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China: treatment of pregnant, unmarried women by state authorities, particularly in Guangdong and Fujian; whether unmarried women are obliged to undergo pregnancy tests by family planning officials (2005 - April 2009)

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The United States (US) Department of State's *Country Reports on Human Rights Practices for 2008* indicates that it is illegal in almost every province for single women to have a child and that people who have children out of wedlock must pay "social compensation fees" (29 Feb. 2009, Sec.1.f). The US Congressional-Executive Commission on China (CECC) reports that those who give birth to a child outside of marriage can face fines six to eight times the amount of their income from the previous year (US 31 Oct. 2008, 97). According to a 2005 article in *Reproductive Health*, very few children are born out of wedlock in China (11 Aug. 2005, 3).

Article 55 (d) of the Population and Family Planning Regulations of the Province of Guangdong states that "[i]n the case of a first birth out of wedlock, a social support fee shall be imposed that is twice the amount" of the fee imposed on married couples who have one more child than is permitted (China 25 July 2002). When an unwed mother has a second child, the fee imposed is between three to six times the amount levied on married couples who have one more child than is permitted (*ibid.*). In a 16 October 2008 *People's Daily* article, the Director of the Guangdong population and family planning committee indicated that the province experienced a rise in births in the first eight months of 2008 and that the government had ordered authorities to "properly enforce" family planning policies.

According to Article 14 of the Population and Family Planning Regulations of the Province of Fujian, a woman is not allowed to give birth out of wedlock (China 30 July 2002). In the case of an unmarried woman who bears a child, Article 39 sets out the application of a social maintenance fee equivalent to four to six times the average annual disposable income of the residents of the county where the woman resides (*ibid.*). The fine is higher for a second or subsequent child born out of wedlock (*ibid.*).

A 2006 article by the Xinhua News Agency cites a professor from the China University of Political Science and Law as saying that the children of unmarried women have the same rights as those of married women (14 Oct. 2006). The article in *Reproductive Health* corroborates that the law "prohibits discrimination against children born outside marriage;" however, it also states that "children from illegal pregnancies may not be registered or treated equally until their parents pay the fines imposed as punishment" (*Reproductive Health* 11 Aug. 2005, 3). In a 2008 *New York Times* article on single mothers in China, an interviewee indicated that she married so that her son could obtain the identification needed to receive social services and attend school, since he was prohibited from registering for *hukou* or getting a residency permit in Beijing (6 Apr. 2008). Another interviewee indicated that the Public Security Bureau in Shanghai allows for the children of unmarried mothers to register for *hukou* (*The New York Times* 6 Apr. 2008).

Country Reports 2008 reports on a case in Henan province where authorities "forcibly detained" an

unmarried woman who was seven months pregnant, "tied her to a bed, induced labor, and killed the newborn upon delivery" (US 29 Feb. 2009, Sec.1.f; US 31 Oct. 2008, 98). Media sources reported that women in southwestern China had been forced to have abortions (NPR 23 Apr. 2007; Radio Free Asia 22 Apr. 2007). Sources gave details on one unmarried woman who underwent a forced abortion in Baise city, Guangxi, when she was nine months pregnant (NPR 23 Apr. 2007; Radio Free Asia 22 Apr. 2007). According to an April 2007 National Public Radio (NPR) article, a local family planning official indicated that an investigation into the allegations of forced abortions taking place in Baise city concluded that "some individuals who were dissatisfied with our family planning policies were fabricating stories" (NPR 23 Apr. 2007).

Information on whether unmarried women are obliged to undergo pregnancy tests by family planning officials could not be found among the sources consulted by the Research Directorate. However, sources indicate that married women of child-bearing age are subject to regular pregnancy tests (*Reproductive Health* 11 Aug. 2005, 4; US 31 Oct. 2008, 98). A May 2007 Reuters article reports that a college in Urumqi, Xinjiang, had required new students, many between 17 and 18 years of age, to take pregnancy tests and asked those who tested positive to leave the school (18 May 2007). On 1 June 2007, Xinhua News Agency reported that the college's headmaster had announced that the policy of testing for pregnancy during yearly physical examinations had been abandoned due to public pressure.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Publications: *Fertility, Family Planning, and Population Policy in China* (2006); *Governing China's Population: From Leninist to Neoliberal Biopolitics* (2005).

Oral Sources: Asian Human Rights Commission (AHRC), Executive-Congressional Commission on China, Human Rights in China (HRIC) and three professors did not provide information within the time constraints of this Response. The Embassy of the People's Republic of China in Ottawa, the World Health Organization (WHO), Mother's Choice and four additional professors did not have information on this subject. Attempts to contact the Department of International Health at the University of Copenhagen and the China Law Center at Yale University were unsuccessful.

Internet sites, including: All-China Women's Federation (ACWF), Amnesty International (AI), Australian Government - Migration Review Tribunal, *Beijing Review*, British Broadcasting Corporation (BBC), The Center for Reproductive Rights, *The China Daily* [Beijing], China.org.cn, China Population Welfare Foundation, European Country of Origin Information Network (ecoi.net), Freedom House, Human Rights Watch (HRW), Laogai Research Foundation, Ministry of Foreign Affairs of the People's Republic of China, Mother's Choice, National Population and Family Planning Commission of China, Les Pénélopes, Population Council, *Time* (Asia), United Kingdom (UK) Home Office, United Nations (UN) Economic and Social Commission for Asia and the Pacific, UN Population Fund, World Health Organization (WHO).

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Top of Page](#)

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