

STATUS OF WOMEN

China's Compliance With International Human Rights Obligations

China underwent a periodic review by the UN Committee on Economic, Social and Cultural Rights (CESCR) in May 2014¹ and will undergo a periodic review by the UN Committee on the Elimination of Discrimination against Women (Committee) beginning in October 2014.² In its concluding observations on the second periodic report of China, CESCR noted persistent gender disparities in China, “especially in relation to employment, wages, housing and access to higher education” and highlighted “with concern the disadvantaged position of rural women.”³ In preparation for the upcoming Committee review, the Chinese government submitted a report in January 2014 on its implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) from 2006 to 2010.⁴ The report described progress on protecting women’s rights in China’s laws, regulations, and policies,⁵ yet also acknowledged some challenges, including persistent gender discrimination, inadequate implementation of relevant laws, low percentages of female representation in senior decisionmaking bodies, unequal treatment of rural women under local village rules, and violence against women.⁶ Non-governmental organizations also highlighted areas for improvement in reports to the Committee in January and February 2014, specifically noting cases of suppression of women’s rights advocates.⁷

Women's Political Decisionmaking

Through its international commitments and domestic laws and policies, the Chinese government is obligated to ensure gender-equal political participation; however, during the Commission’s 2014 reporting year, women remained underrepresented in government and Communist Party positions. In accordance with its commitments under CEDAW,⁸ the Chinese government has passed several laws⁹ and issued policy initiatives¹⁰ in prior years to promote gender equality in government. Yet, female representation remains low or non-existent in central Party and government leadership bodies, including the Political Bureau of the Communist Party Central Committee (Politburo),¹¹ Politburo Standing Committee,¹² Communist Party Central Committee,¹³ State Council,¹⁴ and National People’s Congress,¹⁵ and falls far short of the 30 percent target recommended by the UN Commission on the Status of Women.¹⁶ Women reportedly held 22.1 percent of village committee memberships as of 2012 and 2.7 percent of leadership positions in village committees as of 2008.¹⁷ Such underrepresentation at the village level leaves rural women vulnerable to violations of their rights and interests.¹⁸ The UN Working Group on the Issue of Discrimination Against Women in Law and in Practice (Working Group) noted following its December 2013 visit to China, “The imperative for full integration of a gender sensitive policy framework into China’s deepening reform agenda . . . requires the full and effective participation of women in political and public life at all levels.”¹⁹

Gender-Based Discrimination

EMPLOYMENT DISCRIMINATION

In ratifying CEDAW, the Chinese government has committed to take “all appropriate measures to eliminate discrimination against women in the field of employment,”²⁰ yet women in China’s workforce continue to face many forms of discrimination. Following its December 2013 visit to China, the Working Group issued a report²¹ noting China’s accomplishments in women’s rights,²² as well as persistent challenges, including gender discrimination in recruitment,²³ wages,²⁴ and retirement.²⁵ When applying for civil service positions, women report that they continue to be subjected to invasive gynecological examinations and inappropriate questioning.²⁶ In January 2014, in what is believed to be China’s first gender discrimination lawsuit, a recent college graduate accepted a 30,000 yuan (US\$4,845) settlement and a formal apology after a company refused to hire her because of her gender.²⁷

EDUCATION DISCRIMINATION

Gender-based discrimination remains a barrier for some young women pursuing a university education in China, despite provisions in the PRC Education Law that prohibit discrimination on several grounds, including gender.²⁸ Reports indicate that universities across China continue to implement gender quotas that require women to score higher than men on the college entrance exam (*gaokao*) for acceptance into certain schools or majors.²⁹ Some schools also ban or restrict women from certain majors, including mining, navigation, naval engineering, tunnel engineering, and police work.³⁰ Reasons given for preventing or limiting women from enrolling in these majors included that the jobs that result from these studies are not available to women; or are too dangerous, too physically strenuous; or would require too much time at sea.³¹ In October 2012, the Ministry of Education (MOE) responded to an Open Government Information request, stating that gender quotas are permitted in military and national defense, marine and mining, and some less-commonly studied foreign language majors.³² In September 2013, two groups of women separately wrote reports to the MOE protesting the unfair enrollment practices and requesting an explanation.³³

Violence Against Women

DOMESTIC VIOLENCE

Domestic violence is prohibited and punishable under Chinese law, yet the problem of domestic violence in China remains widespread, affecting approximately one in four families.³⁴ Current national-level legal provisions³⁵ that address domestic violence leave many victims unprotected by prohibiting domestic violence without defining the term or clarifying the specific responsibilities of government entities—such as law enforcement, judicial organs, and providers of social services—in prevention, punishment, and treatment.³⁶ The UN Working Group on the Issue of Discrimination Against Women in Law and in Practice called on the Chinese government this year to “urgently adopt” a national-level domestic

violence law,³⁷ reiterating advocates' calls from previous years.³⁸ As of June 2014, draft domestic violence legislation reportedly had been submitted to the State Council for review³⁹ and included in its 2014 legislative work plan.⁴⁰

In February 2014, the Supreme People's Court (SPC) issued a report presenting 10 "typical cases"⁴¹ that serve as illustrations for lower courts on how they should handle cases involving domestic violence.⁴² According to one international expert's analysis of the report, the SPC's selection of typical cases provides guidance on issuing civil protection orders; expands the scope of who may be protected under protection orders to include the elderly and minors; clarifies what may constitute evidence in domestic violence cases; expands the definition of violence to include non-physical forms; and sets a precedent for additional punishments that can be imposed for domestic violence, including loss of custody of a child even if the child has not suffered physical harm.⁴³

According to one Chinese anti-domestic violence expert, in the absence of the authority of a domestic violence law, protection orders have not yet gained ground in China, as courts "are afraid of being overrun by applicants and of being unable to enforce the orders and therefore becoming a mockery, with the police not cooperating."⁴⁴ Advocates reportedly claim that legislation, including a domestic violence law, could help standardize the process of issuing protection orders, provide a formal definition for domestic violence, and counter the widely held belief in China that domestic violence is a private matter by assigning responsibility to courts, police, hospitals, and civil society actors to assist victims.⁴⁵ In one high-profile domestic violence case, following Chinese and international advocates' calls for a sentence commutation,⁴⁶ in June 2014, the SPC overturned⁴⁷ the death sentence of Li Yan, who killed her husband in 2010 after enduring months of spousal abuse.⁴⁸ The Sichuan Province High People's Court had upheld Li's death sentence on appeal in August 2012, stating that there was insufficient evidence of long-term domestic violence.⁴⁹

SEXUAL VIOLENCE⁵⁰

Central government authorities have taken regulatory steps this year to better protect the rights of women and children who may be vulnerable to sexual violence. In apparent response to citizens' outrage⁵¹ over a series of high-profile cases of sexual violence against girls last year,⁵² in September 2013, central authorities issued guidelines and a circular, both aimed at strengthening the prevention of sexual assault of a child.⁵³ The following month, the SPC, Supreme People's Procuratorate, Ministry of Justice, and Ministry of Public Security jointly issued guidelines strengthening punishments for child sexual assault.⁵⁴ Perpetrators had previously received lighter punishments if they could claim consent or if money was involved.⁵⁵ Critics have noted that legal loopholes may mean that certain circumstances or conduct will still result in lighter punishments for perpetrators.⁵⁶

Chinese law prohibits sexual harassment yet does not provide a clear legal definition or standards for prevention, reporting, and punishment.⁵⁷ Two surveys of female factory workers in Shenzhen and Guangzhou municipalities, Guangdong province, released in

November 2013 showed that 70 percent of respondents had experienced some degree of sexual harassment in the workplace, and few sought assistance from management or the police.⁵⁸ Legal experts have called for strengthened legislation on sexual harassment, yet authorities have not announced any progress on such legislation during this reporting year.⁵⁹

STATE-AUTHORIZED VIOLENCE AGAINST WOMEN

Officials in localities across China continued to employ forms of coercion and violence against women—including forced abortion,⁶⁰ forced sterilization,⁶¹ and forced contraceptive use⁶²—while implementing population planning policies, in contravention of international standards to which China has agreed.⁶³ Chinese law leaves women unprotected against such abuses.⁶⁴ In December 2013, over 1,000 Chinese women signed and sent a letter to the National People’s Congress Standing Committee, the Family Planning Commission, and the All-China Women’s Federation, noting that the implementation of China’s population planning policies “causes great harm to women’s wombs” and calling on Chinese officials to “protect women’s right to life and health” during the drafting and execution of China’s population planning policies.⁶⁵

In February 2014, the Ministry of Public Security launched a crackdown on the commercial sex trade, starting in Dongguan municipality, Guangdong province, in apparent response to a February 9 China Central Television exposé on the industry.⁶⁶ As of July 2014, Dongguan police reportedly had detained 2,252 people as part of the crackdown.⁶⁷ In past years, women in China have reported suffering unlawful arbitrary detention, extortion, physical violence, and forced labor at the hands of authorities carrying out enforcement of anti-prostitution laws.⁶⁸

Notes to Section II—Status of Women

¹UN Committee on Economic, Social and Cultural Rights, “Committee on Economic, Social and Cultural Rights Concluding Observations on the Second Periodic Report of China, Including Hong Kong, China and Macao, China,” 23 June 14, E/C.12/CHN/CO/2.

²UN Office of the High Commissioner for Human Rights, Committee on the Elimination of Discrimination against Women, Provisional Agenda and Annotations, 23 June 14, CEDAW/C/59/1. According to this document, the 59th session of the Committee on the Elimination of Discrimination against Women will take place from October 20 through November 7, 2014.

³UN Committee on Economic, Social and Cultural Rights, Committee on Economic, Social and Cultural Rights Concluding Observations on the Second Periodic Report of China, Including Hong Kong, China and Macao, China, E/C.12/CHN/CO/2, 23 June 14, para. 16.

⁴UN Committee on the Elimination of All Forms of Discrimination against Women, Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined Seventh and Eighth Periodic Report of States Parties, China, CEDAW/C/CHN/7–8, 17 January 13, para. 2.

⁵Ibid., paras. 10–51.

⁶Ibid., para. 52.

⁷See, e.g., Chinese Human Rights Defenders, “Information Submitted by Joint Chinese NGOs With the Assistance of Chinese Human Rights Defenders (CHRD) to Committee on the Elimination of Discrimination against Women on the Occasion of the Consideration of List of Issues Related to the Combined Seventh and Eighth Periodic Report of the People’s Republic of China at the Pre-Sessional Working Group Meeting of the Committee’s 59th Session,” 20 February 14, art. 5; Human Rights in China, “Suggested Questions and Issues To Be Raised With the Chinese Government in Advance of the Fifth Review of Its Implementation of the Convention on the Elimination of All Forms of Discrimination against Women,” January 2014, para. 30.

⁸Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification, and accession by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81. Under Article 7 of CEDAW, China is committed to ensuring the right of women, on equal terms with men, “to 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.” UN Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 19 June 14. China signed the convention on July 17, 1980, and ratified it on November 4, 1980.

⁹PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, art. 11; PRC Electoral Law of the National People's Congress and Local People's Congresses [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, art. 6. The PRC Law on the Protection of Women's Rights and Interests and the PRC Electoral Law of the National People's Congress and Local People's Congresses stipulate that an "appropriate number" of female deputies should serve at all levels of people's congresses.

¹⁰State Council Information Office, "National Human Rights Action Plan of China (2012–2015)," reprinted in Xinhua, 11 June 12, sec. III(2); State Council, "PRC Outline for the Development of Women (2011–2020)" [Zhongguo funu fazhan gangyao (2011–2020)], issued 30 July 11, sec. 3(4).

¹¹Women (Liu Yandong and Sun Chunlan) held 2 out of 25 positions in the Politburo. See Benjamin Kang Lim and Michael Martina, "China's Politburo Has More Women, Is Younger—But Barely," Reuters, 15 November 12.

¹²Women held no positions in the Politburo Standing Committee as has been the case throughout the history of the CCP. See "Meet Your New Politburo Standing Committee," Economic Observer, 15 November 12; Cheng Li, "A Biographical and Factional Analysis of the Post-2012 Politburo," China Leadership Monitor, Hoover Institution, Stanford University, No. 41, 7 June 13; Zhuang Pinghui, "Breaking the Glass Ceiling in the Politburo Standing Committee," South China Morning Post, 19 September 12.

¹³Women held 10 positions in the 205-person Communist Party Central Committee. See "Members of the 18th CPC Central Committee," Xinhua, 14 November 12.

¹⁴Two women (Li Bin and Wu Aiyong) held positions on the 35-person State Council, which was appointed in March 2013. See "China Unveils New Cabinet Amid Function Reform," Xinhua, 17 March 13.

¹⁵Women held 23.4 percent of National People's Congress memberships in 2014. See Yan Hao et al., "Percentage of Female Delegates to China's Top Authoritative Body Reaches Highest Level in History" [Zhongguo zuigao guojia quanli jiguan nuxing daibiao bili dadao lishi zuigao shuiping], Xinhua, 8 March 14; National Bureau of Statistics of China, "Number of Deputies to All the Previous National People's Congresses," China Statistical Yearbook 2013, 2013, Table 23–1. According to the 2013 China Statistical Yearbook, female representation in the National People's Congress has stayed around 21 percent since the late 1970s.

¹⁶The target of 30 percent female representation in leadership positions by 1995 was recommended by the UN Commission on the Status of Women at its 34th session in 1990. "Target: 30 Percent of Leadership Positions to Women by 1995—United Nations Commission on the Status of Women," UN Chronicle, reprinted in Popline, June 1990.

¹⁷See "Raising Percentage of Female Village Committee Members Is Necessary for Development" [Tigao cunweihui chengyuan zhong nuxing bili shi fazhan suo xu], People's Daily, 12 March 14; Christophe Bahuet, "The Importance of Women's Leadership," China Daily, 6 November 12.

¹⁸Xuyang Jingjing, "No Woman's Land," Global Times, 16 January 14; Amnesty International, "China: Submission to the UN Committee on Economic, Social and Cultural Rights, 52nd Session, May 2014," ASA 17/014/2014, March 2014, 10; Rangita de Silva de Alwis, "Introduction," in Women Leading Lawmaking in China, Global Women's Leadership Initiative, Wilson Center, February 2013, 6–7; Li Huiying, "The Pain of Chinese Urbanization: Strengthening of Gender Layering," in Women Leading Lawmaking in China, Global Women's Leadership Initiative, Wilson Center, February 2013, 14–18; UN Entity for Gender Equality and the Empowerment of Women, "Asia-Pacific Calls for Urgent Increase to Low Participation of Women in Politics," 4 February 13.

¹⁹UN Office of the High Commissioner for Human Rights, 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, 19 December 13.

²⁰Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification, and accession by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 11. China signed the convention on July 17, 1980, and ratified it on November 4, 1980. See UN Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 14 September 12.

²¹UN General Assembly, Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice, Mission to China, A/HRC/26/39/Add.2, 12 June 14, paras. 39–45, 109.

²²Ibid., paras. 15–18.

²³Ibid., paras. 39–45, 109. For additional reports of gender discrimination in recruitment and hiring, see Joanna Chiu, "China's Women Professionals Challenge Workplace Inequality," South China Morning Post, 13 October 13; Julie Makinen, "China's Women Begin To Confront Blatant Workplace Bias," Los Angeles Times, 28 February 14.

²⁴UN General Assembly, Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice, Mission to China, A/HRC/26/39/Add.2, 12 June 14, paras. 39–45, 109. For the most recent available information on gender income gaps in China, see He Dan, "Gender Income Gap Continues To Widen," China Daily, 16 May 13; Joanna Chiu, "China's Women Professionals Challenge Workplace Inequality," South China Morning Post, 13 October 13.

²⁵UN General Assembly, Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice, Mission to China, A/HRC/26/39/Add.2, 12 June 14, paras. 39–45, 109. Currently, retirement ages for male and female government and Party officials are 60

and 55, respectively, while retirement ages for male and female workers in general are 60 and 50, respectively. For regulations on retirement ages for most workers, see State Council Provisional Measures on Workers' Retirement and Withdrawal from Office [Guowuyuan guanyu gongren tuixiu, tuizhi de zanzing banfa], issued 2 June 78, art. 1. For regulations on extended retirement ages for cadres, see State Council Provisional Measures on the Settlement of Elderly, Weak, Sick, and Disabled Cadres [Guowuyuan guanyu anzhi lao ruo bing can ganbu de zanzing banfa], 2 June 78, art. 4. See also "China's Compulsory Retirement Age for Males and Females Challenged for Violating Constitution" [Woguo nannu tuixiu nianling guiding bei tiqing weixian shencha], Legal Morning Post, reprinted in China Law Education Net, 16 March 06. For a recommendation from the UN Working Group on the Issue of Discrimination Against Women in Law and in Practice calling for the cancellation of early mandatory retirement for women in China, see UN General Assembly, Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice, Mission to China, A/HRC/26/39/Add.2, 12 June 14, para. 109(f).

²⁶ Julie Makinen, "China's Women Begin To Confront Blatant Workplace Bias," Los Angeles Times, 28 February 14. See also Amy Li, "Job-Seekers in Wuhan Protest Government-Imposed Gynaecological Tests," South China Morning Post, 28 November 12.

²⁷ China Labour Bulletin, "Plaintiff Obtains 30,000 Yuan in China's First Gender Discrimination Lawsuit," 9 January 14.

²⁸ PRC Education Law [Zhongguo renmin gongheguo jiaoyu fa], passed 18 March 95, effective 1 September 95, art. 9.

²⁹ Celia Hatton, "100 Women: The Jobs Chinese Girls Just Can't Do," BBC, 16 October 13; "Room for Improvement in Achieving Gender Equality in University Enrollment," Phoenix Net, translated and reprinted in All-China Women's Federation, 17 January 14; Li Li, "Leveling the Playing Field," Beijing Review, 8 October 13.

³⁰ Ibid. For additional information on the use of gender quotas, see China Labour Bulletin, "Employment Discrimination in China," 20 November 12; Didi Kirsten Tatlow, "Women in China Face Rising University Entry Barriers," New York Times, 7 October 12.

³¹ Celia Hatton, "100 Women: The Jobs Chinese Girls Just Can't Do," BBC, 16 October 13; "Room for Improvement in Achieving Gender Equality in University Enrollment," Phoenix Net, translated and reprinted in All-China Women's Federation, 17 January 14.

³² Luo Wangshu, "Ministry Defends Gender Ratios for Colleges," China Daily, 17 October 12.

³³ "Room for Improvement in Achieving Gender Equality in University Enrollment," Phoenix Net, translated and reprinted in All-China Women's Federation, 17 January 14.

³⁴ Supreme People's Court, "SPC Press Conference Regarding People's Court Judicial Intervention in Circumstances Related to Domestic Violence" [Zuigao renmin fayuan guanyu renmin fayuan sifa ganyu jiating baoli youguan qingkuang xinwen fabuhui], 27 February 14.

³⁵ See, e.g., PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, art. 46; PRC Criminal Law [Zhonghua renmin gongheguo xingfa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, arts. 234, 236, 237, 260; PRC Marriage Law [Zhonghua renmin gongheguo hunyin fa], passed 10 September 80, effective 1 January 81, amended 28 April 01, art. 3.

³⁶ PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, art. 46; PRC Marriage Law [Zhonghua renmin gongheguo hunyin fa], passed 10 September 80, effective 1 January 81, amended 28 April 01, art. 3. For Chinese experts' discussion of the shortcomings of current national-level legislation, see Ng Tze-wei, "A Clear Definition of Domestic Violence Is Needed To Curb the Crime," South China Morning Post, 7 February 13; Huang Yuli and He Dan, "Call for Action on Domestic Violence," China Daily, 26 November 12; "China Scholars Call for Attention on 'Anti-Domestic Violence' Legislation" [Zhongguo xuezhe huyu guanzhu "fan jiating baoli" lifa], Radio Free Asia, 13 January 10; Li Fei, "All-China Women's Federation Strongly Promotes Anti-Domestic Violence Legislation" [Quanguo fulian litui fan jiating baoli lifa], People's Representative News, 31 December 09. See also "All-China Women's Federation Proposes, Highlights Need for Draft Anti-Domestic Violence Legislation," Congressional-Executive Commission on China, 2 February 10.

³⁷ UN Human Rights Council, Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice, Mission to China, A/HRC/26/39/Add.2, 12 June 14, para. 107(a).

³⁸ Beijing Children's Legal Aid and Research Center, "Don't Let Children Grow Up Under the Shadow of Domestic Violence" [Bie rang haizi zai jiabao de yinying xia chengzhang], 12 October 12; Huang Yuli and He Dan, "Call for Action on Domestic Violence," China Daily, 26 November 12; Ng Tze-wei, "A Clear Definition of Domestic Violence Is Needed To Curb the Crime," South China Morning Post, 7 February 13; Zhang Yiqian, "Battered but Not Beaten," Global Times, 18 February 13. For information on calls for national-level legislation in previous years, see CECC, 2013 Annual Report, 10 October 13, 111; CECC, 2012 Annual Report, 10 October 12, 102; CECC, 2011 Annual Report, 10 October 11, 124; CECC, 2010 Annual Report, 10 October 10, 132.

³⁹ "12th National People's Congress Standing Committee Legislative Plan" [Shier jie quanguo renda changweihui lifa guihua], Xinhua, reprinted in National People's Congress, 31 October 13.

⁴⁰ "Anti-Domestic Violence Law Draft Submitted to State Council for Review, 90 Percent of Those Surveyed Support Legislation" [Fan jiabao fa caoan song shen gao bao guowuyuan juecheng bei diaochazhe zhichi lifa], Legal Daily, reprinted in China News, 3 June 14.

⁴¹ Supreme People's Court, "Supreme People's Court Issues 10 Typical Cases Involving Domestic Violence" [Zuigao renmin fayuan gongbu shi qishe jiating baoli dianxing anli], reprinted in Peking University Law Library, 28 February 14.

⁴²Susan Finder, “Supreme People’s Court Focuses on Domestic Violence,” Supreme People’s Court Monitor (blog), 16 March 14.

⁴³Supreme People’s Court, “Supreme People’s Court Issues 10 Typical Cases Involving Domestic Violence” [Zuigao renmin fayuan gongbu shi qishe jiating baoli dianxing anli], reprinted in Peking University Law Library, 28 February 14; Susan Finder, “Supreme People’s Court Focuses on Domestic Violence,” Supreme People’s Court Monitor (blog), 16 March 14.

⁴⁴Didi Kirsten Tatlow, “Pushing for Law Against Domestic Violence in China,” New York Times, Sinosphere (blog), 26 February 14.

⁴⁵Ibid.

⁴⁶Raymond Li, “Outcry Over Sichuan Woman’s Death Sentence for Killing Abusive Husband,” South China Morning Post, 30 January 13; Amnesty International, “Document—Chinese Woman Faces Imminent Execution: Li Yan,” 24 January 13; Human Rights Watch, “China: Commute Death Sentence in Domestic Violence Case,” 30 January 13.

⁴⁷Dui Hua Foundation, “China’s Supreme Court Overturns Death Sentence of Domestic Violence Survivor,” 23 June 14.

⁴⁸Li Haifu and Cai Xiaoli, “Sichuan Woman Kills Husband Then Dismembers, Boils, and Discards Corpse, Claims She Suffered Domestic Violence” [Sichuan nuzi sha fu hou jinxing fenge pengzhu paoshi cheng zaoshou jiabao], Sichuan News Net, reprinted in Xinhua, 30 January 13; Human Rights Watch, “China: Commute Death Sentence in Domestic Violence Case,” 30 January 13; Dui Hua Foundation, “China’s Supreme Court Overturns Death Sentence of Domestic Violence Survivor,” 23 June 14.

⁴⁹Li Haifu and Cai Xiaoli, “Sichuan Woman Kills Husband Then Dismembers, Boils, and Discards Corpse, Claims She Suffered Domestic Violence” [Sichuan nuzi sha fu hou jinxing fenge pengzhu paoshi cheng zaoshou jiabao], Sichuan News Net, reprinted in Xinhua, 30 January 13.

⁵⁰World Health Organization, “Violence Against Women,” Fact Sheet No. 239, November 2012. The World Health Organization defines sexual violence as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.”

⁵¹“Women Lawyers To Campaign for China’s Sex Abuse Victims,” Radio Free Asia, 3 June 13.

⁵²Wu Xiaofeng and Xing Dongwei, “Hainan, Wanning Primary School Principal Takes Four Young Girls to Hotel, Government Worker Takes Two Young Girls to Hotel” [Hainan wanning yi xiao xiaozhang dai 4 younu kaifang zhengfu zhiyuan dai 2 younu kaifang], Legal Daily, 13 May 13; “China Orders Severe Penalties for Child Abuse,” Xinhua, 24 October 13.

⁵³For discussion of guidelines issued jointly by the Ministry of Education, Ministry of Public Security, the Central Committee of the Communist Youth League of China, and the All-China Women’s Federation in September 2013, see “China Moves To Curb Sexual Assaults Against Children,” Xinhua, 24 September 13. For discussion of the Ministry of Education Circular issued in October 2013, see “China Emphasizes Legal Education for Teachers,” Xinhua, 22 October 13.

⁵⁴Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, Ministry of Justice, Opinion Regarding the Lawful Punishment of Sexual Crimes Against Minors [Zuigao renmin fayuan zuigao renmin jianchayuan gonganbu sifabu guanyu yifa chengzhi xing qinhai wei chengnianren fanzui de yijian], 23 October 13. For discussion of these guidelines, see “China Orders Severe Penalties for Child Abuse,” Xinhua, 24 October 13.

⁵⁵For a discussion of these loopholes, see Didi Kirsten Tatlow, “In China, a Controversial Law Is Seen To Excuse Sex With Minors,” New York Times, 18 June 13; Sophie Song, “China’s ‘Child Rape Isn’t Rape’ Law Is Sparking Outrage,” International Business Times, 13 May 13.

⁵⁶Chris Luo, “‘Left Behind’ Girl, Aged 11, Falls Victim to Sexual Abuse by Villagers,” South China Morning Post, 8 January 14.

⁵⁷PRC Law on the Protection of Women’s Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], passed 3 April 92, effective 1 October 92, amended 28 August 05, arts. 40, 58; State Council, Special Provisions for the Work Protection of Female Employees [Nu zhigong laodong baohu tebie guiding], issued and effective 28 April 12, art. 11; Women’s Watch-China, “Annual Report 2008,” 2008, 30.

⁵⁸Shenzhen Hand in Hand Workers’ Activity Space, “‘Monitoring Sexual Harassment’ Survey Report,” 22 November 13, 4; Sunflower Women Workers Centre, “The Sexual Harassment of Women Factory Workers in Guangzhou,” reprinted in China Labour Bulletin, 25 November 13, 2, 4.

⁵⁹Cao Yin, “What Can Be Done To Prevent Sexual Harassment,” Xinhua, 13 March 13.

⁶⁰Mark Stone, “China Couple Speak of Forced Abortion,” Sky News, 4 October 13; “Four Uyghur Women Forced To Abort Their Babies in Xinjiang,” Radio Free Asia, 30 December 13.

⁶¹ChinaAid, “Guizhou Family Planning Official Says Woman Should Have Forced Sterilization ‘Because He Told Her To,’” 27 January 14.

⁶²Li Qiuling, “Baiyun District—Woman Doesn’t Want IUD Implanted, Residence Committee Threatens Cancellation of Bonus Share” [Baiyun qu—nuzi bu xiang shanghuan juweihui weixie quxiao fenhong], Xinkuai Net, 3 January 14.

⁶³Beijing Declaration and Platform for Action (1995), adopted at the Fourth World Conference on Women on 27 October 95, and endorsed by UN General Assembly resolution 50/203 on 22 December 95, para. 115; UN Women, Convention on the Elimination of All Forms of Discrimination against Women, General Recommendations Made by the Committee on the Elimination of Discrimination against Women, last visited 16 July 14, General Recommendation No. 19 (11th Session, 1992), paras. 22, 24(m), General Recommendation No. 21 (13th Session, 1994), paras. 21–23.

⁶⁴PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, effective 1 September 02, arts. 4, 39. Article 4 of the PRC Population and Family Planning Law (PFPL) states that officials “shall perform their administrative duties strictly in accordance with the law, and enforce the law in a civil manner, and

they may not infringe upon the legitimate rights and interests of citizens.” Article 39 states that an official is subject to criminal or administrative punishment if he or she “infringes on a citizen’s personal rights, property rights, or other legitimate rights and interests” or “abuses his or her power, neglects his or her duty, or engages in malpractices for personal gain” in the implementation of population planning policies. The provision does not define what constitutes an infringement or provide punishment for violations. See also Yan Shuang, “Fury Over ‘Forced Abortion,’” *Global Times*, 14 June 12; Stanley Lubman, “The Law on Forced Abortion in China: Few Options for Victims,” *Wall Street Journal*, *China Real Time Report* (blog), 4 July 12.

⁶⁵“12 Moments in China’s Women’s Rights in 2013—A Review of the Year’s Innovative Public Actions” [2013 zhongguo de 12 ge nuquan shike—niandu gongkai chuangxin xingdong huigu], *Women’s Net*, reprinted in *China Development Brief*, 16 January 14.

⁶⁶“Commentary: Prostitution Crackdown Helps Corruption Fight,” *Xinhua*, 19 February 14; Edward Wong, “A Clampdown on Prostitution and Gambling Spreads in China,” *New York Times*, 18 February 14; Edward Wong, “Red Lights Dim in China’s Sin City,” *New York Times*, 6 March 14.

⁶⁷He Hui Feng, “Dongguan Massage Parlours Reopen After Sex Trade Crackdown,” *South China Morning Post*, 31 July 14.

⁶⁸*Asia Catalyst*, “Custody and Education: Arbitrary Detention for Female Sex Workers in China,” December 2013, 20–24; Human Rights Watch, “Swept Away: Abuses Against Sex Workers in China,” 14 May 13, 23–24; UN Human Rights Council, Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice, Mission to China, A/HRC/26/39/Add.2, 12 June 14, para. 81; Ministry of Supervision, Ministry of Human Resources and Social Security, Ministry of Public Security, Regulations on the Discipline of the People’s Police [Gongan jiguan renmin jingcha jilu tiaoling], issued 21 April 10, effective 1 June 10, art. 11.