



China – Researched and compiled by the Refugee Documentation Centre of Ireland on 22 January 2013

Information on arranged and forced marriages in China.

Article 4 of the Marriage Law of the People's Republic of China states:

“Marriage must be based upon the complete willingness of both man and woman. Neither party may use compulsion on the other party, and no third party may interfere.” (National People's Congress of the People's Republic of China (1 January 1981) *Marriage Law of the People's Republic of China*)

See also Article 7 which states:

“Both the man and the woman desiring to contract a marriage shall register in person with the marriage registration office. If the proposed marriage is found to conform with the provisions of this Law, the couple shall be allowed to register and issued marriage certificates. The husband-and-wife relationship shall be established as soon as they acquire the marriage certificates.” (ibid)

A Social Institutions & Gender Index profile of China, in a paragraph headed “Discriminatory Family Code”, states:

“China's Marriage Law as amended in 2001. The legal age of marriage is 20 years for women and 22 years for men, and the law stipulates that all marriages should be based on mutual consent. Still, traditions of arranged and patrilocal marriages – meaning that the couple usually lives near or with the husband's family - remain common in much of rural China.” (Social Institutions & Gender Index (2012) *Country Profiles: China*)

A Country Advice document published by the Refugee Review Tribunal of Australia, in a section titled “Domestic trafficking”, refers to the trafficking of women for forced marriage as follows:

“Until a few years ago, domestic trafficking appears to have been primarily for the purpose of selling women into virtual slavery to men who cannot find wives, a situation in which the women are often subjected to repeated rapes and abuse and forced to bear children. But recent reports have shown an increase in the volume of trafficking for the purpose of forcing women into the sex industry. Although domestic trafficking restarted in the mid-1970s and has been steadily increasing since the mid-1980s, the authorities' response has been extremely laggard and ineffective. It was not until 1991 that a comprehensive law on trafficking was passed, and even then, the law was not comprehensively enforced. Despite the claims in its report, in reality the government has failed to initiate a comprehensive campaign of arrests and prosecutions of all those involved, including officials who collude with or turn a blind eye to trafficking, parents who sell their children and purchasers of women and children.” (Australian Government – Refugee Review Tribunal (7

August 2009) CHN35278: China – Fujian – Women – People trafficking – Forced marriages)

A China Daily article on forced marriage states:

“The fast economic growth of China and movement of a large number of people within the country and imbalanced regional development have increased labor and sexual exploitation, Dow said. But the number of children and women trafficked to continue ‘the family line’ or be forced into marriage has been declining in recent years, thanks to crackdowns that began in the 1980s. ‘The selling of women and children has been checked,’ Yin said. The number of such cases has been dropping 20 to 30 percent a year. About 3,000 such cases are reported to police across the country every year, he said. But the number may not give the entire picture because many cases go unreported. Trafficking in women and children is most serious in Guangdong, Fujian, Henan, Sichuan and Anhui provinces.” (China Daily (7 July 2007) *More forced into prostitution, labor*)

See also a Daily Express article which states:

“A new Chinese government estimate last week says that by 2020, 24 million men in the world’s most populous nation will be unable to find wives because of the yawning gender imbalance caused by three decades of sex-selective abortions. The poorest and least well-educated men are doomed to remain single while those desperate enough with access to money seek a final chance of wedlock through traffickers who steal wives from countries such as Burma, Mongolia, Vietnam, Laos and North Korea. It is a brutal and dehumanising trade. The few women who escape describe being paraded – sometimes with their feet bound by rope to stop them running away – in front of successions of potential husbands until a buyer prepared to meet the asking price was found. Others claim they have been put on show in market squares in China’s rural southern Yunnan province where one runaway bride said she was sold like livestock. The buyers are men classed as ‘bare branches’, members of a mostly rural underclass who would otherwise be doomed to lifelong bachelorhood because there are not enough women to go around. These men will pay £450-£2,500 (the latter the equivalent of more than two years’ wages for a farm worker) to buy a reluctant wife who will stay with them not for love but through threats and control.” (Daily Express (18 January 2010) *China’s Stolen Brides*)

An article published by the China Post refers to the pressure on single women to marry as follows:

“The survey showed that there were 180 million single men and women in China — out of a population of 1.3 billion people — and that 92 percent of men questioned believed that a woman should be married before the age of 27. Since then, books and films on the subject have flourished and women’s magazines have sought to decipher why so many are single. ‘On one hand young people today work very hard and have few places to meet outside of their work, which wasn’t the case earlier,’ Wu Di, a sociologist who has just published a book on the subject, told AFP. ‘On the other hand, traditionally the Chinese say one should “make do” when marrying. Marriage has never been synonymous with happiness. The new generation of women don’t want to ‘make do.’ Many live quite well alone and don’t see the point in lowering

their standard or life in order to marry.' Still, the pressure on women is huge.”
(The China Post (23 August 2012) *'Unwanted' single women feel social pressure to marry*)

A Global Times article states:

“A 29-year-old Chinese woman forced into an arranged marriage by her mother, who worried that her daughter was dangerously close to becoming a shengnü (leftover woman or spinster), has won the right to annul her union to a younger male colleague, a local court said Thursday. The unidentified woman was pressured into marrying her colleague, a year younger than her, last year, after her depressed mother told her daughter that she would kill herself, if her daughter failed to tie the knot with him. The woman's mother, who had coincidentally met the male colleague at her daughter's office two years ago, saw that the man had eyes for her daughter, and deemed him to be a 'reliable' husband. Months later, the mother, still very concerned about the lack of love life her daughter had, said that she would commit suicide by overdosing on sleeping pills unless her daughter agreed to take his hand in marriage. Despite having no romantic feelings for her colleague or interest in partnering with him, the woman agreed to appease her mentally ill mother. The couple was officially wed soon after, with a stamp of approval from a marriage registration office in the city. After a short attempt at marriage, the woman quickly reaffirmed that their relationship could never work, and she sought the help of a court to nullify the marriage. Last month, the court ruled in her favor, saying that even arranged marriages require consent from both sides. Furthermore, a marriage can lawfully be revoked when it is evident that one of the parties has been forced into it, according to Chinese marital laws.”
(Global Times (18 May 2012) *Learning Chinese: 'Shengnü' rejects forced marriage*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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