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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 Helsinki Foundation for Human Rights, 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.

[5 June 2012]

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

People's Republic of China: Cultural rights of the Tibetan People under threat

As party to the United Nations Covenant on Economic, Social and Cultural Rights the government of the People's Republic of China (PRC) is not currently adhering to the standards protecting cultural rights agreed upon therein. This is particularly evident in the case of Tibet, as at this time the Tibetan people cannot fully take part in their cultural life^[1] because of practices and policies of the Chinese government which restrict and modify the expression of Tibetan culture. The PRC government has engaged in a consistent effort over the 60-plus years of its rule in Tibet to replace authentic, indigenous Tibetan culture with a state-approved and controlled version that comports with the ideological, political and economic objectives of the Chinese Communist Party.

In 2005, the Committee on Economic, Social and Cultural Rights (CESCR) noted "with concern the reports regarding the discrimination of ethnic minorities in the State party, in particular in the field of employment, adequate standard of living, health, education and culture...the Committee regret[ed] the insufficient information provided by the State party regarding the enjoyment of economic, social and cultural rights enshrined in the Covenant by populations in the ethnic minority areas ... and note[d] with concern the reports from sources other than the State party relating to the right to the free exercise of religion as a right to take part in cultural life, and the use and teaching of minority languages, history and culture and the Xinjiang Uighur Autonomous Region (XUAR) and the Tibet Autonomous Region (TAR)."^[4]

Similarly, in August 2009, the UN Committee on the Elimination of Racial Discrimination (CERD) noted "with concern reports according to which the system of incentives granted to work and settle in the autonomous minority regions may result in substantive changes in the demographic composition that impact negatively on local traditions and cultures in these regions. The Committee reiterate[d] its previous recommendation that any policies or incentives offered that may result in a substantial alteration of the demographic composition of autonomous minority areas be reviewed."^[5]

China's policies privilege the state's interests over those of the Tibetan people and are, in turn, based on a set of ideological and nationalistic principles that permeate the thinking of PRC leaders and have taken hold on a societal level. The elements of cultural genocide present in Tibet are most apparent in the following core areas: attacks on religion, the imposition of inappropriate development policies, attacks on intellectuals and non-religious cultural life, and discrimination against Tibetans and the delegitimization of Tibetan culture.

Tibetan Buddhism, practiced by the majority of Tibetans, has for centuries been a core element of Tibetan culture. The Chinese government has consistently instituted repressive policies on the practice of Tibetan Buddhism with intense regulation of and control over religious institutions; patriotic education, propaganda and other political campaigns that are fundamentally opposed to basic tenets of Tibetan Buddhism; manipulation of factions within Tibetan Buddhism in order to exacerbate internal divisions; and overt repression, including rhetorical attacks on Tibetan religious leaders, and the public humiliation, detention, imprisonment, and torture, collective punishment and killing of religious leaders and adherents. In March 2012, Human Rights Watch reported that in a shift from the policy of monastic self-rule, "every monastery in Tibet [will be] under the direct rule of government officials who will be permanently stationed in each religious institution,"^[6] indicating the extent to which the Chinese government aims to control the practice of Tibetan Buddhism.

Olivier De Schutter, Special Rapporteur on the right to food noted with concern in his country report on China that the PRC's "Western Development Strategy" (xibu da kaifa) and efforts to remove Tibetan nomads from the grasslands were detrimental to their access to adequate food.^[7] These practices and policies are also detrimental to Tibetan's ability to enjoy their cultural values as nomadic herders. Such forced sedentarization and other policies, including poorly developed and implemented environmental protection efforts have not only deprived Tibetans of their livelihoods and access to food, but also of an intimate connection to the land and environment that has existed for thousands of years. Furthermore, economic development policies that are heavily reliant on extractive industry, infrastructure, and the migration into Tibet of a large number of non-Tibetans have deprived Tibetans of control over their own future and threaten to make them a cultural, if not demographic, minority in their own land.

The PRC's policies targeting the intellectual and non-religious cultural life of Tibetans include regulations that have resulted in the denial of a range of linguistic rights, including the right to develop and use the Tibetan language as the language of commerce, education and administration in Tibetan areas. In spite of these regulations, many Tibetans are working to maintain their linguistic rights and have protested against the imposition of Chinese language programs, including a group of thousands of Tibetans in Rebkong (Ch: Tongren) who adopted the slogan "Equality of ethnicities, freedom of language."^[8] The programs in question coupled with the PRC's self-serving educational curriculum on Tibetan children simultaneously deny Tibetans opportunities for cultural development and expression.

Additionally, the Chinese government works to keep intellectuals from challenging or speaking contrary to the defined narrative for Tibet and Tibetan culture. Authorities accomplish this through the denial of publication and other cultural expression for Tibetan language writers. Often Tibetan writers, artists and others who counter the official narrative are arrested, tortured and or imprisoned for expressing these views. In February 2012 Radio Free Asia reported that Dawa Dorje, "a popular advocate of Tibet's traditional culture and language [was] believed to have been detained by Chinese authorities."^[9] Prior to his detention, Dawa Dorje had participated in a cultural conference and had published writings on democracy, freedom and human rights.

Tibetans have been subject to consistent discriminatory practices under Chinese rule on the basis of their ethnicity, religion and political beliefs. In January 2012, the International Campaign for Tibet reported that Tibetans are not even "offered menial, unskilled work in some sectors, [and] if they are, they are in some instances being offered a wage significantly lower than their Han counterparts."^[10] Tibetans have been targeted for both official punishment and societal ostracism based on expressions of their cultural values and beliefs.

The Chinese government has engaged in a continual policy and propaganda effort that characterizes Tibetan culture as backward and something to be remediated through a state-directed modernization process. Chinese policies and the manner of implementing these policies show a consistent disregard for Tibetans' human and cultural rights. These are not merely individual violations; rather, the Chinese state has clearly targeted Tibetans as a group.

China's effort to whitewash Tibetan culture has been pursued through intentional policies that are designed to fundamentally alter it in a way that robs it of its essence and turns it into something that the Chinese authorities can manage. Rather than a list of discrete human rights abuses, the PRC's consistent effort to contain and control Tibetan culture represents a larger, more unsettling trend of forced assimilation which contains elements of cultural genocide.

Helsinki Foundation for Human Rights calls on the PRC government to change its policies in Tibet. UN Member-States should utilize all available mechanisms, including those targeted to the prevention of mass atrocities, to call attention to and establish China's responsibility for the on-going attacks on the cultural, religious and national identity of Tibetans.

Additionally, Helsinki Foundation for Human Rights calls upon the relevant UN mandate holders and special procedures to expand monitoring of the situation in Tibet and in particular urge the Independent Expert on Cultural Rights to recognize and address factors related to the elements of cultural destruction in Tibet.

- ^[1] International Covenant on Economic, Social and Cultural Rights, Part III, Article 15(a).
- ^[1] Draft Convention on the Prevention and Punishment of the Crime of Genocide, U.N. ESCOR, Commission on Human Rights, art. 3, U.N. Doc.E/447 (1947).
- ^[1] Draft United Nations Declaration on the Rights of Indigenous Peoples, prepared and approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities; article 7. Available at: <http://www.unhchr.ch/huridocda/huridoca.nsf/%28symbol%29/e.cn.4.sub.2.res.1994.45.en?opendocument>.
- ^[1] Concluding observations of the Committee on Economic, Social and Cultural Rights-China. 13/05/2005:<http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/E.C.12.1.Add.107.En?OpenDocument>
- ^[1] The Committee considered the tenth to thirteenth periodic reports of China (CERD/C/CHN/13), including Hong Kong Special Administrative Region (CERD/C/HKG/13) and Macau Special Administrative Region (CERD/C/MAC/13), at its 1942nd and 1943rd meetings (CERD/C/SR.1942 and CERD/C/SR.1943), held on 7 and 10 August 2009. At its 1966th meeting (CERD/C/SR.1966), held on 25 August 2009, it adopted the following concluding observations: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/449/18/PDF/G0944918.pdf?OpenElement>.
- ^[1] Human Rights Watch, "China: Tibetan Monasteries Placed Under Direct Rule," 16 March 2012, <http://www.hrw.org/news/2012/03/16/china-tibetan-monasteries-placed-under-direct-rule>.
- ^[1] A/HRC/19/59/Add.1.
- ^[1] Ed Wong, "Tibetans in China Protest Plan to Curb Their Language," New York Times 22 October 2010, <http://www.nytimes.com/2010/10/23/world/asia/23china.html>.
- ^[1] Radio Free Asia, "Tibetan Culture Advocate 'Detained,'" 15 February 2012, <http://www.rfa.org/english/news/tibet/culture-02132012210853.html>.
- ^[1] International Campaign for Tibet, "Evidence of overt Chinese discrimination against Tibetans in the job market," 31 January 2012, <http://www.savetibet.org/media-center/ict-news-reports/evidence-overt-chinese-discrimination-against-tibetans-job-market>.