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Human rights situations that require the Council's attention

Written statement* submitted by the Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2012]

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

Tibetan children's right to education in the People's Republic of China (PRC)

PRC's laws protect and promote the ethnic minority languages. Article 4 in the Constitution of the PRC and Article 10 of the Law on Regional National Autonomy (LRNA) respectively guarantee the freedom of all nationalities "to use and develop their own spoken and written languages..."

The Regional Ethnic Autonomy Law (REAL) promulgated in 1984 stipulates that ethnic minorities' languages should be protected and allowed to be freely used and developed. The law states that the language of minorities should be used in textbooks and as language of medium of instruction. Evidently the proposed change by the Qinghai government goes contrary to the REAL.

Article 27 of the International Covenant on Civil and Political Rights (ICCPR), to which PRC is a signatory party, states "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

Due to the prevailing discrimination in educational institutions and the absence of right to obtain true nature of education as enshrined in the international and Chinese domestic educational law, hundreds of Tibetan children continue to risk their lives to escape to India to be educated in Tibetan refugee schools.

Bilingual education

The Chinese authorities often present their concept of bilingual education as a progressive educational policy that confirms their commitment to 'protect' minority culture and languages. However, in actual sense, the implementation of the bilingual education policy is very limited.¹ Moreover, in Tibet Autonomous Region (TAR), bilingual education has generated 'subtractive' bilingualism, where Tibetan children taught Chinese language while neglecting Tibetan language. China's provision of "teaching the Chinese language in the basic education phase" reflects PRC's perception of bilingualism as replacing Tibetan with Mandarin for the Children whose first language is Tibetan.

Article 29 of the Convention on the Rights of the Child, stipulates that education of a child should be directed towards 'the development of respect for the child's parents, his or her own cultural identity, language and values'. However, as reported by Human Rights in China, an international Chinese non-governmental organization, minority children have limited opportunity to become fluent in their own language. Tibetan language is increasingly restricted to homes, reducing scope in public sphere (schools, universities and job market) to master one's own (Tibetan) language.

Many young Tibetan children communicate primarily in Mandarin with their peers and cannot read or write in Tibetan language.

¹ China: Minority Exclusion, Marginalization and Rising Tensions report by Human Rights in China, 2007.

Tibetan students call for the right to use Tibetan language

Right to use one's own language plays a crucial role not only in terms of [re]production of one's cultural identity, but also a fundamental medium to express opinions and thoughts.

Recognizing the significant role played by each language, constitution of PRC and China's 1995 Educational law, guarantee people of the minority to use and develop their own languages.

However, situation on the ground depicts double standard of Chinese legal constitution. Signage of Tibetan is frequently lacking in public and commercial domain. Forms and documents are available in Chinese. Despite guarantees of linguistic rights, schools in Tibetan inhabited areas- even those which are officially designated as Tibetan -language schools-- teach Tibetan only as a language subject. In many rural and nomadic areas, children receive only one to three years of Tibetan- language education before continuing their education in Mandarin. Furthermore, the Tibetan-language curriculum for the first three years is predominantly translated directly from standard Chinese-language curriculum, offering very little insight into Tibetan culture.

Protests against change of medium of instruction in school from Tibetan to Chinese

In October 2010, thousands of Tibetan students from six different schools in Rebkong (in Chinese: Tongren) in north-eastern Tibet (Qinghai) protested against the Chinese government's educational policy to implement Chinese language as the medium of instruction in all the primary schools by 2015. Tibetans students called for equality for nationalities and equality for languages. A petition signed by more than hundreds of teachers and students was send to the provincial authorities. In the letter, signatories have acknowledged the importance of teaching and learning Chinese language, at the same time they called for the scientific method of instruction (using mother tongue as the medium of instruction) to be applied so as to improve the quality of teaching and learning in schools.

In March 2012, forceful changes of the text book language provoked a mass student protest in Rebkong, Malho Tibetan Autonomous Prefecture, Qinghai Province. Students marched into town after they discovered that their new textbooks for all subjects, which were in Tibetan, were now in Mandarin. Chinese authorities forcibly suppressed the voices of Tibetan students by arresting scores of them.

Schools closed for teaching Tibetan language and culture

Tibetan run schools aimed to teach and develop young Tibetans with Tibetan cultural knowledge, faced a severe restriction from the authorities. Many schools were sealed off under charge of being "separatist".

In May 2012, a Tibetan orphanage school in Kanlho (Gansu Province) which houses around 50 students was forcibly closed down on charge of giving prime priority to the Tibetan language and culture.²

In April 2012, The Chinese authorities forcibly closed a school which was established in 1987 by Tibetans, to teach and promote Tibetan culture and language (Karze County, Eastern Tibet, Sichuan Province) and ordered the parents to send students to government schools where only Chinese education is provided.³

² <http://www.tibettimes.net/news.php?showfooter=1&id=6009>.

³ http://www.tchrd.org/index.php?option=com_content&view=article&id=211:tibetan-school-forcibly-closed-teachers-arrested&catid=70:2012-news&Itemid=162.

In January 2010, the Chinese authorities forcibly shut down an intermediate school and an elementary school in Machu County. These schools have planned to hold a joint seminar on Tibetan language entitled "Bhoemi Kyiduk Nyamnyong" meaning "Tibetan people's happiness and sufferings to be experienced together" a slogan of student protest in 2008. The authorities closed down the schools due to the nature of the seminar and its tendency to would attract large number of Tibetans.

In 2009, the Chinese authorities forcibly shut down a Vocational Education School (Driru County, Nagchu Prefecture in TAR). The vocational school taught wide range of subjects such as Tibetan, English, Chinese, medicine, art and mural paintings.⁴ In the same year, Chinese authorities shut down Pad-kar school, alleging the school of arousing Tibetan nationalistic sentiments and teaching "splittist" ideas and curriculum.⁵

In April 2008, the Chinese authorities of Ngaba, closed down a school run by Taksang Lhamo Kirti Monastery, citing the "student's participation in the protest".⁶

In July 2003, the Chinese authorities closed down Kirti Monastic School, which was founded in 1994. The monastic school was earlier closed briefly in March 2002 but later reopened after repeated appeal from the local Tibetans. On 29 July 2003, when the school was closed for vacation, Chinese officials visited the school and brought down the Chinese national flag hoisted in the school compound and declared the closure of school officially. The authorities further ordered that those who wish to study can join the government run co-education school in the county.⁷

In 2000, the Chinese authorities closed down Gyatso orphanage school founded by Bangri Tsamtrul Rinpoche in 1996. The founder was sentenced to 15 years and his wife Nyima Choedon to 10 years imprisonment, under the charge of "endangering state security".⁸

Education or Indoctrination

The Universal Declaration of Human Rights (Article 26.2) states "Education shall be directed to the full development of the human personality and the sense of its dignity". Similarly, the CRC calls on State to "develop the child's personality, talent, mental and physical abilities to their fullest potential."⁹ However, slender educational opportunities that exist for Tibetan children are categorically designed to foster a sense of nationhood rather than to develop children's personality, talent and mental abilities. Most of the school curriculum is divorced from the Tibetan culture. Education in Tibet serves to indoctrinate children and instill a political ideology.

Recommendations

MRAP urges the People's Republic of China:

- to respect and implement Article 4 of the Constitution of the PRC and Article 10 of the Law on Regional National Autonomy (LRNA);
- to respect and implement Article 29 .1(c) of the Convention on the Rights of the Child, which stipulates that education of a child should be directed towards 'the

⁴ Human Rights update October 2009 <http://www.tchrd.org/report/hrupdate/2009/hr200910.pdf>.

⁵ Ibid.

⁶ <http://www.phayul.com/news/article.aspx?id=20731&t=1>.

⁷ Human Rights update September 2003, <http://www.phayul.com/news/article.aspx?id=5105&t=1>.

⁸ Human Rights update December 2003, Tibetan Center For Human Rights and Democracy.

⁹ Convention on the Right of the Child, Article 29 (a).

development of respect for the child's parents; his or her own cultural identity, language and values';

- to hear and consider the Tibetans say in setting school curriculum and contents of text books;
 - to grant liberty to individuals and bodies for establishing educational institutions;
 - to support and encourage privately run schools who promote and protects Tibetan culture and language;
 - to re-open closed Tibetan schools without conditions.
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