

LANGUISHING IN LIMBO

Tibetan refugees in Nepal



Tibetan Centre for Human Rights and Democracy (TCHRD) is a registered non-governmental human rights organisation established in January 1996 in Dharamsala (India) with the mission to protect the human rights of the Tibetan people in Tibet and promote the principles of democracy in the exile Tibetan community. The centre is entirely run and staffed by Tibetans in exile. TCHRD's work entails monitoring, research, translation and documentation of human rights violations in Tibet. The centre conducts regular, systematic investigation of human rights abuses in Tibet and brings out annual reports, thematic reports, testimonies of victims of human rights violations, electronic newsletters, and briefings on human rights issues that confront Tibetans inside Tibet. The centre engenders awareness on a wide range of issues relating to human rights and democracy through both grassroots and diplomatic means, using regional and international human rights mechanisms as well as community based awareness campaigns.

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Asian Dignity Initiative, founded in 2016 is the first non-governmental organization from the Republic of Korea that aims at restoring human rights in conflict-affected areas in Asia. ADI engages with the international community to amplify unheard voices of the victim-survivors, build resilience of individuals and the community, bridge resources and experience. ADI serves as a facilitator to bring about sustainable hope in the post-conflict setting. ADI is guided by the values of human rights-based approaches, local-driven partnership, sustainability, and transparency.



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I. EXECUTIVE SUMMARY

From 1959 until 1995, Nepal was a safe haven for thousands of Tibetan refugees fleeing Chinese repression. The Nepali government provided asylum to Tibetans seeking refuge and issued them Refugee Cards enabling them to access basic amenities. This changed in the mid-1990s when Nepal stopped granting refugee status to Tibetans due to increasing pressure from Beijing.

The situation has worsened over the years, with recent events including the 2015 border blockade with India that pushed Nepal closer to China, as illustrated by the former joining the Belt and Road Initiative in 2017. Nepal's stringent application of the "One China" policy, which acknowledges the fate of Tibet as an internal issue of the PRC, has contributed to the curtailment of human rights among its long-staying Tibetan refugees.

These tensions culminated in 2019 when the two countries signed a Treaty on Mutual Legal Assistance in Criminal Matters (MLAT), which human rights activists and lawyers fear will serve as a prelude to an extradition treaty targeting Tibetan refugees. The MLAT was accompanied by the decision to implement a Boundary Management System, aimed at facilitating the deportation of Chinese nationals – including Tibetans – illegally crossing into Nepal.

Being denied Refugee Cards, Tibetan refugees in Nepal are de facto excluded from travel, employment, and the pursuit of higher education. Furthermore, Tibetan communities in Nepal are the targets of increasing Chinese-led surveillance and espionage activities, carried out in close cooperation with Nepali authorities. As a result, Tibetans in Nepal are denied freedom of expression and association, making them unable to practise their culture and religion. Another disturbing development is the widespread and increased use of arbitrary and/or preventive detention. Nepal has also blocked the resettlement of Tibetan refugees to a third country, thereby violating its commitment under the 1989 "Gentleman's Agreement" with the UN High Commissioner for Refugees.

For decades, Tibetan community leaders and civil society organisations have repeatedly submitted requests and petitions to inform the Nepali authorities of the numerous issues faced by all Tibetan refugees but to no avail. Since Nepal's constitution only protects the fundamental human rights of citizens, many migrants and refugees are left without documentation, and are thus vulnerable to exploitation and ill-treatment.



The Chinese government must cease violating the sovereignty and territorial integrity of Nepal as per the provisions of the UN Charter. The Nepali government, on the other hand, must strengthen its legal apparatus to ensure the protection of Tibetan refugees – including by signing and ratifying the international conventions on refugees and stateless persons, and introducing constitutional amendments to guarantee the fundamental rights and freedoms of all persons residing in Nepal, and not just citizens. Additionally, it is essential that Nepal provides Tibetans and their children with refugee documentation that go beyond merely recognising their existence but also provide them with specific rights to live, work, study, and travel outside of Nepal.

A lone Tibetan artisan hand weaves carpets using traditional machinery inside a once bustling, now vacant factory at the Tashi Palkhiel Tibetan Settlement in Pokhara, Nepal

II. RECOMMENDATIONS

To the Nepal Government

- Sign and ratify the international conventions on refugees and stateless persons namely the 1951 Convention Relating to the Status of Refugees and its 1967 additional Protocol as well as the Convention Relating to Status of Stateless Persons and the Convention on the Reduction of Statelessness
- Adhere to the principle of non-refoulement, which is enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 3), that Nepal has ratified
- Honour the terms of the 'Gentleman's Agreement' that Nepal signed with UNHCR to allow Tibetan refugees to safely transit through Nepali territory in their onward journey to India
- Introduce specific legislation and policy on protecting the basic human rights of refugees and asylum seekers
- Issue Tibetans and their children with refugee documentation that go beyond merely recognising their existence but also provide them with specific rights to live, work, study, and travel outside of Nepal
- Introduce amendments in the Constitution to ensure that the fundamental rights and freedoms are also granted to all persons residing in Nepal, in keeping with Nepal's ratification of key international human rights treaties
- Allow Tibetan refugees in Nepal to leave the country under the third-country resettlement programs by issuing them required documents such as travel documents or exit permits

To the Chinese Government

- Cease violating the sovereignty and territorial integrity of Nepal as per the provisions of the UN Charter
- Stop pressuring Nepali authorities to violate the human rights of Tibetan refugees
- End all surveillance and espionage activities against Tibetan community leaders and activists living in Nepal
- Allow the UNHCR and Nepali authorities to provide safe transit to all Tibetan refugees travelling or transiting through Nepal
- Dismantle military infrastructure along the Tibet-Nepal border that endanger the safety and security of Tibetan refugees
- Honour the rights and protection of all refugees as enshrined in the 1951 Refugee Convention and 1967 Protocol both of which China has ratified

RECOMMENDATIONS

To the International Community

- Exert concrete pressure on Chinese authorities to stop violating the human rights of Tibetan refugees in Nepal
- Engage proactively with Nepali authorities to protect and guarantee the human rights of Tibetan refugees including providing them with refugee documentation
- Urge Nepal to sign and ratify the 1951 Convention Relating to the Status of Refugees and its 1967 additional Protocol as well as the Convention Relating to Status of Stateless Persons and the Convention on the Reduction of Statelessness
- Provide appropriate financial and other assistance towards building the capacity and lifting the morale of Tibetan refugees particularly the youth living in remote refugee camps
- Hold periodic meetings and other engagements with Tibetan community leaders and activists to understand existing and emerging issues and to make representations to the relevant Nepali authorities about addressing these issues promptly
- Urge the UNHCR, international human rights organisations as well as domestic NGOs to prioritise the issues faced by Tibetan refugees in their advocacy efforts
- Consider ways to provide third-country resettlement opportunities for Tibetan refugees by taking Nepali authorities into confidence

III. INTRODUCTION

Despite not being a signatory to the UN Refugee Conventions, Nepal is known for its decades of providing asylum to refugees from diverse cultures and countries.¹ It has been a safe haven for thousands of Tibetan refugees fleeing Chinese repression, providing them safe transit to third countries. After the 1959 Tibetan National Uprising, thousands of Tibetans escaped Chinese occupation following their leader His Holiness the Dalai Lama into exile. The government of Nepal provided asylum to all fleeing Tibetans seeking refuge and issued them Refugee Cards enabling them to access basic amenities.

In 1995, Nepal stopped issuing documentation (including Refugee Cards) to Tibetan refugees and their children due to increasing pressure from Beijing. This lack of documentation resulted in the exclusion of Tibetan refugees from travel, employment, and the pursuit of higher education. Tibetans who had entered Nepal after 1990 were no longer granted refugee status. Even children born in Nepal to legal status-holding parents cannot obtain documentation.

The situation has changed drastically over the years with devastating consequences for Tibetan refugees in Nepal. As per the findings of this report, many Tibetans now call Nepal “the second Tibet” - in terms of the worsening of the human rights situation in recent years. Indeed, Tibetan refugees in Nepal have become unable to practise their culture and religion freely.

Since 1995, the documentation granted to Tibetans who had entered Nepal before 1990 is no longer associated with legal rights beyond the ability to remain in the country. It has been reduced to a second-class refugee status, with little to no recognition as a “stateless” person, and little to no access to basic amenities or services such as education, health, and employment. In the past several decades, Tibetan refugees in Nepal have faced unprecedented restrictions at both the individual and community levels. The thousands of them who entered Nepal after 1990, and those who were born after that year, remain without the documentation required to lead a dignified life with full enjoyment of human rights.

China’s pressure on Nepal has been increasing since 2002, when it first banned the celebration of the Dalai Lama’s birthday². The Chinese border police is known for crossing inside Nepali territory to shoot at tourists whom they mistake for Tibetan refugees.³ Actual Tibetan refugees have been shot dead or injured in Chinese border police firing⁴.

Nepal has maintained that it is hosting refugees on humanitarian grounds⁵. However, when it comes to Tibetan refugees, refugee protection policies have been poorly implemented - including the 1989 “Gentlemen’s Agreement” that Nepal signed with the UN High Commissioner on Refugees (UNHCR) to provide safe passage to Tibetan refugees fleeing Chinese repression.

Events in recent years have pushed Nepal closer to China, particularly since Nepal’s border crisis with India in 2015. To further Nepal’s economic and developmental interests, the country has entered into a raft of bilateral agreements with the PRC. However, the Chinese largesse comes with strings attached - requiring Nepal to strictly adhere to the “One China” policy, which has resulted in shrinking civil and political space for Tibetan refugees. Oftentimes, the “One China” policy is used as a standard official justification for the negation of the basic human rights of Tibetan refugees, who are denied cultural celebrations such as the Tibetan New Year or the Dalai Lama’s birthday.

Tibetan refugees in Nepal live a precarious existence. They lack many basic human rights such as freedoms of movement, expression, religion, etc. Arbitrary detention is common during sensitive political anniversaries. Many remain undocumented, which exposes them to further human rights violations. Even those who do hold refugee cards enjoy only limited freedoms, as the document does not go beyond simply recognising their existence. Attempts made by foreign governments to facilitate third country resettlement were thwarted by Chinese pressure on Nepal, resulting in Nepal’s refusal to issue exit permits to 5000 Tibetan refugees due to be resettled to the US. As a Tibetan NGO worker in Kathmandu remarked in October 2022, **“They won’t let us live or leave. What sort of arrangement is that? This is among the worst situations for a person to live in!”**⁶

IV. METHODOLOGY

This report was jointly prepared by the Asian Dignity Initiative (ADI) and the Tibetan Centre for Human Rights and Democracy (TCHRD), in consultation with a wide variety of both Tibetan and non-Tibetan stakeholders in Nepal and elsewhere in the Indian subcontinent.

The report is primarily based on the information collected during an October 2022 field visit to Nepal, where researchers from ADI and TCHRD conducted more than 40 interviews in Pokhara and Kathmandu. Remote interviews were conducted online with independent experts and human rights researchers in the ensuing months to verify and/or shed light on the situation of Tibetan refugees in Nepal.

As for the analysis of secondary sources, researchers from both organisations carefully studied the previous reports issued by international human rights organisations, as well as information published in the domestic media publications.

This report uses aliases wherever required, in consideration of the requests made by many Tibetan interviewees to stay anonymous for security reasons.



The prayer flags flutter as a mild breeze drifts through the local monastery in the Tashi Palkhiel Tibetan Settlement, Pokhara, Nepal.

V. SINO-NEPALI RELATIONS

1. The “One China” Policy

The “One China” policy is a key foundation in Sino-Nepali relations. Leaders of Nepal reiterate the country’s commitment to the policy during official visits to China and vice versa. For instance, during the visit of China’s Defense Minister Wei Fenghe to Nepal in November 2020, the then prime minister, K.P. Sharma Oli, stressed Nepal’s commitment to the policy by banning, on Nepali soil, actions going against Chinese interests - thereby targeting, primarily, Tibetan activities⁷. Under this policy, Nepal does not recognise Taiwan as an independent country and supports the new Hong Kong National Security Law⁸.

A joint statement signed in June 2018 between Chinese Premier Li Keqiang and Nepali Prime Minister K.P. Sharma Oli reads: “The Nepali side reiterated its firm commitment to the “One China” policy with Tibet and Taiwan affairs as being China’s internal affairs, and the determination on not allowing any anti-China activities on its soil.”⁹

During his visit to Nepal in 2019, the first made by a Chinese president in 23 years, President Xi Jinping expressed appreciation for Nepal's stance on the “One China” policy and other core Chinese interests.

Xi also warned that “those who engage in separatist activities in any part of China will be smashed into pieces,” adding that “external support for separatists will be seen by the Chinese people as delusional.”¹⁰

By following the “One China” policy, Nepal has contributed to curtailing human rights among its long-staying Tibetan refugees. By acknowledging Tibet as an internal issue of China, Nepal has decided to remain silent regarding the violations perpetrated by the Chinese regime against Tibetans. By criminalising so-called “anti-Chinese” activities conducted on its soil, Nepal has de facto chosen to collude with China.

Under the “One China” policy, all Nepali ruling parties have sought to prevent Tibetan refugees from exercising - among others - their rights to freedom from arbitrary detention, freedom of movement, freedom of expression, freedom of religion and belief, and freedom of assembly and association.



Former President of Nepal Bidhya Devi Bhandari welcomes Chinese President Xi Jinping in Kathmandu, 2019.

Image credit: The Kathmandu Post

2. Nepal's Turn Towards China

The 2015 border blockade with India¹¹ further pushed Nepal into Chinese arms. In 2016, China signed a series of agreements with Nepal, including one granting Nepal access to seven Chinese land and sea ports for overseas trade, thereby theoretically ending Nepal's traditional reliance on India.¹²

When Nepal joined the Belt and Road Initiative (BRI) in 2017,¹³ Nepali foreign minister Prakash Sharan Mahat welcomed the move as a major step forward in strengthening Sino-Nepali relations.¹⁴ However, by April 2022, not a single project had been implemented under the agreement; concerned Nepali authorities maintained that there was little clarity on the details of the latter.¹⁵

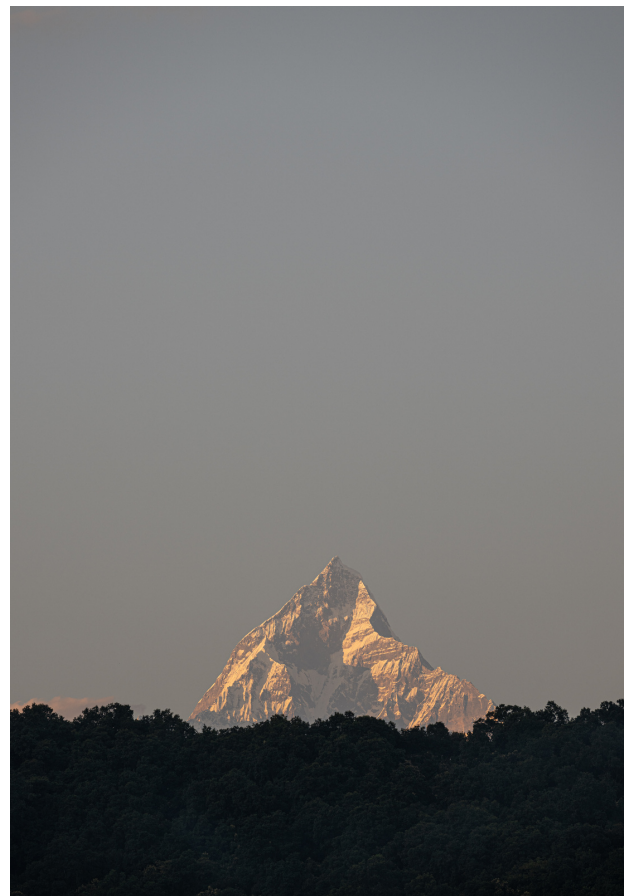
As trade relations increased, Nepal also faced greater Chinese interference in its domestic affairs, including the funding of 2017 local elections in Nepal¹⁶ and the merger of the two Nepali communist parties (Unified Marxist–Leninist and Maoist Centre) to form a unified ruling government in 2018. From then onwards, despite ongoing tensions between the two components of the newly formed government, China persisted in attempts to maintain the latter, in order to ensure “an ideologically aligned counterpart in Nepal's power structure”.¹⁷ These efforts were led by the then Chinese ambassador Hou Yanqi, who caused a diplomatic incident by holding a meeting on the issue with the Nepali president without the knowledge of the foreign ministry of Nepal.¹⁸ In December 2020, to bolster Ambassador Hou's attempts, the vice-minister of the International Department of the Chinese Communist Party (CCP), Guo Yezhou, visited Nepal and held meetings with the Nepali President and communist leaders.¹⁹

From its formation in 2018 until its fall in 2021, China achieved considerable success in entrenching its influence over the ruling communist government in Nepal. In September 2019, the then Nepali prime minister K.P. Sharma Oli had signed a six-point bilateral agreement with China, formalising all past exchanges between the communist parties of the two countries. This raised concerns that Nepal's communist party was redesigning its image in the shadow of the CCP.²⁰

The signing of the agreement coincided with a two-day symposium on “Xi Jinping Thought” in Kathmandu, during which approximately 200 Nepali

Communist leaders received “training” from the chief of the International Liaison Department of the CCP, Song Tao, and other CCP officials.²¹ In his address to the symposium, Oli acknowledged that the communist parties of China and Nepal presented different features, but described the “Xi Jinping Thought” as “a noble concept for development, prosperity and peaceful international relations.”²²

Analysts in Nepal criticised the symposium as “an exercise by Beijing to export its ideology, which goes hand-in-hand with the flexing of its financial and technological muscles across the world.”²³ Amidst criticisms from Nepali intellectuals and activists for its strong agreement with the Chinese model of governance, the Oli government initiated “a series of measures aimed at curtailing civil liberties, freedom of speech and media freedom”.²⁴ As a result, Nepal has demonstrated an unprecedented willingness to accommodate Beijing's demands on Tibetan issues, in exchange for nurturing closer economic ties to the neighbouring Tibet Autonomous Region.



View of Mount Machapuchare from the Tashiling Tibetan settlement in Pokhara, Nepal.

In November 2022, the two Nepali communist parties - led by K.P. Sharma Oli and Puspa Kamal Dahal - again came to power in a ruling coalition, with Dahal as prime minister.²⁵ In January 2023, the newly appointed Chinese ambassador Chen Song quickly began following the steps of his predecessor Hou Yianqi, by aggressively engaging with Nepal's political leaders in order to "capitalise on the presence of a friendly government".²⁶

In May 2023, Chen met with the newly-anointed Nepali deputy prime minister and home minister Narayan Kaji Shrestha to discuss "bilateral ties,

"exchange of high-level visits, Chinese projects and activities of Tibetan refugees among other issues.²⁷ During the meeting, Shrestha assured Chen that "Nepal's land will not be used against China under any circumstances and Nepal is always committed to One-China Policy."²⁸ Shrestha is a Nepali communist politician long known for his China-friendly stance. In late June 2023, he made a five-day visit to Sichuan province in China where he again reiterated adherence to the "One China" policy".²⁹

3. Border Securitisation and Extradition

During Xi Jinping's visit to Nepal in October 2019, a series of agreements were signed, among which two were particularly criticised by human rights groups for targeting Tibetan refugees. A 14-point joint agreement issued at the end of Xi's visit states that the two countries would implement a Boundary Management System, and that they had signed the Treaty on Mutual Legal Assistance in Criminal Matters (MLAT) - perceived by many as a prelude to an extradition treaty.

Article 9 of the agreement states: "Both sides expressed satisfaction with the signing of the Agreement between the Government of the People's Republic of China and the Government of Nepal on Boundary Management System, which will improve the level of boundary management and cooperation for both sides. They were also satisfied with signing the Treaty on Mutual Legal Assistance in Criminal Matters and expressed hope for an early conclusion of the Treaty on Extradition. The two sides agreed to strengthen cooperation between the law enforcement agencies on information exchanges, capacity building and training. In the next three years, China will offer 100 training opportunities to the Nepali law enforcement officers each year. With a view to promoting cooperation in the security sector, the two sides will continue to strengthen cooperation in the exchange visits of the security personnel, joint exercises and training, disaster prevention and reduction and personnel training."³⁰

The joint agreement also reiterated Nepal's "firm commitment to "one China" policy, acknowledging that Taiwan is an inalienable part of the Chinese territory and Tibet Affairs are China's internal affairs, and the determination on not allowing any anti-China activities on its soil."³¹

The signing of the Treaty of MLAT came as a surprise to many Nepali officials and civilians alike. China had long sought to persuade Nepal to sign an extradition treaty. In 2009 and again in 2012, ahead of the then Chinese premier Wen Jiabao's visit to Nepal, China had sent the draft for such a treaty to Nepal for consideration.³² Until 2016, Nepal's Ministry of Law had refused to clear the Chinese draft on MLAT because it violated the Constitution and the Mutual Legal Assistance Act of 2014. Some of the provisions in the draft were aimed at curtailing the rights of Tibetan refugees and Nepal was cautious about its international commitment to Tibetan refugees.³³ In parallel, for some time, the Nepal Home Ministry did not follow up on the draft treaty because it was "not feasible at the moment".³⁴

According to the senior advocate Satish Krishna Kharel, the treaty was signed with the "objective of performing basically four tasks: to issue subpoenas, collect evidence, execute judgement and to facilitate recovery" and could be misused by the signatories to "slap criminal charges on political leaders and cadres to punish them".³⁵

Human rights activists and lawyers in Nepal have expressed strong concerns that China could use the MLAT to punish Tibetan refugees in Nepal. Indra Prasad Aryal, chairperson of the Human Rights Organisation of Nepal (HURON), declared, "China wants to take Chinese political and religious dissidents from Nepal and punish them in their own country. Our government, which has entered a gentleman's agreement with UNHCR to provide safe passage to Tibetan refugees, needs to tread carefully on the extradition treaty issue."³⁶



Aryal further pointed out that the MLAT would pave the way for China to conclude an extradition treaty with Nepal, which would spell more troubles for the already marginalised Tibetan refugees. “In fact, we do not need an extradition treaty with China because we do not have an open border with China. If we need to sign an extradition treaty with any country urgently, it is India, for protecting our own interests because people commit crime here and flee to India.”³⁷

Similarly, human rights activists in Nepal perceived the implementation of a Boundary Management System as the formalisation of decades of efforts on the part of the communist-led governments in Nepal to deport Chinese nationals, including Tibetans, illegally crossing into Nepal.³⁸ In particular, Article 26 of this agreement has the greatest potential to be misused against Tibetans fleeing political persecution in Tibet.

The provision reads: “When persons crossing the border illegally are found by either side, the boundary representatives or competent authorities of both sides shall investigate and ascertain the identity of the persons crossing the border illegally within their own territory, and inform the other side.”³⁹

The provision further requires Nepal to hand over, within seven days, any Chinese or Tibetans found illegally crossing the border to Chinese authorities: “The boundary representatives or competent authorities of both sides shall investigate the cases of persons found while crossing the border illegally, ascertain their identities, facts and reasons as soon as possible and hand them over to the side where they stayed before crossing the border within seven days from the day they were detained.”⁴⁰

The agreement on the Boundary Management System is the culmination of a series of meetings on border security that took place between the two sides following the 2015 earthquakes. During one such meeting in December 2017, the two sides discussed China's proposal to set up “joint security force” offices along the border, in order to monitor and control the movement of Tibetan refugees and criminal activities.⁴¹ The Chinese side had proposed a three-tier mechanism to promote border security with the involvement of a Nepali administrative mechanism led by the Chief District Officer, along with Armed Police Forces and Nepal Police mechanisms.⁴²

In July 2022, a consultation on boundary affairs at the director-general level between the two sides was held to promote the implementation of the agreement on the Boundary Management System. The meeting resulted in a broad consensus on “preparing for the establishment of a joint committee on border issues, establishing a joint prevention and control mechanism for the pandemic at the border, improving the capacity of cargo clearance at ports, promoting joint inspection at the border and other issues.”⁴³

In his May 2023 meeting with Chinese ambassador Chen Song, Nepali home minister Shrestha discussed the implementation of MLAT and intensification of regular meetings and coordination between the officials of both countries working on the border areas.⁴⁴ Shrestha also accepted a grant of 21 remote-controlled drones from the Public Security Department of the Tibet Autonomous Region, which according to Nepal Police spokesman DIG Kuber Kadayat will be used for “taking photographs, videos and to capture other movements of the mass, and natural disasters”.⁴⁵



Post MLAT, Tibetan refugee settlements in Nepal have experienced a sharp population decline, with no new escapees from Tibet and a significant exodus of the younger generation, leaving behind a only dwindling community of elderlies.

VI. LEGAL FRAMEWORK ON REFUGEES



Gangchen Community Building in Kathmandu, Nepal

The rights of refugees are protected under a number of international human rights law covenants and conventions, including Article 14 (1) of the Universal Declaration of Human Rights (UDHR) that stipulates the right to seek and enjoy asylum in other countries. The international refugee law framework covers international human rights law, customary international law, international humanitarian law, and the guidelines of the United Nations High Commissioner for Refugees, as well as the 1951 UN Convention relating to the Status of Refugees and its 1967 Additional Protocol (collectively known as “The Refugee Conventions”).⁴⁶

Although Nepal is not a signatory to the Refugee Conventions, it is party to seven of the nine international human rights conventions. Furthermore, the 1990 Nepal Treaty Act declared that international human rights law has the same validity as the country’s domestic laws.⁴⁷

By signing the “Gentleman’s Agreement” with the UN High Commissioner for Refugees (UNHCR) in 1989, the government of Nepal agreed to provide an informal arrangement for the safe transit of Tibetan refugees via Nepal to a third country. However, the terms of this agreement have been violated numerous times due to various factors - including the 2005 closure of the Kathmandu-based office of the Tibetan government in exile,⁴⁸ which had performed most of the practical work required to maintain the terms of the agreement.⁴⁹ As a result of the growing Chinese influence in Nepal, an increasing number of Tibetans fleeing Chinese rule are facing refoulements.

Nepali officials repeatedly claim that despite Nepal not being a party to the Refugee Conventions, it has been hosting Tibetans, Bhutanese, and urban refugees of various origin on humanitarian grounds.

Nepal does not have a separate domestic legal framework for the protection and processing of refugees, who are classified as aliens under the Immigration Act of 1992 - which defines as “foreigners” all those who are not citizens. Since Nepal’s constitution only protects the fundamental human rights of citizens, many migrants and refugees are left without documentation, and are thus vulnerable to exploitation and ill-treatment.



VII. TIBETAN REFUGEES IN NEPAL

More than six decades after Tibetans started entering Nepal as refugees, there is little clarity on their exact number. This is deeply concerning, given that Nepal is known to host the largest community of Tibetan refugees in the world after India.⁵⁰ Tibetan refugees live in a dozen refugee camps scattered between 21 districts in Kathmandu and Pokhara. Before 2008, exiled Tibetan sources routinely reported that there were 20,000 Tibetan refugees living in Nepal; but that number has dwindled as an increasing number of Tibetans leave Nepal, disillusioned by the strengthening Chinese pressure on the host government. More recently, the UN High Commissioner for Refugees (UNHCR) reported about 12,540 Tibetan refugees in Nepal, including 6,897 women and 5,643 men;⁵¹ likely not up-to-date as it was issued by the Nepali government, which last counted Tibetan refugees in 1993.⁵²

Although the current size of the Tibetan refugee community in Nepal remains unknown, there is no doubt that their living conditions have worsened in recent years. In the words of an activist working for Human Rights Organization in Nepal (HURON), Tibetans have become “orphans” as everyone has stopped caring for them due to Chinese pressure on the Nepali government and society.⁵³ Nepal’s refusal to recognise Tibetan refugees aligns with Chinese claims that there are no Tibetan refugees in Nepal.

In October 2022, Tibetan refugees and community leaders consulted by TCHRD reported increased CCP-led surveillance and espionage activities targeting Tibetan refugees and carried out in close cooperation with Nepali authorities. Many individuals with Chinese passports live around the Boudha area (where the majority of Tibetans live) and have developed relations with unsuspecting local Tibetans, who are then used as channels to monitor the Tibetan community at large and its activities in Nepal. The Boudha area is infested with police and intelligence officers in civilian clothing monitoring Tibetan refugees. More than half of these officers are funded by the Chinese government.⁵⁴

For decades, Tibetan community leaders and civil society organisations have repeatedly submitted requests and petitions to inform the Nepali authorities of the numerous issues faced by all Tibetan refugees - irrespective of their documentation status. As the Chinese presence and influence grow in Nepal, the space for anything Tibetan has shrunk dramatically, to the point that it is now forbidden to use the word “Tibetan” when registering a new business or other organisation.

This section discusses the most common and persistent issues faced by Tibetan refugees in Nepal, based on interviews held with both Tibetan and non-Tibetan stakeholders in Kathmandu in October 2022.

1. No Official Refugee Policy

Nepal is not a party to the UN Refugee Conventions and does not have an official refugee policy. To make matters worse, the unstable political system requires frequent elections and leadership changes; this instability is attributed to a complex mix of historical, social, economic, and geopolitical factors.⁵⁵ The Nepali ruling governments rarely completed their full terms, thus making it difficult for Tibetan refugees to effectively advocate for their rights - including obtaining refugee documentation and improving their general situation.

With no specific refugee management strategy, Nepal has come under growing pressure from China, particularly on the question of Tibetan refugees. In early 2020, Nepal's Ministry of Home Affairs was working, with assistance from Chinese authorities, on maintaining digital data on refugees. The software installation for the refugee database was said to be in its final phase.⁵⁶

Nepal's policy on refugees is therefore mostly determined by its shifts in foreign policy and its dealings with more powerful neighbours. In this regard, Nepal's generous accommodation of Chinese interests has resulted in the deterioration of Tibetan refugees' living conditions.

2. Refugee Documentation

Among the most pressing issues faced by Tibetans in Nepal is the lack of Refugee Cards (RCs), without which they cannot pursue higher education, work officially, obtain a driving licence, own a business, open a bank account, nor properly document births, marriages, and deaths.

Nepal officially stopped issuing RCs to Tibetan refugees in 1995, with some exceptions in 1995 and in 1999.⁵⁷ Recently, the Nepali government claimed that there were over only 4000 kin and children of the early Tibetan refugees who are undocumented;⁵⁸ However, knowing that Nepal has not officially counted Tibetans since 1993, we can be sure that this number does not account for those arrived since then. Unofficial sources put the total number of undocumented Tibetan refugees at 9920, including 3478 males and 3956 females above the age of 16, and 1318 males and 1168 females under 16.⁵⁹ However, the 2019 UNHCR estimates showed that 75 percent of approximately 12,000 long-staying Tibetan refugees were undocumented, including those who were below the age of 16 in 1995 or were born after that date.⁶⁰

A human rights activist working with HURON said Nepal has "no issue providing RCs to Tibetan refugees, but it is China they fear to provoke."⁶¹ By pressuring Nepal to deny refugee documentation to Tibetans, China seeks to reinforce the narrative according to which there are no Tibetan refugees in Nepal - only Tibetans who crossed the border illegally into the country. In this situation, young Tibetans are the most vulnerable. All those born after Nepal stopped issuing RCs to Tibetan refugees 27 years ago remain unregistered and unrecognised, living "in a limbo that has profound implications both personally and professionally."⁶²

That said, RCs are of limited use to the rare few who possess them; indeed, RCs only allow Tibetans to physically remain in Nepal, with severely limited rights and opportunities to grow and prosper. A Kathmandu-based senior staff of a Tibetan charity organisation declared, "RCs are useless. There are no benefits. RC holders should be granted more rights. We cannot work, open a bank account, or start businesses. If we try to get a PAN card,⁶³ We are asked to get a letter from the Central District Office indicating that we have the right to work. But getting the letter from the CDO is such an uphill task that many Tibetan RC holders cannot obtain PAN cards."

Furthermore, RCs apparently come with a price tag. The aforementioned individual continued, "Even if [Nepal] issued RCs to Tibetans in the coming years, Tibetans would have to pay bribes to obtain one. They probably will have to pay around Rs 7,000 (approx. USD 209 when taking into account purchasing power parity⁶⁴) per application. The first set of RCs issued to the Tibetans in the 1970s came for free, but after that, Tibetans had to pay Rs 3,500 and then Rs 5,000 when the second and third sets of the RCs were issued."

A Tibetan NGO worker in Kathmandu concurred that simply obtaining an RC is not the solution. "A RC should come with certain rights and opportunities, such as being able to get proper education, be eligible to enrol in higher education, and be licensed to practise certain professions."

Although Tibetans holding RCs can open bank accounts, and obtain a driver's licence and travel documents, the processes involved vary from district to district and are subject to bureaucratic discretion. A resident of the Tashiling Tibetan Settlement in Pokhara said, "To make a travel document, the applicant needs to bring along 5 witnesses, travel to Kathmandu, pay bribes to get early access, only to get treated inhumanely in the office."⁶⁵

Administrative processes related to RCs are definitely more arduous in Kathmandu than in Pokhara. A Tibetan NGO worker explained that Tibetans in Kathmandu often have to pay bribes to renew RCs, whereas in Pokhara there is no such requirement. It appears that a lot depends on the specific attitudes of local government officials, and that nothing can be guaranteed. While some Tibetan RC holders struggled with government bureaucracy to obtain PAN cards, others were asked to pay Rs 50,000 - i.e. the amount charged to foreign nationals or "aliens" applying for a PAN card. Several years ago, Tibetans could get it made at Rs 30,000.

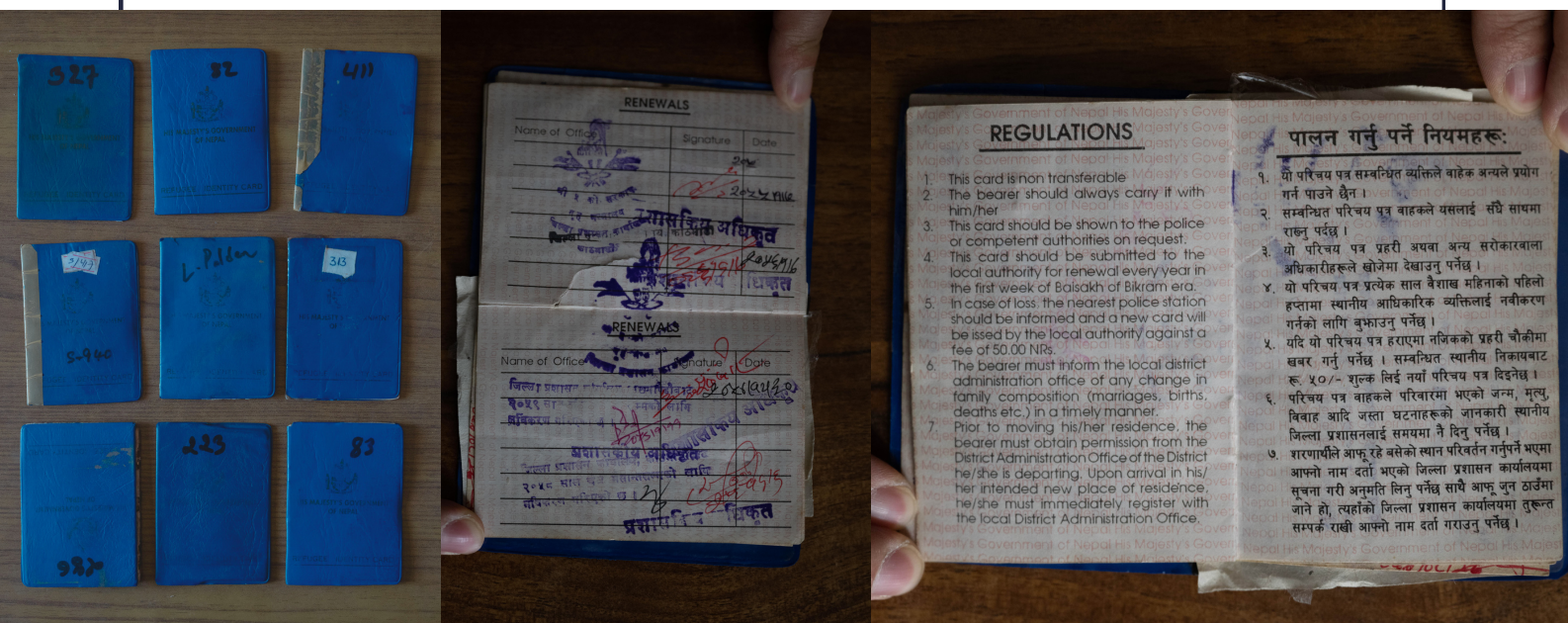
Some Tibetan refugees do own successful businesses in Nepal, but not under their own names; since Tibetans cannot obtain PAN cards, their businesses are legally owned by Nepali partners. A Tibetan NGO worker in Kathmandu declared, "Tibetan refugees should be granted the rights and conditions necessary to live a dignified life. And they also should be allowed to pay taxes if they can, so that they can legally engage in economic activities and access equal opportunities."

There are many undocumented Tibetans who use someone else's RC to buy a mere motorbike or other vehicle. Some banks in Nepal (e.g. Nabil Bank) do not pay interest to Tibetan RC holders. Tibetans living in the Tashi Palkhiel Tibetan refugee settlement in Pokhara have long been lobbying Nepali authorities to obtain work and travel opportunities for RC holders, to little avail. "When we lobby with local officials, they are always positive and receptive, but everything faces a roadblock when it reaches the cabinet level because then the issue gets politicised, and in the end nothing happens," said an elderly resident of the settlement.⁶⁶

As long as essential rights and benefits necessary to lead a dignified life are not provided, little improvement can be made in the lives of Tibetan refugees - even those who have been granted refugee status. A Tibetan refugee in Pokhara sums up the everyday experience of Tibetan refugees: **"Even though the Nepali government has provided us a place to stay, our hands and feet are tied. There is always an invisible restriction in place."**⁶⁷

Recent talks about the Nepali government's plan to register undocumented refugees sparked hope for Tibetan refugees, until the Nepali Home Ministry clarified that "this should not be seen as resumption of identity card distribution to Tibetan refugees."⁶⁸ Gopal Krishna Shiwakoti, former chairperson of the Asia-Pacific Refugee Rights Network, told TCHRD that there is a clear discrimination against Tibetan refugees compared to Bhutanese refugees of Nepali origin, who receive preferential treatment. While many among the numerous Bhutanese refugees in Nepal were able to move onwards to settle in a third country, Tibetans are not allowed to do so. **"Compared to Tibetan refugees, there is a red carpet treatment for Bhutanese refugees in Nepal,"** said Mr Shiwakoti.⁶⁹

The Refugee Cards (pictured below) now serve as little more than mere booklets, no longer carrying legal rights except for the allowance to stay in the country



3. Employment

The unemployment rate is increasing at its fastest among Tibetan refugees in their 20s and 30s, irrespective of their documentation status. Interviews conducted during TCHRD's October 2022 field visit with over a dozen Tibetan youth in Kathmandu and Pokhara revealed that many young Tibetan refugees find it difficult to find a job commensurate with their qualifications. Although there is no official unemployment data for young Tibetans, many of them try to find ways to survive by working in small restaurants or carpet factories - run by Tibetans but legally owned by Nepalis.⁷⁰

The number of unemployed Tibetan youths with nursing degrees and other professional degrees is increasing in Tibetan refugee settlements in Pokhara. There are several Tibetan nurses in Jampaling who have graduated from India but, because they are ineligible to work in Nepal, they are doing odd jobs in the settlement. Many in Nepal recalled the example of a young Tibetan man with an MBBS degree who was refused a licence to practise medicine by the Nepal Medical Council, because his documentation status was undetermined: local Nepali authorities could not determine whether he was a refugee or a foreigner. Unable to obtain the licence, he eventually left for the UK. More youths from Tibetan settlements in Nepal are leaving to study and work in India, where conditions are more favourable to them.



We want to go abroad, not for money but because we want to be recognised and treated equally as human beings”, said a Tibetan community leader in Tashiling settlement. “Young Tibetans in Nepal see no prospects here, and that is why they want to leave. They are frustrated because, despite receiving an education, they have no job prospects. These challenges have great impacts on their mental wellbeing. We now have young Tibetans admitted into drug rehabilitation centres.



According to the head of an NGO in Kathmandu, job opportunities for undocumented Tibetans have become increasingly sparse in the last two years due to the fact that Tibetan-run organisations can no longer hire more than two undocumented Tibetans, whereas in the past five or six of them could be employed in any given organisation. Our interlocutor further explained that these dismal employment conditions have negative effects on young Tibetans' self-worth and growth potential. Despite all of them having Bachelor's degrees in nursing, four young Tibetan women from the Lo Tserok settlement (who took part in an employment skills training organised by the NGO) had decided to become beauticians; indeed, without documentation, the chances of them getting employed as nurses in Nepal are slim.

In an October 2022 group interview with eight Tibetan youths in the Jampaling settlement, a 23 year-old Tibetan man declared, **“My parents forced me to study, but I feel like there is no use in getting an education in Nepal [as Tibetan refugees]. Our education will not get us the jobs that we need to survive”.**⁷¹

A 25 year-old man of mixed Tibetan-Nepali origin living in the settlement remains undocumented due to his mother being Nepali. Assured that his identity would remain anonymous in the report, he described the less visible struggles of young Tibetans living in the settlements, such as mental health issues: **“I think a large number of Tibetan youths living in the settlement suffer from varying degrees of depression, even though people do not even talk about it due to social stigma,”** he said.⁷²

Reinforcing this widespread gloom and despondency among the young, a 31 year-old Tibetan man, who works as a low-paid seasonal handyman for half of the year in a remote monastery located north of the settlement, declared, **“Even army lives are better and easier than our lives here. At least, soldiers die for something; here, we die for nothing.”**⁷³

Conversations with other youths and community leaders also revealed extreme anxieties and insecurities, and the need for psychosocial support among Tibetan youths living in various settlements in Nepal.

4. Education

Lack of documentation and other forms of official discrimination against Tibetan refugees have had disastrous consequences on the future of Tibetan schools and educational opportunities for Tibetans overall. Over the years, the number of Tibetan children enrolled in leading Tibetan schools in Kathmandu, such as the Srongtsen Bhrikuti Boarding High School, has decreased. The situation is similar in other Tibetan schools in Pokhara, including in the Tibetan SOS School - where less than 66 percent of the 660 students are Tibetan, the rest being Nepali children with a Himalayan Buddhist background.

Tibetan students as well as teachers in Tibetan schools live in constant fear and uncertainty, as living conditions worsen for undocumented Tibetans due to Nepal's digital governance policy and the expanding Chinese influence. Additionally, it is mandatory for Tibetan schools to appoint Nepali members and municipal committee members in the school management committee.

The head of a Tibetan school in Kathmandu has been pressured by local authorities to appoint a Nepali in his position. He was told that only Nepali citizens, and not Tibetan refugees, could be head of a school. The school head's Refugee Card did not protect them from official harassment and discrimination. Several years ago, they were denied a government ID card - issued to all teachers in Nepal - simply due to their refugee status.

Nepali authorities have long abandoned the practice of registering births and deaths for Tibetans living in Nepal. A new requirement for schools to produce valid birth certificates for students above Grade 8 has raised additional concerns over the education of undocumented Tibetan refugee children. Indeed, Grade 8 students (i.e. middle school students older than 14) have to sit for the District Level Examination, an important school examination in Nepal. One of the compulsory documents to be submitted along with the examination form is the birth certificate. Attempts by Tibetan school authorities to submit birth certificates issued by the respective Tibetan refugee settlement officers have been unsuccessful.

Even possessing a Refugee Card is no guarantee against threats and harassment from local authorities, especially during important Tibetan anniversaries or visits from Chinese leaders, when police officers (including in plain clothes) are routinely stationed in front of schools to bar the movements of students and teachers.

A teacher at a Tibetan school in Kathmandu recalled that on the Dalai Lama's birthday in 2022, the school was kept under constant surveillance, and the teachers and students were locked in by the police to stop them from attending celebrations in the Jawalakhel Tibetan settlement.

Tibetan teachers with RCs also face problems when travelling outside of Nepal. Many Tibetan teachers shared the fact that they cannot attend professional development training and workshops organised by the Central Tibetan Administration (CTA) in India; when they try, they face enormous difficulties in crossing the border, which comes with the risk of getting detained by Nepali border police and/or having to pay a fine. This applies even to Tibetan teachers who hold RCs, as the following section will show in more detail.

5. Freedom of Movement

The freedom of movement and travel is rarely available to undocumented Tibetan refugees especially when they have to travel to other countries including India with whom Nepal shares an open border. But those Tibetans with valid RCs also find it highly challenging and risky to travel abroad. For instance, a Tibetan man from the Tashi Palkhiel settlement tried to travel to India with RC in 2018 but was stopped at the border and told by Nepali border officers that the RC was only valid for travel within Nepal.

A resident of Tashiling Tibetan settlement recounted how he tried to travel to India in 2017 and ended up in the custody of Nepali border officers. "I was harassed and fined Rs 1000 for travelling on RC." The fines extracted from Tibetans however are inconsistent. A Tibetan community leader in Jampaling Tibetan settlement said Tibetans have to pay around Rs 1500 fine for each individual to the border officers before continuing on their journey to India.

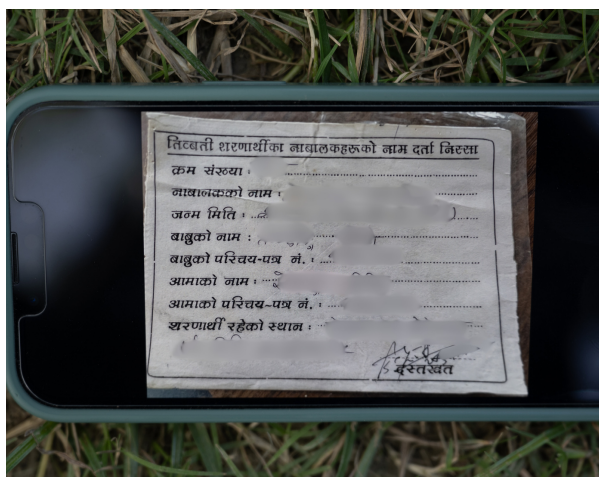
In 2019, a 31 year-old man from Jampaling settlement was held by the Nepali police at the Kakarvitta border near Siliguri, the less common route employed by Tibetans to travel to India. The man wanted to find work in India and was travelling on the "Nissa" version of the birth certificate issued only to Tibetan refugees living in Tashiling and Jampaling settlements. The border police asked the man to furnish a valid birth certificate and not "nissa" which he claimed was invalid for travelling outside Nepal.

A senior staff at a Tibetan charity group said the “nissa” was issued to children of Tibetan parents who have RCs and someone with “nissa” can apply for a travel document to travel overseas. However, many local officials are unaware that Tibetans with RCs and “nissa” documents can make travel documents because they have never received clear guidelines from the central authorities.

For Tibetan refugees living in Pokhara, applying for a travel document means taking along five witnesses and making a 6-hour bus journey to Kathmandu where they have to navigate a corrupt bureaucracy and pay bribes to get early access and be treated inhumanely in the office. “Some local officers view Tibetans as low caste people and often deride them with names like ‘Botey’ - people from cold and mountainous areas,” said a Tibetan refugee in Pokhara.

In March 2015, the legal process for Tibetan refugees to apply for travel documents when new regulations were enforced that required, among others, presenting “five to seven witnesses to the local police station to verify the applicant’s identity, additional document verification steps, and the stipulation that local officials must transmit their letters of recommendation to the Ministry of Home Affairs via the local postal system, which was considered unreliable.”⁷⁴

Renewing a travel document, valid now for three years (until recently it was valid for one year), for Tibetans in Kathmandu takes more than six months. However, community leaders in the relatively remote Tashi Palkhiel settlement in Pokhara said travel documents are valid for two years and for just one trip abroad. A new travel document is required for travel to another country.



The 'Nissa' version of the birth certificate is issued only to Tibetan refugees residing in the Tibetan refugee settlements in Pokhara, Nepal.

6. Freedom of Expression and Assembly

Tibetan refugees face continued violations of the rights to freedom of expression and assembly especially during important anniversaries and festivals such as 10 March Tibetan National Uprising Day, Dalai Lama's birthday, Tibetan New Year, Tibetan Democracy Day and the Nobel Peace Prize anniversary to commemorate the conferment of the prize to the Dalai Lama in 1989.

During Tibetan festivals and anniversaries, Tibetans are preemptively detained simply for wearing chupa (traditional dress) because the police suspect them of partaking in ‘anti-China’ protests. A Tibetan teacher in Pokhara said the Nepali government has a “zero tolerance policy” for Tibetans carrying out peaceful protests or demonstrations.⁷⁵ Many Tibetans are frustrated and resort to self-censorship. The teacher recalled a large-scale protest to commemorate the 10 March anniversary by Tibetans in 1998 in Pokhara where 90% of protesters were beaten. Since then, Tibetans have not been able to organise protests in Pokhara.

Tibetan refugees in Pokhara now observe anniversaries or celebrate festivals in the confines of their respective settlements while following specific instructions (such as not allowing any outsiders to take part) from local police who always stand guard outside the settlements in civilian clothing.⁷⁶ All Tibetan settlements, schools, monasteries and other institutions and organisations are always put under strict surveillance during anniversaries and festivals deemed sensitive by the Nepali authorities or whenever there are Chinese government officials visiting Nepal or any event related to China takes place in Nepal.⁷⁷

The most severe restrictions in recent memory⁷⁸ were seen during the 2019 visit of Chinese president Xi Jinping when Nepal imposed unprecedented security measures on Tibetans at the behest of the Chinese government.⁷⁹ Thousands of security personnel were deployed round-the-clock in multiple layers in Kathmandu, the largest security deployment for any visiting foreign dignitary.⁸⁰ The level of monitoring and surveillance was so great that non-Tibetan Nepali citizens as young as 14 years old and as old as 65 years old were mistakenly detained for engaging in so-called ‘anti-China’ activities when they were only wearing or carrying merchandise depicting Tibetan slogans or letters.⁸¹



The level of restrictions before and during Xi's visit was astounding because none of the Tibetans detained during the time hadn't even engaged in any protests. They were detained simply for wearing clothing or carrying articles bearing Tibetan slogans or signs. Some were selling merchandise with Tibetan flags or slogans while others were wearing traditional Tibetan attires.

For more than a decade now, local Tibetan community leaders have been receiving prior warnings from the Nepali law enforcement authorities to stop fellow Tibetans from engaging in any activities or face immediate detention. Not even peaceful protests are allowed.⁸²

The display of Tibetan flags is banned and the police apprehend anyone seen bearing the Tibetan national flag on a bag, car, or on any kind of clothing. In 2019, during Xi Jinping's visit, police launched a crackdown on shops selling Tibetan flags around the Boudha area.⁸³ In 2022, a group of tourists from the northeastern state of Sikkim in India were detained and interrogated at a local police station near Boudha because their car bore a small Tibetan flag sticker, which was enough to rouse the suspicion of the local police who were seen taking pictures and videos before taking the tourists in detention.⁸⁴

Both Tibetan and non-Tibetan individuals have faced severe repercussions for merely exercising their freedom of speech and opinion. In 2016, Pashupati Neupane, a Nepali teacher at the Namgyal Higher Secondary School in Kathmandu was forced to seek asylum in the US after he published a Nepali translation of the Dalai Lama's autobiography, "My land and My people".⁸⁵

More recently during the middle of the coronavirus pandemic, a Tibetan youth from a Tibetan settlement in Pokhara received a visit from local police hours after he made a post on his Facebook account blaming China for spreading the virus.⁸⁶

In 2018, a Tibetan man named Adak was beaten up and detained for ten days in police custody because he posted a photo of himself carrying the Tibetan national flag on Facebook in addition to submitting letters to embassies in Kathmandu about the human rights situation in Tibet.⁸⁷ Adak was later forced to seek treatment for custodial injuries in a hospital and threatened with deportation to Tibet if he continued with his advocacy for Tibet.

The media landscape in Nepal is highly unfavourable to Tibetan refugees as many feel "very unsafe" expressing their opinions for fear of being accused of engaging in "anti-China" activities.⁸⁸ Nepali journalists find it increasingly difficult to write objectively about the Tibetan issue because they would be seen as going against the national interest or the country's foreign policy, which in other words is to honour the "One China" policy.⁸⁹

No journalists working in government owned media houses, and very few in independent media organisations, could afford to violate the red line of the "One China" policy. This was demonstrated by the Chinese embassy in Nepal publicly accusing the Kathmandu Post newspaper for republishing an article on China's role in the coronavirus pandemic with "malicious intent" to "deliberately smear" the Chinese government.⁹⁰

Chinese pressure has been most severe on those media that reported on the Tibetan issue. The Nepali government-owned national news agency Rastriya Samachar Samiti (RSS) has been silent on the Tibetan issue or the Dalai Lama since 2019 when three of its journalists from the English desk were criticised by the Chinese embassy and later faced official probe for translating and disseminating a wire report about the Dalai Lama's hospitalisation and his subsequent recovery in a Delhi hospital.

A day after the report was published, Nepal's Minister of Information and Communications Gokul Prasad Baskota, under Chinese pressure, summoned RSS Chairperson Shyam Prasad Adhikari and ordered a probe against the three journalists.⁹¹ Baskota was quoted as saying that the "Tibet issue is sensitive for China and dissemination of a report regarding the Dalai Lama by the state-run news agency—particularly during President Bidya Devi Bhandari's state visit to China—was against Nepal's commitment to One-China policy."⁹²

Apart from political pressure, there has been a series of efforts on the part of the Nepali authorities to curtail press freedom and censor media contents.⁹³ Although few private media still report on the Tibetan issue, a vast majority tend to avoid reporting on the Tibetan issue or critical coverage of China-related stories.⁹⁴ Then there are the government officials refusing to respond to media queries on China.⁹⁵ However, even in the private media, more journalists are finding it increasingly difficult to get approval from editors for articles on Tibetan issues.⁹⁶

7. Freedom of Association

The general deterioration in the human rights situation of Tibetan refugees has affected the functioning and existence of Tibetan NGOs and other community organisations in Nepal. Tibetan refugee organisations mostly catering to the health and educational needs of Tibetan refugees cannot register as associations or open bank accounts. Individuals attempting to open bank accounts on behalf of their organisations find it difficult to do so due to imposition of personal taxes.

A Tibetan teacher in Pokhara said there was a great need to strengthen civil society in Nepal as the government became more intolerant on Tibetan issues due to Chinese pressure.⁹⁷

The word 'Tibetan' has become too sensitive to be mentioned to refer to the Tibetan students who are only referred to as "of Himalayan Origin". For instance, during the field visit conducted for this report in October 2022, the India-based Tibetan Cancer Society was in Nepal to carry out health camps in Tibetan refugee settlements in Pokhara. The Tibetan Cancer Society was allowed to operate on the condition that they remove "Tibetan" from the signs on their vehicles.

Similarly, NGOs founded and run by Tibetans in Kathmandu use the terms 'Himalayan' and 'trans Himalayan' instead of 'Tibetan' to facilitate hassle-free registration process with the Nepali authorities.

Tibetans in Nepal who have Nepali citizenship cannot call themselves Nepali-Tibetan even if their ancestors are of Tibetan origin.

Other community groups and civic organisations find it hard to work with Tibetan refugees for fear of alienating government agencies. According to the founding director of INHURED Gopal Krishna Shiwakoti, there are approximately 48,000 NGOs in Nepal but less than five work on addressing issues faced by Tibetan refugees.

A Tibetan NGO worker in Kathmandu shared how the increasing restrictions on any kind of public gatherings have pushed Tibetans to become isolated.



There is no space for Tibetan youth to socialise. All public gatherings organised by Tibetan NGOs such as Regional Tibetan Youth Congress and Regional Tibetan Women's Association are rarely allowed. And now the only platforms for Tibetans to come together are the few workshops or training sessions that we organise now and then.⁹⁸



8. Freedom of Religion and Belief

The public celebration of the Tibetan spiritual leader His Holiness the Dalai Lama's birthday was banned for the first time in 2002 signalling intensification of Chinese pressure on Nepal.⁹⁹ Since then, the Nepali authorities have banned this important Buddhist event in varying degrees and forms.

In 2019, Tibetan refugees in Kathmandu had to cancel the Dalai Lama's birthday celebration because Nepali authorities refused permission due to "security concerns".¹⁰⁰ Providing the reasons for banning the event, a local Nepali official was quoted as saying, "There could be a law and order problem as infiltrators could organise demonstrations or try to self immolate."¹⁰¹ Tibetan community leaders routinely face restrictions in organising the birthday celebration because Nepali authorities consider it "a political event" and "anti-China activity" rather than a religious event.¹⁰²

Display of large portraits of the Dalai Lama was banned on several occasions and public celebrations were always banned.¹⁰³ Instead local Tibetans were forced to organise the event within the compounds of schools or monasteries. Even then, Nepali forces made a heavy presence at such venues and Tibetan community leaders shared how they would receive incessant phone calls from local Nepali authorities to quickly conclude the celebrations citing Chinese pressure.

Over the years, restrictions on Tibetan religious and cultural events such as the Dalai Lama's birthday and Tibetan New Year have been criticised for its violation of fundamental rights of Nepali citizens of Himalayan Buddhist communities such as Sherpas, Bhotas, and Lamas who share the same Buddhist culture with Tibetans.

In 2022, under the non-Communist government in Nepal, the Dalai Lama's birthday was celebrated publicly for the first time in years in Kathmandu in the presence of several foreign diplomats and a large number of Buddhist devotees including Tibetan refugees.¹⁰⁴ However, there was a heavy security presence and Tibetan attendees were careful not to speak with the media for fear of provoking the Nepali and Chinese authorities.¹⁰⁵

The most recent celebration of the Dalai Lama's birthday in July 2023 was held under more restrictive conditions due to the new Communist-led coalition government taking charge in Nepal after the November 2022 elections. Tibetan organisers had to cut short the four-hour celebrations after two hours. The restrictions did not come as a surprise to Tibetan community leaders, more so when the Nepali deputy prime minister and home minister Shrestha had just returned on July 2 after concluding his visit to China.

9. Freedom from Arbitrary Arrests and Detention

The arbitrary arrests and detention of Tibetan refugees is common during the run-up to important anniversaries such as the 10 March Tibetan Uprising Day and whenever Chinese leaders visit Nepal.

A disturbing development is the widespread and increased use of preventive detention of Tibetan refugees which became most pronounced during the 2019 visit of Chinese president Xi Jinping to Nepal.¹⁰⁶ Both Tibetan refugees as well as Nepali citizens were subjected to arbitrary detention merely on suspicion that they would engage in protests to disrupt the Chinese leader's visit.

The Nepali law enforcement authorities kept these detention cases secret to avoid public outcry and prevent any negative impacts on Xi's visit.¹⁰⁷ Some Nepali human rights activists criticised the police for making these arrests without any evidence and thereby violating the constitutional rights and freedoms of Nepali citizens who were arrested on mere suspicion.¹⁰⁸

It has become a routine practice for Nepali police to put Tibetan refugees under strict surveillance, often making phone calls or home visits and conducting random searches, in the days leading up to Tibetan anniversaries or during visits by Chinese leaders.¹⁰⁹ Tibetans are often threatened with deportation if they do not comply with the order.¹¹⁰

The Nepali authorities in Kathmandu admitted that they frequently deploy plainclothes police forces in various Tibetan refugee camps "for observation as per order by higher-ups" and "if our official finds something suspicious, they arrest them, too."¹¹¹

Even Nepali citizens who happen to be human rights activists working on Tibetan issues are not spared. Indra Prasad Aryal, chairman of Human Rights Organisation-Nepal (HURON), was put under house arrest for days under the watchful eyes of several police officers during Xi Jinping's 2019 visit. "They constantly kept an eye on me and followed all my movements. As a result I could not raise the human rights issues of Tibetan people," he was quoted as saying in media reports.¹¹²

A week before Xi's visit, Nepal's security forces detained dozens of people, mostly Tibetan refugees and in some cases, Nepali citizens for merely sporting symbols or signages related to Tibet on their clothes and other belongings.¹¹³

The arbitrary actions of Nepali security forces such as detaining a 14-year-old girl and a 65-year-old woman, for wearing clothing with Tibetan symbols or slogans met with severe criticisms from human rights activists in the country. Criticising and protesting Nepal's foreign policy, Nepali rights activists have emphasised the rights of all citizens to political opinion, "irrespective of what the country's formal position is on certain issues."¹¹⁴

Private Nepali media outlets such as the Kathmandu Post quoted Taranath Dahal of a civil liberties organisation called Freedom Forum as saying that "speaking about Tibet or Kashmir in Nepal isn't a crime because it doesn't undermine Nepal's sovereignty".¹¹⁵

10. Third Country Resettlement

In 2007, Nepal blocked the resettlement of 5000 Tibetan refugees to the US by not issuing them exit permits or travel documents required to travel outside Nepal.¹¹⁶ This move came after the July 2006 visit of a delegation led by the Chinese Vice Minister for Foreign Affairs Wu Dawei to Kathmandu during which China promised increased aid to Nepal, which came with a caveat that Nepal must not allow Tibetan refugees from resettling in a third country under the US government's refugee resettlement program.¹¹⁷

The plan to resettle 5000 Tibetan refugees from Nepal was first announced in 2005 as part of the US government's refugee admissions program, which was different from the 1991 visa immigration program for 1000 Tibetan refugees.¹¹⁸

In 1991, Tibetan refugees from Nepal were able to move to the US as part of a program to resettle 1000 Tibetan refugees from both Nepal and India. At the time, the Nepali government had issued exit permits to several hundreds of Tibetan refugees from Nepal.

Observers had pointed out that Nepal's rejection of exit permits in 2007 was due to the sheer number of Tibetan refugees involved in the resettlement program as well as Nepal's sensitivity to Chinese pressure.¹¹⁹

On the other hand, Nepali authorities have from 2007 and 2017 allowed a total of 113,500 Bhutanese refugees of Nepali origin to resettle in eight countries including the US and Canada under the third country settlement program.¹²⁰



The once bustling Tibetan Settlement in Pokhara, Nepal, now stands desolate, as many residents leave Nepal in pursuit of improved livelihoods.

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