

STATUS OF WOMEN

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STATUS OF WOMEN

Findings

- Chinese officials continue to promote existing laws that aim to protect women's rights, including the amended PRC Law on the Protection of Women's Rights and Interests and the amended PRC Marriage Law; however, ambiguity and lack of clearly outlined responsibilities in China's national-level legislation, in addition to selective implementation and selective enforcement of this legislation across localities, limit progress on concrete protections of women's rights.
- In its domestic laws and policy initiatives and through its ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Chinese government has committed to ensuring female representation in government. However, female representation at all levels of government appears to have made little significant progress in the 2011 reporting year.
- The National People's Congress Standing Committee passed the revised PRC Organic Law of the Villagers' Committees in October 2010, revising the language stating that there should be "an appropriate number of women" in village committees to language that states village committees "should have female members." The revised law also includes a stipulation that women should hold one-third of positions in village representative assemblies. The impact these revisions will have on female representation at the village level in the future is unclear, but some domestic observers have hailed them as a positive step. An increase in women's decisionmaking power at the village level may lead to greater protection of women's property rights in rural areas.
- China has committed under CEDAW to take "all appropriate measures to eliminate discrimination against women in the field of employment." Women continue to experience widespread discrimination in areas including recruitment, wages, and retirement despite the fact that the Chinese government has committed under Article 7 of the International Covenant of Economic, Social and Cultural Rights and Article 11 of CEDAW to ensuring gender equality in employment. While China's existing laws such as the PRC Labor Law, amended PRC Law on the Protection of Women's Rights and Interests (LPWRI), and PRC Employment Promotion Law prohibit gender discrimination, they lack clear definitions and enforcement mechanisms, which weakens their effectiveness.
- The amended LPWRI and amended PRC Marriage Law prohibit domestic violence, and individuals charged with the crime of domestic violence are punishable under the PRC Criminal

Law. These national legal provisions leave many who encounter domestic violence unprotected, however, as they do not define domestic violence or outline specific responsibilities of government departments in prevention, punishment, and treatment. Officials reportedly completed draft national-level legislation that clarifies the definition and distribution of government responsibilities. Domestic violence reportedly remains pervasive, affecting nearly one-third of families in China. China's amended LPWRI also prohibits sexual harassment and provides an avenue of recourse for victims. The LPWRI does not, however, provide a clear definition of sexual harassment or specific standards and procedures for prevention and punishment, presenting challenges for victims in protecting their rights. Sexual harassment reportedly remains prevalent in China.

- Statistics and analysis from studies published in 2008, 2009, and 2010 regarding China's skewed sex ratio suggest that sex-selective abortion remains widespread, especially in rural areas, despite the government's legislative efforts to deter the practice. Some observers, including Chinese state-run media, have linked China's increasingly skewed sex ratio with an increase in forced prostitution, forced marriages, and other forms of human trafficking.

Recommendations

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

- Support programs in China that increase women's leadership training through U.S.-China exchanges and international conferences. Support legal programs that promote women's land rights, especially in rural areas, and urge that steps be taken to ensure that village rules and regulations are in accordance with national-level laws and policies and to ensure adequate protection of women's rights and interests.
- Urge the Chinese government to strengthen enforcement mechanisms for implementation of provisions in the PRC Labor Law, the amended PRC Law on the Protection of Women's Rights and Interests (LPWRI), and the PRC Employment Promotion Law that prohibit gender discrimination. Urge Chinese officials to address specifically gender discrimination in recruitment, wages, and retirement.
- Urge the Chinese government to enact comprehensive national-level legislation that clearly defines domestic violence, assigns responsibilities to government and civil society organizations in addressing it, and outlines punishments for offenders. Inquire whether officials will release such legislation for public comment and, if so, how long the public comment period will be and to whom it will be made available. Urge the Chinese government to further revise the LPWRI or enact new comprehensive national-level legislation to provide a clear definition of sexual harassment and specific standards and procedures for prevention and punishment. Support training programs that increase awareness of domestic violence and sexual

harassment issues among judicial and law enforcement personnel.

Introduction

Chinese officials continue to actively promote the protection of women's rights and interests in accordance with international human rights norms; however, due in part to ambiguity and a lack of clearly outlined responsibilities in China's national-level legislation, women still encounter gender inequality, discrimination, and other abuses in the community, in the workplace, and at home. Women's representation in leadership positions at all levels of government still falls short of international norms and, according to the most recent available statistics, appears to have made little significant progress for at least four decades. Chinese women continued to face gender-based employment discrimination during the Commission's 2011 reporting year, including lower average wages than their male counterparts, gender bias in recruitment, and compulsory retirement at an age set 5 to 10 years younger than that of men. Domestic violence and sexual harassment reportedly affect a majority of Chinese women, yet ambiguity in China's existing national-level legislation on these issues limits preventative measures and makes it difficult for women to seek recourse when they encounter abusive treatment. Officials reportedly completed draft domestic violence legislation that addresses longstanding concerns regarding issues such as domestic violence among cohabitating couples, psychological abuse, and physical violence, but it is unclear when and if such legislation will be placed on the legislative agenda. Sex-selective abortion continues, despite Chinese government regulations prohibiting the practice, and exacerbates China's severely imbalanced sex ratio. Observers have raised concerns this year that China's skewed sex ratio may lead to an uptick in the trafficking of women for forced marriage or commercial sexual exploitation.

Gender Equality

In its domestic laws¹ and policy initiatives² and through its ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),³ the Chinese government has committed to ensuring female representation in government. However, at the highest levels of the central government, as well as in the Communist Party, female representation remains low. Only one woman currently holds a position in the Party's top-ranking 25-person Political Bureau of the Communist Party Central Committee,⁴ and women hold only four positions in China's 35-person State Council.⁵ Official statistics on female political participation in the country's legislature do not appear to be available for years more recent than 2008,⁶ at which time China's National Bureau of Statistics reported that women made up approximately 21 percent of delegates to the National People's Congress. This figure has shown little growth since the early 1970s⁷ and remains short of the 30 percent standard set by the UN Commission on the Status of Women in 1990.⁸ Song Xiuyan, Vice Chair of the National Working Committee on Children and Women under the State Council, reported in August 2011 that female leadership has increased in the provincial, municipal, and county levels of government since 2000. When asked about the lack of women's political

participation at higher levels, she stated, “[W]e still have a lot of work to do to raise social awareness and guarantee gender equality through legal means.”⁹ In August 2011, the State Council issued the PRC Outline for the Development of Women (2011–2020), which, among other goals, calls for “local governments at the county level and above to have at least one female leader” by the end of 2020.¹⁰

Against a backdrop of reportedly limited female representation at the village level,¹¹ authorities revised national-level legislation this year, changing the language on female quotas in village committees and village representative assemblies. With limited decisionmaking power in village committees, women face challenges in protecting their rights and interests.¹² The National People’s Congress Standing Committee passed the revised PRC Organic Law of the Villagers’ Committees in October 2010, changing the stipulation that village committees should have “an appropriate number of women”¹³ to the stipulation that village committees “should have female members.”¹⁴ The revised law also includes a new stipulation requiring that “female village representatives should make up one-third or more of the village representative assembly,” a separate decisionmaking body made up of village committee members and village representatives.¹⁵ According to one Peking University law professor, “The Organic Law of the Villagers’ Committees is not directly aimed at furthering women’s rights, however, it is of great significance in protecting women’s rights, for it is related to women’s right to vote, which is vital in upholding and furthering women’s rights and gender equality.”¹⁶ The impact that these revisions will have on female representation at the village level in the future is unclear, but some domestic observers have hailed them as a positive step.¹⁷ An increase in women’s decisionmaking power at the village level may lead to greater protection of women’s property rights,¹⁸ an issue that plagues rural women who lose their land when they marry out of their village.¹⁹ [For additional information on the PRC Organic Law of the Villagers’ Committees, see Section III—Institutions of Democratic Governance.]

Employment Discrimination

Gender-based employment discrimination with respect to issues such as wages, recruitment, and retirement age remains widespread in China, despite government efforts to eliminate it and promote women’s employment. The Chinese government has signed and ratified the International Covenant on Economic, Social and Cultural Rights and has committed under Article 7 to ensuring “the right of everyone to the enjoyment of just and favourable conditions of work,” including “equal pay for equal work,” and “equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.”²⁰ Several domestic laws also prohibit gender discrimination and promote gender equality in the workplace,²¹ but according to an analysis in a February 2010 Women’s Watch-China report, these laws do not provide guidance for an enforcement mechanism. For example, if a female encounters discrimination in recruitment or on the job, she has no legal basis for

filing a lawsuit against the discriminatory behavior; she can only request labor arbitration.²²

A number of domestic reports and surveys from the 2011 reporting year highlighted challenges that women continue to face in employment due to their gender:

- **Difficulty securing employment.** According to a January 2011 Shaanxi Provincial Women's Federation survey, 70 percent of those surveyed believed that males have an easier time finding a job than females. In addition, 44 percent of females surveyed reported that they had encountered discrimination based on their marital or childbearing status, compared to 13.9 percent of their male counterparts. In addition, 19 percent of females surveyed reported that their height and physical appearance were obstacles in their job search, compared to 10.9 percent of their male counterparts.²³
- **Wage disparity.** A survey released in February 2011 by the educational consulting firm MyCOS reported that the income gap between male and female graduates increased with their level of education. For example, on a monthly basis, males with vocational school degrees reportedly earned an average of 169 yuan (US\$26) more than females, males with undergraduate degrees reportedly earned an average of 330 yuan (US\$51) more than females, and males with graduate degrees earned an average of 815 yuan (US\$126) more than females.²⁴
- **Unequal treatment.** A study released in March 2011 by the non-profit research group Center for Work-Life Policy reported that, in a survey on the female talent pool in China, 35 percent of those surveyed believed that women faced unfair treatment at work. The study also found that 48 percent of women choose to "disengage, scale back their ambitions or consider quitting [their jobs]" due to "problems of bias."²⁵
- **Forced early retirement.** Mandatory retirement ages for women in China continue to be five years earlier than those for men.²⁶ Public discussion on retirement age burgeoned in the 2011 reporting year surrounding the publication of a white paper on the state of China's human resources in September 2010,²⁷ the issuance of new social security regulations in Shanghai municipality in September 2010,²⁸ passage of the PRC Law on Social Insurance in October 2010,²⁹ proposals at the annual sessions of the National People's Congress in March 2011,³⁰ and the release of the 2010 Census results in April.³¹ The gender discrepancy in retirement age may obstruct some women's career advancement and impact their economic rights and interests.³² In the past, the lower retirement age for women has also reportedly contributed to hiring discrimination, as employers in some cases preferred to hire women younger than 40 years of age.³³

In May 2011, the Shenzhen Municipal Women's Federation passed draft regulations on gender equality.³⁴ If adopted, the Shenzhen Special Economic Zone Gender Equality Promotion Regulations would be the first legislation of their kind in China to specifically focus on gender equality.³⁵ The draft has reportedly been placed on the 2011 legislative agenda.³⁶

Violence Against Women

DOMESTIC VIOLENCE

The amended PRC Law on the Protection of Women's Rights and Interests (LPWRI) and amended PRC Marriage Law prohibit domestic violence,³⁷ and the crime of domestic violence is punishable under the PRC Criminal Law.³⁸ The problem of domestic violence remains widespread, reportedly affecting more than one-third of Chinese families.³⁹ Current national-level legal provisions regarding domestic violence leave many victims unprotected, as they simply prohibit domestic violence without defining the term or clarifying specific responsibilities of government departments in prevention, punishment, and treatment.⁴⁰ During the Commission's 2011 reporting year, Chinese advocates continued to express concern regarding the nationwide problem of domestic violence and called for clear national-level legislation on domestic violence.⁴¹ According to state-run media sources, officials announced in March 2011 the completion of draft domestic violence legislation.⁴² Highlights reportedly include attention given to cohabitating couples, as well as to cases that involve "psychological violence."⁴³

SEXUAL HARASSMENT

Sexual harassment remains prevalent in China, yet those who encounter sexual harassment remain largely unprotected under Chinese law and face difficulties in defending their rights. An April 2011 article published by a Chinese business investigation group reported that 84 percent of women in China had experienced some form of sexual harassment and that 50 percent of this harassment had occurred in the workplace.⁴⁴ A Women's Watch-China (WWC) survey released in May 2011 interviewed both men and women and found that 19.8 percent of those surveyed had experienced sexual harassment, and of those, 55.1 percent were women.⁴⁵ The Chinese government has committed under Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women to taking "all appropriate measures to eliminate discrimination against women in the field of employment,"⁴⁶ and it introduced the concept of sexual harassment into legislation with the 2005 amendment to the LPWRI.⁴⁷ The amended LPWRI prohibits sexual harassment and provides an avenue of recourse for victims through either administrative punishment for offenders or civil action in the court system, but it does not provide a clear definition of sexual harassment or specific standards and procedures for prevention and punishment.⁴⁸ While most people who face sexual harassment choose to remain silent about it,⁴⁹ those who decide to take legal action risk losing their lawsuits due to the challenge of supplying adequate evidence.⁵⁰

As reported in the Commission's 2009 and 2010 Annual Reports, in February 2009, a study group led by three Chinese researchers submitted a draft proposal to the National People's Congress for a law aimed at preventing sexual harassment in the workplace.⁵¹ The proposed law would hold the Ministry of Human Resources and Social Security responsible for prevention and punishment of sexual harassment in the workplace, while also holding the All-China Federation of Trade Unions, the Communist Youth League,

and the All-China Women's Federation responsible for providing aid to those who experience sexual harassment.⁵² The Commission has not found indicators of progress on this or similar national-level legislation during the 2011 reporting year.

Population Planning and Gender Equality

According to reports during the Commission's 2011 reporting year, sex-selective abortion continues, despite the government's legislative and policy efforts to deter such practices. In response to government-imposed birth limits and in keeping with a traditional cultural bias for sons, some Chinese parents choose to engage in sex-selective abortion, especially rural couples whose first child is a girl.⁵³ The Chinese government issued national regulations in 2003 banning prenatal gender determination and sex-selective abortion.⁵⁴ Statistics and analysis from studies published in 2008,⁵⁵ 2009,⁵⁶ and 2010⁵⁷ regarding China's significantly skewed sex ratio show that sex-selective abortion remains prevalent, especially in rural areas, suggesting that implementation of the ban on sex-selective abortion remains uneven. In August 2011, the State Council issued the PRC Outline for the Development of Children (2011–2020), which urged officials to “step up efforts against the use of ultrasound and other [forms of technology] to engage in non-medically necessary sex determination and sex-selective abortion.”⁵⁸ Some observers, including Chinese state media, have linked China's increasingly skewed sex ratio with an increase in forced prostitution, forced marriages, and other forms of human trafficking.⁵⁹ [For more information regarding China's skewed sex ratio, see Section II—Population Planning.]

Endnotes

¹The PRC Law on the Protection of Women's Rights and Interests and the PRC Electoral Law of the National People's Congress and Local People's Congresses stipulate that an "appropriate number" of female deputies should serve at all levels of people's congresses. PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 3 April 92, effective 1 October 92, amended 28 August 05, art. 11; PRC Electoral Law of the National People's Congress and Local People's Congresses [Zhonghua renmin gongheguo quanguo renmin daibiao dahui he difang geji renmin daibiao dahui xuanju fa], enacted 1 July 79, amended 10 December 82, 2 December 86, 28 February 95, 27 October 04, 14 March 10, art. 6.

²PRC State Council, PRC Outline for the Development of Women [Zhongguo funu fazhan gangyao], issued 30 July 11; PRC State Council, PRC Outline for the Development of Children [Zhongguo ertong fazhan gangyao], issued 30 July 11.

³Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification, and accession by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 7. China signed the convention on 17 July 80 and ratified it on 4 November 80.

⁴State Councilor Liu Yandong is reportedly the only woman who holds a position in the Politburo. Jen-Kai Liu, "The Main National Leadership of the PRC," China Data Supplement, Journal of Current Chinese Affairs, Vol. 19, No. 3 (2011), 3; "Liu Yandong," China Vitae, accessed 13 April 11.

⁵Jen-Kai Liu, "The Main National Leadership of the PRC," China Data Supplement, Journal of Current Chinese Affairs, Vol. 19, No. 3 (2011), 3; Michael Forsythe and Yidi Zhao, "Women Knowing China Men Rule Prove Mao's Half the Sky Remains Unfulfilled," Bloomberg News, 23 June 11.

⁶"Number of Deputies to All Previous National People's Congresses" [Lijie quanguo renmin daibiao dahui daibiao renshu], China Statistical Yearbook 2010, 26 September 10, Table 22-1.

⁷Ibid.

⁸The target of 30 percent female representation in leadership positions by 1995 was set by the UN Commission on the Status of Women at its 34th session in 1990. "Target: 30 Percent of Leadership Positions to Women by 1995—United Nations Commission on the Status of Women," United Nations Publications, reprinted in Bnet, June 1990.

⁹"87.1 Pct of China's Provincial Regions Have Female Vice Governors," Xinhua, 9 August 11.

¹⁰PRC State Council, PRC Outline for the Development of Women [Zhongguo funu fazhan gangyao], issued 30 July 11; PRC State Council, PRC Outline for the Development of Children [Zhongguo ertong fazhan gangyao], issued 30 July 11; He Dan and Cang Wei, "Women Seek Larger Role," China Daily, 10 August 11.

¹¹According to All-China Women's Federation Deputy Chair Hong Tianhui, cited in a November 2010 People's Daily report, women hold approximately 3 percent of village committee director positions. "Official: China's Sex Ratio Lacks Proportion," People's Daily, 17 November 10. For statistics on village representation from the 2010 reporting year, see "Chen Zhili: All-China Women's Federation Actively Promotes Female Political Participation" [Chen zhili biaoshi fulian jiang jiji tuidong funu canzheng yizheng], China Radio International, 6 March 10.

¹²Women's Watch-China, "Annual Report 2008," 23 October 09, 19. According to this report, "Women's participation in grassroots decision-making bodies is comparatively low. They have a disadvantaged position in political affairs. Moreover, as women had been kept away from the decision-making power of the village, they had low awareness of or enthusiasm for getting involved in village self-governance and safeguarding their rights and interests. Consequently, they were not able to unite themselves into a powerful interest group and to fight for their own rights and interests. As a result, they could not challenge the powerful and dominant male decision-making groups."

¹³PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhi fa], enacted 4 November 98, art. 9.

¹⁴PRC Organic Law of the Villagers' Committees [Zhonghua renmin gongheguo cunmin weiyuanhui zuzhi fa], enacted 4 November 98, amended 28 October 10, art. 6.

¹⁵Ibid., art. 25.

¹⁶Wang Lei, Women's Watch-China, "A Perspective on the Amendment of the Organic Law of the Villagers' Committees Concerning the Protection of Women's Rights," 15 March 10.

¹⁷Women's Watch-China, "Women's Organizations Discuss Draft of Revised Organic Law of the Villagers' Committees, Each Anticipate Increased Level of Village Female Political Participation" [Funu jie tan cunmin weiyuanhui zuzhi fa xiuding cao'an-yiyi qidai nongcun funu canzheng shuiping jinyibu tigao], 2 February 10.

¹⁸Women's Watch-China, "Annual Report 2008," 23 October 09, 19-20, 27.

¹⁹Women's Watch-China, "20 Percent of Rural-to-Urban Female Migrant Workers Lose Land" [20% jincheng wugong nongcun nuxing shiqu tudil], 12 February 11; Women's Watch-China, "The E-Newsletter 69 of WW-China," 16 June 11, 4-8. For information on one city's revision of village rules and regulations to safeguard women's rights and interests, see "Revision of Village Regulations Is a Starting Point Opportunity for Village Women's Rights Defense" [Cungui minyue xiuding shi jihui cun tun funu weiquan you zhuashou], Heilongjiang Daily, 4 November 10.

²⁰International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 7. China signed the covenant on 27 October 97 and ratified it on 27 March 01. See also PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], enacted 30 August 07, effective 1 January 08, art. 3.

²¹ PRC Labor Law [Zhonghua renmin gongheguo laodong fa], enacted 5 July 94, effective 1 January 95, amended 10 October 01, arts. 12, 13. PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 3 April 92, effective 1 October 92, amended 28 August 05, arts. 22–27; PRC Employment Promotion Law [Zhonghua renmin gongheguo jiuye cujin fa], enacted 30 August 07, effective 1 January 08, art. 3.

²² Women's Watch-China, "The E-Newsletter 54 of WW-China," February 2010, 10.

²³ "19 Percent of Women Face Discrimination Based on Appearance When Seeking Jobs, 44 Percent of Women Have Faced Discrimination Based on Childbearing Status" [19% nuxing quizhi cunzai rongmao qishi, 44% nuxing zao hunyun qishi], Xi'an Evening News, 13 January 11.

²⁴ "Analysis of October Results From the '2011 University Graduate Follow-Up Survey Monthly Report,'" MyCOS HR Digital Information Co., Ltd., 2011; Women's Watch-China, "Income Gap Is Large Between Male and Female University Students" [Nannu daxuesheng shouru chaju da], 3 March 11.

²⁵ Center for Work-Life Policy, "New Study Finds the Solution to China's Talent Crunch Is in the Hidden Talent Pool of Educated Chinese Women," 22 March 11.

²⁶ Currently, retirement ages for male and female government and Party officials are 60 and 55, respectively, while retirement ages for male and female workers in general are 60 and 50, respectively. "China's Compulsory Retirement Age for Males and Females Challenged for Violating Constitution" [Woguo nannu tuixiu nianling guiding beitiqing weixian shencha], China Law Education, 16 March 06. For information on the current debate about raising the retirement age, see "Retirement Age Will Be Pushed Back: Minister," China Daily, reprinted in Sina, 22 March 10.

²⁷ PRC State Council Information Office, "China's Human Resources Situation" [Zhongguo de renli ziyuan zhuangkuang], reprinted in PRC Central Government Web Portal, 10 September 10. For discussion following this white paper on retirement age, see, e.g., Kit Gillet, "White Paper on Retirement Age Prompts Fresh Debate," South China Morning Post, 22 September 10.

²⁸ Shanghai Municipal Bureau of Human Resources and Social Security, Municipal Bureau of Human Resources and Social Security Trial Opinion Regarding [Shanghai's] Enterprise Talent Pool of All Kinds and Flexible Deferment of the Pension Application Process [Shi renli ziyuan shehui baozhang ju guanyu benshi qiye gelei rencai rouxing yanchi banli shenling jiben yanglaojin shouxu de shixing yijian], issued 6 September 10, effective 1 October 10; Huang Anqi, "Relevant Person in Charge at Shanghai Municipal Bureau of Human Resources and Social Security Analyzes Shanghai's 'Trial Opinions' To Defer Application for Pension" [Shanghai shi renli ziyuan he shehui baozhang ju youguan fuzeren jiedu shanghai yanchi shenling yanglaojin "shixing yijian"], Xinhua, 5 October 10; Duan Yan, "Age-Old Problem Looms for Families," China Daily, 14 October 10.

²⁹ PRC Social Insurance Law [Zhonghua renmin gongheguo shehui baoxian fa], enacted 28 October 10, effective 1 July 11. For examples of reports discussing the possibility of and need for raising the retirement age, see Chen Xin, "Experts Warn Pension Fund Under Pressure," China Daily, 30 October 10.

³⁰ Li Dong et al., "Respect Women's Choice" [Zunzhong nuxing ziji xuanze], Guangzhou Daily, 8 March 11; Zhao Yanan, "Women's Retirement May Be Delayed," China Daily, 1 March 11; Wang Chunxia, All-China Women's Federation, "Gender Equal Retirement Age Imminent but Gradual," 15 March 11.

³¹ National Bureau of Statistics, "Report on the Main Data From the 2010 Sixth National Population Census (No. 1)" [2010 nian diliuci quanguo renkou pucha zhuyao shuju gongbao (di 1 hao)], 28 April 11; National Bureau of Statistics, "Report on the Main Data From the 2010 Sixth National Population Census (No. 2)" [2010 nian diliuci quanguo renkou pucha zhuyao shuju gongbao (di 2 hao)], 29 April 11; Feng Han, "Flexible Retirement System Under Discussion in China," Global Times, 25 May 11.

³² Gao Zhuyuan, "Same Retirement Age for All," China Daily, 24 March 11. According to one observer cited in this report, the earlier compulsory retirement age for women is "outdated, causes huge financial loss to women and blocks their career path."

³³ "China's Compulsory Retirement Age for Males and Females Challenged for Violating Constitution" [Woguo nannu tuixiu nianling guiding bei tiqing weixian shencha], China Law Education, 16 March 06; CECC, 2009 Annual Report, 10 October 09, 170.

³⁴ All-China Women's Federation, "Shenzhen First To Enforce Rules on Gender Equality," 1 June 11.

³⁵ For a brief analysis of highlights in the draft regulations, see Women's Watch-China, "Preparing To Draft Gender Equality Promotion Regulations, Shenzhen Leads the Way" [Yunniang zhiding xingbie pingdeng cujin tiaoli, shenzhen xianxing], 3 March 11. See also CECC, 2010 Annual Report, 10 October 10, 131–132.

³⁶ All-China Women's Federation, "Shenzhen First To Enforce Rules on Gender Equality," 1 June 11; "Gender Equality Promotion Regulations' on Shenzhen's Legislative Agenda This Year" ["Xingbie pingdeng cujin tiaoli" hieru shenzhen jinnian lifa xiangmu], China Women's News, reprinted in All-China Women's Federation, 22 March 11.

³⁷ PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 3 April 92, effective 1 October 92, amended 28 August 05, art. 46; PRC Marriage Law [Zhonghua renmin gongheguo hunyin fa], enacted 10 September 80, effective 1 January 81, amended 28 April 01, art. 3.

³⁸ PRC Criminal Law [Zhonghua renmin gongheguo xing fa], enacted 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, arts. 234, 236, 260.

³⁹ Cheng Yingqi, "Call for Legislation To Curb Domestic Violence," China Daily, 26 November 10.

⁴⁰PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 3 April 92, effective 1 October 92, amended 28 August 05, art. 46; PRC Marriage Law [Zhonghua renmin gongheguo hunyin fa], enacted 10 September 80, effective 1 January 81, amended 28 April 01, art. 3. For Chinese experts' discussion of the shortcomings of current national-level legislation, see "All-China Women's Federation Strongly Promotes Anti-Domestic Violence Law" [Quanguo fulian litui fan jiating baoli fa], People's Representative News, 31 December 09; Women's Watch-China, "Proposal for Law on Prevention and Curbing of Domestic Violence Comes Out" [Yufang he zhizhi jiating baoli fa jianyi gao chulu], 28 November 09; He Ping, "China Scholars Call for Attention on 'Anti-Domestic Violence Legislation'" [Zhongguo xuezhe huyu guanzhu "fan jiating baoli" lifa], Radio Free Asia, 13 January 10. See also "All-China Women's Federation Proposes, Highlights Need for Draft Anti-Domestic Violence Legislation," Congressional-Executive Commission on China, 2 February 10.

⁴¹"All-China Women's Federation Vice-Chair: Anti-Domestic Violence Should Be Entered Into Legislative Agenda" [Quanguo fulian fu zhuxi: fan jiating baoli ying lieru lifa], Jinghua Times, reprinted in Huanqiu Net, 8 March 11; Cheng Yingqi, "Call for Legislation To Curb Domestic Violence," China Daily, 26 November 10.

⁴²Chen Bin, "Draft of First Anti-Domestic Violence Law Reportedly Already Complete" [Jucheng shoubu fan jiating baoli fa cao'an yi qicao wancheng], Legal Weekly, reprinted in Sina, 18 March 11; "Draft of 'Anti-Domestic Violence Law' Complete" ["Fan jiating baoli fa" cao'an qicao wancheng], Xinhua, 20 March 11.

⁴³"Draft of 'Anti-Domestic Violence Law' Complete" ["Fan jiating baoli fa" cao'an qicao wancheng], Xinhua, 20 March 11.

⁴⁴Guangdong Bonthe Business Investigation Co., "Female University Graduate Survey" [Nu daxuesheng diaocha], 21 April 11.

⁴⁵Women's Watch-China, "Survey Report on Sexual Harassment in the Workplace" [Zhichang xing saorao diaocha baogao], 16 May 11, 3.

⁴⁶Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification, and accession by UN General Assembly resolution 34/180 of 18 December 79, entry into force 2 September 81, art. 11. China signed the convention on 17 July 80 and ratified it on 4 November 80.

⁴⁷Women's Watch-China, "Annual Report 2008," 23 October 09, 30; PRC Law on the Protection of Women's Rights and Interests [Zhonghua renmin gongheguo funu quanyi baozhang fa], enacted 3 April 92, effective 1 October 92, amended 28 August 05, arts. 40, 58.

⁴⁸Ibid.

⁴⁹Tang Yu, "Sexual Harassment in the Workplace, What Difficulties Exist in Defending One's Rights" [Zhichang xing saorao weiquan heqi nan], China Worker Net, 7 January 11; Women's Watch-China, "Survey Report on Sexual Harassment in the Workplace" [Zhichang xing saorao diaocha baogao], 16 May 11, 5.

⁵⁰Tang Yu, "Sexual Harassment in the Workplace, What Difficulties Exist in Defending One's Rights" [Zhichang xing saorao weiquan heqi nan], China Worker Net, 7 January 11; Gao Zhuyuan, "The Evil of Sexual Harassment," China Daily, 2 June 11.

⁵¹Maple Women's Psychological Counseling Center Beijing, "Law on Prevention of Sexual Harassment in the Workplace Submitted to the National People's Congress (Draft Proposal)" [Xiang quanguo renda tijiao "gongzuo changsuo xing saorao fangzhifa" (jianyi gao) yi an], 17 March 09; CECC, 2010 Annual Report, 10 October 10, 133.

⁵²Maple Women's Psychological Counseling Center Beijing, "Law on Prevention of Sexual Harassment in the Workplace Submitted to the National People's Congress (Draft Proposal)" [Xiang quanguo renda tijiao "gongzuo changsuo xing saorao fangzhifa" (jianyi gao) yi an], 17 March 09.

⁵³See, e.g., Therese Hesketh, Li Lu, and Zhu Wei Xing, "The Consequences of Son Preference and Sex-Selective Abortion in China and Other Asian Countries," Canadian Medical Journal, 14 March 11, 1-2; Mikhail Lipatov, Shuzhuo Li, and Marcus W. Feldman, "Economics, Cultural Transmission, and the Dynamics of the Sex Ratio at Birth in China," Proceedings of the National Academy of Sciences of the United States of America, Vol. 105, No. 49 (2008), 19171. According to this study, "The root of the [sex ratio] problem lies in a 2,500-year-old culture of son preference." See also Chu Junhong, "Prenatal Sex Determination and Sex-Selective Abortion in Rural Central China," Population and Development Review, Vol. 27, No. 2 (2001), 260; Joseph Chamie, "The Global Abortion Bind: A Woman's Right To Choose Gives Way to Sex-Selection Abortions and Dangerous Gender Imbalances," Yale Global, 29 May 08.

⁵⁴State Commission for Population and Family Planning, Ministry of Health, State Food and Drug Administration, PRC Regulations Regarding the Prohibition of Non-Medically Necessary Gender Determination Examinations and Sex-Selective Termination of Pregnancy [Guanyu jinzhi fei yixue xuyao de tai'er xingbie jiangding he xuanze xingbie de rengong zhongzhi renshen de guiding], issued 29 November 02, effective 1 January 03. For a discussion of these regulations, see "China Bans Sex-Selection Abortion," Xinhua, reprinted in China Net, 22 March 03.

⁵⁵Mikhail Lipatov et al., "Economics, Cultural Transmission, and the Dynamics of the Sex Ratio at Birth in China," Proceedings of the National Academy of Sciences of the United States of America, Vol. 105, No. 49 (2008), 19171. According to this study, "The root of the [sex ratio] problem lies in a 2,500-year-old culture of son preference."

⁵⁶Wei Xing Zhu et al., "China's Excess Males, Sex Selective Abortion and One Child Policy: Analysis of Data From 2005 National Intercensus Survey," British Medical Journal, 9 April 09, 4-5.

⁵⁷Chinese Academy of Social Sciences, "Difficulty Finding a Wife in 10 Years: 1 Out of Every 5 Men To Be a Bare Branch" [10 nian zhihou quqi nan, 5 ge nanren zhong juyou 1 ge guanggun], 27 January 10. According to the January 2010 Chinese Academy of Social Sciences study, by 2020, the number of Chinese males of marriageable age may exceed the number of Chinese females of marriageable age by 30 to 40 million.

⁵⁸PRC State Council, PRC Outline for the Development of Women [Zhongguo funu fazhan gangyao], issued 30 July 11; PRC State Council, PRC Outline for the Development of Children [Zhongguo ertong fazhan gangyao], issued 30 July 11.

⁵⁹"China Gender Gap Fuelling Human Trafficking: Report," Agence France-Presse, reprinted in China Post, 22 September 10. See also World Health Organization, Office of the High Commissioner for Human Rights, United Nations Population Fund, United Nations Children's Fund, and United Nations Entity for Gender Equality and the Empowerment of Women, "Preventing Gender-Biased Sex Selection," 14 June 11, 5; Susan W. Tiefenbrun and Christie J. Edwards, "Gendercide and the Cultural Context of Sex Trafficking in China," Fordham International Law Journal, Vol. 32, No. 3 (2009), 752; Therese Hesketh et al., "The Effect of China's One-Child Policy After 25 Years," New England Journal of Medicine, Vol. 353, No. 11 (2005), 1173; Nicholas Eberstadt, "A Global War Against Baby Girls: Sex-Selective Abortion Becomes A Worldwide Practice," Handbook of Gender Medicine, reprinted in All Girls Allowed, 1 May 11. According to Eberstadt's report, "Some economists have hypothesized that mass feticide, in making women scarce, will only increase their 'value'—but in settings where the legal and personal rights of the individual are not secure and inviolable, the 'rising value of women' can have perverse and unexpected consequences, including increased demand for prostitution and an upsurge in the kidnapping and trafficking of women (as is now reportedly being witnessed in some women-scarce areas in Asia).]"

