

**ARefugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide information on the implementation of the One Child Policy in coastal areas of Fujian, specifically Pingtan County.**
- 2. Would a couple be subjected to fines continuously or until the second child reaches the age of 18 if they were in breach of the Policy?**
- 3. Are males required to undergo vasoligation for breaching the Policy? If so, how prevalent is this in Fujian and how strictly is it enforced?**
- 4. Is it likely a man in breach of the Policy would be required to undergo vasoligation many years subsequent to the breach? What are the consequences of refusing to undergo vasoligation?**
- 5. Please provide any additional information.**

RESPONSE

- 1. Please provide information on the implementation of the One Child Policy in coastal areas of Fujian, specifically Pingtan County.**

Information for this question has been provided on family planning in Pingtan and Coastal Areas of Fujian.

Pingtan

A 2001 report co-authored by Susan Greenhalgh, professor of Anthropology at the University of California reports on the “poor birth program performance” in Pingtan county. The report provides the following description of Pingtan and its enforcement of the one child policy:

Changle and Pingtan have had poor birth program performance, and for that reason merit special attention.

Poor and populous Pingtan. The island county of Pingtan specializes in fishing. It is fairly poor but not extremely so. Pingtan has 310 square kilometers, 344,400 people, not even 0.3 *mu* of cultivated land per capita, but a net agricultural income of 1065 yuan per capita. Of special interest, Pingtan is the locality in China that is closest to Taiwan. (Pingtan is 128 kilometers from Fuzhou City but only 68 kilometers from Hsinchu City on Taiwan.) During the Maoist period, despite bans, Pingtan fishermen continued to have contact with Taiwan fishermen. Pingtan hopes to benefit from eventual direct communication and trade with Taiwan. In the meantime, evidently superior levels of government have tried to figure out how to help Pingtan develop. They have designated Pingtan a scenic area, a coastal open area, an experimental point for comprehensive sea island development and an experimental zone for open comprehensive reform. In 1992, the province and city held a meeting there and declared 32 preferential policies. Beginning in 1989, some of its 70,000 fishermen were hired as fisherman abroad. **As regards birth planning, fishermen have a strong desire for sons to continue the family occupation. Fujian policy does allow fishermen with a first girl to try again for a boy. However, they are supposed to stop after the second child— which they do not. The overall multiple child rate is about 10% but in some villages ranges above 25%. Another program problem on Pingtan is that the cadres there are poorly off economically and “deficient” administratively** (Greenhalgh, S. & Winckler, E. 2001 *‘Chinese State Birth Planning in the 1990’s and Beyond’*, US Department of Justice, Immigration and Naturalisation Service, Citizenship and Immigration Services website, September, p.158 <http://www.uscis.gov/files/nativedocuments/pschn01001.pdf> – Accessed 3 April 2007 – Attachment 1).

No other information was found in the sources consulted regarding family planning in Pingtan including the enforcement of the one child policy, abortion, sterilisation or the repercussions for having a second child.

Coastal Areas of Fujian

On 22 April 2004 the Department of Foreign Affairs and Trade (DFAT) reported on regional differences in the enforcement of family planning regulations within Fujian. DFAT advised family planning in coastal fishing areas is enforced less strictly than in areas with a high level of state owned enterprises. DFAT provided the following advice on the enforcement of the one child policy in Fujian:

The Family Planning Law in Fujian is regulated by a mixture of national, provincial and local laws and rules. Enforcement is by local authorities and evidence suggests that some local governments enforce family planning rules more vigorously than others. This has created a patchwork of different rules and enforcement across the province. Family planning rules are more strictly enforced in the larger cities such as Xiamen and Fuzhou, than in the poorer countryside. The rules are also more strictly enforced in areas where state-owned industry is stronger, such as the steel making city of Sanming, than in the mountainous or coastal fishing areas. In general, however, Fujian has one of the least coercive family planning regimes in China. In rural areas of Fujian more than half of all families have more than one child. The number of one child families is greater in the larger cities. However, even here, multiple child families are not unknown (Department of Foreign Affairs and Trade 2004, *DFAT Report 287 – RRT Information Request: CHN16609*, 22 April – Attachment 2).

The 2001 report *Chinese State Birth Planning in the 1990's and Beyond* also provides information on the implementation of family planning in Fujian. Greenhalgh states that the coastal counties of Fuzhou have been “notoriously unruly and resistant to the demands of municipal and provincial birth planners”:

Until about 1990, Fujian's birth program implementation was distinctly lax, relying too much on crash campaigns and too little on routine work. During the 1990s, the program received higher priority and more funds, as a result of which implementation became both more strict and more lawful. **Within Fujian, program implementation is solid in most of the advanced coastal plain, but not all of it.** Enforcement remains weak in poor mountainous rural areas and among urban migrants. **Fuzhou City has generally strong implementation, but its coastal counties are notoriously unruly and resistant to the demands of municipal and provincial birth planners** (Greenhalgh, S. & Winckler, E. 2001 '*Chinese State Birth Planning in the 1990's and Beyond*', US Department of Justice, Immigration and Naturalisation Service, Citizenship and Immigration Services website, September, p.xvii <http://www.uscis.gov/files/nativedocuments/pschn01001.pdf> – Accessed 3 April 2007 – Attachment 1).

For information on the enforcement of family planning in wider Fujian please see Research Response CHN025 dated March 2008 (RRT Research & Information 2008, *Research Response CHN33025*, 11 March – Attachment 3).

2. Would a couple be subjected to fines continuously or until the second child reaches the age of 18 if they were in breach of the Policy?

Sources consulted indicate that couples who breach family planning regulations may be subject to a family planning fine, also referred to as a social compensation fee. Available information indicates that the social compensation fee is imposed once per violation to the family planning policy. Sources report that individuals may be allowed to pay the social compensation fee in installments over a period of years. No information was found regarding the continuous fining of individuals who have breached family planning policy or the fining of couples until an out of plan child reaches the age of eighteen (*Population and Family Planning Regulation of Fujian Province*, Adopted by the 33rd Meeting of the Standing Committee of the Ninth Provincial People's Congress on 26 July 2002, UNHCR website Attachment 4; US Department of State 2004, *China: Profile of Asylum Claims and Country Conditions*, June, Political Asylum Research and Documentation website, paras.122-123 http://pards.org/paccc/china_jun_2004.doc – Accessed 2 November 2005 – Attachment 5; Merli, G., Qian, Z. & Smith, H. 2004 '*Adaptation of a Political Bureaucracy to Economic and Institutional Change under Socialism: The Chinese State Family Planning System*', University of Chicago website, 13 July <http://www.spc.uchicago.edu/prc/pdfs/merli02.pdf> – Accessed 15 April 2008 – Attachment 6; Greenhalgh, Susan and Winkler, Edwin A. 2001, *Chinese State Birth Planning in the 1990s and Beyond*, Immigration and Naturalization Service (INS) Resource Information Centre, US Department of Justice, Perspective Series, September, p.14 – Attachment 1).

The 2002 population and family planning regulations for Fujian indicate that the social compensation fee is one fine that is imposed per violation of the family planning regulations. The Fujian population and family planning regulations provide the following information on the social compensation fee:

Article 39 Anyone who violates this Regulation by one of the acts listed below shall be ordered to pay the corresponding number of times of the average annual disposable income of

the urban residents or the net average annual income of the rural peasants of the county in the previous year when the child is born in violation of this regulation as social compensation fee by family planning administrative department of the county or by township people's government or urban neighborhood office appointed by such administrative department:

(1) A social compensation of zero point six to one time shall be imposed on those who give birth to a child ahead of the schedule;

(2) A social compensation of two to three times shall be imposed on those who give birth to the first additional child. A social compensation of four to six times shall be imposed on those who give birth to the second additional child. A much more heavy social compensation fee shall be imposed on those who give birth to the third or more additional child.

(3) A social compensation of four to six times shall be imposed on those who give birth to a child born out of an extramarital affair. A much more heavy social compensation fee shall be imposed on those who give birth to the second child born out of an extramarital affair. If the actual annual income of the parties concerned exceeds the average annual disposable income of the urban residents or the net average annual income of the rural peasants of the county in the previous year, the actual income shall be used as the base to calculate the number of the social compensation fees. The decision in writing to impose social compensation fee shall be made by the family planning administrative department of the county. Such department may appoint the people's government of township or town or the urban neighborhood office to make such decisions (*Population and Family Planning Regulation of Fujian Province*, Adopted by the 33rd Meeting of the Standing Committee of the Ninth Provincial People's Congress on 26 July 2002, UNHCR website - Attachment 4).

A 2004 US State Department report states that, according to advice from the Fujian Provincial Family Planning Committee, couples who are unable to pay the social compensation fee in one payment may pay in instalments. The report states that:

According to the FPFPC, [Fujian Provincial Family Planning Committee] social compensation fees are based on per capita disposable income levels for rural households and per capita net income for urban households (*the 'baseline'*). The exact figure is based on country-level statistics, so the baseline varies throughout the province. For households with incomes significantly greater than the relevant income baselines, the local family planning commission can increase the social compensation fees. Social compensation fees range from the baseline or less for an unmarried couple that has a child to greater than size times the baseline for couples with four children or more and are determined by the local family planning committee in the city or country where the couple resides. In 2003, urban per capita net income in Changle City and Lianjiang County was approximately 10,050 renminbi (*about \$1,210*) and rural disposable per capita income was approximately 4,401 renminbi (*about \$530*). However, one woman with five children from Changle, Fujian, told U.S. officials in Guangzhou that she was fined a flat 50 renminbi (*about \$60*) for each child after her first child born without a special circumstance birth permit.

According to the FPFPC, couples unable to pay the fee immediately are allowed to pay in instalments. Local family committees have the power to sue families that refuse to pay the requisite fees, but they cannot garnish wages. The FPFPC asserts that parents cannot be sterilized if they are unable to refuse to pay the fee (US Department of State 2004, *China: Profile of Asylum Claims and Country Conditions*, June, Political Asylum Research and Documentation website, paras.122-123 http://www.pards.org/paccc/China_Jun_2004.doc – Accessed 2 November 2005 – Attachment 5).

A July 2004 paper on the family planning system in China reports that the family planning fine is often not serviced in one full payment. The paper provides the following information on the payment of family planning fees:

Today, in the two INCRC [“Introducing New Contraceptives in Rural China” project] counties in Hebei, fines for the first birth above the limit are in an amount equal to about five times the p.c. village income. In Shanshui, out-of-plan births carry a fine of 2,000 yuan for the first unapproved birth, and 7,000-10,000 yuan for the second unauthorized birth, amounts equivalent to 3 to 5 times a village p.c. income. Although these are reported amounts, not fines that are actually levied or collected, the high ratio of fines to p.c. income is necessary for the fine to be effective. **In fact, it is not frequent for the fine to be paid in full all at once. In rich coastal areas, many households gladly pay fines for extra children on installment plans, while in poorer areas the actual amount collected may depend on the nature of the personal relationship between villagers and family planning cadres** (Merli, G., Qian, Z. & Smith, H. 2004 ‘*Adaptation of a Political Bureaucracy to Economic and Institutional Change under Socialism: The Chinese State Family Planning System*’, University of Chicago website, 13 July, p.25 <http://www.spc.uchicago.edu/prc/pdfs/merli02.pdf> – Accessed 15 April 2008 – Attachment 6).

A 2001 report on family planning by Susan Greenhalgh and Edwin Winkler, also states that couples who can’t afford to pay the social compensation fee outright are allowed to pay the fee off in instalments over several years. Greenhalgh and Winkler report that:

The main penalty imposed on ordinary citizens for violating program regulations is a “fee” for out-of-plan births. Ideally, such sanctions are intended to be sufficiently severe to deter people from having the much-wanted child, but not so severe as to impoverish them. **People who face “real economic difficulty” in paying the fine are often allowed to spread payment over several years.** Cadres demanding too high a fine from poor couples are supposed to be punished themselves. In the 1980s, the typical fee for the first unauthorized birth was a substantial fraction of annual income. Some places calculated on the basis of the couple’s actual previous year’s income, while others used a typical local income to compute the fine. For example, in rural Fujian in the late 1980s the fee was 200-400 yuan for the first unplanned birth (50-90% of annual per capita income). In the early 1990s, fees were raised sharply to a startling two or three times annual income. For example, in Fujian a couple could be fined 60-100% of their previous year’s income simply for violating spacing rules, and those who had an extra child could be fined two to three times their previous year’s income. For a second out-of-plan child, these fines were doubled, and in the unlikely event of still more children, the fines were increased again. In addition to penalties for non-complying couples, there might also be penalties for birth planning workers and work-unit colleagues, such as loss of personal bonuses or collective awards for exemplary performance. Increasingly steep, such penalties create great hardship for many of those required to pay. (p.14) (Greenhalgh, Susan and Winkler, Edwin A. 2001, *Chinese State Birth Planning in the 1990s and Beyond*, Immigration and Naturalization Service (INS) Resource Information Centre, US Department of Justice, Perspective Series, September, p.14 – Attachment 1).

3. **Are males required to undergo vasoligation for breaching the Policy? If so, how prevalent is this in Fujian and how strictly is it enforced?**
4. **Is it likely a man in breach of the Policy would be required to undergo vasoligation many years subsequent to the breach? What are the consequences of refusing to undergo vasoligation?**

No information was found in the sources consulted regarding mandatory vasoligation in China. Information has instead been provided on forced male sterilisation in China generally, including information on forced vasectomies.

Limited recent information was found regarding forced male sterilisation in China. Sources consulted indicate that during the 80's and mid 90's couples who had a second child were required to have one parent sterilised. While this policy involved male sterilisation, reports indicate that female sterilisation was much more common. Reports suggest that mandatory sterilisation is no longer an official part of Chinese family planning policy. The current Fujian family planning regulations do not list compulsory sterilisation as a penalty for couples who have an out of plan child (Greenhalgh, Susan and Winkler, Edwin A. 2001, *Chinese State Birth Planning in the 1990s and Beyond*, Immigration and Naturalization Service (INS) Resource Information Centre, US Department of Justice, Perspective Series, September, pp.7, 8 & 99 – Attachment 1; Lindberg, Linnéa 2007, *From Population Control towards Family Planning – The 1994 International Conference on Population and Development and its impact on the Chinese Population Policy*, Master thesis, Faculty of Law, University of Lund, Spring, pp. 30- 31 [http://www.jur.lu.se/internet/biblioteket/examensarbeten.nsf/0/1fb43aee4d9e13dbc125734400525d42/\\$file/exam.pdf?openelement](http://www.jur.lu.se/internet/biblioteket/examensarbeten.nsf/0/1fb43aee4d9e13dbc125734400525d42/$file/exam.pdf?openelement) – Accessed 28 November 2007 – Attachment 7; Chou, J 2005 'The People vs. Beijing', *The Weekly Standard*, 24 October – Attachment 8; *Population and Family Planning Regulation of Fujian Province*, Adopted by the 33rd Meeting of the Standing Committee of the Ninth Provincial People's Congress on 26 July 2002, UNHCR website – Attachment 4).

While forced sterilisation may no longer be an official part of Chinese family planning policy, reports indicate that couples who have two or more children still face pressure from family planning officials to have one parent sterilised. Incidents of forced sterilisations are also still reported, particularly during crackdowns by local authorities in order to meet population targets. However, available information suggests that women are still more likely to be undergo sterilisation than men and only limited reports were found regarding incidents of forced male sterilisation. Reports that were found are located below under the subheading 'Reports of forced male sterilisation' (US Department of State 2008, *Country Reports on Human Rights Practices 2007 – China*, 11 March, Section 1.f – Attachment 9; Immigration and Refugee Board of Canada 2007, *CHN102495.E – China: Whether forced abortions or sterilizations are still occurring; prevalence and location of forced abortions or sterilizations; reports of forced sterilization of men (2005 – 2007)*, 10 May – Attachment 10).

The US Department of State *Country Reports on Human Rights Practices 2007 – China*, released in March 2008, states that families who have two children face pressure to have one person sterilised. However, the report seems to suggest that it is women that are pressured into sterilisation:

The country's population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures such as the threat of job loss or demotion and social compensation fees. Psychological and economic pressures were common. Those who violated the child limit policy by having an unapproved child or helping another to do so faced disciplinary measures such as job loss or demotion, loss of promotion opportunity, expulsion from the party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of property. **In the case of families that already had two children, one parent was often pressured to undergo sterilization. The penalties sometimes left women with little**

practical choice but to undergo abortion or sterilization (US Department of State 2008, *Country Reports on Human Rights Practices 2007 – China*, 11 March, Section 1.f – Attachment 9).

A May 2007 report by the Immigration and Refugee Board (IRB) of Canada also examined forced sterilisation of men in China and found only limited information. The IRB report states that while the sterilisation of one parent is reportedly still common for couples who have out of plan pregnancies, the sterilisation rates of women in China is “significantly higher than those for males”:

Information on the forced sterilization of men in China was scarce among the sources consulted by the Research Directorate. As previously noted, a China expert from Germany, cited in the China report of the 10th European Country of Origin Information Seminar, stated that “[i]t is very common not only to terminate out-of-plan pregnancies, but also to sterilize one of the parents” (ACCORD 17 Mar. 2006, 15). However, according to a 3 August 2006 report by the Center for Reproductive Rights, “a nonprofit legal advocacy organization dedicated to promoting and defending women’s reproductive rights worldwide” (Center for Reproductive Rights n.d.), sterilization rates among women in China are “significantly” higher than those for males (ibid. 3 Aug. 2006, 7) (Immigration and Refugee Board of Canada 2007, *CHN102495.E – China: Whether forced abortions or sterilizations are still occurring; prevalence and location of forced abortions or sterilizations; reports of forced sterilization of men (2005 – 2007)*, 10 May – Attachment 10).

DFAT advised in a September 2004 report that while they understand that compulsory sterilisations occur in Fujian, that “such measures are much rarer than in the 1980s” and are not listed in the Fujian family planning regulations. DFAT do not report on the occurrence of male sterilisations specifically. The following is an excerpt of the report:

We understand that compulsory abortions and sterilisations occur in Fujian, but that such measures are much rarer than in the 1980s. Fujian’s provincial regulations on population and family planning do not impose compulsory abortion or sterilisation for people with a history of out-of-quota births, but rather observe that guidance on birth control methods and family planning should be available to all to prevent out-of-quota births. Furthermore, in present day China, particularly in provinces such as Fujian and Guangdong, sanctions relating to family planning can be avoided through payment of a fee to local authorities, parts of which may be both above and below the table. Such fees are generally not excessive by middle-class Chinese standards, though fees vary from locality to locality (Department of Foreign Affairs and Trade 2004, *DFAT Report 317 – RRT Information Request: CHN16905*, 2 September – Attachment 11).

A 2001 study for the U.S. Immigration and Naturalization Service by Susan Greenhalgh (a US expert on Chinese family planning policies) and Edwin Winkler states that many provinces dropped mandatory sterilisation from their family planning regulations in the late 1990’s. The study also states that women have been the major targets for sterilisation operations. According to Greenhalgh the number of vasectomies ‘dropped sharply’ during the 1990’s. The report provides the following overview of sterilisation in China:

Second child and sterilization

Until recently, once a couple had a second child (for whatever reason), in principle, sterilization became mandatory for one member of the couple. In many parts of the country, that policy was widely enforced.

...if a couple clearly seemed likely to adhere to the birth planning regulations, the couple might be able to avoid sterilization. However, repeated deliberate attempts to have a third child, or success at having a third child, almost certainly demanded sterilization. **In the late 1990s, many provinces revised their birth planning regulations, and reportedly all of those provinces dropped mandatory sterilization of couples with two children, requiring only that they practice “safe and effective” contraception.**

...From 1971 through 1998, women accounted for about three quarters of all sterilizations, with the proportion rising almost continuously from 59% in the early 1970s to 84% in the late 1990s. **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. During the 1970s and 1980s, the program nearly always performed at least a million male sterilizations a year, but during the 1990s, the number dropped sharply, reaching a low of 330,000 vasectomies in 1998.** Male sterilization appears particularly unpopular in more developed provinces, with few men having vasectomies there regardless of the number of children they had (p.7-8)

...The figures on sterilization show extensive gender bias. Of the 146 million sterilizations performed in China from 1971 through 1998, 73.8% were performed on women (see Table 6.2). This, despite the fact that vasectomy is a less complicated and risky procedure than tubal ligation. Here too the trend is toward feminization of surgery. Interestingly, fully 41% of all the vasectomies so far performed (from 1971 through 1998) were conducted during the 1970s, when the later-longer-fewer policy was still in effect. In the late 1990s (1995-1998), only 2.1% of all operations (and 15.9% of sterilizations) were performed on males (again, see Table 6.2). Women's proportion of the total number of sterilizations has increased in most half decades (59%, 64%, 78%, 75%, 80%, 84%) (p.99) (Greenhalgh, Susan and Winkler, Edwin A. 2001, *Chinese State Birth Planning in the 1990s and Beyond*, Immigration and Naturalization Service (INS) Resource Information Centre, US Department of Justice, Perspective Series, September, p.78 & 99 – Attachment 1).

Linnéa Lindberg, in her 2007 Master's thesis at the Faculty of Law, University of Lund in Sweden, reports on the use of compulsory sterilisation in the mid 1980's. Lindberg reports that female sterilisation was 'much more common' than male vasectomies:

In many provinces sterilization was compulsory after the second child. In the mid 1980s, China carried out shock campaigns, including mass-sterilizations, to promote birth planning. Even though male vasectomy was much less complicated, female tubal ligation was much more common. 1997, the year with the highest number of sterilizations, 39 per cent of married women in reproductive age were sterilized, compared to 10 per cent men (Lindberg, Linnéa 2007, 'From Population Control towards Family Planning – The 1994 International Conference on Population and Development and its impact on the Chinese Population Policy', Spring, Master thesis, Faculty of Law, University of Lund, pp. 30- 31 [http://www.jur.lu.se/internet/biblioteket/examensarbeten.nsf/0/1fb43aee4d9e13dbc125734400525d42/\\$file/exam.pdf?openelement](http://www.jur.lu.se/internet/biblioteket/examensarbeten.nsf/0/1fb43aee4d9e13dbc125734400525d42/$file/exam.pdf?openelement) – Accessed 28 November 2007 – Attachment 7).

Reports of forced male sterilisation

An October 2005 article in *The Weekly Standard* reports on an attempted lawsuit by blind activist Chen Guangcheng regarding family planning policies abuses by government officials in Linyi city, Shandong province including forced vasectomies. The following is an extract of the report:

Organized by the charismatic blind activist Chen Guangcheng, 34, the lawsuit targets local officials who compelled people to undergo abortions or vasectomies in overzealous pursuit of China's "one-child" population policy.

...Chen himself had already been sidelined. Held under house arrest since the summer, he had attempted to evade his guards on October 4 in order to meet with three lawyers from Beijing.

The case Chen is attempting to advance against local authorities certainly does. A self-taught jurist and defender of the rights of the disabled, Chen is known around Linyi as the "barefoot lawyer." In March 2005, he began recording testimony from men and women who had been forced to undergo sterilizations or submit to abortions.

Officially, abortions and sterilizations must be voluntary. But in practice, local officials are under intense pressure to meet population-control targets. In an interview in April 2005, one township-level family-planning official told RFA that illegal actions had been taken in Linyi to help meet population targets. "If people have more than the allotted number of children," he explained, "it affects the overall family planning results. Here in Shandong Province, each level of government has the responsibility for overseeing the level below it. From the city level upwards, you start getting fines for exceeding the target."

Chen's work showed that local officials were requiring women expecting a third child to end their pregnancies and their husbands to undergo vasectomies (Chou, J 2005 'The People vs. Beijing', *The Weekly Standard*, 24 October – Attachment 8).

In 2007 the *San Francisco Chronicle* reported on two asylum seekers from Fujian who were granted asylum on the grounds of male sterilisation. One of the applicants claimed asylum due to mistreatment after protesting the forced sterilisation of his brother in 1998. The other applicant claimed to have been forcibly sterilised in 1984 (Egelko, B 2007 'Chinese fugitive ruled eligible for U.S. asylum' *San Francisco Chronicle*, 10 January

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/01/10/mng02nftfm1.dtl&feed=rss.news> – Accessed 17 April 2008 – Attachment 12; Egelko, B 2007 'Asylum OKd for Chinese man who was forcibly sterilized', *San Francisco Chronicle*, 5 June <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/06/05/bagi5q9hkq4.dtl> – Accessed 17 April 2008 – Attachment 13).

A 1994 report by the *New York Times* also reports on a Chinese asylum applicant who claimed to have been forcibly sterilised (Henneberger, M. 1994 'The Body as Evidence; Refugees' Wounds Bear Witness to Torture, Supporting Claims for Political Asylum', *The New York Times*, 23 June – <http://query.nytimes.com/gst/fullpage.html?res=9f0ce6db113df930a15755c0a962958260&sec=&spon=&pagewanted=2> – Accessed 18 April 2008 – Attachment 14).

For information on forced sterilisation in China generally, see Research Response CHN33083, dated 31 March 2008 (RRT Research & Information 2008, *Research Response CHN33083*, 31 March – Attachment 15).

5. Please provide any additional information.

Susan Greenhalgh and Edwin Winckler in their 2005 book *Governing China's Population* describe the difficulties in adopting abandoned children in China. Greenhalgh and Winckler report that this has led to an "informal culture of adoption" in which couples raise abandoned infants. According to the publication, while adopted and abandoned children may still be

punished under family planning regulations as “over quota births”, few couples who informally adopt children have had to pay family planning fines. The report also states that abandoned children are unable to gain household registration and may face difficulties associated with this. Greenhalgh and Winckler provide the following information on the informal adoption of abandoned children in China:

In an ideal world, the abandoned children who survived their ordeal would all be adopted into welcoming families. But the state’s complicated relationship to these infants – who are considered unplanned and thus illegitimate children – makes adoption difficult at best.

...In this part of China, and undoubtedly elsewhere as well, an informal culture of adoption has developed in which abandoning parents are seeking to “place” their children with suitable families by leaving them at carefully chosen doorsteps, while villagers are taking unrelated infants into their homes and treating them like birth children.

...In a happy development Chinese society has been quietly evolving a cluster of attitudes and cultural practices that help alleviate the human problems that have emerged in the wake of the one-child policy.

Yet state laws and policies, far from helping to improve the welfare of children, have worked to discourage adoption. Introduced in 1991, the PRC’s first adoption law was designed to close loopholes in birth planning, not to solve the problem of crowded orphanages. Treating adoption as part of birth legislation, the adoption law sharply restricted the pool of adoptive parents to couples who are childless and older (over 35 and, since 1999, over 30). Since few couples wanting to adopt children fit those narrow categories, the vast majority of adoptions have been forced underground. Birth planning policies have also impeded the matching of children and families by treating both abandoned and adopted children as punishable over – quota births. Because local cadres prefer to turn a blind eye, few parents who abandon or informally adopt children have had to pay birth planning fines. Yet adoptive parents have been unable to get household registration for their child, leaving the youngster in legal limbo and facing a host of other problems (Greenhalgh, S. & Winkler, E. 2005, *Governing China’s Population: From Leninist to Neoliberal Biopolitics*, Stanford University Press, Stanford. pp.269-270 – [Attachment 16](#)).

List of Sources Consulted

Internet Sources:

Government Information & Reports

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UK Home Office <http://www.homeoffice.gov.uk>

US Department of State <http://www.state.gov/>

US Department of State website <http://www.state.gov>

US Department of Justice, Citizenship and Immigration Services website
<http://www.uscis.gov/portal/site/uscis>

United Nations (UN)

UNHCR <http://www.unhcr.ch/>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>

Freedom House <http://www.freedomhouse.org/template.cfm?page=1>

Human Rights Watch <http://www.hrw.org/>

International Helsinki Federation for Human Rights <http://www.ihf-hr.org/welcome.php>

Human Rights Internet (HRI) website <http://www.hri.ca>

International News & Politics

BBC News website <http://news.bbc.co.uk/>

Political Asylum Research and Documentation <http://pards.org/>

San Francisco Chronicle <http://www.sfgate.com/chronicle/>

The New York Times <http://www.nytimes.com/>

Search Engines

Google search engine <http://www.google.com.au/>

University Sites

University of Chicago website <http://sscs.uchicago.edu/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

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