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Report on the Violence against Women:

1. Introduction

The present report examines policies and practices those impact women's reproductive rights and contribute to, cause or constitute violence against women. This report testifies Chinese government continuous engagement in a premeditated and discrimination and violence against Tibetan women such as torture, forced sterilization, abortion and prostitution. These 'state-sponsored' policies curtail Tibetan woman's ability to own their means of reproduction and resist these destructive measures. The US State Department 1999 report on China remarked on the deteriorating human rights record of the Chinese government, including the violations of women's rights. Today, Tibetan women, mainly nuns makes up nearly a third of the hundreds of political prisoners held in Tibet. In 1999 alone the Tibetan Centre for Human Rights and Democracy recorded more than 162 female political prisoners in Tibet.

Tibetan women prisoners are being sexually assaulted in an organised and systematic way by the Chinese authorities. Written and oral accounts by nuns of their experiences in prison, particularly in Gutsa, and other detention centre are strikingly consistent and indicate that nuns have been singled out for special treatment. Torture apparently reserved for nuns include: the use lighted cigarettes being applied to the torso and face, prolonged military style exercise, exposing to sun for long period of time, use of electric cattle prods, sleep deprivation, make them stand in cold water barefooted in winter for several hours and the use of electric batons in the genitals.

2. International Legal Framework

Reproductive and sexual health rights under international human rights law derive from a number of separate human rights. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) recognises that the ability of a woman to control her own fertility is fundamental to her full enjoyment of the full range of human rights to which she is entitled.

The CEDAW Convention also contains several provisions that, in addressing the exploitation of women, are relevant to women's reproductive health. For instance, article 6 requires states to take all appropriate measures to suppress all forms of trafficking and exploitation of prostitution. Recognised as customary international law, the fundamental human rights to be free from torture, to be free from gender discrimination and the inherent right to life, are directly applicable to the issue of violence against women and women's reproductive health.

3. Female Political Prisoners

Tibetan women constitute approximately 35 per cent of the total population of political prisoners in Tibet. There are currently 162 female political prisoners in Tibet; eleven of them are serving more than 10 years imprisonment. Torture and ill-treatment of women is endemic, and sexual abuse and rape of Tibetan woman while in detention centre are consistently reported.

The US state department report also confirms reports of continuing mistreatment and beatings of nuns in prison, and testimonies given by newly arrived refugees from Tibet details cases of sexual abuse, extensive and often fatal beatings, extended and continuous torture sessions, lengthy solitary confinement and appalling conditions in prisons. Below is one such example

Ngawang Sangdrol 22 year-old nun from Garu Nunnery was first arrested when she was ten year-old in 1987 for participating in a demonstration. Ngawang was formally sentenced to three-year years for attempting to stage a demonstration in Lhasa and was imprisoned in Drapchi prison. While in Drapchi Sangdrol sentenced was extended by six years on October 8, 1993 on charges of "spreading counter-

revolutionary propaganda". She was accused along with thirteen other nuns of recording independence songs and poem on a tape recorder and smuggling it outside the prison. In July 1996, her sentence was further extended by eight years for shouting "free Tibet" while she and other nuns were made to stand in the rain as punishment for failing to clean their prison cell.

Ngawang sentence was recently increased to four years due to her participation in the May 1 and 4, 1998 prisoners protest at Drapchi prison. Ngawang Sangdrol continues to be subjected to harsh treatment. She was placed in solitary confinement on two occasions: in March 1996 (6 months and 10 days) and after the prisoner protests in Drapchi in May 1998. Sangdrol's prison mate, Lobsang Dolma, who spent five years in Drapchi Prison with her, reported that she has had longstanding kidney problems but was only allowed treatment in the prison clinic.

4. Torture of women prisoners

Torture of Tibetan female prisoners is both frequent in its occurrence and gruesome in its application. The forms of torture used have been especially cruel when applied against Tibetan nuns. Most torture of Tibetan women takes place in the context of arrest and detention, especially while in Gutsa. In most of torture reported male prison guards participated in the physical beatings and other forms of torture. The most recent case of torture of nuns have been reported by recent arrival of four Tibetan nuns in exile in April 2000. Choeying Kunsang is one of the four nun escapees who provided the detailed testimony of torture of Jangchup Dolma. We have also provided any additional cases of torture in the following.

Jangchup Dolma is a 21 year-old from Yangchen Galo Nunnery. Dolma was arrested on 28 February 1995 for participating in demonstration in Barkhor area along with her cousin Rinchen Palmo. While being arrested, they were kicked and punched and taken to Gutsa Detention Centre. Both the nuns were detained in Gutsa Detention Centre for five months and for the first two months they were tortured by striking electric batons. Later Dolma and Palmo were transferred to Drapchi prison on 30 July 1995. On 15 July 1995 about 150-ml blood were extracted from each of the nuns by the officials of the People's hospital. They were told that the extracted blood was to cover the cost food during their stay in the Gutsa.

During their stay in Gutsa, the nuns were denied any visitation rights. In June 1995, the intermediate People's Court of Lhasa sentenced Dolma and Palmo to five years imprisonment with a deprivation of political rights for two years and transferred to Drapchi prison. Upon arrival in Drapchi, from 8.30 am the nuns were made to stand in the sun until 8 pm. To make them stand still a paper was placed in between the legs and under armpits and had to balance a bowl filled with water on their head. If they make any movement they were beaten in that position itself and sometime threw hot water on our body. Electric batons were struck on their body. This resulted in the nuns falling unconscious but none of nuns were allowed to help each other.

They were forced to carry out military exercise for a prolonged period of time. The nuns were endured various other forms of punishment like standing barefoot in cold water during winter from 7 pm to 2 am. The diet was extremely poor as well. Eventually Dolma developed ulcer and kidney pain. Dolma found it suffocating and ultimately became insane. During the protest in May 1998 in Drapchi Prison, Jangchup Dolma and Chogdrup Dolma were placed in solitary confinement for three months from May to August 1998. At the time she was again inflicted with electric baton and hit with rubber cord, belt buckle on her head and on her body. As a result Dolma suffered a fracture in her finger. Later, Jangchup Dolma's sentence was further increased to six years. She is currently the highest serving female prisoner from the new 3rd unit. Despite her various health complications she was never taken for medical attention.

Chokdrup Dolma a 28 year-old nun of Phenpo Gyara Nunnery with 14 other nuns from the same nunnery were arrested on 13 February 1995 and taken to Lhasa PSB Detention Centre. They were interrogated and beaten continuously during their detention. In the following months, the Lhasa Intermediate People's Court sentenced Chokdrup Dolma to six years imprisonment. On 30 July 1995, she was transferred to Drapchi Prison. While in Drapchi, she was forced to run all day for three months under the pretence of exercise in Chinese terms. These exercises were supervised by PAP, who would strike any lazy nun on their head. Dolma, along with the two other nuns were placed in solitary confinement for three months in a dark cell

big enough to stretch one's legs following a protest in May 1998 in Drapchi Prison. During that time, she was interrogated and beaten frequently and given steamed dough once a day. In October 1998, her sentence was extended by five years in addition to her earlier six-year sentence. She is currently serving a total sentence of 11 years imprisonment.

Namdrol Lhamo (layname: Nyidron) is 35 years old and born in Shigatse. Lhamo was arrested in 1990 with two nuns for demonstration in the Barkhor in Lhasa City. The officers took the three nuns to Gutsa Detention Centre in eastern Lhasa where they received harsh beatings. Long interrogation coupled with inhumane treatment followed their arrest. Around November 1990, Lhasa Intermediate Court sentenced her to five years imprisonment. Lhamo was then transferred to Drapchi Prison at the end of 1990. In October 1993, Lhamo and 13 other nuns recorded independence songs and poems on a tape recorder in the prison. As a consequence Lhamo's sentence was extended to an additional six years imprisonment. In the 1 and 4 May 1998 Drapchi Protest, Lhamo received additional beatings for her participation in the protest.

Lhamo was kept in solitary confinement as punishment for her involvement. She has now become mentally insane because of the beatings and torture that she has sustained while in the prison. At present she is suffering from severe mental problem and needs immediate medical help.

5. Death of Tibetan Female Political Prisoners

In the meeting of the Committee on Torture held on 4 May 2000, the Chinese representative *Quio zong Zhun* has stated that the "Chinese authorities have been respecting and complying to the provision of the Convention." He claimed that the Chinese authorities are making their best possible effort to prevent infliction of torture and other inhuman and degrading treatment of prisoners. However despite this claim, Tibetan political prisoners continue to suffer torture at the hand of Chinese prison officials. Electric batons and cattle prods are commonly used against the Tibetan political prisoners. The women prisoners are often the most affected one. For instance the most recent information on the death and the increased in the prison sentences for several female political prisoners have been revealed by the escape of four former Drapchi inmates into exile. TCHRD has documented death of five nuns out of the total of ten political prisoners in the May 1 and 4 protest in Drapchi and additional sentence of several others.

Dekyi Yangzom (*Drupgyu Pema*) was a 21 year-old nun of Nyemo Dowa Choten Nunnery. In February 1995, she was arrested and sentenced to four years imprisonment in Drapchi Prison, due to her participation in an independence demonstration in Lhasa. She died as a result of ill treatment she suffered after May 1 and 4 Drapchi Prison Protests. She was held in solitary confinement and died about one month later on June 7, 1998. On 1 May 1998 except for some sick nuns, all the prisoners from new 3rd unit were taken out to attend a flag-raising ceremony. Approximately 1000 prisoners, both political and non-political had gathered. When a person was hoisting the Chinese flag, a male prisoner threw literatures in the air and started to shout anti-China.

Prison authorities and 'People's Armed Police' forces surrounded the prisoners and started beatings indiscriminately. "The functions were disrupted and we were immediately taken back into our units while simultaneously being beaten. The authorities randomly took 20 nuns for solitary confinement and rest of us were made to kneel for three hours at a stretch, during which they beat the prisoners again. Out of the 20 nuns in confinement, three nuns had their sentences increased and were released from confinement after three months. The nuns, Chogdrup Dolma (layname Namdrol), Che Che, and Jangchup Dolma (lay name Palkyi) had their prison sentence increased by further five, two and six years respectively. The rest of the 17 nuns were kept in solitary confinement for seven months. They were regularly called for interrogations. That same night (1 May), "we started a hunger strike and gave in our food bowls to protest the prison officials' treatment of the prisoners" said Choeying Kunsang.

By that time, all of the nuns in the 3rd unit, about 100 in total, had sustained serious injuries and many were bleeding. On the 6th day some of the prisoners were so weak, they were falling unconscious and vomiting blood. On the 7th day the prisoners were called for the third time and made to learn eulogy (song of praise) on Chinese leaders. The refusal to co-operate resulted in further punishment. That 7th day night Dekyi Yangzom came back to her cell having received severe beatings. She told Choeying Kunsang that the

authorities hit her with electric shock on her breast, cheeks and inserted it into her vagina. She could barely talk. However, the next day she had to join in with the rest of the prisoners when they were, made to stand in the sun starting at 7pm in the morning until 8 in the night. During the period they had put a newspaper between the legs and under the armpits, and had to balance a bowl filled with water on our head. They were falling unconscious but none of the prisoners were allowed to help each other. The moment they made a movement the prisoners receives beatings. After eight in the night, they were given tiny steamed dough, which was not sufficient at all.

"On 13 May, around noon; as we were just sitting, a white vehicle came and prison authorities took away some of the nuns. That night Dekyi Yangzom was missing from the unit and after my release found out from Dekyi's family that she had passed away. Although the death of Dekyi Yangzom was directly linked to torture, the Chinese authorities describes her death as suicide" reported Choeying Kunsang.

Kundol Yonten was a 28 year-old nun of Nyemo Jagon Nunnery. She was sentenced to five years imprisonment because of her participation in a December 1994 independence demonstration. She died in May 1998 after the Drapchi Prison protests.

Lobsang Wangmo (also known as *Tsamcho Dolma*) was a 31 year-old nun from Dokdhe County north of Lhasa. She belonged to Nekor Do Nunnery. She was arrested in February 1995 for staging a peaceful protest for independence in the Barkhor and given a five- year sentence in Drapchi Prison. She died after the Drapchi Prison protests in May 1998.

Tashi Lhamo was a 24 year-old nun of Nyemo Jagon Nunnery in Nyemo County. She was sentenced to four years imprisonment in Drapchi Prison for her participation in an independence demonstration in the Barkhor in December 1994. She also participated in the May 1 and May 4, 1998 Drapchi Prison Protest; as a result of her participation in the protests she received extensive beatings. She passed away on May 13, 1998.

Tsultrim Sangmo (lay name: Choekyi) earlier mistakenly reported as Ngawang Choekyi was a 25 year-old nun of Phenpo Shar Bumpa Nunnery in Phenpo County. On 14 June 1994 she was arrested for shouting independence slogans and sentenced to five years imprisonment. She died following the Drapchi Protest and her dead body was handed over to her parents in June 1998.

6. Increase in prison sentences

In the aftermath of May 1 and 4 protest in Drapchi prison sentence of the following female prisoners have been subsequently increased.

Ngawang Sangdrol whose sentence was increased to four years bringing her total sentence to 21 years (details refer section 3 above). Choekyi Wangmo: a 25 year-old from Phenpo Sharbumpa Nunnery. In June 1994, she participated in demonstration in Lhasa and sentenced to four years imprisonment. Due to her involvement in the May 1998 protest in Drapchi Prison, her term was increased by a year and half. She was released on 31 December 1999 and is currently with her parents at home. She is reportedly suffering psychologically effects of her time in prison.

Chogdrup Dolma is a 28 years old from Phenpo Gyara Nunnery. On 13 February 1995v along with 13 nuns from the same monastery, Dolma participated in a demonstration. She was sentenced to six years imprisonment. Because of her involvement in May 1998 Protest in Drapchi Prison, she received an additional five years increase in her sentence.

Jangchup Dolma's sentence was additionally increased to six years. She was originally serving a sentence of five years (detail refer section 4).

Che Che is from Phenpo Gyara Nunnery. In February 1995, she participated in a demonstration and received a five-year prison term. She received and additional two years increase for her participation in the May protest.

7. Violence within the context of reproductive health policy

Serious violations of a woman's right to reproductive health can result from practices that themselves constitute violence against women. Examined below are the reproductive health consequences that result from sexual assault, sex selective abortions/sterilisation, and forced prostitution. Each of these practices jeopardises women's reproductive freedom and rights. The following forms of violence may have devastating physical and psychological health consequences. States have an obligation to address violence against women by enacting and effectively implementing and enforcing laws prohibiting and punishing all forms of such violence as well as by enacting policies and programmes to avert its commission. Numerous international instruments have recognised state responsibility in this regard.

7.1 The Rationality of Family planning policy and the Tibetan women

The policy of any kind are generally made on the basis of its necessary and need. However, Tibet has never had a population problem and does not have a population problem even today. The burden of China's population problem shall not be forced upon Tibet, which have negative impact on the overall demographic map of Tibet. Tibet contains more than 2.5 millions square kilometers, about the size of Western Europe. Six millions Tibetans live in all Tibet making Tibet one of the world's more sparsely populated countries in the world.

Even before China's family planning policies went into effect, the population of Tibet had already been dramatically reduced by more than 1.2 million person as a result of China's 1949 invasion of Tibet, the subsequent systematic use of both torture and forced labour by Chinese authorities, suicides of Tibetan people as a result of Chinese oppression, and regional famines induced by China's imposed agriculture practices. State policies that encourage or sanctions forced abortions violate a woman's right to physical integrity and security of person, and the rights of women to control their reproductive capacities. China's birth control policy demonstrates these linkage between reproductive health policy and violence. Through this policy the Chinese government restricts the number of children a married couple may have, and, at times violently enforces this policy forced abortions. Chinese family planning policy employ intimidation and violence to carry out the policy.

Tibet's sparse population, therefore cannot rationally justify policies designed to reduce the size the Tibetan population further. China's policies and practice intended to prevent births of Tibetan should be viewed as an ethnic cleansing and constitute violence against women. The increasing number of ethnic Chinese being encourage or compelled by the Chinese government to transfer into Tibet supplement the Chinese policy of ethnic cleansing and cultural genocide.

7.2 Forced abortion/sterilization

The manner in which contraceptive methods are delivered result in a denial of woman's right to bear children or punished her for exercising that right, thereby limit a woman's right to decide the number of children she wants to bear. The continuing implementation of family policy by various means especially by the use of forced contraception provision unsafe or inappropriate methods of contraception. The contraceptive such Norplant, which is commonly used against Tibetan women, has to be carefully inserted or removed. In order for the women to undergo such a painful and involuntary contraception are found at the mercy of the health workers. These workers are mostly untrained or not up to the conventional international standard.

Therefore there are cases where Tibetan women are required to additionally bribed the officials to process effective contraception without causing major health complications. The states also fails to address physical and psychological violence perpetrated by health care providers. Besides this form of forceful contraception, women are not even provided with any contraceptive information prior to this implementation.

Tamdin Tsering, 19 years old Haiyan County in Qinghai Province arrived in India in December 1999. "After a woman gives birth to a second child, she is taken to the county hospital to be sterilised. All the women in my village had this done, but three of them died after operation. The authorities gave no compensation to their families, and a month-old baby born to one of the three mothers then died a few weeks later. It was really terrible. All the women in my village are very scared of this procedure, but they can not escape it."

An **anonymous media worker** from Gansu Province, arriving in India in March 2000, stated that Tibetan were allowed to have two children, and Chinese only one. Tibetan who exceeded the limit were fined 4,000 yuan for each additional child. This is a great problem for nomadic families, who require enough children to care for their animals. Many women are also being sterilised in hospitals, apparently through government-funded operations.

A recent report received by a new arrival from Tibet indicates that China's birth control policy is not only being carried out against Tibetan women but Tibetan *men in some areas are subjected to sterilisation procedures*. Namgyal Choephel, aged 56 from Na-Kar Tse County who arrived in June 1998 reports that town people who had reached their quota of childbirth would be called to the hospital to undergo an operation. "Men would be given an injection in their lower side and women would be operated upon. We call this the "seven stitch operation" as afterwards they would have a scar with seven stitches on their abdomen." Farmers were permitted three children while officials could have only two children. If any couple exceeded these limits they would be penalised: the parents must pay 200 yuan every year until the 'illegal' child reaches the age of 16.

A 13 year-old **Jampa Tenzin** who recently fled Tibet in August 1997 reports on the systematic insertion of a long-term contraceptive in all Tibetan women in his area above 16 years of age. Chinese authorities have been implementing the birth control policy in Drayab County since 1997. Jampa described that he saw a woman who lives next door to his uncle be inserted with a contraceptive and then four months later she brought home a dead baby," Jampa has actually seen this contraceptive being inserted. A small cut is made at the top of the woman's arm, a small piece of rubber tube is inserted and then it is stitched back up. Jampa heard of three cases of women from his village who after being forced to undergo such an operation while they were pregnant gave birth to dead babies. The woman was almost five months pregnant when the officials operated on her, inserting this type of contraceptive into her arm. Later she went to Chamdo for the delivery of her baby but the baby was dead when it was born. If the Tibetan women don't turned up for operation, they are fined between 1500 to 3000 yuan.

Khando Kyi a 29 year-old woman from Akham township in Ngaba Tibetan Autonomous Prefecture who arrive on 27 May 2000 informed that official notifications were issued, which placed limits of three children for nomads and farmers. Those who exceed the official limit would be fined up to 3,000 yuan as punishment. Furthermore, fines were imposed on spacing between children. If a second child is born within three years period from the first child, the family will be fined around 80 yuan. The total annual fee and fines from the family would come around 2,000 to 3,000 yuan.

Implementation of family planning policy in Marthang township of Lhabrang County, Khanlho Tibetan Autonomous Prefecture, Sichuan Province has also been reported. Tenzin (21) who arrived in June 2000 reported that a penalty of 500 to 2000 yuan is imposed on the families with more than two children. Failure to pay the penalty results in confiscation of animals and properties. In 1999, four Tibetan women from Marthang township of Lhabrang County were fined for violating the official's policy.

A death of a woman and two other complained of physical complication due to most common method of insertion of IUD (*Intra Uterine Device*) have been reported in Kandze County in Sichuan Province. These women are forced to undergo this form of contraception for fear of being fine heavily. If a woman in a family exceed three children she has to pay three thousand to four thousand yuan.

7.3 Prostitution Population Increases

The economic constraint of the Tibetan peasant lead to increasing numbers of young Tibetan girls forced into prostitution. In the recent year, it is reported that there is growing number of Tibetan girls working in the business, some who are as young as 13 or 14 charging as little as 3 to 4 pence for sex. Most of the Tibetans prostitutes are from rural areas in "TAR" and also from area incorporated in Chinese provinces. Facing economic difficulties in their hometown, they come to Lhasa to work as domestic servants and when they can no longer earn a living doing this they turn to prostitution. Most of the prostitutes in Lhasa service the Chinese migrants especially the large army personnel. The rapid economic development of Lhasa has created an environment in which prostitution and associated trades such as pornography can thrive. Prostitutes, pimps and brothel owners from outside Tibet who are originally encouraged to settle into Lhasa by economic policies that worked in their favour, are now encourage to stay because a market has developed for their activities in an unregulated environment.

Apart from the risk of infection through sexual intercourse with numerous clients, puts these women at further risk of disease. The contraction of AIDS could lead to death and other STDs contracted by these women may ultimately leave them infertile.

Recommendations:

- Make inquiries into the death of ten political prisoners including five nuns following May 1 and 4 Drapchi protest and the fate and sentences of Ngawang Sangdrol and Jangchup Dolma.
- Stop torture and sexual abuse of female prisoners, in particular nuns in prisoners. Total ban on the use of electric cattle prod.
- Urge China to ratify all international human rights instruments, including ICCPR and ICESCR without reservation. Particular those regarding the human rights of the women.
- China is strongly urged to ensure that the foremost concern in the formulation and implementation of reproductive health and family planning programmes is respect for the individual rights of women. China must exercise due diligence to prevent violence against women in order to protect their human rights, forced abortion, sterilization, right to spacing of child.
- Urge China to allow free and unobstructed visits by UN monitoring mission.