



Increased Surveillance, Religious Repression, Censorship of Online Media of Dissemination in Tibet by China



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Introduction

The marginalisation of Tibetan culture and the increasing repression of Tibetans living under the Chinese occupation sparked an expansion in surveillance practices, targeting the freedom of religion and expression across the Tibetan plateau (TCHRD, 2016). Many individuals have been arbitrarily detained for expressing their devotion towards the Dalai Lama and practicing their faith openly and privately. Chinese authorities erected checkpoints and strengthened their social media regulations allowing the authorities to spy on individuals, families and communities alike (Tibetan Review, 2022a). The pursuant arrests allowed for the expansion of China's security system across the region. The so-called "grid" system, erected in 2013, for example, allowed authorities to ramp up their spying activities. It implemented a "tip-off" system, incentivising community members to report any person that is seen to engage with the Buddhist faith. The system also enables authorities to monitor the daily life of Tibetans by injecting high-tech equipment into communities to monitor their daily lives and by hiring volunteer security groups known as "Red Armband Patrols" (HRW, 2013). These surveillance practices prevent Tibetans from engaging with their faith, thus violating their religious freedom as well as their freedom of expression.



Context

In July 2022, many Tibetans were detained as a result of expressing their faith (Kunchok, 2022c). These detentions go hand in hand with an increase in surveillance practices across the Tibetan plateau. China has been extending its security program across the Tibetan Autonomous Region (TAR) since 2008, sending tens of thousands of Chinese Communist Party cadres to villages and communities across the TAR to monitor local Tibetans, disabling these communities from engaging in their religious practices such as attending and organising religious festivities (TCHRD, 2016). New dimensions to China's surveillance practices were introduced on July 4th, 2022, two days before the period of festivities to celebrate the 87th birthday of the Dalai Lama. The Chinese authorities were offering between 3,000 and 300,000 Yuan to any Tibetan who offered tip-offs on so-called “crimes against State security” (Tibetan Review, 2022a).

The activities that were considered to be “crimes against State security” were directly related to the celebration of the Buddhist faith (Tibetan Review, 2022a). This included reading foreign newspapers discussing the Dalai Lama's birthday, expressing devotion to the Dalai Lama and purchasing souvenirs of the festivities (Kunchok, 2022b). In addition, the Chinese authorities ordered all inhabitants of this Himalayan region to attend State organised meetings where they were warned not to share any information on celebratory practices (Kunchok, 2022b). The officials further explained to them that their cellphones would be checked as the day of festivity ended, and new checkpoints would be erected to facilitate checking all individuals seeking to move within the Tibetan plateau (Kunchok, 2022b). In other words, the cellphone check and the erection of checkpoints allowed the Chinese authorities to increase their spying activities on families in the Himalayan region, while simultaneously punishing any practices related to the practice of the Buddhist faith.

Lotse, a 57-year-old Tibetan man, was incarcerated on charges of “crimes against State security” as he allegedly failed to register the WeChat group that he created to celebrate the Dalai Lama's birthday (Lhamo, 2022). The group counted 100 participants from different parts of the Tibetan plateau who sought to express their devotion to their faith and cultural heritage (Kunchok, 2022c). Lotse was arbitrarily detained in Sershul County, Kardze Tibetan Autonomous Prefecture, where he was interrogated and detained without trial (Tibet Watch, 2022a). WeChat is thus controlled and surveilled by Chinese authorities across the Tibetan plateau in order to dissuade and disallow people from engaging in the practice of their religious devotion.



Another example of China's crackdown on religious freedom in Tibet is the ban on posting birthday wishes online for the chief abbot of the Kirti Monastery, named Kirti Rinpoche (Kunchok, 2022d). The abbot has been in exile since 1959 along with the Tibetan spiritual leader, the Dalai Lama (Kunchok, 2022d). Chinese authorities threatened to arrest anyone who posts photos of the abbot or birthday wishes for him. Monks were prohibited from leaving their monasteries as the birthday approaches and public gatherings were also forbidden, cancelling all festivities for the abbot's birthday (TCHRD, 2022). This ramp-up of restrictions blatantly interferes with the freedom to practise one's faith in the way they please.

Such interference can also be seen in the treatment of Tibetan monk and Buddhist scholar Jigme Guri. He was handed a five-year prison sentence in 2011 for "splitting the nation". He was peacefully protesting China's crackdown on cultural and religious freedoms in Tibet (Kunchok, 2022a). During his detention, he was violently tortured, subjected to inhumane treatment, and held in incommunicado detention (TCHRD, 2022). Guri had already been subjected to such treatment a few years earlier. He was arrested in 2006 upon his return from India, where he attended the Kalachakra religious teachings from the Dalai Lama. He was accused of leading the protest in Labrang to disturb the media tour orchestrated by the Chinese authorities in 2008 (Thomas, 2022).

Jigme Guri died on July 2nd, 2022 as a result of poor health due to torture by Chinese authorities while in arbitrary detention. He was denied lifesaving medical treatment upon release (TCHRD, 2022). In this regard, China's monitoring and surveillance of the monk's practices regarding his visit to India and his organisation of the protest underlines a new dimension of the instrumentalisation of surveillance practices to further increase China's crackdown on religious freedom in Tibet.



Domestic “counter-terrorism” measures as a way to restrict the right to freedom of thought and religion

The Chinese authorities have been introducing surveillance practices throughout Tibet, further tightening its grip on the restriction of religious freedom and the freedom of expression. The official policy known as the “double-linked household” scheme was introduced in the TAR in order to survey and generate income among groups of households (Save Tibet, 2021). This policy fits into the “grid” management system explained above that was introduced in urban areas in order to facilitate access to services, while actually increasing surveillance and monitoring religious practices in the region (Save Tibet, 2021). The introduction of such security measures came hand in hand with China's focus on countering “terrorism” (Save Tibet, 2021). The term “terrorism” was conflated and used parallelly with “religious extremism” whose definition lies at the complete discretion of the State. The first bill that instrumentalised this concept of “terrorism” in order to contain religious practices was the counter-terror law passed on December 27th, 2015 that required technology firms to help decrypt information allowing the military to acquire sensitive information when demanded (Reuters, 2015). The bill was first introduced in order to monitor the Uyghurs in Xinjiang and was later expanded to Tibet to facilitate the crackdown on religious freedom in the plateau (Reuters, 2015). The bill facilitated extra-judicial killings, arbitrary detention and torture for any person expressing their religious identity and culture (Reuters, 2015).

In addition, the State Administration for Religious Affairs issued Order No. 17 of the “Administrative Measures for Internet Religious Information Services” regulating internet practices, restricting the expression of religious faith and culture. The measures came into effect in March 2022, and were created to ensure the standardisation of online religious practices and information services (ChinaAid, 2022). These measures were also drafted in order to ensure the unity of rights and duties, curb religious practices, and resist so-called “religious infiltration” (ChinaAid, 2022). The order also states that those who wish to participate in such internet religious information services must apply to the provincial departments of religious affairs to acquire a licence and username (ChinaAid, 2022).

Similarly, Article 17 of the order prohibits organisations or individuals from teaching on the internet, conducting religious education and training, and publishing sermons. They are not allowed to organise religious activities on the internet, broadcast or record live Buddhist ceremonies (Zimo, 2021). These restrictions go against the right to freely express one's opinion, culture, and religion in the way one pleases. As a democratic space to participate in community life, the internet is currently controlled by Chinese authorities, injecting government interference in a space that ought to be secured by the right to freedom of speech and belief.



In addition to controlling the digital space, Chinese authorities also search individual's phones and homes to check anyone's engagement in "politically sensitive" activities, going against the counter-terrorism measures instituted by the authorities (FreeTibet, 2021). These restrictions are seen to go against international human rights law.



Violations of international human rights law stemming from State-induced religious oppression

Law

The human rights violations described in this section are outcomes of targeting Tibetans when they express their devotion to their faith. The increase in surveillance practices through spying, cellphone checking and internet restrictions violates international law in numerous ways. Indeed, Article 19 of the Universal Declaration of Human Rights (UDHR) states that all individuals have the right to freedom of opinion and expression. This right includes the freedom to hold opinions without State interference. Instead, States must guarantee the ability to receive information and ideas through any media regardless of frontiers. In this regard, any domestic legislature that allows government interference in the enjoyment of that right, aiming at reducing the freedom to religious practices, defies international law.

Article 12 of the UDHR states that all individuals are free from interference in their family life, privacy and home. Their correspondence also remains private and secured unless there are severe threats to national security. In this regard, Article 12 guarantees the enjoyment of family life in the way they desire, whether at home, through correspondence, or during travel. This article also ensures that their homes remain private and prohibits authorities from being able to enter someone's home without legal validity. The right to private life is protected under Article 12 of the UDHR, and covers "life" broadly, ranging from sexual orientation to lifestyle and correspondence practices.

In addition, Article 13 of the UDHR guarantees the right to freedom of movement, allowing all individuals to travel around one's country when desired. However, it is not an absolute right, and can thus be restricted when necessary. Derogations from Article 13 of the UDHR are allowed in cases of threats to national security, public order, public health, or morals or the rights and freedoms of others. The erection of checkpoints and other institutions restricting movement must only be constructed in times of emergency, and must be justified on the above-mentioned grounds. No State authority one can arbitrarily be denied their freedom of movement under Article 13 of the UDHR.

Article 20 of the UDHR states that all individuals have the right to freedom of assembly and association. Alternately, this right also secures that no one can be forced to part from an association. In this regard, Article 20 ensures that all individuals can associate freely, either in physical life or cyber-structures. This freedom thus expands to the sphere of the internet. Article 27 of the UDHR strengthens Article 20 by explaining that all individuals are free to participate in the cultural life of the community in the way that



individual pleases. These rights ensure that people can thus join a group, whether political, labour related or a voluntary union without interference from the State (such groups may also be found merely on the internet).

Article 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that all individuals have the right to self-determination, underlining all individuals' right to freely determine their political status and freely pursue their social and cultural development.

Article 2 of the ICESCR underlines that all people's rights under this Covenant must be protected, regardless of their race, gender, political orientation and religious belief or other status. The ICESCR thus explicitly writes that no group of people can be excluded from the rights enshrined in this Covenant.

Article 15 (1) writes that all individuals have the freedom to participate in the social and cultural life of the community in the way they please. In this regard, all individuals have the right to part-take in the life of the community in the way they see fit and in the way that allows their full realisation of their cultural and religious heritage.



Violations

The treatment of Tibetans as stated in the previous section is in violation of Articles 12, 13, 20 and 27 of the UDHR and Articles 1, 2 and 15(1) of the ICESCR. The construction of checkpoints to facilitate spying on families and checking travellers violates the right to privacy and family life. The right to privacy, home and family life was seen to be particularly under threat during the festivities for the 87th birthday of the Dalai Lama. Mobile security checkpoints were erected at street corners to check mobile phones, searching for content related to the Buddhist faith. Family homes were also searched when so-called “crimes against State security” were suspected (Free Tibet, 2022).

Not only does the erection of checkpoints violate the right to privacy, the incarceration of Lotse for not registering the WeChat group he created to celebrate the Dalai Lama birthday also violates Article 12. However, his incarceration is justified under Article 17 of the "Administrative Measures for Internet Religious Information Services" ordering all individuals who wish to participate in religious services online must apply to the department of Religious Affairs in order to get the right licence (ChinaAid, 2022). The State, thus controls the social media platform as well as the information disseminated on it, interfering directly with the right to privacy. This violates its international law obligation to refrain from intervening in the privacy of the people under its jurisdiction. The justification under domestic law of the incarceration of Lotse violates Article 12 of the UDHR. It fails to uphold China's commitment to the international community as it voted in favour of the General Assembly's resolution 217 A (III) adopting the UDHR (United Nations Treaty Collection, 2022). The domestic legislation on the restriction of freedom of religion leads to violation of the right to privacy and family life.

In addition, Lotse's incarceration violates Article 27 which stipulates that all individuals are free to participate in the cultural life of the community in the way they please. The creation of the WeChat group, with the motive to celebrate the Dalai Lama's birthday, was in line with individuals' right to engage in the community and culture in the way they see fit. In this regard, incarcerating Lotse for creating a group-chat that sought to bring people from the same community together to celebrate their faith is in direct violation of Article 27 of the UDHR. Lotse's treatment by the Chinese authorities also violates Article 20 of the Declaration, as it requires that all individuals have the right to freedom of assembly and association. The creation of the group-chat can be considered a form of cyber assembly, bringing people together for the same purpose and aim. Punishing an individual for seeking an assembly to celebrate their faith and culture violates Article 20 of the UDHR.



Not only arresting individuals for seeking assembly violates Article 20 of the UDHR, it also violates Articles 1, 2 and 15(1) of the ICESCR. The right to freely pursue one's social and cultural development enshrined in Article 1 of the ICESCR encompasses people's freedom to seek assembly if the latter allows their pursuit of social and cultural development. Similarly, Article 15(1) of the same covenant declares that all people are free to participate in the social and cultural life in the way they please, thus allowing them to pursue their social and cultural development through engaging with their community however they desire. In this pursuit, whether through assembly or not, must be guaranteed to all individuals regardless of their backgrounds and cultural and political affiliation, in accordance with Article 2 of the ICESCR. In this regard, China, in its aim to deter Tibetans to engage with their faith, is subsequently violating the Tibetans' right to pursue their social and cultural development, their right to participate in the cultural life in the way they please and their right to be free from discrimination in the meaning of Article 2 of the ICESCR.

The erection of checkpoints also violates Article 13 of the UDHR: guaranteeing all individuals the right to move freely within their territorial boundaries. The surveillance practices known as “double-linked household” scheme allows Chinese authorities to implement security measures to counter “terrorism”. It also allowed the erection of checkpoints in order to check the cellphones, correspondence, and belongings of those individuals seeking to move within the TAR (Save Tibet, 2021). However, the instrumentalisation of such checkpoints in order to halt the flow of movement of those individuals seeking to celebrate Tibetan festivities with their family members directly interferes with their right to freedom of movement enshrined in Article 13 of the UDHR.

In this regard, China is seen to violate Articles 12, 13, 20 and 27 of the UDHR and Articles 1, 2 and 15(1) of the ICESCR in its repression of Tibetan culture and Buddhist faith. This treatment is justified under Chinese domestic law, especially under Order No. 17 of the “Administrative Measures for Internet Religious Information Services” and the “double-linked household” scheme that permits the criminalisation of the expression of belief, devotion, and opinion regarding the Buddhist faith. The Chinese authorities' crackdown on the religious freedom of Tibetans has led to considerable human rights violations.



Conclusion

The findings of this article underlines the repercussions of the religious oppression by Chinese authorities in Tibet. It suggests that such practices violate many other human rights, especially the right to privacy, movement, correspondence and family life. The Chinese government has passed various domestic laws and regulations to restrict the religious practices of Tibetans, violating the UDHR on numerous accounts. The increase in surveillance and monitoring of the internet and cellphone usage is especially worrying, as social media platforms offer a space to express opinions and thoughts for the Tibetan community and for the exiled community of Tibet to engage with those still residing on the Tibetan soil. The persistent interference of the Chinese authorities in community life, whether physical or on online, poses a significant threat to the Tibetan population's right to freely engage with and express their religion.



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