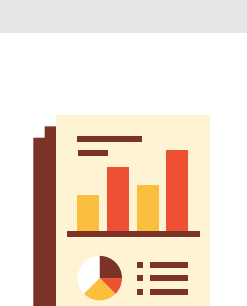


# China's 2023 review by the UN women's rights committee



## WHAT IS THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)?

Established in 1982, CEDAW is the expert body monitoring the implementation of the UN women's rights treaty - the 1979 [Convention on the Elimination of All Forms of Discrimination against Women](#) (Convention) -, ratified by China in 1980. It is composed of 23 [independent experts](#) who meet three times a year for four-weeks sessions in Geneva, and is considered - alongside other ten so-called [Treaty Bodies](#) - as a 'quasi-judicial body', as it emanates from a legally-binding treaty.



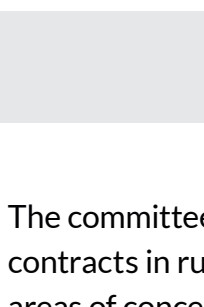
CEDAW is an indispensable tool for human rights defenders and civil society groups working to promote and protect the rights of all women, and to combat intersecting forms of discrimination.

On 12 May 2023, CEDAW conducted its sixth periodic review of China, Hong Kong and Macau. This was the first such review by the Committee since 2014.



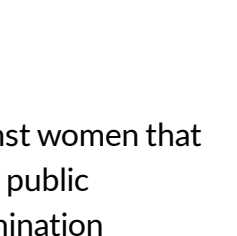
Find out more about CEDAW [here!](#)

## HOW DID THE REVIEW GO?



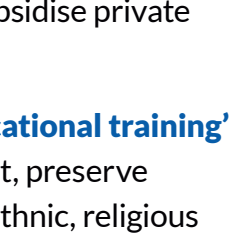
Ahead of the review, the Committee considered reports submitted by the [government](#) and [55 groups from civil society](#), including 30 independent organisations, and nearly half (25) government-organised NGOs (or GONGOs).

During the [one-day of dialogue](#) with the Chinese, Hong Kong and Macau governments, Committee members asked many detailed questions to get more information on a range of thematic issues.



The Chinese government claimed to engage constructively during the review. Yet, civil society groups have documented acts of [reprisals](#) against activists who participated in the review or tried to organise screenings of the review in China, and noticed that the UN webpage where the review was broadcasted was inaccessible or unusually slow to access.

On 25 May, CEDAW released its findings - known as the [Concluding Observations](#) - where the experts make recommendations for how the government should ensure protection of women's rights to comply with the Convention.



## WHAT DID CEDAW FIND?

The committee welcomed legislative and policy reforms on areas of domestic violence, land contracts in rural areas, trafficking, and sexual harassment. Yet, the committee listed a series of areas of concern and recommendations:



### Intersecting forms of discrimination

- Adopt a comprehensive [definition of discrimination](#) against women that explicitly prohibits direct and indirect discrimination in the public and private spheres, including intersecting forms of discrimination
- Remove intersecting forms of discrimination and barriers in [accessing justice](#) and ensure the effective implementation of the prohibition of discrimination against all women facing discrimination, including women with disabilities, LGBTI, Uyghur and Tibetan women, and North Korean women

- Adopt a specific strategy to eliminate discriminatory [stereotypes](#) regarding the roles and responsibilities of women and men in the family and in society, and a regulatory framework to combat gender stereotyping in the media and advertising



### Tibetan women and girls

- Abolish the coerced [residential \(boarding\) school system](#) imposed on Tibetan girls and authorise the establishment of and subsidise private Tibetan schools

- Immediately halt non-voluntary ['labour transfer' and 'vocational training' programmes](#) in the Tibet Autonomous Region, and respect, preserve and promote the cultural identity of women belonging to ethnic, religious and linguistic minorities, including Tibetan and Uyghur women

- Ensure that girls and women belonging to ethnic minorities have access to [instruction in their mother tongue](#), such as Tibetan, Uyghur and Kazakh, and reverse the closure of schools providing instruction in minority languages

- Eliminate intersecting forms of discrimination against women belonging to ethnic, religious and linguistic minorities, such as Tibetan and Uyghur women, and ensure that they have adequate access to [education, employment and health care](#) and are proportionately represented in decision-making positions



### Uyghur women and girls

- Prohibit coercive employment measures, including [forced labour](#) of Uyghur women, immediately discontinue any such measures, release all women subject to forced labour, and prosecute and punish perpetrators, including State officials, of [gender-based violence](#), such as sexual violence and harassment, against women in employment, notably in vocational training and education centres for Uyghur women

- End, prevent and criminalise the use of coercive measures, such as [forced abortions, forced sterilisations](#), other forms of gender-based sexual violence and other cruel, inhuman or degrading family planning practices that are allegedly inflicted on women in the Xinjiang Uyghur Autonomous Region and in predominantly Uyghur-populated areas

- Ensure the right of all women, including those belonging to ethnic, religious and linguistic minorities, such as Uyghur women, to freely choose a spouse and to enter into marriage only with their free and full consent; and that all cases of [forced interethnic marriages](#) of Uyghur women are effectively investigated

- Ensure that any cases of such practices are effectively investigated without delay and that those responsible, including public officials are prosecuted and adequately punished and that victims receive adequate compensation



### LBTI (lesbian, bisexual, transgender and intersex women)

- Adopt legislative and policy measures to combat [gender-based violence and discrimination](#) against LBTI women, including hate speech and physical, verbal and emotional abuse

- Conduct awareness-raising campaigns to address their stigmatisation in society

- Ensure that transgender women can [change the gender marker](#) in their passport and other identity documents, without onerous requirements

- Ensure that LBTI women can freely [participate in political and public life](#) and exercise their right to freedom of peaceful assembly without fear of reprisals, harassment or intimidation

- Use recent landmark cases that ruled on [transgender employment discrimination](#) as precedent-setting cases



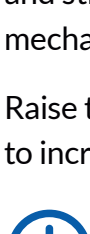
### Women human rights defenders (WHRDs) and civil society

The committee is concerned about excessive restrictions on the registration of NGOs, and that WHRDs face intimidation, harassment by the police and other State officials for their human rights work, and possibly their participation in CEDAW review.

- Ensure the protection of WHRDs from [intimidation, harassment and reprisals](#) for their work, including when they have engaged or sought to engage with CEDAW, and immediately stop any such reprisals

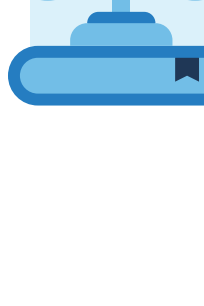
- Amend its legislation on the [registration of NGOs](#) to repeal the requirement of sponsorship and all other disproportionate restrictions

- Create an [enabling environment](#) for...
  - ... WHRDs from diverse communities to promote, protect and advocate for women's human rights without fear of reprisals



*Priority recommendation for implementation within 2 years!*

- ... their systematic and meaningful participation in the formulation and implementation of legislative and policy initiatives affecting women



### Women with disabilities

- Ensure the dignified treatment of women and girls with psycho-social disabilities and effective access to mental health services



### Rural women

The committee is concerned that the protection of rural women's land rights remains weak, due to the impact of sexist stereotypes and prejudices, and that high numbers of rural women have not registered their name in land contracts.

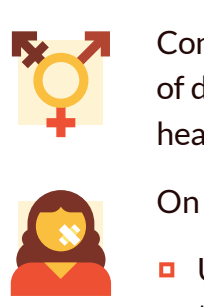
- Ensure that women in rural areas have equal rights as men to contracted land and homestead rights



### North Korean women

- Regularise the status of North Korean and other women victims of trafficking, and ensure they are not criminalised for violations of immigration laws and have access to temporary residence permits and to basic services

- Provide the UN High Commissioner for Refugees, and relevant humanitarian organisations, full and unimpeded access to victims of trafficking from North Korea



### Sexual and gender-based violence

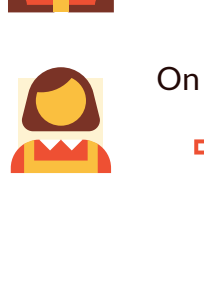
- Amend the Anti-Domestic Violence Law to extend its protection to all forms of [domestic violence](#), including economic violence, economic control and neglect, and violent acts by former intimate partners

- Provide mandatory and continuous [capacity-building](#) for judges, prosecutors, the police and other law enforcement officers

- Ensure that all acts of gender-based violence against women are effectively investigated and [perpetrators prosecuted](#) and adequately punished

- Raise awareness of the new Regulations on the 2021 Protection of Minors at Schools, which include provisions against [sexual harassment](#) and cyberbullying, and monitor the establishment of zero-tolerance handling mechanisms for students

- Provide mandatory training for employers, trade unions and employees on the prohibition of sexual harassment, ensure that all reports of sexual harassment are effectively investigated and that those responsible are adequately punished

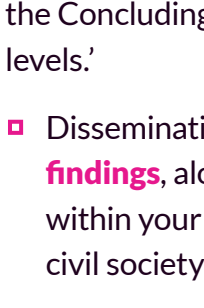


### Sexual and reproductive health and rights (SRHR)

- Strengthen and fully integrate SRHR into the process of women's health management, including voluntary and rights-based [family planning](#) services enabling women and adolescent girls to make their own informed decisions about contraceptive use and methods

- Integrate age-appropriate [education on SRHR](#) into curricula at all levels of education, and strengthen confidential access for adolescent girls and young women to youth-friendly SRHR services

- Provide capacity building to law enforcement officers, health professionals and service providers, on the strict application of the 2016 Regulation on Prohibiting Foetal Sex Identification and [Sex-Selective Termination of Pregnancy](#) for Non-Medical Purposes

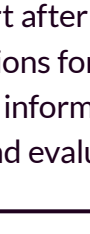


### Labour rights

- Strictly enforce the principle of 'equal pay for work of equal value' in order to narrow and ultimately close the [gender pay gap](#)

- Reinforce [monitoring mechanisms](#), including regular labour inspections, and strengthen women's access to confidential and independent complaint mechanisms

- Raise the [retirement age](#) of women to be equal to that of men, with a view to increasing pension benefits and addressing old age poverty of women



*Priority recommendation for implementation within 2 years!*



### Justice and prison systems

- Immediately close all extra-legal detention facilities (['black jails'](#)) and release all women detained in such places of detention or transfer them to regular detention facilities or to prisons under the penitentiary system, and prosecute and adequately punish those operating extra-legal places of detention

- Improve the [conditions in detention](#) facilities where women are deprived of liberty, in accordance with the [Bangkok Rules](#)

- Ensure awareness-raising and [capacity-building](#) programmes for the judiciary and law students on women's rights and gender equality, that also address the credibility and weight given to women's testimony, evidence and claims, as well as judicial bias as to what is considered to be appropriate behaviour for women



### Application of the Convention:

The committee is 'concerned that the Convention is not directly applicable in the national courts.'

- Ensure that the provisions of the Convention are fully integrated into the national legal system, including by amending or repealing legislative provisions that are incompatible with the principles of equality and non-discrimination



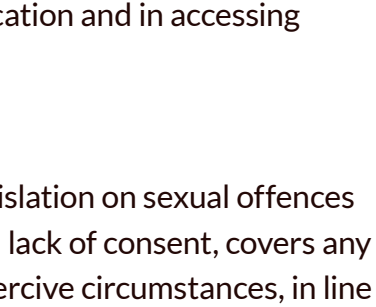
*Priority recommendation for implementation within 2 years!*

## WHAT ABOUT HONG KONG?

The committee issued a range of recommendations, including to:



- Adopt [legislation on discrimination](#) based on sexual orientation, gender expression, and physical characteristics, as recommended by the Equal Opportunity Commission



- Continue its efforts to combat intersecting forms of discrimination against [LBTI women](#) in employment, education and in accessing health services



- On sexual and [gender-based violence](#):

- Urgently submit to the parliament for adoption draft legislation on sexual offences that incorporates a [definition of rape](#), which is based on lack of consent, covers any non-consensual sexual act, and takes into account all coercive circumstances, in line with international human rights standards



*Priority recommendation for implementation within 2 years!*

- Amend the Sex Discrimination Ordinance to introduce a positive obligation for employers to take measures to prevent and respond to [sexual harassment](#) in the workplace

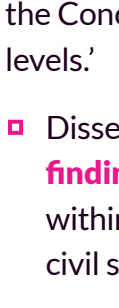
- Establish special gender-responsive units in police stations, adopt and adequately fund a witness protection programme

- Provide capacity-building to law enforcement officers on the strict application of relevant criminal law provisions and on gender-sensitive investigation and interrogation methods

- Adequately fund victim support services and a sufficient number of shelters run by NGOs



Take into consideration the paramount importance of the [right of peaceful assembly](#) and refrain from over-prioritising public order and security concerns when considering restrictions on democratic manifestations such as the annual Labour and Women's Rights and Gender Equality March



Increase efforts to eliminate the persistent [gender wage gap](#), including by undertaking regular gender pay reviews in all occupational sectors



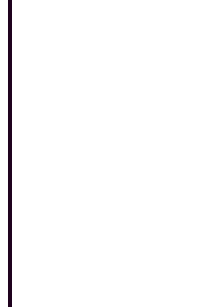
- On [women migrant domestic workers](#):

- Strengthen legal safeguards to protect them from discrimination and abuse by employers and recruitment and placement agencies, including by increasing labour inspections to private households, and effectively investigate and punish exploitative and abusive practices

- Consider extending the two-week rule to ensure that those whose contracts have been terminated have sufficient time to search alternative employment or file claims for unpaid salaries

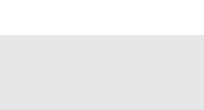
- Repeal the live-in rule, by which migrant domestic workers are required to live in with their employer under the employment law

## WHAT CAN BE DONE NOW?



In general, governments who want to cooperate in good faith with the treaty bodies, including CEDAW, use the Concluding Observations to help [guide them as they improve laws and policies](#) to protect, respect and fulfill human rights.

- The Chinese government should be called upon to comply with the Committee's recommendations.



The Committee also requested that China ensure a 'timely dissemination of the Concluding Observations' in Chinese to relevant State institutions 'at all levels.'

- Dissemination cannot stop there: make sure you also [disseminate these findings](#), along with your analysis and recommendations for implementation, with your networks, with journalists, officials, scholars, diplomats, with civil society peers, or on social media - without putting you at risk!



However, many defenders may find that it is unproductive, counterproductive or even dangerous to try to use CEDAW review and its outcomes to engage with the government directly. In this case, there are still options for helping to make the review useful for broader advocacy purposes.

For example:

- The experts' recommendations can be considered as 'legally binding' given that they are meant to ensure [compliance with a binding treaty](#) voluntarily ratified by China. The Chinese government is a State Party to the treaty, and therefore has an obligation to ensure its effective application in the country. This means that other governments, especially those who have [human rights dialogues with China](#), should be reiterating the expectation that the Chinese government take concrete steps to implement these recommendations - and consider opportunities to condition ongoing discussions on that implementation.

- The next 'formal' step is the [follow-up review](#), to which the Chinese government must submit a report after two years, in 2025. The Committee identified four priority recommendations for follow-up, which should be the focus of the government reporting - and additional information from civil society. The Committee will then consider all information and evaluate the level of implementation.

## BUT THAT'S A LONG TIME AWAY! WHAT ABOUT THE INTERIM?



In combination with some of the quotes from the review itself, the Concluding Observations can help civil society better engage with, and leverage, [media and journalistic coverage](#) of human rights issues in China.



When doing bilateral [advocacy with governments](#), or when seeking to [engage with other UN agencies or private sector](#) entities, the Concluding Observations of the UN can carry a lot of weight.

- For instance, the Committee recommended that China 'make the Convention a reference in the definition and implementation of its international cooperation strategy'

- The Chinese government has repeatedly made use of the 1995 World Conference on Women in Beijing to portray itself as a women's rights champion; yet, the Concluding Observations clearly show limits to the government's willingness to promote women's rights, in particular Uyghur, Tibetan and LGBTI women. Make sure any discussions in this field take due consideration of CEDAW's findings!

According to the UN Secretary-General, China is one of the [top perpetrators](#) of [reprisals](#) against civil society actors cooperating with the UN. If you have faced or documented reprisals cases and would like the UN to address them publicly or privately, make sure to [report to UN human rights mechanisms](#), including CEDAW and the OHCHR.