

China's record on Tibet: its claims vs the reality

ICT analysis of China's report to the UN Universal Periodic Review 2013

October 2013

Recommendations accepted by China in 2009	China's National report to the Working Group on the UPR 2013	Situation in Tibet – ICT's analysis
<p>16¹. Adopt further measures to ensure universal access to health and education and other welfare for rural communities, minority regions, disadvantaged families and the internal migrant population</p>	<p>81.² Further safeguarding the social rights of ethnic minorities since 2009, the Government has greatly increased subsidy funding for ethnic education, and a complete system from pre-school through college levels has taken shape; the number of years of education received by 14 ethnic minorities, including Koreans, Manchus, Mongols and Kazakhs, now exceeds the national average. Government has established, in other provinces of China, special schools and classes to enrol students from Tibet and Xinjiang in order to train talented people of all kinds for those two regions. Medical and health service systems in ethnic regions are also being continuously improved.</p>	<p>A key grievance of Tibetans is the lack of educational opportunities in the Tibetan language, on which the Chinese response is silent. Tibetan students have held several protests in recent years to express their concern about the downgrading of the Tibetan language³ On October 4th 2013, in its concluding report the UN Committee on the Rights of the Child asked China to implement the bilingual policy and eliminate all restrictions including the closure of schools that severely restrict the ability of Tibetan children to learn and use the Tibetan language in schools.⁴</p> <p>On average, Tibetan children complete only 2.2 years of compulsory education.⁵</p> <p>According to the United Nations Development Programs Report of 2005,⁶ the Tibetan Autonomous Region (TAR) had the highest overall illiteracy rates of all PRC provinces. The national average is 10.3 per cent while the illiteracy rate in the TAR is 44 per cent.</p>

¹ This is the number of the accepted recommendation

² This is the number of the paragraph of the Chinese report

³ ICT: "Protests by students against downgrading of Tibetan language spread in Beijing", 2010
<http://www.savetibet.org/protests-by-students-against-downgrading-of-tibetan-language-spread-to-beijing/>

ICT: "Tibetan student detentions after protests in Chabcha, Rebkong", 2012.
<http://www.savetibet.org/tibetan-student-detentions-after-protests-in-chabcha-rebkong/>

⁴ CRC concluding report: <http://www2.ochr.org/english/bodies/crc/crcs63.htm>

⁵ <http://www.savetibet.org/wp-content/uploads/2013/07/Education-in-Tibet-paper.pdf>

⁶ UNDP report: http://hdr.undp.org/en/media/HDR05_complete.pdf

	<p>82. <i>Further safeguarding cultural rights of ethnic minorities, and conscientiously safeguarding the rights of ethnic minorities to use and develop their own languages and writing systems</i> As of May 2012, there were 73 radio stations broadcasting 441 scheduled programmes (of which 105 were in minority languages), and 90 television stations broadcasting 489 programmes (of which 100 were in minority languages), in ethnic autonomous areas. Solid results have also been achieved in the preservation and protection of endangered cultural heritage, with projects for 55 ethnic minorities accounting for 42 per cent of the national intangible cultural heritage list.</p>	<p>It also found that all Chinese provinces boasted primary school attendance rates of over 95%, except in the TAR where the average was 70%</p> <p>Citing the number of media outlets broadcasting in ‘minority’ languages says nothing about content or censorship and the manner in which cultural rights of ethnic minorities especially Tibetans have been safeguarded.</p> <p>Chinese owned state media in several languages have become numerous but the content and narrative on the subject of Tibet reflect the views of the Chinese communist propaganda bureau. The Chinese media labels the Dalai Lama as a “wolf in monk’s robes” who travels the world disparaging China and also accuses anyone who disagrees with it on Tibet policies as “splittists.”⁷</p> <p>In general, decisions on cultural preservation are made by central authorities with insufficient input from Tibetans.⁸ Onerous religious restrictions and the coercive resettlement of nomads are two examples that Chinese policies are having a corrosive effect on Tibetan culture.⁹</p>
<p>27. Continue to invest financial and</p>	<p>83. In the process of responding to the international financial crisis that recently swept the globe,</p>	<p>Chinese investment in Tibetan areas does not necessarily equate to quality economic, social and cultural development in these areas. In many</p>

⁷ ICT: 60 years of Chinese Misrule: Arguing Cultural Genocide in Tibet 2012. <http://www.savetibet.org/60-years-of-chinese-misrule-arguing-cultural-genocide-in-tibet/>

⁸ Ibid.

⁹ HRW: “China: End involuntary rehousing relocation of Tibetans” 2013. <http://www.hrw.org/news/2013/06/27/china-end-involuntary-rehousing-relocation-tibetans>

<p>material resources, in conditions of the financial crisis, with the view to support the economic and social development in the country as a whole and the Tibet Autonomous Region in particular</p>	<p>the Chinese Government continues to increase investment in the Tibet Autonomous Region in the areas of finance and taxation, banking, capital investment, industrial construction and the development of social programmes, and has adopted a series of special preferential policies to promote the economic and social development of that Region. In 2012, per capita disposable income for residents of urban areas in Tibet reached 18,056 yuan, an increase of 11.5 per cent over the previous year, while per capita net income of farmers and herdsmen reached 5,645 yuan, an increase of 15.1 per cent over the previous year.</p>	<p>ways, it undermines Tibetan society and culture.¹⁰ Heavy Chinese investment in extractive, transportation and industrial activities is often channelled to large Chinese firms who hire Chinese laborers, who then take profits back to China.¹¹ Tibetans suffer severe discrimination in employment. Moreover, Chinese policies that claim to provide economic development can be socially destructive. A Human Rights Watch (HRW) report details more than two million Tibetan farmers and nomads have been relocated or rehoused against their will. The Tibetans told HRW that they face financial difficulties as a result of having to move, reduce their herds, or demolish and reconstruct their houses. They claimed that new settlements are sometimes inferior to the ones they previously inhabited.</p> <p>Official policy documents detailed in the report show that, contrary to official rhetoric, Tibetan households have to bear the greatest share of the overall cost of rebuilding their houses – up to 75%. One study from the central government claims that “for every yuan in governmental subsidies, households had to contribute 4.5 yuan themselves.”¹²</p>
<p>37. Continue its efforts to further ensure ethnic minorities the full range of human rights including</p>	<p>79. Fully respecting freedom of religious belief in ethnic regions In Tibet, the manner of succession of the reincarnated Living Buddha is fully respected, and traditional religious activities proceed normally. Currently, there are more than 1,780</p>	<p>Quantity does not equate to quality. In reality, the vitality of Tibetan Buddhism is suffering from tight restrictions on religious practice imposed under onerous state regulations that do not respect universal principles of religious freedom. A key example is the 2007 administrative regulation that gives the</p>

¹⁰ ICT “Tracking the Steel Dragon” <http://www.savetibet.org/tracking-the-steel-dragon>

¹¹ Andrew Fischer: “The Political Economy of Boomerang Aid in China’s Tibet” <http://chinaperspectives.revues.org/4842>

¹²HRW: “China: End involuntary rehousing relocation of Tibetans” <http://www.hrw.org/news/2013/06/27/china-end-involuntary-rehousing-relocation-tibetans>

cultural rights	places of religious activity of all types in Tibet, with some 46,000 monks residing in monasteries. Tibetan cultural customs and practices continue to be handed down and protected.	state decision-making authority over reincarnations within Tibetan Buddhism. ¹³ This forces Tibetan Buddhists to recognize religious authorities not chosen according to their religious traditions, which directly interferes with their belief system. The regulations therefore constitute a violation of Art. 18 UDHR. Further, restrictions on the veneration of the Dalai Lama constitute a clear violation of religious freedom. ¹⁴ 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.
30. In the light of its national realities strictly controlling and applying the death penalty	44. Although the death penalty is retained in China, it is strictly controlled and sparingly used. In the past few years, China has further reduced its application by taking a series of important measures to improve and perfect the evidence system in death penalty cases, reduce the number of capital crimes, and codify the standards for application of the death penalty and the procedures by which such cases are handled.	The imposition of the death penalty on Tibetan Dolma Kyab on 15 August 2013 ¹⁵ and a Tibetan monk Lobsang Kunchok in January 2013 ¹⁶ by the Intermediate Supreme People’s Court in Ngaba does not attest to the death penalty being strictly controlled. In both cases the defendants did not have representatives of their choice, there was little evidence presented against them and the court proceedings were not public. Kunchok was accused of intentional homicide and his crime was supporting self-immolators, while Kyab was accused of killing his wife although his wife is suspected to have self-immolated.

¹³ICT: “The Communist Party as Living Buddha” 2007 <http://www.savetibet.org/the-communist-party-as-living-buddha/>

¹⁴ICT: “China: authorities must end their crackdown on Tibetan Buddhism” 2013 <http://www.savetibet.org/china-authorities-must-end-their-crackdown-on-tibetan-buddhism/>

¹⁵ICT: “Death Penalty for Tibetan after death of wife in Ngaba” <http://www.savetibet.org/death-penalty-for-tibetan-after-death-of-wife-in-ngaba>

¹⁶ICT: “Distress at death sentence for Tibetan accused of ‘inciting self-immolation.’ 2013. <http://www.savetibt.org/distress-at-death-sentence-for-tibetan-accused-of-inciting-self-immolation/>

<p>China's prohibition on Torture¹⁷</p>	<p>China is continuously improving and perfecting its laws in order to prevent and suppress unlawful acts by individual judicial officials, such as the extraction of confessions under torture in the process of collecting evidence in a case. The Criminal Procedure Law has been amended to explicitly prohibit the coerced self-incrimination of any person, and to safeguard the voluntary nature of statements made by criminal suspects and accused persons; it also strengthens the rules for excluding illegal evidence, stipulating that statements obtained using unlawful methods such as coercion, as well as witness testimony obtained by unlawful methods such as violence excluded.</p>	<p>The case of Dolma Kyab mentioned above refutes China's report. Those who were in prison with Kyab (and are now free) report that he was tortured. The only evidence presented in the case was his confession, which he refuted when he came before the judge.</p> <p>On October 8 2013, ICT reported that Tsering Gyaltzen was injured after torture in detention. Gyaltzen was in detention after police singled him out as a "ringleader" for peaceful protests against orders to raise the Chinese Flag in the Driru area. Despite his serious condition he was prevented from receiving medical treatment for several days.¹⁸</p> <p>In the past 10 months there have been at least 10 Tibetans who have left the Chinese jails (either by serving their terms or being let out early) have reported being tortured while in custody.¹⁹</p>
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¹⁷ China did not specifically adopt a recommendation on this but has decided to report on this issue.

¹⁸ ICT: <http://www.savetibet.org/troops-open-fire-on-tibetans-in-escalating-crisis-in-nagchu/>

¹⁹RFA: Tibetan nun released from jail in 'poor' condition after torture

<http://www.rfa.org/english/news/tibet/released-0826201350743.html> ;

Tibetan Review: "Tibet monks released after torture, forced prison labour"

<http://www.tibetanreview.net/news.php?id=12528> ;

ICT: "One of Tibet's longest-serving political prisoners released after 17 years"

<http://www.savetibet.org/one-of-tibets-longest-serving-political-prisoners-released-after-17-years>