

UPDATE to the Parallel Report Submitted to the UN Committee on Economic, Social and Cultural Rights (CESCR) for Consideration of the Report on China Concerning the Rights of the Tibetan People

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The preparation and co-authoring of this submission has been undertaken jointly by a coalition of Boston University, Asylum & Human Rights Program, Tibet Justice Centre, and International Tibet Network.



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I. INTRODUCTION

1. This report (“Update”) is an update to the 2013 Parallel Report submitted to this UN Committee on Economic, Social and Cultural Rights (“Committee”) by the Tibet Justice Center and the Boston University School of Law International Human Rights Clinic (“Parallel Report”). The Parallel Report detailed how the People’s Republic of China’s (“the PRC’s”) violations of Tibetans’ ability to access economic, social and cultural rights under the International Covenant on Economic, Social, and Cultural Rights (“Covenant”) – including and especially, although not limited to, Tibetans’ freedom from social discrimination under Article 2 of the right to work under Article 6, right to adequate standard of living under Article 11, right to health under article 12, right to education under article 13, and cultural life under Article 15 – originate in the PRC’s refusal to afford the Tibetan people their inalienable right to self-determination under Article 1 of the Covenant. Since submitting the parallel report, the human rights violations for Tibetans’ continue to deteriorate.¹
2. Four events since the Parallel Report showcase the worsening conditions for Tibetans in their homeland: 1) Chinese police’s shooting of unarmed Tibetans during a religious and cultural ceremony celebrating the Dalai Lama’s 78th birthday; 2) Chinese officials’ arrests, detentions and deaths in Driru; 3) Chinese officials’ detention of religious leader and activist Khenpo Kartse; and 4) Chinese officials’ increased detention of artists. These and other events show that the PRC continues to violate its obligations under the Covenant. ***For the reasons in our Parallel Report and this Update, we recommend action by this Committee to ensure that the PRC will not continue to perpetrate these acts and allow deplorable conditions to continue for Tibetans; we recommend that the PRC cease to violate the Tibetan people’s right to self-determination and take steps to provide for the fulfillment of their economic, social and cultural rights.***

II. Article 1.1 – Self-determination

3. Since the submission of the Parallel Report, fourteen more Tibetans have self-immolated, bringing the total number of immolations to 129 since February of 2009.² The PRC is responding to this increase in immolations with increased control of Tibetan people and further violations of their human rights. For example, at least one county government in Tibet pledged to punish immolators’ villages, monasteries, and families for immolators’ actions: a document leaked from the Dzoegge County government details how families of immolators will be blacklisted, criminally charged, and deprived of the following rights: political rights, employment, three years of welfare benefits, ownership of housing and land, ability to start a business, and travel to Lhasa or other countries.³ Additionally, the County will take away financial assistance for monasteries and villages, prevent Tibetans from accessing farmland, and subject Tibetans to ‘legal education’ campaigns in the case of a self-immolation in the area.⁴

¹ See *Annual Report: Human Rights Situation in Tibet 2013*, TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY, 1 (last accessed March 2, 11:47 AM), download available at <http://www.tchrd.org/category/annual-reports/> [hereinafter *2013 Annual Report*] (“Additionally, many of the policies the PRC has implemented for years have reached a point where they are beginning to cause permanent damage to Tibetan culture and the environment.”).

² *Self-Immolations by Tibetans*, INTERNATIONAL CAMPAIGN FOR TIBET (Feb. 17, 2014), <http://www.savetibet.org/resources/fact-sheets/self-immolations-by-tibetans/>; *Two Tibetan Monks Self-Immolate on Crackdown Anniversary*, RADIO FREE ASIA (Mar. 16, 2014) <http://www.rfa.org/english/news/tibet/burning-03162014125839.html>.

³ *China Announces Unprecedented Harsh Measures to Deter Self-Immolations in Tibet’s Dzoegge County*, TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY (Feb. 14, 2014), <http://www.tchrd.org/2014/02/china-announces-unprecedented-harsh-measures-to-deter-self-immolations-in-tibets-dzoegge-county/#more-3161> [hereinafter *Self-Immolation Measures*] (noting that proposed actions violate Tibetans’ rights under CESC articles 1, 2, 4, 6, 10, and 11 and commenting that “attacks on the family of self-immolators are intended to be an assault on all of the family member’s rights”).

⁴ *Self-Immolation Measures*, *supra* note 3.

III. Article 15 – Right to Cultural Life

4. In our Parallel Report, we reviewed how the PRC's detention of writers, artists, monks, and other cultural leaders severely limited Tibetans' right to "take part in cultural life." The PRC's violation of Tibetans' right to cultural life is a consequence of its violation of Tibetans' right to self-determination. Since the Parallel Report, the PRC has responded with force to Tibetan religious ceremonies on at least two occasions – by shootings in Tawu and Driru. The PRC has also continued to imprison and detain influential Tibetan cultural leaders, including monks, musicians, and writers.⁵

i. Chinese Police Shootings During Tibetan Religious Celebration in Tawu serves as evidence that the PRC continues to limit Tibetans' ability to practice their religion.

5. On July 6, 2013, the People's Armed Police (PAP) opened fire and released tear gas amidst hundreds of unarmed Tibetans in the Tawu region of Kham, Tibet (now part of Sichuan province of the PRC) at a picnic and prayer gathering honoring the 78th birthday of the Dalai Lama.⁶ This gathering was a cultural celebration, *sangsol*, in which Tibetans burned incense and juniper leaves to commemorate the Dalai Lama's birthday.⁷ Tibetans also honored the Dalai Lama during the ceremony by draping white blessing scarves over an image of him and making offerings.⁸ The Tawu shootings reflect the PRC's general ban on pictures, speeches or other depictions of the Dalai Lama, which the PRC enforces harshly through criminal law and often by completely unnecessary violence.
6. In response to the gathering, the PAP shot two Tibetans in the head and at least eight others were seriously injured.⁹ A total of fourteen sustained gunshot wounds.¹⁰ During the incident, the PAP tortured and detained around twenty Tibetans from around four in the afternoon on July 6 until midnight on July 7.¹¹ One seventy-two-year-old man, Yama Tsering, sustained four broken ribs and another Tibetan lost hearing in one ear due to beatings while in custody.¹² In response to the shootings, the PRC attempted to block cell phone connections and social media in the area,¹³ limiting Tibetans' ability to communicate the event to the outside world. At least one Chinese news source censored the shooting.¹⁴ In response to the violence in Tawu, advocacy groups called on the international community to express disapproval of the event and to call for a Chinese investigation into the incident.¹⁵ As of the time of the submission of this Update, no evidence suggests the PRC investigated. Local sources reported that a Chinese police officer attempted to apologize for the incident but was silenced by cadre leader Tsering Norbu, who had ordered the shooting.¹⁶

ii. Chinese response to Driru protests demonstrates that the PRC continues to limit Tibetans' ability to maintain and develop their culture.

7. In September of 2013, the PRC enforced a policy requiring Tibetan people in the county of Driru – historically a region resistant to Beijing's rule, the region with the greatest number of self-immolations,

⁵ 2013 Annual Report, 1-3, 31-34, *supra* note 1 (describing and documenting Chinese arrest, sentencing and detention of Tibetan cultural leaders).

⁶ *Tibet Movement Statement About Shootings in Tawu*, STUDENTS FOR A FREE TIBET (Jul. 9, 2013), <https://www.studentsforafreetibet.org/news/tibet-movement-statement-about-shootings-in-tawu> [hereinafter *Tibet Movement Statement*]; *Shooting in Tawu on Dalai Lama's Birthday: Update*, INTERNATIONAL CAMPAIGN FOR TIBET (Jul. 26, 2013), <https://www.savetibet.org/shooting-in-tawu-on-dalai-lamas-birthday-update/> [hereinafter *Tawu Shooting Update*]; *China Tightens the Screw After Shooting Tibetan Worshippers in Tawu*, TIBET CENTRE FOR HUMAN RIGHTS AND DEMOCRACY (Aug. 31, 2013), <http://www.tchrd.org/2013/08/china-tightens-the-screw-after-shooting-tibetan-worshippers-in-tawu/> [hereinafter *China Tightens Screw*] (documenting fourteen injured).

⁷ *Tawu Shooting Update*, *supra* note 6.

⁸ *Tawu Shooting Update*, *supra* note 6.

⁹ *China Tightens the Screw*, *supra* note 6.

¹⁰ *More Injured by Gunshots Than Earlier Reported in Tawu*, TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY (Jul. 17, 2013),

<http://www.tchrd.org/2013/07/more-injured-by-gunshots-than-earlier-reported-in-tawu-shootings/> [hereinafter *More Injured*].

¹¹ *Tibet Movement Statement*, *supra* note 6; *Tawu Shooting Update*, *supra* note 6 ("A man in his forties had several ribs broken, one woman in her mid-forties had her leg broken, and one young man has since lost his hearing following beatings while in custody."); *More Injured*, *supra* note 10.

¹² *More Injured*, *supra* note 10.

¹³ *Tawu Shooting Update*, *supra* note 6.

¹⁴ *More Injured*, *supra* note 10 (reporting that official Chinese language website for Tawu County did not report the news).

¹⁵ *Tawu Shooting Update*, *supra* note 6.

¹⁶ *More Injured*, *supra* note 10.

and where ninety percent of people are ethnic Tibetans¹⁷ – to display the Chinese flag at their homes in September 2013; much of the resistance and violence in Driru was a result of the PRC’s crackdown on Tibetans in the area who opposed the policy.¹⁸

8. On September 3, 2013, Chinese government officials backed by armed paramilitaries severely beat a sixty-eight-year-old Driru resident for displaying the Tibetan flag and later sentenced him to two and a half years of prison.¹⁹ On September 27, 2013, Chinese officials detained forty Driru Tibetans after they threw Chinese flags into a river.²⁰ As a result of the Tibetans’ actions, Chinese officials expelled Tibetan students from school, prompting other protests, including a walk-out of school by hundreds of students in other counties and holding up traffic in the Driru county center.²¹ On October 7, Tibetans in Driru protested the detention of Dorje Draktsel, a Driru resident, and were met by three hundred Chinese police who used tear gas against protesters and shot into the crowd.²² Four Tibetans were killed and fifty were wounded.²³
9. Chinese officials continue to close monasteries and detain Tibetans they perceive as political dissidents.²⁴ For example, officials detained twenty-three young Tibetans, some of whom were also fined and beaten, and sentenced six writers or artists to jail time for non-violent protests and peaceful organizing in the Driru area.²⁵ Officials detained or otherwise punished Tibetans for burning Chinese flags.²⁶
10. In 2013, the PRC accelerated pressure on families of alleged dissidents using increasingly harsh intimidation tactics. Following the violence in Driru in late 2013, the police beat to death a Driru-area monk, Geshe Ngawang Jamyang, after detaining him in Lhasa in November 2013.²⁷ His body was returned to his family, who police threatened with similar violent abuse if they discussed his death.²⁸ For other families in the area, the Chinese police “surrounded key religious establishments, raiding monks’ quarters and the homes of monks’ families, seizing computers, mobile phones, and other belongings.”²⁹
11. In sum, the PRC presently detains at least one thousand Driru-area monks and well-educated citizens who are politically active in the area.³⁰ Some detainees have been beaten and many have undergone political “re-education” programs and endured questioning while in detention.³¹ Information regarding some of the monks who have been detained is unknown.³²

¹⁷ *Chinese Flag Resisting Driru County Keeps Tibetan Struggle Alive*, RADIO FREE ASIA (Jan. 15, 2014), <http://www.rfa.org/english/news/tibet/struggle-01152014165913.html> [hereinafter *Driru County Keeps Tibetan Struggle Alive*].

¹⁸ *Chinese Troops Surround Tibetan Monasteries, Detain Monks in Driru*, RADIO FREE ASIA (Dec. 13, 2013), <http://www.rfa.org/english/news/tibet/surround-12122013160524.html> [hereinafter *Chinese Troops Surround*].

¹⁹ *Driru County Keeps Tibetan Struggle Alive*, *supra* note 17; Karma Dorjee, *Beyond Self-Immolations: The Protests of Driru in 2013*, CENTRAL TIBETAN ADMINISTRATION (Jan. 24, 2014, 11:55am), <http://tibet.net/2014/01/24/beyond-self-immolations-the-protests-of-driru-in-2013/> [hereinafter *Beyond Self-Immolations*].

²⁰ *Driru County Keeps Tibetan Struggle Alive*, *supra* note 17.

²¹ *Driru County Keeps Tibetan Struggle Alive*, *supra* note 17. These actions also violate Tibetans’ rights under Article 13.

²² *Beyond Self-Immolations*, *supra* note 19.

²³ *Beyond Self-Immolations*, *supra* note 19.

²⁴ *Driru County Keeps Tibetan Struggle Alive*, *supra* note 17; see *Beyond Self-Immolations*, *supra* note 19 (“Many of the Tibetans who have been detained, sentenced, and jailed in Driru are the young and educated.”).

²⁵ *Beyond Self-Immolations*, *supra* note 19.

²⁶ *Beyond Self-Immolations*, *supra* note 19.

²⁷ *Driru County Keeps Tibetan Struggle Alive*, *supra* note 17.

²⁸ *Driru County Keeps Tibetan Struggle Alive*, *supra* note 17; see *Beyond Self-Immolations*, *supra* note 19 (“He was a popular religious teacher who had studied for 19 years in Sera monastery in India before returning to Tibet.”).

²⁹ *Driru County Keeps Tibetan Struggle Alive*, *supra* note 17; *Chinese Troops Surround*, *supra* note 18.

³⁰ *Driru County Keeps Tibetan Struggle Alive*, *supra* note 17; *Chinese Troops Surround*, *supra* note 18; see *Beyond Self-Immolations*, *supra* note 19 (“Due to a lack of access to Driru and harsh restrictions on the local Tibetans, it is very difficult to know the exact number of Tibetans who have been detained, jailed, or killed. Carole McGranahan, a Tibet scholar at the University of Colorado, in Boulder, said in *The Washington Post* on December 17, 2013, that ‘it is easier for journalists to get access to North Korea than to get access to Tibet.’ The little information that we have cannot tell the complete story of Driru. However, callers from Tibet and others who have contacts in the area have told RFA’s Tibetan Service that [s]ince September 2013, over 1,000 Tibetans have been detained in Driru. We still don’t have exact numbers of the Tibetans from the Driru area who have been jailed.”).

³¹ *Chinese Troops Surround*, *supra* note 18.

³² *Chinese Troops Surround*, *supra* note 18.

iii. Arrest, detention and imprisonment of Tibetan monks, musicians, and writers demonstrates that the PRC continues to limit Tibetans' ability to express and develop their culture.

12. Since 2012, officials have imprisoned nine singers whose work focuses on Tibetan culture.³³ The cases of Khenpo Kartse, Tsering Woesser, Gartse Jigme Gyatso, and Kelsang Yarphel, all subjects of Chinese retaliation against Tibet since the Parallel Report, illustrate the general trend of the PRC's detention of cultural leaders.
13. Khenpo Kartse. Chinese police arrested Khenpo Kartse on Dec. 6, 2013.³⁴ Khenpo Kartse is an influential Tibetan monk who had recently given a speech during a prayer ceremony where he "urged the promotion of Tibetan Buddhism, the Tibetan language, and moral ethics[.]"³⁵ According to one source, Khenpo Kartse was detained for "serious accusations of disturbing stability" in Tibet after this speech.³⁶ Khenpo Kartse is also known for organizing meetings in Tibet and has advocated for Tibetan language instruction in schools, activities for which Chinese officials restricted his travel in 2010.³⁷ The PRC arrested Khenpo Kartse despite the fact that Tibetans' use of their own language is afforded to them as "national minorities" – how the PRC insists on classifying Tibetan people – under Article 27 of the International Covenant on Civil and Political Rights.
14. Later that month, on Dec. 21, 2013, sixteen other Tibetans were also arrested for protesting Khenpo Kartse's detention.³⁸ Chinese officials asked the sixteen individuals how Khenpo Kartse was able to contact people outside of his community.³⁹ Khenpo Kartse denies any physical abuse during detainment,⁴⁰ but he has a severe liver condition and is without access to a physician or his family.⁴¹ The last of the sixteen arrested during the protest weren't released until January 21, 2014.⁴² Khenpo Kartse is still detained as of the submission of this Update.
15. Tsering Woesser. In June of 2013, Chinese officials placed under house arrest writer Tsering Woesser, whom the U.S. State Department called "the most prominent mainland activist speaking out publicly about human rights conditions' for Tibetans" in a ceremony awarding her work.⁴³
16. Gartse Jigme Gyatso. Chinese officials sentenced influential writer Gartse Jigme Gyatso to five years in prison in May of 2013.⁴⁴ Gartse Jigme had published two books and was working on a third regarding the suffering of Tibetans and the political situation in Tibet.⁴⁵

³³ *Release Tibetan Singers*, FREE TIBET (last accessed Mar. 5, 2014 at 5:08 PM), <http://www.freetibet.org/petitions/1742>.

³⁴ Phayu, *Amnesty International Launches Campaign for Khenpo Kartse, 16 Other Detainees*, PHAYUL.COM (Jan. 10, 2014), <http://www.phayul.com/news/article.aspx?id=34441> [hereinafter *Phayu*].

³⁵ *Chinese Authorities Detain 16 Tibetans Rallying for Religious Leader's Release*, RADIO FREE ASIA (Dec. 26, 2013), <http://www.rfa.org/english/news/tibet/rally-12262013143513.html>.

³⁶ *Tibet: Prominent Local Leader Remains Imprisoned*, UNREPRESENTED NATIONS AND PEOPLES ORGANIZATION (Feb. 4, 2014), <http://www.unpo.org/article/16810> (internal quotation marks omitted) [hereinafter *Prominent Local Leader*].

³⁷ *Respected Tibetan Monk and 16 Supporters Jailed*, FREE TIBET (Jan. 9, 2014), <http://www.freetibet.org/news-media/na/respected-tibetan-monk-and-16-supporters-jailed>.

³⁸ Phayu, *supra* note 34. See generally, *Hundreds of Tibetans Gather in Third Peaceful Protest for Imprisoned Tibetan Lama*, INTERNATIONAL CAMPAIGN FOR TIBET (Feb. 10, 2014), <http://www.savetibet.org/hundreds-of-tibetans-gather-in-third-peaceful-protest-for-imprisoned-tibetan-lama/> [hereinafter *Hundreds Gather*].

³⁹ *Prominent Local Leader*, *supra* note 36.

⁴⁰ Phayu, *supra* note 34.

⁴¹ *Hundreds Gather*, *supra* note 38.

⁴² *ACTION: Detained Senior Monk in Ill-health; Refused Access to Lawyer and Family*, TIBET SOCIETY (Jan. 24, 2014), <http://www.tibetsociety.com/content/view/452/>.

⁴³ *Tibetan Writer Woesser Again Placed Under House Arrest*, RADIO FREE ASIA (June 20, 2013), <http://www.rfa.org/english/news/tibet/arrest-06202013171541.html>.

⁴⁴ *Tibetan Monk Imprisoned After Writing Books About Tibet*, INTERNATIONAL CAMPAIGN FOR TIBET (May 23, 2013), <https://www.savetibet.org/tibetan-monk-imprisoned-after-writing-books-about-tibet/> [hereinafter *Tibetan Monk Imprisoned*].

⁴⁵ *Tibetan Monk Imprisoned*, *supra* note 44.

17. Kelsang Yarphel. In July 2013, Chinese officials detained Tibetan singer Kelsang Yarphel after videos of his popular song “Fellow Tibetans” were widely circulated in four Tibetan provinces.⁴⁶ The song addresses Tibetan unity, education, and solidarity.⁴⁷ In late 2013, the PRC confiscated the DVD from Tibetans and banned the sale and distribution of it.⁴⁸

IV. Article 2 – Nondiscrimination

18. In addition to the information in the Parallel Report, the PRC has implemented new measures that encourage discrimination against Tibetans. The summer after the shootings in Tawu, the People’s Armed Police in the region used the shooting as an excuse to adopt policies to tighten security in Tawu, including the opening of five new police stations among other measures.⁴⁹ These measures ensure that lower-level government officials and police are loyal to the Chinese government and do not harbor any affection for Tibetan people with whom they live and work.⁵⁰
19. The new measures include 1) selective appointment of County and Township level cadres based on experience in villages; 2) background tests for cadre leadership, followed by punishment and salary withholding upon involvement in ‘separatism’; 3) implementation of a ‘human surveillance network’ for which County and Township officials must live with Tibetan nomads and visit monasteries; 4) division of Tibetan lands into sections so that party cadres reach all Tibetans with government propaganda; and 5) investigation and punishment of grassroots-level officials for ‘separatism.’⁵¹ These new security measures have allowed Chinese cadres to dismiss Tibetans serving in the military.⁵²

V. Updated Recommendations

20. The PRC has an obligation to cease their violations of Tibetan rights to self-determination, rights to cultural life, and nondiscrimination under the Covenant as described in the Parallel Report and this Update. Complementing the Recommendations enumerated in the Parallel Report, this Update further reports on the PRC’s continued violations of the Covenant with respect to Tibetan people. With respect to Article 1 of the Covenant, we re-emphasize our recommendation that the PRC not only cease from violating Tibetan rights to self-determination, but make concrete provisions to allow the Tibetan people the right to self-determination. With respect to Article 2, we re-emphasize our recommendation that the PRC cease discrimination against Tibetan people and cease enforcement of policies encouraging such discrimination. With respect to Article 15, we re-emphasize our recommendation that the PRC immediately take steps to respect, protect, and fulfill Tibetans’ right to self-determine essential aspects of their cultural life, entailing the release of all political prisoners, among other actions. ***With respect to all Articles detailed in the Parallel Report and this Update, we re-emphasize our recommendation that the Chinese state take every reasonable step to respect, protect, and fulfill the rights accorded to Tibetan citizens under the Covenant.***

⁴⁶ *China Detains Tibetan Singer for ‘Politically Subversive’ Song*, TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY (Aug. 9, 2013), <http://www.tchrd.org/2013/08/china-detains-tibetan-singer-for-politically-subversive-song/> [hereinafter *China Detains Tibetan Singer*].

⁴⁷ For English translation of song lyrics, see *China Detains Tibetan Singer*, *supra* note 46.

⁴⁸ *China Detains Tibetan Singer*, *supra* note 46.

⁴⁹ *China Tightens Screw*, *supra* note 6.

⁵⁰ *China Tightens Screw*, *supra* note 6.

⁵¹ *China Tightens Screw*, *supra* note 6.

⁵² *China Tightens Screw*, *supra* note 6 (noting that “in 2012, at least 19 Tibetan and Chinese cadres were either dismissed or demoted for failing to strictly maintaining [sic] stability in Tibetan areas.”).