

A report submitted to

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

New York, 2006

by **TIBETAN WOMEN'S ASSOCIATION**

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INTRODUCTION

A. Objectives of this Report

This NGO Alternative Report on the status of Tibetan women has been prepared by the Tibetan Women's Association (TWA), which is the only Tibetan organization in exile dedicated to women's issues. The findings in this report, which were first presented on the international human rights circuit last autumn, have been specially updated for the CEDAW conference to be held in New York in August 2006.

The findings in this report were first presented to UN secretary general Kofi Annan and the United Nations Human Rights Commission (UNHRC) in response to a white paper on "Gender Equality and Women's Development in China" released by the Chinese government just before to the UN-sponsored Beijing + Ten initiative, 'Women 2005: Gender Equality, Development and Peace for the Twenty First Century', in September 2005.

Although the community of Tibetan women includes those living in Tibet and in exile, our report primarily addresses the situation of Tibetan women living in Chinese-occupied Tibet because they are living in dire circumstances. The TWA has compiled this alternative report with the informational assistance of many Tibet-support organizations, both governmental and non-governmental, with the express intention of ensuring that the voice of Tibetan women is heard on the global platform.

We acknowledge the fact that Tibet has not been formally accepted into the United Nations -- something that causes us deep regret. But the voice of Tibetan women is a vital one, and it must be considered in the international conversation on the status of women.

We hope that the information provided in our report will convince the international community to pay close attention to the problems of women in Tibet. These women suffer severe restrictions in their political, religious, reproductive and social freedoms. They continue to face a horrific lack of fundamental rights even ten years after the establishment of the Beijing Platform for Action (BPFA) in 1995.

The TWA has worked hard since the establishment of the BPFA (at the conclusion of Beijing Conference on World Women's Rights in 1995) to sensitize the world to the plight of Tibetan women both in and outside Tibet. Over the last decade, the organization has gained international recognition via the media and successfully developed strong links with various international NGOs. Today, it plays an important role particularly in the Asia-Pacific region. TWA representatives have since attended major post-Beijing symposiums in Chiangmai and Bangkok in Thailand, Kathmandu in Nepal, Manila in the Philippines and Colombo in Sri Lanka. They have submitted comprehensive reports to the "Committee on the Status of Women" as part of the preparatory process for the June 2000 conference in New York as well as to the Beijing +10 conference in 2005.

We would like you to take note that in our report, "Tibet" refers to the total area of the Tibetan plateau. This includes the Tibetan Autonomous Region (TAR) and the areas of Kham and Amdo that have been incorporated into the Chinese provinces of Qinghai, Gansu, Sichuan and Yunnan. This is in contrast to the position of the Chinese government, which defines the Tibetan region as the Tibetan Autonomous Region (TAR) only.

B. Tibetan Women's Association -- A Profile

The Tibetan Women's Association is a non-governmental organization that was originally founded in Tibet in 1959 by a group of Tibetan women who came together to protest the forced occupation of their country by the People's Liberation Army of the People's Republic of China (PRC).

In 1984, the TWA was re-established by Tibetan women living in exile in India. It now has over 14,000 members and 47 branches worldwide. It serves the entire Tibetan community by promoting activities that address religious and cultural issues, educational needs, social welfare, environmental preservation as well as the political and social empowerment of women.

The TWA's main objective, however, is to create public awareness about the abuse of Tibetan women in Chinese-occupied Tibet. It recognizes and honors the contribution of these women towards the preservation and promotion of the distinct religion, culture and identity of the Tibetan people. Through extensive publicity and participation in international conventions, the TWA alerts the world to the violation of the fundamental rights of Tibetan women in the form of both compulsory birth control policies such as sterilization and abortion and the denial of religious, political, social and cultural freedom.

C. Platform of Tibetan Women

As we forge ahead into this new millennium, we Tibetan women welcome the opportunity to contribute to the international dialogue on the status of women. Gender Equality, Development and Peace for the

Twenty First Century was a relevant theme for the UN General Assembly's follow-up conference to Beijing-2000. As Tibetans, we can approach these issues from not just a gender perspective but also from the perspective of living in a state of foreign occupation and in exile. We cannot separate the issue of justice for Tibetan women and justice for Tibetan people. It is one and the same because the main obstacle to the fulfillment of women's equality, development and peace in Tibet is the forcible occupation of our country and the conditions that has created.

China's illegal occupation of Tibet has resulted in the Tibetan people being cruelly restricted in their capacity to contribute to our own advancement geographically, institutionally and politically. For example, unlike many of our sisters around the world who have banded together in their countries to form various governmental and non-governmental organizations to promote their rights, Tibet's sole non-governmental women's organization, the TWA, exists only in exile. It is impossible for Tibetan women living inside Tibet to forge a solidarity movement without facing grave dangers.

Furthermore, for both Tibetan women living in Tibet and in exile, there is the issue of access to information that is accurate and objective. There is no proper way for Tibetan women in exile to communicate with their sisters in Tibet because of the limitations imposed by the PRC State with regard to information that can enter or leave Tibet. One of the very few ways to get information from Tibet is through the first-hand accounts of newly escaped refugees. These conditions make it tough for Tibetan women to organize themselves to fight for change. Divided by foreign occupation, they face a layer of challenges which directly hampers their efforts to advance. These challenges are as daunting today as they were in 1995.

In principle, the Beijing Platform for Action is a beautiful document with immense relevance to Tibetan women. We are no different from our sisters around the world in that we, as women, often face violence, discrimination and oppression in many forms. In reality, the foreign occupation of Tibet has erected great barriers for Tibetan people, particularly for the women. They are simply not able to support each other in practical ways and implement the priorities of the BPFA. The cold truth is that as long as China defies international law and continues its gross human rights violations against Tibetan women living in Tibet, the BPFA will have no practical relevance for Tibetan women. However, one of the BPFA's papers entitled Women and Armed Conflict does hold meaning for our women because it rightly acknowledges the "systematic violations and situations" that exist in states of foreign occupation that serve as obstacles to the advancement of women.¹

We call upon the international community to monitor the state of women's rights inside Tibet and press for their expeditious implementation. If the international community does not expedite such action, gender equality, development and peace will remain a dream for these women.

It is true that many of our sisters across the world have joined us in our struggle as exiled women. This support has increased since the Fourth World Conference on Women (FWCW) and we consider it the most progressive outcome of that event. We highly value this support and the opportunity to build relationships and contribute to the world discussion on women.

International conferences such as CEDAW will shed light on the reality of the status of women in the world. They are vital to the sustenance of the women's movement and the Tibetan movement. We urge the UN, other regional and international bodies, and women's groups to step up such events.

The case and the cause of Tibetan women will not be complete if we do not address the issue of non-violent strategies and philosophies. For over 40 years, the Tibetan people, under the guidance of His Holiness the Dalai Lama, have been at the forefront of the non-violence movement. Despite the violent challenges that the Chinese government has thrown at Tibet, Tibetans have responded peacefully and continue to adhere to a philosophy of non-violence in solving conflict. Tibetan women have played a significant role in these peaceful strategies.

We believe that the world community has much to gain from considering the non-violent perspective of Tibetan Buddhist culture. In 1989, His Holiness the Dalai Lama was honored with the Nobel Peace Prize in recognition of his peaceful struggle. In order to strengthen the "culture of peace" that the world and the BPFA so strongly advocate, the issue of women living under foreign oppression, such as Tibetan women, should be given due consideration. Furthermore, taking action on this issue should be a priority for the world community. As the BPFA states, "In a world of continuing instability and violence, the implementation of co-operative approaches to peace and security is urgently needed".² We must move from vision to action to build this universal culture of peace.

OVERVIEW OF REPORT

This NGO Alternative Report highlights the critical situation of Tibetan women living in Tibet. The time frame considered is the state of Tibetan women in Tibet from 1995 to the present day -- the period since the FWCW was held in Beijing. The issues described here are: violence against women, which includes gender-specific torture and reproductive rights violations, discriminatory practices on their employment and health care, the status of the Tibetan girl-child, and human rights.³ The issues are discussed with regard to the BPFA and how much, if at all, these issues have been able to be addressed in the Tibetan community since 1995. These violations need to be examined, especially in light of the fact that Tibetan women are living under foreign occupation. This occupation has resulted in internal and external refugee women, and has been the most significant obstacle in the advancement of these women. Together with China's refusal to honor the Tibetans' right to self-determination, this is the seed of the many indignities that these women continue to face.

In the years after the FWCW, there has been a big spurt in awareness about the plight of these women and support for their rights. On the basis of our findings, recommendations have been made both to the international community and to the Chinese government that will help rectify the dehumanizing and genocidal situation that these women live in. Alas, despite sustained pressure from the international community to address these issues, the Chinese government has not bothered to take any measures to help the advancement of Tibetan women.

VIOLENCE AGAINST TIBETAN WOMEN

The world community, including many UN committees, national governments and NGOs, acknowledges the fact that violence against women is a serious global problem. One expert has even urged the UN Special Rapporteur on Violence Against Women to study the situation of women in China and Tibet. In 1995, the BPFA defined violence against women as "any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women". It also included "physical, sexual or psychological violence perpetrated or condoned by the state...forced prostitution, forced sterilization, forced abortion, coercive/forced use of contraceptives". It also noted that women living under foreign occupation are particularly vulnerable to violence.⁴ In this light, violence against women in Tibet by the Communist Chinese State remains a major concern of the Tibetan community at large.

Tibetan women are subjected to a wide range of violence including torture, rape and reproductive rights' violations. Since the FWCW, there has been little change in their situation in their homeland. There is reason to believe that the situation, in fact, has become worse. The scene is particularly grim for Tibetan Buddhist nuns, who they are systematically targeted merely due to their status as nuns. It is estimated that over 80% of female political prisoners in Tibet are nuns.⁵ This is not only a violation of their human rights but also of their religious freedom.

There have been many international initiatives in the post-Beijing era on violence against women in the world community. Among the most noteworthy ones is the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) which received reports on this matter from all UN states. The CEDAW rules and recommendations were signed and ratified in 1980 by China. But by all accounts, China's most recent reports to CEDAW failed to address the issue of violence perpetrated against Tibetan women in Tibet.⁶ It has been found that in the area of reproductive rights, for example, the violations of the Convention's rules are so grave that they "present the possibility that the Tibetan people and culture will be destroyed within the coming century".⁷

Furthermore, there is evidence to suggest that the actions of the Chinese State constitute an act of genocide against the Tibetan people - for instance, its violation of the reproductive rights of Tibetan women. The CEDAW specifically asked for information regarding gender-based violence against Tibetan women in the form of statistics, legislation and other protective measures taken. But China has consistently refused to honor these requests and its most recent submissions to CEDAW are prime

examples of this negligence.

A. Torture

Torture is acknowledged in the BPFA as a violation of "the fundamental principles of international human rights and humanitarian law..." The world community has recognized the practice of torture and has taken steps towards its elimination. In 1988, China joined this drive when it ratified the UN "Convention Against Torture and Other Cruel or Degrading Treatment or Punishment", which outlaws any form of torture. In 1998, China also ratified the UN International Covenant on Civil and Political Rights. While signing these initiatives, it promised the world community that it would uphold these principles. The reality is that it has not only not kept its promise but has also repeatedly refused requests from the international community, including the "UN Committee Against Torture" (in 1993 and 1996), to respond to reports of widespread torture in Tibet.⁸ In December 2005, Dr. Manfred Novak, the Special Rapporteur on Torture after his ten-day visit to China and Tibet, condemned maltreatment of Tibetan prisoners in rare eyewitness report.

There is a wealth of reports in the world community about the widespread torture being perpetrated against Tibetans in Tibet, especially against Tibetan political prisoners. As of December 1999, there were 615 Tibetan political prisoners in Tibet, 162 of whom were women.⁹ In 2004, Amnesty International listed 145 Tibetan political prisoners in Chinese prisons who were arrested for peacefully protesting the PRC's illegal occupation. It is estimated that one in seven of these prisoners is a victim of severe torture, and a significant number have died due to injuries sustained from torture.¹⁰

According to a 1999 report by the Tibet Information Network (TIN), one out of every 22 female political prisoners in Drapchi Prison is likely to die as a result of abuse under detention.¹¹ It also noted that Tibetan prisoners of conscience have been detained due to their religious, political and ethnic views. These political prisoners expressed their views peacefully but were unjustly detained and subjected to dehumanizing detention. They enjoyed no right to counsel and, in addition to gruesome torture, are subject to invasive interrogations and indefinite detention.

As political prisoners, women are subjected to brutal violence -- especially sexual torture. Interviews conducted with former political prisoners by the Tibetan Centre for Human Rights and Democracy (TCHRD) revealed that the jail authorities had made use of extremely gross practices such as penetration of the vagina and rectum of the woman with electric cattle prods. One 28-year old nun, Tenzin Choedon, who has since escaped to India, described the torture she sustained while being imprisoned in Gutsa Detention Centre thus:

"We were all hit with rifle butts ... then an official set a dog upon me ... We were then taken to a hall and ordered to remove our clothes, except for our waistcoat and petticoat ... I was stripped and told to lie down on the floor as if prostrating. I saw them bringing knotted ropes, electric batons and sticks ... First I was hit with a stick all over my body ... I saw my fellow nuns being abused with electric batons in their anuses. When the baton was used on my body, I felt as if a nerve in my heart was being pulled out and my stomach was in pain ... I was told to stand up and lean against the wall ... they inserted a stick into my vagina four times with full force, which resulted in pain that lasted for three days and also gave me problems when urinating. Then the stick was rammed into my mouth ... after this incident, I was unable to move and they had to take me to my cell. When I recovered my senses, I saw that my skin had become green and that I had marks on my buttocks.¹²

According to Tenzin Choedon, she received no medical care after this torture.

Her story is not unusual; in fact, it is quite common. Not only is the torture of Tibetan women in prison consistent and horrifying, the denial of medical care is also the norm. According to TCHRD, most deaths due to torture are because of lack of medical care.¹³ Furthermore, TCHRD has also found that often a person is released from prison when s/he is close to death so that the Chinese prison authorities will not be held accountable.¹⁴ Many victims report that both male and female guards are present during torture sessions, but that it is primarily the male guards who carry out the torture.

Despite United Nations' decree on the right of pregnant women to special accommodation while in prison, many cases of pregnant Tibetan women being beaten until they have a miscarriage have come to light. Damchoe Pelmo had miscarried when she was three-and-a half months pregnant. She revealed this fact during an interview in 2004. Because of severe maltreatment that included being

forced to stand for 14 hours in a cold room while being interrogated led to the miscarriage.¹⁵

Tibetan nuns have been active in the majority of independence demonstrations in Tibet. Typically, these protests last only a few minutes and consist of the nuns chanting slogans in support of Tibet's freedom. There have been no reports of nuns using violence in any demonstration, yet they are routinely and arbitrarily arrested and subjected to torture. In addition to the physical and psychological horrors of torture, the torture perpetrated against nuns carries another destructive layer: they are forced to suffer the abuse of their religious vows. One report states that "one method of psychological abuse is forcing monks and nuns to carry human faeces on their backs over a thangka (religious painting)".¹⁶ Most recently, in November 2005, the monks and nuns were forced to sign papers denouncing His Holiness the Dalai Lama. The raping of nuns is common. Forcing nuns and monks to have sex with each other has also been reported.

Such criminal actions are not only a violation of their human rights, they are also a violation of their religious beliefs. The shame involved for nuns after such torture is often too much to bear. If they are released from prison, many leave the nunnery as they feel that they are no longer pure and, therefore, have no right to remain nuns. Considering the all-important role religion plays in Tibetan culture, these crimes become all the more horrifying.

Among the nuns who underwent such torture are Ven. Ngawang Sangdrol, a Tibetan Buddhist nun from the Garu Nunnery in Lhasa, and Ven. Phuntsok Nyidron, a former Mechungri nun from Lhasa who won the Reebok Human Rights Award in 1995. Ngawang and Phuntsok are among the women political prisoners who served the longest prison terms in Tibet.

Ngawang was originally arrested at the age of 10 for participating in a peaceful demonstration in support of Tibet's freedom. She was arrested several times thereafter for the same reason, then detained and eventually released in 2003 after serving 11 years of her 21-year sentence in Drapchi prison.¹⁷ There was worldwide attention on Ngawang Sangdrol's case, with many public appeals for her release. She now lives in the United States.

Phuntsok was arrested along with Ngawang, and released in 2004 after she had suffered 15 years of imprisonment and torture. She arrived in the United States only in March 2006, when she was re-united with her cellmate Ngawang Sangdrol.

It is reported that techniques of torture used on Tibetan political prisoners are becoming more sophisticated. The focus is changing to damaging victims internally rather than externally.¹⁸ A prime example of this is using electric batons to sexually assault women. Gender-specific torture is frequent and believed to be increasing. Most torture of Tibetan women has been found to occur in the context of arrest and detention. Age does not seem to matter, as there are reports of torture of both children and elderly women. The main point is that the torture suffered by Tibetan female prisoners is gender-specific and often sexual in nature. These facts lead us to conclude that not only are Tibetan women in Tibet targeted for torture, but also that the torture that is so widespread that it is clear that it is aimed at destroying the political determination and spirit of the Tibetan people.

B. Reproductive Rights Violations

Numerous international conventions have reiterated the rights of women, which include reproductive rights. The most noteworthy are the Program of Action of the International Conference on Population and Development and the Vienna Declaration and Program of Action, which the BPFA acknowledges as having been adopted by the World Conference on Human Rights.¹⁹

According to the United Nations, women have the right to reproductive choice and adequate and safe health care. The UN also supports the fact that couples and individuals have the basic right to decide freely the number and spacing of their children.²⁰ The BPFA states that women have the "right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence".²¹

The CEDAW has made it clear that it considers the violation of the reproductive rights of women to be a form of "violence against women" as they have a negative affect on the mental and physical health of women.²²

In the mid-1980s, the Chinese authorities began implementing family planning policies in Tibetan communities.²³ In 1992, the PRC admitted for the first time to the international community that a two-

child policy had been implemented in Tibet since 1984.³⁴ Since the BPFA in 1995, there have been numerous addresses in the international community regarding the continued reproductive rights' violations that are being perpetrated against Tibetan women living in Tibet.²⁵ The U.S. State Department, the United Nations, various international NGOs and independent researchers have acknowledged that China's state-sponsored population control policies are implemented in violent and discriminatory ways throughout the Tibetan community in Tibet.²⁶

There is evidence that Chinese governmental policies have covertly supported and encouraged the practices of forced and coerced birth control and sterilization of Tibetan women, the forced and coerced abortions, and coercive and invasive family planning measures.²⁷ Because the policies are sanctioned by the state, Tibetan women inside Tibet have virtually no way to challenge China's policies or the manner in which they are carried out. The implementation of policies is systematic, premeditated and in direct violation of international and humanitarian law.

Furthermore, the vast amount of evidence collected since 1995 regarding reproductive rights' violations against Tibetan women in Tibet, proves that the aim of such practices is to reduce the size of the Tibetan population in Tibet. This constitutes an act of genocide. According to the UN Convention on the Prevention and Punishment of the Crime of Genocide, genocide is defined as "any act committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, including the imposition of measures intended to prevent births within a group".²⁸

The government of the People's Republic of China has acted without regard to national or international policies and has consistently denied Tibetan women their fundamental freedoms and human rights. It has chosen to ignore all demands from the international community for specific information about its family-planning policies and about Tibetan women. For example, despite direct requests, China provided no information on reproductive rights' violations in their most recent report to CEDAW. Its report has been described as "insufficient, ambiguous, [and] lacking in details" as well as having "failed to meet the reporting standards of CEDAW".²⁹ In fact, one Chinese official, Tu Den, director of China's Family Planning Office of Tibet, was quoted in the China Daily newspaper as saying that "forced abortion and sterilization are absolutely non-existent."³⁰ Another Chinese official, Purbu Zhoima, who is director of the Tibet Autonomous Region (TAR) Regional Family Planning Commission, said that "the government of the Tibet Autonomous Region has never interfered in or restrained Tibetan women's rights to give birth. The government has no policy that sets a quota for the number of children Tibetan women may have, nor does it force women to have abortions or undergo sterilization procedures."³¹

Statements such as these point to the blatant ignorance of the evidence collected on China's implementation of its policies in Tibet. China has purposely attempted to hide these violations behind broad references and vague explanations when reporting on the family planning policies that are carried out in "minority" areas such as Tibet. What's more, China has attempted to portray that the implementation of its family planning policies in Tibet has been welcomed by the Tibetan people. A March 23, 1998 report in the Tibet Daily states that family planning officials have carried out policies with "full co-operation" from the local people.³² The Chinese government has also stated that "the current family planning policy in Tibet has been formed in full consideration of the realities and wishes of the Tibetan people."³³ This is a false and misleading statement.

It is important to understand China's family planning policies in the context of Tibet. The land of Tibet has never had a population problem.³⁴ It is a country of a geographical area of over 2.5 million square kilometres. It now has a population of six million Tibetans. This makes it one of the "world's more sparsely populated countries".³⁵ However, China's population transfer policies have brought more than 7.5 million Chinese people into Tibet, making the Chinese population larger than the native Tibetan population today.

Tibet's sparse population does not justify policies that are designed to reduce the size of the Tibetan population further. Moreover, China's basic population control law of "one family, one child" is for nationalities in China with over 10 million people.³⁶ While it is true that the basic law is modified for nationalities having fewer than 10 million people, it must be highlighted that the rules and their implementation vary greatly in each region.

The Chinese authorities state that "family planning is one of the fundamental official policies of China, but special policies in this regard are applied in minority-populated regions and remote areas".³⁷ In some regions, including Tibet, officials are authorized to decide their own specific population policies

according to local conditions. Also, local rules are defined as "administrative guidelines" rather than official rules. But these guidelines are not distributed to the public. China's family planning policies, as they are carried out in the Tibetan community, must be seen in the light of the foreign occupation of Tibet that began in 1959 - and the violence and discrimination perpetrated during this process.

Decisions about a Tibetan woman's reproductive future in China are made by a governing body of medical professionals and without any consultation with the woman or her family. There is a birth control office in each district in Tibet responsible for the execution of the policies. Investigations show that the number of children permitted to Tibetans varies according to their region and occupation. Research indicates that up until 1999, child quotas for Tibetans were either two or three children - depending on whether Tibetans resided in urban or rural areas respectively. But latest evidence suggests that intensified efforts have changed the quotas and in rural areas the number of children now allowed is generally two, while in urban areas it is one.³⁸

Family planning practices that have been documented in Tibet include contraception (injections, insertion of cervical "rings", pills), sterilization, abortion, delay of marriage and an enforced waiting period between births.³⁹ Requiring permits to have a child, monitoring of menstrual cycles and impromptu periodic examinations to determine pregnancy have also been reported.⁴⁰ It is found that the surgical procedures of sterilisation and abortion are the primary methods of birth control through which family planning policies are implemented. Contraceptive methods generally are not accompanied by adequate education and have even proven to be dangerous because of the low medical standards of manufacture of the contraceptive device and of its insertion. For example, there have been cases where because of lack of hygiene, IUD insertions were followed by infections. In one case, a woman became paralyzed.⁴¹ All procedures often take place in "make shift facilities", such as the women's home, and there is virtually no follow-up care or medication given to the women. There is also no acknowledgment or evidence that painless methods of birth prevention are used in Tibet.

Methods of enforcement of Chinese family planning policies in Tibet have been proven to be coercive. For those who do not comply with official policies, there are penalties in the form of fines, denial of benefits for children born outside of the established birth quota, loss of jobs or reduction of pay, and loss of housing. Women are given the "option" of paying a fine or terminating a pregnancy. The fines imposed are unreasonable amounts, often the equivalent of more than a month's wages. For example, fines can reach up to 10,000 yuan (US \$1,200) and many women earn no more than 600 yuan (US \$72) per month.⁴² There are records of some cases, especially in rural areas, where the fines are the equivalent of five to eight years' income. Some women have reported that they were faced with the threat of their husbands being beaten and arrested if they did not comply. The threat of having all of their possessions taken away has also been cited.⁴³

All this shows that women have no real "option" as the concept of free will and consent is missing. True consent cannot be given under duress. Indeed, these women have no option but to undergo an abortion or sterilization operation. As if this violation were not enough, the women are also made to bear the expenses of the operation. With regard to the denial of benefits, a child born after the official limit is treated as a "non-person". He or she will be denied basic rights such as a ration card, education, health care or the entitlement to any land rights during his/her lifetime.⁴⁴ The severity and coercive nature of these penalties force many Tibetan women to succumb to birth control methods that they do not want. Additionally, if local officials do not meet the established governmental quotas, they face severe penalties and financial sanctions themselves. But if they meet the quotas, they are offered incentives or "rewards" such as financial bonuses, job promotions, and food rations.⁴⁵

1. Forced or Coerced Sterilization

It is estimated that between four and 20 percent of the Tibetan population inside Tibet is no longer able to reproduce, with thousands more being forced to accept contraception.⁴⁶ From 1995 to the present, TCHRD has received extensive testimonies on forced sterilization. For example, from 1996 to 1998, TCHRD found that 1,230 Tibetan women had been subjected to forced sterilization or contraceptive procedures.⁴⁷

In Nyangdren town, 342 out of 379 married women - 90% of the total married women in the town--underwent sterilization.⁴⁸ A TWA interview with a newly arrived refugee in India in 1997 revealed that between September and October 1996, 308 women in the district of Takar, Tibet, were sterilized over a period of 22 days. The refugee also reported that a 27-year-old girl, Nyima Dolma, from Takar, had

died after being sterilized. She had been in good health prior to the sterilization, but Chinese officials nevertheless announced that the cause of death was "ill health".⁴⁹

There are innumerable accounts of coerced sterilization of Tibetan women. These have been mostly provided by witnesses who fled Tibet due to the oppressive and dangerous conditions in their homeland.

A witness from Kham reported seeing thousands of women gathered for sterilization in Nyemo in the summer of 1996. About 300 were sterilized on that day alone, including those with 'fetuses below three months'. [They were] bleeding like animals...many too weak to even move.' This witness claims the women were 'literally dragged' against their will, and even had to pay for the operation.⁵⁰

Norbu Tso, a farmer from Lushul town in Kandze County...reported that Chinese authorities regularly visited his village to instruct them not to have more than two children. The authorities announced at the end of September 1997, that a penalty of 1,000 yuan would be charged for any child born above the quota. His younger sister, Dolma Lhamo paid 1,000 yuan fine for having a third child...all women who had already given birth to two children were ordered to undergo sterilization. Tso reports that women were operated on regardless of their physical condition. Sothar Dolma, a twenty-nine year old woman died seven days after she was sterilized. The doctor later gave her cause of death as 'internal ailments'⁵¹

A 30-year-old Tibetan told TIN that a sterilization program was launched in 1997 in Drongpa County, a purely nomadic area...and that about two-thirds of the total number of women from approximately 300 households in his township had been sterilized. The women in his township who had not undergone sterilization were 'charged with being guilty of opposing socialism'....⁵²

Many Tibetan women do not always know that they have been sterilized or which birth control procedure they have received when they are taken to the hospital. This, along with the fact that a significant number of women become seriously ill or die after being hospitalised, contributes to the culture of fear that has become part of the daily life of Tibetan women in their own country. Consequently, many women are fearful of seeking any medical care whatsoever. There are also no attempts by the Chinese government to educate Tibetan women about birth control or their own reproductive care.

Research has shown that when women in a society are educated, the birth rate decreases. If promoting a decrease in birth rate is the true goal of the Chinese government, then it would follow that its officials would educate Tibetan women in this regard. However, there is no reference to sex education or contraception education in any of the official documents on the birth control policy in Tibet. There is only evidence of references to abortion and sterilizations.⁵³ This indicates that Chinese birth control policies are an attempt at not controlling the population, but at destroying a culture.

2. Forced or Coerced Abortion

Forcing Tibetan women into having abortions are a widespread method of birth control used by the Chinese government in its implementation of family planning policies. Pregnancies above the permitted quota are terminated, regardless of their stage. Late-term abortions are most disturbing. Expert investigations reveal that second and third trimester abortions are carried out by injecting a poisonous chemical "levanor, which is unheard of in the western world". In 1998, the International Committee of Lawyers of Tibet (ICLT) interviewed several witnesses of late-term abortions. One account states:

They injected a needle where the baby's head was. She was in labor pain for one hour. The baby was born and cried. Then it started bleeding from the nose and died...She had the abortion because she couldn't pay the fine.⁵⁴

Another woman states:

They injected a needle in her stomach, and she gave birth. The baby was delivered and put in a bowl. The baby moved for a few minutes and then died. The baby had a hole in its head.⁵⁵

One woman who was two months pregnant, describes that she was told if she did not have an abortion, her child's name would not be "registered", she would be given only 30% of her salary and that it would never increase, and that both she and her husband could be dismissed from their jobs.

Under such repressive conditions, I had no choice but to have an abortion...first they insert a sort of flexible rubber tube with a pointed end into the cervix. There is no medicine in this. They leave this inside for 24 hours...a lot of bleeding starts after 2 hours...after one day they take it out. It has become bigger inside so it is easier for the knife to get inside. They insert an instrument that has a sort of long handle with a knife at the end. They put this inside and start to move it around, cutting the fetus in pieces. Then it is very easy to extract...there is no medical treatment afterwards. You have to leave immediately after receiving this operation...you have to pay for the treatment. 56

The psychological trauma such procedures cause is extreme, as both witness and victims vouch for.

Investigations reveal an organized and systematic approach to abortion and sterilization of Tibetan women. For example, one woman reports of a "special abortion and sterilization unit for Tibetan women" in a Lhasa hospital.⁵⁷ There are also set abortion schedules in hospitals.⁵⁸ In one reported incident, an "annual round-up" resulted in 200 women from one village being aborted (at the same time) while in their first or second trimester.⁵⁹ These "blitz" campaigns are evidently conducted regularly in villages throughout Tibet. Abortions are often followed by sterilization operations, without the consent of the women. Again, this creates an intimidating atmosphere for Tibetan women and many simply do not seek out doctors for even general health care needs. This leaves them powerless and isolated in their suffering.

While referencing abortion in birth control policy documents, China is vague and manipulative in its use of language. Regarding a National Family Planning Commission and Health Department report issued on September 3, 1995, TCHRD noted that the use of certain words was banned. For example, the document urges that the terms, "drug-induced abortion", "surgical abortion" and "sterilization" should not be used. Instead, the terms "family planning clinics", "operating hospital" and "out-patient operation" are used. A "remedy method", another term for abortion, is referred to as the best form of contraception.⁶⁰

3. Eugenics

In June 1995, China instituted the Maternal and Infant Health Care Law. Under this law, the Chinese government reserved the right to control marriages and births according to its own perception of the health of the parents and infant. It specifically states that it is legal to use methods of sterilization, abortion, and marriage bans to prevent couples from passing on mental disabilities and diseases to their children.⁶¹ There is evidence to suggest that this law has primarily been targeted at "minority" nationalities in China. The Chinese government considers Tibetans to be a minority nationality, and so the implications of this law for Tibetans are especially disturbing.

Since 1995, various international bodies, including CEDAW, Committee on the Rights of the Child, and ICLT have expressed "grave" concern over the effect of this Chinese legislation on the Tibetan population. The Committee on the Rights of the Child stated that this law virtually amounts to the practice of "selective infanticide".⁶²

China's law states that:

When either one of the couple is diagnosed to have a serious hereditary disease, which is medically deemed unsuitable for reproduction, the doctor should explain the situation and offer medical opinions to the couple. The couple may marry if they agree to take long-lasting contraceptive measures or give up child bearing by undergoing ligation.⁶³

This is an inherently eugenic law and the potential for abuse is all too clear. There is justifiable reason to believe that the Maternal and Infant Health Care Law of China has already severely impacted the Tibetan population. In 1990, Chinese authorities, without any scientific evidence, publicly announced that there were 10,000 "inferior" Tibetans in the TAR.⁶⁴ The aggressiveness and comprehensive approach to China's family planning again leaves Tibetans vulnerable and powerless in their own country. We fear that China will continue to have no qualms about using this law, in conjunction with other "family planning" laws, to limit the births among Tibetans regardless of the presence of any hereditary disabilities.

4. Monitoring of Reproductive Cycles

The Chinese government extensively monitors the reproductive cycles of Tibetan women, a practice that clearly violates their human and reproductive rights. According to the BPFA, this monitoring constitutes a form of violence against women.

Government officers visit Tibetan women in their homes and conduct weekly or monthly vaginal examinations. These examinations also take place after mandatory public meetings that are organized in many villages to monitor women's reproductive status. If a woman was found to be not menstruating, she was given a "blue" tablet that induces abortion.⁶⁵ An ICLT investigation highlights the testimonies of women who hid from government officials who "hounded women for pregnancy checks or abortions" or did not attend the village meetings.⁶⁶

One woman from Phenpo who left Tibet in 1998 states:

The officials would come door to door with a list of married women and ask if they were menstruating. I said no. They conducted the examination. They told me I was one month pregnant...There was a Chinese woman official present. She made me remove my pants and put an iron inside me that opened me up and she also put her hand inside and checked.⁶⁷

Testimonies such as this reveal that the actions of the Chinese government brutally violate the rights of Tibetan women. The intrusive nature of monitoring reproductive cycles is an invasion of their privacy, dehumanizing and oppressive.

As we enter the new millennium, we find to our dismay that the violation of Tibetan women's reproductive rights are not only not subsiding but are increasing. This must be brought to a halt.

TIBETAN WOMEN AND EMPLOYMENT

In 1981, China ratified the international Convention on the Elimination of All Forms of Racial Discrimination (CERD), which prohibits discrimination based on race or national or ethnic origin.⁶⁸

The CEDAW recognizes that women have the right to equal employment. This includes the right to freely choose employment, the right to equal pay for equal work, and healthy and safe working conditions.⁶⁹ The BPFA acknowledges the obstacles that women often face in the acquisition and access to stable employment. Women living under foreign occupation are especially vulnerable, with higher chances of losing their jobs, facing sexual harassment in the workplace, and/or discrimination based on gender, race and ethnicity.⁷⁰

Since 1995, various international organizations have found evidence of widespread discrimination against Tibetans in the field of employment in Tibet. In 1996, CERD publicly criticized China for employment discrimination against Tibetans, specifically naming discrimination based on the Tibetans' lack of understanding of the Chinese language.⁷¹ In 1999, TCHRD received multiple testimonies from Tibetan refugees describing the employment discrimination they had experienced in Tibet.⁷²

In 1998, an investigation by ICLT., revealed disturbing evidence of gender-specific discriminatory employment practices against Tibetan women, such as "virginity testing, gender-specific hiring and recruiting practices, employment-related fines and penalties tied to family planning policies".⁷³

TWA's interviews with newly arrived refugee women from Tibet support the existence of such discrimination in employment.

While addressing allegations of discrimination in employment against Tibetans and specifically Tibetan women, the Chinese government has referred to the Chinese Women's Law of 1992, and the Labor Law of 1994. These laws reiterate that women have employment rights equal to men, though they also mention that there are certain areas that are "unsuitable" for women. China has never made a specific reference to Tibetan women and employment, though it has often been requested to.

Tibetans are reportedly finding it more and more difficult to find employment in their homeland as Chinese culture is slowly overpowering Tibetan culture there, a condition that is referred to as the "sinocization of Tibet".⁷⁴ In fact, unemployment amongst Tibetans in Tibet is said to be rising at a rapid rate, as incoming Chinese settlers are receiving preferential treatment in the job market. Consequently,

there is increasing poverty amongst the Tibetan community.

Many Tibetans cannot find employment unless they speak Chinese. One Tibetan woman told ICLT that her efforts to obtain work in hotels and restaurants failed because she did not speak Chinese.⁷⁵ Tibetan women seem to be at the bottom of the employment hierarchy, behind Chinese women, Chinese men, and Tibetan men. Reports abound of Tibetan women being paid less for equal work compared to Chinese workers and Tibetan men.⁷⁶ Tibetan women (and men) have lost jobs because they, or their family members, have been associated with political activities - what the Chinese authorities call "separatist activities".

"Virginity testing" is one of the most disturbing discriminatory practices against Tibetan women looking for employment. The purpose of the virginity test is to determine a job applicant's "fitness" for employment. This is done by putting a hand "inside" a woman to check for virginity.⁷⁷ Women and girls that "pass" the virginity test have to sign a contract promising that they will not get married or engage in sexual activity for three years. The discovery of the so-called "virginity test" is new, and further investigation is needed to determine how widespread it is.

Sexual harassment of Tibetan women in the workplace has also been reported. The testimonies reveal that Tibetan women feel that complaining against such treatment will be useless or make matters worse. One woman states that "they hold us and touch us. The Chinese officials are so used to it...They said if we slept with them we would get a better position".⁷⁸ Again, further investigation is needed into the sexual harassment of Tibetan women employees in Tibet.

There is discrimination against women in the recruiting and hiring process. Personal testimonies describe women as being told they will not be hired because they are women. Penalties and fines have been slapped on women who have given birth to more children than the number allowed by the state. For example, women have lost their jobs, been given extra job duties, or have had their salaries and benefits withheld in lieu of penalties.⁷⁹

The sinocization of Tibet is a grave threat to the survival of Tibetan identity. Discriminatory policies and practices are preventing Tibetans from being part of daily social, political and economic life in Tibet. Governmental and judicial proceedings are conducted in the Chinese language.⁸⁰ Reports state that the History of Tibet course at the University of Tibet (which is now under the direction of Chinese authorities) is taught in Chinese, despite the fact that the majority of students and teachers are Tibetan, and the course is part of the Tibetan Language Department.⁸¹ Tibetan identity and culture are being inexorably destroyed, and Tibetan women along with them. The discrimination exercised against Tibetan women is a matter of great concern.

TIBETAN WOMEN AND HEALTH

CEDAW insists that participating agencies and groups must "take all appropriate measures to eliminate discrimination against women in the field of health care...[including] access to health services...and [gender specific] services in connection with pregnancy ... and the post-natal period".⁸² The BPFA states that women have "the right to the enjoyment of the highest attainable standard of physical and mental health".⁸³ It also takes into consideration that women have the right to privacy, to be educated about HIV/AIDS, and that there are conditions that deter women from seeking health care --for example, the physical and psychological abuse that they may experience while living in state of foreign occupation.⁸⁴

In its most recent report to CEDAW, China makes no mention of health care with regard to Tibetan women. However, it does state that, in general, it has increased its health services to women and this has resulted in the "general improvement of women and children's health".⁸⁵ Whatever developments it might claim to have made in the field of women's health care, investigations have revealed that Tibetan women are not benefiting from these developments. On the contrary, many sources indicate that Tibetan women have virtually no access to even basic health care, or if they do, that the services are far too expensive for them to use. One woman stated that she had to pay 2,000 yuan (US \$240) before she was admitted to a hospital to deliver her baby.⁸⁶

This report has already addressed the violation of their reproductive rights. In many cases, women are deterred from seeking health care because they fear they will be victims of forced sterilization or abortion. Many female political prisoners have died due to a lack of medical care after being tortured. Testimonies have also revealed that in prisons, women are never given cotton or any sanitary material during menstruation, a basic health care need. Instead they either cut up their own clothing or bleed on their clothing - which they are not allowed to wash.⁸⁷

Investigations show that HIV/AIDS prevention is virtually non-existent in Tibet.⁸⁸ Reports of up to 50 hospital patients sharing one needle for injections indicate a frightening absence of information or training regarding HIV/AIDS.⁸⁹ Tibetan women, and Tibetans in general, are charged for health services that Chinese people are not charged for.⁹⁰ The TAR also has a significantly higher maternal mortality rate than the rest of China - 20 per 10,000 compared to 6 per 10,000 in China.⁹¹

THE TIBETAN GIRL CHILD AND EDUCATION

In 1989, the United Nations ratified the Convention on the Rights of the Child which gave comprehensive protection to children all over the world. It naturally included their right to education. The CEDAW includes the equal rights of the girl-child and women to education, and stresses the need to reduce female school drop-out rates. The BPFA acknowledges the problems that many girls face with regard to getting an education; these include gender discrimination, lack of resource allocations, and their vulnerability in living in situations of foreign occupation.⁹² The BPFA also recognizes the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs as international initiatives that preserve the right of children's education.⁹³

In its most recent report to CEDAW, June 2004, China makes no mention of the education of Tibetans. It does, however, point out in its 2000 report to CEDAW that it has taken "vigorous steps" to increase higher education of females, though it does not specify what those steps are.⁹⁴ However, in its 2005 Report, it makes distinctions between elementary, secondary and vocational skills. This is in contrast to the 2000 report which distinguished between rural and urban areas. It claims that "as of 2002, the enrolment rate for China's school-age children at the elementary level was 98.58 percent, with the rate for girls reaching 98.53 percent. There were 57,381,300 girl students in elementary schools nationwide, or 47.20 percent of the total; 38,702,000 in secondary schools or 46.70 percent of the total; 5,144,800 in secondary vocational-training institutions..."⁹⁵ It does not specify, however, if the statistics are relevant to the Tibetan population. However, according to the data given in Table A11 (page 73), enrollment and completion rates of school-age children in primary school, paint a grim picture of the education of Tibetan children. The enrolment rate of girls in Tibet is the lowest and drop-out rate of girls is third highest in the nation.

China ratified the UN Convention on the Rights of the Child in 1992, yet investigations have revealed that it has not supported the rights of children protected under this convention. In regard to Tibetan children, there is abundant evidence about the discrimination they face in the current educational system. Most notably, since 1995, reports conducted by TCHRD and ICLT et. al have uncovered the true state of education for Tibetan children - and that is that they are not getting the education they are entitled to under international or Chinese law. The discrimination and violations revealed appear to target Tibetan children in general, though there have been widespread reports of discrimination against Tibetan girls, mostly in the form of sexual harassment. Much of the evidence has been collected from interviews with children who have fled Tibet because they were not able to receive an education there. This in itself is significant in the conversation on Tibetan children and education.

It is estimated that roughly 33 percent of all Tibetan children receive no education at all. This is a huge figure compared to the 1.5% of Chinese children who go uneducated.⁹⁶ A report by the China Society for Human Rights Studies claims that China has "effectively protected" the right of Tibetans to be educated in that it has provided for free and compulsory education in Tibet.⁹⁷ According to TCHRD's 2005 Annual Report, the education for Tibetans is over-priced, under-funded and aimed at getting them to assimilate communist ideology rather than to preserve Tibetan culture, tradition, language and history. For example, the annual fees range from 20 to 6,000 yuan (US \$3 to \$750) per month.⁹⁸ This is unaffordable for most Tibetans, especially those in rural areas, who earn an average of 800 yuan (US \$100) per month.⁹⁹ It has also been reported that children who are "unauthorized", meaning that

they were born into a family that had exceeded the allowed quota of children, are charged double the fees to attend school.¹⁰⁰

An internal TAR Party Committee document reveals that schools in the TAR are collecting as much as 13 different kinds of fees from students, six of which are not legal.¹⁰¹ A Tibetan teacher who was interviewed revealed that "although the school in her area was supposed to be free, individual teachers demanded money from students or their parents".¹⁰² A 10-year-old Tibetan girl who now lives in exile, explains why she was not able to attend school: "At school the teacher demanded 50 yuan a month to sit on a chair, 50 yuan to have a table and another 25 yuan for the books. My father earned 50 yuan a month. With this money we had to buy a sack of tsampa to have some food".¹⁰³

Another 19-year-old girl states:

I did not understand the Chinese language well enough so I had to ask the teacher again and again. If most of the Tibetans did not understand his explanation in Chinese he used to scold us, calling us 'dirty Tibetans' or 'stupid Tibetans'.¹⁰⁴

These violations of the Tibetan children's right to education indicate that though China claims to support free and compulsory education for all Tibetans, it is not implementing the legislation or punishing those responsible for these violations.

Tibetan school children face additional obstacles such as language, course content, and in the case of girls, sexual harassment. Most schools in Tibet, particularly the secondary schools, use the Chinese language as the medium of instruction.¹⁰⁵ This severely hinders Tibetan children's ability to learn, and their desire for learning, as the majority of them grow up in households that speak only Tibetan. As a result of not being able to understand the language, Tibetan children are often tracked away from other students into inferior facilities and assigned less qualified teachers.¹⁰⁶

The course content also hinders Tibetan children in their education. Investigations reveal that Chinese culture is promoted "at the expense of Tibetan culture".¹⁰⁷ Tibetan children that have escaped to exile report receiving almost no education regarding their cultural heritage, but say they were constantly and vigorously indoctrinated into Chinese culture and communism.¹⁰⁸ Tibetan children are forbidden to wear Tibetan clothing, observe Tibetan holidays or to eat Tibetan food.¹⁰⁹ Some parents even refused to teach their children about Tibet for fear that they would be beaten or failed because of their knowledge.¹¹⁰ TCHRD has discovered that some school children were coerced by teachers to spy on their parents at home.

One 14-year-old boy states:

Three or four times a week we were asked whether our parents talked about Tibetan politics or the Dalai Lama. When the children admitted that their parents spoke about these things they were rewarded with presents - with money or food. The parents were then called to meetings and sometimes fined or put into prison.¹¹¹

Tibetan school girls face sexual harassment by Chinese teachers. A witness interviewed by ICLT et.al. in 1998 described that: in school, the Chinese teachers used to touch us and pull us into rooms. They molested only the Tibetan girls...I wanted to complain. I used to cry at home a lot. Finally, my mother was so disgusted that she took me out of school...Many girls had this problem.¹¹²

The same investigation failed to discover any laws or programs addressing sexual harassment of Tibetan girls.

Traditionally, Tibetan children were educated at not only community schools, but also in monasteries and nunneries. Up until April 1996, it was still possible for children to be educated in Tibetan language, culture and religion in monasteries and nunneries. However, under China's "Strike Hard" campaign, children below 18 are now forbidden to join any religious institution (see section on Religious Prosecution for more on "Strike Hard" campaign).¹¹³ Between May 1996 and December 1999, 1,181 monks and nuns under 18 were expelled from their monasteries and nunneries. In October 2005, due to 'patriotic re-education campaign' four monks were expelled from the monastery and one lost his life.

In a desperate bid to give their son or daughter the chance of an education, many parents send their children to live in exile, though they know that there is a high possibility that the children will never again see their families back home. A significant number of people who flee Tibet are children, the majority are without their parents and sent out with guides.

The journey over the Himalayas is a perilous one and many of the children suffer from frostbite and hypothermia, lack of food, and permanent injury.¹¹⁴ Girls are particularly vulnerable to being raped by Chinese and Nepali police. Many children die on the journey due to the harsh climatic conditions and some even from gunshot wounds from Chinese security personnel.¹¹⁵ On an average annually 2500-3000 refugees arrive in India seeking for better educational opportunities or freedom to practise their religion. For instance, in 1999, of the 2,474 refugees who escaped into exile from Tibet, 1,115 were children below the age of 18.¹¹⁶

The following report was made by TCHRD in 1999 based on an interview with one of the girls:

Five policemen in their uniform raped three Tibetan girls, both in their late teens, after they were caught trying to escape across the border into Nepal. They were arrested in the Tibetan border town of Burang at a guesthouse in late 1998 with three other girls. One of the girls, a 17-year-old from Lhasa, was beaten with an electric baton and raped while she was unconscious. The two Tibetan girls escaped into exile with three other Tibetan women whom they had met during their journey. All five girls were taken to an empty building where two of them were tied to a chair, gagged and forced to witness the rape of two others. The fifth girl was taken upstairs and was also repeatedly raped. The next morning, the police agreed to take the 17-year-old and one of her friends who had witnessed the assault to a hospital. They remained in the hospital for three days, and managed to escape on the fourth day. The two girls reached Kathmandu on December 19, 1998. The whereabouts of the other girls are unknown. It is feared that they may have been transferred to a detention centre.¹¹⁷

In 1997, TCHRD conducted an investigation into education in Tibet entitled *The Next Generation: the State of Education in Tibet Today*.¹¹⁸ Fifty Tibetan children who had fled Tibet between 1994 -1996 were interviewed. Of those fifty Tibetan children, 96% stated that they had fled Tibet specifically to get an education.¹¹⁹

Tibetan children face immense challenges. It seems that every attempt made by a Tibetan child to exercise her/his right to be educated is being met with obstacles too large to overcome. Tibetan children are denied the right to participate in and develop their cultural traditions. They are being forced to choose between being absorbed into Chinese society or living with low expectations about their future in employment, practising their religion or sustaining their unique traditions.

The Chinese government's actions must be examined thoroughly because of the unceasing effort to marginalise Tibetans in their own country and to systematically destroy Tibetan culture and identity. Children are the key to any society's future. By phasing out the use of Tibetan language in schools and customs in the larger society, the Chinese authorities have made a frontal attack on the future of Tibetan culture. The sexual harassment of Tibetan school girls by Chinese teachers is a direct attempt to prey on the vulnerability of Tibetan girls and ensure that they remain disempowered.

As thousands of Tibetan children continue to flee each year to live in exile, the need of the hour is for the world to examine the reasons for this exodus.

TIBETAN WOMEN AND HUMAN RIGHTS

Apart from the gross violation of their human rights by the PRC government, the foreign occupation of Tibet has brought its people several serious problems. Among these are state-sponsored migration of more and more Chinese settlers into Tibet, religious prosecution and a drastic rise in prostitution.

A. Population Transfer

Since 1950, there has been a huge state-supported influx of Chinese people into Tibet. This is a cold-blooded way in which "to supplant the Tibetan identity with that of another people".¹²⁰ This population transfer is a violation of human rights laws that the PRC has itself ratified. The Fourth Geneva Convention prohibits an occupying power to "deport or transfer part of its own civilian population into the territory it occupies".¹²¹ Nevertheless since 1995, the Chinese government has blatantly and continuously violated this rule.

With the completion of the world's highest railway line from Gormo to Lhasa, Tibetans are faced with

the danger that the demographic structure of Tibet is all set to change dramatically. The change has already begun with the steady influx of large numbers of Chinese people. In 1997, statistical records released by the Chinese government showed that there were 300,000 Chinese residents in Lhasa alone. The number jumped to 500,000 in 2004. At this rate, the cultural identity of Tibet might well be lost within a decade or two.

In 2000, investigations revealed that the total population of Chinese people in Tibet was 7.5 million and the Tibetan population 6 million.¹²² This makes Tibetans a minority in their own country. In fact, they are officially recognized as a "racial minority" in the PRC. The Chinese dominate all aspects of society in Tibet--commercial, social and political. It is true that there has been a big increase in economic and structural developments inside Tibet in recent years. However, the benefactors of all this development are Chinese settlers and not Tibetans.

In June 1999, the World Bank approved a \$160 million loan to support China's Western Poverty Reduction Project. This was the first time that an international organization had involved itself in China's population transfer policies in Tibet. Though this project was presented as a bid to alleviate poverty, it actually promoted China's colonization of Tibet while violating World Bank environmental and social policies.

The project entailed the transfer of 58,000 Chinese farmers into Dulan County, Qinghai, which lies within the Tibetan Autonomous Prefecture. It is a fragile and traditionally nomadic land located within a historical Tibetan-Mongolian area. However, the international outcry against the project forced the World Bank to institute an investigation into its implications and subsequently change its decision (in 2000).

Nevertheless, China continues to use devious means to destroy Tibetan culture, i.e., through the pursuit of internationally sanctioned decisions and through its family planning laws. As TCHRD rightly concludes (2005), the population transfer taking place in Tibet is tantamount to a form of "structural violence as it effects the composition of a community, their access to a means of livelihood and their identity".¹²³

B. Religious Persecution

Since 1995, the oppressive measures taken by the Chinese government to curb the practice of Tibetan Buddhism in Tibet have increased. A case in point is the re-launch of the 'patriotic re-education campaign' in 2005, which led to the expulsion and death of monks from Drepung monastery near Lhasa.

The progress of Tibetan women has also been deliberately hindered through the gross violation of their religious freedom and other human rights. This, despite the fact that the Constitution of China provides for freedom of religion, stating that it is one of the fundamental rights of its citizens. What's more, it has ratified both the Universal Declaration of Human Rights (UDHR), which decrees that "everyone has the right to freedom of thought, conscience and religion",¹²⁴ and the International Covenant on Civil and Political Rights, which proclaims that:

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their culture, to profess and practice their own religion, or to use their own language."¹²⁵

Since 1995, various international bodies, including the US State Department, have criticized the religious persecution taking place in Tibet.¹²⁶ The Chinese authorities' response has been to firmly deny the charges. Its Foreign Ministry spokesman, Sun Yuxi, has gone on record that "nobody has been arrested or detained because of religious beliefs. If religious believers are arrested, it is not because of their religious beliefs but because they have taken part in criminal activities".¹²⁷

Any activity or belief, including those of a religious nature, which does not conform to Chinese governmental policy, is deemed to be a crime in China. Some are inclined to believe that the Chinese government is not opposed to Buddhism, per se, but to Tibet's national identity, of which Tibetan Buddhism is an integral part. The Tibetan Government in Exile (TGIE) describes the importance of religion to the Tibetan people as follows: "Buddhism has not been a mere system of belief to the Tibetans; it encompasses the entirety of our culture and civilization and constitutes the very essence of our lives".¹²⁸ Thus, an attack on Tibetan Buddhism constitutes a threat to the core identity of the

Tibetan people.129

In April 1996, the Chinese government launched its "Strike Hard" campaign, which is a "patriotic re-education" initiative aimed at identifying, expelling and arresting monks and nuns who are considered "unpatriotic". The goal of the campaign is to forcibly repress support for the Dalai Lama and for Tibetan independence.

Under this campaign, Tibetans have been banned from celebrating religious ceremonies, persons under the age of 18 banned from joining a monastery or nunnery, monks and nuns must compulsorily sign a five-point agreement that includes a declaration of their opposition to separatism, an agreement with the Chinese version of Tibetan history, denial of Tibet's independent status, and a denouncing of the Dalai Lama.130

So far, 541 monks and nuns have been arrested, and 11,409 have been expelled from their monasteries and nunneries. This expelled include 1,729 nuns.131 According to personal testimonies, "work teams" do not hesitate to use violence in their implementation of the "Strike Hard" campaign.

As we have noted before, the arrested persons are tortured and even killed. In the case of nuns, the violence is often sexual.

Here are some TCHRD accounts of such brutality:

In March 1998, ten nuns from Drayib Nunnery in Taktse County, Lhasa Municipality, were arrested by PSB officials for raising objections when a 'work team' ordered them to denounce the Dalai Lama. One of the nuns, Tenzin Dolma, aged 22, who escaped into exile and reached Nepal on May 12, 1999, reported that they were kept in Taktse County Prison for four days and later taken to Seitru Detention Centre where they were interrogated and detained for two months. The arrested nuns were beaten for two days during interrogations. They were released at the end of May 1998.132

Eleven 'work team' members arrived in Dharyul Nunnery in Phenpo Lhundrup County on May 14, 1998. The nuns were instructed to agree with the 'work team' 're-education'. However, they refused to comply with their instruction to oppose 'splittism' and the Dalai Lama. The officials later called on the parents and relatives of the nuns and ordered them to advise the nuns to comply with their demands. The parents were threatened with the confiscation of their farmland if the nuns did not comply with their instructions. The officials also warned them that both they and their nun-daughters would be arrested and imprisoned.133

In addition to the work team visits, a restriction has been imposed on the number of monks and nuns that can reside in a religious institution. This makes it easy for the officers to arrest them if the quota has not been adhered to. Photos of the Dalai Lama have been banned in all public places in Tibet and there are efforts to abolish photos in private homes as well. Monks and nuns have been banned from reading scriptures in Tibetan homes. Furthermore, in 1997, the PRC reaffirmed the re-education campaign as a "basic policy" - which effectively made any criticism of the campaign a criminal act.134

C. Prostitution

Since 1995, there has been a large-scale introduction of prostitution to Tibet, primarily in the Lhasa area. It is believed that the rise in prostitution is due to the rapid urbanization and economic development of Lhasa, the influx of migrants and the people's increased tolerance of the highly profitable sex trade.

Since the Chinese invasion of 1959, Lhasa's population has grown from 30,000 to 200,000. The town has grown in geographical size from less than three square kilometers then to over 51 square kilometers today, and the city's traditional Tibetan quarter now occupies less than 5 per cent of the urban area.135

Studies by international agencies show that there have been social changes in Lhasa and that the "long-term threats to Tibetan identity are implicit in the development of an underclass of unemployed, uneducated citizens prey to alcoholism and other addictions".136 These reports also highlight the Chinese government's lack of initiative in dealing with the increase in prostitution, although there are constitutional laws against such activity. Article 6 of CEDAW states that State Parties "shall take appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women".137 This passiveness can be understood to be part of the authorities' mission to eradicate Tibetan culture.

The issue of increasing prostitution is critical to the international discussion on the problems of Tibetan women. Economic hardship, discrimination and lack of opportunity have pushed Tibetan women into the prostitution trade. Furthermore, the growing tolerance for the sex trade in Lhasa is leading to the further degradation and exploitation of and violence against women.

This is an irony because one of the proclaimed tasks of the Chinese Communist Party when it occupied Tibet in 1949 was to eradicate prostitution and other "social evils".¹³⁸ In 1998, it was estimated that over 658 brothels existed on the 18 main streets of Lhasa.¹³⁹ China's claims that prostitution is "under effective control" are unfounded, as the facts point to an uncontrolled expansion of prostitution in Lhasa.

On January 1, 2004, Tibet Information Network (TIN) stated that "Recent reports from Tibet indicate that an increasing number of Tibetan women from rural areas, particularly in the Tibet Autonomous Region (TAR), are working as prostitutes. Though the fast-growing sex trade is still dominated by Chinese sex workers, the number of Tibetan prostitutes (which was negligible a few years ago) has risen lately. Furthermore, on September 1, 2005, AFP reports that "Though largely unacknowledged by Chinese authorities, prostitution has become a huge business employing thousands, if not tens of thousands, in Tibet".

There have been innumerable personal testimonies with regard to the increase in prostitution in Lhasa. Witnesses have informed us that though the majority of prostitutes are Chinese women, the number of Tibetan prostitutes has risen. This is because an increasing number of young Tibetan women are moving to Lhasa from rural areas due to a lack of opportunities at home.¹⁴⁰

A Tibetan monk who escaped to exile had this to say about the factors forcing Tibetan women into prostitution: The [Tibetan] girls end up on the streets of Lhasa because they don't have any work. They are mostly from the countryside, especially from Kham. They mostly come to Lhasa in groups, having set out from home with their friends. Finding that they can't get any work, they have no other choice but to enter this business.

Another witness interviewed by ICLT observed that "there were separate rooms for Tibetan and Chinese prostitutes".¹⁴¹ He also exposed the fact that there were cases when young Tibetan girls are "taken away" from villages, presumably for the sex trade, and never seen again.¹⁴²

A TIN report found that Tibetan prostitutes are as young as 13 or 14, and charged as little as 30 or 40 pence for sex.¹⁴³

By all accounts, China has done little to combat the rising rate of prostitution in Tibet. On the contrary, the economic support from the PRC government to "settlers" in Tibet has actually benefited the prostitution industry. Chinese businessmen have been given low-interest loans for investment and, consequently, have been able to lease property from government offices and private landowners to use as brothels.¹⁴⁴

Furthermore, officials who have witnessed prostitution have not attempted to stop it. One 20-year-old Tibetan woman who spent a year working in a bar that also functioned as a brothel stated that:

Sometimes the Public Security Bureau come to look. When they come to the door, the person who collects the money presses the button that's under the desk and it rings upstairs and all the prostitutes leave. They [PSB] didn't come a lot. When I was in there they came twice and nothing happened. The business can still continue. The Chinese themselves - I've got Chinese friends - said that in their hometowns in China such business isn't allowed. There, the authorities would close down such places within two or three days.¹⁴⁵

Another Tibetan in exile stated that "the authorities have failed to prevent prostitution in Lhasa, and this is partially deliberate. It diverts attention that might otherwise focus on politics".¹⁴⁶

It can therefore be argued that by allowing prostitution to grow in Tibet, China is covertly contributing to the desecration of Tibetan society and culture. Tibetan women who have escaped into exile have emphasized the fact that the severe birth control violations against them have led to family troubles and their husbands have frequented brothels as a result.¹⁴⁷

They have also pointed out that the Tibetan family system is breaking down. The divorce rate and domestic violence is on the rise. Though these social problems cannot be attributed solely to the increase in prostitution, it can be assumed that the greater tolerance for the sex trade is contributing to

the destruction of Tibetan culture.

Recommendations to the International Community

We, the Tibetan Women's Association, call upon the international community to expeditiously and strictly enforce our following recommendations.

1. Ensure that the Chinese government complies with international and humanitarian law and halts torture and other cruel treatment of Tibetan women during detention and imprisonment. It should also be made to explain why it allows such inhuman behaviour and describe the practical measures it is taking to stop it.
2. Ensure that the Chinese government complies with international and humanitarian law and halts all the violation of the reproductive rights of Tibetan women, and provides a written documentation of all its population and birth control policies and practices in Tibet. The documentation must include all the rules (unpublished ones included) that are being implemented in Tibet, as well as explanations for the steps being taken to eliminate forced abortions and sterilization, monitoring of reproductive cycles and eugenics laws.
3. Ensure that the Chinese government eliminates all forms of discrimination against Tibetan women with regard to access to health care, particularly in rural areas, and provides for safe, affordable health care. China should provide written documentation of the steps it is taking to provide proper health care facilities, including HIV/AIDS education, for Tibetan women.
4. Ensure that the Chinese government complies with international and humanitarian laws and eliminates all forms of discrimination against Tibetan women in regards to employment, in particular accessibility to employment, virginity testing, and sexual harassment. China should provide written documentation regarding steps it is taking to address these issues.
5. Ensure that the Chinese government complies with international and humanitarian laws and eliminates all forms of discrimination against Tibetan children, in particular Tibetan girls, in the field of education, especially in rural areas. It should provide written documentation detailing the steps it is taking to stop such ill-treatment, particularly the sexual harassment of Tibetan girls in schools and the terrorisation of all schoolchildren with regard to their cultural practices. It must also detail the stops being taken to promote education and literacy in the Tibetan language.
6. Ensure that the Chinese government stops defying international law on occupying foreign powers and does not encourage population transfer of Chinese settlers into Tibet. It must be made to provide written documentation on the relevant actions it is taking.
7. Ensure that the Chinese government complies with international and humanitarian laws and eliminates all forms of religious persecution and discrimination against Tibetan Buddhists, particularly nuns and monks. China should be made to provide written documentation on the steps it is taking to do so.
8. Ensure that the Chinese government complies with its own laws and eliminate prostitution in Chinese-occupied Tibet. It should be made to provide written documentation on the steps it is taking to do so.
9. China should be encouraged to work and co-operate with international organizations and officials including the UN Commissioner on Human Rights, the Special Rapporteur on Torture, the Special Rapporteur on Violence Against Women, the Special Rapporteur on Religious Intolerance and the Special Rapporteur on Racism, Racial Discrimination and Xenophobia. Their officials should visit Tibet and thoroughly investigate the Chinese government's policies and practices on the Tibetan populace.
10. Should take action to ratify an international convention specifically addressing the issues and protection of women and children living under foreign occupation.
11. Promote and encourage the development of support services in the exiled Tibetan community, especially for victims of violence and torture who have escaped from Tibet. These services will

include medical care, counselling and re-settlement support.

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APPENDIX I : GLOSSARY

BPFA Beijing Platform for Action
 CEDAW Convention on the Elimination of All Forms of Discrimination Against Women
 CSW Committee on the Status of Women
 FWCW Fourth World Conference on Women
 ICCPR International Covenant on Civil and Political Rights
 ICLT International Committee of Lawyers for Tibet
 NGO Non-governmental Organization
 PRC People's Republic of China
 TGIE Tibetan Government in Exile
 TIN Tibet Information Network
 TWA Tibetan Women's Association
 TWD Tibetan Women's Delegation (to Beijing)
 TCHRD Tibetan Centre for Human Rights and Democracy
 UDHR Universal Declaration of Human Rights

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