

# Social Protection of the Vulnerable in Post-Reform China: The Case of Women

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## 1. News Highlights

On March 1, 2022, the United Nations Human Rights Council held its 49th conference on the protection of the rights of women and children. During the conference, several social organization representatives from China spoke enthusiastically about the improvement of women's rights in China and the great progress the country has made in gender equality.<sup>1</sup> But on March 29, the State Council of China convened a “Joint Conference of Anti-Abduction Forces” to propose plans to address human trafficking issues. Premier Li Keqiang instructed all provinces and localities to promote the special campaign to combat trafficking

in women and children, conduct comprehensive, in-depth investigations into trafficking, and relocate and reassure women who have been trafficked. The discussion and measures to combat trafficking in women and children imply that the situation of Chinese women is very different from that portrayed by the above-mentioned social organizations.

The Chinese Communist Party (CCP) boasted its support for gender equality so much that gender equality has been written into its constitution; Mao Zedong coined the phrase, “women hold up half of the sky.” However, signs point to the opposite: women in China are still being treated unequally. By the standard of the Convention on the Elimination of All

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1. “Chinese Social Organizations Actively Present Achievements in Protecting Women’s and Children’s Rights at UN Human Rights Council,” *People’s Daily Online*, March 30, 2022, <http://cpc.people.com.cn/BIG5/n1/2022/0330/c64387-32387457.html>.

Forms of Discrimination against Women (CEDAW) adopted by the United Nations, China still has a long way to go when it comes to the protection of women's rights and interests.<sup>2</sup> This article will examine the current situation and assess the causes of inadequate protection of women's rights from the perspective of CCP governance. Since women's rights involve a wide range of issues, this article will focus only on women trafficking.

## 2. Security Implications

### 2-1. Women's rights protection in China still inadequate

According to China's official 2019 statistics, the country has a female population of 684.78 million. Although Chinese women are not "disadvantaged" in terms of total numbers, they have different interests and specific demands depending on their place of residence (urban or rural), education level, occupation, and even age, so it is difficult to form a unified "women's group consciousness," which

in turn reduces women's motivation to participate in collective action for the protection of their own rights. According to the World Economic Forum's (WEF) Gender Gap Indicator, China ranked 106 out of 156 countries in 2021, worsening from 63 in 2006. This trend signifies that China has regressed in recent years and is lagging far behind other countries in terms of gender equality, and Chinese women (compared to men) are becoming increasingly disadvantaged.

The demographic structure of China's population shows the phenomenon and the reasons for the lack of women's rights. In the aforementioned WEF report, China's male population of 715.27 million in 2019 is about 30.49 million more than that of women, indicating a serious gender imbalance. The CCP's fertility policy is a major cause of gender imbalance. The forced promotion of "family plans" has led many Chinese families (especially those in rural areas) to prefer boys in a patriarchal culture. After the "reform and opening up," the family is the unit of production; even if multiple

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2. Wu Weiting, "Gender Human Rights Watch: The Emerging Gender Human Rights View in China," *China Human Rights Watch Report 2020* (Taipei: Taiwan Foundation for Democracy, 2021), pp. 165-196, [http://www.tfd.org.tw/export/sites/tfd/files/download/2020\\_HR\\_004.pdf](http://www.tfd.org.tw/export/sites/tfd/files/download/2020_HR_004.pdf).

births are tolerated in rural areas, boys are considered additional productivity from the family's point of view and are therefore more beneficial to the family interests. Over time, the elective abortion and abandonment of female infants have created a structural gender imbalance.

Gender imbalance is a major reason for the proliferation of women trafficking in China today. Since gender imbalance has created a large group of young single men, the demand for "marriage" has led to the rise of the women trafficking market. Although Chinese officials did not provide complete data on human trafficking, information gathered from human rights organizations, NGOs, and unofficial data suggests that as many as 92,851 women and children were trafficked and sold between 2000 and 2013. Most of the women abducted and trafficked for forced marriages were from ethnic minorities in Anhui, Guizhou, Henan, Hunan, Sichuan, and Yunnan provinces and were sold to areas with serious gender imbalance, such

as Jiangsu, Zhejiang, Shandong, Henan, and Inner Mongolia.<sup>3</sup>

## **2-2. Law is CCP's tool to govern disadvantaged social groups**

The CCP tends to protect the rights of the disadvantaged groups with law, and the nature of the group influences the CCP's response. Due to the enormous number, diversity, and complexity of their specific demands, Chinese women have initiated very few collective actions to defend themselves, so the CCP does not see them as a threat. The CCP tends to adopt by-case, ad hoc, and piecemeal policies to respond to the demands of women. For the CCP, the law is a governance tool with fewer political risks. Instead of giving these disadvantaged groups stronger civil rights (such as voting, political participation, or protesting) and using the power to rally and challenge the regime, the CCP prefers to let those involved seek compensation through the law after their rights have been violated.<sup>4</sup>

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3. Tiantian Zheng, "Human Trafficking in China," *Journal of Historical Archeology Anthropological Sciences*, Vol. 3, Issue 2 (2018), pp. 171-178, <http://medcraveonline.com/JHAAS/JHAAS-03-00080.pdf>.
  4. A similar governance logic has been applied to protect the rights of farmers and workers. See Christina Chen, "Unintended Consequences of Enhanced Labor Legislation in Reform-Era China," in Szu-chien Hsu, Kellee S. Tsai, and Chun-chih Chang (eds.), *Evolutionary Governance in China: State-Society Relations under Authoritarianism* (Cambridge: Harvard Contemporary China Series, 2021), pp. 284-307.

In the case of women trafficking, Li Keqiang briefly mentioned the protection of women's and children's rights in his report on the work of CCP's Two Sessions. "We are rigorously combating the abduction and sale of women and children and firmly protecting the legitimate rights and interests of women and children." On March 8, NPC Standing Committee President Li Zhanshu attended the Committee. His released work report stated that the "Law on the Protection of Women's Rights and Interests" will be amended this year to improve the relevant provisions in preventive protection, the remedy of infringements, and accountability.<sup>5</sup> In their work reports, the Supreme Court and the Supreme Prosecutor's Office have proposed to arrest crimes through large-scale operations and impose severe punishment on the perpetrators.<sup>6</sup> It can be seen that the CCP has responded to the need to promote women's rights through law-enforcement

programs, the Law on the Protection of Women's Rights and Interests, and verbal criticism and slogans.

### **2-3. Lack of civil society hinders protection of women's rights**

Fearing that its regime would be challenged, the CCP has allowed civil society very little room to develop. Since Xi Jinping took office, the CCP has been suppressing civil society; many civil activists and organizations such as human rights lawyers, house churches, journalists, social media, and NGOs have been arrested and banned. Although the Charity Law passed in March 2016 provides clearer regulations for local NGOs, it is believed that the Law will increase restrictions on the public fundraising activities of the NGOs to maintain the monopoly of quasi-governmental and official organizations. The Law also gives the government significant powers to arrest NGOs and private organizations that

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5. "Li Zhanshu, Chairman of the Standing Committee of the National People's Congress, Reports to the General Assembly on the Work of the Committee," *Xinhua Net*, March 8, 2022, [http://www.news.cn/politics/2022lh/2022-03/08/c\\_1128449237.htm](http://www.news.cn/politics/2022lh/2022-03/08/c_1128449237.htm).

6. "The Two Sessions: Report of the Supreme People's Court and the Procuratorate; Severe Punishment for Crimes of Sexual Assault and Trafficking of Women and Children," *Ming Pao*, March 8, 2022, <https://reurl.cc/OpNGmA>.

the CCP considers detrimental to national security or social interests.<sup>7</sup> The Law on the Administration of Domestic Activities of Foreign NGOs, passed in April of the same year, requires foreign NGOs to find a government department to act as their business director and to register with the local Ministry of Public Security. The passage and implementation of these two laws have endangered most NGOs in the legal grey areas, increasing the risk of their operations in China and causing thousands of NGOs to cease operations or choose to leave the country after the new laws were implemented.<sup>8</sup>

The All-China Women's Federation (ACWF), the largest women's organization in China, is now in an extremely awkward situation. Although the ACWF is positioned as an organization that protects the rights of women and children, it is a CCP and government organization under the leadership of CCP committees at all levels while having a dual role in implementing CCP policies and protecting

women's rights. When the two roles conflict, it tends to implement the Party's demands. Moreover, the ACWF has not been granted corresponding legislative and law enforcement powers and responsibilities. In the eyes of outsiders, its function has been reduced to a model organization for the CCP's United Front. It is foreseeable that the ACWF's participation in the special campaign against women and children trafficking and other future policies promoted by the CCP does not mean that the organization will demand more rights and protection from the government.

### 3. Trend Observation

On April 18, the Standing Committee of the National People's Congress (NPCSC) released the second draft of the amendment to the Law on the Protection of Women's Rights and Interests, which includes actions against the trafficking of

7. "The First Charity Law in China Raises Questions," *Radio France Internationale*, March 21, 2016, <https://www.rfi.fr/tw/中國/20160320-中國第一部慈善法引發的爭議>.

8. Liu Ruifen, "'The New Law is Like a Knife Hanging Around the Neck,' Thousands of Foreign NGOs Have Ceased Operation or Withdrawn from China," *Mirror Weekly*, June 19, 2017, [https://www.mirrormedia.mg/story/20170616int\\_china\\_ngo/](https://www.mirrormedia.mg/story/20170616int_china_ngo/).

women. The draft requires the relevant authorities to report any act of women trafficking immediately, and the public security departments must handle the case instantly upon receipt of the notification. In addition, the relevant authorities must conduct regular joint checks (case-by-case review) with the public security departments.<sup>9</sup> As mentioned, women trafficking is related to China's long-standing demographic imbalance and has even become a market, so the government needs to curb it institutionally. Judging from the recent response of the CCP to the women trafficking problem, it is anticipated that the measures will be somewhat effective after the implementation of the special operation, but its effectiveness in curbing trafficking could be limited since the operation is not a standing one. As to whether the amendment to the Law on the Protection of Women's Rights and Interests can curb the trafficking, the effectiveness depends on whether its contents are sound and whether its enforcement is thorough.

Judging from the contents of the current draft, although the Chinese government has regulated the duties of the relevant local authorities regarding the women trafficking problem, it has not proposed any penalty for violating the regulation. As a result, it may be challenging to raise the willingness of local governments to enforce the law. That means the CCP still chooses to respond to the demand for enhancing the protection of women's rights in a by-case or piecemeal manner rather than actively addressing the issue at the fundamental level of the system.

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(The contents and views in the assessments are the personal opinions of the author, and do not represent the position of the Institute for National Defense and Security Research.)

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9. "Second Review Draft of the Revised Law on the Protection of Women's Rights and Interests: Mandatory Reporting and Inspection of Women Trafficking and Other Violations, and Prohibition of the Promotion Restrictions of Female Workers Due to Marriage and Childbirth," *Xinhua Net*, April 18, 2022, [http://big5.news.cn/gate/big5/www.news.cn/legal/2022-04/18/c\\_1128571154.htm](http://big5.news.cn/gate/big5/www.news.cn/legal/2022-04/18/c_1128571154.htm).