



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2006/NGO/99  
2 March 2006

ENGLISH ONLY

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COMMISSION ON HUMAN RIGHTS  
Sixty-second session  
Item 11 (e) of the provisional agenda

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:  
RELIGIOUS INTOLERANCE**

**Written statement\* submitted by Interfaith International, a non-governmental  
organisation in special consultative status**

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

[13 February 2006]

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

GE.06-11357

## Ten Years of the Disappearance of the Eleventh Panchen Lama of Tibet

Gedhun Choekyi Nyima was born on 25 April, 1989 in Lhari in northern Tibet. On 14 May, 1995, the Dalai Lama recognized the then-six-year-old Gedhun Choekyi Nyima as the eleventh reincarnation of the Panchen Lama. Three days later, the boy, his parents and his brother were taken to Nagchu Airport in Nagchu, Tibet Autonomous Region (TAR) by police from the Public Security Bureau (PSB).

While the international community expressed concern and criticism over China's actions, Chinese officials attacked the Dalai Lama, saying that his selection of Gedhun Choekyi Nyima "demonstrates the political plot of the Dalai clique in its continuous splittist activities by making use of Panchen Lama's reincarnation..."<sup>1</sup>

Traditionally, Tibetan reincarnate lamas are identified as young children through a process involving special religious services, divinations and other practices conducted by senior Tibetan religious leaders who were close to the previous reincarnation. Following the identification of a reincarnate lama, the child undergoes an intensive process of many years of religious training in order to assume their important religious and social role in Tibetan society. Typically, the Panchen Lama is heavily involved in the selection process for the Dalai Lama's reincarnation and vice versa. China's motivation for interfering in the identification and training of significant reincarnations is to control the political loyalties of these important figures in Tibetan society, weaken the influence of the traditional religious authorities, and use the reincarnates' influence among Tibetans to China's political advantage.

Until the UN Committee on the Rights (CRC) of the Child formally requested information about him, China denied that it held Gedhun Choekyi Nyima and his family. In 1996, in response to the Committee's inquiries, Chinese spokesman Wu Jianmin replied that "since separatists were seeking to kidnap the boy, the parents became fearful for his safety and requested Chinese government protection, which has been provided. The boy is living with his parents in good conditions."<sup>2</sup> However, to this date, no government body, concerned organisation or independent observer has been allowed to see the child, and the Chinese government has provided no evidence of either the alleged kidnap plot or the conditions of the family's confinement.

Conflicting reports on his location were provided to government delegations that have expressed concern about Gedhun Choekyi Nyima. An Austrian delegation that went to Tibet in 1997 was told that the boy was being held in his home village of Lhari, about 250 kilometers from Lhasa.<sup>3</sup> The same year, a US delegation and other sources were told that the boy was in Beijing.<sup>4</sup> In September 1998 the former UN High Commissioner for Human Rights, Mary Robinson, was denied access to the Panchen Lama.<sup>5</sup> In November 1999, a Chinese government representative made a statement acknowledging that the Panchen Lama was still under their "protection".<sup>6</sup>

In October 2000, during a round of the UK-PRC bilateral human rights dialogue in London, British officials raised the issue of Gedhun Choekyi Nyima. In a written report to the British Parliament, Foreign Office Minister John Battle stated that: "We pressed the Chinese to allow access to the boy by an independent figure acceptable to the Chinese government and Tibetans to verify his health and living conditions. The Chinese stated that

the boy was well and attending school. They said that his parents did not want international figures and the media intruding into his life. Two photographs claimed to be of the Panchen Lama were shown to us but not handed over.”<sup>7</sup>

During the meeting, Chinese officials displayed two photos from across the conference table: one of a boy writing in Chinese on a blackboard, and another of a boy playing table tennis. There was no means to positively identify the child, the photos merely showed a boy of approximately the correct age. There was also no means to determine his location.<sup>8</sup>

In the case of the Panchen Lama, China has faced international opprobrium and the rejection of their chosen reincarnate by the Tibetan people. On an individual level, China's abduction of the Panchen Lama and denial of his religious identity violates basic principles enshrined in the general human rights instruments such as the UDHR, the ICCPR and the ICESCR. By abducting the Panchen Lama and his family, and denying him his rightful role in Tibetan society, the Chinese government has supplanted the legitimate role of the family and community in his upbringing. The broad definition of family in the Convention on the Rights of the Child (CRC) reflects the wide variety of kinship and community arrangements within which children are brought up around the world. Article 5 of CRC specifically acknowledges the extended family, referring not only to parents and others legally responsible for the child's upbringing, but also refers to the extended family or community where they are recognized by local custom. The Panchen Lama traditionally receives years of intensive religious education from senior Tibetan lamas, including the Dalai Lama, in order to practice his traditional religious duties and functions. He cannot receive this education in *incommunicado* detention.

The basic premise of the CRC, as articulated in Article 3, is the application of its provisions with the “best interests of the child” in mind. Under Article 8, the Convention provides the child the right to preserve his or her identity, including nationality, name and family relations, without unlawful interference. Gedhun Choekyi Nyima's identity as the Panchen Lama is protected from State interference within the scope of Article 8. *The State Party has violated the right of the Panchen Lama to freedom of thought, conscience and religion. (Article 14 and Article 30)*

This is a non-derogable right, established in not only Articles 14 and 30 of the Convention, but also in the UDHR and the ICCPR. State parties are constrained in their ability to place limitation on these rights, and are only permitted to do so for reasons of public order and safety. Under the circumstances surrounding the Panchen Lama's disappearance and denial of his religious identity by the atheist Chinese authorities, it is unlikely that the Panchen Lama is permitted to practice his religion.

Given the political motivation for the Panchen Lama's abduction and his continued *incommunicado* detention, it is unlikely that the State Party is fulfilling its obligation to ensure that Gedhun Choekyi Nyima has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his social, spiritual and moral well-being and physical and mental health.

By forcing the Panchen Lama to live outside his community and requiring him to attend schools outside Tibet where Tibetan culture and values are neither taught nor honored, the

State Party has breached its obligation to direct his education to the development of his own cultural identity and values.

The CRC explicitly preserves the rights of individuals and groups to arrange their own forms of education. China's educational system does not have a curriculum that accurately reflects Tibetan history or genuinely promotes the development of Tibetan as a medium of instruction. It is problematic that the Panchen Lama is being educated under an extremely stressful environment where he is closed off from the outside world and his own community. He has limited opportunities to learn about the Tibetan cultural identity and values, and his role within that community. Article 29 also states that State Party shall ensure that the educational system prepares the child for responsible life in a free society. The continued confinement of this child and his family is contrary to this principle.

China has denied the Panchen Lama's right to enjoy his own culture, to profess and practice his own religion, to use his own language and to use his own religion in his community. Article 30 of the CRC explicitly protects the rights of children of ethnic and religious minorities to practice their faith and culture without undue interference from the State. Through interference in the Panchen Lama's religious identity and removal of the child from his community, the State Party has blatantly violated this article.

Furthermore, China has not only failed to prevent the abduction of the Panchen Lama but is actually the perpetrator of this abduction. The abduction and long-term incommunicado detention of the Panchen Lama committed by the State Party constitutes an unlawful and arbitrary deprivation of the child's liberty and an unlawful detention. (Article 37, CRC)

Although the Panchen Lama has been deprived of his liberty, he was never given access to legal and other appropriate assistance, or the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action, as required by the Convention. This right is protected also by Article 9(1) of the ICCPR which states that no one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. There is no provision in Chinese law that could justify or authorize Chinese government authorities to act against the Panchen Lama or his family in the manner presented to the international community during the last 10 years.<sup>1</sup>

In conclusion, we wish to highlight that the 40th session of the UN Committee on the Rights of the Child (CRC) in September 2005, called upon the Chinese authorities to allow an independent body to verify the fate of Gedhun Choekyi Nyima, the 16-year-old Panchen Lama of Tibet. This year marks the 10th anniversary of the disappearance of Gedhun Choekyi Nyima and his parents following their abduction on 17 May 1995. Adopting its **Concluding Observations on the second periodic report of the People's Republic of China** CRC said that it notes the information provided about Gedhun Choekyi Nyima, but remained concerned that it has not yet been possible to have this information confirmed by an independent expert. The CRC asked that the Chinese authorities, "allow an independent expert to visit and confirm the well-being of Gedhun Choekyi Nyima while respecting his right to privacy, and that of his parents.""

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We call upon the Chinese authorities to seriously consider the request from the CRC and allow an independent expert-body to meet with Gedhun Choekyi Nyima and his parents without further delay.

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<sup>1</sup> "Dalai Lama's Confirmation of Reincarnation Invalid," *Xinhua*, May 17, 1995, quoting the spokesman of the Bureau of Religious Affairs.

<sup>2</sup> <http://www.pbs.org/wgbh/pages/frontline/shows/tibet/china/panchen.html>.

<sup>3</sup> *TIN News Update*, 30 March 1998, [http://www.tibet.ca/en/wtnarchive/1998/3/30\\_1.html](http://www.tibet.ca/en/wtnarchive/1998/3/30_1.html).

<sup>4</sup> Saxena, S. "Sounds of Silence", [http://www.guchusum.org/TibetanEnvoy/panchen\\_rinpoche.html](http://www.guchusum.org/TibetanEnvoy/panchen_rinpoche.html).

<sup>5</sup> *International Tibet Independence Movement*, <http://www.rangzen.org/pl/gcnbio.html>.

<sup>6</sup> "Enforcing Loyalty", *Annual Report*, (2000), Chapter 4: Rights of Women and Children, *Tibetan Center for Human Rights and Democracy*.

<sup>7</sup> "TCHRD commemorate the birthday of the XIth Panchen Lama", *World Tibet Network News*, October 24, 2001, [http://www.tibet.ca/en/wtnarchive/2001/4/24\\_1.html](http://www.tibet.ca/en/wtnarchive/2001/4/24_1.html).

<sup>8</sup> *Ibid*, *supra* note 10.