

POPULATION PLANNING

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POPULATION PLANNING

Findings

- Chinese government officials continued to implement population planning policies that interfere with and control the reproductive lives of its citizens, especially women, employing various methods including fines, withholding of state benefits and permits, forced sterilization, forced abortion, and arbitrary detention to punish policy violations.
- The Commission observed in 2011 the continued practice by local governments of specifically targeting migrant workers for coercive implementation of family planning policies.
- The PRC Population and Family Planning Law is not consistent with the standards set by the 1995 Beijing Declaration and the 1994 Programme of Action of the Cairo International Conference on Population and Development. Controls imposed on Chinese women and their families and additional abuses engendered by the system, from forced abortion to discriminatory policies against “out-of-plan” children, also violate standards in the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights. China is a state party to these treaties and is bound to uphold their terms.
- The Chinese government does not consistently implement provisions in the PRC Population and Family Planning Law (PFPL) that prohibit and provide punishment for abuses in the implementation of population planning policies. Article 4 of the PFPL states that officials shall “enforce the law in a civil manner, and they may not infringe upon the legitimate rights and interests of citizens.” Under Article 39, an official is subject to criminal or administrative punishment if, in the implementation of population planning policies, the official “infringes on a citizen’s personal rights, property rights, or other legitimate rights and interests” or “abuses his power, neglects his duty, or engages in malpractices for personal gain”
- September 2010 marked the 30th anniversary of the beginning of China’s current family planning efforts, and following this anniversary, the Commission observed increased public discussion of the prospects for family planning policy reform. Top Communist Party and government leaders continue to publicly defend the policy and rule out its cancellation in the near-term.
- The Chinese government’s population planning policies continue to exacerbate the country’s demographic challenges, including a severely imbalanced sex ratio—the highest in the

world—an aging population, and a decline in the working age population.

- Authorities released Chen Guangcheng, a self-trained legal advocate who publicized population planning abuses, from prison after he had completed his full sentence on September 9, 2010. Following his release, however, authorities have kept Chen and his family under “soft detention,” or home confinement, and continued to subject them to abuse and restrictive control.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Urge Chinese government officials to cease coercive methods of enforcing family planning policies. Urge the Chinese government to dismantle coercive population controls and provide greater reproductive freedom and privacy for women.
- Urge the Chinese government to reevaluate the PRC Population and Family Planning Law and bring it into conformance with international standards set forth in the 1995 Beijing Declaration and the 1994 Programme of Action of the Cairo International Conference on Population and Development, as well as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights.
- Urge China’s central and local governments to enforce vigorously provisions under Chinese law that provide for punishments of officials and other individuals who violate the rights of citizens when implementing population planning policies. Urge the Chinese government to establish penalties, including specific criminal and financial penalties, for officials and individuals found to commit abuses such as coercive abortion and coercive sterilization—practices that continue in China despite provisions under existing laws and regulations intended to prohibit them. Urge the Chinese government to delink material and financial incentives for officials from their performance in implementing family planning policies and thereby reduce or remove the impetus for unlawful practices.
- Support the development of programs and international cooperation on legal aid and training programs that help citizens pursue compensation under the PRC State Compensation Law and that help citizens pursue other remedies against the state for injury suffered as a result of official abuse related to China’s population planning policies.
- Call on the Chinese government to release Chen Guangcheng and his family from extralegal detention and to permit them to enjoy the freedoms of movement, expression, and association, as provided under Chinese law and international standards to which the Chinese government has committed.

Introduction

China's population planning policies in both their nature and implementation violate international standards. During the Commission's 2011 reporting year, central and local authorities continued to implement population planning policies in a manner that interferes with and controls the reproductive lives of Chinese citizens, especially women. Population planning policies limit most women in urban areas to bearing one child, while permitting slightly more than half of Chinese women—located in many rural areas—to bear a second child if their first child is female.¹ The Commission notes continued debate in the Chinese media about possible reform of these policies, but has not observed government action to introduce national reform measures.

Local officials continue to monitor the reproductive cycles of Chinese women in order to prevent unauthorized births. The Chinese government requires married couples to obtain a birth permit before they can lawfully bear a child and forces them to employ contraceptive methods at other times. Although Chinese law prohibits officials from infringing upon the rights and interests of citizens while promoting compliance with population planning policies, reports during this reporting year indicate that abuses continue. Mandatory abortion, which is often referred to as a “remedial measure” (*bujiu cuoshi*) in government reports, is endorsed explicitly as an official policy instrument in the regulations of at least 18 of China's 31 provincial-level jurisdictions.² This past year, the Commission found that local officials continued to coerce women with unauthorized pregnancies to undergo abortions in both urban and rural areas across China.

International Standards

China's population planning policies in both their nature and implementation constitute human rights violations according to international standards. The 1995 Beijing Declaration and the 1994 Programme of Action of the Cairo International Conference on Population and Development provide for the freedom to make reproductive decisions.³ The PRC Population and Family Planning Law and provincial implementing guidelines, however, limit couples' freedom of reproductive choice by stipulating if, when, and how often they may bear children.⁴ Other domestic policies coerce compliance with population planning targets through heavy fines.⁵ Controls imposed on Chinese women and their families and additional abuses engendered by the system, from forced abortion to discriminatory policies against “out-of-plan” children, violate standards in the Convention on the Elimination of All Forms of Discrimination against Women,⁶ the Convention on the Rights of the Child,⁷ and the International Covenant on Economic, Social and Cultural Rights.⁸ China is a state party to these treaties and is bound to uphold their terms.

Coercive Implementation

Chinese law prohibits certain types of official behavior in the implementation of population planning policies. For example, Article 4 of the PRC Population and Family Planning Law (PFPL) states

that officials “shall perform their administrative duties strictly in accordance with the law, and enforce the law in a civil manner, and they may not infringe upon the legitimate rights and interests of citizens.”⁹ Article 39 states that an official is subject to criminal or administrative punishment if he “infringes on a citizen’s personal rights, property rights, or other legitimate rights and interests” or “abuses his power, neglects his duty, or engages in malpractices for personal gain” in the implementation of population planning policies.¹⁰ Despite these provisions, the Commission has noted continued abuses in the 2011 reporting year, as illustrated by the examples of official campaigns and individual cases of abuse below.

OFFICIAL CAMPAIGNS

During the 2011 reporting year, authorities in some areas implemented population planning enforcement campaigns—in some cases dubbed “spring family planning service activities” (*chunji jisheng fuwu xingdong*)—that employed coercive measures to prevent or terminate “out-of-plan” pregnancies.¹¹ For example, in March 2011, the Yangchun city government in Guangdong province reported that one such campaign had commenced and that the “focal points” of the campaign were the sterilization of mothers with two daughters and the implementation of “remedial measures” for out-of-plan pregnancies.¹² Yangchun family planning officials were directed to adopt “man-on-man military tactics,” “launch meticulous ideological work,” and “storm the fortifications of ‘nail households’ (*dingzi hu*)”¹³ and ‘flight households’ (*waitao hu*)”¹⁴ in a targeted manner.”¹⁵

The Commission noted that this year, in official speeches and government reports from a wide range of localities, authorities also used the phrase “spare no efforts” (*quanli yifu*) to signify intensified enforcement measures and less restraint on officials who oversee coercive population planning implementation measures. Between November 2010 and June 2011, county and township governments in at least eight provincial-level jurisdictions (Shandong,¹⁶ Anhui,¹⁷ Gansu,¹⁸ Guangdong,¹⁹ Hunan,²⁰ Guangxi,²¹ Hubei,²² and Jiangxi²³) urged officials to “spare no efforts” in implementing family planning campaigns including, in some cases, the “two inspections and four procedures” (*liangjian sishu*)—or intrauterine device (IUD) inspections and pregnancy inspections (the two inspections), IUD implants, first-trimester abortions, mid- to late-term abortions, and sterilization (the four procedures).²⁴

Reports surfaced in May 2011 regarding official implementation of population planning policies which resulted in the illegal abduction and sale of children by local officials. From 2000 to 2005 in Hunan province,²⁵ family planning officials reportedly took at least 16 children—allegedly born in violation of population planning policies—from their families and sold them to local orphanages.²⁶ In many of the reported cases, officials took the children because their families could not pay the steep fines levied against them for violating population planning regulations.²⁷

INDIVIDUAL CASES OF VIOLENT COERCION

Numerous reports emerged this past year illustrating family planning officials' use from 2009 to 2011 of violence to coerce sterilizations, abortions, or payment of fines. The following are representative cases that occurred in eight different provinces.

- **Hunan.** In February 2009, local family planning officials reportedly kidnapped Liu Dan, 39 weeks pregnant with her first child, and forced her to undergo an abortion because she had not yet reached the age at which she could be legally married to the child's father. Liu and the child reportedly died during the procedure.²⁸
- **Anhui.** In July 2010, local family planning officials reportedly kidnapped 23-year-old Li Hongmei and forced her to undergo a sterilization procedure. She later filed a lawsuit, which the local county people's court did not accept on the grounds that the case was "unclear."²⁹
- **Yunnan.** In September 2010, officials reportedly destroyed a man's home, harassed his family, and reportedly beat his 67-year-old mother because the man did not return home to pay family planning fines and undergo a mandatory sterilization procedure.³⁰
- **Shandong.** In September 2010, local family planning officials reportedly forced a woman surnamed Xie to undergo an abortion when she was six months pregnant because her husband had been three months younger than the legal marriage age at the time the child was conceived.³¹
- **Fujian.** In October 2010, local family planning officials reportedly kidnapped a woman who was eight months pregnant and detained her for 40 hours. They then forcibly injected her with a substance which aborted the fetus. During this time, the woman's husband was reportedly not permitted to see her.³²
- **Henan.** In November 2010, local family planning officials reportedly kidnapped a man in order to force him to pay the remainder of a fine for having a second child. The same day, the village head notified his family that he was in the hospital. When the family went to see him, they reportedly found him dead under unknown circumstances.³³
- **Guizhou.** In May 2011, local family planning officials reportedly beat Zhang Xuequn and her husband and forced her to undergo surgical implantation of an intrauterine device, despite the fact that she showed them her valid marriage license and birth permits and that she was technically accountable to the government in her home province of Zhejiang.³⁴
- **Jiangxi.** In May 2011, local officials reportedly beat Zhang Julan and forced her to undergo tubal ligation surgery after she and 10 other villagers went to the town government to discuss officials' illegal requisition of land. Zhang remained in the hospital for at least one month following the procedure due to injuries she sustained while in official custody.³⁵

Punishments and Rewards

Chinese authorities continued to use various methods of punishment and reward to manage citizens' compliance with population planning policies. For example, in accordance with national policy,³⁶ local governments continued to direct officials to levy fines, termed "social compensation fees" (*shehui fuyang fei*), against couples who give birth to an unauthorized child.³⁷ These fines force many couples to choose between undergoing an unwanted abortion and incurring financial hardship.³⁸ Often with court approval, family planning officials are permitted to take "forcible" action against families who are unwilling or unable to pay the fines.³⁹ These "forcible" actions are in violation of the PRC Population and Family Planning Law and include the confiscation of family belongings and the destruction of violators' homes.⁴⁰

In some cases officials not only levy fines against violators but also threaten or impose other punitive measures, including job loss, demotion, denial of promotion, expulsion from the Communist Party, destruction of personal property, arbitrary detention, and, in some cases, violence.⁴¹ Some children may go without household registration (*hukou*) in China because they are born "out-of-plan" and their parents do not pay the necessary fines.⁴² According to sources cited in a December 2010 Chinese Human Rights Defenders report, family planning officials in some cases also reportedly withhold a *hukou* from an otherwise eligible child whose mother refuses to undergo sterilization or IUD insertion after the child's birth.⁴³ Lack of a valid *hukou* raises barriers to access to social benefits typically linked to the *hukou*, including government-subsidized healthcare and public education.⁴⁴ [For additional discussion of China's *hukou* system, see Section II—Freedom of Residence and Movement.]

Some local governments offer rewards to informants who report population planning violations. Local government reports during the 2011 reporting year mentioned rewards for informants in amounts ranging from 100 yuan (US\$15) to 6,000 yuan (US\$926) per case for verified information on violations by either citizens or officials, including concealment of out-of-plan births, false reports of medical procedures, and falsified family planning documents.⁴⁵ Conversely, authorities in one neighborhood in Chifeng city, Inner Mongolia Autonomous Region, offered a reward of up to 20,000 yuan (US\$3,085) for information regarding non-medically necessary prenatal sex determination examinations or performance of a sex-selective abortion.⁴⁶

Local governments similarly incentivized family planning officials to ensure strict implementation of population planning policies. For example, in March 2011, the Maojing township government in Qingyang city, Gansu province, issued a report on the "outstanding results" of the government's "rectification activities."⁴⁷ The report calls for officials to "spare no efforts" (*quanli yifu*) in implementing population policies and notes that village cadres face a penalty of 1,500 yuan (US\$230) for each woman with two daughters whom they fail to sterilize. Conversely, they are promised a reward of 500 yuan (US\$77) for each tubal ligation that they see through to completion.⁴⁸ A March 2011 directive from the

Yangchun city government in Guangdong province indicated a goal of fostering “friendly one-upmanship” and “keen competition” among family planning cadres, calling for daily progress reports and participation in “information sharing meetings” in which they are publicly praised or criticized based on their reports.⁴⁹ [See Official Campaigns above.]

Targeting Migrant Workers

As in prior years, the Commission observed during its 2011 reporting year a number of reports indicating that some local governments continue to target migrant workers specifically for implementation, in some cases coercively, of family planning policies. For example, in April 2011, the Sucheng township government in Zuoquan county, Jinzhong municipality, Shanxi province, called for a one-month “superior services, superior management” campaign targeting migrant worker women “who had given birth, were pregnant, or may become pregnant again.” As part of the “superior management” efforts, Sucheng officials were directed to “adopt remedial measures”—a term often used to refer to mandatory abortion—for out-of-plan pregnancies and “levy social compensation fees in accordance with the law” for out-of-plan births.⁵⁰ In November 2010, the Tangshan city government in Hebei province reprinted a China Population Report article on the “Six Rights and Six Obligations of the Migrant Population.” Obligations 5 and 6 directed that migrant workers whose contraceptive measures “fail” should “promptly adopt remedial measures” and that migrant workers who violate family planning laws and regulations should pay the appropriate “social compensation fees.”⁵¹ The Commission also noted directives from local governments in several provinces, including Jiangsu,⁵² Guangdong,⁵³ Shandong,⁵⁴ and Zhejiang,⁵⁵ instructing local officials to take advantage of the spring festival timeframe—a period when many migrant workers return home to be with family—to target the migrant population for family planning policy implementation and services. [For additional information on official treatment of migrant workers, see Section II—Freedom of Residence and Movement and Section II—Worker Rights.]

Prospects for Policy Reform

September 2010 marked the 30th anniversary of the beginning of China’s current family planning policies,⁵⁶ and following this anniversary, the Commission observed increased public discussion of the prospects for family planning policy reform.⁵⁷ According to a March 2011 Xinhua report, officials in five provinces will introduce relaxed population planning trial measures in 2011, allowing a second child for some couples in which both persons are only children.⁵⁸ The same “loosened” measures are already in effect in major municipalities including Shanghai,⁵⁹ Beijing,⁶⁰ and Tianjin.⁶¹ While census data released in 2011 may have also sparked new debate among Chinese leaders regarding family planning policies,⁶² top Communist Party and government leaders continue to publicly defend the policy and rule out its cancellation in the near term.⁶³

Demographic Consequences

The Chinese government's population planning policies continue to exacerbate the country's demographic challenges, including an aging population, diminishing workforce, and skewed sex ratio. Affected in recent decades by government restrictions on the number of births per couple, China's total fertility rate has dropped from 6.1 births per woman in 1949⁶⁴ to an estimated 1.5 births per woman in 2011,⁶⁵ resulting in the rapid growth of China's aging population and decline in the working-age population. In the 2011 reporting year, officials continued to express concern about China's aging population and its present and anticipated strain on the country's social services.⁶⁶ Several reports also have emerged projecting that the recent decline in China's working-age population may result in significant labor shortages by as soon as 2013.⁶⁷ [For additional information on China's projected labor shortage, see Section II—Worker Rights.]

In response to government-imposed birth limits and in keeping with a traditional cultural bias for sons, Chinese parents continue the practice of sex-selective abortion,⁶⁸ contributing to a severely skewed sex ratio—the highest sex ratio in the world.⁶⁹ In August 2011, Chinese state media noted that China's sex ratio at birth “is increasing,” citing the remarks of a senior Chinese health official at a press conference.⁷⁰ Some social and political scientists argue that large numbers of “surplus males” could create social conditions that the Chinese government may choose to address by expanding military enlistment.⁷¹ Reports in the 2011 reporting year have also suggested a possible linkage between China's large number of “surplus males” and an increase in the trafficking of women and children for forced marriage or commercial sexual exploitation.⁷² In August 2011, the State Council issued the PRC Outline for the Development of Children (2011–2020), which urged officials to “step up efforts against the use of ultrasound and other [forms of technology] to engage in non-medically necessary sex determination and sex-selective abortion.”⁷³

Case Update: Chen Guangcheng
Public security officials continue to hold prominent rights advocate Chen Guangcheng and his family under “soft detention,” or home confinement, following his release from prison on September 9, 2010, after serving his full sentence.⁷⁴ Authorities reportedly beat Chen Guangcheng and his wife Yuan Weijing in their home on February 8⁷⁵ and February 18, 2011.⁷⁶ The beatings are believed to be in connection with the couple's recording of video footage, released on ChinaAid's Web site on February 9, in which Chen and Yuan spoke of the official abuse and restrictive control the family has faced since Chen's release.⁷⁷ Officials reportedly did not permit Chen and Yuan to seek medical care for their injuries sustained in the beatings.⁷⁸ Foreign journalists and a “netizen” who attempted to visit Chen's village following the release of this video reported encountering “groups of violent, plainclothes thugs.”⁷⁹ Police also reportedly detained several lawyers and rights defenders in Beijing in February after they met to discuss Chen's case.⁸⁰

Case Update: Chen Guangcheng—Continued

Chen is a self-trained legal advocate who drew international news media attention to population planning abuses, particularly forced abortions and forced sterilizations, in Linyi city, Shandong province, in 2005.⁸¹ The Yinan County People's Court tried and sentenced Chen in August 2006 to four years and three months in prison for "intentional destruction of property" and "organizing a group of people to disturb traffic order."⁸² Chen's trial, retrial, and treatment in prison prompted repeated criticism for criminal procedure violations and infringement of the rights of Chen and his family.⁸³ Chen reportedly remains under "soft detention" with his family, and his six-year-old daughter reportedly has not been permitted to leave the house to attend school.⁸⁴

Endnotes

¹The population planning policy was first launched in 1979, canonized as a “fundamental state policy” in 1982, and codified as national law in 2002. As of 2007, 19 of China’s 31 provincial-level jurisdictions—accounting for 53.6 percent of China’s population—allow rural dwellers to have a second child if their first child is a girl. Gu Baochang et al., “China’s Local and National Fertility Policies at the End of the Twentieth Century,” 33 *Population and Development Review* 133, 138 (2007). Other exceptions to the one-child rule vary by provincial-level jurisdiction, and include some exceptions for ethnic minorities. See “The Origin of China’s Current Birth Policy” [Zhongguo xianxing shengyu zhengce youlai], China Net, 18 April 08; Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 6. According to Chinese Human Rights Defenders, “In 1984, the Central Committee issued a document outlining its ‘current family planning policy,’ which stated that rural residents with one daughter could have a second child, while ethnic minorities could have between two and four children. Since then, even more exceptions to the original ‘one-child’ rule have been added by local governments. These exceptions are numerous, detailed and differ across the country. For example, the Shandong Provincial Population and Family Planning Regulations lists 14 circumstances in which couples are permitted to have more than one child.”

²This number is based on Commission analysis of population planning measures. These jurisdictions include Tianjin, Zhejiang, Guangdong, Shandong, Fujian, Hebei, Hubei, Chongqing, Shaanxi, Heilongjiang, Shanxi, Xinjiang, Henan, Qinghai, Jiangxi, Sichuan, Guangxi, Anhui, Gansu, Yunnan, and Guizhou. For two specific examples, see “Revised ‘Guangdong Province Population and Family Planning Regulations’ Published” [Xiuding hou de “guangdong sheng renkou yu jihua shengyu tiaoli” gongbul], Guangzhou Beiyun District Zhongloutian Public Information Net, 29 June 09; “Jiangxi Province Population and Family Planning Regulations” [Jiangxi sheng renkou yu jihua shengyu tiaoli], Jiangxi News Net, 11 April 09; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Report on Human Rights Practices—2008, China (includes Tibet, Hong Kong, and Macau),” 25 February 09, 6. The Beijing Municipal Population and Family Planning Commission clearly draws the link between the term “remedial measures” and abortion: “early term abortion refers to the use of surgery or pharmaceuticals to terminate a pregnancy before the 12th week of gestation, it is a remedial measure taken after the failure of contraception.” See Beijing Municipal Population and Family Planning Commission, “Early Term Abortion” [Zaoqi rengong liuchan], 10 April 09.

³Beijing Declaration and Platform for Action (1995), para. 17. The Beijing declaration states, “The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment.” Cairo International Conference on Population and Development, para. 7.2. The Cairo International Conference on Population and Development states, “Reproductive health . . . implies . . . that people are able to have . . . the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice” On the concept of “illegal pregnancy” and its use in practice, see Elina Hemminki et al., “Illegal Births and Legal Abortions—The Case of China,” *Reproductive Health*, Vol. 2, No. 5 (2005).

⁴PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], adopted 29 December 01, effective 1 September 02, art. 18. According to Article 18, “The State maintains its current policy for reproduction, encouraging late marriage and childbearing and advocating one child per couple. Where the requirements specified by laws and regulations are met, plans for a second child, if requested, may be made.” Implementing regulations in different provinces vary on the ages at which couples may give birth and the number of children they are permitted to have. See Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 6–7.

⁵Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 18–19. See, e.g., Pan Lihua, Qingdao Municipal Population and Family Planning Commission, “Shinan District: Spare No Efforts in Completing Population Planning, Welcome Inspection Work” [Shinanqu: quanli yifu zuohao jisheng ying jian gongzuo], 16 November 10; Zhu Xiulin, Xiushui County Government, “[Xiushui] County Plans To Deploy 2011 New Year Spring Family Planning Service Activities” [Wo xian anpai bushu 2011 nian yuandan chunjie qijian jihua shengyu fuwu huodong], 15 January 11; Wu Yapeng, Songyang County Government, “Fengping Town Strengthens Family Planning Work” [Fengping xiang jiaqiang jisheng gongzuo lidu], 5 May 11; Taihe County Open Government Information Platform, “Chengjiang Township Launches Population Planning Concentrated Fortification Campaign” [Chengjiang zhen kaizhan jihua shengyu jizhong gongjian huodong], 14 April 11.

⁶Convention on the Elimination of All Forms of Discrimination against Women, adopted and opened for signature, ratification, and accession by General Assembly resolution 34/180 of 18 December 79, entry into force 2 September 81, China signed 17 July 80, ratified 4 November 80, arts. 2–3, 16(1)(e).

⁷Convention on the Rights of the Child, adopted and opened for signature, ratification, and accession by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, China signed 29 August 90, ratified 2 March 92, arts. 2–4, 6, 26.

⁸International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200 A (XXI) of 16 December 66, entry into force 3 January 76, China signed 27 October 97, ratified 27 March 01, art. 10(3).

⁹PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], enacted 29 December 01, effective 1 September 02, art. 4.

¹⁰*Ibid.*, art. 39.

¹¹See, for example, Maonan District Population and Family Planning Bureau, “Leaders Pay Attention, Responsibilities Fulfilled, Real Action Taken, Maonan District Spring Family Planning Concentrated Services Campaign [Achieves] Outstanding Results” [Lingdao zhongshi, zeren luoshi, zhenzhua shigan, maonanqu chunji jisheng jizhong fuwu huodong chengxiao xianzhu], 13 May 11; Chenzhou City People’s Government, “(Shijiao Town) Early Planning, Early Activities To Soundly Launch Spring Family Planning Centralized Services Campaign” [(Shijia xiang) zao mouhua, zao xingdong zhishi kaizhan chunji jisheng jizhong fuwu huodong], 21 February 11; Yangchun City People’s Government, “Chuncheng Neighborhood Spring Family Planning Services Activities Off to a Good Start” [Chuncheng jiedao chunji jisheng fuwu huodong kaiju hao], 4 March 11.

¹²Yangchun City People’s Government, “Chuncheng Neighborhood Spring Family Planning Services Activities Off to a Good Start” [Chuncheng jiedao chunji jisheng fuwu huodong kaiju hao], 4 March 11.

¹³“Nail households” is used in this context to refer to families who resist government population planning efforts.

¹⁴“Flight households” is used in this context to refer to families who have left their homes to evade official reprisal for noncompliance with population planning policies.

¹⁵Yangchun City People’s Government, “Chuncheng Neighborhood Spring Family Planning Services Activities Off to a Good Start” [Chuncheng jiedao chunji jisheng fuwu huodong kaiju hao], 4 March 11.

¹⁶Pan Lihua, Qingdao Municipal Population and Family Planning Commission, “Shinan District: Spare No Efforts in Completing Population Planning, Welcome Inspection Work” [Shinanqu: quanli yifu zuohao jisheng ying jian gongzuo], 16 November 10.

¹⁷Population and Family Planning Commission of Huoqiu County, “[Huoqiu] County Convenes County-wide Second Quarter Family Planning Focused Services Work Meeting” [Woxian zhaokai quanxian di’er jidu jihua shengyu jizhong fuwu gongzuohui], 25 January 11; Mingguang City Open Government Information Net, “Longshan Community Spares No Efforts in Carrying Out Family Planning Special Clean-Up Work” [Longshan shequ quanli yifu zuohao jihua shengyu zhuanxiang qingli gongzuo], 1 April 11.

¹⁸Shandan County Population and Family Planning Commission, “Weiqi Town 2011 Population and Family Planning Work Plan” [Weiqi zhen 2011 nian renkou he jihua shengyu gongzuo anpai], 28 February 11; Population and Family Planning Commission of Gansu, “Shenchuan Town Proposes Four Measures and Launches Spring Family Planning Superior Services Activity” [Shenchuan xiang sicuo bingju kaizhan chunji jihua shengyu youzhi fuwu huodong], 28 March 11.

¹⁹Su Xianchao, Yangchun City People’s Government, “Chuncheng Neighborhood Spring Family Planning Services Activities Off to a Good Start” [Chuncheng jiedao chunji jisheng fuwu huodong kaiju hao], 4 March 11.

²⁰Tang Zhenghai and Gong Ren, “Luxi Spares No Efforts in Contending To Become the Province-wide Model County in Population and Family Planning Work” [Luxi quanli yifu zheng chuang quansheng renkou jisheng gongzuo mofan xian], Unity Newspaper, reprinted in Xiangxi Tujia Autonomous Prefecture Official Web site, 21 March 11.

²¹People’s Government of Tengxian Guangxi, “Pingfu Town Proposes Many Measures and Launches Spring Family Planning Superior Services Activities” [Pingfu xiang duo cuo bingju kaizhan chunji jihua shengyu youzhi fuwu huodong], 12 April 11.

²²Population and Family Planning Commission of Gong’an County, “Maojiagang Town 2011 Annual First-Half-of-the-Year Population and Family Planning Work Situation” [Maojiagang zhen 2011 niandu shangbannian renkou he jihua shengyu gongzuo qingkuang], 25 May 11.

²³Fengcheng City People’s Government, “Hutang Town Population and Family Planning Action Month-Long Exercise Achieves Three Clear Results” [Hutang xiang jihua shengyu xingdong yue huodong qude sange mingxian chengxiao], 2 June 11.

²⁴For one such example in which the two examinations and four procedures are clearly enumerated, see Population and Family Planning Commission of Gong’an County, “Maojiagang Town 2011 Annual First-Half-of-the-Year Population and Family Planning Work Situation” [Maojiagang zhen 2011 niandu shangbannian renkou he jihua shengyu gongzuo qingkuang], 25 May 11. Some government reports refer to “three examinations,” instead of two. The third examination in these references is an examination for the presence of a gynecological disease or illness. Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 10.

²⁵The original source, Caixin, reported that the abductions happened between 2000 and 2005. The New York Times reported that the abductions occurred between 1999 and 2006. Shangguan Jiaoming, “In Hunan, Family Planning Turns to Plunder,” Caixin Net, 10 May 11; Sharon LaFraniere, “Chinese Officials Seized and Sold Babies, Parents Say,” New York Times, 4 August 11.

²⁶Shangguan Jiaoming, “In Hunan, Family Planning Turns to Plunder,” Caixin Net, 10 May 11; Sharon LaFraniere, “Chinese Officials Seized and Sold Babies, Parents Say,” New York Times, 4 August 11; Zhao Hejuan, “Hunan Officials Launch Inquiry Over Sale of Children,” Caixin Net, 16 May 11.

²⁷Shangguan Jiaoming, “In Hunan, Family Planning Turns to Plunder,” Caixin Net, 10 May 11; Sharon LaFraniere, “Chinese Officials Seized and Sold Babies, Parents Say,” New York Times, 4 August 11.

²⁸Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 12.

²⁹“Anhui Young Married Woman Undergoes Forced Sterilization, Lawsuit Rejected by Courts” [Anhui shaofu bei qiangzhi jueyu, xiang fayuan ti qisu zaoju], Radio Free Asia, 17 November 10.

³⁰“Zhaotong, Yunnan Villagers Accused of Exceeding Birth Limits, Town Officials Destroy New House and Accuse Entire Family” [Yunnan zhaotong cunmin bei zhi chaosheng, zao xiangguan daohui xinfang zhulian quanqia], Radio Free Asia, 29 October 10.

³¹Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 12. For another example of violence during family planning implementation in Shandong, see Chinese Human Rights Defenders, “Another Bloody Family Planning Case Erupts in Chen Guangcheng’s Hometown Linyi, 22 Year Old Youth Cruelly Killed” [Chen guangcheng laojia linyi zai bao jisheng xue’an, 22 sui qingnian canzao shahai], 27 March 11. According to this report, in March 2011, local family planning officials and hired personnel entered the home of Xu Shuaishuai in order to take away his sister for an unnamed birth control surgery. In an argument that ensued between his father and the personnel, Xu came to his father’s defense and reportedly was fatally stabbed by one of the personnel.

³²“Xiamen Woman Eight Months Pregnant Forced To Abort, Also Kidnapped and Beaten” [Xiamen huaiyun bageyue funu bei qiangzhi yinchan, bing ceng canzao bangjia ji ouda], Radio Free Asia, 13 October 10. See also Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 10.

³³“Henan Villager Beaten To Death for Exceeding Birth Limit, Thousand People Carry Coffin and Protest at Town Government” [Henan cunmin yin chaosheng bei dasi, qianren tai guancai zhenzhengfu kangyi], Radio Free Asia, 19 November 10.

³⁴Chinese Human Rights Defenders, “Hangzhou Woman Forcibly Subjected to Birth Control Surgery in Guizhou Province” [Hangzhou nuzi zai guizhou bei qiangxing zuo jieyu shoushu], 22 May 11. For an additional case of coercive implementation in Guizhou, see Chinese Human Rights Defenders, “Another Violent Family Planning Incident Outside of Guiyang” [Guiyang chengjiao zaici fasheng baoli jihua shengyu shijian], 30 May 11.

³⁵Chinese Human Rights Defenders, “Xinyu Village, Jiangxi Woman Undergoes Forced Tubal Ligation for Exposing Illegal Land Requisition” [Jiangxi xinyu cunfu yin jielu weigui zhengdi bei qiangzhi jiezu], 19 June 11.

³⁶PRC Measures for Collection of Social Compensation Fees [Shehui fuyang fei zhengshou guanli banfa], issued 2 August 02, effective 1 September 02, arts. 3, 7.

³⁷See, e.g., Pan Lihua, Qingdao Municipal Population and Family Planning Commission, “Shinan District: Spare No Efforts in Completing Population Planning, Welcome Inspection Work” [Shinanqu: quanli yifu zuohao jisheng ying jian gongzuo], 16 November 10; Zhu Xiulin, Xiushui County Government, “[Xiushui] County Plans To Deploy 2011 New Year Spring Festival Family Planning Service Activities” [Wo xian anpai bushu 2011 nian yuandan chunjie qijian jihua shengyu fuwu huodong], 15 January 11; Wu Yapeng, Songyang County People’s Government, “Fengping Town Strengthens Family Planning Work” [Fengping xiang jiaqiang jisheng gongzuo lidu], 5 May 11; Taihe County Open Government Information Platform, “Chengjiang Township Launches Population Planning Campaign Focused on Storming the Fortifications” [Chengjiang zhen kaizhan jihua shengyu jizhong gongjian huodong], 24 December 10.

³⁸Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 18.

³⁹Bureau of Democracy, Human Rights and Labor, U.S. Department of State, “Country Reports on Human Rights Practices—2010, China (includes Tibet, Hong Kong, and Macau),” 8 April 11, 54. For more information on the role of courts in family planning implementation, see Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 27.

⁴⁰PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], adopted 29 December 01, effective 1 September 02, art. 39. According to Article 39, officials are to be punished either criminally or administratively for the following acts: (1) infringing on a citizen’s personal rights, property rights or other legitimate rights and interests; (2) abusing his power, neglecting his duty or engaging in malpractices for personal gain; (3) demanding or accepting bribes; (4) withholding, reducing, misappropriating or embezzling funds for family planning or social maintenance fees; or (5) making false or deceptive statistic data on population or family planning, or fabricating, tampering with, or refusing to provide such data.

⁴¹See, e.g., Pingdu Government Affairs Net, “Are Village Officials Relieved From Their Post if They Violate Population Planning Policies During Their Term of Office?” [Cunguan renqinei weifan jihua shengyu falu fagui zhongzhi zhiwu ma?], 16 February 11; “Hunan Officials Launch Inquiry Over Sale of Children,” Caixin Net, 16 May 11; Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 19–23. See also CECC, 2008 Annual Report, 31 October 08, 97.

⁴²Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 13, 26. According to the report, “The management of the hukou system is the domain of the Ministry of Public Security and it refuses to issue hukous to children without birth permits, children of unmarried parents, and children whose parents for some reason have not completed the required procedures. Without a hukou, a child cannot apply for an ID card and thus does not have a legal identity, is not a citizen and consequently is deprived of the rights accorded to other Chinese citizens.” Zhang Hui, “City Cuts Fines on Second Child,” Global Times, 23 August 10. According to one expert quoted in this report, “Children born outside State scrutiny will enjoy equal rights as the first child only after the family pays the fine and registers them.”

⁴³Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 15–16.

⁴⁴Yan Hao and Li Yanan, “Urban Hukou, or Rural Land? Migrant Workers Face Dilemma,” Xinhua, 10 March 10; Tao Ran, “Where There’s a Will, There’s a Way To Reform,” China Daily, 22 March 10.

⁴⁵See, e.g., Jishan County People’s Government, “Jishan County Population and Family Planning Report Reward System and Report Telephone Number” [Jishan xian renkou yu jihua shengyu youjiang jubao zhidu he jubao dianhua], 27 April 11; Tai’an City People’s Government,

“Family Planning Report Reward Measures” [Jihua shengyu youjiang jubao banfa], 20 November 04; Chengguan Town People’s Government, “Fengtai County Chengguan Town Family Planning Report Reward Implementation Program” [Fengtai xian chengguan zhen jihua shengyu youjiang jubao shishi fang’an], 17 March 11; Yulong Neighborhood Web site, “Family Planning Report Reward System” [Jihua shengyu youjiang jubao zhidu], 12 June 11. See also Chinese Human Rights Defenders, “I Don’t Have Control Over My Own Body,” 21 December 10, 15–16.

⁴⁶Yulong Neighborhood Web site, “Family Planning Report Reward System” [Jihua shengyu youjiang jubao zhidu], 12 June 11.

⁴⁷Li Haixi, Population and Family Planning Commission of Qingyang, “Effectiveness of Maojing Township Family Planning Concentrated Remediation Activities Significant” [Maojing xiang jihua shengyu jizhong zhengzhi huodong chengxiao xianzhu], 28 March 11.

⁴⁸Ibid.

⁴⁹Yangchun City People’s Government, “Chuncheng Neighborhood Spring Family Planning Services Activities Off to a Good Start” [Chuncheng jiedao chunji jisheng fuwu huodong kaiju hao], 4 March 11.

⁵⁰“Zuoquan County Sucheng Township Launches ‘Two Superiors’ Family Planning Activities for Migrant Worker Population” [Zuoquan xian sucheng xiang kaizhan liudong renkou jihua shengyu ‘shuang you’ huodong], China Net Focus on Shanxi, 4 April 11.

⁵¹“The Six Rights and Six Obligations of the Migrant Population” [Liudong renkou de liuxiang quanli he liuxiang yiwu], China Population Report, reprinted in Tangshan City People’s Government, 23 November 10.

⁵²Qidong City People’s Government, “Circular Regarding Soundly Completing 2011 Spring-time Population and Family Planning Services Management Work for Migrant Populations” [Guanyu zhishi zuohao 2011 nian chunjie qijian liudong renkou jihua shengyu fuwu guanli gongzuo de tongzhi], 19 January 11.

⁵³Fengyang Neighborhood Web site, “Fengyang Street Actively Launches Migrant Population Investigation, Cleanup and Services Management Work” [Fengyang jie jiji kaizhan liudong renkou qingcha qingli he fuwu guanli gongzuo], 10 March 11.

⁵⁴Dongying City People’s Government, “Circular Regarding Completing Migrant Population Family Planning Management Services Work During the Spring Festival” [Guanyu zuohao chunjie qijian liudong renkou jihua shengyu guanli fuwu gongzuo de tongzhi], 25 January 11.

⁵⁵Shaoxing City Yuecheng District People’s Government, “Jishan Street Launches Spring Festival Migrant Population Services Promotion Event” [Jishan jiedao kaizhan chunjie qijian liudong renkou xuanchuan fuwu huodong], 26 January 11.

⁵⁶Feng Wang and Cai Yong, The Brookings Institution, “China’s One Child Policy at 30,” 24 September 10.

⁵⁷The Commission observed an increase in reports from domestic academic observers as well as state-controlled media outlets discussing family planning policy reform in late 2010 and surrounding the 2011 annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference. Several reports highlighted debate among officials and experts. See, for example, Zuo Xuejin, “Time To Drop the One-Child Policy,” Chinadialogue, 15 September 10; “Guangdong Province Population and Family Planning Committee Director Zhang Feng: There Is Hope for Two Child Policy in 2033” [Guangdong sheng jishengwei zhuren zhang feng: 2033 nian you wang fangkai sheng er tai], Sina, 24 September 10; “China May Expand Two-Child Policy to Urban Areas,” People’s Daily, 7 March 11; Jeremy Page, “On Beijing Topic List: One-Child Policy’s Future,” Wall Street Journal, 9 March 11; “Li Yining Discusses Adjusting Family Planning Policy: Relaxation Is Not Unrestricted” [Li yining tan tiaozheng jihua shengyu zhengce: fangkai bushi wu xianzhi], People’s Daily, reprinted in Phoenix Net, 10 March 11; “Delegates Debate Easing of China’s One-Child Policy,” Xinhua, 12 March 11; Mu Guangzong, “Debate: Family Planning,” China Daily, 21 March 11; Josh Noble, “End of the One-Child Policy Coming?” Financial Times, 8 March 11.

⁵⁸“Two-Child Policy May Be Tried in Some Areas, Difficult To Implement Nationwide in the Short-Term” [Fangkai sheng ertai zhengce keneng shidian duanqi nanyi quanmian shishi], Xinhua, 12 October 10. See also Mimi Lau, “Get Ready for an Easing of the One-Child Policy in 2033,” South China Morning Post, 26 September 10.

⁵⁹Central People’s Government of the People’s Republic of China, “Shanghai Municipality Population and Family Planning Commission: Urban Residents Who Meet One of 12 Criteria May Have a Second Child” [Shanghai shi renkou jisheng wei: shimin fu 12 zhong tiaojian zhiyi ke sheng ertai], 28 July 09.

⁶⁰Beijing Municipal Commission of Population and Family Planning, “Beijing Municipal Commission of Population and Family Planning Publishes Circular on the Provisions on Examination and Approval for the Birth of a Second Child” [Beijing shi renkou he jihua shengyu weiyuanhui yinfa “guanyu shenpi shengyu di’er ge zinu de guiding” de tongzhi], reprinted in Beijing Language and Culture University, 14 April 04.

⁶¹Tianjin Beichen District Commission on Population and Family Planning, “Tianjin Municipality Current Policy on Giving Birth to a Second Child” [Tianjin shi xianxing shengyu ertai zhengce], 15 July 10.

⁶²“China Census Shows Population Aging Rapidly,” Associated Press, reprinted in USA Today, 28 April 11; “Population Census Data Shows That It Is Appropriate To Do a Pragmatic Readjustment of Population Policy” [Renkou pucha shuju xianshi dui renkou zhengce yi zuo wushi tiaozheng], Study Times, reprinted in Hexun, 17 May 11; “Challenges and Countermeasures,” Beijing Review, 26 May 11.

⁶³“President Hu Pledges To Keep China’s Birth Rate Low To Ensure Economic Growth,” Associated Press, reprinted in Washington Post, 27 April 11. In a March 5 work report, Premier Wen Jiabao stated, “We will adhere to the basic state policy on family planning and progressively improve it.” Wen Jiabao, “Full Text: Report on the Work of the Government,” Xinhua, 15 March 11.

⁶⁴“Total Population, CBR, CDR, NIR and TFR in China (1949–2000),” China Daily, 20 August 10.

⁶⁵U.S. Central Intelligence Agency, “The World Factbook,” accessed 14 June 11. While China’s National Bureau of Statistics estimated China’s fertility rate at 1.8 in 2007, in May 2011 a group of Chinese academics publicly refuted the number, stating that it had been “grossly overestimated.” These academics estimate that China’s total fertility rate more accurately stands anywhere from 1.63 to below 1.5. See “China’s Total Fertility Rate Grossly Overestimated: Academic,” *Caijing*, 17 May 11.

⁶⁶“China’s Aging Population Big Challenge to Pension System: Minister,” *Xinhua*, 8 March 11; “Vast ‘Empty Nests,’ Disabled Aging Population Challenging China’s Social Network,” *Xinhua*, 2 March 11. Of particular concern are China’s pension and healthcare systems. For more information on China’s limited capacity to support its aging population, see Nicholas Eberstadt, Swiss Re Center for Global Dialogue, “The Demographic Risks to China’s Long-Term Economic Outlook,” 24 January 11, 7.

⁶⁷“National Labor Shortage Looms on Horizon,” *Global Times*, 3 May 11; Jui-te Shih and Staff Reporter, “Labor Shortages Spread to More Regions, Industries in China,” *Want China Times*, 17 June 11; Jianmin Li, Jamestown Foundation, “China’s Looming Labor Supply Challenge?” 8 April 11; Nicholas Eberstadt, Swiss Re Center for Global Dialogue, “The Demographic Risks to China’s Long-Term Economic Outlook,” 24 January 11, 3.

⁶⁸PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], adopted 29 December 01, effective 1 September 02, art. 22. According to Article 22, “Discrimination against, maltreatment, and abandonment of baby girls are prohibited.” State Commission for Population and Family Planning, Ministry of Health, State Food and Drug Administration, Regulations Regarding the Prohibition of Non-medically Necessary Gender Determination Examinations and Sex-Selective Termination of Pregnancy” [Guanyu jinzhi fei yixue xuyao de tai’er xingbie jianding he xuanze xingbie de rengong zhongzhi renshen de guiding], issued 29 November 02, effective 1 January 03. For discussion of these regulations, see “China Bans Sex-Selection Abortion,” *Xinhua*, reprinted in *China Net*, 22 March 03.

⁶⁹According to United Nations Population Division statistics, China’s sex ratio at birth (SRB) in 2010 was the highest in the world at 120 males per females born. The next highest was Azerbaijan at 117, followed by Armenia at 115, Federated States of Micronesia at 111, and the Republic of Korea at 110. Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, “World Population Prospects: The 2010 Revision,” 31 August 11. According to one demographer’s analysis, “ordinary human populations regularly and predictably report [SRBs of] 103 to 105.” Nicholas Eberstadt, Swiss Re Center for Global Dialogue, “The Demographic Risks to China’s Long-Term Economic Outlook,” 24 January 11, 7. For recent statistics regarding sex-selective abortion in China see, Wei Xing Zhu, Li Lu, and Therese Hesketh, “China’s Excess Males, Sex Selective Abortion and One Child Policy: Analysis of Data From 2005 National Intercensus Survey,” *British Medical Journal*, 9 April 09, 4–5. For one observer’s analysis of these statistics, see “A Study of Sex-Selective Abortion,” *China YouRen blog*, 13 May 10.

⁷⁰“China Faces Increasing Gender Ratio,” *Xinhua*, reprinted in *China Daily*, 9 August 11.

⁷¹See Valerie M. Hudson and Andrea M. den Boer, *Bare Branches: Security Implications of Asia’s Surplus Male Population* (Cambridge: MIT Press, 2004).

⁷²See “China Gender Gap Fuelling Human Trafficking: Report,” *Agence France-Presse*, reprinted in *China Post*, 22 September 10. See also, World Health Organization, Office of the High Commissioner for Human Rights, United Nations Population Fund, United Nations Children’s Fund, and United Nations Entity for Gender Equality and the Empowerment of Women, “Preventing Gender-Biased Sex Selection,” 14 June 11, 5; Susan W. Tiefenbrun and Christie J. Edwards, “Gendercide and the Cultural Context of Sex Trafficking in China,” 32 *Fordham International Law Journal* 731, 752 (2009); Therese Hesketh et al., “The Effect of China’s One-Child Policy After 25 Years,” *New England Journal of Medicine*, Volume 353, No. 11 (2005), 1173; Nicholas Eberstadt, “A Global War Against Baby Girls: Sex-Selective Abortion Becomes a Worldwide Practice,” *Handbook of Gender Medicine*, reprinted in *All Girls Allowed*, 1 May 11. According to this report, “Some economists have hypothesized that mass feticide, in making women scarce, will only increase their ‘value’—but in settings where the legal and personal rights of the individual are not secure and inviolable, the ‘rising value of women’ can have perverse and unexpected consequences, including increased demand for prostitution and an upsurge in the kidnapping and trafficking of women (as is now reportedly being witnessed in some women-scarce areas in Asia).”

⁷³PRC State Council, PRC Outline for the Development of Women [Zhongguo funu fazhan gangyao], issued 30 July 11; PRC State Council, PRC Outline for the Development of Children [Zhongguo ertong fazhan gangyao], issued 30 July 11.