

Statement by Bhuchung K. Tsering,

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at the Hearing on the UN Human Rights Council's Universal Periodic Review of China by the House of Representatives' Tom Lantos Human Rights Commission

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Thank you for the opportunity to talk about the situation in Tibet in the context of today's discussion on the UN Human Rights Council's Universal Periodic Review of China.

I would first of all like to congratulate the Commission on its formal establishment. We are particularly pleased that it is named after the late Tom Lantos, who played a pivotal role in promoting the cause of human rights throughout the world during his time in the Congress. It is a fitting tribute to his legacy.

In February the United Nations' Human Rights Council is going to review China's report on its human rights practices. The International Campaign for Tibet is a member of the Tibetan UPR Forum, a global coalition of NGOs acting as the Tibetan consultation on the UPR, which submitted a report titled "The Human Rights Crisis in Tibet" to the UN Human Rights Council. I would like to submit the report here for inclusion in the Commission's record.

Our report goes into details on China's failure to respect internationally recognized human rights of the Tibetan people, the violation of which include the areas of arbitrary detention, disappearances, torture, administration of justices, religious freedom, right to development, forced eviction, population transfer, etc. Some instances of human rights violations in Tibet include the following.

Since 10 March 2008, over 125 demonstrations in more than 60 counties in the Tibetan areas have taken place highlighting the lack of civil, political, economic, social and cultural rights of Chinese misrule.

The UN Special Rapporteur on Racism has stated that Tibetans suffer various forms of systematic institutional discrimination in the fields of employment, health care, education, housing and public representation.

The UN Special Rapporteur on Violence Against Women has stated that "women in Tibet continue to undergo hardship and are also subjected to gender-specific crimes, including reproductive rights violations such as forced sterilization, forced abortion, coercive birth control policies and the monitoring of menstrual cycles.

The UN Special Rapporteur on the Right to Education has said she was "dismayed at the illiteracy rate in Tibet, 39.5 per cent, and asked the Chinese Ministry of Education

whether one reason might be the fact that the literacy test was in Tibetan, while Mandarin is used in political, economic and social life.

An analysis of the Congressional Executive Commission on China of figures disclosed by Chinese officials since March 10 reveals that over 4,400 Tibetans have been detained or allegedly surrendered in connection with protests which began on 10 March 2008. While China denied the existence of "political prisoners", Tibetans continue to be prosecuted under political terms for crimes such as "splittism", which is the Chinese term for undermining the unity of the country and for expressions of the Tibetan identity.

The Chinese Government contends in its UPR report that it protects and promotes the rights of ethnic minorities, in which category it includes the Tibetan people. It further says that ethnic minorities benefit from special preferential policies in the political, economic, cultural and educational spheres. In principle Chinese rules do have provisions, limited compared to those espoused by democratic governments, relating to human rights and development. But the problem is in the implementation of even these limited provisions. The MEMORANDUM ON GENUINE AUTONOMY FOR THE TIBETAN PEOPLE that envoys of the Dalai Lama submitted to the Chinese Government, during the eighth round of talks between the two sides held in November 2008 clearly puts forth the specific needs of the Tibetan people. These include the following 11 areas.

- 1) Language
- 2) Culture
- 3) Religion
- 4) Education
- 5) Environmental Protection
- 6) Utilisation of Natural Resources
- 7) Economic Development and Trade
- 8) Public health
- 9) Public Security
- 10) Regulation on population migration
- 11) Cultural, educational and religious exchanges with other countries.

I ask that the text of the memorandum be included in the Commission's record.

Since the Commission has been set up specifically to work so that the "United States will continue to be recognized throughout the world as a leader in the defense of internationally recognized human rights norms," I believe it should not hesitate in promoting ideas, which even require policy changes if it believes that is where the solution is. We would like to make the following recommendations which have direct and indirect impact on the United States' position relating to UN's review of China's UPR report.

The United States needs to adopt a holistic approach towards the Tibetan issue. Attempts to improve the human rights situation needs to be incorporated with efforts to resolve the broader political problem in Tibet. Accordingly, I urge the Commission to consider the following recommendations that we would like to make.

Recommendations

The human rights violation in Tibet is symptomatic of a bigger political problem. Unless steps are taken to adequately address the fundamental issue, mere release of a few prisoners or the implementation of development projects in Tibetan areas will not provide any lasting solution. Given this situation, our recommendations to the Commission are the following:

1. The Commission should ask the United States government to consistently and proactively work for supporting the Dalai Lama's Middle Way Approach to resolve the Tibetan problem.
2. The Commission should recommend that the Administration appoint the Congressionally-mandated Special Coordinator for Tibetan Issues at an appropriately high level with necessary resources to fulfill its tasks.
3. The Commission should ask the Administration to have a coordinated approach on Tibet, involving all relevant departments, including Treasury, Labor, Commerce and State. The Special Coordinator for Tibetan Issues at the Department of State should be fully relied upon, and should be involved in any aspects of US-China relations that could impact Tibet, including issues of economic consequence.
4. The US government should work multilaterally in developing a united Tibet policy, including at the UN and other regional and international forums.

Additionally, our report on China and the UPR makes the following recommendations to the Government of the People's Republic of China

1. Adopt and implement laws and regulations for Tibetans that create conditions of genuine autonomy, where Tibetans have the rights and means to participate in decision-making on the future direction and development of Tibet
2. Provide unimpeded access to Tibet for UN human rights experts, including the UN High Commissioner for Human Rights and other independent observers to assess the human rights situation in Tibet
3. Provide unrestricted foreign media access to all Tibetan areas
4. Fully implement the many recommendations on Tibet as issued by the Special Procedures mandate-holders and UN Treaty Bodies
5. Release immediately and unconditionally all those detained and imprisoned solely for engaging in peaceful protest and/or other peaceful political activities
6. Receive and allow access to Tibet for the Special Rapporteur on Freedom of Religion or Belief and other invited Special Procedure mandate-holders of the UN Human Rights Council, including the Special Rapporteur on Summary or Arbitrary Executions
7. End policies and practices targeted at Tibetan Buddhist institutions and which undermine the practice and preservation of Tibetan Buddhism, including State intervention in the identification and training of Tibetan reincarnate lamas, and the use of 'patriotic education' campaigns, which include denunciations of the Dalai Lama
8. Fully implement the recommendations of the UN Committee on the Rights of the Child, including access for an independent body to visit the Gendun Choekyi Nyima, the 11th Panchen Lama of Tibet
9. Allow the functioning of independent civil society organizations in Tibetan areas, and offer access and support to bilateral technical assistance providers and international NGO programs to further the development of Tibetan CSOs
10. Impose a moratorium on the resettlement of Tibetan nomads displaced by government development policies, pending an independent assessment and legal review of such policies. In all prior instances of resettlement, offer affected persons the opportunity to return or settle in an area nearby or like the one from which they have been moved
11. Ratify immediately the International Covenant on Civil and Political Rights and ensure that its protections are extended to all Tibetans

Thank you once again for the opportunity to testify before your Commission.