

# CHILD'S RIGHTS Violations in TIBET



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The rights of children are comprehensively protected under various international laws and covenants to which the People's Republic of China (PRC) is bound. On 2 March 1992, the PRC ratified the United Nations Convention on the Rights of the Child (CRC). China's initial report to the CRC described itself as "a consistent respecter and defender of children's rights". But unfortunately, the Chinese Government consistently denies the rights of Tibetan children. Their rights to education and health care are not protected, nor are their rights to liberty and freedom of expression.

Every year many Tibetan families are compelled to send their children into exile in search of freedom and education. These parents entrust their children to strangers, using their savings to buy them a passage to freedom. Some are still babies and have to be carried across the Himalayas on someone's back.

This journey takes at least four weeks, and most of the children suffer frostbite, hypothermia and some die on the way. (If they survive, there is a high risk that the child will never see his or her family again.) In 1999, of the 2474 Tibetan refugees who escaped from Chinese occupied Tibet, 1,115 were children below the age of 18 accounting for 45 percent of all refugees arriving in India that year. The Majority of them were not accompanied by their parents and were sent through guides.

The fact that so many families choose this option, risking their children's and their own lives if caught by Chinese authorities, is evidence enough of a failure of the Chinese Government to protect the rights of Tibetan children.

## CHILD POLITICAL PRISONERS

China's brutal and repressive policies against any expression of freedom within Tibet have been applied with the same intensity against adults and children alike.

There are currently two juvenile political prisoners and 22 prisoners that were below the age of 18 at the time of arrest. They have been detained in various prisons within Tibet for prolonged periods of time, as a result of their attempt to exercise their basic right to the freedom of expression. The prominent among them are:

**Ngawang Sangdrol** who was first arrested at the age of 10 and detained for 15 days. At the age of 13 she was detained for nine months without charge. In 1992, she was again arrested for taking part in a demonstration, aged only 15, and sentenced to three years imprisonment. Since then, her sentence within Drapchi prison has been extended three times. She is currently the longest female political prisoner in Tibet by serving 21 years in prison. She is due to release in the year 2013.

There is evidence of juveniles being detained in many Chinese prisons within Tibet. They are detained in adult prisons, denied legal representation as well as contact with their family, forced to do hard labour just as adult prisoners and subjected to the same forms of torture and abuses.

**Phuntsok Legmon**, 16 year old was sentenced to three years imprisonment on 9 July by 'TAR' People's Intermediate Court for a protest on 10 March 1999. He is currently in Drapchi prison along with other adult prisoners. Phuntsok Legmon and another monk, Namdol shouted pro-Tibet slogans in Lhasa on the anniversary of Tibetan National Uprising Day. There are reports that the monks were beaten with batons and fists at the time of their detention.

**Norzin Wangmo**, a former nun from Shugseb Nunnery, was 16 years old when she was sentenced to five years imprisonment on 13 September 1994. Wangmo, along with seven other nuns demonstrated in front of the Jokhang temple in Lhasa. She was detained in Gutsa Detention Centre for 11 months and during that time she was denied visit from her parents and relatives. "The prison

guards kept all the food and clothes and issued fake receipts to our family members". She stated in an interview upon reaching Dharamsala India on 27 November 1999.

The legal alternative of putting minors under the surveillance of their parents is not used. Without being tried, juvenile detainees are often simply issued an administrative detention order and sent to labour camp to serve their term.

Despite the fact that Chinese Legal Law states that juveniles under investigation and young criminals must be kept separated from adults, numerous testimonies received in the past few years indicate that provision for the separate detention of juveniles in Tibet is non-existent. None of the juvenile political detainees were reported to be held in a juvenile section or juvenile detention centre.

Once arrested, juveniles are normally dismissed from schools and monasteries and have difficulties finding jobs after their release. Such is the case with three Tibetan students from Dzoge County School **Tsering, Kunga** and **Tenpa** were arrested for pasting publicity materials of the Tibetan Government-in-Exile on the school notice board in 1997. They were interrogated and detained in the County prison and released after one month. They were expelled from the school upon their release.

## UNDER AGE TORTURE

Detained in adult prisons, children are exposed to an environment where torture is endemic. They are forced to undergo exactly the same experiences of torture and punishments as adult political prisoners. Torture does not mean only physical torture, as being beaten or shocked, but also the psychological torture of being repeatedly interrogated with the same questions, sometimes for days together without a rest.

For a young person, the psychological effect of torture can be particularly damaging. The period of incarceration may seem endless, even if only a month, and a child often lacks the ability to reason the very cause of their detainment.

The youngest political prisoner who has died from torture in Tibet, named **Sherab Ngawang**, was reportedly only 15 years old at the time of her death. She was a nun from Michungri Nunnery, and was arrested on 3 February 1992 for staging a peaceful demonstration in the Barkhor, against the Chinese occupation. Sherab Ngawang was detained in Gutsa Detention Centre for more than one year before being tried and sentenced to three years. She was then transferred to Trisam Prison.

In Trisam on the night of 10 August, 1994, Sherab reportedly joined in with other nuns singing freedom songs in the prison. The nuns were beaten and tortured with electric batons and a plastic tube filled with sand. One source said, "they beat her until she was so covered with bruises, that we could hardly recognize her". After three days of solitary confinement, she had developed severe back pain and kidney problems. She also experienced loss of memory and difficulty in eating.

After being released, she was so ill as a result of ill-treatment in prison that she was sent by her family to several different hospitals in Lhasa. She died two months later, on 7 April 1995.

## THE YOUNGEST PRISONER OF CONSCIENCE

Gedhun Choekyi Nyima was only six years old when he was found missing from his home on 17 May 1995, just after three days His Holiness the Dalai Lama proclaimed him as the reincarnation of the 10th Panchen Lama on 14 May 1995.

For an entire year the Chinese authorities had denied his detention. In May 1996, China finally admitted that they were holding the young boy “under the protection of the government at the request of his parents”. They alleged that “the boy was at a risk of being kidnapped by separatists and his security had been threatened”.

No government body, concerned organization or independent observer has yet been allowed to see the child. China continues to deflect international pressure regarding the child and has been able to sustain this gross abuse of human right for more than four years.

## RIGHT TO EDUCATION

*“The success of our education does not lie in the number of the diplomas issued ... it lies in whether our graduating students are opposed to or turn their hearts to the Dalai clique, and in whether they are loyal to or do not care about our great motherland and the great socialist cause.”*

Chen Kuiyuan – TAR Party Secretary, 1994

Most of the children in exile flee Tibet in search of the internationally recognized right to education, in particular the right to learn in their own language about their history, religion and culture. A survey conducted by TCHRD in 1997 with 50 children who had left Tibet in the previous three years revealed that 90% of them had fled Tibet specifically to seek an education.

The vast majority of Tibetan children do not have the chance to attend school for more than a few years before having to leave due to exorbitant school fees, discrimination in favour of the Chinese students or simply because they cannot

follow the teachings in Chinese language. There are numerous reports of Tibetan students being denied access to better schools and higher education because the places have been reserved for Chinese or a Tibetan families working for the Chinese government.

Approximately, one third of school aged Tibetan children don't receive any education, compared to only 1.5 percent of Chinese children. The reason for such a high number of Tibetan children not being able to attend school is mostly due to prohibitively expensive school fees charged by Chinese authorities.

A 10-year-old Tibetan girl, now in exile, explains why she had never been to school: "At school the teacher demanded 50 yuan a month to sit on a chair, 50 yuan to have a table and another 25 yuan for the books. My father earned 50 yuan a month. With this money, we had to buy a sack of tsampa to have some food."

The Convention of the Rights of the Child recognizes that the purpose of education is to allow a child to develop his or her own ideas or perceptions. However, Tibetan children are forbidden to wear traditional Tibetan clothes, observe Tibetan holidays and sometimes even forbidden to eat Tibetan food, while in school. It's often implicitly taught that Tibetan people are inferior to Chinese and that the Tibetan tradition is backward. Further, they are constantly indoctrinated about the greatness of Chinese Communist leaders.

Chinese authorities have for some time linked Tibetan language to Tibetan nationalism. By repressing the use of Tibetan language and the knowledge of Tibetan culture and history, it seems that People's Republic of China hopes to completely integrate the next generation of Tibetans into China. A Tibetan child reported that, when he asked his teacher to explain more about Tibetan history "he got so mad at me for asking this question that he hit me with a big

stick on my legs and head”.

A people without a language is a people without identity. By prohibiting the Tibetan language, the Chinese purposely crush the Tibetan identity. However, speaking Chinese in Tibet is now almost as important as speaking English in the West. Chinese language is essential for most employment in Tibet, especially in the urban areas. Yet, the Chinese language should be taught as a foreign language instead of as a primary language, to give Tibetans a chance to reach a sufficient level of fluency. And more, all Tibetans should have the right to choose which language they want to be taught.

A 40 year-old businessman who had lived in Lhasa said he left Tibet “for the sake of his daughter and his seven year-old brother-in-law.” Both children had never been to school because the school fees were too high and the medium of teaching was in Chinese. “Even if I could send them to school in Lhasa, one day they would come out as a Tibetan who speaks Chinese and thinks Chinese and who had forgotten all about Tibetan culture.”

Monasteries and nunneries are the only learning institutions that provide opportunity for children to be educated in the Tibetan language, culture and religion. But under China’s ‘Strike Hard’ campaign launched in April 1996, children below the age of 18 have been prohibited from joining any religious institutions. Over 3,000 novice monks and nuns below the age of 18, have already been expelled from their nunneries and monasteries. In 1999 alone, TCHRD recorded an expulsion of 244 monks and nuns below the age of 18.

Children are the future of any society. Based on the current state of education in Tibet, the future promises to be one of under-education, unemployment, loss of identity and annihilation of culture.