

PRC Women’s Rights and Interests Protection Law

Dan Young Business Consultancy — www.danyoungcpa.com
Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents	1
Chapter I — General Provisions	2
Chapter II — Political Rights	2
Chapter III — Rights Relating to the Person and Personality	3
Chapter IV — Cultural and Educational Rights and Interests	3
Chapter V — Labor and Social Security Rights and Interests	4
Chapter VI — Property Rights and Interests	4
Chapter VII — Rights and Interests in Marriage and Family	5
Chapter VIII — Relief Measures	5
Chapter IX — Legal Liability	5
Chapter X — Supplementary Provisions	6

Adopted at the Fifth Session of the Seventh National People's Congress on April 3, 1992; amended for the first time on August 28, 2005; revised on October 30, 2022
Effective: January 1, 2023

Table of Contents

- Chapter I — General Provisions
- Chapter II — Political Rights
- Chapter III — Rights Relating to the Person and Personality
- Chapter IV — Cultural and Educational Rights and Interests
- Chapter V — Labor and Social Security Rights and Interests
- Chapter VI — Property Rights and Interests
- Chapter VII — Rights and Interests in Marriage and Family
- Chapter VIII — Relief Measures
- Chapter IX — Legal Liability
- Chapter X — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution and the actual conditions of our country for the purposes of safeguarding the lawful rights and interests of women, promoting equality between men and women, and enabling women to play their full role in the construction of the socialist modernization cause.

Article 2 — Equality between men and women is a basic State policy of the State. Women shall enjoy equal rights with men in all aspects of political, economic, cultural, social and family life. The State shall take necessary measures to promote equality between men and women, eliminate all forms of discrimination against women, and prohibit the exclusion or restriction of women's lawful rights and interests in accordance with the law. The State shall protect the special rights and interests enjoyed by women in accordance with the law. The State shall gradually improve the system of laws and regulations for the protection of women's rights and interests.

Article 3 — The protection of women's lawful rights and interests is the 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, protect women's rights and interests. The State shall take effective measures to provide necessary conditions for women to exercise their rights in accordance with the law.

Article 4 — The State shall protect the rights and interests enjoyed by women under the law from infringement. All organizations and individuals shall have the right to dissuade, stop, report, or file complaints against acts that infringe upon women's rights and interests.

Article 5 — The State Council shall formulate and organize the implementation of a program for the development of Chinese women, and include it in the national economic and social development plan. Local people's governments at or above the county level shall formulate and organize the implementation of programs for the development of women in their respective administrative regions, and include them in the national economic and social development plans of their respective regions. People's governments at or above the county level shall include the funds necessary for the protection of women's rights and interests in their fiscal budgets.

Article 6 — 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 protect the interests of women of all nationalities and all walks of life, and carry out work to protect women's rights and interests. Trade unions, the Communist Youth League, disabled persons' federations, and other mass organizations shall, within the scope of their respective work, do a good job of protecting women's rights and interests.

Article 7 — The State shall encourage women to cultivate self-respect, 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 8 — Relevant State organs shall, in accordance with their respective functions and duties, do a good job of protecting women's rights and interests. Where a relevant State organ fails to detect or address an infringement of women's rights and interests in a timely manner, the relevant organ and the directly responsible personnel shall bear legal liability in accordance with the law.

Chapter II — Political Rights

Article 9 — The State shall protect the right of women to participate in the management of State affairs, economic and cultural undertakings, and social affairs on an equal basis with men. Women and women's organizations shall have the right to raise opinions and suggestions to State organs at all levels regarding

the protection of women's rights and interests.

Article 10 — Women shall have 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 all levels, there shall be an appropriate number of women deputies. The State shall take measures to gradually increase the proportion of women deputies to the National People's Congress and local people's congresses at all levels. Among members of residents' committees and villagers' committees, there shall be women members.

Article 11 — The State shall actively train and select female cadres, paying special attention to the training and selection of female cadres from ethnic minorities. State organs, social organizations, enterprises, and public institutions shall, in accordance with relevant State regulations, have an appropriate number of women serving in leadership positions when training, selecting, and appointing cadres. The State shall take measures to support female talent to grow and develop.

Article 12 — Women's federations and their member organizations may recommend female cadres to State organs, social organizations, enterprises, and public institutions. State organs, social organizations, enterprises, and public institutions shall attach importance to such recommendations.

Article 13 — Where relevant departments hear and consider opinions on the formulation of laws, regulations, rules, and public policies, and where units formulate internal rules and regulations, they shall hear the opinions of women's federations on major matters concerning women's rights and interests. Where laws, regulations, or rules require that major matters be subject to gender equality assessment, the assessment shall be carried out in accordance with the law.

Chapter III — Rights Relating to the Person and Personality

Article 14 — The State shall protect women's rights relating to the person and personality on an equal basis with men. Women's personal freedom and dignity are inviolable. The following acts are prohibited: kidnapping and trafficking in women; illegally depriving or restricting women's personal freedom; illegally searching women's bodies; committing sexual harassment against women; and other acts that infringe upon women's rights relating to the person and personality.

Article 15 — Women's rights to life, body, health, name, portrait, reputation, privacy, and other personal rights shall be protected by law. The State shall protect women's personal liberty and personal safety. Women shall not be subjected to any form of sexual harassment.

Article 16 — The State shall protect women's right to reproductive health. Women shall have the right to decide on childbearing. Where a woman does not have the ability to give birth, her spouse and other family members shall not force her to give birth by means of violence, threats, or other forms of ill-treatment.

Article 17 — Medical institutions, when carrying out medical activities such as prenatal diagnosis and genetic disease diagnosis, shall treat women with respect and protect their privacy. No organization or individual shall conduct sex-selective pregnancy termination for non-medical needs, or otherwise discriminate against female fetuses.

Article 18 — Employers shall take measures to prevent and stop sexual harassment against women in the workplace. Schools shall, in accordance with laws and regulations, establish effective systems for the prevention and handling of sexual harassment and sexual assault, and shall protect the lawful rights and interests of female students.

Article 19 — Where a woman's rights relating to the person and personality are infringed upon, she may seek relief through channels such as complaints, reports, litigation, arbitration, or mediation conducted by relevant State organs, social organizations, or enterprises and public institutions.

Chapter IV — Cultural and Educational Rights and Interests

Article 20 — The State shall protect women's right to education on an equal basis with men. Parents or other guardians must ensure that school-age female children and adolescents receive and complete compulsory education. Schools shall, in accordance with relevant State regulations, protect the equal right of female students to receive education, and shall not discriminate against female students in enrollment, further education, awarding of academic degrees, dispatching for study abroad, or employment.

Article 21 — The State shall improve the social education system for women and take measures to eliminate illiteracy among women, provide vocational education and training for women, and enhance the quality of female workers.

Article 22 — State organs, social organizations, enterprises, and public institutions shall, in accordance with relevant State regulations, create conditions for women to engage in scientific, technological, literary, artistic, and other cultural activities, and shall provide assistance and support.

Chapter V — Labor and Social Security Rights and Interests

Article 23 — The State shall protect women's equal right to work with men. All employing units shall, when recruiting and hiring workers, not refuse to recruit women or raise the recruitment standards for women on the ground of sex, except where the types of work or posts for which women are not suitable are stipulated by the State. Employing units shall implement the principle of equal pay for equal work between men and women. Employing units shall not discriminate against women in terms of promotion, assessment for professional titles, evaluation and engagement of professional and technical positions, and other aspects.

Article 24 — When labor contracts or service agreements are concluded, women's rights relating to labor shall be protected. Labor contracts or service agreements shall not contain provisions that restrict female workers from marrying or bearing children. Employing units shall not terminate labor contracts or service agreements on the ground of sex, nor shall they terminate labor contracts on the ground of marriage, pregnancy, maternity leave, or breastfeeding.

Article 25 — Employing units shall, in accordance with the law, protect the safety and health of female workers at work. Female workers shall not be assigned to work prohibited for women as stipulated by the State. Female workers shall be given special protection during menstruation, pregnancy, maternity, and breastfeeding.

Article 26 — Female workers shall enjoy no less than 98 days of maternity leave. Where local regulations provide for longer maternity leave, such provisions shall prevail. During pregnancy, maternity leave, and breastfeeding, female workers shall enjoy special labor protection and shall be entitled to corresponding benefits and subsidies in accordance with the law. The State shall gradually improve the maternity insurance system.

Article 27 — The State shall develop social insurance, social assistance, social welfare, and other social security undertakings to protect women's rights and interests in social security. Women shall enjoy equal social security rights with men in accordance with the law. The State shall take measures to protect the social security rights and interests of women in flexible employment and new employment forms.

Article 28 — Employing units shall regularly arrange for female workers to undergo health examinations for gynecological diseases and breast diseases. The State shall promote the establishment of a system for health examinations for rural women and urban women without fixed employment.

Chapter VI — Property Rights and Interests

Article 29 — The State shall protect women's property rights on an equal basis with men. In terms of rural land contracting, allocation of homestead land, distribution of collective economic organization income, and compensation for land expropriation and demolition, women shall enjoy equal rights with men. No organization or individual may infringe upon women's rights and interests on the ground of their marital

status.

Article 30 — Women shall enjoy equal rights with men in terms of inheritance. A widow shall have the right to dispose of the property she inherits, and no one shall interfere.

Chapter VII — Rights and Interests in Marriage and Family

Article 31 — The State shall protect women's right to freedom of marriage. Women shall have the right to decide on their own to marry or not to marry. No organization or individual shall interfere with women's freedom of marriage or divorce.

Article 32 — Domestic violence against women is prohibited. Where a woman suffers domestic violence, she may file a complaint or report with the relevant authorities, or apply to the people's court for a personal safety protection order. Relevant authorities and organizations shall, within the scope of their respective functions and duties, provide assistance and relief.

Article 33 — When handling marital and family disputes, relevant State organs, social organizations, enterprises, public institutions, and basic-level mass self-governance organizations shall, in accordance with law and on the basis of protecting the lawful rights and interests of women, carry out mediation and handling.

Chapter VIII — Relief Measures

Article 34 — Where a woman's lawful rights and interests are infringed upon, she may seek assistance from the relevant State organs, social organizations, enterprises, public institutions, or basic-level mass self-governance organizations. The organizations receiving the request shall provide assistance in a timely manner and shall not refuse or delay.

Article 35 — Women's federations shall, in accordance with laws and regulations, accept and handle complaints and reports concerning the infringement of women's rights and interests, and shall provide support to women in need. Where a women's federation discovers that a woman's rights and interests are being infringed upon, it shall have the right to raise opinions and suggestions to the relevant authorities. The relevant authorities shall promptly investigate and handle the matter and reply to the women's federation within 60 days of receiving the opinion.

Article 36 — Where a woman's lawful rights and interests are infringed upon and she files a lawsuit with the people's court, and she has financial difficulties, the people's court shall provide judicial assistance in accordance with the law. Where a woman needs legal services but has financial difficulties, legal aid institutions shall provide legal aid in accordance with the law. Women's federations and other social organizations may support women in filing lawsuits to protect their lawful rights and interests.

Article 37 — The people's procuratorates shall, in accordance with the law, carry out public interest litigation in respect of acts that infringe upon the lawful rights and interests of multiple women, cause damage to the public interest, and where relevant authorities fail to perform their regulatory duties in accordance with the law.

Chapter IX — Legal Liability

Article 38 — Where an employing unit, in violation of the provisions of this Law, infringes upon the labor rights and interests of female workers, the labor administrative department shall order it to correct the situation. Where the employing unit refuses to correct the situation, the labor administrative department shall impose penalties in accordance with the law. Where losses are caused to female workers, the employing unit shall bear civil liability in accordance with the law.

Article 39 — Where an employing unit discriminates against women in recruitment, promotion, assessment for professional titles, or other aspects in violation of the provisions of this Law, the human resources and

social security department shall order it to correct the situation. Where the employing unit refuses to correct the situation or the circumstances are serious, a fine of not less than 10,000 yuan and not more than 50,000 yuan shall be imposed.

Article 40 — Where an employing unit, in violation of the provisions of this Law, terminates a labor contract on the ground of marriage, pregnancy, maternity leave, or breastfeeding, the human resources and social security department shall order it to correct the situation and may impose a fine. Where losses are caused, the employing unit shall bear compensation liability in accordance with the law.

Article 41 — Where a person, in violation of the provisions of this Law, commits domestic violence against a woman, and the act constitutes a violation of public security administration, the public security organ shall impose a public security administration penalty in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 42 — Where a person commits sexual harassment against a woman in violation of the provisions of this Law, the public security organ shall impose a public security administration penalty in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law. Where losses are caused, civil liability shall be borne in accordance with the law.

Article 43 — Where State organs and their staff members fail to perform their duties in accordance with the law in the protection of women's rights and interests, abuse their powers, neglect their duties, or engage in malpractices for personal gain, the directly responsible person in charge and other directly responsible persons shall be given sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter X — Supplementary Provisions

Article 44 — This Law shall come into force on January 1, 2023.

Disclaimer: This English translation is provided for reference purposes only. While every effort has been made to ensure accuracy, it is not an official translation. In the event of any discrepancy between this English version and the original Chinese text, the Chinese version shall prevail. This translation does not constitute legal advice. For specific legal matters, please consult qualified legal professionals. Users should verify all information against the official Chinese text published by the National People's Congress of the People's Republic of China.