

Law of the People's Republic of China on the Protection of Rights and Interests of Women

(Adopted at the Fifth Session of the Seventh National People's Congress on April 3, 1992 and promulgated by Order No.58 of the President of the People's Republic of China on April 3, 1992)

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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 protect the special rights and interests enjoyed by women according to law, and gradually perfect its social security system with respect to women.

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

Article 3 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 4 The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, by taking organizational measures, coordinate with relevant departments in ensuring the protection of women's rights and interests. The specific organs shall be designated by the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 5 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.

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 6 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.

Article 7 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 8 The State shall guarantee that women enjoy equal political rights with men.

Article 9 Women have the right to conduct State affairs, manage economic and cultural undertakings and administer social affairs through various channels and in various ways.

Article 10 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, and the proportion thereof shall be raised gradually.

Article 11 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, and attach importance to the training and selection of female cadres for leading posts.

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

Article 12 Women's federations at various levels and their member organizations may recommend female cadres to State organs, public organizations, enterprises or institutions.

Article 13 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 14 The State shall guarantee that women enjoy equal rights with men with respect to culture and education.

Article 15 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.

Article 16 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 17 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, in the light of the actual difficulties of female school-age children or adolescents in schooling, take effective measures to ensure that female school-age children or adolescents receive compulsory education for the number of years locally prescribed.

Article 18 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 19 People's governments at various levels and departments concerned shall take measures to organize women in receiving vocational education and technological training.

Article 20 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

Article 21 The State shall guarantee that women enjoy the equal right, with men, to work.

Article 22 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.

Recruitment of female workers under the age of sixteen shall be prohibited.

Article 23 Equal pay for equal work shall be applied to men and women alike.

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

Article 24 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 25 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 26 No unit may dismiss woman staff and workers or unilaterally terminate labour contracts with them by reason of marriage, pregnancy, maternity leave or baby-nursing.

Article 27 The State shall develop social insurance, social relief and medical and health services to create conditions allowing old, ill or disabled women to obtain material assistance.

Chapter V Rights and Interests Relating to Property

Article 28 The State shall guarantee that women enjoy the equal right, with men, to property.

Article 29 In joint property relationship derived from marriage or family, the rights and interests enjoyed by women according to law may not be infringed upon.

Article 30 Women shall enjoy equal rights with men in the allotment of responsibility farmland, or grain ration farmland and in the approval of housing sites in rural areas, and women's lawful rights thereto shall not be infringed upon.

After marriage or divorce, women's responsibility farmland, grain ration farmland and housing sites shall be secured.

Article 31 Women's equal right, 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 32 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 33 The State shall guarantee that women enjoy equal rights with men relating to their persons.

Article 34 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 35 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 aged women shall be prohibited.

Article 36 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.

People's governments and departments concerned must take timely measures to rescue women who are abducted and trafficked in, or kidnapped. If such women have returned to their former places of residence, nobody may discriminate against them, and the local people's governments and departments concerned shall well settle the problems arising thereafter.

Article 37 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.

Article 38 Women's right of portrait shall be protected by law. The use of a woman's portrait for profit-making purposes in advertisements, trademarks, window display, books, magazines, etc., without the consent of the interested woman shall be prohibited.

Article 39 Women's right of reputation and personal dignity shall be protected by law. Damage to women's reputation or personal dignity by such means as insult, libel or giving publicity to private affairs shall be prohibited.

Chapter VII Rights and Interests Relating to Marriage and Family

Article 40 The State shall guarantee that women enjoy equal rights with men in marriage and family.

Article 41 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 42 When a wife terminates gestation as required by the family planning programme, her husband may not apply for a divorce within six months after the operation; this restriction shall not apply in a case 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 43 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.

Article 44 The State shall protect divorced women's ownership of their houses.

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).

In a case where the husband and wife live in a house allocated by the unit to which the husband belongs, if the wife has no housing to live in at the time of divorce, the husband shall help her in this regard whenever he can afford to.

Article 45 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 46 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 47 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 practise 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.

Chapter VIII Legal Liabilities

Article 48 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 bring a lawsuit in a people's court according to law.

When a woman's lawful rights and interests are infringed upon, she may file a complaint with a women's organization, which shall request the department or unit concerned to investigate and deal with the case so as to protect the lawful rights and interests of the complainant.

Article 49 Where 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.

Article 50 Anyone who commits any of the following infringements upon the lawful rights and interests of a woman 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 may, in light of the specific circumstances, be subjected to administrative sanctions:

- (1) evading, delaying or suppressing the investigation and disposition of a complaint, a charge or an exposure regarding an infringement upon the rights and interests of a woman;
- (2) refusing to employ women or raising the employment standards for women where women shall be employed in accordance with the provisions of relevant laws or regulations;
- (3) infringing upon women's rights and interests by violating the principle of equality between men and women in such aspects as allotment of housing, promotion in post or in rank, evaluation and determination of professional and technological titles;
- (4) dismissing female staff and workers by reason of their marriage, pregnancy, maternity leave, or baby-nursing;
- (5) infringing upon women's rights and interests by violating the principle of equality between men and women in the allotment of responsibility farmland or grain ration farmland or the approval of housing sites; or
- (6) infringing upon women's rights and interests by violating the principle of equality between men and women in such aspects as starting school, entering a higher school, job assignment upon graduation, conferment of academic degrees or dispatch for study abroad.

Anyone who 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 or be subjected to administrative sanctions

by his or her unit or an organ at a higher level. If a State functionary commits retaliation, which constitutes a crime, the offender shall be investigated for criminal responsibility in accordance with the provisions in Article 146 of the Criminal Law.

Article 51 Anyone who employs or shelters any woman to engage in obscene activities with others shall be punished by applying *mutatis mutandis*" the provisions in Article 19 of the Regulations on Administrative Penalties for Public Security; if the circumstances are so serious as to constitute a crime, the offender shall be investigated for criminal responsibility by applying *mutatis mutandis*" the provisions in Article 160 of the Criminal Law.

Article 52 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 law.

Chapter IX Supplementary Provisions

Article 53 Relevant departments under the State Council may, on the basis of this Law, formulate relevant regulations, which shall be submitted to the State Council for approval and then be implemented.

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 be submitted to the Standing Committee of the National People's Congress for the record; 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 54 This Law shall enter into force as of October 1, 1992.