



# MONTHLY REPORT

*(June) Tibet*

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HUMAN  
RIGHTS  
DEFENCE

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## 2. 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 June 2022.

### 3. TIBET

Tibet is a highly disputed region located between the mountainous borders of China, India, Nepal and Bhutan. In 1950, China's 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, 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).

## 4. MAP OF TIBET



Map of Tibet. Source: Wikimedia commons, 2016.

## 5. INFORMATION ON TIBET

Land mass	1,221,600 km <sup>2</sup>
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



## 6. HUMAN RIGHTS VIOLATIONS AGAINST MINORITIES IN TIBET

Arbitrary detention, torture and violations of the freedom of speech, expression, religion, culture, and language persisted throughout June 2022. As a result, United Nations member states showed their concern regarding the situation in Tibet at the 50th UN Human Rights Council Session, denouncing the human rights violations occurring in Tibet.

### 6.1 Arbitrary detention

Tibetans have been subjected to arbitrary detention by Chinese authorities on the grounds of espionage and inciting separatism. In this regard, the freedom of movement, cultural practices and correspondence have been denied to those Tibetans that are perceived as a threat to the Chinese authorities. For example, Tibetan student, Nyima, was sentenced to three years in prison for inciting separatism as he shared Tibetan history, culture and social life to tourists visiting the country (Lhamo, 2022). Similarly, Tibetan writer and poet Rongwo Gendun Lhundup was sentenced to four years in prison as his advocacy for the preservation of the Tibetan identity was perceived by the Chinese authorities as inciting separatism (Dolma, 2022). Prior to his sentencing, the poet had been detained in an undisclosed location for over a year (Tibetan Centre for Human Rights and Democracy, 2022).

### 6.2 Torture and ill-treatment

The increased surveillance and Sinicisation of the Tibetan plateau have led Chinese authorities to inflict torture and ill-treatment on Tibetans. June 2022 marks the 50th person that died due to the consequences of torture since the uprisings in 2008 (Dolma, 2022). In addition, the Chinese authorities revealed that Gangkar, a well-known Tibetan writer, who went missing over a year ago, has been detained by Chinese authorities. The government has kept his detention location a secret and he has been rendered incommunicado, amounting to ill-treatment (Tashi, 2022).

### 6.3 International concern regarding the on going human rights violations in Tibet

United Nation member states have shown their concerns regarding the human rights conditions in Tibet. During the 50th UN Human Rights Council Session, 47 UN member states denounced the systemic violations of human rights by China in Tibet, East Turkistan and Hong Kong. Having done so, the member states called upon the High Commissioner to issue her report detailing the observations of her recent visit to China (Central Tibetan Administration, 2022).

## 7. HUMAN RIGHTS EVENTS OF JUNE 2022



Tibet. Source: Esther Lee/Flickr, 2010

### 7.1 Tibetan student arbitrarily jailed by Chinese authorities

Nyima, a student in Tibetan Culture at Sichuan’s Gehoe National University, was sentenced to three years in Karze (Chinese: Ganzi) Prefecture prison for allegedly disseminating state secrets and contacting Tibetans living in exile (Lhamo, 2022). However, the Chinese authorities have not shared any details on the type of secrets the student exposed nor the repercussions the latter might have on China’s national sovereignty.

Being fluent in English, Chinese and Tibetan, Nyima worked with tourists and visitors prior to his arrest, sharing the history, culture and social life of Tibetans to those who visit the country. The latter made Nyima susceptible to such an arrest as his knowledge of Tibetan history and his contact with outsiders were perceived as threats to Chinese authorities (Ibid.).

Nyima’s arrest falls in line with China’s practices of arbitrary detention of intellectuals, teachers, language advocates, artists, critics and students on charges such as “espionage,” “illegal activities,” and “inciting separatism” going against China’s Sinicisation practices across the Tibetan plateau (Tibetan Review, 2022).

Nyima’s imprisonment violates numerous articles of the Universal Declaration of Human Rights, ratified

by China. Firstly, Article 9 underlines that no one shall be subjected to arbitrary arrest. Article 10 protects individual's right to hold their opinions and to express them freely without governmental intervention. In addition, Article 27 states that everyone has the right to participate in the cultural life of the community

By arbitrarily arresting Nyima for participating in the cultural life of the Tibetan community and through expressing his knowledge on the subject, China has violated Articles 9, 10 and 27 of the Universal Declaration of Human Rights, thus failing to comply with the international human rights system.



Dalai Lama at Center of Rally. Source: Tony Fischer/Flickr, 2008

## 7.2 Deaths by torture: 50th torture-related death in Tibet since the 2008 uprising

As the international community commemorates the adoption of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on June 26th 2022, this year marks the 50th death by torture in Tibet by Chinese authorities since the 2008 nationwide uprising against the latter (Dolma, 2022). Tibetan prisoners and civilians have since been subjected to torture, amounting to severe violations of international human rights law.

Every State member of the international community is bound by the international laws prohibiting torture, whether or not they have ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Indeed, the prohibition of torture is a jus cogens norm, meaning that the latter has been recognized as fundamental within the international legal structures, superseding all treaties and



customary laws. In this regard, having ratified the Convention in 1988 and being bound by jus cogens norms, China has the obligation to end all forms of torture and punishment against the Tibetan population. However, China continues to violate international human rights law by inflicting torture on Tibetans especially in prisons, detention centers and police stations along with denying the necessary medical and sanitary products to ensure that pre-existing health conditions are not further exacerbated.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment offers a definition of torture under Article 1, stating that “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes ... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions” (UNGA, 1984). By its actions, China has failed to uphold its obligation under international human rights law through the inflicting of pain and suffering on Tibetan prisoners and civilians.



Secretary Kerry at the UN Human Rights Council by United States Mission Geneva. Source: US Department of State/Flickr, 2015.

### **7.3 47 UN Member States raise the dire human rights situation In Tibet at the 50th UN Human Rights Council Session**

The Netherlands delivered a statement on behalf of 47 member states at the 50th session of the UN Human Rights Council. The statement highlighted the systematic violations of human rights by China in Tibet, East Turkestan and Hong Kong. The statement mentioned “the deterioration of respect for human rights and fundamental freedoms ... and the human rights situation in Tibet” (Permanent Representative of the Kingdom of the Netherlands, pp.6, 2022).

The 50th UN Human Rights Council commenced on 13th June, 2022 and will end on 8th July, 2022. The Netherlands was supported by Albania, Andorra, Australia, Austria, Belgium, Belize, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Eswatini, Finland, France, Germany, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Liberia, Lithuania, Luxembourg, Marshall Islands, Monaco, Montenegro, New Zealand, North Macedonia, Norway, Palau, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, and the United States of America in its joint statement. The member states also called upon the High Commissioner, Michelle Bachelet, to issue her report detailing the observations of her recent visit to China.



Old Tibetan prayer script. Source: Marcus Fornell/Flickr, 2015.

#### **7.4 Chinese Authorities sentence prominent Tibetan writer to four years in prison**

Well-known Tibetan writer and poet Rongwo Gendun Lhundup (pseudonym: Lhamkok) had been detained by Chinese security authorities since 11 November 2020 in an undisclosed location. It has come to light recently that Lhamkok had also been sentenced to four years imprisonment and two additional years of “deprivation of political rights” (Tibetan Centre for Human Rights and Democracy, 2022) by the Xining Intermediate People’s Court for the charge of “inciting separatism”. His current location, details of his wellbeing and health, and whether he was allowed to meet family members are not available.

Lhamkok’s literature focused on the current condition and future of the Tibetan language and culture. He actively advocated for the preservation of the Tibetan identity. He had been questioned by Chinese authorities several times in the past for criticising Chinese cultural assimilation policies.

Article 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) guarantees the right of citizens to freely pursue their social and cultural development. Conversely, Article 3 requires state parties to protect the social and cultural rights of all its citizens. Article 2 prohibits state parties from discriminating among its citizens on the basis of, among others, religion. China ratified the ICESCR on 27 March 2001. It is legally bound to provide the above rights and freedoms to its citizens. Moreover, the right to freedom of speech and expression and that of religious freedoms are established principles of the Universal Declaration of Human Rights (UDHR). However, by its actions, it is clear that China stands in violation of these provisions of the ICESCR and the UDHR.



Communication. Source: Mark Madeo/Flickr, 2008.

### **7.5 Prominent missing Tibetan writer known to be detained after having gone missing for more than a year**

Chinese authorities have confirmed the arrest of Tibetan writer and scholar Rongwo Gangkar who had been missing since early 2021. His arrest was not allowed to be made a public affair due to clampdowns put in place to restrict the spread of Covid-19 (Tashi, 2022).

Gangkar is a well-known Tibetan writer celebrated for his translation skills. Details of the location of Gangkar's detainment and his health conditions have not been revealed. This incommunicado detention can be interpreted to be an act of torture (Ibid.). China ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988. China has detained Gangkar in incommunicado detention since 2021 with no prospects of filing a charge against him and trying him in a court of law. China violates Articles 7 and 10(1) of this Convention.

Gangkar's continued and incommunicado detention further violates Articles 2 and 7 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearances.

## 8. CONCLUDING REMARKS

The month of June 2022 was characterised by pressing human rights violations of Tibetans by the Chinese government, especially regarding the right to be free from arbitrary detention and torture. UN member states have shown their concern regarding the deterioration of the human rights situation in Tibet, calling upon the High Commissioner of the UN Human Rights Council to issue a statement describing her recent observation during her visit to the region.

The Chinese authorities must ensure and respect the freedom of expression of all individuals living under its jurisdiction in order to uphold its responsibilities under international law. No one should be arrested, detained or deprived from their liberty for expressing their thoughts and beliefs. The Chinese government must end its resort to torture and inhumane treatment.



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