

SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES
Forty-ninth session
Provisional agenda item 2

Question of the Violation of Human Rights and Fundamental Freedoms, Including Policies of Racial Discrimination and Segregation and of Apartheid, in All Countries with Particular Reference to Colonial and Other Dependent Countries and Territories.

THE PERSISTENT PATTERN OF HUMAN RIGHTS ABUSES IN TIBET
Prepared by the International Committee of Lawyers for Tibet

In a 1991 resolution (E/CN.4/Sub.2/1991/L.19), the Sub-Commission noted its concern at continued reports of violations of Tibetans' fundamental rights. Nonetheless, member-states and NGO's continue to document evidence of continuing violations of humans rights of the Tibetan people by the Peoples Republic of China ("China"). Human rights abuses, indeed, are increasing in number and severity since 1991. Individually, these human rights violations warrant the Sub-Commission's concern. Collectively, the pattern is so pervasive and persistent as to demand immediate condemnation and action.

Racial discrimination:

The International Covenant on the Elimination of Racial Discrimination ("CERD"), ratified by China, prohibits discrimination based on race or national or ethnic origin and prohibits a State from denying minorities the right to enjoy their own culture, religion and language. China nonetheless continues to discriminate against Tibetans in employment, education, housing, language and reproductive rights. In employment, according to Human Rights Watch and Tibet Information Network ("TIN"), Tibetans are being pressed into service to help build the infrastructure often without pay as a "contribution to the community." Chinese workers, on the other hand, are being paid regular wages. In addition, virtually all of the skilled jobs are held by Chinese, while Tibetans perform most of the manual labor.

In education, TIN has reported that Tibetan and Chinese students are routinely segregated in classrooms and Chinese students receive better facilities and teachers. In addition, many Tibetan children are not given the opportunity to advance to middle schools. At the University, founded to maintain and develop Tibetan language and culture, TIN reports that virtually all of the classes are now taught in Chinese. Government meetings and judicial proceedings are now conducted primarily in Chinese.

In housing, Chinese settlers receive preferential treatment for housing and facilities and traditional Tibetan housing is being demolished to make room for apartments for Chinese immigrants.¹ Government birth control policies appear aimed at reducing the size of the Tibetan population and, according to government officials quoted by TIN, are intended in part to "improve national qualities" and weed out "births of inferior qualities" among Tibetans.

Suppression of religion:

In the last few years, the Chinese government has attempted to undermine the practice of Tibetan Buddhism. The most notable effort was the interference in the selection of the 11th Panchen Lama. Gedhun Choekyi Nyima, the boy acknowledged by His Holiness the Dalai Lama as the Panchen Lama, has admittedly been detained incommunicado and Chinese officials have appointed another

boy in his place. Chadrel Rinpoche, who led the search for the Panchen Lama and who had also been held incommunicado for almost two years, was recently sentenced to prison for having communicated with the Dalai Lama. Amnesty International, Human Rights Watch and TIN have reported that scores of monks and nuns have been detained or expelled from their monasteries and convents for refusing to denounce the Dalai Lama. Pictures of the Dalai Lama have been officially banned. TIN reports that a concerted reeducation campaign is now underway intended to undermine the Dalai Lama as a religious leader.

Population transfer:

These human rights abuses are taking place in the context of massive population transfer into Tibet. Tibetans are now a minority within Tibet (the TAR and the areas historically within Tibet), and especially within the cities and larger towns.² China has directly and indirectly encouraged such population transfer and has openly acknowledged the practice since at least 1994. TIN reports that China is now relocating thousands of technicians and hundreds of thousands of laborers into Tibet to support mining and mineral exploration projects. The population transfer is exacerbating discrimination against Tibetans, is destroying the fragile environment, and is overwhelming the Tibetan people with settlers and officials hostile to Tibetan religion and culture.

Denial of reproductive rights :

Although China ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), state sponsored and condoned violence and coercion against Tibetan women is common. Tibetan women are particularly vulnerable to torture and ill-treatment while in detention. Reports of female prisoners being beaten, deprived of food, placed in solitary confinement for extended periods and being sexually abused have been documented by Human Rights Watch and TIN.

Article 16 of CEDAW also gives women the right to decide on the number and spacing of their children and prohibits compulsory sterilization or abortion. In practice, restrictive birth control policies are carried out in Tibet through propaganda, regulation, coercion and force. Reports have been received of village campaigns of forced abortions and sterilizations.³

According to TIN, indirect coercive measures include denying children born in excess of the limits a registration card and other welfare facilities, or threatening a woman's husband with prison if she refuses to give consent to abortion or sterilization.

Arbitrary arrest and detention :

The number of prisoners of conscience in Tibet has increased steadily since 1988, and despite findings by the Working Group on Arbitrary Detentions that China had violated the human rights of scores of Tibetans (see, e.g., E/CN.4/1995/Add.1). Today, according to Human Rights Watch, there are over 1042 known Tibetan prisoners of conscience, including 51 children. Gedhun Choekyi Nyima, the seven year-old Panchen Lama, and his parents, are still being held incommunicado by China. Today, he is one of the world's youngest political prisoners. In December 1996, Ngawang Choephel was sentenced to 18 years in prison, allegedly for spying, because he was filming traditional Tibetan music and dance.

Torture:

Article 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"), to which China is a State Party, outlaws any kind of torture. In 1993 and again in 1996, the UN Committee Against Torture asked China to change its laws to ban all forms of torture. Despite this, China's Criminal Law only specifically prohibits certain kinds of torture. According to TIN and Human Rights Watch/Asia, the use of torture is common in Tibetan prisons. Methods of torture include: shocking with electric batons; beating with bars and sticks; branding with red-hot shovels; scalding with boiling water; hanging upside down or by the thumbs; kicking with boots; attacking with dogs; exposing to extreme

temperatures; depriving of sleep, food and water; forcing strenuous "exercise"; solitary confinement; sexual violence; and threats of torture and death.

Rights of the Child:

The rights of Tibetan children are being violated by China in disregard of the UN Convention on the Rights of the Child ("CRC"), to which China is a State Party. Tibetan children have been arrested for exercising their right to freedom of expression and to participate in peaceful demonstrations, according to Amnesty International, Human Rights Watch and TIN. They have been locked up in adult prisons for months without trial and treated as adult prisoners, in contravention of Article 37(c) of the CRC. In 1996, 51 Tibetan political prisoners under the age of 18 languished in Chinese prisons in Tibet, according to Human Rights Watch.

Nor are juveniles exempt from torture or other ill-treatment while in prison, according to reports noted by the U.N. Special Rapporteur for Torture (E/CN.4/1996/35/Add. 1, at paras. 102-127). In addition, according to TIN, over 280 student monks under the age of 16 were expelled from their monasteries. Gelek Jinpa, aged 14 and Dorje, aged 17, both from Ganden Monastery were each shot in the leg by Chinese troops in May 1996.⁴

Destruction of the environment:

The fragile environment of the Tibetan plateau cannot support the waves of settlers and economic development policies being forced on it by China. Since China's entry into Tibet in 1949, Tibet has endured two famines, while none are recorded in its previous history. According even to Chinese scholars, attempts to increase the productivity of the land have led instead to exhaustion of the soil, erosion, and chemical pollution. Timber harvesting is changing the climate of the plateau and threatening major river systems feeding all of South Asia. Economic development projects, such as the Yamdrok Tso hydroelectric plant, threaten to destroy whole ecosystems, as noted by a 1996 resolution of the International Union for the Conservation of Nature.

We call upon the Sub-Commission to take note, not just of individual instances of human rights violations in Tibet, but to recognize the persistent and progressive pattern of human rights abuses against the Tibetan people. That pattern points to an imminent threat of destruction of the Tibetans as a people. We therefore call upon the Sub-Commission to focus its attention on the human rights of the Tibetan people to prevent that threat from being realized.