



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

---

# Country Advice

## China

China – CHN35990 – Fujian – Family  
planning – Girls – Forced sterilisation –  
Domestic violence

28 January 2010

---

- 1. Please provide information as to how the family planning laws work in Fujian Province in relation to a couple who have second child? Any information on a family planning policy allowing a couple to have another child within 5 years, if the first born child is a girl, will be helpful.**

*The Population and Family Planning Regulations of Fujian Province* (The Regulations) govern family planning policy in Fujian province. According to Article 10(5) of the regulations a rural couple can apply for permission to have a second child if the couple only have one daughter.<sup>1</sup> Article 13 of the regulations states that a time span of four years is required before having an approved second child.<sup>2</sup> For further information regarding the circumstances in which a couple can apply to have a second child in Fujian, please refer to Articles 9 to 12 of the family planning regulations.

Article 39(2) of the regulations states that the social compensation fee for having a second child is between two to three times the average annual disposable income of either a rural or urban resident.<sup>3</sup> The Fujian Statistical Yearbook 2008 states that in 2007 the annual disposable per capita income for urban residents in Fujian was 15,505 Yuan.<sup>4</sup> A currency conversion website indicates that 15,505 Yuan converts to approximately \$2,444AUD.<sup>5</sup> Based on these figures the social compensation fee for an urban resident who has an unauthorised second child in Fujian would be between \$4,888AUD and \$7,332AUD. Please note that the regulations also state that if an individual's annual income is higher than the average disposable income of an urban resident then their personal income would be the basis for calculating the social compensation fee.

Article 39(2) of the regulations also states that a social compensation fee of 60% shall be imposed on those who give birth before the stipulated timeframes. Article 14 of the regulations indicates that second children born before the stipulate time span would be regarded as 'ahead of schedule'. According to the above figures the social compensation fee

---

<sup>1</sup> *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website, Article 10 – Attachment 1.

<sup>2</sup> *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website, Article 13 – Attachment 1.

<sup>3</sup> *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website, Article 39(2) – Attachment 1.

<sup>4</sup> Fujian Statistical Yearbook 2008: 5:12 Basic Indicators of Urban Household in Selected Years' 2008, Fujian Provisional Bureau of Statistics website <http://www.stats-fj.gov.cn/tongjijianjian/dz08/index1e.htm> – Accessed 13 October 2009 – Attachment 2.

<sup>5</sup> 'Convert this amount: 15,505 > From this currency: CNY China Yuan Renminbi> To this currency: AUD Australian Dollars > Go', Xe website

<http://www.xe.com/ucc/convert.cgi?Amount=15505.00&From=CNY&To=AUD> - Accessed 12 January 2010 - Attachment 3.

for an urban resident in Fujian who has a child before schedule would be approximately 9,303 Yuan or \$1,505AUD.<sup>6</sup>

No information was found in the sources consulted regarding the per capita disposable income for rural residents in Fujian. The Fujian Statistical Yearbook 2008 states that in 2007 the per capita net income for rural residents in Fujian was 5,467.08 Yuan. The Fujian Statistical Yearbook 2008 does not provide the per capita disposable income for rural households.<sup>7</sup>

**2. Please provide any information about women in Fujian who are forcibly sterilised on the basis of having 2 female children born 2 years apart.**

No information was found in the sources consulted regarding forced sterilisation on the specific basis of having two female children two years apart. Information for this question has been provided on forced sterilisation in Fujian province more generally.

The population and family planning regulations for Fujian province do not mandate compulsory sterilisation for couples who have out of plan children. However, Article 18 of the regulations states that those who have out of plan pregnancies “should take remedial action in time” and that the relevant committees and units “should urge them to take remedial measures in time”. The regulation do not state specify which remedial measures are required.<sup>8</sup>

A Department of Foreign Affairs and Trade (DFAT) report dated 28 April 2009 provides advice on reports of forced sterilisation in Fujian province. DFAT state that they are aware of one unconfirmed report of forced sterilisation in Fujian province in the post 2005 period. The DFAT report also states that in the instance where a woman returns to China with an unauthorised additional child “it is possible she would be forced to undergo sterilization procedures to prevent subsequent pregnancies”. DFAT made the following comment on forced sterilisation in China:

On forced sterilization Post has only been able to obtain information from BBS posts [local bulletin board service], whose veracity cannot be confirmed. There is little, if any, media reporting on this issue. China’s one child policy may be consistent at the central government level, but there is the possibility of varying applications of this policy at the provincial and local government level. These variations may also depend on the particular couple in question, on a case-by-case basis.

Post has had some limited contact with Chinese citizens with several children, but to Post’s knowledge considerations of forced sterilization were not raised. It would be difficult to draw a definitive conclusion from the information resources Post has available. Although Post cannot discount the possibility of forced sterilization, Post has the impression that it is not a widespread practice. Beijing Embassy has been consulted on this cable, and has no further comment.<sup>9</sup>

Another DFAT report, also dated 28 April 2009 provides information regarding an unconfirmed report on the forced sterilisation of a father in Fujian following the birth of a third child. DFAT provided the following information on the forced sterilisation as reported on a local bulletin board service:

---

<sup>6</sup> Convert this amount: 9,303 > From this currency: CNY China Yuan Renminbi> To this currency: AUD Australian Dollars > Go’, Xe website

<http://www.xe.com/ucc/convert.cgi?Amount=9%2C+303+&From=CNY&To=AUD> - Accessed 25 January 2010 - Attachment 4.

<sup>7</sup> ‘Fujian Statistical Yearbook 2008: 5:18 Basic Indicators of Rural Household in Selected Years’ 2008, Fujian Provisional Bureau of Statistics website <http://www.stats-fj.gov.cn/tongjijianjian/dz08/index1e.htm> – Accessed 13 October 2009 – Attachment 5.

<sup>8</sup> *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website, Article 18 – Attachment 1.

<sup>9</sup> DIAC Country Information Service 2009, *CIS Request CHN9645: Overseas born children of Chinese nationals*, (sourced from DFAT advice of 28 April 2009), 28 April – Attachment 6.

According to a local bulletin board service (BBS) post dated 24 February 2009, a Fujian mother seven months pregnant was detained by her local Family Planning Commission in Changle city. Although this family already had two daughters, the unborn baby was male and the grandparents were “eager for a grandson.” The mother was reportedly ordered to have an abortion, but the father claims to have paid RMB 80,000 to an official to keep the child. However, the father was ordered to undergo forced sterilization. The father concludes his BBS post by enquiring if monetary payments could also prevent sterilization.<sup>10</sup>

The US Department of State (USDOS) 2007 *China Profile of Asylum Claims and Country Conditions* provides information on the enforcement of the one child policy in Fujian. The report states that according to the Fujian Province Birth Planning Committee (FPBPC) “there have been no cases of forced abortion or sterilization in Fujian in the last 10 years”. However, the USDOS report states that ‘it is [im]possible to confirm this claim, and, in 2006, reportedly there were forced sterilisations in Fujian’. The report also states that “Chinese birth planning officials admit the possibility of ‘overzealous’ officials exceeding their authority, but they assert that such behaviour is neither the norm nor sanctioned by the government”.<sup>11</sup>

A March 2006 article by the *Voice of America* reports that in October 2005 a woman in Fujian province who had a second child in contravention of family planning regulations was forcibly sterilised four days after giving birth.<sup>12</sup>

With respect to the Fuzhou region of Fujian province a report by the Immigration and Refugee Board of Canada (IRB) published in February 2005 did not find reports of specific incidents of forced abortions and sterilisation. The IRB provide the following information on the difficulties in obtaining independent information on forced sterilisation and abortion in China:

Amnesty International (AI), in an 8 October 2004 article, commented that human rights organizations have not been able to conduct independent research on allegations of forced sterilization and abortion in China due to strict control of information by the authorities. Likewise, a lecturer in international relations at the University of Kent who recently co-authored a book on China’s “surplus” male population noted in correspondence to the Research Directorate that information about forced sterilization and abortions “is very difficult to collect,” and Chinese experts are sometimes reluctant to speak about such a “sensitive” issue (13 Jan. 2005).<sup>13</sup>

### **3. Please provide any information available about the authorities’ response to/ treatment of victims of domestic violence in Fujian Province.**

Limited information was found in the sources consulted regarding how authorities respond to domestic violence within Fujian province. The following reports indicate that there are special courts or panels established within Fujian to deal with women’s issues such domestic violence:

---

<sup>10</sup> DIAC Country Information Service 2009, *CIS Request No.9656: Economic sanctions applied to breaches of the One Child Policy, Fujian Province*, (sourced from DFAT advice of 28 April 2009), 28 April – Attachment 7.

<sup>11</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 8.

<sup>12</sup> Bayron, H. 2006, ‘Experts: China’s One-Child Population Policy Producing Socio-Economic Problems’, *Voice of America*, 7 March <http://www.voanews.com/english/archive/2006-03/2006-03-07-voa38.cfm?cfid=278034385&cftoken=83505359> – Accessed 5 March 2008 – Attachment 9.

<sup>13</sup> Immigration and Refugee Board of Canada 2005, *CHN43165.E – China: Any reports of forced abortions and forced sterilization within the regions of Guangzhou (Guangdong Province) and Fuzhou (Fujian Province) covered by the urban hukou; any reports of an easing or a tightening of family planning regulations since 2002 (2002-2005)*, 21 February <http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416251> – Accessed 29 May 2009 – Attachment 10.

- A report dated 25 February 2009 published on the Chinese National Working Committee on Children and Women website states that on 20 February 2009 the Fujian Peoples Court created a “collegial bench panel” to protect women’s and children’s rights. The report states that the panel deals with domestic abuse among other women’s issues. The report states that “People’s courts at different levels in the province began establishing collegial bench panels at the end of last year” and that “they have dealt with more than 600 cases involving women and children’s rights since last December”.<sup>14</sup>
- A 2007 report by the All-China Women’s Federation states that Fuzhou, the capital city of Fujian, has created a special ‘circuit’ court in order to deal with women’s rights issues, including domestic violence. The report states that “the special court will serve the needs of women suffering from domestic violence and solve the difficulties these women have come across in the legal procedure in a shorter time”.<sup>15</sup>

A 2005 article by the *China Daily* reports on an instance in which a victim of domestic abuse in a village in Fujian was not provided assistance by local authorities. According to the report, the woman told the Beijing-based Maple Women’s Psychological Counselling Centre that she has complained to local government organisations many times. The report states that domestic violence is common in the woman’s village and that “no one wants to intervene in other people’s family affairs”.<sup>16</sup>

A 2005 journal article titled *Prevalence of and Risk Factors for Intimate Partner Violence in China* is based on information gained from interviews with women in an outpatient gynaecological clinic at a major teaching hospital in Fuzhou in 2000. The study found that “2 out of 5 Chinese women between ages 18 and 60 years had experienced physical violence from a partner in their lives, and 1 out of 5 had experienced physical violence in the past year”. The article states that these figures are “comparable to or even higher than data gathered in US health care settings”. The article provides the following analysis of the domestic violence within the Chinese cultural context:

This study found that domestic violence is prevalent among Chinese women who come to this clinic and that women are willing to disclose intimate partner violence. However, the prevalence rates still could be underestimated because some women believed that family problems should be discussed only within the family. Those abused women we interviewed were not previously identified as being abused by others, and for them, the abuse was recurring.

The risk factors that predict intimate partner violence must be viewed within the Chinese cultural context. With current reform initiatives and the development of a “socialist market economy” in China, women are supposed to “hold up half of the sky,” which is economic and political independence. However, the women treated in the clinic were not as supportive of gender equality, at least in terms of marital relationships, as the new Chinese constitution prescribes. Women still adhere to the norms of a male-dominant culture to some degree. Their belief in that traditional culture and the likelihood of abuse were strongly associated. Either the partner may be influencing the woman to accept more traditional beliefs, or the woman may tell herself that his dominance must be appropriate. Also, the reform has resulted in 30%

<sup>14</sup> ‘Fujian Bolsters Legal Protection for Women and Children’ 2009, National Working Committee on Children and Women under the State Council website, 25 February <http://www.nwccw.gov.cn/html/08/n-144008.html> - Accessed 27 January 2010 - Attachment 11.

<sup>15</sup> ‘Circuit Court for Women Opens in Fuzhou’ 2007, *All-China Women’s Federation*, 25 July <http://www.women.org.cn/english/english/whatisnews/07-25-01.htm> – Accessed 11 September 2009 – Attachment 12.

<sup>16</sup> ‘Anti-domestic violence drive needs legal support’ 2005, Human Rights without Frontiers, source: *China Daily*, 23 August [http://www.hrwf.net/china/ext/cn\\_pr\\_aug23\\_05.pdf](http://www.hrwf.net/china/ext/cn_pr_aug23_05.pdf) – Accessed 9 September 2009 – Attachment 13.

of these women being unemployed, which has increased their financial dependency on the partner and thus put them at further risk for being abused. Thus, one of the main problems for contemporary Chinese society is providing for women what was promised: “half of the sky.” Without both kinds of independence, freedom and equality for Chinese women are unlikely.<sup>17</sup>

No other more recent reports were found in the sources consulted regarding instances of domestic violence in Fujian province or services available to victims. *Research Response CHN35378*, dated 15 September 2009 provides information on domestic violence within China. Information contained in the response indicates that legislation in China fails to adequately address domestic violence. Reports also indicate that victim’s access to justice is restricted due to the evidentiary burden of courts and police reluctance to become involved in family disputes.<sup>18</sup>

### List of Attachments

1. *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website.
2. Fujian Statistical Yearbook 2008: 5:12 Basic Indicators of Urban Household in Selected Years’ 2008, Fujian Provisional Bureau of Statistics website <http://www.stats-fj.gov.cn/tongjinnianjian/dz08/index1e.htm> – Accessed 13 October 2009.
3. ‘Convert this amount: 15, 505 > From this currency: CNY China Yuan Renminbi> To this currency: AUD Australian Dollars > Go’, Xe website <http://www.xe.com/ucc/convert.cgi?Amount=15505.00&From=CNY&To=AUD> - Accessed 12 January 2010.
4. Convert this amount: 9, 303 > From this currency: CNY China Yuan Renminbi> To this currency: AUD Australian Dollars > Go’, Xe website <http://www.xe.com/ucc/convert.cgi?Amount=9%2C+303+&From=CNY&To=AUD> - Accessed 25 January 2010.
5. Fujian Statistical Yearbook 2008: 5:18 Basic Indicators of Rural Household in Selected Years’ 2008, Fujian Provisional Bureau of Statistics website <http://www.stats-fj.gov.cn/tongjinnianjian/dz08/index1e.htm> – Accessed 13 October 2009.
6. DIAC Country Information Service 2009, *CIS Request CHN9645: Overseas born children of Chinese nationals*, (sourced from DFAT advice of 28 April 2009), 28 April. (CISNET China CX225344)
7. DIAC Country Information Service 2009, *CIS Request No.9656: Economic sanctions applied to breaches of the One Child Policy, Fujian Province*, (sourced from DFAT advice of 28 April 2009), 28 April. (CISNET China CX225339)
8. US Department of State 2007, *China: Profile of Asylum Claims and Country Conditions*, Political Asylum Research and Documentation Service website, May [http://www.pards.org/paccc/china\\_may\\_2007.doc](http://www.pards.org/paccc/china_may_2007.doc) – Accessed 4 March 2008.
9. Bayron, H. 2006, ‘Experts: China’s One-Child Population Policy Producing Socio-Economic Problems’, *Voice of America*, 7 March <http://www.voanews.com/english/archive/2006-03/2006-03-07-voa38.cfm?cfid=278034385&cftoken=83505359> – Accessed 5 March 2008.

---

<sup>17</sup> Xu, X., Zhu, F., O’Campo, P., Koenig, M.A. 2005, ‘Prevalence of and Risk Factors for Intimate Partner Violence in China’, *American Journal of Public Health*, vol. 95, no. 1, pp. 78, 82 & 84 - Attachment 14.

<sup>18</sup> RRT Research & Information 2998, *Research Response CHN35378*, 15 September - Attachment 15.

10. Immigration and Refugee Board of Canada 2005, *CHN43165.E – China: Any reports of forced abortions and forced sterilization within the regions of Guangzhou (Guangdong Province) and Fuzhou (Fujian Province) covered by the urban hukou; any reports of an easing or a tightening of family planning regulations since 2002 (2002-2005)*, 21 February <http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416251> – Accessed 29 May 2009.
11. ‘Fujian Bolsters Legal Protection for Women and Children’ 2009, National Working Committee on Children and Women under the State Council website, 25 February <http://www.nwccw.gov.cn/html/08/n-144008.html> - Accessed 27 January 2010.
12. ‘Circuit Court for Women Opens in Fuzhou’ 2007, *All-China Women’s Federation*, 25 July <http://www.women.org.cn/english/english/whatisnws/07-25-01.htm> – Accessed 11 September 2009.
13. ‘Anti-domestic violence drive needs legal support’ 2005, Human Rights Without Frontiers, source: *China Daily*, 23 August [http://www.hrwf.net/china/ext/cn\\_pr\\_aug23\\_05.pdf](http://www.hrwf.net/china/ext/cn_pr_aug23_05.pdf) – Accessed 9 September 2009.
14. Xu, X. , Zhu, F., O’Campo, P., Koenig, M.A. 2005, ‘Prevalence of and Risk Factors for Intimate Partner Violence in China’, *American Journal of Public Health*, vol. 95, no. 1.
15. RRT Research & Information 2998, *Research Response CHN35378*, 15 September.