

The Consequences of Coercion:  
China's One Child Policy and  
Violence Against Women and Girls  
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Most people know that China has a "One-Child Policy." But do they stop to think about what happens to a woman when she becomes pregnant in violation of that policy?

**PRO-CHOICE ADVOCATES SUCH AS HILLARY CLINTON HAVE OPPOSED FORCED ABORTION, BECAUSE IT IS NOT A CHOICE.**

**The One-Child Policy is an issue about which pro-life people and pro-choice people can agree. No one supports forced abortion, because it is not a choice.** For example, Secretary of State (then First Lady) Hillary Rodham Clinton publicly criticized the coercive enforcement of the One-Child Policy during the Fourth World Conference on Women in Beijing, in 1995. Then again, on April 22, 2009, during a Congressional Hearing before the House Foreign Affairs Committee, she stated that these practices are "absolutely unacceptable" and "an egregious interference with women's rights." In addition, pro-choice activists have classified forced abortion as a form of torture.<sup>i</sup>

**THE CASE OF JIN YANI DEMONSTRATES THE BRUTALITY OF ENFORCEMENT AND THE ABSENCE OF REDRESS.**

On October 5 of 2008, an article appeared in the South China Morning Post about a young woman, Jin Yani, who was drifting off to sleep one night when the family planning police smashed the lock to her front door and dragged her out of her house in her nightclothes, screaming and terrified. Her crime: getting pregnant without a birth permit. Her punishment: forced abortion, even though she was nine months pregnant, and this was her first child.<sup>ii</sup> Jin Yani knelt on the floor of the family planning center and begged the police to let her keep her baby. They dragged her crying and screaming, and five people held her down on the hospital bed as they ripped off her clothes and injected saline solution with a long needle through her womb and into the full-term fetus to terminate it. The dead baby was extracted on September 9, 2000. When her husband, Yang, returned from his business trip, he rushed to the hospital to find Jin Yani purple and near death from blood loss. She spent 44 days in the hospital because of severe hemorrhaging. Now, she is infertile.<sup>iii</sup>

Such brutality, unfortunately, is not uncommon in present-day China. Here are a couple of examples from the U.S. Department of State China Report, just released on February 25, 2009: "In March [2008] family planning officials in Henan Province

reportedly forcibly detained a 23-year-old unmarried woman who was seven months pregnant. Officials reportedly tied her to a bed, induced labor, and killed the newborn upon delivery. In April [2008] population-planning officials in Shandong provinces reportedly detained and beat the sister of a woman who had illegally conceived a second child in an attempt to compel the woman to undergo an abortion.”

On April 30, 2009, Reuters reported that three surrogate mothers were discovered in Guangzhou. Being a surrogate mother is illegal in China. The three pregnant women were escorted under guard to the hospital and forcibly aborted.<sup>iv</sup>

Also in 2009, Liu Dan and her fiancé, Song Quigshan, met and fell in love in the firecracker factory in Jingang Town, Hunan Province, where they worked. They wanted to marry but could not, because at 21, Liu was too young to marry under China’s One Child Policy. Liu became pregnant and moved in with Song’s family.

On the evening of February 26, 2009 – just days before Liu’s March 5 due date – two vans stopped in front of the Song’s house. Family Planning police “kidnapped” Liu and transported her to the local Family Planning Center. Her crime: getting pregnant without a birth permit. There, “despite her cries,” she was given an injection for induced abortion – a procedure in which poison is injected through the woman’s abdomen into the fetus’ head, killing it.

The next day, Liu began to bleed. Her family requested that she be sent to the hospital because of her high blood pressure. The Family Planning authorities refused. Liu was forcibly sent to the Family Planning Center’s operating room to deliver the dead fetus. No family member was allowed into the room.

Sensing something was wrong, at 3:00 a.m. Liu’s fiancé broke into the operating room. He found Liu “bleeding from the nose, eyes, ears and mouth.” Nevertheless, the Family Planning doctors refused to make an emergency call until Liu’s family insisted. The emergency medical team arrived too late. Liu Dan died at 6:00 a.m.<sup>v</sup>

### **THE ONE-CHILD POLICY HAS NOT BEEN RELAXED.**

The Chinese Communist Party would have the world believe that it has relaxed its One-Child Policy. This is not true. The top population official in China recently announced that the Chinese Communist Party has no plans to change the One-Child Policy for at least another ten years.<sup>vi</sup>

The Chinese Communist Party points out that they have created an exception – couples who are both only children can now have two children. Also, certain other exceptions have long existed. In the countryside, couples whose first child is a girl are often allowed to have a second child in the attempt to have a boy. Further, certain ethnic minorities are allowed to have more than one child. In addition, the wealthy can circumvent the policy by moving to Hong Kong for the birth of their second child, or by

paying exorbitant fines – which can range from one half to ten times their annual disposable income.<sup>vii</sup> This option, of course, is not available for the vast majority of people in China, most of whom still live in the countryside. It can also create resentment among those who cannot afford to buy their way out of the policy. In addition, penalties for non-compliance may include the detaining of family members and the destruction of property, including the demolition of homes.<sup>viii</sup>

In my view, these exceptions do not constitute improvement. **The problem with the one-child policy lies not in the number of children allowed. The problem lies with the coercive enforcement of the birth limit, whatever that limit might be.** Whether a couple is allowed to have one child or two children, it is a human rights atrocity to drag a woman out of her home in the middle of the night, screaming and pleading, to forcibly abort her pregnancy, even in the ninth month -- and under certain circumstances, to sterilize her -- because she does not possess a government-issued birth permit.

### **THESE COERCIVE POLICIES ARE MANDATED BY BEIJING.**

The Chinese Communist Party would also have the world believe that compliance with the One-Child Policy is voluntary, achieved through education and persuasion. It is not. To the contrary, “China’s birth limitation program retains harshly coercive elements in law and practice, including coercive abortion and involuntary sterilization.”<sup>ix</sup>

The Chinese Communist Party states that these coercive measures are carried out by local officials who are acting in violation of the law. Evidence points to the contrary, for at least four reasons:

1. **Provincial Regulations.** According to the 2008 State Department UNFPA Determination, official provincial regulations mandate forced abortion for out of plan pregnancies. See, for example, the Hunan Province Population and Family Planning Regulations, Article 22, which states, in pertinent part: “. . . Pregnancies that do not comply with the legal requirements for childbirths shall be terminated in a timely manner.”<sup>x</sup>

2. **Gao Xiao Duan.** A former family planning official, Gao Xiao Duan, brought to the West documentary evidence that the coercive implementation of the One-Child Policy is mandated by Beijing. Her testimony and documentation are in the United States Congressional Record.<sup>xi</sup>

3. **Chen Guangcheng.** Blind activist Chen Guangcheng exposed the 130,000 mass forced abortions and forced sterilizations in Linyi County, Shandong Province, in 2005.<sup>xii</sup> For this he is currently serving a four-year prison sentence. On April 30, 2006, Time Magazine named him in its list of “2006’s Top 100 People Who Shape Our World,” in the category of “Heroes and Pioneers.”<sup>xiii</sup> In June of 2007, according to an Amnesty International report, he was severely beaten in prison and denied medical attention.<sup>xiv</sup> In

January of 2009, he was said to be extremely weakened, and possibly near death, due to untreated medical conditions.<sup>xv</sup> The use of forced abortion and coerced sterilization may be the result of pressure placed on officials to meet target or quotas set for their provinces to meet population goals.<sup>xvi</sup>

If it is true, as the Chinese Communist Party contends, that officials who perform forced abortions and forced sterilizations are breaking the law, then why aren't these Family Planning Officials in jail? Why, instead, is Chen Guangcheng in jail for reporting these abuses? If the One-Child Policy is truly voluntary, then why doesn't the Chinese Communist Party free Chen Guangcheng immediately? Furthermore, why does the state impose quotas for a set number of abortions and sterilizations.<sup>xvii</sup> In addition, why does it employ a system of paid informants?<sup>xviii</sup>

### **THE ONE-CHILD POLICY HAS CAUSED MORE VIOLENCE AGAINST WOMEN AND GIRLS THAN ANY OTHER OFFICIAL POLICY ON EARTH.**

- 1. Forced Abortion Constitutes Torture.** Forced abortion is traumatic to women. Indeed, at least one pro-choice group has labeled the practice as “torture.”<sup>xix</sup>
- 2. Gendercide.** Because of the traditional preference for boys, most of the aborted babies are girls. Due to the availability of ultrasound technology, sex-selective abortion is practiced and tens of millions of girls are aborted.<sup>xx</sup> There are 117 boys born for every 100 girls born in China, and in six provinces the number is as high as 130 boys born for every 100 girls. Indeed, according to a study of 2005 national census data, in nine provinces, for “second order births” where the first child is a girl, 160 boys are born for every 100 girls. According to the 2009 British Medical Journal study of this data, “Sex selective abortion accounts for almost all the excess males.”<sup>xxi</sup>

According to the United States Department of State China Human Rights Report, released on February 25, 2009: “The Law on the Protection of Juveniles forbids infanticide; however, there was evidence that the practice continued . . . Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth limitation policy. Female babies also suffered from a higher mortality rate than male babies, contrary to the worldwide norm. State media reported that infant mortality rates in rural areas were 27 percent higher for girls than for boys and that neglect was one factor in their lower survival rate.”<sup>xxii</sup> Given that 400 million births – greater than the entire population of the United States – have been “prevented” through the One-Child Policy,<sup>xxiii</sup> there is an entire nation of women not living in China today because they were aborted before they were born. These are “China’s Missing Women.”<sup>xxiv</sup> This is gendercide.

3. **Human Trafficking and Sexual Slavery.** Because of abortion, abandonment, and infanticide of baby girls, there are an estimated 37 million Chinese men who will never marry because their future wives were terminated before they were born.<sup>xxv</sup> This gender imbalance is a powerful, driving force behind trafficking in women and sexual slavery, not only in China, but all over Asia. According to a statement by the United States Department of State, “Women and children are trafficked into [China] from North Korea, Vietnam, Burma, Mongolia and Thailand.”<sup>xxvi</sup>
  
4. **Female suicide.** Forced abortion traumatizes women. In the West, post-abortive counseling is becoming available to help women deal with the physical and emotional aftermath of having an abortion. No so in China. According to the World Health Organization, China has the highest female suicide rate of any country in the world, and it is the only nation in which more women than men kill themselves.<sup>xxvii</sup> Suicide is now the leading cause of death among rural Chinese women.<sup>xxviii</sup> Congressman Christopher Smith, who has taken a leading role in exposing the atrocities of the One-Child Policy through Congressional hearings and other means, stated, “According to the most recent State Department Human Rights Report, one consequence of ‘[China’s] birth limitation policies’ is that 56% of the world’s female suicides occur in China, which is five times the world average, and approximately 500 suicides by women per day.”<sup>xxix</sup>
  
5. **Forced sterilization.** When the Family Planning Police sterilize women for violating the One-Child Policy, these sterilizations are most often not performed by highly trained gynecological surgeons, especially in the countryside. Often, there are infections and other complications. Many women have complained that their health was destroyed by these forced sterilizations.<sup>xxx</sup>
  
6. **Stolen Children.** A film was released in 2008 entitled China’s Stolen Children, documenting the burgeoning black market in stolen children – 70,000 a year -- created by the One-Child Policy.<sup>xxxi</sup> Indeed, new evidence has arisen that Chinese officials have begun stealing babies and children to sell for foreign adoption.<sup>xxxii</sup>
  
7. **“Illegal” children.** The earthquake in Sichuan Province on May 12, 2008, killed 80,000 people.<sup>xxxiii</sup> The earthquake occurred during school hours. Due to shoddy construction, many schools collapsed, killing thousands of children. The Chinese Communist Party attempted to comfort bereaved parents by offering three things. First, if you lost your only child, they said, the government will issue a birth permit allowing you to have another child.<sup>xxxiv</sup> Second, if you’ve been sterilized, the government will send a physician to attempt to reverse the sterilization. Third, if your legal child was killed, then

your illegal second child can become legal, and hence eligible for education and healthcare.<sup>xxxv</sup> These offers of help also constitute a series of startling admissions. First, the Chinese Communist Party has unwittingly admitted that Chinese citizens must have a birth permit to be allowed to give birth. Second, they have admitted that sterilization occurs under the One-Child Policy. Third, they have admitted that there is a whole population of “illegal” second children, who are not eligible for education or health care.<sup>xxxvi</sup> Indeed, these “illegal children” have no official existence, which will likely prevent them from marrying or obtaining employment later in life. A lawyer representing parents of children killed in the earthquake has been arrested.<sup>xxxvii</sup>

8. **“Forsaken” Children.** Recent research done by the China Aid Association has revealed that there are children who have been abandoned by their parents in the aftermath of a divorce. When the divorced parents re-marry and would like to have a child with their new spouses, they are only allowed one child, so they may abandon the child of their first marriage. These children are left destitute and have been called “forsaken.”<sup>xxxviii</sup>

## **THE ONE-CHILD POLICY HAS HAD OTHER DELETERIOUS, UNINTENDED CONSEQUENCES**

1. **Rioting and Violence.** In May of 2007, thousands of villagers in Guangxi province clashed violently with police after a two-month crackdown against violators of the One-Child Policy. According to villagers, family planning officials “chased people down the streets and into the fields . . . men and women were rounded up for forced sterilizations” and women were forcibly aborted. Those with second children were fined heavily, and if they could not pay, their valuables were confiscated, and in some cases, their homes were destroyed. The villagers responded by breaking into a government building, smashing computers and setting the building on fire. There were inconsistent reports of death and injuries during the riot.<sup>xxxix</sup>
2. **Aging Population.** Further, the One-Child Policy has created the intractable problem of the aging of the Chinese population. Soon on the demographic horizon, after the year 2030, the proportion of retirees to working people will increase to the point that the shrunken youthful population will not be able to sustain the retirees in their old age.<sup>xi</sup> Nor does China offer Social Security. The Chinese Communist Party has not unveiled any plan on how they will handle this problem.
3. **Ethnic Minorities -- Tibetans and Uyghurs.** Even though, as ethnic minorities, Tibetans and Uyghurs are supposed to be exempt from the One-Child Policy, it has been reported that forced abortion and sterilization are rampant.<sup>xii</sup> In November 2008, Arzigul Tursun, a Uyghur woman, six months pregnant with her third child, was escorted to the hospital to undergo an

abortion. She had tried to escape, but returned because of threats that her family's home and land would be confiscated.<sup>xliii</sup> Because of the intervention of members of the United States Congress, she was released from the hospital and given permission to have her baby. In spring 2008, in a reported effort to meet sterilization targets, officials in Tongwei county in Gansu province "allegedly forcibly sterilized and detained for two months a Tibetan woman who had abided by the local population planning requirements . . . [L]ocal officials were reportedly motivated by the promise of promotion and monetary reward equal to three months' pay for performing a set number of sterilization procedures within their locality."<sup>xliiii</sup>

- 4. Corruption.** The fact that officials are given monetary incentives for meeting abortion and sterilization quotas, and are penalized for missing these quotas,<sup>xliv</sup> provides a powerful structural incentive for official corruption, including both extortion and coercion. "Local officials required some women to receive abortions or be sterilized regardless of age or marital status in order to meet quotas."<sup>xlv</sup>

### **THE ONE-CHILD POLICY VIOLATES THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND DISCRIMINATES AGAINST WOMEN.**

The Universal Declaration of Human Rights, of which China is a signatory, celebrated its 60<sup>th</sup> Anniversary on December 10, 2008.<sup>xlvi</sup> China's coercive enforcement of its One-Child Policy violates the spirit and the letter of this Universal Declaration, which protects the rights of women, children, and the family.<sup>xlvii</sup> Furthermore, the One-Child Policy violates provisions of the "Convention on the Elimination of all forms of Discrimination against Women" (CEDAW), which China ratified in September 1980,<sup>xlviii</sup> and also the "Declaration of the Fourth World Conference on Women" held in Beijing in 1995.<sup>xlix</sup>

### **THE "WOMB POLICE" MUST BE STOPPED.**

"A society will be judged on the basis of how it treats its weakest members, and among the most vulnerable are surely the unborn and the dying."<sup>1</sup> **There is no more intimate part of a woman's body than her womb. For the Chinese Communist Party to function as "womb police," wielding the very power of life and death, is a violation of a woman's innermost being – physically, emotionally and spiritually.** Men also are deeply affected by this violence and loss of control, as are children. For China to enter its destiny as a nation, the Chinese Communist Party must turn from this most abhorrent of human rights atrocities and instead embrace the weakest and most vulnerable members of its society.

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<sup>i</sup> Starr, Penny. “Pro-Choice Human Rights Activists Call Chinese Abortion Practices Torture.” CNSNews.com. [Online] Available <http://www.cnsnews.com/public/content/article.aspx?RsrcID=42064>, January 19, 2009.

<sup>ii</sup> Jin Yani had conceived months before marriage – a violation of the One-Child Policy. See, e.g.: Article 25 from the “Henan Province Population and Family Planning Regulations”: “Under any of the following conditions, necessary remedial measures shall be taken and the pregnancy terminated under the guidance of family planning technical service workers: (1) Pregnancy out of wedlock . . .” Excerpt from Chinese Provincial Regulations, as included in the 2008 State Department UNFPA Determinations.

<sup>iii</sup> This incident is exceptional because Jin Yani and her husband, Yang, sued the Chinese government for the loss of their child and fertility. For the first time, a Beijing court agreed to hear the case. Later, a court in Qinhuangdao, Hebei province, ruled that certain officials should be replaced. This has not happened. Nor did the court offer any monetary compensation to Jin Yani or her husband. As of October of 2008, Jin Yani and Yang were living in hiding – not even their mothers know where they are. They cannot return to their village for fear that the cadres there will retaliate for the lawsuit. Jones, Richard. “Parental Responsibility: Challenging the Injustices of the One-Child Policy.” South China Morning Post, Electronic Edition. October 5, 2008.

<sup>iv</sup> Pomfret, James. Forced Abortions Shake Up China Wombs-For-Rent Industry. Reuters [Online] Available <http://www.reuters.com/article/lifestyleMolt/idUSTRE53T04D20090430>. April 30, 2009.

<sup>v</sup> This incident is one of fourteen “Cases” set forth in a document secretly leaked out of China on August 25, 2009. These “Cases” describe various incidents of coercive family planning, including late-term forced abortion, forced sterilization and infanticide. Almost half of these cases occurred in 2009. See, ChinaAid and Women’s Rights Without Frontiers, “New Evidence Regarding China’s One-Child Policy; Forced Abortion, Involuntary Sterilization, Infanticide and Coercive Family Planning. November 10, 2009 Hearing Before the U.S. Congressional Tom Lantos Human Rights Commission.” For additional, recent cases of forced abortion in China, see the Congressional-Executive Commission on China Annual Report 2009, “Population Planning,” pp. 153-156 (“Implementation: Abortion and Sterilization”).

<sup>vi</sup> Yardley, Jim. “China Sticking with One Child Policy.” The New York Times. [Online] Available <http://www.nytimes.com/2008/03/11/world/asia/11china.htm>, March 11, 2008; United States Department of State 2008 Human Rights Report: China [hereinafter “State Department 2008 China Report”], p. 5; Congressional-Executive Commission on China 2008 Report, p. 101; “Shanghai Spreads Second-Child Message Amid Concern Over Aging Population.” Website for the National Population and Family Planning Commission of China. [Online] Available <http://www.npfpc.gov.cn/en/activities/detail.aspx?articleid=090727083954062717>, July 23, 2009

<sup>vii</sup> State Department 2008 China Report, p. 6. (“The law requires couples that have an unapproved child to pay a ‘social compensation fee,’ which sometimes reached 10 times a person’s annual disposable income . . . ”); State Department 2008 Kemp-Kasten UNFPA Determination, p. 4. (“According to provincial regulations, ‘social maintenance fees’ (fines) for non-compliance range from one-half to ten times the average worker’s annual disposable income.”) See also Congressional-Executive Commission on China 2008 Report, p. 97,

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discussing a broad range of financially “punitive measures” for “illegal conceptions.” (“ . . . Hunan adopted a new penalty standard equal to two to six times the violator’s income for the previous year for each “illegal conception . . . For children conceived out of wedlock, violators face a fine of six to eight times their income from the previous year.” Citing “Chinese Province Raises Fines on Wealthy Flouters of Family Planning Laws,” Xinhua (Online) Sept. 29, 2007; Hunan Writes Local Legislation to Hold Back the Number of Wealthy Families Having More Than One Child” Xinhua (Online) Jan. 14, 2008.

<sup>viii</sup> 2008 Congressional-Executive Commission on China Report, p. 97; 2008 State Department China Report, p. 6.

<sup>ix</sup> United States Department of State 2008 Kemp-Kasten UNFPA Determination Report, p. 3. *See also*, United States Department of State 2008 Human Rights Report on China, p. 5 (“[China’s] birth limitation policies retained harshly coercive elements in law and practice”); the Congressional-Executive Commission on China 2008 Report, p. 96 (“China’s population planning policies in both their nature and implementation constitute human rights violations according to international standards . . . Violators of the policy are routinely punished with exorbitant fines, and in some cases, subjected to forced sterilization, forced abortion, arbitrary detention, and torture”); reports by Amnesty International, the Laogai Research Foundation, the Population Research Institute; hearings conducted in the United States Congress; Elegant, Simon. “Why Forced Abortions Persist in China.” *Time*. [Online] Available <http://www.time.com/time/world/article/0,8599,1615936,00.html>, April 30, 2007

<sup>x</sup> As included in the 2008 State Department UNFPA Determinations. *See also* 2008 Congressional-Executive Commission on China Annual Report, pp. 97-98 (“The use of coercive measure in the enforcement of population planning policies remains commonplace . . . 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; these steps include forced abortions. In some cases, local officials coerce abortions even in the third trimester.”); *see also*, State Department 2008 China Report, p. 6 (“If the second pregnancy occurs during the four-year waiting period, it is considered an unapproved pregnancy and local officials may require termination.”)

<sup>xi</sup> Gao Xiao Duan. “Forced Abortion and Sterilization in China.” Statement before the Subcommittee on International Operations and Human Rights of the Government Reform and Oversight Committee of the United States House of Representatives. June 10, 1998. *See also* the testimony of Harry Wu on that same date, attaching and explaining documentation that these policies come from Beijing.

<sup>xii</sup> Taylor, David. “Chen Guang Cheng – Early Day Motions (UK Parliament).” [Online] Available <http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=34257&SESSION=891>, August 11, 2007.

<sup>xiii</sup> Beech, Hannah. “Chen Guangcheng.” *Time*. [Online] Available <http://www.time.com/time/magazine/article/0,9171,1186887,00.html>, April 30, 2006

<sup>xiv</sup> Amnesty International. “China: Torture/Medical Concern/Prisoner of Conscience, Chen Guangcheng.” June 21, 2007.

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<sup>xv</sup> Jailed Chinese Activist Said to be in Poor Health. *Associated Press*. [Online] Available <http://www.google.com/hostednews/ap/article/ALeqM5j-JLrTDOW6wA38pqdC07-V8eF-agD95ND5084>, January 14, 2009.

<sup>xvi</sup> For a discussion of powerful monetary rewards and punishments for officials meeting targets or quotas for abortions and sterilizations, as well as the use of paid informants to report on unsterilized households, see the 2008 Congressional-Executive Commission on China Report at pp. 99-100; as well as the 2009 Report at pp. 156.

<sup>xvii</sup> See, e.g., United States Department of State 2008 Human Rights Report: China (released February 25, 2009), at p. 6 (“Officials at all levels remained subject to rewards or penalties based on meeting the population goals set by their administrative region. Promotions for local officials depended in part on meeting population targets. Linking job promotion with an official’s ability to meet or exceed such targets provided a powerful structural incentive for officials to employ coercive measures to meet population goals. *See also*, Congressional-Executive Commission on China 2008 Annual Report at p. 99, discussing the use of strong monetary incentives to meet targets for abortion and sterilization in Tibet, East Turkistan, and elsewhere, citing “Seeking Help: Chinese Government Begins to Force Tibetan Women to Undergo Sterilization Procedure,” *Boxun* (Online) June 6, 2008; Uyghur Human Rights Project (Online), “Rural East Turkistan to be ‘Focus’ of China’s Family Planning Policies,” February 15, 2006; Human rights in China: Improving or Deteriorating Conditions, Hearing of the Subcommittee on Africa, Global Human Rights, and International Operations, Committee on International Relations, U.S. House of Representatives, April 19, 2006, Testimony of Rebiya Kadeer.

<sup>xviii</sup> Congressional-Executive Commission on China, 2008 Annual Report at pp. 99-100, citing Tongwei Population Bureau, Gansu Population and Family Planning Commission (Online), “Tongwei County Launches ‘Month of Investigating and Sorting Out’ and Concentrated Administrative Activities for Basic Population and Family Planning Work” May 5, 2008; Tongwei Population Bureau, Gansu Population and Family Planning Commission (Online), “Tongwei County’s ‘Peaceful Life Project’ of Sterilization of Rural Women with 2 Female Children Advances Smoothly,” June 11, 2008; Tongwei Population Bureau, Gansu Population and Family Planning Commission (Online) “Tongwei County Unveils Prizes for Reports that Lead to Voluntary Carrying Out of Sterilization Procedures for Rural Families and 2 Female Children,” September 10, 2007; Circular on the Distribution of the Henan Province Population and Family Planning Commission’s 2007 Work Summary and 2008 Essential Work Areas,” December 19, 2007.

<sup>xix</sup> Starr, Penny. “Pro-Choice Human Rights Activists Call Chinese Abortion Practices Torture.” *CNSNews.com*. [Online] Available <http://www.cnsnews.com/public/content/article.aspx?RsrcID=42064>, January 19, 2009.

<sup>xx</sup> Tiefenbrun, Susan W. “Gendercide and the Cultural Context of Sex Trafficking in China.” [Online] Available [http://works.bepress.com/susan\\_tiefenbrun/2/](http://works.bepress.com/susan_tiefenbrun/2/), 2008; United States Department of State 2008 Human Rights Report: China (released February 25, 2009), p. 6 (“ . . . because of the intersection of birth limitations with the traditional preference for male children, particularly in rural areas, many families used ultrasound technology to identify female fetuses and terminate these pregnancies . . . According to government estimates released on February 28, the male-female sex ratio at birth was 120 to 100 at the end of 2007 . . .”); Congressional-Executive Commission on China, Annual Report (2008), p. 101 (“In response to strict birth limits

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imposed by the government, Chinese couples often engage in sex-selective abortion to ensure that they have a son, especially rural couples whose first child is a girl . . . A UN expert based in Beijing estimates that by 2014 the number of “missing women” in China will reach between 40 to 60 million” (citing, “The Global Abortion Bind: A Woman’s Right to Choose Gives Way to Sex-Selective Abortions and Dangerous Gender Imbalances,” Yale Global (Online), May 29, 2008; “China Grapples with Legacy of its ‘Missing Girls,’” China Daily.)

<sup>xxi</sup> Wei Xing Zhu, “China’s Excess Males, sex selective abortion, and one child policy: analysis of data from 2005 national intercensus survey.” British Medical Journal. BMJ 2009; 338:b1211.

<sup>xxii</sup> United States Department of State 2008 Human Rights Report: China (released February 25, 2009), p. 17.

<sup>xxiii</sup> See, e.g., “Single Child Population Tops 100 Million in China.” “China Daily,” July 7, 2008 [http://www.chinadaily.com.cn/china/2008-07/07/content\\_6825563.htm](http://www.chinadaily.com.cn/china/2008-07/07/content_6825563.htm). (“The one-child policy has prevented an estimated 400 million births.”)

<sup>xxiv</sup> Harman, Sarah Marie. “China’s Missing Women.” UPI. [Online] Available [http://www.upi.com/Features/Culture\\_Society/2009/08/06/Chinas-missing-women/12495702162314/](http://www.upi.com/Features/Culture_Society/2009/08/06/Chinas-missing-women/12495702162314/), August 6, 2009.

<sup>xxv</sup> Congressional–Executive Commission on China, 2008 Annual Report, pp. 100-101: (“In 2007, the central government estimated that China has 37 million more males than females. . . . Some political scientists argue that large numbers of ‘surplus males’ could create social conditions that the Chinese government may choose to address by expanding military enlistment”) (citing “China has 37 More Males than Females,” People’s Daily (Online) July 10, 2007; Valerie M. Hudson and Andrea M. den Boer, “Bare Branches: Security Implications of Asia’s Surplus Male Population” (Cambridge: MIT Press, 2004)).

<sup>xxvi</sup> Lagon, Mark P. “Trafficking in China.” Office to Monitor and Combat Trafficking in Persons, United States Department of State, Congressional Human Rights Caucus Briefing, Washington, D.C. October 31, 2007; United States Department of State 2008 Human Rights Report: China (released February 25, 2009), p. 18 (“Over the past five years, there reportedly was an increase in cross-border trafficking cases, with most trafficked women and girls coming from North Korea, Mongolia and Vietnam. Others came from Burma, Laos, Russia and Ukraine. All were trafficked into the country for sexual exploitation, forced marriage, and indentured servitude in domestic service or businesses.”) See also the United States Department of State Trafficking in Persons (TIP) Report (released in June 2009) at p. 104 (“Women and children are trafficked to China from such countries as Mongolia, Burma, North Korea, Russia, Vietnam, and Romania for purposes of forced labor, marriage, and sexual slavery.”)

<sup>xxvii</sup> Allen, Christopher. “Traditions Weigh on China’s Women.” BBC News. [Online] Available <http://news.bbc.co.uk/1/hi/programmes/5086754.stm>, June 19, 2006.

<sup>xxviii</sup> “Suicide Now Major Cause of Death Among Rural Chinese Women.” Epoch Times. [Online] Available <http://en.epochtimes.com/n2/content/view/10255/>, January 12, 2009; United States Department of State 2008 Human Rights Report: China (released February 25, 2009), p. 17 (“Women in rural areas, where the suicide rate for women is three to four times higher than for men, were especially vulnerable.”)

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<sup>xxix</sup> “Smith Shines Human Rights Spotlight on Coercion in China’s One-Child Policy.” [Online] Available <http://chrissmith.house.gov/News/DocumentSingle.aspx?DocumentID=56952>, December 14, 2004; United States Department of State 2008 Human Rights Report: China (released February 25, 2009) (“A high female suicide rate continued to be a serious problem. According to the World Bank and the World Health Organization, there were approximately 500 suicides per day. The Beijing Psychological Crisis Study and Prevention Center reported that the suicide rate for females was three times higher than for males. Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country’s birth limitations policies, and other societal factors contributed to the high female suicide rate.”)

<sup>xxx</sup> For documentation concerning forcible sterilization in China, see the Congressional-Executive Commission on China Annual Report, 2009, “Implementation: Abortion and Sterilization,” pp. 153 to 156.

<sup>xxxi</sup> “China’s Stolen Children,” ABC Reporter, Channel 4, broadcast [Online] Available <http://www.abc.net.au/4corners/content/2008/s2219617.htm>, April 24, 2008. See also, Fan, Maureen. “A Desperate Search for Stolen Children.” Washington Post Foreign Service, March 10, 2008, Page A11; Genzlinger, Neil. “Sold by the Thousands, Thanks to a One-Child Policy.” The New York Times, July 14, 2008; United States Department of State 2008 Human Rights Report: China (Released February 25, 2009) (“Kidnapping and the buying and selling of children for adoption increased over the past several years, particularly in poor rural areas.”)

<sup>xxxii</sup> Demick, Barbara. “Chinese babies stolen by officials for foreign adoption.” Los Angeles Times. [Online] Available. September 20, 2009. <http://www.latimes.com/news/nationworld/nation/la-fg-china-adopt20-2009sep20.0.401407.story>

<sup>xxxiii</sup> Congressional-Executive Commission on China, 2008 Report, p. 102.

<sup>xxxiv</sup> Congressional-Executive Commission on China, 2008 Report, p. 102.

<sup>xxxv</sup> “Child Policy Relaxed After Quake.” Taipei Times, AP, Beijing. [Online] Available <http://www.taipeitimes.com/News/world/archives/2008/05/27/2003413034>, May 27, 2008; Jacobs, Andrew. “China’s One-Child Policy Has Exceptions for Quake Victims’ Parents.” International Herald Tribune. [Online] Available <http://www.iht.com/articles/2008/05/27/asia/27child.php>, May 27, 2008; Mu, Eric. “Govt. Loosens Post-Earthquake Birth Control.” Danwei. [Online] Available [http://www.danwei.org/front\\_page\\_of\\_the\\_day/the\\_beijing\\_newsmay\\_26\\_2008.php](http://www.danwei.org/front_page_of_the_day/the_beijing_newsmay_26_2008.php), May 26, 2008. Wong, Edward. “China: Second Child for Quake Families.” The New York Times. [Online] Available [http://www.nytimes.com/2009/01/17/world/asia/17briefs-SECONDCHILDF\\_BRF.html?\\_r=1](http://www.nytimes.com/2009/01/17/world/asia/17briefs-SECONDCHILDF_BRF.html?_r=1), January 17, 2009. Congressional-Executive Commission on China, 2008 Report, p. 102.

<sup>xxxvi</sup> United States Department of State 2008 Human Rights Report: China (released on February 25, 2009) (“Parents must register their children in compliance with the national household registration system within one month of birth. Children not registered cannot access public services.”); Congressional-Executive Commission on China Annual Report 2008, p. 98 (“Out of

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plan” children in China, those whose birth violated population planning regulations, are frequently denied access to education and face hurdles to finding legitimate employment.”)

<sup>xxxvii</sup> Chinese Dissident Held on Secret Charges: Wife. Taipei Times, AFP, Beijing. [Online] Available <http://www.taipeitimes.com/News/world/archives/2008/07/20/2003417986>, July 20, 2008.

<sup>xxxviii</sup> Indeed, one divorced mother was sentenced to death in January of 2009 for paying a hit man to strangle her son so that she could have a child with her second husband. Li, Xinran. “Mother Gets Death After Ordering her Son’s Murder.” Shanghaidaily.com. [Online] Available [http://www.shanghaidaily.com/sp/article/2009/200901/20090116/article\\_388256.htm](http://www.shanghaidaily.com/sp/article/2009/200901/20090116/article_388256.htm), January 16, 2009.

<sup>xxxix</sup> Kahn, Joseph. “Birth Control Measures Prompt Riots in China. The New York Times. [Online] Available [http://www.nytimes.com/2007/05/21/world/asia/21cnd-china.html?ei=5088&en=d78ee109ec1be955&ex=1337400000&partner=rssnyt&emc=rss&page\\_wanted=print](http://www.nytimes.com/2007/05/21/world/asia/21cnd-china.html?ei=5088&en=d78ee109ec1be955&ex=1337400000&partner=rssnyt&emc=rss&page_wanted=print), May 21, 2007. See also, Ni, Ching-Ching. “China’s One-Child Policy Spurs Riots.” Los Angeles Times. [Online] Available <http://articles.latimes.com/2007/may/24/world/fg-riots24>, May 24, 2007.

<sup>xl</sup> “Ageing ‘Threatens China Economy.’” BBC News. [Online] Available <http://news.bbc.co.uk/go/pr/fr/-/2/hi/asia-pacific/7149330.stm>, December 18, 2007; Congressional-Executive Commission on China Annual Report 2008, p. 100.

<sup>xli</sup> Thinly, Phurbu. “China Asked to End Violence Against Women in Tibet,” Phayul.com. [Online] Available [http://current.com/items/89562274/china\\_asking\\_to\\_end\\_violence\\_against\\_women\\_in\\_tibet\\_force\\_abortions\\_rape\\_torture.htm](http://current.com/items/89562274/china_asking_to_end_violence_against_women_in_tibet_force_abortions_rape_torture.htm), November 25, 2008. See also, Goodenough, Patrick. “Don’t Fund UNFPA, Lawmakers Urge , After [Uighur] Woman Escapes Forced Abortion.” CNSNews.com. [Online] Available <http://www.cnsnews.com/public/content/article.aspx?RsrcID=39576>, November 19, 2008; Congressional Executive Commission on China 2008 Annual Report, p. 99.

<sup>xlii</sup> United States Department of State 2008 Human Rights Report: China (released February 25, 2009), p.6.

<sup>xliii</sup> Congressional-Executive Commission on China Annual Report 2008, pp. 98-99.

<sup>xliv</sup> United States Department of State 2008 Human Rights Report: China (released February 25, 2009) (“Officials at all levels remained subject to rewards or penalties based on meeting the population goals set by their region. Promotions for local officials depended in part on meeting population targets. Linking job promotion to an official’s ability to meet or exceed such targets provided a powerful structural incentive for officials to employ coercive measures to meet population goals.”)

<sup>xlv</sup> 2008 State Department Kemp-Kasten UNFPA Determination (June 26, 2008), p. 5.

<sup>xlvi</sup> For the text of the Universal Declaration of Human Rights, see <http://www.un.org/Overview/rights.html>.

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<sup>xlvii</sup> The One-Child Policy violates at least four Articles of the Universal Declaration of Human Rights. Specifically:

Article 5. “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Forced sterilization constitutes “torture” or “cruel, inhuman or degrading treatment or punishment.”

According to a statement by Congressman Christopher Smith, Pacific T. Kumar, Amnesty International’s Advocacy Director for Asia and the Pacific, said acts perpetrated by certain population control officials in China amount to torture:

“Amnesty International is concerned at reports that forced abortion and sterilization have been carried out by or at the instigation of people acting in an official capacity, such as family planning officials, against women who are detained or forcibly taken from their homes to have the operation. Amnesty International considers that in these circumstances such actions amount to torture or cruel, inhuman and degrading treatment,” Kumar said. See, “Smith Shines Human Rights Spotlight on Coercion in China’s One-Child Policy,” [Online] Available <http://chrissmith.house.gov/News/DocumentSingle.aspx?DocumentID=56952>, December 14, 2004.

- Article 12. “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence . . . Everyone has the right to the protection of the law against such interference or attacks.” Coercive governmental control over the number and spacing of children is an “arbitrary interference with privacy [and] family.” Destruction of the homes because of pregnancy is an “arbitrary interference with . . . home.”
- Article 16 (3). “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” Forced abortion, forced sterilization, detention and the destruction of homes hardly constitute protection of the family by the State.
- Article 25 (2). “Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same protection.” The family planning regulation requiring the abortion of all children conceived out of wedlock violates the protection of children born out of wedlock. See endnote (i), above.

<sup>xlviii</sup> For the text of the CEDAW, see <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

<sup>xlix</sup> For the text of the Beijing Declaration, see <http://www.un.org/womenwatch/daw/beijing/platform/declar.htm>.

<sup>1</sup> Pope John Paul II, “Address of the Holy Father John Paul II to the New Ambassador of New Zealand to the Holy See.” May 25, 2000.

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## **Additional Resources**

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Laogai Research Foundation - <http://www.laogai.org/news/index.php>

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