



Better Ten Graves Than One Extra Birth

China's Systemic Use of Coercion to Meet Population Quotas

三、坚决杜绝多胎生育。

The Laogai Research Foundation

Washington D.C. 2004

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The Laogai Research Foundation, founded in 1992, is a non-profit, tax-exempt organization [501(c)(3)] incorporated in the State of Virginia, USA. The Foundation's purpose is to gather information on the Chinese Laogai- the most extensive system of forced labor camps in the world today- and disseminate this information to the general public. The founder and executive director of the Laogai Research Foundation is Harry Hongda Wu.

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The Laogai Research Foundation

The **laogai** in China, a system of labour camps, many of whose inmates are political dissidents. The name comes from Chinese, meaning ‘reform through labour’, and is recorded from English from the 1990s.

In 1996 the Chinese-born American activist, Harry Wu, said: “I want to see the word *laogai* in every dictionary in every language in the world. I want to see the *laogai* ended.” He went on to draw a parallel with the word *gulag*, suggesting that it was only as in the mid 1970s that the word became known that pressure for the system to end began to grow.”

--*The Oxford Dictionary of Phrase and Fable* (Page 584)

In 1992, the Laogai Research Foundation (LRF) was established by Harry Wu to gather information and spread public awareness about the Chinese Laogai. As a tool of political repression, the Laogai serves to silence all voices of political and religious dissent throughout China. The ruling Communist Party puts all “counterrevolutionary elements” and those who “endanger state security” into the Laogai.

LRF is also involved in doing research and spreading awareness about the harvesting of organs from executed prisoners, the use of the death penalty in China and China’s one-child policy.

LRF publishes a bi-annual Laogai Handbook, a quarterly Newsletter, a series of biographies of political prisoners, special reports, and other publications.

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Preface

By Harry Wu

The authority of a dictatorial government is based on stripping citizens of all types of basic rights. The rights it strips its citizens of include the right of free speech, the right of assembly, the right to move about freely, the right to a free press, the freedom to choose one's own political beliefs, the freedom of religion, the freedom from persecution and terror, etc. This seems to be a common characteristic of all dictatorships throughout the world. There may only be differences in the methods of administration they use and the extent to which these methods are carried out.

Since the dictatorial regime of the Chinese Communist Party assumed power over mainland China in 1949, in addition to stripping citizens of their basic rights, and in addition to the restrictions mentioned above, it possessed a characteristic different from that of other countries: stripping citizens of their right to freely reproduce. The "family planning" carried out as state policy by the CCP regime is the government's "plan", and not a "plan" that is freely decided upon by individual citizens. Every couple is allowed to have only one child (only those in rural and minority areas are allowed exceptions to this rule). Also, the spacing of births must comply with the government's plan. In addition, parents are forbidden from choosing the sex of their baby. On the surface, the "family planning" of the central government is promoted through educational and propagandistic measures, but in actuality it is forcibly enforced through the use of administrative power, including the use of legislative and police measures. Anyone who does not follow the government's "plan" is in violation of the law. In mainland China, so-called "illegal pregnancies", "illegal births", "exceeding the number of children allowed", etc., are prohibited and suppressed in the same way as are theft, drug smuggling and murder. These terms and views are unheard of in all other countries, and no other countries would support them.

Chinese society for thousands of years has traditionally discriminated against women and has been very weak in the area of human rights. This is the social and historical background for the CCP's execution of "family planning". The central government asserts that if it did not control the reproduction of the population, China may not be able to achieve its goal of economic prosperity because of production and land resource limitations. Under the guidance and powerful propaganda of this kind of "theory", the majority of the people are forced into affirmation and support of government policy. Particularly for intellectuals living in some mid- to

large-size cities, because of social and economic changes they have experienced and changes in their views, their demands with regard to reproduction rarely come into conflict with the CCP's "family planning". But in the countryside and small towns and villages that make up 70-80 percent of China's population, there are no such views or intellectuals, so "family planning" can only be forcibly carried out. This has resulted in shocking and appalling instances of forced abortions, forced sterilizations and other instances. Another factor in the enforcement of the "family planning" policy is the disregard and discriminatory attitude adopted by intellectuals in mainland China, the so-called "elite community", toward the culturally backward, impoverished men and women of the countryside, which has propagated the government's policy.

The lack of a one-child policy in China could result in excessive population growth, which would undoubtedly have some negative effects on individuals, families and society. There certainly exists an interrelationship between population and economic development. However, this is first and foremost an issue involving basic human rights, and no government, organization or individual can use any kind of excuse to infringe upon human rights. Secondly, another factor involved in resolving this issue is the need for a fair political and economic system, allowing the majority of people in society, and especially peasants, to receive basic welfare and pension guarantees- this would be a true foundation for promoting family planning.

Over the past decade, the Laogai Research Foundation (LRF) has done a great deal of investigative research into this inhumane practice that infringes upon basic human rights. In order to ease international criticism of the brutality of this policy, the CCP promulgated the Population and Birth Control Law in 2002. On the surface, this new law appears to provide more protection of the rights of women. However, LRF has recently collected materials and documents regarding the routine implementation of family planning measures in Jieshi Township in Guangdong province in autumn 2003, and these documents reveal that the reality of family planning enforcement measures remains as severe and inhumane as before.

The title for this book, *Better Ten Graves than One Extra Birth*, comes from a Henan Province family planning slogan. Ms. Gu Yuan arranged and drafted the materials for this book in Chinese, Mr. Li Xianwei translated it into English, and Kevin Miles, Ms. Tienchi Liao, Ms. Kerry Kennedy Cuomo and Amy Reger acted as editors, all contributing enormously to this work. We would also like to express our gratitude to a number of people living in China for their help on this book, especially people like Ms. Gao Xiaoduan, who stepped forward bravely to help us. Others, like Ms. Ma Dongfang, took part in field investigation and reporting, which is

undertaken at great risk in mainland China. In order to avoid bringing them harm, many other people's names cannot be mentioned here.

The overseas media and many human rights organizations, especially Amnesty International, have worked tirelessly to report on this issue, in order to give the outside world a clear and comprehensive understanding of it and thereby promote international concern for and opposition to the CCP's "family planning" policy.

In 1998, with the encouragement of U.S. Congressman Chris Smith, a law was passed making CCP family planning officials *personas non grata* in the U.S., as well as clarifying U.S. asylum law to specifically allow victims of forced abortion and sterilization to obtain political asylum in the U.S. Also, because of the United Nations Population Fund's (UNFPA) long-term indifference to the harsh reality that China's family planning policies violate human rights, the U.S. government in 2002 cancelled its monetary aid to the organization.

China's "family planning" policies still remain in effect. Tragedies continue to be played out one after the other, and the societal consequences of "family planning" are gradually manifesting themselves.

If we are unable to put a stop to this kind of national problem, this means that we have still not been successful in terms of our efforts to promote human rights in China.

I would also like to hereby express our thanks to the National Endowment for Democracy for its long-term support in terms of helping the Laogai Research Foundation to complete this investigative research.

Introduction

The West would call it illegal and morally reprehensible. China calls it an economic necessity. To combat population growth that cannot, in their view, be economically sustained, the Chinese government has instituted the one-child policy. In theory, family planning is a sound principle. In reality, forced sterilizations, beatings, fines and property destruction are the order of the day. Births must be sanctioned by the state. For women who have more than two children or bear a first child without the approval of a population-control cadre, the punishment is swift and harsh.

Family planning, in the true sense of the word, should be encouraged the way that family planning is universally accepted throughout the international community. Its concept is defined in 14(F) of the World Population Action Plan as adopted at the United Nations Bucharest Session: "Husbands, wives and individuals freely and conscientiously decide how many children they wish to have, and at what spacing." In contrast, family planning enforced in China is actually "State-Controlled Mechanized Reproduction of Children": "individuals" and "husbands and wives" are replaced with "the state," and "family planning" becomes "the state decides how many children a family may have, and at spacing in accordance with economic development. "Under China's family planning policy each couple may have only one child; in rural areas a couple may have a second child if the first child happens to be a girl; and a national minority couple may have two children. All births must be approved in advance, with the state allotting birth quotas in a unified way; children in all areas of the nation should be borne by the quotas allotted for the given year; offenders shall be punished." This Chinese version of family planning – thoroughly manipulated by the state – not only runs contrary to the universally identified "family planning," but also deprives Chinese citizens of reproductive rights. What is more, all of the austere measures of punishment involved with the policy violate the basic spirit of humanity.

The family planning policy menacingly bears down upon and directly intrudes upon the lives of each and every family in China. Due to traditional Chinese thought and the reality of its social environment, from the first days of its conception, the family planning policy has been the most controversial national policy. If rural residents who are confined to limited living space are forced to accept this new policy, they will strongly resist it – their children being their only "family plot," their sole old-age insurance; they cannot but resist.

In this fierce, life-and-death conflict that has been going on for more

than twenty years, each and every day witnesses tragedies in their most diverse forms, and in soul-stirring ways. This notwithstanding, to date these individual tragedies are only either passed on by word of mouth among the common folk or retold in critical articles. As the Chinese government seals off all statistical data and covers up the reality of the situation, the outside world is totally unable to obtain the truth about what is taking place. Almost all accounts of these daily tragedies are being drowned in the ovation of praise for the Chinese government's successful reduction of China's birth rate.

The Chinese people first lost their freedom of speech, freedom of relocation, and freedom of religious belief, and then their most fundamental freedom – the freedom to give birth. These days, when people speak about human rights, they seem to focus on the freedom of religious belief and the freedom of speech but neglect the most serious infringement upon human rights – the freedom to give birth. This accounts for why Chinese families, women and children in particular, can hardly expect support from outside while being subject to great harm from China's family planning policy.

This long, drawn-out battle with its widespread impact has been raging for more than twenty years, and will continue. The degree and extent of trauma inflicted by the family planning policy cannot be overestimated. Since the very beginning of the enforcement of China's family planning policy, Harry Wu, founder of the Laogai Research Foundation, foresaw what traumas it could inflict on the whole of the Chinese people. Hence, he began to collect enormous amounts of related data, which has provided this book with comprehensive content and first-hand evidence. The material herein has been quoted by the U.S. Congress, the European Parliament and human rights organizations the world over, playing a vital role in adjusting their angle of view on human rights in China.

The following report will examine the history of China's one-child policy; the punishment for failing to meet governmental standards; the mistreatment of girl babies in a society that places a premium on boys; the reactions of the U.S. and U.N. to China's population-growth policies; and testimony from a former family planning official (cadre) who documents both informant incentives and government-sanctioned retaliation against women. This should serve as a wake-up call to Congress, journalists and moral leaders of every political stripe. No one who respects freedom and civil liberties can ignore such calculated abuse.

Chapter One

The Development of the One-Child Policy

Three Phases of Population Policy

Chinese population policy can be separated into three distinct periods: The liberal period (1949-1964), during which China encouraged population growth as necessary for Communism; self-determination (1965-1978), during which China encouraged voluntary family planning; and finally, state control (1979-present), during which the government instituted mandatory population control.

1. The Liberal Period: 1949-1964

From the founding of the People's Republic of China in 1949 until the establishment of the Family Planning Commission in 1964, China supported population growth. Mao Zedong took his cue from the Soviet Union. The Soviet Union's policy of encouraging birth and honoring "mother heroes" complemented the traditional Chinese cultural precept that "more children mean more happiness." For Mao, China's large population was an asset to a Communist nation. Such numbers could be mobilized en masse to advance economic development.

The 1953 census, the first conducted after the founding of the People's Republic of China, which determined that the population had reached nearly 600 million, created a stir of debate both within and outside of China about the implications of such a large population. Economist Ma Yinchu (1882-1982) wrote extensively about the negative impacts of China's large population. In 1955, he published *Population Control and Scientific Research* (*Kongzhi renkou yu kexue yanjiu*), followed by his *New Population Theories* (*Xin renkou lun*).

English economist Thomas Malthus (1766-1834), believed that population increased exponentially (i.e., 2, 4, 8, 16...), while the means of subsistence increased linearly (i.e. 1, 2, 3, 4...). Malthus argued that because of this, population growth far exceeded the increase of means of subsistence, and as a result, the population surplus would either have to be checked through starvation or war. To maintain the balance of means of subsistence and population, Malthus proposed restricting population growth through the rejection of marriage or late marriage rather than terminating a surplus population through famine, epidemics or war.

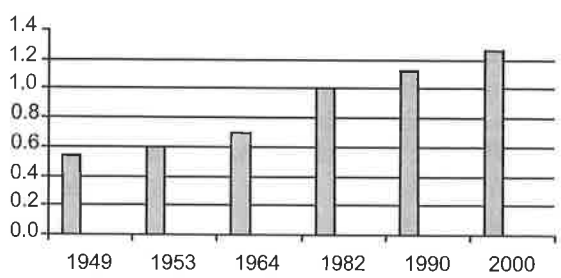
Incorporating neo-Malthusian economics with socialism, Ma argued

that China's population was growing too fast, adversely affecting China's ability to accumulate capital. Ma advocated population control, including the public distribution of birth-control products.

But Ma's theories conflicted with Mao's- and he was severely criticized during the 1957 anti-rightist campaign. Only twenty years later, with the ascension of Deng Xiaoping, was Ma Yinchu rehabilitated and his theories taken seriously, but by then China's population had increased by over 200 million.

Before the establishment of agricultural cooperatives in 1956, land reform had given *de facto* ownership of farming land to individual peasants. The Chinese countryside was transformed by the Great Leap Forward, an ambitious project to match the industrial output of Britain in 20 years through mass collectivization and mobilization. Peasants had little control over production and distribution, subsisting on commune-allotted work points, grain portions and produce from meager family plots. Since a family's plot size and grain allotment depended on the number of persons in a household, the only way to get more food was to have more children. In fact, from 1960-1970, despite the three years of famine during the Great Leap Forward and the devastating Cultural Revolution, during which millions of people died of hunger and violence, China still experienced its highest rate of population growth.¹

Table I: People's Republic of China Total Population, 1949-2000
(in billions)²



In 1956, the Section of Women's Health of the Department of Women and Infants' Health in the Ministry of Health was given the task of managing China's nascent family planning program. It focused on improving access to abortion, contraceptives and prenatal care, where

¹ 2002 U.N. population revision.
² Laogai Research Foundation.

possible. However, only one official within the department worked on population planning.³

2. Self Determination in Family Planning: 1965-1978

China recognizes population problem; instability prevents policy formation

With the decline in Mao's influence after the famine of the Great Leap Forward, the perception of population growth changed. As the population growth rate continued to increase in the 1960s, Chinese leaders began to view population growth as a problem. By 1964, when the results of the latest census revealed that China's population had grown to 700 million, China began to view population growth as a threat to economic growth and political stability. Subsequently, the Family Planning Commission was established that same year under the State Council to develop a modest national family planning policy, with Secretary General Zhou Rongxin in charge⁴. Attached to the Commission was the State Council Office of Family Planning with Yang Zhenya as its director.

In 1968, the Business Team of the Military Control Commission of the Ministry of Health was established and put in charge of Family Planning Scientific Research and Technical Services.

In 1971, a family planning program was instituted nationwide for the first time. The government encouraged "later, longer intervals, fewer" (*wan, xi, shao*) births as a policy.⁵ The program facilitated rudimentary health care, including abortions and sterilization in urban and rural areas. Cadres freely distributed sexual education information and contraceptives. However, the *wan, xi, shao* policy did not restrict births.

These efforts, along with the tumultuous nature of the Cultural Revolution led to a dramatic decrease in China's population growth and fertility rate, as evidenced by Table I. This decline in the total fertility rate⁶ was far greater than the decline achieved by the one-child policy. As stated by Griffith, Feeney and Wang, "This decline, in the largest country in the

³ "Major Changes in Population Policies on the Horizon" *China Daily*, August 20, 2003. http://www1.chinadaily.com.cn/en/doc/2003-08/20/content_256469.htm

⁴ The Commission was later abolished during the Cultural Revolution.

⁵ Cooney, Rosemary Santana, and Jiali Li. "Household Registration Type and Compliance with the 'One Child' Policy in China, 1979, 1988." *Demography*, Vol. 31, No. 1 (Feb. 1994): pg. 21-32.

⁶ Total fertility rate measures the average number of children (born alive) a woman would have in her lifetime, given a certain fertility rate.

world, occurred far more rapidly than any other recorded country level decline in history.”⁷

During the Cultural Revolution, the government also enacted administrative measures to deal with the urban population growth and internal migration. First, rural residents were prohibited from relocating to urban areas by the household registration system, which required Chinese to register with local governments and provide proof of residence. For urban families, only one child per family could remain in an urban area; all others were sent to labor in rural China upon graduating from high school, in hopes of shifting the burden on cities through re-educating the urban relocates.

Those not forced to relocate endured peer pressure and government propaganda campaigns to “go to the countryside, to the most arduous places, as the Revolution requires.” *Danwei*, or work units, held send-off parties once a year for high school graduates.

During the Cultural Revolution, many experienced real hardships in the countryside and tried with mixed success to return to their city homes. During this putative “supporting construction in frontier areas” movement, many other urban residents were also coerced to relocate to remote areas. For example, all urban prisoners upon completion of their prison sentences, were subject to *jiuye* (forced job placement) in rural areas, rather than return home to their urban families.

The State Council Family Planning Leading Team was established in 1973 with Hua Guofeng at its helm. Hua would later introduce population growth targets for each province as well as advocate a radical effort to decrease population growth with unrealistic targets. In 1978, Hua called for reducing the population growth rate to under one percent in three years.⁸

At the time, demographic projections showed that a one percent target growth rate could be reached by 1980 with a two-child policy, but the long-range goal of zero population growth would require a more stringent policy. Accordingly, Hua recommended to the State Council the following policy: a one-child limit would be promoted, and two births would be tolerated, but additional births would be strictly controlled.

Despite the tremendous success of decreasing the total fertility rate by over half from 1970 to 1980, previous government policy was unable to meet the unrealistic targets set by Hua Guofeng and his fellow family

⁷ Feeney, Griffith and Wang Feng, “Parity Progression and Birth Intervals in China: The Influence of Policy in Hastening Fertility Decline,” *Population and Development Review*, March 1993: pg. 95.

⁸ White, Tyrene. “Two Kinds of Production: The Evolution of China’s Family Planning Policy in the 1980s.” *Population and Development Review*, Vol 20, 1994: pg. 137-157.

planning officials to reduce population growth. At the same time, these targets were becoming a higher and higher priority to the government.

3. State Control of Family Planning: 1978 to Present

Post-Cultural Revolution China demands economic progress

After the chaos of the Cultural Revolution, China turned its attention to economic development, long ignored, which in turn led to the nationalization of birth policy. Deng Xiaoping, now the leader of China, developed the goal of achieving the “Four Modernizations” (*sige xiandaihua*) in agriculture, technology, industry, and defense within 15 years. Chinese were eager to improve their standard of living. This significant shift in priorities brought about a concurrent shift in China’s fertility rate.

Despite the dramatic decline in the total fertility rate, China’s leaders were still concerned about the population growth, and how population growth would seemingly prohibit China’s low per capital GNP from growing. A radical shift in thinking developed. While Mao saw China’s population as an asset to be utilized and mobilized, China’s new generation of leaders viewed the country’s population as encumbering economic growth. China’s population was now seen as a “principal causal factor in China’s failure to progress in history.”⁹ There was a significant disdain for mass mobilization politics, and an overall disgust with regard to China’s uneducated, backward, masses.

Rise of Malthusian Economics in China

After Deng Xiaoping ascended to power, Ma Yinchu, along with hundreds of others, was rehabilitated and his work taken seriously, but by then China’s population had increased by over 200 million, as noted earlier. Many academics became concerned with China’s exploding population (though the growth rate had declined dramatically). While China had previously viewed Western concerns about its population growth as imperialist, it began to listen to economists concerned about its population growth. Particularly influential were the Club of Rome reports of the early 1970s.

With Malthus and Ma as intellectual ammunition, China began to develop a new scapegoat for its economic ills: no longer were imperialism

⁹ Anagnost, Ann “A Surfeit of Bodies” in *Conceiving the New World Order: Global Politics of Reproduction*. Edited by Faye Ginsburg and Rayna Rapp: (University of California Press, 1995)

or “rightists” responsible for China’s backwardness. Its large, uneducated, untrained population was the true culprit.

Family planning, along with the new economic reforms, was put in Marxist terms. Communist Party cadres were told to “simultaneously grasp two kinds of production,” i.e. material production and human reproduction.¹⁰ Childbearing was no longer a decision of individual families, but rather an extension of socialist planning to be decided by national policy.

In 1978, the First Session of the Fifth National People’s Congress added the concept of family planning into the PRC Constitution. Contrary to previous sessions when delegates spoke informally about family planning, the 1978 session witnessed a new focus and concentration on population issues.

In the spirit of Deng Xiaoping’s population theory, the newly-formed State Council Family Planning Leading Team, presided over by Deputy Premier Chen Muhua, advanced the goal of reducing the birth rate by one percent within three years, through institutionalizing and strengthening the *wan, xi, shao* population strategy.¹¹ Thus, experimentation began on the family planning policy.

In January 1979, the State Council approved the one-child policy, or, to be more precise, a “one is best, two at most, never a third” population control policy, and instituted a system of rewarding couples who limited themselves to one child.

Incentives for signing a one-child certificate, a pledge to have no more children, included cash bonuses, longer maternal leave, priority childcare, and better access to housing, health care, food, and education. In rural areas, couples signing the certificate were given such privileges as larger allocations of land and livestock. At the time, families who had a second child were not penalized, but those having three or more children faced fines, loss of benefits, and sanctions. Most non-Han minorities were allowed to have two children, and some were exempt from the policy altogether.

In 1980, the one-child policy was strengthened- couples were only allowed to have one child. The same year, the CCP Central Committee published its *Open Letter to All Communist Party and Communist Youth League Members on National Population Growth Control*. The letter

¹⁰ Wang Feng “A Decade of the One-Child Policy: Achievements and Implications” in Goldstein, Alice and Wang Feng, editors. *China: The many facets of Demographic Change*. Boulder, Colorado: Westview Press, 1996.

¹¹ *Chen Muhua’s Speech at the First Session of the State Council Family Planning Leading Team*, June 26, 1978. www.shfpc.gov.cn

enumerated the party's concerns: population growth since 1949 had exceeded 400 million; and overpopulation reduced the per capita arable land, and also increased education expenses and other public investments, and thus was an obstacle to "realizing the Four Modernizations". The government called on the people to take the interests of the whole into consideration and understand the difficulties facing the State:

Endeavoring to restrict our total national population to within 1.2 billion by the end of this century, the State Council calls upon all of our people, proposing that each couple give birth to only one child. This is a necessary measure to ensure not only the timely realization of the four modernizations, but also our nation's health and happiness, and is in keeping with the long-term and immediate interests of the whole of our people.¹²

In the same year, the Third Session of the Fifth National People's Congress promulgated the *Marriage Law*, which established family planning as a "basic national policy," or, in other words, a top priority for the government. The regulation also set new age requirements for marriage: men had to be at least 22 years old, and women 20 years old, in order to marry. Article 12 of the *Marriage Law* stipulates that couples have the obligation to fulfill family planning commitments, i.e. couples were now required to practice birth control. Guangdong was the first province in the nation to adopt family planning regulations, with other provinces, special administrative regions, and municipalities following suit.

In 1981, the State Family Planning Commission (SFPC) was created to implement and enforce the one-child policy. The SFPC is organized into several departments, including the General Office, the Department of Policies and Law Provisions, the Department of Planning and Finance, the Department of Propaganda and Education, the Department of Science and Technology, the Department of Personnel, and the Department of International Cooperation, as well as the Team of Disciplinary Supervision and the Bureau of Prosecution stationed within the Commission.

Equally important, however, was the establishment of a birth quota system. Under this system, the SFPC set an annual population target, and each province was subsequently given its own target. To ensure that targets were met, local cadres and family planning officials would distribute birth permits, permission for married couples to have children. Couples without

¹² *Open Letter to All Communist Party and Communist Youth League Members on National Population Growth Control*, CCP Central Committee, 1980.

birth permits faced sanctions if they had a child “out of plan.”

In 1982, the Constitution was amended to stipulate that family planning should be enforced by the state in order to coordinate population growth, as well as economic and social development. Article 49 stipulates that a couple had the obligation to fulfill family planning commitments, further emphasizing each couple’s responsibility to use birth control and to refrain from having non-approved births.

Also in 1982, in its reports, the CCP’s 12th National Party Congress formally elevated the enforcement of family planning to the height of China’s basic national policy, confirming the importance of the policy that the fifth National People’s Congress conference in 1980 had set forth.

In 2001, the 25th Session of the Ninth People’s Congress Standing Committee adopted the *Population and Family Planning Law* and started its formal enforcement on September 1, 2002. Furthermore, in a systematic and integrated way, this law stipulated how many children a couple may have, and at what spacing. Article 18 stipulated: “In its endeavors to stabilize the existing birth policy, the state encourages citizens to marry late and give birth to children late, promotes the norm of ‘one couple, one child’. In cases permitted by laws and law provisions, a couple may apply for arrangements for a second child;” otherwise, without government consent, a couple or an individual may not give birth to a child. Thus, the *Population and Family Planning Law* formally nationalized the family planning policy that had been enforced in practice for over 20 years.

Chapter Two

Implementation of the One-Child Policy

While the merits of China's Malthusian perspective on its population and the need to check its population growth can be argued, that debate is outside the scope of this book. China's acceptance of Malthusian economics is not controversial. Despite keen resistance to the extremities of the one-child policy in the countryside, most in urban areas accept the government's need to combat population growth.

The justification for the Chinese government's population policy is as follows: First, China's limited living and land resources are far from able to satisfy the demands of an ever-growing population, and China is a nation that comprises 22 percent of the world's population has only nine percent of the world's arable land. Second, limited economic resources and overpopulation cause problems with regard to the distribution of such resources as education, food, and medical care. These disparities exert a negative influence on the "quality" of China's population. In 2002, China's report at the Fifth Asia Pacific Population Conference repeated these points again:

China is the most populated developing country in the world, with a poor foundation to start with and relatively insufficient per capita resources. Such are China's basic conditions. Many of the contradictions and problems that crop up in China's economic and social development are closely related to its population. Hence, the population issue is a pivotal factor and a problem of the utmost importance that affects China's economic and social development.¹³

In China, where public opinion on many issues is often manipulated by government-controlled media, very few ever doubt the reasoning behind the one-child policy. Harry Wu has consistently spoken out against the human rights abuses of the policy. At a 1998 U.S. House of Representatives hearing, Wu pointed out that it was wrong to justify these human rights abuses because of the need to combat overpopulation.

¹³ *China's State Report at the Fifth Asia Pacific Population Conference*, December 16, 2002. <http://www.sfpc.gov.cn/cn/news20021220-1.htm>

China's limited living and land resources are far from able to satisfy the demands of an ever-growing population, i.e., a population that comprises 22% of the world's population has only 9% of the world's arable land, and hence it is imperative to control population growth for the sake of prosperity;

Limited economic resources and overpopulation cause a disproportional allocation of educational and environmental services, medical care, etc., and exert a negative influence on population quality;

In short, the government is imposing on the people the concept that China's poverty and backwardness are caused by overpopulation, which must be overcome for the sake of prosperity.

Such a concept is preposterous and not acceptable. The following two points can serve as reference:

We know that certain countries like Japan and Sweden are in an even more disadvantaged situation as far as living and land resources are concerned, but are prosperous nevertheless; and meanwhile, such countries as Kenya, possessing abundant living and land resources as they do, are poor.

The reason why China's economy is incapable of rapid growth is that it lacks a rational social system in which everyone can display his abilities to the fullest.

In 1949, the communist takeover put an end to protracted war among warlords, social turmoil and the consequences of the Japanese invasion. At that time, most people thought that communism was their future paradise, and they believed in the Communist Party. This was an unrepeatabe historical opportunity to revive China.

In 1945, Japan's post-surrender situation was similar to China's. But, half a century later, Japan is far ahead of China. It is because of the Communist political and economic system that China's economy can hardly develop, population is growing at a runaway speed and the economy is stagnant. Consequently, the fundamental way to overcome China's overpopulation problem is to do away

with China's irrational political and economic system.¹⁴

While an in-depth examination of the limits of Malthusian economics is outside the scope of this book, it is important to point out that Malthusian economic theory has largely been proven incorrect by history. Scientific and technological development has advanced at a very rapid pace, despite the world's population reaching over six billion. In his 1993 report, Donald O. Mitchell, World Bank senior economist, commented that:

Since Malthus wrote his essay on population in 1798, many have been concerned that with a growing population, the world would be less and less able to feed itself. This hasn't occurred, but modern-day Malthusians warn that Malthus will ultimately be right. The evidence to support this view is scant but the arguments are compelling: the population keeps expanding; no new land is being created; crop yields have increased considerably and may have peaked; and the environment may not tolerate the pressure of more intensive agriculture. Yet the evidence to the contrary is also compelling: prices of agricultural commodities are at their lowest level in history; crop yields continue to rise faster than population; and world cereal yields grew more rapidly during the 1980s than during the 1960s or the 1970s.

Despite the concerns expressed, the food situation has improved dramatically for most of the world's consumers. World output of cereals, the main food source for most consumers, has increased by 2.7 percent per annum since 1950, while the population has grown by about 1.9 percent per annum. Cereal yields alone have increased more rapidly than world population since 1950 at 2.24 percent per annum. This has allowed per capita calorie consumption in developing countries to increase by about 27 percent since the early 1960s. These gains offer the hope that access to food will cease to be a problem for most of the world's consumers.¹⁵

¹⁴ Testimony of Harry Wu, Hearing before the U.S. House Subcommittee on International Operations and Human Rights. *Forced Abortion and Sterilization in China: A View from the Inside*. June 10, 1998. <http://www.laogai.org/news/newsdetail.php?id=1920>

¹⁵ Mitchell, Donald Executive Summary of *World Food Outlook*. World Bank, November 1993.

History indicates that Malthus' theory of population overlooked the influence of science on productive forces. It goes without saying that the emergence of crises in certain countries and under specific conditions cannot be precluded, and we should take his warning seriously – but to serve as the theoretical basis of population control, it is untenable.

Variations in Implementation

The one-child policy is the most ambitious and daunting task the government faces. The State Family Planning Commission has approximately 520,000 full-time employees, or cadres, and the Birth Planning Association, which assists cadres in enforcement and implementation, has over 83 million part-time employees working at one million locations.

Despite the priority placed on achieving population goals, the one-child policy is anything but uniform. Over the last 25 years, implementation of the one-child policy has varied greatly year-by-year and province-by-province. Essentially, policy varies according to whether China, or a particular province, is meeting its set population targets. Jiali Li, a prolific, independent scholar of China's population and population policy, explains how the one-child policy is transmitted from national to local levels, i.e., how quotas are set and permissions allocated.

According to Li, the SFPC sets a national population growth target, or quota, each year, which is then allocated downward to each province through its administrative bureaucracy. The provincial government then allocates the precise numbers of children to be born to local officials in cities, counties, towns and villages.

Local officials and cadres, e.g. the head of a *danwei* in urban areas or village chiefs in rural areas, coordinate efforts to select and approve families for birth permits with family planning cadres at the corresponding levels. Married couples are not authorized to give birth until they obtain an official permit. Out-of-plan pregnancies, i.e. women without birth permits, whether their child is their first or second (or higher parity) birth, must submit to an abortion, or in the Chinese euphemism, “remedial measures” in a timely fashion, according to the policy regulations (Feng and Hao 1992, in Li).¹⁶

¹⁶ Feng Guoping and Linna Hao. 1992. “Quanguo ershiba ge difang jihua shengyu tiali zhongshu” (A summary of the family planning regulations for 28 provinces or regions in China), *Renkou Yanjiu (Population Research)* Vol. 16, No. 4: pg. 28-33; Li Jiali, “China's

Those who do not submit are subject to detention, property confiscation, property damage, detention of relatives, fines and perhaps a forced abortion.

Once the population-growth quota, or target, reaches the local level, policy is reevaluated, adapted, and implemented according to local conditions and needs.¹⁷ In other words, depending on adjustments in quotas, the actual policy, e.g. varying allowances for couples to have a second child, will change to allow for fewer or more births. This means that there is a significant variance of policy from province to province.

In a 1998 study, Susan Short and Zhai Fenying examined variances in local policy. Short and Zhai discovered that local policy fluctuated often. Table II shows that the percentage of communities with specific exemptions from the one-child policy fluctuates greatly from one year to the next. However, it should be noted that the strictness of policy enforcement does not fluctuate. Even in areas where policy is relaxed to allow for more exemptions, or more births, enforcement of the policy is still quite strict.

Table II: Selected rural and urban communities with specific exceptions regarding number of children allowed

	Percentage of Communities, By Year, That Allowed:					
	1989		1991		1993	
	Specific Exemptions to policy	Two children (no exempt. needed)	Specific Exemptions to policy	Two children (no exempt. needed)	Specific Exemptions to policy	Two children (no exemption needed)
Region/exemption allowed						
Rural						
First child is a girl	43.9	19.3	43	15.8	39.5	16.7
First child is disabled	77.2	19.3	82.5	15.8	82.5	16.7
Both Parents have no siblings	59.7	19.3	64	15.8	39.5	16.7
Parents have special occupation	29.8	19.3	27.2	15.8	26.3	16.7
Urban						
First child is a girl	11.3	7.6	7.6	1.9	7.6	5.7
First child is disabled	92.5	7.6	98.1	1.9	84.9	5.7
Parents are only children	62.3	7.6	52.8	1.9	49.1	5.7
Parents have special occupation	30.2	7.6	26.4	1.9	28.3	5.7

Source: China Health and Nutrition survey, 1989, 1991, 1993

One-Child Policy: How and How Well Has it Worked? A case study of Hebei Province, 1979-88". *Population and Development Review*, Vol. 21, No. 3 (Sep. 1995): pg. 563-585.

¹⁷ Short, Susan E. and Zhai Fengying. "Looking Locally at China's One-Child Policy" *Studies in Family Planning*. Volume 29, No. 4. December 1998: pg. 373-387.

The wide variations in Table II can be attributed to local officials changing local policy to meet quotas. In other words, family planning cadres were results-oriented and modified policy to meet goals, making the policy widely inconsistent. For example, in 1983, despite modest successes, family planning officials nationwide discovered a rebound in population growth. Consequently, China launched a mass sterilization drive in which 20 million people were sterilized,¹⁸ the majority of which were women of childbearing age that had already given birth to two or more children. As Tyrene White (1998) describes, "Ambitious goals set by the center were pushed even higher by local officials seeking to demonstrate their enthusiasm, organizational ability and political commitment."¹⁹ This vicious campaign of coercion created such a backlash that family planning authorities relaxed control in order to alleviate the "alienation of the masses from the party."²⁰

As a result, in 1984, regulations were relaxed with the release of *Central Document 7* (*Zhonggong guojia shengyu weiyuanhui dangzu*, 1984), which was critical of excesses committed by local cadres. The new policy increased the number of single daughter households (*dunuhu*) in rural areas permitted to have a second child. At the same time, the family planning responsibility system, which held all cadres more accountable for successful policy implementation, was developed.²¹ We will discuss this system in greater detail in subsequent sections.

During the late 1980s, regulations were further relaxed, allowing almost all single *dunuhu* to have a second child after an interval of several years. Despite expanding the number of families eligible to have a second child, however, enforcement of the one-child policy intensified greatly. The use of periodic compulsory sterilization campaigns, as well as forced abortions, would continue. For example, in 1991, 12.5 million females were sterilized. That year also marked the advent of the "responsibility system," which "tied the evaluation of the performance of population planning personnel and other local cadres strictly to the achievement of centrally

¹⁸ Hartman, Betsy. *Reproductive Rights and Wrongs: The Global Politics of Population Control*. South End Press; Revised edition (December 1994): pg. 16.

¹⁹ White, Tyrene. "Two Kinds of Production: The Evolution of China's Family Planning Policy in the 1980s." *Population and Development Review*, Vol. 20, 1994: pg. 137-157.

²⁰ Testimony of John Aird, former Chief of the China Branch and Senior Research Specialist on China at the Bureau of the Census, at a CECC (Congressional-Executive Commission on China) hearing on women's rights and China's new family planning law, Sept. 23, 2002. <http://www.cecc.gov/pages/roundtables/092302/index.php>

²¹ Short, Susan E. and Zhai Fengying. "Looking Locally at China's One-Child Policy" *Studies in Family Planning*. Volume 29, No. 4. December 1998: pg. 373-387.

allocated birth quotas in their area.”²²

Gao Xiaoduan Exposes Systemic Coercion

What if Chinese citizens do not wish to use contraception, or wish to have an out-of-plan birth? Documents released to the public speak in broad terms, stating merely that married couples have an obligation to fulfill family planning commitments, have “one child only, and a second child, upon approval, if requirements are met.”

In 1998, at a U.S. Congressional hearing on human rights violations in the enforcement of the one-child policy, former Chinese family planning official Ms. Gao Xiaoduan, who defected to the U.S. from Fujian Province, provided stunning new evidence and testimony of how the Chinese government implements its family planning policy. To date, Gao is the highest-ranking member of the state family planning bureaucracy to come forward and provide information on how the SFPC operates at local levels.

Ms. Gao was a family planning cadre for over 14 years. She was responsible for the enforcement of policy for over 22 villages with a total population of 66,000. In chilling detail, she explains how policy is implemented and enforced.

According to Gao, all women of childbearing age in China are given a file in a computer database, where information regarding their menstrual cycles, contraceptive use, medical history, etc. is stored.

Gao also described how her office issued birth permit certificates. First, a woman had to apply to her work unit (*danwei*) for a certificate to confirm that she was old enough to be married and have a child. The woman then had to go to her residence committee, which issued a “birth permit certificate” (*zhunsheng zheng*). These regulations have been relaxed in some areas that are experiencing an extremely low total fertility rate that is well below a replacement-level total, for example Shanghai.

Without a certificate, a birth is considered “out of plan”, even if it is the couple’s first child. “Should a woman be found pregnant without a certificate, abortion surgery is performed immediately, regardless of how many months she is pregnant.”²³ Conversely, if a couple is denied a

²² “Population Policy and Discrimination Against Women and Girls” Human Rights in China, China Rights Forum, Spring 1999.

http://www.hrichina.org/crf/english/99spring/e18_population.htm

²³ Testimony of Gao Xiaoduan, hearing before the U.S. House Subcommittee on International Operations and Human Rights. *Forced Abortion and Sterilization in China: A View from the Inside*. June 10, 1998. <http://www.laogai.org/tstmny/june10/gao.htm>

certificate, they are likely to attempt to thwart the policy, and therefore the family planning office will issue a “birth not allowed” notice. These notices are made public, often on bulletin boards, to encourage others to report on any suspicious activity.

Gao reported that after giving birth to their first child, all women of childbearing age must submit to regular examinations to ensure compliance with regulations, i.e., to ensure that they have not removed their IUDs and are not pregnant again. Women who fail to comply with these measures will be visited and pressured by local authorities and family planning cadres, and if that fails, they face fines and/or can be held in detention facilities euphemistically called *xuexiban* (study classes).

Gao’s testimony also provides interesting insight into how family planning cadres interact with other local officials. For example, town government and party officials are required to sign monthly reports, which are submitted to the family planning officials. These reports include the number of births, birth certificates, and birth-not-allowed certificates that have been allowed, as well as a detailed report of the implementation of birth-control measures. Abortions performed in the first three months of a pregnancy are referred to as “artificial abortions.” Abortions performed after three months of gestation are referred to as “induced delivery.”

Town officials are also responsible for coordinating “planned-birth supervision teams” to make door-to-door inspections of suspected violators. According to Gao, these teams usually make night raids; its members are not told who the suspects are to avoid leaks. In the name of population control, family planning cadres exercise wide authority. Protected by the government, they can act with impunity, regardless of what atrocities they commit. They may detain suspected violators, or their family members, without a warrant or without the notice or consent of the Public Security Bureau. They are able to bring to bear the full force of the police, secret police and even the PLA on a target at a moment’s notice. Many Chinese officials believe that the government’s ability to meet its population-growth targets is predicated on the willingness to use coercive measures, such as detention, forced abortion, sterilization and destruction of property.

Scholars like Betsy Hartman (1994), director of the Population and Development Program at Hampshire College, describe systemic campaigns of crackdowns, known as “shock months”, which are used to enforce family planning practices. Hartman confirms Gao’s account of the use of coercion to sway peasants to restrict their births.

In some rural areas, officials have resorted to destroying the houses of resisters or beating them up.

“They often take things, your furniture, your cow, your pig,

your chickens, your preserved meat,” a woman in Guizhou Province told a reporter. “If you get sterilized, they take your stuff. And if you don’t get sterilized, they beat you. Some people have been beaten badly, family members and women. They take electric batons, and hit whomever they see.”²⁴

The following is the full text of Gao Xiaoduan’s testimony at the 1998 U.S. congressional hearing:

From 1984 to 1998, I was employed at the Planned-Birth Office in Yonghe Town, Jinjiang Municipality, in Fujian Province. My job, as the administrator, was to work out and implement concrete measures pursuant to the documents of the Central Committee of the Chinese Communist Party, and the State Council on Planned Birth. Yonghe Town has jurisdiction over 22 villages with a total population of over 60,000. The Yonghe Town Planned-Birth Office, PBO for short, was established in 1984. Initially, it was staffed with two members, with an office in the government office building in the town.

By 1998, its staff had grown to 16 cadres. The headquarters-based staff is supported by 22 full-time and part-time cadres working in the neighborhoods. The PBO now occupies a four-story office building that was built in 1992. On the ground floor are offices, a computer room and two rooms for detaining those who violate the planned-birth policy. On the second floor is an operation room for examining pregnant women, for performing contraceptive ring insertion and for performing sterilization surgeries. On the fourth floor is a dormitory for the staff members. Since planned birth is China’s basic national policy, from the Central Planned-Birth Committee right down to every single village in the nation, it is zealously carried out by full-time cadres.

The routine of the PBO is as follows:

1. To establish a computer data bank of all women of childbearing age in the town (10,000+ women), including their dates of birth, marriages, children, contraceptive ring insertions, pregnancies, abortions, childbearing capabilities, etc.
2. To issue “birth permit certificates” to women who meet the policy and regulations of the central and provincial planned-birth committees and who are therefore allowed to give birth to children. Without a certificate, women are not allowed to give birth to children. Should a woman be found pregnant without a certificate, abortion surgery is performed immediately,

²⁴ Hartman, 1994, pg. 163-4.

regardless of how many months pregnant she is.

3. To issue “birth-not-allowed notices.” Such notices are sent to couples when the data concludes that they do not meet the requirements of the policy and are therefore not allowed to give birth. A couple whose first-born is a boy or girl, but who give birth to a second child, boy or girl, after waiting a period of three years and two months, receive such notices. These notices are made public. The purpose of this is to make it known to everyone that the couple is not allowed to have any more children, therefore facilitating supervision of the couple.

4. To issue “birth-control measures implementation notices.” According to her specific data, every woman of childbearing age is notified that she has to have a reliable contraceptive device and pregnancy examinations when necessary. Should she fail to present herself in a timely manner for these examinations, she will not only be forced to pay a monetary penalty, but our supervision team will apprehend her and force her to have such examinations.

5. To impose monetary penalties on those who violate the provincial regulations. Should they refuse to pay these penalties, our supervision team members will apprehend and detain them for as long as they do not pay.

6. The PBO regularly supervises and examines how staff members of planned-birth offices in 22 villages perform their duties. The municipal planned-birth committee often sends random “go-to-the-countryside cadres” to villages for fear that local cadres could cooperate with villagers or that a local backlash would develop against cadres who conscientiously carry out their duties.

7. To write monthly “synopses of planned-birth reports”, which are signed by the town head and the town communist party, and then are submitted to the municipal people’s government and the communist party committee. Then we wait for cadres from superior organs of the government to check our work at any time.

8. To analyze informant materials submitted in accordance with the “informing system,” and then put these cases on file for investigation. Some materials are not conclusive, but planned-birth cadres are responsible for their villages. To avoid being criticized and punished by their superiors, they will resort to anything to achieve planned-birth goals set by their superiors. One instance is the Wang Yuanqing case. Cases like it are numerous. The cadres are responsible for these cases, but the main reason why they are pursued so aggressively is that the cadres are under tremendous pressure from the central and provisional regulations to carry out policy. However brutally such cadres infringe on human rights, they are never impeached and never punished for their actions.

9. Whenever the PBO calls for organizing “planned-birth supervision

teams,” the town head and communist party committee secretary will immediately order all organizations—those related to public security, courts, finance, and economy—to select cadres and organize them into these teams. They are then sent to villages or areas where problems are expected, either for routine door-to-door checking or for swift checking of local violators. Supervision teams are makeshift, and, to avoid leaks, cadres do not know which village they will be sent to until the last minute. Planned-birth supervision teams usually exercise night raids, encircling suspected households with lightning speed. Should they fail to apprehend a female violator, they catch her husband, brother(s), and/or parent(s) in lieu of the woman herself, and detain them in the PBO’s detention room to force the woman into surrendering herself. We then would perform a sterilization or abortion surgery on her.

The following are practices carried out in the wake of “Planned-Birth Supervision”:

1. House dismantling. No document explicitly allows the dismantling of a violator’s house. But to the best of my knowledge, this practice not only exists in our province, but in rural areas in other provinces as well.

2. Apprehending and detaining violators. Most PBOs in Fujian Province’s rural areas have their own detention facilities. In our town, the facility is right next door to my office. It has one room for males and one room for females, each with a capacity of about 25-30 people. To catch violators, our PBO does *not* need:

- a. Consent by court, judicial or public security institutions (our actions are independent of them)

- b. Handling of formalities

- c. Target dates. Detainees pay 8 yuan per day for food. They are not allowed to make phone calls or mail letters. The majority of detainees are, of course, either women who are pregnant without “birth permit certificates,” women who are to be sterilized, or women who have been slapped with monetary penalties. If we do not apprehend the women themselves, we detain their family members until the women agree to the sterilization and abortion surgeries.

3. Sterilization. The proportion of women sterilized after giving birth is extraordinarily high. From January to September of 1996, of all the women of childbearing age with one child, 1,633 underwent device-insertion procedures or subcutaneous-device-insertion procedures, and 207 underwent sterilization surgeries; of women of childbearing age with two children, 3,889 underwent sterilization surgeries, and 167 underwent device-insertion procedures. When there is evidence that a woman has bribed a physician to produce a false sterilization certificate, we flush water

through her reproductive system. Sterilization can be replaced with a “joint pledge,” with five guarantors jointly pledging that the woman shall not be pregnant again.

4. Abortion. According to government regulations, abortion for a pregnancy of under three months is deemed “artificial abortion,” and if the pregnancy exceeds three months, it is called “induced delivery.” In our town, an average of 10-15 abortion surgeries are performed monthly, and of those surgeries, one-third are for pregnancies exceeding three months. For instance, in the first half of the year of 1997, a total of 389 surgeries in five categories were performed. They included 27 induced delivery surgeries and 33 artificial abortion surgeries. Every month our town prepares a report, the so-called “synopsis of planned-birth report”. It enumerates in great detail births, the issuing of birth permit certificates and the implementation of birth-control measures in our town; it is then submitted to the planned-birth committee. From January-September 1996, a total of 757 surgeries in five categories were performed. They included: 256 sterilization surgeries (35 for people with two daughters), 386 device-insertion surgeries (23 cervical device insertions), 3 subcutaneous-device insertions, 41 artificial abortion surgeries and 71 induced delivery surgeries. We had to submit all of this data to the municipal planned-birth committee monthly and annually so that it could be kept on file.

My husband is Zhuang Deshuang, director of Haihang Garment Factory, Yonghe Town, Jinjiang Municipality. We married in 1983. One year later, we gave birth to our daughter, Zhuang Weiling. We both love children very much. Unfortunately, suppressed by the one-child policy in Communist China, we could not have a second child. The only thing we could do was to adopt a boy in late 1993 in Northeast China, in Harbin. We named him Zhuang Weipeng. This, however, was in violation of the policy. We had no choice but to keep him in someone else’s home whom we knew through private ties. For fear of being informed against by others in our town, he never called me “Mama” in the presence of outsiders. Whenever government agencies conducted door-to-door checks, our son had to hide elsewhere. Most of the time, he had to stay in our friends’ home. My elder sister and my elder brother’s wife have only two daughters each. Both of them were sterilized, after which their health was ruined, making it impossible for them to ever live or work normally.

During my 14-year tenure in the PBO, I witnessed how many people were persecuted by the Chinese communist government for violating its “planned-birth policy.” Many of them were crippled for life, and many of them were victims of mental disorders resulting from the abortions they had undergone. Many families were ruined. My conscience was always

gnawing at my heart. I vividly remember how I once led my subordinates to Yinglin Town Hospital to check on births. I found that two women in Zhoukeng Town had out-of-plan births. In a move approved by the town head, I led a planned-birth supervision team composed of a dozen cadres and public security agents. Sledge hammers and heavy crowbars in hand, we went to Zhoukeng Town and dismantled their houses.

Unable to apprehend the women in the case, we took their mothers in lieu of them, and detained them in the PBO's detention facility. It was not until a month-and-a-half later that the women surrendered themselves to the PBO, where they were sterilized and monetary penalties were imposed. I myself did so many brutal things, but I thought I was conscientiously implementing the policy of our "dear Party," and that I was an exemplary citizen, a good cadre. Once I found a woman who was nine months pregnant but did not have a birth permit certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, I saw how the aborted child's lips were sucking, how its limbs were stretching. A physician injected poison into its skull and the child died. It was thrown into the trash can. To help a tyrant do evil was not what I wanted. I could not bear seeing all those mothers grief-stricken by induced delivery and sterilization. I could not live with this on my conscience. I, too, after all, am a mother.

For all of those 14 years, I was a monster in the daytime, injuring others by the Chinese Communist authorities' barbaric planned-birth policy, but in the evening, I was like all other women and mothers, enjoying my life with my children. I could not live such a dual life anymore. Here, to all those injured women, to all those children who were killed, I want to repent and say sincerely that I'm sorry! I want to be a real human being. It is also my sincere hope that what I describe here today can lead you to give your attention to this issue, so that you can extend your arms to save China's women and children.

Chapter Three

The Coercive Enforcement of the One-Child Policy

Fines and the Removal of Social Benefits

As previously mentioned, fines are the principal means that China uses to enforce its population-control policy.²⁵ Fines, in addition to the removal of certain social benefits, like schooling, pensions, and unemployment insurance, place a tremendous financial burden on violators. They are designed to exert maximum deterrence and are tailored to each individual family.

For those who have an out-of-plan birth, regardless of whether it is their first, second or higher parity child, fines can reach up to three years worth of their family's wages. While fines can be paid off in installments in some circumstances, they still bring hardship. Families who cannot make it are not eligible for government poverty assistance. Wuqing County's 1991 *Family Planning Regulations* states clearly: "Those who experience hardships in daily life as a result of social-maintenance payments or other family planning fines do not qualify for 'assistance for the poor.'"²⁶

Fines can be issued for a number of other violations, in addition to out-of-plan births. Fines are levied for failing to attend an IUD check-up (to ensure that the IUD is being used), failing to undergo sterilization (if ordered), failing to undergo an abortion (if ordered), failing to inform the family planning office of a pregnancy, failing to inform the family planning office of the whereabouts of a sought-after family member, failing to register a marriage, or having an illegal marriage. Heavy fines are issued not only for having a second (or higher parity) child out-of-plan, but also if a child is adopted "out-of-plan." Again, couples who have their first child without a birth permit are also heavily fined.

Fines and social-maintenance payments are a significant source of revenue for the family planning bureaucracy. For example, in Yonghe Town, Jinjiang City, Fujian Province, from 1989 to 1996, over 8,000 citizens were fined a total of over 20 million yuan (\$3 million). This revenue is often used to fund cash incentive programs for those with one-child certificates, as well as payouts to part-time workers and police.

²⁵ After the 2002 Family Planning Law was enacted, fines began to be referred to as "social-maintenance payments" or, more literally, "fee for society bringing up your child."

²⁶ *Tianjin Municipality Wuqing County 1991 Family Planning Regulation, Article 20.* (See Appendix 7.)

Table III: Family Planning Fines Imposed in Yonghe, Fujian

Year	Fines Imposed (RMB)	Number of Violators	Fine Per Violator
1989	¥1.8 million	3,665	¥491
1990	¥1.97 million	874	¥2,254
1991	¥1.68 million	941	¥1,785
1992	¥3 million	766	¥3,916
1993	¥2.96 million	723	¥4,094
1994	¥3.16 million	700	¥4,514
1995	¥4.13 million	458	¥9,018
1996	¥3.67 million	105	¥34,952

Source: Testimony of Gao Xiaoduan, 1998

Despite the severity of these fines, many families choose to borrow money from relatives or friends, especially if they have not yet had a son. They see the child, especially males, as a long-term investment. Those families unable to pay the fines may have personal possessions or livestock confiscated. In an interview with the *Voice of America*, Han Dongfang, a Hong Kong-based exiled Chinese dissident, recounted a story:

County-level and township cadres went to a village to confiscate all the property of a family violating the one-child policy. But that family had been attacked before and nothing remained except a dilapidated house with a leaking roof. The cadres found the family's only quilt, but it was lice-ridden, so they threw it away. They could not find anything to confiscate.

However, family planning teams are thorough in implementing the policy. They will not accept failure. They continue to monitor violating families closely. Once they find anything of value, they will confiscate it. One year later, the family planning team heard the violating family had purchased a piglet with borrowed money. They went there, took the piglet away and auctioned it at the village elementary school. The head of the family was a detonation operator in a mine. Hearing his piglet was being auctioned, he became enraged. With a few kilos of explosives wrapped around his body, he rushed to the auction site and

ignited the explosives, killing himself and wounding a few of the village cadres.²⁷

The Use of Arbitrary Detention

Local family planning bureaus maintain detention centers throughout China. According to a 1999 Human Rights in China (HRIC) report: “In most of these centers- the very existence of which violates national law-conditions are poor, beatings are frequent and men and women are held together”.²⁸ Most people held in such detention areas have not actually violated the law; rather, they are being held as ransom to encourage a runaway pregnant woman to return and submit to authorities, or to obtain information about a runaway mother-to-be. Family planning cadres have wide authority to detain those violating the one-child policy, or their relatives. Although they often coordinate with the public security bureau (*gong'an ju*), the involvement of the public security bureau is not necessary in cases of detainment.

The HRIC Report describes three detention centers in Dalian Township. According to the report, at any given time, 200 to 400 people are detained in these centers. During one peak period of enforcement in July and August of 1995, at least 2,000 people were held.

In Sunzhuang Village of Dalian Township, people say that whenever they hear the sound of a motor vehicle, it does not matter if it is day or night, they think it is the township government's Birth Planning Special Action Team coming to grab someone. Everybody scatters and hides. Terrified children watch parents and grandparents get carted off. The adults live in fear...

The township government here detains pregnant women arbitrarily and as a matter of course. Everybody knows the danger to a pregnant woman if caught by the township government's Special Action Team. She will be detained and pressured to have an abortion. If she refuses, her family must pay a fine. Only when the money is

²⁷ Chen Chien: “Chinese Peasants’ Life, Old Age, Sickness and Death (I): Hard Life”, Voice of America, April 9, 2002.

²⁸ “Population Policy and Discrimination Against Women and Girls”, Human Rights in China, China Rights Forum, Spring 1999.

http://www.hrichina.org/crf/english/99spring/e18_population.htm

delivered will she be released.²⁹

In 1999, a *World Journal* (Shijie Ribao) article entitled “Guangdong’s Haifeng Cracks Down on Excess Births, Men Taken Hostage to Force Women to be Sterilized” recounted:

Recently, Haifeng County family planning units were going all out implementing the one-child policy. All married women were targeted for sterilization regardless of whether or not they had had more than one child, and they were to be apprehended – better seize many innocent women than let off one violator.

According to Mr. Ou, a Hong Kong resident who married a mainland woman, all women in Haifeng County were frightened and fled. Failing to apprehend their “targets,” family planning personnel took away men in the women’s families as “hostages”, and they called on the women to surrender themselves.

Mr. Ou said he and his wife had been married seven years and had three sons, all Hong Kong-born and permanent residents of Hong Kong. Still, the family planning cadres accused his wife of having had excess births and of violating family planning policy, threatening to send her to be sterilized. His wife had no choice but to hide herself. On April 20, the cadres dispatched a dozen thugs who took away his 56-year-old father-in-law.

Mr. Ou accused mainland officials of barbarity. He recounted that his father-in-law was detained in a four-story building on Haichengzheng Street, with dozens of other detainees around him, all “hostages” waiting for the married women to surrender themselves.

Mr. Ou said that four days later, his father-in-law was given bail at 2,000 RMB under the condition that his wife must surrender herself by April 30- otherwise the bail would go to the coffers. Seeing her father jailed, Mr. Ou’s wife surrendered herself to the authorities on April 29, and she was immediately sent to the hospital for a check-up. A sterilization was scheduled, with her bail set at 100,000 RMB.

Mr. Ou angrily accused family planning authorities of

²⁹ Ibid.

being lawless vampires.

Haifeng County family planning units are forcibly detaining innocent “hostages” and married women unable to bail themselves out in detention cells in the basement of the Haifeng County Family Planning Commission office building. Men and women are detained separately, and each detention cell is 20 square meters in size. All windows are behind iron bars, with nothing inside but a crude toilet.³⁰

Demolishing Dwellings, Burning Down Houses

A 22-year-old female population-control cadre from a city suburb in Zhejiang Province described her experiences:

Some of the people we are trying to control want to escape from us. Then we hold someone else in the family in a cell--the mother, the father--for several weeks, several months, sometimes until the person in question shows up. Occasionally, the whole family disappears; they go off to another region. Then we burn their house. The first time I went to a village, I was very shocked by the violent behavior of my colleagues: they shot at people and threatened them with truncheons. But now I'm used to it. It is necessary for the enforcement of the rules. There are too many people in China.³¹

Fines and detention centers are not the only means at the disposal of local family planning cadres. Many violators of population-control policy are poor and live in the countryside. They are simply unable to pay the social-maintenance fees, even with livestock or other property. In these and other cases, family planning officials resort to destroying or demolishing a violator's home. “House smashing” is a common occurrence. Not only does it give cadres an opportunity to punish violators, it is also a highly visible form of punishment. Observing such extreme acts of punishment influences other villagers, a form of “killing the chicken to scare the monkey”.

³⁰ “Guangdong’s Haifeng Cracks Down on Excess Births, Men Taken Hostage to Force Women to be Sterilized”, *Shijie Ribao (World Journal)*, May 5, 1999.

³¹ Human Rights in China, China Rights Forum, Spring 1999.
http://www.hrichina.org/crf/english/99spring/e18_population.htm

While property is principally destroyed in the case of out-of-plan births, there are instances of houses being demolished for failure to be sterilized. In the year 2000, the *Chinese Daily News* published a report about this practice. As mentioned previously, family planning cadres operate with a wide latitude of authority. "As long as nobody dies, you may do whatever you want",³² one official is quoted as telling a village cadre. In addition to the demolition of a violator's home, the official noted that relatives can be detained to take "study classes", which is a euphemism for placing them in a detention facility, where they are held until the violator undergoes an abortion.

The measures Guangdong Province takes to carry out family planning policy are no different from those Gao Xiaoduan described in her testimony. In 1997, a detailed account of how family planning cadres enforce policy by burning down homes and destroying property was published in the *Chinese Daily News*.

In China's countryside, contrary to media assertions that family planning policy implementation is becoming benign, the authorities seem to be adopting ever more oppressive measures in cracking down on out-of-plan births.

Even places in the Pearl River Delta known for their moderate measures in law enforcement are beginning to undertake measures that are contrary to basic principles of humanism. For instance, in towns subordinate to Zengcheng City, government offices resort to house smashing as a means of punishing "excess birth households".

Some towns and villages in Huidong go even further, setting fire to "excess birth" families' houses, as if nothing but termination of defiant families can reconcile them. Some of the families who are left with no roof over their heads are forced to abandon their hometown.

Officials in these towns and villages claim they are backed by high-ranking officials in the Guangdong Province government.

According to reports, among towns subordinate to Zengcheng City, Yonghe³³ is best known for the barbarous measures it undertakes in enforcing the family planning policy. The authorities there targeted some families by either destroying their houses, smashing their furniture, or smashing holes in their roofs, rendering their houses uninhabitable. Only one family escaped this punishment, as a woman in the family claimed that everyone would kill themselves with

³² July, 10 2000, *Chinese Daily News*.

³³ It should be pointed out that Yonghe is a popular name for towns and cities, and the Yonghe City discussed in this article is located in Guangdong province, while the Yonghe city discussed in Gao Xiaoduan's testimony is located in Fujian Province.

pesticide should their house be destroyed.

The Yonghe Town government failed to bring “excess birth families” to their senses, so they hired laborers from other places. A team specializing in house smashing was formed. Last month the mighty team forced its way into Jingtou Village. The team targeted three “excess birth families” that had at least four girls each, leaving a gaping hole one meter in diameter on each roof as a sign of warning. The three families fled at the mere sight of the team and dared not go home at the time media reporters were interviewing people in the village.

In neighboring Xinchang Village, four families’ houses were smashed, more extensively than in Jingtou Village. A gaping hole was left on the roof of one family’s three-story house, and all of the house’s glass windowpanes were smashed. A villager by the name of Liu Jingqiu suffered the most extensive damage, as all of his property was destroyed, with a loss amounting to 10,000 RMB, and he was ordered by the authorities to pay an excess birth fine of more than 10,000 RMB.

The brick house of a family in Xianjiang Village was saved from demolition because the wife threatened suicide. The Liu family was a typical violator, with six daughters. The husband and wife were still “hoping for a son”. Last month, town family planning personnel came to see them, and attempted to bring them to their senses, threatening to demolish their home if Mrs. Liu did not undergo sterilization. To protect her home, Mrs. Liu took out a bottle of pesticide and claimed the whole family of eight would kill themselves if the authorities demolished their home. Town cadres were afraid they would really do so, and their house was saved.³⁴

In her testimony, Gao Xiaoduan recalled how she once led a team to confront violators in the town of Zhoukeng. With the approval of the town’s leadership, Gao formed an ad-hoc group of a dozen cadres and security agents.

Sledgehammers and heavy crowbars in hand, we went to Zhoukeng Town and dismantled their houses. Unable to apprehend the women in the case, we took their mothers in lieu of them, and detained them in the PBO’s detention facility. It was not until a month-and-a-half later that the women surrendered themselves to the PBO, where they

³⁴ “In Guangdong, Zhengcheng City Goes Even Further, Hiring Laborers from Other Places to Set Fire to Houses and Destroy Them”, *Chinese Daily News*, August 30, 1997.

were sterilized and monetary penalties were imposed.³⁵

Forced Sterilization

Sterilization is a common punishment or means of enforcement. According to Chinese law, women must be sterilized if they have a second child. Those who refuse IUD insertion, or who refuse to report for routine checkups, are also required to be sterilized.³⁶

The government has conducted periodic sterilization drives in past years. From 1971 through 1998, approximately 146 million sterilizations took place in China, according to official government statistics.³⁷ Decisions regarding the implementation of sterilization are typically dependent on quota requirements. During crash campaigns to meet quotas, many more people are sterilized. In 1983, about 20 million women were sterilized. In 1991, 12 million women were sterilized. All told, women account for about three-quarters of sterilization victims. "Sterilization is unpopular, but male sterilization appears to be more unpopular with males than female sterilization is with women. Or in this male-centered culture, the balance of decision-making power favors husbands over wives, making women the major targets of sterilization operations".³⁸ In typical Han provinces, the sterilization rate was about 60 percent of all couples.

As recently as the year 2000, family planning cadres have conducted mass sterilization drives. In Jieyang, Guangdong Province in February 2000, over 10,000 people were sterilized, and seven village cadres were punished, either by suspension or dismissal, for failing to meet goals.³⁹ A local CCP committee held a special meeting before the sterilization drive and issued the following statement:

We must resolutely get rid of the label of being backward in family planning and resolutely implement "one-vote vetoing" (one failure offsets all achievements); if any township or town receives a yellow card warning in the inspection conducted by the city, people holding primary

³⁵ Gao testimony, 1998.

³⁶ Gao testimony, 1998.

³⁷ Greenhalgh, Susan and Winckler, Edwin A. *Chinese State Birth Planning in the 1990s and Beyond*. Washington, D.C.: Government Printing Office for Resource Information Center, Immigration and Naturalization Service, 2001, pg. 8.

³⁸ Greenhalgh and Winckler, pg. 8.

³⁹ "Cadres punished in Jieyang for 'undermining' family planning" *Nanfang Ribao* (Southern Daily), February 27, 2000.

responsibility in party and government work, as well as relevant people held responsible (including people responsible for units which have set up a direct link with the city government) shall be resolutely punished according to party or administrative discipline. People holding primary responsibility in the party and government work of counties (or cities and districts) that have been listed by Jieyang City for key management for two years shall be dismissed from their posts. Since the Spring Festival period, seven people, including the director surnamed Wei of the Dongxiang Village committee of Rongcheng District, the secretary surnamed Lin of the Goumei Village General Party branch, Pandong Town, Dongshan District, and the director surnamed Lin of Goumei Village, Pandong Town, Dongshan District, have been investigated, punished or dismissed from their posts.

China's year 2000 census data shows that there are approximately 250 million women of childbearing-age China, of which 85.3 million, or one-third, were sterilized. It is impossible to calculate what percentage of these women were sterilized voluntarily, but if only 10 percent of the women were forced against their will, that means that nearly nine million of these women were forcibly sterilized.

Induced Abortion and Infanticide

China's one-child policy not only grants local cadres the power to decide when pregnancy is permitted, or whether a fetus should be aborted, but also the power to order health-care workers to end the lives of non-approved newborn infants. Under the one-child policy, physicians are often forced to kill infants born without prior approval from the state. The following are several recent cases that have attracted public attention.

In October 2002, in Zhejiang Province, Xinchang radio transmission station employee Dong Tiefeng and his family experienced the ultimate form of one-child policy enforcement. The following is a translation of Dong's firsthand account of the death of his newborn child in *China Legal Forum*:

On October 19, 2002 at 1:00 a.m., my wife, over nine months pregnant, arrived at the family planning station of

Xinchang County in Zhejiang Province to give birth. A nurse gave her an examination. The report was as follows: "The cervix of the uterus has dilated; the top of the fetus' head is visible". I carried my wife in my arms into the delivery room. My mother and mother-in-law stayed in the room to attend to my wife while I was asked to produce our certificate of permission to give birth.

Realizing we had no certificate, the nurse immediately reported our situation to the family planning authorities. About five minutes later, two men and a woman came in the door. Without showing any credentials, or saying who they were, they interrogated me to get my name and address. They said that the department chief would be called to handle this, and made a phone call. At 1:20 a.m., a man came in, accompanied by a woman. The five persons met together. They also asked the nurse to join their discussion. Suddenly, at 1:40 a.m., a group of roughly 20 rushed into the delivery room to drag our mothers and me out of the room. They twisted their arms and smashed the head of my mother-in-law against a tank of oxygen. Three of them held my arms, and the door was closed. Ten minutes later, taking advantage of our captors' inattention, my mother and I broke free and rushed into the room, just in time to witness the nurse pulling a pair of scissors away from my baby's skull. The cut was very deep and the scissors were drenched with blood up to the handles. My child's brains began to ooze out. My mother cried out in horror and collapsed. Those persons followed us into the room. Taking a look at the obstetric table, they walked away. Around 3:30 a.m., two policemen from the local Xinchang City police precinct arrived and warned me "not to act foolishly". Afterward, I asked a doctor who all those people were. The doctor told me that they were from the Xinchang Municipal Family Planning Commission. "You killed my baby with scissors. Do the people from the Family Planning Office have anything in writing or on a legal basis?" I asked. "We are given our orders orally, there's nothing else," the doctor answered. "There's nothing we can do about it. We're subordinate to the

Dong’s experience is an extreme example. However, these abuses occur throughout China, though predominately in rural areas. It is important to examine the systematic nature of these events.

In 2001, an incident of attempted infanticide in the northeastern city of Harbin, Heilongjiang, was widely reported.⁴¹ Zhang Chunhong, 35 weeks pregnant with her fourth child, was apprehended near her home in Wangha village, located near Harbin, by family planning officials. Zhang was driven to a hospital in Harbin. She was given an injection to induce stillbirth, which failed, and her baby was born alive. According to a report published in the *Independent*, a UK newspaper, Zhang recalls:

I asked them to show the baby to me, but the nurses refused. I saw she looked healthy, but when I asked them to bring her back, they told me there was an order not to give us the baby. One nurse said: ‘She’s had the drug, so even if she’s not dead, she’ll be retarded.’ The next day, I asked for my baby girl again, but they said she was dead.⁴²

When hospital director Yuan Yinghua was told of the failed abortion, she ordered Wang Weimin, a nurse, to let the infant female die. Wang put the baby girl in a gauze cloth and put her on a balcony.

“The first time I saw her [the baby had been named “Ji”], she was less than three days old,” recalls nurse Ling Zhihong. When the hospital director saw the baby back in the abortion room, with milk leaking from her mouth, she threatened to sack anyone who fed the child, according to Ling and the other staff. But nurses and doctors continued to risk their careers to ask mothers for milk powder and sneak some sustenance into her. “We could only do it after director Yuan went home,” explains Ling, “or when we knew she was busy.” Ji stubbornly clung to life. “We were all amazed at how strong the little baby was,” Ling remembers. “Every day, the first thing we asked when

⁴⁰ Dong Tiefeng. “Let No More Tragedies Happen to Our Children!” *Nanguo Lushi Wang* (Southern Lawyer Net), October 27, 2002. <http://www.yiyuanlawyer.com>

⁴¹ Macleod, Calum and Lijia. “The Baby Girl that they Just Couldn’t Kill.” *The Independent*, September 24, 2001: Features section, pg. 7., and “Chinese Hospital Director Tried to Starve Baby to Death: Reports.” Agence France-Presse, June 28, 2001.

⁴² *Ibid.*

coming to work was, "Is she still alive?" The scandal began to break on May 9 when a local journalist rang one of the doctors. "I decided to tell the journalist the truth because I wanted to give the baby a chance to live," explained Wang. "I just didn't know how long she could hang on like that."

When Wang and Ling took the journalist to the abortion room, Ji was missing. A frantic search found her stuffed inside a sterilization box. The full misery of Ji's "dying room" was captured on camera. So chilling were the images that the TV station balked at airing such shocking material. But five newspaper journalists followed up on the story. China's media remains politically gagged, but there is a growing leeway on social and human-interest stories. On May 10, more than a fortnight since her ill-starred birth, Ji's condition suddenly improved. She received clothing, a bottle, food and a cot. Then the next day, she disappeared. Ji was last seen being taken to Yuan's office, and removed by the hospital's Communist Party Secretary. Concerned that Yuan would literally bury this troublesome case, journalists alerted Harbin police, who quickly located the parents. Two days later, they handed over their baby girl, amid a crowd of hospital and government officials.⁴³

Two other cases quoted as follows are from the Guangdong Health Information Net, and tell of hospitals' implementation of the family planning policy by euthanizing infants born alive.

In May 1983, a woman surnamed Li was confirmed to be pregnant for the fifth time. On December 8, 1983, she was taken to a hospital for an induced abortion. The baby was removed alive and was crying. Without Li's consent, the medical staff acted on their superiors' instructions and euthanized the baby. Deeply shocked, soon afterwards Li developed schizophrenia.⁴⁴

In another case, a woman surnamed Zhu, aged 38, was originally the mother of one boy and two girls. In July 1980, the boy was drowned in a swimming event organized by his school. The school paid all burial expenses and gave Zhu some subsidies. She wanted another child, but the family planning office gave no consent. Half a year later, she was pregnant without a permit. On August 12, 1981, she underwent an induced abortion

⁴³ Ibid.

⁴⁴ "A Dispute Caused by Induced Abortion". Guangdong weisheng xinxi wang (Guangdong Health Information Net). <http://gdwstzy.gdhealth.net.cn>

in an appointed hospital. She was told that the baby was a boy, and living. She wanted the baby back and tried to keep him from being euthanized. The hospital, however, refused to relent.⁴⁵

⁴⁵ Guangdong weisheng xinxi wang (Guangdong Health Information Net).
<http://gdwstzy.gdhealth.net.cn>

Chapter Four

The Systemic Nature of Coercion and Violence

The above-mentioned examples of coercion are just a sampling of the hundreds of horror stories that have been reported since the one-child policy's inception. When questioned, Chinese officials insist that the abuses are not systemic, stating "China's one-child policy encourages birth control, never forces birth control or abortion; individual cases of abuse occur because individual workers fail to implement the policy properly." Without concrete evidence of systemic abuse, the examples of coercion and cruelty can be dismissed as aberrations from the norm.

Unfortunately, the body of evidence suggests coercion is widespread and encouraged by the SFPC. Documents obtained from family planning officials clearly show a pattern of coercion and abuse. Family planning personnel keep detailed records of every family, including what punishment is imposed on them. These signed reports are submitted to higher levels of authority and kept on file. Beyond the local level, officials are well aware of what measures are taken by local-level cadres. Human rights abuses vis-à-vis the one-child policy are not carried out in secret; they are designed to have a maximum impact on communities to ensure greater compliance.

Violators of the one-child policy face a dynamic enforcement and punishment regime. Hospitals, police, public security, work units, factories and local officials all coordinate enforcement efforts to ensure that population targets are met- instances of forced abortion, sterilization and destruction of property are not carried out by single cadres, but are widely coordinated. A "family planning activities report" obtained from Gao Xiaoduan clearly states that family planning personnel impose punishment on offenders, including leveling offenders' housing.

In Yonghe Municipality's Zhoukeng Village, Lin Qinghai and Xu Bishuang had given birth to a boy in 1989, despite their use of birth control. Ms. Xu was to be checked to make sure she had been using her IUD. But the IUD fell out. She became pregnant, fled from her hometown, and could not be found. In October 1995, the work team stationed in her village dispatched a bulldozer, destroying her and her brother's houses. Finally, she was sterilized in 1996.

Three copies of this report are kept at the village level, town level, and

county level family planning departments respectively (see appendix). The measures described in the report are not proscribed in official, national regulations, but are nevertheless carried out as an effective means for dealing with family planning offenders.⁴⁶

A family planning cadre who does not punish an offender is fined. Conversely, cadres are not questioned or reprimanded for the “unauthorized” measures they undertake, and their actions are not prevented or prosecuted. The Chinese government often claims they are unaware of, or unable to stop, such abuses. The government is able to accept praise for its efforts to reduce population growth while the blame of the excesses of the one-child policy is shifted to “rogue” local bureaucrats.

One of the documents Gao Xiaoduan made public, the *Directive on Strengthened Realization of Family Planning Goals* (see Appendix II), states the conditions under which a violator should be “unconditionally” sterilized: early marriage, early or out-of-plan birth, having two approved births, or failure to comply with other regulations. According to the directive, women with one child must undergo IUD insertion within two months after the birth of the child; if they fail to comply, they are sterilized. Women using IUD contraceptives must be checked quarterly, and failure to do so twice will result in sterilization. Couples with male children must obtain a “Single Child Certificate,” and they may be sterilized for failure to comply within three months. Couples are fined 100RMB for each day sterilization is postponed. A document of the Communist Party Committee of Yonghe Town in Jinjiang Municipality entitled *Decisions on Strict Implementation of Family Planning Policy* clearly stipulates:

All necessary measures shall be used in dealing with couples who evade family planning obligations, including measures to be used on relatives involved; monetary fines shall be imposed. All women who fail to submit for an IUD checkup twice shall be sterilized without exception, regardless of the sex of their children. Those who are pregnant without permission must undertake remedial measures of their own accord; otherwise, coerced abortion or induced abortion shall be administered, accompanied by a 1,000 RMB fine. All women having unplanned births shall undergo sterilization and be fined over 10,000 RMB. Resistance to compliance will result in compulsory administrative measures.

⁴⁶ Gao testimony, 1998.

These documents use several euphemisms for forced abortion and sterilization, including “necessary measures,” “remedial measures” and “compulsory measures.” The government documents require enforcement through coercive means. Backed by such decrees, family planning personnel invent unique methods of dealing with offenders. In these documents, there is no reference to the rights of the defendant or limitations on means the personnel may use to enforce the law. They only have an “obligation to implement the state’s one-child policy”.

Speaking at the same hearing as Gao Xiaoduan, Harry Wu emphasized the pervasiveness of coercion in the enforcement of the policy all across China:

I must emphasize that what I describe in my testimony is based on conditions in China’s medium and small cities/towns and rural areas. I believe that in such municipalities as Shanghai, Beijing and Guangzhou, PBP is implemented in a different way, or in a “more civilized way”. Planned-birth staff members do not resort to house dismantling, do not resort to apprehending violators without any formalities or to taking in hostage family members of violators. But, we must consider the fact that in China 70%-75% of the population do not live in municipalities. Therefore, what my testimony reflects is not just local conditions, but the conditions in which the majority of the Chinese live in.

I believe that Gao Xiaoduan and Zou Xiuyun’s experiences reflect only the tip of the iceberg of what is happening in mainland China. Many people have been working hard over the years to expose all the ugly actions to sunshine. But we must admit that we are still far from seeing the whole picture. Should communist China’s PBP be implemented for another twenty years, population growth might be controlled, and the economy might attain “prosperity.” But, I believe that this “prosperity” would only be a materialistic one. Spiritually, China would be retarded, even barbaric. And such a “prosperity” will be attained at the cost of many infants killed, and many women and families destroyed. This “prosperity” will be

ugly. It should not happen at all.⁴⁷

Case Study in Enforcement and Implementation: Tianjin

What happens in Yonghe Town is not proof that these atrocities occur across the whole of China. However, an investigation of rural areas of Tianjin that was carried out in 1998 by the Laogai Research Foundation does add credence to the notion that these are systemic abuses. Provinces, very different in location, culture, language, and economic development, have very similar policies.

Tianjin is one of the four municipalities directly under the central government, along with Beijing, Shanghai, and Chongqing. It has a population of ten million and enjoys a relatively advanced economic and cultural climate. One would expect the implementation of the one-child policy there to be more in tune with official government policy that outlaws coercion.

According to Article Four of the *Tianjin Municipality Regulations on Planned Birth*, which was promulgated on April 15, 1994 by the Tianjin government, Tianjin holds the heads of *danwei* accountable for population quotas during their tenure. In other words, the responsibility of the *danwei* heads for population targets is fixed by their government superiors. Cadres at all levels are duty-bound, authorized, and determined to ensure that population growth does not surpass fixed quotas during their tenure. If they fail in this, they will lose their promotions and risk dismissal or punishment.

For example, superior units allow Xinanliuxing Village of Dongpuwa Township in Wuqing County, Tianjin, which has a population of 500, a quota of only 2.5 children annually, or five children every two years. Should more than five children be born, punishment befalls the village party branch secretary and planned birth director, and subsequently, they sterilize all women with two children in the village. All women with one child in the village are forced to undergo device-insertion surgery. Women must be checked every three months for device reliability and pregnancy. If a woman is pregnant, she must undergo an abortion.

Laogai Research Foundation researchers visited the Xiqing (formerly Xijiao) District of Tianjin, in the Dongtaizi and Xiaojinzhuang villages of Wangwenzhuang Township. Through connections, they were able to talk

⁴⁷ Testimony of Harry Wu, hearing before the U.S. House Subcommittee on International Operations and Human Rights. *Forced Abortion and Sterilization in China: A View from the Inside*. June 10, 1998. <http://www.laogai.org/news/newsdetail.php?id=1921>

with cadres in charge of planned birth who told us how the policy is implemented. This is their report:

The first planned birth cadre with whom we spoke was Zhou Guilian, a 52-year-old female, who had been a peasant. From 1974 through 1996, Zhou spent over twenty years working at the planned birth office, after which she retired because of her age. A friend of ours, who knew Zhou well, told her that we were writing a thesis on population and wanted to consult her on the implementation of the one-child policy in rural areas. She spoke frankly and gave us highly reliable information.

According to Zhou, 1983 was an important year in planned birth, with new methods replacing old ones. This was confirmed by the second woman we spoke to, surnamed Tian, the vice-head of Xiaojinzhuang village. We spoke with them separately, but what they told us was the same.

In 1983, their superiors, commune-level cadres, sent a Bazhou City physician to them who had already performed sterilization surgeries on thousands of women of childbearing age who already had two children. The surgeries were said to be “voluntary”, when in actuality, no targeted woman could refuse the surgery. Village and township cadres brought the target women in the township to the physician.

The physician performed the sterilization surgeries quickly, spending no more than ten minutes on each woman. A total of 89 target women underwent sterilization.

We asked if there had been any surgical accidents. Zhou said that a malpractice accident had happened to a Xiaojinzhuang woman. Asked how the situation was handled, she said the township took care of the woman’s health care and subsidies. She did not disclose the amount, but added that the woman died in 1997.

Asked about key points in planned birth work, Zhou said that the most important factor is not to overstep “quotas”, the number of permitted births. Superiors grant the birth quotas to grassroots leaders, who in turn report all births. Each district has its own planned birth office, townships have their own planned birth agencies, and villages each have a team of planned birth workers. A

village Communist Party Secretary and the village head take charge of a township's planned birth policy, but the workers carry out the actual deeds.

A newly married couple is given one quota, or permission to bear one child. Upon the birth of their first child, endless "precautions" begin to prevent a second birth. If their first child is female, they may have a second child with permission from authorities. This is called "rational second birth." Unconditional sterilization follows to rule out further births.

It goes without saying that certain methods of enforcement are indispensable to the policy. Zhou told us that in each of the four villages within the township— Xiaohanzhuang, Xiaonianzhuang, Xiaojinzhuang and Xilanzhai— homes that housed families with more than one child had been razed by bulldozers. Village family planning officials brought all women of childbearing age to the homes to bear witness to the destruction. This method, known as "killing the chicken to scare the monkey" (*shajihaihou*) is popular in maintaining Communist power and is akin to public executions and public sentencing rallies. The second cadre we spoke with confirmed this practice of destroying homes.

In Dongtaizi village, a family that had a second child was penalized with a fine of ¥147,000, a sum they were unable to pay. Village cadres pitied them and lessened the penalty to ¥30,000 under the condition that should another family follow their example, the full amount would befall the entire village. When a family produces an out-of-plan birth, the entire village is often penalized with fines.

Asked if illegally-born children receive "residence permits", documents which prove their legitimacy and which are ultimately important in one's search for education and employment, Tian replied, "Of course not."

When a woman receives a second-birth permit, she must pledge to be sterilized immediately following the second birth. If she refuses to do so, the police and courts have the right to become involved, resulting in possible monetary fines and property confiscation, among other punishments.

A fee of ¥5,550 obtains a second-birth permit. With ¥550 paid for sterilization, ¥5,000 is refunded once sterilization is complete. If the mother refuses sterilization, ¥5,000 is held as a penalty and forced sterilization ensues.

Urine tests and ultrasounds must be completed every three months on each fertile woman. If a woman tests positive for pregnancy, she must immediately undergo an abortion. Once, in Xiaosunzhuang, a woman managed to evade the routine exams. When officials caught up to her, she was over eight months pregnant. Nevertheless, her pregnancy was

terminated.

The development of planned birth work is difficult to study in rural areas. Both Zhou and Tian, however, agreed that since the 1990s, it has been easier for them to handle their work. It seems that people have become "enlightened" and have lost some hostility to family planning workers. Zhou and Tian said that women are beginning to see the benefits of having fewer children, and some have even returned their second-birth permits. Many others with whom we spoke agreed: it seems that Chinese women are indeed willing to have fewer children.

A family planning cadre in Liuxing Village in the southeast of Puwa Township in Tianjin City, Wuqing County, disclosed that population growth is negative in his small village of 500. The township allots the village a quota of 2.5 births annually, i.e., five births every two years. At present, there are so few school-age children that the village elementary school can set up a new class only once every few years.

In 1975, township-level superior units in Puwa Township began implementing family planning. In the beginning, one couple was allowed two children; a third child was discouraged, but not prohibited.

In 1983, under orders from higher levels, all women in Liuxing village who already had two children underwent sterilization. Those who were stubborn and wanted to have more children were escorted to the commune (township), where they were locked up for several days. The women, fearing government actions, agreed to the surgery, and only then could they return home.

According to regulations, a village may be fined ¥200,000 for each birth over quota. The first ¥20,000 is due immediately, and then the village must pay ¥10,000 every year for 18 years. Village cadres suffer punishment if they overlook violations. Planned birth work carries on under tight supervision by superior units.

A woman in the township undergoes device-insertion surgery as soon as she gives birth to her first child. Every three months, workers from the township test her urine. Once, a woman whose urine tests were not performed was sent to undergo an abortion when she was eight months pregnant. Usually, a shot is given to induce a stillborn birth. In this case, the shot mistakenly entered the amniotic fluid and the infant survived. The infant's grandmother forced her way into the office, yelling, "This child is legal. You gave a faulty shot. Don't you dare touch him!" As a result, the child survived and the family escaped monetary penalties.

In a neighboring village, another woman who was eight months pregnant, but not in labor, was discovered by village cadres. She was taken to a clinic. In the evening, the physicians went home and locked the iron gate of the clinic. But the woman crawled out through a gap at the top of the

gate. When she reached the nearest bus stop, her child was born. This woman was punished with a reduction of grain allotment and a fine.⁴⁸

As the LRF investigation uncovered, even in the late third trimester, abortion is required by family planning authorities, and is performed by doctors. Such cases are not actions of individuals in individual places, but “remedial measures” stipulated by the government for cracking down on unapproved pregnancies.

Other Cases of Victims of Coercive Measures

An article in a 1992 issue of the *Shenzhen Legal Daily* entitled “Family Planning-Related Crime” reported:

Two years ago, Zhou Mei, age 20, a woman from another location, was married into a coastal fishing village. She gave birth to a girl. Her husband was often not at home, and was working in other locations. He was not happy because she had borne a girl. Zhou was at a loss over what to do. Afterwards, she gave birth to a boy when her husband was working outside of the village. Everyone in the family was then happy. But the village cadre was worried and wanted to impose a 10,000RMB fine on her, saying they would destroy her and her relatives’ new tile-roofed houses. The woman was frightened and did not know what to do, and drowned herself in a well.

Upon hearing of this tragedy, the woman’s brothers came to the village. Various people, some of whom resented the family planning policy, instigated them, describing in detail how their sister had been “persecuted.” Enraged, the Zhou brothers, joined by other Zhou youngsters, carrying the young woman’s corpse, forced their way into the home of the village family planning cadre, who was surnamed Wang. Beaten up by the irrational Zhous, Wang was severely wounded, and all of his furniture was destroyed. The Zhous acted wantonly in Wang’s home, eating, drinking, shitting and pissing.

In the chapter entitled *Where Have All The Babies Gone?* of their 1995 book *The Struggle for the Soul of a Rising Power*, Nicolas D. Kristof and his

⁴⁸ LRF archives.

wife Sheryl Wudunn, both Pulitzer Prize-winning reporters, describe first-hand accounts of the plight of Chinese families, particularly women and children: a kidnappers' black market they saw in Beijing, bartered women and those persecuted by China's family planning policy. One soul-stirring story they told included the following: soon after she married, a country woman became the victim of domestic violence. With no way out and being five months pregnant, she hid herself in her relatives' home. After the child was born, she appealed to the police substation, asking to get alimony from her husband, but was told by the policemen there: "The child was born without a birth permit certificate, and is not protected by the law." In another family, a child was born five months earlier than the stipulated four-year spacing. The family's house was bulldozed by family planning officials, and their only other property, a bull, was confiscated. Subsequently, more than 20 thugs took the pregnant peasant woman, only 27 years of age, to be sterilized.⁴⁹

The Case of Jieshi Township, Guangdong Province

After the introduction of the "Population and Birth Control Law" on September 1, 2002, Chinese authorities declared that all family planning violators would be fined a so-called "social alimony" fee instead of being subject to other punishments. There have been various unwritten rules for how family planning violators should be punished, as described above. The implementation of these different forms of punishment has varied in locations throughout China- while each location has attempted to carry out measures in the spirit of the central government's policy, each has had its own measures to prevent "illegal births".

The Laogai Research Foundation recently obtained a document of Jieshi Town, Guangdong Province from 2003*. This Document No. 43 shows how the local government has harshly implemented China's family planning law. Jieshi, located in the northern part of Lufeng City, Guangdong Province, has an area of 124 km and a population of 200,000. Document No. 43 of Jieshi Township, issued on August 26, 2003, gave orders that the fall 2003 family planning assignment should begin on August 26, and within 35 days (ending on September 30), certain goals must be achieved: to sterilize 1,369, fit 818 with an IUD, induce labor for 108,

⁴⁹ Kristof, Nicolas and Sheryl Wudunn, *China Wakes: The Struggle for the Soul of a Rising Power: Where Have All The Babies Gone?* (New York: Vintage Books, 1994)

* For an excerpted translation of this document, please see Appendix 8.

and carry out 163 abortions. During this period, each five days there should be a count and each ten days there should be an evaluation, and there must be a 100% success rate. Party secretaries and village heads who failed to fulfill this task would have their salaries cut by half, and other responsible cadres would suffer the withholding of their entire salary.

One regulation of Document No. 43 stipulates: “sterilized women will be compensated with 50 yuan, and women who undergo late-term abortions will be compensated with 300 yuan”. The document also demands “in the countryside, sterilization for all women with two girls, and induced labor for late-term pregnancy. Overcome difficulties with creativity, so that all fall actions can be implemented successfully, and the ground can be set for yearly population control planning”.

In the spirit of the document, the leaders of the township asked all villagers to be vigilant and to denounce all “unlawful” pregnancies and births. Document No. 43 also contains the phrases “clear the repertory with avant-garde and creative methods” and “reach our goal in a timely fashion and meet the required quantity and quality standards”. “Focus on late-term inducement” is also emphasized in the document.

Jieshi is a stereotypical example of hard-line adherence that is similar to the case of Jinjiang City, Yonghe Township, Fujian Province, which was described in the testimony given by Ms. Gao Xiaoduan in front of the U.S. Congress in 1998. From Jieshi Township’s 2003 document, we can see that harsh family planning implementation methods have not changed, even after the promulgation of the “Population and Birth Control Law” in 2002.

One Failure Offsets All Achievements

In addition to the above measures undertaken to reach the growth targets of the one-child policy, the Chinese government takes a results-oriented approach towards its own cadres, adopting a “one-vote veto system”, (yipiao foujue), which is better translated as “one failure offsets all achievements.” Chief officers of all departments in government, not just in the family planning bureaucracy, may be barred from promotion, raises, bonuses and advanced-worker status if they do not meet their family planning quotas, despite their performance in other areas of governance. Punishment can include the withholding of bonuses and promotions, salary garnishment, wage cuts, demotion, fines and dismissal.

Articles Four and Five of the *Decision on Issues Related to the Rigorous Execution of Family Planning Policy* of Yonghe Town, Jinjiang Municipality, Fujian Province, state: “It is imperative to rigorously adopt the ‘one-vote veto system’ standard of measurement.” Cadres within the

Yonghe Town jurisdiction that fail to fulfill family planning quotas are barred from advanced-worker status and titles of honor during the yearly performance evaluation. This responsibility system is similar to the system implemented throughout the nation.⁵⁰

Article 22, Chapter Five of Wuqing County's *People's Government Provisions Related to the Thorough Implementation of Tianjin* stipulates:

For each birth over the quota, 20 percent of all given-year bonuses for the units' chief officers and persons in charge of family planning there shall be deducted, simultaneously, 10 percent of all yearly bonuses for directors of bureaus (as well as bureau-level units) and deputy bureau directors put in charge of family planning.

Under the "one failure offsets all achievements" standard, cadres have a significant financial incentive to ensure the successful attainment of population targets. In order to advance their careers and avoid fines, they must meet their targets, and therefore they will resort to coercive, violent mechanisms of enforcement.

From the *Yonghe Town Provisional Regulations on Rewards and Penalties/Fines in Implementing Family Planning Activities* (1998), provided by Gao Xiaoduan, we can see what heavy fines face family planning officials:

Subordinate village-level family planning cadres who fail to prevent one unapproved birth but who manage to take the remedial measure of preparing a case report and submitting it to the town family planning office within one month are to be fined 500 RMB per incident. Cadres who submit the case report after the one-month period expires will be fined 600 RMB per incident. Should a concealed violation be discovered, responsible subordinate village-level cadres are to be fined 1,000 RMB per person.

The 'Three Resolutions' are imperative in implementing birth-control measures: IUD-insertion cases must be successfully resolved within three months; sterilization cases must be resolved within two months; and abortion and induced-labor cases must be settled

⁵⁰ See also Wang Feng "A Decade of the One-Child Policy: Achievements and Implications" in Goldstein, Alice and Wang Feng, editors. *China: The many facets of Demographic Change*. Boulder, Colorado: (Westview Press, 1996)

immediately. For each IUD-insertion case unresolved due to special reasons, subordinate village-level cadres will be fined 50 RMB per case, per quarter and per person. For each ring sterilization case unresolved due to special reasons, subordinate village-level cadres will be fined 100 RMB per case, per quarter and per person. For each second-girl sterilization case unsettled due to special reasons, subordinate village-level cadres will be fined 200 RMB per case, per quarter and per person. For each non-approved pregnancy and artificial abortion case unsettled due to special reasons, subordinate village-level cadres will be fined 200 RMB per case, per quarter and per person.

Due to a general lack of success in meeting one-child policy goals during the 1980s, China moved more toward this comprehensive “responsibility system” in 1991 to place the burden of compliance on family planning cadres. Faced with threats against job security, it is no surprise that they are willing, in many cases, to use extreme coercive measures. As Gao Xiaoduan said in her testimony:

Family planning officials who implement the family planning policy must undoubtedly bear their unshakable responsibility, but superior government units that compel them to commit such inhumane actions are more responsible for the extreme enforcement measures.⁵¹

The use of the “one -vote veto system” is widespread. Qu Guangyuan, deputy governor of Guangdong Province in charge of rural affairs, said it was necessary to “deal with barbarity in barbaric ways”, or else family planning quotas could not be realized.

An official by the name of Wang in the Zengcheng City, Yonghe Town government office admitted that demolishing houses was resorted to for punishing families who violated the one-child policy. Wang asserted that this was one of the most effective ways of punishing offenders, and was extensively implemented in 15 towns and villages

⁵¹ See also Ann Anagnost, “A Surfeit of Bodies” in *Conceiving the New World Order Global Politics of Reproduction*. Edited by Faye Ginsburg and Rayna Rapp: (University of California Press, 1995)

subordinate to Zengcheng City.

Qu Guangyuan, deputy governor of Guangdong Province in charge of rural affairs, said it was necessary to “deal with barbarity in barbaric ways”, as otherwise family planning quotas could not be achieved.

Qu added that the one-child policy is one of the three policies that follow the “one failure offsets all achievements” mantra. Over the years, the local Yonghe Communist Party Committee secretary and mayor could not be elected advanced workers and promoted. Their situation turned even worse as their superiors created higher goals.

As a result, local authorities had no choice but to resort to “tough measures”, escorting all violating families that could be apprehended to hospitals for sterilization and demolishing violators’ homes, confiscating furniture and property if they could not be apprehended. Qu said that as long as the violators refused sterilization, demolition would continue.⁵²

The “one-vote veto system”, coupled with stringent birth quotas, is the primary reason for population-control related abuse. Cadres often describe their work in enforcing family planning as the greatest difficulty (*diyi nan*). They do not wish to carry out such extreme measures, but feel compelled to because of job security. This is the principal reason why cadres at all levels resort to desperate acts of coercion, including sterilization, abortion and infanticide. National law and directives do not explicitly call for coercive measures to be used against one-child policy offenders. However, the law does call for results. Faced with a recalcitrant population, cadres are forced to use coercion to guarantee job security.

A System of Informants

To maintain strict policy control at the local level, the SFPC maintains a vast network of informants. The government treats violations of the one-child policy as crimes and encourages citizens to inform on violators, granting informants certain rewards for preventing a violation. This “every

⁵² “Countering Barbarity with Barbaric Measures is Quite Effective, as Town Officials Claim”. *World Journal* (Shijie Ribao) August 30, 1997.

citizen a combatant” measure is an effective means of combating non-approved births. It places violators in a dangerous position; they are regarded by the rest of society as “criminals”. Specific rewards for informants are outlined in the *Quanzhou City Family Planning Leading Team’s Notice on Establishing a Rewarded Informing System*:

1. For each piece of information that leads to the resolution of an out-of-plan pregnancy case and to remedial measures – a reward in the amount of 400 RMB will be issued.
2. After 1996, each piece of information that leads to the resolution of a concealed birth or unreported birth case – a reward in the amount of 300 RMB will be issued.
3. For each piece of information that leads to the resolution of a forged infant death certificate report, forged twins report or forged sterilization report case – a reward in the amount of 300 RMB will be issued.
4. For each piece of information that leads to the resolution of an unregistered marriage, resolution of an out-of-wedlock cohabitation case or a married woman of reproductive-age not on control list case – a reward in the amount of 200 RMB will be issued.

In her testimony, Gao Xiaoduan discussed a village woman, Lin Yuanqing, who, afraid of being fined, went to Xiamen, Fujian Province, where she underwent an abortion at the No. 1 Hospital. However she was falsely reported as having given birth to a daughter. As a result, the local cadre believed that she had given birth without permit. Thus she was forcibly sterilized. According to Gao, Lin became suicidal afterward.

In urban areas, policy is effectively enforced with informants at several levels. First, *danwei* officials monitor women’s health and enforce IUD check-ups every six months. In factories, family planning officials monitor women’s health:

“We watch for women who start to eat less or who get morning sickness,” explained one such worker in Changzhou. “If a woman isn’t as active as she usually is, that’s a sign of pregnancy. It’s very difficult to escape the

attention of us family planning workers. No one has ever become pregnant without one of us finding out.”⁵³

The State Family Planning Commission: A Bureaucratic Behemoth

At present, China boasts a total of 520,000 family planning staff⁵⁴ who are deployed throughout the nation, from Beijing to villages around the country, and who exercise a wide latitude of authority to authorize or deny births, impose fines, and imprison violators and their family members. This huge army reduces China's birth rate by 300 million. But how much do the people have to pay for this? If one family planning cadre is paid 10,000 RMB annually, 520,000 family planning cadres waste 5.2 billion RMB annually. This figure does not take into account the whole expenditure, such as their bonuses and bribes they take as well as expenses for family planning facilities. If a school can be built with 200,000 RMB, this could be used to build 26,000 schools for 5.2 million children (each school with the capacity for 200 children). The compulsory family planning policy has been implemented for 23 years. How many schools failed to be built and how many children cannot go to school because of that 5.2 billion RMB x 23? If the entire 5.2 billion RMB x 23 were used to make education universal, the effect would be far better than the compulsory family planning policy. As we know, voluntary birth plans are closely related to level of education. With a higher level of education, fewer children are born. Statistics show that ‘an illiterate couple will have, on average, 5.86 children, a couple that has completed junior high school will have 4.8 children, a couple that has graduated from high school will have 3.74 children, and university graduates will have 2.05.’⁵⁵ At present, China's education rate is only 90 percent; with 10 percent unable to attend schools. Also, “universality” is exaggerated: students have to pay tuition, utilities and countless other expenses, which is a considerable burden for economically stretched families, and children in needy families can only lament their situation. Therefore, salaries for China's 520,000 family planning cadres, as well as other family planning expenses, actually rob a tremendous number of children of their educational opportunities, and that part of the population deprived of education in turn causes more social problems.

This does not exhaust the whole issue. The 520,000 family planning

⁵³ Hartman, 162

⁵⁴ “China's 520,000 Family Planning Ranks, from ‘Management’ to ‘Service’”, 12/13/2002, China Internet Information Center. www.china.org.cn

⁵⁵ China 1990 Census Data.

cadres are actually tools for extorting money from the people. In the fine records for Yonghe Town, Jinjiang City, Fujian Province we can see the following figures: in the seven years from 1989 to 1996, 8,232 persons in the town were imposed fines, which were collected from 7,580 persons; of fines in the amount of 20,323,200 RMB, 12,343,610 RMB was collected; fines range from 50 RMB for failure to be present at a ring checkup to 20,000 RMB for an excess birth. Such fines have been on the rise over the years. In 1989, 3,665 persons were imposed fines in the total amount of 1,800,700 RMB, and in 1996 only 105 persons were imposed fines, but the total amount escalated to 3,673,660 RMB. While in 1989 an average of 491 RMB was imposed on each of 3,665 persons, seven years later the amount rose to an average of 34,987 RMB each on 105 persons, i.e., it rose 71 fold in seven years. A portion of the fines was turned over to the state treasury, thus adding to the state's revenue. Another portion was used to encourage those involved in family planning policy enforcement, including even policemen in local substations. As for bribery and extortion, these are imposed on the people at will and are unaccounted for. Many family planning cadres are parasites in the real sense of the word. Authorized by the government, they are reliable tools for extorting peasants, sponging the last penny from poverty-stricken people. The 2002 *Law of Family Planning* calls "out-of-plan birth fines" "social-maintenance charges" that are imposed on families for violating the family planning law. This legalizes huge fines. Methods of fine collection differ from place to place. In Shanghai, a family that violates the family planning policy can be fined in the amount of six times their annual income.

Consequences for Hong Kong and Taiwan Citizens

As illustrated above by the situation of Mr. Ou, a Hong Kong resident who married a Guangdong woman, China's family planning policy does not discriminate with regard to Hong Kong or Taiwanese (ROC) citizens. In other words, they are also subject to the policy. As many Taiwan citizens work or conduct business in mainland China, increasing numbers of Taiwan citizens are marrying mainlanders. Such trans-strait families are not immune to China's severe family planning policy. At a 2002 press conference, the Taiwan Straits Exchange Foundation (SEF) pointed out that it had handled six complaints since 2001. It reported how the rights of cross-strait families had been infringed upon by the family planning policy, and how wives who had given birth to one child were required to undergo a pregnancy checkup. If a pregnancy was detected, said SEF, they were

required to undergo an abortion or sterilization; if they had given birth to two children, their children's lawful documents in mainland China would be revoked. SEF was of the opinion that all children of trans-strait marriages should be Taiwan citizens and should be immune to the family planning policy, and said that what mainland China was doing was seriously infringing upon the rights of Taiwan citizens.

Chapter Five

Family Planning Policy and Its Social Effects

Impact on Women’s Health

One of the most serious consequences of China’s population policy is its effect on women’s health. The onus of using birth control and being sterilized falls almost completely on women. Forced, late-term abortions carry significant health risks, especially when performed in poor sanitary conditions. The SPFC pushes “the four operations”, which include IUD insertion, tubectomy, vasectomy and abortion. These permanent or semi-permanent operations account for almost 90 percent of all contraceptive use.¹

The Aging of China’s Population

Table IV. Data Comparison of Censuses Conducted Since the Implementation of the One-Child Policy²

	2000	1990	1982	1990 Compared to 1982			2000 Compared to 1990		
	Total	Total	Total	Increase	Rate of Increase	Annual Rate of Increase	Increase	Rate of Increase	Annual Rate of Increase
Total	1.266 billion	1.134 billion	1.008 billion	135.5 million	12.45%	1.48%	132.2 million	11.66%	1.07%

The rapid decline of China’s total fertility rate to an average of 1.8 in the time period from 1996 to 2000 children has significantly decreased population growth. Yet, the realization of this achievement in such a short time has brought a new demographic dilemma that Western European nations will soon face as well. As China’s population growth continues to decline, its population will age. While the implications of such a demographic shift are outside the scope of this work, it is worthwhile to engage in a cursory discussion of the implications. For Europe, which

¹ Hartman, 166

² *Population Growth During Five Censuses*,
<http://www.shfpc.gov.cn>

enjoys a higher per capita GDP, this problem already presents a serious challenge in terms of maintaining social benefits and pensions. For China, which has a much smaller per capita GDP, it is a much more serious problem.

Table V: Data on China's 2000-2050 Population Statistics³

	1990	2000	2010	2020	2030	2040	2050
Aged 0-4 (%)	10.3	7.6	6.7	6.3	5.5	5.5	5.3
Aged 5-14 (%)	17.4	17.3	13.5	12.8	11.8	10.9	11.0
Aged 15-24 (%)	21.8	15.6	16.0	12.7	12.4	11.7	11.0
Aged Over 60 (%)	8.6	10.1	12.3	16.7	23.3	27.3	29.9
Aged Over 65 (%)	5.6	6.9	8.1	11.5	15.7	21.4	22.7

Chinese scholar Wang Jianxin believes that the fantastic reduction in China's reproduction rate (it is below 1 in Beijing and Shanghai)- is a serious problem for China:

The one-child policy is the major factor responsible for the rapidly aging population in China. The coercive nature of population control has led to the rapid decrease of the birth rate, which in turn has accelerated the relative growth of the aging population.

Today, in most developed nations, seniors comprise about 14 percent of total population (16.2% in Japan) at a per capita GDP of over \$36,000. In 20 years, China's seniors will reach that proportion of the population, but at a much lower level of economic development. China's the excessively rapid aging rate will pose bigger problems than in developed nations. China sees its huge population as a Damocles sword hanging over its socioeconomic development. Moreover, the specter of the aging population is just emerging, and the fact that it is not yet an imminent threat does not mean it will not be a problem in

³ UNO Population Website: Predicted Classified Indexes.
<http://www.esa.un.org/unpp/index.asp?panel=3>

the future.⁴

In the year 2000, ten percent of China's population was aged 60 or higher, and seven percent were over the age of 65.⁵ In 2030, these figures will rise to 23 percent and 16 percent, respectively. This doubling of the senior population within 30 years will pose a serious challenge to China's economy.

In urban areas, the number of seniors is rising even faster. For example, in 1992, the over-60 population in Shanghai was approximately two million. By 2030, 4.6 million Shanghai citizens will be over the age of 60, which translates into almost one-third of Shanghai's entire population.⁶

At the Fifth Annual Asia-Pacific Population Conference, held in Bangkok in 2002, the Chinese government expressed its concerns about China's changing demographics:

The Chinese population is aging under the conditions of a less-developed economy. The senior population is growing fast, in absolute terms, which creates a problem in providing for them. In urban areas, most senior citizens enjoy pensions, which are impacted by such factors as worker productivity and price fluctuation, and hence seniors' quality of life can fluctuate significantly.

In rural areas, seniors are mainly provided for by their families. Therefore, their quality of life is not affected by how the rural areas develop economically, but by how their children can provide for them. Medical care for seniors, particularly in rural areas, is not sufficient. Thus, in the process of interest adjustment during socioeconomic transformation, seniors face the heightened prospect of poverty.⁷

The slow aging of Europe's population is due primarily to the decline in total fertility rate as a result of economic growth. However, the relatively

⁴ Wang, Jianxin "On Birth Policy and Ageing of Chinese Population." *Population Research*, Issue 2, 2000.

⁵ UN Population Website: Predicted Classified Indexes.
<http://www.esa.un.org/unpp/index.asp?panel=3>

⁶ World Population Website: "Aging of the Shanghai Population", by Zhang Kaiming and Chen Jiahua.
<http://www.shfpc.gov.cn>

⁷ State Report by China's Representative at the Fifth Asia-Pacific Population Conference, December 16, 2002. <http://www.sfpcc.gov.cn/cn/news20021220-1.htm>

rapid aging of China's population is caused primarily by population policy. The dramatic drop in China's total fertility rate in the 1970s, combined with the maintenance of a low fertility rate during the one-child policy, has led to an unprecedented shift in demographics. China's aging population, coupled with an incomplete social security system and incomplete economic development, is bound to cause serious economic challenges. In fifty years, China's primary population concern will no longer be how to contain growth, but rather how to provide for its elderly, and how to address a shortage of labor.

Chi Hung Kwan, a senior fellow at the Research Institute of Economy, Trade and Independent Administrative Institutions, believes that China will become less economically competitive as a result of the implementation of the family planning policy:

Since opening up its economy, China has realized an annual economic growth rate of nearly 10 percent; one of the main contributing factors to this success is its abundant, cheap labor. However, since the implementation of the one-child policy, China has experienced a gradually declining population growth rate, from an average of 6.1 percent in 1965-1970 to 1.8 percent in 1996-2000. As a result, manpower as a proportion of its population will decrease from the current 65 percent to well below 55 percent.

Reduced manpower will limit economic growth in two ways. First, as a direct factor, this will lead to the slower growth of manpower put into production. Second, as the population structure rapidly changes and society rapidly ages, this may lead to a reduced savings rate, which means a decrease in the total amount of funds for investment. Therefore, reduced population growth may become the vital factor responsible for reduced economic growth.⁸

The Chinese government maintains that excessive population growth is an obstacle to continued economic development, and has thus set out to drastically reduce its birthrate. However, researchers outside China believe that China's (vast and cheap) labor supply was a critical factor in its rapid

⁸ Chi Hung Kwan, "Manpower Supply Will Limit China's Medium and Long Range Economic Growth", Research Institute of Economy, Trade and Independent Administrative Institutions, Japan March 1, 2002.
<http://www.rieti.go.jp/users/kan-si-yu/cn/c020301.html>

economic growth over the last 20 years. They predict that the current population policy could very well negatively impact China’s future economic development. Such conjecture is not necessarily alarmist. The negative impact that such a dramatic shift in population demographics exerts on a society’s economic development is evident.

Table VI: Negative Growth of China’s Total Population and Working Population



On April 19, 2004, the Prudential Foundation issued a report authored by Richard Jackson and Neil Howe of the Center for Strategic and International Studies (CSIS) entitled *The Graying of the Middle Kingdom*. The report says that in 2040, China will have an aging population of 397 million. In a society that lacks a welfare and care plan for seniors, this will be a catastrophic situation.

The Gender Imbalance- Causes and Implications

Perhaps the most documented effect of the one-child policy is the gender imbalance it has created. While the world’s overall male-to-female birth ratio, which measures the number of males born for every 100 females born, is 106 males, China’s ratio was calculated in 2000 to have reached about 117. When this ratio is superimposed on China’s massive population, the imbalanced ratio translates into almost about 900,000 “missing” baby

girls per year.⁹

While China's male-female sex ratio has traditionally been tilted toward males, 30 years ago it was only slightly higher than the world average. However, since the advent of the one-child policy, the imbalance has grown steadily with each study or census conducted. Table VII shows a progressive increase in the ratio imbalance since the implementation of the one-child policy.¹⁰

Table VII. China's Male-Female Sex Ratio, By Year

Year/Data Source	M/F Sex Ratio at Birth (Males per 100 females)
1982 Third Census	108.5
1987 Population Sampling Investigation	110.9
1990 Fourth Census	111.3
1995 Population Sampling Investigation	115.6
1999 Chinese Academy of Social Sciences	120
2000 Fifth Census	116.9

Influenced by traditional culture and socioeconomic conditions, many Chinese families, especially in rural areas, insist on having at least one male child. They will not stop having children until they achieve their goal. Despite the biological facts of procreation, which place the onus of sex selection on the male, women heavily bear this responsibility in China.

In some areas the male/female infant ratio imbalance is even greater. According to the 2000 census, with the exception of Tibet and Xinjiang, every province in China exceeded the world average in terms of the male/female ratio. The ratio was most imbalanced in the following nine provinces/autonomous regions: Fujian, Shaanxi, Guangxi, Hunan, Anhui, Hubei, Guangdong, and Hainan. The imbalance was highest in Hainan and Guangdong, with ratios of 135.6 and 130.6, respectively.

The discrepancy between Han-majority and non-Han provinces is striking: The sex ratio at birth in Tibet and Xinjiang, despite their rural composition and underdeveloped economy, is lower than the world's average. This could be accounted for by two factors: a more lenient population policy toward China's minorities, and significantly less cultural pressure on families to have male offspring.

⁹ *South China Morning Post*, 11/15/2001.

¹⁰ The discrepancy between the 1999 Academy of Social Sciences survey and the Fifth Census can be attributed to the differences in samples.

Table VIII: Male-Female Birth Ratio, By Province

Male births per 100 female births

Baby Boy-Girl Ratio	Location
Under 103	Tibet
103	Xinjiang
107	Guizhou, Inner Mongolia, Yunnan, Ningxia, Heilongjiang
110	Qinghai, Beijing, Shanghai, Jilin, Shandong, Tianjin, Shanxi, Liaoning, Hebei, Zhejiang, Jiangxi, Gansu, Chongqing
116	Sichuan, Jiangsu, Fujian, Henan
Over 120	Shaanxi, Guangxi, Hunan, Anhui, Hubei, Guangdong, Hainan

Source: *National Statistic Bureau*¹¹

Generally speaking, urban couples, despite cultural predilections, are perhaps less willing, able, or desperate to go to the extreme measures to have male offspring, or to conceal female births. Also, their reliance on the state for income and social benefits makes them less willing to violate population policy. The reliance on the state for old age insurance also lessens the pressure they feel to have male offspring; they can rely on the state instead of on their sons. Table IX shows that the male-female sex ratio at birth varies significantly in urban and rural areas.

Table IX: Gender-Birth Ratio According to Population Density

	<i>Male births per 100 female births</i>				
	Average	Cities	Towns	Villages	Townships
Beijing	110.56	112.98	109.59	104.89	112.57
Tianjin	112.51	106.39	111.97	120.16	108.45
Hebei	113.43	109.63	112.87	114.30	110.79
Shanxi	112.52	108.90	114.56	113.13	111.22
Inner Mongolia	108.45	106.30	106.22	110.12	106.27

¹¹ *Babies' Boy-Girl Disproportion Consistently High*. National Statistic Bureau.
http://www.chinapop.gov.cn/population/population_detail.asp?populationID=1

Liaoning	112.83	110.27	114.92	114.24	111.33
Jilin	111.23	110.78	111.14	111.55	110.90
Heilongjiang	109.71	109.92	109.38	109.69	109.74
Shanghai	110.64	110.52	111.60	110.30	110.69
Jiangsu	116.51	111.81	116.86	118.52	113.83
Zhejiang	113.86	110.88	115.67	114.57	112.98
Anhui	127.85	113.33	124.98	130.87	118.80
Fujian	117.93	113.83	117.10	119.54	115.43
Jiangxi	114.74	113.04	107.42	116.37	109.87
Shandong	112.17	109.02	111.24	113.61	109.86
Henan	118.46	112.86	122.41	118.97	116.47
Hubei	128.18	120.94	125.58	132.36	122.48
Hunan	126.16	115.92	122.21	138.96	118.63
Guangdong	130.30	124.47	133.38	132.48	127.71
Guangxi	125.55	117.16	127.41	126.48	122.62
Hainan	135.64	140.52	139.52	132.79	140.04
Chongqing	115.13	107.33	110.29	118.09	108.56
Sichuan	116.01	109.72	110.32	118.16	110.01
Guizhou	107.03	105.56	112.01	106.57	108.93
Yunnan	108.71	104.27	104.74	109.72	104.55
Tibet	102.73	102.87	103.82	102.61	103.45
Shaanxi	122.10	115.26	113.99	125.61	114.68
Gansu	114.82	113.38	120.86	114.75	115.09
Qinghai	110.35	105.72	106.17	111.87	105.91
Ningxia	108.79	105.08	104.82	110.07	104.98
Xinjiang	106.12	107.11	105.10	106.02	106.38
Total	116.86	112.81	116.51	118.08	114.31

Source: *National Statistic Bureau*¹²

Table X highlights the pressure the one-child policy places on Chinese families. As the birth parity increases and therefore their opportunity to have another child decreases, families are more desperate to have a male offspring. As a result, the gender imbalance increases significantly with

¹² Ibid.

each step of the birth order. Indeed, China’s sex ratio at birth for first-order offspring is only slightly above normal.

As stated previously, families want to have both a boy and a girl. This indicates that parents are willing to have female children, as long as they can have a male child. According to the 1990 census, the 1995 Population Sample Investigation and the 2000 census, the male-female birth ratio was even more imbalanced for second births.

Table X: Male-Female Birth Ratio, By Birth Order

Male births per 100 female births

Year	Total	First Birth	Second Birth	Third Birth or Higher
1990	113.3	105.2	121.0	127.0
1995	115.6	106.4	141.1	154.3
2000	116.9	107.1	151.9	159.4

*Source: National Statistic Bureau*¹³

Three Reasons for China’s Gender Imbalance

Extensive data and research shows that China has a population imbalance that is getting worse with time. Traditional values, coupled with the one-child policy, create an environment that encourages the gender imbalance.

Researchers have established three principal reasons for the gender imbalance: sex-selective abortion, female infanticide and neglect, and finally abandonment and underreporting.

1. Prenatal Screening and Sex-Selective Abortion

Most demographers believe that sex-selective abortion plays a primary role in creating China’s sex ratio imbalance. Couples use either ultrasound machines or amniocentesis tests to determine a fetus’s gender. However, this practice is illegal. Doctors and other medical providers are legally not permitted to perform these tests or otherwise inform an expecting couple of their unborn child’s gender. Article 35 of China’s *2002 Population and*

¹³ Ibid.

Family-Planning Law stipulates:

Use of ultrasound equipment and other means for determining a fetus's gender that is not required for medical purposes, is strictly prohibited. Artificial pregnancy termination based on gender, and not required for medical purposes, is strictly prohibited.

In 2002, the Chinese government also made public the *Regulations Prohibiting Fetus Gender Identification and Artificial Pregnancy Termination Based on Sex Selection Not Required for Medical Purposes*. The regulations prohibit gender identification and artificial pregnancy termination based on sex selection not required for medical purposes, and state that "no organization or individual shall determine the sex of a fetus or selectively terminate a pregnancy without approval by medical administrative or family planning administrative departments". In addition to these laws, the State Family Planning Commission discourages the practice of gender identification and sex-selective abortion through education and propaganda.

Despite the government's efforts, the practice of sex-selective abortion remains. According to Zeng Yi, a one-time Peking University population expert now at Duke University, "Abortion based on gender selection reduced the number of girls expected to be born by one-third, even one-half."¹⁴ Couples determined to have male offspring are able to determine a fetus's sex and have an abortion. Family planners, who are eager to reduce population growth, are unlikely to prohibit an abortion simply because they fear it is due to gender. Indeed, our research has not been unable to uncover any instance of prosecution or punishment for such activity. Most couples have a sex-selective abortion after using prenatal screening. Over 10,000 ultrasound machines are produced in China yearly.¹⁵ Screening can cost as little as \$4. In Zhanjiang, a city in Guangdong province, over 70,000 women engaged in prenatal screening from 1997 to 2003.¹⁶ While data is unavailable to determine how many of these women went on to have an abortion, the city experienced a male/female birth ratio of 147 during this period.¹⁷

Chen Xin, vice director of the Maomin Statistic Bureau in Guangdong

¹⁴ *South China Morning Post*, November 15, 2001.

¹⁵ Hartman, 166

¹⁶ "Male Preference Leads to Male-Female Disproportion," *Zhongguo Xinwen Wang (China News Online)* March 5, 2003. <http://www.chinanews.com.cn>

¹⁷ Ibid.

Province, believes that individuals in certain places, in their effort to have male offspring, deliberately conceal births of girl babies. Some individuals use ultrasound equipment and other medical services in order to have a gender-selective abortion. Discrimination against girls leads to a high infant mortality rate and the drowning of girl babies.

According to Cai Zhongyou, a technician at the Zhanjiang City Infant Screening Center, testing for X chromosomes in fetuses' cells obtained from amniotic fluid samples, as well as other methods, make early fetal gender identification and sex selection possible. According to Cai, the amelioration of the vaginal cavity with alkaline solution can also enhance the prospects of having a male offspring. In many places, ultrasound devices can be bought with 10,000 RMB. Some private physicians make money with the devices.

Cai is concerned about gender identification through the use of ultrasound equipment. He and his colleagues witnessed how, in Leizhou City, Guangdong Province, private physicians were busy from morning till night carrying out sex identification screening, and this practice can be seen even in some tiny clinics in Maomin.¹⁸

2. Underreporting

Perhaps the most significant cause of China's imbalanced male-female sex ratio is the underreporting of births. China's population policy certainly engenders poor statistical data collection on two fronts. First, families are hesitant to register or report an out-of-plan birth for fear of being fined or receiving other forms of punishment. Other families housing illegally adopted children also face the risk of punishment from family planning authorities. Meanwhile, family planning officials have an interest in making sure data conforms to their population targets. These two factors contribute to the underreporting of births and the overall population.

For the year 1989, [China's] family planning statistics recorded only 269,000 early marriages (with underage brides) and 2.6 million unplanned births, while the 1992 survey gave 2.6 [million] and 11 million respectively: a coverage loss of almost 90 percent of early marriages and 75 percent of unplanned births in the SFPC registration data.¹⁹

¹⁸ Ibid.

¹⁹ Attane and Sun. "Birth rates and fertility in China. How credible are recent data?" *Population: an English selection*, Vol. 11 (1999): pg. 253.

Intuitively this makes sense, and is confirmed by other sources as well. "The births registered by the SFPC represent 99 percent of first births, but only 56.4 percent of second births and 18 percent of third and higher order births." Systemic undermining of data collection is apparent as well: "Officials have instructed respondents to underreport recent births in areas where fertility remained higher than the target figures, or have prepared answers for respondents to submit."²⁰ The results of a six-year survey of three Shaanxi villages found underreporting accounted for only 10 percent of the missing girls, suggesting that the rest were abandoned, died of neglect or were victims of human trafficking.²¹

3. Infanticide and Neglect

*"A tradition of infanticide and abandonment, especially of females, existed in China before the foundation of the People's Republic in 1949... but the practice was largely forsaken in the 1950s, 1960s and 1970s."*²²

After the 1949 revolution, infant abandonment declined until the adoption of the one-child policy. Extensive work on infant abandonment and adoption was completed by sociologist Kay Johnson et al (1998), who cite documents from the Hunan Province Civil Affairs Bureau:

"Those in charge of welfare centers said that their work provided a kind of barometer for birth planning efforts. When efforts were intensified in a particular area, the number of abandoned children entering the welfare centers increased in direct proportion."²³

Evidence indicates that abandonment is a rural affair. "More than 95 percent of the abandoning families and about 85 percent of adoptive families lived in rural villages or towns."²⁴ The vast majority of abandoned infants in China are female. In Johnson's research, almost 90 percent of all

²⁰ Merli, M. Giovanna and Raftery, Adrian E. "Are Births Underreported in Rural China? Manipulation of Statistical Records in Response to China's Population Policies." *Demography*, Vol 37, No.1. (Feb. 2000): pg. 109-126.

²¹ Human Rights in China. <http://iso.hrichina.org/iso/>

²² Zeng Yi, Tu Ping, Gu Baochang, Xu Yi, Li Bohua, and Li Yongping, "Causes and Implications of the Recent Increase in the Reported Sex Ratio in China," *Population and Development Review* 19, no. 2 (June 1993): pg. 283-302.

²³ Johnson, Huang and Wang "Infant Abandonment and Adoption in China" *Population and Development Review* 24(3) September 1998.

²⁴ Johnson, et al, pg. 471

abandoned children were girls. This figure holds true in other areas of China. Between 1986 and 1992, 92% of the 16,000 children abandoned in Hunan were female.²⁵

As previously discussed, infanticide is occasionally carried out by family planning officials and doctors under their direction as the ultimate means of “preventing a birth”. Due the fact that propaganda authorities discourage reporting on infanticide, and to the illicit and personal nature of the act, statistics on infanticide are not available. Most demographers believe that infanticide is not as significant a factor in the male-female sex ratio imbalance when compared to sex-selective abortion, abandonment and underreporting. However, a study by Zeng Yi et al (1993) concludes that infanticide accounts for approximately five percent of the imbalance²⁶, which translates to approximately 2.5 million instances of infanticide over the past several years.

In a survey publicized in January 2001, in some remote or impoverished areas where potential parents are unable to pay for ultrasound tests, or the test results are inaccurate, committing infanticide against female newborns is used as a last resort. Human Rights in China, in its report *Population Policy and Discrimination Against Women and Girls* (1999) recounts the story of one peasant in northeast China “who had suffocated his two daughters in order to start a new family with a son. ‘I was unable to continue the family line for my ancestors. What a sin!’”²⁷ However, neglect is a much more significant factor than infanticide. In one study completed in 1994, statistics indicated that with regard to infant deaths in rural areas, “60 percent of deceased male children had been taken to the hospital in the 24 hours before their death, as opposed to 40 percent of female children.”²⁸

The work on infant abandonment and adoption done by sociologist Kay Johnson et al shows that birth order and sibling composition are extremely important factors when determining if a child will be abandoned. Over 87 percent of the female infants abandoned had no brothers. The primary reason cited by parents for abandoning their female offspring was the desire to have a son, which would not be allowed if population control officials discovered they had given birth to a daughter. When sons were already present in the family, parents cited the desire to avoid a steep

²⁵ Human Rights in China, 1999. <http://iso.hrichina.org/iso/>

²⁶ Ibid.

²⁷ Human Rights in China, 1999. <http://iso.hrichina.org/iso/>

²⁸ Jiang Feng, (1995) “Nuxing de jiankang yu baojian” (Women’s Health and Health Care.) In Zhang Ping (ed.), *Zhongguo funu de xianzhuang* (Present Situation of Chinese Women), Beijing: Hongqi Chubanshe: 98-160: pg. 104; cited in Finnane, Antonia, *Dead Daughters, Dissident Sons, and Human Rights in China*.

economic penalty.²⁹ The one-child policy is the primary reason these children are being abandoned.

It is relatively rare for a female child to be abandoned if it is the first girl to be born in a family, regardless of birth order and number of male siblings. Families do not abandon girls unless they feel it is necessary to have a male offspring or evade a steep penalty. According to the Johnson et al study, most would not abandon their daughters in the absence of the population control policy.

Of course, the availability of prenatal screening and sex-selective abortion obviates the need for many families, who may otherwise abandon their infant daughters. Yet, most Chinese want to keep one daughter, and would otherwise keep two, were it not for the one-child policy. However, abandoning a daughter, if undetected, allows parents to continue attempts to produce male offspring and avoid fines for out-of-plan births.

According to the law, child abandonment is illegal, but prosecution of abandonment is extremely lacking. All of the participants in Johnson's study had been discovered by authorities. Yet only 25 percent of these couples were punished. Punishment included fines and sterilization for the birth mother. In these cases, most were treated as violations of family planning law, not criminal law.

At this point, the reader may ask how abandonment affects the male-female sex ratio. Abandoned children are at a significant health risk, and an even greater risk of not being registered. Of those children that make it to orphanages, up to half of them die within their first few months.³⁰

The missing girls suffer discrimination in a number of ways. If they are not officially registered, they lack access to schooling and services. If they are abandoned as infants, they are often weak and ill by the time they reach an orphanage, and it is difficult to find adoptive parents who are willing to finance the medical care needed to save them.³¹

Sadly, the females "missing" in the sex ratio at birth during the Deng years did not reappear in later statistics.³²

The one-child policy currently discourages legal adoption of children by Chinese by treating adoptions as no different than a birth. Thus, a family

²⁹ Johnson

³⁰ Johnson

³¹ Hartman, pg. 167

³² Hartman

may only adopt a child if it conforms to the one-child policy. Violators, who adopt “out of plan”, are treated as if they have had a non-approved birth, which would make them subject to significant fines and sterilization. This policy is intended to prevent the circumvention of the one-child policy. The government worries that if it were to liberalize adoption policy, families could pass on their “black children*” (*heihazi*) to relatives or neighbors who could then in turn officially adopt them.

According to the adoption law and family planning regulations, couples who have their own children are prohibited from adopting children, and the adoption of a child is treated as a non-approved birth. Abandoned children that were adopted by individuals before the one-child policy was implemented must be taken care of by civil administration organizations, which are complaining about a lack of funds and the increasing numbers of abandoned babies under their care. For example, in Wuzhou, during 1989 and 1990, 250,000 RMB was spent on care for orphaned children. In one of its townships, abandoned babies sent to the civil administration department were denied admittance because of a lack of funding, and the township government office was left with no choice but to send the babies to retirement homes be taken care of by the infirm seniors.³³

A similar case can be found in Gao Xiaoduan’s records. Cai Mingxian and Cai Yinting, a kind-hearted and well-to-do couple with their own boy in Yonghe Town, was singled out for adoption. On August 12, 1997, a woman caught them off guard and put her two-day-old girl at their doorstep. Out of compassion, the Cai family adopted the baby. The family planning unit, aware of the situation, escorted the wife to be sterilized, imposed a 20,000 RMB fine for a non-approved birth, revoked their single-child certificate, and stripped them of all single-child benefits; and a 1,000 RMB fine was imposed on the family planning cadre responsible for their jurisdiction (see appendix).

In the United Kingdom, *The Mirror* of February 13, 2001 printed a series of photos showing how a newborn baby girl in Hunan who was

* In Chinese, the word “black” (*hei*) is often used to connote illegality, e.g. *heishehui* (black society), which is the Chinese word for mafia.

³³ Li Chuanshui. “Why is Child Abandonment Not Duly Cracked Down Upon?” *Shenzhen Legal Daily* January 28, 1993.

abandoned in a street, naked, and who had frozen to death. *Marie Claire* magazine also reported on this story in June 2001. Only three hours after the photographer reported this to the police was the baby carried away. Almost no passers-by paused and inquired about the baby. Brits and Americans who read reports about this incident were shocked by the photos and criticized China, saying that its inhuman family planning policy leads to many abandoned girl babies, rendering the Chinese callous and indifferent to human life.³⁴ The CARE organization in the United Kingdom called for support of the “International Development Bill” to seek new norms and to curb the expenditure of British aid funds on China’s family planning policy which it charged ignores basic human rights.³⁵

The following is a typical incident involving a peasant by the name of Liu in Anhui Province:

“A woman who doesn’t have a son is ridiculed not only by her husband’s mother, but by all villagers, because everybody thinks it is a woman’s obligation to have a son,” said Liu, a peasant woman of 36, who preferred to remain anonymous, and who gave away her second daughter for fear that family planning cadres in the village might know she had given birth to a second girl.

Last year’s census showed that many girls in China had “disappeared” for no reason. The government was shocked and was obliged to postpone announcing its census data. This shows how serious the problem is. According to experts who had access to the data, last year’s census showed that girls born last year numbered 900,000 fewer than the expected number born... In its 1997 report, the World Health Organization pointed out that approximately 50 million girls had disappeared in China since similar problems had emerged there in the early 1980s.”³⁶

Foreign Adoption and the One-Child Policy

As a result of a surplus of abandoned children, China has become a leading source of international adoptions. According to the organization “Families with Children from China”, from 1993 to 2003, over 20,000

³⁴ “Dead Newborn Infant Lies In Gutter Like Trash In China”. *Marie Claire*, June 2001.

<http://www.taliacarner.com/deadnewborningutter.htm>

³⁵ “Seeking an End to China’s One-Child Policy”. CARE (London), <http://www.care.org.uk/>

³⁶ *South China Morning Post*, November 15, 2001.

Chinese babies have been adopted by American families, 95 percent of which are female. In 1989, only 201 Chinese babies were adopted by American families. This number rose sharply to 4,681 in 2001.³⁷ However, Chinese law placed many restrictions on adoption by foreigners, limiting their ability to help ameliorate the situation.

Out of compassion, many American families still adopted abandoned Chinese children. China, happy to see foreigners helping resolve its problems, simplified adoption procedures and increased the ease by which babies could be taken out of China. In 2001, 19,137 foreign babies were adopted by American families. In 2002 the number was 20,099, with Chinese babies outnumbering those from other countries: 4,681 in 2001, and 5,053 in 2002, marking a 7.36 percent rise.³⁸

Table XI: Top Ten Countries of Origin of Children Adopted by U.S. Families³⁹

Country	2001	2002	Percent of change
China	4,681	5,053	+7.36
Russia	4,279	4,939	+13.36
Guatemala	1,609	4,939	+27.49
S. Korea	1,770	1,779	+0.51
Ukraine	1,246	1,106	-11.24
Vietnam	737	766	+3.79
Kazakhstan	672	819	+17.95
India	543	466	-14.18
Columbia	266	334	+20.36
Bulgaria	297	260	-12.46

Of the top ten countries in 2001/2002, China's economy developed the fastest, but China has also exported more abandoned babies than the rest, which is extremely abnormal. In China, the number of abandoned "surplus girl babies" has risen in proportion to China's economic development. China claims to have solved its problems of feeding and clothing a population of 1.3 billion people, but meanwhile, it produces countless abandoned babies and exports thousands of them as the result of implementing its population policy.

³⁷ "China Eases One-Child Policy". <http://www.adoption.about.com>

³⁸ "Trends in International Adoption: 2002". <http://www.adoption.about.com>

³⁹ Ibid.

The average cost to an American family adopting a Chinese baby is US\$15,000, which includes adoption charges and travel expenses. The waiting process usually takes one year, with an additional two weeks to travel to China and back.

The following is typical of many adoption cases: Vicky and her husband, who are from upper New York State, have a grown-up son. Upon learning that many Chinese girl babies were being abandoned because of China's family planning policy, in 1997 they adopted a girl from a Chinese orphanage. In 2001, they adopted another abandoned Chinese girl. The story of their family has been reported on many times by Chinese-language and English-language media in China.

As increasing numbers of Chinese baby girls are being adopted, more and more drama is taking place in adopting families. The newsletter of the Arizona chapter of "Families with Children from China" reported a shocking story: in August 1998, Bonnie J. Ward adopted a girl from China's Hunan Province. In 2002, she adopted another girl from the same province. Struck by the two girls' similarities, a DNA test was conducted at her request, confirming her sweet but sad expectation: the two girls were siblings! Apparently, the girls' biological parents had abandoned their own daughters at least twice.

Fortunate is the abandoned child who can be adopted by new parents, to enjoy life in a nice new home and to receive a good education. However, a foster parents' love for her and the material goods enjoyed in a well-to-do family do not necessarily make up for psychological deficiencies. We can only imagine how resentful these adopted girls will be, and how they will think of the Chinese government once they understand they were abandoned because of the family planning policy.

In February 2002, both Chinese and foreign media covered a story that touched people's hearts: Kailee Wells, an abandoned Chinese girl adopted by American parents, was diagnosed with aplastic anemia. Efforts were made to find her biological parents, as their bone marrow would have provided the best hope for a bone marrow transplant. All endeavors to find them were futile. Four months passed, and neither her biological parents nor any other match were found, and it was thought that she had only a few weeks left to live. At the time of this writing, Kailee's family and friends are preparing seven-year-old Kailee for an upcoming bone marrow transplant in late summer as recommended by her doctors, and they continue to struggle with the treatment and setbacks of the disease. She would have only a 20 to 25% chance of survival with the present 8-out-of-10 poor bone marrow match that has been found, and her parents want to wait until they find a

better match.⁴⁰

The family planning policy is exacerbating a disproportionate ratio of boys to girls in China, and the nation is exporting huge numbers of “surplus” babies. This raises the question of whether China, where the economy is developing at a high speed, is really unable to keep these abandoned babies. To build up its image as an international metropolitan area, China squanders billions of RMB. In Shanghai, it has constructed a magnetic-levitation railroad that is flashy but impractical, while at the same time claiming it has no money for countless abandoned babies. Thus for China, which earns foreign currency by whatever means possible, the exportation of abandoned babies is a profitable business indeed.

⁴⁰ Website of Kailee Wells, <http://www.kaileegetwells.com/index.htm>

Chapter Six

The One-Child Policy and Its Consequences

Population control cadres hold great power over people's lives, property and privileges, and may randomly impose fines, leaving violators' families with no choice but to be helpless victims. Thus, the privileges of family planning cadres ultimately lead to corruption.

At the same time, driven by a desire and need to have male offspring, couples have children out of plan. The principal methods used are flight and bribery. Families can use bribes to purchase sterilization certificates, IUD inspection certificates, birth permits, and even a *hukou* (residence permit) for their newborn child.

Over the past several years, there has been an upsurge in the use of bribery. In 1998, the *China News Daily* reported two cases of family planning forgery in Guangdong Province. In the first case, two health center directors sold over 40 faked sterilization certificates, earning more than ¥30,000 over three years. As a result, seven women became mothers again. In another case, Baiwan Public Health center Director Xu Shibing sold 19 faked sterilization certificates, most of which were resold. Xu was dismissed from his position and held in custody. Yao Guirong, a doctor in Yunnan County, was given four years imprisonment for selling 18 faked certificates and performing faked sterilizations on 21 women.

There are many accounts of bribery and corruption vis-à-vis the enactment of fines. No doubt, many local-level cadres are able to parlay their authority into bribes. For example, in 2000, the Laogai Research Foundation reported the story of Zhao Ziqi, who lived in Xiashan village, located in Shuangfeng County in Hunan Province. Zhao was legally married in 1999 and applied for a permission to have his first child. The Huamen Responsibility District government approved his application form with its official seal. However, when he went to his local family planning office for the "birth permit certificate", the office tried to get more money from him and raised the application fee from ¥25 to ¥500. Zhao was unable to pay and the office denied his certificate.

In 2001, Zhao's first child was born. On April 23, the Huamen District Communist Party Committee Secretary-General He Kewei, along with 11 cadres, forced their way into Zhao's home. Zhao was working outside the village at the time. The officials destroyed all of his family's property. This

incident aroused great indignation in Zhao's village.⁴¹

Although family planning propaganda claims that the imposition of social-maintenance fees does not mean money can buy birth, rich families do have many ways to thwart the one-child policy. One method used is that of delivering babies overseas, beyond Chinese jurisdiction. More common, however, is the use of bribes given to family planning officials who provide falsified disability certificates for existing children or birth-control certificates. Over the past two decades, a new saying has emerged in China: "Have money, have children (*You qian, you haizi*)".

In Changtang Village, Guangdong Province, in 2001, Li Zhanbiao was fined 5,000 RMB for violating the one-child policy by having a second non-approved child, a daughter. No fine was imposed for the first violation, his first daughter, because he gave the village head 11,000 RMB. However, when the second daughter was born, he had no more money to bribe village cadres, and family planning cadres "caught" him and imposed a fine on him.

In 2001, Li Zuoqiu's son, who fathered a boy and two girls, was fined only 2,000 RMB. He had given 1,300 RMB to village head Li, who did all he could to absolve him.⁴²

In China, "out-of-plan" parents have no choice but to buy fake "birth-permit certificates". This gives family planning cadres the opportunity to extort bribes under the pretext of implementing state policy. The government, despite its extreme efforts to investigate and prevent non-approved births, takes a laissez-faire attitude towards family planning cadres' corrupt activities.⁴³

Fines for families with excess births were first imposed as "out-of-plan-birth charges", now called "social-maintenance charges", as noted previously. To date, the highest fine recorded was 500,000 RMB, which was imposed on a Shandong couple who had two boys and then gave

⁴¹ "Family Planning Cadre in Hunan Destroys House When He Cannot Obtain Bribe", 5/31/2002. Laogai Research Foundation website, www.laogai.org

⁴² "You Qian, You Haizi (Have Money, Have Children)", BBS forum. Guangdong renkou yu jihuashengyu luntan zhongxin (Guangdong Province Population and Family Planning Forum). <http://www.gdpc.gov.cn/BBS/INDEX.ASP>

⁴³ Ibid.

birth to a third child.⁴⁴ In Wuxi, Jiangsu Province, a couple had one girl, adopted a boy, and gave birth to another boy in hiding in another location, and were charged a 420,000 RMB fine. They just wanted children- even at the cost of exorbitant fines.

The Trafficking of Abandoned Babies

A steady supply of abandoned babies, mostly female, but also including disabled males, has created a cottage industry for human traffickers. This is an emerging phenomenon that has caught Chinese authorities off guard. Several cases of infant trafficking have been reported across China.

On August 5, 2002 at 1:45pm, as the Guiyang-Beijing line train departed from the Changsha Railroad Station, train marshals found one man and three women carrying five girl babies in the No. 13 car. One of the women, with two babies in tow, seemed out of place- she did not look like a breast-feeding mother. Questioning them, the marshals concluded that the four adults were traffickers. Following clues, and assisted by Henan Province Anyang Railroad Station Police, on August 6 they arrested a trafficker named Tan, who came for the babies. The criminals confessed that the girls were to be bartered in a gold mining area in Handan City, Hebei Province.

On August 6, as the same train was approaching the Kaili railroad station in Guizhou, marshals found two female infants, both less than one month old, crying, while the two women carrying them looked nervous. Questioned by the marshals, they confessed. They had bought the two babies with 400 RMB on July 30 in Luliang, Yunnan Province, and they were en route to Taoer Town, Handan, Hebei, where they were supposed to hand the babies over as “child brides” and get 1,500 RMB per girl.⁴⁵

⁴⁴ “Shandong Couple Fined 500,000 RMB for Having Too Many Children.” Radio Free Asia, September 10, 2002.

<http://www.observechina.net/info/da.asp?ID=18732&ad=9/11/2002>

⁴⁵ “Child Brides Found on Train. Abductors Extend their Tentacles to One-Year-Old Girl Babies”. *Zhongguo Xinwen Wang (China News Online)*, August 9, 2002.
<http://www.chinanews.com.cn>

The subject of one infant trafficking case that has attracted a great deal of media attention in China is being held in a Henan court. Defendant Hou Wanli was given the death penalty for child kidnapping and trafficking. From 2000 to May 2002, Hou and his wife, Ma Qingli, allegedly sold 30 female infants from Yunnan Province, at 2,000-3,200 RMB per girl.⁴⁶

The arrest of a Kunming trafficking ring, involving over 100 children, most of them boys, who had been kidnapped and sold by abductors, was extensively covered by domestic and international media. At the time, authorities were still searching for the trafficked infants.

In 2001, Kunming City police uncovered a major trafficking operation; most of the children were three-year-old boys. The criminal gang involved as many as 22 persons, of whom seven were sentenced to death, the death penalty with a stay of execution or life imprisonment.⁴⁷

In January 2000, Guiyang City discovered a kidnapping ring that led to several arrests and freed 41 children. The following is an excerpt from a police report on the case:

This is a family crime case. A gang with Chen Qifu as its head founded a crime network of kidnapping, transporting, transferring and selling children. Chen himself was involved in abducting young innocent children. Then, he himself would sell the children, or he would have his mistresses Ying Zucheng and Qi Dengying and his brothers Chen Qihua and Chen Qishou sell them. All other defendants are also cousins or in-laws. As many as 41 children were abducted. These crimes went on for as long as three years. Twenty-four defendants were put on trial at the first hearing.⁴⁸

In November 2002, police forces in Zunyi in Guizhou Province found an eight-year-old boy who had been bartered nine times since he was three years old.

According to the Zunyi Police Department, the eight-year-old boy was kidnapped in Guizhou and first

⁴⁶ "Culprit Involved in Extensive Abduction of Babies in Henan Sentenced to Death." *Zhongguo Xinwen Wang (China News Online)*. May 5, 2003.
<http://www.chinanews.com.cn/n/2003-05-05/26/300055.html>

⁴⁷ Wen Xing. "In Kunming, 5 of 22 Involved in Huge Children Kidnapping Case Sentenced to Death" *Nanfang Wang (Guangdong News)*. December 4, 2002.
<http://www.southcn.com/news/china/zgkx/200212040021.htm>

⁴⁸ "First Child Kidnapping Case Cracked".
<http://www.law.com.cn/pg/newsShow.php?Id=1190>

bartered in Fujian in 1998, and suffered from congenital heart disease. In early November 2002, during the midst of a crackdown on human trafficking, the Honghuagang District Police Sub-bureau interrogated a trafficker from Fujian, who confessed to the five-year-old crime.

As the police found out, the boy was only three years old when he was first kidnapped. In 1998, he was bartered in Nan'an City, Fujian Province. However, very soon the buyer discovered that his fingers were tinged with purple, his face turned bluish, and his legs were infirm after running or other rigorous exercises. He was taken to a hospital and was diagnosed as a congenital heart disease patient. Immediately, the family which bought him re-sold him in Quanzhou. Then, the boy was bought and sold seven more times.

In early 2001, the boy was bought by a peasant family in Anxi. Discovering his abnormality, his new parents took him to Zhongshan Hospital in Xiamen, where heart surgery was performed, and he was cured. On November 15, 2002, when Honghuagang police forces discovered his whereabouts, the peasant family agreed to return the boy, but said they wanted the rescuers or his natural parents to repay them the 30,000 RMB they paid for the heart surgery.⁴⁹

Yunnan has also begun to crack down on trafficking. Since March 2002, 13 cases have been investigated in Yunnan, and three women and 13 infants have been rescued. On March 14 and 15, 2002, marshal Zhou Jun, while making routine inspections, arrested five suspects and brought them to justice, rescuing four babies.⁵⁰ Yunnan's Binchuan County Civil Administration Bureau made seven announcements on the Internet that they had found abandoned babies, mostly girls, who could be claimed from November 2000 to December 2002. One of the announcements stated:

On November 17, 2000, a baby girl was found. We are

⁴⁹ Mao Bin and Tang Zhengping. "Eight Year-old Boy Bartered Nine Times in Succession; Police Looking for His Natural Parents," *Zhongguo Xinwen Wang (China News Online)* November 18, 2002. <http://www.chinanews.com.cn/2002-11-18/26/244839.html>

⁵⁰ "Kunming Train Marshals Crack One Women and Children Abduction Case After Another," March 28, 2001. <http://dailynews.tyfo.com/news/domestic/block/html/2001032800313.html>

posting this announcement in the hope that her parents will claim her within 60 days; otherwise she will be given away for adoption, pursuant to the law, to the person who found her.⁵¹

In Sichuan's Peiling District, authorities often deal with abandonment, and the government must post announcements to urge parents to claim abandoned babies. In November 2000, for four successive days, the local newspaper, the *Peiling Daily*, printed photos of 60 abandoned female infants, all one to seven months old, in the hopes that they would be claimed at the local children's home.

Most of the babies were sent here by public security units, village and township civil administration offices, and central hospitals; some were found on the doorsteps of social welfare homes, mostly in good health. The social welfare home director Yang sighed. With only 13 staff members, the home is critically understaffed- all staff work overtime. In addition to the abandoned infants, there are 80 other abandoned children, as well as 80 seniors.⁵²

In March 2003, 28 infants, all female, were discovered on a sleeper bus traveling from Guangxi Province to Anhui Province. The infants were drugged and found stuffed in duffel bags.

On March 20, our reporter, who went to Binyang to cover the incident, was told that all the rescued babies were girls, all no older than three months. One baby died that day, but all the other 27 babies were in stable condition. Since March 20, none of their families has claimed any of them.

Our reporter was told at the hospital that the babies were packed in nylon traveling bags. The route the bus was taking is very bumpy, and the weather was very cold that night. Thanks to the hospital's emergency care, the 27 babies were in stable condition.

⁵¹ Yunnan Province Binchuan County Civil Administration Website Bulletin Board.
<http://www.ynbcmz.gov.cn>

⁵² "In Chongqing, Newspaper Announces: 60 Abandoned Girl Babies' Parents Sought",
Zhongguo Xinwen Wang (China News Online), November 21, 2000.
<http://www.chinanews.com.cn/2000-11-21/26/57150.html>

It is believed that the babies were given tranquilizers to prevent them from crying.

A policeman told the reporter he was surprised at the seriousness of the situation. The babies were packed three to a bag and all the babies' faces turned purple from the cold.⁵³

This incident, along with another discovery, led to the arrest of a 52-member trafficking gang that is accused of trafficking at least 118 infants, all but one of them female, since 2001. Of the 52 defendants, 11 are health care providers, including doctors and nurses. "Once the staff knew of an unwanted baby, those on duty were to call the trader, who would take the baby for a fee of around 200 yuan"⁵⁴ (US\$25). Mothers who had given up their children signed statements that they acted voluntarily, promising they would never search for their child. Xin Lifang, a defendant in the case, admits earning about 6,000 yuan (US\$750) for selling 31 of the children.

The possible connection to China's population policy is never mentioned in these reports, and if it is, the lack of enforcement of the one-child policy is blamed. The act of abandoning and trafficking female infants is attributed to the "feudalistic mindset" that male offspring are preferable.

The Trafficking of Women

Women in China face an increased risk of being kidnapped or deceived into being sold. Rural women in cities, especially those without proper registration, are the most desperate, and the most likely to be abducted or duped into being sold. They typically have a limited education, and may only speak regional dialects. Many women are told they are being offered employment. They are subsequently taken to a different province and sold to peasants unable to find a wife, or into the urban sex industry. As the imbalanced sex ratio creates more and more bachelors, peasants are finding it increasingly difficult to find mates. The trend in abductions and trafficking is becoming an increasingly difficult problem for Chinese authorities. In China, the number of kidnapping cases is a state secret, and statistics are only released on a piecemeal basis.

⁵³ Zhang, Yu. "28 Abducted Babies Found 'Packed' in Bags on Sleeper Bus from Guangxi to Anhui." *Zhongguo Xinwen Wang (China News Online)*, March 22, 2003.
<http://www.chinanews.com.cn/n/2003-03-22/26/285758.html>

⁵⁴ "High Profile Cases Draw Public Attention." *China Daily*, October 28, 2003.
<http://www1.chinadaily.com.cn>

“In 1990, there were 18,692 woman abduction cases, in 1989-1990 a total of 65,236 human abductors were arrested, and in 1989-1990, 10,000 women and children were rescued.”⁵⁵ In April 2002, officials in Sichuan Province uncovered a kidnapping ring which had trafficked at least 100 women and children:

Since 1992, Luo Yinjun, 37, a native of Yanjin County, Yunnan Province, kidnapped and sold nearly 100 women and children in Sichuan, Yunnan, Shaanxi, Shanxi and Anhui under the pretext of “employment”. Luo, unscrupulous and cruel, first raped the women, then sold them.⁵⁶

In Yunnan Province alone, from 1995 to 2000, over 7,752 people from 953 different trafficking rings were arrested, resulting in the rescue of 6,543 women and children. Most of these arrests took place in 2000 alone, when 3,370 people were arrested, resulting the rescue of over 2,000 women and children. Many of the defendants were given the death penalty or life imprisonment.⁵⁷ According to Human Rights in China, authorities throughout China arrested 14,709 suspects from almost 2,000 different trafficking rings in 1996 alone. As a result of these arrests, 10,503 victims, including 1,563 children, were rescued. It is suspected that there are nearly 50,000 abduction cases in China each year. The following is an account of an abduction case in Guangxi that was well publicized in the Chinese media:

From October 1987 to February 2000, defendants Liu Jingsheng, Lai Zhengyu, Tang Xiulian and Li Bangxiang, together with with human abductors in Liuzhou, Debao, Dahu, Luocheng, Yizhou and Yulin, abducted 104 women, using the pretext of “employment” or “business assistance”. The women were locked up and beaten up by defendants Liu Jingsheng and Tang Xiulian. Then, defendants Liu Jingsheng, Lai Zhengyu, Tang Xiulian and Li Bangxiang would contact potential buyers and sell the

⁵⁵ Kristof, Nicolas D. and Sheryl Wudunn: *China Wakes: The Struggle for the Soul of a Rising Power: Where Have All The Babies Gone?* (New York: Vintage Books, 1994)

⁵⁶ “Monster in Sichuan Raped and Bartered Nearly 100 Women and Children” July 17, 2002. *China Internet Information Center*. www.china.org.cn

⁵⁷ “Yunnan Cracks Down on Abduction Along Three Lines.” *Fazhi Ribao (Legal Daily)*, October 12, 2000.
http://www.legaldaily.com.cn/gb/content/2000-10/12/content_6518.htm

abducted women to peasants as wives in Bobai County or in Guangdong Province.⁵⁸

Reuters News Agency reported from Mong Cai, Vietnam, on June 3, 2004 that tens of thousands of Vietnamese women and children have been abducted and sold to China, because of the shortage of females caused by the one-child policy. According to the report, the now 23-year-old Hoang Hong Tham was sold five years ago to a Chinese man to be his wife. Four months later, her father paid four million dong to get her back. Hoang has now become a public figure in the UN campaign of a United Nations-led anti-human trafficking campaign launched at a busy crossing on the Vietnam-China border. Unlike Hoang, who was deceived and sold by her mothers' friend, many Vietnamese girls go to China willingly because they want to escape the poverty they face at home. Many of them are enticed into China by deceitful promises of good marriages or jobs there.⁵⁹

The Consumption of Aborted Fetuses

Hospital workers who have access to placentas often consume them as a kind of "health food." There was once a report in an overseas newspaper stating that a staff member in a Sichuan hospital had boasted of having eaten more than 40 placentas, and who claimed they had a great tonic-like effect.

Enclosed in the appendices is a photograph of a "placenta voucher", stating: "Not for sale. For one placenta. Expires 12/31/97"; the red seal states: "Nanjing Hospital for Gynecology and Obstetrics, XX Office". This is evidence that the custom of eating placentas has been permitted and even legalized by the authorities.

With the sheer magnitude of aborted fetuses in China, it should come as no surprise that some enterprising Chinese have found uses for the fetus' remains. In an October 2001 expose, Hong Kong's *Next Magazine* published a special report about the consumption of fetuses entitled "An Accusation of the Extinction of Humanity as Babies are Eaten in Mainland China". Reporters Shen Ming Feng and Li Hsih investigated the practice in villages in Guangdong Province and exposed the custom of eating aborted girl fetuses. The article describes, in great detail, how an aborted female fetus at six months' development is washed clean and then cooked with medicinal herbs:

⁵⁸ "In Guangxi, Defendants Involved in Rare, Large-Scale Human Abduction Case Sentenced at Public Trial." *E-Guofang Wang (Law.com)*, May 30, 2002. <http://www.law.com.cn/pg/newsShow.php?id=1406>

⁵⁹ "Vietnam, China Wage War on Women Trafficking". Reuters News, June 3, 2004.

As family planning officials take great pains to check rampant multi-birth problems in rural areas, some women who are seven to eight months pregnant and who are unable to conceal their pregnancy are coerced into having an abortion. Parts of these aborted babies are sold by unscrupulous thugs. As traditional pharmacist Li says, the fetuses eaten are usually at seven to eight months' development.

In Guangdong, once poor women who do farm work or work in urban areas find themselves pregnant, the last thing they want to do is to deliver their babies in hospitals—for fear of fines. But in the hope that they can have a boy, they purposely wait until the ninth month comes, when they undergo induced labor. If the baby is a boy, they keep it. And if it is a girl? The baby is aborted, to be disposed of by the midwives. So, you see, the authorities have the policy, and people at the lowest rung have their countermeasures. To check abortion, the Beijing authorities prohibit fetal sex identification with ultrasonic B devices. It is beyond their wildest imagination that grassroots citizens should resort to such a desperate measure in combating the policy. Midwives always tell them that the babies are adopted by kindhearted foster parents, so this does not pose any big psychological problem for the parents who choose “ninth-month induced labor”.⁶⁰

Midwives sell the aborted babies to cooks they know. The cooks charge 3,000-3,500 RMB and cook “baby soup” for their customers.

The *Next* magazine report comes straight to the point: the consumption of aborted babies stems from local residents' pernicious customs and from the family planning policy. The journalists, through their reporting, would help put an end to this practice. While the consumption of aborted babies is more or less hidden from the public, in early 2003, a Chinese avante garde artist set off a new wave of reporting on the consumption of aborted babies.

In a January 2, 2003 program, BBC-4 aired a documentary film entitled “Avante Garde Art in China”. In

⁶⁰ “An Accusation of the Extinction of Humanity as Babies are Eaten in Mainland China”, *Next Magazine*, Taiwan, 21st issue, October 18, 2001.

a close-up, Sichuan behavioral artist Zhu Yu exhibited a few of his “behavioral art” photos, entitled “Cannibalism”—one photo showing him washing a dead baby, and another one showing him putting a limb into his mouth. In an interview before the program was aired, he said he was indeed eating a dead baby— a “work of art he created” two years before.⁶¹

The former: eating dead fetuses as “health food”, and the latter: eating dead fetuses as a form of “art.” Both are expressions of social crime through individual criminal actions. Once Chinese society has no objection to eating placentas, eating dead babies is nothing to speak of – the only difference in the two practices being the degree of openness and whether a portion or the entire thing is consumed. This evil practice is closely linked to China’s strict family planning policy, which leads to the abortion and abandonment of countless baby girls.

⁶¹ “Man Arrested in Britain for Protesting Cannibalist Art”. Deutsche Welle, posted on *Guancha* (Observe China) website, January 6, 2003.
<http://www.observechina.net/info/da.asp?ID=20460&ad=1/6/2003>

Chapter Seven

The UNFPA, the U.S. and the One-Child Policy

"The implementation of the policy [in China] and the acceptance of the policy is purely voluntary. There is no such thing as, you know, a license to have a birth and so on."

--Nafis Sadik, then executive director of the UNFPA, on CBS *Nightwatch*, November 21, 1989.

"The UNFPA firmly believes, and so does the government of the People's Republic of China, that their program is a totally voluntary program."

--Nafis Sadik, at a Capitol Hill luncheon on May 24, 1989.

"We have no reports, really, of violations in this respect. And if you refer to China, I am very sure that the Chinese themselves will say that, within their cultural norms, they are not at all coercive. Maybe from certain Western standards, these might not be totally acceptable. But then, each country must determine that for themselves."

--Rafael Salas, then executive director of the UNFPA, addressing a forum on Capitol Hill, April 8, 1986.

The UNFPA in China

Since 1980, the United Nations Population Fund (UNFPA) has supported China's population and family planning programs, providing logistical, statistical and training support. In 1983, China received the United Nations' Population Award, stating that it was for "the most outstanding contribution to the awareness of population questions". In 1992, the UNFPA conducted research to examine the effects of steel ring IUDs. Steel ring IUDs at the time were being used by at least 75 million women. The research convinced the SFPC to switch to copper-based IUDs just two weeks after it was released. UNFPA researchers estimate that over a 10-year period:

41 million pregnancies, 26 million abortions and 14 births were prevented by switching IUDs, and that 1 million miscarriages were prevented, along with 360,000 child deaths and 84,000 maternal deaths.

It is laudable that the UNFPA helped prevent the deaths and complications of childbirth. However, this is a clear example of the UNFPA supporting the SFPC's coercive activities, as IUD insertion is not voluntary. Women who do not allow the insertion of IUDs are fined, and, if they persist, sterilized.

In 1998, the UNFPA announced the resumption of formal cooperation with the State Family Planning Commission, launching an ambitious four-year, \$20 million program in 32 of China's 2,800 counties. The UNFPA claims the PRC government agreed that these counties would be free of coercion and birth quotas, and that abortion would not be promoted as a method of family planning.

At the beginning of the project, a so-called "pink letter" was sent to all households in the 32 counties explaining the project, the human-rights implications, and the rights people would have to make their own family planning choices. Although targets and quotas were lifted, citizens were not free to make their own choices because of an onerous social compensation fee.⁶²

According to the UNFPA and the SFPC, the pilot program has been very successful. Chinese officials have used it to promote their family planning policies. In a speech made on April 8, 2003, China's National Population and Family Planning Commission Director, Zhang Weiqing, said:

Special mention should be made that the successes China has achieved with its one-child policy are mainly due to the promotion and assistance extended by the UNFPA and other related organizations. Since 1998, in 32 counties in China and with the cooperation between China and the

⁶² Testimony of Stirling Scruggs, Director, Information and External Relations Division, UNFPA, at a CECC (Congressional-Executive Commission on China) hearing on women's rights and China's new family planning law, Sept. 23, 2002. <http://www.cecc.gov/pages/roundtables/092302/index.php>

United Nations Population Fund, as the result of joint endeavors of program counties, government offices and family planning units, a historical step forward has been made ... in overcoming difficulties, in annulling index quotas, in offering high-quality services and in information selection in accordance with the requirements of program texts, which accelerated the process of realizing the 'two transforms', reform and innovation has been implemented in family planning activities throughout the nation. Cycle Five projects, covering 31 Chinese provinces, regions and cities, is the continuation and development of Cycle Four.⁶³

This UNFPA program is a model for the reform of China's family planning policy. However, soon after its implementation, questions arose over whether the UNFPA counties were truly free of coercion, other than the social compensation fee. In an October 2001 congressional hearing, Josephine Guy, Director of Governmental Affairs for America 21, recounted her investigation into a UNFPA county program on behalf of the Population Research Institute (PRI), a pro-life organization which has fought against family planning in China. PRI is headed by Stephen Mosher,⁶⁴ who was one of the first to expose the abuses of the one-child policy. Guy's investigation in Sihui County lasted four days. During this period, she interviewed family planning workers and victims or witnesses of coercion. Most of the interviews were recorded. She brought along two translators and a photographer. In her testimony, she recounted several interviews:

We saw a 19-year-old and learned that she was too young to be pregnant according to unbending family planning policy. While she was receiving a non-voluntary abortion in an adjacent room, her friends told us that she, indeed, desired to keep her baby, but she had no choice, since the law forbids it.

At another location not far from there, a woman testified that she became pregnant despite an earlier attempt

⁶³ China National Population and Family Planning Commission Director Zhang Weiqing's Speech at China/United Nations Population and Development Fund Cycle Four Programs Conclusion and Fifth Phase, Program Kickoff Opening Ceremony. www.sfpcc.gov.cn

⁶⁴ Books and articles by Stephen Mosher include: *A Mother's Ordeal: One Woman's Fight Against China's One-Child Policy* (London: Warner, 1995), and "The Population Controllers and their War on People". http://lifeissues.net/writers/mos/mos_10populationwar.html

by family planning officials to forcibly sterilize her. That attempt failed. She became pregnant and was forcibly sterilized a second time by family planning doctors and officials. Had she refused, she told us on videotape, family planning crews would have torn her house down.

We were told of efforts by many women to hide their pregnancies from government officials to escape forced abortion so they could give birth to a child they desired. We were told of women having to hide their pregnancies and their children to escape retribution from officials for not having an abortion. We were told of the many so-called “black children” in the region who are born out of accord with local birth regulations.

We were also told of the punishments inflicted on those who wish to freely determine for themselves the timing and spacing of their pregnancies. We were told of the non-voluntary use of IUDs and mandatory examination so that family planning officials can ensure that women have not removed IUDs in violation of policy and the strict punishment which results from noncompliance of this coercive and inhumane policy.

One woman we interviewed had heroically escaped forced abortion by hiding in a nearby village. As a result, she testified that three people in her mother’s family and six people in her mother-in-law’s family were arrested and thrown into prison. They were released after 4 months’ imprisonment, but only after a crippling fine of 17,000 RMB was paid to family planning officials. That is equivalent to about 2,000 U.S. dollars and 3 years’ wages for the Chinese people.

The Case in Korla, Xinjiang

In March 2003, a team of independent journalists interviewed residents of Korla City, Xinjiang Province, in northwestern China. Korla is one of the locations that the UNFPA supports. It is home to a predominately Uyghur population. Based on the fact that there is a more lenient policy toward minorities in China, and as this is a UNFPA county, we should expect that the population policy is not coercive.

However, the following are two interviews conducted by Radio Free Asia (RFA) in Korla:

RFA: I am from Radio Free Asia. We heard that on the first of January in 2003, a new resolution was implemented regarding family planning policy. Can you give us some information about that?

Korla City Family Planning Cadre No. 1: It is a new resolution that was based on the Uyghur region's conditions; it has been implemented since January 1, 2003.

RFA: If someone goes against the plan, what kind of punishment will be carried out?

Cadre 1: Punishment will be carried out according to the new resolution. If someone hides a newborn, they will have to pay a social compensation fee.

RFA: If someone's illegal pregnancy is discovered, what will happen?

Cadre 1: We won't allow her to have the baby.

RFA: Your office is proceeding with the new birth control plan?

Cadre 1: Yes. We received a new birth control plan.

RFA: If someone is suspected of having an illegal pregnancy, what will happen?

Cadre 2: We will force her to abort her child.

RFA: Does it have to be forced? If she refuses, what will happen?"

Cadre 2: Yes, it must be forced. If it were not, how could we control the population? It is clearly mentioned in our family planning policy.⁶⁵

In addition to the two family planning cadres, the RFA journalists also interviewed women who had been involved in the UNFPA county project:

RFA: Do hospitals usually explain anything about the risks of IUDs or abortions?

Woman: No...we accept the insertion of IUDs because we have to do it. Peasants are against birth control, but government workers are not.

RFA: Today, how many children are peasants allowed to have?

Woman: Three

RFA: If they wanted more than three what would happen?

Woman: They have to pay a heavy fine.

RFA: If government workers wanted to have more children, what would happen?

Woman: They would have to pay a fine, or they would be fired.

RFA: If the government finds out that someone is illegally pregnant, regardless of the length of gestation, will they force her to have an abortion?

Woman: Yes, these women are forcibly brought to the hospital by

⁶⁵ "Family Planning in the Uyghur Region." Radio Free Asia, March 17, 2003. www.rfa.org

family planning officers. If such a woman is not discovered, all responsibility is placed on the family planning officer.⁶⁶

These reports are striking, and indicate that the UNFPA is ignorant of or complicit in these acts of coercion. If they are ignorant of these incidents, it shows a serious weakness in the UNFPA's ability to monitor the situation in these "model counties" The PRI's investigation was widely reported on, and the UNFPA sent a "fact-finding mission" to uncover the truth. This impartial team consisted of two former UNFPA executive board vice presidents, in addition to other U.N. officials. The mission was hosted by Chinese population-control officials. "The team's itinerary shows that the visit to the new family planning center in Sihui City took a mere 15 minutes. They spent 20 minutes at the Dasha town hospital."⁶⁷ It is not surprising that they did not find any evidence of coercion.

Disturbingly, comments made by UNFPA officials over the last 25 years cast doubt on the organization's credibility or willingness to confront China's population authorities with evidence of coercion. The UNFPA has come to the defense of the family planning policy several times since its inception. In 1985, it asserted that the Chinese government "advocates" but does not require observance of the one-child limit, and that coercion in family planning was not permitted. In 1989, Dr. Aprodicio Laquian, UNFPA deputy in Beijing, told a Chinese reporter that U.S. charges of coercion in the Chinese program were "groundless"; Nafis Sadik, the erstwhile executive director of the UNFPA, said in a speech in the Cannon House office building on May 24, 1989 that the Chinese program was totally voluntary. These statements, in hindsight, undermine the organization's credibility.

U.S. Policy and the UNFPA's Role in China

After reports of abuse flowed out of China, particularly after the 1983 sterilization campaign, the U.S. took moves against China's one-child policy. In 1985, the U.S. Congress passed the Kemp-Kasten Amendment as part of a foreign assistance bill. The amendment, still in force to this day, forbids the U.S. from giving financial support to any organization, including the UNFPA, if the President determines that it is supporting, or participates in, the "management of a program of coercive abortion or involuntary

⁶⁶ Ibid.

⁶⁷ Op-ed piece by Congressman Chris Smith (R-NJ), posted on Rep. Smith's website. http://www.house.gov/apps/list/press/nj04_smith/prforcedabortion.htm

sterilization”.⁶⁸

As a result of Kemp-Kasten, the Reagan administration redirected \$10 million, or the amount that would have been spent on China, of the \$46 million allocated for the UNFPA. The money was redirected to other U.S. aid programs. In subsequent years, Reagan and Bush redirected all of the UNFPA’s funding to other programs. In 1994, President Clinton resumed funding of the UNFPA, but not of UNFPA programs in China.

In 2002, President George W. Bush appointed a fact-finding mission to determine whether the UNFPA assisted in coercive family planning in China. The team, headed by former Ambassador William Brown, spent 14 days in China, visiting five of the 32 counties supported by the UNFPA. “The team found no evidence that the UNFPA has ‘knowingly supported or participated in the management of a program of coercive abortion or involuntary sterilization in the PRC’”⁶⁹, it said.

However, the Bush administration decided to withhold the funds, pursuant to the Kemp-Kasten Amendment, on the grounds that PRC law and practices amount to a “program of coercive abortion” and:

...are an integral part of the comprehensive population-control program that PRC officials at all levels of government work to advance. Regardless of the size of UNFPA’s budget in China or any benefits its programs provide, UNFPA’s support of, and involvement in, China’s population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion.

More specifically, the report concluded that through indirect means, UNFPA funds support the SFPC in distinguishing plan-approved births from out-of-plan births. According to the State Department, the UNFPA provides funding for computers and other equipment designed to enhance data collection and management capacity, as well as vehicles and medical equipment. This equipment is used to facilitate the imposition of fines and the performance of coerced abortions. The Bush administration decision avoids any controversy that would be created by broaching the issue of forced abortion, sterilization, or birth control use, and instead focuses on the

⁶⁸ “U.S. Funding for the U.N. Population Fund.” *The American Journal of International Law*, Vol. 96, No. 4 (Oct. 2002): pg. 962-3.

⁶⁹ “Analysis of Determination that Kemp-Kasten Amendment Precludes Further Funding to UNFPA Under Public Law 107-115” Bureau of Population, Refugees and Migration, Dept. of State. July 18, 2002. www.state.gov/g/prm/rls/other/12128.htm

imposition of social-maintenance fees, or fines, as a form of coercion:

Recent testimony of a former planned-birth officer makes clear that something as innocuous as data-processing equipment is used to establish a database record of all women of childbearing age in an area and to trigger the issuance of “birth-not-allowed” notices and the imposition of social compensation fees. Not only has UNFPA failed to ensure that its support does not facilitate these practices, it has failed to deploy the resources necessary even to monitor this issue. In the context of the PRC, supplying equipment to the very agencies that employ coercive practices amounts to support or participation in the management of the program.

The State Department also cites the UNFPA’s participation in the distribution of signs that state in Chinese that it is forbidden to prevent legal births, implying that it is not forbidden for government employees to prevent out-of-plan births. In arguing that these forms of indirect assistance aid the implementation of coerced abortions and sterilization, the Bush Administration adopted a strict interpretation of the Kemp-Kasten Amendment, but one that has been consistent with other administrations since 1985.

In response to the Bush Administration’s decision, Thoraya Obaid, executive director of the UNFPA, argued that the UNFPA does not promote abortion anywhere in the world, and that the UNFPA’s 32 county programs in China had reduced the instance of abortion:

The U.N. is strongly opposed to population control. UNFPA does not support the Chinese government’s one-child policy and does not take part in managing the government’s program. In addition to its insistence on the removal of birth quotas and accept targets, UNFPA continues to press China to remove economic incentives and disincentives used to encourage small or discourage large family size.⁷⁰

In July 2003, Congress voted against an amendment that would have made Kemp-Kasten apply only to programs that directly support coercive

⁷⁰ Statement by Thoraya A. Obaid, Executive Director, UNFPA, on U.S. Funding Decision, in “U.S. Funding for the U.N. Population Fund”, July 22, 2002. www.unfpa.org

abortion and sterilization. Reps. Joseph Crowley (D-NY) and Barbara Lee (D-CA) inserted a provision in the State Department Authorization bill to prevent U.S. foreign aid funds from going to programs that support coercive practices, but allow funds to go to other programs offering services that reduce abortion rates and counsel against coercive practices. However, the House narrowly defeated this provision by a vote of 216-211 on July 15, 2003.

On July 9, 2004, the House Appropriations Committee, with a vote of 32 to 26, defeated an amendment sponsored by Rep. Nita Lowey (D-NY) that would have forced the U.S. government to give \$25 million to the UNFPA. Under Rep. Lowey's amendment, if in 2005 the President found that the UNFPA violates U.S. human rights law because of its support of China's coercive population control program, the U.S. government would still be required to give the UNFPA \$25 million for its existing programs in Iraq, Afghanistan, Pakistan, Jordan, Kenya, and Tanzania.

On July 16, 2004, President George Bush announced that he would withhold \$34 million in congressional funding for the UNFPA for the fiscal year 2004. This marked the third year that Bush withheld funds from the UNFPA because of its cooperation with the Chinese government.

The One-Child Policy and Political Asylum

In the United States

In addition to the debate over funding the UNFPA, U.S. reaction to China's one-child campaign is reflected primarily in asylum law, which has unfortunately been influenced by the U.S. abortion rights debate.

U.S. asylum law in terms of Chinese one-child-policy refugees reflects the complexity of the ethical and legal aspects of this topic. There have been several debates and hearings in the U.S. Congress over the past two decades on this issue, which has also influenced asylum law with regard to the one-child policy. The following is a summary of the history of one-child-policy asylum, which has been taken from the website of the U.S. Committee for Refugees:

In the 1989 *Matter of Chang* decision, the U.S. Board of Immigration Appeals (BIA) held that a Chinese national did not qualify for asylum based on his and his wife's desire to have more than one child. The BIA said that even coerced sterilization would not constitute persecution in this context, given China's extraordinary population

problems and the fact that the policy is one of general applicability (the Changs were not treated differently than anyone else). Because the refugee definition requires that persecution be “on account of” one of five grounds (race, religion, national origin, political opinion, or membership in a particular social group).⁷¹

Congress did not wait long to respond. In November 1989, it passed a bill in response to the Tiananmen Square massacre, primarily focusing on the situation of Chinese students in the United States. The bill included an amendment to provide asylum to people fleeing the one-child policy. The wording required the INS to give “careful consideration” to asylum applicants from the People’s Republic of China (PRC) who expressed a fear of persecution related to the policy. It also stated that if the applicant established that he or she had “refused to abort or be sterilized, such applicant shall be considered to have established a well-founded fear of persecution, if returned to China, on the basis of political opinion....”

President Bush Sr. vetoed the legislation for diplomatic reasons. However, he ordered the implementation of all of the bill’s provisions by executive action. With regard to the one-child policy, Bush directed that “enhanced consideration be provided under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country’s policy of forced abortion or coerced sterilization”.

In January 1990, the Justice Department, under Attorney General Richard Thornburg, issued an interim regulation on this matter, presumably to override *Matter of Chang*. President Bush referred to this regulation in an April 1990 executive order making formal the administration’s policy on PRC nationals in the United States. The order included a grant of “deferred enforced departure” (DED) for certain Chinese nationals (a non-deportation and work authorization status similar to temporary protected status). Before the DED period expired, Congress passed the Chinese Student Protection Act, which provided permanent residence for most of the PRC nationals covered by the executive order.

The Justice Department made clear, however, that implementing officers should carefully evaluate the applicant’s credibility. “This is not an open gate... Relief will be provided only in very extraordinary and credible cases,” the Justice Department said. The matter stood until September 1996, with the enactment of the Illegal Immigration Reform and Immigrant

⁷¹“U.S. Asylum Law and China’s One-Child Policy”.
www.refugees.org/world/articles/women2_rr99_8.htm

Responsibility Act (IIRIRA).

IIRIRA amended the Immigration and Nationality Act's (INA) definition of a refugee to provide that a person fleeing forced abortion or sterilization "shall be deemed" to have been persecuted, or to have a well-founded fear of persecution, on account of political opinion. The amendment specified that in any fiscal year no more than 1,000 persons may be admitted as refugees or granted asylum on the basis of resistance to coercive population control methods.⁷²

In 1995, 13 Chinese women who had been forcibly sterilized or aborted in China fled from China and came to the United States, but were denied asylum and were facing deportation. More than 40 Members of Congress asked President Clinton to order a stay of deportation until a resolution was passed.⁷³

On June 2, 1995, U.S. House Representatives Barbara Vucanovich and Christopher H. Smith jointly demanded that their colleagues not vote for an amendment to H.R. 1561 (the "American Overseas Interests Act of 1995"), which would endanger women who flee persecution caused by the family planning policy. Their letter quoted a 1994 Henan Province family planning slogan, *Better Ten Graves Than One Birth*, which testified fully to the cruelty of China's family planning policy. It stated that the policy oppressed the Chinese people politically and ideologically, and listed inhumane practices in its implementation, including coerced abortion, late-term induced abortion, the killing of babies born out-of-plan, huge fines, detention, the demolition of homes. The following are some of the points listed in their letter:

- Family planning policy violators are imposed tremendous fines, some running as high as \$40,000; houses and property of families unable to pay the fines are destroyed; government employees are demoted or dismissed from public employment (1992 U.S. State Department Human Rights Report).
- Limited by annual population quotas, certain local family planning officials demanded that a Mrs. Li deliver her baby in 1992 instead of 1993. At the end of 1992, on December 30, they escorted Mrs. Li to the hospital and ordered physicians to induce delivery. Their order was executed despite the family's entreaties and a physician's opposition. Nine hours later the baby, who couldn't be delivered

⁷² Ibid.

⁷³ The Laogai Research Foundation Family Planning Files.

normally, died. Mrs. Li, 23 years of age, was weeping bitterly.⁷⁴

- Local family planning cadres usually carry out 1-2 checkups per year, to eliminate hidden problems in the implementation of family planning policy. All women having child/ren are ordered to surrender themselves to clinics for IUD-insertions or sterilizations. Women who desperately want babies can deliver them only far away from home. But then, such families are imposed huge fines ranging from hundreds to thousands of RMB (exchange rate: 1 USD = 8.27 RMB). Houses of families unable to pay the fines are usually destroyed.⁷⁵
- In a Hohhot hospital in Inner Mongolia, physicians were ordered to kill babies about to be born. According to a physician who preferred to be anonymous, physicians usually thrust forceps into the uterus and crush a baby's skull, or lethal medication is injected into a baby's skull- and the baby is delivered dead.

In Australia

With the Chinese population in Australia ever growing, the Australian government in 1991 was also facing asylum petitions from those persecuted by the one-child policy. In 1995 and again in 1999, the Legal and Constitutional Legislation Committee of the Australian Senate twice held hearings at which former Chinese gynecologist and obstetrician Dr. Xiao Ying Wong testified on how China's family planning policy was enforced through incredible cruelty. "Every day I would see helpless mothers forcibly aborted and dead babies piling high- because of China's family planning policy," Wang said.

In 1999, a Chinese woman who was eight-and-a-half-months pregnant was denied asylum and deported from Australia, and thereupon forced to have an abortion in China. The whole of Australia was shocked at this incident. Thus, the Legal and Constitutional Legislation Committee of the Australian Senate held another hearing that year, at which Dr. Wong again testified, saying: "No top Chinese law ever specifies that one is allowed to have only one child, but in China everybody acts by concrete documents. So do physicians. If a couple has two children, either the wife or the husband

⁷⁴ Kristof, Nicolas. "China's Crackdown on Births: A Stunning, and Harsh, Success", *New York Times*, April 25, 1993.

⁷⁵ Ibid.

must be sterilized. An IUD is usually inserted into the uterus of a woman who has one child, and nobody but the physician is authorized to remove the IUD. So the government can rest sure the woman in case won't be pregnant again.”⁷⁶ It thus became evident that persecution caused by the family planning policy was not smoke without fire, and the Australian government began to conscientiously handle similar asylum petitions.

⁷⁶ “Chinese Health Care Workers and the ‘One-Child Policy.’”
<http://www.consciencelaws.org/Repression-Conscience/Conscience-Repression-13.html#2.?20Tankard>

Conclusion

China's one-child policy is the framework for history's most ambitious population control program and the root of serious human rights abuses. Today, over half a million family planning cadres coordinate efforts that permeate every aspect of life. China justifies its policy in economic terms, citing a low ratio of per capita arable land, limited natural resources, and other factors as things that they claim obligate China to enact drastic measures to reduce population growth. However, these arguments are problematic; they do not account for the success of other nations, like Japan, which have similar stresses.

Observers of China's policy note an ebb and flow of the level of policy strictness and a great variance in policy by year and location. However, even in areas that have a relatively liberal policy, enforcement is strict. Cadres use various coercive measures to enforce policy, including the removal of social benefits, fines, detention, destruction of personal property, forced abortion, sterilization, and infanticide. *Better Ten Graves* documents numerous instances of each form of coercion, and relates the systemic nature of these practices. All evidence indicates that coercion is not only tolerated but also expected of cadres so that they can achieve their population targets. The coercive measures used are not the actions of rogue cadres, but rather a coordinated effort at all levels, from the PLA to local doctors and nurses.

As mentioned in the discussion of the case of Jieshi Township in Chapter Four, China adopted the *Population and Family Planning Law*^{*} in 2002, which was meant to reform and centralize the implementation and enforcement of the policy. Many Western demographers and organizations, such as the UNFPA, have hailed the law as ushering in an era of reform.⁷⁷ They believe the law shifts China's population control policy away from human rights abuses. However, the law does not discourage the use of quotas, and it keeps the "one-vote veto system", thus retaining two of the fundamental causes of such abuses. Document No. 43 of Jieshi Township, Guangdong Province, issued in 2003, is an important piece of evidence proving that quotas for sterilizations and abortions continue to be implemented in China. An excerpted translation of this document is included in the appendix at the end of this book. A translation of the 2002 *Population and Family Planning Law*, as well as other important documents, are also included in the appendix.

* For the full-text translation of the law, please see Appendix 1.

⁷⁷ Greenhalgh, Susan and Jiali Li.

The law codifies the implementation of family planning policy in the constitution. Among reforms included are guarantees of rights to healthcare access and information. In certain areas, and in certain circumstances, birth permits are no longer necessary. Yet the law does not grant any new or confirm any previous reproductive freedoms.

Indeed, upon completion of China's 2000 census, Chinese officials realized they had reached an unthinkable goal: the total fertility rate had reached 1.8, which is below the natural replacement rate. In other words, China was about to achieve zero population growth. This certainly allows for a more liberal policy. For example, today in many urban areas, such as Shenzhen and Shanghai, no prior approval is necessary for a couple's first-born child.

Unfortunately, any optimism related to the amount of coercion involved is misplaced. Despite the fact that, under the law, individuals have the right of access to contraceptive information, these same individuals are not allowed to make their own choices to not use birth control, or, for example, to use condoms or pills as opposed to IUDs. Under the law, couples do not have the right to choose their form of birth control, let alone the number or spacing of their children.

What's more, enforcement is still as strict as ever. Any out-of-plan births are met with coercion. According to officials from the SFPC, renamed the State Family Planning and Population Commission, there will be no significant change in the enforcement or implementation of the one-child policy.

In an article published in the CCP's official mouthpiece, the *People's Daily*, both Xu Yulin, Deputy Director of the Legislative Affairs Office of the State Council, and Zhao Bingli, Vice-Minister in charge of the State Family Planning Commission, stated that the law does not relax the enforcement of the family planning policy. Xu said that China would "persist with its policy of "one couple, one child", and that the new law would not allow people to legitimize extra-policy births with money."⁷⁸ Zhao was even more frank on the issue:

"The mentality of 'money for children' goes against the core principle of family planning legislation," said Zhao. "From the date that the law took effect, those who

⁷⁸ "No Relaxation of Chinese 'One Couple, One Child' Policy: Official" *People's Daily*, as cited by John Aird at a CECC (Congressional-Executive Commission on China) hearing on women's rights and China's new family planning law, Sept. 23, 2002.
http://english.peopledaily.com.cn/200209/01/print20020901_102440.html

have an extra-policy birth must face the music.”⁷⁹

Moreover, regional differences in implementation will remain, and enforcement and implementation will be carried out by regional and local authorities. According to Zhang Weiqing, Minister of the SFPC,

“Considering the huge regional disparity in China, the state law can only provide a basic guideline for the country’s family planning policy and define the basic rights and duties of citizens,” said Zhang. “Thus, detailed provisions must be made by provincial, municipal and autonomous regional people’s congresses or their standing committees according to local situations.”⁸⁰

These statements from high-level SFPC officials are not encouraging. When Zhang says “according to local situations”, he means according to local statistics on population growth. Targets and quotas are still in place.

When confronted with evidence of coercion and the abuse of laws, officials state that abuses are a result of rogue actions by local cadres. Yet the new law does nothing to reign in their actions against violators. It does denounce opportunistic cadres who accept bribes to fake sterilization or birth permits. It calls for punishing health workers who inform couples of the gender of their child. However, the law does nothing to prohibit or discourage the human rights abuses outlined in previous chapters. The law does not prohibit forced sterilizations, forced abortions, infanticide, the detention of violators or their families, or the confiscation or destruction of property. Most important, the law maintains the use of quotas and targets, as well as the “one-vote veto” system (described earlier in this book), the engine that drives cadres to commit human rights abuses.

In his September 23, 2002 testimony to the U.S. Congressional Executive Commission on China (CECC), John Aird, a former U.S. Census Bureau Senior Research Specialist on China, analyzed China’s 2002 *Population and Family Planning Law*. Aird believes the new law does not translate into less coercion.

“It does not even mention the word “coercion” or

⁷⁹ Ibid.

⁸⁰ “China Clears Way to Enforce First Family Planning Law.” *People’s Daily*, Aug 8, 2002. http://english.peopledaily.com.cn/200208/03/eng20020803_100838.shtml

advise cadres to “improve their work style”, expressions which appeared in the brief anti-coercion campaigns of 1978, 1980, and 1984, and which, as noted above, again reappeared briefly in several domestic news items in March and April of this year. Nor does the law affirm any of the basic principles of reproductive freedom supposedly endorsed by China along with other nations at the 1994 Cairo World Population Conference, although this would be the place for such an affirmation if the Chinese government were serious about implementing them. It does not acknowledge “the rights of citizens to determine the number and spacing of their children”, or the right to choose their own form of contraception...”

In terms of population growth, China’s policy has been “successful” insofar as approximately 300 million births have been “avoided”, and China’s total fertility rate has maintained the decrease seen after the 1970s. However, the policy, in addition to the human rights abuses of enforcement, has engendered several social problems that threaten to undermine China’s social stability and economic growth. For example, the dramatic drop in China’s population growth is expected to lead to a sudden dearth of workers, and China’s population is also set to age rapidly.

More troubling, however, is the growing male-female ratio imbalance in China. A predilection for male offspring, coupled with the pressures of the one-child policy, encourages Chinese families to use various methods to ensure that they have male offspring, including prenatal screening and sex-selective abortion, abandonment and infanticide. Many families simply abandon their newborn daughters or disabled/mentally retarded male infants. The primary reason cited by parents for abandoning their female offspring is the desire to have a son, which would not be allowed if population control officials discovered they had given birth to a daughter. When sons were already present in the family, parents cited the desire to avoid a steep economic penalty. The one-child policy is the primary reason these girl children are being abandoned.

China’s one-child policy also engenders criminal behavior such as corruption, bribery and human trafficking. Corrupt family planning cadres and doctors abuse their authority to exact fines and accept bribes to give couples birth permit certificates, fake sterilization certificates, fake IUD checkup certificates, etc. Meanwhile, the surplus in female infants and the sex ratio imbalance has led to an increase in the trafficking of infants and women.

The Chinese government uses the slogan “get rid of poverty and rush to

well-to-do status” to persuade peasants to accept its forced family planning policy. However, little or no efforts are being invested in the areas of medicine, sanitation, education and employment for China’s rural population. No improvements have been achieved in the retirement and pension systems for China’s peasants. Instead, the government has used a huge amount of money and human resources to build up a strong contingent to implement its family planning policy.

Coercion in China’s family planning policy is not sporadic or unauthorized, but rather an essential tool used by family planning cadres to meet ambitious targets. Coercion is systemic, widespread, and appalling. As international law clearly stipulates, the right of families to choose the number and spacing of their children is clear and inviolable, and this right is clearly denied to Chinese citizens. As long as China’s one-child policy remains in place, women in China will continue to lack control over their own bodies and their own reproductive choices, and the state will continue to dictate when they will be fitted with IUD devices, sterilized, or forced to have an abortion. This is clearly a policy that should be abhorrent to the international community, and one that we must work to eliminate.

Appendix

Appendix 1

Population and Family Planning Law of the People's Republic of China (Unofficial Translation)

(Adopted at the 25th Session of the Standing Committee of the Ninth National People's Congress on 29 December 2001)

Source: United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)

http://www.unescap.org/pop/database/law_china/ch_record052.htm

Chapter I. General Provisions

Article 1. This law is enacted, in accordance with the Constitution, so as to bring the population into balance with social economic development, resources and the environment: to promote family planning; to protect citizens' legitimate rights and interests; to enhance family happiness, and to contribute to the nation's prosperity and social progress.

Article 2. China is a populous country. Family planning is fundamental. The State shall adopt a comprehensive approach to controlling population size and improving the socio-economic and public health characteristics of the population. The State shall rely on publicity and education, advances in science and technology, comprehensive services and the establishment and improvement of the incentive and social security systems to carry out the family planning program.

Article 3. Population and family planning programs shall act in concert with programs that expand women's educational and employment opportunities, as well as enhance the health of women and elevate their status.

Article 4. The People's Government and staff at all levels, implementing the family planning program, shall act strictly within the law, enforcing it in a civil manner, and must not infringe on citizens' legitimate rights and interests. The family planning administrative departments and their staff, acting within the law, are protected by law.

Article 5. The State Council shall exercise authority over the national population and family planning program. Local people's governments at all levels shall exercise authority over the population and family planning programs in their respective jurisdictions.

Article 6. The family planning administrative department of the State Council shall be in charge of the national family planning program and population programs related to family planning. Family planning administrative departments of people's governments at county level and above shall be in charge of family planning programs and population

programs related to family planning in their respective jurisdictions.

Other government administrative departments at county level and above shall be in charge of aspects of the population and family planning programs falling within their mandates.

Article 7. Social organizations such as Trade Unions, Communist Youth Leagues, Women's Federations, and Family Planning Associations, enterprises, institutions, and individual citizens shall assist the people's government in carrying out population and family planning programs.

Article 8. Organizations and individuals making outstanding achievements in population and family planning programs shall be recognized and rewarded by the State.

Chapter II. Formulation and Implementation of Population Development Plans

Article 9. The State Council shall devise population development plans and incorporate them into the national economic and social development plans. Based on plans at the next highest and national levels, people's governments at country level and above shall devise population development plans in line with local conditions and incorporate them into their economic and social development plans.

Article 10. People's governments at country level and above shall devise population plans and above shall be responsible for routine implementation of population and family planning action plans. People's governments of township, ethnic township, and town, and sub-district offices in urban areas shall be in charge of population and family planning programs in their respective jurisdictions and shall implement population and family planning action plans.

Article 11. Specific population and family planning action plans shall stipulate measures to govern population size, strengthen maternal and child health-care services, and improve socio-economical and public health characteristics of population.

Article 12. Villager's committees and neighborhood committees shall follow the law and endeavor to implement family planning programs. State organs, the armed forces, social organizations, enterprises and institutions shall endeavor to implement their own family planning programs.

Article 13. Government departments responsible for family planning, education science and technology, culture, public health, civil affairs, press and publication, and broadcasting and television shall organize and carry out public-education campaigns on population and family planning.

The mass media are obligated to carry pro bono public service

messages on population and family planning. Schools shall provide human physiology, adolescence and sexual health education to students in a planned and audience-appropriate manner.

Article 14. Family planning programs among the migrant population shall be jointly managed by their local governments of origin and local governments of residence, with efforts focused where they reside.

Article 15. The State shall gradually increase the overall level of funding for population and family planning programs, based on the national economic and social development. People's governments at all levels shall provide the necessary funding for the implementation of their population and family planning programs. People's governments at all levels shall give special support to population and family planning programs in impoverished areas and minority ethnic areas. The State shall encourage social organizations, enterprises, institutions, and individuals to contribute support to population and family planning programs. No unit or individual shall withhold, reduce or redirect funds appropriated to population and family planning programs.

Article 16. The State shall encourage scientific research and international exchange and cooperation in the fields of population and family planning.

Chapter III. Regulation of Fertility

Article 17. Citizens have the right to reproduction as well as the responsibility for practicing family planning according to law. Husbands and wives bear equal responsibility for family planning.

Article 18. The State shall maintain its current fertility policy encouraging late marriage and childbearing and advocating one child per couple; arrangements for a second child, if requested, being subject to law and regulation. Specific measures shall be enacted by the People's Congress or its standing committee in each province, autonomous region, and municipality. Ethnic minorities shall also practice family planning. Specific measures shall be enacted by the People's Congress or its standing committee in each province, autonomous region, and municipality.

Article 19. In implementing family planning, the primary emphasis shall be on contraception. The State shall create conditions conducive to individuals being assured of an informed choice of safe, effective, and appropriate contraceptive methods. Safety of recipients of birth-control procedures must be ensured.

Article 20. Couples of reproductive age shall be conscientious in adopting contraceptive methods and in accepting the guidance of family

planning technical services. Incidences of unwanted pregnancies shall be prevented and reduced.

Article 21. Couples of reproductive age who practice family planning shall be able to obtain technical services free of charge under the basic items as specified by the State. The cost of the aforesaid services shall be itemized in public appropriations made in accordance with applicable State regulations or be guaranteed by social insurance plans.

Article 22. Discrimination against and mistreatment of women who give birth to female children or who suffer from infertility are prohibited. Discrimination against, mistreatment and abandonment of female infants are prohibited.

Chapter IV. Incentives and Social Security

Article 23. The State shall, in accordance with regulations, recognize and reward couples who practice family planning.

Article 24. To facilitate family planning programs, the State shall establish and improve social-security arrangements, providing basic old-age insurance, basic medical insurance, childbearing insurance and welfare benefits. In rural areas where conditions are favorable, various types of old-age support schemes should be set up following the principle of government guidance and rural people's willingness.

Article 25. Citizens who marry late and delay childbearing are entitled to longer nuptial and maternity leaves or other welfare benefits.

Article 26. In accordance with applicable State regulations, women shall have special job safety protections and be entitled to assistance and subsidies during pregnancy, delivery and while breast-feeding. Citizens who undergo surgical procedures for family planning shall be granted leave as stipulated by the State. Local people's governments may award them incentives.

Article 27. The State shall award a "Certificate of Honor for Single-Child Parents" to couples who volunteer to have one child in their lifetime.

Couples awarded such a certificate shall enjoy the incentives provided for in State regulations and in the regulations of their respective provinces, autonomous regions, or municipalities. Employers shall obligatorily implement those incentive measures, stipulated by law and regulation, favoring couples in their employ who have one child over a lifetime.

Local people's governments shall provide necessary assistance to couples whose only child is disabled or killed in accidents, and who decide not to bear or adopt another child.

Article 28. Local governments at all levels shall give households that practice family planning preferential access to funding, technology and training. Households in poverty that practice family planning shall be given priority for poverty-alleviation loans, work relief and other social assistance.

Article 29. The People's Congress and their standing committees in provinces, autonomous regions, municipalities and larger cities, or local people's governments, shall devise detailed implementation procedures for the incentives stipulated in this chapter in accordance with the provisions of this law and other applicable laws and regulations and in line with local conditions.

Chapter V. Family Planning Technical Services

Article 30. The State shall establish premarital health care and maternal health-care systems to prevent or reduce the incidence of birth defects and improve the health of newborns.

Article 31. People's governments at all levels shall take steps to assure all citizens access to family planning technical services in order to enhance their reproductive health.

Article 32. Local people's governments at all levels shall rationally allocate and coordinate the use of health resources; establish and improve family- planning service networks comprising family planning clinics and health and medical institutions providing such services; upgrade facilities and improve the conditions under which care is provided; and raise the level of technical services.

Article 33. Family planning technical service institutions, medical and health-care institutions providing family planning services shall, within the scope of their respective responsibilities, direct publicity and education about basic population and family planning information at people of reproductive age; provide pregnancy check-ups and follow-up for married women of reproductive age; offer counseling and guidance; and provide technical services in family planning and reproductive health.

Article 34. Family planning technical service providers shall give guidance to individuals in choosing safe, effective and appropriate contraceptive methods. Couples who have given birth are encouraged to choose long-acting contraceptive methods.

The State shall encourage the research, development and promotion of new family planning technologies and products.

Article 35. Use of ultrasonography or other techniques to identify fetal gender for non-medical purposes is strictly prohibited. Sex-selective

pregnancy termination for non-medical purposes is strictly prohibited.

Chapter VI. Legal Liability

Article 36. Anyone who violates this law by one of the following acts shall be ordered to rectify the violation and warned by the family planning or public health agency, and all gains derived from such illegal acts shall be confiscated by the family planning or public health administrative departments.

If the illegal gains exceed RMB 10,000, a fine of no less than two times and no more than six times the amount shall be imposed. If no illegal gains is involved or the amount is less than RMB 10,000, a fine of no less than RMB 10,000 and no more than RMB 30,000 shall be imposed. In serious cases, licenses shall be revoked by the issuing agency. Acts constituting a crime shall be referred for criminal prosecution.

(1) Illegal performance of a surgical procedure related to family planning at another's behest.

(2) Use of ultrasonography or other techniques to identify fetal gender for non-medical purposes or sex-selective pregnancy termination for non-medical purposes, at another's behest.

(3) Faking a birth control procedure related to family planning, falsifying a medical report, or counterfeiting certificates related to family planning.

Article 37. Anyone who forges, alters, buys or sells certificates related to family planning shall have the illegal gains confiscated by the family planning administrative departments. If the illegal gains exceed RMB 5,000, a fine of no less than two times and no more than 10 times the amount shall be imposed. If no illegal gains is involved or the amount is less than RMB 5,000, a fine of no less than RMB 5,000 and no more than RMB 20,000 shall be imposed. Acts constituting a crime shall be referred for criminal prosecution. The family planning administrative departments shall render void improperly obtained certificates related to family planning. Administrative penalties shall be imposed on both the executive in charge of the agency issuing flawed certificates and the individuals directly responsible.

Article 38. Family planning service providers who commit malpractice or who delay emergency response, diagnosis or treatment with dire results shall be held liable under the applicable laws and regulations.

Article 39. Staff of state organs who commit one of the following acts in the course of family planning activities shall, if the act constitutes a crime, be referred for criminal prosecution; or, if the act does not constitute a crime, be subject to both administrative penalties and confiscation of any

illegal gains.

(1) Infringing on a citizen's personal rights, property rights or other legitimate rights and interests.

(2) Abuse of power, dereliction of duty or graft.

(3) Seeking or accepting a bribe.

(4) Withholding, reducing, redirecting or embezzling family planning program funds or social compensation fees.

(5) Distorting, under-reporting, fabricating, modifying or refusing to report statistical data on population or family planning.

Article 40. Those who violate provisions of this law or are derelict in family- planning program management shall be ordered to rectify the violation and rebuked in a circular by their local government. Administrative penalties shall be imposed on both the executive in charge of the agency and the individuals directly responsible.

Article 41. Citizens who give birth not in accordance with the stipulations in Article 18 shall pay a social compensation fee prescribed by this law. Those failing to pay the full amount before the due date shall be levied a late payment penalty specified in applicable State regulations. Those who persist in nonpayment shall be sued for payment in People's Court by the family- planning administrative departments that levied the social-compensation fee.

Article 42. The state employees levied the social compensation fee described in Article 41 shall be subject to additional administrative penalties, according to law. Others levied such a fee shall be subject to additional disciplinary measures imposed by their employing units.

Article 43. Those who resist or hinder family planning administrative departments and staff in the performance of their legitimate duties shall be subject to criticism and ordered to amend their conduct by the family planning administrative departments involved. Conduct breaching public security regulations shall be subject to public security penalties. Acts constituting a crime shall be referred for criminal prosecution.

Article 44. Citizens, entities treated as legal persons or other organizations deeming that an administrative organ has infringed on their legitimate rights and interests while implementing family planning policy may appeal for review or sue for redress.

Chapter VII. Supplementary Provisions

Article 45. The State Council shall devise specific measures for managing family planning programs among migrants, specific measures for managing family planning technical services and measures for the

administration of collecting social compensation fees.

Article 46. Detailed measures for implementing this law by the Chinese People's Liberation Army shall be devised by the Central Military Commission in accordance with this law.

Article 47. This law shall enter into effect on 1 September 2002.

Appendix 2

Directive on Strengthened Realization of Family Planning Goals (Yonghe Town Family Planning Office – 1996/1/1)

To ensure the realization of our town's 1996 family planning goals, our town, ranking highly in the nation, our party committee, and our government have made the following decision on strengthening the implementation of family planning activities:

1. Eliminating early marriage and early birth

a. To strengthen pre-marriage education and the management of unmarried youth. Unmarried males, 18 years and older, as well as unmarried young women 16 years and older shall receive pre-marriage education; special registers are established for follow-up and for eliminating early marriage and early birth. Health checkups should be conducted for young women who are unmarried but who cohabit with men;

b. Women who have married underage and have children shall, without exception, be subject to IUD insertion, as well as heavy fines;

c. Women who are married or pregnant underage shall, without exception, undergo remedial measures and have IUDs implanted, and they are also subject to heavy fines;

d. Women who have married and have had an early birth shall without exception be sterilized and imposed heavy fines.

2. Eliminate non-approved second births

a. Childbearing-age women with one child must undergo IUD-insertion surgery within 2 months after giving birth, and those who fail to do so after 4 months shall be sterilized without exception;

b. Couples with one boy must obtain a "single-child certificate"; those who fail to do so 3 months after their child is born shall be sterilized without exception;

c. Women targeted for IUD and pregnancy checkups should undergo a checkup 4 times a year (in January, April, July and October respectively); childbearing-age women who twice fail to be present for their IUD and pregnancy checkup shall be sterilized without exception;

d. Universal sterilization for women with one boy shall be promoted.

3. Eliminate multiple births

All women who have had two or more children shall be sterilized

without exception; a fine of 100 RMB per day will be imposed for those in violation; those responsible for multiple births shall be sterilized and fined. All childbearing-age women under 35 with 2 children or more, except those approved by city family planning service stations due to individual specific circumstances, shall, without exception, undergo IUD-removal and sterilization surgeries. Those directly responsible for an out-of-plan pregnancy, as the result of false certification of surgery, shall be fined heavily as well as subjected to party and disciplinary sanctions; in the case that their serious perpetrations constitute crimes, judicial organs shall investigate the cases and affix criminal responsibilities.

4. Prohibit gender identification

Childbearing-age women who become pregnant after they obtain birth permit certificates must not undergo artificial abortion, or else their certificates shall be revoked; after a first birth they should undergo IUD insertion and shall not be granted a birth permit for 5 years; in the case of a second birth, no subsequent birth permit shall be granted, and they shall undergo sterilization.

5. Preferential treatment and encouragement measures

a. A rural couple possessing a “single-child certificate” shall be granted single child “twin secure” insurance of 400 RMB (city and town pay 200 RMB respectively);

b. Should either member of a rural couple undergo sterilization after the birth of a son, and this couple obtain a “single-child certificate”, they are to be granted old-age insurance for single-son couples in the amount of 1,000 RMB (city and town pay 500 RMB respectively). Should either member of a rural couple undergo sterilization after the birth of a single daughter, and the couple obtain a “single-child certificate”, they are to be granted old-age insurance in the amount of 2,000 RMB (city and town pay 1,000 RMB respectively).

Yonghe Town Family Planning Association (Announcement)

Yonghe Town Family Planning Office - January 1, 1996

Appendix 3

Yonghe Township Regulations on Linking the Remuneration and Professional Duties of Village-Level Full-Time Family Planning Vice Secretaries (Vice Directors) and Administrative Personnel

1. Once a month, the town family planning office will check on the staff work attendance at routine meetings. For absence without reason, the salaries of village-level full-time family planning vice secretaries (vice directors) and administrative personnel for the given months shall be cancelled; arriving late or leaving early thrice in succession is deemed as being absent once.

2. For failure to submit timely and complete family planning reports to monthly routine meetings, salaries for village administrators for the given month shall be cancelled; for failure to do so 2 times in succession 50% of salary/ies shall be cancelled; for failure to do so 3 times in succession all salary/ies for the given month shall be cancelled. Should family planning routine monthly reports not be submitted on time, delaying the timely submission of town reports to superior departments, salary/ies for the given month shall be cancelled.

3. Village-level accounts should be rotated completely by the fifth day of each month. For untimely rotation, 20% of salary/ies shall be cancelled; for each alteration, wrong item or missed item, 5 RMB shall be deducted from salary/ies; for each childbearing age woman not included in the management list, 50% of salary/ies shall be deducted.

4. For each within-plan birth not reported, 30% of salary/ies shall be deducted; for each out-of-plan birth not reported, 50% of salary/ies shall be deducted; for each early marriage not reported, 50% of salary/ies shall be deducted.

5. For each failure to timely submit an individual early-marriage report, individual outside plan birth report, or individual “two checkups” report, 20% of salary/ies shall be deducted; for each report not written in the proper manner, 10% of salary/ies shall be deducted.

6. For each single-child certificate and birth permit certificate not handled in a timely fashion, 20% of salary/ies shall be deducted.

7. Should a village lack basic data reports on family planning, the salaries of the full-time vice secretary or vice director for the given month shall be cancelled; and for incomplete contents of reports or for data that do not conform to reality, 50% of salary/ies shall be deducted, with the requirement of verifying the facts within a prescribed time period.

8. The “three identicals” are imperative for village-level accounts: reports, accounts and reality should be identical. Should reports, accounts

and reality be found to be not identical, 50% of management personnel's salary/ies shall be deducted.

Yonghe Town Family Planning Leading Team

June 28, 1997

Appendix 4

Yonghe Town Regulations on Rewards and Fines in Implementing Family Planning, 1998 (First Draft)

Activities shall be formulated for the further implementation of the responsibility system, for the all-around fulfillment of our town's annual population plan and family planning plan, and for the realization of the goal of the provincial party committee and government to endeavor to "solidify the fruits of innovation, accelerate the "two transforms", enhance overall standards, and realize a positive cycle."

I. Rewards

1. The basic reward for town cadres who work in villages is 3,500 RMB per person per quarter; should the family planning rate be 95% in the villages they are assigned to, they are to be rewarded 100 RMB for each 1%;

2. Should the village-wide family planning rate reach 95% as shown by the end-of-year check, each town cadre working in the village shall be granted an annual bonus of 5,000 RMB. Based on this 95%, for each 1% the family planning rate rises, each cadre is to be granted another 200 RMB (or imposed a 200 RMB fine for each 1% the rate drops). Should the family planning rate be lower than 90% but at 85% or higher, each town cadre working in the village is to be granted an annual bonus of 2,000 RMB. Should the rate be under 85%, no bonus is to be granted;

3. With workplaces as units, should the mobile population be checked and should certificates issued within one month reach the rate of above 90%, bonuses are to be granted by the proportion of 6% of the total amount of check-and-issue charges; should the check-and-issue rate reach 100%, bonuses are to be granted by the proportion of 8% of the total amount of the check-and-issue charges collected; should the scope of out-of-plan-birth charges collected within a given year reach 100%, and the amount of collected charges reach above 70%, bonuses are to be granted in the proportion of 4%. Bonuses are to be granted in the proportion of 6% of excess-birth-child charges collected over the years; should the scope of out-of-plan-birth charges collected within a given year reach 100% and the amount of collected charges reach above 70%, bonuses are to be granted in the proportion of 4%; check-and-issue bonuses and bonuses as a percentage of collected excess-birth charges are counted by the rate of 7 persons per workplace;

4. Rear-service personnel's bonuses are granted at the rate of 95% of the average amount of post-deduction bonuses at workplaces;

5. Family planning bonuses (check charge percentages and percentages of collected excess-birth charges included) for town party committee members, people's congress members, government chief officers, department directors and their deputies, and investigators and researchers are to be granted according to the average number of workplaces in the villages they are in charge of; should the average amount of workplaces be lower than the town's average amount, bonuses are to be granted by the town's average amount;

6. Family planning bonuses for vice workplace heads not working in villages are to be counted by the average amount in workplaces; should family planning bonuses for vice workplace heads working in villages be lower than the average amount, bonuses are to be granted by the workplaces' average amount;

7. Should one cadre work in two villages, the two villages are to be counted as one;

8. The family planning bonuses of police substation cadres and police officers are to be calculated according to 30% of the bonuses for town government rear-service personnel; bonuses for instructors and vice station heads are to be calculated according to 50% of these bonuses.

II. Fines/Penalties:

1. Should one out-of-plan birth occur, but cadres working in the given village manage to prepare a timely case report and submit it to the town family planning office within one month, they are to be imposed a 500 RMB/person fine; should the case report be submitted after the one-month period expires, they are to be imposed a 600 RMB/person fine; should a concealed excess birth case be discovered, each cadre working in the village is to be imposed a 1,000 RMB fine;

2. The "three clears" should be accomplished in implementing birth control measures, i.e. all IUD-insertions should be "cleared" (carried out) within three months, all sterilizations should be carried out within 2 months, and artificial and induced abortions should be carried out promptly. For each IUD insertion not performed without special reasons, 100 RMB shall be deducted from the quarterly bonus of each cadre working in a given village; for each second-daughter sterilization not performed, 200 RMB shall be deducted from the quarterly bonus of each cadre working in a given village; for each out-of-plan pregnancy for which an artificial abortion is not performed, 200 RMB shall be deducted from the quarterly bonus of each cadre working in a given village;

3. The quarterly "two-checks" rate must be 100%. For each woman failing once to be present for the "two checks", 50 RMB shall be deducted from the quarterly bonus of each cadre working in a given village; for each

woman failing twice to be present for the “two checks”, 100 RMB shall be deducted from the quarterly bonus of each cadre working in a given village; and fines shall be doubled if no case report is prepared;

4. The “two certificates” should be handled precisely and on time, i.e., a “birth-plan certificate” should be handled within one month, and a “single-child certificate” should be handled within three months; should they remain not handled after the deadline, the family planning cadre in charge of a given village shall bear the responsibilities according to the 30%-70% ratio.

III. The Handling of Undeclared Birth Reports

1. Responsible persons in the new and old areas of responsibility are jointly accountable for out-of-plan births occurring during the month when responsibilities are handed over;

2. Should an out-of-plan birth occur one month after responsibilities are handed over, the new responsible person is to be held accountable for it;

3. For each undeclared excess birth occurring since 1996 that is discovered within three months after responsibility is handed over from the original to new areas of responsibility, a 1,000 RMB fine is to be imposed on the responsible person of the original area of responsibility; should such an excess birth be discovered on the fourth month, the new responsible person shall bear 20% of the responsibility, while the original responsible person shall bear 80% of the responsibility; on the fifth month, the new responsible person shall bear 40%, while the original responsible person shall bear 60%; on the sixth month, the new responsible person shall bear 60%, while the original responsible person shall bear 40%; on the seventh month, the new responsible person shall bear 80%, while the original responsible person shall bear 20%; on the eighth month, the new responsible person shall bear all responsibility.

IV. These regulations are to go into effect from January 1, 1998.

Yonghe Town People's Government, February 1998

Appendix 5

Notice on Establishing Rewarded Informing System

Jinjiang City Family Planning Document [1998] No. 2

To: Family planning leading teams of towns (and farms):

This is to transmit to you the Quanzhou Family Planning Document [1998] No. 4, the *Notice on Establishing an Informant Rewarding System*. We hope that you will be able to formulate effective measures in the spirit of the notice while taking realities into consideration, conscientiously bring the measures into effect, and make all efforts to bring about their realization. At the same time, we hope that the directors of family planning offices in towns (and farms) will pay close attention to this work and endeavor to achieve good results.

Jinjiang Town Family Planning Leading Team, March 17, 1998

CC: Secretary Zhu Ming, Mayor Gong Qinggai, Vice Director of the City Family Planning Team

Appendix 6

Notice on Establishing a Rewarded Informing System

Quanzhou Family Planning Document [1998] No. 4

To: County (as well as District, City, and Administrative Committee) Family Planning Leading Teams:

To enhance the quality of family planning statistics, to put an end to concealed and undeclared family planning reports, to ensure the authenticity of population statistic data, to commend the spirit of seeking the truth, reporting the truth and telling the truth, to foster healthy trends, to improve the style of work in a practical and effective way, and to raise our family planning activities to a new high, we have, based on the data from our research, decided to establish a rewarded informing system for the purpose of discovering concealed and undeclared birth reports as well as beyond-management first marriages and women of childbearing-age, etc. The following are related points:

1. Strengthening leadership and enhancing understanding

Leaders of all levels should enhance their understanding of the rewarded informing system as a vital measure for raising the level of local family planning activities. County (as well as district, city, and administrative committee) family planning bureaus (committees) should appoint one person who will specialize in leading this work and who will do his best.

2. Posting bulletins

All administrative villages (neighborhoods) should post bulletins of the details of 1996-1997 births, first marriages and childbearing-age women in places where villages (neighborhoods) are located, as well as in places where natural villages and villagers' public activities are located. Starting from January 1998, bulletins should be posted monthly.

3. Establishing an informing network

Townships, towns (neighborhood offices) family planning offices, and village (neighborhood) committees should set up informing mailboxes and hotlines, the purpose of which are to facilitate the convenience of citizens who have information to communicate.

4. Timely checking and handling

It is imperative to investigate and handle in a timely manner citizens' information on concealed and unreported births, first marriages and beyond-management childbearing-age women and out-of-plan pregnancies

occurring after January 1, 1996.

5. Confidential information should be kept in the utmost confidentiality.

Three points should be borne in mind:

1. Do not enlarge the number of those having access to confidential information;

2. Protect informants, prevent the leak of confidential information and find the best ways of identifying informants;

3. Signed, confidential information handled by subordinate units should be edited before being submitted to superior departments, and only abstracts are necessary.

6. Vindictive actions spearheaded against informants are strictly prohibited.

1. Once such actions are verified, those responsible shall be duly dealt with.

7. Regular publicity

1. County- and village-level family planning departments should announce the data of rewarded information at locations at which they handle affairs on the first day of each month.

8. System of rewarding information

a. For information leading to the discovery of one out-of-plan pregnancy and the implementation of remedial measures, a reward of 400 RMB shall be granted (medical and health departments of all levels shall act in accordance with the *Quanzhou Family Planning Document [1996] No. 14*).

b. For information leading to the discovery of one concealed or unreported birth, a reward of 300 RMB shall be granted;

c. For information leading to the discovery of one case of fraudulent action, falsified infant death, falsified twins, or falsified sterilization, a reward of 300 RMB shall be granted;

d. For information leading to the discovery of one case of concealed marriage, out-of-wedlock cohabitation or beyond-management married childbearing-age woman (or a case, from 1996, in which the "two checkups" failed to discover a birth or which involved the inappropriate implementation of birth-control measures) a reward of 200 RMB shall be granted;

e. A reward is first paid by verifying units; every half year, townships and villages in charge of targeted violators' residences balance accounts; rewards are paid from out-of-plan birth charges collected by townships and villages, as well as from their family planning funds.

9. Reward claiming:

An informant writes a 5-digit code at the end of a sheet of

correspondence and memorizes the code, and then makes a conspicuous mark on the upper right corner and tears off part of this mark; should the code and torn-off part of the mark fit together, a reward can be claimed.

It is imperative for counties (as well as districts, cities, and administrative committees) to transmit this notice quickly to village (and neighborhood) committees and to conscientiously implement the stipulations contained herein.

Quanzhou Town Family Planning Leading Team - February 23, 1998

CC: Secretary He, Acting Mayor Shi, Vice Secretary Xue, Department Director Hong, Association Chair You, Vice Mayor Li, Vice Mayor Huang Shaoping, Counties (districts, cities, administrative committees) family planning bureaus (committees)

Appendix 7

Wuqing County People's Government Provisions Related to the Thorough Implementation of Tianjin Municipality

Family Planning Regulations (1991)

In order to conscientiously carry out the *Tianjin Municipality Family Planning Provisions* (abridged as *Provisions* below), in accordance with the Tianjin Family Planning Committee [1990] No. 52 document *Notice on Interpretation of a Few Problems Related to the Concrete Application of Tianjin Municipality Family Planning Regulations* (abridged as *Interpretation* below), the following regulations have been formulated with our county's realities taken into consideration:

Chapter One: General Principles

Article 1 It is imperative to strengthen leadership in family planning activities. According to Article 4 of the *Provisions*, all townships, villages, and departments directly under the town and outside units in this county should conscientiously carry out family planning activities within their jurisdiction, and should ensure the fulfillment of annual checking indexes; leading team chief officers should coordinate all departments in family planning activities, encouraging late marriage, late birth, fewer births and higher-quality births. Officers who take on all-around or departmental responsibilities should fulfill all concrete family planning duties assigned to them. They should uphold the guiding principle of giving priority to ideological education, to contraception, and to routine activities, thus gradually transforming family planning activities from post-pregnancy treatment to pre-pregnancy treatment. Family planning activities should be a vital factor in job performance monitoring. Family planning indexes should be implemented by way of the "level-by-level undertaking of responsibilities"; every three years, town and township heads shall sign contracts on the undertaking of family planning responsibilities assigned by the county magistrate; family planning activities are checked at the end of every year; all units must be clear on what their goals are, must have preset responsibilities and must undergo regular monitoring.

Article 2 Population and birth activities should proceed in a planned way. Out-of-plan and out-of-wedlock births are prohibited. Both husbands and wives should abide by the state's family planning laws, law provisions, principles and policies, and they must conscientiously implement the family

planning policy and obey the management of town, township and bureau family planning departments.

They must:

1. Undergo pregnancy tests and follow-ups;
2. Be instructed how to practice contraception and fulfill birth control measures;
3. Pay deposits according to regulations.

Chapter Two: Birth Adjustment

Article 3 One couple, one child. Those who meet the requirements necessary for having a second child as prescribed in Article Seven and Article Eight of *Provisions*, whose first child is over the age of 4, and if the woman is confirmed to be not pregnant, if the couple submits their applications to their work units (or to neighborhood or village committees having jurisdiction over their place of residence, should one of them be unemployed), upon approval by their work units, their applications are submitted to the family planning administration department having jurisdiction over the wife's place of residence. Upon approval by that department, the applications are submitted to the county family planning committee. Upon approval by the county, their applications are posted **for public notice** by villages or neighborhood committees in charge of their place of residence; should no one object within 15 days, the applicants shall pay a deposit of 1,000-3,000 RMB to the family planning administrative department, and they shall be issued a second-birth permit certificate (this deposit is refunded upon second birth and sterilization). But should fraud or untrue circumstances subsequently be discovered, the county family planning committee is authorized to revoke the permission for a second birth, and should the woman already be pregnant, the pregnancy shall be dealt with as an out-of-plan pregnancy.

Article 4 Should a woman be sterile five years after marriage and should above-county-level medical facilities make a sterility diagnosis, the couple may adopt a child upon completion of adoption procedures in accordance with related departments' regulations. According to Article 30, Item 1 of *Provisions*, should a woman be sterile five years after marriage and be over the age of 30, should she and her husband be without any previous children, and should the couple privately adopt a child, their penalty shall be reduced by half of that prescribed by regulations related to an out-of-plan second birth. Should the couple's circumstances be different from those described above, they shall be imposed the penalty for an out-of-plan birth for privately adopting a child. All abandoned infants who

are found shall be transported in a timely fashion to civil administration departments, which will arrange for their care and placement.

Chapter Three: Eugenics, Birth Control and Contraception

Article 5 In accordance with Article 11 of *Provisions*, town, township and bureau units shall engage vigorously in the publicity and dissemination of eugenic, gynecologic, obstetric and pediatric know-how, shall bring medical personnel's role into full display, and shall carry out pre-marriage examinations and prenatal health activities.

Article 6 According to Article 12 of *Provisions*, couples capable of childbearing shall implement birth-control measures.

1. After her first child is born, a woman should pay an IUD-device insertion deposit of 300-1,000 RMB to family planning administrative departments in charge of her place of residence; this deposit shall be refunded should she undertake IUD-insertion measures within 6 months after her first child's birth, with comprehensive birth-control measures undertaken before IUD insertion. Should (a) physician/s diagnose/s that she temporarily cannot undergo IUD insertion, a diagnosis certificate issued by the county (or town/township), coupled with comprehensive birth-control measures, can postpone insertion, and the deposit can be refunded after she regains her health and undergoes insertion. A woman who is 40 years of age who has 2 children or more must also undergo IUD insertion if she has not yet undertaken long-term birth-control measures.

2. Should a woman under 40 years of age have two children or more, either she or her husband must undergo a sterilization procedure. A woman nursing a second child who is an excess birth must undergo a sterilization procedure within half a year following the child's birth. Should the wife of a remarried couple be under 40 years of age and should the new family have two children, either the husband or wife must undergo a sterilization procedure.

Sterilization can be postponed in the following cases:

a. A hospital diagnosis certifies that sterilization is prohibitive either for the husband or for the wife;

b. One of the couple or one of the children (limited only to a two-child family) suffers from a life-threatening disease, and protracted medical care is certified by a county-level hospital diagnosis.

Should sterilization be postponed, the woman should undertake IUD-insertion measures; if both sterilization and IUD insertion are prohibitive due to health reasons, the couple should adopt comprehensive birth-control measures; in the case of either IUD insertion or comprehensive birth-control measures, a pledge not to have any more children must be

signed, and a deposit of 1,000-3,000 RMB must be paid, which will be refunded after sterilization or after the wife is no longer of childbearing age.

1. Those who pay the long-term birth-control measures deposit or the pledge-not-to-have-further-children deposit must undergo regular pregnancy tests, and remedial measures should be undertaken of their own accord in the case of an out-of-plan pregnancy, or the deposit will become a fine.

2. While collecting the long-term birth-control deposit and the pledge-not-to-have-further-children deposit, family planning administrative departments may allow a couple to pay in kind if they do not have enough cash.

Article 7 According to Article 17 of *Provisions*, if a married childbearing-age woman undertakes comprehensive birth-control measures within 6 months after her first child is born but becomes pregnant due to failed measures and thus has an out-of-plan pregnancy, or if she becomes pregnant due to failed IUD insertion or sterilization and thus has an out-of-plan pregnancy, remedial surgery charges are paid from family planning funds. However, if no contraceptive measures are undertaken or if other contraceptive measures fail and this causes an out-of-plan pregnancy, the couple must pay remedial surgery charges themselves.

Chapter Four: Family Planning Management of Mobile Population

Article 8 According to Article 18 of *Provisions*, if an Wuqing County woman marries within county jurisdiction, her family planning management is to be handled in the following way, and her reproductive matters are to be handled according to the monitoring and guidance of the unit in charge of reproductive management.

1. If a woman's residence permit is transferred to her husband's location, the husband's town/township will be in charge of her reproductive management;

2. If a woman's residence permit is moved out of her original place of residence but not yet transferred to her husband's place of residence and thus remains a "pocket residence permit", her husband's town/township will be in charge of her reproductive management;

3. If a woman has not yet transferred her residence permit, the town/township having jurisdiction over her place of residence will still be in charge of her reproductive management.

Article 9 According to Article 20 of *Provisions*, should a woman of

another county marry a man of this county or have a common-law marriage with him, regardless of whether her residence permit is moved into this county, both parties are to be managed by local family planning departments. If a woman from another county who is married and of childbearing age and has child/ren is engaged in business, labor, etc. and has temporary residence in our county, she is to be managed by town/township family planning departments having jurisdiction over her place of temporary residence.

Article 10 If a married woman of childbearing age prepares to work outside our town and is not sure she can undergo routine pregnancy checkups in our town in a timely fashion, before she leaves she must undergo a checkup in our town, sign a contract pledging not to have further children, pay a deposit of 1,000-3,000 RMB, reveal her trip destination and submit a pledge signed by her relatives/friends. The contract pledging not to have further children must clearly specify:

1. Starting from the day she leaves, every half-year she must be return to town for a pregnancy checkup;

2. Within half a year (three full months since the last pregnancy checkup in town) she must mail back to town a pregnancy checkup certificate by a county-level or higher hospital in the area in which she frequently resides (or she can return to town for a pregnancy checkup). One month after the above prescribed period expires, the deposit becomes a fine, which is increased at the rate of 30-50 RMB per day.

Chapter Five: Encouragement and Fines/Penalties

Article 11 Family planning encouragement is specified in Article 21, Article 22 and Article 23 of *Provisions*, as well as Article 21 and Article 22 of *Interpretation*. Towns and townships should, taking into consideration realities in their areas, formulate tendentious policies for family planning activities: in relation to childbearing-age couples who hold single-child certificates, towns, townships, villages and neighborhoods should realize single-child subsidies; should these be difficult for them to realize, they may reduce the amount of voluntary work hours, the amount of the state-monopoly purchase of grain, arable land contract charges, etc.

Article 12 According to Article 3 of *Provisions* and Article 3 of *Interpretation*, in relation to couples who do not realize family planning commitments (including refusal to undergo a pregnancy checkup, refusal to undertake necessary long-term birth-control measures, refusal to undertake measures for remedying an out-of-plan pregnancy, and an out-of-plan

birth), for whom ideological education proves ineffective, town/township bureaus should realize penalties/fines in accordance with the following stipulations. They may, after discussing it with the family, impose on them penalties/fines in kind, and, through other authorities, revoke their licenses, certificates, driver's licenses, etc.

1. For refusal to undergo a pregnancy checkup within the periods prescribed by town/township units, a fine calculated at the rate of 30-50 RMB a day shall be imposed; for refusal to undergo a pregnancy checkup by staying out of town over one month, a fine calculated at the rate of 30-50 RMB a day shall be imposed;

2. For refusal to undertake measures to remedy an out-of-plan pregnancy or for intentionally postponing a checkup, an out-of-plan-pregnancy charge of 300 RMB will be imposed starting from the beginning of the pregnancy; this charge can be paid in monthly installments or in one installment for 9 months of pregnancy; should a pregnancy be terminated after the collection of the out-of-plan-pregnancy charge, all collected fines shall be refunded, but with related work expenses deducted (transportation, human resources, etc.). For those who escape out of town to have an out-of-plan birth, out-of-plan-pregnancy charges are to be unconditionally calculated according to 9 months;

3. A woman who is supposed to undergo an IUD insertion and who is physically fit but refuses to do so within the prescribed period, or whose physical conditions for IUD insertion are unclear but who refuses to undergo a checkup within a period prescribed by family planning administrative units, shall be imposed a one-time fine of 300 RMB and 100 RMB for each month of postponement;

4. If both a husband and a wife are able to undergo sterilization but refuse to do so within a period prescribed by family planning administrative units, they shall be imposed a one-time fine of 500 RMB and 200 RMB for each month of postponement; those who fall in the category of postponed sterilization but who refuse to undergo IUD insertion shall be treated in the category of "refusal to undergo sterilization";

5. Family members, children and relatives have the obligation to assist government authorities in persuading a couple to undergo birth-control measures;

Article 13 If both a husband and wife are state employees and they have a child in excess of their department birth quota, they shall be imposed social-maintenance charges in accordance with Article 25 of *Provisions* and also imposed disciplinary sanctions in accordance with Article 28 of *Provisions*.

Article 14 Should one member of the out-of-plan-birth couple be a state employee or cadre, and the other a peasant, the state employee/cadre

shall be dealt with in accordance with Article 13 of *Provisions*, while the peasant shall be imposed 50% of the social-maintenance charges prescribed in Article 15 of *Provisions*; should the out-of-plan birth be included in the statistical data of the wife's hometown, both the husband's and wife's units shall be placed on the annual family planning activities monitoring list.

Article 15 According to Article 25 of *Provisions*, for citizens of agricultural residence and individual businessmen of non-agricultural residence, out-of-plan-birth social-maintenance charges are to be imposed in the amount of 3,000-15,000 RMB, and multi-birth social-maintenance charges are to be imposed in the amount of 6,000-20,000 RMB. For an "extra-care" couple who are permitted to have a second child who but who force through more children than the original "extra-care" quota, their "extra-care" status shall be revoked and they shall be imposed both second birth and multi-birth fines. For those who brandish their wealth and force through out-of-plan births, and who cause excess births and thus create a bad impression among the people, they shall be imposed aggravated penalties upon approval by the government.

Article 16 Those who cause an excess birth by staying out of town shall be imposed doubled social-maintenance charges and corresponding work expenses. Those who cause an excess birth by staying out of town, and who then ask people in other locations to take care of their excess birth children and return to their hometown, shall be imposed aggravated fines – with an added 100 RMB per month – once their excess-birth cases are discovered.

Article 17 In accordance with Article 24 of *Provisions* and Article 24 of *Interpretation*, for an out-of-wedlock first birth, a fine equal to the amount of an out-of-plan second birth shall be imposed; out-of-wedlock second or higher births shall be fined as multi-births.

Article 18 In accordance with Article 26 of *Provisions*, social-maintenance charges should be paid within one month after an excess birth. Should a couple be impoverished and unable to pay the charges within one month, a payment contract can be drawn up to arrange for payment whenever the couple has money, but the repayment period cannot exceed one year. Social-maintenance charges are mainly paid in cash; the remaining portion can be paid in kind upon reaching an agreement with the family; if the remaining portion still cannot be covered in kind, an agreement can be reached with the family for substituting payment with labor. Should an employee or cadre be dismissed from public employment for an out-of-plan birth, the former bureau-level employer (or bureau-level unit) shall pay a one-time social-maintenance charge for them, which is submitted to the county family planning committee. As for other forms of disciplinary sanction, the bureau-level employer (or bureau-level unit) shall

be responsible for deducting fines from their employee's monthly compensation, and shall submit the collected fines to the county family planning committee by the end of each year.

Article 19 In accordance with Article 25 of *Provisions* for single-child certificate holders who later have excess-birth children, not only must fines be imposed and counted according to the sequence of excess birth, but their single-child certificates, as well as their health subsidies and other encouragement allowances previously received, must be revoked.

Article 20 Those who experience hardships in daily life caused by social-maintenance payments or other family planning fines are not eligible for "assistance for the poor".

Article 21 In accordance with Article 29 of *Provisions*, town/township bureaus (including bureau-level units) that fail to fulfill family planning indexes or whose statistical data are not genuine cannot be selected as overall advanced units or civilized units for the given year.

Article 22 According to Article 4 and Article 29, should out-of-plan births occur among cadres and employees (including male cadres and employees, contract workers and long-term contract workers) of bureaus (including bureau-level units) directly under the county, the county government shall impose the following penalties on those units, the people in charge of these units, and the bureaus in charge (including bureau-level units):

1. For each out-of-plan birth occurring in the unit, 20% of all bonuses of chief responsible persons and departmental responsible persons, and 10% of all bonuses of directors and vice directors in charge of bureaus (including bureau-level units) in charge of out-of-plan births shall be deducted and handed over to the county family planning committee by the end of a given year;

2. Should an excess-birth husband and wife be employed by different units, both units should fine the responsible persons and deduct their bonuses in accordance with the above regulations;

3. Units in which excess births occur cannot be selected as overall advanced units or civilized units of a given year.

Article 23 According to Article 30 of *Provisions* and Article 30 (3.) of *Interpretation*, all those who give assistance to an out-of-plan pregnant woman in fleeing their hometown by offering them lodging or other assistance and thus directly obstructing family planning activities shall be imposed a 1,000-3,000 RMB fine; towns/townships (units) having jurisdiction over these offenders should assist towns/townships having jurisdiction over the out-of-plan pregnant woman's place of residence in collecting fines, which are then allotted to both sides by a 50%-50% proportion.

Article 24 According to Article 30 of *Provisions* and Article 30 of *Interpretation*, medical personnel who unlawfully remove IUDs, perform fetuses' sex identification not required for medical purposes, or issue falsified family planning-related diagnoses or falsified birth-control surgery certificates shall be imposed a disciplinary sanction of demotion by their units, and the responsibility of their units' chief leading persons shall be investigated and affixed.

Article 25 According to Article 30 of *Provisions*, for each of the following actions, unemployed citizens shall be imposed a 1,000-5,000 RMB fine; should they be employed, their employers shall impose on them disciplinary sanction above demotion, and penalties shall be aggravated in the case that they cause serious harm; those who violate public security management regulations shall be imposed penalties by public security departments; should their action/s constitute crimes, their criminal responsibility shall be investigated and affixed by judicial organs.

1. Preventing citizens from carrying out family planning activities;
2. Obstructing family planning personnel from implementing family planning policy or stirring up trouble by spreading rumors;
3. Abandoning or cruelly injuring infants;
4. Threatening, insulting, battering or framing family planning personnel, or destroying the property of family planning personnel.

Article 26 According to Article 30 of *Provisions*, for each of the following actions, family planning personnel shall be imposed disciplinary sanctions above demotion, and all their bonuses for the given year shall be annulled; should their action/s constitute crimes, their criminal responsibility shall be investigated and affixed by judicial organs.

1. Violating the *Provisions'* regulations, issuing falsified certificates in handling second births and collecting fines, providing fraudulent information, resorting to deception, practicing favoritism and accepting bribes;

2. Leading cadres involved in family planning matters practicing fraud hand-in-glove with interested persons and reporting falsified family planning figures;

3. Embezzling and misappropriating family planning funds, social-maintenance charges or other fines;

4. Violating county family planning regulations and presumptuously altering the norms of fines for excess-birth families.

Article 27 Social-maintenance charges and other fines collected in accordance with the *Provisions* can only be used in family planning activities.

Article 28 All town/township bureaus (including bureau-level units) should formulate their concrete measures in accordance with the above

Provisions, taking into consideration realities in their localities.

Article 29 The county family planning committee is accountable for interpreting the *Provisions*. The *Provisions* go into effect from the day of their promulgation; original regulations are annulled.

Appendix 8

Document of the Jieshi Township Committee Office of the Chinese Communist Party

A. Announcement Regarding Intensive Population Control Service Activities this Fall

Jieweiban [2003] No. 43

To Party branches of all villages, village (community) committees, direct affiliated organizations and enterprises:

In order to promote population and birth control work in our township and to clear up the stagnant “four surgeries”, to change the passive situation of population control work in our town, to achieve the yearly goal of population control, and to meet the request of the committee of the city and city government, we have decided that within 35 days of August 26th, our town shall launch intensive population control service activities.

1. The leading organization

Set up a command center of intensive population control service activities in Jieshi in the fall.

2. The leading thought

Mobilize the whole township, concentrate our leadership, concentrate our strength and time, use every effective measure, and focus efforts on implementing the sterilization of all two-daughter households and the compensation methods for late-term pregnancy cases. Clear all stagnant “four surgeries”, expand the charging of “social alimony” and carry out IUD and pregnancy inspections.

3. Time and Task

The time period: August 26 to September 30, 2003

The task: There are 2,458 surgeries to be carried out, which includes 1,369 sterilizations (sterilizations of two-daughter households number 274), insert IUDs in 818 cases, induce birth in 108 cases, and carry out 163 abortions. All village (communities) committees must implement these tasks in a timely fashion, and must meet the required quantity and quality.

4. Organizational deployment

a. The head of the Party in the village should undertake the primary

responsibilities.

b. Reinforce propaganda work, produce a pro-active atmosphere.

c. Set up a responsibility system under which each cadre is responsible for a certain task, with duty-responsibility-award or punishment as the guideline.

The following is the original text of section A, “Announcement Regarding Intensive Population Control Service Activities this Fall”. (English translation provided above is only an excerpt)

为重点,全面扫清“四术”库存,加大社会抚养费征收力度和合环孕孕工作,促进重心下移和经常性工作的开展。

三、时间与任务

1、时间安排:2003年8月26日至9月30日。

2、任务要求：全镇下达指导性任务2438例，其中结扎1369例（纯二女户结扎274例），放环818例，引产108例，人流163例。要求全镇各村（社区）叠叠必顺按时，按量，保质完成。

四、旗帜实施

1、加强领导，落实责任，真抓实干。县党委指挥部统一领导秋季计生集中服务活动工作，各村（社区）也要相应成立领导机构，由村（社区）党政一把手负总责，切实加强秋季集中服务活动的领导。

2、深入宣传，营造氛围。从八月二十六日起，各单位要加大对宣传的力度和深度，大张旗鼓地开展宣传声势活动。大力宣传《广东省人民政府和中国人民解放军总政治部《关于广东省人民与解放军实行互利的原则》以及计划生育有关政策，营造计划生育集中服务活动氛围。广大军民要主动参与计划生育，各单位要指定专人负责，张贴标语口号，悬挂宣传横幅，各主要街道、学校要悬挂宣传横幅，张贴文化站、华陆集团公司、中办办事处、边防派出所、地稅分局、粮所、北城公安分局、南埔村委会、新四村村委会、南埔村委会、南埔村委会等单位要以布置的任务表为依据，落实到位。

3、抓好责任制的落实。村一级要落实责任制和岗位责任制，把“四术”任务具体分解到每个干部身上，并制订具体可行的奖罚措施，形成“职务、责任、奖罚”、三位的工作机制。镇驻村组干部，同志要深入一线解决具体问题，抓薄弱环节和后进村的转化工作。

4、通力协作，齐抓共管，全镇各级、各有关部门要全力以赴，大力支持秋季计划生育集中服务活动，各村（社区）要全力以赴。

各村党支部、村（社区）委会、镇直机关、企事业单位、

为促进我镇人口与计划生育工作的深入开展，最大限度地利用“四本”库存，扭转我镇计生工作的被动局面，实现全年人口计划目标，根据市委、市政府的要求，结合我镇实际，决定从8月26日开始，用35天的时间，全镇统一开展计划生育集中服务活动。现将有关事项通知如下：

一、成立發展局的

建立縣石鐘乳產量計劃生產與山園各活動物制度 (見附表)

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全镇上下全面动员，高度集中领导、集中精力、集中时间，采取一切行之有效的手段，以突破性女户访视和大中月份并数措施

完成镇委、镇政府下达的计生任务为工作目标,以开展“四术”库存量为己任,与我镇计生流动站状况决一死战,公安政法部门要积极配合,成立秋季计生工作专项组,确保秋季活动的顺利开展。其他各部门要按照各自的工作职责以及镇委、镇政府的工作安排,通力协作,齐抓共管,共同为把我镇秋季计生宣传教育集中服务活动开展好,为开创镇计生工作新局面作出应有的贡献。

5、把任务、责任落实到村，落实到人，每5天检查一次，每10天进行一次评比小结。

集中服务活动评比分为三期进行：第一期从现在起至9月10日止，单位和个人的必须完成任务45%，对未完成任务的给予通报表扬。未完成任务的给予通报批评；第二期从9月11日起至9月20日止，单位和个人的必须完成任务75%，对未完成任务的给予通报表扬。未完成任务的给予警告；第三期从9月21日起至9月30日止，单位和个人必须完成任务100%，对未完成任务的给予通报表扬。未完成任务的给予记过、记大过、撤职、开除。主1级减半，其它定编干部发1级（离岗人员、退休干部不再计算）。

3. 在定期评比中,前三名的村(社区)给予通报表扬,后三名的村(社区)给予通报批评;连续两次前三名的村(社区)支部书记、主任上台授奖;连续三次后三名的村(社区)支部书记、主任及抓计生领导工职减半,单位和个人,离岗期间的工作实绩列入年度考核内容;镇级村社区两会上所驻的村居连续三次落后三名的,年终奖金减半、镇有单位所驻的村后进的给予通报批评,并呈报县计生委暂扣。

6. 经济补助, 秋季集中服务活动期间, 从8月26日——9月30日止, 每例结扎补助50元, 每例大月份补救措施补助300元, 同时二女结扎的, 经核实后另理政策。

三、援助形式未再进行其他形式的经济补助，不准擅自对本县通

有超过规定的补助。违反规定的，一经发现，将予以严肃处理。

五、責任分工

1、镇府领导、同志要包片包村，村（社区）委会也要包组。包对象、包落实，加强时计划生育生殖健康服务活动的领导，采取创新措施，创新方式，“以妇孺存身为目标，以套套治贫为动力，以一套常备为保险，以农村社区二女为突破口，以人口份引产为要点”，竭尽全力，更图创新，确保计生活动各项任务的顺利完成，为实施年度人口计划再奠定基础。

2. 机关事务组

负责处理镇内人口、计划生育、企事业单位干部、职工计生情况的同志；负责各单位以及村（社区）委会的计生工作，征收社会抚养费，对违反计划生育的人和事进行处罚，同时按照开展相关多环节生育工作。切实加强人口统计力度，做好计生、孕产和孕产信息、孕产统计。8861769，8861303。

各村(社区)：

电话，并要求将所有的计划生育对象名单列榜公布，发动群众检举和揭发计生对象对象。

3. 宣傳資料組

负责出动宣传车进行巡回宣传广播,安排好电视差转台、广播调频台,专题播放《人口与计划生育法》、《广东省人口与计划生育条例》以及计划生育相关宣传资料,督促各单位张贴宣传标语,悬挂横幅,及时出版计生简报,报道全省计划生育先进事迹及集中服务活动情况。

4. 主要治疗措施

负责安排好手术点的设置工作, 手术服务的前期准备工作, 督促检查各手术点的手术质量、医疗器械、人员到位、药品消毒等工作, 确保手术集中服务活动顺利开展。

手术点的医务人员要持证上岗,保证手术质量,确保术者的安全。同时杜绝弄虚作假的现象出现。

手术点的设置:人民医院住院部、人民医院第二门诊部、人民医院城南分院、计生第一服务所、计生第二服务所共设五个点。

大月份引产地点：人民医院住院部。

大月份引产措施地点：人民医院住院部。

5. 专业队

镇计生专干人员必须遵纪守法,文明执法;要认真、积极做好计划生育集中服务活动的工作,负责对所有计划生育贫困户、困难户对象集中办班学习;同时发挥自身职能作用,运用灵活的方法,针对计生对象,并配合村(社区)委会干部、镇驻村同志做计生对象细致思想工作,做到当天教育当天消化,促使其自觉落实节育措施。

6、统计办人员分工

《13、薛学义同志负责全部工作。

(2)、其它人员分工:

A. 晏建南、叶小红负责配合人民医院住院部的工作。

日，陈炯明负责配合人民医院第二门诊部的的工作。

(2) 赵振江负责管好二个服务所的工作;

D、刘发负责配合计生第一服务所的工作；朱海胜负责配合第

二、服务所的工作

E. 陈吉坚负责配合人民医院福南分院的工作;

F、陈学义、林再兴、林小巧负责资料统计, 向上汇报、传递资料等工作;

G、吴惠芳负责收发术后送件管理工作;

11. 潘淑贞参加镇机关督查组工作。

六、证件管理

1. 以证性计进度, 秋季计生集中服务活动“四术”进度从8

月26日开始统计,8月26日起军活动结束施行手术为统计有效手术。各村(社区)委会当天在各手术点落实的“四本”证件一律由村(社区)的专干人员登记、签发,并带回统计办转交给林再兴同志,统计办主任签收,董士公盖章后,办好当天的累计进度和得进度,并上墙将统计移交吴兴秀同志后保管,董士公收受。来者的第二联由村(社区)委会填上姓名后,在视第三联才交给

2. 秋季集中服务活动期间,在陆丰市外落实措施的对象外地证件要计入进度的,各村(社区)委会须凭对象在外地落实生育措施证件的原件,经镇主管领导确认后后方可计入进度。

3、有关术者的证件归属统计：不受区域限制，谁动员归属谁统计，动员时对象户若持有原户籍村（社区）委会的落实证明，回还原户籍的村（社区）委会统计，外乡镇流入人口的计划生育管理，按居住地的乡镇区进行落实和归属统计。

4、前往各平壤点落实“四术”措施的技术者，应带齐本人的身份证、户口本。结婚证；未办本人身份证的，应带家村（社区）委会出具的身份证明，凡属纯二女结扎的对象，须由村（社区）委会出具证明，并经驻队领导核实签名，方可施行手术。

以上通知，希認真貫徹執行。

附：计划生育宣传标语口号

礦石儲量多, 計劃生產集中, 礦業活動既集中。

二〇〇三年八月二十六日

抄送：市委办、市政府办、市计生局、市计生委宁远县计生办及县直各办公室。

鎮委政府作了發覺或疑，各辦公室、部門

B. Announcement Regarding the Establishment of Headquarters to Implement Intensive Population Control Service Activities in Jieshi Township this Fall

Jieweiban [2003] No. 41

To Party branches of all villages, village (community) committees, direct affiliated organizations and enterprises:

In order to strengthen the leading work in implementing the intensive population control service activities this fall in our township, we have decided to build a headquarters.

Commander-in-chief: Zheng Yanhui

First deputy commander-in-chief: Chen Hanqiao

Deputy commanders-in-chief: Li Peixian, He Chaoxiong, Lin Jirong,
Lu Wenrong

Members: Xie Hangdian, Wen Huanteng, Liu Changfu, Liu Xingjia, Zeng Guangyao, Yu Guangchao

An office should be set up with Comrade Lu Murong as the director and Comrade Chen Xueyi as the deputy. The staff can be built up from the workers in the political office of the Party and the office of population

control.

The following is the original text of section B, “Announcement Regarding the Establishment of Headquarters to Implement Intensive Population Control Service Activities in Jieshi Township this Fall”. (English translation provided above is only an excerpt)

DOI: 10.1002/for

关于成立碭石鎮秋季計劃生育集中服務活動指導部的通知

對中國加強科技與教育，並未有實質性的承諾與支持。

倫敦利達一區，過去有槍社多間，自軍中製藥社及槍社，

А. А. БАН

৯. ০১/০৭/১৭: পৃ ১৭৬

分 配 表 示 法 示 意 図、分 配 表、分 配 表 示 法 示 意 図

0000

资料来源：根据作者调查整理。

作。与作者关系密切者，且多与作者有交。

Fig. 4

中共烟台市委办公室
烟台市人民政府办公室
二〇〇二年九月二十三日

地址：北京市宣武区 琉璃厂 100 条 101 号 电话：010-63996111

C. Suggestions in Terms of Launching Intensive Population Control Service Activities in Government Offices and Enterprises this Fall

Population Control Team of Jieshi Township
August 26, 2003

The following is the original text of section C, “Suggestions in Terms of Launching Intensive Population Control Service Activities in Government Offices and Enterprises this Fall”.

(English translation provided above is only an excerpt)

关于在机关企事业单位开展秋季计生集中服务活动的
意见

各机关、企事业单位：

为全面落实“三为主”工作方针，稳定低生育水平，提高人口素质，实现可持续发展，保证我镇今年人口与计划生育各项指标顺利完成，根据镇委、镇政府的工作部署，决定在全镇机关、企事业单位开展秋季计划生育集中服务活动，全面扫描“四术”库存量，现提出如下几点意见：

一、进一步提高思想认识。各单位要从讲政治、讲大局的高度，进一步提高思想认识，充分认识到当前计生工作的严峻形势和抓好计生工作的重要性和必要性，思想上要高度重视计生工作，单位领导要亲自主持，负总责，集中力量，全力以赴，把本单位的计划生育工作抓紧抓实抓好，以高度负责的精神，全面贯彻执行《中华人民共和国人口与计划生育法》和《广东省人口与计划生育条例》，全面扫描“四术”库存量。

二、加大力度清理清查“四术”对象。各单位领导要切实加强责任，加强清理清查工作，逐人逐册登记，详细掌握本单位干部职工的计划生育情况，迅速动员单位违纪超生对象自查自报，主动落实节育措施，并接受处理。要把清理清查“四术”对象作为各单位落实和有助对象征询是否到位，透明度是否高的一次检验。各单位、各部门在清理计生对象时，要克服怕辛苦，下大力气，坚决清查超生和计划外怀孕，特别是大月龄怀孕的对象。对清理清查出来的对象，各单位要在9月15日前动员其自行落实节育措施，并及时将名单上报镇计生机关备查。

三、开展一次全面的季度妇科检查工作。这次秋季计生集中服务活动，要在清理清查“四术”对象的基础上，对已婚未育、生一孩放环和落实节育手术未满一周年的对象，要进行一次全面妇科检查。各单位领导要负总责，指派一名副职领导带队，带妇科检查对象，于9月1日至9月6日到大镇镇指定的计生服务站进行妇科检查（妇科对象必须带本人身份证，经

镇机关负责人验收），并将妇科检查名单和证件于9月7日前报镇计生机关审查组。9月10日左右镇机关审查组将对各单位进行一次按育龄对象挨户验收。

四、认真做好新增育龄对象和妇检中发现计划外怀孕对象补救工作。各单位对新结婚对象或工作调动而未列入的对象，必须在9月5日前补办好卡、表、保证书等手续，并把对象承包责任制及时落实到人，确保计生档案管理规范化。对这次季度妇检中发现的计划外怀孕对象，各单位要采取强有力措施限期落实补救措施手术进行补救，坚决制止计划外生育现象的发生。被督查组将在9月上旬组织一次全面的计划生育建档情况大检查，并将检查情况分类排队进行通报，对建档差的单位要责令限期改正。

五、严肃认真搞好清查历年已施节育手术未缴交社会抚养费或未上报党政纪处分对象的工作。各单位必须认真对照《中华人民共和国人口与计划生育法》和《广东省人口与计划生育条例》的有关规定，积极配合做好清查历年已落实节育手术而未缴交社会抚养费或未上报党政纪处分对象的工作。各单位领导要切实负起责任，积极动员教育违反计生政策虽落实节育手术但未缴交社会抚养费的对象在9月30日前到镇计生办缴交社会抚养费，按照省计生条例的规定，当事人未在规定时间内足额缴纳应缴纳的社会的抚养费的，自欠缴之日起，按照国家有关规定加收滞纳金，仍不缴纳的，依法申请人民法院强制执行。各单位要积极配合宣传这些规定，使违反超生对象自觉缴纳社会抚养费。同时要上报计划外生育对象的党政纪处分材料。凡对本部门、本单位干部、职工违反计划生育问题清理不力，严重失职或隐瞒不报，除对违反计划生育政策的当事人给予从严处理外，按责任追究制，坚决追究单位第一责任人和分管领导的责任。

在这次秋季计生集中服务活动中，各机关、企事业单位要加强领导，落实责任，把以上几点意见落到实处，扎扎实实把本单位的计划生育工作抓紧抓好，抓出成效，为推进我镇机关企事业单位计生工作上“三为主”轨道，带动农村计生工作的深入开展做出应有的贡献。

碣石镇计生机关审查组
二〇〇三年八月二十六日

Appendix 9

Family Planning Slogans

How the Chinese governments implements its family planning policy can be judged by the slogans posted throughout the nation.

Fine for Excess Birth – Your Family Ruined! (Hubei Province)

Marriage, Pregnancy and Birth by Certificates of Approval (Fujian Province, see appendix)

One Sterilization Honors Whole Family! (Shandong Province)

One Excess Birth, Whole Village Sterilized! (Chuxiong, Yunnan Province)

Sterilization Dodgers Wanted! (Sichuan Province)

Pregnancy and Birth by Certificates of Approval! (Jiangxi Province)

Make One Birth the Rule, Control Second Birth, Terminate Third Birth (Shandong Province)

Better One Family Ruined Than the Whole Nation Devastated (Shandong Province)

Induced Abortion and Abortion Wherever Possible, But Never Birth! (Shandong Province)

Better Ten Graves Than One Extra Birth! (Henan Province)

Severe Fine for Aborting Baby Girls! (Anhui Province)

Better One River of Blood than One Excess Birth (Jiangsu Province)

For Resistance to Family Planning Policy – Your Family Ruined (Hunan Province)

First Birth OK, Second Birth – Sterilization, Third / Fourth Birth – Abortion! Abortion! Abortion! (Sichuan Province)

For Resistance to Sterilization – House Demolished; For Resistance to Abortion – House Demolished, Beast of Burden Confiscated (Sichuan Province)

First Birth OK, Second Birth – Sterilization, Third / Fourth Birth – Kill! Kill! Kill! (Guangxi Province)

Three Minutes to Think It Over- If You Still Don't Comply, Tornado! (Hubei Province)

Fewer Children, More Trees; Fewer Children, More Pig Farms! (Beijing)

Fewer Children, More Trees – Road to Prosperity for Mountainous Regions (Shanxi Province)

To End Poverty in Villages – Have Fewer Children, But Breed Bears (in China, bear's paw is a delicacy and bear's bile is considered to be of medicinal value)

Sterilization for Excess Birth! (Hunan Province)

Sterilization Ends Poverty, IUD Insertion Leads to Prosperity (Hunan Province)

Economy Up, Population Down (at a crematory entrance in Hubei Province)

Want To Poison Yourself? Here's Pesticide. Want to Hang Yourself? Here's Rope.

Source: Beijing University Website <http://www.beida-online.com> 2003

The Pictures Tell the Truth



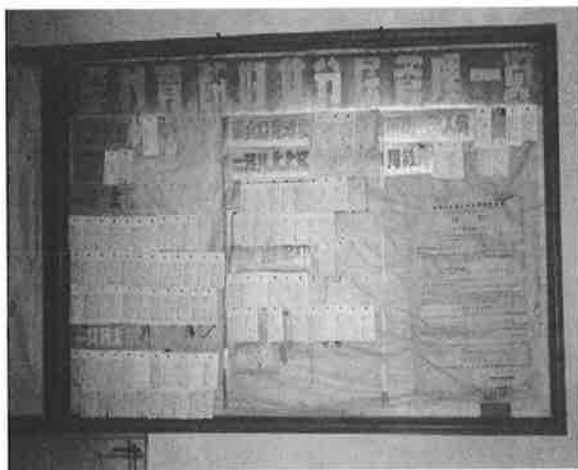
The more children, the guiltier- think about it.



Let's destroy the homes and dissipate the fortunes of those who have excess births.

Let's ruin the families of those who have excess births.

A slogan painted on the wall of the Laohekou Fiber Glass No. 2 Factory



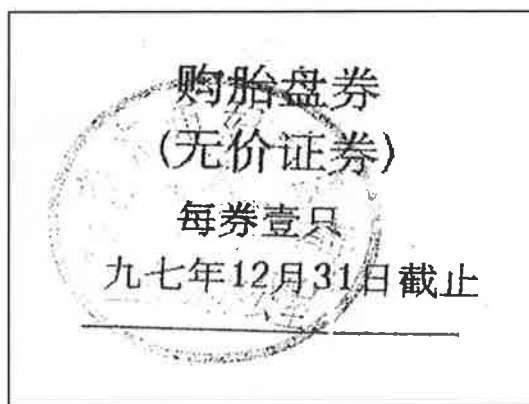
No one can evade the intrauterine device (IUD) & sterilization.

We have everything under control- who's going to have an IUD inserted, who's going to be sterilized, who's under surveillance.

A village bulletin board in Tianjin.



Propaganda slogans promoting the necessity and benefits of family planning.



As the market for placentas for consumption is so large, the Women's Hospital in Nanjing issues a "placenta voucher" to hospital employees to obtain placentas free of charge: one voucher one placenta, expiration date 12/31/1997.



Gao Xiaoduan, a former senior population control official in Fujian province, testifies before the Subcommittee on International Operations and Human Rights of the House International Relations Committee in 1998.



Sterilizations and abortions on women who have breached China's family planning law are carried out in this room inside a family planning office.



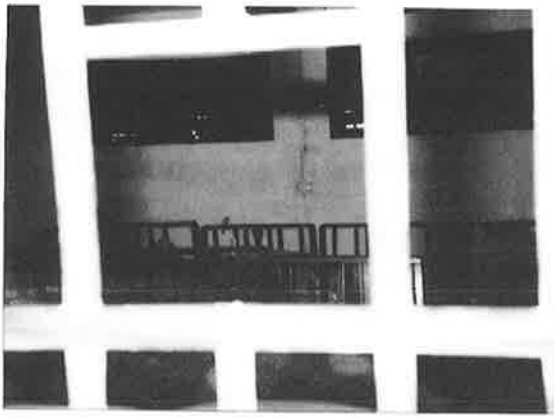
A family planning office orders a violator's house to be torn down with a bulldozer.



Slogan on the wall of a family planning office: obtain a permit before marriage, obtain a certificate prior to pregnancy, give birth only after obtaining permission.



Office building of Yonghe Family Planning Commission



A detention room for relatives of women who have violated family planning laws. The detainee(s) have to pay 8 ¥ (1 U.S. dollar) for “boarding” fees, and can only be released when they “redeem themselves” by appearing before family planning officials.



Family members of those who violate China’s family planning policy are kept in these detention cages.



Slogan on the wall:

One extra birth, whole family sterilized.

Give birth only after obtaining permission.

永和镇违反计生对象处理情况登记表

住址 马坪 登记时间

称谓	姓 名	年 龄	结婚年月	现 在 子 女 情 况					
夫	林海洋	73.4		子 女 数	男	女	最大出生年月	95.6	男、女
妻	林婉清	75.10			1		最小出生年月		男、女
称谓	早婚、早育 超生、未达间隔			是否实行各种措施		是否绝育、避孕		其他 情况	
项目									
时间									
妇检									
情况	<div style="text-align: right;"> 检验人员签名 年 月 日 </div>								
工作初步处理意见	林海洋夫妇 1956年结婚育1女(非婚婚姻外举行婚礼),属 早婚早育,在结扎,罚款20000元(林海洋夫妇在生育后未达间隔 超生1女,长期未育,未育未育),特此处理。负责人签名王强 1996年7月31日								
镇处理意见	(同意结扎,罚款20000元)								
备注	<div style="text-align: right;"> 王强 1996年8月2日 </div>								

Report Form for Violator of Family Planning Regulations in Yonghe Township

The couple Lin Haiyang and Lin Wanqing gave birth to a girl in June 1995. The couple belongs to the early-married and early-birth group. They were fined ¥ 20,000 (approx. US\$2,500), and the woman was sterilized.

-Signed by Fang Luan, 8/2/1996

永和镇“两查”担保书

镇计生服务所：

圩下 村 1-11 队 林金梅 育妇，因 育妇已是 40 周岁以上 不能到位参加检查，我把该对象列为跟踪管理对象。今后，如出现计划外生育，我愿意承担一切责任。

镇片区责任人：杨国兴
担保人 村片区责任人：蔡金榜

Guarantee Letter of “Two Check- ups” of Yonghe Township
To Yonghe Family Planning Commission:

We hereby certify that xxx, a 40+-aged pregnant woman, cannot go to your office to take a medical examination. We will keep her under strict surveillance. We will assume responsibility for any out-of-plan birth.

Authorized Warrantor Signature

Responsible Person for the Township: Yang Yanxian

Responsible Person for the village: Cai Jinbang

落实节育措施通知书

(199) No. 0001349

____村,家庭编号____,____夫妇:

你们已于____年____月生育第____孩,根据《福建省计划生育条例》及有关规定,限于____年____月____日以前,自觉落实____措施,违者将按有关规定处罚。

特此通知

永和镇人民政府(主管单位)

年 月 日

*Notice to certify a couple's compliance with contraception measures

(Year 199x) No. 0001349

Village____, Family No.____, Couple's Name____,

You gave birth to __ child(ren) on __ __ (YY-MM). According to the Regulations on Family Planning of Fujian Province, you must voluntarily carry out _____ procedure before the date __ __ __ (YY-MM-DD). Violators will be punished according to the law.

-People's Government of Yonghe

Date:

农村村民不准再生育通知书

(1 9 9) No

刘山村 余天教 夫妇:

你们已于 97 年 11 月生育第 1 胎 (男 孩), 为贯彻落实计划生育基本国策, 根据《福建省计划生育条例》及有关规定, 不准再生育第 2 胎。如强行计划外生育, 将按有关规定严肃处理。

特此通知

乡 (镇) 人民政府

97 年 12 月 20 日

泉州市计生委统一印制

Notice to villagers forbidding a second birth

x-shan Village, Couple's Names: Yu Tianjiao, Fang Lizhen

You gave birth to a boy in November 1997. According to the Regulations on Family Planning of Fujian Province, you are forbidden to give birth to a second child. If you have an out-of-plan birth, you will be strictly punished according to the law.

Stamp of Yonghe Office of Family Planning

Date: 12-20-1997

办理准生证通知书 (存根)

(199) N? 0000199

_____村,家庭编号_____, _____夫妇:

你们已于__年__月领取结婚登记证,根据《福建省计划生育条例》及有关规定,限于__年__月__日以前,到镇计生办办理第__胎《生育计划证》,未持证怀孕的一律实行人流、引产。

永和镇人民政府 (主管单位)

年 月 日

*Notice on Application for Permission to Give Birth, (199_) Certificate No. 0000199

Village_____, Family No._____, Couple's Names_____,

A marriage certificate was issued to you on ____ _ (YY-MM-DD). According to the Regulations on Family Planning of Fujian Province, you shall apply for a Birth Permission Certificate for your __ child before ____ _ (YY-MM-DD) through the Yonghe Office of Family Planning. Any pregnancy occurring without prior permission shall be aborted without exception.

-Yonghe Office of Family Planning: Date:

晋江市计划生育服务站证明书

_____省_____县(市、区)

永和乡、镇古厝村、居6-28组

Nº 0061034

姓名陈丽美性别女年龄26身份证号码350522721228402

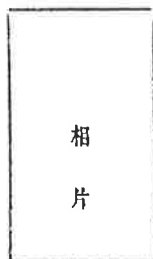
现己育____男____女, 己采用节育措施

体检结果未育 无孕

特此证明

经检医师张婷、蔡如公章

98年 1 月 22 日



Certificate of the Family Planning Service Station of Jinjiang

(No picture)

Yonghe Town, Gucuo Village, Group 6-28

This is to certify that Ms.Chen Limei, female, born on December 1972, ID No.350522721228402, who gave birth to ____boy/s ____girl/s, has applied contraceptive measures. The result of the pregnancy check is negative.

-Authorized medical examiner: Zhang Tingting, Cai XX

Official Seal

Date: 1/22/1998

95.10.8 查环查孕通知书

邵厝 村第 6 村民小组夫妇 黄清流 杨秋好:

根据镇政府的部署和安排,请你于 7 月 7 日持查环证或查孕证以及身份证、结婚证、户口簿到 村委会 接受(环情、孕情)检查。否则,每推迟一天罚款50元,超过一个月不查者罚款2000元,并采取必要的行政措施。

特此通知

带女方一寸相片一张

永顺镇计生办

96 年 7 月 3 日

*Notice of Appearance for IUD examination and pregnancy testing

Shaocuo Village, No. 6 Villager Group, Couple's names: Huang Qingliu and Yang Xiuhao

Under the arrangements of the Yonghe township government, you shall come in to your village committee on July 7th for an IUD examination and pregnancy testing. Please bring your ID, marriage certificate, residence permit, and this notice with you. Late fees shall be charged until you appear before the committee. Late fees are charged at the following rates: 50 yuan per day with a maximum fine of 2,000 yuan for over one month. We reserve the right to take administrative enforcement measures.

In handwriting: The female shall bring a one-inch photo with her.
-Official seal of Yonghe Office of Family Planning
Date: 7/3/1996

永和镇计生担保书

担保人	出生 时间	初婚 时间	第一胎 出生时间	性别	池 生
夫 林荣勇	64.4	93.5.31	94.9	女	永和镇西坑20-20
妇 黄应雪	71.7				
计生情况	于93年5月结婚 94年9月28日生第一胎。至今没有生育 2024 村委会 村长: 林荣秋 书记: 林文				
户 口	担保人 (签名)	愿意承担何责任			
10-26	林文化	林荣勇夫妻实际生育地。如元实本人愿意承担罚款作记			
7-16	林荣勇	林荣勇夫妻生一孩。如元实本人愿意承担罚款作记			
7-5	林荣强	林荣勇夫妻生一孩。如元实本人愿意承担罚款作记			
14-26	林荣国	林荣勇夫妻生一孩。如元实本人愿意承担罚款作记			
7-6	林荣前	林荣勇夫妻生一孩。如元实本人愿意承担罚款作记			
片区 意见 人					
点 意 长 见					

Guarantee Letter of Controlled Birth to the Yonghe Family Planning Commission:

We hereby certify that Lin Rongyong and Huang Yingxue were married in May 1993. On September 28th, 1994, they gave birth to a child. They did not have any more children after this time.

-Xiba Village Committee, Village Head: Lin Rongtie; Secretary: Lin Yingwen

We, Lin Wenhua, Lin Rongcuo, Lin Rongwai, Lin Shutuan, and Lin Rongbian, certify that the couple Lin Rongyong and Huang Yingxue has only given birth to one daughter. We are willing to accept a penalty of ¥5,000 (approx US\$625) fine each if this statement is untrue.

家庭編號

注：本表一式三份，市、镇、村各一份

7/27/1997

永和镇马中村“两查”育妇无到位个案分析报告表

户号	性别	姓名	年龄	初婚时间	现在生育情况			上环时间	办证时间	属何种对象	
					子女数	男	女			出生年月	初孕
15-1	夫	林建福		96.元	1	1	1		96.元	初孕	再孕
	妻	余琴									✓
“两查”没到位的原因			林建福于96元月份娶余琴，婚后仅住该人余琴为妻，婚后四个月内，余琴借因事生病回家探亲，至今未回，从未任何音信。								
责任片区计生管理员村干调查意见			情况属实 签名：林建福 96年8月3日								
村计生领导小组意见			签名： 年 月 日								
责任片区镇干部初访意见			根据调查，林建福和余琴的婚姻是以三千元为代价，没有牢固的基础，余琴业已回，难以追回。申请清查，同时下点仍须加强追踪，及时掌握动态。 签名：王连发 96年8月3日								
工作组初访意见			签名：王连发 96年8月3日								
计生办调查核实意见			负责人： 单位：(盖章) 年 月 日								
镇领导审核意见			负责人： 单位：(盖章) 年 月 日								

Form for analyzing a birth control inspection case

The form records that Yu Qin, a pregnant woman who was sold to Lin Jianfu for ¥3,000 (approx. US\$ 375), a resident of Maping Village, to be his wife, cannot show up for an IUD check-up because she fled from the village.

计划外生育个案报告

永和镇(场) 牙坪

村(组) 12 组

家庭编号 12

夫妻 姓名 林坤 林坤生	出生 1966.6 1969.2	初婚年月 1982.9	现有子女 男 1 女 1	计划外生育违反类别					
姓名	年月			早育	违反 间隔	超生	非法 生育	符合条 件但无 办证	抛弃
责任人	姓名 林坤生	职务 管理员							✓
本胎分娩 时间地点	洪夫妇于 97 年 10 月 19 日在 抱养 到村到户成医院) 生下第二胎(男、女)要; 接生人员姓名: (分娩地点: 精确)								
计划外生育前是否落实措施: 上环时间 1992.12 B超操作人员 结扎时间 手术医生 林									
计划外生育原因是(在栏目下打“√”):									
1. 无节育措施 2. 双查未到位 3. 未落实补救措施 4. 未列入管理									
6. 伪造假证明 7. 检查人失职 8. 其它 ✓									
处理 意见及 防范 措施	该夫妇于 97.10 生育第一胎为女孩, 到村到户成医院) 检查, 符合计划生育规定, 办理准生证。后多次延期, 后经医院检查, 确定为不育。于 97 年非法抱养一男, 经研究决定对其实施处罚, 并规定每季按用行发查孕检查。								
所在乡 镇	<p>村负责人签名 林坤生 驻村干部签名 林坤生 1998 年 3 月 9 日</p> <p>处罚计划外生育费 10000 元 落实绝育措施, 追究责任人罚款 1000 元</p> <p>书记签名 分管领导签名 林坤生</p> <p>98 年 3 月 10 日</p>								

注: 本表一式三份, 市、镇、村各一份

Out-of-Plan Birth Report

This case report shows that the couple Lin Dun and Lin Suilan gave birth to a girl and received government permission for a second birth, but it turned out that the woman could no longer become pregnant. The couple thus adopted a boy in 1997. After this, they were fined ¥10,000, and the woman was sterilized. The responsible cadre was also fined ¥1,000 (approx. US\$125).

-Signature of local official Liu Binbin

3/10/1998

——镇*场*九六年度1-9月份计生
工作汇报提纲

1. 基本情况：
总人口：期初数63,756人，期末数64,805人，期末总户数12,961户。
育龄妇女数25,228人，占期末总人口数39.08%。已婚育龄妇女数22,922人。
占期末总人口35.98%。
光复育龄妇女2,306人，一孩育龄妇女2,222人，二孩育龄妇女1,844人，多孩育龄妇女1,600人。
村*场*数22个，合村7个，高本合村2个，高本1个。
出生率5.74%，计划生育率82.8%，计划外多生率5.91%，性别比107.5，早婚率0%，未婚生育率0%，双基知识教育开展率100%，1-9月份自然增长率5.91%，经费落实：镇财政投入按总人口计人均7.50元，村财政投入按总人口计人均2.50元，村财政投入按总人口计人均2.50元。
独生子女办证占已婚育龄妇女数55.4%，占一孩育龄妇女100%，镇服务所面积100平方米，村服务所已建成投入使用22所。
2. 发放生育证情况：
当年共发证112本，占总人口0.17%，其中一孩88本（新生82本），二孩24本（新生22本），多孩0本（新生0本）。
3. 人口出生情况：
1-9月份出生232人，其中男118人，女114人，出生人口中一孩114人，二孩118人，多孩0人，其中计划内出生228人，其中一孩112人，二孩116人。
4. 落实节育措施情况（要求服务所花名册、台帐、报表一致）
一孩育龄妇女上环118人，皮环118人，药具0人，二孩育龄妇女上环118人，上环118人，药具0人，其中二女户118人，已结扎118人，1-9月份五术22例，其中结扎22例（二女户22人），上环22例（其中补环22例），皮环0例，人工流产22例。
5. 两基知识普及情况：
第一期3月应查环1228人，已查1228人，查环率100%，未查0人，发环五环5人，已补环0人，第一期应查环1228人，查环率100%，未查0人。

第二期应查环1228人，已查环1228人，查环率100%，未查0人，发环五环5人，已补环0人，第二期应查环1228人，查环率100%，未查0人。

现有计划内怀孕22人，预计在年内可生育22人，其中：6月份出生22人，7月份出生22人，8月份出生22人，9月份出生22人，10月份出生22人，11月份出生22人，12月份出生22人，明年出生22人。

第三轮应查环1228人，已查环1228人，查环率100%，未查0人，发环五环5人，已补环0人，第三期应查环1228人，查环率100%，未查0人。

现有计划内怀孕22人，预计在年内可生育22人，其中：8月份出生22人，9月份出生22人，10月份出生22人，11月份出生22人，12月份出生22人，明年出生22人。

第一期、二轮应查环至今仍未查环12人（其中漏第一轮的7人）

第一期、二轮应查环至今仍未查环12人（其中漏第一轮的一轮的8人）

6. 统计近年出生人口漏报情况：
共补报22人，其中一孩1人，二孩21人，多孩0人，补报总数中，计划内出生22人，计划外出生0人。

7. 原因分析
(1) 当年出生申报的误差率0%；(2) 当年发证的及时率100%，漏报率0%，到位率100%；(3) 长效节育措施落实：未上环0人，未结扎0人，其中二女户未结扎0人，未人引0人；(4) 未查环育龄妇女的原因；(5) 未服孕育妇女的原因；(6) 计生率调查率100%；(7) 计划外生育原因。

填报人：_____ 计生办主任复核签名_____ 计生专干领导审查签名_____

填报单位：计生办（印章） 镇政府（印章） 填报日期：_____年_____月_____日。

注：本季报应逐月报表报送，要求做到实际，台帐（花名册）、报表一致。

The Compendium of the Birth Control Report of X Town from January to September 1996.

Population at start of period: 63,756

Population at end of period: 64,805

No. of households at the end of period: 12,961

No. of women of childbearing age: 17,678

No. of women who have married and given birth: 12,790

No. of women who have not given birth: 580

No. of women who have given birth to one child: 2,139

No. of women who have given birth to two children: 4,065

No. of women who have given birth to more than two children: 6,006

Birth rate: 5.74%

Rate of birth control: 82.8%

Excess birth rate: 5.91%

Male-female ratio (Jan.-Sept.): 141:100

Of women who have had one child: 1,633 women were fitted with an intrauterine device (IUD), 207 women were sterilized.

Of women who have had a second child: 3,889 women were sterilized, 167 women were fitted with an intrauterine device (IUD), and 10 women are taking a birth control pill. The total number of women who gave birth to two girls is 186, and 170 of these women were sterilized.

泉州市计划生育个案分析报告表

县(区、市) 乡(镇、街道) 村(居)委会 表号

户号	计划外生育 夫妻姓名	出生 年月	初婚年月	工作单位或 村居小组	怀孕 地点	分娩 地点
4-6	夫 林东荣 妻 蔡秀兰	70.? 69.4	92.11		安溪	安海医院
现有子女	新生儿数 子第几胎	新生儿 出生月份性别	96.11.2 男	计划外生 育前是否 落实措施	上环 时间	结扎 时间
男 女	2				95.11	
计划外生 育原因及 所在村核 实情况	<p>89年5月拆环, 11月男扎</p> <p>村长: 林树根 书记: 王德烈 1996年8月20日</p>					
驻村干部 及点长核 实情况	<p>经核实, 村长、书记意见属实, 经多方做 工作, 后拆环男扎男扎</p> <p>驻村干部: 王德烈 96年8月20日</p>					
所在乡镇 处意见	<p>单位盖章: 年 月 日</p>					
县、区、 市计生委 审核意见	<p>负责人: 单位盖章: 年 月 日</p>					

注: 本表一式三份, 村级、乡级、县级计生部门各存档一份。
计划外生育(包括一胎、二胎办证及多胎生育), 须填写此表,
在每月30日同月报送镇计生办。

Family planning case analysis for Quanzhou City

The couple Lin Dongrong and Cai Xiu-x, married in November 1992, who gave birth to two girls.

Reason for the excess birth: In October 1995, the woman's IUD was removed.

Signed by the village head and village Party secretary, 8/20/1996

The current status, checked by the village cadre and village head: The opinion of the village head and the village Party secretary are correct. After deliberation, the couple's house was torn down and the man was sterilized.

Signed by village cadre Wang xx, 8/20/1996

晋江市计划生育工作情况汇报

1997年10月11日

一、基本情况

我市地处福建东南沿海，与金门、台湾隔海相望，是全国著名的侨乡和台湾同胞的主要祖籍地之一。现辖15个镇、1个农场，381个村（居）委会，土地总面积649平方公里。改革开放以来，晋江经济社会持续快速协调发展。1996年全市国民生产总值164.6亿元，工农业总产值273亿元，财政收入6.38亿元，农民人均纯收入4868元，连续三届进入全国综合实力百强县（市）行列，连年荣膺福建省“十强”之首、“十佳”之冠。

至1997年6月底，全市总人口1003842人，人口密度为每平方公里1547人。全市育妇271941人，占总人口27.09%，已婚育妇199755人，占总人口19.90%，其中无孩育妇8964人，占已婚育妇4.49%；一孩育妇38990人，占已婚育妇19.52%，节育35610人，占91.33%；二孩育妇71801人，占已婚育妇35.94%，节育71499人，占99.58%；多孩育妇8000人，占已婚育妇40.05%，节育79948人，占99.94%；一孩上环率81.07%，二孩结扎率94.21%（其中二女结扎率91.05%）。

“八五”期间，我市计划生育工作认真贯彻落实中央、省、市的指示精神，从难入手、从严要求，从快到位，扎实推进，坚持“三不变”，落实“三为主”，推广“三结合”，狠抓计划外生育费征收，突破“二女扎”和计划外怀孕补救

(Excerpt)

The following is a sample paragraph taken from Jinjiang City's Family Planning Report.

The city's total population reached 1,003,842 at the end of June 1997. The number of women of childbearing age was 271,941, which amounts to 27.09 percent of the total population. The number of married women was 199,755. The number of women who had given birth to their first child was 38,990 (91.33 percent of them were using contraception), the number of women with a second child was 71,801 (99.58 percent of them were using contraception), and the number of women who had given birth to their third-plus child was 8,000 (99.94 percent were using contraception). 81.07 percent of women were fitted with an intrauterine device (IUD) after giving birth to their first child. 94.21 percent of women were sterilized after giving birth to their second child.

晋江市永和镇人民政府 (44)

第 155 号

永和镇人民政府

关于强化计划生育管理的通告

晋江市永和镇人民政府，认真贯彻党的基本路线，严格执行国家计划生育政策，现就强化计划生育管理，通告如下：

一、坚决杜绝超生

凡计划生育对象，必须严格执行国家计划生育政策，凡超生一胎，除按规定缴纳社会抚养费外，还必须接受行政处罚。对超生二胎，除按规定缴纳社会抚养费外，还必须接受行政处罚。对超生三胎，除按规定缴纳社会抚养费外，还必须接受行政处罚。

二、坚决杜绝早婚早育

凡达到法定婚龄，符合法定结婚条件的男女青年，必须依法办理结婚登记，领取结婚证。凡未办理结婚登记而生育子女，属违法生育，必须依法处理。

三、坚决杜绝流动人口违法生育

凡流动人口，必须依法办理流动人口计划生育证明，并在流入地依法办理生育登记。凡未办理流动人口计划生育证明而生育子女，属违法生育，必须依法处理。

四、坚决杜绝违法生育

凡违法生育，必须依法处理。对违法生育的，除按规定缴纳社会抚养费外，还必须接受行政处罚。对违法生育情节严重的，还必须依法追究刑事责任。

(2) 严重违反规定，情节严重的，对当事人依法给予行政处罚。对违法生育的，除按规定缴纳社会抚养费外，还必须接受行政处罚。对违法生育情节严重的，还必须依法追究刑事责任。

(3) 违法生育，除按规定缴纳社会抚养费外，还必须接受行政处罚。对违法生育情节严重的，还必须依法追究刑事责任。

五、坚决杜绝多胎生育

凡多胎生育，除按规定缴纳社会抚养费外，还必须接受行政处罚。对多胎生育情节严重的，还必须依法追究刑事责任。

六、坚决杜绝胎儿性别选择

凡进行胎儿性别选择，属违法生育，必须依法处理。对违法生育的，除按规定缴纳社会抚养费外，还必须接受行政处罚。对违法生育情节严重的，还必须依法追究刑事责任。

七、坚决杜绝流动人口违法生育

凡流动人口，必须依法办理流动人口计划生育证明，并在流入地依法办理生育登记。凡未办理流动人口计划生育证明而生育子女，属违法生育，必须依法处理。

八、坚决杜绝违法生育

凡违法生育，必须依法处理。对违法生育的，除按规定缴纳社会抚养费外，还必须接受行政处罚。对违法生育情节严重的，还必须依法追究刑事责任。

九、坚决杜绝违法生育

凡违法生育，必须依法处理。对违法生育的，除按规定缴纳社会抚养费外，还必须接受行政处罚。对违法生育情节严重的，还必须依法追究刑事责任。

十、坚决杜绝违法生育

凡违法生育，必须依法处理。对违法生育的，除按规定缴纳社会抚养费外，还必须接受行政处罚。对违法生育情节严重的，还必须依法追究刑事责任。

永和镇人民政府

一九九六年四月五日

Circular regarding the use of coercion to impose birth control (No. 1, 1996)

In order to put an end to excess births, and to ensure that our town will make progress in terms of family planning in 1996 and reach its goal of meeting family planning standards, we are issuing this notice containing the following items:

A. Put an end to early marriage and childbearing

Any man who reaches age 18 or any woman who reaches age 16 shall receive marriage education. Medical examinations shall be specially carried out on young women who cohabit without marrying. There will be no leniency for early marriage and childbearing.

B. Firmly forbid any birth violating the government-set birth quota

a. Set up a reporting system for newborn babies. Any women who are late in this reporting shall be sterilized immediately.

b. Any woman who has given birth to her first child shall be fitted with an IUD within two months after childbirth. Otherwise, she shall be sterilized within the four months following childbirth.

c. Any woman who has given birth to a boy shall apply for a one-child certificate. Any delay in the application will result in her forced sterilization.

d. All women shall appear before the relevant office as required.

1) A late fee shall be charged at the rate of 50 yuan per day if a woman does not appear on the required date. Any fetus shall be aborted if it exceeds the government-set birth quota.

2) No tolerance for deception. Any woman who comes to the office for an examination as a substitute for another woman shall be sterilized and fined ¥2,000.

3) Six months after sterilization, a woman must continue to present herself for pregnancy testing. Otherwise, she will be fined ¥500.

C. Strictly enforce the one-child policy

Any woman who has given birth to her second child shall be sterilized within one month following childbirth. She shall also pay a heavy fine.

D. Firmly forbid the selection of babies' gender

The Birth Permission Certificate will be withdrawn from these violators. Any woman who has already given birth to a child shall be fitted with an IUD. She will not be granted a birth certificate for five years. Women with two children shall not be granted a birth certificate and must be sterilized.

E. Take firm control of the migrant population

Business' legal representatives and individual businessmen shall sign contracts with the government and assume responsibility for the migrant workers they have hired. No leniency shall be shown to migrant workers who exceed the government-set birth quota.

This circular comes into force upon publication.

Seal of Yonghe Township government

Date: 04/05/1996

姓名		出生年月		工作单位或 村居小组		怀孕地点		分娩地点	
7-81	潘原生 王丽敏	68.5 69.9	90	安徽滁州		居内		居内	
性别	新接生	新生儿出生	计划例生	接生时间	分娩时间	手术例生	接生人		
数2人 男2女	第3胎	生月份 例号	96.3	是否 避孕	✓				
计划外生育	夫妇长期不在家中，对象父亲自1993年3月份送入镇学，已达四个多月，无法取得联系，经调查属实，对象已绝育，并缺乏避孕知识。								
所在乡镇	调查核实情况 调查人：美育能 调查时间：96年8月19日								
所在乡镇	处理意见 调查人：美育能 调查时间：96年8月19日								
审查意见	单位盖章： 年 月 日								
审查意见	单位盖章： 年 月 日								

Quanzhou City family planning case analysis report

The couple, Pan Rongsheng and Wang Liquan, bore two daughters and secretly went to another location to bear a male child. Their home has been destroyed many times. The father was sent to a “study class” (detention center) for more than four months. After the couple returned to the village, the woman was sterilized, and they paid ¥4,000 for the excess birth.

-Signed by Guan Yuneng

8/19/1996

泉州市计划生育个案分析报告表

县(区、市) 永和 乡(镇、街道) 周坑 村(居)委会 表号

户号	计划外生育 夫妻姓名	出生 年月	初婚年月	工作单位或 村居小组	怀孕 地点	分娩 地点		
5-13	夫 <u>林清海</u> 妻 <u>许碧权</u>	68.4 71.1	88.1		广东	广东		
现有子女	新生儿 序号	新生儿 出生月份性别	男 96.1	计划外生 育前是否 落实措施	上环 时间	结扎 时间	手术 医生	B超 操作人
男 女	2				93.10			
计划外生 育原因及 所在村核 实情况	89年生育1男,计划外怀孕前已落实节育措施 在属查环对象,因自然晚环后怀孕所作 后躲藏,没法找到该对象 95年10月驻点工作组出动电部里压机拆其住屋 及兄弟的住屋,收不到效果 96.5结扎 驻村干部: <u>张亚群</u> 96年8月16日							
所在乡镇 处理意见	单位盖章: 年 月 日							
县、区、 市计生委 审核意见	负责人: 单位盖章: 年 月 日							

注: 本表一式三份, 村级、乡级、县级计生部门各存档一份。
计划外生育(包括一胎、二胎没办证及多胎生育), 须填写此表,
在每月30日同月报送镇计生办。

Quanzhou City family planning case analysis report

The couple Lin Qinghai and Xu Bishuang had one boy. The wife became pregnant after her IUD was naturally expelled. The couple fled to another location, and the couple's second boy was born. In October 1995, their house and the house of the woman's brother were torn down. In May 1996, sterilization was carried out.

-Signed by village cadre Zhang Jianqun, 8/16/1996

通 知

各企业、个体雇主或租(借)房房东:

为迎接晋江市流动人口计划生育管理站,于5月中旬开展的流动人口计划生育管理情况大检查,将我镇流动人口计划生育推向制度化、经常化的轨道。杜绝流动人口计划外生育,确保我镇九六年实现创计生先进,创计生合格村的目标,现将有关事项通知如下:

一、各企业、个体雇主或租(借)房房东,必须于5月4日前,到流动人口计划生育管理站签订流动人口计划生育管理责任书。

二、办理时需携带外来人口的身份证、户籍地婚育证(未婚证),一寸像片一张(有配偶的双人照)及手续费到本站申报登记,接受审检办理审检证。

三、今后若招用新工人,必须于5天内到本站申报登记,办理审检证。

四、已招用的流动人口中的已婚育妇,应于四月底前到本镇计生服务所进行第一次的环情孕情检查。

五、本站将于5月5日起,组织人员到各村暂住流动人口处进行检查,若发现一例未办理审检证者,除限期补办外,将处以1000元--2000元罚款,并停业整顿直至吊销营业执照。

六、凡于5月4日前尚未到本站签订企业法人代表,个体雇主或租(借)房房东计生管理责任书者,将按永政告[1996]1号文第五条规定,严肃处理。

以上通知希遵照执行。

永和镇流动人口计划生育管理站

一九九六年四月十四日

Notice (of Yonghe Township Migrant Population Family Planning Management Station)

To all businesses, individual businessmen and landlords:

In keeping with the migrant population family planning management station of Jinjiang City, which will launch a major examination of the family planning situation of the migrant population in mid-May, we are promoting the systematization and regularity of our town family planning procedures. In order to put an end to excess births on the part of the migrant population, and to ensure that our town will make progress in terms of family planning in 1996 and reach its goal of meeting family planning standards, we are issuing this notice containing the following items:

- 1) All businesses, individual businessmen, and landlords must go to the migrant population family planning management station before May 4 to sign a migrant population family planning management responsibility document.
- 2) When registering, you must bring the identity card, local residence marriage certificate (or certification of unmarried status), and a one-inch photograph (a photograph of the subject and their spouse) of migrant persons, as well as the registration fee, to the station to report and register, in order to receive the inspection registration certificate.
- 3) If you hire new employees in the future, you must report to the station to register within 5 days and obtain the inspection registration certificate.
- 4) Those of your migrant employees who are married women must go to their local family planning service center before the end of April to undergo their first physical examination.
- 5) Beginning May 5, this station will arrange to send personnel to all migrant population centers to carry out inspections. If they find someone who has not obtained an inspection registration certificate, in addition to being required to obtain the certificate within a specified period of time, they will be charged a fine ranging from 1,000 to 2,000 yuan, and they will be subject to punishment ranging from temporary closure of their business to the revocation of their business license.
- 6) Those legal representatives of businesses, individual businessmen and landlords who have not come to this station before May 4 to sign the family planning management responsibility document will be dealt with severely according to the regulation in Article 5, Part 1 of the Yonghe Government Report [1996].

Please execute this notice as stipulated above.

Yonghe Township Migrant Population Family Planning
Management Station
April 14, 1996

计划生育条例标准：

1984年1月1日至1988年9月30日

早婚：100元以上；早婚又早育：200元以上；

计划外生育：100元以上

二孩：200元以上

三孩以上加倍征收。（超生罚款：100元至500元）

1988年10月1日至1991年6月15日

早婚又早育：100-200元

计划外生育：100-200元

二孩：200-300元

三孩以上加倍征收。

1991年7月1日

早婚、早育：100-200元

计划外生育：100-200元

二孩：200-300元；三孩以上加倍征收。

1991年1月1日以后

早婚：200-300元；早育：200-300元；

违反规定：200-300元；

计划外生育：200-300元

二孩：200-300元

三孩：200-300元；三孩以上加倍征收。

1991年6月21日以后

早婚：1000元

早婚又早育：1000元

计划外生育：5000元

超生一孩：10000元

二孩以上加倍征收。

1991年6月21日以后

①晚婚者奖励时间2天，每推迟一天，奖励200元。

②晚育者：奖励1000元

③超生者：罚款2000元

④超生后5年内没有生育：500元

⑤超生二孩-三孩者：罚款1000元

Table of Fines Imposed by the Family Planning Office of Yonghe Township (01-01-1985 to 09-30-1988)

Early Marriage: ¥ 100 and above; early marriage and childbearing: ¥ 200 and above

Gave birth to one extra child: ¥ 100 and above

Gave birth to two extra children: ¥ 300 and above

Gave birth to three or more extra children: double the standard of the above penalty.

(10-01-1988 to 06-28-1991)

Early marriage and childbearing: ¥ 300 to ¥ 500

Gave birth to one extra child: ¥ 1000 to ¥ 3000

Gave birth to two extra children: ¥ 2000 to ¥ 6000

Gave birth to three or more extra children: double the standard of the above penalty.

Beginning 07-01-1991

Early marriage and childbearing: ¥ 600 to ¥ 1000
Gave birth to one extra child: ¥ 2000 to ¥ 6000
Gave birth to two extra children: ¥ 4000 to ¥ 12000
Gave birth to three or more extra children: double the standard of the above penalty.

Beginning 01-01-1992

Early marriage: ¥ 2000 to ¥ 3000; early childbearing: ¥ 2000 to ¥ 3000

Violation of the date set by the government: ¥ 2000 to ¥ 3000
Gave birth to one extra child: ¥ 6000 to ¥ 10000
Gave birth to two extra children: ¥ 12000 to ¥ 20000
Gave birth to three extra children: ¥ 24000 to ¥ 40000
Gave birth to four or more extra children: double the standard of the above penalty.

Beginning 06-21-1995

Early marriage: ¥ 10000
Early marriage and childbearing: ¥ 13000
Violation of the date set by the government: ¥ 5000
Gave birth to one extra child: ¥ 10000
Gave birth to two or more extra children: double the standard of the above penalty.

Beginning 04-05-1996

Late appearance for IUD examination: ¥ 50 per day
Use of a substitute for IUD examination: ¥ 1000 each party
Use of a substitute for pregnancy testing: ¥ 2000
Gave birth to one extra child: ¥ 10000
Failure to report for pregnancy testing within months after forced sterilization: ¥ 500
Gave birth to second child and late for IUD examination: ¥ 100 per day

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Better Ten Graves Than One Extra Birth

China's Systemic Use of Coercion to Meet Population Quotas

At present, China boasts a total of 520,000 family planning staff who are deployed throughout the nation, from Beijing to villages around the country, and who exercise a wide latitude of authority to authorize or deny births, impose fines, and imprison violators and their family members. This huge army reduces China's birth rate by 300 million. But how much do the people have to pay for this?

Family planning enforced in China is actually "state-controlled mechanized reproduction of children": "individuals" and "husbands and wives" are replaced with "the state", and "family planning" becomes "the state decides how many children a family may have, and at spacing in accordance with economic development."

How many women in China have suffered forced abortion and sterilization since China implemented its inhumane one-child policy? How many couples and families have been subject to imprisonment, fines, the loss of property and other punishments for exceeding the government-set birth quota? And how many baby girls have been abandoned throughout China as a result of the one-child policy? *Better Ten Graves Than One Extra Birth* describes the grim realities of China's population control policy, which remains in effect today. Through research, documentation and personal accounts, it details how China's vast family planning bureaucracy strictly controls the reproduction of each and every Chinese woman.

The Laogai Research Foundation

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