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

In 1984, TWA was reestablished by Tibetan women living in exile in India and currently has over 16,000 members and 57 branches worldwide. 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 sterilization and abortions, and restrictions on religious, political, social and cultural freedoms. In exile, TWA places great priority on the contributions of Tibetan women towards the preservation and promotion of the distinct religion, culture, and identity of the Tibetan people. TWA serves the Tibetan community as a whole with activities addressing religious and cultural issues, educational needs, social welfare, as well as the environment and the political participation and social empowerment of women.

**This report to the Universal Periodic Review is submitted as a joint report by the following branch organizations:**

Tibetan Women's Association, India  
Tibetan Women's Association, Canada  
Tibetan Women's Association, North America  
Tibetan Women's Association, Europe

## **I.1 Statement of Report**

1. The Tibetan Women's Association (TWA) respectfully submits this NGO Alternative Report on the status of Tibetan women for the Universal Periodic Review (UPR) of human rights. Though the community of Tibetan women includes those living both in and out of exile, this report address primarily the issues concerning Tibetan women living inside Chinese-occupied Tibet.
2. In this report, Tibet refers to the full area of the Tibetan plateau. Besides the Tibetan Autonomous Region (TAR), Tibet also includes areas of Kham and Amdo that are now incorporated into Chinese provinces of Qinghai, Gansu, Sichuan, and Yunnan. It is worth noting that the Chinese authorities define the Tibetan region as only the TAR.
3. Tibetan women in Tibet live under severe restrictions to their political, religious, reproductive, and social freedoms. There is a severe lack of fundamental human rights, despite the establishment of the Beijing Platform for Action (BPFA) in 1995.

## **II.2 Platform of Tibetan Women**

4. Tibetan women welcome the opportunity to contribute to the international dialogue concerning the status of women throughout the world. Tibetan women and all Tibetan people, however, remain in the significant position of approaching these issues from not just a gender perspective, but from a perspective of living in a state of foreign occupation and exile. We cannot attempt to separate the two issues of justice for Tibetan women and justice for the Tibetan people.
5. Due to the occupation of Tibet by the People's Republic of China (PRC), Tibetan women living in and out of exile have been severely restricted in our ability to contribute to our own advancement – geographically, institutionally, and politically. Tibet's one non-governmental women's organization, TWA, exists only in exile. It has become virtually impossible for Tibetan women living inside Tibet to mobilize in solidarity without taking grave risks, unless they are PRC government supported organizations. Furthermore, for both Tibetan women living in Tibet and in exile, there is the issue of consistency of access to information that is accurate and objective. There is essentially no ensured way for Tibetan women in exile to communicate with their sisters in Tibet due to the limitations employed by the PRC State regarding information being able to enter and exit from Tibet. One of the only ways to gather information from Tibet is through first hand accounts of newly escaped refugees. These conditions present a difficult scenario for Tibetan women to organize for change, as our resources to gather and bond are limited. As women that are unwillfully divided by foreign occupation, Tibetan women face a layer of challenges which directly impact the efforts needed to address the situations concerning our advancement.

6. The situation of foreign occupation presents significant barriers for the Tibetan people and specifically Tibetan women to support each other in practical ways and implement the priorities of the BPFA. The reality is that as long as China defies international law and continues its gross human rights abuses of Tibetan women living in Tibet, the BPFA has little practical implications for Tibetan women.

7. Essentially, the mission of this report on Tibetan women is a call to action to the international community for a monitoring and implementation of women's human rights inside Tibet. We fear that until the international community takes these viable steps, gender equality, development, and peace for Tibetan women in Tibet will not occur.

### **III.3 Overview of Report**

8. The critical issues concerning Tibetan women are as follows: gender-specific torture and violence against women (including reproductive rights violations), lack of adequate health care, discriminatory practices regarding employment and education, and human rights in Tibet. The issues at hand are discussed, to as much degree as possible, in regards to the BPFA and how much, if at all, these issues have been able to be addressed in the Tibetan community since the Beijing+10 on Gender Equality, Development & Peace for the 21<sup>st</sup> Century in 2005.

9. It is the perspective of this report that these issues are all blatant human rights abuses and, furthermore, need to be examined in light of the fact that Tibetan women are living under foreign occupation. China's refusal to honor Tibetans' rights to self-determination has been the most significant obstacle in the advancement of Tibetan women.

### **IV.4 Violence Against Tibetan Women**

(Recommendations 1, 2)

10. The BPFA defines violence against women as "any act of gender-based violence that results in... physical, sexual, or psychological harm or suffering to women." This definition includes "violence perpetrated or condoned by the state... forced prostitution, forced sterilization, forced abortion, coercive/forced use of contraceptives."<sup>i</sup> In 1980, China also ratified the initiative put forth by the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Nevertheless, Tibetan women today are subject to a wide range of violence. Furthermore, there is evidence to suggest that the actions of the Chinese state intend genocide against the Tibetan people through the reproductive rights violations of Tibetan women.

### **Torture and Imprisonment**

11. Torture is acknowledged in the BPFA as a violation of "the fundamental principles of international human rights and humanitarian law."<sup>ii</sup> China has ratified both the UN Convention Against Torture (1988) and the UN International Covenant on Civil and Political Rights (1998). The Chinese Constitution states, "no citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court," and that "unlawful

deprivation or restriction of citizens' freedom of person by detention or other means is prohibited; and unlawful search of the person of citizens is prohibited."<sup>iii</sup> In 2012, however, China adopted changes to Criminal Procedure Law that actually legalize arbitrary detentions: Article 73 allows law enforcement agencies to detain those suspected of crimes related to "national security," "bribery," or "terrorism" for up to six months in a location designated by the law enforcement agency's choice.<sup>iv</sup> While the amendments do require familial notification of the detention within 24 hours, there is an exception to this requirement, where if law enforcement believes that notifying family members would "impede the investigation," then no such notification is required.<sup>v</sup>

12. Within Tibet, there have been reports of arbitrary arrests and detention and widespread torture of political prisoners.<sup>vi</sup> Chinese media admitted the detentions of a total of 4,434 people in Tibetan areas (1,315 in Lhasa) between March and April 2008.<sup>vii</sup> The latest report in January 2013 by the Tibetan Centre of Human Rights and Democracy (TCHRD) contains records of 988 Tibetan political prisoners. 81 are women, including approximately 33 nuns.

13. The latest case of mass detention in Tibet occurred in January and February 2012. Security officials detained hundreds of Tibetans as they returned from a Buddhist teaching (the Kalachakra) given by the Dalai Lama in India.<sup>viii</sup> 7,000 to 10,000 Tibetans had traveled to India for the teaching. Officials held detainees in various locations in Lhasa for two to four months of political "education." Relatives of those detained were not informed. Authorities treated attending the Kalachakra as a political infraction.<sup>ix</sup>

14. In 2008, the Ganzi Tibetan Autonomous Prefecture Intermediate People's Court sentenced Dorje Kangzhu, a 34-year-old nun, to seven years in prison for "inciting secession." She was arrested for distributing Tibetan independence leaflets and shouting pro-Tibet slogans.<sup>x</sup> In December 2009, 33-year-old Tibetan Buddhist nun Yangkyi Dolma died of unknown causes in a Chengdu hospital after eight months in police custody. She was severely beaten by police and arrested in March 2009 after she joined a protest in Sichuan Province, calling for human rights and the return of the Dalai Lama.<sup>xi</sup> Earlier that same year, authorities seriously beat and harmed 21-year-old Tibetan nun Lobsang Khandro from Gema Drawok Nunnery for carrying out an individual protest in Ganzi Prefecture. She allegedly carried pamphlets and prayer flags and shouted calls for freedom and support for the Dalai Lama as she walked to the Ganzi government headquarters.<sup>xii</sup>

14. TWA expresses particularly urgent concern for the wellbeing of arrested and/or detained Tibetan Buddhist nuns. In the past these women have been systematically targeted for gender-based violence, including sexual torture, because of their status as female monastics.<sup>xiii</sup>

### **Reproductive Rights Violations**

15. According to the UN, women have the right to reproductive choice and adequate and safe health care. Couples and individuals also have the basic human right to decide on the number and spacing of their children.<sup>xiv</sup> 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."<sup>xv</sup>

16. A “two-child” policy has been implemented in Tibet since 1984. In theory, Chinese family planning policy applies solely to nationalities whose populations exceed ten million. Only about three million people live in the TAR today, according to the 2010 Chinese census. The Central Tibetan Administration in exile contends that six million Tibetans live in historical Tibet.<sup>xvi</sup> Tibet’s sparse population does not justify birth limit policies. TWA maintains that a coercive birth-control program suggests intent to destroy the Tibetan people, in whole or in part.

17. Tibetans are under considerable pressure to respect the birth control policies, and virtually all areas of Tibet are subject to some sort of birth quota.<sup>xvii</sup> For urban Tibetans, if they have permanent employment, or if they are Chinese Communist Party (CCP) members or government officials, they are allowed to have two children.<sup>xviii</sup> Three are permitted to urban Tibetans in “special circumstances.” Rural Tibetans can have between two and four children,<sup>xix</sup> although depending upon the county, some are permitted just three births.<sup>xx</sup> In some areas women must be between 25 and 35 years old to have children. Couples often have to be married for at least four years. Unmarried women are universally denied the right to bear children.<sup>xxi</sup>

18. There are also restrictions on the number of births in a year, imposed through the use of “birth permits.”<sup>xxii</sup> Thus while couples may be eligible to have children, permission can be denied if the quota of birth permits issued for that region is already full.

19. Women are subject a variety of coercive measures if they do not or cannot comply with family planning measures. Regional birth control offices receive rewards or punishments depending upon how well they reach their quotas for their areas of jurisdiction. The coercive enforcement of policy can include fines, arrest, detention, degrading treatment, and physical force. Because the policies are sanctioned by the state, Tibetan women inside Tibet have virtually no way to challenge China’s existing policies or how they are carried out. The implementation of policies is systematic, premeditated and in direct violation of international and humanitarian law.

### **Forced or Coerced Sterilization**

20. The following testimonies offer illustrations of the kinds of coercive sterilization procedures Tibetan women are subject to under family planning policy.

21. A 37-year-old woman from Kham contends that birth control officers would visit the villages once a month and take down names of all those who were to be sterilized, and any that resisted were removed by force. Those carrying out the surgery showed little concern for wellbeing of the woman: “While operating they cut the stomach vertically and horizontally often without anesthetic and with little consideration for the pain that is being inflicted. I have witnessed these terrible things with my own eyes.”<sup>xxiii</sup>

22. Chemi Lhamo was sterilized without her knowledge. After giving birth to her fourth child, she was taken to a hospital with several other women. An unknown object was inserted into her vagina. She heard a “loud noise” from inside of her, and could feel the entire procedure, as there was no anesthesia to mask the pain.<sup>xxiv</sup> Following the operation, she and her friends

suffered from severe back pain. A couple of women died as a result of the pain and other symptoms that resulted from the sterilization. Chemi continued to suffer from the pains years later, even after she escaped to India. A hospital attempted to remove the object that had been inserted inside of her, but it was so ingrained in her flesh it was impossible to extract. Thus, she continues to suffer as a result of her forced sterilization.<sup>xxv</sup>

23. Another woman could not afford to pay a birth quota fine, so she was forcibly sterilized along with six other women. She also reports a lack of anesthetic during her operation: “It was agonizingly painful... They just smeared something on my stomach and carried out the sterilization. Apart from aspirin for the pain, there were no other drugs. I was so frightened, I can’t even remember how I felt.”<sup>xxvi</sup>

24. It appears that women are given the “choice” to often pay a fine or undergo sterilization. One Tibetan woman reports, “If you have good connections you can buy a sterilization certificate for around 1000 yuan. But those who don’t have any money must have the sterilization whether they like it or not. I was forcibly taken away against my will... no one would have done it willingly. They come to the door to fetch you by force. They threaten to confiscate stoves and anything valuable from the house. So people get frightened and go for the sterilization. Some people were physically damaged by the operation... they have limps and have to drag their hips. Since then people are too scared to have many children.”<sup>xxvii</sup>

25. Many Tibetan women do not always know that they have been sterilized or what kind of birth control procedure they have received. This contributes to the culture of fear that has become part of the daily life of Tibetan women inside Tibet. Consequently, many women are afraid to seek any medical care whatsoever.

26. These testimonies indicate that Chinese birth control policies promote the control, manipulation and violation of Tibetan women, and show the continued prevalence of sterilization as a form of population control.

### **Forced or Coerced Abortion**

27. China’s family planning laws in Tibet also use abortion within a range of coercive measures.

28. Pregnancies above the permitted local quota are terminated, regardless of their stage of development. In 2009, in Yunnan, officials developed a implementation plan that outlined abortion targets for specific groups: “strictly prohibit the birth of multiple children; for women who have multiple out-of-plan children and become pregnant again, the abortion rate must reach 100 percent; for women who have two out-of-plan children and become pregnant again, the abortion rate must exceed 90 percent; for women who have one out-of-plan child and become pregnant again, the abortion rate must exceed 85 percent.”<sup>xxviii</sup>

29. A woman from Kham reports graphic instances of women, almost nine months pregnant, being given “medicine” to induce labor. After the premature baby was delivered, it was then “put into a bucket of hot water” and thus killed.<sup>xxix</sup>

30. Testimonies such as this reveal that the actions of the Chinese government are ignorant and insensitive to the rights of Tibetan women. The intrusive nature of monitoring reproductive cycles is an invasion of their privacy and degrading to their humanity.

## **V.5 Tibetan Women and Employment**

(Recommendation 3)

31. 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. The BPFPA acknowledges the vulnerability of women losing employment while living under foreign occupation, the sexual harassment often experienced by women in the workplace, and discrimination based on gender, race and ethnicity.<sup>xxx</sup>

32. As of 2011, there were no formal restrictions on women's participation in the political system, and women held many lower-level government positions. However, women were underrepresented at the provincial and prefecture levels of government. Female cadres in the TAR accounted for more than 30% of the TAR's total cadres.<sup>xxxi</sup>

33. Tibetans in government are often prohibited from openly worshipping at monasteries or otherwise openly practicing their religion.

34. The top CCP position of TAR Party Secretary continues to be held by an ethnic Han, and a Han person also holds the corresponding position in approximately 90% of all TAR counties. Ethnic Han hold most of the top security, military, financial, economic, legal, judicial, and educational positions.

35. Of Qinghai Province's six TAPs, five were headed by ethnic Han party secretaries, and one by an ethnic Tibetan party secretary. Gansu Province's sole TAP was headed by an ethnic Han party secretary. There were several ethnic Tibetan party secretaries at the county level in Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces.

36. Tibetans face social exclusion and discrimination in employment in almost every field.<sup>xxxii</sup> Some job advertisements in the TAR directly note that ethnic Tibetans are not welcome to apply. Many Tibetans claim that ethnic Han are hired preferentially for jobs and received higher salaries for the same work. Others report that it is more difficult for ethnic Tibetans than ethnic Han to obtain permits and loans to open businesses.<sup>xxxiii</sup> Restrictions on NGOs that provided assistance and relief to Tibetan communities resulted in the elimination of many beneficial programs and the expulsion of most foreign NGO workers from Tibet.

37. The TAR tourism bureau continues its policy of refusing to hire Tibetan tour guides who have been educated in India or Nepal.<sup>xxxiv</sup> All guides are required to pass a licensing exam on tourism and political ideology. The government's stated intent is to ensure that all tour guides provided visitors with the government's position opposing Tibetan independence and the Dalai Lama. Tibetans face unfair competition from government-sponsored "Help Tibet" tour guides brought in from inland China, apparently for their greater political reliability, who are put to work after receiving a crash course on Tibet.<sup>xxxv</sup>

38. Evidence strongly suggests that the Chinese culture is slowly overpowering Tibetan culture in Tibet.<sup>xxxvi</sup> Those Tibetans who have had not state-sponsored higher education and employment, including rural villagers and the urban poor, are usually at a severe disadvantage in the labor market compared to Han migrants in terms of both the quality and quantity of education they have received.<sup>xxxvii</sup> Many Tibetans cannot find employment unless they speak Mandarin. Thus Chinese policies have created a space in Tibet for Han migrant entrepreneurs.

#### **VI.6 Tibetan Women and Health** (Recommendation 4)

39. CEDAW instructs that participating bodies 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." The BPFA states that women have "the right to the enjoyment of the highest attainable standard of physical and mental health." The BPFA also takes into consideration that women, in regards to health care, have the right to privacy, to be educated about HIV/AIDs, and that there are conditions, like occupation, that deter women from seeking health care.<sup>xxxviii</sup>

40. A study conducted on maternal and child health services in the rural nomadic Tibetan region of Surmang in Qinghai Province interviewed 402 women of reproductive age (15-50) regarding their pregnancy history, access to and utilization of health care, and infant and child health care practices. Only 15% of women had experienced any formal schooling; adult female literacy was <20%. Only one third of women received any antenatal care during pregnancy. Institutional delivery and skilled birth attendance were <1%. 8% of women delivered alone. Use of an unsterilized instrument to cut the umbilical cord was nearly universal (94%). Average time to reach a health facility was 4.3 hours. Postpartum infectious morbidity appeared to be high, but only 3% of women with postpartum problems received western medical care. 64% of recently pregnant women reported that they were very worried about dying in childbirth. The community reported 3 maternal deaths and 103 live births in the 19 months prior to the survey.<sup>xxxix</sup>

41. Providing health care to these isolated populations while preserving their traditional culture and lifestyle is a great challenge in the realm of public health.<sup>xl</sup> Women in Surmang face a lack of education, poor sanitation, poverty, cultural factors, geographic barriers, inability to afford medical care, and lack of adequate health care facilities.



42. In 2010, the earthquake destroyed the emergency obstetric referral system in Surmang.<sup>xli</sup> These women are in a population pocket with a high mortality rate and also the hardest to reach with care. They are a population whose health status is in danger of remaining obscured by steadily improving Chinese health indicators.<sup>xlii</sup>

## **VII.7 The Tibetan Girl Child and Education** (Recommendation 5)

43. 2012 witnessed a resurgence of student-led protests relating to education.<sup>xliii</sup> On March 4, 2012, one day after a student self-immolated in Machu,<sup>xliv</sup> approximately 700 middle-school students in Tongren (Rebgong) county protested against the replacement of Tibetan-language textbooks with Chinese-language textbooks.<sup>xlv</sup> Around 2,500 students in Tongren and Zeku (Tsekhog) county staged support protests. By March 14, similar protests spread to Gangcha (Kangtsa) county.<sup>xlvi</sup> Students demanded “ethnic equality” and “linguistic equality.”<sup>xlvii</sup> Authorities, in response, allegedly fired a Zeku education official and the heads of two Zeku middle schools.<sup>xlviii</sup>

44. The latest data from 2010 shows no statistics for the TAR and an illiteracy rate of 10.23% in the Tibetan parts of Qinghai. The illiteracy rate in Rebkong County – where student protests occurred – was 22.37%.<sup>xlix</sup> The uneven development of education in Tibet reveals inequalities influenced by discrimination, lack of access to schooling, and most prominently, language.<sup>1</sup>

45. State-provided education has not been made available or clear to Tibetan minority students, especially in rural regions. Where it has been established, it has not been presented in the students’ first languages. The education system is also presented according to Han history and values, and thus severely “lacks [Tibetan] minority voices and self-interpretations of history.”<sup>li</sup>

46. If Tibetan young women cannot participate in the system that is shaping the leaders, ideas, and policies of the nation, they will not be able to participate in its formation and affect its course of development. In direct opposition to stated goals of the Chinese government, Tibetans will only become increasingly isolated and detached not only from their own cultural heritage, but from the dominant Chinese culture as well.<sup>lii</sup>

47. Until April 1996, it was 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. In a desperate move to give their daughter or son the chance for a Tibetan education, many parents send their children into exile, with a high possibility that they will never see each other again. The majority of children are sent with guides. The journey over the Himalayas is a perilous one and many suffer from frostbite and hypothermia, lack of food, and permanent injury. Girls are particularly vulnerable to being raped by Chinese and Nepali police.

48. Children are the key to any society's future. Phasing out the use of Tibetan language and customs in schools is a direct attack on the longevity and integrity of Tibetan culture.

### **VIII.8 Tibetan Women and Human Rights**

(Recommendations 6, 7, 8)

49. Further human rights violations in the context of foreign occupation of Tibet are worth discussing as they pertain to the overall status of Tibetan women.

### **Development and Resettlement**

50. The goal of any kind of development should be to secure human freedom.<sup>liii</sup> Such a notion of a "Rights-based Approach to Development" is supported by the UN, and maintains that the right to "adequate standard of living, protection and assistance to the family, women and children... highest physical and mental health, education, culture, science, decent work and other civil and political rights"<sup>liv</sup> are issues taken into account.

51. A Rights-based Approach to Development cannot sustain itself without "opportunities for the people to actively engage and participate in the development policy-making decisions that will affect their lives."<sup>lv</sup> Even Chinese scholars admit that Tibetan people are not given any rights to participate in setting the agendas in Tibet. Tibetans are deprived of their own "native agency" in spite of the growth figures published in Chinese government publications. The statistics fail to illuminate the poverty, illiteracy, environmental ravage, and suffering on the ground.<sup>lvi</sup>

52. The economic development in the TAR is subsidized at 90% with government money, and a large portion of this number goes into the expansion of Chinese military and administrative infrastructure.<sup>lvii</sup>

53. A pressing issue is the forced resettlement of hundreds of thousands of Tibetan nomads from their traditional lands. The official explanation for this is to preserve the sustainability of the nomadic grasslands due to excessive animal grazing, but it appears there are other motives. Those who escaped into exile report, "The main reason [they resettled us] is [that] they are digging something out of the earth. They bring heavy machines to it, and all the jobs are given to Han Chinese. They seem not to trust us in handling these jobs."<sup>lviii</sup> The Chinese government has thus been obscuring its mining projects behind rhetoric of "saving the grasslands."

54. TWA believes that China's development policies are a form of structural violence that is bent on undermining Tibetans' cultural identity.

### **Religious Persecution**

55. Religious freedom for Tibetan Buddhists has declined in the past two years. As monastic self-immolation increased, repression of freedom of religion in monasteries and nunneries did also.<sup>lix</sup> The Chinese government has initiated two "unprecedented measures" to further strengthen control over the Tibetan Buddhist religion.

56. On October 20, 2011, the CCP opened the Tibetan Buddhism Theological Institute (TBTI). The stated goal of the TBTI is to “establish a normal order for Tibetan Buddhism, to conform with the development of our times, and to resist the Dalai clique’s religious infiltration.”<sup>lx</sup> Tibetan Buddhism should, according to the CCP, “make the correct historical choice,” “safeguard the motherland’s reunification and ethnic unity,” “accept the government’s management according to law,” “remove the crude customs and habits that are not in line with social progress,” “actively adapt to socialist society,” and “maintain the correct direction of Tibetan Buddhism’s development.”<sup>lxi</sup>

57. Completed in February 2012, the Monastery Management Committee (MMC) places CCP officials in all 1,787 TAR monasteries to ensure that nuns and monks “become an important force in loving their country, loving their religion, observing regulations, abiding by laws, safeguarding stability, and building harmony.”<sup>lxii</sup> Officials must befriend monastics and then compile information on them and their family members, and “guide” them to be “patriotic and progressive.”<sup>lxiii</sup> Monks and nuns are encouraged to “to actively vie with one another” to attain recognition for themselves and their monastic institutions.<sup>lxiv</sup> In May 2012, a state newspaper published a list of 59 “harmonious model monasteries” and 6,774 “patriotic law-abiding advanced monks and nuns” (out of approximately 46,000 in the TAR).<sup>lxv</sup>

58. From 2009 to February 25, 2013, 32 monks and 4 nuns have self-immolated in protest to Chinese rule.

## **Human Trafficking**

59. There were 12 police reports of trafficking of women and children from Tibet to Chinese provinces in 2010, and 37 reports in 2011.<sup>lxvi</sup> It has become increasingly common for women to seek a better life or seek means to support their families outside of Tibetan areas, particularly nomadic women whose families have been moved into housing settlements and forced into a cash economy, their centuries-old skills suddenly useless. These women are usually poor, illiterate, and fluent only in Tibetan, making them particularly vulnerable in Chinese communities. All this takes place against a backdrop of China’s sex ratio crisis and demand for brides.<sup>lxvii</sup> More than half of the 72 counties in the TAR have struggled with trafficking problems.

60. The legal definition of trafficking under Chinese law does not conform to international standards. Under Article 240 of the PRC Criminal Law, the trafficking of persons is defined as “abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a women or child, for the purpose of selling the victim.” This definition is narrower in scope than the definition provided in Article 3 of the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which China has not signed.<sup>lxviii</sup>

61. The Chinese government has made some efforts to eliminate human trafficking. The State Council issued the National Plan of Action on Combating Trafficking in Women and Children (2008-2012) (NPA) in December 2007. In March 2009, 29 ministries, central

government offices, and CCP organizations jointly issued implementation regulations for the NPA.

## **IX.9 Conclusions and Recommendations**

62. We conclude that since 2005, Tibetan women living in Tibet continue to face severe obstacles to the enjoyment of their fundamental human rights, religious freedom, reproductive freedom, and opportunities for safe health care, employment and education. When examined together, these violations indicate evidence of genocide of the Tibetan people at the hands of the Chinese government. The implementation of Chinese birth control policies, as well as China's resettlement and development policies, threaten the very survival of the Tibetan people and their unique culture.

### **Recommendations to the Government of the People's Republic of China**

63. The Tibetan Women's Association, on behalf of the Tibetan community living in Tibet and in exile, recommend that the government of the People's Republic of China:

1. Stop all torture and arbitrary arrests and imprisonment of Tibetan women and all Tibetan people. The Chinese government should allow frequent monitoring of its prisons by the international community and establish a comprehensive and effective internal prison monitoring system.

2. Stop all reproductive rights violations against Tibetan women and provide written documentation to CEDAW and other relevant international bodies on specific steps it is taking in this regard. Specifically, China must address the issues of forced and coerced abortion and sterilizations of Tibetan women, monitoring of reproductive cycles, and implementation of population control policies.

3. Stop all unjust practices against Tibetan women in regards to employment gender specific hiring practices, and ethnic and linguistic discrimination.

4. Stop all discriminatory practices against Tibetan women in regards to health care including accessibility to and affordability of quality health care and proper and safe follow up medical treatments, especially in rural areas. China should also provide Tibetan women and men with education about HIV/AIDS.

5. Stop all discriminatory practices against Tibetan children in regards to education, specifically in regards of the use of the Tibetan language. China should take specific steps to preserve the rights of Tibetan children, specifically in rural areas.

6. Stop the unjust economic and cultural incentives that encourage Chinese settlement in Tibet, and the unjust resettlement of Tibetan nomads from their traditional lands.

7. Stop the violations of religious freedoms of Tibetan Buddhists, specifically nuns and monks, including the right to practice religious ceremonies, and for Tibetans to enter nunneries and monasteries and study Tibetan language and culture.

8. Make a concerned and comprehensive effort to eliminate the trafficking of Tibetan women and children.

9. China should build constructive relationships, seek consultation, and co-operate with international organizations, including the United Nations, national governments and NGOs, in regards to implementing human rights and humanitarian law in Tibet.

10. China should allow the above named organizations unfettered access to Tibet and thorough investigations of its institutions, policies, and practices.

11. The PRC authorities should enact and enforce legislation against perpetrators of torture, violence against women, and discrimination of Tibetan women and girls in the areas of health care, employment, and education.

12. China should create institutional mechanisms so that victims of torture, violence, and discrimination can report violations against them in a safe and confidential environment.

64. China should provide written documentation on the steps it is taking to complete all these measures.

65. We, the Tibetan Women's Association, recommend that the international community – including the UN, all international governing bodies, national governments, and international and regional NGOs – ensure that the Chinese government takes steps to complete the above recommendations.

## Endnotes

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- <sup>i</sup> *BPFA*, Strategic and Objective D/113(c),115, 116, p.73-4
- <sup>ii</sup> *BPFA*, Strategic and Objective E/131, p.82
- <sup>iii</sup> Chinese Constitution, Articles 33 and 37
- <sup>iv</sup> Human Rights Situation Tibet: Annual Report 2012, Tibetan Centre of Human Rights and Democracy, January 2013, p.51-52
- <sup>v</sup> Human Rights Situation Tibet: Annual Report 2012, Tibetan Centre of Human Rights and Democracy, January 2013, p.52
- <sup>vi</sup> Human Rights Situation Tibet: Annual Report 2012, Tibetan Centre of Human Rights and Democracy, January 2013
- <sup>vii</sup> 2010: Human Rights Report: China (includes Tibet, Hong Kong, and Macau), U.S. Department of State, April 2011
- <sup>viii</sup> “Tibet,” Congressional-Executive Commission on China: One Hundred Twelfth Congress, Second Session, October 2012, p.162-163
- <sup>ix</sup> “Tibet,” Congressional-Executive Commission on China: One Hundred Twelfth Congress, Second Session, October 2012, p.162-163
- <sup>x</sup> 2010: Human Rights Report: China (includes Tibet, Hong Kong, and Macau), U.S. Department of State, April 2011
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