



ONE HUNDRED SEVENTEENTH CONGRESS
SENATOR JEFF MERKLEY, CHAIRMAN
REPRESENTATIVE JAMES P. MCGOVERN, COCHAIRMAN

November 30, 2022

Mr. Volker Türk
UN High Commissioner for Human Rights
Palais Wilson - 52 rue des Pâquis
CH-1201 Geneva (Switzerland)

Dear High Commissioner Türk,

We write to both congratulate you on assuming office as High Commissioner for Human Rights and to express our concern about reports of Tibetan children being separated from their families and being sent to colonial boarding schools. We see this system as resulting in serious human rights violations and cultural and linguistic erasure. We seek your help in pursuing a UN investigation of these abuses.

We serve as cochairs of the Congressional-Executive Commission on China, a government body in the United States that is chartered with monitoring the People's Republic of China's (PRC) compliance with international human rights standards. On April 5, 2022, we held a hearing on minority language rights in the PRC and received testimony on the boarding schools in Tibet.

According to a 2021 report issued by the Tibet Action Institute, nearly 80 percent of all Tibetan children between the ages of 6 and 18 have been systematically separated from their parents and housed in state-run boarding schools and preschools throughout jurisdictions designated by the PRC government as autonomous for Tibetans. The report describes the residential schools as "colonial" in design and practice, serving the Chinese Communist Party's goal of "sinicizing" Tibetans through immersion in Mandarin Chinese instruction and a "highly politicized curriculum." It notes that the percentage of students living at residential schools was "drastically higher" for Tibetan students compared to students elsewhere in the PRC.

The report highlights the coercive nature of the schools. Tibetan parents are often faced with no choice but to send their children to residential schools because of school closures and consolidation, in some cases accompanied by fines or threats for noncompliance. It also noted "high rates of mental and emotional distress" among students in residential schools, due in part to separation from their families and communities, strict living and teaching conditions at the schools, and bullying and violence among students.

We believe these actions by Chinese authorities constitute a fundamental violation of the rights of Tibetan parents and children by interfering with their right to preserve the integrity of their family units and stripping them of their right to choose the educational direction of their children.

The Committee on Economic, Social and Cultural Rights has explained that the right to take part in cultural life means that the state must abstain from both “interference with the exercise of cultural practices and [interference] with access to cultural goods and services” and noted that this right is “intrinsically linked” to the right to education “through which individuals and communities pass on their values, religion, customs, language and other cultural references.” China is obligated to respect these rights as a state party to the International Covenant on Economic, Social, and Cultural Rights.

By interfering in Tibetan children’s participation in their families’ and communities’ cultural lives and practices, the PRC government violates its obligation under the Convention on the Rights of the Child “to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference” and to ensure the rights of “ethnic, religious or linguistic minorities . . . to use [their] own language.”

Further, Article 18(4) of the International Covenant on Civil and Political Rights provides that “[t]he States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.” As a signatory, China is required to refrain, in good faith, from acts that would put it in violation of the Covenant when ratified.

We respectfully request that you bring the attention of your office to the boarding school and preschool system in Tibetan areas, and to include it as an issue of concern in your next update to the Human Rights Council in March 2023. We also request that you ask the Special Rapporteurs on the right to education, on freedom of religion or belief, on cultural rights, and on minority issues to promptly request to visit the Tibetan areas of the PRC to assess the system of residential schools operating in Tibet and the human rights impact of these schools on Tibetan children, their families and culture.

Our concern is driven not only by our interest in promoting human rights in the PRC as expressed by the Commission’s mandate, but as representatives of a government in North America who do not want to see history repeated. In the United States and Canada, authorities set policies that separated indigenous children from their families and forced them to live in residential boarding schools, erasing and changing identities as a form of cultural genocide. The international community should not let this happen in Tibet.

Thank you for your consideration of this urgent matter.

Sincerely,



Senator Jeffrey A. Merkley
Chair



Representative James P. McGovern
Cochair