Introductory note on terminology:

A translation of the Sanskrit word ‘guru’ (meaning ‘venerable one’), the title ‘lama’ was originally reserved for spiritual leaders of Tibetan Buddhism, such as heads of monasteries or great teachers. However, there is a tendency amongst contemporary sources to extend the term ‘lama’ as a courtesy when referring to any respected Tibetan Buddhist monk.\(^1\)

1. What is the current treatment of Tibetan lama in China?

The Chinese government remains wary of Tibetan Buddhism, and has continued to escalate efforts to discredit the Dalai Lama and to transform Tibetan Buddhism into a doctrine that promotes government positions and policy. Tibetans, meanwhile, have continued to demand freedom of religion and the Dalai Lama’s return to Tibet.\(^2\)

Government officials often associate Buddhist monasteries with pro-independence activism in Tibetan areas. Although authorities permit many traditional religious ceremonies and practices and public manifestations of belief, they confine most religious activities to officially designated places of worship and maintain tight control over religious leaders and gatherings. The government forcibly suppresses activities viewed as vehicles for political dissent or advocacy of Tibetan independence.\(^3\)\(^4\)

Most recently, sources state that over 300 monks from Kirti monastery, Aba, northeast Tibet were detained in April 2011.\(^5\)\(^6\) The monastery had drawn attention in March 2011, after a monk set himself on fire in what was likely an anti-government protest. Security forces reportedly severely beat onlookers who protested as the monks were being taken away, killing two elderly civilians in the process. \(BBC\) News, however, states that these allegations could not be independently

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3. US Department of State 2009, \textit{International Religious Freedom Report for 2009 – China (Includes Tibet, Hong Kong, Macau)}, 29 October, Section2 – Attachment 3
verified. Kirti monks were reportedly barred from carrying out traditional prayers for the two civilians who died. A travel ban was subsequently enforced, preventing foreigners from entering the Tibet Autonomous Region (TAR). Other recent incidents of note include the detention of Tibetan monk and writer, Tenpa Lodoe, and the detention of civilians for downloading banned songs which are deemed to support Tibetan independence or the Dalai Lama.

The US Commission on International Religious Freedom noted in its 2010 annual report that “[r]eligious freedom conditions for Tibetan Buddhists…are the worst they have been in the past ten years”. The report goes on to state that the Chinese Government continued to pursue “an intense campaign of ‘patriotic education’” among Tibetan Buddhist monks and nuns. Whilst Tibetan Buddhist religious leaders have for many years been required to demonstrate political loyalty to the state, new laws have given provincial officials the power to “monitor the training, assembly, publications, selection, education, and speeches of…Tibetan Buddhist leaders”. “Patriotic education” campaigns in monasteries require monks and nuns to sign statements personally denouncing the Dalai Lama and to study communist political texts and propaganda praising the Chinese Government’s management of religious affairs. Noncompliant monks and nuns face expulsion from their monasteries and may be imprisoned or tortured. Many monks and some abbots flee their monasteries to avoid complying. In December 2009, a Tibetan nun died in hospital, of unknown causes after spending eight months in police custody for her role in a pro-human rights and pro-Dalai Lama protest. Some Beijing-based lawyers have reportedly been instructed not to represent imprisoned Tibetans.

Also in 2010, the government commenced re-registering “professional religious personnel”. Whilst this is a nationwide program, a US Congressional Report expressed some concern that it may be applied in a way which rejects Tibetan monks or nuns who hold beliefs which are seen as inappropriate by the government. No reports were located to confirm whether these concerns have been realised. The UK Home Office reports that China restricts the number of monks and nuns permitted to join religious institutions.

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10 ‘Police Crack Down on Banned Songs’ 2011, Radio Free Asia, 25 February
11 US Department of State 2010, International Religious Freedom Report for 2010 – China (Includes Tibet, Hong Kong, Macau), 17 November, Tibet Section – Attachment 10
12 US Department of State 2009, International Religious Freedom Report for 2009 – China (Includes Tibet, Hong Kong, Macau), 29 October, ‘Tibet’ Section – Attachment 3
14 US Department of State 2011, Report on Human Rights practices for 2010 – China (Includes Tibet, Hong Kong, and Macau), 8 April, Tibet Section – Attachment 11
15 US Department of State 2011, Report on Human Rights practices for 2010 – China (Includes Tibet, Hong Kong, and Macau), 8 April, Section 1 – Attachment 11
In March 2008, a widely-reported demonstration against patriotic education and other religious freedom restrictions was held by monks from the Drepung monastery. The state responded violently to the demonstration, detaining hundreds of monks and nuns, as well as increasing restrictions on religious activity.\(^{18}\) Many monks and nuns detained in the wake of the demonstration reportedly remained missing at the end of 2010.\(^{19}\) Following the March 2008 unrest, the government further tightened its already strict control over access to and information about Tibetan areas, particularly within the TAR itself, making it difficult to determine the scope of religious freedom violations. These controls remain in place. Respect for religious freedom in the Tibetan areas deteriorated in the months following the violent unrest and remained poor throughout 2009 and 2010. Authorities curtailed or tightly controlled numerous religious festivals and celebrations because they feared that these events would become venues for anti-government protests.\(^ {20}\) Since 2008, the government has continued to intensify its restrictions on Tibetan Buddhism. Detentions and long prison terms have been issued to monks and nuns for their alleged involvement in the protests or for subsequent demonstrations, and “patriotic education” campaigns have escalated.\(^ {21} \)\(^ {22}\)

Regarding the treatment of Tibetan monks by non-state actors, tensions among ethnic groups in Tibetan areas, including the Han, the Muslim Hui, and others, remain high.\(^ {23}\) Tibetan Buddhist monks and nuns reported that they were frequently denied registration at hotels, particularly during sensitive times including: the Shanghai Expo (April – October 2010); the 60th anniversary of the founding of the People’s Republic of China (October 2009); and in the period around the 2008 Beijing Olympics.\(^ {24}\) Tensions between individuals of different religious beliefs in Tibetan areas can also be related to economic competition.\(^ {25}\)

2. **What is the treatment of Tibetan lama returning to China?**

Limited details were located specifically regarding the treatment of lama returning from overseas. Most notably, the US Department of State (USDS) reports that during 2010, monks and nuns returning from India and Nepal were targeted for arbitrary detention. Such detentions generally...

\(^{18}\) US Department of State 2010, *International Religious Freedom Report for 2010 – China (Includes Tibet, Hong Kong, Macau)*, 17 November, Tibet Section – Attachment 10

\(^{19}\) US Department of State 2011, *Report on Human Rights practices for 2010 – China (Includes Tibet, Hong Kong, and Macau)*, 8 April, Tibet Section – Attachment 11

\(^{20}\) US Department of State 2010, *International Religious Freedom Report for 2010 – China (Includes Tibet, Hong Kong, Macau)*, 17 November, Tibet Section – Attachment 10


\(^{22}\) The following paper contains a list of persons considered to be political prisoners in China, including several Tibetan monks. Information is generally not available as to their whereabouts or treatment; however reasons for detention are generally provided:


\(^{24}\) US Department of State 2010, *International Religious Freedom Report for 2010 – China (Includes Tibet, Hong Kong, Macau)*, 17 November, Tibet Section – Attachment 10

\(^{25}\) US Department of State 2010, *International Religious Freedom Report for 2010 – China (Includes Tibet, Hong Kong, Macau)*, 17 November, Tibet Section – Attachment 10
occurred without charge and lasted for several months.\textsuperscript{26} The UK Home Office also reports this information.\textsuperscript{27}

According to \textit{Agence France Presse}, three persons claiming to be Tibetan refugees were forcibly repatriated from Nepal in June 2010. Met at the border by Chinese security personnel, two of the three, one of whom was a monk, were imprisoned upon their return. It is worth noting that Nepal has a ‘gentlemen’s agreement’ with the UN High Commissioner for Refugees (UNHCR) whereby it agrees to provide safe passage for Tibetan refugees.\textsuperscript{28} Under the agreement, newly arrived Tibetans should be delivered to the UNHCR for processing and then sent on to India.\textsuperscript{29} However, the 2010 repatriation, which was the first such case since 2003,\textsuperscript{30} along with increased police presence along the border and Chinese pressure, indicate that the expectation of safe passage is no longer guaranteed.\textsuperscript{31}

Also regarding Tibetan returnees more generally, USDOS reports that Tibetans repatriated from Nepal during 2010 have been subject to torture, including electric shock, exposure, “severe” beatings, and heavy physical labour. According to USDOS, prisoners have also been subject to routine “political investigation”, and punished if deemed to be insufficiently loyal to the Chinese state.\textsuperscript{32} In a similar vein, the UK Home Office reports that those seeking to leave Tibet or re-enter Tibet after a period of exile “are at risk of torture and imprisonment”. In 2007 for example, over 30 Tibetans were reportedly tortured and sent to labour camps after attempting to leave across the Himalayas. Several of the group, who were unarmed, were also shot and killed by Chinese border police during the arrest.\textsuperscript{33}

3. i) Is there information to indicate that the passports of overseas Tibetan lama are not being re-issued?

No reports were located specifically stating that Tibetan lama have difficulty renewing their passports while overseas.

In 2007, the Chinese Ministry of Foreign Affairs (MFA) advised the Australian Department of Foreign Affairs and Trade (DFAT) that in order to obtain a replacement passport while overseas, citizens were to present at the relevant foreign mission with identification. If the original passport had been stolen, they would also need to present a police report. However, DFAT states that this advice may not be comprehensive, and that passport renewal procedures may not be uniform across missions:

We note that the MFA’s advice may not be entirely credible. It would be sensitive to disclosing its procedure in this area. We have also found that on occasions MFA is not aware of procedures

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\textsuperscript{26} US Department of State 2011, \textit{Report on Human Rights practices for 2010 – China (Includes Tibet, Hong Kong, and Macau)}, 8 April, Tibet Section – Attachment 11
\textsuperscript{28} ‘UN ‘concerned’ over Tibetan repatriation’ 2010, \textit{Agence France Presse}, 29 July – Attachment 16
\textsuperscript{29} ‘A fragile welcome: China’s influence on Nepal and its impact on Tibetans’ 2010, International Campaign for Tibet website, 19 June – Attachment 17
\textsuperscript{31} International Campaign for Tibet 2010, ‘A fragile welcome: China’s influence on Nepal and its impact on Tibetans’, International Campaign for Tibet website, 19 June – Attachment 17
\textsuperscript{32} US Department of State 2011, \textit{Report on Human Rights practices for 2010 – China (Includes Tibet, Hong Kong, and Macau)}, 8 April, Tibet Section – Attachment 11
\end{flushleft}
used across its hundreds of overseas missions and it is possible that different procedures are used for issuing passports at different Chinese missions.  

Searches of the English language websites for both the Chinese Embassy in Canberra and the Consulate-General in Sydney failed to locate further details on what procedures and standards might exist for passport renewal applicants in Australia. Information on the Chinese Embassy in Greece’s website states that in addition to identification, applicants are required to show a certificate of residence, a completed application form and “relevant supplementary documents required by the consular officers”.  

The right of Chinese citizens to leave and repatriate to China is not guaranteed. Article 4(1) of the Measures of Examination, Approval and Notification of a Circular of the Lists of Individuals Prohibited from Returning to China 1992 (PRC) provides that Chinese passport holders who are on lists of persons prohibited from returning to China shall have their passports revoked. The article also provides that those attempting to return to China with a blacklisted passport shall have it revoked at the border. Furthermore, Article 22 Clause (1) of the Detailed Rules for the Implementation of Law on the Control of Entry and Exit of Citizens (Amendment) 1994 (PRC) prescribes that Chinese passport holders who engage in activities “prejudicial to the security, honour and the interests of China” may have their passports revoked. In 2003, the MFA, while not advising of the exact grounds on which Chinese missions may refuse to renew passports, provided DFAT with information regarding refusal on national security grounds. The advice states that individuals involved in “activities which jeopardise national security, honour and national interest” may have their applications for renewed or extended passports refused. The Ministry’s advice goes on to say that if such persons “correct their mistakes, stop the activities listed above and perform the duties of citizens” then their passports may be renewed or extended.  

USDOS reported in March 2010 that multiple persons considered “dissidents, Falun Gong activists, or troublemakers” have been refused re-entry to China. In 2005, the Falun Gong Human Rights Working Group produced a publication which contains several examples of Falun Gong being refused passport renewal because of activities in Australia, such as protesting outside the Consular building.  

According to Chen Yonglin, the former Political Consul at the People’s Republic of China (PRC) Consulate-General in Sydney who defected from his post in 2005, the Chinese government has been known to keep a “broad black list of Australia Falun Gong practitioners used for border checking and surveillance in Australia”. Chen also claimed that more than 20 Falun Gong practitioners per year had their passports confiscated by the Consulate upon application for  

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36 This information is dated 2004. However, at the time of writing it was still displayed on the Chinese Embassy in the Hellenic Republic website as current information.  
37 Liu, G. 2005 The Right to Leave and Return and Chinese Migration Law, PhD Thesis, University of Sydney, Ch. 8 Attachment 21  
38 Department of Foreign Affairs and Trade 2003, DFAT Report 00221 – China: RRT Information Request: CHN14995, 13 January – Attachment 22  
39 US Department of State 2010, Country Reports on Human Rights Practices for 2009 – China (Includes Tibet, Hong Kong, Macau), 11 March, Section II – Attachment 23  
renewal.\textsuperscript{41} Chen is also reported as saying that fortnightly reports on groups of interest, including Free Tibet supporters, were filed by the PRC Consulate-General in Sydney fortnightly.\textsuperscript{42}

\textbf{ii) Is there information to indicate that the Chinese government is restricting travel of Tibetan lama or tracking them on their return to China?}

Tibetans in general appear to experience restricted freedom of movement. The US Department of State reports that during 2010, “[m]any Tibetans, particularly prominent religious figures, scholars and dissidents, as well as those from rural areas, continued to report difficulties obtaining passports.” The degree of difficulty in obtaining a passport has reportedly increased since the March 2008 protests discussed in the response to Question 1. There are reports of Tibetan students with scholarships to study abroad being denied passports, and of substantial bribes and promises not to travel to India being extracted in return for passports.\textsuperscript{43} Radio Free Asia reports that ethnic minority groups are required to fill out an additional two forms, “on top of those required by Han Chinese”.\textsuperscript{44}

Furthermore, freedom of movement for monks and nuns is reportedly “limited severely” throughout the TAR, and in Tibetan areas of Qinghai, Gansu and Sichuan provinces. Roadblocks and checkpoints exist on roads, in cities and in the vicinity of monasteries. USOS noted that during 2010, “Tibetans traveling in religious attire were subject to extra scrutiny by police at roadside checkpoints.” Monks report being denied permission by police to stay temporarily in other monasteries for religious education; and many monks assisting in the aftermath of the Yushu earthquake were reportedly forced to return to their home counties and provinces.\textsuperscript{45}

Regarding restricted travel more generally, it is noted that, under Chinese laws governing passports, officials may refuse an applicant if they are a “a person whom the relevant competent department of the State Council believes will undermine national security or cause major losses to the interests of the State.” DFAT advised the Tribunals in 2008 of reports whereby citizens with legally obtained passports had been prevented from leaving China on the grounds that local security staff believed they would undermine national security once abroad.\textsuperscript{46}

Further information regarding the extent to which returnee lamas are monitored was not located. Please refer to the response to Question 2 for available information on the treatment of Tibetan returnees.

\textbf{iii) Apart from restrictions on travel, what else would lack of passport mean in China?}

No information was located to suggest that a lack of passport would result in the loss of any other benefit to a Chinese citizen.


\textsuperscript{43} US Department of State 2011, \textit{Country Report on Human Rights Practices for 2010 – China (includes Tibet, Hong Kong, Macau)}, 8 April, Tibet Section – Attachment 11


\textsuperscript{45} US Department of State 2011, \textit{Country Report on Human Rights Practices for 2010 – China (includes Tibet, Hong Kong, Macau)}, 8 April, Tibet Section – Attachment 11

\textsuperscript{46} Department of Foreign Affairs and Trade 2008, \textit{DFAT Report No. 943 – China: RRT Information Request: CHN34077}, 16 December – Attachment 27
iv) Deleted.

4. How likely is it that a Chinese passport would not be renewed if it became apparent that its owner was not residing at an address given in the application (even though they could be contacted at that address)?

No information was located which explicitly linked the address provided during a Chinese passport application process, and the outcome of the application.

However, as noted in the response to Question 3(i), the Ministry of Foreign Affairs in China may not always be aware of procedures used across its hundreds of overseas missions. DFAT therefore concludes that it is “possible that different procedures are used for issuing passports at different Chinese missions”.

As such, the weighting placed on Australian addresses provided by applicants to the Consulate in Sydney has not been determined. A search of the website of the PRC Consulate-General in Sydney did not locate any further information as to passport renewal procedures used.

Attachments


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11. US Department of State 2011, Report on Human Rights practices for 2010 – China (Includes Tibet, Hong Kong, and Macau), 8 April.

   (CISLIB China 19309)


16. ‘UN ‘concerned’ over Tibetan repatriation’ 2010, Agence France Presse, 29 July. (CISNET China CX246722)


