

民间报告  
普遍定期审议（第 3 轮）  
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提交报告的民间机构：女权观察、反歧视法律援助团、CHRD

主题：  
**女性继续遭受歧视、性别平等进展甚微**  
- 妇女权利及 2014 年普遍定期审议建议的执行情况

1. 中国政府已作出公开承诺并采取一些立法措施要保护妇女权利、促进性别平等。在 2013 年申请加入人权理事会的时候，中国政府承诺消除就业中的性别歧视。<sup>1</sup> 在 2014 年向消除对妇女歧视委员会提交的报告中，政府承认在消除生活中各种性别歧视方面仍面临难题和挑战。<sup>2</sup> 在国家人权行动计划（2012-2015）中，政府承诺“努力消除就业中的性别歧视，实现男女同工同酬。”然而，在 2016 年 6 月发布的政府对自己的人权行动计划的评估中，官方没有提供任何证据表明采取了具体行动来实现目标。<sup>3</sup> 2017 年世界经济论坛的《全球性别差距报告》显示，在 144 个国家的性别不平等方面，中国排名第 100 位（1 = 完全平等）。<sup>4</sup>
2. 在本报告中，我们评估了 2013 年普遍定期审议中各国提出的关于妇女权利的建议的执行情况，即 186.84（中非共和国）：“充分保护少数民族、妇女、儿童、老年人和残疾人的合法权益”；88（巴勒斯坦）：“改善经济和社会发展领域性别分列数据的收集和公布情况”；91（摩尔多瓦）：“采取进一步措施，促进性别平等，并消除有关妇女在社会中作用 and 责任的定型观念”；92（玻利维亚）：“作出进一步努力，消除劳动力市场中的性别歧视，并保障同工同酬；”93（厄立特里亚）：“进一步扩大和巩固在促进妇女权利和福利方面取得的成果，同时推行保护和促进人的尊严的政策和做法”；95（摩尔多瓦）：“通过一项全面法律，打击家庭暴力行为”；96（罗马尼亚）：“继续采取适当措施，打击贩运人口行为”；97（马里）：“打击拐卖妇女的犯罪行为，向妇女受害者提供身心康复服务以便她们重返社会”；98（博茨瓦纳）：“审视对贩运人口者的量刑政策，并加强对受害者的援助措施”；135（埃及）：“坚持将家庭作为社会的基本单位和自然单位予以有效保护”；和 177（冰岛）：“继续努力加强劳动权利，确保职工安全，包括在法律上充分彰显男女同工同酬原则”。<sup>5</sup> 中国接受了所有 11 项建议，并声称其中 5 项已经实施（186.88, 92, 96, 97 和 98），其中一项正在实施（186.177）。我们还提供了自 2013 年普遍定期审议以来中国妇女权利状况的信息。

3. 根据本报告的分析，我们敦促联合国各国政府在 2018 年普遍定期审议期间向中国提出以下建议：

- 保障性别平等，消除社会有关妇女角色和责任的刻板印象；
- 根据《联合国消除对妇女一切形式歧视国际公约》，通过一部关于歧视的全面法律，明确地限定性别歧视；
- 消除就业中的性别歧视，包括建立相关法律法规，其中必须包括适当的执法机制、制裁和争议解决程序；
- 修订《反家庭暴力法》，以充分适用于所有关系类型；
- 修订《刑法》，将涉及贩卖妇女的所有犯罪嫌疑——卖方和买主——纳入各种类型的剥削和奴役罪行，并追究刑事责任，废除导致贩卖妇女和儿童的国家生育控制措施；
- 通过法律援助和允许妇女权利非政府组织独立运行，确保妇女可以有效地诉诸司法，比如土地权受侵害的妇女；
- 通过防止政府和执政党的干涉来确立司法独立，并保证所有涉及妇女权利的争端都由独立司法机构法治处理；
- 采取具体措施，促进妇女充分和平等地参与政治和公共生活，并加速妇女充分和平等地参与选举和决定任命的机构；
- 彻底调查针对妇女独立候选人的暴力和虐待指控，并确保对肇事者进行依法起诉和惩罚；
- 采取具体措施，促进并协助少数民族和宗教少数群体的妇女参与，并终止侵犯其宗教自由的行为。

**法律薄弱，缺乏有效对抗就业歧视的措施**

4. 中国保护妇女就业同工同酬的法律框架仍然不足，有效实施这些法律的措施远远不够。在回应玻利维亚（186.92）和冰岛（186.177）关于消除就业中的性别歧视并保证同工同酬的建议时，中国政府声称它“已经实施”了玻利维亚的建议，而冰岛的“正在实施”。中国政府随后做了一个不符合事实的声明，即中国“没有性别歧视”。<sup>6</sup> 政府指出现行立法得到实施或妇女已经享有平等的就业权利，但没有提供证据证明这一说法。
5. 在中国宪法里，有关于同工同酬的规定（第 48 条），该原则已列入《妇女权益保护法》（第 23 条），但没有单独的关于该原则的具体立法，这也是消除妇女歧视公约委员会在 2014 年提出的一个建议。<sup>7</sup> 对该问题缺乏全面立法意味着问题会持续存在，性别薪酬差距继续在恶化。
6. 世界经济论坛的 2017 年性别差距报告发现，中国妇女的收入是男子收入的 64%，表明在有些具体的区域，工资平等水平略有下降。<sup>8</sup> 这一数字比 2015 年下降了 1%。

<sup>9</sup> 根据一所中国大学 2015 年 1 月发布的报告，19% 的女性回答称她们认为从事同

样工作的男性收入较高，33%的受访者认为即使女性员工具有同等资格，男性更常被认为应晋升。该报告还指出，2014年，61%的女性毕业生和29.14%的适龄女性在寻找工作时面临性别歧视。<sup>10</sup>

7. 中国的《劳动法》、《妇女权益保护法》和《就业促进法》都有条款保障妇女的平等权利，但未能明确界定歧视，并含有歧视性条款——例如授权国家来决定妇女就业类型的“适用性”。<sup>11</sup> 中国法律禁止妇女在月经期间从事体力劳动等工作。<sup>12</sup> 《中国的国家妇女发展计划（2011-2020）》加深了在法律上禁止女性从事“不合适”职位的概念。<sup>13</sup>
8. 这些现行法律法规也没有建立一套操作机制，去追究违法者的法律责任。《就业促进法》规定，雇员可以就歧视性做法向法院提起诉讼（第62条），但没有具体规定设立行政监督机构，以防止雇主对投诉歧视的人进行报复。2016年3月，教育部发布通知，提醒大学不要分发含有性别歧视的公司招聘广告。<sup>14</sup> 但是，该通知未给大学提供具体指南如何举报发布此类歧视性招聘广告的公司和机关。
9. 2015年，一些学生成立了一个组织，向劳动监察部门报告了244家涉嫌性别歧视的公司，但没有一家公司受到相关政府部门的调查。<sup>15</sup> 在性别歧视方面只有少数诉讼案件。2014年，有一列首次在法庭外解决了的性别歧视案件。<sup>16</sup> 虽然后来的几起案件由法院作出有利于原告的裁决，但法院只对雇主处以小额罚款。<sup>17</sup> 轻微的惩罚不太可能阻止公司雇主继续采取歧视性做法。
10. 社会上对妇女角色有持续的刻板印象，导致了很多问题，包括歧视性的招聘方式。例如，近年来，中国政府资助的社会项目和大学在推动所谓的“妇女道德教育”。<sup>18</sup> 2014年11月，消除妇女歧视委员会对“关于妇女和男人在家庭和社会中持续存在的刻板印象”表示关切，并建议政府允许独立机构监督其为消除性别刻板印象所采取的措施及其落实。<sup>19</sup> 在2013年普遍定期审议中，中国政府“接受”摩尔多瓦（91）的建议——消除对妇女角色的刻板影响——但政府没有采取具体步骤来实施。
11. 联合国人权独立专家也反复就中国就业中的性别歧视问题表示关注。2013年12月“法律和实践中的歧视妇女问题工作组”访问中国，在访问报告中他们重点关注了在“招聘、薪酬和解雇”过程中的妇女歧视问题。<sup>20</sup> 2014年6月，“经济、社会和文化权利委员会”呼吁中国采取切实措施，消除就业中男女之间的差距。<sup>21</sup> 同年11月，消除妇女歧视委员会建议中国“为在就业歧视中寻找公正的妇女提供争议解决机制”。<sup>22</sup> 该委员会还呼吁中国政府制定法律对妇女歧视做全面的定义，以消除这一系统性和结构性的歧视。<sup>23</sup> 这些建议都没有得到实施。

## **新的《反家庭暴力法》未能提供充分的保护**

12. 家庭暴力在中国非常普遍。根据 2011 年政府提供的数据，大约 25% 的已婚妇女遭受过暴力。<sup>24</sup> 2015 年 12 月，中国通过了第一部《反家庭暴力法》，在经过妇女权利活动家和学者数十年的倡导后于 2016 年 3 月开始实施该法，向前迈出了一步。<sup>25</sup> 这部法律的一个亮点是明确了家庭暴力的定义包括精神虐待（第 2 条）。但这部法律有几个严重的缺陷。根据以下评估，我们认为摩尔多瓦（186.95）关于通过一项打击家庭暴力的综合性法律的建议只得到部分实施。
13. 《反家庭暴力法》规定了预防和打击暴力的原则，但缺乏可操作性，不能为受害者提供有效保护。法律明确规定“国家禁止任何形式的家庭暴力”（第 3 条），确立国家（不仅仅是家庭或社会）的责任，受害者有权被保护免受家庭暴力。它将范围扩大到包括心理暴力，并涵盖同一家庭中的未婚同居者。<sup>26</sup> 然而，正如中国妇女权利非政府组织指出的那样，法律没有明确提及性暴力，也没有涉及 LGBTQ 群体。<sup>27</sup> 法律也不包括分居或离婚的夫妻。
14. 《反家庭暴力法》采取一系列措施防止、制止或惩罚家庭暴力的肇事者，包括人身保护令和旨在保护受害者的书面警告系统（第 29 条）。第一份保护令于 2016 年 9 月发出。<sup>28</sup> 但是法律规定人身保护令是由当地法院强制执行的，没有确认集体责任和警察、医疗机构、法律援助以及居民或村庄自治组织的角色（第 32 条）。<sup>29</sup> 在强制性报警和预警系统方面，法律也未规定清晰的、具体的和可操作的程序和法律责任。违反保护令的惩罚也相当轻（第 34 条）。<sup>30</sup>
15. 中国的执法人员和司法人员需要接受培训，政府需要分配资源建设足够的庇护所。<sup>31</sup> 2016 年至 2017 年中国几家妇女权利非政府组织进行了地面调查，这些机关的研究报告表明，与普遍存在的家庭暴力和受害者的巨大迫切需求相比，庇护所太少，因此很少有受害者可以在法律生效后的第一年得到庇护，而且地区差距很大。<sup>32</sup>
16. 新法律不包括条约机构建议的措施。2014 年，联合国“经济、社会和文化权利委员会”建议中国为受害者提供足够的渠道，以便他们及时获得人身保护、法律援助和医疗服务。<sup>33</sup> 同样在 2014 年，“消除妇女歧视委员会”建议提供设备齐全的庇护所，并呼吁政府“有效调查投诉，起诉暴力侵害妇女的行为，并充分惩罚肇事者”。<sup>34</sup>

## **人口政策和有缺陷的法律无力有效阻止贩卖妇女**

17. 据报道，为了性剥削、强迫婚姻、非法收养和强迫劳动的目的，女性（包括妇女和女童）继续在国内和跨国范围内被贩卖。2013 年 3 月，政府宣布了一项打击人口

贩运行动计划（2013-2020），承认了这一问题的严重性。<sup>35</sup> 2014 年，“消除妇女歧视委员会”对该计划表示欢迎，但表示对“没有全面的反贩运立法”的担忧，以及“没有清晰确认国内法是否将所有形式的贩运定为刑事犯罪，包括以性剥削、强迫劳动、强迫婚姻和非法收养为目的而进行的贩运”。<sup>36</sup> 2017 年，美国国务院关于贩运人口的年度报告发现“中国是受强迫劳动和性交易的男人、女人和儿童的来源地、目的地和过境国。中国的移动人口估计超过 1.8 亿人，很容易被贩运”，并得出结论认为中国政府“并未完全达到消除贩运的最低标准，并且没有做出重大努力。”<sup>37</sup>

18. 中国政府打击贩运的行动计划没有承认生育控制政策的严重后果——严重的性别失衡，这对贩运女性有重大影响。近年来，与男性相比，中国人口中的女性人口短缺，导致妇女因强迫婚姻而被贩卖。虽然 2016 年 1 月放宽了计划生育政策——允许每对已婚夫妇生育两个孩子——国家规定的对生育儿童数量的限制仍然使女孩容易被遗弃和贩运。国家的生育控制政策导致了性别选择性堕胎或遗弃女性婴儿，并阻止父母向当局报告失踪儿童案件，因为他们害怕因违反生育控制政策而受到处罚。<sup>38</sup> 根据世界经济论坛 2017 年全球性别差距报告，2017 年，中国在“出生性别比方面的性别差距仍然在世界上排名最低”。<sup>39</sup>
19. 中国《刑法》的修订既不完全符合国际标准，也不能有效打击人口贩运。2011 年，官方对《刑法》第 240 条进行了修订，<sup>40</sup> 惩罚贩卖妇女的行为，但仍然没有明确将以下剥削目的的贩运定为刑事犯罪，即强迫劳动，抵债或非自愿奴役，而这些通常是贩卖妇女到性产业后的实际处境；中国加入的《联合国关于预防、禁止和惩治贩运人口特别是妇女和儿童行为的补充议定书》禁止这类以剥削为目的的人口贩运，但中国法规不惩罚这类贩运，因而仍然没有采纳有关人口贩运的国际定义。<sup>41</sup> 此外，虽然贩运者在中国可以并且确实面临刑事处罚，但根据这项法律，<sup>42</sup> 被贩运受害者的购买者不承担法律责任。<sup>43</sup> 2016 年，政府报告的调查贩运案件数量减少，贩运者定罪数量少于 2015 年。<sup>44</sup> 但是，由于中国对人口贩运的定义比国际定义更广泛，这些数字很可能是混乱的，因为中国的定义包括了人口走私、绑架儿童、强迫婚姻和欺诈性收养。
20. 尽管政府声称它已“接受并已经实施”上次普遍定期审议中来自马里的建议（186.97），但是政府没有提供足够的数据来评估其服务援助的受害者人数以及受害者实际获得任何身体和心理康复服务的程度。中国政府报告为贩运受害者提供了开放式庇护所，以及多功能庇护所，但没有提供有关接受此类“康复或法律服务”的贩运妇女受害者人数的数据，也没有提供访问过庇护所的受害者人数。这些受害者的心理健康服务被认为是不充分的，包括职业培训在内的其他服务的可及性和有效性仍然不明确。<sup>45</sup>

## **政府打压为妇女提供法律援助和其他服务的民间社会团体**

21. 与中国政府自己的说法不同，实际上，当局并没有“支持非政府组织或肯定它们为妇女提供法律援助服务的努力。”<sup>46</sup> 政府报告说了官方通过“公益性彩票法律援助基金”支持妇女组织，但由官办的中华全国妇女联合会负责选择哪些组织可以受益。<sup>47</sup> 在过去几年中，中国当局关闭或骚扰那些独立倡导妇女权利或提供服务的组织。<sup>48</sup> 受影响的非政府组织通常提供服务 and 倡导农村妇女土地权利、关注妇女的政治参与以及消除学校和工作场所的性别歧视。<sup>49</sup>
22. 自 2014 年以来，政府更加严厉地压制妇女权利倡导者，<sup>50</sup> 包括女性非政府组织工作者。2015 年 3 月，当局在国际妇女节 3 月 8 日对五名中国女权主义者和妇女权利活动家进行了刑事拘留。她们当时计划通过分发贴纸和小册子提高公众对公共交通性骚扰的认识。这五位女性是李婷婷、王曼、韦婷婷，武嵘嵘和郑楚然。她们在倡导女性权利和 LGBTQ 权利的独立团体工作。在国内和国际上的强烈抗议之后，2015 年 4 月初这些女性被“保释等待进一步调查”。“女权五姐妹”事件标志着政府对妇女权利工作的不容忍已经上升到新的水平。虽然 2016 年春季，这五名活动人士均被取消了取保候审，但她们仍然受到警方监视和骚扰，<sup>51</sup> 其他妇女权利倡导者也是如此。
23. 当时，警方突击搜查了其中几位五姐妹成员所属的机构——北京益仁平中心，一个关注公共卫生和反歧视的非政府组织，当时其业务已大幅减少。2015 年 5 月，警方强行关闭了杭州的蔚之鸣妇女中心。蔚之鸣曾开展过反对职场性别歧视、暴力侵害妇女行为和公共交通性骚扰的运动。<sup>52</sup>
24. 中国的两项新法律——《慈善法》（2016 年 3 月通过）和《境外非政府组织境内活动管理法》（2016 年 4 月通过）——对中国非政府组织的运作造成了严重限制，影响到的组织可能包括为家庭暴力或贩运受害者提供法律援助或其他服务的组织。这两项法律加剧了对筹集资金和寻求其他形式的业务支持的限制，从而削弱或消除了一些团体的能力。根据《慈善法》，接受境外资助的组织更加艰难，这导致一些法律援助机构关闭。在这些法律生效之前，社会组织已经受到当局的威胁。据报道，2016 年 3 月一家中国民间基金会被关闭，它为代理法律援助案件的律师提供旅行资金。<sup>53</sup>

## **政府未能有效促进妇女在政治和公共生活中的参与和领导力**

25. 中国政府在很大程度上未能“加速妇女充分和平等地参与选举出来的和任命的机构”，因此没有实施“消除妇女歧视公约委员会”（2014 年）的建议。虽然政府

在 2016 年向“消除对妇女歧视委员会”提交的后续报告中表示，它已“积极实施配额和其他临时特别措施，以促进妇女参与政治”，<sup>54</sup> 但政府并没有促进妇女的参与和在决策机构中起到平等作用。政府的后续报告指出，在 2015 年 51.9% 的国家政府工作人员是女性，但没有提供数据，目前尚不清楚这些女性中有多少人担任高层决策职务。

26. 自 2014 年以来，中国当局尚未修订法律以促进妇女参与国家和地方立法机构的工作。2015 年，当局修改了中国《选举法》，该法规定了人民代表大会选举办法，但相关规定缺乏针对女性代表的具体和可衡量的目标。相反，它提出了一个模糊的目标，即“在全国人民代表大会和各级地方人民代表大会中，应有适当数量的女代表，并逐步提高其比例。”<sup>55</sup>
27. 妇女参政的人数，特别是在中共和政府最高领导层，严重不足。中国一直未能实现妇女政治参与度 30% 的目标，这是各国在 1995 年《北京宣言》和《行动纲要》中确定的，且在《中国 2011-2020 女性发展计划》有重申。<sup>56</sup> 截至 2017 年 8 月，25 个部级机构中只有两名女性负责人，<sup>57</sup> 没有女性省级中共书记。中共中央政治局常委（中共最高层决策机构）从未有过女性。目前在中共十九大选出的 25 名党员政治局（第二高的机构）只有一名女性。中央委员会（第三高的机构）有 204 名成员，其中只有 9 名是女性，比前一届中央委员会的女性成员比例有所下降（8.8%）。<sup>58</sup>
28. 在中国的国家级立法和咨询机构中，妇女任职人数也不足。根据中国政府的数据，自 20 世纪 70 年代末以来，全国人大的女性比例徘徊在 21% 左右。<sup>59</sup> 目前，在第十二届全国人大代表（2013-2018）中，女代表占 23.4% 的席位，占全国人大常委会职位的 15.5%。中国人民政治协商会议代表中妇女的比例甚至更低；女性占总席位的 17.8%，在全国政协常委会席位中仅占 11.8%。<sup>60</sup> 此外，第十二届全国人大代表的“决定”<sup>61</sup> 仅仅模糊地提到下一届全国人大（2018-2023）中“妇女代表比例”将高于此前的全国人大。<sup>62</sup>
29. 在地方基层级，村委会的女性代表人数远远低于男性，虽然官方目标设定得已经相当低，但仍未达到。中国《村民委员会组织法》规定，村民委员会“应该”有女性成员，女性“应该”至少占村委会代表总数的三分之一。<sup>63</sup> 目前，村委会中妇女的比例达不到这些目标，而且自 1990 年代初以来就没有什么重大改进。根据官方数据，2014 年，全国妇女在村委会中的平均比例为 22.8%，比 1993 年只增加了 1.8%。<sup>64</sup> 中国独立选举观察员的报告指出，一些村委会根本没有女性代表，这违反了法律和政策规定的标准。<sup>65</sup> 在 2016 年发布的最新的《人权行动计划》中，中国政府承诺，到 2020 年女性成员“应该”占村委会主任的 10% 或更多，占村委会

成员总数的 30% 或更多。<sup>66</sup> 但是，目前尚不清楚政府采取了哪些措施来实现这些目标。

30. 此外，妇女在公职或政治职位上承担的角色通常具有性别刻板印象。正如一位政协委员曾经指出，村委会的妇女大多关注与计划生育有关的问题。<sup>67</sup> 妇女往往在社区居民委员会中拥有大量代表。<sup>68</sup> 2014 年，妇女占社区居民委员会职位的 48.9%。<sup>69</sup> 然而，这些委员会的职责，如调解家庭纠纷，帮当地警察监督和进行政府宣传，在政治上并不重要，委员会成员往往是退休的老年妇女，她们可以从政府获得小额津贴。<sup>70</sup>

### **未能促进和保护少数民族妇女和宗教少数群体妇女参政的权利**

#### **少数民族妇女的政治参与**

31. 中国政府没有“维护少数民族妇女参与和管理国家和社会事务的权利”，<sup>71</sup> 虽然 2016 年它向“消除对妇女歧视公约委员会”提交的后续报告中声称做到了这一点。政府未能促进和协助少数民族妇女和宗教少数群体妇女的政治参与，因此没有执行“消除对妇女歧视公约委员会”在 2014 年审议后提出的相关建议。在西藏自治区，当局在政治和宗教方面继续干涉村民和人民代表选举。例如，2014 年，阿里州的当地党委对村委会候选人的个人资格制定了严格的要求。有关条款规定，候选人必须“政治上值得信赖”（即忠于中共），并排除曾参加达赖喇嘛在海外组织的宗教集会的人，或那些有“海外联系”甚至“海外交流”的人。<sup>72</sup> 藏族妇女甚至在成为党干部时遇到的障碍；据一位接受采访的西藏民族活动人士称，一些藏族人口高度集中的村庄没有一名藏族妇女担任党干部。<sup>73</sup>
32. 中国五个少数民族自治区的中共和政府领导层中，少数民族妇女人数严重不足。在区域层面上，新疆维吾尔自治区和广西壮族自治区没有少数民族女性担任主席或副主席，也没有担任区党委书记或副书记的。内蒙古自治区在地方政府中有两名蒙古族妇女（总共九名自治区主席和一名副主席），一名蒙古族妇女在区党委常务委员会（共 13 名成员）。宁夏回族自治区政府有一名回族妇女（共八名主席和副主席）和一名回族女性党委副书记（共有 12 名成员）。西藏自治区政府在其 14 名主席和副主席中有一名藏族妇女。<sup>74</sup>
33. 中国政府没有提供相关信息，因此很难评估政府为增加少数民族妇女的政治参与所做的努力。具体而言，缺乏数据和透明度，包括有关中国地方选举结果的信息，使得难以衡量少数民族妇女的政治参与。<sup>75</sup> 虽然对外宣传少数民族妇女当选了地方人民代表大会代表，但有关研究发现，政府没有公开发布按候选人的种族和性别分列的选举结果。据一位研究人员称，由于政府的不透明，中国关注地方选举的学术研



究也没有包括分类数据。一些观察家认为，显然，缺乏公共信息可能部分归因于少数民族问题的“政治敏感性”，并指出即使搜索此类数据也可能存在个人风险。<sup>76</sup>

### **侵犯少数民族妇女的宗教和言论权利**

34. 中国政府继续剥夺少数民族妇女的宗教或信仰自由权，特别是在西藏自治区（以及中国西部其他地区）和新疆。在地区和国家层面，当局颁布了针对民族宗教自由的法律和法规。例如，虽然《国家安全法》（2015年7月）第27条规定政府保护宗教自由，但法律还包括一些规定限制践行宗教或其他信仰，并将其定为刑事犯罪，例如“依法惩治利用宗教名义进行危害国家安全的违法犯罪活动”、“维护正常宗教活动秩序。”<sup>77</sup>
35. 作为政府在新疆维吾尔自治区反对“伊斯兰极端主义”和“反恐”宣传的一部分，该地区的官员已经规范化并扩大了关于青年和儿童参与宗教生活的规定。之前的规则只是在某些情况下执行。2016年11月颁布的法规允许新疆警方监禁那些“鼓励”或“强迫”青年参加宗教活动的人。<sup>78</sup> 这些规则补充了2014年10月在新疆某些县实施的规定。这些规定限制年轻穆斯林的宗教习俗，并规定会拘留将伊斯兰宗教资料带回家的成年人。<sup>79</sup> 此外，中国的《反恐法》（2015年12月通过）<sup>80</sup> 进一步将维吾尔人和藏人的和平活动定为刑事犯罪，将这些少数民族成员定为刑事犯罪，罪名是“恐怖主义”。<sup>81</sup>
36. 政府对穆斯林妇女，尤其是新疆维吾尔自治区的妇女，对其宗教活动和文化习俗进行了法律限制。2017年4月1日生效的法规禁止“佩戴或强迫他人佩戴全面覆盖物。”<sup>82</sup> 在乌鲁木齐，官员们在2015年实施了类似的指令，禁止任何人进行全面和全身覆盖。<sup>83</sup> 2015年3月，新疆一家法院判处喀什市一名妇女因戴面罩面纱而入狱两年。<sup>84</sup> 国际媒体在2017年9月报道说，一名维吾尔族妇女在新疆被判10年徒刑，这一惩罚是因为她被指控鼓励穆斯林妇女戴头巾。<sup>85</sup>
37. 此外，穆斯林妇女在中国境内和出国旅行时行动自由受限。中国官方声称，政府“维护穆斯林妇女平等参与朝圣活动的权利。”<sup>86</sup> 但穆斯林妇女此类旅行的行动自由仍然受到限制，部分原因是朝圣之旅现在由政府当局组织、控制和监督。<sup>87</sup> 据报道，自2015年以来，中国政府还向泰国和埃及等其他国家的政府施加压力，要求将数百名维吾尔人强行遣返到中国。这些维吾尔人中的许多人，包括妇女和儿童，已经离开中国寻求庇护或难民身份，以逃避宗教和种族迫害。<sup>88</sup>
38. 由于中国政府加强了对言论自由的监管，包括网络通讯，<sup>89</sup> 通过网络空间传播有关伊斯兰教的信息可能成为刑事处罚的理由。在一起案件中，一名维吾尔族穆斯林妇

女于 2017 年 5 月因涉嫌“分享极端宗教意识形态”而被拘留，此前她在社交媒体上发布文字和图像，称赞安拉。<sup>90</sup>

39. 近年来，当局加强了对西藏自治区和其他藏族地区宗教和政治机构的控制。政府规定党的领导人负责监督和决定藏传佛教寺院的运作和管理，以保护藏区的“安全”，实现寺院的“和谐”。<sup>91</sup> 这种控制机制进一步限制了藏人的宗教和结社自由权利。<sup>92</sup> 截止到 2013 年，政府已将数万名中共干部安置在藏区的村庄、尼姑院和修道院。<sup>93</sup> 中共和政府官员从尼姑和修道院的管理委员会中排除掉一批藏人，取而代之的是政府和党任命的人，并要求尼姑和僧人“表示支持”。<sup>94</sup> 自 2016 年夏天以来，尼姑一直是中共当局从藏传佛教院校开除的大量宗教学生和工作人员的一部分，并被命令参加“爱国主义再教育”。<sup>95</sup>
40. 中国当局继续拘留和监禁藏族尼姑和女信徒，其中大多数人受到虐待，宗教和言论自由权被剥夺。根据一个关注藏族人的组织收集的数据，截至 2017 年 8 月 15 日，至少有 232 名女性藏人，包括 133 名尼姑，被关押在拘留所或监狱。<sup>96</sup> 其中大多数人被指控犯有“危害国家”、“泄露国家机密”、和“故意伤害”罪（与自焚相关的指控）。藏人也会因为仅仅拥有达赖喇嘛的教义或图像，或为他的长寿祈祷而被定罪。<sup>97</sup> 例如，在 2016 年 12 月 6 日被判处有期徒刑的 9 名藏人中，有两名女性受到惩罚，据报道，2015 年 7 月他们在四川省甘孜藏族自治州阿坝县举行野餐会，庆祝达赖喇嘛的生日。这两位妇女 Bhonkho Kyi 和 Tarey Kyi 分别被判处 7 年和 8 年徒刑，她们被单独监禁几个月后被判“煽动分裂”罪。<sup>98</sup>

注释:

<sup>1</sup> The government said it would: “Further guaranteeing the rights to employment and economic resources, and equal participation in State and social affairs by minority ethnic groups, women and other special groups.” UN General Assembly, “Note verbale dated 5 June 2013 from the Permanent Mission of China to the United Nations addressed to the President of the General Assembly,” A/68/90.

<sup>2</sup> The government wrote in the state report: “Discrimination against women still exists in society; relevant laws are yet to be fully implemented in reality; women are not represented in significant numbers at senior levels of decision-making; women are still subjected to unequal treatment in village rules and customs in some rural areas in terms of resource allocation and benefits-sharing; many rural women’s job skills need to be further enhanced; women’s health services in remote areas need further improvement; violence against women still occurs; and there are still some women living in poverty.” Combined Seventh and Eighth Periodic Report of States Parties China to the Committee on the Elimination of Discrimination against Women, 2012, CEDAW/C/CHN/7-8, para. 52.

<sup>3</sup> Information Office of the State Council of the People’s Republic of China, National Human Rights Action Plan (2012-2015), Chap. III, Sec 2., <http://www.china-un.ch/eng/rqrd/jblc/t953936.htm>; In the assessment, no mention was made of improvements on gender discrimination or for equal pay for equal work. Instead, the government claimed, “Women enjoy the equal right with men to employment” and cited as evidence that certain public servants have same age retirement levels as women and men, and that women account for 44.8 percent of all people employed in the country. Information Office of the State Council, Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), June 2016, Chap. IV, Sec. 2, [http://english.gov.cn/archive/white\\_paper/2016/06/15/content\\_281475372197438.htm](http://english.gov.cn/archive/white_paper/2016/06/15/content_281475372197438.htm).

<sup>4</sup> World Economic Forum, “The Global Gender Gap Report 2017, p. 11 [http://www3.weforum.org/docs/WEF\\_GGGR\\_2017.pdf](http://www3.weforum.org/docs/WEF_GGGR_2017.pdf).

<sup>5</sup> There were two “poor” recommendations made in the area of women’s rights. Eritrea recommended that China “further expand and consolidate achievements made in promoting women’s rights and well-being in tandem with its policy and practice of protecting and promoting human dignity” (93). We regard this recommendation as “poor” because it assumes the existence of certain “achievements,” both as a matter of “policy and practice,” in “protecting and promoting human dignity.” In the absence of such achievements, judging by both the government’s admission to CEDAW and the “concluding observations” of CEDAW’s recent review, it makes little sense to ask the state to “expand” and “consolidate” them. In addition, Egypt recommended that China “maintain its effective protection for the family as the fundamental and natural unit of society” (135). This recommendation is “poor” since it contains a problematic presumption, namely that China has “effective protection” for the family. In fact, current laws and practices are not “effective” and do not provide adequate protection.

<sup>6</sup> China’s reply to 186.92: “China’s Labour Law, Law on the Promotion of Employment, Law on the Protection of the Rights and Interests of Women and other laws establish the principles of prohibiting gender discrimination in employment and equal pay for equal work for men and women, clearly stipulate that equal pay for equal work and post-based wage system are applied in China. There is no gender discrimination. In practice, China actively protects women’s rights and interests of employment.” 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. February 27, 2014.

<sup>7</sup> 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 2014, paras. 36-37.

<sup>8</sup> World Economic Forum, “The Global Gender Gap Report 2017, p. 120 [http://www3.weforum.org/docs/WEF\\_GGGR\\_2017.pdf](http://www3.weforum.org/docs/WEF_GGGR_2017.pdf).

<sup>9</sup> World Economic Forum, “The Global Gender Gap Report 2015: China,” November 18, 2015, <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=CHN>.

<sup>10</sup> Anhui University News Department, “Research Center for Economic Law Releases ‘China Female Employment Discrimination Research Report’” (经济法制研究中心发布《我国女性就业歧视问题调研报告》), January 12, 2015, <http://ahnews.ahu.edu.cn/n/2015-01-12/290371.shtml>.

<sup>11</sup> For example, the three laws cited in the government’s response to Bolivia’s recommendation all contain a variation of this provision, which is discriminatory: “When an employing unit recruits persons, it shall not refuse to employ women or raise recruitment standards for females by using gender as an excuse, except where the types of work or posts are not suitable for women as prescribed by the State.” Article 27, Law on Promotion of Employment of the People’s Republic of China (2008), [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); Article 23, Law on the Protection of Rights and

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Interests of Women of the People's Republic of China, 1992, amended 2005, <http://www.china.org.cn/english/government/207405.htm>; Article 13, Labor Law of the People's Republic of China, 1995, [http://www.china.org.cn/living\\_in\\_china/abc/2009-07/15/content\\_18140508.htm](http://www.china.org.cn/living_in_china/abc/2009-07/15/content_18140508.htm).

<sup>12</sup> Women are prohibited from working in underground mining jobs, jobs involving physical labor at Grade 4 or above, or work that requires lifting 20 kilograms at least six times an hour, or any job that requires lifting 25 or more kilograms. Women who are menstruating are prohibited from working jobs in high altitudes, low temperatures, and cold water, or that involve physical labor. State Council of the People's Republic of China, "Special Rules on the Labour Protection of Female Employees" (女职工劳动保护特别规定), April 18, 2012, [http://www.gov.cn/zwgg/2012-05/07/content\\_2131567.htm](http://www.gov.cn/zwgg/2012-05/07/content_2131567.htm).

<sup>13</sup> China National Program for Women's Development (2011-2020), <http://www.womenofchina.cn/womenofchina/html1/source/1502/998-1.htm>.

<sup>14</sup> Ministry of Education, "General Office of the Ministry of Education Notice Concerning Launch of Nationwide Common University Graduate Seeking Employment Service Work" (教育部办公厅关于开展全国普通高校毕业生精准就业服务工作的通知), March 17, 2016, [http://www.moe.gov.cn/srcsite/A15/s3265/201604/t20160401\\_236231.html](http://www.moe.gov.cn/srcsite/A15/s3265/201604/t20160401_236231.html).

<sup>15</sup> See the *weibo* account of the Employment Sex Discrimination Monitor Group (就业性别歧视监察大队), [http://weibo.com/u/5327831786?refer\\_flag=1005055013\\_&is\\_all=1](http://weibo.com/u/5327831786?refer_flag=1005055013_&is_all=1).

<sup>16</sup> In Beijing, Cao Ju settled out of court in January 2014 with a tutoring company for 30,000 RMB (approx. 4,366 USD) after her application was turned down because she was not a man. Tania Branigan, "China: woman settles in first gender discrimination lawsuit," *The Guardian*, January 28, 2014, <https://www.theguardian.com/world/2014/jan/28/china-woman-settles-first-gender-discrimination-lawsuit>.

<sup>17</sup> The latest case is Gao Xiao, who won a case against the Guangdong Huishijia Economic Development Company, which owns a seafood restaurant, and was awarded 2,000 RMB (approx. 291 USD) in compensation in April 2016. She appealed, and the Guangzhou Intermediate People's Court upheld the original compensation amount, but demanded the company issue a written apology. *Guangzhou Daily*, "Female cook wins lawsuit over gender discrimination in Guangzhou" (粤女厨师应聘遭性别歧视状告酒楼获胜诉), September 22, 2016, <http://gd.sina.com.cn/news/m/2016-09-22/detail-ixfwewmc5124698.shtml?from=>; In Hangzhou in November 2014, Huang Rong won her case against a cooking school, but was only awarded 2,000 RMB (approx. 291 USD) for "psychological pain." She later sued again, demanding an apology from the company for discriminating against her because of her gender. Liu Jiaying, "Court Backs Woman Who Sued Cooking School over Employment Bias," *Caixin*, November 14, 2014, <http://english.caixin.com/2014-11-14/100751283.html>; A women successfully sued China Post over firing her from a courier position because of her gender, the first such case against a State-owned company. *Xinhua News Agency*, "Female Graduate Wins Employment Discrimination Case" (女大学生打赢就业歧视官司), November 3, 2015, [http://news.xinhuanet.com/local/2015-11/03/c\\_128386181.htm](http://news.xinhuanet.com/local/2015-11/03/c_128386181.htm).

<sup>18</sup> A search in Chinese for "女德班" (*nüdeban*) brings up many results for these classes. See also, a first-hand account from a woman who attended such a class: Women's Discussion, "" (东莞女德班: 不变贤妻不回家), <http://zhenhua.163.com/14/0610/19/9UDEGJR8000465TT.html>; Zhang Yiqian, "Commandments for wives," *Global Times*, June 23, 2014, <http://www.globaltimes.cn/content/867105.shtml>; All-China Women's Federation, "Henan Women's Federation Launches Social Morality Lectures," *Global Times*, August 27, 2013, <http://www.womenofchina.cn/womenofchina/html1/news/action/15/2159-3.htm>; ACWF, "Henan Holds Women's Morality, Traditional Culture Forum," April 12, 2013, <http://www.womenofchina.cn/womenofchina/html1/news/action/15/5993-1.htm>; One school in Dongguan City in Guangdong Province was ordered to stop offering the "women's morality" classes in 2014, but only following widespread public outrage, and there has been no central approach to shutting down classes that promote antiquated stereotypes on the role of women. Dongguan City Government News Department, "Mengzheng School 'Women's Virtue Classes' Ordered to Stop" (蒙正国学馆“女德班”已被责令停办), September 25, 2014, <http://www.dg.gov.cn/cndg/s35957/201409/798477.htm>.

<sup>19</sup> CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, paras. 24-25.

<sup>20</sup> UN Office of the High Commissioner for Human Rights (OHCHR), "Preliminary Observations and Conclusions of the Working Group on the issue of discrimination against women in law and in practice: End Visit to the People's Republic of China from 12 to 19 December 2013," December 19, 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14129&LangID=E>; see also, UN Human Rights Council, "Report of the Working Group on the issue of discrimination against women in law and in practice - Mission to China," June 12, 2014, A/HRC/26/39/Add.2.

<sup>21</sup> Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, May 2014, CESCR/E/C.12/CHN/2, para 16.

<sup>22</sup> CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para 37.

<sup>23</sup> *Ibid.* para. 10

<sup>24</sup> The latest comprehensive data is from 2011. All-China Women's Federation (ACWF) and China National Bureau of Statistics, "Report on Major Results of the Third Wave Survey on The Social Status of Women in China" (第三期中国妇女社会地位调查主要数据报告).

<sup>25</sup> People's Republic of China Anti-Domestic Violence Law (中华人民共和国反家庭暴力法), 2015, [http://news.xinhuanet.com/legal/2015-12/27/c\\_128571791.htm](http://news.xinhuanet.com/legal/2015-12/27/c_128571791.htm).

<sup>26</sup> The definition of domestic violence is contained in Article 2 of the Law: "Domestic violence as used in this Law refers to physical, psychological or other infractions between family members effected through the use of methods such as beatings, restraints, maiming, restrictions on physical liberty as well as recurrent verbal abuse or intimidation."

<sup>27</sup> "An Investigative Report on Anti-Domestic Violence Law Implementation," 《反家庭暴力法》实施情况调研报告 Beijing Yuanzhong Gender Development Center, Beijing Weiping Women's Organization, Beijing Tongyu, and Guangzhou New Media Feminism, March 15, 2017, <https://zhuanlan.zhihu.com/p/25781138> and [https://mp.weixin.qq.com/s/s6wP1cNkS8VK7OGImwV\\_9Q](https://mp.weixin.qq.com/s/s6wP1cNkS8VK7OGImwV_9Q). According to the NPC Standing Committee spokesperson, the reason the law excludes homosexual couples is because "in China we have never discovered violence in homosexual relationships." *China Daily*, "Anti-Domestic Violence 'Persons Living Together' Provision does not Cover Homosexuals" (反家暴法中"共同生活人"不包括同性恋), December 27, 2015, [http://www.chinadaily.com.cn/micro-reading/china/2015-12-27/content\\_14436421.html](http://www.chinadaily.com.cn/micro-reading/china/2015-12-27/content_14436421.html).

<sup>28</sup> *People's Daily*, "Anhui Issues First Personal Protection Order to a Man," September 9, 2016, <http://www.womenofchina.cn/womenofchina/html/features/rights/1609/1085-1.htm>;

<sup>29</sup> Some participants at a seminar on the domestic violence law held in June 2016 at the Chinese Institute of Applied Jurisprudence called for public security organs to enforce the personal safety protection orders, not the courts. *China Women's News*, "Legal Experts Call on Public Security Organs to Execute Personal Protection Orders," July 20, 2016, <http://www.womenofchina.cn/womenofchina/html/news/china/1607/1904-1.htm>.

<sup>30</sup> Depending on the seriousness, ranging from a small fine of no more than 1,000 RMB (approx. 150 USD) or a maximum 15-day detention. ADV Law, Art. 34.

<sup>31</sup> State media reported that, in October 2016, police issued an administrative penalty against a woman after she called police to report an incident of domestic violence. Police questioned the woman in front of her husband until she withdrew the complaint, and then penalized her for "filing a false report." *China News*, "Woman Reports False Claim of Domestic Violence, Police Late at Night Diffuse Dispute" (女子报警谎称家暴 民警深夜化解纠纷), October 21, 2016, <http://www.hb.chinanews.com/news/2016/1021/262600.html>.

<sup>32</sup> "An Investigative Report on Anti-Domestic Violence Law Implementation," *ibid*.

<sup>33</sup> CESCR, Concluding observations on the second periodic report of China, including Hong Kong, China and Macao, para 27.

<sup>34</sup> CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 27.

<sup>35</sup> Information Office of the State Council, Action Plan for Fighting Human Trafficking of the State Council of the People's Republic of China, (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), [http://www.gov.cn/zwggk/2013-03/08/content\\_2349019.htm](http://www.gov.cn/zwggk/2013-03/08/content_2349019.htm); The Action Plan is officially intended to address efforts to amend anti-trafficking law, improve interagency and international cooperation, boost anti-trafficking investigations, develop anti-trafficking awareness campaigns, and enhance victim protection services. Both local and central authorities have funded activities outlined in the plan; for instance, the Ministry of Public Security in 2015 contributed 55 million RMB (approx. 8.5 million USD) for local law-enforcement efforts and anti-trafficking campaigns. US Department of State, 2016 Trafficking in Persons Report, pp. 130-1, <http://www.state.gov/documents/organization/258876.pdf>.

<sup>36</sup> CEDAW, Concluding observations on the combined seventh and eighth periodic reports of China, para. 28.

<sup>37</sup> The US State Department, "2017 Trafficking in Persons Report," <https://www.state.gov/documents/organization/271341.pdf>, p. 126.

<sup>38</sup> CHRD, Report Submitted to UN Committee on the Elimination of Discrimination Against Women, September 2014, para.18, <https://www.nchrd.org/2014/10/report-submitted-to-un-committee-on-the-elimination-of-discrimination-against-women-september-2014/>.

<sup>39</sup> World Economic Forum, "Global Gender Gap Report (2017)" [http://www3.weforum.org/docs/WEF\\_GGGR\\_2017.pdf](http://www3.weforum.org/docs/WEF_GGGR_2017.pdf), p. 17.

<sup>40</sup> Article 240 of China's Criminal Law stipulates 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; (4) enticing or forcing the woman who is abducted and trafficked 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. Criminal Law of the People's Republic of China (中华人民共和国刑法), (1979, amended 2015), [http://www.china.com.cn/policy/txt/2012-01/14/content\\_24405327\\_16.htm](http://www.china.com.cn/policy/txt/2012-01/14/content_24405327_16.htm).

<sup>41</sup> Article 3 (a), Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

<sup>42</sup> Data on criminal punishments for human traffickers provided by the Chinese government are believed to be incomplete. Also, such statistics may not accurately reflect “trafficking” offenses based on international standards for such crimes (i.e., the purpose of such acts include exploitation through sex trafficking or forced labor). The government reported that it had arrested 1,932 alleged traffickers in 2015, compared with 194 that it had reported the year prior, and that government authorities had prosecuted 284 cases of sex trafficking and forced labor involving 486 suspected traffickers. In 2015, the government reported convicting 642 sex traffickers and 72 labor traffickers, compared with 35 total trafficking convictions in 2014. The statistics the government provided include data on other crimes, including the abduction and sale of women and children, for which the nexus to human trafficking was unclear. The Chinese government reported investigating 637 cases involving women and 756 cases involving children abducted and sold in 2015, 670 prosecutions involving 1,195 suspects, and the conviction of 1,362 perpetrators for the abduction and sale of women and children. US Department of State, 2016 Trafficking in Persons Report, p. 131, <http://www.state.gov/documents/organization/258876.pdf>.

<sup>43</sup> CHRD, Report Submitted to UN Committee on the Elimination of Discrimination Against Women – September 2014, paras. 16-17.

<sup>44</sup> According to the US Department of State, 2017 Trafficking in Persons Report, the government continued to provide some law enforcement data; it reported investigating 1,004 trafficking cases (1,414 in 2015) and convicting 1,756 traffickers (2,076 in 2015) in 2016.

<sup>45</sup> US Department of State, 2016 Trafficking in Persons Report, p. 132, <http://www.state.gov/documents/organization/258876.pdf>.

<sup>46</sup> CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, para. 4.

<sup>47</sup> Jiamusi Women's Net, “‘All-China Women's Federation Legal Aid Action' Project Administrative Measures (Provisional)” (“中国妇女法律援助行动”项目管理办法(暂行)) March 7, 2014, <http://www.jmsfnw.org/article/list/view/id/143>.

<sup>48</sup> RDN, “Announcement of Authorities' Forced Closure of Chinese Women's Rights NGO ‘Zhongze Women's Legal Counseling Service Center’” (中国女权 NGO“众泽妇女法律咨询服务中心”遭当局强迫宣告解散), January 29, 2016, <http://wqw2010.blogspot.com/2016/01/ngo.html>.

<sup>49</sup> For example, in February 2016, authorities forced the closure of the Beijing Zhongze Women's Legal Counseling Service Center, which for over two decades had provided legal assistance to women in tens of thousands of cases. The group's shutdown, according to China's State media, was due to a government investigation into suspected funding from the overseas-based Ford Foundation. CHRD, “They Target My Human Rights Work as a Crime”: Annual Report on the Situation of Human Rights Defenders in China (2016), pg. 21, <https://www.nchrd.org/wp-content/uploads/2017/02/They-Target-My-Human-Rights-Work-As-a-Crime-CHRD-Report-on-the-Situation-of-Chinese-Human-Rights-Defenders-2016.pdf>

<sup>50</sup> CHRD, “UN Women: Press China to Protect, Not Persecute, Women Rights Defenders,” September 16, 2015, <https://www.nchrd.org/2015/09/un-women-press-china-to-protect-not-persecute-women-rights-defenders/>; CHRD, “Help Free Chinese Women HRDs on International Women's Day, March 8, 2016, <https://www.nchrd.org/2016/03/help-free-chinese-women-hrds-on-international-womens-day/>.

<sup>51</sup> CHRD interview, June 2017. BBC, “China's Feminist Movement: How Far Can They Go?” (中国女权运动: 她们还能走多远?), September 26, 2017, <http://www.bbc.com/zhongwen/simp/chinese-news-41406010>.

<sup>52</sup> *The New York Times*, “China Raids Offices of Rights Group as Crackdown on Activism Continues,” March 26, 2015, <https://www.nytimes.com/2015/03/27/world/asia/china-raids-offices-of-rights-group-as-crackdown-on-activism-continues.html>.

<sup>53</sup> See, for example: Radio Free Asia (RFA), “First non-governmental legal fund announces cessation of operations after passage of China's ‘Charity Law,’” (中国《慈善法》通过后首个民间法律基金宣布停止运行), March 18, 2016, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/yf2-03182016100921.html>.

<sup>54</sup> CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, item 3, para. 8.

<sup>55</sup> 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](http://news.xinhuanet.com/legal/2015-08/30/c_128180126.htm).

<sup>56</sup> United Nations Economic and Social Council, “United Nations Targets for Proportion of Women in Leadership and Decision-Making Positions” (Information Paper), <http://www.legco.gov.hk/yr02-03/english/panels/ha/papers/ha0314cb2-1636-1e.pdf>; China's National Program for Women's Development (2011-2020), <http://www.womenofchina.cn/womenofchina/html1/source/1502/998-1.htm>; National Bureau of Statistics, “2014 Statistical Report on the Implementation of ‘China's National Program for Women's Development (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](http://www.stats.gov.cn/tjsj/zxfb/201511/t20151127_1282257.html).

<sup>57</sup> Ms. Li Bin (李斌) has been Director of the Health and Family Planning Commission since 2013, the year the body was created, and Ms. Hu Zejun (胡泽君), who took office in April 2017, is Auditor General of the Audit Commission. See: Central People's Government of the People's Republic of China (中华人民共和国中央人民政府), <http://www.gov.cn/guowuyuan/index.htm>.

<sup>58</sup> Brookings, "Status of China's women leaders on the eve of 19<sup>th</sup> Party Congress," March 30, 2017, <https://www.brookings.edu/opinions/status-of-chinas-women-leaders-on-the-eve-of-19th-party-congress/>.

<sup>59</sup> National Bureau of Statistics, "Number of Deputies to All the Previous National People's Congresses," China Statistical Yearbook 2014, Table 24-1, <http://www.stats.gov.cn/tjsj/ndsj/2014/indexeh.htm>.

<sup>60</sup> 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).

<sup>61</sup> Since the 7<sup>th</sup> National People's Congress, each NPC's last session has passed a decision prescribing various requirements for electing delegates to the next NPC. NPC Observer, "More Women, Fewer Cadres: A Preview of Next NPC's Composition," March 16, 2017, <https://npcobserver.com/2017/03/16/more-women-fewer-cadres-a-preview-of-next-npcs-composition/>.

<sup>62</sup> "Decision of the 5<sup>th</sup> Session of the 12<sup>th</sup> National People's Congress on the Representation and Election of the 13<sup>th</sup> National People's Congress" (第十二届全国人民代表大会第五次会议关于第十三届全国人民代表大会代表名额和选举问题的决定), March 15, 2017, [http://www.npc.gov.cn/npc/xinwen/2017-03/15/content\\_2018912.htm](http://www.npc.gov.cn/npc/xinwen/2017-03/15/content_2018912.htm).

<sup>63</sup> Articles 15, Organic Law on Villagers Committees of the People's Republic of China (中华人民共和国村民委员会组织法), 2010 (amended), [http://www.gov.cn/flfg/2010-10/28/content\\_1732986.htm](http://www.gov.cn/flfg/2010-10/28/content_1732986.htm). Article 9 in the Organic Law, promulgated in 1998, only set out that the committees "shall include an appropriate number of women" (see: [http://www.npc.gov.cn/englishnpc/Law/2007-12/11/content\\_1383542.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/11/content_1383542.htm)).

<sup>64</sup> 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; 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 3, 2014, <http://epaper.rmzxb.com.cn/detail.aspx?id=331957>.

<sup>65</sup> RDN, "China Election Monitor (2015), No. 4, Discrimination Against Women in Government-Led Village Election in Anxin County, Baoding City, Hebei" (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)(二)), April 6, 2015, [http://wqw2010.blogspot.ca/2015/04/2015\\_6.html](http://wqw2010.blogspot.ca/2015/04/2015_6.html); RDN, "China Election Monitor (2014), No. 63, Discrimination Against Women in Government-Led Election in Quanzhou County, Guilin City, Guangxi" (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), February 15, 2015, [http://wqw2010.blogspot.ca/2015/02/2014\\_15.html](http://wqw2010.blogspot.ca/2015/02/2014_15.html); RDN, "China Election Monitor (2014) No. 60, Discrimination Against Women in Government-Led Village Official Election in Ye County, Henan" (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](http://wqw2010.blogspot.ca/2015/01/2014_25.html).

<sup>66</sup> Information Office of the State Council of the People's Republic of China, National Human Rights Action Plan (2016-2020), Item 3(2), September 29, 2016, [http://news.xinhuanet.com/politics/2016-09/29/c\\_129305934\\_7.htm](http://news.xinhuanet.com/politics/2016-09/29/c_129305934_7.htm).

<sup>67</sup> 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 3, 2014, <http://www.rmzxb.com.cn/2014qglh/hsy/zz/300930.shtml>.

<sup>68</sup> "Urban resident committees" were formerly called "neighborhood committees." Asian Development Bank, "Country Gender Assessment: People's Republic of China," December 2006, pg. 54, <http://www.adb.org/sites/default/files/institutional-document/32230/cga-prc.pdf>.

<sup>69</sup> 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.

<sup>70</sup> New York Times, "Beijing's Retirees Keep Eye Out for Trouble During Party Congress," March 15, 2013, <http://www.nytimes.com/2013/03/16/world/asia/neighborhood-committees-keep-watch-over-beijing-during-peoples-congress.html>

<sup>71</sup> CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, para. 12.

<sup>72</sup> International Campaign for Tibet, "New conditions for Village Committees candidates exclude Tibetans who 'secretly' hold sympathy for the 'Dalai Clique,'" September 25, 2014, <https://www.savetibet.org/new-conditions-for-village-committees-candidates-exclude-tibetans-who-secretly-hold-sympathy-for-the-dalai-clique/>.

<sup>73</sup> CHRD interview, May 2017.

<sup>74</sup> Research conducted by Chinese activists in 2017. The following is a fuller breakdown of regional-level CCP committee members and/or in government positions (chairpersons and vice chairpersons) in China's five ethnic autonomous regions: *Xinjiang* - Standing Committee of the CCP 9<sup>th</sup> Session: 15 total members, no ethnic minority females; Committee Representatives of the CCP 8<sup>th</sup> Session: 26 total, no ethnic minority females; and Government: 10 total, no ethnic minority females; *TAR* - Standing Committee of CCP 9<sup>th</sup> Session: 16 total, no ethnic minority females; Committee Members of the CCP 9<sup>th</sup> Session: six total, no ethnic minority females; and Government: 14 total, one ethnic minority female (vice chair); *Inner Mongolia* - Standing Committee of the CCP 10<sup>th</sup> Session: 13 total, one ethnic minority female (vice secretary); and Government: nine total, two ethnic minority females; *Guangxi* - Standing Committee of the CCP 11<sup>th</sup> Session: 15 total, one ethnic minority female; Government: nine total, no ethnic minority females; *Ningxia* - Standing Committee of the CCP 12<sup>th</sup> Session: 12 total, one ethnic minority female; Government: eight total, one ethnic minority female.

<sup>75</sup> The Chinese government also did not provide relevant and specific data on ethnic minority women's political participation in its January 2017 report submitted to the Committee on the Elimination of Racial Discrimination (CERD). The most recent instance of China providing any such data to a UN treaty body was in January 2012, in the government's report to CEDAW, which included some totals and proportions of ethnic minority women in the NPC, CPPCC, and local governments, but only as of 2008-09. CEDAW, Combined Seventh and Eighth Periodic Report of States Parties – China, Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, January 20, 2012, CEDAW/C/CHN/7-8, para. 132,

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCHN%2f7-8&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCHN%2f7-8&Lang=en).

<sup>76</sup> CHRD interviews, May 2017. In preparing this submission, researchers decided not to file requests to try to obtain disaggregated data on ethnic minority women's representation. Such requests can be made through China's Open Government Information (OGI) system, a State channel provided for citizens to seek data that has not been made public. The main reason requests were not filed is that applicants may be vulnerable to retaliation by authorities. Chinese citizens who have previously sought data through the OGI system, such as prior to China's 2015 review by the Committee against Torture, were interrogated, harassed, and detained by police in retaliation. The risk of reprisal has only increased in China's current political climate. For more information, see: CHRD, "NGO Mid-Term Assessment Report of China's 2nd Universal Periodic Review," pg. 63, November 2016.

<sup>77</sup> National Security Law of the People's Republic of China, July 2015, [http://news.xinhuanet.com/legal/2015-07/01/c\\_1115787801\\_3.htm](http://news.xinhuanet.com/legal/2015-07/01/c_1115787801_3.htm). For a general analysis of current conditions for religious expression by Tibetans and Uyghurs, see: CHRD, "NGO Mid-Term Assessment Report of China's 2nd Universal Periodic Review," pgs. 49-52, November 2016.

<sup>78</sup> Sina.com, "Xinjiang introduces new regulations: parents prohibited from forcing children to participate in religion" (新疆出台新规: 禁止家长诱导强迫孩子参加宗教), October 13, 2016, <https://news.sina.cn/gn/2016-10-13/detail-ixfwvpaql123464.d.html?vt=4&pos=108>; CHRD, *China Human Rights Briefing October 14-20, 2016*, <https://www.nchrd.org/2016/10/chrb-anti-corruption-activist-imprisoned-police-put-down-mass-environmental-protests-in-xian-1014-20-2016/>.

<sup>79</sup> RFA, "China Clamps Down on 'Underage Religion' Among Muslim Uyghurs," October 30, 2014, <http://www.rfa.org/english/news/uyghur/underage-10302014120731.html>.

<sup>80</sup> Counter-Terrorism Law of the People's Republic of China (中华人民共和国反恐怖主义法), December 2015, [http://news.xinhuanet.com/politics/2015-12/27/c\\_128571798.htm](http://news.xinhuanet.com/politics/2015-12/27/c_128571798.htm).

<sup>81</sup> For more information, see: Uyghur Human Rights Project, "BRIEFING: China's New Counter-Terrorism Law and Its Human Rights Implications for the Uyghur People," February 1, 2016, <http://uhrp.org/press-release/briefing-chinas-new-counter-terrorism-law-and-its-human-rights-implications-uyghur>; "Dangers of China's counter-terrorism law for Tibetans and Uyghurs," International Campaign for Tibet and International Federation for Human Rights (FIDH), November 2016, <https://www.savetibet.org/wp-content/uploads/2016/11/FIDH-ICT-Chinas-new-counter-terrorism-law-Implications-and-Dangers-for-Tibetans-and-Uyghurs-15-11-2016-FINAL.pdf>.

<sup>82</sup> CNN, "Why China is banning beards and veils in Xinjiang," March 31, 2017, <http://www.cnn.com/2017/03/31/asia/china-xinjiang-new-rules/>; "Regulations on Extremism in Xinjiang Uyghur Autonomous Region" (新疆维吾尔自治区去极端化条例), <http://xj.people.com.cn/n2/2017/0330/c186332-29942874.html>.

<sup>83</sup> The ban is enforced in schools, hospitals, public transportation, government buildings, and businesses. A fine of up to approximately 800 USD or criminal charges can be imposed on individuals who refuse to comply with the rule on covering the body and veil. *People's Daily*, "Public Places in Urumqi Ban Full Body and Face-Covering Veils" (乌鲁木齐市公共场所将禁止穿戴蒙面罩袍), January 17, 2015, <http://politics.people.com.cn/n/2015/0117/c1001-26403482.html>.

<sup>84</sup> Beyond the rights deprivation of placing rules on religious dress, such restrictions limit the capacity of Muslim women to fully participate in society, including as students or working professionals, since they must adjust their wardrobe between private and public spaces. China Youth Network, "Xinjiang Man Gets 6 Years for Beard, Wife Receives 2 Years for Wearing Face Veil" (新疆男子留大胡子获刑 6 年 妻子蒙面获刑 2 年), March 29, 2015, <http://www.wenxuecity.com/news/2015/03/28/4142424.html>; CHRD interview, April 2017.

<sup>85</sup> RFA, "Uyghur Woman Handed 10-Year Prison Term Over Headscarf Claim," September 19, 2017, <http://www.rfa.org/english/news/uyghur/headscarf-09192017174307.html>.



- <sup>86</sup> CEDAW, Information received from China on follow-up to the concluding observations, January 10, 2017, para. 14.
- <sup>87</sup> According to China's official media, the number of Muslims permitted by the government to make the hajj pilgrimage has greatly expanded over the past two decades. *China Daily*, "14,500 Chinese make Hajj pilgrimage," August 20, 2016, [http://news.xinhuanet.com/english/2016-08/20/c\\_135617890.htm](http://news.xinhuanet.com/english/2016-08/20/c_135617890.htm).
- <sup>88</sup> See, for example: *The New York Times*, "Egyptian Police Detain Uighurs and Deport Them to China," July 6, 2017, <https://www.nytimes.com/2017/07/06/world/asia/egypt-muslims-uighurs-deportations-xinjiang-china.html>; *The Guardian*, "Thailand defends Uighur deportation to China: 'We didn't send them all back'," July 10, 2015, <https://www.theguardian.com/world/2015/jul/10/thailand-defends-uighur-deportation-to-china-we-didnt-send-them-all-back>.
- <sup>89</sup> CHRD, "They Target My Human Rights Work as a Crime": Annual Report on the Situation of Human Rights Defenders in China (2016), pgs. 13-14.
- <sup>90</sup> *Hong Kong Free Press*, "Xinjiang woman detained for sharing praise for Allah on social media – reports," May 10, 2017, <https://www.hongkongfp.com/2017/05/10/xinjiang-woman-detained-sharing-praise-allah-social-media-reports/>; RFA, "Xinjiang Uyghur girl forwards Allah image, detained on 'terrorism' charge" (新疆一维族姑娘转发真主安拉照片 被以涉“暴恐”罪名抓捕), May 9, 2017, [http://www.rfa.org/mandarin/yataibaodao/shehui/x12-05092017103744.html?utm\\_content=bufferc38ff&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer](http://www.rfa.org/mandarin/yataibaodao/shehui/x12-05092017103744.html?utm_content=bufferc38ff&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer).
- <sup>91</sup> China Tibet net, "Experts at Two Meetings: State Management of Tibetan Buddhist Temples Enter New Era" (两会专家谈：国家对藏传佛教寺庙的管理进入新时代), March 20, 2017, [http://fo.ifeng.com/a/20170320/44557279\\_0.shtml?writingModule=1\\_29\\_18](http://fo.ifeng.com/a/20170320/44557279_0.shtml?writingModule=1_29_18) This article said that, due to the implementation of such control, there had not been any anti-government Tibetan protests like those in March 2008.
- <sup>92</sup> Tibetan Centre for Human Rights and Democracy (TCHRD), "China Expands New Measures To Directly Control Tibetan Monasteries," May 18, 2014, <http://tchrd.org/china-expands-new-measures-to-directly-control-tibetan-monasteries/>.
- <sup>93</sup> Xinhua, "Tibet Dispatches More Than 60,000 Cadres to the Grassroots Over Two Years, the Most Extensive Such Project in 60 Years" (西藏两年选派逾 6 万干部下基层 为 60 年来最大规模), September 10, 2013. According to the article, since October 2011, "more than 60,000 cadres" had been sent to the TAR's "5,459 villages and 1,877 temples." [http://news.xinhuanet.com/local/2013-09/10/c\\_117310416.htm](http://news.xinhuanet.com/local/2013-09/10/c_117310416.htm);
- <sup>94</sup> TCHRD, "China Expands New Measures To Directly Control Tibetan Monasteries," May 18, 2014, <http://tchrd.org/china-expands-new-measures-to-directly-control-tibetan-monasteries/>; RFA, "Chinese Authorities Impose New Restrictions on Restive Tibetan County," May 20, 2014, <http://www.rfa.org/english/news/tibet/impose-05202014171714.html>.
- <sup>95</sup> See example: RFA, "Larung Gar Evictees Forced to Attend Political Classes Back Home," November 4, 2016, <http://www.rfa.org/english/news/tibet/classes-11042016154905.html>; *The Tibet Post International*, "Over 1000 monks, nuns expelled, forced patriotic reeducation in Tibet," November 4, 2016, <http://www.thetibetpost.com/en/news/tibet/5266-over-1000-monks-nuns-expelled-forced-patriotic-reeducation-in-tibet>.
- <sup>96</sup> TCHRD, "Political Prisoner Database," (Email correspondence, August 2017), [http://www.tchrd.org/tchrd\\_pdb/](http://www.tchrd.org/tchrd_pdb/). Such totals have declined since October 2014, when the group had recorded 626 cases of detained Tibetan females, including 466 nuns and 160 laywomen. One reason for the decreases is that case information regarding ethnic Tibetans has become more difficult to obtain and confirm, due to the Chinese government's elevated control of communication channels in Tibetan areas.
- <sup>97</sup> TCHRD, "Tibetan woman, 20, detained in connection with Dalai Lama's 80th birthday," July 12, 2015, <http://tchrd.org/tibetan-woman-20-detained-in-connection-with-dalai-lamas-80th-birthday/>.
- <sup>98</sup> TCHRD, "China jails Tibetans for celebrating Dalai Lama's birthday: Nine Tibetans get varying terms of 5 to 14 years," December 7, 2016, <http://tchrd.org/china-jails-tibetans-for-celebrating-dalai-lamas-birthday-ten-tibetans-get-varying-terms-of-6-to-14-years/>.