



Focus on Unequal Treatment of Single Mothers in China

December 2021 Report



Table of Contents

- 1. Aim of the report**
- 2. Country profile of the People's Republic of China**
- 3. Case studies of single mothers**
 - 3.1. Zou Xiaoqi
 - 3.2. Zhang Jiajia
- 4. Official regulations**
- 5. Controversy of the fight for population growth**
- 6. Conclusion/Suggestions**
- 7. Sources**

Aim of the report



Source : Colin Gleeson

With the all-time low birth rates in China, the central government is now trying to encourage couples to have more children. With the new waiver on family planning restrictions (which previously allowed families to only have one child), the government now provides various incentives to motivate Chinese people to extend their families.¹ Despite the new positive changes in the policies regarding the number of children allowed per family, there is a significantly abandoned group - single mothers.

This report aims to take a closer look at the situation of single mothers in China. Apart from providing information on the general situation of family planning in China, the following sections will discuss the recent changes in the policy. Moreover, it will provide two high-profile cases of single mothers in China who have been denied child-caring benefits. The focus will be on how their situation contrasts with the conventional families (mothers with husbands).

At the end of the report, possible suggestions will be made to improve the situation of single mothers and the means to do so.

1. Central Committee of the Communist Party and State Council (26 June 2021).

Country Profile of the People's Republic of China

The People's Republic of China (PRC) is a sovereign state located in East Asia, bordering the East China Sea, the Korea Bay, the Yellow Sea, and the South China Sea.² China's capital city is Beijing, while the largest city is Shanghai. The population of China is 1,408.09,³ of which 91.5% are Han people, and the remaining 8.5% are ethnic minorities such as Zhuang, Manchu, Uyghur, Hui, Miao, Yi, Tujia, Mongols, and Tibetans.⁴ The official language of China is Mandarin, and other spoken languages include Wu (Shanghainese dialect), Yue (Cantonese), Min (Minnan, Mindong, and others), Xiang, Gan, Hakka, and various Mandarin dialects, and Patua (a Portuguese creole).⁵

The Chinese Communist Party (CCP) has been in power for more than seven decades since 1949. Under the leadership of the then party chairman Mao Zedong, China became a communist country.⁶ Since the revolution of 1949 in China, the government has attempted to raise the status of Chinese women through various means. For example, the government made it possible for women to enter the workforce and the political arena, also to access education. Official statistics show that the situation of women has improved significantly since 1949.⁷

2. "China", One World Nations Online, 2021. Available online at <https://www.nationsonline.org/oneworld/china.htm>.

3. Textor (2021, October 20).

4. Lawrence & Martin (2012).

5. Huo (2020).

6. Lawrence & Martin, *supra* note 4.

7. Yang (2019).

Case studies of single mothers



Source: Xinhuanet.

According to the state legislations, there are no specific regulations prohibiting single women from having children.⁸ Despite that, many single mothers struggle to get equal treatment regarding benefits and financial support from the government. If single mothers were looked down upon some decades ago, nowadays in China, having children outside of marriage is no longer regarded as sinful by society. There are various situations where women decide to stay as single parents: abusive partners, unexpected pregnancies, bailed fathers, and many other unpredictable situations. However, unmarried women still face many obstacles that prevent them from enjoying parenting experience as married couples do. This section will discuss recent case studies of two single mothers - Zou Xiaoqi and Zhang Jijia. They shared their experiences of unjust discrimination and their desire to fight for equality in parenthood.

Zou Xiaoqi

After giving birth to her son, just like many other single mothers in the country, Zou Xiaoqi, a finance specialist, had been denied parental compensation by the local state services. The Chinese single mother decided to fight this injustice and, in 2017, took the case to court. She became the first Chinese single mother to sue the local authorities in Shanghai for unfair treatment. Specifically, for the fact that unmarried mothers do not get maternal benefits, as married women do. Despite losing all her cases in the past four years, she, together with other single mother-activists, wants to continue to fight for equal rights when it comes to raising children.⁹

8. Wang (31 May 2021).

9. Ibid.



Zou Xiaoqi with her son at the seaside.
Source: Xiaoqi via AssociatedPress

Before giving birth, she broke up with her boyfriend and decided to rear a child independently. As the woman explains, the money is not what she is seeking. She wanted to achieve equality for all the women in the country. As she told the New York Times: “This is about the right to choose [...]. [Now] you can either get married or have an abortion. Why not give people the right of a third choice?”¹⁰

Such a big gap between being a 'traditional' family and parents without legally confined partners creates deep-rooted stigmas of how a family should look like, without giving any possibility for an equal system that would help all women despite their marital status.¹¹

There was a brief moment of hope for Ms Zou and other single mothers earlier this year. After battling for maternity leave and other social benefits entitled to married mothers for prenatal and postnatal check-ups and other medical services, the Shanghai authorities seemingly loosened up the restrictions and Zou Xiaoqi received the reimbursement.¹² This was possible due to a new digital approach of the local administration of providing the payments. In the local authorities' application, women no longer had to provide an official marital statement.¹³ They only had to click the option stating that they do not violate the Chinese law on family planning, and after that, a woman could get a money transfer. However, a few weeks later, the system was changed, and single mothers were again cut out from receiving social support. Regardless of that, due to the ambiguity of the system, those who did get the payment whilst it was still possible are not sure whether they would have to return the money.¹⁴

10. Ibid.

11. Ibid.

12. The Economist (4 December 2021), Single Mums in China Want the Same Treatment as Married Ones. Available online at <https://www.economist.com/china/2021/12/04/single-mums-in-china-want-the-same-treatment-as-married-ones>.

13. Chen (1 September 2021).

14. Wang, supra note 10.

Zhang Jiajia

Another woman shared her experience about the hardships of being recognized by the authorities as a single parent. Ms Zhang (a pseudonym) says that she was flabbergasted to learn that she is not eligible to receive reimbursement for all the medical expenses and the missed workdays. When she went to the social services centre in Shanghai, the administration declined her request for money, and the reason was that she did not have a certificate of marriage.¹⁵

A similar situation happened when she wanted to enrol her son in the local kindergarten. There, the personnel asked for information about the child's father. However, since her ex-husband was abusive, the woman did not want to contact the man. Despite the abusive nature of the relationship of the child's parents, the kindergarten staff decided to turn down Zhang's son.¹⁶

Such a treatment of children with a single unmarried parent is worrisome. It creates certain attitudes among society about single parenting. It establishes dangerous situations where women would instead consider staying with abusive partners in order to ensure a stable future for their children. Although recent news on China's decision to enhance women's rights states that divorced women will soon be able to claim compensation for committing themselves to single parenting, there are no mentionings about unmarried single parents yet.¹⁷

15. The Economist, supra note 12.

16. The Economist, supra note 12.

17. Kwan (21 December 2021).

Official regulations

The Population and Family Planning Law, as well as the Marriage Law, do not contain language expressly allowing or forbidding single parents from having a child. However, the Marriage Law does guarantee equal rights for children born out of marriage.¹⁸ Nevertheless, the laws presume anyone who has a child is married.¹⁹

The officials say the family planning law does not support women giving birth out of wedlock.²⁰ Therefore the government of China makes it virtually impossible for most single women to have a child. Single women who do not have a valid “reproduction permit” from the government are denied birth certification to their children. This leads to a lack of 'hukou' – the official household registration which hinders their children from gaining admission to school or access to affordable healthcare.

Moreover, if women cannot provide a marriage certificate upon giving birth, they receive a “social maintenance fee” for violating family planning policies.²¹ According to official regulations, women who give birth out of wedlock would be fined around RMB 80,000 (approximately US\$ 13,000), or about four times the average annual income in Wuhan.²² Furthermore, that does not include the loss of unpaid benefits that married women can claim.

18. General Office of the State Council (31 December 2015).

19. Feng (6 November 2019).

20. Shanghai Star (3 January 2003).

21. BBC (2 November 2015). “China’s Two-Child Policy: Single Mothers Left Out.” Available online at <https://www.bbc.com/news/world-asia-china-34695899>.

22. Ibid.

Controversy of the fight for population growth

After decades of restricting population growth with the implementation of the one-child policy, China now is desperate for more babies.²³ China is burdened with high health and pension costs due to the rapidly ageing population. The Chinese government has introduced several measures to fight the country's declining fertility rate. In 2016, the one-child policy was replaced, and families were allowed a two-child limit. Moreover, in May 2021, the cap was raised to three children per couple. The government has also promised to improve childcare facilities and women's labour rights. In addition, some local authorities have introduced financial incentives to encourage more births. However, single mothers do not have access to these benefits and financial incentives. Whereas China's family planning policy does not ban unmarried women from having children, it does say that "the state encourages a husband and wife to have children".²⁴

Only the Guangdong province that borders Hong Kong allows unmarried women to apply for maternity insurance. In contrast, in many regions in China, women still face fines or other penalties for giving birth outside of marriage.

However, as China's birth rate has declined in recent years due to the one-child policy and a new generation of women are embracing feminist ideals, the traditional values have therefore come under increasing pressure. Thus, nowadays, a small but determined group of women calls for guaranteed maternity benefits regardless of their marital status. Moreover, unmarried women and single mothers seek a change on the national level to recognise their rights to make their own reproductive decisions.²⁵

23. The Economist (1 October 2021).

24. Huizhong (15 March 2021).

25. Vivian (31 March 2021).

Conclusion / suggestions

Experts have warned China that it has to have more children to avoid a population decline in the future. China is experiencing a labour shortage as a consequence of the one-child policy. The government of China ended the one-child policy in 2016, after which the two-children policy came into force.²⁶ Since then, China has been doing everything possible to encourage couples by providing financial support and incentives to have more than one child. However, China's ruling Communist Party has not given up control of family planning. The Communist Party has always been active in shaping families and encouraging complete and traditional families (where both parents are rearing a child).²⁷ As a result, single mothers are left out.

In order to tackle this issue, the family planning laws have to be amended, to allow single or unmarried women to have children and provide them with the same benefits and financial support as married women. Abolishing the penalties for single or unmarried women is necessary, and this will protect women's rights and the right to decide on their reproductive health. Some situations are unpredictable, thus for some women staying with their husbands or partners is not an option. In some cases, men decide not to be involved with raising a child, and as a result, the woman is no longer supported by the child's father or the State. Finally, establishing an equal system that would provide support to all mothers, despite whether or not they have a partner, will help increase the country's population size.

26. Wee (27 September 2021).

27. Emily (6 November 2019).

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