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Foreword

The year 2003 opened on a note of great promise for Tibet. A new generation of Chinese leaders – largely technocrats with business backgrounds - formally took over the country's helm in March 2003, with Hu Jintao as the new President. This, coupled with the Dalai Lama's envoys' visit to China for a second time in less than a year, and China's growing participation in international affairs - necessitating obligations to international codes of conduct, especially on human rights - raised hopes among the international community, and Tibetans that a softer China policy on Tibet would bring about and a new beginning for the people of Tibet.

However, this was not to be. Throughout 2003, measures aimed at strengthening the rule of law and judicial institutions continued to be undermined by political campaigns against those suspected of opposing the Beijing government. Serious restrictions and repressions of the rights to freedom of expression, association and religion occurred. Arbitrary detention and imprisonment, unfair trials, torture and ill-treatment and execution saw no let up. Threats to nationalism, state security and social stability were used to justify crackdowns on the Tibetan people.

The execution of a Tibetan, Lobsang Dhondup, on 26 January and the sentencing to death of Trulku Tenzin Delek, a highly respected lama, saw the re-emergence of China's hardline approach towards Tibet. The extension of the 2001 "strike hard" campaign in July for a third consecutive year gave continued legitimacy for the authorities to crackdown on activities deemed "splittist" or "endangering state security". Tibetans continued to be at the receiving end of these broad and ambiguous reasons for detentions that China refuses to interpret.

For the Tibetans in Tibet, the closed-door trial, the death sentences and the immediate execution came as a frightening message reminding them of China's potential for

brutality. The nature of the trial and its proceedings left monitors in doubt over the fairness of the judicial process. This cast a shadow over progress in other areas that China claimed to be making. The sudden manner in which the execution was carried out by the Chinese authorities despite its assurances to the US, EU, and the international community for a lengthy judicial process, indicates that China will always follow its own agenda.

The Tibetan Centre for Human Rights and Democracy (TCHRD) strongly condemns China's use of the term "state secrets" in its revised 1996 Criminal Procedure Law (CPL). The term is used as justification for denying suspects access to lawyers during the investigation stage. The CPL also grants enormous power to the police to detain suspected persons. A glaring example of the CPL failing to protect critical procedural rights for criminal suspects and defendants was the blatant denial in of independent legal counsel to Trulku Tenzin Delek by Sichuan Province People's Court on the grounds that the case involved "state secrets". It also explained the discrimination against "politically disadvantaged" defendants.

"The Chinese authorities have failed to explain publicly why the case is considered to be connected to state secrets, and the evidence used to convict him remains unclear". Amnesty International Report : People's Republic of China: Miscarriage of Justice? The trial of Tenzin Delek Rinpoche and related arrests, October 2003.

China is paranoid about the influence of Tibetan Buddhism. The Dalai Lama's continuing charisma is seen as a unifying force for Tibetans and a potential threat to the unity of the motherland. This fear is apparent in the control measures taken by the authorities to totally undermine religious studies and

activities. Examples of some of the control measures are, the prohibition of display of the Dalai Lama's portrait, closure of schools that are suspected to be teaching "splittist ideologies", constant interference by the authorities in the religious and administrative affairs of monasteries and nunneries and the "patriotic re-education" of monks and nuns that teaches loyalty to the state above religion. These restrictions are in total contradiction to China's own national constitution that guarantees freedom of religion and its practice.

Promises made by China during the year at bilateral and multilateral meetings on human rights simply ended in disappointment. In effect, these promises were simply tactics by China to buy time to deflect criticism. In August, the Bush administration accused China of backsliding on its commitments on human rights that were made in December 2002, which persuaded the US not to pursue a resolution condemning Beijing at the United Nations Commission on Human Rights forum in Geneva in March/April 2003.

"there were definitely promises made and they have not kept them. It's not just about human rights at this point. The question being raised now is, 'How much can we trust commitments that are made by the Chinese?'", said John Kamm, a human rights activist in San Francisco, who monitors the PRC.

Beijing's preference for bi-lateral discussions is simply aimed to halt public condemnation of its human rights record at multilateral forums when bilateral diplomacy necessitates a commitment on the part of those negotiating to set up measures of accountability, transparency, and repercussions for noncompliance.

"Until now the EU has been held hostage to China's insistence on mutual respect and non-confrontation on human rights issues, locked in a formal 'human rights dialogue' that has produced no relief for the victims of human rights abuse in China, but in a mature relationship all parties recognize that the relationship has to achieve results", according to Dick Oosting, Director of Amnesty International, EU Office, Brussels.

China boasts of its huge investments and mammoth development projects in Tibet. It is customary that any development project must advocate the people's right to self-determination including control over use of their land and natural resources. However, in Tibet, the Tibetans are excluded from consultation or effective participation. The urban development projects in Tibet are meant to consolidate China's economic and political control over Tibet. The resultant influx of tens of thousands of Chinese settlers have further denied the Tibetan people their livelihood. TCHRD views the current development projects in Tibet to be assimilationist in nature. The acceleration of these projects will finally complete the cultural genocide of the Tibetan people.

In March 2003, China released a new policy document on Tibet entitled *Ecological Improvement and Environmental Protection of Tibet*. The paper defends the PRC's development plans for Tibet stating that it attaches great importance to the environmental protection of the land. However critics, including the Tibetan people, are skeptical over the ambitious projects and dismiss the report as propaganda, saying that in reality the economic development of Tibet is damaging the environment. Beijing dismissed the critics by saying that environmental concerns should not check economic development.

“Although public statements single out environmental priorities, in reality they come way behind strategic and economic concerns.” Kate Saunders, Tibet Specialist.

Beijing’s paper on *National Minorities Policy and Its Practices in China, 2002*, strongly opposes ethnic discrimination or oppression of any form and purports to respect and protect the freedom of religious belief of ethnic minorities and the use and development of spoken and written languages of ethnic minorities. Tibetans are labelled an “ethnic minority” by China.

Despite the policy, Tibetans continue to be discriminated against. Beijing’s intolerance towards the Tibetans’ practice of religion, and the closure of Tibetan schools which promote indigenous religion, culture, and written and spoken language, breaches its own policies as well as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which China signed in 31 March 1996, and ratified in 29 December 1981.

In May 2003, 18 fleeing Tibetan refugees were forcefully deported back to Tibet by Nepal at China’s behest. Amnesty International in its press release on 2 June, 2003 called the forcible return of Tibetans to China unacceptable and states

“This operation was carried out in blatant disregard for international human rights and refugee law standards”, and “We fear that these people could be at risk of torture or other serious human rights violations and are calling on the Chinese authorities to provide immediate guarantees for their safety.”

In November the Chinese Ambassador to Nepal, Sun Heping, announced that his country will stop the future inflow of Tibetan

refugees, calling them “illegal immigrants”. These measures will seriously hinder the freedom of movement of the Tibetan people in the future. With stepping up of restrictions over the borders it is feared that more Tibetans will be caught and arrested.

TCHRD views steps taken by the Chinese government to control the right of freedom of movement of the Tibetan people beyond their borders as also being a direct attempt to curtail the free flow of information to the outside world.

China’s Minister of Information, Wang Xudong, presenting a speech at The World Summit on the Information Society in Geneva on 10 December 2003, did not make a single mention of his country’s lack of - or the need to improve - the right to freedom of information, freedom of speech and or expression. Instead he spoke on development as the basis for building an information society. A clear demonstration of China deflecting attention from real issues.

Receiving and imparting information, exchanging ideas and opinions and discussing them are vital for change and improvement in any society. Conversely, in China several laws and regulations have been introduced since, 1993 that seek to curb the use of information technology. Amnesty International report : “The PRC: State Control of the Internet in China” 2002, states that as many as 33 people have been detained for using the internet to circulate or download information.

In Tibet the use of internet by Tibetans remains low compared to their Mainland Chinese counterparts; this could be partially attributed to the low education and literacy rate in Tibet. Nonetheless, control of other avenues of information, such as jamming of radio and television, remain in place. During the year many Tibetans received lengthy

sentences for providing information to the outside world.

Conclusion

TCHRD considers the overall pattern of China's human rights diplomacy by signing more and more human rights treaties, while continuing to repress the human rights of its people, as part of a coherent strategy. Beijing's invitations to heads of state and international monitors, and its new openness to hosting international conferences from business to beauty pageants, remain just "indications" of openness and greater transparency. In reality, these "indications" did not result in visible signs of progress in China's implementation of human rights.

TCHRD condemns this policy of deceit that China engages in to hide the brutal reality of the human rights situation of its people.

Despite changes and slow reforms, China is still an authoritarian regime that has done very little to initiate any real process of democracy or improve the civil and political rights of its people. China knows the key to improving human rights is democracy, but it is not

making fundamental concessions towards democracy.

The SARS cover-up early in the year is a stark reminder that China is still a repressive regime that has been compulsively deceitful for more than 50 years. It also reminds one of the chilling reality of censorship under the communist regime - as well as the importance of the freedom of information in fostering transparency, rule of law and human rights in China.

As China continues to reach out to the world, beefing up scores of political contacts, emerging as an active player in the international arena, expanding its influence and refining its diplomacy to become as one of the world's great powers, the free world must remind itself that it also has a responsibility to ensure that China respects the human rights of its own people, the Tibetans, and others within its territory. China may have become smarter and more sophisticated – but not necessarily kinder or gentler.

The Tibetan Centre for Human Rights and Democracy (TCHRD) believes that, so long as democracy, rule of law, and respect for human rights are lacking, the PRC cannot claim genuine development.

Recommendations

To the government of the People's Republic of China

Civil and Political Rights

- Ratify the International Covenant on Civil and Political Rights signed on 5 October 1998;
- Invite all Thematic Special Rapporteurs of the UN Commission on Human Rights, government monitoring teams, journalists and NGOs and allow free access to visit persons and places without government control;
- Release Trulku Tenzin Delek immediately and unconditionally;
- Release Gedhun Choekyi Nyima, the XIth Panchen Lama of Tibet; whose whereabouts have been unknown since May 1995, and let him live as a free child;
- Release all prisoners of conscience held in prisons and detention centers in Tibet;
- Improve the legal system. Clarify the scope and extend of the term “state secrets” in the Criminal Procedural Law (CPL) that is used to indict innocent people;
- Create a system of free and fair trial for people accused over political, religious and other reasons;
- Allow the free movement of Tibetan people wishing to travel outside Tibet and allow them to return to their homeland freely, without fear of harassment or arrest;
- Grant Tibetan people the right to freedom of religion and its practice. Stop the campaign imposing atheism in Tibet; Stop the anti-Dalai Lama campaign targeting Tibetan people; Stop limiting the number of monks and nuns and their admission to monasteries and nunneries,
- Stop limiting the right to freedom of information, expression and opinion and allow free unlimited access to radio, TV broadcasts and the use of Internet;

Economic, Social and Cultural Rights

- Submit its initial report to the UN Committee on Economic, Social and Cultural Rights which was due on 30 June 2002;
- Having ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), respect the Right to Self-Determination to preserve their culture and identity;
- Involve and allow direct participation of the Tibetan people in the development projects in Tibet. China must ultimately respect the will of the Tibetan people in all development projects that are being carried out in Tibet;
- Implement the recommendations of the UN Special Rapporteur on Education, Ms. Katarina Tomasevski, i.e; full integration of human and minority rights in education policy, law and practice as well as a unified legal framework based on every child's right to free and compulsory education.

To International Agencies and Governments

- Put the issue of human rights as a necessary pre-condition for all future talks with the Chinese government;
- Demand concrete results from China on its implementation of human rights treaties and obligations to the United Nations and the WTO;
- Urge the Chinese government to unconditionally release:
 - Trulku Tenzin Delek
 - Gedhun Choekyi Nyima, the XIth Panchen Lama of Tibet and
 - All prisoners of conscience from prisons and detention centres in Tibet.
- Urge China to implement its obligations to all United Nations Treaties signed by China (see annexure), as well as its commitments to the WTO;
- Demand that China allow freedom of movement to Tibetan people within or outside Tibet and allow free return to their homeland without fear of persecution or arrest;
- Demand China to stop the use of extreme torture of prisoners and detainees to extract confessions;
- Urge China to engage in a meaningful dialogue with the representatives of the Tibetan people.

To Multinational Businesses and Companies

- Engage seriously with the Tibetan people and ensure their participation at all stages of development projects;
- Demonstrate support to the local Tibetan people in all activities;
- Undertake comprehensive social and environmental studies and impact assessments;
- Ensure the achievement of sound environmental safeguards;
- Provide sustainable development initiatives that bring desired community benefits.
- Lastly, any project must respect the sentiments of the Tibetan people.

Executive Summary

Civil Liberties

China signed the International Covenant on Civil and Political Rights (ICCPR) in October 1998. However, it is still to ratify the treaty.

The Preamble of the ICCPR states:

Recognizing that, in accordance with the Universal Declaration of Human rights, the ideal of free human beings enjoying civil and political freedom and 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.

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms.

Tibetan people continued to face hardships in the exercise of their fundamental rights and freedoms. The drop in the number of arrests are no indication of improved conditions. Targeting of religious institutions and figures on charges of inciting “splittist activities” were carried out. Several people were detained for alleged crimes for which there was no evidence. Secret trials and sentencing of suspected persons were rampant. The last few years have witnessed a slight but noticeable shift in the number of incidents and arrests from the usually restive “TAR” region to eastern Tibetan areas outside the “TAR” such as Sichuan and Qinghai provinces, the traditional areas of Amdo and Kham.

In 2003, China’s sentencing of two Tibetans to death, followed by the swift execution of one of them indicated that the rule of law is not prevalent under the country’s new leadership.

Reports of arbitrary detention, ill-treatment and torture were reported to TCHRD during

the year. Similarly, restrictions over the enjoyment of religious and cultural festivals remained high. This situation remained tensed on special days of the Tibetan calendar, including religious and cultural festivals. Reports of Tibetans being detained and sentenced to long prison terms for exercising freedom of speech and expression were reported to TCHRD. China ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in March 2001.

Religion

Article 36 of China’s Constitution with regard to Religious Freedom states

Citizens of the People’s Republic of China enjoy freedom of religious belief.

No state organ, public organization or individual may compel citizens to believe in, or not 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.

Religious bodies and religious affairs are not subject to any foreign domination.

Restrictions on the right to freedom and practice of religion in Tibet violates the fundamental rights guaranteed by China’s own Constitution and international laws.

In 2003 there was intensification of the drive against the display of the Dalai Lama’s portraits in certain parts of Tibet. Tibetans were threatened with severe consequences such as land confiscation if the orders were

not obeyed. Interference by the Democratic Management Committees in the administrative and religious affairs of monasteries and nunneries in an effort to mould religious studies and practices to fit the framework of Communist ideology remained. Schools imparting religious education, such as the Ngaba Kirti Monastic School in Ngaba Prefecture, Sichuan Province, were ordered closed.

Beijing's attempts to promote atheism in Tibet with political drives such as the "patriotic re-education" campaign and the anti-Dalai Lama campaign have led to the degeneration of Tibetan Buddhism in terms of debating, meditating, writing, thinking and listening.

Gendhun Choekyi Nyima, the XIth Panchen Lama recognized by the Dalai Lama in May 1995, continues to be detained by the Chinese authorities for the eighth consecutive year. China claims the boy and his family are in "protective custody" and has refused to free them despite appeals and pressures from the international community.

Development

The Preamble to the ICESCR states:

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of the 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,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms

The United Nations Resolutions of 1961 and 1965 called upon the People's Republic of

China (PRC) to respect the self-determination of the Tibetan people. China's ambitious development projects in Tibet - which include the Qinghai-Tibet railway project, the South-North Water Diversion Project (SNWDP), numerous dams and hydro-electric power plans in eastern Tibet and plans to modernize Tibet - are devoid of Tibetans' participation thereby denying the "right to self-determination" of the Tibetan people. These economic developments do not respect the sentiments of the Tibetans with regard to their land, culture and religious identity. Serious concerns raised by Tibetans, and critiques on some of the development projects that could have disastrous impact on the environment and ecological balance of the region, have been ignored. The much-vaunted Western Development Program will facilitate extraction of Tibet's natural resources to the benefit of China. The influx of hundreds of thousands of ethnic Chinese workers into Tibet create huge livelihood problems for the indigenous Tibetans. The direct beneficiaries of these development projects are largely Han Chinese in the PRC's industrialized regions.

Subsistence

Article 1. 1 and 2 of the ICESCR states:

All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

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.

Chinese official statements lay claim to having achieved high living standards for the Tibetan people since the People's Liberation Army (PLA) took over the country in 1959. However, studies by the United Nations Development Program (UNDP) and the World Bank indicate otherwise. According to their studies, Tibet remains one of the poorest regions in the world. Many of the government's plans to urbanize and develop Tibet in effect end up marginalizing the Tibetan people. This has created wide disparities between the rich and poor and the rural and urban areas. The economic growth in rural areas remains unchanged and Tibetans continue to live in abject poverty. Tibetans arriving from Tibet can best tell the story of their lives. Every year, an average of 2500 Tibetan refugees flee Tibet in search of freedom and better living conditions.

Beijing's development projects in Tibet have caused serious problems and anxieties among local Tibetans. In the name of environmental protection under the Western Development Program, many local Tibetans are forcefully evicted and resettled against their will. Rampant corruption, discrimination and added political sensitivities drive Tibetans further away from enjoying the benefits of development projects in Tibet.

The SARS crisis in China early in the year exposed the lack of effective community education on health care in Tibet. Coupled with this, and high medical costs, Tibetans are dying from illnesses and conditions that could be easily treated, such as diarrhea or pneumonia. Tibet has a very high rate of tuberculosis. The general unreliability of statistics on health in Tibetan areas often reflects an unwillingness or fear at a local level of being held accountable for poor conditions of health such as malnutrition or an outbreak of disease. Officials in Tibet are often unwilling to report on health issues of particular concern in their local area – as they may prefer to convey the impression

that the situation in the area under their authority is under control.

Education

Article 13.3 of the ICESCR states:

The State Parties to the present Covenant undertake to have respect for 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 by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

Chinese authorities control the system of school education and school curricula that is in total contradiction to official statements that Tibetans control their own education system. Preference given to Chinese language as the medium of instruction has resulted in Tibetan children being unable to read or write in their mother tongue. Parents are forced to send their children to Chinese schools as knowledge of Chinese language is an essential criteria for higher education and future employment. Recently, the authorities in Tibet forced the closure of two Tibetan schools that imparted education based on Tibetan culture and Buddhist philosophy. Tsang-Sul School in Lhasa was ordered closed in August 2002 and in July 2003, Kirti Monastic School was closed down and its patron, Soepa Nagur, disappeared.

The UN Special Rapporteur on the Right to Education, Katarina Tomasevski, upon her return from a two-week official visit to China in September, 2003 expressed dismay at Tibet's literacy which was only 39.5 percent contradicting China's claims to achieving high standards of education for children in Tibet. The Special Rapporteur recommended full

integration of human and minority rights in education policy, law and practice.

This year, TCHRD's *Annual Report 2003: Human Rights Situation in Tibet* focusses closely on some of the major issues of human rights violations in Tibet against the backdrop of China's own national laws and the international treaties it has signed - that require certain fundamental obligations by Beijing with regard to human rights, based upon information and cases received by TCHRD during 2003.

Despite the difficulties and challenges faced by the Centre in its attempts to document accurate information, we have collated enough evidence to convince the world of the existence of gross human rights violations in Tibet today.

Introduction

The People's Republic of China continued its repression of Tibetans' rights to the freedoms of expression and association and denied them proper legal protection during 2003. While the May/June visit of the second delegation of the Dalai Lama to Tibet and China — and the subtle change in China's criticisms of the Dalai Lama — was a source of global optimism, the situation inside Tibet remained tense with no major improvement in human rights conditions.

The year opened with news of the summary execution of **Lobsang Dhondup** who was alleged to have been involved in a string of bomb explosions in eastern Tibet.¹ This judicial decision led to increased fear over China blurring the distinction between the global campaign against terrorism and domestic freedom struggles. China has been criticized by rights groups over this political distortion. Even the then UN High Commissioner for Human Rights, Mrs. Mary Robinson, had warned China against using the campaign on terrorism in the suppression of its ethnic minorities.²

While Lobsang Dhondup's execution revealed China's new strategy to internationalize the non-violent freedom struggle of six million Tibetans as an "act of terrorism", the court's decision has also highlighted shortcomings in the Chinese judicial system.

The PRC's human rights diplomacy has undergone remarkable changes at the turn of this century. Behind its impressive economic and development facade, the Chinese government has created several ways of challenging international criticisms of its human rights record. At the core of this strategy is the initiation of bilateral dialogues on human rights which China now conducts assiduously with countries including Australia, Canada, the US, Japan, Norway and the EU.³ These dialogues have allowed Beijing to preclude consideration of resolutions against its human rights record at the UN Commission on Human Rights since 2000.

China's new human rights diplomacy has also included the so-called "implementation of policies" which are not overtly in contravention of the major international human rights institutions and instruments. This includes China's ratifying of the International Covenant on Economic and Social Rights.⁴ Tibet specific was the release of several prominent political prisoners last year. Beijing has also focussed on bringing about a strategic shift in handling external propaganda.⁵

Throughout 2003 the Chinese government's traditional intolerance towards Tibetans loyalty to the Dalai Lama remained in force. The campaign against possessing or displaying the Dalai Lama's portrait intensified in several parts of Sichuan Province during the year. In some regions, a row of arrests for this "crime" had left the whole population in the grip of fear and uncertainty.

The Kardze "Tibetan Autonomous Prefecture" of eastern Tibet's present-day Sichuan Province remained the plateau's most volatile region in terms of peaceful political protests and cases of arrest and detention. Of the 27 known arrests the TCHRD has reported this year, more than 80 percent occurred in and around this region.

The year also highlighted the deteriorating situation for Tibetans escaping into Nepal and their ordeals during the journey across the Himalaya. We have noted a sharp increase in the cases of Nepalese police forcibly *refouling* Tibetan asylum seekers over to the Chinese authorities. Tibetans making their journey across the mountains faced threats to their lives and security from both sides of the border. Accounts of deaths and arrests as a result of attempting to escape across the border also continued to emerge as more and more refugees reached Kathmandu, the capital of Nepal, by the end of the year.

Judicial repression leads to death sentence for Trulku Tenzin Delek

On 3 April 2002, Chinese police arrested **Lobsang Dhondup** (ch: Lorang Toinzhub) after a bomb explosion in Chengdu, capital of Sichuan Province. There are reports of Chinese officials describing Lobsang Dhondup fleeing the site of the explosion. The blast in Chengdu reportedly led to one death and 17 injured. The Chinese police alleged that Lobsang Dhondup was involved with the explosions.⁶ A few days after Lobsang Dhondup's arrest, on 7 April 2002, Chinese officials arrested a well known Tibetan lama, **Trulku Tenzin Delek** (Chi: Ah-nga Tashi), on suspicion of jointly organizing a series of bomb blasts in Sichuan Province.⁷



Lobsang Dhondup

The two Tibetans appeared before Kardze's Intermediate People's Court on 27 November 2002 in a secret trial. On 2 December 2002, the court sentenced Trulku Tenzin Delek to death with two years reprieve and deprivation of political rights for life for "committing crimes concerning explosions" and also sentenced him to 14 years imprisonment and deprivation of political right for three years for "inciting the split of the country".⁸

The court also sentenced Lobsang Dhondup to death and deprived him of political rights for his alleged role in the explosions. He was also given 12 years imprisonment and deprived of political rights for two years for "inciting the split of the country" along with another three

years of imprisonment for allegedly possessing firearms and ammunition.⁹

In the aftermath of the court's verdict, Trulku Tenzin Delek appealed to Sichuan's Higher People's Court to revoke the death sentence.¹⁰ During a closed retrial on 26 January 2003, the Higher People's Court stayed the earlier verdict. The same court upheld the verdict on Lobsang Dhondup and he was summarily executed on 26 January 2003.¹¹

The Chinese police and prosecutors imprisoned and tried Trulku Tenzin Delek solely on the alleged confession of Lobsang Dhondup. The officials also claimed that Trulku Tenzin Delek confessed his involvement during the investigation. However, according to unofficial reports, including eye-witness accounts and Trulku's testimony, there are solid reasons to believe that Lobsang Dhondup's so-called confession was the result of coercion. The reports have indicated the use of torture and beating on Lobsang Dhondup while he was under detention.¹²

Contradicting the statements of the Chinese official's, reports received by TCHRD also confirm that Trulku Tenzin Delek opposed the verdict and declared his innocence. It is learned that during the course of the trial¹³ and also through a recorded cassette, Trulku had denied any involvement in anti-national activities and had demanded a fair trial. In a secretly recorded message, smuggled out of Tibet, he said:

Whatever [the authorities] do and say, I am completely innocent... When I heard about the explosions and Lobsang Dhondup, I suspected that I might be wrongly accused and arrested—that I might become a scapegoat.

I was wrongly accused because I have always been sincere and devoted to the interests and well-being of Tibetans. The Chinese did not like what I did and what I said. That is the only

reason why I was arrested... I have always said we should not raise our hand at others. It is sinful...I have neither distributed letters or pamphlets nor planted bombs secretly. I have never even thought of such things, and I have no intention to hurt others. ¹⁴

Pitfalls in China's judicial system

The 1997 PRC's amended Criminal Procedure Law (CPL) was hailed by many as China's step towards giving law its due place.¹⁵ The amended law incorporates several new provisions including allowing defendants far greater legal representation and scope for guaranteeing the rights against getting punished unless proven guilty by the court. It additionally safeguards the citizen's basic rights to life and freedom. However, a close analysis of the events after the arrest of both Trulku and Lobsang Dhondup reveals how China has entirely failed to implement the new judicial guarantees enshrined in the amended Criminal Procedure Law.

Both Trulku Tenzin Delek and Lobsang Dhondup were denied fair and adequate judicial representation. The Chinese Criminal Procedure Law now provides the right to legal defense for a detainee through access to a lawyer of his choosing.¹⁶ It also allows the arrested person to get legal counselling before the public prosecutor takes the case to a court.¹⁷ In addition, the court can designate a lawyer in the event of the failure of the defendant to arrange counsel.¹⁸

Reports received by TCHRD now confirm that Trulku Tenzin Delek was not allowed to seek his own choice of lawyers during his secret retrial at Sichuan Higher People's Court. When he lodged his appeal to the higher court, his brother, Tsering Lolo, hired two high profile Chinese lawyers Zhang Sizhi and Li Huigeng — from Beijing to defend the case. But Judge Wang Jinghong of Sichuan Higher People's Court at a later stage refused their representation. The court instead

appointed the same lawyers who had earlier represented the two defendants at Kardze Intermediate People's Court. ¹⁹ It is not certain if even these two lawyers were allowed to mount a defence in the court since the retrial was held in camera. We also remained concerned whether Trulku Tenzin Delek had ever been consulted about being refused his choice of lawyers.

There is no official clarification as to why the judge took such a step, but the court's order to prevent Trulku Tenzin Delek from receiving a more adequate and fair trial could be interpreted as politically motivated. It has been recorded in several unofficial reports that for sometime Trulku Tenzin Delek's social activism and popularity had put him under the suspicion of the local authorities. They had even attempted to arrest him in 1997 on the grounds that he was building monasteries without a legal permit.²⁰ The arrest of Lobsang Dhondup, who was related to Trulku Tenzin Delek, probably came as an opportunity to indict the Tibetan lama and score over the authorities earlier failures. This is certain with the summary execution of Lobsang Dhondup whose testimony remains the basis of evidence against Trulku Tenzin Delek. Lobsang Dhondup's death has impaired Trulku's chance of receiving a fair re-trial.

Illegal pre-trial secret detention

There was hardly any information on the whereabouts of Trulku Tenzin Delek and Lobsang Dhondup for almost seven months following their arrests. This was a direct violation of Article 64 of the Basic Law which requires the Public Security Organs to inform the family or the work unit of the detained person about the detention within 24 hours.²¹ This provision, if implemented effectively, would have helped in preventing the security officials from abusing their power during the pre-trial period. Trulku Tenzin Delek was known to have been arrested on 7 April 2002, however any information on his whereabouts became known to his disciples only on 27

November 2002 when both Trulku and Lobsang Dhondup were brought to the Kardze Intermediate Court for trial.²² Until then both were held incommunicado under the pretext of the case involving “state secrets”.

The routine denial to Tibetans of the rights of those detained to be informed, of relatives or friends and for detainees to receive proper legal defense is also a violation of rights to equality before the law as recognized in Article 10 of the UDHR and Article 14(1) of the ICCPR.

China's Criminal Procedure Law also requires death sentences to be reviewed and sanctioned by the Supreme People's Court.²³ Consequently, Chinese officials assured US Secretary for Labor Mr Lorna Craner, during his visit in December 2002, that a summary review of the case would be made by the apex court.²⁴ The fact that the death sentence was upheld during a secret re-trial and carried out on the same day violated the very letter and heart of China's basic law.

New anti-terrorist laws target Tibetans

The Chinese government has used the global campaign against terrorism to back up its campaign of suppressing peaceful Tibetan dissent. The remarks by Chinese officials suggested strongly the linking of Tibetans with act of terrorism.²⁵ During a press conference at the Chinese Embassy in Washington D.C, Xiaowen Ye, Director of the State Administration of Religious Affairs, left little doubt about this by comparing Trulku Tenzin Delek with Osama Bin Laden.²⁶ Indicating strongly the government's intention to establish the notion of Tibetan terrorism, the Chinese military on 17 November 2003 staged a day-long anti-terror exercise, “Himalaya 03” in Lhasa, the Tibetan capital.²⁷

China's campaign against terrorism has broadened since the September 11 attack on the US. In December 2001, the Chinese Criminal Law was further amended with the

inclusion of more severe measures against acts of terrorism.²⁸ Concerted efforts toward using the campaign in other regions outside Xinjiang began by March 2002 with the creation of a special unit to deal with “terrorist crime” by the Ministry of Public Security.²⁹ The intensification of the crackdown on separatist groups in Xinjiang was coupled with the harsh punishment of three to 10 years of prison for those convicted under the crime.

The execution of Lobsang Dhondup could well be the precursor to China's indiscriminate use of the clause against terror activities in the criminal code to suppress Tibetans.

Arbitrary arrests over Trulku case

During this year an increasing number of Tibetans were arrested and detained because of their political and religious convictions. This shows clearly China's continuing campaign against Tibetans' active defiance against the repression of the Chinese government. These cases also reflected the pitfalls in the Chinese judicial system which has often resulted in the miscarriage of justice for Tibetans convicted of political crimes.

Around 80 Tibetans were feared arbitrarily arrested and detained for varying time periods in connection with the Trulku Tenzin Delek case.³⁰ Among them TCHRD received confirmed information on eight Tibetans who were held for almost a year without charges and trial. More arrests were carried out after Lobsang Dhondup's execution. Detainees were suspected of meeting foreigners and relating details which had brought about a heightened awareness of the case.³¹

Lobsang Tenphen, a close relative of Trulku Tenzin Delek, was arrested on 12 February 2003. He was held for almost seven months without his family being informed about his condition.³² His disappearance caused great anxiety to his family. It was reported that the Chinese arrested Lobsang Tenphen on suspicion of raising funds to arrange for the



Lobsang Tenphen

release of Trulku Tenzin Delek. He was later tried and sentenced to five years in prison.

Information on **Luzi Tashi Phuntsok**, who was arrested on 17 April 2002, also surfaced in 2003. He was reportedly charged with colluding with Trulku Tenzin Delek and in November 2002 he was sentenced to seven years imprisonment during a secret trial.³³ It is not clear if both Lobsang Tenphen and Tashi Phuntsok ever had any opportunity to instruct lawyers to defend their cases or if they were allowed to plead their innocence while they were tried in the court. Due to the lack of information, it is difficult to ascertain the existence of even the minimum standards of fair trial as recognized by international human rights instruments.

In another incident, on 11 April 2003, the Chinese authorities arrested two monks from Labrang Tashi Kyil Monastery in Sangchu County, Gansu Province. **Kunchok Choephel** and **Jigme Jamtruk** were caught in possession of booklets containing speeches of the Dalai Lama. Both the monks are known for their involvement in political activities, once together in 1990 and again separately in 1995. While Jigme was released due to his earlier post as a member of the Democratic Management Committee of the monastery, Kunchok remained detained and held incommunicado. His family tried hard to get some information on his whereabouts, but Public Security Bureau (PSB) officials remained non-cooperative in divulging any information.³⁴

Detention beyond prison terms

A relatively high incidence of Tibetan prisoners having their sentences extended were recorded in the past several years. Among the more prominent political prisoners was **Takna Jigme Sangpo** — now released on medical parole — who had his term extended three times bringing his sentence to 41 years.³⁵ Nun **Ngawang Sangdrol**, who is also now freed on medical parole, shares a similar situation and served a total of 21 years in prison.³⁶ Around 27 prisoners received sentence extensions after a prison protest in Lhasa's Drapchi between 1-4 May 1998.³⁷

Most of the sentences were extended as a punitive measure against those prisoners who continued to challenge the official position on certain issues like loyalty to the Dalai Lama and support for China's policy in Tibet. Extended detention is also applied against those whose position and personality stands to draw more attention from the international media and rights groups.

In 1993, 14 nuns in Drapchi prison secretly recorded songs on audio tape eulogizing their homeland and the Dalai Lama. The nuns' songs were smuggled out of Tibet and became the symbols of the indomitable spirit of the Tibetan political prisoners languishing in various prisons in Tibet spread across the plateau. Later on, all the nuns received sentence extension ranging from five to nine years.³⁸ As of now, two of these nuns are still known to be serving prison terms. One of them, **Phuntsok Nyidon**, is currently serving a cumulative sentence of 17 years and is said to be in critical health.³⁹

This year TCHRD continued to receive information of Tibetans being detained beyond their prison terms which is also clearly in violation of China's Basic Law. According to the amended Criminal Law, a prisoner serves a fixed prison term from the day he is held in

custody for interrogation.⁴⁰ Any extended detention without due notice is to be considered in contravention of the law.

In August 2003, TCHRD learned about **Champa Chungla**, still being held in detention even though he should have been freed by 16 May 2003. Champa Chungla was the secretary of the search committee for the reincarnate XIth Panchen Lama. He was also a close aid to Chadrel Rinpoche, abbot of Tashi Lhunpo Monastery in Shigatse who headed the search committee. Champa Chungla was serving a four-year prison term and would have completed his term on the aforementioned date.⁴¹ However, the report of his continuing detention clearly demonstrated China's persisting practice of detaining Tibetan prisoners beyond the mandated period.

The strength of **Chadrel Rinpoche's** faith in the Dalai Lama is so strong that he refuses to succumb to Chinese pressure. The Chinese police arrested Chadrel Rinpoche in May 1995 and after a trial sentenced him to six years prison for "conspiring to split the country and disclosing state secrets". He has already served the full term of the court-imposed sentence in prison; and additionally Chinese official statements confirm that he is a free man though not allowed to go back to his monastery.⁴² However, he has not been seen since his arrest and to date there have been no reports on his whereabouts. Unofficial reports in April 2003 suggested he is still being held under house arrest or worse.⁴³ If he is being held in house arrest beyond his sentence, this violates China's own law and also the international norms which recognize arbitrary detention as:

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)

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 Rights and also, in respect of State parties of the International Covenant on Civil and Political Rights. ⁴⁴

Striking hard beyond the "TAR"

A manifestation of China's overbearing concerns with the nation's stability has been Beijing's continuing attempts at thwarting the influence of the Dalai Lama in the "Tibet Autonomous Region" (TAR). The whole gamut of steps and measures intended to control any expression of allegiance to the Dalai Lama was put under the rubric of the Strike Hard Campaign, a campaign started first in Mainland China to fight crime and corruption.

In Tibet the campaign was launched with the purpose of clamping down on Tibetans' dissent with steps like "patriotic education" and banning of the Dalai Lama's photos. During the implementation of this campaign, "work teams" frequently visited the major institutions and religious centres and conducted regular meetings to force the monks and nuns to denounce the Dalai Lama. In secular society, the government monitors the populace to prevent them from keeping any photos of the Dalai Lama and at some point even forced Tibetans with official posts to recall their children from Tibetans schools in India.

The Strike Hard Campaign in the "TAR" was almost completed by 2001. Since this campaign was focused mainly on "TAR", the Tibetans in other regions have exercised relatively more freedom in this matter throughout that time. Things have begun to change with increasing cases of arrest and detention now taking place in non-"TAR" regions during the past couple of years.

Focus shifts outside the “TAR”

Reports received during the year 2003 showed clearly the shifting focus of the State-organized campaign against the Dalai Lama. The fact that Tibetans living outside the



Monks arrestees from Khangmar Monastery

“TAR” are putting up a strong resistance to this campaign is demonstrated through the high number of cases of arrests and detention occurring in places like Kardze and Lithang in Sichuan Province.

Six Tibetans from Khangmar Monastery in Marthang County of Ngaba “Tibetan Autonomous Prefecture”, Sichuan Province, were arrested in mid January 2003 after the Chinese authorities came to know about their involvement in a prayer session held for the long life of the Dalai Lama. Four of them who were monks — Sherthar, Soepa, Tsogphel and Woesser — were also caught with a portrait of the Dalai Lama. The monks were tried in August and sentenced to 12 years imprisonment. The severity of their punishment for the alleged crime of possessing photos of the Dalai Lama highlights the shift in China’s policy of stifling the religious and political freedom of Tibetans living outside “TAR”.⁴⁵

The Chinese authorities and “work teams” in Kardze and Lithang counties, Kardze “Tibet Autonomous Prefecture”, Sichuan demanded on 11 and 12 November 2003 that citizens hand over any portraits of the Dalai Lama. According to one report from the region,

during the meetings the Chinese officials expected the Tibetans to give up their photos voluntarily; when the villagers did not comply, the official threatened the Tibetans with confiscation of their landholdings.⁴⁶ Furthermore, TCHRD has received information this year of mass arrests taking place in October 2002 in Kardze County as a result of the community holding prayer sessions for the Dalai Lama. Pema Tsewang, a monk from Kardze Monastery who escaped to India in May this year, described the situation in his hometown during that time as “gripped in tense fear” following a string of arrests.⁴⁷ According to him most of the organizers of the prayer session were arrested and given three-year prison terms. The prayer sessions were held in almost all the Tibetan villages in Kardze County, generating a huge participation of average Tibetans. The monk expressed fear over the safety and life of those who have been arrested.

In August 2003, the Chinese authorities forced the residents of northeastern Tibet’s present-day Qinghai Province to take part in an official visit by the Beijing-appointed Panchen Lama Gyaltzen Norbu (Chi:Gyancian Norbu). TCHRD learned that the visit of the teenage lama was lavishly funded with 80,000 *yuan* (approx. US\$ 9,450) being spent in rebuilding infrastructure to give their China’s chosen lama a stage-managed reception. The authorities ordered the local populace to welcome their candidate for Panchen Lama. He spent most his time at Labrang Tashi Kyil; however, since only a few monks attended his teaching sessions, the authorities had to order monks from a nearby monastery to attend the sessions.⁴⁸

Security was intensely tight at the time of the youth’s visit. As soon as he left, the local populace vented their displeasure over the visit by pasting pro-independence posters. This incident resulted in several arrests and investigations. The officials had even made the detained monks jot down words to check their handwriting against the posters.⁴⁹ No further information reached TCHRD since this report.

Demonizing the Dalai Lama and suppressing dissent

This year there was less information available on cases of arrest and detention coming from the “TAR”. However, this does not suggest any change in China’s policy in the region. After almost a decade of enduring well-documented and well-planned policies like “patriotic education” and other restrictive measures in the “Tibet Autonomous Region”, residents of Central Tibet have now become more aware of the consequences they have to face for overtly expressing dissent.

Further still, the atmosphere of fear and intimidation which now prevails has given less scope for getting reliable information out of the region. The atmosphere of fear has been described most succinctly by a senior monk, now in exile. He says, “These days when people are arrested often nobody knows except the immediate family, and sometimes they don’t even know for some time. Once all of us in a monastery would hear very quickly if a monk from our monastery died in prison or after release, but now the families are generally too scared to talk about it, and are often warned not to do so by prison officials. So it sometimes took months for the news to reach us when this happened.”⁵⁰

Despite such obstacles, TCHRD continued to receive information of arrests during the year which supported our conclusion that the Chinese are persisting in their campaign against any semblance of challenge to their authority and more specifically to demonize the Dalai Lama.

In June 2003, TCHRD learned about the arrest of three Tibetans in Lhasa on suspicion of “separatist offences” and “splitting the motherland, undermining unity of nationalities and violating the constitution”.⁵¹ The Chinese official later confirmed about the arrest of two Tibetans namely **Yeshe Gyatso**, a member of the Chinese People’s Political Consultative Conference (CPPCC), and **Dawa Tashi** a student of Tibet University. They were

arrested on 16 June, three weeks before the Dalai Lama’s 68th birthday.

Despite the official confirmation of the arrests the exact offences committed by the two Tibetans are still not known. It was reported that the Lhasa City People’s Intermediate Court later sentenced Yeshe Gyatso to six years in prison.⁵² The fact that Yeshe Gyatso is already around 70 years old seems to have had no bearing on the court’s decision. The name of the third detainee, Bhuchung, was not mentioned in reports.



Nagchu Annual Horse Racing Ceremony
©Tashi Wangdu

In our earlier reports we have described how the Chinese authorities increase repression and surveillance during important Tibetan festivals. As seen over the years, official paranoia over Tibetans’ devotion to the Dalai Lama is the major reason for the authorities intensifying control over public observance of any day that is linked with the Dalai Lama.⁵³ Though China boasts of increased prosperity and a more relaxed policy in Tibet, the continued arrests of Tibetans show the institutional control over religious and political liberties.

In December 2002, the Gyantse Public Security Bureau (PSB) arrested 65-years-old **Nyima Tsering**, a former Tibetan teacher in Gyantse, “TAR”, on charges of distributing pro-independence pamphlets. In December 2003 TCHRD learned that in June 2003 the Gyantse Intermediate People’s Court found him guilty of “inciting the masses” and sentenced him to five years prison.⁵⁴

Busking will also attract the long arm of Chinese law if the songs include phrases about the Dalai Lama and Tibetans in exile. At the end of 2001, in Lhasa, a song with the lyrics “Lhasa has not been sold, India has not been bought. It is not that the Dalai Lama doesn’t have a place to stay” was suspected to contain a political message. It has been reported that the busker, Phumlak, was swiftly arrested by the Public Security Bureau police and reportedly beaten at the time of his arrest.⁵⁵

Interrogation via torture and beating

In September 1988 China ratified the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and became a party to the Convention on 2 November of the same year.⁵⁶ The Chinese government has adopted laws to implement the standards of CAT, which prohibits torture and other coercive methods. Article 43 of China’s Criminal Procedure Law (CPL) guarantees its citizens with protection against torture.⁵⁷ The basic



Nyima Drakpa

law considers the use of torture and other ill treatment by law enforcers and law agencies as a punishable crime.

Tibetan prisoners were tortured and abused in prisons and in the course of interrogations over alleged crimes during the past year despite the adoption and enactment of the legal protections indicated above. The testimonies of several former prisoners received by

TCHRD clearly indicate that Chinese police and other officials continue using torture to coerce confessions.

Nyima Drakpa, a Tibetan monk, died on 1 October 2003 at his home in Tawo County, Sichuan Province after he was released from Tawo County Detention Centre in early September on medical parole. He was serving a nine-year prison term as a result of his involvement in pro-independence activities. The cause of his death pointed clearly to his deteriorating health, and it has become clear through a letter written by the deceased that his health complications were caused by the regular beatings and torture inflicted during his prison years. He wrote:

“Right from the start, without even asking me a single question, they started beating me like beating a drum and rendered me incapable of uttering even a word. They gave me neither a mouthful of food nor a drop of water to drink, and immediately took me in a



Tenzin Phuntsok

plane back to Chengdu. Upon arrival in Chengdu, they let a few Chinese police officers beat me up. Those reincarnations of the black devil himself, in the form of Chinese cadres, pinned me down and beat me so mercilessly that I became half dead and half alive. I fell unconscious. It was around 11 at night. I sensed that my whole body hurt with excruciating pain and it was impossible to move properly. In particular, I realized that

both my legs had turned numb and devoid of any sensation.”⁵⁸

On 8 September 2003 **Tenzin Phuntsok**, aged 64 died, at a hospital in Shigatse in “TAR”. He hailed from Khangmar area of Shigatse and had frequently travelled to India on pilgrimage. The Chinese police arrested and took him into custody on 21 February 2003, following a house raid on suspicion of involving in “political activities”. Though there are no verifiable facts which prove the use of torture, sources close to the deceased believe the cause of his death to be Chinese official maltreatment and abuse while he was interrogated. Tenzin Phuntsok was in a good health before his arrest. Chinese officials had not given any reason or explanation to his family members — his wife, an old mother and 11 children — of how and when he was taken ill.

TCHRD received unconfirmed information in April 2003 about the serious condition of Tsering Dhondup who worked as the head of Othok Village in Nagchuka County, “TAR”. The Chinese PSB had arrested him on 7 April 2002 in connection with the case against Trulku Tenzin Delek. It has been reported to TCHRD that during his detention at Dartsedo Detention Centre the authorities tortured him so severely that he was left with both legs broken and an eye blinded. Tsering Dhondup's condition was reported to be so serious that when he was sentenced the prison in Nyakchuka County refused to be responsible for his transfer from the Dartsedo Detention Centre.⁵⁹

It is not uncommon to hear accounts of torture and beatings faced by Tibetan prisoners. Time and again concerns have been raised over this practice and the impunity enjoyed by prison officials. However, the Chinese government's claims of adhering to international human rights norms goes unfulfilled and demands greater scrutiny since the extreme maltreatment of prison inmates continues to lead to hospitalization and death.

Solitary confinement

Besides the torture and beatings, another form of maltreatment and prison abuse of the inmates is solitary confinement or long term isolation. It is likely that this malpractice is still widely used as a means of punishing those prisoners who do not conform to the official demands.

Takna Jigme Sangpo, one of the high profile prisoners now released on medical parole, has explicitly mentioned about such punishment still being carried out in Drapchi Prison. In his 2003 testimony to the 59th UN Human Rights Commission, Takna Jigme Sangpo asked for leniency towards two of his former prison companions, Sonam Tsewang and Tingka, who have both been confined in a blackened cell since 1999 at Drapchi Prison's Block Ten. He has categorically stated to the continuing suffering of these two Tibetans under such inhuman conditions. As a victim himself of similar inhuman treatment during his decades in prison, he requested the UNCHR's Working Group on Arbitrary Detention to get a firsthand report on the two prisoners and not accept Beijing's official claims.⁶⁰

New dangers to escaping refugees

It was a problematic year for the Tibetans attempting to escape to exile. The situation on the Tibet-Nepal border remained highly controlled with the tightening of security and China's increasing political pressure on the government of Nepal. Beijing's resolve to stop Tibetans fleeing to freedom was spelled out by Sun Heping, China's Ambassador to Nepal, when he reasserted the Chinese policy of not accepting the existence of “Tibetan refugees”. He described the Tibetans fleeing into exile as “illegal immigrants” and said there is no refugee problem between China and Nepal. He also reiterated his government's intention to take stricter measures to stop the Tibetans fleeing their homeland.⁶¹

On 19 February 2003, at a meeting conducted in Lhasa by the all “TAR” border security patrol, participants lauded their successful campaign to stop Tibetans fleeing their homeland in the past year. It was recorded:

The border is secure and illegal crossing curbed. In 2002, the border patrol arrested 428 Tibetans, five guides and 93 sensitive reactionary literatures were seized from separatists.
62

Nepal is not a party to the 1951 Refugee Convention and its 1967 Protocol. However, by and large, Nepal has fulfilled its obligation as a member of the UN by giving residency rights to several thousand Tibetans.⁶³ With an average of around 2,500 Tibetans continuing to flee into Nepal every year, the royal government has been generous in providing



Tibetan woman demonstrating against deportation © Robbie Barnett

transit route for Tibetan asylum seekers in cooperation with the United Nation High Commissioner for Refugees (UNHCR).

An unwritten code of understanding — more popularly referred to as a “gentlemen’s agreement” — essentially allows the UNHCR to continue its mission of providing necessary assistance by declaring a Tibetan asylum seeker a “person of concern”. Since this verbal agreement requires Nepal’s authorities to turn over Tibetan asylum seekers to the UNHCR after they enter Nepal, the Tibetans have found the escape journey across the

treacherous Himalayan mountains an attempt worth taking.

Notwithstanding the commitment to the “gentlemen’s agreement” and its hospitality to Tibetans refugees, the China-Nepal geo-political factor has always put the country in an awkward and difficult position.⁶⁴ Pressure by the Chinese embassy in Kathmandu has become more pronounced in 2003, resulting in increasing incidents of arrests, detention and deportation of Tibetans. In several cases the apprehended Tibetans were taken into custody and faced exorbitant fines. Those who failed to pay received sentences of three to 10 years in prison.⁶⁵ This development has no doubt sent a strong message to the Tibetans in Tibet and in exile of China’s increasing influence and has brought about a sense of helplessness among them.⁶⁶

In mid-April 2003, a group of 21 Tibetans managed to enter Nepal. However, they were arrested in a town near the capital, Kathmandu. Eighteen were later transferred to Dilli Bazaar Jail on the outskirts of Kathmandu, fined about US \$70, and then sentenced to three to 10 months in prison when unable to pay the fine.⁶⁷

In late May 2003, speculations began to mount over the Nepalese officials’ plans to deport the 18 detained. The UNHCR appealed directly to the government of Nepal against them handing over the escaping Tibetans to Chinese security. In its appeal the UN refugee agency wrote:

The detained Tibetans have requested UNHCR’s assistance and we have strong reason to believe that they would be of concern to us. However, despite several requests, we have not had access to the 18 so that we can assess their claims through individual interviews. According to agreed procedures regularly used by Nepal and UNHCR in the past, we would facilitate the onward travel to a third country of any Tibetan new arrivals in

Nepal who are found to be of concern to us. ⁶⁸

Despite UN intervention, on 31 May 2003, Nepal's police forcibly handed over the 18 Tibetans to the Chinese authorities. ⁶⁹ In an event reminiscent of the North Korean asylum seekers being evicted from the Japanese consulate in northeast China in May 2002, the PRC authorities yet again showed complete disregard for the basic human rights of Tibetans by coercing the Royal Government of Nepal from the confines of their embassy in Kathmandu.

A witness reported that the group of detained Tibetans had initially resisted being moved into a van (without number plates) which transported them to another police station and eventually across the "Friendship Bridge" at the Nepal-Tibet border. Officials from the Chinese Embassy escorted the van from Dilli Bazaar Jail to the border. The eyewitness account bears out this sequence of events:

On the way we heard that the prisoners were being switched from a police van to another vehicle at a place called the Police Club, and we got there just as they were being driven out in the new van, a modern, nondescript Toyota minibus with no plates. We wouldn't have known at all that this was the bus with the prisoners if a Tibetan lady, the only other person there, hadn't thrown herself screaming on the ground in front of the bus to try to stop it leaving. That gave us time to get to the bus, take some pictures, and to get into our car and follow them. Between us and the prisoners was a smart Chinese Embassy SUV with a Chinese official, a driver and a Nepalese official in plain clothes. ⁷⁰

Nepal's acquiescence to illegal Chinese pressure is of concern to rights groups and the democratic world. Judging from the increasing number of Tibetan asylum seekers now facing

administrative custody and forced deportation, Nepal has clearly breached the stated principles of its "gentlemen's agreement" with the UN. The current situation of Chinese officials working hand-in-glove with Nepal's police has placed an added deterrent on Tibetans escaping the colonial regime in their homeland.

Nepal's government has denied any change in its policy towards the Tibetans crossing its border. Speaking at a press conference in June 2003, the minister for foreign affairs, Mr. Narenda Shah said:

The standard practice is that every time we nab the Tibetans fleeing from Tibetan Autonomous Region of China, we launch a thorough investigation into their allegations of torture and persecution in Tibet and either deport them or hand them over to UNHCR [UN High Commission for Refugees]. This time, too, same procedures have been followed. ⁷¹

Despite the rhetoric and justification of national policy, the forced repatriation of the 18 Tibetans included some as young as 13 years. ⁷²

Chinese brutality at the borders

Besides the extreme consequences of being detained by the Nepalese police and forcibly deported, the Tibetans also fall victim to the dangers of facing Chinese border security patrols during their treacherous escape journeys. The uncertainty to their life and security is confirmed by the harrowing stories of physical hardship endured while trekking across the inhospitable mountainous terrain, exacerbated by the constant fear of being caught on the way. In some incidents asylum seekers are also caught in indiscriminate firing by Chinese border patrols.

Gedun Rabgyal, a monk from Machen County in Golok "Tibet Autonomous Prefecture" (TAP), Qinghai Province, who reached Nepal

in October 2003, had a close shave with death during his escape in a group of 34. He was among the lucky few who managed to reach the Nepal side of the border unharmed and safe. However, 17 members of his group were not so lucky; they were arrested after a Chinese border patrol fired on them. He testifies:

There were 34 people in our group, mostly from Golok “TAP”. On 11 September 2003, when we reached near Mount Everest, eight Chinese border security personnel fired at us. The group panicked and started to run for safety. Some of us could run away from the spot but 17 people were arrested. Some of them might have been shot during the random firing. From a safe distance I could see the border security personnel beating and leading the arrestees away. ⁷³

Another group that reached Nepal in September 2003 related a similar though even more tragic experience during their journey. Chungdak, aged 19, was escaping with a group of seven — mostly girls in their teens. On the morning of 17 September they were suddenly warned of Chinese security personnel in the area by one of their guides. As they tried to escape along the precipitous mountain path, her companion, Diki Tsomo, 17, fell into a crevasse. Chungdak recalls:

Diki was shouting for help. We couldn't see her but could hear the gush of snowmelt flowing at the bottom. One of the men was carrying a long rope and we tied our mufflers and belts to it to try to rescue her. Unfortunately the rope snapped when we pulled her half way up.. Diki told us to leave her behind and go ahead. I think she might have thought that we might get caught by the border patrol. We didn't give up easily. We tried again with our sweaters and shirts. It was not long enough. When we called her

*name, there was no response. She had died from the cold.*⁷⁴

Deportees' hardships in labour camps

In recent annual reports, TCHRD has highlighted the uncertain future that lies ahead for Tibetans who are either deported back to Tibet by Nepal, or those who are arrested by Chinese border patrols or during their escape into exile. Many are detained without trial under China's system of administrative detention called “re-education through labour” for as long as three years.

Many refugees who have been incarcerated in Chinese detention centres after their failed attempts to escape have given information on the deplorable conditions in such facilities. Their testimonies reveal the horrific conditions the prisoners have to live in — conditions which do not reach even the minimum standards recognized by the international human rights instruments.⁷⁵ The harsh conditions in these labour camps are made worse by the way Tibetan prisoners are treated by the Chinese guards. They are constantly subjected to harsh and menial labour in sub-human conditions.

In light of such testimonies, TCHRD has been concerned from the outset over the fate of the 18 Tibetans deported in 2003 who we fear are facing arbitrary detention and maltreatment at the hands of the Chinese police. As of September, seven of the 18 were still languishing in the newly-established prison, “Tibet's New Reception Centre”, in Shigatse.

An unofficial report which reached the International Campaign for Tibet based in Washington, D.C., described the way the 18 deportees were subjected to torture. According to anonymous former prisoners, the 18 deportees were beaten and tortured with electric batons. Prison officials inserted sewing needles between one of the prisoner's fingernails and flesh in an attempt to revive him from unconsciousness.⁷⁶

Another group of four youths was detained in early August 2003 and handed over to the Chinese police. They were reportedly held in Shigatse Detention Centre. By one account recorded at the Tibetan Reception Centre, Kathmandu, the four youths were caught at the Nepali border town, Tatopani, and immediately handed over to the Chinese police by Nepalese officials without informing the UNHCR. Further information on their status has not yet appeared.⁷⁷

With the approaching of winter, the volume of Tibetans attempting to escape into exile is bound to increase. However, with restrictions tightening up on both sides of the border during 2003, compared to earlier years, the prospect of more Tibetans getting across into Nepal remains very slim. There is also mounting concern over the possibility of escaping Tibetans facing detention, deportation and becoming targets of official suspicion.

Censorship: the new challenges

The world at large enjoys the freedom to receive objective, unbiased information on the situation across the planet. However, the Chinese government has denied this right to Tibetans on the plateau for the last more than 40 years.

But with globalization, and the radical revolution taking place via information technology, more choices of media are now available to make up for the denial of this free access to information. Radio has come to play a very important role in filling this gap. Tibetan radio channels broadcasting from the free world have become a reliable source of information for news-deprived Tibetans living under PRC rule.

From the beginning, the radio programmes have played a very important role in transmitting and interpreting the world news. The responses the radio channels have received from listeners in Tibet have shown the profound impact their broadcasts have on the populace. Currently there are three major

radio channels in Tibetan language which have established a strong listener base in Tibet: Voice of America (VOA), Radio Free Asia (RFA) and the Voice of Tibet (Vot) based in Norway.

Radio jamming

Despite the success and future promises of this medium of communication, radio broadcasting on the Tibetan Plateau has faced considerable challenges — ironically not due to the remote geographical location. These radio channels are constantly confronted by the Chinese government's restrictions banning access through regulations and jamming activities. As outlined in our 2002 annual report, the Chinese government interferes into the radio waves by intercepting the frequency with "hi-tech equipment to cause aural disturbance and jam airwaves".⁷⁸ The PRC continued to block reception of these radio broadcast throughout the year 2003.

China's Great Fire Wall

The other medium which has now gained worldwide dominance and has the best potential to become the all-pervasive mode of communication is the internet. The internet revolution is already sweeping China at an incredible pace and Beijing finds it the major new hurdle in their efforts to curtail the free flow of information. Some analysts are of the optimistic view that "the internet stands to become the most powerful engine for democratization and the free exchange of ideas ever invented... and would bring to so many millions of enslaved people around the globe ... the tools to outwit the thought people".⁷⁹

The Chinese government continues to tighten its noose over the accessibility of free and uncensored information. It has banned the use of certain websites perceived as threatening to national security. Access to them is through a filtering mechanism dubbed The Great Fire Wall.⁸⁰

The Great Fire Wall is designed to block hundreds of websites. Working in close tandem with the technical automated mechanism, Beijing has also set up a cyber system called the “golden shield” within the Ministry of Public Security. The “golden shield” operation has already employed a cyber police force of 30,000 to keep round-the-clock surveillance on so-called “internet dissidents”.⁸¹

Beijing’s determination to stifle the free voice of internet was conclusively revealed in 2002 with the research finding by Harvard Law School that the Chinese government was maintaining close surveillance of internet users. Two global search engines — Google and Altavista — faced a particularly difficult phase in their otherwise booming businesses. When Beijing completely blocked the two websites in September 2002, the issue grabbed global headlines. After lodging complaints over China’s targeted way of filtering websites, Google access was restored within a week, but in truncated format. The new Google was found to “lack the ability to search controversial terms like the names of Chinese political leaders. Searches using such terms yield no results — and sometimes also cause a “timeout” of up to 30 minutes when the user’s internet connection ceases to function.”⁸²

The UN Under-Secretary for Communications and Public Information, Shashi Tharoor, stressed the need of the government to “give internet the same boundaries as more traditional media” during the General Assembly’s Economic and Financial Committee in New York on 23 October 2004.⁸³ However, the Chinese apply their own logic.

Mr Wang Xudong, China’s Minister of Information Industry at the World Summit on the Information Society (WSIS) held in Geneva on 10 December 2003, endorsed the need for guaranteeing freedom of expression and human dignity.⁸⁴ Yet China’s cleansing of websites with keywords like Democracy,

Taiwan, Dalai Lama, etc, prove that China’s verbal commitments to encourage a more efficient information society are a form of deceit. The availability of objective and impartial information on Tibet is denied for Tibetans on the plateau. A research study of internet intervention in China has detected the blocking of more than 60 percent of Google’s top Tibet sites.⁸⁵

While Beijing exercises obsessive control over the internet, it has now taken to launching its own websites to further disseminate censored information to its populace. An interesting change for the Tibetans’ web world has been the Chinese government’s upgrading of its official websites on Tibet.

By the end of 2002, the PRC had launched several localized websites on Tibet with diversified contents. The sites focussing on the various regions of Tibet are mostly in Chinese language and show a distinct change in the way China is now presenting Tibet to the world and its own people. The new portals promote Tibet as the ultimate tourist destination, depicting the plateau as no less than Shangrila with its people living a life of unprecedented happiness and prosperity. The footage touches mostly on Tibet’s culture, way of life, and changing economic conditions. However, the introduction of the regional websites has not revised the standard Chinese interpretation of Tibet’s history, and certain aspects of Tibetan culture are glossed over. The websites fail to live up in their claim to be an “objective view window onto Tibet for China and the world”; instead the websites present Tibet through Chinese perceptions.⁸⁶

Conclusion

The execution of Lobsang Dhondup and the suspended death sentence on Trulku Tenzin Delek puts into question any promise of China treading a path towards being a nation respecting law. The fact that both Lobsang Dhondup and Trulku Tenzin Delek didn’t receive any chance for a fair and just trial

should be reason enough to fear for the future of any Tibetans arrested or detained on similar allegations.

China's misinterpretation of a section of criminal law pertaining to the anti-terror activities is also a cause for concern. TCHRD has expressed its fears in earlier annual reports over China using global support for the current campaign against terrorism to stifle the voice of the peaceful, non-violent political struggle by the Tibetans. The case of Trulku Tenzin Delek will remain a watershed in this direction.

Aggravating the fear is what Guo Jinlong, party secretary of "Tibet Autonomous Region" (TAR), stated after a day-long anti-terror drill in Lhasa in November 2003. "The Dalai Lama, on the one hand, has given enormous publicity to contacts and discussions with us, while, on the other hand, strengthening infiltration and violent terrorist activities". Guo Jinlong's description of the Dalai Lama heading terrorist activities belies China's deliberate application of the anti-terror campaign against Tibetans.

The incidence of arrests and detentions taking place across the plateau was unabated during 2003. TCHRD documented the arrests of 27 Tibetans and has also reported on many unconfirmed cases — bringing the total number close to 100. The fact that more than 80 percent of the recorded arrests have taken place outside "TAR" is a clear indication of the changing shift of growing dissent towards those regions. The continuing situation of Tibetans still facing longterm prison sentences for their peaceful political opposition to Chinese authority reflects the unchanging situation of Tibetans in their rights to the enjoyment of political and civil freedoms. This is in the face of China's claims to improving conditions for Tibetans in Tibet.

Endnotes

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⁷ Ibid

⁸ Ibid

⁹ Ibid

¹⁰ "Right to Fair Trial", *Annual Report 2002*, TCHRD, p.122

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¹² "China sentences two Tibetans to death", *Human Rights Update*, TCHRD, December 2002, p.1

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¹⁶ Article 32 of CPL. It states: In addition to exercising the right to defend themselves, criminal suspects and defendants may retain one or two persons to defend them

¹⁷ Article 33 of CPL. Starting on the day when a case of public prosecution is initiated for review and indictment, the criminal suspects shall have the right to retain defenders to defend them

¹⁸ Article 34 of CPL states: in cases where a public prosecutor brings a public prosecution to the court, if a defendant failed to retain defenders because of financial difficulties or other reasons, the people's court may appoint a lawyer, who voluntarily is undertaking legal aid obligation, to defend them

¹⁹ "Right to Fair Trial", *Annual Report 2002*, TCHRD, pp.122

²⁰ "Biography of Trulku Tenzin Delek", *Human Rights Update*, TCHRD, April 2002. The authorities had prepared a long list of complaints against the Trulku to arrest him. The local populace wrote a petition on his behalf and got the arrest warrant rescinded

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²³ Article 199 of CPL. Death sentences shall be verified and approved by the Supreme People’s Court

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⁸⁶ “China’s Tibet Online: Tibet and Tibetans in PRC Government Website”, TIN, 7 September 2003

Chart 1: Number of known arrests recorded by TCHRD 2000-03

Source: Based on refugee testimonies- updated 12/03

Year	TAR	Non-TAR
2000	31	5
2001	16	16
2002	12	16
2003	5	22

Figure 1.1: Number of known arrests recorded by TCHRD 2000-03

Source: Based on refugee testimonies- updated 12/03

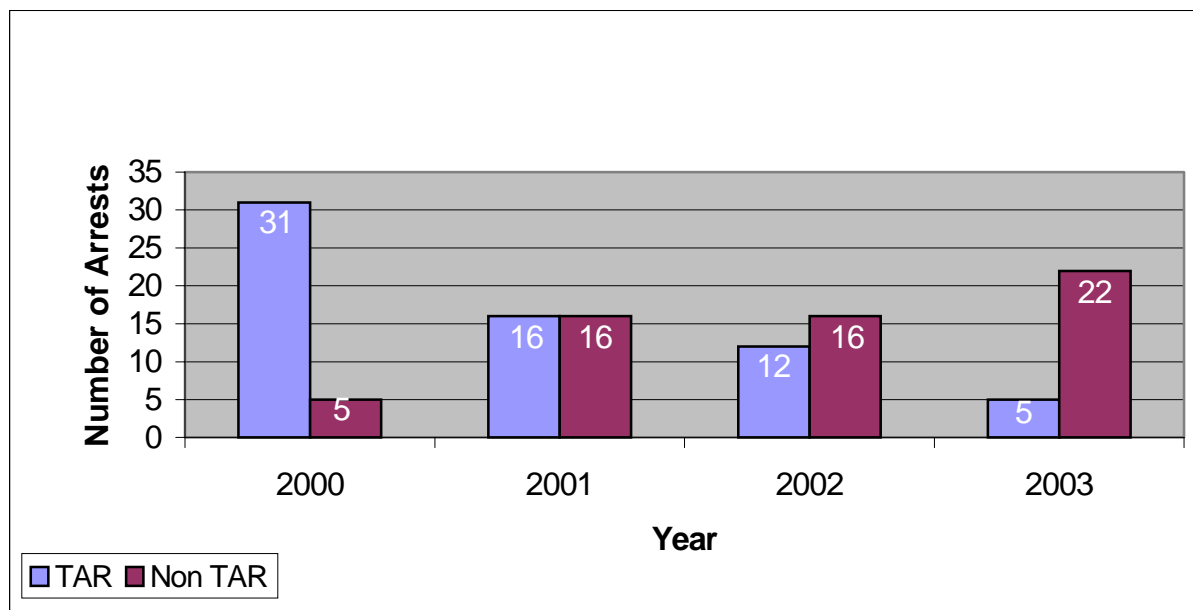
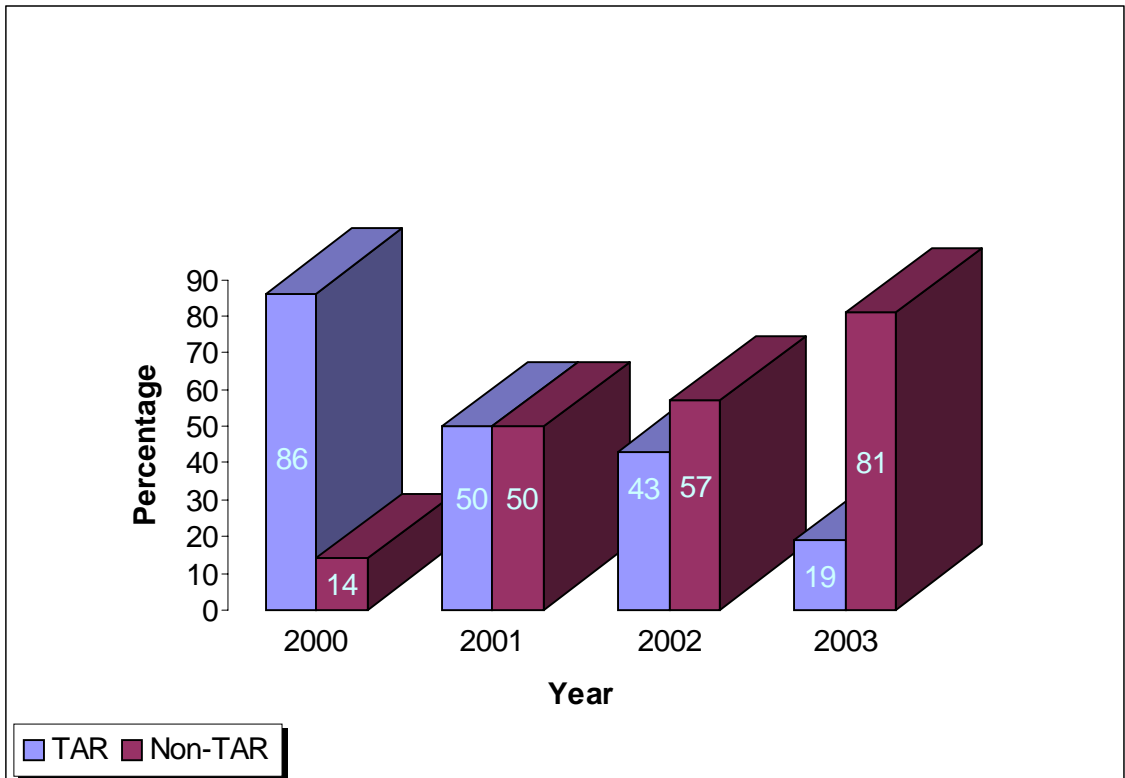


Figure 1.2: Percentage comparison of Tibetans arrested :TAR Vs Non-TAR

Source: TCHRD database updated 12/03



Introduction

The overall condition of religious freedom inside Tibet for the year 2003 has continued to be poor. The pattern and mode of past religious repression has remained the same with varied intensity in different regions. The United States International Commission on Religious Freedom (USCIRF) in 2003 listed China as one of five countries of particular concern. According to the USCIRF, the Chinese government remains a particularly flagrant violator of international standards of religious freedom.

These violations of the right to practice religion are particularly severe in Chinese-occupied Tibet. Persons continue to be confined, tortured, imprisoned, and subject to other forms of ill treatment on account of their religion or beliefs. As part of China's crackdown on religious and spiritual believers, individuals have been charged with, or detained under suspicion of, offenses that essentially penalize them for manifesting freedoms of religion or belief, speech, association, or assembly.

Severe restrictions on religious and political liberties are authorized at the highest levels of the Communist Party of China. Many of the nation's new leaders, including President Hu Jintao himself, have been intimately involved in forming and implementing the government's repressive policies on religion and ethnic minorities. This fact alone — with the reality that many of Jiang Zemin's allies continue to occupy key positions overseeing religious affairs and legal reform — signals that the prospect is poor for immediate improvement in China's record on religious freedom. The USCIRF further expressed concern that China's behaviour might even deteriorate.

The Beijing leadership fears that Tibetan Buddhism breeds nationalist sentiments

amongst the monastic populace and therefore, curbs religious freedom. This official fear has been the catalyst in many of Beijing's religious policies in Tibet. The relationship between Buddhism and nationality issues had started to trouble the authorities by the mid-1980 and it has remained a key to government policies in all Tibetan areas of the PRC. Tibetan cultural identity is strongly Buddhist in nature; this, of course, conflicts with the atheist worldview of Communist rule in China. The traditional Tibetan concept of merged secular and religious rule, with the Dalai Lama holding the position of both religious and political leader is an additional conflict.¹

China has shifted the focus of religious repression from "TAR" to eastern parts of traditional Tibet such as Sichuan Province. The emerging pattern with regard to religious repressions over the years has been the application of harsh and frequent crackdowns against religious freedom in regions that are more politically active.

Chinese authorities arrest and detain Tibetans in Tibet as much for their religious beliefs and practices as for so-called political reasons. This is apparent from the fact that almost 90 percent of currently incarcerated political prisoners are monks and nuns. Clergy continue to be confined, tortured, imprisoned, and subject to other forms of ill treatment on account of their religious belief, according to the USCIRF.

The high percentage of arrests and detention of clergy occurs because of their express allegiance to Dalai Lama, Tibet's leader in exile and symbol of Tibetan Buddhism. Simple acts such as possession and display of the Dalai Lama's photograph, conducting prayer ceremonies for his long life, and refusing to denounce him during political education classes leads to crackdowns.

Beijing views the Dalai Lama as the nucleus and source of “splittist” activities inside Tibet. The Chinese made the official anti-Dalai Lama stand explicit in the policies of the Third Tibet Work Forum of 1994 and they further implemented these with the “patriotic education” campaign, which began in 1996. The 2001 Fourth Work Forum on Tibet also formulated policy on “further combating splittism and proposing specific measures to remove illusions about the Dalai clique and dispel the Dalai’s influence among religious believers”.² A statement released by Chinese Foreign Ministry said, “The Dalai Lama is not purely a religious figure, but a long-term political exile involved in separatist activities”.³

China’s “patriotic education” campaign remains active in several of Tibet’s monasteries and nunneries and through it, controls the Tibetan clergy. The frequency and ferocity of Chinese “work team” visits to the monasteries and nunneries might have subsided. There is less information than previously because China has exerted strenuous efforts to close the Nepal border with subsequent reduction in the number of refugees crossing over into exile.

The Democratic Management Committees (DMC) in monasteries and nunneries police the thinking and activities of the clergy with the intent of converting Tibetan Buddhism into a Chinese Communist State religion by another name. Communist cadres handpick the DMC members and it is they who administer the religious and administrative affairs of the monastery. They have usurped the traditional role of abbots and replaced the Chinese instituted “work teams” of earlier years.

In 2003, TCHRD received information that highlights violations of religious freedom and human rights abuses of religious practitioners:

- The execution of former monk-turned-businessman, Lobsang Dhondup, in January 2003
- Custodial death of a monk, Nyima Drakpa, who carried a nine-year prison sentence
- Arrest of monks from Sichuan Province for conducting prayer ceremonies for the Dalai Lama
- Restrictive measures imposed on traditional Tibetan festivals and cultural events
- Closure of a monastic school in eastern Tibet
- Eviction of hermits from Chaksam Chori hermitage at the border of Lhoka Gongkar County and Chushul County
- Reinforcement of the ban on portraits of the Dalai Lama in eastern Tibet has raised concern amongst Tibetans worldwide. The Tibetan Government-in-Exile based in Dharamsala, North India, called on the Chinese authorities to lift the ban.

At the 59th United Nations Commission on Human Rights, Canada and the European Union and other countries raised concerns about “deprivation of religious and cultural rights in Tibet” and over continuing reports of the “persistent scale and scope of restrictions on freedom of expression, association and religion”.⁴

The official claim of “Buddhism experiencing a golden age in China”⁵ therefore belies the actual conditions inside Tibet. On 14 April 2003, SiTa, Advisor of the Chinese Delegation, made a statement at the 59th session of the UN Commission on Human Rights, “On the issue of religion, the state fully respects and protects the freedom of religious beliefs of the ethnic minorities and their religious activities. At present, there are more than 1,700 sites for religious activities in Tibet with over 46,000 religious personnel. And there are more than 23,000 mosques in Xinjiang with 29,000 religious personnel. The policy of the

Chinese government in favour of freedom of religious belief has won whole-hearted support from the religious circles of ethnic minorities and the broad masses of believers.”

While China’s Constitution provides its citizens with the “freedom of religious belief” it does not protect the right to manifest religious beliefs, highlighting the importance for China to ratify the International Covenant on Civil and Political Rights which contains explicit provisions on the right to freedom of thought, conscience and religion which it signed in 1998. The guidelines on religious policy, announced at the Third Work Forum on Tibet and later published by the “TAR” Party in a publication called “A Golden Bridge Leading Into a New Era”, had expressed deep concern at the continued popularity of Tibetan Buddhism. The Fourth Work Forum on Tibet has reaffirmed the policy guidelines laid down at the Third Work Forum.

The crackdowns against religious believers are understood to be sanctioned at the highest levels of government. Indeed, Chinese laws, policies, and practices severely restrict religious activities, including contact with foreign religious organizations, the training and appointment of spiritual leaders and religious education for children in accordance with the convictions of their parents.⁶

The Chinese government retains tight control over religious activity and places of worship in Tibet according to the USCIRF. Chinese former Prime Minister Zhu Rongji stressed that “illegal religious activities must be stopped and crimes committed must be punished. Religious affairs should be handled according to law. The freedom of religious belief should be well implemented.”⁷The Universal Declaration of Human Rights provides that “everyone has the right to freedom of thought, conscience and religion; this includes...

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.” The Convention on the Rights of the Child provides that states “shall respect the right of the child to freedom of thought, conscience and religion” and that “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.” The 1981 UN Declaration on All Forms of Intolerance and of Discrimination Based on Religion or Belief also guarantees these rights.

Crusade against the Dalai Lama

Beijing attacks the Dalai Lama for both his political and religious roles. This is evident from earlier Chinese statements like, “The purpose of Buddhism is to deliver all living creatures in a peaceful manner. Now that Dalai and his clique have violated the religious doctrine and even have spread rumours to fool and incite one people against the other, in what way can he be regarded as a spiritual leader?... As for Dalai, he has always incorporated Tibetan independence’ into the doctrines which he preaches in his sermons,... wildly attempting to use such godly strength to poison and bewitch the masses...Such flagrant deceptiveness and demagoguery constitute a blasphemy to Buddhism.”⁸

TCHRD believes that Beijing’s stand and policy on the Dalai Lama has never changed but the PRC’s publicists have become more sophisticated in their international image building endeavours. China never fails to issue threats and objections before the Dalai Lama meets a head of state or important dignitary and they never hesitate to make an anti-Dalai Lama statement at an official level.

However, the US State Department Report 2003 on human rights in China has reported that the “Chinese government’s longstanding harsh rhetorical campaign against the Dalai Lama and his leadership of a ‘government-in-exile’ was muted somewhat after Beijing authorities extended invitations to the Dalai Lama envoys to visit Tibet and other areas of China.” TCHRD believes that the earlier raves and rants against the Dalai Lama by Chinese officials reached a more moderate level in 2003 — though not “muted” altogether.

In Tibet itself, Beijing has intensified the anti-Dalai Lama campaign and extended its scope beyond the “TAR” into politically active “Tibetan Autonomous Prefectures”. China launched the anti-Dalai Lama campaigns in 1996 with monasteries and nunneries as the initial targets. During political education classes, the Chinese authorities force the monks and nuns to denounce the Dalai Lama.

The anti-Dalai Lama campaign was institutionalized at the Third Work Forum on Tibet in July 1994. Two years later it was reaffirmed in the “Outline of Tibet Autonomous Region’s Five-Year Plan for Economic and Social Development and its Long term Target for 2010,” approved on 24 May 1996 by the Fourth Session of the Sixth Regional People’s Congress.⁹ In a chapter on splittism, the Dalai Lama is castigated as the “chief villain” who must be “publicly exposed and criticized... stripping away his cloak of being a “religious leader”.

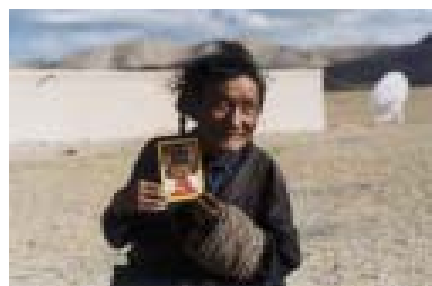
According to a *Reuters* report 17 November 2003 from Beijing, “TAR” Communist Party boss, Guo Jinlong said, “The Dalai Lama, on the one hand, has given enormous discussion with us, while on the other hand, strengthening infiltration and violent terrorist activities. In Tibet, stability prevails over all else. Stability is the precondition for development.” No mention

was made of any specific instances of “infiltration and violent terrorist activities” that supposedly took place in the occupied region and how these were connected to the Dalai Lama.¹⁰

The pattern of religious repression this year seems to indicate intensification of the anti-Dalai Lama drive. Since 2001, the focus of religious repression has shifted towards Sichuan Province in eastern Tibet, which in the past enjoyed relative religious freedom. Three of the most prominent religious figures — Geshe Sonam Phuntsok (currently serving a five-year prison term), Trulku Tenzin Delek (under death sentence with two years’ reprieve) and Khenpo Jigme Phuntsok (who was earlier held in incommunicado detention while his Serthar Institute faced mass expulsion and demolition) — were targeted by the Chinese authorities for their allegiance to the Dalai Lama.

Portraits of the Dalai Lama banned

Chinese authorities ban portraits of the Dalai Lama as part of the anti-Dalai Lama



Jailed for having Dalai Lama’s portrait

campaign. China officially sanctioned the ban in November 1994 when government employees were told they could not keep his picture in their rooms. Refugee testimonials indicate that the ban this year is rigorous in certain counties of “TAR” region as well as in Sichuan Province.

In November 2003, Chinese authorities ordered residents of all villages and townships of Kardze County and Lithang

County in Kardze “TAP”, Sichuan Province, to hand over portraits of the Dalai Lama within a month or else face confiscation of their lands. On 11 November, the local authorities and “work team” officials commanded a blanket end to activities calling for Tibet’s independence and an instant end to expressing reverence to the Dalai Lama. In another meeting held the next day, the authorities threatened, “At the end of the deadline, if Dalai Lama portraits are found in any house, the family will lose its land”.

It is believed that the authorities summoned the meetings after a Tibetan national flag was found hoisted on an electricity tower in Kardze County in October 2003. The residents of Kardze and Lithang County, a largely agrarian region, have for generations sustained themselves by farming their land. With the land under threat of confiscation, the community is now anxious about its future livelihood.

Arrests connected to the Dalai Lama

Numerous arrests have taken place in Tibet for either displaying portraits of the Dalai Lama, possessing video or audiotapes of the Dalai Lama, or for chanting, “Long live the Dalai Lama” and for conducting prayer ceremonies associating with him since the implementation of the anti-Dalai Lama campaign. Chinese authorities consider all such natural acts as “crimes” that endanger state security. The Dalai Lama is viewed as the symbol and very essence of contemporary Tibetan Buddhism. Since 95 percent of Tibet’s population remain staunch Buddhists, the continuing overwhelming reverence for the Dalai Lama as a spiritual leader is very apparent.

On 29 August 2003, the People’s Intermediate Court of Ngaba “TAP”, Sichuan Province, formally sentenced four monks from **Khangmar Monastery**¹¹ to prison terms of eight to 12 years. The monks were arrested in mid January 2003

for holding a long life prayer ceremony for the Dalai Lama and for the successful completion of his Kalachakra¹² teachings in Bodh Gaya, India. Reportedly 10 monks from the monastery had gathered in the monastery prayer hall to conduct the ceremony when the county police arrived in the monastery. The officers immediately arrested the monks and ransacked their quarters leading to the discovery of portraits of both the Dalai Lama and the disputed XIth Panchen Lama. In the wake of the arrests, the monastery is likely to be highly monitored and more arrests are feared.

High profile lamas targeted

In the recent past, it has become clear that China is targeting key local religious figures. Notably, several prominent religious figures such as Trulku Tenzin Delek, Geshe Sonam Phuntsok and also Khenpo Jigme Phuntsok have suffered for their personal beliefs and leadership roles. Gedhun Choekyi Nyima, the 14-year-old Panchen Lama recognized by the Dalai Lama, has been in Chinese custody since 1995 at an undisclosed location.

The politicization of reincarnation

The Xth Panchen Lama played an important role in Tibet after the Dalai Lama fled into exile in 1959. The relationship between the



The disappeared Lama

Dalai Lama and the Panchen Lama has both historical and religious significance. Therefore, Beijing goes to great lengths to manipulate the reincarnation issue of the Panchen Lama and now controls the genuine XIth Panchen Lama,

through custody, while promoting its own rival candidate.

On 14 May 1995, the Dalai Lama recognized **Gedhun Choekyi Nyima** as the reincarnation of the Xth Panchen Lama who died in 1989. Three days later the boy and his parents disappeared from their home. A year later, in May 1996, the PRC admitted to holding the XIth Panchen Lama “at the request of his parents” because “he was at risk of being kidnapped by separatists and his security had been threatened”. Thus, despite its rejection of the Dalai Lama’s authority in recognizing Gedhun Choekyi Nyima as the XIth Panchen Lama, and its refusal to acknowledge him as the true reincarnation, the Chinese government admitted it was detaining the child. It is difficult to understand why the Chinese authorities would go to such lengths to provide “security” for a child who they consider to be “just an ordinary boy”. In December 1995, the PRC government had already appointed its own Panchen Lama — a child named Gyaltzen Norbu.

The “patriotic education” campaign — launched by the PRC in May 1997 in monasteries and nunneries across Tibet — requires students to recognise the Chinese-appointed Panchen Lama and denounce Gedhun Choekyi Nyima. Current reports from refugees fleeing Tibet, and from independent travellers, indicate that pictures of the Chinese-appointed Panchen Lama are displayed prominently in the major monasteries and tourist hotels across the plateau. Conversely, pictures of the Dalai Lama and Gedhun Choekyi Nyima are banned throughout Tibet. The late Lobsang Damchö¹³, 65, was sentenced to five years’ imprisonment in 1996 for openly voicing his support for Gedhun Choekyi Nyima as the real Panchen Lama.

Many politicians, diplomats and high-level foreign delegations have expressed concern over the Panchen Lama’s continued

detention, including the former UN High Commissioner for Human Rights. In August 2002, during her last official visit to China as the High Commissioner, Mrs. Mary Robinson told the world press that she had raised the case of the then 13-year-old Panchen Lama with Chinese officials who only replied that the youth was healthy and that his parents wanted him to have privacy. “I urged that perhaps his parents could come forward and at least that there would be some way of verifying the situation which continues to be of very real concern,” Robinson reported.

The Chinese authorities did not heed this request nor have they respond positively to other international appeals that an independent body like the Committee on the Rights of the Child be given access to the youth to verify his whereabouts and well-being.¹⁴ Although China may have escaped condemnation on their human rights record at the 59th United Nations Human Rights Commission this year, the absolute disappearance of a child proves the falsity of the nation’s claim to respect religious freedom in Tibet.

The Chinese government has treated the question of reincarnation as a political issue and has analyzed the Dalai Lama’s position in terms of “quasi political control over monasteries or geographical areas”, rather than accepting the realities of traditional religious authority or practice, let alone understanding the distinctions between the different schools of Tibetan Buddhism.

Regulations over religion published in the 1987 Sichuan Measures included a blanket prohibition in Article 6.7: “Monasteries are not allowed to recognize reincarnated Rinpoches recognized abroad, nor Rinpoches recognized by persons sent back to the country from abroad, nor may they carry out enthronement rites in the monasteries for them”. The issue intensified after the death of the Xth Panchen Lama on 28 January 1989.¹⁵

The 1992 report of Kardze “TAP”’s Religious Affairs Bureau commented, “The reincarnation of a Living Buddha is a significant affair in Tibetan Buddhism. This should be handled conscientiously in accordance with the spirit of State Document 39 of 1991, persisting in the principles of “there can be reincarnation, there cannot be reincarnations of all, this must be handled strictly”.¹⁶

Despite its avowal of atheism, the Chinese Communist Party also considers itself the guardian of the transmigration of Buddhist souls, and has taken control of the identification of reincarnate lamas. To generate popular support for the Panchen Lama chosen by the Chinese government, the authorities put intense pressure on four eminent monks¹⁷ with links to the previous Panchen Lama, encouraging them to participate in the selection process and endorse the pretender.¹⁸

The case of Chadrel Rinpoche

China continues to control religious figures who have knowledge of and involvement in



Chadrel Rinpoche

developments surrounding the controversy over recognition of the XIth Panchen Lama. Therefore, the Chinese government goes to great lengths to maintain secrecy over Panchen Lama’s reincarnation politics

and also the current whereabouts of the Panchen Lama chosen by the Dalai Lama.

Chadrel Rinpoche is the former abbot of Tashi Lhunpo Monastery in Shigatse, “TAR”. Following the death there of the Xth Panchen Lama in January 1989, the Chinese government appointed Chadrel Rinpoche as Chairman of the Search Party Committee for the XIth Panchen Lama. Based on a list of 30 possible candidates, the Dalai Lama, after performing divinations to determine the identity of the reincarnation, officially declared Gedhun Choekyi Nyima as the XIth Panchen Lama on 14 May 1995. Chadrel Rinpoche disappeared three days later on 17 May 1995. The Chinese Foreign Ministry Spokesperson, Chen Jian, stated at the time that Chadrel Rinpoche was not in custody but was “ill and hospitalized”. During the aftermath to these events, the Chinese government appointed another child as the Panchen Lama in December 1995.

The first official acknowledgment of the detention of Chadrel Rinpoche came two years later in May 1997 through *Xinhua*, China’s official news agency. It stated that the Shigatse Intermediate People’s Court sentenced the abbot to six years’ imprisonment on 21 April 1997. Another conflicting report stated that he was sentenced to “six years” imprisonment for “conspiring to split the country” and “disclosing state secrets” which would expire on 9 January 2000.” At the time, unofficial reports stated that Chadrel Rinpoche was detained in Trochu County (Ch: *Heishui*) and later transferred to Chuandong No. 3 Prison in Tazhu County, east of Sichuan Province.

During a human rights dialogue with China in February 2001, the UK Government was told that Chadrel Rinpoche had been sentenced in 1996 and was due for release only in January 2002. This was in flagrant contradiction to official information given to the UK Foreign and Commonwealth Office stating that Chadrel Rinpoche was

sentenced in 1997. The official secrecy and conflicting reports surrounding the prison term and his uncertain whereabouts indicate the political sensitivity of the case for Beijing.

In February 2002, Palden, Vice-Head of the Department of Public Security of “Tibet Autonomous Region” and Dorjee, Vice-Head of the Department of Police of Shigatse Prefecture, reportedly came to Tashi Lhunpo Monastery — seat of the Panchen Lamas. The officials asked for the scriptures and rosary belonging to Chadrel Rinpoche without disclosing the reasons behind their request.

TCHRD received information in 2003 that Chadrel Rinpoche is under house arrest in an isolated resort (Ch: *dujian cun*) south of Dib Military Camp (Tib Translit: Sgrib dmag khang) in Lhasa. Despite his alleged release in January 2002, upon completion of his six-year prison term, no one has actually received news of his whereabouts. Therefore, on account of this dearth of information regarding his release, the abbot has been declared, “disappeared” by human rights monitoring agencies. This contradicts official Chinese sources, which maintain that he was freed in accordance with the court’s ruling.

Champa Chung, 56-year-old former assistant to Chadrel Rinpoche, is also in custody beyond his original four-year prison term. Chinese authorities arrested him in 1995 over his role in the Panchen Lama controversy, and sentenced him in 1999 to a four-year prison term in addition to two years’ deprivation of political rights. A reliable source reported to TCHRD, “He is still in some kind of custody. I asked if this was *las mi rukhag* (forced job placement or Ch: *jiyue*), but was told that it was quite different. From what I could gather, it meant that although he has completed his sentence, he is held in some capacity in the same courtyard of the prison.”¹⁹

Trulku Tenzin Delek’s ‘crimes’

The arrest of **Trulku Tenzin Delek**²⁰ suggests that charismatic and influential religious leaders in Tibet are perceived as a threat to the authorities — due to their ability to gain respect and trust among the population. This seems to be the case even when these religious leaders acknowledge the authority of the state and, by acting as local mediators, propagate moral values, spread “harmony between the nationalities” and solve social problems, acting according



Trulku Tenzin Delek

to agendas that converge with those of the Chinese Communist Party. This pattern has already been evident in Qinghai Province (the traditional north-eastern Tibetan area of Amdo), where several key religious figures and scholars, working within the community, and often tacitly supported by officials, have been detained in the last few years.²¹

China has targeted Trulku Tenzin Delek for his open allegiance to the Dalai Lama and highly popular social welfare activities. Trulku has gained popularity amongst the local populace for his social welfare schemes such as restoration and construction of monasteries, orphanages, an elderly people’s home and for mobilizing environmental protection drives. It is reported that China resents his popularity and fears that he might influence the local masses towards political activism.

An earlier attempt to detain Trulku failed when he managed to evade arrest by hiding and the local inhabitants submitted a mass petition appealing for his freedom. Chinese authorities falsely accused Trulku Tenzin Delek and his former disciple, Lobsang Dhondup²², of masterminding and being involved in a series of bomb blast incidents that took place in Sichuan Province. China executed Lobsang Dhondup on 26 January 2003 and sentenced Trulku to death with a suspension of two years.

Lochoe Drime, former attendant to Trulku Tenzin Delek, testified to TCHRD upon his escape from Tibet in 2003:

It is totally false to say that Trulku Tenzin Delek was behind the series of bomb blast that occurred in April 2002. It is a fabricated accusation against Trulku and the other arrestees. Trulku is an icon as a preserver of Tibetan culture and identity. He is an embodiment of all the living Gods. He is highly revered for his social work. With his continuous efforts to preserve the Tibetan culture through every means, he has achieved tremendous respect within a short period. People loved and respected Trulku for his beneficial works. He is a saviour of the Tibetan people, and this cruel allegation against him and his subsequent sentencing is a direct assault on the Tibetan people.

Trulku takes no help from outside China, though there might be offers. Not a penny is taken from the Chinese government. He carries out his social work through the generous offerings and donations from his followers, devotees and supporters. All that he gets from the people is returned by building schools, old age homes, orphanages, clinics (which offer

free medication). The poor are especially well looked after by him.

Trulku Tenzin Delek and Lobsang Dhondup are not guilty by any means of law. The Chinese do not wish to see the flourishing of Tibetan culture. They thought Trulku was challenging their authority. That's why they were targeted. Otherwise there is no other apparent reason for the authorities to arrest him.²³

According to Tibet Information Network's publication *Tibetan Buddhism and Religious Policy in Kardze, Sichuan Province, 1987-1989*, the official concern correlating religion and politics is made explicit, "... the concerns which have occupied the authorities in Kardze essentially relate to two central issues; the state's desire to control religious activity and its desire to put a stop to dissident or separatist activity. Because issues of religion and nationality are so closely related in Tibetan areas, developments relating to religion are perceived as very relevant to issues of control and separatism."



Khenpo Jigme Phuntsok

Khenpo Jigme Phuntsok curbed

Throughout 2003, Chinese authorities restricted the monastic strength, code of conduct, frequency and content of religious teachings at Serthar Buddhist Institute in Kardze "TAP", Sichuan Province. However,

the extent and level of restrictions have relaxed considerably compared to the harsh crackdown inflicted on the institute in 2001. TCHRD received information that PSB officers of Serthar County remanded four Tibetans from Serthar into custody on 27 May 2003. The detention occurred in connection with the Tibetans' involvement in a row over reconstruction at Serthar Buddhist Institute in 2002.²⁴

China detained **Khenpo Jigme Phuntsok**, the charismatic founder and abbot of Serthar Institute, for one year in 2001 and expelled a huge number of clergy, destroying over a thousand of their dwellings. The crackdown was instituted against the popular abbot and his institute to curb his rising popularity amongst the huge followings of Tibetan and non-Tibetan religious practitioners. The repression against the institute is seen by China Watchers as the "Second Cultural Revolution".

Serthar Buddhist Institute, established in 1980 as a non-sectarian study centre, had approximately 8,800 religious practitioners by 2001, including ordained and lay students of diverse nationalities. Since 1998, Chinese "work teams" ordered a drastic reduction in the number of students and adherence to the diktats of China's "patriotic education" campaign. On 18 April 2001, the Chinese authorities enforced a limit of 1,400 residents, which necessitated the eviction of 7,000 students. Between June and July 2001, over 2,000 dwellings within the institute were demolished; the Chinese officials have admitted to the demolition of 1,875 dwellings in their work report. In June 2002, China returned Khenpo Jigme Phuntsok to his Institute, after hospitalization in Chengdu.²⁵

On an UNCHR intervention over Serthar made by Mr. Abdelfattah Amor, UN Special Rapporteur on Freedom of Religion or Belief, the Chinese authorities responded that "no pressure was placed on any monk

or nun to return to secular life nor was any monk or nun placed in detention. On the contrary, the State contributed a considerable amount of money to assist with the resettlement of those monks and nuns who wished to return to their villages and with the reconstruction of the institute's building". With regard to Khenpo Jigme Phuntsok, the Chinese authorities said that "the local government has made arrangements for his medical treatment and his health condition is now greatly improved."²⁶

'Splittist' Geshe Sonam Phuntsok



Geshe Sonam Phuntsok

Geshe Sonam Phuntsok is a popular Buddhist teacher and a well-known scholar in Kardze "TAP" in Sichuan Province. On 25 October 1999, approximately 20 PSB officers arrested Geshe Sonam Phuntsok from his hometown and sentenced him to five years' imprisonment on allegations of "inciting splittist activities among the masses", travelling to India on an illegal document procured from Lhasa to seek an audience with the Dalai Lama and for taking photographs with him, illegally conducting religious ceremonies on several occasions within Kardze County, and for conducting long-life prayer ceremony for the Dalai Lama in Rongbatsang". At present he is reported to be suffering from serious health problems in Chuandong No 3

Prison in Tazhu County, Sichuan, where he is still serving his prison term.

In mid-November 2001, Kardze PSB officials informed Geshe's father, Agya Phuntsok, that "Geshe has a high fever and is currently bedridden in Chuandong Chayul hospital". As an explanation, the officers said Geshe caught fever owing to the hot weather conditions prevailing in the Chuandong Prison area. In late November Agya Phuntsok set out to see his son, arriving there on 4 December. Agya could speak only twice with Geshe for a total of 40 minutes. When they met there was a solid glass partition between them, and they could only speak by phone.

Agya said, "Geshe was in a deteriorating health condition. He was lean and thin. He could not even move properly; it seems he needs support to walk". Geshe reportedly told his father that initially he had loss of appetite, and couldn't eat. He felt a lot of dizziness and lethargy. He had also a mild diarrhoea and very often fell semi-conscious. He was reportedly put on IV drips for seven hours." TCHRD has not received any new information about the current state of Geshe's health.

TCHRD suggests that Geshe Sonam Phuntsok must be released under medical parole in accordance with the domestic law of China. According to John Kamm, head of the San Francisco-based Dui Hua (Dialogue) Foundation, there is a 1990 Chinese regulation which allows government authorities to grant medical parole to prisoners who have served at least one-third of their sentences and are suffering from illnesses contracted in prison.

Geshe was originally sentenced to five years imprisonment. Under Chinese Criminal Law, sentences must be backdated to the first date of detention, which in Geshe's case is 25 October

1999. This would put his date of release at 25 October 2004. As at 26 July 2002 Geshe has spent almost 33 months in detention, which is more than a third of the 60-month sentence.

As Geshe has completed more than a third of his five-year sentence, and as he is clearly suffering ill health as a result of his imprisonment, TCHRD believes the Chinese government should exercise its discretion under this legal regulation to release Geshe Sonam Phuntsok on medical parole.

DMCs as agents of religious control

The perceived relation between the clergy and independence activism in Tibet is a cause of grave concern for the Chinese authorities. The suspicion is explicitly expressed in an earlier official document titled *A Golden Bridge Leading to a New Era*.

A number of religious institutions have been used at times by a few people who harbour sinister motives to plot against us and have become counter-revolutionary bases...The influence of our enemies in foreign countries, especially the 'Dalai clique', was slipping into the monasteries of our region more than ever. They assume that to get hold of a monastery is the equivalent of a district of the Communist Party.

The "patriotic education" campaign is designed to minimise dissent by controlling the religious practices of Tibetans and by forcing them to forego any nationalistic sentiments. Tibetans are forced to denounce the Dalai Lama and Gedhun Choekyi Nyima, the XIth Panchen Lama. These repressive measures are a grave violation of the people's right to freedom of expression, conscience and religion. Chinese "work teams" continue to exercise control over all religious activities in monasteries and nunneries through Democratic Management

Committee. Ma Chongying, Deputy Director of the Minority and Religious Affairs Bureau in Tibet, was quoted as saying, “If you are not patriotic, there is no such thing as being a living Buddha. This is an unchangeable principle.”²⁷

Common forms of religious repression exercised on monasteries and nunneries through “work team” units and DMCs are expulsion of practitioners for refusing to renounce Tibetan independence and the Dalai Lama, secular control of monasteries, official limits on the number of monks and nuns allowed in the monasteries and nunneries, an 18-year age limit on admission of novices, and the detention and torture of practitioners.

A paradigmatic shift has taken place in religious control within Tibet. “Work team” indoctrination visits have begun to lessen while DMCs are gaining absolute authority over the administration and overall management of religious institutions. The DMCs, permanently installed within monasteries, extend the reach of the State.²⁸

In contrast to the past, TCHRD has received less information on cases of “work team” visits to monasteries and nunneries²⁹. TCHRD can surmise two reasons for this new development. First, the flow of information from Tibet has decreased considerably with fewer Tibetan refugees crossing in 2003 owing to heightened border surveillance at the Nepal-Tibet border, imprisonment of some refugees in Nepali jails and the deportation of escapees back to Tibet. Second, the Chinese authorities must feel they have already concluded the campaign in all the monasteries and nunneries of Tibet. However, TCHRD has not come to a firm conclusion about the current state of the “patriotic campaign” —a cause of pain and havoc in the lives of thousands of monks and nuns since its inception in 1996.

Denial of religious education

The education strategy devised by the Third Work Forum on Tibet in 1994 aimed to increase the ideological content of schooling in Tibet, specifically to increase patriotic thinking and to eradicate by force support for religion or the “Dalai clique”. In effect, it aimed to control the opinions of schoolchildren and teachers and to limit the ideas available to them.

The education policy imposed by the Third Work Forum is thus slightly different from the other strategies it advocated for suppression of dissent, in that it is largely an ideological exercise, much in the style of Maoist campaigns of the 1970s. “The Dalai clique targets youngsters in its efforts to incite defections in the vain hope that the goal of secession will be realized several years or decades later if it cannot be achieved at the moment. Accordingly, it has stepped up its efforts to divide and demoralize Tibetan youngsters.”³⁰

After her visit to Beijing in September 2003³¹, Ms. Katarina Tomasevski, the UN Special Rapporteur on the Right to Education of the United Nations Commission on Human Rights said in her 22-page report, “An education that would affirm minority rights necessitates full recognition by the majority of the worth of minority languages and religions in all facets of life. Otherwise, education is seen as assimilationist and, hence, not compatible with China’s human rights obligations.” On the denial of religious education in schools, the report points out: “Contrary to China’s international human rights obligations, religious education remains prohibited in both public and private educational institutions. Although the first words of China’s initial report under the Convention of the Rights of the Child describe it as ‘a consistent respecter and defender of children’s rights’, children’s rights in education have yet to be recognised.”³²

Under the present Chinese restrictions, access to full religious education is difficult. The 18-year age limit and other restrictions by Chinese authorities interferes in the flow and depth of traditional religious studies.

Eviction of hermits in retreat

In 2003, TCHRD received information about the eviction at the end of May 2002 of 17 hermits from their places of retreat at Chaksam Chori³³. At the end of May 2002, “TAR” PSB officers and Gongkar PSB personnels descended on the hermitage.

Religious repression of Tibetan Buddhist practices had been in place since 1996 whereby “work team” members visit religious institutions to conduct “patriotic education” campaigns. Targeting people in retreat has taken place in the past — but not as commonly as at monasteries and nunneries. This physical and psychological intrusion on places of retreat is a severe form of religious repression. Practitioners in retreat, some of them for decades, have had the cycle of their retreat broken. The fact that they have additionally been evicted raises further grave concerns.

A 24-year-old former monk of Ragya Monastery, reported to TCHRD³⁴ in 2003,

I joined Ragya Monastery when I was 16 years old. There were some 500 monks in it. Since 2000, Chinese “work teams” frequent our monastery to conduct a “love your country, love your religion” campaign. Every year some 30 Chinese officials come to the monastery and stay for a month. The monks are made to study anti-Dalai Lama literature and write anti-Dalai Lama essays. Questions also follow regarding the progress of the studies. This year they came in September to conduct the campaign.

On 4 August 2003, Yumzin Rinpoche Khedup Gyatso gave a teaching at Dolma Kar Village in Golog “TAP”. The local populace gave a hearty welcome to rinpoche. They led a convoy of jeeps and motorbikes to receive rinpoche with Buddhist flags.. People’s Armed Police (“PAP”) personnel intercepted the convoy and ordered the flags to be removed and handed over to them. The public said that the flag is religious and had nothing political in it. But the PAP officers didn’t listen and took away the flags. The convoy was halted for some time for no reason.

It’s too dangerous to think about politics here,” an old monk named Alang from Labrang said. “We are serving the Dharma. We have no freedom; that will come after my lifetime.” For him, the political restrictions and the police informants inside the monastery were a fact of life that had to be tolerated. Labrang was a place of religion, not place of politics. Alang’s main concern was to be home, and not a refugee.³⁵

Degeneration of Tibetan Buddhism

The Chinese government controls and restricts the limits and depth of Tibetan Buddhist transmission to the extent that the essence of Tibetan Buddhism is now generating. There are re-built monasteries and nunneries but the actual teaching, study and practice of traditional religious beliefs and rituals are being deliberately curbed.

The late Xth Panchen Lama believed the intellectual core of Tibetan Buddhism was being destroyed: debates, philosophical discussions, prayers ceremonies and the oral transmission of learning could no longer take place. “Due to this, the sweet dew for ‘teaching, debating and writing, and listening, thinking and contemplating’ has dried up...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 than 90 percent of Tibetans cannot endure.”³⁶ The Panchen Lama’s concern, expressed decades earlier, is turning out to be even more evident today.

Over the years, the monasteries and nunneries have become more like schools for atheist indoctrination or museums for tour group visits than institutes of religious studies and practice. The Chinese authorities are single minded in their attempt to transform the Tibetan Buddhist into a compliant Communist. A nun has shared her experiences with Chinese “work teams” and their indoctrination sessions, leading to a psychological dilemma about traditional beliefs and ideological compulsions:

In 1988, before I joined, several nuns rebelled and were expelled. We are still not allowed to contact them. I know that in their hearts, many of them are still nuns and go on doing their spiritual practice. The difficulty for now is that we have to do what the Democratic Management Committee says or we risk being expelled. The committee comes back at the end of next month. I am frightened. They gave us propaganda books last time and told us to keep them in good condition. But after the last visit, I threw mine away. They will want to inspect them. I have had enough. There will only be three or four members of the committee this time, so maybe it won't be too bad. It won't be as bad as last year.

They control us very closely, and stop us from practicing our religion. Last year, some of the nuns took a vow to go on a long retreat and recite one of the great scriptures,

but they were told it was not allowed. The committee set up controls. They made all the nuns attend study sessions every day. They say their job is ‘patriotic education’ which means they make us watch television from China and say we support Jiang Zemin and the Communist Party.

The committee is made up of people from work units in different government departments. They are all Tibetans. Many of them don't want to be on the committee. They don't like the work. Some of them told us that secretly. The leaders are very strict. They look down on us. Last year, because we were believed to be politically suspect, they stayed in the nunnery for three months, day and night, a dozen of them. They took over the whole nunnery.

They teach us propaganda against His Holiness the Dalai Lama and then test us on it, to make sure we know the phrases. We have to say things like,

*We will resolutely oppose the scheming activities of the tiny number of Tibetan pro-independence elements!
We will strengthen national solidarity and oppose small minority splittism.*

We will safeguard the four basic principles and oppose bourgeois liberalisation!

Sometimes your herd starts to spin and you don't know what you really believe.

You know the saying ‘yarlang na go dap, marde na kup dap, ghang dug dug re shak’. ‘If you stand up, you

bump your head, if you sit down you bang your arse. It's really awful. That's what it's like. Day after day, the committee makes us repeat slogans, and they stop us from doing important ceremonies. It's terrible. We get very frightened, especially the older nuns.

I know that I must act according to the teachings of Lord Buddha, but as an individual I can do little, and have to keep it so stored up. I don't feel free in my heart. I have no freedom on the inside.³⁷

In an article from Australia titled "Monk values the freedoms found in exile" appearing in *Illawarra Mercury*, Geshe Sonam Thargye³⁸ values "the freedom to practice his faith, the freedom to assemble, the freedom to speak from the heart." He has not always had "these things" in Tibet and "these things forced him to leave his friends and family behind to find a life in exile".

Closure of religious institutions

The Chinese authorities continue to close down religious institutions and expel clergy



Ngaba Kirti monastic school closed

who fail to conform to the demands of communist diktats. For example, the authorities in Sichuan's Ngaba Prefecture finally closed Ngaba Kirti Monastic School³⁹ on 29 July 2003 but provided no official reason behind their actions.

From 1998, four years after the school's founding, the authorities were directing the school to follow government regulated curriculae such as using Chinese language and teaching socialist theories. The school was also ordered to merge with the government-administered Bontse School in the area. However, Kirti Monastic School was concerned that admitting lay students would hamper the code of conduct of the student monks. On 28 August 1998, the Chinese authorities took over the administration of the school from Ngaba Kirti Monastery and renamed it "Chathang Nubsang" School. Afterwards they restrict classes by the former teachers and recruited Chinese teachers to revise the curriculum and make Chinese the main medium of instruction.

Since October 2001 the monk students were forced to wear Chinese school uniforms instead of their monk robes. Students who wrote the former name of the school on their books were punished and contributions to the school magazine and newsletter strictly controlled.⁴⁰

Curtailment of religious festivals

Beijing this year continued to suppress the growth and celebration of traditional religious activities by imposing various restrictive measures on the secular community. Tibetans are trapped in the contradictions between a Chinese Constitution and laws guaranteeing freedom of belief to all citizens and applications of the doctrinaire atheism of the Communist Party. The current campaign promoting atheism has gone hand-in-hand with an increasing number of restrictions on public expressions of belief such as bans on hoisting prayer flags, burning incense, and circumambulating holy sites.⁴¹

The Kardze Propaganda Guide of 1999 stated that, "Of course, to undertake religious activities outside places of religious

activity is abnormal, and must be forbidden.” However, such festivals were permitted to some degree by the Sichuan 1987 Measures which stated that monasteries, “should not arrange large scale religious activities which go beyond their administrative area without obtaining government approval, in order to avoid influencing the masses’ production, livelihood or social order.”

The 1992 provincial report on religion⁴² commented: “Large scale religious activities, especially those which cross prefectural boundaries, must be strictly controlled and, in general, not organized. In the case of those which have to be organized, a report must first be made and permission obtained, the number of participants must be controlled, and the monastery and persons in charge of the activity must bear the responsibility for it. Leaders of party and government organs, work requirements aside, must not participate in such activities. As for the issue of visiting Tibetan compatriots from abroad and foreigners who participate in religious activities, this must be handled strictly in accordance with the announcement of the Religion Bureau of the State Council. No person is to have any special rights.”

In discussing “the way forward”, the 1992 Report outlined two basic principles for implementation of the Party’s policy on freedom of religious belief. 1) The first principle reiterated the “two points theory”, reminiscent of the 1982 Constitution and of Document 19, which states that “every citizen has the freedom to believe in religion and freedom not to believe.” 2) The second, and perhaps the most significant, basic principle was that religious activities must be carried out within the limits of the Constitution, laws and policies (“Religious activities must be carried out within the limits permitted by the Constitution, laws and policies. This is an object requirement of implementing the Party’s policy of

freedom of religious belief, bringing about the normalization of religious activities and bringing about the mutual adaptation of religion and socialist society. Freedom is relative and there is no absolute freedom.”⁴³

Article 5, Chapter 2, Organization of Monasteries of Sichuan Province Buddhist Association: Trial Measures for the Management of Tibetan Buddhist Monasteries, said, “Monasteries must establish democratic management organizations to implement democratic management and to accept the guidance of the upper level Buddhist Association”

Arrests before Dalai Lama’s birthday

Three Tibetans; Yeshe Gyatso, a member of Lhasa City China’s People’s Party Consultative Committee; Dawa Tashi and Buchung — both third year students of Tibet University — were arrested on 16 June 2003 on allegations of their involvement in “splittist activities”. Their arrest came amid tightening of control on the residents of Lhasa over the commemoration of the Dalai Lama’s birthday on 6 July. Every year the Chinese authorities step up security on this day since they view it as an opportunity for inciting and reviving Tibetan nationalism.

The Chinese authorities have banned birthday celebrations for the Dalai Lama. On 26 June 2000, Lhasa Municipality Industrial and Commercial Bureau issued a circular titled *Concise Information about the Lhasa City People’s Government Abolition of The Illegal Occupation of Trunglha Yarsol* (birthday celebration of the Dalai Lama) which renders participation in *Trunglha Yarsol* as illegal. The circular accused the “Dalai clique” of instigating disturbances in various parts of Tibet, relying on pretexts like the celebration of *Trunglha Yarsol* to try to split the motherland.” The second part of the circular bans the residents from

gathering together on the day, burning incense, tossing *tsampa* (barley flour), hanging prayer flags and reciting prayers. Any resident arrested in connection with celebrating the day in any of the banned ways is labelled a “splittist” and faces prison term.

Conclusion

TCHRD still finds no improvement in the PRC’s record over religious repression inside Tibet. Tibetans continue to face governmental restrictions, controls and repressive measures over their enshrined right to religious practice and belief. The basic anti-religious policy has remained the same — with regional fluctuations in the intensity and regularity of its implementation. So long as the official fear remains of a nexus between Tibetan Buddhism and the exiled Dalai Lama, there is little hope for relaxation or revision of China’s current policies to curb religious expression and scholarship within Tibet.

Endnotes

¹ 1999 TIN Briefing Paper, *Relative Freedom?*

Tibetan Buddhism and Religious Policy in Kardze, Sichuan, 1987-1999,

² *Min Pao*, “The central authorities will hold the Fourth Tibet Work Forum to dispel Dalai’s religious influence”, (Internet version – www) in Chinese, Hong Kong, 19 May 2001

³ AP (USA), “Dalai Lama not shunned”, 11 September 2003, Christopher Bodeen, <http://www.sfgate.com>

⁴ Tibet Bureau, Geneva, *Tibet: 59th Session of the UN Commission on Human Rights*, May 2003 under title “European Union and Other Countries Raise Tibet at UN Human Rights Forum”

⁵ Master Yicheng, President of the Buddhist Association of China, said, “The development of Buddhism is closely related to the progress of society and the prosperity of the economy. The full implementation of the policy of freedom in religious belief and a sustainable stable social, political atmosphere has moved China’s Buddhism into a golden period. Buddhists should love their religion and the country in ways fitting with the times. Nowadays, our basic principles are to observe the law, keep a good relationship between nationalities and the integration of the motherland and support socialism construction”

⁶ CRF News Update January-March 2003 compiled by Amy Tai, HRIC, China’s Right Forum, *The Journal of Human Rights in China*, No. 1 2003

⁷ AFP Beijing, “China vows to stop ‘illegal’ religious activities”, 13 January 2003

⁸ Published from the Chinese language version of *Tibet Daily*, “Clearly Understand the True Nature of the Dalai Clique, Oppose Splittism and Safeguard Stability”, 10 March 1995 (see “Tibet Authorities to Crack Down on Religion, Splittism,” SWB, 28 March 1995. A version of the same article had appeared in the Tibetan language edition of *Tibet Daily* three days earlier).

⁹ Published in FBIS, 7 June 1996, under the title “Tibet Five-Year Plan, Long Range Target”

¹⁰ *Tibetan Review*, “China cites Dalai Lama in anti-terror drill”, December 2003, p.4

¹¹ Khangmar Monastery is located in Sangkar Township, Marthang County, Ngaba “TAP”, Sichuan Province. Khangmar Monastery houses around 120 monks and until the recent arrest of the monks, the monastery has been free of interference by the Chinese authorities except for occasional routine visits

¹² Tibetan Buddhism’s wheel-of-time teachings

¹³ Lobsang Damchoe passed away in Gyantse on 31 January 2003 after a prolonged illness with thyroid tuberculosis. A strong advocator of justice, Lobsang openly voiced his support to the Panchen Lama’s reincarnation (Gedhun Choekyi Nyima) recognized by the Dalai Lama, despite severe restrictions from Chinese authorities. Lobsang was released on medical parole in 1997

¹⁴ Written statement submitted by the International Fellowship of Reconciliation (IFOR), a non-governmental organisation in special consultative status Commission on Human Rights at the 59th session of the UN Commission on Human Rights, 2003, Item 9 of the provisional agenda, Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World

¹⁵ TIN, *Relative Freedom? Tibetan Buddhism and Religious Policy in Kardze, Sichuan, 1987-1989*, p 12

¹⁶ *ibid.* p 13. “...First of all we must strengthen propaganda about policy, to enable the broad cadres and masses and persons of the religious world to understand the policy relating to, the significance of and the requirements of reincarnation of Living Buddhas, and we must actually implement the spirit of Circular and related regulations in the practical work relating to reincarnation of Living Buddhas. Secondly, we must pay attention to methods of work and grasp the progress of work. We should approve new Living Buddhas within the scope of permitted reincarnation, and separately set out the correct sequence for reincarnation. One, no child reincarnations recognized abroad or themselves living abroad are to be recognized. Two, those who live within the country, who accord with the regulations and conditions and who are confirmed as reincarnations, can be approved and recognized appropriately as child reincarnations, but we must strictly examine and approve the procedures. Three, there are some monasteries whose reincarnated child has already been recognized abroad, we can recognize another one, and then in accordance with religious ceremony cast lots, and after government examination and approval, recognize one of them afresh. Four, in relation to those who are already a ‘fait accompli’, who are recognized by the masses and where it would be difficult to immediately recognize another one, there can be a temporary delay in dealing with them. Fifth, we should enhance training and educational work in relation to child reincarnations already approved and recognized, to enable them to grow up into a new generation of patriotic religious personalities in the new era. Fourth, during recognition

of Living Buddhas, we should strictly guard against extravagant ceremonies and avoid waste”

¹⁷ The four senior monks were unwilling to endorse the Beijing candidate, who is the son of two stalwart Party officials. Agya Rinpoche, abbot of Kumbum Monastery, where the Xth Panchen Lama spent much of his childhood, fled into exile in the USA, after refusing to denounce the Dalai Lama or to promote the Beijing's Panchen. Chadrel Rinpoche, influential abbot of the Panchen's own monastery, Tashi Lhunpo, was publicly condemned as an enemy of the motherland for having secret contact with the Dalai Lama, and is now under house arrest. Gunthang Rinpoche, a respected religious scholar from Labrang Tashi Khyil, was seriously ill.

¹⁸ Patrick French, *Tibet, Tibet: A Personal History of a Lost Land*, Chapter 5, pp 59-60

¹⁹ For more information on the case, log onto www.tchrd.org/press/2003/pr20030828.html

²⁰ For more information on Trulku Tenzin Delek and his case, refer “Political Chapter” of this Annual Report

²¹ <http://www.tibetinfo.net/news-updates/nu141099.htm>

²² For more information on Lobsang Dhondup, refer to chapter on “Political Repression” of this report

²³ TCHRD, *Human Rights Update*, June 2003, www.tchrd.org/hrupdate/

²⁴ Visit www.tchrd.org/press/2003/pr20030602.html

²⁵ Visit www.tchrd.org/press/2003/pr20030602.html for detailed information

²⁶ When the 2003 59th UN Commission on the Human Rights debated the item dealing with civil and political rights, it also received the annual report by Mr. Abdelfattah Amor (Tunisia), the Special Rapporteur on the Freedom of Religion or Belief established in 1986 by the Commission on Human Rights. The Chinese authorities officially responded to several interventions he made with regard to the situation of religious freedom in Tibet. Mr. Amor said China responded to one of his interventions in May 2002

²⁷ *New York Times*, “All living Buddhas have to be patriotic”, 9 November 1998

²⁸ TCHRD Annual Report 2002, “Institutionalization of Religious Control” under “Right to Religious Belief”, p 138

²⁹ The US State Department Report of 2003 stated that Beijing's “patriotic re-education” campaign is “officially concluded”

³⁰ *Tibet Daily* (Chinese language edition), text of article by Yu Dun'riiu entitled “Persist in the two

handed approach and intensify the anti-splittist struggle”, 30 January 1995, SWB, 5 April 1995

³¹ The official mission of the Special Rapporteur on the Right to Education is only the third occasion when Beijing has invited a thematic special procedure of the UN Commission on Human Rights to either visit China or Tibet. In 1994 and 1997, China received the Special Rapporteur on the Freedom of Religion or Belief and the Working Group on Arbitrary Detention, with both missions being allowed to visit Tibet

³² For full report, [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2004.45.Add.1.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2004.45.Add.1.En?Opendocument)

³³ Chaksam Chori is located at the border of Lhoka Gongkar County and Chushul County. Chaksam Chori is a sacred hill and during auspicious religious occasions Tibetan pilgrims visit there for circumambulation. Some hermits had been in retreat for a very long time

³⁴ www.tchrd.org/hrupdate/2003/hr200310.html titled “Love your Country, Love your Religion in Ragma Monastery”

³⁵ Patrick French, *Tibet, Tibet: A Personal History of a Lost Land*, p. 59

³⁶ *ibid*, p. 65

³⁷ Patrick French, *Tibet, Tibet: A Personal History of a Lost Land*, pp 82-83

³⁸ Geshe Sonam Thargye fled Tibet and a fter 18 years in India, he settled in Geelong, Victoria, where he continues to teach and practice Buddhism

³⁹ Ngaba Kirti Monastic School located in Ngaba County (Ch: Aba xian), Ngaba Prefecture, Sichuan, was established in 1994. The school was a boon for the area's poor farmers and nomads who subsist on daily earnings and could not provide for their children's education. The school's popularity gradually rose and by the end of 1998 there were around 800 monks

⁴⁰ For more information on the case, visit www.tchrd.org/press/2003/pr20030924.html

⁴¹ Oral intervention by Mr. Jonathan Sission, “Civil and Political Rights, Including the Question of Religious Intolerance”, International Fellowship of Reconciliation, Geneva, 4-6 April 2001

⁴² Full title: Guanyu Ganzi Zangu zizhizhou zongjiao shiwu hongguan guanli de yanjiu (Research into the overall management of religious affairs in Kardze TAP), *Zongjiao zhengce*, pp. 297-312

⁴³ Article 5, Chapter 2, Organization of Monasteries of Sichuan Province Buddhist Association: Trial Measures for the Management of Tibetan Buddhist Monasteries, said, “Monasteries must establish democratic management organizations to implement democratic management and to accept the guidance of the upper level Buddhist Association”

Introduction

In the 2002 TCHRD Annual Report, the Right to Development chapter reported on the violation of Tibetan peoples' rights to participate in the much hyped development projects currently being carried out by the PRC in Tibet. The chapter also dealt with the denial of rights for Tibetans to speak out or protest against development projects that harm Tibetans, their landscape and their interests.

Today China's highest priorities in developing Tibet under the PRC's Tenth Five-Year Plan, and the Western Development Program, are oil and gas pipelines, salt and petrochemical manufacture, copper, chromite and gold mines, cascades of hydropower dams and power grids to take electricity to distant Chinese industries and cities, and a new rail corridor to facilitate access to Tibet's resources and deployment of China's military. However, experience within Mainland China itself has shown that this urban bias and capital construction favours the urban populace and leaves the majority of the population — the rural farmers and workers — out of reach of a sustainable economic boom

This year's report discusses the politics of development and the major impacts of current development models and practices being followed by China inside Tibet. Beijing claims the Tibetan people's material and cultural life has improved remarkably, based on what it calls "remarkable" and "record breaking" economic growth. Yet China's primary mechanism for the alleged improvement of living standards of Tibetans is general economic growth, subsidies and infrastructure construction in urban and extraction enclaves.

The overall neglect of cultural and social rights for Tibetan people documented in other chapters, and by major international human rights monitoring agencies detailing the general lack of freedoms, nullifies Beijing's claims of development on the plateau.

In Tibetan regions, China continues to decide the development priorities and strategies for the Tibetan populace, assuming the role of benevolent state that best knows the needs of Tibetans. But, it is clear that China's development policies have largely failed and the present development strategy continues to be incoherent and inconsistent with the reality and needs of the people. If present development policies continue, they will only lead to increased income disparity and further marginalization of Tibetan people, contrary to the stated aims of China's development policies.

The "Tibet Autonomous Region" and the neighbouring provinces and Tibetan-inhabited lands merged into Chinese provinces are to Beijing little more than a source of raw materials, and a place for supplemental employment for Chinese migrants. While development in the region is managed by and for the Chinese central government, these strategies will only further exacerbate income disparities between Chinese migrants and local Tibetans. Only a return to the guaranteed rights to development of Tibet by Tibetans can correct this uneconomical imbalance, and restore the rights of Tibet's populace.

What China doesn't realize — or chooses to ignore — is the fact that under the present circumstances it is crucial that development activities, including those associated with the Western Development Program, should give utmost priority to Tibetan capacity building as an integral part of investments being made. This is integral to the UN Right to Development.

It is the human development of the Tibetan people that is most needed, rather than development of resources, industry, infrastructure and cities carried out in the name of human development or poverty alleviation.

Amartya Sen, the Nobel laureate whose framework of development is used by the UN Independent Expert on the Right to Development, states in his work *Development as Freedom*:

In judging economic development it is not adequate to look only at the growth of GNP (gross national product) or some other indicators of overall economic expression. We have to look also at the impact of democracy and political freedoms on the lives and capabilities of the citizens.

International law codifies the right to control development as an integral element of self-determination. To quote from the International Covenant on Economic, Social and Cultural Rights [ICESCR]:

All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.(Article 1)

China ratified the ICESCR in 2001. In reality, China has not bothered to follow the spirit of the Covenant nor does it plan to implement it. China has broken faith with the international community. It has been violating the rights of the Tibetan people under this Convention by arrogating strategic control of the development of Tibet to the Chinese central government, and by allotting local tactical control of Tibetan-majority prefectures among surrounding regions and provinces which are not administered by Tibetans.

In practical terms, this disregard for international law has eroded the quality of life of Tibetans and the quality of their environment while siphoning off Tibet's valuable natural resources into areas settled by Han Chinese, the ethnic group which dominates the central government.

Some of the denial of development rights to Tibetans has been cloaked as international

development aid, or as joint ventures and outside co-operation. Section 1.2 of the ICESCR specifies that international investment is not a justification for the abridgement or abrogation of people's rights:

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.

Whether by the Chinese government or by foreign investment, the diversion of Tibetan assets and denial of the right of Tibetans to control the development of the plateau is illegal, even under Chinese occupation of Tibet.

The law of the rights of peoples to control their own development is recorded and explained in the United Nations Declaration on the Right to Development and the International Convention on Civil and Political Rights, as well as the ICESCR. The Chinese central government and their appointed regional, provincial, prefectural and municipal governments in Tibet have usurped these rights of the Tibetan people, to the harm of the Tibetan people and to the degradation of their environment and natural resources. China's campaign to deprive Tibetans of control of development violates not only international law, but also Chinese law.

Population transfer illegal

The UN Commission on Human Rights Independent Expert on the Right to Development points out that,

Within the right to development, the right-holders are the collective of individuals in a given state, as well as groups within the collective, as is the case for minorities.

Professor Sengupta goes on to say that the UN Declaration on the Right to Development (DRD), passed in 1986, casts the right to development,

As a human right at the centre of which is “the constant improvement and... well-being of the entire population and of all individuals.” The need for legitimate democratic structures is part of the right to development, which, as the DRD makes clear, includes respect for civil and political rights...

Minorities... have little or no access to any form of political influence or public participation, [so] overall development of a country may not contribute to their ability to develop. Respecting existing standards that pertain to minorities and indigenous peoples, redressing discrimination, ensuring participation, as well as assessing the impact of development activities, are part of what is required in realizing the right to development.¹

Human development and human rights are the beginning and end of international and national laws, treaties and theories on development and on self-determination. These rights are not affirmations of the powers of government, but of people. China’s model for the development of Tibet has frustrated and retarded human development of the Tibetan people by means of depriving them of the rights to self-determination in its aspect as the right to control their own development, both of the people and of their lands.

The development of Tibet under China has worked to the greatest benefit of Han and Tibetan people on government payrolls, and the Han people relocated into Tibet by the Beijing government and its population policies. These massive relocations of population also contravene both Chinese law and international law.

Anecdotal evidence of travellers, and journalists’ published accounts, build upon the Chinese government’s own written evidence that they are flooding Tibet with a new population of non-Tibetan settlers, primarily Han from overpopulated Chinese provinces.

There are now millions of Chinese in Tibet, especially in eastern region. In spite of Tibet’s vast land area it could not support the increase in population due to the fact that Tibet’s highland has less than 2 percent of arable land, and more than 60 percent of land is grassland. In the initial years of the revolution, Tibet lost food security, famines and starvation occurred.²

According to China’s official statistics, the total human population of Tibet is around 10 million, and these statistics, as many observers have pointed out, underestimate military personnel and the large unregistered floating population of displaced Chinese peasants seeking work. To be precise, the total recorded population of Tibet “Autonomous” Region, Qinghai and the Tibetan “Autonomous” prefectures of Gansu, Sichuan and Yunnan adds up to 10.295 million people.³ This is far in excess of estimated population that the Tibetan plateau had to carry and support in recorded history.

As early as 1987, the former Panchen Lama, in testimonies made in a speech to the National People’s Congress of the PRC, expressed his strong concern over the Chinese strategy of replacing the population of Tibet, and its costs to the Tibetan people:

When Comrade Hu Yaobang visited Tibet in 1980, he decided to repatriate all the useless Chinese personnel from Tibet. We consider this a wise decision. What is the point of having useless personnel... The expense of keeping one Chinese in Tibet is equal to that of four in China. Why should Tibet spend money to feed them? Tibet has suffered greatly because of the policy of sending a large number of useless

people. The Chinese population in Tibet started with a few thousand and today it has multiplied manifold...⁴

Ignoring laws on Regional Autonomy

The occupation of Tibetan lands is a fundamental denial of the rights to development. The relocation of Han citizens connected to the central government into Tibet deprives the Tibetan people of elements of human development: education, economic opportunity and self-determination.

According to Chinese law the Tibetans ought to have the means to stop Han immigration. Article 43 of the Law of the People's Republic of China on Regional National Autonomy empowers the local government to regulate immigration from other areas of China. The article says:

In accordance with legal stipulations, the organs of self-government of national autonomous areas shall work out measures for control of the transient population.⁵

Yet in the case of Tibet, from the era of the rule of Mao through to the present day, the policy of population transfer into Tibet may have wavered but the practice has stayed on course. Chinese settlements were reinforced during Deng Xiaoping's rule, when he rationalized the denial of employment opportunities and local control during a visit to the United States in 1987:

Tibet cannot develop on its own... It should seek help from fraternal provinces and municipalities [in China]... We need to get large numbers of Han comrades in Tibet so that they can impart scientific and technological know-how, share their scientific management expertise, and help Tibet train scientific, technological, managerial personnel to speed up its economic development.⁶

True to his word — if not to his own laws — Premier Deng Xiaoping encouraged the relocation of hordes of Chinese into Tibet in the 1990s.

Another Chinese law that is enforced elsewhere, but suspended with regard to Tibet to the detriment of local rights to development, is the law of *hukou* — or residence permits. Throughout Mainland China married professional couples are often separated, and sometimes children are isolated from transferred parents, by an intricate system of permits. Without the *hukou*, access to health care, education and even political rights is suspended for any Chinese subject living outside his assigned residence area.

Tibetans living under Chinese occupation lack this basic Chinese legal protection from mass immigration from poorer regions. And so the Chinese government denies the Tibetan people this ordinary and otherwise universal protection from uncontrolled economic immigration that has protected jobs and the quality of life for citizens of Beijing, Shanghai and Hong Kong.

By this flood of outside development, Chinese rulers have deprived Tibetans of the more important basic human right to develop the resources in their own hands. And by suspension of normal residence permit laws, and the preferential policies the central government offers, Beijing gives an unwritten *laissez passer* to the overflow of Han migrants into Tibet, including entrepreneurs and unskilled labourers who lack opportunity in their own home regions. Immigrants usurp development opportunities, which by international and Chinese law belong to natives and legitimate residents, and monopolize the Han control over Tibetan development.

The Tibetan economy of the recent past shows increased costs in the state-supported services: urban service industries and administration sector, trade, transport, finance and social services. From 1989 to 2001 these

state subsidized expenses multiplied from 890 million yuan (approx. US\$ 100 million) to 6.91 billion yuan (approx. US\$ 850 million) in the “TAR” alone. This increased central government subsidy is invested mainly in government payrolls, and the majority of government employees are Han Chinese immigrants. The increased payrolls cost not only indicate increased immigration and spiralling Chinese government control of Tibet; this growth also shows a disproportionate increase in central government costs and investment as a proportion of the total Tibet economy. In the same period, government services grew from 41.1 percent of the total economy to 49.8 percent, or approximately half the total economy.⁷ These statistics demonstrate that the trend in the rest of China — away from economic growth based on increased government — is reversed in the special case of the “TAR”.

Government costs and concomitant government control will probably rise still more sharply in the next round of official reports. The government sector of the economy accelerated in the late 1990s after the Third Work Forum on Tibet was held and 62 projects were launched for the plateau. The growth curve steepened further after the 2001 Fourth Work Forum announced another 117 projects for the “Tibet Autonomous Region”.

Military expenditure was not included in this calculation, and if it were, it would show a still wider gap between the government economy, the economy of the immigrants, and what part of the wealth and development opportunity of Tibet remains to the Tibetan people. Most Tibetans live in a subsistence agricultural economy, and so they are by definition excluded even from the boom in the government economy.

The new Great Leap Forward

China’s Western Development Program, discussed in TCHRD’s Annual Report 2002, is already into its third year. In 1999 President

Jiang Zemin added detail and confirmed the motivation for Chinese control of Tibetan development in his speech to the Forum on the Reform of State-Owned Enterprises. Jiang launched the massive new development programme as the Western Development Strategy, saying the initiative would, “strengthen national unity, safeguard social stability and consolidate border defense.” In short, the purpose of China’s development of Tibet is to accelerate Han plans for social engineering, and the establishment of a truly local economy will be incidental.

Central to the Western Development Strategy is investment in hard infrastructure such as highways, railways, pipelines, mineral extraction, dams, power stations and irrigation facilities. Limited priority is given to soft infrastructure such as health, education and local human capacity building that would enable more local employment and participation in the modernization process. The Western Development Strategy gives little priority to investment in local agriculture and livestock, although the majority of the western population, especially non-Chinese ethnic populations experiencing most acute poverty are in these two sectors.

Though it is too early to gauge the direction and impacts of this programme, Beijing’s assumption that substantial foreign investment will start to pour in has not been realized. In the 1990s, some foreign corporations and international government bodies pulled out of Chinese projects in Tibet. The World Food Program, the World Bank and the European Union cancelled their participation in Tibet projects, citing human rights concerns, mismanagement by Chinese partners and government corruption.⁸

However, an analysis of the economy in the Tibetan inhabited regions reveals that China aims to flood Tibet with Han immigrants, militarize the border and divert Tibet’s natural resources. At the same time, the Chinese government press continues to report a picture

of Han development of Tibet more reminiscent of the Great Leap Forward than of the national press reports of the privatized economy since Deng's reforms.

China's state-controlled media presents Tibet as a wilderness inhabited by primitive societies needing to be saved from their own uncompetitiveness. This approach dehumanizes rural Tibetans in the eyes of ambitious urban Han Chinese. Describing Tibet's people in terms of an "ancient culture," "mystic" and "backward," China's development of Tibet is presented to the Chinese media's largely Han audience to be a question of benevolence. In this context, the Chinese diversion of Tibetan resources transmutes into the benign expropriation of assets otherwise wasted on "simple people".

An infrastructure to benefit China

During an August 2003 state-organized tour for 40 foreign media persons to Tibet, De Ji, the administration commissioner of Shannan Prefecture (Tib: Lhoka Prefecture), was asked by the media about what would happen in Tibet after the infrastructure development was completed.⁹ Her reply was:

...After that we don't know what will happen.

This reply reveals that China develops Tibet for Chinese people, not for Tibetans. This is both the effect and the plan of the Western Development Strategy. As Jiang Zemin announced in 1999, Tibet must be developed along with Western China not for economic reasons, but to tighten Chinese control and to improve its military position against its neighbours.

In some areas of the plateau, more commercial approaches have led to heavy industrialization. The Tsaidam basin of northern Tibet is an arid sedimentary basin rich in oil, gas, drylake salt and many other minerals. This has enabled China to send two million tons of Tibetan oil a year to Chinese

refineries, and to establish petrochemical complexes in Tibet, which employ no Tibetans. There is a major potash fertilizer extraction industry given high priority in China's Western Development Program, and a magnesium metal extraction industry in Qinghai, both based on the salts of the northern lakes. These industries usually lack basic environmental discharge technologies and are highly polluting, like fluoride poisoning from the aluminium smelter near Tongren (Tib: Rebkong) town in the midst of Tibetan farmland.¹⁰

The upgrading of the Yangpachen-Lhasa segment of the Gormo-Lhasa highway shows the pattern of Chinese development of Tibet. The rebuilding project supports military needs and immigration, without reference to local needs, and without use of local labour. A report says:

...It is an instance of showcase technologies reliant on importing capital, technology and labour into Tibet, without transferring any to Tibetans. This 80 km section of the road passes through a river gorge and was completely rebuilt with extensive stone abutments and lining work being carried out by very large numbers of migrant Chinese masons and other highway workers at an estimated cost of about 400 million yuan, or US \$48 million. During June and July 2001, large numbers of Chinese road construction workers were also engaged in the upgrading of main roads in Lhasa itself. The construction work was consistent with a pattern seen in most Tibetan urban areas over the last decade with central or other provincial government financing. These modern road and urban building construction designs, techniques and materials were unfamiliar to local Tibetan workers, hence the employment of migrant Chinese workers familiar with the techniques involved.¹¹

Labouring on road building is not skilled work, and Tibetan labour might have been employed, but that is not the purpose of Chinese development of Tibet. So Han labour was imported.

Environmental laws not enforced

Just as the benefit or harm to the local population is not counted in the Western Development Strategy, neither is there an environmental audit, either at the local or national level. Dam construction in Tibet, as in China, is controversial both at home and abroad, since dam building entails great human and environmental risks, and the failure of a dam is a global disaster on par with nuclear accidents.

The bibliography of China's damage to its own environment is too long to record here, and even the Chinese now recognize and acknowledge the problems they have created. In order to stem the mistakes of the past, Beijing has imposed new regulations designed to make central planners responsive to local information and scientific objections to development. New laws even require public hearings to be held.

While these laws may slowly take their place in the review procedures governing new construction, Tibet's perceived special status as a "natural treasury at the disposal of the Beijing government" has given the new protection to lives and the environment only form, not force.

One example documented in mid 2003 of special abuse of the new environmental safeguards reserved for Tibet is the case of Megoe Tso or Yeti Lake in Gongga Mountain National Scenic Area in western Sichuan Province's Kardze, "Tibetan Autonomous Prefecture". There a dam project engineered by the Huaneng Group was approved on the basis of a one-day local show-meeting, before which independent Chinese scientists were not allowed to visit the biologically unique and earthquake-prone site. ¹²

Again, it is the local control of development — guaranteed by international law which has some protection even under Chinese law — that is consistently denied the Tibetans by Beijing, depriving them of any voice in the most sensitive developments.

Gormo to Lhasa railway project

The 100 billion yuan (US\$12.1 million) railway link from Gormo to Lhasa is another project in the PRC's Tenth Five-Year Plan which lacks current local economic justification. The railroad was planned in the mid 1990s, ahead of the need of the time, and at the beginning of the present century there is still no economic need to link Lhasa with Gormo by a heavy freight railway. Planned by the Nationalists before World War II, begun by the Communists in 1958, and not connected through to its Amdo (Ch: Qinghai) terminus of Gormo until 1982, this slow construction project has already changed the demographics of the Tibetan region through which it was built into a largely Chinese region. Today



Tunnel near Yangpachen, one of seven tunnels made for the railway line
© Tashi Wangdu

Tibetans account for only 21 percent of Qinghai's 4.95 million population.

In 2001, a BBC reporter summarized: "Forty years ago, before the railway came, there was nothing here, just open steppe and wandering Tibetan herdsmen. But today [Gormo] is home to 200,000 people, almost all of them

immigrants from eastern China. Less than 5 percent of the population [of the city] is Tibetan.”

Most workers on the railway are Han migrants. Tibetans who find work on the project are at the bottom of the pay scale. Of 38,000 jobs only 6,000 were given to Tibetans. Out of 10,000 openings for skilled workers, no Tibetans qualified. This disparity in status is



Bridge under construction over Toelung River near Lhasa © Tashi Wangdu

more disproportionate in the pay scales. Skilled labourers are paid eleven times more than manual labourers.

However, Beijing has not taken up the challenge of empowering local Tibetans; instead the authorities have chosen to take a few symbolic measures and token actions to address the concerns that Tibetans are being left out of development opportunities and marginalized. One recent measure is the announcement by China that it is hiring 1,200 Tibetans on the Lhasa-Gormo railway line at the uncommonly high daily wage of 40 yuan (less than US\$5) a wage much higher than the present rate of 15 yuan for most Tibetan workers.

Future exploitation of Tibetan minerals is one reason for the rail line. Tibet is rich in mineral salts, chrome, copper and gold. Along the route several copper deposits are already identified.¹³ Rail cars full of ore may roll down to Chinese smelters staffed by Chinese workers, in the normal pattern of Chinese development, but that will happen in the future. The mines do not yet exist.

The immediate need the Chinese admit to for a rail line is for the rapid, reliable and inexpensive transportation of troops. Now military personnel posted to the “Tibet Autonomous Region” travel by rail to Chengdu, Sichuan Province, and transfer to aircraft to fly to Tibet, because “the region is not yet connected to the rest of the country by rail.”¹⁴ Beijing views the Gormo-Lhasa railway as a primarily military asset.

Since its inception the Gormo-Lhasa rail line construction has been plagued with problems attendant to the altitude and extreme conditions, both for building and operation. In recent years the environmental cost has been counted, though that discussion is more subdued than the engineering debate.

In all the categories of discussion, the railway to connect Central Tibet and China is a project for the benefit of China. As in other infrastructure investment, the state benefits in increased control over local populations, increased military standing in the surrounding international community, and increased flow of resources delivered to Chinese factories at reduced cost. While China may pay the financial bills, the environmental and human cost is being paid by Tibet, while Tibetan people lose one more aspect of their right to control development and their own future.

It is uncertain whether China will ever recover its financial investment in railways, or in the other infrastructure projects on the plateau, but what is certain is that these projects will not address the existing economic problems of Tibetans, either by plan or in practice. Development capitalization usually creates short-term employment, but Tibetans do not even benefit from this side effect.

Development as political control

In the case of China’s development of Tibet, Beijing has taken care that these temporary jobs solve not the problems of local education and local poverty, but mammoth publicly-

funded works alleviate unemployment in the Chinese Mainland. Non-Tibetan settlers and imported labour dominate the higher-paying, government-funded infrastructure jobs. Tibetans are nearly excluded from this work. Infrastructure projects may create local economic booms in some areas, but in Tibet the imported Chinese labourers send their earnings home to their families in Chinese provinces. A publicized capital injection from state funds becomes an unpublicized drain of personal earnings, with little of workers' pay remaining in Tibet.



Trucks to collect soil samples from lakes in Amdo for mineral mining
© Tashi Wangdu

Outside investment designed by outside engineers using outside labour without local control or local comment, with outside needs defining the goals of development, all necessarily creates a pattern of enterprises operating at a deficit. And this causes the withering of traditional local economies and the destruction of local culture by a combination of diversion of local resources, contempt for local work and workers, and the forced conversion of local people to outside ways by the rule of poverty. Aside from these direct effects, but related to the reasons above, Tibetan agriculture is beginning to fail.¹⁵

The Western Development Strategy's triple goals of defense, suppression of unrest, and political control are not a foundation for economic development, — not for China and certainly not for Tibet. And so the Chinese development of Tibet is shortsighted, even for Chinese economic interests.

China's wealthiest markets now demand exactly what Tibet is best able to produce — barley for beer brewing, wool and carpets, medicinal herbs, and dairy products. If Tibet's traditional and current cultural and geographic assets were to be turned to future economic development for export, then specially designed and specially processed meat, dairy and herbal products would be logical development areas. Developing specialty foods from indigenous farming and herding would improve the Chinese diet, create new products for export markets, and would solve Tibetan economic and employment problems.

Supporting the development of the current state of the Tibetan economy, and enabling Tibetans to participate in the national and international economy would require a small fraction of the investment of current Chinese infrastructure construction. These realistic solutions are alien to the Chinese development strategy for Tibet. Neither the Tibetan nor the Chinese economies' challenges are addressed by Jiang Zemin's Western Development Strategy.

Infrastructure investment priorities under the Western Development Strategy do not correspond with the urgent needs of Tibet, nor are they applicable to Tibetan human or geographical resources, nor to the problems of Tibet's poorest, who labour in traditional farming and herding.

Chinese planners look only to their own Han lowland cultural and economic context and their own political and military concerns. They look at their own homeland as the national locus of manufacture, export and trade, and at the non-Chinese lands to the far west as a resource in support of their local ventures and developments.

Conclusion

It is not surprising that some leading Chinese economists, such as Hu Angang, say directly that the development policies China has

pursued for 50 years in Tibet have failed, and it is time for a quite different approach based on actual needs. The experience of the past 50 years of development in the Tibetan Plateau region has shown that urban-oriented growth strategies, relying on subsidies, have resulted in growing income disparities between urban and rural populations, and also between local ethnic Tibetans and non-Tibetans.

Skills transfer policies on market forces and outside trained and skilled migrants to promote economic growth have had unintended impacts for Tibetans. The result is a neglect of skills training measures for Tibetans, and the effective exclusion of Tibetans from most job opportunities that offer higher wages and the possibility to rise above the poverty line. Finally, there is growing population pressure on the fragile ecology of the plateau, due to the failure to employ and benefit local Tibetans on major infrastructure projects that continue to employ largely Chinese labourers from outside the plateau.

Only if the logic of the present trend is clear, is it possible to suggest policies suited to actual needs. It would be wise to listen to an ancient Chinese saying which says, “To know the way ahead, ask those coming back”. Just across the Himalayas, Nepal and Bhutan have much experience of different development alternatives — such as community-based development, social forestry, participatory rural development, eco-tourism and gender sensitive development. Their experience gives a wealth of information and guidance on approaching development work in land-locked mountainous regions with fragile ecologies. The fundamental question for the policy makers at the central government level should be how best to spread the benefits of rapid growth and modernization to the poor Tibetan

population depending on subsistence agriculture and nomadic livestock production. It is crucial that development activities — including those associated with the Western Development Program — should give utmost priority to Tibetan capacity building as an integral part of investments being made. This consideration is integral to the UN’s Right to Development philosophy.

Endnotes

¹ Margot Salomon and Arjun Sengupta, *The Right to Development: obligations of state and the rights of minorities and indigenous peoples*, Minority Rights Group, 2003

² TIN (1997) *A Poisoned Arrow: The Secret Report of the 10th Panchen Lama*. London. p.29

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Introduction

In over five decades since Mao Zedong's People's Liberation Army (PLA) "liberated" Tibet, Beijing claims that it has developed the plateau and largely improved the living standards of Tibetans. China reports that the "Tibet Autonomous Region" ("TAR") which corresponds to central and western traditional Tibet today enjoys high economic growth averaging above 10 percent over the past five years. In 2001, the "TAR" was claimed to have achieved the highest growth rate of 12.8 percent in the whole of China.

According to Beijing's China Tibet Information Centre:

...After peaceful liberation of Tibet in 1951, helping the Tibetan people to develop their economy and improve their living conditions became the common concern of the central government and the Chinese people, and it is an important facet of China's modernization drive. The Chinese central government has paid particular attention to Tibet's economic development. From the early 1950s until 1997, the central government allocated various subsidies, aid and investment to Tibet, with an accumulated value of more than 40 billion yuan. From 1952 to 1993, the central government provided 19.1 billion yuan in financial subsidies to Tibet, accounting for over 87 percent of its overall revenue. Since 1994, the central government's total annual financial and construction allocation to Tibet has been about 3 billion, most of which have been used for social construction and

general improvement of the quality of people's lives¹

The state releases numerous reports detailing the investments made in the Tibetan populated regions. Statistics of billions of yuan being spent on development projects in Tibet is made known through the state media and at the same time the actual reality and experience of the Tibetan people is concealed. Tibetans suffer silently over what are called state "development projects".

The state publicizes "environment campaigns" to attempt to reverse its past mistakes of mishandling the fragile ecology of the Tibetan Plateau. In 2003, testimonies provided to TCHRD show that Tibetans who are resettled under the umbrella of dam projects and environment drives have been duped by empty government promises and lead increasingly marginalized lives.

Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states,

The state 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 State 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.

China ratified the ICESCR in October 1997 and is thus legally obligated to ensure that its citizens are entitled to the rights enshrined in the covenant. However, the leadership

continuous to argue that it is necessary to prioritize economic security over political freedoms.²

This chapter delves into the right to subsistence of the Tibetan people in the light of four criteria: poverty in Tibet, development projects displacing Tibetans, health, and the politics of tourism.

Poverty despite economic growth

Every year the Chinese government emphasizes to the outside world the millions of yuan it is pumping into Tibet to boost the region economically. However, credible statistics on Tibet consistently indicate that most Tibetans lead increasingly impoverished lives. In the United Nations Development Programme's (UNDP) *China Human Development Report* for 1997, 1999 and 2002, the "Tibet Autonomous Region" remains at the bottom when ranked on the UN's Human Development Index. A 2003 World Bank report ranks "TAR" at the very bottom of its index.³ The other Chinese province



Unemployed Tibetan youths playing pool

Qinghai, Gansu, Yunnan and Sichuan—into which traditional Tibet was incorporated, are close to the bottom of all lists of China's poorest provinces.

Raising rural incomes has become one of the top priorities in the central government's policy agenda. The PRC's two important national conferences held in Beijing in March 2003, the National People's Congress and the Chinese People's Political Consultative Conference,

gave unprecedented attention to the concerns over increasing rural incomes.⁴ Unlike China's heavy focus on income generation in the hope that a rise in income statistics taken out of the context of the many other possible indicators of poverty would show that poverty has been eradicated, the UNDP measures human development as a composite of indicators of health, education and income.

Measured by human development indicators, the UNDP Human Development Reports point out that the difference between China's most developed and least developed provinces is comparable to disparities between Western industrialized nations and the most undeveloped nations in the world.

Independent studies have critiqued China's poverty alleviation effort for its ineffectiveness⁵. The State poverty alleviation initiatives in Tibet only raise questions as to who is the real beneficiary. The heart of the matter is that the rich get richer while the poor remain poor. The enormous income gap between rural and urban households is a major political concern for the PRC. In 2001, the "TAR" rural and urban income gap, based on actual surveyed household consumption, was the third greatest in China.⁶

Although urban areas in Tibet may have a modern veneer, studies have found that poverty alleviation programmes have excluded many poor populations specially in the rural areas and government interventions have benefited the rich more than the poor. The majority of Tibetans live in rural areas and sustain themselves by agriculture and/or nomadic pastoralism. Statistics show that 85 percent of Tibetans are rural and that rural regions are almost exclusively populated by Tibetans.⁷ Agriculture accounted for 72 percent of employment in the entire "TAR" province in 2001, or more specifically, about 75 percent of the Tibetan employment in the province, and almost 90 percent of rural employment.

Table 1: “TAR” GDP and share of primary, secondary and tertiary industry

(Figures in billion yuan [1\$=8 Yuan]; figures in brackets denote the percentage share of each industry)

Year	Gross Domestic Product	Primary Industry	Secondary Industry	Tertiary Industry
1989	2.19	1.00 (45.9%)	0.28 (13.0%)	0.89 (41.1%)
1992	3.33	1.66 (49.8%)	0.44 (13.4%)	1.22 (36.8%)
1995	5.59	2.34 (41.9%)	1.33 (23.8%)	1.92 (34.3%)
1998	9.12	3.13 (34.3%)	2.024 (22.2%)	3.96 (43.5%)
2001	13.87	3.75 (27.0%)	3.22 (23.2%)	6.91 (49.8%)

Source: *Tibet Statistical Yearbook 2001* and *China Statistical Yearbook 2002***Table 2: “TAR” employment by type of industries**

(Figures in 1,000 persons and those in brackets denote the percentage share of each industry)

Year	Total	Primary Industry	Secondary Industry	Tertiary Industry
1989	1,075.6 (100)	867.9 (80.7 %)	43.0 (4.0%)	164.7 (15.3%)
1992	1,109.2 (100)	867.4 (78.2 %)	46.7 (4.2%)	194.7 (17.6%)
1995	1,150.9 (100)	895.1 (77.8%)	56.2 (4.9%)	199.6 (17.3%)
1998	1,202.2 (100)	892.7 (74.3%)	68.7 (5.7%)	240.8 (20.0%)
2001	1,246.0 (100)	895.0 (71.8%)	81.0 (6.5%)	270.0 (21.7%)

Source: *Tibet Statistical Yearbook 2001* and *China Statistical Yearbook 2002***Table 3: “TAR” GDP annual sectoral growth rate**

Year	Total GDP growth rate		Primary Industry	Secondary Industry	Tertiary Industry
	China	TAR			
1999	7.1	9.6	5.3	16	10.3
2000	8.4	9.4	2.1	14.1	12.9
2001	7	12.8	3.1	17.6	16.6

Source: *Tibet Statistical Yearbook 2001* and *China Statistical Yearbook 2002*

Economically speaking, Tibetans fall in the primary sector. In light of such official Chinese statistics, slow agricultural growth would have primarily affected the Tibetans. However, much hyped government subsidies that flow into Tibet are mostly channelized in the secondary and tertiary sector where Tibetan participation is low. Economic growth might be taking place in urban areas, but the Tibetan population who are rural and non-salaried are bypassed in the economic growth which is reflected in the slow growth rate in agriculture and hence extreme poverty in rural Tibet.

Development displacing Tibetans

Article 1(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which China ratified in March 2001 stipulates that,

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.

The PRC's much-hyped Western Development Program, originally launched in 1999, often leads to Tibetans being displaced from their native region to make way for the "development of the motherland". While taking into consideration the positive aspects of development, it is imperative to see the impacts on people whose lives are affected in the project zone. The Tibetan inhabitants in the project zones are also entitled to their right to subsistence. However, their voices fall on deaf ears and claims of custom and law are countered with the government logic that "everything that exists, whether on land, underground, forests, rivers and oceans, is the property of the state."

Dams threatening livelihoods

Dams, the pride of developing nations, have often proved fatal to many especially the people in areas around the project zone. The government boasts of dams bringing electricity and water to far-flung regions. However, relocation of the project-affected inhabitants is often concealed by empty statements like "resettlement of inhabitants is being taken care of."

In 2003, TCHRD received information that over 17,000 Tibetans would be displaced within three years due to dam projects falling in eight townships under Barkham County and Chuchen County in the Ngaba "Tibetan Autonomous Prefecture" ("TAP"), Sichuan Province.⁸ The dam, christened Shuang-Jang Kou Dianzhan, is envisaged to be completed before 2006 and work is underway. The project-affected Tibetan inhabitants have been issued an order that calls for their relocation from their ancestral land. However, the order did not indicate the location to which they would be resettled.

The inhabitants appealed to the authorities raising concerns about their livelihood, but the petition fell on deaf ears. Relocation often leads to severe consequences in the long term when people exhaust their meager government compensation. Tibetans who are already struggling against the policy of urbanization would be completely marginalized once they are relocated. Their time-tested practice of sustenance would no longer be practical in their new surroundings. And in the absence of other skills to sustain themselves, they are bound to be pushed to begging.

In recent years, Lhasa and other urban areas of Tibet have been flooded with beggars from the rural areas. Many were victims of government urbanization and infrastructure drives which forced them to come to the cities to survive.

Environment drive worries nomads

A government ruling of 16 April 2003 has called for a drive to protect and plant grasses on the banks of eastern Tibet's three major rivers—the Machu, Driчу and Zachu—to combat desertification and soil erosion in the wake of 1998 floods.⁹ The same ruling has ordered limiting livestock to protect grassland and raised anxiety amongst the local nomads. The Tibetan nomads from Golog and Yushul “TAP” face the risk of relocation and threats to their traditional nomadic culture. According to a *Xinhua* report of 17 April 2003, the Chinese government had in April 2003 decided to convert large tracts of nomadic land into protected and controlled grassland. The drive, which has already been initiated, is expected to conclude within five years. The official justification for the drive is that 70 percent of the grasslands in Matoe County in Golog has now turned barren. The government has reportedly planned to fence 1,540 *mu* (1 *mu* = 67 sq m) of land to protect and replant grassland. Towards this end, the government plans to resettle 27,679 nomadic populace that have traditionally used the land for subsistence, into some other areas.

TCHRD has received a letter from the residents of Golog expressing deep concern and anxiety over the implementation of this new policy. The nomads look upon the control of grasslands as a threat to their traditional livelihood and nomadic lifestyle. The official drive also provides for compensation measures such as a subsidy of 2.75 kg of grain in return for one *mu* (1 *mu* = 67 square metres) of land and job incentives to people who would face relocation, according to the *Xinhua* report. However, the nomads have expressed opposition to the whole plan, as they have already been disadvantaged in the field of education and vocational skills training. They have subsisted with their huge herds of yak and sheep for many generations on these grasslands. A nomad has compared limiting livestock and relocating nomads from their traditional land holdings as being like a fish flung out of water.

China's policies of relocation and limitations on livestock show no respect for the skill and local knowledge of the Tibetan nomads in preservation of the grassland. Such measures destroy the viable and vital part of Tibetan culture and the nomads right to subsistence. Individuals who dare to speak up against the government policy are branded as “anti national”.

Resettled Tibetans have also linked their relocation with mining of their land under the guise of an “environmental drive”.¹⁰ Ata, a 30-year old nomad from Gonjo County, Chamdo Prefecture, “TAR”, had to flee Tibet after he ran into arguments with government officials against the authorities' relocation ruling to make way for a so-called environmental campaign to plant trees. According to Ata, the tree planting was actually an excuse to relocate the inhabitants so that the area could be mined.¹¹

The United Nations' Expert Seminar on Forced Evictions issued Human Rights Guidelines on Development-Based Displacement in 1997.¹² The guidelines, which are applicable equally to development projects carried out by governments and those initiated by private companies, entitle the people to be given information about the project, to be consulted in the resettlement plans, to defend eviction in an independent court or tribunal, to be protected against violence or intimidation in the process of eviction, to be awarded appropriate compensation if their land or property is taken from them, and/or to be resettled in a location agreeable to them.¹³ However, Tibetans whose lives were to be devastated by state sponsored development projects and resettlement drives were neither consulted nor heard. The fact that Tibetans do not have any “active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom” in the government development projects is a violation of the Tibetan people's right to pursue their “economic, social and cultural development”.

Testimony of Ata, a nomad from ‘TAR’

The Chinese authorities told us that in order to protect the environment, they will need to plant trees in the region. However, it is known to everyone that their actual motive is to initiate a

big mining project in our region. Their claim to carry out afforestation is just an excuse because the inhabitants have never engaged in any practice that has harmed the fragile environment in anyway.

In order to make us migrate, since 2001 the authorities have resorted to several tactics of either forceful or manipulative measures. The authorities assured us that if we comply with the orders, and migrate accordingly, we will be



Nomads being forcibly settled
© Tashi Wangdu

provided with an alternative place where we could live a “comfortable” semi-nomadic life.

The new areas given to the Tibetans are Kongpo Gyamda and Tarmo Counties. Those who will be affected by the decision are nomads from Boomkye, Chago, Zhang pa, Migtoe of Gonjo County in Chamdo Prefecture, “TAR”. Besides them, there are other areas also likely to be affected.

Many of those who had little knowledge about the political and economic implications of this programme began moving out to the new areas soon after. However, once they had shifted, the government did not fulfill any of the promises. Instead of receiving the promised compensation of 70,000 yuan, the families were paid only 150 yuan with a free provision

of 50 gyamas (one gyama = 500 grams) of grain. To make the matter worse, the land for cultivation turned out to be rocky under the soil. Due to this, the prospects for cultivation seem bleak after a few years

Now that the government has already confiscated their land and house, the nomads, although they realize their mistake of having accepted the government’s policy, are left with no other option but to subsist on the allocated areas.

I was in Lhasa when the resettlement programme was in the initial stage of implementation. I received a message from my hometown asking me to return in order to hand over my house and land. I was also needed to register for the new land I would be allotted. On my arrival, along with six other residents of our area, I attended a township level meeting at which the township head told us that as per the government’s directives it is now our turn to leave our homes. The authorities tried to convince us by saying that the drive to resettle us from our homeland was being carried out by placing complete emphasis on our wellbeing. They added, “You will be resettled to a place equipped with adequate facilities and amenities, therefore, you must follow the resettlement order.” They left little choice for us.

I openly expressed my displeasure at the whole idea of giving up the land our ancestors have used for generations. To this, the authorities reminded me that questioning the authority’s decree is inappropriate. They said, “Since it is a decision taken by the government, you cannot refuse.” In a very harsh manner, they told me to accept everything by asserting that the central government has the ownership of not only the lands and houses but also the sky and the air we breathe.

By repeating what I told them earlier about the so-called financial support and free grain provided by the government, I questioned the very reason for building roads and connecting electricity. I told them that the roads were built

not in the interest of the local people. If that had been so, then every township and county would have had proper roads and electricity. I said, “the reason why you have built the highways is to take away our natural resources and feed the economic needs of the urban consumers in Mainland China.” I further told them that the ongoing plan to resettle us can therefore have the same motive. We will therefore never accept it at any cost. After having said that, I got into a long argument with the township’s highest official. The authorities, who were all Tibetans, reprimanded me for challenging them. I wasn’t, however, arrested at that time.

After my confrontation with the township authorities, I immediately left for Lhasa. Within four days of my arrival in Lhasa, I received a call from a friend of mine at home about the possibility of my impending arrest. Apparently, the officials had noted down my criticism towards the programme during the meeting and had submitted a complaint against me to the county officials. By sheer good fortune, I managed to escape to India before they could get hold of me.

Health, SARS and HIV

The Severe Acute Respiratory Syndrome (“SARS”) epidemic, which originated in China, exposed the simple truth that while China may look modern today its government officials are still stuck in the old ways of thinking.¹ Instead of the epidemic being handled as a nationwide health disaster, the Beijing leadership was more concerned about China’s international prestige and image.² Premier Wen Jiabao pointed out in a cabinet meeting on the outbreak that “the country’s national interest and image” were at stake. Therefore the SARS epidemic was officially handled mainly from the point of view of safeguarding China’s international prestige and credibility.

After initial denials of SARS seriously affecting China, the leadership had to face a mammoth task when the outbreak reached epi-

demio proportions and started affecting the nation’s economy. After covering up the first case in November 2002 in Guangdong Province, it was only in April 2003 that Beijing health officials acknowledged the presence of SARS and allowed the World Health Organization to visit affected regions.

According to the central government, no cases were registered in the Tibet Autonomous Region.³ But there is doubt about the credibility of the statement after the government’s blatant denial of SARS in its initial stages. The SARS epidemic has exposed China’s practice of hiding realities and misleading the public and the world. A few days prior to China’s acknowledgement of its SARS status, Premier Wen Jiabao, sent an inappropriate message to the world by saying “The Chinese government and people warmly welcome friends worldwide to come to our country for tourism, visits, or to engage in commercial activities.”

With SARS now officially under control, another epidemic is knocking at the door of Tibet; the AIDS epidemic. HIV/AIDS poses an imminent threat to Tibetans both inside and outside the “TAR”. No one knows how many people have full blown AIDS or are HIV positive in the “TAR” Gansu, and Qinghai, due to the lack of testing sites in these areas. What is known is that Yunnan Province has the highest reported AIDS rate in China, and that Sichuan Province also has a significant HIV positive population. In both the provinces there is a large Tibetan population as the traditional Tibetan province of Kham has been partially incorporated in these two provinces.

It is a known fact that HIV/AIDS reaches its highest rates in the poor regions of the world. With Tibet being one of the poorest regions in the whole of present-day China, AIDS might just become an epidemic and devastate the plateau.

A possibility that AIDS can in future reach epidemic proportions in Tibet cannot be ruled out in light of many risk factors. These include: lack of educational AIDS prevention

programmes, a large portion of the Tibetan population living in poverty in rural areas, prostitution and Chinese military and single settlers spreading the virus. Tibetans outside the “TAR” are more likely to be affected severely because of their geographical proximity to some of China’s worst affected areas like Yunnan and Sichuan provinces.

Since the development of a market economy, health care in China has declined significantly. In Tibet, rural areas especially do not have access to proper medical facilities and even if there are a few hospitals existing in some areas, arbitrary fees prevent patients from seeking medical attention.

Namgyal Tsering, 27, a farmer from Tongpa Village, Dzogang County, Chamdo Prefecture, “TAR”, who arrived in Nepal in November 2003 states that,

There is no hospital for our village and the ten neighbouring villages. The nearest hospital is in Dzogang County to which we have to walk for two days with a further seven hours’ drive in a vehicle. Although we have expressed our need for a hospital, the authorities never heeded. During illnesses, the villagers do prayers as there is nothing else that can be done. Even if patients reach the county hospital, they have to deposit 2,500 yuan (USD 310) before any medical attention is given. Irrespective of the severity of illnesses, if a patient does not have money to deposit, he or she is not taken care of.⁴

Chime, 46, a resident of Thingka Township, Kardze County, Kardze “TAP”, Sichuan Province, told TCHRD,

Although there are three dispensaries in our township, people hardly visit them as medicines are very expensive. Just for a minor illness, the dispensaries charge around 30 yuan for a bottle of medicine. Since most of the people in our township are farmers or semi nomads, they can’t afford the

medicine. For major illnesses, we have to consult the hospital in Kardze County. At the county hospital, a patient is required to deposit around 1,500 yuan (USD 185) which discourages patients to visit the hospital. Although the Chinese government claims that hospitals are being built and people are being given shelter, in our rural areas we don’t get any attention.⁵

In view of the high rates of taxes collected from Tibetans, the government is bound to provide health facilities for the populace. This negligence is in contradiction to the International Covenant on Economic, Social and Cultural Rights (ICESCR) which China ratified in 2001. Article 12 (1) of ICESCR provides that

The State parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

At the heart of many issues surrounding health, one conclusion that can be drawn in light of the way Beijing dealt with SARS and AIDS epidemics is the government’s denial and then censorship of reality which violates people’s *zhiqing quang* the “right to know”.

The politics of tourism

Tourism is often referred as the “pillar industry” of Tibet and given “great attention” at a top level.⁶ Market activities are designed to attract the tourist dollar during the six peak months of the tourist season beginning from May till early November.

According to Chinese government statistics, tourism accounts for 26 percent of the Tibet Autonomous Region’s Gross Domestic Product (GDP) with a 20 percent rise in tourist numbers every year.⁷ Despite a sharp 63 percent drop in income from the foreign tourist sector between January to November 2003, due to the SARS epidemic, there was a

55 percent rise in income from the Chinese tourist sector against the same period last year.⁸ The combined income generated was about US \$ 122.55 million which was a rise in 6.5 percent against 2002.⁹

Such impressive statistics leave one pondering who gains from Tibet's expanding tourist industry.

Article 42 of the Constitution of China states that "*citizens of the People's Republic of China have the right as well as the duty to work*" and Article 4 stipulates that "*all citizens be treated equally.*"

The International Convention on the Elimination of Racial Discrimination (ICERD), which China ratified in 1981, makes it clear that "*equal*" and "*just*" employment conditions include employment being available without discrimination on the grounds of race.

Only Chinese are trusted guides

One of the viable jobs for Tibetans in urban areas has been to work as tourist guides. However, due to the authorities' fear of Tibetans not being "trust worthy" as guides, Chinese guides have been brought in to replace Tibetans.

This practice has been going on for more than two decades, beginning from the late 1980s and remains consistent in 2003. In mid-April 2003 a group of 100 Chinese tour guides were imported to "TAR" to boost the tourist industry. They were sent with the aim to "enable domestic and foreign tourists to gain a more comprehensive and objective understanding of Tibet's yesterday, today and tomorrow, and resolutely struggle against all words and deeds that distort facts with an attempt to split the motherland".¹⁰

The guides were trained in Mainland China and had come from 23 provinces, autonomous regions, and municipalities including Beijing, Shanghai, Guangdong and Guansi. A justification in the *Xinhua* report claims that the

importation of Han Chinese guides is due to the paucity of guides currently in Tibet. However, the plan to introduce such groups over the next ten years has its motives more in political fears than ground realities.

China's wariness over Tibetan tour guides who have visited or been schooled in India has been driving official policy for years. Guides have been under surveillance since at least 1994, when the Chinese first swore to maintain vigilance to prevent exile returnees from "colluding with foreign tourists to harm state security." The recent investigation and expulsion of 100 guides confirms an alarming pattern-the number of Tibetan tour guides left unemployed or exiled rises with each investigative sweep, and stems from the suspicion of the exile Tibetan community in India.

Tour guides who stray from the officially-sanctioned tourist locations in Tibet are fired, detained in prisons and legally prevented from working as guides.¹¹ Tibetans lose their jobs because of their race, although the government logic is that ethnic Chinese serve as better tour guides because of their command over Chinese language.

In July and August of 2002, the Tibet Tourism Bureau was instructed to carry out a thorough background check on Tibetan guides in the Lhasa area. It required each guide to produce a letter from their respective home areas guaranteeing that they had never been to India. As a result of this process, more than 160 Tibetan tour guides were reportedly dismissed by January 2003.

The issues surrounding the booming tourism industry in Tibet are complicated, and there is a growing sense of uneasiness about Chinese government intentions for not only tourism in Tibet, but for the exiles they "welcome back". The latest dismissal of Tibetan tour guides is an example of the systemic racial discrimination against Tibetans. This is in contradiction to the International Convention on Elimination of all forms of Racial Discrimination, ratified by China in 1981, where in it has been stated that

any distinction, exclusion, or preference made on the basis of race, colour, sex or religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

The native-born guides have foreign language skills, knowledge of the Tibetan language, religion, culture and history. Coupled with the fact that foreign tourists consistently request locals as guides, the layoff of the Tibetan guides only makes sense when viewed in the context of discrimination, suspicion, and paranoia characteristic of China's ongoing attitudes and policy toward Tibetans.

Conclusion

Beijing's claims of huge annual subsidies and funds being pumped into the "TAR" and other areas into which traditional Tibet has been incorporated, is a highly artificial situation of deep dependence on external inputs, which in the long term is unsustainable. Economic growth, where it is in fact taking place, is in the tertiary sector where Tibetan participation is nominal. Rural Tibet, largely populated by Tibetans, remains crippled by poverty as channelization of central government subsidies is minimal in the primary sector.

State development projects do not respect the Tibetan people's right to subsistence. Government compensation is meagre, if provided at all, to the project-affected Tibetans who exhaust it in a short time duration leaving them with unsustainable livelihoods in the future.

With Tibet having been lucky to escape the SARS epidemic according to the Chinese government, possibilities of HIV/AIDS gaining epidemic proportions cannot be ruled out in light of many contributory factors. However, SARS exposed the simple truth that the new, younger Chinese leadership is still stuck in the old ways of denying or masking unpleasant realities.

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Introduction

Education is a precondition for the exercise of human rights. The enjoyment of many civil and political human rights, such as the freedom of information and expression, require a minimum level of education which includes literacy. Similarly, many economic, social and cultural rights, such as the right to choose work, to receive equal pay for equal work, and to have equal access to public representation, can only be exercised in a meaningful way once a basic education has been achieved. The right to education can be characterised as an empowerment right which provides the individual with control over his or her life and the power to interact meaningfully in his or her community.

China's law does not yet conform to the international legal framework defining the right to education. China has not ratified the International Covenant on Civil and Political Rights. Although analogous provisions regarding parental freedom to choose education for their children form part of the Convention on the Rights of the Child, this is not recognized in Chinese law. China is different from most countries in the world in that it has chosen not to specify in the law the percentage of Chinese Gross National Product (GNP) that should be spent on education.

In 2003, Katarina Tomasevski, the UN Special Rapporteur on the Right to Education, became the first human rights investigator to visit China in nearly a decade. Tomasevski gave a harsh critique of the country's education policies, blasting the government's ban on religious schooling and a system of arbitrary school fees that force many families into debt. The Special Rapporteur, in her report, is critical of the role of "minority" education, stating that,

Education imposed upon minorities, enforcing their children's obligation to receive compulsory education, violates human rights when it denies their religious or linguistic identity.

In the year 2003, TCHRD saw an endless stream of statistics from Chinese authorities that illustrate improvements in education in "TAR" and other Tibetan areas. However, the United Nation's Special Rapporteur in her report after her tour to Beijing revealed the true picture behind the figures. Her report in part says:

Figures are, as is well known, interpretations rather than facts... The thirst for documenting success, with deflection of criticism the reverse side of the coin, requires figures... Figures are apparently published as reported, without independent verification.

When asked whether there was anything the Chinese government could be proud of in its education policies, Tomasevski answered "No" and said, "Even Uganda, a poor country, is doing better than China in guaranteeing the right to education."¹ But, within China, the Tibet's educational system is the worst of all present day provinces: According to the China Human Development Report 2002 released by the United Nations Development Program, the educational index for Tibet² ranks last against China's other 31 provinces. The gross enrolment rate and adult literacy rate for Tibet are also the lowest in comparison with provinces of China.

Education practice contradicts law

China's laws and practices contradict each other so that usage of Tibetan language continue to decrease, forcing Tibetans to write, speak, and study Chinese. The Chinese authorities' distortion of policies and implementation have thrown Tibetans into a difficult and complex dilemma of choosing either preservation of their age-old culture (which can only be transmitted through Tibetan language) or a job in the new economy (Chinese being the dominant economic language). Either choice is to the exclusion of the other.

The basic laws of China purport to protect the “language rights of minorities”, along with religious and cultural rights. The first constitution of the People’s Republic of China (PRC), the 1949 “Common Programme” stated: “All minorities have the freedom to develop their languages and writing scripts, and to maintain or modify their customs and religious beliefs.”³ Article 121 of the PRC’s 1982 Constitution allows “minority nationalities to employ the written and spoken language in common use.”⁴ The Law of the PRC on Regional Autonomy (1984) includes the right of “minority” nationalities to conduct their affairs in their own languages, and to independently develop education for nationalities.⁵

Current legislation adds protection to the language rights of the foundations of Chinese law. The 1987 regulation—Provisions on the Use of Tibetan—required that proficiency in Tibetan language was a qualification for recruitment and promotion in government jobs. The 1987 legislation also promised to set up Tibetan-medium junior secondary schools in the “TAR” by 1993, and to have “most” university courses available in Tibetan shortly after the year 2000.⁶ Despite legal guarantees of Tibetan language education, the national law gives evidence that higher education in Tibet is entirely conducted in Chinese. Chinese law mouths clauses promising the protection of native language while government practice, especially social and economic policies, ensures that the Tibetan language will continue to be marginalized and degenerate.

Following the 1949 and 1982 protection of minority language, Article 12 of the PRC’s (1995) Education Law guarantees at least permission that “schools and other educational institutions primarily for minority nationalities may use the spoken or written language in common use among the ethnic group or in the locality as language of instruction.”⁷ In May 2002 the TAR People’s Congress enacted regulations encouraging use of the Tibetan language. But in the pattern of later laws,

these rules do not so much protect local language as they assign equal status of Chinese language with Tibetan, and allow for one or both to be used in most official work. In practice, with most imported officials and workers being Chinese, this amounts to permission for Chinese to replace Tibetan in government offices. Since the government controls most schools and all jobs, the educational effect is prejudicial to the place of Tibetan language in education, and to the very survival of the language.

New regulations of 2002 in Article 6 of the Education Law redefine the language protections of the constitution: “During compulsory education, Tibetan and the national language [Chinese] will be the basic educational languages.” The new wording is much different from the constitution, meaning both Tibetan and Chinese will be used as the basic educational languages. While these regulations articulate the same fundamental law, in fact the laws are drifting away from protection of local language, and toward the educational and economic enforcement of Chinese as a language standard for Tibet. The Chinese legal system lacks the protection of independent judiciary, and so there is no practical challenge either to inconsistencies in the law or to law that changes itself by dictated changes in its wording.

As the laws promote a gap of educational status and workplace performance between Chinese and Tibetans, the administration of the school system shows the same division in the languages of upper and lower schools. The dislocation between primary and secondary education in Tibet lies at the centre of the debate over Tibetan-medium education. Most Tibetan students study entirely in Tibetan to the end of primary school. However, all secondary education for Tibetans in the “TAR” has continued to be taught in Chinese. That is to say that, while rural children are introduced to the system of education in the language of their homes, in order to climb the slope to secondary education and a job in the

new economy, somewhere, somehow they must acquire knowledge of Chinese that is not reinforced in their home environment. In practice, this means that rural children grow up to speak Tibetan in a marginal economy denied the assets for subsistence, while urban Tibetans make an educational choice: traditional culture or a job. The job only comes by embracing an alien culture.

This survey has abstracted the legal protections for Tibetan language education, but these guarantees are undermined or betrayed in administrative regulations and day-to-day practices. The policies and regulations favourable to Tibetans either have not been implemented or ultimately were withdrawn. For instance, a pilot project to extend Tibetan medium education into secondary schooling was abandoned in 1996. And Chinese language classes were introduced earlier in the Tibetan schools' curriculum.⁸ In some cases, policies for advancing Tibetan language education in lower schools remain on paper and fail to reach the classroom.

At Lhasa Number Eight Middle School (a junior high) 30 out of 50 teachers were Chinese and the Tibetan teachers only taught Tibetan language. The students, mainly Tibetan, learned everything else— maths, chemistry, history, physics, geography— in Chinese.⁹

Outside of the “TAR” the Tibetan areas, Tibetan language instruction often takes a back seat to Chinese. The policy depends on the ethnic mix of the area and student body. A former primary school teacher from Qinghai (formerly Amdo Province of Tibet) told TCHRD: “For five months in Class One written Chinese is not taught; they only teach Chinese spoken language. They also teach Tibetan in that period. During the Chinese language period they only teach Chinese spoken language, and the parents are stimulated to speak Chinese to their children at home. First they let them have experience

with Chinese, and then they learn written Chinese language. The reason is that step-by-step they try to diminish the minority language.”¹⁰ Tibetan students in these areas may study Tibetan language in primary school, but high schools usually offer only Chinese. A teacher from Rigmon Township, Qinghai Province testified to TIN:

One of the main reasons for me coming to India was [my realization] when I worked in Rigmon that Tibetan was not used and that Tibetan had lost its power and effectiveness. Because, whatever announcement of policies or other information to the public, everything has to be done in written and spoken Chinese, the public doesn't understand it. I saw the gap that exists between the government and the people because of this and the difficulties people face if they want to approach the higher authorities . . . Most of the workers in service departments are Chinese. If there are Chinese you have to know Chinese. Tibetan is not used in the service departments . . . we are a nomad area, so the grain shop is very important for the nomads. They go there daily. When they come to the grain shop, all the workers are Chinese, they only know Chinese. Therefore, in shops, restaurants and post offices, everywhere you face problems if you don't know Chinese.¹¹

Tibetan language and political prejudice

Chinese language replaces Tibetan in all higher education, and the study of Tibetan is often viewed as being anti-Chinese and unpatriotic. The use of Chinese language is likely to advance an individual, according to Badeng Nyima, “Because Tibetan language has been denigrated and ignored as inferior, and also is seen as promoting feelings of nationalism towards Tibet and against China.”

In 2002 and 2003, Chinese authorities closed two privately-funded Tibetan schools alleging

that they taught “splittist” ideologies. Ngaba Kirti Monastic School¹² and Tsa-Sur School¹³ are two such independent institutions to face closure. Both were founded by Tibetans to provide culturally based educations. But a parent observes:

*After they graduated from school they don't get any work. If they study Tibetan they can't survive in society. So I thought, what is the use of studying Tibetan?*¹⁴



Ngaba Kirti monastic school “splittist”

Many Tibetan parents in urban areas are sending their children to attend classes in Chinese. “At Lhasa First Secondary School, one half to two thirds of the students in

Chinese classes may be native Tibetans. Their parents see no advantage in them becoming literate in their native tongue. It is only a burden, many say, to study both Tibetan and Chinese, and university entrance exams require Chinese and English, not Tibetan.

Those who may choose the Tibetan track may begin to study English in senior high, if at all, while those on the Chinese track begin English at the junior high level. Since English is required in college entrance exams and Tibetan track students lose out on English studies, those who seek competency in their own language and chance for a higher education at the same time face an uphill struggle.”¹⁵ Because of this prejudice in the government-controlled job market, the Tibetan language has not been able to develop a modern technical vocabulary, and is not useful for many modern professions, while Chinese has kept up.¹⁶

The recent introduction of an English language requirement for university education in China has doubled the difficulty for Tibetan students. English is taught in secondary schools through the medium of Chinese language. If a Tibetan student does not make the jump to a Chinese-medium secondary school, then he will not be taught English, and has little chance to enter university. “The Chinese track students begin to study English in junior high, and Tibetan-track students may, if they are lucky, begin in senior high. Since English is required on the national college entrance exam, Tibetan track students are at a disadvantage in competing for places in college and universities.”¹⁷ This practice blocks Tibetan students from many higher education courses.

Linguistic obstacles for Tibetans

Tibetan and Chinese students study different subjects in secondary school, and because Chinese is the medium of instruction, Tibetan students tend to perform poorly. The change in language of instruction for Tibetans between primary schools (Tibetan) and secondary schools (Chinese) has created enormous obstacles to the educational advancement of Tibetan children.

Tibetan schoolchildren who receive no language instruction until the fourth grade of primary school, not only have to study in a foreign language, but also have to compete for places in secondary school against Chinese children using their mother tongue. In 1997, Chinese language was introduced from grade one for Tibetans in urban primary schools but not in rural schools. Linguistic obstacles faced by Tibetan students in secondary and higher exams give Han Chinese settler children faced an overwhelming advantage in enrolment, enabling them to enter education's fast stream.

Second rate education

The whole of the teaching system in traditional Tibetan territories is second-class compared to that of Han traditional areas and Tibetans are becoming an underclass in their own

homeland. Teachers are not qualified and so they do not meet the required educational skills even then they are teaching. In the whole of Kardze Prefecture, in present-day Sichuan Province, “One third of the teachers do not have the qualified educational background, for middle school. For high school teachers only 39.4 percent meet the required qualification.”¹⁸

According to a request letter from Nyarong County to the Karze Prefecture authorities,

*there are 324 teachers in the county. Only 26 of them graduated from college or university. 216 graduated from normal school, 82 have no training in education and their knowledge level is quite low. Almost all of the teachers are local Tibetans who want to make a contribution to the education of local children. But they are not qualified to be teachers. So it is very important to train them in education. But it is impossible for the county government to distribute so much money for this programme. They ask for training for 18 teachers.*¹⁹

By profession many teachers are not teachers, they are farmers also. A Researcher named Zhou, working at the “TAR” Education Bureau, told Barbara Erickson that “They [teachers] are chosen by the villagers and they need to live in the area. They earn less because they have fields and livestock, so when they don’t teach they can work in the fields. A village teacher may have no more than a primary education.”²⁰ Schools in villages are often schools in name only. They are often closed most of the time. “Schools were closed for the harvest. To tourists who visit Tibet, it is obvious to note the difference. The children you see in Shigatse, Gyantse, and Lhasa carry book bags and traditional Tibetan wooden slates [however] in rural areas you see children of the same age herding sheep watching passers-by from the roadside, hanging idly over bridges, fetching water, harvesting barley, and gathering dung.”²¹

A 23-year-old, teacher from Toelung Dechen County, Lhasa City, talks about the Teacher Training College in Lhasa and his first job in the primary school in Ngachen Township, Lhasa Municipality.

*Most of the Chinese students from China come to Tibet to sit for the examinations when they fail to pass the examination in China itself, because in China the percentage requirement is much higher than in Tibet. So when they fail in China they come and sit for the examination in Tibet. And as a result, they do quite well in Tibet and then they take away the seats that were meant for Tibetans.*²²

“TAR” students looking for degrees in science and the humanities outside of Tibetan language and literature have to find places elsewhere, in China or abroad. At Tibet University they can only pursue these subjects in the context of teacher training. To gain admission to a university in Mainland China they compete with students throughout the People’s Republic on national exams, although Chinese policy gives Tibetans and other minorities an advantage. Admission cut-off scores depend on the performance of the pool of contenders overall and the number of places available, so the requirements vary from year to year.²³

In the “TAR,” enrolment in vocational education is low, as it is in all secondary education, although the proportion of senior secondary pupils in vocational education is 60 percent, which is higher than the national average. Teacher training dominates vocational education in the “TAR,” with 47 percent of the total number of students being channelled into this field.²⁴

Chinese university quotas set for the enrolment of students from the “TAR” are open to residents of the “TAR”, not only to nationalities. As a result, Chinese students began to predominate, their numbers increasing as students from other parts of China found a ways of enrolling in the final

year of secondary school in the “TAR”. A young teacher from Lhasa shares his experience during his first year in Teachers Training College. “In the first year of the Teacher’s Training Course, there were four classes. Three classes were for Tibetans and one class was exclusively for Chinese... On the average 40 students [are] in each class.”²⁵

Deficiencies in bilingual education put Tibetan students at a disadvantage in competing for places in college and universities at the first place. “My students who graduated from lower and middle school, fail to pass the university entrance exams, return home and then stay herding the animals.”²⁶ Secondly, Chinese children are effectively given greater educational opportunities than Tibetan students. As a result, more and more Chinese students are occupying seats meant for Tibetans. “In the second round of TAR university admission for 2003, 648 students got through the entrance exam. From 648 students, 231 are admitted to human science programme, out of which Han [Chinese] occupies 128 seats and 103 are national minorities. And 417 students are admitted to the natural science program (Han are 229 and national minorities are 188).²⁷ A-23-year-old young teacher from Lhasa told TIN that from passed out students from Teacher Training College in Lhasa, “Over 80 percent are Chinese who jobs in Lhasa and about 20 percent Tibetans got job in Lhasa. The rest of the Tibetans and Chinese had to teach in rural areas.”²⁸

High school dropouts: a rural problem

“TAR” plans to make nine-year compulsory education universal and to eliminate illiteracy basically among the young and middle-aged over the next decade.²⁹ Given the parents financial condition, the compulsory education, which needs to be paid, by the parents, and the trend of high school drop out rates it is unlikely to be successful.

High school drop out rates and low enrolment go in tandem in Tibetan rural areas. There are

several factors, which contributes to it. Firstly, rural education in Tibet is severely under funded, particularly in remote areas where unit costs are higher. Government see no economical advantage in giving education to the Tibetan students in rural areas. The universal elementary education is compulsory but not free.

The per capita incomes in rural households are very low and hence many parents are unable to bear their children’s school fee. For instance: “the average per capita income in Lithang County is 590 yuan per year. That’s less than US\$100. With primary school tuition running at 600 yuan, it’s clearly impossible for many families to afford an education for their



Rural classroom in Tibet

children. And that’s assuming that school is close enough to walk to - so that there is no additional cost of board and lodging. If board and lodging have to be paid, the cost of an education sky-rockets.”³⁰

On a website on the Kham Aid Project, a request for funding to run Dzongsar Primary school, testifies local people’s inability to pay for teacher’s wages.

Dzongsar Primary School requesting help

Dzongsar Primary School was established with the approval of Panchen Lama. The students in this school learn Tibetan language, arts, carving, Tibetan astronomy and other subjects for six years. After graduation, they can return to farming and animal husbandry, or enter the monastery as monks. Now, there are 54 students studying in this school under the guidance of three teachers. The monthly wage for each teacher is 400 rmb (US\$50), so the

school annual outlay for wages is 14,400 rmb (US\$1,800). But the local people are very poor; they can't collect so much money for the teachers' wages. We will esteem it as a grand favour if some sponsors help us with this expense. We also need textbooks, pens, pencils, exercise books and food for the children. Dzongsar Monastery³¹

Some parents see more advantage if they do not send their children to school. "Most of the school children cannot go to school. The biggest problem is that there are families who do not have good resources. The children of these families have to do lots of works. They cannot study much. Although the parents are told to send their children to school yet their children can't come to school because they have lots of work to do at home. It is very good if a family of four children can send one children to school. Because the families need helping hand in the field works. The nomads need their children to help in the nomadic works."³²

There are high drop out rates in rural areas. Schools in rural areas are facing severe lack of resources and the parents are unable to send their children to schools. According to a request by Wu Bangfu of Nyarong County for scholarships and teacher training funds,

*There are 4,907 students, of whom 4,549 are primary school students. More than 900 students are facing dropping out of school because of poverty. They asked for scholarship support for 23 students whose parents are herders or farmers. All of the families have to rely on the relief funds from the county government. But the government is too poor to solve their problem.*³³

In "TAR" there is a high rate of school dropouts at the primary education and many do not realize the dream to go beyond primary school. "19.4 percent of children aged seven to 15 had never been to school (69.4 percent of these were females); only 17.3 percent of

individuals had ever gone to school had completed primary school (six years). Furthermore, only 7.1 percent had gone beyond primary school."³⁴

According to a website on "Kardze Reform and Development" in Kardze Prefecture, on the evaluation of ninth five-year education plan for Kardze Prefecture 1996 to 2000, the statistics show a high illiteracy rate among school-aged children and poor access to education in the area.

*the illiteracy rate among the young people is 30.1% in Karze Prefecture. One third of the counties do not have universal elementary education. Only 13% of the towns have universal 9 year compulsory education. Almost 30% and 35 % children do not receive elementary education and middle school education. Only 2.49 % of the whole population has ever received middle school education. Only 0.84 % have ever received higher education.*³⁵

The situation is similar in rural areas in Qinghai Province. Children in Crisis, an organisation, working to improve the lives of Tibetan nomads in Qinghai noted that, "Access to education is also extremely limited in the region. The local government estimates that currently only 20 percent of children attend school. The nomadic lifestyle of the majority of Tibetans also means that the few government schools placed in townships are too far away for children to attend, there is a restricted number of places and the cost of school fees, approximately \$20 per year, is prohibitive for most families."³⁶ "In rural areas of Hongyuan County in Amdo, the percentage of children going to school fluctuates between 39.6 percent and 14.7 percent."³⁷ In remote areas in Qinghai plateau, the local government estimates that currently only 20 percent of children attend school. The nomadic lifestyle of the majority of Qinghai Tibetans also means that the few government schools placed in townships are too remote children to attend them. There is

also a restricted number of places and the cost of school fees approximately US\$20 per year is prohibitive for most families.³⁸

The politicization of education

The education of “minority” nationalities and that of Chinese has always differed substantially in its aims and methodology. While the latter receives a more vocation-based education directed towards developing the student for employment in the government and the local economy, Tibetans and other “minorities” are subjected to ideological indoctrination bent on instilling allegiance to the unity of the motherland. China’s perceived security concerns in Tibet have control the development of education for Tibetans.

A young teacher from Tharshul Township, Qinghai Province, testified to TIN that early education at village level is political indoctrination. “You actually have to give instructions on the members of the Communist Youth Group, on disciplines and you have to convert them into patriots. You have to make all the students believe that Communist China is great and make them all like Communist China. The students do not quite like to listen on that. However, right from their childhood they (China) try to change the concept of the students on Tibet. Consciousness is rooted deep down in our flesh and bones and it can’t be changed. Yet they try to change it by force.”³⁹

To get admission to higher school, you must show that you love the motherland, and have no direct contact with people with undesirable political connections. These requirements, being subjective, can be used arbitrarily by authorities to prevent someone from continuing their education. Tibetan students have to pass a “political affairs” exam, in such subjects as Maoism and “correct” Chinese political history.

It is compulsory to get pass marks in the Political Affairs paper. That is the main thing. In case you didn’t get pass mark in the Political Affairs paper,

there is no alternative even if you get good score. ... In the Political Affairs paper there are questions on present Chinese politics and questions on daily news. Then there are questions on Deng Xiaoping’s and Mao Zedong’s governments. They also have questions on the ‘The three represents’ of Jiang Zemin. There are also questions on Marxism.⁴⁰

In 2003, Chinese authorities brought further political pressure on the “TAR’s” education system. In the general announcement concerning the “TAR’s” Higher Studies on China’s Tibet Autonomous Region website, political conditions for admission were laid down for student applicants, apart from educational qualification.⁴¹ The applicant must adhere to the principles of the “Unity of the Motherland,” the “Defense of the Fraternity of Nationalities” and “Opposition to Splittism.” The announcement concerning conditions for political denial of the right to admission specifies that applicants who have a history of “involvement in activities obstructing the Unity of Motherland and the Fraternity of Nationalities will not be considered.” Such regulations give authorities a free hand in denying admission to students they deem politically active or to students whose parents were involved in political activities.

It is not only at the elementary and admission level, the authorities have extended such pressures to the courses of higher education as well. In the Teacher’s Training Course, candidates study Chinese government history of Tibet and give a paper on it.

I didn’t like this history at all. It is not at all history of Tibet, there was nothing about Tibetan history but we had to memorize a lot. There was something about Tibet later towards the end of the book. Which only said that Tibet was a part of China, never an independent country and things like that. There was one paper which asked us to explain the relationship between China and Tibet and also

*explain the historical events to show that Tibet is part of China. So we had to write according to what was written in the book and we got a certificate also for that. I wrote whatever had been written in the book, because otherwise later on I would be dealt with as politically incorrect and then I would find it difficult to find jobs.*⁴²

After the 1987 uprising in “TAR”, in which the monks spearheaded the campaign, the monasteries have been perceived as threat to China’s rule in Tibet. As a result monastic education has continued to suffer. In the past the monasteries were responsible for social and cultural education. The monastery was not only a religious temple, but also a school.

Monastic schools in Tibet have been the backbone of education for Tibetans. Such schools have always taught students who could not pay school fees levied by the government. “In the monasteries the children did not only learn about their religion, but were also taught about livelihood, labour, technology, language, arts, literature, medicine, logic, philosophy and so on.”⁴³

Chinese migrants “Go West”

Chinese authorities’ model of economic development for Tibet, which is open for all Chinese, without constraint, has resulted in the influx of Chinese labourer, and business people to cities like Lhasa and secondary towns. Today their population are largely Chinese. On the other hand, rural Tibetans compensated for decreasing per capita land holding by turning to off-farm labour. In the cities and towns, the farmers find themselves disadvantaged in competition with large numbers of better-skilled, experienced Chinese workers and businessmen.

The “Go West” development programme launched by Beijing three years ago further accelerated the influx of Han migrants. The programme encourages Han Chinese to work in places in “western China such as Tibet on a

yearly, or hopefully longer, basis, in such jobs as teachers, medical workers, and agricultural technicians”. In the meantime, Tibetans themselves, through inadequate education, cannot fill these positions.”⁴⁵

A Chinese researcher who has studied the employment situation in certain areas of the “TAR” said: “The local job market [in the market] is not only small and underdeveloped but also segregated by ethnicity, resident registration and employment status. For certain skills like driving and computer use, the small job market has already become saturated because a sizeable number of people have already received training in the existing programmes run by various governments and school.”⁴⁶ The economic opportunities in Tibet are slipping into the hands of Han Chinese. The completion of the railway links between Tibet and China will exacerbate this trend.

Conclusion

As in the other areas of Tibetan life under the PRC government, education has suffered under changing policies. There have been some education policies introduced for the benefit of the Tibetan people for decades, but when they conflict with priority policies to further the economic and strategic interests of the Chinese government, the beneficial policies are reversed. Two of the biggest factors undermining any good intentions the PRC government might have are the insistence on bringing Chinese into Tibet, and on politicising every issue – including the cultural foundations of Tibetan life. And this past year has not shown any change in this pattern, only variations on the same themes. These historical patterns of the Chinese administration of Tibetan education have not changed in the past year but to accelerate the denial of Tibetan rights to education in favour of Chinese immigrants.

Endnotes

¹ Philip P. Pan, U.N. Official Criticizes Education In China, *Washington Post* Foreign Service, 19 September 2003, p. A20

² The education attainment index for Tibet is 0.4181 and the adult literacy ratio and the gross enrolment rate are 0.3382 and 0.5779 respectively. The education attainment index is derived by computing weighted average of the adult literacy index and the gross enrolment index, where two thirds are given to the former index and one third to the latter index

³ Common Programme of the Chinese People's Consultative Conference, Item 53, 1949

⁴ *Constitution of the People's Republic of China*, Foreign Language Press, Beijing, 1982, pp. 70, 71

⁵ Law on the Regional Autonomy for "Minority" Nationalities of the People's Republic of China, 1984, Article 37

⁶ *TIN News Update*, 6 May 1996

⁷ Ngapo Ngawang Jigme and Xth Panchen Lama, "Proposal on the Study, Use and Development of the Tibetan Language"

⁸ *TIN News Update*, 6 May 1997

⁹ Barbara Erickson, *TIBET, Abode of the Gods, Pearl of the Motherland*, p. 110

¹⁰ TCHRD Interview, 10 November 2003

¹¹ TIN Interview "Development and Education"

¹² Ngaba Kirti Monastic School located in Ngaba County (Ch: Aba xian), Ngaba Prefecture, Sichuan, was established in 1994 through the generous donations of Soepa Nagur, a rich businessman. The students are all monks and fall in the age group of 7-20 years old. On 29 July 2003, when the school was closed for vacation, Chinese officials visited and hauled down the Chinese national flag hoisted in the school compound and declared the school officially closed. Since the school session was to resume on 20 August, the authorities declared that students could join Bontse School (a government run co-education school in the county) if they wished to continue their studies. Authorities ordered students not to return to the school. The Chinese authorities closed down Kirti Monastic School (Tib: *kirti' nang bstan slob gling*) on 29 July 2003 and its patron, Soepa Nagur, (Tib: *bzod pa sna sgur*) disappeared 31 July 2003. Online search "Ngaba Kirti Monastic School closed, patron disappears" <http://www.tchrd.org/press/2003/pr20030924.html>

¹³ Tsa-Sur School (translit: tsha zur) popularly known as Tsang-Sul School, a private Tibetan school in Lhasa school was first founded in 1988 through the joint efforts of three Tibetan individuals to promote and preserve Tibetan language. In its first years the school ran on voluntary contributions by the students. Later it attracted funding from abroad. The majority of the teachers were former political prisoners or people with a history of political activism. The popularity of Tsang Sul School was based on its minimal school fees and high standard of teaching. Up to the middle school level, similar curriculum was followed as in other schools, except that Tibetan was the main subject, followed by Chinese, Maths, and English. In 2002 the school had 500 students. Sixty students who were orphans received free education while the others, who generally were unable to pay the fees asked by other schools, paid a nominal fee of 20 Yuan per semester. Twelve teachers taught the school with Topgyal as the director, administrator and the main teacher. The school was progressing well until 2001, when parents started removing their children from the government school — Yuethong School no. 1 — to admit them to Tsang sul

School. The authorities blamed Tsang sul School for their dwindling student population. Local residents believe that the rising popularity of the school as well as the school's failure to follow the government's programme to collect higher school fees led to the closure. Government authorities alleged that the school was affiliated with the "Dalai Clique." The school campus and classrooms had been rented from a local family. After the government ordered the school closed at the end of July 2002, the landlord was no longer permitted to rent the premises for schooling purposes.

¹⁴ TCHRD Interview, 12 November 2003

¹⁵ Barbara Erickson, p. 113

¹⁶ Badeng Nyima, *Problems Related to Bilingual Education in Tibet*, Online search <http://www.khamaid.org/programs/education/>

Tibetan%20language%20in%20education.htm

¹⁷ Barbara Erickson, p. 113

¹⁸ http://www.gzfz.gov.cn/ganzisite/Site/fzgh_mb.asp?tID=429

¹⁹ <http://www.khamaid.org/programs/education/xinlong%20request.htm>

²⁰ Barbara Erickson, p. 102

²¹ *Ibid*, p. 112

²² TCHRD Interview, 10 November 2003

²³ Barbara Erickson, *TIBET*, p. 113

²⁴ Catriona Bass, Education in Tibet, Vocational Secondary Education, p. 168

²⁵ TCHRD Interview, 10 November 2003

²⁶ TIN Interview

²⁷ Xinhua Net.com 15 October 2003

²⁸ TIN Interview

²⁹ http://fpeng.peopledaily.com.cn/200003/21/eng20000321_37815.html

³⁰ Pamela Logan, *Education in Litang County*, 31 July 2001, Online search <http://www.khamaid.org/programs/education/litangeducation.htm>

³¹ <http://www.khamaid.org/programs/education/dzongsarschool.htm>

³² TCHRD Interview, 12 November 2003, A 29-year-old, a former village primary teacher in Dragyab County, Kardze Prefecture, Sichuan, arrived in exile in 2003 and chooses to remain anonymous

³³ <http://www.khamaid.org/programs/education/xinlong%20request.htm>

³⁴ Melvyn C. Goldstein, Ben Jiao, Cynthia M. Beal, and Phuntsok Tsering, *Development and Change in Rural Tibet: Problems and Adaptations*

³⁵ http://www.gzfz.gov.cn/ganzisite/Site/fzgh_mb.asp?tID=429

³⁶ www.dealingfordonation.co.uk/html/China.html

³⁷ Barbara Erickson, p. 115

³⁸ <http://www.dealingfordonation.co.uk/html/china.html>

³⁹ TIN Interview with Yangkho, Qinghai Province

⁴⁰ TIN Interview with Yangkho, Qinghai Province

⁴¹ 23rd March 2003

⁴² TIN Interview with Yangkho, Qinghai Province

Online search: <http://www.khamaid.org/programs/education/Tibetan%20language%20in%20education.htm>

⁴⁴ UN Commission on Human Rights, Sixtieth session, Item 10 of the provisional agenda, E/CN.4/2004/45/Add.1, 21 November 2003

⁴⁵ CNN.com, *China to go west with education*, 12 June 2003, Online search : <http://www.cnn.com/2003/WORLD/asiapcf/east/06/12/world.education.china.gowest/index.html>

⁴⁶ Kate Saunders

List of Known Political Prisoners

Month	Year	Name	Age	Sex	Education	Occupation	Arrest	Prison	Term	Release
01-01	1950	Ali	30	M	Secondary School	Teacher	1950	Prison	10 yr	1960
02-01	1951	Ali	35	M	University	Journalist	1951	Prison	15 yr	1966
03-01	1952	Ali	28	M	High School	Farmer	1952	Prison	5 yr	1957
04-01	1953	Ali	32	M	University	Lawyer	1953	Prison	12 yr	1965
05-01	1954	Ali	25	M	High School	Student	1954	Prison	3 yr	1957
06-01	1955	Ali	38	M	University	Professor	1955	Prison	18 yr	1973
07-01	1956	Ali	22	M	High School	Student	1956	Prison	2 yr	1958
08-01	1957	Ali	30	M	University	Journalist	1957	Prison	10 yr	1967
09-01	1958	Ali	27	M	High School	Farmer	1958	Prison	5 yr	1963
10-01	1959	Ali	33	M	University	Lawyer	1959	Prison	12 yr	1971
11-01	1960	Ali	29	M	High School	Student	1960	Prison	4 yr	1964
12-01	1961	Ali	31	M	University	Journalist	1961	Prison	11 yr	1972
01-01	1962	Ali	26	M	High School	Farmer	1962	Prison	4 yr	1966
02-01	1963	Ali	34	M	University	Professor	1963	Prison	16 yr	1979
03-01	1964	Ali	23	M	High School	Student	1964	Prison	3 yr	1967
04-01	1965	Ali	36	M	University	Lawyer	1965	Prison	14 yr	1979
05-01	1966	Ali	24	M	High School	Farmer	1966	Prison	4 yr	1970
06-01	1967	Ali	32	M	University	Journalist	1967	Prison	12 yr	1979
07-01	1968	Ali	21	M	High School	Student	1968	Prison	2 yr	1970
08-01	1969	Ali	35	M	University	Professor	1969	Prison	15 yr	1984
09-01	1970	Ali	28	M	High School	Farmer	1970	Prison	5 yr	1975
10-01	1971	Ali	37	M	University	Lawyer	1971	Prison	17 yr	1988
11-01	1972	Ali	25	M	High School	Farmer	1972	Prison	4 yr	1976
12-01	1973	Ali	33	M	University	Journalist	1973	Prison	13 yr	1986
01-01	1974	Ali	22	M	High School	Student	1974	Prison	3 yr	1977
02-01	1975	Ali	39	M	University	Professor	1975	Prison	19 yr	1994
03-01	1976	Ali	27	M	High School	Farmer	1976	Prison	5 yr	1981
04-01	1977	Ali	31	M	University	Lawyer	1977	Prison	11 yr	1988
05-01	1978	Ali	24	M	High School	Farmer	1978	Prison	4 yr	1982
06-01	1979	Ali	36	M	University	Journalist	1979	Prison	16 yr	1995
07-01	1980	Ali	23	M	High School	Student	1980	Prison	3 yr	1983
08-01	1981	Ali	34	M	University	Professor	1981	Prison	17 yr	1998
09-01	1982	Ali	26	M	High School	Farmer	1982	Prison	5 yr	1987
10-01	1983	Ali	32	M	University	Lawyer	1983	Prison	12 yr	1995
11-01	1984	Ali	21	M	High School	Student	1984	Prison	2 yr	1986
12-01	1985	Ali	38	M	University	Professor	1985	Prison	18 yr	2003

List of Known Political Prisoners

Prisoner No.	Name	Sex	Age	Religion	Political Party	Arrested	Current Location	Notes
001	Lhasa	M	32	None	None	1989	Lhasa	Political Prisoner
002	Lhasa	M	35	Buddhism	None	1989	Lhasa	Political Prisoner
003	Lhasa	M	38	Buddhism	None	1989	Lhasa	Political Prisoner
004	Lhasa	M	40	Buddhism	None	1989	Lhasa	Political Prisoner
005	Lhasa	M	42	Buddhism	None	1989	Lhasa	Political Prisoner
006	Lhasa	M	45	Buddhism	None	1989	Lhasa	Political Prisoner
007	Lhasa	M	48	Buddhism	None	1989	Lhasa	Political Prisoner
008	Lhasa	M	50	Buddhism	None	1989	Lhasa	Political Prisoner
009	Lhasa	M	52	Buddhism	None	1989	Lhasa	Political Prisoner
010	Lhasa	M	55	Buddhism	None	1989	Lhasa	Political Prisoner
011	Lhasa	M	58	Buddhism	None	1989	Lhasa	Political Prisoner
012	Lhasa	M	60	Buddhism	None	1989	Lhasa	Political Prisoner
013	Lhasa	M	62	Buddhism	None	1989	Lhasa	Political Prisoner
014	Lhasa	M	65	Buddhism	None	1989	Lhasa	Political Prisoner
015	Lhasa	M	68	Buddhism	None	1989	Lhasa	Political Prisoner
016	Lhasa	M	70	Buddhism	None	1989	Lhasa	Political Prisoner
017	Lhasa	M	72	Buddhism	None	1989	Lhasa	Political Prisoner
018	Lhasa	M	75	Buddhism	None	1989	Lhasa	Political Prisoner
019	Lhasa	M	78	Buddhism	None	1989	Lhasa	Political Prisoner
020	Lhasa	M	80	Buddhism	None	1989	Lhasa	Political Prisoner

List of Known Political Prisoners

Prisoner	Name	Legal Name	Sex / Age	Organization	Arrest	Prison	Release	Notes
001	Allyson	Allyson	M / 35	2000 Support Movement	2000	Prison 101	2005	Working 1 week
002	Allyson	Allyson	M / 40	40000 Movement	2000	Prison 101	2005	Allyson 10000
003	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
004	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
005	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
006	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
007	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
008	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
009	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
010	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
011	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
012	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
013	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
014	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
015	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
016	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
017	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
018	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
019	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
020	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
021	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
022	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
023	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
024	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
025	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
026	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
027	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
028	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
029	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000
030	Allyson	Allyson	M / 30	30000 Movement	2000	Prison 101	2005	Allyson 10000

List of Known Political Prisoners

ID Number	Name	Place of Birth	Religion	Age	Education	Occupation	Political Party	Current Location	Notes
01-001	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-002	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-003	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-004	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-005	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-006	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-007	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-008	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-009	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-010	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-011	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-012	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-013	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-014	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-015	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-016	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-017	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-018	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-019	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner
01-020	Phenag Tsontse	Phenag Tsontse	None	35	High School	Teacher	None	Phenag Tsontse, Tibet	Political Prisoner

List of Known Political Prisoners

Prisoner	Age	Sex	Height	Weight	Hair	Eyes	Build	Complexion	Education	Occupation	Political Party	Current Location
10001	35	M	5'10"	170	Brown	Blue	Slender	College Graduate	Teacher	Democratic Party	USA	Washington DC
10002	42	F	5'5"	120	Black	Brown	Medium	High School Graduate	Factory Worker	Republican Party	USA	Atlanta, GA
10003	38	M	6'2"	200	Black	Black	Large	College Graduate	Engineer	Democratic Party	USA	Los Angeles, CA
10004	45	F	5'8"	150	Black	Black	Medium	College Graduate	Lawyer	Republican Party	USA	New York, NY
10005	30	M	5'9"	160	Black	Black	Medium	College Graduate	Student	Democratic Party	USA	Chicago, IL
10006	40	F	5'6"	130	Black	Black	Medium	College Graduate	Journalist	Republican Party	USA	San Francisco, CA
10007	33	M	5'11"	180	Black	Black	Medium	College Graduate	Software Engineer	Democratic Party	USA	Seattle, WA
10008	48	F	5'4"	110	Black	Black	Medium	College Graduate	Retired Teacher	Republican Party	USA	Phoenix, AZ
10009	36	M	6'0"	190	Black	Black	Medium	College Graduate	Police Officer	Democratic Party	USA	Portland, OR
10010	41	F	5'7"	140	Black	Black	Medium	College Graduate	Librarian	Republican Party	USA	Denver, CO
10011	39	M	5'10"	175	Black	Black	Medium	College Graduate	Business Analyst	Democratic Party	USA	San Diego, CA
10012	44	F	5'5"	125	Black	Black	Medium	College Graduate	Accountant	Republican Party	USA	Dallas, TX
10013	37	M	6'1"	210	Black	Black	Large	College Graduate	Construction Worker	Democratic Party	USA	Houston, TX
10014	43	F	5'6"	135	Black	Black	Medium	College Graduate	Marketing Specialist	Republican Party	USA	San Jose, CA
10015	34	M	5'9"	165	Black	Black	Medium	College Graduate	IT Support	Democratic Party	USA	Austin, TX
10016	46	F	5'4"	115	Black	Black	Medium	College Graduate	Retired Nurse	Republican Party	USA	San Antonio, TX
10017	32	M	6'3"	220	Black	Black	Large	College Graduate	Truck Driver	Democratic Party	USA	Phoenix, AZ
10018	47	F	5'5"	120	Black	Black	Medium	College Graduate	Retired Clerk	Republican Party	USA	San Jose, CA
10019	35	M	5'10"	170	Black	Black	Medium	College Graduate	Software Engineer	Democratic Party	USA	San Francisco, CA
10020	49	F	5'6"	130	Black	Black	Medium	College Graduate	Retired Teacher	Republican Party	USA	San Diego, CA

List of Known Political Prisoners

Tibetan Name	Chinese Name	Sex	Age	Religion	Political Party	Arrested	Prison	Term	Charge
10-01	Tenzin	M	30	None	None	1988	Yigong	10 years	Subversion
10-02	Tenzin	M	35	None	None	1989	Yigong	10 years	Subversion
10-03	Tenzin	M	32	None	None	1989	Yigong	10 years	Subversion
10-04	Tenzin	M	38	None	None	1989	Yigong	10 years	Subversion
10-05	Tenzin	M	34	None	None	1989	Yigong	10 years	Subversion
10-06	Tenzin	M	36	None	None	1989	Yigong	10 years	Subversion
10-07	Tenzin	M	33	None	None	1989	Yigong	10 years	Subversion
10-08	Tenzin	M	37	None	None	1989	Yigong	10 years	Subversion
10-09	Tenzin	M	31	None	None	1989	Yigong	10 years	Subversion
10-10	Tenzin	M	39	None	None	1989	Yigong	10 years	Subversion
10-11	Tenzin	M	34	None	None	1989	Yigong	10 years	Subversion
10-12	Tenzin	M	36	None	None	1989	Yigong	10 years	Subversion
10-13	Tenzin	M	32	None	None	1989	Yigong	10 years	Subversion
10-14	Tenzin	M	38	None	None	1989	Yigong	10 years	Subversion
10-15	Tenzin	M	35	None	None	1989	Yigong	10 years	Subversion
10-16	Tenzin	M	33	None	None	1989	Yigong	10 years	Subversion
10-17	Tenzin	M	37	None	None	1989	Yigong	10 years	Subversion
10-18	Tenzin	M	31	None	None	1989	Yigong	10 years	Subversion
10-19	Tenzin	M	39	None	None	1989	Yigong	10 years	Subversion
10-20	Tenzin	M	34	None	None	1989	Yigong	10 years	Subversion
10-21	Tenzin	M	36	None	None	1989	Yigong	10 years	Subversion
10-22	Tenzin	M	32	None	None	1989	Yigong	10 years	Subversion
10-23	Tenzin	M	38	None	None	1989	Yigong	10 years	Subversion
10-24	Tenzin	M	35	None	None	1989	Yigong	10 years	Subversion
10-25	Tenzin	M	33	None	None	1989	Yigong	10 years	Subversion
10-26	Tenzin	M	37	None	None	1989	Yigong	10 years	Subversion
10-27	Tenzin	M	31	None	None	1989	Yigong	10 years	Subversion
10-28	Tenzin	M	39	None	None	1989	Yigong	10 years	Subversion
10-29	Tenzin	M	34	None	None	1989	Yigong	10 years	Subversion
10-30	Tenzin	M	36	None	None	1989	Yigong	10 years	Subversion
10-31	Tenzin	M	32	None	None	1989	Yigong	10 years	Subversion

List of Known Arrests in 2003

APPENDIX II

Telrd#	Status	Name	Lay name	Sex	Age	Affiliation	Arrest	Prison	Term	Origin
03-018	DET	Buchung	N/A	M	28	Tibet University	16/06/03	Lhasa PSB		Lhasa City
03-021		Dedhe	N/A	M	42	Businessman	12/02/03	Ngaba DC		Lithang County
03-005	DET	Drakpa	N/A	M	45	Driver	02/10/03	Tawu DC		Tawu County
03-006	DET	Gyari Choedrak	N/A	M	52	Businessman	02/10/03	Tawu DC		Tawu County
03-007	DET	Gyurwa Ngawang	N/A	M	42	Driver	02/10/03	Tawu DC		Tawu County
03-002	DET	Jigme Jamtruk	N/A	M	39	Labrang Monastery	11/04/03	Sangchu DC		Machu County
03-003	DET	Kunchok Choemphel	N/A	M	30	Labrang Monastery	11/04/03	Sangchu DC		Sangchu County
03-009	DET	Lobsang Terphen	N/A	M	38	Businessman	12/02/03	Ngaba DC	5yr	Kardze Lithang
03-015	DET	Mingyur	N/A	M	28	Khangmar Monastery	01/03	Ngaba DC	1yr	Marthang County
03-004	DET	Ngodup	N/A	M	35	Driver	17/05/03	Serthar DC		Tawu County
02-025	DET	Nyima Tsering	N/A	M	65	Teacher	16/12/02	Drapchi Prison	5yr	Gyantse County
03-001	DET	Pedzin	N/A	M	37	Serthar Institute	17/05/03	Serthar DC		Serthar County
02-027	DET	Phumlak	N/A	M	48	Busker	01/02	Trisam Prison	3yr	Lhatse County, Shigatse
03-010	DET	Serthar	N/A	M	35	Khangmar Monastery	01/03	Ngaba DC	12yr	Marthang County
03-020	DET	Shungdue	N/A	M	50	Serthar Institute	17/05/03	Serthar DC		Serthar County
02-024		Sonam	N/A	M	28	Businessman	16/12/02	Shigatse PSB	6mo.	Gyantse County
03-019	DET	Taphun	N/A	M	36	Serthar Institute	17/05/03	Serthar DC		Serthar County
03-017	DET	Tashi Dawe	N/A	M	26	Tibet University	16/06/03	Lhasa PSB	2 mo.	Lhasa City
03-012	DET	Tsokphel	N/A	M	31	Khangmar Monastery	01/03	Ngaba DC	12yr	Marthang County
03-014		Tsokphel (2)	N/A	M	25	Khangmar Monastery	01/03	Ngaba DC	2 mo.	Marthang County
03-013	DET	Voessel	N/A	M	30	Khangmar Monastery	01/03	Ngaba DC	8yr	Marthang County
03-008	DET	Wangdue	N/A	M	45	Driver	02/10/03	Tawu DC		Tawu County
02-028	DET	Yeshi Dorjee	N/A	M	36	Monk	01/02		4yr	Armdo Golok

List of Known Arrests in 2003

Tchrd#	Status	Name	Lay name	Sex	Age	Affiliation	Arrest	Prison	Term	Origin
03-016		Yeshi Gyatso	N/A	M	70	Lhasa City official	16/06/03	Lhasa PSB	6yr	Lhasa City
02-026	DET	Yeshi Tsultrim	N/A	M	25	Rame Monastery	02/02	Trisam Prison	3yr	Lhoka Gongkar County
03-011	DET	Zoepa	N/A	M	33	Khangmar Monastery	01/03	Ngaba DC	12yr	Marthang County

LIST OF KNOWN PRISONS AND DETENTION CENTRES IN TIBET

Tibet Autonomous Region Prison (Drapchi Prison) is the largest prison in the “TAR”. Prisoners from the “TAR” area with a long prison term are incarcerated in this prison. It is believed to have been constructed in 1960, and is located in the north-east outskirts of Lhasa. It is directly administered by the “TAR” Law Enforcement Department. There are nine units, of which the 3rd and 5th units hold female and male political prisoners respectively. Eleven cells for solitary confinement were later constructed in 1990. The rest of the units are for 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, constructing houses, tailoring, carpet weaving, mechanical repairs, and the rearing of pigs and chickens.

“TAR” PSB Detention Centre (Sangyip Prison) is situated in the northern district of Lhasa City. It is believed to have been constructed in 1983 and prisoners have been held there since 1984. Those suspected of more serious political crimes, including organising protest or collecting politically sensitive information, are believed to be held here for interrogation, possibly under the supervision of the “TAR” PSB. Sangyip has the capacity to hold approximately 70 inmates in its three cellblocks. Each of the blocks has 12 cells. Any prisoners falling under the “TAR” jurisdiction is detained here. Prisoners with long-term sentences are transferred to other major prisons in “TAR” and others sentenced to shorter prison terms are detained in Sangyip itself.

Lhasa City PSB Detention Centre (Gutsa Prison) is located three kilometres 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. Many prisoners are reportedly forced to do manual labour such as breaking rocks. While Gutsa is predominantly for prisoners who are awaiting sentence, approximately one percent of prisoners are believed to be held here after sentencing, generally for periods of up to one year.

“TAR re-education-through-labour centre” (Trisam Prison) is under the jurisdiction of “TAR” Law Enforcement Department. Since this centre is situated 10 kilometres west of Lhasa near the Toelung County Bridge it is also referred to as Trisam Prison. 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. It acts as an “administrative detention centre” for juveniles and prisoners whose term does not exceed three years. Inmates are known to perform hard labour at Trisam. At least eight cells at Trisam are reportedly used for solitary confinement.

Powo Tramo is formerly referred to as the “TAR” No. 2 Prison. It is situated near the town of Tramo in Pome County, Nyingtri Prefecture (Ch: Linzhi), 500 kilometres east of Lhasa. It is run by the “TAR” authorities and is 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 agriculture.

Lhasa Prison (formerly known as Outridu) may be the institution that the Chinese authorities described to the European Union’s Troika as Lhasa Municipal Prison during their visit in May 1998. Confinement cells used to punish prisoners measure six by three feet and do not have windows. Chinese authorities are reportedly expanding the capacity of Lhasa Prison by building several new blocks of cells. There are currently four cellblocks and approximately 500 criminal prisoners are reportedly held there. It acts as a part of the “TAR” Law Enforcement Department. 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 rocks 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 moved to the Tsalgungthang 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 (PCD) 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 Jlan Yu), is located in Maowan Qiang Autonomous County in Ngaba "TAP", Sichuan. This prison accommodates prisoners from Ngaba and Karze regions and is one of the largest prisons in Sichuan Province. Those who are sentenced long-term 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. It is known that around 12 Tibetan political prisoners are incarcerated in Menyang and Xinduqio prisons in Sichuan.

Glossary of Terms and Abbreviations

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: Zhong Guo Gong Chan Dang) Chinese Communist Party; founded in July 1921
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
CERD	United Nations Convention on the Elimination of All Forms of Racial Discrimination
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 Committee
CRC	United Nations Convention on the Rights of the Child
Cultural Revolution	(Tib: Rigs-nas-gsar-brje) Mao Zedong initiated the campaign in 1966 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 now describe it as the “Ten Bad Years”, referring to the entire period from 1966-1976, although technically it lasted only about two years. In Tibet it is sometimes considered to have continued until 1979.
Detention Centre	(Tib: <i>lta srung khang</i> ; Ch: <i>kanshousuo</i>) Facility where prisoners are held without charge prior to sentencing
DMC	(Tib: <i>u-yon lhan khang</i> ; Ch: <i>wei yuan hi</i>) Democratic Management Committee; Administrative organs established in 1962 to control religious institutions in Tibet and resurrected under the 1996 “patriotic education” campaign
Drapchi Prison	Officially known as “Tibet Autonomous Region” Prison
Endangering State Security	Charge introduced in the revised CPL to replace “counter -revolutionary”
Geshe	Spiritual title and doctorate; monk or lama who has completed the highest courses of monastic studies in the Gelugpa School of Tibetan Buddhism

Gyama (Tib)	Measurement of weight equivalent to 500 grams
Hukou (Ch)	Registration Card
ICCPR	United Nations International Covenant on Civil and Political Rights
ICESCR	United Nations International Covenant on Economic, Social and Cultural Rights
Khenpo (Tib)	Literally abbot in Nyingma and Kargyu traditions of Tibetan Buddhism. Khenpo is analogous to the <i>Geshe</i> degree
Lama (Tib)	The Tibetan term for a respected religious teacher, equivalent to 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 and reincarnate
Mu (Tib)	A land measure equal to 67 square meters
NPC	National People's Congress
PAP	People's Armed Police
Patriotic Education	A campaign under which Chinese "work teams" are sent into Tibetan monasteries and nunneries to enforce Communist ideology
PRC	People's Republic of China
Prefecture	(Tib: <i>Sa khul</i> ; Ch: <i>dique</i>) An administrative district below the level of province or region and above the level of county
Procuracy	(Tib: <i>zhib chu</i> ; Ch: <i>jian chayan</i>) A Chinese judiciary agency responsible for investigating and prosecuting criminal cases. It also handles complaints against the police, prison officials and other branches of administration
PSB	(Tib: <i>schī de 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 fourth holiest month of the Tibetan calendar commemorated as the day of Lord Buddha's Birth, Enlightenment and Death
Splittism	(Tib: <i>Khadral ringlugs</i>) Party cliché to label Tibetan independence activities or any nationalist sentiments

Strike Hard	(Tib: <i>dungdek tsanen</i> Ch: <i>yanda</i>) A PRC campaign originally targeting corruption and crime. Within Tibet, Chinese authorities aimed the campaign at so-called “splittists”
TAP	Tibet Autonomous Prefecture (Tib: Bod rang skyong khul). 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)
TIN	Tibet Information Network; an independent monitoring group based in London
Tsampa (Tib)	Roasted barley
UDHR	Universal Declaration of Human Rights
UNWGAD	United Nations Working Group on Arbitrary Detention
Work Team	(Tib: <i>las don ru khag</i> ; Ch: <i>gongzou dui</i>) Specially formed units of government personnel sent to conduct “patriotic re-education” in an institution or locality

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-Oct-97	27-Mar-01	Recognizing 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-Oct-98	Not Ratified	Recognizing 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 (CERD)	31-Mar-66	29-Dec-81	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-Jul-80	4-Nov-80	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-Dec-86	4-Oct-88	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-Aug-90	2-Mar-92	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.