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Findings

- Women in China continue to face persistent gender inequality through ongoing promotion of traditional gender norms and gender-based discrimination. The Chinese government's poor implementation and lack of consistency after its codification of several laws and regulations aimed at addressing widespread gender inequality have failed to adequately address and implement structural reforms.
- In September 2021, the Chinese government announced the "Outline of Women's Development in China (2021–2030)," which the government says will play a vital role in the implementation of gender equality across numerous sectors. Additionally, the National People's Congress publicized proposed revisions to the PRC Women's Rights and Protection Law.
- As in previous years, the Chinese government has failed to fulfill its commitment to adequately represent women in legislative bodies, public institutions, and corporate entities.
- In response to a viral video of a mother of eight chained by her neck, the Chinese government announced a "strike hard" campaign directed at combating trafficking of women and children. The video brought renewed attention to the plight of rural trafficked women and to widespread issues concerning domestic violence in China.
- Chinese authorities continued to pressure and harass the digital community of feminists and women's rights advocacy organizations, which led advocates to shut down social media accounts and websites and rely on overseas networks to advance their causes.
- Several prominent cases this year highlighted weaknesses in the Chinese legal system regarding sexual harassment and assault, including professional tennis player Peng Shuai's allegations, the dismissal of former China Central Television (CCTV) intern Zhou Xiaoxuan's #MeToo case, and the workplace sexual assault case against a former manager and company client at Alibaba.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Urge the Chinese government to provide the UN Committee on the Elimination of Discrimination against Women with timely and comprehensive information in response to the List of Concerns raised by domestic and international non-governmental organizations.
- Noting the publication of the "Outline of Women's Development in China (2021–2030)" and proposed revisions to the PRC Women's Rights and Protection Law, urge the Chinese government to use formal support organizations to implement services aimed at protecting women's rights and interests.
- Support the promotion and reinstatement of international non-governmental organizations that aim to support women in

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the economic, legal, and healthcare sectors. Encourage the facilitation of cross-border training and academic exchange in order to adequately implement anti-domestic violence legislation, particularly the use of personal protection orders.

- Urge the Chinese government to cease the harassment, intimidation, and other forms of mistreatment, offline and online, of women's rights activists and organizations.

- Urge the Chinese government to ratify International Labour Organization Convention 190, the Convention Concerning the Elimination of Violence and Harassment in the World of Work (2019).

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Introduction

Women in China continue to face persistent gender inequality through the ongoing promotion of gender norms that align with Party and government priorities,¹ and the failure of the Chinese government to adequately address the legal and cultural barriers to equality.² During the Commission's 2022 reporting year, high-profile news accounts concerning individual Chinese women focused domestic and international attention on the plight of trafficked women and survivors of reported assault by powerful male figures.³ Additionally, women's participation in the labor force has continued to decline,⁴ and women's political participation has remained stagnant.⁵ The Chinese government proposed revisions to the PRC Women's Rights and Protection Law,⁶ though some observers viewed the announcement as conflicting with the government's actions to suppress the #MeToo and feminist movements domestically and abroad.⁷ Similar to other laws and regulations, the proposed revisions lack specific penalties for violations, as some are already codified in other areas of Chinese national law yet remain poorly implemented.⁸ In September 2021, the Chinese government announced the "Outline of Women's Development in China (2021–2030)," which included initiatives aimed at promoting family fertility.⁹ While the guidelines appear to promote women's rights, the changes occur mostly in the context of the government's pronatalist agenda, failing to acknowledge the entrenched cultural inequality that affects women in the workplace and at home.¹⁰

The Chinese government has not adopted a "comprehensive definition of discrimination against women in national legislation," despite recommendations that it do so by the committee that assesses China's compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹¹ In October 2022, the Chinese government was scheduled to address its commitments under CEDAW; as of March 2022, however, China no longer appeared on the schedule for review.¹²

Political Participation and the Right to Participate in Public Life

According to the 2021 World Economic Forum's Global Gender Gap report, China ranks 107th out of 156 countries on gender parity and inequality.¹³ Women in China continue to hold few positions in the top levels of government and other institutions despite government commitments to increase their participation.¹⁴ While women constitute 28.8 percent of Communist Party membership, female representatives occupy a disproportionately small percentage of the Party Central Committee, at less than 10 percent.¹⁵ In an analysis of anticipated leadership changes in the lead-up to the 20th Party Congress, Brookings Institution scholar Cheng Li predicted that there would not be an increase in the number of women at the highest levels of the Party.¹⁶

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Tennis Star Peng Shuai's Allegations Silenced by Authorities

The case of tennis star Peng Shuai highlighted concerns over the risks Chinese women face when going public with allegations of sexual assault, especially against high-ranking officials.¹⁷ On November 2, 2021, Peng Shuai posted a statement on microblog Weibo accusing Zhang Gaoli, previously a member of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo) and a senior government official, of sexual assault.¹⁸ Chinese authorities quickly censored the post, and Peng subsequently disappeared from public view, with many believing she had been disappeared by force.¹⁹ On November 14, Women's Tennis Association (WTA) Chief Executive Steve Simon called for a full inquiry into her sexual assault allegations.²⁰

The start of the 2022 Beijing Winter Olympic Games reignited concern over Peng's well-being.²¹ Although Chinese authorities heavily censored Peng's story for domestic audiences,²² concerns for her well-being circulated on social media.²³ Unsatisfied with the Chinese government's response, the WTA Chief Executive announced the suspension of all tournaments²⁴ in mainland China and Hong Kong until a "full and transparent investigation—without censorship—into Peng Shuai's . . . accusation" occurs.²⁵ Despite the International Olympic Committee (IOC) and state-sponsored media claiming that Peng was "safe" and not under duress,²⁶ observers criticized the IOC's apparent complicity in the government's handling of the incident.²⁷ In December 2021, the New York Times and ProPublica published an analysis of Chinese social media accounts and found evidence of state-sponsored narratives and propaganda surrounding the case.²⁸ On February 7, 2022, Peng—accompanied by a Chinese Olympic official—announced her retirement from competitive tennis and reiterated that her accusations against Zhang Gaoli had been a "misunderstanding."²⁹

Violation of Freedoms of Expression, Peaceful Assembly, and Association

The People's Republic of China (PRC) has directly or indirectly forced the closure of domestic and international non-governmental organizations (NGOs) in China, including those organizations advocating for women's rights.³⁰ The decreasing space to operate, in part due to the strict registration requirements of the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, contributed to many rights defenders relying on the internet and overseas networks to engage in advocacy efforts.³¹ In an ongoing suppression of feminist-related content, Weibo deleted accounts related to women's rights issues, in some cases citing "gender opposition" as their reason for deletion.³² In November 2021, authorities in Zhongshan municipality, Guangdong province, criminally detained **Li Ronghao**, a rural women's property rights advocate, on suspicion of "picking quarrels and provoking trouble" for publicly expressing concern about the condition of **Zhang Zhan**, a citizen journalist who documented the COVID-19 outbreak in Wuhan municipality, Hubei province, in February 2020.³³

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Discrimination

Although gender discrimination is illegal in China, evidence of it persists in employment, wages, and property rights disputes. Despite China's ratification of the International Labour Organization conventions on equal pay (Convention 100) and employment discrimination (Convention 111), Chinese women still face persistent wage inequality, and as of 2020, the wage gap with men stood at more than 20 percent.³⁴ Critics of the "three-child policy" expressed concern that the policy and some of its proposed supporting measures would worsen the already pervasive issue of pregnancy- and gender-based discrimination.³⁵ Some women have been fired, demoted, or refused hiring after becoming pregnant or from the employer's fear that they would become pregnant.³⁶

Chinese property law stipulates that women's property rights are equal to those of men and guaranteed irrespective of marriage status, though in practice Chinese women endure continued property rights discrimination because of custom and the failure of the court system to uphold Chinese law.³⁷ Advocates for rural "married-out" women, who are frequently disenfranchised from land inheritance and compensation after marriage,³⁸ continued to petition authorities to allow these women to join collective farming organizations and obtain proper compensation for land use.³⁹

Chinese authorities continued to discriminate against single and unmarried women through "social maintenance fees" for having children out of wedlock, and by failing to provide government benefits those women would otherwise receive if they were married.⁴⁰ For example, a single mother in Beijing municipality was reportedly fired and denied maternity benefits after having a child out of wedlock in 2016.⁴¹ In March 2020, the Chaoyang District People's Court and the Beijing Third Intermediate People's Court both ruled that the birth violated family planning policies, ruling that her request for maternity benefits had no legal basis.⁴² In April 2021, the mother successfully submitted her case to the Beijing High People's Court, but her case was dismissed in December 2021, with the court again citing the violation of family planning policy as grounds to deny her maternity benefits.⁴³

Gender-Based Violence

DOMESTIC VIOLENCE AND DIVORCE

During the reporting year, the PRC's promotion of traditional gender roles, combined with the continued societal treatment of domestic violence as a family affair,⁴⁴ contributed to Chinese women's ongoing struggle with gender-based violence and with obtaining a divorce.⁴⁵ A year after the implementation of the PRC Civil Code's controversial divorce "cooling-off" period, which requires couples to wait 30 days before divorce finalization,⁴⁶ officials reported a significant decline in divorce rates.⁴⁷ One psychologist pointed out that authorities' concern appeared to prioritize "stability" over "individual happiness."⁴⁸

During this reporting year, several national-level institutions, including the Party-affiliated All-China Women's Federation, jointly issued an opinion to increase the effectiveness of domestic violence

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legislation, including the use of personal protection orders, in response to the continued pervasiveness of domestic violence in China.⁴⁹ The opinion highlights the obligation of institutions to report on instances of domestic violence, promotes the establishment of an integrated system for reporting, and indicates that applicants can apply to the courts to see their personal protection orders executed.⁵⁰ Consistent with the PRC Anti-Domestic Violence Law, the opinion's guidelines only apply to family members and those living in the same household, leaving out protection from previous spouses or partners.⁵¹ Several cases of domestic violence in China captured attention in domestic and international media, including:

- **Hubei province.** In July 2021, a court in Qichun county, Huangguang municipality, scheduled a pretrial hearing for a woman who had filed her eighth divorce petition.⁵² In an earlier ruling, court authorities determined that there was still a possibility of reconciliation between the couple despite the woman's mentally ill husband subjecting her to domestic violence within a year after their marriage in 2016.⁵³
- **Shaanxi province.** A video of a man assaulting his wife in Xi'an municipality prompted online discussion of authorities' willingness to punish the perpetrators of domestic violence.⁵⁴ According to a statement from public security officials, authorities "educated and criticized" the wife for her part in the incident, while the husband received five days in administrative detention and was released with no criminal charges.⁵⁵
- **Hebei province.** In November 2021, the Ci County People's Court, in Handan municipality, released details in the case of a man sentenced to eight months in prison for raping his wife.⁵⁶ Despite the lack of recognition for marital rape in Chinese civil or criminal law, the judge in the case ruled that the man had committed rape, predicating the rape conviction partly on the couple's pending divorce application.⁵⁷

Case of the Chained Jiangsu Woman Ignites Widespread Concern

In March 2022, the central government announced a "strike hard"⁵⁸ anti-trafficking campaign after a video appeared in the media that showed a woman shackled by her neck in an outdoor shed in Fengxian county, Xuzhou municipality, Jiangsu province. The woman, who reportedly lived chained in the shed no matter the time of year, had eight children with a man she had been forced to marry and suffered from an untreated, severe mental illness.⁵⁹ Although Chinese authorities censored the story for domestic audiences,⁶⁰ public pressure appeared to have forced local officials to investigate the woman's condition.⁶¹ In late February, officials in Jiangsu confirmed the woman as a repeat victim of human trafficking.⁶² Chinese authorities reportedly arrested the alleged traffickers,⁶³ and the case brought renewed attention to issues particularly affecting rural Chinese women, including bride trafficking⁶⁴ as well as other forms of human trafficking affecting Chinese women.⁶⁵ [For more information, see Section VI—Population Control, Section VI—Human Trafficking, and Section VIII—Public Health.]

SEXUAL HARASSMENT AND ASSAULT

During the reporting year, there were several high-profile incidents of sexual harassment and assault affecting Chinese women. Although the Chinese government provided input on the International Labour Organization's Violence and Harassment Convention (Convention 190),⁶⁶ it failed to ratify the convention, which would have promoted a "zero tolerance" policy on gender-based violence and harassment in the workplace.⁶⁷

In November 2021, the Yuanzhong Family and Community Development Service Center, a non-governmental organization in Dongcheng district, Beijing municipality, released an empirical study entitled "Sexual Harassment Prevention Law and the Judicial Trial Case Study Report (2019–2021)," which analyzed the current state and application of sexual assault and harassment policies and laws in China.⁶⁸ Key findings included the following:

- Only 21.82 percent of the sexual harassment cases identified listed sexual harassment as the civil cause of action, indicating that the recent addition of provisions to combat sexual harassment in the PRC Civil Code had yet to make a significant impact for those cases in the court system;⁶⁹
- Analysis of publicly available cases indicated that 62.27 percent of cases stemmed from workplace sexual harassment;⁷⁰
- Chinese courts disproportionately determine other main causes of findings besides sexual harassment in cases brought to court;⁷¹ and
- Shortcomings in the legal system contributing to the inability to fully address assault and harassment include the lack of uniform legal standards, an overreliance on physical evidence, economic barriers to taking perpetrators to court, and low rates of actual compensation even in successful cases.⁷²

Despite the implementation of legislation,⁷³ sexual harassment persists. Two high-profile cases from this reporting year illustrate the lack of legal redress for survivors of harassment.⁷⁴

- In 2019, Zhou Xiaoxuan brought a landmark #MeToo case against popular China Central Television (CCTV) host Zhu Jun, accusing the host of sexually harassing her in 2014 when she was a college intern at CCTV.⁷⁵ After the addition of provisions to combat sexual harassment to the PRC Civil Code in 2020, Zhou tried to reclassify her case, but the court denied her application.⁷⁶ In September 2021, the Haidian District People's Court, in Beijing, ruled that Zhou failed to meet the standard of proof in her sexual harassment claim.⁷⁷ She still faced a defamation lawsuit from her alleged perpetrator, illustrating the ease with which alleged perpetrators doubly victimize survivors of sexual harassment.⁷⁸ Despite the repeated setbacks, including Weibo banning Zhou in July 2021 from its service for one year for violating "Weibo complaint regulations,"⁷⁹ supporters of Zhou attended court hearings and posted messages of support online, but Chinese censors deleted topics related to the case.⁸⁰
- In late September 2021, Chinese authorities in Jinan municipality, Shandong province, opted to dismiss a sexual assault case against a male manager at technology firm Alibaba

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after a 15-day administrative detention, which authorities characterized as “punishment” for his crimes.⁸¹ In early September 2021, a female subordinate accused the manager and a company client of sexual assault while on a business trip in July,⁸² and the incident went unresolved until the survivor’s account appeared online.⁸³ Alibaba soon faced public backlash for its mishandling of the incident and later fired the accused.⁸⁴ After Chinese prosecutors dropped the criminal case against the manager, Alibaba reportedly fired the accuser in December, alleging that she had damaged the company’s reputation with her “false” allegations.⁸⁵ In June 2022, in a rare example of accountability in a high-profile sexual assault case in China, the Huaiyin District People’s Court in Jinan found the accused company client guilty of “forcible indecency” and sentenced him to 18 months in prison for his part in the July 2021 assault.⁸⁶

Notes to Section VI—Status of Women

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