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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by the Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

People's Republic of China (PRC): Tibetans confronted with increasing discrimination

Against the chronic human rights in Tibet, Chinese discriminatory rhetoric and practices have only intensified with the Tibetan people continuing their demand for human rights and fundamental freedoms. The 21 Tibetan self-immolation protests since February 2009 are directly related to the discrimination and heavy handed tack that Chinese authorities engages in to govern Tibet.

The Committee on the Elimination of Racial Discrimination's 2009 concluding observation on the People's Republic of China listed a number of concerns regarding the PRC's management of discrimination, and unfortunately, few of those concerns has been assuaged by any policy changes, on the contrary the Committee's recommendations have been disregarded with alarming regularity. The Chinese government has created an atmosphere of discrimination, with human rights abuses extending well past the CERD's mandate. Because PRC lacks any substantial anti-discrimination laws its failure to protect the rights of the Tibetan people is unsurprising.

Discriminatory policies and laws

CERD commended the PRC's adoption of laws on Regional Ethnic Autonomy (REAL) for minority autonomous areas¹, however the impact of these laws and the authorities' tendency to disregard them have negatively affected Tibetans. Although the PRC's autonomy laws require that the governmental leaders of Tibetan autonomous areas must be Tibetan, there is no such requirement for the position that holds real authority at all levels of the system: Communist Party Secretary. Beginning with Zhang Jingwu (1951-1965), every Communist Party Secretary in the Tibet Autonomous Region but one – Wu Jingua of the Yi minority – has been Chinese.

While REAL calls for schools in Tibet to teach the Tibetan language, in many of these schools Tibetan is not the medium of education and is instead often only taught as a single course during the day. A joint intervention on October 22, 2010 by the Special Rapporteur on the right to education, the Independent Expert in the field of cultural rights, the Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Independent Expert on minority issues during the 17th Session of the UNHRC raised concerns over such restrictions to teaching Tibetan language². This intervention came after protests in Qinghai and Beijing by Tibetan students and teachers opposed to new restrictions to Tibetan language education³.

Discriminatory law enforcement

CERD had concerns surrounding the Chinese authorities' excessive use of force following the 2008 demonstrations that swept across the Tibetan Plateau. The report noted the "disproportionate use of force against ethnic Tibetans...and the important number of their

¹ CERD/C/CHN/CO/10-13, para. 4

² A/HRC/17/29/Add.1

³ <http://savetibet.org/media-center/ict-news-reports/tibetan-teachers-write-petition-support-tibetan-language-fears-students-after-detentions>

detentions” and requested their fair trials and humane treatment in custody⁴. Prison sentences for Tibetans detained for participating in the 2008 demonstrations were harsh, and the welfare of these detainees concerned Special Procedures mandate-holders of the Council.

Concern remains for monks from Labrang Monastery in Sangchu (Xiahe) county, Kanlho (Gannan) Tibetan Autonomous Prefecture, Gansu province, who participated in the March 2008 protests as well as those who spoke out during a government sponsored media visit to the monastery in April 2008. Following the March 14 and 15, 2008 protests at Labrang Monastery numerous Labrang monks were detained and many severely tortured. One monk who had participated in the March, 2008 protest, Tsultrim Gyatso, was sentenced to life and another, Thabkhe Gyatso, to 15 years in prison. The authorities did not inform family members of the trial and denied them access to the monks during the year-long pre-trial period⁵.

Like the Labrang monks, many of the Tibetans detained following the March 2008 protests were denied basic provisions for fair trials under Chinese law. Many Tibetans, including two who were executed, were denied the right to be represented by the lawyer of their choice, and several lawyers were threatened with disbarment if they attempted to represent detained Tibetans⁶. Such discriminatory law enforcement and prosecution was noted as a concern by CERD⁷.

While these cases of discrimination took place soon after the March 2008 protests, more pressing are the concerns over the Tibetans currently facing harsh penalties in the current atmosphere of discriminatory repression in Tibet.

Three monks at Kirti Monastery in Ngaba (Aba) Tibetan and Qiang Autonomous Prefecture in Sichuan province were imprisoned for between 10 and 13 years for "intentional homicide" following the death of a young monk called Phuntsog who self-immolated on 16 March 2011. There is no evidence that the three monks had any involvement in Phuntsog's solitary act of self-immolation or subsequent death, other than possibly seeking to protect him from further harm before he died in the hospital. Reports from Tibetans in exile in the region indicated that due legal process was not followed in the three cases, with the Tibetans unable to choose their own lawyers and the whereabouts of all three prisoners being withheld from their families upon detention⁸.

On January 24, 2012 Chinese police opened fire on a crowd of Tibetan protesters in Serthar (Chinese: Seda) in Sichuan province, killing one and injuring others⁹. Such disproportionate use of force - firing into a crowd of unarmed protesters - was also used in Drango (Chinese: Luhuo) county town in Kardze (Chinese: Ganzi) Tibetan Autonomous Prefecture, Sichuan on January 23, 2012 where three Tibetans were killed and many more injured¹⁰, as well as in Ngaba on January 27, 2012 where one Tibetan was killed¹¹.

⁴ CERD/C/CHN/CO/10-13, para. 17

⁵ <http://savetibet.org/media-center/ict-news-reports/death-labrang-monk-who-proteted-during-foreign-journalists%E2%80%99-visit>

⁶ <http://savetibet.org/media-center/ict-news-reports/official-confirmation-execution-tibetans-lhasa>

⁷ CERD/C/CHN/CO/10-13, para. 19

⁸ <http://savetibet.org/media-center/ict-news-reports/monks-imprisoned-10-13-years-following-self-immolation-kirti-monk>

⁹ Images available at <http://savetibet.org/media-center/ict-news-reports/photos-tibet-crackdown-emerge-scene-recent-shooting>

¹⁰ <http://savetibet.org/media-center/ict-news-reports/three-tibetans-shot-dead-first-day-chinese-new-year>

¹¹ <http://savetibet.org/media-center/ict-news-reports/tibetan-student-killed-several-injured-after-police-open-fire-ngaba-news-two-more-prayer-v>

Chinese officials have now locked down several Tibetan towns in present-day Sichuan and Qinghai provinces with heavy-handed military controls imposed in three counties: Serthar, Kardze, and Draggo. Lhasa, the Tibetan capital, Dartsedo (Chinese: Kangding) and Lithang (Chinese: Litang) are also on full-scale military alert."

Discrimination on the basis of religious belief

In 2009 CERD expressed its concern for the free practice of religion among ethnic minorities¹². China continues to place restrictions and hindrances on the free practice of religious freedom. In a November 2011 joint statement, Special Rapporteur on the Freedom of Religion and Belief, Mr. Heiner Bielefeldt stated that the Chinese government's restrictive policies "Not only curtail the right to freedom of religion or belief, but further exacerbate the existing tensions, and are counterproductive,"¹³.

In 2007 the Chinese government passed "management measures for the reincarnation of living Buddhas in Tibetan Buddhism" which declares that Tibetan Buddhist reincarnates must have state approval¹⁴. The Dalai Lama has spoken regarding his own reincarnation, explaining that only he will determine how he will reincarnate and that the Atheistic CCP has no say in such matters¹⁵.

For years the CCP has carried out an all out media offensive against the Dalai Lama, vilifying him and accusing him of 'splittism.' These attacks against the Dalai Lama have reached beyond official pronouncements to "patriotic education" campaigns in Tibetan monasteries that require monks and nuns to publicly denounce the Dalai Lama. Such an action is in direct conflict with their monastic vows and is anathema to Tibetans who revere the Dalai Lama as their spiritual leader. The 21 self-immolations since February 2009 are directly linked to these discriminatory policies. The dying words of many of those who self-immolated called for the Dalai Lama's return to Tibet.

Discrimination through economic development

While CERD warned that "economic growth in minority regions, *ipso facto*, is not tantamount to equal enjoyment of economic, social and cultural rights in accordance with article 5(e) of the Convention,"¹⁶. The rapid economic development in Tibet has not been equally enjoyed.

Chinese authorities have undertaken development projects which include the rebuilding of the earthquake-destroyed-Kyegu (Chinese: Yushu), which has caused protest by local Tibetans opposing the government's plan for the reconstruction¹⁷; and nomad settlement policies on the plateau which, in the name of modernization, relocate Tibetan nomads into

¹² CERD/C/CHN/CO/10-13, para. 20

¹³ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11555&LangID=E>

¹⁴ <http://www.savetibet.org/media-center/ict-news-reports/new-measures-reincarnation-reveal-partys-objectives-political-control>

¹⁵ <http://www.savetibet.org/media-center/tibet-news/statement-his-holiness-fourteenth-dalai-lama-tenzin-gyatso-issue-his-reincarnation>

¹⁶ CERD/C/CHN/CO/10-13, para. 21

¹⁷ <http://www.savetibet.org/media-center/ict-news-reports/reconstruction-earthquake-hit-area-excludes-tibetan-participation-ignores-local-concerns-o>

pre-fabricated housing communities, separate from the sustainable livelihoods they had practiced for centuries¹⁸.

In-migration fed by the 2007 construction of the Golmud-Lhasa rail line¹⁹ has had deleterious effects on Tibetans in part because of the discriminatory hiring practices of private and public entities operating in Tibet, many of which offer positions to “Han only” or offer the same work to Tibetans for less pay²⁰.

It has emerged that job advertisements in Tibet, both online or notices posted in public spaces, show overt discrimination against non-Chinese with Tibetans not even being offered menial, unskilled work in some sectors, or if they are, being offered a wage significantly lower than their Chinese counterparts.

According to different sources, the practice of advertising positions “limited to Han” is also observed in the Inner Mongolia Autonomous Region, Ningxia Hui Autonomous Region and Xinjiang Uyghur Autonomous Region – referred to by its historical name of East Turkistan by many Uyghurs in the People’s Republic of China (PRC).

Recommendation

MRAP urges the Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance to closely monitor the situation faced by Tibetans, Uyghurs and Mongolians and seek a fact-finding mission to the People’s Republic of China.

¹⁸ <http://www.savetibet.org/files/documents/Nomad%20Settlement%20paper.pdf>

¹⁹ <http://www.savetibet.org/files/documents/TrackingTheSteelDragon.pdf>

²⁰ <http://www.savetibet.org/media-center/ict-news-reports/evidence-overt-chinese-discrimination-against-tibetans-job-market>