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Issue Paper CHINA ONE-CHILD POLICY UPDATE January 1995

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Table of Contents

1. [INTRODUCTION](#)
2. [CHINESE FAMILY PLANNING](#)
 - [2.1 Population Administration](#)
 - [2.2 Summary of the One-Child Policy](#)
 - [2.3 Rewards and Penalties](#)
 - [2.4 Birth Control Practices](#)
 - [2.5 Eugenics](#)
 - [2.6 The Use of Force](#)
 - [2.7 Non-Compliance with the Policy](#)
 - [2.8 1991 Policy Shift](#)
 - [2.9 Interpretations of Recent Fertility Indicators](#)
3. [RURAL AREAS](#)

[3.1 Cultural Attitudes](#)[3.2 Females: Abandonment, Infanticide, Abduction, Selective Abortion](#)4. [INTERNAL MIGRATION](#)[4.1 Permanent Household Registration](#)[4.2 Temporary Household Registration](#)[4.3 Unauthorized Migrants](#)[4.4 Family Planning Controls for the Floating Population](#)5. [URBAN AREAS](#)[5.1 Control](#)[5.2 Corruption](#)6. [ETHNIC MINORITIES](#)[APPENDIX: Provincial Regulations on Second Child, 1984](#)[NOTES ON SELECTED SOURCES](#)[REFERENCES](#)

1. INTRODUCTION

This paper is designed to serve as an update on human rights issues associated with the one-child family planning policy in the People's Republic of China. It follows three earlier DIRB reports that comment on the one-child policy: *Human Rights Brief: Women in China* (Oct. 1993), *China: A Country Profile* (Dec. 1991), and *Question and Answer Series: The People's Republic of China: One Child Family Policy* (June 1989).

It is difficult to obtain first-hand information in its Chinese context, especially for such a controversial and sensitive topic as the one-child policy (Mosher 1993, x). As China scholar Martin King Whyte remarks,

Conditions for field research in the PRC continue to be less than ideal, with brief visits to a village under constrained and supervised conditions often the most that is possible. Even this is often problematic, with the possibility that chosen locales will be ruled out of bounds, certain topics will not be approved, or field access will be postponed or denied entirely (*The China Quarterly* June 1992a, 231).

Nevertheless, Chinese family planning is a topic of intense interest both within and outside China, and a number of recently published reports provide a closer view of how social and economic changes associated with reform have affected enforcement of the one-child policy among rural and urban citizens, and among a comparatively new but growing group, the "floating" population [For further information on recent social and economic changes in China please refer to the DIRB's *Question and Answer Series: China: Human Rights and Economic Growth* (December 1993).].

2. CHINESE FAMILY PLANNING

2.1 Population Administration

Family planning is accorded an extremely high priority by the Chinese government which is worried that China's immense and growing population could offset the gains made by economic reforms (Xinhua 12 June 1991; Population Crisis Committee 1992, 16; *Renmin Ribao* 3 Apr. 1993). Now estimated at over 1.15 billion people, China's population is increasing by over 13 million per year despite a significant drop in the birthrate, from 35 babies per thousand population in the late 1960s to fewer than 20 today (Xinhua 2 Mar. 1994; Population Crisis Committee 1992, 11). The country currently has about 324 million women of child-bearing age, many born in a baby boom following the famine years of the late 1950s and early 1960s (Xinhua 29 Mar. 1994; Mosher 1993, 265-266; *Renmin Ribao* 11 Jan. 1993, 22). It was to limit population growth as this age group reached childbearing years that the Chinese leadership introduced a rigorous one-child policy in 1980 (Peng 1991, 24; Population Crisis Committee 1992, 8).

Family planning in the People's Republic of China is coordinated at the federal level by the State Family Planning Commission; population control staff throughout the country number about 290,000 (*Zhongguo Xinwen She* 16 Sept. 1993). In addition, there are some 900,000 family planning associations with an estimated membership of between 36 and 50 million volunteers (*Renmin Ribao* 11 Jan. 1993; Population Crisis Committee 1992, 33; People's Republic of China Nov. 1991, 67). The national budget for family planning increased approximately 18 per cent per year throughout the 1980s, and after 1991 was doubled to \$US1.1 billion, with only a small proportion being supplied by international aid (Population Crisis Committee 1992, 19; *The Independent* 11 Sept. 1991).

2.2 Summary of the One-Child Policy

Both the Chinese constitution and the Marriage Law state that it is a couple's duty to practise family planning (Hsia and Johnson Sept. 1992, 46, art. 49; People's Republic of China 1982b, art. 12, 8; *Columbia Human Rights Law Review* Summer 1992, 264-265). In 1991, the Communist Party of China (CPC) Central Committee summarized China's family planning policy:

Encourage late marriage and late pregnancy, and fewer but healthier births; and encourage one child for every couple.... except in special circumstances where permission is granted for birth of a second child.... The same policy should be promoted in rural areas ... family planning should also be implemented among the minority nationalities, with concrete demands and methods to be decided by the different autonomous regions and provinces (Xinhua 12 June 1991; see also People's Republic of China Nov. 1991, 67-68)

A marriage is considered "late" if it takes place three years after the minimum marriage age of 20 for women and 22 for men (*China's Population* 1992, 16; People's Republic of China 1982b, art. 5, 6), while childbirth is considered "late" after the woman is 24 (*China's Population* 1992, 16). Through new regulations, Chinese officials are hoping to crack down on illegal marriages and separate couples who are co-habiting before the legal marriage age (Xinhua 25 Feb. 1994; Xinhua 12 June 1991).

Although the basic family planning policy has been enunciated by the central government, its interpretation and implementation are left to provincial and municipal regulators to adapt according to local conditions (Population Crisis Committee 1992, 9; Peng 1991, 46-47; Guangzhou Guangdong People's Radio Network 9 Dec. 1992; *Henan Ribao* 10 May 1990, art. 16). Sources indicate that implementation of family planning regulations differs from region to region and even within specific localities (The Population Crisis Committee 1992, 22; *Columbia Human Rights Law Review* Summer

1992, 265; Scruggs 29 July 1994; Peng 1991, 46-47).

There are generally few exceptions to the one-child principle in urban areas (The Population Crisis Committee 1992, 22), and regulations can be quite complicated. Peng Xizhe's *Demographic Transition in China: Fertility Trends since the 1950s* includes a 1984 table listing 15 exceptions (see Appendix) for allowing a second birth and charts them for 25 of the 30 provinces, municipalities and autonomous regions (Peng 1991, 48). Virtually all areas allowed for a second birth if "a couple's first child suffers from a non-hereditary disease or disablement and is unable to become an able-bodied labourer," if "pregnancy occurs after a couple who have remained childless for many years adopted a child," or if "one spouse in a second marriage has never had children and the other one has one child from a previous marriage" (*ibid.*). Other exceptions applied in only some of the regions: for example, if one spouse works in fishing or mining or if "only one son has been born to a family for at least two consecutive generations" (*ibid.*, 48).

In 1988 the official regulations in the countryside were generally relaxed to allow for a second child after several years in the case of "practical" or "real" difficulties or problems (Peng 1991, 47; Population Crisis Committee 1992, 10; *Population Bulletin* June 1992, 11-12; Davin 1992, 99). Interpretation of the term "real difficulties" can be flexible (Peng 1991, 47). According to the Population Crisis Committee, an independent study group based in Washington, in 18 of the 30 provinces, municipalities and autonomous regions, authorities allow rural couples to have a second child if the first child is a girl (Population Crisis Committee 1992, 22). In six southern and northwestern provinces, authorities permit all rural families to have two children (*ibid.*). In both instances, the children are to be spaced several years apart (*ibid.*). Official regulations have generally been more relaxed for minority nationalities (Peng 1991, 49; Population Crisis Committee 1992, 22; *Population Bulletin* June 1992, 22).

The family planning policy regulates not only the number of births per couple, but also the timing of births through the birth quota system, as described in the *Report of the Second Australian Human Rights Delegation to China*:

The central government sets an annual nationwide goal for the number of 'authorised' births each year. That figure is then divided up among provinces and below that, prefectures, counties, towns and districts. Eventually, each work unit (factory, office, village etc) is allocated a target for the following two to three years. As the number of births permitted to each unit is often small, many units 'ration' births and make couples wait until their appointed time before having children (Commonwealth of Australia 1993, 49).

The Population Crisis Committee reports that throughout China, the use of intrauterine devices (IUDs) is promoted after a first birth, sterilization is promoted after a second birth, and third births are "strongly discouraged and ... not officially approved" (Population Crisis Committee 1992, 22). However, the regulations for at least one province, Henan [Complete regulations for Henan Province can be found in DIRB Response to Information Request CHN18426.E of 7 September 1994.], are more stiffly worded and call for compulsory IUD use after a first birth and sterilization of either wife or husband after a second (*Henan Ribao* 10 May 1990, art. 24). Also, according to the Henan regulations, "In case a woman becomes pregnant, which is not permitted by the state plans, remedial measures must be taken to stop the pregnancy" (*ibid.*, art. 24). [John S. Aird, a vocal critic of the one-child policy, contends that "'remedial measures' is a standard Chinese euphemism for mandatory abortions, as is obvious from the fact that the 'remedies' are prescribed regularly for women who get pregnant without official permission" (Aird 1990, 12).] Author Steven Mosher contends that these requirements for IUD

implantation after a first birth, sterilization after a second, and abortion of any unauthorized pregnancy, are in effect throughout China (Mosher 1993, viii).

2.3 Rewards and Penalties

Education and propaganda are considered cornerstones of the family planning policy (People's Republic of China Nov. 1991, 67-68; Commonwealth of Australia 1993, 49; Xinhua 12 June 1991). However, the policy has been enforced through a series of rewards and penalties that, like other aspects of the regulations, vary considerably between regions and localities (Peng 1991, 46; Commonwealth of Australia 1993, 50-51). Traditionally, urban areas with their greater economic development, have been able to provide more substantial social support programs to residents than have rural areas (*International Migration Review* Winter 1993, 797-798; *Population Research and Policy Review* 1993, 281; *Population Bulletin* June 1992, 27). Similarly, rewards for compliance with the one-child policy in urban areas tend to be more substantial than in rural ones, and could include privileges regarding housing, food subsidies, medical care, education, a monthly health allowance, job promotions, and special bonuses for volunteering for sterilization (*Colombia Human Rights Law Review* Summer 1992, 265; Commonwealth of Australia 1993, 50; Peng 1991, 47). According to Peng Xizhe, in the 1980s "the allocation of economic benefits placed a heavy burden on the units which were responsible for it, especially in the poor rural communes" (Peng 1991, 47). In rural areas the main incentives for adhering to family planning regulations usually involve more land and grain rations (*ibid.*, 46; Population Crisis Committee 1992, 23; Commonwealth of Australia 1993, 51).

Official penalties generally include fines, as well as the loss of paid medical care, of paid education and of food rations for the unauthorized child, and can also include dismissal or demotion for the parents as well as other punishments (*Country Reports 1993* 1994, 609; Peng 1991, 46). Small fines may be administered for a failure to use contraceptives, with larger fines and other sanctions being imposed on those continuing an unauthorized pregnancy (Population Crisis Committee 1992, 23).

Deductions from salaries for a period of seven to fourteen years are also common (Peng 1991, 46). In urban areas of Henan Province, these deductions range from 20 to 30 per cent of both parents' salaries for a period of seven years for an unauthorized second child, and go up to 30 to 40 per cent over fourteen years for a third (*Henan Ribao* 10 May 1990, art. 40). In rural Henan, no additional land will be allocated to a peasant family for seven years in the case of an unauthorized second birth, and for fourteen years in the case of a third (*ibid.*). Penalties for state employees in Henan include possible loss of employment for an unauthorized second child, and definite loss of employment for both parents in the case of a third, in addition to stiff fines (*ibid.*, art. 39).

Anecdotes regarding fines and penalties are often related in press and other reports. In February 1994, the Chinese journal *China Population Today* reported various penalties recorded in one rural county in Ningxia Wei Autonomous Region: one family had six daughters before having a son and paid 7,000 yuan; another woman was trying to save 5,000 yuan to try again for a boy (China Population Today Feb. 1994, 14). Agence France Presse reports on a couple in Heilongjiang Province, fined 14,695 yuan (US\$2,500) for refusing to abort a second child when the woman was seven months pregnant (AFP 22 Oct. 1993). The couple could pay only 12,000 yuan (US\$2,068), so by court order their television, washing machine and other possessions were confiscated. Daniela Deane interviewed one peasant who says she paid 3,000 yuan in cash to have a second child because the first was a girl, but Deane also quotes an official from a village outside Beijing who put the fines at 20,000 to 50,000 yuan (US\$3,700 to 9,500) (*Los Angeles Times* 26 July 1992). Finally, several officials in Shaanxi Province who were found to have had too many children faced punishments varying from immediate fines of 1,500 to 2,500 yuan and five years of paying 30 per cent of their annual salaries in further fines, to outright

dismissal (*Shaanxi Ribao* 8 Oct. 1993).

2.4 Birth Control Practices

China has put a great effort into making family planning services widely available, with generally free or low-cost contraceptives and clinical services, and the establishment of family planning clinics or "service stations" in most areas. These services are provided either through the regular health system or through the State Family Planning Commission, and sometimes through both (Population Crisis Committee 1992, 28-30).

As well, China is pursuing an active contraceptive research program and an increasing variety of contraception technology is slowly becoming available (Population Crisis Committee 1992, 35). Reports indicate, however, that sterilization and the use of out-moded steel-ring IUDs still account for approximately 40 per cent of contraception (Commonwealth of Australia 1993, 50; *China Population Today* Dec. 1993, 14). In late 1992 the State Family Planning Commission accepted the recommendation of a United Nations Fund for Population Activities (UNFPA)-funded study to stop production of the steel-ring IUD (UNFPA 1993, 41; *China Population Today* Dec. 1993, 14), which has a high failure and expulsion rate, and is associated with infections (Population Crisis Committee 1992, 36; Mosher 1993, 250; *Population Bulletin* June 1992, 13). However, large-scale use of the steel-ring IUDs already in existence is expected to continue until the end of the decade (Population Crisis Committee 1992, 37).

Female sterilization accounts for 36 per cent of all contraception, male sterilization for 12 per cent, according to the Population Crisis Committee (Population Crisis Committee, 1992, 37). In all, females are responsible for about 84 per cent of contraception, an imbalance which has drawn comment from both inside and outside China (*China Population Today* Feb. 1994, 14; Population Crisis Committee 1992, 37; *Columbia Human Rights Law Review* Summer 1992, 274). According to official government statistics, sterilizations peaked in 1983 at 16.4 million for women and 4.4 million for men; in 1989 there were 6.3 million female sterilizations and 2.4 million male sterilizations (*Population Bulletin* June 1992, 12). A more recent UNFPA estimate suggests that sterilizations increased again after the late 1980s, although reliable data is difficult to obtain (Scruggs 25 Aug. 1994).

It has been estimated that about 70 per cent of Chinese abortions are made necessary because of contraceptive failure (*Population Bulletin* June 1992, 13). According to the All-China Women's Federation, abortions have been performed on one-quarter of married women in China (AFP 27 Jan. 1994). In 1989, 10.6 million abortions were performed, down from a high of 14.4 million in 1983 (*Population Bulletin* June 1992, 12). In Sichuan Province, there were 450,000 abortions in 1991 compared to 1.76 million live births; official statistics claim that the ratio of abortions to live births has dropped in Sichuan from 53:100 in 1988 to 26:100 in 1991 (Commonwealth of Australia 1993, 53).

Late-term abortions are not encouraged by officials (*ibid.*, 54), but reports of the practice continue (*ibid.*, 52; *New York Times* 21 July 1993; *Los Angeles Times* 26 July 1992). Chi An, a former population control worker from Liaoning Province, performed and witnessed several late-term abortions in the early 1980s (Mosher 1993, 254-255). According to her, many late-term fetuses were born alive in the expulsion process:

Even those of only thirty weeks of gestational age often lived for several hours after being discarded in a waste receptacle in the operating room. Older babies lived even longer (*ibid.*, 254).

Chi An also claims that lethal injections were sometimes given by doctors through the soft skulls of

unauthorized babies as they were emerging from the birth canal (*ibid.*, 255-259). Julie Jimmerson, writing about female infanticide in China in the *UCLA Pacific Basin Law Journal*, echoes Chi An's account of doctors giving lethal injections to emerging babies; some doctors reportedly felt they were required to do so if the mother had no birth authorization certificate (*UCLA Pacific Basin Law Journal* Spring 1990, 74, 75). However, Jimmerson maintains that it is "unlikely" that this type of infanticide is "the product of government policy" (*ibid.*, 74) [Please see section 3.2 regarding infanticide.]. More recently, Liu Yin writes in *The Independent* of her 1991 experiences accompanying a family planning "task force" into a rural village: "Hundreds of women -- some more than six-months pregnant -- were packed in dark corridors and makeshift tents, waiting to be operated on in the 'abortion centre' in the hospital courtyard" (*The Independent* 11 Sept. 1991).

Nicholas D. Kristof, writing in *The New York Times*, reports that with the increasing, though illegal, use of ultrasound machines to ascertain fetal gender, many women are reporting for abortions late in their second trimester if they have been told they are carrying a girl (*New York Times* 21 July 1993). According to the Second Australian Human Rights Delegation, "There is ... evidence that some Chinese officials and doctors have participated in infanticide (with or without the parents' consent) or in abortions so late in pregnancy that it is tantamount to infanticide" (*Commonwealth of Australia* 1993, 52).

2.5 Eugenics

China's family planning policies aim to not only reduce the size of the Chinese population, but also to improve its quality (*People's Republic of China* Nov. 1991, 49-50; *Zhongguo Tongxun She* 11 Apr. 1993; *Zhongguo Xinwen She* 26 Mar. 1994; *Renmin Ribao* 11 Jan. 1993). To this end, certain regions in the country have been practising eugenics, the attempt to improve a race through selective breeding, for approximately the past five years (*South China Morning Post* 2 Feb. 1994), and in 1993 the Chinese government formulated a draft law on eugenics and health protection (*ibid.*; *Xinhua* 20 Dec. 1993; *China Daily* 4 Jan. 1994). This draft law received a great deal of international criticism and was sent back to the National People's Congress Standing Committee for re-consideration (*South China Morning Post* 2 Feb. 1994; *FEER* 27 Jan. 1994).

The original draft law banned marriages for those with "such ailments as hepatitis, venereal disease, or mental illness" (*Xinhua* 20 Dec. 1993; *The Independent* 10 Apr. 1994). As well, it required doctors to advise women with hereditary diseases likely to affect the child to have abortions (*China Daily* 4 Jan. 1994) and be sterilized (*Xinhua* 20 Dec. 1993; *The Independent* 10 Apr. 1994). According to a Voice of America report, a revised law with the new name of Mother and Child Health Care Law will come into effect in June 1995. Under this revised law, "health authorities will advise a woman to have an abortion if she has a hereditary disease, if her fetus is found to be seriously abnormal, or if the pregnancy is life threatening" (14 Nov. 1994). The report quotes China's Minister of Health as saying that details of which diseases will be considered serious enough for doctors to advise an abortion would be released later (*ibid.*).

Family planning regulations now in effect for Henan Province state that "Couples who have suffered from serious hereditary diseases including mental disease, hereditary mental incapability, hereditary deformity, and so on are strictly prohibited to bear children" (*Henan Ribao* 10 May 1990, art. 22). A married person who suffers from one of these hereditary problems must be sterilized, though only one sterilization per marriage is required if both partners suffer from the above conditions. Furthermore, "If a woman suffering from any of the diseases mentioned above has become pregnant, the pregnancy must be terminated" (*ibid.*).

Peng Peiyun has reported that 2 per cent of the Chinese population -- over 50 million people -- are disabled, with two-thirds of these people being mentally handicapped (*Zhongguo Xinwen She* 26 Mar. 1994; *Xinhua* 24 Jan. 1994). According to Peng,

There are 400 million people living in areas with an iodine-shortage problem, making up 40 percent [of] the total population facing the same problem in the world. Illiterate and semi-literate people in the country are now put at over 180 million with females accounting for 70 percent, posing a problem for the control of population growth and the raising of quality of people (*Zhongguo Xinwen She* 26 Mar. 1994).

An 11 April 1993 commentary in *Zhongguo Tongxun She* argues that intellectuals should be allowed a second child in order to improve the quality of the population. The commentary cites a 1987 study by the China Disabled Persons' Federation that reported that China had 3.5 million disabled children (*Zhongguo Tongxun She* 11 Apr. 1993). According to the report, "The survey hinted that the reasons these children are mentally retarded [luo hou] are related to the poor educational quality of their parents and to their mothers' lack of health-care knowledge during pregnancy" (*Zhongguo Tongxun She* 11 Apr. 1993). Similarly, *Ming Pao* reported that "A survey showed that most children of the retarded are likewise retarded. Even when some children of the retarded are normal intelligence-wise, they usually have a low IQ simply because of failure in their parents' care and enlightenment" (*Ming Pao* 31 Jan. 1992).

The Population Crisis Committee reports that in China it is a "popular misconception ... that mental retardation is a hereditary condition. ... medical experts estimate that only between 10 and 15 percent of mental retardation in China is caused by hereditary factors. Most cases of mental retardation appear to result from poor natal or obstetrical care, or nutritional deficiencies" (*Population Crisis Committee* 1992, 21). According to the Population Crisis Committee, the UNFPA has been funding studies on the causes of retardation in China, in an effort to move legislators away from eugenics laws (*ibid.*).

In Gansu Province, a reported 6,271 mentally retarded adults were sterilized between January 1989 and June 1991 (*Ming Pao* 31 Jan. 1992). Gansu reportedly has 260,000 mentally retarded people among a population of 23 million (*ibid.*). In Sichuan Province, where eugenics provisions are also in effect, the Second Australian Human Rights Delegation was told by officials that amniocentesis is used in the first trimester to test the chromosomes of the fetus of a mentally retarded woman, and that the fetus is allowed to be born if found to be normal (*Commonwealth of Australia* 1993, 55). According to the delegation, "authorities confirmed that consent to an abortion by the woman herself or by the next of kin or guardian, if appropriate, is always required before a foetus can be aborted" (*ibid.*, 54-55).

2.6 The Use of Force

Coercion or the use of force in implementing family planning regulations, including forced abortions and sterilizations, is officially opposed by the Chinese government (*People's Republic of China* Nov. 1991, 49; *Country Reports 1993* 1994, 609; *Commonwealth of Australia* 1993, 51; *Renmin Ribao* 11 Jan. 1993). The Chinese government has admitted that incidents of coercion occasionally take place, usually, according to the government, in remote areas (*Country Reports 1993* 1994, 609) or as a result of over-zealousness on the part of local officials (*Commonwealth of Australia* 1993, 51, 54). In 1993, Government officials reported to the Second Australian Human Rights Delegation to China that population control workers who are too "enthusiastic" are investigated and dealt with, but provided no examples of specific cases (*ibid.* 51). As well, *Country Reports 1993* states that population control officials guilty of abuse are subjected to punishment or retraining; Chinese officials "admit ... that stronger punishment is rare and have not documented any cases where punishment occurred" (1994,

609).

Peng Peiyun, the Minister of the State Family Planning Commission, and possibly the most powerful woman in China (Scruggs 29 July 1994), gave the following explanation of the limits of force available to officials in convincing women to have an abortion:

"Simply said, you can't tie her up and make her do it," [Peng Peiyun] said, but officials should create a "general mood" favoring abortion in their communities and bring pressure to bear to "mobilize" the woman.

"If it doesn't work the first time, the woman must be mobilized a few more times. It may take dozens of tries at persuasion for some," the minister said.

"I talk reason with you. I clearly reason with you. If you aren't convinced, then we'll have a few more ideological work sessions.

"If she was not willing to do it originally, she will do it in the end after giving it some thought. This is all right, and it is no good to insist on calling this coercion or commandism," Mrs. Peng said (AFP 9 June 1991).

Chi An provides a detailed account from the early 1980s of the types of psychological pressure brought to bear on pregnant women by ideological work sessions (Mosher 1993, 199-200, 251-252, 264-265). The meetings would increase in frequency and seriousness as the pregnancy continued:

As many as a dozen officials might impose themselves on her and her family at all hours of the day and night, hectoring, blustering, and threatening dire consequences. If she still insisted on having an illegal child, the local Party chief would join in as well (*ibid.*, 265).

Chi An reports the use of "hard" and "soft" interview techniques in order to break down a woman's resistance: some officials menacing and threatening, and others understanding and gently persuasive -- the latter role played by Chi An, who had herself undergone an abortion under pressure (*ibid.*, 268). This type of interviewing style was specifically mentioned by Peng Peiyun in a 16 September 1993 report of *Zhongguo Xinwen She*, written in English, in which she asked family planning workers to refrain from "resorting to coercion and giving orders and even breaking the law in the work of family planning" *Zhongguo Xinwen She* 16 Sept. 1993.

According to Chi An, her own refusal to use "overt force" in implementing the family planning regulations was in reality a "sham":

If a woman walked the last one hundred yards to the clinic under her own power, I had considered her to be choosing an abortion of her own free will. Like the Party, I always preferred a woman to 'volunteer.' Yet how could her act possibly be considered voluntary? ...I was as willing to threaten, to lock up, to cajole, and browbeat those poor women into submission as anyone else (Mosher 1993, 276-277).

Stirling Scruggs of the United Nations Fund for Population Activities (UNFPA) states that "Coercion exists in China still, but the assertion by some that coercion is absolute is unfounded" (Scruggs 29 July 1994). According to the Second Australian Human Rights Delegation to China, "By western liberal standards the policy has coercive elements. Considerable psychological and economic pressure is placed upon couples to have only one child" (Commonwealth of Australia 1993, 51).

Anecdotal reports indicate that the application of force, when it occurs, can be extreme. Hu Yushang

has written of his experiences in the late 1980s when he was punished after a dispute with his work unit and transferred to a unit enforcing family planning regulations in the Fujian countryside. According to Hu,

We went through village by village, in accordance with the quotas set by people higher up When we had figured out which families had had more children than they were supposed to, we would make a sudden raid and forcibly take the women to the township hospital to be sterilized. We usually got together a band of 10 to 20 people, and we set out into the mountains in jeeps every evening around 11 pm to make our raids. Since the peasant families often resist, each of us was given a baton and a big flashlight. The local police who escorted us also had guns (*Human Rights Tribune* Winter 1992b, 21).

Hu's experiences were echoed by Liu Yin, who witnessed a similar raid in 1991 (*The Independent* 11 Sept. 1991). Ten family planning "task force" members arrived in a village in the dead of night and, acting on information from paid informers, rounded up women for abortions or sterilizations, carrying off those who resisted. Also, Liu reported seeing six houses which had been pulled down in one village to punish families for not following family planning regulations. According to Liu, friends of these families were not allowed to share their homes with them (*ibid.*; see also *The Economist* 20 Aug. 1993).

2.7 Non-Compliance with the Policy

The Population Crisis Committee relates that the overall punitive nature of the enforcement controls has contributed to making the one-child policy very unpopular (Population Crisis Committee 1992, 26; see also *Current History* Sept. 1992, 275); however, the group feels that considerable evidence also exists to indicate that compliance with the policy has been lax especially in many rural parts of the country (*ibid.*, 24-26). Chinese women are now averaging 2.31 births each (Xinhua 14 Apr. 1993), creating what has been called a *de facto* two-child policy, especially in the countryside (Population Crisis Committee 1992, 26; Scruggs 29 July 1994). Births per woman are at two or over for 22 of China's 30 provinces, municipalities and autonomous regions (Population Crisis Committee 1992, 12).

Peng Xizhe also reports the relaxation of family planning in many parts of the countryside in the middle and later 1980s, resulting in an upsurge in second and later births (1991, 288-289). A commentary in the official newspaper *Renmin Ribao* of 17 May 1991 pinpoints the reasons why fines and delayed allocation of land had not brought about a family planning rural participation rate satisfactory to the government:

There are two kinds of people who are not afraid of being fined: first, the rich, and second, the extremely poor. As for delaying the distribution of land, most peasant households are defiant. Because the cost of living in the rural areas is low, it is not difficult to raise two or three more children with the land for three persons, furthermore, when they reach the age of 14, they are entitled to 'acquire' land

Like farmland, the land for building house [sic] is also distributed according to heads, therefore, the advantages in having fewer babies are temporary, while future difficulties are certain, and the difficulties brought about by having more babies are temporary while there are long-term advantages(*Renmin Ribao* 17 May 1991) .

2.8 1991 Policy Shift

In June 1991 the Chinese government announced several key modifications to the overall implementation of the family planning policy (Xinhua 12 June 1991). Reportedly concerned by 1990

census results which showed that birth rates were rising, especially in rural areas, the CPC Central Committee called for a renewed stress on overall enforcement of the existing rules, increased responsibility for family planning for "party committees, governments, and their leading cadres at all levels", greater incorporation of family planning regulations into the legal system, the development of regulations to control family planning within the newly transient population, and greatly increased vigilance on family planning in the countryside (*ibid.*) [For a discussion of family planning regulations among the newly transient population, see section 4.5 below; for a discussion of family planning in rural areas, see sections 2.7 above and 3 below.].

The new emphasis on cadre responsibility has been echoed in many provinces (*Hebei Ribao* 21 Dec. 1993; Changsha Hunan People's Radio Network 21 Mar. 1994; Guangzhou Guangdong People's Radio Network 9 Dec. 1992; *Neimenggu Ribao* 14 May 1993; *Liaoning Ribao* 26 Apr. 1993; Lanzhou Gansu People's Radio Network 18 Sept. 1993). Achievements in the field of family planning have now become much more important in the overall evaluation of an official or organization (Xinhua 12 June 1991). In Guangdong, for example,

the [responsibility] system [for cadres] constitutes the most important criterion for choosing advanced units or individuals, advertising for cadres and workers, giving a promotion, granting application for leaving agricultural production or for party or league membership, upgrading enterprises, and so on. Those who fail to implement the family planning policy will not be considered (Guangzhou Guangdong People's Radio Network 15 Sept. 1991).

Regarding the incorporation of family planning regulations into the legal system, Yang Kuifu, vice-minister of the State Family Planning Commission, has stated that "most provinces and cities now have standardized law enforcement procedures and documents" for family planning, and "illegal rules and regulations in some provinces have been weeded out" (Xinhua 5 Aug. 1993). As well, according to Yang, "325 administrative cases on family planning have been accepted and heard, with another 2150 cases reviewed" under the 1989 Administrative Procedural Law, enacted in October 1990 (*ibid.*), which allows citizens to sue officials for misdeeds (*Renmin Ribao* 10 Apr. 1989). Yang gives no indication of whether officials were found to have broken the law or whether compensation was paid in any case (Xinhua 5 Aug. 1993). The Population Crisis Committee cites one case prior to the 1989 law in which a Hunan Province official was imprisoned for one year for forcing abortion on a woman; the case was apparently left unpublicized in order to not discourage other population control workers (Population Crisis Committee 1992, 20).

In Guangdong Province, new regulations underlining the legal nature of family planning procedures were announced in December 1992 (Guangzhou Guangdong People's Radio Network 9 Dec. 1992). Besides stressing the personal responsibility of "major leaders of the people's governments of various levels" for the implementation of family planning, the new Guangdong regulations "underlin[e] the legal nature and authoritativeness of local family planning regulations and the importance of carrying out family planning", and "add that not carrying out family planning is lawbreaking behaviour" (Guangzhou Guangdong People's Radio Network 24 Dec. 1992). Similarly, an article in the *Hebei Ribao* relates how enforcement of family planning regulations is regarded "as an important part of the endeavors to strengthen the legal system and to disseminate laws and as the foundation for making family planning work successful" (Hebei Ribao 20 Mar. 1994). According to the article,

Law-enforcement contingents for family planning have been established at all levels from higher levels downward. Nearly 50 percent of Hebei's counties and cities have established courts for implementation of family planning to protect the legal rights and interests of the

masses (ibid.).

2.9 Interpretations of Recent Fertility Indicators

Whether the measures announced by the government in 1991 have had an impact on fertility rates is a matter of some debate. Figures for 1992, which became available in 1993, showed that the national birth rate had dropped 1.44 per thousand from the previous year to 18.24 per thousand (*China Daily* 9 Mar. 1993; Xinhua 23 Nov. 1993), and that the natural growth rate had set a record low for recent years of 11.6 per thousand, down from 16.61 per thousand in 1987 (Xinhua 18 Feb. 1993). Over the year officials registered five million fewer births than planned (*Zhongguo Xinwen She* 30 Dec. 1993), despite the population having entered the peak of the "third baby boom" with large numbers of women at optimal child-bearing age (*China Daily* 9 Mar. 1993). According to the State Family Planning Commission, the improvement was due to "a vigorous population control program and various publicity endeavours" (Xinhua 18 Feb. 1993).

However, there are still many questions concerning the validity of Chinese population statistics. Chinese and international sources indicate that there is considerable underreporting of births by local officials in some areas of China. Hebei Family Planning Commission Chairman Liu Denyan in his 1993 report on family planning stated that "the grass roots statistic figures [are] not real" (*Hebei Ribao* 21 Dec. 1993). A Beijing publication cites a State Family Planning Commission survey which found that of 32 villages surveyed in Hebei and Hubei provinces "most ... had failed to report births and early marriages as well as pregnancies and the heavy rate of births constituted serious problems" (*Zhongguo Xinwen She* 30 Dec. 1993; see also Xinhua 12 June 1991; *Renmin Ribao* 23 Jan. 1994). According to *Country Reports 1993*, the 1991 policy of increasing officials' personal responsibility for meeting birth quotas "intensified strong existing incentives for officials and families to underreport births"; the report suggests that the drop in fertility after the policy was announced has been "exaggerated" (*Country Reports 1993 1994*, 609-610). A UNFPA study conducted at the request of China's State Family Planning Commission to report on the validity of the recent fertility statistics indicates that while there are problems with underreporting of births and with the Chinese demographers' methodology, there was still a "considerable fall" in the fertility rates in the early 1990s, although not as great as Chinese statistics initially indicated (Scruggs 25 Aug. 1994).

Tyrene White, writing in *Current History* on reform in the countryside, states that village officials are often in a difficult situation, on the one hand trying to enforce unpopular family planning regulations, while on the other facing personal fines and penalties for not fulfilling birth quotas. As a result, according to White, "some cadres simply report false statistics. Only when township officials organize campaigns and come into the villages to enforce quotas do village cadres finally comply" (*Current History* Sept. 1992, 275).

One birth planning "task force" visit to a rural village was recorded by Liu Yin, reported above, which Liu Yin stated was part of a much larger campaign aimed at family planning enforcement in the countryside (*The Independent* 11 Sept. 1991). Similarly, Sheryl WuDunn reported in *The New York Times* a "nationwide crackdown by the family-planning authorities" which was especially aimed at villages in the countryside, where peasants were perplexed at the seemingly "capricious" and "arbitrary" campaign, which heavily punished some people and left others alone (*New York Times* 25 Apr. 1993). Demographer John S. Aird, a persistent critic of the coercive elements of the one-child policy (Aird 1990), regards the sudden dropping of 1991-92 fertility rates, along with reports of an "upsurge in coercion", as a clear indication of the central government having used "all powers at their disposal to make local leaders pay for any failure to attain Beijing's targets" (*FEER* 27 Jan. 1994).

3. RURAL AREAS

3.1 Cultural Attitudes

The one-child policy has been especially unpopular in rural areas (Mosher 1993, 235; *Current History* Sept. 1992, 275). Introduced at about the same time as the household responsibility system, which permitted peasant families to profit from a portion of the land allocated to them, the two policies appeared to contradict one another, since strict family planning would limit the size of the family labour supply just at the time when rural families needed more members to prosper (*The China Quarterly* June 1992a, 318; *Renmin Ribao* 17 May 1991; *Cultural Survival Quarterly* Winter 1992, 57; *UCLA Pacific Basin Law Journal* Spring 1990, 63-64).

When viewed within the context of the traditional preference for sons in the Chinese countryside, the one-child policy appears to have been very damaging to rural women [For a full report on the status of women in China, please refer to the October 1993 DIRB publication *Human Rights Brief: Women in China.*] (*Columbia Human Rights Law Review* Summer 1992, 261; *The Times* 23 Feb. 1994; Commonwealth of Australia 1993, 52; *UCLA Pacific Basin Law Journal* Spring 1990, 67-77).

Traditionally, sons and their wives are responsible for supporting the son's parents in old age, while daughters marry out and support their husband's family. As well, in traditional Chinese religion, only sons are allowed to perform the rites of ancestor worship. It is also considered that sons are able to perform more labour on the farm than daughters (*Population Research and Policy Review* 1993, 277-278; *Cultural Survival Quarterly* Winter 1992, 57; *UCLA Pacific Basin Law Journal* Spring 1990, p. 52-53).

Under the present system, without at least one son to rely on, most rural peasants face poverty in old age since the state does not provide retirement pensions as it does for urban workers (Population Crisis Committee 1992, 16; *Population Research and Policy Review* 1993, 278, 281, 292). There have been, however, reports of the development of a few retirement insurance plans in some areas for rural families, especially for those without sons (Xinhua 29 Mar. 1991; *China Daily* 28 Nov. 1991; Changsha Hunan People's Radio Network 21 Mar. 1994; *Zhongguo Qingnian Bao* 3 May 1991). The central government called for increased attention to this aspect of rural reform in the June 1991 statement on family planning (Xinhua 12 June 1991). An 11 January 1993 commentary in *Renmin Ribao*, however, indicates that while recognition of the need for a comprehensive old age insurance or retirement plan for rural areas exists, most of the work has yet to be done(*Renmin Ribao* 11 Jan. 1993). Changsha Hunan People's Radio Network reports that insurance systems for the countryside are "slowly" being developed (Changsha Hunan People's Radio Network 21 Mar. 1994).

3.2 Females: Abandonment, Infanticide, Abduction, Selective Abortion

The period of the one-child policy has corresponded with increased incidences in the countryside of female abandonment and infanticide, wife abduction, and an ever-widening birth-sex ratio (*Christian Science Monitor* 24 May 1994; Commonwealth of Australia 1993, 52; *Daily Mail* 17 Dec. 1993; *Columbia Human Rights Law Review* Summer 1992, 305; *South China Morning Post Weekly* 26-27 June 1993; *New York Times* 21 July 1993).

In most countries, about 105 or 106 boys are naturally born for every 100 girls (*New York Times* 21 July 1993). Recent Chinese reports indicate that the national birth-sex ratio is now 113 or more boys for every 100 girls born, and much higher in rural areas (*ibid.*; *The Independent* 10 Apr. 1994; *South China Morning Post Weekly* 26-27 June 1993). The use of ultrasound machines to determine fetal gender is officially banned (*ibid.*; *Henan Ribao* 10 May 1990, 41; *The Independent* 10 Apr. 1994; Commonwealth of Australia 1993, 54; *Los Angeles Times* 26 July 1992). However, one Chinese

demographer is quoted in *The New York Times* as estimating that there were 100,000 ultrasound machines in the country (*New York Times* 21 July 1993), and their profitable use to determine fetal gender has reportedly been increasing in public hospitals as well as private practices and businesses (*ibid.*; *South China Morning Post Weekly* 26-27 June 1993; IPS 17 Mar. 1994). According to one report, "Doctors are officially banned from telling parents the gender of a fetus, but peasants say a gift of a carton of cigarettes will usually open the doctor's mouth" (*New York Times* 21 July 1993).

It is possible that the birth-sex differential has been exaggerated in Chinese statistics due to underreporting of female births (*Population Bulletin* June 1992, 15-17). The deputy chief of the statistics bureau of the State Family Planning Commission estimates that the actual ratio is about 108 or 109 boys to 100 girls born (Xinhua 20 Mar. 1993), while Xiao-huang Yin writes in *The Atlantic Monthly* that the skewed birth-sex ratio "may not be as serious as people abroad have heard" (*The Atlantic Monthly* Apr. 1994, 52). According to Xiao-huang Yin,

... villagers often fail to register the births of their daughters. They ship the girls off to be raised by relatives until a son is born. In a village near Baoyang, in northern Jiangsu, I found seven such 'ghost' children. Their presence would have been unthinkable in the past, because the government controlled food distribution. But villagers now have their own land, so their livelihoods no longer depend on the state and they can afford to have more children (*ibid.*, 53).

An increasing shortage of women and children, however, has been blamed for a rise in abductions and kidnappings in recent years (*The Times* 23 Feb. 1994; *Christian Science Monitor* 24 May 1994) [For more information on kidnapping and abduction of Chinese women, please refer to the DIRB's October 1993 publication *Human Rights Brief: Women in China*, pp. 17-20.]. As well, abandonments of babies, especially females, has been noted (*Los Angeles Times* 26 July 1992; *Columbia Human Rights Law Review* Summer 1992, 257; *UCLA Pacific Basin Law Journal* Spring 1990, 73; *Zhongguo Xinwen She* 6 Sept. 1993). Conditions in orphanages for these abandoned girls have become a matter of international concern, especially when squalid conditions in one orphanage in Nanning became part of the propaganda battle behind Beijing's bid for the 2000 Olympics (*Daily Mail* 17 Dec. 1993; see also *World Press Review* Sept. 1992, 32). According to one retired Chinese doctor interviewed from Guangxi,

Girl babies are still cast onto rubbish heaps to die or they are suffocated soon after birth.... Sometimes the girl children are left outside an official building with a piece of paper stuck on them which gives the date of birth. Perhaps they are the lucky ones because the police or someone will take them to the orphanage (*Daily Mail* 17 Dec. 1993).

It remains difficult to quantify the extent of female infanticide (Davin 1992, 100; *Population Bulletin* June 1992, 17). The Chinese government strongly opposes the practice (People's Republic of China Nov. 1991, 50; Commonwealth of Australia 1993, 52). Julie Jimmerson in her 1990 study of female infanticide reported that the government's efforts to change societal attitudes had been "less than vigorous," focusing more on education than prosecution (*UCLA Pacific Basin Law Journal* Spring 1990, 77). Some recent press reports indicate that the practice of infanticide has become common in some rural areas (IPS 17 Mar. 1994; *The Times* 23 Feb. 1994; *Daily Mail* 17 Dec. 1993). Xiao-huang Yin however reports in *The Atlantic Monthly* that female infanticide has been "curtailed" by "stepped up prosecution of infant killers and severe punishment" (*The Atlantic* Apr. 1994, 53). Nicholas D. Kristof's *New York Times* report on the use of ultrasound in gender-selective abortions indicates that many peasants might now be aborting female fetuses rather than resorting to infanticide (*The New York Times* 21 July 1993).

4. INTERNAL MIGRATION

The phenomenon of "guerrilla moms" or "excess birth guerrillas" -- women who move clandestinely from one area to another to avoid family planning officials -- has received considerable attention in the Chinese media and elsewhere (*Henan Ribao* 29 Nov. 1990; *Xinhua* 7 Dec. 1990; *Los Angeles Times* 26 July 1992). Anecdotal reports indicate that officials sometimes go to extreme lengths to track and stop women who are attempting to give birth illegally (Mosher 1993, 241-243; *New York Times* 25 Apr. 1993). Other reports indicate that the greater freedom of movement that has evolved under socio-economic reforms since the early 1980s is threatening to seriously undermine family planning regulations (*Globe and Mail* 12 Aug. 1994, A9; Peng 1991, 291).

The phenomenon of "excess birth guerrillas" is linked to the larger topic of internal migration in China, where economic reforms have contributed to a loosening of social controls by the government (*Globe and Mail* 12 Aug. 1994, A1, A9; *Current History* Sept. 1993), and helped to create a transient or "floating" population, which according to demographer Yuan Tien is "a catch-all category which includes construction workers, itinerant craftspersons, hawkers of clothing and consumer wares, peddlers of farm produce, and young rural women and men seeking service jobs in private households" (*Population Bulletin* June 1992, 27). Estimates of the size of the floating population range between 40 and 180 million people (*Globe and Mail* 12 Aug. 1994, A9; *Zhongguo Tongxun She* 13 Jan. 1992; *Xinhua* 22 May 1992; *Population Bulletin* June 1992, 28; *Current History* Sept. 1993, 255; *Los Angeles Times* 26 July 1992; *Xinhua* 26 Dec. 1991).

4.1 Permanent Household Registration

There are two basic types of permanent household registration (*hukou*) in China, one for agricultural workers and the other for urban workers (*Chinese Economic Studies* Fall 1988b, 62; *International Migration Review* Winter 1993, 797; *Population Research and Policy Review* 1993, 281). The bulk of China's population is officially registered as agricultural workers and is unable to collect on the guarantees of "employment, old-age pension, food ration, labor insurance, and other benefits such as housing, medical services, day-care nurseries, children's education, maternal leaves, commuting subsidies, and recreational facilities," provided by the government to urban workers (*Population Research and Policy Review* 1993, 281; see also *International Migration Review* Winter 1993, 797). Tiejun Cheng estimates that in Beijing in 1989 subsidies through *hukou* averaged about 600 yuan, "equal to the annual per capita national income of the peasantry" (*Human Rights Tribune* Winter 1992a, 7).

Reports indicate that transfers of *hukou* from agricultural to urban status remain strictly controlled by the government and difficult to obtain (Commonwealth of Australia 1993, 45; *International Migration Review* Winter 1993, 798). Tiejun Cheng reports however that urban *hukou* can be purchased, with prices in the mid-1980s for Guangzhou and Shanghai ranging from 10,000 to 40,000 yuan (*Human Rights Tribune* Winter 1992a, 8). *The Ottawa Citizen* reports that, as of 1 November 1994, "Beijing will start charging employers the equivalent of \$15,800 Cdn. for residence permits for new employees" (*The Ottawa Citizen* 13 Sept. 1994, A9) in order to "stem a flood of migrants from the rest of the country" (*ibid.*). According to *The Far Eastern Economic Review*, *China Business Times* estimates that three million permanent residence permits have been sold so far in China, with local officials earning bribes of 25 million yuan (FEER 10 Mar. 1994, 28).

4.2 Temporary Household Registration

In their 1992 study, Goldstein and Goldstein report that "temporary movement has become a major form of mobility" (Goldstein and Goldstein 1992, 622), although they found that

For ... temporary migrants, the registration system works somewhat erratically. If an individual plans to stay in an urban place for three days or more ... temporary registration is officially required. This may be done at hotels, with a work unit (if a person is on a short-term work assignment), or at the Industrial and Commercial Bureau Office of free markets (for peasants coming to the city to sell their products). Others may register with the neighbourhood Security Office directly or simply drop a temporary registration form into boxes provided for the purpose in the neighbourhoods. A temporary registration is officially valid for only three months and must be renewed thereafter through reapplication to the proper authorities (Goldstein and Goldstein 1992, 620; see also *Chinese Economic Studies* Fall 1988a, 14).

Goldstein and Goldstein also report that although temporary residents are formally required to register at their destination, the enforcement of this provision is frequently lax, and people are often able to remain beyond their time limit as long as they do not become "a burden on the community" (Goldstein and Goldstein 1992, 625). Thus,

a "temporary" stay may extend to a year or more. Moreover, no central reporting of temporary migrants is required as is true monthly for permanent moves. Data may be obtained from hotels, work units, and neighbourhoods, but not all units are covered and data are seldom gathered regularly; nor are the statistics from the various sources regularly collated (*ibid.*).

The Chinese government is attempting to control the flood of excess rural workers by making it easier to move into small towns than into large cities; however, even in the small towns, workers are issued temporary rather than permanent residence permits (Goldstein and Goldstein 1992, 624-625; *Human Rights Tribune* Winter 1992a, 8). In Guangzhou, workers on large construction sites often hold temporary registration and they "generally ... build temporary housing for themselves at the work site and obtain grain from their places of origin" (Goldstein and Goldstein 1992, 625-626).

Xiushi Yang sums up the problems officials have in keeping track of those who have temporary registration:

While the government at destination has no official jurisdiction over temporary migrants, the local government at origin is unable to keep track of where the temporary migrants are. As a result, temporary migrants constitute a special group that is largely free of government regulation. Their presence in large numbers at the urban destination may create social problems. For example, the increase of temporary migrants in urban centers has been blamed at least partially for excessive births in recent years as well as for the resurgence of prostitution and instability (*International Migration Review* Winter 1993, 816).

Jan Wong reports in the *Globe and Mail* on the widespread use of temporary residence by peasants moving to cities (*The Globe and Mail* 12 Aug. 1994, A9). She describes "Zhejiang Village", an enclave of 100,000 Zhejiang migrants now living in Beijing:

The enclave is self-sufficient, running its own nursery schools, clinics and, for a time, its own militia. Couples are beyond the reach of family-planning authorities because records are kept in their home villages. The only control is a squad of soldiers that sweeps through in a show of force each month to check residence permits. But temporary permits are easy to obtain ... (*ibid.*).

In 1991, however, Geoffrey Crothall reported that rural migrants in Beijing were often harassed by corrupt police, who extracted bribes for temporary residence permits and continued to bother people afterwards (*South China Morning Post* 9 Oct. 1991, 22-23). Entrepreneurs who had established a business on their own could be especially vulnerable, according to Crothall (*ibid.*).

4.3 Unauthorized Migrants

The *Far Eastern Economic Review* reports that migrants account for one-eighth of the births which fall outside of the one-child policy (*FEER* 10 Mar. 1994, 27). If unable to officially register for employment or residence, the status of these migrants "[is] just like illegal immigrants in their own country" according to a Chinese Academy of Social Sciences researcher quoted in the same article (*ibid.*).

The Chinese press has also commented on enclaves of transients living in cities on an unofficial or semi-official basis. The *Henan Ribao*, for instance, reported on a shantytown outside of Shenyang in Henan Province populated by unregistered migrants (*Henan Ribao* 29 Nov. 1990). Residents lived in squalor, had numerous children, and were forced to rebuild their houses whenever police knocked them down (*ibid.*). According to the article, "large numbers of surplus labor have moved into the urban areas to peddle vegetables, operate restaurants, to sell sesame oil and chickens" (*ibid.*) Authorities reportedly do not care whether they are registered for residence as long as they pay the appropriate fees and taxes (*ibid.*). Many of the households had more than three excess births but were willing and able to pay the fines in cash (*ibid.*)

The Second Australian Human Rights Delegation to China reports that "black" children, or those unregistered because they were born outside the family planning regulations, number between two and four million in China (Commonwealth of Australia 1993 52). According to the delegation, "These children do not have health or education rights and belong to one of the poorest groups in China" (*ibid.*; see also *Los Angeles Times* 26 July 1992). David Shambaugh, writing in *Current History*, indicates that huge shantytowns can now be found in many cities, "where the destitute migrants live in squalor" *Current History* (Sept. 1993, 255). According to Shambaugh, Guangzhou now has as many illegal migrants as legal residents - four million (*ibid.*).

4.4 Family Planning Controls for the Floating Population

The potential of the "floating population" to evade family planning regulations has been a matter of official concern for some years (Xinhua 7 Dec. 1990; Xinhua 12 June 1991; *China Daily* 27 Dec. 1991; Xinhua 22 May 1992; *China Daily* 9 Mar. 1993). There are reportedly about 15,000 family planning associations which have been set up to monitor the transient population (Xinhua 22 May 1992). Beginning in December 1991, members of the transient population are officially required "to produce 'family planning cards' when they apply for residence permits, business licenses or seek jobs" (*China Daily* 27 Dec. 1991). The cards contain "detailed information on the holder's marriage and childbirth status, and those for married couples ... also indicate the measures they are taking for birth control" (*ibid.*). As well, a new system of personal identification cards was introduced in 1984 in an effort to police temporary residents (*Chinese Economic Studies* Fall 1988a, 16). By 1992, some 700 million cards had been issued (*Zhongguo Tongxun She* 13 Jan. 1992).

Official responsibility for family planning work with the transient population often overlaps (Xinhua 7 Dec. 1990): in Henan Province, for instance, the family planning regulations state that the floating population is under the authority of both the government where their permanent residence is registered and of the government where they are currently living (*Henan Ribao* 10 May 1990, art. 20). As well, the regulations stipulate that

Departments at various levels in charge of family planning, public security, labor, personnel, industrial and commercial administrative management, tax affairs, civil administration, public health, urban and rural construction, house property management, railways, communications and transportation, and others must, under the leadership of the people's government at the same level, cooperate with each other to do well [sic] family planning for the floating population (*ibid.*, art. 20).

Despite efforts to gain greater control over family planning within the transient population, recent statements indicate that Chinese officials still consider family planning work within this growing group to be problematic (*China Daily* 9 Mar. 1993; *Liaoning Ribao* 26 Apr. 1993; Guangzhou Guangdong People's Radio Network 8 Apr. 1994; *Hebei Ribao* 2 Apr. 1994).

5. URBAN AREAS

5.1 Control

Family planning has generally been more firmly controlled in urban areas than rural (Commonwealth of Australia 1993, 49; *Zhongguo Tongxun She* 11 April 1993; Peng 1991, 47; Population Crisis Committee 1992, 13). As explained above, the urban residence permit usually provides a higher level of social support than a rural one (*Population Research and Policy Review* 1993, 281; *International Migration Review* Winter 1993, 797); this in turn has traditionally entailed a high level of control over individuals and families by authorities (*The Australian Journal of Chinese Affairs* Jan. 1993, 90; *Chinese Economic Studies* Fall 1988a, 8). Aided by neighbourhood committees, work units in many urban areas chart the menstrual cycles of female employees, perform regular examinations to ensure that contraception is being used, and serve as early warning systems if a woman is suspected of becoming pregnant outside the plan (Mosher 1993, 168-170, 199-203, 263-265; Davin 1992, 99; *Los Angeles Times* 26 July 1992).

According to the Population Crisis Committee,

Current policies have reduced average family size to well below replacement levels in major cities like Shanghai and Beijing, in parts of highly urbanized provinces like Jilin and Heilongjiang, and in densely-populated provinces like Sichuan where the family planning program is very aggressively implemented (Population Crisis Committee 1992, 13).

These areas, along with the provinces of Liaoning, Jiangsu, Zhejiang and Shandong, were recently cited by Peng Peiyun, Minister of the State Family Planning Commission, for keeping their birth rates below 15 per thousand (Xinhua 20 Mar. 1994).

Urban women average about 1.3 births each, compared to 2.8 for rural women (Population Crisis Committee 1992, 13); they also have more abortions than rural women (Xinhua 24 Jan. 1994). Stricter implementation of family planning policies might only be part of the explanation: as noted in section 2.2, after 1988 families in many rural areas were officially allowed to have two children (Population Crisis Committee 1992, 12; *Zhongguo Tongxun She* 10 Dec. 1993). As well, according to the Population Crisis Committee, economic growth and urban development have contributed to a decreased desire in urban couples for large families (Population Crisis Committee 1992, 12).

5.2 Corruption

A number of sources report that corruption is becoming endemic to life in China (*China Quarterly* June 1992b, 408; *The Atlantic Monthly* Apr. 1994, 48; *Far Eastern Economic Review* 9 June 1994; *Current*

History Sept. 1993, 256). Many services can only be obtained through the payment of bribes (*The Atlantic Monthly* Apr. 1994, 48). Xiao-huang Yin, who recently returned to China for a visit after being in the United States since 1985, reports:

For those without skills or authority, it is infuriating to live in such a corrupt society. One of my relatives, a retired worker, had an operation last spring. Although she was fully covered by the state medical insurance, she had to pay bribes to virtually everyone involved in her treatment, from the surgeon to the cleaning woman. The bribes amounted to twice her monthly pension (*ibid.*).

Reporter Anthony Kuhn, writing in *The Far Eastern Economic Review* about the rise in social disorder in China and the changing role of police, notes that their broad powers and low pay create "boundless corruption opportunities" (*FEER* 9 June 1994). He also quotes the official *People's Police News*: "Killing dogs and extracting payments, vasectomising and inserting IUDs, collecting grain and taxes -- police are present at all these unpleasant tasks" (*ibid.*; see also *Current History* Sept. 1993, 256).

A number of anti-corruption drives have taken place over the years (*Current History* Sept. 1993, 256), and recent reports indicate that in some areas Chinese officials themselves are among the greatest violators of family planning policies (*Renmin Ribao* 24 Aug. 1990; *Shaanxi Ribao* 8 Oct. 1993; *The Times* 25 Nov. 1993). In Shaanxi Province, 1,254 officials, found to have more than one child, were disciplined with stiff fines and salary reductions (*Shaanxi Ribao* 8 Oct. 1993; *The Times* 25 Nov. 1993). In one county in Hebei Province, 90 party members, including 15 high-level cadres, had too many children (*Renmin Ribao* 24 Aug. 1990). One factory under their supervision, a winner of family planning awards, was found to have 69 women in contravention of family planning regulations out of 278 married women of childbearing ages (*ibid.*).

There have also been reports of doctors falsifying reports of sterilization or abortion procedures, or illegally performing ultrasounds to detect the gender of the fetus (*The Times* 25 Nov. 1993; *The New York Times* 21 July 1993). In Henan Province one doctor and one administrator were sentenced to death for falsifying some 448 sterilization certificates over a period of four years and collecting US\$33,745 in bribes (UPI 24 Jan. 1994; AFP 1 Dec. 1993). UPI reports that the commentary accompanying the announcement of the death sentences read, "Severely punishing a handful of crimes is imperative to ensure the purity of the party and state power ... and push ahead the healthy development of family planning" (UPI 24 Jan. 1994).

6. ETHNIC MINORITIES

Officially, while family planning is to be undertaken among minority nationalities to "raise [their] economic and cultural level" (Xinhua 12 June 1991; see also People's Republic of China Nov. 1991, 67), the actual regulations are left to the autonomous regions and provinces involved (Xinhua 12 June 1991; People's Republic of China Nov. 1991, 67; *China Daily* 1 Feb. 1992). These regulations are for the most part less stringent for minority nationalities than for the Han Chinese, who make up over 90 per cent of the population (*China Daily* 1 Feb. 1992; *Population Bulletin* June 1992;, 22; *Country Reports* 1993 1994, 609). Yuan Tien reports that

The measures currently in force in different localities stipulate that the majority of the ethnic minorities can have two children, but that nomads and peasants in specific minority areas can have three children. Only under certain very special circumstances can minorities have four children (*Population Bulletin* June 1992, 22).

A Xinhua report from 1991 stated that in the northwest regions, minority nationalities were allowed three or four children, with no limits placed in some areas (Xinhua 12 May 1991).

However, as detailed further below, some sources claim that family planning regulations, at least with respect to the Tibetan minority, can be coercive despite these apparently more relaxed targets for family sizes.

According to official statistics, population growth has been very high among some minority nationalities, such as Manchu, Tujia, and Tong peoples, in part because of high birth rates, but also according to some sources because the more lenient family planning regulations have encouraged many people to reclaim minority status abandoned during the hostile climate of the Cultural Revolution and earlier eras (AFP 17 May 1993; *Population Bulletin* June 1992, 23). Between 1982 and 1990, ethnic groups as a whole grew by 36 per cent, compared to growth of 12 per cent for the entire country (*ibid.*, 23). However, recent Chinese statistics also indicate that women in minority nationality regions are bearing fewer children than in the past: in 1992 it was reported that women in Tibet were averaging 3.81 children, while those in Ningxia averaged 2.6 and in Inner Mongolia 2.13, down from 5.23, 3.95 and 2.72 respectively in 1981 (*China Daily* 1 Feb. 1992). According to a 1991 Xinhua report, however, the ethnic growth rate in Xinjiang was five times that of the Hans in the same area (Xinhua 12 May 1991).

While it is not within the scope of this paper to discuss the regulations with respect to each of China's 55 official minorities, the family planning situation in Tibet is worth noting. Robert Barnett reports in the *South China Morning Post* that under 1992 family planning regulations, Tibetans are allowed two children, but the mother must be at least 22 years old for the first child, and 25 for the second (*South China Morning Post* 7 Oct. 1992). Third children are "strictly controlled" with fines ranging between 500 and 5000 yuan, and sterilization "compulsory" in certain circumstances (*ibid.*). The official news agency Xinhua claims that urban couples in Tibet are allowed two or three children, and that there is no limit on births in rural areas (Xinhua 29 Feb. 1992). A Lhasa Tibet People's Radio Network report stresses the educational nature of work done by the medical teams sent into Tibetan villages as part of the 1992 family planning campaign. The report also states that since 1990,

the planned birth rate of cadres, staff members, workers, and urban residents of Tibetan nationality has reached 90 percent, the late marriage rate 64 percent, and the birth control rate 30 percent. Excessive births by urban moving populations have also been brought under initial control (Lhasa Tibet People's Radio Network 31 Mar. 1992).

Tibetans in exile, however, have claimed that the Chinese government runs a highly coercive birth control policy in Tibet, the goal of which is to "slowly annihilate the Tibetan race" (Office of Information 1990, 47). The 1990 report *Present Conditions in Tibet*, presented by the Tibetan government in exile in Dharamsala, India, states that medical teams dispatched to Tibetan villages forced women to undergo sterilization and abortion, and that Chinese family planning officials levied excessive fines against Tibetans who were found to have had too many children (*ibid.*, 46-63). The report contains several pages of individual testimony (*ibid.*, 49-63). More recently, the Second Australian Human Rights Delegation to China reported:

Disturbing allegations of involuntary sterilizations and forced abortions in China, particularly in remote regions and among minority nationalities, continue to circulate. Such allegations had been evident in the Tibet Autonomous Region during the delegation's 1991 visit, and similar allegations were heard by the delegation in Xinjiang during the current visit. In Chengdu, the delegation again raised concerns about involuntary abortion and sterilisation, but did not meet any person who claimed to have been a victim of any such

procedure themselves or who had first-hand knowledge of this being done (Commonwealth of Australia 1993, 54).

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Commonwealth of Australia, Department of Foreign Affairs and Trade. 1993. *Report of the Second Australian Human Rights Delegation to China 8-20 November 1992*. Canberra: Australian Government Printing Service.

The Australian Human Rights Delegation is one of the few groups so far officially invited to China to inquire about matters of human rights. This second report is more extensive than the report of the first Australian Human Rights Delegation (1991) and includes a full chapter (Chapter 7, pp. 49-55) on human rights concerns regarding the Chinese family planning program. While restricted in the range and scope of its inquiries, the delegation in its report covers many key issues relating to human rights in China and makes numerous recommendations to the Chinese government to improve the human rights situation (Commonwealth of Australia 1993).

Chinese Media Sources (various):

This report makes use of a wide range of Chinese media sources, including, among others, Xinhua, *China Daily*, *Renmin Ribao*, and various provincial media outlets such as *Henan Ribao*, *Hebei Ribao*, Guangdong People's Radio Network, Gansu Provincial Service, etc. Most of these sources are provided in English translation through the Foreign Broadcast Information Service (FBIS), which publishes daily a wide variety of articles from the Chinese press, radio and television. Chinese media in general is regarded as an important propaganda tool by the government and cannot be expected to publish or broadcast any material critical of government policy or practice (see, for example, Xinhua 6 May 1993, "Stronger Management Over Publications Urged" [FBIS-CHI-93-090 12 May 1993, pp. 15-16] or *Renmin Ribao* 6 May 1993, "*Xinwen Zhanxian News Front* Carries Commentator's Article on Press Reform" [FBIS-CHI-93-090 12 May 1993, pp. 14-15]). Thus these sources must be regarded with great care. However, since Chinese media outlets have traditionally acted as a mouthpiece for the government, they can be used by outside sources to learn more about government policies and to get a view of what the government is communicating to the Chinese people about a specific issue. Speeches by government officials, reports of government statistics, and, occasionally, the full text of policies, laws or regulations can be found in the Chinese press. An example of the latter is the 1990 family planning regulations for Henan Province, printed in full in *Henan Ribao* 10 May 1990, and reproduced in translation in FBIS-CHI-90-106 of 1 June 1990. For more information on the Chinese media, please see Allison Liu Jernow's *'Don't Force Us to Lie': The Struggle of Chinese Journalists in the Reform Era* (New York: Committee to Protect Journalists, January 1993).

Mosher, Steven W. 1993. *A Mother's Ordeal: One Woman's Fight Against China's One-Child Policy*. New York: Harcourt Brace & Co.

Since the early 1980s, one of the sternest Western critics of the Chinese one-child policy has been Stephen W. Mosher. As he relates in his preface to this book, Mosher witnessed first-hand some of the cruelties of the early family planning campaigns when he was a social scientist doing research in rural Guangdong, and wrote about them in *Broken Earth: The Rural Chinese* (New York: Free Press, 1983). *A Mother's Ordeal* however is told from the perspective, and in the voice, of a former population control worker from Liaoning Province, who is given the pseudonym Chi An. Much of Chi An's experience with Chinese family planning comes from the 1970s and early 1980s. By the mid-1980s she had moved to the United States to be with her husband, a doctoral student, and in 1987 she enlisted Mosher's help in pursuing an asylum claim. She was pregnant with her second child and feared that she would be forced

to have an abortion if she returned to China. The initial rejection of her claim was overturned by the Attorney General of the time, Edwin Meese, and she was recognized as a Convention refugee. Her account of the Chinese family planning practices, while dated, is highly detailed and given from an insider's perspective, and provides useful background and context for later studies. According to a review in *The Economist*, "The story of Chi An ... ranks with that of Jung Chang in "Wild Swans" in conveying the terror through which a Leninist party can rule people's lives" (20 Aug. 1993).

Peng Xizhe. 1991. *Demographic Transition in China: Fertility Trends since the 1950s*. Oxford: Clarendon Press.

This work was published through the School of Oriental and African Studies at the University of London. It provides detailed background on the development of family planning in China, as well as a comprehensive discussion of practices through the 1980s. This study uses many Chinese as well as Western sources. Peng argues that population growth in China is a serious problem for both the country and the world, that China "must use every reasonable means to curb population growth", and that "the family-planning programme should be more closely linked to fundamental social changes" (57). Although Peng does not ignore criticisms of family planning, he discusses reports of coercion within the framework of what he sees as the larger problem, that of unrestrained population growth. Thus Peng writes:

These harsh events [forced abortion and sterilization in some localities] are of course unpleasant, and the government frequently condemned such work methods. However, if social and political pressure are in some cases necessary to prevent birth-rates from 'soaring' in certain over-populated districts and provinces, so are the remedies. No systematic information is available on this matter (49-50).

***Population Bulletin* [Washington, D.C.]. June 1992. Vol. 47, N^o. 1. H. Yuan Tien et al. "China's Demographic Dilemmas."**

Population Bulletin is published by the Washington, D.C. group Population Reference Bureau, Inc. The June 1992 issue is entirely devoted to a lengthy demographic study of China by H. Yuan Tien, with Zhang Tianlu, Ping Yu, Li Jingneng and Liang Zhongtang. The report covers a wide range of topics, giving largely statistical information on the demographic transition (1949-89), family planning efforts, gender preference, household registration, methods of fertility control, family planning in minority areas, and population and development. A variety of Chinese and Western sources are cited. The study says little about human rights elements of the family planning debate in China.

The Population Crisis Committee. 1992. Shanty R. Conly and Sharon L. Camp. *China's Family Planning Program: Challenging the Myths*. Washington, D.C: The Population Crisis Committee.

The Population Crisis Committee is a non-profit, private group based in Washington, D.C. which pursues "public policy research and action to slow world population growth" (Population Crisis Committee 1992, inside cover). The current report was written after an October 1991 visit to China facilitated by the State Family Planning Commission. Although the report does not provide direct citations, a number of China population experts are named in the Acknowledgements section as having provided assistance through their published or unpublished work, and "Key References", most of which are from Western academic sources, are listed in the back of the study. The study provides in-depth statistical detail and discussion of many elements of family planning and population control issues in China, focusing on the "many obstacles [that] remain to early population stabilization in China" (1). It has sections describing the background of population control in China, the current "fertility profile", the cultural background influencing fertility, and an analysis of the perceived strengths and weaknesses of the family planning program in place in the late 1980s-early 1990s. Human rights elements of the debate are not discussed in a separate section, but are occasionally touched on throughout.

Scruggs, Stirling. Chief of Information and External Relations, United Nations Fund for Population Activities (UNFPA). 29 July 1994. Telephone Interview, New York.

The UNFPA has been one of the main international groups associated with Chinese family planning programs, and has been strongly criticized for it, to the point of losing its U.S. funding for some years under the Bush and Reagan administrations (Scruggs 29 July 1994). Stirling Scruggs, now UNFPA Chief of Information and External Relations, has an extensive background working with the UNFPA in China. According to Scruggs, UNFPA has "always worked to be part of the solution in China", bringing to Chinese government attention any abuses reported, and trying to improve government policies through research and information.

APPENDIX: Provincial Regulations on Second Child, 1984

TABLE 2.5 Provincial regulations on second child by 1984

Province	Motifs justifiant l'autorisation d'un deuxième enfant														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Gansu	+	+	+	*	+		*			*		*	*	*	+
Guizhou	+	+	+		+	*				*		*	*	*	+
Sichuan	+	+	+	+		*	*			*		*	*	*	+
Guangdong	+	*	+				+	+	+				*		+
Hubei	*	*	*	*		*	*			*	*	*	*		
Anhui	+	+	+	*	+	*	*			*		*	*		
Jilin	*	*	*	*						*		*	*	*	
Hunan			+	+	+										+
Jiangxi	+	+	+		+	+	+			+			+	+	
Fujian	+	+	+	*		+	*	*	*		*	*			+
Shanghai	+	+	+			*				*		*	*	*	
Oinghai	+	+	+												
Shanxi	+	+	+	+	+	+	+			+	+	+	+	+	
Nei Monggo	+	+	+		+										
Henan	+	+	+	*		*	+			+	*	*	*		
Liaoning	+		+	*	+	*		*		*		*	*		
Jiangsu	+	+	+	*		*				+	*	*		+	
Shandong	+	+	+	*	*	+	*	*		+	+	*	+	*	
Ningxia	+	+	+												
Tianjin	+	+	+	*		*		*		+		+	+	*	
Guangxi	+	+	+	*	+	*	*	*	*	*		+	*		+
Beijing	+	+	+	+	+	+	+			+		*	+		
Heilongjiang	+	+	+	*	+	+				+		*	+		*
Zhejiang	+	+	+	*	+	*	*	*	*	*	*			+	
Hebei	+	+	+	*	+	+	+	+		+		+	*	*	

Note:

1. A couple's first child suffers from a non-hereditary disease or disablement and is unable to become an able-bodied labourer.
2. Pregnancy occurs after a couple who have remained childless for many years adopted a child.
3. One spouse in a second marriage has never had children and the other has one child from a previous marriage.
4. One or both spouses are returned overseas Chinese.
5. Both spouses are minority nationalities.

6. One spouse is handicapped to a specified degree.
7. A peasant couple lives in a mountainous area where population is sparse.
8. One spouse is a fisherman or fisherwoman.
9. One spouse has been working in mining continuously for over 5 years.
10. One or both spouse is an only child.
11. Only one son has been born to a family for at least two consecutive generations.
12. Only one of the male children in a family is able to reproduce.
13. In a rural family with no sons, one of the daughters marries uxori locally.
14. One of the spouses is the offspring of a martyr.
15. Rural couples with real difficulties.

+ indicates that the conditions were introduced before May 1983

* indicates that the conditions were introduced in 1984-1985

Source: *Handbook of Chinese Population Information*, 1983 and 1985; *Chinese Population Monographs* for relevant provinces; *Economic Yearbook of Anhui Province*, 1984.

Source : Peng Xizhe. 1991. *Demographic Transition in China: Fertility Trends since the 1950s*. Oxford : Clarendon Press, p. 48.

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[Top of Page](#)

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