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A Report Submitted by

TIBETAN YOUTH CONGRESS, INDIA

and

TIBETAN YOUTH ASSOCIATION IN EUROPE, SWITZERLAND

to the

UN COMMITTEE ON THE RIGHTS OF THE CHILD

October 1995

**INTRODUCTION**

1. The purpose of this paper is to provide an overview of the state of children in Chinese-occupied Tibet, a state which cannot be clearly understood without appreciating the widespread and continuous human rights violations in Tibet. Tibetan children's rights are closely linked to the Tibetan people's quest for independence or self-determination. Tibetan people have

a legitimate claim to self-determination, and the human rights situation in Tibet -including the rights of the children-will not significantly improve until the Tibetan people are accorded the opportunity to exercise that right to self-determination.

2. Like their elders, children in Tibet today suffer serious, ongoing human rights violations which affect their lives as individuals and threaten their distinct cultural, religious and national identity. Among the most pressing issues facing children in Tibet today are:

- \* state-sponsored social discrimination
- \* threats to their survival and development
- \* inadequate health and educational facilities
- \* denial of civil, political, economic and cultural rights
- \* enforced separation from their parents
- \* being continually subjected to atrocities imposed by officials of the state.

#### A. STATE-SPONSORED DISCRIMINATION

3. The UN Convention on the Rights of the Child recognizes non-discrimination as one of the most important principles of the Convention. The Convention provides that

The States/Parties shall respect and ensure the rights listed in the present Convention to each child without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

However, there is growing evidence to suggest that Tibetan children are unable to exercise fully the rights as set forth. Rampant discrimination exists against young Tibetans in the fields of education, employment, health facilities etc.

4. From a very tender age, Tibetan children are subjected to institutionalized discrimination at the hands of the Chinese. If they attend school they can be expelled on the slightest pretext whereas Chinese children are encouraged to continue their education. Although most Tibetan children in rural areas are denied access even to basic education, those who do go to the Chinese-dominated schools face racial discrimination. They are taunted, criticised and even physically assaulted by teachers and students alike for being Tibetan. Tibetan customs and traditions are ridiculed. "To be Tibetan in dress, language and outlook in this Chinese system is to be relegated to the status of a second-class citizen," noted one young Tibetan who was hoping to enter university. "If I want to keep up my Tibetan, I must be at the top of my class in two languages, because while Tibetan is my principal subject, the entrance examination is given only in Chinese," said a Tibetan youth interviewed in 1990.

5. Many Tibetans are unable to compete well in Chinese. The Tibetan language has been given secondary importance in the job market, even in Central Tibet (designated as the Tibet Autonomous Region (TAR) by the Chinese), where official policy is to use the language of the "indigenous" people. In actuality, without knowledge of the Chinese language one cannot compete for jobs. The Tibetan language is marginalised and devalued. "Learning Tibetan has political significance, but there is little or no value in terms of practical access to livelihood," reports the London-based Tibet Information Network in its TIN summary (BB), "Extracts from Interviews: Recent Information on the Situation in Tibet", p. 17, May 25, 1990. Prospects are poor for Tibetans who cannot speak Chinese. They may work in manual labour and agriculture, but with the influx of migrating Chinese workers even these opportunities are dwindling. Those who remain jobless have few options and may resort to wandering idly and thieving or, in the case of girls, to prostitution.

6. The quality of education provided for Tibetans who go to school is poor compared to that offered to their Chinese counterparts. Education and educational programmes in Tibet are not designed to meet the needs of Tibetans but to accommodate the growing Chinese population in all regions of Tibet. Lack of educational opportunity, combined with the denigration of Tibetan culture and identity through institutionalized and non-institutionalized forms of racial discrimination, is seriously undermining the integrity of Tibetan culture and identity, eroding it at a fundamental level and striking at its core--its youth.

## B. SURVIVAL AND DEVELOPMENT

### B.1 Qualify and Morbidity

7. The report submitted by the Government of the People's Republic of China (PRC) to the UN Committee on the Rights of the Child claims that the PRC has been highly successful in its efforts to safeguard children's right to life and survival, citing drastically reduced infant mortality rates since 1949. It also claims to have lowered mortality rates for both women and children through the establishment of mother-and-child health-care facilities.

8. But the report fails to provide detailed information on the state of children in remote areas or areas under Chinese occupation. The information presented in the PRC's report on the state of children in the Tibet Autonomous Region (TAR) does not provide a clear picture. Therefore, the glossy image given in the report is misleading in the case of Tibet. According to UNICEF, child mortality in Tibet is three times as high as it is in China, and illiteracy is 73 percent in Tibet as against 31 percent in China. The report published in the journal of the International Union Against Tuberculosis and Lung Diseases (IUATLD) states that the incidence of tuberculosis is about twice as high in Tibet as it is in China generally (1.26 percent in Tibet as against 0.72 percent in China) and that 98.858 percent of the children are not immunized against tuberculosis. In addition, 45 years after Tibet's "peaceful liberation" by China, the 1994 United Nations Development Organization's (UNDO) report gives Tibet the lowest position of all the areas under Chinese rule in its Human Development Index.

### B.2 Birth Control Policy

9. While the enforcement of national birth control policies varies widely within Tibet, restrictions on the number of children women are permitted to bear reportedly have been imposed with increasing frequency throughout Tibet, particularly in Lhasa and in Eastern areas of Tibet outside the TAR, since 1987. Despite the Chinese Government's repeated denial that coercion is used to implement birth control policies, information obtained from reliable sources indicates that coercive measures, including economic sanctions, have been used by the state authorities in Tibet to compel women to undergo enforced abortions and sterilizations.

10. Despite Chinese Government claims that they have adopted a relaxed birth control policy in Tibet and that the Tibetans are allowed to have two children per family, the "one family, one child" policy has also been promoted in Tibet by work units and birth control offices connected with the neighborhood committees, and publicized through radio and print media campaigns. In May 1990, Chinese authorities announced that the national birth control and family planning policies would be implemented throughout the TAR. It is unclear, however, whether or to what extent this plan has been implemented.

### B.3 Enforced Sterilization

11. Sterilization is reportedly used as a principal means of implementing the birth control policy for Tibetan women. While some women may have undergone sterilization procedures voluntarily, most are compelled by the state authorities to undergo the procedure. The testimony of female Tibetan recent exiles suggests that doctors in Chinese-occupied Tibet conduct sterilization procedures or abortions without informing the women on whom they are operating. This information is reinforced by the testimony of several doctors who used to practice in occupied Tibet. Recent interviews with these doctors reveal that although it is normally common practice to provide intrauterine devices as a birth control method, sterilization through tubal ligation has been the method commonly used on Tibetan women.

### B.4 Enforced Abortion

12. The reports brought out by various human rights organizations confirm the existence of an inhumane practice on Tibetan women, consisting of enforced abortions and sterilizations. The methods adopted are usually crude or primitive, leading to injuries or deaths in the gruesome

process. The foetuses are aborted even at an advanced stage of pregnancy and even if it is the mothers first baby, thus snatching the very right to life. In the view of most peoples of the world, these acts amounts to infanticide. According to Bau Fu, the families to which the one-child policy applies, a second pregnancy must be terminated. Such newborn babies are often suffocated in especially designed jars or, in some rural clinics, boiling water is used to kill these 'extra' babies.

13. For many Tibetan women, abortion violates deeply-held religious convictions and is an affront to cultural values emphasizing the importance of childbearing. Many are nonetheless induced to undergo abortions by the threat of harsh sanctions and pressure from representatives of the work units and birth control offices, pressure which may intensify to the level of harassment or coercion. The severity of the coercive measures reportedly adopted by Chinese authorities to implement the national family planning policy prevents women from giving their free and informed consent to abortion procedures. These measures effectively deprive women of the right to privacy and to decide freely the number of children that they will have.

14. A wide range of sanctions and penalties are implemented, which include fines that typically increase with each unauthorized birth, demotion or the loss of employment, and the loss of financial benefits. The threat that penalties will be imposed on unauthorized children themselves further constrain women to undergo abortions. Unauthorized children may face severe sanctions: they may be denied the residence cards necessary to gain access to schools, health care services and government employment, and the ration cards necessary to purchase food at subsidized prices. These practices not only infringe the rights of the child but are also totally contrary to the moral values of human society.

### C. INADEQUATE HEALTH FACILITIES

15. Article 24 of the UN Convention on the Rights of the Child states that the State/Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. It further states that the States/Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. The situation in Chinese-occupied Tibet is contrary to these provisions.

16. The Chinese authorities claim that after the "peaceful liberation" of Tibet, the Government paid special attention to the health of the Tibetan people and introduced a system of "free medical care". They also claim that in the past four decades, the Government has allocated special funds totalling 700 million yuan for the development of medical services in Tibet. Unfortunately, the reality in Tibet is that most of the existing medical facilities are concentrated in towns which are the focus of the Chinese migrant population. Even in the towns, there is gross discrimination. Chinese cadres, military personnel, administrative staff and Chinese people have direct access to the military hospitals, where better medical facilities are available. The Tibetan masses only have access to the second-class "people's hospitals" (formally called "workers' hospitals") which are always ill-equipped and under-staffed and usually have inadequate medical supplies. Julie Brittain, a British citizen, in her article "Experience of an English Teacher at Lhasa University" published by Tibetan Review (December 1988) commented on the state of the people's hospital in Lhasa, the capital of Tibet, thus: "The sheets were dirty, and an unemptied bedpan lay under the bed. Although very ill (my friend) was fully clothed. I never saw a nurse in the three days I visited. Visitors wandered in, any number at any time. The doctor attending her smoked. There was no curtain for privacy when she used the bedpan, neither from other patients and their relatives, nor from the outside world through the window. She was afraid to eat the food provided or drink the water, and lived on biscuits and sweets brought by friends."

17. Ninety-nine percent of Tibetans live in rural areas and have no access to even basic medical facilities. Hospitals and dispensaries are non-existent in most remote villages where the inhabitants must rely on the mercy of "barefoot doctors" with inadequate medical training. According to the reports published by the fact-finding delegation of His Holiness the Dalai Lama

which visited Tibet in the early 1980s, many villagers died due to the wrong prescription of medicines. In addition, despite the Chinese Government claim of the availability of free medical care, even if it is available, medical care is extremely costly and quite beyond the reach of ordinary people. For example, the cost of a simple blood test is 75 yuan.

## D. DEPRIVATION AND DENIAL OF CULTURAL RIGHTS

### D.1 Education Facilities and Quality

18. As far as the overall educational situation in Tibet is concerned there has not been much improvement since the Chinese occupation. According to details contained in China's 1982 Census, fewer than one Tibetan woman in six can read. The literacy rate is only 26.8 percent compared with literacy rates of 83.4 percent in Liaoning Province and 85 percent in Beijing. The educational standards are still very low throughout most of Tibet. Reports by various visitors to Tibet confirm that many Tibetan children go without any formal education. For example, the first Australian Human Rights Delegation to China and Tibet, on its visit between July 14-26 1991 reported that "Tibetan children in the Lhasa (capital of Tibet) area seemingly have access to a very limited syllabus at both primary and secondary levels. Some testified to never having been at school, or having to leave for economic reasons as early as ten years old." A similar state of affairs had been reported earlier by a US delegation, led by Senator Leahy, which visited Tibet in August 1988.

19. The highest quality of education is found in the urban areas of Tibet, where there is a large concentration of Chinese. There is a limited number of schools in the rural areas where most of the Tibetans live. Even in the few existing rural schools, not many subjects are taught and the duration of schooling is short. Most schools are ill-equipped and under-staffed. Students graduate without being able to read and write. A Swedish Government fact-finding delegation which visited rural areas of Central Tibet (TAR) in 1987 reported that "the rural areas, where most Tibetans live, generally do not have hospitals, schools or electricity. It is next to impossible to obtain a basic education in rural areas; children are needed on the farms to help support the family; and there are few qualified teachers, and no satisfactory school facilities. In none of ten schools visited were children taught culture, history or Buddhist philosophy."

20. Moreover, school fees of 3 to 4 yuan per month have been introduced in most rural areas. Many families, living on a monthly income of 20 yuan, cannot afford to pay the prescribed school fees and thereby are prevented from sending their children to school. John Billington, Director of Studies at Repton School in England, who travelled extensively throughout Tibet in 1988, revealed that "in rural areas especially, a large number of children can be seen working in the fields, cutting grass, herding sheep, collecting yak dung, and working at stalls. Enquiry reveals that they do not go to school, in most cases because no school exists."

21. Xiang Xiao Li, a journalist working with the TAR People's Broadcasting Station, and Zhang Qing, a journalist working for the TAR Educational Affairs, gave a chilling insight into the state of education in Tibet. In an article by them published on July 14 1994 in the Chinese Newspaper from Chamdo (the second largest town in TAR), they wrote: 'Of the more than 110,000 children of school-going age in Chamdo, over 70,000 remain trapped in dim ignorance, wandering vast desolate plains where nothing educational could be seen or heard ... The Prefectural Party Committee and the Prefectural Government spend practically nothing on a yearly basis on the education apart from just the salary of teachers of ten middle schools.'

22. Commenting on the state of children's education in Tibet in her article "Three Months in Tibet: A Personal View Point" in the book, "From Liberation to Liberalisation" published by the Information Office of His Holiness the Dalai Lama, 1982, Mrs Pema Gyalpo, who led the His Holiness the Dalai Lama's fact-finding delegation to Tibet in 1980, reported that "wherever we went, it was extremely difficult to arrange a visit to a school. In most places, apart from giving figures, the Chinese authorities were very reluctant to let us actually see the schools for ourselves."

23. In its official White Paper on Tibet, the Chinese Government claims that it has invested 1.1 billion yuan to develop education in Tibet. However, the main beneficiaries of the grants are the

Chinese students in Tibet. Between 30 and 50 percent of the grants go to the Tibetan Nationality University, which is located in the Chinese city of Shenyang and offers the best facilities among all schools meant for students from Tibet. However, most students at the Tibetan Nationality University are the children and relatives of Chinese officials in Tibet and elsewhere. The majority of the teachers and staff of the university are former members of the 18th Army Brigade which "liberated" Tibet in 1959.

24. Getting admission into college and university is difficult for Tibetan students since preference is always given to Chinese students. Even if Tibetan students are lucky enough to get admission to university, they are usually prevented from learning any modern subjects. This has been documented in a petition submitted to the Chinese Government in February 20, 1986 by Mr Tashi Tsering, an English language teacher at Lhasa's Tibet University. In his petition, Mr Tsering wrote: "In Lhasa's Tibet University there are 413 Tibetan students and 258 Chinese. 251 Tibetans are in the Tibetan language and literature stream and 27 in the Tibetan medical studies stream. Only 135 Tibetan students get to study modern subjects...The Tibetan Departments are generally known as the Departments of Political Manipulations. This is because, while the authorities have fixed 60 percent of seats for Tibetans and 40 percent for Chinese, most Tibetan students are absorbed into these two streams, leaving the majority of the seats in modern education streams to Chinese. The English Department of the university has two Tibetan students and 14 Chinese."

25. As a result of these limited educational opportunities, or in many cases a complete absence of opportunity, many young Tibetans opt to seek an education in exile. They risk their very lives in the journey, yet over the years several hundred youngsters have crossed the Himalayas and taken shelter in India in pursuit of education. Members of the Australian Human Rights Delegation to Tibet in 1991 spoke to a cross-section of young people in Tibet and found that they saw their only choice as being an attempt to reach the Tibetan communities in India where, they said, at least education was freely available, irrespective of all the other hardships.

D.2 Tibetan Language and Denial of Cultural Rights

26. Article 30 of the Convention states that In those states in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Despite the Chinese Government's wide publicity of its active fostering of the Tibetan language by encouraging its study throughout the Tibetan school system, observations over the years suggest that these claims are a gross exaggeration. The Tibetan language is basically used as a tool to study Chinese language and, with the exception of some primary schools, Tibetan language is not taught to children at all. All high school and university education is given in Chinese; all the textbooks are written in Chinese by Chinese scholars; all university entrance examinations are conducted in Chinese. Thus, Tibetan children are denied the basic right and opportunity to learn their own language.

27. The Tibetan language has been rendered totally insignificant, both for educational advancement and for job placement. Chinese is used predominantly in all offices. It has become the language of official correspondence in Tibet and, at the Tibet University, even English is taught in the Chinese medium by Chinese teachers.

28. In sharp contradiction to the provisions of the Convention, Tibetan children in Chinese-occupied Tibet are being denied their rights to their own culture and to profess or practice their religion. The schools in Tibet are forbidden to promote anything resembling religious activities. For instance, children are taught that religion is something that they should not take an interest in, nor should they go on pilgrimage. Textbooks used in schools in the TAR are thoroughly

29. Commenting on the state of religious and cultural intolerance in Tibet, the late Panchen Lama (Tibet's second highest spiritual leader and former Vice-President of the Chinese National People's Congress), gave the following statement: "The land which managed itself well for 1,300 years from the seventh century lost its language after it was "liberated". Whether we remained backward or made mistakes, we managed our life by using only Tibetan. We had everything

written in our own language, be it Buddhism, crafts, astronomy, astrology, poems, logic. All administrative works were also done in Tibetan. It may not be the deliberate goal of the Party to let Tibetan culture die, but I wonder whether the Tibetan language will survive or be eradicated.

## E. ENFORCED SEPARATION FROM PARENTS

30. Article 9 of the Convention states that States/Parties shall ensure that a child shall not be separated from his or her parents against their will.

Yet there is growing evidence that some Tibetan children in Chinese-occupied Tibet are subjected to enforced separation from their parents. Instead of improving the educational facilities and quality in Tibet over the years, the Chinese authorities have preferred to send some young Tibetan children to study in China.

Tibet Information Network in its newsletter, May 30 1990, reported that "more than 6,400 Tibetans have been sent from Central Tibet alone to China since 1985, usually leaving at 11 years of age and spending up to seven years in China." A report appeared in the Chinese newspaper, China Daily, on May 3 1990, stating that another 1,300 Tibetan schoolchildren would be sent to China for their entire secondary schooling that year. Most of these children were forced to endure a long separation from their parents and family against the will of both parties.

31. Catriona Bass, who taught English in Lhasa in 1985, states that: "Instead of reducing the number of children sent to China and investing more in improving the facilities in Tibet, the Government has announced plans to send as many as 10,000 more to China. For many Tibetans this policy poses the most serious threat to Tibetan cultural identity. Many saw the policy as a conspiracy on the part of the Government to erode cultural values from within."

32. In addition, Article 9.3 provides that States/Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis.

However, many of these Tibetan children, separated from their parents and sent to China, are not allowed to maintain any relationship with their parents during their entire stay in China and they are not even sent home during their vacations.

33. A limited number of educated Tibetans are sent outside Tibet for university studies. Most of those sent to China are not allowed to return to Tibet during vacation periods, whereas Chinese students are allowed to return home during vacations.

## F. CIVIL RIGHTS AND FREEDOM

### F.1 Preservation of Identity

33. Article 8 of the Convention states that States/Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Ever since the "peaceful liberation" of Tibet by the Chinese, thousands of Chinese military personnel as well as civilians have been moved into Tibet. This has encouraged the marginalization of Tibetans in the political, social and economic spheres and poses a serious threat to the very survival of the Tibetan culture and identity. Chinese official statements regarding the movement of Chinese into Tibet are inconsistent and contradictory. Some Chinese officials deny that there is a deliberate policy to settle Chinese in Tibet, yet Deng Xiaoping told US President Jimmy Carter in 1987 that Chinese were being "encouraged" to move to Tibet.

34. As a result of the Chinese Government's encouragement and incentives, Chinese people continue to flood into Tibet, dispossessing Tibetans, taking their jobs, their land and their livelihood, imposing Chinese culture, language and traditions, effectively diluting and damaging

the very identity of the Tibetan people.

## F.2 Freedom of Information and Expression

35. In his statement on Tibet at the 48th session of the UN Commission of Human Rights, the Permanent Representative of China to the United Nations stated that Tibetan citizens, like citizens of other nationalities, enjoy wide-ranging political rights embodied in the Constitution. In addition to the above right to elect and be elected, they also enjoy freedoms of expression, publication, assembly, association, demonstration and parade. But there is undeniable and increasing evidence to suggest that the freedoms of expression, assembly, association, demonstration and parade are strictly curtailed in Tibet. Tibetan people of any age who express their thoughts or form an association or participate in peaceful demonstrations are subjected to arbitrary arrests and severe punishments. Thousands of Tibetans, including juveniles, have served long prison sentences as a result of attempting to exercise their freedom of expression. Examples include the following:

"Two novice monks from the Jokhang in Lhasa, Chung Tsering and Lhundup, aged 18 and 15 respectively, were detained in October 1989 for four and a half months for saying "Tibet is independent" during a telephone conversation.

\*Six monks between the ages of 16 and 19 from Drepung Monastery on the outskirts of Lhasa were arrested on September 10 1991 by the Public Security Force for taking part in a peaceful demonstration.

\*A 14-year-old boy named Lhakpa Tsering is reported to have been sentenced to two years' imprisonment for making pro-independence leaflets at his school.

36. Amnesty International, in its report released in May 1995, asserted the almost total lack of freedom of expression amongst Tibetans, including children. It reports that there are at least 34 male and 11 female juvenile Tibetan political prisoners, of whom most were arrested while taking part in peaceful demonstrations against the autocratic rule of China. For more details, please refer the annexure.

## F.3 Freedom of Thought, Conscience and Religion

37. Article 36 of the Constitution of PRC opens with the words:

Citizens of the PRC enjoy freedom of religious belief. No organ of state, mass organization or person is allowed to force any citizen to believe or not believe in religion. It is impermissible to discriminate against any citizen who believes or does not believe in religion.

Despite outward appearances and the rights laid down in the Constitution, the Communist Party remains fundamentally hostile to religion. While religious activities such as putting up prayer flags, burning incense, doing prostrations and circumambulating the temples and monasteries are tolerated, the Tibetan people are forbidden to engage in serious pursuit of religious or philosophical studies. Religious teachings are not allowed in schools and specialized institutions, nor may religious history be taught in the schools. It is said that the minds of the students should not be corrupted by "blind faith". Voluntary evening schools in Lhasa, where a traditional education was given, were banned from functioning in 1994. New regulations imposed on the Tibetans forbid children below 18 years of age from becoming monks or nuns; those who choose to become monks or nuns have to make their own arrangements for their upkeep and may not depend on their families; donations may not be solicited for religious purposes and parents may not take their children to religious ceremonies. These regulations indicate that the claims of "religious freedom" in Tibet are a total farce.

## F.4 The Right Not to be Tortured

38. The report that the PRC has submitted to the Committee on the Rights of the Child states that In order to tighten the ban on torture, the competent judicial organs have specially instituted methods for dealing with cases involving minors. They are careful to protect all children's lawful rights and interests and avoid the possibility of any harm coming to children's bodies or health. Put shortly, since the Government, the judiciary, public organizations, schools and families have a high regard for children's rights, torture of children does not occur in China.

However, various human rights organizations around the globe have confirmed that juveniles detained in Tibet are subjected to severe torture along with their elders.

39. LAWASIA, a human rights organization based in the Philippines, in its report entitled "Defying the Dragon: China and Human Rights in Tibet", published in March 1991, states that: "Juveniles detained in adult penal institutions may also be tortured. Sources in Lhasa say that Pemba Tsering, resident of the Barkor, was arrested on 5th October 1987 for allegedly setting fire to vehicles during the demonstration on 1st October 1987. At the time of arrest Pemba Tsering was 13 years old. He was taken to Gutsa prison and placed in a cell with adult prisoners (notwithstanding the fact that there is a juvenile correction centre located within the grounds of Gutsa prison). The questioners used an electric baton on his body and hit him around the head. It is also claimed that a metal bucket full of water was balanced on his back while he supported himself on his hands and toes as if doing "push-ups". When he collapsed from the weight, the interrogators forced him to pick up the bucket with his teeth. Pemba was also placed in solitary confinement for 24 hours for not telling the truth and, following a fight with a cell-mate, was allegedly suspended with rope from a ceiling beam for about 15 minutes. In another incident, three girls died shortly after release from prison as a result of alleged torture and ill-treatment. To date the Chinese authorities have not initiated any investigation into the circumstances leading to their deaths, despite repeated requests and complaints lodged by Amnesty International and other bodies. These accounts make a mockery of the Chinese judicial system and the various international treaties respecting human rights signed by China over the years.

40. Juveniles released from prison are black-listed and put under strict surveillance. They are officially looked down upon and socially ostracised. Some juveniles have not been re-admitted into their school after their release from prison. A case in point is schoolboy Migmar, who was arrested on March 6 1989 for taking part in a demonstration. Upon his release exactly one year later, he was informed that pursuant to official order he would not be allowed to return to school to resume his studies. These acts not only inflict severe psychological shock upon such children but are also completely contrary to the provisions of Articles 19 and 39 of the Convention.

41. Long-term detention without charge or trial as well as administrative sentences seem to be used as alternatives to criminal punishment for many juvenile detainees in Tibet. Juveniles under investigation may be put in detention by the police without any judicial decision, ignoring the theoretical time limit of three months. Similarly, detainees are often held awaiting sentence for several months or even up to a year. This is in complete contradiction to Article 37b of the Convention.

42. Similarly, juvenile detainees in Tibet are unable to challenge the legality of their detention before an appropriate independent and impartial authority. In most cases reported on so far, it is submitted that juveniles detained without trial are simply issued with an administrative detention order and usually sent to labour camps to serve their term. At the main centre, the Gutsa Detention Centre in TAR, detention without charge or trial is commonplace. To cite an example, 13-year-old Gyaltzen Palsang was arrested and held at Gutsa until February 9 1995. She was released after nearly two years in detention without trial.

43. Many juvenile detainees who have been subjected to severe torture during their detention have shocking experiences to relate. Many of the female juvenile detainees have been subjected to torture by electric shocks administered to sensitive parts of the body such as the mouth and sexual organs. Others have had the experience of being immersed naked in freezing water or being set upon by prison dogs.

#### G. SEXUAL EXPLOITATION AND ABUSE

44. A report submitted by the PRC to the Committee on the Rights of the Child states that Chinese Government departments, in particular the public security organs, have long been active against child sexual abuse, using publicity, education and strict law enforcement to

protect children's lawful rights and interests and enable them to escape any form of sexual exploitation or abuse.

Ironically, in Tibet it is the state policy itself which is often responsible for sexual exploitation and many other abuses. The rapid increase in the Chinese migrant population, overwhelming the number of Tibetans, has resulted in a situation in which Tibetan youths inevitably face a lack of opportunity, disenfranchisement and social marginalisation. Some take to the streets, to the nightclubs and drinking establishments, practices which are thought by Tibetans to be encouraged by the Chinese authorities. Social problems are on the rise, according to reports by Tibetans, such as theft, robbery, overcrowding and prostitution. Prostitution has now become a thriving business in cities like Lhasa, Chamdo and Shigatse, and the profession includes many teenagers. Despite this substantial increase in the social problems, the Chinese authorities seem to be doing nothing to check them.

45. Yangkyi, a 16-year-old girl from Lhasa, summed up in interview that "many Tibetan girls under 18 years of age are taken to China under the guise of employment by Chinese businessmen. However, some of them who managed to return to Tibet have become prostitutes. It may be because of their connections with higher-ups and they might have been forced to enter the profession."

46. Sexual exploitation is also rampant in Chinese prisons. Many former female prisoners have testified that they have been raped by the prison authorities while they were in detention. For example, a 15-year-old girl who was jailed after taking part in a demonstration told her interviewer that the jail authorities had turn by turn raped her several times despite her repeated pleas. These young people are still haunted by the traumas they have undergone in prison.

## CONCLUSION

47. Despite the Government of China's claim to have brought a marked advancement in the social, political, economic and cultural life of the people ever since the "peaceful liberation" of Tibet by China and that "under the Constitution of the People's Republic of China, the Tibetan people, like the people of various nationalities throughout the country, have become masters of the country and enjoy full rights provided by the law", alarming infringements of the rights of the child have become apparent. Repeated violations of the fundamental rights of Tibetan children as well as the adults severely threaten the cultural, religious and national identity of the Tibetan people.

48. The human rights situation, including the status of the children, will not alter unless the Tibetan people are given their right to self-determination. Many violations of the fundamental rights of the people in Tibet are a direct result of the recurring Tibetan people's resistance to foreign occupation of their land and the Chinese government's repressive measures to quash this resistance. Therefore, in order to improve the status of the children and of the general population in Tibet, the Government of China must be prevailed upon to find a peaceful solution to the issue of Tibet by entering into unconditional dialogue with the representatives of His Holiness the Dalai Lama and the Tibetan Government-in-exile.

49. It is also strongly urged here that, taking into account the magnitude of the violations of children's rights in Chinese-occupied Tibet, the UN Committee on the Rights of the Child should appoint a special rapporteur on Tibet to determine the real status of children and their human rights situation in Tibet.

## Annexure

### The Partial List of the Juvenile Prisoners

in four different prisons (Powo Tramo, Chamdo, Gutsa, and Drapchi) in Tibet documented and published (in February 1992) by Washington-based human rights organisation, Asia Watch and London-based organisation Tibet Information Network.

1. Pema Drolkar-1 (Padma Sgrol-dkar), 18; from Medro Gongkar (Mal-gro gong-dkar); a Michungri nun.

2. Dawa Lhazom (Zla-ba lhan-'dzoms), 18; from Zogang Dzong; a Chubsang (Chu-bzang) nun.

3. Chirne Yudron (Chi-med gyu-sgron), 17; from Lhoka; a Shungscp nun.
4. Npwang Namdrol (Ngag-dbang main-sgröl), 18; Lhasa; a Garu (Dga'-ru) nun; released September 1991.
5. Ngawang Thutop (Ngag-dbang mthu-stobs), 18; from Phenpo.
6. Phuntsog Changsein (Phun-tsogs byang-sems), 18; from Lhoka.
7. Ngawang Choejor (Ngag-dbang chos-'byor), 18; from Toelung.
8. Lobsang Tenzin-1 (Blo-bzang bstan-dzin), 18; from Lhoka.
9. Ngawang Rabsang (Ngag-dbang rab-bzang), 18; from Toelung Dechen; a Kyemolung monk; sentenced to three years in prison.
10. Tenzin-1 (Bstan-'dzin), 18; from Lhasa City; sentenced to five years in prison.
11. Thupten Gyurmed (Thub-btsan'gyur-med), 18; from Lhasa City; a fob seeker; sentenced to three years in prison.
12. Tamdrin-2 (Rta-mgrin), 14; born in Medro Gongkar Dxong; a monk, arrested 1990; released.
13. Thupten Yeshe (Thub-bstan ye-shes), 17; born in Lhasa; a monk; arrested in 1990; released.
14. Dawa-7 (Zla-ba), 14; born in Lhasa, Town-3; arrested 1989; sentenced to three years in prison; in Drapchi.
15. Tscwang (Tshe-dbang), 18; born in Lhasa, Chagshing; arrested 1989; sentenced to one year in prison; in Sangyip; released.
16. Dawa Zangpo (Zla-ba zangpo), 18; born in Lhasa; arrested 1989; sentenced to one year in prison; in Sangyip; released.
17. Tashi-3 (Bkra-shis), 18; born in Lhasa; arrested 1989; sentenced to three years in prison; in Sangyip.
18. Nyima Tsam (Nyi-ma mtshams), an 18-year old female; born in Lhasa; arrested 1988; detained six months; in Gutsa; released.
19. Gyaltsen Yangchcn (Rgyal-mtshan dbyangs-can), an 18-year-old, female; born in Phenpo; arrested January 21, 1991; detained three months; in Gutsa; released.
20. Gyaltsen Monlam (Rgyal-mtshan smon-lam), a female approximately 18 years old; born in Lungshoe; arrested September 1, 1989; sentenced to three years in prison; in Drapchi.
21. Ngawang Tsenyi (Ngag-dbang mtshan-nyid), a female approximately 18 years old; born in Phenpo, arrested January 23, 1991; detained three months; in Gutsa; released.
22. Ngawang Yangdon (Ngag-dbang dbyangs-don) ; a 14-year old female; born in Lhasa; arrested August 21, 1990; detained 5-6 months; in Gutsa; released.
23. Chime Dekyi (chi-med bde-skyid), About 15; born in Lhoka; a Sungsep nun; sentenced to three years in prison; currently imprisoned; in Drapchi.
24. Pema Drolkar-3 (Padma Sgröl-dkar), about 18; born in Lhoka; a shungsep nun; sentenced to three years in prison; currently imprisoned; in Drapchi.
25. Dawa Tsering-3 (Zla-Ba Tshe-Ring), 15; a Layman; known to be imprisoned in 1991; in Sangyip.
26. Dadron-2 (Zla-Sgron), A 14-Year-Old female; known to be imprisoned in 1991; in Sangyip.
27. Tseyang (Tshe-Dbyangs), a 14-Year-Old female; known to be imprisoned in 1991; in Sangyip.

#### Tibetan Youth Congress

The Tibetan Youth Congress, a largest non-governmental voluntary organisation in the Tibetan community in exile, campaigns for the rights of the Tibetan people and closely monitor the situation inside Tibet. The creation strives to preserve and promote Tibetan culture and identity, particularly amongst the Tibetan youths brought up in exile; it also educates the Tibetan people about democracy. The organisation has 57 regional branches and 12,000 members throughout the world.

#### Tibetan Youth Congress

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Tibetan Youth Association in Europe

The Tibetan Youth Association in Europe, a largest Tibetan creation in Europe, creates an awareness in the West of the unjust and forceful occupation of Tibet by China and also fosters and further contacts among Tibetans living in Europe. The organisation based in Switzerland has a total membership of 300 divided into different working groups.

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