STATUS OF WOMEN

Public Participation

POLITICAL DECISIONMAKING

The Chinese government is obligated under its international commitments to ensure gender equality in political participation; ¹ Chinese domestic law also stipulates the importance of women's political participation. ² Women's representation at upper and lower levels of political leadership nonetheless continued to fall short of the 30 percent target recommended by the UN Commission on the Status of Women. ³ Scholars and overseas media note that barriers to women's participation in political leadership at higher levels include lack of access to the male-dominated relationship networks critical to leadership appointments, ⁴ earlier retirement ages for female civil servants, ⁵ and marginalization to leadership positions with less political influence, ⁶ in addition to the pressures that make it difficult for women to participate in public life more generally, such as gender discrimination and unequal distribution of childcare and domestic labor. ⁷

CIVIL SOCIETY AND ADVOCACY

During the Commission's 2018 reporting year, Chinese citizens continued to advocate on behalf of women's issues while Chinese officials maintained restrictions by censoring online discussion and harassing and threatening individual citizens engaging in advocacy. These restrictions are a continuation of official repression of women's rights advocacy beginning in 2015.8

Women's rights advocates reported that the freedom to organize activities remained limited as officials continued to impose pressure on participants in the form of harassment, threats, and censorship. Due to such pressure, some advocates reported that they no longer performed direct actions in public spaces and had shifted their focus to awareness-raising and organizing online. Online advocacy has been subject to continued censorship: online posts were censored, hashtags used for advocacy on women's issues were blocked on social media platforms, and social media accounts advocating women's rights were shut down. Although advocacy and discussion of women's rights were previously tolerated, one advocate reported that the topic "has been politicized and stigmatized" in recent years to a suthorities continued to link their advocacy to hostile foreign interference. For more information on censorship, see Section II—Freedom of Expression.

Campaigns Against Sexual Harassment on University Campuses

In January 2018, Chinese students, alumni, and faculty initiated a series of independent campaigns to prevent sexual harassment on college campuses. These included public allegations of misconduct by individual professors, petitions calling on universities to institute policies to prevent sexual harassment, and public requests for information about university actions in past sexual assault cases. Reports of sexual harassment in other sectors such as manufacturing,18 journalism,19 civil society,20 the state-sanctioned Buddhist community,21 and the Protestant community in Hong Kong 22 also drew public attention. Among the most prominent were allegations posted by Luo Xixi, currently residing in the United States, who detailed the sexual harassment of her former PhD advisor, Chen Xiaowu of Beihang University in Beijing municipality.²³ Inspired by the #MeToo movement in the United States,²⁴ Luo published these allegations in January 2018,25 drawing significant attention and sparking a social media campaign in China that drew millions of views to related hashtags before it was censored.²⁶ Chen's teaching qualifications were revoked 27 and the Ministry of Education announced that it would form a group to study the implementation of policies to prevent sexual harassment.²⁸ After one allegation against a professor at Renmin University in Beijing, a group of more than 70 students gathered outside his classroom, refusing to leave until the university agreed to investigate the claims.²⁹ There were a number of other allegations against professors at other universities, some of which led to dismis- $\rm sals.^{30}$

Other actions directed at universities followed. Students, alumni, and faculty circulated petitions calling on their respective institutions to implement policies to prevent sexual harassment, reportedly with more than 8,000 people participating at 74 colleges and universities ³¹ before being censored. Students at Peking University in Beijing called on the school to release information about its actions dealing with a case involving a professor's sexual assault of a student 20 years earlier.

Campaigns Against Sexual Harassment on University Campuses—Continued

While some actions taken by university and government authorities were supportive of the issues raised by the campaigns, official responses nonetheless prioritized suppressing grassroots mobilization. In addition to the investigation and dismissal of some of the professors accused of misconduct, supportive actions included lawmakers' submission of legislative proposals to address sexual harassment during the legislative session after lobbying by women's rights advocates 34 and the recognition of sexual harassment as a serious issue by some state and Party media.35 Official actions aimed at suppressing discussion and collective action included online censorship 36 and increased surveillance, 37 while university officials pressured students to cease campaigning 38 by questioning them about their organizing,³⁹ harassing their family members,⁴⁰ and in at least one instance threatening to prevent a student from graduating.41 When a student at Peking University drew significant attention and support after describing the extent of her harassment by school officials,42 authorities subsequently released instructions to censor all reporting regarding the incident.43 A January 2018 commentary published in the Global Times, a Party-run media outlet, stated that "[m]ore efforts should be put into establishing and perfecting laws and regulations so as to deter potential sexual violence" while cautioning that "[s]ocial movements can only play a limited role in reducing sexual harassment."44

Gender-Based Discrimination

EMPLOYMENT

Women in China continued to face a variety of barriers to equal employment, which the Chinese government is obligated to address under its international commitments 45 and domestic laws. 46 A study of Chinese job recruitment advertisements conducted by international non-governmental organization (NGO) Human Rights Watch (HRW) found that discriminatory and sexualized views of women were pervasive: recruitment advertisements reflected assumptions that women are less qualified for work requiring strength, intelligence, or mental fitness; ⁴⁷ that the thinking and behavior of women is inherently inferior; ⁴⁸ and that it is acceptable for employers to use the physical attractiveness of female employees as a condition of employment even when unrelated to job performance,49 or as an inducement for recruiting male employees. 50 The study found discriminatory recruitment in both the private and public sectors, with 19 percent of postings for the national civil service jobs in 2018 listing a requirement or preference for males, up from 13 percent in 2017.⁵¹ The World Economic Forum's 2017 Global Gender Gap Report found that discrimination in China also continued to manifest in the underrepresentation of women in management positions 52 and disparities in pay, with women earning on average 62 percent of what men earn.⁵³

A 2015 study by the International Labour Organization attributed most of the wage differential to discrimination,⁵⁴ noting that such disparities have increased over the period of economic reform

that began in 1978,⁵⁵ accelerating during the 2000s with the intensification of market liberalization.⁵⁶ The HRW study attributed the lack of women in leadership roles and the increasing wage gap in part to individual employers' discriminatory views of women and their increased discretion over employment decisions beginning in the reform period.⁵⁷ Another significant factor identified by scholars has been the shifting of responsibility for child care from the government system (via publicly funded maternity leave and nursery schools) to the private sector, with the resulting burden falling disproportionately to individual women.⁵⁸ National law guarantees 98 days of paid maternity leave and no paternity leave,⁵⁹ making employers reluctant to hire female employees because they are seen as more costly and a pregnancy "risk." ⁶⁰ Experts said that such discrimination had been exacerbated by the "universal two-child policy" implemented in January 2016. ⁶¹ [For more information on the "universal two-child policy," see Section II—Population Control.]

International observers reported that employer discrimination in China has not been checked by prohibitions against gender discrimination in existing laws 62 because enforcement has been rare and negligible.63 Chinese laws do not themselves give a clear definition of gender discrimination,64 and women reported being reluctant to initiate complaints because of the time, cost, and risk to future employment.65 The local bureaus responsible for enforcing laws against discrimination in hiring have rarely initiated their own investigations and have seldom taken punitive action in response to complaints.66 In addition, some laws continued to discriminate against women by barring them from performing certain jobs—in some cases based on whether they are menstruating, pregnant, or breastfeeding.67

PROPERTY RIGHTS

Women in China continued to lack secure rights to property due to a combination of discriminatory policy implementation and adherence to patriarchal cultural values. Many rural women were deprived of land rights—guaranteed under national law—due to village-level policies and customs that deny women rights to collectively owned land if they marry outside of the village, divorce, become widowed, or remain unmarried above a certain age. 68 Legal advocates say that enforcement mechanisms for guaranteeing women's land rights are lacking.⁶⁹ Women's property rights assigned at the household level are also marginalized by a lack of decisionmaking power within households; according to a sample survey conducted by the state-run Research Center for Rural Economy, 30.4 percent and 80.2 percent of rural women were not registered on any commercial land rights certificates and residential property certificates, respectively.70 Officials suggested a number of proposals aimed at addressing these issues during the upcoming round of agricultural policy reforms.⁷¹

Violence Against Women

Women in China continued to face challenges with domestic and sexual violence as officials continued to develop a legal and institutional infrastructure to prevent such abuse. By the end of October 2017, the courts had issued a total of 1,830 protection orders under the PRC Anti-Domestic Violence Law,⁷² in effect since March 2016.⁷³ A 2017 Chinese NGO report found that while there were improvements in implementation of the law, such as increased awareness and the publishing of local implementing regulations, other challenges remained.⁷⁴ Chinese courts maintained an evidentiary standard for proving domestic violence that was difficult for victims to meet, and victims escaping abusive domestic situations received inadequate support in seeking shelters, with only 149 admissions to roughly 2,000 shelters for victims nationwide in 2016.⁷⁵

Notes to Section II-Status of Women

¹Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, arts. 7, 24. Under Article 7(b) of CEDAW, China, as a State Party, is obligated to "ensure to women, on equal terms with men," the right "[t]o participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government . . ." United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 27 July 18. China signed the convention on July 17, 1980, and ratified it on November 4, 1980, thereby committing to undertake the legal rights and obligations contained in these

articles.

² PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, amended 28 August 05, effective 1 December 05, art. 11; PRC Electoral Law of the National People's Congress and Local People's Congress a [Zhonghua renmin gongheguo quanguo renmin daibiao dahui he difang geji renmin daibiao dahui xuanju fa], passed 1 July 79, amended 10 December 82, 2 December 86, 28 February 95, 27 October 04, 14 March 10, 29 August 15, art. 6. Both of these laws stipulate that an "appropriate number" of female deputies should serve at all levels of people's congresses.

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