

For richer, for poorer: how China's laws put women second - Marriage and divorce, land and property, at work and at home

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Marriage and divorce, land and property, at work and at home - laws and customs discriminate against women and leave them at a glaring economic disadvantage.

In Dadun village, in China's southern Hainan province, some residents are more equal than others: the men.

When inhabitants were told to make way for a tourism development, they learned that only men would receive compensation. Now, 92 angry female residents are suing the village committee.

"The money used to build these new houses comes from selling our old homes. Everyone should get fair compensation," said Xu Jinyi, 24, one of the plaintiffs.

Women in China have missed out on the greatest accumulation of residential property wealth in history

The deliberate discrimination in Dadun is particularly glaring. But it highlights the property gap in the world's second largest economy.

China's women have a high rate of economic participation. But not only do their incomes lag behind those of men; women also lose out when it comes to wealth.

"Women in China have missed out on the greatest accumulation of residential property wealth in history," said Leta Hong Fincher, author of *Leftover Women: The Resurgence of Gender Inequality in China* [1]. "That tremendous accumulation is now over. Even if every single woman in China suddenly acquired the ability to buy a home in her own name, it would still be too late to catch up."

Women are actually worse off than five years ago, thanks to judicial guidance in 2011 that property should no longer be split on divorce, but awarded to the person whose name is on the deeds.

"The decision is a backward step for women. It looks like a fair division, but in most cases, men provide the house and women provide the money for decoration and furniture," said Li Ying, a Beijing-based lawyer focused on gender issues. In China, properties are usually sold as shells, and decorating can cost almost as much as the initial purchase.

The norm is that the man buys the property when a couple sets up home. But most men need family help to do so, said Fincher, and their wife's contribution is often vital. Research in China's biggest real-estate markets in 2012 found that in 70% of cases brides or their families at least partially financed properties, but women were named on only 30% of deeds.

Fincher said in-laws often insist the bride's name is left off on the grounds she has paid a smaller share. In a society where the pressure to wed is intense, many women – often at the urging of parents – think it is better to marry even if financial arrangements seem unfair.

Rural women fare particularly badly because they also lose out on rights to use land, despite accounting for more than 65% of the rural labour force.

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Such rights are assigned to households, with no clear definition of the rights of individual members. If family circumstances change, the village committee or the head of the household usually decides what to do.

“For widows it depends on their relationship with their husband's family. Sometimes they are treated very well. Divorced women have a very hard time,” said Wang Xiaobei, an expert on gender issues at Landesa, which works on land issues globally.

The tradition is for women to marry into their husband's families, with the land they have previously farmed often going to their brothers or their brothers' wives. Should they get divorced, they usually have to leave their new village. Research by a court in one county in Henan province found fewer than 10% of women in rural divorce cases even requested the division of land rights.

Yet if they return to their birth village, they may not have any land there either. Many are forced into low-paid jobs in the cities.

The All-China Women's Federation, the official group representing women, has backed Landesa's proposal that as a first step all household members should be named on land rights certificates and that wives should be named alongside husbands as the household's representatives.

Girls might not have a place to live if they don't get on well with their brothers

The discrimination in the Dadun case is extreme, but Li said the only unusual aspect of it was that a court had agreed to take the women's case.

“The problem doesn't just exist in Hainan. It's national. There are many laws protecting the rights of women – the problem is traditions and customs,” she said.

The head of the village committee – who said he had no time to talk when contacted by the *Guardian* – has said the decision was legal because the committee approved it. But the voting process does not allow it to override female villagers' legal rights. “The law of our country clearly states that all people should have equal rights regardless of their sex or age,” said Hu Qifang, the lawyer representing the plaintiffs.

He noted that like most committees, Dadun's is stacked with men: only three or four women were among the dozens who voted.

The scheme allocates houses according to how many men are in the family's youngest generation. A family with three sons gains three houses; a family with three daughters only one, for the father. In essence, women are expected to count on the dutifulness or chivalry of male relatives.

“We fear what will happen to us in future,” said Wu Yanjiao, 20. “Girls might not have a place to live if they don't get on well with their brothers. Also, what would happen if I were to marry to someone from outside the village and later divorce? I would have nowhere to go.”

Villagers report growing discord within families, as brothers and sisters quarrel over the scheme, and are disturbed by the message it sends as well as its immediate unfairness. Li Qingquan, 50, said villagers were markedly more hostile to women.

"I've heard people openly saying that girls are useless to their families because they didn't get houses," he said.

Tania Branigan in Beijing

Additional research by Luna Lin

P.S.

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Footnotes

[1] ESSF (article 35740), [A Review: Leftover Women: The Resurgence of Gender Inequality in China](#).