

Violence against a Tibetan Woman in Tenzinghang: TWA's report September 2011

"Violence against women is not only injustice, but is also an obstacle to the achievement of equality, development and peace in the community in every country." - United Nations Convention on Elimination of all forms of Discrimination Against Women (CEDAW)

On July 18 this year TWA received some shocking news by email; a Tibetan woman had been beaten, stripped naked and taken to the market by fellow Tibetans in Tenzinghang, a Tibetan Settlement of 800 people across four camps, 160 km from Bomdilla in Arunachal Pradesh.

In TWA's immediate response to this horrendous act of violence against a woman we attempted to contact Tenzinghang's regional TWA chapter (RTWA) but were unable to. Whilst being deeply concerned, TWA followed the story closely and discussed further actions. This was against a backdrop of widespread public outrage, evident from the overwhelming number of emails and phone calls to TWA, and numerous discussions online and in the Tibetan media.

On July 18, TWA's president first contacted the Secretary of the Central Tibetan Administration Department of Home (DOH) who informed her that the matter is being assessed and a report underway.

Whilst awaiting the report, TWA urgently drafted a statement that we intended to publicize. However, after being able to contact the president of RTWA Tenzinghang, we realized that much misinformation was being spread and that the news as we had received it remained hearsay and not necessarily reliable. Highly concerned about the lack of verifiable information and as an NGO accountable to 15,000 members and the Tibetan community, we decided to wait till we were fed with authentic information.

TWA's president consistently followed up with the DOH and less than three weeks after the incident - on August 10 - TWA's president visited the Deputy Secretary and was informed of the Tenzinghang officials' decision: according to a DOH directive, the Settlement Officer convened

a heads meeting of community leaders: representatives from regional chapters of Tibetan Youth Congress, Tibetan Women's Association, Local Assembly, Tibetan Freedom Movement, six camp leaders, the Settlement Officer and his office secretary. The members of the first heads meeting then called for a second meeting with *Pachen* (head of the family) which was attended by one representative each from the families in four camps. The decision was: the key perpetrator (Kunsang¹, age 38) would have to pay for rituals to appease local deities upset with the incident, who might cause harm to the village; Kunsang had to make a lavish ritual offering amounting to Rs. 30,000 to the Gyutoe Monastery, the only Buddhist monastery in the vicinity (TWA's representatives observed that the invoice amounted to Rs. 22,000), and she also had to make a deposit of Rs. 40,000 to the Settlement Office, to pay for likely future ritual performance should the village suffer the wrath of the local deities. Her husband Ngawang was fined Rs. 20,000 and her brother Choedup Rs. 5000 for complicity, these fines also intended for ritual purposes. Choedup also faced a 17 month suspension (till December 2013) from the post of President, Local Tibetan Assembly. The victim of the assault Choenyi, charged for adultery, was made to apologize and do prostrations in front of the altar bearing the photo of His Holiness the Dalai Lama.

TWA, dissatisfied with the decision primarily because it only addressed the issue at a surface level and because it lacked the vision to treat the root cause: gender violence and discrimination against women, decided to visit the region.

Therefore at that stage TWA issued only an official statement stating that we would visit the region to assess the case. In the meanwhile, TWA spoke extensively to the Tibetan media informing them of our intentions to help the victim.

On August 30, TWA's two representatives, Samten Choedon (Vice President) and Tenzin Dickey (Sponsorship Officer) left Dharamsala for Tenzinghang and spent four days there between September 3 and 7. On top of dealing with the case, they led a well-attended three-day training session on 'Gender Sensitization and Fighting Domestic Violence' to the public in Tenzinghang, Tezu and Miao in Arunachal Pradesh. Upon their arrival, the Settlement Officer consented to

¹ Note: names of all the people involved except Choedup have been intentionally changed. The reason being TWA intends to protect the identity of the victims and the perpetrators. Choedup's name remains unchanged as this report conveys the actual role of Choedup which was hitherto misrepresented.

allow TWA to address this case.

On September 4, they met the victim Choenyi and her family of three: her 4 year old daughter Sangmo and her mother Dolma (actually her maternal aunt who adopted her as a child). Choenyi bravely narrated the entire distressing story from her angle, with her mother chipping in:

On July 16, at around 9.15 am, two cars with seven members of an extended family- three men (Kunsang's brothers Tenzin Choedup and Gaden, and Kunsang's brother-in-law Tsultrim) and four women (Kunsang, her sister Khando, and Choedup's two wives, Tsering and Lhakyi) - stopped near Choenyi's house. The group stormed inside her house, grabbed her and forcibly dragged her outside. While she tried to escape their wrath and this dire situation, the four women and one man continued their planned tasks: two held her firmly by each hand, while three scratched and splashed a thick black ink paste around her face and stripped her naked. The other two men watched and shooed away glaring neighbors, who expressed concern and indignation over the cruel torture meted out to the victim, saying, "this is not your business, please do not interfere, we are resolving five years of insult and impunity."

Once the black ink paste covered her face, Kunsang and Khando cropped short Choenyi's long locks that had touched her waistline; today she wears headgear to cover the nun-like short hair. Minutes later, Khando targeted the victim's nose with scissors, intending to cut it. However, the slippery paste on her nose prevented their firm grip and the scissors slipped. Chodeup and Gaden later claimed that they grabbed the scissors from Khando's hand to stop her from committing this heinous crime.

While the rest still held Choenyi's naked body, Kunsang, Khando and Tsultrim took turns to lash beatings on her with a heavy belt, after which they dragged her to the crossroads for a public viewing, where she was abandoned. A white car with an Indian official passed by the site and Khando shouted in Hindi, "Yahan dekho, randhi ko dekho!" meaning, "Look here and watch this whore!"

At around 9.45 am, Choenyi's mother Dolma, with a bleeding forehead (Khando had attacked her with the scissors, saying she had been at the centre of all the events) dashed to the spot, covered

a sleeveless jacket around Choenyi bruised body and brought her back home.

"I immediately washed her face with kerosine and nail polish remover despite the fact that she groaned with pain," said Dolma. She did this to prevent the black ink stain becoming permanently visible on her face. "She was bruised badly and couldn't even move for two days and was bed ridden for two weeks."

The nurse who treated Choenyi said, "She was beaten black and blue. I had to give her injection and I couldn't find a single spot which wasn't bruised and it got very difficult to inject her."

TWA members also gathered the information that normally Choenyi would have been accused as the main offender for being involved in an extra marital affair, but she was spared of any usual punishment since the public humiliation was deemed to suffice. The heads meeting and the Pachen meeting also decided that the victim and Ngawang were not allowed to stay in touch and that Ngawang should remain loyal to his wife of 22 years (Kunsang) and their two sons, the elder aged 21 and the younger in late teens.

When asked if she has any expectations of compensation from Kunsang's family, Choenyi said, "No, I don't think I ended up being the victim. Kunsang, her sisters and sister - in - laws should be ashamed because they stripped me naked in front of their bothers."

On being asked why she would not file a legal suit against the perpetrators, Choenyi said it was not in her interest or the offenders' interests to get entangled in a lawsuit, and therefore she expressed her firmness in her decision to not take it to the court. TWA's representatives did not insist she do otherwise.

TWA offered to bring Choenyi and her daughter to Dharamsala and invited her to join TWA's 'Stitches of Tibet' 18 - month training program, to learn tailoring skills. TWA also offered her accommodation at TWA's Dolkhang (staff quarter) and assured her that TWA would take care of her living costs for 18 months, provide counseling sessions and help her daughter to be admitted in TCV school in Dharamsala. TWA even suggested the possibility of seeking help from a Canada Tibet Committee dealing with the immigration of 1000 Tibetans from Arunachal Pradesh

to Canada. But Choenyi was hesitant and difficult to convince, and her mother Dolma also appealed against these offers saying that she couldn't live without Choenyi, despite the fact that Dolma's Indian husband also lives with her. Choenyi's mother requested that TWA help them admit Sangmo into a good school when she turns six.

The same day, TWA's team met Kunsang, the key offender. "I didn't plan to strip her naked, and cause disfigurement. We only planned to cut her hair, scratch her face and apply the black ink so that the marks will stay permanent and she (Choenyi) will be ashamed of herself for having an affair with a married man," said Kunsang, who claims that she stripped Choenyi naked in a fit of rage and shock.

But Ngawang, Kunsang's husband, and father of Choenyi's four year old daughter Sangmo, contradicted Kunsang's statement. He said that Kunsang had often warned him against contacting Choenyi lest she would abuse and humiliate her by stripping her naked.

Kunsang admitted no planning and warranted her act saying "Choenyi took away everything from me: my husband of 22 years, my reason to live, my family's dignity and she deserves to be punished." She confessed, "my only regret is that this incident has ruined my brother's lives. Both of them were respectable figures serving the Tibetan community, and today they are no longer in a position to be of service to the community. This is my biggest mistake- dragging them into this is my biggest mistake."

Gaden, who was hitherto a staff member in the Tenzinghang Federation of Tibetan Cooperatives, resigned from his position and is now rearing cattle. Choedup was forced to resign as the President of the Tibetan Freedom Movement and now manages his apple orchard business.

Kunsang further complained that the decision to punish her was unfair, as Choenyi was the key offender: "She has kept me the dark for 5 long years, when many people warned me that Ngawang and Choenyi had an affair, I didn't believe them and I trusted my friend Choenyi who convinced me by swearing in front of me at the Gyutoe monastery saying that someone else and not Ngawang is the father of her daughter. But recently when I saw the obscene photos of Choenyi and Ngawang sharing intimate moments and in compromising positions, my anger

knew no bounds and the only solution was to end my life. But my sister - in - law advised me not to take such drastic steps which would cause great pain to my two sons and suggested that I seek the support of my brothers in punishing Choenyi. It's strange that though Choenyi is the main cause of this whole problem, she remains unpunished."

Choedup, previously an influential and respected spokesperson for Tenzinghang village as well as President of Tibetan Freedom Movement, said, "I did not voluntarily intervene - only when I was informed by my wife Tsering, who runs a restaurant in Itanagar with my sister Kunsang, that if we brothers do not help Kunsang in punishing Choenyi, then Kunsang is threatening to commit suicide. My initial reaction was, 'If your man (Ngawang) has no respect and dignity, then what good does it serve to deprive Choenyi of the same?'" He justified his presence at the attack as a means of showing brotherly support to his sister Kunsang who requested his help, devoid of which she was on the verge of ending her life. "People accused me as the key assailant though I had a peripheral role. Maybe it's because they couldn't withstand my prominence as one of the most successful and flourishing Tibetans in the region and from henceforth, I have lost the commitment and ability to be of service to our community - something which I thought was an innate and inseparable part of me." Choedup complained that the Tibetan media has been very partial and unfair in misrepresenting his role; "They could have called me, contacted me and verified information from me."

Kunsang seconded this saying that, "instead of publishing my name, they published Choedup's name. One Tibetan newspaper never published the interview that my brother Tenzin Rigtsang gave whilst in Dharamsala for the Annual meeting of the Tibetan Cooperatives held in the second week of August."

Choedup further stated that, "One pressing problem in Tenzinghang is that in case of extra marital affairs, the office always sets a compensation amount, but to date no one has abided by or fulfilled them and the culprit manages to escape any follow-up. Amidst such scenarios it becomes compelling for us to take the law into our own hands and this is what our family has done. Kunsang's plan to beat Choenyi remains warranted but I vehemently oppose their act of stripping her naked - that was a big mistake."

Choedup said that at the end of the day, his sister Kunsang was left abandoned and suffering all the losses; "She should be compensated."

Ngawang, employed within an Indian Government division, said, "Kunsang and I have been living separately for one year, she in Itanagar and I in Tenzinghang. Whenever I go to visit her during weekends, we end up fighting. It's been some time that we have been constantly arguing and missed out on a happy family life. Our children who are now adults suggested that rather than arguing endlessly, it's better if we live separately and lead a dignified life."

TWA's representatives were informed that soon after the exposing of Ngawang's affair with Choenyi, Kunsang's family made Ngawang sign a four clause contract stating that 1) Ngawang and Kunsang will live separately, 2) Ngawang, who has a monthly income of Rs. 24,000, will hence forth and till his retirement pay a monthly child alimony of Rs. 5000 each to their two sons and also cover extra expenses and an additional Rs 5000 per month to Kunsang 3) Ngawang will construct a house for Kunsang and their sons, 4) Upon retirement, Ngawang will distribute his provident fund, 50% to Kunsang, 25% to his elder son and 25% to his younger son.

Ngawang responded saying, "I submitted to all the demands they made of me. I am willing to pay everything to lead a life of peace and freedom."

However, on September 16, Ngawang informed TWA's vice president over a phone conversation that Choedup acknowledged that this bond is unfair as it leaves Ngawang with only meager savings and therefore Choedup stated that he will revise and reconsider the clauses and ensure that Ngawang has sufficient savings for his and his family's future.

On September 4, TWA's vice president asked Ngawang if after separating from Kunsang, he is willing to marry and settle down with Choenyi, Ngawang responded, "I have always maintained that I will not remarry, but after this incident, I cannot even stand Kunsang's presence. She and her family have meted inhuman torture to Choenyi and beat her like an animal. Choenyi suffered because of me, no one else will marry her, she will be abandoned by the society and so she is my responsibility. Sangmo is my daughter and now that my two sons with Kunsang are grown up, I have to take care of Sangmo. If I leave her like this my fate and belief in karma will not spare

me."

The next day on September 5, TWA's representatives first approached Kunsang and asked her if she saw a possible reconciliation with Ngawang, to which she replied that she had lost all respect for Ngawang, wouldn't want to live with him, and that upon the fulfillment of the clauses in the bond, Ngawang is free to leave her.

TWA's representatives asked Choenyi if she was willing to accept Ngawang's proposal of settling down with her. She requested adequate time to think over it. Later Choenyi said that the only solution or way out was to accept Ngawang's proposal for settling down together as no one else would marry her. TWA called both Ngawang and Choenyi and asked them both to make a firm decision and they both decided to live together as a family.

On Sept 6, TWA's representatives met Choedup to ask if their family objected to Ngawang settling down, to which Choedup replied "the decision is theirs [Ngawang and Kunsang] and we respect that."

TWA's representatives requested Ngawang to inform the Settlement Officer of his decision to move in with Choenyi and also inform his sons to which Ngawang consented.

Ngawang confessed that it would be difficult for both he and Choenyi to live in Tenzinghang and therefore he is seeking a transfer.

On September 7, when TWA's representatives were about to board the jeep to travel to Miao, they were pleasantly surprised to see a smiling Choenyi with her daughter Sangmo. Choenyi gave juice and a khathak (white scarf) to both Samten and Dickyi and nudged her daughter to bid adieus to them. Choenyi told them, "Thank you very much for reassuring me with your support at a crucial time when I had lost the little hope and confidence that I had in life. Now I am happy and contented and will never forget my gratefulness."

TWA's representatives gave Rs. 30,000 on behalf of Central TWA to pay for her medicines, vitamins she has been taking for the last two months, and will have to do so for the next six

months. Choenyi agreed that she committed a mistake by having an affair with Ngawang and apologized. TWA's representatives also assured her that now that she is a victim of gender-based violence, TWA will stand by her as with all other women victims. TWA's representatives spent time helping her feel more confident and also reminded her she can always approach RTWA Tenzinghang when she is in need of help, and that central TWA is only a phone call away.

People in Tenzinghang lamented this incident saying that it has ruined the reputation of Tenzinghang, with children in far off schools such as Mussorie calling their parents, asking them to resolve and settle the issue lest they will have to suffer humiliation in schools. The masses in Tenzinghang suggested that the Parliament and Executive should decide a proper, valid and equal punishment for people (men and women) involved in extra marital affairs as this lack of clarity is a major cause of this great and tragic crisis.

This incident has revealed that greater clarity in handling marriage problems and extra marital affairs at the local level is required. It is disquieting that by sparing Choenyi of punishment the people in Tenzinghang seemed to some extent to justify her beating and public humiliation, rather than condemning and fully punishing the violence and its perpetrators, and then punishing Choenyi separately, 'fairly' and 'lawfully' as normal. This problem was also reinforced by Choedup saying the extra-marital affair compensation is rarely paid in Tenzinghang, and significantly by the masses in Tenzinghang demanding a fixed marriage law.

In order to better understand what took place in the face of much rumor and misinformation and also to better understand the factors that were influencing decisions, TWA have collected and considered the extensive testimonies of several involved. However, we should be left in no doubt whatsoever that this violent attack was a heinous, cruel and unjust incident which must be absolutely condemned.

TWA's appeal:

Initially, TWA intended to make an earnest request to the Canada Tibet Committee to consider Choenyi, her daughter and her mother to qualify in a special quota to be able to immigrate to Canada under the immigration program for 1000 Tibetans from Arunachal Pradesh. However,

having confirmed with Choenyi for the third time her refusal to consider the option and to remain in India with Ngawang, her daughter and mother, TWA decided to rescind this appeal. "It is not a huge problem for both the parents to raise one children and I want to be close to my family" said Choenyi to TWA's vice president over the phone on September 16.

Conclusion:

Violence against women is an appalling human rights violation. The United Nations General Assembly describes violence against women as 'any act of gender based violence that results in, or is likely to result in, physical, psychological, or sexual harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life'. This violence is characterized by a concentration on the victim's gender.

In Tibet, China's state sponsored gender-based violence is perpetrated against Tibetan women coerced to undergo sterilization and those pregnant mothers forced to have abortions by the Chinese government, sometimes as late as seven or eight months into their term. The peace-loving Buddhist Nuns are tortured brutally, sexually, and without regard for the rights that are theirs as women and as human beings. The denial or suspension of these rights harms not only the victims of this violence, but hinders the greater project of global peace.

Though peace is built upon many things, a cornerstone of this goal is a consensus on the essential value of every human life. This value entails a profound respect for life: life of all kinds, shapes, and sizes. Those who have committed acts of violence against women hinder this goal of peace through open disrespect for the intrinsic value of human life.

TWA's recommendations:

Such atrocious cases draw attention to unfortunately continuing violence against Tibetan women and the necessity of creating a gender sensitive society. This case has even raised furore from our homeland and writer Jamyang Kyi has condemned such acts and expressed concern over the prevalence of such violent discrimination against Tibetan women. The CTA, civil bodies, and men and women of conscience should collectively strive towards the creation of a gender - sensitive and gender - equal society.

The Executive, Legislature and Judiciary of the Central Tibetan Administration should condemn in strongest terms, any form of violence against women.

The Kashag / Executive is requested to ensure the effective enforcement of the host country's laws and acts on dealing with any forms of violence against women. To this end, the Kashang / Executive is requested to provide a directive and a proper guideline to the settlement officers in India, Nepal and Bhutan, and the overseas representatives, on the effective implementation of the laws and acts protecting women's rights. This will bolster the confidence of women.

The Kashag / Executive is requested to present a report on their plan and the guidelines to the Parliament by March 2012, during the 3rd Budget session of the Parliament.

Tibetan Women's Association (TWA) has 56 regional chapters and over 15, 000 members outside Tibet. Today, TWA is the second largest Tibetan NGO and the only women's NGO in our exile that advocates human rights for Tibetan women in Tibet and empowerment of Tibetan women in exile, particularly the new refugee women from Tibet. TWA's slogan is 'Advocacy for Home, Action in Exile.'

"When women thrive, all of society benefits, and succeeding generations are given a better start in life." - Kofi Annan (former UN General Secretary)