

Testimony before the Tom Lantos Human Rights Commission
“An Evaluation of 30-Years of the One-Child Policy in China”
Rayburn House Office Building, Room 2318
Tuesday, November 10, 2009, 1:00-4:00 PM

Toy I. Reid
Senior Research Associate
Congressional-Executive Commission on China

I would like to thank Co-Chairman Wolf and Representative Smith for the privilege to speak before the Commission today. I will make brief remarks, but request that the population planning section that I drafted for the 2009 CECC Annual Report is submitted for the record.

The subject matter that brings us together is an important one and one that sometimes gets neglected in discussions of human rights in China. 2009 marks 30 years since the Chinese government first introduced its system of population and family planning controls. This system was canonized as a “fundamental state policy” in 1982, and codified as national law in 2002. The government’s original goal in pursuing this policy was to “bring the population into balance with social economic development, resources, and the environment.” China’s population planning policy today has elements of both change and continuity. The widest reaching change has been the easing of birth limits imposed on couples in rural areas. As of 2007, 19 of China’s 31 provinces—accounting for 53.6 percent of China’s population—allow rural residents to have a second child if their first child is a girl. Most women in urban areas are still limited to bearing one child, though several municipalities are now allowing younger couples in which both spouses hail from one-child households to have two children.

Despite the introduction of these less stringent regulations, troubling elements of the population planning policy also persist. I wish I could report that coercive measures are a thing of the past, but official Chinese government sources that I have analyzed in my work at the CECC indicate otherwise.

I will begin my discussion at the less aggressive end of the scale of coercive measures. There, Chinese authorities employ heavy fines and other financial penalties against violators of the population planning policy. Officials refer to these fines as “social compensation fees,” which for many couples pose a dilemma between undergoing an unwanted abortion and incurring potentially overwhelming financial costs. In November 2008, for example, the Shanxi People’s Congress amended the province’s family planning regulations to impose stricter standards for social compensation fees. For couples who have a second “out-of-plan” child, Shanxi now assesses a fine equal to 20 percent of the couple’s combined income once per year for seven years. If a couple has a third child, the fine is levied annually at 40 percent of combined income for a 14-year period. Many localities are now placing marks against a family’s financial credit record

for their failure to pay social compensation fees. In February 2009, the Ganzhou municipal government in Jiangxi province established a “collection management program” for social compensation fees, which stipulates that violators who refuse to pay the fines should be added to a credit “blacklist” in China’s banking system. At least one county in Hubei province has begun to deny retirement benefits to teachers who exceed birth limits.

Enforcement of the population planning policy pits neighbors, friends, and family against one another, as many localities offer monetary incentives to informants who report violators to the authorities. In March 2009, the Beijing Municipal Population and Family Planning Commission began offering rewards to informants who report “out-of-plan” pregnancies and extramarital pregnancies. In July, Yangxin county authorities in Shandong province announced rewards as high as 3,000 yuan (US\$439) for citizen informants.

The most invasive forms of coercion used to enforce birth limits—forced abortion and forced sterilization—remain commonplace in many areas of China. The population planning regulations of at least 18 of China’s 31 provincial-level jurisdictions permit officials to take steps to ensure that birth quotas are not exceeded; in practice, these steps can include forced abortion and forced sterilization. In some cases, local officials coerce abortions even in the third trimester of pregnancy. “Termination of pregnancy” is explicitly required if a pregnancy does not conform with regulations in eight provinces. In 10 other provinces, population planning officials are authorized to take “remedial measures” to deal with “out-of-plan” pregnancies. In 2009, the Commission analyzed official reports from local governments in over a third of China’s 31 provincial-level jurisdictions and found that the term “remedial measures” (*bujiu cuoshi*) is used synonymously with compulsory abortion.

I will now provide examples of language from government reports that refer to abortion as an official policy instrument. In November 2008, a circular issued in Xuzhou municipality, Jiangsu province declared a “month of concentrated corrective activities” for family planning officials, stressed that officials must “avoid just going through the motions” and should instead “resolutely implement abortion and other remedial measures, strictly standardize the birth policy, adopt remedial measures for each and every out-of-plan pregnancy, and reliably prevent out-of-plan births.” In Yunnan’s Yanjin county, authorities developed a plan for 2009 that outlined abortion targets for specific groups: “strictly prohibit the birth of multiple children; for women who have multiple out-of-plan children and become pregnant again, the abortion rate must reach 100 percent; for women who have two out-of-plan children and become pregnant again, the abortion rate must exceed 90 percent; for women who have one out-of-plan child and become pregnant again, the abortion rate must exceed 85 percent.” A June 2009 report from the Jiujiang county government in Jiangxi province plainly stated: “abortions must be performed on all individuals with unplanned pregnancies within the allotted time period to ensure the birth policy compliance rate reaches the standard.” Additional language from government reports is contained in the excerpt from the CECC Annual Report submitted for record.

Some local governments specifically target migrant workers for forced abortions. In April 2009, authorities in Jinyun county, Zhejiang province, drafted an implementation plan for a month-long family planning campaign involving door-to-door inspections. When migrants with out-of-plan pregnancies are discovered, officials are instructed to “promptly report to higher authorities and resolutely implement remedial measures; the implementation rate for remedial measures must reach 100 percent.” In Kunming, the capital of Yunnan province, businesses that employ migrants are required to report out-of-plan pregnancies to the authorities. If the worker fails to have an abortion after receiving formal written “notification” to do so from family planning officials, authorities can deduct a fine directly from her wages. After 15 days, the government can impose an additional fine for each day that passes that she does not “take remedial measures to terminate the pregnancy.”

Some provinces link job promotion with an official’s ability to meet population planning targets, thus providing a powerful structural incentive for officials to employ coercive measures. For example, in January 2009, Wuyishan county in Fujian province published a “family planning responsibility manual” that detailed a point system for performance evaluations of township and village officials. Officials receive 15 points for completing tubal ligation targets for the year and 10 points for meeting IUD targets. Five points are added for each mid-to-late term abortion that an official oversees and two points for each first-trimester abortion. The same number of points is deducted for each child born out-of-plan. As long as such linkages exist between career advancement for local officials and the use of forced abortion and sterilization, coercion is certain to remain a prominent feature of China’s population and family planning system.