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HUMAN RIGHTS

update

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China's White Paper on Human Rights: Progress or Regress?

CONTENT

-China's White Paper on Human Rights: Progress or Regress? (pg 1)
-Gedun Choekyi Nyima, the 11th Panchen Lama of Tibet : still disappeared (pg 1)

PROFILE OF A CURRENT POLITICAL PRISONER

-Imprisonment for challenging the government mining activity (pg 3)

TCHRD ACTIVITIES BULLETIN

-TCHRD at the 61st session of the UNHCHR (pg 7)
-Commemorating the 16th birthday of the Panchen Lama (pg 7)
-Teaching Human Rights (pg 7)

On 13 April 2005, State Council Information Office of the People's Republic of China (PRC) has released a White Paper entitled *China's Progress in Human Rights in 2004*. The White Paper highlights China's human rights improvement in six main areas: People's rights to Subsistence and Development, Civil and Political Rights, Judicial Guarantee for Human Rights, Economic, Social and Cultural Rights, Equal Rights and Special Protection for Ethnic Minorities and the rights and interests of the disabled.

However, the findings and research of the Tibetan Centre for Human Rights and Democracy (TCHRD) on China's human rights record in Tibet stand in stark contrast to China's claim of human rights progress in the White Paper. TCHRD record numerous human rights violations committed by the Chinese authorities in Tibet in 2004 and over the past many

years. TCHRD, through its independent research and refugee testimonies, has gathered numerous information that reflects systematic and continued human rights violation of Tibetans right to political and civil liberties and socio-economic rights.

TCHRD considers the release and timing of PRC's White Paper as yet another feature of its diplomatic scheme and political gimmick to fend off international criticism of its poor human rights records. Despite that fact that no member state had sponsored a resolution on China's human rights records at this year's 61st session of the United Nations' High Commission on Human Rights (UNHCHR) in Geneva, its poor human rights record was one of the major focus during the conference. Additionally, many human rights watchdogs have listed China as one of

continued next page

Gedhun Choekyi Nyima, the 11th Panchen Lama of Tibet: still disappeared



received a letter from the Chinese embassy in Warsaw stating that Gedhun Choekyi Nyima and his parents did not want their peaceful life disturbed by strangers, and that the Chinese government "respects freedom of choice for its citizens and hopes that the Polish people would understand that too."

In March 2002, a government delegation from the Tibet Autonomous Region (TAR) met with a European Parliament delegation and the authorities once again reiterated that Gedhun Choekyi Nyima did not wish to be disturbed.

The "TAR" delegation refused to answer questions about photographs promised to the Polish delegation. In the light of a refusal to provide photographs that positively identify Gedhun Choekyi Nyima, or to allow independent access to the boy and his family, the Tibetan people can only fear the worst.

The continued disappearance of Panchen Lama in the Tibetan hierarchy completely contradicts China's claim to respect religious freedom in Tibet. It is a matter of great concern that such prominent religious figure is denied and bereft of any

continued on pg 5

the most repressive regimes with a deplorable human rights record. Therefore, the White Paper only serves as a mere official rhetoric to enhance its international profile than a reflection of a real progress in human rights situation in China and in Tibet.

The human rights abuses of Tibetans in Tibet takes place in the context of denial of right to self-determination of the Tibetan people in civil and political rights as well as in economic, social and cultural rights. The PRC government has signed the International Covenant on Civil and Political Rights (ICCPR) in 1998, and signed and ratified International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1997 and 2001 respectively. Both these covenants guarantees the right to self-determination. Despite the establishment of the "Tibet Autonomous Region" ("TAR") in 1965 and formulation of China's Regional Ethnic Autonomy Law in 1984, Tibetans in Tibet have had only nominal autonomy with no right to self-determination. Hence, the top-down approach employed by the PRC government in terms of policy decisions and implementation processes has lack of Tibetan participation and disregard of local concerns. All these factors results in human rights abuses of the Tibetan people.

The PRC has reiterated that "the people's overall living standard and quality of life were improved considerably..." It is true that China injects funds and investments with a particular focus to develop its western region including Tibet. However, the much-hyped economic boom has failed to benefit the Tibetans and other ethnic minorities as Tibet still remains one of the poorest regions in China with huge income disparity between urban-rural populations. This fact is evidenced by reports of the World Bank and the United Nations Development Programme (UNDP) that lists Tibet along with 11 other provinces in western regions as the poorest and the most underdeveloped region in China. All the state-funded development projects have been targeted more on resource development such as

railway and roads etc and less on human development such as education, health, employment and local participation. It is a fact that the stated assurance of development and progress has failed to reach the grassroots agro-nomadic Tibetans who constitutes more than 80 percent of the total population.

The Paper stated that, "the housing conditions and living environment for urban and rural residents have been improved considerably." In the context of Tibet, urbanization only took place in major towns and cities that attracts huge influx of Chinese migrant workers and booming tourism. However, these had a far-reaching adverse consequence, as the planning and development of Tibet's urban areas are one-sided. Chinese authorities under the pretext of development neglect and even destroy the 'old' urban areas where the majority of Tibetan lives. The evictions and the subsequent demolition of buildings not merely breaches the right to security or tenure, they also breaches the right to live in homes which are culturally adequate housing.

The PRC government affirms to have attached "...great importance to the health conditions of the people" by adopting effective measures "to prevent, treat and control serious epidemics." Although China has one of the largest HIV cases in the world and concerns are great that the HIV/AIDS infection may soon spread to the rural population especially in the western remote areas where HIV/AIDS awareness are very low. To augment the existing threat of the HIV/AIDS spread in these areas, many commercial sex workers were gradually mushrooming around big towns and cities owing to rapid increase in migrant workers from China.

The PRC's inclusion of "the state respect and safeguards human rights" in its constitution in March 2004, is hailed as a major event in the development of China's democratic constitutionalism and an important milestone in human rights progress in China. It is indeed a positive indication that Beijing is attaching importance to the human rights aspects for the first time. However, having a proper enforcement mechanism to implement any provisions guaranteed under law is more

important than a mere stipulation on paper.

Contrary to Beijing's claim of guaranteeing its citizen's civil and political rights, TCHRD has documented 146 known political prisoners in various Chinese administered prisons and detention centers in Tibet. Exercising freedom of expression, opinion and association are considered as dissent and separatist activities that endangers state security. In Tibet it is still a crime to express faith in the Dalai Lama through possession or display of his photos, conducting prayer ceremony or having a Tibetan national flag or political literature.

China's "endangering state security" charge in its Criminal Procedure Law has ambiguous definition resulting in suppression of multiple legitimate rights of Tibetans. Under the banner of "Strike Hard" campaign and the global war against terrorism, China has clamp down on activities that supposedly threaten national stability. Many Tibetans have been arrested, detained, tortured and imprisoned by criminalizing their non-violent political activities.

The PRC maintain in its White Paper to protect by law its citizens' freedom of information, speech and press. In reality, every publication and news goes through a sophisticated screening and with consent of the party before being published to general public. The general public have little knowledge about the outside world since the information inflow and outflow are strictly screened and monitored by the authorities. Most of the journals and media were state-owned where people were fed with news laden with official party ideologies and propagandas. The recent closure of Tibetan culture, a website ran by the Xueyu Zangren Cultural Exchange Co. Ltd in China's northwest Gansu Province, subsequent disappearance of Tsewang Norbu, the editor-in-chief of the website and recent ban on book written by Woesser, a Tibetan woman writer, which the Chinese Communist Party considered as "serious political mistakes", and information embargo in the form of radio jamming - are few of the cases which clearly highlights the lack of freedom of

Imprisonment for challenging the government mining activity

Dejor, 40, Tsering Dawa, 40, and Thartsok, 33, hails from Sari Village, Yongnak Township, Sog County (*Ch: Suo Xian*), Tibet Autonomous Region ("TAR"). They were arrested on 4 September 2004 following heated exchanges with officials from the Mining Department.

In July 2004, resident Tibetans of Sari Village protested against a mining project in the area by the Nagchu (*Ch: Naqu*) Mining Department. Heated arguments ensued between the Tibetans and the officials from the mining department. The officials later reported the incident to the authorities of Sog County.

After a month, in the end of August 2004, government

officials from Sog County accompanied by PSB officers arrived at the village to investigate the incident. They identified Dejor, Tsering Dawa and Thartsok as leaders of the protest. Consequently the PSB officers arrested them from their home on 4 September 2005.

A group of local Tibetans appealed to the authorities to release the three Tibetans, however, their appeal was dismissed citing the three Tibetans had political motives behind the protest.

Around the end of 2004, they were sentenced to one year imprisonment term. They are currently imprisoned in Nakchu Prefecture Detention Centre.

The arrest and sentencing of the Tibetans in the aftermath of the protest clearly highlights the lack of consultation with resident Tibetans regarding government's development works and cracking down on those who voice their opinion against the authorities.

The UN Declaration on the Right to Development (UNDRD) states that governments must *"formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting there from."*

expression and freedom of press.

The PRC government asserts that its citizens enjoy the freedom of religious belief in accordance with law. The number of religious venue, renovation of monasteries and number of religious adherents does not signify true religion freedom. Beijing has inherent fear of inter linkage between Tibetan Buddhism and the Dalai Lama with that of Tibetan nationalism. For China social stability and national reunification are of paramount concern. Hence, Beijing has intensified anti-Dalai Lama campaign over the years through various restrictive measures such as "Patriotic re-education" campaign in Tibet's religious institutions and ban on observance of the Dalai Lama's birthday, photos etc.

The "Patriotic re-education" campaign launched since 1996 required the clergies to study communist ideology, and to denounce the Dalai Lama; imposes restriction on the strength of monk community and generally intrudes into the traditional religious studies and practice through constant surveillance over curriculum and activities. Under this campaign 11, 383 monks and nuns have been expelled from monasteries and nunneries in the past eight years.

Gedhun Choekyi Nyima, the XIth Panchen Lama recognized by the Dalai Lama in May 1995, continues to be disappeared for the last ten years and his whereabouts and well-being still unknown. In recent times, popular religious leaders in Tibet have faced persecution by Chinese authorities for their religious belief and political loyalty to the Dalai Lama. For instance, Trulku Tenzin Delek and Bangri Tsamtrul Rinpoche are currently serving life term after their suspended death sentences were commuted to life imprisonment; Chadrel Rinpoche is still under house arrest after release from prison; and Geshe Sonam Phuntsok was released after serving five-year prison term.

The PRC claims to have made efforts..."solve some outstanding problems in law enforcement...severely deal with criminal cases involving government functionaries' infringement upon human rights by misusing their

powers, focusing on cases of illegal detention and search, extorting confessions by torture, gather evidence with violence, abusing people in custody...' Nevertheless, in Tibet, torture and ill treatment is endemic in every stage of the incarceration. It is commonplace for Tibetan detainees and arrestees to be subjected to torture and maltreatment in order to extort confessions and to crush nationalist sentiments. There have been many cases where ailing prisoners have been denied timely medical treatment. Since 1987 TCHRD has recorded 87 known cases of death of political prisoners while in custody or after release from prison due to torture.

Additionally the re-launched 'Strike Hard' campaign in Tibet have had serious human rights implications for the Tibetans since it indicates government tightening of control and excess misuse of power. The campaign is characterized by forceful crackdown, severe capital punishment and swift execution. The conduct of the Chinese police, procuratorate and judiciary consistently fails to meet international human rights standards. Moreover, officials in the criminal justice system consistently disregard the procedure under China's own national laws, encouraged and facilitated by the authorities under this campaign.

In addition the White Paper has mentioned, "the judicial organs have adopted vigorous measures to prevent and contain extended detention." TCHRD is concerned over the fate of Chadrel Rinpoche, the former Chairman of the Panchen Lama's Reincarnation Search Committee and his closed aide, Champa Chungla. Both men are still under house arrest at an undisclosed location even after release from prison upon completing their prison terms.

Another highlight feature in the White Paper is PRC's claim of "...development concept of putting people first...promoting all people's participation in development...enhancing the level of people's enjoyment of their economic, social and cultural rights." Beijing's Western Development Program (WDP) launched in 1999 to develop the western regions of China including Tibet are devoid of local people's participation,

involvement and concerns. The developmental projects initiated in Tibet do not respect the sentiment of the Tibetan people with regard to their land, culture and religious identity of the Tibetan people. Rather the continuous influx of Chinese migrants into Tibet to speed up the development process has resulted in discrimination, marginalization and livelihood problems for Tibetans in their own land.

The White Paper has also proclaimed to have "advanced with great strides" education in ethnic minorities areas. Though there were increase in the number of schools and educational institutes in Tibet over the years, education policies in Tibet are used as a means to indoctrinate communist ideologies. Chinese officials in the "TAR" display a striking and ominous trend to intensify the sinicization of Tibetans in Tibet through the targeting of Tibetan language. Chinese authorities have for some time linked Tibetan language to Tibetan nationalism, and thus to a propensity for "splittist" activities and students were even forced to denounce the Dalai Lama and taught in China's version of Tibet history. By repressing the use or knowledge of Tibetan language and replacing it with Chinese language with its use both in commerce and administration, China hopes to erode Tibetan cultural identity and completely integrate the next generation of Tibetans into Chinese culture. Therefore, education imposed upon minorities violates the human rights when it denies their linguistic and religious identity. Furthermore, the former UN Special Rapporteur on Education, Ms. Katarina, has deplored that fact that the literacy rate in Tibet is only 39 percent and that the situation warrants redressal by the Beijing authorities.

The White Paper further stated, "by electing deputies to the NPC from their own ethnic groups, all ethnic minorities exercise the right to participate in the administration of state affairs.... The heads of all autonomous regions, autonomous prefectures and autonomous counties are all citizens of the ethnic groups exercising regional autonomy in the areas concerned." In fact, the most powerful and the highest official position in the TAR-

the Party Secretary- has never been held by an ethnic Tibetan till date. Other representations at the governmental level are more nominal than functional with no decision making power.

Yet the recent personnel changes in the "TAR" on 29 September 2004 at the fourth meeting of the Eighth Standing Committee of the People's Representative Congress of the "TAR" witnessed only nominal changes with no major overhaul. Apart from a few changes within the Congress itself and the People's Government, most removals and replacements took place within the judiciary, affecting the Intermediary Courts and in particular the procuracy departments of all six prefectures of the "TAR". The appointments reflect the current preference for Chinese over Tibetan cadres and illustrate Beijing's present perception of regional autonomy as an exercise in integration rather than diversification.

Out of 13 appointees in the procuracy departments of the various TAR prefectures, only two are Tibetan cadres who appear to be replacing Chinese. At TAR level, only one Tibetan out of five appointees has made his way into the procuracy, where he appears to partially replace another Tibetan. In a similar way, out of the seven new appointees to various intermediate courts, only one is Tibetan.

In conclusion, the White Paper is only an attempt to avert international backlash on China's poor human rights record and elevate its image and positioning in the international arena. TCHRD firmly believes that as long as the PRC government does not guarantee its citizens the right to self-determination, respect rule of law and human rights treaties, and usher and strengthen democratic reforms in China and in Tibet, it cannot claim real progress in human rights. ♦

continued from pg 1

traditional religious studies and training even if he is alive.

For the past ten years since his abduction and disappearance along with his parents, no information on their whereabouts and well being were known to international bodies and human rights watchdogs. Chadrel Rinpoche, a former abbot of Tashi Lhunpo monastery seat of Panchen Lama, and Chairman of the Search Committee for the reincarnation of the 11th Panchen Lama. Chadrel Rinpoche and his assistant Champa Chungla disappeared from Chengdu Airport in Sichuan Province on 14 May 1995. On 21 April 1997, the Shigatse Intermediate People's court sentenced Chadrel Rinpoche to six years of imprisonment. He was charged with "plotting to split the country" and "leaking state secrets". He was accused of working for and assisting the Dalai Lama in the search for the 11th Panchen Lama. Although his sentence ended on 13 May 2001 following the completion of a six-year prison term, it is believed that he is now kept under house arrest. There is no additional information on his exact whereabouts in Shigatse, or on his state of health. Jampa Chungla, 56-year-old former assistant of Chadrel Rinpoche, was arrested in 1995 for his participation in the search committee of the 11th Panchen Lama. He was sentenced to a four-year prison term and to a two-year deprivation of political rights. He continues to be held in custody even after the completion of his original four-year prison term.

The Tibetan Centre for Human Rights and Democracy (TCHRD) is deeply concerned at the Chinese government's continued detention of a 15-year-old boy. In the wake of subsequent failures of past independent bodies to meet the 11th Panchen Lama Gedhun Choekyi Nyima, TCHRD urges the United Nations and its various thematic bodies to pressure Chinese

Government to allow Committee on Rights of the Child to meet Gedhun Choekyi Nyima to verify his health and living conditions. Hence, TCHRD appeals for unconditional release of Panchen Lama and his family. ♦

Testimony of Bhudruk the former political prisoner

My name is Bhudruk, I am 52 years old, and a monk from Kardze Zong, Sarshing County. I reached Tibetan reception centre in Kathmandu reception office on 16 April 2005 via Shar Khumpu.

On the second day of the second month of 1990 of the Tibetan calendar, I and two other associates pasted wallpapers and pamphlets on 55 local Chinese offices.

In March 1979, I entered Ganden monastery and for six years studied at the same monastery. While I was in the monastery the officials of the Religious Bureau frequently visited the monastery and issued a directive that the monks from Dotoe and Dome province were not allowed to stay at monastery. In following days ten security officials and dozens of People's Armed Police personnel (PAP) encircled the monastery and intimidated the monks to leave the monastery. In June 1986 the combine exercise of Religious Bureau officials and People's Armed Polices (PAP) expelled several hundreds of monks from Amdo and Kham region in Ganden monastery.

One day, higher authorities issued a directive by which all the monks from Amdo were expelled from the monastery. The Religious Bureau officials announced the monks to leave the monastery on three occasions. However, the monks refused to comply with the official directives and then one day security officials and two other officials from the People's Armed Police (PAP) entered the monastery, tied the hands of all those monks who didn't have a stay permit in the monastery.

On 27 September 1987 when the monks of Drepung monastery were to rise for the first outbreak of pro-independence movements, I was also there in the centre of protest. At that time there were many lay Tibetan people shouting slogans vociferously calling for freedom and independence in Tibet, and demanding the Chinese to leave Tibet. Taking the chance and momentum of the situation I too shout slogans for freedom and independence for Tibet. Again on 1

October 1987 the monks of Sera monastery resumed the peaceful pro-independence protest, at the same time the Public Security Bureau of Lhasa stopped and disbursed the protestors and many of them were detained in the local Public Security Bureau office.

The year was 1989, 2 February, the second day of the Tibetan New Year. Lobsang Tashi, Tsering Dorjee and I had already prepared pamphlets for distribution and headed towards Lhasa well in advance. When the 1989 protest took place the three of us also participated. On the second day of the New Year, I woke up at 4 am and cycled my way to the county near Lhasa. I went to my sister Tsering Yangchen's house. At that time two of my friends from Kardze County were involved in the great Prayer Festival. The three of us agreed to meet at a tea shop at 3 pm. Early morning, at 4 am we pasted wall papers and pamphlets on doors and windows of around fifty offices of Public Security Bureau offices and other security department offices.

On 6 November 1990, around midnight thirty security officials from Kardze Public Security Bureau came to my house. During the raid, the security officials brought a small boy, probably from the Kardze County, because the boy spoke Kardze dialect. The security officials pointed their fingers to me and asked couple of times to the boy if he could identify me. On confirming me, the security officials immediately arrested me.

Later I was taken to the Lhasa Gungkar Zong airport to be flown to Sichuan and there I was put in a prison. After four days of detention I was put in Dartse Dotson Prison for six days. There I was interrogated for a whole day. They were more interested in people behind us and whether or not the Dalai Lama was financing us. Thereafter I was sent to Kardze People's Armed Polices office. There I was severely tortured and beaten by electric prod to exhort confessions from me during the interrogation. I was hung from a ceiling and then tortured beyond

my endurance. They even splashed boiling hot water over my body while exhorting confessions of people behind me repeatedly. I told them that there was no one behind me.

On December 1990 Kardze People Intermediate Court sentenced us with varying prison terms. I was given fifteen years of imprisonment. I was 32 years old. Lobsang Tashi was given a four year prison term and Tsering Dorjee given a twelve year prison. I was imprisoned in Rangaka Prison, cell number one. Every day I was made to undergo "reformed through forced labour". I served the three years of my term in Kardze Troewi Prison; two of my friends were also in the same prison. I served the remaining eleven years in Mo-yi prison.

In recent times political prisoners are not housed in the same cell. At most three political prisoners are kept in the same cell. The rich and influential businessmen from China visited the prison with the collaboration of prison guards and officials. They exploit the system of "reform through labour" and made the prisoners to work extensively to produce their own goods without any wages and salary.

In November, 2004 I was released from the prison, and sent to Kardze Public Security Bureau office. After my release I was deprived of political rights for five years in addition, every month I had to report to the Public Security Bureau office to present myself. I was also instructed not to stay in monastery for the next three years, and was especially barred from mingling in the large crowds.

I couldn't tolerate anymore, so on 5 March 2004 I made my escape journey to India through Shar Khumphu. My aim and objective of coming to exile India was to have an audience with Dalai Lama. I had to live in a constant state of fear and deprivation of freedom without any peace of mind.



TCHRD ACTIVITIES

Bulletin

TCHRD at the 61st Session of UNCHR

Ms. Norzin Dolma, Acting Director, attended the 61st session of UN High Commission on Human Rights from 27 March to 8 April 2005. The Tibetan delegation comprising of representatives from the Tibetan Women's Association (TWA), Tibetan Youth Congress (TYC) and Netherlands Branch of International Campaign for Tibet (ICT) was headed by Mr. Chimme R. Choekyapa of the Geneva based Tibet Bureau.

Ms. Dolma along with other Tibetan representatives met with the UN Special Rapporteur on Education, Special Rapporteur on Freedom of Expression and Opinion, and other NGO representatives. TCHRD, TYC and TWA associated with the ICT to submit a Shadow Report to the Committee on Economic, Social and Cultural Rights.

During the commission, Ms. Dolma actively participated in different meetings. On 30 March 2005, she spoke at a Tibet briefing titled UN Mechanisms, Treaty Bodies and the People's Republic of China organized by ICT. Representatives from Uighur, Xinjiang and Human Rights in China based in New York also spoke during the briefing. Later in the day,

she presented an oral statement on State of Education in Tibet in the UN Plenary. On 4 April 2005, Ms. Nozin was invited as a panelist at a panel discussion on Promoting Human Rights and Democracy in Asia's closed societies with representatives from Burma, Cambodia, Vietnam, Laos, and Human Rights in China. On 5 April 2005, she made an oral statement on Religious Intolerance in Tibet. During a rally near the UN building organized by resident Tibetans in Swiss, Ms. Dolma along with Presidents of TYC and TWA spoke to the Tibetans.

Additionally Ms. Dolma and the other Tibetan representatives raised issues affecting Tibetans at many side events and NGO briefings. Some of the events attended were Human Rights Situation in Nepal, Briefing by Special Rapporteur on Freedom of Expression and Opinion, South East Asian Regional Stability, UN Democracy Caucus, Beijing Plus 10 etc. ♦



Ms. Dolma (extreme right) during a session

Teaching Human Rights

Mr. Tsering Agloe, Researcher, and Mr. Dawa Tsering, Field Officer, spoke to the tenth grade students of Lower TCV School, Dharamsala, on the concepts of human rights, the human rights situation in Tibet and Tibetan Democracy. The students raised some important questions regarding the issues of human rights situation in Tibet which were fielded by the two staff. ♦



Studying human rights

Commemorating the 16th birthday of the Panchen Lama

25 April 2005 marked the 16th birthday of the disappeared Xith Panchen Lama, Gedhun Choekyi Nyima. Almost ten years have passed since he was taken into custody by the Chinese authorities and never been seen again. To commemorate the day, TCHRD setup a booth at the entrance of the main temple in Dharamsala to highlight his case with the foreign and Indian tourist visiting the temple. Besides the tourists, local Indians and Tibetans signed around two hundred petition postcards addressed to the Chairperson of the UN Committee on the Rights of the Child (CRC) urging him to raise the issue of the Panchen Lama with the People's Republic of China. Additionally signatures were also collected on a six-metre-cloth which will be later sent to the Chairperson of the CRC.

In the afternoon, Mr. Tashi Choephel, Researcher, spoke on child rights to students of the Tibetan Children's Village (TCV) School. The Presidents of TYC and TWA were the other speakers during the panel discussion titled "Rights of the Child" jointly organised by the National Democratic Party of Tibet, Gu-Chu-Sum and the Regional Tibetan Women's Association. ♦



Monks signing the petition cloth calling for the Panchen Lama's release