China's Draft Law to Protect Women's Rights

Why in news?

Amid a growing number of sexual harassment and domestic violence cases, China is set to update and strengthen its nearly 3 decade old law to protect women's rights both at the workplace and at home.

What is the draft amendment about?

- The Standing Committee of the National People's Congress began to review a draft amendment to the "Law on the Protection of the Rights and Interests of Women".
- The proposed legislation lays down a specific definition for **discrimination against women** for the first time.
- The revised draft provides detailed descriptions of what would qualify as sexual harassment in the workplace, including inappropriate behaviour, sexually explicit images or offering benefits in exchange for sexual favours.
- The draft covers beyond the workplace including the traditional family structure, and even allows women to seek compensation after divorce.

What does the draft amendment say about women's rights in the workplace?

- **Gender preferences**- Employers are banned from stating gender preferences in job ads or asking female applicants about their marital and pregnancy status.
- Employers are also prohibited from firing or reducing a woman's salary if she chooses to get married or have a baby.
- **Definition of 'sexual harassment'**- This includes subjecting women to verbal expressions with sexual connotations or any other inappropriate sexual behaviour without their consent.
- The draft also prohibits offering benefits in exchange for sex.

What about women's rights at home?

- **Duties**- The new regulations also clarify the duties of both the husband and the wife within the traditional family structure.
- **Divorce**- In case of divorce, women have the right to ask for compensation if they believe they have been shouldering more duties at home.
- This comes after a court in Beijing granted a housewife a 50,000 yuan payout from her husband for 5 years of unpaid labour.
- **Harassment**- It prohibits harassing the women under the form of being in a relationship or after a relationship ends.
- **Equality**- It also bans practices that could be mentally manipulative where women are made to believe that they are inferior to their partners.

What is the need for such an update now?

- **Increase in crimes against women**- In recent years, the country has witnessed a growing debate on crimes against women as more domestic violence and sexual harassment cases have been reported in recent years.
- **Suppression of #MeToo movement**- China has been widely criticised for doing little to protect sexual harassment survivors and attempting to suppress the #MeToo movement in its nascent stages.

China's #MeToo movement began in 2018, when a former student of Shanghai University of Finance and Economics accused her professor of sexually harassing her. He was fired from the university, following which several other women were encouraged to come forward with their complaints.

- **Gender-based discrimination in the workplace**- Many women in China have long faced discrimination based on their marital status.
- As per Chinese law, women are entitled to about 98 days of maternity leave and employers are mandated to pay maternity insurance.
- But many Chinese companies are reluctant to pay salaries during maternity leave.
- **National policies**- According to a report released by Human Rights Watch (HRW), gender gap, the lack of anti-discrimination laws and the two child policy were behind this phenomenon.

Reference

1. https://indianexpress.com/article/explained/explained-chinas-draft-law-to-protect-womens-rights-7687917/

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