



The Human Rights Crisis in Tibet: Europe Must Act!



BRIEFING NOTE

The European Solidarity Rally for Tibet - 2012

May 2012

By Society for Threatened Peoples International

Under Chinese domination Tibet¹ continues to remain in a state of constant fear, intimidation and persecution with the situation is deteriorating, day by day. Since the 2008 Uprising on the Tibetan Plateau, the human rights crisis faced the six million Tibetan people has been ignited by a series of intensified repressive policies and campaigns like the “people’s war” launched by the Chinese authorities, making life unbearable for Tibetans. Nomads are forcibly evicted from their ancestral lands, the precious natural resources of the Tibetan Plateau has led to destructive exploitation and exploration, huge numbers of security personnel have been deployed into the monasteries where forced indoctrination “patriotic re-education” sessions are conducted, censorship, propaganda and curtailment of the freedom of expression are vigorously enforced and Tibetans demanding freedom and the return of H. H. the Dalai Lama to Tibet are persecuted, detained under enforced disappearances and imprisoned with impunity facing the threat of torture and custodial deaths. More than thirty Tibetans, mostly monks and nuns have chosen self-immolation as the most drastic form of protest, to express their frustration about the Chinese oppression in Tibet. Even gatherings to pray for the dead ones are brutally suppressed by the Chinese authorities. On the other hand, the Sino-Tibetan dialogue has not resumed since February, 2010 while the Chinese authorities have failed to heed to the appeals that independent international experts be allowed to investigate the situation in Tibet.

Against this background the human rights crisis faced by the six million Tibetans today, one may look to their collective rights on which in 1961, the United Nations General Assembly while adopting resolution 1723 concerning the question of Tibet, solemnly renewed “call for the cessation of practices which deprive the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination.” Reaffirming this call in 1965, the General Assembly adopted resolution 2079 on Tibet declaring “its conviction that the violation of human rights and fundamental freedoms in Tibet and the suppression of the distinctive cultural and religious life of its people increase international tension and embitter relations between peoples.”

Today, the *Memorandum on Genuine Autonomy for the Tibetan People* presented to the Chinese authorities by the Tibetan Envoys during the Sino-Tibetan talks in 2009 stated: “Since the renewal of direct contact with the Central Government of the People's Republic of China (PRC) in 2002, extensive discussions have been held between the envoys of His Holiness the 14th Dalai Lama and representatives of the Central Government. In these discussions we have put forth clearly the aspirations of Tibetans. The essence of the Middle Way Approach is to secure genuine autonomy for the Tibetan people within the scope of the Constitution of the PRC. This is of mutual benefit and based on the longterm interest of both the Tibetan and Chinese peoples. We remain firmly committed not to seek separation or independence. We are seeking a solution to the Tibetan problem through genuine autonomy, which is compatible with the principles on autonomy in the Constitution of the People's Republic of China (PRC). The protection and development of the unique Tibetan identity in all its aspects serves the larger interest of humanity in general and those of the Tibetan and Chinese people in particular.”²

As the systematic violations of human rights and fundamental freedom of the Tibetan people continued without international scrutiny, the UN Sub-Commission on Human

1 The term Tibet covers the 3 regions of U-Tsang, Kham and Amdo (“Tibet Autonomous Region” and Tibetan areas in Qinghai, Gansu, Sichuan and Yunnan provinces in present-day People’s Republic of China).

2 <http://tibetoffice.ch/web/mwa/memorandum/english.pdf>

Rights adopted in August 1991 resolution 1991/10 on the “Situation in Tibet” expressing concern “at the continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious and national identity of the Tibetan people...and called upon “the Government of the People's Republic of China fully to respect the fundamental human rights and freedoms of the Tibetan people.”³

Since the emergence of the unprecedented 2008 Uprising across the Tibetan Plateau and continued protests and other forms of opposition to the Chinese rule, including protests at mining operations and of course, the alarming wave of self-immolations, governments, parliaments, NGOs and UN human rights mechanisms have repeatedly expressed their concerns over the prevailing deplorable situation in Tibet.

However, the People's Republic of China (PRC) has continued its “merciless repression” policy earlier used to suppress the Tibetan Uprisings in 1987, 1988 and 1989 in Tibet. On 10 March, 1990, the Dalai Lama said: “It is with sadness I note that, far from looking at the Tibetan issue from a fresh perspective, the Chinese authorities continue instead to use their awesome military might to crush the numerous protests of the Tibetans. Last year, in response to Tibetan protest demonstrations, the Chinese authorities imposed martial law in Lhasa. Martial law imposed in Beijing a few months later was recently lifted. In Lhasa, far from lifting the martial law the Chinese are intent on tightening the noose around the Tibetan people. Recent reports from Tibet indicate that further repressive measures are being carried out. These days the Chinese authorities are conducting house searches for participants of the pro-independence demonstrations. »⁴

In response to the brutal crackdown over the massive Tibetan protests, on 8 April 2008, human rights experts of the UN Human Rights Council issued a joint public statement saying that they have received information which “describes the arrest on 28 and 29 March of over 570 Tibetan monks, including some children, following raids by security forces on monasteries in Ngaba County and in Dzoge County in the Tibet Autonomous Region...arrests were made of those suspected of participating in protests and those suspected of communicating with the exiled Tibetan communities. These experts said they were deeply concerned by reports of security forces firing on protestors and alleged killings. Amid concerns that independent observers and foreign media have been restricted from accessing regions in which protests have taken place, the United Nations experts call for full access for independent observers and journalists to such regions and complete transparency on the part of the authorities.”⁵

Also in November 2009, the UN Committee Against Torture (CAT) while calling upon the Chinese authorities to conduct a thorough and independent inquiry into the reported excessive use of force, including against peaceful demonstrators and notably monks, in Kardze county, Ngaba county and Lhasa” expressed the following concerns:

3 <http://tibetjustice.org/materials/un/un7.html>

4 Statement of His Holiness the Dalai Lama on the Thirty-First Anniversary of the Tibetan National Uprising Day: <http://www.dalailama.com/messages/tibet/10th-march-archive/1990>

5 <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/04E93C974F48F850C125747002D7EAD?opendocument>

- a) The large number of persons detained or arrested in the aftermath of the March 2008 demonstrations and related events in the Tibetan Autonomous Region and neighbouring Tibetan prefectures and counties in Gansu, Sichuan and Qinghai provinces, and the reported lack of restraint with which persons were treated, based on numerous allegations and credible reports made available to the Committee;
- b) The failure to investigate the deaths resulting from indiscriminate firing by the police into crowds of reportedly largely peaceful demonstrators in Kardze county, Ngaba county and Lhasa;
- c) The failure to conduct independent and impartial investigations into allegations that some of the large number of persons detained or arrested have been subjected to torture or cruel, inhuman or degrading treatment;
- d) The failure to allow independent and impartial investigators into the region;
- e) The consistent allegations that some of those arrested could not notify their relatives, did not have prompt access to an independent doctor, nor to an independent lawyer, that lawyers offering to represent them were warned and otherwise deterred from providing that legal assistance, and that the speeded up trials of 69 Tibetans led to them being reportedly sentenced in a summary manner;
- f) The large number of persons who have been arrested, but whose current whereabouts remain unknown and which the State party has been unable to clarify despite written and oral requests from the Committee.⁶

The CAT also recommended that China “should ensure that all persons who were detained or arrested in the aftermath of the March 2008 events in the Tibetan Autonomous Region and neighbouring Tibetan prefectures and counties have prompt access to an independent lawyer and independent medical care and the right to lodge complaints in a confidential atmosphere, free from reprisal or harassment.”

In connection with the execution of two Tibetans in the aftermaths of the 2008 Tibetan Uprising, the European Union statement on 29 October 2009 condemned the executions of two Tibetans, Mr Lobsang Gyaltsen and Mr Loyak. The statement said: “On the basis of its principled opposition to the death penalty, the EU, on 8 May 2009, called for a commutation of the death sentences handed down by Lhasa Intermediate People’s Court to several Tibetans, among them Mr Lobsang Gyaltsen and Mr Loyak, following the Lhasa riots in March 2008...The EU respects China’s right to bring those responsible for the violence to justice but reaffirms its longstanding opposition to the use of the death penalty under all circumstances. The EU also recalls that in case the death penalty is maintained, internationally recognised minimum standards must be respected. These include all possible safeguards to ensure a fair trial and adequate representation. The EU reiterates its concerns about the conditions under which the trials were conducted, especially with regard to whether due process and other safeguards for a fair trial were

⁶ The Committee considered the fourth periodic report of China (CAT/C/CHN/4) at its 844th and 846th meetings, held on 7 and 10 November 2008 (CAT/C/SR.844 and 846), and adopted, at its 864th meeting, on 21 November 2008 (CAT/C/SR.864), the concluding observations: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/457/10/PDF/G0845710.pdf?OpenElement>

respected.⁷

As to the state of EU-China Human Rights Dialogue which has failed to bring about an substantial progress on the ground in Tibet, on 22 December 2011, observers were surprised by a statement by the EU Delegation to China that said: “The EU deeply regrets that the second session of the EU-China Dialogue on Human Rights in 2011 will not take place as previously agreed. It is disappointed by the absence of an answer by the Chinese side to its proposals for dates in order to hold this session of the Dialogue before the end of the year. It notes that this is the second year in a row in which the second session of the Dialogue is cancelled.”

Against this background, it is be important for the international community to understand some of the core human rights issues currently affecting the Tibetan people when their civil, political, economic, social and cultural rights are being violated on a massive scale today.

A new report, “60 Years of China’s Misrule: Arguing Cultural Genocide in Tibet” released recently finds that the Chinese authorities have engaged in a consistent effort over 60-plus years to replace authentic, organic Tibetan culture with a state-approved and controlled version that comports with the ideological, political and economic objectives of the Chinese Communist Party. This effort has been pursued through intentional policies that are designed to fundamentally alter Tibetan culture in a way that robs it of its essence and turns it into something that the Chinese authorities can manage...These elements of cultural genocide, combined with certain conditions such as: a history of acts of genocide against Tibetans as a religious group, unprecedented communal tensions, and officially sanctioned statements that provoke prejudice and hatred directed at Tibetans, have been recognized as precursors to conventional genocide elsewhere, and should sensitize the international community to take robust action in the case of Tibet.⁸

“Order No. 5” - The Question of Religious Freedom

On 3 September 2007, the heads of all the religious schools of Tibetan Buddhism; the monks, nuns, mantra holders and other lay followers of the respective schools and the Department of Religion and Culture of the Central Tibetan Administration issued a joint statement⁹ repudiating China's claim that it will have the final say on reincarnations of Tibetan Buddhism. China’s State Administration of Religious Affairs issued a document called the order no. 5, on *Management Measures for the Reincarnation of ‘Living Buddhas’ in Tibetan Buddhism*. The heads of all the religious schools of Tibetan Buddhism said that China Order No. 5 was: « Replete with contradictory statements and

⁷ <http://www.tibetpolicy.eu/news/international-political-news/298-declaration-by-the-presidency-on-behalf-of-the-european-union-regarding-the-recent-executions-of-two-tibetans> - The Candidate Countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as the Republic of Moldova aligned themselves with this declaration.

⁸ New report finds elements of cultural genocide in Tibet, International Campaign for Tibet, USA

⁹ <http://blog.studentsforafreetibet.org/2007/09/tibetan-government-in-exile-repudiates-chinas-reincarnation-rules/>

wild claims, the document reflects the ulterior or true motives of the Chinese leadership. Since it will serve as a big tool for the Chinese government to brutally repress the innocent Tibetans under their tyrannical rule – and will also be recorded as a gross historical misrepresentation – we feel it is necessary to issue a statement, repudiating this document. »

The statement further added : Order No. 5 was “...against the United Nation’s Declaration of Human Rights and the PRC’s constitution; that it is against history and the aspiration of the broad masses of people who believe in Tibetan Buddhism. Furthermore, it is a new weapon employed by the Chinese government to undermine Tibetan Buddhism, and to insult and oppress the Tibetan people.”

In reaction, His Holiness the Dalai Lama in a major statement issued in 2011¹⁰ voiced concern on China's claim by stating: ”Today, the authoritarian rulers of the People’s Republic of China, who as communists reject religion, but still involve themselves in religious affairs, have imposed a so-called re-education campaign and declared the so-called Order No. Five, concerning the control and recognition of reincarnations, which came into force on 1st September 2007. This is outrageous and disgraceful. The enforcement of various inappropriate methods for recognizing reincarnations to eradicate our unique Tibetan cultural traditions is doing damage that will be difficult to repair.”

In this statement the Dalai Lama also put on the record the declaration: “When I am about ninety I will consult the high Lamas of the Tibetan Buddhist traditions, the Tibetan public, and other concerned people who follow Tibetan Buddhism, and re-evaluate whether the institution of the Dalai Lama should continue or not. On that basis we will take a decision. If it is decided that the reincarnation of the Dalai Lama should continue and there is a need for the Fifteenth Dalai Lama to be recognized, responsibility for doing so will primarily rest on the concerned officers of the Dalai Lama’s Gaden Phodrang Trust. They should consult the various heads of the Tibetan Buddhist traditions and the reliable oath-bound Dharma Protectors who are linked inseparably to the lineage of the Dalai Lamas.”

On 1 November 2011, six United Nations independent experts voiced grave concern over reports of heavy security measures, in and around the area of the Tibetan Buddhist Kirti monastery - which houses some 2,500 monks- and other monasteries in Aba County, an area of Sichuan province with many ethnic Tibetans in south-west China. “Intimidation of the lay and monastic community must be avoided, and the right of members of the monastic community, and the wider community to freely practice their religion, should be fully respected and guaranteed by the Chinese Government,” stressed the UN Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt, noting that the recent deployment of security forces is reported to include officers in riot gear, soldiers with automatic rifles, and trucks and armed personnel on the streets leading to the monastery.¹¹

10Statement of His Holiness the Fourteenth Dalai Lama, Tenzin Gyatso, on the Issue of His Reincarnation: <http://www.dalailama.com/news/post/753-statement-of-his-holiness-the-fourteenth-dalai-lama-tenzin-gyatso-on-the-issue-of-his-reincarnation>

11China: UN experts warn of severe human rights restrictions on Tibetan Buddhist monasteries:

The Final Solution: Population Transfer of Chinese Settlers into Tibet

Today, if one looks at the demographics of Inner Mongolia, Eastern Turkestan (Xinjiang) and Tibet, the population transfers of Chinese settlers is now posing the biggest threat to the very survival of the cultural, religious and national identity of Mongolians, Tibetans and Uyghurs.

In August 2009, the UN Committee on the Elimination of Racial Discrimination (CERD) whilst acknowledging the information provided by China concerning natural migration within the State party, noted “with concern reports according to which the system of incentives granted to work and settle in the autonomous minority regions may result in substantive changes in the demographic composition that impact negatively on local traditions and cultures in these regions. The Committee reiterates its previous recommendation that any policies or incentives offered that may result in a substantial alteration of the demographic composition of autonomous minority areas be reviewed.”¹²

Touching on the matter of incentives for Chinese settlers, Ms. Woesser, a prominent Tibetan blogger in Beijing, in one blog stated: “In reality, however, already before the protests in March 2008, Tibet went through a reform of the household registration system, so as to encourage people from inside China to settle in Tibet and provide them with a Tibetan hukou (*household registration*). Workers from Sichuan, Henan, Shaanxi, Gansu and other provinces who came to build houses, open restaurants, repair cars, grow vegetables etc all had a “double hukou” and quite a few even changed their ethnic status. Many migrants bring their entire families along, so special migrant workers schools have been set up to cater to these people and even in local experimental primary schools or in Lhasa middle school, the proportion of non-Tibetan pupils is high. As for “college entrance exam migration”, out of the over 60 Tibetan students admitted to Beijing’s main universities, almost half are non-Tibetans who have changed their ethnic status and are officially registered as Tibetans. »¹³

Cultural Genocide-Eviction of Nomads

For the past many years, the Chinese authorities have been forcibly evicting Tibetan nomads from their ancestral lands to designated “socialist village” housing premises. It is expected that 50% to 80% of an estimated 2.25 million Tibetan nomads on the Tibetan Plateau will be evicted under this new policy implemented by China.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11555&LangID=E>

¹² The Committee considered the tenth to thirteenth periodic reports of China (CERD/C/CHN/13), including Hong Kong Special Administrative Region (CERD/C/HKG/13) and Macau Special Administrative Region (CERD/C/MAC/13), at its 1942nd and 1943rd meetings (CERD/C/SR.1942 and CERD/C/SR.1943), held on 7 and 10 August 2009. At its 1966th meeting (CERD/C/SR.1966), held on 25 August 2009, it adopted the following concluding observations: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/449/18/PDF/G0944918.pdf?OpenElement>

¹³ “Is Migration to Tibet Unrelated to Government Policies?” - <http://highpeakspureearth.com/2011/is-migration-to-tibet-unrelated-to-government-policies-by-woesser/>

His Holiness the 14th Dalai Lama spoke out against China's forced nomad resettlement at the Kalachakra teachings in Bodh Gaya in early 2012. In a rare audience with Tibetans from Tibet, the Dalai Lama urged China's leaders to “instead of forcefully resettling them, building of hospitals and schools for the nomads around their grazing areas would be more constructive.”¹⁴

The Special Rapporteur on the situation of human rights of indigenous peoples¹⁵ communicated to the Chinese authorities on 3 October 2007 stating that: “It was alleged that tens of thousands of Tibetans are being negatively affected by nomad settlement and resettlement, land confiscation and fencing policies, which are mainly implemented in Golok (Guoluo) and Yushu districts of Qinghai province, but also in the Tibet Autonomous Region (TAR) and other provinces that have large Tibetan populations, including Gansu, Sichuan and Yunnan. It was reported that these policies have had a very adverse impact on the traditional lifestyles and living patterns in Tibetan areas, affecting directly the fabric of traditional Tibetan life and devastating the economy of these communities. The implementation of these policies contributes to the challenges that Tibetan cultural and religious identity face today.”¹⁶

China responded on 21 December 2007 claiming that “...a series of projects for the benefit of the people in the Tibetan Autonomous Region (TAR) have been carried out. These projects support and encourage the rapid development of Tibetan economy and society, regenerate and strengthen agricultural and pastoral lands, and improve living and economic conditions of farmers and pastoralists...stressed that, at the same time, it has paid attention to and respected the thoughts of the Tibetan people and supported their traditional lives, customs, and culture...noted that it has received widespread support and favorable comments about the projects from the farmers and pastoralists.”

Following a fact-finding mission to PRC in 2010, the Special Rapporteur on the right to Food found that many of the re-settled nomads had lost their land, were unable to keep their livestock, were relocated to areas unsuitable for agriculture, could not practice their traditional livelihoods and were thus economically dependent on State aid.

In the mission report presented to the 19th session of the UN Human Rights Council¹⁷ this year, the Special Rapporteur made two important recommendations to the Chinese authorities:

- a) *suspend the non-voluntary resettlement of nomadic herders from their traditional lands and the non-voluntary relocation or re-housing programmes of other rural residents, in order to allow for meaningful consultations to take place with the affected communities, permitting parties to examine all available options, including*

¹⁴ <http://nomadrights.org/2012/03/19th-session-of-the-human-rights-council/#more-149>

¹⁵ Jointly with the Special Rapporteur Special Rapporteur on adequate housing and the Special Rapporteur on the right to food of the UN Human Rights Council

¹⁶ <http://www.phayul.com/news/article.aspx?id=22790&t=1>

¹⁷ Report of the Special Rapporteur on the right to food, Olivier De Schutter-Mission to China: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-59-Add1_en.pdf

recent strategies of sustainable management of marginal pastures;

- b) *Improve employment opportunities, education and health services in 'new socialist' villages, in order to enable the realization of the right to adequate food in all resettled rural habitants.*

A documentary called, "Dispatches-Undercover in Tibet"¹⁸ released in 2008 by Channel 4 British Television revealed how "the nomadic way of life being forcefully wiped out as native Tibetans are stripped of their land and livestock and are being resettled in concrete camps."

A Tibetan evicted from his grasslands told the documentary: "Life here is incredibly hard. People are suffering from hunger and hardship. They have no jobs and they have no food...no land. The only way they can fill their empty stomachs is by stealing. Nobody wanted to move here. But if you ask questions dressed like a Chinese, they won't dare to tell you the truth. They will only have good things to say because we live in terror...Its just like living through the Cultural Revolution. Everybody is so depressed, they look awful, their faces have become pale, and their eyes are sunken. Everyone is afraid of speaking the truth. I could be arrested tomorrow if they knew what I've just said."

Environment and Mining Protests

Today there is an unsettling trend taking place in Tibet. The Chinese authorities without the prior consent of the Tibetan people have embarked on large mining and related operations on the Tibetan Plateau. When the Tibetans have opposed these operations by formal petitions and by peaceful protests, they have been harassed and beaten and fired upon or rounded up at gun-point.

Many of the mining sites in question are sacred to Tibetans. In one case, Radio Free Asia reported that the Chinese miners told locals in Driru County in Nagchu Prefecture that "their permit had been approved by the Communist Party Secretary of the Tibet Autonomous Region (TAR)," and that those Tibetans protesting the mining site would be treated as separatists.¹⁹

In 2010, at least four people were killed when police officers fired upon a crowd of Tibetans protesting mining in Palyul County, Kardze Autonomous Prefecture.²⁰ More recent reports indicate that Tibetans protesting mining on the sacred pilgrimage route on Mount Khawa Karpo were threatened and attacked by company officials armed with wooden sticks with nails and harassed and arrested by local police.²¹

¹⁸ <http://www.channel4.com/news/articles/dispatches/undercover+in+tibet/1824047.html>

¹⁹ Radio Free Asia, "Villagers Block Work on Dam," 30 September 2010, <http://www.rfa.org/english/news/tibet/tibetans-resist-chinese-mine-09302010113540.html?searchterm=None>.

²⁰ Radio Free Asia, "Police Fire on Mine Protestors," 26 August 2010, <http://www.rfa.org/english/news/tibet/mine-08262010142756.html?searchterm=None>.

²¹ Phayul, "Tibetans halt Khawa Karpo mining project in Tibet," 15 February 2012, <http://www.phayul.com/news/article.aspx?id=30902&t=1>.

A recent report states that 6 monks, including the abbot of Lingka Monastery, were given prison terms ranging from 4-5 years after participating in a month-long anti-mining protest in October-November 2011 in Tamo, Shigatse. The report states that “a large number of police and armed forces were brought into the area to crush the protest after local police were outnumbered by the Tibetans. Many Tibetans were severely beaten and arrested in the crackdown.”²²

While Tibetans ultimately managed to stop the mining at the Mount Khawa Karpo, information describes the challenges they faced in their campaign. On January 20, 2012, a village leader who had tried to confront the mining company was ambushed by local police, tased and arrested. Some 200 community members surrounded the police station, and an ensuing riot resulted in violence and injuries on both sides, with at least one villager sent to the hospital with serious injuries. The leader was released, but protests continued as villagers demanded closure of the mine, and hundreds more villagers from the surrounding area joined in.²³

Right to Education: New Restrictions on Tibetan Language

Another major issue affecting the Tibetan people is how the Chinese authorities are exerting greater pressure to introduce Chinese as the medium of education while noting that the full scale of this campaign is yet to be determined.

On 22 October 2010, protests by Tibetan school and college students over plans to restrict the use of their language have spread from several areas of Qinghai to Beijing, according to a report²⁴ by International Campaign for Tibet (ICT). It said that several hundred Tibetan students at Minzu (Chinese: Nationality) University of China protested at noon today (October 22) to express their concern about the downgrading of the Tibetan language. This followed protests by hundreds of Tibetan students in the Rebkong and Chabcha areas of Qinghai sparked by new measures to increase Chinese-language medium teaching and undermine Tibetan language study.

On 20 October, thousands of students took to the streets in Amdo, in various towns in Chabcha (Chinese: Gonghe) county in Tsolho (Chinese: Hainan) Tibetan Autonomous Prefecture in Qinghai. According to various Tibetan sources in contact with Tibetans in the area, Tibetan students aged between 11 and 18 carried banners, written in both Tibetan and Chinese, reading “Equality Among Nationalities” and “Expand the Use of the Tibetan Language”. An eyewitness told Radio Free Asia: “The participants in the protests were students and we saw no participation from the public. All protest marching was peaceful and orderly.” Both Rebkong and Chabcha have the highest concentrations of students in the area.

²² Central Tibetan Administration, “Tibetans Jailed for Protesting Rampant Mining in Shigatse,” 3 March 2012, <http://tibet.net/2012/03/03/tibetans-jailed-for-protesting-rampant-mining-in-shigatse/>.

²³ Tibetan Villagers Halt Mining Project on Sacred Mountain: <http://intercontinentalcry.org/tibetan-villagers-halt-mining-project-on-sacred-mountain/>

²⁴ Protests by students against downgrading of Tibetan language spread to Beijing

The ICT report spoke about how the current Party Secretary of Qinghai province Qiang Wei has recently outlined the importance of the Chinese language over Tibetan, stating at a conference in education in September that: “Qinghai province has vigorously implemented state common language [Chinese] teaching in compulsory education while extending the ‘bilingual’ teaching of minority languages and scripts, making people of all minority nationalities grasp and use the Chinese language and script, thereby achieving ‘intercommunication between ethnics and Han’ [*minhan jiantong*].” He added that strengthening “bilingual” education, which asserts the importance of the Chinese language, is “an important political duty.” (Translation into English by ICT, of People’s Daily article, ‘Qinghai Province Party Secretary Qiang Wei: Make “bi-lingual” education a livelihood project’, September 30, http://edu.ifeng.com/news/detail_2010_09/30/2683643_0.shtml).

In a joint urgent appeal to China “regarding allegations relating to restrictions imposed on the use of the Tibetan language in schools in the Tibetan Autonomous Prefecture of China,” by four UN human rights experts²⁵ on 22 October, 2010, they said: “Such alleged restrictions on the use of the Tibetan language in schools would have a negative impact on those of Tibetan origin and the preservation and promotion of the Tibetan language generally. Concerns related to the impact of the education reforms on the education outcomes as well as to access to their cultural heritage of children whose mother tongue language was Tibetan. Those children had benefited from bilingual education that had enabled them to become proficient in both languages, ensuring access to their own cultural heritage.”

In his observation, Mr. Githu Muigai, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance stated that with regard to the use of the Tibetan language in schools in the Tibetan Autonomous Prefecture of China, the Special Rapporteur wishes to emphasize paragraph 82 of the Outcome document of the Durban Review Conference, which affirms that “The existence and the national or ethnic, cultural, religious and linguistic identity of minorities shall be protected, and the persons belonging to these minorities should be treated equally and enjoy human rights and fundamental freedoms without discrimination of any kind.”

Fate of Tibetan Political Prisoners

Since March 2008, the figure of Tibetan political prisoners has taken dramatic turn as massive arbitrary detentions and unfair trials sentenced them with the majority of them getting no legal representations of their choice.

In the 2011 Annual Report on China, the U. S. Congressional Executive Commission on China (CECC) said that during its 2011 reporting year, the Chinese government’s failure to provide details about Tibetans detained, charged, or sentenced for peaceful, protest-

²⁵ The Special Rapporteur on the right to education, the Independent Expert in the field of cultural rights, Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Independent Expert on minority issues of the UN Human Rights Council.

related activity during the period since March 10, 2008, has resulted in prolonged uncertainty about the current status of hundreds of cases. As of September 1, 2011, the Commission's Political Prisoner Database (PPD) contained 1,134 records of Tibetan political prisoners detained on or after March 10, 2008—a figure certain to be far from complete. No information is available, however, on the outcome of more than half (623) of the cases. More than half (348) of the 623 unresolved cases are presumed to have resulted in release based on the substantial period of time since detention—three years or more in hundreds of cases.²⁶

This report also added that as of September 1, 2011, the PPD contained records of 527 Tibetan political prisoners believed or presumed to be currently detained or imprisoned. Of those 527 records, 483 are records of Tibetans detained on or after March 10, 2008, 202 and 44 are records of Tibetans detained prior to March 10, 2008. PPD information for the period since March 10, 2008, is certain to be far from complete.

As to the fate of one of these political prisoners, Ms. Woesser a Tibetan blogger in Beijing wrote: Karma Samdrup is falsely under arrest, he has been for one year and 5 months already. Do people remember who he is? He is the Karma who is referred to as the “King of Heavenly Beads”, the Karma who set up the first non-governmental environmental protection organisation, the Karma who put a lot of effort into preserving Tibetan collective memories by collecting Tibetan cultural artefacts. Last year in June, during those extremely disturbing days, various accusations were fabricated and made public to frame him, and the law of this country failed to pass a fair and impartial judgement...It is a forlorn situation. People helplessly witness this miscarriage of justice that had taken place, they witness how those evil creatures who had fabricated Karma's wrongdoings, sentenced him to an entire 15 years in prison, they witness how he is wrongly put in jail, somewhere far away in the land of sandstorms – Shaya County in Aksu Prefecture, Xinjiang, a county which is just one enormous prison.²⁷

One of the latest case is that of Tibetans who were sentenced for their participation in a peaceful demonstration on 23 January, 2012 in Drango (Chinese: Luhuo) County, Kardze (Chinese: Ganzi) Tibetan Autonomous Prefecture, Sichuan province. On 26 April 2012, 16 Tibetans were sentenced Kardze Prefecture intermediate court. Sonam Lhundup (in his 30's) was sentenced to life imprisonment.²⁸

Enforced Disappearances

On 8 April 2011, the Working Group on Enforced or Involuntary Disappearances (WGEID) of the UN Human Rights Council expressed serious concern at the recent wave of enforced disappearances that allegedly took place in China over the last few months. One of the unresolved cases before the WGEID since 1995 is that of the Panchen Lama

26 <http://www.cecc.gov/pages/annualRpt/annualRpt11/AR2011final.pdf> (p.219)

27“*The Tears of Karma Samdrup's Mother*” By Woesser on how his mother was ill-treated by the Chinese authorities.

28 Sixteen Tibetans Get Heavy Prison Terms for Drango Protests:

http://www.tchrd.org/index.php?option=com_content&view=article&id=217:sixteen-tibetans-get-heavy-prison-terms-for-drango-protests&catid=70:2012-news&Itemid=162

of Tibet as recognised by the Dalai Lama. On this case the Working Group said: « A case going back 16 years is that concerning Gedhun Choekyi Nyima known as the 11th Panchen Lama. He disappeared in 1995 when he was six years old. While the Chinese authorities have admitted taking him, they have continually refused to divulge any information about him or his whereabouts, making his case an enforced disappearance. A number of human rights mechanisms including the UN Committee Against Torture, the UN Committee on the Rights of the Child, as well as Special Rapporteur on Freedom of Religion or Belief, have all called for his whereabouts to be revealed, to no avail. »

Enforced disappearance of Tibetans after arrest has now become a major concern following the Uprising in Tibet. One recent cases is that of Jigme Guri, a Tibetan scholar monk from Labrang monastery was taken into police custody on 20 August 20 2011 but went missing. This was his fourth detention. Upon release from an earlier detention, he recorded a video testimony in Tibet of racist treatment and torture in custody, which has been circulated on Youtube with English subtitles.²⁹ Jigme Guri, known as Labrang Jigme, was detained from a hotel in Tsoe (Chinese: Hezuo) city, Kanlho Tibetan Autonomous Prefecture in Gansu province.

After all these months of the enforced disappearance of Jigme Guri, the Tibetan Centre for Human Rights and Democracy reported on 12 February 2012 that they received information that on 1 January 2012 at around 3 pm (Tibet Time), the Kanlho Tibetan Autonomous Prefecture issued a procuratorate-approved arrest warrant for Jigme. The warrant states that Jigme is charged with engaging in activities aimed at splitting the country. The warrant (written in Chinese) further notes that Jigme is currently held in the Public Security Bureau detention Centre in Tsoe (Chinese: Hezuo) city.³⁰ His current fate is unknown.

Alarming Development-Self-Immolations

One of the most alarming development has been the self-immolation protests staged by Tibetans, mostly monks and nuns to expression their opposition to China's misguided policies in Tibet. The following brief facts³¹ as of 19 April, 2012 provide a quick overview:

- 35 Tibetans have been confirmed to have self-immolated since February 27, 2009
- 30 men, five women
- 25 of the 35 are known to have died following their protest
- 25 of the 35 are from Ngaba Tibetan and Qiang Autonomous Prefecture, Sichuan province
- One is from Chamdo prefecture in the Tibet Autonomous Region

²⁹ <http://www.youtube.com/watch?v=Ac-V82xAaUg>

³⁰ Jigme Guri's Impending Sentence: Arrest Warrant Surfaces:
http://tchrd.org/index.php?option=com_content&view=article&id=165:jigme-guris-impending-sentence-arrest-warrant-surfaces-&catid=70:2012-news&Itemid=162

³¹ <http://www.savetibet.org/resource-center/maps-data-fact-sheets/self-immolation-fact-sheet>

- Five are from Tibetan Autonomous areas in Qinghai province
- Seven of the 35 were monks at Kirti monastery in Ngaba
- Eight of the 35 are former monks at Kirti monastery in Ngaba (It is currently not known whether the eight chose to disrobe, or were expelled from the monastery by government authorities)
- Two of the 35 were nuns from Mame Dechen Chokorling nunnery in Ngaba
- 34 of the self-immolations have occurred since March 16, 2011

Unprecedented in the history of the Tibetan freedom struggle, on 27 February 2009, Tapey, a Kirti monk in his mid-twenties, walked alone to a nearby crossroads in the market area of the town in Ngaba (Chinese: Aba), Ngaba county, Ngaba Tibetan and Qiang Autonomous Prefecture, Sichuan province, setting himself on fire, raising a home-made Tibetan flag that had at its center a photograph of the Dalai Lama. Sources say that when the monk began to shout slogans (no details are yet known of what he said), People's Armed Police (PAP) personnel stationed nearby opened fire, and Tapey fell to the ground. Reports indicate that the PAP extinguished the fire after Tapey was shot and he was immediately taken away by police. His current whereabouts is unknown.

In the aftermath of China's repressive measures, reports of extrajudicial killings, arbitrary detentions, enforced disappearances and custodial deaths have emerged. For instance, on 14 January 2012, shooting followed the self-immolation of a Tibetan layman in Ngaba town when the Tibetan was observed being beaten severely by police as the flames were extinguished. Other Tibetans gathered around in distress attempted to take the body of the Tibetan who self-immolated away from police. According to various sources the Tibetan was dead.³²

In order to hide these developments, many Tibetan areas in Sichuan and Qinghai provinces have been virtually cut off from the outside world with journalists from foreign media, including BBC³³ and CNN³⁴ detained and expelled. A journalist who was able to sneak into Ngaba town reported that: "Sections of the town famous for its Tibetan Buddhist monasteries have come to resemble an armed camp. A few blocks from the entrance, paramilitary police stood behind riot gates with shotguns and assault rifles. Three large troop-carrier trucks sat on the side of the road, flanked by more men with guns. Up ahead, traffic wound through further riot gates and troop positions not unlike those used in counterinsurgency efforts...The security was so dense that it was impossible to speak with clergy or, indeed, anyone in Aba because of the risk of bringing danger to those interviewed. The Internet had been shut off and efforts to send text messages from Aba failed repeatedly.³⁵ Another journalist who managed to enter Ngaba observed that "Aba has road blocks, spot checks and a security presence reminiscent of conflict zones in the Middle East or Northern Ireland."³⁶

32 <http://savetibet.org/media-center/ict-news-reports/escalation-ngaba-following-self-immolation-two-tibetans-shot>

33 <http://www.bbc.co.uk/news/world-asia-16977978>

34 http://edition.cnn.com/2012/01/30/world/asia/china-arrest-grant/index.html?hpt=hp_c2

35 <http://www.mcclatchydc.com/2012/02/14/138867/rare-visit-to-remote-chinese-region.html>

36 <http://tibet.net/2012/02/13/tibetan-acts-of-self-immolation-rise-amid-the-battle-for-hearts-and-minds/>

As these self-immolations continued, China resorted to a heavy-handed crackdown, especially at monasteries and nunneries of those who self-immolated. On 21 April 2011, in a statement the Working Group on Enforced or Involuntary Disappearances said that “more than 300 monks of the Ngaba Kirti Monastery, located in Ngaba County, Sichuan Province, were allegedly arrested and taken to unknown destinations in ten military trucks. The arrests were reportedly carried out by agents from the People’s Armed Police, the Public Security Bureau and the People’s Liberation Army.”³⁷

“We call on the authorities to provide full information on the fate and the whereabouts of the persons who have disappeared,” said the Working Group, noting that it is reported that some of the monks have been released. “We encourage the authorities to undertake full investigations into the on-going practice of enforced disappearances and ensure that those responsible are prosecuted and receive sentences appropriate to the gravity of the crime.”

On 1 November 2011, the UN Special Rapporteur on the right to freedom of opinion and expression, Mr. Frank La Rue, expressed his “deep concern about allegations of restrictions to Internet access and mobile messaging services within Aba Country, as well as journalists’ lack of access to the region.” In his view, “rather than taking such measures, the Government should instead listen to and address the legitimate grievances of the monastic community.”³⁸

As to the analysis on why these self-immolations are taking place, Ming Xia, a professor of Political Science at the Graduate Center and the College of Staten Island, the City University of New York asked: “Why are Tibetans setting themselves on fire with such frequency? The Chinese government has denied any responsibility, instead blaming the Dalai Lama for encouraging such radical actions. However, this claim doesn’t stand up to scrutiny. The Chinese government has told the West that the Dalai Lama is irrelevant to Tibetans, while telling Chinese and Tibetans within China that he has been marginalized to the point of becoming a ‘political orphan.’ It’s therefore illogical to accuse him of being the mastermind behind radical actions taken by Tibetans.”³⁹

An audio testament left behind by Sonam Wangyal Sopa Rinpoche (known popularly as Sobha Tulku), who died on 8 January 2012 after self-immolating, is the only concrete document that has been left behind thus far. In his statement, Sobha Tulku said: “This is the year in which so many Tibetan heroes have died. I am sacrificing my body both to stand in solidarity with them in flesh and blood, and to seek repentance through this highest tantric honour of offering one’s body. This is not to seek personal fame or glory.”⁴⁰

International Reaction to the situation in Tibet

37 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11122&LangID=E>

38 UN experts warn of severe human rights restrictions on Tibetan Buddhist monasteries
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11555&LangID=E>

39 <http://tibet.net/2012/02/07/tibetans-burn-selves-for-freedom/>

40 <http://savetibet.org/media-center/tibet-news/man-fire>

In September 2009, Ms. Navanethem (Navi) Pillay, the UN High Commissioner for Human Rights, while speaking to the 12th session of the UN Human Rights Council (HRC) expressed concern at the situation in Eastern Turkestan and Tibet declaring that the underlying causes include “discrimination and the failure to protect minority rights.”

The High Commissioner’s report focusing on specific overarching issues that “form the roots of chronic human rights conditions as well as emergencies,” at an early stage added: “I followed with concern the recent disturbances in the Xinjiang Autonomous Region and those previously in the Tibetan Autonomous Region and surrounding areas. While condemning such violence and urging the Chinese authorities to respect human rights in upholding the law, I also encourage them to reflect on the underlying causes of such incidents, which include discrimination and the failure to protect minority rights.”

At the European Union level, on 25 November, 2011, Lady Catherine Ashton in response to questions from MEP Laszlo Tokes, Vice-President of the European Parliament and MEP Barbara Lochbihler, Chair, Subcommittee on Human Rights said: “I fully share your concerns over these shocking events. It has been clear for some time that measures implemented by the Chinese authorities appear seriously to undermine the religious and linguistic and cultural rights of the Tibetan minority. The EU raised the issue at the last EU-China human rights dialogue on 16 June. It expressed its concerns on a number of issues, including the increasing legal restrictions on religious practice in Tibet, the limitations on the teaching of the Tibetan language, the ongoing official campaign against Tibetan intellectuals and cultural figures, and the impact on Tibetan culture of the forced resettlement of nomads.”⁴¹

The European Parliament which had closely followed the situation in Tibet for decades, in a resolution passed last October condemned “the Chinese authorities’ continued crackdown on Tibetan monasteries and calls on them to lift the restrictions and security measures imposed on monasteries and lay communities, and to restore the lines of communication to the monks of Kirti Monastery...called on China “to guarantee freedom of religion to all its citizens in accordance with Article 18 of the Universal Declaration of Human Rights, and to abolish criminal and administrative penalties which target religion and have been used to punish citizens for exercising their right to freedom of religion. Furthermore, the resolution supported all major political parties represented in the Parliament asked China “to cease promoting policies which threaten the Tibetan language, culture, religion, heritage and environment, in contravention of the Chinese Constitution and the Chinese law granting autonomy to ethnic minorities.”⁴²

It should be noted that on 13 March 2012, Denmark on behalf of the European Union in a statement at the United Nations aired concern “about the human rights situation in China

41 Government Statements on Tibet Immolations and Crisis at Kirti Monastery:

<http://www.savetibet.org/resource-center/maps-data-fact-sheets/government-statements-tibet-immolations-and-crisis-kirti-monastery#EU>

42European Parliament resolution on Tibet, in particular self-immolation by nuns and monks:

<http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P7-RC-2011-0540&language=EN>

where over the last year, we have seen various cases of arbitrary detention, enforced disappearances and harsh prison sentences handed down for political reasons. Moreover, the Chinese authorities' heavy-handed measures in Tibetan-populated areas, especially in Sichuan province, give rise to serious concern. The EU was alarmed by recent reports about the violent suppression of protests in the region, which led to many injured and several fatalities. The EU calls on the Chinese authorities to allow all Tibetans, including monks, to exercise their cultural and religious rights without hindrance, to refrain from the use of force against peaceful protest and to improve the human rights situation in Tibet as well in other parts of China, as a means to ensuring peace and stability. The EU also calls for the unconditional release of all those imprisoned and detained solely for the peacefully exercising their basic rights, such as the freedom of expression, assembly, association and religion.”⁴³ This statement was also supported by non-EU members Croatia, Macedonia, Montenegro, Iceland, Serbia, Albania and Liechtenstein.

In April, 2012, 12 Nobel Laureates wrote to President Hu Jintao of China: “The people of Tibet wish to be heard. They have long sought meaningful autonomy, and chosen negotiation and friendly help as their means of attaining it. They now turn to protest. The international community is concerned by the drastic expressions of resentment by the people of Tibet through self-immolation. The Chinese government should hear their voices, understand their grievances and find a nonviolent solution...That solution is offered by our friend and brother His Holiness the Dalai Lama, who has never sought separatism, and has always chosen a peaceful path. We strongly urge the Chinese government to seize the opportunity he provides for a meaningful dialogue. Once formed, this channel should remain open, active and productive. It should address issues that are at the heart of the current tension, respecting the dignity of the Tibetan people and the integrity of China.”⁴⁴

Conclusion

The situation continues to be tense in Tibet today when latest reports say that enhanced security presence has created tensions at the Dzogchen township in Dege county in the Kardze (Ganzi) prefecture, where 3,000 to 4,000 Tibetans led by monks had protested on 25 April 2012 to condemn the crackdown on the Dzogchen Monastery, according to Radio Free Asia.⁴⁵

This report has highlights some of core human rights issues confronted by the six million Tibetan that requires the immediate attention and intervention by governments in Europe, in particular the Member-States of the European Union to the political will to resolve the Sino-Tibetan conflict.

⁴³Statement by H. E. Ambassador Steffen Smidt of Denmark on behalf of the European Union to the 19th session of the UN Human Rights Council

⁴⁴ <http://savetibet.org/media-center/tibet-news/12-nobel-laureates-chinese-president-open-dialogue-tibet>

⁴⁵ Situation 'Tense' in Sichuan Township: <http://www.rfa.org/english/news/tibet/tense-05062012172705.html>

China has ratified most of the UN human rights conventions and had even amended its Constitution that: "The State respects and protects human rights." The People's Republic of China is also bound by declaration of the United Nations 2005 General Assembly Summit that: "Each and individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity."

Governments in Europe should recognise that its bilateral human rights dialogue with China and the "common" position of the European Union not to scrutinise China for its human rights record at the United Nations has in fact encouraged the Chinese authorities to commit human rights violations with impunity, in the Tibetan case now for more than five decades.

Recommendations

This report recommends that Governments in Europe and Member-States of the European Union:

- Be consistent in expressing strong concern to China's leaders at the highest political level about their repressive policies in Tibet and call for the withdrawal of such policies.
- Press for a high level EU delegation to Tibet, including where self-immolations have taken place.
- Appoint an EU Special Coordinator for Tibetan Issues as recommended by the European Parliament.
- Call for the resumption of Sino-Tibetan talks.
- Seek the release of Tibetan political prisoners, including Gedhun Choekyi Nyima, the Eleventh Panchen Lama of Tibet.
- Recognise that population transfer of Chinese settlers into Eastern Turkestan (Xinjiang), Inner Mongolia and Tibet poses the biggest threat to the very survival of the religious, cultural and national identity of Uyghurs, Mongolians and Tibetans.
- Raise Tibet at multilateral avenues like the United Nations General Assembly and the Human Rights Council.