

*The Network of Chinese Human Rights Defenders & a Coalition of NGOs*

**Civil Society Report Submitted to the  
Committee on the Elimination of Discrimination Against Women  
for its Review at the 59th Session  
of the Combined 7<sup>th</sup> & 8<sup>th</sup> Report by the People's Republic of China  
on its Implementation of the  
Convention on the Elimination of All Forms of Discrimination Against Women**

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## Introduction

1. Despite the legislative changes to ensure equality between men and women and the adoption of the Programme for the Development of Chinese Women (2011-2020), gender disparities in China persist in practice, especially in relation to political participation, employment, land rights, and access to higher education. Violence against women in trafficking and sex trade, in campaigns to implement the birth control policy, and in detention facilities have continued and even worsened in some cases. In this report, a coalition of NGOs urges the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) to ask the Chinese government to adopt effective measures to ensure the strict enforcement of the Convention on the Elimination of All Forms of Discrimination against Women and the Chinese Law on the Protection of the Rights and Interests of Women (LPRIW), and take concrete steps, with concrete targets and time lines, to combat all forms of discrimination and violence against women, and eliminate the persistent disparities between men and women in China.

2. This joint submission is prepared by a coalition of Chinese human rights NGOs with the assistance of Chinese Human Rights Defenders (CHRD) for the purpose of CEDAW's review of China's combined seventh and eighth periodic reports on measures the government has taken to implement the rights set forth in the Convention. The contents draw on the documentation and research of CHRD and participating NGOs based in Mainland China, including Rights Defense Network, Civil Rights & People's Livelihood Watch, Human Rights Campaign in China, Women Rights Defenders Support Group, and Smiley Public Interest Group. The names of other participating NGOs are withheld due to concerns about possible retaliation by the Chinese government.

3. Instead of providing a comprehensive review of the current situation of Chinese women's access to equal rights as set forth in the Convention, this report identifies a few particular areas of pressing concerns, where we have also been able to obtain new information and consult experts—lawyers and academics—to provide critical analyses of law and policy. This report's focused areas of concerns include: violence against women in detention, sexual abuse and violence against girls, trafficking in women, abuse of sex workers, under-representation of women in political decision-making, women's discrimination in education and employment, forced abortion and sterilization, female infanticide, and land rights of rural women. The section titles below correspond to those in the Convention.

## Part I

### Article 1 - Legislative and policy framework

*The lack of a clear and comprehensive definition in law of discrimination against women (Article 1, Article 2(a))*

4. Despite repeated calls by CEDAW, at present, Chinese law still lacks a clear and comprehensive definition of discrimination against women.<sup>1</sup> Some Chinese laws even include specific exemptions that essentially constitute sex discrimination. For instance, Article 27 of China's Employment Promotion Law allows "using gender as an excuse," "where the types of work or posts are not suitable for women as prescribed by the State."<sup>2</sup> Article 13 of China's Labor Law permits "exception of the special types of work or post unsuitable to women as prescribed by the State" where companies can "refuse to employ

women by reason of sex or raise the employment standards for women.”<sup>3</sup> In the absence of a clear and overarching definition of discrimination in law, it remains unclear what can or cannot be “prescribed by the State” as “unsuitable to women,” thus permitting government agencies to issue various discriminatory regulations. For instance, the Ministry of Education and Ministry of Public Security’s joint regulation for admissions to police academies, which was issued in 2007, prescribed that female students admitted to police academies should not surpass 15% of the student body each year.<sup>4</sup> The official newspaper of the Ministry of Education, *Education News*, stated that “one should not hastily come to the conclusion that employment which is only open to men constitutes discrimination,” pointing out that some labor-intensive work is more suitable for men than women, therefore justifying the categorical exclusion of women from certain jobs.<sup>5</sup>

**5. Recommendations: The State party must (a) incorporate a clear and comprehensive definition of discrimination against women in full compliance to the Convention;<sup>6</sup> and (b) make existing and draft laws and policies CEDAW compliant.**

**Article 2 - National machinery for the advancement of women**

*Absence of independent national human rights institution (Article 2 (c))*

6. Despite recommendations from multiple UN treaty bodies and the UPR, the Chinese government has not established an independent national human rights institution in accordance with the Paris Principles for the promotion and protection of human rights, including women’s rights. Governmental institutions, such as the National Working Committee on Children and Women founded in February 1990, or government-run organizations, such as the All-China Women’s Federation founded in 1949, have never functioned as independent institutions. These existing agencies also cannot push and oversee the implementation of CEDAW and other laws or government action plans for the promotion of equality between men and women since they lack independent status vis-à-vis the government.

*Absence of provisions for effective legal remedies (Article 2(a),(b),(c)&(f))*

7. Though some clauses introduced under LPRIW and other laws are meant to enhance legal safeguards against discrimination,<sup>7</sup> there are still problems with the operability and litigability of such provisions, largely because most of them are in nature written as declarations of moral aspirations, and thus not enforceable in practice.<sup>8</sup> Chinese courts seldom accept cases involving discrimination against women, partly due to questions of litigability in the relevant law. In 2013, a Beijing court only accepted a civil lawsuit filed by university graduate Cao Ju (曹菊) after the case had attracted great public attention. Cao had been refused a job as an administrative assistant because her potential employer, Juren Academy, had advertised the position as “for male applicants only.” Cao filed a lawsuit against Juren Academy, invoking relevant provisions of the LPRIW and the Employment Promotion Law. A court eventually ruled in Cao’s favor under pressure of public opinion.<sup>9</sup> Cao’s case will not likely be applicable in other similar cases, however, since the Chinese legal system does not provide for case precedents, on top of existing difficulties in enforcing laws. Consequently, despite the prevalence of discrimination against women in China, public interest litigation in this area remains scarce.

8. This problem is also due largely to the fact that civil society actors face rapidly shrinking space for promoting gender equality. Groups that have fought for enforcement

of equal opportunity laws – by providing victims with legal assistance, for instance – have been monitored and intimidated.<sup>10</sup> This is especially true since a Chinese Communist Party (CCP) directive (known as “Document No. 9”) issued in 2013 spelled out plans to severely weaken civil society institutions and undermine human rights.<sup>11</sup> In May 2014, police in Guangxi detained, handcuffed, interrogated, and beat activist Ye Haiyan (叶海燕), who had been subjected to years of harassment for championing the rights of sex workers and persons infected with HIV/AIDS.<sup>12</sup> On July 29, 2009, the respective Beijing offices of Yirenping, an anti-discrimination NGO, and a LGBT rights group were searched on suspicion of “illegal publishing.” In June 2014, Yirenping’s Zhengzhou office was searched and several staff members interrogated by police after its legal advisor, lawyer Chang Boyang (常柏杨), was criminally detained in May. In 2010, the Women’s Legal Research and Services Center, a gender equality legal clinic affiliated with Beijing University, was shut down.<sup>13</sup> In addition, many female rights defenders have been criminally detained, tortured, and intimidated.<sup>14</sup>

**9. Recommendations: China must (a) establish an independent national human rights institution with a broad mandate to promote and protect human rights, including women’s rights, in line with the Paris Principles, and provide it with adequate financial and human resources; (b) Strengthen operability and litigability of legislation, especially for laws that govern equal protection of men and women and enhance availability of effective legal remedies; (c) Halt all forms of intimidation and harassment targeting civil society groups advocating for women’s rights, release detained or arrested women rights defenders who have worked to protect women’s rights and human rights, and ensure that their advocacy activities will not be interfered with or subjected to any form of retaliation.**

## **Article 5 - The Elimination of Violence against Women**

### *Violence against women in detention (Article 1, GR 19, para.8)*

10. Violence against women has been prevalent in Chinese detention centers, prisons, the recently abolished Re-education through Labor (RTL) camps, psychiatric institutions,<sup>15</sup> “black jails” (illegal and makeshift holding cells), and “custody and education” or “women’s correction” centers (mostly holding alleged sex workers). We have documented incidents where, in such detention facilities, detained women are physically and sexually assaulted, shackled or otherwise restrained, and forcibly medicated or given inadequate medical treatment by authorities.<sup>16</sup> After months of being denied medical treatment in Chaoyang District Detention Center in Beijing, human rights defender Cao Shunli (曹顺利) died of massive organ failure in a hospital on March 14, 2014. She had been detained in September 2013 while trying to board a plane to Geneva to attend a UN human rights training and a Human Rights Council session. In April 2013, a story printed in a state publication exposed horrendous abuses at the Masanjia Women’s RTL camp in Liaoning Province, including the use of “tiger benches” (a torture method), forced injection of drugs, solitary confinement, and many forms of sexual violence and gender-based humiliation.<sup>17</sup> Violence against women locked up in black jails, even directly leading to their deaths, has been well documented. In the summer of 2009, a black jail guard raped Li Ruirui (李蕊蕊), a petitioner from Anhui Province.<sup>18</sup> In March 2013, thugs reportedly beat an elderly (but unidentified) woman to death in a black jail in Beijing.<sup>19</sup> Also, petitioner Wang Delan (王德兰) died in a black jail in Hubei Province in August 2013; her family and others strongly suspect that Wang was beaten to death by guards, but police claimed that she committed suicide.<sup>20</sup> In 2010, Shandong petitioner Li Shulian (李淑莲) died in a black jail

under suspicious circumstances; the police also claimed that she hanged herself, while her family believes that Li died from violent assaults by police.<sup>21</sup>

11. In November 2013, the CCP approved a decision to abolish the RTL system. However, other forms of extralegal detention continue to operate. Furthermore, although RTL has been abolished, ex-RTL inmates who have sought remedies for abuses have been targeted for reprisals. For example, eight women once held at the Masanjia Women's RTL camp were sentenced in June 2014 to prison terms ranging from 12 to 18 months on charges of "creating a disturbance" in retaliation for seeking redress for the abuses they had suffered.<sup>22</sup>

*Sexual abuse and violence against girls (Article 5(a), GR 12, para.1, GR 19, paras.6 & 24)*

12. Chinese law prescribes rather light punishments for the crime of sexual abuse of women and girls. In some well-known cases in China, government officials and other public servants, including teachers who had sexually abused girls, were not held legally accountable. In some cases, those suspected of sex offenses against girls have instead been prosecuted for soliciting prostitutes. Exemplifying the ineffectiveness of current laws in combating sexual abuse of girls, China's Criminal Law (1997)<sup>23</sup> puts the "crime of prostituting minor girls" under a separate category from "rape," a more serious crime that carries heavier sentences, which would have been more appropriate for prosecuting adult offenders suspected of violent sexual abuses of children. Also, in the Criminal Law, the "crime of prostituting minor girls" is not put under the category of "crimes infringing upon a citizen's personal rights," but instead under the category of "crimes obstructing the administration of public order." As some Chinese scholars point out, this 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 girl-child to special protection, to health, and to life.<sup>24</sup>

13. Such problems with the law greatly undermine the protection of girls' safety. One survey conducted in 2011 by a group of independent academics and activists in China shows that, of the 82 women and girls surveyed and interviewed, the youngest victim of violent sexual abuse in the group was eight years old; girls under 18 years old comprise 30% of those who were sexually assaulted among the interviewees.<sup>25</sup> In late May 2013, the Women's Federation of Guangzhou in 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. Victims did not inform their families or authorities because of the emotional pain and shame from social stigma attached to sexual assault victims.<sup>26</sup> 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.<sup>27</sup>

14. The government does not assume sufficient responsibility to protect girls from sexual abuse or assist victims from recovering from sexual assault. NGOs are restricted and weakened by government policies such that they are unable to provide psychological rehabilitation and other forms of assistance that could help remedy the trauma experienced by victims. Furthermore, parents and supporters who have tried to seek accountability have run into strong resistance from authorities or even faced retaliation. (See paragraph 8 above)

**15. Recommendations: China must (a) adopt a comprehensive law on violence against women and to ensure that all forms of violence against women and girls, especially women in detention facilities and girls subjected to sexual abuse, constitute crimes punishable under the Criminal Law; (b) Ensure that legislation relating to sexual abuse is effectively enforced, and that perpetrators of such crimes are brought to justice with sanctions proportionate to their crimes; (c) Provide immediate venues for redress and protection to victims of violence,**

**enhance victims' access to justice, and ensure that allegations are investigated expeditiously;**  
**(d) Lift government restrictions on NGOs to allow civil society organizations to work freely to provide much-needed assistance and rehabilitation services to victims of sexual abuse.**

## **Article 6 - Prohibition of Trafficking in Women**

*Cross-border and domestic trafficking in women and girls (Article 1, Article 6)*

16. The government-run All-China Women's Federation (ACWF) stated in 2013 that human trafficking "is a serious problem in China."<sup>28</sup> Government released figures show that "police across the country rescued 8,660 abducted children and 15,458 women while breaking up 3,195 criminal groups engaged in human trafficking in 2011."<sup>29</sup> The government reported in 2013 that it solved 5,126 and 2,765 cases of abducted and trafficked women and children, respectively, and prosecuted 2,395 individuals related to these offenses.<sup>30</sup> Though firm numbers about domestic trafficking in China are unavailable, it is believed to be rampant.<sup>31</sup> Official sources have reported that cross-border trafficking in women is also on the rise.<sup>32</sup> Women and children trafficked into China largely come from Burma, Cambodia,<sup>33</sup> Vietnam,<sup>34</sup> Laos, Mongolia, Russia, and North Korea,<sup>35</sup> and China also serves as a transit country for trafficking victims taken to Thailand and Malaysia. Women and children are trafficked domestically or across borders for the purposes of sexual exploitation, forced marriage, illegal adoption, and forced labor.<sup>36</sup>

17. Chinese legislation combating trafficking in women involved in the sex trade is insufficient and ineffective, despite some minor improvements since the Committee's last review (CEDAW COB 2006, paras.19-20). Article 240 of China's Criminal Law,<sup>37</sup> which focuses on female sex trafficking, does not criminalize trafficking for the purposes of forced labor, debt bondage, nor involuntary servitude, all of which are generally considered to be acts of trafficking under the Palermo Protocol"<sup>38</sup> (CEDAW COB 2006, para.19). In 2011, the Criminal Law was revised to provide for penalties for trafficking for forced labor of any individuals, including imprisonment of up to 10 years in the most serious cases. However, the law does not appear to prohibit trafficking for forced labor due to debt bondage or deception, as is often the situation of women trafficked into the sex industry, who live under semi-slavery conditions (i.e., they must turn their earnings over to a manager who provides them with daily necessities).<sup>39</sup> Furthermore, while traffickers do face criminal punishment, purchasers of trafficked victims are seldom held legally accountable.<sup>40</sup>

18. In March 2013, China's State Council announced the Action Plan for Fighting Human Trafficking (2013-2020) to strengthen inter-governmental coordination in preventing and combating trafficking.<sup>41</sup> In this Action Plan, the State Council called on government agencies to strengthen the equal protection of the rights of women and children, in effect recognizing that gender inequality contributes to trafficking. While the proposed initiatives are welcomed, there are inherent problems with the Action Plan. For one, it is unclear whether it applies to cross-border trafficking as well as domestic trafficking. Second, it fails to acknowledge the impact of the birth control policy on trafficking in women and girls, and instead calls for stricter enforcement of birth control regulations even though they have led to severe gender imbalance, which in turn has contributed to trafficking of women for forced marriage.<sup>42</sup> The birth control policy also provides incentives for smuggling boys, led parents to abandon female babies who are then vulnerable to being trafficked, and has deterred (or limited the capacity of) parents of "out of quota" infants from seeking assistance should their children go missing.

**19. Recommendations: The State party must further strengthen its efforts to combat all forms of trafficking in women and girls, specifically, it must (a) amend its domestic law and the National Plan of Action against Human Trafficking in line with international standards provided in the UN Trafficking Protocol, which the government ratified in 2010; (b) Amend laws against trafficking such that they are victim-centered, ensuring that traffickers and “buyers” of women and girls are prosecuted; (c) Allocate state budget to prevention and rehabilitation services for victims of trafficking, and provide them with legal assistance.**

*Abuse of sex workers (Article 6, Article 12, GR 19 paras.13-15, GR 24, paras.6, 18)*

20. There are well-documented incidents of sex workers being punished and subjected to public humiliation by government authorities. Police routinely notify a woman’s home village or residential committee about sanctions involving her sex work, and the committees in turn publicly disclose such information. These practices increase women’s social vulnerability, as many will choose not to return home. Sex workers rounded up by police have sometimes been paraded in public or have their photos posted online,<sup>43</sup> despite the central government’s call to put a stop to this practice.<sup>44</sup> Stigmatization that these women suffer prevents them from re-integrating into society and securing other forms of work (CEDAW COB 2006, para. 20). The practice of public shaming not only violates one’s right to privacy and dignity, it also amounts to degrading treatment under the Convention against Torture, to which China is a party.

21. Organizing or engaging in prostitution remains illegal under China’s Law on Penalties for Administration of Public Security, which spells out sanctions that can be imposed on alleged sex workers. Article 66 of the law authorizes police to detain sex workers for up to 15 days without trial and a fine up to 5,000 *yuan* (approx. US\$ 800).<sup>45</sup> Criminalizing sex workers has a number of adverse consequences for their safety and for combating abuses. In treating sex workers as criminals, police will likely have no motivation to rescue those who are forced into prostitution, potentially undermining efforts to identify victims of trafficking. In the widely reported case of Tang Hui (唐慧) – whose daughter was raped and sold into prostitution, and who was issued 18 months of Re-education Through Labor for protesting the lenient sentence given to the perpetrators<sup>46</sup> – police refused to treat Tang’s then-11-year-old daughter as a victim of forced prostitution. In addition, criminalizing sex workers jeopardizes their health. Sex workers who are raped are afraid to report such incidents to police.<sup>47</sup> A study by the UN Development Programme (UNDP) noted in 2011 that in China, “[t]he frequent policing of sex industry marginalizes sex workers and creates barriers to obtaining peer support and accessing HIV and STI prevention, treatment and care services.”<sup>48</sup> In addition, sex workers have been reluctant to carry condoms around police crackdowns,<sup>49</sup> since the possession or use of condoms can be used as evidence of prostitution.<sup>50</sup> To avoid being caught, sex workers often migrate from one location to another, preventing them from building support networks, which in turn makes it difficult to share information about health and safety. The continued criminalization of sex work has a disproportionate impact on sex workers rather than on the prosecution and punishment of traffickers and organizers of prostitution (CEDAW/C/CHN/CO/6, para. 19).

*Custody and Education (C&E) detention of sex workers (Article 6, Article 12, GR 19 paras.13-15, GR 24, paras.6, 18)*



22. The Measures on the Custody and Education of Prostitutes and Their Clients allows police to send a sex worker to a “custody and education” detention camp without trial. A detainee can be held for a period of six months and up to two years without a trial, without seeing a lawyer, and forced to engage in hard labor. These are penalties administered by police without any judicial review and sex workers thus detained are deprived of their due process rights.<sup>51</sup> (CEDAW COB 2006, para.19) Women held in the extralegal C&E facilities, which are established by the above-mentioned administrative ordinance issued by the State Council, have often been subjected to forced labor and exploitative and harsh work conditions.<sup>52</sup> In addition, they are forced to undergo compulsory testing for sexually transmitted diseases (CEDAW GR 24, para.22).<sup>53</sup> Government authorities have confirmed that there are currently 116 C&E centers in the country.<sup>54</sup> According to NGO reports, police routinely coerce confessions or extort money from women whom they allege to be engaged in sex work, often through the use of torture.<sup>55</sup> Suspected sex workers who have been unable or unwilling to pay would be sent to a C&E detention camp. In 2014, more than 100 scholars and women rights activists called for the abolition of the C&E system.<sup>56</sup>

**23. Recommendations: China must abolish any detention of women including sex workers without due legal process, such as but not limited to the Custody & Education system;<sup>57</sup> take effective measures to prohibit subjecting apprehended sex workers to public humiliation; hold those who detain or publicly humiliate women in prostitution criminally responsible; and provide remedies and rehabilitation to abused sex workers. We urge that the Committee recommend to China to take steps toward decriminalizing regulated sex work for the purposes of safeguarding the health and safety of women in prostitution and protecting them from violence and abuse.**

## Part II

### Article 7 - Women’s Participation in Political & Public Life

#### *Under-representation in decision-making bodies (Article 2(f), Article 7(a)&(b))*

24. The representation of women at every level of the legislative bodies, decision-making positions and the judiciary has been persistently low (State party report, (paras. 126-131). In 2012, the number of women delegates appointed to the CCP Central Committee was 33 out of a total of 205 delegates (16.1%). This was a significant increase compared to the 2.5% in 2002 and 6.4% in 1992. No women currently serve on the CCP’s top leadership body, the Politburo. In 2013, the percentage of female deputies to the National People’s Congress (NPC), the nominal or decorative legislative body, was 23.4%,<sup>58</sup> a modest increase compared to 2003 (20.2%) and 1993 (21%).<sup>59</sup> These numbers do not meet the State party’s already low targets that did not aim at equal representation for women in political life; China had pledged to achieve 30% female participation in government and political organs by the year 2000 in the Beijing Declaration and Platform for Action, which was issued in 1995.<sup>60</sup> In its 2014 reply to the Committee on Economic, Social and Cultural Rights (CESCR) List of Issues (E/C.12/CHN/Q/2/ADD.1), China stated its policy objective of ensuring “at least one woman in local government leadership at the county level and above.” This target is abysmally low for a government with a vast bureaucracy.

25. In general, provisions in laws and policies aimed at promoting women’s inclusion in decision-making bodies are vaguely worded, hence difficult to enforce and measure the

level of implementation. Article 6 of the Electoral Law of National People's Congress and Local People's Congress of the PRC (2004 amendment) provides that "[a]mong deputies to the National People's Congress and local people's congresses at various levels, there shall be an appropriate number of women deputies, and the proportion thereof shall be raised gradually."<sup>61</sup> It is entirely unclear what is an "appropriate number" of women and how is it to be determined. Such provisions of the Electoral Law hold little legal applicability or practical significance.<sup>62</sup> An academic paper published in 2008 commented that, in practice, laws requiring an appropriate number of female representation have "often been translated into a figure of around 10% of a given Party and government body at the provincial level or higher, with the percentage hardly reaching 30% of the total at the township and lower levels."<sup>63</sup> The article further states that laws and policies in China that prescribe increasing women's representation in political participation are often symbolic, "barely exerting any concrete measure on the male-dominated Party and government organizations."<sup>64</sup>

*Women independent candidates in local elections (Article 1, Article 7(a)&(b))*

26. Female independent candidates (e.g., candidates who are not supported or approved by the CCP) in local elections of deputies to legislative bodies not only suffered from the same violence as their male counterparts (including physical abuse, intimidation and harassment, surveillance, and arbitrary detention),<sup>65</sup> but also were more vulnerable to verbal abuse and physical beatings, usually by the predominantly male security police force. During local people's congress elections in 2011-12, a significant number of activists and human rights defenders tried to run as independent candidates in an attempt to promote both the right to be elected in free and fair elections, and the opportunity to increase women's political representation. We have tracked the cases of at least 40 female independent candidates, who were subjected to various forms of intimidation and harassment.<sup>66</sup> In one of the more serious cases, in February 2012, Gan Xingyan (干兴艳), an independent female candidate in Sichuan Province, was severely beaten by security guards during the election period, to the point of losing consciousness.<sup>67</sup> Li Biyun (李碧云), an independent female candidate who ran in Guangdong, was criminally detained in September 2011 on the suspicion of "undermining elections" after getting into a physical altercation with a local official who tried to block her campaign, and was only released in April 2012.<sup>68</sup> Liu Ping (刘萍), who tried to take part in a local election in Jiangxi Province, was prevented from campaigning in her district in May 2011. She was released after four days of illegal detention, during which she was held in a guesthouse and kept under 24-hour guard under police orders.<sup>69</sup> (Both Li and Liu have subsequently been arrested and tried for their human rights activities, with Liu sentenced to 6.5 years in prison and Li's sentence not yet announced.)<sup>70</sup>

**27. Recommendations: The State party must (a) set adequate and specific targets, timetables, and take effective measures to realize women's full and equal participation at all levels of political decision-making, legislation, and the judiciary; and (b) investigate and take legal actions against alleged perpetrators for using violence and arbitrary detention against female independent candidates in local elections from 2011-2012, and village elections from 2006-2013.**

## Part III

### Article 10 - Women's Education

*Discrimination in higher education (Article 5(a), Article 10(a)&(c), GR 18)*

28. Legal regulations and policies in China directly restrict women's equal access in higher education. A regulation from 2000 specified that the number of women in police academies at any one time should not exceed 15%.<sup>71</sup> According to a 2010 directive issued by the Ministry of Education, the number of female early admissions to certain universities (in the areas of detective science, law and order management, border defense management, and criminal science and technology) also should not exceed 15%.<sup>72</sup> In 2012, an NGO working on women's rights submitted a series of public information disclosure inquiries seeking explanations of the legal basis for such gender-based quotas. In response, the Ministry of Education replied on October 15, 2012, that there are three categories of higher education in which limits are placed on the numbers of women accepted: if it relates to professions that "require" a certain proportion of men to women (i.e., in areas of the military, national defense, and public order and security); if such measures can be "justified" from the perspective of "protecting women" (i.e., in areas of navigation and mining); and if social needs "demand" a certain balance in the proportion of men and women (i.e., in areas of language studies, media work, etc.).<sup>73</sup> These regulations demonstrate that the government does not intend to address the low ceilings placed on the enrollment of women in the fields of national defense and public security. According to a report published in state media in 2013, at least 81 Chinese universities had admittance restrictions based on gender, including 31 institutions considered "first-rate internationally" by the government. Among the 81 schools, 34 of them had directly discriminated against female applicants in the admissions process.<sup>74</sup>

*Education of women with disabilities (Article 4(1), Article 10(a), GR 18)*

29. There are significant disparities in access to education between men and women with disabilities. As an example, a study revealed that, as of 2010, more than 55.3% of disabled women in China had never attended school—27.9 percentage points higher than their male counterparts. The majority of disabled women unable to receive education are from rural areas or low-income families. Only 4.5% of disabled rural women received higher education, 5.1% lower than disabled men living in rural areas.<sup>75</sup> According to surveys and interviews conducted in 2010 and 2011, more than 50% of persons with disabilities in Heilongjiang Province were illiterate and two thirds of them were women.<sup>76</sup>

**30. Recommendations: The State party must take concrete measures, with concrete targets and time lines, to reach the 3<sup>rd</sup> Millennium Development Goal on gender equality in education and the "Beijing + 20" targets in equal education set in the 1995 UN Fourth World Conference on Women, to eliminate the persistent disparities at all levels of education between men and women and to promote women's full access to higher education, and eliminate the persistent gender disparities between women and men with disabilities, between rural and urban women, in access to education.**

### Article 11 - Women's Employment

*Gender discrimination in recruitment and wage gap (Article 11)*

31. Gender discrimination in employment, including in both pay and recruitment, continues to persist in China. A study published in 2012, which analyzed the incomes of 214,296 women and 222,243 men, concluded “China has witnessed a widening gender pay gap over the past two decades.”<sup>77</sup> In 2010, the average wage of women was less than 60% that of their male counterparts, covering both urban and rural areas, according to an NGO report.<sup>78</sup> The principle of equal pay for work of equal value remains far from being implemented in law and labor practice.

32. Ninety percent of female university students have experienced discrimination in job recruitment, according to a survey reported in state media in August 2010.<sup>79</sup> In a 2014 report based on a survey of female university students in Guangzhou City in Guangdong, 70% of interviewees expressed that they themselves, their friends, or their relatives have experienced discrimination in looking for employment.<sup>80</sup> Only 7.3% indicated that they have never come across discrimination.<sup>81</sup> Many job ads typically state that the employers are only accepting applications from men.<sup>82</sup>

*Employment discrimination against women during pregnancy and maternity (Article 5(a), Article 11, Article 12, GR 24, para.28)*

33. Pregnant women face barriers to equal access to employment. Though China’s Labor Law, Law on the Protection of the Rights and Interests of Women, and Law of the People’s Republic of China on Promotion of Employment offer women some basic protections, legal provisions are not always implemented. In one extreme case, a pregnant woman working for Alibaba, the largest e-commerce corporation, died in April 2014 after she was overworked during her pregnancy.<sup>83</sup> In a labor dispute arbitration case in 2013, a Beijing arbitration committee ordered Meituan, an e-commerce company, to compensate and honor its employment contract with a woman who was dismissed because of her pregnancy.<sup>84</sup> The female employee had complained to her company management that she was demanded by her boss to work overtime even though she was pregnant. The company terminated her employment for “seriously violating company regulations and employee discipline.” It was later reported that the company settled the case with the woman by compensating her 250,000 *yuan* (approx. US \$40,000) while releasing both sides from their contractual obligations.<sup>85</sup>

*Employment of women with disabilities (Article 4(1), Article 11, GR 25)*

34. Women with disabilities face additional discrimination in finding employment. In 2012, Chinese media reported on the futile job-seeking experience of a disabled female college graduate. She included information about her disabilities on her CV in 1,476 job applications and did not receive a single reply. After deleting that information, however, she was granted some interviews but did not receive any subsequent response. When she telephoned companies that had interviewed her, the firms told her that they do not wish to hire disabled persons, or blamed her for not including information on her disabilities on her CV.<sup>86</sup> In another instance reported in 2014, more than 100 job applications sent out by a disabled female college student over a period of two years were all rejected by employers.<sup>87</sup> In a report by the All-China Federation of Disabled Persons, the employment rate for disabled women in China in 2010 is 26.4%, which is 12.4% lower than for disabled men.<sup>88</sup> A study conducted in Heilongjiang Province indicates that the employment rate of disabled persons in the province was 18.8%, and the average per capita income of disabled women in 2010 was 3,501 *yuan* (approx. US\$ 570). This is 44.1% of the average per capita income of all Chinese women, or 85.9% of the average per capita income of disabled men, for the same year.<sup>89</sup>

*Sexual harassment in workplace (Article 1, Article 2(f), GR 19, paras.17-18)*

35. Chinese laws and regulations do not include a clear definition of sexual harassment in the workplace, nor do they provide for the prevention and prosecution of such behavior. Victims of sexual harassment relied on Articles 119 (on personal injury) and 120 (on defamation) of the General Principles of the Civil Law to lodge civil complaints against their perpetrators<sup>90</sup> until 2005, when an amended LPRIW for the first time recognized “sexual harassment,” but it did not provide any clear definition. Article 40 of the LPRIW simply states that “[s]exual harassment against women is prohibited” and that “female victims shall have the right to file complaints with the units where they work and the department concerned.”<sup>91</sup> The provision provides no mechanisms to safeguard against any potential retaliation for women who file complaints about harassment by their co-workers or superiors at the workplace (CEDAW COB 2006, para.30). The Special Rules on the Labor Protection of Female Employees, regulations promulgated in 2012, which mandate employers stop and prevent sexual harassment in the workplace, has not been adequately implemented. The state-run newspaper *The Southern Daily* reported in November 2013 that 70 percent of women factory workers had been sexually harassed at work, and that alleged perpetrators did not face any consequences in the majority of such cases.<sup>92</sup>

**36. Recommendations: The State party must (a) take concrete steps to eliminate the persistent disparities between men and women and promote full access to employment, and include a precise definition of employment discrimination in the LPRIW and the Labor Law; (b) Adopt all necessary measures, with concrete targets and a time frame, to ensure that women receive equal pay for equal work and work of equal value; (c) Strictly enforce laws protecting pregnant women and women with disability’s equal employment opportunities and from unlawful dismissal, and provide them with effective channels for remedy; (d) Take effective measures to ensure disabled women’s equal access to employment and fair pay; (e) Include in its legislation a comprehensive definition of sexual harassment that is compliant with CEDAW, and raise awareness about existing complaint mechanisms for victims of sexual harassment.**

## **Article 12 - Women’s Health**

*Forced abortions and sterilization, female infanticide, Sex-selective abortion (Article 5(a), Article 12, Article 16(e), GR 19, para.20, GR 21, para.22))*

37. The CCP Central Committee decided in 2013 to adjust the “one-child” family-planning policy to allow couples to have a second child if either parent is an only child.<sup>93</sup> But the policy does not go far enough to abolish the state’s birth control measures and the coercive methods for enforcing them. CESCR noted in its 2014 COB that, even with the policy relaxing the number of births, there “continues to be restrictions on the opportunity for persons to freely decide on the number of children they have.” In its 2012 COB, the Committee on the Rights of Persons with Disabilities (CRPD) called upon China “to revise its laws and policies in order to prohibit compulsory sterilization and forced abortion on women with disabilities.”

38. Although the Population and Family Planning Law (PFPL) prohibits coercive measures such as forced abortion and forced sterilization, these practices continue in China (CEDAW GR 19, paras.22 and 24(m), CEDAW GR 24, para.23, *A.S. v. Hungary*). In CESCR’s 2014 COB, the

Committee remained “seriously concerned about reported instances of the use of coercive measures, including forced abortion and forced sterilization, with a view to limiting births.” Abandonment and infanticide, particularly of girls, which is exacerbated by the birth-control policy, remains a serious concern (CRC/C/CHN/CO/3-4, 2013). Couples wanting male children while trying to avoid penalties for giving births to babies without official permission are driven to take ultra-sound tests of the sex of a fetus and abort female fetuses.

39. In addition, the PFPL stipulates that those who violate the family planning policy have to pay a “social maintenance fee.” The imposition of heavy fines provides corrupt officials strong financial incentives to be overly aggressive in enforcing birth-control policies.<sup>94</sup> Many couples who refuse or are financially unable to pay the fines are subjected to a wide range of abuses, including forced abortion, torture, and detention. It is reported that hundreds of women flee their home provinces of Hubei and Guangxi to escape from zealous family planning officials and go into hiding in remote areas of neighboring provinces, becoming known as “family planning fugitives.”<sup>95</sup>

40. China’s birth-control policies discriminate against unmarried pregnant women, who, with limited exceptions,<sup>96</sup> are not allowed to lawfully have children, placing them under duress. In a widely publicized case from 2013, an unmarried 22-year-old who had sought to conceal her pregnancy secretly delivered the baby in a bathroom.<sup>97</sup> It was later revealed that the young mother was unable to afford an abortion and “was terrified about the illegitimacy of her child,”<sup>98</sup> one reason being that she would face additional fines for giving birth out of quota. In 2009, a young woman who became pregnant before she reached the legal age for marriage was seized inside her home by officials from the township family planning bureau and forced to undergo an abortion. The woman and her unborn child died on the operating table.<sup>99</sup> The number of unmarried women who are subjected to such treatment is difficult to estimate, since family-planning laws so often compel unmarried women to conceal their pregnancies, which also makes it difficult for social service organizations and health workers to render assistance to them.

41. Women with children born out-of-quota face additional financial burdens and social barricades in raising the children due to the difficulty in getting birth certificate and household registration (*hukou*) for their babies, since government authorities refuse to register children who were born without birth permits.<sup>100</sup> Without a *hukou*, a child has no legal identity, cannot obtain a national ID card, and thus does not have any recognized rights accorded to Chinese citizens, including access to subsidies in education, healthcare, and other social services, as well as, later in life, opportunities for higher education and certain types of employment.

**42. Recommendations: The State party must (a) take effective measures to prohibit forced abortion and sterilization, sex-selective abortion and female infanticide, and ensure that abortions, sterilizations, insertions of intrauterine devices, and tests of reproductive status are carried out voluntarily and safely; (b) Amend existing legislation and regulations in accordance with the rights enshrined in CEDAW by lifting state control of birth quota and adopting educational and other appropriate incentives to achieve family planning objectives; (c) Investigate alleged perpetrators responsible for female infanticide, and officials acting in excess in using violence, including forced abortion and sterilization, against women for violating birth quota, hold them legally accountable, and provide the necessary medical care, social services, and legal remedies for victims; (d) Adopt comprehensive legal and policy measures to address the underlying factors, including the birth-control policy, for sex-selective abortion and female infanticide; (e) Register all children without discrimination on the basis of their birth within or out of official quota.**

## **Article 14 - Protect, Respect and Fulfill the Rights of Rural Women**

*Land rights of married rural women (Article 2(f), Article 5(a), Article 14, Article 16(h))*

43. In China, rural women often lack access to land, even when such interests are protected by law, largely due to issues tied to household registration, traditional practices, and lack of representation in local governance. Land is owned by the State, but the government contracts the land to rural communities managed by village committees, which in turn contract the land to families. Land rights of rural men and women before marriage are determined by birth according to their household registration. Customarily, a man would marry and bring the wife into the family, and a woman would marry and join her husband's family. When a woman gets married and joins her spouse's family, she loses her access to the land contracted to the family that she left, and she does not gain access to land allocated to her husband's family.<sup>101</sup> These practices negatively affect more women than men, as women are more likely to join the husbands' families. Women who have had their land access relinquished by marriage are often unable to regain it even if they get divorced. (CEDAW COB 2006, para. 27)

44. Although the Law of Land Contract in Rural Areas and the LPRIW stipulate that men and women enjoy equality in rural land contracting, the government has essentially left the decision concerning married women's access to land largely to village committees or families. Most rural communities have followed traditionally discriminatory practices to exclude married women from having full access to the benefits and use of the land. Despite legislative efforts in the past decade to promote gender equality in land use in rural China, the access by rural women to land tenure continues to hinge largely upon women's marital status. According to the government-run All-China Women's Federation, in 2014, "rural women without land accounted for 21 percent of the total, an increase of 11.8 percent as compared to 2000. Of the women without land, 27.7 percent lost their land as a result of changes in marital status, including marriage, remarriage, divorce and being widowed."<sup>102</sup> In an interview of 1,044 female migrant workers (aged between 20 and 49 from 30 provinces) from rural areas, "18.8 percent said they possessed no land in their home villages; 13.5 percent said they had never been allocated land either before or since marrying; 31.8 percent claimed they had lost their land due to marriage or divorce; and 9.1 percent said their land had been acquired by the state."<sup>103</sup> The unequal access by men and women to land use is attributable to "the combination of household contracting and patrilocal practices throughout most rural areas."<sup>104</sup>

45. "Married out" rural women have little role in influencing how land contracts are handled, largely due to their low representation in village committees. Men vastly outnumber women in village committees, which are formed in male-dominated village elections and heavily interfered with by local CCP branches and government authorities. The 2010 Amendment of the Organic Law of the Village Committees was meant to increase representation of women in the committees, requiring that women make up at least one-third of the total number of representatives (CEDAW COB 2006, para. 25). However, even such a low target, which falls short of women's having equal representation in village committees, has not been met.<sup>105</sup>

46. In a survey of 112 "married out" village women, conducted by an NGO,<sup>106</sup> only 1% of the interviewees indicated that the decision-making on issues concerning women's land interests had the participation of all villagers. More than 50% of the interviewees said that they were denied all of the entitlements and benefits tied to access to land,

including the allocation of contracted land and homestead land, land compensation and/or resettlement housing (in cases of land appropriations), land dividends (dividends on collective farming gains), and alternative job placement opportunities and/or pension (for the loss of farmland). Less than 10% of interviewees said they enjoyed a full range of these rights related to land. Divorced and widowed women, amounting to 33% of all interviewees surveyed, often return to their native village only to find that their land has been appropriated either by their family or by others through re-allocation.

47. “Married out” women are unlikely to obtain compensation for appropriated land in cases when rural land is appropriated by developers with officials’ backing, often illegally, or sold by village committees to developers for profits. Women who lose access to appropriated land cannot leverage the law to pursue remedies.<sup>107</sup> Courts have turned away lawsuits filed by women against village committees for infringing on their land contractual rights and sent the women back to those same village committees for adjudication.<sup>108</sup> Women who are unable to obtain compensation for lost land often resort to petitioning higher-level government officials for solutions, only rendering themselves vulnerable to other forms of abuses, including arbitrary detention, torture, and enforced disappearances at the hands of state police tasked to stop and intercept petitioners.<sup>109</sup>

**48. Recommendations: The State party must (a) ensure full compliance with legal provisions protecting rural women’s equal access to land property, including LPRIW and the Law of Land Contract in Rural Areas; especially, (b) to ensure that access, share, and interests are inalienable despite changes in women’s marital status or residence registration,<sup>110</sup> and that women dispossessed of their land be entitled to full and adequate compensation equal to that of men; (c) Amend the Organic Law of the Village Committees to require equal representation of women and men on Village Committees; (d) Hold those who retaliate against women petitioning government authorities for violation of their land property rights by subjecting them to violence, arbitrary detention, and other forms of mistreatment criminally accountable.**

**- END -**



## Appendices

### **Appendix 1: Chinese Women Seriously Unrepresented in Political and Public Decision Making**

#### **Summary**

In 1995, the Fourth World Conference on Women held in Beijing adopted the Platform for Action, which set out a target of having 30% women in decision-making positions by the year 2000. Since then, however, the rate of women's political involvement has fallen far short of this goal. The under-representation of women in government is particularly reflected in the low numbers of women who occupy positions of decision-making power. In fact, the percentage of women in key leadership positions is not only low but declining.

In the Eleventh National People's Congress in 2012, female representatives accounted for only 21.3% of the total. In the history of the People's Republic of China, the National People's Congress had only appointed four female provincial governors by 2012. At the 16th Chinese Communist Party Congress, there were only 382 female representatives, accounting for 18% of the total. According to statistics from the Committee Organization Department in Hunan Province, after personnel changes of village Party branches in 2014, there are now 23,968 female village cadres in the province, accounting for 19.5%, and there are 2,001 female village Party branch secretaries, accounting for just 5.1% of the total.

In the 2011-2012 grassroots People's Congress elections, a large number of women independent candidates emerged across the country (running as candidates unaffiliated with and unsupported by the Chinese Communist Party). However, these candidates were, without any known exception, subjected to systematic suppression, and none were elected. They were treated with violence from the authorities' male-dominated stability-maintenance personnel. For example, candidate Gan Xingyan from Chengdu, Sichuan was beaten unconscious, and Li Biyun, a candidate from Foshan City in Guangdong, was not only beaten but also arrested on a concocted charge of "undermining elections."

We recommend that the State party publicly disclose numerical data related to the participation of women candidates in local People's Congress elections in 2011-12 and village elections in 2006-13, including: the number of women who ran as independent candidates; the number of votes received by women candidates; data on cases of women candidates who faced violent treatment due to their political participation; the number of women candidates whose freedom was restricted before or during elections; and the number and identities of women candidates who were detained or held under house arrest. We further urge the State party to investigate cases of women who faced violence and other forms of mistreatment in the exercise of their civil and political rights, and to make public the results of such investigations, punish the perpetrators, and compensate the victims.

(See full text in Chinese at <http://www.chrdnet.com/2014/09/appendix-1-to-chrd-and-coalition-of-ngos-report-submitted-to-cedaw-october-2014/>)

### **Appendix 2: Report Based on Observations of the Situation of Women's Employment Discrimination**

#### **Summary**

Gender discrimination in employment remains a serious problem in China, with the state itself having practiced recruitment discrimination in filling government jobs. Major issues include the fact that the definition of discrimination has yet to be written into national laws, and there also is a lack of guidelines for

executive and judiciary departments; these have led to governmental failure in monitoring discriminatory recruiting practices and providing remedies for women laborers.

Female workers are generally among low- and middle-income earners. Provisions on maternity protection in labor laws and regulations are not supported by corresponding subsidies, causing employers to feel greater economic burdens. This in turn makes it more difficult for women to be recruited and more susceptible to discrimination when they are pregnant. Chinese laws do not provide a clear definition of sexual harassment, or stipulate how it can be prevented and punished.

We recommend that China write the definition of gender discrimination into its Criminal Law and the definition of gender discrimination in employment into the Law on the Protection of Women's Rights and Interests, Labor Law and other common laws; prohibit discrimination against women in the recruitment of governmental organizations; introduce judicial guidance and administrative rules in order to monitor gender discrimination in recruiting practices; adopt a specific law on sexual harassment or revise existing laws to add detailed provisions relating to the definition of sexual harassment, its punishment, and the protection of privacy of those involved.

(See full text in Chinese at <http://www.chrdnet.com/2014/09/appendix-2-to-chrd-and-coalition-of-ngos-report-submitted-to-cedaw-october-2014/>)

### **Appendix 3: Land Issue Concerning Rural Women**

#### **Summary**

Although the State party report has included provisions on rural women's rights in contracting land, land contracting for rural married women in practice is determined by local village regulations. Married women themselves have no opportunity to participate in the making of these regulations. In the process of defending their rights, rural married women are subjected to intimidation, restriction of personal freedom (including detention in illegal facilities known as "black jails"), and threats of violence against family members.

The proportion of rural women in village committees has increased significantly, up from 15.1% in 2004 to 21.5% in 2009, but this level of representation is still not enough. According to our survey of 112 rural married women, women whose land rights have been undermined are still largely excluded from grassroots policy-making processes. More than half of the respondents said that decisions are made by villager representative committees, village committees, and village Party committees. The vast majority of the respondents said that they were not allowed to participate in votes regarding land distribution.

According to a survey we conducted, the vast majority of the 112 respondents (90%) encountered difficulty with issues of land rights. Our data show that less than 10% of the total 112 respondents enjoyed relevant land rights and interests (land contract, land compensation, residential land, land dividends, resettlement housing, job placement opportunities and pension insurance for loss of land). More than half of the respondents did not enjoy relevant rights and interests. For example, up to 56.86% of the respondents did not enjoy the right to contract land, and more than 70% of the respondents did not enjoy any of the other rights and interests. Among the respondents, 33% said that their land rights were undermined by land expropriation; they had voluntarily kept their household registration in the home village, but their land was repossessed. Sixteen percent of the respondents said that, after marriage, they did not receive land through either her husband or parents. When they transferred their household registration to their husband's home, land contracting had already been completed.

According to the survey, nearly 90% of rural married women were willing to defend their rights, showing a strong awareness of their rights. However, it is worth noting that half opted for non-legal, supplementary remedies. The most commonly used approaches included appealing to government authorities (87.37%), seeking mediation of village committees (76.84%), petitioning (73.68%), seeking help from a local Women's Federation (60%).

We ask the Committee to urge the Chinese government to ensure full compliance with legal provisions protecting rural women's equal access to land property, or order to provide that access, share, and interests are inalienable despite changes in women's marital status or residence registration, and that women dispossessed of their land be entitled to full and adequate compensation equal to that of men; amend the Organic Law of the Village Committees to require equal representation of women and men on Village Committees; and end all forms of retaliation against women who petition government authorities over violations of their land property rights, and hold criminally accountable the perpetrators of violence, arbitrary detention, and other forms of mistreatment faced by such women.

(See full text in Chinese at <http://www.chrdnet.com/2014/09/appendix-3-to-chrd-and-coalition-of-ngos-report-submitted-to-cedaw-october-2014/>)

## **Appendix 4: Women with Disabilities Still Have Unequal Rights**

### **Summary**

In the combined seventh and eighth periodic report submitted by China to CEDAW, the State party inadequately stated or failed to mention the specific needs of women with disabilities in the fields of education, employment, health care, economic and social interests, marriage and family life, and participation in public affairs. In addition, the report inadequately stated or failed to mention any special measures taken to assist women with disabilities.

This report focuses on three main concerns: the absence of relevant statistical data regarding women with disabilities; the critical need for education for women with disabilities, which must be addressed with appropriate measures; and the recurrent discrimination against women with disabilities in employment.

Despite the issue of equal rights for women with disabilities was highlighted by the Chinese government in its "Fifteen-Year Development Program for Persons with Disabilities in China (2006-2010)," in reality, discrimination against women with disabilities in the fields of education and employment remains prevalent.

According to a 2010 nationwide survey of persons with disabilities and of economic progress, more than 55.3% of women with disabilities in China had never attended school—27.9 percentage points higher than their male counterparts. Only 4.5% of women with disabilities received higher education, 5.1% lower than men with disabilities. In employment, only 26.4% of women with disabilities were employed, 12.4% lower than their male counterparts.

### **Recommendations:**

1. Provide information and statistical data, disaggregated by rural vs. urban, on women with disabilities in the fields of education, employment, health care, economic and social interests, marriage and family life, and participation in public affairs.
2. Fully utilize temporary special measures to improve the social and economic status of women with disabilities.
3. Ensure the right of young girls with disabilities to receive compulsory education; especially for those from poor rural families, provide financial assistance and policy support, including all necessary facilities to help women with disabilities to successfully enroll and attend school.

4. Establish temporary special measures through policy and legal regulations to provide support for employment for women with disabilities.

(Full text in Chinese at: <http://www.chrdnet.com/2014/09/appendix-4-to-chrd-and-coalition-of-ngos-report-submitted-to-cedaw-october-2014/>)

## Appendix 5: List of Abbreviations

Administrative Procedure Law (APL)

All-China Women's Federation (ACWF)

Chinese Communist Party (CCP)

Committee on Economic, Social and Cultural Rights (CESCR)

Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)

Committee on the Rights of Persons with Disabilities (CRPD)

Custody and Education (C&E)

General Principles of the Civil Law (GPCL)

Law on the Protection of the Rights and Interests of Women (LPRIW)

Organic Law of the Village Committees (OLVC)

Population and Family Planning Law (PFPL)

Re-education through Labor (RTL)

The Measures on the Custody and Education of Prostitutes and their Clients (Measures on Custody and Education)

Law of the People's Republic of China on Promotion of Employment (LPE)

## Notes

<sup>1</sup> In the Committee's Concluding Observations (COB) 2006, the Committee expressed its concerns over the lack of a definition of discrimination and urged the State party to "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" (CEDAW COB 2006, para.10).

<sup>2</sup> Article 27, Employment Promotion Law, at [http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content\\_1471590.htm](http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471590.htm).

<sup>3</sup> Article 13, Labor Law, at [http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content\\_1383754.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383754.htm).

<sup>4</sup> Trial Methods for Public Security for Common Higher Education Recruitment Work (公安普通高等学校招生工作暂行办法), at <http://gaokao.chsi.com.cn/gkxx/zcdh/200704/20070405/778399.html>.

<sup>5</sup> "One Should Not Attach Label to 'Gender Discrimination'" ("性别歧视"的帽子不能随便扣), April 4, 2007, China Education Daily, at [http://news.xinhuanet.com/school/2007-04/04/content\\_5932227.htm](http://news.xinhuanet.com/school/2007-04/04/content_5932227.htm).

<sup>6</sup> CEDAW embraces a comprehensive definition on discrimination against women, which is defined as the "distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." (CEDAW, Article 1). This definition embraces discrimination in "all its forms" including *inter alia*, *de jure* and *de facto* discrimination (CEDAW, GR 28, para. 9), direct and indirect discrimination, compound discrimination, multiple discrimination, and intersectional discrimination.

<sup>7</sup> "Where anyone practices discrimination in employment in violation of the provisions of this Law, the workers concerned may lodge a lawsuit in the people's court." Article 62, Employment Promotion Law, at [http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content\\_1471590.htm](http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471590.htm).

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<sup>8</sup> Zhou Huyong and Xu Yue, “Public Interests Litigation: New Way of Protecting Women’s Rights,” at [http://www.chinahumanrights.org/cshrs/magazine/text/t20081211\\_394124.htm](http://www.chinahumanrights.org/cshrs/magazine/text/t20081211_394124.htm).

<sup>9</sup> The court ordered the school to compensate Cao 30,000 *yuan* (nearly US\$5,000) and issue her a formal apology. “Plaintiff obtains 30,000 *yuan* in China’s first gender discrimination lawsuit”, January 9, 2014, China Labour Bulletin, at <http://www.clb.org.hk/en/content/plaintiff-obtains-30000-yuan-china%E2%80%99s-first-gender-discrimination-lawsuit>; “China’s First Gender Discrimination in Employment Case” (中国就业性别歧视第一案), January 10, 2014, China Labour Lawyer, at [http://www.labourlawyer.cn/cn/271/Net\\_Detail\\_361.html](http://www.labourlawyer.cn/cn/271/Net_Detail_361.html).

<sup>10</sup> “Report on the Suppression of Civil Societies in China” (中国民间组织打压情况报告), January, 2011, Beijing Aizhixing, at [https://docs.google.com/file/d/11\\_ea-OHx0JHWe\\_xxeANIwHLsR7Tvze9t3KfOt5TIskhZeixwT1M6sk7u3Fx6/edit?hl=zh\\_CN&pli=1](https://docs.google.com/file/d/11_ea-OHx0JHWe_xxeANIwHLsR7Tvze9t3KfOt5TIskhZeixwT1M6sk7u3Fx6/edit?hl=zh_CN&pli=1).

<sup>11</sup> “Communiqué on the Current State of the Ideological Sphere: A Notice from the Central Committee of the Communist Party of China’s General Office”, November 8, 2013, China File Translation, at <http://www.chinafile.com/document-9-chinafile-translation>.

<sup>12</sup> “[CHRB] Guangxi Police Detain, Reportedly Beat Sex Rights Activist May 24-30,” May 30, 2013, Chinese Human Rights Defenders (CHRD), at <http://chrnet.com/2013/05/chrp-police-restrict-movements-of-activists-as-tiananmen-anniversary-nears-524-30-2013/>.

<sup>13</sup> “Peking University Shuts Down Affiliated Women’s Rights Organization” (北大撤销附属法学院女权公益组织), April 09, 2010, Voice of America, at <http://www.voachinese.com/content/article-20100408-beijing-women-rights-90217297/465637.html>.

<sup>14</sup> For example: Cao Shunli (曹顺利) advocated for access for China’s civil society to UN human rights mechanisms. She faced persistent harassment for her activism, and on March 14, 2014 she passed away after being denied medical treatment for five months while in a Beijing detention center. See “Cao Shunli & Her Legacy,” April 21, 2014, CHRD, at <http://www.chrdnet.com/2014/04/prisoner-of-conscience-cao-shunli/>. Liu Ping (刘萍), is a labor rights activist and former independent local people’s congress candidate in Jiangxi Province. She is currently serving a six-and-a-half year sentence on trumped up charges in retaliation for her activism. She was reportedly tortured during her police interrogations, and has been denied access to medical treatment in detention. See “Prisoner of Conscience – Liu Ping,” November 13, 2013, CHRD, at <http://www.chrdnet.com/2013/11/prisoner-of-conscience-liu-ping/>. Jia Lingmin (贾灵敏) is a forced evictions activist who was arrested in the suppression surrounding the 25<sup>th</sup> anniversary of the Tiananmen Massacre in June 2014. She has been held in a Henan Province detention center since May, but to date has only been granted one visit with her lawyer. See “Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre,” May 29, 2014 (late updated September 23, 2014), CHRD, at <http://www.chrdnet.com/2014/05/individuals-affected-by-government-crackdown-around-25th-anniversary-of-tiananmen-massacre/>.

<sup>15</sup> “The Darkest Corners”: Abuse of Involuntary Psychiatric Commitment in China,” 2012, CHRD, at <http://www.chrdnet.com/2012/08/the-darkest-corners-abuses-of-involuntary-psychiatric-commitment-in-china/>.

<sup>16</sup> “Information Submitted to UN Committee on the Elimination of Discrimination against Women For Consideration in List of Issues – February 2014,” February 20, 2014, CHRD, at <http://chrnet.com/2014/02/information-submitted-chrd-and-joint-chinese-ngos-to-the-committee-on-the-elimination-of-discrimination-against-women-on-the-occasion-of-the-consideration-of-list-of-issues-related-to-the-combined-sev/>.

<sup>17</sup> “LENS - Inside Liaoning Masanjia Women Re-education by Labor Camp” (视觉杂志-揭秘辽宁马三家女子劳教所), April 7, 2013, China Digital Times (hosts copy), at [http://chinadigitaltimes.net/chinese/2013/04/lens\\_视觉杂志-揭秘辽宁马三家女子劳教所/](http://chinadigitaltimes.net/chinese/2013/04/lens_视觉杂志-揭秘辽宁马三家女子劳教所/).

<sup>18</sup> “Rape of Female Petitioner in Beijing Black Jail; Police Still Have No Answer” (北京黑监狱女访民被强奸案：警方迄今仍无交待), August 9, 2009, Rights Defense Network (RDN), at <http://www.weiquanwang.org/?p=16710>; “Victim Angered by Lenient Sentence for ‘Black Jail’ Rapist,” December 12, 2009, South China Morning Post (SCMP), <http://www.scmp.com/article/701085/victim-angered-lenient-sentence-black-jail-rapist>.

<sup>19</sup> “Jiruigong Hotel: Jilin Public Security Department Sets Up Black Jail in Beijing to Detain Petitioners” (吉瑞公宾馆：吉林公安厅设在北京关押访民的黑监狱), RDN, November 7, 2013, at [http://wqw2010.blogspot.hk/2013/11/blog-post\\_6119.html](http://wqw2010.blogspot.hk/2013/11/blog-post_6119.html); “[CHRB] Petitioners Detained in Black Jails in Xinjiang & Beijing November 1-7,” November 7, 2013, CHRD, at <http://chrnet.com/2013/11/chrp-degrading-retaliation-detained-female-petitioner-stripped-naked-111-7-2013/>.

<sup>20</sup> “Petitioner Wang Delan of Yicheng, Hubei Intercepted in Beijing, Dies While Held in Black Jail” (湖北宜城访民王德兰北京上访被关黑监狱致死), August 10, 2013, RDN, at [http://wqw2010.blogspot.hk/2013/08/blog-post\\_7850.html](http://wqw2010.blogspot.hk/2013/08/blog-post_7850.html).

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<sup>21</sup> “One Year Since Shandong Petitioner Li Shulian ‘Committed Suicide,’ Family Disappeared for 3 Months” (山东访民李淑莲被自杀一年，亲属失踪3个月), September 20, 2010, Boxun, at <http://news.boxun.com/news/gb/china/2010/09/201009201126.shtml>.

<sup>22</sup> The women are: Li Liyong (李立勇), Shi Junmei (石俊梅), Su Dezhen (苏德珍), Sun Rongyou (孙荣佑), Zhang Hongshu (张洪书), Zhao Lifen (赵丽芬), Zhong Shujuan (仲淑娟), and Zhu Jianyun (朱建云). “[CHRB] Labor Camp Victims Jailed for Seeking Justice; Accused “Illegal Demonstrator” Testifies to Torture in Court Trial June 28 – July 3,” July 3, 2014, CHRDR, at <http://chrdrnet.com/2013/06/chrb-detention-of-a-dozen-activists-in-shanghai-following-their-call-on-xi-jinping-to-respect-human-rights-june-28-june-29-2014/>.

<sup>23</sup> For the full text, see Criminal Law of the People’s Republic of China (English and Chinese), Congressional Executive Committee on China, at <http://www.cecc.gov/resources/legal-provisions/criminal-law-of-the-peoples-republic-of-china>.

<sup>24</sup> For more information, see “Summary of The Conference on ‘the Crime of Forcing Young Girls into Prostitution’ (“嫖宿幼女罪”专题研讨会会议综述), June 29, 2012, Beijing Zhongze Women’s Legal Consulting Service Center at <http://www.woman-legalaid.org.cn/detail.asp?id=2489>.

<sup>25</sup> “An Investigative 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), March 1, 2012, CHRDR, at <http://www.chrdrnet.com/wp-content/uploads/2013/09/1Appendix-4-A-Report-on-Rights-Violations-of-Marginalized-Women-and-Social-Support-Networks%E7%BC%98%E5%A5%B3%E6%80%A7%E5%8F%97%E6%9A%B4%E5%8A%9B%E4%BE%B5%E5%AE%B3%E7%8A%B6%E5%86%B5%E4%B8%8E%E7%A4%BE%E4%BC%9A%E6%94%AF%E6%8C%81%E7%BD%91%E7%BB%9C%E8%B0%83%E6%9F%A5%E6%8A%A5%E5%91%8A-1.pdf>.

<sup>26</sup> 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>.

<sup>27</sup> “Beijing Chaoyang District Court Statistics Show Growth in Trend of Sexual Abuses of Children” (北京朝阳法院统计显示猥亵儿童犯罪呈上升趋势), June 9, 2013, China Youth Daily, at <http://news.sina.com.cn/c/2013-06-09/031927356776.shtml>.

<sup>28</sup> “The Action Plan for Fighting Human Trafficking (2013-2020),” March 29, 2013, All-China Women’s Federation, at <http://www.womenofchina.cn/html/womenofchina/report/149734-1.htm>.

<sup>29</sup> “China Vows Harsher Crackdowns on Human Trafficking,” March 8, 2013, Xinhua News Agency, [http://news.xinhuanet.com/english/china/2013-03/08/c\\_132219276.htm](http://news.xinhuanet.com/english/china/2013-03/08/c_132219276.htm).

<sup>30</sup> “Progress in China’s Human Rights in 2013,” May 26, 2014, Xinhua News Agency, [http://news.xinhuanet.com/english/china/2014-05/26/c\\_133361505.htm](http://news.xinhuanet.com/english/china/2014-05/26/c_133361505.htm).

<sup>31</sup> “Global Report on Trafficking in Persons 2012,” United Nations Office on Drugs and Crime, at [http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking\\_in\\_Persons\\_2012\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf).

<sup>32</sup> “Vietnam-China Human Trafficking on the Rise,” November 21, 2013, All-China Women’s Federation, at <http://www.womenofchina.cn/html/womenofchina/report/167423-1.htm>.

<sup>33</sup> “The Burmese Brides Trafficked into China to Marry Total Strangers,” February 11, 2013, Metro, at <http://metro.co.uk/2013/02/11/the-burmese-brides-trafficked-into-china-to-marry-total-strangers-3398396/>; “Myanmar: Bride Trafficking to China Unveiled,” June 2, 2011, IRIN, at <http://www.irinnews.org/report/92868/myanmar-bride-trafficking-to-china-unveiled>.

<sup>34</sup> “Vietnam-China Human Trafficking on the Rise,” *supra*. The British Embassy in Hanoi estimated that 6,000 individuals were trafficked to China from 2005 to 2009, 60% of them to China. “The Trafficking of Women and Children From Vietnam, 2011, British Embassy Hanoi, at [http://ceop.police.uk/Documents/ceopdocs/NPM\\_CEOP\\_FCO\\_report\\_-\\_trafficking\\_of\\_Vietnamese\\_women\\_and\\_children.pdf](http://ceop.police.uk/Documents/ceopdocs/NPM_CEOP_FCO_report_-_trafficking_of_Vietnamese_women_and_children.pdf).

<sup>35</sup> “Many women are trafficked by force or deception from the Democratic People’s Republic of Korea into or within China for the purposes of exploitation in forced marriage or concubinage, or prostitution under coercive circumstances.” “Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea,” February 7, 2014, UN Human Rights Council, A/HRC/25/CRP.1, at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIDPRK/Report/A.HRC.25.CRP.1\\_ENG.doc](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIDPRK/Report/A.HRC.25.CRP.1_ENG.doc).

<sup>36</sup> “China”, [humantrafficking.org](http://www.humantrafficking.org/countries/china), at <http://www.humantrafficking.org/countries/china>.

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<sup>37</sup> Article 240 of China's Criminal Law provides that: Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property: (1) being a ringleader of a gang engaged in abducting and trafficking in women and children; (2) abducting and trafficking in three or more women and/or children; (3) raping the woman who is abducted and trafficked in; (4) enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution; (5) kidnapping a woman or child by means of violence, coercion or anaesthesia for the purpose of selling the victim; (6) stealing a baby or an infant for the purpose of selling the victim; (7) causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or (8) selling a woman or a child out of the territory of China. By abducting and trafficking in a woman or child is meant any of the following acts: abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.

<sup>38</sup> The organizing, forcing, luring, sheltering or procuring of other persons to engage in prostitution are prohibited under Articles 358-362 of China's Criminal Law.

<sup>39</sup> C Pirkle, "Female Sex Workers in China: Vectors of Disease?" (2007) 34(9) Sexually Transmitted Diseases, pp. 695, 699.

<sup>40</sup> "Vietnam-China Human Trafficking on the Rise," *supra*.

<sup>41</sup> "The Action Plan for Fighting Human Trafficking (2013-2020)" (国务院办公厅关于印发中国反对拐卖人口 行动计划(2013—2020 年), State Council, at [http://www.gov.cn/zwgk/2013-03/08/content\\_2349019.htm](http://www.gov.cn/zwgk/2013-03/08/content_2349019.htm).

<sup>42</sup> C Edwards and S Tiefenbrun, 'Gendercide and the Cultural Context of Sex Trafficking in China' (2009) 32 Fordham International Law Journal, pp. 731, 735.

<sup>43</sup> "'Swept Away': Abuses Against Sex Workers in China," 2013, Human Rights Watch, n.53, p.19, at [http://www.hrw.org/sites/default/files/reports/china0513\\_ForUpload\\_0.pdf](http://www.hrw.org/sites/default/files/reports/china0513_ForUpload_0.pdf).

<sup>44</sup> "China Pushes to End Public Shaming," July 27, 2010, New York Times, at <http://www.nytimes.com/2010/07/28/world/asia/28china.html>.

<sup>45</sup> Article 66, Law of the People's Republic of China on Penalties for Administration of Public Security, at [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384114.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384114.htm).

<sup>46</sup> "Outcry in China Over Mother Sent to Labour Camp After Daughter's Rape," August 16, 2012, The Guardian, at <http://www.theguardian.com/world/2012/aug/16/china-tang-hui-labour-camp>.

<sup>47</sup> "'Swept Away': Abuses Against Sex Workers in China," *supra*, p.34.

<sup>48</sup> "Legal Environments, Human Rights and HIV Responses among Sex Workers in Asia and the Pacific: Consultation Draft: East Asia Sub-region," August 2011, UNDP, at <http://www.unaids.org.cn/pics/20120824161517.pdf>.

<sup>49</sup> J Lau, H Tsui, P Siah, and K Zhang, "A Study on Female Sex Workers in Southern China (Shenzhen): HIV-Related Knowledge, Condom Use and STD History" (2002) 14(2) AIDS Care, p. 219.

<sup>50</sup> "'Swept Away': Abuses Against Sex Workers in China," *supra*, n.53, p.36.

<sup>51</sup> "Measures on the Custody and Education of Prostitutes and their Clients: State Council Decree of the People's Republic of China No. 127," September 4, 1993, Dui Hua Reference Materials, at <http://www.duihuaresearch.org/2013/12/custody-and-education-worse-than.html>.

<sup>52</sup> Article 13, Measures on the Custody and Education of Prostitutes and their Clients, *ibid*.

<sup>53</sup> "'Swept Away': Abuses Against Sex Workers in China," *supra*, n.53, p.40.

<sup>54</sup> "Public Security Bureau: There are 116 Custody and Education Centers Across the Country" (公安部：全国现有 116 个收容教育所) August 1, 2014, Southern Metropolis Daily, at <http://news.sina.com.cn/c/2014-08-01/070230612580.shtml>.

<sup>55</sup> "'Swept Away': Abuses Against Sex Workers in China," *supra*, n.53, p.24.

<sup>56</sup> "Jiang Ping, Ying Songnian Among More Than 40 Legal Practitioners Issuing Proposal to Abolish Custody and Education System" (江平、应松年等 40 余位法律人：关于废止收容教育制度的建议书), June 8, 2014, RDN, at

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<http://wqw2010.blogspot.com/2014/06/40.html>; “Case of Huang Haibo Triggers Demands to Abolish Custody and Education System” (黄海波案引发社会强烈要求废止收容教育制度), June 8, 2014, RDN, at [http://wqw2010.blogspot.com/2014/06/blog-post\\_4270.html](http://wqw2010.blogspot.com/2014/06/blog-post_4270.html); See also, “End State Perpetuated Violence Against Sex Workers: Individuals from all Works of Life Calls for the Abolition of Custody and Education” (终止对性工作者的国家暴力—各界呼吁废除收容教育), May 13, 2014, Women’s Voice, at <https://docs.google.com/viewer?a=v&pid=forums&srcid=MDExMDQ3MDgyNjE1ODAzODM2ODgBMDg4OTIwNjM2Mjc5Nzc0Njk5OTkBYTBWUXZHSINxOzRKATAuMQEBdjl>.

<sup>57</sup> Article 8 of the Law on Legislation provides that laws enacted by the NPC or the NPC Standing Committee govern “mandatory measures and penalties involving deprivation of citizens of their political rights or restriction of the freedom of their person,” which does not apply to C&E. Article 8, Legislation Law of the People’s Republic of China, at [http://english.gov.cn/laws/2005-08/20/content\\_29724.htm](http://english.gov.cn/laws/2005-08/20/content_29724.htm).

<sup>58</sup> “Number of Female NPC Deputies Rises,” March 14, 2014, All-China Women’s Federation, at <http://www.womenofchina.cn/html/womenofchina/report/171325-1.htm>.

<sup>59</sup> Edwards and Tiefenbrun, *supra*, n.73.

<sup>60</sup> “To Improve Robustness of Legislation Mechanism – Ensure Rights of Women to Political Participation” (完善立法 健全机制—切实保障妇女参政的权利), May 11, 2013, Rural Development Research Center of the Central Plains, at <http://rdrc.xcu.edu.cn/nongcunzhengzhi/funvcanzheng/2013/0511/3615.html>.

<sup>61</sup> Electoral Law of National People’s Congress and Local People’s Congress of the People’s Republic of China, at [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384080.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384080.htm).

<sup>62</sup> “This nonscientific description of women’s sharing has made it difficult to achieve substantial progress. The current widely used definition is “at least one woman or more,” instead of the quantitative index in percentage terms used internationally. Put into practice, “one woman or more” has often been translated into a figure of around 10% of a given Party and government body at the provincial level or higher, with the percentage hardly reaching 30% of the total at the township and lower levels. This regulation has thus actually restrained women’s participation.” Guo Xiajuan and Zheng Yongnian, “Women’s Political Participation in China,” January 2008, China Policy Institute, at <http://www.nottingham.ac.uk/cpi/documents/briefings/briefing-34-women-political-participation.pdf>.

<sup>63</sup> Guo and Zheng, *ibid*, paras 4.2-4.4.

<sup>64</sup> Guo and Zheng, *ibid*, para. 4.5.

<sup>65</sup> For a general overview of the situation of independent candidates in local people congress elections, see, “Beijing a Real Citizen Starts with Your Vote: 2011-12 Local People’s Congress Elections,” September 2012, The Rights Practice, at [http://www.rights-practice.org/docs/LPC%20Election%20report\\_final.pdf](http://www.rights-practice.org/docs/LPC%20Election%20report_final.pdf).

<sup>66</sup> These candidates include a Shanghai doctor Chen Xiaolan (陈晓兰), a model in Beijing, Cheng Yuting (程钰婷), a college graduate Zhang Shiyu (张诗羽), and rights activists Liu Ping (刘萍), Li Biyun (李碧云), Ye Jinghuan (野靖环), Han Ying (韩颖), Wang Xiuzhen (王秀珍), Wu Lihong (吴丽红), Zhou Xiuling (周秀玲), Zheng Weiwei (郑威为), Ye Jingchun (野靖春), Yang Lingyun (杨凌云), Liu Xiuzhen (刘秀贞), Shao Lihua (邵黎华), Sun Baomei (孙宝妹), Zhao Shuying (赵淑英), Li Shuling (李素玲), Li Lirong (李立荣), Wu Yuqing, Wang Rongwen (王荣文), Chen Qian (陈茜), Xin Wenrong (辛文荣), Hu Jinqiong (胡金琼), Gan Xingyan (干兴艳), Xin Guohui (辛国惠), and many other women. (See Appendix 1, “Chinese Women Seriously Unrepresented in Political and Public Decision Making”).

<sup>67</sup> “China Human Rights Briefing February 7-13, 2012,” February 15, 2012, CHRDN, at <http://www.chrdnet.com/2012/02/china-human-rights-briefing-february-7-13-2012/>.

<sup>68</sup> “China Human Rights Briefing April 18-23, 2012,” April 25, 2012, CHRDN, at <http://www.chrdnet.com/2012/04/china-human-rights-briefing-april-18-23-2012/>.

<sup>69</sup> “China Human Rights Briefing May 18-25,” May 26, 2011, CHRDN, at <http://www.chrdnet.com/2011/05/china-human-rights-briefing-may-18-25-2011/>.

<sup>70</sup> “News Alert: Guangdong’s Li Biyun ‘Impairing Official Business; Trial to Open on July 11’ (快讯：广东李碧云‘妨害公务’案7月11日开庭), July 11, 2014, RDN, at <http://wqw2010.blogspot.se/2014/07/711.html>; “China: Reverse Travesty of Justice, Free Persecuted Human Rights Defenders in Jiangxi,” June 20, 2014, CHRDN, at <http://www.chrdnet.com/2014/06/china-reverse-travesty-of-justice-free-persecuted-human-rights-defenders-in-jiangxi/>.



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- <sup>72</sup> “Methods for Early Student Professional Recruitment for China University of Political Science and Law, Southwest University of Political Science and Law, Zhongnan University of Economics and Law, East China University of Political Science and Law, Northwest University of Politics and Law, and Central Institute for Correctional Police” (中国政法大学、西南政法大学、中南财经政法大学、华东政法学院、西北政法学院和中央司法警官学院提前录取专业招生办法), June 4, 2003, Ministry of Justice, at [http://www.moj.gov.cn/fzxc/content/2003-06/04/content\\_29827.htm?node=375](http://www.moj.gov.cn/fzxc/content/2003-06/04/content_29827.htm?node=375).
- <sup>73</sup> Higher Education Law of the People’s Republic of China, at [http://www.edu.cn/21st\\_1407/20060323/t20060323\\_116528.shtml](http://www.edu.cn/21st_1407/20060323/t20060323_116528.shtml).
- <sup>74</sup> “Survey Shows Female University Graduates Studying Sciences Experience Greatest Level of Discrimination” (调查显示理工科女大学生受歧视比例最高), August 24, 2010, People’s Net, <http://edu.qq.com/a/20100824/000225.htm>; “Female Students Shave Heads in Protest Over Sex Discrimination after Men Admitted with Lower Scores than Women” (高招录取线男低女高 女生剃光头反性别歧视), September 10, 2012, New Legal Report, at <http://news.sina.com.cn/s/p/2012-09-10/143625140259.shtml>; “Ministry of Education Responds to Suspicion of Sex Discrimination in Admissions: It’s for the Benefit of the Country” (教育部回应高招涉嫌性别歧视：基于国家利益), October 17, 2012, China Youth Daily, at <http://edu.qq.com/a/20121017/000068.htm>.
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- <sup>81</sup> *Ibid.*
- <sup>82</sup> P Kuhn and K Shen, “Gender Discrimination in Job Ads: Evidence From China” (2013) 128 *The Quarterly Journal of Economics* 287.
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- <sup>90</sup> Article 119 provides: Anyone who infringes upon a citizen's person and causes him physical injury shall pay his medical expenses and his loss in income due to missed working time and shall pay him living subsidies if he is disabled; if the victim dies, the infringer shall also pay the funeral expenses, the necessary living expenses of the deceased's dependents and other such expenses. Article 120 further specifies that: If a citizen's right of personal name, portrait, reputation or honour is infringed upon, he shall have the right to demand that the infringement be stopped, his reputation be rehabilitated, the ill effects be eliminated and an apology be made; he may also demand compensation for losses. General Principles of Civil Law of the People's Republic of China, at [http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content\\_1383941.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383941.htm).
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