



One-Child Policy in China

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Thank you Chairman Smith and Members of the Committee for providing us with an opportunity to appear before you today to discuss the one-child policy in China.

The Bush Administration is deeply committed to advancing human rights issues, in China and around the globe. The Administration is also deeply committed to upholding liberty and the dignity of human life, and we strongly and absolutely oppose the practice of coercive abortions and sterilizations wherever they occur.

I'm here today to tell you how we are ground-truthing population matters in China, and recount what we've done to advance respect for the value of human life in that country. In my testimony, I will describe our findings and the challenges that remain ahead.

When I came to this post 3 years ago, I had conflicting reports concerning China's population practices. Some said that there was no coercion that would trigger the Kemp-Kasten prohibition of U.S. funding to the UN Population Fund, UNFPA. Others said that there was. So the State Department dispatched a Blue Ribbon Team in May 2002 to get the facts.

On its return from a week in China, the team recommended continuation of funding of UNFPA. But it also suggested doing what it lacked time to do during its brief mission, that is to translate the legislation governing birth planning policies in the counties where UNFPA worked, and also to find out how these policies were implemented and enforced.

The evidence drawn from these follow-on steps clearly showed us that the large fees and penalties for out-of-plan births assessed in implementing China's regulations are tantamount to coercion that leads to abortion. UNFPA support of, and participation in, China's population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion, thus triggering the Kemp-Kasten prohibition on support to any organization that supports or participates in the management of a program of coercive abortion or involuntary sterilization.

These findings were based on an application of the law to the facts on the ground, leading the Secretary of State to determine that Kemp-Kasten applies, and as a result we have been prohibited from funding UNFPA during the past 3 years.

In 2002, I began a dialogue with China regarding its birth planning law. We have had six rounds of discussions on this important issue, the most recent in early November when I traveled to Beijing to meet with senior Chinese officials to press for reforms. In all of our conversations with our Chinese counterparts, we laid out our understanding, based on the Universal Declaration of Human Rights, as well as the 1994 Cairo Declaration on Population and Development, that there should be no coercion, in any form, in any nation's population policies.

We made measurable progress in these negotiations, but fell short in getting the coercive measures lifted, which would have permitted resumption of UNFPA funding. We believe China's population policies, including the so-called "one-child" policy, are undergoing an assessment and evaluation with the Chinese leadership. The Chinese Government, in our view, may be beginning to understand that its coercive birth planning regime has had extremely negative social, economic, and human rights consequences for the nation.

In our 2 years of negotiations, we have seen encouraging movement in China's approach to population issues, and the reduction of coercion in birth planning programs. For example, provincial legislation in 25 of China's 31 provinces, municipalities, and autonomous regions, has been amended to eliminate the requirement that married couples must obtain government permission ("birth permits") before the woman becomes pregnant.

This may prove to be an important change. Without birth permits there may be no effective overall mechanism for systematically enforcing birth targets and quotas in each county. We hope that the elimination of this repressive mechanism of control and interference in family life will be extended throughout all of China, and, as I have said, we will be monitoring this issue very closely.

The Chinese Government has also started a new government public information pilot project to highlight the status of the girl child. This could be an important step for human rights in eliminating discrimination against women and girls in China. Such an effort responds to the continuing reports of sex selective abortions in China and abandonment of girl babies, horrific behaviors that result from the devastating combination of the one-child policy and traditional son preference. Respect for the inherent worth and human dignity of the girl child, from conception through adulthood, is an essential element of a just society. This initiative is only a small step forward, but it does indicate some acknowledgement that the birth planning regime has resulted in very negative outcomes.

The one-child policy has certainly contributed to the stark gender imbalance in China, which, according to the 2000 census, was about 117 males to 100 females. For second births, the national ratio was about 152 to 100. Moreover, China's aging population and rising ratio of dependent to wage-earning adults pose tremendous challenges for the country. The lack of effective pension and social welfare systems for senior citizens results in a growing burden on China's working age population. Many Chinese "one-child" couples, lacking siblings, are hard-pressed to support two sets of aging parents.

Also of note, under the national birth planning law, Chinese citizens -- in theory -- have the ability under the Administrative Procedures Law to sue officials who violate their "family planning rights." The government has established a "hotline" for citizens to report abusive family planning practices to the federal authorities. We are gathering information on use of this hotline, and its effectiveness in dealing with alleged abuses. I want to emphasize that it is the practical implementation of these measures that matters, not public pronouncements.

In addition, the Chinese authorities I met with last month emphatically declared the end of any health and education penalties for "out-of-plan" children, such as higher school tuition fees. These children are no longer to be treated as second-class citizens. We will be watching closely to see if this is

implemented, and to the extent that it is, this would be a very welcome development indeed.

Yet, let me be clear. China's birth planning law and policies retain harshly coercive elements in law and practice. Forced abortion and sterilization are egregious violations of human rights, and should be of concern to the global human rights community, as well as to the Chinese themselves. Unfortunately, we have not seen willingness in other parts of the international community to stand with us on these human rights issues.

In our discussions with the Chinese Government, we have urged them to implement fully the principle recognized in the Program of Action of the International Conference on Population and Development, the ICPD, that couples, not governments, should decide the number and spacing of their children. On many occasions, the Chinese authorities have professed great commitment to the ICPD. Such statements, no matter how fervent or how frequent, will ring hollow and will be little more than empty rhetoric until that day when Chinese birth planning programs become Chinese *family* planning programs, fully voluntary and free of all forms of coercion.

A national Law on Population and Birth Planning went into effect on September 1, 2002. The law provides that the state shall employ measures to place population growth under control, improve the quality of the population, and conduct birth planning. The law requires married couples to employ birth control measures. While provinces have some latitude in how they implement certain aspects of the law, it also requires counties to use specific measures to limit the total number of births in each county.

The law grants married couples the right to have a single child and allows eligible couples to apply for permission to have a second child if they meet conditions stipulated in local and provincial regulations. Many provincial regulations require women to wait four years or more after their first birth before making such an application. These regulations also prohibit single women who become pregnant from giving birth, but enforcement of this prohibition reportedly varies widely throughout China.

The law specifies a number of birth limitation measures by the government that amount to coercion. Party members and civil servants who parent an "out-of-plan" child are very likely to face administrative sanction, including job loss or demotion. Couples who give birth to an unapproved child are likely to be assessed a social compensation fee, which can range from one-half the local average annual household income to as much as ten times that level.

As social compensation fee policies are set at the provincial level, and implemented locally, we understand enforcement varies greatly, with some areas waiving or greatly reducing the fees, and others imposing them at a high level. The Chinese have changed the national law so that any fees collected now go to national, not local authorities. We are told that this step has been taken to reduce the extensive corruption that had been associated with the collection of these fees. Some Chinese authorities would like to see an end to the social compensation fees, recognizing their coercive nature, and witnessing that they are especially burdensome on the poor, while more affluent citizens simply pay the fee and have additional children.

Nonetheless, as we have noted in our Human Rights Report, the social compensation fees remain a harsh and effective enforcement tool. During "unauthorized pregnancies," women are sometimes visited by birth planning workers who use the threat of the social compensation fees to pressure women to terminate their pregnancies. In many cases, these penalties and the level of harassment from officials leave women little practical alternative but to undergo abortion and therefore these fees, and related punitive measures, amount to a program of coercive abortion.

And in circumstances when social compensation fees and intense psychological and social pressure are not sufficient to compel women to have an abortion, there are reports, albeit declining, of instances where the authorities have physically forced a woman to terminate a pregnancy.

Finally, I would also like to raise the problem of forced and coerced sterilization. Forced sterilizations continue to occur, most frequently when couples have more children than the allowable number. Women may be allowed to carry the "excess" child to term, but then one member of a couple is strongly pressured to be sterilized. In some cases, they may be asked to go to a hospital under other pretenses, or sterilized without consent. Additionally, if doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization.

I want to assure Members that we will continue to seek engagement with the Chinese authorities on these difficult and important issues. Our embassy in Beijing and our consulates throughout China track developments in this area very closely. We will continue to urge China to move to a human rights based approach to population issues.

Thank you, and I would be happy to answer any questions that Committee members may have.

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