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TCHRD is a registered non-governmental organisation (NGO) established in January 1996 with the mission to protect the human rights of Tibetans in Tibet and promote the principles of democracy in the exile community.

For more, log onto [www.tchrd.org](http://www.tchrd.org)

Or contact us  
Postal address  
Tibetan Centre for Human Rights & Democracy  
Narthang Building, Top Floor  
Gangchen Kyishong,  
Dharamsala - 176215  
Distt. Kangra  
H.P INDIA  
Email: [office@tchrd.org](mailto:office@tchrd.org)

## Remembering the fearless 'ghost' Tenzin Choedrak (1981-2014) FRIDAY, 30 JANUARY 2015

Tenzin Choedrak, a Tibetan social activist died two days after his release from prison at the age of 34. He was serving a 15-year prison term for acting as a ring-leader of the March 2008 protests in Lhasa, Tibet.

When he was returned to his family, Choedrak had dislocated jawbones and damaged kidneys. He was physically emaciated and vomiting blood because of a brain injury. All the bones in his feet were broken. This suggests that he may have been subjected to the falaka, or foot whipping, torture technique. The falaka involves beating the sole's of the victim's feet with a heavy cable or whatever else is available. It causes extreme pain up the victim's body and the feet to swell. The technique was used in the PRC, the Middle East, and Romania.

Tenzin Choedrak died after less than six years of his 15-year prison sentence. Before his detention, Tenzin Choedrak was an employee of a European NGO affiliated with the Red Cross in Lhasa.

TCHRD presents below a tribute written by Tsewang Rigzin, a close friend of Tenzin Choedrak who exhibited rare courage and dignity even in death.

### Remembering Tenzin Choedrak: A Son of Tibet

- Tsewang Rigzin \*

My childhood friend and classmate, Tenzin Choedrak, died on 5 December 2014, two days after he was released from Chushur Prison near Lhasa in the Tibet Autonomous Region (TAR).

In April 2008 Chinese police arrested Choedrak for allegedly leading demonstrators during March 2008 protests in Lhasa. He was sentenced to 15 years in prison in September 2008.

In violation of the Convention Against Torture and other international human rights treaties, to which China is a party to, Choedrak was brutally tortured on a daily basis for months. As a result, he suffered from vision loss and other chronic diseases until his death. To prevent Choedrak from dying in the prison, the Chinese government released him. However, two days after his release on medical parole, Choedrak succumbed to his injuries.

I knew Choedrak both as a friend and classmate. We studied together in Tibetan Children's Village School in Dharamsala, India where the exile Tibetan government is based. Like many of us, Choedrak was a teenager when he escaped from Chinese ruled Tibet to India. To many of us, Choedrak was strong and unbending. These unique characteristics earned him the nickname dhong-drey (Eng:

ghost). His physical toughness was well known. Sometimes he would call us to punch him. No matter how hard we hit him he would not show any sign of pain. I played countless soccer games with him as a teammate and opponent. Due to his physical sturdiness, he usually played in the position of stopper/sweeper.

In the summer of 1995 we were in fifth grade. Just before an evening study hour ended, Choedrak went to our second-floor classroom balcony to close the windows. Suddenly the light went off. Choedrak stumbled in the darkness and fell out the window to the concrete ground floor. In panic, we all rushed down and saw him lying in a pool of blood. The atmosphere in the classroom was chaotic and we thought he might not survive the fall. He broke both his arms and legs. Choedrak survived and recovered well.

Like many of my friends, Choedrak finally returned to Tibet in 2004. Before his arrest, Choedrak worked with a European non-governmental organization associated with International Red Cross and worked mainly in the area of environmental protection in Lhasa and Shigatse region of Tibet.

During the months following the 2008 mass protests in Tibet, I chatted with a friend in Tibet who knew Choedrak. Our mutual friend told me there were 'wanted' posters of Choedrak all over Lhasa city. She recalled how she and other friends persuaded Choedrak to escape arrest by hiding in the mountains. Choedrak's response was, "Let them come and catch me. I am not going to run any more." His response has kept me thinking for years. Why he chose to be arrested rather than go hide in the mountains as many protestors did at that time is a question that I still find hard to answer.

I can only assume that he had already given himself up for the just cause of Tibet and ready to bear all the consequences. This assumption was reinforced by one of his last acts. According to an eyewitness, on his deathbed Choedrak sang the Tibetan national anthem.

I remember I felt tremendous fear and sadness when I heard the Chinese authorities were looking for Choedrak. That fear and sadness intensified when I learnt in 2009 that he was arrested with another Tibetan for their involvement in the 2008 protest. I had ample of opportunities to interact with a number of former political prisoners who had escaped to India. Having heard their stories of surviving torture and atrocities in prison, I feared most for Choedrak's wellbeing and survival. Although he was physically tough and sturdy, I knew the playful punches that we used to throw at him at school days were in no way comparable to the torture that the Chinese authorities had inflicted on him after his arrest. Despite his physical strength and resilience, the torture he suffered eventually led to his untimely death.

It saddens me to the depth of my bones to even imagine the severe torture he had to endure in prison. The mere thought

of being in a Chinese prison, let alone being tortured, sends shivers through my body. Choedrak bravely confronted this terror.

To me, Choedrak was more than a friend and a classmate. He was a brave and compassionate spirit who was determined to give up everything he had for six million Tibetans. He was a patriot and a real son of Tibet.

*\*Tsewang Rigzin is a graduate student at Laney Graduate School of Emory University, Atlanta, Georgia, USA.*

### **"Competing Interests in the Tibet Autonomous Region: A look at China's Pursuit of Water at the Cost of Tibetan Culture"**

- By Danielle Mihok \*

#### **Introduction**

Water may arguably be one of the most contentious issues for China today and a significant strain on its ailing relationship with the Tibetan people. The Tibet Autonomous Region (TAR), known as 'Xizang' in Chinese or 'western treasure house', is nicknamed for its wealth of natural resources, including diverse ecosystems, cloud forests, minerals, precious metals and most notably, water (Chellaney, 2011). The glaciers of the area feed three of the top five rivers in the world, which also happen to be located in some of the most densely populated and fastest growing regions. Indeed, China has been actively capitalizing on the region's assets to meet the needs of its growing population. According to the Tibetan people, though, China has been exploiting and pillaging the region's resources to the detriment of Tibetan culture. Tibetans are closely linked to the land, not just in terms of livelihoods, but spiritually and historically as well. Alternatively, China argues that it is supporting much needed economic development in the area, lifting people out of poverty and providing them with modern conveniences. While these efforts are seemingly beneficial, China's actions in the region are focused more on its self-serving interests than altruistic development efforts. For Tibetans who are frustrated with China's dismissal of their cultural rights, it seems there is little recourse to halt China's actions.

This crossroads of opinion brings to light a common debate over indigenous cultural rights and economic development: should one give way to the other? I will argue here that, although cultural rights should supersede economic interests, it is unlikely China will drastically change its behavior in this regard, given the economic value of the TAR. As such, I argue that supporters of human rights in Tibet can take a

rhetorically strategic approach to this issue by reframing the argument in terms of the environment, rather than cultural rights. Highlighting China's environmentally damaging actions will garner greater international support and more substantive changes than a cultural rights perspective alone. While this might appear counterintuitive, this new position will indirectly address cultural rights as a result of Tibetans close connection to the environment.

To establish this argument, I will first explain why Tibet is such a valuable resource to China. Afterwards, I will review the position that both China and Tibet take on the matter, which will help to subsequently illustrate why cultural rights should come before economic interests. Following this, I will demonstrate why focusing on the environment over cultural rights will prove to be a more suitable rhetorical strategy. Lastly, I will suggest some potential policy guidelines to help achieve this goal.

### **Background: Tibet's Abundant Resources**

The TAR and specifically the Tibetan Plateau comprising TAR as well as Tibetan areas in Qinghai, Sichuan, Gansu and Yunnan provinces - is one of the most critical water repositories in the world (Chellaney, 2011). In fact, the TAR is Asia's central and largest fresh-water resource (Chellaney, 2011). After the Arctic and Antarctica, the region contains the largest perennial ice mass in the world, earning it the title of the 'third pole'. Glaciers in the Tibetan plateau support three of the five largest rivers in the world and it's been indicated that there may be as many as 15,000 within the region alone (Chellaney, 2011). Indeed, its glaciers feed nearly every major river system throughout Asia forming eleven mega deltas, of which a number of major cities are dependent on (such as Bangkok, Calcutta or Dhaka, for example) (Chellaney, 2011).

In addition to its vast water supply, it also possesses an extremely diverse ecosystem, featuring some of the rarest medicinal plants, a wide range of animal species and many mountainous eco-systems and cloud forests (Chellaney, 2011). It is also home to a treasure trove of minerals and precious metals (The Telegraph, 2008). In fact, the region has over 30-40 million tons of copper, 40 million tons of lead and zinc and over a billion tons of iron (The Telegraph, 2008). Most recently, in 2010, China discovered 102 different kinds of minerals located within 3000 different mineral beds, which are said to be worth USD\$100 billion (Phayul, 2010). China has now become the largest gold exporter in the world and has done so in just ten short years thanks to Tibet (The Telegraph, 2008).

With such a diverse and abundant eco-system, the area is highly susceptible to climate change, which is having a significant impact on the region. This can result in glacial melting, diminished water quality and soil erosion (Wirsing, Stoll & Jasparro, 2013). These changes are only further exacerbated by human development in the area. With rising

global temperatures, China's population has placed greater demand on its natural resources in order to cope with increasing changes (Wirsing, Stoll & Jasparro, 2013). Given this, China has turned to Tibet to sustain its growing population and their increasing standard of living.

The most contentious issue is the growing problem of water in the area. At current levels of demand, China is predicted to run out of water by 2030 (China Water Risk, 2013). China retains three fifths of the world's population and is one of the fastest growing countries globally, but it possesses the least freshwater per capita then any other continent (Chellaney, 2011). From 1950 to 2000 the population exploded from 1.4 billion to 3.6 billion, putting a significant strain on China's natural resources (Chellaney, 2011, p.11). With this growth in population comes an increase in demand for food and energy, all which require significant sources of water.

Water also serves as a form of geopolitical control. The Brahmaputra River, for example, which begins in Tibet but flows through Bangladesh and India could be a source of trans-border conflict in the near future thanks to similar growth and demand pressures in these regions (China Water Risk, 2013). As China and surrounding countries continue to grow, power relations remain unsteady and are in a constant state of flux. As such, Tibet's water resources are critical. Chellaney puts it well when he states, "the Tibetan Plateau makes China a potential water power in the way Saudi Arabia is an oil power" (Chellaney, 2011, p. 105). Given its importance, China has taken up a variety of different development projects in the region, including a number of hydroelectric dams. In 2010, for instance, China proposed the development of a dam along the Brahmaputra River, which would be the world's largest hydroelectric project (Watts, 2010). Accessing the regions natural resources has been made easier through rail, road and air infrastructure (Phayul, 2010). The China-Tibet railway, for example, connects Qinghai with Lhasa, the capital of Tibet and thereby increases access between the two regions for improved transportation to many of the mining and hydroelectric operations developed in the area (Beck, 2006).

### **Different Perspectives: Economic versus Cultural Interests**

China claims that all of this is a move towards greater economic and social development (Beck, 2006). The country has been relatively forthcoming with its objectives for the TAR, prioritizing economic development over Tibetan culture. The government identifies itself as "helping Tibet develop its economy, enhance its people's living standards, and change its impoverished and backward situation" (PRC, 1992), suggesting that Tibetans need to leave behind their current cultural practices. Chinese media is frequently framed in terms of economic and social development indicators (Yunlong, 2010). It refers to increases in GDP and material gains,

such as an increase in formal housing, colour televisions or washing machines, for example (PRC, 1992). Accordingly, China happily broadcasts Tibet's progress, believing that "Tibetan people now enjoy fully the right to subsistence and development" (Mingyu, 2010). Any differences in development between Tibet and the rest of China at present are a result of the region's demanding environmental conditions and its historically 'backward' social conditions (PRC, 1992).

From China's perspective, it has made every accommodation for Tibetan culture and has allegedly promoted Tibetan language, documented its unique traditions and allowed Tibetans to live in their preferred cultural way (PRC, 1992). Yet it often refers to Tibetan ways as 'backwards' or its traditional monasteries as 'relics' of the past, thereby raising suspicions on these claims (PRC, 1992). In media, China reiterates the fact that Tibet is a part of China. In a press statement made on the development of the Qinghai-Tibet railway, for instance, President Hu suggested that this development would help to unify the different ethnic groups (Beck, 2006). Thus, alluding to the idea that Tibet should be assimilated in with the rest of China. Commenting on the influx of migrants the railway would bring to the region, a foreign minister stated in the same article, "Tibet is a part of China. If any Chinese want to go there, that is their choice" (Beck, 2006). All of this suggests that while China may profess to respect Tibetan culture, its actions often indicate otherwise.

Traditionally, Tibetans have lived in the TAR for thousands of years as pastoral nomads which has provided Tibetans with enough food, water and shelter to sustain themselves in the regions harsh climate (Free Tibet, 2014). They have moved from grassland to grassland maintaining the environment through migration and as such, seek to live in harmony with the earth. Besides a connection to the environment through lifestyle, Tibetans are also closely linked through Buddhist concepts of nature as well. Mountains, for instance are frequently seen as sacred and the home of deities and a belief in self-contentment deters exploitation for the sake of greed (CTA, 2015b). Thus respect for the environment and conservation are critical spiritual beliefs as well.

For Tibetans, China's large infrastructure projects are disrupting this connection to the environment. In developing the TAR, China has forced Tibetans off their land and into concrete apartment blocks (Yeh, 2013). As a result, "many Tibetan herders have been forced to kill most of their livestock and abandon their traditional way of living" (Jue, 2011, p.170). Furthermore, hydroelectric dams significantly restrict the region's water supply for those living in the area (Phayul, 2012). Damming riverways has been shown to cause water evaporation, which impacts both the quality and quantity of water available downstream (Phayul, 2012). In addition, mining operations within the region are also a risk to the waterways, causing both pollution and an increase in mineral levels in surface water (Law, 2010). In addition,

over 46% of Tibetan forests have been destroyed. This has a profound impact on the surrounding environment, causing soil erosion and flooding, the impact of which can be felt in mainland China as well (CTA, 2015a).

These developments and their resulting consequences only further marginalize Tibetans from their land and drastically impact the ability of Tibetans to maintain their traditional lifestyle. In turn, Tibetans have limited alternative options to produce an income. Development projects mainly employ Han Chinese, which means local populations see little benefit (CTA, 2012). Moreover, Tibetans are excluded from any decision-making processes. Development projects are initiated without any consultation from the local population and when Tibetans do speak up or protest, they are immediately silenced (Law, 2010). Consequently, Tibetans are actually excluded from the prosperity China claims it is bringing to the region (Beck, 2006).

### **Resolving Competing Interests: An Environmental Approach**

These two perspectives prioritize seemingly competing interests and resolving them is critical as Tibetan activists look to move their cause forward. While Rhoda Howard's discussion of the 'full belly thesis' looks at how to deal with competing rights, her discussion is still valuable when contemplating how to resolve China's economic interests against Tibetan cultural interests. In looking at civil and political rights against economic, cultural and social rights in sub-Saharan Africa, she notes that economic rights securing 'basic needs' are often seen as more important than civil and political rights (Howard, 1983). Such that, without basic necessities people are unable to make full use of civil and political rights, known as the 'full belly thesis'. Accordingly, "man's belly must be full before he can indulge in the 'luxury' of worrying about his political freedoms" (Howard, 1983, 469). Thus, one's basic needs must be met before they can indulge in any other rights. Howard later goes on to refute the idea that economic interests are more important than other fundamental rights. In applying the 'full belly thesis' to China's role in the TAR, one might deduce that their economic interests are helping to fulfill this most basic need for Tibetans. With this line of reasoning, economic interests would come before cultural rights and China's role might be seen as beneficial.

Yet, Tibetans have made it clear that China's development activities have not benefited or interested them. The Central Tibetan Authority indicates, for instance, that development projects "should not outweigh the preservation of the unique Tibetan culture, language and the environment (CTA, 2015). The movement of Tibetans off their land has significantly impacted their way of life, making them arguably poorer as result. As one Tibetan states in Emily Yeh's *Taming Tibet: Landscape Transformation and the Gift of Chinese Development*, "if you have farmland, then every year you will at least have something to eat" (2013, p. 196). While Tibet-

ans might not have been economically rich in their traditional lifestyles by Chinese standards, they certainly found greater prosperity in it than their current situation affords. The Central Tibetan Authority has stated that “given the choice of livelihood, we believe that almost all the residents of these newly constructed concrete settlements would prefer to go back to their previous lifestyle without a second thought, even if it meant leaving a two-bedroom house” (CTA, 2015).

China won't be altering its development strategy simply because Tibetans feel they were more prosperous in their traditional lifestyle than they are now, though. The TAR contains a wealth of resources, most importantly water, that are critical to China's development. Consequently, China will continue to prioritize economic development because of this. As mentioned earlier on, China's development could be in jeopardy though, if it doesn't sustainably manage these resources. The TAR is a fragile eco-system that is prone to flooding, soil erosion and pollution and is made even more vulnerable due to China's development projects. A government appointed environmental review panel acknowledged that building megadams would flood forests, wipe out plant and animal species and glacial lakes and rivers downstream would dry up (Huang, 2003). These unsustainable practices impact not only Tibetan livelihoods, but also mainland China and surrounding nations as well. Flooding, soil erosion or compromised food security are just a few of the consequences China may face if resources are not managed in a more sustainable manner. All of which will directly impact China's development success otherwise.

At the same time, Tibetan culture is inextricably linked to nature, both spiritually and through lifestyle. In fact, Tibetan nomadic practices actually preserve the ecology of the TAR. With hundreds of years of indigenous knowledge, Tibetans effectively manage livestock grazing in a manner that contributes to the ecological stability of the land, rather than degrade it (Miller, 2002). These practices have been key to the survival of nomadic people and form a foundation for Tibetan culture. Therefore, Tibetan cultural practices actually benefit the environment. By managing the region in a more sustainable manner, Tibetans help to counter the detrimental environmental effects of Chinese development. Greater environmental stewardship through traditional cultural practices means that the resources of the TAR will benefit not only Tibetans, but Chinese too (CTA, 2015). Thus, maintaining Tibetan culture is actually mutually beneficial for both parties.

### **Moving Forward with an Environmental Approach: Policy Recommendations**

Altering China's development in the TAR requires capitalizing on the link between Tibetan culture, environmental stewardship and Chinese development. Focusing on cultural rights has traditionally been the foundation for arguments

made against China's role in the region. The Central Tibetan Administration website, for instance, extensively covers the key cultural issues Tibet is facing, as does the media when Tibetan conflict is covered (Beck, 2006; Ford, 2006; Thingley, 2007). We have seen, though, that these arguments have largely been ineffective, as China continues to prioritize economic development. As such, activists must alter their approach in protecting cultural rights in Tibet by placing greater emphasis on the environment in their campaign and advocacy work. This will not only appeal to Chinese interests, since unsustainable practices can have a negative impact on the success of China's national development, but will have greater international appeal as well. Emphasizing the environment, a public good and a more neutral topic than cultural rights, has the capacity to garner greater global attention. As it becomes a more significant global player, international demands will take a bigger toll on the country's development. As China sees continued economic growth, it can “no longer stay on the outside of the biggest discussions going on in the world – whether it be climate change, terrorism or debt” (Porter, 2010). In turn, China will have to bow to greater international pressure as it continues to experience growth. Strategies that call attention to China's poor environmental practices will increase international awareness and pressure China to make subsequent changes. In doing so, activists need to call attention to the link between environmental degradation and a decline in China's national development, alongside the benefits that traditional Tibetan practices can have in sustainably managing the regions resources.

With this revised strategy in mind, there are a number of recommendations that Tibetan activists can promote. As mentioned above, activists should generally look to link Tibetan culture, environmental stewardship and Chinese development together, but more specifically, defenders of Tibetan culture can advocate for a number of policy changes that will indirectly protect traditional Tibetan lifestyles. While these suggestions are certainly not exhaustive, they demonstrate a few ways to make these links:

1. Moving away from hydroelectric power to alternative forms of energy consumption:

While hydroelectric power is considered a sustainable alternative, it is susceptible to drought, water stress, and changes in weather patterns such as decreased precipitation and higher temperatures (Urban & Mitchell, 2011). It also requires significant volumes of water and can have detrimental effects on the environmental landscape, as we discussed earlier (U.S. EPA, 2013a). Alternatively, both wind and solar energy are also renewable sources of electricity, but do not have the same negative impact on the environment. Neither source requires a large volume of water nor generates a significant amount of air or wastewater pollution (U.S. EPA, 2013b). China already makes use of a high degree of both wind and solar power elsewhere in the country (Bernton, 2014). Extending their use into the TAR will help to satisfy China's

demand for energy while also helping to protect the regions water supply.

2. Allowing nomadic pastoralism as a means of maintaining soil quality:

As mentioned earlier on, Tibetans have maintained the diversity of the land for thousands of years through nomadic practices (CTA, 2012). This involves effectively managing livestock in a manner that is congruous with the ecological stability of the land. By allowing Tibetans to continue this traditional way of life, not only would a central aspect of Tibetan culture remain intact, but this would also help to preserve the regions natural resources for more sustainable use in Chinese development.

3. Implementing more effective water utilization & productivity strategies:

Glaciers in the TAR provide a considerable amount of freshwater for the surrounding regions, but current water use practices in mainland China put water resources at significant risk. Improving water-use efficiency can have a substantial impact on reducing waste. The utilization rate for irrigated water, for example, is approximately 45%, resulting in the majority of irrigated water being wasted (China Water Risk, 2010a). Alternatively, 20 billion tonnes of water could be saved annually by fixing water leakage from pipes alone (China Water Risk, 2010a). Efficient water use in mainland China will help to reduce resource pressures within the TAR.

### Conclusion

Respect for the environment is critical to both livelihood and spiritual beliefs of the Tibetan people. Any impact on the local environment thereby has a resulting effect on Tibetan culture. China's development efforts in the region have jeopardized the fragile ecosystem of the TAR and compromised the cultural livelihoods of local Tibetans. Furthermore, if the regions resources are not managed in a more sustainable manner, China itself will endanger its own national development. While a focus on environment over culture within the TAR may have felt counterintuitive at first, I have demonstrated here that it presents a viable option for supporting Tibetan cultural interests in the face of Chinese economic development. As such, Tibetan activists need to employ a different argumentative approach in their campaign and advocacy work, one that focuses on China's environmentally degrading practices rather than its infringement of cultural rights. To do this, emphasis must be placed on the link between environmental degradation and its potential to hinder China's national development, while also highlighting how traditional Tibetan practices can help sustainably maintain the regions rich resources.

*\*The author is an undergraduate student at University of Guelph. This paper was written as part of a research collaboration between TCHRD and undergraduate students enrolled in a human rights seminar at the University of Guelph in Guelph, Canada. Students produced their papers in response to specific research topics that were provided by TCHRD.*

## China's Impunity of the Rule of Law in the Name of State Security and Harmony

- Meaghan Shoemaker \*

The expression "Rule of Law" entails a degree of polysemy (Pouligny 2003, 359). The following will consider a number of interpretations of the Rule of Law and how this may affect the China/Tibet case.

The United Nation's (UN) international definition of the Rule of Law states that everyone, including the state, is accountable to the law and is to have the law equally enforced upon them. The UN also declares that respect for the Rule of Law protects human rights (United Nations 2014, Rule of Law). While the rule of law has been defined variously, most scholars agree that the concept requires, at a minimum, public institutions that decide disputes impartially and non-arbitrarily according to pre-established legal principles (Allan 2001, Fuller 1964, Raz 1979).

In international discourse, the term Rule of Law refers to the security and integrity of a state's citizens including equal protection of the law, non-discrimination, and police accountability. These are all considered crucial elements in any peaceful and democratic society (Pouligny 2012, 359).

In 1999, China amended their Constitution to expressly provide for the establishment of a socialist Rule of Law (Peerenboom 2002, 1). There have been suggestions that the traditional Rule of Law arguments as understood in the international context do not work in the Chinese context. For the present state of development in China, there cannot be Rule of Law as the term is conceived in the West (Dowdle 1999, 287). Due to the communist nature of the Chinese state, a socialist Rule of Law is an oxymoron and unattainable in the Western definition of the term. Due to these criticisms, there is currently debate surrounding whether China's socialist Rule of Law differs from the international community's practice of the rule of law when considering the Tibetan population.

The different interpretations and legal strength of the Rule of Law greatly impact the livelihood of Tibetans in China. As mentioned above, the Chinese government has historically been described as attempting to destroy the Tibetan population. Under the international Western understanding of the Rule of Law, these types of human rights infringements would not be "overlooked" as they are in the Chinese socialist Rule of Law. Throughout this paper it will become evident that there is a disregard for both the international understanding of the Rule of Law as well as the national Constitutional recognition of a socialist Rule of Law under the guise of state security. This disregard has negative implications on the rights and safety of the Tibetan population, who seek aid under the Western model of Rule of Law.

## China's State Security, Harmony, and Rule of Law

Early Confucian thought has played an important role in the early articulation of human rights in China, with harmony continuing as a major theme in Chinese human rights theory (Angle 2008, 80-81). China's White Paper Act stresses the necessity for ethnic harmony as well as an internal and external security (Chinese White Paper 2014, The Security Environment). The government of China highlights a number of security threats in the White Paper Act, such as the increased role of hegemonic powers, power politics undermining international security, non-traditional security threats presenting greater danger, local turmoil caused by war, economic globalization spreading into security fields, and terrorism (Chinese White Paper 2014, The Security Environment).

In countervailing these security threats, the Chinese government has implemented the Social Harmonious Society, which is believed to ensure overall national security and unity (Chinese White Paper 2014, The Security Environment). There is an inherent tension between this harmonious society in China and Tibetan human rights. For example, the last constitutional amendment in 2004 added a commitment to human rights in China, but criticisms are still raised with regards to the regime's actual commitment to these values (Angle 2008, 77). Commitment to these human rights values in relation to the Tibetan population are evidently lacking as the Chinese government continues to face scrutiny from the international community based on extreme Tibetan human rights violations.

When considering state security, a state of emergency challenges states' commitment to the Rule of Law. For example, the Rule of Law cannot constrain state action during a state of exception or emergency (Criddle and Fox-Decent 2012, 42). The Chinese government has utilized instances of insurgency and so-called instances of "counterrevolutionary crime" to rationalize and defend Tibetan human rights violations. According to the White Paper Guarantee of Human Rights in China's Judicial Work, under Criminal Law "counterrevolutionary crime" refers to crime which endangers state security (Chinese White Paper 2014, Guarantee of Human Rights in China's Judicial Work). Individuals charged with counterrevolutionary crime reflect any group that does not adhere to or challenges the Social Harmonious Society. Examples involving the abuse of states of emergency with regards to the Tibetan population will be discussed below.

The Chinese government thus utilizes this ambiguity to act with impunity in the definition of what constitutes its' socialist Rule of Law to infringe on Tibetan human rights in the name of state security and harmony. Although the Chinese government cites rules involving security are to maintain harmony and stability of the social environment, the impact is to impose punishments that are illegal under international law. This demonstrates the impunity towards the international understanding of the Rule of Law as outlined by the United Nations. The rush toward Western forms of governance

have been an empty gesture with little real effect on governance when judged by a Western governance ideal. China has avoided any attempt to embrace Rule of Law in the substantive aspect, even as a formal matter in lieu of the Constitution (Backer 2006).

Despite this scrutiny, the Chinese government remains positive regarding their efforts and implementation of the Rule of Law, while stressing the necessity for ethnic harmony, internal and external security (Chinese White Paper 2014, The Security Environment). Stating that the Constitution provides that all nationalities in the People's Republic of China are equal, the government suggests it protects the lawful rights and interests of minority nationalities and upholds the relationship of equality, unity and mutual assistance among all of China's nationalities (Chinese White Paper 2014, Guarantee of the Rights of the Minority Nationality). As will be demonstrated, however, Constitutional provisions are bypassed in the name of state security and harmony.

In addition, in the National Report submitted to the Universal Periodic Review 2013 (UPR), China reports that the Ministry of Justice is fostering awareness of the Rule of Law by providing training for prison wardens, as well as educational activities in core values for law enforcement officers in the judicial administration system (United Nations General Assembly National Report 2013, 5).

Upon considering the available public documents, it is evident that state security and harmony are the major focus of the Chinese government. Also apparent is the international scrutiny of the Chinese government's infringement of Tibetan human rights and the necessity to continue to build a strong Rule of Law in the country. Ultimately, it is evident that despite the written proclamation of the Rule of Law in the Constitution, the Chinese government acts with impunity and abuses the Western conception of the Rule of Law.

### Tibetan Experience of Rule of Law and Human Rights Violations

Evidence and discussion surrounding the Chinese government's interaction with the Rule of Law with regards to Tibetan human rights violations is two-fold. The Chinese government both utilizes a law-based argument to limit the rights of Tibetans under the guise of state security and harmony, as well as acts with impunity towards the Rule of Law.

When considering state security, the Chinese government utilizes a law-based argument to limit the rights of Tibetans. As previously mentioned, this falls under acts such as "counterrevolutionary crime." Therefore, any act that the Chinese government deems unfavourable to their bottom line could be attributed to counterrevolutionary crime and punishable as a threat to state security.

For example, the Chinese government utilizing the guise of state security and harmony in a social harmonious society to

limit the rights of Tibetans is presented by the Dui Hua Foundation (DHF) report stating that of the 849 people charged with Endangering State Security (ESS), 847 were allegedly Uighur or Tibetan (United Nations General Assembly Summary 2013, 6). Further examples include the torturing of the families of those who have self-immolated as a sign of protest against the Chinese government. DHF also cites the detainment and disappearance of individuals calling on the Chinese government to “make good” on promises to combat official corruption (Dui Hua Foundation 2013). Currently, millions of Tibetans live in a system that penalizes human rights activists as criminals (TCHRD 2014). Ultimately, these rights infringements were practised in the name of state security.

The importance of state security and harmony is the first priority of the state, which the government uses to legitimize the human rights violations of the Tibetan people. This leads to the second aspect, which argues that the human rights violations that occur in the name of state security and harmony are carried out within an institutional culture of impunity to the Rule of Law. For the Rule of Law to be successfully utilized in the UN definition of the term, the guise of state security and harmony would not act as a loophole for the rationalization of human rights violations.

This impunity towards the Rule of Law is highlighted in the UPR 2013, in which concerns were raised by a number of human rights NGOs that the nature of arrest and the judicial system in China were illustrative of the lack of Rule of Law and the operation of a culture of impunity (United Nations General Assembly Summary 2013, 10). This lack of Rule of Law demonstrates the disconnect between the international definition of the Rule of Law and the Chinese implementation of the concept. Although the country is demonstrating development in this area (see: UPR 2013), as previously argued, the socialist Rule of Law enacted in China leaves room for ambiguity and unique interpretations based on security threats. As previously mentioned, the Chinese government may use the claim of counterrevolutionary crime as an excuse for an emergency to disregard the Rule of Law.

Further ignorance of the Rule of Law involves the arrest and torture of Tibetan activists and political prisoners, widespread reported excessive use of force (United Nations General Assembly Compilation 2013, 7), and utilizing ethnicity as a basis for restricting fundamental freedoms and discrimination in law enforcement (United Nations General Assembly Summary 2013, 6). State authorities have subsequently utilized political unrest in Tibet as a justification to further suffocate Tibetans’ rights. According to the Tibetan Centre for Human Rights and Democracy (2014), authorities have routinely exploited vague domestic legal provisions such as state security to criminalize peaceful expression of Tibetans as “politically dangerous.” These acts are evidently undertaken as a means of state security, and therefore provide a rationale for the exemption of state actors from the Rule of Law in terms of Tibetan rights infringements.

## Policy Recommendations for Actors

Short of attempting to convert China into a democratic society, there are a number of policy recommendations available for involved actors. Based on the aforementioned evidence demonstrating the Chinese government’s impunity with respect to the Rule of Law towards Tibetans in the name of state security and harmony, solutions involving a more diverse conception of harmony, increased government engagement, and a greater involvement of government organization in the creation and implementation of a Chinese Rule of Law will be discussed.

An initial suggestion involves a more dynamic conception of harmony promoted along with the recognition of the diversity of the Chinese society. The Chinese government should take steps to reduce inequalities of diverse populations by implementing a more balanced development strategy and ensuring more progressive redistribution of income through social welfare and services. When considering the Tibetan population in relation to the aforementioned Scientific Outlook on Development, this initiative is meant to address the widening inequality gap between rich and poor (China Tibet News 2012). Initially proposed in 2003, this Scientific Outlook will no doubt require the oversight of human rights NGOs to ensure proper distribution of wealth. This tolerance and increased recognition of the Tibetan population may curb state actors’ horrific actions and countervail their impunity for the Rule of Law, as they are progressively seen as equals.

In addition, the Human Rights Committee recommended that Hong Kong establish a fully independent mechanism mandated to conduct independent, proper and effective investigation into complaints about the inappropriate use of force (United Nations General Assembly Compilation 2013, 10). When addressing the current disregard for the Rule of Law in China, this type of third party will be necessary in addressing and punishing state actors who act with impunity to the Rule of Law. With respect to the Tibetan population, this type of third party will need to be paneled by a variety of actors including the state, NGOs and potentially involve Tibetan citizens. This will provide for a more equal and non-partisan check on the actions of the Chinese government.

As will be discussed below, increased government engagement in the Rule of Law is a sought after solution when implementing the Rule of Law. A major limitation to this engagement involves the disregard for Western values when implementing the Rule of Law and human rights. In order to countervail this limitation, non-governmental organizations (NGOs) must play a significant role in raising public awareness of social problems and provide alternative sources of information outside governments (Chan nd., 823). Civil society is also pertinent to the establishment of the Rule of Law in Chinese society (Chan nd., 823).

As Beatrice Pouligny (2003) writes, there are two major limitations to implementing the Rule of Law that NGOs may aid

in countervailing. As highlighted above, the first is that the Rule of Law and human rights are recognized in the Constitution but not in practice. The second limitation is that the Rule of Law has been implemented as the result of international intervention or pressure without integrating local Chinese organization or their conception of “universal” (Pouligny 2003, 359). When considering these two major limitations in relation to the China/Tibet case, civil society and local NGOs with a greater understanding of the local context in China are beneficial in the implementation process of the Rule of Law in two ways. First, they will be better able to call attention to human rights violations while the government is impune to the Rule of Law. Second, civil society and NGOs must be able to mold the Western ideology of the Rule of Law to the communist practice of China with consideration to the government organization and past history. State actors are more likely to adhere to Rule of Law prescriptions that do not appear as a purely Liberal and perhaps more in tune with Chinese culture.

### Limitations and Risks to a Rights-Based Approach

There remains a tension between a human rights based framework, which finds its basis in universality, commonalities, and setting boundaries, and the reality of state sovereignty, diversity, cultural and social contexts (Kelly 2006, 2). In other words, the balancing of the international and local perspectives is a major limitation to a rights-based approach. The following will address the limitations to a rights-based approach, including the universality of rights, state security and sovereignty, avoidance of larger issues that may require long-term solutions, and the internal social context of the Chinese state.

A major tension involving a rights-based approach is the suggestion that rights are universal. The Communist Party of China says Chinese interpretations of human rights are different from those in the West, and continues to persecute dissidents and other trouble-makers. Many Chinese, however, believe that terms such as “human rights” mean exactly the same in China as they do elsewhere (The Economist, 2014a). This tension demonstrates the disconnect between the universality of rights and the concept of state sovereignty. When considering the Tibetan human rights violations in China, this disconnect is most apparent. Arguing that human rights in China are different than those in Western countries not only demonstrates the non-universal approach to human rights but also the rationale regarding the impunity towards the Rule of Law. This exemplifies that in certain instances, human rights are not timeless and absolute moral rights that individuals possess merely because they are human. Rather, human rights represent the normative consequences of a state’s assumption of sovereign powers, and are thus constitutive of sovereignty’s normative dimension (Criddle and Fox-Decent, 2012, 40).

China’s state security is another major limitation when taking a rights-based approach to the issue of the impunity towards

the Rule of Law with regards to Tibetans. The Chinese government realizes that NGOs in China supplement the state as a “third sector” by providing services to those who are poor and in need. However, the Chinese Communist Party is also worried that these groups may turn into an independent social force that challenges the regime. As a result, civil society in China faces tremendous constraints in several fronts (Chan et al., 824). When considering the China/Tibetan dilemma and the potential impact NGOs are able to have with regards to halting Tibetan human rights violations, this issue of state security trumps the human rights possibility.

Another limitation to taking a rights-based approach is the malprescription of a major underlying issue. During various General Assembly debates, a number of actors denounced the Communist government’s aggression against Tibet as a violation of its independence. However, discussions have avoided the issue of Tibet’s status under international law, focusing instead on human rights violations (International Campaign for Tibet 2014). This is a major debate that must be addressed in the international platform. Focusing on a human rights approach does not acknowledge the issues of sovereignty and autonomy of the Tibetan population and the exile of the Dalai Lama. The Tibetan population argue their country is an independent nation, while the government of China says it is under Chinese rule. The emphasis on human rights violations ultimately overlooks the role that state sovereignty would play in the curtailing of these violations if Tibet were recognized by the international community as a distinct society.

A rights-based approach and the international conception of the Rule of Law are also challenged by the internal struggles of the state and the social contexts within it. In a meeting on October 28, 2014, the Communist Party called for a revolution in the way China is governed that would involve establishing Rule of Law by 2020 (The Economist 2014b). For example, as previously mentioned, in 2004 the Constitution was amended to include protections for human rights and private property. Citizens used this as an opportunity to challenge official abuses of power, but they were ignored, beaten, or arrested (The Economist 2014b). In their most recent discussions regarding the official establishment of Rule of Law, the Central Committee made it abundantly clear that it will not be the same model as the Western foreign Rule of Law. A major limitation to a rights based approach, then, is the assumption that universality will prevail in spite of the social and political context within a state. The government of China will continue to stress state security, and as such, the state’s conception of rights will be different than Western ideals.

### Conclusion

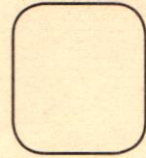
It is evident that the Tibetan population has faced extreme turmoil and human rights violations at the hand of the Chinese government. By addressing the unique interpretations of the Rule of Law and how the Chinese government defies its’ Constitutional provisions, the government is able to act with impunity towards requirements of equal treat-

ment, police accountability and non-discrimination on the basis of state security. The historical emphasis on harmony and state security is also utilized as a crutch to legitimize Tibet human rights violations. The Tibetan experience with the Rule of Law in China has demonstrated the disconnect between promises and action, with torture, disappearances, and grave human rights violations part of their everyday experiences. These actions have been suggested to also be the result of state security and the ability to side step and ignore the Constitutional provision of Rule of Law.

Policy recommendations highlight and address the limitations of state security in China. Increased tolerance, government engagement and an attempt to compromise Rule of Law provisions with the unique Chinese Communist society are ways in which a more realistic, attainable Rule of Law goal and equal treatment of Tibetans may prevail. Certain limitations exist when considering the China/Tibet case through a human rights based lens, however. These limitations are based in differentiating perspectives on the universality of human rights, the emphasis and importance of state security, overlooking larger issues that may pave a pathway to increased human rights laws, and the unique social context within China. These policy goals are not unattainable, however. The impunity towards the Rule of Law in the name of state security and harmony in the Chinese context is an issue that must be addressed. It is only when state actors are accountable for their actions that Tibetan's may begin to live in an era of respect and humanity in the Chinese state.

*\* The author is an undergraduate student at University of Guelph. This paper was written as part of a research collaboration between TCHRD and undergraduate students enrolled in a human rights seminar at the University of Guelph in Guelph, Canada. Students produced their papers in response to specific research topics that were provided by TCHRD.*

To



*If undelivered, please return to:*

Tibetan Centre for Human Rights & Democracy  
Narthang Building, Top Floor  
Gangchen Kyishong,  
Dharamsala - 176215  
Distt. Kangra  
H.P INDIA

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# HUMAN RIGHTS UPDATE

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TCHRD is a registered non-governmental organisation (NGO) established in January 1996 with the mission to protect the human rights of Tibetans in Tibet and promote the principles of democracy in the exile community.

For more, log onto [www.tchrd.org](http://www.tchrd.org)

Or contact us  
Postal address  
Tibetan Centre for Human Rights & Democracy  
Narthang Building, Top Floor  
Gangchen Kyishong,  
Dharamsala - 176215  
Distt. Kangra  
H.P INDIA  
Email: [office@tchrd.org](mailto:office@tchrd.org)

**China engages in political purge in the name of anti-corruption drive in Tibet**  
MONDAY, 2 FEBRUARY 2015

In January this year, official government-run media in the People's Republic of China (PRC) announced [1] the first prosecutions of officials under the anti-corruption campaign in the Tibet Autonomous Region (TAR). The announcement specifically highlighted the punishment of 15 officials for supporting [2] the Dalai Lama.

The punishment of officials in Tibetan areas for supporting the Dalai Lama or not maintaining stability by striking hard is not a new development. The announcement simply demonstrates that the pre-existing policies have been added to the crackdown on corruption. The underlying repressive policies have been relabelled—not changed.

If the PRC had been serious about cracking down on corruption it could have rolled back policies implemented by Zhou Yongkang, who was arrested for corruption earlier in 2014. It could also have targeted local officials who use their position to receive benefits and bribes. Instead, the PRC used the anti-corruption campaign to make political attacks against officials in TAR. In August 2014, TCHRD called [3] on the PRC to use the anti-corruption campaign to improve the situation in Tibet. The most recent announcement demonstrates the PRC chose not to do so.

The officials were caught as part of the crackdown on corruption that began in TAR in July 2014. When the inspection was announced, [4] the purpose was to “expose corruption and close loopholes in Party management and government work.” The emphasis of the investigation was supposed to be officials who take bribes. From the start it was clear the campaign would also target officials that disagreed with the central leadership’s policies or did not implement them effectively.

By November, [5] the campaign focused more on targeting officials who follow the Dalai Lama. The head of the inspection team, Ye Dongsong, said he was investigating officials who failed to take a firm political stand and those with serious corruption issues. Support for the Dalai Lama, even if only for religious reasons, was equated with separatist activities.

The specific identities of the Tibetan officials and cadres punished in the campaign remain unclear. However, from the most recent report, it appears that targeting of corrupt officials became less important than continuing to punish officials who do not zealously implement repressive policies in Tibet. This policy already exists in Tibet. In response to the 2008 protests, the PRC required [6] all government officials to recall their children from schools based outside Tibet to avoid the influence of the Dalai Lama. In March 2012, Mr. Soegyam was fired for refusing to implement repressive guidelines in TAR. He was one of fourteen officials in TAR to be fired for refusing to implement the repressive policies. Later in 2012, six officials in Lhasa were demoted [7] for failing to maintain stability.

The PRC could maintain stability in Tibet more effectively by removing truly corrupt officials, rather than targeting officials that choose to support international human rights. For example, in Tsang Tobgyal Township [8] in Shigatse (Ch: Rikaze) Prefecture in TAR, the local Party Secretary refused to hear any complaints about a mining operation. This was because the mining company was giving him perks. Because the corrupt official refused to listen to the local community they staged a protest. Armed security responded by firing at the protesters. A pregnant woman was one of the 13 people injured.

It is unclear whether the Party Secretary was punished in the anti-corruption campaign. However, as the PRC investigated 22% of the 1,494 reports [9] of official misconduct and punished between 45-60 officials, it is unlikely that the anti-corruption campaign actually punished corrupt officials.

The protest and the shooting in Tsang Tobgyal Township could have been avoided if the Party Secretary had listened to the local community and not been corrupt. Instead of emphasizing the removal of these corrupt officials, the anti-corruption campaign has focused on officials who support the Dalai Lama. This demonstrates that the anti-corruption campaign is little more than a political purge. Unless the PRC focuses on the corrupt official who are undermining stability by ignoring and attacking the Tibetan community, the anti-corruption campaign will accomplish nothing.

**TCHRD welcomes introduction of targeted sanctions bill for violators of human rights**  
FRIDAY, 6 FEBRUARY 2015

At the end of January the Global Magnitsky Human Rights Accountability Act was introduced in the United States' Senate (S.284) and House of Representatives (H.R.624). The bill builds upon the success of the Magnitsky Act and allows the president to create a list of people who are responsible for significant corruption, extrajudicial killings, torture, and other gross human rights abuses. People on the list will be banned from the United States and have their financial assets in the United States frozen. Human rights organizations have welcomed the groundbreaking legislation.

If the Global Magnitsky Act passes the President could impose targeted sanctions for Chinese officials responsible for extrajudicial killings, torture, and other human rights abuses in Tibet. For over a year, the Tibetan Centre for Human Rights and Democracy (TCHRD) has called on States to impose targeted sanctions on Chinese officials responsible for crimes against humanity in Tibet. In the 2013 report, *Ending Impunity: Crimes Against Humanity in Tibet*, TCHRD recommended that the international community impose travel bans and freeze the assets of Chinese officials that implemented crimes against humanity, including torture and murder, in Tibet. Since the report was released, the torture and killing of

Tibetans has only escalated. These are still part of a systematic attack on Tibetan activists and human rights defenders. For example, Bachen Gyewa's arrest and execution were ordered by CCP officials in the Tibet Autonomous Region (TAR).

The Global Magnitsky Act relies on two premises. The first is that the commission of torture, extra-judicial killing, and gross human rights abuses, including crimes against humanity, are matters of international concern. Regardless of where they occur, the international community has a responsibility to protect threatened people if the home country cannot or will not. This understanding of sovereignty has been endorsed by the international community, including the People's Republic of China.

Second, the Global Magnitsky Act recognizes that entry to the United States and access to its financial institutions is a privilege that can be denied to people responsible for, among other things, crimes against humanity. Doing this is an exercise of US sovereignty and not a violation another State's sovereignty. Particularly when it comes to torture and crimes against humanity, which are always prohibited by international law, the United States has a responsibility to ensure that the perpetrators do not enjoy impunity. Ending impunity is in the United States and international community's interests and reflects important values of promoting and protecting human rights.

Passing the Global Magnitsky Act would be a first step toward enacting the sanctions against Chinese officials proposed in TCHRD's report. It would also be an opportunity for the United States to lead the international community in protecting human rights advocates and activists. The United States has been a global leader in imposing targeted sanctions on Russian officials for human rights abuses and the situation in Ukraine. Now is the time to apply those same protections to Tibet and the rest of the world.

The bill must be approved by the Senate Foreign Affairs Committee, the House Foreign Affairs Committee, and the House Judiciary Committee before the Senate and House of Representatives vote on the bill. If the House of Representatives pass identical versions it will be sent to the president to be signed into law.

The Global Magnitsky Act was introduced in the Senate by Sen. Ben Cardin, a Democrat from Maryland. It was co-sponsored by Sen. John McCain, the 2008 Republican presidential nominee from Arizona, Sen. Jeanne Shaheen, a Democrat from New Hampshire, Sen. Marco Rubio, a Republican from Florida, Sen. Dick Durbin, the second highest ranking Democrat in the Senate from Illinois, Sen. Roger Wicker, a Republican from Mississippi, Sen. Ed Markey, a Democrat from Massachusetts, Sen. Mark Kirk, a Republican from Illinois, and Sen. Richard Blumenthal, a Democrat from Connecticut. In the House of Representatives, the bill was introduced by Rep. Chris Smith, a Republican from New Jersey, and co-

sponsored by Rep. Jim McGovern, a Democrat from Massachusetts.

### **South Africa should stand with Dalai Lama and Tibetan political prisoners**

WEDNESDAY, 11 FEBRUARY 2015

On 11 February 1990, Nelson Mandela was released from Victor Vester Prison. He spent 27 years in prison. Initially, Mandela was sentenced to five years in prison for leaving South Africa without a passport and inciting people to go on strike. He left South Africa to attend the Conference of the Pan-African Movement for East and Central Africa, he did not apply for a passport because he knew he would not be granted one by Apartheid South Africa. He later received a life sentence for sabotage.

Mandela was a political prisoner. In 1964, he admitted to planning sabotage and violating South Africa's laws. Despite violating South Africa's laws and being labeled a terrorist, Mandela was in prison for his political views. In 1962 and again in 1964, Mandela explained that he could not follow laws that are immoral, unjust, and intolerable. One of the failings of South Africa's laws was that they violated the requirement in the Universal Declaration of Human Rights that all people be equal before the law. Even though South African law required the same procedures and evidence for whites and blacks, blacks were not equal before the law. This was because equality before the law went beyond the application of the law. Mandela argued that the equality before the law required non-discrimination at all levels of justice, not merely the application. It required, "the right to participate in the making of the laws by which one is governed, a constitution which guarantees democratic rights to all sections of the population, the right to approach the court for protection or relief in the case of the violation of rights guaranteed in the constitution, and the right to take part in the administration of justice as judges, magistrates, attorneys-general, law advisers and similar positions."

When Mandela entered Robben Island, where he spent 18 years of his 27 years in prison, the first words the warder said were, "This is where you will die." When he was released from prison in 1990 he was the presumptive leader of the African National Congress and preparing for negotiations to end the Apartheid system. In his first public remarks after his release Mandela reiterated his call for a "democratic and free society in which all persons live together in harmony and with equal opportunities." He also thanked the world community for its support in the anti-apartheid struggle.

The current South African government has failed to live up to Nelson Mandela's dedication to and support for human rights. In 2014, South Africa refused to give the Dalai Lama a visa. This was the third time in five years South Africa gave in to Chinese pressure.

According to the TCHRD's Political Prisoner Database, there are 2,110 known Tibetan political prisoners. They have been imprisoned for exercising their human rights and for violating laws they did not draft, apply, or implement. Many Tibetan prisoners died in detention. By refusing to grant Dalai Lama a visa, the South African government has aligned itself with a government that denies people human rights and equality before the law. It aligned itself with the warders and against political prisoners.

The South African government should use the 25th anniversary of Nelson Mandela's release from prison to reconsider its position and take a stand for human rights. It should take a stand for human rights just as the world community did when South Africa was ruled by a racist regime.

### **On Tibetan Rights to the Freedom of Assembly and Association**

- Robert Spence and Kiran Fatima Faridi \*

#### **Introduction**

A major topic of current international advocacy involved the shocking displays of human rights abuses in the Chinese-occupied Tibetan Autonomous Region (TAR). At the heart of this issue is the conflict between the Tibetan's rights to freedom of assembly and association and the security needs of the Chinese state.

On one hand Tibetans' are struggling in their fight for the right to peacefully protest, hold gatherings, participate in demonstrations and form associations, whether political or apolitical. On the other, the Chinese government claims that Tibetan assemblies and associations are threatening the state security, and thus justify their crushing as national security measures. Regardless of the two sides of the debate, it is clear that the right to the freedom of assembly and association is being denied to the people of Tibet.

An assembly is defined as "an intentional and temporary gathering in a private or public space for a specific purpose ... [and] includes demonstrations, inside meetings, strikes, processions, rallies [and] sit-ins", meanwhile "an association refers to any groups of individuals or any legal entities brought together in order to collectively act, express, promote, pursue or defend a field of common interests". The right to freedom of assembly is restricted to peaceful assemblies, while the rights to form and partake in associations have no restrictions, apart from possible lawful restrictions that may be placed on the police and members of the military.

The crucial nature of the rights to freedom of assembly and association is twofold. Not only have these rights been enshrined as universal human rights under multiple international and regional policy instruments, but they also "serve as a vehicle for the exercise of many other civil, cultural, eco-

conomic, political and social rights". Therefore, although there have been instances wherein Tibetan protests have escalated to violence, such as in the Lhasa unrest of 2008, in the overwhelming majority of protests, the Chinese government's usage of force has been disproportionately strong.

In regard to the broader human rights frame, advocacy by Tibetans, academics, NGOs, Chinese nationals, and the international community for the betterment of the Tibetan situation has often been based upon a framework of human rights. This framework, although it has proven to be successful at aiding repressed minorities in many regions at many different times, has encountered great difficulty in effectively relieving the plight of Tibetans. This paper will briefly cover some of the main reasons why the current Western universalist interpretation of human rights is ineffective in the Chinese context.

### Right to Freedom of Assembly and Association

Tibetans' right to assembly and association is protected under Article 20(1) of the Universal Declaration of Human Rights which states that "everyone has the right to freedom of peaceful assembly and association." This right has further been enshrined in Articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR). [1]Articles 21 and 22 of the ICCPR both state that: "No restrictions may be placed on the exercise of [the right to peaceful assembly and association] other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security of public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others"

According to this provision, the human right to freedom of assembly and association is not absolute. There is no such right as the freedom of violent assembly; if a threat was posed to state security it would be the responsibility of the government to control gatherings that cross that line. However, restrictions on this human right must only be implemented in the most extreme circumstances.

The tension within Tibet regarding the right to assembly and association arises from the dilemma between the Tibetans' human rights versus the right of the Chinese government to safeguard their state security and mitigate the separatist threat they fear. This debate, while often framed as a sovereignty issue, is actually centered on the proportionality of police responses to Tibetan assemblies, protests, and gatherings. Tibetans' claim that their right to peaceful assembly and association is being violated by disproportionately heavy-handed police crackdowns, while the Chinese government maintains that their actions are in line with their national laws and no such human right abuses have taken place in Tibet. <sup>1</sup>

<sup>1</sup> "Claiming human rights: Guide to international procedures available in cases of human rights violations," UNESCO, December 18, 2008, accessed online November 23, 2014, [http://www.claiminghumanrights.org/assembly\\_association\\_definition.html](http://www.claiminghumanrights.org/assembly_association_definition.html).

### Tibet's View

The freedom of peaceful assembly and association is one of many fundamental human rights that are denied to Tibetans. Other UDHR violations include rights to self-determination, free speech, free movement, expression and travel. Furthermore, Tibetans now face economic discrimination as the language of business changes from Tibetan to Mandarin. There is also religious suppression and interference with Buddhist monasteries and strict government control over their religious activity. Due to its history of oppression and Tibet's current conditions it is especially important for Tibetans to have the ability to mobilize and a forum in which their voices can be heard.

Harsh and violent police responses to peaceful protests and assemblies, however, are an obstacle to better representation and to the fulfillment of Tibetan's human rights. The protests of 2008 are the most cited and publicized of abuses but many reports of recent smaller-scale protests are also exemplary of UNDHR violations. One such case occurred October 6, 2013, wherein police injured upwards of 60 peaceful protesters in an attempt to shut down a protest that called for the release of a local Tibetan previously detained for speaking out against the Chinese policy that required Tibetans to fly the flag of China on their houses. According to Amnesty International, excessive force was used. However, the organization was unsure whether the police used live ammunition or tear gas. Just two months earlier, Chinese forces had shot and released tear gas against Tibetans attending a gathering for the Dalai Lama's 78th birthday celebrations.

Many cases of peaceful protesters being beaten, detained, and tortured also include lone but peaceful protests, such as the July 1, 2013 case in which a 20 year old Tibetan called for the long life of the Dalai Lama and as a result he was tortured, the monastery he belonged to was destroyed, and his roommate was also detained and subjected to torture.

Recently, on August 12, 2014, Tibetans from Kardze protested against being forced to celebrate the arrival of prominent Chinese officials in their town. This protest had been galvanized by news that several female performers coerced into participating in the ceremony had been harassed by the officials in question. Police turned their guns and tear gas on the crowd of hundreds of protestors, seriously injuring ten protesters and detaining many more. The protest had consisted of the shouting of slogans at the Loshu township building.

These aforementioned protests were peaceful and did not seem to pose any sort of imminent threat to public safety, public order or the protections to the freedoms and rights of others. Violent and forceful police response to these protests <sup>2</sup>

<sup>2</sup> "Human rights in Tibet," Free Tibet, accessed online November 25, 2014, <http://freetibet.org/about/human-rights-tibet>.

was heavily disproportionate. Even in the case of the Lhasa unrest, when there was in fact a threat posed to state security, according to HRW "eyewitnesses reported that police brutality began with the first incident on March 10, and [that] triggered the subsequent protests [that eventually turned violent]." Even in this case the order of events seemed to suggest that the police first used disproportionate force.

The Tibetan perspective is rooted in international human rights and doctrines, which according to our case studies and many other incidences of Tibetan protests, are being violated by Chinese authorities.

### China's Justifications

According to the Chinese government's White Paper, Tibet has seen unprecedented progress and development into modernity since the regions 'peaceful liberation'. Furthermore, Chinese news source Xinhua claims that "thanks to the case of the Central People's Government... the liberated people of... Tibet have, in the capacity of masters of the nation, enthusiastically participated in the grand course of constructing a new society and creating their new lives." In neither the Chinese White Papers, nor Chinese news is there mention of the Tibetan protests or the heavy-handed suppression they incur.

The Chinese argument for their use of force in suppressing Tibetan protests stems from the fear of a Tibetan separatist movement. Any mobilization that favours either independence or autonomy from the PRC is seen as having separatist sentiment. Due to this 'separatist movement' being a question of national security, the Chinese government maintains that there has been no violation of any laws, domestic or international, that has occurred during their handling of Tibetan protests.

### International Law on the Use of Force and Firearms

While everyone should have the right to peaceful assembly and association, there are restrictions to this right that have been stated earlier. However, even in situations that warrant protests and assemblies to be shut down by government officials, there are international limitations placed on the application of the use of force. These limitations are outlined in the UN's Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. According to these principles "whenever the lawful use of force and firearms is unavoidable law enforcement officials shall exercise restraint...and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; [and] minimize damage and injury, and respect and preserve human life." In a later special provision, the document explicitly limits the use of firearms to "self-defense or defense of others against the imminent threat of death or serious injury."

According to a Human Rights Watch Report on the 2008 Pro-

tests, "the commander of the parliamentary People's Armed Police... maintained that security forces acted legally - while the Chinese government also insist[ed] its forces adhered to international practice when dealing with the protests, exercising extreme restraint as they did so."

### Chinese Laws Relevant to Assembly and Association

Technically, China's justification behind dispersing protests and gatherings due to their illegality does have grounding in accordance with Chinese laws. 'Separatism' and 'incitement to separatism' are both criminal acts in the country. Furthermore, there have been multiple domestic statutory restrictions placed on the freedom of assembly through the 1989 Law on Assembly, Procession, and Demonstration. According to this law, any demonstrations that take place require prior approval from the Public Security Bureau and must not be in protest against CCP policies. There are additional restrictions placed on protests that harm the unity and sovereignty of the state and instigate divisions amongst the nationalities. Finally, there are sections that, in accordance with international laws, prohibit demonstrations that threaten national security and public order. China turns to these domestic laws as a way to legitimize the suppression of the right to assembly and association within Tibet.

Chinese media outlets perpetrate a fear of the separatists through coverage of the 'Dalai Clique,' a term which suggests dishonesty behind the Tibetan Government-in-Exile attempts at negotiation. A telling example is a recent article from Xinhua that states that "though the 'middle way' appears to respect China's sovereignty and territorial integrity...it is at odds with China's constitution...[and] it is nothing but smoke and mirrors, camouflage and deceit."

While China's justification for shutting down Tibetan protests can be argued to be in accordance with domestic laws, the use of force in such instances has yet to be justified. Claims coming from the Chinese government and news outlets suggesting a separatist conspiracy of the Dalai Lama and his followers are farfetched and without sufficient evidence to warrant the arrests, detention and violence that Tibetan protesters have endured. Furthermore, domestic laws on assemblies and association are far too restricted and are themselves not in accordance with the UNDHR international laws. Therefore, such harsh punitive actions as taken by the Chinese authorities against peaceful protesters are unjustifiable.

### Policy Recommendations to the Government of China:

- Ratify the International Covenant on Civil and Political Rights that was signed on October 5, 1998

China is the only country on the UN Security Council that has yet to ratify this treaty. The signing of the ICCPR will hold the Government of China accountable for civil and political rights violations, thus it may lead to greater protection

of human rights. In the past China has signed and ratified various international human rights treaties; an example being the International Covenant on Economic, Social and Cultural Rights (ICESCR), after which the Committee on Economic, Social and Cultural Rights complimented China on some areas of improvement (Lee, 2007). China's somewhat progressive actions after the ratification of the ICESCR may serve as an indicator of how the state would behave if it ratifies the ICCPR (Lee, 2007).

- Publically acknowledge peaceful protests and demonstrate moderation in the punishment of protesters

Much of the tension in Tibet arises from Tibetans feelings of voicelessness, which may account for the sharp rise in self-immolations as a form of protest. In addition, significant portions of Tibetan protesters are active at least in part due to the arrests, detention and torture of fellow protesters. Public acknowledgement of protests and lessening of harsh punishments will work to decrease some tension in the region.

- Loosen Religious and Cultural Freedoms

A significant portion of unrest in Tibet has occurred and continues to occur because of the Chinese administration's extremely strict controls over any form of religious practice that has the potential to be political in nature. Although many superficial forms of Tibetan Buddhism are supported by the government, such as the restoration of temples and the practicing of folk-lore activities, other aspects such as intensive and organized monastic study are generally prohibited. Perhaps most importantly, the Chinese government has conducted an extensive anti-Dalai Lama campaign. Given that 90% of Tibetans are Buddhists, denouncing the Dalai Lama is seen as a direct attack on their very cultural and religious identity. Tibetans are not allowed to bear his likeness or writings, celebrate any occasion related to him, or participate in any act that could be interpreted as having any belief or faith in him.

If the Chinese government were to loosen some or all of their restrictions on religious acknowledgement of the Dalai Lama and more engaged pursuit of monasticism, it would be a substantial boon for the Tibetans. If framed tactfully as an acknowledgement of the Dalai Lama's religious importance to Tibetans but explicitly not as an acknowledgement of his legitimacy as the political leader of the Tibetan nation, this reform would be much more palatable to hardliners in the Communist leadership. Less cultural and religious-based tension would also serve the administration by reducing the likelihood and severity of further unrest.

- Further Tibetan Local Autonomy

Although the Tibetan region does have voting powers and representation in democratic bodies at the grassroots and regional level, these organs have very little actual power. Poli-

cy reforms allowing for more control over local politics at the county level would be a moderate and reasonable concession in the spirit of the original Seventeen Point Plan and would allow Tibetans to have more say in the governance of their lives. If the implementation proves successful, it would provide a platform from which further gradual changes could be made to improve Tibetan autonomy at higher levels.

*\* The authors are undergraduate students at University of Guelph. This paper was written as part of a research collaboration between TCHRD and undergraduate students enrolled in a human rights seminar at the University of Guelph in Guelph, Canada. Students produced their papers in response to specific research topics that were provided by TCHRD.*

## China's right to development or Tibetan cultural rights?

- Pallak Arora \*

### Introduction

China has promoted its human rights advances in the form of its success in bringing "economic growth" into the Tibet Autonomous Region (TAR), which has come at the cost of people's right to self-determination (Tsering, 2007). The ongoing issue of lack of political and cultural autonomy of Tibetans highlights the debate of what should take precedence: China's right to "economic development" or Tibet's right to preserve its social and cultural rights? China's current economic policy, reliant highly on mining practices in the TAR, not only threatens the culture and heritage of Tibetan nomads but also the fragile environment of the Highlands. Pollution from mining activities has increasingly restricted Tibetans' basic rights to clean drinking water and air (Tsering, 2007). Therefore there is need for immediate change. Open dialogue and inclusion of Tibetan voices in future developmental plans is necessary to bringing sustainable economic development while preserving the cultural ways of Tibetans, who have inherited the land since centuries (Tsering, 2007).

This paper will present some background information on this issue by placing focus on mining activities and their negative impacts on Tibetans. Basing the argument on a rights-based approach, the paper proposes that development must not take precedence over people's ways of living. Finally, it will make some policy recommendations urging the Chinese authorities to meet their human rights commitments by equally prioritising its right to economic development and Tibetans' right to self-determination.

### Background

In August 2013, China opened fire at a mining site in Yushu County, which killed 14 Tibetans, who were peacefully pro-

testing against the environmental impacts of the proposed Yushu mine project. On a separate occasion in August 2014, Chinese armed forces shot at least 13 Tibetans, including a pregnant woman, when they were protesting against mining activities in the Tsang Tobgyal region in Namling County (Radio Free Asia [RFA], 2014). The human rights organisation, Amnesty International (AI), has released reports urging the Chinese authorities to stop the use of excessive force against protestors as they directly encroach on Tibetans' right to peaceful assembly (AI, 2013). On the other hand, the Chinese government continues to justify repressing protests as a way of avoiding hindrances to its economic development projects.

China's policy to induce economic profit from minerals by taking advantage of reserves in the Tibetan plateau has been an ongoing priority since the 1900s (ICT, 2013). Many mines are undergoing expansion processes and the Gyama mine, which is one of the largest sites, is expected to generate an additional 3.5 billion USD over its lifetime (China Golf International Resources Corporation [CGIRC], 2014). China has portrayed this as 'economic growth' whereas Tibetan activists pose it as a threat to their livelihoods and culture. Thus, the following part of the paper aims at reaching a greater understanding of the issue by discussing both perspectives.

### Chinese government's perspective

The Government of China (GOC) released a white paper, titled "Fifty Years of Democratic Reform in Tibet" in 2009, where it stated that the fate of Tibet was changed after the Democratic Reforms of 1959 (Information Office of the State Council of People's Republic of China [IOSC], 2009). It claims that the peaceful liberation of Tibet, after the 17-Article Agreement was signed in Beijing on May 23 in 1951, has allowed the region to escape imperialism and enter the era of social development (IOSC, 2009). The Communist Party of China claims to have abolished feudal system, and reduced rent on land in Tibet, thereby, allowing the region to become more democratic (IOSC, 2009). GOC sees the development of the economy as an important way to ensure basic rights to all ethnic groups in Tibet, and has therefore established a modern socialist market system in Tibet (IOSC, 2013). It argues that as a result of the prioritisation of Tibetan's economic development, the Gross Regional Product (GRP) of Tibet has increased from 129 million yuan in 1951 to 70.1 billion yuan in 2012, representing an annual growth rate of almost 8.5 percent (IOSC, 2013). According to the white paper, the liberation of Tibet's markets to the rest of the country, as part of the 'democratic reform,' has successfully increased the per-capita incomes and the living standards of Tibetan people (IOSC, 2013).

Furthermore, the white paper highlights that there was a lack of "modern industry" in old Tibet, and that 60 years of development have allowed for the establishment of many industries such as, mining, machinery, energy production, and chemical

processing (IOSC, 2013). Continuing its efforts to create "social and economic development" in Tibet, GOC announced a plan to invest 300 billion yuan (46.89 billion U.S dollars) in 226 key projects from 2011-2015 (Xinhua, 2011). Hao Peng, the executive vice-chairman of the Tibetan Regional government, added that about half of the investment will be spent on constructing a railway line and multiple highways to connect Tibet's capital Lhasa to the rest of China (Xinhua, 2011). These might seem like promising steps towards the economic growth of TAR but actually, China announced that Tibet was to become a "mining centre and a hydropower engine" for the country in the next five years (Huang, 2013). Many of these mines are going to be built on areas that have been reserved under the name of "environmentally friendly nature reserves and national parks" (Huan, 2013).

### The Tibetan perspective

On close examination, it is evident that the Chinese government is using shallow promises to Tibetans in order to justify its claim over the Tibetan land and minerals, and to avoid facing the wrath of the international community. In reality, Tibetans have not reaped the benefits of these economic activities despite China's rapid economic expansion (Tibetan Centre for Human Rights and Democracy [TCHRD], 2013, p. 33). Despite ongoing claims by the government that Tibet remains one of the "cleanest areas in the world" with high quality air and water (Qin, 2013), there is ample evidence, discussed below, that mining activities are infringing on Tibetan's access to clean drinking water, their cultural and political rights and have also led to uneven development and massive protests in the region (TCHRD, 2013, p. 34).

**Environment Impact:** Tibetans have been long protesting against the negative impacts of mining on their environment. Mining activities have resulted in melting of glaciers, severe deforestation and increased water pollution in the region (BBC, 2014). The Tibetan plateau, which is sometimes referred to as the "Third Pole," is a source of freshwater for many Asian rivers. The glaciers, snow peaks, forests and wetlands of Tibet also provide important environmental services to regions from Pakistan to Vietnam and they are now under threat from reckless mining activities (Lafitte, 2011).

The biggest copper and gold deposits in Tibet are in three major districts: Shetongmon, Gyama and Yulong and all of these are situated in the watersheds of Asia's major rivers (Lafitte, 2011). Any leakages from these sites have the ability to affect the water quality of rivers going to Bangladesh, India and China's Yellow River (Lafitte, 2011). These should be perceived as major concerns for the international community, as due to lack of environmental regulation toxic wastes released by mines is continuously dumped in the nearby water bodies, that transcend national boundaries (Lafitte, 2011).

According to a news report released by RFA (2014), as a result of mining activities, local Tibetans are being denied access

to clean drinking water and food, as toxic wastes have led to the depletion of vast amount of fish and crops. This has led to many health problems in the locals residing in the area, and has threatened their livelihoods (RFA, 2014). China's failure to provide clean water access is a violation of the United Nation's (UN) mandate on right to water (article 11 and 12 of the International Covenant on Economic, Social and Cultural Rights). This mandate was released in March 2008 under the Special Rapporteur on the issue of human rights obligations to provision of safe water for personal and domestic use and sanitation (Office of the High Commissioner for Human Rights [OCHCR], 2014). Despite numerous pleas by local residents, the Chinese authorities have failed to clean-up the mess of the mining operations (RFA, 2014).

Another emerging issue associated with the mining impact is the increasing landslides in the area. Tibet's land is very fragile, and exposure to mining activities loosens the soil, making it more prone to natural disasters (Lafitte, 2014). In a recent tragic landslide incident in the Gyama mine 83 people lost their lives, which drew the attention of authorities towards the impact of mining in the region (ICT, 2013). Most of these mining operations are being run by multinational companies, including 5 Canadian mining companies in Tibet (TCHRD, 2013, p. 43). The landslide in Gyama occurred at a site owned by the CGIRC, a Vancouver-based company (ICT, 2013). Overall, mining activities threaten to destroy the ecological balance of the Tibetan plateau, and continuous mining operations might lead to irreversible environmental damage (The Economist, 2013).

**Displacement:** Mining and river damming operations in Tibet have displaced between 1.5 and two million Tibetans from their own homeland (BBC, 2014). Testimonies by a number of Tibetan refugees have confirmed that China has been forcing people to give away their land to the government so that it can extract resources from it (BBC, 2014). Land grabbing at the hands of the government has forced nomads and pastoralists to flee their land and sign contracts to never protest (BBC, 2014). In many cases, mines have been established on sacred lands, in complete disregard of the religious and cultural importance of the sites (Polidor, 2012). Additionally, GOC has pursued a policy of resettling nomads and pastoralists in concrete homes (Xinhua, 2011a).

More than 1.4 million farmers have been forced to move into "socialist villages" in urban areas, where they have meagre opportunities for education, health care, and jobs (TCHRD, 2011, p. 74). These people often end up in debt and suffer social problems like alcoholism and crime as they are unable to earn a decent livelihood after losing their long-standing cultural ways of pastoral life (TCHRD, 2012, p. 66). This has resulted in loss of culture by breaking down bonds between different communities (TCHRD, 2013, p. 39). Some have also argued that it has made it easier for Chinese authorities to monitor and control the Tibetan populations (TCHRD, 2011, p. 74-75). This is an ongoing threat to the people of

Tibet as a recent report by the Unrepresented Nations and Peoples Organisation (UNPO) has warned human rights organisations that China plans to evict all nomads by the end of 2014 (UNPO, 2014).

### **Uneven growth and Self-Immolations:**

Economic development in Tibet has been achieved at high costs of marginalising and repressing the Tibetan locals (TCHRD, 2013, p. 32). Mining companies are known for discriminating against Tibetans by hiring Chinese workers only (BBC, 2014). There has been a recent influx of Chinese migrants in TAR, as they are lured by economic opportunities in TAR, and their mobility is now made easier by the Qinghai-Tibet railway line (TCHRD, 2013, p. 33). The Chinese migrants own more around 60-80 percent of the business in the Tibetan cities, and are more likely to be paid higher than a local Tibetan (United State Department of State [USDS], 2012). Evidently, the economic practices of China do not favour the Tibetans.

As a result of continued repression, Tibetans have tried protesting peacefully, only to be faced with allegations of terrorism and causing political unrest (The Tibet Post, 2014). China's harsh attitude towards TAR and its failure to ensure Tibetan's basic human rights has caused high levels of resentment in the region as it is common for military to open fire on peaceful protestors (Students for a Free Tibet [SFT], 2014). This has forced Tibetans to pursue self-immolation as a last resort in hope to change their current situation. According to SFT, there have been at least 130 self-immolations in 2009 and over a 100 in 2012 alone (SFT, 2014). Most of these are members of the nomadic community who have been deprived of their basic livelihoods (BBC, 2014). ICT (2014a) has made efforts to increase the visibility of the TAR by creating a series of maps, one of which depicts the recent Tibetan self-immolations (refer to figure 1 in Appendix A).

The Chinese government has failed to recognise the importance of traditional pastoralism as a way of life for many Tibetans. It has infringed on the cultural rights of this community by forcing mining operations in traditional Tibetan territories (BBC, 2014). Though there are Tibetans who have genuinely welcomed the new housing policies, most of them have been forced to leave their lands after signing agreements to never protest (BBC, 2013). Open exploitation of the plateau has been paraded in front of the world as economically benefitting the Tibetans, even though companies bring in their own workers from China (Tsering, 2007). There is need for China to adopt the human rights based approach to economic development.

### **A human rights-based approach to development:**

Stemming from the Universal Declaration of Human Rights (UDHR), a human rights based approach (HRBA) is associated with pro-poor development, where people are recognised

as actors in their own development (HRBA Portal, 2014). Rather than development being reliant on achievement of basic needs of people, an HRBA approach aims at furthering equal rights for all citizens as the end and the means of the goal (HRBA Portal, 2014). As a permanent Security Council Member of the UN, China stated in its first Universal Periodic Review (UPR) in 2009, that it respects the principle of universality of rights (TCHRD, 2013, p. 4-5).

Also, China has ratified the International Covenant on Economic, Social and Cultural rights under which, all peoples of a country have a right to 'self-determination,' and can freely determine their political status and pursue economic, social and cultural development. People also have the right to freely consume their natural wealth and resources as means of subsistence, without any prejudice (OCHCR, 2014a). China, which is a State Party to the covenant, has an obligation to take steps individually and through international cooperation to achieve the full realisation of these rights for its people, without any discrimination (OCHCR, 2014a). State Parties also have a responsibility to provide adequate standard of living for people including enough food, housing improvement in living conditions and improvement of environmental hygiene. Finally, the covenant recognises the right of everyone to take part in their cultural life and enjoy the highest attainable levels of physical and mental health (OCHCR, 2014a). Thus, according to this covenant, Tibetans have a right to enjoy their land, resources, and practice their culture without fearing the loss of their livelihoods and without fear of torture or detention.

In its most recent UPR to the UN, China stated that it is fully respecting the religious and cultural freedom of Tibetans and has invested 6 billion yuan in projects in the TAR to ensure that people's social rights are protected (UPR, 2013). Thus, China has continued to promote economic growth and development as key to furthering its human rights commitment (IOSC, 2013a). However, in reality China has failed to recognise the universality of human rights in its latest white paper, by stating that "it would be impossible to protect people's rights and interest without first developing the economy to feed and clothe the people" (IOSC, 2013a). Thus, by giving economic growth the precedence over protection of political and civil rights, China has failed to abide by a rights based approach, outlined in many UN Conventions that the country has signed on to (TCHRD, 2013a).

China has inevitably failed to fulfill its international commitments and responsibilities, and has a fundamental misunderstanding of the human rights systems. It has tried to promote a dichotomised view of "civil and political rights on the one hand, and economic rights on the other, which does not reflect human rights practice or philosophy" (TCHRD, 2013, p. 50). A country cannot claim to be a human rights advocate if people are systematically marginalised and tortured on a daily basis (TCHRD, 2013a). Thus, GOC needs to move its conception of human rights beyond economic agendas, to-

wards a genuine and concrete alignment of its policies and practices (TCHRD, 2013a).

Although the international community has widely accepted the idea of economic progress through provision of basic human rights, it is important to recognise that there can be some limitations to an HRBA to development. Gauri and Gloppen (2012) argue that though HRBA has the potential to mobilise privileged citizens, its implementation ultimately falls in the hand of the state. The success of any development strategy, thus, depends on its complete incorporation in the form of policies and institutions (Gauri & Gloppen, 2012). This means that compliance requires willingness on the part of national governments to ratify international covenants and adopt and uphold them as national laws (Gauri & Gloppen, 2012). Not all countries are able to make such a strong commitment to human rights, as is evident in China's failure to implement the rights guaranteed under international covenants. Also, an HRBA approach to development might present obstacles to people claiming collective or group rights (Gauri & Gloppen, 2012). It is often hard to identify "who is entitled to what" as issues of entitlement can be legally complex, and sometimes can become extremely political (Gauri & Gloppen, 2012). For example, the right to self-determination by an ethnic group can be perceived as a threat to the security of the majority or of individual within the group (Gauri & Gloppen, 2012). This is also visible in the China-Tibetan debate, as China has termed the most prestigious Tibetan religious figure, Dalai Lama, as a "terrorist" or "separatist" on many occasions (The Guardian, 2011). China continues its 'anti-Dalai Lama' propaganda despite many statements from him that he wants more autonomy, and not complete independence for Tibet (The Guardian, 2012). It is worth recognising that the HRBA approach is not a perfect formula for the success of development efforts, however, the benefits certainly outweigh its limitations. Thus, China must increase efforts to incorporate the HRBA and by acting on the following recommendations.

### Recommendations

The Tibetan struggle can only be resolved with long term comprehensive efforts by the GOC to fulfill its duty to recognise the social, cultural and economic rights of all Tibetans. Some recommendations to China, the international community and mining companies have been made in the following section so that Tibetans may achieve what they are rightfully entitled to.

#### To the Chinese Government:

In order for GOC to take its international commitments seriously, it needs to further the economic and political rights of minorities by enforcing the judicial and human rights regulations that have already been incorporated in domestic law (TCHRD, 2013, p. 47). Since Chinese UPRs have been a false representation of the actual situation in TAR, it is im-

portant that China allows visits from independent researchers and international representatives. For example, China has only allowed for a single visit to Tibet, by the UN High Commissioner (ICT, 2014b). TCHRD (2013, p. 48) encourages the Chinese government to allow for visitation by officials who have made requests to assess the current situation in TAR, including the Special Rapporteur of Toxic Waste, Special Rapporteur of Human Rights Defenders, and the Independent Expert on Minority Issues. This will allow for increased transparency in China's governance and increase efforts to improve the environmental conditions in the mining areas.

As highlighted above, self-immolations amongst Tibetans have been increasing in the past years, and many peaceful protests have been met with armed oppression. As the IC-ESCR promises cultural freedom, GOC must change its attitude of vilifying Tibetans and Dalai Lama as a threat to national security. It must allow Tibetans to fully exercise their rights to preserve cultural identity through their own schools and festivals. China must stop its human rights violations by firing on peaceful protestors or intimidating Tibetan communities by persecuting those who have ties with self-immolators (Congressional Executive Commission on China [CECC], 2014) CECC suggests that China must also resume talks with Dalai Lama aiming at a dialogue about protecting Tibetan heritage, culture, language and the locals' right to their natural resources.

Lastly, China must cease all mining activities that are causing a threat to local environment and culture. All mines operating in religiously or environmentally sensitive areas must also be shut down. It should be made necessary for any mining companies to conduct environmental impact assessments in consultation with Tibetans before increasing their mining operations in TAR, similar to the Mining Act in Canada, which requires consultation with local aboriginal people (TCHRD, 2013, p. 48). These efforts must however, above all, ensure that Tibetans have equal opportunity, and access to new economic growth initiatives, that don't hinder with their ability to protect their culture and identity (TCHRD, 2013, p. 48).

To the International Community:

As China continues in its failure to comply with the ICECR, the international community needs to show a sterner attitude towards China and urge it to ratify conventions that it has not signed, and implement those it has already ratified (TCHRD, 2013, p. 49). Powerful supranational entities like the European Union (EU) must continue to work multilaterally in order to engage Tibetan and Chinese authorities in meaningful dialogue. Quiet diplomacy and assertive engagement with the Chinese authorities can go a long way in building pressure for China to fulfill its human rights commitments (ICT, 2014c). CECC also urges the United States officials to stress that aggressive use or regulatory measures against Tibetans are likely to harm social stability of the region. Therefore, the government must allow for Tibetan culture to be protected in

order to further its own local and regional security measures.

Also, governments around the world must ensure that their international mining companies are not allowed mining operations in China until GOC ensures that the economic benefits are reaped by the locals (TCHRD, 2013, p. 49). For instance, several Canadian companies are actively mining in Tibetan regions, including Inter-Citic Minerals Inc, Silk Road Resources Ltd., Eldorado Gold Corp, Maxy Gold Corp, Silvercorp Metals Inc. etc (Canada Tibet Committee [CTC], 2014). Government authorities in Canada must show their commitment to global human rights by establishing international 'no-go zones' for extractive industries in areas of extreme human rights violations such as Tibet and Burma (CTC, 2014). Canada can also play a unique role regarding this issue by offering technical support on setting up local consultation policies and mechanisms like it has done in British Columbia, the discussion of which is out of this paper's scope (Government of British Columbia, 2014). Canadian mining practices are by no means perfect, but provide a good example for inclusion of aboriginal and local voices in setting up mining operations.

#### **To the Mining Companies:**

The above said recommendations do not take the onus off of mining companies to fulfill their social responsibilities. Mining companies must consult local experts and advisors prior to their operations, and should be encouraged for external auditing to ascertain their compliance with efforts to maintain environmental sustainability in the fragile Tibetan plateau (TCHRD, 2013, p. 47). It is necessary that international companies cease to exploit the fragile relations between TAR and China to their benefit by ignoring the environmental impacts of their operations, just because GOC has failed to regulate them. Corporate Social Responsibility must be exercised in TAR, with special focus to culturally accepted healthcare and education for locals.

#### **Conclusion**

This paper highlights the ongoing tensions between Chinese authorities and Tibetans over the illegal use of land by large scale mining operations in the TAR, which have led to widespread environmental degradation, and uneven development. Clearly, there have been human rights violations in the regions, as locals have been forced off their land and protestors are being shot daily. Many Tibetans have resorted to self-immolations in hope to bring real autonomy to their people. However, Chinese authorities have failed to recognise the social and political rights of Tibetans, who have preserved their lands and traditions since centuries.

The GOC has advocated its resource exploitation agenda as 'economic growth' without any real monetary or social benefits to the Tibetans. Rising mining operations have led to the destruction of the local environment and resulted in release

of toxic waste in the water, rendering it unfit for consumption for millions of people, rendering the Tibetan ecological systems as unsustainable. By taking a human rights based approach to development, this paper argues that China does not have a right to prioritise economic growth over Tibetan's social and cultural rights, as both must go hand in hand. As a signatory to the ICECR, China has an obligation to protect the Tibetan cultural rights while ensuring that economic benefits from mining operations are reaped by local Tibetans. In light of China's continuous failure to abide by its international human rights commitments, this paper makes several recommendations including asking international community to build pressure on GOC through diplomacy and cease all mining operations in TAR until the rights of the locals are preserved.

*\* The authors are undergraduate students at University of Guelph. This paper was written as part of a research collaboration between TCHRD and undergraduate students enrolled in a human rights seminar at the University of Guelph in Guelph, Canada. Students produced their papers in response to specific research topics that were provided by TCHRD.*

### **Annual Report 2014: Human Rights Situation in Tibet**

SATURDAY, 7 FEBRUARY 2015

On 7 February 2015 the Tibetan Centre for Human Rights and Democracy (TCHRD) released its 2014 Annual Report on human rights situation in Tibet. The report is available in English, Tibetan, and, for the first time, Chinese.

The Annual Report demonstrates that despite the promised reforms, the human rights situation in Tibet is continuing to deteriorate. In particular, the Annual Report highlights death in detention, collective punishment, and restrictions on the right to freedom of assembly and association. In all three areas the treatment of Tibetans has deteriorated substantially.

Tibetan prisoners are frequently subject to torture, beatings, and denial of medical care. In 2014, an increasing number of Tibetans died because of their treatment in detention. For example, Tenzin Choedrak had every bone in his feet broken before he was returned to his family on "medical parole." He died two days later.

The PRC expanded the scope of its punishment of Tibetans by announcing that entire families and villages would be punished if there was a self-immolation protest or a person attended religious festivals. Tibetans who protested against arbitrary arrests or illegal mining in Tibet faced violent reprimands for exercising their right to freedom of assembly.

sals for exercising their right to freedom of assembly.

The Annual Report also highlights the consistent and systemic problems with health care and education in Tibet. By examining China's 2010 census data, TCHRD uncovered disturbing trends in Tibet. By most metrics, health care in Tibetan areas is worse than almost anywhere else in the PRC. Similarly, Tibetans receive less school and that schooling is generally ineffective and inefficient. The data undermines the PRC's claims that it has improved life in Tibet. Education and health care for Tibetan has fallen behind other parts of the PRC.

The Political Prisoner Database was substantially improved in 2014. A special team at TCHRD made the database one of the most comprehensive Tibetan political prisoner databases in the world. The database now includes information from various sources on 2,110 known political prisoners. This number includes the 137 Tibetans who were either detained or sentenced in 2014.

The report also addresses violations of civil and political rights, including the right to privacy and the expansion of the security state, economic social and cultural rights, including the resettlement of the nomads, the developments in the international community, including statements concerning the human rights situation in Tibet at the United Nations.

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Narthang Building, Top Floor  
Gangchen Kyishong,  
Dharamsala - 176215  
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# HUMAN RIGHTS UPDATE

## Tibetan Centre for Human Rights & Democracy

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TCHRD is a registered non-governmental organisation (NGO) established in January 1996 with the mission to protect the human rights of Tibetans in Tibet and promote the principles of democracy in the exile community.

For more, log onto [www.tchrd.org](http://www.tchrd.org)

Or contact us

Postal address

Tibetan Centre for Human Rights & Democracy

Narthang Building, Top Floor

Gangchen Kyishong,

Dharamsala - 176215

Distt. Kangra

H.P INDIA

Email: [office@tchrd.org](mailto:office@tchrd.org)

### **Tibetan mother dies in self-immolation protest: Body quickly cremated for fear of seizure by police**

MONDAY, 9 MARCH 2015

A mother of three died of self-immolation protest and was cremated in rush for fear of the body's seizure by local Chinese police in Tibet.

Norchug, 47, set herself alight in protest and died on the evening of 5 March which coincided with Chotrul Duechen (Butter Lamp Festival), one of the four Tibetan Buddhist festivals commemorating the events in the life of the Buddha, a source with contacts in Tibet informed TCHRD.

"Norchug staged the peaceful protest of self-immolation against repressive policies of the Chinese government and to call for religious and political freedoms for Tibetan people," the source told TCHRD.

A resident of Dowa Village in Trotsig Township of Ngaba County, Norchug staged the self-immolation protest in Ngaba County town in Ngaba (Ch: Aba) and Qiang Tibetan Autonomous Prefecture (Sichuan Province), in the Tibetan province of Amdo.

According to the source, local police who have been quick to snatch away self-immolators' bodies were unable to do so in Norchug's case since the self-immolation occurred at evening-time. She was quickly cremated early morning the next day on 6 March, as local Tibetans feared that the police would catch up and take away her body.

Norchug is survived by her husband, Paltset; son, Phuntsok; daughters, Mang-ga and Tsezin Kyi; and her parents, Tsedag and Woedon.

Little is known about Norchug except that some years ago, she turned vegetarian as part of her long-life prayer offering for the Dalai Lama. She vowed to give up eating meat after attending a prayer ceremony at the local Diphu Monastery in her village.

Since the latest self-immolation, security build-up has intensified with the deployment of additional security forces in Ngaba County.

Tibetan women are increasingly taking part in self-immolation protests. Tsering Wangmo, 20, a nun from Ngaba County, became the first Tibetan woman to self-immolate in October 2011. A total of 23 Tibetan women have self-immolated since then, out of which seven are nuns and the rest are laywomen including students, widow and mothers.

## **Monk released from prison after 15 years as crackdown continues on his monastery**

SUNDAY, 22 MARCH 2015

As Tsenden Monastery reels under a severe crackdown with the number of cases of arbitrary detention peaking since 2013, a former monk of the monastery has been released after completing a 15-year prison sentence in Sog (Ch: Suo) County in Nagchu (Ch: Naqu) Prefecture, Tibet Autonomous Region (TAR).

On 20 March this year, Ngawang Gyurmey, a well-known monk from the embattled Tsenden Monastery was released at about 1.30 pm (local time) after he had served a fixed prison term of 15 years in Chushur Prison in the outskirts of Lhasa city.

Family members of Ngawang Gyurmey are worried that he may not survive long due to poor health. They fear he will meet the same fate as Tenzin Choewang a fellow monk who was released but died after being bedridden for three years due to beatings and torture suffered in prison. Another monk Yeshi Tenzin had also died after three months of his release. Both were arrested with Ngawang Gyurmey in March 2000.

There were others who were arrested on 17 March 2000 with Ngawang Gyurmey. They were monks from Tsenden Monastery: Sey Khedup (sentenced for life), Yeshi Tenzin (sentenced to 10 years), and Tenzing Choewang whose exact sentence term is not clear although some sources believe that he may have been sentenced to seven years but was released after two years due to poor health. Two laymen were also arrested: Trakru Yeshi, sentenced to 7 years and Tsering Lhagon, sentenced to 15 years. The People's Intermediate Court in Nagchu Prefecture passed the sentences although details about the trial are not available.

TCHRD's Political Prisoners Database shows the names and details of those arrested and imprisoned along with Ngawang Gyurmey.

The death of Tibetan political prisoners soon after their release and during medical parole is not new. In fact the number of such cases that point to the entrenched practice of torture and malpractices employed by law enforcement agencies has been growing. Former Tibetan detainees have spoken about routine beatings and other torture methods during the interrogation phase that could extend for weeks, months, and sometimes a year. Granting dying Tibetans medical parole is just one tactic used to conceal the number of Tibetans who die because of their treatment in detention. Another prominent tactic is intimidating family members to prevent them from speaking out. These tactics succeed in hiding an unknown number of deaths in detention.

During his imprisonment, Ngawang Gyurmey suffered from tuberculosis and was left without proper treatment for about

a year due false medication and misdiagnosis by prison doctors. He was provided medical care only after his cellmates and relatives requested the prison authorities to let him go for a proper medical check up since his condition had worsened.

Ngawang Gyurmey was detained on 17 March 2000 after he staged protest at a large public gathering where he distributed leaflets carrying slogans such as 'Long live His Holiness the Dalai Lama', 'Free Tibet' and 'China, out of Tibet'. He and the others who got arrested had stuck the leaflets on walls and other public spaces. In late 2000, Ngawang Gyurmey was charged of "endangering national security" and "incitement of false propaganda". Sentenced to 15 years of fixed prison term, he was initially held in Drapchi Prison, but was shifted to Chushur Prison in the outskirts of Lhasa city.

Ngawang Gyurmey was born and raised in Drokta Village in Sog County. At age 20, he became a monk at Tsenden Monastery. He played an important part in the renovation of the monastery with his expert masonry and woodcraft skills. He was responsible for many stone and wood works used in the construction of the monastery.

Ngawang Gyurmey lost his father while he was still serving his prison sentence.

## **Freedom of peaceful assembly under attack: Tibetan monk detained for non-violent protest**

MONDAY, 9 MARCH 2015

A teenage Tibetan monk has become the latest target of China's consistent and systematic attacks on the right to freedom of peaceful assembly in Tibet.

Gedun Phuntsok, 18, a monk from Kirti Monastery in Ngaba County was detained on 8 March for staging a peaceful protest calling for the return of the Dalai Lama to Tibet and for "freedom and equality" in Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture (Sichuan Province), in the Tibetan province of Amdo.

The solo protest occurred at about 1.30 pm (local time) in Ngaba County town where on the main road, Gedun Phuntsok walked carrying a huge portrait of the Dalai Lama draped in a yellow khatag (Tibetan ceremonial scarf) on his head and shouted slogans such as "Let His Holiness the Dalai Lama return to Tibet" and "Freedom and equality for Tibet", according to a source with close contacts in Tibet.

The protest lasted for sometime before paramilitary police arrived on the scene and forcibly took away the monk to an undisclosed location. The monk's whereabouts and condition remain unknown.

Gedun Phuntsok became a monk at a young age at Kirti Monastery, which has been subjected to intense restriction and repression particularly since 2008. He is the son of Mr Tragya

and Mrs Rigo both residents of Chugle Gabma Village in Cha Township, Ngaba County.

In recent times, Tibetans have increasingly taken to staging solo, peaceful protests as a way to convey their grievances due to continued repression and shrinking space for exercising their right to freedom of peaceful assembly. The security build-up coupled with intensification of surveillance programs has made it impossible to stage large-scale demonstrations or protests in many parts of Tibet. Just last December, another monk from Kirti Monastery, 21-yr-old Lobsang Trinley was severely beaten up and detained for staging similar protest.

Last year in November, Lobsang Tenpa, a 19-yr-old monk from Kirti Monastery, was sentenced to two years in prison. On 26 April 2014, he had walked down the main road in Ngaba County town with a handmade Tibetan flag. He shouted slogans calling for freedom in Tibet and the return of the Dalai Lama to Tibet. In the months between his arrest and his conviction, Lobsang Tenpa was beaten and tortured. His parents were allowed to observe his trial but were prevented from hiring a lawyer.

Another monk from Kirti Monastery, 20-yr-old Lobsang Gyatso was sentenced to three years in prison. He had staged a similar protest on the main road of Ngaba County town in April 2014. Before his sentencing, he had been taken to an undisclosed location where he was tortured and interrogated.

TCHRD strongly condemns the detention of Gedun Phuntsok and Lobsang Trinley in an undisclosed location where they run the risk of being tortured to extract forced confessions. The detention of the monks is an attack on the right to freedom of peaceful assembly, which is not only considered a fundamental right in international law but also guaranteed by the Chinese Constitution. Article 35 of the Chinese Constitution states, "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration." As such, the People's Republic of China has a legal obligation to recognize, uphold, and protect the Tibetan peoples' fundamental human right to freedom of peaceful assembly.

### **China detains seven Tibetan monks on uprising anniversary**

WEDNESDAY, 18 MARCH 2015

Chinese police detained seven Tibetan monks from Tsenden Monastery in Sog (Ch: Suo) County in Nagchu (Ch: Naqu) Prefecture, Tibet Autonomous Region (TAR). The monks were detained on 14 March, which coincided with the 2008 uprising anniversary when Tibetans protested against the Chinese government in Lhasa igniting widespread demonstrations in many parts of Tibet, according to information received by TCHRD.

The detained monks are identified as Namgyal Tsultrim, Lodo Tenzin, Tsultrim Gojhey, Tsultrim Namgyal, Thabkey Lhundup, Jigme Tsultrim, and Jigme Drakpa. The police gave no reason for their detention. However, local Tibetans suspect that the monks were detained for sharing information and images related to incidents in Tibet. As of now, information regarding their condition, location of their detention and actual reason for their detention remain unknown.

A source with contacts in Sog County said that the local authorities had installed around 50 security cameras around Tsenden Monastery to monitor the activities and movement of the monks, in addition to heavy police and military presence in the area. The monastery has been under constant surveillance even as Chinese security personnel harass the monks including those who go out at nighttime to relieve themselves. Local authorities have been putting pressure on the monastery prohibiting Tibetans under 18 years of age from becoming monks at the monastery.

This is the third time that Namgyal Tsultrim have been detained. In 2011, he was detained for a week on suspicion that he contacted people outside Tibet. Again on 6 October 2012, he was detained for four months and twenty days at a detention centre in Nagchu. He was subsequently charged and imprisoned for three months and eleven days at Toelung Dechen prison in Lhasa Prefecture.

The source said local authorities had shut down all communication lines including the internet since the beginning of March due to the number of protest anniversaries that fall on this month. The suppression of communication line is especially stringent in three counties in Nagchu. Local Tibetans who had engaged in political activities were called for questioning to the local government office.

Sog County along with Diru County has become the prime target of China's new repressive campaigns implemented in recent years in Nagchu Prefecture such as the compulsory Chinese flag-flying campaign imposed in 2013. In March 2014, a number of monks from Tsenden Monastery were arbitrary detained and disappeared including a 20-yr-old monk Choeying Kalden who was detained on 16 March 2014 for emailing protest writings to the phones of Chinese cadres stationed permanently at the monastery. More than a year after his detention, Choeying Kalden's whereabouts and condition remain unknown.

### **Disappeared monk and thangka artist found secretly detained**

TUESDAY, 24 MARCH 2015

Ngawang Gyaltsen, 41, a monk and accomplished thangka artist has been found secretly detained at a detention centre in Nagchu Prefecture, Tibet Autonomous Region (TAR).

Local Chinese police detained Ngawang Gyaltzen on 24 February this year without the knowledge of his family members who thought he had disappeared. Sustained efforts by local Tibetans in the area led to the revelation that the monk has been in police custody since his detention in Nagchu area.

No one knows the exact reason behind the monk's detention.

Ngawang Gyaltzen, son of Tsering Migyur and Marzing, was born and raised in Gongsum Village in Tarchen Township in Nagchu County. He is a former monk of Shak Rongpo Monastery located in Shakchu (Ch: Xiaqu) Township in Nagchu County. During the '20 May [2010] Incident' which led to the temporary closure of Shak Rongpo monastery, he had confronted the Chinese officials during a 'Patriotic education program' for monks inside the monastery. Consequently, Ngawang Gyaltzen had to leave his monastery.

According to friends and classmates, Ngawang Gyaltzen was known for his sincere concern for the survival of Tibetan culture. He is also a skilled Thangka artist. Since the day he was forced to leave his monastery, he had been living an ordinary life constrained by restrictions put on his freedom of movement and association with people. Even before his detention, his movement was severely limited as he was required to seek permission from local authorities for every meeting and travel. In the past, he had been subjected to intimidation and threats through anonymous phone calls orchestrated by local authorities.

Shak Rongpo Gaden Dhargyeling Monastery has been under intense pressure and restriction since 2010 when local authorities arrested and sentenced a senior spiritual teacher, Lama Dawa Rinpoche, to seven years in prison on charges that he contacted His Holiness the Dalai Lama during the search for the ninth reincarnation of Rongpo Choeje, the head lama of the monastery. The previous eighth incarnation of Rongpo Choeje passed away on 14 August 1999. The first Rongpo Choeje founded the monastery under the guidance of the fifth Dalai Lama some 300 years ago.

According to information received by TCHRD, out of 113 big and small monasteries in Nagchu Prefecture, Shak Rongpo Monastery has been blacklisted among the top group of reactionary monasteries, undeserving of any measure of official leniency.

On 30 July 2013, the monastery was closed indefinitely after monks left to escape harassment and political education sessions.

The 'May 20 incident', dubbed as such by the state media, led to the closure of the monastery in 2010 after monks fled to avoid participation in 'patriotic education' campaigns that require them to denounce the Dalai Lama. On 20 May 2010,

less than three days after the arrest of Lama Dawa Rinpoche, over 50 local officials and about 150 armed policemen arrived at the monastery and forced political education on the monks, ordering them to denounce the Dalai Lama and Lama Dawa, and maintain no contacts with Lama Dawa. The monks were told that Lama Dawa was no longer a reincarnated lama since he was a follower of the Dalai Lama and not the Party. The official denunciation of Dalai Lama and stripping Lama Dawa of all his spiritual positions at the monastery had emotionally taken a toll on the lives of at least two known monks. During the political education session, monk Jampa fell unconscious, unable to control his emotions, and monk Tashi Tensang who was also a prefect at the monastery became sick. Prefect Tashi Tensang later lost his job at the monastery.

Shortly after, monk Ngawang Gyatso, 70, committed suicide at his residence. He had left many letters he had written over an extended period of time, but the contents of these letters remain unknown as they were seized by local officials. Monks were ordered not to discuss the suicide with outsiders, or else face imprisonment.

#### **Monk detained and disappeared for keeping banned contents on mobile app**

THURSDAY, 26 MARCH 2015

Chinese authorities are holding Lobsang Dawa, 38, a monk from Tsenden Monastery, at an undisclosed location because he is believed to have kept banned contents on his mobile messaging service in Nagchu (Ch: Naqu) Prefecture, Tibet Autonomous Region (TAR).

According to exile Tibetan media sources, Lobsang Dawa was detained on the night of 20 March from his monastic quarter and taken into police custody without any explanation. The monk's whereabouts remains unknown.

Sources report on active suppression of information and communication channels to block any information from going out of the area. In Nagchu, local authorities have ramped up the monitoring and surveillance of the popular mobile text and voice messaging service WeChat. This Chinese-owned voice messaging service has a growing customer base in Tibet despite security risks identified by experts. Some local Tibetans think that the arrest of the monk Lobsang Dawa was probably connected to something that security personnel found in his WeChat folders: images and documents that the government considers criminal.

Prior to his detention, Lobsang Dawa was a staff in charge of the monastery's housing maintenance section. He was born and raised in Bechen Village in Rawag Township, Sog County.

Sources have also reported on the detention of many monks

who had gone to study at monasteries in Amdo region of Tibet located outside TAR. Due to extreme restrictions on information, it is not immediately possible to get specific details of the cases.

**‘I was criminalized for expressing my views’: Writer Tashi Rabten in a recent interview a year after release from prison**

TUESDAY, 31 MARCH 2015

Tashi Rabten is a Tibetan writer, poet and editor in the Tibetan province of Amdo, present-day Sichuan Province. He was released last year in March after serving a four-year sentence at Mianyang Prison in Sichuan. He was a student at the North-West University for Nationalities and edited the now-banned Tibetan language journal Shar Dungri (‘Eastern Conch Mountain’) and also published Trag-yig (‘Blood Letters’), a compilation of his poems, notes and writings on the situation in Tibet following the 2008 protests.

In a recent conversation that is being circulated on various social media sites, Tashi Rabten talks about his experiences as a university student and political prisoner, and his newfound faith in the power of poetry. Below is a translation of the interview that originally appeared in Tibetan on this blog :

Theurang’s Livelihood: ‘I don’t have any enemy. I follow my own will’

“My name is Tashi Rabten. Theurang is my pen name. I am from Dzoegge, Amdo. Call me a person who has refused to be part of the Chinese Dream. There is no connection between the Chinese Dream and me. I don’t want to be part of any government or organization. I love freedom.

“At present, I am running a ja khang (teashop) at Ngaba, Amdo. It’s called □□□□□.[\*] It offers a variety of Tibetan and Chinese tea. I believe one needs to have an independent livelihood. I am sure people within and outside the country are observing me. So, I don’t want to hear them saying, “Look at Theurang. He can’t even feed himself!” To the cynical critics, I want to send this message: “Although Theurang does not possess an iron bowl, he’s not going to die out of starvation. He wants to have an independent livelihood.”

You were a political prisoner of Tibet. What are your views about political prisoners?

“Political prisoner” is a heavily loaded term. To be honest, I don’t understand politics. I was imprisoned for composing literary works. In other words, I was criminalized for expressing my views. Even during my trial, I told the judge that Tibetan writers should have an open space to express themselves. I still stand by this view. Whether in Tibet or anywhere else, if someone tells me to abandon my pen, I will

never give in. I might tolerate anything, but I don’t think I can tolerate if I were asked to cut any ties with Tibetan literature.

Tell us a bit about your experience in prison? We heard you read many books.

Yes, I was able to read many books in prison. Call it ‘turning adversity into friendship’, if you like. Most of the books that I read were in Chinese. Normally prisoners have no time to sit down and read books. Everyone has to work. If you secure many ‘stars’ [prison grading system] for your work, then your prison sentence shall be reduced. But I kept writing to the prison authorities, saying that I hadn’t committed any crime and that I couldn’t work. Fortunately, the head of our prison, compared to heads of other prisons, was not unsympathetic to Tibetans. He was a reasonable man. He allowed me to read books. When I was in prison, I told a friend of mine that I have no enemies. The fact that I lived in prison was due to a choice that I made. Since I exercised my own choice, I don’t have any hatred against anyone. Nor do I have any regrets.

Who is your biggest inspiration in life?

My mother. She can’t read or write but she is a strong and honorable woman. Especially in times of adversity, she is very strong. She supported all the decisions that I made in my life. She never opposed them. She always stood by me and encouraged me. Apart from the fact that she loved her child, like all mothers do, as a person she has a broad vision. For this, I am very grateful to her.

Given a chance, is there anything that you want to do?

I want to travel to all the regions of Tibet and portray in words the joy and suffering, pleasure and pain of my fellow countrymen. I want to study Tibetan tradition and English language.

Can you reflect upon your life at the university? What was your greatest reward as a university student?

I was a student at the North West University for Nationalities in Amdo. While at the university, I was ‘transformed’ into a political prisoner. From a student, I became a prisoner. That was sort of my reward. Besides, as a university student, I had a chance to reflect on everything, raise doubts and debate about all sorts of ideas. I was happy that I found such a special academic environment.

Your book Trag Yig (‘Blood Letters’) is received well by readers in Tibet. What is your assessment of this work?

Trag Yig is my first book. It was well received by readers. The book gave expression to the terrible time that we had to go through. I believe a writer should be able to stand up

and express his views about the life that he is living. I had to compose *Trag Yig* in haste. I was forced to write it after becoming a witness to the bloodshed of Tibetans from all the three provinces. I had to do it, because the voices of other Tibetan writers were being muzzled. The book bears witness to the truth.

What does poetry mean to you? Will you continue to write and publish?

I will continue to write. In the past I tried to write essays and poems. Now I want to concentrate only on poetry. Despite the hardships of prison, it was poetry that saved me. Writing poems gave me courage and vision. Poems gave me solidarity and solace. In the past I loved poetry. Now poetry is my faith, my religion. I can never renounce this faith. I might appear as someone pursuing a business venture (with my teashop). But this is just a temporary need. It is not my faith. It appears that one or two of my fellow poets are disappointed by the fact that I opened a teashop. That's because they placed too much hope on me. I believe no matter what job one does, one shouldn't give up one's faith and dream. If I gave up poetry after opening a teashop, then my fellow poets and readers should be disappointed. But this is not the case. I have faith in poetry. In future, I will express my feelings in words and turn them into texts.

[\*] □□□□□ is the ultimate source of melody and music found in Tibetan vowel and alphabet system. Children are first taught to recite this word before learning Tibetan alphabets and vowel sounds.

## Treatment of Ethnic Minorities in the People's Republic of China

By Ramona Kapoor \*

### Background

The People's Republic of China's (PRC) vast population is comprised of several ethnic groups. The Han Chinese ethnic group forms a majority, comprising 92% of the entire Chinese population (Information Office of the State Council of the People's Republic of China, 2012). However, the PRC government also officially recognizes 55 additional ethnic groups. Among these are the Tibetans, Uyghurs, Mongols, and several others (Information Office of the State Council of the People's Republic of China, 2012). These 55 minority groups comprise the remaining 8% of the Chinese population. Many of these groups, have faced historical oppression and have been subject to the use of coercive state power, torture, and various other human rights violations inflicted by the state (Human Rights Council, 2009).

Although the PRC government recognizes that human rights violations have occurred in the past, they claim that they are now committed to the equal and fair treatment of ethnic minority groups (Human Rights Council, 2013). To demon-

strate this commitment, the Chinese government has created several official protections and rights for minorities, such as the creation of 5 autonomous regions for certain ethnic minority groups. These include the Tibetan Autonomous Region (TAR), the Xinjiang Uyghur Autonomous Region (XUAR), the Inner Mongolia Autonomous Region (IMAR), the Ningxia Hui Autonomous Region (NHAR) and the Guangxi Zhuang Autonomous Region (GZAR) (Information Office of the State Council of the People's Republic of China, 2012). The government also promises special political privileges for minority groups, including specially guaranteed representation in the national legislature and local legislative organs (Information Office of the State Council of the People's Republic of China, 2012). The government cites these policies as evidence of the state's attempts to amend the historical mistreatment of minority groups, and to establish a foundation for the protection and empowerment of ethnic minorities.

The government hopes that such policies will lead to the development of a singular, national unity amongst several peacefully coexisting ethnic minorities (Information Office of the State Council of the People's Republic of China, 2012). However, despite the government's stated objective and the policies that have been created, political relations between the Chinese government and ethnic minorities remain tense. This can be attributed to the conflict between minority groups' desire for autonomy and special recognition of their distinct identity and the government's goal of a singular, united Chinese identity. This tension can also be attributed to the fact that many minority groups assert that the rights promised to them under various policies have not been given to them in practice.

### The PRC Government's Perspective

The Chinese government and ethnic minority groups have disparate perspectives regarding the treatment of ethnic minorities in China. According to the government, ethnic tensions are isolated incidents and minority groups do not suffer discrimination. The vice-minister of China's State Ethnic Affairs Commission, Dondrub Wangchen, was quoted in 2007 as saying that the minorities get along very well, and that the ethnic groups coexist "like 56 petals of a flower" (Blanchard, 2007). It should be noted that this was not too long before widespread riots broke out in Tibet in 2008.

The Chinese government has expressed its perspective regarding the treatment of ethnic minorities in several documents, such as the State Council's white paper on human rights titled, "Progress in China's Human Rights in 2013", the State Council's National Human Rights Action Plan of China (2012-2015), and a national report submitted to the Human Rights Council's Working Group on the Universal Periodic Group in 2013. The Chinese government consistently maintains that it provides several political, social, and economic protections for minority groups, and that minority groups are treated equally to the Han Chinese ethnic majority (Informa-

tion Office of the State Council of the People's Republic of China, 2012). Some examples of the minority rights that the Chinese government claims to protect include the freedom of religious belief for minorities, the right for minorities to access a culturally sensitive education, and the right for minorities to use and develop their own languages and writing systems (Human Rights Council, 2013). As mentioned, ethnic minorities are also claimed to be equal citizens, and are thus entitled to the same civil and political rights guaranteed to the rest of the population including freedom of speech, freedom of expression, freedom of the person, freedom from torture, and the right to fair trial (Human Rights Council, 2013). These rights are founded upon the government's claim that all ethnic groups are equal and that minority ethnicities are entitled to the same rights as the dominant ethnic group.

The government is dismissive of other nations' accusations of human rights violations and the unequal treatment of minorities. Zhu Weiqun, the vice director of the Communist Party of China's United Front Work Department, is one of many politicians to suggest that foreign countries deliberately frame isolated criminal activities as ethnic issues in order to prevent China from becoming unified and powerful (Weiqun, 2012; Blanchard, 2007 ; Kuhn, 2009).

Another salient aspect of the government's policy governing ethnic minorities is that the ultimate guiding principle of ethnic policy remains constructing a national Chinese identity to create unity amongst the various ethnic groups (Information Office of the State Council of the People's Republic of China, 2012). For this reason, although discrimination against ethnic minorities is prohibited, acts that are perceived as undermining unity and creating splits among nationalities are also prohibited (Information Office of the State Council of the People's Republic of China, 2012). This includes dominant group elitism and local nationalism. The government has expressed a desire to emphasize a unitary Chinese identity that binds all ethnicities together rather than emphasize differences amongst the different ethnic groups. Proponents of the perspective that national unity should be valued above minority rights argue that civilians should de-emphasize their ethnic consciousness to improve ethnic relations and to solidify national unity that will bring prosperity to all in the long run (Leibold, 2013).

However, many minority groups, international organizations, and foreign governments disagree with or question the government's perspective on the state of the treatment of minority rights in China. Many members of minority groups argue that their human rights continue to be infringed on, and that the rhetoric of government policies has not been put into practice in the treatment of minority groups.

### Argument

Despite the Chinese government's assertions that the protection of ethnic minority rights has been improving ever since 1949 when the establishment of the People's Republic of

China led to the abolishment of discrimination and oppression of minorities (Information Office of the State Council of the People's Republic of China, 2012), there is much evidence suggesting otherwise. Many examples of human rights violations perpetrated against ethnic minorities demonstrate that the Chinese government does not put its policies of protecting ethnic minorities' rights and treating ethnic minorities equally into practice. There is substantial evidence that ethnic minorities continue to be treated unjustly instead of being protected by the government against unjust treatment (International Campaign for Tibet, 2012). Contrary to government claims of minority protection, several examples demonstrate that it is often the state itself that violates the rights of various ethnic minority groups.

An example of the discrepancy between the government's claim to protect ethnic minorities and state practice is the violation of many minorities' right to the person. This includes freedom of the person, which dictates that individuals should be free from unlawful detention, deprivation, or restriction of individual freedom (Human Rights Council, 2013). Despite the government's provision of this guarantee, several instances have been documented in which individuals from minority groups such as Tibetans and Uyghurs have been unrightfully and arbitrarily detained, injured, or killed. These individuals have had their civil and political rights infringed, and have sometimes been killed for peacefully protesting the government's treatment of their ethnic group (Human Rights Watch, 2000).

The practice of arbitrary arrest and detainment was exemplified during the riots that followed the Tibetan uprising in March 2008. The protests are claimed to have begun as peaceful protests by hundreds of Tibetan monks. The protests were attributed to Tibetans' growing frustrations with the government's intrusive control over their religious and cultural activities and accelerated state-led economic development among many other grievances (Human Rights Watch, 2009). Despite the initially peaceful nature of the protests, the peaceful dissent was construed as criminal behaviour by the state and approximately 953 people were taken into custody for their role in the protests (Human Rights Watch, 2009). Although the Chinese government claimed that every single protester was eventually released and that there were no casualties, the government has refused every external request for a real accounting of the detention, arrest and sentencing of those involved with the Tibetan protests (Human Rights Watch, 2009). Sophie Richardson, an advocacy director for Human Rights Watch described both the arrest and release of Tibetans as arbitrary, and claims that there is still no information available regarding those who remain detained and were imprisoned (Human Rights Watch, 2009). The uprising is considered by many to mark a turning point in the Chinese government's treatment of Tibetans, as the government began to increase human rights violations against Tibetans including an increased use of heavy-handed policing practices and "patriotic education" programs.

This increased use of heavy-handed policing and violations of Tibetans' rights (including to freedom of expression and freedom of the person) post the 2008 Tibetan uprising was demonstrated in 2013. The state police (PAP) cracked down on peaceful demonstrators on October 6th, 2013 in Driyu county in the TAR (The Tibet Post International, 2013). The police used disproportionate force and cruel, violent tactics in the form of using tear gas, iron batons, and opening fire on crowds of peaceful protestors. The protestors had been peacefully demonstrating in opposition of the arbitrary detention of a local Tibetan. The incident led to 60 Tibetans being injured. The state's abuse of Tibetans did not stop there, as 2 days after this incident on October 8th, 2013 the police repeated these acts of violence by shooting at protestors once again. This time an additional 50 Tibetans were injured and 4 were killed (The Tibet Post International, 2013).

Human rights violations in China extend beyond Tibetans as well. In 2009, a year following the Tibetan uprising, approximately 400 Uyghurs involved in peaceful protests in the city of Urumqi were killed as a result of police shootings and beatings (Kadeer, 2009). Reports claim that the peaceful assembly turned violent as a response to heavy-handed policing. Following the violence that occurred, Chinese authorities conducted a house-to-house search of Uyghur homes and arbitrarily arrested male Uyghurs (Kadeer, 2009). When Wang Lequan, the secretary of Xinjiang's Communist Party was questioned, his response conformed to the opinions previously expressed by Chinese political leaders. Lequan claimed that the protest was a foreign conspiracy caused by foreign hostile forces that wanted to frame an isolated criminal incident as ethnic violence (Kuhn, 2009). Lequan denied that religious and economic policies regarding minorities were factors in the unrest, despite Uyghurs' claims it was these policies that led them to protest (Kuhn, 2009).

The violation of minorities' right to freedom of the person has been demonstrated as recently as September 2014, when the Uyghur academic Ilhan Tohti was deprived of his political rights along with 7 Uyghur students. Tohti was charged with separatism and sentenced to life imprisonment for peacefully expressing views critical of the government's treatment of Uyghurs and other ethnic groups (Amnesty International, 2014). As a result, Tohti and the 7 students were arbitrarily detained in January 2014 and removed of all political rights. Ilhan Tohti's legal rights were also infringed on, as he was held incommunicado for over 20 days and was not allowed to meet lawyers until he had been detained for 5 months. Even following this 5-month period, his lawyers were not provided all evidence the government claimed to have against him. Amnesty International defines Tohti as a "prisoner of conscience", as he was detained solely for exercising his right as an academic and writer to express his intellectual and political views (Amnesty International, 2014). This recent example demonstrates a contradiction between the government's policy and state practice involving ethnic minorities' freedom of the person.

As earlier stated, the government guarantees ethnic minorities equal treatment, including the same civil and political rights promised to all individuals under the Constitution. This is intended to include the freedom of the person, prohibiting unlawful detention, deprivation, or restriction of individuals' freedom. As these examples have demonstrated, despite the government's claim of protecting ethnic minorities' civil liberties, this promise remains unfulfilled. These examples illustrate the Chinese government's role in the unlawful detainment, imprisonment, beatings and killings of ethnic minorities for exercising their freedom of expression in order to engage in peaceful protest. The abuses of state power against minorities who exercise their freedom of expression has led to the adoption of more severe demonstrations of protest by some groups. Several Tibetans have resorted to self-immolations as an act of political protest against the government's intrusive control of Tibetan religion, culture, and politics (International Campaign for Tibet, 2012). In order to support its claims of protecting ethnic minorities, the Chinese government must take action to prevent the further loss of life within minority groups such as the Tibetan community. At the very least, the government respect ethnic minorities' right express themselves through peaceful protest.

The discrepancy between the government's claim to protect ethnic minorities and state practice is also demonstrated through the state's infringement of the ethnic minorities' right to freedom of religious belief (Human Rights Council, 2013). The Chinese government has stated it safeguards minorities' freedom of religious belief, and that all normal religious duties and activities are to be regulated by religious organizations and believers (Human Rights Council, 2013). The government states that this freedom is "protected by law and cannot be interfered with by any person" (Human Rights Council, 2013). The Chinese government itself has breached the religious freedoms it claims to provide to ethnic minority groups on several occasions, especially in the case of Tibetan Buddhists.

One of the most blatant violations of the Tibetans' freedom of religious belief is the Chinese government's interference in the nomination of the Panchen Lama. The selection of the Panchen Lama is a key component of the Tibetan religion, as this figure is the second-most important religious hierarch as well as the second-most influential cultural and political figure after the Dalai Lama himself (BBC News, 2005). In 1995, the Dalai Lama had nominated a 6-year-old boy, Gedhun Choekyi Nyima as the incarnation of the Panchen Lama (BBC News, 2012). However, the Chinese government promptly arrested the boy and took him into "protective custody" where he has remained for over 19 years. He has been described by human rights organizations as the youngest political prisoner in the world (Lim, 2006). The Chinese government replaced Gedhun with their own candidate, who has been largely rejected by Tibetans (BBC News, 2005). The Chinese government continues to suppress Tibetans who openly dissent or protest the Chinese government's choice

of candidate for the Panchen Lama. As was noted earlier in the discussion of minorities' violation of freedom. By controlling the selection of such an influential Tibetan religious figure and ignoring Tibetans' dissatisfaction with the current Panchen Lama, the Chinese government is controlling and therefore infringing on Tibetans' religious beliefs. This also contradicts the government's claims of providing protections for ethnic minorities in China.

Another significant example of the government's infringement of Tibetans' freedom to religious belief is the widespread use of "patriotic education" programs. These programs force Tibetans to denounce some integral beliefs associated with their religious and political identity. An example is the coercive denunciation of the Dalai Lama, who is considered to be the Tibetans' spiritual, and political leader (International Campaign for Tibet, 2013; Amnesty International, 2013). During these programs, Tibetans are expected to express support for the Chinese Communist Party. The forced denunciation of Tibetans' religious and political beliefs and the forced acceptance of beliefs imposed by the Chinese government significantly violates Tibetans' freedom of religious belief. The Chinese government's repeated violations of rights promised to ethnic minorities, such as the right to the person and freedom of religious belief demonstrates a failure to protect the human rights of ethnic minority groups. This is in direct contradiction to the claims made in various policy documents and in submissions to the Human Rights Council.

### Policy Recommendations

Given that there is a significant amount of evidence demonstrating tensions between the Chinese state and ethnic minority groups, recommendations regarding how the Chinese government, ethnic minorities, and foreign governments should respond to the issue have been included.

#### Recommendations for the Chinese Government

Despite the Chinese governments' claims of protecting the human rights of its ethnic minority population, much evidence proves otherwise. The Chinese government claims that it wants to develop national unity and avoid splittism amongst ethnic groups, but violating ethnic groups' minority rights only increases splittist sentiment among minority groups. In order for the Chinese government to substantiate its claims of protecting the human rights of ethnic minority groups, and to improve relations between its ethnic groups to build national unity, the government should implement the following recommendations:

1. The first recommendation involves the government's review and rehearing of cases involving individuals arrested on state security charges for protesting the treatment of ethnic minorities. A significant number of arrests were arbitrary and violated the citizens' political and civil liberties, including freedom of expression and the rights of the person. These arrests produced an increased amount of resentment and hostility among the affected ethnic minorities towards

the state. In order to remedy these human rights violations and ease tensions between the state and ethnic minorities, the Chinese government must undertake action to investigate the detentions, arrests, and treatment of these individuals while detained. In order to respect the human rights and dignity of these individuals, allegations of torture should be investigated and prosecuted when warranted.

2. The second recommendation is for the Chinese government to respect the religious rights of its ethnic minorities, especially in the case of Tibet. By arbitrarily detaining Gedhun Choekyi Nyima, the Chinese government is violating this individual's rights to his person. Dismissing Tibetan people's beliefs and preferences regarding a central figure of their religion and replacing this figure with their own choice violates their freedom of religious belief. The implementation of humiliating patriotic education campaigns also violates Tibetans' religious beliefs, as they are coerced to denounce the Dalai Lama, whose role as a religious leader is a central tenet of their religion. These actions lead to increased resentment among the Tibetans, further alienating them from the state. In order to respect the human rights of ethnic minorities, the government should refrain from intervening in the religious beliefs of these minorities. The only exceptions should be in the event these religious beliefs infringe on the human rights of other citizens. To remedy the situation, the government should reinstate Gedhun Choekyi Nyima as the Panchen Lama and end patriotic education campaigns. This would provide Tibetans with the freedom to of religious belief and the freedom to publicly recognize their own choices of religious figures.

3. The third recommendation is for the Chinese government to open access of areas where human rights violations of ethnic minorities have been reported. Several foreign journalists, diplomats, and units of international governing bodies have attempted to access these areas when alerted of potential human rights violations. However, many were denied information regarding the reported incidents and access to these regions (International Campaign for Tibet, 2012). In order to ensure transparency and accountability to the international community regarding the treatment of ethnic minorities in China, the government should open up access and allow for the external verification of the human rights situation in China.

### Recommendations for Ethnic Minorities

1. Although most instances of conflict between ethnic minorities and the Chinese government have not reported involving violence initiated by the minorities, certain instances have been reported where minorities have retaliated to "heavy-handed" policing by the state with violence (Kadeer, 2009; Human Rights Watch, 2000). While violence as a response to hostility demonstrated by state forces in politically tense situations such as protests is understandable (although not justified), it may lead to the use of lethal vio-

lence by the state. In these instances, the use of violence by otherwise peaceful protesters will only exacerbate tensions and potentially lead to casualties. For this reason, it is recommended that minorities make a commitment to refrain from responding to heavy-handed policing with violence. This action should be undertaken primarily to ensure civilian lives are not taken.

### Recommendations for Foreign Governments

1. Several nations including the United States and those of the European Union have expressed support for Tibetans, Uyghurs, and other ethnic minorities in China whose human rights have been violated (Human Rights Watch, 2000). Many of these countries engage in economic trade with China. Foreign nations concerned about the treatment of ethnic minorities should use their political and economic influence to exert pressure on China to address the protection of ethnic minority rights within its borders. Those governments who are part of international governing bodies such as the United Nations should also pressurize China to transparency and accountability regarding its treatment of ethnic minorities. These governments should encourage China to allow external verification to monitor and provide information regarding reported incidents of human rights violations.

### Limitations of a Rights-Based Approach

Adopting a rights-based approach in the treatment of ethnic minorities in China may provide several benefits. This includes being able to assess whether the human rights' promise of universal rights for all individuals regardless of their ethnicity has been effectively achieved. However, it should be acknowledged that the adoption of a rights-based approach may have some limitations in the context of the Chinese government's treatment of ethnic minority groups as well.

One such limitation includes the non-binding nature of the international human rights framework. Despite the development of an extensive universal international human rights framework, China has not ratified significant human rights documents such as the International Covenant of Civil and Political Rights (Human Rights Watch, 2013). Even those documents that have been ratified by China may not be put into practice. States are powerful actors, and may not choose to disclose information demonstrating their compliance with documents. As previously mentioned, China has refused to answer the international community's questions regarding human rights violations on a number of occasions. If no actor can hold China accountable for its non-compliance with human rights documents, including those outlined in its own Constitution, then this demonstrates a significant shortcoming of approaching this issue using human rights doctrine.

Another limitation of a rights-based approach is the claim by many cultural groups that the current human rights framework is based on Western norms, and may not reflect the cultural needs of the Chinese population. By imposing Western, individualistic norms on a society that is communitarian,

collectivist, and culturally distinct, it is possible that we will exacerbate the problem rather than solve it. This is well illustrated through the freedom of mobility, which is expressed in the Universal Declaration of Human Rights (Kymlicka, 1998). Western democracies may endorse this right as positive in nature, but this right is used as a weapon of political disempowerment by the Chinese government. The Chinese government deliberately uses settlement policies to encourage Han Chinese to move to the TAR to reduce the concentration and political power of Tibetans within their own region (Kymlicka, 1998). The negative effect of this policy in this specific context is demonstrative of the potential negative implications of applying western, individualistic rights to culturally sensitive contexts.

### Conclusion

In order to substantiate its claims that human rights violations are not taking place and that ethnic tensions do not exist, China must reconcile its state practices with its various policy documents and international human rights law. The state must end practices that violate the civil liberties that it promises citizens, including the right of the person and freedom of religious belief. This includes stopping the arbitrary arrest and detention of ethnic minority protesters, reinstating the Panchen Lama in compliance with Tibetan beliefs, and ending patriotic education programs. Several recommendations relating to this have been provided, including possible steps for ethnic minorities and foreign governments with an interest in the protection of ethnic minorities in China. In order to credibly make claims of protecting the human rights of ethnic minority groups, China must also prioritize increasing the transparency of its human rights practices. The Chinese government must allow itself to be held accountable to the international community in the event of human rights abuses.

*\* The author is an undergraduate student at University of Guelph. This paper was written as part of a research collaboration between TCHRD and undergraduate students enrolled in a human rights seminar at the University of Guelph in Guelph, Canada. Students produced their papers in response to specific research topics that were provided by TCHRD.*

### TCHRD highlights human rights violations in Tibet at ongoing UNHRC session

SATURDAY, 14 MARCH 2015

Every year the United Nations Human Rights Council (UNHRC) has three regular sessions. The session in March is usually the most important. The March session is attended by top government officials and more NGOs than the other sessions. To accommodate the large number of officials and participants, the March session is one week longer than the other regular sessions.

This year the March session began on 2 March and will last

until 27 March. Given the ongoing and serious human rights violations in Tibet, TCHRD took the opportunity to send two senior researchers to the UNHRC to discuss the situation in Tibet. On Friday 13 March, the International Fellowship of Reconciliation (IFOR) organized a side event on religious repression in East Asia. John Gaudette, a senior researcher at TCHRD, participated in the event as a panelist. The other panelists included the UN Special Rapporteur on Religious Freedom and Belief Professor Heiner Bielefeld and Derek Brett, IFOR's representative to the UN in Geneva. The event was moderated by Dr Ojot Miru Ojulu from the Lutheran World Federation.

Mr. Bielefeld discussed his recent country visit to Vietnam and the parallels between the situation in Vietnam and Tibet. In particular, he focused on efforts by governments to control and harness religions. In response to questions, Mr. Bielefeld emphasized that the law must be used to protect people from the government rather than enabling repression. He specifically highlighted attempts at administratively controlling reincarnation as an absurd practice.

Mr. Gaudette spoke about the on-going religious repression in Tibet and the targeting of religious leaders who speak up for their community. A Chinese diplomat attended the event and made a statement during the question and answer session. The diplomat asserted that the Chinese government guarantees freedom of religion, invests resources in Tibet, and accused Mr. Gaudette of mixing criminal and religious issues. Both Mr. Gaudette and Mr. Bielefeld emphasized that real rule of law involved giving citizens a shield from government intrusion rather than arming the government with a sword.

Mr. Brett spoke about the increasing protections of conscious objectors in South Korea. The event concluded with a short statement about the risks posed by mining in sacred places in Tibet that will harm religious rights and can impact the environment in Tibet and neighboring States.

Later the same day, Mr. Gaudette made a statement on behalf of IFOR during the Item III General Debate. The two-minute statement emphasized the health and education situation in the Tibet Autonomous Region. Relying on official statistics from the People's Republic of China (PRC), the statement said in eight areas the situation in the Tibet Autonomous Region is worse than anywhere in the PRC. The eight areas are life expectancy, infant mortality, childhood malnutrition, maternal mortality ratios, illiteracy rates, and healthcare system for children under the age of 3 and 7, and pregnant women.

China exercised its right to reply and responded with the usual official line saying that the claims are baseless and that the situation in Tibet has improved because of Chinese rule.

### **TCHRD report documents crisis of maternal and child health in Tibet**

WEDNESDAY, 4 MARCH 2015

On 4 March 2015 the Tibetan Centre for Human Rights and Democracy (TCHRD) released a special report on the right to health, entitled *In the Shadow of Development: Maternal and Child Health in Crisis in Tibet*. The report documents how a failing system of public healthcare has permitted extremely poor maternal and child health to persist in Tibet, despite drastic improvements in conditions in the People's Republic of China (PRC).

The report reveals that rural-living Tibetan women and children bear some of the highest risks in the PRC for birth-related illness and death, and finds that maternal and child health in Tibet is the worst in the PRC by a wide margin. In the Tibet Autonomous Region (TAR) in 2009, maternal and infant mortality were the highest in the PRC, 8 and 2.7 times higher than the national average, respectively. Severe child malnutrition, at 3.6%, was over twice as high. Life expectancy in the TAR was 8.5 years shorter than average and the lowest in the PRC.

Risk assessment performed in this report finds that Tibetan women and children in the Tibet Autonomous Region (TAR) and Tibetan Autonomous Prefectures in Gansu, Qinghai, Sichuan, and Yunnan Provinces are at very high relative risk of illness and death as a result of four major factors. These factors are: 1. high rates of poverty; 2. widespread lack of general and health education; 3. geographic isolation from healthcare; and 4. significant cultural disincentives to health services utilization.

The report finds that poor health is the result of a severely inadequate system of public healthcare. In the TAR in 2009, 33% of women and 41% of children received systematic healthcare – the lowest rates of care in the PRC and almost half the national average. Healthcare is worst in rural communities, where underfinancing of the health system, scarce obstetric care facilities, and shortages of qualified obstetric doctors severely limit financial and geographic access to services. Where healthcare is accessible, service utilization by patients is limited, and the quality of care is often poor. Such issues are compounded by the high rates of poverty and poor education affecting many rural Tibetan communities.

The report determines that the PRC's neglect of maternal and child health in Tibet constitutes a clear violation of Tibetans' right to health. It also demonstrates how poor health conditions in Tibet are masked by evaluations of health in the PRC, which largely consider aggregate national data. Most notably, the UN Millennium Development Goals campaign has failed to apprehend the severity of health inequity between Tibet and the PRC. Therefore, although maternal and child health appears to have improved greatly throughout the PRC, Tibetan women and children continue to bear highly disproportionate burdens of the PRC's mortality.

Poor conditions in rural areas are attributed to two failures of

the PRC's centralized clinical model of health services delivery (a system by which healthcare services are delivered via clinics and hospitals at the township, county, and provincial levels). First, the centralized system excludes the most disadvantaged rural populations from the system of healthcare by failing to ensure service coverage – even for critical services such as skilled birth attendance and emergency obstetric/neonatal care. Second, the decentralized nature of health system financing has resulted in the poorest counties having the worst funded systems of healthcare. Further issues with the rural healthcare system, such as the inaccessibility of health clinics and obstetric doctors, and the poor training of healthcare personnel, also impoverish health conditions in Tibet. Demand-side structural determinants of health, such as rural and remote inhabitancy, poverty, limited education, and sociocultural beliefs/norms also create major barriers to adequate healthcare in many Tibetan communities. The most serious barrier is severely limited patient access to healthcare services, however limited patient utilization of available health services, and the poor quality of health services also lead to poor maternal and child health.

Despite these challenges, maternal and child health in Tibet can be transformed. The report offers a model for the achievement of sustainable, equitable, and high quality maternal and child health in Tibet. It argues for broad, government-led intervention that combines improvement to the existing clinical system with the development of a community health worker-based system of decentralized rural health services delivery. The model incorporates the strengths of three highly effective maternal and child health programs in Tibet, and focuses on increasing access to healthcare, increasing utilization of available health services, and the improvement of health services quality. If the government of the PRC does not intervene however, the inequity in healthcare and widespread mortality currently faced by the women and children of Tibet will continue unabated.

Ultimately, the report demonstrates that poor maternal and child health in Tibet is not a problem for development, but a miscarriage of social justice and human rights.

To



*If undelivered, please return to:*

Tibetan Centre for Human Rights & Democracy  
Narthang Building, Top Floor  
Gangchen Kyishong,  
Dharamsala - 176215  
Distt. Kangra  
H.P INDIA

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# HUMAN RIGHTS UPDATE

Tibetan Centre for Human Rights & Democracy

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TCHRD is a registered non-governmental organisation (NGO) established in January 1996 with the mission to protect the human rights of Tibetans in Tibet and promote the principles of democracy in the exile community.

For more, log onto [www.tchrd.org](http://www.tchrd.org)

Or contact us  
 Postal address  
 Tibetan Centre for Human Rights & Democracy  
 Narthang Building, Top Floor  
 Gangchen Kyishong,  
 Dharamsala - 176215  
 Distt. Kangra  
 H.P INDIA

## China detains family members after Tibetan non-violence activist dies of self-immolation

TUESDAY, 21 APRIL 2015

A Tibetan man known for his non-violence activism self-immolated on the early morning of 16 April 2015 in the courtyard of his house and died. The self-immolation was staged in Adué Gyade Village in Ngaba County in Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan Province, in the Tibetan province of Amdo.

According to reliable information received by TCHRD, the layman named Ney Kyab (also known as Damkar) 45, died of self-immolation to protest against China's repressive policy in Tibet.

(Contd. on page 2)

## China: Release reincarnated Tibetan Buddhist monk on medical parole

TUESDAY, 7 APRIL 2015

Today marks the 13th anniversary of Tulku Tenzin Delek's arbitrary and unjust arrest on 7 April 2002. His arrest eventually led to life imprisonment. Tenzin Delek Rinpoche is a revered Tibetan Buddhist lama from Lithang, Kardze, Kham, in present-day Sichuan Province. He is known for his campaigns to restore Tibetan culture and religion, social welfare activities and his criticism of repressive Chinese policies in Tibet. On 5 December 2002, Tenzin Delek Rinpoche and his nephew were respectively sentenced to death with two years' reprieve and death sentence. They were accused of being involved in a series of bomb attacks in Chengdu on 3 April 2003. Lobsang Dhondup was executed but Rinpoche's death sentence was commuted to life imprisonment due to pressure from the world community.

Rinpoche was wrongly imprisoned and his basic rights were denied and violated during the entire process from detention to sentencing. He was secretly detained for seven months prior to his appearance at a court trial. He was denied access to attorneys or to private visitors during the entire duration of his detention, thereby confirming allegations of torture.

(Contd. on page 3)

## Four Tibetans detained as crackdown continues on Tsenden Monastery

FRIDAY, 3 APRIL 2015

Chinese authorities have detained four Tibetan men including three monks from the embattled Tsenden Monastery in Sog (Ch: Suo) County in Nagchu Prefecture, Tibet Autonomous Region (TAR), in the Tibetan province of Kham.

According to the information received by TCHRD, local police detained the monks identified as Choephel Dawa, Jigme Wangyal and Choeyang Choega and a

layman named Dorjee who were detained on the night of 28 March 2015. No reason was given for their sudden detention. There is no information on the location of their detention raising concerns among family members about their physical and psychological health since torture is routinely practiced in Chinese detention centers.

Choephel Dawa, 27, belongs to Gope Rangdol family at Village No. 2 in Yagla Township, Sog County. He had been detained before and imprisoned. He was first detained on 15 January 2012 and was secretly sentenced to two years in early February the same year.

Jigme Wangyal is a senior monk at Tsenden Monastery. He belongs to Laru Dechen Tsang family of Kharmar Village in Yagla Township. The third monk, Choeyang Choega and layman Dorjee Drakpa, belongs to the same Mi-nyag Abhu Tsang family in Village No. 1 of Yangla Township.

There has been no let-up in the repression of Tibetans in Sog County and surrounding areas since local authorities began implementing a host of monitoring and surveillance measures beginning 2013. The active suppression of freedom of movement and information, facilitated by the massive security build-up and a highly sophisticated surveillance machinery, has led to a spike in arbitrary detention, arrests, torture and disappearances. In March this year, within less than two weeks, TCHRD received confirmed information about the detention and disappearance of nine Tibetans, all monks at Tsenden Monastery.

### **China detains family members after Tibetan non-violence activist dies of self-immolation** TUESDAY, 21 APRIL 2015

(Contd. from page 1)

A Tibetan man known for his non-violence activism self-immolated on the early morning of 16 April 2015 in the courtyard of his house and died. The self-immolation was staged in Adué Gyade Village in Ngaba County in Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan Province, in the Tibetan province of Amdo.



Ney Kyab, an award-winning activist for non-violence died of self-immolation protest

According to reliable information received by TCHRD, the layman named Ney Kyab (also known as Damkar) 45, died of self-immolation to protest against China's repressive policy in Tibet.

"Before burning himself in protest, he arranged the portraits of the Dalai Lama, the Panchen Lama and his family on a makeshift bench, offered them bowls of water and flowers; he then burned himself a few steps away from the makeshift altar," according to the source.

Soon after the self-immolation protest, the Chinese police detained Ney Kyab's brother, Ney Gang and a son-in-law for interrogations. There is no information on the status and condition of the two detained family members. Torture and beatings are routine methods used to extract forced confessions during police interrogations in Tibet.

Before he died, Ney Kyab had taken an oath to maintain world peace. "His way of acting upon his oath was praying to the Dalai Lama and never indulging in any fight with others, especially Tibetan people," said the source

For his steadfast practice of non-violence, Ney Kyab was once awarded the 'Peace Arm Band' by 42 monasteries located in Ngaba.

Ney Kyab was also active on social networking sites using a pseudonym, Khawa Dondrup; in many of his conversations and posts, he always urged for Tibetans to be friendly terms with each other.

To express their solidarity with Ney Kyab and his self-immolation protest, local Tibetans in Ngaba initiated a peaceful non-cooperation campaign the next day, on 17 April 2015. A source described the campaign to TCHRD, "To express their solidarity, the Tibetan shops and restaurants were closed and local Tibetans mourned the death of Ney Kyab. They donated money to the deceased's family members, offered prayers and made circumambulations of the local monasteries."

Ney Kyab was once a monk at the Yag-go Monastery. He later married a woman from the nomadic village of Thawa Gongma. The couple have seven children: Kunsang, 21; Tsepey 20; Dawo, 15; Zamkar, 14; Nyingpo, 12; Sonam Lhamo, 9; and Lobsang Norbu, 7.

Ney Kyab was born to parents Neymo and Kar Dre ma, both of whom had passed away. He had five siblings, including a sister: Netse, Ney Gang, Druk Bey and Dekyi. The older brother Netse and the younger brother Drugbey had died.

Ney Kyab became the 139th Tibetan inside Tibet to resort to self-immolation as a form of protest against the Chinese government.

## China: Release reincarnated Tibetan Buddhist monk on medical parole

TUESDAY, 7 APRIL 2015

(Contd. from page 1)



File photo: Tulku Tenzin Delek

Today marks the 13th anniversary of Tulku Tenzin Delek's arbitrary and unjust arrest on 7 April 2002. His arrest eventually led to life imprisonment. Tenzin Delek Rinpoche is a revered Tibetan Buddhist lama from Lithang, Kardze, Kham, in present-day Sichuan Province. He is known for his campaigns to restore Tibetan culture and religion, social welfare activities and his criticism of repressive Chinese policies in Tibet. On 5 December 2002, Tenzin Delek Rinpoche and his nephew were respectively sentenced to death with two years' reprieve and death sentence. They were accused of being involved in a series of bomb attacks in Chengdu on 3 April 2003. Lobsang Dhondup was executed but Rinpoche's death sentence was commuted to life imprisonment due to pressure from the world community.

Rinpoche was wrongly imprisoned and his basic rights were denied and violated during the entire process from detention to sentencing. He was secretly detained for seven months prior to his appearance at a court trial. He was denied access to attorneys or to private visitors during the entire duration of his detention, thereby confirming allegations of torture.

Tibetans believe that Rinpoche was targeted for his personal charisma and moral standing among local Tibetans; his ability to influence the local people posed a threat to the Chinese Communist Party rule in Tibet. According to information received by TCHRD from sources inside Tibet, Tenzin Delek Rinpoche is suffering from severe health crisis. Not only his heart condition has worsened, he has suffered nervous breakdowns in the past. His disciples are greatly concerned that he is not provided proper medical care in prison. He now carries a walking stick as a result of having sustained a leg injury in prison. He is 65 years old and his condition remains critical.

TCHRD is concerned that family members and relatives of Rinpoche have not been allowed to visit him in prison since November 2013. Prison authorities have provided no reason for rejecting visitation requests from Rinpoche's family and relatives. Chinese law provides that prisoners have the right not only to "regularly meet with family members" but also

"to exchange letters with their relatives and friends." In the past 14 years of imprisonment, Rinpoche has met only seven times with his relatives.

TCHRD is deeply concerned about the health and wellbeing of Tenzin Delek Rinpoche, who has spent most of his life working for the betterment of the Tibetan community including Tibetan-Chinese reconciliation. TCHRD urges the Chinese leadership in Beijing to release Rinpoche on humanitarian ground so that he could receive immediate medical care. TCHRD appeals the UN High Commissioner on Human Rights, governments and the international community to press on China to release Rinpoche before his health deteriorates beyond cure. TCHRD urges the local Chinese authorities particularly the prison authorities to allow family members and relatives to visit Rinpoche and ascertain his health and well-being.

## TCHRD condemns arbitrary detention of Tibetan writer Shok-jang

TUESDAY, 21 APRIL 2015

Early this month, exile Tibetan media organizations reported the detention of Tibetan writer Shok-jang aka Druk-lo in March this year. Shokjang's detention was later confirmed when a Tibetan blogger named Jangda from Amdo shared a post on WeChat calling on the release of his writer friend: "My friend [Shok-jang] has not committed crime, bring him back." According to information received by TCHRD, Shok-jang was arrested on 16 March 2015, days after the 56th anniversary of the 10 March Tibetan National Uprising Day of 1959.



File photo: Shok-jang

Shok-jang was arrested for sharing the following report with the outside world:

*Gun-toting soldiers have surrounded Rebkong. They are frisking the Tibetans. Is this meant to protect public security? Or is this a deliberate ploy to provoke the people? If this is how they create the so-called social stability, how extremely terrifying this act is!*

TCHRD strongly condemns the incommunicado detention of Shok-jang as this is direct attack on his right to freedom of expression and opinion. Both international and Chinese law provide for the right to freedom of expression. Therefore, by peacefully expressing his opinions and insights on the repres-

sion and violence suffered by Tibetans under Chinese rule, Shok-jang did not break any law. Given the repeated rhetoric by the Chinese president Xi Jinping on upholding 'rule of law', Shok-jang's arbitrary detention is the latest in the series of actions taken by the local Chinese authorities in Tibet that exposes the hollowness of 'rule of law' claims. So far there are no known formal charges filed against the writer, as is the norm in Tibet; Tibetans are routinely subjected to arbitrary detentions without the police furnishing any kind of formal documents authorizing detentions or arrests. TCHRD calls on the Chinese authorities to put an immediate end to criminalizing Tibetans writers and intellectuals for non-violently exercising their right to freedom of expression and opinion.

This is not the first time that the Chinese police detained Shok-jang. According to Theurang, another writer who was released in March 2014 after spending four years in prison, Shok-jang was arrested along with him for the first time in April 2010. Although media reports stated that the Chinese authorities accused them of having links with the Tibetan Youth Congress in Dharamsala (India)—a euphemism for seeking Tibetan independence—the immediate reason that got them arrested was their contribution to the literary journal *Shar Dung Ri* ('Eastern Conch Mountain'), named after the famed snow mountain in Shar-Khog, Amdo. The journal, now banned, published articles, poems and essays by Tibetan writers including Shokjang. It strongly condemned, among others, China's violent suppression of the 2008 Tibetan Uprising. The journal, a few original copies of which TCHRD had access to, was edited by one Don ('Devil') and co-edited by Tson Ma ('Woman-Prisoner').

Theurang and Shokjang are thus not the editor and co-editor of the journal, as is claimed by some Tibetan media reports and the Amnesty International. TCHRD has no details on the real identity of Don. But the "Devil" came into prominence after drawing a controversial illustration for Sangdhor website (already shut down by the Chinese government) in December 2013, which condemned the Tibetan mob for their attempts to destroy the lives of visionary Tibetan politicians, writers, scholars and artists.

Shok-jang was born and brought up in Gengya Village of Labrang (Ch: Xiahe) County in Gannan (Ch: Kanlho) Tibetan Autonomous Prefecture, Gansu Province, in the Tibetan province of Amdo. His real name is Druk-lo ('Year of the Dragon'). Traditionally Tibetans consider Labrang as "the seat of knowledge". Great minds, including the avant-garde Tibetan scholar, artist and poet Gendun Choephel, once studied at Labrang Monastery. A poet, lyricist, short story writer and essayist, Shok-jang is the author of four books: *A Courageous Path*, *The Might of the Pen*, *For Liberty, I Have No Regrets* and *Rangdrol's Courage*, – the last one was dedicated to the late poet, short-story writer and scholar Dondrub Gyal. Shok-jang is a courageous and visionary Tibetan intellectual. He is well read in Tibetan literature and, through Chinese

translation, literatures of other countries. He is therefore not only a "native son" of Tibet but his ideas have universal resonance.

Shok-jang harbours deep love and concern for the Tibetan people. His goal is to seek liberty, for which he is determined to pay a price including imprisonment. He is aware that his own individual liberty is inextricably linked with Tibetan self-determination. He writes:

*Like all nations, Tibet also has the right to national self-determination. Tibetans cannot avoid this path. If you say you don't want even this [right] then you are seeking a life of slavery.*

But how can Tibetans seek national self-determination given the unprecedented centralization of power under Xi Jinping's rule? In a letter sent from the "ancient fortress of Xining on the midnight of 15 August 2012" to his friend Theurang, who was at the time in prison, Shok-jang attempts to answer this question:

*... Yesterday, on 12 August at 6.30 pm, two Tibetans burned themselves to death. Following this, Tibetans and the Chinese soldiers had a fight over the control of the corpses. The Chinese soldiers fired on the Tibetan protestors, killing one of them. Again around 8 pm, another Tibetan burned himself. This has shaken hither and thither the minds of all Tibetans. The red-Chinese are carrying out violent repression everywhere. I have heard news about Tibetans protesting, but I was not able to actually go there. Thinking about the actions of these brave men and women for the cause of justice, I couldn't do anything but remain standstill in shock and awe. Dear friend, if you were here, I don't know what action you would take. After you all left, like the proverbial lotus in the sky, hardly any one among us penholders [writers] were willing to speak the truth; may be they were watching with their keen, intelligent eyes, but as far as expressing their feelings through words goes, I have not seen any one [doing so]. I believe there are one or two tigers and dragons hiding in their dens, but is it our fate to be stuck with the courage of one or two individuals all the time? Thinking over and again, [made me realize] that this nation of peace has hardly any intellectuals. If we too had a Socrates who never showed any mercy to tyranny; if we too had a Nelson Mandela, who never bowed to the violent repression; if we had writers who could pen with honesty the joy and suffering of the masses, would these brave men and women who burned themselves in the red fire had to leave alone?*

### **China detains yet another Tibetan writer for writing against repression**

TUESDAY, 21 APRIL 2015

Chinese authorities have detained yet another Tibetan writer who is also a monk in Ngaba area in present-day Ngaba (Ch:

Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan Province, in Tibetan province of Amdo.



Lomik speaking at a panel discussion.

Lomik, 27, was detained around 11. 30 pm on 12 April 2015. Lomik's detention followed the detention of another well-known Tibetan writer Shok-jang on 16 March 2015. Like Shokjang, Lomik is being held at an undisclosed location.

Due to the incommunicado detention of Lomik, there is no information on the exact charges leveled against the writer. However, soon after his detention, some 20 Tibetan writers jointly authored an article on Lomik. The contents of this article suggest that Lomik was very likely detained for writing essays about the "suppression of freedom of expression, destruction of Tibetan environment, 2008 Tibetan uprising, self-immolation protests" and for participating in a panel discussion on issues affecting Tibetans.

In 2010, Lomik wrote a book called *The Yellow Fog* that was published from Xining. He also contributed articles to popular Tibetan language websites in Tibet such as Chomei, Sangdhor, and Tso Ngon. Recently he has authored articles with candid titles such as *Story Shackled By Iron Chains*, *Weapons Target Writers of Ngaba*, and *Until I Die, I Will Express My Views*.

Along with writers such as Goshier, Sengdor, Gurung Pundrol and Shokjang, Lomik participated in a number of panel discussions such as *Siling Zsa Nyimei Khadha* ('Xining Sunday Debate') at the Qinghai Nationalities University, a minority nationalities' university in Xining. In Ngaba, he organized public debates on topics such as "Revisiting Dondrup Gyal," and "Sunday Discussions". In his hometown of Meuruma, he organized a public debate on the subject "Denial of Free Expression." Lomik was able to encourage many Tibetan youngsters through these debates.

Lomik was born in Jotsang Village in Meuruma Township in Ngaba County. Son of parents Dorkha and Zamkar, he became a monk at the age of six at the Kirti Monastery. While studying at the monastery's Young Buddhist School, the Chinese government forcibly shut down the school, which hosted more than 700 students. Following the closure of this school, he studied Buddhist philosophy and Tibetan literature at Drango (Ch: Luhuo), Rebgong (Ch: Tongren), Larung Gar Buddhist Institute and other branches of Kirti Monastery in Tibet.

Below is the English translation of two of Lomik's writings which, among others, attracted the attention of the Chinese authorities:

### **A Story Shackled in Chains**

.....by Lomik

Fifty years ago, on 15 August 1965, a brave man called Takna Jigme Sangpo, his hands and feet shackled in chains, was imprisoned in a dark cell.

He suffered thirty-two years of imprisonment.

Not only he became Tibet's longest serving [political] prisoner, he's the longest serving prisoner in South-East Asia and the third longest serving prisoner in the world.

He launched many peaceful protests for truth and justice.

According to his biography, *Experience of Life*, and other works, Tibetans [have made many efforts] to highlight the cause of Tibet in the international community.

They have also exposed how Chinese government violates its own laws.

Similarly, twenty-one days ago, on 19 March 2012, my friend, who loved reading books and justice, was taken prisoner.

The condition of these individual Tibetans reflects that of the whole Tibetan population.

At present, the action of the Chinese government totally contradicts its own laws.

At present, we do not have freedom of expression. Not even a grain of it.

### **3.16\***

.....by Lomik

If you were a Chinese

The soldiers carrying batons in the streets of Ngaba

Will not ask you to show your ID cards.

You won't be frisked like [they frisked] me

Restricting my freedom of movement

Even making it extremely difficult to stay in a guesthouse

Frisking me over and again

If you were a Chinese  
 Even if you walk in the streets  
 Tibetan cadres won't spy on you  
 [Like they did] by gazing at my face  
 Constantly spying on my movement  
 As decreed by the government  
 And [thus] getting themselves  
 Rewarded with promotions.

\*On 16 March 2008, Chinese paramilitary police shot live ammunition into a crowd of few thousands Tibetan protesters in Ngaba. Among those dead was Lhundup Tso, a 16 year-old female student of Ngaba County Tibetan School. Since then, Tibetans in Ngaba have observed 16 March as an anniversary of the 2008 Uprising as well as a day of remembrance for those who sacrificed their lives in Ngaba.

### **TCHRD calls Tibet a blot on China's international standing on visit to Basque Country**

FRIDAY, 24 APRIL 2015

The Tibetan Centre for Human Rights and Democracy (TCHRD) exposed major human rights violations committed by Chinese government in Tibet and the repressive policies that facilitate these violations during recent meetings and interactions with politicians, diplomats, academics, media and the general public in Basque Autonomous Region (Basque Country), Spain.



At TCHRD's presentation before the HHRR (Human Rights) Commission of the Basque Parliament.

During a weeklong visit to Donostia/San Sebastian in Gipuzkoa Province, Basque Country, TCHRD executive director Tsering Tsomo drew attention to the repressive state of affairs in Tibet where the Chinese authorities continue to adopt a hardline approach denying basic human rights and freedoms that are taken for granted in many other countries. In her various public and private meetings, Tsomo strongly condemned

China's use of force, violence and fear to extract absolute loyalty and obedience from Tibetans to its repressive rule, and called Tibet a human rights black hole, a major blot on China's international standing and reputation.

Phagma Drolma NGO, an association for solidarity for the Tibetan people based in Donostia/San Sebastian, organized Tsomo's visit to Basque Country.

On 13 April, Tsomo was welcomed by the mayor of City Council of Donostia/San Sebastian, Juan Karlos Izagirre and the President of the Provincial Council of Gipuzkoa Province, Martin Garitano. During the meeting with Mr Izagirre and Mr Garitano, Tsomo gave a detailed update on the human rights situation in Tibet and highlighted the rising number of self-immolation protests. "Tibetans are choosing to die than live under repressive Chinese rule in Tibet," Tsomo said. The mayor expressed his support and explained how they have been supporting the Tibetan cause in recent years through institutional statements and displaying the Tibetan national flag atop the city council building on 10 March, that is observed by Tibetans and supporters worldwide as anniversary of Tibetan National Uprising of 1959. The President of the Provincial Council of Gipuzkoa also expressed his support and explained that the Council has supported the Tibet cause through grants towards Phagma Drolma NGO's projects for Tibetans in exile. Gipuzkoa is one of the three provinces that comprise the Basque Autonomous Region (Basque Country). Donostia-San Sebastian is the capital city of Gipuzkoa.

The same day, Tsomo was welcomed by all political parties represented at the City Council of Donostia/San Sebastian: two representatives of the Basque Nationalist Party (PNV/EAJ, currently leading the Basque Government); two representatives of the Spanish Socialist Party (PSOE), and one representative of the People's Party (PP, currently leading the Spanish Government). Tsomo gave first hand information about the situation in Tibet at a meeting with the representatives of all political parties, following which the representatives asked what could be done from the Basque institutions to help the Tibet issue.

During the visit, Tsomo addressed a press conference, which was attended by many media outlets, including influential Basque newspapers and radio, Spanish newspaper El Pais and news agency Europa Press. The news about Tsomo talking about the "black hole of human rights" in Tibet was published in all Basque newspapers and in the Basque national radio. The GARA newspaper, a bilingual (Spanish/Basque) newspaper published an interview with Tsomo on its front page and an interview with Tsomo was broadcast live on "La Casa de la Palabra" program on EITB, the Basque National Radio, both media are one of the most popular in the Basque Country.

On 15 April, the Human Rights Commission of the Basque Parliament invited Tsomo to give a presentation on the hu-

man rights situation in Tibet. In her presentation, Tsomo talked about the persistent political repression, cultural destruction and economic exploitation of Tibetans under Chinese rule, and made a special mention of China's sinister policy of assimilating Tibetan culture and identity. All political parties expressed their concern for the human rights violations in Tibet and support to the Tibetan people. Responding to Tsomo's request to resurrect the Intergroup for Tibet at the Basque Parliament, the People's Party representative, a former member of the now-defunct Euskadi/Tibet group proposed to revive the intergroup, which was supported by representative of EH Bildu (a left-wing, Basque nationalist and independentist political coalition from the Basque Country and Navarre).

It was also proposed that the Basque Parliament should issue an updated version of the 'Institutional Statement' on Tibet. The statement was first issued by the Basque Parliament in 1995 following which the Intergroup on Tibet was formed. The statement of the Basque Parliament expressed support to the Tibetan people and insitutions in exile and Tibetan people's right to self-determination, requesting the international community to urge China to respect human rights in Tibet. Earlier in the day, Tsomo also met with Lohitzune Txarola, the president of Gipuzkoa Provincial Parliament with whom she discussed the situation inside Tibet.

Thanks to Phagma Drolma, Tsomo was able to meet with the organisers of the San Sebastian Human Rights Film Festival and discuss the viability of screening Tibetan human rights documentaries in future. The aim of the festival is "to promote greater awareness, as well as encourage debate and provide greater information to citizens about human rights, by promoting, through the cinema and other cultural and artistic expressions, the values of solidarity, respect for life, peace, freedom and social justice, among other things." Tsomo, along with the staff of Phagma Drolma, attended the opening night of the festival on 17 April.

On 14 April, Tsomo gave a public conference on human rights situation in Tibet at the KM Kulturunea center in Donostia/San Sebastian. The conference lasted for more than two hours including interaction with the audience as well as a 15-minute video of José E. Esteve, the Spanish lawyer in charge of the Tibet lawsuit, explaining how political and economic interests interfered into the Spanish justice system and how it affected Tibet and other international lawsuits. The conference was streamed online with simultaneous interpreter service in Spanish.

On 17 April, at the Basque Public University, Tsering met with Professor Juan Soroeta who is a well-known expert on the issue of Western Sahara, and the struggle of the Saharan people. Prof Soroeta is also the founder of a human rights NGO called Asociación Internacional para la Observación de los Derechos Humanos (AIODH, International Association for the observation of Human Rights). In addition to Western

Sahara, AIODH focuses on the Palestine and Tibet issues. TCHRD has offered collaboration on the NGO's website, by providing accurate, verified information about human rights issues in Tibet. It was also proposed during the meeting to send students of human rights and international law to intern at TCHRD. TCHRD has received from Professor Juan Soroeta the invitation to participate in the next edition of the Human Rights Course organized by the Basque Public University and the City Council of Donostia-San Sebastian, where Tibet would be one of the main case studies.

To



*If undelivered, please return to:*

Tibetan Centre for Human Rights & Democracy  
Narthang Building, Top Floor  
Gangchen Kyishong,  
Dharamsala - 176215  
Distt. Kangra  
H.P INDIA

Partial list of TCHRD publications:

Religious Repression in Tibet (2012) • Into Thin Air (2012) • Democracy in Exile (2012) • The Plan That Never Was (2012) • Annual Report: Human Rights Situation in Tibet (1996-2012) • Prisoners of Tibet, Railway and China's Development Strategy in Tibet: A tale of Two Economies, • TCHRD 1996-2006: A decade of Human Rights Research • International Bill of Human Rights (2005) • Death Penalty in China (2005) • Kuxing: Torture in Tibet (2005) • State of education in Tibet: A human rights perspective (2004) • Strike Hard Campaign: China's crackdown on political dissidence (2004) • Dispossessed: Land and Housing Rights in Tibet (2002) • Destruction of Serthar Institute: A Special Report (2002) • Impoverishing Tibetans: China's flawed economic policy (2000) • Racial Discrimination in Tibet (2000) • Torture and Ill-Treatment in Tibet (2000) • Tales of Terror: Torture in Tibet (1999) • Briefing paper for travelers to Tibet (1999) • A Guide to Democracy (1999) • A Guide to Human Rights (1999) • Human Rights: An Education Booklet (1998) • Fearless Voices: Accounts of Tibetan Former Political Prisoners (1998) • Democracy: An Education Booklet (1998) • Convention on the Rights of the Child (Tibetan Translation) (1998) • Closing the Doors: Religious Repression in Tibet (1998) • Behind Bars: Prison Conditions in Tibet (1998) • The Next Generation: The State of Education in Tibet Today (1997)

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- You will get a TCHRD Membership kit (cloth bag, badges and stickers)
- You will receive our Bi-Weekly Human Rights Newsletter
- All our publications will be sent for free upon request
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# HUMAN RIGHTS UPDATE

Tibetan Centre for Human Rights & Democracy

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Tibetans in Tibet and promote the  
principles of democracy in the exile  
community.

For more, log onto [www.tchrd.org](http://www.tchrd.org)

Or contact us

Postal address

Tibetan Centre for Human Rights &  
Democracy

Narthang Building, Top Floor

Gangchen Kyishong,

Dharamsala - 176215

Distt. Kangra

H.P INDIA

**Tibetan mother dies of self-immolation protest in front of Chinese gov-  
ernment office**

THURSDAY, 28 MAY 2015

A Tibetan woman set herself on fire and died immediately after in Dokhog (Ch: Daogao) Township in Chone (Ch: Zhuoni) County, Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province, in the Tibetan province of Amdo.

Sangyal Tso, 36, a mother of two, staged the self-immolation protest at around 4 am (local time) on 27 May, in front of a Chinese government office, which is located near Choephel Shing Tashi Choekorling Monastery in Dokhog Township. Since the incident occurred early morning, no confirmed information is available on the exact slogans Sangyal Tso shouted during her self-immolation protest. She died instantly after the protest and the police took her body to Tsoe (Ch: Hezuo) city, capital of Kanlho Prefecture.

Police also arrived at the home of Sangyal Tso's parents who were interrogated and restrictions were placed on their movement. Sources say moments before her self-immolation, Sangyal Tso had communicated on WeChat voice messaging service at about 3.30 am, following which her parents contacted friends and relatives to find out about their daughter's whereabouts but in vain.

The government office near the monastery houses a police station, armed police, and party cadres including 'work-team' officials, and was instrumental in implementing repressive measures in the local area particularly since 2008. That Sangyal Tso chose to stage her protest in front of this government building is telling. Since 2008, monks and local Tibetans have appealed the authorities repeatedly to shift the government office elsewhere. Moreover, in 2008, armed police and cadres stationed at the office have violently crushed a major protest, increased restrictions and surveillance on the movement and activities of the monks and local Tibetans.

According to a source, the government office in front of which Sangyal Tso protested and died was not very large prior to 2008. But it has expanded in recent years particularly since the outbreak of a major protest during an annual prayer ceremony in 2008.

On the 11th day of the second lunar month in 2008, at an annual prayer ceremony at Choephel Shing Tashi Choekorling Monastery, monks joined by lay Tibetans staged a peaceful protest against government repression. Chinese paramilitary police quickly crushed the protest resulting in the arbitrary detention of about 400 monks and about 80 lay people. Many of them were released after being made to pay a fine of RMB 5,000 each.

Among them, two monks and three laymen were sentenced to prison. The monks, both sharing the same name, Tenzin Gyatso, were sentenced to 15 years and 13 years respectively. The older Tenzin Gyatso, who was 40 at the time of his arrest, is now serving his 15-year sentence at Dasha Ping prison in Lanzhou city,

capital of Gansu Province. The other Tenzin Gyatso, aged 20 at the time of arrest, is being imprisoned at Dingxi prison. The three laymen, identified as Lungsang Dorjee, Rinchen Tsering and Tenzin Tashi, were each sentenced to eight years in prison. Lungsang Dorjee from Meru Singpa Village was released from Baiyin prison in May-end 2014. Rinchen Tsering from Matsa Village was released from Dasha Ping prison in March 2014. It is not known why Lungsang Dorjee and Rinchen Tsering were released before expiration of their sentence. No information is available on the state of their health and well-being. Tenzin Tashi from Matsa Village is still serving sentence at Dingxi prison.

Dingxi prison is notorious for its brutal torture methods. In 2004, a Falun Dafa practitioner Bi Wenming was "beaten so badly that his spleen ruptured and he died on the scene" at Dingxi. Kunchok Tsephel Gopeytsang, a Tibetan writer, teacher and founder of Chomei website was sentenced to 15 years in prison in 2009. He served four years of his sentence in Dingxi prison, before being transferred in August 2013 to another prison in Gansu where conditions are harsher and where there are serious concerns for his health, according to PEN International.

Prior to the protest staged during the annual prayer ceremony at Choephel Shing Tashi Choekorling Monastery in 2008, monks and local Tibetans had repeatedly petitioned the local authorities to move the Chinese government complex away from the monastery. The petitioning by Tibetans was ignored; instead the authorities tightened control by monitoring and interfering with monastic activities, and increasing restrictions during major festivals. Since 2008, monks and lay Tibetans in the area have observed the successive anniversaries of the protest on the day of the annual prayer ceremony by staging all kinds of peaceful protests. The annual prayer ceremony and purification ritual including sangsol (incense offering) observed on the 11th day of the second lunar calendar month is an ancient spiritual practice during which the monastery offers elaborate propitiation rituals for the deity residing in the sacred Amnye Pagoe Mountain.

Sangyal Tso was born and raised in Meru Sipa Village in Nyinpa (Ch: Niba) Township, Chone County. About eight years ago, she married Tadrin Wangyal, son of Lakho Tsang family from the same village. The couple has a son, Tsering Dhondup and daughter, Khando.

### **Tibetan man dies of self-immolation protest amid heightened repression**

FRIDAY, 22 MAY 2015

A Tibetan man from Khangsar township in Tawu (Ch: Dao-fu) County in Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture, Sichuan Province, passed away after his peaceful solo self-immolation protest to challenge the continuous and yet intensified repression in the region and Tibet at large.

As per the information received by Tibetan Centre for Human Rights and Democracy (TCHRD), at around 8:00 pm on 20 May 2015, Tenzin Gyatso, 34, died after setting himself ablaze near a bridge close to a Chinese government office. Soon after his self-immolation, armed police arrived at the scene and started to beat the Tibetans who had gathered near the site and were shouting slogans, and also arrested a few of them.

On 21 May, local authorities contacted Tenzin Gyatso's family and informed them about the death of Gyatso; they also told his family to come to Dhartsedo (Kangding) town possibly for interrogation as to the cause of the self-immolation. Local Tibetans assume that the chances of the Chinese government handing over Gyatso's body to his family members are dim, as earlier when Wangchen Dolma, a nun from the same area self-immolated, the Chinese government and police secretly cremated her in an electric machine without handing over her body to the family or even informing them.

Tenzin Gyatso was married to Sonam Dolma. The couple has four children, namely Topden, Thupten, Tsering Tsomo and Tsewang Gyatso.

As of now, the Chinese government has deployed security forces at every road intersection; checking every Tibetan who passes by and many a times arresting Tibetans by accusing them of displaying wrong or hostile attitude.

The cause of Gyatso's self-immolation is that of forced 'patriotic education' campaign which was carried out in every family by local Chinese government when the Tibetans in the area were planning to hold a grand celebration of the Dalai Lama's 80th birthday. Local Tibetans were subjected to intense pressure and given ultimatums to follow official orders or face consequences.

In the last one week, the Chinese government has started to carry out the same reeducation campaign once again in the area. They also announced that activities related to the celebration of the Dalai Lama's birthday and praying for those who have self-immolated are nothing but acts to split the nation. Each family in the area were asked to promise and sign under force the pledge that they will not celebrate the Dalai Lama's birthday and also not pray for the victims of self-immolations. However, when local Tibetans refused to do so, the Chinese police arrested an unknown number of Tibetans and deployed a large number of police forces in public areas to psychologically instill fear into the hearts of Tibetans. They also randomly interrogated local Tibetans. The Tibetans in the area are of the opinion that Gyatso's self-immolation was a protest to challenge the repressive Chinese policy over Tibet and Tibetans.

Over all, six Tibetans from the area – Tsewang Norbu (15/8/2011), Palden Choetso(3/11/2011), Wangchen Dol-

ma(11/6/2013), Trinley Namgyal(15/4/2014), Kalsang Yeshe(13/12/2014) and Tenzin Gyatso(20/5/2015) have immolated themselves since 2011 in order to peacefully resist China's repressive and discriminatory policy over Tibet.

Since 2009, a total of 139 Tibetans have set themselves ablaze in different parts of Tibet as a result of violent and repressive Chinese policy. The Chinese government has so far failed to account for the death, destruction and loss caused by the series of self-immolation protests inside Tibet.

### **Tibetan singer sentenced to prison after prolonged secret detention**

THURSDAY, 21 MAY 2015

A well-known Tibetan singer was recently sentenced to prison after almost a year and a half of secret detention in Diru (Ch: Biru) County in Nagchu (Ch: Naqu) Prefecture, Tibet Autonomous Region, in the Tibetan province of Kham.

Gonpo Tenzin, about 27, was sentenced on 15 April 2015 to three years and six months in prison, in addition to deprivation of political rights for four years, according to information received by Tibetan Centre for Human Rights and Democracy (TCHRD).

TCHRD earlier reported on the arbitrary detention of the singer on 30 November 2013 in Lhasa. The singer's sentencing last month highlights the arbitrary nature of his prolonged detention in secret. According to a source, the singer had to undergo severe interrogations, beatings and torture for over a year and a half in secret detention.

Family and friends of the singer are concerned about his health since he was last seen visiting a hospital accompanied by police officers. At the hospital, he was seen wearing a surgical mask raising fears that he was probably suffering from tuberculosis or other infectious diseases. One of the onlookers at the hospital secretly took a photo of the singer wearing the surgical mask.

There is no confirmed information on the exact charges used to sentence him. However, local Tibetans suspect that he might have been arrested in connection with his songs that contained lyrics calling for the promotion and propagation of Tibetan culture, literature and language. Gonpo Tenzin had distributed a number of DVDs of his songs among local Tibetans.

The year he was detained, Gonpo Tenzin had released a special album titled "No Losar for Tibet", the title song of which became hugely popular among Tibetans. With the growing repression and relentless self-immolations in Tibet, the title song "No Losar for Tibet" touched a chord among many Tibetans who felt that celebrating Losar (Tibetan New Year) would be inappropriate given the situation inside Tibet. Gonpo Tenzin's popularity increased after the song became a ma-

yor hit. Gonpo Tenzin hails from Septha Village in Shagchu (Ch: Xiaqu) Town, Diru County.

Diru County has become a prime target for government repression due to sustained protests and other forms of defiance and resistance initiated by local Tibetans. An unknown number of Tibetans are being detained or arrested on trumped up charges of 'maintaining contacts with separatist forces living abroad'. Two Tibetans identified as Trewo Dharsang and Khenrab were recently detained along with others whose identities remain unknown. Local authorities are particularly targeting Tibetans on special occasions such as Lhakar (literally 'whiteWednesday' or the soul day of the Dalai Lama) when Tibetans purposely wear and eat Tibetan, or during the holy Saka Dawa month – which usually falls between late May and early June – when Tibetan Buddhists give up eating meat as part of their religious practice.

### **Tibetan singer held under tight security amid fears for failing health**

MONDAY, 4 MAY 2015

A Tibetan singer serving a six-year prison sentence for singing songs with politically-charged lyrics has been found recently in poor health as he continues to be kept under tight security in a prison located in the outskirts of Siling (Ch: Xining) city, capital of Qinghai Province.

Tibetan Centre for Human Rights and Democracy (TCHRD) has received information that Tibetan singer Lolo is held under tight security surveillance even after almost two and a half years' of imprisonment. Lolo was first detained on 19 April 2012 for releasing a music album that contained songs with politically-charged lyrics such as the well-known "Raise the Tibetan flag, Children of Snowland". After a brief detention, he was released but was detained again and sentenced to six years on 23 February 2013. At the time of sentencing, he was 30 years old.

A picture of Lolo taken clandestinely last month during a prison visit has raised fears that he is not being treated well and that he has been suffering from health complications. Due to the ever-present security guards keeping a close and constant watch over Lolo, it was impossible to determine the full extent of his medical condition. The source who provided TCHRD with Lolo's picture said the singer had lost considerable weight, looked haggard and showed signs of failing health. Prison officials have not delivered food and clothes sent by family members and relatives for Lolo.

Lolo was sentenced along with Lobsang Jinpa, a monk from Nyatso Zilkar Monastery, located in Tridu (Ch: Chenduo) County in Kyegudo (Ch: Yushu) Tibetan Autonomous Prefecture, Qinghai Province. Lobsang Jinpa had written the lyrics for one of the songs sung by Lolo on the disappearance of the 11th incarnation of the Panchen Lama. Lobsang Jinpa

was sentenced to five years.

The arbitrary detention and imprisonment of Lolo and Lob-sang Jinpa is part of a larger crackdown in Tridu County which witnessed sporadic yet widespread protests against Chinese authorities in 2012 and 2013. The crackdown particularly targeted Nyatso Zilkar Monastery whose monks were subjected to severe interrogation, arbitrary detention and arrests, torture and imprisonment. In July 2013, Tsultrim Kalsang, a young Buddhist scholar from the monastery was sentenced to 10 years in prison. According to a source who recently contacted TCHRD, Kelsang Tsultrim is still being held in the prison hospital. This indicates that his health has not improved which raises questions on the quality of health-care he is supposed to be receiving at the prison hospital.

TCHRD calls on the Chinese authorities to respect the fundamental rights and freedoms of all Tibetan political prisoners and to recognise that they were imprisoned for exercising their conscience and human rights. Chinese prison authorities must respect the rights of Tibetan political prisoners in keeping with the UN Standard Minimum Rules for the Treatment of Prisoners (SMR), a set of rules that outline good principles and practices for the treatment of prisoners. The Standard Minimum Rules for the Treatment of Prisoners, which the People's Republic of China (PRC) based its prison regulations on, state that all prisoners should receive adequate medical care. (Art. 22) The International Covenant on Economic, Social and Cultural Rights, which PRC is a party to, requires that people be allowed the highest attainable standard of physical and mental health. (Art. 12).

TCHRD recognises that Lolo was subjected to arbitrary detention and unfair sentencing for simply exercising his right to freedom of expression as provided for in article 35 of the Chinese Constitution which protects "freedom of speech, of the press, of assembly, of association, of procession and of demonstration." The imprisonment of Lolo and Lob-sang Jinpa also violates article 47 of the Chinese Constitution which recognises the freedom to engage in "artistic creations and other cultural pursuits". Further, the denial of medical care, poor diet, and the prison conditions all violate international human rights standards that are binding on the People's Republic of China (PRC). TCHRD further calls on the government of the PRC to refrain from persecuting and imprisoning Tibetans for exercising non-violent means to resist state-sponsored repression.

### **Tibetan monk arbitrarily detained after months of police surveillance**

THURSDAY, 21 MAY 2015

A Tibetan monk was arrested and forcibly taken away by local police in Tawu (Ch: Daofu) County in Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture, Sichuan Province, in the Tibetan province of Kham.

Tsewang Chopel, 26, who is a monk at Nyitso Monastery, was detained on 18 May 2015. According to a source, "At around 10.30 am, while Tsewang Chopel was approaching on his bike, he was suddenly arrested by the Chinese police near the Chikshe village."

As of now, no one knows the reason behind his arrest and his physical condition.

According to local Tibetans in Tawu, however, Tsewang Chopel had been under police surveillance ever since Tibetans in Tawu protested against the Chinese authorities following the self-immolation of monk Kelsang Yeshe on 23 December 2014.

"As the peaceful protests were violently cracked down upon, Tibetans got furious and threw rocks at the policemen; they showed all sorts of defiance to the police," said the source.

The source further said, "Since then Tsewang Chopel has been under the suspicion of the Chinese police. He has been constantly spied on. The local Tibetans speculate that while he was on the road on his bike, the police suddenly arrested him."

Tsewang Chopel hails from Khucha Village in Mazur Township, Tawu County.

### **Tibetan political prisoner in critical condition after release from prison**

THURSDAY, 21 MAY 2015

A Tibetan monk who was recently released after completing a seven-year prison term is in critical condition following injuries suffered during detention and lack of medical care in prison.

Palden Thinley, 26, was released from Deyang prison on the afternoon of 17 May 2015 in Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture, Sichuan Province, in the Tibetan province of Kham, according to information received by Tibetan Center for Human Rights and Democracy (TCHRD).

On the day of his release, prison authorities handed over Palden Thinley to County Public Security Bureau (PSB) officers in Kardze apparently to prevent local Tibetans from giving him a hero's welcome. At around 3 am on 18 May 2015, the Kardze County PSB handed over Thinley to Dhato Township PSB, who in turn secretly summoned his family at night to pick him up.

In recent years, as a gesture of defiance, local Tibetans have increasingly resorted to welcoming released political prisoners with elaborate ceremonies such as offering khatas (traditional ceremonial scarves), burning incense and throwing lungtas (paper prayer flags) in the air. Such ceremonies are viewed with suspicion by the Chinese authorities who continue to maintain that there are no political prisoners in Tibet.

Speaking to the TCHRD, Gonpo Thinley, a former prison mate of Thinley and now living in exile in India said, "Due to terrible conditions in prison, such as lack of enough food and clothing, and the fact that he was beaten and tortured, Palden Thinley suffered severe injuries, including kidney and abdominal injuries."

Palden Thinley, a monk from Kardze Monastery, was detained on 18 May 2008 along with fellow monks Jampa Dorje, Gangkar Thinley, Jamyang Tsering and Tsewang, when they took part in a non-violent protest against the Chinese government in Kardze town.

They had raised slogans for the long life of Dalai Lama and freedom for Tibet.

Following his arrest, Thinley, who was 19 at the time, was sentenced to seven years in prison for 'inciting to split the nation' by the Kardze People's Intermediate Court.

Fellow monks Jampa Dorje, Gangkar Thinley, Jamyang Tsering and Tsewang received sentences ranging from one year and a few months to three years.

Palden Thinley was born and raised in Dhato Township in Kardze County

### **Discriminatory Chinese passport regulations violate Tibetans' right to travel**

TUESDAY, 5 MAY 2015

Since 2012, Tibetans from the Tibet Autonomous Region (TAR) have had their passports confiscated and, as a result, unable to travel abroad. This is because of 29 April 2012 'guiding opinions' on implementing passport regulation issued by the Chinese authorities that was recently obtained by the Tibetan Centre for Human Rights and Democracy. The letter of the law and its implementation have prevented almost all Tibetans in the TAR from travelling outside of the People's Republic of China (PRC). In 2014, further restrictions have prevented Tibetans from travelling to religious ceremonies and sacred sites.

Article 12(2) of the ICCPR, which is binding on the PRC as part of customary international law, recognizes that everyone has the right to freedom of movement, including the right to leave their country. The Human Rights Committee's General Comment 27 is an authoritative interpretation of this right. It states that international travel cannot be restricted because of the purpose or duration of the travel. The right to freedom of movement may only be restricted in exceptional circumstances when the restriction is necessary to protect national security, public order, public health or morals and the rights and freedoms of others. The General Comment highlighted administrative barriers to travel as a major concern.

The "guiding opinions" issued by the Secretariat Office of TAR Party Committee with copies sent to Political Depart-

ment of TAR Military and Air Force Command Post of TAR Party Committee, Lhasa, impose substantial restrictions on the ability of Tibetans to obtain passports, which are necessary for international travel. The first section of the document requires that all passports, even those that are still valid, be withdrawn. People can only obtain a new electronic passport after "strict investigation". The strict investigation involves each application for a new passport to be reviewed 10 times. After delivering the application to the local Public Security Bureau (PSB), the application is reviewed by PSBs at the county, township, prefecture, and regional level. In some cases, the application is reviewed once by the local PSB office in charge of travel and then again by the head of the office. Governments at the village, county, prefecture, and regional level must also review the application. Tellingly, the document only lists the multiple necessary reviews but does not say when a person will receive a passport. It also does not provide any time limit for how long the process should take or mention any right to appeal if a passport application is denied.

People who are given a passport must sign a contract promising not to harm the PRC's security or interests. Additionally, involvement in any criminal acts will result in the passport being revoked. Article 7 of the Criminal Law of the PRC states that the PRC's criminal law applies to citizens who are outside of the PRC. The broad references to the PRC's security and interests and the PRC's criminal law, which particularly with state secrecy and incitement is notoriously vague, violate the right to travel. It imposes restrictions on the right to travel that violate other protected human rights, for instance, freedom of expression or freedom of assembly if somebody criticise the PRC or attends a prohibited event like a protest or religious service. Article 12(3) of the ICCPR expressly prohibits restrictions on the right to travel that are inconsistent with other rights.

However, invoking Chinese law to justify withdrawing a person's passport is redundant in light of the document. Part 3 of the "guiding opinions" require that all people who return from travel abroad must within seven days of their arrival give their passports back to the authorities that issued them. PSB officials in charge of travel must also question them. The document does not say when or how a person may get their passport back, how long the questioning will last, or what topics it will cover.

The existing passport regulations along with the "guiding opinions" violate the right to travel internationally. Revoking all passports and making people apply for new passports to severely restrict their ability to travel is not necessary to fulfilling any government objective. The PRC could have accomplished the same administrative task of introducing electronic passports by waiting for old versions to expire and issuing electronic passports when people apply for new passports. This would have been easier for people hoping to travel

abroad and the authorities in charge of issuing new passports would not be required to process additional applications. Additionally, Tibetans in Nepal were required to give up their passports. As a result, they were unable to return to Tibet or leave Nepal until they received a new passport.

The “strict investigation” of passport applications also violates the right to travel. Even though it is not mentioned in the document, this language creates a presumption that passports should be difficult to obtain. For officials who want to travel abroad for personal reasons, the document states that in principle officials should not be given passports for personal travel, except in extraordinary circumstances. The multiple levels of review for passport applications create administrative barriers that undermine the right to travel. By requiring that passports be returned within seven days of returning from travel, and presumably making people apply to get their passports returned, creates additional barriers before every international trip. These barriers do not exist for Chinese nationals who apply for passports. In practice, the strict investigations and the bureaucratic barriers prevent Tibetans from receiving passports. For over a year after this document was issued, no Tibetans received passports for non-official travel. This includes Tibetans who were accepted to study in Japan and the United States.

The result of the 2012 “guiding opinions” on implementing the passport regulation was to prevent Tibetans in the TAR from travelling across international borders. This was only the first step in constricting Tibetan’s right to travel. Since 2012, Tibetans have been prevented from travelling to “border areas” for religious purposes, and in some cases, such as in Diru (Ch: Biru) County, Tibetans have been prevented from travelling outside their village. All of these restrictions violate Tibetan’s right to travel. That the violation of human rights is provided for by regulations demonstrates the PRC’s commitment to step away from the rule of law.

Note: TCHRD has translated the original Chinese language copy of the aforementioned document in Tibetan and English. If you want a copy, email [office@tchrd.org](mailto:office@tchrd.org) with the subject headline “2012 TAR Passport Regulation”.

### **TCHRD participates in conference on Responsibility to Protect**

SATURDAY, 2 MAY 2015

Last week the Tibetan Centre for Human Rights and Democracy (TCHRD) participated in a conference on the Responsibility to Protect in Ljubljana, Slovenia. The two-day conference evaluated the Responsibility to Protect ten years after it was adopted as part of the 2005 World Outcome Document.

The 2005 World Outcome Document said that the Responsibility to Protect (R2P) rests on three pillars. First, each State has primary obligation to prevent the four atrocity crimes—genocide, war crimes, crimes against humanity, and ethnic

cleansing. Second, the international community has a responsibility to assist States in preventing atrocity crimes. Third, if a State is manifestly failing to prevent or stop atrocity crimes the international community may intervene to prevent or stop atrocity crimes, including using force as a last resort.

More than 25 academics, foreign service officers, lawyers, and policy-makers from five continents discussed what the Responsibility to Protect is and how it applies to specific situations around the world. John Gaudette, a legal research officer from TCHRD, presented a paper on how the Responsibility to Protect applied to the situation in Tibet. His presentation argued that because of the People’s Republic of China’s manifest failure to prevent the commission of crimes against humanity for decades in Tibet, the international community should intervene, but not use force, to prevent the commission of crimes against humanity in Tibet. The international community should intervene by publically condemning the PRC for its policies in Tibet and pursuing criminal prosecutions.

Two speakers addressed the Chinese idea of Responsible to Protect, which, among other things, places a higher emphasis on individual States preventing atrocity crimes and seeks to prohibit use of force to address atrocity crimes not authorized by the UN Charter. Other speakers addressed how the Responsibility to Protect applied and was being implemented in Poland, the African Union, the Central African Republic, and Syria. From a more theoretical perspective, speakers addressed the relationship between the Responsibility to Protect and international criminal prosecutions, the responsibility to prevent, the role of the UN Security Council, how the Responsibility to Protect should be understood, and the challenges facing it.

In addition to the conference, the Slovenian rap band Murat & Jose performed a song on the Responsibility to Protect specifically prepared for the conference. The song can be heard here and the lyrics are available here.

### **‘WASTED LIVES’: New report offers fresh insights on travails of Tibetan nomads**

SATURDAY, 30 MAY 2015

Is there anything new that can be said about the disappearing nomads of Tibet? For years they have been removed from the plateau pastures that purify the great rivers of Asia, to be rehoused in concrete barracks, without their animals or livelihood. This is usually reported as coercion by a state determined to end nomadism. That has become a standard narrative. The alternative narrative, generated by China’s official media, is that the nomads are all voluntary ‘ecological migrants’ giving up their lands for the greater good of the planet, to allow degrading lands to become a wilderness of pristine grassland, to better protect those rivers watering almost all of Asia.

'Wasted Lives: China's Campaign to End Tibetan Nomadic Lifeways' cuts through these stereotypes and extremes, with a wealth of new evidence. This co-publication by Tibetan Centre for Human Rights & Democracy (TCHRD) and League for Pastoral Peoples (LPP) takes the reader onto the pasture, to hear Tibetan voices. That is what has been strikingly missing till date.

Once we start to listen to what Tibetans can tell us, a new picture emerges, more complex and disturbing. The nomads tell of being pushed and pulled by a long history of official Chinese policies that aimed to intensify meat production while also conserving land and water. The unintended result of all the laws, regulations and instructions was to confine nomads to allocated parcels of land. Their customary mobility was restricted to areas compulsorily fenced, leaving nomads little flexibility, in an extreme climate, to maintain production on land that was thus pushed too hard, because choice was gone.

Not only did China's sedentarisation policy perversely cause degradation, despite having quite different intentions, it also drove many nomads into poverty.

Land deteriorated, yak size shrank, land tenure was given and then taken away, with no social security to support nomads when natural disasters – blizzards and gales – strike.

Poor people have few choices. When the cadres come to the village, and announce that a fixed percentage of the population must move to barracks on the edge of a distant town, it is the poor, the chronically ill and those hoping a distant school gives their children a chance, who are the first to move. Whether this is voluntary or coercive is not the point: China uses push and pull, incentives and disincentives, to implement its policy of grazing bans and closing the best pasture lands in Tibet, which are on the headwaters of the Yellow and Yangtze Rivers.

#### BEYOND THE SAME OLD

What emerges in this retelling is not only the grief of skilled pastoralists who now lead wasted lives, redundant to the requirements of China's commoditised meat machine, but also their hopeful embrace of a new paradigm sweeping the pastoral lands of the world.

A scientific revolution has quietly gathered momentum. Wherever there are pastoralists, there is now a fresh understanding that, far from being to blame for desertification, there are skilful stewards of drylands whose willingness to maintain mobility enables them to live productively and in environmentally sustainable ways from uncertain, unpredictable climates. In China, the biggest grassland country in the world, there are now Chinese scientists speaking up at every opportunity for the new paradigm, explaining how the old paradigm, of sedentarising nomads, has caused only perverse, unintended outcomes, chiefly the land degradation that

is blamed on ignorant, uncaring, selfish nomads.

So a new story emerges, and a convergence between Chinese science challenging orthodoxy, and the voices of the nomads, not only protesting at wasting their lives as urban fringe dwellers with no entry into the modern economy, but looking ahead to the new pro-pastoralist paradigm renewing their stewardship. The scientists and the nomads agree that Tibetan nomads successfully conserved for huge wild-life herds of antelope and gazelles, for the hardy grasses of the alpine meadows for the past 9000 years, while also being highly productive. It is possible to be both sustainable and productive, it is not necessary to choose one to the exclusion of the other, as is happening now when pasturelands are declared nature reserves and national parks, excluding on paper all human use, in practice allowing illegal miners into the emptied, depopulated landscapes.

Not only does this report cut through the voluntary vs coercive debate, it introduces us to the voices of a new generation of Tibetan researchers, on the pasture, able to analyse past policy failures and look ahead to the latest initiative, by charismatic lamas deeply trusted by the nomads, urging nomads to refrain from selling animals into the slaughterhouse meat commodity chain. This return to public life of the lamas, despite restrictions, gives direction to nomads, who vow, in public ceremonies, to forego the quick gains of commercial slaughter for the traditional nomadic virtues of keeping as many beloved animals on the hoof as possible.

There is much that is new in this report; plenty to chew on for those who would like to see the vast rangelands of the Tibetan Plateau for themselves but cannot get access. Here is a way beyond the stereotypes of noble ecological migrant v/s passive victim of coercion. There is much to tell the world.

The report was launched globally on 30 May 2015 in New Delhi. TCHRD director Tsering Tsomo, LPP's projects coordinator Dr. Ilse Köhler-Rollefson and the report's author Australian researcher and environmentalist Gabriel Lafitte addressed a press conference at Foreign Correspondents Club and spoke at a formal launch ceremony at India International Centre in New Delhi.

To



*If undelivered, please return to:*

Tibetan Centre for Human Rights & Democracy  
Narthang Building, Top Floor  
Gangchen Kyishong,  
Dharamsala - 176215  
Distt. Kangra  
H.P INDIA

Partial list of TCHRD publications:

Religious Repression in Tibet (2012) • Into Thin Air (2012) • Democracy in Exile (2012) • The Plan That Never Was (2012) • Annual Report: Human Rights Situation in Tibet (1996-2012) • Prisoners of Tibet, Railway and China's Development Strategy in Tibet: A tale of Two Economies, • TCHRD 1996-2006: A decade of Human Rights Research • International Bill of Human Rights (2005) • Death Penalty in China (2005) • Kuxing: Torture in Tibet (2005) • State of education in Tibet: A human rights perspective (2004) • Strike Hard Campaign: China's crackdown on political dissidence (2004) • Dispossessed: Land and Housing Rights in Tibet (2002) • Destruction of Serthar Institute: A Special Report (2002) • Impoverishing Tibetans: China's flawed economic policy (2000) • Racial Discrimination in Tibet (2000) • Torture and Ill-Treatment in Tibet (2000) • Tales of Terror: Torture in Tibet (1999) • Briefing paper for travelers to Tibet (1999) • A Guide to Democracy (1999) • A Guide to Human Rights (1999) • Human Rights: An Education Booklet (1998) • Fearless Voices: Accounts of Tibetan Former Political Prisoners (1998) • Democracy: An Education Booklet (1998) • Convention on the Rights of the Child (Tibetan Translation) (1998) • Closing the Doors: Religious Repression in Tibet (1998) • Behind Bars: Prison Conditions in Tibet (1998) • The Next Generation: The State of Education in Tibet Today (1997)

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friday



# HUMAN RIGHTS UPDATE

Tibetan Centre for Human Rights & Democracy

Vol. III Issue 6

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TCHRD is a registered non-governmental organisation (NGO) established in January 1996 with the mission to protect the human rights of Tibetans in Tibet and promote the principles of democracy in the exile community.

For more, log onto [www.tchrd.org](http://www.tchrd.org)

Or contact us  
Postal address

Tibetan Centre for Human Rights & Democracy  
Narthang Building, Top Floor  
Gangchen Kyishong,  
Dharamsala - 176215  
Distt. Kangra  
H.P INDIA

## China detains nephew of dead Tibetan self-immolator, pressures family members to call it 'natural death'

WEDNESDAY, 3 JUNE 2015

*(Contd. on Page 2)*

A nephew of a Tibetan mother who died of self-immolation protest last week was suddenly detained without any explanation by the local police in Dokhog (Ch: Daogao) Township in Chone (Ch: Zhuoni) County, Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province, in the Tibetan province of Amdo.

## Crackdown widens as Chinese government detains husband of dead Tibetan self-immolator

WEDNESDAY, 17 JUNE 2015

*(Contd. on Page 3)*

Chinese authorities have arbitrarily detained husband of Sangyal Tso, the mother of two who died of self-immolation late last month in Dokhog (Ch: Daogao) Township in Chone (Ch: Zhuoni) County, Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province, in the Tibetan province of Amdo.

## Two more monks secretly detained following Tibetan mother's self-immolation

TUESDAY, 9 JUNE 2015

*(Contd. on Page 3)*

Chinese authorities have deepened the crackdown on local Tibetans following the self-immolation of Sangyal Tso, a Tibetan mother of two, who died of self-immolation protest late last month in Dokhog (Ch: Daogao) Township in Chone (Ch: Zhuoni) County, Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province, in the Tibetan province of Amdo.

## TCHRD concerned over detention of Tibetan man for celebrating Dalai Lama's 80th Birthday

THURSDAY, 25 JUNE 2015

Almost two weeks before the Dalai Lama's 80th birthday on 6 July, the People's Republic of China (PRC) has started preventing public celebrations and detaining people for sharing photos online. Tsering Dondrub, 25, was detained for posting images of the Tibetan flag and the Dalai Lama on WeChat. It is unknown where he is being detained or how he is being treated. The secret detention of Tibetans arrested for exercising their human rights is common and family members only learn about the specifics of the case and see their imprisoned relatives at their trial, if it is ever held.

The detention of Tsering Dondrub, follows established patterns of human rights violations in Tibet. WeChat is closely watched by the PRC and Tibetans can be arrested and given severe prison sentences for sharing material on WeChat. In the

weeks leading up to the Dalai Lama's birthday PRC officials are tightening already existing restrictions in Tibet. Tibetans in Tsering Dondrub's village in Rebgong (Ch: Tongren) County in Malho (Ch: Huangnan) Tibetan Autonomous Prefecture in Qinghai Province were prevented from participating in a variety of events on 21 June to commemorate the Dalai Lama's birth year. (According to Tibetan lunar calendar, the Dalai Lama turned 80 on 21 June.) The public was also banned from attending events at monasteries and could have their phones confiscated and searched. The detention of Tsering Dondrub may well be the tip of the iceberg, and more Tibetans may have been detained or are in danger of getting detained since it has increasingly become a standard practice for the local Chinese authorities to punish Tibetans when the world is not watching.

The PRC has frequently cracked down on peaceful gatherings commemorating the Dalai Lama's birthday. In 2013, police fired into a crowd of Tibetans who had gathered in Tawu (Ch: Daofu) County in Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture in Sichuan Province to celebrate the Dalai Lama's birthday. Nine Tibetans were injured by bullets, including Gyen Tashi Sonam, a monk and teacher at Nyatso Monastery, who was shot in the head.

Usually, before major events the PRC will attempt to prevent people from gathering and begin arresting activists. Tsering Woesser was placed under house arrest to prevent her from meeting United States Secretary of State John Kerry when he visited Beijing in 2014. More dramatically, in the build up to the 25th Anniversary of the Tiananmen Square Massacre in 2014, the PRC detained people for any potential reference to the anniversary. This included detaining people for taking pictures in Tiananmen Square flashing a V for victory sign. Journalists were warned about going near the square. At least 66 people were detained and more, like 81-year-old Bao Tong, were forced to leave Beijing. The detention and threats leading up to the anniversary of the Tiananmen Square Massacre were also accompanied by increased restrictions on digital communications—including blocking all Google services.

The crackdowns against Tibetans for celebrating the Dalai Lama's 80th birthday are following a similar pattern as the build up before the Tiananmen Square anniversary. Tsering Dondrub's detention for posting photos of WeChat was accompanied by officials blocking public gatherings and vehicles specially equipped with digital surveillance equipment-patrolling Tibetan areas. TCHRD is concerned that as the Dalai Lama's 6 July birthday approaches the scale and scope of repression in Tibet will increase. Accordingly, TCHRD urges the PRC to respect Tibetan's rights to freedom of assembly, freedom of speech, thought and expression, and the related right to privacy.

## China detains nephew of dead Tibetan self-immolator, pressures family members to call it 'natural death'

WEDNESDAY, 3 JUNE 2015

A nephew of a Tibetan mother who died of self-immolation protest last week was suddenly detained without any explanation by the local police in Dokhog (Ch: Daogao) Township in Chone (Ch: Zhuoni) County, Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province, in the Tibetan province of Amdo.

Tenzin Soepa, a monk from the traditional Tibetan medical section of Choephel Shing Tashi Choekorling Monastery, was detained by local authorities on 28 May, a day after his aunt Sangyal Tso died of self-immolation protest in front of a Chinese government office near the monastery, according to information received by Tibetan Centre for Human Rights and Democracy (TCHRD).

Local Tibetans are clueless as to the sudden arbitrary detention of Tenzin Soepa although a source told TCHRD that the monk was made a scapegoat as part of a crackdown on self-immolation protest staged by his aunt Sangyal Tso.

TCHRD earlier reported that Sangyal Tso, 36, a mother of two, staged the self-immolation protest at around 4 am (local time) on 27 May, in front of a Chinese government office, which is located near Tashi Choekorling Monastery.

According to new information received by TCHRD, before setting herself on fire Sangyal Tso placed a portrait of the Dalai Lama and a bunch of incense sticks in front of the government office gate. On the bottom end of the Dalai Lama's portrait, she had written slogans such as "Long Live His Holiness the Dalai Lama", "Freedom for Tibet", and "Human Rights for Tibet". There were other slogans that were illegible.

Sources told TCHRD that it was the early morning visitors to the monastery that first witnessed Sangyal Tso's self-immolation. When these visitors were doing the first round of circumambulation, they saw flames rising from the direction of the government office. At first, they did not pay attention thinking that the fire was caused by burning garbage piles; moreover it was still early dawn with poor visibility. By the time they began the second round of the monastery, the sky had cleared and a man learned that the cause of the fire was self-immolation. The unidentified man also saw the Dalai Lama's portrait with slogans written over it. However, the man was unable to immediately identify the self-immolator as the body had burnt beyond recognition.

On 27 May, as soon as Sangyal Tso's self-immolation was discovered, local police immediately took her body to Tsoe (Ch: Hezuo) city, capital of Kanlho Tibetan Autonomous Pre-

fecture. A group of police officers then visited Sangyal Tso's home and ordered her family members to keep the incident secret and to tell others who inquire about her that she died a natural death. At around 11 am on 28 May, the authorities called two family members to collect the ashes of Sangyal Tso; the officials had already cremated her body. After the authorities handed over the ashes, family members were finally allowed to perform prayers and rituals.

Sangyal Tso was born and raised in Meru Sipa Village in Nyinpa (Ch: Niba) Township, Chone County. In 2003, she went to Lhasa, and the following year she married Tadrin Wangyal. After her marriage, she stayed at Lhasa doing small businesses to earn her livelihood. In 2007, she returned home and set up a shop running a restaurant, a guesthouse and a convenience store in Dingxi city. Around 2010, she visited Nagchu (Ch: Naqu) where she worked for some time. She had returned to Chone a few days before her immolation.

Sangyal Tso had two children, son Tsering Dhondup and daughter Khando, from her marriage with Tadrin. The couple led a self-sufficient life owning two houses in Chone and Labrang (Ch: Xiahe) County. After deciding not to send their two children to a Chinese school where Tibetan is not taught, they admitted their children in a Tibetan school located in Malho (Ch: Huangnan) Tibetan Autonomous Prefecture (Qinghai Province). Sangyal Tso had called in her father-in-law to take care of the children while they attended the school in Malho.

### **Crackdown widens as Chinese government detains husband of dead Tibetan self-immolator** WEDNESDAY, 17 JUNE 2015

Chinese authorities have arbitrarily detained husband of Sangyal Tso, the mother of two who died of self-immolation late last month in Dokhog (Ch: Daogao) Township in Chone (Ch: Zhuoni) County, Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province, in the Tibetan province of Amdo.

According to information received by TCHRD, on 10 June 2015 police detained Tadrin Wangyal, husband of Sangyal Tso, along with a monk named Trinley Gyatso, a resident of Gyache village in Nyinpa Township, Chone County. The security officers who carried out the detentions gave no reasons but local Tibetan residents speculate that they have been arrested on account of the police's suspicion that they were connected to Sangyal Tso's self-immolation.

With the detention of Tadrin Wangyal and Trinley Gyatso, the number of known Tibetans detained following Sangyal Tso's self-immolation has grown to five including three other monks who, as TCHRD reported earlier, were detained following the self-immolation. The three monks are Tenzin Soepa, a nephew of Sangyal Tso, and two other monks, Samten

Gyatso and Lobsang Tenzin. All five of them are being held at a detention center in Chone County.

All four detained monks belonged to Choephel Shing Tashi Choekorling Monastery in Dokhog Township. Local authorities detained Tenzin Soepa, a monk from the traditional Tibetan medical section of Choephel Shing Tashi Choekorling Monastery, on 28 May, a day after his aunt Sangyal Tso died of self-immolation protest. Samten Gyatso, a student at the monastery's traditional medical college was detained on 4 June and taken to an undisclosed location. Lobsang Tenzin was a student of Buddhist dialectics college at the monastery until his sudden and arbitrary detention on 5 June.

With the death of Sangyal Tso, and the subsequent detention of her husband Tadrin Wangyal, their two children, son Tsering Dondrup and daughter Khandro, are now being taken care of by their paternal grandfather.

In the early morning of 27 May 2015, Sangyal Tso self-immolated and died in protest against the Chinese government policies in front of a Chinese office, near Tashi Chokhorling monastery in Dokhag Township.

Sources said that the area in which the monastery of Tashi Chokhorling is located has been subjected to severe police and military raids. All communication lines, including phone and Internet services, in the area have been shut down.

Tashi Chokhorling Monastery was founded by the first Lama Karpo, named Jetsun Jampa Thutop Kunga Gyalsten Pal Zangpo, in 1886. The monastery has a population of 500 monks, and offers courses on Buddhist dialectics, Kalachakra rituals, Tibetan medicine and so on.

Twenty-two Tibetan villages in Chone are closely associated with the monastery. They include villages such as Gyache, Sipa, Gatsal, Kerek, Yul Zetsel, Gunpa, Gotsang, Shingkhram, Gonjo Thangka, Gonjo Gongma, Draktsa, Lungdo, Lungbu Nang, Gyalu Thang, Martsang, Petsi Thang, Dokhog, Jaog, Phenkyim, Agyu Nang, and Tagag.

### **Two more monks secretly detained following Tibetan mother's self-immolation** TUESDAY, 9 JUNE 2015

Chinese authorities have deepened the crackdown on local Tibetans following the self-immolation of Sangyal Tso, a Tibetan mother of two, who died of self-immolation protest late last month in Dokhog (Ch: Daogao) Township in Chone (Ch: Zhuoni) County, Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, Gansu Province, in the Tibetan province of Amdo.

According to reliable information received by TCHRD, two monks were detained in the first week of June from Choephel

Shing Tashi Choekorling Monastery based in Dokhog Township. Samten Gyatso, a student at the monastery's traditional medical college was detained on 4 June and taken to an undisclosed location. Lobsang Tenzin was a student of Buddhist dialectics college at the monastery until his sudden and arbitrary detention on 5 June.

Both monks are in their 20s and hail from the same village as Sangyal Tso, who was born and raised in Meru Sipa Village in Nyinpa (Ch: Niba) Township, Chone County. There is no information on the current condition and well-being of the monks.

Although relevant police officers provided no explanation for the arbitrary and incommunicado detention of the monks, local Tibetans suspect that the monks were most probably detained for sharing information about Sangyal Tso's self-immolation protests via voice messaging service such as WeChat.

New information on Sangyal Tso reveals that months before the mother of two had sent all her precious belongings including jewelry and other expensive clothing to her in-laws' home hoping that these would be used in funding her children's education in future. After her death, local officials visited Tso's in-laws' home and forced them to take out all the things she had sent, and then took pictures of them. Other family members of Sangyal Tso are being subjected to severe interrogations.

Sources told TCHRD that restrictions on local Tibetans in Chone including Meru Sipa Village have increased with the authorities monitoring and surveilling communication channels including voice messaging services and emails.

TCHRD condemns the Chinese government's continued crackdown on self-immolation protests and the attendant human rights violations, without ever making the effort to listen to what the self-immolators have to say. Instead the Chinese government has made it a standard propaganda practice to project Tibetan self-immolators in negative, degrading and 'slavish' light, with one official claiming that self-immolation protests were "instigated" by hostile forces aiming to split People's Republic of China, conveniently killing off the personal self-determination of the 141 Tibetans who chose to protest through self-immolation. Such evasive statements do not negate the fact that Tibetans are choosing to die than live under repressive policies of the Chinese government.

"Arbitrary detention, arrest, torture, unfair sentencing: these will not help deter self-immolation protests," said Tsering Tsomo, director of TCHRD. "To begin with, the Chinese government must take responsibility for the death and destruction its policies have caused to over 141 Tibetan self-immolators and their family members. The ongoing self-immolation protests are radical reminders to the Chinese government that its

policy and its approach to Tibetans have failed."

## **China's white paper on human rights is significant for its omissions**

SATURDAY, 13 JUNE 2015

On 8 June 2015, the People's Republic of China (PRC) released a white paper on its human rights record. Consistent with the previous 11 white papers on human rights, the most recent white paper attempts to hide the PRC's human rights violations. Previous White Papers have argued that the PRC deserves exceptions from universally accepted human rights. This exception is claimed by adding "Chinese characteristics" to universally accepted values. Most often, Chinese characteristics involve emphasizing the rights of communities at the expense of the individual. Because human rights are needed to protect the most vulnerable, excusing the suffering of a few individuals for the "greater good" cannot be justified.

In the most recent white paper, the PRC did not highlight this claim for an exemption. Instead, the white paper attempted to distract people with numbers that purportedly demonstrated the PRC's progress in advancing human rights. At times, these numbers were simply irrelevant. Other times, the numbers lacked the context necessary to be relevant. With the exception of sub-sections that addressed ethnic minorities or specific regional issues, the number applied to all of the PRC. By not breaking down the numbers, the PRC implicitly argued that the collective was more important than the individual. The numbers also hid the impact of the PRC's policies on the people most threatened by the PRC and most in need of human rights protections.

For example, the white paper proudly claimed that the number of Chinese citizens that traveled abroad for private purposes increased by almost 20% to just over 110 million people. All people are guaranteed the right to travel by human rights law. In the PRC, Tibetans are denied passports and prohibited from traveling internationally. That Tibetans are not allowed to travel is much more relevant to the right to travel than the number of people allowed to travel abroad.

Similarly, the white paper gave statistics without context. The white paper claims accurately, that the life expectancy has increased and infant and maternal mortality rates have decreased in Tibet. It fails to add that life expectancy and numerous indicators of maternal and child health shows that Tibet is far worse than any area of the PRC. Particularly with life expectancy, where data is available going back to when Tibet was independent, despite a similar starting point, Tibet is now worse off than the PRC. The white paper describes this as evidence of the PRC's "tremendous achievement." In another section, the white paper refers to economic growth in "ethnic minority areas" to avoid the fact that migrant workers

benefit from economic growth and Tibetans are left behind.

The white paper not only hides evidence of the PRC's abysmal human rights policy by providing incomplete data. The treatment of Tibetan prisoners and the forcible resettlement of Tibetan nomads are completely ignored. The white paper officially recognizes that torture has occurred in Chinese prisons. In the context of explaining almost 50,000 cases were subject to illegal investigation activities, the white paper acknowledged that confessions were extorted by torture. The emphasis of the section is on effective prison reforms and assumes that opinions correcting illegal tactics, including torture, as sufficient to satisfy the PRC's international obligations.

Merely issuing opinions condemning torture is not enough. The Convention Against Torture requires that States, including the PRC, take effective measures to prevent torture. Torture includes interrogation tactics that inflict severe pain or suffering and the denial of medical care. Tibetan detainees are subjected to interrogation tactics that include the use of electric batons and the beating of detainee's feet. Following a shooting in August 2014 in Kardze (Ch: Ganzi) County, injured protesters were denied medical care and died of their injuries days later. Procedural safeguards that only condemn the use of illegal tactics, including torture, cannot effectively end the systematic torture that is present in detention centres and prisons in Tibet.

The white paper claims that the Ministry of Public Security has launched a special program to improve safety in detention centers. These reforms, if they are real, have not reached Tibet. In 2014, the number of Tibetans who died because of their treatment in detention centres increased substantially. Since 2008, 18 known Tibetans have died because of their treatment in detention. Ten known Tibetans died during 2014.

The PRC frequently refers to the resettlement of the Tibetan nomads as a policy success. The contradiction between the PRC's rhetoric and reality is stark in the white paper. The white paper mentions how the PRC spent hundreds of millions of dollars resettling almost 1 million "impoverished people from poverty-stricken areas." While not referred directly to Tibetan nomads, the resettlement of Tibetan nomads is frequently cited as a means of lifting them out of poverty. In reality, the forcible resettlement of the nomads forces them to abandon their sustainable lifestyle and into debt. Resettling the nomads harms the environment and risks losing generations of knowledge of how to live on the Tibetan plateau. However, the white paper praises the resettlement while simultaneously praising the training of farmers in the PRC. The PRC can protect human rights and the environment more effectively by not forcing the nomads off their land, and allowing them to continue their traditional way of life.

At times the white paper applied modified international human rights standards. By redefining accepted human rights

terms, the white paper sought to justify human rights abuses. The most dramatic redefining is the white paper's references to "Consultative democracy." The white paper claims that consultative democracy is a form of democracy unique to China's socialist system. Essentially, claiming the right to democracy with Chinese characteristics. Consultative democracy includes the orderly participation of citizens in governance. The euphemistic references to "orderly participation" have been used to justify restrictions of online communications and the right to freedom of assembly and associations. Framing the PRC's restrictions on human rights as democratic allows the PRC to claim that the restrictions are necessary in a democratic society. Any restriction on a qualified right, including the rights to manifest religion, assembly, and expression, must be necessary in a democratic society. Redefining "democracy" gives the PRC more backing to justify restricting rights. Because Article 5 of both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights prohibit interpretations that undermine the rights and freedoms in the covenants, the PRC cannot make impermissible restrictions permissible. By redefining "democracy" the PRC is making it easier to speciously justify impermissible restrictions.

Following the terrorist attack in 2001 many States adopted laws designed to prosecute and prevent terrorism. The PRC, and other States, seized the opportunity to relabel human rights defenders and critics of the government as terrorist. The relabeling was designed to justify and hide human rights abuses. The white paper continued this practice. The white paper announced 558 cases involving 712 defendants who were charged with "inciting separatism and terrorism." The white paper mentioned specific attacks to justify the prosecutions. However, in 2014, Tibetans were given long prison sentences despite having no connection to terrorism. For example, Tsangyang Gyatso, was sentenced to 12 years in prison for "inciting separatism." In reality he was accused of contacting outsiders and inciting a protest. Even if true, both allegations are protected by human rights and unrelated to terrorism. By redefining terrorist, the white paper gives the PRC grounds to claim to be fighting a substantial terrorist threat and continue imprisoning non-violent activists and human rights defenders.

On the whole the white paper on human rights progress is a continuation of the same tactics in previous white papers. It seeks to make the PRC appear to be a champion of human rights by providing misleading information and ignoring the real human rights situation in the PRC and the real purpose of human rights protections.

### **Preview of Tibetan writer Dhi Lhaden's new book in translation**

TUESDAY, 9 JUNE 2015

The Tibetan Centre for Human Rights and Democracy

(TCHRD) is pleased to present an exclusive preview of Dhi Lhaden's new book titled 'The Art of Passive Resistance', now translated into English.

Dhi Lhaden is a Tibetan monk, intellectual and writer born in 1980 at Dida Village in Pema (Ch: Baima) County, Golog (Ch: Guoluo) Tibetan Autonomous Prefecture (Qinghai Province), in the Tibetan province of Amdo. Originally named as Lhaden (popularly called Dhi Lhaden), he is also known by his ordained name, Thubten Lobsang Lhundup. At 11, he was admitted to his local monastery and four years later joined Serthar Buddhist Institute in Serta County, Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture (Sichuan Province). At 28, he went to Lhasa for further studies at Drepung and Sera Monastery but had to cut his studies short.

Since 2008, he has been visiting various places in Tibet to experience and record the observations of fellow Tibetans.

This latest book, originally titled Tungol Trimtug ('Resistance Through Cooperation With Law') is Lhaden's second, published and translated by TCHRD. Di Lhaden's first book titled Tsesok Le Trun Pe Kecha ('Words Uttered With Life at Risk') was published in March 2011 by TCHRD. This book was released on the third anniversary of 2008 Mass Uprising in Tibet and the 16th session of the UN Human Rights Council in Geneva.

Dhi Lhaden's "The Art of Passive Resistance" and its original Tibetan version will be released on 29 June 2015.

### Freedom

The chain that chokes the precious human life is the mistaken notion that there is a higher authority above oneself, be it a government, nation, feudal lords or priests.

In democracy, the laws have universal value in that they are meant to protect the rights and freedoms of all citizens. They are universal in the sense that they are applied equally to all individuals without any discrimination on the basis of their ethnicity, caste or gender. Democracy requires the law to reign in the possible excesses that the citizens might commit. If the laws fail to protect and promote rights and freedoms of citizens, they should be discarded. If the laws promote the interest of a few ruling elites, it should be disobeyed. So when we say that laws and freedom are not necessarily mutually exclusive, it means the laws help secure freedom and rights. Therefore, laws that serve the interest of a particular ruling class, a particular political party, or a particular tradition at the expense of the freedom and rights of the citizens cannot be considered just.

As far as political freedom is concerned, every person should have the freedom to be a member of any political organization, freedom to vote and freedom to equal entitlement of legal benefits. Political freedoms also include the rights of citizens

to criticize and protest, including publication of literatures against corrupt and ineffective governments and government officials. Without such freedoms and rights, governments and government officials would remain unaccountable and the democratic rights of citizens would be undermined. As far as spiritual freedom is concerned, everyone should have the freedom of religious belief. This includes freedom of citizens to express (and not express) belief in any kind of religion, prophet and religious leader; freedom of religious institutions to propound their religious ideas within the country; and most importantly freedom of the religious community to practice religious rituals and appoint their own religious leaders and officials in accordance with the fundamental tenets of their religions, without any arbitrary interference from secular authorities.

The constitution of tyrannical regimes might proclaim citizens' right to protest, assembly, free speech, and to 'criticize government officials'. But such proclamations are mere facade aimed at either manipulating the people or showing a positive image to the international community. This fact is corroborated by our experience of arrests and torture, under various pretexts, every time we tried to exercise these so-called rights.

In history, struggle for equal rights and opportunities began with 'small' incidents. In the US, it was the refusal of Rosa Parks, an African-American woman, to vacate her seat for a white person on 1 December 1955. For this act of resistance, Rosa Parks was imprisoned for fourteen days, but it sparked the Montgomery Bus Boycott. The US Supreme court eventually declared that the Montgomery law on segregated buses was unconstitutional. Similarly, in 1960, the Greensboro sit-ins, started by black students, in Greensboro, North Carolina, led to the Woolworth department store chain reversing its policy of racial segregation in the Southern US. Tibetans also face similar kind of racial discrimination today.

When Tibetans visit Chinese cities, Chinese look down upon them by raising their eyebrows, murmuring among themselves and covering their noses, saying 'these are minority people.' There have been many incidents of taxis, hotels, and shops refusing service to people wearing traditional Tibetan robes. This scourge of racism has even spread to Tibetan cities like Lhasa, as documented in the writings of authors such as Dronq Yonten and me. Aren't these racial discriminations similar to the ones faced by African-Americans during Martin King's era? Wouldn't such racial discrimination spark a Tibetan version of Montgomery Bus Boycott and Greensboro sit-ins? To avoid such incidents, equality must be ensured between the Tibetans and Chinese, rather than Chinese people occupying all political power and Tibetans serving as mere subjects. Equality between the Tibetans and Chinese is the best way to ensure social stability and harmony. Today a few Tibetans bemoan their fate of being born as Tibetans. Some Tibetans are incensed by such lamentations, but I personally sympathize with them, because their lamentations are caused

by the hardships and sufferings of their lived experience as an oppressed people.

### Democracy and Rule of Law

Rule of law differentiates democracy from tyranny. One of the indispensable attributes of democracy is rule of law. Tyranny allows the supreme reign of rule of men over rule of law. Democracy requires that no one, be it an individual or organization, is above and beyond the law. In democracy, the ultimate authority lays with the constitution- a set of written laws, not with some powerful men or a ruling political party. In democracy, all are equal before the law: from the most powerful president to the ordinary citizen. In democracy, constitution and laws are created not to serve the interest of a few powerful men or a particular political party; every citizen, through their representatives, has a stake. No absolute and infallible political party, ideology and leaders can exist in a democracy based on rule of law. Citizens must assume their own responsibilities to run the country. There cannot be an absolute, near-divine, infallible political party or leaders who lead the citizens by their noses.

In democracies, people elect political leaders including presidents and prime ministers. The people, through their elected representatives, frame laws and constitution. The people have the power to impeach presidents and prime ministers; the people, for their own interest, can amend the laws and constitution of the nation. Since the people make their own laws, it is their primary responsibility to respect and abide by these laws.

Laws are absolutely required if human beings want their rights and security to be protected. But there is no guarantee that laws can secure human rights and welfare. It depends upon many circumstances whether laws can be legitimate or not. For instance, there could be laws and constitution proping up a tyrannical regime; they do this by granting absolute power to one particular religious, political, cultural or ethnic community. Under such tyrannical regimes, there shall be no equality and democracy given the fact that one political

group monopolizes all power. Such tyrannical regimes trampling upon the rights of the majority of citizens continue to exist everywhere.

The reason we pursue democracy is because it is the only form of government, the only iron fortress, that truly protects fundamental human rights to freedom, equality and justice. Only in democracy, founded on the rule of law, citizens can hope to gain these rights. Other forms of government cannot guarantee these rights. This is the reason we have chosen democracy out of all systems of political governance. Every human being on this planet cherishes and fights for democracy and the rule of law. He or she knows that no system of political governance exists other than democracy that can ensure

our fundamental human rights and freedoms.

In short, democracy is not just paying a mere lip service to the rule of law. There should be a genuine implementation of the rule of law, which is equal treatment of all citizens, irrespective of their caste, class, color, gender, ethnicity and political beliefs. A real democracy allows citizens to participate freely in national affairs through various means such as voting, petitions and starting socio-political organizations. Citizens also have the rights to assembly and free speech, which includes right to criticize their governments through mass demonstrations, and publication and dissemination of critical literature.

Since the whole universe cherishes democracy, all political regimes claim themselves to be democratic. But what we are looking for is a genuine democracy founded on the rule of law that protects human equality and freedom. Democracy as a form of political governance first flourished in the European continent and then spread to North America. In fact Europe is the only continent filled with democratic countries. Asia and Africa remain far behind when it comes to democracy and other scientific advancements.

Fortunately, our continent is now being flooded with rays of democracy, somewhat like the proverbial light dispelling the darkness. Beginning with the toppling of Indonesian military dictatorship in 2010, we have now seen the fall of dictatorships in Middle Eastern nations such as Egypt, Libya and Yemen. Even Burma and Bhutan have started walking the path of democratic reforms. Other dictatorial regimes are now being threatened by waves of democratic protests. These momentous changes give us new hope and belief. In our own neighborhood, we see a rise of national consciousness and yearning for democracy and human rights among the youth. All these developments indicate the rise of a new sun of democracy in the foreseeable future. As I wrote in my previous work, "At a time when the whole world is walking the great path of democracy, dictatorial regimes cannot remain in denial and hiding; they too have to follow this path. How soon they do that depends on the courage and determination of the people."

### Characteristics of Democracy

□ In democracy the public elects the leaders of the nation. However, election of leaders does not necessarily result in a genuinely democratic form of government. We could have dictatorships, in which leaders are being elected through a façade of public voting. Or we could have authoritarian regimes elected by the people, who are still enslaved by customs and traditions. Under such regimes, real democracy cannot exist since people literally worship their leaders.

□ The second characteristic of democracy is that it should have a legislative assembly. But having a legislative assembly does not necessarily guarantee a genuine form of

democratic government. Members of the legislative assembly might serve a dictatorship; fear and opportunities for making money and career might lure them to become the lackeys of dictatorship.

□ Another indispensable characteristic of democracy is a written constitution. But simply having a written constitution does not necessarily make a country democratic. Tyrannical regimes too write constitution to impress and manipulate the opinion of the world community. Such tyrannical regimes do not practice what they preach in their constitutions. They are like the proverbial 'butchers holding the holy Buddhist text.'

□ As Montesquieu advocated, there must be separation of powers between the three organs of the government: the legislature, the executive and the judiciary. However, having these three pillars of government is not enough. There is after all the danger that these three organs of government might be in cahoots with each other to form a dictatorship. Or these three organs of government might literally worship one supreme authoritarian ruler.

□ The final and most important characteristic of democracy is that the will of the people should reign supreme. Democracy requires safeguards for the fundamental rights and freedoms of the citizens. These include the right to free expression, right to assembly, right to publish and disseminate literature and so on.

In societies that we live in, we have some semblance of the first four characteristics of democracy. What is lacking absolutely is the final characteristic- that the will of the people should hold supreme. As far as we are concerned, we do not even possess an iota of civil and political rights. As a result, we cannot claim to have genuine democracy. Values such as peace, freedom, equality and democracy are universally cherished. Most people on this planet today have access to them, but not Tibetans. We live in a country that has just began reluctantly to give some attention to these values.

### **Non-violence: The Path to Justice**

So what strategies or methods of non-violence are available? Scholars usually say that there are more than 200 of them, but depending upon the creativity of each and every individual, there could be more. During Indian independence struggle and the civil rights movement in the US, people engaged in various forms of non-violent protest such as quitting their official jobs, boycotting schools/colleges, cafes, restaurants, bars, shops and so on. These strategies proved very effective. As far as Tibetan people are concerned, we have protested, distributed leaflets, published and disseminated books; burned the Chinese Red Flag; boycotted the Tibetan New Year, farming, Chinese products; produced music CDs and DVDs; conducted life long prayers and rituals for the Dalai Lama; and committed self-immolations. These are not the ul-

itimate strategies of non-violence. People might come up with new and original strategies based on new circumstances. If one asks the question what makes a path non-violent, we can say that it needs to have the following features:

According to religion, any act that does not harm others is considered non-violent. As Buddhism states, "Harming others is not an act of virtue, it is not an act of non-violence." Such a definition of non-violence is broadly accepted by all world religions, notwithstanding some subtle differences. This is the reason we see religion's influence on the core idea of non-violence propagated by Gandhi, Martin King and Dalai Lama. Non-violence, in short, means any act of protest or demonstration aimed at fully regaining one's rights from the oppressor, without causing any damage to human lives and property. Non-violence is not aimed at annihilating an enemy. Gandhi said that non-violence means not running away like wolves from the tyrants, but confronting them. He said that non-violence is all about resisting evil by using courage and determination: "I contemplate a mental and, therefore, a moral opposition to immoralities. I seek entirely to blunt the edge of the tyrant's sword, not by putting up against it a sharper-edged weapon, but by disappointing his expectation that I would be offering physical resistance."

Moreover, Gandhi said that non-violence accords with the precepts of religion and is the highest form of moral principle. It needs to be stressed that Gandhi did not condemn violent form of resistance. He claimed that violent resistance has the power to put pressure on colonial regimes. He only expressed his differences with violent resistance, stating that the day people of India chose violence he would resign from his position and retire into the wilderness. Eventually, his non-violent resistance against the British helped India regain her independence. Martin King also advised his followers not to poison the non-violent struggle with violence. He told them to strengthen their character by raising the armory of non-violence inside their hearts so that they could defeat the enemy of violence outside. As we know, through his non-violent struggle, Martin King helped African Americans re-

gain their civil rights. Thanks to his efforts, today an African-American has become the President of the United States.

As we can learn from the examples of the above exponents of non-violent struggle, if we fight the battles without abiding by the principles of non-violence, we will lose our much-needed allies. The road to freedom will become messy. It seems that character and purity of soul form the true basis of a genuinely non-violent struggle. A violent resistance will be suicidal. It will be like the proverbial 'eggs smashed on the rocks.' We would moreover be branded as terrorists and bandits. This, as I said before, might alienate our allies.

**'The Art of Passive Resistance': Second book penned by underground Tibetan writer released**  
TUESDAY, 30 JUNE 2015

The Tibetan Centre for Human Rights and Democracy (TCHRD) released yesterday the second book written by underground Tibetan writer Dhi Lhaden, the courageous former monk and intellectual based in Amdo, Tibet.

Originally composed in Tibetan and titled Tungol Trimtug ('Resistance Through Cooperation With Law'), it has been translated into English with a new title 'The Art of Passive Resistance'. This is Lhaden's second book, translated and published by TCHRD.

In this book, Dhi Lhaden explores themes such as the rule of law, freedom, peace, equality, non-violence, and looks to public figures known for their approach of peaceful resistance such as the Dalai Lama, Gandhi, Martin Luther King Jr., and George Washington.

TCHRD expresses concern over the fate of the writer who remains underground even as unsubstantiated rumours indicate that local authorities had in the past announced cash prizes for any information about the writer's location. TCHRD remains resolute in defending and promoting the right to freedom of speech, expression and opinion of all writers, intellectuals and artists in Tibet.

Dhi Lhaden was born in 1980 at Dida Village in Pema (Ch: Baima) County, Golog (Ch: Guoluo) Tibetan Autonomous Prefecture (Qinghai Province), in the Tibetan province of Amdo. At 11, he was admitted to his local monastery and four years later joined Serthar Buddhist Institute in Serta County, Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture (Sichuan Province). At 28, he went to Lhasa and studied at Drepung and Sera Monastery. Since 2008, he has been visiting various places in Tibet to experience and record the observations of fellow Tibetans.

Dhi Lhaden's first book, Tsesok Le Trun Pe Kecha ("Words Uttered With Life at Risk") was published by TCHRD in

March 2011. This book was released on the third anniversary of 2008 Mass Uprising in Tibet and the 16th session of the United Nations Human Rights Council in Geneva.

**TCHRD calls on businesses to refrain from contributing to human rights abuses in Tibet**  
TUESDAY, 30 JUNE 2015

On 29 June the Tibetan Centre for Human Rights and Democracy (TCHRD) will release a code of conduct for businesses operating in Tibet. The code of conduct highlights the major human rights issues in Tibet and their human rights ob-

ligations. In 35 articles divided into eight categories, the code of conduct outlines how businesses can avoid contributing to or participating in human rights abuses in Tibet.

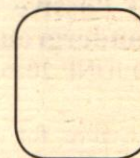
The code of conduct does not make any new demands or place extra requirements on businesses operating in Tibet. Instead, the code of conduct draws upon existing legal standards and standards accepted and endorsed by the People's Republic of China (PRC). Since their release in 2011, the UN Guiding Principles on Business and Human Rights defined businesses' human rights obligations. The Guiding Principles have been endorsed by the PRC. The code of conduct also draws heavily on the Chinese Chamber of Commerce of Metals, Minerals and Chemicals Imports and Exports (CCCMC) Guidelines for Chinese businesses operating outside of the PRC. Even though the CCCMC Guidelines are not official government standards, they have been endorsed by the PRC and held as an example of the PRC's commitment to corporate social responsibility.

Drawing on these two sources and other international standards, the code of conduct outlines how businesses operating in Tibet can fulfill their obligation to respect human rights and still do business in Tibet. As more multinational corporations are increasing their investment in the PRC and Tibetan areas it is crucial that they fulfill their human rights obligations and do not become complicit in human rights abuses in Tibet. By laying out how corporations can respect human rights in Tibet, TCHRD hopes businesses will contribute to improving the human rights situation in Tibet. Protecting and respecting human rights not only benefits the impacted communities, but it is good for businesses and, ultimately, the host government.

The code of conduct was researched and drafted by TCHRD's legal research officer Mr. John Gaudette. The research included Mr. Gaudette representing TCHRD at the UN Forum on Business and Human Rights in Geneva. At the UN Forum, Mr. Gaudette spoke with representatives of governments, business, and civil society. The trip to the UN Forum built upon discussions with human rights NGOs, lawyers, and businesses in Washington DC, Colorado, and California. TCHRD also solicited comments from Tibetan activists living in Dharamsala.

With its basis in established practice and drawing on discussions with stakeholders including Tibetan activists, the code of conduct establishes a baseline for businesses in Tibet. If businesses fail to follow the code of conduct, human rights groups and activists can hold them accountable. Rather than make arguments about a business's human rights obligations from scratch or appealing to overly broad principles, the code of conduct is a practical guide for how businesses should respect human rights in Tibet.

To



*If undelivered, please return to:*

Tibetan Centre for Human Rights & Democracy  
Narthang Building, Top Floor  
Gangchen Kyishong,  
Dharamsala - 176215  
Distt. Kangra  
H.P INDIA

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