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2020 Annual Report

Human Rights Situation in Tibet



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The Tibetan Centre for Human Rights and Democracy (TCHRD) is a registered non-governmental human rights organisation established in January 1996 in Dharamsala (India) with the mission to protect the human rights of the Tibetan people in Tibet and promote the principles of democracy in the exile Tibetan community.

The centre is entirely run and staffed by Tibetans in exile. TCHRD's work entails monitoring, research, translation, documentation of human rights violations in Tibet. The centre conducts regular, systematic investigations of human rights abuses in Tibet and publishes an annual report, thematic reports, the translated testimony of victims of human rights violations, electronic newsletters, and briefings on human rights issues that confront Tibetans inside Tibet.

The centre generates awareness of a wide range of issues relating to human rights and democracy through both grassroots and diplomatic means, using regional and international human rights mechanisms as well as community-based awareness campaigns.

The TCHRD logo features the image of a white dove rising out of the flames. The dove and olive branch are universal emblems of peace. The flames, drawn in traditional Tibetan style, represent the suffering of the Tibetan people, as well as the devastating and purifying force of truth.

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Annual Report 2020:

Human Rights Situation in Tibet



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I. EXECUTIVE SUMMARY

The human rights situation in Tibet has been severely deteriorating for years, especially after Xi Jinping became president of the People's Republic of China (PRC). Human rights abuses and political repression have reached the level of 'crimes against humanity', with an increasing number of cases of extrajudicial killings, torture, and arbitrary detention being committed in a wide-ranging and systematic manner.

2020 saw oppressive policies and practices such as continued state patronage of the 'stability maintenance', 'ethnic unity', and the 'anti-gang crime' campaigns at the Seventh Tibet Work Forum and in the 14th Five-Year Plan (2021-2025). The forum, chaired by President Xi Jinping, called for the acceleration of 'high-quality development' and 'building the new modern socialist Tibet', focusing mainly on poverty alleviation and GDP and income growth. Decided at the national level without participation from Tibetans, the so-called 'development policies' are heavily guided by the Chinese state's political goals, security agenda, and economic interests rather than genuine efforts to improve Tibetans' quality of life.

The PRC actively uses development as a tool to penetrate deeper into Tibetan society in order to preserve 'stability maintenance', or absolute political control in Tibet. Chinese authorities continued to implement harsh policies of forced assimilation and ill-advised development, all in the name of 'stability maintenance'. This has resulted in grave violations of political, civil, economic, social and cultural rights.

The enforcement of a new law on 'ethnic unity' further undermined Tibetan political and cultural identity by negating the provisions of the National Regional Autonomy Law, which promised but rarely granted meaningful autonomous powers to Tibetans. The regulations also imposed wide-ranging duties and obligations on religious groups, religious schools, and places of religious activities. Restrictions were also placed on 'unapproved religious practices' through the 'anti-gang crime' campaign as became evident with the imprisonment of 12 Tibetan villagers in Sog (Ch: Suo) County, Nagchu (Ch: Naqu) City, Tibet Autonomous Region (TAR). The consistent curtailment of the right to freedom of religion and belief is furthered by the ongoing campaign to 'Sinicize Tibetan Buddhism', which requires Tibetan Buddhist clergy and ordinary believers to support and join the state's efforts to maintain 'stability' in the religious sphere by pledging to suppress any loyalty to the Dalai Lama, attend forced political education campaigns, among other things.

Tibetans continued to be tortured and imprisoned for any expression of devotion and loyalty to the Tibetan spiritual leader Dalai Lama. This year's 'offenders' were charged with the vaguely-worded crimes like "inciting separatism" or "state subversion". Severe restrictions on possession of the Dalai Lama's photos or listening to his teachings remain in force not only in Tibet Autonomous Region (TAR) but also in other Tibetan areas.

Restrictions on freedom of expression and opinion remained harsh and worsened in 2020 through the use of repressive directives, including, among others, bans on using virtual private networks (VPN) and joining online discussion groups accused of working to "split the country" and "undermine national unity". The 'Middle Way Approach', a proposal mooted by

the Dalai Lama to call for a genuine autonomous status for all Tibetan areas, was among the many discussion topics criminalized by these directives.

The patterns of arbitrary detention and torture remained unchanged as Tibetan suspects continued to be held in detention for prolonged periods without charge or trial and subjected to both physical and psychological torture. Since Tibetan detainees are habitually charged with 'national security' crimes, they are almost always held incommunicado without access to legal representation. Of particular concern is the use of extrajudicial detention facilities that are used to subject Tibetans, particularly monks and nuns, to inhumane treatment and forced political education.

PRC's development projects, concentrated in cities and towns dominated by Han Chinese, invariably provide the benefits of investment to Han Chinese and ignore a majority of the Tibetans, who are disadvantaged and disempowered, resulting in entrenched inequality, discrimination and impoverishment. Development policies in sectors ranging from infrastructure construction and urbanization to education and language including 'bilingual education' policy are part of the wider agenda of creating a single Chinese national identity, so as to undermine Tibetan identity and cultural transmission.

The PRC's assault on Tibetan political and cultural identity is evident in its accelerated implementation of what it calls 'bilingual education', a policy that undermines the Tibetan education system and uses the national curriculum to promote indoctrination and assimilation. In Tibetan areas, official decrees barred schools from running classes in Tibetan-medium classes. Those who protested were quickly suppressed or detained. More disturbingly, Chinese authorities have resorted to merging smaller Tibetan schools into bigger Chinese-medium schools in an apparent attempt to marginalize the Tibetan language. These policies are part of the party-state's broader nation-building agenda set on creating Chinese-speaking-only, ethnic identity distinguished by its allegiance to the Chinese nation-state.

II. RECOMMENDATIONS

The international community, including the United Nations and its Member States as well as civil society at large, is requested to engage with the PRC authorities and advocate for the PRC to:

- Stop violating human rights under the pretext of 'stability maintenance' policies and practices.
- Repeal the repressive regulations that undermine Tibetan national and cultural identity, such as the 'Regulations on the Establishment of a Model Area for Ethnic Unity and Progress in TAR'.
- Allow Tibetans to determine and legislate their own educational and cultural affairs as provided in the PRC's Constitution and its Law on Regional National Autonomy.

- End all political indoctrination campaigns, such as forced political education in extrajudicial detention centres and 'The Four Standards' propaganda campaign targeted at the monastic population.
- Repeal laws and policies that violate the protected rights to mother tongue education, peaceful assembly, freedom of expression, freedom of religion and belief, and freedom from arbitrary detention and torture.
- Implement culturally relevant educational policies by promoting Tibetan as the first language throughout primary and middle schooling in Tibet for those whom Tibetan is their mother-tongue.
- Release all Tibetans imprisoned on spurious charges under the 'anti-gang' crime campaigns.
- Guarantee the right to legal representation and judicial oversight to all detained Tibetans.
- Promptly and impartially investigate of allegations of torture and prosecute suspected perpetrators, holding them legally accountable.
- Halt construction of megaprojects without proper consultation or the consent of the local population. Projects must provide adequate compensation, royalty payments to local communities and compulsory funding of extraction site rehabilitation.
- Cease construction of new hydro dams and assess the environmental and social impact locally, nationally and regionally of all previously constructed and proposed dams.
- Implement the recommendations of the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on Economic, Social and Cultural Rights (CESCR) contained in their periodic reviews of the situation in China.
- Invite a representative of an international organization to meet with Gedhun Choekyi Nyima, the 11th Panchen Lama.
- Ratify the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance.
- Invite the UN High Commissioner for Human Rights and the representatives of the Special Procedures to visit Tibetan areas, as agreed by the PRC during its second Universal Periodic Review.
- Extend a 'standing invitation' to UN independent experts to conduct official visits to Tibet.

III. STABILITY MAINTENANCE POLICY

China's 'stability maintenance' policy is at the root of significant and persistent human rights violations and crimes against humanity in Tibet. The PRC has accelerated this policy to suppress a host of activities and issues that the Chinese party-state deems criminal or illegal. The 'stability maintenance' repression machinery is supported by a range of nearly omnipresent state surveillance and control mechanisms that are responsible for pre-empting or crushing any early signs of dissent against the Chinese party-state.

The unprecedented level of state surveillance and control in Tibetan areas through technology, propaganda and repression has led to an upsurge in detentions and convictions of Tibetans.¹ It has resulted in widespread and systematic human rights violations and political repression, depriving Tibetans of a host of human rights and fundamental freedoms, including the rights to freedom of expression and information, freedom of religion and belief, freedom from torture and arbitrary detention, and education and language, development and a clean environment.

The objective of the 'stability maintenance' policy is to preserve and sustain the ruling status of the party-state and president Xi Jinping's perennial leadership of the 'world's largest political organization.'² The policy primarily targets activists, dissidents, religious leaders, and petitioners who are viewed as "destabilizing elements" against the party-state and are thus punished under highly repressive laws.

Xi's ascension to the party's top leadership position in 2012 heralded an unending wave of attacks against and oppression of civil rights lawyers, human rights activists, and dissidents all over the PRC. A large chunk of stability maintenance resources is devoted to thwarting any threats posed by the so-called "five new black categories" (*xin heiwulei* or 新黑物类 in Chinese): human rights lawyers, religious leaders, dissidents, online commentators and marginalised and disadvantaged communities.³

Chinese authorities equate 'stability maintenance' with various vaguely-defined crimes such as 'endangering state security', 'leaking state secrets', 'inciting separatism', 'inciting subversion of state power', etc. Tibetans accused of these charges are denied the right to a fair trial and legal representation of their choice. Many Tibetans continue to be convicted of vaguely-worded crimes and suffer torture and maltreatment and unjust sentences.

¹ Relentless Detention and Prosecution of Tibetans under China's "Stability Maintenance" Campaign, Human Rights Watch, 22 May 2016, available at <https://www.hrw.org/report/2016/05/22/relentless/detention-and-prosecution-tibetans-under-chinas-stability-maintenance>

² Willy Wo-Lap Lam. 'Stability Maintenance Gets a Major Boost at the National People's Congress', 22 March 2019, The Jamestown Foundation, available at <https://jamestown.org/program/stability-maintenance-gets-a-major-boost-at-the-national-peoples-congress/>

³ Willy Wo-Lap Lam. Xi Jinping Warns Against the "Black Swans" and "Gray Rhinos" of a Possible Color Revolution, 20 February 2019, available at <https://jamestown.org/program/china-brief-early-warning-xi-jinping-warns-against-the-black-swans-and-gray-rhinos-of-a-possible-color-revolution/>

China's 'stability maintenance' budget in 2019 was 1.39 trillion yuan, which was 16.8 percent higher than the country's official military expenditure.⁴ In reality, this figure is just a fraction of the actual budget considering that 'stability maintenance' is now embedded in both state-owned and large private enterprises and firms. There, 'stability-maintenance' personnel, equipment, and operations contribute to, and overlap with, the functions of the state apparatus.⁵ The bulk of the budget is devoted to running a 24-hour highly sophisticated digital surveillance machinery epitomised by the "nets in the sky, traps on the ground", a motto for tracking, identifying and capturing criminals, dissidents and fugitives.⁶ In the last five years, China's human rights violations have doubled along with the 'stability maintenance' budget. Observers agree that the budget will continue to increase in the foreseeable future portending challenges ahead for situation in Tibet.

The importance of 'stability maintenance' was reinforced at the 7th Tibet Work Forum, a major meeting held from 28 to 29 August 2020. Top party, government, and military officials, including President Xi Jinping, convened to devise and formulate China's Tibet policy. There, they decided to continue the state's policy of absolute control and assimilation in Tibet.⁷ Xi's 'strategy of governing Tibet in the new era' includes 'Sinicizing Tibetan Buddhism' and improving the ability of Chinese Communist Party organizations and members at all levels 'to deal with major struggles and prevent major risks.'⁸

III.1 'ANTI-GANG' CRIME CAMPAIGN

Chinese authorities remain relentless in their implementation of the 'anti-crime' campaign (*saohei chu'e*), also known as the 'Sweep Away Gangs, Root Out Evil Special Struggle', which, as various sources have proven, is a tool for human rights violations and political repression in Tibet.⁹ The campaign, which is part of the broader 'stability maintenance' used to thwart and persecute peaceful Tibetan activists and community leaders is more evidence of the manner in which the authorities implement 'stability maintenance' policies. In June 2020, ten respected Tibetan community leaders were sentenced to prison terms ranging from nine to 14 years as part of the 'anti-crime' campaign, which entered its third year of implementation in 2020. Evidence from the ground proves that the ten Tibetans were imprisoned for their active involvement in community advocacy work such as petitioning,

⁴ Official media: Stability maintenance budget has doubled to nearly 140 billion yuan in five years, Radio Free Asia, 14 March 2019, available at <https://www.rfa.org/mandarin/yataibaodao/zhengzhi/ql1-03142019093727.html>

⁵ Willy Wo-Lap Lam. 'Stability Maintenance Gets a Major Boost at the National People's Congress', 22 March 2019, The Jamestown Foundation, available at <https://jamestown.org/program/stability-maintenance-gets-a-major-boost-at-the-national-peoples-congress/>

⁶ Tibet: A Glossary of Repression, Human Rights Watch, 19 June 2017, available at <https://www.hrw.org/video-photos/interactive/2017/06/20/tibet-glossary-repression>

⁷ Tibet's importance seen at major meeting promising more repression, International Campaign for Tibet, 1 September 2020, available at <https://savetibet.org/tibets-importance-seen-at-major-meeting-promising-more-repression/>

⁸ Ibid.

⁹ China: Tibet Anti-Crime Campaign Silences Dissent, Human Rights Watch, 14 May 2020, available at <https://www.hrw.org/node/375169/printable/print>

fundraising, and founding voluntary groups to preserve and promote local culture and traditions.¹⁰

In May 2020, the Chinese Supreme Court president, in his work report to the 13th National People's Congress, stated that courts across the PRC had wound up 12,639 'anti-gang' criminal cases involving 83,912 people in 2019.¹¹ This data is not disaggregated along ethnic and racial lines and the exact proportion of Tibetans detained or prosecuted is unavailable. On 10 August 2020, state media reported that a total of 1,026 cases were filed and 2,847 people were detained under the anti-gang campaign in Gansu Province.¹² In Yunnan Province in April 2019, 428 gangs had been eliminated and 5,587 suspects detained.¹³ In July 2020, state media further reported the prosecution of 1,034 people in Qinghai Province under the 'anti-crime' campaign.¹⁴ In May 2020, civil society reports listed at least 51 Tibetans sentenced up to nine years in prison for 'peacefully petitioning or protesting issues related to religion, environmental protection, land rights, and official corruption.'¹⁵

In January 2020, Chinese authorities in TAR sentenced to prison 12 villagers in Sog (Ch: Suo) County in Nagchu (Ch: Naqu) City for operating a 'criminal gang', engaging in fraud, 'using religious influence to interfere in the affairs of local government', 'exploit[ing] and harass[ing] local people', and preaching 'superstitious ideas, attempting to spread the evil influence of religion in the villages.'¹⁶

In April 2020, the appeal case hearing of Mr A-nya Sengdra, a Tibetan nomad and anti-graft campaigner, was indefinitely postponed.¹⁷ Mr Sengdra's imprisonment for seven years under the campaign was used as a pretext not only to delay and withhold information from Mr Sengdra's lawyer, but also to silence Sengdra. China's weaponization of the 'anti-crime' campaign¹⁸ against local activists and community leaders aims silence Tibetan dissenters.¹⁹ Mr Sengdra and eight others were imprisoned for carrying out successful anti-graft campaigns and uncovering the unfair and illegal practices of local government authorities in

¹⁰ The "Evil" Trial of 10 Sangchu Tibetans, International Campaign for Tibet, 1 October 2020, available at <https://savetibet.de/wp-content/uploads/2020/10/The-Evil-Trial-of-10-Sangchu-Tibetans.pdf>

¹¹ Work Report of the Supreme People's Court, 25 May 2020, <http://www.court.gov.cn/zixun-xiangqing-231301.html>.

¹² Gansu Province released report on the "Anti-Evil Campaign", China Gansu Net - Lanzhou Evening News, 10 August 2020, available at <http://gansu.gscn.com.cn/system/2020/08/10/012437177.shtml>.

¹³ Yunnan's work report on suppression of gangs, China News Network, 11 April 2019, available at <http://china.qianlong.com/2019/0411/3213677.shtml>.

¹⁴ People's Daily, 24 July 2020, http://epaper.chinatibetnews.com/rmrzbw/202007/24/content_39449.html.

¹⁵ "China: Tibet Anti-Crime Campaign Silences Dissent," Human Rights Watch, 14 May 2020, available at <https://www.hrw.org/news/2020/05/14/china-tibet-anti-crime-campaign-silences-dissent>.

¹⁶ Tibetan Villagers Jailed in Sog County For Running a 'Criminal Gang', Radio Free Asia, 15 January 2020, available at <https://www.rfa.org/english/news/tibet/gang-01152020165739.html>

¹⁷ China: Release Tibetan anti-corruption activist and associates from illegal imprisonment, TCHRD, 4 May 2020, available at <https://tchrd.org/china-release-tibetan-anti-corruption-activist-and-associates-from-illegal-imprisonment/>

¹⁸ Nine Tibetans sentenced up to 7 years in prison under China's organised crime crackdown, TCHRD, 19 April 2019, available at <https://tchrd.org/nine-tibetans-sentenced-up-to-7-years-in-prison-under-chinas-organised-crime-crackdown/>

¹⁹ China: Tibetan anti-graft campaigners sentenced on bogus charges in a show trial, TCHRD, 16 December 2019, available at <https://tchrd.org/china-tibetan-anti-graft-campaigners-sentenced-on-bogus-charges-in-a-show-trial/>

Gade (Ch: Gande) County, Golok (Ch: Guoluo) Tibetan Autonomous Prefecture. In May 2020, the UN experts and rapporteurs on minority issues, arbitrary detention; right to freedom of opinion and expression; human rights defenders; and torture and other cruel, inhuman or degrading treatment or punishment jointly issued a public call to the Chinese government to release A-nya Sengdra.²⁰

III.2 ETHNIC UNITY LAW

A fundamental tenet of the Chinese party-state's ideology is that China is a racially unitary nation known as 'minzu' (民族).²¹ Earlier, the term *minzu* acknowledged the diversity of ethnicities, even if they were all somehow subsumed into the one Chinese identity. In recent years, a second generation of ethnic policies has reinterpreted *minzu* in two ways. First, anyone identifying as not belonging to the Han supermajority is deemed to have made a purely personal choice, which has no consequences or value in the public sphere, nor any legal status.²² Second, China now talks of there being, or soon to be only one single *minzu*, the *zhonghua minzu*, which means the Chinese race.²³

This, however, is far from reflecting the realities of the PRC's diverse ethnic and social demography; the government itself recognises 56 ethnic groups, including the Han, as making up PRC, of which 'ethnic minorities' account for 8.4 percent (110 million people) of the overall population, according to the 2010 census.²⁴ Meaningful recognition of these groups and attempts to accommodate their status as 'ethnic minorities' are perceived as contradictory to the second-generation assimilationist concept of *minzu* and Beijing's building of a single unitary state. This is evident in the government's refusal to recognise any of PRC's ethnic groups as 'indigenous peoples', or to accord them the rights and privileges inherent in such status, enshrined within the UN Declaration on the Rights of Indigenous Peoples which China ratified in 2007. Today, Beijing explicitly states that China has no indigenous peoples as it is a state made up of one single Chinese *zhonghua* race. Thus, to recognise indigenous groups or develop minority rights, for the Chinese government, contradicts *minzu*.

The 1984 law on national regional autonomy which accords 'ethnic minorities' rights to maintain culture, language, mother tongue schooling, and other rights²⁵ has been eviscerated, notably after China decided that ethnic nationalism had led to the fall of the

²⁰ UN experts urge China to drop charges against jailed Tibetan minority human rights defender, OHCHR, 19 May 2020, available at

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25894&LangID=E>

²¹ Ma, Rong. "Reconstructing "nation" (minzu) discourses in China." *International Journal of Anthropology and Ethnology* (2017).

²² Lafitte, Gabriel. "A Dam for Me, A Dam for You." 2 December 2020. <https://rukor.org/a-dam-for-me-a-dam-for-you/>. 3 December 2020.

²³ Supra note 20.

²⁴ IWGIA. "China." 11 May 2020. <https://www.iwgia.org/en/china.html>

²⁵ Karmel, Solomon M. "Ethnic Tension and the Struggle for Order: China's Policies in Tibet." *Pacific Affairs* (1995): pp.485-508.

Soviet Union. While China has not formally repealed the 1984 legislation, in practice it does all it can to nullify the rights it protects.²⁶

On 1 May 2020, China enforced the 'Regulations on the Establishment of a Model Area for Ethnic Unity and Progress in the Tibet Autonomous Region', after its adoption at the annual session of 11th TAR People's Congress on 11 January. The regulations were reportedly passed to 'strengthen and promote the socialist ethnic relations, firmly establish the consciousness of Chinese national identity, to join different ethnicities into one entity like the seeds of a single pomegranate.'²⁷ The regulations allegedly allow for 'equal participation by non-Tibetan ethnic groups at all levels of government and in schools, private business companies, religious centres, and the military' in an attempt to Sinicize Tibet.²⁸

The goal of "ethnic unity and progress" is being sought on the basis of efforts to promote a singular Chinese national identity primarily through the ethnic and religious arm of the party's United Front Work Department (UFWD). An unprecedented number of national-level conferences on the UFWD policy were held with considerable frequency from 2014 to 2017, focussing on 'social control, ethnic and religious governance and study-abroad policy'.²⁹

Tibetans are specifically targeted by the UFWD's influence efforts within China, as is evident in the \$1.2 billion annual budget allocated to religious persecution.³⁰ The provinces where the UFWD budget for ethnic and religious affairs is the highest (Guizhou, Gansu, Yunnan, Guangxi, and Inner Mongolia) comprises, relative to national averages, considerable Tibetan population.³¹

At a conference on 'ethnic solidarity' in Chengdu in September 2020, You Quan, head of the United Front Work Department of the Party Central Committee, called for 'persistent efforts to foster ethnic unity and progress while focusing on creating a strong sense of community for the Chinese nation.'³² He further 'emphasised the extension of the use of Mandarin Chinese language to promote exchanges and integration among ethnic groups.'³³

²⁶ China under Xi Jinping is ignoring the people's constitutional rights, South China Morning Post, 14 February 2019, available at <https://www.scmp.com/comment/letters/article/2185953/china-under-xi-jinping-ignoring-peoples-constitutional-rights>

²⁷ Third Session of the Tibet Autonomous Region's Eleventh People's Congress concluded, China Tibet Network, 11 January 2020, available at http://www.tibet.cn/cn/news/yc/202001/t20200111_6734443.html

²⁸ New Law Requiring 'Ethnic Unity' in Tibet Raises Concerns, Radio Free Asia, 15 January 2020, available at <https://www.rfa.org/english/news/tibet/law-01152020145441.html>

²⁹ Suzuki, T., China's United Front Work in the Xi Jinping era – institutional developments and activities, 13 June 2019, available at <https://doi.org/10.1080/24761028.2019.1627714> [Pages 83-98]

³⁰ Fedasiuk, R., Putting Money in the Party's Mouth: How China Mobilizes Funding for United Front Work, The Jamestown Foundation, available at <https://jamestown.org/wp-content/uploads/2020/09/Read-the-09-16-2020-CB-Issue-in-PDF-rev2.pdf?x30227>

³¹ Ibid.

³² Senior CPC official stresses deepening ethnic unity, progress, Xinhua, 14 September 2020 available at http://www.xinhuanet.com/english/2020-09/14/c_139367546.htm

³³ Ibid.

Furthermore, in the many grassroots village propaganda campaigns held in Shigatse (Ch: Xigaze) City, TAR, Chinese authorities urged Tibetans and Han Chinese to intermarry in order to boost the vigorous state-directed efforts at assimilation.³⁴

IV. CIVIL AND POLITICAL RIGHTS

Chinese authorities continued to accelerate and intensify the ‘stability maintenance’ policy through new legislation that works to forcefully assimilate ethnic minorities.³⁵ These efforts represent a clear derogation from the PRC’s regional ethnic minority law, which secures political, economic and cultural rights. Various implementations of the ‘stability maintenance’ policy are also in violation of the International Covenant on Civil and Political Rights (ICCPR), specifically Article 27 which ‘confers collective human rights on minorities as groups and not merely on the individuals belonging to such minorities.’³⁶ Article 27 stipulates that ‘[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.’³⁷ Article 27 provides ‘a minimum of protection against enforced integration or assimilation’ and the rights of minority groups to reject enforced assimilation to defend their rights to ‘be different from the majority of the population of the State in which they live.’³⁸

Amid the assimilationist campaigns and political persecution, Chinese authorities announced in January 2020 the stationing of more than 20,000 ‘village-based cadre teams’ (Ch: *zhucun gongzuodui*) in 5,464 villages of TAR. The goal of these teams is to ‘establish a solid foundation for stable development at the grassroots level’³⁹ as part of the controversial ‘Solidify the Foundation, Benefit the Masses’ (Ch: *qianji huimin*) campaign that has been in force since 2011.⁴⁰ In May, Chinese state media reported that the ‘village-based cadres’ were ‘required to effectively play the key role in the poverty alleviation work, strengthening home visits, keeping abreast of the ideological dynamics of the masses.’⁴¹

³⁴ China Says Marriages Between Tibetans, Chinese Will Strengthen ‘Ethnic Unity’, Radio Free Asia, 6 May 2020, available at <https://www.rfa.org/english/news/tibet/marriages-05062020165348.html>

³⁵ Willy Wo-Lap Lam, The CCP Extends Its Policies of Forced Ethnic Assimilation to Inner Mongolia 28 September 2020, available at <https://jamestown.org/wp-content/uploads/2020/09/Read-the-09-28-2020-CB-Issue-in-PDF-rev2.pdf?x57215>

³⁶ Zelim A. Skurbaty eds., Beyond a One-dimensional State: An Emerging Right to Autonomy? The Raoul Wallenberg Institute of Human Rights Library Volume 19, Raoul Wallenberg Institute of Human Rights and Humanitarian Law and The Danish INSTITUTE for Human Rights, Leiden/Boston 2005

³⁷ International Covenant on Civil and Political Rights, available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

³⁸ Rfidiger Wolfrum, The Emergence of “New Minorities” as a Result of Migration, in PEOPLES AND MINORITIES IN INTERNATIONAL LAW 153, 164 (Catherine Brölmann et al. eds., 1993).

³⁹ **More than 20,000 cadres stationed in Tibet to serve the grassroots, Xinhua, 16 January 2020, available at** http://www.tibet.cn/cn/news/zx/202001/t20200116_6736674.html

⁴⁰ China: ‘Benefit the Masses’ Campaign Surveilling Tibetans, Human Rights Watch, 18 June 2013, available at <https://www.hrw.org/news/2013/06/18/china-benefit-masses-campaign-surveilling-tibetans>

⁴¹ Ninth batch of village-based task force completes training on “sending teachers home” in Lhasa City’s Linzhou County, Tibet.cn, 21 April 2020, available at http://www.tibet.cn/cn/edu/202004/t20200421_6767359.html

Tibet continues to be one of the most politically restricted and repressed territories in the world. According to Freedom House's annual survey measuring the degree of civil liberties and political rights worldwide, Tibet's civil liberties scored 3 out of 60 (the same rating as North Korea) and down eight from China's score of 11.⁴² The survey noted that in Tibet, decision making is wholly made by Chinese officials and fundamental rights are routinely denied for both Chinese and Tibetans. The crucial difference is that the government applies a more rigorous standard when suppressing signs of dissent among Tibetans. For political rights scored out of 40, China received a score of minus 1. Tibet meanwhile is given minus 4. Overall, on the Global Freedom Score, China received 10 out of 100; Tibet scored 1 out of 100. Out of all the territories and countries covered by Freedom House, only two are given a lower score for freedom than Tibet: Syria (0) and South Sudan (minus 2).⁴³

An October 2020 analysis by the International Campaign for Tibet demonstrated the marginal Tibetan representation in the Chinese governance system, with non-Tibetans holding all or most party positions in the provincial and prefectural Tibetan areas.⁴⁴ Out of 17 prefectural-level and two county-level administrations, there are only four Tibetan party secretaries.⁴⁵

Tibetans continue to face discrimination in recruitment tests for government employees, especially those with a history of participating in so-called 'separatist activities' and whose family members have 'exited the country illegally'.⁴⁶ In May 2020, the announcement for 'Public Recruitment of Police Auxiliary Personnel', issued by eight governmental departments in Lihang County in Kardze Tibetan Autonomous Prefecture, disqualified applicants for, among other reasons, 'participating in, supporting, or funding for ethnic separatist activities; participating in or supporting illegal activities such as hitting, smashing, looting, and arson; sheltering, hiding or conniving with all kinds of illegal persons; fabricating and spreading rumors and false information that undermine social stability; participating in and supporting illegal activities such as demonstrations, rallies, gathering, and protests that are related to ethnic splitting and sabotage activities.'⁴⁷

Moreover, Chinese legal provisions allow practices that are in breach of international law including but not limited to: criminal detention and preferring charges against people peacefully exercising their human rights; lengthy periods of detention without judicial approval or oversight; giving the prosecutors in a higher status than the courts and fettering the independence of the judiciary through the use of Political-Legal and Adjudicative Committees; and restrictions on the right to defence and the role of effectiveness and security of lawyers.⁴⁸

⁴² Tibet: Freedom in the World 2020, available at <https://freedomhouse.org/country/tibet/freedom-world/2020>

⁴³ Ibid.

⁴⁴ Position without Power - Tibetan Representation in the Chinese Administrative System International Campaign for Tibet, 15 October 2020, available at <https://savetibet.org/position-without-power-tibetan-representation-in-the-chinese-administrative-system>

⁴⁵ Ibid.

⁴⁶ China's hiring practices reveal state-sponsored discrimination in Tibet, International Campaign for Tibet, 11 June 2020, available at <https://savetibet.org/chinas-hiring-practices-reveal-state-sponsored-discrimination-in-tibet>

⁴⁷ Ibid.

⁴⁸ Special Report: Barriers to Exercising Right to a Fair Trial in Tibet, TCHRD, 28 July 2020, available at <https://tchrd.org/special-report-barriers-to-exercising-right-to-a-fair-trial-in-tibet/>

IV.1 FREEDOM OF EXPRESSION

Chinese authorities monitor and censor all media and communication platforms in Tibet. China's surveillance and censorship system in Tibet is designed to discipline and produce subjects that are willing to self-censor in order to avoid coercive and punitive state retaliation. China's censorship and surveillance regime aligns with the party-state's political and ideological campaigns to make citizens 'patriotic' and 'loyal'.⁴⁹ Mass surveillance is a significant part of 'stability maintenance' operations, alongside the mass collection of DNA profiles that have enabled China to establish a high-tech surveillance state.⁵⁰

To extend what they refer to as 'internet sovereignty'⁵¹, Chinese authorities have outlawed many social media platforms and search engines, such as Google, Facebook, and Twitter that allowed for greater freedom of speech and information. In their place, China has created its own internet guarded by the 'Great Firewall' and populated it with Chinese platforms such as WeChat and Weibo. Chinese domestic legal provisions require these platforms to do their part in 'stability maintenance', which includes censoring search results to match government propaganda, and reporting suspicious individuals who engage in activity such as discussing human rights, critiquing the party-state, or advocating for Tibetan culture.

Tibetans are denied their fundamental rights to express opinions or share information that does not align with the Chinese government propaganda. A directive issued by Chinese internet police in TAR in November listed a range of 'illegal' online activities such as using virtual private network (VPN) or joining discussion groups to 'split the country' and 'undermine national unity' further tightening control over Tibetans' ability to exercise the right to freedom of expression and information.⁵² Earlier in March, Chinese authorities had made public a September 2019 directive that criminalised sharing information about the 'Middle Way Approach', a proposal mooted by the Dalai Lama to call for a genuine autonomous status for all Tibetan areas.⁵³

In December, former monk named Gendun Lhundrub, 46, was detained and held in undisclosed location in Rebkong (Ch: Tongren) County in Malho (Ch: Huangnan) Tibetan

⁴⁹ New Report: Mass surveillance and censorship conceal widespread human rights violations in Tibet TCHRD, 30 September 2020, available at <https://tchrd.org/new-report-mass-surveillance-and-censorship-conceal-widespread-human-rights-violations-in-tibet/>

⁵⁰ **China Snares Innocent and Guilty Alike to Build World's Biggest DNA Database, Wall Street Journal, 26 December 2017, available at** <https://www.wsj.com/articles/china-snares-innocent-and-guilty-alike-to-build-worlds-biggest-dna-database-1514310353>

⁵¹ Niels Nagelhus Schia and Lars Gjesvik. The Chinese Cyber Sovereignty Concept (Part 1), The Asia Dialogue, 7 September 2018, available at <https://theasiadialogue.com/2018/09/07/the-chinese-cyber-sovereignty-concept-part-1/>

⁵² China announces 'strike hard' campaign against online activities aimed at "splitting the country" and "undermining national unity" in Tibet, TCHRD, 28 December 2020, available at <https://tchrd.org/china-announces-strike-hard-campaign-against-online-activities-aimed-at-splitting-the-country-and-undermining-national-unity-in-tibet/>

⁵³ Anti-porn measures criminalize discussion of Tibetan autonomy, International Campaign for Tibet, 6 April 2020, Available at: <https://savetibet.org/anti-porn-measures-criminalize-discussion-of-tibetan-autonomy>

Autonomous Prefecture for calling on the authorities to respect writers' and artists' right to freedom of expression in his social media posts.⁵⁴

The same month, another Tibetan monk was reported to have been kept in incommunicado detention for more than a year without trial in Ngaba Tibetan Autonomous Prefecture. Rinchen Tsultrim had been detained, along with two other Tibetans, in August 2019 and to this day, his family members have no information about his condition or his whereabouts. Tsultrim was particularly targeted for his online activities, deemed by the Chinese authorities to be aimed at 'inciting separatism'.⁵⁵ On his personal WeChat account and other group chats, Tsultrim had been vocal about his views on various Tibetan political, social and cultural issues that brought him to the attention of government censors long at least a year before his eventual detention.

In November, Chinese police fined and detained Tsering Tso for her social media posts that were not in line with the Chinese state's 'stability maintenance' policy in Trika (Ch: Guide) County in Tsolho (Ch: Hainan) Tibetan Autonomous Prefecture.⁵⁶ Tso is known for her fearless advocacy for human rights and democracy on behalf of local Tibetans; she had been subjected to illegal detention and beatings in the past for her activism. Tso has been under police surveillance for years since being blacklisted as 'an individual who require special attention'.

In June, a popular Tibetan singer Lhundrub Drakpa, was sentenced to six years in prison for his song 'Black Hat', which criticized repressive Chinese government policies in his hometown of Driru (Ch: Biru) County, Nagchu City, TAR.⁵⁷ He had been detained since May 2019, two months after the song was released, and was held in pre-trial detention for more than a year without access to legal representation.⁵⁸

The fate of many other Tibetan detainees remains unknown because detention officers refuse to divulge any information to the detainees' family members. In June, a university student and researcher Kunsang Gyaltsen was detained for 'circulating booklets containing unauthorized views of Tibet's political history'.⁵⁹ Due to extreme restrictions on information, his detention came to light only in December 2020 and at the time of writing, his family had no information about the status of his detention and his specific whereabouts.

⁵⁴ Tibetan Writer Arrested in Qinghai, Whereabouts Unknown, Radio Free Asia, 4 December 2020, available at <https://www.rfa.org/english/news/tibet/writer-12042020164144.html>

⁵⁵ Tibetan monk held incommunicado for over one year, International Campaign for Tibet, 2 December 2020, available at <https://savetibet.org/tibetan-monk-held-incommunicado-for-over-one-year>

⁵⁶ China: Stop harassing and detaining Tibetan civil society leaders, TCHRD, 5 December 2020, available at <https://tchrd.org/china-stop-harassing-and-detaining-tibetan-civil-society-leaders/>

⁵⁷ China: Release Tibetan singer Lhundrub Drakpa from arbitrary detention, TCHRD, 31 October 2020, available at <https://tchrd.org/china-release-tibetan-singer-lhundrub-drakpa-from-arbitrary-detention/>

⁵⁸ Tibetan Singer Sentenced to Six Years in Prison in Driru: China Committing 'Crimes against Humanity' in Tibet, TCHRD, 30 October 2020, available at <https://tchrd.org/tibetan-singer-sentenced-to-six-years-in-prison-in-driru-china-committing-crimes-against-humanity-in-tibet/>

⁵⁹ Tibetan Woman Detained, Threatened in Qinghai Over Calls For Democracy, Radio Free Asia, 8 December 2020, available at <https://www.rfa.org/english/news/tibet/woman-12082020180623.html>

Similarly between June and August, nine Tibetans were convicted of the vague charge of ‘inciting splittism’ in Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture.⁶⁰ Chinese authorities failed to disclose any information about these cases apart from their names in Chinese characters, their sentencing dates, and their alleged crimes. This has been the standard practice in the majority of the cases involving Tibetan political detainees.

TCHRD’s special report on surveillance and censorship published in September revealed the extreme restrictions to which Tibetans are subjected.⁶¹ For instance, as soon as he landed at Xining airport in 2016, a Tibetan exile visiting his hometown in Dola (Ch: Qilian) County in Tsojang (Ch: Haibei) Tibetan Autonomous Prefecture was ordered to report to the provincial United Front Work Department office, where he was loaned an iPhone 4 that he had to use during his entire stay in Tibet. His own phone was temporarily confiscated and subjected to a thorough search by the authorities. He was also forbidden from taking pictures and videos of his hometown or sharing any such information with Tibetans in exile. The iPhone 4 had preinstalled malware that automatically downloaded images and audio messages enabling the authorities to track his movement and location.⁶²

While Tibetans face restrictions in sharing information, foreign journalists continue to be barred from accessing Tibetan areas⁶³ and face unprecedented pressure and intimidation tactics from Chinese authorities.⁶⁴ Even the occasional visits by foreign diplomats are tightly controlled by Chinese government minders. The June 2020 visit to Tibetan areas in Sichuan Province by a group of 21 diplomats from 10 countries was no different. The diplomats were led on tours that were designed to promote the Chinese government narrative of the ‘earth-shaking’ development and progress in Tibet.⁶⁵ These persistent challenges to reporting from Tibetan areas prevent the international community from obtaining accurate information about Tibet’s deteriorating human rights situation in Tibet.

The Chinese government tightened restrictions on its already-heavily controlled domestic media with May’s enforcement of the ‘ethnic unity law’. The law now requires that the media, including press, publications, radio, television, film, and online agencies, must ‘promote the spirit of national unity and progress’, a euphemistic reference to toeing the government line in reporting and publication.⁶⁶ This has further reinforced the government-

⁶⁰ Ganzi Court Convicts Tibetans of Inciting Splittism, The Dui Hua Foundation, 14 September 2020, available at <https://duihua.org/>

⁶¹ New Report: Mass surveillance and censorship conceal widespread human rights violations in Tibet, TCHRD, 30 September 2020, available at <https://tchrd.org/new-report-mass-surveillance-and-censorship-conceal-widespread-human-rights-violations-in-tibet/>

⁶² Ibid.

⁶³ FCCC TIBET POSITION PAPER, 29 March 2019, Foreign Correspondents' Club of China, <https://fccchina.org/2019/03/29/fccc-tibet-position-paper/>

⁶⁴ Alexander Dukalskis. Beijing's Ongoing Battle with Independent Foreign Journalism, Asia Dispatches Blog, 3 April 2020, available at <https://www.wilsoncenter.org/blog-post/beijings-ongoing-battle-independent-foreign-journalism>

⁶⁵ Foreign Diplomats Given Staged Tour of Tibetan Areas in Sichuan, Radio Free Asia, 26 June 2020, available at <https://www.rfa.org/english/news/tibet/tour-06262020184131.html>

⁶⁶ BRIEFING PAPER: New regulations on ethnic unity officially depart from preferential ethnic policies, threaten Tibetan culture and violate international human rights norms, International Campaign for Tibet, February 2020, available at: <https://savetibet.org/new-regulations-on-ethnic-unity-officially-depart-from-preferential-ethnic-policies-threaten-tibetan-culture-and-violate-international-human-rights-norms>

funded media's dominance and the exclusionary persecution of citizen journalists or bloggers.⁶⁷

IV.2 FREEDOM OF RELIGION AND BELIEF

Religion has always been one of the primary targets for state repression under the 'stability maintenance policy'.⁶⁸ In recent years, the space for religious freedom and belief has steadily decreased,⁶⁹ with the implementation of a targeted campaign to 'completely eliminate the foundations and context of the Dalai clique's splittist sabotage activities' and to 'ensure the harmony and stability of the religious sphere'.⁷⁰

As part of its ongoing project to 'Sinicize Tibetan Buddhism' and 'adapt religion to socialism with Chinese characteristics', Chinese authorities enforced new regulations to further curtail the rights of religious practitioners and believers. The Administrative Measures for Religious Groups implemented in February require all religious organizations and their members to pledge absolute loyalty and allegiance to the party (Article 5) and 'instruct and direct the clergy and religious citizens to support the rule of the Communist Party of China, support the socialist system, [and] follow the path of socialism with Chinese characteristics' (Article 17).⁷¹

The 'ethnic unity law' enforced in May imposed wide-ranging duties and obligations on religious groups, religious schools, and places of religious activity to follow the party's religious policies and to integrate the ideological doctrine of the Chinese party-state into their belief systems. Under the law, all religious entities must integrate the Chinese party-state's ideological doctrine into their belief systems and practices, as well as identify and promote teachings that are 'conducive to national unity' (Article 19).⁷²

In particular, the 'anti-gang crime' campaign targeted what it considered as 'unapproved religious practices'.⁷³ At a campaign review in November, TAR party secretary Wu Yingjie claimed that the so-called criminal gangs and underworld forces were 'using religion as a pretext to split the Motherland, destroy the unity of nationalities, and disrupt the normal order of the everyday life of the masses,' before calling on the TAR officials to "vigorously smash" these religious groups.⁷⁴

⁶⁷ TCHRD condemns arbitrary detention of Tibetan writer Shokjang. TCHRD, 21 April 2015, available at <https://tchrd.org/tchrd-condemns-arbitrary-detention-of-tibetan-writer-shok-jang/>

⁶⁸ Willy Wo-Lap Lam. "Stability Maintenance" Gets a Major Boost at the National People's Congress, The Jamestown Foundation, 22 March 2019, available at <https://jamestown.org/program/stability-maintenance-gets-a-major-boost-at-the-national-peoples-congress/>

⁶⁹ Religion in China, Eleanor Albert and Lindsay Maizland, Council for Foreign Relations, available at <https://www.cfr.org/background/religion-china>

⁷⁰ China: Tibet Anti-Crime Campaign Silences Dissent, Human Rights Watch, 14 May 2020, available at <https://www.hrw.org/news/2020/05/14/china-tibet-anti-crime-campaign-silences-dissent>

⁷¹ English Translation of the 2019 Administrative Measures for Religious Groups, Bitter Winter, 15 January 2020, available at <https://bitterwinter.org/2019-administrative-measures-for-religious-groups/>

⁷² Supra note 63.

⁷³ China: Tibet Anti-Crime Campaign Silences Dissent, Human Rights Watch, 14 May 2020, available at <https://www.hrw.org/news/2020/05/14/china-tibet-anti-crime-campaign-silences-dissent>

⁷⁴ Ibid.

In January, 12 Tibetans in Sog (Ch: Suo) County were sentenced to one to two years in prison for running a 'criminal gang' that had 'spread and disseminated negative religious influences throughout the village,' and 'inculcated feudal thinking among the masses [and] implemented feudal family laws.'⁷⁵ Although the court authorities failed to specify the exact charges against the group, it is likely that they were likely imprisoned for expressing their faith and loyalty to the Dalai Lama, whom the authorities consider as a 'separatist'.⁷⁶

The Chinese party-state is enforcing its policy of equating any expression of loyalty to the Dalai Lama to crimes of 'inciting separatism' or 'state subversion' with unprecedented intensity, making it harder for Tibetans to exercise their freedom of religion and belief.

In July, Tibetan musicians Khando Tseten and Tsego were convicted of 'inciting state subversion' and 'sharing state secrets' for a song praising the Dalai Lama. They were sentenced to seven and three years in prison, respectively.⁷⁷

A Tibetan man has been under police surveillance since 2012 when a random street inspection found him in possession of the Dalai Lama's photo on his mobile phone.⁷⁸ At the time, Jampa Sonam, 59, a native of Dzogang (Ch: Zuogong) County in Chamdo (Ch: Changdu) Prefecture was on a visit to Lhasa. He cannot exercise the freedom of movement and travel, for he has to seek permission from the police every time he needs to travel outside his locality.

In December 2019, Chinese authorities in Chamdo had detained a father and son for 'listening to His Holiness the Dalai Lama's teachings on their mobile phone, and also for speaking to a relative living in exile'.⁷⁹ They were made to sign a pledge not to repeat 'the offense of receiving their phone calls [from the exiled relative] or listening to the Dalai Lama's teachings', or else face a five-year imprisonment.

In July, Chinese authorities in Tibetan autonomous areas in Sichuan, Qinghai and Gansu provinces enforced sweeping restrictions on visitors from staying overnight in Tibetan monasteries during the days leading up to the 85th birthday of the Dalai Lama on 6 July.⁸⁰ Local party officials conducted inspection tours and political education to deter monks from participating in any birthday celebrations. Monks were ordered to watch out for 'any outside visitors' and 'report any suspicious persons to the local government or police department'.⁸¹

⁷⁵ Tibetan Villagers Jailed in Sog County For Running a 'Criminal Gang', Radio Free Asia, 15 January 2020, available at <https://www.rfa.org/english/news/tibet/gang-01152020165739.html>

⁷⁶ China: Tibet Anti-Crime Campaign Silences Dissent, Human Rights Watch, 14 May 2020, available at <https://www.hrw.org/news/2020/05/14/china-tibet-anti-crime-campaign-silences-dissent>

⁷⁷ China imprisons two Tibetans on 'state subversion' charges for Dalai Lama song, TCHRD, 3 August 2020, available at <https://tchrd.org/china-imprisons-two-tibetans-on-state-subversion-charges-for-dalai-lama-song/>

⁷⁸ Tibetan Man Kept Under Travel Ban Over Eight-Year-Old Charges, Radio Free Asia, 4 January 2021, available at <https://www.rfa.org/english/news/tibet/travel-05112020163417.html>

⁷⁹ Tibetan Father, Son Detained For Listening to Dalai Lama Teachings, Radio Free Asia, 30 March 2020, available at <https://www.rfa.org/english/news/tibet/father-03302020141555.html>

⁸⁰ Tibetan Monasteries Closed to Outside Visitors on Dalai Lama's Birthday, Radio Free Asia, 10 July 2020, available at <https://www.rfa.org/english/news/tibet/closed-07102020171803.html>

⁸¹ Ibid.

A highly-publicised July tour of select Tibetan areas by the Chinese-appointed Panchen Lama Gyaltsen Norbu⁸² was part of the ongoing campaign to establish the party-state's absolute control over the Tibetan Buddhist reincarnation system and to root out the Dalai Lama's influence in Tibet. Just a month earlier in June, a group of five UN human rights experts (on enforced or involuntary disappearances, arbitrary detention, cultural rights, minority issues, and freedom of religion or belief) had written to the Chinese government expressing their 'grave concern at the continued refusal by the Government of China to disclose precisely the whereabouts of Gedhun Choekyi Nyima.'⁸³ The experts were 'particularly concerned that the regulation of reincarnation of Tibetan living Buddhas may interfere and possibly undermines, in a discriminatory way, the religious traditions and practices of the Tibetan Buddhist minority.' In its response to the experts in July, China fabricated claims based on a distorted historical interpretation, according to which that the party-state has the sole authority to determine the reincarnation of Tibetan religious leaders, including the Dalai Lama and the Panchen Lama.⁸⁴ Meanwhile, the fate and whereabouts of Gedhun Choekyi Nyima, who was recognised as the 11th Panchen Lama by the current Dalai Lama, remain unknown since he disappeared at the hands of Chinese government agents on 17 May 1995.⁸⁵

Chinese authorities increasingly conducted compulsory political education campaigns such 'The Four Standards', which requires monks and nuns to be 'politically reliable' and 'dependable during critical moments,' in other words, the ability to detect and suppress any signs of dissent.⁸⁶ The political education campaigns were mainly incorporated into numerous training workshops on the party's religious policy and the Tibetan reincarnation system.⁸⁷ The goal of these training workshops is secure the Tibetan monastic population adherence to the party's diktats on religion, such as 'organising patriotic and loyal monks to teach at key monasteries on the party's reincarnation management methods, religious rituals, and historical customs.'⁸⁸

Another mandatory political education campaign known as 'Four Distinguishes' was carried out in villages, neighbourhoods, schools, and workplaces in TAR to exhort and pressure the general public to 'reject their spiritual leader'. The campaign pressures the public to observe

⁸² China's Panchen Lama Tours Tibet to Push CCP Agenda, 'Sinification' of Buddhism, Radio Free Asia, 29 October 2020, available at <https://www.rfa.org/english/news/tibet/panchen-10292020164639.html>

⁸³ Mandates of the Working Group on Enforced or Involuntary Disappearances; the Working Group on Arbitrary Detention; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief. 2 June 2020. AL CHN 12/2020.

⁸⁴ The Permanent Mission of PRC to the UN Office at Geneva, 8 July 2020, HRC/NONE/2020/SP/53

⁸⁵ China must publicly disclose truth about Tibet's disappeared Panchen Lama, TCHRD, 17 May 2020, available at <https://tchrd.org/china-must-publicly-disclose-truth-about-tibets-disappeared-panchen-lama/>

⁸⁶ Chinese Authorities Aim to 'Liberate' Tibetan Believers, Human Rights Watch, 22 October 2020, available at <https://www.hrw.org/news/2020/10/22/chinese-authorities-aim-liberate-tibetan-believers>

⁸⁷ Qinghai Province holds a seminar on religious policy for representatives of Tibetan Buddhism, Gonpo Tashi attended the opening ceremony and gave a speech, 5 May 2020, available at http://www.tibet.cn/cn/religion/202005/t20200508_6773789.html

⁸⁸ Establish rules and regulations, promote standardization, institutionalization and modernization to manage Tibetan Buddhism, China Tibet Network, 10 April 2020, available at http://www.tibet.cn/cn/religion/202004/t20200410_6763553.html

only those religious practices or beliefs that align with the party-state's religious policy of 'adapting to a socialism with Chinese characteristics' and 'Sinicization of Tibetan Buddhism'.⁸⁹

In May, Chinese authorities in Lhasa continued to place restrictions on party members, government employees, pensioners and students from participating in religious activities to observe the Buddhist holy month of Saga Dawa, an important Buddhist festival commemorating Buddha's birth, enlightenment, and death.⁹⁰ Authorities issued explicit warnings to parents in advance to stop their children from participating in Saga Dawa religious activities or face severe consequences at meetings convened by party and government officials.

Tibetans also witnessed heightened control over religious activities during other sensitive anniversaries, such as the PRC's founding anniversary on 1 October. In a blog post dated 10 October, Tibetan Buddhist scholar Dong Yonten Gyatso, a Golog Tibetan Autonomous Prefecture resident, wrote about his first visit in 11 years to Lhasa. Despite possessing the necessary permit to visit Lhasa from Tibetan areas located outside TAR,⁹¹ he faced enormous challenges in gaining entry to the Jokhang Temple. When he finally made it inside, avoiding the attention of the security guards, he found the temple teeming with Chinese tourists, Chinese-speaking tour guides, and peddlers jostling and clicking pictures with no regard to religious and cultural sensitivities. Because local Chinese authorities had issued an indefinite order barring Tibetans from visiting the temple, not one other Tibetan was present.

IV.3 FREEDOM FROM ARBITRARY DETENTION AND TORTURE

In 2020, the PRC subjected Tibetans to arbitrary detention and torture for various reasons including, but not limited to, possession of the Dalai Lama's image, peaceful criticism of government policies, resisting political education campaigns, posting or sharing information about human rights violations, or maintaining contacts with Tibetans living in exile. Almost all the known detainees were denied the right to a trial in compliance with international human rights standards. The PRC lacks safeguards to uphold international law and norms, such as independent challenges to detention, the right to silence, presumption of innocence, privilege against self-incrimination, guarantee of prompt legal representation, or inadmissibility of confessions obtained through torture.

Many Tibetan suspects were held in detention for prolonged periods before being formally arrested. Even when they made an arrest, police took advantage of numerous domestic legal provisions that enable detention time limits to be extended, in some cases for as long as six months at a time. Many Tibetans were held without charges or trials beyond the official maximum limit of six months. More disturbingly, extrajudicial detention facilities were used to subject Tibetans, particularly monks and nuns, to inhumane treatment, torture, and forced

⁸⁹ Chinese Authorities Aim to 'Liberate' Tibetan Believers, Human Rights Watch, 22 October 2020, available at <https://www.hrw.org/news/2020/10/22/chinese-authorities-aim-liberate-tibetan-believers>

⁹⁰ Tibetan Students, State Workers Barred From Religious Events in Lhasa, Radio Free Asia, 26 May 2020, available at <https://www.rfa.org/english/news/tibet/barred-05262020181543.html>

⁹¹ 'Tibetans found in Lhasa Barkhor' – Dong Yonten Gyatso, 10 October 2020, available in Tibetan language at https://mp.weixin.qq.com/s?__biz=MzUxMTg1NTk2OA==&mid=2247486127&idx=1&sn=f89fea1c999e282f85e0c6a4656950da&chksm=f96c16a0ce1b%E2%80%A6

political education. The use of torture to extract confessions from political detainees was rampant despite prohibitions against it in Chinese Criminal Procedure Law. Since Tibetan detainees are mostly charged with national security crimes, they are held incommunicado for months and sometimes never again found alive.

In February, a Tibetan nun reportedly took her own life at an extrajudicial detention center in Chamdo Prefecture,⁹² where hundreds of monks and nuns expelled from the Yachen Gar Buddhist Institute in Kardze Tibetan Autonomous Prefecture were detained without charge or trial for months. Beginning in 2016, authorities carried out demolition and depopulation campaigns at Larung Gar and Yachen Gar, two of the most popular Tibetan Buddhist institutes, expelling thousands of monks and nuns, who, upon their return to their respective hometowns, were detained in numerous political education detention centers.⁹³

The alleged suicide death of the unidentified nun reminds of the continued existence and expansion of extrajudicial detention centres in Chamdo and other parts of TAR. In 2019 it was reported that many inmates had been transferred to an extrajudicial detention facility in Chamdo city due to the ‘overflowing numbers’ at another such detention centre in Jomda (Ch: Jiangda) County.⁹⁴ An account of a former inmate showed detainees are subjected to horrific and inhumane treatment including beatings, poor diets, and sexual abuses in these detention centres, which remain outside the purview of the law.⁹⁵

Many cases of arbitrary detention and torture, including death in detention, have been reported in 2020 from Nagchu Prefecture. In August, Lhamo, a mother of three, died in a local hospital soon after being taken there from a detention centre in Driru County.⁹⁶ Her body was bruised and swollen and she was unable to speak when relatives were allowed to see her for less than 30 minutes in the hospital. Local Chinese authorities ordered immediate cremation to prevent investigation into the cause of her death. At the time of writing, the whereabouts and condition of Lhamo’s cousin, Tenzin Tharpa, 39, remained unknown since his detention in June. Both Lhamo and Tharpa had been charged with sending money to family members and other Tibetans in India.

In November, Tibetan democracy advocate Tsering Tso was sentenced, not by a court but by the police, to a 10-day ‘administrative detention’ under the Public Order Administration Punishment Law (POAPL) and fined 1000 yuan for posting “stability-related” information on WeChat.⁹⁷ Held in the Trikha County detention centre, she survived on steamed buns and boiled water and was subjected to ill-treatment and intimidation. Administrative detention is

⁹² Tibetan Nun Expelled From Buddhist Center Commits Suicide in Internment Camp, Radio Free Asia, 14 February 2020, available at <https://www.rfa.org/english/news/tibet/nun-02142020172455.html>

⁹³ Thousands of Monks, Nuns ‘Politically Re-Educated’ After Eviction From Sichuan’s Yachen Gar, Radio Free Asia, 1 July 2019, available at <https://www.rfa.org/english/news/tibet/re-education-07012019162843.html>

⁹⁴ Thousands of Monks, Nuns ‘Politically Re-Educated’ After Eviction From Sichuan’s Yachen Gar

⁹⁵ Tibetan monk’s account reveals rampant use of torture and sexual abuse in China’s ‘political re-education’ centres, TCHRD, 28 May 2018, available at <https://tchrd.org/tibetan-monks-account-reveals-rampant-use-of-torture-and-sexual-abuse-in-chinas-political-re-education-centres/>

⁹⁶ China: Tibetan Woman Dies in Custody, Human Right Watch, 29 October 2020, available at <https://www.hrw.org/news/2020/10/29/china-tibetan-woman-dies-custody>

⁹⁷ China: Stop harassing and detaining Tibetan civil society leaders, TCHRD, 5 December 2020, available at <https://tchrd.org/china-stop-harassing-and-detaining-tibetan-civil-society-leaders/>

a form of arbitrary detention that grants discretionary powers to the police to detain individuals without any safeguards to guarantee the right to fair trial and freedom from torture and other cruel, inhuman or degrading treatment or punishment.⁹⁸

Despite domestic regulations⁹⁹ requiring immediate investigation of unnatural or abnormal deaths in detention, no known investigation has ever been conducted after a Tibetan detainee's death. In June, Nyima Lhamo, niece of the religious leader Tenzin Delek Rinpoche, called China out for its failure to carry out a thorough investigation into the circumstances that led to Rinpoche's conviction and untimely death on 12 July 2015 in Chuandong Prison.¹⁰⁰ Ignoring calls from the international community, Chinese authorities have not provided any autopsy reports or death certificate to corroborate their claim that Rinpoche died a natural death.¹⁰¹

In April, a Tibetan monk named Gendun Sherab, 50, died of injuries sustained from torture during his three-month detention in Lhasa. In late 2017, shortly after his expulsion from Rabten Monastery in Sog (Ch: Suo) County, Nagchu Prefecture, for his 'controversial political views', he was detained for sharing a letter online from the Dalai Lama recognising the reincarnation of a Tibetan religious figure named Choedon Rinpoche.¹⁰² Released from detention in poor health, he spent the next two years unsuccessfully seeking proper medical care before succumbing to his injuries at his home in Rongpo Town, Sog County.

Poor prison conditions, such as hard labour, were responsible for the severely swollen limbs and bruised body of a Tibetan woman named Dolkar, released in August from Ra-nga Khar prison in Minyak near Dartsedo (Ch: Kangding) city in Kardze Tibetan Autonomous Prefecture.¹⁰³ She had been imprisoned for 15 months for sharing the news about the detention of her nephew Wangchen and two of his friends, Lobsang and Yonten. The youths had been detained for praying for the disappeared Panchen Lama.¹⁰⁴

The severity of Ra-nga Khar prison's conditions can also be gauged from the death of a monk named Choekyi, 43, in May in Shosang village, Nyitod Township, Serthar County, Kardze

⁹⁸ People's Republic of China Abolishing "Re-education through Labour" and other forms of punitive administrative detention: An opportunity to bring the law into line with the International Covenant on Civil and Political Rights. Amnesty International, 2006. Available at <https://www.refworld.org/pdfid/447b18ee4.pdf>

⁹⁹ Provisions on the handling deaths of detainees in detention centers (2011), Supreme People's Procuratorate of the PRC, 30 August 2012, available at https://www.spp.gov.cn/spp/flfg/sfjs/201208/t20120830_2444.shtml

¹⁰⁰ No impunity for torture: #InternationalDayAgainstTorture, TCHRD, 26 June 2020, available at <https://tchrd.org/no-impunity-for-torture-international-day-in-support-of-victims-of-torture/>

¹⁰¹ Nyima Lhamo issues message on fifth death anniversary of Tenzin Delek Rinpoche, International Campaign for Tibet, 12 July 2020, available at <https://savetibet.org/nyima-lhamo-issues-message-on-fifth-death-anniversary-of-tenzin-delek-rinpoche/>

¹⁰² Tibetan Monk Dies After Living Two Years With Torture Injuries Sustained in Custody, Radio Free Asia, 24 April 2020, available at <https://www.rfa.org/english/news/tibet/gendun-sherab-04242020150923.html>

¹⁰³ Tibetan political prisoner released with damaged limbs, International Campaign for Tibet, 19 August 2020, available at <https://savetibet.org/tibetan-political-prisoner-released-with-damaged-limbs>

¹⁰⁴ Tibetan Man, Aunt Sentenced For Panchen Lama Protest in Sichuan, Radio Free Asia, 8 May 2019, available at <https://www.rfa.org/english/news/tibet/sentenced-05082019143525.html>

Tibetan Autonomous Prefecture.¹⁰⁵ Choekyi served a four-year prison term for making T-shirts to celebrate the 80th birthday of the Dalai Lama and posting the Tibetan spiritual leader's photos on his personal WeChat account. When he was finally released from prison in 2019 with multiple health complications, he was barred from seeking proper medical care and soon passed away.

It has become a standard practice for Chinese authorities to hold Tibetans in pretrial detention for prolonged periods without access to due process or legal representation. Tibetan musicians Khando Tseten and Tsego were held in an undisclosed location for more than 15 months in Tsekhog (Ch: Zeku) County, Malho (Ch: Huangnan) Tibetan Autonomous Prefecture before their sentencing in July for recording a song praising the Dalai Lama.¹⁰⁶ An unidentified woman who shared the song online was also detained without charge for almost a year and then released without compensation. Likewise, the Tibetan singer Lhundrub Drakpa was sentenced to six years in June 2020 after having been in pretrial detention for over a year.¹⁰⁷ He had been detained several times in the past without charge for composing and recording songs that the authorities deemed illegal.

Similarly, Tsegon Gyal, a prominent political prisoner, had to undergo emergency surgery after being hospitalised in critical condition in January, less than a month after his release from prison.¹⁰⁸ Although the UN Working Group on Arbitrary Detention declared his detention to be arbitrary,¹⁰⁹ he was still forced to serve a three-year prison term for criticising China's policy on 'ethnic unity' on his WeChat account.¹¹⁰

In May, information emerged about the arbitrary detention and disappearance of two Tibetan men in the run-up to the PRC's 70th founding anniversary celebrations in 2019 in Tachen Township, Nagchu Prefecture.¹¹¹ Norsang, 36, and Lhadar, 37, were detained in separate incidents in September and October 2019, respectively, for opposing forced political education campaigns. Neither men have been heard nor seen since.¹¹²

¹⁰⁵ China: Investigate untimely death of former political prisoner due to denial of medical care, TCHRD, 8 May 2020, available at <https://tchrd.org/china-investigate-untimely-death-of-former-political-prisoner-due-to-denial-of-medical-care/>

¹⁰⁶ China imprisons two Tibetans on 'state subversion' charges for Dalai Lama song, TCHRD, 3 August 2020, available at <https://tchrd.org/china-imprisons-two-tibetans-on-state-subversion-charges-for-dalai-lama-song/>

¹⁰⁷ Tibetan Singer Sentenced to Six Years in Prison in Driru: China Committing 'Crimes against Humanity' in Tibet, TCHRD, 30 October 2020, available at <https://tchrd.org/tibetan-singer-sentenced-to-six-years-in-prison-in-driru-china-committing-crimes-against-humanity-in-tibet/>

¹⁰⁸ Prominent Tibetan political prisoner Tsegon Gyal undergoes surgery shortly after release from prison, TCHRD, 12 October 2020, available at <https://tchrd.org/prominent-tibetan-political-prisoner-tsegon-gyal-undergoes-surgery-shortly-after-release-from-prison/>

¹⁰⁹ Working Group on Arbitrary Detention, 78th session (19-28 Apr 2017): Opinion No. 4/2017

¹¹⁰ Prominent former political prisoner Tsegon Gyal arbitrarily arrested, at risk of torture in incommunicado detention, TCHRD, 23 December 2016, available at <https://tchrd.org/prominent-former-political-prisoner-tsegon-gyal-arbitrarily-arrested-at-risk-of-torture-in-incommunicado-detention-2/>

¹¹¹ Chinese authorities stage events in Tibet marking 70th year of People's Republic of China, International Campaign for Tibet, 1 October 2019, available at <https://savetibet.org/chinese-authorities-stage-events-in-tibet-marking-70th-year-of-peoples-republic-of-china/>

¹¹² China: Release Tibetans subjected to enforced disappearance for opposing coercive political indoctrination campaign, TCHRD, 18 May 2020, available at <https://tchrd.org/china-release-tibetans-subjected-to-enforced-disappearance-for-opposing-coercive-political-indoctrination-campaign/>

A well-known Tibetan businessman, Tenzin Choephel, who was known for environmental and cultural advocacy work in Tachen Township, has not been heard or seen since his detention by Chinese police in March 2018 from Gongkar Airport in Lhasa.¹¹³ Shortly after his detention, police searched his house and allegedly found ‘political literature’ and photos of the Dalai Lama. Years later, his family and relatives still have no confirmed information about his whereabouts and current status.

In April, the appeal hearing of A-nya Sengdra was postponed indefinitely, raising concerns that Chinese authorities were intentionally blocking the imprisoned anti-corruption activist from seeking justice.¹¹⁴ This prompted a group of UN human rights experts on arbitrary detention, freedom of opinion and expression, human rights defenders, torture, and minority issues to release a statement in May calling on China to drop all charges against Mr Sengdra. The group also expressed concerns over the ‘criminalisation of the legitimate work of a minority community member and human rights defender’.¹¹⁵

Tibetans also face discrimination in the Chinese criminal justice system, as was evidenced by the case of Dorje Tashi, a private entrepreneur who has been serving life imprisonment since July 2008 in Chushur Prison.¹¹⁶ In 2018, a group of six Chinese legal experts criticised Dorje’s imprisonment for loan fraud when he had merely committed ‘capital misappropriation’.¹¹⁷ The same court that sentenced Tashi had also sentenced two Chinese businessmen to merely 15 years in prison each for loan fraud of 53 million yuan, the biggest loan fraud in the history of Tibet Autonomous Region. The Chinese businessmen received shorter initial sentences and even managed to later get their sentences reduced. In January, Tashi’s lawyer made a second appeal against the unfair conviction after the authorities delayed responding to the first appeal for six years, claiming that they were still reviewing the case details.

V. EDUCATION AND LANGUAGE RIGHTS

Education and language rights are basic rights and fundamental freedoms protected in numerous treaties and agreements to which China is party and bound by.¹¹⁸ China has ratified international conventions guaranteeing the right to education and requiring the government to observe the responsibility to protect the right to education and recognise

¹¹³ China must end enforced disappearance of Tibetan environmental and cultural advocate, TCHRD, 11 May 2020, available at <https://tchrd.org/china-must-end-enforced-disappearance-of-tibetan-environmental-and-cultural-advocate/>

¹¹⁴ China: Release Tibetan anti-corruption activist and associates from illegal imprisonment, TCHRD, 4 May 2020, available at <https://tchrd.org/china-release-tibetan-anti-corruption-activist-and-associates-from-illegal-imprisonment/>

¹¹⁵ UN experts urge China to drop charges against jailed Tibetan minority human rights defender, TCHRD, 19 May 2020, available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25894&LangID=E>

¹¹⁶ China: Release Tibetan businessman unjustly imprisoned for life and reverse discriminatory verdict, TCHRD, 16 March 2020, available at <https://tchrd.org/china-release-tibetan-businessman-unjustly-imprisoned-for-life-and-reverse-discriminatory-verdict/>

¹¹⁷ Tibetan businessman jailed for life, The Guardian, 12 August 2010, available at <https://www.theguardian.com/world/2010/aug/12/tibet-businessman-dorje-tashi-jailed>

¹¹⁸ Tibetan Translation of Guide to Language Rights of Linguistic Minorities Released on International Mother Language Day, TCHRD, 20 February 2019, available at <https://tchrd.org/tibetan-translation-of-guide-to-language-rights-of-linguistic-minorities-released-on-international-mother-language-day/>

education's role in preserving cultural identity and language. Indeed, protections of citizens' right to an education in their native tongue is specifically enshrined and guaranteed within China's own constitution. All of these commitments, provisions, and safeguards are contravened by policy formulated and implemented under the pretence of ethnic unity and development.

The UN Committee on the Elimination of Racial Discrimination (CERD) has consistently raised concerns regarding Tibet's education policy and provided recommendations that China has casually dismissed. In 2009, the CERD had reiterated its concern about 'remaining disparities for ethnic minority children in accessing education, which is often linked to the availability of teaching in Mandarin only.' In 2018, the CERD's concluding observations revealed that China had made little progress: 'Tibetan language teaching in schools in the [TAR] has not been placed on an equal footing in law, policy and practice with Chinese, and that it has been significantly restricted; that Tibetan language advocacy has been punished; and that Tibetans do not have access to Tibetan language translations during court proceedings, which are held in Mandarin'.¹¹⁹

Compulsory political education, also known in official parlance as 'patriotic education', 'national security education' or 'legal education', is primarily geared towards teaching a narrative of the party-state's legitimacy of perennial rule, and a version of Tibetan history that inextricably links it to China. Patriotic education notably entails a five-point pledge for Tibet: agree to the historical unity of China and Tibet; recognise the Chinese appointed Panchen Lama; deny Tibet would ever be independent; denounce the Dalai Lama as a traitor and a splittist; declare opposition to splittism.¹²⁰ The PRC's National Plan for Medium and Long-term Education Reform and Development (2010-2020) makes use of 'patriotic education' to "fortify students' faith and confidence in the Party's leadership and the socialist system".¹²¹ The Plan not only calls for 'socialist core values' to be 'incorporated into the national education', but also 'the fine traditions of Chinese culture and revolutionary traditions.'¹²² This goal directly conflicts with major provisions in the Convention on the Rights of the Child and ICCPR regarding the protection of ethnic minorities' culture and history in a child's education.

Chinese authorities deploy the state education system to relegate the Tibetan language, assert standard Chinese, and deny ethnic diversity. Mandarin Chinese has been the medium of instruction in nearly all middle and high schools in the TAR for decades, but in recent years a 'bilingual education' policy means more primary schools and kindergartens are now also using standard Chinese as the teaching language for Tibetan students.¹²³

¹¹⁹ CERD, *Concluding observations: Review of the fourteenth to seventeenth periodic reports of China*.

¹²⁰ Lama, Jigme Yeshe. *Greater Tibet and Cultural Nationalism: Chinese Strategies and Local Responses*. Special Report. New Delhi: Institute of Peace and Conflict Studies, April 2012.

¹²¹ Outline of China's National Plan for Medium and Long-term Education Reform and Development (2010-2020), s4, para 4. (2010), available at https://www.aei.gov.au/news/newsarchive/2010/documents/china_education_reform_pdf.pdf

¹²² Outline of China's National Plan for Medium and Long-term Education Reform and Development (2010-2020)

¹²³ *China's "Bilingual Education" Policy in Tibet*, Human Rights Watch, 4 March 2020, available at <https://www.hrw.org/report/2020/03/04/chinas-bilingual-education-policy-tibet/tibetan-medium-schooling-under-threat>

Although the PRC's National Human Rights Action Plan (2016-2020)¹²⁴ states that the right of ethnic minorities to learn, use, and develop their own spoken and written languages shall be respected and guaranteed, on the ground practices do not reflect these principles. China's domestic legal system fails to provide real protection for minority languages and the policy of prioritizing Mandarin Chinese language proficiency has eroded much of the remaining linguistic freedom, as more Tibetan schools are converted to Chinese medium schooling and Tibetan is relegated to a language class.¹²⁵ In May, a new law on ethnic unity was enforced, requiring pre-school, primary, secondary, vocational, and higher education to incorporate state ideology on ethnic unity in school curricula.¹²⁶ Provisions of this law further require family members to 'educate, influence and promote the idea of national unity' and nurture the model individual who 'loves the Chinese motherland and supports the party-state's leadership'. This law complements earlier provisions in the education law that encouraged compulsory bilingual kindergartens to immerse Tibetan children in Chinese language and state propaganda from age three in the name of 'strengthening ethnic unity'.¹²⁷

In April, when schools in Ngaba (Ch.: Aba) Tibetan Autonomous Prefecture reopened after the Covid-19 lockdown, Chinese authorities announced that schools would abandon Tibetan medium classes in the coming September.¹²⁸ Local Tibetans' reactions on various online platforms were extensive and critical despite the backdrop of pervasive police surveillance and the looming threat of persecution. This decree thwarted any remaining hope briefly kindled by the 2018 decision of the local People's Congress to continue using Tibetan medium classes in primary schools.¹²⁹ The same month, a group of Tibetan nomads petitioned the Chinese authorities to drop the plan to make Mandarin Chinese the official language of instruction in Tibetan schools in Ngaba TAP.¹³⁰ Warning of pernicious consequences on the future welfare and development of Tibetan parents and their children from nomadic background, the petition called on the Chinese authorities to adopt a mother tongue-based education system that does not violate the regional national autonomy law.¹³¹

In September 2020 in Rebgong (Ch: Tongren) County, Malho (Ch: Huangnan) Tibetan Autonomous Prefecture, police suppressed the peaceful protest of Tibetan parents against the

¹²⁴ National Human Rights Action Plan (2016-2020), china.org.cn, available at http://www.china.org.cn/government/whitepaper/node_7242095.htm

¹²⁵ Ngaba highlights erosion of Tibetan language instruction, International Campaign for Tibet, 28 April 2020, available at <https://savetibet.org/ngaba-highlights-erosion-of-tibetan-language-instruction>

¹²⁶ New 'ethnic unity' regulations violate Tibetans' human rights: ICT briefing International Campaign for Tibet, 12 February 2020, available at <https://savetibet.org/new-regulations-on-ethnic-unity-officially-depart-from-preferential-ethnic-policies-threaten-tibetan-culture-and-violate-international-human-rights-norms/>

¹²⁷ China's "Bilingual Education" Policy in Tibet Tibetan-Medium Schooling Under Threat, Human Rights Watch, 4 May 2020, available at <https://www.hrw.org/report/2020/03/04/chinas-bilingual-education-policy-tibet/tibetan-medium-schooling-under-threat>

¹²⁸ Sophie Richardson, Bitter Blow for Tibetan Mother-tongue Education, Human Rights Watch, 25 April 2020, available at <https://www.hrw.org/news/2020/04/23/bitter-blow-tibetan-mother-tongue-education>

¹²⁹ *ibid.*

¹³⁰ Nomads Appeal Plan to Make Tibetan Schools in Ngaba Teach in Chinese, Radio Free Asia, 23 April 2020, available at <https://www.rfa.org/english/news/tibet/nomads-school-04232020110325.html>

¹³¹ *Ibid.*

closure of local primary schools, resulting in the detention of one male protester.¹³² Despite local opposition, the authorities went ahead with the plan to close all Tibetan primary schools and move the children to far-away boarding schools.

In Themchen (Ch: Tianjun) County, Tsonub (Ch: Haixi) Mongol and Tibetan Autonomous Prefecture, Tibetan parents no longer enjoy the option of sending their children to Tibetan medium schooling, with Tibetan schools forced to merge into the larger, more dominant Chinese medium schools.¹³³ The merger has raised concerns that schools will be used to further the party-state's wider agenda of nation-building a single ethnic identity with a single language and identification with the nation-state.

In TAR, Chinese medium schooling had been introduced in all Tibetan schools way back in March 2019, as was witnessed in rural primary schools in six different townships in Nagchu Prefecture.¹³⁴

Despite PRC's claims that education in Chinese language and culture aims to empower minorities by bringing economic and educational development to minority regions, the Tibetans see 'clear disempowering effects', as the educational displacement causes low school enrollment and erosion of Tibetan language and culture. Education in Tibetan language and culture has been undermined with assimilationist education policies and the persecution of language rights advocates, such as Tashi Wangchuk, who was imprisoned for five years on the trumped-up charge of inciting separatism.¹³⁵ In April 2020, under the pretext of the Covid-19 pandemic, Chinese authorities blocked Wangchuk from meeting his lawyers who were planning to make a third attempt at appealing against his conviction in China.¹³⁶ Chinese officials had previously rejected the lawyers' permission to meet with Wangchuk on the ground that the case was 'sensitive' and required higher approvals.¹³⁷

Wangchuk's case exemplifies the extreme suspicion and hostility with which the Chinese authorities view any display of ethnic differences, such as Tibetan Buddhism and language, both of which are associated with local nationalism or separatism and thus persecuted for allegedly challenging the unity and stability of the Chinese nation-state.¹³⁸ As is common with Chinese policy and practice, the freedom to use and develop one's mother tongue is heavily

¹³² Tibetan School Year Begins Under New Restrictions, Mandarin-only Instruction, Radio Free Asia, 12 September 2020, available at <https://www.rfa.org/english/news/tibet/school-09122020104223.html>

¹³³ Tibetan School Year Begins Under New Restrictions, Mandarin-only Instruction, Radio Free Asia, 12 September 2020, available at <https://www.rfa.org/english/news/tibet/school-09122020104223.html>

¹³⁴ China's "Bilingual Education" Policy in Tibet: Tibetan-Medium Schooling Under Threat, Human Rights Watch 4 March 2020, available at <https://www.hrw.org/report/2020/03/04/chinas-bilingual-education-policy-tibet/tibetan-medium-schooling-under-threat>

¹³⁵ Tashi Wangchuk's sentencing exposes China's assimilationist agenda to annihilate Tibetan cultural identity, TCHRD, 23 May 2018, available at <https://tchrd.org/tashi-wangchuks-sentencing-exposes-chinas-assimilationist-agenda-to-annihilate-tibetan-cultural-identity/>

¹³⁶ China: Stop using coronavirus excuse to continue imprisoning Tibetan language rights advocate, TCHRD, 1 May 2020, available at <https://tchrd.org/china-stop-using-coronavirus-excuse-to-continue-imprisoning-tibetan-language-rights-advocate/>

¹³⁷ Ibid.

¹³⁸ Tsering Topgyal. The Securitisation of Tibetan Buddhism in Communist China. 2012. Politics and Religion in Contemporary China. Available at https://case.edu/affil/tibet/documents/The_Securitization_of_Tibetan_Buddhism.pdf

limited and undermined by the precedence of Chinese medium education. When perceived as detrimental to national stability and national unity, minority language rights cease to exist, and deliberate attempts are made to exclude Tibetan culture, including religion and language, from education.

VI. DEVELOPMENT AND ENVIRONMENT

The 7th Tibet Work Forum, attended by top party, government, and military officials, including President Xi Jinping, was held in August 2020 to devise and formulate development policy for Tibet. The meeting exemplified the PRC's 'top-down' and 'statist' development approach, with almost every step in the formulation of development policy, from design, to implementation, and to goals, crafted and coordinated by the central government in Beijing.¹³⁹ Only one Tibetan, Pema Thinley, party veteran and Vice Chairman of the National People's Congress, attended.¹⁴⁰ The decisions taken at the forum reinforced the pattern of overwhelming focus on issues such as poverty alleviation, GDP, and income growth, interpreting development in purely economic rather than people-centric terms.¹⁴¹

The forum's outcome provided further evidence that development policy is heavily guided by the political goals, security agenda, and economic interests of the state, rather than meeting the needs and improving the welfare of people.¹⁴² In the past, Beijing sought to address its Tibet and Xinjiang security and development policies mutually in a 'development for stability' strategy. Today, however, it has moved to a policy of 'stability first', further relegating meaningful development for Tibetans and emphasizing security policy as the true guide of Chinese development strategy in Tibet.¹⁴³ In addition, a growing amount of development investment in Tibet is for fulfilling Han Chinese tourism demands¹⁴⁴ and resource extraction,¹⁴⁵ in correlation with growing Chinese investment in prospecting and developing access to Tibet's natural resources. Development infrastructure for these purposes offer little benefit or meaningful developments to Tibetans.

At a time when China is determined to promote the right to development in a way that negates the holistic nature of human rights, the right to development must occupy the political foreground in international relations for three reasons:

¹³⁹ Lafitte, G., Seventh Tibet Work Forum Decrees the Future, Rukor Blog, 31 August 2020, available at <https://rukor.org/seventh-tibetwork-forum-decrees-the-future/>.

¹⁴⁰ Tseten, T., The Seventh Tibet Work Forum: An Assessment, 11 September 2020. Available at <https://tibetpolicy.net/the-seventh-tibet-work-forum-an-assessment/>.

¹⁴¹ Lafitte, G., Seventh Tibet Work Forum Decrees the Future, Rukor Blog, 31 August 2020, available at <https://rukor.org/seventh-tibetwork-forum-decrees-the-future/>.

¹⁴² Pan, Jennifer. *Welfare for Autocrats: How Social Assistance in China Cares for its Rulers*. Oxford: Oxford University Press, May 2020.

¹⁴³ 'A new direction': Is China shifting focus to economic opening-up in Xinjiang and Tibet?, South China Morning Post, 10 October 2020, available at <https://www.scmp.com/news/china/politics/article/3104934/new-direction-china-shifting-focus-economic-opening-xinjiang>

¹⁴⁴ Middle section of the second railway into Tibet goes into construction Phase, Beijing Review, 23 November 2020, available at http://www.bjreview.com/Nation/202011/t20201123_800227769.html. 1 December 2020.

¹⁴⁵ Qin, Yinghong and Bo Zheng. "The Qinghai-Tibet Railway: A Landmark Project and its Subsequent Environmental Challenges." *Springer: Environment Development and Sustainability* (2010): pp.859-873.

- a) The right to development is a cluster right, which includes the right to a decent standard of living, including the right to food, water, clothing and housing, the right to work, the right to education, the right to life, and the right to freedom of expression and organisation.
- b) It functions as an integrative right that connects the three categories of human rights – the right to development; civil and political rights; and economic, social, and cultural rights.
- c) It is a 'bridging right' that joins individual rights with the rights of groups and peoples, including indigenous peoples.¹⁴⁶

VI.1 POVERTY ALLEVIATION

In October 2020, the TAR Party Secretary Wu Yingjie declared victory in the poverty alleviation campaign by lifting 628,000 people out of poverty in 74 county-level areas in the region, which he attributed to the 'socialist system'.¹⁴⁷ Generally, Chinese state publications draw a great deal of attention to what the party-state refers to as right to 'subsistence and development', in which poverty is interpreted as the main obstacle to people achieving development. Another Chinese white paper from 2016 on China's 'contribution' to the right to development explicitly states that '[p]overty is the biggest obstacle to human rights'.¹⁴⁸ While acknowledging that poverty is an undeniable issue for people worldwide, the significance placed on its alleviation in Chinese human rights discourse reveals the PRC's conceptualisation that development is achieved through purely economic terms. China perceives its success in alleviating poverty as akin to having achieved development; and perceives achieving development as akin to fulfilling human rights.

Meaningful development programs resource people in order for them to learn to make meaningful choices, exercise agency, and then attain a wide range of material and nonmaterial goals.¹⁴⁹ Thus, development is multi-dimensional. Globally, development is defined beyond narrow macroeconomic metrics of growth and disposable incomes. The UN Human Development Reports, the UN Sustainable Development Goals, and the 54 indicators of the Social Progress Index show how far China has fallen behind because of its obsession with purely-economic indicators.

China's poverty alleviation campaigns complement its larger plan to present itself as alternative to Western models for development and governance and boost the party-state's legitimacy to rule.¹⁵⁰ Many of China's poverty alleviation projects are based in Tibet and

¹⁴⁶ Schrijver, N., A new Convention on the human right to development: Putting the cart before the horse? *Netherlands Quarterly of Human Rights* 2020, Vol. 38(2) 84–93

¹⁴⁷ China's Tibet declares "major victory" in poverty alleviation, Xinhua, 15 October 2020, available at http://www.xinhuanet.com/english/2020-10/15/c_139442336.htm

¹⁴⁸ "The Right to Development: China's Philosophy, Practice and Contribution, The State Council Information Office of PRC, 2 December 2016, available at

<http://www.scio.gov.cn/zfbps/32832/Document/1534707/1534707.htm#:~:text=China%20appreciates%20the%20articulation%20in,and%20political%20development%2C%20in%20which>

¹⁴⁹ Ibhawoh, Bonny. "The Right to Development: The Politics and Polemics of Power and Resistance." *Human Rights Quarterly* (February 2011): pp.76-104.

¹⁵⁰ Chen, E., Behind Xi Jinping's Declaration of Victory Over Poverty, The Jamestown Foundation, 23 December 2020, available at <https://jamestown.org/program/behind-xi-jinpings-declaration-of-victory-over-poverty/>

Xinjiang where oppressed minority groups are subjected to forced assimilation under so-called 'rural surplus labour transfers'.¹⁵¹

TAR Party Secretary Wu Yingjie also noted that the poverty alleviation victory was achieved through 'relocating impoverished people living in severe natural conditions to areas with relatively rich production materials and better infrastructure' and that all 'relocation efforts were carried out entirely on a voluntary basis.' In reality, resettlement and relocation programmes typically offer modern home subsidies to rural Tibetans who accept a sedentary lifestyle in towns.¹⁵² Observers of the CHP noted that rural Tibetans were unable to refuse to participate.¹⁵³ Officials were reported to give ultimatums to villagers to accept urbanisation or see their homes destroyed anyway, all in the name of their own development. Officials also used other less forceful but equally coercive methods, such as promises of bigger and better quality housing, generous financial compensation and farmland, and facilities such as schools and shops, that were never kept.¹⁵⁴ Having lost their traditional sources of wealth such as land and livestock, which they are usually forced to sell upon migration,¹⁵⁵ and unable to find employment in the urban environment or coerced into vocational training, formerly rural Tibetans find themselves both poorer and with a lower quality of life.

VI.2 RELOCATION AND DISPLACEMENT

The acceleration of urbanisation and resettlement of Tibetan nomads through ostensibly seeking to preserve the ecological environment and promote conservation¹⁵⁶ has seen the proliferation of protection zoning designations, such as national parks, as well as a number of programmes implemented to retire and restore degraded land, which have both led to 'ecological migration' of Tibetans to urban areas.¹⁵⁷ Essentially, China is depopulating rural Tibetan pastures, cancelling land rights, erasing sustainable subsistence lifestyles, and displacing rural Tibetans to urban areas in the name of environmental protection. As a result, such protection processes lack any local consultation or cooperation, thus coming into conflict with local Tibetans through policies of resettlement, and the proliferation of restrictions that accompany protection classifications.

In August, Chinese authorities revoked thousands of Tibetan nomadic families' land rights to make way for a national park in Chigdril Township in Chumarleb (Ch: Qumalai) County, Yushu Tibetan Autonomous Prefecture. A Tibetan man, Bu Dokyab, 63, and his nephew Gyaltsen,

¹⁵¹ Ibid.

¹⁵² Goldstein, Melvyn C., Geoff Childs and Puchung Wangdai. "BEIJING'S "PEOPLE FIRST" DEVELOPMENT INITIATIVE FOR THE TIBET AUTONOMOUS REGION'S RURAL SECTOR-A CASE STUDY FROM THE SHIGATSE AREA." *The China Journal* (January 2010): pp.57-75.

¹⁵³ China: End Involuntary Rehousing, Relocation of Tibetans, Human Rights Watch, 27 June 2013, available at <https://www.hrw.org/news/2013/06/27/china-end-involuntary-rehousing-relocation-tibetans>.

¹⁵⁴ Nyima, T. Development Discourses on the Tibetan Plateau: Urbanization and Expropriation of Farmland in Dartsedo. *Himalaya* (October 2011): pp.79-90

¹⁵⁵ Dorjee, R. China's Urbancide in Tibet, *The Diplomat*, 17 March 2017, available at <https://thediplomat.com/2017/03/chinas-urbancide-in-tibet/>.

¹⁵⁶ Du, F. Ecological Resettlement of Tibetan Herders in the Sanjiangyuan: A Case Study in Madoi County of Qinghai. *Nomadic Peoples* (2012): pp.116-133.

¹⁵⁷ Wong, E. How China's Politics of Control Shape the Debate on Deserts, *The New York Times*, 27 October 2016, available at <https://www.nytimes.com/2016/10/28/world/asia/china-desertification-troy-sternberg.html>.

43, were detained on 21 August from a restaurant in the neighbouring Tridu County.¹⁵⁸ The detention was carried out shortly after a village meeting where Dokyab had openly criticised the government's land confiscation policy, which he believed threatened local livelihood and food security. Dokyab had been detained twice in the past for petitioning the local authorities to secure timely and adequate state welfare subsidies.

In September, Chinese authorities ordered the complete removal of all Tibetan nomads from their ancestral lands by the end of this year in Themchen (Ch: Tianjun) County in zhibula – meldro gongkar Tsonub (Haixi) Mongolian and Tibetan Autonomous Prefecture.¹⁵⁹ A local directive issued at a county meeting ordered all residents to comply with government order to facilitate the establishment of Chinese president Xi Jinping's 'ecological civilization' project. The nomads were to be relocated to Golmud county, more than 500 km away from Themchen.

In recent years, many residents from Chamdo have been relocated to distant relocation villages in Toelung Dechen, Shigatse and Damshung, where they struggled to find jobs and access education and healthcare for their children. However, over 4,000 residents of Markham (Ch: Mangkang) and Gonjo (Ch: Gongjue) counties in Chamdo Prefecture were unable to return to their former homes after the relocation programs failed to improve living conditions.¹⁶⁰

In Tibet, customary land use is threatened by urban expansion, intensive market gardens, and livestock feedlots on the urban fringes, which often exhaust or pollute the land. Land is also lost to new hydro dams, highways and railways, and 'paper parks' meant to prove China's commitment to environmental protection. Meanwhile, polluting mining activities thrive unchecked even in supposedly protected parks and reserves.

VI.3 MINING

PRC's mining companies, which are mostly state-owned, benefit from state financing of railways, power stations, and other infrastructure and receive financial incentives such as low interest rates, tax holidays, no royalty payments to local communities and subsidised rail freight rates. This incentivises the development of medium-scale mines in the Tibetan Plateau.¹⁶¹ Chinese authorities grant mining licenses to migrants from other provinces and profit from mining activities on the Tibetan Plateau.

In August, an open-pit mining site at an altitude of 4,200 meters in Themchen County near the Qilian Mountains Nature Reserve was found to have destroyed alpine grasslands and wetlands, threatening the environment of a key watershed area. For 14 years, the Qinghai

¹⁵⁸ Tibetan Uncle and Nephew Arrested For Urging Resistance to Chinese Land Grab, Radio Free Asia 24 August 2020, available at <https://www.rfa.org/english/news/tibet/land-08242020144752.html>

¹⁵⁹ Thousands of Tibetans Driven From Their Homes by China to Make Way For National Park, Radio Free Asia, 9 September 2020, available at <https://www.rfa.org/english/news/tibet/driven-09092020142844.html>

¹⁶⁰ Tibetan Families Absent From Their Villages Are Removed From Resettlement Lists, Left Without Homes, Radio Free Asia, 12 May 2020, available at <https://www.rfa.org/english/news/tibet/absent-05122020172238.html>

¹⁶¹ Gabriel Lafitte. "Spoiling Tibet: China and Resource Nationalism on the Roof of the World", 2013, Zed Books Ltd.

Xingqing Industry & Trade Engineering Group Corporation had illegally mined more than 26 million tons of coal, worth more than 10 billion yuan from the mining site, that was 5 km wide and 300 to 500 meters deep.

Despite two rounds of inspections in 2017 by central authorities in the Qilian Mountains and the ban on mining in the Muli area where the mine is located, illegal logging, mining, the building of factories, and tourism remained rampant.¹⁶² Illegal resource extraction was widespread even in July 2019.¹⁶³

In November, Chinese scientists reported the accelerated melting of 800-km glacier in the Qilian Mountains, which had retreated about 450 meters since the 1950s, and doubt the survival of 2,684 glaciers in the Qilian range.¹⁶⁴ Local Chinese environmentalists warn of pooling lakes and floods and farmers downstream facing water shortages.

Far from enforcing a moratorium on mining, Chinese authorities in TAR encouraged Zijin Mining Co. Ltd. to build China's largest copper mine. Zijin announced in June to acquire a controlling stake in two copper mines in TAR: Chulong and Zhibula in Meldro Gongkar (Ch: Maizhokunggar County near Lhasa).¹⁶⁵ Both mines contain massive copper deposits rich in gold and silver and have a production capacity of 30 million tonnes per annum and 1.2 million tonnes of copper per year, respectively. Chulong (Ch: Qulong) is now one of the biggest copper mines in the world. The acquisition will be handled by Zijin's fully owned Tibet Zijin Industrial Co. Ltd. in Lhasa. The Chinese government considers the copper mining sector a 'national industrial strategic resource', which can help reduce the current import of more than 75% of China's overall copper needs.¹⁶⁶ Lauding the Zijin mining agreement, Pema Wangdu, a TAR Party Standing Committee member and secretary of the Lhasa Municipal Party Committee, said that the Yulong Copper Mine will 'implement the concept of green development, make overall plans for mineral development and ecological protection, and strive to build green mines, safe mines, harmonious mines, and smart mines.'¹⁶⁷

By the end of 2020, copper price reached its highest in seven years and is projected to increase nearly 800,000 tonne in Chinese copper demand in 2021.¹⁶⁸ The rising copper demand as prices increased has resulted in more intensive copper mining and heavy state investment in grid and renewable power.¹⁶⁹ As China focuses more on renewable energy sources, demand for copper and corresponding exploitation of Tibetan copper deposits have

¹⁶² Yang Wanli. Qinghai looks into illegal coal mining, China Daily, 6 August 2020

<https://www.chinadailyhk.com/article/139189>

¹⁶³ Ibid.

¹⁶⁴ Scientists watch as China remote glaciers melt at 'shocking' pace, Reuters, 10 November 2020, available at <https://www.reuters.com/article/us-climate-change-china-glacier-widerima-idUKKBN27P34J>

¹⁶⁵ China's Zijin to acquire 50.1% stake in 2 copper mines in Tibet for 3.88B yuan | S&P Global Market Intelligence, 8 June 2020, available at <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/china-s-zijin-to-acquire-50-1-stake-in-2-copper-mines-in-tibet-for-3-88b-yuan-58952505>

¹⁶⁶ Zijin Mining Holding will build Yulong Copper as China's largest copper mine! Seetao, 6 September 2020, <https://www.seetao.com/details/27773/en.html>

¹⁶⁷ Ibid.

¹⁶⁸ Copper bulls bet green agenda will push metal on towards record high, Financial Times, 18 December 18 2020, available at <https://www.ft.com/content/c9ec52d2-9585-4c57-a138-581ef9715e4e>

¹⁶⁹ <https://rukor.org/copper-the-civilising-mission/>

grown. Copper is needed in wiring an electric car, long distance electricity transmission, and harvesting electricity via solar and wind energy.

VI.4 RAILWAY

China's large scale infrastructure projects such as railways are motivated by political and economic interest, rather than a genuine desire to improve the welfare of Tibetans.¹⁷⁰ Construction accelerated this year as border tensions between China and India increased, providing the backdrop for renewed investment in Tibetan infrastructure.¹⁷¹ In November 2020, Chinese president Xi Jinping called the newly-built Sichuan-Tibet Railway, expected to start operation in 2021, 'of great significance in safeguarding national unity and consolidating border stability... as the railway runs near China's southwest border areas, it will largely improve the efficiency and convenience of military personnel and material transportation and logistical supplies'.¹⁷² In the current context of deteriorating relations with India, the Chinese government is motivated by security concerns and the railway's military value, rather than any regional welfare benefits it may provide. The predecessor to the current railway project, the Qinghai-Tibet Railway that opened in 2006 'became a conduit for the Chinese military to marshal personnel and assets into Tibet'.¹⁷³

The Sichuan-Tibet Railway, vaunted by the Chinese state as development infrastructure,¹⁷⁴ will cut travel between Lhasa and Chengdu from 36 to 9 hours, bringing mass tourism and allowing resources to be transported away from Tibet to China far faster than previously seen. China's claim that the railway will allow Tibetans' access to the rest of China is hollow, considering the Committee on the Elimination of Racial Discrimination's (CERD) 2018 findings that 'Tibetans are subjected to significant restrictions on movement within and beyond Tibet Autonomous Region'.¹⁷⁵ The creation of infrastructure such as the Sichuan-Tibet Railway, motivated by a desire to facilitate Tibet as a Chinese holiday destination and improve resource extraction, will have little benefits to Tibetans.

While China has espoused the supposed benefits that the project will yield for Tibet's economy and people, the real motivation for and beneficiary behind the railway will be China's political agenda and its economic interests.¹⁷⁶ In Chamdo, where, since 2016, the authorities have relocated 26,000 Tibetans to the periphery of Lhasa, there has been a corresponding increase in the number of Chinese migrant working in state infrastructure

¹⁷⁰ Imonti, F. China's Rivers of Sand, International Policy Digest, 24 November 2020, available at <https://intpolicydigest.org/2020/11/24/china-s-rivers-of-sand/>.

¹⁷¹ Tiku, A. New Strategic Sichuan-Tibet Railway Link To Strengthen Border Defense – Analysis, Eurasia Review, 10 November 2020, available at <https://www.eurasiareview.com/10112020-new-strategic-sichuan-tibet-railway-link-to-strengthen-border-defense-analysis/>.

¹⁷² Xi calls construction of Sichuan-Tibet railway significant to unity and border stability, Global Times, 8 November 2020, available at <https://www.globaltimes.cn/content/1206134.shtml>

¹⁷³ China planning building spree in Tibet as India tensions rise, sources say, Reuters, 4 September 2020, available at <https://www.reuters.com/article/us-china-investment-tibet-idUSKBN25V1KS>

¹⁷⁴ China sets policy directions for building a modern socialist Tibet, CGTN, 29 August 2020, available at <https://news.cgtn.com/news/2020-08-29/Xi-addresses-seventh-Tibet-work-forum-in-Beijing--TIGiGamKcM/index.html>.

¹⁷⁵ CERD. *Concluding observations: Review of the fourteenth to seventeenth periodic reports of China*. Periodic Report. Geneva: OHCHR, 2018.

¹⁷⁶ 'New Strategic Sichuan-Tibet Railway Link To Strengthen Border Defense'.

projects in the last four years, ‘displacing Tibetan residents whose farms and homes have been taken over to make room for high-rise housing.’¹⁷⁷

In 2021, Chinese authorities will begin construction on the Sichuan-Tibet railway’s middle sector between Yag-Nga (Ch: Ya’an) city in Sichuan and Nyingtri (Ch: Linzhi) city in TAR. While the Chengdu- Yag-Nga section of the railway line has been operational since December 2018, and the Lhasa-Nyingtri line is expected to be operational in 2021, the Yag-Nga – Nyingtri line remains to be built.¹⁷⁸ This middle sector, expected to be complete in 2030, runs through rugged geological terrains comprising a fragile ecology prone to seismic activity.¹⁷⁹

VI.5 HYDRODAMS

China’s current trend of formulating Tibetan development policy through so-called ‘megaprojects’ has also been reaffirmed by debate in Beijing over China’s 14th Five-Year Plan (2021-2025), which has already impacted the direction of Tibetan development through the approval of large-scale dam infrastructure projects such as one in Nyingtri, 200 kms down the Yarlung Tsangpo from a number of other dams built in recent years.¹⁸⁰ China has said the Yarlung Tsangpo will protect ‘national security’.¹⁸¹

The intensive use of water resources for mining, hydropower projects, other water diversion, and water bottling projects threaten access to clean water and sanitation, endangering the domestic and trans-border water supply to Asia as a whole, and threatening soil erosion and environmental degradation.

Tibet’s freshwater resource is being threatened by accelerated glacial melt and disappearing permafrost. Impacts from climate change, soil erosion, and water and soil contamination affect the domestic population and the world’s 10 most densely populated nations, which use water sourced from Tibet. More than 75 percent of the broader Asia-Pacific region suffers from water insecurity, and Tibet’s freshwater resources support more than 20 percent of the world’s population. Following acute water and electricity shortages, experts have long predicted a rapid reduction in food production, widespread migration, and future conflict.¹⁸²

¹⁷⁷ Chinese Workers Pour Into Chamdo, Displacing Tibetans Living There, Radio Free Asia, 16 June 2020, available at <https://www.rfa.org/english/news/tibet/chamdo-06162020105744.html>

¹⁷⁸ Ramachandran, S. Tibet Railway Network Speeding Up to the Indian Border, The Jamestown Foundation, 6 December 2020, available at <https://jamestown.org/program/tibet-railway-network-speeding-up-to-the-indian-border/>

¹⁷⁹ Xi orders advancing construction of rail line in Tibet, close to Arunachal, The Tribune (India), 8 November 2020, available at <https://www.tribuneindia.com/news/nation/xi-orders-advancing-construction-of-rail-line-in-tibet-%20close-to-arunachal-167932>

¹⁸⁰ Lafitte, G. "A Dam for Me, A Dam for You." 2 December 2020. <https://rukor.org/a-dam-for-me-a-dam-for-you/>.

¹⁸¹ Huang, K. Tibet hydropower plans will boost international cooperation, says Chinese state company boss despite risk of Indian backlash, South China Morning Post, 29 Nov, 2020, available at <https://www.scmp.com/news/china/diplomacy/article/3111841/tibet-hydropower-plans-will-boost-international-cooperation>

¹⁸² Brook Larmer. “The Big Melt”, National Geographic Magazine, April 2010, available at <http://ngm.nationalgeographic.com/print/2010/04/tibetan-plateau/larmer-text>

In April 2020, a study held China responsible for causing a catastrophic drought in Southeast Asia by building dams on Dzachu (Mekong) river and preventing downstream water flow.¹⁸³ According to the study, the lowest river level in the Lower Dzachu was recorded in 2019 when no water reached downstream countries. The restriction of water supply in the Lower Dzachu during the wet summer season of 2019 was mainly caused by the restriction placed on the upper Dzachu, and the study called for holistic solutions to address impacts faced by downstream countries as ‘dams greatly expand institutional capacity to regulate the river flow’.¹⁸⁴

In December 2020, the United States Congress passed a law requiring the State Department to report on Chinese dams in Tibet and the impact on downstream water flows.¹⁸⁵ The growing international attention to Chinese dam-building activities in Tibet reflects the collective concern about water security in Tibet.¹⁸⁶

China is experiencing rapid urbanization and a population boom, placing extreme pressure on its water resources. China is expected to have the largest growth in urban populations by 2050.¹⁸⁷ And the country is projected to add 292 million to its more than 750 million current urban dwellers. China’s previous 13th Five-Year Plan (2015-2020) had approved a fresh wave of hydropower and major infrastructure projects on the Tibetan plateau¹⁸⁸ despite mounting evidences of drying rivers due to increasing desertification and climate change.¹⁸⁹ Rapid and uncontrolled development projects in the greater Himalayas could lead to further shrinking of available clean water, heightening the risk of displacement, disease, or even conflict.¹⁹⁰ The PRC launched a hydroelectric power (HEP) expansion program to raise its production from one-third to 60% by 2020.¹⁹¹ The PRC has built more dams in the last five decades than the rest of the world combined, largely in order to divert the flow of rivers originating in Tibet.¹⁹² Several large dams are currently under construction in Tibet.¹⁹³

VI.6 LOCAL RESISTANCE

¹⁸³ Basist, A. and Williams, C. (2020); Monitoring the Quantity of Water Flowing Through the Mekong Basin Through Natural (Unimpeded) Conditions, Sustainable Infrastructure Partnership, Bangkok.

¹⁸⁴ Ibid.

¹⁸⁵ Congress mandates State Department report on Tibet water security, International Campaign for Tibet, 23 December 2020, available at <https://savetibet.org/congress-mandates-state-department-report-on-tibet-water-security>

¹⁸⁶ Ibid.

¹⁸⁷ World’s population increasingly urban with more than half living in urban areas, United Nations, 10 July 2014, available at <http://www.un.org/en/development/desa/news/population/world-urbanization-prospects-2014.html>

¹⁸⁸ Walker, B. China plans more dams and mega infrastructure in Tibet, The Third Pole, 21 March 2016, available at <https://www.thethirdpole.net/2016/03/21/china-plans-more-hydro-projects-and-mega-infrastructure-in-tibet/>

¹⁸⁹ Gupta, J. Chinese dam hurts Tibet more than India, The Third Pole, 2 October 2016, available at <https://www.thethirdpole.net/2016/10/02/chinese-dam-hurts-tibet-more-than-india/>

¹⁹⁰ Water Clouds on the Tibetan Plateau, Council on Foreign Relations, 9 May 2016, available at <https://www.cfr.org/background/water-clouds-tibetan-plateau>

¹⁹¹ The Struggle For Asia’s Water Begins, Forbes, 9 September 2010, available at <https://www.forbes.com/2010/09/09/water-china-tibet-2020-opinions-contributors-steven-solomon.html>

¹⁹² Chellaney, B. Water: Asia’s New Battleground. Georgetown University Press. 2013. Print.

¹⁹³ Buckley, M. Meltdown in Tibet: China’s Reckless Destruction of Ecosystems from the Highlands of Tibet to the Deltas of Asia. St. Martin Press. 2014. Print.

Despite the prevailing repression, Tibetans have protested against China's ill-conceived development projects that have benefited the majority Han Chinese population and had disastrous local consequences, including land grabs, infrastructure construction, mining, tourism, etc. In the past decade, state mining operations have been the targets of Tibetan protests, as these extractive industries have polluted the environment and destroyed the sacred natural sites to exploit local resources (Tenzin).

Local dissent and resistance is more expansive than simply a determined opposition to mining. As noted in section III.2, Tibet's role in China's economy is transitioning from fulfilling a demand for natural resources to satisfying a rapidly growing desire among Han Chinese for Tibet's landscapes repurposed as a tourist destination. This means the Chinese government is increasingly using development policy to 'rewild' Tibet into a 'pristine wilderness' and facilitating the exploitation of this wilderness by constructing transport infrastructure such as roads to meet and satisfy Chinese domestic tourist demands. (Denyer; Xu; Qin and Zheng).

Tibetan dissent has visibly engaged with this shift in government priorities that has also proved detrimental to Tibetan livelihoods in recent years. Tibetans, far from being indifferent to development, as the Chinese government claims, have on numerous occasions struggled to make their voices heard with regards to development policy. The non-violent forms of protest that Tibetans overwhelmingly use are reasonable attempts to engage with the state and participate in their own development and be consulted on the issues that impact their lives. For many Tibetans, the Chinese state has violently and relentlessly denied their attempts to meaningfully access their right to development, freely exchange their views, reasonably critique the state policies that negatively impact their lives, and participate and engage in the processes that define their futures.

In June, ten respected community leaders were sentenced to between nine and 14 years in prison for demanding compensation for property damage caused by the construction of the Lin-He expressway, connecting Linxia—capital of Linxia Hui Autonomous Prefecture and Hezuo (Tib: Tsoe)—capital of Kanlho Tibetan Autonomous Prefecture, in Banggurthang (Ch: Wangeertang) Township in Sangchu (Ch: Xiahe) County, Malho Tibetan Autonomous Prefecture.¹⁹⁴ Blasting for constructing the expressway had destroyed houses of local Tibetans and the restaurant run by the Namlha Monastery. Local Tibetans then gathered at the construction site in 2013, demanding a halt to the blasts and compensation. Local authorities gave in and paid the compensation.

However, at the two-day trial in June 2020, that compensation money was labeled as extortion, and the Tibetans in Sangchu were tried under the 'anti-gang crime' campaign. The campaign was used to settle political scores and crush legitimate dissent against Chinese development projects.¹⁹⁵ The imprisoned Tibetans were members of the Namlha Monastery's Folk Management Committee, which was accused of engaging in various 'illegal'

¹⁹⁴ The "Evil" Trial of 10 Sangchu Tibetans, International Campaign for Tibet, 1 October 2020, available at <https://savetibet.org/new-report-exposes-fraudulent-anti-gang-trial-of-sangchu-10-tibetans/>

¹⁹⁵ Ibid.

activities such as organizing fundraising drive for the monastery and extorting from villagers using ‘soft violence’.¹⁹⁶

Imprisonment of 10 Tibetan Community Leaders in Sangchu

Name	Age	Prison term
Tashi Gyatso	42	14 years
Tsewang	70	9 years and six months
Nyingchak	60	10 years
Tamdin Dorjee	56	9 years
Sonam Gyal	63	10 years
Tamdin Tsering	53	9 years
Choepa Tsering	45	9 years
Gyalo	52	10 years
Tagthar Gyal	50	10 years
Tenpa Gyatso	38	9 years

VIII. CONCLUSION

Events in Tibet present a stark picture of deprivation and abuses marked by persistent and grave human rights violations including the absence of independent space for free speech owing to the widespread and systematic crackdown on any sign of peaceful dissent. Tibetans face random searches of their residences and images of the Dalai Lama and the Tibetan flag are banned and possession can lead to detention and imprisonment. Tibetan human rights defenders dealing with environmental, land rights and language concerns are unable to exercise their rights as defenders. The few courageous Chinese human rights lawyers who attempt to provide legal representation are punished for doing so.

Torture remains widespread in the PRC and little progress has been made to the extent that in 2015 the UN committee against torture censured the PRC for failure to implement recommendations that would end practices that amounted to torture and other cruel inhuman and degrading treatment, and protect detainees and those representing them.

Protections for individuals are severely undermined, as there is no rule of law but rather rule by law. This in turn creates a climate in which summary and/or arbitrary execution can take place without sanction or consequence and further undermines the basic rights of those who are seen as a threat to “stability maintenance”. There are no safeguards in place that uphold international law, convention and guidelines such as independent challenge to detention, right to silence, presumption of innocence, privilege against self-incrimination, guarantee of prompt legal representation and inadmissibility of confessions obtained through torture.

The environment of the Tibetan Plateau, known as the roof of the world, is being systematically destroyed. Tens of thousands of nomads and farmers have been displaced and dispossessed due to ill-advised development policies. Mass migration of Chinese into the Tibetan Plateau has accentuated the social and economic exclusion of Tibetans. Mining for

¹⁹⁶ Ibid.

copper, gold, and silver, hydropower projects, other water diversion and bottling projects has led to pollution and reduction of water resources threatening the domestic and trans-border supply to Asia as a whole as well as other impacts such soil erosion and environmental degradation. Chinese migrants, mining and other infrastructure companies are provided preferential taxation, land, finance, and welfare policies to incentivise the urban and industrial development of a fragile ecosystem.

None of the major grievances that sparked widespread protests in 2008 in Tibet including elaborate restrictions on religion and denunciation of the Dalai Lama, increased Chinese migration to Tibetan areas, political repression, economic marginalization, lack of self-governance, environmental destruction, and ill-conceived development policies have been addressed by the PRC. The PRC has ratified a number of international human rights instruments and is a member of the UN and the Human Rights Council. At the same time, the PRC's laws, policies and practices on a range of issues directly related to human rights are evidenced to be in breach of International Law and other human rights instruments. This contradictory position must be addressed and the PRC must be held to account.