

**CHRD Submission to  
Committee on the Elimination of Discrimination Against Women  
for Consideration for the List of Issues on the Ninth Periodic Report of  
the People's Republic of China**

**Date of Submission:** January 21, 2021

*CHRD suggests the Committee include the following questions in the CEDAW List of Issues for the Chinese government to address as part of the CEDAW's upcoming review process of China's implementation of the Convention on the Elimination of All Forms of Discrimination against Women.*

**State's process of preparing the State Report**

- Please provide the names of independent women's organizations or LGBTQ organizations, which are not affiliated with a government department or an entity of the Chinese Communist Party (CCP), that participated by providing information or being consulted in the preparation of the State report.

**Access to legal remedies & independence of the judiciary** (COB paras. 14, 15)

- Please provide specific provisions of law that currently prohibit the CCP's influence over or interference in judicial affairs in general and in individual legal cases.
- Please detail specific ways the CCP has leadership over political and legal work (include specific processes), considering the CCP's Work Regulations revised in 2019 state that Party political-legal committees are an important organizational form for realizing the party's leadership over political and legal work, and that political-legal work must adhere to the Party's absolute leadership in all aspects during the entire process of such work.<sup>1</sup>

**Article 1 - Definition of discrimination in domestic law** (COB paras. 12, 13)

- Please provide a timeline for the adoption of a comprehensive definition of discrimination against women in national legislation that is in line with article 1 of the Convention; and if applicable, please provide specific provisions in new or revised laws issued since the last CEDAW review, including the laws listed in paras. 12 and 16 of the State party report, that indicate a revision of the meaning of sexual discrimination in China.

**Article 2 - Gender equality and legal status of the Convention** (COB paras. 10, 11)

- When will equality in law for women be established? Currently "equality" is just an unenforceable "principle" in the Constitution; and legal stipulations only state "gender

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<sup>1</sup> <https://www.chinacourt.org/article/detail/2019/01/id/3709828.shtml>

equality is a basic national policy,” and do not specifically stipulate that women and men are equal under the law. How are “basic national policies” enforced?

- Provide the number of court verdicts citing the Convention.
- What specific modifications to education materials for primary and secondary schools and higher education institutions, have been made since 2015 specifically related to informing students about the Convention and the rights protected under the Convention?

**Articles 4 & 7 - Women’s participation in political & public life** (COB paras. 30, 31 (b) (c)(e))

- What measures are planned to ameliorate the ongoing gender imbalance in CCP leadership positions, especially in the most powerful political bodies in China, the CCP Politburo Standing Committee, which has never had a women member, and the CCP Politburo (1 women out of 25 leaders)?
- The Election Law of the National People's Congress (NPC) and Local People's Congresses at Various Levels stipulates that the NPC and local congresses should have an “appropriate number of women representatives,” and the proportion of women representatives will gradually increase. What is an “appropriate” number of women and will a special temporary measure with more concrete goals be established to encourage increases in women members?
- Of the total number of village committee chiefs, what percentage are women? In the Human Rights Action Plan issued in 2016, the government pledged that by 2020, women members “should” make up 10 percent or more of the number of village committee chairpersons.
- What specific concrete steps are being taken to meet the nationally legally-mandated goal of having 30 percent of village committee members be women? The State party report indicates that in 2017, only 22.64 percent of the total number of members of village committees were women (443,000 women out of 1.957 million members - para. 63).
- Will special temporary measures to increase the number of ethnic minority women in local government and Party leadership positions be established?

**Articles 14 & 15 - protect, respect and fulfill the rights of rural women** (COB para. 15 (a) & COB paras. 42, 43, 44, 45)

- How many rural land contract cases involving women’s land use rights have arbitration committees or village committees heard since the last CEDAW review? What are the channels available for rural women if they want to contest a village committee’s decision in a land use rights case?
- Respond to reports that there is a large gap between women’s land use rights on paper in laws, regulations, opinions and judicial interpretations and the reality of poor protections of women’s land use rights; and that there are still many ongoing problems protecting rural women’s land use rights. What problems remain in implementing laws and regulations in order to close the gap?
- How many complaints about women’s land use rights have been brought to all levels of government Offices of Letters and Visits across the country annually since 2015?
- When will provisions specifically stating that women have equal land use rights be included in policies, regulations, or laws? The new language contained in Article 16 of the Rural Land Contract Law, revised in 2018, only states “land rights management certificates shall include all family members *who have land contract management rights.*”

**CEDAW General recommendation No. 19 on violence against women; Convention, Article 16** (COB paras. 26, 27, 49, 54)

- Please provide a timeline for the passage of national implementation guidelines for the Anti-Domestic Violence Law.
- Please provide information to explain what measures the state adopted to protect victims of and reduce domestic violence when cities were in lockdown and under quarantine during the COVID-19 pandemic in 2020/2021.
- According to the All China Women's Federation data, there were 36,002 complaints of domestic violence in 2019 and 39,371 in 2018. However, in 2018, courts only issued 2,154 personal-protection orders in domestic violence cases. Please explain the large gap between the numbers of complaints and court orders.
- According to reports, 920 women died between 3/1/2016 and 12/31/2019 as a result of domestic violence in China (at least 3 women die of domestic violence every 5 days). Please provide information on any investigations into deaths of women due to domestic violence and the results of the investigations, including punishments for perpetrators.
- According to reports, domestic violence is often not considered in court rulings on divorce requests and a large percentage of 1st time requests by women are denied;<sup>2</sup> what concrete steps are being taken to ensure domestic abuse is considered in initial divorce requests?
- There are reports that HRDs, including women HRDs, in detention centers, prisons, or under other forms of detention continue to be beaten, shackled, and sexually assaulted and humiliated (including strip searched). Provide detailed information and data on the number of administrative, civil, and criminal lawsuits, and their outcomes, alleging violence against women in detention that have been filed against authorities since 2015.

**Human rights defenders (HRDs) and NGOs** (COB paras. 32, 33)

- There are reports of women human rights defenders (WHRDs) being subjected to arbitrary detention, enforced disappearance, torture, and surveillance in retaliation to their rights protection activities. There are a number of female family members of HRDs who have faced surveillance and harassment for speaking out about their loved ones' cases. Please provide the number of investigations conducted, if any, and their outcomes, of state agents who have been accused of retaliation against WHRDs or their families?
- Please address reports that the lawyers of detained WHRDs have been forced to resign, or their families are forced to dismiss the lawyers, while authorities pressured them to accept officially appointed lawyers, and thus deprived those women of access to legal counsel of their choice.<sup>3</sup> How is their right to a fair trial, particularly the right to be presumed innocence until proven guilty, protected in these cases?
- The passage of the Overseas NGOs' Domestic Activities Management Law in 2016 introduced provisions that allow police to shut down NGOs on the grounds that they "endangered national security," a term which has been too broadly defined in Chinese law and practice to include legitimate human rights, including women's rights, activities. Please

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<sup>2</sup> <https://www.journals.uchicago.edu/doi/abs/10.1086/705747>

<sup>3</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26612&LangID=E>

provide the committee with a timeline for the revision of the law to bring it in line with international human rights standards.

- Since the last review, the State Party has been cited in every “reprisals report” from the Secretary-General for retaliating against HRDs, including many WHRDs, for engaging with the United Nations. The committee raised concerns of reprisals during the last review of China. Has the government conducted any investigation into these allegations of reprisals, and if so, what are the outcomes of such investigations?
- Please provide the results of the investigation recommended in the previous Concluding Observations (para. 31(b)) into allegations that State agencies censored reports submitted by NGOs to the Committee. What was the outcome of any such investigations? What preventative measures have been introduced since then to prevent censorship of NGOs providing information to CEDAW?