Women's Studies Institute of China Submission to the Committee on the Elimination of Discrimination against Women in Relation to the Performance of the Chinese Government in Promoting Legislation on safeguarding Women's Rights and Interests

Women's Studies Institute of China

1. We are paying close attention to the provisions of Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women on promoting legislation to protect women's rights and interests. We appreciate the notable progress and achievements made by China over the years on legislation that safeguards women's rights and interests. Nevertheless, laws and regulations need to be further improved to protect women's legitimate rights and interests in the face of new challenges.

2. We take note of breakthroughs made by China in legislation to protect women's rights and interests. The *Law on the Protection of Women's Rights and Interests*, revised and passed on 30 October 2022, boasts highlights and breaks new grounds on fully implementing the basic state policy of gender equality and strengthening the institutional guarantee of women's rights and interests. It incorporates connotation of discrimination against women and improves specific provisions to protect women's rights. It establishes gender equality assessments for laws, regulations, rules and other normative documents, introduces gender statistical survey and release system, and includes provisions of education on the basic state policy of gender equality. It spells out measures schools and employers shall take to prevent and resolve sexual harassment, and extends personal protection order to dating relationship and divorce. It lists major scenarios of gender discrimination in employment and establishes a mechanism whereby employers would be interviewed should gender-based prejudice occurs. The rights and interests of rural women as members of collective economic organizations are better protected. The responsibility of township or town people's governments is clearly defined regarding the protection of women's rights and interests in rural areas. More specifics are stipulated on joint property as already prescribed in the *Civil Code*, including the registration of property right and inquiry into marital joint property in divorce proceedings. According to this law, institutions responsible for the work of women and children and women's federations may issue supervised dispositions opinions if necessary. It establishes the system whereby procurator authorities may file public interest lawsuits for the protection of women's rights, and women may be supported in filing lawsuits for acts against their rights and interests. Women now have more access to legal remedies to protect their rights.

3. We appreciate efforts made by the Chinese government to improve legislation that safeguards women's rights in all aspects. **On marriage and family,** the *Anti-domestic Violence Law*, enacted in December 2015, clearly defines domestic violence and stipulates the responsibility of government agencies and judicial bodies for preventing and addressing domestic violence. A legal basis has therefore been provided as how to prevent and handle domestic violence, and protect the legitimate rights of family members, women and children in particular. Provisions on housework compensation and marital common debts in the Book of *Marriage and Family* of the *Civil Code*, which came into effect on 1 January 2021, play an important role in protecting women's rights and interests in marriage and family. The *Family Education Promotion Law*, passed in October 2021, clearly stipulates that men and women should share the responsibility of family education. **On employment and social security rights and interests,** the *Population and Family Planning Law*, amended in 2015 and 2021, stipulates the protection of women's employment rights and interests and sets forth parental leave, which constitute the legal guarantee for the sharing of family and social responsibilities between men and women. **On women's land rights in rural areas,** the *Law on Rural Land Contracting*, revised in December 2018, stipulates that "each household member has equal access to benefits from contracting land" and "all family members with the right to land contractual management shall be included in the certificate of the right to land contractual management or the certificate of the right to forestland contractual management". It has ensured that women's rights and interests in relation to land must be given expression to in the registration book and land right certificate. **On personal rights and interests,** in the *Criminal Law Amendment (IX)* enacted in August 2015, the crime of"whoring with immature girls"was canceled and such act was included in the scope of rape with more severe punishment. It also stipulates that anyone who buys an abducted woman or child shall be published and such act is regarded as crime. The *Law on the Protection of Minors*, revised in October 2020, creates the system of compulsory reporting, the check of illegal criminal records of job applicants, and the prevention of criminals from engaging in restricted occupations. It stipulates that schools and kindergartens shall establish a working system for preventing sexual assault and sexual harassment of minors. The institutional framework has therefore been greatly strengthened whereby minors are prevented from sexual assault and the personal rights of girls are protected.

4. We are appreciative of the relentless efforts made by the Chinese government in establishing and improving working mechanisms to promote gender equality and ensure the enforcement of laws that protect women's rights. Relevant authorities have pooled efforts to promote law enforcement on the protection of women's rights by working as one and setting up coordination mechanisms.

On anti-domestic violence, for instance, a multi-agency intervention mechanism has been put in place, which comprises of authorities in public security, civil affairs, health, education and legal assistance. By integrating functions to prevent, stop and remedy domestic violence, it has provided better remedies to victims. On addressing discrimination in employment, a joint interview mechanism has been set up, whereby human resources and social security authorities may, together with trade unions and women's federations, interview the employer suspected of discriminating against women, and require it to take corrective action within a specified period.

5. We are appreciative of the relentless efforts made by the Chinese government in strengthening the judicial protection of women's rights. In April 2015, the Central Leading Group for Deepening Overall Reform adopted the *Opinions on Introducing Reform of Case-Filing Register System in People's Courts*, which reformed the case admitting system of people's courts by converting the case-filing review system into a register system. Difficulties in filing lawsuits on women's rights have been therefore addressed in areas including discrimination in employment, sexual harassment, and disputes on rural women's land rights. In December 2018, the Supreme People's Court published the *Notice on Increasing Causes of Civilian Cases*, which added the dispute on the right to equal employment and the dispute on the liability for sexual harassment as causes of cases. It has enabled women victims in those cases to safeguard their legitimate rights and interests through judicial means. In response to sexual assaults against students by faculty members in the education sector, the Supreme People's Procuratorate issued the *Proposal by the Supreme People's Procuratorate of the People's Republic of China*, in which the educational authority is suggested to further improve systems and mechanisms in preventing sexual assault, strengthen the supervision and inspection regarding the implementation of systems in preventing sexual assault in campus, and take resolute actions against perpetrators. It is the first proposal issued to an administrative authority in the name of the supreme prosecuting body.

6. We take note of the increasingly important role played by non-governmental organizations in the formulation and enactment of laws that promote gender equality and protect women's rights. Women's federations have promoted the establishment of an assessment system of laws and policies related to gender equality at both national and local levels, which serves as an institutionalized tool to incorporate the principle of gender equality into the whole process of the formulation and implementation of laws and policies. Women's federations and other women's organizations have seen themselves more involved in legislation, by contributing their opinions from the perspective of gender equality in the formulation and amendment of the *Law on the Protection of Women's Rights and Interests*, the *Anti-domestic Violence Law, the Civil Code*,

etc. Women's federations have worked closely with law enforcement and judiciary bodies to establish cooperation mechanisms, with a view to facilitating law implementation. Campaigns to raise public awareness of the rule of law have been launched by women's federations and other women's organizations in cooperation with government agencies and other sectors. The "Building a China under the Rule of Law: Women in Action", initiated by the All-China Women's Federation in February 2015 with the commitment to raising law awareness in households, has witnessed campaigns on law publicity and the protection of women's rights, made possible by over 700,000 service centers (known as "Women's Home") across the nation. On 25 November 2020, the Supreme People's Court, the All-China Women's Federation and China Women Judges Association, for the first time, made a joint release of ten typical cases of personal protection order. Such a move has epitomized the determination to stop domestic violence through concerted efforts.

7. We are appreciative of the efforts made by the Chinese government in promoting gender equality and protecting women's rights and its achievements therefrom. We have noted, nevertheless, that greater efforts are still expected in the face of difficulties and challenges. For instance, punitive measures should be well defined by improving laws and regulations to reduce gender discrimination in employment, and prevent and punish sexual assault among other violations of women's rights. Laws should be updated to protect the labor and social security rights and interests of newly employed women and women in new forms of business. Measures should be taken in the rural collective ownership reform to better protect women's land rights. The list still goes on. The Chinese government is therefore expected to further strengthen and improve the legal protection of women's right at its new development stage.

8. We suggest that the gender equality assessment system of laws and policies be further strengthened by improving the training of personnel from relevant authorities, to see to it that they are more motivated and able to incorporate the constitutional principle of gender equality into the whole process of the formulation and enforcement of laws and regulations.

9. We understand that China faces unprecedented challenges and difficulties at its new development stage. Still, we expect more proactive measures from the state to better safeguard women's legitimate rights, so that the basic state policy of gender equality will be followed through with women's legitimate rights and interests truly protected.