

Human Rights Abuses Caused by the One-child Policy

As Seen from Official Documents

There are several paths to expose violations of human rights on the one-child policy. First, there are the personal accounts and protests by the victims of the policy, such as Mao Hengfeng of Shanghai and Yang Zhizhu of Beijing. Secondly, there is the research conducted by activists, such as the cooperative investigation conducted by Teng Biao in Beijing and Chen Guangcheng in his hometown of Linyi City, Shandong Province. Last but not least, is the lesser known collection and analysis of official Communist Party documents on the One-child Policy by human rights and research groups, such as the Laogai Research Foundation.

The Laogai Research Foundation was founded at a time when the Chinese communist authorities' implementation of the One-child Policy was becoming increasingly ruthless. The Foundation was keenly aware that this is an important human rights issue that cannot be neglected, so it started to collect official documents and other files from all levels of government in China. Gao Xiaoduan, a family planning cadre from Fujian Province, provided the Foundation with a wealth of firsthand information. In the past two decades, the Foundation's collection keeps growing, on the basis of which, a number of research reports and studies have been published by the Foundation.

The files we have collected include not only the general regulations promulgated by the government organs at national and provincial levels, such as: *Decision on the Strengthening of Family Planning work and Strictly Controlling Population Growth by CPC Central Committee and State Council, the Population and Family Planning Law of the People's Republic of China (2002); Management Approach for Migrating Populations (1991); Management Approach for Family Planning Work of Migrating Populations (1998); Social Compensation Fee Collection and Management Methods (2002);* and the *Population and Family Planning Regulations* of several provinces and major cities, but also specific guiding policies, documents, forms, bills and other types of files from various provinces, counties, districts, and townships. The latter type more clearly demonstrates how the government implements the so-called "basic national One-child Policy" at all levels - at the expense of committing serious human rights abuses.

I. The communist authorities launch a “people’s war” at all levels to forcibly implement the “One-child Policy”

1) Forced termination of pregnancy, forced abortion and forced sterilization are designated to family planning officials as "assigned tasks"

This can be illustrated by a document issued by Jieshi Township, Zhuhai, Guangdong Province.

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2458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）委会必须按时、按量、按质完成。

Notice of Autumn Centralized Services for Birth Control by CCP Committee of Jieshi Township, Guangdong

1. Time span: August 26 – September 30, 2003

2. Task requirements: 2,458 guidance tasks are given to the whole township, among which 1,369 are sterilization (274 are sterilization of those who have two girls), 818 are IUD insertion, 108 are induction of labor followed by infanticide, and 163 are abortion. It is required that all villages and communities of the township thoroughly complete these tasks on time and meet the required quantity.

2) To encourage Party and administrative officials at all levels to harshly carry out the One-child Policy by using one-vote veto

Simply put, “one-vote veto” means an official’s political achievements are determined by only one factor, namely, the successful implementation of the one-child policy. If population control is not successfully carried out, the head official of an administrative area, as well as other relevant cadres, will lose their chances of being promoted.

LRF’s collection includes a document issued in 1990 by the CCP Committee of Qunazhou City, Fujian Province, entitled “*The Decision on Further Strengthening Discipline in the Implementation of One-child Policy*”, in which it is clearly stated that, “the one-vote veto should be resolutely implemented in order to strictly carry out the family planning policy.”

四、坚决执行“一票否决权”。

1、凡出现计划外生育的单位、未实现人口控制目标的乡（镇）、街道办事处、村（居）委会，不得评为文明单位、先进单位，其负责人不得评为先进个人。

2、国家机关、群众团体的工作人员、企事业单位干部以及各类技术人员、职工，要求调动工作的，必须提供女方户口所在地县级计生部门出具的《生育节育证明书》。凡是违反计划生育、没有落实节育措施而又未按规定作出处理

The practice of one-vote veto continues to this day. The *Regulation of the Shenzhen Special Economic Zone on Population and Family Planning (Draft)*, issued a few months ago, still adheres to this practice.

第四十一条【一票否决】 未完成人口与计划生育目标管理责任指标的国家机关、企业事业单位和其他组织，不履行计划生育综合治理职责分工的有关部门，对其单位及主要负责人实行计划生育“一票否决权”，并按有关规定追究责任。

3) To treat Policy offenders with hostility, such that coerced sterilization and abortion become a routine means of punishment

The government of Yonghe Township of Jinjiang City, Fujian Province issued a document in 1996 entitled *Notice to Strengthen Family Planning Management*. The document describes that sterilization will be applied to the mother or father if: 1) they give birth to a child but fail to report it, 2) if the mother fails to have IUD insertion within four months of giving birth, and 3) if the couple fails to register for an Only Child Certificate after giving birth to a son, 4) if the mother has two children before the age of 35. From this it is evident that sterilization is not only a measure taken to prevent “extra” births, but is also essentially a means of punishment.

(一) 建立婴儿出生报告制度。婴儿出生后，应在当月凭出生证到所在村委会申报出生。凡超过一个月不申报者，一律实行结扎。

(二) 重申生育一孩的育妇须在二个月内上环，凡超过四个月未上环的一律实行结扎。

(三) 重申生育一男的夫妇必须办理《独生子女证》，生育四个月后不办证的一律实行结扎。

重申生育二孩后一律在一个内月结扎，每推迟一天罚款100元，造成多胎生育的，除结扎外，并按规定重罚款。对35岁以下生育二孩上环的育妇，除个别特殊情况须经市计生服务站批准外，一律取环结扎。

4) To mobilize various powerful agencies to cooperate in a “concerted effort” to deal with the offenders

In 1989, Yongchun County of Fujian Province issued a document requiring the Industry and Commerce Administration, Public Security Bureau, Grain Bureau, Organization Department, Bureau of Labor, Bureau of Personnel, etc. to work together in the management of birth control:

各乡、镇党委、政府、县直各单位，

为了更好地贯彻执行《福建省计划生育条例》第二十五条、第二十八条规定，齐抓共管计划生育工作，做到各司其职，各负其责。经研究，特作如下规定：

According to the document, the Administration for Industry and Commerce is forbidden to issue a business license to the offender(s), the Public Security Bureau is forbidden to accept rural-to-urban population registration transfer applications and applications to go abroad, and the Grain Bureau is forbidden to allocate grain or oil for newborns.

Many people believe that in recent years, China's family planning policy has become more humane, but *The Regulation of the Shenzhen Special Economic Zone on Population and Family Planning (Draft)*, issued only a couple of months ago, shows that the barbaric practice of “concerted efforts” or “joint management” across numerous government departments is still common.

(一) 公安部门在办理出生入户登记时，应核查拟入户地街道人口计生工作机构出具的《深圳市计划生育证明》；对违反生育政策规定生育的，还应当核查其父母户籍地人口计生部门出具的社会抚养费征收完毕的票据。

(二) 公安部门在办理随迁入户手续时，应当核查拟迁入地街道人口计生工作机构出具的《深圳市计划生育证明》；

(三) 人力资源保障部门在办理调动、录（聘）用手续时，对已生育或怀孕的，应当核查拟迁入地街道人口计生工作机构出具的《深圳市计划生育证明》；

(四) 民政部门在办理收养子女手续时，应核查申请人户籍所在地区人口计生行政部门出具的收养的计划生育证明；

(五) 住房建设部门在销售保障性住房时，应核查申请人户籍所在地街道人口计生工作机构出具的《深圳市计划生育证明》。

This document requires the authorities of the Shenzhen City Public Security Department, the Human Resources and Social Security Department, the Department of Civil Affairs, the Department of Housing Construction, and other sectors of power, to make a collective effort to control population growth and punish offenders.

5) To get everyone involved in the "war" by requiring a "guarantee" of pregnancy eligibility and punishing the "guilty"

Official documents show that the government of Yonghe Township, Jinjiang City, Fujian Province, established a "guarantee system" of birth control. Any couple that applies for a maternity permit must be "guaranteed" by people from their village, meaning that they attest that the couple has not had any children, which would disqualify them from receiving a permit. If anything happens against the birth control laws and regulations, the guarantor(s) will be jointly and severally liable.

户号	担保人 (签名)	愿意承担何责任
14-2	林义	证实林地,林金针,夫妇,在93.11-97.8没有生育,如有生育愿意接受罚款3000元,及计生法律责任。
14-19	林行	证实林地,林金针,夫妇,在93.11-97.8没有生育,如有生育愿意接受罚款3000元,及计生法律责任。
14-15	林村河	证实林地,林金针,夫妇,在93.11-97.8没有生育,如有生育愿意接受罚款3000元,及计生法律责任。
14-13	林村森	证实林地,林金针,夫妇,在93.11-97.8没有生育,如有生育愿意接受罚款3000元,及计生法律责任。
14-15	林树贵	证实林地,林金针,夫妇,在93.11-97.8没有生育,如有生育愿意接受罚款3000元,及计生法律责任。

A page from the Birth Control Guarantee documents of Yonghe Township, in which a group of villagers guaranteed that a couple in their village did not give birth to any children from November 1993 to August 1997.

In some places, policies are introduced to encourage people to become informants and turn in “offenders” who try to conceal unregistered pregnancies or children from the authorities. This has greatly tarnished social ethics in communities. In 1998, the government of Quanzhou City, Fujian Province, issued its *Notice to Establish Reward Reporting System*, encouraging people to engage in mutual monitoring and reporting by offering rewards.

关于转发《关于建立有奖举报制度的通知》的通知

各镇(场)计生领导小组:

现将泉计生领[1998]4号《关于建立有奖举报制度的通知》转发给你们,请按照《通知》精神,结合实际情况,制订有效措施,认真抓好落实。同时,要求各镇(场)计生办主任亲自抓好这项工作,力求抓出成效。

This situation still exists today. Hengxian Country of Guangxi Province issued a document in

2005 entitled *Notice on Implementation of Reward Policy for Reporting Violations of Population and Family Planning Management*, which listed the reward amounts for reporting each type of violation. Reporting of an unplanned pregnancy, for example, would be rewarded with a sum of money as much as 2,000 RMB (over 300 USD).

公布已交纳社会抚养费情况。如有下列情况，欢迎群众举报，经查属实的，由县政府给予100元至2000元奖励。

1、育龄夫妇计划外怀孕14周以上或计划外生育已达2个月以上，计生部门未掌握、村委会（社区）未公布的；

II. CPC authorities at all levels punish offenders with harsh economic measures

1) Fines

Fines have been a major economic punishment of the compulsory one-child policy. *Social Compensation Fee Collection and Management Methods*, issued by the central government, is the principal document by which economic punishments are handed down to violators. In addition to this, local governments throughout the country drafted their own regulations to make exorbitant monetary exactions from the offenders.

In LRF's collection, we have a lengthy record of *Fines Collected from One-Child Policy Offenders of Yonghe Township*. The record shows that in 1989, the Township government collected over 1.8 million RMB, over 1.97 million RMB in 1990 ... and 3.6 million RMB in 1996.

征收情况表

金额单位：元

永和镇

年度	应征人数	已征人数	应征金额	已征金额	特征金额
	(1)	(2)	(3)	(4)	(5)
89年	3665	2672	1800700.	232390.	1249110.
90年	874	757	1974600.	98310.	1754300.

Although the Chinese government has become economically stronger than it was in the

past, extracting money from One-child Policy offenders is still a common practice throughout the country. Even in the most developed cities, such as Shenzhen, collection of so-called “social compensation fees” remains rampant. The *Regulation of the Shenzhen Special Economic Zone on Population and Family Planning (Draft)*, issued a few months ago, allows government officials to wantonly plunder the wealth of the people in the name of implementing government policy.

第三十一条【征收标准】 区人口计生行政部门按下列规定征收社会抚养费：

（一）超生一个子女的，对夫妻双方分别按计征基数一次性征收三倍以上六倍以下的社会抚养费；超生二个以上子女的，以超生一个子女应征收的社会抚养费为基数，对每个超生子女以超生子女数为倍数征收社会抚养费；

（二）有配偶一方与他人生育子女的，对男女双方分别按计征基数征收六倍以上九倍以下的社会抚养费；

（三）未办理结婚登记生育第一个子女的，应当自生育之日起六十日内补办结婚登记；逾期未补办的，对男女双方分别按计征基数征收一倍社会抚养费。

There are numerous fines for different types of unplanned births: pregnancy earlier than regulation permits, “extra” births, births that occur closer together than in the allowed interval timespan, births by unwed mothers, unlicensed births, child adoption (either unregistered or in excess of the allowed number of children)... just to name a few. The 1998 *Reports of Individual Cases of Birth Control in Yonghe Township, Jinjiang City of Fujian Province* show that simply for adopting children without formally reporting it to the government, couples may be punished with a fine as much as 10,000 RMB (over 1,500 USD).

所在乡 镇	处理意见	处罚计划外生育费10000元 落实绝育措 施, 责任人罚款1000元
	书记签名	分管领导签名 <i>文长</i> 98年3月10日 (盖章)

注: 本表一式三份, 市、镇、村各一份

Excerpt of 1998 Reports of Individual Cases of Birth Control in Yonghe Township, Jinjiang City of Fujian Province

Fines are not limited to unplanned births; there are various other “offenses” which may lead to harsh economic penalties, such as failure to have a pregnancy check (women are required to have regular exams to verify they are not pregnant and are using birth control), failure to register a newborn, possessing fraudulent birth or identification documents, guarantor liability, and mistaken or improper following of provisions, and so on.

The Communist authorities have even requested that all relevant persons sign contracts, opening a door to future penalties for breach of the contracts:

For example, in 1998, Chongqing authorities issued a document, requesting couples of reproductive age to sign contracts with birth control authorities. If the couples failed to turn up for a pregnancy test, or failed to obey birth control policies, they must pay the penalties. In addition, migrant workers must sign a contract to ensure that they will not violate the birth control policy during their temporary residence in other places.

(二)乙方违约责任

1. 乙方不按合同的约定每三个月寄回一次经暂住地乡(镇)人民政府、街道办事处计划生育工作机构核实的孕情、环情检查证明的,一次应向甲方缴纳违约金 400 元。

2. 乙方寄回孕情、环情检查假证明的,一次应向甲方缴纳违约金 400 元。

3. 乙方不履行合同,发生计划外怀孕后又不自行采取补救措施的,应按以下规定承担甲方派出的管理服务人员的交通费:

(1)在本区、县(市)境内的 100 - 200 元;

(2)在本区、县(市)境外、重庆市境内的 200 - 500 元;

(3)在重庆市境外的 500 - 2000 元。

Other economic and administrative penalties include:

a) Confiscation of business license or driver's license

As is shown in the document below:

四、
6、城镇个体从业人员,在1990年7月1日以后超生的,由工商、交管等有关部门收回其营业执照或驾驶执照等。

“After July 1, 1990, should any residents who engage in business exceed the birth quota, Industry and Commerce, Traffic Control, and related departments shall confiscate the offender's business or driver's license.”

The Decision on Further Strengthening Discipline in the Implementation of One-child Policy, by CCP Committee of Quanzhou, Fujian Province, 1990.

b) Inability to obtain employment

In many places, candidates must submit their proof of birth control when applying for recruitment and employment. If any violations are discovered, the applicant will most likely be rejected. Below is the Susong County, Anhui Province recruitment certification form for

reporting family planning. Candidates for employment must fill out the form to verify approved birth control and ensure no violations have been committed before they take the employment exam.

宿松县事业单位招聘报考人员计划生育证明

1	报考人姓名		性别		婚否		户籍所在乡镇	
2	最小孩子出生时间	年 月 日					孩次	
3	根据《安徽省人口与计划生育条例》规定是否违规生育							

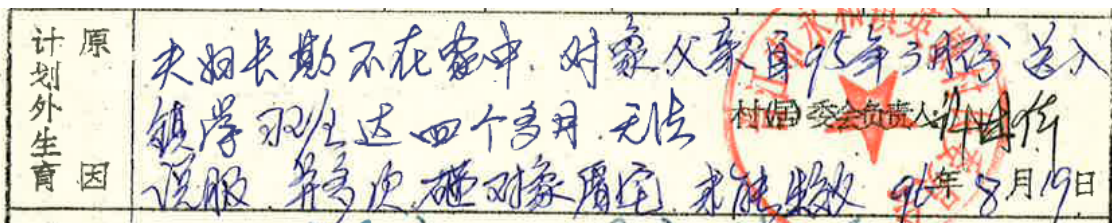
Birth Control Proof for Recruitment of Candidates of Institutions, Susong County, Anhui Province

III. China's "family planning" is a protracted human rights disaster

The mandatory One-child Policy, which has continued for 30 years, is a protracted human rights disaster. The authorities deprive men and women of their reproductive rights by means of legally requiring voluntary abortion, forced or induced abortion, ligation, serialization and other extreme measures. They even deprive babies of their right to live through acts of infanticide. These destructive procedures have caused a series of social, economic and ethical consequences. In addition, there are other significant examples of human rights violations:

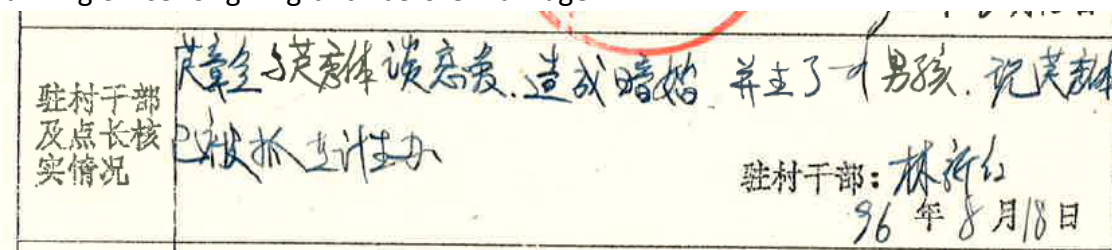
1) Deprivation of personal freedom

Local governments hold the offenders and even their families in custody, in the name of taking part in classes to study relevant policy. Documents of *Analytic Report of Case Studies of Only Child Policy in Quanzhou, Fujian Province*, show that when a couple of reproductive age could not be found, the local government forced the man's father to take the "class" for more than four months:



Analytic Report of Case Studies of Only Child Policy in Quanzhou, Fujian Province

Another page of document shows a woman named Lu Xiuti was "detained in the family planning office for giving birth before marriage."



Analytic Report of Case Studies of Only Child Policy in Quanzhou, Fujian Province

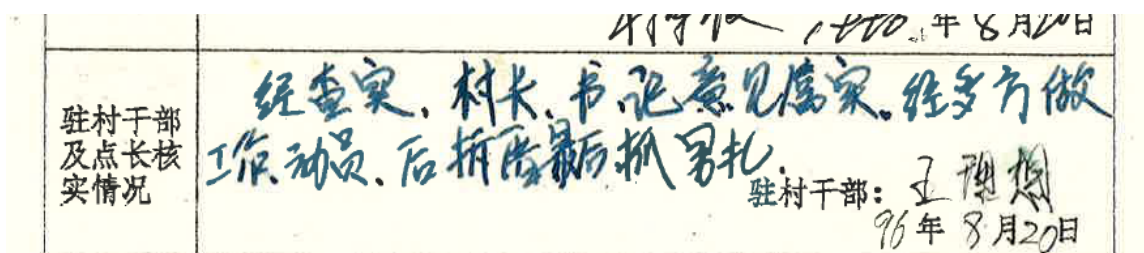
Former family planning cadre Gao Xiaoduan's photo shows a cell with iron bars inside a Fujian Province family planning clinic, which is used to detain family planning violators and their relatives. Many villages and towns use this tactic to coerce violators into having abortions or paying hefty fines.



2) Destruction of property

"Demolish the house, if the offenders refuse to be sterilized, or confiscate their cattle if they refuse to have an abortion" – this is one of the famous One-child Policy slogans known throughout the country. Testimonies of many victims and witnesses confirm that it rings true. While such brutalities are rarely explicitly stated in official documents, there is some evidence of this nature in LRF’s collection of documents.

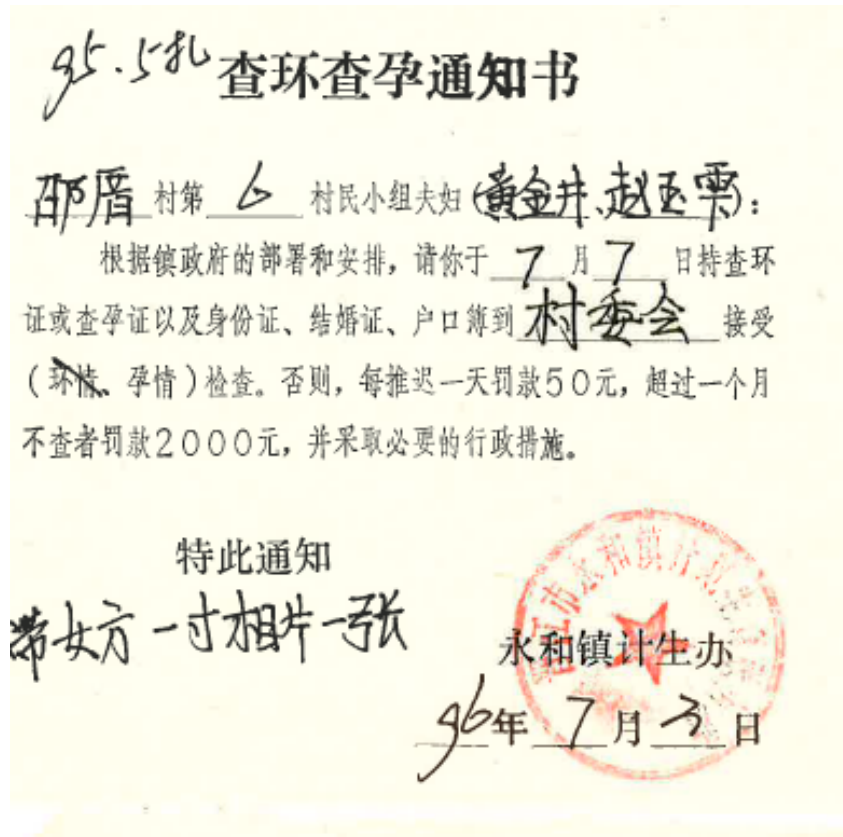
This excerpt from the *Analytic Report of Case Studies of Only Child Policy in Quanzhou, Fujian Province* shows that "demolishing the house" is a means of punishment commonly used by the family planning department:



Analytic Report of Case Studies of Only Child Policy in Quanzhou, Fujian Province

3) Violations of women's privacy

Comprehensive surveillance to watch for unplanned births makes it possible for officials to invade many areas of one’s personal life. The infringement of women’s privacy is particularly shocking. In accordance with the provisions of the local government, women of childbearing age must report their menstrual cycle to the authorities and have the condition of their IUD and pregnancy status checked at set intervals. According to the documents we collected, the family planning office of Yonghe Township, Jinjiang City, Fujian Province, requests that women of reproductive age have their IUD and pregnancy status checked at certain times. The women must bring their identification and photo to the service station. There will be a fine of 50 Yuan if they go to the station one day late, and a fine of 2,000 Yuan if they refuse to go, plus additional “necessary administrative measures”.



Notice of Double Check-ups, Birth Control Committee, Yonghe Township (1996)

The following document, *Notice of Forth Double Check-up*, was issued by Yonghe Township in Jinjiang City, Fujian Province. It requires each village to keep records on women who must have IUD and pregnancy checks, and to keep on file details of each checkup for further investigations.

各村委会、工作点：

为了搞好第四轮两查工作，根据安排从10月1日起全镇开展第四轮两查，现将有关事项通知如下：

一、具体要求：

1、各村要在“五清理”回头看的基础上，认真的核对“两查”对象花名册，并在10月3日前把查环查孕花名册送交镇服务所核对。

2、根据下列时间安排表，各村要提前三天把通知书送达“两查”对象手中。

3、在“两查”期间，要认真结合“两查”工作办好村级人口学校，并按规范化要求做好记录备查。

Notice of Fourth Double Check-ups, Yonghe Township, Jinjiang, Fujian Province (1997)

IV. Conclusion

To conclude, while the shocking personal testimonies of One-child Policy victims cannot be ignored, the evidence provided by the analysis of these official government documents is indisputable. With these documents, we can clearly see how the policy has led to human rights violations in every facet of people's daily lives, and how this policy is bringing incurable damage to the country's population structure, economy, social ethics and culture.