

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.58

The 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, is hereby promulgated and shall enter into force as of October 1, 1992.

Yang Shangkun
President of the People's Republic of China
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中华人民共和国妇女权益保障法

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Chapter I. General Principles

第一章 总则

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.

第一条 为了保障妇女的合法权益，促进男女平等，充分发挥妇女在社会主义现代化建设中的作用，根据宪法和我国的实际情况，制定本法。

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 injury even death of women shall be prohibited.

第二条 妇女在政治的、经济的、文化的、社会的和家庭的生活等方面享有与男子平等的权利。国家保护妇女依法享有的特殊权益，逐步完善对妇女的社会保障制度。禁止歧视、虐待、残害妇女。

[Unofficial English translation, original Chinese] (In case of discrepancy between the English translation and the original Chinese text, the Chinese text shall prevail.) 2

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.

第三条 保障妇女的合法权益是全社会的共同责任。国家机关、社会团体、企事业单位、城乡基层群众性自治组织，应当依照本法和有关法律的规定，保障妇女的权益。国家采取有效措施，为妇女依法行使权利提供必要的条件。

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.

第四条 国务院和省、自治区、直辖市人民政府，采取组织措施，协调有关部门做好妇女权益的保障工作。具体机构由国务院和省、自治区、直辖市人民政府规定。

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.

第五条 中华全国妇女联合会和各级妇女联合会代表和维护各族各界妇女的利益，做好保障妇女权益的工作。工会、共产主义青年团，应当在各自的工作范围内，做好保障妇女权益的工作。

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.

第六条 国家鼓励妇女自尊、自信、自立、自强，运用法律维护自身合法权益。妇女应当遵守国家法律，尊重社会公德，履行法律所规定的义务。

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.

第七条 对保障妇女合法权益成绩显著的组织和个人，各级人民政府和有关部门给予表彰和奖励。

Chapter II

Political Rights

第二章 政治权利

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

第八条 国家保障妇女享有与男子平等的政治权利。

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 the disposition thereof; no organization or individual may suppress such complaints, charges or exposures or resort to retaliation.

第十三条 对于有关保障妇女权益的批评或者合理建议，有关部门应当听取和采纳；对于有关侵害妇女权益的申诉、控告和检举，有关部门必须查清事实，负责处理，任何组织或者个人不得压制或者打击报复。

Chapter III

Rights and Interests Relating to Culture and Education

第三章 文化教育权益

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

第十四条 国家保障妇女享有与男子平等的文化教育权利。

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.

第十七条 父母或者其他监护人必须履行保障适龄女性儿童少年接受义务教育的义务。

除因疾病或者其他特殊情况经当地人民政府批准的以外，对不送适龄女性儿童少年入学的父母或者其他监护人，由当地人民政府予以批评教育，并采取有效措施，责令送适龄女性儿童少年入学。

政府、社会、学校应针对适龄女性儿童少年就学存在的实际困难，采取有效措施，保证适龄女性儿童少年受完当地规定年限的义务教育。

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.

第二十条 国家机关、社会团体和企业事业单位应当执行国家有关规定，保障妇女从事科学、技术、文学、艺术和其他文化活动，享有与男子平等的权利。

Chapter IV

Rights and Interests Relating to Work

第四章 劳动权益

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

第二十一条 国家保障妇女享有与男子平等的劳动权利。

Article 22 With the 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.

第二十二条 各单位在录用职工时，除不适合妇女的工种或者岗位外，不得以性别为由拒绝录用妇女或者提高对妇女的录用标准。禁止招收未满十六周岁的女工。

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.

第二十五条 任何单位均应根据妇女的特点，依法保护妇女在工作和劳动时的安全和健康，不得安排不适合妇女从事的工作和劳动。妇女在经期、孕期、产期、哺乳期受特殊保护。

Chapter VI

Rights Relating to the Person

第六章 人身权利

Article 33 The state shall guarantee that women enjoy equal rights with men relating to their persons.

[Unofficial English translation, original Chinese] (In case of discrepancy between the English translation and the original Chinese text, the Chinese text shall prevail.) 4

第三十三条 国家保障妇女享有与男子平等的人身权利。

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.

第三十四条 妇女的人身自由不受侵犯。禁止非法拘禁和以其他非法手段剥夺或者限制妇女的人身自由；禁止非法搜查妇女的身体。

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 injury even death of women by superstition or violence shall be prohibited; maltreatment or abandonment of aged women shall be prohibited.

第三十五条 妇女的生命健康权不受侵犯。禁止溺、弃、残害女婴；禁止歧视、虐待生育女婴的妇女和不育妇女；禁止用迷信、暴力手段残害妇女；禁止虐待、遗弃老年妇女。

Article 36 Abduction of and trafficking in, or kidnap- ping of women shall be prohibited; buying of women who are abducted and trafficked in, or kidnapped shall be prohibited.

People's governments and relevant departments 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 relevant departments shall well settle the problems arising thereafter.

第三十六条 禁止拐卖、绑架妇女；禁止收买被拐卖、绑架的妇女。人民政府和有关部门必须及时采取措施解救被拐卖、绑架的妇女。被拐卖、绑架的妇女返回原籍的，任何人不得歧视，当地人民政府和有关部门应当做好善后工作。

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.

第三十七条 禁止卖淫、嫖娼。

禁止组织、强迫、引诱、容留、介绍妇女卖淫或者雇用、容留妇女与他人进行猥亵活动。

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.

第三十八条 妇女的肖像权受法律保护。未经本人同意，不得以营利为目的，通过广告、商标、展览橱窗、书刊、杂志等形式使用妇女肖像。

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 and giving publicity to private affairs shall be prohibited.

第三十九条 妇女的名誉权和人格尊严受法律保护。禁止用侮辱、诽谤、宣扬隐私等方式损害妇女的名誉和人格。

Chapter VII

Rights and Interests Relating to Marriage and Family

第七章 婚姻家庭权益

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

第四十条 国家保障妇女享有与男子平等的婚姻家庭权利。

Article 41 The state shall protect women's right of self-determination in marriage. Interference with women's [Unofficial English translation, original Chinese] (In case of discrepancy between the English translation and the original Chinese text, the Chinese text shall prevail.)

freedom of marriage or divorce shall be prohibited.

第四十一条 国家保护妇女的婚姻自主权。禁止干涉妇女的结婚、离婚自由。

Chapter VIII

Legal Responsibility

第八章 法律责任

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 relevant department or unit to investigate and deal with the case so as to protect the lawful rights and interests of the complainant.

第四十八条 妇女的合法权益受到侵害时，被侵害人有权要求有关主管部门处理，或者依法向人民法院提起诉讼。妇女的合法权益受到侵害时，被侵害人可以向妇女组织投诉，妇女组织应当要求有关部门或者单位查处，保护被侵害妇女的合法权益。

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.

第四十九条 违反本法规定侵害妇女合法权益，其他法律、法规已规定处罚的，依照该法律、法规的规定处罚。

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.

第五十条 有下列侵害妇女合法权益情形之一的，由其所在单位或者上级机关责令改正，并可根椐具体情况，对直接责任人员给予行政处分：

- (一) 对有关侵害妇女权益的申诉、控告、检举，推诿、拖延、压制不予查处的；
- (二) 依照法律、法规规定，应当录用而拒绝录用妇女或者对妇女提高录用条件的；
- (三) 在分配住房和晋职、晋级、评定专业技术职务等方面，违反男女平等原则，侵害妇女合法权益的；
- (四) 以结婚、怀孕、产假、哺乳等为理由辞退女职工的；
- (五) 划分责任田、口粮田等，以及批准宅基地，违反男女平等原则，侵害妇女合法权益的；
- (六) 在入学、升学、毕业分配、授予学位、派出留学等方面，违反男女平等原则，侵害妇女合法权益的。

对侵害妇女权益的行为提出申诉、控告、检举的人进行打击报复的，由其所在单位或者上级机关责令改正或者给予行政处分；国家工作人员进行打击报复构成犯罪的，依照刑法第一百四十六条的规定追究刑事责任。

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.

第五十一条 雇用、容留妇女与他人进行猥亵活动的，比照治安管理处罚条例第十九条的规定处罚；情节严重，构成犯罪的，比照刑法第一百六十条的规定追究刑事责任。

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.

第五十二条 侵害妇女的合法权益，造成财产损失或者其他损害的，应当依法赔偿或者承担其他民事责任。

Chapter IX

Supplementary Provisions

第九章 附则

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.

第五十三条 国务院有关部门可以根据本法制定有关条例，报国务院批准施行。省、自治区、直辖市人民代表大会常务委员会可以根据本法制定实施办法。民族自治地方的人民代表大会，可以依据本法规定的原则，结合当地民族妇女的具体情况，制定变通的或者补充的规定。自治区的规定，报全国人民代表大会常务委员会备案；自治州、自治县的规定，报省或者自治区人民代表大会常务委员会批准后生效，并报全国人民代表大会常务委员会备案。

Article 54 This Law shall enter into force as of October 1, 1992.

第五十四条 本法自1992年10月1日起施行。