



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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21 February 2005

**CHN43165.E**

China: Any reports of forced abortions and forced sterilization within the regions of Guangzhou (Guangdong Province) and Fuzhou (Fujian Province) covered by the urban *hukou* ; any reports of an easing or a tightening of family planning regulations since 2002 (2002-2005)

Research Directorate, Immigration and Refugee Board, Ottawa

### Forced abortions and sterilization

Reports of specific incidents of forced abortions or forced sterilization in the regions of Guangzhou and Fuzhou could not be found among the sources consulted by the Research Directorate. However, the following information may be of interest.

Amnesty International (AI), in an 8 October 2004 article, commented that human rights organizations have not been able to conduct independent research on allegations of forced sterilization and abortion in China due to strict control of information by the authorities. Likewise, a lecturer in international relations at the University of Kent who recently co-authored a book on China's "surplus" male population noted in correspondence to the Research Directorate that information about forced sterilization and abortions "is very difficult to collect," and Chinese experts are sometimes reluctant to speak about such a "sensitive" issue (13 Jan. 2005). However, AI did report on the case of Mao Hefeng, who spoke out against an abortion she claims she was forced to undergo in 1989, and who has reportedly been detained several times and sent to various psychiatric hospitals and, most recently, to a labour camp (AI 8 Oct. 2004).

According to an 8 November 2004 *Times* article, although "[I]oopholes are exploited and officials hoodwinked nationwide .... [o]ccasionally, overzealous officials commit atrocities in the [family planning] policy's name, such as mass sterilizations, forced abortions and the killing of a newborn. But such cases are now rare."

The lecturer in international relations indicated that, while she had no evidence of forced sterilization for the period covered by this Response, this did not mean none had taken place (13 Jan. 2005).

The lecturer in international relations further stated that, up until the spring or summer of 2004, when the Chinese government began to officially address the issue of gender imbalance in China, authorities had appeared to maintain tight control on the number of births (13 Jan. 2005). This, the lecturer noted, "suggests that there may have been continued attempts to keep births down through coercive techniques" (Lecturer in International Relations 13 Jan. 2005).

In a 14 December 2004 statement to the U.S. House of Representatives Committee on International Relations, Assistant Secretary Arthur E. Dewey, who heads the Bureau of Population, Refugees and Migration at the U.S. Department of State, commented that "harassment" by authorities of women whose pregnancies were "unauthorized" "amount[s] to a program of coercive abortion" when the women are unable to pay the social compensation fees levied on those who parent additional children, and therefore undergo an abortion. The assistant secretary continued that:

... [i]n circumstances when social compensation fees and intense psychological and social pressure are not sufficient to compel women to have an abortion, there are reports, albeit declining, of instances where the authorities have physically forced a woman to terminate a pregnancy ... Forced sterilizations continue to occur, most frequently when couples have more children than the allowable number (14 Dec. 2004).

However, the assistant secretary did not provide any case examples of forced sterilization or abortion. The Chinese Foreign Ministry has denied claims advanced by Arthur Dewey and others who testified before the Committee on International Relations, stating that "[t]he Chinese government endeavors to promote and protect the human rights and basic freedom of the people" (Xinhua 22 Dec. 2004).

An associate professor of political science at Brock University who has studied the implementation of family planning in Fuzhou indicated in correspondence to the Research Directorate that, while recently conducting research on family planning in Shanghai, Wuhan, Shijiazhuang, Kunming and Beijing, he was left with the "strong impression" that forced abortions are not as prevalent as they may have once been, and that the current trend is to impose a fee on those who violate the policies (7 Feb. 2005). A professor of sociology at the University of Pennsylvania who co-authored a recent paper on family planning in China commented in correspondence to the Research Directorate that one of the themes of his work is that "the effectiveness of enforcement of the [family planning] program began to convince many Chinese that resistance is ... futile" and this may have led to a decrease in the prevalence of forced abortions (20 Dec. 2004).

The lecturer in international relations noted that, with "immense pressure [since mid-2004] from within the government to stop sex-selective abortions, [there may be] less pressure on women to abort" (13 Jan. 2005). The Chinese government reported that 119 boys are born for every 100 girls and indicated it planned to reverse this trend by 2010 (CRI 8 Jan. 2005). The minister in charge of the National Population and Family Planning Commission announced that the Chinese government considers correcting the gender imbalance to be an "urgent task," and the commission is to draft revisions to the Criminal Law of the People's Republic of China to include sex-selective abortion (CRI 8 Jan. 2005). According to a China Radio International article, "[e]xperts say that criminalising the ban [on sex-selective abortion] would be a more effective deterrent" (ibid.). Officials in Guiyang city in Guizhou province have made any abortion after the 14th week of pregnancy illegal, with the exception of foetuses that are proven to have genetic abnormalities (Xinhua 16 Dec. 2004; see also Lecturer in International Relations 13 Jan. 2005). Policies such as this that effectively ban sex selection, the lecturer in international relations wrote, "will make forced abortions much more difficult [to implement]" (ibid.).

### **Reports of an easing or a tightening of local family planning regulations**

Translated excerpts of the 2002 Guangzhou family planning regulations are attached to this Response. In correspondence to the Research Directorate, the representative for the United Nations Population Fund (UNFPA) in China emphasized that provincial regulations have the status of law, while regulations at any level below that are administrative guidelines (16 Feb. 2005).

Information on local family planning regulations for the region of Fuzhou was scarce among sources consulted by the Research Directorate. However, the information that follows on regulations in Guangzhou and on family planning policies in general may be of interest.

In a telephone interview with the Research Directorate, the representative for the UNFPA in China noted that the work of local family planning officials was no longer being evaluated by government officials on the basis of meeting birth quotas, but rather on the quality of care being provided (18 Feb. 2005). According to the representative, national clinical standards require the lifting of birth quotas at the county level, and to date, around 200 counties have been certified as meeting these standards (18 Feb. 2005). Further information on the clinical standards or the lifting of birth quotas could not be found among sources consulted by the Research Directorate.

In regards to local family planning regulations in Guangzhou, according to the director of the family planning technological department in Guangzhou's population bureau, the region experienced relatively few unplanned births and population control was no longer a "prickly problem" (China Internet Information Center 4 Nov. 2002). With Guangzhou recording low birth rates and a preponderance of single-child families, officials are turning their attention to men's reproductive health and "improving the quality of the population" (ibid.).

According to a 7 October 2004 *Beijing Review* article, "[i]n urban areas, birth control is no longer the major task of population authorities in China. [U]rban couples are generally reluctant to have more than one

child, as education and housing have become increasingly expensive." The *People's Daily* reported on 2 September 2002 that 600,000 couples in the cities of Guangzhou, Beijing and Shanghai have double incomes and no children.

Nevertheless, *Shenzhen Daily* reported on 23 December 2003 that, under the new *hukou* system which was slated to come into effect on 1 January 2004, residents of Guangzhou who violated family planning policies would have to wait five years longer than other applicants before obtaining a residence permit.

In 8 December 2004 correspondence to the Research Directorate, a Ph.D. candidate at the University of Technology, Sydney who specializes in Chinese rural migration and has conducted field research in China, the resident identity card system has been digitized and is used by authorities to verify such information as marital status and the number of children a person has when someone registers with local public security authorities. According to the Ph.D. candidate, "[a]pparently, the main aim of this system has been to try and make migrant workers comply with the one-child policy" (8 Dec. 2004).

A *People's Daily* article reported that the deputy director of the Legislative Affairs Office of the State Council indicated that China would neither tighten nor relax its family planning policy and that "China must impose strict restrictions on extra-policy births" (2 Sep. 2002). On the other hand, the lecturer in international relations expressed her belief that it would be necessary to relax the one-child policy, at least in some areas of the country, in order to meet the government-stated goal of normalizing the birth sex ratio by 2010 (13 Jan. 2005).

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 additional sources consulted in researching this Information Request.

#### References

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#### Additional Sources Consulted

**Oral Sources:** Human Rights in China; U.S. Department of Homeland Security.

**Internet sites, including:** All-China Women's Federation, *Asia Times*, Center for Reproductive Law and Policy, International Planned Parenthood Foundation, Population Reference Bureau, Radio Free Asia, National Family Planning and Population Commission (China), United Kingdom Home Office, U.S. Department of State, World Health Organization (WHO).

#### Attachment

People's Republic of China. 15 November 2004. Procedures Governing Population and Family Planning Management in the City of Guangzhou. Translation by the Multilingual Translation Directorate, Translation Bureau, Public Works and Government Services, Canada, 8 pp.

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