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Human rights situations that require the Council's attention

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

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

[02 February 2018]

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

Human Rights Situation in the Tibet Autonomous Region and adjacent areas where Tibetans live

1. Unabated Self-Immolation Protests

At the time of submitting this written statement, 151 Tibetans are known to have taken their lives in self-immolation protests in the Tibet Autonomous Region and adjacent areas where Tibetans live since 2009. All of them have unanimously called for freedom and the return of the Dalai Lama. The Chinese authorities employ various methods of collective punishments, including curbing social welfare to the family and the villages of the self-immolators, forbidding villagers to conduct Buddhist rites for the deceased and arresting Tibetans unconnected with the self-immolators.

2. Repression of Freedom of Religion and Language

The state's interference in religious affairs has reduced the space for the free practice of Tibetan Buddhism. A regulatory measure titled "Order No 5" enforces all reincarnated Buddhist lamas to get states' approval, failing which lama is deemed illegal. Monasteries are barred from giving traditional monastic education, and are forcibly replaced with "Patriotic Education".

The government-controlled Democratic Management Committees have taken over the administrative role of abbots, the traditional heads of monasteries.

Demolition and Destruction of Largest Buddhist Academy- Larung Gar and Yarchen Gar

Since July 2016, Chinese authorities have begun demolitions and mass expulsions of Tibetan Buddhist monks and nuns from two major religious institutes, Larung Gar and Yarchen Gar. Larung Gar is one of the largest Buddhist Centres in the world and Yarchen Gar, another major monastic encampment, are based in Serthar (Chinese:Seda), Kardze Tibetan Prefecture, which is part of Sichuan Province. The Human Rights groups Free Tibet and Tibet Watch have reported that since July 2016, at least 4,725 homes have been dismantled, more than 4,825 monks, nuns and lay students have been evicted from the institute. Saddened by the Chinese government's destructive action, three nuns of the centre – Rigzin Dolma, Tsering Dolma and Semgha committed suicide and left notes referring to the demolitions and government "harassment."

The evicted monks and nuns are also forced to sign a document pledging to not return to the institute or continue their practices in their hometown. Some of the monks were forced to disrobe after their eviction while a few ones managed to join other monasteries.

In August 2017, the Communist Party's Committee in Kardze Tibetan Autonomous declared the appointment of Chinese Communist members to take over the daily administration of Larung Gar. The announcement entailed the appointment of Six Chinese Communist members to take over the administrative role of abbots-traditional heads of the institute.

3. ARBITRARY ARRESTs AND IMPRISONMENT

China's constitution and criminal law prohibit the use of unlawful search, arbitrary detention and arrest of its citizens. However, the Chinese government has implemented various ways of violating these constitutionally-protected rights under the guise of preserving "social order."

According to the 2016 Human Rights Watch report, *Relentless: Detention and Prosecution of Tibetans under China's "Stability Maintenance" Campaign*, of the nearly 500 cases they had analyzed, "all cases are of Tibetans detained or tried from 2013-2015 for political expression or criticism of government policy - 'political offences.'" Tibetans are commonly arrested and sentenced on charges of "subverting state secrets" or "national stability" to further intensify China's "stability maintenance" campaign.

In 2017, reports of multiple cases of arbitrary detention and arrest continued to flow out of the Tibet Autonomous Region and adjacent areas where Tibetans live, mainly through social media and online spaces. While Article 35 of the Chinese constitution protects "freedom of speech, of the press, of assembly, of association, of procession and of demonstration," Tibetans who participate in peaceful, solo marches calling for Tibet's independence and the return of the Dalai Lama are subjected to arbitrary arrests, they remain incommunicado and are imprisoned without fair trials.

Some of the High-profile Tibetans who continued to remain under Chinese captivity:

Panchen Lama (Gedhun Choekyi Nyima)

On May 14, 1995, the Dalai Lama recognized 6-year-old Gedhun Choekyi Nyima as the 11th Panchen Lama, one of the most revered religious leaders of the Tibet Autonomous Region and adjacent areas where Tibetans live. Three days later the authorities abducted the child and his family members.

China has admitted holding the Panchen Lama on several occasions, including at the United Nations. For more than 20 years, Tibetans, their supporters, and international human rights groups including the UN Committee against Torture, the UN Committee on the Rights of the Child, as well as the Special Rapporteur on Freedom of Religion or Belief, have called for information on the Panchen Lama's wellbeing and whereabouts, but no response has been provided.

In November 2017, the Canadian Minister of Foreign Affairs, Chrystia Freeland, called on China to allow the United Nations High Commissioner for Human Rights and the United Nations Special Rapporteur on Freedom of Religion and Belief to visit Gedhun Choekyi Nyima. Minister Freeland also urged China to "provide information on the location of Gedhun Choekyi Nyima and his parents, the level of education that Gedhun completed, and the expected date for his return along with his parents."

Tashi Wangchuk

Tashi Wangchuk, 32-year-old, a Tibetan language rights advocate, was detained in January 2016 after appearing in a video documentary produced by the New York Times in 2015. The documentary, titled "A Tibetan's Journey for Justice", featured him travelling to Beijing in the hopes of filing a lawsuit against the local Yushu government officials for the lack of Tibetan language education in schools, and imposing Mandarin as the main medium of instructions when majority of the students are Tibetans. No law firm was willing to take on the lawsuit.

After nearly two years in captivity, a trial was held in his hometown, Yulshu in Qinghai Province, on 4th January 2018. During a four-hour trial, the video was showed by the Chinese authorities as evidence to justify

their accusation of "inciting separatism". Tashi pleaded not guilty to the charges. The court adjourned without any verdict.

Shokjang

In February 2016, a prominent Tibetan blogger, Druklo, popularly known by his pen name: Shokjang, was given a three-year imprisonment term. Shokjang was accused of "inciting separatism" and "causing instability" for writing about the heavy military presence and crackdown on Tibetans in his town Rebkong.

Yeshe Choedron

A retired medical doctor and a mother of two, Yeshe Choedron was arrested in Lhasa in March 2008 following the mass protest in Tibet. She was accused of sharing information related to the crackdown and was charged with "espionage" for allegedly providing "intelligence and information" to "the [so-called] Dalai clique's security department" based in Dharamsala.

On November 7, 2008, the Lhasa Intermediate People's Court sentenced Yeshe Choedron, 52-year-old resident of Ramoche in Lhasa, to 15 years in jail. Six years into her sentence, in 2016 unconfirmed reports said Yeshe Choedron was hospitalized due to torture in prison.

4. NO FREEDOM OF EXPRESSION AND LACK OF ACCESS TO INFORMATION

China enforces various regulations that limit free speech and expression on the Internet. All internet users are required to identify themselves with real name to access the web.

Authorities curtail cell phone and internet service in the TAR and other areas where Tibetans live, sometimes for weeks or even months at a time, during periods of unrest and political sensitivity. Reports of authorities searching cell phones suspected of containing suspicious content are widespread. Many individuals in the TAR and other areas where Tibetans live have reported receiving official warnings after using their cell phones to exchange what the government deemed to be sensitive information.

In September 2017, China's Public Security Bureau of Machu (Chinese: Maqu), Kanlho Tibetan area in Gansu Province issued a public notice entailing a list of instructions to online chat group administrators. It warned all chat group administrators and owners of public online accounts to regulate and take responsibility for the contents shared in the group.

In November 2017, the National People's Congress Standing Committee passed a cybersecurity law that further strengthened the legal mechanisms available for security agencies to survey and control content online. Provisions of the law, such as Article 12, could disproportionately affect Tibetans and other ethnic minorities in China. Article 12 criminalizes the use of the internet to commit a wide range of ill-defined crimes of a political nature, such as "harming national security," "damaging national unity," "propagating extremism," "inciting ethnic hatred," "disturbing social order," and "harming the public interest."

Society for Threatened Peoples calls on UN human rights mandate holders and HRC member states to:

- Urge China to respect the fundamental rights of Tibetans as enshrined in the Chinese constitution and the Universal Declaration of Human Rights

- Urge China to allow independent experts including UN human rights mandate holders to visit the Tibet Autonomous Region and adjacent areas where Tibetans live, particularly in the Tibetan areas where self-immolation protests are frequent such as the Ngaba Tibetan Autonomous Prefecture and the Kardze Tibetan Autonomous Prefecture
 - Urge China to allow Tibetans to use Tibetan language in schools and facilitate Tibetan students to learn the Tibetan language
 - Call on China to provide verifiable and genuine information on the whereabouts and well-being of Gedhun Choekyi Nyima and his family.
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