

Suggested questions and issues to be raised with the Chinese government in advance of the review of China's combined seventh and eighth periodic of its implementation of the Convention on the Elimination of All Forms of Discrimination against Women

Submitted to the Committee on the Elimination of Discrimination against Women for its pre-sessional working group

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Table of Contents

	Page	Paras.
OVERVIEW.....	1	1-6
TRANSPARENCY AND AVAILABILITY OF RELEVANT DATA AND INFORMATION.....	2	7-17
ACCESS TO JUSTICE FOR WOMEN’S RIGHTS VIOLATIONS.....	6	18-33
WOMEN’S PARTICIPATION IN PUBLIC AND POLITICAL LIFE.....	10	34-36
CONCLUSION.....	11	37-38

ANNEXES

A: Compilation of Recommendations for More Information Related to Each Core Issue

B: List of Recommended Questions Pertaining to Specific Articles of the Convention

C: Overview of State Secrets Law

D: Selected State Secrets Regulations on Relevant Data

Overview

1. Since its last review before the Committee on the Elimination of Discrimination against Women (“the Committee”) in 2006, the People’s Republic of China (“China” or “the State party”) has continued to achieve economic growth, as well as progress in other areas. However, aggregate national growth figures conceal the uneven distribution of this wealth and its associated costs, many of which have been borne disproportionately by China’s over 650 million women. A recent visit to China by the Working Group on the issue of discrimination against women in law and in practice (“the Working Group”) found that women continue to lack substantive equality across a wide-range of issues, including in political and economic participation.¹ The Working Group also found that rural and ethnic minority women, women with disabilities, and women living with HIV/AIDS are particularly vulnerable to discrimination.² These and many other issues previously raised by the Committee remain pressing areas of concern for Chinese women.

2. Since the Committee’s last review of the State party in 2006, there has also been increasing citizen activism, including expanded calls for greater transparency and participation in China’s international human rights implementation and reporting processes.³ These active citizens not only present a valuable source of information and support to the State party, but also an important partner to the Committee in monitoring and advancing the implementation of its recommendations. This submission therefore focuses on three overarching issues that undercut the ability of Chinese civil society, particularly women, to monitor and advance the protection of their rights. These issues, which impact all rights provided in the Convention, are: limits on data transparency and availability; inadequate access to justice; and low levels of female participation in public and political life.

3. One of the most pressing and fundamental issues impacting women’s rights is the **limited transparency and availability of relevant data and information**. Deficiencies in publicly-available data and information place significant restrictions not only on the Committee’s review, but also on Chinese women’s ability to monitor the government’s protection and implementation of their rights and its responses to rights-violations between official reviews. By revising the far-reaching State Secrets framework and making better use of existing avenues for information dissemination, the State party can readily improve the ability of women to assist in the promotion of their rights, as well as increase the information available to the Committee.

4. **Inadequate access to justice** presents a second core challenge that impedes civil society from advancing women’s rights and holding violators accountable. Available information indicates that women are not regularly bringing legal cases for rights violations.⁴ The growing number of women who are turning to the petitioning system further indicate that violations are occurring and that justice is not being obtained through other avenues. More information about the number and nature of legal cases and petitions related to women’s rights violations is needed to understand the scope

¹ Working Group on the issue of discrimination against women in law and in practice, “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, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14129&LangID=E>.

² Ibid.

³ See e.g., Human Rights in China, “Cao Shunli: UPR Submission and Other Documents,” October 8, 2013, available here: <http://www.hrichina.org/en/content/6961>

⁴ Supra note i.

and underlying causes of these phenomena. In addition to structural and implementation issues, alarming reports of harassment, detentions and abuse highlight the risks that women face in asserting their rights. These obstacles create a situation in which the cost of violating rights is low, further reducing official accountability and the advancement of women's rights.

5. **Low and stagnant levels of female participation in public and political offices** further exacerbate the above two challenges. Female participation is critical to developing and implementing policies and laws that protect women's rights. Though the State party report indicates measures taken to address the underrepresentation of women in public service positions, the data provided indicate that there has been limited impact.

6. By focusing on issues which impede Chinese women's ability to assert and promote their rights, the Committee's upcoming review could provide critical support to domestic actors who are working to advance women's rights. To assist the Committee in its review of China's progress and challenges in implementing the Convention, HRIC has provided two lists of recommended questions as annexes to this submission. Annex A provides a summary of overarching questions related to the three cross-cutting issues described below. Annex B provides a list of more specific questions arising out of these concerns organized by Convention article.

Issue 1: Transparency and Availability of Relevant Data and Information

7. As the Committee has repeatedly recognized, comprehensive, accurate, and transparent data and information from a variety of perspectives are critical to assessing progress, understanding the surrounding issues, and developing effective solutions to the State party's complex challenges. The effectiveness of both the Committee's review, and the continuous monitoring and evaluation efforts within the State party, depend heavily on the reliability and transparency of relevant data. Despite an increase in the amount of statistical data provided in the State report, and the creation of formal legal channels for citizens to request information from the government, opacity of information, especially in light of the State Secrets framework, remains a substantial obstacle to the Committee and to Chinese women in evaluating and advancing the State party's implementation of the Convention.

Data Requested by the Committee

8. In its concluding observations on the State party's combined fifth and sixth report, the Committee repeatedly emphasized the need for additional data.⁵ These requests are not only important as a way of facilitating an informed and productive review by the Committee, but also as a potential source of information for those working to advance and protect women's rights in China.

5 See, e.g. Committee on the Elimination of Discrimination Against Women, Concluding comments of the Committee on the Elimination of Discrimination against Women: China, CEDAW/C/CHN/CO/6, August 25, 2006, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/478/60/PDF/N0647860.pdf?OpenElement>, para. 12 ("It encourages the State party to [...] include in its next periodic report detailed statistics on the use by women of the legal system to obtain redress for discrimination in all fields covered by the Convention, and trends over time."); para. 14 (The Committee calls upon the State party to study obstacles to data collection and to enhance the collection and the wide availability of sex-disaggregated statistical information [...]); para 22 (It also calls upon the State party to strengthen its system of data collection in regard to all forms of violence against women [...]); para. 28 (The Committee requests the State party to provide, in its next report, comprehensive information, including sex-disaggregated data, on the situation of rural women [...]).

9. While making some strides in the provision of disaggregated statistics,⁶ the State party's combined seventh and eighth report leaves many of the Committee's questions unanswered. For example, the Committee specifically requested data regarding cross-border and internal trafficking, and all forms of violence against women. However, the State report provides only the "Number of Various Cases Solved,"⁷ and the number of alerts of domestic violence received in Liaoning Province in 2010.⁸ No answer at all was given to the Committee's request for data on women's use of the legal system to obtain redress. Similarly, the State party's report provides no disaggregation by ethnicity or specific data pertaining to ethnic minority women in response to the Committee's repeated requests for such data.

10. *The Committee may wish to reiterate these requests* in its list of issues, and where information remains unavailable to inquire into the specific obstacles that are preventing the State party from providing the requested information.

Information Requested by Chinese Women

11. With the passage in May 2008 of the *Regulations on Open Government Information* ("the OGI Regulations"), the State party's first access to information statute, Chinese citizens are now also able to formally request information and data relevant to their rights.⁹ The OGI Regulations enable citizens to make requests for government information and require the government to indicate whether or not it will provide the information within at most 30 days.¹⁰ Though there are a variety of grounds on which the government may refuse to grant the requests, including that the information is classified as secret under the State Secrets framework (see section below),¹¹ the requests themselves provide an avenue through which women can communicate the problems they are facing and the kinds of information related to their rights that are otherwise unavailable.

12. In recent years, Chinese citizens, including many women, have brought OGI requests related to a variety of women's rights concerns. Some examples of specific information that women have requested via the OGI Regulations and then publicized online are provided below:

⁶ People's Republic of China, Combined Seventh and Periodic Report of the People's Republic of China under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW/C/CHN/7-8, submitted to the Committee on the Elimination of Discrimination Against Women, January 20, 2012, Annex 37, Number of Various Types of Cases Solved, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCHN%2f7-8&Lang=en.

⁷ People's Republic of China, Combined Seventh and Periodic Report of the People's Republic of China under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW/C/CHN/7-8), submitted to the Committee on the Elimination of Discrimination Against Women, January 20, 2012, Annex 37.

⁸ Ibid at para. 93.

⁹ Specifically, Article 24 of the Regulations states: "If an on-the-spot reply is not possible, administrative organs should provide a reply within 15 business days from receiving a request. If an extension of the time limit for replying to a request is needed, the agreement of the responsible person in charge of the office for open government information work should be obtained and the requester notified. The maximum extension of the time limit for replying to a request may not exceed 15 business days," Jaime Horsley, "Update on China's Open Government Information Regulations: Surprising Public Demand Yielding Some Positive Results," *China Rights Forum*, 2010 no. 2, available at <http://www.hrichina.org/crf/article/3247>

¹⁰ *Regulations of the People's Republic of China on Open Government Information*. Adopted by the State Council on April 5, 2007; Effective May 1, 2008 (hereinafter "*Regulations on Open Government Information*"). Available in English at: http://www.law.yale.edu/documents/pdf/Intellectual_Life/Ch_OGI_Regualtions_Eng_Final_051607.pdf

¹¹ Ibid., Article 14 at pg. 4.

- In June 2012, in response to a posting on the Shanghai Metro's official microblog (*weibo*) that female passengers should dress so as to prevent **sexual harassment**, a Beijing lawyer requested that three entities – the Shanghai Metro, the Shanghai Transport and Port Authority, and the operator Shanghai Shentong Metro Group Co. Ltd. – disclose all relevant regulations and measures taken to prevent sexual harassment of passengers, and any means of relief provided by the operator when passengers experience sexual harassment. Within a month, the operating company responded with a list of prevention measures including the installation of surveillance equipment and clear warning to passengers that they are being monitored, as well as, dissemination of information to passengers on safety awareness and self-protection; it further stated that, as soon as metro staff receive reports of sexual harassment, they would bring the complainant to file a case with the police, and that the company would cooperate with the police during investigation, including through providing video footage from surveillance cameras.¹²
- In July 2012, following the disclosure of **gender-discriminatory minimum admission scores** for a number of universities, two lawyers requested the Ministry of Education disclose the schools and majors for which it had approved gender ratio limits, and the corresponding bases for these policies. The lawyers indicated that the Ministry provided the following response: “for the national benefit, and to cultivate some special talent and jobs, some schools, under strict conditions, can have gender ratio limits, and this doesn't violate the Law on the Protection of the Rights of Women.”¹³
- In November 2012, two female students from Wuhan requested that the Hubei Province Human Resources Office disclose the basis and purpose of the “**Civil Service Gynecological Examination**” and related provisions, and whether these examinations were a means to filter applicants or discourage women; the ratio and the specific numbers of applicants filtered; and if issues of privacy and other problems related to this examination are addressed.¹⁴ Although the original request was posted online, no response has yet been posted.
- In July 2013, a lawyer in Zhejiang province submitted requests to 31 provincial Health and Family Planning Commissions asking the authorities to disclose the amount of **family planning fines** collected in 2012.¹⁵ At least 19 provinces have responded. In September, 14 female lawyers asked the National Audit Office to disclose the use of these fines by government offices.¹⁶ The National Audit Office stated that it has not conducted a

12 Lin Jie 林洁, «Nanren ye yao fang ditie xingsaorao Yangcheng Wanbao» 男人也要防地铁性骚扰 [Men must also prevent sexual harassment in subways], *Yangchengwanbao 羊城晚报*, August 21, 2012, available at http://www.ycwb.com/epaper/ycwb/html/2012-08/23/content_1471913.htm.

13 Wang Quishi 王秋实 «Jiaoyubu huiying gaoxiao an xingbie huafenshuxian chen fuhe guojia liyi» 教育部回应高校按性别划分数线 称符合国家利益 [The Ministry of Education responds that higher education institutions use different entrance scores based on gender because it supports national interests], *Beijingshibao 京华时报*, August 29, 2012, available at <http://www.ogichina.org/newsinfo.asp?newsid=14989>.

14 Wang Yinchao 王银超 «Nudaxuesheng shenqing «gongwuyuanfujian» xinxi gongkai» 女大学生申请“公务员妇检”信息公开 [Female university student requests open information for «civil service gynecological exam»], *Nanfangdushibao 南方都市报*, November 30, 2012, available at <http://news.sina.com.cn/c/2012-11-30/040025695523.shtml>.

15 Edward Wong, “Chinese Provinces Collect Billions in Family Planning Fines, Lawyer Says,” *The New York Times*, September 27, 2013, available at <http://cn.nytimes.com/china/20130927/c27population/dual/>

16 Dong Le 董乐, “14ming nulushi lianming yaoqiu gongkai shehuifuyangfei quxiang” 14名女律师联名要求公开社会抚养费去向 [14 female lawyers jointly request disclosure of social child support payment's usage], *BBC*, available at http://www.bbc.co.uk/zhongwen/simp/china/2013/09/130902_china_lawyers_open_letter.shtml.

comprehensive audit of the use of family planning fines in recent years.¹⁷ These requests are significant because they give insight into the potential economic disincentives to implementing the State party's recently announced relaxation of family planning policies.

13. As the above requests demonstrate, the passage of the OGI Regulations represents an important step toward greater transparency in the State party. However, though individuals and groups working on women's rights have been regularly utilizing this system, compliance and transparency of results has been inconsistent. Some responses demonstrate the potential of the system by helping to inform women of avenues for redress where rights are violated and also articulating the bases for policies, which civil society actors can use to assess whether such policies violate the State party's obligations under its own legal system or under the Convention. Other replies, however, are vague, incomplete and non-responsive, leaving women without the information they need to effectively assert their rights.

14. To understand more about this important new tool for advancing women's rights, *the Committee may wish to ask:*

- Whether OGI requests are tracked at the national level and whether responses to these requests are monitored or evaluated;
- How many OGI requests related to women's rights have been received since the Regulations were introduced in 2008; and
- Whether OGI requests are being evaluated systematically to identify gaps in knowledge or understanding about the rights enshrined in the Convention and avenues for redress when those rights are violated. And, if so, what actions have been taken in response to this information?

China's States Secrets Framework

15. The classification of specific information as secret under China's State Secrets framework provides one explanation for why information requested by the Committee and by Chinese civil society may be withheld. This legal framework sets out a specific classification hierarchy for a wide variety of information; outlines the proper handling of classified information; and establishes punishments for the improper handling of such information.¹⁸ This far-reaching and non-transparent framework sweeps a vast universe of information into an ambiguous, vague and discretionary system that permits retroactive classification of information.

16. The current classification of specific information under the State Secrets framework remains unclear. Following revision of the State Secrets law in 2010, new implementing regulations have yet to be formally adopted (see Annex C for a full description of the State Secrets framework). As a result, it is uncertain which specific data and information relevant to women's rights are classified as state secrets. This limits the ability of both the Committee and domestic actors to evaluate the framework's impact on women's rights, in addition to their ability to obtain classified information from the State party¹⁹. However, the following data, which were classified as state secrets under the substantive implementing

17 Xingbaowang 新京报网, "Shehuifuyangfei hua narle? Shenjishu ye buzhi" 社会抚养费花哪儿了? 审计署也不知 [Where was the social child support payment spent? The Public Accounts Committee doesn't know either], *Xinjingbao* 新京报, available at <http://www.bjnews.com.cn/graphic/2013/09/04/281817.html>

18 See Annex C and D for a full description of the States Secrets framework and information that the Committee has requested that may be withheld as a result.

19 Some specific classifications have been issued recently, suggesting that revision of the 2012 Implementation Regulations and specific classifications under the 2010 State Secrets Law is underway (e.g., recent draft Measures for the Management of Qualifications for Information System Integration Involving State Secrets, Legislative Affairs Office of the State Council, the National

regulations derived from the prior 1989 State Secrets Law, provide some indication of the kind of information that has been designated secret in the past and may still be restricted under this framework:

- “Statistics, methods and numbers of cases from all levels of health departments on **induced abortions** during the second trimester of pregnancy (pregnancies at 14 weeks or more)” were **classified as “highly secret.”**²⁰
- “Compiled information and statistics held by the All-China Federation of Trade Unions concerning **worker unemployment and the financial hardships of workers**” were **classified as “secret.”**²¹
- “Investigative materials and statistical data which reflect the macroscopic situation of **wage distribution in enterprises nationwide**” were **classified as “secret.”**²²

17. Without more information regarding the current classifications, it is impossible to evaluate the impact that this framework may have on understanding and advancing women’s rights issues. *The Committee may therefore wish to ask whether this information remains a state secret, and if so what national security needs underlie these classifications.*

Issue 2: Access to Justice for Women’s Rights Violations

18. Articles 2 and 15 of the Convention establish that equal availability of legal redress is an essential element of the State party’s obligations.²³ Alongside access to information about laws, policies and measures taken to protect their rights, women’s ability to seek justice for rights violations directly impacts capacity to protect and advance those rights. In China, women may formally raise grievances via either the judicial system or an administrative petitioning system. Though the State party’s report provides no comprehensive statistics on women’s use of these two systems, expert reports and individual accounts suggest that women face obstacles in obtaining justice through either system. Identifying and lowering the obstacles that women face in accessing justice would not only help women to obtain redress when violations occur by encouraging them to speak out, but would also facilitate identifying violators and holding them accountable, in turn discouraging future violations.

Administration for the Protection of State Secrets' notice on public solicitation of comments on the Measures for the Management of Qualifications for Information System Integration Involving State Secrets [国家保密局关于《涉密信息系统集成资质管理办法（征求意见稿）》公开征求意见的通知], February 25, 2013, www.chinalaw.gov.cn/article/cazjgg/201302/20130200384093.shtml.)

20 Article 3.2.10 of *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Health Work*. Jointly issued by the Ministry of Health and the National Administration for the Protection of States Secrets [卫生部、国家保密局], January 23, 1996

21 Article 3.2.3 of *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Trade Union Work*. Jointly issued by the All-China Federation of Trade Unions and the National Administration for the Protection of State Secrets [中华全国总工会、国家保密局], May 27, 1996.

22 Article 3.2.2 of *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Labor and Social Security Work*. Jointly issued by the Ministry of Labor and Social Security and National Administration for the Protection of State Secrets [劳动和社会保障局、国家保密局], January 27, 2000.

²³ UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, CEDAW/C/CHN/7-8, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

Access to Justice in the Judicial System

19. Following its recent visit to China, the Working Group on the issue of discrimination against women in law and in practice observed that there is “a perception in the legal community that these laws [protecting women’s rights] are not actionable and hence there are very few court cases.”²⁴ The factors contributing to this perception must be considered in light of broader structural and political obstacles impacting the effective use of the State party’s courts.

20. One key such obstacle is the lack of judicial independence from political influence. This is seen most starkly in the continued existence of political-legal committees (*zhengfa weiyuanhui*) within every people’s court. These committees are responsible for implementing Party policy in legal affairs, and review and decide “difficult, complicated, or major cases.” Furthermore, a court may refuse to hear a case if it is deemed politically sensitive. In light of the influential role of these committees, the generally low level of women’s representation and participation in political life (see below section) raises questions regarding the gender composition of these committees and the impact that may have on cases raising women’s rights issues.

21. In addition to this structural challenge, there are obstacles that specifically affect women. One legal obstacle is the lack of a definition for discrimination in Chinese law. In response to the Committee’s request for information regarding this issue, the State party report lists numerous laws which it says embody “the principle of fairness, protect the rights and interests of women, and prohibit or eliminate discrimination against women.”²⁵ It then states that “[t]hey basically cover the whole scope of the definition of discrimination as contained in the Convention, and therefore, to a large extent, are capable of ensuring the attainment of the aims and objectives of the Convention.”

22. However, the All-China Women’s Federation (“the ACWF”), the largest government-supported women’s organization, recently highlighted that despite the enactment of the Employment Promotion Law in 2008 (one of the laws the State party cited), it was five years before the first gender-related employment discrimination lawsuit was filed. The ACWF went on to attribute the lack of such cases, in part, to insufficient definition of what constitutes discrimination under the law.²⁶ To reconcile this discrepancy and to fully understand the causes and impacts of the perception that women’s rights are not actionable, information regarding the number and nature of cases brought by women asserting rights violations is needed.

23. Despite the Committee’s request that the State party’s “next periodic report provide detailed statistics on the use by women of the legal system to obtain redress for discrimination in all fields covered by the Convention, and trends over time,”²⁷ the current report only includes information on the number of legal aid centers available to women and the

24 Supra note i.

²⁵ Wang Chunxia, “Taking Legal Action against Employment Gender Discrimination,” All-China Women’s Federation, available at <http://www.womenofchina.cn/html/womenofchina/report/168838-1.htm>.

26 Ibid.

27 Committee on the Elimination of Discrimination Against Women, Concluding comments of the Committee on the Elimination of Discrimination against Women: China, CEDAW/C/CHN/CO/6, August 25, 2006, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/478/60/PDF/N0647860.pdf?OpenElement>, para. 12.

number of women receiving such aid.²⁸ This information is insufficient to understand the scope of women raising rights grievances through the legal system as well as the likelihood of women obtaining redress in those cases.

24. In light of the above, *the Committee may wish to request:*

- How many cases impacting women's rights have been deemed sensitive by political-legal committees at all levels of the judiciary?
- What is the gender ratio of political-legal committees at each level of the judiciary?

25. Regarding the legal aid centers described in the State party's report, *the Committee may wish to ask:*

- What is the geographic distribution of the legal aid centers?
- How many total requests for assistance from women have these centers received since 2006?
- What were the types of cases women requested assistance with and what were the outcomes of the cases taken?

26. Annex B sets out further questions regarding access to justice for specific rights, including violence against women, employment and education discrimination, health, and rural women's rights.

Access to Justice in the Administrative Petitioning System

27. Beyond bringing cases in court, women may also seek justice through the State party's petitioning system, an administrative mechanism for hearing complaints and grievances. Under this system, the State Bureau for Letters and Calls and local bureaus of letters and calls ("petitioning bureaus") receive letters, calls, and visits from individuals or groups with suggestions, complaints, and grievances related to official action or inaction. Petitioners may first seek redress at the local-level letters and calls office, and, if dissatisfied, may also appeal at the provincial level office, as well as at the national level, the State Bureau for Letters and Calls in Beijing.

28. Though aggregate national demographic statistics on women's use of this system are not publicly available and are not provided in the State party's report, academic research and regional statistics suggest that women constitute the majority of petitioners and that the number is increasing.²⁹ This observation is also borne out in our discussions with Chinese human rights defenders. Considering women's increasing use of this system, more information regarding the nature and number of petitioners and the grievances they are raising would help to identify which factors are preventing women from realizing their rights and obtaining justice in the first instance.

28 People's Republic of China, Combined Seventh and Periodic Report of the People's Republic of China under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW/C/CHN/7-8, submitted to the Committee on the Elimination of Discrimination Against Women, January 20, 2012, Annex 35-36.

29 Xing Chengju, China Agricultural University College of Humanities and Development Studies, "Shangfang zhutide nianling, xingbieyushehuifengcengchayi: yuanyinyuqishi" 上访主体的年龄、性别与社会分层差异：原因与启示 [The Petitioners' difference in age, gender, and social class: Causes and Revelations], September 25, 2013, available at http://www.snzg.cn/article/2013/0925/article_35103.html; The CPC Committee of Shanghai Pudong New District Chanshan New Town, "Pudong Chuanshaxinzhen: Zai jiaqiang shehuiguanlizhong changxin dangde qunzhong gongzuo" 浦东川沙新镇：在加强社会管理中创新党的群众工作 [Pudong Chansha New Town: Innovating the Party's mass work in strengthening Social management], January 18, 2012, available at <http://theory.people.com.cn/GB/40557/227442/230834/16913457.html>; The CPPCC Shiyanshi Committee, "Huajie nuxing shangfang wenti xu yinru xinli ganyu jizi" 化解女性上访问题需引入心理干预机制 [A mechanism of psychological interference must be introduced to resolve the problem of female petitioning], July 21, 2010, available at <http://cppcc.shyan.gov.cn/html/sheqingminyij/20100721574.html>.

29. *The Committee may therefore wish to request demographic information regarding national petitioners as well as the nature of the grievances brought.*

Retaliation against Women Who Assert Rights

30. Women may further face retaliation for asserting their rights through either the judicial or petitioning systems, or for peaceful advocacy. Media reports and firsthand accounts document instances in which women who protest or petition in response to rights violations are detained, beaten or harassed by police or hired thugs.³⁰ Three recent and representative examples include:

- **Ye Haiyan**, a well-known women's rights activist, who reported that eleven unknown individuals entered her home and beat her immediately following her **attempts to bring attention to the rape of six school-aged girls** by a principal and government official, which included a successful internet campaign and a protest in front of the local government offices. Ye reports that when she fought back against the intruders she was detained and fined.³¹ She and her 14-year-old daughter have subsequently been evicted from their rental home and returned to Ye's home province.³²
- **Mao Hengfeng**, a seasoned reproductive and housing rights activist, who has experienced multiple detentions, including 18-months of re-education-through labor and solitary confinement, since she began her activism in 1989.³³ Mao's women's rights advocacy began following her dismissal from work in 1988 after she refused to abort her second pregnancy. She has since dedicated her life to **campaigning against coercive family planning measures and forced evictions**.³⁴ During her multiple detentions, Mao reports suffering torture and abuse including severe beatings, and being bound hand and foot and suspended mid-air.³⁵
- **Gong Qifeng**, a twenty-five year-old woman **forced to terminate her pregnancy in its seventh month**, who has spent years seeking an official declaration that her subsequent diagnosis as a schizophrenic was a result of the trauma she suffered. According to Gong's husband, they first petitioned at the local office, but were offered subsidies to address their harms rather than compensation in recognition of official fault. When they **travelled**

30 See, e.g., Human Rights in China, "Shanghai Petitioner to Serve 18 Months of Reeducation-Through-Labor after Shouting Slogans," March 9, 2010, available at <http://www.hrichina.org/en/content/382>; Laura Zhou, "Justice hope of Henan woman in mental ward ordeal," *South China Morning Post*, July 20, 2013, available at <http://www.scmp.com/news/china/article/1286569/henan-woman-wrongly-detained-mental-hospital-confident-justice>; Frank Langfitt, "For Complainers, A Stint In China's 'Black Jails,'" NPR, November 1, 2012, available at <http://www.npr.org/2012/11/01/163949720/for-complainers-a-stint-in-chinas-black-jails>.

31 Tania Branigan, "Chinese police refuse to release activist who campaigned against child abuse," *The Guardian*, June 3, 2003, available at: <http://www.theguardian.com/world/2013/jun/03/chinese-police-activist-child-abuse-ye-haiyan?guni=Article:in%20body%20link>

32 Jonathan Kaiman, "Chinese women's rights activist Ye Haiyan made homeless say reports," *The Guardian*, July 7, 2013, available at: <http://www.theguardian.com/world/2013/jul/07/china-womens-rights-ye-haiyan-homeless>

33 Human Rights in China, "Mao Hengfeng Protests Abusive Confinement," September 19, 2007, available at: <http://www.hrichina.org/en/content/1007>

34 Human Rights in China, "One-Child Policy Opponent Tortured," October 5, 2004, available at: <http://www.hrichina.org/en/content/2050>

35 Ibid.

to Beijing to seek accountability for the officials' actions, they were intercepted and taken away by police. The detention was recorded on video by the Associated Press.³⁶

31. These examples show the range of retaliations that women may face when asserting their rights. One particularly dangerous form of retaliation is detention in the network of so-called "black jails" throughout the country. Though the existence of black jails is formally denied and condemned by the State party, local authorities are known to use them as a means of suppressing or punishing citizen efforts to challenge official decisions and wrongdoing.³⁷ Because the quantity of petitioning activities is a performance evaluation factor for local authorities, they are incentivized to use all means necessary, even if illegal, to limit this figure.³⁸ As the number of women petitioners grows, more women risk detention in these unregulated centers.

32. When women endure detentions for asserting their rights, it is unclear how often they are successful in seeking compensation for this harm. This is a particularly timely concern given the State party's recent abolition of re-education-through-labor ("RTL"), a controversial form of administrative detention. It is questionable whether women who were detained in RTL for exercising their rights will be able to seek state compensation for this harm because of language in the abolition order which stipulated that "decisions made lawfully prior to the abolition of the Re-Education Through Labour system are valid."³⁹ In addition to compensation concerns, HRIC has spoken with Chinese legal academics and lawyers that question what might replace the RTL system given its primary social control role.

33. *The Committee may wish to inquire into:*

- What steps are being taken to identify and eliminate the use of black jails and extra-legal measures to punish women who are pursuing justice for the violation of their rights;
- Whether any state agents have been held accountable for abusing or extra-legally detaining women pursuing justice for the violation of their rights, and if so, the number of state agents held responsible and the range of punishment.

Issue 3: Women's Participation in Public and Political Life

34. Beyond monitoring and evaluating the protection of women's rights and asserting those rights, women can also contribute to their promotion by participating in the development and execution of related laws and policies. As the Committee has previously noted, however, Chinese women do not enjoy full and equal representation in elected and

36 Li Qian, "Forced abortion blamed for mental illness," August 6, 2013, available at: <http://www.shanghaidaily.com/national/Forced-abortion-blamed-for-mental-illness/shdaily.shtml>

37 See e.g., *The Economist*, "Treating the symptoms: In the name of social order, the government turns a blind eye to 'black jails,'" March 2, 2013, available at: <http://www.economist.com/news/china/21572814-name-social-order-government-turns-blind-eye-black-jails-treating-symptoms>; Melissa Chan, "Seeking answers inside China's 'black jails,'" *Al Jazeera*, March 13, 2013, available at: <http://blogs.aljazeera.com/blog/asia/seeking-answers-inside-chinas-black-jails> (includes video interview with a mother seeking her daughter who disappeared while petitioning her forced sterilization).

38 Human Rights Watch, "An Alleyway in Hell: China's Abusive 'Black Jails,'" November 4, 2009, pg. 9, available at: http://www.hrw.org/sites/default/files/reports/china1109webwcover_1.pdf

39 National People's Congress of People's Republic of China, Decision of the Standing Committee of the National People's Congress on Abolishing Legal Regulations Related to Re-Education Through Labour [全国人大常委会关于废止有关劳动教养法律规定的决定], December 28, 2013, available at <http://npc.people.com.cn/n/2013/1229/c14576-23967771.html>

appointed public bodies.⁴⁰ The State party's report indicates that there has been progress in this regard during the reporting period.⁴¹ However, the yearly data provided in the annexes demonstrate that early increases in female participation have halted and even begun to reverse in more recent years. For instance, the percentage of female members of villagers committees has remained between 22 and 23 percent between 2006 and 2009.⁴² The percentage of female public security personnel has remained similarly stagnant at approximately 13 percent.⁴³ National statistics show that there has been some increase in the number of female judges and jurors, but it is unclear whether this is true in both rural and urban courts, and how many of these women are judges versus jurors.⁴⁴

35. The stagnation of women's political and economic participation was also noted by the Working Group during their recent visit. The Working Group expressed concern regarding the consistently low level of Chinese women's participation in decision making positions.⁴⁵ This scant representation of women in public decision making is especially pronounced on the top level, as shown by the absence of any women in the Politburo Standing Committee, China's top decision-making organ.⁴⁶ In fact, the proportion of women in the Central Committee, the highest authority within the Communist Party of China, has fallen between 2007 and 2012 to below 5%.⁴⁷

36. *The Committee may wish to inquire:*

- How governments at various levels formulate and implement its preferential policy towards the selection and use of female cadres, and what the impact of this policy has been;
- Whether the State party has studied the factors that contribute to high levels of participation by women in urban residential committees and considered how this can be replicated in rural environments;
- Why the current and prior National Human Rights Action Plan require only "one female member in the leadership" on various decision-making bodies;
- Whether there exist policies or laws that demand specific ratios, beyond the mere presence, of women members in decision making bodies.

Conclusion

37. As the Committee evaluates the State party's report on its implementation of the Convention, HRIC wishes to underscore the challenges presented by women's lack of access to information, access to justice, and participation in public and political life. These cross-cutting issues, if addressed, would help further enable Chinese civil society, in particular women, to assert and promote all of the rights enshrined in the Convention. To advance a robust and

40 Supra note v at pg.6, para. 26.

41 Supra note vii at pg. 31, para. 126.

42 Ibid. at Annex 6, pg 59.

43 Ibid. at Annex 34, pg. 73.

44 Ibid at Annex 32, pg. 72

45 Supra note i.

46 List and photographs of the current Politburo Standing Committee members available here: <http://cpc.people.com.cn/GB/64192/>

47 List of members of the 18th CPC Central Committee available here: http://news.xinhuanet.com/english/special/18cpcnc/2012-11/14/c_131974817.htm

productive review, HRIC urges the Committee to consider incorporating these concerns throughout its questioning, including by requesting the clarifications and additional information identified in this submission and its annexes.

38. HRIC looks forward to making a full parallel submission in advance of the Committee's review of the State party.

Annex A: Compilation of Recommendations for More Information Related to Each Core Issue

For the Committee's convenience, HRIC has compiled below the cross-cutting questions related to each core issue recommended throughout the body of the submission.

Issue 1: Transparency and Availability of Relevant Data and Information

- Reiterate requests for data in the Committee's prior list of issues, and where information remains unavailable, inquire into the obstacles that are preventing the State party from providing the requested information.
- Ask whether OGI requests are tracked at the national level and whether responses to these requests are monitored or evaluated.
- Request data regarding OGI requests related to women's rights received since the Regulations were introduced in 2008.
- Inquire whether OGI requests are being evaluated systematically to identify gaps in knowledge or understanding about the rights enshrined in the Convention and avenues for redress when those rights are violated. And, if so, what actions have been taken in response to this information?
- Clarify which information related to women's rights remains a state secret, and what national security needs underlie these classifications.

Issue 2: Access to Justice for Women's Rights Violations

- Inquire how many cases impacting women's rights have been deemed sensitive by political-legal committees at all levels of the judiciary.
- Clarify the gender ratio of political-legal committees at each level of the judiciary.
- Clarify the geographic distribution of the legal aid centers referenced in the State party report.
- Ask for additional information regarding how many total requests for assistance these centers have received from women since 2006.
- Ask for additional information regarding the types of cases women requested legal aid assistance for and what the outcomes were of the cases taken.
- Request information regarding access to justice for specific rights, including violence against women, employment and education discrimination, health, and rural women's rights, outlined in **Annex B**.
- Request demographic information of national petitioners as well as the nature of the grievances brought.
- Clarify what steps are being taken to identify and eliminate the use of black jails and extra-legal measures to punish women who are pursuing justice for the violation of their rights.
- Ask whether any state agents have been held accountable for abusing or extra-legally detaining women pursuing justice for violation of their rights, and if so, the number of state agents held responsible and the range of punishment.

Issue 3: Women's Participation in Public and Political Life

- Clarify how governments at various levels formulate and implement the State party's preferential policy towards the selection and use of female cadres, and what has been the impact of such policy.
- Inquire into whether the State party has studied the factors that contribute to high levels of participation by women in urban residential committees and considered how this can be replicated in rural environments.
- Clarify why the current and prior National Human Rights Action Plan only require "one female member in the leadership" on various decision-making bodies.
- Ask whether policies or laws that demand specific ratios, beyond the mere presence, of women members in decision making bodies exist.

Annex B: List of Recommended Questions Pertaining to Specific Articles of the Convention

On the basis of input from individual women and women's groups in China, HRIC has prepared the below list of priority questions related to specific rights enshrined in the Convention. When preparing its list of issues the Committee may wish to ask for more information regarding the following:

Violence against Women (Article 16)

- Whether the number of women sentenced to death in cases involving domestic violence is a state secret? If not, request information regarding how many women were sentenced to death after killing an aggressor during the reporting period?
- How many legal cases are brought per year alleging domestic violence and what are the outcomes of these cases (including number of convictions and sentences imposed)?
- What opportunities there are for civil society to provide feedback into the drafting process of the new domestic violence law? How many organizations have provided input at this time and on what topics? Will such feedback be made publicly available?
- How many petitions were filed over the reporting period claiming inaction by local officials in cases of domestic violence? Has any local official been held accountable for inaction in such a case? If so, what compensation was provided to the wronged party?

Education and Employment (Articles 10 and 11)

- What remedies are available to women who have been discriminated against in school and job selection processes? What statistics are available regarding the use of these remedies and outcomes?
- How many court cases were brought for employment discrimination and what were the outcomes of those cases? How many petitions were filed and what were their outcomes?
- Is there a pre-determined gender ratio for admission for civil service positions at central agencies, and if so what is the basis for it? What is the gender ratio of applicants for civil service positions at central agencies each year? What is the gender ratio of the pool selected for interviews for these positions? What is gender ratio of hired civil service employees?
- Are women subjected to gynecological examinations as a requirement of the civil service examination? If so, is it practiced in specific localities or nation-wide and what are the grounds for this requirement?
- What restrictions are there on women who would like to pursue education or employment in the fields of national security and the military? How many women are employed in these fields?

Health (Article 12)

- Is the number of female infanticides classified as a state secret? If not, how many female infanticides were reported and investigated during the reporting period? How were these case handled? Did any of these cases lead to criminal prosecution and conviction? What were the sentences in such cases?

- What is the amount of revenue generated by family planning fees at the provincial level and at the aggregate national level? How are these revenues used?
- How many petitions or legal cases were filed over the reporting period claiming forced sterilization or forced abortions and what was the outcome of those cases?

Rural Women (Article 14)

- Is there publicly available data regarding the enrollment and drop-out rate by year for female high school student in rural areas, and what are the costs associated with enrollment and attendance in high-school?
- What is the gender composition for law enforcement personnel, prosecutors, and judges in rural areas and what specific measures are being adopted in order to correct gender imbalance in these areas?
- What specific measures have been adopted to increase the ratio of women in village committees, particularly village leaders?
- How many petitions or court cases have been brought by women asserting land rights and what were the outcomes in these cases? How has the 2011 Amendment of the Marriage Law, and the Supreme People's Court's interpretation of this law, affected the property rights of rural women?

Annex C – Overview of State Secrets Law

1. China's elaborate States Secrets System may have impacted the availability or lack of information provided in the State party report, undermining the Committee's ability to effectively review the State party's implementation of its obligations under the Convention. This legal framework sets out a specific classification hierarchy for a wide variety of information; proper handling of classified information; and punishments for the improper handling of such information. This far-reaching and non-transparent framework sweeps a vast universe of information into an ambiguous, vague and discretionary system that permits retroactive classification of information. This system not only conflicts with efforts toward greater government transparency through the national Regulations on Open Government Information, which took effect in May 2008,⁴⁸ but further presents challenges to obtaining accurate, comprehensive and reliable information necessary for a constructive assessment of the measures and progress cited in the State party's report.

Legal Structure of the States Secrets System

2. At the highest level, the Law of the People's Republic of China on Guarding States Secrets sets out the overarching legal framework for the states secrets system. The current State Secrets Law (revised in 2010) reflects the government's ongoing policy to expand and tighten information control in the digital age. It specifically expands the scope of the law to include all public information networks, e.g. the Internet, traditional media, and the full range of sectors (hardware, software, service providers, etc.).⁴⁹

3. Relevant provisions of the State Security Law of the People's Republic of China (1993)⁵⁰ and the Criminal Law of the People's Republic of China ("Criminal Law")(1996)⁵¹ stipulate specific criminal and administrative sanctions for violations of state secrets law and regulations.

4. The next level of the States Secrets framework is the implementing regulations, the Measures for Implementing the Law on the Protection of State Secrets of the PRC ("1990 Measures")⁵². This regulatory level is currently up for review. In May 2012, the State Council published for comment the draft Regulations on the Implementation of the Law on Guarding State Secrets ("2012 draft regulations").⁵³ If passed, the final regulations would replace the 1990 measures. At the time of submission, HRIC could find no publicly available information indicating the status of the 2012 draft regulations, or the number and content of public comments received.

⁴⁸ James Horsley, Update on China's Open Government Information Regulations: Surprising Public Demand Yielding Some Positive Results, China Rights Forum No. 2 (2010), www.hrichina.org/content/3247.

⁴⁹ See articles 24, 26, 27, 28, 48, and 50 of the Law of the People's Republic of China on Guarding States Secrets (2010) [中华人民共和国保守国家秘密法], <http://www.hrichina.org/sites/default/files/oldsite/PDFs/PressReleases/20101001-StateSecretsLaw-EN.pdf>; HRIC's English translation of the revised law is provided as Annex D)

⁵⁰ See articles 4, 28, 29 of the State Security Law of the People's Republic of China (1993) [中华人民共和国国家安全法], <http://www.china.org.cn/english/government/207480.htm>.

⁵¹ See articles 109, 111, 282, 287, 398, and 432 of the Criminal Law of the People's Republic of China (2011) [中华人民共和国刑法].

⁵² [中华人民共和国保守国家秘密法实施办法], http://www.stats.gov.cn/tjgl/swdcglgg/xgfg/t20041118_402209111.htm (in Chinese).

⁵³ Legislative Affairs Office of the State Council, Notice on public solicitation of comments on the Regulations on the Implementation of the Law on Guarding State Secrets(Draft for Solicitation of Comments) [国务院法制办公室关于《中华人民共和国保守国家秘密法实施条例（征求意见稿）》公开征求意见的通知], May 15, 2012, www.chinalaw.gov.cn/article/cazjgg/201205/20120500367762.shtml (in Chinese).

5. The next level is comprised of specific policies and classifications developed by the National Administration for the Protection of State Secrets (NAPSS) along with other relevant central organs, including the mass organizations focused on specific areas of work, such as: trade union work, women's work, family planning, and the environment. The rules developed at this level implement the Regulations defined above. This is the level at which specific information is classified as "top secret", "highly secret", "secret", or designated "neibu."

Annex D – Selected State Secrets Regulations⁵⁴ on Relevant Data

The chart below sets out the information related to the Committee’s review of the State Party and the related State Secrets Regulations that designate such information as state secrets or as internal (*neibu*) information.

NOTE: As Annex C describes, the 1989 Law on the Protection of State Secrets of the People’s Republic of China (promulgated September 5, 1988, effective May 1, 1989) was revised on April 29, 2010 (effective October 1, 2010). The below provisions were selected from regulations promulgated to implement the 1989 Law and the 1990 Measures for Implementing the Law on the Protection of State Secrets. Pending a public release of new implementing measures and substantive regulations pursuant to the 2010 State Secrets Law, the status of the below regulations, including the specific provisions, should be clarified with the State party.

Committee’s Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
<p>14. The Committee calls upon the State party to study obstacles to data collection and to enhance the collection and the wide availability of sex-disaggregated statistical information, by region and by ethnic group, in regard to each of the provisions on the Convention, in order to enhance its capacity to design and implement targeted policies and</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Ethnic Work</i> <i>[民族工作中国家秘密及其密级具体范围的规定]⁵⁵</i></p>	<p>“Top Secret”</p> <ul style="list-style-type: none"> Article 3.1.1 Analyses of important developments and information on anything that could seriously harm ethnic relations, or that for other ethnic reasons could endanger national unity or affect social stability. <p>“Secret”</p> <ul style="list-style-type: none"> Article 3.2.2 Information and measures under consideration that must be held internally on the work of ethnic identification and the establishment of ethnic autonomous areas. <p>“Neibu”</p> <ul style="list-style-type: none"> Article 4.3 Statistical materials and formulations of guiding principles and policies

⁵⁴ A comprehensive version of the regulations as of 1999 in Chinese is available in “Li Zhidong, ed. *Compendium of Laws of the People’s Republic of China on the Protection of State Secrets*.” Changchun: Jilin People’s Press, 1999. The provisions referenced in this chart are available in both Chinese and English, in “*HRIC: State Secrets: China’s Legal Labyrinth*” at: http://www.hrichina.org/sites/default/files/oldsite/PDFs/State-Secrets-Report/HRIC_StateSecrets_02.pdf. As of January 22, 2014 updated versions of these regulations are not accessible online.

⁵⁵ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Ethnic Work [民族工作中国家秘密及其密级具体范围的规定]*. Jointly issued by the State Ethnic Affairs Commission and National Administration for the Protection of State Secrets [国家民族事务委员会、国家保密局], March 17, 1995.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
<p>programmes aimed at the promotion of gender equality and women's enjoyment of their human rights.</p>		<p>used in the work of governmental organs that should not be announced to the public within a specified time frame.</p> <ul style="list-style-type: none"> • <i>Article 4.4</i> Documents, data, publications and bulletins used as internal reference materials.
<p>16. [The Committee] recommends that a gender impact analysis of all social and economic policies and poverty reduction measures be conducted regularly, including of the budget.</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Social Science Research Work</i> <i>[社会科学研究工作中国家秘密及其密级具体范围的规定].⁵⁶</i></p>	<p>"Top Secret"</p> <ul style="list-style-type: none"> • <i>Article 3.1.1</i> Materials related to the details or forms of research performed by research departments and individuals that are appointed by the Party or state to take part in major reforms of the country's economic and political systems, as well as information on major internal and foreign policy principles. <p>"Secret"</p> <ul style="list-style-type: none"> • <i>Article 3.3.1</i> Documents and reports on the details or forms of research regarding policies and measures for the establishment and perfection of the socialist market economy that are still under consideration and have not yet been implemented.

⁵⁶ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Social Science Research Work*** [社会科学研究工作中国家秘密及其密级具体范围的规定]. Jointly issued by Chinese Academy of Social Sciences and National Administration for the Protection of State Secrets [中国科学院、国家保密局], April 21, 1995.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Labor and Social Security Work</i> <i>[劳动和社会保障工作中国家秘密及其密级具体范围的规定].⁵⁷</i></p>	<p>“Secret”</p> <ul style="list-style-type: none"> • <i>Article 3.2.2 Investigative materials and statistical data</i> which reflect the macroscopic situation of wage distribution in enterprises nationwide. <p>“Neibu”</p> <ul style="list-style-type: none"> • <i>Article 4.1 Undisclosed key policy measures and revised plans</i> regarding all mid- and long-term development programs and annual development plans for labor and social security projects. • <i>Article 4.3 The total number of laid-off workers</i> in state-owned enterprises. • <i>Article 4.4 Distribution plans</i> concerning basic living guarantees and re-employment funds for laid-off workers in state-owned enterprises. • <i>Article 4.6 Plans and measures for the reform of the labor protection system</i> at the national level, in all State Council departments, and at the level of province, autonomous region, and directly-administered municipality.

⁵⁷*Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Labor and Social Security Work***
[劳动和社会保障工作中国家秘密及其密级具体范围的规定]. Jointly issued by Ministry of Labor and Social Security and National Administration for the Protection of State Secrets [劳动和社会保障部、国家保密局], January 27, 2000.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Trade Union Work</i> <i>[工会工作中国家秘密及其密级具体范围的规定].⁵⁸</i></p>	<p>“Secret”</p> <ul style="list-style-type: none"> Article 3.2.3 Compiled information and statistics held by ACFTU concerning worker unemployment and the financial hardships of workers. <p>“Neibu”</p> <ul style="list-style-type: none"> Article 5.2 Proposals sent to the Party’s Central Committee, the State Council, and other relevant departments regarding questions of national economic development and the immediate concerns of workers.
<p>20. [The Committee] calls upon the State party to systematically compile detailed data on cross-border and internal trafficking, reflecting the age and ethnic background of the victims.</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Security Work</i> <i>[公安工作中国家秘密秘密及其密级具体范围的规定].⁵⁹</i></p>	<p>“Neibu”</p> <ul style="list-style-type: none"> Article 3.5 Figures on cases of kidnapping and trafficking in humans and figures on those kidnapped or sold; cases involving the kidnapping and trafficking of women belonging to ethnic minorities or women from outside the country; cases of kidnapping and trafficking in humans that seriously threaten the safety of the public; and specific details of cases of gathering crowds to obstruct the rescue of women or children that are in danger of being harmed.

⁵⁸ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Trade Union Work*** [工会工作中国家秘密及其密级具体范围的规定]. Jointly issued by All-China Federation of Trade Unions (ACFTU) and National Administration for the Protection of State Secrets [全国总工会、国家保密局], promulgated May 27, 1996 and effective June 1, 1996.

⁵⁹ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Public Security Work*** [公安工作中国家秘密秘密及其密级具体范围的规定]. Jointly issued by Ministry of Public Security and National Administration for the Protection of State Secrets [公安部、国家保密局], March 28, 1995.

Committee’s Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
<p>22. [The Committee] calls upon the State party to strengthen its system of data collection in regard to all forms of violence against women and to include such information in its next report.</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Security Work</i> [公安工作中国家秘密秘密及其密级具体范围的规定].⁶⁰</p>	<p>“Neibu”</p> <ul style="list-style-type: none"> • <i>Article 3.1 Statistics</i> and files, documents, and administrative measures that have not yet been made public. • <i>Article 3.12 Information and statistics</i> – about which a decision has not yet been made regarding whether to make such information public – concerning violations of the law codes of conduct by public security officials.
	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in the Work of the People’s Procuratorates</i> [检察工作中国家秘密秘密及其密级具体范围的规定].⁶¹</p>	<p>“Secret”</p> <ul style="list-style-type: none"> • <i>Article 3.3.2 Statistics on criminal cases</i>, and on those arrested in connection with such cases, that have not yet been made public either nationwide or within provinces, autonomous regions or directly administered municipalities.
	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in the Work of the People’s Courts</i> [人民法院工作中国家秘密秘密及其密级具体范围的规定].⁶²</p>	<p>“Secret”</p> <ul style="list-style-type: none"> • <i>Article 3.3.4 Criminal judiciary forms for reporting statistics on cases other than those involving the death penalty</i> tried by people’s courts at the intermediate level and above.

⁶⁰ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Public Security Work*** [公安工作中国家秘密秘密及其密级具体范围的规定]. Jointly issued by Ministry of Public Security and National Administration for the Protection of State Secrets [公安部、国家保密局], March 28, 1995.

⁶¹ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in the Work of the **People’s Procuratorates*** [检察工作中国家秘密秘密及其密级具体范围的规定]. Jointly issued by Supreme People’s Procuratorate and National Administration for the Protection of State Secrets [最高人民法院、国家保密局], January 15, 1996.

⁶² *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in the Work of the **People’s Courts*** [人民法院工作中国家秘密秘密及其密级具体范围的规定]. Jointly issued by Supreme People’s Court and National Administration for the Protection of State Secrets [最高人民法院、国家保密局], July 31, 1995.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
<p>28. The Committee requests the State party to provide, in its next report, comprehensive information, including sex-disaggregated data, on the situation of rural women, including ethnic minority women, especially with regard to their educational, employment and health status and exposure to violence.</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Women's Work</i> <i>[妇女工作中国家秘密及其密级具体范围的规定].⁶³</i></p>	<p>"Highly Secret"</p> <ul style="list-style-type: none"> • Article 3.1 Plans and strategies for handling major issues in women's work that involve important and sensitive countries or regions.
<p>32. [The Committee] also urges the State party to investigate and prosecute the reports of abuse and violence against ethnic minority women by local family planning officials, including forced sterilization and forced abortion.</p>	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Health Work</i> <i>[卫生工作中国家秘密及其密级具体范围的规定].⁶⁴</i></p>	<p>"Highly Secret"</p> <ul style="list-style-type: none"> • Article 3.2.10 Statistics, methods and numbers of cases from all levels of health departments on induced abortions during the second trimester of pregnancy (pregnancies at 14 weeks or more).

⁶³ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Women's Work*** [妇女工作中国家秘密及其密级具体范围的规定]. Jointly issued by All-China Women's Federation and National Administration for the Protection of State Secrets [中华全国妇女联合会、国家保密局], April 24, 1991.

⁶⁴ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Public Health Work*** [卫生工作中国家秘密及其密级具体范围的规定]. Jointly issued by Ministry of Health and National Administration for the Protection of State Secrets [卫生部，国家保密局], January 23, 1996.

Committee's Findings / Recommendations / Information of Concern	Regulation	Relevant Provisions
	<p><i>Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Family Planning Work.</i> <i>[计划生育工作中国家秘密及其密级具体范围的规定].⁶⁵</i></p>	<p>"Neibu"</p> <ul style="list-style-type: none"> • Article 5.5 Cases of death or disabilities resulting from problems with surgical birth control procedures or family planning.

⁶⁵ *Regulation on State Secrets and the Specific Scope of Each Level of Secrets in **Family Planning Work** [计划生育工作中国家秘密及其密级具体范围的规定]*. Jointly issued by State Family Planning Commission (now State Population and Family Planning Commission) and National Administration for the Protection of State Secrets [国家计划生育委员会 (国家人口与计划生育委员会)、国家保密局], May 16, 1995.