

# An In-depth Exploration of the Protection of Childbearing Rights for Single Women in China

Wanling Gao

Zhongshan Huachen Experimental Secondary School, Guangdong, 528447, China

13415430598@163.com

**Abstract.** With social progress and evolving perceptions, the childbearing rights of single women have increasingly become a topic of concern. Traditionally, childbirth has been regarded as an inevitable outcome of marriage and family life. However, in modern society, an increasing number of single women choose to bear children independently, pursuing their own life values. Currently, China has developed human-assisted reproductive technologies to a high level, and the feasibility of single women's reproductive rights is no longer an issue. By granting single women childbearing rights at the regulatory level and imposing appropriate restrictions on related technologies, it is possible to actively address the difficulties and obstacles faced by single women in childbearing, thereby resolving disputes and safeguarding human rights more effectively. This paper explores the specific content of single women's childbearing rights, compares different legislative models abroad, analyzes the current status of single women's reproductive rights in China, and proposes corresponding improvements to provide a fairer, safer, and healthier reproductive environment for single women.

**Keywords:** Single women, childbearing rights, legislative model.

## 1. Specific Content of Single Women's Childbearing Rights

### 1.1. The Right to Reproductive Autonomy

The right to reproductive autonomy for single women, as a crucial component of this right, emphasizes that women should have the freedom to decide whether to bear children based on their own will. Different countries have different focal points regarding single women's reproductive rights. Developed countries such as the United States focus on the "right to abortion"—which restricts the freedom not to bear children. In contrast, developing countries such as China do not explicitly regulate the right not to bear children but exhibit varying viewpoints on the confirmation of single women's right to conceive. China's Law on the Protection of Women's Rights and Interests explicitly grants women the freedom to bear children [1-2]. The legislative background of this provision aims to correct historical injustices that treated women as mere reproductive tools and imposed unilateral reproductive responsibilities, ensuring that women have the right to choose not to bear children. However, other relevant laws, while affirming women's reproductive rights, limit the exercise of these rights to women within a marital relationship, thereby excluding single women and leaving their childbearing rights inadequately protected under the law.

### 1.2. The Right to Reproductive Information

In modern society, childbearing is not only a significant personal and family decision but also an issue related to social structure, population policy, and cultural values. Therefore, the right to reproductive information for single women is of great importance. It ensures that single women can access comprehensive information related to childbirth on an equal footing, forming the basis for protecting their reproductive autonomy. The right to reproductive information for single women refers to their equal right to be informed about reproductive policies and laws. Specifically, it includes the right to be informed about national fertility policies and local regulations, as well as the procedural requirements for assisted reproductive technologies; the right to be informed about the qualifications of institutions providing assisted reproductive technology services; the right to be informed about the quality of donor sperm in cases of sperm donation; the right to be informed about surgical procedures,

risks, drug choices, and related protective measures; the right to be informed about the health status of the fetus; and the right to be informed about social security during the reproductive process. Single women should also be informed that, regardless of their marital status, their children will enjoy the same legal status and social rights as those born within wedlock.

### 1.3. The Right to Choose Childbearing Methods

As reproductive rights receive increasing attention, the right to choose childbearing methods for single women means that they should have the autonomy to decide the specific manner of reproduction within the legal framework. Unlike married couples who can conceive naturally through sexual reproduction, single women face more complex choices when seeking reproductive options. They can choose traditional sexual reproduction or opt for modern assisted reproductive technologies to achieve asexual reproduction. However, due to existing regulations on assisted reproductive technologies in China, single women are currently unable to use these technologies for childbirth. As a result, many single women travel abroad to conceive or resort to sexual reproduction. Those who seek reproductive services abroad often face financial burdens, while those who conceive through sexual reproduction may encounter issues related to the disclosure of personal information and legal parentage. Ensuring the reproductive rights of single women necessitates expanding the application scope of assisted reproductive technologies, allowing them to conceive legally—an urgent issue that requires resolution.

### 1.4. The Right to Reproductive Protection

In today's social environment, the necessity of marriage is gradually declining. As the number of marriage registrations decreases, birth rates are also declining annually, indicating that restricting childbirth within marriage negatively impacts population growth. Figure 1 shows that granting childbearing rights to single women would benefit both population growth and social progress in China [3-4]. Against this backdrop, single women should enjoy the same reproductive protection as married women, ensuring that their rights are not infringed upon during childbirth. This protection would enable them to give birth safely and healthily while preserving their dignity and rights as mothers. Single women should have the right to suspend work during pregnancy and childbirth, enjoy maternity leave equal to that of married women, access state, social, and medical services, and receive the same social welfare benefits. Employers should not discriminate against single women, especially by depriving them of maternity subsidies or terminating their employment due to pregnancy. Institutions providing assisted reproductive technologies must ensure service safety for single women, comprehensively safeguard their reproductive rights, guarantee their equal rights throughout the entire reproductive process, protect their health and safety, and promote reproductive fairness in society.

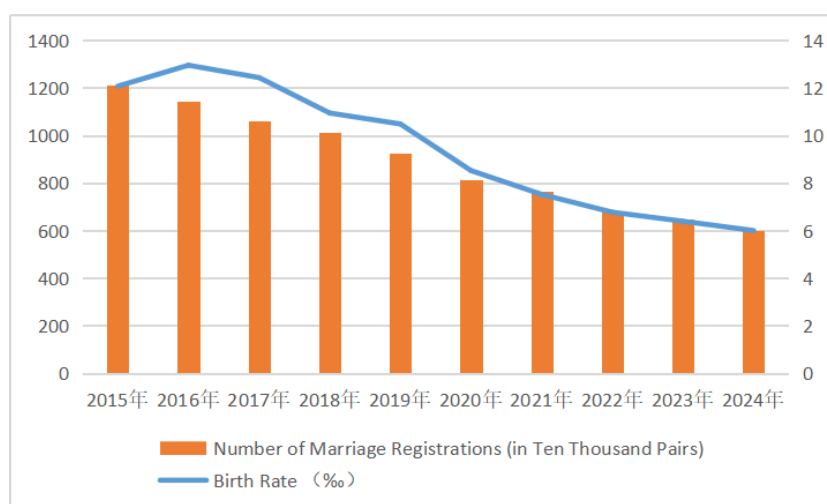


Figure 1. Changes in Birth Rate and Marriage Registration Numbers in China (2015-2021)

## **2. Legislative Models for Single Women's Childbearing Rights**

### **2.1. The Fully Inclusive Model in the United States**

As a common law country, the United States has been significantly influenced by landmark cases such as *Roe v. Wade* and *Cain v. Cain*, shaping the development of single women's reproductive rights and playing a crucial role in advancing legal protections. In 1967, a law in Oklahoma stated: "If a homologous in vitro fertilization procedure is performed by a designated physician and both spouses consent, the child conceived and born through this process shall be deemed a legitimate child." In 1973, the Uniform Parentage Act stipulated: "If a married woman undergoes artificial insemination with donor sperm under her husband's consent and the procedure is legally compliant, the child shall be considered the legitimate child of her husband, and the sperm donor shall not be recognized as the biological father." In 2000, the Uniform Parentage Act preamble further clarified that single status does not constitute a legal barrier to reproduction, granting unmarried women the same rights as married women to access assisted reproductive technologies. Over time, amendments to single women's reproductive provisions have reflected both legal and social progress.

### **2.2. The Semi-Inclusive Model in France**

The semi-inclusive model stipulates that single women must meet specific legal requirements before accessing assisted reproductive technologies. This model is exemplified in France and other countries. Provisions concerning single women's reproductive rights can be found in the French Civil Code and the Draft Bioethics Law. Analyzing these legal documents from a legislative perspective, the key aspects can be summarized as follows:

First, strict prerequisites for single women's reproduction – A single woman must cohabit with a man, and the man must formally declare his consent for the artificial reproduction procedure before a judge or notary. Only if these conditions are met can an unmarried woman undergo assisted reproductive procedures. Additionally, the man is permitted to withdraw his consent before the procedure is carried out. Second, circumstances necessitating the termination of assisted reproductive procedures – If either party dies, separates, or terminates their relationship during the process, the implementation of assisted reproductive technology must cease. Third, legal and social consequences of single motherhood – The law specifies that a single woman automatically becomes the legal mother; sperm donors cannot claim parental rights; and a man cohabiting with the single mother, although not legally married, may still be recognized as the child's father and assume guardianship responsibilities.

## **3. Recommendations for Improving the Protection of Single Women's Childbearing Rights in China**

### **3.1. Adhering to the Principle of Non-Abuse of Rights**

From a legal perspective, recognizing single women's childbearing rights is justified, but such rights are not without limitations. The principle of non-abuse means that the exercise of these rights must not infringe on others' legitimate rights or override the reproductive rights of other women. The abuse of single women's reproductive rights mainly manifests in two aspects: first, failing to comply with family planning policies, and second, selecting the sex of the child [5-6].

A single woman giving birth to one child is permissible; if she later has another child within a marriage, it would still comply with existing policies. However, some women deliberately select the gender of their child through assisted reproductive technologies, violating the principle of non-abuse, contributing to gender imbalances, and adversely affecting sustainable social development. Therefore, setting reasonable constraints on single women's reproductive rights is essential. This approach ensures that the rights of a minority of single women are safeguarded while minimizing the ethical and moral impact on traditional marriage and family structures, keeping their influence within publicly acceptable limits to maintain social stability and harmony.

### 3.2. Standardizing Departmental Regulations and Local Laws

Given that existing legal frameworks no longer align with the evolving reproductive needs of modern women, addressing legislative gaps and inconsistencies between national regulations and local laws is a pressing issue. There is an urgent need to update outdated policies on assisted reproductive technologies to ensure the effective protection of single women's reproductive rights.

At the level of departmental regulations, current restrictions prohibiting single women from accessing assisted reproductive technologies should be repealed. Additionally, specific provisions should be introduced to regulate single women's use of these technologies within defined limits. In terms of local legislation, most provincial laws in China currently do not recognize single women's reproductive rights, requiring marriage as a prerequisite for childbirth, which restricts their rights. An exception is the province of Jilin, which has adopted a relatively lenient stance toward single women using assisted reproductive technologies. This approach provides valuable insights for strengthening single women's reproductive rights.

By comparing Jilin's policies with those of other provinces, it is evident that while there are legislative deficiencies, the rationale behind granting single women reproductive rights is justifiable. To ensure the realization of these rights, local legislation should be aligned with the Constitution and should incorporate best practices from Jilin's laws, explicitly granting single women equal reproductive rights as married women.

### 3.3. Enhancing a Diversified Regulatory System for Assisted Reproductive Technologies

Protecting single women's reproductive rights does not mean encouraging single-parent childbirth but rather respecting diverse social values and establishing a legal framework that provides them with multiple options for having children. It is crucial to eliminate barriers to exercising their reproductive rights and ensure that single women can enjoy these rights without discrimination.

**Table 1.** Methods for Improving the Diversified Regulatory System for Assisted Reproductive Technologies

Methods	Specific Content
Establish standardized accreditation criteria for medical institutions	Clearly define specific admission criteria, including medical institutions' equipment, technology, and personnel qualifications, to ensure the professionalism and safety of reproductive technology providers.
Strengthen legal awareness in medical institutions	Enhance medical institutions' understanding and compliance with laws and regulations related to assisted reproductive technologies through training and awareness campaigns, ensuring standardized implementation.
Establish an oocyte bank based on the sperm bank system	Establish and improve a regulated oocyte bank under a standardized egg-freezing process, implementing strict and unified management measures.
Implement a unified management system for oocytes	Assign unique identification numbers, storage, management, and tracking for frozen oocytes to ensure their quality and safety. Additionally, protect personal privacy and informed consent, preventing the leakage of oocyte-related information.

A well-regulated system for assisted reproductive technologies must be established to prevent misuse and ensure the protection of human rights. Table 1 outlines methods for improving the diversified regulatory system for assisted reproductive technologies. First, standardizing medical institution accreditation – A clear set of criteria must be established to regulate the licensing and oversight of institutions authorized to perform assisted reproductive procedures, ensuring that service providers meet rigorous professional and ethical standards. Second, enhancing legal awareness among medical institutions – Strengthening the legal framework governing assisted reproductive technologies is essential to ensure compliance, ethical practice, and patient safety [7-8]. Third,

implementing a regulated oocyte freezing system – Drawing from international experience and existing sperm bank models, a standardized framework should be developed to regulate egg freezing for single women. The system must incorporate strict guidelines to protect personal privacy, ensure informed consent, and prevent the commercialization of frozen eggs. Effective measures must also be taken to combat the black market for eggs and illegal surrogacy, preventing the formation of an underground reproductive industry [9].

#### 4. Conclusion

In summary, ensuring the reproductive rights of single women is a complex yet crucial issue requiring both legal reforms and broader societal support. Recognizing single women's childbearing rights in legal terms not only fosters research on emerging rights in China but also provides a solid legal foundation for protecting women's rights, resolving related disputes, and promoting judicial fairness [10-11].

As population policies evolve—from strict birth control measures to the recent relaxation of childbirth policies—the shifting landscape reflects the changing needs of society. Although there is currently no well-established social perception or environment in China for single women giving birth, protecting their reproductive rights is both a human rights issue and a means of fostering social progress. Aligning legislation and policy adjustments with contemporary trends is the most effective approach to achieving comprehensive protection of reproductive rights.

#### References

- [1] Guo, L., and Y. Dong. 2021. "Childcare Services for Infants and Toddlers 0–3 Years Old: International Comparison and Chinese Choice." *Journal of the Party School of the Central Committee of the CPC (Chinese Academy of Governance)* 5: 109–118. [Chinese] <https://doi.org/10.14119/j.cnki.zgxb.20210804.001>.
- [2] Hardee-Cleaveland, Karen, and Judith Banister. 1988. "Fertility Policy and Implementation in China, 1986–88." *Population and Development Review* 14 (2): 245–286. <https://doi.org/10.2307/1973572>.
- [3] Dou, Guoqin, Guangxia Li, Yunyun Yuan, Bin Liu, and Lifeng Yang. 2022. "Structural Dimension Exploration and Measurement Scale Development of Employee Involvement in China's Workplace Field." *International Journal of Environmental Research and Public Health* 19 (21): 14454. <https://doi.org/10.3390/ijerph192114454>.
- [4] Bhatia, Vijay K. 1997. "The Power and Politics of Genre." *World Englishes* 16 (3): 359–371.
- [5] An, Mi Young, and Ito Peng. 2016. "Diverging Paths? A Comparative Look at Childcare Policies in Japan, South Korea and Taiwan." *Social Policy & Administration* 50 (5): 540–558. <https://doi.org/10.1111/spol.12128>.
- [6] Han, Yuting, Yao He, Jun Lyu, Canqing Yu, Mingze Bian, and Liming Lee. 2020. "Aging in China: Perspectives on Public Health." *Global Health Journal* 4 (1): 11–17. <https://doi.org/10.1016/j.glohj.2020.01.002>.
- [7] Black, Maureen M., Susan P. Walker, Lia C.H. Fernald, Christopher T. Andersen, Ann M. DiGirolamo, Chunling Lu, Dana C. McCoy, et al. 2017. "Early Childhood Development Coming of Age: Science Through the Life Course." *The Lancet* 389 (10064): 77–90. [https://doi.org/10.1016/S0140-6736\(16\)31389-7](https://doi.org/10.1016/S0140-6736(16)31389-7).
- [8] Gray, Edith, Anna Reimondos, Ester Lazzari, Robert Breunig, Ralf Steinhauser, Jacquelyn Zhang, Nicholas Biddle, and Matthew Gray. 2022. *Impacts on Policies on Fertility Rates*. Commissioned report. Canberra: Australian National University. <https://researchprofiles.anu.edu.au/en/publications/impacts-on-policies-on-fertility-rates>.
- [9] Bai, Chen, and Xiaoyan Lei. 2020. "New Trends in Population Aging and Challenges for China's Sustainable Development." *China Economic Journal* 13 (1): 3–23. <https://doi.org/10.1080/17538963.2019.1700608>.

- [10] Nishioka, Susumu. 2018. "Privatization of Childcare Service in Japan: Analysing Gradual Policy Changes Since the 1990s." *Journal of Asian Public Policy* 11 (3): 285–298. <https://doi.org/10.1080/17516234.2017.1334847>.
- [11] Aidukaite, Jolanta, Steven Saxonberg, Dorota Szelewa, and Dorottya Szikra. 2021. "Social Policy in the Face of a Global Pandemic: Policy Responses to the COVID-19 Crisis in Central and Eastern Europe." *Social Policy & Administration* 55 (2): 358–373. <https://doi.org/10.1111/spol.12704>.