



***A YEAR IN REVIEW:***  
**TIBET AT THE UNITED NATIONS IN 2018**

**Prepared by Tibet Bureau Geneva  
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## **TABLE OF CONTENTS**

<b>FOREWORD.....</b>	<b>3</b>
<b>HUMAN RIGHTS COUNCIL SESSIONS .....</b>	<b>4</b>
• 37th regular session.....	4
• 38th regular session.....	6
• 39th regular session.....	8
<b>UNIVERSAL PERIODIC REVIEW OF CHINA .....</b>	<b>11</b>
<b>SIDE EVENTS .....</b>	<b>15</b>
• Ecological Impact of Tibetan Plateau .....	15
• Human Rights in China – Seeking Solutions: The Case of Tibet Autonomous Region and the Areas Where Tibetans Live .....	16
• Promises Unfulfilled: Human Rights in China – The case of Tibet & Xinjiang .....	17
<b>SPECIAL PROCEDURES.....</b>	<b>19</b>
• Joint Statements by UN Experts on Tashi Wangchuk .....	19
• Joint Communication by UN Experts on Two-Track Passport System for Tibetans ..	21
• Special Rapporteur on Minority Issues.....	23
• Working Group on Enforced or Involuntary Disappearances .....	25
• Working Group on Business and Human Rights .....	26
<b>TREATY-BASED COMMITTEES .....</b>	<b>28</b>
• Committee on the Elimination of Racial Discrimination .....	28
<b>MARCH 10 UPRISING DAY .....</b>	<b>30</b>
• "Europe Stands with Tibet Rally" at the UN .....	30

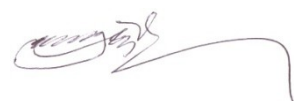
## **FOREWORD**

This report is a summary of Tibet advocacy at the United Nations in 2018 prepared by the Tibet Bureau Geneva. 2018 saw some of the most powerful UN Member States show and reiterate their concerns about the deteriorating human rights situation in Tibet under the rule of People's Republic of China. The staunch support for Tibet was evident at China's Universal Periodic Review as well as at the regular sessions of the Human Rights Council.

Another major highlight this past year was the release of two joint communications by UN experts criticizing China's practice of arbitrary detention and vague sentencing law, particularly that of language activist Tashi Wangchuk.

China's record of tackling racial discrimination also faced scrutiny by the Committee on the Elimination of Racial Discrimination in August 2018, which expressed concerns about the systemic discrimination against Tibetans in all walks of life.

Further, to mark the 59th anniversary of the March 10 uprising in Tibet, Tibetans from various parts of Europe held a rally in front of the UN building in Geneva on 10 March 2018. Around 5000 participants, including high-level politicians and diplomats, called for freedom and justice to be restored in Tibet.



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## **HUMAN RIGHTS COUNCIL SESSIONS**

The Human Rights Council (HRC) is the main inter-governmental body within the United Nations (UN) system responsible for promoting and protecting human rights, and addressing situations of human rights violations of its Member States. In a given year, the HRC generally holds three regular sessions which take place in March, June, and September.

### **I. TIBET AT THE 37TH REGULAR SESSION (26 Feb 2018 to 23 Mar 2018)**

#### **a) Statement by UN High Commissioner for Human Rights**

In his global update of human rights concerns at the 37th regular session of the HRC, Zeid Ra'ad Al Hussein, the UN High Commissioner for Human Rights (as he was then), stated that he “continues to receive urgent appeals regarding arbitrary detentions, enforced disappearances, ill-treatment and discrimination” from members of the Tibetan community.<sup>1</sup> He explained that many of these cases in regions under China “involve people struggling against economic, social and cultural injustices, such as corruption; illegal seizure of land and forced evictions; destruction of cultural sites; constraints on religious practices and restrictions on use of local languages.”<sup>2</sup> The then High Commissioner also expressed his regret over the fact that “China’s global ambitions on human rights are seemingly not mirrored by its record at home.”<sup>3</sup>

#### **b) Statements by UN Member States**

At the 37th Session of the HRC, several UN Member States drew attention to the deteriorating human rights conditions in Tibet under the rule of the PRC regime. These Member States included Canada; France; Germany; and the United States.<sup>4</sup> The European Union (EU), which has a permanent observer status at the UN, also expressed support for Tibet.

- **Canada:** China's ongoing persecution of religious and ethnic minorities in Tibet is "incompatible with its international obligations, as well as its Constitution," Canada stated. It questioned China's commitment to the rule of law given the "lack of transparency and due process...in the cases of detained human rights defenders throughout the country." Canada urged the Chinese authorities "to immediately release all individuals detained for exercising their human rights, including their right to freedom of religion and expression, and to protect advocates for linguistic and cultural rights."<sup>5</sup>
- **European Union:** Delivered by Bulgaria, the EU expressed concerns about "detentions and trails of human rights defenders...[including]...Tashi Wangchuk," and urged China to "release all detained human rights defenders and to thoroughly investigate reported cases of mistreatment and torture while in detention." Further, it called on China to "respect the rights of freedom of expression offline and online, and of religion, as well as cultural diversity" in Tibet.<sup>6</sup>
- **France:** Expressing concerns over the human rights situation in Tibet, the Permanent Mission of France to the UN called on China to have a "dialogue with the local [Tibetan] population."<sup>7</sup>

- **Germany:** Germany said it is “deeply worried about China’s widespread abuses, including infringement on the freedoms of religion, expression and association, and the right to a fair trial[.]” It urged China to immediately release all human rights defenders, including Tashi Wangchuk and to allow visits of UN Special Procedures to Tibetan areas.<sup>8</sup>
- **United States:** United States Mission to the UN criticized the Chinese government for grave human rights conditions it has imposed in Tibetan areas and called it “harsh condition akin to Marshall law.”<sup>9</sup>

## II. **TIBET AT THE 38TH REGULAR SESSION** (18 Jun 2018 to 06 Jul 2018)

### a) **Statement by UN High Commissioner for Human Rights**

In his last global update to the HRC at the 38th regular session, UN Human Rights Chief Al Hussein (as he was then) took serious issue at the growing attacks on the body of human rights law from authoritarian leaders and even some UN officials, among others, who claim that there is “no such a thing as universal human rights” and that it is simply a product of “Western imagination.”<sup>10</sup> He pointed to the *Universal Declaration of Human Rights* and reminded everyone that the most important document in the history of human rights was negotiated by the same political leaders from around the world who “poured universal values into the UN Charter” that created the UN.<sup>11</sup>

In relation to Tibet, Mr. Al Hussein said that the human rights condition in the so-called Tibetan Autonomous Regions is “fast deteriorating.”<sup>12</sup> Despite efforts by the Office of the UN High Commissioner for Human Rights (OHCHR) “to establish conditions conducive to an effective dialogue,” Mr. Al Hussein revealed that China refuses to give unfettered access to the region.<sup>13</sup>

Noting that in the last five years, China had accumulated over 15 pending requests for visits, Mr Al Hussein stated, “I am, furthermore, dismayed by China’s continuing efforts to prevent independent members of civil society from engaging with human rights mechanisms, including Treaty Body reviews, the Council’s UPR, and many mandate-holders.”<sup>14</sup> He encouraged China to work towards respect for the rights and freedoms of the people in the country by allowing and cooperating with all actors to contribute to international human rights mechanisms.

#### **b) Statement by Member States**

It is important to note here that during the time of the 38th session, the United States officially withdrew from the HRC as a protest against the Council’s practice of “protecting the world’s worst human rights abusers,” such as China, by allowing them to serve on the Council in order to shield themselves from criticism.<sup>15</sup>

The remaining Member States and the EU continued to support the cause of Tibet by reiterating their concerns about China’s grave human rights violations and the intensified crackdown on human rights defenders in Tibet.<sup>16</sup>

- **European Union:** The EU called on China to “abide by its international obligations and respect for freedom of religion or belief and expression and the rights of persons belonging to ethnic minorities.” Specifically, it expressed concerns about the detention and trial of the Tibetan activist Tashi Wangchuk and called for his immediate release. The EU also encouraged China to “thoroughly investigate reported cases of mistreatment and torture while in detention.”<sup>17</sup>
- **Germany:** A call for the immediate release of Tashi Wangchuk was also made by Germany. It expressed concerns about China’s “deteriorating human rights situation...[of]...ethnic and religious minorities, including Tibetans.” Germany further stated, “We continue to witness massive infringements on the freedom of religion, expression and association, and the right to a fair trial.” It reiterated its call for China to “fully cooperate with the UN Special Procedures.”<sup>18</sup>
- **United Kingdom:** The UK expressed concerns about the “restrictions on ethnic minorities and on freedom of religion or belief across China, including Tibet.” It urged China to release individuals detained for “peacefully exercising their constitutional right[s].”<sup>19</sup>

### III. **TIBET AT THE 39TH REGULAR SESSION** *(10 Sep 2018 to 28 Sep 2018)*

#### a) **Statement by UN High Commissioner for Human Rights**

The 39th regular session saw Michelle Bachelet as the newly appointed UN High Commissioner for Human Rights. In her opening statement, Ms. Bachelet referred to reports



about “patterns of human rights violations” in regions under China and urged the Chinese government to grant the OHCHR access to these regions.<sup>20</sup>

#### **b) Statement by UN Member States**

Several Member States reiterated their concerns about China’s lack of respect for the fundamental rights of Tibetans and the wrongful imprisonment of Tashi Wangchuk. Many of them also urged China to cooperate with UN human rights mechanisms in order to effectively address these serious issues.<sup>21</sup> Below are the statements made at the 39th regular session:

- **Canada:** Expressing concerns over “credible report” of China’s violation of human rights, Canada said, “This is contrary to international human rights commitments taken by China, its constitution as well as the UN global strategy to counter-terrorism.”<sup>22</sup>
- **European Union:** The EU reiterated its position in calling upon China to release all detained human rights defenders who were exercising their constitutionally protected rights.<sup>23</sup>
- **Finland:** In order to address the growing concerns about China’s human rights record, the Permanent Mission of Finland to the UN said it seeks to have a “dialogue” with China.<sup>24</sup>
- **France:** Aligning itself with the statements of other Member States, France also urged China to release all human rights defenders, including Tashi Wangchuk.<sup>25</sup>

- **Germany:** Germany said it remained “deeply concerned” about situation in religious and ethnic minority areas and in particular “Tibetans who suffered from systematic discrimination” under the Chinese government’s policies. Germany urged China to “fully cooperate with UN Special procedure”. Further, it called upon China to release all human rights defender, including Tashi Wangchuk.<sup>26</sup>
- **United Kingdom:** The UK was among the group of Member States who called upon China to “release those detained for peacefully exercising their rights”.<sup>27</sup>

## **UNIVERSAL PERIODIC REVIEW OF CHINA**

On 6 November 2018, China underwent its third cycle of Universal Periodic Review (UPR) at the UN in Geneva. The UPR is a unique mechanism of the HRC which reviews the human rights record of all Member States every five years. China's previous UPR was held on 22 October 2013.

Member States can submit advance statements and/or make oral statements within the course of the UPR session. Civil society groups are also welcomed to make advance constructive contributions on human rights issues to be considered by Member States in drafting their recommendations and by the OHCHR in its official Summary of Stakeholder's Information.

### **I. Joint Submission on Tibet Removed from UPR Documentation**

A Joint Submission on Tibet was made to the HRC in advance of China's UPR by a group of organizations, namely, the Tibet Bureau Geneva; Unrepresented Nations and Peoples Organization; Nonviolent Radical Party Transnational Transparty; Tibetan Community in Switzerland & Liechtenstein; Swiss-Tibetan Friendship Association; Tibetan Women Association Switzerland; and Tibet Initiative Deutschland. However, in a troubling series of events, the Joint Submission on Tibet, among several other submissions by international civil groups, was completely removed from the final document intended for the consideration of Member States in their preparation of recommendations for China's review.

Initially, the OHCHR published a Stakeholder Summary on 3 September 2018 that referenced the Joint Submission on Tibet. However, the document was shortly removed from

the OHCHR’s website citing “technical reasons.” Several weeks later, a new version of the report was released on 16 October 2018 with the Joint Submission on Tibet completely omitted.

When the Tibet group reached out to the OHCHR about its concerns, the Office sent the following response:

As a subsidiary body of the United Nations General Assembly, the HRC and the UPR Working Group (UPR WG), must adhere to the official United Nations position and terminology as reflected in relevant General Assembly resolutions and within the context of the UN Charter, and therefore, must respect the sovereignty, independence, and territorial integrity of the State concerned.<sup>28</sup>

Further requests for greater details about how the report on Tibet failed to “respect the sovereignty, independence, and territorial integrity” of China went unanswered. The Joint Submission on Tibet mentioned China using economic development as a disguise to infringe on the human rights of Tibetans and did not make any references to issues relating to China’s sovereignty.

On 2 November 2018, the OHCHR issued a Corrigendum document that included citations of reports by the other civil groups, however, the Joint Submission on Tibet remained omitted.

## **II. Member States Criticize China’s Human Rights Violations in Tibet**

A total of 13 Member States—Australia, Austria, Belgium, Canada, Denmark, France, Germany, Japan, New Zealand, Sweden, Switzerland, United Kingdom and United States—highlighted the issue of Tibet during China’s UPR process. These Member States expressed concerns over human rights violations in Tibet and in particular freedom of religion and belief, freedom of expression and assembly, the imprisonment of language advocate Tashi

Wangchuk, crackdown on Tibetan Buddhist lamas, and called for unhindered access for UN representatives to Tibet.

**Table 1.1** below is a compilation of the advance and oral statements made by Member States on the issue of Tibet:

<b>Member State</b>	<b>Advance Written Question</b>	<b>Oral Statement</b>
<b>Australia</b>	---	Cease restrictions on Uyghurs' and Tibetans' freedom of movement and allow media, UN and foreign officials access to Tibet.
<b>Austria</b>	Reports by UN bodies have highlighted concerns with regard the discrimination of ethnic minorities including in the Autonomous Region of Tibet. What procedural guarantees are available for detained individuals regarding their access to remedy and the possibility for a review by independent judges on the lawfulness of the detention?	We are concerned with regard to the human rights situation in ethnic minority areas of China including the Autonomous region of Tibet.
<b>Belgium</b>	The CERD committee expressed concern about the treatment of ethnic minorities in Tibet and Xinjiang, in particular the use of re-education camps. Which steps is the People's Republic of China taking to address these concerns?	---
<b>Canada</b>	---	End prosecution and persecution on basis of religion or belief including for Tibetan Buddhists.
<b>Denmark</b>	---	Denmark recommends the Government to facilitate full access to Tibet for all relevant UN special procedures.
<b>France</b>	---	Recommend guaranteeing Freedom of religion and belief including in Tibet.
<b>Germany</b>	Will China commit to receiving UN Special Procedures and allow them unhindered access,	Respect rights of freedom of freedom of religion and belief, opinion and

	including to areas home to Tibetans to investigate allegations of severe restrictions of the rights to freedom of religion and belief, opinion and expression, peaceful assembly, association, movement, culture, and a fair trial?	expression, peaceful assembly and culture also for Tibetans.
<b>Japan</b>	---	Japan is concerned about human rights situations of minorities-including Tibetans.
<b>New Zealand</b>	---	New Zealand recommends that China resume the two-way dialogue on Tibet.
<b>Sweden</b>	---	Take urgent steps to respect the rights of persons belonging to ethnic minorities including the rights to peaceful assembly, to manifest religion and culture, in particular in Tibet.
<b>Switzerland</b>	We are particularly pleased by China's acceptance of our recommendation during the second cycle regarding the visit of the UN High Commissioner for Human Rights to the Tibetan Autonomous Region. What steps have you taken with the new High Commissioner to implement this recommendation without restrictions? What is the status of the other outstanding requests from other UN mandate holders?	China should respect all Human Rights of the Tibetan people and other minorities including the importance of a safe, clean, healthy and sustainable environment which is vital for the enjoyment of a number of these rights.
<b>United Kingdom</b>	What steps is the Government of China taking to ensure that freedom of religion or belief, freedom of movement, and cultural rights are respected and protected for all religious and ethnic groups in China, particularly those in Tibet?	We are very concerned about the treatment of ethnic minorities – including Tibetans.
<b>United States</b>	Will China commit to facilitate a visit to the Tibet Autonomous Region and Tibetan areas of neighboring provinces, by the UN High Commissioner for Human Rights and the Special Rapporteur on Freedom of Religion or Belief by the end of 2019?	Release those imprisoned for such [rights defence] work, including Tashi Wangchuk. Cease interference in the selection and education of religious leaders - including the reincarnation of Tibetan Buddhist lamas.

## **SIDE EVENTS**

In order to strengthen Tibet's advocacy at the UN, a series of side events were also held on UN premises this past year, paralleling the HRC sessions as well as the UPR. The side events provide a great opportunity for permanent missions of Member States, UN officials, civil society members and other participants to have a more in-depth discussion about pressing human rights concerns.

### **I. HRC Side Event: "Ecological Impact of Tibetan Plateau"**

On the sideline of the 37th HRC session, a side event entitled "Ecological Impact of Tibetan Plateau" was held on 8 March 2018. The event featured two expert speakers on Tibet: Mr. Tempa Gyaltsen Zamlha, environment research fellow at Tibet Policy Institute, and Paljor Kalon Karma Yeshi.

The side event highlighted the global significance of the Tibetan Plateau and explained how the Tibetan peoples' right to "a safe, clean, healthy and sustainable environment" as per the UN 2018 Framework Principles on Human Rights and the Environment is violated by the Chinese government.

Specifically, the presentations focused on four case studies: 1) The violation of environmental laws and nature reserve regulations by permitting mining activities inside a nature reserve in Zatoe; 2) The violation of right to accurate information by falsification of the causes behind the Gyama mining landslide that killed 83 workers; 3) The violation of right to clean and safe drinking water by allowing a lithium mine company in Minyak

Lhagong to release chemical waste into the rivers that also caused mass death of fishes; 4)

The violation of cultural rights of the Tibetan people by issuing permits to mine on Tibetan sacred mountains in Amchok and suppressing peaceful protesters. Mr. Gyaltzen further added that the agony caused by mining on the sacred mountain in Amchok was so significant that it caused three Tibetans to commit self-immolations in the region.

Jointly organized by Society for Threatened Peoples and Geneva for Human Rights, the event was attended by diplomats from various permanent missions, including Chinese diplomats, civil society organizations, environmental groups and Tibet watchers and supporters.

## **II. HRC Side Event: "Human Rights in China-Seeking Solutions: The Case of Tibet Autonomous Region and the Areas Where Tibetans Live"**

A second side event was hosted on 17 September 2018 alongside the 39th session of the HRC entitled: "Human Rights in China-Seeking Solutions: The Case of Tibet Autonomous Region and the areas where Tibetans live." The two expert speakers were: Mr. Taisuke Komatsu, International Movement Against All Forms of Discrimination and Ms. Dhardon Sharling. The speakers jointly called on UN member states and civil society to actively participate in upcoming China's Third Cycle of UPR, and urged Member States to critically and constructively engage with China in upholding universal human rights protection and promotion mechanisms.

Instead of naming and shaming China, Ms. Sharling said, "We are committed to requesting member States to engage with China and make China accountable under the UN Human



Rights system. UN agenda in the long run as redressing the rights violations in Tibet has the potential to create change for a larger human rights situation in China.”

Citing China’s attempt to undermine the civil society efforts at the UN, Mr. Komatsu warned about China’s “hostility and denial attitude”. He further elaborated on the recent concluding observation of UN Committee on Elimination of Racial Discrimination about the systemic discrimination of ethnic minorities in China.

### **III. UPR Side Event: “Promises Unfulfilled: Human Rights in China-the case of Tibet and Xinjiang”**

On the eve of China’s third cycle of UPR, a side event titled “Promises Unfulfilled: Human Rights in China-the case of Tibet and Xinjiang” was held at the UN. The side event discussed the situation in Tibet and Xinjiang since the last cycle of China’s UPR in 2013, UN engagement, roles and challenges facing the civil society groups in advocating for human rights in China. Experts on the issues of Tibetans and Uyghurs highlighted the rights abuses under the Chinese government and outlined best practices forward to ensure China’s accountability at the UN.

Mr. Sonam Norbu Dagpo spoke about the systematic repression of the rights of the Tibetan people. He said, “For Tibetans in Tibet, there is no grievance that can be expressed, no idea, request, or thought that can be revealed that, if it is not to the liking of the Chinese government, will go unpunished.” Mr. Dagpo further noted that the severity of the human rights violations in Tibet under the Chinese government makes it clear that the PRC is failing to uphold its fundamental obligations as the ruling government in Tibet.

Mr. Peter Irwin, representing the World Uyghur Congress, explained that the concerns in Xinjiang has similar overlaps of the grim situation in Tibet, including stringent monitoring and surveillance mechanisms, criminalization of expressions, and restrictions on travel and issuance of passports.

Mr. Hanno Schedler, representing Society for Threatened Peoples, spoke about the tendency on part of authoritative regimes to keep away civil society. Referring to the current scenario as troubling times with China, setting up a legal architecture to censor information and prosecute human rights defenders and making it impossible to denounce human rights repression. Ms. Hanno stressed on the fact that civil society has to ensure they cannot be silenced and ensure there is not a decline in the challenges China faces for these abuses.

Mr. Adrian Zoller, President of Geneva for Human Rights, stated, “Silence has to be broken for Tibetans. In the case of China, the fight is a global fight and not just in Geneva and New York.” Mr. Zoller cited the case of Cao Shunli, Chinese human rights activist who died in Chinese custody, as a demonstration of the extent to which the PRC regime is willing to go in order to prevent the scrutiny of China’s human rights record.

## **SPECIAL PROCEDURES**

The Special Procedures of the HRC is the largest body of independent experts in the UN Human Rights system which conducts independent fact-finding and monitoring focusing on a specific country or thematic issues. Those acting as special procedures are commonly referred to as Special Rapporteur, Independent Expert, or Working Groups.

### **I. Joint Statement by UN Experts on Tashi Wangchuk**

#### **a) Statement Calling for Charges Against Wangchuk to be Dropped**

In February 2018, a group of UN human rights experts issued a joint statement calling for the charges of “incitement to separatism” against language rights activist Tashi Wangchuk to be dropped.<sup>29</sup> The six UN experts were:

- Ms. E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;
- Ms. Karima Bennouna, Special Rapporteur in the field of cultural rights;
- Mr. Fernand de Varennes, Special Rapporteur on minority issues;
- Mr. José Antonio Guevara Bermúdez, Chair-Rapporteur of the Working Group on Arbitrary Detention;
- Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders; and
- Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

The experts notified the Chinese government of their grave concerns about Tashi Wangchuk's case. "We condemn the continued detention of Mr. Wangchuk and the criminalization of his freedom of expression as well as his right to stand and speak up for what he perceives as human rights violations in his region and country," the experts said.<sup>30</sup> They further added, "Free exchange of views about State policies, including criticism against policies and actions that appear to have a negative impact on the lives of people need to be protected and further encouraged."<sup>31</sup>

In the statement, the experts referred to the Working Group on Arbitrary Detention's Opinion 69/2017 which found that Tashi Wangchuk's was arbitrarily detained and in violation of the fundamental principles of the *UDHR*.<sup>32</sup>

They further urged the Chinese government to respect the right of minorities to fully practice and promote their culture and language without fear of reprisals or criminalization. "We urge the Chinese authorities to release Mr. Wangchuk immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law," the experts added.<sup>33</sup>

#### **b) Statement Condemning the Sentencing of Wangchuk**

The group of UN human rights experts above issued another joint communication in June 2018, condemning the five-year imprisonment sentence handed to Tashi Wangchuk by China's Intermediate Court in Yushu, Qinghai province.<sup>34</sup>

“We are gravely concerned about the sentencing of Mr. Tashi Wangchuk, and the sanctioning of his right to freely express his opinion about the human rights of the Tibetan minority of China.[The Government of China] should under no circumstances undermine or repress legitimate human rights advocacy and action, such as in [Tashi Wangchuk’s] case, using national security, public order or anti-terrorism discourses,” the experts said.<sup>35</sup>

“It is deeply concerning that this sentencing came after we issued two joint communications calling for his immediate release and for all of the charges to be dropped,” the experts further added.<sup>36</sup>

The experts also regrettably noted that the Chinese government has not provided a “satisfactory response” to their call for information about specific measures being taken to protect and promote the culture and language of Tibetans.<sup>37</sup>

“Once again, we strongly urge the Chinese authorities to comply with their international human rights commitments, to grant Mr. Wangchuk immediate release and accord him an enforceable right to compensation and other reparations,” the UN experts stated their recommendation.<sup>38</sup>

## **II. Joint Communication by UN Experts on Two-Track Passport System for Tibetans**

The Working Group on Arbitrary Detention; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the Special Rapporteur on freedom of religion or belief issued a joint

communication to the Chinese authorities, expressing their concerns about the two-track passport issuing system that severely restricts Tibetans' right to freedom of movement.<sup>39</sup>

Released on 6 August 2018, the joint statement stated the following:

[We] would like to express our serious concern over the policies and legislation of the two-track passport system specifically targeting and discriminating against members of the Tibetan minority in China on the basis of their ethnicity, race and religion, and its potential negative impact on the enjoyment of their right to freely practice their religion or belief. We express our concern about passport seizures and the failure to re-issue passports of Tibetans, which restrict Tibetans' freedom of movement as well as travel in the exercise of their freedom of religion. Furthermore, we would like to express grave concern at the reported interrogation, arrest, detention and the conditions of detention, of numerous Tibetans in relation to the passport system and travel for religious purposes.<sup>40</sup>

Under the two-track passport system, ethnic Han Chinese citizens are entitled to a fast-track passport application process, whereas Tibetan nationals and other minorities face a longer, more stringent process in getting a passport, including being refused a passport without any valid legal reasons. Under this onerous application process, Tibetans are subject to travel restrictions for religious purposes, and vulnerable to unreasonable search, interrogation and arbitrary detention by the police. For example, back in January 2018, multiple sources reported that Tibetans who travelled to India to attend the teaching of His Holiness the Dalai Lama were arbitrarily detained upon return and their passports were confiscated.

The UN human rights experts requested the Chinese government to provide detailed information about the following matters:

- a) The official policies and legislation of the two-track passport system, its impact on Tibetans as alleged targeted minority, and the enforcement of compliance by officials and police in the TAR and whether they comply with these policies and legislation;

- b) Legal grounds for the interrogation, arrest and detention of Tibetans, with regard to this passport system, in light of China's international human rights norms and standards. Also, clarify the alleged restrictions on detained Tibetans' access to lawyers, particularly during the appeal process; and
- c) Steps that have been taken to ensure the protection of Tibetans' right to movement and freedom of religion or belief, in line with all relevant international human rights standards.<sup>41</sup>

Unsurprisingly, the Chinese government still has not issued any response to the requests made by members of the HRC's Special Procedures.

### **III. Special Rapporteur on Minority Issues**

The 11th UN Forum on Minority Issues, held from 28–30 November 2018, focused on “Statelessness as a Minority Issue” as the main theme. Tibet's advocacy team was present at this important Forum attended by H.E Mr. Vojislav Suc, President of the HRC, and Dr. Fernand de Varennes, Special Rapporteur on minority issues.

#### **d) Oral Statement on Stateless Tibetans in Nepal**

Item 4 of the Forum dealt with “Ensuring the right to a nationality for persons belonging to minorities through facilitation of birth registration, naturalization and citizenship for stateless minorities.” During this discussion, UN Advocacy Officer Ms. Kalden Tsomo said, “60 years ago, thousands of Tibetans were forced to leave Tibet and escape to Nepal and India. While

India has made progress in the treatment of stateless Tibetans in India, stateless Tibetans in Nepal live in a limbo.”

Ms. Tsomo further explained that the large numbers of stateless Tibetans in Nepal, including those born there and who have lived in the country for decades, are not provided with identity documents and constantly subject to fines, detention, and deportation.

Statelessness being a human rights issue, Ms. Tsomo urged the Nepalese government to give Tibetans access to documentation needed for entitlement to nationality without discrimination. She also called on China to enter into a genuine dialogue with the envoys of His Holiness the Dalai Lama to solve the issues.

In response, the Chinese delegation said these are “unwanted remarks and accusations by some speakers on Tibet. We are firmly against those remarks. They disregard the stability and great progress in human rights achievements in Tibet...[The speakers on Tibet]...have ulterior motives for political reasons. Their purpose is to separate China...and splitting the sovereign country.”

#### **e) Tibetan women and children affected by statelessness**

Tibet’s advocacy team also made statements during item 5 which dealt with “Minority women and children affected by statelessness: advancing gender equality in nationality law.”

Ms. Kunchok Yaklha said, “Tibetan children who are stateless are forced to grow up wondering who they are and where they belong. They are not accepted by their host countries and they are not allowed to go home. It is a human rights violation to deprive children of their



childhood.” She added that stateless Tibetan mothers suffer from a self-inflicted for not being able to provide their children with the necessities of life because of the lack of documentation.

In order to address the issue of statelessness, Yakha called on China to respect its obligation not to create statelessness in the first place and urged the Chinese government to enter into a genuine dialogue with the envoys of His Holiness the Dalai Lama. Referring to Article 1 of the *UDHR* which states “All humans are born free and equal in dignity and rights,” she emphasized that this includes Tibetans as well.

In response, the Chinese delegation said Tibetan women and children’s statelessness is “a result of their own actions” and, as usual, accused the Tibetan speaker of “politicizing” the issue.

#### **IV. Working Group on Enforced or Involuntary Disappearances**

On 14 June 2018, the Working Group on Enforced or Involuntary Disappearances considered and transmitted the reported disappearance of Mr. Khenrap and Mr. Dhongye (father of Mr. Khenrap) in the so-called TAR to the Chinese government under its urgent action procedure. The Tibet advocacy team submitted the disappearance report to the Working Group after Mr. Khenrap, a 36-year-old township deputy chief from Shakchu town, Biru county, Naqu prefecture, went missing after he was called for an emergency meeting by Chinese local authorities on the night of 9 April 2018. His father, Mr. Khenrap, also went missing shortly afterwards after facing an interrogation by local authorities.

It is believed that the Mr. Khenpa and Mr. Dhongye's disappearance is linked to the former's alleged involvement in a protest against the Chinese government's plans to mine Sebra Dragon, a mountain sacred to the local Tibetans, without the consent or any consultation with the local population.

However, the Chinese government still has not provided any information to the Working Group regarding the whereabouts of the two individuals. This lack of cooperation is part of China's long goal and continued efforts to obstruct UN human rights mechanisms.

## **V. Working Group on Business and Human Rights**

The Tibet advocacy team also raised Tibet at the 7th UN Forum on Business and Human Rights held from 26–28 November 2018. Organized by the UN Working Group on Business and Human Rights, the annual gathering hosts participants from government, business, investor groups, law firms, civil society, academia, and UN bodies to discuss current issues linked to the role of businesses in human rights.

There was a large focus on Artificial intelligence (AI) and the potential adverse human rights impacts. An impressive list of panelists that included representatives from the likes of Amnesty Tech, Winrock International, Microsoft, and Intel talked about how AI can be used to improve human rights due diligence by incorporating it in the AI value chain, during the use phase, and into the product design stage.

Kunchok Yakhlha said to the panelist, "I think it's great that we are talking about human rights due diligence and the measures we can take in relation to AI. But as we speak, there are

countries like China that's exporting AI to repressive regimes around the world for state surveillance."

"The mass surveillance of Uyghurs has garnered international attention. However, what many people don't know is that the grid-system used in Xinjiang was actually implemented in the so-called Tibetan Autonomous Region (TAR). The Communist Party Secretary who created the grid-system in TAR was then promoted to Xinjiang where he implemented it again. Now, the blueprint for the grid-system is being sold to other countries around the world," Yakhlha further added.

Eimear Farrell, advocate and advisor at Amnesty Tech, expressed concerns that we are seeing technology have adverse impacts on the most vulnerable communities. Places like Tibet are being used as "labs" to test out these surveillance technology and "this needs to stop," said Farrell.

Following this interaction, Dunstan Allison-Hope, the Managing Director of Business for Social Responsibility, encouraged civil society groups to speak up, noting that discussions about AI and human rights are not restricted to just tech companies.

## **TREATY-BASED COMMITTEES**

### **I. Committee on the Elimination of Racial Discrimination**

China faced a review by the UN Committee on the Elimination of Racial Discrimination (CERD) on 10 and 13 August 2018.<sup>42</sup> In its concluding observations, the Committee criticized the Chinese government's policies and practices which subject Tibetans to systemic discrimination within and beyond the so-called TAR. The Committee stated:

[It] is concerned by reports that Tibetans are subjected to significant restrictions on movement within and beyond Tibet Autonomous Region, and that the issuance of passports for foreign travel is almost entirely banned in the region. It is also concerned by reports that Tibetan language teaching in schools in the Tibet Autonomous Region has not been placed on equal footing in law, policy and practice with Chinese, and that it has been significantly restricted; that Tibetan language advocacy has been punished; and that Tibetans do not have access to Tibetan language translations during court proceedings, which are held in Mandarin.<sup>43</sup>

In order to address these issues, the Committee made the following recommendations to the Chinese government:

- a) Revise its regulations and practices to ensure Tibetans' right to freedom of movement is respected and passports for foreign travel are issued without discrimination;
- b) Preserve the Tibetan language by promoting its use in various fields such as, education, the legal system, and the media; and
- c) Making available information about measures being taken for the promotion, and any restrictions on the use of minority languages.<sup>44</sup>

In addition, the Committee urged the Chinese government to reform its current legislation which contains "broad definition of terrorism, vague references to extremism, and unclear

definition of separatism” and allows for the criminalization of Tibetan Buddhists and other minority groups in China for exercising their right to freedom of expression.<sup>45</sup>

Concerned by reports about torture and other ill-treatment of Tibetans and other minorities, peaceful protestors and human rights defenders, the Committee recommended the Chinese government to:

- a) Strengthen measures to prevent acts of torture and ill-treatment of members from minority groups;
- b) Allow for an independent mechanism to impartially investigate all deaths and allegations of torture and ill-treatment of members of minority groups in custody; and
- c) Take all required measures to provide a safe environment for the protection and promotion of human rights.<sup>46</sup>

## **MARCH 10 UPRISING DAY**

### **I. Europe Stands with Tibet Rally at the UN**

To mark the 59<sup>th</sup> anniversary of the Tibetan National Uprising day, Tibetan communities from various countries in Europe held a rally in front of the UN building in Geneva on 10 March 2018. The rally was attended by close to 5000 demonstrators made up of Tibetans and Tibet support groups.

High-level political figures and former diplomats from different parts of Europe spoke at the demonstration. Mr. Remy Pagani, Mayor of the City of Geneva; Ms. Jacqueline Eustache-Brinio, French Senator; Mr. Thomas Mann, Member of the European Parliament (MEP) from Germany; Ms. Lisa Mazzone, Member of Swiss Parliament; Ms. Molly Scott Cato, MEP from the UK; Mr. Martin Bursik, former Deputy Prime Minister of Czech Republic; Mr. Giulio Terzi di Sant'Agata, Italy's former Minister of Foreign Affairs and Permanent Representative to the UN; Mr. Norman Baker, the UK's former Minister of State of the Home Dept; and Mr. Rene Longet, former Mayor of Onex city of Geneva canton were among the attendees who for freedom and justice for Tibet and the Tibetan people.

As the Chief Guest, Kalon Karma Yeshe addressed the gathering on the worsening conditions in Tibet. He reminded the international community that issue of Tibet is just and truthful. Thus, turning a blind eye to the Tibet issue is a threat to the universal principles of justice and democracy. Therefore, the international community, including the UN, has a responsibility to support the cause of Tibet.

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## Notes

- <sup>1</sup> High Commissioner's Global Update on Human Rights Concerns, 37th Session of the Human Rights Council, 7 March 2018. Available online: <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22772>>.
- <sup>2</sup> *Ibid.*
- <sup>3</sup> *Ibid.*
- <sup>4</sup> 37th Regular Session Human Rights Council, 34th Meeting, Item:4 General Debate, 14 March 2018. Available online: <<http://webtv.un.org/search/item4-general-debate-34th-meeting-37th-regular-session-human-rights-council/5750409063001/?term=&lan=english&cat=Regular%2037th%20session&sort=date&page=8#player>>.
- <sup>5</sup> *Ibid.*
- <sup>6</sup> *Ibid.*
- <sup>7</sup> *Ibid.*
- <sup>8</sup> *Ibid.*
- <sup>9</sup> *Ibid.*
- <sup>10</sup> High Commissioner's Global Update on Human Rights Concerns, 38th Session of the Human Rights Council, 18 June 2018. Available online: <<https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23206&LangID=E>>.
- <sup>11</sup> *Ibid.*
- <sup>12</sup> *Ibid.*
- <sup>13</sup> *Ibid.*
- <sup>14</sup> *Ibid.*
- <sup>15</sup> US Department of State, "Remarks on the UN Human Rights Council," 19 June 2018. Available online: <<https://www.state.gov/secretary/remarks/2018/06/283341.htm>>.
- <sup>16</sup> 38th Regular Session Human Rights Council, 20th Meeting, Item: 4 General Debate, 27 June 2018. Available online:<<http://webtv.un.org/search/item4-general-debate-20th-meeting-38th-regular-session-human-rights-council-/5802615368001/?term=&lan=english&cat=Regular%2038th%20session&sort=date&page=7#player>>.
- <sup>17</sup> *Ibid.*
- <sup>18</sup> *Ibid.*
- <sup>19</sup> *Ibid.*
- <sup>20</sup> Opening Statement by UN High Commissioner for Human Rights, 39th Session of the Human Rights Council, 10 September 2018. Available online: <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23518&LangID=E>>.
- <sup>21</sup> 39th Regular Session Human Rights Council, 18th Meeting, Item:4 General Debate, 18 Sep 2018. Available online: < <http://webtv.un.org/search/item4-general-debate-18th-meeting-39th-regular-session-human-rights-council/5836426140001/?term=&lan=english&cat=Regular%2039th%20session&sort=date&page=8>>.
- <sup>22</sup> *Ibid.*
- <sup>23</sup> *Ibid.*
- <sup>24</sup> *Ibid.*
- <sup>25</sup> *Ibid.*
- <sup>26</sup> *Ibid.*
- <sup>27</sup> *Ibid.*
- <sup>28</sup> Tibet group's email exchange with OHCHR.
- <sup>29</sup> Joint Communication by UN Experts on Tashi Wangchuk, 21 February 2018. Available online: <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22683>>.
- <sup>30</sup> *Ibid.*
- <sup>31</sup> *Ibid.*
- <sup>32</sup> Opinion adopted by the Working Group on Arbitrary Detention at its 80th session, Opinion 69/2017 (China), 7 December 2017. Available online: <<https://www.ohchr.org/EN/Issues/Detention/Pages/Opinions80thSession.aspx>>.
- <sup>33</sup> *Supra*, fn 29.
- <sup>34</sup> Joint Communication by UN Experts on Tashi Wangchuk, 6 June 2018. Available online: <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23176&LangID=E>>.

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<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> Joint Communication by UN Experts on Two-Track Passport System for Tibetans, 6 August 2018. Available Online: < <https://www.ohchr.org/Documents/Issues/Racism/SR/Communications/OL-CHN-14-2018.pdf>>.

<sup>40</sup> *Ibid.*, pg 2.

<sup>41</sup> *Ibid.*, pgs 2-3.

<sup>42</sup> Committee on the Elimination of Racial Discrimination, “Concluding observations on the combined fourteenth to seventeenth periodic reports of China,” 30 August 2018. Available online: <[https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CHN/CERD\\_C\\_CHN\\_CO\\_14-1](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CHN/CERD_C_CHN_CO_14-1)>.

<sup>43</sup> *Ibid.*, pg 8, para 42.

<sup>44</sup> *Ibid.*, pg 9, para 43.

<sup>45</sup> *Ibid.*, pg 7, Paras 36-37.

<sup>46</sup> *Ibid.*, pg 7, paras 38-39.