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Maat for Peace's Report on the Universal Periodic Review of the People's Republic of China

First: Developments of Legislative Framework

China has taken many positive steps, at the legislative and judicial levels, especially concerning gender equality, reviewing women-related laws in addition to reforming Civil Code, which introduced provisions on sexual harassment, as well as the Anti-Domestic Violence Law, which provides for restraining orders to protect women and children at risk¹.

• Women's Laws

In October 2022, China passed legislation to give women more protection against gender discrimination and sexual harassment. This legislation was issued in conjunction with activists' expression of concern about the government's escalating rhetoric about the value of women's traditional roles, which are perceived by some as setbacks for women's rights. The legislation promotes the rights and interests of the groups that need protection, such as poor women, the elderly, and women with special needs. According to the Law, employers will be held accountable if they violate the interests and rights of women at work and social security. It would be a crime to obstruct the rescue of women who are being trafficked or kidnapped. The responsibility of local authorities to rescue women who have been trafficked or kidnapped has been specified.²

China also issued many personal status laws to increase cohesion in the Chinese family, such as the New Divorce Law, which requires those requesting divorce to wait one month before getting their applications processed to reduce divorce rates, which is witnessing a steady increase since 2003 when marriage laws became more lenient, and women became more financially independent. According to reports, the New Divorce Law in China reduced divorce cases by 70% after entry into effect in the first quarter of 2023. In 2022, about 4.15 million Chinese got divorced, compared to 1.3 million in 2023. The new civil law entered into force on January 1, 2021³. It is worth noting that this law was vehemently opposed when it was proposed, and many human rights organizations considered it interference by the state in private relations, which contradicts human rights.

¹ - Report on the visit of the High Commissioner to China, 28 May 2022, link, <https://news.un.org/ar/story/2022/05/1103202>

² - China approves a new law to protect women, Al Jazeera Center for Public Liberties and Human Rights, October 2022, link - <https://bit.ly/3oJUf8>

³ - The new separation law reduces divorce cases in China by 70%, Arabic 21, May 2023, link, <https://bit.ly/3qg9o8s>

On the other hand, it issued many restrictive laws that violate human rights, especially those related to national security.

1. Hong Kong National Security Law

In 2022 the central government promulgated the National Security Law for Hong Kong, which criminalized all moves that would disrupt the work of the central government in Hong Kong or rebel against it, in addition to what the legislation describes as terrorism and collusion with foreign powers. Through this law, the Chinese central government will monitor education affairs and their relationship with national security. Under the law, the chief executive in Hong Kong is entitled to appoint judges to handle security cases; however, this power raises concerns about the independence of the judiciary from the government. According to observers, these powers are also flexible because the law is subject to Beijing's interpretation thereof. Any conflict between Chinese law and Hong Kong law, the final word will be for Beijing⁴ law. Besides, the law is not specific to Hong Kong residents only, but applies to all residents in or outside China, regardless of their nationality and place of residence; the law also tightens and gives the Chinese government and the Hong Kong government expanded powers to monitor schools, social organizations, and the media. Under this, investigative authorities storm homes and can search property, restrict or ban travel, freeze or confiscate assets, impose censorship over online content, and engage in covert surveillance, including interception of communications - all without a court order.

2. Amending the National Security Protection Law of 2009 in Macao

On May 30, 2023, an expanded version of the National Security Protection Law of 2009 entered into force in Macao, a regulation that sets out seven offenses punished by a maximum penalty of 25 years in prison. This regulation imposed further restrictions on journalists and increases the threat to the population's right to obtain information, the law now extends to any individual suspected of undermining China's national security, which also means outside the region, regardless of nationality; the scope and definition of crimes were also expanded: vandalism and separatism were extended to include non-violent acts and sedition, sedition includes acts that incite participation in riots, theft of state secrets, and violation of state secrets have become among the crimes covered by the law, the original regulation was dangerously open to interpretation and expansion, making it an ideal tool for the government to intimidate and possibly detain journalists who oppose the authorities' policies⁵.

Second: Situation of Human Rights in China

1. Freedom of Opinion and Expression

⁴ - What does the new Chinese security law mean for the future of Hong Kong, Sky News Arabia, June 30, 2020, link, <https://bit.ly/42moBC8>

⁵ - China: journalists under increased pressure as national security law expands in Macau, RSF, Jun 2023, link, <https://rsf.org/en/china-journalists-under-increased-pressure-national-security-law-expands-macau>

China is home to one of the most restrictive media environments in the world and the most complex censorship regime, especially over the Internet. The central government maintains control over news reporting through direct ownership, reliance on journalists, harsh penalties for comments critical of party or government leaders, and daily directives to media outlets and websites that cover breaking news. The State Administration of Telecommunications Infrastructure is enabled to block websites, remove smartphone applications from the local market, and delete posts in bulk from social media user accounts taking about banned political, social, economic, and religious topics. Thousands of websites, many more, have been blocked for years, including leading news outlets and social media powerhouses such as the New York Times, BBC, YouTube, Twitter, and Facebook⁶.

The Chinese authorities resort to espionage, coercion, intimidation, and harassment to prevent independent journalists from covering topics deemed sensitive. China remains the world's largest prison for media actors, with more than 100 journalists behind bars in harsh conditions. Access to information freely falls under the heading of crimes, but informing others of that information is a more egregious crime. Communist Party controlled the Chinese public and private media increasingly tightly, and obstacles to the work of foreign correspondents were increasing. On January 31, 2022, it released a report on the results of an annual survey of journalists on the conditions of journalism in China. The report found that 99% of foreign correspondents said reporting requirements in China did not meet what they considered to be international standards. China's impediments to independent reporting are also getting worse. It also confirmed reports that Hong Kong, a city that journalists could once report on without fear of reprisals, is no longer an attractive resettlement option after the enactment of the National Security Law in 2020 in the city and the resulting expulsion of foreign journalists from the region by authorities, as well as the arrests of local journalists⁷.

2. Freedom of Religion and Belief

The CCP has long suppressed religious freedom and recently has become increasingly hostile to religion, carrying out campaigns to weaken Islam, Tibetan Buddhism, and Christianity to remove alleged foreign influences; registered and unregistered religious groups that oppose the Chinese Communist Party also face harassment, detention, arrest, imprisonment, and other abuses⁸.

In 2022, conditions for religious freedom in China have deteriorated; the government continued to vigorously implement the Chinalization of religion policy and demanded that

⁶ - China: freedom world 2023, Freedom House, 2023, link, <https://freedomhouse.org/country/china/freedom-world/2023>

⁷ - China finds new ways to intimidate foreign press, FCCC survey finds, CPJ, 31 January 2022 , link, <https://cpj.org/2022/01/china-finds-new-ways-to-intimidate-foreign-press-fccc-survey-finds/>

⁸ - China: International of Religions Freedom Report 2023, USCIRF, May 2023, link, <https://www.uscifr.gov/annual-reports?year=516&country=36>

religious groups support the rule and ideology of the Chinese Communist Party. Individuals continued to be harassed and imprisoned for practicing their religion or belief. Among those subjected to arbitrary arrest and detention during 2022 were religious leaders and practitioners, including those from house churches, Uyghur imams, Tibetan Buddhist monks, and members of the Falun Gong cult. Ethnic Tibetans also continued to face discrimination and restrictions on their rights to freedom of religion or belief, freedom of expression, freedom of association, and freedom of peaceful assembly.

Thousands of Buddhist, Taoist, and folk temples and churches across China have been demolished in whole or in part by the authorities in recent years. Authorities have reportedly used COVID-19 restrictions and inspections to justify closing churches and other religious venues even as nearby places such as restaurants remain open. The government also continued to operate mobile conversion units that subjected members of illegal religious groups to severe psychological and physical torture to force them to convert by renouncing their religious beliefs; thousands of members of these illegal groups have also been sentenced to long prison terms and illegal forms of detention, where torture and ill-treatment are routine. The law prohibits children under 18 from attending church or engaging in religious activities; dozens of Falun Gong practitioners have reportedly died in custody or shortly after their release recently⁹.

The Online Religious Information Services Administration's measures were introduced in March 2022, banning religious content on the Internet and further narrowing the space for religious groups. During the year, the Chinese authorities continued the repressive characterization of Islam and a policy of forced assimilation in Xinjiang that attempts to eradicate the distinct ethnic and religious identities of the Uyghurs and other Turkic Muslims. In May 2022, a report based on leaked internal police files from two provinces in Xinjiang confirmed brutality in the internment camps where Uyghurs were held.

Persecution of Church Christians in Protestant homes also intensified in 2022. The government also implemented a nationwide crackdown on house churches by harassing, detaining, physically abusing, and punishing Protestants who refused to join the state-controlled three National Movement.

3. Women's Rights

China has implemented various regulatory and legal frameworks to address sexual harassment and assault, including gender-based violence. It issued many laws and

⁹ - China: freedom world 2023, Freedom House, 2023, link, <https://freedomhouse.org/country/china/freedom-world/2023>

legislations, including the Law on the Protection of Women's Rights and Interests (2005), the Public Security Penal Code (2012), the Criminal Code (2020), and the Civil Code (2020)¹⁰. On October 30, 2022, China approved legislation to give women more protection against gender discrimination and sexual harassment¹¹.

However, these laws and regulations have not been achieved as much as hoped, leading to a wave of harassment, sexual assault, and gender-based violence. There have been few gains in reporting cases as many Chinese women do not report harassment and assault for fear of victim shaming and other reasons¹².

Gender violence in China is prevalent in both public and private spaces. Despite the entry into force of the Anti-Domestic Violence Law in March 2016, domestic violence is still widespread.¹³ In June 2022, a group of men violently attacked four women at a barbecue restaurant in Tangshan after one of the women refused attempts to molest her. Official reports focused on upholding the law rather than raising awareness of the disturbing consequences of this crime. Human rights reports also described the police's slow response and attempts to downplay the women's injuries as minor. Later events exposed the problem at the heart of gender-based violence in China: rather than recognizing the role gender played in the attack, the authorities treated it as a case of gang crime¹⁴. Local police tend to downplay domestic violence as a family affair and are often unwilling to intervene because the law does not provide details on penalties for domestic violence. Domestic violence is still rampant: according to the All-China Women's Federation, a woman experiences domestic violence every 7.4 seconds in China.

Hence, the passage of the law banning domestic violence as the first comprehensive legislation of its kind in China could be said to be of legal significance, but the lack of effective implementation or changes in social norms and attitudes meant that it made little real difference. Especially in light of the inability of women victims of domestic violence to access justice through the Chinese judicial system, not to mention the lack of protection and deterrence of violence in the future, as well as the lack of a strong will from the central

¹⁰ - Violence Against Women: Gender Relations, Rule of Law and Social Morality, The China Story, 19 SEPTEMBER 2022, link, <https://www.thechinastory.org/violence-against-women-gender-relations-rule-of-law-and-social-morality/#>

¹¹ - China passes a new law to protect women, euro news website, October 30, 2022, link, <https://arabic.euronews.com/2022/10/30/china-women-law-ni2>

¹² - Violence Against Women: Gender Relations, Rule of Law and Social Morality, The China Story, 19 SEPTEMBER 2022, link, <https://www.thechinastory.org/violence-against-women-gender-relations-rule-of-law-and-social-morality/#>

¹³ - The Long Road to Ending Gendered Violence in China, USALI, 1 December 2022, Volume 3, Number 9, link, <https://usali.org/usali-perspectives-blog/the-long-road-to-ending-gendered-violence-in-china>

¹⁴ - The Long Road to Ending Gendered Violence in China, USALI, 1 December 2022, Volume 3, Number 9, link, <https://usali.org/usali-perspectives-blog/the-long-road-to-ending-gendered-violence-in-china>

government to pressure for systematic change within the Chinese state. Chinese courts are still ill-equipped to take seriously the testimonies and experiences of victims of gender-based violence.

4. **Human trafficking**

The overall objective of the Action Plan to Combat Trafficking in Persons (2013-2020) is to establish a long-term anti-trafficking mechanism that integrates measures to prevent and combat these crimes with victim assistance and rehabilitation efforts. In addition, measures to prevent labor exploitation aim to suppress prostitution and exploitation. However, China's national anti-trafficking action plan includes a contradiction between efforts to combat human trafficking, specifically women trafficking and prostitution, and jurisdictions that strictly prohibit prostitution. There are also sharp differences between those who advocate the strict prohibition of prostitution versus those who favor a more criminal approach to non-forced adult prostitution¹⁵.

The Chinese Criminal Code, which was first passed in 1979, did not contain any articles imposing penalties for such cases. But it has an amendment in 1997, which stipulated that if the buyer did not mistreat the trafficked woman or prevent the victim from returning to her original home, he would not be penalized. Subsequently, the amendment was cancelled in 2015, and a clause was added stating that they would receive a reduced sentence. In an action plan released by the Chinese cabinet in 2020, the authorities acknowledged the need to crack down on human trafficking and create a stronger community network to prevent such cases. However, there has been no change in the penalties imposed on buyers, as the penalty for human trafficking does not exceed a maximum of five years, with the possibility of obtaining a financial guarantee that may reach 10,000 yuan, or about \$1,500¹⁶.

Also, despite the sanctions and its efforts to combat human trafficking, China has witnessed a significant increase in trafficking in young women and girls for marriage and sexual slavery, or what is known as the bride trade. This trend is primarily a result of the long-standing one-child policy and state preference for males, which has resulted in a significant gender imbalance. Government and relevant organizations' reports have revealed that bride trafficking victims in China come from poor ethnic and religious minorities¹⁷. Between 2017 and 2020, Chinese courts handled cases involving at least 1,250 women who were victims of trafficking. These crimes often followed a similar pattern, with traffickers kidnapping vulnerable women to sell as wives to men in other parts of China.

¹⁵ - Prostitution and Female Trafficking in China, Open Edition, 2018, link, <https://journals.openedition.org/chinaperspectives/7742>

¹⁶ - Trafficking in women in China is slavery targeting female villagers and girls from neighboring countries, The New Arab, August 2022, link, <https://bit.ly/42mAWXf>

¹⁷ - Bride trafficking – the escalating phenomenon of forced marriage and sexual slavery in China, Humanium, 15 November 2022, link, <https://www.humanium.org/en/bride-trafficking-the-escalating-phenomenon-of-forced-marriage-and-sexual-slavery-in-china/>

Reports reveal a series of disturbing migration patterns in which many young women are moving from low-income provinces in southwest China to rural areas in the east to marry¹⁸.

Recommendations

- Ensuring that all laws and policies comply with international human rights law.
- Investigate promptly any allegations of human rights violations to ensure that perpetrators are held accountable and that redress is provided to victims.
- The international community must increase pressure on the Chinese authorities to restore press freedom in Macau and Hong Kong.
- The release of all 113 journalists and press freedom defenders detained in the country.
- Urging China to review and revise the expansion of China's anti-espionage law, which will take effect in July 2023 and pose a growing threat to journalists and press freedom advocates
- Immediate cessation of any practices that include violations or may fall within international crimes that are prohibited by international conventions and norms, such as forced sterilization.
- Work to stop practices that are marred by discrimination and inequality in health and the provision of health services.
- Develop a proper framework to criminalize trafficking in women as a symptom of widening gender inequality and work to mainstream comprehensive policies across China.
- Reforming the Chinese legal and political systems to address issues of violence against women, especially the different forms of sexual violence, must remain a priority for the Chinese central government.
- The Chinese government respects the rights of minorities in general and minority women in particular concerning the realization of the right to health care.

¹⁸ - China's Human Trafficking Problem Goes Far Beyond the 'Chained Woman', Sixth Tone, 12 Mar 2022, link, <https://www.sixthtone.com/news/1009813>