

Mandates of the Special Rapporteur on minority issues; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to education and the Special Rapporteur on freedom of religion or belief

Ref.: AL CHN 6/2022
(Please use this reference in your reply)

11 November 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on minority issues; Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to education and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 43/8, 46/9, 44/3 and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning what appears to amount to a policy of acculturation and assimilation of the Tibetan culture into the dominant Han-Chinese majority, through a series of oppressive actions against Tibetan educational, religious and linguistic institutions, in contradiction with the right to freedom of religion and belief, the right to education and cultural rights of the Tibetan people.

Concerns about the Tibetan language, culture and education and the situation of those who defend them have been the subject of previous communications from the Special Procedures since 2010, including CHN 25/2010, CHN 8/2012, CHN 1/2014, CHN 10/2016, CHN 02/2017, CHN 1/2018, CHN 16/2018 and CHN 14/2021. We thank you Excellency's Government for the responses provided, but we remain concerned in light of recent developments.

According to the information received:

The Chinese authorities pursue a large-scale campaign to assimilate Tibetan culture and language. The state dominant concept of 'nation' or *minzu*, the core of China's current 'second-generation ethnic policy' (*ronghe*), regards all national, ethnic, linguistic and religious groups as secondary and subordinate to the state.

In August 2021, the President of the People's Republic of China at the Central Conference on Ethnic Affairs held in Beijing declared that "All ethnic groups should be guided to always place the interests of the Chinese nation above anything else, with their consciousness of different ethnic groups serving the sense of community for the Chinese nation as a whole". This call re-affirmed the idea of building a modern and strong socialist state based on a single Chinese national identity. It is alleged that the Chinese 'Second Generation Ethnic Policy' was designed to reverse seven decades of granting autonomous self-governance powers to minority-populated regions with the view to assimilate

His Excellency
Mr. Wang Yi
State Councilor and Minister for Foreign Affairs

ethnic and linguistic minorities of China. Non-governmental initiatives to promote Tibetan language and culture are reported to be suppressed, and several individuals advocating for Tibetan language and education are reported to have been detained and tortured.

The state education system allegedly forces all children between the ages of 6 and 16 to be enrolled in *Putonghua*-language governmental schools that do not provide for substantive study of Tibetan history and culture. Voluntary initiatives to teach Tibetan language and culture outside schools are reportedly suppressed and their supporters are being detained. It is alleged that the Sinicization policy is to homogenize all minorities and communities into the dominant Han-Chinese fold. *Putonghua* is promoted as the avenue to modernity and socio-economic prosperity, while minorities and communities and their worldviews are associated by the state authorities and policies with rurality, poverty, traditionalism and illiteracy. In particular, the Tibetan culture is treated as inferior, backward, and in need of modernization and scientific progress.

The adoption and enforcement of the ‘national common language’ law since 2000 has produced policies and laws that marginalize Tibetan language and culture. Tibetan children now learn *Putonghua* from preschool and are forced to complete a ‘compulsory education’ curriculum in *Putonghua* in government schools where they have no access to traditional or culturally relevant learning. In the framework of school mergers, Tibetan primary schools located in rural areas are shut down or subsumed into bigger Han Chinese medium schools.

It is further reported that a 12-point guide on ‘Strengthening and Improving Ethnic Work’ presented in August 2021 called for unification of all ethnic groups in ideals, beliefs, emotions, and cultures, and for all minority groups to modernize their ideas, spiritual tastes and lifestyles. With no practical legal safeguards to protect the cultures and languages of minority groups and systemic discrimination in place for non-Han minorities, there is fear that ethnic-mingling in the current situation can only result in the absorption of minorities into the Chinese Han majority.

Tibetan schools

In the Tibet Autonomous Region, *Putonghua* was made the medium of instruction from the primary level in the late 1990s. By 2007, *Putonghua* was reportedly the medium of instruction in as much as 95 percent of all primary schools and most middle schools, and by 2018, in all rural primary schools. It is further reported that in recent years, other Tibetan areas, especially Qinghai Province, have had more Tibetan medium schools converted to *Putonghua*. In 2017, local authorities introduced plans for *Putonghua* medium education in Tsolo (Ch: Hainan) Tibetan Autonomous Prefecture. Schools in Golok (Ch: Guoluo) Tibetan Autonomous Prefecture were ordered to adopt *Putonghua* medium instruction in the 2019-2020 school year. *Putonghua* has also long replaced Tibetan as the medium of instruction in all schools in Yushu Tibetan Autonomous Prefecture.

Since 2020, Chinese authorities in Tibetan and Inner Mongolian areas have implemented the unified *Putonghua* textbook system, making *Putonghua* medium education mandatory in schools at all levels and grades. Both state and private schools are required to adopt the new textbooks. This has led to the end of almost four decades of the unified Tibetan textbook system known as “The Five Tibetan Provinces and Region Textbook Coordination Group”, established in 1982 by the State Education Commission and the State Ethnic Affairs Commission, with the objective to develop unified Tibetan educational materials for use in primary and secondary schools throughout all Tibetan areas.

The ‘first national language conference of the new era’ held in Beijing in October 2020 solidified the superior status of *Putonghua* as “the national standard spoken and written language” in Chinese policies and practices. The conference reportedly supported a series of measures leading to the forced assimilation of minorities, including forced enrolment of Tibetan children in schools not based on Tibetan language and/or culture, restriction on Tibetan language instruction in both secular and monastic institutions, and excessive state involvement in preschool education. It is further alleged that the Chinese authorities have clearly indicated that the autonomous powers granted to minority nationalities to use and develop their languages in the country’s constitution are subordinate to the policy of promoting *Putonghua*.

Tibetan pre-school institutions

Since 2011 Chinese authorities have increased spending on preschool education facilities, particularly in remote nomadic and farming communities in Tibet Autonomous Region and other Tibetan areas. It is reported that *Putonghua* is the medium of instruction in all such preschools, despite claims of the Chinese authorities that the educational instruction is carried out in bilingual (Tibetan-*Putonghua*) settings.

In July 2021, the General Office of the Ministry of Education issued the “Implementation of the ‘Children’s Homophony’ Plan for *Putonghua* Education for Preschool Children”. The plan mandates that by the fall semester of 2021, all kindergartens in minority and rural areas must use *Putonghua* as the medium of instruction, and teachers must undergo *Putonghua* training.

Closures of Tibetan primary schools

Over the past period, six known Tibetan primary schools have reportedly been closed in the villages of Gemang, Bumser, Troshul, Asey, Warong, and Tharshul. Some local Tibetans have submitted petitions against the order, citing that those schools are the only available means of Tibetan medium education in the remote nomadic region, but there are fears that the petitions will have little effect and that the authorities have decided not only to close all private schools, but also to demolish the school buildings.

Sengdruk Taktse Middle School

Over the years, Sengdruk Taktse Middle School had become a resource for the Tibetan community in eastern Tibet, providing both the state-sanctioned nine-year compulsory education curriculum and comprehensive cultural education with lessons in Tibetan language, literature and philosophy. Other subjects taught were *Putonghua*, and English languages, as well as science, history, politics, chemistry, mathematics, arts and ethics.

On 8 July 2021, Sengdruk Taktse Middle School officially announced its closure at its annual graduation ceremony in Darlag County in Golok (Ch: Guoluo) Tibetan Autonomous Prefecture. The school, which had been established with state approval and patronage, was closed by state order, even though no law had been violated. The PRC's Private Education Promotion Law provides that if a private school has not violated any laws, its permit must be extended.

The closure of the school was a huge loss to all, as the school with its highly dedicated teachers had produced students who were well-versed in Tibetan cultural education. Further concerns were expressed that the Tibetan students will face additional challenges because they must now follow the standard *Putonghua* curriculum and clear tests in Mandarin Chinese to survive.

At its closure, this semi-private school had about 300 students and 40 staff members, including two Chinese teachers (semi-private schools are partially-funded by the state and are obliged to send their students to state schools for higher education).

After the Sengdruk Taktse school closure, its students were enrolled in government-built boarding schools under the 'compulsory education curriculum' with instruction in *Putonghua*. The students were allegedly told that "they had been receiving the wrong education and needed to be re-educated". Several students have reportedly left school in the following months.

Six other Tibetan private schools in Golok were apparently on the radar during the closure of Sengdruk Taktse. Some of the notable schools in Golok that could be at risk are Ragya Sherig Norbu School, Machen Gangjong Rigzoe School, and Tsathang Girls School in Machen (Ch: Maqin) County; Minthang Chutruk Rigzoe School and Dorje Den Skills Training School in Chikdril (Ch: Jiuzhi) County; and Golok Tadrak School in Gadhe (Ch: Gande) County.

All 40 teachers, including two Chinese teachers, of *Sengdruk Taktse* school, were reportedly given written instructions on the school's closure and threatened with imprisonment if they shared the document with anyone.

'Compulsory education' curriculum in Tibet Autonomous Region

All children in China above the age of 6 (or 7, in special circumstances) must enroll in government schools to undergo the nine-year 'compulsory education' curriculum. The nine-year period covers primary and junior secondary

education, from ages 6 to 15. However, in the Tibet Autonomous Region, the ‘compulsory education’ curriculum was extended to 15 years of schooling and also covers preschool and senior higher secondary education, giving the state authorities absolute control over the education of minors at the expense of children and parental choice or preference.

‘Double Reduction’ policy

Concerns were also reported in relation to the so called ‘Double Reduction’ policy. On 24 July 2021, the Chinese authorities issued the “Opinions on Further Reducing the Burden of Homework and Off-Campus Training for Compulsory Education Students (‘Double Reduction’), which allegedly took immediate effect. The ‘Double Reduction’ policy claims to alleviate students’ homework load and the costs borne by parents by providing off-campus tutoring. The policy bans private tutoring companies or other entities such as private Tibetan culture schools and coaching classes from offering off-campus tutoring during weekends and holidays. Instead, students are encouraged to join government-built facilities on “sports training and extra-curricular activities” run in *Putonghua*.

Voluntary and private initiatives to teach Tibetan language and culture outside the state education system

Voluntary initiatives by monks, community leaders and teachers to teach Tibetan language and culture outside the state education system have allegedly been curtailed and suppressed. Since 2012, privately-run and funded schools offering classes on Tibetan language and culture for Tibetan children during winter breaks have reportedly come under pressure and are being closed at a quick pace. For example, Wonpo Language Protection Association, an initiative of the local Tibetan community in Wonpo County in Kardze Tibetan Autonomous Prefecture, was allegedly disbanded. Its members were barred from conducting winter classes and literacy drives. A mass detention of Tibetans in Dzachuka in August 2021 reportedly included the key members of the Wonpo Language Preservation Association. In 2022, Chinese authorities in Sershul (Ch: Shiqu) County in Kardze Tibetan Autonomous Prefecture ordered all privately-run schools to close, and parents are required to send their students to government boarding schools.

Disincentivized Tibetan language learning

Tibetan language learning is further disincentivized in Tibetan areas due to a combination of factors, including the fact that Tibetan language proficiency is not required in the job market or for public service examinations. Professions requiring Tibetan language proficiency, like teaching, translation, research, and television studio work, are few. Limited employability for the Tibetan language speakers allegedly has discouraged its learning and compelled parents to send their children to Chinese medium schools to secure their future. Chinese authorities use this factor to justify the closure of Tibetan medium schools.

It is also reported that there is a lack of qualified Tibetan language teachers in Tibet in contrast to the abundance of Chinese and English teachers.

Residential schools

Over the recent period, there has been a substantial increase in the number of residential schools operating in Tibet and in the number of Tibetan children living in them. While residential schools are also present in other parts of China, their share in the areas populated by Tibetans is much higher: on the national level the percentage of boarding students is approximately 22%, in contrast to 78% of all Tibetan children from age six to 18 enrolled into residential schools (in Tibetan Autonomous Region - 81% as of 2019). In total, almost one million of Tibetan children study in residential schools.

This increase in the number of boarding Tibetan students is achieved through active closure of rural schools in areas populated by Tibetans and their replacement by township or county-level schools, usually requiring children to board. Many of those residential schools are placed far away from family homes of the students boarding in them. According to the 2015 'Decision on Accelerating the Development of Ethnic Education,' issued by the State Council, Chinese officials are required to 'strengthen boarding school construction' in minority areas and 'achieve the goal that students of all ethnic minorities study in a school, live in a school, and grow up in a school.' This policy is being actively implemented in Tibet, resulting in fewer Tibetan children being able to pursue school studies while living at home.

In residential schools, the educational content and environment is built on majority Han culture, with textbook content reflecting almost solely the lived experience of Han students, traditional Han holidays, etc. Students are restricted in following traditional Tibetan religious practices connecting them back to their families and communities. There are very few Tibetan teachers in such schools, and the majority of teachers are Han. Teachers only speak in Mandarin Chinese and conduct all educational activities in Mandarin Chinese.

Enrollment into residential schools is often made under pressure. In some cases, Tibetan parents and children are left without choice due to closure of their local school through its merger into a larger residential school further away. In other cases, authorities impose fines on unwilling parents or make recourse to threats.

As the result Tibetan children in general are losing their facility with their native language and the ability to communicate easily with their grandparents and, sometimes, parents. Tibetan residential school students living away from their communities become extremely vulnerable to losing their connection to their history, their cultural roots, and their Tibetan identity. Residential schooling of Tibetan children also produces deep and serious negative psychological and social impacts on such children, including loss of family connections, apathy, anxiety, interaction disorders, feelings of loneliness, isolation, alienation, homesickness, and other forms of physical or emotional distress.

Tibetan Buddhism and Tibetan monastic system

The Tibetan monastic system is at the forefront of promoting Tibetan language and culture, and has come under severe pressure as part of the alleged governmentally run systematic campaign to sinicize the Tibetan education system. It is reported that the Chinese authorities called Tibetan Buddhism to adapt to the socialist society and promote the Sinicization of Tibetan Buddhism, which requires the interpretation of core Buddhist teachings to promote socialist values and founding principles of the party.

The Tibetan language in religious institutions is undermined by the requirement of an entirely *Putonghua* instruction for monks and nuns. All Buddhist colleges and relevant government agencies such as the United Front Work Department and Religious Affairs Bureau are required to promote *Putonghua* educational program.

In the last decade, Chinese authorities have established Buddhist colleges in Tibet Autonomous Region and other Tibetan areas to subvert the traditional Tibetan monastic education system and to produce politically reliable religious leaders.

The Drango Monastic school was dismantled in November 2021, allegedly under the supervision of the Drango (Ch: Luhuo) County police and members of the Monastery Management Committee. Two weeks before the demolition, the abbot and treasurer of the monastery were arbitrarily detained. The monks and local Tibetans were forced to participate in the demolition.

The County government cited lack of proper documentation as the reason for the demolition, but local Tibetans believe it was a straightforward campaign to destroy the only school in the county that preserved the Tibetan language, culture and religion. The school's demolition has left the former teachers unemployed and the former students have been prevented from enrolling in other educational institutions.

We express serious concern about what is reported as a policy of acculturation and assimilation of the Tibetan culture into the dominant Han-Chinese majority, through a series of oppressive actions against Tibetan educational, religious and linguistic institutions, in contradiction to the right to education, cultural rights, freedom of religion or belief and other minority rights of the Tibetan people. In particular, the residential schools system for Tibetan children appears to act as a large-scale program to assimilate Tibetans into majority Han culture, contrary to the international human rights standards.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide clarifications on how the alleged developments, if confirmed, are compatible with Your Excellency's Government's obligations under the provisions cited in the annex and how it plans to remediate inconsistencies with the international human rights standards.
3. In particular, please explain how the actions of Your Excellency's Government ensure full respect for art.29.1 (c) and art.30 of the Convention on the Rights of the Child, which provide, respectively, that "the education of the child shall be directed to ... [t]he development of ... his or her own cultural identity, language and values" and that "in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language".
4. Please also indicate what measures have been taken to ensure respect for the liberty of individuals and bodies to establish and direct educational institutions, and for the liberty of parents to choose for their children schools other than those established by the public authorities and to ensure the religious and moral education of their children in conformity with their own convictions, as set forth in article 13 of the International Covenant on Economic, Social and Cultural Rights.
5. Please provide clarifications on how many schools – private, semi-private and state funded – with instruction in Tibetan language(s) are operational in China now and how their number has changed over the past 10 years.
6. Please provide information about any effective and meaningful participation processes involving Tibetan language and culture representatives which preceded, accompanied and followed the above alleged decisions and actions of Your Excellency's Government.
7. Please provide clarifications on how the policies and alleged actions of Your Excellency's Government with regard to Tibetan monks and religious education institutions, as well as Tibetan language in Tibet correlate with the freedom of thought, conscience and religion, guaranteed inter alia by art.18 of the Universal Declaration of Human Rights. In particular, please explain how the policies and alleged actions of Your Excellency's Government with regard to Tibetan monks and religious education institutions run by them correlate to the right to manifest their religion or belief in practice and teaching.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be

made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Fernand de Varennes
Special Rapporteur on minority issues

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Farida Shaheed
Special Rapporteur on the right to education

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to remind your Excellency's Government of its legal obligations under international law applicable to the issues brought forth.

We firstly recall that the Universal Declaration of Human Rights, adopted by the General Assembly on 10 December 1948, recognizes in article 1 that "all human beings are born free and equal in dignity and rights". Understood within the context of minority rights, this means that States should refrain from practices which discriminate against minority groups on their territory.¹

We would like to further refer your Excellency's Government to its obligations under articles 28, 29 and 30 of the Convention on the Rights of the Child, ratified on 2 March 1992. article 30 provides that a child belonging to an ethnic, religious, or linguistic minority shall not be denied the right, in community or with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language. article 29(1)(b) provides that education of the child shall be directed to the development of respect for human rights and fundamental freedoms. article 29 (1) (c) provides that education of the child shall be directed to the development of respect for the child's parents, his or her own cultural identity, language, and values, while article 29(2) protects the liberty of individuals and bodies to establish and direct educational institutions. article 28 (2) provides that States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the Convention.

We would also like to recall that, according to article 5 of the Convention on the Rights of the Child, States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

We would also like to refer your Excellency's Government to its obligations under articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified on 27 March 2001. article 15 recognizes the right of everyone to take part in cultural life, which includes inter alia the right to access and enjoy cultural heritage, to conduct cultural practices, to maintain and to transmit cultural resources and ways of life, including languages. The Committee on Economic, Social and Cultural Rights has explained that States' obligations to respect and protect freedoms, cultural heritage and diversity are interconnected. In the Committee on Economic, Social and Cultural Rights' view, article 15, paragraph 1 (a) of the Covenant also includes the right of minorities and of persons belonging to minorities to take part

¹ E/CN.4/Sub.2/AC.5/2005/2, para 4

in the cultural life of society, and also to conserve, promote and develop their own culture. This right entails the obligation of States parties to recognize, respect and protect minority cultures as an essential component of the identity of the States themselves. Consequently, minorities have the right to their cultural diversity, traditions, customs, religion, forms of education, languages, communication media (press, radio, television, Internet) and other manifestations of their cultural identity and membership (General Comment 21, para. 32).

In her report on intentional destruction of cultural heritage as a violation of human rights, the Special Rapporteur in the field of cultural rights recommended that States respect and protect tangible and intangible cultural heritage, and that they take appropriate legislative, administrative, educational and technical measures to prevent, avert, stop and suppress intentional destruction of heritage. She also recommended that States tackle, in accordance with international standards, extremist and fundamentalist ideologies, sectarianism and discriminatory attitudes towards, inter alia, those with different views, minorities, indigenous peoples and women, which often lead to cultural cleansing in the form of cultural heritage destruction (A/71/317, para. 78 a), c) and p)).

article 13(1) of the ICESCR protects the right of all persons to education. It further provides that education shall be directed to the full development of the human personality and the sense of its dignity and should promote understanding, tolerance, and friendship among all racial, ethnic or religious groups. article 13(2), as clarified by the Committee on Economic, Social and Cultural Rights, provides an obligation of State parties to respect the availability of education by not closing private schools, and to take positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples (General Comment 13, para. 50). article 13(3) provides that States Parties have an obligation to respect the liberty of parents and legal guardians to choose to send their children to private schools to ensure the religious and moral education of their children in conformity with their own convictions. article 13(4) protects the liberty of individuals and bodies to establish and direct educational institutions.

In her report to the Human Rights Council on the cultural dimension of the right to education, the Special Rapporteur on the right to education recalled that States and other actors must recognize that cultural diversity is a fundamental characteristic of contemporary societies that must be both reflected and made the most of at all levels of the education system, formal or not (A/HRC/47/32, para.22). She further underlined the right of learners to a culturally appropriate and relevant education (para. 79 a). According to the UNESCO Universal Declaration on Cultural Diversity (art. 5), all persons are entitled to quality education and training that fully respect their cultural identity.

In addition, we would like to refer your Excellency's Government to article 5 of the International Convention on the Elimination of all Forms of Racial Discrimination, acceded to by your Excellency's Government on 29 December 1981. article 5 obligates States Parties to undertake to prohibit and eliminate racial discrimination and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, equality before the law in the enjoyment of civil, political, and economic, social, and cultural rights. Notably, (vii) the right to freedom of thought, conscience, and religion; (viii) the right to freedom of opinion and expression; (v) the right to education; and (vi) the right to equal participation in cultural activities. As per article 1

of the Convention, racial discrimination is understood as any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social or cultural or any other field of public life.

We would also like to draw your Excellency's Government's attention to article 27 and 18 of the International Covenant on Civil and Political Rights (ICCPR), signed by your Excellency's Government on 5 October 1998. Pursuant to the Vienna Convention on the Law of Treaties, acceded to by China on 3 September 1997, as a signatory your Excellency's Government has an obligation to not carry out conduct that would defeat the object and purpose of the Convention. article 27 provides that persons belonging to ethnic, religious or linguistic minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practices their own religion, or to use their own language.

Furthermore, article 18(1) of the ICCPR stresses "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include 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." article 18(2) states that "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice". article 18(4) again provides that the liberty of parents and legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. According to the Human Rights Committee, " article 18.2 bars coercion that would impair the right to have or adopt a religion or belief Policies or practices having the same intention or effect, such as, for example, those restricting access to education are similarly inconsistent with article 18.2" (see General Comment no. 22; CCPR/C/21/Rev.1/Add.4 paragraph 5).

The Committee also stressed that limitations to the manifestation of religion or belief imposed must be established by law and must not be applied in a manner that would vitiate the rights guaranteed in article 18. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner (see General Comment no. 22; CCPR/C/21/Rev.1/Add.4 paragraph 8).

We would also like to respectfully remind your Government of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), which in its article 2 (1): "[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief"; moreover, according to Art 2 (2): "... [t]he expression intolerance and discrimination based on religion or belief means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis". In article 4 (1), the General Assembly further states that: "all States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]". According to article 4(2) "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this

matter”. In art. 4 (3) the General Assembly emphasized that “[T]he child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others...”. article 5 also emphasizes that “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”.

We would further like to refer your Excellency’s Government to its obligations under article 5 of the UNESCO Convention against Discrimination in Education, acceded to on 12 February 1965. article 5(1)(a) provides that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms, and that it shall promote understanding, tolerance, and friendship among all racial or religious groups. article 5(1)(b) provides that it is essential to respect the liberty of parents and legal guardians to choose to send their children to private schools and to ensure the religious and moral education of the children in conformity with their own convictions. It further provides that no person or group of persons should be compelled to received religious instruction inconsistent with their convictions. article 5(1)(c) provides that it is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and the use of teaching of their own language. article 5(2) provides that States Parties to the Convention are to take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of the article.

Furthermore, we would also like to refer your Excellency’s Government to the UN Committee on the Rights of the Child’s concluding observations on the combined third and fourth periodic reports of China.² With regards to articles 28, 29 and 31 of the Convention on the Rights of the Child, the Committee expressed concern about the lack of measures on part of your Excellency’s Government to promote the use and learning of minority languages in the context of education and the discrimination against Tibetan children in the Chinese education system. The Committee further expressed concern regarding the multiple barriers to the use and promotion of the Tibetan language in schools in Tibet and reports of the closure of schools. The Committee recommended that your Excellency’s Government implement the bilingual language policy to ensure the use and promotion of ethnic minority languages and to ensure the participation by ethnic minorities – including Tibetan children – at the local and regional levels in the decision-making process of the education system. The Committee further recommended that your Excellency’s Government eliminate all restrictions – including the closure of Tibetan schools - that severely restrict the ability of Tibetan children to learn and use the Tibetan language in schools, and that your Excellency’s Government ensure that all teaching and learning materials are also available in ethnic minority languages and with culturally sensitive content.

We would also like to refer your Excellency’s Government to the UN Committee on Economic, Social and Cultural Rights’ concluding observations on the second periodic report of China.³ The Committee expressed concern that ethnic minorities in

² CRC/C/CHN/CO/3-4

³ E/C.12/CHN/CO/2

China continue to face severe restrictions in the realization of their rights to take part in cultural life, including the right use and teach minority languages, history and culture and to practice their religion freely. The Committee expressed specific concern regarding the restriction of education in the Tibetan languages. The Committee recommended that your Excellency's Government take all necessary measures to ensure the full and unrestricted enjoyment by minorities, including Tibetans, of their right to enjoy their cultural identity and to take part in cultural life which includes ensuring the right to use and practice their language and culture.

We would like to remind your Excellency's Government of the international standards stemming from the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereinafter, "the Declaration"), adopted by consensus by the UN General Assembly on 18 December 1992 (A/RES/47/135). article 2.1 of the Declaration recognizes the right of persons belonging to a minority to "to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination". article 2.2 highlights that "persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life". Moreover, we call your Excellency's government attention to specific State duties with regards to minorities, as set out in articles 1, 4.3 and 4.4 of the Declaration. article 1 calls on States to adopt measures, both legislative and otherwise, to protect the existence and promote the identity of persons belonging to "national or ethnic, cultural, religious and linguistic minorities". Pertaining more specifically to the linguistic rights of minorities, article 4.3 of the Declaration calls on States to "take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue". article 4.3 further stipulates that States should take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. In addition, article 4.4 calls on States to use education as a means of increasing exchanges of knowledge on "history, traditions, language and culture" between minorities and broader national society. article 4.1 establishes that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law." States are required, according to article 4.2, to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs.

We would further like to call your Excellency's Government attention to the Working Group on Minorities' commentary on the application of the Declaration (E/CN.4/Sub.2/AC.5/2005/2). In its interpretation of the duties stemming from article 4.3 of the Declaration, the Working Group found that, in cases when a minority language is territorial in nature and is spoken by a large number of persons in a region of a country, "States should to the maximum of their available resources ensure that linguistic identity can be preserved". Ideally, this would be done by providing pre-school and primary education in a linguistic minority's mother tongue, and progressively introducing State languages in later years of schooling (E/CN.4/Sub.2/AC.5/2005/2, para 61).

We also would like to draw to your Excellency's Government attention the Recommendations of the sixth session of the Forum on Minority Issues on "Guaranteeing the rights of religious minorities" (2013), and in particular to Recommendation number 34, which states that measures should be put in place to protect and maintain the cultural heritage of religious minorities.

In addition, the handbook *Language Rights of Linguistic Minorities: A Practical Guide for Implementation*, developed by the UN Special Rapporteur on minority issues, provides practical advice for States to meet their international obligations as it pertains to the rights of minorities under their jurisdiction.

We further draw attention to the conclusions and recommendations of the United Nations Independent Expert on minority issues, following the first Forum on Minority Issues in 2008. In particular, we call attention to the conclusion that "[u]nwanted assimilation imposed through the medium of education" contributes to the violation of minority rights and negatively impacts broader social cohesion (A/HRC/10/11/Add.1, para 4). The recommendation to refrain from forced assimilation of linguistic minorities is further reiterated in Report of the Special Rapporteur on minority issues on the twelfth session of the Forum on Minority Issues in 2020 (A/HRC/43/62, para 27).

We also would like to direct the attention of your Excellency's Government to the recommendations found in the 2013 Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities; in particular, recommendation 13, which calls on States to support the protection of minority languages and identities, and recommendation 18, which encourages pluralism and diversity in education, as well as mother-tongue and/or bilingual education for minorities.

In relation to China's international obligations pursuant to the Convention on the Rights of the Child, we would like to remind your Excellency's Government of the Committee on the Rights of the Child's Concluding Observations on the combined third and fourth periodic reports of China, adopted at the Committee's sixty-fourth session on 16 September – 4 October 2013. In particular, we recall the Committee's recommendations for China to "effectively implement the bilingual language policy to ensure use and promotion of ethnic minority languages and ensure participation by ethnic minorities [...] at the local and regional levels in the decision-making process of the education system" and to "[e]liminate all restrictions, including the closure of Tibetan schools, that severely restrict the ability of Tibetan children to learn and use the Tibetan language in schools" (CRC/C/CHN/CO/3-4, para 76 c-d).

Regarding China's obligations pursuant to the International Covenant on Economic, Social and Cultural Rights, we would like to call attention to the Committee on Economic, Social and Cultural Rights' General Comment No. 13: The Right to Education (art. 13), adopted at the Committee's twenty-first Session on 8 December 1999. This general comment recognizes that States have a duty, in their implementation of art. 13(2) of the Covenant, to refrain from closing private schools, in order to ensure the continued accessibility of education. Moreover, it is recognized that States should take "positive measures to ensure that education is culturally appropriate for minorities" (E/C.12/1999/10, para 50). Additionally, in General comment No. 21 on the right to take part in cultural life, the Committee states that all efforts to integrate minority groups into the broader society of a State must be undertaken "based on inclusion,

participation and non-discrimination, with a view to preserving the distinctive character of minority cultures” (E/C.12/GC/21, para 33).

Pertaining to the UNESCO framework on discrimination in education, we call attention to article 29 of UNESCO’s 1995 Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy, which calls on States to organize education in a manner which promotes “respect for the educational rights of persons belonging to national or ethnic, religious and linguistic minorities”. Additionally, article 4 of UNESCO’S Universal Declaration on Cultural Diversity, adopted unanimously by the General Conference in 2001, emphasizes the importance of respecting the human rights of minorities as a central component of overall “respect for human dignity”.

Additionally, we would like to remind your Excellency’s Government of the three resolutions on the subject of protecting fundamental human rights in Tibet which have previously been adopted by the UN General Assembly in 1959 (A/RES/1353(XIV)), 1961 (A/RES/1723(XVI)) and 1965 (A/RES/2079(XX)). In particular, we recall the affirmation of the General Assembly that respect for international human rights law is essential to build lasting international peace and that “the violation of human rights and fundamental freedoms in Tibet and the suppression of the distinctive cultural and religious life of its people increase international tension and embitter relations between people” (A/RES/2079(XX)).

Moreover, we would like to call attention to the outcome of China’s participation in the third cycle of the UN Human Rights Council’s Universal Periodic Review (UPR) process in 2018. We recall that several recommendations were made in the Report of the Working Group on the UPR with regards to the rights and freedoms of minorities in China. In particular, we call attention to recommendations that urge your Excellency’s Government to guarantee the protection of the rights of minorities, including the freedom of religion, belief, cultural identity, peaceful assembly, opinion and expression (A/HRC/40/6, paras 28.186, 28.194-28.195, 28.322). We also recall recommendation to “[p]revent and combat all forms of discrimination and violence, especially against ethnic and religious minorities,” as well as recommendation to “[g]uarantee the full exercise of the freedoms of association and expression of human rights defenders and minorities” (A/HRC/40/6, paras 28.327, 28.338). We would like to remind your Excellency’s government that its reply to all of these recommendations indicated that they were “Accepted and already implemented” and that the primary responsibility for the implementation of and follow-up on accepted recommendations lies with the State being reviewed (A/HRC/40/6/Add.1, pp 7,11).

We also recall the recommendation that China continue to “[e]xpand existing programmes that are aimed at ensuring the protection of the rights of minorities,” as well as the recommendation from Afghanistan to “[f]urther ensure the advancement of the human rights of minority groups” (A/HRC/40/6, paras 28.323-28.324), both of which were accepted by your Excellency’s Government (A/HRC/40/6/Add.1, p.11).

We also recall several further recommendations concerning the rights of minorities, mentioned in the Working Group’s UPR report, including recommendation to allow unrestricted access “to Xinjiang and Tibet for all relevant United Nations special procedures” (A/HRC/40/6, para 28.27), recommendation to “[c]ease restrictions

on the freedom of movement of Uighurs and Tibetans” (A/HRC/40/6, para 28.317), recommendation to “[e]nd prosecution and persecution on the basis of religion or belief, including for Muslims, Christians, Tibetan Buddhists and Falun Gong” (A/HRC/40/6, para 28.190).