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IRB – Immigration and Refugee Board of Canada

China, India, Nepal: Situation and treatment of Tibetans in China; treatment of returnees to China, including returnees from India and Nepal (2017–October 2020) [ZZZ200323.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

According to a Minority Rights Group International (MRG) profile on Tibet, Tibetans in China "may number anywhere between 5 million and 7 million people in Tibet and the neighboring provinces of Qinghai, Gansu, and Sichuan" (MRG Nov. 2017). Sources report that, according to official data from China's census conducted in 2010, approximately 2.7 to 3 million Tibetans represent about 90 percent of the population of the Tibet Autonomous Region (TAR) (MRG Nov. 2017; US 10 June 2020, 50). The MRG profile notes that, "[w]hile a majority of Tibetans live in the TAR, there are millions living in neighbouring parts of China" (MRG Nov. 2017). The US Department of State's *International Religious Freedom Report for 2019* notes that "[o]utside the TAR, official census data show Tibetans constitute 24.4 percent of the total population in Qinghai Province, 2.1 percent in Sichuan Province, 1.8 percent in Gansu Province, and 0.3 percent in Yunnan Province" (US 10 June 2020, 50). The same source reports that the population of Tibetans within these provinces is greater in prefectures and counties that are classified as autonomous for Tibetans (US 10 June 2020, 50).

Sources report that the majority of Tibetans practice Tibetan Buddhism (MRG Nov. 2017; US 10 June 2020, 50). A 2017 Freedom House report on religion in China notes that the practice of Tibetan Buddhism is "sever[ely]" restricted (Freedom House Feb. 2017, 86). In correspondence with the Research Directorate, a representative of the UN, EU and Human Rights Desk at the Department of Information and International Relations, of the Central Tibetan Administration (CTA) [1] stated that Tibetans are prohibited from engaging in religious activities (CTA 10 Sept. 2020). The 2020 annual report by the US Commission on International Religious Freedom (USCIRF) notes that "[t]he Chinese government continues to pursue a strategy of forced assimilation and suppression of Tibetan Buddhism" (US 28 Apr. 2020, 14).

2. Treatment of Tibetan Nuns and Monks

Sources report that Chinese authorities monitor the activities of monasteries (Freedom House Feb. 2017, 86; CFR 11 Oct. 2018; US 10 June 2020, 51-52). The US *International Religious Freedom Report for 2019* indicates that authorities installed cameras in monasteries in the TAR and in other Tibetan areas (US 10 June 2020, 67). The 2017 Freedom House report notes that there is "heavy paramilitary and police presence surrounding key monasteries and video surveillance cameras installed within or near religious sites" (Freedom House Feb. 2017, 88). The same source also lists other governmental means of control over monasteries, including the following:

quotas on the number of monastics permitted, rules requiring official approval for religious activities within the monastery and in the surrounding community, and demands for detailed accounting of monastery finances and monthly reports on the progress of patriotic reeducation. (Freedom House Feb. 2017, 95)

An October 2019 Australian Department of Foreign Affairs and Trade (DFAT) country information report on China indicates that authorities have detained monks and nuns for suspicion of supporting Tibetan separatism or for supporting the Dalai Lama (Australia 3 Oct. 2019, para. 3.67). According to the USCIRF report, monks and nuns who have failed to denounce the Dalai Lama have been ousted from monasteries, imprisoned, and tortured (US 28 Apr. 2020, 14). The 2017 Freedom House report notes that "security forces regularly engage in severe—and at times fatal—acts of repression" against Tibetan Buddhists (Freedom House Feb. 2017, 88).

Sources report that in 2016 there were forced evictions of monks and nuns from Larung Gar, a preeminent center of Buddhist learning (CTA Apr. 2020, 2; RFA 21 July 2016). Similarly, in 2019 at Yachen Gar, a major Buddhist center in Tibet's Karze region, monks and nuns were forcibly evicted (CTA Apr. 2020, 5; RFA 1 Oct. 2019; Freedom House 4 Mar. 2020, Sec. D2), and monastic homes were also demolished (RFA 1 Oct. 2019; Freedom House 4 Mar. 2020, Sec. D2). According to sources, evicted monks and nuns were required to undergo political re-education (CTA Apr. 2020, 6; RFA 1 July 2019).

3. Treatment of Tibetans

3.1 Treatment by Authorities

Sources report that Tibetans face restrictions on their freedom of speech, religion, movement, and assembly (HRW 14 Jan. 2020, 133; Freedom House 4 Mar. 2020, Sec. D4, D2, G1, E1; Amnesty International 22 Feb. 2018, 128).

Sources report that Chinese authorities repress Tibetans for "peaceful[ly]" exercising their human rights (US 18 Nov. 2019, 5; TJC 8 Sept. 2020). Sources also indicate that manifestations of Tibetan religious and cultural identity are restricted by Chinese authorities (US 18 Nov. 2019, 5; Freedom House 4 Mar. 2020, Sec. D2).

According to sources, Tibetans are subject to arrest and detention (TJC 8 Sept. 2020; US 11 Mar. 2020, 91), including "for peacefully exercising their human rights, celebrating their Tibetan national identity and for any criticism of China's rule" (TJC 8 Sept. 2020). The 2020 annual report by Freedom House indicates that

[n]umerous Tibetans were detained and several were sentenced to long prison terms for engaging in nonviolent activities like creating an informal organization to petition authorities over confiscated community land, sharing images about the Dalai Lama on social media, criticizing employment discrimination, or exposing corruption by local officials. (Freedom House 4 Mar. 2020, key developments)

In its annual report for 2019, the Congressional-Executive Commission on China (CECC) states that the Chinese government "continued an 'anti-crime and vice campaign' to crack down on Tibetans suspected of organizing or participating in activities that authorities deem to be threatening to government control or 'social stability'" (US 18 Nov. 2019, 17). The 2020 Freedom House report indicates that Tibetans who report on official corruption have been imprisoned including an anti-corruption activist who was sentenced in December 2019 to seven years imprisonment on the charge of disturbing the social order (Freedom House 4 Mar. 2020, Sec. C2).

An August 2018 report by the Office of the UN High Commissioner for Human Rights (OHCHR), submitted for the Universal Periodic Review (UPR) of China's human rights record, states that there have been reports of Tibetan children who have been detained and imprisoned for "inciting" self-immolation (UN 27 Aug. 2018, para. 51). The report also notes that the families of victims of self-immolation have faced harassment and intimidation (UN 27 Aug. 2018, 7). Similarly, the MRG profile states that

Chinese collective punishment and coercive measures against those who attempt to self-immolate, their family members, or anyone thought to sympathize with them have drastically increased. China has treated self-immolation as a terrorist act for several years, detaining and arresting family members and friends. (MRG Nov. 2017)

The information in the following paragraph was provided in a May 2017 article by Radio Free Asia (RFA) [2]:

Following the self-immolation of a protester in China's northwestern Gansu province in May 2017, authorities placed restrictions on the self-immolator's family limiting their ability to gather and host visitors and prohibiting them from holding religious services. Authorities also enforced restrictions on communication in the region following the self-immolation. According to a Tibetan source, following two self-immolations in Sichuan neighboring province, authorities also introduced travel and communication restrictions, as well as political re-education courses in Kardze county schools, monasteries, villages, and towns (RFA 10 May 2017).

3.2 Detention and Treatment in Detention

Sources report that Tibetans are subject to abuse and torture in prison (US 11 Mar. 2020, 90; Freedom House 4 Mar. 2020, Sec. F3; TJC 8 Sept. 2020). In correspondence with the Research Directorate, a representative of the Tibet Justice Center (TJC), an NGO that promotes the human rights of the people of Tibet through research, education, and advocacy (TJC n.d.), indicated that Tibetans have died in custody and following their release from prison (TJC 8 Sept. 2020). Sources indicate that Tibetan political prisoners' deaths were related to torture (CTA 10 Sept. 2020; TJC 8 Sept. 2020). In addition, the TJC representative stated that "there is no evidence of a single case of torture in Tibet being investigated" (TJC 8 Sept. 2020).

The 2020 Freedom House report notes that "[d]efendants lack access to meaningful legal representation" and that the families of detained Tibetans are not provided with information about where they are being held or their well-being (Freedom House 4 Mar. 2020, Sec. F2). Similarly, the TJC representative indicated that Tibetans in custody are denied access to lawyers and their families and gave the example of a "high-profile" Tibetan language advocate and political prisoner who has been denied access to his lawyer and his family multiple times, specifying that while reports indicated that Chinese prisoners were permitted to access their lawyer through videoconference, this opportunity was not provided to the Tibetan prisoner (TJC 8 Sept. 2020).

3.3 Treatment by Society

The 2020 Freedom House report notes that the migration of ethnic Chinese to the TAR has marginalized ethnic Tibetans and that Tibetans have also been displaced by relocation campaigns (Freedom House 4 Mar. 2020, Sec. C3). RFA reports that as part of the creation of a national park in Tibetan areas of the Qinghai province, 4,000 Tibetan farmers and herders were given order to move from their land to Golmud, a city in Qinghai by the end of 2020 (RFA 9 Sept. 2019).

Sources report that Tibetans experience employment discrimination in the recruitment process (US 11 Mar. 2020, 107; UN 19 Sept. 2018, para. 47), with some employers explicitly excluding Tibetans from job application processes (US 11 Mar. 2020, 107). *Bertelsmann Stiftung's Transformation Index (BTI) 2020*, which "assesses the transformation toward democracy and a market economy as well as the quality of governance in 137 countries," further adds that Tibetans do not have the same access to well-paying work as Han Chinese in the TAR (Bertelsmann Stiftung 2020, 2, 15). The TJC representative stated that the Chinese government discriminates against Tibetans in employment recruitment processes, with Tibetans continuing "to express their frustration over the lack of government job opportunities available to them," despite official announcements about rising employment rates (TJC 8 Sept. 2020). The International Campaign for Tibet (ICT), an international organization with offices in Washington, DC, Amsterdam, Berlin, and Brussels, which works to support Tibetans (ICT n.d.), indicates that police recruitment advertisements in Lithang County in May 2020 stated that candidates should not apply for the job if they had participated in, supported, or funded "ethnic separatist activities" and if they had participated in or supported illegal activities, including "protests that are related to ethnic splitting and sabotage activities" (ICT 11 June 2020).

3.4 Treatment Related to the COVID-19 [Coronavirus] Pandemic

According to sources, China introduced a government monitoring application to track cases of COVID-19 (ABC News 14 Apr. 2020; HRW 1 Apr. 2020; *The New York Times* 7 Aug. 2020). Sources report that the app requires users to submit personal information including their ID number and their address, and then assigns them a colour indicating their health status (ABC News 14 Apr. 2020; HRW 1 Apr. 2020). Human Rights Watch (HRW) notes that the app shares location data with the police (HRW 1 Apr. 2020). A 22 April 2020 article by *The Diplomat*, a current affairs magazine covering the Asia-Pacific region (The Diplomat n.d.), indicates that mobile apps that had been used in the past to track the movements of Tibetans were used for COVID-19 contact tracing (The Diplomat 22 Apr. 2020). The same source reports that in Tawu county, the epicenter of the virus in Tibetan areas, authorities used measures to restrict communication from sources other than the party-state (The Diplomat 22 Apr. 2020).

According to the European Parliament website, a Portuguese Member of the European Parliament (MEP) expressed concerns that measures taken by the Chinese government to control COVID-19 have been used to persecute Tibetans and to place restrictions on the freedom of speech of Tibetans (EU 7 May 2020). In February 2020, the ICT stated that, as a response to the spread of COVID-19, Chinese authorities have "crack[ed] down on" people posting information online about the illness and "have warned of severe consequences of several years in prison for anyone who circulates 'rumors' about coronavirus" (ICT 13 Feb. 2020).

4. Freedom of Movement

Sources report that Tibetans face restrictions on their freedom of movement (Freedom House 4 Mar. 2020, Sec. G1; CTA 10 Sept. 2020; US 11 Mar. 2020, 53). Sources observe that freedom of movement remained restricted in the Tibetan regions in China (US 11 Mar. 2020, 53; Freedom House 4 Mar. 2020, Sec. G1) and beyond (Freedom House 4 Mar. 2020, Sec. G1). Sources report that restrictions on movement were increased because of a series of politically sensitive anniversaries (TJC 8 Sept. 2020; Freedom House 4 Mar. 2020, Sec. G1). According to sources, a system of checkpoints is used to control the movement of Tibetans in the TAR and other Tibetan areas (TJC 8 Sept. 2020; Freedom House 4 Mar. 2020, Sec. G1; US 11 Mar. 2020, 101). In 2018, the UN's Committee on the Elimination of Racial Discrimination (CERD) noted that it was "concerned by reports that Tibetans are subjected to significant restrictions on movement within and beyond [the] Tibet Autonomous Region" (UN 19 Sept. 2018, para. 43).

The MRG profile on Tibet states that, since 2012, China has placed travel restrictions on Tibetans in the TAR which, according to MRG, "have resulted in a near-complete restriction on the freedom of movement, especially for foreign travel" (MRG Nov. 2017). Sources report that it is very challenging for Tibetans to obtain a passport (US 11 Mar. 2020, 102; Freedom House 4 Mar. 2020, Sec. G1; MRG Nov. 2017). Sources note that it can take several years for Tibetans to obtain a passport (MRG Nov. 2017; US 11 Mar. 2020, 101). The CERD notes that "the issuance of passports for foreign travel is almost entirely banned in the [TAR]" (UN 19 Sept. 2018, para. 43). An April 2020 report on the human rights situation of Tibetans, by the UN, EU, and Human Rights Desk of the CTA, provided to the Research Directorate by the CTA representative, indicates that China has denied passports to Tibetans since 2012 (CTA Apr. 2020, 22). The MRG profile indicates that there have also been orders to recall the passports of Tibetans in the region (MRG Nov. 2017). The DFAT report states that "[u]nder the Passport Law, authorities can refuse passports to people who 'will undermine national security or cause major losses to the interests of the State'" (Australia 3 Oct. 2019, para. 5.58).

The US Department of State's *Country Reports on Human Rights Practices for 2019* indicates that strengthened border controls have reduced the number of Tibetans crossing the border from China into Nepal and India (US 11 Mar. 2020, 93). Similarly, a December 2019 article by the *Economist* reports that Chinese authorities have enhanced monitoring of the border between Tibet and Nepal (*The Economist* 10 Dec. 2019).

4.1 Surveillance and Monitoring

The TJC representative noted that "Tibetans live under constant physical and virtual surveillance" (TJC 8 Sept. 2020). Sources report that Chinese authorities use technology to monitor Tibetans (US 18 Nov. 2019, 17; CTA 10 Sept. 2020; Freedom House 4 Mar. 2020, key developments). The 2020 Freedom House report indicates that authorities in Tibet extended surveillance systems including the use of facial recognition technology, identity cards, and systems to track residents and tourists (Freedom House 4 Mar. 2020, key developments). The same source indicates that a pilot program to use facial recognition and geolocation to track drivers and passengers was implemented in 200 taxis in Lhasa in 2019 (Freedom House 4 Mar. 2020, key developments).

According to written testimony on technological surveillance of religion in China, by the Deputy Director of the Artificial and Emerging Technology Initiative at the Brookings Institution, "a nonprofit public policy organization based in Washington, DC" (Brookings Institution n.d.), from a July 2020 hearing before the USCIRF, Chinese police and security services use video surveillance and machine learning algorithms to classify individuals as religious minorities and to alert authorities when an individual classified as a Tibetan Buddhist or other religious minority is observed on a CCTV feed (Meserole 22 July 2020, 2). The same source reports that, in 2011, the Party Secretary for the TAR developed the "iron grid" campaign to monitor Tibetans through the separation of Tibetan cities and town into units, with each unit possessing its own police force with video and communications feeds from within the unit (Meserole 22 July 2020, 3). Similarly, the April 2020 article by the Diplomat indicates that Chinese authorities have used surveillance measures in Tibet, including an "iron grid" system (The Diplomat 22 Apr. 2020). The CTA representative indicated that Chinese authorities use a "grid-system" to closely monitor smaller areas for "potential troublemakers" (CTA 10 Sept. 2020). The same source also noted that "[g]rid management in the TAR primarily targets Tibetans who had returned from India, those who had attended His Holiness the Dalai Lama's teaching and former political prisoners" (CTA Apr. 2020). Corroborating information on the grid management's targets could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Return of Tibetans from Abroad

Information on the return of Tibetans to China from abroad was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

US *Country Reports 2019* notes that families of Tibetans who have traveled abroad were threatened by the Chinese authorities to be placed on a blacklist, "which could lead to the loss of a government job or difficulty in finding employment; expulsion of children from the public education system; and revocation of national identification cards, thereby preventing access to other social services, such as health care and government aid" if their relative "did not return immediately" (US 11 Mar. 2020, 102). According to an October 2017 article by the *Washington Post*, "[f]ew exiled Tibetans have been able to return to China" (*The Washington Post* 9 Oct. 2017). Sources report that, in 2018, Tibetan pilgrims who had travelled to Bodha Gaya (India), to attend teaching by the Dalai Lama, were ordered to return by the local government in Sichuan Province (RFA 22 Jan. 2018; CTA 10 Sept. 2020). The CTA representative stated that a public order by the Sichuan province government informed Tibetans from the region that if they did not return by the deadline, "they would face consequences" (CTA 10 Sept. 2020). In other cases, Tibetans who have travelled to India to study Buddhism have been refused re-entry into Tibet even though they possessed documents demonstrating their Chinese citizenship, according to the CTA report of April 2020 (CTA Apr. 2020, 20). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.1 Treatment of Returnees

Sources report that Tibetan pilgrims who have travelled outside the country have faced detention when returning to China (TJC 8 Sept. 2020; Freedom House 4 Mar. 2020, Sec. G1).

According to a March 2018 article by Free Tibet, an NGO based in London that campaigns "for an end to China's occupation of Tibet and for international recognition of Tibetans' right to freedom" (Free Tibet n.d.), Chinese authorities detained and seized the passports of 60 Tibetans who had returned from a pilgrimage in Nepal and India (Free Tibet 22 Mar. 2018). The same source reports that those detained were "subjected to beatings" (Free Tibet 22 Mar. 2018). Similarly, a 2019 report by Freedom House states that, in March 2018, "at least" 60 pilgrims from Sichuan Province were detained when returning to China following a visit to religious sites in India and Nepal (Freedom House 2019, Sec. G1). Further information about the detention of these 60 individuals could not be found among the sources consulted by the Research Directorate.

The TJC representative noted that Tibetans who have traveled abroad are subject to employment discrimination (TJC 8 Sept. 2020). The same source indicated that, in December 2019, a recruitment notice for 19 police assistants in Lhoka City in the TAR "stated that if the individual 'or family members have illegally entered or exited the country' they were disqualified from applying" (TJC 8 Sept. 2020). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.2 Forced Return of Tibetans from Nepal

US *Country Reports 2019* notes that "Tibetans seeking asylum in neighboring countries were sometimes repatriated to China, with reports citing pressure by [China] as a main cause for the repatriation" (US 11 Mar. 2020, 93). Similarly, Australia's DFAT report states that "[s]ince 2013, the Nepalese government has increasingly detained and repatriated Tibetans crossing informally into Nepal, and Tibetans attempting to cross from Nepal into India" (Australia 3 Oct. 2019, para. 3.21). A February 2020 article by ICT indicates that, in October 2019, Nepal signed two agreements with China that "could seriously endanger Tibetans, including those residing in Nepal and those fleeing from Tibet" (ICT 11 Feb. 2020). The same source states that "[t]he agreement on a 'Boundary Management System' commits both sides to returning 'persons found while crossing [the] border illegally' within seven days" (ICT 11 Feb. 2020). The ICT article also indicates that the second agreement, the "Treaty on Mutual Legal Assistance on Criminal Matters," "potentially" allows Chinese intervention in issues concerning Tibetans in Nepal, "increasing the vulnerability and risks particularly for Tibetans who express their political views or cultural identity" (ICT 11 Feb. 2020). An October 2019 article by the *Himalayan Times*, an English-language daily newspaper in Nepal (*The Himalayan Times* n.d.), reports that "[r]ights activists and lawyers have cautioned that the newly signed mutual legal assistance treaty that enables signatories to serve subpoenas and collect evidence could be used by China to punish Tibetan refugees in Nepal" (*The Himalayan Times* 14 Oct. 2019).

Sources report that, in September 2019, Nepal deported six Tibetans shortly after they had crossed the Nepali border (RFA 9 Sept. 2019; US 20 Nov. 2019; ICT and FIDH July 2020, 5). The CTA report notes that "Tibetans are arrested when no other witnesses are present at the border or within Nepali territory and forcibly returned by Nepali authorities" (CTA Apr. 2020, 20). The report also states that Nepali immigration officials at one of the major border crossings between China and Nepal "admitted that Tibetans are occasionally forced back due to pressure from China" (CTA Apr. 2020, 20).

5.3 Forced Return of Tibetans from India

A 2016 report by the TJC with the support of the Tibetan Legal Association (TLA), a Dharamsala-based NGO (TLA n.d.) and Boston University School of Law's International Human Rights Clinic on the status of Tibetan refugees in India, states that "[v]irtually all" Tibetans who attempt to enter India directly from Tibet, rather than through Nepal, "will be repatriated upon being apprehended, without judicial or administrative process, to determine, for example, the likelihood that they might face persecution were they returned to China" (TJC, et al. June 2016, 69). The same source indicates that fact-finding trips to India conducted by the TJC from 2014 to 2016, which included 115 interviews, "confirmed that Tibetans who cannot produce valid, up-to-date RCs [Registration Certificates] are indeed subject to arrest, fines, imprisonment, and actual or threatened deportation" (TJC, et al. June 2016, 69-70). The report notes that, according to a 2014 interview with a Tibetan settlement officer, upon arrival in Tibet, deported Tibetans are arrested by Chinese authorities and taken to prison (TJC, et al. June 2016, 72). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The Central Tibetan Administration (CTA) was established by the Dalai Lama in April 1959, after he fled China (CTA n.d.). Established in Dharamsala, India, the CTA "has all the departments and attributes of a free democratic administration," and has the following two tasks: "rehabilitating Tibetan refugees and restoring freedom and happiness in Tibet" (CTA n.d.).

[2] Radio Free Asia (RFA) is a non-profit corporation that provides "accurate and timely news and information to Asian countries whose governments prohibit access to a free press"; it is "funded through an annual grant from the United States Agency for Global Media, an independent U.S. agency" (RFA n.d.).

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Additional Sources Consulted

Oral sources: Canada Tibet Committee; International Campaign for Tibet; The Office of Tibet – Washington, DC; Tibetan Centre for Human Rights and Democracy; Tibet Watch.

Internet sites, including: Asia Times; BBC; Canada Tibet Committee; CBC; Chinese Human Rights Defenders; The Dui Hua Foundation; ecoi.net; Germany – Federal Office for Migration and Refugees; *The Guardian*; *The Hindu*; *Hindustan Times*; Human Rights Organisation of Nepal; *The New Yorker*; Reuters; Swiss Refugee Council; Tibetan Centre for Human Rights and Democracy; *Tibetan Review*; Tibet Watch; UK – Home Office; UN – Refworld; University of Toronto – The Citizen Lab; Unrepresented Nations and Peoples Organization.

ecoi.net summary:

Query response on China:
Situation of Tibetans, including of
Tibetan returnees from India and
Nepal (2017 - October 2020)

Country:

China

Source:

[IRB – Immigration and Refugee
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