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Issue Paper CHINA ONE-CHILD POLICY UPDATE June 1999

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Source: *Current History* Sept. 1998, 305.

1. INTRODUCTION

This Issue Paper updates the IRB's January 1995 Question and Answer Series Paper, *China: One-Child Policy Update*, which is available in the IRB's REFQUEST database, and which provides detailed background on the rationale and administrative structure of China's population policy. This Issue Paper covers information made available in 1998 and 1999. Relevant Responses to Information Request between 1995 and 1999 include CHN30778.E of 5 January 1999; CHN30694.E of 9 December 1998; CHN29442.EX of 25 May 1998; CHN29303.E of 8 May 1998; CHN25444.E of 26 November 1996 and CHN25445.E of 27 November 1996; CHN23579.E of 4 June 1996; and CHN23580.E of 21 May 1996. These are all available in the IRB's REFINFO database and on the IRB's website at .

1.1 Demography

China's current population of over 1.2 billion is expected to peak at 1.6 billion by 2050, with an expected annual increase of approximately 13 million for the next several years (*Country Reports 1998*

1999, section 1.f; Xinhua 16 Mar. 1998; *Hong Kong Standard* 16 Mar. 1999). China's birthrate is currently 9.53 per 1,000 (ibid.; AFP 18 Mar. 1999), down from 16.57 per 1,000 in 1997 and 18.24 per 1,000 in 1992, according to Xinhua (16 Mar. 1998). The majority Han population grew 16.8 per cent between 1982 and 1995, while the ethnic minority populations grew by 61.2 per cent over the same period (*Zhongguo Xinwen She* 28 Sept. 1998)^[1]. A baby boom is anticipated between approximately 2009 and 2014, when the annual birth increase is expected to rise to 20 million (Xinhua 3 Nov. 1998). The government's publicized goal is to keep the population below 1.3 billion by 2000 and 1.4 billion by 2010 (ibid., 6 Nov. 1998; *Liaowang* 11 Jan. 1999).

Beyond sheer population growth, the Chinese government has acknowledged that it is facing two difficult demographic issues—an ageing population and a growing gender imbalance (Xinhua 16 Mar. 1998; *JOICFP News* Apr. 1998b)—both of which are in part related to its population policies of the past decades (*China Rights Forum* Spring 1998, 48; BBC 1 Sept. 1998; *Population et Sociétés* Jan. 1998).

There are approximately 110-126 million people over the age of 60 in China (*South China Morning Post* 3 Nov. 1998; *China Rights Forum* Spring 1998, 48; BBC 1 Sept. 1998) and 422 million between the ages of 1 and 25 (ibid.). Over 66 million of the latter come from one-child families (ibid.). By 2050, it is predicted that there will be 415 million Chinese over 60 years of age (25 per cent of the population) and 330 million below 25 years of age, thereby substantially increasing the overall dependency ratio, or number of retired persons per wage-earner (ibid.; *China Rights Forum* Spring 1998, 48; see also *South China Morning Post* 19 Nov. 1998). Because of the large number of young only-children, there will be fewer people within each family to care for older generations, and many young people in China will face lower standards of living as they age (ibid.; ibid. 3 Nov. 1998).

The imbalance between males and females is a pattern seen in many Asian countries, but not to the same extent as in China (*Libération* 19 Jan. 1999; *Population News* 1 Feb. 1999). There are an estimated 114 to 118 males born for every 100 females in China, while the international norm is 106 males to 100 females (*Country Reports 1998 1999*, section 5; *The Economist* 19 Dec. 1998). According to the Economist, "the sex ratio for first births matches ... [the average]; but for every subsequent birth, the surplus of boys increases" (ibid.; see also *Population et Sociétés* Jan. 1998). Reasons for the disparity include cultural and economic preferences for boys, underreporting of female births, abandonment of girl children, female infanticide and selective abortion which is now possible due to ultrasound technology (ibid.; *The Economist* 19 Dec. 1998; *Country Reports 1998 1999*, section 5; *Libération* 19 Jan. 1999). In some areas the gender imbalance is so marked that women are kidnapped and sold as wives (ibid.; *South China Morning Post* 3 Nov. 1998; *Economist* 19 Dec. 1998; Xinhua 13 Nov. 1998)^[2].

According to *Country Reports 1998*, the 1995 Maternal and Child Health Care Law proscribed against the use of ultrasounds to determine the sex of a foetus and doctors are not permitted to tell parents the sex of their foetus, although it is likely that many in fact do (1999, section 1.f; *The Economist* 19 Dec. 1998). (See the IRB's January 1995 Question and Answer Series Paper, *China: One-Child Policy Update* for earlier regulations restricting the use of ultrasounds). In rural Shandong Province where the tradition to have sons to do the farming is very strong, the use of ultrasound to determine the sex of a foetus was banned in late 1998 (Xinhua 5 Dec. 1998; AFP 6 Dec. 1998). Infractions of the law are punishable with fines up to 2,000 yuan (CDN\$366)^[3] (ibid.). A campaign to outlaw the use of ultrasound for this purpose was undertaken in Nanan City in October 1998 as well (U.S. Embassy Beijing Jan. 1999). The government has also reportedly undertaken educational and administrative initiatives and publicity campaigns addressing the gender imbalance issue (*JOICFP News*

Apr. 1998b).

NOTES

[1] The difference in annual population increase between the majority Han and the country's ethnic minorities is due not only to differences in terms of fertility and mortality, according to Dr. Gu of the Population Council, but also to inter-ethnic marriage with identification toward the minority so as to enjoy certain benefits accorded to minorities, including a less strict family planning policy (21 Apr. 1999). [\[back\]](#)

[2] Dr. Gu pointed out that imbalance in gender ratio at the time of birth should be differentiated from the apparent shortage of females at the time of marriage (22 Apr. 1999). The latter is not due to an imbalance in gender ratio at the time these cohorts were born—the gender ratio was normal more than 20 years ago—but is due to a fertility decline—that is to say in the past few decades families have had fewer children (ibid.). Dr. Gu explained that males from larger, older cohorts tend to look for younger spouses—among cohort pools which are relatively fewer in number. This phenomenon which also occurred in the US and Canada in the 70s is known by demographers as “marriage squeeze” (ibid.). [\[back\]](#)

[3] Calculated at 0.182991 CDN\$1 per yuan or 5.46476 yuan per CDN\$. [\[back\]](#)

2. GENERAL STRUCTURE OF CHINA'S POPULATION POLICY

The government has insisted that the country's population policy varies across the country to such an extent that the term "one-child policy" is a misnomer (CEDAW 1 Feb. 1999, 3). The general parameters of the policy are explained as follows. Urban families are generally limited to one child, although according to *Country Reports 1998*, urban couples who are both only-children may have two (*Country Reports 1998* 1999, section 1.f; *British Medical Journal* 28 Mar. 1998; CEDAW 1 Feb. 1999, 3;). Rural couples whose first child is a girl may have a second child, but only after a specified time period that varies from one location to another (ibid.; Gu 22 Apr. 1999; CEDAW 1 Feb. 1999, 3-4; *Current History* Sept. 1998, 282; *The Gazette* 20 Mar. 1999; *British Medical Journal* 28 Mar. 1998). Couples from ethnic minority groups may have two children, and in border areas, three (ibid.; CEDAW 1 Feb. 1999, 3-4). According to *Country Reports 1998*, depending on circumstances, some minority families may have up to four children, and in some "remote areas, such as rural Tibet, there are no effective limits at all" (1999, section 1.f). (See section 4.3.5 on Tibet). Smaller minority groups—the U.S. Embassy in Beijing specifies minorities under 10 million—come under less strict rules (U.S. Embassy Beijing June 1998; CEDAW 1 Feb. 1999, 4).

Regions are subject to quotas, or birth plans, and when they are exceeded, a variety of sanctions can be imposed, ranging from psychological pressure, heavy fines and penalties, mandatory use of inter-uterine devices (IUD) after the birth of a first child, penalties at work and loss of employment, housing or health benefits, forced abortion or sterilization (*British Medical Journal* 28 Mar. 1998; *Current History* Sept. 1998, 282; *The New York Times* 1 Nov. 1998; *Country Reports 1998* 1999, section 1.f). Local officials and members of violators' work units can also be fined (ibid.). The *South China Morning Post* notes that harshly punitive fines have replaced forced sterilizations or abortions (3 Nov. 1998). There are also inducements offered for remaining within the plan, such as bonuses, possibilities for professional advancement or superior medical and educational benefits (*Current History* Sept. 1998, 282; *Country Reports 1998* 1999, section 1.f). To ensure compliance, women are subject to four checkups per year to monitor their fertility (Hardee 31 Mar. 1999; *The Cincinnati Enquirer* 1 Apr. 1999; U.S. Committee on International Relations 10 June 1998, 28).

2.1 Eugenics

Government representatives often make references, when discussing population control, to population "quality" (Zhang 9 Feb. 1999; *JOICFP News* Apr. 1998b; *Liaowang* 11 Jan. 1999; *Zhongguo Tongxun She* 19 Jan. 1999). This refers to the practice of preventing people considered to have hereditary conditions from having children (*New Scientist* 24 Oct. 1998; Woodman 13 Apr. 1999). Some handicaps or conditions that are seen as affecting population "quality" include: birth defects, such as prenatal imbecility and neural tube damage; low intellect; iodine deficiency-related illnesses; unspecified diseases transmitted by mothers; and birth defects related to environmental pollution (*Zhongguo Renkou Bao* 19 July 1998). Women with identified conditions can face forced abortions if they get pregnant, as well as sterilization (Woodman 13 Apr. 1999). There have also reportedly been cases of infanticide related to this emphasis on population "quality" (*Population et Sociétés* Jan. 1998). Sophia Woodman, Research Director of Human Rights in China (HRIC), an international non-governmental organization founded by Chinese scientists and scholars in March 1989, is of the opinion that there is a poor understanding of genetics in China (13 Apr. 1999). Some conditions treated as genetic are not necessarily hereditary, for example, albinism (*ibid.*). Schizophrenia is also included under genetics, although the *New Scientist* states that there is currently no genetic test for the condition (*New Scientist* 24 Oct. 1998; Woodman, 13 Apr. 1999). Woodman stated that this "quality" policy has been extant since the 1980s and that there has been no change in its implementation (*ibid.*).

In July 1998, regulations in Yunnan Province came into effect on medical examinations prior to marriage, bringing them into line with the Maternal and Child Health Care Law, which first covered the practice (*Country Reports 1998* 1999, section 5; *Yunnan Ribao* 11 July 1998). They state, *inter alia* that in cases where conditions such as AIDS, venereal diseases, leprosy, or mental illnesses such as schizophrenia are diagnosed, marriages "should be postponed" (*ibid.*).

3. EXTENT OF FAMILY PLANNING

Contraceptive use is widespread and similar to the rate of use among "developed countries"; as many as 80 or 85 per cent of Chinese women of child-bearing age use contraception (*Xinhua* 29 Oct. 1998; *ibid.* 12 July 1998; *Population et Sociétés* Jan. 1998). The predominant contraception methods are IUDs or female sterilization (SFPC n.d.; *Population et Sociétés* Jan. 1998); one quarter of women using contraception still get pregnant (*Xinhua* 12 July 1998). Approximately 63 per cent of women receive contraception from state authorities (*ibid.*). In a study on family planning in four counties, two each in south Jiangsu Province and north Anhui Province, the rate of women using contraception reached 88 per cent for south Jiangsu and 84 per cent for north Anhui (Gu et al. Mar. 1998, 27)^[4].

According to a January 1999 report in *International Family Planning Perspectives*, in 1995 there were almost 8 million abortions carried out in China—26.1 abortions per 1,000 women 15-44 years of age. The report's authors characterize these official statistics as "probably too low", with the true rate more likely to be between 30 and 35 per 1,000 (*International Family Planning Perspectives* Jan. 1999). The worldwide abortion rate is 35 per 1,000 (*ibid.*; also *The Economist* 19 Dec. 1998).

Dr. Gu Baochang was the deputy director of the China Population Information and Research Centre, and is now with the New York-based Population Council. In their 1996 study,⁴ Dr. Gu and others found that over 25 per cent of respondents or their spouses from South Jiangsu had had an abortion, while for the North Anhui respondents, the figure was less than 10 per cent (Mar. 1998, 37). The report's authors considered both figures to be low (*ibid.*).

Most abortions were due to pregnancies being out-of-plan. With the exception of women in

North Anhui, around three-quarters of the respondents said they themselves had chosen to have their last abortion because their pregnancy was out-of-plan [58 per cent for North Anhui]. Nearly one-third of the women and one-fifth of the men from North Anhui said they or their spouses had their last abortion because the family planning cadre had made them have the abortion. In contrast, fewer than one in 10 women and men in South Jiangsu said they had been compelled by the family planning worker Respondents were not asked about the level of pressure the family planning workers exerted to compel them to abort their pregnancies (ibid.).

The overall sterilization rates of Chinese women is reported to be between 40 and 55 per cent (*The Lancet* 13 Feb. 1999; HRIC Dec. 1998; *Population et Sociétés* Jan. 1998). Reported sterilization rates vary tremendously. In the city of Jinjiang, for example, official reports state that "94.2 per cent of the 71,801 women with two children and 99.4 per cent of the 80,000 women with more than two children had been sterilized" (HRIC Dec. 1998). A Hunan Province study showed that the rate varied by age; in 1992, almost 90 per cent of women between 30 and 34 years and 16 per cent of women between 20 and 24 years had been sterilized (*The Age* 18 Oct. 1998); the latter figure had dropped considerably by 1996 (ibid.). Gu et al's study found that in South Jiangsu Province, approximately 11 per cent of all interviewees indicated that one member of the couple was sterilized, while in North Anhui, it was 60 per cent (Mar. 1998, 27). Historically and culturally, male sterilization is not popular in China (*The Lancet* 13 Apr. 1999).

In the first half of 1997, in Yonghe Town, Fujian Province, a jurisdiction encompassing 22 villages and approximately 60,000 people, 101 sterilizations, 27 "induced deliveries" (abortions after 3 months) and 33 "artificial abortions" (abortions under 3 months) were carried out (U.S. Committee on International Relations 10 June 1998, 16, 21). In that jurisdiction, over 93 per cent of the almost 13,000 married women use "planned birth control measures," with 2,300 using IUDs and over 9,600, or 75 per cent, having been sterilized (ibid., 31).

Agence France Presse noted, quoting official sources, that since 1981, over 3,000 women have had sterilization operations reversed at one hospital in the city of Shanghai (18 Mar. 1999). The article does not indicate if the hospital provides this service only for Zhejiang Province, or if these women come from all over China for this surgery.

3.1 Family size

Some sources question the efficacy of the country's population policy, pointing out that the country's fertility rate dropped significantly in the 1970s, but that there has been no subsequent marked decline after the policy's implementation (Carnell n.d.; *Population et Sociétés* Jan. 1998; *The New Australian* 19 July 1998).

According to 1995 figures, "25.7 per cent of women of child-bearing age have 3 or more children, 32.5 per cent have 2 [children], 36.1 per cent have 1 child, and 5.7 per cent are childless" (*Country Reports 1998 1999*, section 1.f). Another source states that only 20 per cent of couples, mostly in urban areas, of child-bearing age have one child (*Le Monde* 7 Nov. 1998). These figures do vary substantially across the country; in rural areas, families have, on average, slightly more than two children (*Country Reports 1998 1999*, section 1.f; *The New Australian* 19 July 1998), while urban fertility rates are reportedly "far below the replacement level" (ibid.). Studies in 1996 and 1997 of urban family planning in Sichuan Province indicated that 83 per cent of urban married women had one child, 12 per cent had 2 and five per cent had 3 or more (*Renkou Yu Jingji* 25 Jan. 1998).

In rural areas, families are more likely to have more than one child both to provide labour for rural work and to provide for the parents as they grow old (*Current History* Sept. 1998, 282). At the same time, however, rural industries preferentially hire women with one child and these jobs have become a strong family planning incentive (*ibid.*).

According to a January 1998 article by Professor Zeng Yi of the Beijing University Demography Institute cited in a June 1998 report by the United States Embassy in Beijing, the following regions exceeded their birth plan targets in the early 1990s: Inner Mongolia (exceeded by 18.3 per cent); Yunnan (25.4 per cent); Ningxia (26.2 per cent); Hebei (59.6 per cent); Hubei (58.7 per cent); Fujian (59.6 per cent); Guangdong (34.0 per cent). A reported 40 per cent of annual births in rural areas are out-of-plan, according to *Population et Sociétés* (July-Aug. 1998). Citing information from 1989, the article stated that births over plan ranged from 15 per cent in Zhejiang Province to 60 per cent in Fujian and Jiangxi Provinces (*ibid.*).

There are indications that some couples do voluntarily have fewer children (*Country Reports 1998 1999*, section 1.f; *The Lancet* 13 Feb. 1999; *Current History* Sept. 1998, 282; Hardee 31 Mar. 1999). Karen Hardee, Director of Research of Futures Group International, co authored the report with Dr. Gu. She pointed out that the people interviewed for this report indicated that there were plausible reasons to support family planning generally (*ibid.*). She also stated that people are now well aware of the policy and might choose to abort an out-of-plan child without immediate coercion because they are not able or willing to endure the pressure or fines for defying the policy (*ibid.*). Woodman concurred that the policy is well ingrained and that people accept as routine, for example, authorities' refusal to issue a family planning certificate even for a first child (13 Apr. 1999). Other sources suggest that economic and housing constraints as well as later marriages all mean that more couples prefer to have fewer children (Conly 7 Apr. 1999; *The Lancet* 13 Feb. 1999; *China Rights Forum* Spring 1998, 48). Women now marry at an average age of 25 (*ibid.*).

NOTE

[4] The authors of the study interviewed approximately 2,000 women and over 500 men in 1996 in four counties in South Jiangsu Province and North Anhui Province (Gu et al. Mar. 1998). These interviews were conducted in the presence of officials. One of the report's authors indicated that while this may have had an effect on some of the answers, she nonetheless felt that it was "as balanced as possible for China" (Hardee 31 Mar. 1999). [\[back\]](#)

4. IMPLEMENTATION OF POPULATION POLICIES

Implementation of the country's population policy varies widely across the country for a variety of reasons, including rural and urban conditions, local and regional regulations, and the cadres or local officials involved.

4.1 *Urban vs. rural implementation*

The policy's flexibility in rural areas is due in part because people live in close quarters and do not necessarily wish to use coercive tactics against neighbours whom they are more likely to know (Conly 7 Apr. 1999; Gu 14 Apr. 1999). In urban areas, however, the policy is almost universally applied in part because the greater social control in cities makes it more easily enforceable (*Population et Sociétés* July-Aug. 1998; Conly 7 Apr. 1999). The policy has generally been implemented in cities through urban work units (*ibid.*; *Renkou Yu Jingji* 25 Jan. 1998). It remains unclear how strictly birth planning regulations in urban areas can be enforced in the future, as the influence of work units declines due to the reorganization of China's economy (*ibid.*; Conly 7 Apr. 1999). Similarly, people changing jobs in cities can "fall through the cracks" of implementing authorities (*Renkou Yu Jingji* 25 Jan. 1998). Many

new enterprises do not set up family planning offices at all or subsume the work into another department, giving it a lower priority (ibid.).

4.2 Use of fines

In a December 1998 article in *The Economist*, in "a village not far from Beijing" a fine for a second child, a daughter after a son, is cited as 15,000 yuan (CDN\$2,744) (19 Dec. 1998). The article stated that closer to the capital, the fine would likely have been as high as 50,000 yuan (CDN\$9,149) (ibid.).

In Shanghai, the fine for violating birth quotas is three times the combined annual salary of the parents. In Zhejiang Province, violators are assessed a fine of 20 per cent of the parents' salary paid over 5 years. According to new Guizhou provincial family planning regulations published in July [1998], families who exceed birth quotas are to be fined two to five times the per capita annual income of residents in their local areas (*Country Reports 1998 1999*, Section 1.f).

According to HRIC, "in some provinces, like Guangxi and Hebei, new regulations specify that even when a second baby is allowed, parents have to pay 'birth fees,' which include the costs of giving birth and hospitalization. In some places, people have to pay to get a birth permit [family planning certificate] allowing them to begin a pregnancy" (Dec. 1998).

4.3 Details of some local regulations

4.3.1 Guangdong

In Guangdong, which has a growth rate of 15.52 per 1,000 people, restrictions have been tightened in 1998-99, due to fears that excessive population growth could hurt economic development (AFP 20 Oct. 1998; *South China Morning Post* 3 Nov. 1998). Rural families are no longer routinely permitted to have two children (ibid.); only couples whose first child is a girl or disabled might be permitted second children (HRIC Dec. 1998). Ethnic minorities have had their limit reduced from three to two children (ibid.). A proposed leadership shuffle in January 1999 was purportedly related to this tightening of family planning policy (*Ming Pao* 20 Jan. 1999). One initiative might include tighter enforcement of family planning controls over local government officials, whom, it is alleged, are often themselves in violation of the policy (ibid.). Sanctions for breaking regulations have risen from 1-3,000 yuan (CDN\$183-549) to 5-10,000 yuan (CDN\$915-1,830) (HRIC Dec. 1998). In one district, individuals who give birth out-of-plan may not receive business permits or driver's licenses (*Population et Sociétés* July-Aug. 1998).

The province has also tightened many controls over its 11.5 million migrants, including those related to family planning (Xinhua 4 Jan 1999). With four million registered migrant workers in the province daily, Guangdong has the country's largest migrant worker population (*South China Morning Post* 10 Nov. 1998). In late 1998, this was expected to increase due to an anticipated influx of people from the areas affected by the summer 1998 floods (ibid.). AFP noted that this floating population, tens of millions of whom are drawn to the strong economies in the coastal areas, are putting pressures on local family planning implementation (20 Oct. 1998). Information on China's floating population may be found in the IRB's September 1998 Issue Paper *China: Internal Migration and the Floating Population*, available in the IRB's REFQUEST database, and on the IRB's Website at <www.irb.gc.ca>.

4.3.2 Fujian

In his June 1998 testimony before the United States Committee on International Relations, House

of Representatives, Harry Wu, Executive Director of the Laogai Research Foundation^[5], provided details about birth management in Yonghe Town, Fujian Province (10 June 1998, 28-30). A hearing before the Subcommittee on International Operations and Human Rights examined the topic of forced abortion and sterilization in China. All women without IUDs are subject to quarterly gynaecological exams. Women who miss appointments are subject to a 50 yuan (CDN\$9.15) per day penalty; after one month, the fine jumps to 2,000 yuan (CDN\$366). The computerized filing system allows officials to estimate if a woman who has missed an appointment might be pregnant. A woman who misses exams for 6 months is subject to sterilization. The first month after the first birth, the child must be registered with the police and two months after the birth, the mother must be fitted with an IUD; if either of these deadlines is missed, the mother is subject to sterilization. If the first baby is male, the mother must obtain a single-child certificate within four months. Again, if this deadline is missed, the mother is subject to sterilization. If the first baby is female, an IUD must be inserted and the couple must wait 38 months before trying to have a second child. Women who get pregnant before the legal marriage age of 20 (the age is 22 for men) will be fined 10,000 yuan (CDN\$1,830) and will be subject to abortion and sterilization. This early marriage policy is country-wide, according to Wu (U.S. Committee on International Relations 10 June 1998, 28-30). According to Wu, the birth control policy is less strict in Fujian than in any other province except Guangdong (*ibid.*, 34). The United States Embassy in Beijing listed Fujian Province as among those areas that did not meet family planning quotas (June 1998).

Gao Xiao Duan, a former State Family Planning Commission (SFPC) official, was the main witness before the U.S. Committee on International Relations, House of Representatives (10 June 1998). Ms. Gao testified that, at a March 1998 SFPC meeting in Quanzhou City, she was informed by commission officials that in the cases of early births (which refers to women giving birth before marriage or before a couple has obtained a family planning certificate), both spouses would be sterilized (U.S. Committee on International Relations 10 June 1998). In the past, the policy had been that only one member of the couple was sterilized (*ibid.*). Ms. Gao said that this new regulation regarding the sterilization of the couple was a verbal order given to family planning officials and that no written document had been provided to her or her colleagues (*ibid.*).

Mr. Wu stated that other government departments support the family planning policy. For example, in Quanzhou City, the Transportation Department will not issue drivers' licences, the Finance Department will not issue loans and the Agriculture Department will not provide land to people who violate planned birth policy (U.S. Committee on International Relations June 1998 28).

A January 1999 report by the United States Embassy in Beijing on Quanzhou, Fujian Province indicates that the population policy is unevenly implemented within rural areas. Wealthier residents can pay the fine for a second child, thereby avoiding the restrictions, which has led to resentment. One individual indicated that it had taken his family 12 years to pay off a family planning fine (U.S. Embassy Beijing Jan. 1999). These fines can reach two to three times the combined annual income of both parents (*ibid.*). Furthermore, other fees, such as school fees, can be higher for second children (*ibid.*). See Appendix A for the Quanzhou Region Family Planning Regulations.

4.3.3 Jiangsu and Anhui

The study conducted by Gu et al. in Anhui and Jiangsu Provinces illustrated how the population policy is implemented in different areas (Mar. 1998, 22-23). Anhui is a poorer, more rural province in the north of China (*ibid.*, 22). In contrast, Jiangsu is located in the south where jobs in manufacturing are prevalent. In the four counties studied, the percentage of women who stated they were permitted to have only one child were as follows: 34.3 and 37.6 (in the Anhui counties) and 62.7 and 84.6 (in the

Jiangsu counties) (ibid., 23). Over half the Anhui respondents stated they could have two children (ibid.).

Only 2 per cent of respondents in South Jiangsu reported an out-of-plan birth [all from one county], compared to about one-third of the respondents in North Anhui (ibid. 83)....

Generally, fines [for out-of-plan births] are supposed to amount to two and a half times the village's per capita income from the previous year. Respondents with out-of-plan births in South Jiangsu paid about twice as much as those in North Anhui. ... Fines ranged from less than 500 [CDN\$91] to more than 5,000 yuan [CDN\$915] (ibid. 83-85).

The Gu report did not find any discrepancies in the treatment of out-of-plan children in the area of social services such as health care or education, despite government stipulations to the contrary (ibid. 86-87).

4.3.4 Tibet

The Xinhua news agency states that the country's population policy is applied to 12 per cent of Tibet's population (2 Feb. 1999). Kate Saunders, senior news analyst with the Tibet Information Network (TIN), acknowledged that overall the population policy is not as strict in Tibet as it is in the rest of China (Saunders 13 Apr. 1999). However, she emphasized that the limits that do exist are as strictly enforced as they are in other areas of the country and she disputed the notion that there are no limits on the number of children Tibetan women may bear (ibid.; TIN 15 Apr. 1999). According to Saunders, Tibetan government workers are only permitted to have one child (Saunders 13 Apr. 1999); Dr. Gu stated that Han government employees in Tibet could have one child, Tibetan government employees could have two and rural Tibetans could have three (22 Apr. 1999). Families with three or more children must "pay a fine of 1,800 yuan a year [CDN\$329]—a sum equivalent to the annual income of a well-paid civil servant" (TIN 15 Apr. 1999). Children who are born out-of-plan do not receive work permits and are unable to gain access to education or health care (ibid.). The policy is implemented differently across Tibet according to the rigidity of local officials (ibid.).

4.3.5 Xinjiang Uygur Autonomous Region (XUAR)

According to a 1999 Amnesty International report, authorities in the Xinjiang Uygur Autonomous Region (XUAR), have "introduced personal 'birth limitation contracts' which women must sign." (AI 21 Apr. 1999). These contracts "indicate that contraception is compulsory and that abortion is the only remedy in the case of unauthorized pregnancies." (ibid.). The report further indicates that lack of attention to hygiene and health conditions of women undergoing abortions has reportedly resulted in some women developing health problems or dying, "due to carelessness by medical staff performing abortions." (ibid.).

4.3.6 Floating population

Please see the September 1998 IRB Issue Paper *China: Internal Migration and the Floating Population* for background information on this group, available in the REFQUEST database and in the IRB's Website at <www.irb.gc.ca>.

In 1997, there were officially 100 million internal migrants in China (Xinhua 22 Sept. 1998). On 1 January 1999, new national regulations on "Methods for the Management of Family Planning among the Floating Population" took effect (*Liaowang* 11 Jan. 1999; Xinhua 22 Sept. 1998). According to the new regulations, governments in the area to which people have migrated are responsible for their

family planning, including "checking marriage and family status, providing contraceptives and birth control services, and dealing with those people who have violated family planning regulations" (ibid.). The responsibility for implementing regulations falls to the work units or individuals who employ migrant workers; Xinhua, the official Chinese news agency, states that the owners of the homes where migrants stay "have to help promote family planning," but it is not clear if this is included in the regulations (ibid.). Birth control fees for married migrants will be paid by their employers or the local government in the area in which they are permanently registered (ibid.). Individuals selling, forging or acquiring family planning certificates illegally are subject to fines up to 1,000 yuan [CDN\$183]. Providing illegal marriage or family status certificates is also be subject to fines (ibid.). According to Woodman, the regulations also state that individuals must pay for their own birth control surgeries such as abortions and sterilization, although Dr. Gu was uncertain whether this was universal (14 Apr. 1999; 22 Apr. 1999). Woodman noted that the Regulations do not reflect the "service-oriented" rhetoric that officials have occasionally used in the past year (13 Apr. 1999). See section 7 for further information about "service-oriented" policy.

Ms. Woodman stated that the main differences between the new regulations and the old ones are as follows: an addition to Article 1 stating that one of the reasons for enacting the new regulations is to "protect the legitimate rights and interests of migrants"; the shift of principal responsibility for monitoring migrants' fertility to the current place of residence; the inclusion of landlords among those responsible for monitoring migrants' fertility status (officials issuing business permits and employers were already named as responsible); the specification of maximum fines to be levied in cases of violations; and the removal of provisions for administrative or legal appeals against decisions under the regulations (23 Apr. 1999).

4.4 Corruption and other local conditions affecting policy implementation

Implementation of the policy can be affected by local corruption (*Renkou Yu Jingji* 25 July 1998; *Anhui Ribao* 8 Oct. 1998). Family planning officials sometimes either encourage or ignore out-of-plan pregnancies in order to collect the fines for local use (ibid.; *Renkou Yu Jingji* 25 July 1998). Such a case was reported in Yudan Town, Hebei Province, where local authorities were encouraging out-of-plan births and charging parents 3,400 yuan (CDN\$622) (ibid.). According to the Chinese journal *Renkou Yu Jingji*, this is a relatively common occurrence (ibid.). An Anhui provincial politician stated that local authorities in certain "backward localities" engage in several different kinds of fraudulent activities including issuing false birth certificates and falsifying gynecological exams (*Anhui Ribao* 8 Oct. 1998). Pressures to meet targets or a desire to please superiors also lead to the submission of false data (ibid.; Woodman 13 Apr. 1999; *Renkou Yu Jingji* 25 July 1998). Party members and cadres may themselves be in contravention of the population policy (*Anhui Ribao* 8 Oct. 1998). Woodman pointed out that there is a general problem throughout the Chinese administration due to the fact that local governments may not raise money as ordered by the central government to institute a social program, or else may raise the money but spend it on something else (13 Apr. 1999).

Other conditions that can affect local policy implementation include lack of interest or varying abilities of local officials, difficulties implementing the policy in economically depressed areas, poor or unclear lines of authority, cross-mangement between urban and rural organizations, a shortage of personnel and lack of resources such as computer equipment (Xinjiang Ribao 13 July 1998; *Population et Sociétés* July-Aug. 1998; *Renkou Yu Jingji* 25 Jan. 1998).

NOTE

[5] The Laogai Research Foundation gathers and disseminates information about human rights abuses in China, particularly the

abuses in laogai (forced labour camps) (Laogai n.d.). [\[back\]](#)

5. ABUSES COMMITTED IN POLICY IMPLEMENTATION

Many sources concur that human rights abuses such as forced sterilization or abortion or other forms of coercion such as demolition of houses continue to be committed in the implementation of China's population policy (*Country Reports 1998 1999*, Section 1.f; HRIC Dec. 1998; U.S. Committee on International Relations 10 June 1998; Woodman 13 Apr. 1999; Gu 14 Apr. 1999; Hardee 31 Mar. 1999; TIN 15 Apr. 1999; CEDAW 3 Feb. 1999, section 49b). However, obtaining information to determine the extent of the problem is very difficult (Conly 7 Apr. 1999; Woodman 13 Apr. 1999). According to Sophia Woodman, information still does not flow freely in China, particularly from rural areas (*ibid.*). The population policy is a highly sensitive issue for most Chinese and there are rarely, if ever, accounts of abuses in this context reported in the media, although other types of alleged human rights abuses might be reported (*ibid.*; also Gu 22 Apr. 1999). Human rights researchers must obtain information through analyzing regulations, making contacts with people who have left the country or through researchers who, while examining other issues, also ask about this topic (Woodman 13 Apr. 1999). Because of the constraints, there can be a lag getting information out of the country (*ibid.*). She is not of the opinion that human rights abuses involving population policy are declining (*ibid.*).

The Chinese government has continued to assert that it condemns abuses carried out in the implementation of its population policy (Xinhua 29 Oct. 1998; BBC 7 July 1998; *The Lancet* 6 June 1998; CEDAW 1 Feb. 1999, 6; *Country Reports 1998 1999*, section 1.f). At the same time, government officials have acknowledged that abuses have occurred (*ibid.*; New York Times 1 Nov. 1998; *The Age* 18 Oct. 1998; *The Lancet* 6 June 1998; Grimheden 29 Mar. 1999; Xinhua 6 Nov. 1998). Xinhua quoted SFPC Minister Zhang Weiqing as stating that "cases of forced abortion and sterilization occur from time to time, especially in rural areas, in spite of strict government prohibition" (*ibid.*). The Raoul Wallenberg Institute's Jonas Grimheden, who has worked on local reproductive health programs with the Chinese authorities, stated that Chinese officials refer to situations where ignorant or overzealous officials might misunderstand policy intentions (29 Mar. 1999). He added that the authorities used to speak about such occurrences in the past, implying that these problems had been addressed, but now speak of them in the present tense (*ibid.*).

Since June 1998, two comprehensive publications have been issued that include information about abuses carried out in the implementation of China's population policy. In December 1998, following China's submission of its periodic report to the Committee on the Elimination of Discrimination Against Women (CEDAW), HRIC submitted a report stating that the government did not adequately address the population policy issue and provided information about abuses committed in the name of family planning policy (AFP 2 Feb. 1999). The wife of a prominent dissident also indicated in press interviews following the release of the CEDAW report, that she was aware of abuses of women in contravention of the family planning policy (*ibid.*). In spring 1998, a family planning official in an unspecified rural area told HRIC that she had been involved in incidents in which family members had been held hostage if a woman did not show up for a meeting with family planning officials, that houses were burnt down if families disappeared to avoid meeting local officials and that people were physically threatened; officials used these methods to force the implementation of family planning regulations (HRIC Dec. 1998). In her district, where two children are generally permitted, out-of-plan births are sanctionable with 10,000 yuan (CDN\$1,830) fines (*ibid.*). In their testimony before the U.S. Committee on International Relations, Ms. Gao and Ms. Nicole Hess, a representative of the Laogai Research Foundation also indicated that families can be held in detention cells for violations of the birth policy

(10 June 1998 14, 20).

Ms. Hess and Ms. Gao indicated that informers provide authorities with information about the adherence of local residents to the birth plan (*ibid.*, 14, 19). Ms. Gao provided details about cases dating from 1995 and 1996 in which she was involved in forced sterilizations, forced abortions—in one case at nine months—and imposing fines and destroying homes for out-of-plan births (*ibid.*, 16-22). Ms. Hess indicated that details of women's menstrual cycles, marriage and birth data are kept on file (*ibid.*, 15).

The Australian immigration minister, Philip Ruddock has ordered an enquiry into the circumstances surrounding the deportation from Australia back to China in July 1997 of a Chinese woman who was eight-months pregnant (*Globe and Mail* 11 May 1999). The woman who already has one child, was forced to have an abortion 10 days before her due date (*ibid.*; Australian Broadcasting Corporation 4 May 1999). An Australian senator, Brian Harradine who interviewed the woman after the abortion said that she had "asked to have the baby in Australia because she feared a forced abortion if returned to China." (*ibid.*; *Globe and Mail* 11 May 1999).

TIN submitted to the Research Directorate a number of personal testimonies of abuse suffered by Tibetans in the implementation of the one-child policy from 1997-1998 (15 Apr. 1999). Some examples are provided below.

A woman from Lhasa provided the following information on obtaining permission to conceive (Sept. 1997):

... women are called for meetings thrice a month. During these meetings they say that the limit of childbirth is two, with three years gap between the two. If we give birth to the second child before the three-year gap we will be fined 1500 yuan [CDN\$274]. Ration cards will be taken back. When we give birth to the second child we are supposed to give birth to a healthy and good-looking child. A third child is forbidden. If we don't obey that we will be fined 1500 Yuan, ration cards will be taken back and our houses will be confiscated. The child will not be given admission in the schools also. If they found any women pregnant with the third child they abort the child by force. For the forced abortion a person is charged from 500... to 700 Yuan [CDN\$91-128]. Forced abortion is also done on women who are found pregnant with their second child before the three-year gap One has to seek permission before conceiving ... the first or second child. For each pursuit, you have to pay 50 to 100 yuan [CDN\$9-18] initially. When you approach for the permit, one had to show one's husband's identity card, ration card etc. When you have conceived, then again you need to show your identity card to the medical staff. They weigh you and then put three injections in the stomach. They charge you 150 yuan [CDN\$27] for that. When you are really not well they won't admit patients saying that there are no spare beds. They work hard on abortions and to take money. Some serious patients give any good stuff to them like carpets that they have at home and then the medical bills will be deducted from the sale of the goods.

A 16 year old boy from Rebkong provided the following information on sterilization practices (Jan. 1998):

[During a meeting with officials from the birth control office] the Chinese said that they would operate on women from the age of 18 to 40. They said that those women who didn't undergo the operation would be expelled from their jobs. All of them were farmers. ... I

heard from the people of the village that one evening four [women] were taken away to get operated on, totally by force. The officials told the four of them that the government would pay everything and there would be no problem after them being operated. They said that one needed rest for seven days after the operation and should take proper medicine and the food and the expenses would be provided by the government. But the women were in bed for more than two weeks and hardly recovered. And the expenditures were paid by their families and not by the government.

A 23-year-old mother of a 5 year old child from Tsongon (4 Oct. 1997) stated that

If you are below 20 and if you give birth to a child they punish you with a 3000 Yuan fine [CDN\$549]. If your age is not 20 but you have a child then the government doesn't allow the child to be sent to school and they don't give permission for citizenship ... I gave birth to my son when I was 18. I paid 2000 Yuan [CDN\$366] and still he has no citizenship [and] he can't be sent to school.

Finally, a young farmer's son from Kyirong (19 Jan. 1998) provided the following information on paying for an abortion:

It is not easy to go to abort in the shen hospital. We have to pay butter and also a large amount of money for the abortion. The women who go to the shen hospital first have to pay 1000 Yuan [CDN\$183] as a kind of advance, which you will get back later, and 6 gyama of butter. The people in the shen near the hospital face a lot of problems regarding shortage of butter so they charge 6 gyama of butter when women need to be aborted. But mostly women don't get the 1000 Yuan back after the abortion. The maximum the women get back is 100 or 150 Yuan [CDN\$18-27].

Ms. Gao stated that family planning officials who fail to meet their birth plans or quotas can be fired (10 June 1998, 36). She also indicated that local policies are subject to provincial and national scrutiny through the submission of periodic reports (*ibid.*) She was unaware of any training available to local officials (*ibid.*, 38).

Officials have stated that the government has taken steps to address concerns about abuses, including the distribution of information explaining policy controls to local officials; stricter supervision of officials; the establishment of offices to look into complaints of abuses; and training classes for local cadres (Xinhua 29 Oct. 1998; BBC 7 July 1998; *Country Reports 1998 1999*, section 1.f). The government has asserted that local officials have been punished for abuses (*ibid.*; Woodman 13 April 1999). However, Woodman pointed out that officials have not provided information on specific cases when asked directly (*ibid.*). Ms. Gao indicated that she was unaware of family planning officials being disciplined for abuses (U.S. Committee on International Relations 10 June 1998, 35). Shanti Conly, Director of Policy Research and Analysis at Population Action International, was of the opinion that press reports tend to focus on cases in which families who break the rules are punished, instead of focusing on punishment given to officials who commit family planning abuses (7 Apr. 1999).

Although it is apparently possible to sue officials for actions committed in the name of the policy, no suits have been carried through successfully (*The Lancet* 6 June 1998). *Country Reports 1998* also stated that people have the right to sue family planning officials and that some citizens have exercised this right; however, the report does not give the outcome of these lawsuits (1999, section 1.f). Further information on lawsuits was not available in the sources consulted by the Research Directorate at the time of publication.

6. OPPOSITION TO THE POPULATION POLICY

According to *Current History*, there have been a number of small, peaceful demonstrations against the population policy held in front of the SFPC offices in Beijing that have proceeded without incident (Sept. 1998, 282). Ms. Woodman indicated that she was unaware of such demonstrations (13 Apr. 1999). No further information on the demonstrations was available to the Research Directorate at the time of publication.

In June 1998, there was a report of clashes between several residents of Jinzhuang Town, Fengkai County, Guangdong and three family planning officials (*Ming Pao* 10 Dec. 1998). The officials were apparently beaten while attempting to collect fees for out-of-plan births in the Wanan management district of Jinzhuang Town (*ibid.*). Security officers called in to control the situation were also injured and there was property damage during the all-day occurrence, according to *Ming Pao*, an independent newspaper (*ibid.*). In December 1998, eight people received sentences of between ten months and five years in relation to the incident (*ibid.*).

Sophia Woodman stated that there have been regular reports in the Hong Kong press, about village protests against the population policy, some of which occasionally turn violent (13 Apr. 1999). They can be sparked, for example, by the death of someone while undergoing a procedure, or be related to the imposition of unreasonable fees (*ibid.*). Such reports tend to come from Guangdong, although that province tends to be over-represented in the Hong Kong press in general (*ibid.*). She has heard of reports from other parts of the country (*ibid.*). Ms. Woodman has not seen information about any repercussions following such occurrences; often the media will mention an incident, but not follow it up, so it is difficult to ascertain the consequences (*ibid.*).

Ms. Woodman also pointed out that people protest many things and the population policy is just one of several possible issues (13 Apr. 1999; also Gu 22 Apr. 1999). Other sources point out that peasant protests or violence sparked by general corruption or the arbitrariness of local authorities are not uncommon (*Zhongguo Shuiwu Bao* 27 Nov. 1998; Inside China Today n.d.). Reportedly, the military has occasionally been called in to end violent protests (*ibid.*).

In Ziling Village, Qinyang City, Henan Province, 100 households established an illegal organization to protest the payments of taxes and fees in late 1998 (*Zhongguo Shuiwu Bao* 27 Nov. 1998). Among those they cited was the 1,480 yuan (CDN\$271) fee for a birth permit, which had reportedly increased significantly (*ibid.*). Per capita income in the area is between 600 and 700 yuan (CDN\$110-128) (*ibid.*).

The China Development Union, a political discussion group registered in June 1998 was forced to close in October of that year (AFP 27 Oct. 1998). An AFP article alleges that the group's closure was sparked by several controversial statements made by its founder, Peng Ming, including a suggestion that the population policy should be loosened in the cities (*ibid.*).

7. GOVERNMENT INITIATIVES

SFPC Minister Zhang Weiqing was quoted in early 1999 as stating that the government has accepted that certain reforms need to be implemented in the country's population policy, such as providing a legal framework for family planning work; ensuring the inclusion of propaganda, education, scientific management, comprehensive services and social constraints in the program; and introducing social security measures (*Liaowang* 11 Jan. 1999).

The government has made several international pronouncements in 1998-1999 with a consistent message that the emphasis of the country's population policy has and will continue to change (Xinhua 29 Oct. 1998; IPS 9 Apr. 1998; Zhang 9 Feb. 1999). At a Population Conference in the Hague in February 1999, Vice-Minister Zhang Yuqin of the SFPC, stated that a change in the direction of the policy actually began in 1995 (ibid.). At that time, government policy shifted from focusing on family planning to looking at population issues more comprehensively, including economic development and poverty alleviation (ibid.). She characterized this as a shift from an "administrative-oriented" to a "service-oriented" approach that precluded all coercion (ibid.). Speaking at an international event in October 1998, SFPC official, Cong Jun, emphasized the importance of providing the population with reproductive health information (Xinhua 29 Oct. 1998). She also indicated that male sterilization was becoming more prevalent in several provinces, including Sichuan and Shaanxi (ibid.). Another SFPC official also indicated that there was to be a shift from an administrative to a service approach, with a focus on "education, training, clinics and counselling" (IPS 9 Apr. 1998).

7.1 Programs

Several local-level reproductive health programs have been introduced in the last several years in China. In 1995, the government introduced a pilot project for a new approach to family planning in the following areas: Nongan County, Jilin Province; Liaoyang County, Liaoning Province; Jimo City, Shandong Province; Yandu County, Jiangsu Province; Deqing County, Zhejiang Province (all rural localities); and Luwan District, Shanghai (Zhang 9 Feb. 1999; Gu Dec. 1998, 3). In 1997, five other pilot projects were added: Xuanwu District, Beijing City; Heping District, Tianjin City; Xuanwu District, Nanjing City; Zhuzhou City, Hunan Province (all urban); and Liuyang County, Hunan Province (ibid., 3-4).

The broad aims of the project were as follows: foster a "client-centred" approach among local family planning officials; provide improved technical services, counselling and information, and improve the physical facilities and qualifications of local family planning officials (ibid., 4-6). Areas were selected on a voluntary basis and a brief report on the project indicates that they were all areas with relatively high socio-economic conditions and their past records showed "sound performance of [the] family planning program;" it is not certain how well any positive results could be duplicated elsewhere, according to the report's author (ibid., 7). The program expanded to 200 counties at the beginning of 1998 and to 300 by the end of the year, that is, over 10 per cent of all of the country's counties (ibid., 13; Zhang 9 Feb. 1999; *Liaowang* 11 Jan. 1999). It is expected that a comprehensive analysis of the program will be available by mid-1999 (Gu Dec. 1998, 13).

The government has released information about other initiatives related to improved maternal health care and family planning (CEDAW 10 June 1997, Article 2; SFPC n.d.; Xinhua 8 Oct. 1998). For example, according to Xinhua, alternative birth control methods are encouraged in 10 cities, including Dalian, where a program was begun in 1993 (ibid.). The service also noted that 98 family planning clinics have been set up in 130 towns offering reproductive health services (ibid.).

In Yicheng County, Shaanxi Province, the government has reportedly tacitly supported an experiment since 1986 whereby couples who agree to postpone marriage until 24 years of age, are permitted to have a second child when the wife reaches 30 (*South China Morning Post* 1 Apr. 1999). There are apparently slightly higher than average incidents of second children—38.8 per cent of couples have second children compared to a provincial average of 31.8 per cent—but few have a third (ibid.). The fine for an out-of-plan pregnancy is 5,000 yuan [CDN\$915], and single children receive free health care and education; and the first child is automatically assigned a farming plot (ibid.).

A number of outside organizations have also worked on family planning projects. The Japanese NGO, Japanese Organization for International Cooperation in Family Planning (JOICFP), is involved in local projects in various areas across China (*JOICFP News* July 1998). In mid-1998 JOICFP was reportedly involved in 26 projects in 23 provinces assisting over seven million people (*ibid.*). Projects included training programs, exchanges of family planning officials, promotion of reproductive health care or provision of reproductive health services in the following areas: Qionghai City, Hainan Province; Dali County, Shaanxi Province; Taicang City, Suzhou Municipality, Jiangsu Province; Shanghai; Jingchuan County, Gansu Province; Tongxin County, Ningxia Hui Autonomous Region; Tuokesun, Xinjiang Uygur Autonomous Region, and Nanchuan, Chongqing (*ibid.*, Feb. 1999; *ibid.*, Jan. 1999; *ibid.*, Oct. 1998; *ibid.*, July 1998; *ibid.*, April 1998a). Sweden's Raoul Wallenberg Institute has also been conducting training workshops for Chinese family planning officials on the topics of international human rights law and population policy law, with the cooperation of the authorities (Grimheden 29 Mar. 1999; Zhang 9 Feb. 1999). One was held in May 1998 and another in January 1999 (Grimheden 29 Mar. 1999).

In 1998 China joined Partners in Population and Development, which arose from the 1994 Cairo International Conference on Population and Development (ICPD), a group of 14 countries that exchange information about reproductive health and development programs (Earth Times 8 Dec. 1998).

In a high-profile move, the United Nations Population Fund (UNFPA) launched a "Reproductive Health/Family Planning Project" in 1998 in 32 counties in China in an effort to curb abuses carried out in the name of the family planning policy (UNFPA 8 July 1997, 13). (See Appendix B for a list of the 32 counties). The stated purpose of the program is to: "implement the people-centred approach agreed to at the ICPD by assisting in making quality client-oriented services available to Chinese men and women on a voluntary basis" (*ibid.*, 3). A UNFPA official quoted by Inter Press Service stated that "'voluntarism and the need to remove targets and quotas from family planning providers'" were the key elements of the project (9 Apr. 1998). In order to prevent a possible upsurge in births, the Chinese government is not heavily promoting the UNFPA program, according to the *South China Morning Post* (21 Mar. 1998). The four-year program, which was designed to be implemented at the national level over the long term, is to be reviewed in mid 1999 (UNFPA 8 July 1997, 3, 10). According to the *British Medical Journal*, the project will reach 20 million people in both urban and rural communities (28 Mar. 1998).

A journalist writing in February 1999 in the medical journal, *The Lancet*, described a tour of Chinese family planning facilities, financed by the Rockefeller Foundation, for international journalists (13 Feb. 1999). She indicated that two family planning clinics in Shanghai and Hangzhou Province provided a variety of services, part of the official government policy of providing more "client-oriented" services" (*ibid.*). These services include "friendly lectures" on the one-child policy (*ibid.*). Her overall description of the softer version of the policy continues:

The government is trying to allay the public's fears by relaxing the laws. Family-planning clinics now offer couples a choice between an intrauterine device (IUD) and female sterilisation—the Chinese believe vasectomy renders men weak. Although birth-control pills, hormone injections, and even condoms are becoming available, women who have had one child are now encouraged to use an IUD instead of undergoing tubal ligation. Women with two or more children will still almost always be sterilised. Women with a son who become pregnant a second time are counseled, rather than forced, to have an abortion. If the expectant mothers choose not to terminate the pregnancy, they must pay a "fine" to defray the second child's "cost to society". This annual fee can range from one fifth to three times the parents' combined annual salary for up to 5 years, depending upon where they

live. If a couple's first child is a girl and they would like to try for a boy, they are allowed to conceive again and are exempt from the fine (ibid.).

7.2 Reactions to government initiatives

The field assessment of Dr. Gu, who has been involved in establishing and monitoring the local initiatives described above, indicates that there is still a long way to go to reorient the way China's population policy is implemented (14 Apr. 1999). However, he feels very strongly that there is a real determination to implement change and that where pilots have been established, the new approach has been internalized. He believes that the pilots have shown that different ways of implementing family planning are viable in the Chinese context and there is increasing interest in new techniques across many areas in the country (ibid.). After initial concerns, both the local population and the planning authorities were pleased with the results in the pilot areas (ibid.).

He stated that for these programs to work in other parts of China, they must be voluntary (ibid.). This has been a problem with programs in the past which have been driven by the central government or by outside agencies (ibid.). Ideally, these new programs should receive no funding from central or external sources, so as to further underscore local self-determination. He acknowledged that lack of outside funding could be a problem in poorer areas of the country and there are efforts to seek some outside funding (ibid.).

According to *Le Monde*, the government's new approach is primarily designed to make China's population policy more acceptable to conservative outsiders, particularly Americans, whose past opposition to Chinese population policy had hindered its ability to gain access to international aid (7 Nov. 1998). According to Sophia Woodman, the biggest problem with a new "service-oriented" approach is the lack of resources to support the new infrastructure and training of personnel which she believes would have to be put into place (13 Apr. 1999). Furthermore, she added that apportioned money must be carefully monitored to ensure that money targeted for such programs is not diverted to another project. She feels that the abundance of projects and programs is certainly positive, but that it is difficult to know how they are being implemented.

Several sources pointed out that the new approach could possibly discriminate against poorer, rural Chinese. According to TIN, urban incomes are on average three times higher than rural incomes (15 Apr. 1999). Poorer Chinese might be more vulnerable to cash inducements or workplace pressures to adhere to population controls (*The Lancet* 6 June 1998). Sophia Woodman noted that people in the better off areas would be more likely to have access to the resource-intensive "service-oriented" facilities (13 Apr. 1999). At the same time, it is in those areas that it might suit people better to have fewer children (ibid.).

Some commentators point out that there needs to be an authoritative statement from the central government making clear that abuses are not tolerated (CEDAW 3 Feb. 1999, 6; Woodman 13 Apr. 1999). Two other concerns are that officials at various levels are not necessarily agreed on a new approach and that senior central officials might fear losing control over the situation in remote locations, while local officials might be skeptical of reforms, not easily adaptable to them or else fear repercussions from the centre (ibid.; Gu 14 Apr. 1999; *The New York Times* 1 Nov. 1998). Women may have difficulty trusting a new approach due to their past experiences (ibid.). Finally, as the *South China Morning Post* noted, "persuasion can be very close to compulsion in the vocabulary of authoritarian governments" (21 Mar. 1998).

7.3 Legal changes

In November 1998, the country's Adoption Law was relaxed to allow parents to adopt more than one child, regardless of whether they already have children (*ibid.*, 6 Nov. 1998). In order to prevent violations of the one-child policy, drafters inserted a clause sanctioning people found guilty of abandoning or selling infants with a fine of not less than 1,000 yuan [CDN\$183] (*ibid.*; Xinhua Domestic Service 29 Oct. 1998). The amended law also prohibits couples who have given up a child for adoption from having another child (*ibid.*). The enforcement date for the amended law was in April 1999 (*South China Morning Post* 6 Nov. 1998).

Chinese authorities are working to develop new population legislation (*Liaowang* 11 Jan. 1999; SFPC 13 Apr. 1999; Gu 14 Apr. 1999; Grimheden 29 Mar. 1999). In autumn 1999, a group of Chinese legislative drafters plan to travel to Sweden to discuss this initiative (*ibid.*). SFPC Minister Zhang Weiqing stated that it is hoped that the new legislation would be included in the government's current legislative session (*Liaowang* 11 Jan. 1999). According to the SFPC, the law is still at the research stage and no public information about it is currently available (13 Apr. 1999). Dr. Gu stated that the content of the law is subject to a great deal of internal discussion among decision-makers, although he is of the opinion that there is a real will to produce new legislation (14 Apr. 1999). He also indicated that implementing it will not be easy (*ibid.*).

8. FUTURE CONSIDERATIONS

Regardless of international pronouncements about a new policy direction, Chinese officials have consistently stressed, particularly internally, that the government will maintain control over its population policy (*Hong Kong Standard* 16 Mar. 1999; *Population News* 9 Nov. 1998; IPS 9 Apr. 1998; *Zhongguo Xinwen She* 28 Sept. 1998; Woodman 13 Apr. 1999; Xinhua 3 Nov. 1998; *ibid.* 23 Feb. 1998). In February 1998, Peng Peiyun, then minister in charge of the family planning policy, denied that there would be a loosening of family planning practices, noting only that there might be some local changes related to specific local conditions (*ibid.*). She specifically mentioned that in some rural areas, the program was not "properly managed" (*ibid.*). SFPC Minister Zhang Weiqing stated in March 1999 that "China will strictly carry forward the present family-planning policy over a long period" (*Hong Kong Standard* 16 Mar. 1999). Agence France Presse also commented in early 1999 that China is "stepping up" its family planning policy (18 Mar. 1999). Inter Press Service noted that "China is trying to emphasise even more vigorously that the one-child policy has not changed and that its goals remain in place. Indeed, a recent national meeting on family planning here stressed that "family planning is China's most fundamental policy" and warned that "family planning work shouldn't be slackened" (IPS 9 Apr. 1998).

Oral sources interviewed also concurred that there does not appear to have been any significant change to the basic tenet of the government's population policy—that the over-riding priority is to reduce the country's population growth (Conly 7 Apr. 1999; Hardee 31 Mar. 1999; Woodman 13 Apr. 1999; Gu 14 Apr. 1999). As Dr. Gu stated, the ultimate goal is not just to implement reform programs, but to institutionalize them, which has not occurred to date (*ibid.*).

The expected baby boom in 2009-2014 prompted the government to launch an intensive nationwide campaign to highlight its population policy in late 1998 (Xinhua 3 Nov. 1998; *Renmin Ribao* 28 Oct. 1998). The government has indicated that the future focus of the policy will be the rural areas, particularly the central and western provinces, and the floating population (Xinhua 6 Nov. 1998; *ibid.* 16 Mar. 1998; *Liaowang* 11 Jan. 1999). Sixty per cent of the program budget will go to western and central China (*ibid.*).

NOTES ON SELECTED SOURCES

Gu Baochang

Dr. Gu Baochang is a senior program associate with the New York-based Population Council and is working on a pilot project to improve women's reproductive health care in China. He was formerly the deputy director of the China Population Information and Research Center (CPIRC). The Population Council is a non-profit, non-governmental research organization established in 1952 that seeks to improve the well-being and reproductive health of current and future generations around the world and to help achieve a humane, equitable, and sustainable balance between people and resources. The Council analyzes population issues and trends; conducts research in the social and reproductive sciences; develops new contraceptives; works with public and private agencies to improve the quality and outreach of family planning and reproductive health services; assists governments to design and implement effective population policy; and helps strengthen professional resources in developing countries through collaborative research and programs, technical exchange, awards, and fellowships. The organization's funds come from governments, foundations and other non-governmental organizations, internal sources, multilateral organizations, corporations, and individuals. This information is from the Council's website: <<http://www.popcouncil.org/>>.

Shanti Conly

Shanti Conly is the director of policy research and analysis at Population Action International (PAI). PAI is dedicated to advancing policies and programs that slow growth in order to enhance the quality of life for all people. PAI advocates the expansion of voluntary family planning, other reproductive health services, and educational and economic opportunities for girls and women and seeks to increase global political and financial support for effective population policies and programs grounded in individual rights. This information is from the PAI website: <<http://www.populationaction.org/>>.

Karen Hardee

Dr. Karen Hardee is the director of research, policy project at Futures Group International. At the time she co-authored the study, *The Effect of Family Planning on Women's Lives: The Case of the People's Republic of China*, used in this Issue Paper, she was the principal research scientist, Women's Studies Division, Family Health International (FHI).

Sophia Woodman

Sophia Woodman is the research director of Human Rights in China (HRIC), an international non-governmental organization founded by Chinese scientists and scholars in March 1989. HRIC monitors the implementation of international human rights standards in the People's Republic of China and carries out human rights advocacy and education among Chinese people inside and outside the country. HRIC's work includes documenting and publicizing human rights abuses in China, informing Chinese people about international human rights standards and the methods by which they are enforced and assisting those harassed and imprisoned in China for the non-violent exercise of their rights. The primary focus of all of HRIC's work is to encourage and empower the nascent grassroots human rights movement in China. This information is from the HRIC's website: <<http://www.hrichina.org/>>.

Tibet Information Network (TIN)

The Tibet Information Network is an independent news and research service providing information analysis of developments in Tibet. TIN has been in operation since October 1987, reporting on developments in Tibet and publishing specialist reports on a wide range of social, economic and political issues. This information is from the TIN website: <<http://www.tibetinfo.net/>>.

APPENDIX A: QUANZHOU REGION FAMILY PLANNING REGULATIONS

The regulations below are translated from a notice posted on the side of a building off a busy street in the middle of Quanzhou, Fujian Province. A nearby shopkeeper said that the rules were posted about three years ago by the Li district authorities. This district in 1997 was broken up into several smaller districts encompassing Quanzhou City and its surrounding areas.

TRANSLATION BEGINS

Family Planning Policies, Laws and Regulations

The overall planning policy of China is to: control the size of the population, improve the quality of the population, bring population growth to a level appropriate to the growth of society and the economy and into harmony with resource use, the ecology and the environment.

Fertility Policy

Fertility policy encourages late marriage, forbids births outside of family planning, promotes having children late, and forbids early marriage and having children early. Fertility policy also forbids the illegal giving up for adoption and adoption of children.

If both husband and wife are farmers: a man should not marry before he is 22 full years of age and a woman 20 full years of age. [Translator's Note: zhou sui - age since birth as opposed to the traditional Chinese reckoning which makes a child one year of age at birth and another year older at the next Spring Festival.] At the time of the birth of their first child, the man should be no younger than 22 years, 10 months and the woman 20 years, 10 months. If the first child is a boy, additional births are not permitted (except in those cases in which formal permission has been granted in accordance with family planning regulations). If the first child is a girl, the couple may be granted permission upon application to have another child but there must be a spacing of at least four full years between the births of the first and second children.

If both the husband and the wife are cadres or professional workers or live in a city or township, then the late marriage, late birth rule applies to them. A couple may have only one child (except in those cases in which formal permission has been granted in accordance with family planning regulations). The late marriage regulation stipulates a minimum age at the time of marriage of 25 full years for men and 23 full years for women. A late birth is a birth of a first child to a married woman at age 24 or older or to a woman who gets married and has a child after the late birth age.

In the case of a farmer couple who have a boy, a couple in which the husband or wife is a professional cadre or live in a city or township, the couple shall apply for an only one child certificate within three months of the birth of their child.

Couples who wish to have a child and meet these conditions must apply for a "Family Planning Certificate". Any pregnancy and birth to a couple which does not possess a "Family Planning Certificate" is considered to be a pregnancy and birth not in accord with family planning. If a woman holding such a certificate has not become pregnant during the period specified by the "Family Planning Certificate" she must make another application to the organ which issued the original certificate.

Birth Control Techniques Policy

A woman who marries early must use an intrauterine loop or an implant [Note: similar to

Norplant] until arrangements for birth at the late birth age can be made. Within three months after the birth of the first child, a couple must adopt an effective family planning measure. Within three months of the birth of a second child, either the husband or the wife must be sterilized. Sterilization in order to have a child outside the family planning regulations is forbidden. [Translator's note: according to a Chinese physician who did family planning work in a factory, "jin zhi baotai jiezh" forbids the practice of some rural women who, when pregnant with an additional child, have a tubal ligation in order to obtain a family planning certificate. Thus they escape family planning checks and they can give birth to their child.] Supplementary measures should be taken to address a pregnancy arising outside family planning.

For women using intrauterine loops, the loop should be inspected once every season. Couples who have just married and do not yet have a Family Planning Certificate, couples who have a certificate but have not had a child, or after the birth of a child have not yet implemented birth control measures, a man within one year of sterilization or a woman within six months of sterilization, shall use birth control drugs or apparatus. In such cases the woman shall be checked for pregnancy each season and woman using a contraceptive implant shall be examined once every half year. Sex-selective abortion is forbidden and doing a abortion on one's own is forbidden.

Legal Responsibility

Couples who have a child outside the scope of the family planning regulations are assessed a "Fee for an Unplanned Birth" [Jihua shengyu wai shengyu fei].

1. Couples who have their first child too early or violate the rule for spacing the first and the second child are assessed a fee between sixty and one hundred percent [of] the combined annual income of the couple.
2. Couples who have more than one child are assessed between two and three times their combined annual income.
3. Couples which have two children beyond what they are allowed under family planning regulations are assessed between four and six times their annual income. Heavier assessments are levied on couples who have three or more children beyond what is permitted under family planning regulations.

An unauthorized adoption of a child is handled as an additional [birth] outside of family planning ... under the family planning regulations.

[Translator's note: Informal adoptions based on agreements between two families that might be recognized officially only much later when a change is made in a family register when a need arose are traditional in southern China. Here the intent of the regulation is to ensure that adoption is not used to evade the limitation of children to one or two under family planning rules.]

Additional penalties are imposed upon employees of government or party organizations or companies who violate the family planning regulations and sanctions under government or party disciplinary rules.

Li Region Peoples Government (Propaganda Department)

TRANSLATION END

Source: United States Embassy, Beijing. January 1999. "Quanzhou, Fujian--A Traveler's Tale."

APPENDIX B: COUNTIES INCLUDED IN THE UNFPA PROJECT IN CHINA

COUNTY	PROVINCE
Fengnin	Hebei
Luanxian	Hebei
Wenshui	Shanxi
Aohanqi	Inner Mongolia
Guichi	Anhui
Xuanzho	Anhui
Jianou	Fujian
Yushui	Jiangxi
Dongmi	Shandong
Xinyang	Henan
Mengzh	Henan
Yingsha	Hubei
Qianjian	Hubei
Linwu	Hunan
Youxian	Hunan
Sihui	Guangdong
Lipu	Guangxi
Longan	Guangxi
Wencha	Hainan
Bazhong	Sichuan
Yilong	Sichuan
Pingba	Guizhou
Zhenfen	Guizhou
Xinping	Yunnan
Xiangyu	Yunnan
Luonan	Shaanxi
Xixiang	Shaanxi
Yuzhong	Gansu
Datong	Qinghai
Pingluo	Ningxia
Kuerle	Xinjiang
Rongcha	Chongqing

Source: UNFPA 8 July 1997 "United Nations Population Fund Proposed Projects and Programs." (CPR/98/P01-"Reproductive Health/family Planning Project")

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