

WOMEN’S RIGHTS IN CONTEMPORARY CHINA: THE INFLUENCE OF TRADITIONAL CULTURE AND MODERN LEGAL REFORMS



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Abstract. The article below examines the complex interaction between traditional cultural norms and modern legal reforms which play a key role in shaping women’s rights in contemporary China. It argues that current condition of women’s rights cannot be understood without analyses of the complex interaction between Confusian social norms, gendered expectations which are rooted in historical familial hierarchies and the rapid modernization of China’s legal system from the beginning of 21st century. This article combines legal analysis, sociological evidence and recent case examples to present up-to-date picture of the obstacles facing Chinese women today concludes with recommendations for strengthening institutional accountability, expanding gender-sensitive legal education, and addressing cultural attitudes through public policy and community-level interventions.

Key words: China, gender equality, Confusian culture, legal reform, LRPIW 2023, employment discrimination, family roles, modernization.

The People’s Republic of China has an official system specially created to help women and protect their rights. This includes leadership from Party committees, government responsibility as well as checks by the National People’s Congress (NPC) which even has a special committee for women’s rights. The country’s Constitution also promises to train and select female leaders. This structure suggests a strong, formal commitment to gender equality. However, the reality is

contradictory. When China moved towards a market economy, the government paid less attention to full gender fairness. This allowed China's old, male-dominated traditions which are largely based on Confucian ideas to become powerful again. This return to tradition has caused a clear and large difference between the government's positive claims about women's rights and the difficult lives women actually lead every day. This article will look closely at the very important 2023 amendment to the Law on the Protection of Women's Rights and Interests (LPRWRI). We will examine whether this new and modernized law is strong enough to beat the resistance caused by deep-seated cultural norms and ongoing systemic unfairness.

The gap between what the law promises and what women actually live through is real and can be measured in politics, economics and society. The clearest sign of male-dominated tradition returning is the lack of women in the highest political positions. Even though there are long-standing goals to promote women in politics, the 20th Party Congress in 2022 did not promote any Chinese women to the Politburo. This broke a 20-year custom and shows a significant step backward in ensuring women have a voice in the country's most important decisions¹. When women are excluded from the top, it becomes harder to enforce gender policies everywhere else.

When it comes to economical sphere, Chinese women are now better educated than men. As of 2022, 55.9 percent of working women had a bachelor's degree or higher, which is much higher than the 33.6 percent for men. However, this high level of education does not lead to equal pay. The gender pay gap continues: in 2023, the average monthly salary for women was 8,689 yuan, while for men it was 9,942 yuan, a large difference of 1,253 yuan. This reflects how disadvantaged working women, especially mothers are. Hiring practices also show clear bias: 60 percent of Chinese women are asked about their marriage and childbearing plans when applying for jobs, compared to only 32.3 percent of men². This proves that companies discriminate based on a woman's potential family role.

When it comes to family and property, rural women are often treated unfairly regarding land ownership, particularly after getting married, divorced or becoming widowed. This shows how local customs often completely ignore national laws which blocks women's fundamental economic rights. Lastly, laws against violence are often not enforced. Domestic violence is a serious issue, but society often views

¹ <https://orcasia.org/article/176/women-in-chinese-politics-after-the-20th-party-congress> WOMEN IN CHINESE POLITICS AFTER THE 20TH PARTY CONGRESS

² <https://www.henley.ac.uk/news/2023/the-world-of-work-for-women-in-china> The World of Work for Women in China

it as a "personal, private matter" , which leads to victims not reporting it and police not acting. Authorities frequently fail to gather necessary evidence for prosecution, such as police or hospital records and the law itself often treats domestic violence as a civil matter, reducing the seriousness of the state's response.

These inequalities come from several deep-seated problems. The main cause is the long-lasting influence of traditional culture, especially the Confucian idea that men are superior and women are inferior, which strongly shapes how power and roles are divided in families. This cultural belief creates a strict division of responsibilities: women are given the main job of taking care of the family and raising children, while men are expected to be the family's financial backbone and society's leaders. This division directly holds back women's careers and their ability to become financially independent. Adding to this problem is the government's approach to population decline. The shift from the Two-Child to the Three-Child Policy was actually introduced to encourage births, but it has often ended up limiting women's choices and independence. Policies promoting childbirth have sometimes presented women's reproductive roles as a "necessary sacrifice" for the country's development goals. This top-down view reaffirms a traditional, male-dominated system that puts national needs before a woman's individual human rights which directly worsens the gender bias already found in hiring. Finally, at the local level, the biggest reason women lose their property rights is simply that local, customary social relations are seen as more important than national law, causing local custom to override legal guarantees of equality.

However, no doubt, we need to mention that already many initiatives are being taken by the government to tackle these abovementioned problems. To address the failure of old laws, the Chinese government significantly updated the Law on the Protection of Women's Rights and Interests, which started working on January 1, 2023. This was the most complete change to the law in 30 years and covers all basic areas of women's lives such as work, marriage, property, and health. In the workplace, the new law makes rules for gender equality much stronger. It clearly bans employers from specific unfair practices during hiring, such as running pregnancy tests, and prohibits cutting a woman's pay or limiting her promotion because she is married, pregnant or on maternity leave. These changes turn vague ideas of equality into specific rules that can be enforced. To make sure companies obey, the law sets clear fines: employers who fail to follow the rules and refuse to fix the problem can be fined between RMB 10,000 and RMB 50,000. Enforcement is now also the job of Social Security departments, Trade Unions, and Women's

Federations³ and checking for gender discrimination is now part of regular labor inspections. The most important new step to help victims is the introduction of public interest lawsuits. This allows China's state prosecutors to file lawsuits against companies that do not take steps to stop sexual harassment. This is a major change because it protects individual victims from fear of revenge by making the government take the legal risk. However, the biggest difficulty remains: turning these detailed written laws into real changes in how people and institutions act across the country.

For China to truly achieve gender equality, the government must show a strong, central commitment that actively fights old cultural norms. The 2023 law is a good start, but it must be followed by action. The first recommendation is that the government should adopt mandatory quotas, as suggested by the UN Committee⁴, to quickly increase the number of women in top government, legal, and political roles. Second, to make the new law effective, the national justice system must order local prosecutors to aggressively file public interest lawsuits against large companies that discriminate. This will set powerful legal examples. Third, structural reforms are needed to protect rural property rights. Laws must be changed so that women's land contracts, whether before or during marriage are officially recognized as joint property. This protects them when they are most vulnerable, such as during divorce or widowhood. Fourth, severe domestic violence must be clearly defined as a criminal offense not just a private problem. Police need mandatory, standard rules for immediate response and evidence collection everywhere. Finally, the government must fully protect independent organizations that focus on women's rights by removing restrictions and ensuring activists are safe from harassment by officials. Real change depends on accountability that travels from the highest levels of power down to local enforcement which guarantees that the 2023 legal update becomes a real force, not just a promise on paper.

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³ <https://www.dlapiper.com/en/insights/publications/2023/02/china-revamps-law-on-discrimination-and-harassment-against-women> China Revamps Law on Discrimination and Harassment Against Women

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