Chinese authorities continue to actively promote and implement coercive population planning policies that violate international standards. During the Commission’s 2016 reporting year, Communist Party and central government authorities adopted a universal two-child policy and amended the PRC Population and Family Planning Law, allowing all married couples to have two children. Authorities continued to place an emphasis on birth limits and adherence to family planning as a “basic national policy.” The PRC Population and Family Planning Law and provincial-level regulations limit couples’ freedom to build their families as they see fit, and include provisions that require couples be married to have children and limit them to bearing two children. Exceptions allowing for additional children exist for couples who meet certain criteria, which vary by province, including some exceptions for ethnic minorities, remarried couples, and couples who have children with disabilities. Officials continue to enforce compliance with population planning targets using methods including heavy fines, job termination, arbitrary detention, and coerced abortion.

Coercive controls imposed on Chinese women and their families, and additional abuses engendered by China’s population and family planning system, violate standards set forth in the 1995 Beijing Declaration and Platform for Action and the 1994 Programme of Action of the Cairo International Conference on Population and Development. China was a state participant in the negotiation and adoption of both. Acts of official coercion committed in the implementation of population planning policies contravene provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention), which China has ratified. In November 2015, the UN Committee against Torture conducted its fifth periodic review of China’s compliance with the Convention. In its concluding observations, the Committee stated its concerns about China’s coercive implementation of the population policy, such as coerced sterilization and forced abortion, and the lack of information on investigations into such allegations. Furthermore, discriminatory policies against some children whose parents fail to comply with population planning policies contravene the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. China is a State Party to these treaties and has committed to uphold their terms.

Policy Revisions and Implementation

At the Third Plenum of the 18th Party Central Committee held in November 2013, Party authorities issued the Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms, which called for a broad range of reforms, including the provision of an exception to China’s population planning policy aimed at addressing the demographic challenges facing China. The exception allowed couples to have two children if one of the parents is an only child (dandu erhai policy). The National Health and Family
Planning Commission (NHFPC) had initially predicted that the policy revision would result in approximately 2 million additional births per year.\textsuperscript{28} 

Government statistics, however, revealed the limited impact of the policy revision. As of October 2015, approximately two years after the policy revision became effective, roughly 1.85 million out of 11 million eligible couples nationwide (16.8 percent) had applied to have a second child.\textsuperscript{29} Moreover, data from the National Bureau of Statistics of China showed that the number of total births in 2015 decreased to 16.55 million, 320,000 less than the 2014 figure.\textsuperscript{30} An NHFPC official attributed the decline to two main factors: some were waiting to have children in 2016, the Year of the Monkey, which in the traditional zodiac calendar is considered more auspicious for having children than the previous year; and the decline in the number of women of child-bearing age.\textsuperscript{31}

As the policy revision failed to meet the intended birth target and amid demographic and economic concerns voiced by population experts and research institutions,\textsuperscript{32} central Party authorities issued a decision at the Fifth Plenum of the 18th Party Central Committee in October 2015 to adopt a “universal two-child policy” (\textit{quanmian erhai}), allowing all married couples to have two children.\textsuperscript{33} According to an NHFPC statement, the universal two-child policy is the Party’s “major initiative” to “promote balanced population development” and to address demographic concerns currently facing China.\textsuperscript{34} The NHFPC noted that the new policy would be conducive to “optimizing the demographic structure, increasing labor supplies, and easing the pressure of an aging population; promoting healthy economic development for achieving the goal of building a moderately prosperous society; and implementing the family planning policy as a basic national policy in order to promote family well-being and social harmony.”\textsuperscript{35} Central government officials emphasized repeatedly that family planning policy will “remain” a long-term “basic national policy” (\textit{jiben guoce}).\textsuperscript{36}

On December 27, 2015, the National People’s Congress Standing Committee amended the PRC Population and Family Planning Law, which became effective nationwide on January 1, 2016.\textsuperscript{37} The NHFPC estimated that approximately 90 million couples nationwide became eligible to bear a second child under the new policy.\textsuperscript{38} As of August 2016, at least 29 provincial-level jurisdictions reportedly had revised their population and family planning regulations in accordance with the amended national law.\textsuperscript{39} Human rights advocates, demographic experts, and others, however, expressed concerns that the coercive implementation of family planning measures and human rights abuses will persist despite the adoption of the universal two-child policy.\textsuperscript{40}

Government officials and population experts differ over the potential impact of the universal two-child policy. The NHFPC predicted that the universal two-child policy, if fully implemented, will result in population growth,\textsuperscript{41} with an additional 3 million children born per year\textsuperscript{42} and an estimated total of 17.5 to 21 million children born per year within the next five years.\textsuperscript{43} NHFPC Director Li Bin also suggested that by 2050 the working-age population will increase by 30 million.\textsuperscript{44} Officials also noted an apparent increase in some localities in the number of women making medical or other
appointments linked to pregnancy, giving an indication that more births are expected in 2016.45 Population experts, citing the tepid response to the previous policy revision, suggested that the universal two-child policy likely would not lead to significant population growth in the long term.46 Yao Meixiong, a population expert and Deputy Director of the Fujian Province Bureau of Statistics, predicted that China could see a population decrease by 2025, as the population of women of child-bearing age continues to decline.47 Some experts noted that the impact of the universal two-child policy would be limited to urban areas, as the rural population was already allowed to have two children under previous policy revisions.48 Many married couples, however, especially those in urban areas,49 were reportedly reluctant to have a second child due to a number of factors, including the high cost of rearing an additional child,50 lack of adequate child care and education options,51 lack of energy to look after children,52 disruption to career development,53 and the perception that having one child is enough due to decades-long government propaganda.54 To boost population growth, some experts urged central government authorities to introduce supporting policy measures that would encourage couples to have two children.55 Experts also suggested abolishing “social compensation fees,”56 further relaxing family planning policies to allow all couples to have three children if the universal two-child policy is ineffective,57 or ending family planning policies entirely.58

Central government authorities pledged to promote “family planning service management reform” (jihua shengyu fuwu guanli gaige) and introduce “supporting policy measures” to facilitate the implementation of the universal two-child policy,59 including efforts to enhance existing public services for women and children’s health care,60 reproductive health,61 child care,62 and education.63 This past year, government authorities also took steps to further relax the birth registration system, allowing married couples to register their first two children without going through a complicated approval or application process.64 An approval process, however, is still in place for eligible couples who intend to have a third child, though local family planning authorities are to promote “optimization” and “simplification” of that process.65

Coercive Implementation

The amended PRC Population and Family Planning Law contains provisions that prohibit officials from infringing upon the “legitimate rights and interests” of citizens while implementing family planning policies.66 Despite these provisions, abuses committed during the implementation of family planning policies continued during the Commission’s 2016 reporting year. Some provincial-level population planning regulations continued to explicitly instruct officials to carry out abortions, often referred to as “remedial measures” (bujiu cuoshi), for “out-of-plan” pregnancies.67

OFFICIAL CAMPAIGNS

Language used in official speeches and government reports from jurisdictions across China continued to reflect an emphasis on the
harsh enforcement of family planning measures. During this reporting year, as in previous years, official reports from several provinces across China—including Anhui, Fujian, the Guangxi Zhuang Autonomous Region, Henan, Hubei, Hunan, Shandong, and Shanxi—continued to promote “family planning work” that entailed harsh and invasive family planning measures. Phrases such as “fight the family planning work battle” (dahao jihua shengyu gongzuo de gongjian zhan), “resolutely implement” (hen zhua), and “use all means necessary” (qian fang bai ji) appeared in official speeches and government reports, indicating the aggressive nature of these family planning campaigns.

Some local government authorities stated in their reports that the goal of “family planning work” is to “maintain a low birth rate” (wending di shengyu shuiping), and touted their successes in meeting this goal by compelling women to undergo the invasive “three inspections” (intrauterine device (IUD), pregnancy, and health inspections) and “four procedures” (IUD insertion, first-trimester abortion, mid- to late-term abortion, and sterilization) and the forcible collection of “social compensation fees” (shehui fuyang fei). For example, a December 2015 government report from Wolong district, Nanyang municipality, Henan province, indicated that Wolong authorities had achieved the goal of “maintaining a low birth rate” within the district by carrying out two “high-quality reproductive health service” campaigns in 2015. According to the same report, by the end of November 2015, Wolong family planning authorities had carried out 13,178 “four procedures” operations—11,590 IUD insertions, 169 IUD removals, 915 sterilizations, and 504 abortions.

### Representative Cases of Coercion

- According to a July 2016 report by state-funded news outlet Sixth Tone, government employers in Meizhou municipality, Guangdong province, pressured a remarried couple—a local resident surnamed Zhong and her husband—to have an abortion or face losing their jobs. Both Zhong and her husband were government employees, and each had a child from their previous marriages. Under family planning regulations in Guangdong, a couple in their circumstances are not allowed to have another child, while family planning regulations in other provinces allow such remarried couples to have a third child. Many couples in Guangdong reportedly were facing similar situations. In August 2016, China Business Network reported a similar case in which an employer pressured a remarried couple to undergo an abortion. In its response to the report, the Guangdong Health and Family Planning Commission issued a statement urging employers not to force remarried couples to have abortions or dismiss them from their jobs.
Representative Cases of Coercion—Continued

- In December 2015, women’s rights advocate Sarah Huang (pseudonym) testified before the Congressional-Executive Commission on China regarding official demands to abort her second child.93 When Huang was four months pregnant in October 2015, government authorities at a school where Huang’s husband worked as a teacher pressured her to undergo a “mandatory health checkup” to ensure that there was no “unlawful pregnancy.”94 Authorities later threatened her with the loss of her husband’s job if she did not have an abortion.95 Huang expected that they would be fined approximately US$36,000 in “social compensation fees” if they decided to give birth to the child.96

PUNISHMENT FOR NONCOMPLIANCE

Chinese authorities continued to use various methods of punishment to enforce citizens’ compliance with population planning policies. In accordance with national-level legal provisions,97 local governments have directed officials to punish noncompliance through heavy fines, termed “social compensation fees,”98 which reportedly compel many couples to choose between undergoing an unwanted abortion and incurring a fine much greater than the average annual income in their locality.99 In January 2016, Chinese media outlet Jiemiao reported on one such case in which local authorities in Jianli county, Xingzhou municipality, Hubei province, demanded that Wang Mali (pseudonym) pay “social compensation fees” in the amount of 97,800 yuan (approximately US$15,000) for the May 2015 birth of her second child, which violated national and local family planning regulations.100 The fine imposed on Wang reportedly was nearly 10 times the annual average income in her locality.101 Hubei’s provincial family planning regulations, however, mandated a much lighter fine based on local average income.102 On January 18, 2016, Wang filed a lawsuit against the county population and family planning bureau.103 According to the same report, local family planning and public security officials subsequently went to Wang’s home, pressuring her to pay “social compensation fees” and to delete her microblog posts that denounced local family planning authorities’ alleged “illegal actions.”104 On January 25, 2016, the Jianli County People’s Court accepted Wang’s lawsuit, the first such lawsuit in Hubei in 2016.105 The court tried her case on April 28, and announced that it would issue a verdict at a later date.106 As of July, the court had not issued a verdict.107

This past year, National People’s Congress delegates, family planning officials, and experts from demographic, legal, economic, sociological, civil society, media, and other fields called on central government authorities to abolish “social compensation fees.”108 Some experts questioned the need to continue collecting “social compensation fees,” expecting very few policy violators after the universal two-child policy is implemented.109 According to a February 2016 China Business News report, approximately 5 percent (800,000) of the total newborn population in 2015 were third children born in violation of family planning policies, a number many experts considered too low to justify the significant costs associated
with collecting “social compensation fees.” A National Health and Family Planning Commission (NHFPC) official also predicted that “fewer and fewer families will violate family planning [policies] in the future.”

NHFPC officials, however, repeatedly emphasized that “social compensation fees” will not be abolished, saying that the fines will remain in place to “restrict” policy violations and that abolition would be “unfair to those who comply with family planning policies.” Local authorities are to collect fines from policy violators who give birth to a second child prior to the January 1, 2016, effective date of the universal two-child policy, as well as from policy violators who give birth to more than two children after the same effective date. During this reporting year, some women reportedly attempted to postpone the delivery of their second child until after January 1, 2016, in order to avoid large fines.

In November 2014, the State Council issued the draft Regulations on the Collection and Management of Social Compensation Fees (Regulations) for public comment. The draft Regulations marked several significant changes from the 2002 Measures for Collection of Social Compensation Fees, including the proposal of a unified national collection standard that limits the amount of fines authorities may collect to no more than three times the local average annual income. As of August 2016, the Commission had not observed reports of the Chinese government issuing the Regulations.

### Hukou Reform Addressing the Issue of “Illegal Residents”

During this reporting year, authorities in some areas withheld household registration (hukou) from children whose parents violated local family planning policies—including children born in excess of birth quotas and children born to unmarried parents—demanding that their parents first pay the necessary “social compensation fees” associated with their births in order to obtain hukou. People who lack hukou in China are commonly referred to as “illegal residents” and face considerable difficulty accessing social benefits typically afforded to registered citizens, including health insurance, public education, and state welfare. According to 2010 national census data, there were approximately 13 million “illegal residents” in China, of whom over 60 percent were children born in violation of family planning policies. Discriminatory hukou policies preventing parents from registering their children violate the UN Convention on the Rights of the Child, to which China is a State Party.
This past year, central authorities took steps to address the issue of "illegal residents." On December 9, 2015, the Chinese Communist Party’s Central Leading Group for Comprehensively Deepening Reforms, chaired by President and Party General Secretary Xi Jinping, issued an opinion to “delink family planning policies from hukou registration, to strengthen the management of hukou registration, [and] to comprehensively resolve the issue of hukou registration for individuals without hukou.” On January 14, 2016, the State Council General Office issued the Opinion on Resolving Issues of Hukou Registration for Individuals Without Hukou. The opinion called for “safeguarding the legitimate right of every citizen to register for hukou according to law,” and prohibited “the establishment of any preconditions that are not in conformity with hukou registration regulations.” The opinion also specified eight types of “illegal residents” newly eligible to register for hukou without preconditions, including those born in violation of family planning policies and those without birth certificates. Unregistered individuals whose parents failed to pay “social compensation fees,” however, were not included in this list. At a January 2016 press conference, an NHFPC official claimed that “the issue of 13 million [illegal residents] has largely been addressed,” and that “very few people still lack hukou due to factors related to family planning policies.”

Provincial-level authorities also made efforts to address the issue of “illegal residents” by loosening hukou registration requirements. The Party-run media outlet Legal Evening News reported that as of November 2015, at least 13 provincial-level jurisdictions had removed “social compensation fee” payments as a precondition for obtaining hukou. For example, Guangdong province authorities no longer require “social compensation fee” payments from family planning policy violators as a precondition for obtaining hukou; instead, authorities will collect “social compensation fee” payments after hukou registration. Some parents, fearing that authorities might forcibly collect “social compensation fees” from them retroactively, remain deterred from registering their children who were born in violation of family planning policies. Some provincial-level jurisdictions, including Beijing and Shanghai municipalities, continue to require “social compensation fee” payments and family planning paperwork as preconditions for hukou registration. [For more information on China’s hukou system, see Section II—Freedom of Residence and Movement.]

In addition to fines, officials imposed or threatened other punishments for family planning violations. These punishments included job termination, arbitrary detention, and abortion. The PRC Population and Family Planning Law prohibits and provides punishments for officials’ infringement on citizens’ personal, property, and other rights while implementing population planning policies. In June 2015, the UN Committee against Torture asked the Chinese government to provide information for the Committee’s fifth periodic review of China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including on “the total number of investigations or prosecutions launched against officials and other persons
responsible for resorting to coercive and violent measures, such as forced sterilization and forced abortions, to implement the population policy . . . [and] details as to the types of punishment and disciplinary measures applied, and any relevant redress provided.” In its October 2015 response to the Committee, however, the Chinese government did not provide all the relevant data the Committee requested.

Demographic Consequences of Population Control Policies

The Chinese government’s population planning policies continue to exacerbate the country’s demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance. Affected in recent decades by government restrictions on the number of births per couple, China’s total fertility rate has dropped from 6 births per woman in the early 1970s to an estimated 1.4 to 1.6 births per woman in 2016 below the replacement rate of 2.1 births per woman necessary to maintain a stable population. The fertility rate is even lower in some major cities, such as Shanghai municipality, which has a fertility rate of approximately 0.7 births per woman, reportedly one of the lowest in the world.

China’s low fertility rate has contributed to a rapidly aging population and a shrinking workforce. According to a January 2016 National Bureau of Statistics of China report, from 2014 to 2015, China’s working-age population (persons between the ages of 16 and 59) declined by a record 4.87 million people to 910.96 million, continuing a downward trend from the previous year. Experts expect the working-age population to rapidly decline further in the next several decades. At the same time, the elderly population (persons aged 60 or older) increased by approximately 9.58 million in 2015 to 222 million people, or 16.1 percent of the total population. According to a 2015 blue book on aging published by research entities affiliated with the Party and government, China’s elderly population is estimated to reach 371 million, or approximately a quarter of the population, by 2030. A People’s Daily report suggested that the elderly population will reach 483 million by 2050, approximately one-third of China’s total population. These demographic trends are likely to burden China’s health care, social services, and retirement systems, and may weaken China’s economy as labor costs rise and its competitiveness erodes, according to demographic expert Yi Fuxian.

The Chinese government’s restrictive family planning policies also have exacerbated China’s sex ratio imbalance. Although Chinese authorities continue to implement a ban on “non-medically necessary sex determination and sex-selective abortion,” some people reportedly continue the practice in response to government-imposed birth limits and in keeping with a traditional cultural preference for sons. According to a National Bureau of Statistics of China report, China’s sex ratio at birth in 2015 was 113.51 males to 100 females (compared with a normal ratio of 103 to 107 males per 100 females). The overall sex ratio in 2015 was 105.02 males to 100 females, and there were approximately 33.66 million more males than females in China (704.14 million males to 670.48 million females).
International and domestic demographic experts have expressed concerns that the sex ratio imbalance in China could lead to “anti-social behavior,”161 “violent crime,”162 “sex crime,”163 “prostitution,”164 and “trafficking of women and children.”165 This past year, international media reports continued to suggest a link between China’s large number of “surplus males” and the trafficking of foreign women—from countries including Cambodia,166 Burma (Myanmar),167 Nepal,168 North Korea,169 and Vietnam170—into China for forced marriage or commercial sexual exploitation.

Reports also indicate that decades of birth limits under China’s population planning policies combined with a traditional preference for sons have helped create a black market for illegal adoptions.171 In January 2016, authorities in Henan province executed Tan Yongzhi, the head of an illegal adoption ring, for his involvement in acquiring and selling more than 20 infants, and 17 buyers also received criminal punishments.172 As of February 2016, authorities had not been able to locate the parents of these children.173 Chen Shiqi, Director of the Ministry of Public Security Anti-Trafficking Office, expressed optimism that the implementation of the universal two-child policy would prevent “trafficking of children” by reducing the “demand for purchasing children.”174 [For more information on cross-border trafficking and the Chinese government’s conflation of child trafficking with illegal adoption, see Section II—Human Trafficking.]
Notes to Section II—Population Control

1 National Health and Family Planning Commission, "Implement the Universal Two-Child Policy, Promote Balanced Population Development" [Shishi quanmin liangdai zhengce, cujin renkou renshu fazhan], 20 October 15; Peng Xinfan et al., “China To Adopt the Universal ‘Two-Child’ Policy” [Woguo quanmin fangkai “erhai” zhengce], Beijing Youth Daily, 30 October 15; National People’s Congress Standing Committee, Decision Regarding the Population and Family Planning Law [Quanguo renmin gongheguo renkou yu jihua shengyu fa de jueding], issued 27 December 15; PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16.


3 PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16, art. 18; National People’s Congress Standing Committee, Decision Regarding the Population and Family Planning Law [Quanguo renmin gongheguo renkou yu jihua shengyu fa de jueding], issued 27 December 15; Article 18 of the Population and Family Planning Law stipulates, “the state advocates two children per couple.” For provincial-level regulations limiting how many children married couples may bear see, e.g., Guangdong Province People’s Congress Standing Committee, Guangdong Province Population and Family Planning Regulations [Guangdong sheng renkou yu jihua shengyu tiaoli], issued 2 February 80, amended 17 May 86, 29 November 92, 1 December 97, 18 September 98, 21 May 99, 25 July 02, 28 November 08, 27 March 14, 30 December 15, effective 1 January 16, reprinted in Huazhou City Health and Family Planning Bureau, art. 18; Zhejiang Province People’s Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 13 January 14, 14 January 16, reprinted in Zhejiang Province Health and Family Planning Commission, art. 17; Sichuan Province People’s Congress Standing Committee, Sichuan Province Population and Family Planning Regulations [Sichuan sheng renkou yu jihua shengyu tiaoli], issued 2 July 87, amended 15 December 93, 17 October 97, 26 September 02, 24 September 04, 20 March 14, 22 January 16, art. 13.

4 PRC Population and Family Planning Law [Zhonghua renmin gongheguo renkou yu jihua shengyu fa], passed 29 December 01, amended 27 December 15, effective 1 January 16, art. 18. For provincial population planning policies that require couples to be married to have children and limit them to bearing two children see, e.g., Guangdong Province People’s Congress Standing Committee, Guangdong Province Population and Family Planning Regulations [Guangdong sheng renkou yu jihua shengyu tiaoli], issued 2 February 80, amended 17 May 86, 29 November 92, 1 December 97, 18 September 98, 21 May 99, 25 July 02, 28 November 08, 27 March 14, 30 December 15, effective 1 January 16, reprinted in Huazhou City Health and Family Planning Bureau, art. 18; Zhejiang Province People’s Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 13 January 14, 14 January 16, reprinted in Zhejiang Province Health and Family Planning Commission, arts. 17, 414; Sichuan Province People’s Congress Standing Committee, Sichuan Province Population and Family Planning Regulations [Sichuan sheng renkou yu jihua shengyu tiaoli], issued 2 July 87, amended 15 December 93, 17 October 97, 26 September 02, 24 September 04, 20 March 14, 22 January 16, arts. 13, 34.

5 National People’s Congress, “Answering Journalists’ Questions Regarding the Decision of Amending the Population and Family Planning Law” [“Guanyu xiugai renkou yu jihua shengyu fa de jueding” da jiuzhe wen], reprinted in National Health and Family Planning Commission, 27 December 15. For provincial population planning provisions that allow exceptions for having an additional child see, e.g., Guangdong Province People’s Congress Standing Committee, Guangdong Province Population and Family Planning Regulations [Guangdong sheng renkou yu jihua shengyu tiaoli], issued 2 February 80, amended 17 May 86, 28 November 92, 1 December 97, 18 September 98, 21 May 99, 25 July 02, 28 November 08, 27 March 14, 30 December 15, effective 1 January 16, reprinted in Huazhou City Health and Family Planning Bureau, art. 19; Zhejiang Province People’s Congress Standing Committee, Zhejiang Province Population and Family Planning Regulations [Zhejiang sheng renkou yu jihua shengyu tiaoli], issued 3 September 02, amended 28 September 07, 13 January 14, 14 January 16, reprinted in Zhejiang Province Health and Family Planning Commission, arts. 17, 414; Sichuan Province People’s Congress Standing Committee, Sichuan Province Population and Family Planning Regulations [Sichuan sheng renkou yu jihua shengyu tiaoli], issued 2 July 87, amended 15 December 93, 17 October 97, 26 September 02, 24 September 04, 20 March 14, 22 January 16, arts. 13.

6 See, e.g., Fujian Province People’s Congress Standing Committee, Fujian Province Population and Family Planning Regulations [Fujian sheng renkou yu jihua shengyu tiaoli], issued 2 July 87, amended 15 December 93, 17 October 97, 26 September 02, 24 September 04, 20 March 14, 22 January 16, art. 13.
yu jihua shengyu tiaoli], issued 18 October 02, amended 13 December 13, 22 April 14, 17 April 15, 21 April 16, art. 13.7


10 See, e.g., China's New "Two-Child Policy" & the Continuation of Massive Crimes Against Women and Children, Hearing of the Congressional-Executive Commission on China, 3 December 15, Testimony of Sarah Huang, Activist.


12 Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 95, endorsed by UN General Assembly resolution 50/203 of 22 December 95, paras. 6(a)–(b) (Annex 1). The Beijing Declaration states that governments which participated in the Fourth World Conference on Women reaffirmed their commitment to "Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms," and "are convinced that . . . [t]he explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment; . . ." (para. 17).

13 Programme of Action adopted by the Cairo International Conference on Population and Development, 13 September 94, paras. 7.2, 8.25. Paragraph 7.2 states that, "Reproductive health therefore implies that people . . . have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice . . ." Paragraph 8.25 states, "In no case should abortion be promoted as a method of family planning."


16 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 19 December 84, entry into force 26 June 87, art. 1; UN Committee against Torture, Concluding Observations of the Committee against Torture: China, adopted by the Committee at its 864th Meeting (3–21 November 2008), CAT/C/CHN/CO/4, 12 December 08, para. 21. In 2008, the UN Committee against Torture noted again with concern China’s “lack of investigation into the alleged use of coercive and violent measures to implement the population policy (A/55/44, para. 122).”


18 UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16.

19 ibid., para. 51.


22 International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 10(3). Article 10(3) calls upon States Parties to recognize that “Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions.” United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 8 July 16. China signed the ICESCR on October 27, 1997, and ratified it on March 27, 2001.


26 Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms [Zhonggong zhongyang guanyu quanmian shenhua gaige ruoguan zhongda wenti de jueding], reprinted in Xinhua, 15 November 13, para. 46. See also “Chinese Communist Party Announces Revision to Population Planning Policy,” Congressional-Executive Committee on China, 16 December 15.

28 Lu Nuo, “Relevant NHPPC Officials Interpret Adjustment to the Family Planning Policy” [Weisheng jishengwei xiangguan fazhen jiedu jihua jisheng yu qianzhan zhengce], Xinhua, reprinted in FRC Central People’s Government, 6 December 15; Liu Yang, “Two Million Additional Births Per Year After Implementation of ‘Dandu Erhai’ [Policy]?” [“Dandu erhai” shishi hou nian...
Radio Free Asia, 30 October 15; Masahiro Okoshi, “Outlook Hazy for Approaching 2-Child Plan” [Erhai fei “ertai” qiang sheng yao fakuan xuezhe zhiyi ‘shisanwu’ guihua biyaoxing], Rush To Have Additional Baby Will Be Fined, Scholar Doubts the Necessity of ‘13th Five-Year Women,’’ New York Times, 10 November 15; ‘‘Two Kids’ Not ‘Two Pregnancies,’ Those Who
Freedom in China,’’ Dispatches (blog), 29 October 15; Sheng Keyi, ‘‘Still No Dignity for Chinese
Human Rights Watch, ‘‘Dispatches: Ending the One-Child Policy Does Not Equal Reproductive
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