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civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International Fellowship of Reconciliation (IFOR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The question of religious freedom in Tibet

For more than a decade the International Fellowship of Reconciliation (IFOR) has reported regularly to the Human Rights Council on developments pertaining to the question of religious freedom in Tibet. During these years, the IFOR has focused on grave and systematic violations of the freedom of religious belief that have taken place as a result of concerted efforts on the part of Chinese authorities to control and suppress the religious practice of Tibetan Buddhist clergy and lay persons. These efforts have intensified since the unrest in March 2008 and are reflected not only in the employment of unlawful measures such as arbitrary detention and enforced disappearance, but also in the implementation of legal instruments aimed at placing religious institutions under political control.

The constitution of the People's Republic of China (PRC) guarantees the freedom of religious belief as one of the fundamental rights of its citizens (Article 36). The exercise of that right is limited to "normal religious activities" in so far as they do not "disrupt public order, impair the health of citizens or interfere with the educational system of the state". The notion of what constitutes "normal religious activities" is further qualified in Article 4 of the Regulation Governing Venues for Religious Activities (Decree No. 145 of the PRC State Council) which gives authorities substantial leeway in restricting religious activities deemed harmful to "national unity, ethnic unity, or the social order".

The constitutional right to religious freedom is, in fact, restricted by laws that control religious practice and repress religious activity which falls outside state-approved parameters.¹ In order to legally practice their beliefs, religious communities must register with the Religious Affairs Bureau of the State Council and submit to state control over their affairs.² One administrative form of state control is exercised by "Patriotic Religious Associations", representing the five government-sanctioned religious communities (Buddhist, Taoist, Muslim, Catholic, and Protestant). Each "Patriotic Religious Association" is responsible for recording and overseeing the activities of all religious groups and places of worship belonging to its denomination, while the State Administration for Religious Affairs and the United Front Work Department provide policy "guidance and supervision" on the implementation of regulations regarding religious practice.

In the Tibet Autonomous Region (TAR), the Tibet Branch of the Buddhist Association of China (TBBAC) is responsible for implementing government policy with respect to registration and oversight. According to the 2006 TAR government "Regulation on Religious Affairs", the TBBAC is authorized to set up so-called "Democratic Management Committees" (DMC) in all monasteries and convents. DMC members must implement government policies on religion and ensure that monks and nuns obey regulations governing religious practice. The TBBAC is also responsible for instituting administrative procedures that determine how and whether a novice may be officially confirmed as a monk or a nun. This effectively ensures that the selection of candidates will adhere to political criteria.

¹ For a review of the current legal framework, see the chapter "The Legal Framework for Religion in China" in: Congressional Executive Commission on China. 2009. Annual Report. pp. 111-112.

Available at: <http://www.cecc.gov/pages/annualRpt/annualRpt09/CECCannRpt2009.pdf>

² Sharon Lin. 2005. Legal Opinions on Religious Registration. Chinese Law & Religion Monitor 1/3. pp. 6-15.

The relative importance and emphasis on legal measures of control has increased as state regulation of religion has increased. Yet the oversight of religious institutions provided by the TBBAC is only one element in the larger effort to maintain political control over religious belief and practice in the TAR. “Patriotic education” is another.

In 1996, the Chinese authorities launched the first so-called “Strike Hard” campaign in the TAR. Although the campaign in other parts of China was designed to combat crime and government corruption, in Tibet it was directed against “splittist” activity and focused on the suppression of political dissent in religious institutions and among the lay population. The campaign was modified in the TAR and in other regions with a large Tibetan population by the addition of “patriotic re-education” (“love the country, love religion”). The purpose of “patriotic education” is to adapt Tibetan Buddhism to socialist norms and to enforce regulations governing the management of monasteries and convents and the registration of resident clergy.

In practice, “patriotic education” is undertaken by work teams recruited from the Public Security Bureau, who visit religious institutions for extended periods of time and instruct the monks and nuns on the “proper” understanding of Tibetan religion and history. “Patriotic education” sessions require monks and nuns to pass examinations in political ideology and to sign a pledge in which they accept that Tibet is historically a part of China, acknowledge the legitimacy of the Panchen Lama installed by the Chinese government, and denounce the Dalai Lama. Clergy members who refuse to sign are either expelled and sent home or, in some cases, arrested and imprisoned.

In addition to religious institutions, “patriotic education” has been introduced to lay communities with work teams operating in agricultural collectives, towns, cities, governmental bodies, and schools. In 1998, the campaign was extended beyond the TAR to Tibetan religious institutions and lay communities in Qinghai, Sichuan, and Gansu provinces. In that year, there were reports that almost four thousand monks and nuns had been expelled from religious institutions in the TAR alone, while almost three hundred clergy members were arrested with 14 reported deaths. In 2001, the “Strike Hard” campaign was officially re-launched in the TAR and extended to other Tibetan areas in China. According to reports, it resulted in the expulsion of more than seven thousand resident monks and nuns from the Serther Tibetan Buddhist Institute in Kardze Prefecture, Sichuan Province.

“Patriotic education” has continued unabated since then and has reportedly reached new levels of intensity since March 2008. State-controlled media in China recently disclosed that public security officials and monastic authorities had expelled a total of 1’200 monks from the Drepung and Sera monasteries in April 2008.³ The Chinese authorities transferred 675 of the monks from Lhasa to Qinghai province in late April and held the monks in a “military detention center” near Golmud (Ge’ermu) city in Haixi (Tsonub) Mongol and Tibetan Autonomous Prefecture.⁴ There they were forced to undergo “patriotic education.”⁵

³ Xinhua (Online). 9 March 09. China Focus: Legal Education at Tibetan Monasteries Bears Fruits”. According to Xinhua: “After the (2008) riots, the management sent away about 700 visiting monks back to their home provinces and only the registered 600 stayed on at Drepung. Sera, another major monastery in Lhasa, cleaned out more than 500 visiting monks and lodgers in the post-riots head-count.” Radio Free Asia Online (28 August 2008) reported that the monks from the Drepung monastery were detained on the campus of Nyethang Military School outside of Lhasa. Regarding the events at Sera monastery, the RFA source reported: “Then, on the night of 14 April, a huge contingent of Chinese security forces arrived at Sera monastery and took away 400 monks and detained them at a military prison in Tsai Gungthang (near Lhasa).

⁴ Radio Free Asia Online. 28 August 08. “Tibetan Monks Still Held in Qinghai.” RFA reported: “According to an authoritative source who spoke on condition of anonymity, 675 Tibetan monks from

In addition, authorities allegedly subjected the monks to “beatings and psychological torture” and “many” monks suffered illness as a result.⁶ Few details are currently available about the status or well-being of the 1,200 clergy members.

In 2009, the annual “Strike Hard” campaign in the TAR was implemented in two stages. According to information published in the official newspaper, Lhasa Evening News (Lasa Wen Bao), the first stage commenced on 18 January and lasted 42 days, beyond 10 March date commemorating the national uprisings in 1959 and in 2008. Within three days the Lhasa City Public Security Bureau (PSB) office had deployed 600 officers and conducted raids on 7 housing blocks, 2,922 rented houses, 14 guest houses and hotels, 18 bars and 3 internet cafés. It was reported that the PSB rounded up some 5,766 suspects for interrogation. The second stage of the campaign was launched on 9 September 2009. The key objective was to ensure stability and security ahead of the 60th anniversary of the National Day Celebration on 1 October.

A further attempt at government regulation has focused on the reincarnation selection process. Following the demise of the 10th Panchen Lama in 1989, a crisis erupted in connection with the selection of his successor. On 14 May 1995, the Dalai Lama confirmed 6-year-old Gendun Choekyi Nyima as the 11th reincarnation of the Panchen Lama. Three days later Gendun Choekyi Nyima and his family disappeared.⁷ In December 1995, the Chinese authorities, in turn, installed Gyaltzen Norbu as the “legal” Panchen Lama.

In August 2007, the Religious Affairs Bureau of the State Council issued a decree, known as “Order No. 5”, which regulates the legal procedure for reincarnation. It requires all Buddhist temples in the country to submit a so-called “reincarnation application” to government authorities for approval before they are allowed recognize individuals as “tulku” (reincarnated teachers). As reported by the official state news agency, government authorities cited the preservation “national unity and solidarity of all ethnic groups” as well as a concern that the selection process not be influenced “by any group or individual from outside the country” as justification for the measure.⁸

the targeted monasteries were put on a train from Lhasa on April 25... (and) were transported to a military detention center in Golmud.”

⁵ Edward Wong. “Tibetans Greet New Year in Opposition.” New York Times Online. 25 February 2009. According to the article: “About 700 [monks] were sent to a camp in Golmud, in Qinghai, for patriotic education, then ordered to return to their hometowns, said three young monks who were at the camp.”

⁶ Ibid. According to an RFA source (ob.cit.), “The monks who were held in Golmud had endured beatings and psychological torture. As a result, many became ill and several developed heart problems.” For an additional report of abusive treatment of monks under detention, see: International Campaign for Tibet. 2009. A Great Mountain Burned by Fire: China’s Crackdown in Tibet. pp.16-17. Available at:

http://www.savetibet.de/fileadmin/user_upload/content/berichte/ICT_A_Great_Mountain_Burned_by_Fire.pdf

In a February 3, 2009, blog entry, Tibetan writer Woesser reported that one of the monks died while detention of an untreated illness, while another “simply couldn’t bear it any longer. He started banging his head against the wall and then jumped from the window when he was taken to hospital. He broke several bones and is deaf in one ear.”

⁷ Gedun Choekyi Nyima, who turned 20 years of age in April 2009, is perhaps the world’s youngest political prisoner. Despite international pressure, including interventions by the UN Working Group on Enforced or Involuntary Disappearances, China refuses to acknowledge his whereabouts. Chinese security officials and courts treat expressions of devotion toward Gedun Choekyi Nyima and the Dalai Lama as “splittism” (a crime under Article 103 of the Criminal Law).

⁸ Xinhua Online. 4 August 2007. “Reincarnation of living Buddha needs gov’t approval.” Available at: http://www.chinadaily.com.cn/china/2007-08/04/content_5448242.htm

Although government authorities insist that the new regulations guarantee “normal religious activities of Tibetan Buddhism”, it is evident that they constitute a gross interference in a centuries-old Tibetan spiritual practice for political ends. As such, they are a serious violation of the freedom of religion as enshrined in the Universal Declaration of Human Rights and mentioned in the constitution of the People's Republic of China.

As the unrest since March 2008 has shown, members of the clergy constitute a majority of the Tibetans involved in political protest. As such, the Chinese authorities view them with suspicion and punish them with expulsion from their institutions, often subjecting them to arrest and detention. The Chinese Constitution as well as China's religious policy on Tibet places emphasis on external acts or practices of Tibetan Buddhism such as repair of monasteries, circumambulation, printing of sutra scriptures, etc. These acts are an important aspect of Buddhist practice, but they are only one aspect or dimension of it. At its core, Tibetan Buddhism mandates intensive study sessions, contemplation, and strict practices. China's imposition of "patriotic re-education" grossly interferes in the transmission of Tibetan Buddhism and thus greatly affects the monastic routine and study.

In conclusion, the IFOR calls upon the members of the UN Human Rights Council to urge China:

- To immediately end policies and practices which undermines the practice and preservation of Tibetan Buddhism, including government intervention in the identification and training of Tibetan reincarnate lamas and the imposition of repressive measures, such as the “Strike Hard” and “patriotic re-education” campaigns;
- To provide independent information and access to Gendün Chökyi Nima, the 11th Panchen Lama appointed by H. H. the Dalai Lama, and his family, who have been held incommunicado by the Chinese authorities for the last 15 years;
- To receive and allow access to Tibet for the Special Rapporteur on Freedom of Religion or Belief and other invited Special Procedure mandate-holders, including the Special Rapporteur on Summary or Arbitrary Executions;
- To fully implement the recommendations made by the Special Procedures mandate-holders and UN Treaty Bodies on Tibet;
- To release immediately and unconditionally all those detained and imprisoned solely for engaging in peaceful protest and/or other peaceful political activities.