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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International Fellowship of Reconciliation, 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.

[15 May 2017]

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

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The Right to Freedom of Opinion and Expression : the case of the Tibet Autonomous Region (TAR), China

In 2016, the People's Republic of China (PRC) continued to violate the right to freedom of opinion and expression in the Tibet Autonomous Region, by enforcing vaguely-worded laws which give the authorities a free hand to carry out abusive, political prosecutions against any Tibetans peacefully expressing their opinions. These laws were passed in the name of fighting terrorism, securing the Internet, and protecting state security. Accessing information from outside Tibet has become more difficult, as well as ethically challenging, due to the persecution of information sources inside Tibet.

In November 2016, a mass surveillance programme was implemented, which stationed 22,000 cadre teams in over 5400 Tibetan villages. This programme, described by human rights advocates as Orwellian, monitors Tibetans for any behaviour which suggests cultural or religious expression. Anti-Dalai Lama campaigns, convenience police posts, and double-linked households help to expand the influence of the PRC, further clamping down on the freedom of opinion and expression.

Many of those detained have been local community leaders, environmental activists, and villagers involved in cultural activities. The offences that received the longest sentences include possessing an image or text deemed sensitive by the government, trying to assist victims of self-immolation, and leading peaceful protests. The overwhelming majority of activities that led to detentions appear to have been legitimate, peaceful forms of expression protected under international human rights law.

One of the strongest evidences of the violation of freedom of opinion came from an 80-page government directive placed in 42 Tibetan monasteries, which outlines criminal prosecutions for Tibetans who engage in the following acts:

- Displaying the Tibetan flag;
- Raising portraits or yelling slogans about the Dalai Lama;
- Self-immolation or assisting it;
- Sharing photos and videos about "separatism".

The act of sharing pictures and videos about separatism, which usually refers to the Dalai Lama or Tibetan freedom, is penalized with multiple sentences including "illegal sharing of secrets." According to Article 111 of the Chinese Criminal Law, this crime holds a 10-year minimum sentence. Furthermore, those involved with self-immolation are charged with "intentional homicide," which would incur a sentence ranging from 10 years to the death penalty. Although divulging nothing new, the contents of the directive reinforce the fact that legitimate acts of freedom and expression are criminalized in Tibet.

In the absence of any avenues for dissent and criticism, Tibetans are forced to resort to self-immolation and solo protests as a means to express their opposition against government injustice. Self-immolation has claimed the lives of more than 140 Tibetans in and out of Tibet. Self-immolation has become much more difficult to carry out due to the implementation of extreme sentences for those who survive, as well as collective punishment for family members.

Despite intense restrictions, there were three self-immolations in Tibet in 2016, as well as one in India. On February 29, an 18-year old monk died after setting himself on fire while calling for Tibetan independence and long life of the Dalai Lama. Following the self-immolation, police ordered his family to declare that the cause of death was an accidental fire. The family was put under constant surveillance and restricted from meeting with fellow villagers.

In September, the location of Tapei, the first person to self-immolate in Tibet, was finally exposed in a self-immolation documentary created by the Chinese government. Following his self-immolation in February 2009, he underwent surgery, with strict surveillance by Chinese personnel. All other details of his case remain unknown, such as the

duration of his sentence and charges for which he was convicted. If the local directive published in July is any indication, he was likely charged of “endangering public security”. Not only is self-immolation criminalized in Tibet as a way to reduce expression of dissent, the access to information about those who sacrifice themselves is also significantly controlled.

As seen in the case of Tashi Rabten, a 31-year old Tibetan man who self-immolated, the crackdown on self-immolation has been extended to collective punishment of family members of the victims. Following common crackdown tactics, his children and wife were detained and interrogated. Four other Tibetans were also arrested at this time for suspected involvement in taking pictures and videos of the self-immolation which became widely available on social media. The whereabouts of the four remain unknown.

Self-immolation is symptomatic of the hopelessness caused by extreme political repression and the absence of any space to air grievances and seek redress. It is not an act of terror; it is self-inflicted pain which causes no damage to others. Tibetans who assist in moving the body of the self-immolator, holding prayer services as per Tibetan tradition, and consoling the family of the deceased are unjustly detained and sentenced to long prison terms, again violating the right to freedom of expression.

Following the crackdown on self-immolation protests, many Tibetans have resorted to solo protests, which usually consist of a lone person carrying a photo of the Dalai Lama or Tibetan national flag and shouting slogans about freedom. Despite the requirement for law enforcement officials to protect peaceful protesters, as outlined by the United Nations Code of Conduct, Chinese officials have continued to carry out severe beatings, arbitrary arrests and detention of Tibetan solo protesters. In 2015, four Tibetan monks who staged peaceful solo protests in separate incidents were sentenced for “inciting separatism”, and were each sentenced to three years’ imprisonment. Such actions, the risks of which are well-known risks are a strong indication of the desperation of Tibetans for an outlet to express their dissent.

With all types of media tightly controlled by the PRC, the Internet has become an extremely important tool for Tibetans to exercise their freedom of opinion, expression and information. Online platforms have emerged as one of the most popular means for activists to make their voices heard, but the risks of such communication are equally great.

On one occasion the Chinese government arranged for a handful of foreign journalists to enter Tibet for a guided tour with a strict itinerary. Despite this small exception, Tibet remains one of the hardest places on earth to access for independent journalists, human rights missions and foreign diplomats. A 2015 survey by the Foreign Correspondents Club of China found that the top three reasons why journalists find it difficult to report on Tibet were because of restricted access to Tibet, restricted movement while inside Tibet, and the overwhelming fear of sources to speak freely when interviewed.

The restrictions placed on journalists make it extremely difficult to collect information about what is really happening inside Tibet. Because of this, local Tibetans have been given no choice but to share information themselves, risking both their lives and their families. Many Tibetans have been detained, tortured and imprisoned for conveying their opinions about political injustice in writing. Many more have been targeted for simply expressing their cultural or religious identity.

In May, a 28-year old Tibetan blogger was sentenced to 7.5 years on charges of “leaking state secrets” and “engaging in separatist activities”, despite receiving no explanation of the precise charges. When he was granted a thirty-minute family visit, he told them that no evidence had been produced. Investigating officers told him that he was guilty of committing the so-called crimes between 2009-2013. An article authored by a group of Tibetan writers suggested that he was probably detained for writing essays about suppression of freedom, destruction of the environment, and self-immolations – charges which have been brought against many other Tibetan bloggers and writers.

It is impossible to give a full account of the grave situation inside Tibet under Chinese occupation, but the foregoing at least indicates the great extent of human rights violations and repression faced by Tibetans.

Freedom of opinion and expression are basic human rights, which are guaranteed under numerous international treaties, including the International Covenant on Civil and Political Rights (which China has signed but not ratified). The problem is that these protections are negated by the imposition by laws requiring citizens of the PRC to “safeguard the unity of the country” and to “keep state secrets”. Every day, Tibetans are routinely subjected to arbitrary arrests, enforced disappearances and torture merely for peacefully expressing their criticisms of government practices. The extremely limited space for opinion and expression has worsened through the implementation of the local directive and mass surveillance program, coupled with relentless campaigns to enforce compliance upon Tibetans, all of which contributes to the systematic violation of the right to freedom of opinion and expression in Tibet.
