Key Findings

POPULATION CONTROL

• Central government authorities rejected calls to end birth restrictions, even though experts raised demographic, economic, and human rights concerns about China's population control policies. In the past, the Chinese government and Communist Party's enforcement of birth limitation policies included forced abortion and sterilization. The Chinese government maintained a birth limit policy and announced a new three-child policy in May 2021. Experts urged the Chinese government to implement policies, including financial incentives and other forms of assistance, to encourage couples to have children. They said that if not adequately addressed, China's decades-long birth limit policies and resultant demographic challenges could undermine China's economy and political stability.

• New research found that beginning in 2015, and increasingly since 2017, Chinese authorities have used draconian population control measures targeting Uyghurs and other ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR), including detention in mass internment camps, the threat of internment, forced abortions and infanticide in hospital maternity wards, forced sterilizations, and heavy fines. Such measures resulted in "precipitous" birth rate declines of 48.74 percent in the XUAR as a whole from 2017 to 2019, and over 56 percent in one year (2017 to 2018) in counties with an indigenous population of 90 percent or greater.

• The Chinese government's restrictive population control policies have exacerbated China's sex ratio imbalance, which media reports linked to the trafficking of foreign women in China for purposes of forced marriage and commercial sexual exploitation.

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• The Chinese government's restrictive population control policies have exacerbated China's sex ratio imbalance, which media reports linked to the trafficking of foreign women in China for purposes of forced marriage and commercial sexual exploitation.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

• Highlight the looming demographic challenges currently facing China in bilateral meetings with Chinese government officials—these include a rapidly aging population, shrinking workforce, and sex ratio imbalance; and emphasize that these demographic trends could harm China's economy if not addressed in a timely manner by ending as soon as possible all birth restrictions imposed on families.

• Continue to monitor the government's use of forced abortion and forced sterilization, as the three-child policy still constitutes a birth-limit policy.

○ Use authorities provided in the Foreign Relations Authorization Act, Fiscal Year 2000 (Public Law No. 106–113) and the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) to deny entry into the United States to, and impose sanctions on Chinese officials who have been directly involved in the formulation, implementation, or enforcement of China's coercive population control policies, including those who have forced women to undergo sterilizations and abortions in the Xinjiang Uyghur Autonomous Region (XUAR) and elsewhere.

• Consider supporting the Uyghur Stop Oppressive Sterilizations Act (H.R. 3306) which imposes sanctions on individuals responsible for or complicit in forced sterilizations and forced abortions in the XUAR.

Call on China's central and local governments to vigorously enforce provisions of Chinese law that establish legal liability for officials and other individuals who abuse their power, violate citizens' personal rights, or engage in malpractice for personal gain while implementing population control policies.
Publicly link, using supporting evidence, the sex ratio imbalance exacerbated by China's population control policies, with

• Publicly link, using supporting evidence, the sex ratio imbalance exacerbated by China's population control policies, with regional humanitarian and security concerns—human trafficking, crime, increased internal and external migration, and other serious social, economic, and political problems—and address these issues in bilateral and multilateral dialogues.

Introduction

Despite calls from experts and other observers to remove all birth limits on both demographic and human rights grounds during the Commission's 2021 reporting year, the Chinese government and Communist Party continued to implement coercive population control policies that violate international standards. New research reported that, in a reversal of past practice toward some ethnic minorities that allowed them to have more than one child even under the one-child policy (which ended in 2016),¹ beginning in 2015, and increasingly since 2017, authorities have implemented measures to greatly reduce birth rates among ethnic minority populations throughout the Xinjiang Uyghur Autonomous Region (XUAR), including internment and the threat of internment, forced abortion and infanticide in hospital maternity wards,² forced sterilization, and heavy fines. Such measures resulted in "precipitous" birth rate declines of 48.74 percent in the XUAR as a whole from 2017 to 2019, and over 56 percent in one year (2017 to 2018) in counties with an indigenous population of 90 percent or greater.³ Apart from these violations, the "universal two-child policy" which restricted married couples to having two children and remained in effect for most of this reporting year,⁴ continued to violate inter-national standards, as did the previous "one-child policy."⁵ [For more information on the Chinese government's abusive population control measures targeting ethnic minority women in the XUAR, see Women Subjected to Forced Sterilizations, IUD Insertions, and Abortions in Section IV—Xinjiang.]

Experts warned of a future demographic crisis—one called it a "long-term time bomb"—resulting from steep declines in birth rates that continued for a fourth straight year.⁶ On May 31, 2021, the Chinese Communist Party Central Committee Political Bureau (Politburo) announced a new "three-child policy" allowing all couples to have up to three children, stating that the policy change was being made in response to the problem of China's aging population, to "improve the composition of the population," and to "preserve China's natural advantage in human resources."⁷ The Party did not publish documentation of the meeting in which the decision was made, and the official public announcement in state media did not specify when the new policy would take effect nor was it clear whether coercive methods would continue to be used as part of the new policy.⁸ Some observers questioned the Party's decision not to remove birth limits altogether.⁹ Two authors who published new research on the XUAR observed that even as Party officials are loosening population control rules on Han women, they are simultaneously "cracking down" on the rights of Uyghur and other indigenous nationalities to have children because of "perceived fears of instability and uneven growth."¹⁰

International Standards and China's Coercive Population Policies

Coercive controls imposed on Chinese women and their families 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.¹¹ China was a state participant in the negotiation and adoption of both.¹² Acts of official coercion committed in the implementation of population control policies, such as forced sterilization and abortion, contravene provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹³ which China has signed and ratified.¹⁴

Demographic Concerns

Population experts, economists, at least one National People's Congress (NPC) delegate, and other observers warned that China's declining birth rates, which according to the National Bureau of Statistics of China (NBS) have dropped for the past four years to new lows in 2020,¹⁵ would bring about negative economic and so-cial consequences.¹⁶ In April 2021, a Financial Times report said the Chinese government was preparing to release census data showing that in 2020 China's overall population had declined for the first time since the Great Famine of 1959 to 1961,¹⁷ but in May the Commissioner of the NBS, Ning Jizhe, said that the population had grown to 1.41 billion persons, up by 72 million from 2019, a 0.53 percent increase.¹⁸ The NBS reported that China had 12.00 million new births in 2020, down from 14.65 million in 2019, an 18 percent decline.¹⁹ One U.S.-based expert, Yi Fuxian, disputed these figures, estimating that the number of births in 2020 was between 8 and 10 million, and asserted that the population has already begun to decline and that the actual population is only 1.26 to 1.28 billion.²⁰ Yi explained that incentives to inflate current population numbers exist for both local governments and individual census takers²¹ and noted a 14-million-person discrepancy in the 0 to 14 age group between 2020 census data and NBS statistics for the same age group from 2006 to 2020.22

The Party's announcement of the new three-child policy pointed to the country's aging population as a driver of the policy change.²³ Other observers noted the potential negative economic and social effects of China's declining birth rates, including decreases in the number of women of child-bearing age and in the size of the working-age population, and a rapidly aging population.²⁴ Experts also worried that China may already have fallen into a "low-fertility trap" characterized by a long-term "continuous birth decline."²⁵ Sources noted a reluctance to have children because of such concerns as the lack of affordable education, the high cost of living, hindrances to career development, and concerns that having a child would negatively affect work performance.²⁶

Government officials have taken some steps to address concerns about demographic changes, including the announcement of the new three-child policy. The NPC in January 2021 required that all province-level jurisdictions conduct comprehensive reviews, make changes to relevant family planning policies, and stop imposing "excessively strict penalties."²⁷ In addition, the government announced plans to raise the retirement age,²⁸ which reportedly prompted widespread criticism.²⁹ The government also announced plans to ease the burdens of giving birth to and raising and educating children.³⁰ One survey suggested that most young people in China do not want to have three children, and therefore the threechild policy may only have a slight effect on overall birth rates.³¹ One expert proposed recommendations to encourage childbirth. Economist Ren Zeping suggested that the government implement child tax breaks and economic subsidies for parents from the time of pregnancy until children reach age 18, increase the supply of childcare resources, implement childbirth tax incentives for enterprises, improve the protection of women's employment rights, and strengthen the rights of unmarried parents.³²

Coercive Policies Remained, but Unevenly Enforced

Amid the tension of calls for an end to coercive national-level policies and the government's inaction prior to the May 31 announcement of the new three-child policy, the Commission observed reports of inconsistent enforcement of the two-child policy across China. Apart from the aggressive population control measures enacted in the XUAR, some local authorities imposed heavy fines for exceeding legal birth limits,³³ while officials in other places relaxed the punishment for births exceeding legal limits for some citizens.³⁴ Sociology professor Wang Feng at the University of California Irvine described local enforcement as "lax and sporadic, varying from locale to locale,"³⁵ while the Party-run media outlet Global Times reported that "many cities across the nation have . . . tended to relax the regulation in recent years, although . . . fees [for exceeding legal birth limits] are still imposed in many places." 36 For example, officials in Beijing municipality told one businesswoman, surnamed Zhang, after the birth of her third child in 2019 that they lacked the resources to pursue her violation, while officials told a Beijing teacher, surnamed Zhou, who was seven months pregnant with her third child, either to terminate her pregnancy or be fired.³⁷ An international report detailed simi-

lar discrepancies across regions and localities.³⁸ In addition, the Commission observed the following developments reported this year involving earlier cases of coercion in the enforcement of population policy; these developments sparked controversy online, with some commenters arguing that any penalties contradict recent changes in Chinese society, and that because of declining birth rates the couples concerned should be rewarded rather than punished.³⁹

• The Global Times reported in December 2020 that in March 2019, authorities in Anyue county, Ziyang municipality, Sichuan province, imposed a fine of 718,080 yuan (approximately US\$110,000) on a man surnamed Liu and his wife for giving birth to their seventh child ten years earlier, in April 2009, in violation of China's two-child policy.⁴⁰ This "social maintenance fee" greatly exceeded the couple's ability to pay.⁴¹ The Anyue County Health Bureau filed an application to the Anyue County People's Court requesting enforcement of the punishment, but the court denied the application claiming the punishment was based on invalid regulations.⁴² The health authority was considering re-drafting a new penalty, arguing that the couple should be held accountable,⁴³ but Liu told reporters in December 2020 that he had not been contacted again for payment.⁴⁴

• In January 2021, the Global Times reported that in May 2020, authorities in Guangzhou municipality, Guangdong province, imposed a "social support fine" of 320,000 yuan (approximately US\$50,000) on a couple for having a third child and froze the couple's bank accounts to enforce the punishment.⁴⁵ The family's monthly income is only 10,000 yuan (approximately US\$1,500), making them unable to pay even in multiple installments as local authorities suggested.⁴⁶

Emphasis on "Quality Population" Discriminates Against Certain Groups

The Chinese Communist Party's 14th Five-Year Plan released in fall 2020 mentioned the need to "optimize birth policy" and "improve the quality of the population."⁴⁷ Journalist and academic Leta Hong Fincher expressed concern about this phrasing, saying that Party officials are "effectively emphasizing the role of eugenics in population planning."⁴⁸ In 2018 the central government emphasized a policy shift from merely keeping the population under control to managing its "structure and quality," which can refer to health, education levels, religion, age, sex, ethnicity, and other factors.⁴⁹ Across the country, regions with large minority populations have experienced "precipitous declines in birth rates," in contrast to the slight rise in birth rates in urban areas with few minorities.⁵⁰ In practice, China's relaxation of the one-child policy and adoption of more pro-natalist policies have been especially aimed at persuading ethnic majority Han Chinese women who are collegeeducated to bear more children.⁵¹ Some middle-class Han women said that they have felt pressured to replenish a shrinking labor force and have noticed an increase in workplace discrimination.⁵²

Human Rights and Humanitarian Concerns

In addition to demographic and economic concerns, some experts in China in recent years have pointed out that the government's population control policies violate citizens' fundamental rights. For example, Liang Zhongtang, a retired population expert at the Shanghai Academy of Social Sciences, wrote that government involvement in both suppressing population growth and encouraging more births violates people's freedom with regard to the decision whether or not to have children.⁵³ Economist Ren Zeping wrote in February 2020 that the Chinese government should respect the rights of citizens to give birth and raise children,⁵⁴ coauthoring a recommendation saying that "raising children is everyone's fundamental right, and this right should be returned to families; completely relaxing [birth limits] would respect all people fairly, without discrimination."⁵⁵

Four decades of population control policies have exacerbated demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance.⁵⁶ Concern about the aging population has led observers to worry that health care and pensions for the elderly may be inadequate in the coming years, especially for rural elderly persons.⁵⁷ Rights advocates noted that China's sex ratio imbalance has contributed to human rights abuses including bride trafficking and would continue to do so unless the trend is reversed.⁵⁸ Although Chinese authorities continued to implement a ban on "non-medically necessary sex determination and sex-selective abortion,"⁵⁹ one observer noted that the continuing effects of sex selection were evident in the results of the recent census.⁶⁰ According to the Seventh National Population Census, China's overall sex ratio by the end of 2020 was 105.07 males to 100 females, and there were approximately 34.9 million more males than females in China (723.34 million males to 688.44 million females).⁶¹ For years, experts have expressed concerns that the sex ratio imbalance in China could lead to an increase in crime,⁶² trafficking of women,⁶³ and social instability.⁶⁴ This past year, media reports continued to suggest a link between China's sex ratio imbalance and the trafficking of foreign women.⁶⁵ The Commission observed reports of the trafficking of women and girls in China this past year and in recent years for the purposes of forced marriage or sexual exploitation from **Burma** (Myanmar),⁶⁶ **Cambodia**,⁶⁷ **Colombia**,⁶⁸ **Laos**,⁶⁹ **Nepa**,⁷⁰ **North Korea**,⁷¹ and **Vietnam**.⁷² [For more information on cross-border trafficking, see Section II— Human Trafficking.]

Notes to Section II—Population Control

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¹Mo Yu, "Chinese Statistics Reveal Plummeting Births in Xinjiang During Crackdown on Urghurs," Voice of America, March 27, 2021.
²Nathan Ruser and James Leibold, "Family De-Planning: The Coercive Campaign to Drive Down Indigenous Birth-Rates in Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, May 12, 2021; "Xinjiang Hospitals Aborted, Killed Babies Outside Family Planning Limits: Uyghur Obstetrician," Radio Free Asia, August 17, 2020.
³Nathan Ruser and James Leibold, "Family De-Planning: The Coercive Campaign to Drive Down Indigenous Birth-Rates in Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, May 12, 2021; Adrian Zenz, "China's Own Documents Show Potentially Genocidal Sterilization Plans in Xinjiang," Foreign Policy, July 1, 2020.
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alienable, integral and indivisible part of all human rights and fundamental freedoms" (Annex I, para. 9); and "[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" (Annex I, para. 17). Programme of Action adopted by the Cairo International Conference on Population and Development on September 13, 1994, paras. 7.2, 8.25. Paragraph 7.2 states, "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." ⁶Sui-Lee Wee, "China's 'Long-Term Time Bomb': Falling Births Stunt Population Growth," *New York Times*, May 31, 2021; National Bureau of Statistics of China, "Digi c quanguo renkou pucha zhuyao shuju qingkuang" [Main data of the seventh national census], May 11, 2021. For the total number of births reported for 2019, see National Bureau of Statistics of China, "Quip nian guomin jingij yunxing zongti pingwen fazhan zhuyao yuqi mubiao jiaohao shixian" [National economy was generally stable in 2019 with main projected targets for development achieved], January 17, 2020. For the total number of births reported for 2018, see National Bureau of Statistics of China, "2018 nian jingij yunxing baochi zai heli qujian fazhan de zhuyao yuqi mubiao jiao hao wancheng" [The economy moved within reasonable range in 2018, main expected development targets were reached], January 21, 2019. For the total number of births reported for 2017, see National Bureau of Statistics of China, "2018, main expected development targets were reached], January 21, 2019. For the total number of births reported for 2017, see National Bureau of Statistics of

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Times, June 1, 2021. ¹⁰Nathan Ruser and James Leibold, "Family De-Planning: The Coercive Campaign to Drive Down Indigenous Birth-Rates in Xinjiang," International Cyber Policy Centre, Australian Stra-tegic Policy Institute, May 12, 2021. See also Amy Qin, "China Targets Muslim Women in Push to Suppress Births in Xinjiang," New York Times, May 10, 2021. ¹¹Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on September 15, 1995, and endorsed by UN General Assembly resolution 50/203 on December 22, 1995, Annex I, paras. 9, 17. The Beijing Declaration states that governments which participated in the Fourth World Conference on Women reaffirmed their commitment to "[e]nsure the full implementation of the human rights of women and of the girl child as an in-alienable, integral and indivisible part of all human rights and fundamental freedoms" (Annex I, para. 9); and "Ithe explicit recognition and reaffirmation of the right of all women to control I, para. 9); and "[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" (Annex I, para. 17). Programme of Action adopted by the Cairo International Conference on Population and Development on September 13, 1994, paras. 7.2, 8.25. Paragraph 7.2 states, "Reproductive health therefore implies that people . . . have the capability to reproduce and the free-dom 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 abor-tion be promoted as a method of family planning." ¹² United Nations, Report of the Fourth World Conference on Women, A/CONF.177/20/Rev.1, Scartzmber 15, 1005, cher L, access the safe the participating

September 15, 1995, chap. II, para. 3; chap. VI, para. 12. China was one of the participating States at the Fourth World Conference on Women, which adopted the Beijing Declaration and Platform for Action. United Nations Population Information Network, Report of the International Conference on Population and Development (ICPD), A/CONF.171/13, October 18, 1994, 271. China was one of the participating States at the ICPD, which reached a general agreement on the Cairo Programme of Action.

¹³Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 1; 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, February 3, 2016, para. 51. In its 2016 review of Chi-na's compliance with the CAT, the UN Committee against Torture noted its concern regarding "warners of accuracy attribution and found observing and

Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2-3 December 2015). CAT/CCHN/CO5, February 3, 2016, pare. 51. In its 2016 review of China's compliance with the CAT, the UN Committee against Torture noted its concern regarding "reports of coerced sterilization and forced abortions, and . . . the lack of information regarding redress provided to victims of past violations."
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 ²¹ "Yi Fuxian: zhe ci renkou pucha zhiliang zui cha" [Yi Fuxian: this census is of the worst quality], Radio Free Asia, May 12, 2021.
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