

PRC

THE PEOPLE'S REPUBLIC OF CHINA

Although a series of regulations of the Ministry of Public Health dealing with abortion is known to have been issued during the 1950's (see below, pp. 3-4.), the People's Republic of China, as far as can be ascertained, has not promulgated a statute on abortion, and whatever guidelines the public health organs are now following with respect to abortion have not been made available to outsiders. The most extensive information located on abortion in the PRC in recent years is found in Women and Child Care in China: A Firsthand Report, a 1972 publication in which Ruth Sidel, an American psychiatric social worker, deals with the topic on the basis of her findings during a month's visit to the PRC as the guest of the Chinese Medical Association. The policy toward abortion that Ms. Sidel describes in this work is quite liberal. In her words,

[c]ontraception is free, and so is abortion. Abortions, available on the request of the woman alone, are encouraged after the birth of two children and are generally performed only during the first three to three and a half months of pregnancy. Edgar Snow has reported watching an abortion performed by suction curettage, with acupuncture anesthesia. In the Friendship Hospital in Peking, abortions are performed in the Outpatient Department by physicians. When the abortion is performed within fifty days of conception, the woman has ten days off from work.* When it is done from fifty to a hundred and twenty days of pregnancy--something which is not usual--she has a month off from work. The emphasis, however, is on "planned birth" and the use of contraceptives rather than abortion.

*Ms. Sidel does not mention whether or not the ten days off are with or without pay nor whether or not a woman in a rural area would lose work points during this period of recuperation. Similarly, she does not state whether the woman who receives time off from work after having had an abortion rather late in the pregnancy would receive pay or work points.

In rural areas, abortions are usually performed within three and a half months after conception, and most often in a commune hospital or health center, by a regular doctor. The suction method is used. . . . We were told repeatedly that no stigma is attached to abortion but that abortions are rarely performed on single women. ^{1/}

Although Ms. Sidel, like other students of the topic, is unable to offer statistics on the incidence of abortion in the PRC, she suggests that it is infrequent due to the success of the various official efforts to limit conception. A family planning chart she saw in a public health station in Hangchow indicated that none of the 369 married women living in the area for which the station was responsible had had an induced abortion during the period January-September 1971, and that only four abortions had been performed in 1970. ^{2/}

The policy Ms. Sidel describes makes abortion more readily available than it seems to have been in the 1950's. Studies of the policy toward abortion during those years do not indicate that the leadership either granted days off from work for the procedure nor actively encouraged it if pregnancy occurred after the birth of two children. Prior to 1956, in fact, Peking avoided open discussion of

^{1/} Ruth Sidel, Women and Child Care in China: A Firsthand Report, Baltimore: Penguin Books Inc., 1972, p. 58-59.

^{2/} Ibid., p. 54.

of the question, and the public health authorities apparently followed a set of regulations which permitted abortion only when the couple already had from four to six children.^{3/}

In August 1956 the Minister of Public Health cleared the way for a more flexible and lenient policy toward abortion by stressing to local public health stations and medical officials that, in applying the regulations, they should take care not to defeat the original purpose of protecting maternal health. The restrictions seem to have been relaxed in action around the time of the Minister's statement, for a deputy to the National People's Congress later complained that hospital facilities in Peking had been overburdened with abortion cases, with the 24 municipal hospitals in Peking reportedly having performed 1,593 abortions during the second half of 1956.^{4/}

In May 1957 the tacit consent to a relaxation of the earlier restrictions became explicit with the issuance of a Notification of the Ministry of Public Health defining the conditions under which a woman might obtain an abortion. The text of the Notification is not available,

^{3/} H. Yuan Tien, "Population Control and Induced Abortion in Mainland China," Marriage and Family Living, XXV, No. 1 (February, 1963), p. 40.

^{4/} Ibid., p. 41.

but an item in the May 23, 1957, issue of People's Daily, the official organ of the Central Committee of the Chinese Communist Party published in Peking, summarizes its provisions. The Notification apparently made no reference to the number of previous births of the woman nor to any statement of consent being required from the father. The newspaper summary indicates that the Notification defined the conditions under which an abortion would be given as follows:

- (1) The woman must be within the first three months of a pregnancy as diagnosed by a physician;
- (2) A physician must have determined upon examination of the woman that an induced abortion is not medically contraindicated;
- (3) The woman must not have had an induced abortion during the preceding 12 months. 5/

Although Peking did not caste abortion in the light of its being a primary means of fertility control nor actively promote it, the Chinese Medical Association registered objections to the 1957 regulations. In addition to advancing the usual medical arguments against abortion, the Association stressed that widespread resort to the procedure would both tax the extremely limited medical facilities and personnel and undermine the effectiveness of the sounder contraceptive approach to fertility control. The Association also pointed out that induced abortion contravened the official policy of equality of the sexes, for, while child-rearing

^{5/}
People's Daily (Jen min jih pao), May 23, 1957, p. 7.

is a joint responsibility, the woman alone incurs the burden and the risk in induced abortion, a procedure whose availability may as well encourage men to take an irresponsible attitude toward contraception.^{6/}

Some observers point out that the PRC's medical facilities and personnel were so limited in the 1950's that, regardless of how liberal the regulations, abortion cannot have been a widely employed medical procedure.^{7/} They also make the related observation that the increase in available facilities and personnel is an important factor in the apparently increasing abortion rate during the 1960's.^{8/}

Students of population make differing assessments of the probable future significance of the role of abortions as a means of population control in the PRC. H. Yuan Tien concluded in 1963 that the prospects were slim for the PRC's employing abortion as a principal means of population control, as it had become in Japan, partly because the practical obstacles to its widespread availability were rather imposing and partly because past policy seemed to indicate that the leadership's principal commitment was to contraception.^{9/} Leo Orleans, however,

^{6/} Tien, op. cit., p. 41.

^{7/} Tien, op. cit., p. 40; Leo A. Orleans, Every Fifth Child: The Population of China, Stanford: Stanford University Press, 1972, p. 48.

^{8/} Orleans, p. 49.

^{9/} Tien, op. cit., p. 42.

entions some experimentation the Chinese have been doing with producing "gadgets" and techniques that lower medical personnel could use for performing abortions in the rural areas, and, perhaps because he thinks that such gadgets and techniques will enable the Chinese to surmount the practical obstacles, he concludes that "as in Japan abortion will probably play an important role in reducing China's birth rate."^{10/}

^{10/} Orleans, op. cit., p. 49.

Prepared by
Kathryn A. Haun
Legal Research Assistant
Far Eastern Law Division, Law Library
Library of Congress
Washington, D. C. 20540
August 1974

KAH:kah
8/27/74