

Alternative Report

Jointly submitted by:

Unrepresented Nations and Peoples
Organization

In cooperation with:

Tibetan Women's Association
International Campaign for Tibet
Uyghur Human Rights Project

To the Committee on the Elimination of Discrimination Against
Women (CEDAW)

In consideration of the Seventh and Eight Periodic Reports of China (CEDAW/C/59/1) during
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SECTION A: Introduction to the Report

This alternative report was submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 59th Session of the Committee on the Elimination of Discrimination Against Women (CEDAW; henceforth “the Committee”). UNPO is an international organization devoted to the promotion of democracy, non-violence, human rights, tolerance and environmental protection among indigenous peoples, oppressed communities and minority groups worldwide.

This report discusses the International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW; henceforth “the Convention”) and the application of its articles with respect to the People’s Republic of China (PRC). In accordance with UNPO’s goal to raise the voice of the unrepresented and marginalized communities worldwide, this Alternative Report aims to evaluate compliance with and implementation of the provisions of the Convention by the Chinese Government with regard to the particular cases of the Tibetan and Uyghur communities.

The report highlights religious discrimination faced by Uyghur women. Women belonging to this Uyghur ethnic group are banned from wearing headscarves and veils. They are also more susceptible to human trafficking, forced abortions and sterilization as a result of population transfers and controls occurring in China. The question of access to education is also of notable concern.

The Alternative Report focuses on religious discrimination faced by Tibetan women as well. The Chinese Government discourages Tibetan women from religious practices and forces them to denounce their spiritual leader, the Dalai Lama. Moreover, the Chinese birth control policy is forced on Tibetan women, which has negative consequences on their health. The high level of discrimination in the fields of education and employment demands greater attention.

Following an introduction to the Uyghurs and Tibetans, giving special attention to the situation of women from these minority communities, this report will discuss sequentially the articles of the Convention considered to have been violated by the Chinese Government, with recommendations on how to rectify and/or prevent further breeches. The final section of the report summarizes these recommendations in order to inform the discussions between the Committee and the delegation of the People’s Republic of China at the 59th Session.

Brussels, October 2014

SECTION B: Introduction to the Tibetans and Uyghurs

1. East Turkestan is a large territory to the west of China claimed by the (PRC) as the Xinjiang Uyghur Autonomous Region (XUAR). It is the home of the Uyghur people belonging to Uyghur ethnic minority, most of whom are Sufi Muslims. For centuries, the Uyghurs have enjoyed different degrees of independence, but were eventually absorbed by the PRC in 1949. As of today, their situation remains critical.

The Government's crackdown on anyone supporting the Uyghurs' call for meaningful autonomy has led China to falsely link Uyghur political activists to terrorist organizations, despite the fact that most documented cases, disputes or clashes have little relation to separatist aspirations. They are instead intrinsically connected to the day-to-day struggle and human rights abuses faced by Uyghurs - and especially one of the most vulnerable components of Uyghur society - Uyghur women, as they have to face not only ethnic discrimination, but gender-based abuses too.

2. The Tibetan Plateau, on the highlands of southern China, is the homeland of the Tibetan people. While the "Government of Tibet in Exile" remains in Dharamsala, India, the Tibet Autonomous Region (TAR) is controlled by the PRC. The situation in the Autonomous region remains abysmal with leaked reports highlighting continued repression in cultural, political and economic spheres of public life, where Tibetan human rights are severely violated, and is causing deep concerns over the discrimination of Tibetan women.

While the Government of China claims to be implementing various measures to protect women in China, especially in Hong Kong Special Administrative Region and rural areas, there are no clear signs that the Government of China is taking into consideration the situation of women from ethnic minorities, including Uyghur and Tibetan communities. While women from minority groups need special protection, they remain vulnerable.

Therefore, UNPO decided to focus its report on women belonging to Uyghur and Tibetan communities, highlighting the urgent actions, which need to be taken by the Chinese Government in compliance with the CEDAW provisions.

SECTION C: Compliance with CEDAW

Article 3: Guarantee of Basic Human Rights and Fundamental Freedoms

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

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In accordance with the Law of the People's Republic of China on the Protection of Rights and Interests of Women, the Government of China has enhanced the protection of women's cultural rights and benefits. However, authorities in China's 'Xinjiang' region have imposed strict religious controls and curbs on traditional Islamic dress and appearance, such as men's beards and women's veils. Despite the fact that there are no official laws banning women from covering their faces or wearing traditional clothes, Uyghur women are discriminated against for doing so. For instance, local authorities discourage apartment owners from renting properties to women who wear veils. A Muslim Uyghur woman has been evicted from her rental property for this reason.¹

In addition to the efforts listed above to suppress Uyghur women and their culture, in November 2013, the "Project Beauty" campaign was launched with an accompanying video clip depicting "the joys of exposing one's face".² Veil-wearing women were forced to watch the video, and encouraged to participate in training programmes designed to make them change their dress. The campaign was accompanied by a slogan; "show your pretty faces and let your beautiful hair fly in the wind".³ With this campaign, the State attempted to discourage Uyghur women from wearing veils and head scarfs, while the majority of Uyghur women wish to embrace modernity without forsaking their heritage.

Local authorities continue to discriminate against Uyghur women with headscarves-falsely identified as a symbol of religious extremism- which they see as a marker of their Uyghur identity.

Moreover, in line with a new policy, which came into force after the July 2009 riots, authorities have been punishing relatives of women who cover their faces by not authorizing their marriage applications and disallowing them to perform their pilgrimage to Mecca. Locals in Beshtugmen say

¹ Radio Free Asia, "Veiled Muslim Uyghur Woman Evicted from Rented Home", 20. URL: <http://www.unpo.org/article/16385>

² International Business Time, "Project Beauty: Chinese Officials Pressure Uighur Muslim Women In Xinjiang To Drop Their Veils, Men To Cut Beards", 2013. URL: <http://www.ibtimes.com/project-beauty-chinese-officials-pressure-uighur-muslim-women-xinjiang-drop-their-veils-men-cut>

³ The New York Times, "Uighurs' Veils Signal Protest Against China's Restrictions", 2014. URL : http://www.nytimes.com/2014/08/08/world/asia/uighurs-veils-a-protest-against-chinas-curbs.html?_r=2

that some women have been fined between 1,000 to 5,000 Yuan [U.S. \$160 to \$800], while some husbands have been placed in detention for 10 or 15 days.⁴

Just a few months prior to the drafting of this report, a protest was held over the detention of several women and students for wearing headscarves. The protest escalated and police opened fire.⁵

Recently, Chinese authorities started an even more controversial campaign which prohibits individuals (wearing veils, head scarves, loose-fitting garments (*jilbab*), or clothing displaying the crescent moon and a star [symbol present on the flag of East Turkestan], and young people with long beards) from boarding public buses in the north-western city of Karamay. Considering that clothing with a crescent moon and a star has been labelled as problematic by the Chinese authorities, the measure can be understood as specifically targeting Uyghurs, and not Muslims in general.⁶ This prohibition contradicts the Chinese Constitution in terms of equality and freedom of religious belief outlined in articles 4 and 36 respectively.⁷

Religious practices as a form of cultural expression should be protected on an equal basis. However, in Tibet the number of monks and nuns allowed to enter monasteries and nunneries is limited. Moreover, monks and nuns are regularly subjected to “patriotic re-education programmes” during which they are forced to read “patriotic” literature denouncing the Dalai Lama. They are forced to recognize the Government-appointed Panchen Lama, Gyeltsen Norbu, as their leader. If they refuse to do so, their right to practice their religion is taken away or they are given fines. Any reference or images of the Dalai Lama are banned. Around Tibet nuns possessing pictures of Dalai Lama have been expelled from their nunneries and imprisoned for 8 years.

Moreover, Tibetan women also face violations of their right of free expression. In late 2008, a 34-year-old nun was sentenced by the Ganzi Tibetan Autonomous Prefecture Intermediate People’s Court to 7 years in prison for distributing Tibetan independence leaflets and shouting pro-Tibet slogans.⁸ Another nun, who was arrested for joining a protest in Sichuan Province calling for human rights and the return of the Dalai Lama, was severely beaten by police. After being released from police custody, she died of unknown causes.⁹ Recently, the police in China’s south-western Yunnan Province attacked and beat a group of Tibetan women who had gathered to protest a copper mining project to be carried out on land considered sacred.¹⁰

Both nuns and *büwi* (Uyghur female religious figures) are targeted with religious “guidance” measures which limit their religious freedom. Even though the 2009 proposal, which aimed to oversee their activities and ensure their loyalty to the Party was never adopted, regional practices reflect the basis of this initiative. The US Congressional-Executive Commission on China has reported

⁴ Radio Free Asia, “Two Xinjiang Villages Bar Women From Covering Faces”, 2013, URL: <http://www.rfa.org/english/news/uyghur/hijab-05312013175617.html?searchterm:utf8:ustring=uyghur+women>

⁵ Radio Free Asia, “Xinjiang Police Open Fire at Protest Against Clampdown on Islamic Dress”, 2014, URL: <http://www.rfa.org/english/news/uyghur/dress-05202014202002.html?searchterm:utf8:ustring=uyghur+women>

⁶ Reuters, “China bans beards, veils from Xinjiang city’s buses in security bid”, 2014, URL: <http://www.reuters.com/article/2014/08/06/us-china-xinjiang-idUSKBN0G60AA20140806>

⁷ Constitution of the People’s Republic of China, 1982, URL: <http://english.people.com.cn/constitution/constitution.html>

⁸ 2010: Human Rights Report: China (includes Tibet, Hong Kong, and Macau), U.S. Department of State, April 2011, page 86, URL : <http://www.state.gov/documents/organization/160451.pdf>

⁹ 2010: Human Rights Report: China (includes Tibet, Hong Kong, and Macau), U.S. Department of State, April 2011, page 79, URL : <http://www.state.gov/documents/organization/160451.pdf>

¹⁰ Radio Free Asia, “ <http://www.rfa.org/english/news/tibet/gunshot-08182014014610.html>”, 2014, URL: <http://www.rfa.org/english/news/tibet/rally-07022014165303.html>

on various trainings given to *büwi* over the past few years within the framework of restricted religious actions.¹¹

In East Turkestan, an Uyghur mother has been held pending trial for eight months after petitioning Chinese authorities for redress over her son's attempted kidnapping, according to police and residents in her hometown in north-western Xinjiang region.¹²

All in all, despite the fact that the Chinese Government has launched a new National Human Rights Action Plan for the period of 2012-2015, declaring that cultural rights of ethnic minorities are guaranteed and the State will take all necessary measures to protect them, the number of severe violations of these rights both in Uyghur and Tibetan communities increased significantly, especially among their female members.

Recommendations

- Officially recognize the situation currently faced by Uyghur and Tibetan women in terms of violations of their human rights and fundamental freedoms;
- Abolish the practice of discrimination against Uyghur women based on their dress or appearance;
- Guarantee the practice religion without any restrictions or abuses;
- Protect the freedom of expression;
- Eliminate any possibility of misuse of China's Criminal Procedure Law;
- Abolish the "patriotic re-education" campaign;
- Provide necessary measures to monitor the implementation of National Human Rights Action Plan of China 2012-2015.

Article 6: Trafficking and Prostitution

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

In 2011, China made important amendments to its Penal Code broadening the definition of 'trafficking' not only to mean 'prostitution' (or sex work) but also other forms of trafficking and forced labour¹³ as a punishable crime. It does not clearly define what constitutes 'forced labour'.

China is establishing cooperative mechanisms between Government offices, social organizations and other relevant agencies in order to fight against trafficking in women and children. Despite all these efforts, China fails to address this issue in terms of minorities, especially Uyghur and Tibetan women who are the main victims of human trafficking. No special attention was given in China's National Plan of Action on Combating Trafficking in Women and Children (2008-2012), even though the number of victims has increased over last few years. Moreover, no new action plan has been drafted, leaving an open door for malpractice.

¹¹ Uyghur Human Rights Project, "Sacred Right Defiled: China's Iron-Fisted Repression of Uyghur Religious Freedom", Section on Imams and Büwi, 2012, page 33, URL : <http://docs.uyghuramerican.org/Sacred-Right-Defiled-Chinas-Iron-Fisted-Repression-of-Uyghur-Religious-Freedom.pdf>

¹² Radio Free Asia, "Petitioning Mom Held for 8 Months", 2013, URL: <http://www.rfa.org/english/news/uyghur/petitioner-02052013171651.html?searchterm:utf8:ustring=uyghur+women>

¹³ Criminal Law of the People's Republic of China, articles 240-244, URL: http://www.china.org.cn/china/LegislationsForm2001-2010/2011-02/11/content_21899017.htm

Instead, the People's Republic of China is enforcing a new policy recruiting young, Uyghur women and transferring them to work in factories in urban areas of eastern China where they complained of harsh, prison-like work conditions with severe limitations on their freedom.

During the 4th Session of the UN Forum on Minorities Issues, the World Uyghur Congress President, Ms Rebiya Kadeer, stated that if these young women refuse to participate and relocate, local authorities – already facing intense pressure from higher levels of authority – force them to comply by “threatening families with steep fines if they fail to send family members to join the program; threatening farmers with the confiscation of their farmlands and the destruction of their homes if they refuse to allow their daughters to participate; and threatening young women with the confiscation of their resident registration cards and denial of marriage certificates if they choose not to join”.

They are forced to work in miserable conditions as cheap or slave labour. The girls are recruited with slogans such as; “relocate at least one girl from each family during the next five years,” and “every teacher should find a girl for relocation”. The women and girls are promised higher salaries than they actually receive upon their arrival. In some cases, women have reported that they were promised an hourly wage, but instead received a wage that did not accurately reflect the hours worked. Many also complained of reduced salaries due to fees (such as transportation to the factory). Trafficked women and girls also do not receive appropriate health care and medical treatment crucial for workers employed in poor conditions.

Unfortunately, there are no exact figures of how many women in total were relocated. However, the official Chinese statistics indicate the transfer of several thousand young women from selected counties of East Turkestan, and depict a massive-scale Government-endorsed programme. Available data confirms that approximately 20,000 Uyghur women from the Kashgar region were forcibly transferred between 2006 and 2008, although the numbers could be much higher.

Experts say that more than half of the 72 counties in the Tibet Autonomous Region have grappled with women-smuggling cases. In 2011, 37 complaints of trafficking in women and children were recorded in comparison to 12 the year before.¹⁴ In most cases these women are trafficked from Tibet into Chinese provinces as brides or household servants. Usually, Tibetan women are deceived with promises of jobs or offers of help in their search for husbands or partners. Eventually, many of them end up working as sex workers. In some cases, Tibetan women are drugged or taken from their homes in order to be sold.

Sources like Radio Free Asia (RFA) provide specific data referring to a report by Lhasa's Public Security Bureau entitled “Some Thoughts on Crimes Involving the Kidnapping and Trafficking of Women and Children”. The report stated that nearly 100 women and children were smuggled from Tibet into various Chinese provinces in the period between 2008 and 2012.¹⁵ In most cases, the victims are poor, illiterate and can speak only Tibetan. This makes them particularly vulnerable to trafficking and exploitation. Moreover, the surge in cases of human trafficking of women can be attributed to a rise in the demand in the Tibet Autonomous Region with a massive influx of Chinese settlers – mostly unmarried male soldiers – making the “sex market” more lucrative.

¹⁴ Radio Free Asia, “Tibet Battles Women Trafficking”, 2012. URL: <http://www.rfa.org/english/news/tibet/trafficked-08242012150928.html>

¹⁵ The Tibet Post International, “Big Jump In Number Of Women Trafficking Cases In Tibet”, 2012. URL: <http://www.thetibetpost.com/en/features/education-and-society/2815-big-jump-in-number-of-women-trafficking-cases-in-tibet->

The “Trafficking in Persons Report” of 2012 provided by U.S. Department of State concludes that “/t/he Government of the People’s Republic of China does not fully comply with the minimum standards for the elimination of trafficking”.¹⁶ China has not signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which provides the definition of ‘trafficking in persons’ in its article 3 and includes terms like “recruitment”, or “by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception”.¹⁷ Instead, China applies article 240 of its Criminal Law where the trafficking of persons is not defined in broad terms, leaving gaps for possible human rights violations.

Recommendations

- Pay greater attention to the trafficking of women belonging to minorities;
- Intensify efforts to investigate and prosecute cases of trafficking and prostitution of women, in particular for forced labour;
- Coordinate with civil society actors to set up relevant services to protect and empower victims to access fair labour markets;
- Clearly define what constitutes ‘forced labour’;
- Abolish the recruitment policy which results in modern day slavery;
- Broaden the legal term of ‘trafficking of persons’ in accordance with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Article 7: Political Participation

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

In its National Human Rights Action Plan for the period of 2012-2015, China states that “/t/he right of ethnic minorities to participate in the management of state and social affairs on an equal footing is guaranteed by the state according to law. The state will make sure that minority groups have a proportionate number of representatives in organs of state power and administrative, judicial and procuratorate organs at both the central and local levels. Ethnic minority citizens will enjoy favourable treatment when they apply to take the national civil service examinations”.¹⁸ However, no concrete actions or measures targeting women belonging to minorities have been adopted or taken.

The situation may be improving, but Tibetan women remain underrepresented at the provincial and prefectural levels of Government. No formal restrictions on women’s participation in the political system exist, and according to the United Nations High Commissioner for Refugees 2013 Country Reports on Human Rights Practices, female cadres in the TAR accounted for more than 34.9 % of the

¹⁶ US Department of State, “Trafficking in Persons Report 2014”, 2014, page 132, URL : <http://www.state.gov/documents/organization/226845.pdf>

¹⁷ UN, “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime”, Article 3, 2000, URL : http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

¹⁸ National Human Rights Action Plan of China (2012-2015), section for the Rights of Ethnic Minorities, 2012, URL: <http://www.globaltimes.cn/content/714148.shtml>

TAR's total cadres.¹⁹ Tibetan society has undertaken visible efforts into empowering women; women make up 30% of the current staff in the Central Tibetan Administration (CAT) and over 24% of the secretary-level officials in the CTA.²⁰

In Tibet, many female political activists choose to become nuns as a way to actively participate in the struggle for independence together with monks, thus assuming a leadership role in demonstrations against the central Government, even though a large number of nuns have been imprisoned. In 2008, approximately 58% of detainees were monks and nuns, which demonstrates how political and religious activism remains highly restricted in the TAR.²¹

Moreover, according to Tibetan Centre for Human Rights and Democracy (TCHRD)'s Annual 2013 Reports on Human Rights situation inside Tibet, there are 39 nuns on the list of TCHRD Political Prisoners Database.²² However, the issued list is based on the available sources, so data varies and the number of detainees may be much larger. What is clear is that the issue of detained Tibetan nuns imprisoned for political or religious activities impedes on their right to freely participate in political and public life of their respective communities.

Despite the seemingly positive results mentioned above, women belonging to minorities still hold few decision-making posts or positions of influence in the Chinese Communist Party or Government structure. In August 2011, the State Council issued the PRC Outline for the Development of Women (2011-2020), which, among other objectives, calls for "local governments at the county level and above to have at least one female leader" by the end of 2020.²³ However, the question of minority female political participation, particularly from the Uyghur or Tibetan minority groups, is not directly addressed.

Recommendations

- Abolish the practice of detaining politically active nuns (and monks);
- Ensure the implementation of National Human Rights Action Plan of China for the period of 2012-2015 in terms of political activism and provide relevant indicators for tracking progress.

Article 10: Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

The bilingual education policy which the Chinese Government tries to implement in minority regions marginalizes their cultures instead of preserving them. For instance, Mandarin is imposed as a language of instruction across all schools in East Turkestan.²⁴ A World Uyghur Congress report

¹⁹ UNCHR, "2013 Country Reports on Human Rights Practices - China (Tibet)", 2014, URL: <http://www.refworld.org/docid/53284b43b.html>

²⁰The Tibet Post International, "Women play a prominent role in Tibetan society: Sikyong", 2014, URL: <http://www.thetibetpost.com/en/news/international/4157-women-play-a-prominent-role-in-tibetan-society-sikyong>

²¹ 2010: Human Rights Report: China (includes Tibet, Hong Kong, and Macau), U.S. Department of State, April 2011, page 84, URL : <http://www.state.gov/documents/organization/160451.pdf>

²²Tibetan Center for Human Rights and Democracy , "Annual Reports on Human Rights situation inside Tibet", 2013, URL: <http://www.tchrd.org/2014/01/tchrd-releases-2013-annual-report-and-special-report-on-re-education-through-labor/#more-3085>

²³Congressional-Executive Commission on China, "Annual report", 2011, URL: <http://www.gpo.gov/fdsys/pkg/CPRT-112JPRT68442/html/CPRT-112JPRT68442.htm>

²⁴ World Uyghur Congress, " Movement for Uyghur Mother Language Based Education", 2014, p.6.

shows that in “ethnic schools” where only students belonging to minority groups are enrolled, all classes are nevertheless taught in Mandarin. Courses in the mother tongue of pupils are available only as an optional or elective subject. Combined schools can be attended both by Han and minority students. However, because all classes are exclusively in Mandarin, a sufficient level of Mandarin is required.²⁵ Therefore, instead of a bilingual education, a monolingual teaching system is in place in East Turkestan.

The situation is starkly similar in Tibet. The Tibetan language is relegated only to Tibetan language literature, and culture classes. As a result, in October 2010, thousands of Tibetan students took to the streets in non-violent protest over the recent decision of the Chinese Government to have all textbooks in Mandarin.²⁶ Similar protests were held in 2012 in various Tibetan counties where students expressed their dissatisfaction.

Moreover, Tibetans are in a highly disadvantaged position as secondary education is taught exclusively in Mandarin and entrance exams to universities are in Chinese.²⁷ Hence, high school enrolment rates for children living in Xinghai were as low as 13% in 2012. Also, most pupils stop their education before 9th grade because higher education schools are far away from their homes.²⁸

The obstacles listed above, and a general belief that school is not essential for “real life” negatively impacts young women in Tibet in particular, as their traditional societal role is to remain at home doing housework and caring for others. Therefore, even if Tibetan girls are able to meet language requirements needed, educational attainment is difficult. Because schools are far away (sometimes as far as a one-day bus ride) and pupils are asked to pay fees covering the cost of classes, room and board, uniforms, textbooks, and school supplies, girls additionally are at risk of dropping out of compulsory education.

While China is committed to massive investments in Tibet, and presents attractive data with high enrolment rates and higher level course results for girls,²⁹ there is no data regarding girls’ dropout rates. The documented information refers to female students residing in the Tibet region in general, but the data also includes Han Chinese girls, thus skewing the data. If the numbers only reflected educational attainment of ethnic Tibetan girls, the numbers would be different. It is also important to reiterate the difference between statistics depicting the enrolment in studies and actual completion of studies. Relatively few rural Tibetans are able to complete the 6-year primary education, let alone the full 9-year compulsory education. Therefore, a focus on school completion is crucial to improve the educational level of the Tibetan population, and especially that of the female population. The Chinese Government has taken some measures to address the problem of high dropout rates among rural girls, but these do not focus on minority women, which still find themselves in a very vulnerable position.

The level of education of Tibetans remains extremely worrisome – it has the highest illiteracy rate – at 45.65% – with the rate among women as high as 57.17% according to the Human Development Report on China, a reported cited by Tibetan Women’s Association in their 2013 report.³⁰

²⁵ World Uyghur Congress, “Movement for Uyghur Mother Language Based Education”, 2014, p.7.

²⁶ Phil Borges Production, “Education in Tibet”, 2011, URL : <http://www.philborges.com/blog/2011/01/13/education-in-tibet-update/>

²⁷ Free Tibet, “Society, culture and religion”, URL: <http://freetibet.org/about/society-culture-and-religion>

²⁸ Gofundme, “Pentok High School Girls Fun”, 2014, URL: <http://www.gofundme.com/pentok>

²⁹ Combined Seventh and Eighth Periodic Report of States Parties. China, 2012, Annex nr.9

³⁰ Tibetan Women’s Association, “The Status of Tibetan Women in Tibet Mirrors China’s Critical Disengagement with its National and International Commitments”, 2013, p.12.

Recommendations

- Ensure that the ‘bilingual education’ policy signifies an equal opportunity to study in the Tibetan and Uyghur language, as well as Mandarin;
- Adopt and implement measures, which would make education more accessible for non-Chinese-speaking minorities;
- Address the alarming school dropout rates for ethnic minority children, especially girls;
- Provide financial support to families which do not have the financial capability to cover necessary school fees.

Article 11: Employment

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

Both Uyghurs and Tibetans with little or no knowledge of the Mandarin language are excluded from certain jobs, especially top positions. This leaves members of these minorities in an extremely vulnerable position. Although China’s domestic law forbids discrimination in employment on the grounds of ethnicity, race, gender, or religious belief, Tibetan and Uyghur men and women experience it on daily basis.

For instance, in an online job notice posted in 2009 for the Xinjiang Hotan Teacher Training Institute, all four positions offered were reserved for Han Chinese applicants, while in another ad, eight positions available at the Kashgar Normal Institute were reserved specifically for men. Two other calls required that the candidate be either male with an undergraduate degree or a female applicant for with a graduate degree.³¹ Another job vacancy for civil service jobs in East Turkestan not only required passing the Mandarin language proficiency test, but was specifically looking for Han Chinese men in particular.³² This preferential policy seeking Han Chinese applicants does not reflect the reality that the majority of the population of East Turkestan is Uyghur, despite the growing number of ethnic Han residents in the region.

Employment discrimination practices with respect to issues such as wages, recruitment, and retirement age remains widespread in China. It is particularly high among Tibetan and Uyghur women, because of both their ethnicity and gender. Those occupying the most important positions are Han Chinese men, followed by Han Chinese women, then Tibetan men, and lastly Tibetan women.

China’s domestic law prohibits gender-based discrimination, but these laws do not provide guidance for enforcement mechanisms. Moreover, the Law of the People’s Republic of China on Promotion of

³¹ Uyghur Human Right Project, “Uyghurs, women need not apply for government jobs in East Turkestan”, 2009, URL: <https://uhrp.org/press-releases/uyghurs-women-need-not-apply-government-jobs-east-turkestan>

³² Uyghur Human Right Project, “Uyghurs, women need not apply for government jobs in East Turkestan”, 2009, URL: <https://uhrp.org/press-releases/uyghurs-women-need-not-apply-government-jobs-east-turkestan>

Employment, which prohibits discrimination against (potential) employees based on their gender, leaves implementation measures to autonomous regions.³³ Hence, it cannot guarantee that this provision is being implemented in accordance with international standards. As a result, China's minority groups, and especially women belonging to minorities suffer from disproportionate levels of unemployment.

Recommendations

- Ensure that employment requirements apply equally for Uyghur, Tibetan and ethnic Han candidates;
- Guarantee a broad access to job opportunities, for women and men, from rural and urban areas;
- Enforce sanctions or retributions for work-related abuses and violations.

Article 12: Health Care

1. *States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on basis of equality of men and women, access to health care services, including those related to family planning.*

With regards to family planning, women belonging to minority communities do not receive necessary parental care during pregnancy or childbirth. According to a report, more than half of respondents said that they were concerned about maternal death not receiving appropriate medical attention. They also expressed worry regarding the long distances between health facilities; the average time needed to reach a health center is 4.3 hours.³⁴ For some women reaching a medical clinic could take as much as several days. Women not only have limited access to medical facilities, but they also lack knowledge about health care in general.

The maternal mortality rate in Tibet is the highest among the territories administrated by the PRC. While the national rate of maternal mortality for permanent residents is 39.02 per 100 000 inhabitants, the rate for Tibetan women is much higher at 71.58.³⁵ China claims to be implementing a variety of policies to solve this issue, but what warrants special attention are women living in rural and remote areas, as well as women belonging to national minorities, who are generally excluded from national policies.

Moreover, even if women are able to reach hospitals or medical centres, these often lack quality infrastructure and equipment. One in five city hospitals lacks facilities necessary for simple operations and there is only one computerized tomography scanner the entire region of Tibet.³⁶

³³ Combined Seventh and Eighth Periodic Report of States Parties. China, 2012, paragraph 153.

³⁴ Tibetan Women's Association, "NGO Alternative Report on the status of Tibetan women for the Commission on the Status of Women", 2013, p. 8.

³⁵ Human Development Report China 2007-2008, p.97. The UNDP report cites statistics of the "A Collection of National Women and Children's Healthcare Monitoring Information and Annual Report" (2005) URL: <http://www.un.org.cn/public/resource/1b838dc15339e23644a70da919405685.pdf>

³⁶ Tibetan Women's Association, "The Status of Tibetan Women in Tibet Mirrors China's Critical Disengagement with its National and International Commitments", 2013, p.48.

Furthermore, health workers rarely have sufficient medical knowledge or information, especially with regards to contraceptive methods or sexually transmitted diseases, such as HIV/AIDS. As a result, the TAR Health Bureau reported 102 cases of HIV/AIDS in the region between 1993 and 2009.³⁷ Because of fear, discrimination and poor understanding of HIV/AIDS, not all the cases are reported and health exams are not common, especially among women and girls engaged in sex work. Therefore, even if diagnosis and treatment of sexually transmitted diseases are non-discriminatory, the understanding of HIV/AIDS remains a huge challenge for minority communities.

Unfortunately, no information is available regarding the issue of health care in East Turkestan.

Recommendations

- Improve access to health care services, particularly in rural areas;
- Facilitate the spread of knowledge and information about sexually transmitted diseases;
- End discrimination in Han Chinese managed hospitals;
- Increase both quality and quantity of facilities in hospitals in rural areas.

Article 16: Marriage and Children

1. States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

As ethnic minorities, both Uyghurs and Tibetans are exempt from China's infamous one-child policy aimed largely at the ethnic Han Chinese population. However, this is not applied in practice. Even though family planning policies permit Tibetans, Uyghurs and other ethnic groups to have more than one child, some Tibetans and Uyghurs report feeling pressure to have only one child. In some cases they have had to pay fines. If women cannot pay, they face forced abortions and sterilisation.

Uyghurs who attempt to have more than one child are subject to various coercive measures. Uyghur women have become victims of severe violations of their individual rights and dignity due to cases of forced abortions and sterilizations. In most cases these take place in rural areas. For example, it has been documented that at least 4 Uyghur women have been forced by authorities to undergo abortions. One woman was sick when she was forced to undergo the procedure, after having suffered from seizures. It was a 28-hour procedure, which took place after local officials led her away from her home after she fell unconscious from fainting. She received an injection to induce miscarriage, while tied down to a bed and was left in agonizing pain for more than a day until staff confirmed that her fetus had been aborted.³⁸ In addition to this, the rules governing "excess birth" are unclear. This creates no strict boundaries regarding how far local officials could go to enforce the one child policy, because local officials are able to adjust the regulations.

For instance, the 2008 US State Department Human Rights Report on China revealed that officials in Gansu Province forcibly detained and sterilized a Tibetan woman who did not obey local population

³⁷ 2010: Human Rights Report: China (includes Tibet, Hong Kong, and Macau), U.S. Department of State, April 2011, page 97, URL : <http://www.state.gov/documents/organization/160451.pdf>

³⁸ Refworld, "China: Uyghur woman forced to abort six-month pregnancy while ill", 2014, URL: <http://www.refworld.org/docid/52e0d70db.html>

planning requirements. One Tibetan woman reports: “If you have good connections you can buy a sterilization certificate for around 1000 yuan. But those who do not 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.” Taking into consideration the fact that using contraceptive methods favoured by the Chinese Government is in opposition to Buddhist beliefs,

Forced abortions and sterilization of Uyghur and Tibetan women contradicts not just article 12 of Convention on the Elimination of All Forms of Discrimination against Women, but also article 14 in terms of the right to decide on the number of children.

Recommendations

- Cease forced abortions and sterilizations and encourage a voluntary approach to family planning;
- Abolish the practice of forcing women to use contraceptive methods against their own will;
- Ensure that women belonging to minorities are excluded from China’s one child policy;
- Introduce comprehensive family planning programs that are not limited to birth control, but address maternal and child health.

Section D: Closing Remarks

There are a number of serious questions regarding the discrimination against women, particularly women from Uyghur and Tibetan minorities, which ought to be taken into consideration by representatives of the People's Republic of China. Despite the fact that in its report to the Committee on the Elimination of Discrimination Against Women, China presents significant efforts to eliminate all forms of discrimination against women, there are no specific measures focusing on women belonging to ethnic and religious minorities. The report ignores that ethnicity and gender can intersect to create new vulnerabilities and disadvantages, and maintain disparities, oppression and marginalization. In the 75 pages report, the term "autonomous regions" is mentioned only once in paragraph 105, and the term "minorities" in paragraph 147 and 154. This clearly shows that little attention is given to minority issues in China, especially pertaining to equality and empowerment of minority women. Therefore, the human rights situation facing Uyghur and Tibetan women in China remains of high concern on all levels: political, civic, social, economic and cultural.