



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice China

China – CHN36250 – Fujian Province –  
Forced abortion  
19 February 2010

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## 1. Please provide information on forced abortion in Fujian Province.

Sources indicate that forced abortions have recently occurred in Fujian Province. The following incidences of forced abortion are reported to have occurred during the period of 2006 to 2010:

- According to the US Congressional-Executive Commission on China's (CECC) *Annual Report 2009* one instance of forced abortion and one instance of attempted forced abortion were reported to have occurred in Xianyou County in Fujian in May 2009. The report also states that during 2009 the Anxi and Wuyishan counties in Fujian implemented family planning policies requiring that abortion measures be undertaken by authorities for out of plan pregnancies. The report states that in Wuyishan County financial incentives were offered to officials for overseeing abortions. The report contains the following relevant information:

In 2009, authorities in some areas of Yunnan and Fujian provinces also employed abortion as an official policy instrument.

...In February 2009, officials in Anxi county, Fujian province, initiated a five-week campaign of "concentrated service activities" that designated the "implementation of abortion remedial measures" among its five "primary tasks." The circular authorizing the campaign instructs officials to "adopt effective and comprehensive punitive measures and ensure that remedial measures against out-of-plan pregnancies are taken promptly and reliably." In May 2009, officials in Xianyou county, Fujian, detained 55-year old Wu Xinjie in order to pressure her daughter, who was nine months pregnant with a second child and had fled the area, to have an abortion. During the same period, Xianyou family planning authorities told a reporter that they forced a 20-year-old unmarried woman who was seven months pregnant to undergo an abortion. In June 2009, the Wuyishan county government in Fujian published village family planning regulations that stipulate the following: "In emergency situations when pregnancies violate family planning policies, report the matter to the village committee and promptly carry out remedial measures (abortion)."

...In January 2009, Wuyishan county in Fujian province published a "family planning responsibility manual" for township and village officials that detailed a point system for performance evaluations on family planning issues. For example, officials receive 15 points for completing all of the tubal ligation targets for the year and 10 points for meeting intrauterine device targets. Five points are added for each mid to late-term abortion that an official oversees and two points for each first-trimester abortion. Conversely, two to five points are deducted from an official's evaluation for each child born out of plan, depending on the number of children already present in the household. Officials who score

90 points or higher on their evaluations are rewarded with a bonus of 2,000 yuan (US\$293).<sup>1</sup>

- An article co-written by the China Aid Association and Women's Rights Without Frontiers also reports on forced abortion in May 2009 in Xianyou County in Fujian province. Details provided in the report indicate that it is a different case than the forced abortion in Xianyou County reported above. Information contained in the article suggests that this report of forced abortion was sourced from a Chinese blog website.<sup>2</sup> The China Aid Association is a US based Christian organisation which "exists to advance religious freedom in China by exposing the abuses, encouraging the abused and equipping leaders on behalf of the persecuted church".<sup>3</sup>
- According to an article by Human Rights in China, in March 2007 *The Oriental Daily*, a Chinese news source reported that "Fujian authorities detained family members, both immediate and extended, of blacklisted women to force these women to undergo abortion and sterilisation".<sup>4</sup>
- The US Department of State (USDOS) 2007 *China Profile of Asylum Claims and Country Conditions* states "in 2006, reportedly there were forced sterilisations in Fujian".<sup>5</sup>

Advice was also gained by the Department of Foreign Affairs and Trade (DFAT) on this issue in September 2004. DFAT advised that while they understand that compulsory abortions continue to occur in Fujian they are much rarer than the 1980's.<sup>6</sup>

*The Population and Family Planning Regulations of Fujian Province* (the Regulations) do not specifically state that abortion is required for out of plan births, nor that they can be forced. However, Article 18 of the Regulations states that "those who have become pregnant in violation of this Regulation should take remedial measure in time" and that "villagers' committees or the resident's committees or their units should urge them to take remedial measures in time".<sup>7</sup> According to the US CECC *Annual Report 2009*, "the term remedial measures is used synonymously with compulsory abortion".<sup>8</sup>

In 2002, Dr Edwin Winckler (Research Associate, East Asian Institute, Columbia University) described the difficulties involved understanding the true intent of terms used in family planning regulations due, in part to the fact that the regulations are "often deliberately vague". According to Winckler, understanding the intent of many of the

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<sup>1</sup> US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, pp. 155 & 156 – Attachment 1.

<sup>2</sup> China Aid Association and Women's Rights Without Frontiers 2009, *New Evidence Regarding China's One-Child Policy Forced Abortion, Involuntary Sterilization, Infanticide and Coercive Family Planning*, United States Action website, 10 November  
[http://www.unitedstatesaction.com/documents/china/Littlejohn\\_and\\_Fu\\_Report\\_1.doc](http://www.unitedstatesaction.com/documents/china/Littlejohn_and_Fu_Report_1.doc) - Accessed 19 February 2010 - Attachment 2.

<sup>3</sup> 'China Aid' 2010, China Aid Association website <http://www.chinaaid.org/qry/page.taf?id=97> - Accessed 19 February 2010 - Attachment 3.

<sup>4</sup> 'Spotlight: Women's Rights and Reproductive Health in China' (undated), Human Rights in China website <http://www.ir2008.org/03/spotlight.php#8> - Accessed 22 February 2010 - Attachment 4.

<sup>5</sup> US Department of State 2007, *China: Profile of Asylum Claims and Country Conditions*, Political Asylum Research and Documentation Service website, May, pp. 41 – 44  
[http://www.pards.org/paccc/china\\_may\\_2007.doc](http://www.pards.org/paccc/china_may_2007.doc) – Accessed 4 March 2008 – Attachment 5.

<sup>6</sup> DFAT 2004, *DFAT Report No. 317 – RRT Information Request: CHN16905*, 2 September – Attachment 7.

<sup>7</sup> *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website – Attachment 6.

<sup>8</sup> US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, p.153 – Attachment 1.

terms in the family planning regulations “requires knowledge of birth program policies and practices”.

The following reports on forced abortion within China more generally indicate that while physically coerced abortions are not legally permitted, they continue to be undertaken by local authorities:

- According to a Freedom House report for 2009 “compulsory abortion or sterilization by local officials citing family-planning rules still occurs but is illegal and far less common than in the past”.<sup>9</sup>
- The US Department of State (USDOS) reported in February 2009 that the law prohibits the use of physical coercion to force abortions but that pressure on local birth planning officials to meet family planning targets has resulted in the use of physical coercion and “the abortion of certain pregnancies”.<sup>10</sup>
- A November 2008 article by Amnesty International states that “reports persist of local authorities forcing women to undergo abortions” and that “officials responsible for such practices are rarely prosecuted”.<sup>11</sup>

### List of Attachments

1. US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October.
2. China Aid Association and Women’s Rights Without Frontiers 2009, *New Evidence Regarding China’s One-Child Policy Forced Abortion, Involuntary Sterilization, Infanticide and Coercive Family Planning*, United States Action website, 10 November  
[http://www.unitedstatesaction.com/documents/china/Littlejohn\\_and\\_Fu\\_Report\\_1.doc](http://www.unitedstatesaction.com/documents/china/Littlejohn_and_Fu_Report_1.doc) – Accessed 19 February 2010.
3. ‘China Aid’ 2010, China Aid Association website  
<http://www.chinaaid.org/qry/page.taf?id=97> – Accessed 19 February 2010.
4. ‘Spotlight: Women’s Rights and Reproductive Health in China’ (undated), Human Rights in China website <http://www.ir2008.org/03/spotlight.php#8> – Accessed 22 February 2010.
5. US Department of State 2007, *China: Profile of Asylum Claims and Country Conditions*, Political Asylum Research and Documentation Service website, May, pp. 41 – 44 [http://www.pards.org/paccc/china\\_may\\_2007.doc](http://www.pards.org/paccc/china_may_2007.doc) – Accessed 4 March 2008.
6. *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website.
7. DFAT 2004, *DFAT Report No. 317 – RRT Information Request: CHN16905*, 2 September.

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<sup>9</sup> Freedom House 2009, *Freedom in the World – China (2009)*

<http://www.freedomhouse.org/template.cfm?page=363&year=2009&country=7586> – Accessed 22 February 2010 - Attachment 9.

<sup>10</sup> US Department of State 2009, *Country Reports on Human Rights Practices 2008 – China*, 25 February, Section 5 - Attachment 10.

<sup>11</sup> Amnesty International 2008, *People’s Republic of China: Briefing for the Committee against Torture in advance of their consideration of China’s fourth periodic report, 3-21 November 2008*, ASA 17/094/2008, Article 4 <http://www.amnesty.org/en/library/asset/ASA17/094/2008/en/bae00ac3-8f0b-11dd-8d03-3f760a3cc4a3/asa170942008en.html> – Accessed 16 June 2009 – Attachment 11.

8. Winckler, E. 2002, 'People's Republic of China Law on Population and Birth Planning (Documents)', *Population and Development Review*, vol. 28, no. 3.
9. Freedom House 2009, *Freedom in the World – China (2009)*  
<http://www.freedomhouse.org/template.cfm?page=363&year=2009&country=7586>  
– Accessed 22 February 2010.
10. US Department of State 2009, *Country Reports on Human Rights Practices 2008 – China*, 25 February.
11. Amnesty International 2008, *People's Republic of China: Briefing for the Committee against Torture in advance of their consideration of China's fourth periodic report, 3-21 November 2008*, ASA 17/094/2008  
<http://www.amnesty.org/en/library/asset/ASA17/094/2008/en/bac00ac3-8f0b-11dd-8d03-3f760a3cc4a3/asa170942008en.html> – Accessed 16 June 2009.