

**Civil society submission on the  
People's Republic of China's Third Report  
on the Implementation of the  
International Covenant on Economic, Social and  
Cultural Rights**

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*Submitted to the  
UN Committee on Economic, Social and Cultural Rights  
for consideration in the formulation of the  
List of Issues during the  
68<sup>th</sup> Pre-Sessional Working Group (08 – 12 March 2021)*

Submitted by:  
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## I) PURPOSE OF THE SUBMISSION

1) The purpose of this civil society submission is to assist the Committee on Economic, Social and Cultural Rights in the formation of the List of Issues during the 68th Pre-Sessional Working Group (8 to 12 March 2021), leading to the discussion of the People's Republic of China's Third Periodic Report on its implementation of the Covenant of Economic, Social and Cultural Rights, with a particular focus on Tibet.<sup>1</sup>

2) The People's Republic of China (hereinafter "PRC" or "China") ratified the International Covenant on Economic, Social and Cultural Rights (hereinafter "CESCR" or "Covenant") on 7 March 2001, and it entered into force for the PRC on 27 June 2001.<sup>2</sup> The PRC completed its first periodic review in 2005. It is currently undergoing the 3rd periodic review.

3) China's 3rd periodic report, published on 19 December 2019, has several lacunae.<sup>3</sup> Under Article 2 ("Measures taken by the State party to guarantee the full realization of economic, social and cultural rights"), with regard to non-discrimination, the PRC states that it has ratified a series of international human rights conventions along with a number of laws in order to provide for the application of non-discrimination. However, it does not identify specific strategies, practices, or measures stemming from these ratifications to demonstrate how it guarantees non-discrimination or equality. Furthermore, in its report, China flaunts what it describes as rapid progress towards a prosperous modern socialist country, but it fails to disclose the damaging ramifications of such developments on the Tibetan people and their economic, social, and cultural rights. In effect, there is reason for concern that such policies have led to the disempowerment of Tibetans and growing inequality in Tibet, which is exacerbated by the widespread discrimination of the Tibetan people, encouraged by the state.

## II) ABOUT THE AUTHORS

4) This report was prepared by Nicoline Cu, J.D. Candidate 2021, of the International Human Rights Center of Loyola Law School, Los Angeles, under the supervision of Professor Cesare Romano, in cooperation with the Kai Müller, Executive Director of the International Campaign for Tibet, Germany.

5) The International Human Rights Center of Loyola Law School, Los Angeles is committed to achieving the full exercise of human rights by all persons, and seeks to maximize the use of international and regional political, judicial, and quasi-judicial bodies through litigation, advocacy, and capacity-building.<sup>4</sup> Loyola Law School, Los Angeles is the school of law of Loyola Marymount University, a Jesuit university.

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<sup>1</sup> Tibet was traditionally comprised of three main areas: Amdo (north-eastern Tibet), Kham (eastern Tibet) and U-Tsang (central and western Tibet). The Tibet Autonomous Region was set up by the Chinese government in 1965 and covers the area of Tibet west of the Dri-chu (Yangtse river), including part of Kham. The rest of Amdo and Kham have been incorporated into Chinese provinces, and where Tibetan communities were said to have 'compact inhabitancy' in these provinces, they were designated Tibetan autonomous prefectures and counties. As a result, most of Qinghai and parts of Gansu, Sichuan and Yunnan provinces are acknowledged by the Chinese government to be 'Tibetan.' This submission uses the term 'Tibet' to refer to all Tibetan areas currently under the jurisdiction of the People's Republic of China.

<sup>2</sup> International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-19, 6 I.L.M. 360 (1967), 993 U.N.T.S. 3 [hereinafter CESCR or Covenant].

<sup>3</sup> U.N. ESCOR, *Third Periodic Report Submitted by China under articles 16 and 17 of the Covenant, due in 2019*, U.N. Docs. E/C.12/CHN/3, (19 Dec. 2019).

<sup>4</sup> See *International Human Rights Clinic*, Loyola Law School, Los Angeles, <https://www.lls.edu/academics/experientiallearning/clinics/internationalhumanrightsclinic/> (last visited Dec. 14, 2020).

6) The International Campaign for Tibet (ICT) is a non-profit advocacy group working to promote democratic freedom for Tibetans, ensure their human rights, and protect the Tibetan culture and environment.<sup>5</sup> For over 30 years, ICT has worked with elected leaders and citizens throughout the world to provide political and humanitarian support for Tibetans and the Dalai Lama. Since its inception in 1988 from one office in Washington D.C., ICT has become the world's largest Tibet-related NGO with over 100,000 members and offices in Amsterdam, Berlin, and Brussels. ICT has made significant achievements in its effort to champion the human rights and democratic freedom of the Tibetan people.

### III) INTRODUCTION

7) The PRC is a party to the Covenant, and therefore it is legally bound to ensure that all individuals within its jurisdiction enjoy the economic, social, and cultural rights protected therein. However, China's continuing push towards Sinicization (the process of bringing non-Chinese people under the influence of Chinese culture), fast economic development, and "socialist modernization" has resulted in the denial of many of the rights protected by the CESC. Attempts by Tibetans to protest the encroachment of their human rights has been met with heavy-handed repression, pushing many Tibetans to resort to desperate acts of self-immolation.<sup>6</sup> In response, the government has intensified its control and monitoring of the Tibetan people, compounding violations of their human rights.

8) In Tibet, the alleged "development and progress" pursued by the PRC is a facade. When examining the data provided by the Chinese National Bureau of Statistics in the China National Human Development Report 2019,<sup>7</sup> it is apparent that the Tibet Autonomous Region (TAR)<sup>8</sup> ranks the lowest in the PRC for life expectancy, education, and human development. Life expectancy in the TAR is 68.17 years, whereas the national average is 75 years<sup>9</sup>. As of 2016, the mean years of schooling for students in the TAR is also the lowest, at 5.09 while the national average is 9.13.<sup>10</sup>

9) This civil society report argues that China's development policies do not benefit nor improve the lives of Tibetans. Rather, the policies undermine the capacity of Tibetans to enjoy several rights set forth in the CESC, including the right not to be-discriminated against (Article 2.2); the right to work and to have favorable work conditions (Articles 6 and 7); the right to protection of family (Article 10); the right to an adequate standard of living (Article 11); the right to education (Article 13); and the right to take part in cultural life (Article 15.1.a).

10) Overall, the socio-economic policies of the Chinese government discriminate against the Tibetans, in violation of the Covenant. The Chinese view Tibetans, and in particular nomadic people, as socio-economically backward and leading an unproductive life. Accordingly, China views Tibetan culture as inferior to its own Chinese culture.<sup>11</sup> Therefore, the PRC's socio-economic policies, as

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<sup>5</sup> See *International Campaign for Tibet*, <https://savetibet.org> (last visited Dec. 14, 2020).

<sup>6</sup> "Acts of significant evil" *The criminalization of Tibetan self-immolations*, Int'l Campaign for Tibet (July 31, 2014), <https://savetibet.org/acts-of-significant-evil-report/>.

<sup>7</sup> China Human Development Report 2013, Sustainable and Livable Cities: Toward Ecological Civilization (2020).

<sup>8</sup> These figures only cover Tibet Autonomous Region and not the bulk of Tibetan areas in the provinces of Sichuan, Gansu, Yunnan and Qinghai.

<sup>9</sup> *Id.* at p. 278.

<sup>10</sup> *Id.* at p. 280.

<sup>11</sup> See e.g., references in State Council Information Office, April 15, 2015, "Tibet's Path of Development is Driven by an Irresistible Historical Tide" and State Council Information Office, July 11, 2011, "Sixty Years Since Peaceful Liberation

implemented in Tibet, aim to change the predominantly rural Tibetan society by, for instance, pushing urban housing, which the PRC claims will eventually improve the Tibetans' way of life.<sup>12</sup>

#### **IV) EXAMPLES OF HOW THE PRC VIOLATES THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF THE TIBETANS**

##### *i.) Underrepresentation of Tibetans in government.*

11) Tibetans are vastly underrepresented in leadership positions in party, government, and military, on both provincial and local levels. "In a system where the Chinese Communist Party has all the power, non-Tibetans hold every party position at the provincial level in Tibetan areas, [and] [n]on-Tibetans also hold the majority of party positions at the prefecture level in Tibetan areas."<sup>13</sup> This is due to China's lack of trust towards Tibetans, despite China's claims that Tibetans have equal opportunities to serve in government.<sup>14</sup> "Throughout Tibet, the most critical and strategically important positions are not in the hands of Tibetans", nor are any of the positions democratically elected.<sup>15</sup>

12) Overall, Tibetans are appointed only to low-level government positions, as well as the People's Congress and Chinese People's Political Consultative Conference.<sup>16</sup> "These offices are subservient to the party, and ... are often seen as mere rubber stamps."<sup>17</sup> Only four out of the seventeen total administrations at the prefectural and county levels have Tibetans who serve as party secretaries.<sup>18</sup> The Communist Party structure also does not appoint Tibetans to the highest leadership position at the provincial level. To this day, a Tibetan has yet to be appointed as a party secretary in the TAR. At the prefectural level, Tibetan administrators are scarce. Tibetans lead only two out of the seven prefectures (Lhasa and Shigatse).<sup>19</sup> The remaining five are led by Chinese. Furthermore, none of the military commanders, at either the provincial or prefectural level, are Tibetan. The few Tibetans who are appointed "have usually gone through a great deal of scrutiny to make sure that they are loyal to the Communist regime and will obediently carry out the orders of the Party's national leadership."<sup>20</sup>

13) The underrepresentation of Tibetans in the government of the TAR and the PRC is per se a violation of Article 2.2 of the Covenant and one of the root causes of the violation of several other rights protected by the Covenant.

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of Tibet", furthermore recently in Jamestown Foundation, China Brief Volume: 20 Issue: 17, 22. September 2020, "Xinjiang's System of Militarized Vocational Training Comes to Tibet".

<sup>12</sup> *China's white paper on Tibet suffers from human rights doublespeak*, Tibetan Ctr. for Hum. Rts. and Democracy (Oct. 24, 2013), <https://tchrd.org/chinas-white-paper-on-tibet-suffers-from-human-rights-doublespeak-2/>.

<sup>13</sup> *Analysis: Tibetans denied effective government leadership roles*, Int'l Campaign for Tibet (Oct. 15, 2020), <https://savetibet.org/analysis-tibetans-denied-effective-government-leadership-roles/>.

<sup>14</sup> *Id.*

<sup>15</sup> *Position without Power – Tibetan Representation in the Chinese Administrative System*, Int'l Campaign for Tibet (Oct. 15, 2020), <https://savetibet.org/position-without-power-tibetan-representation-in-the-chinese-administrative-system/>.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

*ii.) Tibetans are discriminated in the job market.*

14) Tibetans face discrimination in the job market, both in Tibet and in the rest of the PRC. The discrimination of Tibetans in the job market, both in Tibet and throughout the PRC, is a violation of Articles 2.2, 6, and 7 of the Covenant.

15) Since 2006, the government of the PRC has subsidized and encouraged the relocation to and the settlement in Tibet of millions of ethnic Hans. There are concerns that the PRC's goal is to dilute and eventually extinguish the "Tibetan culture and identity through an influx of millions of Chinese migrants in Tibet", particularly to the urban centers of the TAR.<sup>21</sup> The inundation of ethnically Chinese migrants to Tibet is driven by promising employment opportunities, to the detriment of Tibetans.<sup>22</sup> The influx of Han Chinese settlers in Tibet has exacerbated discrimination against Tibetans in hiring practices and wage rates. Ethnic Hans snatch the best jobs because they conform to Chinese culture and speak perfect Putonghua (Mandarin). They are also paid more for the same work, in violation of the Covenant. The Tibet Justice Center has found that Chinese workers receive preferential treatment and higher salaries than Tibetans for the same work.<sup>23</sup> Additionally, Tibetans face greater difficulty in obtaining permits and loans in order to start their own businesses.

16) Tibetans are also discriminated in the job market outside of Tibet. A 2011 study showed that employment applications submitted by ethnic groups, including Tibetans, across the PRC faced greater discrimination than those by Han Chinese applicants.<sup>24</sup>

*iii.) The forced resettlement of nomadic Tibetans.*

17) In recent years, with the particular excuse of implementing environmental protection policies, the government of the PRC forced the involuntary resettlement of up to two million Tibetans, evicting them from their homes and grazing land.<sup>25</sup> This has increased the already high rate of unemployment of Tibetan nomads.<sup>26</sup> Once stripped of their livelihood, they become indebted and reliant on subsidies, reducing their freedom and making them dependent on the whim of the government.<sup>27</sup>

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<sup>21</sup> Rinzin Dorjee, *China's Urbancide in Tibet*, *The Diplomat* (Mar. 17, 2017), <https://thediplomat.com/2017/03/chinas-urbancide-in-tibet/>.

<sup>22</sup> *Id.*

<sup>23</sup> *Intervention on Population Transfer in Tibet*, Tibet Justice Center, [http://www.tibetjustice.org/?page\\_id=182](http://www.tibetjustice.org/?page_id=182); *Country Reports on Human Rights Practices for 2011*, Bureau of Democracy, Hum. Rts. and Lab. 7 (2011) (citing Chinese government campaign to resettle Tibetan nomads, kill or sell their livestock, and engage in compulsory resettlement schemes aimed at making Tibetans "pray to Buddha less and study culture and technology more.")

<sup>24</sup> Margaret Maurer-Fazio, *Ethnic discrimination in China's internet job board labor market*, *IZA Journal of Migration*, (Dec. 31, 2012), <http://ftp.iza.org/dp6903.pdf>.

<sup>25</sup> Human Rights Watch, *No One Has the Liberty to Refuse: Tibetan Herders Forcibly Relocated in Gansu, Qinghai, Sichuan, and the Tibet Autonomous Region* (June 10, 2007), <https://www.hrw.org/report/2007/06/10/no-one-has-liberty-refuse/tibetan-herders-forcibly-relocated-gansu-qinghai-sichuan#>.

<sup>26</sup> *See also Massive nomad settlement to protect "mother river"*, *Xinhua* (Dec. 1, 2012), <http://en.people.cn/90882/8041990.html>; *China Daily* states over 270,000 nomadic herders have been settled between 2009-2012. *See also Over 1 million Tibetan nomads choose settlement*, *China Daily* (July 6, 2012), [http://www.chinadaily.com.cn/china/2012-07/06/content\\_15555645.htm](http://www.chinadaily.com.cn/china/2012-07/06/content_15555645.htm);

Central People's Government of the People's Republic of China, 5 December 2009, '青海3万多户农牧民迁新居：“小财政”托起“大民生”[Ch. 'Qinghai san wan duo hu nong mu min qian xinju: "xiao caizheng 'tuoqi' da minsheng?', 'More than 30,000 farmers and herdsmen in Qinghai moved to their new homes: microfinance support the people's livelihood], [http://www.gov.cn/jrzq/2009-12/05/content\\_1481036.htm](http://www.gov.cn/jrzq/2009-12/05/content_1481036.htm).

<sup>27</sup> *Supra* note 21.

18) The push to urbanize nomadic Tibetans was formalized by the adoption in 2014 of the National New Type Urbanization Plan,<sup>28</sup> which aims to increase the percentage of China's urban population. This policy has been particularly burdensome for Tibetans, leading scholars to coin the term "urbicide", referring to the extinguishing of Tibetan culture and identity through the onslaught of Han migrants.<sup>29</sup> The rapid relocation of nomads from mountains and valleys to cities, without valid assurances of work, has resulted in greater unemployment among Tibetans, violating the PRC's obligation to ensure Tibetans the right to work according to Article 6 of the Covenant.

19) China's forced relocation policies have also contributed to the subjection of Tibetans to coercive labor programs. As recent research has indicated, these entail military-style political indoctrination, training and assignment to workplaces, most likely not voluntarily, and under unclear remuneration schemes. In 2019 and 2020, the Tibet Autonomous Region introduced the "2019-2020 Farmer and Pastoralist Training and Labor Transfer Action Plan",<sup>30</sup> which includes measures for the training and transfer of "rural surplus laborers" to certain parts of the TAR and PRC.<sup>31</sup> "The labor transfer policy mandates that pastoralists and farmers are to be subjected to centralized 'military-style' vocational training, which aims to reform 'backward thinking' and includes training in 'work discipline,' law, and the Chinese language."<sup>32</sup>

20) In 2020, the TAR established a series of mechanisms to achieve target quotas for the transfer and training of rural surplus Tibetan laborers both inside and outside of the TAR.<sup>33</sup> By July 2020, the TAR had trained 543,000 rural surplus laborers, achieving 90.5% of its goal for 2020.<sup>34</sup> "Of these, 49,000 were transferred to other parts of the TAR, and 3,109 to other parts of China."<sup>35</sup> Tibetans were placed into jobs that included road construction, cleaning, mining, cooking, and driving. "Transfers to labor placements outside the TAR include employment at the COFCO Group, China's largest state-owned food processing company."<sup>36</sup>

21) The stated objective of these policies is to strengthen Tibetans' work discipline and achieve Chinese President Xi Jinping's ultimate projected goal of eliminating absolute poverty by increasing rural disposable incomes. Consequently, Tibetan nomads and farmers have no choice but to change their lives to earn a measurable cash income and be declared "poverty-free".<sup>37</sup>

22) Although the schemes are presented as voluntary, there is evidence that the recruitment, training, and job matching are actually coercive. "TAR government documents make it clear that poverty alleviation is a "battlefield", with such work to be organized under a military-like "command" structure."<sup>38</sup> Rigorous and stringent administrative procedures are implemented to achieve set quotas

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> Adrian Zenz, *Xinjiang's System of Militarized Vocational Training Comes to Tibet*, 20 (China Brief 2020), <https://jamestown.org/program/jamestown-early-warning-brief-xinjiangs-system-of-militarized-vocational-training-comes-to-tibet/>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

and agendas. Those who fall behind schedule are reported and "held accountable according to regulations."<sup>39</sup> Cities such as Shannan and Ngari enforce "draconian" systems that establish threats of "strict rewards and punishments."<sup>40</sup> The objective of such punitive tactics is to coerce Tibetan laborers into transforming their work ethic and "comply with discipline."

23) The systematic push to urbanize and settle predominantly rural populations in Tibetan areas is not only a violation of the prohibition of discrimination, but also the right to work of Tibetans. In addition, it strips Tibetan nomads of their livelihood, in violation of their right to adequate conditions of living.<sup>41</sup> Since the 1980s,<sup>42</sup> state policies have sought to move pastoral nomads from their grasslands to 'civilize' Tibetans and render the frontier regions governable. Officially, the policy seeks to preserve the grasslands and improve the socio-economic situation of nomads.<sup>43</sup>

24) According to Chinese government media sources, at least 1.8 million nomads have been settled into sedentary houses under various Chinese government policies.<sup>44</sup> This is likely an extremely conservative estimate. In 2013, Human Rights Watch reported that since 1996, when the Chinese government launched the campaign "Build a New Socialist Countryside" in Tibetan areas, between 2006 and 2012, over two million Tibetans (two thirds of the entire population of the TAR) have been rehoused and hundreds of thousands of nomadic herders had been relocated and settled in "New Socialist Villages".<sup>45</sup> In areas of relocation, displaced Tibetans have not received compensation or assurances of income or employment for the future. The lack of adequate compensation in addition to absence of consultation, both of which are required under international law, means that China has extensively violated the rights of these Tibetan herders and nomads.<sup>46</sup>

25) Under these relocation policies, nomads are coerced into settled homes, apparently intentionally misled by promises of an improved quality of life with subsidized housing, new job opportunities, and easy access to health and education services. When settled, nomads struggle in the new cash economy without their animals and ready access to water, meat and dairy products, and fuel sources. They become indebted to government housing loans, with no skills training or viable work opportunities. Nomads consequently become poorer in real terms. Tibetan nomads are forced to reconfigure their lifestyle habits, aspirations, and beliefs with no assistance to manage the transition or sufficient income sources to fund new out-of-pocket expenses such as education, healthcare and

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<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Emily T. Yeh, *Environmental Issues and Conflict in Tibet*, in *Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West*, 154 (2016).

<sup>43</sup> These policies have been rolled out under different names, such as the Grassland Law, "Rangeland Household Responsibility System", "Nomad Resettlement Project", "Converting pastures to grassland", "ecological migration project", "Building a New Socialist Countryside" and the "comfortable housing project".

<sup>44</sup> *Supra* note 26; Human Rights Watch, "*They Say We Should Be Grateful*" *Mass Rehousing and Relocation Programs in Tibetan Areas of China*, 4 (June 2013), [https://www.hrw.org/sites/default/files/reports/tibet0613webwcover\\_0.pdf](https://www.hrw.org/sites/default/files/reports/tibet0613webwcover_0.pdf); Li Yang, *Families moving into the modern era*, *China Daily* (Aug. 7, 2015), [http://www.chinadaily.com.cn/china/tibet50years/2015-08/07/content\\_21525294.htm](http://www.chinadaily.com.cn/china/tibet50years/2015-08/07/content_21525294.htm).

<sup>45</sup> Human Rights Watch, "*They Say We Should Be Grateful*" *Mass Rehousing and Relocation Programs in Tibetan Areas of China*, 4 (June 2013), [https://www.hrw.org/sites/default/files/reports/tibet0613webwcover\\_0.pdf](https://www.hrw.org/sites/default/files/reports/tibet0613webwcover_0.pdf)

<sup>46</sup> *Id.*



food costs.<sup>47</sup> In sum, the development policy that sought to improve their socio-economic position and health in fact reduces their quality of life.

26) In Lhoka City, for instance, a field study found that the forced "ecological resettlement" deprived residents of Dekyi village of their livestock, which was the main source of their livelihood.<sup>48</sup> The new town where they were relocated to did not have adequate space to rear livestock. The government promised to provide new farm training to the resettled Tibetans to help their transition, but most families claim they never received any such training. "As a result, the size of their livestock decreased dramatically, thereby making previously self-sufficient rural Tibetans heavily dependent on government subsidies."<sup>49</sup> Another study spanning five years revealed that resettled Tibetans felt extremely displaced. Chinese researcher, Xu Jun, revealed that "most of those resettled in or near cities during the San Jiang Yun protection and rebuilding program have not been able to make a living without access to grassland resources."<sup>50</sup>

27) Ironically, there is no clear data to support the claim that resettlement benefits the grassland ecosystem, which is the main justification for the relocations.<sup>51</sup> In fact, the opposite holds true. There is "a growing scientific consensus in China and beyond that indigenous stewardship and herd mobility are essential to the health of the rangelands and help to mitigate climate change."<sup>52</sup> Besides, the threat to Tibet's fragile ecosystem does not come from Tibetan nomads, but rather by Beijing development policies.<sup>53</sup>

28) Although Tibetans are those who are most impacted by relocation policies, they have no meaningful say in the matter, nor do they have a way to challenge it. "Rights violation during this process range from lack of consultation to failure to provide adequate compensation, both of which are required under international law for evictions to be legitimate."<sup>54</sup> These policies violate the principle of "Free, Prior and Informed Consent"<sup>55</sup> and, in the context of the right to development, Framework principle 15, as suggested by United Nations Special Rapporteur John Knox.<sup>56</sup> Importantly, in effect, they deprive Tibetans of the right to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions, as per Article 11 of the Convention.

29) The Chinese authorities claim that all the relocation and rehousing operations have been carried out with the consent of the local Tibetans and deny that any forced evictions have taken place. However, to the contrary, reports and testimonies note that local authorities often exert pressure on

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<sup>47</sup> Huatse Gyal, *"I am concerned with the future of my children": the project economy and shifting views of education in a Tibetan pastoral community*, 51 *Critical Asian Stud.*, 12 (2019).

<sup>48</sup> *Supra* note 21.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Mass migration program highlights contested nomads' resettlement policies in Tibet*, Int'l Campaign for Tibet (June 21, 2018), <https://savetibet.org/mass-migration-program-highlights-contested-nomads-resettlement-policies-in-tibet/>

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> See U.N. GAOR, A/RES/61/295, *Declaration on the Rights of Indigenous Peoples*, art. 10, Sep. 13, 2007; International Labour Organization, *Indigenous and Tribal Peoples Convention No. 169* (1989).

<sup>56</sup> U.N. GAOR, 37th Sess., Agenda Item 3, A/HRC/37/59, (Jan. 24, 2018).



farmers in order to take possession of land rights.<sup>57</sup> A report by Human Rights Watch from 2007 has exposed the coercive nature of evictions, based on numerous witness statements from those who have been 'resettled' in Tibet.<sup>58</sup>

30) One would expect that, given the exceptionally large number of resettlements – up to two million persons in the TAR alone –, a significant number of affected individuals would eventually seek legal remedies to challenge state measures that force them to relocate or settle. While the pursuance of legal remedies would be perceived as normal and highly likely in a political and legal environment that adheres to principles of rule of law, there is no data available about Tibetans seeking such legal remedies against orders to relocate or settle, to seek the repeal of relevant state measures, to advance claims for proper compensation, or to seek legal redress for lost properties. In fact, these things are practically unheard of.

*iv.) The drive to Sinicize Tibetans*

31) The efforts of the government of the PRC to Sinicize Tibetans extend beyond the workplace and also affect education, family life, language and religion, in violation of articles 10, 13 and 15.1.a of the Covenant.

32) Tibetan culture has little chance to enter the classroom curriculum.<sup>59</sup> The curriculum is focused predominantly on Han Chinese history and cultural values, and lacks minority voices and self-interpretations of history.<sup>60</sup> Overall, the educational models implemented by the PRC in Tibet put the Tibetan youth at a disadvantage vis-à-vis Hans. Graduates from schools in Tibet are expected to "serve as proxies for Han/CCP power while modelling the expected behaviour and thinking for those ethnic minorities who have yet to fully embrace majority norms."<sup>61</sup> Although the educational models implemented by the PRC in Tibet might further the PRC's social progress goals, Tibetan "graduates lack the language and cultural competencies to be considered 'genuine' Tibetans in their home communities." Moreover, Tibetans continue to be stigmatized in mainstream Han society due to their appearance and nonstandard accents.<sup>62</sup>

33) Furthermore, while monasteries once served as traditional seats of Tibetan spiritual and secular education, severe restrictions have virtually destroyed this once-thriving educational system.<sup>63</sup> Young Tibetan monks have been gradually forced out of monasteries and into government-run schools.<sup>64</sup> The long-standing traditional educational options for Tibetan students have been gravely damaged as a result of the forced closure of monastic schools and new restrictions on monastery entrance.<sup>65</sup> These

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<sup>57</sup> U.N. Human Rights Council, 19th Sess., A/HRC/59/Add.1, *Report of the Special Rapporteur on the right to food, Olivier De Schutter*, (Jan. 20, 2012).

<sup>58</sup> *Supra* note 25.

<sup>59</sup> Catriona Bass, *Learning to love the motherland: Educating Tibetans in China*, 34 J. of Moral Educ., 433 (2005).

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> James Leibold, *Interior Ethnic Minority Boarding Schools: China's Bold and Unpredictable Educational Experiment*, 43 Asian Stud. Rev., 3 (2018).

<sup>63</sup> Peter Dziedzic, *Religion Under Fire: A Report and Policy Paper on Religions Freedom in Tibet*, 38 The Tibet J., 87 (Autumn-Winter 2013).

<sup>64</sup> *China forces young Tibetan monks out of monastery into government-run schools as part of drive to replace monastic education with political propaganda*, Int'l Campaign for Tibet (July 12, 2018), <https://savetibet.org/china-forces-young-tibetan-monks-out-of-monastery-into-government-run-schools-as-part-of-drive-to-replace-monastic-education-with-political-propaganda/>

<sup>65</sup> *Id.*

measures also contribute to China's efforts to disable and demolish Tibetan Buddhism, which will be discussed later in this report.<sup>66</sup>

#### A) Pushing young Tibetans into boarding schools

34) An increasing number of Tibetan adolescents are sent to boarding schools (*neidiban*, 内地班) away from their hometowns and villages to obtain "better" education that conforms to Chinese standards.<sup>67</sup> "In 2004, the Chinese Ministry of Education launched the Construction of Boarding Schools in Rural Areas project in order to eliminate village schools, and replace them with newly built and expanded boarding schools."<sup>68</sup> The goal is to sever students' affective and cultural bonds with their native homelands while instilling a new corpus of knowledge and values based on Chinese Communist Party (CCP) and Han defined norms.<sup>69</sup>

35) The drive to push Tibetan youth into boarding schools is causing a growing disconnect between education experience and the Tibetan sense of community, further intensifying adolescents' feelings of alienation and negatively impacting family relations. "Owing to population mobility, the geographic limits on Tibetan traditional tribal organization and village organization have decomposed and fragmented."<sup>70</sup> The tradition of "staying-in-the-homeland" has progressively deteriorated, and folks who would have traditionally cared for and tended to family farmlands are now leaving. The abrupt and unnatural change in community, especially mode of production and lifestyle, is causing disruption and instability in Tibetan adolescents' social relations amongst themselves and with their families.<sup>71</sup>

36) Not only do boarding schools separate Tibetan youths from their families for extended periods of time, but school officials also discourage parental visits. Contact with families has been intentionally minimized for Tibetan students.<sup>72</sup> "Less contact with parents becomes one of the main factors for Tibetan adolescents' alienation", causing negative consequences for families. The increasing separation of Tibetan families is in violation of the PRC's obligations under Article 10 of the Covenant.

#### B) Mandarin has replaced Tibetan as medium of instruction.

37) In Tibet, Putonghua (Mandarin) is rapidly replacing Tibetan as the language of education. Since 1951, "[m]inority education policy in China is a reflection of ethnic policy goals, which have oscillated between ethnic identity promotion and enforced assimilation...."<sup>73</sup> The idea is that mother-tongue language policies will aid the PRC in gaining political support from non-Han nationalities, which will allow them to widely disseminate government policies, and enforce Mandarin as a way to develop political loyalty, stability, and ethnic unity.<sup>74</sup> The only perceived benefit of cultural diversity for the Chinese is the potential for greater development of political loyalty with Chinese nationalist

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<sup>66</sup> See section "D) Religion"

<sup>67</sup> Gazang Cao, *Alienation of Tibetan Adolescents in Rural Tibetan Boarding Schools*, *Frontiers of Educ. In China* (2016), <https://link.springer.com/content/pdf/10.1007/BF03397138.pdf>

<sup>68</sup> *Id.*

<sup>69</sup> *Supra* note 62.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> Yang Bai, *Hybridity and Tibetan language education policies in Sichuan*, 28 *J. of Rural Educ.*, 13 (2018).

<sup>74</sup> *Id.*

values.<sup>75</sup> China has promoted its Sinicization agenda under the pretense of "nationality unity" by using terms such as "bilingual education", "mixed classes", "concentrated schooling", and "ethnic mingling".<sup>76</sup>

38) Since the 1990s, there has been a clear shift from Tibetan-medium education to Putonghua.<sup>77</sup> The National Long-Term Education Reform and Development Plan (2010-2020) and the Thirteenth Five Year Development Plan for National Language Works (2016-2020) promote the use of written and spoken Mandarin as the official national language of the PRC.<sup>78</sup> The language and culture of the Han majority are inculcated daily at boarding schools. "As a result, native language and cultural proficiency wanes, and many Tibetan students lose their ability to read and write in their first language."<sup>79</sup> PRC authorities claim that in Tibet, primary schools are given the choice of whether to teach in Tibetan or Chinese, but evidence has shown that schools are pressured into using Chinese as a medium of instruction. "In June 2016, the Lhasa Education Bureau announced that Chinese was being used as the medium of instruction...in a majority of primary schools in the counties around Lhasa, including rural areas outside the region's capital city."<sup>80</sup>

39) In just six years, between 2001 and 2007, Putonghua replaced Tibetan as the language of education in Tibet. "In 2007, 95 per cent of all TAR primary schools employed Chinese-medium instruction."<sup>81</sup> This was a marked shift from 2001, when 95 percent of primary school students studied under Tibetan-medium instruction."<sup>82</sup> This is due in part to China's lack of commitment to implementing language rights and failure to fund and support Tibetan bilingual teacher training and Tibetan language learning resources, all of which researchers in the field consistently lament about.<sup>83</sup> This issue is especially problematic for secondary and tertiary schooling, where textbooks are translated into classical Tibetan instead of the local dialects, and they fail to include culturally and geographically relevant material, which consequently fails to stimulate student interest in learning.<sup>84</sup> The sum of these factors has ended Tibetan-language instruction in secondary schooling and accelerated the transition to Mandarin as a medium of instruction, resulting in higher dropout rates for Tibetan students who struggle to progress to higher levels of education.<sup>85</sup>

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<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> Human Rights Watch, *China: Tibetan Children Denied Mother-Tongue Classes, 'Bilingual' Policy Threatens Tibetan-Medium Education*, (Mar. 5, 2020), <https://www.hrw.org/news/2020/03/05/china-tibetan-children-denied-mother-tongue-classes#>.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> 2007 Research report by the TAR Bilingual Education Commission cited in Ma Rong, 2013, 'The Process of Bilingual Education Development in the TAR since 1951', in *Minority Education in China: Balancing Unity and Diversity in an Era of Critical Pluralism* 101 (James Leibold & Yangbin Chen eds.) (2013).

<sup>82</sup> *Id.* at 97.

<sup>83</sup> Lubei Zhang and Linda T.H. Tsung, *Tibetan bilingual education in Qinghai: government policy vs family language practice*, 22 *Int'l J. of Bilingual Educ. and Bilingualism*, 299 (2019).

<sup>84</sup> Eirini Gouleta, *A bilingual education professional development project for primary Tibetan teachers in China: the experience and lessons learned*, *Int'l J. of Bilingual Educ. and Bilingualism*, 6 (2011).

<sup>85</sup> *Supra* note 67.

### C) The assault on Tibetan language

40) The impact of the PRC's policies on the Tibetan language extends far beyond the classroom to the point where it significantly threatens the survival of Tibetan culture. Current PRC authorities consider the use of the Tibetan language to be a "separatist" activity.<sup>86</sup>

41) The Tibetan people have made efforts to keep their language and culture alive. In January 2013, Chinese authorities banned Tibetan language and culture classes held by volunteers in Muge Norwa, Zungchu (Ch: Songpan) County, in Ngaba (Ch: Aba) Tibetan Autonomous Prefecture, and in monasteries in at least two counties in the Kardze (Ch: Ganzi) Tibetan Autonomous Prefecture.<sup>87</sup> In response to the Chinese encroachment on Tibetan language, in February 2013, in order to mark "Tibetan Mother Language Day" (21 February), local Tibetans in Luchu (Ch: Luqu) and Machu (Ch: Maqu) Counties, and in the Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture, launched a campaign calling Tibetans to "defend their mother tongue and give up impure, mixed speech forever".<sup>88</sup> In response, the PRC increased and continues to tighten restrictions on Tibetan linguistic and cultural traditions. The government has branded groups that organize Tibetan classes as 'criminal gangs connected to the separatist forces of the Dalai Lama' and encouraged Tibetans to report one another to authorities for such practices.<sup>89</sup> Private Tibetan language classes have also been closed down, with a 2015 government notice warning, "Illegal associations formed in the name of the Tibetan language, the environment and education' is one of the 20 'illegal activities related to the independence of Tibet.'"<sup>90</sup>

### D) Religion

42) "Tibetans in China already suffer extensive restrictions on rights to free speech and opinion, peaceful assembly, movement, and religion that are more severe than in ethnic Chinese-majority areas of China."<sup>91</sup> Perhaps the strongest example of forced Sinicization of Tibetans is the PRC campaign against Tibetan Buddhism and Buddhist practitioners. Although the Constitution of the PRC guarantees the right of religious freedom,<sup>92</sup> China has made great efforts aimed to dismantle Tibetan Buddhist monasteries and faith.

43) Sinicization of religions as an official State policy was first announced during a Central United Front Work conference of the Communist Party in mid-2015.<sup>93</sup> It was mentioned again during the National Religious Work Conference in April 2016, and was finally declared at the 19<sup>th</sup> Party Congress

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<sup>86</sup> *Supra* note 77.

<sup>87</sup> Richard Finney, *Tibetan Language Classes Closed*, Radio Free Asia, (Jan. 10, 2013), <http://www.rfa.org/english/news/tibet/classes-01102013145912.html>.

<sup>88</sup> Richard Finney, *Push to Preserve the Tibetan Language in China*, Radio Free Asia (Feb. 25, 2013), <http://www.rfa.org/english/news/tibet/preserve-02252013154036.html>.

<sup>89</sup> Roseann Rife, *A Tibetan language advocate's journey to imprisonment*, Amnesty Int'l (May 7, 2018), <https://www.amnesty.org/en/latest/campaigns/2018/05/tibetan-language-advocate-journey-to-imprisonment/>.

<sup>90</sup> *Id.*

<sup>91</sup> *Five Pressing Human Rights Violations In Tibet: A Year in Review 2019*, Cent. Tibetan Admin. (Jan. 29, 2020), <https://tibet.net/five-pressing-human-rights-violation-in-tibet-a-year-in-review-2019/>.

<sup>92</sup> Const. of the People's Republic of China, art. 36 (1982).

<sup>93</sup> Takashi Suzuki, *China's United Front Work in the Xi Jinping era – institutional developments and activities*, 8 J. of Contemp. E. Asian Stud., 83 (2019).

in 2017.<sup>94</sup> President Xi Jinping declared that institutions and the clergy should serve the state's "highest interests" by keeping leadership and core values of the CCP and state socialism as greater than the religious canon.<sup>95</sup>

44) One of the more pervasive and egregious measures are Tibetan "reeducation campaigns" where Tibetan laypeople as well as members of the monastic community are forced to go and profess their devotion to the Chinese Communist Party.<sup>96</sup> From May 2019 to June 2019, "authorities forcibly evicted thousands of monks, nuns, and laypersons living in the monastic communities of Larung Gar and Yachen Gar in Sichuan Province and forced many of them to attend 'patriotic reeducation classes' for up to six months."<sup>97</sup> Many suffered from mental and physical hardships, and many went missing in the aftermath.<sup>98</sup>

45) Additionally, Tibetans are often restricted from religious sites and prohibited from celebrating days of religious significance.<sup>99</sup> Key festivals, such as *SakaDawa*, the month commemorating the Buddha's birth, enlightenment and death, *GandenNgamchoe*, commemorating the death of the Tibetan Buddhist master Je Tsongkhapa, and the birthday of the 11th Panchen Lama, are banned.<sup>100</sup> Similarly, permission to attend international religious events and to partake in pilgrimages inside and outside of Tibet are severely restricted.<sup>101</sup> Such restrictions on religious celebration and pilgrimage are a direct violation of the freedom of religion protected under Article 18 of the Covenant on Civil and Political Rights, but also of the "right to take part in cultural life" protected by Article 15.1. of the Covenant on Economic, Social and Cultural Rights.

46) The control of Tibetan Buddhist religious authority continues to be a priority for the PRC. "Religious leaders are barred from taking leadership roles if they do not comply with and endorse official State policy and ideology."<sup>102</sup> Patriotic education programs require the denouncement and slander of the Dalai Lama, which causes severe emotional and psychological tension for Tibetans who revere him as the highest spiritual leader of Tibet.<sup>103</sup> The overwhelming regulation of monastic institutions severely limits the freedom to worship without interference.

47) One of the biggest perceived threats that China has against its control over Tibet is the 14th Dalai Lama and Tibetan Buddhist leaders in general. The Dalai Lama is the most senior Tibetan Buddhist leader, and Tibetans deem him to be the incarnation of the Buddha of Compassion. He is accepted by all lineages as the spiritual leader of the Tibetan people. Despite the subsequent calls and

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<sup>94</sup> Julia Bowie & David Gitter, *The CCP's Plan to 'Sinicize' Religions*, The Diplomat (June 14, 2018), <https://thediplomat.com/2018/06/the-ccps-plan-to-sinicize-religions/>.

<sup>95</sup> *Sinicization Poses New Threats to the Survival of Tibetan Buddhist Culture and Values in Tibet*, Int'l Campaign for Tibet (July 12, 2019), <https://savetibet.org/sinicization-poses-new-threats-to-the-survival-of-tibetan-buddhist-culture-and-values-in-tibet/>; Mercy A. Kuo, *Religion With Chinese Characteristics: Sinicizing Religion in China*, The Diplomat (Oct. 30, 2019), <https://thediplomat.com/2019/10/religion-with-chinese-characteristics-sinicizing-religion-in-china/>.

<sup>96</sup> *Supra* note 64.

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> Congressional Research Service, *CRS Report for Congress-Tibet: Problems, Prospects, and U.S. Policy*, (CRS: Washington, 2008), 9.

<sup>100</sup> *Supra* note 63.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Human Rights Watch, *'I Saw It with My Own Eyes' – Abuses by Chinese Security Forces in Tibet, 2008-2010*, (July 21, 2010), <https://www.hrw.org/report/2010/07/21/i-saw-it-my-own-eyes/abuses-chinese-security-forces-tibet-2008-2010>.

growing international concern for the implications of the state intervention in Tibetan Buddhist incarnations, the Chinese government has significantly increased its control over the appointment of Tibetan Buddhist Lamas. China currently claims sole authority over the appointment of any Tibetan Buddhist Lama under its jurisdiction. The threat that China poses to Tibetan Buddhism was actualized by the kidnapping in 1995 of the 11th Panchen Lama, the second most important spiritual leader in Tibetan Buddhism, just three days after he was identified by the Dalai Lama as the rightful Panchen Lama.

48) What is especially troubling is that China has asserted that the next Dalai Lama will be born in Tibet, and only the PRC has the legitimate authority to search, identify and approve the Dalai Lama's reincarnation.<sup>104</sup> On 19 March 2019, Chinese Foreign Ministry spokesperson Geng Shuang asserted that the "reincarnation of living Buddhas, including the Dalai Lama, must comply with Chinese laws and regulations and follow religious rituals and historical conventions."<sup>105</sup> This is of great concern because Chinese intervention in selecting and legitimating the Dalai Lama's successor is a stark violation of international human rights law, an attack on Tibetan identity and faith, and a threat to Tibetan Buddhism. In June 2020, five United Nations experts and expert bodies expressed grave concern at the continued refusal by the Government of China to disclose precisely the whereabouts of Gedhun Choekyi Nyima, the 11th Panchen Lama, and called for an independent monitor to visit him. In addition, the Chinese government's rules on the appointment of Tibetan Buddhist leaders "may interfere and possibly undermine[s], in a discriminatory way, the religious traditions and practices of the Tibetan Buddhist minority." Citing concerns about the succession of the 14th Dalai Lama, the experts appealed to the Chinese government "to ensure that Tibetan Buddhists are able to freely practice their religion, traditions and cultures without interference," as freedom of religion includes the right of Tibetan Buddhists "to determine their clergy and religious leaders in accordance with their own religious traditions and practices."<sup>106</sup>

## V) RECOMENDATIONS

49) This civil society submission respectfully recommends the Committee include at least one of the following questions or groups of questions in the List of Issues with regard to the review of the People's Republic of China:

- Can the State Party say what steps it intends to take to ensure Tibetans are fairly and adequately represented in leadership positions in party, government, and military, on both provincial and local levels?
- Can the State Party provide information on the number of Tibetans subjected to the "2019-2020 Farmer and Pastoralist Training and Labor Transfer Action Plan"? Can the State Party provide information on how many Tibetans have been selected for this program?? Are they free to terminate their participation in the program, and later their work assignment? Can the State Party provide details on the average remuneration of Tibetans who, after the "training program" have been sent to work in factories in Tibet or beyond?

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<sup>104</sup> Tom O'Connor, *China says Dalai Lama's reincarnation 'must comply with Chinese laws and regulations'*, (Mar. 19, 2019), <https://www.newsweek.com/china-dalai-lama-reincarnations-laws-1368840>.

<sup>105</sup> *Id.*

<sup>106</sup> OHCHR, AL CHN 12/2020, 2 June 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25294>.

- Can the State Party provide information about how employment and hiring practices in Tibet are monitored to ensure non-discrimination of Tibetans vis-à-vis Han Chinese immigrants? Can the State Party provide information about any measures taken to stop or slow the transfer of Han workers into Tibet?

- Can the State Party provide the total number of nomadic Tibetans subjected to relocation and settlement programs in the TAR, and in the provinces of Sichuan, Qinghai, Gansu and Yunnan? Can the State Party explain what steps it took to ensure relocation of nomadic Tibetans have been voluntary, and those who were relocated were informed in accordance with international standards? Can the State Party provide statistics regarding cases filed by affected Tibetans in administrative courts against relocation measures? Can the State Party provide data on the living standards, including income statistics, of resettled nomadic Tibetans? Can the State Party provide unemployment data for them?

- Can the State Party say what measures are being taken to guarantee the right of Tibetans to learn and speak their native language(s)? Can the State Party say what measures it intends to take to make primary education available, accessible, and acceptable, to all Tibetan children?

- Can the State Party say what steps it intends to take to fulfill Tibetans' right to participate freely in their cultural life, including its religious aspects? Can the State Party say what steps it intends to take to refrain from interfering with the Tibetans' right to practice their religion, to use the symbols and carry out the practices associated with it? Can the State Party say what steps it intends to take to stop interfering with monasteries and nunneries, and the appointment of Buddhist leaders?