

EXECUTIVE SUMMARY

The adoption of Universal Declaration of Human Rights (UDHR) in 1948 has paved the way for many treaties and agreements ensuring the inherent dignity of all members of the human family. Many treaties and agreements that have come into force under the auspices of United Nations and several regional systems of human rights aim at establishing freedom, justice and peace in the world. In 1966, two treaties of human rights were adopted: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Likewise, the Covenant on the Elimination of all forms of Discrimination against Women (1981), Convention against Torture and other Cruel, Inhuman and Degrading Punishment on Force (1984), Convention on Rights of Child (1990), etc. have been adopted. This report seeks to assess the human rights violations in Tibet as unleashed by the Chinese Government.

The issue of human rights in Tibet is much debated and contested due to lack of credible information allowed by the authoritarian communist Chinese administrative mechanism and the PRC regime. Various individuals and organisations working for the rights of Tibetan people have reported abuses of human rights in Tibet that include restricted freedom of religion, belief, and association. The arbitrary arrests, maltreatment in custody, including torture and forced abortion and sterilisation have also been reported. The communist government of China has come under criticism from the international community on the status of religion, mainly as it relates to figures that are both religious and political, such as the exile of the 14th Dalai Lama. Additionally, freedom of the press in China is absent, with Tibet's media tightly controlled by the Chinese leadership, making it difficult to accurately determine the scope of human rights abuses.

The communist Chinese policies of crushing any political dissent have gravely threatened the Tibetan political and cultural identity as they disregard to the international condemnation of human rights situation in Tibet. The PRC demonstrated no intention of following through on its international obligations. Despite signing and ratifying international agreements on human rights, the PRC has acted in contravention. Therefore, it is important for the international community concerned for the protection of human rights to recognise the PRC's betrayal of its international human rights obligations in defending and protecting of human rights in Tibet.

Since 2018, Chinese authorities in TAR and other Tibetan areas have used the veil of a nationwide anti-crime campaign to hide widespread and systematic persecution and oppression of Tibetan activists and human rights defenders. The campaign has exacerbated the chilling effect caused by persistent criminalisation of activities undertaken in defense of human rights.

Lack of any right to a fair trial and the deeply flawed Chinese criminal justice system make it harder for suspects to invoke and exercise their human rights. Repressive measures such as the broad discretionary powers enabling law enforcement officers to engage in extralegal practices such as arbitrary detention, torture, and extracting forced confessions without any independent oversight are of immense concern.

The communist government of China has become increasingly successful in promoting its own version of human rights because of inaction on the part of international community. The communist regime of China has used all its pressure tactics and muscle flexing methods in passing resolutions at the UN to stifle the voice of civil society or banning pop stars for having met the Dalai Lama. The world community has become increasingly reticent to discuss China's human rights violations at various international forums due to various intimidation tactics exerted by the communist government of China. The PRC projects the 84 year-old Tibetan spiritual leader His Holiness the Dalai Lama a dangerous political opposition leader and a secessionist, thereby, scaring people from meeting with or speaking about him.

The world has witnessed how Chinese government suppresses information and does not share it with the world community in the wake of Covid-19 pandemic also. In case of assessing human rights situation, the PRC's concealment of information is even worse. It deflects international criticism by imposing limits on foreign journalists and human rights activists. The security forces and technological gadgets deployed to keep surveillance on the Tibetan people do not leave any space for them to communicate with the world outside. The limitations on the mode of travel and itinerary of foreign tourists are so strict that the Chinese authorities impose outright bans on activists and journalists not favourable to Beijing. The PRC's secret agents and security officials deployed along the borders with Nepal have made it nearly impossible for the Tibetan people to go into exile.

The great influx of economic migrants that includes Chinese workers and businessmen from the inland of China on the name of initiatives for economic development has further deprived Tibetan people. Moreover, such initiatives systematically aim at dissolving Tibetan identity in the region. The government investment in a greater police presence and surveillance teams has paved easy access inside villages and monasteries to thoroughly monitor the locals. These initiatives have helped the PRC to design organisational tactics to anticipate and dissuade dissenters. The heavily deployed facial-recognition software and careful monitoring of digital spaces mean further suppression of potential protests and the

increased clampdowns on civil and political rights. In addition to mass surveillance programmes, Chinese authorities used targeted surveillance that violates the right to freedom of expression and the privacy of ordinary Tibetans as well as journalists, bloggers, and human rights defenders.

Tibetans are being deprived of their rights to use their language in terms of teaching their children in their own language. Instead the PRC is imposing mainland Chinese linguistic hegemony by introducing school curricula in Mandarin Chinese as the medium of instruction starting from the primary school. The 'bilingual education' policy adopted in 2019 replaces Tibetan language with Mandarin Chinese, thereby, posing a grave threat to Tibetan language, their identity and culture.

Article 20 of the Universal Declaration of Human Rights (UDHR) provides for the right to freedom of peaceful assembly and association but various domestic legal provisions used by Chinese authorities stand in absolute violation of these principles. Public protests and self-immolation committed out of despair and frustration as a result of the PRC's repressive ways are criminalised. Such policies unjustifiably curtail rights of Tibetan people to peaceful assembly.

Chinese authorities must repeal all laws and regulations that restrict and violate basic human rights and fundamental freedoms. The PRC must uphold and fulfill its human rights obligations by virtue of being a party to numerous international human rights treaties. Extrajudicial detention, political indoctrination campaigns, encroachment on Tibetan autonomy and agency, and targeted surveillance must be discontinued immediately. The PRC must be mandated to ratify the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance.

RECOMMENDATIONS

Given the fact that the communist government of China is violating every basic norm of human rights of Tibetan people, its incumbent upon the stakeholders concerned with the protection of human rights to stand in solidarity with them. Therefore, the international community of UN member states, various government and non-governmental organisation should exert pressure on the Chinese Government to:

- Allow journalists, human rights monitors, civil society activists and, representatives of various governmental and non-governmental organisations working on human rights to carry out independent assessment of human rights situation in Tibet.
- Correct laws and policies that are responsible for violation of human rights concerning education, language, free speech, religion and belief, fair trial, and peaceful assembly that are provided in the UDHR and various subsequent covenants.
- Allow the ethnic minorities to express freely their socio-politico-cultural expressions without any violation of their corresponding human rights.
- Release all activists and human rights defenders detained for exercising their human rights and political freedoms in political, economic, social, cultural or any other areas of public life.
- Promote Tibetan as the first language as a step towards implementing culturally relevant educational policies or provide a genuinely bilingual education rooted in the Tibetan culture.
- Allow independent visits by the UN or other relevant international agencies to assess quality and availability of mother tongue-based education in schools in Tibet.
- Make PRC respect its ethnic diversity and put an end to political indoctrination campaigns aimed at establishing a single collective Chinese identity in the name of ethnic unity and sinicisation policy.
- Repeal all laws and regulations that enable government censorship and surveillance including targeted surveillance.
- Respect right to privacy and other linked human rights by reviewing, amending or repealing legislations and policies that go beyond the reasonable requirements of state security and prevention of crimes.

- Invite the UN Special Rapporteur on the right to freedom of peaceful assembly and of association to visit the PRC in pursuance of the requests made in 2011 and 2013.
- Ratify the International Covenant on Civil and Political Rights, and the International Convention for the Protection of All Persons from Enforced Disappearance.
- Facilitate visits of representatives from international organisations to meet with Gedhun Choekyi Nyima, the 11th Panchen Lama.
- Promote fair trial guarantees such as providing for a public trial in all cases. Introduce a trial-centred litigation system designed to ensure legality of evidence obtained during pre-trial process.
- Put an end to admissibility of confessions obtained through torture, grant the right of silence, and establish the presumption of innocence.
- Review, amend, and repeal all legislations and practices that fetter independence of the judiciary, in breach of the UN Basic Principles on the Independence of the Judiciary.
- Protect rights of lawyers to practice law in conformity with international standards by enacting changes in laws and regulations.
- Invite the UN Special Rapporteur on independence of judges and lawyers for a visit to examine relevant laws, regulations, and practices, and make recommendations for improvement.
- Put pressure on the PRC to fulfill its responsibility to implement and respect all of UDHR provisions, particularly the duty to protect human rights defenders from any harm arising as a consequence of their work.
- Stop demolition of Tibetan Buddhist institutions and harassment of the practitioners at Yachen Gar and Larung Gar.
- Close extrajudicial detention facilities that have been set up for political indoctrination campaign and release all Tibetans detained without charges.
- Repeal all legislation and cease all practices that enable extra judicial detention, including “residential surveillance at a designated place” and the use of “black jails”.

