

Mandates of the Special Rapporteur on freedom of religion or belief; the Working Group on Arbitrary Detention; the Special Rapporteur in the field of cultural rights; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ref.: AL CHN 8/2023

(Please use this reference in your reply)

26 June 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Working Group on Arbitrary Detention; Special Rapporteur in the field of cultural rights; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 49/5, 51/8, 46/9, 45/3, 52/9 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the arrest and alleged prolonged arbitrary detention of two Tibetan Buddhist monks, Mr. Rachung Gendun and Mr. Sonam Gyatso, as well as the alleged arbitrary detention and enforced disappearances of Tibetan Buddhists Mr. Lotse, Mr. Karma Samdup, Ms. Zumkar, and Ms. Youdon which appear to be related to the legitimate exercise of their rights to freedom of thought, conscience, religion, freedom of opinion and expression and cultural rights.**

Concerns over allegations of human rights violations against Tibetan monks, including arrests, detentions, enforced disappearances, and general repression, harassment and intimidation of the Tibetan people and the Buddhist religious community such as that of monks belonging to the Kirti Monastery, have been the subject of previous communications from the Special Procedures including CHN 14/2022, CHN 6/2022, CHN 7/2021, CHN 12/2020, CHN 5/2019, CHN 16/2018, CHN 10/2016, CHN 1/2014, CHN 3/2013, CHN 8/2012 and CHN 20/2011. While taking note of the Government's responses in relation to the above, we remain concerned in light of recent developments.

Additionally, the Working Group on Enforced or Involuntary Disappearances previously transmitted, in the context of its humanitarian procedure, the cases of the alleged enforced disappearance of Mr. Lotse (10012346), Ms. Zumkar (10012339), Ms. Youdon (10012340) to your Excellency's Government on 28 March 2023. We regret that no response has been received from the Chinese authorities.

According to the information received:

Case of Rachung Gendun

Mr. Rachung Gendun is a Tibetan Buddhist monk from the Kirti Monastery of the Gelugpa school of Tibetan Buddhism. He holds a Geshe degree, the highest scholastic achievement for a Tibetan Buddhist monk. He resides in the

Kirti Monastery in Ngaba County in Tibetan and Qiang Autonomous Prefecture, Sichuan Province, in the Tibetan province of Amdo.

On 1 April 2021, Mr. Gendun was arrested by local police authorities of Ngaba from his monastic residence. The plainclothes police officers did not produce a warrant for the arrest. Thereafter, Mr. Gendun was secretly detained for over a year, until his sentencing in July 2022. The authorities did not provide any other information about his case, including the charges against him, the trial date, or the court where it took place. Further, he was not given an opportunity to appoint a legal counsel of his choice.

In July 2022, Mr. Gendun was sentenced to three and half years of imprisonment for sending financial offerings to His Holiness the Dalai Lama and Kirti Rinpoche, the exiled head of the Kirti Monastery in India. Reportedly, the local Chinese authorities had relied on Mr. Gendun's mobile phone communications to secure this conviction. The last known place of detention of Mr. Gendun was the Deyang prison near Chengdu.

Case of Sonam Gyatso

Mr. Sonam Gyatso is a monk of the Kirti monastery; he holds a Geshe degree. Mr. Gyatso was arrested on 3 April 2021 in Chengdu city and was held for over a year at a detention facility near the prefectural city of Barkham (Ch: Ma'erkang). Thereafter Mr. Gyatso was subjected to an enforced disappearance until his sentencing in July 2022.

The authorities did not provide any other information about his case, including the charges against him, the trial date, or the court where it took place. Further, he was not given an opportunity to appoint legal counsel of his choice.

In July 2022, Sonam Gyatso was sentenced to two years of imprisonment for allegedly sending financial offerings to His Holiness the Dalai Lama and Kirti Rinpoche, the exiled head of the Kirti Monastery in India. Reportedly, the local Chinese authorities had relied on Mr. Gyatso's mobile phone communications to secure this conviction. Mr. Gyatso was detained at the Deyang prison near Chengdu. He was released on 23 May 2023 following the completion of his two-year sentence, which was calculated from April 2021 as per the Criminal Law of the People's Republic of China. Mr. Gyatso's health has significantly deteriorated as a result of hard labour during his imprisonment and torture in detention.

The arrest and prolonged arbitrary detention of Mr. Rachung Gendun and Mr. Sonam Gyatso are not isolated cases of arrest, detention and subsequent enforced disappearance of Tibetan Buddhists. According to the information received, several incidents have taken place in the recent past. The following are reported examples of incidents of arrest and arbitrary detention and, in some cases enforced disappearance, of Tibetan Buddhists:

Other similar cases: Mr. Lotse, Mr. Karma Samdup, Ms. Zumkar and Ms. Youdon

On 25 July 2022, Mr. Lotse was arrested by the police in Sereshul (Shiqu) county, Kardze (Ganzi) Tibetan Autonomous Prefecture, Sichuan province. His alleged role in organising a WeChat group named ‘Happy 80th Birthday’ to celebrate the birthdays of Tibetan religious figures without proper registration of the said WeChat group with the authorities was indicated as the basis for his arrest. The group had around 100 members. His fate and whereabouts have been unknown since his arrest.

On 12 August 2022, Mr. Karma Samdup was arrested by the police in Sernye township, Nagchu (Chinese: Naqu) City, Tibet Autonomous Region. He was arrested for inciting separatism as he possessed photos of the 14th Dalai Lama. The photos were said to be hanging in his car and around his neck. His whereabouts have been unknown since his arrest.

Siblings Ms. Zumkar and Ms. Youdon were arrested on 23 June and 11 July 2022 respectively. They are Tibetan Buddhists who reside in Tsarang in Amdo County, Nagchu City, Tibet Autonomous Region. While Ms. Zumkar was arrested for possession of photos of the 14th Dalai Lama, Ms. Youdon was later arrested for assisting her sister. Ms. Zumkar is detained in Amdo County, Nagchu City, and Ms. Youdon is detained at a detention centre in Lhasa.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concern for the arrest and alleged arbitrary detention of Tibetan Monks Mr. Rachung Gendun and Mr. Sonam Gyatso, as well as the arrest and arbitrary detention of Mr. Lotse, Mr. Karma Samdup, Ms. Zumkar and Ms. Youdon, belonging to the Tibetan Buddhist religious community. We are particularly concerned at the enforced disappearance of Mr. Lotse and Mr. Samdup, whose fate and whereabouts have been unknown since the day of their arrest in 2022.

We are concerned at the information indicating that these arrests and detentions are not isolated events, but allegations depicting a pattern of arbitrary detention, including incommunicado detention and enforced disappearance, and the subsequent closed trials and unknown charges and verdicts against members of Tibetan religious communities in China, some of them amounting to enforced disappearances. Individuals mentioned in this letter appear to have been targeted based on the display of their religion or belief or cultural affiliation, which may reflect a pattern of religious persecution in the Tibetan autonomous region by Chinese authorities.

We remind your Excellency’s Government that the Committee on the Elimination of Racial Discrimination (CERD) already expressed concern in its 2018 Concluding Observations that “the broad definition of terrorism, the vague references to extremism and the unclear definition of separatism in Chinese laws could potentially lead to the criminalization of peaceful civic and religious expression and facilitate the criminal profiling of ethnic and ethno-religious minorities, including Muslim Uighurs, Buddhist Tibetans and Mongolians.” (CERD/C/CHN/CO/14-17, para. 36.)

Should the above faced allegations be confirmed, they would contravene the fundamental principles embodied in the Universal Declaration of Human Rights (UDHR) and the International Covenant for Civil and Political Rights (ICCPR), regarding the right to life, the right to liberty and security of the person, the right to

recognition as a person before the law, the prohibition of torture, the right to a fair trial, and the right to freedom of religion or belief.

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.

We are issuing this appeal in order to safeguard the rights of the above-mentioned individuals from irreparable harm and without prejudicing any eventual legal determination.

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 urgently provide information on the fate and whereabouts of Mr. Lotse, Ms. Youdon, Mr. Karma Samdup and Ms. Zumkar. If they are deprived of liberty, please provide information on the factual and legal grounds for their detention, as well as their state of health. Moreover, please provide detail information on the investigations and search activities undertaken to determine their fate and whereabouts and, if no investigation has been undertaken, the reasons therefore.
3. Please provide information on the factual and legal grounds for the arrest, detention and sentencing of Mr. Rachung Gendun and Mr. Sonam Gyatso.
4. Please provide information on the factual and legal grounds for the arrest and detention of Ms. Zumkar and Ms. Youdon.
5. Please provide information on the compliance of Mr. Rachung Gendun, Mr. Sonam Gyatso, Mr. Lotse, Mr. Karma Samdup, Ms. Zumkar and Ms. Youdon's arrest with guarantees of due process and international human rights standards.
6. Please provide detailed information on the reasons for their prolonged detention, and for the denial of their due process rights and judicial safeguards, particularly their right to a legal defence of their own choosing and to communicate with their families, legal representatives and persons with a legitimate interest. Please explain how the current judicial proceedings are in line with the principles of legality, necessity, proportionality, and non-discrimination.
7. Please provide information on the measures taken to individually assess the protection needs of each detainee and their family members, in particular, as regards their state of health, access to essential medicines, medical treatment and other basic services, and any other

measures to prevent serious and irreparable damage to their life and personal integrity and to ensure that they have access to special health care, medications and other relevant medical treatment.

8. Please provide information on any measures taken by the Chinese authorities to effectively remove any undue restrictions to the free communication of the detainees with their families, legal representatives and persons with a legitimate interest, whether in writing or over the phone.
9. Please indicate what measures have been taken by the People's Republic of China to meet its international human rights obligations and its adherence to customary norms of international law relating to the absolute prohibition of torture and the systematic use of arbitrary detention and enforced disappearance. Please provide specific details on any measures taken to ensure that forced confessions and any criminal evidence otherwise obtained under duress or in the course of intimidating secret interrogations are effectively identified and declared inadmissible in judicial proceedings.
10. Please indicate the measures undertaken by your Excellency's Government to ensure protection of the Tibetan Buddhists' human rights to hold opinions without interference, to take part in cultural life and to enjoy the right of freedom of expression without discrimination as well as to enjoy the right to freedom of religion or belief in practice according to article 18 of the ICCPR.
11. Please provide information on any existing policies and other measures undertaken by your Excellency's Government to ensure that Buddhists and other religious or belief communities in Tibet are not discriminated based on their religion or belief.

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 prevent any irreparable harm to the life and personal integrity of the persons concerned, 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.

We would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the urgent appeal and the regular procedure.

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

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Matthew Gillett
Vice-Chair of the Working Group on Arbitrary Detention

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Aua Baldé
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental
freedoms while countering terrorism

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to articles 3, 5, 9 and 19 of the UDHR. We also refer to the ICCPR signed by China 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 not to carry out conduct that would defeat the object and purpose of the Covenant. In particular, we refer to articles 6, 7, 9 and 16 of the ICCPR read alone or in conjunction with article 2.3, which guarantee the right to life, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person, the right to be recognized as a person before the law and to a trial within a reasonable time, to challenge the legality of the detention before the courts, to be released subject to guarantees to appear for trial, to a fair and public trial before an independent and impartial tribunal without undue delay and with legal assistance of their choosing, free of discrimination, and the right to an effective remedy.

In this regard, as indicated by the Human Rights Committee, attacks against individuals for exercising their right to freedom of expression, including through arbitrary detention, torture, inhuman or degrading treatment or punishment, and enforced disappearance is incompatible with the ICCPR.¹ We would like to further remind your Excellency's Government that the right to challenge the lawfulness of detention before a court, protected under article 9 of the ICCPR, is a self-standing human right and a peremptory norm of international law, which applies to all forms of arbitrary deprivation of liberty.

Moreover, as established by the Human Rights Committee in its general comment no. 31, States have an obligation to investigate and punish serious human rights violations, such as torture and enforced disappearances. Failure to investigate and prosecute such violations is in itself a breach of the norms of human rights treaties (paragraph 18). Impunity for such violations can be an important element contributing to the recurrence of violations. The Committee further acknowledged in general comment no. 36 that the deprivation of liberty, followed by a refusal to acknowledge that deprivation of liberty or by concealment of the fate of the disappeared person, in effect removes that person from the protection of the law and places his or her life at serious and constant risk, for which the State is accountable.

Moreover, the prohibition of enforced disappearance has attained the status of *jus cogens*. In this regard, we wish to recall that the United Nations Declaration on the Protection of All Persons from Enforced Disappearances² establishes that "all acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness (article 4), no order

¹ CCPR/C/GC/34 para. 23.

² [Declaration on the Protection of all Persons from Enforced Disappearance](#)

or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance (article 6). Furthermore, no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7), and the right to a prompt and effective judicial remedy must be guaranteed as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances (article 9).

The Declaration further sets out the necessary protection relating to the rights to be held in an officially recognized place of detention, and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; and to the maintenance in every place of detention of official up-to-date registers of all detained persons (articles 10 and 12). It further stipulates that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly, and impartially investigated by that authority (article 13). The Declaration also establishes that States should take any lawful and appropriate action to bring to justice persons presumed to be responsible for acts of enforced disappearance (article 14), and that the persons responsible for these acts shall be tried only by ordinary courts and not by other special tribunal, notably military courts (article 16); not benefit from any amnesty law (article 18); and the victims or family relatives have the right to obtain redress, including adequate compensation (article 19).

We would like to reiterate that, under international law, the failure or refusal to acknowledge a deprivation of liberty by State agents or persons or groups of persons acting with their authorization, support, and acquiescence, constitute enforced disappearance, irrespective of the duration of the deprivation of liberty or the type of concealment concerned. State authorities are thus obliged to take all necessary measures to effectively protect the rights of the persons deprived of their liberty, as it automatically assumes responsibility for their lives, physical integrity, and wellbeing. In its General Comment on the right to recognition as a person before the law in the context of enforced disappearance,³ the Working Group noted that when a person deprived of liberty is not acknowledged by the State, the legal rights of this person are placed in a legal limbo, a situation of total defencelessness. The crime of enforced disappearance puts the detainee outside of the protection of the law, denies the person of legal existence and prevents the enjoyment of their rights, including due process rights and judicial safeguards, and other fundamental rights and freedoms.

In its report on standards and public policies for an effective investigation of enforced disappearances (A/HRC/45/13/Add.3), the Working Group on Enforced or Involuntary Disappearances recommended that States define enforced disappearance as an autonomous crime in national legislation and establish different modes of criminal liability, including abetting, instigating, acquiescing and actively covering up an enforced disappearance, as well as criminal liability for command or superior responsibility; and create mechanisms that can promptly receive and process complaints of enforced disappearances, under the responsibility of authorities who are independent of the institutions to which the alleged perpetrators belong or may be linked. These mechanisms should be empowered to trigger prompt investigations of

³ [A/HRC/19/58/Rev.1](#)

the complaints received.

In this regard, we wish to recall that the Guiding Principles for the Search for the Disappeared⁴ of the United Nations Committee on Enforced Disappearances establish that the search for the disappeared should be undertaken without delay (principle 2); respect the right to participation of the family of the disappeared (principle 5); be considered a continuing obligation (principle 7); and be interrelated with the criminal investigation (principle 13).

Additionally, in the study on enforced disappearances and economic, social and cultural rights, the Working Group observed that the enforced disappearance of journalists, religious leaders or persons actively promoting the enjoyment of economic, social and cultural rights, are used as a repressive tool to deter the legitimate exercise, defence or promotion of the enjoyment of these rights. Due to their collective character, such measures also violate their economic, social and cultural rights, the rights of others engaged in related activities, and of the larger community of people who relied on the disappeared person to represent and fight for their rights.⁵ Similarly, in its General Comment on Women and enforced Disappearances, the Working Group also noted that States have an obligation to recognize the particular types of harm women suffer based on their gender and the resulting psychological damage and social stigma as well as the disruption of family structures (A/HRC/WGEID/98/2 para. 5).

We also refer to article 18(1) of the ICCPR which stresses that “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.”

The Human Rights Committee emphasised in general comment no. 22 (HRI/GEN/1/Rev.1) paragraph 3 that article 18 of ICCPR “distinguishes the freedom of thought, conscience, religion or belief from the freedom to manifest religion or belief. It does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice. These freedoms are protected unconditionally, as is the right of everyone to hold opinions without interference in article 19(1); “the freedom to manifest religion or belief may be exercised "either individually or in community with others and in public or private. The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts.” (Paragraph 4).

We also recall that 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) establishes in article 6 that the right to freedom of thought, conscience, religion or belief shall include, inter alia the freedom to “worship or assemble in connection with a religion or beliefs”. The Commission on Human Rights (resolution 2005/40, paragraph 4d), the Human Rights Council (resolution 6/37) and the General Assembly (resolution 65/211, paragraph 12g) have reiterated the obligation of the States to ensure the right of all persons to worship or assemble in

⁴ [Guiding principles for the search for disappeared persons | OHCHR](#)

⁵ [A/HRC/30/38/Add.5](#)

connection with a religion or belief”, including of those not belonging to a religion or belief recognised by a State.

Article 19 of the ICCPR guarantees the right to freedom of opinion. It protects the right to hold opinions of any kind, including religious opinions. The Human Rights Committee has affirmed that “no person may be subject to the impairment of any rights under the Covenant on the basis of his or her actual, perceived or supposed opinions. All forms of opinion are protected, including opinions of a ...religious nature. It is incompatible with paragraph 1 to criminalize the holding of an opinion” (general comment no. 34 para. 9). Furthermore, this obligation also requires the State “to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression to the extent that these Covenant rights are amenable to application between private persons or entities” (Human Rights Committee general comment no. 34, para. 7).

We would also like to bring to your Excellency's Government's attention the international standards regarding the protection of rights of persons belonging to minorities, in particular article 27 of the ICCPR that guarantees minorities, inter alia, the right to practice and profess their own religion. Moreover, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end (article 1), recognizes that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination (article 2) and requires States to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law (article 4.1).

Furthermore, we would like to refer your Excellency's Government to article 15 of International Covenant on Economic, Social and Cultural Rights, to which China has been a party since 27 March 2001, recognizing the right of everyone to take part in cultural life. Under this provision, States Parties have also undertaken to respect the enjoyment and development of cultural practices. The Committee on Economic, Social and Cultural Rights, in its 2009 general comment 21 on the right to take part in cultural life (E/C.12/GC/21) recalled that the right of everyone not to be subjected to any form of discrimination based on cultural identity, exclusion or forced assimilation, to express their cultural identity freely, to exercise their cultural practices and way of life and to access to their own cultural and linguistic heritage and to that of others. States parties should consequently ensure that their legislation does not impair the enjoyment of these rights through direct or indirect discrimination (E/C.12/GC/21, paragraphs 44, 48, 49). It also recalled that the protection of cultural diversity is an ethical imperative, inseparable from respect for human dignity. Thus, States are reminded that in many instances, the obligations to respect and to protect freedoms, cultural heritage and diversity are interconnected (para. 50).

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 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).

Furthermore, we draw the attention of your Excellency's Government to the international standards relevant to the protection and promotion of the rights of minorities. The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires under article 1.1 that States "shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity." Article 2.2 highlights that "persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life". 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, and article 4.3 requires States to take appropriate measures so that they 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.