

First floor, No. 41, South Aban St.
Karim Khan Ave, Tehran, Iran
Phone: 00982188900837
Fax: 00982188800817
Email: info@womenrightful.com
Website: www.womenrightful.com



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Individual NGO Submission for the Universal Periodic Review of the human rights situation in China (2023)

Submitted by: The Institute for the Protection of Women's Rights (IPWR)

For further information, please contact:

Executive Director: Maryam Yousef Safari; Maryam15459@gmail.com

Advisor: Bahar Akhavan; akhavanbahar8@gmail.com

The Institute for the Protection of Women's Rights (IPWR), was established in 2015 as a nongovernmental organization and granted consultative status by the Economic and Social Council (ECOSOC) in 2019. In general, the activities of the institution can be described in the direction of supporting women's rights in the political, social, cultural, economic, etc. fields. The main objectives of the Institute are as follows:

- Continue efforts to develop women's rights
- Continue efforts to promote the rights of children
- Strengthen legal and administrative measures and efforts to promote the right of access to decent work
- Continue affirmative action to promote and protect human rights, particularly the rights of women and children

This report explains The status of women's rights in China:

- According to the documents, the Standing Committee of the National People's Congress, China's highest legislative body, passed a revision of the Law on the Protection of Women's Rights and Interests on 30 October 2022. The new law came into force on 1 January 2023. The revision expands the previous law from 61 articles in nine chapters to 86 articles in 10 chapters. It aims to promote gender equality in a number of areas, including women's political rights, personal rights, cultural and educational rights, employment, property rights, and rights and interests related to marriage and family. It also provides for assistance measures for women whose rights have been affected. The following are some of the key points of the new law. Clarification of forms of sexual harassment, clarification of obligations of employers, schools and hotels, clarification of legal liability of employers and hoteliers, elimination of gender discrimination in recruitment, protection of maternity rights ¹.
- One of the developments in family law in China was the amendment of the Protection of Minors Law on 17 October 2020, which came into force on 1 June 2021. The Law on the Protection of Minors has 132 articles divided into nine chapters: general provisions, family protection, school protection, social protection, network protection, government protection, judicial protection, legal responsibility and supplementary provisions. On the subject of the family, the following points are worth highlighting: Parents or other guardians of minors shall not leave minors under eight years of age unsupervised or abandon them to unsuitable persons for temporary care; they shall not remove minors under 16 years of age from guardianship and allow them to live alone. (Article 21) The parents or other guardians of minors must fulfil their guardianship duties. Other

¹ <https://www.loc.gov/item/global-legal-monitor/2023-01-12/china-law-on-the-protection-of-womens-rights-and-interests-revised/?loclr=ealln>

adult family members living with minors shall assist the parents or other guardians in the upbringing, education and protection of minors. (Articles 15, 16 When the parents or other guardians of a minor². (Articles 22, 23)

- Evidence shows that in China, gender equality has been written into the constitution since 1954. More than 100 laws and regulations have been formulated or amended to provide basic guarantees for promoting women's development and safeguarding their rights and interests. Women make up half of China's poverty reduction population and account for more than 40 percent of the working population. In 2018, the net primary school enrollment rate of boys and girls was nearly 100%, and the number of female college graduates accounted for 49.6% of all college graduates. The maternal mortality rate has declined significantly from 89 per 100,000 live births in 1990 to 16.9 per 100,000 live births in 2020. Despite progress in addressing gender inequality, gender-based violence, forms of harmful practices, and discrimination persist³.
- To support the development of women worldwide and the work of UN Women, China is donating \$ 10 million to UN Women for the implementation of the Beijing Declaration and Platform for Action and the achievement of the related goals of the 2030 Agenda for Sustainable Development. Over the next five years, China will help other developing countries build 100 women's and children's health projects, send medical expert teams, and implement 100 "Happy Campus" projects to finance schooling for poor girls and increase girls' enrollment rates. In addition, 30,000 women from developing countries will participate in training programs in China and 100,000 educational opportunities will be provided in local communities in other developing countries. Under a similar fund co-sponsored by China and the United Nations, there will be special capacity-building programs for women from developing countries⁴.
- With the introduction of the Civil Code on January 1, 2021, a unified civil law framework has been established for the first time, integrating most of the previous major civil law substantive laws in China. The Civil Code of the People's Republic of China (中华人民共和国民法典) is the first complete civil code in the People's Republic of China. In the part of the Civil Code related to marriage and family, there is a major and important change. The 30-day cooling-off period for divorce is a new provision. In reality, impulsive divorces make up a certain percentage of cases. The 30-day cooling-off period is helpful for couples who are indecisive and need to cool down and seriously consider the final decision on divorce. In practice, it is possible that the Supreme Court will make

² <https://www.chinajusticeobserver.com/a/china-revises-law-on-protection-of-minors>

³ <https://china.unfpa.org/en/topics/gender-equality-and-women%E2%80%99s-empowerment>

⁴ <https://www.unwomen.org/en/get-involved/step-it-up/commitments/china>

its appropriate legal interpretations in implementing this provision⁵.

- Remarkable results have been achieved in the fight against trafficking in women. In order to effectively combat trafficking in women and protect women's legal rights and interests, China has issued its second anti-trafficking action plan, entitled the National Anti-Trafficking Action Plan (2013-2020), and in accordance with the law, has resolutely cracked down on trafficking in women, strengthened the elimination of the "buyers' market" for trafficking, and reduced trafficking cases at the source. As a result, trafficking in women has been effectively curbed⁶.
- Based on the reviews, China's first Family Education Law, which took effect on January 1, 2022, instructs parents to become responsible guardians and sets the boundary between school and family education. The topic of Chinese parents now having to raise their children in accordance with the law was all the rage on social media when China's first Family Education Promotion Law took effect. The Law for Promoting Family Education, which has six chapters and 55 articles, stipulates the responsibility of guardians of minors and society for family education in terms of family responsibility, government support, social cooperation and legal responsibility. It follows the Education Law, the Compulsory Education Law, and the Law on the Protection of Minors as another landmark Chinese law on education⁷.
- After China's announcement, legal aid for women was greatly expanded. By the end of 2020, there are 2,651 legal aid institutions and 75 thousand legal aid stations nationwide. In 2020, 341 thousand legal aid services were provided to women, an increase of 73.7% since 2010. From 2011 to 2020, a total of 3.31 million legal services were provided to women nationwide. In 2020, women's associations at or above the district level responded to complaints from women and children a total of 188 thousand times⁸.
- The policies and actions of the Chinese government have shown that the Party pays close attention to promoting gender equality and women's empowerment, and has taken a strong leadership role. In its report to the 19th National Congress of the CPC, the Communist Party of China (CPC) pledged to pursue the basic national policy of gender equality and protect the legitimate rights and interests of women and minors. At the Fourth Plenary Session of the 19th CPC Central Committee in 2019, it went a step further by pledging to build a policy system to protect gender equality and promote women's comprehensive development. At the 12th National Women's Congress in 2018, Chinese President Xi Jinping and the new leadership of the All-China Women's Federation made arrangements for

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[https://uk.practicallaw.thomsonreuters.com/w-028-0295?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/w-028-0295?transitionType=Default&contextData=(sc.Default)&firstPage=true)

⁶ http://www.stats.gov.cn/english/PressRelease/202112/t20211231_1825801.html

⁷ <https://www.globaltimes.cn/page/202201/1243992.shtml>

⁸ *Ibid*

the development of women's concerns in the next five years. The country's 13th Five-Year Plan for the period from 2016 to 2020 devotes a separate chapter to "Promoting the Comprehensive Development of Women" During this period, the National Program for the Development of Women (2011-2020) continued to be implemented. In 2019, the preparation of the program for the development of women in the next period was started⁹.

- In addition to rapid economic growth and development in recent decades, China has also experienced significant social development. From 1990 to 2019, China's Human Development Index (HDI) has increased by 52.5 percent from 0.499 (low) to 0.761 (high) – making it one of only five countries that have gone from "low" to "high" on the index. During this time, great progress has been made in gender equality and women's empowerment (GEWE). From 1995 to 2020, the HDI score for Chinese women increased from 0.522 to 0.744. In addition, China's Gender Development Index (GDI) score increased from 0.912 in 1995 to 0.957 in 2020, indicating that gender gaps are narrowing in education, health, and control over economic resources¹⁰.
- Important achievements have been made in legislation, policy, and other key areas affecting GEWE in China. As a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, China has developed a series of policies, legal frameworks, and programmes to improve the social status of women and promote their equal rights and opportunities. Since 1995, the Chinese government has initiated its first multi-year national programme for women's development, which includes national strategies and an action plan to promote women's rights and interests in areas such as economic participation, women's participation in decision-making and management, education, health, and legislation¹¹.

Recommendations

We urge the government to:

- Emphasizing the need to take all appropriate measures to change the social and cultural patterns of behavior of men and women, continue to advocate for women and girls in all its programs, campaigns, and practices;
- Welcomes the opportunity to advance gender equality and non-discrimination, and commits to actively work with civil society and other groups to advance equality for women and girls;
- Continue to call for equal pay between women and men (equal pay for work of equal value);

⁹ http://www.chinatoday.com.cn/ctenglish/2018/zdtj/202009/t20200925_800221877.html

¹⁰ <https://www.undp.org/china/gender>

¹¹ Ibid

- Reaffirm the empowerment, autonomy, and advancement of women and the improvement of their political, social, and economic status; Continue to advocate for universal and equal access to quality education for women and girls;
- Make efforts to increase the number of women in leadership positions in government. These efforts may include the designation of seats for women, as well as programs that encourage women to run for leadership positions;
- Call on governmental and nongovernmental organizations to develop and implement comprehensive, sustainable, and gender-sensitive public policies and programmes that support and protect women
- Eliminate all forms of gender discrimination in the labour market and promote gender equality and remove barriers that prevent women from achieving economic autonomy through their equal participation in the labour market.
- Promote entrepreneurship, especially female entrepreneurship, and explore ways to assist women entrepreneurs or self-employed women in the informal sector to formalize their activities;
- Promote entrepreneurship, especially female entrepreneurship, and explore ways to assist women entrepreneurs or self-employed women in the informal sector to formalize their activities;
- Prevent discrimination against women in hiring and at all levels of employment to overcome barriers to career advancement;
- Promoting measures to better reconcile work and family life;
- Develop gender-sensitive social security systems;
- Ensure that gender is taken into account in labour market regulation and collective agreements;
- Promote opportunities for equal participation of women and men in working life as well as in public life at all levels;