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

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution and the actual conditions of China for the purpose of safeguarding the lawful rights and interests of women, promoting equality between men and women, and enabling women to fully participate in socialist modernization.

Article 2 — Men and women shall be equal. The State shall protect the special rights and interests enjoyed by women in accordance with the law. Discrimination against, ill-treatment of, mutilation of and abandonment

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of women are prohibited.

Article 3 — The protection of women's lawful rights and interests is a common responsibility of the whole society. State organs, social organizations, enterprises, public institutions and basic-level mass self-governance organizations shall, in accordance with the provisions of this Law and relevant laws, safeguard the rights and interests of women.

Article 4 — The State shall take necessary measures to promote equality between men and women and eliminate all forms of discrimination against women. The State shall protect the special rights and interests enjoyed by women in accordance with the law, and prohibit the exclusion or restriction of women's lawful rights and interests by any organization or individual.

Article 5 — The State shall encourage women to cultivate self-esteem, self-confidence, self-reliance and self-improvement, and to use the law to protect their own lawful rights and interests. Women shall abide by State laws, respect social morality, and perform their obligations under the law.

Article 6 — The people's governments at all levels shall attach great importance to and strengthen the protection of women's rights and interests. The relevant departments of people's governments at or above the county level shall, within the scope of their respective functions and duties, protect the rights and interests of women.

Article 7 — The All-China Women's Federation and local women's federations at all levels shall, in accordance with laws and the constitution of the All-China Women's Federation, represent and safeguard the interests of women of all ethnic groups and all walks of life, and effectively protect the rights and interests of women.

Article 8 — The State shall incorporate the protection of women's rights and interests into the national economic and social development plan. The State shall encourage and support social organizations, enterprises, public institutions and individuals to carry out public welfare activities for the protection of women's rights and interests.

Chapter II — Political Rights

Article 9 — Women shall enjoy the same rights as men to vote and stand for election in accordance with the law. There shall be an appropriate number of women deputies to the National People's Congress and local people's congresses at all levels. The State shall take measures to gradually increase the proportion of women deputies.

Article 10 — Women shall have the same right as men to manage State affairs, economic and cultural undertakings and social affairs. The State shall actively train and select female cadres, attach importance to the training and selection of female cadres from ethnic minorities, and appoint an appropriate number of women to leadership positions in State organs, social organizations, enterprises and public institutions.

Article 11 — The All-China Women's Federation and its local organizations at all levels shall have the right to put forward opinions and suggestions on the protection of women's rights and interests to State organs, social organizations, enterprises and public institutions.

Article 12 — When formulating laws, regulations, rules and public policies, the relevant State organs shall fully consider the special rights and interests of women and solicit the opinions of women's organizations when necessary.

Chapter III — Rights in Education

Article 13 — The State shall guarantee women's equal right to education with men.

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Article 14 — Schools and the relevant departments shall, in accordance with the relevant provisions of the State, guarantee that women enjoy equal rights with men in such aspects as school enrollment, advancement to higher education, conferment of academic degrees, and dispatch for study abroad.

Article 15 — Schools shall, in accordance with the characteristics of female adolescents, take measures in such aspects as education, management and facilities to protect the physical and mental health of female adolescents.

Article 16 — Parents or other guardians must perform their obligations to ensure that female children and adolescents receive compulsory education. The State shall establish a sound educational funding guarantee mechanism to assist female students from economically disadvantaged families.

Article 17 — State organs, social organizations, enterprises and public institutions shall create conditions for women to receive vocational education and technical training, and organize and encourage women to participate in various forms of vocational training.

Chapter IV — Rights in Labor and Social Security

Article 18 — The State shall guarantee women's right to work, which is equal to that of men. No employer shall refuse to employ women or raise the employment standards for women on the grounds of gender. All employers shall adhere to the principle of equal pay for equal work between men and women.

Article 19 — When employing workers, employers shall not include gender-based restrictive conditions in employment contracts or service agreements, unless the nature of the work or the particular position renders it unsuitable for women as prescribed by the State.

Article 20 — Employers shall implement the provisions of the State on the protection of female employees, and shall not reduce the wages and benefits of female employees or unilaterally rescind their labor contracts on the grounds of marriage, pregnancy, maternity leave or breastfeeding.

Article 21 — Men and women shall be equal in promotion, evaluation of professional and technical titles, and appointment to positions. No organization or individual shall discriminate against women.

Article 22 — Employers shall, in accordance with the law, provide special labor protection for female employees during menstruation, pregnancy, childbirth, and breastfeeding periods.

Article 23 — Employers shall take measures to prevent and stop sexual harassment against women in the workplace. The relevant State organs and social organizations shall, in accordance with the provisions, establish sound mechanisms for the prevention and handling of sexual harassment.

Article 24 — The State shall establish a sound social security system to guarantee women's rights to social insurance, social relief, social welfare and other social security rights. Women shall enjoy social security rights equal to those of men.

Article 25 — The State shall promote the maternity insurance system, establish and improve other maternity security systems, and provide maternity security for women.

Chapter V — Property Rights

Article 26 — Women shall enjoy the same property rights as men. In rural areas, women shall enjoy equal rights with men in the contracting of land, the use of homestead land, the distribution of collective income, and the distribution of compensation for land expropriation.

Article 27 — The lawful rights and interests of women in the division of family property and inheritance shall be protected in accordance with the law. Women shall enjoy equal inheritance rights with men. Widows shall have the right to dispose of the property they have inherited, and no one shall interfere.

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Article 28 — Where a woman suffers damage to her rights and interests in rural collective economic organizations, villagers' committees or other organizations on the grounds of marriage, the township people's government shall mediate and deal with the matter in accordance with the law.

Chapter VI — Personal Rights

Article 29 — Women's right to life, body, and health shall be inviolable. Infanticide, abandonment and other acts injuring female infants are prohibited. Discrimination against or ill-treatment of women who give birth to female babies or infertile women is prohibited.

Article 30 — Women's personal freedom shall be inviolable. Unlawful detention, search of the person, abduction and trafficking, and other acts depriving or restricting women's personal freedom are prohibited.

Article 31 — Women's rights to portrait, reputation, honor, privacy and personal information shall be protected by law. No organization or individual may infringe upon such rights by insult, defamation, disclosure of privacy or other means.

Article 32 — Sexual harassment against women by means of words, texts, images, physical acts or other means against their will is prohibited. Victims of sexual harassment may file complaints with the relevant authorities and state organs, and may institute legal proceedings in the people's court.

Article 33 — The relevant State organs, enterprises, public institutions and social organizations shall take measures to prevent and stop sexual harassment, and shall accept complaints about sexual harassment and promptly investigate and handle such complaints.

Chapter VII — Rights in Marriage and Family

Article 34 — The State shall protect women's rights of marriage and family autonomy. Interference with women's freedom of marriage or divorce is prohibited.

Article 35 — Domestic violence against women is prohibited. The relevant State organs, social organizations, enterprises, public institutions and basic-level mass self-governance organizations shall, within the scope of their respective functions and duties, prevent and stop domestic violence, and provide assistance to female victims in accordance with the law.

Article 36 — Women shall have equal rights with men in the possession, use, benefit from and disposal of marital property. The wife shall have equal rights to the marital home jointly owned by the spouses, regardless of whether the property is registered in either spouse's name.

Article 37 — During the period of a woman's pregnancy, within one year after childbirth, or within six months after termination of pregnancy, the husband may not apply for divorce, except where the wife applies for divorce, or where the people's court deems it truly necessary to accept the husband's application for divorce.

Article 38 — Women shall have the same right as men to support and raise their minor children. The State shall protect divorced women's rights to custody and visitation of their children.

Chapter VIII — Legal Liability

Article 39 — Where the lawful rights and interests of women are infringed upon, the victim may request the relevant department or unit to handle the matter in accordance with the law, or may institute legal proceedings in the people's court.

Article 40 — Where a State organ or its functionaries fails to perform its duties in accordance with the law, or fails to stop the infringement of women's rights and interests, or fails to provide necessary assistance to female victims, the relevant organ shall order corrections and impose sanctions on the directly responsible supervisors and other directly responsible personnel in accordance with the law.

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Article 41 — Where an employer infringes upon the lawful rights and interests of female employees in violation of the provisions of this Law, the labor administrative department shall order corrections; where it refuses to make corrections, it may impose a fine.

Article 42 — Where anyone infringes upon women's lawful rights and interests through domestic violence, sexual harassment, or other acts, which constitutes a violation of public security administration, public security administrative penalties shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 43 — Where the legitimate rights and interests of women are damaged, the people's procuratorates may file public interest litigation. In cases where rural women's land rights and other lawful rights and interests are infringed upon, the women's federations and other social organizations may support the victims in instituting legal proceedings in the people's court.

Chapter IX — Supplementary Provisions

Article 44 — The people's congresses of provinces, autonomous regions and municipalities directly under the Central Government and their standing committees may formulate specific implementation measures in accordance with this Law and in light of local conditions.

Article 45 — This Law shall come into force on January 1, 2023.

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