

LAW ON THE PROTECTION OF WOMEN'S RIGHTS AND INTERESTS¹

(This is an unofficial translation. For reference only.)

LAW ON THE PROTECTION OF WOMEN'S RIGHTS AND INTERESTS is adopted at the 5th session of the seventh National People's Congress of the People's Republic of China on April 3, 1992, amended at the 17th Session of the Standing Committee of the 10th National People's Congress on August 28, 2005.

The revised provisions are in italics and shall enter into force in December 1st, 2005.

Chapter I General Provisions

Article 1 In accordance with the Constitution and the actual conditions of the country, this Law is formulated to protect women's lawful rights and interests, promote the equality between men and women and allow full play to women's role in socialist modernization.

Article 2 Women shall enjoy equal rights with men in all aspects of political, economic, cultural, social and family life.

The state shall implement the policy of equality between men and women as a basic national policy. The state shall take necessary measures and gradually improve the various systems to protect women's rights and interests, and to prevent all discrimination against women.

The state will protect special rights and interests of woman.

Discrimination against, maltreatment of, or cruel treatment in any manner causing bodily injury to or death of women shall be prohibited.

Article 3 *The State Council will enact National Women's Development Plan, and incorporate it into the national plan on economic and social development.*

The government above the county level will enact regional women's development plan according to the National Women's Development Plan and incorporate it into national plan on economic and social development.

Article 4 The protection of women's lawful rights and interests is a common responsibility of the whole society. State organs, public organizations, enterprises and institutions as well as urban and rural mass organizations of self-government at the grass-roots level shall, in accordance with the provisions of this Law and other relevant laws, protect women's rights and interests.

The State shall take effective measures to provide necessary conditions for women to exercise their rights according to law.

Article 5 The State shall encourage women to cultivate a sense of self-respect, self-confidence, self-reliance and self-strengthening, and to safeguard their own lawful rights and interests by utilizing law.

Women shall abide by the laws of the State, respect social morality and perform their obligations prescribed by law.

¹ This translation is based on the English version from www.isinolaw.com.

Article 6 *Government at all levels should pay great attention and strengthen the protection of women's right and interests.*

Women's and children's organs in the Government above the county level shall be in charge of organizing, coordinating, instructing, and supervising the departments concerned to work well on the protections of women's rights and interests

Governments above the county level will carry out the works of protection of women's rights and interests within its responsibilities.

Article 7 The All-China Women's Federation and women's federations at various levels shall represent and uphold the rights of women of all nationalities and all walks of life, and strive for the protection of women's rights and interests according to the law and Charter of All-China Women's Federation.

The trade unions and the Communist Youth League organizations shall also, within the scope of their respective work, strive for the protection of women's rights and interests.

Article 8 People's governments at various levels and relevant departments shall commend and award the organizations and individuals that have made notable achievements in the protection of women's lawful rights and interests.

Chapter II Political Rights

Article 9 The State shall guarantee that women enjoy equal political rights with men.

Article 10 Women have the right to manage State affairs, manage economic and cultural undertakings and administer social affairs through various channels and in various ways.

Women's Federations' opinions should be heard and considered in the making of law, regulations, and public policies concerning important issues of women's rights and interests.

Women and women's organizations have right to come up with opinions and suggestion to the state organs concerned on the protection of women's rights and interests.

Article 11 Women shall enjoy the equal right, with men, to vote and to stand for election.

Among deputies to the National People's Congress and local people's congresses at various levels, there shall be an appropriate number of women deputies, the state will take measures, gradually raise the proportion of women's deputies.

Woman should have an appropriate quota in resident committee, village committee.

Article 12 The State shall actively train and select female cadres.

State organs, public organizations, enterprises and institutions must, in appointing cadres, adhere to the principle of equality between men and women. *An appropriate number of female cadres should be appointed.*

The State shall pay attention to the training and selection of female cadres of minority nationalities.

Article 13 *The All-China' Women's Federation and Women's Federation at all levels shall represent women to participate in the democratic decision making, management and supervision of national and social affairs.*

Women's Federations at various levels and their member organizations may recommend female cadres to State organs, public organizations, enterprises or institutions.

Article 14 The departments concerned shall listen to and accept criticisms or rational suggestions regarding the protection of women's rights and interests; with respect to complaints or charges against, or exposures of infringement upon women's rights and interests, the departments concerned must ascertain the facts, and be responsible for their disposition; no organization or individual may suppress such complaints, charges or exposures or resort to retaliation.

Chapter III Rights and Interests Relating to Culture and Education

Article 15 The State shall guarantee that women enjoy equal rights with men with respect to culture and education.

Article 16 Schools and departments concerned shall, by implementing the relevant regulations of the State, guarantee that women enjoy equal rights with men in such aspects as starting school, entering a higher school, job assignment upon graduation, *conferment of academic degrees* and dispatch for study abroad.

With the exception of special majors, no school is allowed to refuse female student enrollment or raise the standards of enrollment based on sex.

Article 17 Schools shall, in line with the characteristics of female adolescents, take measures in respect of education, management and facilities so as to ensure female adolescents' sound development in body and in mind.

Article 18 Parents or other guardians must perform their duty of ensuring that female school-age children or adolescents receive the compulsory education.

Where parents or other guardians fail to send female school-age children or adolescents to school, the local people's governments shall admonish and criticize them and, by adopting effective measures, order them to send their female school-age children or adolescents to school, with the exception of those who, on account of illness or other special circumstances, are allowed by the local people's governments not to go to school.

The governments, society and schools shall take effective measures to solve the actual difficulties of female school-age children or adolescents in schooling and *create conditions to ensure that poor, the disabled and migrant female school-age children or adolescents finish their receive compulsory education.*

Article 19 People's governments at various levels shall, in accordance with relevant regulations, incorporate the work of elimination of illiteracy or semi-literacy among women into plans for illiteracy elimination and post-elimination education, adopt organizational forms and working methods suitable to women's characteristics, and organize and supervise the relevant departments

in the implementation of such plans.

Article 20 According to the *township and rural woman's* needs, people's governments at various levels and departments concerned, according to the township and rural woman's needs, shall take measures to organize women in receiving vocational education and technological training.

Article 21 State organs, public organizations, enterprises and institutions shall, by implementing relevant regulations of the State, ensure that women enjoy equal rights with men in their participation in scientific, technological, literary, artistic and other cultural activities.

Chapter IV Rights and Interests Relating to Work and Social Securities

Article 22 The State shall guarantee that women enjoy the equal right, with men, in work and *social security*.

Article 23 With exception of the special types of work or post unsuitable to women, no unit may, in employing staff and workers, refuse to employ women by reason of sex or raise the employment standards for women.

Labour contact or service agreement must be signed between the employer and employee when the female employee was recruited. Any content that limits female employees' marriage or pregnancy therein will be prohibited.

With the *exceptions stipulated by the state*, recruitment of female workers under the age of sixteen shall be prohibited.

Article 24 Equal pay for equal work shall be applied to men and women alike.

Women shall be equal with men in the enjoyment of welfare benefits.

"In the allotment of housing" in the original text have been cancelled here.

Article 25 In such aspects as promotion in post or in rank, evaluation and determination of professional and technological titles, the principle of equality between men and women shall be upheld and discrimination against women shall not be allowed.

Article 26 All units shall, in line with women's characteristics and according to law, protect women's safety and health during their work or physical labour, and shall not assign them any work or physical labour not suitable to women.

Women shall be under special protection during menstrual period, pregnancy, obstetrical period and nursing period.

Article 27 No unit may dismiss female employee, *reduce her salary* or unilaterally terminate labour contracts or *service agreement* because of marriage, pregnancy, maternity leave or baby-nursing. *However, the termination of the contract or service agreement by the female worker is accepted.*

When implementing the national retirement policy, no unit will discriminate against women based on sex.

Article 28 The State shall develop social insurance, *social relief, social benefit* and medical and health care, *to ensure the rights and interests of women in the areas of social insurance, social relief, social benefit and medical and health care.*

The state will advocate and encourage public interest activities to help women.

Article 29 *The state will implement birth and pregnancy insurance system, create and improve other supplemental systems with regard to the birth and pregnancy insurance system.*

Chapter V Rights and Interests Relating to Property

Article 30 The State shall guarantee that women enjoy the equal right, with men, to property.

Article 31 In joint property relationships derived from marriage or family, the rights and interests enjoyed by women according to law may not be infringed upon.

Article 32 *Women enjoy equal rights with man in aspects of land contract, distribution of proceeds of collective economic organization, land expropriation and the use of expropriation compensation and the use of housing sites.*

Article 33 No unit or individual can violate women's rights and interests in the collective economic organization based on women's statuses of as single, marriage divorce or widow. *Both husband and children enjoy the equal rights and interests as other members of collective economic organization when he moved to his wife's residence after his marriage.*

Article 34 Women's equal rights with men of succession to property shall be protected by law. Among the statutory successors in the same order, women shall not be discriminated against. Widowed women have the right to dispose of the property inherited by them, and no one may interfere with the disposition thereof.

Article 35 Widowed women who have made predominant contributions in maintaining their parents-in-law shall be regarded as the statutory successors first in order, and their rights of succession thereto shall not be affected by inheritance in subrogation.

Chapter VI Rights Relating to the Person

Article 36 The State shall guarantee that women enjoy equal rights with men relating to their persons.

Article 37 Women's freedom of the person shall be inviolable. Unlawful detention or deprivation or restriction of women's freedom of the person by other illegal means shall be prohibited; and unlawful body search of women shall be prohibited.

Article 38 *Women's right of life and health shall be inviolable. Drowning, abandoning or cruel*

infanticide in any manner of female babies shall be prohibited; discrimination against or maltreatment of women who gave birth to female babies or women who are sterile shall be prohibited; cruel treatment causing bodily injury to or death of women by means of superstition or violence shall be prohibited; maltreatment or abandonment of ill, disabled and aged women shall be prohibited.

Article 39 Abduction of and trafficking in, or kidnapping of women shall be prohibited; buying of women who are abducted and trafficked in, or kidnapped shall be prohibited, *Hampering the rescue of abducted and kidnapped women shall be prohibited.*

People's government at various levels and public security organs, civil affairs department labor and social security and health Care departments should take measures to rescue the abducted and trafficked women according to their responsibilities timely, and actively coordinate to settle the problems arising thereafter. Women's Federation provides assistance and cooperation concerned. Nobody may discriminate against the abducted and trafficked woman.

Article 40 *Sexual harassment against woman is prohibited. The victims have the right to lodge complaint to unit or organ concerned.*

Article 41 Prostitution or whoring shall be prohibited.

It is prohibited for anyone to organize, force, seduce, shelter or introduce a woman to engage in prostitution or employ or shelter a woman to engage in obscene activities with others.

It is prohibited to organize, force or seduce woman to engage in obscene shows or activities.

Article 42 *Woman's right of reputation, the right of honor, right to privacy and right of portrait and other rights to personality shall be protected by law. It is prohibited to insult, libel and other ways to damage woman's personal dignity. It is prohibited to derogate and damage woman's dignity by means of mass media and others ways. The use of a woman's portrait for profit-making purposes in advertisements, trademarks, window display, newspaper, periodicals, books, audio-visual production, electronic publication and website and etc, without the consent of the interested woman, shall be prohibited.*

Chapter VII Rights and Interests Relating to Marriage and Family

Article 43 The State shall guarantee that women enjoy equal rights with men in marriage and family.

Article 44 The State shall protect women's right of self-determination in marriage. Interference with women's freedom of marriage or divorce shall be prohibited.

Article 45 Husband may not apply for a divorce when a wife is in pregnancy, *within one year after delivery* or within six months after termination of gestation, with the exception where the wife applies for a divorce, or when the people's court deems it necessary to accept the divorce application made by the husband.

Article 46 *Domestic violence against woman is prohibited.*

The state shall take measures to prevent and stop domestic violence.

The public security organs, civil affairs, judicial and executive organs, autonomous organizations, social organizations at the grass-root in the township and rural areas should take measures to prevent and stop domestic violence within their responsibilities, provide the women victims with remedies.

Article 47 A woman shall enjoy equal rights with her spouse in possessing, utilizing, profiting from and disposing of the property jointly possessed by the husband and wife according to law, which shall not be affected by the status of income of either party.

According to a couple's written agreement the property acquired during the period of marriage shall be the separate possession. If the wife performs more duties in rearing their children, and looking after their elders and assisting the husband in work, the wife shall have the right at the time of divorce to request compensation from the husband.

Article 48 At the time of divorce, the husband and the wife shall seek agreement regarding the disposition of their jointly possessed houses; if they fail to reach an agreement, the people's court shall make a judgment in accordance with the actual circumstances of both parties and by taking into consideration the rights and interests of the wife and their child (children), except as otherwise agreed upon by the two parties.

In a case where the husband and wife jointly rent a house or a room, the wife's housing shall, at the time of divorce, be solved according to the principle of taking into consideration the rights and interests of the wife and their child (children).

Article 49 Both parents shall enjoy the equal right to guardianship of their minor child (children).

In a case where the father is deceased, incapacitated or under any other circumstances that make him unable to act as the guardian of a minor child (children), nobody may interfere with the mother's right of guardianship.

Article 50 At the time of divorce, if the wife becomes sterile because of the sterilization operation or any other reasons, the problem to bring up the child (children) shall be so handled that, while to the advantage of the rights and interests of the child (children), due consideration shall be given to the wife's reasonable demands.

Article 51 Women have the right to child-bearing in accordance with relevant regulations of the State as well as the freedom not to bear any child.

Where a couple of child-bearing age practice family planning according to the relevant regulations of the State, the departments concerned shall provide safe and effective contraceptives and techniques, and ensure the health and safety of the woman receiving any birth-control operation.

The state shall implement health care programs for mother and infant. Government at various levels should take measures to ensure to provide women with technical services with regard to family planning and enhance women health.

Chapter VIII Legal Responsibility

Article 52 When a woman's lawful rights and interests are infringed upon, she has the right to request the competent department concerned for a disposition or *arbitration* from arbitration agency according to the law or bring a lawsuit in a people's court.

Local legal aid agencies or the People's Court should provide help and legal and judicial aids according to the law with women who are poor in financial situation and need legal or judicial aids.

Article 53 When a woman's lawful rights and interests are infringed upon, she may file a complaint with a women's organization, *women's organization should maintain woman victim's rights and interests and has right* to request and assist the department or unit concerned to investigate and deal with the case so as to protect the lawful rights and interests of the complainant. The department or unit concerned should conduct investigation and deal with *and give reply*.

Article 54 *Whenever a woman victim needs help in litigation, women's organizations should support.*

Women's Federation or women's organizations concerned can expose and criticize the violations of women's rights through the mass media and also request the department concerned to investigate and address the violation according to the law. .

Article 55 *Any violation of stipulations in this law, infringement upon woman's rights and interests in the collective economic organizations based upon woman's unmarried, married, divorced and widowed status, or infringement upon the husband and his children's equal rights and interests as other members of collective economic organizations when he moved to his wife's residence after his marriage, shall be arbitrated by the government at the township level, the victims also can apply arbitration to the arbitration agency who are in charge of land contract arbitration, or bring the case to the People's Court. The People's Court should take this case.*

Article 56 Where administrative punishments are prescribed by other laws or regulations for the infringement upon the lawful rights and interests of women in violation of the provisions of this Law, punishments prescribed in such laws or regulations shall apply Where an infringement upon a woman's lawful rights and interests causes loss of property or other damage, the infringer shall make due compensation or bear other civil liabilities according to the law. If the circumstances are so serious as to constitute a crime, the offender shall be investigated for criminal responsibility.

Article 57 Anyone who evade, delay or suppress the investigation and disposition of victim woman's charge, complaint, exposure, or retaliates against a person making a complaint, a charge or an exposure regarding an infringement upon a woman's rights and interests, shall be ordered to make corrections by his or her unit or by an organ at a higher level, and the *person who is held directly responsible* or other responsible persons may, in light of the specific circumstances, be subjected to administrative sanctions.

The state organs and its staff did not carry out its duties, and *did not prevent the action of infringement upon a woman's rights and interests on time, or did not provide the woman's victims necessary help, and cause a serious result*, the person who is held directly responsible or other responsible persons may be subjected to administrative sanctions.

Any violation of a stipulation prescribed in this law, infringement upon a woman's rights and interests in culture and education, labor and social security, right to persons and property, shall be ordered to make corrections by his or her unit or by an organ at a higher level. Any staff or state organs, which is held directly responsible or other responsible persons, may be subjected to administrative sanctions.

Article 58 *Any violation of a stipulation prescribed in this law, c results in sexual harassment to a woman, and constitutes a violation of public order of administration, the victim can ask the public security organs to impose administrative punishment, and also bring civil litigation to the People's Court.*

Article 59 *Any violation of stipulation prescribed in this law, diminish women's dignity by means of mass media or other ways shall be order to make a correction by cultural, radio, film and television, press and publication and other department concerned according to its responsibility and impose administrative punishment by law.*

Other Provisions

Article 60 The standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government may formulate measures for implementation on the basis of this Law.

The people's congresses of national autonomous areas may formulate regulations with appropriate adaptations or supplements in accordance with the principles laid down in this Law and in light of the specific conditions of the national women in respective areas. Regulations formulated by autonomous regions shall *take effect upon submitting to the Standing Committee of the National People's Congress for approval*. The record, and the regulations formulated by autonomous prefectures or autonomous counties shall be submitted to the standing committees of the people's congresses of the relevant provinces or autonomous regions for approval before entering into effect, and shall also be submitted to the Standing Committee of the National People's Congress for the record.

Article 61 This Law shall enter into force as of October 1, 1992.