

Chinese law on sexual harassment

scattered regulations and emerging case law

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Regulations

Provincial law and regulation: 32 provinces in total, including Beijing and Shanghai. There are a few early models, Hunan, Shanghai, and Xinjiang, adopted by later ones. In general, Hunan, Shanxi陕西, Shanghai, Anhui, Sichuan, Shenzhen, Guangzhou, Baotou are worth most attention since they have most progressive law compared with other places at the same period, as listed below.

Name/type of the law	Definition of SH	Who is covered	Remedies	Other information
Hunan provincial law on the Protection of Rights and Interests of Women 2006	Article 30 prohibits sexual harassment to women by ways of any behaviour, language, words, pictures or technology information containing obscene content.	All women in Hunan province. It also adds that all workplaces should take measures to prevent and handle sexual harassment at workplace.	The police can punish behaviours of sexual harassment, and courts should accept complaints either as a criminal or civil case.	第三十条 禁止违反法律、伦理道德以具有淫秽内容的行为、语言、文字、图片、电子信息等任何形式对妇女实施性骚扰。 各单位应当采取措施预防和制止工作场所的性骚扰。

Shanghai Law on the Protection of Rights and Interests of Women 2007	Same as Hunan	Same as Hunan	Same as Hunan. Additionally, it requires government entities and companies to take measures to prevent sexual harassment.	
Anhui Provincial Law on the Protection of Rights and Interests of Women 2007	Article 34 prohibits behavior, language, words, pictures, technology information containing sexual content.	All the women in Anhui.	<p>It specifically names Women Federation, police and legal aids as relevant organizations for dealing with SH.</p> <p>It also requires all employers, as well as government entities responsible for public space to take measures to prevent and handle SH.</p> <p>Without consent, the public media is not allowed to report SH cases or incidents by naming or identifying the victims.</p>	<p>第三十四条 禁止以带有性内容或与性有关的肢体行为、语言、文字、图片（像）、电子信息等形式，违背妇女意志，故意对其实施性骚扰。</p> <p>受害妇女有权向单位和有关机关投诉。妇女联合会、法律援助机构和公安等有关单位按照各自职责为受害妇女提供帮助。</p> <p>用人单位和公共场所的管理单位应当采取措施预防和制止对妇女的性骚扰。</p> <p>未经受害妇女同意，大众传播媒介不得报道受害妇女姓名以及其他足以识别受害妇女身份的信息。</p>
Sichuan 2007	Same as shanghai	Same as shanghai	Same as shanghai Additionally, it says that employers can be responsible for SH at workplace.	

Beijing 2009	Same as Shanghai	Same as Shanghai	Same as Shanghai Additionally, it suggests informal ADR before trial.	
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City level regulations:

Name/type of the law	Definition of SH	Who is covered	Remedies	Other information
Guangzhou City Regulation on the Protection of Rights and Interests of Women 2010	Same as Guangdong provincial definition	The articles on SH are addressing women employees	Same as Guangdong provincial ones Additionally, women employees have the right to demand that collective contracts include sections that prohibit and handle SH. There should be female members while negotiating the collective contracts. Unions should accept complaints of SH from women workers.	Guangzhou is the capital city of Guangdong province.

Qingdao City 2010	Same as Shandong Provincial	All women	Hospitals and medical personnel need to inform patients of their rights should they encounter victims of SH; Police stations should put SH as one of the incidents for investigations and onsite intervention.	
Baotou City 2012	Specifies the following behavior: <ol style="list-style-type: none"> 1. Inappropriate flirting at workplace or in the public 2. Tear or take off women's clothes to expose her gender-specific body parts 3. Inappropriate touching 4. With conduct, language, words, or technology information containing sex content 5. Other behavior 	All women	Nothing more than Shanxi provincial one	

Shenzhen City Gender Equality Promotion Regulation 2013	For the first time, it recognizes qui pro quo. It prohibits SH in the form of threats with the authority of recruitment, promotion or prizes and bonuses at workplaces.	All women in Shenzhen.	Nothing additional.	深圳经济特区性别平等促进条例
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Provincial labor regulations

Name/type of the law	Additional information to the provincial law
Anhui Women Employers Special Protection Regulation 2016	Employers need to create measures that are best for dealing with SH under the specific working conditions at the workplace.
Zhejiang 2017	Same as above. Protect privacy while handling such incidents.
Jiangxi 2017	Same as Anhui.

City level children welfare policy papers:

223 cities in China included sexual harassment in their papers, saying that they prohibit teachers sexually harass students. No further information is available.

Ministry of Education MOE

In 2014, MOE issued a guidance on establishing moral conduct among schools and colleges, and for the first time included sexual harassment, and prohibit it. No further information about it in the guidance. 《关于建立健全高校师德建设长效机制的意见》

MOE has been considering a formal policy on handling SH experienced by pre-college students. It has not been issued. And no draft has been circulated to get public input. In January 2018, after the Luo Qian Qian event, MOE responded to a newspaper's inquiry, stating that they will start to formulate a nation wide policy for campus sexual harassment.

Case law

There are a few cases in lower courts on city level where the decision proposed definitions of sexual harassment, similar to the US definition, yet these few cases are not adopted by any courts.