



**Human Rights Watch Submission to the Committee on the Elimination of
Discrimination against Women (CEDAW) on China’s periodic report for the 80th CEDAW
Pre-Session
*March 2021***

Human Rights Watch writes in advance of the 80th pre-session of the Committee on the Elimination of Discrimination against Women relating to China’s compliance with the Convention on the Elimination of All Forms of Discrimination against Women (“the Convention”). This submission addresses issues related to articles 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, 14 and 16 of the Convention.

**Attacks on women’s rights activists including in the context of the #MeToo movement
(Articles 1, 2, 3, and 7)**

Two years after the #MeToo movement took off in China, Chinese women’s rights activists face a political environment in which the Chinese Communist Party’s control over the internet, media, and independent activism is tighter than the previous 30 years.¹ Since the Chinese government prohibits collective actions, the country’s #MeToo movement has not been able to manifest in mass street protests. But individuals who have suffered abuse have taken their cases to court, demonstrating extraordinary determination and resilience.

In June 2018, a student at China University of Petroleum was detained for six days in a hotel room by university authorities after protesting the university and police’s mishandling of her sexual abuse allegations against her ex-boyfriend.²

¹ Yaqiu Wang (Human Rights Watch), “#MeToo in the land of censorship” commentary, *Washington Post*, May 8, 2020, <https://www.hrw.org/news/2020/05/08/metoo-land-censorship>.

² Yaqiu Wang, “Is #MeToo Changing China?” commentary, *Washington Post*, September 17, 2018, <https://www.hrw.org/news/2018/09/17/metoo-changing-china>.

In late 2019, authorities detained a journalist and leading figure in China's #MeToo movement, for three months for unknown reasons. Upon release, she reportedly wrote: "This is xx, and I'm back. ... One second of darkness doesn't make people blind."³

In March 2020, Inner Mongolian authorities forced an activist advocating for the rights of sex workers and victims of sexual harassment—to demolish the yurts she and her partner had built as rentals for travelers, cutting off their main source of income.⁴

Silenced in their home country, Chinese feminists have increasingly sought allies overseas.⁵ Utilizing the relatively free and safe space in Western countries, Chinese #MeToo activists outside China hold protests, discussions and trainings, and provide support to their counterparts inside China.⁶

Human Rights Watch recommends the Committee ask the government of China:

- For detailed explanations of the detentions and harassment of activists, including the legal basis for their treatment.
- For a detailed breakdown of information regarding court cases since China's last CEDAW review on the basis of sexual harassment and/or discrimination.

Human Rights Watch recommends the Committee call on the government of China to:

- Cease all forms of harassment, intimidation, and arbitrary detention of women's rights activists.
- Allow unfettered collaboration between peaceful activists inside and outside China.

³ Javier C. Hernández, "China Releases #MeToo Activist Who Covered Hong Kong Protests," *New York Times*, January 17, 2020, <https://www.nytimes.com/2020/01/17/world/asia/china-metoo-huang-xueqin.html> (accessed January 27, 2020).

⁴ Human Rights Watch, *World Report 2021*, (New York: Human Rights Watch, 2021), China and Tibet chapter, <https://www.hrw.org/world-report/2021/country-chapters/china-and-tibet#>.

⁵ Shen Lu, "Silenced at home, finding a voice overseas: China's feminists cultivate the expatriate community," *South China Morning Post*, October 8, 2019, <https://www.scmp.com/news/china/society/article/3031924/silenced-home-finding-voice-overseas-chinas-feminists-cultivate> (accessed January 27, 2021).

⁶ Randy Furst, "Two dozen rally to support University of Minnesota undergrad who alleges she was raped by Chinese billionaire," *Star Tribune*, January 7, 2020, <http://www.startribune.com/chinese-from-around-the-u-s-gather-to-support-u-undergrad-who-alleges-she-was-raped-by-billionaire/566788632/> (accessed January 27, 2021).

Violations of women and girls' sexual and reproductive rights (Articles 2, 3, 5, 12, 14 and 16)

One-child and two-child policies

From 1979 to 2015, China imposed the “one-child policy.” The policy violated women’s reproductive rights. Its enforcement through measures like forced and coerced abortion and sterilization compounded the abuse.

As noted by the Committee, the long-term consequences of the “one-child policy” continue to harm women and girls.⁷ The percentage of the population that are women in China has fallen steadily since 1987.⁸ The gender gap among the population aged 15 to 29 is increasing. Researchers estimate that there are 30 to 40 million “missing women” in China—women who should be alive but are not due to factors including a preference for boys that leads to sex-selective abortion, infanticide, abandonment of babies, and childcare neglect. These factors have been exacerbated by China’s “one-child policy” and continuous restrictions on women’s reproductive rights.⁹

The Chinese government’s 2015 announcement that it would allow all couples to have two children effectively ended the “one-child” policy.¹⁰ While a positive step, it did not change the fact that China’s family-planning policies remain coercive and abusive. The state continues to play a deeply intrusive role in women’s reproductive choices and bodily

⁷ United Nations Committee on the Elimination of Discrimination against Women, “Concluding comments of the Committee on the Elimination of Discrimination against Women: China,” CEDAW/C/CHN/CO/6, August 25, 2006, <https://undocs.org/CEDAW/C/CHN/CO/6> (accessed February 2, 2021), paras. 17-18, 32; United Nations Committee on the Elimination of Discrimination against Women, “Concluding observations on the combined seventh and eighth periodic reports of China,” CEDAW/C/CHN/CO/7-8, November 14, 2014, [https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsoVqDbaslinb8oXgzpEhivhQ3NCi1e847oHGz\]cswgVQFqmcLRIe5oHllbXpXbb5sZQhK9Ry3t3ZUdaSIXBeGdYI3Fr37seMef8DXbC5jwZw](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsoVqDbaslinb8oXgzpEhivhQ3NCi1e847oHGz]cswgVQFqmcLRIe5oHllbXpXbb5sZQhK9Ry3t3ZUdaSIXBeGdYI3Fr37seMef8DXbC5jwZw) (accessed February 2, 2021), paras. 38-39.

⁸ Heather Barr (Human Rights Watch), “You Should Be Worrying about the Woman Shortage,” commentary, December 4, 2018, <https://www.hrw.org/news/2018/12/04/you-should-be-worrying-about-woman-shortage>.

⁹ Human Rights Watch, “*Give Us a Baby and We’ll Let You Go*: Trafficking of Kachin “Brides” from Myanmar to China,” March 2019, <https://www.hrw.org/report/2019/03/21/give-us-baby-and-well-let-you-go/trafficking-kachin-brides-myanmar-china>.

¹⁰ Xinhua New Agency, “Communiqué of the Fifth Plenary Session of the 18th Central Committee of the Communist Party of China,” *Xinhua New Agency*, October 29, 2015, http://news.xinhuanet.com/politics/2015-10/29/c_1116983078.htm (accessed January 27, 2021).

autonomy, controlling both how many children a couple can have and the intervals at which they can have them.¹¹

Officials have enforced birth quotas for couples by imposing hefty fines, euphemistically known as “social maintenance fees.”¹² They also coerce parents by linking access to vital services, such as the household registration (*hukou*) of children, which is a prerequisite for access to public services such as education, to compliance with family planning policies.¹³

The “two-child policy” has not provided any relief to the countless families suffering from penalties for past violations and were denied their right under international law to choose when and whether to have children, or the countless women who endured the pain and trauma of forced abortions.

Violations of the sexual and reproductive rights of Uyghur women and girls

Thirteen million Uyghur and other Turkic Muslims in Xinjiang are suffering harsh repression. The government’s “Strike Hard Campaign against Violent Extremism” has entailed mass arbitrary detention, surveillance, indoctrination, and the destruction of the region’s cultural and religious heritage.¹⁴

There are disturbing reports that the Chinese government is imposing forced population control measures on Uyghurs and other Muslim minorities as part of this crackdown, while easing restrictions for the Han population.¹⁵ Women in Xinjiang have reported that the

¹¹ Maya Wang, “Dispatches: Ending the One-Child Policy Does Not Equal Reproductive Freedom in China,” commentary, Human Rights Dispatch, October 29, 2015, <https://www.hrw.org/news/2015/10/29/dispatches-ending-one-child-policy-does-not-equal-reproductive-freedom-china>; Chinese Human Rights Defenders (CHRD), “‘I Don’t Have a Choice over My Own Body’ The Chinese Government Must End its Abusive Family Planning Policy,” December 21, 2010, <http://chrnet.com/2010/12/i-dont-have-control-over-my-own-body/> (accessed January 27, 2021).

¹² “Social support,” Baidu, Inc, accessed January 27, 2020, <http://baike.baidu.com/view/46638.htm>.

¹³ Yin Liang, “人口普查发现我国 1300 万人无户口多数系超生,” *China Radio International Online*, May 1, 2011, <http://gb.cri.cn/27824/2011/05/01/222553234839.htm> (accessed January 27, 2020).

¹⁴ Human Rights Watch, *World Report 2020*, (New York: Human Rights Watch, 2020), China and Tibet chapter, <https://www.hrw.org/world-report/2020/country-chapters/china-and-tibet>.

¹⁵ Associated Press, “China cuts Uighur births with IUDs, abortion, sterilization,” June 29, 2020, <https://apnews.com/article/269b3de1af34e17c1941a514f78d764c> (accessed January 27, 2021).

Chinese government carries out pregnancy checks, requires them to use intrauterine contraceptive devices (IUD), and forces sterilizations and abortions on them.¹⁶

As in the rest of China, having too many children can lead to high fines. But unlike the rest of China, violating the state's birth control policies is also one reason Uyghur people are being sent to detention camps.¹⁷ There are disturbing reports of sexual violence against Turkic Muslim women in detention.¹⁸ Human Rights Watch has reported on the separation of Uyghur children from their families, and how parents often lose contact with their children after having been sent to detention camps.¹⁹

Human Rights Watch recommends that the Committee ask the government of China:

- Why does the Chinese government continue to control the number of children that families can have, and the spacing of children?
- Provide the most recent data on the implementation and outcomes of all reproductive policies across the country, both at the national, provincial, and regional levels.

Human Rights Watch recommends that the Committee call on the government of China to:

- End all violations of reproductive rights, including all restrictions on the number and timing of births and all forced or coerced medical examinations or procedures.
- Remove all policies that discriminate against children who were born out of compliance with government population control policies and their families.
- Provide reparations to individuals and families harmed by policies that violate reproductive rights.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Matthew Hill, David Campanale and Joel Gunter, "Their goal is to destroy everyone': Uighur camp detainees allege systematic rape," *BBC News*, February 3, 2021, <https://www.bbc.com/news/world-asia-china-55794071>.

¹⁹ "China: Xinjiang Children Separated from Families: Return Minors Housed in State-Run Institutions to Relatives," Human Rights Watch news release, September 15, 2019, <https://www.hrw.org/news/2019/09/15/china-xinjiang-children-separated-families>.

Employment discrimination and workplace sexual harassment (Articles 1, 2, 3, 5, 11 and 13)

Gender discrimination in hiring

Although Chinese law prohibits gender discrimination in hiring, job discrimination remains widespread. Both the Chinese government and private Chinese companies use gender discriminatory job advertisements.²⁰ In 2019, Human Rights Watch analyzed over 36,000 job ads between 2013 and 2018 on Chinese recruitment and company websites and social media platforms.²¹ Many ads specified a requirement or preference for men and some specified irrelevant physical requirements for women.

Human Rights Watch found that in the Chinese government’s 2020 National Civil Service Position List, 11 percent of the postings specified a preference or requirement for men. In 2018 and 2019,²² the rate was 19 percent. In 2017, it was 13 percent.²³ The decrease in the overall percentage of discriminatory postings in 2020 is partly because the most discriminatory ministries were hiring less people compared to the previous years, not because of a lower overall percentage of discriminatory ads.²⁴

Among the nearly 14,000 job postings in the 2020 National Civil Service Positions List,²⁵ Human Rights Watch found that 6 percent specified a preference for male applicants and 5 percent specified a requirement for male applicants.²⁶ The discriminatory job postings often stated, “frequent overtime work,” “heavy workload,” and “frequent travel” as reasons for excluding women.

²⁰ “China: Job Ads Discriminate Against Women: Government, Companies Seek ‘Men Only,’ Hype Having ‘Beautiful Girls,’” Human Rights Watch news release, April 23, 2018, <https://www.hrw.org/news/2018/04/23/china-job-ads-discriminate-against-women>.

²¹ Human Rights Watch, *“Only Men Need Apply”: Gender Discrimination in Job Advertisements in China*, April 23, 2018, <https://www.hrw.org/report/2018/04/23/only-men-need-apply/gender-discrimination-job-advertisements-china>.

²² “China: Female Civil Servants Face Discrimination, Harassment 1 in 5 Civil Service Job Ads Specify ‘Men Only,’” Human Rights Watch news release, November 8, 2018, <https://www.hrw.org/news/2018/11/08/china-female-civil-servants-face-discrimination-harassment>.

²³ Human Rights Watch, *“Only Men Need Apply”: Gender Discrimination in Job Advertisements in China*, April 2018, <https://www.hrw.org/report/2018/04/23/only-men-need-apply/gender-discrimination-job-advertisements-china#9f3461>.

²⁴ “China: Gender Discrimination in Hiring Persists: 11 Percent of Civil Service Ads Specify ‘Men Only,’” Human Rights Watch news release, April 29, 2020, <https://www.hrw.org/news/2020/04/29/china-gender-discrimination-hiring-persists>.

²⁵ National Civil Service Positions List (国家公务员职位表).

²⁶ *Ibid.*

Discriminatory job advertisements violate Chinese law.²⁷ However, anti-gender discrimination laws and regulations in China provide few specific enforcement mechanisms and are not effectively enforced. To address this, in February 2019, nine Chinese central government agencies, including the Ministry of Human Resources and Social Security and the All-China Women’s Federation, jointly outlined specific measures for implementing existing laws that prohibit gender discrimination in employment. One measure included banning job advertisements that specify a requirement or preference for a gender.

Sexual objectification of women is also common in job advertising in China.²⁸ Many ads require women to have certain physical attributes—such as height, weight, voice, or facial appearance—that are irrelevant to job duties. Some job ads use women’s physical attributes—often current employees— to attract male applicants.²⁹ Besides unlawfully depriving women of job opportunities, these job ads reflect deeply discriminatory views about women: that they are less intellectually, physically, and psychologically capable than men, or that they are not fully committed to their jobs because some will eventually leave to start a family.

After the announcement of the “two-child policy” in 2015, working women in China have increasingly faced pregnancy-related discrimination.³⁰ Some women have filed lawsuits against employers who dismissed or demoted them or cut their pay after becoming pregnant.³¹

Workplace Sexual Harassment

Among the over 50 million publicly available court verdicts between 2010 to 2017, only 34 focused on sexual harassment according to a 2018 study by the Beijing Yuanzhong Gender

²⁷ Labor Law (劳动法), the Law on the Protection of Women’s Rights and Interests (妇女权益保障法), the Employment Promotion Law (就业促进法), and the Provisions on Employment Services and Employment Management (就业服务与就业管理规定) all prohibit discrimination on the grounds of gender.

²⁸ “China: Job Ads Discriminate Against Women: Government, Companies Seek ‘Men Only,’ Hype Having ‘Beautiful Girls,’” Human Rights Watch news release, April 23, 2018, <https://www.hrw.org/news/2018/04/23/china-job-ads-discriminate-against-women>.

²⁹ Ibid.

³⁰ “China: Gender Discrimination in Hiring Persists: 11 Percent of Civil Service Ads Specify ‘Men Only,’” Human Rights Watch news release, April 29, 2020, <https://www.hrw.org/news/2020/04/29/china-gender-discrimination-hiring-persists>.

³¹ Alexandra Stevenson and Elsie Chen, “In China, Working Mothers Say They Are Fired or Sidelined,” *New York Times*, November 1, 2019, <https://www.nytimes.com/2019/11/01/business/china-mothers-discrimination-working-.html> (accessed January 27, 2021).

Development Center.³² Among these cases, only two were brought by victims suing alleged harassers, though both were dismissed for lack of evidence. Most of the cases were brought by alleged harassers claiming breach of contract after employers dismissed them for sexual harassment, or defamation after accusations were made public by victims or employers.

The tiny number of sexual harassment lawsuits does not indicate that harassment is not a problem in China. In a 2019 study, 71 percent of surveyed women said they had experienced sexual harassment in the workplace.³³ The absence of court cases indicates the difficulties women face seeking legal redress for abuse.

Human Rights Watch found numerous posts on Chinese social media platforms and online forums where anonymous female civil servants described their experiences of sexual harassment and sought advice on handling sexual harassment by male superiors.³⁴

In June 2020, the National People's Congress, China's rubberstamped parliament, introduced a civil code that, for the first time, defines sexual harassment and states that perpetrators can be held liable, though it is vague on what recourse is available to victims.³⁵

Human Rights Watch recommends that the Committee ask the government of China:

- Why are civil servant job ads still discriminating against applicants based on gender?
- To provide all relevant information regarding state efforts to ensure that government agencies, private employers, and employment websites are not posting discriminatory ads.

³² Beijing Yuanzhong Gender Development Center, "Breaking the Silence and Refusal to Compromise—A Case Study Report of China's Laws and Judicial Trials on Prevention of Sexual Harassment in the Workplace," July 26, 2018, <https://kuaibao.qq.com/s/20180726A1014U00?refer=spider> (accessed January 27, 2021).

³³ Lin Xun, "A Report on Sexual Harassment in the Workplace in China," 074 Professional Women Legal Hotline, November, 2018, https://cnlgbtdata.com/files/uploads/2019/03/2018%E5%B9%B4%E4%B8%AD%E5%9B%BD%E8%81%8C%E5%9C%BA%E6%80%A7%E9%AA%9A%E6%89%B0%E8%B0%83%E6%9F%A5%E6%8A%A5%E5%91%8A_C9m9EL4.pdf (accessed January 27, 2021).

³⁴ "China: Female Civil Servants Face Discrimination, Harassment: 1 in 5 Civil Service Job Ads Specify 'Men Only,'" Human Rights Watch news release, November 8, 2018. <https://www.hrw.org/news/2018/11/08/china-female-civil-servants-face-discrimination-harassment>.

³⁵ Human Rights Watch, *World Report 2021*, (New York: Human Rights Watch, 2021), China and Tibet chapter, <https://www.hrw.org/world-report/2021/country-chapters/china-and-tibet#>.

- What steps will they take to ensure that more women are able to seek legal redress for sexual abuse cases?
- How will Chinese authorities ensure that the law on sexual harassment in the workplace is effective and applicable? Does China intend on ratifying the ILO Violence and Harassment Convention C190?

Human Rights Watch recommends that the Committee call on the government of China to:

- End the use of gender discriminating job ads for civil servant positions.
- Monitor advertising and ensure that an effective mechanism exists for receiving complaints regarding job ads that violate the law, and bring actions against companies violating the law.
- Provide meaningful recourse, and legal assistance, for people facing gender discrimination and sexual harassment in the workplace.

Bride trafficking (Articles 2, 5, 6, 9 and 16)

China has a serious problem with women and girls from other countries being trafficked to China and sold as “brides.” The country’s gender imbalance has driven a “woman shortage” and an unmet demand for brides for young men. The difficulty to ‘find’ wives, combined with a lack of protections in China, has fueled a demand for trafficked women from abroad, mainly from neighboring countries.³⁶

Human Rights Watch has documented bride trafficking in Myanmar, where each year hundreds of women and girls are deceived through false promises of employment into traveling to China, only to be sold to Chinese families as brides and forced into sexual slavery, often for years.³⁷ Most were pressured to become pregnant as quickly as possible; some were compelled to undergo forced fertility treatment. Those with children who were lucky enough to escape could usually only do so by leaving their children behind. Several of the interviewed women had been trafficked multiple times.³⁸

³⁶ Heather Barr (Human Rights Watch), “China’s Bride Trafficking Problem,” commentary, *The Diplomat*, October 32, 2019, <https://www.hrw.org/news/2019/10/31/chinas-bride-trafficking-problem>.

³⁷ Human Rights Watch, “*Give Us a Baby and We’ll Let You Go*”: Trafficking of Kachin ‘Brides’ from Myanmar to China, March 2019, <https://www.hrw.org/report/2019/03/21/give-us-baby-and-well-let-you-go/trafficking-kachin-brides-myanmar-china>.

³⁸ Ibid.

Reports have found that bride trafficking occurs in Cambodia, Indonesia, Laos, Myanmar, Nepal, North Korea, Pakistan, and Vietnam and that the number of women and girls being trafficked is growing.³⁹ The trafficked women and girls are often ethnic or religious minorities, from impoverished communities, or, in the case of North Korea, fleeing abusive governments. Violence against women and girls is often a low priority for governments and all the affected countries have complicated relationships with China. Consequentially, their governments often show little concern about the fate of women and girls trafficked to China. However, there has been growing attention to bride trafficking in the media, and governments of the home countries of victims are becoming more aware.

In June 2019, the Ministry of Public Security, China's police, said that it rescued 1,100 Southeast Asian female trafficking victims and arrested 1,322 suspects, including 262 foreigners, in the previous year.

The Chinese government also seems to be promoting propaganda about bride trafficking to improve its global image. Human Rights Watch met an activist from Myanmar who had participated in a Chinese study tour for women's rights groups. During one session, an activist recalls a professor explaining that trafficking was not the problem but that "Myanmar women don't know Chinese culture. Once they learn Chinese language and culture, their marriages are fine." Participants were told to, "Tell your government the Chinese government is doing very good things for Myanmar women."

The Chinese public is not widely aware of bride trafficking due to the government's tightened grip on the media and internet since Xi Jinping came to power in 2012. Speaking critically of the government often results in police harassment and arrest, and few, if any, services exist for women and girls trafficked from other countries. As discussed above, a continuing crackdown on women's rights activists and civil society groups makes it increasingly difficult for them to raise awareness and assist victims.

Human Rights Watch recommends that the Committee ask the government of China:

- What is the government doing to tackle the issue of bride trafficking?

³⁹ Heather Barr, "Bride Trafficking to China Spreads Across Asia: China's Gender Imbalance Having Devastating Regional Consequences," Human Rights Dispatch, November 3, 2019, <https://www.hrw.org/news/2019/11/03/bride-trafficking-china-spreads-across-asia>.

- What kind of support and services are they providing to the victims of bride trafficking?
- Provide information showing investigations and prosecutions of those involved in bride trafficking.

Human Rights Watch recommends that the Committee call on the government of China to:

- Ensure that law enforcement agencies work actively to recover trafficked women, in cooperation with law enforcement agencies from the source country, and ensure that trafficking victims have access to support and services.

Shackling of Women and Girls with Psychosocial Disabilities (Articles 12 and 15)

Women and girls with real or perceived psychosocial disabilities (mental health conditions) can be shackled—chained or locked in confined spaces—due to prevalent stigma as well as a lack of adequate and accessible community-based services.⁴⁰ The time periods range from days and weeks, to months, and even years.⁴¹

Government-controlled media in China reported between 2013 and 2017 that people with mental health conditions were shackled or locked in cages across the country, with approximately 100,000 “cage people” in the northern Hebei province alone.⁴² In one case,

⁴⁰ Human Rights Watch, *Living in Chains: Shackling of People with Psychosocial Disabilities Worldwide*, October 2020, <https://www.hrw.org/report/2020/10/06/living-chains/shackling-people-psychosocial-disabilities-worldwide>.

⁴¹ *Ibid.*, p. 21.

⁴² “Mentally Ill Confined at Home Due to Lack of Resources and Public Education,” *Global Times*, June 25, 2015, <https://www.globaltimes.cn/content/928917.shtml> (accessed July 28, 2020); “Caged People,” *The Beijing News*, July 11, 2013, <http://www.bjnews.com.cn/feature/2013/07/11/272800.html> (accessed July 28, 2020); “26-year-old ‘Mentally Disturbed’ Man in China Locked in Cage by His Parents,” *Hong Kong Free Press*, January 15, 2016, <https://www.hongkongfp.com/2016/01/15/26-year-old-mentally-disturbed-man-in-china-locked-in-cage-by-his-parents/> (accessed May 2020); “A Mentally Ill Chinese Man Has Been Locked In A Cage By His Family For 11 Years,” *Business Insider*, May 28, 2013, <https://www.businessinsider.com/chinese-man-kept-in-cage-for-11-years-2013-5> (accessed July 28, 2020); “Chinese Mentally Ill Woman, Chained in Room for Decades by Family, to Get Medical Treatment,” *South China Morning Post*, undated, <https://www.scmp.com/news/china/society/article/1815641/chinese-mentally-ill-woman-chained-room-decades-family-get> (accessed July 28, 2020); Mimi Lau, “Caged in the woods: Chinese mentally ill woman locked up as family can’t afford treatment,” *South China Morning Post*, January 24, 2017, <https://www.scmp.com/news/china/article/2064898/chinese-mentally-ill-woman-forced-live-cage-woods> (accessed January 7, 2021).

an 8-year-old girl was tied to a tree by her grandparents for nearly six years in the Henan province.⁴³

The nature of shackling means that people live in very restrictive conditions that reduce their ability to stand or move at all. People who are shackled to one another are forced to go to the toilet and sleep together. Shackling impacts a person's mental as well as physical health. A shackled person can be affected by post-traumatic stress, malnutrition, infections, nerve damage, muscular atrophy, and cardio-vascular problems.⁴⁴

Ying, a young woman from the Goungdong province, told Human Rights Watch in 2019: "All through my childhood, my aunt was locked in a wooden shed and I was forbidden to have contact with her. My family believed her mental health condition would stigmatize the whole family. I really wanted to help my aunty but couldn't. It was heart-breaking."⁴⁵

Human Rights Watch recommends that the Committee ask the government of China:

- Is there any data on the number of people, including women and girls with psychosocial disabilities, who are currently shackled or have been subjected to shackling in China?
- What steps has the government taken to eliminate the practice of shackling of people, including women and girls with psychosocial disabilities?
- What steps has the government taken to develop adequate, quality, and voluntary community-based support mental health services?

Human Rights Watch recommends that the Committee call on the government of China to:

- Ban shackling in law and in policy.
- Develop a time-bound plan to shift progressively to voluntary community-based mental health, support, and independent living services.
- Comprehensively investigate state and private institutions in which women and girls with psychosocial disabilities live, with the goal of stopping chaining and ending other abuses.

⁴³ Viola Zhou, "'Mentally ill' Chinese Girl, 8, Roped to Tree Outside by Grandparents for Nearly Six Years," *South China Morning Post*, September 21, 2016, <https://www.scmp.com/news/china/society/article/2021288/mentally-ill-chinese-girl-8-roped-tree-outside-grandparents> (accessed July 28, 2020).

⁴⁴ Human Rights Watch, *Living in Chains*, p. 4.

⁴⁵ Human Rights Watch interview with Ying (not her real name), November 2019 (location and details withheld).

- Create and carry out deinstitutionalization policies and time-bound action plans, based on the values of equality, independence, and inclusion for women and girls with disabilities. Preventing institutionalization should be an important part of this plan. Governments should include women and girls with disabilities and their representative organizations in developing and carrying out the plans.

Protection of Education from Attack (Article 10)

As recognized by this Committee in its General Recommendation No. 30, attacks on students and schools, and the use of schools for military purposes, disproportionately affect girls, who are sometimes the focus of targeted attacks and are more likely to be kept out of school due to security concerns.⁴⁶

As of January 2021, China has 2541 troops deployed in UN peacekeeping missions in South Sudan, the Democratic Republic of the Congo, and Mali. These are all countries where attacks on students and schools, and the military use of schools have been documented.⁴⁷

Peacekeeping troops are required to comply with the UN Department of Peace Operations' "UN Infantry Battalion Manual" (2012), which includes the provision that "schools shall not be used by the military in their operations."⁴⁸ Moreover, the 2017 Child Protection Policy of the UN Department of Peace Operations, Department of Field Support, and Department of Political Affairs notes:

United Nations peace operations should refrain from all actions that impede children's access to education, including the use of school premises. This applies particularly to uniformed personnel. Furthermore ... United Nations peace operations personnel shall at no time and for no amount of time use schools for military purposes.⁴⁹

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students,

⁴⁶ UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 30, Access to Education, U.N. Doc. CEDAW/C/GC/30 (2013), para. 48. See also African Committee on the Rights and Welfare of the Child, General Comment on Article 22: Children in Situations of Conflict, (2020), para. 78.

⁴⁷ Education Under Attack: 2020, The Global Coalition to Protect Education from Attack, 2020, <https://eua2020.protectingeducation.org/>.

⁴⁸ United Nations Infantry Battalion Manual, 2012, section 2.13, "Schools shall not be used by the military in their operations."

⁴⁹ UN Department of Peacekeeping Operations, Department of Field Support and Department of Political Affairs, "Child Protection in UN Peace Operations (Policy)," June 2017.

teachers, and schools during times of armed conflict⁵⁰; the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.⁵¹ As of January 2021, 106 countries have endorsed the Safe Schools Declaration, including 9 of China's fellow UN Security Council members. China has yet to endorse this important declaration.⁵²

Human Rights Watch recommends the Committee ask the government of China:

- Why has the government of China not endorsed the Safe Schools Declaration?
- Are protections for schools from military use included in the pre-deployment training provided to Chinese troops participating in peacekeeping missions?
- Do any Chinese laws, policies, or trainings provide explicit protection for schools and universities from military use during armed conflict?

Human Rights Watch recommends the Committee call on the government of China to:

- Endorse and implement the Safe Schools Declaration.

⁵⁰ Safe Schools Declaration, May 28, 2015, https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed November 6, 2018).

⁵¹ Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, (accessed November 6, 2018).

⁵² "Safe School Declaration Endorsements," Global Coalition to Protect Education from Attack, accessed June 29, 2019, <http://www.protectingeducation.org/guidelines/support>.