

**NGO SUBMISSION FOR THE UNIVERSAL PERIODIC  
REVIEW OF THE PEOPLE'S REPUBLIC OF CHINA  
FOURTH CYCLE  
2023**



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*Tibetan Centre for Human Rights and Democracy (TCHRD) is a registered non-governmental human rights organisation established in January 1996 in Dharamshala (India) with the mission to protect the human rights of the Tibetan people in Tibet and promote the principles of democracy in the exile Tibetan community. TCHRD's work entails monitoring, research, translation and documentation of human rights violations in Tibet. The centre conducts regular, systematic investigation of human rights abuses in Tibet. The centre engenders awareness on a wide range of issues relating to human rights and democracy through both grassroots and diplomatic means, using regional and international human rights mechanisms as well as community-based awareness campaigns.*

## **Summary**

Since the last Universal Periodic Review (UPR) of the People's Republic of China (PRC) in 2018, the PRC has neither met the commitments it supported nor demonstrated that further criticisms of human rights protection within its borders are unwarranted. In many cases, there is evidence of the human rights situation within Tibet<sup>1</sup> further deteriorating.

This submission raises concerns and makes recommendations on specific human rights issues related to freedom of religion and other cultural rights, freedom of association and expression, and the right to a fair and transparent criminal justice system.

As PRC's fourth UPR cycle begins, it is imperative now more than ever that States hold the PRC accountable for its failure to meet its human rights commitments and obligations. TCHRD urges States to raise the issues included in this submission with the PRC's government during the interactive dialogue of the UPR.

### **I. Repression of Tibetan Buddhism**

**I.1.** Since the creation of the PRC, the Chinese Communist Party (CCP) has maintained its atheist stance, regularly launching anti-religious campaigns against various national minorities, including Tibetans and Uyghurs<sup>2</sup>. Despite calls by the international community, the PRC's crackdown on the right to freedom of religion and belief has escalated in recent years as part of a broader practice of cultural genocide<sup>3</sup>

**I.2.** In early 2019, Chinese authorities announced a five-year plan to criminalise Tibetan Buddhism - in an "unprecedented attack" on non-Han cultures and identities<sup>4</sup>. In the CCP's discourse, Tibetan religious practices are denounced as "separatist initiatives<sup>5</sup>" representing a

threat to China's "unity"<sup>6</sup>, thereby using securitisation as a political tool to undermine human rights<sup>7</sup>.

**I.3.** The CCP's violent repression of Tibetan Buddhism has resulted in the shutting down or destruction of monasteries<sup>8</sup>, and the expulsion of monastic residents<sup>9</sup>. Since 2018, at least two monasteries have been destroyed including Larung Gar<sup>10</sup> and Yachen Garin Kardze<sup>11</sup> (Chinese: Ganzi) Tibetan Autonomous Prefecture. Residents have been evacuated from three other monasteries namely Kharmar Monastery in Linxia Hui Autonomous Prefecture<sup>12</sup>, Dhitsa and Jakhyung in Tsoshar (Chinese: Haidong) Prefecture<sup>13</sup>. Monastic quarters have also been destroyed at Gaden Namgyal Ling Monastery, citing safety precautions to allow the creation of roads for firefighters should an emergency occur<sup>14</sup>.

**I.4.** Other religious markers have also been targeted, indicating that the material destruction perpetrated by Chinese authorities extends beyond monastic buildings. This involves the demolition of Buddhist statues<sup>15</sup>, dismantling of prayer wheels, burning of prayer flags, and the ban on *sangsol* offerings outside temples<sup>16</sup>. The display of the Buddhist flag was also banned at Tibetan New Year celebrations, while the organiser was detained and fined for not using the Chinese language at this event<sup>17</sup>.

**I.5.** In particular, the Covid-19 pandemic has been used as a pretext to strengthen religious and political restrictions. Major monasteries and temples have not been allowed to reopen, despite restrictions having been lifted in other establishments<sup>18</sup>, and despite the lack of new confirmed or suspected cases. Similarly, social distancing was used as a pretext to cancel Tibetan New Year public gatherings while police officers had been sent inside people's houses<sup>19</sup>. In public spaces, police cited sanitary concerns to arbitrarily stop individuals for closer searches<sup>20</sup>.

**I.6.** The Tibetan monastic community remains under close surveillance as new “Measures for the Financial Management of Religious Activity Sites” came into effect in June 2022, bringing monastic institutions under tighter state control. Police surveillance units are installed inside monasteries, and their residents are tracked via mobile phone apps. Individuals and institutions known to have a history of political engagement or opinions that oppose Chinese laws and policies are subjected to enhanced vigilance<sup>21</sup>.

**I.7.** This ubiquitous surveillance is designed to facilitate the persecution of the Tibetan monastic community. Since 2018, several monks have been arrested - with some sentenced to up to 20 years in prison - for communicating with people outside Tibet<sup>22</sup>. Monks and lay citizens such as teachers have been detained for reciting prayers on social media, expressing loyalty to the Tibetan spiritual leader the Dalai Lama, and sharing the latter’s teachings<sup>23</sup>.

**I.8.** Similar campaigns of surveillance and persecution target Tibetan lay practitioners. Chinese authorities routinely publish regulations that ban former and current Tibetan public officers, students, and families from partaking in religious activities, especially at certain times of the year (e.g., Saka Dawa festival in May/June, Ganden Ngachoe festival in December) - including online<sup>24</sup>.

**I.9.** Contents and practices involving the figure of the Tibetan spiritual leader Dalai Lama such as photos, teachings, prayers, birthday wishes<sup>25</sup> are the target of systematic persecution. Those seeking employment in the state sector are made to renounce the Dalai Lama and, instead, pledge allegiance to the CCP. Any reference to Tibetan Buddhism, such as prayer flags and shrines - even inside family homes - can entail the revocation of state-provided financial support. Punishments can also be extended to entire communities<sup>26</sup>.

**I.10.** The Chinese authorities briefly altered censorship practices in regard to the Dalai Lama to circulate an edited video of an interaction with a young boy to defame the Tibetan spiritual leader<sup>27</sup>. Prior to this, Chinese authorities had consistently removed all traces of the Dalai Lama's presence both online and offline in Tibet<sup>28</sup>.

**I.11.** The Chinese authorities have sought to break the continuity of Tibetan politico-religious leadership by requiring all Tibetan reincarnations to state-approval<sup>29</sup>. In 1995, Chinese authorities abducted the then six-year-old Gedhun Choekyi Nyima, who was recognised as the 11th Panchen Lama and traditionally plays a role in the designation of the reincarnation of the Dalai Lamas. Continuous calls for the release of the Panchen Lama have been met with repression<sup>30</sup>. 17 May 2023 marked the 28<sup>th</sup> anniversary of his abduction and subsequent enforced disappearance<sup>31</sup>.

## **2. Systematic Attacks on the Tibetan Language**

**II.1.** One of the core targets of PRC's forced cultural assimilation policy<sup>32</sup> is the Tibetan language as an essential component of culture and identity. Thus, advocating for the use and development of Tibetan language has become an act of political resistance. A Tibetan language activist, Tashi Wangchuk, was released from imprisonment in 2021 after serving five years for attempting to file a lawsuit against Chinese officials for their failure to protect the Tibetan language as guaranteed in the Chinese Constitution and Regional National Autonomy Law<sup>33</sup>. Wangchuk was interrogated less than a year after his release for continuing his peaceful advocacy for Tibetan language and cultural rights.

**II.2.** Despite reasonable criticisms from Tibetan teachers, writers and intellectuals against the policy to replace Tibetan medium education, Chinese authorities have gone ahead with the policy without any consultation with local Tibetans or consideration to the local realities<sup>34</sup>.

**II.3.** In educational institutions across Tibet, Tibetan medium education is being replaced with Mandarin Chinese. The so-called “bilingual education” policy is effectively orchestrating the elimination of Tibetan language in school curriculums, thereby undermining the transmission of local cultures. Educational institutions are being made to scrap the use of Tibetan language in classes and Tibetan establishments are being merged with Mandarin-language schools or shut down<sup>35</sup>. A vast network of boarding schools is also being set up in an aim to separate Tibetan children from their native language and culture<sup>36</sup>. Chinese authorities are particularly targeting schools that are attached to monasteries, the traditional centres of Tibetan education<sup>37</sup>. Local administrators and residents are also being made to switch from Tibetan to Mandarin Chinese language<sup>38</sup>.

**II.4.** Discussing the value of mother-tongue education, even in private conversations, is considered a “political crime<sup>39</sup>”. Tibetans risk arrest for commenting on the importance of Tibetan-language instruction - including online and on the phone, which has been labelled as a “separatist act creating disorder in society<sup>40</sup>”. In addition to prison sentences, language activists are punished through various forms of ostracism, including being barred from hotels in Tibet<sup>41</sup>.

### **3. Freedom of Expression and Association**

**III.1.** Tibetan human rights activists continue to fall victim to censorship and persecution. Any form of criticism of PRC’s policies, be it in the form of political leaflets, songs, or even university essays<sup>42</sup>, is punishable by years of imprisonment, and leads to the persecution of the

convicted activists' relatives. Police surveillance and intervention increases around “politically sensitive” anniversaries and events (e.g., 10 March Tibetan National Uprising Day)<sup>43</sup>.

**III.2.** Chinese authorities have outlawed social media platforms such as Google, Facebook, and Twitter, and imposed their own platforms such as WeChat and Weibo that are designed to conform to Party guidelines<sup>44</sup>. Additional surveillance units are implemented locally, and the act of discussing Tibetan politics (including the corruption of Chinese leaders) on online platforms is liable to criminal prosecution<sup>45</sup>. Thousands of Tibetans faced a social media purge, which involved having their personal devices confiscated and searched in Wonpo Township in Kardze (Chinese: Ganzi) Tibetan Autonomous Prefecture<sup>46</sup>. Phones were held by authorities for days while being thoroughly screened and at least 121 Tibetans were detained for keeping illegal contents such as pictures of the Dalai Lama<sup>47</sup>.

**III.3.** The PRC's widespread and intrusive practices of mass surveillance and censorship have served as a perfect foil to continue perpetrating human rights violations with impunity in Tibet. Evidence shows that Tibetans in and out of Tibet are not only censoring themselves, they are censoring each other because Chinese authorities have made censorship the responsibility of the whole populace<sup>48</sup>.

**III.4.** Civil society voices and other solidarity networks are also suppressed<sup>49</sup>. Online chat groups not registered with the authorities are deemed illegal<sup>50</sup>. “Anti-gang campaigns” carried out across Tibet are used as an excuse to silence activists protesting issues related to religion, environmental protection, land rights, and official corruption<sup>51</sup>.

#### **IV. Denial of the Legal Rights of Detainees and Prisoners**

**IV.1.** The PRC's failure to guarantee the right to fair trial in its criminal justice system is one of the major reasons responsible for gross human rights violations in Tibet where the Party-state's discriminatory policies are targeted at crushing dissent and peaceful advocacy for human rights<sup>52</sup>. In many cases, Tibetan prisoners are kept in custody for undetermined periods of time, with no prospect of trial, and no access to a lawyer<sup>53</sup>.

**IV.2.** The threat posed by the pandemic was instrumentalized by Chinese authorities to justify human rights abuses as Tibetan prisoners are denied visits from their families under the pretence of "sanitary concerns", despite no recent cases of infection having been reported<sup>54</sup>.

**IV.3.** Tibetans are rarely informed of their right to counsel, and when they are, it is by government discretion as to whether or not they will receive a court appointed lawyer<sup>55</sup>. Those lawyers not appointed by state who are hired to defend Tibetans are harassed and threatened<sup>56</sup> until they agree to leave the case and the defendant is granted a state appointed lawyer who will invariably conform to government instructions<sup>57</sup>.

#### **V. Torture and Other Forms of Ill-treatment**

**V.1.** In Tibet, torture is used as a pretext to silence and criminalise peaceful dissent and opposition against the Chinese party-state under the guise of overbroad and vague charges such as "endangering national security", and "undermining national unity", "inciting separatism", and "disclosing state secrets"<sup>58</sup>. Both mental and physical torture is demonstrated by the CCP to



pretrial detainees, with a direct correlation between the length of time taken to confess and the severity of torture practices<sup>59</sup>.

**V.2.** In addition to being tortured, prisoners are denied medical help, thus, at the end of their sentence, many prisoners are released in failing health<sup>60</sup>. To avoid being held responsible for deaths in custody, prison authorities tend to release prisoners once they have reached near-death conditions. The consequences of the violence suffered in prison extend years beyond the end of the sentence itself, sometimes eventually leading to the former prisoner's death<sup>61</sup>.

**V.3.** Police brutality during investigations and arrests can lead to death or severe injury<sup>62</sup>. In early 2023, a Tibetan woman named Gonpo Kyi was subjected to several beatings by authorities for peacefully protesting her brother's wrongful imprisonment and taking to social media afterwards to demonstrate her injuries. At the time of submitting this report, there is no information on her current whereabouts<sup>63</sup>.

**V.4.** In addition to regular prisons, Tibetan political opponents are still being sent to extrajudicial detention facilities where they are held without charge or trial and subjected to discretionary police power. In December 2021, Tibetans were detained in a 're-education' facility at Thangnakma near Dropa (Chinese: Zhuba) Village, about 5 km from Drango (Chinese: Luhuo) County town in Kardze (Chinese: Ganzi) Tibetan Autonomous Prefecture<sup>64</sup>. New evidence obtained in May 2018<sup>65</sup> further demonstrates that Chinese authorities are running yet another form of the dreaded 'Re-education Through Labour' system that China claimed to have abolished in 2013<sup>66</sup>.

**V.5.** By 10 July 2023, the PRC had not yet submitted its sixth periodic report to the UN Committee Against Torture that was due on 9 December 2019<sup>67</sup>. In the last two decades, the

PRC has not submitted any of its State party reports to the Committee Against Torture on time. Since 2005, the PRC government has not issued any invitation to the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for a follow-up visit<sup>68</sup>.

### **Recommendations**

The government of the People's Republic of China is urged to implement the following recommendations to improve the human rights situation in Tibet Autonomous Region and other Tibetan areas in Qinghai, Sichuan, Gansu and Yunnan provinces:

1. Guarantee the freedom of religion and other cultural rights to all Tibetans, including language, education, history and the ability to practise and promote them.
2. Cease the repression of Tibetan Buddhism and destruction of monastic institutions and places of worship.
3. Guarantee the rights to freedom of association and freedom of expression in Tibet.
4. Reinstate Tibetan medium education in Tibetan schools across Tibet and cease shutting down privately-run Tibetan schools.
5. Provide a fair and transparent criminal justice system to all, including allowing adequate legal representation for every person. To cease intimidation of lawyers of Tibetan defendants.
6. Provide a definition of torture in commensurate with international standards and for judicial trials to disregard evidence revealed by means of torture.
7. Cease arbitrary detention practices by closing all facilities of extrajudicial detention centres or facilities.
8. Cooperate with the UN human rights treaty bodies by submitting periodic reports on time.

9. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture and the International Covenant on Civil and Political Rights.
10. Allow access to the UN Human Rights Commissioner and other international fact-finding delegation to conduct assessment of human rights situation in Tibet Autonomous Region and other Tibetan areas in Qinghai, Sichuan, Gansu and Yunnan provinces.
11. Issue a standing invitation to UN independent experts on torture, education, religion, arbitrary detention to conduct official visits to Tibetan areas.

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