

HUMAN RIGHTS REPORT

TIBET



**Centre For Democracy,
Pluralism And Human Rights**

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About CDPHR



Introduction

Centre for Democracy, Pluralism and Human Rights (CDPHR) is an organisation broadly working in the area of human rights. Our motto is- equality, dignity and justice for every individual on this planet. We are committed to advocate upholding values of democracy and pluralism for a conducive environment for equality, dignity and justice. We endeavour to voice out human rights violations of individuals, groups and communities so as ultimately viable solutions maybe worked on. We dream of a world that accepts pluralistic ways of life, tradition and worship through democratic means and practices.

Vision

CDPHR envisions an equitable and inclusive society based on dignity, justice, liberty, freedom, trust, hope, peace, prosperity and adherence to law of land. We believe that multiple sections of societies are deprived of basic human rights and violation of their social, political, economic, religious and developmental rights is a sad reality. We consider that advocacy, education and intervention are required from multiple fronts to ensure an all-inclusive and just society.



Our mission is to promote and aid in establishing democratic and pluralistic societies and realisation of human rights. To achieve this, broadly the following specific objectives have been set:

- a) To espouse all adoptable frameworks of advocacy, education and policy intervention to realise the stated mission.
- b) To promote and advocate human rights and fundamental freedoms for all without any discrimination of race, religion, caste, gender, colour, and language.
- c) To keep a watch on issues of human rights violations globally and present their authentic analytical documentation.
- d) To use conferences, seminars, meetings, discussions, debates, study courses, collection of statistics, exhibitions, shows, tour trips, publications etc. for ensuring education, advocacy and outreach.
- e) To engage actively with governments, and national and international human rights organisations to promote national integration, communal harmony, universal fellowship and global peace.
- f) To develop and mobilise community and natural resources so as to be harnessed for sustainable overall development of the marginalised and economically weaker sections of the society.
- g) To promote a culture of democratic values and pluralism in the face of particularistic tensions related to race, religion, gender and class.
- h) To study the effects of draconian laws and unlawful use of states' machinery and force by enforcement agencies and submit reports to appropriate authorities.
- l) To support democratic and economic reforms through the UN framework in countries coming out of totalitarian control.



CDPHR trustees and the team members consist of academics, lawyers, judges, rapporteurs, social activists, journalists and independent researchers who have an established reputation in their respective areas of expertise. Essentially, we are a team of socially sensitive intellectuals who wish to bring about a positive change in the lives of people deprived of minimum dignity and equality. Some of the team members have rich experience in researching and writing on issues of contemporary social interest. A few others have had long social commitments. In addition to the core organisational team, CDPHR plans to expand further and add to the human resources pool.

ABBREVIATIONS

- BAC – Buddhist Association of China
- CCTV – Closed-Circuit Television
- CCP – Chinese Communist Party
- CEDAW - Convention on the Elimination of Discrimination Against Women
- CPEC – China Pakistan Economic Corridor
- FCCC - Foreign Correspondents' Club of China
- ICT – International Campaign for Tibet
- ICESCR - International Covenant on Economic, Social Rights and Cultural Rights
- ICCPR - International Covenant on Civil and Political Rights
- ICERD - International Convention on the Elimination of all forms of Racial Discrimination
- ISHR – International Service for Human Rights
- RATA - Reciprocal Access to Tibet Act
- TAR – Tibetan Autonomous Region
- TCHRD – Tibetan Centre for Human Rights and Democracy
- UDHR – Universal Declaration of Human Rights
- US – United States
- UN – United Nations
- UNCRC - United Nations Convention on the Rights of the Child
- UNSC – United Nations Security Council
- PRC – People's Republic of China
- UFWD - United Front Work Department

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EXECUTIVE SUMMARY

The adoption of Universal Declaration of Human Rights (UDHR) in 1948 has paved the way for many treaties and agreements ensuring the inherent dignity of all members of the human family. Many treaties and agreements that have come into force under the auspices of United Nations and several regional systems of human rights aim at establishing freedom, justice and peace in the world. In 1966, two treaties of human rights were adopted: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Likewise, the Covenant on the Elimination of all forms of Discrimination against Women (1981), Convention against Torture and other Cruel, Inhuman and Degrading Punishment on Force (1984), Convention on Rights of Child (1990), etc. have been adopted. This report seeks to assess the human rights violations in Tibet as unleashed by the Chinese Government.

The issue of human rights in Tibet is much debated and contested due to lack of credible information allowed by the authoritarian communist Chinese administrative mechanism and the PRC regime. Various individuals and organisations working for the rights of Tibetan people have reported abuses of human rights in Tibet that include restricted freedom of religion, belief, and association. The arbitrary arrests, maltreatment in custody, including torture and forced abortion and sterilisation have also been reported. The communist government of China has come under criticism from the international community on the status of religion, mainly as it relates to figures that are both religious and political, such as the exile of the 14th Dalai Lama. Additionally, freedom of the press in China is absent, with Tibet's media tightly controlled by the Chinese leadership, making it difficult to accurately determine the scope of human rights abuses.

The communist Chinese policies of crushing any political dissent have gravely threatened the Tibetan political and cultural identity as they disregard to the international condemnation of human rights situation in Tibet. The PRC demonstrated no intention of following through on its international obligations. Despite signing and ratifying international agreements on human rights, the PRC has acted in contravention. Therefore, it is important for the international community concerned for the protection of human rights to recognise the PRC's betrayal of its international human rights obligations in defending and protecting of human rights in Tibet.

Since 2018, Chinese authorities in TAR and other Tibetan areas have used the veil of a nationwide anti-crime campaign to hide widespread and systematic persecution and oppression of Tibetan activists and human rights defenders. The campaign has exacerbated the chilling effect caused by persistent criminalisation of activities undertaken in defense of human rights.

Lack of any right to a fair trial and the deeply flawed Chinese criminal justice system make it harder for suspects to invoke and exercise their human rights. Repressive measures such as the broad discretionary powers enabling law enforcement officers to engage in extralegal practices such as arbitrary detention, torture, and extracting forced confessions without any independent oversight are of immense concern.

The communist government of China has become increasingly successful in promoting its own version of human rights because of inaction on the part of international community. The communist regime of China has used all its pressure tactics and muscle flexing methods in passing resolutions at the UN to stifle the voice of civil society or banning pop stars for having met the Dalai Lama. The world community has become increasingly reticent to discuss China's human rights violations at various international forums due to various intimidation tactics exerted by the communist government of China. The PRC projects the 84 year-old Tibetan spiritual leader His Holiness the Dalai Lama a dangerous political opposition leader and a secessionist, thereby, scaring people from meeting with or speaking about him.

The world has witnessed how Chinese government suppresses information and does not share it with the world community in the wake of Covid-19 pandemic also. In case of assessing human rights situation, the PRC's concealment of information is even worse. It deflects international criticism by imposing limits on foreign journalists and human rights activists. The security forces and technological gadgets deployed to keep surveillance on the Tibetan people do not leave any space for them to communicate with the world outside. The limitations on the mode of travel and itinerary of foreign tourists are so strict that the Chinese authorities impose outright bans on activists and journalists not favourable to Beijing. The PRC's secret agents and security officials deployed along the borders with Nepal have made it nearly impossible for the Tibetan people to go into exile.

The great influx of economic migrants that includes Chinese workers and businessmen from the inland of China on the name of initiatives for economic development has further deprived Tibetan people. Moreover, such initiatives systematically aim at dissolving Tibetan identity in the region. The government investment in a greater police presence and surveillance teams has paved easy access inside villages and monasteries to thoroughly monitor the locals. These initiatives have helped the PRC to design organisational tactics to anticipate and dissuade dissenters. The heavily deployed facial-recognition software and careful monitoring of digital spaces mean further suppression of potential protests and the

increased clampdowns on civil and political rights. In addition to mass surveillance programmes, Chinese authorities used targeted surveillance that violates the right to freedom of expression and the privacy of ordinary Tibetans as well as journalists, bloggers, and human rights defenders.

Tibetans are being deprived of their rights to use their language in terms of teaching their children in their own language. Instead the PRC is imposing mainland Chinese linguistic hegemony by introducing school curricula in Mandarin Chinese as the medium of instruction starting from the primary school. The 'bilingual education' policy adopted in 2019 replaces Tibetan language with Mandarin Chinese, thereby, posing a grave threat to Tibetan language, their identity and culture.

Article 20 of the Universal Declaration of Human Rights (UDHR) provides for the right to freedom of peaceful assembly and association but various domestic legal provisions used by Chinese authorities stand in absolute violation of these principles. Public protests and self-immolation committed out of despair and frustration as a result of the PRC's repressive ways are criminalised. Such policies unjustifiably curtail rights of Tibetan people to peaceful assembly.

Chinese authorities must repeal all laws and regulations that restrict and violate basic human rights and fundamental freedoms. The PRC must uphold and fulfill its human rights obligations by virtue of being a party to numerous international human rights treaties. Extrajudicial detention, political indoctrination campaigns, encroachment on Tibetan autonomy and agency, and targeted surveillance must be discontinued immediately. The PRC must be mandated to ratify the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance.

RECOMMENDATIONS

Given the fact that the communist government of China is violating every basic norm of human rights of Tibetan people, its incumbent upon the stakeholders concerned with the protection of human rights to stand in solidarity with them. Therefore, the international community of UN member states, various government and non-governmental organisation should exert pressure on the Chinese Government to:

- Allow journalists, human rights monitors, civil society activists and, representatives of various governmental and non-governmental organisations working on human rights to carry out independent assessment of human rights situation in Tibet.
- Correct laws and policies that are responsible for violation of human rights concerning education, language, free speech, religion and belief, fair trial, and peaceful assembly that are provided in the UDHR and various subsequent covenants.
- Allow the ethnic minorities to express freely their socio-politico-cultural expressions without any violation of their corresponding human rights.
- Release all activists and human rights defenders detained for exercising their human rights and political freedoms in political, economic, social, cultural or any other areas of public life.
- Promote Tibetan as the first language as a step towards implementing culturally relevant educational policies or provide a genuinely bilingual education rooted in the Tibetan culture.
- Allow independent visits by the UN or other relevant international agencies to assess quality and availability of mother tongue-based education in schools in Tibet.
- Make PRC respect its ethnic diversity and put an end to political indoctrination campaigns aimed at establishing a single collective Chinese identity in the name of ethnic unity and sinicisation policy.
- Repeal all laws and regulations that enable government censorship and surveillance including targeted surveillance.
- Respect right to privacy and other linked human rights by reviewing, amending or repealing legislations and policies that go beyond the reasonable requirements of state security and prevention of crimes.

- Invite the UN Special Rapporteur on the right to freedom of peaceful assembly and of association to visit the PRC in pursuance of the requests made in 2011 and 2013.
- Ratify the International Covenant on Civil and Political Rights, and the International Convention for the Protection of All Persons from Enforced Disappearance.
- Facilitate visits of representatives from international organisations to meet with Gedhun Choekyi Nyima, the 11th Panchen Lama.
- Promote fair trial guarantees such as providing for a public trial in all cases. Introduce a trial-centred litigation system designed to ensure legality of evidence obtained during pre-trial process.
- Put an end to admissibility of confessions obtained through torture, grant the right of silence, and establish the presumption of innocence.
- Review, amend, and repeal all legislations and practices that fetter independence of the judiciary, in breach of the UN Basic Principles on the Independence of the Judiciary.
- Protect rights of lawyers to practice law in conformity with international standards by enacting changes in laws and regulations.
- Invite the UN Special Rapporteur on independence of judges and lawyers for a visit to examine relevant laws, regulations, and practices, and make recommendations for improvement.
- Put pressure on the PRC to fulfill its responsibility to implement and respect all of UDHR provisions, particularly the duty to protect human rights defenders from any harm arising as a consequence of their work.
- Stop demolition of Tibetan Buddhist institutions and harassment of the practitioners at Yachen Gar and Larung Gar.
- Close extrajudicial detention facilities that have been set up for political indoctrination campaign and release all Tibetans detained without charges.
- Repeal all legislation and cease all practices that enable extra judicial detention, including “residential surveillance at a designated place” and the use of “black jails”.

OBJECTIVES

- To investigate into the human right situation in Tibet in the communist Chinese regime in the context of international human rights norms, treaties, covenants and conventions.
- To assess the human rights standards adopted and implemented in the communist China concerning minority Tibetans in TAR and other areas inhabited by Tibetans.
- To study and highlight various dimensions of human rights violations of Tibetans in the PRC.
- To present various repressive measures and policies adopted by the communist state of China violating various aspects of human rights of Tibetans.
- To highlight significant incidences of human rights violations in Tibet.
- To highlight the impact of human rights violations of Tibetans on their politico-cultural being in the communist regime of China.

METHODOLOGY

Due to the situation unleashed by the Covid-19 pandemic world over, it was impossible to carry out field surveys and physical interviews. Therefore, the report draws primarily from the secondary literature available on the issue. Moreover, researching human rights violations in a closed society, like the PRC, is extremely challenging and information available is scarce. However, due care has been taken to verify and fact-check with different sources before documenting specific cases of human rights abuses in Tibet.

The report endeavours to review media reports, domestic legislation, international law, policy papers, trials, conviction and sentencing materials, UN proceedings, academic reports and reports from civil society organisations throughout the research process. Therefore, primary sources such as various published reports and secondary sources that include media reports and published interviews have been referred to in the course of preparation of this report.

COMMUNIST CHINA'S (the PRC) OCCUPATION OF TIBET

Tibet is the longest and highest region on Earth located on the Tibetan plateau in Asia with an average elevation of 5023 metre above sea level (Fielding et al., 1994) spanning about 470,000 square miles that is nearly a quarter of the Chinese territory (International Commission of Jurists, 1959). It is bounded by India, Nepal, Bhutan and Burma on the south and the Chinese provinces of Sinkiang, Chinghai, Szechuan and Yunnan to the north and east. It is the traditional homeland of the Tibetans and some other minority ethnic groups such as Monpa, Tamang, Qiang, Sherpa, and Lhoba. Unfortunately this beautiful land has been occupied and ruled by communist government of China since 1951 following the battle of Chamdo.¹

According to historians Mao Zedong had plans to invade Tibet the moment he came to power. He held that the capture of Tibet would instill confidence about the new communist government in the minds of Chinese people. By doing so, he wanted to assure Chinese people that their country was in safe hands thereby reviving imperial ambitions of China. He had no regards to the fact that Tibet hosted ancient Buddhism and that it was an independent country for centuries (Shakya, 2012).

His Holiness the 13th Dalai Lama famously issued a proclamation in the name of his cabinet declaring that Tibet is an independent. In that he said that the Tibetans are a small, religious community and Tibet, independent nation. The country had its own national flag, currency, stamps, passports and army. It also signed international treaties and maintained diplomatic relations with neighbouring countries (International Campaign of Jurists, 1959) but Chairman Mao had made up his mind and attacked Tibet in 1950.

The first plan of Chairman Mao was to invade Tibet and spread propaganda that the communist Chinese government did not invade Tibet for its imperial ambitions rather it saved Tibet from western imperialism. It was a shameless excuse and even today many Chinese believe in this theory. The communist China's propaganda projected a barbaric invasion of Tibet as a liberation effort. The world watched in silence as China continued to swallow the entire nation by spreading false propaganda. They further spread the lies that the Tibetan people were happy because they were being liberated by the People's Liberation Army. But the reality was quite the opposite. The communist China's army killed innumerable men, women and children as they opposed the invasion on their territory (Kranti, 2020)

¹The Battle of Chamdo occurred from 6 through 19 October 1950. It was a military campaign by the communist government of China (the PRC) to take the Chamdo Region from a de facto independent Tibetan state after months of failed negotiations on the status of Tibet. The campaign resulted in the capture of Chamdo and further negotiations between the PRC and Tibetan representatives eventually resulted in the annexation of Tibet by the Communist Government of China.

In order to obtain correct perspective of the events leading up to the flight of His Holiness the 14th Dalai Lama from Tibet and his arrival in India on 31 March 1959, it is necessary to go into the background and examine some of the facts and events which took place in Tibet. In 1935, the man who later on became the 14th Dalai Lama was born to a peasant family in a small village in Tibet. In 1949, Mao Zedong proclaimed the founding of the People's Republic of China (PRC) a communist state born out of brutal and bloody civil war. Following Buddhist traditions in Tibet, His Holiness the Dalai Lama was made the head of the Tibetan state at the age of 15 in 1950. In 1951, Tibetan leaders were forced to sign a treaty dictated by China. The treaty, known as the 'Seventeen Point Agreement' professed to guarantee Tibetan autonomy and respect the Buddhist religion but also allowed the establishment of Chinese civil and military headquarters at Lhasa (International Campaign of Jurists, 1959).

The PLA had captured half of the Tibetan land and then the communist government of China proposed with the Tibetan leaders that they would grant autonomy to certain part of Tibet as provided in the 'Seventeen Point Agreement' and that land would be called as Tibetan Autonomous Region (TAR). Having left with no option, the Tibetan leadership of those days accepted this offer under tremendous pressure exerted upon by PLA and the communist Chinese government.

After signing the 'Seventeen Point Agreement', Tibetans thought that henceforth the communist government of China would let them live with their way of life, let them practice their religion but the hope proved a mirage. Soon after the said agreement was signed, the communist regime started imposing atheism and started meddling with Tibetan way of life, their religious beliefs and cultural practices. The constant intrusion in the Tibetan way of life and huge army presence started mounting a strong resentment in the hearts of Tibetan people for the communist government of China.

In 1959, there was full scale uprising against PRC in Tibet. The PRC adopted brutal measures to suppress the demands of Tibetan people in which tens and thousands of people were killed. The 14th Dalai Lama and most of his ministers along with some 80,000 Tibetans came to India through the Himalayas from 1959 to 1960 (Sawhney, 2008). As per a report published by the Planning Commission of the Central Tibetan Administration on the latest population census, 94,203 lived in India out of the total population in exile till 2009 (CTA, 2009).

In 1965, the communist government of China established the Tibetan Autonomous Region (TAR). The TAR is essentially the area of Tibet within the People's Republic of China. It is the

second largest and least densely populated provincial level division of China. However, the PRC has been making all out efforts to change the status quo by bringing in poor inland residents to the Tibetan region. The China Pakistan Economic Corridor (CPEC) too will play a crucial role in ensuring change in the situation as the industrialisation brought about by the plan would incentivise the inland population to move to the western side comprising Tibetan plateau (Malhotra, 2015).

The Cultural Revolution and Tibetan Repression

In 1966, Mao Zedong's Cultural Revolution reached Tibet and it resulted in the destruction of large number of monasteries and cultural artifacts. As socio-political movement was set into motion by Mao Zedong, the Cultural Revolution aimed at spreading communist ideology in the country by purging remnants of capitalist and traditional elements. It also re-imposed Maoist thought as the dominant ideology. The movement paralysed China politically and negatively impacted the country's economy and society to a significant degree, with an estimated death toll ranging from hundreds of thousands to 20 million (Pye, 1986, Strauss & Southerl, 1994). This badly affected Tibet as well where resentment against Chinese remained high.

The years of the Cultural Revolution inflicted heavy casualties on Tibet. During the ten years of the Cultural Revolution as it started in 1966 and ended with Mao's death in September 1976, more than 6,000 monasteries and religious institutions in Tibet were laid in ruins. Millions of ancient and priceless manuscripts were burnt. Statues made of gold, silver, and bronze were removed from the temples and shipped to China (Laird, 2007). At least 92,000 Tibetans who were subjected to "struggle sessions" died or committed suicide and around 173,000 Tibetans died in prison, or in "Reform Through Labor Camps" (Ibid). The Cultural Revolution was one of the bloodiest events in the world history let alone Chinese history and cemented a blood stained divide between the Tibetan people and the communist government of China.

In 1987, the 14th Dalai Lama called for the establishment of Tibet as a zone of peace and continues to seek dialogue with China, with the aim of achieving genuine self rule for Tibet within China. In 1988, China imposed martial law after riots broke out in Tibet. In 1989, the 14th Dalai Lama was awarded with the Noble Prize for Peace. In 1993, talks between China and the Dalai Lama broke down.

The Dalai Lama and the Panchen Lama

In Tibetan Buddhist tradition, it is believed that the Dalai Lamas are the manifestation of the Buddha of Compassion and are enlightened beings. They are believed to have taken rebirth or reincarnation in order to serve humanity (Free Tibet, 2020). The Dalai Lama is the spiritual leader of the Tibetan people. He is also an important figure beyond sectarian boundaries. He is the symbol of unification of the state of Tibet and is an international advocate of Tibetan Buddhist values (Woodhead, 2016). The next most important figure in the Tibetan Buddhism is the Panchen Lama. The Dalai Lama is traditionally involved in recognising the Panchen Lama which means the Dalai Lama predicts where the Panchen Lama will be born. The Panchen Lama is the part of the process with which the new Dalai Lama is chosen (Richardson, 2020).

The 14th Dalai Lama is the current Tibetan spiritual leader in the line that stretches back to the 15th century when the first Dalai Lama was identified (Free Tibet, 2020). He is one of the most recognised faces in the world and also a recipient of the Nobel Prize. After the death of the 10th Panchen Lama, Gedhun Choekyi Nyima was named as the 11th Panchen Lama by the 14th Dalai Lama on May 14, 1995. Only three days after the announcement, Chinese authorities kidnapped the six year old child and his family. In utter disregard to the Tibetan religious belief, the communist government of China installed another boy named Gyaincain Norbu at his place as the 11th Panchen Lama.

Gedhun Choekyi Nyima, the Panchen Lama named by His Holiness, the Dalai Lama has not been seen in the public since 17 May 1995. This move to kidnap six year old child was condemned at the United Nations, the Dalai Lama, Tibetan people and various human rights groups around the world. Tibetan exiles lament that he is the world's youngest political prisoner if he is alive as stated by the communist government of China (Richardson, 2020). Some also speculate that the communist government of China might even have killed him along with his family.

This shows that the PRC is hell-bent upon gaining control over Tibetan people's spiritual beliefs. Because once they become successful in doing so, they will have free hand to plant Dalai Lama of their choice thereby legitimising the communist Chinese rule and its excesses in Tibet. That would also be a death knell on the Tibetan freedom movement or demand for the genuine autonomy. The current Dalai Lama is already 85 years old. Tibetan people are concerned about the appointment of new Dalai Lama at the behest of the

communist China as the planted Panchen Lama has been projected head of Tibetan branch of Buddhist Association of China (BAC). Their fear is exacerbated as the Panchen Lama takes part in the process to choose the next Dalai Lama. If the new Dalai Lama too happens to be planted by the communist China, it would be the worst set back to Tibetan people's movement and the sufferings that they have endured for such long.

Such a development would also be of a great concern to the international community, particularly to Asia as Tibet happens to be the birth place of many rivers such as the Sutlej, the Indus, the Brahmaputra, the Salween, the Mekong, the Yangtze and many others flowing through the region. Tibet is rightly called as the roof of the world because of its highest location and the water tank as more than ten big rivers flow through countries such India, China, Pakistan, Thailand, Laos, Cambodia and many other countries in Asia.

The communist China's occupation of Tibet would essentially block the fresh water as it has been building dams and arresting the fresh water to satisfy its superpower ambitions. The communist China has also massively unleashed human right violations on the Tibetan people. Therefore, the international community recognises Tibet as one of the most unstable regions in the world both geologically as well as politically. It is important for the international community to stand in solidarity with the Tibetan people and their just movement for genuine autonomy.

EXTRAJUDICIAL PRACTICES OF COMMUNIST GOVERNMENT OF CHINA (the PRC) VIOLATING HUMAN RIGHTS OF TIBETANS

In 2018, the communist government of China launched a three year nationwide political campaign which it named as the campaign against “black and evil forces”. It has resulted in the extrajudicial detention of Tibetan activists and human rights defenders. There is growing concern that Chinese authorities are using the campaign to engage in a witch-hunt to crush peaceful dissent in Tibet. Most suspects, some of whom are falsely implicated, find it difficult to protect themselves and exercise their human rights due to lack of fair trial rights and the extreme secrecy of the Chinese criminal justice system. Promoted as an anti-crime campaign by the government, the ‘Special Struggle Against Black and Evil Forces’ targets obscure and excessively broadly-defined crimes such as ‘Challenging China’s territorial claims over Tibet’, ‘Participating in separatist activities’, ‘Calling for the middle way’, ‘Advocacy of mother tongue’, and ‘Using religion to interfere in grassroots-level administrative affairs or education’ (TCHRD, 2019).

The so called ‘anti-crime crackdown campaign’ was announced in 2019. Zhu Weiqun, the head of an inspection team was sent by the central government authorities to assess the campaign. In one of his media interactions, he was quoted as saying that the “anti-crime crackdown in Tibet should be integrated with the fight against separatist forces” (*Global Times*, 2019). Considered to be an expert on the Tibetan affairs, Zhu, a hardliner member of the Communist Party of China called for “strong opposition and a resolute crack down on any separatist forces in the name of ethnicity or religion, which are mainly organised by the Dalai clique”(TCHRD, 2019). Activities such as expressing loyalties to the Dalai Lama, local advocacy initiatives for environmental protection, language preservation or community mediation as well as other traditional or informal social gatherings are criminalised under this campaign (ICT, 2019). At a November meeting to review the progress of the campaign in TAR, Zhu vowed to “root out elements connected to the separatist activities of the Dalai Clique” and emphasised “enhancing political positions” so that the “thoughts and deeds are in line with the strategy determined by the party” (TCHRD, 2019).

The TAR and Qinghai Province in Tibet witnessed intensified crackdown the most in May and June 2019 as both regions underwent the first periodic inspections by central government authorities to assess the effectiveness of the campaign. Chinese state media reports accused the “local gangs of colluding with and receiving support from overseas separatist forces”, adding, “These gangs differ from normal ones because they aim to

disturb the region's social stability and prosperity rather than make money" (TCHRD, 2019).

The central authorities of the PRC have formed a team of the top 10 officials deposed with the responsibility to carry out inspection in provincial level regions including Beijing, Shaanxi and Heilongjiang. The campaign led by the team has stated objectives to "strike hard against the underworld forces to consolidate the Party's ruling foundation, and strengthen its grassroots political power, to maintain the long-term stability of the country" (TCHRD, 2019). The authorities mention activities such as the threats posed to political security, especially regime security, system security, and the evil forces that penetrate into the political field. Police has been implicating people with perceived negative behaviour such as those with previous criminal record, partaking in unreasonable petitions or organising and confusing masses to petition to destroy social stability, participating in cult organisations, underground religious activities, and organising feudal superstitious activities. The said campaign planned for three years aims at eliminating 'evil forces' and empowering Chinese authorities to wield discretionary powers to crack down on whatever activities they deem illegal.

Persecution of Activists and Human Rights Defenders

The TAR Higher People's Court, in its annual work report released in January 2019, revealed that 360 accused in 268 cases had been found guilty during the anti-crime campaign in 2018. Individuals and organisations working on human rights situation in Tibet fear that the 25 people punished 'for inciting separatism or financing others to jeopardise national security' are actually the Tibetan activists and human rights defenders. In Qinghai, a communist China government directive issued in August 2019 announced that all chat groups and individual online users found posting and sharing 'illegal contents' would be imprisoned for a maximum of eight years under the anti-crime campaign. In June, local authorities reported the arrest of 333 criminal suspects and public prosecution was initiated against 408 people in the province (TCHRD, 2019).

Suppression of Environmental Activism

In April 2019, nine Tibetan land rights defenders were jailed under the anti-crime campaign in Rebkong County. Another group of 21 Tibetans were sentenced to prison in May in connection with the campaign, including two village heads and a nomadic camp leader, accused of founding an illegal environmental protection organisation in Shordha town,

Nangchen (Ch:Nangqin) County, Kyegudo (Ch: Yushu) Tibetan Autonomous Prefecture, Qinghai Province (TCHRD, 2019). Dugkar, one of the 21 defendants was imprisoned for his successful movement to resist government appropriation of his land for environmentally destructive development projects. Yet another defendant named Tendar, about 32, had been held in pre-trial detention in the Wenchuan PSB detention centre in Ngaba County. His family members were not allowed to visit him.

Hounding of Anti-Corruption Activists

A popular Tibetan community leader and a known anti-corruption activist named Anya Sengdrawas charged under anti-crime campaign and sentenced to seven years of imprisonment for “picking quarrels and provoking trouble” and “gathering a crowd to disrupt social order” in Gade (Ch: Gande) County, Golok (Ch: Guoluo) Tibetan Autonomous Prefecture, Qinghai Province (ICT, 2019). Similarly, eight other such Tibetan activists were sentenced to varying prison terms along with Sengdra. All of them had been held in pre-trial detention for more than 14 months.

VIOLETION OF SOCIO-CULTURAL AND EDUCATIONAL RIGHTS OF TIBETANS

Article 16 (2) of the Universal Declaration of Human Rights (UDHR) provides “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace...Parents have a prior right to choose the kind of education that shall be given to their children” (United Nations, 1948). But the PRC's 2019 policies in relation to the freedom of language and education stand in utter violation of the cross-cutting principles of nondiscrimination and equality.²

As observed by the experts on the Tibetan affairs, the PRC's 'bilingual education' policy is designed in a way to replace the Tibetan language with that of Mandarin Chinese as the medium of instruction in primary schools. It is pertinent to mention that the Tibetan language has ceased to exist as the language of instruction in higher levels of education. Except for studying Tibetan language itself, all other subjects are taught in Chinese. Gradually, Tibetans' right to use their language and teach it to their children is being taken away from them through means of various decrees passed and enforced in the name of improving education outcomes. Observers fear that the PRC's 2019 policy on language and education will lead to a future where Tibetans will be forcibly estranged from their own language, and as consequence, their own culture.

International Legal Provisions and the PRC's Disregard

The communist government of China is legally bound to observe the responsibilities of protecting educational and cultural rights of the Tibetan people as it has ratified numerous international human rights treaties including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of all forms of Racial Discrimination (ICERD), the Convention on the Elimination of Discrimination Against Women (CEDAW), and the United Nations Convention on the Rights of the Child (UNCRC). The CRC, which the PRC has ratified, protects the right to education and recognises the role of education in preserving a child's cultural identity, language and values. Although the PRC has not ratified the ICCPR, as a signatory to the covenant and also

²The right to equality and non-discrimination is recognised in Article 2 of the UDHR and is addressed in different UN human rights instruments, such as Articles 2 and 26 of ICCPR, Article 2(2) of ICESCR, Article 2 of CRC, Article 7 of CMW and Article 5 of CRPD.

as an important member of the UN system and a permanent member of United Nations Security Council (UNSC), the PRC is obligated “not to defeat its object and purpose”.³

The PRC has also ratified ICERD, which further protects the right to education and the right to speak one's own language. These two rights are interconnected, in part because the right to education is strengthened by the fundamental principles of non-discrimination and equality. The right to education without discrimination is especially important for protecting the use of a minority language in schools (OHCHR, 2017).⁴

In theory, the PRC's legal system appears to respect international human rights standards of education and language protection for minority groups. Chinese constitution allows Tibetans to govern their own educational and cultural affairs as enshrined in the Chapter 3, Section 6, and Article 119. Furthermore, Article 12 of the Chinese Education Law of 1995, encourages the use of minority languages in schools. But in practice these laws including the Law on Regional National Autonomy (1984) do little to protect education and language rights. In fact, the laws that should protect social and cultural rights are sometimes used to justify human rights violations (TCHRD, 2019). The PRC officials justify prohibiting Tibetan children from participating in religious activities during their summer vacation (*Global Times*, 2018).

Deprivation of Tibetans from Imparting Education in their Own Language

In Dec. 2018, Chinese authorities in Nangchen county had issued an “Urgent notice concerning stopping illegal study classes in monasteries” (TCHRD, 2019). By January 2019, the CCP's United Front Work Department (UFD), which issued the ban, had effectively ended the tradition of Tibetan children in Qinghai province attending classes in local monasteries. The Tibetan language is the most common subject taught in monasteries during school holidays (Human Rights Watch, 2019).

The Nangchen notice confirms earlier reports of similar bans in other Tibetan areas. The ban is another official regulation that restricts contact between children and monks even

³Vienna Convention on the Law of the Treaties, Vienna, 23 May 1969. UN, Treaty Series, vol. 1155, p. 331, available at https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf 11 UN Human Rights Committee (HRC), CCPR General Comment No. 23: Article 27 (Rights of Minorities)

⁴Language Rights of Linguistic Minorities: A Practical Guide for Implementation, UN Special Rapporteur on minority issues, March 2017

for non-religious activities like Tibetan language classes. It is the first of its kind policy that bans children's religious activities in Tibetan areas farther east, like Qinghai Province. In the past, authorities had applied such bans only within TAR, where restrictions on Tibetan culture are typically tighter (Human Rights Watch, 2019).

In 2019, authorities in the Golog (Ch: Guoluo) Tibetan Autonomous Prefecture ordered schools to stop teaching any subjects in Tibetan except the Tibetan language in the first grade (Radio Free Asia, 2019). Similarly, the Chinese authorities had stopped classroom teaching in the Tibetan language at Minzu University, the oldest university for Tibetans and other minority students in Shaanxi province (Radio Free Asia, 2019). Such decrees on the part of the PRC authorities put Tibetan youngsters at difficulty as they find it difficult to meet the standard of proficiency in Mandarin Chinese thereby showing dismal representation in employments such as the Chinese civil service.

Suppression of Tibetan Cultural Expressions in the Name of Strengthening National Unity

The Nangchen ban by the United Front Work Department (UFWD) is a testimony to the communist Chinese government's interpretation of almost all expressions of Tibetan culture as veiled political dissent (Radio Free Asia, 2019). The decrees like Nangchen notice hints at the fact that the Chinese Communist Party (CCP) perceives Tibetan language classes run by monks as "dangerous", "harmful", "ideological infiltration among the young" (Radio Free Asia, 2019). The suspicion about Tibetan language classes is such that officials are told to expel monks from monasteries if they are caught organising even informal classes for local children.

In the name of 'strengthening national unity', the PRC compels Tibetan parents to enroll their toddlers in kindergartens thereby immersing them in Chinese language. As suggested by various studies, young children can learn better in their own mother tongue. The imposition of Mandarin Chinese language from the pre-school levels puts Tibetan students at disadvantage who lag academically behind in comparison to their native speaking counterparts. In March 2019, all local primary schools in six rural townships in Nagchu (Ch:

⁵400 Chinese cadres take posts in 21 Tibetan schools under controversial educational aid programme, TCHRD, 1 November 2019, available at <https://tchrd.org/400-chinese-cadres-take-posts-in-21-tibetan-schools-undercontroversial-educational-aid-program/>

⁶400 "group-form" aid teachers arrive in Tibet to work in 21 schools, China Tibet Network, 11 September 2019, available at http://www.tibet.cn/cn/news/zx/201909/t20190911_6680037.html

Naqu) Prefecture, Tibet Autonomous Region (TAR) had switched to using Mandarin Chinese as the language of instruction (Human Rights Watch, 2020).

PRC's Administration Promoting Assimilation

The 'Group Form' education aid programme introduced in 2019 is a step towards assimilation in the mainland Han Chinese identity. As a part of this policy in TAR, 400 teachers from 17 Chinese provinces and municipalities began work as teachers and administrators in 21 schools in August, 2019 (China Tibet Network, 2019).⁵ As per reports in some of the Chinese media, 86 participants in the ninth installment of the programme were principals, academic directors, and "moral education" directors while the remaining 314 were teachers.⁶

The teachers and administrators so appointed in the TAR are the agents of the communist China's long drawn agenda to create "a new generation of Tibetans who are patriotic and loyal to the Party" (TCHRD, 2019). In the garb of promoting educational outcomes, 800 inland teachers carefully divided in groups are sent in various primary and middle schools in Tibet. Not only that even students from inland China are sent to survey the "moral and ideological education" who work in tandem with the teachers and administrators. This policy reminds the acts of the communist China during the Cultural Revolution era when millions of Chinese youth volunteers were reportedly sent to work in rural and "ethnic minority areas," to "spread civilisation" (ICT, 2019).

Thousands of party workers are being deployed in Tibetan homes, schools and monasteries with the help of a new political agenda called 'Thousands for Promotion'. Through this campaign the PRC is cleverly carrying out political education campaigns in the guise of 'legal education activities of 'opposing separatism and maintaining stability'. In a document released on 22 March 2019, the Chinese Communist Youth League said it was sending more than 10 million vocational school and university students to rural areas as volunteers by 2022 in order to "increase their skills, spread civilisation and promote science and technology (*The Guardian*, 2019).

RIGHT TO FREEDOM OF EXPRESSION AND PRIVACY

Various laws, treaties and conventions that have come into existence as part of human endeavours to accord dignity to every individual have given paramount importance to right to freedom of expression and privacy. Article 12 of the UDHR states “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks”. Article 12 of the UDHR further reiterates “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

The communist government of China's vaguely defined online offenses show abject disregard to such principles that are agreed upon by the international community. Laws framed to counter terrorism, internet security and state security stand testimony to this. The communist Chinese authorities maintain information blackout obstructing access to foreign journalists, human rights monitors and visitors on various pretexts. Chinese authorities have been ruthlessly restricting communication channels such as the Internet during the months leading up to sensitive political anniversaries such as 10 March Tibet Uprising Day or the Dalai Lama's birthday on 6 July.

On the pretext of fighting manufactured organised crimes and criminal gangs, the Chinese authorities persecute and oppress Tibetans for engaging in so-called 'separatist activities'. Tibetan human rights defenders and community activists who fight against official apathy and corruption are often criminalised and prosecuted. Apart from common Tibetans, journalists and bloggers are also deprived of their freedom of expression and privacy through the measures such as mass surveillance and targeted surveillance programmes and censorship. This all is done with the aim of crushing dissent, penalising criticism and silencing human rights informants in Tibet.⁷

International Legal Provisions and the PRC's Disregard

As a fundamental constitutive document of the UN, principles enshrined the UDHR count as international customary law⁸, and are therefore binding on all states including the PRC. Article 19 and 12 of the UDHR as well as the Article 19 of the ICCPR, to which the communist

⁷Surveillance and Human Rights, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Human Rights Council Forty-first session, 28 May 2019, A/HRC/41/35.

government of China is a signatory protects the right to express and hold opinions without interference and to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media. Article 17 (1) of the ICCPR, echoing Article 12 of the UDHR, provides that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence”. Article 17 of the ICESCR, which the PRC has ratified, protects the right to privacy.

Apart from the above stated international treaties, the Chinese constitution itself provides for the protection of freedom of speech, press, assembly, association, procession and demonstration as given in the Article 35.⁹ But other loosely defined provisions in the Chinese constitution such as the Articles 52, 53 and 54 impose vague affirmative duties on citizens to safeguard “the unity of the country”; “the security, honor and interests of the motherland”; and to “keep state secrets”. Therefore, Chinese authorities have ample space for interpreting its domestic law as per their convenience to suppress freedom of expression and privacy. To make the matter worse other regulations and directives such as the National Security Law (2015), the Counter-terrorism Law (2016) and the Cyber Security Law(2017) provide authorities with firm grip over people's lives.¹⁰

Strict Information Regulation in Tibetan Autonomous Region (TAR)

It has been more than a decade since 2008 the TAR has been closed to non-Chinese visitors. This is done from about mid-February through the whole of March to prevent them from participating in the 10 March anniversary of the 1959 Tibetan National Uprising in Lhasa. Chinese officials have introduced strict rules of issuing special permits to foreign travelers to visit TAR that typically take about three weeks. Such a long-drawn process, usually opened in the last week of February, makes it difficult to get permits in time, thereby; foreigners are discouraged from visiting the TAR.¹¹

⁹Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, UN Doc. A/HRC/14/23. 20 April 2010, available at: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.23.pdf>

⁹Constitution of the People's Republic of China, Article 35, available at: http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm

¹⁰The Right to Privacy in China, Privacy International, and the Law and Technology Centre of the University of Hong Kong, UPR Stakeholder Submission to the 17th Session – China, March 2013, available at: https://www.privacyinternational.org/sites/default/files/ChinaUPR_2013.pdf

Such carefully drawn strategy gives a free hand to the communist Chinese officials to illegally arrest and imprison Tibetan citizens for posting online contents or discussing 'politically sensitive' topics on phone. The following examples serve testimony to that-

- Tsering Dorjee, 45, a resident of Peleb village in TashiZom Township, Dingri (Ch: Tingri) County, Shigatse (Ch: Xigaze) City, TAR was arrested on February 20, 2019 for talking on phone with his younger brother about the importance of teaching Tibetan to their children. The Dingri County Public Security Bureau (PSB) held him in a 'political re-education' facility for over a month (TCHRD, 2019).
- Pema Samdup, 26, a resident of Chamdo (Ch: Qamdo) Prefecture was detained in Lhasa for sharing 'illegal' contents on his WeChat account. His relatives expressed fears for his life given that the detention facilities in Chamdo are notorious for using brutal torture on political detainees (TCHRD, 2019).
- Wangchuk, 45, was detained on 8 March 2019 in Shigatse city for sharing books authored by Tibetan spiritual leader His Holiness the Dalai Lama and a Tibetan translation of 'The Noodle Maker of Kalimpong', a memoir by the Dalai Lama's older brother Gyalo Thondup on his WeChat account (Ibid).

The Foreign Correspondents' Club of China (FCCC) in its report on media freedom in China released in January, 2019 revealed about extremely tough reporting conditions suggesting the use of surveillance by Chinese authorities "to silence sources within China and outside its borders" (Bloomberg, 2019). More than half of the respondents to the FCCC's survey who were journalists working in PRC reported that both human and digital surveillance negatively impacted their work. Hanna Sahlbergas, the FCCC president observed, "What correspondents in China experienced in 2018 shows that authorities are becoming more sophisticated in their use of surveillance. The wider monitoring and pressure on sources stop journalists even before they can reach the news site" (Bloomberg, 2019).

Many foreign journalists working in China have recounted that the local officials and police personnel maintain a strict vigil on them and impose many restrictions and prohibitions especially in areas deemed sensitive by the authorities (Bloomberg, 2019). As per the accounts of Paul Mooney, a freelance journalist from the US, who worked in China from 1994 to 2012, the foreign journalists are often restricted from visiting TAR. Even if someone

¹¹When is Tibet Closed to Foreigners (2019 Update), YoWangdu Experience Tibet, available at <https://www.yowangdu.com/tibet-travel/when-is-tibet-closed-to-foreigners.html?>

managed to reach there, s/he would be strictly monitored and would not be allowed to speak to locals (U.S Government, 2014). The Reciprocal Access to Tibet Act (RATA) of 2018 signed into the law by the US President Donald Trump also seems to be doing less in improving the situation for Tibetan people in TAR (ICT, 2019).

Collective Punishment and Mass Surveillance

Any attempt on the part of Tibetan community to criticise and express dissent of government policy is thwarted with means of collective punishment, mass surveillance and unreasonable censorship of any online or offline content. PRC has also adopted the policy of inducing other members of Tibetan community to inform the inland officials about such social circles grossly impinging on freedom of expression in Tibet (TCHRD, 2018).

In August 2019, Chinese authorities in Qinghai Province announced fixed term imprisonment of one to eight years for posting or sharing illegal content online (TCHRD, 2019). The 'urgent' announcement called for increased monitoring and management of online chat groups and individual users 'at all times and in all places.'¹² 'With this announcement, the PRC authorities criminalised posting and sharing online information and placed restrictions on online groups with more than 10 members. The moderators of online chat groups were required to manage the behaviour of their group members and the content they shared. Various relevant government departments including the Internet police authorities were tasked with monitoring all chat groups and individual status updates.

Radio Free Asia reported that coercive directives disguised as anti-crime measures were again issued in 2019 in TAR as part of the so-called 'social supervision strategy to mobilize general public to effectively prevent and combat illegal and criminal online contents' (Radio Free Asia, 2019). As per the reports, a notice issued on 28 February promised cash prizes of up to 300,000 Yuan in return of anyone reporting illegal online activities to the police (TCHRD, 2019). A ban was imposed on Tibetans using computers and mobile phones to "collect, produce, download, store, publish, disseminate, and publicise malicious attacks against the Chinese Communist Party and the Chinese government, the socialist system, the regional ethnic autonomy system, and the party and the government's policy of managing TAR" (TCHRD, 2019).

¹²Listen to this urgent notice and share it widely, Weixin, 27 August 2019, available at https://mp.weixin.qq.com/mp/audio?_wxindex_=0&scene=104&__biz=MzAxNDA0NjA0Nw==&mid=2247488882&idx=1&voice_id=MzAxNDA0NjA0N18yMjQ3NDg4ODgx&sn=20867a5c6b390b79dd0ca2689eb51ac5#wechat_redirect

Most of Tibetans' online activities are viewed as challenging China's territorial claims over Tibet, participating in terrorist activities, subverting state power or overthrowing socialist system and are regulated or restricted strictly. Their religious activities are also controlled saying such activities interfere in grassroot-level administrative affairs or education. Chinese authorities posit any other form of communication by Tibetans as illegal sharing of information on the country's political, economic, social, military, cultural, religious and other state secrets or intelligence information with overseas organisations, institutions and individuals (Ibid).

Any attempt at forming an organisation for public welfare, environmental protection, education, medical and poverty alleviation etc. is met with a threat of facing dire consequences. Moreover, activities such as writing essays, criticising growing unemployment among Tibetan youths, commenting on the discriminatory policy of marginalising the Tibetan language or posting photos of His Holiness the Dalai Lama on their personal WeChat accounts are deemed anti-China. These "politically sensitive" activities are then rewarded with detention and persecution (Radio Free Asia, 2019).

Aggressive Cultural and Linguistic Assimilation

Freedom of expression and opinion in Tibet and elsewhere in the communist China is on steady decline because of the enforcement of policies such as 'patriotic education' also known as 'political reeducation' to promote CCP's ideology. Coercive initiatives like 'legal education' or 'national unity' campaigns, in fact, are the masks for implementing political indoctrination and enforcing allegiance to President Xi Jinping. These campaigns requiring Tibetans and other ethnic minorities to adopt 'Chinese national identity' and to 'love the Chinese Motherland and the Party' have adverse impact on their linguistic and cultural identities.

The communist government of China's various policies and initiatives to promote the 'Chinese national identity' implicitly reject the relevance and importance of other distinct cultural identities that make up the multi-ethnic and multi-lingual Chinese nation-state. Its guidelines in relation to promoting patriotic education prioritise the imposition of inland Han Chinese culture leading to the subjugation of other identities. This agenda further erodes freedom of expression and opinion guaranteed to Tibetans under the Chinese law,

¹³China's most popular app is a propaganda tool teaching Xi Jinping Thought, South China Morning Post, 14 February 2019, available at <https://www.scmp.com/tech/apps-social/article/2186037/chinas-most-popular-apppropaganda-tool-teaching-xi-jinping-thought>

particularly in the Regional National Autonomy Law, as well as by international instruments (TCHRD, 2019).

In recent years the political indoctrination campaigns are becoming increasingly institutionalised in political bodies and education system with the aim to boost political legitimacy of the Chinese Communist Party (CCP). The revised guidelines on patriotic education entitled “Implementation Outlines for Patriotic Education in the New Era” released in November, 2019 under President Xi Jinping represent the same objective (Wang, 2008). The revised outlines further require that “patriotic education in [Xi Jinping's] new era” be made “the faith, spiritual strength and conscious action of all Chinese people” allowing the Party-state to promote its one-sided political ideology and indoctrinate the entire citizenry (Dotson, 2019).

The use of Xuexi Qiangguo, an online application widely used to teach Party theory, mainly “Xi Jinping Thought”, has been emphasised in the revised guidelines.¹³ Introduction of this app in January 2019 coincided with the launch of a “special nationwide four-month rectification campaign” against 'illegal' mobile educational apps (TCHRD, 2019). The crackdown resulted in the closure of 12,100 social media apps used mainly by young people and the removal of more than 55,000 articles with “bad and unrelated learning contents” (Ibid).

A 'Tibet Youth Palace' opened in May 2019 in Lhasa is a clear indication of the expansion of the state-led political indoctrination campaigns among young Tibetans to “carry out extracurricular activities, inherit traditional culture and strengthen patriotism in education” (China Tibet Network, 2019). Similarly, by November 2019 Chinese authorities had built 17 “Rural Youth Palaces” targeting more than 3,200 students in Kardze County, outside TAR in Tibet's Kham province with the aim of promoting 'Xi Jinping Thought' (ICT, 2019).

RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

Article 20(1) of Universal Declaration of Human Rights provides that “everyone has the right to freedom of peaceful assembly and association.” But the authoritarian communist regime of China shows total disregard to any such principle depriving Tibetans of their rights. Any attempt of peaceful assembly, association and protests including self-immolation is criminalised. Not only the individuals involved in these activities but the members of their families too are subjected to unbearable persecution at the hands of the PRC authorities. The 2008 uprisings of Tibetan people asking for their due rights was subjected to brutal and sweeping crackdown for several years. All protesters involved in these events were given harsh punishments which resulted in the near-absence of any large political protests or demonstrations thereafter.

The 2008 uprisings of Tibetan people were followed by various repressive laws and policies that continued to impose disproportionate and unjustified restrictions on the right to freedom of assembly. Installing of mass surveillance system such as high-definition CCTV cameras to scan streets, restaurants, and public transportation along with the use of increasingly accurate artificial intelligence have blocked all the space for expressing public grievances. This has led to the steady erosion of the most basic elements of the right to assembly, that is, the right to think for own self and express opinions freely. Self-censorship has become even more of an indispensable quality of daily life in Tibet.

International Legal Provisions and the PRC's Disregard

Numerous international human rights treaties e.g. Article 20 of ICCPR and Article 8 of ICESCR, which the PRC has ratified provide for the right to freedom of peaceful assembly as the fundamental human right. The PRC has ratified other notable treaties that recognise the right to freedom of peaceful assembly, including CERD in Articles 4 and 5(ix) of I; CEDAW in Article 7(c); and Article 15 of the CRC. It is important to note that freedom of peaceful assembly covers not only the right to hold and participate in peaceful assemblies but also the right to be protected from undue interference.

As described by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the right to protest is a fundamental right that is necessary for the exercise of other human rights. The excessively used force against protesters in undisclosed location for interrogation, torture and intimidation contravenes the Chinese constitutional provision of Article 35 which guarantees the right to freedom of peaceful assembly.

Persecution of Land Rights Defenders

Tibetan land rights activists are implicated as 'black and evil forces', founding 'evil organisations', engaging in 'forced transactions' 'extortion and deceit', mobilising public to 'disturb social order' etc. and are prosecuted.¹⁴ For example, nine Tibetan land rights defenders were sentenced to prison terms ranging between three and seven years after being detained in July 2018 (Human Rights Watch, 2018). These nine Tibetan activists are: Gendun Soepa, Choesang, Bhende Dorje, Tashi Tsering, SonamGyal, Dhargye, Shawo Tsering, KhajamGyal and Dukbum Tsering, from Horgyal village in Rebkong County (Ibid).

These nine Tibetans are among the 24 signatories who signed a petition in February, 2017 demanding the return of Horgyal village land that had been expropriated by the government to build three brick factories in exchange of lease payments to the village. Even after the building site was closed for seven years, the owners of the brick factories continued to hold on to the land. The villagers were compelled to demand their land as even compensation was not granted to them (TCHRD, 2019). The land rights defenders who were also local community leaders were charged under vaguely defined criminal activities in the name of mediating community conflicts; resisting state led land acquisition process; demolition of infrastructure projects and other related development projects; and community fundraising or providing donations to the "Dalai Clique" etc. (Human Rights Watch, 2018).

Clampdown on Peaceful Protestors

In a blatant disregard for both domestic and international law guaranteeing freedom of assembly and expression, Tibetans holding non-violent protests were sentenced to harsh prison terms. Lodo Gyatso, a former political prisoner and his wife Gakyi were sentenced to 18 and two years respectively for holding a peaceful protest against the Chinese government sometime in late 2018 in Sog (Ch: Suo) County in Nagchu Prefecture, TAR (TCHRD, 2019). Gyatso's protest in front of the Potala Palace lasted for about four minutes, which involved circumambulating the monument and shouting slogans against the Chinese government. It is most likely that Gyatso was sentenced to criminal offenses related to 'state secrets', a vague provision in the Chinese Criminal Procedure Law that is frequently used against outspoken critics of government policies and other human rights defenders (Voice of America, 2019).

¹⁴Tongren County People's Court holds public hearing of the case of criminal group of 'khagovas', Tongren County Court, 16 April 2019, available at <http://hntrfy.chinacourt.gov.cn/article/detail/2019/04/id/3827757.shtml>

A 20-year-old Tibetan man named Wangchen was sentenced to four years and six months imprisonment for leading a protest “calling for the release of the Panchen Lama and for the reunion of the Panchen Lama and the Dalai Lama in Tibet” in Sershul (Ch: Serxu) County in Kardze Tibetan Autonomous Prefecture (Radio Free Asia, 2019). Two other Tibetans, Lobsang and Yonten, who had participated in the protest, were ordered to attend a six-month political reeducation classes on 'national security' and pay monetary fines. Wangchen's aunt Dolkar was sentenced to one year and three months in prison for sharing the news of Wangchen's detention with outsiders (TCHRD, 2019).

Suppression of Tibetan Voices for Independence

Protests calling for Tibetan independence in Dzachuka Township in Sershul County witnessed sweeping crackdown in November 2019 (Radio Free Asia, 2019). In the similar fashion, more than 30 monks and lay persons had been detained by early December 2019 for over two weeks for various reasons ranging from maintaining contacts with outsiders to keeping photos of His Holiness the Dalai Lama.¹⁵ Monk detainees were subjected to daily political education classes for two weeks. The police searched the cell phone data of local villagers and other Tibetans in neighbouring villages, following which some residents were called for interrogation in the police stations and forced to sign various documents.¹⁶

In Sershul County, Police detained four monks from Dza Wonpo Ganden Shedrub Monastery on 7 November 2019 for throwing leaflets calling for Tibetan independence in front of the Chinese government office. Shergyam Yang, a religious instructor at the monastery was taken into custody by police. A monk named Nyim who had posted online expressions of support for the four detained monks was detained in the same month. Nyime's detention was followed by his brother Choegyal's detention along with another layman named Yonten, both of whom had staged a protest on 21 November 2019 scattering leaflets calling for Tibetan independence in front of the police station in Dza Wonpo village (Radio Free Asia, 2019). All these seven detainees have been placed in unknown locations and their families and friends have been refused permission to visit them.

¹⁵Information provided to CDPHR by JampaYonten, a monk in South India on 10 October 2020

¹⁶Ibid

Self-Immolation Protests Against Repressive Policies of China

More than 150 people are known to have self-immolated themselves inside Tibet to protest against oppressive policies of the PRC since March 2009, the recent self-immolator being a former monk named Yonten, 24, on 26 November, 2019 (Free Tibet, 2019). The Chinese government lost no time in responding to the protests with a surge in activity by security forces, a propaganda campaign against the protesters and punishments for protesters' families and communities (TCHRD, 2019). These protests that began in 2009 are indicative of terrible clampdown on freedom of expression and assembly in Tibet in the hands of the PRC authorities.

These self-immolators even while dying urged Tibetans to stay united and protect Tibetan identity. For example, Tsering Gyal, a young monk while he was being taken to the hospital after he set himself on fire told his companions "Today I self-immolated for reunion of Tibetans inside and outside Tibet. My only wish for you is to be united and to work for the preservation of Tibetan language and tradition. If we do these things, Tibetans will be reunited" (Free Tibet, 2019). Some others left final written or recorded messages. Sonam Topgyal, a 27-year-old monk in July 2015 in a letter said, "Chinese authorities repress [Tibetans] with their violent and brutal law, by demolishing our religion, tradition and culture and causing environmental devastation. Meanwhile, people absolutely have no freedom of expression nor can they convey their grievances" (Ibid).

EXERCISING RIGHT TO A FAIR TRIAL: A MIRAGE FOR TIBETANS

A white paper released by the PRC government in 2019 stated, it had “continuously strengthened the rule of law for human rights” to “ensure independent and impartial exercise of judicial and procuratorial powers, guarantee the right to fair trial for all parties and the legitimate rights and interests of criminal suspects, defendants, prisoners” (TCHRD, 2019). In practice, though, it has consistently dishonoured its international obligations in relation to these principles when it comes to the people in the TAR and other minority regions. Article 10 of the Universal Declaration of Human Rights provides that “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”

It has become a norm than exception that Tibetans are subjected to unlawful deprivation of liberty and denial of every chance to the right to a fair trial. Police and security officers frequently torture Tibetan political detainees during extended periods of pre-trial detention to extract forced confessions. Such forceful confessions so extracted are then used to convict the detainees at closed-door trials. Even if some Tibetans manage to hire lawyers of their choices, mounting a strong defense is far-fetched due to the threats and pressure exerted on defense lawyers (TCHRD, 2020; Human Rights Watch, 2008).

International Legal Provisions and the PRC's Disregard

Multiple international legal instruments champion the cause of right to a fair and public trial giving accused a chance to defend own-self maintaining the principle of fair play. Article 11 of the UDHR provides that “[e]veryone is entitled in full equality to a fair and public hearing . . . of any criminal charge against him. Article 14 of the ICCPR further provides that “[I]n the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” Article 9 (1) of the ICCPR has further elaborately stipulated that “[e]veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”¹⁷

UN Working Group on arbitrary detention rules out that if individuals are held in prolonged incommunicado detention in secret locations in various “black sites”, without access to the

courts or lawyers, without charge or trial, and without their families being informed of their whereabouts or given access to them is a violation of human rights.¹⁸ Article 9 (2) in the ICCPR requires that, “anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”¹⁹

The PRC's Criminal Procedure Law imposes various barriers on a defendant's access to justice if she/he is accused of committing vaguely defined crimes of 'endangering state security', the practice that is antithetical to international legal standards. Restrictions on defense lawyers in the name of preserving 'state security' or 'social stability' make it extremely difficult for them to protect the human rights of their clients (TCHRD, 2020). Furthermore, the PRC's judicial mechanisms became flawed because of its 'Socialist Rule of Law with Chinese Characteristics' that put various internal and external controls limiting judiciary's ability to engage in independent decision-making.

Denial of Right to Appeal

Tashi Wangchuk, Tibetan language rights advocate was sentenced to five years imprisonment on the trumped-up charge of 'inciting separatism' in May 2018. This aroused widespread criticism from the international community including a statement of condemnation from a group of six UN human rights experts in 2018. He was denied the right to appeal his sentence throughout 2019.²⁰ In August 2019, Tashi's lawyers Lin Qilei and Liang Xiaojung shared how local Chinese authorities had been resorting to illegal means to obstruct the appeal case. Although there are provisions for the right to appeal in the Chinese Criminal Procedure Law, they stand undermined because of its subservience to the political and ideological considerations of the state.

Prolonged Pre-trial Detention

Prolonged pre-trial detentions of Tibetan activists are mainly used to extract forced confessions from them which then are used to condemn and to sentence harsh

¹⁷International Covenant on Civil and Political Rights' can be accessed at <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

¹⁸WGAD Opinion 29/2006 (USA) UN Doc. A/HRC/4/40/Add.1 (2006) pp103-110 §§12, 21-22. Can be accessed at https://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/4/40/Add.1

¹⁹Supra, note 2

²⁰China: UN human rights experts condemn 5-year jail term for Tibetan activist, Office of the UN High Commissioner for Human Rights, 6 June 2018, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23176>

punishments. Such a practice not only violates their right to liberty, but it also has negative ramifications on the exercise of the right to a fair trial. These detentions are often carried out at undisclosed and distant locations thereby making it difficult for their family members and lawyers to make contact. Owing to restrictions on visits by lawyers to their clients, it becomes difficult for the lawyers to determine the charges and prepare a defense. Tibetans, so detained, are neither given the presumption of innocence nor the right to remain silent. Many Tibetan political detainees have narrated nightmarish experiences of physical and psychological torture for weeks and months in pre-trial detention (TCHRD, 2020)

A monk named Lobsang Dorjee, 36 from the Kirti Monastery of Ngaba County was sentenced to three years' imprisonment in September, 2019 on the suspicion of contacting with Tibetan exiles outside China (TCHRD, 2019). Though he was arrested in July 2018, his whereabouts were not disclosed to either his family or friends prompting fears of permanent enforced disappearance of the monk (Free Tibet, 2019). Similarly, another monk named Lobsang Thabkey, 37 was sentenced on unknown charges to four years in prison in Ngaba County (TCHRD, 2019). His family members were not allowed to meet him neither was his location disclosed to them. Later the monk's family members came to know that he was held at the Ngaba County's Public Security Bureau detention centre since September 2019 for posting critical views about communist China's Tibetan language policy on his WeChat account (TCHRD, 2019).

The PRC's Flawed Legal Mechanism : Making Fair Trial Inaccessible

The stringent requirements in the name of maintaining stability of the Chinese political system that are primarily devised to preserve the authority of Chinese Communist Party (CCP) brings in a lot of hurdles for the lawyers in representing and protecting their clients' rights and interests. A small number of Chinese detainees, who manage to hire lawyers for them, find it extremely difficult to get access to fair trial as their defense lawyers are exposed to various pressures and restrictions from the PRC authorities. These pressure tactics are so overarching that the independence of the judiciary and lawyers in particular stand heavily compromised (Human Rights Watch, 2008: ISHR, 2016). In the absence of properly defined domestic law and regulations, the rights of lawyers to practice law in conformity with international standards is unthinkable.

The justice department and lawyers' associations are being used by Chinese authorities to punish lawyers who exhibit the tendency to deviate from the party line (China Daily, 2018, China Change, 2019). For example, a lawyer's qualification to obtain or retain law practicing license is determined by the annual lawyer licensing framework based on the type of case that she/he undertakes (McGovern & Rubio, 2018). It means licenses to lawyers are granted only if they fall in party line and take cases which do not pose challenges to the CCP's authority and its decrees.

In 2018, human rights lawyer, Sui Muqing's business license was revoked by the authorities in the southern Chinese province of Guangdong for not paying heed to official warnings to not take up politically sensitive cases (Radio Free Asia, 2018). Similarly, in yet another case in 2018, the Beijing Municipal Bureau of Justice revoked the business license of Lin Qilei's law firm after he ignored pressure from the authorities to not represent sensitive cases. Lin, in his interactions, narrated about the hurdles he had to encounter while meeting his clients and also about the long wait and money he had to spend to get authorisation to meet with them (TCHRD, 2020).

Lin further observed that he handled a lot of criminal cases in which confessions were obtained by using excessive force and torture. As per his accounts, in the name of anti-crime campaign or the campaign to destroy 'organised crime' and 'gang crimes', the PRC authorities have stopped giving defense lawyers an access to their clients' evidence files. Before the campaign, they used to receive evidence files when the police investigation had concluded and the case transferred to the procuratorate. Lin faced similar challenges when defending imprisoned anti-corruption activist, Anya Sengdra because the latter was an accused under the anti-crime campaign. Therefore, Lin Qilei says, the trial process is just a formality, the outcome of which has already been decided (TCHRD, 2020).

RIGHT TO FREEDOM OF RELIGION AND BELIEF

For centuries, Tibetan Buddhism and its vast network of monasteries and nunneries have been a central component of economic, social, political, and religious life in Tibet. Several religious sites dating back to the seventh century are greatly revered by Tibetan people. It is important to note that Tibetan Buddhism with unique religious traditions, its religious texts, dances, tantric practices, and the philosophical debates that form the core of Tibetan life differ significantly from the form of Mahayana Buddhism practiced widely in other parts of China.

However, with intensified controls and restrictions on Tibetan Buddhist institutions and religious practitioners, more so since 2019, the situation of freedom of religion and belief has come under great pressure in the communist China. A five-year plan to 'Sinicise Buddhism in the New Era' controlled by the CCP's United Front Work Department has further deteriorated the situation (TCHRD, 2019). The plan requires that Tibetan Buddhism and other minority faiths in China be made compatible with the Chinese 'socialist values' thereby making their followers to fall in the party line. The plan essentially aims at combining existing repressive measures on religions uncharacteristic to communist China's 'political stability' with that of new ones to tighten control over monastic institutions and to cultivate monks and nuns that are "politically reliable" and capable of "drawing a clear line from the Dalai Clique" (TCHRD, 2019).

The 'Anti-Gang Crime Campaign' launched from the Tibetan Autonomous Prefecture in Qinghai province in early 2019 criminalises any unapproved religious activity and authorises security officials to carry out "vigorous opposition to those with differing views and those who obstruct [state policies and ideology], "that includes "control by religion forces, "which are seen as "relatively strong in rural and mountainous areas" (HRW, 2020). The practitioners of unapproved religious activities and Tibetan government employees involved in any religious activities are subjected to possible prosecution or in some cases stringent punishment (Ibid).

The revised "Regulations on Religious Affairs" being implemented since February 2018 are a step further towards cinicisation and are instruments in the hands of the communist authorities of China in leveling any religious activity as legal or illegal. If the religious groups and activities do not have the approval of the government then, most probably, they come under the preview of bans and heavy fines. The September 2018 'Rules to Regulate Online Religious Messaging Services' ban broadcast on the Internet without official permission to text, photo, audio, or video of religious activities like worshiping, teaching, or burning incense (TCHRD, 2019).

Monks and nuns are forced to prove their political allegiance and loyalty to the CCP as per the 'Four Standards' policy, implemented since 2017 failing which they come under the risk of imprisonment and forfeiture of state welfare benefits. Policies such as the 'Management Measures for the Reincarnation of Living Buddhas in Tibetan Buddhism' framed in July 2007 promote Chinese version of Tibetan reincarnation system to legitimise highly repressive religious regulations (International Campaign For Tibet, 2007).

Further, PRC's appointment of Gyaincain Norbu as the 11th Panchen Lama and his promotion to the post as the president of the Tibet Autonomous Region branch of the Buddhist Association of China (BAC) in June 2019 demonstrates the PRC's resolve to control and manipulate the reincarnation of the Dalai Lama. On the other hand, China has shown little or no regard to the international community's concerns on the enforced disappearance of Gedhun Choekyi Nyima, the Panchen Lama's reincarnation recognised by His Holiness the 14th Dalai Lama (TCHRD, 2019).

In the name of better management and development of Yachen Gar, one of the largest Tibetan Buddhist institutions in Tibet, Chinese authorities have evicted thousands of monastic and lay practitioners (CTA, 2019). The PRC authorities barred these evicted monks and nuns from joining other monastic institutions to continue their religious studies and some of them were held in extrajudicial centers for political indoctrination purposes (Ibid). Visitors, both domestic and foreign, were restricted from visiting Yachen Gar and neighboring Larung Gar throughout 2019 (TCHRD, 2019).

International Legal Provisions and the PRC's Disregard

As a UN member state and signatory to various international treaties and covenants on human rights, the PRC must adhere to its commitment to them. UDHR, the foundational document of international human rights law in particular must be respected. Article 18 of the UDHR stipulates "Everyone shall have the right to freedom of thought, conscience and religion." Further, Article 2 of UDHR prescribes that no discrimination to be done on the basis of race, colour sex, language, religion, political or other opinions, national or social origin etc.

Further more, Article 5(2) of Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief provides "Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle."²¹ The provisions in the Article 18 of the

ICCPR too elaborately prescribe freedom of religious belief and practice without any impairment on the part of state or any other institution.²² Article 18 of the Interim Obligation of the Vienna Convention on the Law of Treaties²³ binds signatories of the ICCPR to adhere to the object and purposes of the covenant.

Moreover, the domestic legal provisions in the Chinese constitution also provide for freedom of religion to all citizens, protection against discrimination on religious grounds, equality of all citizens before law etc. As provided in the Article 11 of the Law on Regional National Autonomy, "The organs of self-government of national autonomous areas shall guarantee the freedom of religious belief to citizens of various nationalities." Article 36 of the Chinese constitution stipulates "[n]o state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion (Information Office of the State Council of the PRC, 1997)."

Despite China's claims to oblige the international and national legal provisions in relation to freedom of religion and its practice to all its citizens including that of minorities, in practice its administrative mechanisms rampantly violate them. Chinese authorities allow only those religious beliefs and practices which they consider 'not nuisance causing' to the CCP's dictates. Any religious congregation or institution, if not sanctioned by the state, is projected as illegal and state led restrictions become more abrasive in regions such as TAR and Xinjiang Uyghur Autonomous Region (TCHRD, 2019).

Enforced Appropriation of Tibetan Buddhism in the Communist Chinese Way

It has been 24 years in 2019 for Gedhun Choekyi Nyima, recognised as the 11th Panchen Lama by His Holiness the Dalai Lama, that his whereabouts are not known to Tibetan people. Chinese authorities claim that Gedhun Choekyi Nyima is living a 'healthy and happy life' and that he and his parents 'did not want to be disturbed' showing utter disregard to concerns expressed by UN human rights experts and other concerned stakeholders of the international community.

²¹Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was proclaimed by General Assembly resolution 36/55 of 25 November 1981

²²For example, Article 18(1) provides "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

²³Vienna Convention on the law of treaties, available at <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>

²⁴http://www.tibet.cn/cn/religion/201909/t20190927_6687180.html

In its outright disrespect to Tibetan sentiments which only accept Gedhun Choekyi Nyima as the 11th Panchen Lama, as recognised by His Holiness the Dalai Lama, the communist Chinese authorities have continued to project China's candidate Gyaincain Norbu as the Panchen Lama. This happens to be one of the highest spiritual ranks in Tibetan Buddhism. Appointed in 1995, Gyaincain Norbu's profile as the Panchen Lama has continued to rise with his appointment to the post of president of the TAR branch of BAC in July 2019 (TCHRD, 2019). This act on the part of PRC authorities clearly intends to provide legitimacy to the party-state's policy and practice of religious repression. It is a clear indication that Tibetan Buddhist spiritual leaders and reincarnated lamas are being made to "follow party guidelines, deepen the spirit of patriotism in Tibetan Buddhism, hold the banner high to oppose separatism, prevent foreign infiltration, and strive hard to adapt religion to socialist society (TCHRD, 2019)".

The communist Chinese authorities are mounting increased pressure on the Tibetan reincarnated lamas to demonstrate their political allegiance and act as a conduit for repressive government policies that are being implemented in the name of 'maintaining stability' in monastic institutions (ICT, 2019). The Lamas who are officially recognised as the reincarnated ones are made to undergo 'political training' that teaches 'sinicisation' and 'anti-separatism' (Ibid). Tibetan reincarnated lamas were asked to 'resolutely safeguard the unity of the motherland and national unity' by showing 'a clear stand on major issues that concern the Chinese nation'; 'maintaining a clear vision in times of big winds and high tides; and drawing a 'clear line from the Dalai clique'²⁴ at a seminar held at Sera Monastery in Lhasa in September 2019. Riding on the popularity and their moral authority among Tibetans, reincarnated lamas are used as a tool to control and manage Buddhism and its practitioners (*Global Times*, 2019).

The 'Guidelines on the Five-Year Work Plan for the Sinicisation of Buddhism (2019-2023)' approved at the 19th Standing Committee meeting of the Buddhist Association of China (BAC) held on 24 July in Beijing are expressive of Chinese president Xi Jinping's goal, to 'sinicise religions in the new era' (TCHRD, 2019). In the report released at the CCP's 19th Congress in October 2017, the Chinese President Xi Jinping said that "We will fully implement the Party's basic policy on religious affairs, uphold the principle that religions in China must be Chinese in orientation [zhongguohua] and provide active guidance to religions so that they can adapt themselves to socialist society" (Vermander, 2019). He further reiterated his resolve to integrate socialist values into the 'emotional identity and the behavioral habits of each person' on Chinese territory in tune with Chinese Classics and the Marxist heritage considered as the two sources of morality and religion (Ibid).

Political Indoctrination Campaigns

Chinese authorities, under President Xi Jinping's rule, have accelerated political indoctrination campaigns more than ever before. As a part of these campaigns monastic institutions are put under 'patriotic education', any disobedience to which results into imprisonment and suicides (TCHRD, 2019). Monks and nuns who fail to comply with the party line and follow their beliefs and conscience are punished and left with no option but to denounce their root spiritual teachers such as the Dalai Lama.

Political indoctrination campaigns are systematically carried by permanently stationed political cadres and government officials under the guise of 'legal education' or 'national security' via training sessions, educational activities or mass exams. They are primarily aimed at promoting the state's political ideology and inculcating patriotism as an antidote to religion. The monks and nuns in monasteries and nunneries are made to fulfill the requirements of 'political reliability, religious accomplishment, moral integrity capable of impressing the public, and willingness to play an active role at critical moments' through various forms of inspections activities under the 'Four Standards' policy (Human Rights Watch, 2018).

The annual 'lecture tour to promote legal and policy awareness among monks and nuns and safeguard national unity', launched by the counties in Shannan Prefecture in March, 2019 requires monks and nuns 'to firmly uphold the leadership of the Communist Party of China and unswervingly follow the road of socialism with Chinese characteristics' (*Global Times*, 2019). In the same year, Chinese authorities announced plans to launch the campaign to promote the 'four standards' policy 'a regular activity' in Gongkar County (Ibid). New Buddhist institutes of higher learning are being established to further tighten the control over Tibetan Buddhist belief system while traditional Buddhist universities and monasteries are being turned into the Party's 'foundation of patriotic education' (TCHRD, 2019).

In the name of promoting 'religion with socialist characteristics', the PRC relentlessly attacks His Holiness calling him a 'wolf in monk's robes' and a 'splittist' engaging in 'anti-China activities overseas under the pretext of religion' (Dongchung, 2020). Despite China's all cunning efforts to demean the Dalai Lama, he enjoys popularity among Tibetans who revere him. In July 2019 UN human rights experts had criticised China's unscrupulous usage of the anti-separatism law to suppress freedom of expression, religion, assembly and association and the cultural rights of the Tibetan people. They explicitly demanded the release of the nine Tibetans who had been imprisoned for five to 14 years for celebrating the Dalai Lama's 80th birthday in 2015 (*Tibetan Review*, 2019).

Expulsion and Extra Judicial Detention of Monks and Nuns in Buddhist Institutions

Thousands of monks and nuns at Yachen Gar, one of the largest Buddhist institutions located in Pelyul County, Kardze Tibetan Autonomous Prefecture, were faced with expulsion and extra-judicial detentions throughout 2019 (ICT, 2019). This was done as a part of government-organised drive introduced in August 2017 that evicted more than 3500 monks and nuns resulting in deployment of Chinese security forces at this Buddhist religious place (Radio Free Asia, 2019).

At Yachen Gar, monks and nuns follow the Rime (Ris-med) tradition that places emphasis on non-sectarian and inclusive perspectives on practices and teachings (TCHRD, 2019). Yachen Gar hosted about 6,000 nuns and 4,000 monks, along with lay practitioners in 2007. As of 2016, the institute housed about 12,000 practitioners, of whom more than 10,000 were Tibetan nuns (Härkönen, 2017). The Tibetans and followers of Buddhism across world viewed Yachen Gar as the last remaining institutions where they could receive living and authentic Buddhist teachings until its demolition by the PRC in 2019 (TCHRD, 2019). In September 2019, some sources suspected that communist Chinese authorities had plans to build a police garrison and a detention centre in each of the nine lings (religious sections) at Yachen Gar (Ibid).

The detained nuns and monks after their release are made to undergo compulsory political re-education campaign conducted by local Chinese authorities. In August and September 2019, some unspecified number of monks and nuns from the Yanchen Gar, who were held up in illegal detention centres in the counties of Jomda, Riwoche and Chamdo in TAR, made to follow the suite. As per the findings of the TCHRD, such detained monks and nuns were forcibly made to wear lay clothing and denounce the 'Dalai clique', memorise political slogans, and pass political examinations held every two or three months. In addition to that a ban is also imposed on their travel and movement to other places and was strictly restricted from joining other monastic institutions.

Restrictions on religious activities are not specific to the Yanchen Gar alone but the neighbouring Larung Gar Buddhist Institute, another famous monastic centre of Buddhist and ethical study too is subjected to such communist Chinese repressive methods. Since 2016, over four thousand dwellings of the monastic and lay practitioners have been demolished at this institute (Tibet Watch, 2017). In April 2019, the communist government of China issued an order banning new enrollment at Larung Gar. It also built walls around the institute and three checkpoints to prevent unauthorised entry to further reinforce the security infrastructure to suppress religious activities at the institute (Radio Free Asia, 2019).

CONCLUSION

Human rights violations of Tibetan people must awake international community sooner than later as their belief systems and cultural heritage stand immensely threatened because of the excessive repressive policies adopted by the communist government of China. Any act of dissent on the part of Tibetans is perceived as threatening communist China's territorial sovereignty over Tibet. Tibetan human rights activists, anti-corruption activists, land rights defenders, columnists and bloggers, environmental activists etc. are labeled as the 'black and evil forces.' His Holiness the Dalai Lama in one of his observations has said the influx of Han Chinese and the growing restriction on Tibetan religious practices have become the biggest threats to Tibet, which faces "something like a death sentence" under communist Chinese rule (Wong, 2019).

Since the communist government of China has occupied Tibet in 1951, it has adopted severe crackdown measures and flooded Chinese soldiers and paramilitary forces in the region. The communist China's all-out measures to change the demography on the Tibetan land made His Holiness and CTA compromise and ask for genuine autonomy. For that the regional authority would make policy on education, religious practice and the use of natural resources, while Beijing would retain the right to keep military forces in the region and oversee foreign affairs (Wong, 2009), but the communist Chinese government is not ready to accept such a proposal.

Numerous international treaties and agreements along with cross-cutting principles of equality and non-discrimination universally protect the right to speak one's mother tongue and receive a culturally sensitive education. Theoretically, Chinese constitution too provides for Tibetans' right to an education in their mother tongue, but in the name of boosting educational outcomes, communist Chinese authorities impose contradictory laws and policies thereby eliminating Tibetan language and religious education. The communist Chinese version of bilingual education contravenes international human rights law, particularly that of the CRC and the ICCPR. As per the observations of the UN committees on CRC; CESCR; and the Elimination of Racial Discrimination, the rights of Tibetans' right to education in their own language and culture are grossly impinged upon in the communist Chinese regime.

The communist China's insecure concept of state sovereignty heavily weighs upon freedom of expression and privacy. Measures such as the shutdown of Tibet for foreigners

during major anniversaries, information black out that imposes bans on internet access for months, omnipresent surveillance on independent reporting and online activities, turning members of the public into government spies in the name of a 'social supervision strategy', establish control on overall aspects of citizens' lives. Moreover, communist China subverts all the international norms of right to freedom of expression and privacy by adopting intimidation tactics and arm twisting methods in the international bodies.

Any Tibetan attempt to assemble peacefully and protest to express their disliking towards the repressive communist Chinese government policies is treated as threat to 'national security' or 'social stability.' The communist Chinese enforcement agencies employ a series of domestic legal provisions and unlawful practices making it almost impossible for Tibetans to peacefully assemble and associate. Furthermore, measures implemented go much beyond proportionate response and effectively negate any right to peaceful assembly in the Tibetan context.

The extended periods of pre-trial detentions, inhuman torture of Tibetan political detainees to extract forced confessions in the hands of Chinese police and security officials, pressurising defense lawyers not to fight Tibetans' cases make the communist China one of the worst places when it comes right to fair trial. The communist China's coercive and abusive legal and political systems promoted as 'socialist rule of law with Chinese characteristics' or 'socialist consultative democracy' seriously impede the independence and impartiality its judiciary that is fundamental to the protection of human rights.

Chinese communist regime comes down heavily on Tibetans' belief system, their religious activities and practices by ways of detentions and prosecutions. The future development and survival of Tibetan Buddhist scholarship, thought, culture and practice are threatened as the communist China's state educational law prevents Tibetan children from enrolling in monasteries. The regulations enacted to control the monasteries and education system in general bar monks below the age of 16 from joining monasteries and also mandate the coercive "patriotic education" sessions in monasteries disrupting customary Buddhist studies. Despite being a signatory to various international treaties on freedom of religion and belief and despite having provisions on religious freedom in its constitution, the communist party-state maintains an iron grip over all forms of religious expression within its occupied territories.

The concept of human rights accepts inherent and inalienable rights of humanity ensuring dignity of every human being. The world has advanced in many of the areas addressed in the UN Charter, the two Covenants; ICCPR and ICESCR and many subsequent treaties and conventions. Despite having signed and ratified and providing for the recognition of human rights in their respective constitutions, these rights are still violated by states in general and totalitarian states in particular. States like the communist China fair worse in the protection of human rights of their citizens and minorities in particular. Therefore, international community and civil society must stand in solidarity with these aggrieved minorities, Tibet being the litmus test in doing so.

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