

**Decision of the Standing Committee of the National People's Congress on Amending the Law of the People's Republic of China on the Protection of Rights and Interests of Women**

Order of the President of the People's Republic of China No.40

The Decision of the Standing Committee of the National People's Congress on Amending the Law of the People's Republic of China on the Protection of Rights and Interests of Women, adopted at the 17th Meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on August 28, 2005, is hereby promulgated and shall go into effect as of December 1, 2005.

Hu Jintao

President of the People's Republic of China

August 28, 2005

**Decision of the Standing Committee of the National People's Congress on Amending the Law of the People's Republic of China on the Protection of Rights and Interests of Women**

(Adopted at the 17th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2005)

At its 17th Meeting, the Standing Committee of the Tenth National People's Congress decided to make the following amendments to the Law of the People's Republic of China on the Protection of Rights and Interests of Women:

1. Article 2 is revised to read: "Women shall enjoy equal rights with men in all aspects of political, economic, cultural, social and family life.

"Equality between men and women is a basic State policy. The State takes the necessary measures to gradually improve the systems for protecting the rights and interests of women, in order to eliminate all forms of discrimination against women.

"The State protects the special rights and interests enjoyed by women according to law.

"Discriminating against, maltreating, abandoning, and physically abusing women are prohibited."

2. One article is added as Article 3, which reads: " The State Council shall formulate an outline for the development of Chinese women and include such outline in the national economic and social development plan.

"Local people's governments at or above the county level shall, in accordance with the outline for the development of Chinese women, formulate programs for the development of women in their respective administrative regions and include the programs in their national economic and social development plans."

3. Article 4 is changed to be Article 6 and is revised to read: " People's government at all levels shall attach great importance to and strengthen the protection of the rights and interests of women.

"Institutions in charge of work for women and children under the people's governments at or above the county level shall be responsible to organize, coordinate, direct and urge the relevant departments concerned to ensure the protection of women's rights and interests.

"The relevant departments of the people's governments at or above the county level shall, within the scope of their duties, ensure the protection of women's rights and interests."

4. Article 5 is changed to be Article 7 and is revised to read: "The All-China Women's Federation and local women's federations at various levels shall, in accordance with law and the Constitution of the All-China Women's Federation, represent and uphold the interests of women of all nationalities and all walks of life, and strive to safeguard the rights and interests of women.

"The trade unions and the Communist Youth League organizations shall, within the scope of their respective work, strive to safeguard the rights and interests of women."

5. Article 9 is changed to be Article 10, and two paragraphs are added as the second and third paragraph, which read: " When formulating laws, regulations, rules and public policies, the relevant departments shall, where major questions related to women's rights and interests are concerned, listen to the opinions of the women's federations.

"Women and women's organizations shall have the right to advance their opinions and suggestions to State organs at various levels with regard to protection of the rights and interests of women."

6. Article 10 is changed to be Article 11, and the second paragraph is revised to read: "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 takes measures to gradually increase the proportion of the women deputies among deputies to the National People's Congress and local people's congresses at various levels."

One paragraph is added as the third paragraph, which reads: " Among members of the residents' committees and villager's committees, there shall be an appropriate number of women members."

7. Article 11 is changed to be Article 12, and the second paragraph is revised to read: "State organs, public organizations, enterprises and institutions shall, in training, selecting and appointing cadres, adhere to the principle of equality between men and women, and there shall be an appropriate number of women leading members."

8. Article 12 is changed to be Article 13, and one paragraph is added as the first paragraph, which reads: "The All-China Women's Federation and local women's federations at various levels shall represent women to take an active part in democratic decision-making, management and supervision of State and social affairs."

9. Article 15 is changed to be Article 16, and one paragraph is added as the second paragraph, which reads: "With exception of special subjects, no schools shall, in enrolling students, refuse to enroll women on the pretext of sex or raise the enrollment standards for women."

10. Article 17 is changed to be Article 18, and the third paragraph is revised to read: " 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 the necessary conditions to ensure that the needy, disabled and migrant female school-age children or adolescents finish compulsory education."

11. Article 19 is changed to be Article 20 and is revised to read: "People's governments at various levels and the departments concerned shall, in light of the need of urban and rural women, take measures to organize women in receiving vocational education and practical technological training."

12. The heading of Chapter IV is revised to read: " Rights and Interests Relating to Work and Social Security. "

13. Article 21 is changed to be Article 22 and is revised to read: " The State guarantees that women enjoy equal rights, with men, to work and to social security."

14. Article 22 is changed to be Article 23, and one paragraph is added as the second paragraph, which reads: "When employing female workers and staff members, the employing units shall, according to law, conclude labour (or employment) contracts or service agreements with them. No clauses that restrict marriage and childbearing of female workers and staff members shall be proscribed in the labour (or employment) contracts or the service agreements."

The second paragraph is changed to be the third paragraph, which reads: "Employing of female minors under the age of 16, except where otherwise prescribed by the State, is prohibited."

15. Article 23 is changed to be Article 24 and is revised to read: "Equal pay for equal work shall be applied to men and women alike. Women shall enjoy equal rights with men in receiving welfare benefits."

16. Article 26 is changed to be Article 27 and is revised to read: " No unit shall reduce the salaries or wages of female workers and staff members, or dismiss them, or unilaterally cancel the labour (or employment) contracts or service agreements with them because they are married, pregnant, on maternity leave or breast-feeding, except where female workers and staff members request termination of the labour (or employment) contracts or service agreements themselves.

"In implementing the retirement system of the State, no unit shall discriminate against women on the pretext of sex."

17. Article 27 is changed to be Article 28 and is revised to read: "The State develops social insurance, social relief, social welfare and medical and health services to guarantee that women enjoy social insurance, social relief, social welfare and health care services, and other rights and interests.

"The State advocates and encourages public welfare activities that aim to help women."

18. One article is added as Article 29, which reads: "The State promotes a childbearing insurance system, and establishes other sound security systems relating to childbearing.

"Local people's governments at various levels and the departments concerned shall, in accordance with relevant regulations, provide the necessary childbearing relief to needy women."

19. Article 30 is changed to be Article 32 and is revised to read: "Women shall enjoy equal rights with men in contracted management of land, distribution of the earnings of the collective economic organizations, use of the compensations for expropriated or requisitioned land and use of housing sites in rural areas."

20. One article is added as Article 33, which reads: "No organizations or individuals shall infringe upon women's rights and interests in rural collective economic organizations on the pretext of their being single, married, divorced and widowed.

"If a man moves to the domicile of a woman for marriage, the man and his children shall enjoy equal rights and interests with the other members of the rural collective economic organizations at the place of their residence."

21. Article 35 is changed to be Article 38 and is revised to read: "Women's right of life and health is inviolable. Drowning, abandoning or cruel infanticide in any manner of female babies is prohibited; discriminating against or maltreating of women who give birth to female babies or women who are sterile is prohibited; cruel treatment causing bodily injury to or death of women by means of superstition or violence is prohibited; maltreating or abandoning of women who are ill, disabled or aged is prohibited."

22. Article 36 is changed to be Article 39 and is revised to read: "Abducting of, trafficking in, or kidnapping of women is prohibited; buying of women who are abducted, trafficked in, or kidnapped is prohibited; obstructing the rescue of women who are abducted, trafficked in, or kidnapped is prohibited.

"People's governments at various levels and the departments of public security, civil affairs, labour and social security, and health shall, in compliance with their respective duties, take timely measures to rescue women who are abducted, trafficked in or kidnapped and well settle the problems arising thereafter, and women's federations shall assist and cooperate with the governments and departments in doing a good job of the above. No one shall discriminate against the women who are abducted, trafficked in, or kidnapped."

23. One article is added as Article 40, which reads: "Sexual harassment against women is prohibited. The female victims shall have the right to file complaints with the units where they work and the departments concerned."

24. Article 37 is changed to be Article 41, and the second paragraph is revised to read: "Arranging for, forcing or luring women to engage in prostitution, providing shelters for prostitution, or instigating women to engage in prostitution, or acting indecently against women is prohibited."

One paragraph is added as the third paragraph, which reads: "Arranging for, forcing or luring women to give obscene performances is prohibited."

25. Articles 38 and 39 are merged into one article as Article 42 and are revised to read: "Women's rights of personality, including their right of reputation, right of honor, right of privacy and right of portrait, shall be protected by law.

"Besmirching women's personal dignity by such means as humiliation and libel is prohibited. Decrying or besmirching women's personality through the mass media or by other means is prohibited. The use of a woman's portrait for profit-making purposes in advertisements, trademarks, window display, newspapers, magazines, books, audio-video products, electronic publications, internet, etc., without the women's personal consent, is prohibited."

26. Article 42 is changed to be Article 45 and is revised to read: "A husband shall not apply for a divorce when his wife is pregnant, or is within one year after the birth of the child, or within six months after the termination of her

gestation. This restriction shall not apply in a case where the wife applies for a divorce, or where the people's court deems it necessary to accept the application for divorce made by the husband."

27. One article is added as Article 46, which reads: "Domestic violence against women is prohibited.

"The State takes measures to prevent and stop domestic violence.

"The departments of public security, civil affairs, judicial administration, etc., as well as urban and rural mass organizations of self-governance at the grass-roots level and public organizations shall, within the scope of their respective duties, prevent and stop domestic violence, and provide succour to female victims."

28. Article 43 is changed to be Article 47, and one paragraph is added as the second paragraph, which reads: "Where the husband and the wife agree in writing that the property acquired separately by them during the period in which their wedlock exists is owned by them likewise, and the wife has been shouldering more duties in respect of bringing up the child, taking care of the old, assisting the husband in work, etc., she shall, at the time of divorce, have the right to request the husband to make compensation for the above."

29. Article 44 is changed to be Article 48, the first and fourth paragraphs are deleted, and this Article is revised to read: "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 light of the actual conditions of both parties and in adhering to the principle of taking into consideration the rights and interests of their child (children) and the wife, except where otherwise agreed upon by the two parties.

"In a case where the husband and the wife jointly rent a house or a room, the wife's housing problem shall, at the time of divorce, be solved according to the principle of taking into consideration the rights and interests of their child (children) and the wife." 30. Article 47 is changed to be Article 51, and one paragraph is added as the third paragraph, which reads: "The State institutes a system of premarital health care and health care for the pregnant and lying-in periods and develops the maternal and infant health care undertakings. People's governments at various levels shall take measures to ensure women's access to technical services for family planning in order to improve their reproductive health."

31. The first paragraph of Article 48 is changed to be Article 52 and is revised to read: "When a woman's lawful rights and interests are infringed upon, she has the right to request the department concerned for disposition according to law, or according to law, apply to an arbitral body for arbitration, or bring a lawsuit in a people's court.

"Where a woman in strained circumstances needs legal aid or judicial relief, the local legal aid institution or people's court shall help her and provide her with legal aid or judicial relief in accordance with law."

32. The second paragraph of Article 48 is changed to be Article 53 and is revised to read: "When a woman's lawful rights and interests are infringed upon, she may file a complaint with a women's organization, which shall protect the lawful rights and interests of the victim and have the right to request and help the department or unit concerned to investigate and deal with the case. The said department or unit shall investigate and deal with the case according to law and give a reply afterwards." 33. One article is added as Article 54, which reads: "Women's organizations shall support the women victims who need help in lawsuits. " A women's federation or a women's organization concerned may expose and criticize through the mass media the acts infringing upon the lawful rights and interests of special groups of women, and shall have the right to request the department concerned to investigate and deal with the cases according to law." 34. Subparagraph (5) under the first paragraph of Article 50 is changed to be Article 55 and is revised to read: "Where an entity, in violation of the provisions of this Law, infringes upon a woman's rights and interests in a rural collective economic organization on the pretext of her being single, married, divorced or widowed, or infringes upon the equal rights and interests enjoyed by a man, who moves to the domicile of a woman for marriage, and his children with the members of the rural collective economic organization at the place of their residence, the township people's government shall mediate in accordance with law; the victims on their part may, according to law, apply for arbitration to an arbitral body specialized in matters of rural land contracts, or bring a suit in a people's court, which shall accept the case according to law." 35. Articles 49 and 52 are merged into one article as Article 56, which is revised to read: "Where administrative sanctions are prescribed by other laws and regulations for the infringement upon the lawful rights and interests of women in violation of the provisions of this Law, the provisions of those laws and regulations shall prevail; where such an infringement causes loss of property or other damages, the infringer shall bear civil responsibilities according to law; if a crime is constituted, criminal responsibilities shall be investigated according to law." 36. Article 50 is changed to be Article 57 and is revised to read: "Where a person, in violation of the provisions of this Law, evades, delays or suppresses the investigation and disposition of a complaint, a charge or an exposure regarding the infringement upon a woman's rights and interests,

or retaliates against the woman who make the complaint, charge or exposure, the unit where the person works or the department in charge or at a higher level shall instruct him to rectify, and give administrative sanctions according to law to the person directly in charge of the unit and the other persons directly responsible. "Where a State organ and its functionaries fail to perform their duties according to law, or fail to stop, in a timely manner, the acts infringing upon the lawful rights and interests of women or to provide the women victims with the necessary help, thus serious consequences ensue, the unit where the organ and its functionaries belong or the organ at a higher level shall, according to law, give administrative sanctions to the person directly in charge of the State organ and the other persons directly responsible. "Where a person, in violation of the provisions of this Law, infringes upon women's rights and interests relating to culture and education, to work and social security, to the person and property, and to marriage and family, the unit where the person belongs or the department in charge or at a higher level shall instruct him to rectify; and the person directly in charge and the other persons directly responsible, if they are State functionaries, shall be given administrative sanctions according to law by the units where they belong or by an organ at a higher level." 37. One article is added as Article 58, which reads: "Where a person, in violation of the provisions of this Law, commits sexual harassment or domestic violence against a woman, if such act constitutes a violation of the regulations for administration of public security, the victim may apply to a public security organ for an administrative sanction against the violator according to law, and may also bring a civil suit in a people's court according to law." 38. Article 51 is changed to be Article 59 and is revised to read: "Where an entity, in violation of the provisions of this Law, decries and damages a woman's personality through the mass media or by other means, the department of culture, radio, film and television, the press and publication, or a relevant department shall, in compliance with their respective functions and powers, instruct it to rectify and give it an administrative sanction according to law."

39. Article 53 is changed to be Article 60 and the first paragraph is deleted; the second paragraph is changed to be the first paragraph; the third paragraph is changed to be the second paragraph; and they are revised to read: "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 local ethnic women. The regulations formulated by autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before going into effect; 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, autonomous regions, or the municipalities directly under the Central Government for approval before going into effect, and shall be submitted to the Standing Committee of the National People's Congress for the record."

This Decision shall go into effect as of December 1, 2005.

The Law of the People's Republic of China on the Protection of Rights and Interests of Women shall be promulgated anew after the revisions are made according to this Decision and the order of the articles is rearranged accordingly.

## **Law of the People's Republic of China on the Protection of Rights and Interests of Women [Amended Version]**

(Adopted at the Fifth Session of the Seventh National People's Congress on April 3, 1992, and amended in accordance with the Decision on Amending the Law of the People's Republic of China on the Protection of Rights and Interests of Women adopted at the 17th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2005)

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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.

Equality between men and women is a basic State policy. The State takes the necessary measures to gradually improve the systems for protecting the rights and interests of women, in order to eliminate all forms of discrimination against women.

The State protects the special rights and interests enjoyed by women according to law.

Discriminating against, maltreating, abandoning, and physically abusing women are prohibited.

Article 3 The State Council shall formulate an outline for the development of Chinese women and include such outline in the national economic and social development plan.

Local people's governments at or above the county level shall, in accordance with the outline for the development of Chinese women, formulate programs for the development of women in their respective administrative regions and include the programs in their national economic and social development plans.

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 takes effective measures to provide necessary conditions for women to exercise their rights according to law.

Article 5 The State encourages 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 6 People's government at all levels shall attach great importance to and strengthen the protection of the rights and interests of women.

Institutions in charge of work for women and children under the people's governments at or above the county level shall be responsible to organize, coordinate, direct and urge the relevant departments concerned to ensure the protection of women's rights and interests.

The relevant departments of the people's governments at or above the county level shall, within the scope of their duties, ensure the protection of women's rights and interests.

Article 7 The All-China Women's Federation and local women's federations at various levels shall, in accordance with law and the Constitution of the All-China Women's Federation, represent and uphold the interests of women of all nationalities and all walks of life, and strive to safeguard the rights and interests of women.

The trade unions and the Communist Youth League organizations shall, within the scope of their respective work, strive to safeguard the rights and interests of women.

Article 8 People's governments at various levels and relevant departments shall commend and award those 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 guarantees that women enjoy equal political rights with men.

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

When formulating laws, regulations, rules and public policies, the relevant departments shall, where major questions related to women's rights and interests are concerned, listen to the opinions of the women's federations.

Women and women's organizations shall have the right to advance their opinions and suggestions to State organs at various levels with regard to protection of the rights and interests of women.

Article 11 Women 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 takes measures to gradually increase the proportion of the women deputies among deputies to the National People's Congress and local people's congresses at various levels.

Among members of the residents' committees and villager's committees, there shall be an appropriate number of women members.

Article 12 The State actively trains and selects female cadres.

State organs, public organizations, enterprises and institutions shall, in training, selecting and appointing cadres, adhere to the principle of equality between men and women, and there shall be an appropriate number of women leading members.

The State attaches great importance to the training and selection of female cadres of minority nationalities.

Article 13 The All-China Women's Federation and local women's federations at various levels shall represent women to take an active part in democratic decision-making, management and supervision of State 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 guarantees 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 exception of special subjects, no schools shall, in enrolling students, refuse to enroll women on the pretext of sex or raise the enrollment standards for women.

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 the necessary conditions to ensure that the needy, disabled and migrant female school-age children or adolescents finish 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 People's governments at various levels and the departments concerned shall, in light of the need of urban and rural women, take measures to organize women in receiving vocational education and practical 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 Security

Article 22 The State guarantees that women enjoy equal rights, with men, to work and to 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.

When employing female workers and staff members, the employing units shall, according to law, conclude labour (or employment) contracts or service agreements with them. No clauses that restrict marriage and childbearing of female workers and staff members shall be proscribed in the labour (or employment) contracts or the service agreements.

Employing of female minors under the age of 16, except where otherwise prescribed by the State, is prohibited.

Article 24 Equal pay for equal work shall be applied to men and women alike. Women shall enjoy equal rights with men in receiving welfare benefits.

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 shall reduce the salaries or wages of female workers and staff members, or dismiss them, or unilaterally cancel the labour (or employment) contracts or service agreements with them because they are married, pregnant, on maternity leave or breast-feeding, except where female workers and staff members request termination of the labour (or employment) contracts or service agreements themselves.



In implementing the retirement system of the State, no unit shall discriminate against women on the pretext of sex.

Article 28 The State develops social insurance, social relief, social welfare and medical and health services to guarantee that women enjoy social insurance, social relief, social welfare and health care services, and other rights and interests.

The State advocates and encourages public welfare activities that aim to help women.

Article 29 The State promotes a childbearing insurance system, and establishes other sound security systems relating to childbearing.

Local people's governments at various levels and the departments concerned shall, in accordance with relevant regulations, provide the necessary childbearing relief to needy women.

## Chapter V Rights and Interests Relating to Property

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

Article 31 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 32 Women shall enjoy equal rights with men in contracted management of land, distribution of the earnings of the collective economic organizations, use of the compensations for expropriated or requisitioned land and use of housing sites in rural areas.

Article 33 No organizations or individuals shall infringe upon women's rights and interests in rural collective economic organizations on the pretext of their being single, married, divorced and widowed.

If a man moves to the domicile of a woman for marriage, the man and his children shall enjoy equal rights and interests with the other members of the rural collective economic organizations at the place of their residence.

Article 34 Women's equal right, with men, of succession to property is 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 guarantees that women enjoy equal rights with men relating to their persons.

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

Article 38 Women's right of life and health is inviolable. Drowning, abandoning or cruel infanticide in any manner of female babies is prohibited; discriminating against or maltreating of women who give birth to female babies or women who are sterile is prohibited; cruel treatment causing bodily injury to or death of women by means of superstition or violence is prohibited; maltreating or abandoning of women who are ill, disabled or aged is prohibited.

Article 39 Abducting of, trafficking in, or kidnapping of women is prohibited; buying of women who are abducted, trafficked in, or kidnapped is prohibited; obstructing the rescue of women who are abducted, trafficked in, or kidnapped is prohibited.

People's governments at various levels and the departments of public security, civil affairs, labour and social security, and health shall, in compliance with their respective duties, take timely measures to rescue women who are abducted, trafficked in or kidnapped and well settle the problems arising thereafter, and women's federations shall assist and cooperate with the governments and departments in doing a good job of the above. No one shall discriminate against the women who are abducted, trafficked in, or kidnapped.

Article 40 Sexual harassment against women is prohibited. The female victims shall have the right to file complaints with the units where they work and the departments concerned.

Article 41 Prostitution or whoring shall be prohibited.

Arranging for, forcing or luring women to engage in prostitution, providing shelters for prostitution, or instigating women to engage in prostitution, or acting indecently against women is prohibited.

Arranging for, forcing or luring women to give obscene performances is prohibited.

Article 42 Women's rights of personality, including their right of reputation, right of honor, right of privacy and right of portrait, shall be protected by law.

Besmirching women's personal dignity by such means as humiliation and libel is prohibited. Decrying or besmirching women's personality through the mass media or by other means is prohibited. The use of a woman's portrait for profit-making purposes in advertisements, trademarks, window display, newspapers, magazines, books, audio-video products, electronic publications, internet, etc., without the women's personal consent, is prohibited.

#### Chapter VII Rights and Interests Relating to Marriage and Family

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

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

Article 45 A husband shall not apply for a divorce when his wife is pregnant, or is within one year after the birth of the child, or within six months after the termination of her gestation. This restriction shall not apply in a case where the wife applies for a divorce, or where the people's court deems it necessary to accept the application for divorce made by the husband.

Article 46 Domestic violence against women is prohibited.

The State takes measures to prevent and stop domestic violence.

The departments of public security, civil affairs, judicial administration, etc., as well as urban and rural mass organizations of self-government at the grass-roots level and public organizations shall, within the scope of their respective duties, prevent and stop domestic violence, and provide succour to female victims.

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.

Where the husband and the wife agree in writing that the property acquired separately by them during the period in which their wedlock exists is owned by them likewise, and the wife has been shouldering more duties in respect of bringing up the child, taking care of the old, assisting the husband in work, etc., she shall, at the time of divorce, have the right to request the husband to make compensation for the above.

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 light of the actual conditions of both parties and in adhering to the principle of taking into consideration the rights and interests of their child (children) and the wife, except where otherwise agreed upon by the two parties.

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

Article 49 Both parents 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 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.

The State institutes a system of premarital health care and health care for the pregnant and lying-in periods and develops the maternal and infant health care undertakings. People's governments at various levels shall take measures to ensure women's access to technical services for family planning in order to improve their reproductive 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 department concerned for disposition according to law, or according to law, apply to an arbitral body for arbitration, or bring a lawsuit in a people's court.

Where a woman in strained circumstances needs legal aid or judicial relief, the local legal aid institution or people's court shall help her and provide her with legal aid or judicial relief in accordance with 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 53 When a woman's lawful rights and interests are infringed upon, she may file a complaint with a women's organization, which shall protect the lawful rights and interests of the victim and have the right to request and help the department or unit concerned to investigate and deal with the case. The said department or unit shall investigate and deal with the case according to law and give a reply afterwards.

Article 54 Women's organizations shall support the women victims who need help in lawsuits. A women's federation or a women's organization concerned may expose and criticize through the mass media the acts infringing upon the lawful rights and interests of special groups of women, and shall have the right to request the department concerned to investigate and deal with the cases according to law.

Article 55 Where an entity, in violation of the provisions of this Law, infringes upon a woman's rights and interests in a rural collective economic organization on the pretext of her being single, married, divorced or widowed, or infringes upon the equal rights and interests enjoyed by a man, who moves to the domicile of a woman for marriage, and his children with the members of the rural collective economic organization at the place of their residence, the township people's government shall mediate in accordance with law; the victims on their part may, according to law, apply for arbitration to an arbitral body specialized in matters of rural land contracts, or bring a suit in a people's court, which shall accept the case according to law.

Article 56 Where administrative sanctions are prescribed by other laws and regulations for the infringement upon the lawful rights and interests of women in violation of the provisions of this Law, the provisions of those laws and regulations shall prevail; where such an infringement causes loss of property or other damages, the infringer shall bear civil responsibilities according to law; if a crime is constituted, criminal responsibilities shall be investigated according to law.

Article 57 Where a person, in violation of the provisions of this Law, evades, delays or suppresses the investigation and disposition of a complaint, a charge or an exposure regarding the infringement upon a woman's rights and interests, or retaliates against the woman who make the complaint, charge or exposure, the unit where the person works or the department in charge or at a higher level shall instruct him to rectify, and give administrative sanctions according to law to the person directly in charge of the unit and the other persons directly responsible. Where a State organ and its functionaries fail to perform their duties according to law, or fail to stop, in a timely manner, the acts infringing upon the lawful rights and interests of women or to provide the women victims with the necessary help, thus serious consequences ensue, the unit where the organ and its functionaries belong or the organ at a higher

level shall, according to law, give administrative sanctions to the person directly in charge of the State organ and the other persons directly responsible.

Where a person, in violation of the provisions of this Law, infringes upon women's rights and interests relating to culture and education, to work and social security, to the person and property, and to marriage and family, the unit where the person belongs or the department in charge or at a higher level shall instruct him to rectify; and the person directly in charge and the other persons directly responsible, if they are State functionaries, shall be given administrative sanctions according to law by the units where they belong or by an organ at a higher level.

Article 58 Where a person, in violation of the provisions of this Law, commits sexual harassment or domestic violence against a woman, if such act constitutes a violation of the regulations for administration of public security, the victim may apply to a public security organ for an administrative sanction against the violator according to law, and may also bring a civil suit in a people's court according to law.

Article 59 Where an entity, in violation of the provisions of this Law, decries and damages a woman's personality through the mass media or by other means, the department of culture, radio, film and television, the press and publication, or a relevant department shall, in compliance with their respective functions and powers, instruct it to rectify and give it an administrative sanction according to law.

#### Chapter IX Supplementary 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 local ethnic women. The regulations formulated by autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before going into effect; 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, autonomous regions, or the municipalities directly under the Central Government for approval before going into effect, and shall be submitted to the Standing Committee of the National People's Congress for the record.

Article 61 This Law shall go into effect as of October 1, 1992.