

# Human Rights Action Plan – Tibet



Tibet Justice Center



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# Introduction

Some of the most visible and egregious human rights offences committed by China occur in Tibet<sup>1</sup>; a country occupied by China for over six decades. Since 1950 China has enacted a series of region-specific measures in Tibet. As a result, the Tibetan people's human rights have been grossly violated, in spite of the efforts of various concerned governments and civil society organisations to focus attention on the problem. Over the past five years, the situation in Tibet has worsened, and the situation looks set to continue to deteriorate unless effective changes are undertaken.

It is vital therefore that China is held accountable to its international obligations, human rights commitments – both national and at the UN – and the recommendations made by United Nations (UN) member states, and experts, to press China to adhere to recognised international human rights norms in Tibet.

Evidence of positive human rights changes in Tibet would be a positive indication for wider human rights changes in China more generally. As such, the human rights situation in Tibet can be used as the litmus test for China's overall human rights progress.

## Human Rights Action Plan for Tibet

The Human Rights Action Plan for Tibet (HRAP-T) is a tool devised to enable governments, international human rights monitoring mechanisms, and civil society organisations to monitor and evaluate China's compliance with, and progress towards, the implementation of accepted recommendations and international human rights promises made to the UN Human Rights Council, Human Rights Treaty Bodies and UN Special Procedures.

There is a wide range of state-perpetrated human rights issues affecting Tibet. The HRAP-T focus is on four of the most critical issues: Nomad resettlement, Cultural rights, Human Rights Defenders and Torture.

The HRAP-T includes relevant information starting from October 2013. The tool will be updated at timely intervals as new, relevant information comes to light regarding UN engagement on China, and any changes in the situation in Tibet or with Chinese policies.

## Overview of the HRAP-T

### **Section one – China's Obligations**

Section one clearly lays out China's human rights obligations under International Law. It also states China's human rights commitments relevant to the four issues under Chinese law.

### **Section two – China and the UN**

Section two lays out key information about China and the UN, including recent UN engagement on China's human rights record.

### **Section three – Measuring Implementation**

Section three highlights the four most critical issues in Tibet, and itemises the significant related promises China has made recently at the UN, the relevant recent recommendations that have been made to China by key UN treaty bodies and independent UN experts, and the relevant articles of the Chinese Constitution.

While not all of the promises and recommendations have a direct reference to Tibet, many are entirely relevant to the Tibetan context, and as such we highlight them.

Having identified the promises and recommendations, we lay out very practical indicators of what successful implementation by China of these obligations, promises and recommendations in relation to each issue would look like in the Tibet context.

It is these indicators that will enable users of this tool to rate and measure China's application of its human rights obligations, promises and recommendations in Tibet.

# Section 1 – China’s obligations

**China is obligated by a number of international laws and treaties to provide human rights to its citizens. Below is a table summary of the key obligations that affect Tibet.**

## 1.1 China’s relevant obligations under international law

International Covenant on Economic, Social and Cultural Rights

Signed: 27 Oct 1997

Ratified: 27 Mar 2001

International Covenant on Civil and Political Rights

Signed: 5 Oct 1998

NOT ratified

Convention on the Elimination of All Forms of Discrimination against Women

Signed: 17 Jul 1980

Ratified: 4 Nov 1980

Slavery Convention

Ratified: 22 Apr 1927

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Signed: 12 Dec 1986

Ratified: 4 Oct 1988

Convention on the Rights of the Child

Signed: 29 Aug 1990

Ratified: 2 Mar 1992

Convention against Discrimination in Education

Ratified

Convention on the Prevention and Punishment of the Crime of Genocide

Signed: 20 Jul 1949

Ratified: 18 Apr 1983

## United Nations Human Rights Council Membership

China was voted onto the UN Human Rights Council in October 2016 for a 3 year term, ending 2019. Council members are expected to be committed to promoting and protecting human rights globally, and to implementing their own human rights commitments.

GA Resolution 60/251 states that “when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments thereto” (Paragraph 8).

The pledge states that the country will uphold international standards of human rights and enumerates actions undertaken by that state in advancing and protecting human rights. In addition, candidates must accept that they will be subjected to periodic peer-reviews of their human rights record if they gain a seat on the Council.

### Key Missing Obligations:

China is yet to ratify the **International Covenant on Civil and Political Rights (ICCPR)**. In March 2014, China accepted a recommendation from Zambia during its second cycle UPR to consider ratifying the ICCPR<sup>2</sup>. As a key international human rights document that evokes accountability for any abuses of civil and political rights against its citizens, it is crucial that China ratifies this Convention as soon as possible.

### 1.2 China's Obligations Under Chinese law

#### China's Constitution<sup>3</sup>

China's constitution contains a number of strong articles for the protection and support of ethnic minorities, and for rights that would enable human rights defenders to carry out their work in safety. In 2004, China made an important addition to the Constitution, in the form of Article 33 which states that "The state respects and guarantees human rights".

However, these are undone by Articles 51-54, which act as conditioners to the articles that preceded them. In the absence of democracy and rule of law, the State maintains the sole power of interpretation of words and phrases within these articles, such as "interests", "unity", and "state secrets" – interpretation that can mean life, death or imprisonment to the Tibetan people, and all others living under Chinese rule.

Where relevant to an issue, we include reference to the specific articles in the Chinese constitution, but it should be borne in mind that most of these are "undone" by articles 51-54 that significantly narrow the application of all preceding articles.

#### China's Human Rights Action Plan<sup>4</sup>

The establishment of China's National Human Rights Action plan (HRAP-C) in 2009 appears to be a significant commitment towards safeguarding human rights in China, however it lacks specific goals and procedures. There is also no specific reference to the situation in Tibet.

Despite stating in the introduction that the plan is aligned with the Universal Declaration of Human Rights, the HRAP-C makes clear that economic, social and cultural rights are prioritised over civil and political rights, and that the provision of all rights is dependent upon and conditioned by "national interests". The plan does not offer clear and universal goals for advancing universal human rights. Existing goals are limited to general and vague definitions with no vision of what success could look like.

Rather than addressing the specific situation in Tibet, the action plan speaks of "ethnic minorities", for whom it appears basic economic development is China's key goal.

# Section 2 – China and the UN

## 2.1 UN Human Rights Council

China is a member of the UN Human Rights Council. China was reviewed by the rest of the Council in 2013 for the second time, in a process called the **Universal Periodic Review**. UN member states made recommendations to China, which China chose to either accept, reject or term ‘already implementing’. The results were formalised in March 2014. The HRAP-T focuses on the ‘accepted’ and ‘accepted and already implementing’ recommendations.

## 2.2 Relevant Human Rights Treaty Body Provisions

### 2.2.1 Cultural Rights:

#### International Covenant on Economic, Social, and Cultural Rights

Part I, Article 1: All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

Part II, Article 2: The States Parties to the present covenant undertake to guarantee that the rights enunciated in the present covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Part II, Article 5: Nothing in the present covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

Part III, Article 15: 1) The States Parties to the present covenant recognize the right of everyone: a. To take part in cultural life; b. To enjoy the benefits of scientific progress and its applications; c. To benefit from the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author. 2) The steps to be taken by the States Parties to the present covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. 3) The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

#### Convention against Discrimination in Education

Article 5: c) It is essential to recognize the rights of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however: That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty; That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and that attendance at such schools is optional.

#### International Covenant on Civil and Political Rights

Part III, Article 27: In 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 practice their own religion, or to use their own language.

Part III, Article 19: 1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

## 2.2.2 Human Rights Defenders:

### International Covenant on Economic, Social, and Cultural Rights

Part I, Article 1: 1) All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

Part II, Article 2: 2) The States Parties to the present covenant undertake to guarantee that the rights enunciated in the present covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

### International Covenant on Civil and Political Rights

Part I, Article 1: 1) All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

Part II, Article 2: 1) Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Part II, Article 2: 3) Each State Party to the present Covenant undertakes: a. To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; b. To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; c. To ensure that the competent authorities shall enforce such remedies when granted.

Part III, Article 6: 1) Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Part III, Article 9: 1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. (2) Anyone who is arrested shall be informed, at the time of the arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. (3) Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be a general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment. (4) Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. (5) Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Part III, Article 10: 1) All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Part III, Article 18: 1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. (2) No one shall be subject to coercion, which would impair his freedom to have or to adopt a religion or belief of his choice.

Part III, Article 19: 1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Part III, Article 21: 1) The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedom of others.

Part III, Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Part III, Article 27: In 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 practice their own religion, or to use their own language.

### Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment

Part I, Article 1: For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Part I, Article 2 : 1) Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. 2) No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. 3) An order from a superior officer or a public authority may not be invoked as a justification of torture.

Part I, Article 13: Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

### 2.2.3 Nomad Resettlement:

#### International Covenant on Economic, Social, and Cultural Rights

Part I, Article 1: 1) All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

Part III, Article 6: 1) The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

Part III, Article 12: 1) The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

#### International Covenant on Civil and Political Rights

Part III, Article 12: 1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

## 2.2.4 Torture

### International Covenant on Civil and Political Rights

Part III, Article 7: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

### Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment

Part I, Article 2: 1) Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. (2) No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. 3) An order from a superior officer or a public authority may not be invoked as a justification of torture.

Part I, Article 3: 1) No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. (2) For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Part I, Article 4: 1) Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. (2) Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Part I, Article 10: 1) Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. (2) Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Part I, Article 11: Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Part I, Article 12: Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Part I, Article 13: Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Part I, Article 14: 1) Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation. (2) Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Part I, Article 15: Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Part I, Article 16: 1) Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or

other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment. (2) The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law, which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

Articles in Part II refer to the establishment of a Committee against Torture which “consist[s] of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity”, that oversees the implementation of the Convention Against Torture.

The full document – <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

### 2.3 Recent Treaty Body Reviews of China

**Committee on Economic, Social and Cultural Rights (CESCR), May 2014** – China was reviewed by the UN Committee on Economic, Social and Cultural Rights. The Committee noted in May 2014 “that there are no significant factors and difficulties impeding its [China’s] capacity to effectively implement the Covenant.” The Committee makes concluding observations in the form of recommendations, which China does not officially respond to.

**Committee on the Rights of the Child (CRC), Sept/Oct 2013** – China was reviewed by the Committee on the Rights of the Child in Fall 2013.

**Committee Against Torture (CAT), Nov 2015** – China was reviewed by the CAT committee in November 2015. The Committee makes concluding observations in the form of recommendations, which China does not officially respond to.

### 2.4 UN Special Procedures (Special Rapporteurs, Working Groups, and Independent Experts)

Over the last decade a significant number of Special Procedures have communicated with China on a variety of human rights issues in Tibet.

The following recent communications show the breadth of concern from Special Procedures:

**February 2017:** The UN Special Rapporteurs on cultural rights; freedom of opinion and expression; minority issues; and torture; and the Working Group on Arbitrary Detention raised concerns about “the alleged detention, since 27 January 2016, and the formal arrest, in March 2016, of **Tashi Wangchuk, a Tibetan linguistic rights activist**, following his appearance in an article and documentary in the New York Times published in November 2015 about his advocacy for the rights of Tibetans to learn and study in their mother tongue.”

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=22981>

The Chinese government has replied, but there has been a delay in translating and making public the reply.

**On December 12, 2017** the UN Special Rapporteurs on freedom of opinion and expression; the situation of human rights defenders; and freedom of religion or belief sent a communication to the Chinese government raising concerns about “the detention and surveillance of **Ms. Nyima Lhamo and Ms. Dolkar Lhamo, women human rights defenders and relatives of late Tenzin Delek**, and the criminalization of the legitimate exercise of rights of **monks and local people in Lithang and Nyakchuka** to freedom of expression, freedom of religion and freedom of peaceful assembly.”

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=22870>

There has been no response to date from the Chinese government.

**November 2016:** UN Special Rapporteurs on cultural rights; safe environment; freedom of peaceful assembly and of association; minority issues; and freedom of religion or belief, communicated to China their concerns about “mass expulsion of religious practitioners from **Larung Gar and Yachen Gar**, demolitions of monastic homes in Larung Gar and the cultural and environmental impacts of the **mining activities at the Holy Gong-ngon Lari Mountain** as well as excessive use of force against, and arbitrary arrest and detention of, peaceful protesters.”

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=22816>

The Chinese government has replied, but there has been a delay in translating and making public the reply.

We record these and earlier communications in the relevant tables in Section 3.

There are currently 12 pending requests for China visits from Special Procedures, which China is yet to respond to. In addition, China issued an invitation to the Special Rapporteur on Religious Freedom in 2004, following a visit request, but the Special Rapporteur is awaiting a reply to a letter sent in 2006 requesting dates.<sup>5</sup>

## 2.5 UN High Commissioner for Human Rights

China accepted a UPR recommendation in its 2nd cycle review in March 2014 to allow the UN High Commissioner on Human Rights to visit China and Tibet. This visit should happen as a matter of urgency during High Commissioner Zeid Ra'ad Al Hussein's tenure.

### **186.73. Facilitate the visits of the UN High Commissioner and the special procedures, including to Tibetan and Uighur area (Switzerland) – Accepted**

The last UN High Commissioner to visit China was Louise Arbour in 2005, she was subsequently denied a visit to Tibet in 2008. Two High Commissioners issued statements addressing the human rights crisis in Tibet: **Louise Arbour** in the midst of the 2008 mass protests across Tibet and **Navi Pillay** during China's leadership change and the peak of the Tibetan self-immolation crisis in 2012.

2008 – UN High Commissioner for Human Rights Louise Arbour reacted to Chinese security force crackdowns on Tibetan protesters by urging restraint and the provision of the right to freedom of expression and assembly.

2012 – UN High Commissioner for Human Rights Navi Pillay urged China to address root causes of Tibetan protests, including self-immolations, and asked that China grant Tibetans freedom of expression and assembly. See Annex 1.

Current High Commissioner Zeid Ra'ad al Hussein said in his maiden media briefing in October 2014 that he wanted to visit Tibet, as well as China, and was in discussions with China about this.<sup>6</sup> China has not ruled this out, but has also not confirmed the trip as yet.<sup>7</sup>

## 2.6 General Assembly Resolutions

The UN General Assembly (UNGA) has passed three resolutions about Tibet, in 1959, 1961 and 1965 respectively, following several appeals by Tibet's then spiritual and political leader the Dalai Lama. UN member states used the resolutions to challenge China's claim that Tibet is part of China and to speak out against China's invasion of Tibet.

### 2.6.1 1959 UNGA Resolution 1353 (XIV) on Tibet<sup>8</sup>

1. Affirms its belief that respect for the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights is essential for the evolution of a peaceful world order based on the rule of law;
2. Calls for respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life.

### 2.6.2 1961 UNGA Resolution 1723 (XVI) on Tibet<sup>9</sup>

1. Reaffirms its conviction that respect for the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights is essential for the evolution of a peaceful world order based on the rule of law;
2. Solemnly renews its call for the cessation of practices which deprive the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination;
3. Expresses the hope that Member States will make all possible efforts, as appropriate, towards achieving the purposes of the present resolution.

### 2.6.3 1965 UNGA Resolution 2079 (XX) on Tibet<sup>10</sup>

1. Deplores the continued violation of the fundamental rights and freedoms of the people of Tibet;
2. Reaffirms that the respect for the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights is essential for the evolution of a peaceful world order based on the rule of law;
3. Declares its conviction that the violation of human rights and fundamental freedoms in Tibet and the suppression of the distinctive cultural and religious life of its people increase international tension and embitter relations between peoples;
4. Solemnly renews its call for the cessation of all practices which deprive the Tibetan people of the human rights and fundamental freedoms which they have always enjoyed;
5. Appeals to all States to use their best endeavors to achieve the purposes of the present resolution.

## Section 3 – Measuring Implementation

## Issue 1

# Cultural Rights

China continues a wholesale onslaught on Tibetan culture, in particular violating language rights, artistic expression and religious freedom. The space for Tibetan culture and tradition is being politicised through various region-specific policies resulting in the criminalisation of acts of cultural expression, thus posing a direct threat to Tibetan cultural survival.

Full access to cultural rights for Tibetans is crucial, as their culture is the foundation of what it means to be Tibetan, penetrating every aspect of society from language, religion and education. Since 2008, China has increased its attack on Tibetan cultural icons, arresting singers, writers and artists. The apparent dismantling of Tibetan culture by the Chinese Government in favour of creating a culturally homogenous Han-Chinese society is an outright violation of the cultural rights of Tibetans. Using all diplomatic tools available, there is a need to work to secure full access to cultural rights for Tibetans. A number of policies should be immediately ceased in order to create a safe environment for all aspects of Tibetan culture.

**Religious Freedom:** The religious community and its cultural institutions are increasingly controlled by the Government, preventing Tibetans from exercising their right to religious freedom. Since 2008, China intensified control of Tibetan Buddhist practices. Government work teams including armed police and soldiers have been deployed inside monasteries to monitor and “re-educate” monks and nuns. Major religious gatherings are increasingly either prohibited or put under intense surveillance by security forces. Some religious leaders have been labelled as anti-government and detained.

**Language:** China's linguistic policies in Tibet pose a serious threat to the Tibetan language. In 2010 and 2012, proposed changes to replace Tibetan with Mandarin as the language of instruction in schools sparked mass peaceful protests. Tibetan primary, secondary and higher education is being replaced with Mandarin across all of Tibet. Local community-based language empowerment initiatives promoting Tibetan language have been reportedly shut down by the Chinese Government, citing in part that the Tibetan language contains words that can be used to express opposition to Chinese rule.<sup>11</sup> As a result, attempts made by Tibetans to preserve their language have become a political matter, making the maintenance of Tibetan language increasingly difficult.

### Detrimental Chinese law and policy

**Prohibition of Religious Festivals** – A policy imposed by local governments on a case-by-case basis and frequently only shortly before the festival or ceremony. For example, and on a larger scale, commemorating Sagadawa has been banned for the last few years in the Tibetan Autonomous Region (TAR).

**Great Strategy for the Opening of the West** – A strategy ostensibly designed to bring economic development from eastern China to the West, including Tibet. This has been used to justify the resettlement of Tibetan nomads, increased investment from Chinese State Owned-Enterprise (SOE), increased migration of workers, increased tourism, the uncompensated taking of land, and mining in Tibet.

**Patriotic Education Campaigns (Policy)** – A policy imposed on monasteries designed to make them obedient servants of the state first and religious practitioners second.

**State Administration of Religious Affairs (SARA)** – An organization within the CCP empowered to create policy regarding the regulation and control of religions in the PRC.

**Trulku Management Measures** – A policy implemented by SARA requiring that all reincarnated lamas (or “living Buddhas”) be officially recognized as such only by the Chinese government.

### Information Handbook for the Enforcement of Two Separate Regulations issued by Diru County

**People's Government** – A regulation in Diru county, Tibet, that punishes people and their relatives for attending the “Great Prayer Festival” or the Kalachakra Empowerment.<sup>12</sup>

Human Rights violated: Cultural Rights, Religious Freedom, Right to Education, Right to Language, Right to Adequate Standard of Living, Right to Freedom of Expression.

Table 1: Cultural Rights

Universal Periodic Review	UN Human Rights Treaty Bodies	UN Special Procedures	Chinese Constitution
<p>A – 186.138. Take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China (Poland);</p> <p>A – 186.185. Continue to provide comprehensive protection to citizens' economic, social and cultural rights (Democratic People's Republic of Korea);</p> <p>A – 186.194. Continue efforts in implementation of the country's Plans of Action in particular those relating to the safeguard of the economic, social and cultural rights of the people, including those of the most vulnerable ones and disadvantaged groups (Cambodia);</p> <p>A – 186.220. Exert more efforts to protect cultures, especially those of ethnic minorities, and to promote the protection of cultural relics (Iraq);</p> <p>A – 186.221. Make further efforts for securing all human rights, including cultural rights of minorities (Japan);</p> <p>A – 186.222. Take further legislative and practical measures to allow ethnic minorities to preserve their cultural identity, to fully exercise their human rights and to ensure their participation in decision-making, in accordance with the Chinese Constitution (Austria)</p>	<p><b>CESCR 2014</b></p> <p>Non-discrimination (Related to Cultural Rights and freedom of expression and information)</p> <p>The Committee made recommendations for China to combat all forms of discrimination against ethnic minorities, to uphold their right to enjoy fully their own cultural identity and take part in cultural life, including by removing restrictions on freedom of expression and information.<sup>13</sup></p> <p><b>CRC Session 64</b></p> <p>Non-discrimination (Related to Language, Freedom of Religion, and Cultural Rights)</p> <p>The Committee raised concern about “the continuous violations of the rights of and discrimination against Tibetan and Uighur children...including their right to freedom of religion, language and culture”. The Committee urged the State party “to take immediate action in mainland China to eliminate policies, practices and security measures that disproportionately affect or discriminate against Tibetan and Uighur children”.<sup>14</sup></p>	<p>February 2017: A group of UN Special Rapporteurs (cultural rights; freedom of opinion and expression; minority issues; and torture; and the Working Group on Arbitrary Detention) raised concerns about the detention and arrest of Tashi Wangchuk, a Tibetan language rights activist.<sup>15</sup></p> <p>November 2016: A group of UN Special Rapporteurs (cultural rights; safe environment; freedom of peaceful assembly and of association; minority issues; and freedom of religion or belief), raised concerns about mass expulsion of religious practitioners from Larung Gar and Yachen Gar, demolitions in Larung Gar, the cultural and environmental impacts of mining at Gong-ngon Lari Mountain, and treatment of peaceful protestors.<sup>16</sup></p> <p>February 2014: The Special Rapporteurs on Arbitrary Detention; Cultural Rights; Disappearances; Freedom of Expression; Freedom of Peaceful Assembly and of Association; Freedom of Religion; and Minority Issues send China a joint urgent appeal requesting information on the whereabouts and condition of ten Tibetan musicians believed to be in arbitrary detention.<sup>17</sup></p> <p>UN Special Rapporteur on Minority Issues made a request for a visit on 30 July 2009 – currently outstanding.<sup>18</sup></p>	<p>Article 47 – Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists creative endeavors conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art and other cultural work.</p>

## Outcome Indicators

- All Tibetan artists, writers, musicians and community leaders arrested for the promotion of cultural rights are released and further harassment linked to cultural promotion is ceased.
- The elimination of incentives for Han Chinese from eastern China to work in Tibet.
- New culturally sensitive policies to support nomads in their lifestyle developed.
- The policy to remove Tibetan nomads and rural residents from the grasslands and their homes is suspended.
- Evidence is seen of new and culturally sensitive policies implemented that support the traditional Tibetan nomads and farmers in their lifestyles, including effective poverty alleviation measures. These could include:
  - Establishment of self-governing pasture user groups run by and including local Tibetans.
  - Creation of urban markets for Tibetan dairy products.
  - Funding provided for Tibetan nomad communities to rehabilitate degraded grassland areas.
  - Training in and provision of veterinary services, pest management, and other linked services as a poverty alleviation and income generation program.
  - Decentralisation of health care and education to Tibetan nomadic communities (via mobile schools and clinics) and provision of qualified teachers and health care staff.
  - Access to appropriate solar and wind energy is provided to Tibetan nomadic and rural communities.
- Businesses involved in the extractive industries are required to consult with the local community.
- Special Rapporteur in the field of Cultural Rights is allowed to visit Tibet before October 2018 (China's 3rd cycle UPR).
- Special Rapporteur on Minority Issues is allowed to visit Tibet before October 2018 (China's 3rd cycle UPR).

Table 2. Language

Universal Periodic Review	UN Human Rights Treaty Bodies	UN Special Procedures	Chinese Constitution
<p>A – 186.219. Continue pursuing measures and policy aimed at ensuring the rights of ethnic minorities’ learning, writing and the development of their own languages according to the relevant laws (Cambodia)</p>	<p><b>CESCR 2014</b></p> <p>“The Committee recommends that the State party take all necessary measures to ensure the full and unrestricted enjoyment by minorities, including Tibetans, Uighurs and Inner Mongolians, of their right to enjoy fully their own cultural identity and take part in cultural life, and to ensure the use and practice of their language and culture. The Committee also recommends that the State party take adequate measures to protect cultural diversity and promote awareness of the cultural heritage of ethnic, religious and linguistic minorities.”<sup>19</sup></p> <p><b>CRC 2013</b></p> <p>Non-discrimination (Related to Language, Freedom of Religion, and Cultural Rights)</p> <p>The Committee raised concern about “the continuous violations of the rights of and discrimination against Tibetan and Uighur children...including their right to freedom of religion, language and culture”. The Committee urged the State party “to take immediate action in mainland China to eliminate policies, practices and security measures that disproportionately affect or discriminate against Tibetan and Uighur children”.<sup>20</sup></p>	<p>February 2017: A group of UN Special Rapporteurs (cultural rights; freedom of opinion and expression; minority issues; and torture; and the Working Group on Arbitrary Detention) raised concerns about the detention and arrest of Tashi Wangchuk, a Tibetan language rights activist.<sup>21</sup></p> <p>June 2013: The SR for Arbitrary Detention; Freedom of Expression; Freedom of Peaceful Assembly and Association; and Human Rights Defenders expressed concern about the arrest and sentencing of a Tibet student who lead a peaceful protest in November 2012 calling for “freedom to study the Tibetan language.”<sup>22</sup></p>	<p>Article 4 – All ethnic groups have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.</p>

## Outcome Indicators

- Policies that require Tibetan to be the officially recognised language in Tibet are implemented.
- Tibetan language becomes the official language used to teach in schools at all levels.<sup>23</sup>
- Literacy levels of Tibetans in TAR and TAPs increase to at least 80%.<sup>24</sup>
- Education and training opportunities are provided to Tibetans that will allow them to compete for and gain skilled jobs. This should involve classes taught in Tibetan and Mandarin.
- Local authority positions offered in TAR and TAPs have Tibetan language as a prerequisite to employment, and recruitment procedures are conducted in Tibetan language.

Table 3. Religious Freedom

Universal Periodic Review	UN Human Rights Treaty Bodies	UN Special Procedures	Chinese Constitution
<p>A – 186.224. Strengthen protection of ethnic minorities’ religious, socio-economic and political rights, ensuring reports of violations are promptly and transparently investigated (Australia)</p> <p>A – 186.136. Expedite legal and institutional reforms to fully protect in law and in practice freedom of expression, association and assembly, and religion and belief (Australia);</p> <p>A – 186.138. Take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China (Poland);</p> <p>A – 186.140. Take effective measures to protect the right to freedom of religion or belief (Austria);</p> <p>A – 186.143. Consider possible revision of its legislation on administrative restrictions in order to provide a better protection of freedom of religion or belief (Italy);</p> <p>A – 186.144. Strengthen the human rights framework to ensure religious freedoms (Namibia);</p> <p>A – 186.169. Continue strengthening the protection and promotion of the right of all citizens to publicly express their beliefs and opinions (Chile);</p>	<p><b>CESCR 2014</b></p> <p>“The Committee... recommends that the State party take adequate measures to protect cultural diversity and promote awareness of the cultural heritage of ethnic, <b>religious</b> and linguistic minorities”.<sup>25</sup></p> <p><b>CRC 2013</b></p> <p>“In light of article 14 of the Convention and article 36 of the State party’s Constitution, and recalling its previous recommendations (CRC/C/CHN/CO/2, para. 45), the Committee recommends that the State party take all necessary measures to ensure the full implementation of the Regional Ethnic Autonomy Act, effectively guarantee the right to freedom of thought, conscience and religion for those under 18... In particular, the Committee recommends that the State party: (a) Abolish criminal and administrative penalties, including re-education through labour, which target children from certain groups, particularly Tibetan Buddhist...; (b) Repeal all measures and restrictions that prohibit Tibetan children of any age from participating in religious activities or receiving religious education, including measures imposed on monasteries and nunneries... (d) Immediately allow an independent expert to visit Gedhun Choekyi Nyima and verify his health and living conditions.”<sup>26</sup></p>	<p>December 2017: A group of Special Rapporteurs (freedom of opinion and expression; human rights defenders; freedom of religion or belief) raised concerns about the treatment of Ms. Nyima Lhamo, Ms. Dolkar Lhamo and the monks and local people in Lithang and Nyakchuka in the wake of Tenzin Delek Rinpoche’s death in Chinese custody.<sup>27</sup></p> <p>November 2016: A group of UN Special Rapporteurs (cultural rights; safe environment; freedom of peaceful assembly and of association; minority issues; and freedom of religion or belief), raised concerns about mass expulsion of religious practitioners from Larung Gar and Yachen Gar, demolitions in Larung Gar, the cultural and environmental impacts of mining at Gong-ngon Lari Mountain, and treatment of peaceful protestors.<sup>28</sup></p> <p>November 2011: A group of UN experts (Freedom of Religion or Belief, Freedom of Peaceful Assembly and Association, Freedom of Opinion and Expression, Enforced or Involuntary Disappearances, Arbitrary Detention, Minority Issues), raised concern over crackdown and restrictions in the Tibetan Buddhist Kirti monastery and the surrounding area.<sup>29</sup></p> <p>China accepted in principle in 2004 a visit from the Special Rapporteur on Freedom of Religion. Date of last letter requesting dates was September 2006. Visit request pending.<sup>30</sup></p>	<p>Article 36 – Citizens of the People’s Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination.</p>

## Outcome Indicators

- Official policy of State intervention in the identification and training of Tibetan reincarnate lamas is ceased.
- Policy to implement “Management Committees” at religious institutions is disbanded.
- Practices targeted at Tibetan Buddhist institutions which threaten to erode the Tibetan religious culture are ended, such as:
  - the ban on religious construction without government permission;
  - the limits on the number of monks and nuns permitted per monastery;
  - the screening for admission of monks and nuns on the basis of their political views;
  - government restrictions on travel between counties, prefectures and provinces, for the purpose of religious study and pilgrimage;
  - ‘Patriotic re-education’ sessions, which often include the denunciation of the Dalai Lama
- Tibetans are allowed to freely mark the Dalai Lama’s birthday through peaceful activities, without repercussion or interference
- Tibetans are allowed to celebrate traditional Tibetan holidays and festivals
- Renovations of monasteries are carried out to genuinely preserve and protect the building, rather than merely to improve its external appearance
- Construction that would threaten or could damage Potala Palace and other important and sacred sites is prohibited.
- Ratification of the International Covenant on Civil and Political Rights (ICCPR) is carried out, ensuring the Covenant’s protections are extended to Tibetans, including their right to profess and practice their own religion
- UN Special Rapporteur for Freedom of Religion is allowed to visit Tibet before October 2018 (China’s 3rd cycle UPR).

## Issue 2

### Human Rights Defenders

Chinese government policy and practice in Tibet leaves no room in which human rights defenders can operate safely, thus violating the UN Declaration on Human Rights Defenders<sup>31</sup>. Since the start of the occupation of Tibet in 1950, but increasingly since 2008, China has targeted Tibetan human rights defenders. Tibetans who speak up for religious freedom, cultural rights, and other human rights including self determination, are all dealt with severely; often with incarceration and torture.

Tibetan human rights defenders are often accused of “leaking state secrets”, “inciting the splitting of the motherland” and other charges that do not contravene international law. In addition, fabricated charges are often levied at human rights defenders to silence them, and prevent them carrying out their work. The criminalisation of HRDs often then leads to their arbitrary detention.

Despite the Chinese constitution being strong on freedoms required for the defence of human rights, its conditional clauses (Articles 51-54) render human rights defenders extremely vulnerable to criminalisation.

China has so far refused to accept a request for a visit from the UN Special Rapporteur on human rights defenders.

#### **Freedom of Expression, Association, and Assembly**

Tibetans who protest non-violently are met with force, and are often shot at, beaten and/or detained. China has increased control and surveillance of communications, and arrests Tibetans who try to pass information about human rights violations to people outside Tibet.

### **Enforced disappearance**

There were 41 documented cases of enforced disappearances in Tibet between November 2012 and April 2014. These include individuals from a wide range of backgrounds who have criticised the government's policies. During its 2013 UPR session, China stated that "There is no arbitrary detention or forced disappearance in China."<sup>32</sup>

### **Arbitrary Detention**

Tibetans are often detained under no charge, or on charges that are in violation of international law. Tibetans are commonly denied legal representation and, being subject to the Chinese legal system, they are always denied a fair trial. There is no enforceable right to compensation in China for arbitrary detention.

### **Detrimental Chinese law and policy**

**Picking Quarrels and Provoking Trouble** – Article 293(2) of the Criminal Law of the People's Republic of China. A broad law frequently used to targeted human rights defenders.

**Splittism, Endangering State Security** – Frequent grounds for the criminal conviction of human rights defenders.

**Administrative detention** – the names vary, e.g. legal education, patriotic education, psychiatric detention etc., but administrative detentions are frequently used to circumvent the criminal justice system and deny the victim due process of law.

**Article 73 of Criminal Procedure Law of the PRC** – permits the detention of people charged with, among other things, endangering state security, without notifying their family of their location or reason for their detention.

Table 4. Operational space for Human Rights Defenders

Universal Periodic Review	UN Human Rights Treaty Bodies	UN Special Procedures	Chinese Constitution
<p>A – 186.149. Facilitate the development, in law and practice, of a safe and enabling environment in which both civil society and human rights defenders can operate free from fear, hindrance and insecurity (Ireland);</p> <p>A – 186.62. Ensure that human rights defenders can exercise their legitimate activities, including participation in international mechanisms, without being subjected to reprisals (Switzerland);</p> <p>A – 186.158. Ensure that proper investigations are conducted in all cases of attacks on journalists, media workers and human rights defenders (Poland);</p> <p>A – 186.59. Set up a national institution in line with the Paris Principles and ensure a climate that is favourable to the activities of human rights defenders, journalists and other civil society actors (Tunisia);</p> <p>A – 186.131. Take steps to ensure lawyers and individuals working to advance human rights can practice their profession freely, including by promptly investigating allegations of violence and intimidation impeding their work (Canada);</p> <p>A – 186.150. Allow national and international NGOs to play a full and active role in promoting and protecting human rights, specifically by expanding registration to all categories of NGOs and social organizations in China and by expanding their freedom to operate effectively (Netherlands);</p>	<p><b>CESCR 2014</b></p> <p>“The Committee urges the State party to protect human rights and labour activists, as well as their lawyers, against any form of intimidation, threat or retaliation for taking up cases of violations of economic, social and cultural rights, and to ensure full respect for their own economic, social and cultural rights.”<sup>33</sup></p>	<p>February 2017: A group of UN Special Rapporteurs (cultural rights; freedom of opinion and expression; minority issues; and torture; and the Working Group on Arbitrary Detention) raised concerns about the detention and arrest of Tashi Wangchuk, a Tibetan linguistic rights activist.<sup>34</sup></p> <p>December 2017: A group of Special Rapporteurs (freedom of opinion and expression; human rights defenders; freedom of religion or belief) raised concerns about the treatment of Ms. Nyima Lhamo, Ms. Dolkar Lhamo and the monks and local people in Lithang and Nyakchuka in the wake of Tenzin Delek Rinpoche’s death in Chinese custody”<sup>35</sup></p> <p>June 2013: The UN Special Rapporteurs for Arbitrary detention; Freedom of Expression; Freedom of Peaceful Assembly and of Association, and Human Rights Defenders expressed concern about the arrest and sentencing of Mr Wangchuk Dorje, a Tibetan student who lead a peaceful protest in November 2012 calling for “freedom to study the Tibetan language<sup>36</sup>, equality between nationalities, and the return of His Holiness the Dalai Lama to Tibet.”</p> <p>The Special Rapporteur on Human Rights Defenders requested a visit in 2008, and sent a reminder in 2010 – request pending.<sup>37</sup></p>	<p>China does not recognise the existence of human rights defenders in its constitution.</p>

## Outcome Indicators

- Effective measures have been taken to protect, promote and respect human rights defenders and their activities, enabling such individuals, groups and associations to freely carry out their work. Such measures could include:
  - Effective measures are taken to prevent attacks on or harassment of human rights defenders, including swift, independent and effective investigation of such acts, and prosecution of accused perpetrators
  - Legislation on freedom of association, peaceful assembly and expression in Tibet conforms with internationally recognised human rights standards
  - Torture is prohibited and all allegations of torture are required to be investigated by an independent body
  - Independent third party (United Nations, NGOs) are allowed to supervise prisons and detention facilities
  - The right to the presumption of innocence and the prohibition against self-incrimination are both recognized and enforced
  - The judicial systems are strengthened and effective remedies for those whose rights and freedoms are violated are provided
  - The punishment of lawyers for representing unpopular clients is prohibited
  - The judiciary is able to operate independently, as evidenced by the judiciary making politically unpopular decisions
  - UN Special Rapporteur for Human Rights Defenders is allowed to visit Tibet before October 2018 (China's 3rd cycle UPR).
  - UN Commissioner for Human Rights is allowed to visit and granted full access to all areas of Tibet before October 2018 (China's 3rd cycle UPR).
  - China ratifies the International Covenant on Civil and Political Rights (ICCPR), ensuring its protections are extended to Tibetans, by October 2018 (China's 3rd cycle UPR).

Table 5. Criminalisation of Human Rights Defenders

Universal Periodic Review	UN Human Rights Treaty Bodies	UN Special Procedures	Chinese Constitution
<p>A – 186.131. Take steps to ensure lawyers and individuals working to advance human rights can practice their profession freely, including by promptly investigating allegations of violence and intimidation impeding their work (Canada);</p> <p>A – 186.136. Expedite legal and institutional reforms to fully protect in law and in practice freedom of expression, association and assembly, and religion and belief (Australia);</p> <p>A – 186.138. Take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China (Poland);</p>	<p>None relevant since HRAP-T monitoring began in October 2013.</p>	<p>February 2017: A group of UN Special Rapporteurs (cultural rights; freedom of opinion and expression; minority issues; and torture; and the Working Group on Arbitrary Detention) raised concerns about the detention and arrest of Tashi Wangchuk, a Tibetan linguistic rights activist.<sup>38</sup></p> <p>December 2017: A group of Special Rapporteurs (freedom of opinion and expression; human rights defenders; freedom of religion or belief) raised concerns about the treatment of Ms. Nyima Lhamo, Ms. Dolkar Lhamo and the monks and local people in Lithang and Nyakchuka in the wake of Tenzin Delek Rinpoche's death in Chinese custody”<sup>39</sup></p>	<p>Article 38 – The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false accusation or false incrimination directed against citizens by any means is prohibited.</p>

### Outcome Indicators

- Evidence of the implementation of protective measures to ensure Tibetan HRDs are free from arrest and harassment.
- Evidence of prompt, thorough and impartial investigation of all violations, including false accusations, against Tibetan HRDs.
- Civil rights lawyers are able to represent Tibetan HRDs without harassment.
- Evidence of a substantial decrease in number of Tibetans being charged with the crime of “leaking state secrets” and “splittism” by October 2018.
- Ratification of the International Covenant on Civil and Political Rights (ICCPR), with guarantees that its protections are extended to Tibetans by October 2018 (China's 3rd cycle UPR).



Table 6. Arbitrary Detention

Universal Periodic Review	UN Human Rights Treaty Bodies	UN Special Procedures	Chinese Constitution
<p>A – 186.118. Ensure that any reformed prison or compulsory care system meets international human rights standards, and abolish system of arbitrary detention, including Re-education Through Labour (Sweden);</p>	<p><b>CRC 2013</b></p> <p>“35. The Committee is...further concerned about reports of detention and imprisonment of Tibetan children accused of “inciting” self-immolations, and of harassment and intimidation of families of victims, which could exacerbate the situation and lead to more self-immolations. The Committee urges the State party to engage in a genuine dialogue with children, religious and community leaders in Tibet Autonomous Region in an effort to halt self-immolations and protect the inherent right to life, survival and development of all Tibetan children. It specifically recommends that the State party:...(c) Refrain from arresting and detaining Tibetan children and implementing security measures that may exacerbate the situation, and ensure that children arrested or sentenced for “instigating” or “inciting” self-immolation can gain full access to their right to legal aid and fair trial.”<sup>40</sup></p>	<p>February 2017: A group of UN Special Rapporteurs (cultural rights; freedom of opinion and expression; minority issues; and torture; and the Working Group on Arbitrary Detention) raised concerns about the detention and arrest of Tashi Wangchuk, a Tibetan language rights activist.<sup>41</sup></p> <p>February 2014: The Special Rapporteurs on Arbitrary Detention; Cultural Rights; Disappearances; Freedom of Expression; Freedom of Peaceful Assembly and of Association; Freedom of Religion; and Minority Issues send China a joint urgent appeal requesting information on the whereabouts and condition of ten Tibetan musicians believed to be in arbitrary detention.<sup>42</sup></p> <p>November 2011: A group of UN experts ( Freedom of Religion or Belief, Rights to Freedom of Peaceful Assembly and Association, Freedom of Opinion and Expression, Enforced or Involuntary Disappearances, Arbitrary Detention and Minority Issues) raised concern over crackdown and restrictions in the Tibetan Buddhist Kirti monastery and the surrounding area.<sup>43</sup></p> <p>A visit request from the UN Special Rapporteur on Arbitrary Detention is outstanding.</p>	<p>Article 37 – Freedom of the person of citizens of the People’s Republic of China is inviolable.</p> <p>No citizen may be arrested except with the approval or by decision of a people’s procuratorate or by decision of a people’s court, and arrests must be made by a public security organ.</p> <p>Unlawful detention or deprivation or restriction of citizens’ freedom of the person by other means is prohibited, and unlawful search of the person of citizens is prohibited.</p> <p>Article 39 – The residences of citizens of the People’s Republic of China are inviolable. Unlawful search of, or intrusion into, a citizen’s residence is prohibited.</p>

## Outcome Indicators

- No more cases of arbitrary arrests, or arbitrary deprivation of liberty (including post-trial detentions) of Tibetans are reported. <sup>44</sup>
- China ratifies the International Covenant on Civil and Political Rights (ICCPR), ensuring its protections are extended to Tibetans. This would ideally be agreed by October 2018 ( China's 3rd cycle UPR).
- UN Working Group on Arbitrary Detention is allowed to carry out a full investigation in Tibet with full access to all areas of TAR and TAPs before October 2018 (China's 3rd cycle UPR).

Table 7. Freedom of Expression, Association and Assembly

Universal Periodic Review	UN Human Rights Treaty Bodies	UN Special Procedures	Chinese Constitution
<p>A – 186.170. Increase transparency of its traditional and social media by guaranteeing the rights of Chinese citizens to freely critique any state organ or functionary (Australia);</p> <p>A – 186.138. Take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China (Poland);</p> <p>A – 186.154. Make further efforts towards safeguarding the freedom of expression of all citizens (Norway);</p> <p>A – 186.155. Reform legislation and law enforcement in order to ensure freedom of opinion and expression, including on the internet (Germany);</p> <p>A – 186.157. Strengthen the measures aimed at guaranteeing freedom of expression and freedom of the press (Côte d'Ivoire);</p> <p>A – 186.167. Refrain from impeding civil society and respect its international obligations on the right to freedom of peaceful assembly (Germany);</p> <p>A – 186.169. Continue strengthening the protection and promotion of the right of all citizens to publicly express their beliefs and opinions (Chile);</p> <p>A – 186.136. Expedite legal and institutional reforms to fully protect in law and in practice freedom of expression, association and assembly, and religion and belief (Australia);</p>	<p><b>CRC Session 64</b></p> <p>“43. The Committee is deeply concerned about the frequently reported practice of torture and ill-treatment of children from certain religious and ethnic groups in mainland China for exercising their fundamental rights to freedom of religion, assembly and expression, notably Tibetan and Uighur children...the Committee strongly urges the State party to: (a) Immediately carry out an independent inquiry into all alleged cases of torture and ill-treatment of children and publicly report on those cases; (b) Ensure that all those who have been ordering, condoning or facilitating these practices at all levels of decision-making be brought to justice and be punished with penalties commensurate with the gravity of their crimes; (c) Ensure that children who have been victims of torture and ill-treatment obtain redress and adequate reparation, including physical and psychological recovery and guarantees of non-repetition.”<sup>45</sup></p>	<p>February 2017: A group of UN Special Rapporteurs (cultural rights; freedom of opinion and expression; minority issues; and torture; and the Working Group on Arbitrary Detention) raised concerns about the detention and arrest of Tashi Wangchuk, a Tibetan linguistic rights activist.<sup>46</sup></p> <p>December 2017: A group of Special Rapporteurs (freedom of opinion and expression; human rights defenders; freedom of religion or belief) raised concerns about the treatment of Ms. Nyima Lhamo, Ms. Dolkar Lhamo and the monks and local people in Lithang and Nyakchuka in the wake of Tenzin Delek Rinpoche's death in Chinese custody”<sup>47</sup></p> <p>June 2013: The UN Special Rapporteurs for Arbitrary detention; Freedom of Expression; Freedom of Peaceful Assembly and of Association, and Human Rights Defenders expressed concern about the arrest and sentencing of Mr Wangchuk Dorje, a Tibetan student who lead a peaceful protest in November 2012 calling for “freedom to study the Tibetan language<sup>48</sup>, equality between nationalities, and the return of His Holiness the Dalai Lama to Tibet.</p> <p>UN Special Rapporteur on Freedom of Peaceful Association and Assembly requested a visit in 2011, and sent a reminder on on 30 Oct. 2013 – request pending.</p>	<p>Article 35 – Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.</p> <p>Article 40 – Freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may, on any ground, infringe upon citizens' freedom and privacy of correspondence, except in cases where, to meet the needs of state security or of criminal investigation, public security or procuratorial organs are permitted to censor correspondence in accordance with procedures prescribed by law.</p> <p>Article 41 – Citizens of the People's Republic of China have the right to criticize and make suggestions regarding any state organ or functionary. Citizens have the right to make to relevant state organs complaints or charges against, or exposures of, any state organ or functionary for violation of the law or dereliction of duty; but fabrication or distortion of facts for purposes of libel or false incrimination is prohibited. The state organ concerned must deal with complaints, charges or exposures made by citizens in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures or retaliate against the citizens making them. Citizens who have suffered losses as a result of infringement of their civic rights by any state organ or functionary have the right to compensation in accordance with the law.</p>

## Outcome Indicators

- Crackdowns on peaceful assembly, association and expression in Tibet end. No further incidents are reported.
- Freedom of expression and privacy of correspondence of Tibetans are protected, as guaranteed in the Chinese Constitution.
- Tibetans are able to assemble and protest non-violently without detrimental consequence
- Tibetan writers can openly publish literature that speaks critically of current issues in Tibet – either officially or self-published – without punishment
- China ratifies the International Covenant on Civil and Political Rights (ICCPR), ensuring its protections are extended to Tibetans, This will be agreed by October 2018 (China's 3rd cycle UPR)
- UN Special Rapporteur on the rights to freedom of Peaceful Assembly and of Association is allowed to visit Tibet before October 2018 (China's 3rd cycle UPR).

Table 8. Enforced Disappearance

Universal Periodic Review	UN Human Rights Treaty Bodies	UN Special Procedures	Chinese Constitution
<p>China did not accept any related recommendation and stated “There is no arbitrary detention or forced disappearance in China”.<sup>49</sup></p>	<p>None relevant since HRAP-T monitoring began in October 2013.</p>	<p>1 November 2011 – A group of UN experts, including the Special Rapporteur on Freedom of Religion or Belief, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association, The UN Special Rapporteur on the Right to Freedom of Opinion and Expression, <b>Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances</b>, Working Group on Arbitrary Detention, the Group’s Chair-Rapporteur, Independent Expert on minority issues, raised concern over crackdown and restrictions in the Tibetan Buddhist Kirti monastery and the surrounding area.<sup>50</sup></p> <p>Request for a visit made by Working Group on Enforced Disappearances on 19 February 2013 – request pending.<sup>51</sup></p>	<p>There is nothing in the Chinese constitution that explicitly references enforced disappearance.</p>

### Outcome Indicators

- Enforced disappearance of Tibetans due to arrest, detention, abduction or any other form of deprivation of liberty by Chinese authorities ends. No further cases are reported.
- Information is made available to governments and UN bodies about the whereabouts of all Tibetans who have been deprived of their liberty, concealed, or are otherwise disappeared.
- China ratifies the International Covenant on Civil and Political Rights (ICCPR), ensuring its protections are extended to Tibetans. This would ideally be agreed by October 2018 (China’s 3rd cycle UPR).
- UN Working Group on Enforced Disappearances is allowed to carry out a full investigation in Tibet with full access to all areas of TAR and TAPs, ideally before October 2018 (China’s 3rd cycle UPR).



## Issue 3

### Tibetan Nomads: Non-voluntary Resettlement

China risks violating the economic, social and cultural rights of over a third of the Tibetan population (2.3 million people) through its resettlement programs of nomads and rural residents. China justifies these various policies in terms of the environment, access to resources, political control and “Building a New Socialist Countryside”. Tibetans are resettled in concrete settlements, divorced from their traditional way of life and livelihoods.

Human Rights violated:

Right to Housing,

Right to Cultural Rights,

Right to Freedom of Movement

Right to Food

#### Detrimental Chinese law and policy

From the 2012 report on China of the Special Rapporteur on Food, Mr Olivier de Schutter:

“Since 1985, the Chinese authorities have implemented a range of policies in the western provinces and autonomous regions – Tibet Autonomous Region, Sichuan, Qinghai, Inner Mongolia and Xinjiang – ostensibly aiming at modernizing the animal husbandry industry towards commodification, while at the same time addressing the degradation of pasture lands and preventing natural disasters in the lowlands of China. In time, these policies have been expanded to include other objectives, such as providing more comfortable housing and better access to electricity, water, transportation, schooling and health care, as

well as bringing ethnic minorities considered economically backward into the modernization and economic development experienced by other regions. In fact, these policies result in the settlement of herdsmen and their abandonment of nomadic life. The Grassland Law adopted in 1985 has been complemented by a range of policies and programmes, including *tuimu huancao* (removing animals to grow grass) and *tuigeng huanlin* (returning farmland to forest), which are part of the 1999 Western Development Strategy (*xibu da kaifa*). These programmes include measures such as grazing bans on severely degraded pastures and grazing moratoria on medium-degraded pastures, combined with reseeding for the upgrading of degraded pastures. While herders affected by pasture closures receive subsidies to buy grain feed (the amount of which was increased most recently in August 2011), the programmes in fact led to the slaughter or sale of animal livestock and the abandonment of seasonal migrations. The resettlement policy conducted in the Tibet Autonomous Region has expanded to non-herders, and is aimed at resettling, relocating or rehousing a majority of the Tibetan rural population into newly built concentrated settlements, under a Comfortable Housing policy that calls for the destruction and reconstruction of unsuitable dwellings.”

Table 9: Housing

Universal Periodic Review	UN Human Rights Treaty Bodies	UN Special Procedures	Chinese Constitution
<p>A – 186.196. Continue advancing the right to housing for farmers and herdsmen (Nepal)</p> <p>Author’s note: It is important to note that the right to housing in this instance should be interpreted in line with international law, the SR on Food’s 2012 recommendations<sup>52</sup> and the CESCR’s May 2014 concluding observations<sup>53</sup> so that the Tibetan nomads’ right to culturally appropriate housing and food is upheld and they are consulted on all changes, to which they can decide to give, or not, their free, prior and informed consent.</p>	<p><b>CESCR 2014</b></p> <p>“The Committee urges the State party to take all necessary measures to immediately halt non-voluntary resettlement of nomadic herders from their traditional lands and non-voluntary relocation or re-housing programmes for other rural residents. The Committee recommends that the State party carry out meaningful consultations with the affected communities in order to examine and evaluate all available options”.<sup>54</sup></p>	<p>Special Rapporteur on the Right to Food, China visit 15-23 December 2010: Recommendation (a) Suspend the non-voluntary resettlement of nomadic herders from their traditional lands and the non-voluntary relocation or rehousing programmes of other rural residents, in order to allow for meaningful consultations to take place with the affected communities, permitting parties to examine all available options, including recent strategies of sustain sustainable management of marginal pastures.<sup>55</sup></p> <p>The UN Special Rapporteur on Adequate Housing requested a China visit in 2008 – visit request pending.<sup>56</sup></p>	<p>Article 42: Citizens of the People’s Republic of China have the right as well as the duty to work. Through various channels, the state creates conditions for employment, enhances occupational safety and health, improves working conditions and, on the basis of expanded production, increases remuneration for work and welfare benefits. Work is a matter of honor for every citizen who is able to work. All working people in state enterprises and in urban and rural economic collectives should approach their work as the masters of the country that they are. The state promotes socialist labor emulation, and commends and rewards model and advanced workers. The state encourages citizens to take part in voluntary labor. The state provides necessary vocational training for citizens before they are employed.</p>

### Outcome Indicators

- The policy to remove Tibetan nomads and rural residents from the grasslands and their homes is suspended.
- New culturally sensitive policies are implemented that support the Tibetan nomads in their lifestyle, and include effective poverty alleviation. These could include:
  - Self-governing pasture user groups run by and including local Tibetan nomads.
  - Creation of urban markets for Tibetan dairy products.
  - Provision of state funding for Tibetan nomad communities to rehabilitate degraded grassland areas.
  - Training in and provision of veterinary services, pest management, and other linked services as a poverty alleviation and income generation program.
  - Decentralisation of health care and education to Tibetan nomadic communities (via mobile schools and clinics), and provision of qualified teachers and healthcare staff.
- Access is provided to appropriate solar and wind energy suited to Tibetan nomadic communities.
- UN Special Rapporteur on Adequate Housing is allowed to visit Tibet before October 2018 (China’s 3rd cycle UPR).



## Issue 4 Torture

Torture of detainees by Chinese authorities is systemic. In Tibet it takes on an even more ingrained characteristic as it is used by China as part of a strategy to curb perceived anti-state dissent by Tibetans. As such, it is part of the trend of increasing government restrictions on freedom of movement, expression, and association across the Tibetan plateau.

China's dissemination of laws and policies targeting Tibetans has led to widespread, systematic torture, which has proceeded with impunity. While China claims to comply with the Convention Against Torture through passage of laws prohibiting torture, China has in fact failed to implement those laws, and routinely fails to comply with the prohibition against torture in practice.<sup>57</sup>

China violates Article 2.1 of the Convention Against Torture (CAT), which requires effective legislative, administrative, or judicial measures to prevent acts of torture. Despite legal and policy changes, China's repressive public security apparatus continues to use torture against Tibetans.

China violates Article 4.1 of CAT, which requires that all forms of torture be punished under state law. The trial of Karma Samdrup demonstrates that Chinese authorities used torture one month after it was banned by the Criminal Procedure Law. Acts of torture against other Tibetans suggest that it is a common practice accepted by officials and not a punishable offense.

China violates Articles 10.1 and 10.2, which require that training programs incorporate education on human rights protections. China's systematic use of torture against Tibetans, Uyghurs, and Southern Mongolians demonstrates that China's rules and instructions do not make it clear that torture is not permitted under any circumstances.

China violates Article 11 by failing to perform adequate, systematic reviews of those procedures that enable torture. While China claims to have instituted various reforms, such changes in law have not yielded changes in practice. China continues to deny families and monitoring groups access to prison facilities, and continues to ignore requirements for review of prisoner healthcare.

China's failure to investigate claims of torture violates Article 12. Despite passing a series of laws requiring investigation, China has failed to investigate credible claims of torture at the hands of authorities. China accepts evidence induced by torture, including coerced confessions, and also allows officials to avoid full culpability by releasing prisoners on medical parole before they die from torture-related health complications.

Table 10: Torture

Universal Periodic Review	UN Human Rights Treaty Bodies	UN Special Procedures	Chinese Constitution
<p>A – 186.49. Harmonize the definition of torture contained in the national legislation with the requirements of the CAT and ensure that statements obtained under duress are not admitted in court (Mexico);</p> <p>A – 186.51. Effectively implement and establish the necessary institutional mechanisms to ensure the enforcement of existing laws prohibiting torture and dismissing illegally obtained evidence (Denmark);</p> <p>A – 186.117. Abolish Re-education through Labour, prevent torture, and immediately inform relatives about arrests and effective legal representation (Germany);</p>	<p><b>CAT 2015</b></p> <p>The Committee was strong in its questioning of China prior to and during the review. China was asked about the death in custody of Tenzin Delek Rinpoche, to which they responded with a version of events that does not tally with the eye-witness statements that we have. The Committee raised real concern about the cases of 24 Tibetans, and the lack of information on these provided by China. The Committee’s concluding observations were notably strong. The Committee (a) recommended that China investigate Tenzin Delek Rinpoche’s death in prison and report back to the Committee, (b) noted that it was “seriously concerned” at the State party’s failure to provide information on 24 out of the 26 Tibetan cases mentioned in the list of issues, and urged it to provide the requested information on all Tibetan cases; (c) urged the State party “to ensure that all custodial deaths, disappearances, allegations of torture and ill-treatment, and reported use of excessive force against persons in the Tibetan Autonomous Region and neighbouring Tibetan prefectures and counties, as well as in the Xinjiang Uyghur Autonomous Region, are promptly, impartially and effectively investigated by an independent mechanism”, and (d) requested the State party to “take the necessary measures to ensure that:</p>	<p>February 2017: A group of UN Special Rapporteurs (cultural rights; freedom of opinion and expression; minority issues; and torture; and the Working Group on Arbitrary Detention) raised concerns about the detention and arrest of Tashi Wangchuk, a Tibetan linguistic rights activist.<sup>58</sup></p> <p>UN Special Rapporteur on Torture, Dr. Manfred Nowak, visited Tibet in November 2005. He was the last UN Special Procedures mandate holder to have been granted access to Tibet.</p> <p>UN Special Rapporteur on Torture, Mr. Juan Mendez, made a request for a visit in November 2015 – currently outstanding</p>	

(a) All instances of death in custody, allegations of torture and ill-treatment and refusal to provide medical treatment are promptly and impartially investigated by an independent body other than the procuratorial authorities;

(b) Those found responsible for deaths in custody that result from torture, ill-treatment or denial of medical treatment are brought to justice and, on conviction, adequately punished;

(c) Detained persons have access to adequate medical care, including to a doctor of their choice.”

## Outcome Indicators

- China brings national legislation on torture in line with international legal standards by legislating clearly on torture at national and regional levels, prohibiting all forms of torture – including both physical and psychological torture – under any circumstances.
- China implements monitoring and accountability mechanisms to prevent the use of torture, including providing clear materials and directives on torture prevention and prosecution to public security and prison personnel; publicly investigating incidents of torture; conducting random spot checks of detention facilities; and prosecuting officials suspected of engaging in acts of torture.
- Chinese authorities hold Chinese police officers accountable for their actions through increased prosecutions, so that others are deterred from circumventing China’s prohibition of torture.
- China implements measures to ensure that every member of China’s security and prison personnel are educated on the prohibition of acts of torture, and on the legal consequences of carrying out acts of torture.
- Chinese authorities launch investigations of every complaint of torture and every death in detention.
- China implements a systematic, effective review of detention facilities, including instituting effective reviews of healthcare practices within Chinese prisons.
- China authorizes families to visit their family members in prison.
- China mandates the practice of routine, unannounced checks of detention facilities.
- China requires that suspects have access to lawyers, and that these lawyers be present during interrogations.
- China investigates deaths resulting from torture, and issues investigative reports to the public.
- Where confessions have resulted in convictions, China reviews all trials under internationally accepted due process standards.

# Annex 1

## 2.4.1 Statement by the UN High Commissioner for Human Rights on Demonstrations in Tibet Autonomous Region in China, 14 March 2008<sup>59</sup>

The UN High Commissioner for Human Rights Louise Arbour today expressed concern about escalating tensions between protestors and security forces in the Tibet Autonomous Region and surrounding areas in China.

(...)

The High Commissioner urges the Government of China to allow demonstrators to exercise their right to freedom of expression and assembly, to refrain from any excessive use of force while maintaining order, and to ensure those arrested are not ill-treated and are accorded due process in line with international standards.

## 2.4.2 Statement by the UN High Commissioner for Human Rights: China must urgently address deep-rooted frustrations with human rights in Tibetan areas, 2 November 2012.<sup>60</sup>

United Nations High Commissioner for Human Rights Navi Pillay on Friday urged Chinese authorities to promptly address the longstanding grievances that have led to an alarming escalation in desperate forms of protest, including self-immolations, in Tibetan areas.

The UN human rights chief said she was disturbed by “continuing allegations of violence against Tibetans seeking to exercise their fundamental human rights of freedom of expression, association and religion,” and pointed to “reports of detentions and disappearances, of excessive use of force against peaceful demonstrators, and curbs on the cultural rights of Tibetans.”

(...)

“I call on the Government to respect the rights to peaceful assembly and expression, and to release all individuals detained for merely exercising these universal rights.”

The High Commissioner urged the Government, as a confidence-building measure, to allow independent and impartial monitors to visit and assess the actual conditions on the ground, and to lift restrictions on media access to the region. She noted that there are 12 outstanding requests for official visits to China by UN Special Rapporteurs on various human rights issues, including one by the Special Rapporteur on freedom of religion and belief. During the Universal Periodic Review of China’s human rights record before the UN Human Rights Council, the State pledged to step up cooperation with Special Procedures. Pillay called on the Government to facilitate their access.

(...)

“Deep underlying issues need to be addressed, and I call on the Government to seriously consider the recommendations made to it by various international human rights bodies, as well as to avail itself of the expert advice being offered by the UN’s independent experts on human rights.”

Among the recommendations made by international human rights bodies to the Government of China on Tibet are the following:

- UN Special Rapporteur on the right to food, Olivier De Schutter, recommended a suspension of non-voluntary resettlement of nomadic herders, who make up the majority of the Tibetan population, and called for a meaningful consultation.
- The UN Committee on the Elimination of All Forms of Discrimination (CERD) recommended to China that any policies or incentives offered that may result in a substantial alteration of the demographic composition of autonomous minority areas be reviewed. CERD also recommended that the State party carefully consider the root causes of the unrest in March 2008, including inter-ethnic violence, and the reasons why the situation escalated.
- The UN Committee Against Torture in November 2008 recommended that China conduct a thorough and independent inquiry into events surrounding the protests in March 2008, including the reported excessive use of force against peaceful demonstrators, notably monks, in Kardze county, Ngaba county, and Lhasa; and into allegations of torture and ill-treatment against those arrested and detained.

# Notes

1. Our references to Tibet encompass the three original provinces of U-Tsang, Kham and Amdo, which are incorporated into the Chinese regions of the Tibet Autonomous Region (TAR) and the Provinces of Sichuan, Qinghai, Gansu and Yunnan.
2. A – 186.32. Consider ratifying the ICCPR and establishing a National Human Rights Institution (Zambia)
3. [http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content\\_1372962.htm](http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content_1372962.htm)
4. [http://www.china.org.cn/archive/2009-04/13/content\\_17595407.htm](http://www.china.org.cn/archive/2009-04/13/content_17595407.htm)
5. <http://www.ohchr.org/EN/HRBodies/SP/Pages/countryvisitsa-e.aspx>
6. <http://www.reuters.com/article/us-china-un-rights-idUSKCN0I511A20141016>
7. <http://www.reuters.com/article/us-china-un-rights-idUSKCN0IC1A20141023>
8. Full text: <https://daccess-ods.un.org/TMP/833712.816238403.html>
9. Full text: <https://daccess-ods.un.org/TMP/9457886.21902466.html>
10. Full text: <https://daccess-ods.un.org/TMP/9840955.73425293.html>
11. <http://www.rfa.org/english/news/tibet/language-04222014150658.html>
12. <http://thetibetpost.com/en/news/tibet/4150-further-restriction-imposed-on-tibetans-movement-in-driru-tibet>
13. See complete CESCR recommendation table Appendix A, Original Text, Article 14, Page 4, and Articles 36 and 37 on page 12: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en)
14. CRC, 2013 concluding observations, para 5, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fCHN%2fCO%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fCHN%2fCO%2f3-4&Lang=en)
15. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gld=22981>
16. Read full letter here – <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gld=22816>
17. <http://freetibet.org/news-media/na/un-forces-china-respond-jailed-singers> ; [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A\\_HRC\\_26\\_21\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A_HRC_26_21_ENG.doc)
18. <http://www.ohchr.org/EN/HRBodies/SP/Pages/countryvisitsa-e.aspx>
19. See complete CESCR recommendation table Appendix A, Original Text, Page 12, Article 36: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en)
20. CRC, 2013 concluding observations, para 5, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fCHN%2fCO%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fCHN%2fCO%2f3-4&Lang=en)
21. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gld=22981>
22. <http://tibet.net/2014/03/05/un-special-rapporteurs-raised-human-rights-in-tibet-with-china/>
23. The official language in classrooms across TAR and TAPs is Mandarin. Mandarin is not the primary language of the majority of Tibetan children with around 80% not speaking Mandarin.
24. According to the UNDP's Human Development Report 2005, TAR's education level is the lowest of all provinces under PRC rule. The education index for Tibet ranks last among all 31 PRC provinces with illiteracy running at around 45%. The average literacy across China is currently predicted to be 91.6%.
25. See complete CESCR recommendation table Appendix A, Original Text, Page 12, Article 36: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en)
26. [www2.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_CHN\\_CO\\_3-4.doc](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_CHN_CO_3-4.doc)
27. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gld=22870>
28. Read full letter here – <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gld=22816>

29. Full text: <http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11555&LangID=E>
30. <http://www.ohchr.org/EN/HRBodies/SP/Pages/countryvisitsa-e.aspx>
31. <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>
32. Report of the Working Group on the Universal Periodic Review of China, Dec 2013 para. 87, page 8. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/188/55/PDF/G1318855.pdf?OpenElement>
33. See complete CESCR recommendation table Appendix A, Original Text, Page 12, Article 38: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en)
34. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22981>
35. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22870>
36. <http://tibet.net/2014/03/05/un-special-rapporteurs-raised-human-rights-in-tibet-with-china/>
37. <http://www.ohchr.org/EN/HRBodies/SP/Pages/countryvisitsa-e.aspx>
38. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22981>
39. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22870>
40. [www2.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_CHN\\_CO\\_3-4.doc](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_CHN_CO_3-4.doc)
41. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22981>
42. <http://freetibet.org/news-media/na/un-forces-china-respond-jailed-singers;>  
[http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A\\_HRC\\_26\\_21\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A_HRC_26_21_ENG.doc)
43. Full text: <http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11555&LangID=E>
44. A person is said to be deprived of his/her liberty when he/she is subjected to ‘detention’, ‘arrest’, ‘incarceration’, ‘apprehension’, ‘prison’, ‘custody’, ‘reclusion’ or ‘remand’.
45. [www2.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_CHN\\_CO\\_3-4.doc](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_CHN_CO_3-4.doc)
46. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22981>
47. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22870>
48. <http://tibet.net/2014/03/05/un-special-rapporteurs-raised-human-rights-in-tibet-with-china/>
49. UPR Review outcome – <https://daccess-ods.un.org/TMP/8193702.10170746.html>
50. Full text: <http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11555&LangID=E>
51. <http://www.ohchr.org/EN/HRBodies/SP/Pages/countryvisitsa-e.aspx>
52. Report of the Special Rapporteur on the right to food, Olivier De Schutter Mission to China, 20 January 2012, para 37, page 16: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.59.Add.1.pdf>
53. [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en)
54. See complete CESCR recommendation table Appendix A, Original Text, Page 9-10, Article 30 and 31: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fCHN%2fCO%2f2&Lang=en)
55. Full Text: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.59.Add.1.pdf>
56. <http://www.ohchr.org/EN/HRBodies/SP/Pages/countryvisitsa-e.aspx>
57. See generally Sixth Rep. of the People’s Republic of China on its Implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. CAT/C/CHN/5 (2014): [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fCHN%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fCHN%2f5&Lang=en)
58. Read communication here – <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22981>
59. Full Text, 14 March 2008: <http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9273&LangID=E>
60. Full text, 2 November 2012: <http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12729&LangID=E>

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