

民间报告

普遍定期审议（第 3 轮）

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主题：

公民的民主政治公共参与权：选举权和被选举权

1. 在 2013 年对中国的普遍定期审议期间，联合国成员国提出了七项建议，中国接受了其中六项，包括俄罗斯（186.168）：“拓宽政府与民众直接对话的渠道和机制”；印度（186.171）：“努力确保妇女参与公共事务，特别是参与村民委员会”；乌干达（186.172）“确保实施《选举法》”和（186.173）“进一步保障公民的言论、选举和被选举权”；奥地利（186.222）：“采取进一步法律和实际措施，依照中国《宪法》允许少数民族保留文化身份、充分行使人权并确保他们参与决策”；和越南（186.228）：“继续在少数民族地区实行区域自治制度，并为少数民族参与政治、经济和文化领域工作提供更多便利条件”。中国不接受德国的建议（186.232）：“确保所有少数民族成员的民主参与，并允许不受阻碍地进入包括西藏在内的所有少数民族地区。”¹

2. 自 2013 年普遍定期审议以来，中国对它所接受的关于选举和政治参与的六项建议，没有落实其中任何一项，包括妇女在公共事务中的地位，中国当局也未落实它所不接受的那项建议。

3. 被接受的六项建议中，有三项是“质量不高的”（poor），因为其假定的前提是中国公民有权利，但其实这些权利并不存在，所以，在此情况下，建议中国政府“进一步保障”这些权利，就缺乏实际意义；因为中国政府基本没有采取措施来

保障包括少数民族在内的任何公民参与决策，所以在此方面要求采取“进一步”措施，也是有误导性的（222）；而且，建议“继续”在中国推行少数民族得不到自治的现状、并因此导致人权侵犯，这违背了普遍定期审议的宗旨和目标（228）。

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4. 在中国共产党内，以及在各级政府和立法机构中，妇女仍然很少。中国当局没有充分落实选举法，而且，中国共产党对谁能在选举中成为候选人，施加过度的影响。在人民代表大会和村委会的选举中，党和政府的干预无处不在，而且，这些政治机构不遵守国际准则。中国共产党和政府的官员经常通过骚扰、拘留、判刑等方式，来报复独立候选人。此外，歧视少数民族和决策机构干涉控制宗教少数群体的现象，仍然令人忧虑。

5. 要理解中国的这种状况，有必要对中国的选举作一个简要描述。在中国，只有地方上的乡镇、县、市辖区和不分区的市的人大代表，才是直接选举产生。在这些基层级别之上，包括国家层面，没有直接选举，全国人大代表是由下一级的人代会挑选出来的。³ 在最基层的村委会和城市社区级别的“居民委员会”，也实行直接选举。村级行政管理特别复杂——涉及党、村委会以及村的“监督”机构和“村民会议”组织⁴——但根据法律，党支部具有领导地位。⁵

妇女公共参与程度被压低，选举法没有得到落实

6. 在中国，妇女在党和政府领导职位上的代表性仍然不足，对此，联合国“消除妇女歧视委员会”（CEDAW）在其 2014 年结论性意见中表达了关切。⁶ 中国当局没有实现妇女在政府和政治机构中的参与率达到 30% 的目标，这个目标是在 1995 年世界妇女大会《北京宣言》和《行动纲领》中设定的，并且在《中国妇女发展纲要》（2011-2020）中得到重申。⁷ 在高层职位上，妇女代表性不足的情况尤其严重。在 2017 年 10 月选出的中共中央委员会的 204 名委员中，只有 11 名女性（占 5.4%）。在 25 名成员组成的中央政治局中，只有 1 名女性（占 4%），而在 7 名政治局常委中没有女性。截至 2017 年末，没有女性出任省委书记——中共在地方上的最高职位。⁸

7. 自从 2013 年普遍定期审议以来，中国当局没有努力去保障妇女在中国所有权力层次的立法和顾问机构中的平等政治参与；⁹ 因此，中国没有落实印度的建议（171）。在第 13 届全国人民代表大会（2018-2023）代表中，妇女代表占有 24.9% 的席位。根据中国官方统计，从 1970 年代末期以来，妇女在全国人大代表中的比

例就一直徘徊在 21%左右。¹⁰ 领导岗位上的女性甚至更少；在 13 届全国人大常委会中，女性仅仅占有 11.32%的席位，而常委会的领导职位中只有一位女性（占 6.25%）。¹¹ 妇女在顾问机构——中国人民政治协商会议（CPPCC）中的比例，甚至更少；在 13 届政协（2018-2023）全国委员会中，妇女仅仅占有总席位的 20.4%。¹² 政协领导岗位上的女性甚至更少；在 13 届全国政协常委会中，女性仅有 13% 的席位，而常委会领导中，女性仅占 8%（两位女性）。¹³

8. 中国当局没有落实乌干达提出的两项建议（172 和 173），因为政府没有充分落实《村民委员会组织法》2010 年修订案，至今也没有采取进一步措施，¹⁴ 因此，没有采取行动来保证妇女在村委会里的平等参与权。从 1990 年代早期以来，村委会里的女性比例没有多大变化；2014 年，村委会中女性占比的全国平均比例是 22.8%，从 2010 年起增加了 1.4 个百分点，但比 1993 年仅仅高出 1.8 个百分点。¹⁵ 一位政协委员指出，在一些省份，村委会的女性代表还没有达到 20%，有报道反映，一些村委会根本就没有妇女代表。¹⁶ 村委会女性领导的比例甚至更低，2015 年是 11.5%，2016 年是 10.5%。¹⁷ 虽然村委会妇女干部的比例符合中国官方的目标，但这个目标是极其低的。

9. 更有甚者，2013 年以来，中国国内民间团体的大量报道揭示出选举中对妇女的歧视问题。¹⁸ 此外，政治中专为特定性别设置角色的做法也依旧根深蒂固。一位政协委员指出，妇女在村委会中仍然主要做计划生育政策方面的工作，延续着特定性别的刻板模式。¹⁹ 而女性在城市居民委员会中的比例，在 2014 年是 48.9%，2015 年是 49.2%，2016 年则是 48.7%。²⁰ 这些居民委员会一直被看作是“妇女的工作”，传统上妇女主导着这些居委会。²¹

没有保障选举权和被选举权

10. 中国政府没有落实乌干达的建议：保障公民的选举权、被选举权和表达自己想法的权利（186.173），因为在人大选举中，中国共产党和政府的官员对谁能成为候选人，施加了不当的影响。在中国，因为被选举权没有受到保障，选举必然不是自由和公平的，而且政治机关也没有遵守国际标准。²² 官员对选举的干预，包括使用不向公众披露或与本国法律冲突的标准，来判定潜在候选人。例如，2015 年的人大选举法修正案包含了一个新条款，授权“代表资格审查委员会”对人代会选举的当选者在就职前进行资历“审查”。²³ 审查委员会所使用的“标准”不向公众披露，并且高于和超越了选举法第二条中的基本标准范围。²⁴ 额外的“审查”进一步向随意专断敞开了大门，并且加强了政府或党对选举的干预。

11. 这种干预同样存在于村级选举中。上级政府对候选人强制附加法律之外的资格条件，有时这种做法是打着让村委会成员具有“更广泛代表性”的旗号。2013年普遍定期审议后，中国一些地区的官员强制施加《村民委员会组织法》中没有规定的要求，来禁止某些类型的个人成为候选人，禁止他们当选或在村委会就职。这些标准包括年龄、教育程度，以及对党的路线的忠诚。²⁵ 当局用来禁止个人成为村委会候选人的其他任意性标准还包括：非党员，涉嫌散布“反对党的理论、方针和政策的意见”，“制造或传播政治谣言”，或发起群体性事件，或鼓动人们请愿（信访）。²⁶ 来自上级官员或地方领导的文件列出了选举法没有规定的附加“标准”，供当地的“选举工作领导小组”或其他党或政府机构用来“取消”个人参加选举的资格。²⁷

报复独立候选人和选举观察员

12. 正如一位独立观察者指出的，选举情况已经恶化到这样一种程度，以致于“人们不仅仅没有权利参加选举，甚至连考虑一下都可能受到惩罚。人们害怕参选。”²⁸ 2014年，消除妇女歧视委员会（CEDAW）对作为独立候选人身份参加选举的女性“遭到侮辱和暴力”的指控表达了深切忧虑。²⁹ 在最新一轮的2016年人大选举中，当局在全国范围内打压未经官方批准的候选人。³⁰ 想要成为村委会候选人的参选者，同样面临着报复，被阻止进行竞选。对独立候选人、其支持者及选举观察员进行报复的一些案例，包括：

- a. 2016年6月，广东当局拘留了乌坎村民委员会主任林祖恋，给他指派了一个政府任命的律师，很可能强迫他在电视上认罪——他后来收回了自己的认罪——接着进行审判，并在9月以“贿赂”罪名判定其有罪。³¹ 林祖恋获刑37个月，并被处以20万人民币（约29500美元）罚款，³² 10月被驳回上诉。³³ 林祖恋最初被拘留恰好发生在他发表了一份公开信之后，他在公开信中宣称要发起抗议，并向更高层当局集体投诉有关乌坎村持续非法卖地和不对土地征收提供补偿的问题。³⁴ 林祖恋过去曾经领导过反对这种土地交易的游行，2012年在自由选举中被同村人选为村长。³⁵
- b. 2016年8月，江西省资溪县人杨微（又名杨霆剑），准备申请成为该县鹤城镇人大代表选举的候选人，之后，资溪县地方当局对杨微处以行政拘留10天的惩罚。³⁶ 杨微表示会继续努力寻求公职，尽管他本人和家庭遭到威胁，他家住宅周围24小时有人监视。³⁷
- c. 同年10月，湖北省潜江市官员将独立选举观察员姚立法强行塞进车里带

走，³⁸ 而当天姚立法和其他 57 人宣布将参选地方人大选举。³⁹ 此前不久，可能是因为姚立法对上海和北京独立候选人受骚扰情况的报道，官方关闭了姚立法广受欢迎的选举观察博客。⁴⁰

- d. 2016 年 10 月，北京市民野靖环和其他 17 人发表了一封公开信，表达了竞选的意愿，随后，北京当局就对野靖环进行骚扰。⁴¹ 刘惠珍是 60 位独立候选人中被印上选票的少数人之一，北京市房山区当局对她进行跟踪，阻止她会见选民或聚会。⁴² 北京警方也骚扰、恐吓或殴打其他独立候选人，以阻止他们竞选、会见记者⁴³和选民、发表竞选演说⁴⁴或拉票。⁴⁵
- e. 2016 年 12 月，湖北居民彭峰试图参加当地的人大选举，获取有关潜江市选举的信息，但被当局拘留，随后以涉嫌“寻衅滋事”被逮捕。在被拘留期间，他称自己遭到殴打。据报道，当地检察院建议对他处以一至两年的徒刑，案件于 2017 年 12 月 22 日开庭。⁴⁶
- f. 2017 年，成都居民子肃，一名中共党员和退休的党校教授，发布公开信，呼吁在 2017 年 10 月的第 19 届中共党代会上进行党内直选，并提议免除习近平的总书记职务，随后于 4 月被拘留，6 月被逮捕。12 月他被以“颠覆国家政权罪”起诉，并可能面临无期徒刑。⁴⁷ 支持他并在网上转发公开信的至少两人，也被拘留。⁴⁸

13. 2016 年，其他拘留或骚扰独立候选人及其支持者的案例包括：湖南人管桂林试图登记为候选人，随后就被以涉嫌“破坏选举”刑事拘留；⁴⁹ 上海的一些公民，因为发放竞选传单来支持一位独立候选人，也被拘留。⁵⁰

14. 2014 年，同样发生在乌坎村，独立候选人杨色茂和洪锐潮被以官方捏造的“贿赂”罪名拘留。当局曾经警告洪锐潮不要参加选举，但他无视警告，并且赢得了村委会的一个职位，而当时他甚至还在拘留中。2014 年后期，法庭判决杨色茂 2 年有期徒刑，判洪锐潮 4 年有期徒刑。⁵¹ 在 2011 年反抗土地强征和一位村民在拘留中死亡事件的游行示威中，这两位候选人都曾经是领导者，他们后来在 2012 年的选举中被选进村委会。⁵²

歧视少数民族和对少数民族自治决策的干涉

15. 在村委会和人大的选举中，以及在决策机构里，仍然存在着歧视少数民族和宗教群体的问题，而且，中国政府没有落实与此相关的建议，这些建议是由奥地利（222）、越南（228）和德国（232）提出的。2014 年，联合国消除对妇女歧视委员会对少数民族和宗教群体的女性，以及农村和女性流动人口，她们在政治决

策中缺少代表权利的问题，表达了关切。⁵³ 2013 到 2017 年间，一些政府职位的招聘广告甚至示意只有汉族中国公民才有资格申请。这些都限制了少数民族参与决策的机会。⁵⁴ 2014 年，西藏自治区某地的中共当局，限制非中共党员作为村委会候选人，或者因为他们曾经到国外参加过达赖喇嘛寺庙的宗教集会。⁵⁵

16. 西藏自治区当局不仅干涉选举，而且在社会组织层面干涉决策，甚至渗入家庭以监控政治思想和行为。在西藏的寺院和尼庵，党和政府官员清除其管理委员会的一些成员，据报道取而代之以“政府和党任命的人员”，并且要求僧人和尼姑表态“效忠”中共。⁵⁶ 在西藏和其他地区，政府和党的官员对家庭的渗入，特别令人不安，因为这种行为很可能会压制思想和言论自由。据一份“人权观察”组织报告披露，官员工作队“按照宗教和政治思想对藏人进行分类，并建立一套监视藏人言行的机构。”⁵⁷

17. 建议

- 通过确保落实所有选举法律，使所有相关法律和规则向社会公开，并废除不透明的党对候选人的“评价”，以确保自由和公平的选举，保障公民能够行使《世界人权宣言》所规定的选举权和被选举权；
- 通过提供对妇女的领导能力培训，并通过在村民委员会和地方及全国人大中采取专门的女性配额制，以确保妇女平等参与选举和公共事务；
- 通过立法和其他措施，确保少数民族和宗教群体平等参与选举和决策；
- 对所有层级选举中的骚扰、施暴候选人或当选代表的指控进行调查，并公布调查结果，依法惩罚肇事者，赔偿受害者。

注释：

¹ In response to why it did not accept recommendation 232 (Germany), the government said, “China implements the system of regional ethnic autonomy. Ethnic minority areas formulate relevant policies according to their local characteristics.” UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1, 2014.

² Recommendation 222 (Austria) is considered “poor” since it assumes conditions that do not exist, including “measures to allow ethnic minorities to preserve their cultural identity.” The full recommendation reads: “Take further legislative and practical measures to allow ethnic minorities to preserve their cultural identity, to fully exercise their human rights and to ensure their participation in decision-making, in accordance with the Chinese Constitution.”

³ National People’s Congress of the People’s Republic of China, “About Congress: Local People’s Congress and Their Standing Committees,” (accessed July 20, 2016),

http://www.npc.gov.cn/englishnpc/about/2007-11/20/content_1373254.htm.

⁴ Congressional-Executive Commission on China (CECC), 2011 Annual Report, October 10, 2011, pp. 163-164,

<https://www.cecc.gov/sites/chinacommission.house.gov/files/2011%20CECC%20Annual%20Report.pdf>.

⁵ See: Article 3, Organic Law of the Villagers Committees of People's Congress of China (2010 Amendment), (中华人民共和国村民委员会组织法), (1998 amended 2010), http://www.gov.cn/flfg/2010-10/28/content_1732986.htm

⁶ Committee on the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, CEDAW/C/CHN/CO/7-8, November 14, 2014, paras. 30-31. See also: CECC, 2015 Annual Report, October 8, 2015, p. 172,

<http://www.cecc.gov/sites/chinacommission.house.gov/files/2015%20Annual%20Report.pdf>.

⁷ National Bureau of Statistics, "2014 Statistical Report on The Implementation of the 'China Women's Development Plan 2011-2020'" (2014 年《中国妇女发展纲要(2011-2020 年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4, http://www.stats.gov.cn/tjsj/zxfb/201511/t20151127_1282257.html.

⁸ "Few Women at High Levels of the Chinese Communist Party: From Jiang Qing, Liu Yandong, to Sun Chunlan" (Zhonggong gaozeng nuxing shao: cong Jiang Qing, Liu Yandong dao Sun Chunlan), Voice of America, October 26, 2017, <https://www.voachinese.com/a/news-few-females-in-china-party-hierarchy-20171025/4086139.html>.

⁹ For example, authorities made no changes to the language in the 2015 revisions to the PRC Law on Elections of the NPC and Local People's Congresses at All Levels (Election Law) to try to encourage higher female representation. The language has been the same since 2004, when authorities added an amendment that stipulates "[a]mong the 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." Election Law of the National People's Congress and Local People's Congresses at All Levels of the People's Republic of China (授权发布: 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法), (1979, amended 2015), http://news.xinhuanet.com/legal/2015-08/30/c_128180126.htm.

¹⁰ National Bureau of Statistics, "Number of Deputies to All the Previous National People's Congresses," China Statistical Yearbook 2014, 2014, Table 24-1, <http://www.stats.gov.cn/tjsj/ndsj/2014/indexeh.htm>.

¹¹ Name List of the 175 Members of the National People's Congress Standing Committee (175 位全国人大常委会委员全名单), Sohu, March 19, 2018, http://www.sohu.com/a/225833327_203783. The leadership positions include the Secretary of the Standing Committee.)

¹² Women of China, "Quota of Female Members Increased at 13th CPPCC National Committee, January 29, 2018, <http://www.womenofchina.cn/womenofchina/html1/features/politics/1801/4150-1.htm>.

¹³ Chinese People's Political Consultative Conference Net, "Chinese People's Political Consultative 13th National Committee Standing Committee Name List" (中国人民政治协商会议第十三届全国委员会常务委员名), March 14, 2018, <http://www.cppcc.gov.cn/zxww/2018/03/14/ARTI1521024517368985.shtml>; Chinese People's Political Consultative Conference Net, CPPCC 13th National Committee (政协十三届全国委员会) (no date), <http://www.cppcc.gov.cn/zxww/newcppcc/zxld/index.shtml>.

¹⁴ The 2010 revisions stipulated that village committees "should" have women members and that women should make up at least one-third of the total number of representatives on the Villagers' Representatives' Conference; China has not even met this meager goal. Article 9, Organic Law of the Villagers Committees of People's Congress of China (中华人民共和国村民委员会组织法).

¹⁵ National Bureau of Statistics, "2014 Statistical Report on The Implementation of the 'China Women's Development Plan 2011-2020'" (2014 年《中国妇女发展纲要(2011-2020 年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; Dui Hua Foundation, "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, <http://www.duihuaresearch.org/2013/12/custody-and-education-worse-than.html>; People's CPPCC Net, "Village Committee End of Term Elections Should Raise the Percentage of Women," (村委会换届选举应提高女性比例), March 03, 2014, <http://www.rmzxb.com.cn/2014qglh/hxy/z/300930.shtml>.

¹⁶ Rights Defense Network (RDN), "China Election Monitor (2015), No. 4, Discrimination Against Women in the Hebei, Beiding Anxin County Government Led Village Election" (中国选举观察(2015)之四——河北保定安新

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¹⁷ State Council National Working Committee on Children and Women, “Summary of the Accomplishments in Women’s Participation in Politics and Political Life Since the Party’s 18th Party Congress” (Dang de shibada yi lai wo guo funu canzheng yezheng chengjiu zongshu), September 30, 2017, http://www.nwccw.gov.cn/2017-09/30/content_178282.htm; People’s Republic of China National Statistics Bureau, “2016 Statistics Monitoring Report on the China Women’s Development Plan 2011-2020” (2016年《中国妇女发展纲要(2011-2020年)》统计监测报告), October 27, 2017, http://wap.stats.gov.cn/fb/201710/t20171027_1546819.html.

¹⁸ RDN, “China Election Monitor (2015), No. 4, Discrimination Against Women in the Hebei, Beiding Anxin County Government Led Village Election” (中国选举观察(2015)之四——河北保定安新县政府指导的村官选举歧视妇女(图)(之二)); RDN, “China Election Monitor (2014), No. 63, Guangxi, Guilin, Chuanzhou County Government Let Election Discriminated Against Women” (中国选举观察(2014)之六十三——广西桂林全州县政府指导的村官选举歧视妇女); RDN, “China Election Monitor (2014) No. 60, Henan Ye County Government-Led Village Election Discriminated Against Women” (中国选举观察(2014)之六十——河南省叶县政府指导的村官选举歧视妇女), January 25, 2015, http://wqw2010.blogspot.ca/2015/01/2014_25.html.

¹⁹ People’s CPPCC Net, “Village Committee End of Term Elections Should Raise the Percentage of Women” (村委会换届选举应提高女性比例).

²⁰ National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020’” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; State Council National Working Committee on Children and Women, “Summary of the Accomplishments in Women’s Participation in Politics and Political Life Since the Party’s 18th Party Congress” (Dang de shibada yi lai wo guo funu canzheng yezheng chengjiu zongshu), September 30, 2017; People’s Republic of China National Statistics Bureau, “2016 Statistics Monitoring Report on the China Women’s Development Plan 2011-2020” (2016年《中国妇女发展纲要(2011-2020年)》统计监测报告), October 27, 2017, http://wap.stats.gov.cn/fb/201710/t20171027_1546819.html.

²¹ Asian Development Bank, “Country Gender Assessment: People’s Republic of China,” December 2006, p. 54, <http://www.adb.org/sites/default/files/institutional-document/32230/cga-prc.pdf>.

²² Specifically, China’s political institutions do not conform with the standards set forth in Article 21 of the Universal Declaration of Human Rights, which stipulates that the “will of the people” should be “expressed in periodic and genuine elections which shall be by universal and equal suffrage.” Article 21, Universal Declaration on Human Rights, <http://www.un.org/en/universal-declaration-human-rights/>.

²³ Article 46, Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布: 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法).

²⁴ The criteria made public in the Election Law stipulate that a potential candidate must not have had their political rights taken away and they are at least 18 years of age. Article 3, Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布: 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法).

²⁵ Other “criteria,” not included in the Election Law are often found in documents discussing the “Five Elect, Seven Don’t Elect” or “Five Elect, Eight Don’t Elect,” and are raised by local “election work leading small groups” or other Party or government agencies in several provinces that “disqualify” individuals to run in elections. Officials who have not strongly implemented higher-level Party Committee directives” or have “outdated thinking” are also disqualified. RDN, “China Election Monitor Bulletin, (2015), No. 29, A Citizen-Elected Village Chief Sues Ministry of Civil Affairs Agency for Denying His Eligibility To Run Because He Was Not a Party Member (选举观察简报之二十九——前民选村长控告民政机构以非党员名义剥夺其选举资格), May 8, 2015, http://wqw2010.blogspot.ca/2015/05/blog-post_17.html; RDN, “China Election Monitor (2015), No. 11, Hebei Province Chengde County Government Led Village Elections Illegal,” May 17, 2015, http://wqw2010.blogspot.ca/2015/05/2015_17.html; RDN, “China Election Monitor (2015), No. 30, ‘Five Elects, Eight Don’t Elects,’ Violate the Constitution and the Election Law” (中国选举观察(2015)之十一——河北省承德县政府指导的村官选举是非法的), May 17, 2016, http://wqw2010.blogspot.ca/2015/05/blog-post_560.html; RDN, “China Election Monitor (2015) No. 25, Fujian Province, Pingnan County Government Led Resident Committee Election Suspected of Being Illegal (No. 1)” (中国选举观察(2015)之二十五——福建屏南县政府指导的居委会选举涉嫌违法(之一)), August 17, 2015, http://wqw2010.blogspot.com.br/2015/08/2015_17.html; RDN, “China Election Monitor (2015) No. 25, Fujian Province, Pingnan County Government Led Resident Committee Election Suspected of Being Illegal (No. 1)” (中国选举观察(2015)之二十五——福建屏南县政府指导的居委会选举涉嫌违法(之一)), August 17, 2015, http://wqw2010.blogspot.com.br/2015/08/2015_17.html; CECC, 2014 Annual Report, October 9, 2014, p 142,

http://www.cecc.gov/sites/chinacommission.house.gov/files/2014%20annual%20report_0.PDF.

²⁶ CECC, 2014 Annual Report, p 142.

²⁷ These criteria include having “out of plan” children, participating in “illegal religious activities,” “interfering in elections” (a charge often used against independent candidates). In addition, local Party committees have issued rules that do not conform to the Organic Law or had undue influence over, or “led” village committee elections. RDN, “China Election Monitor (2015), No. 12 (2015), Chinese Communist Party Members From Village Committee Organization in Yong Nian County Zhenxi Village illegally Led Elections for Village Officials” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), May 20, 2015, http://wqw2010.blogspot.ca/2015/05/2015_20.html; RDN, “China Election Monitor (2014), No. 56, Jinan City, Central District Government-Led Elections Illegal, Lead to Mass Complaints to Higher-Level Officials” (中国选举观察 (2014) 之五十六——济南市市中区政府指导非法选举引发村民集体上访 (之三)), December 28, 2014, http://wqw2010.blogspot.ca/2014/12/2014_28.html; CECC, 2015 Annual Report, pp. 240-241.

²⁸ CHRD interview 2016.

²⁹ CEDAW, Concluding Observations on the Combined Seventh and Eight Periodic Reports of China, para. 30.

³⁰ Javier C. Hernández, “‘We have a Fake Election’: China Disrupts Local Campaigns,” *The New York Times*, November 15, 2016, <http://www.nytimes.com/2016/11/16/world/asia/beijing-china-local-elections.html>.

³¹ In June 2016, government/Party officials in Wukan, Guangdong province detained and later arrested Lin Zulian. A district court in Foshan City tried Lin on September 9, 2016, and found him guilty of the two bribery counts but acquitted him of a charge of rigging tenders. Thousands of citizens in Wukan joined mass demonstrations that began on June 19, 2016, demanding Lin’s release, which peaked at 8,000 in mid-August. Lin Zulian was among the villager candidates who had been leaders in the 2011 prolonged demonstrations against land seizures and the death of a villager in custody and were subsequently voted into the village committee in 2012 elections. Yang Fan (扬帆), “Former Village Chief Sentenced to Three Years and One Months’ Imprisonment for Crimes, Villagers Initiate a Merchants Strike and Demonstration Activities In Support of Lin Zulian” (乌坎前村支书罪成获刑 3 年 1 个月 村民发起罢市游行活动声援林祖恋), *Radio Free Asia*, September 8, 2016, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/yf2-09082016095246.html>; Qiao Long, “Jailed Former Head of China’s Rebel Village Retracts ‘Confession,’” *Radio Free Asia*, October 12, 2016, <http://www.rfa.org/english/news/china/wukan-trial-10122016134225.html>.

³² CHRD, *China Human Rights Briefing September 13-20, 2016*, <https://www.nchrd.org/2016/09/chrb-police-stamp-out-protests-in-wukan-village-new-developments-in-709-crackdown-cases-913-20-2016/>.

³³ *Radio Free Asia*, “Former Village Secretary Lin Zulian Loses Appeal, Affirms Original Verdict” (乌坎前村书记林祖恋败诉维持原判), October 20, 2016, <http://www.rfa.org/cantonese/news/wukan-10202016103457.html?encoding=simplified>.

³⁴ *Al Jazeera*, “China Wukan Leader Arrested Ahead of Planned Protests,” June 18, 2016, <http://www.aljazeera.com/news/2016/06/china-wukan-leader-arrested-160619034526131.html>; RDN, “China Elections Monitor, Wukan’s Lin Zulian To Be Tried in Foshan Courtroom on September 8” (乌坎林祖恋案 9 月 8 日将在佛山开庭), September 6, 2016, <http://wqw2010.blogspot.com.br/2016/09/98.html>; *Radio Free Asia*, “Wukan Villager Protests Uncontainable, Lin Zulian To Be Tried This Thursday” (乌坎村民游行不遏 林祖恋料周四开审), September 6, 2016, <http://www.rfa.org/cantonese/news/wukan-09062016094007.html>; RDN, “China Election Monitor, Wukan Bulletin, Villagers in Wukan Have Taken to the Streets in Spontaneous Protest Continuously for 74 Days (No. 4)” (中国乌坎维权快讯——村民自发连续游行示威已七十四天 (之四)), September 1, 2016, http://wqw2010.blogspot.com.br/2016/09/blog-post_63.html.

³⁵ CECC, 2014 Annual Report, pp. 142-143.

³⁶ He had tried to submit his application at the township level first but was blocked by township officials, so he tried to submit it at the county-level. In early September, Yang said he would continue his efforts to seek office, despite threats to himself and his family and 24-hour surveillance around his house. Qiao Long, “Independent People’s Congress Election Hopeful Jailed in China’s Jiangxi,” *Radio Free Asia*, August 25, 2016, <http://www.rfa.org/english/news/china/independent-peoples-congress-election-hopeful-jailed-in-chinas-jiangxi-08252016105705.html>; RDN, “People’s Congress Delegate Independent Candidate Yang Wei (Yang Tingjian) Administratively Detained for 10 Days by Jiangxi Province, Zixi County Public Security Bureau” (江西人大代表独立候选人杨微 (杨霆剑) 遭江西省资溪县公安局行政拘留十天), August 24, 2016, http://wqw2010.blogspot.com/2016/08/blog-post_68.html.

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http://wqw2010.blogspot.com/2016/11/blog-post_67.html

⁴⁰ RDN, “China Elections Expert, Previous People’s Congress Delegate in Qianjiang City, Yao Lifa’s Wangyi Blog ‘China Elections Monitor’ Shut Down” (中国选举专家、前潜江市人大代表姚立法先生的网易博客“中国选举观察”被封杀), October 16, 2016, http://wqw2010.blogspot.ca/2016/10/blog-post_89.html

⁴¹ RDN, “China Elections Monitor (2016), No. 21: Japanese TV (NTV) Blocked From Meeting Beijing Independent Candidate Ye Jinghuan” (中国选举观察(2016)之二十一:日本电视 (NTV) 采访北京独立候选人野靖环受阻); RDN, “China Elections Monitor (2016) No. 21: 18 Independent Candidates in Beijing Issue Joint Declaration of Their Intent to Participate in Elections” (中国选举观察 (2016) 之二十一:北京 18 位独立候选人联名发出参选宣言), October 14, 2016, <http://wqw2010.blogspot.ca/2016/10/201618.html>

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⁴⁵ Authorities detained human rights lawyer Cheng Hai for several days because of his canvassing efforts in his bid to run for office. Yang Fan, “Police in Shanghai, Beijing Detain More Independent Election Candidates,” *Radio Free Asia*, November 14, 2016, <http://www.rfa.org/english/news/china/election-detentions-11142016160141.html>

⁴⁶ Trial Opens in Case of Hubei Independent Candidate Peng Feng Charged with “Picking Quarrels and Provoking Trouble” (Hubei duli canquanren Peng Feng beikong “xunxin zishi” an kaiting), Civil Rights and Livelihood, December 23, 2017, <http://msguancha.com/a/lanmul/2017/1223/16847.html>

⁴⁷ RDN, “Zi Su, Who Requested CCP 19th Party Congress Directly Elect Generally-Secretary, Indicted on Charges of “Subversion of State Power (Indictment Attached)” (要求中共 19 大直选总书记的中共党员于肃被以“颠覆国家政权罪”起诉 (附: 起诉书 图)), March 9, 2018, <http://wqw2010.blogspot.com.au/2018/03/19.html>

⁴⁸ CHRD, China Human Rights Briefing, September 28-October 17, 2017, October 17, 2017, <https://www.nchrd.org/2017/10/chrb-china-stop-detaining-activists-silencing-political-expression-around-19th-ccp-congress-928-10172017/>. (based on Chinese sources: RDN, “CCP Member Zi Su Arrested on the charge of “Inciting Subversion of State Power,” for Calling for Direct Elections at the 19th Party Congress (Yaoqiu zhonggong 19da zhixuan de zhonggong dangyuan Zi Su bei yi “Shandong dianfu guojia zhengquan zui” zhengshi daibu), June 15, 2017, https://wqw2010.blogspot.com.au/2017/06/19_15.html; RDN, “Because of ‘Zi Su Calling for Replacement of General Secretary at 19th Party Congress Case’ Three People Detained, Huang Jiaping of Nanchang, Jiangxi; Zhang Ai of Kunming, Yunnan; and Shao Zhongguo of Yuncheng, Shanxi” (“Zi Su jianyan shijiuda genghuan zongshujian” Jiangxi Nanchang Huang Jianping, Yunnan Kunming Zhang Si, Shanxi Yuncheng Shao Zhongguo san ren bei juliu), May 6, 2017, https://wqw2010.blogspot.com/2017/05/blog-post_69.html.

⁴⁹ Authorities later changed the charges to “using a cult organization to undermine implementation of the law,” a charge often leveled against Falun Gong practitioners. RDN, “Hunan, Hengyang City, Qidong County People’s Congress Independent Election Candidate Guan Guilin Criminally Detained After Being Administratively Detained” (湖南衡阳祁东县人大代表独立参选人管桂林被行政拘留后又遭刑事拘留), October 14, 2016, http://wqw2010.blogspot.ca/2016/10/blog-post_67.html

⁵⁰ Authorities detained Zheng Peipei, Xu Peiling, and Cui Fofang when they were handing out leaflets to canvass on November 13th for Feng Zhenghu’s candidacy. As of November 14, the three were still under detention. Yang Fan, “Police in Shanghai, Beijing Detain More Independent Election Candidates,” *Radio Free Asia*.

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- ⁵² CECC, 2014 Annual Report, pp. 141-142.
- ⁵³ CEDAW, Concluding Observations on the Combined Seventh and Eight Periodic Reports of China, para. 30.
- ⁵⁴ CECC. 2017 Annual Report, p. 290; CECC, 2015 Annual Report, p. 289.
- ⁵⁵ Ibid, 240-241.
- ⁵⁶ CECC, 2014 Annual Report, p. 179.
- ⁵⁷ Human Rights Watch, “China: ‘Benefit the Masses’ Campaign Surveilling Tibetans,” June 19, 2013, <https://www.hrw.org/news/2013/06/18/china-benefit-masses-campaign-surveilling-tibetans>