



Friends, Tibet. Source: Watchsmart/Flickr, 2007.

Monthly Report (August) Tibet



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**HUMAN
RIGHTS
DEFENCE**

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AIM OF THE REPORT

This report aims to raise awareness and bring attention to the human rights violations in Tibet. It provides a brief introduction to the region itself and subsequently discusses the human rights violations occurring against minorities. After the general overview, the report presents five cases of human rights violations that occurred in August 2022.

TIBET

Tibet is a highly disputed region located between the mountainous borders of China, India, Nepal and Bhutan. In 1950, the People's Liberation Army (PLA) invaded the Tibetan region and seized control by force (Shakabpa, 2020). In 1959, Tibetans formed an uprising against the Chinese establishment over their land, which was crushed with brutal violence (Shakabpa, 2020). A deal was made with Tibetan representatives, stipulating the acceptance of the Chinese presence and the annexation of the region to the People's Republic of China (Shakabpa, 2020).

With the arrival of the Chinese came the exile of the 14th Dalai Lama, who is the religious leader of Tibet. In 1959, the spiritual leader left for Dharamshala, India, which became the location of the Tibetan government-in-exile (Shakabpa, 2020). The Tibetan population in exile is estimated to be around 100,000 in India and more than 50,000 elsewhere (Barshee, 2019).

MAP OF TIBET



Map of Tibet. Source: Wikimedia commons, 2016.

INFORMATION ON TIBET

Land mass	1,221,600 km ²
Population (2010)	Three million (est. 2010)
Capital	Lhasa (3650 metres altitude)
Ethnic groups	Tibetan, Han, Hui, Monba, Lhoba, Naxi, Nu, Drung, and others
Most widely spoken language	Tibetan
Most popular religion	Tibetan Buddhism

Source: Shakabpa, Falkenheim Richardson, and Wylie, 2020.

Table 5.1 Information on Tibet

HUMAN RIGHTS VIOLATIONS AGAINST MINORITIES IN TIBET

Violations of the right to freedom of expression, the right to freedom of participation in the cultural life of the community and the right to be free from forced labour persisted throughout August 2022. Tibetans were disallowed prevented from posting footage related to the Buddhist faith and Tibetan culture heritage on their social media feeds. People' homes, possessions and cell phones were checked in order to see whether they had for photos of the Dalai Lama. The international community has shown its concern regarding the deteriorating human rights situation in Tibet as many Sstates expressed their support for the a new bill proposed in the United States, promoting a peaceful conflict resolution between China and Tibet.

6.1 Violation of the right to freedom of expression

Chinese authorities continue to deny Tibetans their right to freedom of expression and belief throughout the month of August 2022. Loste, a Tibetan man, was arrested for failing to register a WeChat group created to celebrate the 84th birthday of the Dalai Lama (Kunchok, 2022c). Lotse's whereabouts remain unknown (Lhamo, 2022c). Similarly, Karma Samdup was arrested for possessing photos of the Dalai Lama. During his arrest, his photos were taken away from him (Tibet Watch, 2022a). These two men were arrested for expressingon their devotion to their faith through social media and through displaying photos of the Dalai Lama.

6.2 Chinese authorities subjecting Tibetans to forced labour

The UnitedNation Special Rapporteur on Contemporary Forms of Slavery reportedthat China has been subjecting Tibetans to forced labour. The report underlined that Chinese authorities have subjected Tibetans to conditions amounting to enslavement, as well as engaging with excessive surveillance practices and abusive working conditions. The report found that China is seen to violating the Slavery Convention it signed in 1955ratified in 1937 (Lhamo, 2022a).

6.3 International Support for proposed Nnew Bbill in the USA for peaceful conflict resolution

British Member of Parliament Navendu Mishra and Australian Senator Janet Rice have expressed their support for the “Resolve Act” introduced on the 13th of July 2022 to theUnited States House of Representativesfor a peaceful conflict resolution between Tibet and China. The political figures have reiterated the right to to self-determinationof the Tibetan population and criticized the human rights abused in Tibet by the Chinese authorities. They also expressed their concern regarding the restrictions on the right to freedom of expression in Tibetan and the destruction of the Tibetan culture (Central Tibetan Administration, 2022).

HUMAN RIGHTS EVENTS OF AUGUST 2022

7.1 Ban on Posting Online Birthday Wishes for Exiled Abbot



Only a decoration. Source: robert7/Flickr, 2010.

As the birthday of the chief abbot in exile of the Kirti Monastery, named Kirtii Rinpoche approaches, China ramped up restrictions preventing people from posting birthday wishes commemorating the abbot's birthday and his photos of the abbot online. Authorities threatened to arrest individuals who defied the restrictions, and monks were not allowed to leave their monasteries, and gatherings were disallowed/prevented (Kunchok, 2022b).

Kirti Rinpoche was born in Thewo Takmoe Gang in the Amdo region of Tibet. As a child, he was recognized as the reincarnation of the 10th Kirti Rinpoche by leading lamas. With the occupation of Tibet by China, Rinpoche went into exile in Dharamsala, India in 1959 with the Tibetan spiritual leader, the Dalai Lama. A decade after they went into exile, China invaded Tibet (Kunchok, 2022b).

The increase in restrictions violate international human rights law on multiple accounts. Firstly, disallowing/preventing individuals from posting birthday wishes online violates the right to privacy, the

right to correspondence and the right to participate in the cultural life of the community. The Universal Declaration of Human Rights stipulates that all individuals have the

right to privacy, family, home and correspondence under article 12. The latter thus underlines that no State shall be allowed to interfere with the ways in which any individual maintains their correspondence with others regardless of borders, and by extension, nor what they post on social media. Individuals, according to the UDHR, individuals are free to use their online platforms in the way they please to do so, as long as there is no direct threat to the State. In other words, States can derogate from certain rights enshrined in the UDHR when the national security of that State is threatened. However, posting birthday wishes online for the abbot Kirti Monastery does not amount to such a threat.

In addition, article 27 of the UDHR states that all individuals are free to participate in the cultural life of the community in the way that individual pleases to do so. In this regard, disallowing or prohibiting individuals from sending birthday wishes to the abbot blatantly interferes with that freedom.

7.2 Forced Labour in Tibet



FREEDOM. Source: andres musta/ Flickr, 2012.

Tomoya Obokata, the United Nations Special Rapporteur on Contemporary Forms of Slavery reported that China has subjected Tibetans to forced labour (Lhamo, 2022a). The report stated that some instances of forced labour, as well as excessive surveillance, restrictions of movement, and abusive working conditions that amount to enslavement (Ibid.). The report also found that Chinese authorities subjected local people to forced vocational training centers where minorities were detained and subjected to work placement. In addition to such treatment, China also implemented a method of poverty alleviation through labour transfer, allotting surplus rural laborers into secondary or tertiary sector work (Ibid.).

Article 4 of the Universal Declaration of Human Rights states that “No one shall be held in slavery or servitude: slavery and the slave trade shall be prohibited in all their forms.” Servitude, according to article 4 of the UDHR is understood as forced labour combined with a severe restriction of movement, disallowing preventing individuals to from leaving the premises on which they work. In addition, article 5 of the 1926 Slavery Convention, ratified by China in 1937, underlines the illegality of subjecting any individual to forced labour.

Lastly, the right to be free from slavery and servitude is also a preemptory norm of international human rights law. In this regard, the right to be free from slavery and servitude can, under no circumstances, be derogated from. China, through its practices in Tibet, is seen to violate the UDHR, the Slavery Convention and the jus cogens norm of the right to be free from servitude and enslavement.

7.3 Man Arrested for Not Registering WeChat Group



Olympics torch protest. Source: Elliot Harmon/Flickr, 2008.

Lotse, a 57 year old Tibetan man was arrested on the morning of the 25th of July 2022 by Chinese police for failing to register a WeChat group created a few days earlier(Lhamo, 2022c). The WeChat group was created to celebrate the 84th birthday of the Dalai Lama. The group consisted of around 100 participants from different parts of the Tibetan plateau(Tibet Watch, 2022b). The Chinese authorities claimed that the man violated national law that requires users to formally register WeChat groups with local regulatory authorities(Kunchok, 2022c). Lotse is detained in Sershul County, Kardze Tibetan Autonomous Prefecture, where he has been interrogated and held in detention without a trial(Lhamo, 2022c).

Lotse's arrest for creating a WwhatsAapp group is in violation of international human rights law. Indeed, article 11 of the Universal Declaration of Human Rights states that all individuals have the right to freedom of assembly and association. The right ensures that people can thus join a group, whether political, labour related or a voluntary union without interference from the State. In this regard, the creation of a WeChat group in order to celebrate the birthday of the Tibetan spiritual leader falls under article 11 of the Universal Declaration of Human Rights.

Similarly, international human rights law protects the private life of all individuals, disallowing thus the State to interfere in the family life and correspondence history of any individual in and outside its jurisdiction. The right to private life is protected under article 8 of the UHDR, which states that all individuals have the right to live their life in private without government interference. The right covers “life” broadly, ranging from sexual orientation to lifestyle and correspondence practices. In this regard, the obligation to register a WeChat group and the subsequent arrest as a repercussion thereof is seen to go against article 8 of the UDHR as the State controls the information of the chat in question and is aware of its participants, violating thus the right to privacy under that article.

Lastly, the right to liberty and security enshrined under article 5 of the UDHR protects individuals from unreasonable detention. Meaning This means that all individuals that who are being detained must be taken to court promptly, must have be afforded their a fair trial within a reasonable time, and must be able to challenge their detention when they perceive their detention as being unlawful. However, Lotse's arrest was not taken to court promptly nor has he been there been afforded the possibility to question his detention as a result. In this regard, China is seen to violate article 5 of the UHDR.

7.4 Support for the New Bill Introduced in the US Promoting Peaceful Conflict Resolution Between Tibet and China



Tibet. Source: Jack L/Flickr, 2018.

The Promoting a Resolution to the Tibet-China Conflict Act, known as the Resolve Act, introduced in the United States House of Representatives last month has been getting receiving great support from leaders in other countries (Central Tibetan Administration, 2022). British Member of Parliament Navendu Mishra displayed his support for the bill stating that the Tibetan population has the right to self-determination and that that right which should be guaranteed and safeguarded (Ibid.). He also underlined that passing such a bill will would ensure that Tibetans are would be placed at the forefront of minds of policymakers governing the region. He criticized the numerous human rights abuses in Tibet alongside the violations of the freedom of expression and the destruction of Tibetan culture (Ibid.).

Similarly, Australian Senator Janet Rice gave a speech during the 8th World Parliamentarians' Convention on Tibet in Washington, DC in June stating that the bill would allow governments to be held accountable for upholding international law in regard to Tibet. She also reiterated the Tibetans population right to self-

determination while also expressing that countries must refrain from recognizing China's sovereignty claim over Tibet. She stated that Tibet must be treated as an occupied country and not as part of China (Ibid.).

Her statement reflects the understanding of the right to self-determination under the Charter of the United Nations and the International Covenant on Economic, Social and Cultural Rights, both ratified by China. Article 1 of the Charter states that the purpose of the UN is to ensure friendly relations among nations founded on the principles of equal rights and self-determination of peoples. In addition, Article 55 of the same charter summarizes a similar principle as the member states of the UN ought to foster conditions of stability and well-being in order to ensure the friendly relation stipulated in Article 1 based on the respect of the self-determination of peoples.

In Article 1, the ICESCR writes that all individuals have the right to self-determination inherent to their humanity. This right allows them to freely determine their political status and to pursue their economic, social and cultural development.

In this regard, the international community is showing increased concern regarding China's occupation of Tibet, reaffirming China's responsibility to respect the principles of international law it has ratified.

7.5 Tibetan Man Arrested for Possessing Photos of the Dalai Lama



Freedom Concert. Source: Christophe Losberger/Flickr, 2012.

Karma Samdup, a Tibetan man from the Senye Township in Nagchu, was arrested for possessing a photo of the Dalai Lama earlier this month (Tibet Watch, 2022a). He was found to possess a photo of the spiritual leader around his neck and hanging in his car (Lhamo, 2022b). Tibetan. As he was arrested, his photos were forcibly taken away (Kunchok, 2022a). His whereabouts remain unknown (Tibet Watch, 2022a).

Under Chinese occupation and under the Strike Hard Campaign in Tibet, being found in possession of photos of the Dalai Lama is considered as participating in separatist activities and positioning oneself as anti-China.

Article 9 of the Universal Declaration of Human Rights, ratified by China, stipulates that no one shall be subjected to arbitrary detention, reiterating that all individuals that are being detained must have such deprivation of liberty be justified on legal grounds and must have resort to fair trial in due process.

Article 19 of the Universal Declaration of Human Rights UDHR writes that all individuals have the right to freedom of expression regarding their political and religious thought. This right underlines that all individuals have the right to express their opinion and belief freely, both in public and in private. In addition, article 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that all peoples have the right to freely pursue their social and cultural development. Through this right, all people can express, demonstrate and pursue their cultural heritage and religious faith in the way they want to and in the way they feel comfortable with. In this regard, China is seen to violate article 19 as it has detained Karma Samdup for expressing his faith. This detention is therefore seen as unlawful as it violated article 19 of the UDHR and article 1 of the ICESCR.

Article 9 of the UDHR, ratified by China, stipulates that no one shall be subjected to arbitrary detention, reiterating that all individuals that are being detained must have such deprivation of liberty be justified on legal grounds and must have resort to fair trial in due process. Karma Samdup's detention thus violates article 9 of the UDHR as he was detained for merely expressing his belief and religion, which is his right under the UDHR and the ICESCR.

Article 12 of the same declaration also writes that no individual nor State shall interfere with the privacy and home of any individual. The State has no right to search an individual's possession without legal justification for the latter. The taking away of Karma Samdup's possessions and the searching of his car to find photos of the Dalai Lama is seen to be in direct violation of article 12 of the UDHR.

In addition, article 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that all peoples have the right to freely pursue their social and cultural development. Through this right, all people can express, demonstrate and pursue their cultural heritage and religious faith in the way they want to and in the way they feel comfortable with.

Lastly, article 2(2) of the ICESCR writes that the rights of the covenant must be enjoyed by all individuals regardless of their cultural and religious affiliation. In other words, no group of peoples, regardless of their cultural heritage, will be denied the right enshrined in the ICESCR. This right is also violated as the Chinese Strike Hard Campaign in Tibet is only targeting the Tibetan population who celebrate their cultural and religious heritage.

In this regard, China is seen to violate 19 of the UDHR and article 1 of the ICESCR as it has detained Karma Samdup for expressing his faith. This detention is therefore seen as unlawful as it violated article 19 of the UDHR, therefore also violating article 9 that guarantees that no one shall be arbitrarily deprived of their liberty. Article 12 is also violated as the Chinese authorities have interfered with Karma Samdup's privacy, both through taking away his possessions and for searching his car to find photos of the Dalai Lama. Article 2(2) of the ICESCR is also violated as the Chinese Strike Hard Campaign in Tibet is only targeting the Tibetan population who celebrate their cultural and religious heritage

CONCLUDING REMARKS

The month of August 2022 mirrored the deteriorating human rights situation in Tibet. The Chinese authorities have increased their surveillance practices, toughening their restriction on the right to freedom of expression and belief of the Tibetan population. Tibetans are disallowed from expressing their devotion to their spiritual leader the Dalai Lama and have been arrested for possessing his photos of him. Tibetans have also been subjected to forced labour and to conditions of servitude. The international community is showing its concern regarding the human rights violations in Tibet by expressing their support for the “Resolve Act” introduced in the US Senate, calling for the respect of international human rights law by China and the safeguarding of the right to self-determination of the Tibetan population.

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