

## **An Assessment of China's Implementation of the Right to Political Participation For the third cycle of UPR**

1. During the 2013 UPR of China, UN Member States made seven recommendations, six of which China accepted, including Russia's (186.168), India's (171), Uganda's (172), Austria's (222), and Vietnam's (228). China did not accept Germany's recommendation (186.232) to "[e]nsure democratic participation of members of all ethnic minorities and allow unhindered access to all minority areas, including Tibet."<sup>1</sup>
2. Since the 2013 UPR review, China has not implemented any of the six accepted recommendations related to elections and political participation, including the role of women in public affairs, or the one authorities did not accept.
3. Three of the six accepted recommendations are "poor" because of the presumption that citizens' in China have rights that do not exist and in the absence of those achievements, it makes little sense to ask the state to "further guarantee" those rights (173); because there are few measures to ensure participation in decision-making by any citizens, including by ethnic minorities, so it makes no sense to take "further" measures in that regard (222); and because continuing a system that has not provided autonomy in ethnic areas and has been the foundation for human rights violations in China is counter to the goals of the UPR (228).<sup>2</sup>
4. Women continue to be underrepresented in the Chinese Communist Party (CCP), and government and legislative bodies at all levels. Chinese authorities have not fully implemented election laws, and the CCP has excessive influence over who can be a candidate in elections. Party and governmental interference in people's congress and village elections has been pervasive, and political institutions have not complied with international norms. CCP and government officials often retaliate against independent candidates, including through harassment, detentions, and prison sentences. In addition, discrimination against ethnic and decision-making bodies affecting religious minorities continues to be a concern.
5. To understand the situation in China, a brief description of elections in China is necessary. China only has direct elections for people's congress delegates in local townships, counties, municipal districts, and cities not divided into districts. Above these levels, including at the national level, there are no direct elections; congress delegates are selected by people's congresses at the next lower level.<sup>3</sup> Direct elections are also held at the lowest administrative levels for village committees and urban community-level "residence committees." Village-level administration is particularly complex—involving Party, village committee, and village "supervision" and "assembly" groups<sup>4</sup>—but according to law, the Party committees play the leading role.<sup>5</sup>

### ***Low Women's' Public Participation & Election Laws Not Fully Implemented***

6. Women in China continue to be underrepresented in Party and government leadership positions, a fact that the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about in its 2014 Concluding Observations.<sup>6</sup> Chinese authorities have not met the 30 percent goal for women's participation in government and political agencies, which was set out in the 1995 Beijing Declaration and Platform for Action, and reiterated in China's 2011-2020 Women's Development Program.<sup>7</sup> Underrepresentation is particularly grave at the top. Of the 204 members of the Party Central Committee selected in October 2017, only 11 are female (5.4%). There is only one woman on the 25-member Politburo (4%), and no women in the seven-member Politburo Standing Committee. As of late 2017, there were no female provincial party secretaries, the highest Party positions.<sup>8</sup>
7. Since the 2013 UPR review, Chinese authorities have not made additional efforts to ensure equal political participation for women in China's legislative and advisory bodies at all levels, and women continue to be underrepresented<sup>9</sup>; hence, China has not implemented India's recommendation (171). In the 13<sup>th</sup> National People's Congress (NPC) (2018-2023), women delegates hold 24.9 percent of the seats. According official Chinese statistics, the percentage of women in the NPC has hovered around 21 percent since the late 1970s.<sup>10</sup> Even fewer women are in leadership positions; in the 13<sup>th</sup> NPC women hold just 11.32 percent of the NPC Standing Committee positions, and only one woman is in a leadership position on the Standing Committee (6.25%).<sup>11</sup> The percentage of women in the advisory body, the Chinese People's Political Consultative Conference (CPPCC), is even less; women hold just 20.4 percent of the total seats in the 13<sup>th</sup> National Committee of the CPPCC (2018-2023).<sup>12</sup> Even fewer women are in CPPCC leadership positions; in the 13<sup>th</sup> CPPCC National Committee Standing Committee, women hold only 13 percent of the positions, and just 8 percent of the Standing Committee's leaders are women (2 women).<sup>13</sup>
8. Authorities have not implemented the two recommendations from Uganda (172 and 173) because they have not fully implemented the 2010 revisions to the Organic Law of Villagers Committees; nor have they taken additional measures since then,<sup>14</sup> thereby not taking steps to ensure equal representation for women in village committees. The percentage of women on village committees has not changed much since the early 1990s; in 2014, the national average percentage of women on village committees was 22.8 percent, an increase of 1.4 percent from 2010, but only 1.8 percent higher than in 1993.<sup>15</sup> One delegate of the CPPCC noted that, in some provinces, women's representation on village committees had not reached 20 percent, and reports note that committees in other villages have no women representatives at all.<sup>16</sup> The percentage of women leaders of village committees was even lower, at 11.5 percent in 2015 and 10.5 percent in 2016.<sup>17</sup> While the percentage of village committee women leaders meets Chinese official targets, the target is extremely low.
9. Moreover, numerous reports from within China note problems with discrimination against women in elections since 2013.<sup>18</sup> In addition, gender-specific roles in politics also remain deeply ingrained. One Chinese People's Political Consultative Conference (CPPCC) delegate noted that women on village committees still mostly work on family planning policy issues, propagating gender-specific stereotypes.<sup>19</sup> While the percentage of women in urban residence committees in 2014 was 48.9 percent, 49.2 percent in 2015, and 48.7 percent in 2016,<sup>20</sup> these committees have always been considered "women's work," and so women traditionally have

dominated these committees.<sup>21</sup>

### ***No Guarantee of the Rights to Vote & Be Elected***

10. The government has not implemented Uganda’s recommendation—that Chinese authorities guarantee citizens’ right to vote, to be elected, and to express themselves (186.173)—since the CCP and government officials wield undue influence over who can be a candidate in people’s congress elections. Without protection of the right to be elected, elections in China are not necessarily free and fair, and political institutions do not comply with international standards.<sup>22</sup> Interference by officials in elections includes judging potential candidates using criteria not disclosed to the public or that conflicts with national laws. For example, the 2015 revision to the Election Law for people’s congresses included a new provision that gives an “examination committee” the authority to “examine” the credentials of individuals who win people’s congress elections before they assume office.<sup>23</sup> The “criteria” the Examination Committee uses are not disclosed to the public, and are above and beyond the scope of the basic criteria in Article 2 of the Election Law.<sup>24</sup> The additional “examination” further opens the door to arbitrariness and increased government or CCP interference in elections.
11. This problem of interference also takes place at the village level. Higher-level authorities impose secondary eligibility criteria for candidates that go beyond the law, sometimes under the banner of having members of the committee be “broadly representative.” Since the 2013 UPR, officials in some parts of China prohibited certain types of individuals from becoming candidates in, being elected to, or assuming office in village committees by imposing requirements not stipulated in China’s Organic Law of Village Committees. These criteria include age, education, and loyalty to the Party line.<sup>25</sup> Other arbitrary criteria authorities utilized to prohibit individuals from becoming village committee candidates include, among other activities: the lack of Party membership, alleged distribution of “suggestions that counter Party theories, guidelines, and policies,” “creating or disseminating political rumors,” or initiating mass incidents or inspiring people to file petitions (*xinfang*).<sup>26</sup> Documents from higher-level officials or local leaders outline additional “criteria” that are not included in the Election Law, which local “election work leading small groups” or other Party or government agencies use to “disqualify” individuals from running in elections.<sup>27</sup>

### ***Reprisals Against Independent Candidates & Election Monitors***

12. As one local observer pointed out, elections have deteriorated to the point that that “not only do people not have the right to participate in elections, but even if you are considering it, you may be punished. People are frightened to join elections.”<sup>28</sup> In 2014, CEDAW expressed its deep concern over reports that women who have stood in elections as independent candidates have been “subjected to abuse and violence.”<sup>29</sup> In the latest round of people’s congress elections in 2016, authorities have cracked down on unsanctioned candidates across the country.<sup>30</sup> Would-be candidates for village committees also face reprisals and have been prevented from running in elections. Some examples of reprisals against independent candidates, their supporters, and election monitors include:

- a. In June 2016, Guangdong Province authorities detained Wukan Village committee chief, Lin Zulian (林祖恋), assigned him a government-appointed lawyer, likely forced him to make a televised confession—which he later retracted—and then tried and convicted him in September on charges of “bribery.”<sup>31</sup> Lin received a 37-month sentence and a fine of 200,000 RMB (approx. 29,500 USD),<sup>32</sup> and lost his appeal in October.<sup>33</sup> Lin’s initial detention came just days after Lin published an open letter saying he would initiate protests and mass-complaints to higher-level authorities regarding continuing illegal land sales and failure to provide compensation for land confiscations in Wukan.<sup>34</sup> Lin had led past demonstrations against such land deals, and had been freely elected by his peers in 2012.<sup>35</sup>
- b. In August 2016, local authorities in Zixi County, Jiangxi Province administratively detained Yang Wei (aka, Yang Tingjian, 杨霆剑) for 10 days after he tried to submit an application to become a candidate in people’s congress elections in Hecheng Township.<sup>36</sup> Yang has said he would continue his efforts to seek office, despite threats to himself and his family and 24-hour surveillance around his house.<sup>37</sup>
- c. Also in October, officials in Qianjiang City, Hubei Province forced election expert Yao Lifa (姚立法) into a vehicle and took him away<sup>38</sup> on the same day he and 57 others declared their candidacy for local people’s congress elections.<sup>39</sup> Not long before, officials had shut down Yao’s popular election monitoring blog, likely for his reporting on Shanghai and Beijing independent candidates.<sup>40</sup>
- d. Beijing authorities harassed Ye Jinghuan (野靖环) after she and 17 others issued an open letter declaring their intention to run in elections in October.<sup>41</sup> Authorities in Fangshan district, Beijing, followed and prevented Liu Huizhen (刘惠珍), who was among the very few of 60 independent candidates to get onto the ballot, from meeting with voters or carrying through with a rally.<sup>42</sup> Beijing police also harassed, intimidated, or beat up other independent candidates to prevent them from running, meeting journalists,<sup>43</sup> and voters, making campaign speeches,<sup>44</sup> or canvassing.<sup>45</sup>
- e. In December 2016, Hunan-based Peng Feng attempted to participate in local people’s congress elections and obtain information about elections in Qian Jiang city but was detained by authorities and then arrested on suspicion of “picking quarrels and provoking trouble.” While in detention, he alleged he was beaten. The local procuratorate reportedly recommended a prison sentence of one to two years in his case, which went to court on December 22, 2017.<sup>46</sup>
- f. In 2017, Chengdu resident Zi Su, a CCP member and retired CCP School professor, was detained in April and arrested in June after he released an open letter calling for direct intraparty elections at the 19<sup>th</sup> Party Congress in October 2017 and the dismissal of Xi Jinping as General Secretary. In December he was indicted on charges of “subversion of state power” and faces a potential life sentence.<sup>47</sup> People who supported him and shared the open letter in postings online were also detained.<sup>48</sup>

13. Other recent instances of detention or harassment of independent candidates and their supporters in 2016 include the criminal detention of Guan Guilin (管桂林), a Hunan man, on suspicion of “disrupting elections” after he tried to register as a candidate,<sup>49</sup> and the detention of individuals in Shanghai who were handing out flyers in support of one independent candidate.<sup>50</sup>
14. In 2014, also in Wukan Village, independent candidates Yang Semaο (楊色茂) and Hong Ruichao (洪銳潮) were detained on trumped-up bribery charges. Authorities had warned Hong not to participate in the election, but he did anyway and won a seat on the village committee, even though he was detained at the time. In late 2014, courts sentenced Yang to two years’ imprisonment and Hong to four years.<sup>51</sup> Both candidates had been leaders in 2011 demonstrations against land seizures and the death of a villager in custody, and were subsequently voted into the village committee in 2012 elections.<sup>52</sup>

### ***Discrimination Against Minorities & Interference in Decision-making***

15. Discrimination against ethnic and religious minorities in village and people’s congress elections and in decision-making bodies continues to be a problem, and China has not implemented recommendations related to this issue made by Austria (222), Viet Nam (228), and Germany (232). CEDAW expressed concern in 2014 over the underrepresentation in political decision-making of ethnic and religious minority women as well as rural and migrant women.<sup>53</sup> Between 2013 and 2017, some government job postings indicated that only Han Chinese citizens would be eligible to apply, reducing opportunities for non-Han to participate in decision-making.<sup>54</sup> In 2014, CCP authorities in a prefecture in the Tibet Autonomous Region (TAR) restricted certain individuals from becoming village committee candidates because they were not Party members, or because they had attended religious gatherings abroad that had been organized by the Dalai Lama.<sup>55</sup>
16. Authorities in the TAR not only interfere in elections, they also interfere in decision-making at the organizational level, and even intrude at the household level in attempts to monitor political thought and behavior. Party and government officials removed some members of management committees in monasteries and nunneries in the TAR and reportedly replaced them with “government and Party appointees,” and have demand that monks and nuns “demonstrate their support” for the Party.<sup>56</sup> The intrusion of government and Party officials at the household-level in the TAR, and other areas, is particularly worrisome, because such behavior is likely to stifle freedom of thought and speech. According to a Human Rights Watch report, teams of officials were “categorizing Tibetans according to their religious and political thinking, and establishing institutions to monitor their behavior and opinions.”<sup>57</sup>

### ***17. Suggestions:***

- Guarantee elections are free and fair and make sure citizens are able to exercise their right to vote and be elected as provided for in the Universal Declaration of Human Rights, including by ensuring the implementation of all electoral laws, making all relevant

regulations and rules open to the public, and abolishing non-transparent Party “evaluation” processes;

- Ensure women’s equal participation in elections and public affairs, in part by educating and training women regarding political leadership, and by adopting a specific quota system for women members in villagers’ committees and in local and national people’s congresses;
- Guarantee, through legislative and other measures, ethnic and religious minorities equal participation in elections and decision-making;
- Investigate allegations of harassment and violence against potential candidates, candidates, or delegate-elects in elections at all levels, and make public the results of such investigations, prosecute the perpetrators, and compensate the victims.

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<sup>1</sup> In response to why it did not accept recommendation 232 (Germany), the government said, “China implements the system of regional ethnic autonomy. Ethnic minority areas formulate relevant policies according to their local characteristics.” UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review,” A/HRC/25/5/Add.1, 2014.

<sup>2</sup> Recommendation 222 (Austria) is considered “poor” since it assumes conditions that do not exist, including “measures to allow ethnic minorities to preserve their cultural identity.” The full recommendation reads: “Take further legislative and practical measures to allow ethnic minorities to preserve their cultural identity, to fully exercise their human rights and to ensure their participation in decision-making, in accordance with the Chinese Constitution.”

<sup>3</sup> National People’s Congress of the People’s Republic of China, “About Congress: Local People’s Congress and Their Standing Committees,” (accessed July 20, 2016), [http://www.npc.gov.cn/englishnpc/about/2007-11/20/content\\_1373254.htm](http://www.npc.gov.cn/englishnpc/about/2007-11/20/content_1373254.htm).

<sup>4</sup> Congressional-Executive Commission on China (CECC), 2011 Annual Report, October 10, 2011, pp. 163-164, <https://www.cecc.gov/sites/chinacommission.house.gov/files/2011%20CECC%20Annual%20Report.pdf>.

<sup>5</sup> See: Article 3, Organic Law of the Villagers Committees of People’s Congress of China (2010 Amendment), (中华人民共和国村民委员会组织法), (1998 amended 2010), [http://www.gov.cn/flfg/2010-10/28/content\\_1732986.htm](http://www.gov.cn/flfg/2010-10/28/content_1732986.htm)

<sup>6</sup> Committee on the Elimination of Discrimination against Women (CEDAW), Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, CEDAW/C/CHN/CO/7-8, November 14, 2014, paras. 30-31. See also: CECC, 2015 Annual Report, October 8, 2015, p. 172, <http://www.cecc.gov/sites/chinacommission.house.gov/files/2015%20Annual%20Report.pdf>.

<sup>7</sup> National Bureau of Statistics, “2014 Statistical Report on The Implementation of the ‘China Women’s Development Plan 2011-2020” (2014年《中国妇女发展纲要(2011-2020年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4, [http://www.stats.gov.cn/tjsj/zxfb/201511/t20151127\\_1282257.html](http://www.stats.gov.cn/tjsj/zxfb/201511/t20151127_1282257.html).

<sup>8</sup> “Few Women at High Levels of the Chinese Communist Party: From Jiang Qing, Liu Yandong, to Sun Chunlan” (Zhonggong gaozeng nuxing shao: cong Jiang Qing, Liu Yandong dao Sun Chunlan), Voice of America, October 26, 2017, <https://www.voachinese.com/a/news-few-females-in-china-party-hierarchy-20171025/4086139.html>.

<sup>9</sup> For example, authorities made no changes to the language in the 2015 revisions to the PRC Law on Elections of the NPC and Local People’s Congresses at All Levels (Election Law) to try to encourage higher female representation. The language has been the same since 2004, when authorities added an amendment that stipulates “[a]mong the deputies to the National People’s Congress and local people’s congresses at various levels, there shall be an appropriate number of women deputies, and the proportion thereof shall be raised gradually.” Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布: 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法), (1979, amended 2015), [http://news.xinhuanet.com/legal/2015-08/30/c\\_128180126.htm](http://news.xinhuanet.com/legal/2015-08/30/c_128180126.htm).

<sup>10</sup> National Bureau of Statistics, “Number of Deputies to All the Previous National People’s Congresses,” China Statistical Yearbook 2014, 2014, Table 24-1, <http://www.stats.gov.cn/tjsj/ndsj/2014/indexeh.htm>.

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<sup>11</sup> Name List of the 175 Members of the National People's Congress Standing Committee (175 位全国人大常委会委员全名单), Sohu, March 19, 2018, [http://www.sohu.com/a/225833327\\_203783](http://www.sohu.com/a/225833327_203783). The leadership positions include the Secretary of the Standing Committee.)

<sup>12</sup> Women of China, "Quota of Female Members Increased at 13<sup>th</sup> CPPCC National Committee, January 29, 2018, <http://www.womenofchina.cn/womenofchina/html/features/politics/1801/4150-1.htm>.

<sup>13</sup> Chinese People's Political Consultative Conference Net, "Chinese People's Political Consultative 13<sup>th</sup> National Committee Standing Committee Name List" (中国人民政治协商会议第十三届全国委员会常务委员名), March 14, 2018, <http://www.cppcc.gov.cn/zxww/2018/03/14/ART11521024517368985.shtml>; Chinese People's Political Consultative Conference Net, CPPCC 13<sup>th</sup> National Committee (政协十三届全国委员会) (no date), <http://www.cppcc.gov.cn/zxww/newcppcc/zxld/index.shtml>.

<sup>14</sup> The 2010 revisions stipulated that village committees "should" have women members and that women should make up at least one-third of the total number of representatives on the Villagers' Representatives' Conference; China has not even met this meager goal. Article 9, Organic Law of the Villagers Committees of People's Congress of China (中华人民共和国村民委员会组织法).

<sup>15</sup> National Bureau of Statistics, "2014 Statistical Report on The Implementation of the 'China Women's Development Plan 2011-2020'" (2014 年《中国妇女发展纲要(2011-2020 年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; Dui Hua Foundation, "Measures on the Custody and Education of Prostitutes and their Clients: State Council Decree of the People's Republic of China No. 127," September 4, 1993, <http://www.duihuaresearch.org/2013/12/custody-and-education-worse-than.html>; People's CPPCC Net, "Village Committee End of Term Elections Should Raise the Percentage of Women," (村委会换届选举应提高女性比例), March 03, 2014, <http://www.rmzxb.com.cn/2014qqlh/hsy/zz/300930.shtml>.

<sup>16</sup> Rights Defense Network (RDN), "China Election Monitor (2015), No. 4, Discrimination Against Women in the Hebei, Beiding Anxin County Government Led Village Election" (中国选举观察 (2015) 之四——河北保定安新县政府指导的村官选举歧视妇女 (图) (之二)), April 6, 2015, [http://wqw2010.blogspot.ca/2015/04/2015\\_6.html](http://wqw2010.blogspot.ca/2015/04/2015_6.html); RDN, "China Election Monitor (2014), No. 63, Guangxi, Guilin, Chuazhou County Government Let Election Discriminated Against Women" (中国选举观察 (2014) 之六十三——广西桂林全州县政府指导的村官选举歧视妇女), February 15, 2015, [http://wqw2010.blogspot.ca/2015/02/2014\\_15.html](http://wqw2010.blogspot.ca/2015/02/2014_15.html).

<sup>17</sup> State Council National Working Committee on Children and Women, "Summary of the Accomplishments in Women's Participation in Politics and Political Life Since the Party's 18<sup>th</sup> Party Congress" (Dang de shibada yi lai wo guo funu canzheng yezheng chengjiu zongshu), September 30, 2017, [http://www.nwccw.gov.cn/2017-09/30/content\\_178282.htm](http://www.nwccw.gov.cn/2017-09/30/content_178282.htm). People's Republic of China National Statistics Bureau, "2016 Statistics Monitoring Report on the China Women's Development Plan 2011-2020" (2016 年《中国妇女发展纲要(2011-2020 年)》统计监测报告), October 27, 2017, [http://wap.stats.gov.cn/fb/201710/t20171027\\_1546819.html](http://wap.stats.gov.cn/fb/201710/t20171027_1546819.html).

<sup>18</sup> RDN, "China Election Monitor (2015), No. 4, Discrimination Against Women in the Hebei, Beiding Anxin County Government Led Village Election" (中国选举观察 (2015) 之四——河北保定安新县政府指导的村官选举歧视妇女 (图) (之二)); RDN, "China Election Monitor (2014), No. 63, Guangxi, Guilin, Chuazhou County Government Let Election Discriminated Against Women" (中国选举观察 (2014) 之六十三——广西桂林全州县政府指导的村官选举歧视妇女); RDN, "China Election Monitor (2014) No. 60, Henan Ye County Government-Led Village Election Discriminated Against Women" (中国选举观察 (2014) 之六十——河南省叶县政府指导的村官选举歧视妇女), January 25, 2015, [http://wqw2010.blogspot.ca/2015/01/2014\\_25.html](http://wqw2010.blogspot.ca/2015/01/2014_25.html).

<sup>19</sup> People's CPPCC Net, "Village Committee End of Term Elections Should Raise the Percentage of Women" (村委会换届选举应提高女性比例).

<sup>20</sup> National Bureau of Statistics, "2014 Statistical Report on The Implementation of the 'China Women's Development Plan 2011-2020'" (2014 年《中国妇女发展纲要(2011-2020 年)》实施情况统计报告), November 27, 2015, Chap. 4 Sec. 4; State Council National Working Committee on Children and Women, "Summary of the Accomplishments in Women's Participation in Politics and Political Life Since the Party's 18<sup>th</sup> Party Congress" (Dang de shibada yi lai wo guo funu canzheng yezheng chengjiu zongshu), September 30, 2017; People's Republic of China National Statistics Bureau, "2016 Statistics Monitoring Report on the China Women's Development Plan 2011-2020" (2016 年《中国妇女发展纲要(2011-2020 年)》统计监测报告), October 27, 2017, [http://wap.stats.gov.cn/fb/201710/t20171027\\_1546819.html](http://wap.stats.gov.cn/fb/201710/t20171027_1546819.html).

<sup>21</sup> Asian Development Bank, "Country Gender Assessment: People's Republic of China," December 2006, p. 54, <http://www.adb.org/sites/default/files/institutional-document/32230/cga-prc.pdf>.

<sup>22</sup> Specifically, China's political institutions do not conform with the standards set forth in Article 21 of the Universal Declaration of Human Rights, which stipulates that the "will of the people" should be "expressed in periodic and genuine elections which



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shall be by universal and equal suffrage.” Article 21, Universal Declaration on Human Rights, <http://www.un.org/en/universal-declaration-human-rights/>.

<sup>23</sup> Article 46, Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布： 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法).

<sup>24</sup> The criteria made public in the Election Law stipulate that a potential candidate must not have had their political rights taken away and they are at least 18 years of age. Article 3, Election Law of the National People’s Congress and Local People’s Congresses at All Levels of the People’s Republic of China (授权发布： 中华人民共和国全国人民代表大会和地方各级人民代表大会选举法).

<sup>25</sup> Other “criteria,” not included in the Election Law are often found in documents discussing the “Five Elect, Seven Don’t Elect” or “Five Elect, Eight Don’t Elect,” and are raised by local “election work leading small groups” or other Party or government agencies in several provinces that “disqualify” individuals to run in elections. Officials who have not strongly implemented higher-level Party Committee directives” or have “outdated thinking” are also disqualified. RDN, “China Election Monitor Bulletin, (2015), No. 29, A Citizen-Elected Village Chief Sues Ministry of Civil Affairs Agency for Denying His Eligibility To Run Because He Was Not a Party Member (选举观察简报之二十九——前民选村长控告民政机构以非党员名义剥夺其选举资格), May 8, 2015, [http://wqw2010.blogspot.ca/2015/05/blog-post\\_17.html](http://wqw2010.blogspot.ca/2015/05/blog-post_17.html); RDN, “China Election Monitor (2015), No. 11, Hebei Province Chengde County Government Led Village Elections Illegal,” May 17, 2015, [http://wqw2010.blogspot.ca/2015/05/2015\\_17.html](http://wqw2010.blogspot.ca/2015/05/2015_17.html); RDN, “China Election Monitor (2015), No. 30, ‘Five Elects, Eight Don’t Elects,’ Violate the Constitution and the Election Law” (中国选举观察 (2015) 之十一——河北省承德县政府指导的村官选举是非法的), May 17, 2016, [http://wqw2010.blogspot.ca/2015/05/blog-post\\_560.html](http://wqw2010.blogspot.ca/2015/05/blog-post_560.html); RDN, “China Election Monitor (2015) No. 25, Fujian Province, Pingnan County Government Led Resident Committee Election Suspected of Being Illegal (No. 1)” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), August 17, 2015, [http://wqw2010.blogspot.com.br/2015/08/2015\\_17.html](http://wqw2010.blogspot.com.br/2015/08/2015_17.html); RDN, “China Election Monitor (2015) No. 25, Fujian Province, Pingnan County Government Led Resident Committee Election Suspected of Being Illegal (No. 1)” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), August 17, 2015, [http://wqw2010.blogspot.com.br/2015/08/2015\\_17.html](http://wqw2010.blogspot.com.br/2015/08/2015_17.html); CECC, 2014 Annual Report, October 9, 2014, p 142, [http://www.cecc.gov/sites/chinacommission.house.gov/files/2014%20annual%20report\\_0.PDF](http://www.cecc.gov/sites/chinacommission.house.gov/files/2014%20annual%20report_0.PDF).

<sup>26</sup> CECC, 2014 Annual Report, p 142.

<sup>27</sup> These criteria include having “out of plan” children, participating in “illegal religious activities,” “interfering in elections” (a charge often used against independent candidates). In addition, local Party committees have issued rules that do not conform to the Organic Law or had undue influence over, or “led” village committee elections. RDN, “China Election Monitor (2015), No. 12 (2015), Chinese Communist Party Members From Village Committee Organization in Yong Nian County Zhenxi Village illegally Led Elections for Village Officials” (中国选举观察 (2015) 之二十五——福建屏南县政府指导的居委会选举涉嫌违法 (之一)), May 20, 2015, [http://wqw2010.blogspot.ca/2015/05/2015\\_20.html](http://wqw2010.blogspot.ca/2015/05/2015_20.html); RDN, “China Election Monitor (2014), No. 56, Jinan City, Central District Government-Led Elections Illegal, Lead to Mass Complaints to Higher-Level Officials” (中国选举观察 (2014) 之五十六——济南市市中区政府指导非法选举引发村民集体上访 (之三)), December 28, 2014, [http://wqw2010.blogspot.ca/2014/12/2014\\_28.html](http://wqw2010.blogspot.ca/2014/12/2014_28.html); CECC, 2015 Annual Report, pp. 240-241.

<sup>28</sup> CHRD interview 2016.

<sup>29</sup> CEDAW, Concluding Observations on the Combined Seventh and Eight Periodic Reports of China, para. 30.

<sup>30</sup> Javier C. Hernández, “‘We have a Fake Election’: China Disrupts Local Campaigns,” *The New York Times*, November 15, 2016, <http://www.nytimes.com/2016/11/16/world/asia/beijing-china-local-elections.html>.

<sup>31</sup> In June 2016, government/Party officials in Wukan, Guangdong province detained and later arrested Lin Zulian. A district court in Foshan City tried Lin on September 9, 2016, and found him guilty of the two bribery counts but acquitted him of a charge of rigging tenders. Thousands of citizens in Wukan joined mass demonstrations that began on June 19, 2016, demanding Lin’s release, which peaked at 8,000 in mid-August. Lin Zulian was among the villager candidates who had been leaders in the 2011 prolonged demonstrations against land seizures and the death of a villager in custody and were subsequently voted into the village committee in 2012 elections. Yang Fan (扬帆), “Former Village Chief Sentenced to Three Years and One Months’ Imprisonment for Crimes, Villagers Initiate a Merchants Strike and Demonstration Activities In Support of Lin Zulian” (乌坎前村支书罪成获刑3年1个月 村民发起罢市游行活动声援林祖恋), *Radio Free Asia*, September 8, 2016, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/yf2-09082016095246.html>; Qiao Long, “Jailed Former Head of China’s Rebel Village Retracts ‘Confession,’” *Radio Free Asia*, October 12, 2016, <http://www.rfa.org/english/news/china/wukan-trial-10122016134225.html>.

<sup>32</sup> CHRD, *China Human Rights Briefing September 13-20, 2016*, <https://www.nchrd.org/2016/09/chrb-police-stamp-out-protests-in-wukan-village-new-developments-in-709-crackdown-cases-913-20-2016/>.



<sup>33</sup> *Radio Free Asia*, “Former Village Secretary Lin Zulian Loses Appeal, Affirms Original Verdict” (乌坎前村书记林祖恋败诉维持原判), October 20, 2016, <http://www.rfa.org/cantonese/news/wukan-10202016103457.html?encoding=simplified>.

<sup>34</sup> *Al Jazeera*, “China Wukan Leader Arrested Ahead of Planned Protests,” June 18, 2016, <http://www.aljazeera.com/news/2016/06/china-wukan-leader-arrested-160619034526131.html>; RDN, “China Elections Monitor, Wukan’s Lin Zulian To Be Tried in Foshan Courtroom on September 8” (乌坎林祖恋案 9 月 8 日将在佛山开庭), September 6, 2016, <http://wqw2010.blogspot.com.br/2016/09/98.html>; *Radio Free Asia*, “Wukan Villager Protests Uncontainable, Lin Zulian To Be Tried This Thursday” (乌坎村民游行不遏 林祖恋料周四开审), September 6, 2016, <http://www.rfa.org/cantonese/news/wukan-09062016094007.html>; RDN, “China Election Monitor, Wukan Bulletin, Villagers in Wukan Have Taken to the Streets in Spontaneous Protest Continuously for 74 Days (No. 4)” (中国乌坎维权快讯——村民自发连续游行示威已七十四天(之四)), September 1, 2016, [http://wqw2010.blogspot.com.br/2016/09/blog-post\\_63.html](http://wqw2010.blogspot.com.br/2016/09/blog-post_63.html).

<sup>35</sup> CECC, 2014 Annual Report, pp. 142-143.

<sup>36</sup> He had tried to submit his application at the township level first but was blocked by township officials, so he tried to submit it at the county-level. In early September, Yang said he would continue his efforts to seek office, despite threats to himself and his family and 24-hour surveillance around his house. Qiao Long, “Independent People’s Congress Election Hopeful Jailed in China’s Jiangxi,” *Radio Free Asia*, August 25, 2016, <http://www.rfa.org/english/news/china/independent-peoples-congress-election-hopeful-jailed-in-chinas-jiangxi-08252016105705.html>; RDN, “People’s Congress Delegate Independent Candidate Yang Wei (Yang Tingjian) Administratively Detained for 10 Days by Jiangxi Province, Zixi County Public Security Bureau” (江西人大代表独立候选人杨微(杨霆剑)遭江西省资溪县公安局行政拘留十天), August 24, 2016, [http://wqw2010.blogspot.com/2016/08/blog-post\\_68.html](http://wqw2010.blogspot.com/2016/08/blog-post_68.html).

<sup>37</sup> Qiao Long, “Independent Candidate Vows to Fight Local Election in China’s Jiangxi,” *Radio Free Asia*, September 6, 2016, <http://www.rfa.org/english/news/china/election-09062016122823.html>.

<sup>38</sup> RDN, “Hubei Qianjiang City People’s Congress Independent Candidate, Former People’s Congress Delegate, Well Known Elections Expert, Yao Lifa Kidnapped Forced to Leave Qianjiang” (湖北潜江市人大代表独立候选人、前人大代表、著名选举专家姚立法先生遭绑架强制离开潜江) November 2, 2016, [http://wqw2010.blogspot.com/2016/11/blog-post\\_2.html](http://wqw2010.blogspot.com/2016/11/blog-post_2.html).

<sup>39</sup> RDN, “Declaration of Yao Lifa and 58 Others To Run In the Hubei Qianjiang City People’s Congress Elections” (湖北潜江市姚立法等 58 位竞选市人大代表的宣言), November 1, 2016, <http://wqw2010.blogspot.com/2016/11/58.html>; RDN, “China Election Monitor (2016) No. 21: Japanese Television Station (NTV) Blocked From Interviewing Beijing Independent Candidate Ye Qinghuan” (中国选举观察(2016)之二十一:日本电视(NTV)采访北京独立候选人野靖环受阻), October 18, 2016, <http://wqw2010.blogspot.com/2016/10/2016ntv.html>; RDN, “Zhu Xiuling: Beijing People’s Congress Independent Candidate Fan Sujun’s Elder Sister Blocked From Conducting Election Campaigning” (朱秀玲:北京人大代表独立候选人范素君大姐进行选举宣传遭阻拦破坏), November 1, 2016, [http://wqw2010.blogspot.com/2016/11/blog-post\\_67.html](http://wqw2010.blogspot.com/2016/11/blog-post_67.html).

<sup>40</sup> RDN, “China Elections Expert, Previous People’s Congress Delegate in Qianjiang City, Yao Lifa’s Wangyi Blog ‘China Elections Monitor’ Shut Down” (中国选举专家、前潜江市人大代表姚立法先生的网易博客“中国选举观察”被封杀), October 16, 2016, [http://wqw2010.blogspot.ca/2016/10/blog-post\\_89.html](http://wqw2010.blogspot.ca/2016/10/blog-post_89.html).

<sup>41</sup> RDN, “China Elections Monitor (2016), No. 21: Japanese TV (NTV) Blocked From Meeting Beijing Independent Candidate Ye Jinghuan” (中国选举观察(2016)之二十一:日本电视(NTV)采访北京独立候选人野靖环受阻); RDN, “China Elections Monitor (2016) No. 21: 18 Independent Candidates in Beijing Issue Joint Declaration of Their Intent to Participate in Elections” (中国选举观察(2016)之二十一:北京 18 位独立候选人联名发出参选宣言), October 14, 2016, <http://wqw2010.blogspot.ca/2016/10/201618.html>.

<sup>42</sup> RDN, “Beijing Fangshan District Independent Candidate Liu Huizhen November 8, 2016, Record of Movements: Personal Freedom Restricted” (北京房山区独立候选人刘惠珍 2016 年 11 月八日出行记:人身自由遭侵害), November 9, 2016, <http://wqw2010.blogspot.com/2016/11/2016118.html>; Tom Mitchell, Lone Beijing Independent Intimidated Ahead of China Elections,” *Financial Times*, November 4, 2016, <https://www.ft.com/content/ccac1148-a248-11e6-82c3-4351ce86813f>. Javier C. Hernández, “‘We have a Fake Election’: China Disrupts Local Campaigns,” *The New York Times*; Helene Franchienu and Christopher Bodeen, “China Harasses Independent Candidates for Low-Level Offices,” *Associated Press*, November 15, 2016, <http://bigstory.ap.org/article/e6ac147b9f4e4489a1e682348478d18b/china-harasses-independent-candidates-low-level-offices>.

<sup>43</sup> *BBC*, “BBC stopped from visiting China independent candidate,” November 17, 2016, <http://www.bbc.com/news/world-asia-38005603?SThisFB%E3%80%82%E7%8E%B0%E5%9C%A8%E6%AD%A3%E5%9C%A8%E6%8E%A8%E7%89%B9%E4%B8%8A%E7%83%AD%E6%8E%A8%E3%80%82>.

<sup>44</sup> RDN, “Beijing People’s Congress (58 People) Independent Candidates: Strongly Protest The Beating of Beijing Independent Candidate Li Meiqing by Thugs” (北京人大代表(58人)独立候选人:强烈抗议黑社会成员殴打北京独立候选人李美青), November 10, 2016, [http://wqw2010.blogspot.com/2016/11/58\\_10.html](http://wqw2010.blogspot.com/2016/11/58_10.html); RDN, “Beijing Police Wantonly Interfere in Grassroots

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<sup>45</sup> Authorities detained human rights lawyer Cheng Hai for several days because of his canvassing efforts in his bid to run for office. Yang Fan, “Police in Shanghai, Beijing Detain More Independent Election Candidates,” *Radio Free Asia*, November 14, 2016, <http://www.rfa.org/english/news/china/election-detentions-11142016160141.html>.

<sup>46</sup> Trial Opens in Case of Hubei Independent Candidate Peng Feng Charged with “Picking Quarrels and Provoking Trouble” (Hubei duli canquanren Peng Feng beikong “xunxin zishi” an kaiting), *Civil Rights and Livelihood*, December 23, 2017, <http://msguancha.com/a/lanmu1/2017/1223/16847.html>.

<sup>47</sup> RDN, “Zi Su, Who Requested CCP 19<sup>th</sup> Party Congress Directly Elect Generally-Secretary, Indicted on Charges of “Subversion of State Power (Indictment Attached)” (要求中共 19 大直选总书记的中共党员子肃被以“颠覆国家政权罪”起诉 (附: 起诉书图)), March 9, 2018, <http://wqw2010.blogspot.com.au/2018/03/19.html>.

<sup>48</sup> CHRDR, China Human Rights Briefing, September 28-October 17, 2017, October 17, 2017, <https://www.nchr.org/2017/10/chrb-china-stop-detaining-activists-silencing-political-expression-around-19th-ccp-congress-928-10172017/>. (based on Chinese sources: RDN, “CCP Member Zi Su Arrested on the charge of “Inciting Subversion of State Power,” for Calling for Direct Elections at the 19<sup>th</sup> Party Congress (Yaoqiu zhonggong 19da zhixuan de zhonggong dangyuan Zi Su bei yi “Shandong dianfu guojia zhengquan zui” zhengshi daibu), June 15, 2017, [https://wqw2010.blogspot.com.au/2017/06/19\\_15.html](https://wqw2010.blogspot.com.au/2017/06/19_15.html); RDN, “Because of ‘Zi Su Calling for Replacement of General Secretary at 19<sup>th</sup> Party Congress Case’ Three People Detained, Huang Jiaping of Nanchang, Jiangxi; Zhang Ai of Kunming, Yunan; and Shao Zhongguo of Yuncheng, Shanxi” (“Zi Su jianyan shijiuda genghuan zongshujian” Jiangxi Nanchang Huang Jianping, Yunan Kunming Zhang Si, Shanxi Yuncheng Shao Zhongguo san ren bei juliu), May 6, 2017, [https://wqw2010.blogspot.com/2017/05/blog-post\\_69.html](https://wqw2010.blogspot.com/2017/05/blog-post_69.html).

<sup>49</sup> Authorities later changed the charges to “using a cult organization to undermine implementation of the law,” a charge often leveled against Falun Gong practitioners. RDN, “Hunan, Hengyang City, Qidong County People’s Congress Independent Election Candidate Guan Guilin Criminally Detained After Being Administratively Detained” (湖南衡阳祁东县人大代表独立参选人管桂林被行政拘留后又遭刑事拘留), October 14, 2016, [http://wqw2010.blogspot.ca/2016/10/blog-post\\_67.html](http://wqw2010.blogspot.ca/2016/10/blog-post_67.html).

<sup>50</sup> Authorities detained Zheng Peipei, Xu Peiling, and Cui Fofang when they were handing out leaflets to canvass on November 13<sup>th</sup> for Feng Zhenghu’s candidacy. As of November 14, the three were still under detention. Yang Fan, “Police in Shanghai, Beijing Detain More Independent Election Candidates,” *Radio Free Asia*.

<sup>51</sup> Yang Fan, “China Jails Two Former Wukan Village Protest Leaders for ‘Graft,’” *Radio Free Asia*, October 10, 2014, <http://www.rfa.org/english/news/china/wukan-10102014124824.html>.

<sup>52</sup> CECC, 2014 Annual Report, pp. 141-142.

<sup>53</sup> CEDAW, Concluding Observations on the Combined Seventh and Eight Periodic Reports of China, para. 30.

<sup>54</sup> CECC. 2017 Annual Report, p. 290; CECC, 2015 Annual Report, p. 289.

<sup>55</sup> *Ibid.*, 240-241.

<sup>56</sup> CECC, 2014 Annual Report, p. 179.

<sup>57</sup> Human Rights Watch, “China: ‘Benefit the Masses’ Campaign Surveilling Tibetans,” June 19, 2013, <https://www.hrw.org/news/2013/06/18/china-benefit-masses-campaign-surveilling-tibetans>.