Legal Protection of Women's Reproductive Freedom: Starting From the Overthrow of Roe v. Wade

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Abstract. Represented by the overthrow of the Roe v. Wade case, the freedom of female reproduction worldwide is currently threatened. Female reproductive freedom is a fundamental right of women, and ensuring it is crucial. Therefore, this article selects the legal protection of female reproductive freedom as the theme to study how to build an effective mechanism to ensure women's reproductive freedom. Firstly, this article provides an overview of the protection of reproductive freedom in the common law and written law systems, as well as the characteristics of reproductive freedom in China. It also reviews the connotation and research progress of women's reproductive freedom rights. On this basis, this article proposes specific legislative, judicial, and law enforcement recommendations for China's legal system to ensure women's reproductive freedom based on its specific characteristics.

Keywords: Reproductive freedom, Protection of women's rights, Social policy, Roe v. Wade case.

1. Introduction

In 1973, the Roe v. Wade case is decided by the US Supreme Court, which is believed to have established the abortion rights of American women. National Right to Life Committee (NRLC) is formally incorporated as an independent organization. To some extent, the restrictions on abortion by American women were released, which is an improvement in women's reproductive freedom. However, Roe's victory does not mean that American women have the complete right to abortion. The fact is that the power of interpretation rests with the state courts. As a result, the enforcers and practitioners of American laws cannot fully guarantee women's right to abortion.

Gradually, American women's right to abortion is under threat, with the factors of traditional religions, and the particular accident of different people. In 1974's Edelin v. the Commonwealth of Massachusetts, a Boston prosecutor charged a young African-American obstetrician, Kenneth Edelin, with murder after he completed a legal abortion. In 1976, Parliament passed the Hyde Amendment, intended to ban federal funds for abortion in the vast majority of cases, and women seemed to never escape the vortex of war for control of their bodies. In early May 2022, Politico reveals the fact that in the Supreme Court, the draft opinion written by Chief Justice Samuel Alito is related to the judgment of Women's Health Organisation v. Dobbs, if the final decision is the same as this draft, then the Roe v. Wade (1973) decision will be overthrown.

Throughout time, the conflict between pro-choice and pro-life seems to have extended to infinity without a conclusion and proper solution. According to woman Chief Ruth Bader Ginsburg (also known as RBG), "For women to be treated equally to men, they must be able to make their own decisions. For a woman's dignity and for her life, this is crucial. And she is not accepted as a fully developed adult human being who is capable of making her own decisions when the government makes that decision for her." If the law is not capable to ensure the equality of women as full adults which means a woman is allowed and ensured to be the decision-maker of her life, then the law loses its value in itself as a defender of justice for human beings.

An overview of the past cases and literature reveals that although female citizens fight for their rights, and might win at the end of the war, the lack of law would not protect them completely, and the former law could be changed with time passed with the society's development. However, what would be the reason that the lack of women's reproductive rights law cannot be overwhelmed throughout almost half of the century, in this essay, there would be a discussion of how to protect

women's reproductive freedom from the legal aspect and the social causes, from the origin of the war between life and choices to the method of legally protecting, and several responses to the difficulties.

2. Literature Review

2.1. Legal Guarantees of the Right to Reproductive Liberty-triggered by Roe v. Wade 1973

2.1.1 Reproductive Freedom under the Common Law System

There are four nodes in the fight for reproductive freedom, by the represents of the United States, it started with Roe v. Wade, then the Hyde Amendment passes, and since 2007, abortion became an illegal action in the U.S. In 2013, the famous Texas Heartbeat Act represents a backward improvement of America, the debate over pro-life and pro-choice finally ends up as a draft in 2022, and the Supreme Court passed the right of abortion decision to the State Government. Before the decision of Roe v. Wade, over 46 states have laws that severely restrict abortion, most states only allow abortion in extreme circumstances (such as doctors' belief that it may endanger the life of a pregnant woman), and individual states do not allow abortion under any circumstances [1].

With the flourishing of the feminist movement, social forces pushed the United States to give women more rights and freedoms in their lives and choices. In 1967, as the first state, Colorado significantly liberalized legal abortion for women, and 11 more states followed similar modifications to their abortion legislation, while Washington, New York, Alaska and Hawaii made abortion in early stages of pregnancy completely legal [2]. After Roe, existing abortion laws in the states lost some or all of their legal force and needed to be amended. Except for a few states that retained the original provisions, lawmakers in most states have adopted restrictions to bring their state laws into line with the standards outlined in Roe. After Roe, landmarks such as the Casey and Dobbs cases, and the abortion bill represented a vacillation in the U.S. position on abortion [3].

(1) Roe v. Wade 1973

In August 1969, Norma McCorvey, a 21-year-old unmarried woman in Texas, wanted to have an abortion due to an unintended pregnancy. Texas law at the time prohibited abortion except in cases of rape. She is suggested to pretend to have been raped by a group of black people. However, due to the lack of evidence and proof from the police, it is clear that this plan would not succeed. After unsuccessfully trying to find an underground clinic of operation, in 1970, McCorvey followed her lawyer's advice to use the pseudonym Roe to sue Wade, the magistrate representing Dallas County, for privacy infringement, and ultimately urged the appeal to the US Supreme Court. Upon a 7-2 vote, the Highest Court of the United States decided that Texas' criminal legislation restricting abortion rights for women violated the 14th Amendment to the United States Constitution [4].

As a result of the victory of Roe v. Wade, the politicization of abortion in the United States has been accelerated and becoming one of the most controversial issues globally wide, including issues from legal, political, and moral levels [5]. What is more, the victory of Roe also improves women the ability to make decisions free from traditional morality and social ethics, and this accelerated changes in thoughts and policies in other countries about controlling women's reproductive freedom [6]. In the 14th amendment's Due Process Clause, which defends a woman's ability to have an abortion, it also persuaded many women to have a privacy interest in doing so, which accelerates the process for women to realize the importance of becoming the decision maker to dominate their life [7].

(2) Planned Parenthood v. Casey 1992

As more and more chiefs who disagreed with Roe's results were appointed, there was a growing expectation that Roe v. Wade would be overturned by the Supreme Court in the U.S. In 1992, there is a chance for the Supreme Court in the U.S. to reconsider Roe v. Wade, that is, Planned Parenthood v. Casey. But in the end, the core result of the Roe case was not moved [8].

The United States Supreme Court maintained the option to abort a child as created by Roe v. Wade's "essential holding" (1973) in Casey's case, which is regarded as its central decision. the application of the undue burden criteria when assessing limitations placed on that right by the state.

The case concerned the Pennsylvania Abortion Control Act of 1982, provisions of which were deemed unconstitutional because they were deemed to restrict a woman's ability to choose abortion on her own [9]. The plaintiffs in Casey are five abortion hospitals, a group of doctors who provide abortion services, and a doctor who independently represents himself.

Five provisions of the Pennsylvania abortion restriction bill were contested by the plaintiffs, arguing that they were unconstitutional, and a permanent injunction prohibiting Pennsylvania from enforcing the restrictions was ordered by the district court after it determined that all of the measures were unconstitutional. At the same time, in the Highest Court of the United States, the majority upheld the Roe abortion right, but altered the criteria for restrictions on that right and substituted the Undue Burden criterion.

Compare with three months standard of Roe v. Wade, the undue burden standard lowers the threshold for national restrictions and makes restrictions on abortion clearer. The undue burden standard, which extends the state's rights to the earliest stages of pregnancy, allows the state to regulate more comprehensively and responds to the shortcomings of Roe's case, which underestimated interest of the state in potential life [10].

(3) Dobbs v. Jackson Women's Health Organization (2022)

On June 24, 2022, local time in the United States, the US Supreme Court made a judgment in this case by a vote of 6-3, overturning the famous Roe v. Wade judgment, and re-emphasized the legislative power of abortion completely handed over to state courts. But the U.S. Supreme Court did not ban abortion, only that abortion is not a federal constitutional right, and whether and under what circumstances abortion is allowed should be decided by the states [11].

Mississippi enacted the Gestational Age Act in March 2018, which bans all abortions beyond the 15th week of pregnancy except in medical emergencies or severe fetal abnormality. In addition, this Act does not identify rape or incest as exceptions to abortion. After the bill passed, Jackson Women's Health, a Mississippi abortion clinic, filed a lawsuit arguing that the bill was unconstitutional. The case went to the Southern District Court for Mississippi, which upheld the clinic's claims and issued an injunction preventing the government from enforcing the bill. Judge Reeves argued that the law clearly violates a woman's 14th Amendment right to due process and contravenes earlier US Supreme Court practise. What is more, the judgment further shows that there is no legitimate state interest strong enough, before viability, to justify a ban on abortions [12].

After that, Mississippi has since filed a Fifth Circuit appeal, which went 3-0 in December 2019 and upheld the sentence. Judge Higginbotham wrote in his judgment: States may regulate abortion procedures before viability so long as they do not impose an undue burden on the woman's right, but they may not ban abortions.... The law at issue is a ban. Thus, we affirm the district court's invalidation of the law [13].

It should be noted that in February 2020, in another appeal before the Fifth Circuit, the ban enacted against another abortion bill in Mississippi (which prevents abortion after a fetus has a heartbeat detected) was also upheld. In that case, the judge argued that "if a ban on abortion after 15 weeks is unconstitutional, then it follows that a ban on abortion at an earlier stage of pregnancy is also unconstitutional."

However, in June 2020, Mississippi appealed to the U.S. Highest Court, which accepted the appeal in May 2021 but kept the issue to one question: "Whether all pre-viability prohibitions on elective abortions are unconstitutional" [14].

About this issue, the U.S. Supreme Court has reached three conclusions:

1. The right of women to get an abortion is not stated in the constitution.

2. Overturn Roe v. Wade and Planned Parenthood v. Casey.

3. The right to decide whether abortion is legal is given back to the people and their elected officials (e.g., the states).

(4) American Abortion Rights Act

On 2nd May 2022, U.S. Politico exclusively published a copy of the draft opinion of the pending case of America's highest court. The paper, which was released by Politico News Network, reveals

that the 49-year-old legal right of American women to an abortion may be outlawed, which would be a serious loss for their human rights.

On 3rd May 2022, Chief Justice Roberts of the U.S. Supreme Court acknowledged that the draft opinion was true but not final. At the same time, Roberts said he would launch an investigation into why the draft was made public.

On 26th May 2022, according to the Associated Press Oklahoma City, Oklahoma Governor Kevin Stitter signed the strictest abortion ban in the United States on the 25th local time, making it law, and the state became the first state in the U.S. to prevent people from entering the abortion process.

The Roe v. Wade result was overturned by the US Supreme Court on June 24, 2022, local time in the US. In 1973, the decision made abortion lawful in the US. The US Supreme Court's decision will grant states the authority to enact abortion restrictions, and nearly half of them are anticipated to outlaw abortion or severely restrict it. US-related influence, common law countries such as the UK and Australia have followed the adjudication idea of restricted abortion rights [15].

2.1.2 Freedom of Reproduction under civil law systems

Represented by Germany, it is reflected in the development of statutory law.

(1) Germany (Article 218)

In the prototype of the relevant bill in 1871, it was stipulated that pregnant women who had induced abortion would face up to 5 years in prison. However, in some special cases, the sentence may be changed from imprisonment to prison [16].

In 1974, after the judgment of Roe v. Wade, the Bundestag, led by Chancellor Willy Brandt and his Social Liberal League, decided by a narrow majority to reform Section 218 and introduce the so-called "deadline solution": Abortions should not be penalized in the first 12 weeks of pregnancy. In Feb 1975, the Federal Constitutional Court ruled that the "deadline settlement was unconstitutional", overturning attempts to liberalize abortion rights. The Federal Constitutional Court held that the deadline solution violated the Basic Law that the state must safeguard human life, which also applies to those not yet born or developing. Abortion should therefore not be held liable only if the constitution of the pregnancy was unreasonable. In the following year, the German Federal Constitutional Court announced its ruling again, deciding to tighten Article 218 again. At the core of the change is that there is no longer a time limit, but abortion is still legal under certain circumstances. For instance, in the occurrence of a medical or social emergency, and after being assaulted by a man.

With the unification in 1990, the Article 218 Act was once again in dispute. Because the original relevant provisions in East Germany are still applicable, that is, women can freely decide whether to have an abortion within the first 12 weeks, and this contradicts the scope of Article 218 Act that applies to the entire Federal Republic of Germany. Therefore, Germany launched another campaign for the liberalization of abortion rights with the theme "My belly belongs to me" [17].

In 1992, the Bundestag passed a reform measure combining the contents of "deadline solution" and "consultation solution", introducing mandatory consultation. After consultation, abortion within the first 12 weeks of pregnancy is not illegal and does not require penalties. At the same time, the insurance company has to bear the related costs. However, just after a year, the Federal Constitutional Court once again ruled on the Article 218 Act, again overturning this law and regulations issued by the Bundestag. The Federal Constitutional Court believes that the new Article 218 Act violates the Basic Law that the state is obliged to protect the safety of human life. Therefore, abortion is fundamentally wrong and needs to be prohibited. Even if there is a real demand for abortion, the "12-week exemption from punishment" can continue to be implemented, but it must be regarded as "illegal", which is contrary to the national legal system. But pregnant women must go to a professional counseling center for consultation at least three days before the abortion. At the same time, the Federal Constitutional Court also pointed out that insurance companies would not pay for this illegal behavior.

In 1995, the Bundestag adopted a law and regulation with guidance from the Federal Constitutional Court, namely the amendment of maternity and family assistance. The Act provides that abortion is not punishable during the 12 weeks preceding pregnancy if the pregnant woman can submit a

certificate of counseling in the constitution with a professional. Meanwhile, professional counselors must be advised by the protection of life.

At this point, the law was finalized, and although there are still a lot of differences and debates, it is still used today. The abortion ruling in the United States has also attracted a lot of attention and discussion in Germany, and even some parliamentarians have publicly stated that the relevant laws and regulations are outdated, even absurd, and unfair [18].

(3) The reproductive issue in China

In China, the embodiment of reproductive freedom is quite different from the world. Legal barriers to abortion rights are limited, and China's reproductive freedom is reflected in freedom of reproductive choice.

The constitution lacks a rights base, legal norms, fertility serves population policy, and collectivist national cultural traditions do not emphasize the human rights and rights of individuals [6]. Differences in the constitution and national culture lead to the uniqueness of China's restrictions on reproductive freedom.

After the People's Republic of China was established, although the birth policy was not written into the Constitution before 1978, during this period, the concept of "more people, greater strength" was deeply remembered by the majority of Chinese people, requiring a larger number of productivities to participate in social constructions, and at the moment, the international condition was relatively tension [19].

Judging by the situation and "fighting a big war", Chinese population policy encourages childbirth. From 1962 to 1965, the Chinese population was in a stage of rapid growth, and at this time the economy was in a period of gradual recovery due to serious setbacks, and the excessive growth of the population had a serious impact on the growth of social economy and the raising of people's quality of living. From 1966 to 1977, China began to be in a period of sustained rapid population growth, with an average net increase of more than 20 million people per year. It is imperative to control population growth, and large-scale activities to promote population growth control have begun in urban and rural areas. The birth policy during this period was still an administrative means, reflecting a strong indulgence and arbitrariness, and was not reflected at the legal level [20].

Following the 11th CPC Central Committee's Third Plenary Session in 1978, China's birth control policy was formally written into the Constitution and formally appeared in legal provisions, becoming China's basic national policy, and gradually developing from a model of legal norms. However, for the actual situation of rural labor production, it is hard to follow the policy of having children with only one child, and it is seriously out of touch with the peasants' willingness to give birth, therefore there are many obstacles to the implementation of the policy.

The birth control policy was formulated under the circumstances of China's relatively high birth rate and low level of social development, and during the implementation of the family planning policy from 1978 to 2012, China's population birth rate entered a stable low in the late 90s of the 20th centuries.

This could be considered as an update on the reproductive condition of China, by that time, the productive type of social productivity increased, the living standard is also improved, and the reproduction policy shows importance.

However, the implementation of China's policies is not entirely the same as in other countries, because Chinese citizens have different religious beliefs and attitudes toward life [21].

Unlike the extreme respect for life in Christianity or Catholicism, during the family planning period of controlling the number of births, if an unwanted fetus is not legally able to see as a child, it will be charged between 2000 yuan and 5000 yuan; Anyone who violates the regulations to give birth to a second child will be fined 3-4 times of the total income of both parties (the parents) according to the previous year.

Looking back at reproductive freedom under socialism with Chinese characteristics, Populations of China's People's Republic and Family Planning Law, which became operative in September 2002, specifically specifies that the government must stabilize the nation's current birth policy while

encouraging citizens to marry and have children later in life as well as to have singleton pregnancies. However, those who comply with legal conditions could request that arrangements be made for the birth of the second child.

Discussion was held on the Communist Party of China's Central Committee's Decision on a Number of Important Issues Relating to Comprehensively Deepening Reform and the 18th Central Committee of the Communist Party of China approved it at its third plenary session in November 2013. This initiates the implementation of the policy that couples with only one child can have one more child, therefore making the birth policy gradually adjusted and improved and promoting long-term balance population development at the same time. The Opinions on Adjusting and Improving the Birth Policy were published by the CPC Central Committee and the State Council in December of that same year, and they highlighted the significance and overall perspective of the birth policy adjustment.

The Communist Party of China's 18th Central Committee's Fifth Plenary Session made the decision on October 29, 2015, to "upgrade the population development strategy, adhere to the fundamental national policy of family planning, and fully implement the principle that each couple can have a maximum of two children." The "one-child policy" in China, which lasted for 35 years, is now abolished.

At a meeting on May 31, in 2021, the Political Bureau of the CPC Central Committee noted that implementing the law allowing each couple to have up to three children and further enhancing the birth policy are beneficial for sustaining China's advantages in terms of its endowment of human resources, implementing the national plan of actively managing with population aging, and enhancing China's demographic structure.

2.2. Interpretation of Core Concept-- The Connotation of Women's Right to Reproductive

The relationship between reproductive rights, reproductive freedom, and abortion right is a one-by-one relationship. The reproductive right includes reproductive freedom, that is to say, reproductive right is a set of rights covering other production and reproductive-related rights based on reproductive freedom. Reproductive freedom includes the right to abortion, that is to say, whether to bear children, how, when and how many children should be decided by women themselves, and whether to bear children includes the meaning of abortion rights, that is, whether to give up the right to bear children.

2.2.1 Distinction between reproductive rights, reproductive freedom, and abortion rights

(1) The Reproductive Right

Reproductive rights are freedoms and legal rights related to reproduction and reproductive health that are specific to each country's legal system [22]. Reproductive rights are described as follows by the World Health Organization:

Reproductive rights are based on the recognition of the fundamental rights of all individuals and couples to the best possible reproductive and sexual health, as well as the freedom to decide how many, how far apart, and when to have children. In addition, they guarantee that no one is forced to have children and that everyone is free from violence, discrimination, and other forms of oppression.

Reproductive rights originally appeared as a component of human rights at the United Nations' International Conference on Human Rights in 1968 [23]. Citizens' right to reproduction is a fundamental human right, which is inherent and predates reproduction is different from other political rights such as the right to vote and the right to association granted by the constitution and laws, and it cannot be deprived at any time [24]. Overall, reproductive right is a set of rights covering other production and reproductive-related rights based on reproductive freedom.

(2) The Reproductive Freedom

Reproductive freedom is more like a right of decision-making, the ability to give birth is born with a female as a part of their bodies, while the choice of giving birth is sometimes made by other individuals. For instance, their husbands, their parents, other consultors even the government, instead of themselves [25].

Previous studies indicate that stronger relationship stability and happiness are related to the ability to make choices regarding one's own reproductive life and the timing of one's entry into motherhood [26].

What is under reproductive freedom is the right to decide on one's own, that is, choose their life direction as a fully adult human. This is not only about being a basic adult but to form a complete personality, to love themselves, therefore, establishing a society that could involve every kind of soul.

Reproductive freedom could include the right to abortion, the decision-making power about when and how many children to have, as well as the right to refuse childbearing [27]. The nature of reproductive freedom is that the woman who is pregnant should have the right to decide what is best for their body, to have a baby or not, to give up the baby or keep it.

(3) The Abortion Right

A woman's essential right to healthcare is to have an abortion, which is a medical operation that ends pregnancy. A quarter of pregnancies end in abortion annually, which is a decision that millions of people make [28].

The abortion rights that are discussed in this essay refer to having the legal right to end a pregnancy through abortion legally. In China, abortion is regarded as a legal choice for people, this is set to enable women to protect their physical and mental health effects. As the government partly regards this as families' issue, there are fewer politics involved in abortion operations except in accident that violates the law.

While in the U.S., this caused severe conflict since the 1960s and 70s, and it is still discussed widely today. Some people opine that the essence of the controversy over abortion rights is the struggle between conservatives and liberals in society and among the people, while the womb belongs to the gravida instead of male politicians and other people who are not capable to pregnant [29].

2.2.2 The Connotation of reproductive freedom in Research

The reproductive freedom here should include rights as follows:

Citizens have the authority to determine the timing, how many and how far apart they have children and decide whether to have children freely and responsibly. This means reproductive rights, reproductive freedom, and the right to abortion are all included.

The citizens could freely and legally determine whether to have a baby, and they can refuse to have a child freely and legally. What is more, these rights should apply to everyone equally, there would not be differences according to color, gender, or even LGBT.

Scholars who advocate the theory of human rights believe that the essence of reproductive rights is natural human rights, a right that citizens or natural persons must have for their development based on personal freedom and should belong to the category of human rights. They believe that human rights that include the right to an abortion is in line with the purpose of international legislation. For example, Article 16 of the "Tehran Declaration" in May 1968 clearly states that "parents have the basic human right to freely and be responsible for determining the number of children and their birth intervals." Abortion is a choice of one's own, instead of a choice of a religion or a group of people.

3. Discussion

3.1. A Commentary on the Debate on Women's Reproductive Freedom

From the Roe case to the Dobbs case, the legal struggle and societal conflicts surrounding the abortion debate in the United States have undergone over fifty iterations. In a way, the American Supreme Court put an end to the legal framework it established on abortion rights. In the past half-century, the controversy over the constitutionalization of abortion rights initiated and actively promoted by the United States has gradually begun to intensify around the world. Just as the Roe case sparked the worldwide abortion rights movement (and opposition and resistance to the movement), A new round of debate over abortion rights and legal reform in the international community are certain to result from the Roe ruling being overturned. Researchers and readers need to keep watching

to see what effect and how much of an influence the US overturning the Roe decision will have on the rest of the globe from a more global perspective.

For China, the right to abortion does not constitute a highly controversial legal issue, let alone a constitutional issue. However, abortion rights in other regions of the world parallel difficulties with women's rights and social identity that have some universal repercussions. A global survey of the constitutional controversy over abortion rights can help us understand why abortion is a very contentious legal and political topic in the West, as well as in other regions where Western rules are more influential. We can also get a better comprehension of what roles and to what extent the constitution, laws, and judicial organs can play in the process of women's realization of social equality, and how the law and society interact in a complex manner. And these are worth pondering for those who care about women's rights.

3.2. The Realistic Dilemma Faced by Women's Reproductive Freedom -- The Situation in China

In China, pressure on women about reproduction from their relatives is partly formed by the traditional aspect due to the differences between generations, as well as the pressure pushed by the government.

On the one hand, there is a shift in culture, conceptual awareness, and ways of thinking. The standard of living of people has increased, the overall cultural and educational level of this generation of women who are eligible for marriage and childbirth is higher than in previous eras, and their way of thinking is also different from the previous generation. In addition, influenced by the accelerated pace of reform and opening up, their conceptual consciousness has been influenced and impacted by new trends of thought, and their thinking patterns have changed. Their cognitive concepts have become more diversified, and the constraints of traditional culture and concepts have relatively weakened. They no longer consider marriage and childbirth as a top priority in their lives, marriage, and childbirth are no longer the necessities of one's life.

Unlike the older generation, under the influence of national policies and the differences of times, older generations tend to view marriage and childbirth more as an individual social obligation rather than a personal choice. This might be the cause of pressure from older relatives of women's families. According to the traditional Chinese culture, that is, younger generations should obey the older generations, and this makes it more difficult for young women to resist the traditional reproductive beliefs of their elders. This is a war between two centuries, two different concepts.

In the same manner, the inevitable conflict between women's career and their families seems caused by the unequal condition of society. In China, it is usual for females to lose job opportunities due to their body anatomy--women may easily get pregnant and need to have a long period to reproduce a child, and after that, they need to take more time to recover their bodies to back to work with full energy. Women who decided to form a family are always to be treated unequally at the workplace. Most of the women polled by various Chinese businesses and women's organizations after the two-child policy came into effect claimed they had experienced discrimination based on their gender and stage of pregnancy when looking for work. Those who have had prior children, whether men or women, are recommended or necessary, respectively, according to many job advertising. In court filings, Chinese media, and social media, several women have talked about their experiences with being questioned about their ability to have children during job applications, being made to sign contracts stating that they will not become pregnant, and being demoted or fired because they are pregnant.

There are several explanations for the dismissal of pregnant women, that is, if a woman has not had a child, the potential hazard is two maternity leaves; for those who already had a child, the hidden trouble is one maternity leave; for those who had two children or more, they would presume the woman must be too busy taking care of the babies and husband to focus on the work. All these assumptions seem based on unequal maternity leave according to gender. At present, in China, the range of maternity leave for women in various regions is approximately 128 to 190 days, with the

main provinces and cities having 158 days. Male paternity leave lasts from 7 to 30 days, with 15 days in most major provinces and cities. The difference in the number of days between female maternity leave and male paternity leave has further heightened, causing a greater difference in the impact of childbirth on work between female and male employees. This could result that firms hiring women selectively, or even refusing to hire women as they regard the ability to reproduce as a potential trouble against work.

3.3. Suggestions for Legal Protection of Female Reproductive Freedom

First, the government should make the fundamental right to reproductive freedom a part of the Constitution. That is, ensuring every fertile individual could enjoy the birthright, and be the decision maker about their reproduction. The group of people needs to get legal support.

After ensuring reproduction is a basic right, there could be set a department law which is to protect female reproductive freedom particularly. According to the existing information in China, it seems that women are not treated as fully equal subjects of national citizens, but as an object attached to men. For example, in The People's Republic of China on the Protection of Women's Rights and Interests, it claims that "Women have the same rights as men in various aspects of political, economic, cultural, social, and family life." It ensures that women could enjoy the same as men enjoyed, instead of a whole "human being". The law has separated women as a lower class and the way of keeping equality is to improve the standard which is made according to the situation of the male population.

For department law, the Law on the Protection of Women's Rights and Interests should ensure reproductive rights as a particular right that is only for fertile individuals, that is, give the complete right to decide everything related to reproduction. To treat the female population as subjects as human beings, the number of children should not be controlled and decided by the government or the policy. However, without the backing of female leaders, it is nearly hard to defend women's rights in a nation where decisions are virtually exclusively decided by those in positions of authority. To eliminate the gender monopoly of male political cadres, the nation should ensure an equal number of female political cadres. As gender is separated into two parts, and only people who have experienced the same could understand each other and what they suffered, it is not reliable to give the power of deciding female rights to male political cadres. Those political job opportunities provided for women need to be supervised by the World Women's Organization to ensure that this is carried out under the full protection of women. These positions include but are not limited to judges, lawyers, mayors, vice mayors, and even chairpersons, etc.

What is more, the Law on Population and Family Planning should be rearranged and changed completely. When people are mentioning "planning", it is claimed that those who are capable of having children are not viewed as fully-adequate human beings with full rights, but rather as objects of service who are not main and protected members of other classes. The fundamental purpose of the Law results in its name being called "planning", the root of the law seems not focused on human rights. To better this occurrence, there should be changes in the law related to reproduction, that is, giving females fully-respect.

Working on the policies, the government needs to enhance the law to provide females full protection.

To avoid workplace discrimination against females, the government should see to it that both mothers and fathers have the same amount of time off for pregnancy. At the same time, women are less likely to have pregnancy-related depression because of the father's support and company during the mother's pregnancy. The feelings between couples will change as they get along more frequently, which may reduce the national divorce demography. For those who are prepared to have more children or just gave birth, the government should ask both parents to spend equal time taking care of their children, therefore reducing workplace discrimination caused by "women need to take care of children so they cannot focus on work", and it also improves the education quality of children and enhance the parent-child affection.

One reason that women do not want to reproduce might be that the quality of males and society is far under their expectation of "happy", it is not a nice place for them to bring their children to this society and to receive the treatment. To reduce the negative statement of males, the government should provide a safer and more harmonious society for females and the whole population. This could start by increasing the cost of crime. For instance, the government should take harsh action against crimes that damage women, such as kidnapping and trafficking of women, and raping, and molestation of women. Criminals should receive increased social notifications, chemical castration for particular crimes, or even the death penalty for severe crimes.

For judicature, if rape cases or other women-damaged cases are being published through social media or newspapers, the government should not let the victim be the subject of the news, but the criminals. The victims who suffered from criminals should not expose to the public, not only their personal information but also the main torture they suffered. That is, the title and the context should not be described as "the victim was xx by criminal", but "what have criminal done", to put the offender being the center of the public. This is to ensure that female victims are fully-protected.

As for reproductive rights disputes, the law should maintain that the male's reproductive rights are based on the female's reproductive rights. That is, all reproductive rights disputes are dominated by fertile individuals instead of other gender or other groups of people who have no fetus inside their womb or even people who do not have a womb. To protect against workplace discrimination, the court should follow the liability of pat to the proof opposite place, that is, to provide vulnerable groups (employees) with sufficient capabilities to compete with large companies or enterprises (employers). For pregnancies caused by rape, the government should provide abortion surgery services based on the wishes of pregnant women or provide them with sufficient respect and protection. What is more, is to take sharp actions against the rapist, according to previous suggestions, except to publish them for the whole society, there could be chemical castration or even the death penalty. There is no need to treat criminals who violate the human rights of others in a human rights manner.

It is important to give a group of females to take charge in the law system, therefore the action of protecting women could be ensured. There should be organizations to manage this particular.

4. Conclusion

In this essay, taking the overthrow of the Roy case as a representative, it is evident that women's reproductive freedom rights have been continuously reduced, which further represents the decline of women's right to choose and their status in human rights. How to better defend women's rights to choose their reproductive options is the study's central concern. It started from the barriers to female fertility to the general social pressure and incomplete legal protection and ended with unprofessional legal guidelines to safeguard females.

Many people believe that having their own children and reproducing their next generation is an unshirkable responsibility and obligation. Reproduction seems to be an innate instinct of humanity, but for individuals who do not want to have children according to their own wills, this common sense based on society and traditional culture will become a burden on this group of people, therefore cause conflict in the society. At this situation, forcing them to have children against their own will is a violation of human rights. The fundamental goal of my study is to make legal suggestions that, to the best of my ability and vision, can serve the needs of as many citizens as feasible.

However, having a child and giving birth is belonging to one's own choice, as well as the number of children they would like to have and the time. That is, even the law is made by human being, and it is inevitable to have subjective bias, the law must respect to what the individual who involved themselves want, based on the premise of not harming others.

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