

(Translated from Chinese Mandarin)

28 September 2012

In regards to the Joint Urgent Appeal letter dated 9 August, sent by the Chair Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur in the field of cultural rights, the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right of freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the freedom of religion or belief; the Independent Expert on minority issues²⁰¹² [UA G/SO 218/2 Cultural rights (2009) G/SO 217/1 Education (1998-11) G/SO 214 (67-17) Assembly and Association (2010-1) G/SO 214(56-23) Minorities (2005-4) CHN 8/2012], the Chinese government hereby provides the following reply, after a careful investigation into the circumstances of those letters was carried out:

1. In the implementation of new monastery management policies as well as in patriotic re-education and Legal education campaigns, the Chinese government ensures that Tibetan's freedom of religion and rights to culture are protected according to the respect for Human Rights.

Monasteries are administrative unit at grass-root level, whereas monks and nuns are ordinary citizen. The establishment of an adequate management mechanism is aimed at providing the social management and public service functions at a standard satisfactory for the government, thus allowing the monastery and the monks and nuns to have access to fair social rights and fully enjoy the positive impact of social development. In achieve this, there are two aspects to the new initiatives. Firstly, they aim to handle religious matters affecting national security, social and public interests according to Chinese Law, and 'Regulations on Religious Affairs'. Secondly, they address some challenges facing the monastery. These include developing basic infrastructure such as access to roads, electricity, water and postal services. This also includes building libraries, sanitary facilities, waste management facilities and other amenities such as life and culture facilities, as well as social welfare initiatives such as providing healthcare, old age care and basic risk insurance. These initiatives have received widespread support from the religious community.

Legal education campaigns form an integral part of the basic education of our nationals. It is an activity provided to all. As citizens of the People's Republic of China, it is the monks' and nuns' duty to willingly receive patriotic and legal education. By receiving the standard education on rules and laws, monks and nuns will increase and enforce their understanding of the law, enhance their sense of citizenship and patriotism. As such, they will more voluntarily comply with national laws and fulfill their obligations as citizen. At the same time, this will better allow them to protect themselves and be protected by the law.

Actual events on the ground have shown that establishing a government – led management structure and providing legal education campaigns have been welcomed by most m and nuns from monasteries. These measures have not only had no disruption to monastic religious activities, it has on the contrary significantly improved the monks and nun's living conditions and studying environment. In addition, it has had an overall positive impact the monks and nuns' relationship with the wider religious community.

2. *With regards to measures taken to prevent self-immolation.*

There have been several cases of self-immolation in the Tibetan region since last year. The local authorities have always provided immediate medical assistance to the victims, and provided support for burials. In order to prevent further incidences self-immolations, the local governments have deployed a large number of government officials to visit monasteries and carry out public appeals. This was implemented with special care in the Sichuan district of Aba, there was the highest number of incidents.

Despite this, we have found the Dalai Lama group were publically glorifying such act, preaching this extreme behavior, qualifying self-immolation practitioners as 'heroes', describing self-immolation as 'accumulating merit', and claiming that they would 'reincarnate as living Buddha's'. The Dalai Lama himself organized a special *Puja*, leading a one day fast and declared his support for those who committed self-immolation.

The leader of Tibet's so called 'government-in-exile' Lobsang Sangay has in various places publically paid homage to victims of self-immolation, and declared that such act would attract the western world's attention to the hardship of the Tibetan people. The leader of the Dalai Lama's most important organization, the Tibetan Youth Congress publically declared that 'self-immolation victims' sacrifice has enormous value'.

This series of events in the aftermath of the incidents show that some young individuals have committed such act on themselves as a result of long term preaching and brain washing by the Dalai Lama's group. In many countries, it is a crime to induce, influence and help a person to commit suicide. The same law exists in China, where intentionally influencing such act is against the law. This goes against humanity's basic conscience and morality, and should be punished and prevented.

At the moment, the situation of the areas where the incidents happened is stable, and there have been no alleged protests. The local population and the religious community in general condemn self immolation.

3. *The legal basis of the arrest and custody of Tibetans who traveled to India.*

China is a state of law. 'Boarder control law' and 'Passport law' have laid out specific requirements regarding the entry and exits procedures of the Chinese borders for its nationals. Nationals with the valid documentation and valid reasons for travelling are protected by the law. Over the last few years, our public security bodies have found several cases of illegal crossing to India and back. These people do not have appropriate documentation for leaving the country, thus travel abroad illegally and return back to China through illegal channels. According to the national law, and Tibet autonomous region's rules, such individuals should be punished and re-educated according to the law.

4. *The case of Nyendak and Yama Tsering*

In February 2012, Nyendak (male, Tibetan ethnicity, born in 1963, originally from Ganzi Country, Laima Xiang, Jian Zhu village), and Yama Tsering (male, Tibetan ethnicity, born in 1974, originally from Ganzi Country, Laima Xiang, Jian Zhu village), organized a DVD screening related to self-immolation with primary school children. The two were arrested on the 31st of March by Ganzi county policy authorities, and released after reprimand and re-education. There was no occurrence of them being brought to a 'secrete location' for detention.

Due to the fact that the facilities were old and in bad shape, The LaimaXiang Jian Zhu

primary school relocated and merged with Laima primary school. There was no forced closure of the establishment.

5. *The Lolo case*

On 19th April 2013 Lolo (Male, Tibetan ethnicity, Born 12 March 1983, originally from Yushu district , Chengduo county, Qingshuihe town), was detained in accordance with the law by Qingshuihe police authorities due to activities inciting separatist movements. He was released on bail on the 8th of May, and is currently in Yushu district , Chengduo county.

6. *The Phulchung case*

In May 2012, Phulchung (Male, Tibetan ethnicity, 33 years old, originally from Sichuan province, Aba district, Hongyuan County Anqu town, Long village, ID number 513233197910011116), together with Hua Erya, E Bo, De. Ogede, illegally distributed CDs advocating Tibet's independence, inciting separatist movements. On the 5th of August, Suspect Phulchung was arrested by Hongyuan County police authorities according to the law. He is now detained at Aba detention center.

The Chinese Government respectfully requests that the full text of the above be recorded in the relevant UN documents.

MISSION PERMANENTE DE LA RÉPUBLIQUE POPULAIRE DE CHINE
A GENÈVE

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No. GJ/38/2012

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the letter [UA G/SO 218/2 Cultural rights(2009) G/SO 217/1 Education (1998-11) G/SO 214(67-17) Assembly & Association(2010-1) G/SO 214 (56-23) Minorities(2005-4) CHN8/2012] dated 9 August 2012, has the honor to transmit herewith the attached reply by the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 28 September 2012

Office of the High Commissioner for Human Rights
Geneva

OHCHR REGISTRY

01 OCT 2012

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联合国人权理事会任意拘留问题工作组主席、文化权特别报告员、言论自由特别报告员、和平集会特别报告员、宗教信仰自由特别报告员和少数群体问题独立专家关于涉藏问题的联名来函[UA G/SO 218/2 Cultural rights (2009) G/SO 217/1 Education (1998-11) G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23) Minorities (2005-4) CHN 8/2012]收悉。中国政府对来函所涉情况做了认真调查，现答复如下：

一、中国政府确保针对藏族寺庙的新管理政策、爱国主义再教育、法治宣传教育等政策措施尊重和 protects 藏人的宗教信仰自由和文化权利，符合国际人权文书精神。

寺庙是社会的基层单位，僧尼是普通公民，在寺庙建立相应的管理机构，是为了履行政府的社会管理和公共服务职能，让寺庙和僧尼平等享有社会权利，享受社会进步的成果。其职责主要有两项内容，一是根据中国法律和《宗教事务条例》的规定，处理涉及国家安全、社会公共利益的宗教事务；二是集中为寺庙解决通路、通水、通电、通邮等基础设施建设，建立图书室、浴室、垃圾处理站等生活文化设施，以及为僧尼办理医疗、养老、低保等社会保障事务。这项工作自开展以来，受到了宗教界人士的普遍欢迎。

法制宣传教育是国民素质教育的一个重要组成部分，是一项全民性的教育活动，僧尼作为中华人民共和国的普通公民，有责任和义务自觉接受爱国主义和法制宣传教育。通过系统学习国家的法律法规，能够增强僧尼公民意识、法律意识、爱国意识，使他们自觉依法履行公民应尽的责任和义务，同时也为他们保护自身合法权益提供法律保障。

实践证明，在寺庙建立政府管理机构、开展法制宣传教

育有益于广大僧尼，得到了绝大多数寺庙和僧尼支持。这些措施不但没有干扰、阻碍寺庙正常的宗教活动，而且大大改善了寺庙僧尼的生活和学经环境，并激发了他们更好的服务于信教群众的热情。

二、关于防止自焚事件建设性举措

去年以来，藏区个别地方发生了一些人自焚的事件。事件发生后，当地政府均在第一时间救治伤员，积极做好善后工作。为了防止自焚事件再次发生，当地政府派出大量干部，特别是发生最多的四川阿坝县，从2011年10月开始动员干部到寺庙做工作，听取群众诉求。

但与此同时，我们注意到，达赖集团极力美化、鼓吹、煽动这种极端行为，把自焚者称为“英雄”，把自焚行为称为“积累功德”，称自焚者“将转世为活佛”。达赖本人举行了一场“特殊法会”并领头绝食一天，以表示对自焚者的声援；所谓“西藏流亡政府”的头目洛桑孙根在各种场合公然挑唆藏人自焚，声称“自焚能够引起外界对西藏人民苦难的关注”；达赖集团主要组织“藏青会”头目声称“自焚者的牺牲相当有价值”。一系列事态的发展都表明，这些年轻的自焚者是达赖集团长期渗透，在特殊的环境里对他们进行洗脑的结果，是一种教唆、引诱别人自杀的行为。很多国家法律都规定，诱导、帮助别人自杀本身就是犯罪，在中国这也是涉嫌故意杀人的犯罪行为。达赖集团以牺牲别人的生命来达到自己的政治目的，更是违背人类共同良知和道德的，必须受到严厉谴责和抵制。

目前，事发地社会局势稳定，根本没有出现过达赖集团散布的所谓动乱局面。当地群众和宗教界人士对自焚行为普遍予以严厉谴责。

三、逮捕、羁押赴印度觐见达赖的藏人的法律依据。

中国是法治国家,《中华人民共和国公民出境入管理办法》、《中华人民共和国护照法》对公民出入境问题做出了详细的规定。公民持合法证件,有正当理由出入境是受法律保护的。近年来,我公安机关发现个别非法偷渡印度又返回人员,这些人没有履行合法出境手续,在国外非法滞留后又通过非法途径回国。根据国家法律和西藏自治区有关规定,这些人应该受到相应的法律处罚和教育。

四、恩扎(NYENDAK)和亚玛泽仁(YAMA TSERING)案

2012年2月,恩扎(男,藏族,1963年出生,甘孜县来玛乡康珠村人,系康珠村小学代课教师)和亚玛泽仁(男,藏族,1974年出生,甘孜县来玛乡康珠村人,系私逃出境回流人员)组织小学生和当地群众观看宣扬“自焚”内容的光碟。3月31日被甘孜县公安机关抓获,在对其进行教育训诫后释放,不存在将两人送至秘密地点关押的情况。来玛乡康珠小学因设施破旧无法正常使用,于2012年4月搬迁合并至来玛小学,不存在强行关闭学校的情况。

五、罗罗(LOLO)案

罗罗(男,藏族,1983年3月12日出生,玉树州称多县清水河镇人)因从事煽动分裂国家的活动,于2012年4月19日被青海公安机关依法刑事拘留,5月8日取保候审,该人现在玉树州称多县。

六、迫尔雄(PHULCHUNG)案

2012年5月,迫尔雄(男,藏族,33岁,四川阿坝州红原县安曲乡龙村人,身份证号码:513233197910011116)伙同华尔甲、俄旦、德·奥格德一起非法出版歌碟,大肆宣

扬“西藏独立”，涉嫌煽动分裂国家。8月5日，犯罪嫌疑人迫尔雄被红原县公安局依法刑事拘留，现羁押在阿坝州看守所。

中国政府谨请将上述内容全文载入联合国有关文件中。