Dr. Fernand de Varennes
Special Rapporteur on Minority Issues

Ms. E. Tendayi Achiume
Special Rapporteur on Contemporary Forms
of Racism, Racial Discrimination,
Xenophobia, and Related Intolerance

Office of the High Commissioner of Human Rights
United Nations Office at Geneva
8-14 Avenue de la Paix,
CH-1211 Geneva 10 Switzerland

March 7, 2019

Dear Special Rapporteur de Varennes and Special Rapporteur Achiume,

Re: Joint Urgent Request to Investigate China's Systemic Discrimination Against Tibetans

We are writing to request an intervention to investigate the discriminatory policies of the People's Republic of China (China) that are severely limiting the Tibetan people's freedom of movement. Our group, the Tibet Advocacy Coalition (TAC), an umbrella organization comprising various Tibet advocacy groups, the Tibet Justice Center (TJC), and the Boston University International Human Rights clinic (IHRC) work together to monitor the human rights situation in Tibet and to advocate for Tibetan rights in the United Nations (UN).[1] We are requesting a joint intervention, or fact-finding mission, into China's restriction of Tibetans' freedom of movement by your Offices. Recent reports on China's policies reflect the continued systematic targeting of Tibetans for discriminatory treatment. We ask for further clarification on (1) which Chinese government's laws, regulations, or policies legalize restrictions on Tibetans' freedom of movement and (2) how China monitors these restrictions, including its decisions to target particular individuals for restrictions on movement. We additionally request that your intervention ensures that China complies with its responsibility to report back to the Committee on the Elimination of Racial Discrimination (CERD) within the one-year deadline implemented in its August 30, 2018 Concluding Observations.[2]

In its 3rd Universal Periodic Review (UPR) on November 6, 2018, China claimed it was actively promoting human rights, pointing in particular to its various development programs to eradicate

[1] Tibet Advocacy Coalition, INTERNATIONAL TIBET NETWORK, https://tibetnetwork.org/portfolio-items/tibet-advocacy-coalition/ (last visited Feb. 9, 2019) [hereinafter INT'L TIBET NETWORK].

[2] Comm. on Economic, Social & Cultural Rights, Concluding observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China), ¶ 30, U.N. Doc. CERD/C/CHN/CO/14-17 (Aug. 30, 2018) [hereinafter CERD CO].

poverty and modernize China.[3] However, at the 3rd UPR review session, eleven states specifically mentioned concerns about China's human rights record, including the denial of freedom of movement of the people of Tibet, and another twenty-three states referred to concerns about China's treatment of "ethnic minorities."[4] Furthermore, very recent reports from media and non-governmental organizational sources indicate that China's violations of human rights have worsened since its last review; we particularly draw your attention to the extreme measures restricting the Tibetan people's right to freedom of movement. China's rapidly-expanding 'development programs' have particularly affected the Tibetan population, with targeted forced relocation of Tibetan nomads from rural areas into newly built towns where they are deprived of their religious and cultural practices and traditional way of life.[5] Chinese authorities have also targeted Tibetans' freedom of movement by tightening passport control, refusing to grant new passports or confiscating those already issued, significantly reducing the numbers of Tibetans allowed to travel.[6] As discussed in our February 2018 letter to Special Rapporteur Achiume, China implements a *hukou* registration program which restricts the ability of individuals to change their residence. China announced reforms to the *hukou* registration program that were supposed to have loosened its strict rules. However, the reforms have only made it easier for Chinese people in big cities to move into more rural areas, but have lifted none of the restrictions against Tibetans and other non-Chinese populations who are still prevented from moving freely outside of rural areas.[7]

A major ongoing concern is the lack of publicly available data on the effect of specific policies and the treatment of Tibetans concerning their right to movement. Only two Special Rapporteurs have completed visits to China since 2015,[8] and China has not extended invitations to any Special Rapporteurs or UN special procedures or mechanisms since 2010, with the only other

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[3] Human Rights Council, National report submitted on China, ¶¶ 15-21, 85, U.N. Doc. A/HRC/WG.6/31/CHN/1* (Aug. 20, 2018).

[4] UN Web TV, *China Review – 31st Session of Universal Periodic Review*, UNITED NATIONS (Nov. 6, 2018), http://webtv.un.org/watch/china-review-31st-session-of-universal-periodic-review/5858293845001. The term "ethnic minority" is not accurate in reference to Tibetans and is not used by the TAC for reasons explained in Tibet Advocacy Coalition, *Information on Tibet for consideration by the UN Committee on the Elimination of Racial Discrimination for the List of Themes in advance of the Review of the People's Republic of China* (June 1, 2018), https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CHN/INT_CERD_NGO_CHN_31600_E.pdf.

[5] *Tibetan Nomads in Chamdo Forced From Their Land in Resettlement Scheme*, RADIO FREE ASIA (JAN. 23, 2019), https://www.rfa.org/english/news/tibet/chamdo-01232019155900.html.

[6] *Tibetan Passport Restrictions Limit Attendance at Dalai Lama Prayer Gathering*, RADIO FREE ASIA (Dec. 26, 2018), https://www.rfa.org/english/news/tibet/passport-12262018155928.html [hereinafter *Tibetan Passport Restrictions*].

[7] *China Migrant Workers Face Regional Discrimination, Internal System of Privilege* RADIO FREE ASIA (July 21, 2017), https://www.rfa.org/english/news/china/migrants-gap-07212017141959.html [hereinafter *China Migrant Workers*].

[8] *Country visits of Special Procedures of the Human Rights Council since 1998*, U.N. HUMAN RIGHTS OFF. OF THE HIGH COMMISSIONER, https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=CHN (last visited Feb. 12, 2019)

invitation extended in 2003.[9] A fact-finding mission is more urgently-needed than ever, in order to shed light on continued and more recent human rights violations against Tibetans, and to prevent further violations. China's obligation to protect freedom of movement on a non-discriminatory basis arises from the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the International Covenant on Civil and Political Rights (ICCPR). We need further clarification, however, on the exact laws, regulations, and policies that limit this freedom of movement. China's 'development programs,' passport control, and *hukou* system all violate this obligation to Tibetans. It is also important to obtain more information on how China documents each instance of these restrictions. We echo the concern of the UN and international bodies that China is violating its obligations under the ICERD[10] and the ICCPR,[11] as well as its domestic obligations under the Chinese Constitution.[12] We believe there is more of an urgent need for investigations into China's policies towards Tibetans today, based on the continuous reports on restrictions of Tibetans' right to movement.

Violation of Tibetans' Freedom of Movement

1) Persons and Actors Affected:
    a. All Tibetans inside Tibet and inside China
    b. Tibetans returning to China

2) Allegations:
    a. Restrictions on Tibetans' right to freedom of movement
    b. Mass forcible relocations of Tibetan nomads
    c. Limiting Tibetans' right to travel outside of China and Tibet
        i. Denial of new passports to Tibetans
        ii. Seizure of Tibetans' passports without reissuing them
        iii. Unfair administrative procedures for Tibetans to acquire new passports
    d. Limiting freedom of movement within Tibet and China through targeted checkpoint procedures
    e. Unfair administrative procedures for Tibetans to obtain new residence permits to move to urban areas
    f. Violations of the ICERD and the ICCPR

3) Reprisals:
    a. Failure to compensate relocated Tibetans
    b. Failure to provide adequate quality of housing to relocated Tibetans
    c. Failure to consult Tibetans before evicting them from their land

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[9] *Standing Invitations,* U.N. HUMAN RIGHTS OFF. OF THE HIGH COMMISSIONER, https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx (last visited Feb. 12, 2019).

[10] China ratified the ICERD in 1981.

[11] G.A. Res. 2200A (XXI), at art. 12(1), Int'l Covenant on Civil & Political Rights (Dec. 16, 1966) [hereinafter ICCPR]. Although China has not ratified the ICCPR, it is obliged to refrain from defeating the treaty's object and purpose. Vienna Convention on the Law of Treaties art. 18.

[12] Chinese Constitution Article 33 states that "the state respects and guarantees human rights." Tibet Justice Center, *Human Rights Action Plan – Tibet (HRAP-T)*, § 1.2 (2017).

d. Forcible relocation and forcing sedentary way of live on relocated Tibetan nomads, eradicating Tibetans' traditional way of life
e. Destroying natural resources of traditional Tibetan lands
f. Seizure of Tibetans' passports and cancellation of those not seized
g. Police investigations into Tibetans returning to Tibet from India
h. Denying entry to Tibetans returning to Tibet from India
i. Denying new residence permits to Tibetans who want to move to large cities

4) Perpetrators:
   a. The Government of the People's Republic of China
   b. Tibetan Autonomous Region Authorities

5) Detailed Information:

China is targeting Tibetan nomads through mass forcible relocation to "New Socialist Villages" and through its "One Belt One Road Initiative."

Since 2006, the Chinese government has implemented targeted, discriminatory resettlement programs that violate Tibetans' right to freedom of movement under Article 5 of ICERD. These programs effectively force Tibetans from rural areas, who have traditionally lived nomadic lifestyles, to move into "New Socialist Villages" under the "Comfortable Housing" policy. The Chinese government justifies these programs as increasing the living standards of rural Tibetans and boosting their local economy; however, not only do these programs force Tibetans to leave the lands that have been essential to their long traditions and nomadic culture, but the promises made by the Chinese government regarding the "New Socialist Villages" have failed to materialize.[13]

In 2013, Human Rights Watch estimated that between 2006 and 2012, over two million Tibetans had been resettled in the Tibetan Autonomous Region (TAR) to these "New Socialist Villages." This same report indicated that in the Qinghai province specifically, 300,000 nomadic herders were relocated since the early 2000's, and estimated that 90% of the herder population in this province will have been forced into sedentary lifestyles by the end of 2013.[14] Most recently, Chinese authorities increased the relocation of Tibetan nomads from the Chamdo prefecture (Jomda, Gonjo, Dragyab, and Riwoche counties) into newly-built towns, with some families forced to pay up to 8,000 yuan for a new home. An estimated forty families in Chamdo's Pashoe

[13] Among the common issues of the "New Socialist Villages" are "[t]he involuntary character of many relocation and rehousing programs"; "[t]he absence of genuine prior consultation with affected communities"; "[t]he lack of meaningful avenues for challenging or seeking remedies for wrongful eviction orders"; "[p]roblems with the quality of houses in which communities are resettled or relocated"; and "[i]ncreased financial burdens and indebtedness resulting from relocation and/or reconstruction of housing." *"They Say We Should Be Grateful": Mass Rehousing and Relocation Programs in Tibetan Areas of China*, HUMAN RIGHTS WATCH (June 27, 2013), https://www.hrw.org/report/2013/06/27/they-say-we-should-be-grateful/mass-rehousing-and-relocation-programs-tibetan# [hereinafter *"They Say We Should Be Grateful"*].

[14] *"They Say We Should Be Grateful."*

County have also been ordered against their will to move to these new towns.[15] These "Villages" completely eradicate the traditional ways of Tibetan nomadic life that date back millennia, and force the families into substandard living conditions that are severely threatening their health, culture and livelihood. [16] As the numbers of nomadic Tibetan families forced to relocate to these "New Socialist Villages" increase, they raise pressing concerns of continued violations of a wide range of Tibetan human rights, particularly their right to freedom of movement.

Another example of China's discriminatory restructuring programs threatening Tibetans' freedom of movement is the One Belt One Road Initiative (OBOR),[17] which aims to develop new trade routes and infrastructure projects to connect Eurasia and the Pacific.[18] The prime minister of the Central Tibetan Administration, Lobsang Sangay, claimed that "Tibet is the blueprint of the BRI (Belt and Road Initiative)."[19] He described how the OBOR is destroying traditional Tibetan lands: "One road lead [sic] to hundreds of roads in Tibet now, routes, and one railways [sic] is leading to three or four railways. One airport led to 30 airports six military airfields [sic]. Conveniently, all these roads, railways and airport [sic] are connected to haul out natural resources and minerals from Tibet."[20] Consequently, China's massive infrastructure and road construction endangers the traditional nomadic lifestyle of Tibetans, while forcing them to relocate into new housing, to find new means of survival, or to be confined to the limited land areas within Tibet that remain for their use.

Even before the most recent UPR session, UN treaty bodies and Special Procedures have repeatedly expressed concern over these resettlement programs that target Tibetan nomads and rural Tibetans with discriminatory and harmful treatment. For example, the Committee on Economic, Social, and Cultural Rights (CESCR) in 2014 urged China to "take all necessary measures to immediately halt non-voluntary resettlement of nomadic herders from their traditional lands and non-voluntary relocation or rehousing programs for other rural residents," and to carry out "meaningful consultations" with the affected nomadic peoples.[21] Similarly, the Special Rapporteur on the Right to Food, upon visiting China in December 2010, called for the

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[15] *Tibetan Nomads in Chamdo Forced From Their Land in Resettlement Scheme*, Radio Free Asia (Jan. 23, 2019), https://www.rfa.org/english/news/tibet/chamdo-01232019155900.html.

[16] *"They Say We Should Be Grateful"*,("A chief aspect of the policy regarding herder communities, and one that upsets many Tibetans because of its impact on Tibetan culture, is that many of those rehoused or relocated have been sedentarized, moved off the land and into permanent structures.")

[17] Several different terms have been used to describe this policy, such as "Belt and Road Initiative." *See* UNPO in note 19 below.

[18] James Griffiths, *Just what is this One Belt, One Road thing anyway?*, CNN (May 11, 2017) https://www.cnn.com/2017/05/11/asia/china-one-belt-one-road-explainer/index.html.

[19] *Tibet: China's Belt and Road Initiative Could Lead to Exploitation of Tibetan Resources*, UNREPRESENTED NATIONS & PEOPLES ORGANIZATION (Nov. 20, 2018), https://unpo.org/article/21234 [hereinafter UNPO].

[20] UNPO.

[21] Comm. on Economic, Social & Cultural Rights, Concluding observations on the second periodic report of China, including Hong Kong, China, and Macao, China, ¶ 31, U.N. Doc. E/C.12/CHN/CO/2 (June 13, 2014).

suspension of the "non-voluntary resettlement of nomadic herders from their traditional lands and the non-voluntary relocation or rehousing programs of other rural residents."[22]

Most recently, in its Concluding Observations on China of August 30, 2018, the Committee on the Elimination of Racial Discrimination (CERD) expressed concerns about "reports that large numbers of farmers and nomadic herders, including from ethnic autonomous areas, have lost their traditional lands and livelihoods due to poverty-alleviation and ecological restoration resettlement measures," and "that compensation for expropriated property is often insufficient to maintain an adequate standard of living."[23] In the same Concluding Observations, the CERD recommended that China "fully implement" the CESCR's 2014 recommendation and "that in cases where resettlement has taken place in ethnic minority areas, the authorities work closely and effectively with ethnic minority government officials and communities."[24] The Concluding Observations also requested China to provide information on implementation of its recommendations within one year.[25] The United Nations High Commissioner for Human Rights (OHCHR), in its 2018 Compilation on China underscored the CESCR's concern in 2014 "about the resettlement of nomadic herdsman in the 'new socialist villages' carried out in China without proper consultation and in most cases without free, prior and informed consent, particularly in the western provinces and autonomous regions."[26] While credible sources and human rights bodies continue revealing discriminatory treatment of Tibetans, including mass forcible relocation of Tibetan nomads, China's failure to submit any information regarding implementation of CERD's recommendations raises concerns. Accordingly, we request your urgent attention into these violations and to emphasize China's obligation to report back to CERD by August 30, 2019. A fact-finding mission into these violations would also reveal, if any, the specific laws China uses to justify such restrictive policies, and how China documents its policies of resettling rural and nomadic Tibetans.

China is targeting Tibetans through passport policies that prevent them from traveling outside the country.

China implemented new passport policies in 2002 and 2012 that have led to targeted travel restrictions of the people of Tibet. In 2002, China created a two-track system for passport applications: a fast-track and a slow-track system. On the fast-track system, a single local administrative office either issues an expedited passport or provides an explanation for why the applicant has not received one within 15 days. In the slow-track system, passports are regulated by several offices, and applicants face extremely long delays—potentially lasting up to several years-- or are routinely denied passports without any valid reason. The fast-track system is

[22] Olivier De Schutter (Special Rapporteur on the Right to Food), *Rep. on Mission to China*, ¶ 46, U.N. Doc. A/HRC/19/59/Add.1 (Jan. 20, 2012).
[23] CERD CO, ¶ 26.
[24] CERD CO, ¶ 27.
[25] CERD CO, ¶ 60.
[26] Rep. of the Off. of the U.N. High Commissioner for Human Rights, Compilation on China, ¶ 62, U.N. Doc. A/HRC/WG.6/31/CHN/2 (Aug. 27, 2018) [hereinafter UNHCHR 2018 China Report].

available in areas where the population is mostly ethnically Chinese, while the slow-track system operates in areas mainly populated by Tibetans and other non-Chinese groups.[27]

Further restricting the mobility of Tibetans, the Chinese authorities of the Tibet Autonomous Region (TAR)[28] in 2012 took the opportunity to use the imminent national launch of the "ePassport" system later that year to confiscate all ordinary passports held by registered residents of the TAR. This was implemented under an internal, non-publicized instruction called "Notice No. 22," which withdrew "all still-valid ordinary passports in [TAR] . . . without exception." Ninety percent of the residents in TAR are Tibetans; thus, those whose passports were confiscated were almost exclusively Tibetans. Those passports not handed over were cancelled. The withdrawn passports were supposed to be replaced with the new ePassports; however, such reissuance did not occur or was subject to lengthy delay. Notice No. 22 further provided strict control of the approval process for passport applications from the TAR region—passport applications must go through ten separate stages and receive approval from a different authority or office at each stage before a final decision is made.[29]

Although there is a lack of publicly available data on, and access to the TAR, the restrictive effect these new passport policies have had on Tibetans' freedom of movement has been clear from various reports in the past seven years. As the exiled spiritual leader of the Tibetan people lives in India, many Tibetans living in China make pilgrimages to India in order to attend the teachings of the Dalai Lama.[30] Before 2008, the average number of Tibetans making the journey was 3000.[31] Karma Rinchen, the Secretary of the Department of Security of the Central Tibetan Administration (CTA), however, stated that only eighty Tibetans made it to India in 2017.[32] The Chinese government denies that there is a ban on issuing ordinary passports to the TAR; however, the few TAR residents who have been allowed to travel since 2012 have had strong connections to the government and were issued "public affairs passports" rather than "ordinary passports." Even these passports must be immediately returned to authorities upon return.[33]

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[27] *One Passport, Two Systems: China's Restrictions on Foreign Travel by Tibetans and Others*, HUMAN RIGHTS WATCH (July 13, 2015), https://www.hrw.org/report/2015/07/13/one-passport-two-systems/chinas-restrictions-foreign-travel-tibetans-and-others# [hereinafter *One Passport, Two Systems*].

[28] TAR was created by China in 1965 as an administrative region to which China refers as "Tibet," even though this region comprises "less than half the total Tibetan lands and contains only a third of the total Tibetan population." INT'L TIBET NETWORK.

[29] *One Passport, Two Systems* ("This has prevented nearly all of the three million residents of the region from any foreign travel since that time, except for those who are regarded as traveling on official government business.").

[30] *Tibetan Passport Restrictions*.

[31] Shri Puri, *'97% drop in Tibetan refugees arrival to India from Tibet'*, (Jan. 17, 2019), https://timesofindia.indiatimes.com/india/97-drop-in-tibetan-refugees-arrival-to-india-from-tibet/articleshow/67566650.cms.

[32] Shri Puri. *See Tibetan Passport Restrictions* ("Tightened controls by Chinese authorities over passports issued to Tibetans have blocked pilgrims traveling to India and Nepal from Tibetan areas of China, greatly reducing the numbers attending teachings given . . . . This year, 'not more than a hundred' came from Beijing-ruled Tibetan areas to attend the Dalai Lama's teachings.")

[33] *One Passport, Two Systems*.

In the joint communication which both your Offices, as well as the Special Rapporteur on Freedom of Religion or Belief, and the Working Group on Arbitrary Detention sent to China on August 6, 2018, you expressed concern "about passport seizures and the failure to re-issue passports of Tibetans, which restrict Tibetans' freedom of movement," along with other fundamental human rights.[34] Since this remains an ongoing and increasingly problematic concern, we believe that urgent action is necessary to investigate these abuses of Tibetan human rights. Part of that investigation would reveal, if any, the exact laws, regulations, and guiding documents the Chinese government uses to justify its discriminatory passport policies and how the Chinese government records each instance of carrying out those policies.

China restricts Tibetans' freedom of movement within Tibet and China through targeted checkpoint procedures.

In addition to the confiscation of already-issued passports and refusal to grant new ones, targeting of Tibetans at checkpoints and restrictions on movement even *within* Tibet have further limited their freedom of movement. Karma Rinchen, in describing the drop in number of Tibetans arriving in India due to confiscation of passports by Chinese authorities of "many residents living in border areas of Tibet," also remarked on how restrictions have extended so far as to limit Tibetans from visiting Lhasa, the capital city of Tibet.[35] Those who are able to purchase tickets are singled out and stopped at airport checkpoints; upon returning, those lucky enough to make their pilgrimage to India are stopped by Chinese authorities who destroy their passports. Authorities justify such actions as limiting Tibetans' contact with "outside 'separatist' forces."[36] On January 17, 2019, China discussed a push in July 2018 that cracked down on "illegal" entry to and exit from TAR, which resulted in an inspection of 100,000 vehicles and 500,000 passengers, and nearly 1,000 people denied entry into Tibet for not completing entry and exit formalities.[37] Due to the lack of publicly available data and restrictions on access to the TAR, the Chinese authorities' justifications for targeting Tibetans at entry/exit points and through its passport system are difficult to rebut. Accordingly, an urgent fact-finding mission into these policies is necessary to reveal how Tibetans' freedom of movement has been violated. A fact-finding mission will also further reveal the exact laws the Chinese government uses to justify targeted checkpoint procedures, and whether the Chinese government has a system to document use of these discriminatory policies.

China's *hukou* registration system has targeted Tibetans and severely restricted their housing mobility.

Tibetans' right to freedom of movement under Article 5 of ICERD has long been violated under China's *hukou* system. China's long-standing national *hukou* system requires all people living in China to obtain a residence permit designating an individual as being rural or urban based on

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[34] Joint Communication to China from the Working Group on Arbitrary Detention, U.N. Doc. OL CHN 14/2018 (Aug. 6, 2018)

[35] *China touts success in preventing undocumented Tibet-border crossings*, TIBETAN REVIEW (Jan. 19, 2019), http://www.tibetanreview.net/china-touts-success-in-preventing-undocumented-tibet-border-crossings/ [hereinafter *China touts success*].

[36] *Tibetan Passport Restrictions*.

[37] *China touts success*.

their registered birthplace.[38] This system also requires individuals to obtain a new permit in order to move to an area outside of their designated areas; this is most difficult for rural farmers who want to move to a city for job opportunities.[39] Without a converted permit, a rural-*hukou* permit holder, even if physically working and living in a city, is unable to obtain benefits, such as healthcare and education, from an urban area.[40] Unlike Chinese individuals, Tibetans are frequently denied these permits or forced to wait unreasonably long periods to obtain them.[41] Unlike most Chinese, who can fairly readily obtain new residence permits if they want to move to another area, Tibetans are forced to stay in their registered birthplaces because of the difficulty in obtaining new permits. Moving without a *hukou* permit that allows registration in a new area means an individual is deprived of many public services and benefits that are tied to the location where they are registered. This is a direct restriction of Tibetans' freedom of movement.

In 2014, the State Council of China loosened permit transfer procedures and even pledged to scrap the urban and rural designations under the National New Type Urbanization Plan (NUP), with the stated goal of increasing the percentage of urban residents in the total population of China. However, the NUP has had the effect of further restricting Tibetans' freedom of movement while it has lifted the restrictions on ethnic Chinese. Chinese residents of coastal cities can transfer their residences to Tibet, Tibetans are unable to obtain residence transfers. This has led to further urbanization and expropriation of Tibetans' once-rural lands, forcing them to take up non-agricultural jobs in nearby Tibetan cities.[42] Furthermore, the new *hukou* rules have divided the cities into a tiered system, making many rural Tibetans unqualified or unable to transfer into cities. Large, 'higher-tier' cities such as Beijing and Shanghai, grade transfer applications according to education level, tax payments, and work experience, requirements which severely disadvantage traditional, particularly nomadic, Tibetans. At the same time, lower-tier cities with somewhat less-demanding criteria still present barriers to Tibetans seeking to move—a rural migrant must give up his land rights in rural areas in order to apply for an urban *hukou* permit. Tibetans rarely receive adequate compensation for their land, which means they rarely have adequate financial means to move residences.[43]

In a Special Communication sent to China on April 24, 2018, several Special Rapporteurs jointly expressed their concern, among other things, about the migrant workers who move from one region within China to live in Beijing and are unable to obtain urban *hukou* permits. This letter stated that the *hukou* system leaves the migrant workers "vulnerable to a lack of legal rights and

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[38] Spencer Sheehan, *China's Hukou Reforms and the Urbanization Challenge*, THE DIPLOMAT (Feb. 22, 2017), https://thediplomat.com/2017/02/chinas-hukou-reforms-and-the-urbanization-challenge/

[39] Ping Zhou, *China's Hukou System*, THOUGHTCO. (Mar. 22, 2018), https://www.thoughtco.com/chinas-hukou-system-1434424

[40] *China Migrant Workers* ("But the hukou system means that the way they are treated and the social services they can access are tied to their place of birth . . . . So, even if they move to a new place of work, they still can't enjoy the same benefits that local people do.").

[41] As mentioned in our previous letter to you, language barriers are also a challenge faced by Tibetans because the permit applications are often exclusively in Mandarin.

[42] Rinzin Dorjee, *China's Urbanicide in Tibet,* THE DIPLOMAT (Mar. 17, 2017), https://thediplomat.com/2017/03/chinas-urbancide-in-tibet/; *Beijing reforms hukou in urbanization push*, THE STRAITS TIMES (Sept. 22, 2016), http://www.straitstimes.com/asia/east-asia/beijing-finally-adopts-hukou-reforms [hereinafter THE STRAITS TIMES].

[43] Sheehan.

protections" and "living on the fringes of society and often vulnerable to being left homeless and destitute."[44] The HCHR 2018 Report noted similar concerns. It addressed the Committee on the Rights of the Child's comments about how the *hukou* system impedes birth registration of children of migrant workers. The Report also noted the CESCR's deep concern of rural-to-urban migrants' ability to enjoy various benefits and opportunities in urban areas under the *hukou* system. Additionally, the Special Rapporteur on Extreme Poverty's Report on March 28, 2017 described 200 million migrant workers from the countryside as a "subordinate caste" as a consequence of the *hukou* system.[45] The vulnerable migrant worker population affected by the *hukou* system includes Tibetans. Tibetans' right to movement is severely limited, while Chinese have increasingly transferred to rural areas in the TAR due to loosened procedures for urban-to-rural *hukou* permit conversions. Tibetans cannot easily move and find a sustainable way of life in other villages or cities. Accordingly, we urgently request a fact-finding mission into these restrictive *hukou* procedures to shed light on how China is regularizing and implementing movement restrictions.

Conclusion

Considering the lack of response from China to any of the UN Special Procedures, UPR Recommendations and UN Reports, the credible first-hand reporting regarding various systemic restrictions on Tibetans' right to travel within and outside of China, as well as the consistent lack of publicly available data on the TAR region, we respectfully and urgently request a fact-finding mission by your Offices. It is more urgent than ever to obtain current information about the various policies towards Tibetans that violate China's own domestic and international obligations regarding freedom of movement. Specifically, we seek clarity on the particular laws, regulations, and government-issued guidance that allow China to restrict the freedom of movement of Tibetan people. We also urgently request your Office to emphasize China's responsibility to implement the recommendations from CERD's 2018 Concluding Observations. We welcome the opportunity to meet and discuss these issues further with you if you are available during the week of China's UPR Adoption Session in Geneva during the week of March 11-15, 2019.

Thank you for your attention to this issue, and we look forward to hearing from you.

Sincerely,

Susan M. Akram

Susan M. Akram, Clinical Professor and
Alda Chan, Student Attorney,
Boston University International Human Rights Clinic,
smakram@bu.edu

Mandie McKeown, on behalf of the Tibet Advocacy Coalition
campaigns@tibetnetwork.org

[44] Joint Special Rapporteur Communication to China, U.N. Doc. AL CHN 8/2018 (Apr. 24, 2018).
[45] UNHCHR 2018 China Report, ¶¶ 36, 42.