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MAIN: 450 Sutter Street, Suite 900 | San Francisco | CA 94108 | USA
BRANCH: Room 2105, Wai Wah Commercial Centre | 6 Wilmer Street | HONG KONG
TEL: (415) 986-0536 FAX: (415) 986-0579 EMAIL: duihua@duihua.org

The Dui Hua Foundation Recommends China’s Ministry of Justice Release Figures on the Number of Women in Prison

Submission of The Dui Hua Foundation, an NGO in Special Consultative Status with ECOSOC, to the Working Group on Discrimination Against Women in Law and Practice for its Thematic Report on Women Deprived of Liberty to the 41st Session of the Human Rights Council, June 2019

1. Figures on Women in Prison Population

From 2003 to the first half of 2015, statistics on the number of women in Chinese prisons were made publicly available by China’s Ministry of Justice (MOJ). They could be found in the annual reports of the Asia Pacific Conference of Correctional Administrators (APCCA), of which the MOJ is a member, and the *China Statistical Yearbook* published by the National Bureau of Statistics. The last information released for the number of women in prisons under the Ministry of Justice was for June 30, 2015 – when the number stood at 107,131. This number does not include women held in detention facilities or other facilities run by public security bureaus (e.g., custody and education, mandatory drug rehabilitation, and legal education), nor does it include women held in state security detention centers. It does not include women held in “political education camps” in Xinjiang, a number believed to be very high. It does not include women held in Communist Party-controlled carceral facilities as part of the *liuzhi* system.

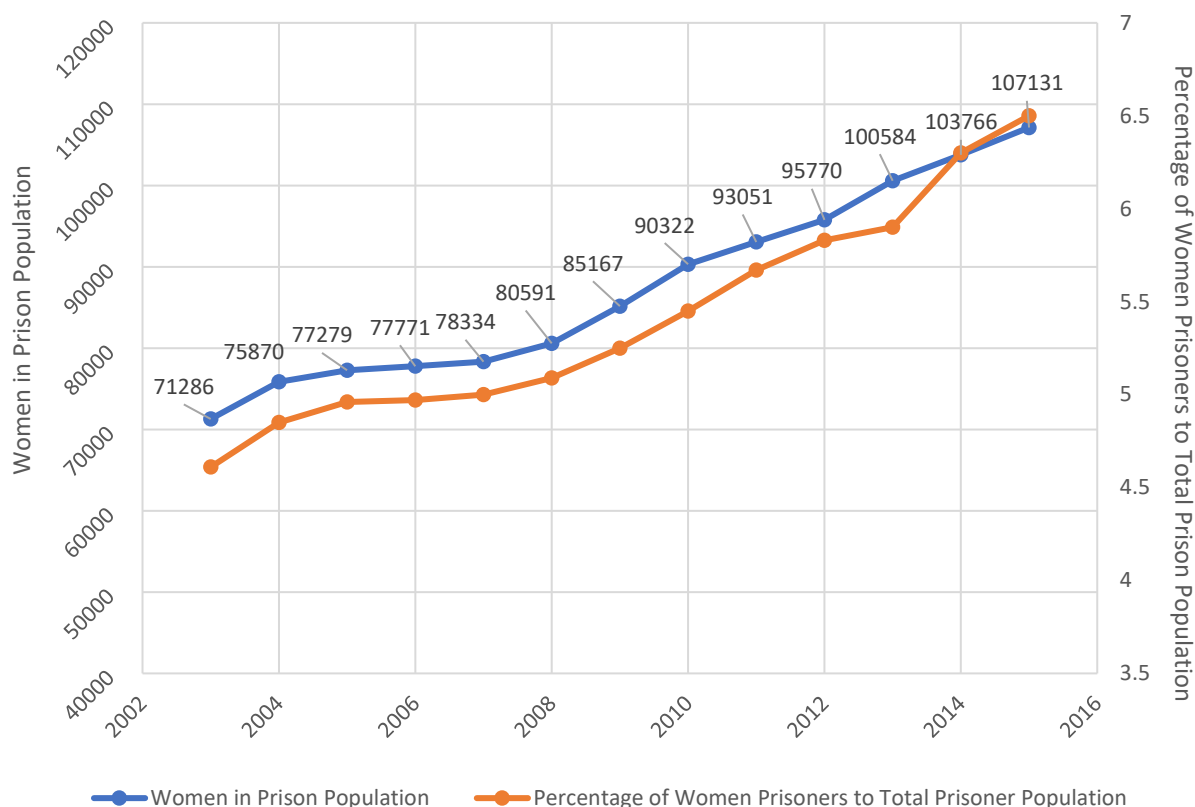
In February 2016, Dui Hua published an article in its *Human Rights Journal* detailing the sharp rise in the number of women incarcerated in China.¹ We reported that the number of women in prison had risen more than 50 percent between 2003 and mid-2015, 10 times faster than growth registered for the population of incarcerated men. We predicted that the number of women in prison in China would soon surpass the number of women in prison in the United States. Shortly after publication, the MOJ stopped submitting the number of women in prison to the APCCA and it has not, to date, resumed providing the information. In 2013, the *China Statistical Yearbook* stopped reporting both the number of women in prison and the number of juveniles in prison in China. The number of girls in prison is naturally linked to the issue of women in prison; girls in conflict with the law often progress to women in conflict with the law. A report on girls in the Beijing prison system from 2009-2013 revealed that a high percentage of girls in the city’s juvenile reformatory had committed violent crimes. It also revealed the practice of placing girls in adult female prisons.

The rise in the women in prison population took place during the tenure of disgraced justice minister, Wu Aiyong, who was expelled from the Communist Party in 2017. Ironically, Wu is a woman. During her tenure as justice minister, the number of women in prison in China

¹ “Growing Number of Women in Prison in China,” *Human Rights Journal*, February 23, 2016, Web: <https://www.duihuahrjournal.org/2016/02/growing-number-of-women-in-prison-in.html>.

rose by more than 50 percent; the number of human rights dialogues and exchanges with foreign governments and international organizations was sharply reduced; and few visits to Chinese women’s prisons by foreign governments and international monitoring groups were allowed.

Ratio and Total Number of Women in Prison in China, 2003-2015



Sources: China Statistical Yearbook, APCCA

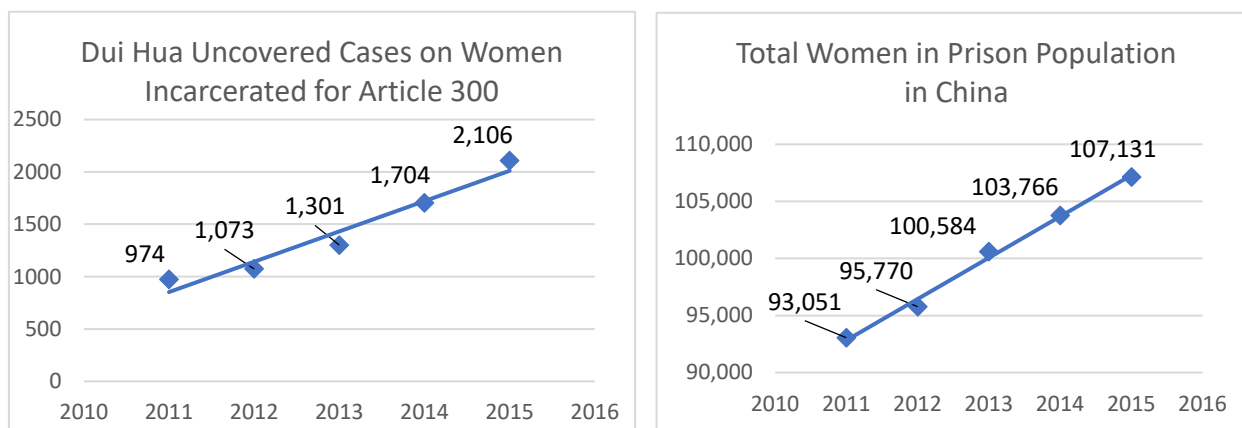
Prisoner Population Increase in China, 2003-2015			
Gender	2003	2015	Percentage Increase 2003-2015
Male	1,491,456	1,542,673	3.4%
Female	71,286	107,131	50.3%

Sources: China Statistical Yearbook, APCCA

No study has been done on the causes of the sharp rise in the number of female prisoners in China on a national level. It is believed to be related to the prevalence of domestic violence and the increased ability and willingness of women to fight their attackers. While spousal abuse perpetrated against women is often trivialized or ignored by local law enforcement, survivors’ defensive strategies are routinely criminalized. In some provinces, the number of female offenders who are in prison for committing crimes related to domestic violence (such as fighting back to defend themselves or their children) can account for up to 22% of the total

serious female offender prison population.² Given that there are now three women’s prisons in Yunnan, a province known for drug smuggling and its high poverty rate, it is reasonable to conclude that drug trafficking has led to the imprisonment of many Chinese women with limited economic means. Another reason for the surge in women prisoners in recent years is the use of Article 300 of the Criminal Law to imprison women accused of practicing so-called cults like Falun Gong and Almighty God.

2. Female Prisons: Overcrowded and Inaccessible



Sources: China Statistical Yearbook, APCCA

There are currently 39 women’s prisons in China. With the rise in women in prison population, overcrowding is a grave concern. In 2012, with 36 women’s prisons, there were 2,660 women prisoners for every women’s prison; in 2015 there were 2,976 women prisoners for every women’s prison. The impact of overcrowding on health in women’s prisons is well recognized but not well documented. However, the 36th Asian and Pacific Conference of Correctional Administrators 2016 conference report revealed alarming data on the public health crisis facing Chinese prisons in the 2015 reporting year, particularly with respect to the spread of infectious diseases.

In 2015, the percentage of prisoners with infectious diseases against the total prisoner population was as follows: 31 percent of prisoners had tuberculosis, 42 percent had viral hepatitis, 17 percent had AIDS, and 10 percent had influenza, dysentery, gonorrhea, or syphilis.³ In December 2017, state media reported on the case of a former prison guard who sued Tianjin Women’s Prison for lack of screening and control measures against infectious diseases, which caused her and later her daughter to contract tuberculosis.⁴

² Chen, Min, “Anti-Domestic Violence Endeavors by Chinese Courts and the Bangkok Rules” Presentation at the 2014 Women in Prison Symposium. February 2014. Web: https://wipsymposium.org/wip2/wp-content/uploads/2014/04/chen_en.pdf

³ Morgan, Neil, Morgan, Irene. The 36th Asian and Pacific Conference of Correctional Administrators 2016 Report, July 4, 2017. Web: http://www.apcca.org/uploads/APCCA_Report_2016.pdf

⁴ “主管领导对传染病防治不作为 民警怒告原单位,” 中新视点网, February 5, 2018. Web: http://www.xinhuaajnews.cn/2018/gn_0205/5207.html

Most provinces in China have only one women's prison. The Tibetan Autonomous Region is the only one of China's autonomous regions, provinces, or directly administered municipalities without a women's prison. In Tibet, women are incarcerated in men's prisons. In instances where a crime is committed in a province, municipality, or administrative region that is not the women offenders place of household registration, they are incarcerated in the province, autonomous region, or municipality where the crime was committed and where the trial took place; with the exception of crimes committed in Beijing, offenders are not generally returned to their home provinces to serve their sentences.

The fact that there is only one women's prison in most provinces, coupled with the administrative ban on returning women prisoners to their home provinces to serve their sentences, results in families wishing to pay female relatives in prison having to travel long distances to make the visit. The lack of family visits, especially the inability of mothers to spend time with their children, causes deep emotional and psychological stress on women prisoners and on their families, especially the children.⁵

China can adopt a number of measures to reduce the number of women in prison. It can grant women more sentence reductions and parole. Women offenders can be entered into community corrections. Non-custodial measures can be used on girls, reducing the chance of their graduating to an adult life in conflict with the law. The Chinese government appears to have opted for building more women's prisons. Since 2012, one women's prison has come into operation every two years.

Recommendations:

1. Dui Hua calls on the MOJ to resume providing figures on the number of women in prison. This will help the international community better gauge the issues being faced by this vulnerable population.
2. Dui Hua calls on women's prisons to apply to courts to grant more sentence reductions and parole to female prisoners. Rather than being placed in prison, women offenders should be placed in community corrections programs. Girl offenders should benefit from non-custodial measures.
3. Dui Hua recommends that more attention be paid to enhancing family visitation rights for female prisoners. Families that have to travel long distances should be housed in rooms provided by the prisons and the length of time and frequency of visits should be increased. Mothers should be allowed to hold their children.
4. The health crisis in Chinese prisons needs to be more forcefully addressed. In doing so, the Chinese government should adhere to disease prevention and control standards in women's prisons.

⁵ "Sino-US Comparison: Children of Incarcerated Mothers," The Dui Hua Foundation, February 22, 2012. Web: <https://duihua.org/wp/?p=5306>