, after the political upheaval in Lhasa in 1987, 1988, and 1989, the climate changed. Tibetan culture came to be seen as nationalist and associated with separatist tendencies. "Patriotic re-education" campaigns have been conducted in the "TAR" since 1996.

The Third Work Forum on Tibet, held in 1994, reversed the policies of the two previous work forums. It was soon followed by the Fifth Conference on Education, where allegiance to the motherland became the main goal of education; accordingly, the curriculum was modified to emphasize loyalty and stability.²⁶ During this conference, Chen Kuiyuan, then "TAR" Party Secretary, said:

*the success of our education does not lie in the No. of diplomas issued... 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.*²⁷

current scenario

No major shift in policies has occurred since the Third Work Forum on Tibet; education in Tibet is still seen as a tool of indoctrination, to be used against a potentially threatening minority, in order to secure the unity of the motherland. Tibetan culture and language are seen as a threat to national unity; consequently, Tibetan language is barely taught in school and Tibetan history is not only absent from the curriculum, but totally denied. The goal of such practices is of eventually entirely assimilating Tibetans. Despite this immoral goal, education still remains unavailable and inaccessible to most Tibetans.

Beijing's claimed success of its current education policy in Tibet can be demonstrated with a few figures. According to the most recent statistics available at the moment of writing, the illiteracy rate in the "TAR" is rising despite Beijing's alleged increased spending on education in rural areas. The illiteracy rate in the "TAR" rose to an alarming 54.9% in 2003, a 10% increase over 2002.²⁸ It is nearly six times the national average. "In the job market, Tibetans compete with Han migrants who graduate from universities at more than triple the rate of Tibetans, and from senior middle school at five times the Tibetan rate."²⁹

Besides, "Tibetan employment in the public sector, the fastest-growing and highest-paying part of the economy, is falling."³⁰ The domination of the Chi-

nese language only marginalizes Tibetans and further deprives them of any participation in the economic life of Tibet. Because of this, "even a poor Chinese migrant, with no particular skills, would be significantly more advantaged in the urban labour market due to his or her fluency in Chinese."³¹ The completion of the Qinghai-Tibet Railway will only make the matter worse and further marginalize Tibetans by bringing a huge influx of Chinese migrants.

education or indoctrination?

Beijing has two education policies: regular education (*zhenggui jiaoyu*) for the Han majority, which aims at technically training the personnel required for China's rapid economic development, and minority education (*minzu jiaoyu*) for the ethnic minorities, which consists of inculcating allegiance to the motherland.³²

In 2005, Beijing was dedicated more than ever to pursue its policy of using education for propaganda and for securing allegiance to the motherland. In a speech made in January 2005, Zhou Ji, Chinese Minister of Education, congratulated his officials for the achievements of 2004 in effectively strengthening ideological education. He also declared that, one of the major areas in which his department will concentrate in 2005 is to "strengthen and improve ideology and ethnic education for primary and secondary school students and ideology and political education for college students."³³ Furthermore, in January 2005, China launched its greatest mass-indoctrination campaign since the Cultural Revolution. The campaign called "advanced education" aims at inculcating Communist ideology to 69 million communist members in Maoist-style 'study sessions' and 'self-criticisms.'³⁴ "The campaign also extends to universities, where compulsory classes on ideology and morals will be required for all first-year students."³⁵

Despite the claim by Beijing that “Organs of self-government of autonomous areas determine the educational plan, the establishment of schools, school system, the forms by which schools are run, curricula, language of teaching and method of enrollment”³⁶, various reports published or presented during 2005 by renowned organizations illustrate a very different situation. The Congressional-Executive Commission on China (CECC) stated in its 2005 annual report that, “in practice the central government strictly controls the content of teaching materials in minority classes to ensure ‘the proper understanding of nationality relations and advanced socialist thinking.’”³⁷ In its report submitted to the United Nations in February 2005, the US-based Tibet Justice Center mentioned that “[b]eyond the core subjects... much of the curriculum aims to indoctrinate Tibetan children in China’s version of socialism and in the idea that Tibet is an integral part of China.”³⁸

Refugee Tenzin Yangzom, 18 years old, from Lingnup Village in the “TAR”, gave a glimpse of how the education system in Tibet promotes the all-round development of the child. She said that during her three-year-only primary schooling,

*the textbooks used were composed by Mao. We were studying them chapter by chapter. Apart from these books, we were only learning reading, writing and basic mathematics.*³⁹

Refugee Tashi Gyamtso, 20 years old, from Amdo, added,

*even when teaching us Tibetan language grammar, the teachers were using sentences to make us love China. We were constantly brainwashed to love China as the motherland of Tibet.*⁴⁰

Moreover, since the 1990s, “patriotic education” campaigns have been introduced in Tibet. They started in the monasteries but soon extended to lay schools. Under the campaign, schoolchildren aged 7 to 13 are told that Tibetan Buddhism is a “backward behavior and obstacle to progress.”⁴¹ Tibetan students must also renounce the Dalai Lama, pledge allegiance to the motherland, assist in Chinese flag raising and lowering ceremonies, and sing China’s national anthem. These “patriotic education” campaigns are still active. Anu, an ex-political prisoner who managed to get a job as Chinese language teacher in a private school because of family connections, told TCHRD,

*In October 2004, the government authorities issued a directive to conduct “patriotic education” classes in the schools in Lhasa. The head of the school told me [to] take the classes on “patriotic education” and handed me a booklet from the government as a guide. The booklet contained chapters on “criticizing the Dalai separatist clique” etc... instead of preaching patriotism to the state, I began to tell the students about my experience in detention in the late 1980s and the torture inflicted on Tibetan prisoners in prisons.*⁴²

The indoctrination process has reached a frightening point where people from a community spy on each other. Anu continued,

*The students upon return to their home in the evening had told their families about the lecture. My friends informed [me] that the PSB officers were looking for me and the following day, I fled to Shigatse where I stayed at a friend’s house undercover for a few months. On 19 February 2005, I began my journey into exile leaving my wife and children behind.*⁴³

assimilation through education

The use of education for indoctrination goes beyond creating loyalty to the motherland; it aims at assimilating the Tibetan people and eliminating its distinct culture. The revival of nationalism and religious activity, as soon as the oppression of the Cultural Revolution was relaxed, convinced the Chinese authorities that the generation of Tibetans that had known independence could not be won over. Its deep-rooted allegiance to the Dalai Lama, its faith in its one-and-a-half-millennium-old religion, and its belief in the worth of its own culture were just too strong. Thus, Beijing's only hope for assimilation has been residing in gaining the 'hearts and mind' of the next generation, by making them Chinese instead of Tibetans.

The policy adopted by China to secure the unity of the motherland is to get rid of any distinctiveness among its people. Since paranoia seems to be a major trait of communist governments, what would be safer for a paranoid central government than 1.3 billion people who deeply believe they are Chinese? Accordingly, the minority education policy goes much further than inculcating socialist and communist ideology; Beijing is making an "increasingly blunt effort to assimilate Tibetan children through the educational system."⁴⁴

How can a Party that destroyed its own culture in the name of a new ideology respect the culture of a minority it considers backward? Tibetan culture is seen by China as an impediment to development. Yang Wanli, a Chinese scholar wrote, "If a mountain has a mountain spirit, then reclaiming and cultivating or excavating minerals are not permitted on it; if a lake is a holy lake, then building or moving earth are not possible."⁴⁵ Furthermore, since the unrest of the late 1980s, Tibetan culture is perceived as 'splittist', what has fostered Beijing's determination of making it a thing of the past.

As mentioned by the former Special Rapporteur on Education, if a majority does not recognize the worth of a minority culture, its education policy can only be seen as assimilationist.⁴⁶ And for China, the only value of Tibetan culture is to bring fresh tourist dollars, which is probably not the sense of worth meant by the Special Rapporteur.

In the aim of assimilating the next generation, Tibetan history and culture are not only absent from the curriculum; they are formally denied and denigrated. Tibetan students reported that they learned "about Chinese culture, history and politics. Tibetan history, by contrast, received at best a few token references. For the most part... school teachers and staff ignored, denigrated, prohibited and at times punished references to Tibetan culture."⁴⁷ In February 2005, the Tibet Justice Center reported to the United Nations Committee on the Rights of the Child that,

Primary schools generally respect and celebrate Chinese holidays. But Tibetan holidays are ignored, and celebrating them is discouraged and even banned... A boy from Kham reported that if students wore traditional Tibetan garb to school, they and their parents would be arrested, and a girl from central Tibet reported that she had been harassed by school authorities for doing so. In at least one primary school in Lhasa, teachers beat students for singing Tibetan songs.⁴⁸

This formal denigration of Tibetan culture generates a sense of Chinese supremacy and an inferiority complex among many Tibetans. This superior/inferior relation in turn breeds racism. A number of young refugees have complained about the discriminatory attitude of their Chinese classmates. For example, refugee Gyalpo Dhondup, 23 years old, told TCHRD,

*There is a feeling of hatred between Chinese and Tibetan students, and the Chinese students look down on Tibetan students' way of life.*⁴⁹

Since the invasion of their country, Tibetans are not an independent people anymore; they are a minority diluted in the most populous state of the world. "To ensure these populations' right to education, efforts must be made to devise solutions that will enhance inclusive education while respecting diversity and intercultural sensitivity."⁵⁰ On the contrary, on top of denying Tibetan students their history and culture, Beijing aims at total assimilation by sending the best primary school students to study in mainland China, where they are further brainwashed to become Chinese. "Since 1990, almost half the new intake of Tibetan secondary students each year has been sent to be educated in China."⁵¹

Yeshe Tenzin, a 28-year-old former school principal from Tenkhar Village, Driru County said on this subject,

*the Chinese Government has a policy of sending the best students of primary schools to Beijing for further studies. This only makes the matters worse by changing the habits of those Tibetan students precisely as the Chinese are. For that reason, those children are called 'second Chinese' upon their return from Chinese schools. This policy on education of the Chinese government only aims at the extinction of the distinct tradition and language of the Tibetan people.*⁵²

Indeed, some of these 'second Chinese' will later be implementing Chinese assimilationist policies on their own people. No wonder why Professor Dungkar Lobsang Trinley, one of the leading Tibetan scholars, recognized by China as a national treasure, worried, "Tibetans are in danger of being assimilated. We have reached this point."⁵³

Tibetan language endangered

Every language possesses the subtle nuances for describing the reality of its particular people. It is often the most important element of a culture; the one by which a culture is defined, propagated, and preserved. Therefore, the best way to destroy a culture is to destroy its language first.

The language policy to be used in education in Tibet has been a highly disputed subject, especially in the 1980s, when two schools of thought developed. The first one advocated extending teaching in the Tibetan medium, which was already used in primary schools, to secondary schools and higher education, whereas the second favored the introduction of Chinese in primary schools. In the 1980s, under the first approach, plans were adopted to introduce Tibetan-medium education in secondary schools, and tests were made in the 1990s. But despite evident success, it was never implemented.⁵⁴ The major reasons are, that after the turmoil of the late 1980s, the Tibetan language became associated with nationalism and separatism, what undermined any efforts aimed at its preservation, and also that China considers "the teaching of Tibetan in schools [as] a drain on government resources."⁵⁵ In 1997, the second approach won the battle when Chinese was made mandatory, as a second language, in primary schools.⁵⁶ This kind of practice has been decried by the newly appointed United Nations Special Rapporteur on Education, Vernor Muñoz Villalobos, who wrote, "Homogeneity in education is an impossible undertaking. Pressure to entrench the use of one language for all peoples, for example, is a sign of intolerance."⁵⁷

The current situation in Tibet varies from region to region since the policies decided by Beijing are often implemented with local flavors. However, the main pattern in rural areas is that children make their primary schooling mostly in Tibetan medium and

learn Chinese as a second language from grade one. But according to refugees, the teaching of the Tibetan language is of very poor quality. Much more emphasis is put on the Chinese language but the teaching methods are maladapted to the Tibetan students for whom Chinese is a second language. Refugee Choedak, 17 years old, told TCHRD, “Apart from two periods in a week to teach three subjects, the entire school schedule is dedicated to teaching Chinese language.”⁵⁸ Refugee Gyalpo Dhondup added, “Even though we have many Chinese classes, the basics are never taught.”⁵⁹

In urban areas, where both Chinese and Tibetan primary education are available, parents are faced with the heartbreaking decision of sending their children to a Tibetan school, where they will at least learn the only element of their culture that is still taught, or to a Chinese school that will offer them opportunities. Parents must choose between past and future for their children.

For the few Tibetans who complete their primary schooling and enter secondary schools, the transition is a shock. Secondary and further education are in Chinese medium only. Tibetans must thereupon compete against native Chinese speakers for entrance and for grades. To be statistically considered literate in Chinese, one must know 1500 characters, but even with 2000 characters, one cannot even read a newspaper.⁶⁰ Since Chinese is such a hard language to master, Tibetan children are left behind. Those who enter secondary schools cannot understand the course’ content due to the language barrier. They are considered retarded and ridiculed by their Chinese classmates, and they lose any interest in school. A refugee from Amdo said,

I couldn't understand Chinese well enough to learn another subject through it, so I had to keep asking the teacher for help again and again. Many of the Tibetans in the class were like me,

*and when we didn't understand the teacher, the other Chinese students would laugh and call us 'stupid Tibetans' and 'dirty Tibetans'. Pretty soon we gave up asking for help, and just sat there, waiting to fail.*⁶¹

Refugee Tenzin Norbu, 14 years old, from Lhasa, told TCHRD,

*The medium of instruction was Tibetan up to grade three and after it became Chinese. It was too difficult to learn through Chinese medium, so I lost interest in studying and my grades went down. I was unable to study in Chinese medium. I dropped school in grade four for that reason.*⁶²

Furthermore, the intensive population transfer practices of China made fluency in Chinese Mandarin a prerequisite for most jobs. In today’s Tibet, despite official recognition of the Tibetan language under the Regional Ethnic Minority Law and various other laws and regulations, “[t]he existing real working language in Tibet is Chinese, for government, for business, and for day-to-day activities.”⁶³ The Tibetan language has become useless in a Chinese-dominated economic and social life. “In the cities and county headquarters there are serious cases of people being unable to speak Tibetan, although both their parents are Tibetans.”⁶⁴ The situation of written Tibetan is even worse. Refugee Yeshe Tenzin summed up the situation,

*Our local language is becoming useless in our own country. For example, in primary and secondary schools [in his region], all subjects are taught in Chinese language. Therefore, children must put more emphasis on learning Chinese in order to obtain better grades during exams. They do not gain anything from working hard on studying the Tibetan language.*⁶⁵

Moreover, to this day, the Tibetan language is still seen as a major source of nationalism. It is considered unpatriotic to study it and to work at its preservation. The Chinese contempt of the Tibetan language is reflected in the fact that even Tibetan prisoners are denied the use of their language in jail; they are told that, “Tibetan is redundant and that it is not spoken or recognized by anyone in the world.”⁶⁶

The language policy adopted in education goes hand in hand with the denial of Tibetan culture and history in the education curriculum. By settling more and more Han Chinese in Tibet and by making their language the economic and social language, Beijing has relegated the Tibetan language to a tongue of the past that has no use in present-day Tibet. This is a major threat to Tibetan culture:

*You don't have to burn books to destroy a culture.
Just get people to stop reading them.*

-Ray Bradbury

rural areas forgotten

Despite the shameful goals of indoctrination and assimilation given to education in Tibet, it is still unavailable to most Tibetans. According to CECC, 87 percent of Tibetans live in rural areas⁶⁷, yet China's investments in education are concentrated in urban areas where most Chinese migrants settle.⁶⁸ Without proper education, rural Tibetans are condemned to lag behind, without any tool to participate in their own development.

Even though Beijing claims that, in 2004, the funding of compulsory education in all rural areas of China was increased by more than 70% to 10 billion Yuan, compared to 5.8 billion Yuan for 2003⁶⁹, lack of funding is still a major source of problems in rural areas. Rural education harshly suffers from

under funding because it has been downshifted to local communities; therefore, very few schools are established in the countryside. Students must travel for long periods of time to reach the nearest school. Refugee Tenzin Yangzom said,

*The students from the villages of Yomto, Khagsar, Yoesha, Shingti, and Lingsha had to come to my school for grades 4 to 6 since the schools in those villages offered only grades 1 to 3. To reach the school, many had to walk over the mountains for one day.*⁷⁰

This problem was, in some areas, addressed by establishing boarding schools. However, according to various refugee testimonies, in these boarding schools nothing is provided; the children must bring their food for the whole week, and sometimes they must also carry supplies necessary for the school operation. In some cases, they even have to pay rent for the room. Refugee Tsomo Thar, 23 years old, explained,

*The school provides hostel facilities for those whose homes are far away but the students have to pay 45 Yuan each term. Moreover, the meals and edibles have to be brought from their respective homes... In winter days, students themselves have to bring the fire wood from their own home for the purpose of producing fire in the classroom to keep them warm.*⁷¹

Refugee Choedak told TCHRD that his middle school,

*being a boarding school, ... charges 365 Yuan per semester... Each student is required to bring in 200 Gyama (1 Gyama equals to half kilogram) of grain to the school... Despite that the food in the school is very terrible. The rice porridge in the morning is filled with rat excreta and the other meals in the day are no better.*⁷²

The lack of capital in rural areas is clearly visible when looking at the school facilities. Where school facilities are available, they are most of the time in very poor conditions. In 2005, Beijing claimed that, "So far, 4 billion yuan has already been used to repair or rebuild dilapidated buildings of primary and middle schools in the countryside, of which 57 percent has been used in western China and other areas where ethnic minorities live in compact communities."⁷³ However, all rural refugees who talked about education during their interviews with TCHRD complained that the schools they went to in Tibet were in terrible conditions. The most commonly reported problems were leaking ceilings, lack of chair or tables, broken furniture, scarcity or absence of water and electricity, and classrooms maladapted to harsh Tibetan winters. Yeshi Tenzin, a former school principal, who tried to improve conditions in his school but finally despaired and fled into exile, reported,

*I applied many times to the concerned authorities for the improvement of the schooling facilities. But it failed every time; the authorities gave lack of funds as the reason for refusal. All the schools in the nine different townships of Driru County had the same problems.*⁷⁴

Beyond not providing basic education for the rural Tibetans, China is attacking the resourceful Tibetans who have tried to improve the lot of their people by establishing private and monastic-affiliated schools. The Tibet Justice Center reported that, "China has been closing some of the monastic-affiliated and private Tibetan schools that exist, even though they are often the only feasible alternatives to distant and poorly funded government educational facilities."⁷⁵ China is also taking over the administration of Tibetan schools to put them in line with its policies. Refugee Tsomo Thar reported,

The secondary school I went to has been set up by His Holiness the Tenth Panchen Lama. It

*was confiscated by the Chinese authorities following his death. It used to be free, but since the Chinese take over, despite the fact that many foreigners sponsor the school, students have to pay 360 yuan per semester. At the time of the Tenth Panchen Lama it was a Tibetan-only school but Han Chinese, Muslim Chinese and Salar [minority group] are now admitted. My parents told me that the quality of education has dramatically deteriorated.*⁷⁶

On top of the lack of funding, rural areas cruelly suffer from a shortage of qualified teachers, which results in poor quality education offering no hope for the future of rural students. The teaching profession in China has a very low status, and can be very dangerous especially in Tibet where some teachers have been accused of letting 'splittism' enter the classroom. During the Cultural Revolution, and other anti-intellectual periods, teachers were seen as useless to the economy and were attacked by the Communist Party. In Tibet, their status has never been fully restored; teaching is unpopular as a profession because of its low economic and social status, because of its political vulnerability, but most of all, because of the possibility for urban-educated teachers to be sent to remote rural areas.⁷⁷ It has been said that, "Both Tibetan and Chinese would rather take a letter to the ends of the earth than become a teacher."⁷⁸ UNESCO reported that, "Even after adjustment by purchasing power, real average teacher salaries in China are only one-tenth of the average for OECD⁷⁹ countries."⁸⁰ This lack of qualified educators inevitably results in a poor quality education. Refugee accounts confirm the low quality of education in rural areas. For example, Yeshi Tenzin reported that in his school only three out of eleven teachers had a degree,⁸¹ and refugee Sonam Ngodup, 29 years old, told TCHRD that, "his parents pulled him out of the school since he was not learning much... in a school that lacked teachers and facilities."⁸²

The low quality of education combined with a curriculum totally disconnected from the day-to-day reality of rural children offers them no hope for the future. Most of them will never have a chance to complete their primary schooling. Those who do will have even less chance to enter secondary schools, which are almost exclusively located in cities. In fact, in 2000, “Tibetans living in “TAR” cities were 19 times more likely to reach senior middle school than Tibetans living in rural areas.”⁸³ Refugee Tenzin Yangzom, 18 years old, told TCHRD why she dropped school after grade 3,

*First, because there was a lot of work to be done at home since we are farmers. Second, I didn't see any hope in the future after completing primary school. Not a single student of my school ever studied further than grade 6.*⁸⁴

Thus, the compulsory education policy of Beijing, instead of empowering rural children, further deprives them of any knowledge usable to improve their lives. Tenzin Yangzom added,

*the compulsory education by being of such a bad quality and offering no prospects for the future, instead of empowering us, only prevents us from learning needed farming skills.*⁸⁵

education overpriced

Education in Tibet, especially in rural areas, is unaffordable for most Tibetans. The problem again originates in Beijing's insufficient spending on education, which “is below the international average of developing countries.”⁸⁶ China, unlike most countries, does not specify in law the percentage of its GNP that should be invested in education. In 2004, the then Special Rapporteur on Education, Katarina Tomaševski recommended that Beijing increase its spending on education from 3 to 6 percent of China's

Gross National Product (GNP), since it is recognized that the cost of public education is the major reason for non-attendance and drop out, and China's international obligations and pledges include free education and elimination of financial obstacles.⁸⁷ As mentioned above, according to Chinese laws and international standards, compulsory education should be free. However, Chinese laws permit schools to collect various fees, and encourage individuals to make ‘voluntary’ donations and perform ‘voluntary’ labor.

In cities, where most of Beijing's meager spending on compulsory education is concentrated, and where urban dwellers earn on average three times more than rural citizens, the fees levied by schools are often lower and can be afforded by most parents. Thus, the main problem in cities arises after completion of compulsory education, where places are limited, making connections and corruption necessary to secure a child's entrance. A critique of Beijing policies reported that, “a growing number of high schools and universities were lowering standards for wealthier students whose parents could make cash payments for admission, leaving less room for poor students to be admitted on merit.”⁸⁸ Further education in urban Tibet is then only available to children from wealthy families who have connections with the Party. In cities, parents must bribe the officials to secure an adequate education for their children, but in rural areas, Tibetans do not have that luxury.

The lack of funding combined with the legal provision allowing schools to collect various fees make compulsory education out of reach for most rural Tibetans. Rural areas of Tibet are the poorest regions of China; entire families often survive on only a few hundred dollars a year.⁸⁹ Despite this extreme poverty, rural Tibetans must pay various school fees that are totally out of their reach. Many refugees interviewed by TCHRD, mentioned school fees as

the reason for their drop out or non-attendance of school. Tsomo Thar reported,

I am the only child of my family who got an opportunity to go to school. In primary school, we had to pay school fees of 70 Yuan per semester. After three years of primary education, I went to secondary school. The fees were 360 Yuan per semester and we had to pay for our uniforms and for meals. The school was boarding students who were living far away but they had to pay 45 Yuan per semester and bring their food from home. We also had to bring firewood in winter.⁹⁰

Refugee Tsekyid, a 17 years old girl from the “TAR”, stated,

my parents pulled me out of school after three years for they cannot afford the fees. The annual fees for compulsory primary education was 520 Yuan and there were a lot of other miscellaneous money collection like 10 or 15 Yuan during school ceremonies and five Yuan towards classroom furniture maintenance etc.⁹¹

Some schools have found creative ways to extract more out of poor farmer families who do not have money. Refugee Tashi Gyamtso told TCHRD,

The school charged no monetary fees but every child had to give between 800 and 900 Yartsa Gumbu [a caterpillar fungi used for traditional medicine] every year to be admitted in school... It is very rare; in one day, one person can pluck only between five and ten. Consequently, the whole families of every student had to work for the entire one-month school-break to be able to send one child to school... At that time, one Yartsa Gumbu was worth around 1.5 Yuan, but now it is worth between seven and eight Yuan and the students must still provide the same number of Yartsa Gumbu to pay for their schooling. Moreover, nowadays the Chinese

settlers are also plucking Yartsa Gumbu and it is getting rare, making it more and more difficult for Tibetan students to pick up enough to pay for their schooling. Fights over it are common and a few years ago three Tibetans were killed by the Chinese.⁹²

Because of these fees, most families can only afford to send one child to school, and his or her education becomes a huge drain on family resources, often forcing families to change their lifestyle and become migrant workers or to sacrifice their other children's future. Refugee Migmar Dolma, 17 years old, told TCHRD,

Apart from my youngest brother, all of us three children didn't get any education. When he reached middle school, the school fees made our lives very difficult. In order to generate more income for the family, most of the young people in my village venture into urban areas like Lhasa, Shigatse and Dram. The boys work as construction labors, the girls in Nangma bars, brothels and karaoke bars. When I reached eight years old, my parents sent me to Lhasa to live with a distant relative. I worked in their grocery shop in exchange for food but I had no salary. When I reached 13, I started dancing at the Nangma bar.⁹³

Some 14 school fees are authorized by Beijing and can be legally levied by schools. In addition, many schools charge illegal fees to supplement their insufficient funding. In a White Paper—once again only aimed at addressing international criticism—entitled *China's Progress in Human Rights*, released in April 2005, Beijing claimed that, “Eighty-three percent of the school-age children in Xinjiang, Tibet, Ningxia and Qinghai get free textbooks. In the agricultural and pastoral areas of Tibet, school-age children not only are exempted from school fees but also are provided with free meals and accom-

modation.”⁹⁴ However, a few months later, Beijing launched a nationwide inspection of illegal charges in schools. A similar campaign carried on in 2003 “discovered 21.4 billion Yuan (US\$2.6 billion) of illegal charges in more than 12,000 cases”⁹⁵ Moreover, Zhang Baoqing, vice-minister of education, recognized the central government’s insufficient funding of rural education; “Because of inadequate input for compulsory education in the rural area, local governments should help pay a large amount of education costs... So some governments shift the burden to the schools, which have no way out but to collect fees from students.”⁹⁶

In such circumstances, China’s compulsory education policy is impossible to implement since “education cannot be made compulsory unless it is free.”⁹⁷ Therefore, the policy is implemented chaotically by local authorities. In Tibet, the compulsory education policy created paradoxical situation where families, who are too poor to send their children to school, are fined amounts equivalent to many years of school fees. Tsomo Thar reported that in her township, families are fined 1500 Yuan per year (the average per-capita annual income of rural Tibetans) if they do not have at least one child in school.⁹⁸ Similarly, refugee Tenzin Yangzom said, “those who were not enrolled in school were fined heavily.”⁹⁹

Some unscrupulous schools have supplemented their deficient funding by taking advantage of the legal provisions stipulating that school factories can be established. CECC reported that, “Chinese labor law and policy fails to distinguish between the illegal use of ‘child labor’ and permissible ‘work-study’ programs, allowing unscrupulous public school administrators to use students as low-wage labor. Private schools are also complicit in using child labor.”¹⁰⁰ In addition to factory-style work, Tibetan students have to perform school operation related work. “In some cases, poor Tibetan families that

cannot afford the fees can still send their children to school, but the children must perform physical labor, such as cleaning toilets, as the price of admission.”¹⁰¹

On top of all these fees, goods that must be brought from home, and forced labor, Tibetan children and Tibetan parents who wish their children to study must perform ‘voluntary’ labor to build or maintain the schools. Tsomo Thar reported that,

*if any furniture was broken in the school, the school authorities did not take the responsibility of repairing them. The students themselves had to collect the money required and to repair it.*¹⁰²

While all these obstacles make compulsory education hardly obtainable, higher education is totally out of reach for nearly all Tibetans. The price of four years university, 28,000 Yuan,¹⁰³ is what an average Tibetan farmer earns in 18 years. China claimed that by the end of 2003, there were 10490 students in institutions of higher learning in Tibet.¹⁰⁴ But how many were Tibetans? It has long been reported that the lower university admission criteria granted to China’s minorities have attracted a huge number of Han Chinese students who fail to pass entrance exams in mainland China to the “TAR”. The entrance exams in Chinese language give them a clear advantage over their Tibetan competitors. China also has a quota system to favor entrance for minority students, but in the “TAR”, Han Chinese students residing in the “TAR” can be enrolled under that quota.¹⁰⁵ It has been reported that, “the institutions of higher learning are in part used to train Chinese cadres to work in Tibet.”¹⁰⁶

With such a picture, it is hard to understand how the United Nations can have congratulated China in 2005 for its progress in achieving free and compulsory education. The reality in China is totally different from the official statistics.

crackdown on religious education

The Chinese authorities perceive Tibetan Buddhism, which is a major element of Tibetan culture, as a dangerous source of nationalism and separatism. The protests of the late 1980s started in monasteries, and ever since, monks and nuns have regularly criticized Beijing's policies in Tibet in various creative ways that have attracted international attention and criticism on the Chinese occupation of Tibet. For example, the singing nuns' CD and the torture instruments smuggled out by Palden Gyatso have traveled all around the world raising awareness about the situation.

Beijing responded to the threats posed by Tibetan Buddhism with harsh measures. The Third Work Forum on Tibet, held in 1994, imposed limits on the number of monks in each monastery and increased the governmental control of religion.¹⁰⁷ Since then, "patriotic education" campaigns have repeatedly been conducted in the various monasteries and nunneries in Tibet. Under these campaigns, monks and nuns are indoctrinated with communist ideas, and they must denounce the Dalai Lama as separatist and recognize that Tibet is part of China. Monks and nuns are regularly expelled from their monasteries and nunneries, and even detained and tortured, for refusing to participate in these "patriotic education" sessions.

The latest "patriotic education" campaign in Tibet left one monk dead and created the largest peaceful protest since the demonstrations of 1989. The campaign, which started in early October 2005, led to heated arguments between Ngawang Jangchub and the PSB officials responsible for the campaign in the Drepung Monastery in Lhasa. Ngawang Jangchub was found dead in his room the next morning. The cause of his death is still unknown, but murder or suicide seems to be the most plau-

sible answers.¹⁰⁸ The next month, during the same "patriotic education" campaign, five monks categorically refused to sign a document denouncing the Dalai Lama as separatist and recognizing Tibet as part of China. They were expelled from the Drepung Monastery and detained in the PSB Detention Centers of their respective places of origins. The next day, the four hundred monks of the monastery sat in a silent protest to oppose the campaign and ask for the release of their fellow monks. The Chinese authorities responded by a violent crackdown and sealed the monastery.¹⁰⁹

These recent events confirm the Special Rapporteur on Education's claims that there is no tolerance of religion in China.¹¹⁰ This intolerance is resulting in ever lowering standards of monastic education. "Obtaining a complete religious education remains extremely difficult or impossible in Tibet."¹¹¹ How can an atheist party that compel all its members to renounce any religious activity and belief, and that consider religion as a backward vestige fated to disappear, meet its international obligations regarding religious freedom?

education in exile, a different picture

The Tibetan community in exile "has been remarkably successful in preserving its language, culture, education system and religious institutions."¹¹² There have indeed been some language preservation problems, but one must remember that the Tibetans in exile are diluted in dominant cultures. For example, in India, where more than 70 percent of Tibetan refugees settle, they represent less than 0.01 percent of the country's population and are scattered in small settlements all over that huge country. And since they do not have a country anymore, they must respect the curriculum of the country that generously gave them asylum in order to obtain recog-

nized diplomas. Their livelihood also depends on their ability to integrate into those dominant cultures. It is their exile status and their disconnection from their people and land that makes language preservation a challenge, not an imposed planned desire of annihilating their culture. The education system in exile is in no way comparable to what is currently happening in Tibet; it strives at providing an all-round education as recognized by the international standards.

The Education Department of the Tibetan government-in-exile is responsible for the coordination of a system of 80 Tibetan schools spread across India, Nepal, and Bhutan, which accommodate over 27 000 Tibetan students. Although the Tibetan schools must comply with the education regulations of their host country and their students pass the same board examinations, a special emphasis is put on the preservation of Tibetan culture.

Various measures have been taken to ensure a high-quality modern education that preserves the distinctive Tibetan culture. On top of the standard curriculum, Tibetan history, non-violence and democracy are taught by Tibetan teachers. All schools have traditional dance and music teachers trained at the Tibetan Institute of Performing Arts, and some schools even have spiritual teachers. The Tibetan festivals are observed, sustainable art or craft have been made compulsory in school, and many textbooks have been translated into Tibetan. The Education Department also organizes in-service teacher training on a regular basis, so that teachers always stay up to date with their subject and the latest teaching techniques.¹¹³

In addition, a new education policy has been adopted in 2004 by the Education Department and is presently under trial in one school in Dharamsala. That new policy puts more emphasis on the traditional system of education, on the Tibetan language, and

on the Dialectic system, in the aim of preserving the unique Tibetan culture. For example, the Tibetan language will be the only language used and taught in school until grade three, in order to make sure that the children really develop Tibetan as their mother tongue. From fourth grade on, English will be taught as a second language since higher studies in the host countries are conducted in English. A third language, generally the language of the adoption country will also be taught for three years.¹¹⁴

In the exile Tibetan community, education up to grade 12 is compulsory and free. The only fees the students have to pay are a part of the books, and food. Schools for poorer children, orphans, and refugees, namely Tibetan Children's Village (TCV) and Tibetan Homes Foundation (THF), are boarding schools and are totally free. They are financed principally by individual and organizational donations. They provide everything the students need: books, lodging, food, clothes, etc. Moreover, the Education Department and various schools provide scholarships, on the basis of merit, for Tibetan students to pursue higher education. Besides, special schools have been set up to accommodate the special needs of older refugees who have never been given a chance to study in Tibet. In this highly developed education system, all refugees under 30 years of age who wish to study are directed to schools specially adapted to their needs.

Due to that unique structure, "about 75% of the school-age (6-17 years old) Tibetans in exile receive school education within the Tibetan school network. 15% attend non-Tibetan schools. The remaining may be enrolled in various monastic institutions."¹¹⁵ Furthermore, the government of India has reserved seats for Tibetan students in various high-end professions like medicine and engineering.¹¹⁶ The literacy rate among the Tibetan community in India has been brought up to 74.4 percent, compared to a national average of 65 percent.

education, a major reason for exile

With such a different picture, it is no surprise that, each year, at the great embarrassment of the Chinese authorities, thousands of young Tibetans attempt the perilous journey over the Himalayas in search of a better education. In 2005, despite all the measures taken by Beijing to prevent Tibetans from fleeing into exile, which will be explained in the next paragraphs, thousands of refugees made it to Dharamsala, India. Most of them, approximately 75 percent, fled for a better education, either lay or religious.

The exodus of such a number of Tibetans is a great humiliation for a Chinese government that tries to show the world that the Tibetan people is satisfied and enjoys great freedom under a Chinese rule that has brought grand development. In 2005, Beijing attempted to curb the flow of refugees by various means in order to improve its image and to prevent information from reaching the outside world.

First, China has exerted increased pressures on a politically unstable Nepal, through which nearly every Tibetan refugee transit, in order to obtain its cooperation in restraining the flow of refugees. At the beginning of the year, the Nepalese government shuttered the Tibetan Refugee Welfare Office in Kathmandu, Nepal. "The Refugee Welfare Office, which began operation after the Dalai Lama fled into exile in India in 1959, has helped to ensure the safety and well-being of tens of thousands of Tibetans crossing in Nepal, many of them on the way to India... [It] has been a critical safety net for tens of thousands of persecuted Tibetans."¹¹⁷ On 29 September 2005, the European Parliament called "firmly once again on the Nepalese Government to re-establish the Tibetan Refugee Welfare Office (TRWO) in Kathmandu and to allow the representative office of the Dalai Lama to resume opera-

tions in providing relief services to Tibetan refugees as an implementing partner of the UNHCR."¹¹⁸

Furthermore, there are numbers of Tibetan refugees who, upon reaching Nepal, are deported back to China instead of being escorted to Kathmandu where the UN High Commissioner for Refugees can take them in charge. In September and October 2005, two Tibetan refugees, Norbu Tsering and Sonam Tsering were arrested in Nepal and imposed an exorbitant money penalty by the Nepalese Immigration Department. They were both sentenced to three years in jail for failing to pay the amount. They are now facing deportation.¹¹⁹ In November 2005, 18 Tibetan refugees received a similar treatment. "Despite attempts from the United Nations' Commission on Refugees and the Tibetan Reception Center to release the refugees the authorities did not release the Tibetans."¹²⁰ It has been reported that "China appreciates supports from Nepal on issues of Taiwan, Tibet and human rights," and that "The Nepalese authorities'... harsh new restrictions on refugees fleeing Tibet for Nepal are widely thought to be a direct result of China's increased leverage in Kathmandu."¹²¹

Second, China has increased its border patrol. It has set up local army camps at the border area of Zongkar village, Kyirong. It has also stationed border security staff at Gon, Shak, and Tsalung villages. These patrols are promised lucrative rewards for capturing Tibetans fleeing into exile.¹²² In August, a Chinese border patrol opened fire on a group of 51 fleeing Tibetans. Only three managed to escape the firing and reach Kathmandu. The whereabouts of the remaining 48 escapees remains unknown but the worst is to be envisaged.¹²³

Third, China has discouraged families from sending their children to get an education in exile. Since 1994, it has prohibited Tibetans cadres and government employees from sending their children to

study in school run by the Tibetan government-in-exile. Those who fail to comply with the directive are either denied promotion or downgraded. That policy has been reasserted in 2000 and parents have since then been threatened of freeze in promotion and salary, expulsion from job, and even cancellation of the residential permits of their children.¹²⁴ Heavy fines have also been imposed on families whose children are studying in exile. TCHRD have received many reports of parents who have been fined after sending their children in exile. For example, a family was fined 6000 Yuan for sending its three children to study in India. PSB officials also threatened villagers from the Shigatse Prefecture of prison sentences if they send their children to study in exile.¹²⁵

Finally, Beijing makes it very hard for those who have studied in exile to find decent work after returning to Tibet. In 1994, during an annual meeting of the “TAR” Communist Party Committee, the attitude to adopt with returning refugees was clearly expressed, “Those graduates from schools of the Dalai clique who have come to work in Tibet should be controlled strictly; they should not be allowed to work in the Party or the government or in other important departments.”¹²⁶ Many returnees are arrested and detained for several months to be interrogated on what they have seen in exile. Upon release, they are under close supervision and denied any important job. A Canadian who studied in Tibet University in Lhasa for two months reported that a Tibetan driver she had for a tour told her he had studied in exile and was denied any job as a tour guide even if he spoke perfect English. The best he could find was driver, where he was under constant surveillance by a Chinese guide.¹²⁷

On top of all those difficulties added by China, the journey into exile itself is a very perilous one. Refugees, often young children, must cross the Himalayas, the highest mountain chain in the world,

on foot. Due to increased border surveillance, most refugees are now attempting the crossing during winter, when the frequent snowfalls will cover their footsteps and when the cold temperature will make patrolling more difficult. But those extreme conditions make the journey even more risky. Starvation, death in crevasses, and frostbites are common. In February 2005, Tenzin Gelek, 13 years old, reached the Tibetan Refugee Reception Center in Kathmandu after crossing the Himalayas with a group of 27 refugees. He told TCHRD,

Since there weren't many opportunities in Tibet and most youngsters get spoilt, my father decided that I should go to a good Tibetan school in exile. My father said that he has great hope in me and told me to study hard in India. He found a guide and paid him 2000 Yuan to take me beyond the Himalayas to Nepal... My shoes worn out in the middle of the journey and I continued to walk in my worn out shoes for I didn't had a spare. When we reached Samdo (Nepal border area)... [m]y feet especially had become numb with frostbite and infection. Due to the infection, I had very high fever. The elders took turn to carry me on their back and managed to reach the TRRC in Kathmandu. Upon reaching the TRRC... [t]he doctor diagnosed the infection to be fatal if my feet are not amputated immediately. So accordingly my feet were amputated.¹²⁸

Tenzin Gelek reached Dharamsala in June and joined a school where he wishes to fulfill his father's dreams.

conclusion

It is clear that when Tibet was ‘peacefully’ invaded by China, advance in education, as in other sectors, was much needed. But not at the dire cost imposed by China. China's laws on education do not yet

conform to international standards, but the local implementation is even much farther from any respect of basic human rights. China is known not to respect the laws it gave itself and the constitution it is based on.

Beijing's education policies swung between quantity, or mass indoctrination and quality, which stressed academic and technical education. However, none has been beneficial to Tibetans; the first was directly aiming at destroying their culture, whereas they were not in the category targeted by the second. Anyhow, the unity of the motherland has always been the ultimate goal of education in Tibet, only the degree varied. Since the unrest of the late 1980s, Tibetan culture and language are seen as nationalist and separatist, and increasing efforts have been made to indoctrinate and assimilate Tibetans, through their education system, so that they do not threaten the territorial integrity of China. The indoctrination worked so well that it created a situation where Tibetan students tell their parents about what their teachers said in class who in turn denounce them to the authorities. In the aim of making Tibetans Chinese, Tibetan history and culture are not only not taught; they are formally denied and denigrated. Furthermore, in a Chinese dominated economic and social life, the Tibetan language has become useless. Tibetan children learn Chinese from grade one and must be fluent to enter secondary and higher education where the medium of instruction is exclusively Chinese. Fluency in Chinese is also necessary for any job opportunity.

Despite the horrible goal of assimilation, education is still highly under funded and underdeveloped in Tibet, especially in rural areas. Insufficient funding by the central government forces schools to charge a variety of legal and illegal fees that make compulsory education out of reach of most Tibetans. Higher education costs are simply prohibitive. The lack of funding also resulted in a poor quality education;

the curriculum is taught by untrained and underestimated teachers, in inadequate and often dangerous facilities.

In such a context, a large number of Tibetans prefer to leave their family and ancestral land behind and to flee into exile in India where a dynamic community-in-exile has set up an extensive network of schools aimed at preserving Tibetan culture while giving the students the tools to actively participate in the modern world. That important flow of exiles makes Beijing lose face towards the international community. Furthermore, their testimonies are one of the most important sources of information on what is really going on in Tibet, since everything is so tightly control there. Consequently, various measures have been adopted to curb that flow of refugees. Beijing wants to seal Tibet and let Tibetan culture die.

Developed countries and international organizations must not fall into traps like the one laid down by Premier Wen Jiabao during the Fifth High Level Group Meeting on Education for All, held in Beijing in November 2005, where he solicited help from developed countries "without additional prerequisites."¹²⁹ On the contrary, any help given to China in the field of education must be closely monitored to ensure it is not used to commit human rights abuses against its minorities.

China failed to attain its Tenth Five-Year Plan's target of making nine-year compulsory education universal in the country and eliminating illiteracy. But no matter how much money will be spent on education, as long as the goal of education will be assimilation, and as long as the worth of Tibetan culture will not be recognized, the education in Tibet will never meet any international standard. If the current education policy and practice is maintained in Tibet, the only Tibetans left will be outside Tibet.

Notes

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- 4 See CRC, Article 28, and ICESCR, Article 13.
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APPENDIX 1

List of Known Political Prisoners

TCHRD	STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
96-007	DET	Atsag	Dawa Dhondup	M	30	Gaden Monastery	7/5/1996	Drapchi	10 yrs	Lhoka Gongkar
99-046	DET	Bangri Rinpoche	Jigme Tenzin	M	40	Kongpo Bangri Monastery	26/08/99	Drapchi	Life sentence	Nangchen County
02-004	DET?	Bhagdro	Unknown	M	35	Drepung Monastery	00/07/02	Gutsa	3 yrs	Phenpo Lhundrup, Lhasa
97-117	DET	Bhuchung	Unknown	M	30		00/00/97	Drapchi	15 yrs	Lhoka Region
94- 077	DET	Chemi Dorjee	Unknown	M	30	Serwa Monastery	29/03/94	Drapchi	15 yrs	Chamdo Pashoe
04-001	DET	Choedhen Rinzin	Unknown	M	25	Gaden Monastery	12-Feb-04	Gutsa DC		Meldroingkar County
05-011	DET	Choekey Dolma	Unknown	F	24	Labrang Monastery	20/05/05	Tsolo TAP DC		Thunde County, Tsolo TAP
01-026	DET	Choenga	Gyaltsen	M	18	Karze Monastery	00/04/01	Ngaba Prison	8yrs	Karze
05-006	DET	Chung Tsering	Unknown	M	28	Pangsa Monastery	00/04/05	Gutsa		Medroingkar TAR
96-224	DET	Dawa Dorjee	N/A	M	31	Bank Employee	00/00/96	Drapchi	18 yrs	Nagchu
99-071	DET?	Dawa Gyaltsen	Damam	M			00/00/99	Xinduqio	6 yrs	Golok Township, Karze
05-008	DET	Dhargye	Unknown	M	25	Labrang Monastery	20/05/05	Tsolo TAP DC		Amdo Arig, Tsolo TAP
02-008	DET?	Dorjee Phuntsok	Unknown	M	52	Farmer	17/10/02	Karze DC	3 yrs	Karze County, Sichuan
99-067	DET?	Dorjee Sonam	Unknown	M	30		00/00/99	Drapchi	7 yrs	Amdo Qinghai
04-002	DET	Dorjee Tsephel	N/A	M	28		20/05/04	Chabcha DC	4 yrs	Chabcha County
00-77	DET?	Drukgyal	Unknown	M	24		00/10/00	Drapchi	5 yrs	Lhasa
04-003	DET	Gangshun	N/A	M			00/02/04	Golok DC		Amdo Golok
95-005	DET	Gedun Choekyi Nyima	Unknown	M	6	Tashi Lhunpo Monastery	17/05/95	Beijing ?		Nagchu, Lhari
02-005	DET?	Gendun	Unknown	M		Bank Employee	21/12/02	ShigatseDC		Ngamring County, Shigatse
94 -163	DET	Gonpo	Unknown	M	18	Tawu Monastery	00/00/94	Sheduk kyang	12yrs	Karze
02-006	DET?	Gonpo	Unknown	M	27	Drepung Monastery	00/07/02	Gutsa	3 yrs	Phenpo Lhundrup, Lhasa
04-017	DET	Gyalpo	Unknown	M	26		00/02/04	Ngapa Prison	11yrs	Karze County, TAP Sichuan

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	17/03/00	Drapchi	10 yrs	Sog.Sogrongmi
04-008	DET	Jamga	Unknown	M		Tehor Chakru Monastery	21/08/04	Kardze DC		Kardze County
02-038	DET	Jampa Namgyal	N/A	M	40	N/A	00/01/02	Ngaba Prison	9yrs	Kardze County
02-007	DET?	Jampa Sangpo	Unknown	M	40	Village Head	17/10/02	KarzeDC	3 yrs	Karze County,Sichuan
94-066	DET	Jampa Tashi	Unknown	M	29	Serwa Monastery	29/03/94	Powo Tramo	12 yrs	Chamdo Jojugyabdo
05-003	DET	Jamphel Gyatso	Unknown	M	26	Dakar Tretsong Monastery	14/01/05	Xiling	3yrs	Tsekor thang County,Isolo TAP
05-009	DET	Jamyang samdup	Unknown	M	23	Labrang Monastery	20/05/05	Tsolo TAP DC		Tsolo TAP,Qinghai
05-007	DET	Jigme Dhasang	Unknown	M	22	Kubhum Monastery	00/05/05	HongzhongDC		Tsolo TAP,Qinghai
96-259	DET	Jigme Gyatso	N/A	M	34	Amdo Labrang Monastery	30/03/96	Drapchi	15 yrs	Kanilho Sangchu
03-002	DET?	Jigme Jamtruk	Unknown	M	39	Labrang Monastery	11/4/03	Sangchu DC		Machu County
01-008	DET?	Jinpa	Unknown	M	30	Tsenyi Monastery	00/03/01	N/A		Toema,Ngaba
01-005	DET?	Kelsang	Unknown	M	40	Tsenyi Monastery	00/03/01	N/A		Tsenyi,Ngaba
02-029	DET?	Kelsang Dhondup	Unknown	M	38	Drakar Tetsong Monastery	8/5/02	Xiling	3 yrs	Chabcha County
03-003	DET?	Kunchok Choemphel	Unknown	M	30	Labrang Monastery	11/4/03	Sangchu DC		Sangchu County
01-032	DET	Kunchok Dhargay	Unknown	M	32	Rabgya Monastery	00/05/01	Machen DC	6yrs	MachenCounty, Golok,Qinghai
96-165	DET	Kunchok Dhondup	Unknown	M	24	Gaden Monastery	10/5/96	Drapchi	11yrs	Meldrogungkar Drangda
02-010	DET?	Kunchok Sonam	Unknown	M	36	Drepung Monastery	00/07/02	Gutsa	3 yrs	Meldrogungkar, Lhasa
03-017	DET	Kunchok Tenpa	Unknown	M	24	Taktsang Lhamo Kirti Monastery	00/01/03	Ngapa DC ?		Dzoge County, TAP Sichuan
95-136	DET	Legshe Phuntsok	Sonam Dhondup	M	23	Nalanda Monastery	05/03/95	Drapchi	12 yrs	Phenpo Lhundrup
92-051	DET	Lhundrup Dorjee	N/A	M	23	N/A	30/06/92	Drapchi	15 yrs	Meldrogungkar Dashar
05-004	DET	Lobsang Dharygye	Unknown	M	37	Dakar Tretsong Monastery	14/01/05	Xiling	2yrs	Tsekor thang County,Isolo TAP
97-053	DET	Lobsang Dorjee	Unknown	M	19	Drongsar Monastery	01/07/97	Chamdo DC	14 yrs	Chamdo Pashoe

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TCHRD	STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
94-076	DET	Lobsang Jinpa	Pema Tsering	M	23	Serwa Monastery	29/03/94	Drapchi	15 yrs	Chamdo Jojugyabdo
04-016	DET	Lobsang Khedrup	Unknown	M	22		00/02/04	Ngapa Prison	1 yrs	Kardze County, TAP Sichuan
96-067	DET	Lobsang Khetsun	Lobsang Dawa	M	27	Gaden Monastery	7/05/96	Drapchi	12 yrs	Phenpo Lhundrup
94-087	DET	Lobsang Palden	Unknown	M	27	Serwa Monastery	29/03/94	Powo Tramo	12 yrs	Chamdo Pashoe
95-119	DET	Lobsang Sherab	Unknown	M	19	Drongsar Monastery	11/08/95	Drapchi	12yrs	Chamdo Pashoe
94-079	DET	Lobsang Tendar	Lobsang Tsegyal	M	31	Serwa Monastery	29/03/04	Drapchi	15 yrs	Chamdo Pashoe
96-157	DET	Lobsang Tenpa	Jampa Lodroe (Poloe)	M	23	Gaden Monastery	07/05/96	Drapchi	15yrs	Drigung Meldro
03-009	DET	Lobsang Tenphen	Unknown	M	38	Business	12/02/03	Ngapa Prison	5 yrs	Kardze Lithang
88-052	DET	Lobsang Tenzin	N/A	M	22	TAR""University	19/03/88	Choshoe Prison	18 yrs	Lhasa
95-118	DET	Lobsang Tsering	Bushow	M		Drongsar Monastery	11/08/95	Chamdo DC	14yrs	Chamdo Pashoe
95-144	DET	Lobsang Tsultrim	Choesang	M	20	Drongsar Monastery	11/08/95	Drapchi	12yrs	Chamdo Pashoe
93-240	DET	Lodroe Gyatso	N/A	M	33	Sog Drama Association	17/01/93	Drapchi	21yrs	Sog,Sogrongmi
97-095	DET?	Lokud	Unknown	M	23	Drepung Monastery	00/00/97	Drapchi	9 yrs	Drepung
00-006	DET	Luzi Tashi Phuntsok	N/A	M	29	Othok Monastery	00/04/02	Yakraphug	7 yrs	Kardze
01-020	DET	Mathok Dhamchoe		M	0	Rabgya Monastery	00/05/01	Machen DC	5 yrs	Machen County, Golok,Qinghai
02-019	DET	Nagyal Choephel		M	35	Farmer	17/10/02	Karze DC	3 yrs	Karze County, Sichuan
97-085	DET	Ngawang Geyser	Ngawang Gyalsey	M	21	Sog Tsendhen Monastery	18/08/97	Disappear		Sog Ya- Ngashang
02-027	DET?	Ngawang Dhondup	Unknown	M	40	Drakar Tetsong Monastery	8/5/2002	Xiling	3 yrs	Chabcha County
94-096	DET?	Ngawang Jungney	N/A	M	27	Tibet University	13/01/94	Powo Tramo	9 yrs	Lhasa Damshung
05-014	DET	Ngawang Namdrol	Unknown	M	36	Drepung Monastery	23/11/05			Phenpo Lhundup County
05-017	DET	Ngawang Phelgye	Unknown	M	32	Drepung Monastery	23/11/05			Rinpong County, Shigatse
89-166	DET	Ngawang Phulchung	Anu	M	34	Drepung Monastery	16/04/89	Drapchi	19 yrs	Toelung Dechen

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TCHRD	STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
91-064	DET	Ngawang Tensang	Penpa	M	21	Drepung Monastery	14/09/91	Drapchi	15 yrs	Toelung Sangmo Kyabo
05-015	DET	Ngwang Nyingpo	Unknown	M	31	Drepung Monastery	23/11/05			Phenpo Lhundup County
05-016	DET	Ngwang Thupten	Shukpa Metok	M	28	Drepung Monastery	23/11/05			Lhasa Municipal
99-043	DET?	Nyima Chodon	N/A	F	30	Staff of School	30/08/99	Drapchi	10 yrs	Lhasa
04-009	DET	Nyima Tenzin	N/A	M	20		14/09/04	Sog DC?		Sog County
02-013	DET?	Nyima Tsering		M	22	Drepung Monastery	00/07/02	Gutsa	3 yrs	Lhasa Dhampa
02-025	DET	Nyima Tsering	Unknown	M	65	Teacher	6/12/2002	Drapchi	5 yrs	Gyangtse County
89-133	DET	Pasang	N/A	M	21	N/A	8/3/1989	Drapchi	15 yrs	Lhasa
96-146	DET	Pasang Tsegye	Pasang Tsering	M	38	Gaden Monastery	7/5/1996	Drapchi	12 yrs	Meldro Gyalding
97-118	DET	Passang Tsonyi		M	23		00/00/97	Drapchi	17 yrs	Toelung Dechen Country,Lhasa
96-155	DET	Phuntsok Dhondup	Tsering Bakdro	M	28	Gaden Monastery	7/5/1996	Drapchi	10 yrs	Lhasa Drushi
94-092	DET?	Phuntsok Rigchok	Migmar	M	32	Tashigang Monastery	31/05/94	Drapchi	10 yrs	Chushul Nyethang
05-018	DET	Phuntsok Thuwang	Unknown	M	30	Drepung Monastery	23/11/05			Gongkar County,Lhoka
04-011	DET?	Phuntsok Tsering	Unknown	M	24	Dhargayling Monastery	21/12/04	Nyari DC		Lhatse Shigatse
97-063	DET	Phuntsok Wangdu	Unknown	M	29	Gaden Monastery	7/2/1997	Drapchi	14 yrs	Taktse Drushi
00-014	DET	Sey Khedrup	Unknown	M	27	Sog Tsendhen Monastery	19/03/00	Drapchi	life	Sog Yognashang
05-010	DET	Sherab	Unknown	M	25	Labrang Monastery	20/05/05	Tsolo TAP DC		Thunde County, Tsolo TAP
02-023	DET	Sherab	Unknown	M	42	Tsang monastery	00/ 11/02	Xiling	5 yrs	Hainan County. Qinghai
03-010	DET	Shethar	Unknown	M	35	Khangmar Monastery	00/01/03	Ngaba DC	12 yrs	Marthang County
05-019	DET	Sonam	Unknown	M	43	Portala Care taker	21/8/05	Gutsa?		TAR
92-175	DET	Sonam Dorjee	N/A	M	23	N/A	30/06/92	Drapchi	13 yrs	MeldroDashar
05-013	DET	Sonam Gyalpo	Unknown	M	43	Business	28/08/05	Gutsa ?		Lhoka Prefecture TAR

List of Known Political Prisoners

TCHRD	STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
01-032	DET	Sonam Gyatso		M	34	Rabgya Monastery	00/05/01	Machen DC	5	Machen County, Golok, Qinghai
01/027	DET	Sonam Ngodup	Serpo	M	25	Karze Monastery	00/04/01	Ngapa Prison	7 yrs	Karze
04-010	DET?	Sonam Nyidrup	N/A	M	18		14/09/04	Sog DC?		Sog County
04-021	DET?	Sonam Phuntsok	Mingtse Gui	M	30		23/12/04	Kardze DC		Dartsedo County
01-035	DET	Tamdin	N/A	M	63		9/3/2001	Drapchi	6 yrs	Chamdo Palbar
96-139	DET	Tasang Norbu	Unknown	M	21	Gaden Monastery	7/5/1996	Drapchi	10 yrs	Meldro Drigtung
05-001	DET	Tashi Gyaltzen		M	28	Dakar Tretsang Monastery	14/01/05	Xiling	3yrs	Tsekor thang County, Tsolo TAP
01-045	DET	Tashi Gyatso		M	37		5/5/2001	Xiling	12 yrs	Amdo Golok Machen County
02-023	DET	Tashi Topgyal		M	50	Carpenter	00/08/02	Drapchi	6 yrs	Ngamring County, Shigatse
01-042	DET	Tenpa Dhargay	N/A	M	20		2001	Drapchi	5 yrs	Amdo Golok
99-001	DET?	Tenzin	Unknown	M	24	Kirti Monastery	00/01/99	Ngapa Prison	5 yrs	Ngaba County
97-006	DET	Tenzin Dorjee	Unknown	M	23	Shabren Monastery	00/00/97	Drapchi	13 yrs	Nagchu
96-169	DET	Tenzin Gelek	Penpa	M	23	Gaden Monastery	9/5/1996	Drapchi	12 yrs	Taktse Lamo Chawa
01-014	DET	Tenzin Khedup	Unknown	M		Tsamping Monastery	18/07/01	Chamdo DC	Life	Tengchen County
96-232	DET	Thinley Tsundue	Gyatso	M	25	Rating Monastery	27/12/96	Drapchi	8 yrs	Phenpo Thang-go
05-002	DET	Thoe Sanden	Unknown	M	32	Dakar Tretsang Monastery	14/01/05	Xiling	2yrs	Tsekor thang County, Tsolo TAP
01-016	DET	Thupten Thabkai	Unknown	M		Tsamping Monastery	18/07/01	Chamdo DC	Life	Tengchen County
92-052	DET	Thupten Yeshi	Unknown	M	42	N/A	6/7/1992	Drapchi	15 yrs	Meldro Dashar
04-007	DET	Topden	Unknown	M		Tehor Chakru Monastery	21/08/04	Kardze DC		Kardze County
02-018	DET	TrulkuTenzin Delek	Ah-Nga-Tashi	M	54	Lithang Monastery	7/4/2002	Chuandong	Life	Lithang, Karze TAP
97-052	DET	Tsepal	Unknown	M	64	Serwa Monastery	00/00/97	Drapchi	16 yrs	Chamdo Pashoe
05-012	DET	Tsering Dhondup	Unknown	M	33	Sera Monastery	00/07/05	Gutsa		Phenpo Lhundup County

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TCHRD	STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
02-020	DET?	Tsering Dorjee		M	42	Farmer	17/10/02	KarzeDC	3 yrs	Karze County, Sichuan
00-012	DET	Tsering Lhagon	N/A	M	40	N/A	19/03/00	Drapchi	15 yrs	Sog Yaklashang
02-009	DET?	Tsering Nyima	Unknown	M	26	Farmer	17/10/02	KarzeDC	3 yrs	Karze County, Sichuan
02-017	DET?	Tsering Wangdu		M	23	Drepung Monastery	00/07/02	Gutsa	3yrs	Chushul County, Lhasa
00-018	DET	Tseten Gyatso	N/A	M	0	N/A	00/07/01	Drapchi	8 yrs	Amdo
00-79	DET	Tsewang	N/A	M	30		2000	Drapchi	6 yrs	Amdo
03-012	DET	Tsokphel	Unknown	M	31	Khangmar Monastery	00/01/03	Ngaba DC	12 yrs	Marthang County
01-029	DET	Tsultrim Dhargay		M	0	Rabgya Monastery	00/05/01	Machen DC	5 yrs	Machen County, Golok, Qinghai
05-005	DET	Tsultrim Phelgye	Unknown	M	38	Dakar Tretsang Monastery	14/01/05	Xiling	2yrs	Tsekor thang County, Tsolo TAP
04-018	DET	Tsundue Gyamtso	Unknown	M	23	Taksang Lhamo Kirti Monastery	00/06/04	Ngapa DC ?		Dzogyey County, TAP Sichuan
95-074	DET?	Ugyen Tashi	N/A	M	53	N/A	28/08/95	Drapchi	9 yrs	Chamdo Pashoe
03-013	DET	Voesel	Unknown	M	30	Khangmar Monastery	00/01/03	Ngaba DC	8 yrs	Marthang County
01-004	DET	Yaepu	Unknown	M	24	Karze Monastery	00/04/01	N/A	5 yrs	Karze Dhamdo
00-78	DET?	Yeshe Choedrak	Unknown	M	30		0/10/00	Drapchi	5 yrs	Lhasa
02-028	DET	Yeshe Dorjee	Unknown	M	25	Monk	00/01/02	Drapchi	4 yrs	Amdo, Golok
93-148	DET	Yeshe Jinpa	Pema Sandup	M	20	Sungrabling Monastery	28/06/97	Drapchi	11 yrs	Lhoka Gongkar
96-136	DET	Yeshe Rabgyal	Bhagdrol	M	28	Gaden Monastery	7/5/1996	Drapchi	15 yrs	Meldro Gyama Trikhang
00-007	DET	Yeshe Tenzin	Unknown	M	32	Sog Tshedhen Monastery	17/03/00	Drapchi	15 yrs	Sog, Sogrongmi
02-026	DET?	Yeshe Tsultrim	Unknown	M	25	Lhoka Rabmey Monastery	00/02/02	Trisam Prison	3 yrs	Lhoka Gongkar County
96-170	DET	Yonten Gyalpo	Tenzin Norbu	M	28	Gaden Monastery	10/5/1996	Drapchi	12 yrs	Meldrongkar
03-011	DET	Zoepe	Unknown	M	33	Khangmar Monastery	00/01/03	Ngaba DC	12 yrs	Marthang County

Known arrest in 2005

APPENDIX 2

STATUS	NAME	LAY NAME	SEX	AGE	AFFILIATION	ARREST	PRISON	TERM	ORIGIN
DET	Choekey Dolma	Unknown	F	24	Labrang Monastery	20/05/05	Tsolo TAP DC		Thunde County, Tsolo TAP
DET	Chung Tsering	Unknown	M	28	Pangsa Monastery	00/04/05	Gutsa		Medrogongkar TAR
DET	Dhargye	Unknown	M	25	Labrang Monastery	20/05/05	Tsolo TAP DC		Amdo Arig, Tsolo TAP
DET	Jamphel Gyatso	Unknown	M	26	Dakar Tretsang Monastery	14/01/05	Xiling	3yrs	Tsekor thang County, Tsolo TAP
DET	Jamyang Samdp	Unknown	M	23	Labrang Monastery	20/05/05	Tsolo TAP DC		Tsolo TAP, Qinghai
DET	Jigme Dhasang	Unknown	M	22	Kubhum Monastery	00/05/05	Hongzhong-DC		Tsolo TAP, Qinghai
DET	Lobsang Dharygye	Unknown	M	37	Dakar Tretsang Monastery	14/01/05	Xiling	2yrs	Tsekor thang County, Tsolo TAP
DET	Ngawang Namdrol	Unknown	M	36	Drepung Monastery	23/11/05			Phenpo Lhundup County
DET	Ngawang Phelgye	Unknown	M	32	Drepung Monastery	23/11/05			Rinpung County, Shigatse
DET	Ngwang Nyingpo	Unknown	M	31	Drepung Monastery	23/11/05			Phenpo Lhundup County
DET	Ngawang Thupten	Shukpa Metok	M	28	Drepung Monastery	23/11/05			Lhasa Minicipal
DET	Phuntsok Thuwang	Unknown	M	30	Drepung Monastery	23/11/05			Gongkar County, Lhoka
DET	Sherab	Unknown	M	25	Labrang Monastery	20/05/05	Tsolo TAP DC		Thunde County, Tsolo TAP
DET	Sonam	Unknown	M	43	Potala Care taker	21/8/05	Gutsa?		TAR
DET	Sonam Gyalpo	Unknown	M	43	Business	28/08/05	Gutsa ?		Lhoka Prefecture TAR
DET	Tashi Gyaltsen	Unknown	M	28	Dakar Tretsang Monastery	14/01/05	Xiling	3yrs	Tsekor thang County, Tsolo TAP
DET	Thoe Sanden	Unknown	M	32	Dakar Tretsang Monastery	14/01/05	Xiling	2yrs	Tsekor thang County, Tsolo TAP
DET	Tsering Dhondup	Unknown	M	33	Sera Monastery	00/07/05	Gutsa		Phenpo Lhundup County
DET	Tsultrim Phelgye	Unknown	M	38	Dakar Tretsang Monastery	14/01/05	Xiling	2yrs	Tsekor thang County, Tsolo TAP

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 5th 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, Nyingri 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.



APPENDIX 5

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

Instrument	Signed on	Ratified on	Ideals
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 ljongs</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.

Detention Centre	(Tib. <i>lta srung khang</i> , Ch. <i>kanshoushuo</i>) Place where prisoners are held without charge prior to sentencing
DMC	(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
Drapchi prison	Officially known as “Tibet Autonomous Region” Prison
Endangering State Security	Charge introduced in the revised CPL to replace “counter-revolutionary”
Floating population	(Ch. <i>liudong renkou</i>) Term used to refer to Chinese migrants who are unregistered permanent and temporary residents in Tibet
Geshe (Tib)	Spiritual title and doctorate; monk or lama who has completed the highest course in metaphysics and other academic monastic studies in the Gelugpa school
Guanxi (Ch)	Literally, “connection”; colloquially a connection to officialdom to acquire preferential treatment
Gyama (Tib)	Unit of measurement equivalent to 500 grams
Gyama (Tib)	Unit of measurement equivalent to 500 grams
Hukou (Ch)	Household Registration card
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
Khenpo (Tib)	Literally abbot. In Nyingma and Kagyu tradition of Tibetan Buddhism, Khenpo is analogous to the Geshe degree
Lama (Tib)	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
Mu (Tib)	A measure of land equal to 67 square meters
NPC	National People’s Congress
PAP	People’s Armed Police
Patriotic re-education	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.
Potala Palace	Official winter residence of the Dalai Lama in Lhasa
PRC	People’s Republic of China
Prefecture	(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
Procuracy	(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
Prostrate	Buddhist practice of lying face down before any sacred body

PSB	(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
Re-education	Indoctrination of Chinese Communist ideology and national unity; carried out extensively in religious institutions and labour camps in Tibet
Rukhag (Tib)	One small unit within a prison, village, school, or military etc
Saga Dawa (Tib)	The month of Buddha's birth, Enlightenment and Death
Splittism	(Tib. <i>Khadral ringlugs</i>) Party term for the movement for Tibetan independence or any nationalist sentiments
Strike Hard	(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"
Tsampa (Tib)	Roasted barley flour
Tsongkhul (Tib)	Detention Area
Tsuglhakhang (Tib)	Central Cathedral in Lhasa
UNWGAD	United Nations Working Group on Arbitrary Detention
Work Team	(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
Yartsa Gunbu (Tib)	A Tibetan medicinal plant (Botanical name <i>cordyceps sinensis</i>)
Yuan (Ch)	Chinese currency (8 Yuan is equivalent to 1 dollar.)

APPENDIX 7

Universal Declaration of Human Rights

Article 1: All Human Being are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as, race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3: Everyone has the right to life, liberty and security of person.

Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6: Everyone has the right to recognition everywhere as a person before the law.

Article 7: All are equal before law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement in such discrimination.

Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamentals rights granted him by the constitution or by law.

Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11: Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

No one shall be held guilty of any penal offence on account of any act or omission, which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13: Everyone has the right to freedom of movement and residence within the borders of each state.

Everyone has the right to leave any country, including his own, and to return to his country.

Article 14: Everyone has the right to seek and to enjoy in other countries asylum from persecution.

The right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15: Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16: Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolutions.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

Article 17: Everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change its 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.

Article 19: 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 20: Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

Article 21: Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right to equal access to public services in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by Universal and equal suffrage and shall be held by the secret vote or by equivalent free voting procedures.

Article 22: Everyone, as a member of society has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each state, of the economic, social and cultural rights indispensable of his dignity and the free development of his personality.

Article 23: Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and

supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25: Everyone has the right to a standard of living adequate for the health and well being for himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26: Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27: Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28: Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29: Everyone has duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30: Nothing in this Declaration may be interpreted as implying for any state, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

APPENDIX 8

International Covenant on Civil and Political Rights

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to

adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

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.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide.

This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

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.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under

detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

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.

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. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

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.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accor-

dance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) To be tried without undue delay;
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own

choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was commit-

ted. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

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 and 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 freedoms 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 19

1. Everyone shall have the right to hold opinions without interference.

2. 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.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and

join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

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 the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the

present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the

United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

- (a) Twelve members shall constitute a quorum;
- (b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

- (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
- (b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement

in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph

(e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph I of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among

its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant

to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under Article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accor-

dance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46.

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 48;
- (b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

APPENDIX 9

International Covenant on Economic, Social and Cultural Rights

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national

or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) 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;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures,

including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations

and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. 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;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institu-

tions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they

have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of

the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to

contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession

by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present

and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 26;
- (b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.