

**Information submitted by
Joint Chinese NGOs with the Assistance of
Chinese Human Rights Defenders (CHRD)
to Committee on the Elimination of Discrimination against Women
on the occasion of the consideration of List of Issues related to
the Combined Seventh and Eighth Periodic Report of
the People's Republic of China
at the Pre-Sessional Working Group Meeting of the Committee's
59th Session**

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Introduction

This joint submission is prepared by several collaborating Chinese human rights NGOs with the assistance of the Chinese Human Rights Defenders (CHRD). The contents are based on the participating NGOs' and CHRD's documentation and research, in consultation with other human rights activists, academics, and lawyers. The names of the participating NGOs are withheld due to concerns for possible retaliations by the Chinese government.

This joint submission raises a number of issues concerning the Chinese government's implementation of the Convention on the Elimination of All Forms of Discrimination against Women. We urge the Committee on the Elimination of Discrimination against Women (CEDAW) to include in the List of Issues (LOI) that it will request the Chinese government to address as it reviews China's combined seventh and eighth periodic report on the measures it has taken to implement the rights set forth in the Convention.

This joint submission does not purport to provide a comprehensive overview of the current situation of Chinese women's equality with men in enjoying all the rights set forth in the Convention, but rather identifies some areas of greatest concern. The section titles below correspond to those in the Convention.

Part I

Article 1 Definition of Discrimination against Women

In its 2006 Concluding Observations (CEDAW /C/CHN/CO/6, hereinafter referred to as COBs), para 10, the Committee requires that the State party "include a definition of discrimination against women in its domestic law, encompassing both direct and indirect discrimination, in line with article 1 of the Convention". China's periodic report (CEDAW/C/CHN/7-8, 2012) claims that the current Chinese laws have well embodied the spirit of the Convention as to the principles of gender equality and non-discrimination, but it fails to address whether China has implemented this specific recommendation set forth by the Committee. We recommend the Committee ask China to cite legal provisions where definition of "direct and indirect discrimination" has been made explicit in its domestic law. If no definition of "direct and indirect discrimination" has been provided in China's domestic law, China should elaborate on its impact on the practice of anti-discrimination, and clarify when such definition will be provided in domestic law.

Article 2 Law and Law Enforcement

In its 2006 COBs, para 5, the Committee "commends the State party on the range of recent legal reforms and policies and programs aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with the obligations under the Convention". However, the Third Judicial Interpretation of the Marriage Law issued in 2011 has substantiated an adverse effect on women's property rights in marriage. We recommend the Committee ask China to explain in details what concrete measures the Government will take to eliminate discrimination against

women in its laws, regulations, judicial interpretations and judicial means, and to incorporate the principle of substantive equality into the Constitution and other laws through legislation.

In its 2006 COBs, para 11, the Committee “notes that the Convention does not appear to have ever been invoked in a court of law”. We recommend the Committee ask China to provide information on judicial cases involving discrimination against women, including the number of verdicts citing the Convention and its proportion in the total number of such cases in Chinese court. We have been informed that lawyers who referred to the Convention in their defense statements were disrupted or interrupted in court. The Chinese government should investigate and provide information on such cases.

In its 2006 COBs, para 11, the Committee “encourages the State party to ensure that the Convention, the Committee’s general recommendations and related domestic legislation are made an integral part of the legal education and training of judicial officers, including judges, lawyers and prosecutors, and to ensure that, in particular, judges and officers of the special courts and tribunals are familiar with the Convention and the State party’s obligations thereunder”. We have not witnessed such training. We recommend the Committee ask the Chinese government to provide information on the number of gender education and training of judicial personnel in grassroots courts in all municipalities and the scope of the training.

Article 5 The Elimination of Stereotypes & Violence against Women

In its 2006 COBs, para 18, the Committee “calls upon the State party to put in place a comprehensive approach to overcoming traditional stereotypes regarding the role of women and men in society, in accordance with articles 2 (f) and 5 (a) of the Convention”. We recommend the Committee ask China to provide information on the proportion of gender-related courses in the curriculum of law schools in universities, and the total number of law students who have attended such courses.

The State party’s report (2012) mentions that the government has carried out CEDAW training sessions for a number of women’s organizations. We suggest the Committee ask China to provide relevant information regarding the number of trainees and the outcome of the training, and whether CEDAW training has also been carried out among governments at all levels, and if so, the number of government departments that have received the training, and outcome of the training. China should also provide information on CEDAW training among factories, enterprises and schools. To our knowledge, some CEDAW training activities have been disrupted, and people who advocate for women’s rights have been suppressed. For example, Ye Haiyan was persecuted after she called for seeking accountability of government officials who had sexually violated girls (see below). We suggest the Committee request the Chinese government to investigate these alleged incidents and publish the results of the investigations.

In its 2006 COBs, para 17, the Committee notices “the persistence of deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society” and is “concerned that these prevailing attitudes continue to devalue women

and violate their human rights”. On the Eleventh National Women’s Congress held in October 2013, the Chinese Communist Party (hereinafter “the Party”) leaders called for Chinese women to return to traditional roles of women. We suggest the Committee ask the Chinese government to explain what impact such negative attitude the Party holds on anti-discrimination will have on gender discrimination in China’s folk culture.

In its 2006 COBs, para 18, the Committee calls upon the State party to “include the use of different media, including radio, television and print, and encompass both specialized and general programs”, in its approach to “overcoming traditional stereotypes regarding the role of women and men in society, in accordance with articles 2 (f) and 5 (a) of the Convention”. In China, popular films and television programs are flooded with stereotypical portrayals of women – them being “soft”, highly dependent on men – and negative images of women, whilst LGBT-related films are still being censored. We recommend the Committee ask China to provide a list of its censorship criteria and explicate how each criterion has conformed to the principle of eliminating gender discrimination, and provide the number of films that have been censored for containing LGBT-related themes.

Although the Committee “calls upon the State party to evaluate the gender-sensitivity of the curriculum and textbook reform it has undertaken since 2000 and to further ensure that it explicitly addresses the principle of equality between women and men” (CEDAW /C/CHN/CO/6, para 18), gender stereotypes are still prevalent in Chinese textbooks in primary and secondary education. In the 2003 National Standard Textbooks for Humanities, the textbook for the subject of Chinese sees only 81 female role models, accounting for 29 per cent of the total number of role models, and female characters account for as low as 24 per cent in the total number of protagonists. This disproportionate representation of women characters has negative impact on schoolchildren’s evaluation of women’s achievements. We suggest the Committee ask China to explain what measures will be taken to address this issue.

In its 2006 COBs, para 22, the Committee urges the State party to investigate “incidents of violence against women in detention centers”, and “calls upon the State party to strengthen its system of data collection in regard to all forms of violence against women”. For example, detained Beijing activist Cao Shunli (曹顺利), currently detained woman human rights defender, and Liu Xia (刘霞), wife of the 2010 Nobel Peace Prize winner and imprisoned dissident writer Liu Xiaobo, continue to be subject to mistreatment. Ms. Cao’s health has rapidly deteriorated while in detention and as authorities have denied her access to medical treatment. Cao’s family and her lawyer have reported that she suffers from a number of serious illnesses, which she has developed since her detention. In October 2013, authorities had rejected her family’s application for releasing Cao on medical parole. She has been held at the Chaoyang District Detention Center on charges of “creating a disturbance” since September 2013. Liu Xia has been put under illegal house arrest by Chinese authorities since October 2010. She was cut off contacts with her family and friends. Pressure and isolation have driven her to the brink of mental break-down, according to a letter that she wrote and smuggled out.¹

Human rights groups and foreign media have often reported on cases of violence against detained women in China, including those held in detention centers and hous-

es, prisons, psychiatric institutions,² Re-education Through Labor camps, “black jails” (illegal and makeshift holding cells), and “custody and education” centers (mostly holding alleged sex workers). While in detention, women continue to be beaten, shackled, sexually assaulted and humiliated (i.e., stripped of clothing), and forcibly medicated by those charged with guarding them. These forms of violence as well as specific types of torture are used to punish, intimidate, and coerce detained women.

The government of China has previously reported to CEDAW on steps being taken to halt violence against women,³ and in response to allegations of violence against detained women raised to CAT in 2009, the government said that it “has forbidden abuse, corporal punishment and ill-treatment of women in custody,” and the government has also said that allegations of torture should be investigated.⁴ Despite these official assertions, however, violence against detained women clearly persists, and Chinese law-enforcement authorities have often displayed an unwillingness to investigate such mistreatment. As one example, a detailed expose published in China’s state media in 2013 revealed extreme violence, including physical and sexual abuses, of women held in a women’s labor camp in recent years.⁵ None of the affected women who filed lawsuits over their mistreatment have received any form of compensation. In fact, Chinese women who have sought justice after alleging violence in detention have frequently been harassed or violated in other ways, including being subjected to further violence by authorities.

We recommend the Committee ask the State party to provide information on both measures undertaken to prevent violence against detained women as well as effective channels for legal recourse for women who have alleged been subjected to violence in detention. For instance, what law-enforcement tools are in place to investigate allegations of violence against detained women, and when and how are these systems employed? Also, while China has publicized the installation of surveillance camera systems inside government detention centers—in part to prevent violence against detainees and hold perpetrators of violence accountable—how can videotaped information be obtained by detainees or their lawyers who file suit over alleged violence, or referenced by courts that hear such cases? As China has abolished the Re-education Through Labor system, what channels for compensation or other forms of legal justice will women have if they allege violence committed inside these camps?

The State party should also provide detailed information and data on the number of lawsuits alleging violence against women in detention that have been filed against authorities during the reporting period, and the types of violence that have been the subject of these suits. In addition, we request information on the number of individuals who have been criminally prosecuted for using violence against women in detention, as well as the results of these cases, including statistics related to criminal punishments.

Article 6 Prohibition of Trafficking in Women

In its 2006 COBs, para 20, the Committee “urges the State party to take measures aimed at the rehabilitation and reintegration of women in prostitution into society, to enhance other livelihood opportunities for women to leave prostitution, provide support for them to do so and to prevent any detention of women without due legal pro-

cess”. In contrast, sex workers in mainland China can be detained without trial by Public Security Bureaus for up to 15 days, sent to Women Correction Centers (WCC), or Re-education Through Labor (RTL) camps. Sex workers are subject to brutal persecution after arrest. In addition, after they are caught, the Public Security Bureau will notify in writing their village committees, residential committees, to let the entire village and neighboring villages know. As a result, many sex workers are afraid to go home. We recommend the Committee ask China to provide the number of Women Correction Centers across the country, clarify the difference between WCC and the recently abolished RTL, elaborate on what measures the government will take to stop Public Security Bureaus from detaining sex workers without due process and to prohibit humiliating punishments against sex workers, and provide a timetable for the abolition of Women Correction Centers.

In its 2006 COBs, para 20, the Committee “recommends that the State party increase its efforts to combat all forms of trafficking in women and girls”. It “requests the State party to enhance enforcement of the law against trafficking so as to ensure that those who traffic and sexually exploit women and girls are prosecuted and punished, and to provide all necessary assistance to the victims of trafficking”. According to recent Chinese press reports, family planning officials were found to be involved in the sale of girl infants.⁶ Still another media outlet reported that, in 2009 alone, Chinese police rescued 3,455 abducted children and 7,365 abducted women.⁷ We recommend the Committee ask China to provide information and data regarding trafficking in women and girls, and the number of officials punished for their involvement in trafficking women, disaggregated by provinces, during the reporting period.

We want to draw the Committee’s attention to the lack of accountability for Chinese government officials involved in sexual abuse of girls. One survey conducted in 2011 by a group of independent scholars and activists in China shows that the youngest victim of violent sexual abuse among a group of 82 women and girls interviewed was only eight years old. The survey also revealed that girls under 18 comprise 30% of those who were victims of sexual violence, and that 6% of the underage victims suffered sexual violence when their parents were not present to protect them.⁸ The study points out that some perpetrators in cases of sexual assaults against underage girls understood that the law only prescribes light punishment for such crimes. This problem with the law greatly threatens the safety of underage girls. In addition, after the girls were sexually abused, government institutions failed to provide psychological rehabilitation and other forms of assistance that could help alleviate victim trauma.

In recent years, there have been many cases reported in China’s state media of sexual abuse of minors involving government officials or government employees. While outraging the public, the cases also illustrate that relevant government agencies did not assume sufficient responsibility to protect children or help them recover from sexual assault. In several instances, officials and other public servants who had sexually abused children, including teachers, have not been held legally accountable. Furthermore, parents and supporters who tried to seek accountability have run into strong resistance from authorities or even gotten in trouble themselves.

In May-June 2013, following the exposure of a case involving officials sexually abusing young girls, many other reports of sexual assaults of underage girls appeared in the Chinese media. In late May 2013, the Women’s Federation of Guangzhou,

Guangdong Province, released data indicating that, over the previous three years, nearly half of the 2,506 females who had reported being sexually assaulted in the city were under 14 years of age. In most of the cases, the girls were repeatedly raped. The victims did not inform their families because of the emotional pain and shame due to social stigma attached to sexual assault victims.⁹ In June 2013, the *China Youth Daily* reported that reports of child sex abuses are on the rise, though most incidents are not reported to police.¹⁰

China's laws and criminal justice system have not done enough to protect children from the growing (but often hidden) problems of child sexual assault in the country. This is often due to legal loopholes and the lack of judicial independence and oversight at all levels of government and institutions, including in schools. The unwillingness of law-enforcement authorities and courts to prosecute perpetrators who occupy higher positions of authority has exacerbated this problem.

In addition, the government has tried to silence critics of its policies and targeted civil society activists working to protect minors from sexual assault. As one notable case, in May 2013, police in Guangxi Province detained and allegedly beat up an activist who supported the rights of sex workers, women and minors, and persons infected with HIV/AIDS. On May 30, about 10 police officers in Bobai County barged into the residence of Ye Haiyan, and several policewomen reportedly beat her before she was dragged off to a police station. This came after Ye posted online a photo of herself with a sign protesting the recent government handling of a school principal who had sexually abused underage female students. (Many in China believed that the law had been inappropriately applied in the principal's case.) Ye was at risk of facing criminal charges at the time, according to activists who went to the police station to inquire about her situation. Authorities have harassed Ye for years and targeted organizations that she has worked with. Before she was taken into custody this time, a local chapter of the All-China Women's Federation and a homeowners association had reportedly pressured Ye's landlord to cancel her rental lease. After her eventual release, she was forced to leave town and went to Hainan Province. However, soon after she had found a place to stay, local authorities arrived and turned her out in the street, making her homeless while needing to care for a young child.¹¹

Exemplifying the ineffectiveness of current laws in combating child sexual abuse, China's Criminal Law (1997)¹² puts the "crime of prostituting minor girls" under a separate category from "rape". Offenders in the serious crime involving violence and sexual abuse of children can evade appropriate criminal punishment, since the punishment stipulated in the Criminal Law for the "crime of prostituting minor girls" is much lighter than that for rape. This problem in the Chinese Criminal Law violates general principles in the Convention on the Rights of the Child—equal protection (Article 2) and special protection (Article 3). Chinese legal scholars point out that the failure to include the "crime of prostituting minor girls" under the category of "crimes infringing upon a citizen's personal rights," while including it instead under the category of "crimes obstructing the administration of public order" is an indication of the skewed priorities of the Chinese government. It underlines that public order or "stability" has greater importance than the rights of the child to special protection, health, and life.¹³

Both from a legal and social standpoint, the work of raising awareness of adults and

children about sexual abuse, as well as developing rule of law—with law-enforcement and criminal justice systems that respond properly to cases of such abuse—is clearly far behind what CEDAW obligates the Chinese government to do.

Part II

Article 7 Promoting Women’s Participation in Political and Public Affairs

In its 2006 COBs, para 26, the Committee “encourages the State party to take sustained measures to progress more expeditiously towards women’s full and equal representation in elected and appointed bodies in all areas of public life, from the local to the national levels, and in all branches of Government, including in the country’s foreign service”. According to the data published on Chinese official websites, among a total number of 124 top leaders at provincial and ministerial levels in all provinces, autonomous regions and municipalities, there are only seven women officials. We recommend the Committee ask China to specify what measures will be adopted to ensure women’s participation in political affairs, what government policies and legal provisions will be put in place to ensure women’s participation in decision-making at senior levels.

The State party’s report (2012, para. 132) claims that within the Tibetan Autonomous Region, “more than 80 per cent of leadership teams at the prefecture and county levels had women cadres” who are ethnic minorities. We suggest the Committee ask China to clarify the proportion of women cadres of Tibetan ethnic minority origin at senior levels in the leadership teams.

In its 2006 COBs, para 28, the Committee “recommends that the State party take all necessary measures to strengthen the active participation of rural women in the design, development, implementation and monitoring of rural development policies and programs so as to enhance implementation of article 14 of the Convention”. Article 7(a) of the Convention protects the right to “vote in all elections and public referenda and to be eligible for election to all publicly elected bodies”. In China, between 2011-2012, several women who sought elections as independent (i.e., not hand-picked by the Chinese Communist Party or government officials) candidates in elections of local legislative bodies have been subject to harassment and punishment by government authorities.

For example, Ms. Liu Ping,¹⁴ a laid-off factory worker in Xinyu City, Jiangxi Province, who stood for local People’s Congress election, encountered physical attacks, verbal abuses, harassment, and restrictions on personal freedom before and during the election. Another independent candidate, Ms. Li Biyun, from Guangdong Province, also experienced violent physical attacks before and during the election. After the elections, both women have continued to be subjected to harassment and reprisals as they continued their activities in advocating democracy and human rights. Both have been detained on trump-up charges, where they have been subjected to torture and mistreatment. Liu Ping was allegedly tortured not only after her arrest, but also over several months while in detention. When Liu was interrogated, police repeatedly

shoved her head against metal bars, twisted her neck and arms, and also shackled her extensively. Her lawyer raised the issue of torture during the trial, but the court refused to dismiss evidence or a confession that may have been extracted from torture. The court also refused to file a case to investigate the allegation of torture. Ms. Li Biyun has been at the detention center in Foshan City, where she has been held on a charge of “obstructing official business” since October 2013. After meeting Li at the Guangdong Armed Police Corps Hospital on January 13, her lawyer reported that she looked very frail and had difficulties walking. Li told the lawyer that beating by police resulted in broken vertebrae and her losing consciousness. She had to sleep on the floor at Shunde District Detention Center, where she was forced to wear iron shackles.

We suggest the Committee ask China to provide concrete statistics, disaggregated by provinces, in regard to women who stood for grassroots People’s Congresses elections in 2011-12 and village committees elections in 2006-13. The data should include: 1) the number of independent women candidates; 2) the number of votes independent women candidates obtained; 3) the number of physical attacks women candidates encountered during the elections; 4) the number of women candidates whose personal freedom were restricted during and after the elections; 5) the number and names of women candidates who are currently detained or imprisoned regardless of charges incurred; 6) the number of investigations into cases of violence against women who have practised civil and political rights, the results of such investigations, punishment of the perpetrators, and what remedies and compensation women can avail themselves of; 7) what policies governments and Party organs at all levels have adopted in the handling of civil society organizations who carry out independent investigations into such incidents.

Article 9 Nationality

In its 2006 COBs, para 34, the Committee “calls upon the State party to adopt laws and regulations relating to the status of refugees and asylum-seekers, in line with international standards, in order to ensure protection also for women. The Committee recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status in close cooperation with the Office of the United Nations High Commissioner for Refugees”. We recommend the Committee ask China to provide information on the numbers of North Korean refugee brides, Vietnamese brides and Myanmar brides in China (in line with international standard for de-facto cohabitation), their current situation, reasons for and numbers of repatriation.

Part III

Article 10 Women’s Education

In its 2006 COBs, para 28, the Committee recommends that the State party take all necessary measures to “ensure that all rural girls complete the nine years of compulsory education, free of all miscellaneous fees and tuition”. However, due to the closing and merging of rural schools, a government scheme that was first introduced in

the late 1990s and relaunched as part of the education reform package in 2001, rural children, in particular girls, have to drop out, as they now have to travel longer distances and spend more to attend schools. As the problem has become more and more serious, local governments have to build boarding shelters for schoolgirls in rural areas. We suggest that the Committee ask China to provide information in regard to the number of such boarding shelters, what security measures they are equipped with, and whether the accommodation facilities are appropriate. The Chinese government should also provide data on the proportion of the budget allocated to facilitate girls' education in remote and poor areas, as well as information on the monitoring targets and the number of them for achieving nine-year compulsory education among rural girls across the country.

In its 2006 COBs, para 12, the Committee “calls upon the State party to enhance availability of effective legal remedies and implement further awareness-raising and sensitization measures about such legal remedies against discrimination so that women can avail themselves of them”. According to a report published on the official media People's Net in 2013, gender-based discrimination – against female students – existed in nearly 70 per cent of the 112 “Project 211” universities across the country in the annual university enrolment process, among which 34 universities had violated policies and regulations set forth by the Ministry of Education. The Chinese government should make it clear in terms of what measures will be taken and what penalties will be imposed to deal with institutions violating equal education. We suggest the Committee ask China to publicize the number of universities and colleges which are permitted by the Ministry of Education to set gender ratios for some subjects, and explain what impact this may have on women's access to equal education and equal employment. As universities with autonomous enrolment status are allowed to set gender-based admission scores, what measures will the departments of education undertake to ensure gender equality in the process of such autonomous enrolment? What relevant remedial channels will be available to female students?

According to a report by China's well-known media Sohu Education Channel, Luo Biliang, a member of the Chinese People's Political Consultative Conference (CPPCC) from Guangdong province, remarked in a CPPCC session in 2014 that pursuing doctoral degrees decreases women's value. We suggest the Committee request China to explain what punitive measures will be undertaken to discipline government officials and politicians who publicly make gender discriminatory remarks, and provide relative information to clarify whether there are specific penalties for gender discrimination in the process of selecting doctoral candidates.

Article 11 Women's Employment

In its 2006 COBs, para 12, the Committee “calls upon the State party to enhance availability of effective legal remedies and implement further awareness-raising and sensitization measures about such legal remedies against discrimination so that women can avail themselves of them”. According to a survey published on the website People's Net (www.people.com.cn/) of the government-run newspaper People's Daily in 2010, 90% of female university students have experienced discrimination in job recruitment.¹⁵ We suggest the Committee ask the State party to explain what measures it has taken to address this problem of gender discrimination in employment.

The National People's Congress noted in 2013 that women's employment difficulty is due to the lack of detailed and specific provisions in relevant laws and regulations to punish gender discrimination in employment, which makes it impossible for labor departments and the court to impose consistent penalties. We suggest that the Committee ask China to clarify to what extent enterprises will be punished for gender discrimination, what specific practical measures other than legislation will be undertaken to deal with gender discrimination in employment, and how the burden of proof will be allocated. We also suggest that the Committee ask China to provide information on gender composition in the judicial system at all levels, and whether there are gender quotas.

In its 2006 COBs, para 30, the Committee calls for the State party to take "measures to ensure that women receive equal pay for equal work and work of equal value, and equal social benefits and services". In the State party report (2012), para 162, the Chinese government pledges to improve supervision system of labor and employment. The Chinese government must clarify what mechanisms will be put in place, in which government departments, and what procedures and punitive measures will be established to monitor and regulate gender discrimination in employment.

In its 2006 COBs, para 30, the Committee "recommends that the State party take further measures to overcome vertical and horizontal occupational segregation and to enhance its monitoring and effective enforcement of the legislative framework, including the Law on the Rights and Interests of Women, and to ensure that women have effective means of redress against the violation of labor laws, including the discriminatory laying-off of women based on gender". Many mainstream Chinese media including People's Net have reported that quite often women employees are dismissed during pregnancy. Enterprises use various means to control pregnancy time of women employees and deprive their rights to work during pregnancy, which eventually leads to their loss of job. One solution for this problem is to extend paternity leave for men, who are only allowed seven days' leave to accompany their spouses at childbirth according to the current law. The State party must explain why the paternity leave is restricted to seven days, and whether it will consider to extend paternity leave.

In its 2006 COBs, para 30, the Committee encourages the State party to "ensure that women workers are protected from hazardous working environments and that adequate sanctions are in place for discrimination against women in the employment field in both the public and private sectors, including sexual harassment". Official newspaper *The Southern Daily* reported in November 2013 that 70 per cent of women factory workers had been sexually harassed at work, and in the majority of such cases there was no subsequence. The "*Special Rules on the Labor Protection of Female Employees*" promulgated in 2012 provides that employers should stop and prevent sexual harassment in the workplace. We recommend the Committee ask China to explain what substantial mechanisms and legal penalties there are to tackle sexual harassment in the workplace, publicize the number of criminal cases involving sexual harassment in the workplace, and provide the definition of sexual harassment in law.

Article 12 Women's Health

In COBs, para 28, the Committee calls upon urgent attention to “improving rural women’s free access to health care and services in all rural areas”. During China’s first Universal Periodic Review, the Chinese government accepted the recommendation by South Africa to “to improve its health infrastructure, including access to health services especially for vulnerable groups like women.” What kind of measures has China taken to ensure that rural and migrant women in particular can obtain basic health care (including maternal security) while living outside their villages or hometowns?

Article 13 Other Economic and Social Rights of Women

In its 2006 COBs, para 16, the Committee “calls upon the State party to enhance its monitoring of the impact of economic development and changes on women and to take proactive and corrective measures, including increasing social spending, so that women can fully and equally benefit from growth and poverty reduction”. We recommend the Committee ask China to provide information regarding the number of people who have benefited from maternity insurance, and the percentage of women in employment among it. The Chinese government should explain why some people are not entitled to have maternity insurance. In addition, China should provide data to clarify what legal penalties are in place to sanction enterprises that fail to pay maternity insurance for pregnant women employees. According to a report published on China’s well-known media Netease in 2012, which cited a sample survey of six Chinese cities conducted by the ILO Department of Statistics, at least 32.4 per cent of residents in China engage in informal employment. We recommend the Committee ask China to illustrate with relevant materials what social insurance has been put in place to protect women in informal employment, including domestic service which sees a larger proportion of women workers, and what measures the government has taken to address the issue that the rate of women in informal employment enjoying social reimbursement is low.

Article 14 Rural Women

The In its 2006 COBs, para 28, the Committee “urges the State party to further assess the reasons for the disproportionate representation of women among the rural landless and to take appropriate remedial action, including measures and steps to change customs that result in discrimination against women”. In Zhejiang, Jiangsu, Guangdong, Guangxi and other provinces in mainland China, many rural women, especially women who have married and moved to other villages, are denied to the same access men villagers have to land, dividends on collective shares, and relocation compensation. We recommend the Committee ask China what effective measures it will adopt to safeguard equal rights of women villagers? In many areas of mainland China, divorced rural women are unable to regain household registration in their original villages, and hence their rights and interests in land, housing, medical care and employment are not protected. We recommend the Committee ask China to provide detailed information on government legislations and policies which have been or will be put into place so as to protect the rights and interests of divorced rural women.

Part IV

Article 16 The Rights of Women in Marriage and Family

In its 2006 COBs, para 22, the Committee “calls upon the State party to strengthen its system of data collection in regard to all forms of violence against women and to include such information in its next report”. We have noticed that China has not submitted any data on this. The State party should be requested to provide such data, as well as information on the number of domestic abuse complaints received by Public Security Bureaus, Village Committees and Women’s Federations, and the number of cases that have been processed, their results, and the number of recurrence.

In its 2006 COBs, para 22, the Committee “calls upon the State party to provide immediate means of redress and protection to women and girls victims of violence, in accordance with the Committee’s general recommendation 19”. We recommend the Committee ask China to provide the number of writs of habeas corpus issued in each province, and provide relevant information on the feasibility of habeas corpus. According to a report published in 2012 on the state-run media *Beijing Daily*, domestic violence shelters across the country have recorded low occupancy rates, and in many regions the shelters have remained unoccupied for up to four or even eight years. We recommend the Committee ask China to provide data on the capacities and actual occupancy rates of domestic violence shelters throughout the country. China claims in the State Report (2012) that it has taken measures including collegial panel to ensure smooth access to judicial remedies and to safeguard women’s rights. However, a number of Chinese mainstream media have reported that women victims of domestic violence often encounter obstacles when appealing to relevant government departments for assistance or accessing judicial remedies. We recommend the Committee ask China to provide the number of domestic abuse cases heard by collegial panels since 2007, and the number of women who have been protected from violence as a result of obtaining judicial remedies.

In its 2006 COBs, para 22, the Committee “encourages the State party to enhance victims’ access to justice and redress, for example, through training aimed at judicial officers, including judges, lawyers and prosecutors, in order to enhance their capacity to deal with violence against women in a gender-sensitive manner and ensure that claims are investigated expeditiously”. In 2012, the state-run website People’s Net reported that 80 per cent of divorce cases heard at district courts in Qingdao City claimed domestic violence, but such claim was recognized in only less than 10 per cent of the cases. We recommend the Committee ask China to explain the reasons of the low rates of recognition of the claim of domestic violence by court and to provide data on the percentage of verdicts citing domestic violence in divorce cases, disaggregated by provinces. Official media, including People’s Net and state-run televisions, have reported that it remains a serious problem in China that women victims of domestic violence are imposed on legal liability and subject to heavy sentences or even death penalty due to their protest against domestic violence. We recommend the Committee ask the Chinese government to provide information on the number of cases where women victims of domestic violence are held legally responsible for protecting themselves, of which the number of cases that result in life imprisonment and death penalty.

In its 2006 COBs, para 22, the Committee “urges the State party to adopt a comprehensive law on violence against women and to ensure that all forms of violence against women and girls, both in the public and private spheres, constitute a crime punishable under criminal law”. A decade has passed since women’s organizations from China’s civil society started to push for anti-domestic violence legislation. Although anti-domestic law has been included in the government’s legislative agenda in 2012, its promulgation remains overdue. We recommend the Committee ask China to publicize where the current legislative progress of anti-domestic violence law stands and the timetable of its promulgation. According to Article 260 of the Criminal Law of the People’s Republic of China, which says, “[w]hoever maltreats a member of his family, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance. Whoever commits the crime mentioned in the preceding paragraph and causes serious injury or death to the victim shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years”. However, such lenient punishment for domestic violence caught public attention in 2009 when Dong Shanshan was beaten to death by her husband, who was sentenced to only six and a half years in prison.¹⁶ We recommend the Committee ask China to explain what measures it will take to address the issue of excessively lenient punishment for men perpetrators in domestic violence.

In its 2006 COBs, para 32, the Committee “urges the State party to strengthen its monitoring of the implementation of existing laws against selective abortion and female infanticide and to enforce them through fair legal procedures that sanction officials acting in excess of their authority”. In a CHRDR report on the abuses in China’s family planning policy published in December 2010, CHRDR observed: “Though the enactment of the National Population and Family Planning Law in 2002 was ostensibly aimed at reining in abusive practices associated with the family planning policy, coercion and violence continue to be used in its implementation. Regardless of the number of children each couple is allowed to have, family planning policy continues to violate citizens’ reproductive rights, and will continue to do so until the current form of the policy is abolished.”¹⁷ In the same report, CHRDR documented serious violations of human rights associated with the implementation of the policy between 2005 and 2010: “Married women are pressured to undergo regular gynecological tests to monitor their reproductive status; When a married woman reaches her birth quota, she is pressured to have an IUD inserted or be sterilized, thus denying her a choice of birth control method; If a woman becomes pregnant out-of-quota, including premarital pregnancy, she is often forced to abort the fetus, even if the pregnancy is advanced;...”

We recommend the Committee ask China to provide information on effective measures undertaken to ensure that abortions, sterilizations, insertions of intrauterine devices, and tests of reproductive status are carried out voluntarily and under adequate medical and sanitary conditions, and detailed information, including statistics, regarding the implementation of the “one-child” policy during the reporting period, and also explain how existing legislation governing the policy are in accordance with the rights enshrined in CEDAW. The State party should also provide detailed information on the number of individuals responsible for using violence, arbitrary detention, intimi-

ation, and harassment against citizens for violating the “one-child” policy are held legally accountable, disaggregated by provinces, during the reporting period.

In its 2006 COBs, the Committee recommends that “the State party vigorously address the causes of son-preference, which remain strong in rural areas, and of the negative consequences of the one-child policy as regards the adverse sex ratio by expanding insurance systems and old-age pensions to the population at large, in particular in rural areas”. According to the latest official census, China continues to suffer from a high gender gap at birth, and that the gap is higher than it was ten years ago. The current ratio is 118.06 boys for every 100 girls, while in 2000 it was 116.86 boys for every 100 girls.¹⁸ We recommend the Committee ask China to explain the reasons for the continued increase of such a gap, and the role the State party’s “one-child policy” plays in driving sex-selective abortions. We suggest the Committee to ask the State party to provide data about the sex ratios at birth in Chinese provinces from 2006 to 2013 (the years that the current review covers), or in the most recent year where such data are available, and how the ratios have improved in comparison to those before 2006.

In its 2006 COBs, para 51, the Committee “urges the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women”. We recommend the Committee press China for an update on any progress it has made in ratifying or acceding to the Optional Protocol to the Convention, and for a clear timetable of its accession and rectification.

(February 20, 2014. Chinese Human Rights Defenders, on behalf of several Chinese NGOs, whose names are withheld for their safety)

Endnotes:

¹ “Isolation Under House Arrest for Wife of Imprisoned Nobel Laureate,” By Austin Ramzy, New York Times, November 29, 2013 at <http://sinosphere.blogs.nytimes.com/2013/11/29/isolation-under-house-arrest-for-wife-of-imprisoned-nobel-laureate/>.

² For more information, see: CHRDR, “The Darkest Corners”: Abuses of Involuntary Psychiatric Commitment in China, <http://chrdrnet.com/2012/08/the-darkest-corners-abuses-of-involuntary-psychiatric-commitment-in-china/>.

³ “Combined seventh and eighth periodic reports of States parties: Hong Kong, China (CEDAW/C/CHN-HKG/7-8),” United Nations Committee on the Elimination of All Forms of Discrimination against Women, January 13, 2013, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/403/67/PDF/G1340367.pdf?OpenElement>;

“Combined fifth and sixth periodic report of States Parties: China (CEDAW/C/CHN/5-6), United Nations Committee on the Elimination of All Forms of Discrimination against Women June 10, 2004, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/403/05/PDF/N0440305.pdf?OpenElement>.

⁴ “Comments by the Government of the People’s Republic of China concerning the concluding observations and recommendations of the Committee against Torture (CAT/C/CHN/CO/4),” UN Committee against Torture, December 18, 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/468/62/PDF/G0946862.pdf?OpenElement>.

⁵ See the original story: “Lens 视觉杂志 | 揭秘辽宁马三家女子劳教所 (Lens Magazine | Secrets of Masanjia Women’s Re-education Through Labor Camp),” re-posted by China Digital Times, April 7, 2013 at <http://chinadigitaltimes.net/chinese/2013/04/lens%E8%A7%86%E8%A7%89%E6%9D%82%E5%BF%97-%E6%8F%AD%E7%A7%98%E8%BE%BD%E5%AE%81%E9%A9%AC%E4%B8%89%E5%AE%B6%E5%A>

5%B3%E5%AD%90%E5%8A%B3%E6%95%99%E6%89%80/. A documentary film, “小鬼头上的女人 (Above the Ghosts’ Heads),” which was based on 10 Masanjia detainees’ experience of abuse was released in May 2013. The film is viewable at <http://www.youtube.com/watch?v=hTuk0I2JNiA>. To view a shorter version edited by CHRD, see: <http://chrdnet.com/2013/10/videoabove-the-ghosts-heads-the-women-of-masanjia-labor-camp/>. For an introduction of the film, see: <http://zengjinyan.wordpress.com/2013/04/24/short-introduction-of-juvenile-laborers-confined-in-dabao-and-above-ghosts-heads/>.

⁶ Robert Saiget, “China probes child trafficking, adoption link,” AFP, May 10, 2011 at <http://www.google.com/hostednews/afp/article/ALeqM5icXu-hMIa4PBXIJj3xxoUOiN1eDw?docId=CNG.19ad1a55f3d38eb7cef38898ab7017bd.4d1>; Caixin, “Father to Lost Child: We Never Abandoned You, February 17, 2014 at <http://english.caixin.cn/2011-06-27/100273482.html>.

⁷ See: ‘女童频遭性侵 “六一”前夕九省市女律师组团伸援手 (Girl Children Repeatedly Subjected to Sexual Abuse Before “June 1” International Children’s Day, Women Lawyers from Nine Provinces Form Support Group to Extend Helping Hands),’ 社会性别与发展在中国 [Gender and Development in China], June 4, 2013 at <http://www.china-gad.org/Article/ShowArticle.asp?ArticleID=20078>; see also “5月20天内各地已连发8起校园性侵害案 (8 School Sexual Abuse Cases in Various Locations Broke Within 10 Days of May 20),” 中国警察网 [China Police Net], May 30, 2013 at <http://daan.cpd.com.cn/n157242/c1728221/content.html>; and “盘点近期多起教师性侵学生事件 (Inventory of Many Recent Teacher-Student Sexual Assaults),” 中国警察网 (China Police Net), May 28, 2013 at <http://daan.cpd.com.cn/n157188/c17258178/content.html>.

⁸ See “A Report on Rights Violations of Marginalized Women and Social Support Networks (边缘女性受暴力侵害状况与社会支持网络调查报告),” Rights Defense Network, http://wqw2010.blogspot.hk/2012/03/blog-post_5925.html?spref=tw and http://wqw2010.blogspot.hk/2012/03/blog-post_2450.html?spref=tw.

⁹ The Committee on the Rights of the Child’s 2005 “Concluding Observations” from its review of China can be downloaded here: <http://www2.ohchr.org/english/bodies/crc/crcs40.htm>.

¹⁰ See: “北京朝阳法院统计显示猥亵儿童犯罪呈上升趋势 (Beijing Chaoyang District Court Statistics Show Growth in Trend of Sexual Abuses of Children),” 中国青年报 [China Youth Daily], June 9, 2013 at <http://news.sina.com.cn/c/2013-06-09/031927356776.shtml>.

¹¹ See: “Guangxi Police Detain, Reportedly Beat Sex Rights Activist,” in [CHRB] Police Restrict Movements of Activists as Tiananmen Anniversary Nears (5/24-30, 2013), CHRD at <http://chrdnet.com/2013/05/chrb-police-restrict-movements-of-activists-as-tiananmen-anniversary-nears-524-30-2013/>; “Chinese women’s rights activist Ye Haiyan made homeless say reports,” The Guardian, July 7, 2013 at <http://www.guardian.co.uk/world/2013/jul/07/china-womens-rights-ye-haiyan-homeless>.

¹² For the full text of the PRC Criminal Law, see <http://www.cecc.gov/resources/legal-provisions/criminal-law-of-the-peoples-republic-of-china>.

¹³ For more information, see ““嫖宿幼女罪”专题研讨会会议综述 (“Summary of The Conference on ‘the Crime of Forcing Young Girls into Prostitution”),” 北京众泽妇女法律咨询服务中心 (Beijing Zhongze Women’s Legal Consulting Service Center), June 29, 2012 at <http://www.woman-legalaid.org.cn/detail.asp?id=2489>.

¹⁴ For more information on Liu Ping, see her profile at <http://www.chrdnet.com/2013/11/prisoner-of-conscience-liu-ping/>.

¹⁵ “调查显示理工科女大学生受歧视比例最高 (Survey Shows That Female University Graduates Studying Sciences Experience the Greatest Level of Discrimination),” 人民网 [Renmin Net], August 24, 2010 at <http://edu.qq.com/a/20100824/000225.htm>.

¹⁶ “董珊珊，一个家庭暴力下的冤魂 (Dong Shanshan, A Woman Died under Domestic Violence),” 法制与新闻 [Law and News], August 9, 2010 at <http://www.wrpil.org.cn/PageInfo/CN/ShowNews.aspx?ID=20100810000001>.

¹⁷ See “‘I Don’t Have Control over My Own Body!’ Abuses continue in China’s Family Planning Policy,” Chinese Human Rights Defenders, <http://chrdnet.com/2010/12/i-dont-have-control-over-my-own-body/>.

¹⁸ “China’s mainland population grows to 1.3397 billion in 2010: census data,” Xinhua News, April 28, 2011 at http://news.xinhuanet.com/english2010/china/2011-04/28/c_13849795.htm.