
Universal Period Review of the People's Republic of China
United Nations Human Rights Council

4 March, 2013

Joint submission by

fidh

International Federation for Human Rights

17, passage de la Main d'Or

75011 Paris

France

www.fidh.org

geneva@fidh.org

and



International Campaign for Tibet

1825 Jefferson Place NW

Washington D.C., 20036

United States of America

www.savetibet.org

info@savetibet.org

I. Summary

1. Since February 2009, more than 100 Tibetans have set themselves on fire in Tibet, including young students, monks, nuns, farmers or nomads. In terms of frequency and geographical spread, this constitutes one of the most significant waves of self-immolation as political protest globally in the last 60 years.

2. There is clear evidence, presented in this submission, that there is a direct correlation between the self-immolations and unrest in Tibet and an intensified campaign against the Dalai Lama combined with the expansion of legal measures tightening state control over Tibetan religion. This has been particularly evident following the imposition of increasingly restrictive measures in the eastern Tibetan areas of Amdo and Kham, where most of the self-immolations have occurred. While the underlying policies have been in effect in Tibet since the mid-nineties, a worsening trend could be observed over the past five years since the Tibet-wide protests in 2008. Forms of protest by Tibetans against the effects of these policies have been met with further rights violations through the state, amounting to arbitrary arrests, enforced “disappearances” and inhumane treatment or punishment. Victims of these violations have been, to a large degree, but not exclusively, Tibetan Buddhist monks and nuns.

3. The measures and their underlying policies constitute grave violations of fundamental human rights principles, as enshrined in the UDHR. This submission will focus on grave violations of freedom of thought, conscience and religion (Art. 18 UDHR) in Tibet as being one of the major causes for Tibetan grievances, resulting into acts of dramatic protests, such as self-immolations. This submission also focuses on violations of Art. 19 UDHR, Art. 13 UDHR, Art 9 UDHR, Art. 10 UDHR, Art. 5 UDHR and Art. 3 UDHR as consequences of state policy against Tibetan Buddhism.

II. State attitude towards Tibetan Buddhism

4. The PRC's tight control over religious practice and teachings in Tibetan areas is based upon maintaining the supremacy and authority of the Chinese Communist Party (CCP). Although China's constitution states that citizens of the People's Republic of China (PRC) have ‘freedom of religious belief’, the Party defines as ‘acceptable’ religious behaviour and religion as what does not interfere with or challenge the legitimacy and status of the Party. If the authorities regard the exercise of religious freedom as detrimental to the broader political concerns of the state, it will duly be suppressed. It remains impossible to challenge or question the constitution in a court of law in China.

5. The twin policies of fast-track development and virulent public denunciation of the

Dalai Lama, formally outlined in the mid-1990s, remain the guiding principle of China's management of Tibet issues. The theoretical underpinnings of hostility towards religion emerged in the late 1990s/early 2000s when it became clear through official statements that the CCP's position was that because of its link to the Dalai Lama, religious belief in Tibet was inherently antagonistic not just to socialism but also to the Chinese state.¹

6. The Party's role in controlling Tibetan Buddhism has been emphasized by the top echelons of the CCP leadership. At a critical meeting setting policy on Tibet over the next decade, President and Party Secretary Hu Jintao referred to the high political priority of guiding "Tibetan Buddhism to keep in line with the socialist society". (Xinhua, January 22, 2011).

7. From 1994 onwards, the Chinese authorities launched a particularly aggressive campaign against the Dalai Lama, including prohibitions on the display of photographs representing him and obligation for monks and nuns to denounce the Dalai Lama. While the policies were first implemented in the Tibet Autonomous Region (TAR), they have gradually been imposed in the eastern areas of the Tibetan plateau, where previously there was more space and scope for Tibetans to express themselves and practice their religion in comparison with the TAR.

8. Many Tibetans who have self-immolated have sought to underline the religious context of their acts. Some have died with their hands clasped in prayer, while many of those who have self-immolated have done so beside a stupa (reliquary building), monastery or nunnery. Others have self-immolated during important prayer ceremonies.² Overwhelmingly, Tibetans who have set fire to themselves and who have risked their lives in peaceful protest have called for the Dalai Lama to be allowed to return to Tibet.

9. Since 2008, when mostly peaceful protests swept across Tibet in March/April, the environment for Tibetan Buddhism deteriorated significantly. The Chinese authorities

¹ In 2000, the then Party Secretary Chen Kuiyuan addressed Party cadres on the theoretical underpinnings of the CCP's approach to religion, saying: "Because of their religious belief, many people are following the Dalai Lama in splitting the motherland and doing what is endangering socialism." Cited by Professor Robert Barnett in 'Restrictions and their Anomalies: The Third Forum and the Regulation of Religion in Tibet', in 'Journal of Current Chinese Affairs', 41, 4, 45-107 (2012);

² In one such incident, two Tibetans set fire to themselves and died on February 24 and 25 (2013) at monasteries in eastern Tibet where numbers of religious pilgrims had gathered for prayer ceremonies on the second to last and last day of Losar, a period of particular religious significance for Tibetans. International Campaign for Tibet, 25 February, 2013: "Two Tibetans self-immolate at monasteries during prayer ceremonies in Amdo";

have moved from instilling an oppressive environment in monasteries, nunneries and lay society to one that can be more accurately characterized as totalitarian - an approach in which the state recognizes no limits to its authority, imposes a climate of fear, and strives to regulate every aspect of public and private life.³

10. This submission documents how the Chinese government has adopted a more pervasive and systematic approach to 'patriotic education' and a dramatic increase in work teams and Party cadres in rural areas of Tibet. In what the CCP characterize as a 'war against secessionist sabotage',⁴ the Chinese government seeks to undermine Tibetan Buddhist practice, replace loyalty to the Dalai Lama in Tibetan hearts and minds with allegiance to the Chinese Party-state, and in doing so, to undermine Tibetan national identity at its roots.

11. Over the past two decades this approach has led to the development of administrative and legal mechanisms that enable the authorities to clamp down on any religious activities viewed as a threat to social stability and national unity, while claiming they are operating according to a 'rule of law'.

12. The tightening of restrictions on religion in Tibetan areas in the mid-1990s reflects the general direction of religious policy in China; but the crackdown on monasteries and nunneries can also be seen as part of the wider efforts to suppress Tibetan dissent through a combination of propaganda, re-education, administrative regulation, punishment and implementation of increasingly sophisticated security measures.

13. In 2011, Hu Jintao emphasized the Party's role in controlling Tibetan Buddhism, urging cadres to: "Comprehensively implement the Party's basic principles for religious work and laws and regulations on the government's administration of religious affairs, earnestly maintain the normal order of Tibetan Buddhism, and guide Tibetan Buddhism to keep in line with the socialist society." (Xinhua, January 22, 2011)

14. Party leaders also emphasise that Tibetan culture, which is inseparable from religion in Tibetan society, must be supportive of Chinese ideological and developmental objectives. Religion was identified as a "major obstacle to development" and to "the stability of the ethnic regions" in a strategy paper written by Li Dezhu, the then Minister

3 International Campaign for Tibet, April 2012: "60 Years of Chinese Misrule: Arguing Cultural Genocide in Tibet";

4 The state media declared on February 10, 2012, that the situation in Tibet is so grave that officials must ready themselves for "a war against secessionist sabotage." (Tibet Daily);

of the State Ethnic Affairs Commission,⁵ on the development of western regions of the PRC, including Tibetan areas.

II. Developments since the 2009 UPR on the PRC

1. Measures to control reincarnation in Tibet and “religious professionals”

15. In September, 2007, the Chinese government announced measures stating that all reincarnated lamas (tulku) must have government approval. The measures, which are deliberately targeted at one of the core belief systems of Tibetan Buddhism, reveal the CCP’s agenda to undermine and supplant the Tibetan religious hierarchy and weaken the authority of Tibetan religious leaders including the Dalai Lama.

16. The new "management measures for the reincarnation of living Buddhas in Tibetan Buddhism", which are described by the official press as "an important move to institutionalize the management of reincarnation" were passed by the State Administration of Religious Affairs (SARA) for implementation from September 1, 2007. The Chinese authorities use the term 'Living Buddhas' to describe reincarnate lamas or tulku, individuals who have consciously decided to be reborn, often many times, for the benefit of all others.

17. In the measures, SARA states that reincarnations of 'living Buddhas' who do not have government approval are "illegal or invalid", which is intended to convey that the Tibetan system of recognizing and educating reincarnate lamas is no longer relevant, because it is the government that decides whether a reincarnation is a legitimate religious figure or not. The government intends this to apply even to tulku who have been recognized some years ago by Tibetan religious authorities, as part of their systematic attempts to undermine the traditional religious hierarchy in Tibet.

18. Moreover, new regulatory measures on reincarnate lamas that came into force in the Tibetan Autonomous Region (TAR) in January 2007⁶, include no less than four clauses on the recognition of tulku representing a more consistent approach than before to undermining the traditional authority of the Dalai Lama on reincarnation. While the 1991 regulations on religion stated only that recognizing tulku could not be

5 A government body under the State Council. The article was published in a semi-monthly journal of the Party Committee, *Qui Shi*, which means ‘Seeking Truth’ on June 1, 2000;

6 “TAR Measures for Implementation of the ‘Regulations for Religious Affairs’”, as in International Campaign for Tibet, 2007: “The Communist Party as Living Buddha”;

used as a means for 'foreign infiltration', the 2007 measures now specify that:
"Organizations and individuals may not, without the authorization of the autonomous region religious affairs department, search for or recognize tulku and soul boys."
[Article 36]. In case this is unclear, the same clause states further: "The reincarnation of tulku in traditional Tibetan Buddhism is handled, at a place of religious activity under the guidance of a religious organization, in accordance with relevant provisions of the state and autonomous region, and in accordance with religious traditions and historical systems

19. In May, 2010, Chinese officials accused the abbot of Shag Rongpo, a little-known monastery located in Nagchu county, TAR, of contacting the Dalai Lama about the search for the reincarnation of a Shag Rongpo tulku—a teacher whom Tibetan Buddhists believe is one of a lineage of reincarnated teachers that can span centuries. Five Tibetans who had traveled to Lhasa were detained. Officials and People's Armed Police arrived at the monastery to conduct "patriotic education" and pressure monks to denounce the Dalai Lama and the monastery's senior teacher. The 75-year old abbot was expelled and placed under house arrest, a monk was sentenced to imprisonment, and 17 other monks were expelled and subjected to what the authorities called "public surveillance." Following these events, an elderly monk, 70-year-old Ngawang Gyatso committed suicide on July 20 as a result of "depression" linked to religious repression and pressure to denounce the Dalai Lama. Officials confiscated Ngawang Gyatso's suicide note and ordered Shag Rongpo monks not to discuss his death as a suicide and to support the government description of his death as "natural."⁷

20. It remains unclear to this date how many tulkus have had to receive state permission for being "legally recognized" as religious authorities. This also applies for incidents in which religious institutions and individuals were sanctioned for not complying with these rules. The above given example, however, implies that the authorities apply the reincarnation rules in Tibet with determination.

21. Corresponding to the above named regulations, the TAR measures state that "Professional religious personnel are confirmed by their religious organization." [Article 29]. Those who have not obtained official confirmation "may not engage in religious activities outside their place of religious activity such as initiations into monkhood or nunhood, consecrations, expounding Buddhist sutras, proselytizing, or cultivating followers." [Article 33].

⁷ As in Congressional-Executive Commission on China, October 18, 2010: "Government Policy on Tibetan Reincarnation Leads to Expulsions, Detentions, Suicide";

22. *The reincarnation rules in Tibet interfere with the institutional autonomy of Tibetan Buddhism, as they override the authority of religious traditions and rules as defined by Tibetan Buddhism itself and impose the state's decision on the core structures of Tibetan Buddhism. As a result, they force Tibetan Buddhists to recognize and worship religious authorities not chosen according to their religious traditions, thus directly interfering with the belief system of individual Tibetan Buddhists. They therefore constitute a violation of Art. 18 UDHR. With regard to the state's interference into the institutional structure of Tibetan Buddhism, these rules and the TAR measures cited above constitute a violation of Art. 20 UDHR which also guarantees the collective right to associate without state interference.*

2. Ban on Dalai Lama images

23. Government representatives of the PRC at times maintain there is no law against possessing or displaying pictures of the Dalai Lama, but rather that most Tibetans chose not to display his picture. However, this is not the case – officials still remove pictures of the Dalai Lama from monasteries and private homes and that open veneration of the Dalai Lama remains prohibited. At some monasteries where monks participated in protests in 2008, armed police stamped upon or defaced images of the Dalai Lama.⁸

24. While no formal legal measures are known to have been passed regarding the ban on displaying images of the Dalai Lama, origins of this practice can be traced back to the “Third Forum on Tibet Work” in 1994. After this important strategy meeting of PRC policy makers on Tibet, an “Advisory Opinion” by the official “Chinese Buddhist Association” emerged in 1996, presumably based on unpublished party orders.⁹ Both in public statements and regional and local regulations, restrictions on the sale, reprinting and the possession of portraits of the Dalai Lama have been reiterated since the apparent formulation of these policies in 1994, albeit with different nuances, and differentiating between public places and monasteries, and between the targeted groups, monks and nuns or the general populace.¹⁰

25. *The restrictions on the display of images and expressing loyalty to the Dalai Lama constitute a violation of Art. 18 UDHR, as they interfere with the freedom of belief of*

8 International Campaign for Tibet, March 2009: “A Great Mountain Burned by Fire: China’s Crackdown in Tibet”;

9 Barnett, op. cit.;

10 Barnett, op. cit.;

Tibetans who view the Dalai Lama as their religious leader.

3. An intensification of repression since 2008 and regulatory measures

26. The deteriorating environment for Tibetan Buddhism worsened significantly after mostly peaceful protests swept across Tibet in March and April 2008. The CCP and government responded to the protests by intensifying a long-established anti-Dalai Lama campaign; issuing regulatory measures that intrude upon and micromanage Tibetan Buddhist monastic affairs; implementing aggressive "legal education" programs that pressure monks and nuns to study and accept expanded government control over their religion, monasteries, and nunneries; and convening a high-level Party forum to formally establish a coordinated policy on Tibetan issues, including religion, across all Tibetan autonomous areas.

27. Regulatory measures on "Tibetan Buddhist Affairs" at monasteries and nunneries in nine of the ten Tibetan autonomous prefectures located outside the TAR have either taken effect or are now moving through the legislative process. The new measures will affect almost half of the area that the Chinese government designates as "Tibetan autonomous region" and slightly more than half of the Tibetans living in Tibetan autonomous areas of China. They establish greater and more detailed control of Tibetan religious activity.

28. The regulations reveal varying degrees of control over religious practice. For instance, measures from Ngaba in Sichuan, where the wave of self-immolations began,¹¹ iterate a degree of detail and scrutiny far above and beyond that of neighboring Huangnan in Qinghai.¹² The requirements for travel by monks for the purpose of study, for example, are defined with very broad strokes in the Huangnan regulations, but precisely described in Ngaba. In Ngaba, there appears to be extremely onerous and bureaucratic hurdles to cross for even the most basic functions of monasteries and monastics – with lines of reporting up at least two tiers of government authority even to perform religious services in people's homes.

29. These new regulations, for example on travel, correspond with TAR measures that

11 Nearly a third of 107 self-immolations of Tibetans that have occurred inside the PRC since February 2009 (up until March 1, 2013) have taken place in Ngaba;

12 See e.g. Ngaba prefecture Issue (2009) No. 20., "Aba Tibetan and Qiang Autonomous prefecture Temporary Management Measures for Tibetan Buddhist Affairs" [阿坝藏族羌族自治州藏传佛教事务管理暂行办法] 已经州委、州人民政府研究同意，现印发，请遵照执行，http://www.law-lib.com/law/law_view.asp?id=297813. Translations of the regulations into English by the International Campaign for Tibet are so far unpublished;

are enormously strict in their limitations for the purpose of religious study: monks and nuns are unable to travel even between counties in the TAR without permission, in this case from county-level religious affairs management departments. [Art. 41, 42]¹³

30. Immediately after the crackdown on March 14, 2008, the Chinese authorities accused the Dalai Lama of orchestrating the unrest in Tibet. They accompanied the accusation with a major campaign in the TAR to oppose the Dalai Lama, implemented at every level, from the top-down to the grass-roots.

31. This has led to a more pervasive and systematic approach to ‘patriotic education’ and a dramatic increase in work teams and Party cadres in rural areas of the TAR as well as well-resourced initiatives in the cultural and social sphere in Lhasa and other urban areas. Images in the state media show Tibetans ploughing the fields in rural areas with red Party flags on their tractors. In one picture, Tibetans in traditional dress bear aloft an image of the Chinese leaders Mao, Deng Xiaopeng, Jiang Zemin and Hu Jintao together with butter sculptures. Butter sculptures, traditionally created in Tibetan monasteries as an act of devotion, would normally be carried together with thangkas (Tibetan religious paintings or wall-hangings).

32. While these measures are being enforced across all Tibetan areas, implementation is particularly acute in Lhasa and the TAR.

33. In Tibetan religious institutions, Chinese government or Communist Party officials are being stationed in monasteries permanently and, in some cases, officials will have the senior rank and pay of a deputy director of a provincial-level government department. This new policy, announced by TAR Party Secretary Chen Quanguo in January 2012, was described by the official media as “critical for taking the initiative in the struggle against separatism,” and it aimed to “ensure that monks and nuns do not take part in activities of splitting up the motherland and disturbing social order.”¹⁴

34. This new system is a major shift, requiring the installation of an unelected ‘Management Committee’ to be installed in every monastery and to have authority over the previous structure of ‘Democratic Management Committees.’ The new structure of Monastery Management Committees headed by Party cadres and government officials

¹³ “TAR Measures for Implementation of the ‘Regulations for Religious Affairs’”, as in International Campaign for Tibet, 2007: “The Communist Party as Living Buddha”;

¹⁴ “China: Tibetan Monasteries Placed Under Direct Rule,” March 16, 2012, Human Rights Watch, see: www.hrw.org/news/2012/03/16/china-tibetan-monasteries-placed-under-direct-rule.

was initiated in November, 2011 and completed in February, 2012. TAR Party Secretary Chen Quanguo told Party members on February 2, 2012, that “The broad ranks of cadres stationed in monasteries” should ensure that monks and nuns “become an important force in loving their country, loving their religion, observing regulations, abiding by laws, safeguarding stability, and building harmony.”¹⁵

35. In addition, cadres were encouraged to befriend monks and nuns and gather information about them and their family members, while guiding them to be “patriotic and progressive.”¹⁶ A former work team member told a researcher from the International Campaign for Tibet about conducting political education in a village in the TAR: “Villagers don’t mind too much when we read out or teach them the Party’s policy and how kind the Party is, because we have many programs, including singing, games, and competitions. But even so, when we ask them questions about Dalai, they always hesitate and seem uncertain about answering. When it comes to the stage of opposing the Dalai, most villagers find it very difficult and the meetings often become silent at this point. They even do not want to look at us. Yes indeed, interestingly there are few villagers who would oppose Dalai publicly at a village meeting. All the documents that we are given by the government, which are meant to be read and distributed, are about ‘good party policy’ and ‘bad Dalai clique’.”

36. With the same objectives, but aimed at laypeople, the official media subsequently announced that more than 20,000 cadres and 5,000 work teams had been selected by the Chinese government to stay permanently in different neighborhoods in the TAR, with other cadres being sent into remote rural areas (Tibet Daily, March 11, 2012).

37. *The installation of “management committees” at Tibetan Buddhist monasteries with the aim of political indoctrination constitutes a grave interference into the freedom of*

15 Li Chengye, cited in the Congressional-Executive Commission on China Annual Report 2012, Tibet section: “Chen Quanguo Gives Important Instructions on Further Improving the Work of Cadre Presence in Monasteries: Let Monks and Nuns Who Love Their Country and Their Religion Experience the Solicitude and Loving Care of Party and Government and Consciously Make Greater Contributions to the Building of Harmonious Tibet and Peaceful Tibet,” Tibet Daily, 2 February 12, reprinted in China Tibet Online (translated in Open Source Center, February 10, 2012);

16 Cited by the Congressional-Executive Commission on China Annual Report 2012, Tibet section. Chen Run’e, “Be a Close Friend to Monks and Nuns” [Zuo sengni de tiexin ren], Tibet Daily, 18 April 12, reprinted in China Tibet News. According to the report, cadres posted to monasteries “must establish and perfect records on monks and nuns who hold professional religious personnel certification, detailing and recording their individual information and their family circumstances.” The CECC observed in the same report that Monastery Management Committees, in terms of status and function, are more intrusive and repressive than Masses Supervision and Appraisal Committees (MSACs) established in Qinghai province by prefectural-level Tibetan Buddhist affairs regulations;

association of Tibetan Buddhists and thus contravenes Art. 20 UDHR. With aiming at prohibiting worship or expressing loyalty to the Dalai Lama, any government or party presence at the monasteries violates Art. 18 UDHR.

4. Tibetans undergo political education after pilgrimage; shift to harder line tactics

38. The only opportunity Tibetans have to see the Dalai Lama and to attend his teachings is to leave Tibet either temporarily or permanently, and traditionally many Tibetans have traveled to India on pilgrimage. In an indication of the deepening crackdown and anti-Dalai Lama campaign in Tibet, hundreds of Tibetans were detained upon their return from a major religious teaching by the Dalai Lama in India in January 2012 and subjected to 're-education.' The detentions had not been seen before on this scale following a Dalai Lama teaching in India.

39. The Tibetans returning from India – many had traveled legally on Chinese passports - were held in detention centers, including one created in a school and another in an army camp in Lhasa. Some detention centers were close to the airport, and Tibetans who have Chinese passports and who returned from India by plane were taken there as soon as they arrived. Other Tibetans returning to India via different routes 'disappeared' and were not heard of for weeks, sometimes months. Tibetans returning by land from Nepal through the border at Dram in the TAR were held at several check-points, where individuals and their luggage were searched thoroughly.

40. According to several reports, police took away objects such as prayer beads and pictures. Couples and families were separated while in detention, with some elderly people denied medication. One elderly female relative of a Tibetan in exile who was taken into custody had a heart condition, and fainted in custody while being kept in a separate area to her husband. A Tibetan from Lhasa who is now in exile said that the detentions "imposed unbearable psychological and financial pressure on families and communities."

41. A number of Tibetans from the eastern areas of Kham and Amdo returning from the Kalachakra via Lhasa were detained upon arrival. They were not allowed to go on pilgrimage to sacred sites within Lhasa including the Jokhang temple and to visit the Potala Palace (a traditional activity at Tibetan New Year), but returned by security and official personnel to their home areas.

5. Persecution of monks and nuns

42. Religious activities and beliefs that are seen as posing a threat to the authority of the Party are criminalized and targeted, and China's Criminal Law is used to prosecute individuals whose religious activities are equated with 'separatism'. Monks and nuns make up approximately 58% of the political prisoner population. The Congressional-Executive Commission on China in Washington DC records 824 Tibetan political or religious prisoners believed to be currently detained or imprisoned. Of these 824 Tibetans, 479 are monks, nuns, or reincarnate lamas.

43. There is concern for the welfare and safety of three senior Drepung monks who were detained in April, 2008, two of whom have subsequently received sentences of life and 20 years. Their whereabouts and welfare is not known. The monks' long sentences are in the context of a continued crackdown at Drepung, after monks from the monastery were at the forefront of peaceful protests in Lhasa beginning on March 10, 2008.¹⁷

44. On March 10, 2010, some of the more than 400 monks at Ditsa monastery in Amdo scattered leaflets in the monastery compound and pasted posters expressing loyalty to the Dalai Lama and calling for a "Free Tibet." According to Tibetans in exile and in contact with Tibetans in the area, at least 30 security personnel came to the monastery and were joined by at least 100 more later that day. They detained 18-year old Jamyang from Tsigortang (Chinese: Xinghai) county in Tsolho (Chinese: Hainan TAP) in Qinghai Province; 19-year old Yeshe, also from Tsigortang, and a reincarnate lama in his thirties, Tulku Woesser, who has since been released after three days of interrogation.¹⁸

45. The same source said that troops set up tents outside the monastery, restricted the movements of all monks and preventing religious assemblies, banning two religious events - a formal religious debate and a second ceremony. The source said that the monastery school was also closed on March 10. The school is attended by more than 60 young monks, with lessons in Tibetan, Chinese and mathematics.

17 International Campaign for Tibet, December 21, 2010: "Senior monk-scholars, with no political record, sentenced to life and 15-20 years imprisonment – crackdown continues at Drepung";

18 International Campaign for Tibet, March 22, 2010: "Tibetans mark Uprising anniversaries despite crackdown: Lhasa like a war-zone";

46. A Tibetan lama, Phurbu Rinpoche from Kham, has been sentenced to eight and a half years in prison in December 2009. It was the first sentence known to have been handed down to an important religious teacher in Tibet since protests broke out across the plateau in March 2008. Phurbu Tsering Rinpoche, a respected Tibetan lama from Kardze (Chinese: Ganzi) prefecture in Sichuan province (the Tibetan area of Kham) was detained in May 2008 and initially charged with illegal possession of weapons and ammunition, and charges relating to allegations he misappropriated a government-owned building. Phurbu Rinpoche was initially allowed to be represented by two leading lawyers from Beijing. However, they were not allowed to attend further legal proceedings and have since been disbarred along with over 40 other lawyers who took on high-profile human rights cases. The two Chinese lawyers defending Phurbu Rinpoche said that serious violations of Chinese law had occurred during his case and that the charges against him “lack factual clarity and sufficient evidence.”¹⁹

47. Jamyang Jinpa, 37, a monk from Labrang monastery, has died after suffering severe torture in Chinese detention. Jinpa was detained following a protest in front of foreign journalists at Labrang monastery on April 9, 2008. Labrang is an important monastery in Sangchu (Chinese: Xiahe) county, Kanlho (Chinese: Gannan) Tibetan Autonomous Prefecture, Gansu province. Jinpa’s death on April 3, 2011 came just weeks after the death of 42-year old Sangey Gyatso, another of the group of 15 Labrang monks who participated in the 2008 protest.²⁰

48. Dozens of Tibetans have been imprisoned in a new wave of protests in Kardze (Chinese: Ganzi) in eastern Tibet despite an already intense crackdown in the region. At least 30 Tibetans, including some senior monks, nuns and laypeople, have been detained in at least 15 separate peaceful demonstrations, calling for freedom, the release of local and respected religious teachers, and for the Dalai Lama to return home.²¹

6. Patriotic education and enforced “disappearances”

19 International Campaign for Tibet, January 4, 2010: “Influential Tibetan lama sentenced to eight and a half years in prison”;

20 International Campaign for Tibet, April 4, 2011: “Torture blamed for death of Tibetan monk, second death following protest during foreign reporters’ visit to Labrang monastery”;

21 International Campaign for Tibet, June 27, 2011: “Dozens of Tibetans imprisoned in new wave of Kardze demonstrations: protest in Lhasa by Dargye monk”;

49. The mass re-education in the TAR launched in April 2008 has the slogan of “Unity and stability is happiness. Separation [of nationalities] and unrest is disaster.” The monasteries are a permanent target for the mass re-education, and hundreds of monks have been expelled and arrested from the great three monasteries in Lhasa, Sera, Ganden and Drepung, since April 2008, leading to serious fears of their survival as religious institutions.

50. Monks expelled from the Lhasa monasteries in March/April 2008 have not been allowed to go back – hundreds of them were taken out of the monasteries with black hoods upon their heads and imprisoned in areas of Qinghai for “study”. Monks in other areas of Tibet, who traditionally visited these monasteries for period of study, are no longer allowed to do so. The Chinese state media acknowledged that a total of 1200 monks from Drepung and Sera had been expelled in 2008.

51. The Chinese authorities have singled out many other important and influential centres of Tibetan Buddhist culture – notably Kirti monastery in Ngaba (Chinese: Aba), Sichuan (the Tibetan area of Amdo). The day after the self-immolation of a young Kirti monk called Phuntsog on March 11, 2011, the military presence in Ngaba was intensified, with increased numbers of troops arriving in the town. On March 20, 2011, officials arrived at Kirti monastery and announced that any monk who needed to leave should first take a letter of guarantee from his class tutor, one from the relevant ‘discipline monk’ (Gekoe) and one from government officials who were now stationed at Kirti. Monks were not allowed to leave the monastery without these three documents. Officials also began an intensive patriotic education campaign called ‘Love the nation, love religion.’

52. During the day, work team members went to monastic cells aggressively asking questions about monks’ beliefs while at night, armed soldiers and police with dogs patrolled the monastery, beating up some monks. In early April 2011, the Chinese authorities began to build a barbed wire fence on the north side of the monastery, a huge complex with concentric boundary walls. As monks were not allowed to go out and buy food, for some time they had to rely upon local laypeople to donate butter, tsampa (roasted barley flour) and other staples.

53. Kirti, one of the most ancient and important religious and cultural institutions in Tibet, was effectively under military blockade. Given the importance of Tibetan monasteries as centers of learning with a strong connection to the community, dedicated to the protection of core values of Tibetan Buddhist culture, this aggressive move was perceived with much distress by Tibetans.

54. The situation at Kirti escalated further when monks from the age of 18-40 were taken away from the monastery under the pretext of giving them ‘re-education’ or ‘legal education.’ An equivalent term used by the authorities when taking monks away from their monastery for re-education in a detention facility is to ‘go for study.’ As with the other once-powerful monasteries and centers of Tibetan culture, Sera, Ganden and Drepung in Lhasa, the authorities have used the pretext of taking monks away ‘for study’ or ‘legal education’ as a means to reduce and control the monastic population at Kirti.²²

55. Two exiled Kirti monks now in India said about the situation at Kirti monastery after the self-immolation of Phuntsog in March 2011: "These days, soldiers, police and special police forces, inside and out, armed with a variety of weapons, are maintaining their blockade of Kirti Monastery. They divide monks from the same dormitory into groups of 20, and hold so-called 'Patriotic Religion' reeducation meetings in the monks' dormitory buildings. They ask lots of questions, and when the monks cannot give the answers that the officials want to hear on many issues, it seems that they are arresting them. One group including Losang Jinpa ('Jinnak') of Chukle Gabma and Losang Dorje was detained for 10 days and then released, while another group remains in detention."

56. The names of monks not present at the monastery have been made public, with an announcement that they are not permitted to return. The doors of unoccupied cells have been sealed with notices reading 'Not to be opened' and the former occupants are not permitted to enter. The ongoing reeducation campaign was supposed to last for three months but it is repeatedly announced that unless the present behavior of the monks improves, this period will be lengthened.²³

57. Monasteries in Jomda county have been subjected to an intensive campaign of ‘patriotic education’ in common with other religious institutions and broader civil society elsewhere in Tibet. In Chamdo, there has been a particular emphasis on “patriotic education” in conjunction with the authorities’ work on ‘social stability.’ According to one recent interviewee, the conduct of re-education campaigns requiring

22 A full account of these developments is given in International Campaign for Tibet’s report, ‘Storm in the Grasslands: Self-Immolations in Tibet and Chinese Policy’, December 2012, <http://www.savetibet.org/resource-center/ict-publications/reports/storm-grasslands-self-immolations-tibet-and-chinese-policy>;

23 International Campaign for Tibet, May 26, 2011: “Crackdown in Ngaba: monks detained for giving wrong answers in ‘patriotic education’”;

monks to sign written denunciations began in the summer of 2008 at Jopu monastery, near Jomda county town. In response, all 200 monks fled, leaving the monastery empty for several months, and no more than half have returned since.

58. The “patriotic education campaigns” at Tibetan Buddhist monasteries constitute a grave violation of freedom of belief, as they interfere with core beliefs (“forum internum”) of religious followers. They thus fundamentally contravene Art. 18 UDHR. Measures by the authorities to sanction individual behavior or to enforce a certain behavior by any form of detention or enforced or involuntary “disappearance” constitute a violation of Art. 9 UDHR.

III. Recommendations

59. The following recommendations should be raised during the UPR process on the PRC and enjoy the support of the People’s Republic of China:

1. The PRC must address the deep underlying issues in Tibet and seriously consider the recommendations made to it by various international human rights bodies, as well as avail itself of the expert advice being offered by the UN’s independent experts on human rights, as stated by United Nations High Commissioner for Human Rights Navi Pillay in November 2012;²⁴

2. As stated by various states during the 19th session of the Human Rights Council in March 2012, the PRC must allow all Tibetans, including monks, the exercise of their cultural and religious rights without hindrance, re-assess policies that undermine Tibetan linguistic, religious, and cultural traditions, creating grievances and fostering unrest, respect freedom of religion and belief for all, including Tibetans, improve the human rights situation in Tibet as well as in other parts of China, as a means to ensuring peace and stability, and allow for unhindered access to all areas for international monitoring;²⁵

²⁴ OCHCR, November 2, 2012: “China must urgently address rights violations in Tibet – UN senior official”;

²⁵ International Campaign for Tibet, March 14, 2012: „Governments confront China at UN Human Rights Council“;

3. The PRC must undertake full investigations into the on-going practice of enforced disappearances and ensure that those responsible are prosecuted and receive sentences appropriate to the gravity of the crime, as stated by UN human rights experts in November 2011²⁶ and the United Nations Working Group on Enforced or Involuntary Disappearances in June 2011²⁷, particularly in the case of “disappearances” at Kirti monastery;

Furthermore, the PRC must:

4. Release the Panchen Lama, Gedun Choekyi Nyima, from state custody and allow him to pursue the religious education necessary for assuming his legitimate position as a religious leader;

5. End the official policy of State intervention in the identification and training of Tibetan reincarnate lamas;

6. Disband the “Management Committees” at religious institutions;

7. End those practices targeted at Tibetan Buddhist institutions which threaten to erode the Tibetan religious culture, such as:

- the ban on religious construction without government permission;
- limits on the number of monks and nuns 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 religion study; and ‘patriotic education’ which includes the denunciation of the Dalai Lama.

8. Repeal laws, regulations, and other provisions that violate the right to freedom of religion, in accordance with international standards that protect the right to freedom of religion;

26 OHCHR, November 1, 2011: “UN experts warn of severe restrictions on Tibetan monasteries in China”;

27 OHCHR, WGEID, June 8, 2011: “China: UN expert body seriously concerned about Tibetan monks reportedly subjected to enforced disappearance”.

9. Release all Tibetan prisoners who have been detained for religious beliefs or practices but have been charged with political offenses;

10. Allow monks and nuns who have been imprisoned on political charges to return to their religious institutions upon completion of their sentences;

11. Ratify immediately the International Covenant on Civil and Political Rights (ICCPR) and ensure that its protections are extended to Tibetans, including the right to profess and practice their own religion.