

CHINA'S ONE-CHILD POLICY: AN UPDATE

Since the early 1980's, the People's Republic of China (PRC) has implemented a strict policy of population control, in which couples are urged to have no more than one child. Rigid enforcement in the first few years led to great dissatisfaction and to accusations of forced abortions, female infanticide, and mal-treatment of women whose first-born child was a girl. These abuses were acknowledged by Liang Jimin, the Director of the State Family Planning Commission, in a briefing in July 1987. Liang insisted however that the official policy has always been that if a woman gets pregnant with a second child, "it is her right to decide whether to have an abortion."^{1/} In 1985 and 1986, the United States first reduced and then eliminated contributions to the United Nations Fund for Population to protest the Chinese policies. The Chinese Nationalists, in Taiwan, claim that this is the reason that the policy was somewhat softened, steps were taken to curb excesses by local officials, and provinces enacted regulations permitting a second child for couples in particular situations. ^{2/} Another factor leading to more leniency was that considerable success in reducing the rate of natural increase had been achieved; the average yearly increase for 1981-1985 was 11.74 per thousand, but it had been 13.23 per thousand in the 1976-1980 period. ^{3/}

The result of this relaxation of the policy, combined with a large cohort of young women, was in an increase in births in 1986. According to an

^{1/} Hong Kong AFP report, July 8, 1987; reprinted in Foreign Broadcast Information Service [FBIS], Daily Report: China, July 8, 1987, at K1.

^{2/} Chung kung nien pao 1987 [Yearbook of Chinese Communism 1987] 1-58 (Taipei, Studies in Chinese Communism Magazine Co., 1987).

^{3/} Zhongguo baike nianjian 1986 [Yearbook of the Encyclopedia of China] 451 (Beijing, China Encyclopedia Publishers, 1986).

interview given by an official of the State Family Planning Commission in June 1987, the birth rate in 1986 was 20.8 per thousand, compared with 17.8 for the previous year. 4/ Furthermore, a study released by the Research Center for Advanced Science and Technology of the PRC in July 1986 had projected that unless changes were made, by the end of the century China would have 1.3 billion people. 5/ This situation caused concern that the rules permitting second children needed to be more narrowly interpreted and that the one-child campaign should be firmly implemented.

China at present has no national legislation on the subject of birth control or the one-child per family plan, though some leaders have proposed one. 6/ Instead, each province enacts local regulations on the matter, guided by the overall policy set in Beijing. In 1987, some provinces adopted new laws, stressing again the importance of limiting births to those outlined in the detailed plans developed by local officials.

Sichuan province in southwestern China, the largest single province in the PRC, adopted new family planning rules July 2, 1987. 7/ Key provisions include the encouragement of late marriage, defined as three years after the

4/ Renmin ribao [People's Daily], June 14, 1987, at 3; translated in FBIS, June, 23, 1987, at K10.

5/ Supra note 2.

6/ "NPC, CPPCC Delegates on Family Planning," Zhongguo Xinwen She broadcast, April 11, 1988; translated in FBIS, April 13, 1988, at 33. In addition, national legislation has been drafted to regulate family planning for travelling self-managed laborers. China Daily, July 30, 1987, at 3; reprinted in FBIS, July 31, 1987, at K23.

7/ Translated in Joint Publications Research Services, China, Sept. 8, 1987, at 77.

lawful age of marriage (art. 6), which is 22 for men and 20 for women. ^{8/} Under article 7, no births may occur outside of marriage. This suggests pregnant unwed women would be required to undergo abortions, but that is not explicitly stated in the regulations. Second children are permitted under any of 14 conditions, including when the first child has a non-hereditary disease that prevents him or her from undertaking normal labor, when there is a marriage between two only children, when the father is the only one of several brothers in a rural area capable of having children, etc. (art. 8, 9, 10). Couples who qualify may submit an application for permission for a second child (art. 11).

A secondary concern of the Sichuan regulations is eugenics. There are provisions on the opening of health clinics and on medical examinations before marriage. Article 13 specifies that couples with serious, hereditary diseases must not be allowed to bear children; there is explicit provision that pregnancies in such cases must be terminated. The diseases include psychosis, mental deficiency, and "malformation." None of these relatively broad terms is further defined, nor does the law reflect the fact that medical research has yet to determine the full role of heredity in many mental and physical disabilities.

The effectiveness of the new regulations is hard to measure, but the provincial government has announced that while births in Sichuan in 1986 were at the record level of 1.86 million, 540,000 more than they had been in 1985, the 1987 figures were much better, only 1.72 million, a reduction of 140,000.

^{8/} Art. 5, Marriage Law, adopted Sept. 10, 1980; English translation available in FBIS, Sept. 19, 1980, at L22.

Some of this reduction may well be due to the adoption of the regulations in the middle of the year. 9/

Guangdong is another province that was concerned about its birth rate in 1987. That province's growth rate for 1986 had been greater than the national average, resulting in an increase of more than a million people. By July 1987, it was announced that no more births should be permitted outside of the plan, that the existing regulations from 1986 should be strictly implemented, and that no changes in the basic rules could be expected in the next 10 years.

China is experiencing an elevated birth rate as an echo of the high birth rates of the late 1960's; this situation is expected to last for more than a decade. In order to plan for the control of overall growth, the State Family Planning Commission will take a survey in July 1988, questioning more than 2 million individuals on birth control issues. The commission is recommending more publicity on the implications of early marriage and community-based groups to "ensure that people follow sensible family planning practices." 10/ It seems likely that in 1988, the social pressure on women to limit their families to one child will again be strong and that the use of abortion will continue at about the current level of one abortion for every two live births. 11/

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9/ Xinhua broadcast, Mar. 17, 1988, reprinted in FBIS, Mar. 18, 1988, at 33.

10/ Beijing broadcast, Feb. 18, 1988; reprinted in FBIS, Feb. 19, 1988 at 23.

11/ Supra note 1, at K1.