

Legislation on the Protection of Women's Rights and Women's Awakening Phase: A Comparative Study Between China and Europe Countries

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Abstract: The discussion over women's rights and gender violence has gotten more attention after the Tangshan attack in China. The harsh physical violence the female victims sustained and the social debates about how women could protect themselves caused concern about the legislation in China protecting women's rights, as well as other countries' constitutions. Therefore, this study focuses on comparing information on the legislation and historical women's awakening phase between China and Europe countries, by using the comparative research and historical research. Aiming to find out the awakening phases of having equality in China and Europe countries, and how legislation protects their female citizens. The study enumerates the legislation defending the rights of women and history of when they awakened, as the impact, the possible development for women's rights legislation in the future. The results of this analysis show that women's movements began in the 20th century and peaked in both China and Europe, women intended to achieve more equality and fairness in all domains as they have come to understand their value and place in society. At the same time, the historical comparison provides the results that China's women are awakening mostly through group activism and political advocacy, whereas Europe's women are awakening primarily through sizable women's awakening movements. Hence, even though women still encounter unfair treatment in some underdeveloped places that are less influenced by these movements and legislation, women should keep working toward achieving equality to completely defend their rights. The forms of equality between men and women would then become clear, and able to achieve a better social system.

Keywords: women's rights, legislation, China, Europe, history

1. Introduction

Since the attack in Tangshan, the debate about women's rights and gender violence raised fiercely. Great panic and even confrontation between men and women have been provoked. Extreme bodily harm to the victims was identified as the second level of slight injury in the scientific assessment of the law, leading to public panic and concern. The public started to concentrate on the method of identifying an injury and how these women would be treated under the law of China. Some sociological evaluations of this event have found that it may lead to the indirect effect of society's dysfunction. For example, female panic would result in a decrease in social trust, considering that

social security is still not entirely reassuring. The fears that the victims facing today could be themselves tomorrow spreading in the community [1]. Some negative comments on this event such as placing all the blame on the victim's clothing and behavior instead of focusing on the actual abuser caused a greater distrust among women in society. They are increasingly restricting and undervaluing women. These phenomena are prone to fall into a vicious circle. When the value of women cannot be correctly defined and affirmed, they will choose to independently realize their self-value in a way of self-protection, which is a form of avoiding society and highly distrusting the outside world. Others in the community who feel the atmosphere of distrust will also unconsciously have a sense of trust crisis and defend themselves in the same way, which will lead to the decrease of social trust, the difficulty of solidarity among social members, and even the disintegration of social operation. Therefore, women's rights have been shown as a meaningful sign in society. Questions such as "How did women in different countries awaken?" and "what legislation protects women's rights?" can be pervasive references for direction of women's rights future development. To conduct this investigation, a comparative study between China and Europe countries could show the various places' levels of protection for women, stages of women's awakening development state the enhancement of self-identity and importance.

2. History of Women's Awakening Phase between European Countries and China

2.1. History of Women's Awakening Phase in European Countries

To find out the stages of women's awakening development in some countries, the comparative historical context between China and some Europe countries should take place. Throughout the first part of the nineteenth century, both men and women were mostly responsible for advancing feminist ideas; the first feminist groups in Europe didn't begin to take off until the middle of the century [2]. Nevertheless, in the 1970s and 1980s, the feminist groups underwent a new and significant turning point as they started to advocate for women's independence on both the material and cultural levels. These movements largely fought for women's rights to an education and the freedom to pursue their passions, especially through participation in the workforce and public affairs. For women's awakening stage in Europe, the crucial historical events could be concluded as the change in the suffrage movement, feminism, and women in the workforce. Firstly, in Europe, The women's suffrage movement began in the late 19th and early 20th centuries. It protected women's right to vote and expanded to address the contentious nature of discussions about women and their role in society [3]. The advancement of democracy was inexorably connected to the advancement of women. Then, more suffragists from younger generations associated the feminist movement with the idea of possessing the most progressive political influence in society. People started to value the rights of women, such as the right to own property, receive a quality education, and work outside the home individually. Therefore, between the late 1960s and the early 1970s in Europe, feminism gained motivation. They concentrated on issues such as reproductive rights, comparable pay for equivalent labor, and eliminating gender-based violence. Some feminist organizations also identified some concerns that go beyond the emancipation of women in terms of voting rights, such as the freedom of women's sexuality, their independence in the workplace, and their release from domestic duties [3]. Noticeable events in French were that in August 1970, twelve French feminists paid respect to the soldier's widow, who was "more unknown than the nameless man," by placing flowers at the foot of the Arc de Triomphe. An organization for women's emancipation called the Mouvement pour la libération des Femmes (MLF) was established. In April 1971, the journal *Nouvel Observateur* published the "Manifeste des 343 salopes" (Manifest of 343 Sluts), which sought unrestricted access to abortion and contraception and had the courage to declare, "I had an abortion." A few weeks later, German women started the public relations campaign "Wir haben abgetrieben" (We had abortions)

in the FRG, in the widely read media. These women included the journalist Carola Stern (1925-2006) and the actress Romy Schneider (1938-1982) [2]. At the same time in the 20th century, the women's awakening phase developed to win workplace where men and women are treated equally.. Women began to enter the workforce in large numbers, putting the brakes on conventional gender norms and promoting greater gender equality. In Britain, a former national union organizer, Wilma Meikle, advocated for releasing women from the constraints of home life so they may compete with men for jobs in an equal manner [3]. More and more perspectives collided with women's rights issues. Even during WWI, the debate among feminists continued. These worldwide mobilizations led to the UN declaring 1975 the "Year of the Woman," and the Convention on the Elimination of All Forms of Discrimination Against Women was passed in 1979 as a result [2]. These phenomena at that time could prove that women started to awaken and think about who, and where they should be in society. In conclusion, the developed stages in Europe were mostly through large women's awakening movements, in which women stood up and fought for their rights.

2.2. History of Women's Awakening Phase in China

Following the historical stages of women's awaking in China, the most influential movement also began in the 20th century. They are The May 4th Movement of 1919 and China's Reform and Opening-Up Policy. The May 4th Movement of 1919 was more than an ideological movement, it was also a "social reform" movement, that affected the later "student tide" existence to a great extent [4]. Some statistics showed the number of student tide in single-sex schools for women increased dramatically after 1919, about 91% of the total [4]. It mainly came from students' subjectivity, less affected by the political parties; But for female students, the school innovation and external political and social reform constitute the dual goal of them. At that time in China, women's education no matter of education objectives, curriculum or teaching funds, etc., has a considerable gap with men. Although the republic of China (1912-1949) advocates the idea of equality of men's and women's education. However, it was not shown on the education target which not particularly advocated women's pursuit of knowledge. In the aspect of teaching content, but also requires lower than men, just want to make women only be normal people for a family contribution instead of elites [4]. After the May 4th Movement of 1919, many female students who learn the latest perspectives at the moment fought for equality between males and females. The evidence is that the girls' schools in Beijing and Tianjin joined more than 500 girls in petitioning the Ministry of Education to "improve the curriculum of girls' middle school and unify it with boys' middle school". "Set up girls' study institution to make secondary school students eligible for direct admission to universities"; "Equal distribution of funds for girls' schools and boys' schools"; The four requirements of "The quota of overseas students' official fees shall be equally divided between men and women" in 1920 [4]. These four conditions female students made for the equalities could show the huge impact of the May 4th Movement of 1919, women were particularly vocal during the movement, demanding equal rights to men in education and society, improving the phase of women's awakening. Then, with China's Reform and Opening-Up Policy, the question of female development has gradually become the focus of national, social, and public concern [5]. The People's Republic of China Law on the Protection of Women's Rights and Interests was approved by the Fifth session of the Seventh National People's Congress on April 3, 1992. The law was the first of its kind in Chinese history to fully safeguard the rights and interests of women. Since then, China's protection of women's rights and interests has started down the path of legalization and standardization, gradually forming a legal and regulatory system based on the Constitution with the Law on the Protection of Women's Rights and Interests as its main body. This is significant because it fosters a social climate of respect for women, their safety, and gender equality [6]. According to data, several analysts discovered that the proportion of female representatives in the National People's Congress has changed and risen since the reform and opening

up [5]. In instance, 742 female parliamentarians, or 24% of the total number of deputies, attended the 13th National People's Congress in February 2018. 9%, a new high and a gain of 3.7 points from the early stages of reform and opening up. In addition, the 13th Chinese People's Political Consultative Conference had 440 women members, making up 20.39 percent of all members, surpassing 20 percent for the first time, and representing an increase of 5.89 percentage points from the early period of reform and opening-up [5]. This demonstrates that China's fundamental state policy of gender equality has been more fully put into practice, and that women's rights to take part in public discourse and the management of state affairs have been more safeguarded [5]. Several Chinese women's NGOs have developed and steadily become stronger, and their internal organizations have matured since the reform and opening up, particularly with the Fourth World Congress on Women held in China [5]. Since the 18th National Congress of the Communist Party of China, they have been working continuously to adapt to China's particular national conditions and the real development as well as the overall growth of Chinese NGOs. The All-China Women's Federation is the cornerstone of women's groups. At all levels, women's federations are crucial in defending and maintaining the rights and interests of women. At the same time, women's economic status comprehensively increased. According to figures published by the International Labour Organization, the labor activity participation rate of Chinese women in 2018 was 60.9% and ranked first place in the world, far higher than 48.5% of the international average water level [5]. At the same time, the gap between the male and female labor force participation rate in China narrowed to 14.8 points, lower than the international average of 26.6 points. With the advancement of reform and opening, women accounted for nearly half of the workers in the labor force, and young women in rural villages were the main ones. Reform and opening provided unprecedented opportunities for female participation and labor force development [5]. In conclusion, these circumstances could prove that China's women's awakening was through movements and the government's advocacy.

Overall, the 20th century saw the beginning of the women's awakening movement, which peaked in both China and Europe. Women started to find their value and position in society and intended to gain more equality and fairness in more aspects. Awakening themselves does not differ from men or any other human beings, asking for their deserved rights. As time passed by, the form of Feminism became more and more clarified, and the following legislation started to pay attention to the way of protecting women's rights. However, unfair treatment still exists in some backward areas, less influenced by those movements and legislations, women should keep their pave on developing equality to achieve comprehensive women's rights protection.

3. Legislation on the Protection of Women's Rights in China and European Countries

3.1. Legislation on the Protection of Women's Rights in China

Women's equality rights were expressly recognized by law after the founding of the People's Republic of China. In the communist system, Chinese women are better off because they have access to political, economic, cultural education, and social rights in between the old and new social systems of the alternate nights. The fight for Chinese women's emancipation has made great progress, and the PRC Constitution now guarantees gender equality in all spheres of life, including work, education, and political participation. Consequently, by including women's political, economic, cultural, educational, social security, and property rights in the Law on the Protection of Women's Rights and Interests, the attainment of women's legal rights and interests is secured [6]. The State Council considers the Framework for the Development of Chinese Women to be a crucial indicator for social planning and the growth of the country's economy. On April 3, 1992, the Fifth Session of the Seventh National People's Congress enacted the People's Republic of China's Law on the Protection of Women's Rights and Interests. Further amendments were made on August 28, 2005, October 26,

2018, and October 30, 2022 [7]. This law comprehensively defends the rights of women and is intended to eliminate gender discrimination in employment, clarify the specific circumstances of gender discrimination in employment, and bring gender discrimination in employment into the scope of labor security supervision. At the same time, maternity protection is strengthened by requiring the state to create and improve the maternity leave system for workers, clarifying the maternity protection obligations of employers for female employees, and requiring employers not to disqualify female employees from promotions, evaluations, and employment of professional and technical titles and positions as a result of union, pregnancy, maternity leave, breastfeeding, and other situations. The report of the 18th National Congress of the Communist Party of China in 2012 placed yet another emphasis on “maintaining the core state policy of gender equality and defending the legitimate rights and interests of women and children” [6]. The People’s Republic of China’s Anti-Domestic Violence Law, which was passed at the end of 2015, provides official legal support for the defense of women’s rights in the framework of the family. Labor Law and Employment Promotion Law set on July 5, 1994, and August 30, 2007, forbid discrimination against women in the workplace, guarantee equal pay for equal effort, and give pregnant workers maternity leave and other benefits [8]. This demonstrates the Party’s and the government’s steadfast stance on the question of gender equality as well as their commitment to advancing its fulfillment.

3.2. Legislation on the Protection of Women’s Rights in European Countries

Similar to China, the European Convention on Human Rights guarantees gender equality and forbids gender-based discrimination. Women’s rights are safeguarded from discrimination by the Basic Rights Charter of the European Union. The European Commission is committed to doing all in its power to prevent gender-based violence, support and protect victims, and hold perpetrators accountable, as evidenced by the EU Gender Equality Strategy 2020-2025. A comprehensive action plan for ending domestic violence and gender-based violence against women is the Gender Equality Strategy [7]. Specifically, Europe countries enacted the European Union Gender Equality Law, which concentrated on gender equality in the labor market, equal pay, decision-making, and gender-based violence [9]. The popular Istanbul Convention, signed by 45 European countries, shows that the state must put an end to all types of violence against women; advance gender equality; look into reports of such violence; and bring charges against those who commit such acts. ensuring that victims can seek recompense from the offender and that, if necessary, the latter must provide adequate compensation on its behalf; Access to and knowledge of support services, such as 24-hour hotlines, rape crisis centers, counseling, and shelters, should be made available to those who experience violence; To support those who experience violence and keep them safe from additional violence, the state must ensure that all relevant agencies, civil society organizations, and other stakeholders work together in a coordinated manner; Law enforcement and justice system personnel should receive training on victims’ rights and how to stop further harm in order to respond to calls for assistance and control potentially dangerous situations. In order to create a culture of zero tolerance, civil society is crucial in raising awareness, helping to change attitudes, and providing essential services to those who experience violence [10]. Then, in 2011, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was adopted. This convention demands that all forms of violence against women be made illegal and offers a more comprehensive perspective on how to protect women from all forms of violence [11].

Both China and Europe countries enacted women’s rights protection laws gradually, women’s rights could be protected more in all forms of violence including physical, emotional, and sexual abuse, also their rights in all situations. The forms of equality between men and women became more and more clear, no rights between them should be more important than the other in gender equality. Therefore, all human rights could be protected as people keep developing, find mistakes in society,

and people should solve these problems with a wider view of the interpretation of the needs of others' rights.

4. The Impact and Future Development of Women's Right Legislations

Significant effects result from constitutional protection of women's rights. It contributes to fostering a climate in which women are treated equally and have full participation in society. If their rights are violated, it also makes sure that women have access to support services and the court system. In many areas of life, such as education, healthcare, and work, it supports gender equality and gender mainstreaming. In the end, a more just, equal, and inclusive society is facilitated by the constitutional protection of women's rights. For suggestions for the future development of both China and Europe policies, they should be strengthened to offer women more protection and assistance in more comprehensive aspects. At the same time, public organizations, authorities, etc should educate and enlighten people about women's rights. Raising public awareness of all people's equality, diminishing discrimination in all forms, and providing easier access to protect people themselves such as decreasing the barrier of legal support or other services.

5. Conclusion

This comparative study is under the background that the debate about women's rights and gender violence raised since the attack in Tangshan. This led to the investigation of the history of women's awakening stages in China and Europe countries, and the legislation settled in both to protect women's rights. The finding of the study is that the 20th century saw the beginning of the women's awakening movement, which reached its height in both China and Europe. Women have begun to recognize their worth and place in society and have vowed to achieve more equality and fairness in all spheres. Self-awareness is no different from men or any other human beings demanding their due rights. The definition of feminism evolved, and subsequent laws began to pay attention to the best means of defending women's rights. China's women's awakening is mostly through group movements and government advocations, while Europe countries are mostly by large women awakening movements. As people are more educated and discover flaws in society, further and better solutions for balancing rights between people no matter if they are minority or majority should take place. Not only women's rights but more equality for all human beings is wished to see in the future. This study could be used to do further research and investigation between China and European countries on the topic of women's rights. Providing more information about Chinese protect-women legislation, filling the missing gap and history in the international websites.

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