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**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND A GENDER
PERSPECTIVE**

VIOLENCE AGAINST WOMEN

**Report of the Special Rapporteur on violence against women,
its causes and consequences, Yakin Ertürk**

Addendum

Communications to and from Governments^{*}

^{*} The present document is being circulated as received, in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

China

Letter of allegation

34. On 13 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on freedom of religion or belief, sent a letter of allegation concerning Ms. **RS**, 42, (f), living in the Tiexi District, Shengyang City, Liaoning Province, and Ms. **LY**, 32 (f), living in Yangjiazhuang village in Junbukou Township. According to information received, on 21 May 2002, police officers from the Zhonggong police station arrested RS for practicing Falun Gong. She was later sentenced to three years of forced labour and was detained at the Longshan Labour Camp. No charges were brought against her and she was provided no hearing before a court of law. She went on hunger strike for 64 days, during which time she was subjected to torture and harsh labour for fifteen hours daily. After bringing an end to her hunger strike she continued to be tortured by the prison guards, who subjected her to electric shocks. On 22 March 2004, she was transferred to Masanjia Labour Camp where she was forced to sleep on cement floors for three months. She was released on 24 December 2004, due to her extremely weak conditions, weighing less than 40 kg, whereas at the time of her arrest she weighed 80 kg. The several complaints that RS made to the prison guards, who were the only authorities she had access to, provided no response or amelioration to her conditions of detention. Moreover, on 21 January 2000, Ms. LY was arrested by police officers belonging to the Junbukou Township of Weifang City in Shandong province, for practicing Falun Gong. No charges were brought against her and she was provided no hearing before a court of law. She was subjected to severe beatings, and the men who were also arrested with her were forced to beat her and the other arrested women on their hips. During her detention, she was forced to curse the founder of Falun Gong, drink alcohol and smoke cigarettes, which is against Falun Gong principles. As a result of this treatment, Ms. LY miscarried. She was released on 20 January 2000 after having paid for her release. In the Summer of 2001, she was arrested again for practicing Falun Gong and was once again subjected to torture including electric shocks, as a result of which she miscarried a second time. After twenty days of torture, she was sent to a detention centre for another month, after which she was released.

Urgent appeal

35. On 19 September 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Mr. **CG**, aged 34, a blind peasant from Linyi, Shandong Province. Chen Guangchen was leading a legal campaign against the use of forced sterilization and abortion in the city of Linyi. According to the information received, on the afternoon of 6 September 2005, several men in plain clothes grabbed CG as he left an apartment building in Beijing, dragged him across a parking lot and pushed him into an unmarked car with tinted windows. The men did not identify themselves. As he shouted for help and could be heard screaming in pain from inside the car, a small group of persons surrounded the vehicle and prevented it from driving away. Residents of the area called the Beijing police. Two uniformed officers arrived, consulted with the men who had seized CG, and then cleared the way for the car to drive away. The Beijing police officers informed the bystanders that the men who seized CG were police from Shandong province. A spokesman for the Shandong public security bureau stated, however, that he did not have any

information about CG's detention. It was reported that the Shandong province police took Chen Guangcheng back to Linyi, where he was, at the time this communication was sent, confined to his farmhouse by a group of about 50 men acting on behalf of the Yinan county and Linyi city governments. CG was reportedly preparing a class-action lawsuit to challenge the population-control policies of the authorities of Linyi. In March 2005, the Linyi city government began requiring parents with two children to be sterilized and forcing women pregnant with a third child to have abortions. Officials also detained family members of persons who fled to avoid sterilization or abortion, beating them and holding them hostage until their relatives returned and submitted them to the operation.

Government reply

36. By letter dated 12 December 2005 the Government replied to the communication of 19 September 2005. This reply was still in the process of being translated at the time this report was finalized.

Letter of allegation

37. On 31 October 2005, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation concerning CG, a self-educated lawyer who, since 7th September 2005 had been under a form of house arrest in the village of Dongshigu, eastern province of Shandong. According to the new information received, on 24th October 2004, at approximately 1pm, CG was kicked and beaten by a group of 8 or 9 people when he tried to leave his home. The group was reportedly led by two local officials, who shouted during the beating: "Hit him hard! Break his legs! So he can include this in his lawsuit too." CG, who is blind, reportedly fell to the ground five or six times during the attack. His family was eventually able to take him back home, but he was left bleeding from the forehead and with pain around his left eye, and unable to bend his fingers after the assault. CG's house was still, at the time this communication was sent, being guarded in shift rotation by a group of around 20 people. When members of his family asked those guarding the house if he could go to hospital their request was denied. Before his detention, CG had been assisting villagers to take legal action against the Linyi city authorities in Shandong, who they allege had been breaking the law by conducting a campaign of forced abortions and sterilizations of local women in pursuit of birth quotas. The case was due to be heard on 10 October, but was postponed. According to reports, several of the families involved in the case had withdrawn following threats and harassment from the authorities. Another Mr. CG was briefly detained earlier in October along with another villager, after giving interviews about CG's situation to foreign reporters.

Observations

38. The Special Rapporteur regrets not having received any replies to her communications of 13 September and 31 October 2005.

39. In light of the allegations concerned, the Special Rapporteur deems it appropriate to make reference to the recommendations found in the report of the UN Committee on the Elimination of all Forms of Discrimination against Women, A/54/38, paras 299 and 300. The Committee expressed its serious concerns about the diverse forms of violence against women in China,

including custodial violence, sexual abuse, domestic violence, and sexual violence. The Committee moreover recommended that the Government examine and revise its laws and policies on violence against women in the light of the Committee's general recommendation 19.

40. The Committee further recognized that while population growth in China is a genuine and severe problem, it expressed concern about various aspects of the implementation of China's population policy including reports showing that notwithstanding the Government's clear rejection of coercive measures, there are consistent reports of abuse and violence by local family planning officials. These include forced sterilizations and abortions, arbitrary detention and education policy. The Committee urged the Government to make clear that coercive and violent measures are prohibited in this regard and to enforce such prohibition through fair legal procedures that sanction officials acting in excess of their authority.

41. Finally, the Committee recommended that the Government consider the possibility of extending an invitation to the Special Rapporteur on Violence against Women, its causes and consequences, to visit China and all its provinces.

Singapore

Urgent appeal

168. On 3 May 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal concerning Singapore national **NCH** (F) 41, and Chinese national **CL** (F) 37, both Falun Gong practitioners. According to information received, NCH (F) and CL (F) were arrested and charged in May 2004 for having participated in an illegal assembly in February 2003 and for having distributed flyers and VCDs at the Esplanade Park in Singapore exposing the persecution against Falun Gong practitioners. On 27 April 2005, the Court 39 of the Subordinate Courts in Singapore sentenced NCH to S\$20,000 and CL to S\$24,000 on charges including ‘assembly without permit’ and ‘possession and distribution of illegal VCDs’. They both appealed the decision and refused to pay the fine, as a result of which the fines imposed were converted into prison terms: NCH was sentenced to 20 weeks imprisonment and CL to 24 weeks imprisonment. The two women were immediately taken to the Changi Women’s Prison and had not, until the moment that this communication was sent, had access to a lawyer or been allowed visitors. NCH, who was not given the time to make arrangements for her six-month old baby girl whom she was reportedly nursing until then, had also been prohibited from seeing her child in prison. At the time this communication was sent, they had both been on hunger strike, in protest of the court decision against them of 27 April 2005 and prison authorities had reportedly threatened to punish them further if they continued their hunger strike.

Observations

170. The Special Rapporteur thanks the Government for its reply to the communication concerning **NCH** and **CL**. However, whilst questioning the compatibility of the charges brought against them with their rights to freedom of opinion and expression, and assembly and association, the Special Rapporteur expresses her concern at what she feels are the disproportionate sentences handed down.

171. Moreover, and particularly in view of specific reference being made to mothers with nursing infants in the UN Standard Minimum Rules for the Treatment of Prisoners, *inter alia*, the Special Rapporteur deems it appropriate to strongly encourage the Government to act with particular care when doubt exists as to whether a detained mother has a nursing child.