

**NGO Alternative Report on the Status of the
Tibetan Women in Tibet**

**A Report Submitted to
THE UNITED NATIONS HUMAN RIGHTS COUNCIL
(UNHRC)**



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Introduction

China ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1980. Although the signing of the Convention is a definite step in the right direction compliance with obligations under this convention remain problematic as is evidenced by the continuous human rights violations against women in Tibet. It is obvious that there are considerable failures in the government's attempts to comply with the articles included in the Convention. Article 1 of the convention commits parties to outline a definition of discrimination against women. Despite the fact that the convention is a fundamental part of Chinese law, it has yet to be honoured as such.

The United Nations Committee on the Elimination of Discrimination against Women notes that the State Compensation Law allows any victim complaining of human rights abuses to press legal charges against an accused. However, the Committee also points out with concern, that there is an absence of adequate conditions in both the State Compensation Law as well as CEDAW to facilitate effective legal recourse.¹ Women's access to justice in cases of discrimination may remain limited, in particular in rural areas. The grave concerns of the committee seem to be justified given that, since its inception, the Convention does not appear to have ever been invoked in a court of law.² This is not surprising; the convention has not been given attention in the legal education and training of judicial officers, including judges, lawyers and prosecutors.³

The situation of rural minority women, including Tibetan women, is especially distressing. Despite the many laws that have been invoked to ensure equal rights, these women "face multiple forms of discrimination based on sex, ethnic or cultural background and socio-economic status."⁴

Overview of the report

As China submits its Universal Periodic Report to United Nations Human Rights Convention in February 2009, it will inevitably record China's compliance with the thirty articles of the 'Convention on the Elimination of all forms of Discrimination against Women'. But Tibetan Women's Association takes this important opportunity to submit an NGO Alternative report on Tibetan women to record the reality prevailing in Tibet with specific reference to the situation of Tibetan Women in Tibet.

It seems appropriate that much of the work in preparing this NGO Alternative report on Tibetan Women should have been carried out while the 2008 Beijing Olympic Games unfold in China. With everyone's attention placed firmly on this economic powerhouse

¹ United Nations 2006. Committee on the Elimination of Discrimination against Women: China. 36th session. 7th-25th August 2006. Supplement No.38

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

what better time for TWA to bring the world up to date on the violations against women's rights that continue to take place in that same nation. With this edition we have striven to place all emotion and heartfelt reactions aside and to deal instead with pure fact. While we recognise that some progress has been made, and that some women in Tibet enjoy relative freedom in their family planning choices, the coercive aspects that dominated the 1980s have not yet entirely disappeared and much greater transparency is still needed concerning the policies and regulations surrounding population control in Tibet.

The NGO Alternative report addresses the primary women's rights violations inflicted on Tibetan women through the State implementation of 'Family planning policy' that adversely impacts the social and economic status of Tibetan Women and significantly the Infant and Maternal mortality rate in Tibet. The report also reflects on the prevailing social impunity in Tibet, generated through the thriving market of prostitution which is now increasingly becoming a strong and a common workforce in Tibet. The report demonstrates how the rights of the Tibetan women are violated through arbitrary arrest, imprisonment and torture and significantly through the use of contraceptive methods such as forced abortions, sterilizations and coercive use of birth control regulations. The report also reflects on how the deplored educational state in Tibet is creating a grim situation.

The population control policy is being implemented by the Chinese authorities in Tibet violating the United Nations Convention on the Elimination of Discrimination against Women. This report is also submitted with the understanding that Tibet is not formally accepted into United Nations. Nonetheless, the voice of Tibetan women and the issue discussed in this report needs to be resolved.

About Tibetan Women's Association

The Tibetan Women's Association (TWA) was originally founded on March 12, 1959 in Tibet when thousands of Tibetan women in Lhasa gathered together to protest against the illegal occupation of Tibet by Communist China. Protesting peacefully outside the Potala Palace, many of these women suffered brutally at the hands of the Chinese troops. They were arrested, imprisoned, tortured and beaten without trial.

A period of transition for TWA followed this uprising when many Tibetan women were forced to flee Tibet to live in exile in India.

On the 10th of September 1984, with the blessings from His Holiness the Dalai Lama, the Tibetan Women's Association was officially reinstated with 12 branches throughout India. Today, the TWA has over 13,000 members and 47 branches worldwide including branches in: India, Nepal, Europe, Japan, the United States of America and Canada. TWA sees itself as the natural continuation of our many brave sisters who sacrificed their lives for the freedom and protection of Tibet.

TWA's main objective is to raise public awareness of the abuses faced by Tibetan women in Chinese-occupied Tibet. Through extensive publicity and involvement in national and international affairs, TWA alerts communities to the gender-specific human rights abuses committed against Tibetan women in the form of forced birth control policies such as

sterilizations and abortions, and restrictions on religious, political, social and cultural freedoms.

In exile, TWA serves the Tibetan community as a whole with activities addressing religious and cultural issues, educational needs, social welfare, the environment and the political participation and social empowerment of women. To best achieve our goals, TWA functions as a democratic organization.

2008 Uprising in Tibet: A strong presence of Tibetan women martyrs

The US hearing on the Tibet Crisis, which took place earlier this year on Friday, 25th April 2008, noted that although China may be struggling to contain the Tibetan situation as an “internal affair”, the enormous amount of global interest and sympathy that has been generated towards Tibetan citizens and exiles, particularly during, and in part because of, the build up to the Beijing 2008 Olympic Games, has catapulted it into an arena of international debate. There have been numerous reports regarding demonstrations and protests inside Tibet by those striving towards freedom and autonomy, many of which have been the actions of women and nuns protesting in solidarity against China’s illegal occupation of Tibet. Since March, however, we do know that there has been a sweep of protests across Kardze County.

According to International Campaign for Tibet, a further series of arrests of nuns and women from all over Khardze County have been accumulating over the past several weeks for shouting pro-Tibet slogans calling for a Free Tibet and the return of His Holiness the Dalai Lama to Tibet.

On May 14th seventy-six nuns from the Pungrina nunnery in Kardze County staged a protest, reportedly gathering on the street linking Kardze monastery to the county police stations. Their protests resulted in the arrest of 52 nuns. Later that day, 21 year old female student, Rigden Lhamo of Tapontsang family from Lhakey Village, Thingka Township, Kardze County, again was said to be shouting pro-Tibet slogans at the County Government headquarters and unfurling the banned Tibetan national flag in a protest of her own. She is believed to have been seriously wounded by security forces trying to dispel the protestors, and perhaps even shot after gunfire was reportedly heard.

These protests have continued into June, into what the Tibetan Centre for Human Rights and Democracy (TCHRD) calls a ‘peaceful solo protest’ in Drango County. Later in the day more than 200 nuns, also from SamtenLing reportedly protested against this injustice, calling for her release. TCHRD reports that, according to sources, many have been detained and taken to the County Detention Centre and 10 were seriously injured.

The persistence of these demonstrations of resistance, despite having been met with such violence and brutal opposition, is evidence of a renewed verve and energy towards affecting real social change to the lives of those Tibetans living in Tibet under Chinese rule, and also those living in exile, who, after almost fifty years, still hope that one day soon it will be possible to return.

Violations against women and children

Arbitrary arrest, Imprisonment and Torture

The Tibetan Center for Human Rights and Democracy (TCHRD) reported that cases of arbitrary arrests and detentions (65 known cases) increased almost threefold in 2007 compared to the numbers from 2006. While new regulations in placing Tibetan Buddhism under intensified state control were thrust upon the so-called "Tibet Autonomous Region" ("TAR"), Kardze region outside of TAR continues to remain the most volatile Tibetan area in terms of political developments.⁵ The Chinese authorities routinely resorted to arbitrary arrest, imprisonment, and torture in dealing with peaceful protest by Tibetans. In 2007, there were 119 known Tibetan political prisoners of which 43 were serving terms of more than ten years (80 of them were monks and nuns.)⁶

According to testimonies given by former political prisoners methods commonly used by guards includes: beatings using electric batons and rubber truncheons on hands and feet; long periods in handcuffs and/or leg irons, frequently tightened to cause pain; restriction of food to starvation levels; and long periods in solitary confinement.⁷ The practice of torture and ill treatment is common especially during the early stages of detention in Chinese prisons to extract information. Physical disabilities and psychological trauma from the torture last for a lifetime causing many former detainees and prisoners to find it difficult to adapt to society.⁸

Forced abortions, sterilizations and coercive use of birth control regulations

In the 1980s, forced abortions and compulsory sterilizations were much more common. In the mid-1990s, the government changed its approach to enforcing the family planning policy by imposing fines rather than by force. For Tibetan women, this increased vulnerability can and has been devastating.

In 2003, it was reported by the Free Tibet Campaign that Chinese authorities had stepped up their efforts to implement family planning policies by dispensing over 50 mobile health clinics into various counties within the TAR. In addition to providing contraception and general healthcare treatment, it was reported that some healthcare workers fear that the presence of these mobile health clinics will also serve as a means to pressure Tibetan women to undergo certain birth control and birth prevention measures.

A 2008 report by Xinhua stated: "The mobile clinics will be used for check-ups on local women, distributing contraceptives, transporting patients and publicizing the local family

⁵ TCHRD Annual Report 2007:5

⁶ TCHRD Annual Report 2007:5

⁷ TCHRD Annual Report 2007:32

⁸ TCHRD Annual Report 2007:34

planning policy."⁹ Unfortunately, this report did not provide details of the counties and prefectures where the mobile clinics will be dispatched or whether these clinics would also provide education.

The report indicated that women living in rural areas generally do not have access to affordable healthcare, safe contraception, or contraceptive education. Family planning policies inside Tibet tend to lean towards the prevention of conception and fertility control as opposed to safe policies and practices that aim to educate and protect the health and well being of women.

Education in Tibet

According to the Tibetan Center for Human Rights and Democracy, the status of education in Tibet is grim.

The illiteracy rate in Tibet continues to be highest in PRC with 54.86% against the national average of 10.95%. On 21 February 2007, Ministry of Education admitted that 93 counties in the PRC, mainly in the poor areas of Sichuan, Yunnan, Gansu, Qinghai, Tibet and Xinjiang remained without proper schooling facilities. Poor government funding and exorbitant school fees are among the factors resulting in a low standard of education and literacy in Tibet.¹⁰

The education policies implemented in Tibet bears strong influence of China's integration policy. For instance, bilingual education is limited only until primary school. In the middle and higher school, classes are taught in Mandarin. The aim is to discourage the use of the Tibetan language. Even after acquiring a graduate degree, Tibetan students are discriminated against by Chinese authorities in securing civil service jobs.

Political indoctrination is rampant in schools. The contents of the textbooks, educational curriculums and the observation of the ceremonial occasions are all determined in accordance with Communist Party ideology. The Committee on the Elimination of Discrimination against Women has noted with satisfaction the efforts to strengthen rural women's and girls' access to education, but at the same time, the Committee remains concerned that rural girls have disproportionate illiteracy and school dropout rates.

Few Tibetan children who complete primary school actually continue to secondary school and even fewer graduate with a university degree. The problem is not only that many students fail to pass the entrance exam, but also that attending higher level schooling is a financial burden to the family.¹¹ Without adequate education, the majority

⁹ "Tibet gets mobile family planning clinics", *Xinhua*, 4th March 2008 Available at http://eng.tibet.cn/lifestyle/health/200801/t20080117_357518.htm Accessed 14th August 2008

¹⁰ Half Yearly Review of Human Rights in Tibet

¹¹ Schooling for knowledge and cultural survival: Tibetan community schools in nomadic herding areas, Ellen Bangsbo 2008:78 <http://dx.doi.org/10.1080/00131910701794598>

of Tibetans will be excluded from the benefits of modernization and economic development in China.¹²

China's Family Planning Policies; lacking transparency

In China, family planning matters are addressed through legislations that are limited, problematic and contradictory. Consequently, the plethora of past promises made by the Chinese governments to uphold and protect women's reproductive rights remains largely abstract even today.

In 2001, China codified its one child policy and current family planning policy and practices in its Population and Family Planning Law. The promulgation of the "one-child policy" has detrimental effects on the reproductive health and autonomy of women.¹³ Citizens who fail to limit their number of children are required to pay hefty social compensation fees.¹⁴

Although, conducting fetal sex identification is prohibited by law, sex-selective abortions continue to occur. One recent official study found that 68% of abortions were of female fetuses.¹⁵ The Chinese law prohibits the use of physical coercion to compel persons to submit to abortion or sterilization.¹⁶ Nevertheless "individual voluntariness" and "personal consent" must be garnered from the recipient of contraceptive services or sterilization procedures.¹⁷ As clearly stipulated in the State Compensation Law, any citizen is permitted to bring legal action against officials who exceed their authority in the implementation of the family planning policy. The presence of such a system in itself is not enough.

The PRC's one-child policy seeks to limit both the quantity and quality of the Tibetan population through Eugenics laws. These laws prohibit anyone with a "hereditary mental illness, mental disability or physical deformity" from having children.¹⁸ The exaggerated number of mentally handicapped people in Tibet leads to a popular yet false impression that the Tibetans are of an inferior race.¹⁹ It has been suggested that these 10,000

¹² Schooling for knowledge and cultural survival: Tibetan community schools in nomadic herding areas, Ellen Bangsbo 2008:71 <http://dx.doi.org/10.1080/00131910701794598>

¹³ Supplementary Information on China and the United Nations Committee on the Elimination of Discrimination of Discrimination against Women, Center for Reproductive Rights, 3rd August 2006

¹⁴ Population and Family Planning Law of the PRC, Presidential Order No. 63, art.41 (2001) (effective 1st September 2002)

¹⁵ *Country Reports on Human Rights Practices 2004; China, op. cit.*

¹⁶ Regulations for the Management of Family Planning Technical Services], art.17 (2001), *amended by State Council Order No.428 (2004)* (consent of person undergoing sterilization required)

¹⁷ Regulations for the Management of Family Planning Technical Services], arts.14, 18 (2001), *amended by State Council Order No.428 (2004)*

¹⁸ *Survey of Birth Control Policies in Tibet, op. cit.*

¹⁹ WHO, Fact Sheet for the World Health Report 2001

"mentally handicapped" Tibetans are those who engage in political protests against the continued unlawful occupation of Tibet.²⁰

Grave concern over not only the existence but also the enforcement of China's eugenic laws must be expressed. Within the context of such aggressive family planning policies and practices in Tibet, a more serious threat is that authorities may use various laws to limit births among Tibetans, even in the absence of any hereditary disability.

Maternal and Infant Mortality Rate

In the Tibetan Autonomous Region (TAR), maternal and infant mortality rate remain among the highest in the world. Poor nutrition, lack of trained health-care personnel, long travel distances to hospitals and limited access to emergency health-care, place Tibetan women and infants at high risk of birth-related deaths.²¹

The 2000 maternal mortality rate (MMR) was 9.6 per 100,000 births in Shanghai, but was 161 in rural Xinjiang and 466 in Tibet.²² According to 2004 data from UNICEF, the MMR was 400 per 100,000 live births in the TAR.²³ It is not clear, however, whether both sets of statistics are dealing with the same geographical areas or not.

A strong centralized Chinese government assures that only ten percent of financial outlay for health goes to rural areas: ninety percent goes to urban centres - where Chinese settlers are concentrated and where most hospitals are located.²⁴ It is also very expensive to seek medical attention. The average cost of pregnancy delivery in rural hospitals is over 400 Yuan, which can amount to half of a person's yearly income.²⁵ Worst still, in certain parts of Tibet not all hospitals are able to deliver babies. Robert Barnett, a Tibetologist in the United States wrote, "In 2005, only 50 of the 119 medical facilities in Lhoka prefecture in southern Tibet were equipped to handle childbirth".²⁶

Tibetan women are three hundred times more likely to die than women in developed countries from various pregnancy and delivery complications.²⁷ Of the staggering number

²⁰ Herzer, Eva and Sara B. Levin "China's Denial of Tibetan Women's Right to Reproductive Freedom" *Michigan Journal of Gender & Law* Vol. 3 (1996) p.551

²¹ Online article: *Maternal and Newborn Health on the Tibetan Plateau* www.onehearttibet.org/abackground.html Accessed 4th August 2008

²² *Women of the World: Laws and Policies Affecting Their Reproductive Lives, East and Southeast Asia: China* (2005) Center for Reproductive Rights and Asian-Pacific Resource and Research Centre For Women (ARROW) Accessed online: <http://www.reproductiverights.org/pdf/China.pdf> p.30 Accessed 12th August 2008

²³ Barnett, Robert appearing in *Authenticating Tibet: Answers to China's 100 questions* by Anne-Marie Blondeau and Katia Buffetrille (Eds.) (University of California Press: 2008) p.104

²⁴ Online article: *Tibetan Government in Exile: 1995 Report on Tibetan Women, Peace, Development and Equality*. <http://www.ciolek.com/WWWVLPages/TibPages/TibetWomen-Report.html> Accessed 4th August 2008

²⁵ Online article: World Health Organization (WHO): *The Challenges of Safe Motherhood issues and lessons learned* <http://www.wpro.who.int/internet/files/pub/360/135.pdf> Accessed 4th August 2008

²⁶ Barnett *op. cit.* p.106

²⁷ *Maternal and Newborn Health on the Tibetan Plateau op.cit.*

of maternal deaths during childbirth, 61% occur in the first week after delivery.²⁸ While China's national rate for hospital births in 2002 was 79%, wide regional differences existed and included a rate of just 33% for Tibet; the lowest in the country.²⁹ In 2000, the number of doctors in Tibet was 2.09 per 1000 citizens.³⁰ Research has shown that when a Tibetan mother dies, her surviving children are less likely to attend school and more likely to die younger.³¹ The preservation of the social and cultural identity of the Tibetan people therefore rests on the decrease in MMR. It is extremely crucial that greater efforts be made to continue to reduce MMR and IMR.

Prostitution in Tibet: a strong and common workforce

In the last decade, prostitution has been on the increase in some of Tibet's major cities. An article published on the Tibetan news website Phayul in 2005, reported that the number of prostitutes is steadily increasing and could well be in the tens of thousands. Due to a lack of education opportunities for women, and increased competition with the Chinese in the labour market, the number of Tibetan women resorting to prostitution is rising. According to an oral statement made by Dr. B. Tsering Yeshe on the 61st session of the Commission of Human Rights in April 2005, Tibetan women in Tibet constantly face all kinds of discrimination.³² They are subjected to gender-specific forms of violence for openly expressing their political opinions, as well as different kinds of discrimination in education and employment. Physical torture and sexual harassment have been reported to cause the withdrawal of many young girls from their schools. Clearly this causes problems of unemployment for these women, which leads to an increase in the number of those turning to prostitution.

Growing tourism is also mentioned as a part of the explanation for the explosion of prostitution in Tibet, but the single and most important factor for the increase of prostitution in Tibet is the large influx of soldiers into this strategically important region. The Tibet Justice Centre also cites witnesses who 'uniformly comment that the Chinese authorities implicitly condone or even sponsor the proliferation of brothels as a means to service the large numbers of Chinese military personnel stationed in Tibet as part of the occupying forces.'³³

²⁸ Online article: *Maternal Mortality: Current Worldwide Perspectives* www.onehearttibet.org/abackground.html
Accessed 4th August 2008

²⁹ United Nations 2005 Health Partners Groups in China: *A Health Situational Assessment of the People's Republic of China* www.wpro.who.int/NR/rdonlyres/0267DCE8-07AB-437A-8B01-03D474D922CD/0/hsa_en.pdf Accessed 4th August 2008

³⁰ China Tibet Information Center. Data available at <http://eng.tibet.cn/>

³¹ *Maternal and Newborn Health on the Tibetan Plateau* *op. cit.*

³² Online article: Oral statement delivered by Dr. B. Tsering Yeshe on behalf of Society for Threatened Peoples International in the 61st Session on the UNCHR. <http://www.phayul.com/news/article.aspx?id=9501&t=1> Accessed 12th August 2008

³³ Online article: *Violence and Discrimination Against Tibetan Women* <http://www.tibetjustice.org/reports/women/v.html>
Accessed 8th August 2008

Contrary to a report issued by China, entitled *Our Assessment: Recent Influx of Brothels and Prostitution in Tibet*, the website article by the Tibet Justice Centre refutes the claim that the trafficking of women in Tibet is under any effective control. The investigations of the Tibet Justice Centre reveal a large-scale introduction of prostitution and an influx of brothels in Tibet in recent years. Clearly this has a devastating effect on Tibetan culture and lifestyle. According to an article published in the *Tibetan Bulletin* in 2000, ‘Tibetans in Lhasa are deeply concerned about the social changes in their city’.³⁴

The Tibet Justice Centre mentions witnesses that prostitutes as young as 12 and 13 years old have been spotted in the streets of Lhasa, and some witnesses even state that women sometimes come to villages to take away young Tibetan girls, who are then never seen again. This kind of ‘restaurant prostitution’ started to appear in the early 1990s.

In his forthcoming article, *Living a meaningless life*, researcher Dawa Tashi argues that the trend of prostitution in Tibet has three important advantages for the Chinese government. Prostitution offers many Chinese and Tibetan women an opportunity to make a living and to gather a substantial amount of money in a relatively short time.³⁵ Secondly, he mentions the high profit of the taxes on this kind of income for the government. But most importantly, according to him, prostitution is used as a kind of war against Tibetan monks, as they are known to be politically and religiously very engaged in all sorts of protest against the occupation of the TAR. It is even mentioned that sometimes prostitutes are paid lots of money to work as ‘spy agents’ for the Chinese government.

Very closely connected with the problem of prostitution is the danger of HIV/AIDS. The *Tibetan Bulletin* also mentions this irreversible problem in an article published in 2005.³⁶ It also points to the lack of education and awareness about AIDS among most people as the most important factor that aggravates the future situation. The articles stress the fact that it is time that the authorities in Tibet tackle the issue of prostitution and the threat of HIV/AIDS immediately. Some awareness programmes have taken place in Tibet with the help of foreign non-governmental organizations. Due to budgetary problems and a lack of capacity and expertise, however, there appears to have been little progress. The Chinese government has a big responsibility in reducing or eliminating this problem. Therefore it should be a matter of the highest priority, a focal point on China’s agenda.

Conclusion

Although the central government officially claims that its one-child birth control policy does not apply to “China’s minorities”, evidence shows that the policy is in fact being implemented amongst the Tibetan population. The Tibetan Government-in-Exile confirms, “Young women with one or no children are routinely sterilized in Tibet. No

³⁴ Online article: *Days of debauchery: prostitution in Tibet* <http://www.tibet.net/en/tibbul/2000/0001/news.html> Accessed 14th August 2008

³⁵ Quoted in translation from ‘Living a meaningless life’ by Dawa Tashi (Research officer at Gu Chu Sum) Forthcoming article in a TWA publication. (2008)

³⁶ *Growing sex workers in Tibet, op. cit.*

women under twenty-two years of age are allowed to have children. There are fines of up to 2,000 yuan (U.S.\$ 400) for "illegal" children."³⁷

The enforcement of China's family planning laws depends heavily on a system of rewards and punishments. Family planning departments that fail to fulfill birth targets are admonished by their supervising agency, and the person in charge may be given administrative penalties.³⁸

There is no rational justification for the population control exercised by Chinese government to limit the size of the Tibetan population. According to the United Nations, the multitude of laws that have been devised and disguised by the Chinese authorities to limit Tibetan births amount to acts of genocide. These include "acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, such as: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part and imposing measures intended to prevent births within the group."³⁹ The national laws, generally easy to obtain, use only vague references to potentially eugenic practice. This makes it easy for Chinese authorities to hide much of their eugenic laws under the cloak of local regulations that are more difficult for foreigners to gain access to.

³⁷ Online article: Tibetan Government in Exile: *1995 Report on Tibetan Women, Peace, Development and Equality*. <http://www.ciolek.com/WWWVLPages/TibPages/TibetWomen-Report.html> Accessed 4th August 2008

³⁸ Liaoning People's Congress, Liaoning Province Population and Family Planning Regulations, art.25 (2004)

³⁹ United Nations Convention on the Prevention and Punishment of the Crime of Genocide. UN General Assembly, Resolution 260 (III) (December 1948)