



The LAT analyses national legal frameworks across 30 legal indicators to provide prompt, targeted and effective policy support to Member Countries to achieve gender-equitable land tenure. The list of indicators below reflect to what extent a country has incorporated the indicator in their national legal framework. The results are shown in different colour ranges on a scale from 0 (absence of the indicator in the legal framework) to 4 (the indicator appears in multiple legal instruments).

Le LAT analyse les cadres juridiques nationaux à travers 30 indicateurs dans le but de formuler des recommandations rapides, ciblées et efficaces aux pays membres, pour des régimes fonciers équitables entre les sexes. La liste d'indicateurs reflète le stade d'un pays à l'égard de l'indicateur et son incorporation dans le cadre politique et juridique national. Les résultats sont présentés dans différentes couleurs et sur une échelle de 0 (absence de l'indicateur dans le cadre juridique) à 4 (l'indicateur a été intégré dans plusieurs instruments juridiques).

La herramienta LAT analiza el marco legal de los países a través de 30 indicadores legales con el fin de dar asesoría rápida, focalizada y oportuna a los Países Miembros de la FAO. El objetivo de este ejercicio es el de avanzar la tenencia equitativa de la tierra en cuanto al género. La lista de indicadores muestra la etapa en la que se encuentra el país en cuanto a la integración de este indicador en el marco legal nacional. Los resultados se muestran en diferentes colores y en una escala que va de 0 (ausencia del indicador en el marco legal) a 4 (el indicador está integrado en diversos instrumentos jurídicos).

China			
Key element 1: Ratification of human rights instruments		Yes/No	Basis
1	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is ratified.	Yes	N/A
2	The African Charter on Human and Peoples' Rights (ACHPR) is ratified.	N/A	N/A
3	The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is ratified.	N/A	N/A



Key element 2: Elimination of gender-based discrimination in the Constitution		Stage	Basis
4	The Constitution prohibits gender-based discrimination.	0	<i>Article 48 recognises equality between men and women but doesn't expressly prohibit gender-based discrimination</i>
5	The Constitution recognises customary law but states that gender-based discrimination in customary law is superseded by the principle of non-discrimination in the Constitution.	N/A	N/A
6	The Constitution recognises religious law but states that gender-based discrimination in religious law is superseded by the principle of non-discrimination in the Constitution.	N/A	N/A
7	The Constitution promotes the adoption of special measures for the advancement of women.	0	No provision could be located
Key element 3: Recognition of women's legal capacity		Stage	Basis
8	Men and women have the ability to conclude contracts under the same basic conditions, rights and obligations.	3	General Principles of The Civil Law of the People's Republic Of China, 1986 Articles 9, 10 and 11



Key element 4: Gender equality of rights with respect to nationality		Stage	Basis
9	Men and women are able to apply for identity documents under the same conditions.	3	Passport Law of the People's Republic of China, 2006
10	A female national can confer citizenship to her non-national spouse under the same conditions as a male national.	3	Nationality Law of the People's Republic of China, 2003 Article 7
11	Women can confer citizenship to their children under the same conditions as men.	3	Nationality Law of the People's Republic of China, 2003 Articles 4 and 5
Key element 5: Gender equality in property rights		Stage	Basis
12	The law recognises gender equality in the right to own or control property regardless of the type of marriage.	4	The Constitution, 2004 Article 48 *** The Marriage Law, 1980 Articles 2 and 13 *** General Principles of The Civil Law of the People's Republic Of China



13	The law recognises full or partial community of property as the default marital property regime.	3	The Marriage Law, 1980 Articles 17, 18 and 19
14	Spousal consent is mandatory for any transaction involving matrimonial property.	0	<i>The Marriage Law, 1980 Articles 18 recognises equal rights in the disposition of jointly possessed property but no provision on consent</i>
15	The law establishes a presumption of joint ownership of property in consensual unions.	0	No provision could be located
16	The legal framework includes special measures to guarantee women’s equal rights to land ownership and control.	0	No provision could be located
Key element 6: Gender equality in inheritance		Stage	Basis
17	The surviving spouse is granted user rights to the matrimonial house for life.	0	Law of Succession of The People's Republic of China, 2004 Article 26 But the surviving spouse retains half of the joint property acquired by the spouses in the course of their matrimonial life



18	Under the law of succession, the surviving spouse is entitled to a minimum share of matrimonial property.	4	<p>The Marriage Law, 1980 Article 18 ***</p> <p>General Principles of The Civil Law of the People's Republic Of China Article 76 ***</p> <p>Law of Succession of The People's Republic of China, 2004 Articles 10 and 26</p>
19	The law allows partners living in consensual union to inherit from each other.	0	No provision could be located
20	Brothers and sisters have an equal right to inherit.	4	<p>General Principles of The Civil Law of the People's Republic Of China Article 76 ***</p> <p>Law of Succession of The People's Republic of China, 2004 Article 9</p>
21	Brothers and sisters receive an equal share of inheritance.	3	Law of Succession of The People's Republic of China, 2004 Article 13



22	A right to compensation of other siblings giving up their claims on the family property exists.	3	Law of Succession of The People's Republic of China, 2004 Article 13
Key element 7: Gender-equitable implementation, dispute mechanisms and access to justice		Stage	Basis
23	Decentralisation of land administration services is effected through recognized customary land institutions.	N/A	N/A
24	Decentralisation of land administration services is effected through formal land institutions.	3	Property Law of the People's Republic of China, 2007 Article 10 *** A National Property Registration Authority is being set up
25	The law guarantees equality before the law.	3	The Constitution, 2004 Article 48
26	The law guarantees equal access to judicial systems and statutory or customary dispute resolution mechanisms to resolve disputes over tenure rights.	3	The Constitution, 2004 Article 48
27	The law makes provision for legal support in civil procedures.	0	Regulations on Legal Aid, 2003 only apply in criminal proceedings

28	A human rights commission or gender-specific institution is in place.	0	No provision could be located
Key element 8: Women's participation in national and local institutions enforcing land legislation		Stage	Basis
29	The law sets quotas for the appointment of women in land management and administration committees.	0	No provision could be located
30	The law sets quotas for the appointment of women in land dispute resolution committees.	0	No provision could be located