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The Issue of Women's Right to Ovumin in Today's China

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Abstract: In recent years, China has implemented the policy of "three births" to cope with the aging population and low fertility rate. However, since the implementation of the policy, the fertility rate has not significantly increased. Meanwhile, statistics show that the proportion of couples with fertility disorders in China is 10%-15%, of which 20% need the help of artificial reproductive technology. There are two main choices to solve the problem of fertility disorder: egg freezing and donation. This paper asks whether women have the right to use their ovum and how the public view freezing/donating ovum in China. The paper is based upon the information collected from the media. By analyzing the attitude of the society towards the right to use women's ovum, the paper discusses women's body autonomy. By doing so, the study aims to draw public attention to the protection of women's reproductive rights and enhance the public consciousness of women rights in China.

Keywords: egg freezing, egg donating, reproductive technology, fertility rate

1. Introduction

In recent years, China has implemented the policy of "three births" to cope with the aging population and low fertility rate. However, since the implementation of the policy, the fertility rate has not significantly increased. The public media has pointed the finger at women who are most related to childbirth, but neglected the policy, economy, family and other issues that actually play a role in the decrease of birth rates. In fact, many women want to have children. Especially when the technology in oocyte cryopreservation is more and more mature, it benefits many infertile women to have their own children. Instead, the questions are whether women have the right to use their ovum and how the public view freezing/donating ovum? As the main platform for the public to present their viewpoint, information on social media can reflect public opinions and attitudes to a certain extent. This paper is based upon the information collected from social media. By analyzing public attitudes towards the right to use women's ovum, the paper discusses women's autonomy of their bodies. By doing so, the study aims to draw public attention to the protection of women's reproductive rights and enhance the public consciousness of women rights in China.

2. Women's Rights to Ovum in China

Statistics show that the proportion of couples with fertility disorders in China is 10%-15%, of which 20% need the help of artificial reproductive technology. There are two main choices to solve the problem of fertility disorder. The first is to freeze the ovum. The best childbearing age for women is between 25 and 29 years old. However, with the increase of age, the number of the ovum gradually decreases, and the women's ovarian function gradually declines. The infertility rate is 33% after the

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age of 35, 50% after the age of 40, and women after the age of 45 hardly ovulate. Some women do not choose to give birth at the right age, but not at the right time, so the deterioration of reproductive function brought by age brings them huge pressure. In addition, because nowadays people's lifestyle and habits have changed, the rate of female infertility is still increasing year by year. Therefore, oocyte cryopreservation technology has brought benefits to help women preserve healthy ovum and realize their fertility desire in their later age.

The second is egg donation. The ovum banks are often in short supply. Ovum donation has become an increasing need. According to the reply letter about cooling and donating the ovum, "to establish and improve the legal ways of ovum donation and rough ways, the National Health and Health Commission has initiated the revision of the relevant management measures, basic standards and technical specifications of assisted reproductive technology" [1]. The health Bureau and other departments have high requirements for donated ovum, which require donors to have good living habits. This also aims to ensure the safety and health of ovum, which also realizes the dream of ordinary families to raise children.

However, such auxiliary technology also faces great risks and limitations. For example, women may fall into the trap of the illegal industries and trading with them [2]; Women have to deal with the ethical conflicts too, because when one party of the marriage cannot accept it, the marriage life is likely to have disputes [3]; Cooling and donating the ovum is based on the premise that the allowance of the country. The state policies nevertheless impose restrictions on these practices…The rest of the paper will further discuss these situations.

3. Analysis

3.1. Status of the Right to Use Ovum

The difficulty of oocyte cryopreservation lies in its low survival rate. According to the data given by American Society of Reproductive Medicine and Society of Assisted Reproductive Technology in 2012, the success rate of oocyte cryopreservation's recovery and successful awakening is about 90%~97%, and success rate of sperm-ovum combination after resuscitation is about 71%~79%. The success rate of frozen ovum transplanted into the uterus after fertilization is about 17%~41%. The probability of successful implantation of oocyte cryopreservation after insemination and transplantation is about 36%~61%. Thus, the successful implantation rate of an oocyte cryopreservation from recovery to successful pregnancy is about 4.5%-12%. For ovum donation, the success rate of the first-class egg (the egg that is most easily transplanted successfully) is 30%-40%. However, whether the egg can grow healthily depends on the female's physical environment, nutritional intake, mood, etc. After a successful transplantation, the success rate of egg donation is actually not higher than 30% [4].

The process of taking the ovum can be so painful. First step in ovum retrieval is to inject ovulation-promoting drugs. The injection of ovulation-promoting drugs can cause ovarian swelling, which may lead to ovarian hyperstimulation syndrome, such as stroke and renal failure, and cause permanent organic damage. The second step of ovum retrieval is surgery. Under the guidance of B-mode ultrasound, the ovaries are punctured with needles and the ovum are sucked out [5]. Even if a woman is anesthetized, pain such as ovarian contraction is inevitable. During the operation, the uterus, bladder, and other organs may also be damaged. In worse situations, sterility may even occur. Moreover, if one goes to an irregular hospital for surgery, the probability of getting this complication can be even higher.

Moreover, ovum taking does not guarantee safety and health. Only a few large hospitals will provide ovum donation/cooling services, the rest of the industries may not have professional instruments, doctors, insurance will bring irreversible harm to women's bodies. Some illegal

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industries selling ovum will emerge into the public's field of vision, forming a "dirty" industrial chain. Especially when the merchants from black market who illegally target the market of college students, advertisements for donating ovum are plastered in university toilets. If the donation's safety cannot be guaranteed, it will be a grievous blow to students' lifetime. Besides, because oocyte cryopreservation is restricted in China, many women with the financial means choose to have their ovum frozen overseas. For example, in 2017, the "American Frozen Egg Tour" launched by Ctrip.com was popular because it provided intimate and personalized services for Chinese women. However, it is difficult to defend rights in cross-border industries [6]. Thus, whether it can guarantee women's physical safety and health is still in questions. In addition, in order to earn some money from families with low economic levels, some merchants choose non-compliant tools and methods for ovum retrieval, which also hurts women's bodies.

Single women often do not enjoy benefits that come with childbirth. This has also bred many illegal industries. When a single woman signs an ovum transplant contract, it is difficult for her to defend her rights. Family Planning issued by the state is contrary to the original intention of ovum transplantation. However, after the introduction of the Three-Child Policy, assisted reproductive technologies such as ovum freezing are still not allowed and encouraged, making it harder for women to realize their fertility wishes.

3.2. Public Views on Oocyte Cryopreservation/Ovum Donation

This paper chooses the comments from Weibo as the samples. Focusing on searching the words "cooling the ovum" and "donate the ovum", concluding the trend of the comment. First, to examine egg freezing, the paper uses the comment under the most popular discussion post on this topic from a legal blogger called "Girls don't be afraid" [7]. Among them, the most liked comments (evaluated by the number of likes) are listed as "egg freezing is personal freedom." propose that the choice of cooling ovum or not belongs to women instead of the society.

One comment says that "surrogacy should be forbidden before freezing the ovum." Most This suggests that people agree on freezing ovum, but the precondition is that surrogacy should be banned. Otherwise, the black market on freezing the ovum can spread and be harmful to women's health. In another comment, a netizen argues that "every woman has the opportunity to cool their ovum." From the public view, women have their individual rights on their body, and they should not be bound by the strict rules.

At the same time, the public also hold different views on donating ovum. The comment under the most popular discussion article about donating the ovum from the "website for observer" demonstrates the information of the reply letter that has been mentioned above [8]. The most liked comments (evaluated by the number of praises) are listing as follows. First, it says that "the fertility rate will not increase when only thinking about how to make use of women without really thinking about them." The second, is that "girls help girls." This has become a popular slogan among females in China. It calls for that when girls face some challenges and risks in society, girls should stand on the same side and help each other. Only by doing so, women can become more powerful and have a stronger voice within a male-dominated society. Last, "it is legal for surrogacy." Those who question the difference between surrogacy and donating the ovum are worried about the safety of women because the allowance of donating the ovum can be a chance for surrogacy to appear and spread.

These online comments can be divided into three categories. The first category of the comments questions the differences and the similarities between the surrogacy and cooling/donating the ovum. The second category suggests that cooling/donating the ovum should be legal and protected in China. The last category claims that women should have more rights and freedom to use their ovum. Most of them support that women are free to cooling/donating the ovum, and they need no policy to restrict. Thus, cooling/donating the ovum becomes widely accepted and there is a great need within society.

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Restricts on women's body is not unique in China. On June 24th, 2022, the Supreme Court of the United States announced that it would overturn the 1973 [Roe v. Wade] ruling. This statement suggests to prohibit the women from having an abortion. Although many people marched on the street to protest, with a sign saying that "women should not be used as reproductive tools". This case shows that governments tend to impose various restrictions on women's body, especially when it comes to childbirth and abortion. Females still face great challenges to the autonomy of their bodies.

4. Suggestions

First, the state should strengthen the protection of reproductive rights. Single women enjoy the right to bear, but they do not enjoy the guarantee of bearing [9]. Thus, single mother's rights should also be protected when they give birth. The protection should include the holidays and salary on employment during the time of child-bearing; the policy-making should let the single-parent family benefit from the social caring and guarantee. Besides, the single parent should be the first provider of the children, and the policy should make a rule about setting and confirming the standard of being the second provider of the children if the single women married again [10].

Second, the government should reduce the birth restriction. Women are usually treated as the scapegoat of the decline of the fertility rate. However, the researchers found that there are more important reasons affecting the fertility rate, such as the economic development, human resources, education, health care, values and judgements, age structure, employment level and so on [11,12]. In order to solve this problem, we should focus more on increasing investment in the construction of infant medical institutions and improving the maternal and infant social security system [13]. Reduce the gender discrimination in the employment [14], eliminate gender preference. More measures need to be taken to care for women's mental health and to decrease the occurrence of "fear of parenting". Parents are encouraged to participate in raising children together, and "widowed" parenting is rejected.

5. Conclusion

Giving birth to offspring, continuing and developing human civilization is not only a woman's affair, the success or failure of giving birth, health or not, but also about a woman's marital status, her family background, social protection and national policies, etc. To face dilemma on fertility rate, we should take timely improvement measures to enhance the security of women's fertility and ensure the reproductive environment to be healthy. Because the opening of society, the development on the growing of the reproductive tools is more inevitable. According to the data from Weibo Platform, people hold a positive attitude towards assisted reproductive technology. And preservation of the ovum as a model of reproductive tools, pinning this woman's expectation to give birth. Undeniably, women's desire to have children has been realized to some extent.

In the face of the difficulties of assisted reproductive technology, such as the conflict with ethics, incompatibility with policies, the emergence of black industrial chain, etc., they should not be blamed on women. The government should take more reasonable solve these questions and make corresponding laws and regulations to practically protect women's reproductive rights and enhance women's body autonomy. It is believed that through the unity and efforts of the state, society, families and individuals, assisted by reproductive technologies, women can have more control of their bodies and have more rights to reproduction.

References

[1] *Reply letter of the Proposal on Prohibiting Commercial Buying and Selling of Eggs in the Letter of Reply to Proposal No. 4201 of the Fourth Session of the 13th National Committee of the Chinese People's Political Consultative Conference issued by the National Health and Health Commission in January 2022.*

DOI: 10.54254/2753-7048/5/20220523

[2] *Shuo Yang, Shi Wendi, Xu Ce, Hu Jiaqian, Yang Wenbo, Zhu Jiaxi, Tan Yuzhen. Ethical Issues of Egg Donation and Trading in Assisted Reproductive Technology [J]. Medicine and Philosophy, 2013,034(005):32-35.*

[3] *Liu Lu. Discussion on the "legality" of female oocyte cryopreservation [J]. Legal Expo, 2017(24):244.*

[4] *Data given by American Society of Reproductive Medicine and Society of Assisted Reproductive Technology in 2012.*

[5] *Jenny Wong, Wang Jinyuan. Segmented control of single women's egg cryopreservation and utilization and its legal boundary [J]. Journal of Fujian Normal University (Philosophy and Social Sciences Edition), 2021(06):122-131+143+171-172.*

[6] *Zheng Jiaying. Research on the Legal Issues of Single Women oocyte cryopreservation in China. 2021. Nanjing University, MA thesis.*

[7] *The article issue from the Weibo of "Girls don't afraid" in September 2022.*

[8] *The article issue from the Weibo of www.guancha.cn. In January 2022.*

[9] *Liu Xin, et al. "Once the policy of freezing eggs is released, it will stimulate the rise of surrogacy", Law Daily, 2021-01-29,004, Law Jingwei.*

[10] *Chen Fang-yang. Analysis of the legality of single women's egg freezing in China and legislative suggestions [D]. Northwest University, 2021. doi: 10.27405/D. CNKI. GX BDU.50800.00000000005.*

[11] *Su Bingnan. Economic and social factors affecting the fertility rate in China and their countermeasures [J]. Social Science Trends, 2022(02):21-26.*

[12] *Zhu Mengjie. Study on the spatial evolution of China's fertility level and its influencing factors [D]. Inner Mongolia University, 2022.*

[13] *Yang Haowen. Theoretical interpretation and empirical research on the influencing factors of low fertility rate-and analysis of the population proportion of women of childbearing age and the prediction of "window period" of childbearing in China [J]. Price Theory and Practice, 2021 (09): 106-110+202. doi: 10.19851/j.cnki.cn11.*

[14] *Zhang Yixuan, Li Aiqin. Research on influencing factors and countermeasures of low fertility rate under the background of three-child policy [J]. Market Weekly, 2022,35(01):18-20.*