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Submission to the 59th Session of the UN Committee on the Elimination of Discrimination against Women¹

3 October 2014

Examination of the Combined 7th and 8th Periodic Reports of China

The views expressed in this submission are solely those of The Dui Hua Foundation (Dui Hua), an NGO in Special Consultative Status with ECOSOC.

Dui Hua conducts research and advocacy for women in prison in China as part of its mission to seek better treatment and clemency for at-risk prisoners. In partnership with the Centre for Criminal Procedure and Reform at Renmin University of China Law School; the Centre for Comparative and Public Law, Faculty of Law at the University of Hong Kong; and Penal Reform International, Dui Hua organized Women in Prison: An International Symposium on the Bangkok Rules in Hong Kong in February 2014. Half of the symposium's two dozen presenters were from China.

This submission draws on research submitted for the symposium, in particular fieldwork conducted at three women's prisons and two detention centres in mainland China.² Fieldwork took place during the second half of 2013 at correctional institutions in central, western, south eastern, and south central China in locations with per capita gross domestic products ranging between US\$3,600 and US\$20,000. The research team, led by the deputy director of the Centre for Criminal Procedure and Reform at Renmin University of China Law School, collected data through interviews, questionnaires, and on-site observations and supplemented their findings with judicial statistics. The team distributed and recovered 500 and 458 questionnaires, respectively.³

This submission and aforementioned research also draw on the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). Adopted in December 2010, the Bangkok Rules assert the basic principle that the distinctive needs of women prisoners must be provided for in order to implement the principle of non-discrimination set forth in Rule 6 of the Standard Minimum Rules for the Treatment of Prisoners and to accomplish substantial gender equality.

This submission specifically addresses women's marginalization and isolation in China's criminal justice system; domestic violence; the discriminatory application of arbitrary detention; unequal access to employment and educational opportunities for women's prison police and

¹ This submission may be posted on the CEDAW website for public information purposes.

² Papers submitted for the symposium are available here: <http://www.wipsymposium.org/p/papers.html>

³ The sampling method for questionnaire distribution was not done randomly.

women and girls in custody, respectively; and shortcomings in healthcare and the infringement of the right to marriage in correctional facilities. These topics are relevant to Articles 2, 5, 6, 10, 11, 12, and 16 of the Convention. On the Elimination of All Forms of Discrimination Against Women (Convention).

Policy Measures (Article 2)

Insufficient attention has been paid to eliminating discrimination against women in the field of criminal justice in China and other countries. This is sometimes attributed to the relatively small number of women prisoners, but the number of women in Chinese prisons has grown every year since 1997 and continues to grow faster than the number of men in prison. In 2011 and 2012, the number of women in prison grew about 3 per cent each year, compared with 0.6 per cent growth in the total prisoner population in 2011 and a decline of 0.8 per cent in 2012.⁴ By the end of 2012, there were 95,770 women in prison, about 6 per cent of the total prison population.⁵

Gender differences are often neglected in Chinese detention centres and prisons in the name of security and orderliness.⁶ Chinese laws and regulations on the treatment of female detainees are scattered and simplistic and deal mostly with special procedures for pregnant and breastfeeding women, gender-based segregation, construction standards, and women's psychological features. Most provisions are not codified into law but exist only as regulatory documents.

Policies may be stifled by a lack of research and resources dedicated to the protection of the rights and treatment of female detainees. Between 2005 and 2009, less than one per cent of articles appearing in two of China's most authoritative prison journals were on the topic of women in prison.⁷ This paucity of research appears to be due to a dearth of institutional support and little transparency. Neither the Ministry of Justice (MOJ) nor its research institute has any specialists on women in prison. The MOJ Prison Administration Bureau does not have a separate division that administers women's prisons. Cadres at all levels provide insufficient assistance to universities, the All-China Women's Federation, and other women's studies groups to research women in prison.⁸ There have been no visits to Chinese women's prisons by international monitoring bodies, though some foreign experts have been allowed to make brief tours of women's facilities.

Distribution of Prisons

⁴ Prisoner numbers are for prisons overseen by the Ministry of Justice; they do not include women in detention centers, custody and education, or other forms of detention. National Bureau of Statistics of China, *China Statistical Yearbook 2012*, Beijing, 2012. Accessed 8 September 2014 at <http://www.stats.gov.cn/tjsj/ndsj/2012/indexch.htm>

⁵ *China Statistical Yearbook 2013*. Accessed 8 September 2014 at <http://www.stats.gov.cn/tjsj/ndsj/2013/indexch.htm>

⁶ Cheng Lei, Xiaogang Lü and Jianjun Chen, "Research Report on the Treatment of Women Detainees in China—Using the Bangkok Rules as the Starting Point of Analysis" paper presented at Women in Prison: An International Symposium on the Bangkok Rules, February 2014.

⁷ Gao Wen, "Di Liu Jie Quanguo Nvjian Lianyihui Lilun Yantao Zongshu" [Summary of Theoretical Discussions at the Sixth Meeting of the National Women's Prison Alliance], *Crime and Correction* 11(2010). Accessed 10 September 2014 at <http://www.criminallawbnu.cn/criminal/info/showpage.asp?pkid=30461>

⁸ *Ibid.*

Currently 36 of mainland China's 681 prisons are women's prisons. Most provinces have just one women's prison. The Tibetan Autonomous Region is the only one of China's autonomous regions, provinces, or directly administered municipalities without a women's prison. In places that are too far removed from women's prisons, women are incarcerated in designated cell blocks at men's prisons. Bangkok Rule 4 stipulates that "women prisoners shall be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services," but since there are fewer women's prisons, women are more likely than men to be incarcerated far from home.

The Ministry of Public Security issued a Notice on the Centralized Custody and Management of Women Held in Detention Centres in May 2009 calling for the establishment of women's detention centres or women's cell blocks inside detention centres.⁹ Since then very few dedicated women's detention centres have been established and national progress has not been reported. Women continue to be held and managed with and by men in some places.¹⁰ This puts women at risk of sexual assault, harassment, and isolation. Under Bangkok Rule 56, authorities shall adopt appropriate measures to guarantee the safety of women in pre-trial detention.

The extent to which overcrowding in prisons and detention centres is a problem is not well documented since data on prison capacity and occupancy is not made public. However, in recent years more than a few women's prisons have faced insufficient capacity, in some cases causing activity rooms to be used as living quarters.¹¹ Detention centres in eastern coastal cities are overcrowded where large numbers of migrants are taken into custody.¹²

Contact with the Outside World

Bangkok Rule 43 notes that visitation is important to the mental wellbeing and social reintegration of women prisoners. Since there are fewer women's prisons than men's, women face greater barriers to visitation than men. Incarcerated women reported that they were not allowed enough visits, that visits were not ideal because physical contact was prevented by glass barriers, and that they were not allowed enough time for phone calls.¹³ On-site investigation of two women's prisons in central and western China indicated that prisoners were allowed at least one 20-minute visit per month. The women's prison in western China allowed each prisoner one free five-minute phone call per month depending on their level of supervision.

⁹ "Zhongguo jianli ducu jiancha jizhi jiben ezhi laotou yuwang xingwei" [China Establishes Mechanism that Basically Eliminates Prison Bully Activity], *Renmin Gong'an Bao* [People's Public Security Daily], 23 February 2010. Accessed 10 September 2014 at http://news.xinhuanet.com/politics/2010-02/23/content_13030488_1.htm

¹⁰ Detention centers in Xuzhou, Jiangsu, are cited for not implementing separate custody for women. "Guanyu shicha quanshi jiansu jiancha gongzuo qingkuang de baogao" [Procuratorial Work Report on Investigation of Municipal Detention Centers], Judicial Affairs Committee of Xuzhou Municipal People's Congress Standing Committee, 29 August 2012. Accessed 10 September 2014 at http://www.xzlza.gov.cn:90/bg_show.aspx?ID=845

¹¹ Yang Mugao, "Nüzi Jianyu Minjing Duiwu Jianshe Nuogan Wenti Yanjiu" [Research on Issues Concerning the Development of Police Officers in Women's Prisons], *Jianyu Xue Luntan* [Prison Studies Forum] 2(2012), 465.

¹² Cheng Lei. "Research Report on the Treatment of Women Detainees in China."

¹³ *Ibid.*

In instances where their crime was committed in another province, municipality, or administrative region, convicted women are not routinely sent back to their place of household registration to serve their sentences, thus increasing the distance and cost necessary for family visits and contact.¹⁴ People's police working at a women's prison in western China said that some prisoners whose household registrations are in other provinces had not had any visitors in more than 10 years and had become completely isolated from their families. Families with financial difficulties are sometimes unable to afford the cost of travel even within the same province, leaving prisoners without visitors for years.

The situation in detention centres is worse. Current regulations state that detainees "may" receive visitors, but to avoid collusion, visits are routinely denied in practice.¹⁵ Detention centres have installed one-way video conferencing systems to facilitate family contact, but they rarely use them.¹⁶ Almost none of the interview respondents at one detention centre in western China had seen their family while in detention, but all expressed hope to do so.

Women are likely to be disproportionately affected by restrictions on visitation during pre-trial detention since they are more likely than men to be primary caretakers of minor children and efforts to ensure centralized custody make women more likely to be detained farther from home and isolated in facilities catering towards and largely staffed by men. Bangkok Rule 26 states that "women prisoners' contact with their families ... shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes."

China's amended Criminal Procedure Law, which took effect on January 1, 2013, allow women who are serving life sentences and who are pregnant or breastfeeding to serve their sentences outside prison. It is not known the extent to which this provision is being enforced.

Sex Role Stereotyping and Prejudice (Article 5)

Domestic Violence

Nearly 25 per cent of Chinese women have suffered from domestic violence including abuse, beating, restrictions on personal freedom, economic controls, or forced sex while they were married.¹⁷ Domestic violence is a factor in nearly 10 per cent of intentional homicide cases and a leading cause of violent crime among women.¹⁸ Despite its prevalence and strong negative impact on women, a law against domestic violence, while under consideration by the State Council, has yet to be passed by the National People's Congress.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Chen Min, "Anti-domestic Violence Endeavors by Chinese Courts and the Bangkok Rules," paper presented at Women in Prison: An International Symposium on the Bangkok Rules, February 2014.

¹⁸ "Zuigaofayuan jiang chtai jiabao sifa jieshi dui liangxing zuo juti guiding" [Supreme People's Court to Release Judicial Interpretation], *Beijing Morning Post*, 28 February 2014. Accessed 9 September 2014 at http://news.xinhuanet.com/2014-02/28/c_119539743.htm; Ibid.

The Supreme People's Court (SPC) affiliated China Institute of Applied Jurisprudence (CIAJ) started a pilot project on judicial intervention in domestic violence in 2008 and expanded the pilot into the field of criminal justice in 2012.¹⁹ Through the project, CIAJ has provided interactive trainings to more than 600 judges and to police and procurators.

Despite positive inroads, there is a lack of unified sentencing in criminal cases where the defendant is a survivor of domestic violence. Contrary to Bangkok Rule 61, not all courts take into account domestic violence as a mitigating factor that could result in more lenient custodial or even non-custodial sentences. The Hunan High People's Court issued the first provincial guiding opinion on domestic violence in 2009, encouraging lighter sentences and sentence reductions for women who "fight violence with violence."²⁰ However, nationwide, most women who fight back and injure or kill their attackers receive severe punishment of 10 years in prison, life, death with reprieve,²¹ and even death with immediate execution.²²

In June 2014 the SPC overturned Li Yan's (李彦) verdict in what appears to be the first time that the high court has overturned a death sentence for a domestic violence survivor who killed her abusive spouse.²³ The SPC's rejection of the lower court's decision does not impose any formal requirement compelling the lower court to impose a lighter sentence when the case is retried. Although lighter sentences are typically handed down in practice, there is some anecdotal evidence that, on occasion, lower courts may have refused to accept responsibility for the incorrectness of their original decision and re-imposed the death penalty. For this reason and to prevent the possibility of an endless cycle, legal experts have recommended that the Criminal Procedure Law be revised to authorize the SPC to impose its own sentence in such cases.

Prostitution (Article 6)

Custody and Education

Custody and education is a custodial administrative measure targeting sex workers that can be imposed without trial for six months to two years. Police have imposed custody and education on children as young as 14 and have discretion to impose it on younger children and people who were abducted and forced into prostitution.²⁴ In 2013 China abolished the custodial administrative measure known as re-education through labour thereby recognizing it as a form of

¹⁹ Chen Min, "Anti-domestic Violence Endeavors by Chinese Courts and the Bangkok Rules."

²⁰ "Hunan Chutai Fanjiatingbaoli Shenli Zhidao Yijian" [Hunan Issues Guiding Opinion on Hearings Fighting Back against Domestic Violence], Xinhua, 3 July 2009. Accessed 10 September 2014 at http://news.xinhuanet.com/politics/2009-07/03/content_11647744.htm

²¹ Ma Yun, "Shaanxi Gaoyuan Jiji Canyu Guoji Jiaoliu Yantao Buduan Tuozhan Shenpan Shiye" [Shaanxi High Court Participates in International Exchange Seminar, Continues to Broaden Sentencing Vision], Criminal Division of the Shaanxi High People's Court, 5 July 2010. Accessed 10 September 2014 at <http://sxfy.chinacourt.org/public/detail.php?id=11720>

²² Dui Hua, "Staying Execution Would Bolster Death Penalty, Women's Rights Achievements," 1 February 2013. Accessed 10 September 2014 at http://duihua.org/wp/?page_id=7221

²³ Dui Hua, "China's Supreme Court Overturns Death Sentence of Domestic Violence Survivor," 23 June 2014. Accessed 10 September 2014 at http://duihua.org/wp/?page_id=9062

²⁴ Dui Hua, "Custody and Education Worse than Reeducation through Labor?," 26 December 2013. Accessed 10 September 2014 at <http://www.duihuaresearch.org/2013/12/custody-and-education-worse-than.html>

arbitrary detention; however, custody and education continues to be imposed. Although there have been some petitions and proposals to abolish custody and education,²⁵ prejudices against sex workers that stem from gender stereotypes that define good women as chaste may be impeding broad-based public support for the abolition of custody and education.²⁶

The application of custody and education is discriminatory in that it targets female sex workers for incarceration, while male clients are typically fined.²⁷ Illustrating this point, custody and education centres were formerly called “women’s education centres.” People held in custody and education are forced to work without pay and are compelled to cover the cost of their living expenses and compulsory testing and treatment for sexually transmitted diseases. Other exploitative costs may be involved; Tianjin reportedly charges about US\$33 per family visit.²⁸

There are 116 custody and education facilities nationwide, but in many parts of China custody and education is not being enforced at all.²⁹ This leads to a serious geographical inconsistency in enforcement. Individuals accused of the same offense might receive up to 15 days of administrative detention in places where there are no custody and education facilities but a minimum of six months in custody and education in places where there are.

Education (Article 10)

In order to accord with article 10(b) and 10(f) of the Convention, the educational needs of girls and women in custody must be better served. Prison Law states that juvenile offenders shall serve their sentences in juvenile reformatories and that “prisons shall coordinate with the State, society, and educational institutions such as schools in providing the necessary conditions for juvenile delinquents to receive compulsory education.”

In practice, many juvenile female offenders are held together with adults in women’s prisons. Girls are more likely than boys to be held in adult correctional facilities because each province usually has fewer than 20 girls in custody.³⁰ Since cell blocks at women’s prisons generally hold 200–250 people, girls are unlikely to be housed in cell blocks designated for juveniles. Girls living in women’s institutions spend excessive hours doing labour at levels of intensity that exceed regulatory standards and are thus unable to receive compulsory education.³¹ Beijing data from 2009 to 2013 indicate that more than 80 per cent of juvenile female offenders have not

²⁵ Dui Hua, “Detained Actor Spotlights Custody and Education, Censors Intervene,” 10 June 2014. Accessed 10 September 2014 at <http://www.duihuahrjournal.org/2014/06/detained-actor-spotlights-custody-and.html>

²⁶ Dui Hua, “Limits of Public Outrage: RTL and Custody and Education,” 9 July 2013. Accessed 10 September 2014 at <http://www.duihuahrjournal.org/2013/07/limits-of-public-outrage-rtl-and.html>

²⁷ Ibid.

²⁸ “Tianjin shourongjiaoyusuo bei bao shouqu tanshi feiyong mei ci 200 yuan bu zhi shi he mingmu” [Tianjin Custody and Education Centre Exposed Charging 200 Yuan per Visit, Motive Unknown], *Legal Evening News*, 20 December 2013. Accessed on 10 September 2014 at http://news.xinhuanet.com/fortune/2013-12/20/c_125891859.htm

²⁹ Dui Hua, “MPS: China Has 116 Custody and Education Centers Nationwide,” 4 September 2014. Accessed 10 September 2014 at <http://www.duihuahrjournal.org/2014/09/mps-china-has-116-custody-and-education.html>

³⁰ Dui Hua, “China’s Women Prisoners Focus of New Book,” 3 June 2014. Accessed 10 September 2014 at <http://duihua.org/wp/?p=7798>

³¹ Ibid.

completed nine years of compulsory education, and over 60 per cent of juvenile female offenders are not in school when they are taken in to custody.³²

Similarly, the vast majority of Chinese women who engage in drug-related crimes are illiterate or have not completed primary school.³³ According to a people's police officer working at a women's prison in a mountainous area in rural western China, the poor state of education in the area has led women to choose drug trafficking as their livelihood.

Employment (Article 11)

Steps should be taken to ensure that women police officers working in correctional institutions have their rights to promotion, benefits, training, and safe working conditions protected in accordance with Articles 11(c), (d), and (f) of the Convention. Article 40 of Prison Law requires women officers to directly supervise women prisoners. While this provision is meant to protect the safety of women in prison, a shortage of women police officers puts both women police officers and prisoners at risk.

Most women's prisons do not have enough female officers to meet the national standard police-to-prisoner ratio of 18 per cent. Ratios are particularly low in Yunnan and Hunan.³⁴ Female officers working directly with prisoners commonly work 10 hours a day, and fewer than half of female officers working at women's prisons are able to take annual leave. The women's cell block in one detention centre in western China relies on only three female officers to ensure that at least one female officer is on staff at all times (24 hours a day, seven days a week) to conduct physical exams upon inmate admission.³⁵ Due to excessive workloads, a considerable number of women are either unwilling to work in women's prisons or request transfers out of them.³⁶

Male officers receive more training opportunities, bigger raises, and more promotions than female officers.³⁷ Only 16 of China's 36 women's prisons have wardens who are women. This may be because the shortage of female officers coupled with poor recruitment makes it difficult for women to leave their frontline posts for training or advancement opportunities. Bangkok Rule 29 provides that female staff shall have "access to senior positions with key responsibility for the development of policies and strategies relating to the treatment and care of women prisoners," while Rule 30 states that "there shall be a clear and sustained commitment at the managerial level in prison administrations to prevent and address gender-based discrimination against women staff."

Health (Article 12)

³² Sixty per cent includes school leavers and unemployed graduates. He Xianbing and Lei Feng, "Analysis of the Status of Juvenile Female Offenders in the Chinese Prison System, Using Beijing as an Example," presented at Women in Prison: An International Symposium on the Bangkok Rules, February 2014.

³³ Cheng Lei, "Research Report on the Treatment of Women Detainees in China."

³⁴ Dui Hua, "China's Women Prisoners Focus of New Book."

³⁵ Cheng Lei, "Research Report on the Treatment of Women Detainees in China."

³⁶ Dui Hua, "China's Women Prisoners Focus of New Book."

³⁷ Xia Zongsu and Xiaoyan Qi, "Jianyu Xitong Nüjing Duiwu Jianshe Yanjiu" [Research on the Development of Female Police Officers in the Prison System], *Crime and Correction* 10(2009), 62.

In accordance with Bangkok Rule 11, Criminal Procedure Law Article 130 stipulates that physical examinations of women detainees be conducted by female personnel or doctors. However, 6 per cent of detained women surveyed said their physical exams were conducted by men, and 8 per cent said they were uncertain whether they were conducted by men or women.³⁸

Prison Law Article 39 states that the treatment of women prisoners shall take into account their sex-specific physical health needs, and since prisoners work while they are incarcerated, they should be subject to China's Women Workers' Health Care Provisions (Health Department Women's Issue [1993] No. 11).³⁹ These provisions require work units to provide menopausal women with information about menopause and gynaecological examinations every one or two years. However, female detainees reported that they undergo physical examinations upon admission and generally once a year but that the check-ups do not include gynaecological exams. Forty per cent of female detainees surveyed reported that they had never undergone specific gynaecological health and disease examinations. Under Bangkok Rule 18, "preventive health-care measures of particular relevance to women ... shall be offered to women prisoners on an equal basis with women of the same age in the community."

Detention centres and prisons do not hire independent psychologists to serve the mental healthcare needs of women prisoners; instead custodial people's police provide counselling largely based on their prison work experience.⁴⁰ Under Bangkok Rule 12 "individualized, gender-sensitive, trauma-informed and comprehensive mental healthcare and rehabilitation programmes shall be made available for women prisoners with mental healthcare needs in prison."

Women's prisons and detention centres do not provide enough hot water for detainees to maintain good health and hygiene, especially during menstruation and in winter months.⁴¹ Twenty-three per cent of women detainees surveyed said they had insufficient access to hot water, particularly for bathing and laundry. Bangkok Rule 5 stipulates that "the accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating."

Marriage and Family Life (Article 16)

In 2004, the Ministry of Civil Affairs issued an "Opinion Concerning the Implementation of 'Regulations on Administration of Marriage Registration'" that clarified that it is the civil right of prisoners to marry. However, in practice, due to requirements for prisons to provide approval and supporting documents, very few prisoners who meet the conditions for marriage are able to obtain a marriage license.⁴²

³⁸ Cheng Lei, "Research Report on the Treatment of Women Detainees in China."

³⁹ Ibid.

⁴⁰ Shenzhen is the exception and does contract licensed psychologists. Ibid.

⁴¹ Ibid.

⁴² Ibid.

Recommendations

China should strive to eliminate discrimination against women in the criminal justice system by:

Conducting interactive and practical gender-sensitivity training for all staff within the criminal justice system in order to overcome the prevailing male-normative culture and recognize the needs of women prisoners in line with Bangkok Rule 33. Training should be conducted among staff at all levels but particularly among prison and detention centre staff who work directly with women detainees;

Mandating and funding bodies to research the conditions of incarcerated women, identify areas for improvement, and make public research findings including the occupancy rates and capacities of women's prisons in line with Bangkok Rules 67, 69, and 70;

Publicizing the Bangkok Rules, reforming Prison Law to include a separate section on women in prison that incorporates relevant provisions in the Bangkok Rules, and revising other relevant laws and regulations in accordance with the Bangkok Rules and the gender-specific needs of women;

Granting prison and detention centre access to international monitoring bodies to conduct oversight in a manner that is consistent with international standards;

Increasing the number of women's prisons nationwide, implementing measures to transfer women to their place of household registration to serve their sentences, and increasing the use of non-custodial measures for women in order to reduce overcrowding and facilitate family contact;

Establishing a women's prison in Tibet and increasing the use of non-custodial measures for women in the region in order to guarantee the gender-specific needs of women prisoners;

Guaranteeing the safety of women in pre-trial detention by ensuring they are not managed and held in custody with and by men, by establishing separate women's detention centres and cell blocks, and by increasing the use of non-custodial measures for women;

Improving the frequency and quality of contact between incarcerated women and their families, particularly minor children, by subsidizing or covering the cost of transportation and phone calls for families with financial difficulties; granting longer, more frequent visitations and phone calls; allowing flexibility in the timing of visits; reducing the use of glass barriers; and utilizing communication technologies like online video conferencing where in-person or on-site visits are not possible. For women with children under the age of 10, allow visits of up to eight hours in an area specifically designed for parent-child meetings where mothers are able to hug and play with their young children,⁴³ in line with Bangkok Rule 28. Where prisons do not have the resources to set up spaces specifically for parent-child visits, visits that allow contact could be organized as special events;

⁴³ Dui Hua, "China's Women Prisoners Focus of New Book."

Reducing the incidence and impact of domestic violence by adopting legislation to protect the personal rights of victims.⁴⁴ The law should establish the legal definition of domestic violence, relevant evidence rules, and a system of expert witnesses; lead to an uptick in the prosecution of domestic violence offenders; and make provisions (including allocating sufficient funds) for treatment and services for domestic violence survivors;

Taking into account histories of domestic violence when sentencing defendants and lowering the criteria for sentence reduction and parole for offenders sentenced due to domestic and gender-based violence to ensure proportional punishment. Domestic violence training should be included in the regular curriculum of judge's and police colleges at all levels;⁴⁵

Abolishing the discriminatory and exploitative system of custody and education and ensuring that girls and victims of trafficking are not incarcerated for prostitution;

Ensuring that women and in particular girls have access to compulsory education in correctional facilities by reducing time spent doing labour; coordinating with the State, society, and educational institutions to provide relevant resources and programs; and where girls' gender- and age-specific needs can be served, placing girls in juvenile reformatories or granting them non-custodial punishment;

Increasing the number of female wardens in women's prisons, improving opportunities for training and promotion of female officers, and incentivizing recruitment and reducing turnover of female officers to ensure or exceed the police-to-prisoner ratio of 18 per cent;

Providing gynaecological and other gender-specific disease screening and health exams to women prisoners and ensuring that all physical exams are conducted by women medical staff or officers;

Hiring independent psychological counsellors to work in prisons and training prison staff to provide professional, comprehensive, and appropriate mental healthcare;

Increasing access to hot water in detention centres and prisons to meet women's gender-specific needs;

Guaranteeing the right of prisoners to obtain marriage licenses; and

Including a section on women in prison and detention as part of periodic reports to the Committee.

Establishing a separate section within the Ministry of Justice's Prison Administration Bureau to implement gender-specific policies and better manage China's 36 women's prisons.

⁴⁴ Chen Min, "Anti-domestic Violence Endeavors by Chinese Courts and the Bangkok Rules."

⁴⁵ Ibid.