Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**475**
Land:	Kina
Kilde:	Home Office. Country Policy and Information Note
Titel:	China. Contravention of national population and family-planning laws
Udgivet:	November 2017
Optaget på baggrundsmaterialet:	15. januar 2019

Home Office

Country Policy and Information Note

China: Contravention of national population and family-planning laws

Version 3.0

November 2018

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the basis of claim section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general:**

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), Researching Country Origin Information – Training Manual, 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a terms of reference which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

Independent Advisory Group on Country Information

Independent Chief Inspector of Borders and Immigration

5th Floor

Globe House

89 Eccleston Square

London, SW1V 1PN

Email: chiefinspector@icibi.gov.uk

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the gov.uk website.

Contents

Assessment

Updated: 12 November 2018

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state because the person has contravened the national population and family-planning laws.

1.2 Points to note

1.2.1 Decision makers should take into account amendments to the family planning policy allowing married couples to have two children, which came into effect in January 2016.

Back to Contents

2. Consideration of issues

2.1 Credibility

2.1.1 For further guidance on assessing credibility, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

Back to Contents

2.2 Convention reason

2.2.1 Actual or imputed membership of a particular social group (PSG).

2.2.2 In the country Guidance case of AX (Family Planning Scheme) China CG [2012] UKUT 00097 (IAC) (16 April 2012), heard on 8-9 December 2009, 29 November 2010 and 19 December 2011, it was accepted that 'women who gave birth in breach of China's family planning scheme' constitute a particular social group within the meaning of the 1951 UN Refugee Convention (paragraph 191(12)).

2.2.3 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.

2.2.4 For further guidance on Convention reasons and particular social groups, see the Asylum Instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.3 Exclusion

2.3.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.3.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on Exclusion: Article 1F of the Refugee Convention and the Instruction on Restricted Leave.

Back to Contents

2.4 Assessment of risk

a. General points

2.4.1 In the country guidance case of AX, the Upper Tribunal held that "the Chinese family planning scheme expects childbirth to occur within marriage. It encourages 'late' marriage and 'late' first births. 'Late' marriages are defined as from the ages of 25 (male) and 23 (female), and 'late' first births from the age of 24. A birth permit is not usually required for the first birth, but must be obtained before trying to become pregnant with any further children. The Chinese family planning scheme also originally included a requirement for four-year 'birth spacing.' With the passage of time, province after province has abandoned that requirement. Incorrect birth spacing, where this is still a requirement, results in a financial penalty" (para 191(3)).

2.4.2 In AX, the Upper Tribunal also held that breach of the Chinese family planning scheme is a civil matter, not a criminal matter (para 191(4)).

2.4.3 In AX, the Upper Tribunal also held:

"In China, all state obligations and benefits depend on the area where a person holds their 'hukou,' the name given to the Chinese household registration system. There are different provisions for those holding an 'urban hukou' or a 'rural hukou', partly because of the difficulties experienced historically by peasants in China, the family planning scheme is more relaxed for those with a 'rural hukou'" (para 191(1)) (see Hukou (registration) system).

Back to Contents

b. Multiple-child families

2.4.4 In AX, the Upper Tribunal held that where a second child is born who is unauthorised, "the family will encounter additional penalties. Workplace discipline for parents in employment is likely to include demotion or even loss of employment. In addition, a 'social upbringing charge' (SUC) is payable, which is based on income, with a down payment of 50% and three years to pay the balance" (para 191(7)).

2.4.5 Decision makers should note that although the Upper Tribunal in AX used the term 'social upbringing charge', various sources cited in the country information section refer to it as a 'fine' or 'fee'.

2.4.6 There have been changes in the law since the promulgation of AX. Childbirth is still expected to occur within marriage. However, the birth registration system has been relaxed – in particular the 'one-child policy' – to allow

married couples to have two children and married couples are no longer required to go through the approval process for their first two children. Some couples can also apply for approval to have a third child without incurring penalties providing they meet conditions stipulated in local and provincial regulations (see Family planning policy, Introduction of the two-child policy, and Documentation).

2.4.7 Financial or workplace penalties continue to apply for births that exceed the two-child policy although some exceptions exist for couples who meet certain criteria including some ethnic minorities, remarried couples and couples who have children with disabilities (see Legislation, Introduction of the two-child policy and Enforcement of the family planning policy)

2.4.8 Since the promulgation of AX, China has amended the population and family planning laws. Financial and administrative penalties such as job dismissal, reduced government benefits, detentions and forced abortions for unauthorized births that exceed birth limits continue under the new policy. Where a person has contravened the national population and family-planning laws either by being unmarried or having a child overseas, they are likely to be subject to pay a fine, referred to as a 'social compensation fee' (see Enforcement of the family planning policy, Single mothers and Children born overseas).

2.4.9 In AX the Upper Tribunal held that the financial consequences of having an unauthorised child and therefore having the SUC imposed "will not, in general, reach the severity threshold for persecution or serious harm or treatment in breach of Article 3" (para 191(9)).

2.4.10 Financial and administrative penalties for births that exceed birth limits continue to be applied but will not, in general, be sufficiently serious by its nature and/or repetition to reach the threshold of persecution or serious harm. Each case must be considered on its facts with the onus on the person to demonstrate that they would be at risk.

Back to Contents

c. Returnees who have had their permitted quotas of children

2.4.11 In AX, the Upper Tribunal held that:

"In general, for female returnees, there is no real risk of forcible sterilisation or forcible termination in China. However, if a female returnee who has already had her permitted quota of children is being returned at a time when there is a crackdown in her 'hukou' area, accompanied by unlawful practices such as forced abortion or sterilisation, such a returnee would be at real risk of forcible sterilisation, or, if she is pregnant at the time, of forcible termination of an unauthorised pregnancy. Outside these times, such a female returnee may also be able to show an individual risk, notwithstanding the absence of a general risk, where there is credible evidence that she, or members of her family remaining in China, have been threatened with, or have suffered, serious adverse ill-treatment by reason of her breach of the family planning scheme" (para 191(11)).

"Where a female returnee is at real risk of forcible sterilisation or termination of pregnancy in her 'hukou' area, such risk is of persecution" (para 191(12)).

"Male returnees do not, in general, face a real risk of forcible sterilisation, whether in their 'hukou' area or elsewhere, given the very low rate of sterilisation of males overall and the even lower rate of forcible sterilisation". (para 191(13)) (see also Enforced abortion, sterilisation and birth control).

2.4.12 The country information available following the promulgation of AX and the implementation of changes to the family planning laws indicates that officials continue to enforce compliance with family planning targets. Coerced abortions and sterilisations to force compliance with the family planning policy do still occur although the evidence suggests that these have reduced in number since the implementation of the two-child policy, although there have been recent reports of hukou area crackdowns (see Enforced abortion, sterilisation and birth control).

2.4.13 The findings in AX regarding forcible sterilisations in hukou area crackdowns still apply although these occur infrequently. Statistics show that many couples now have more than two children and there are fewer reported incidents of coerced abortions and sterilisations (see Enforced abortion, sterilisation and birth control).

2.4.14 A person may be able to show that their particular circumstances puts them at a heightened risk of being coerced/forced into having an abortion or being sterilised and where this is the case they would be at risk of persecution or serious harm by the authorities. Each case must be considered on it facts with the onus on the person to demonstrate that they would be at risk.

Back to Contents

d. Single and unmarried mothers

2.4.15 Single (i.e. unmarried) mothers are not mentioned in the national family planning law and as such any children born to a single mother (who does not marry within 60 days of the child's birth) are considered outside the policy and subject to a social compensation fee, which can be up to ten times their annual salary, with payment required for all medical services associated with giving birth. As a result, many single mothers give birth outside of medical facilities with associated complications (see Single mothers).

2.4.16 Many children born to single/unmarried parents have been denied a household registration document (hukou) preventing them from accessing public services, medical treatment and education. Although the government has stated it is making it easier for illegitimate children to be registered, the implementation of this is inconsistent and there can still be obstacles. According to a 2010 national census there were over 13 million people who lacked a hukou and of that 13 million, 60% were people born in excess of birth quotas (see Unregistered children (Heihaizi/ 'black children') and Hukou (registration) system).

2.4.17 As they are outside the family planning policy AX is of less value in cases of single mothers, and the onus will be on a mother with an illegitimate child to show that, if returned, she does not have sufficient family support or income such that the social compensation fee along with the denial of service, education and health care to the child will reach the threshold of treatment in breach of Article 3 ECHR.

2.4.18 For further guidance on assessing the availability or not of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status

Back to Contents

2.5 Protection

2.5.1 As the person's fear is of persecution/serious harm by the state, they will not be able to avail themselves of the protection of the authorities.

2.5.2 For further guidance on assessing the availability or not of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.6 Internal relocation

2.6.1 Where a person is at risk of the state enforcing sterilisation or termination in their 'hukou' area, in general it is reasonable to expect the person to internally relocate provided that it would not be unduly harsh to expect them to do so.

2.6.2 In AX, the Upper Tribunal held that "where a real risk from State officials exists in the 'hukou' area, it may be possible to avoid the risk by moving to a city. Millions of Chinese internal migrants, male and female, live and work in cities where they do not hold an 'urban hukou.' Internal migrant women are required to stay in touch with their 'hukou' area and either return for tri-monthly pregnancy tests or else send back test results. The country evidence does not indicate a real risk of effective pursuit of internal migrant women leading to forcible family planning actions, sterilisation or termination taking place in their city of migration. Therefore, internal relocation will, in almost all cases, avert the risk in the 'hukou' area. However, internal relocation may not be safe where there is credible evidence of individual pursuit of the returnee or her family outside the 'hukou' area. Whether it is unduly harsh to expect an individual returnee and her family to relocate in this way will be a question of fact in each case" (para 191(14)).

2.6.3 Although the country guidance case of AX was based on evidence obtained over seven years ago, the recent country information does not suggest that there are very strong grounds supported by cogent evidence to warrant a departure from these findings.

2.6.4 For further guidance on internal relocation, see the Asylum Instruction on Assessing Credibility and Refugee Status.

Back to Contents

2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims)

Back to Contents

Country information

Updated: 12 November 2018

3. Demography

3.1.1 A 2017 estimate of the population of China stood at just over 1.3 billion people[1]. The age structure below shows the ratio of male to female population:

'0-14 years: 17.15% (male 127,484,177/female 109,113,241)

15-24 years: 12.78% (male 94,215,607/female 82,050,623)

25-54 years: 48.51% (male 341,466,438/female 327,661,460)

55-64 years: 10.75% (male 74,771,050/female 73,441,177)

65 years and over: 10.81% (male 71,103,029/female 77,995,969).'[2]

Back to Contents

4. Legal context

4.1 Protections

4.1.1 Article 25 of the Constitution states that: 'The State promotes family planning so that population growth may fit the plans for economic and social development.'[3] While Article 49 states: 'Marriage, the family and mother and child are protected by the State. Both husband and wife have the duty to practise family planning. Parents have the duty to rear and educate their children who are minors, and children who have come of age have the duty to support and assist their parents.'[4]

4.1.2 The UN Committee on the Convention of the Rights of the Child in its Concluding observations on the combined third and fourth periodic reports of China, dated 29 October 2013 welcomed the adoption of laws and policy measures aimed at eliminating discrimination against children, including:

- The revisions of the Law of the People's Republic of China on the Protection of Minors, in December 2006 and October 2012;
- The adoption of the Law on Social Insurance, in October 2010.
- The Plan of Action against Human Trafficking 2013-2020, in March 2013;
- The National Programme for Child Development 2011-2020, in July 2011;
- The twelfth Five-Year Plan for National Economic and Social Development 2011-2015, with a child focus[5].

4.1.3 The UN Committee on the Elimination of Discrimination against Women (CEDAW) in its 'Concluding observations on the combined seventh and

[1] CIA World Factbook, 'China', updated 12 July 2018, url.
[2] CIA World Factbook, 'China', updated 12 July 2018, url.
[3] Constitution of the People's Republic of China, url.
[4] Constitution of the People's Republic of China, url.
[5] UN Committee on the Convention of the Rights of the Child, 'Report', para 3, 29 October 2013, url.

eighth periodic reports of China', dated 14 November 2014 welcomed the adoption of laws aimed at eliminating discrimination against women, including:

- National Human Rights Action Plan (2012-2015);
- Programme for the Development of Chinese Women (2011-2020)[6].

4.1.4 The Committee also welcomed the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to international instruments, including:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Convention on the Rights of Persons with Disabilities, in 2008;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) of the International Labour Organization, in 2006.[7]

Back to Contents

4.2 Legislation

4.2.1 The US Library of Congress reported in January 2016:

'On December 27, 2015, the Standing Committee of China's National People's Congress (NPC) adopted a decision amending the Population and Family Planning Law. Effective January 1, 2016, the "two child policy" became law applicable nationwide… Previously, on September 29, 2015, the Fifth Plenary Session of the Communist Party of China (CPC) 18th Central Committee announced that China would end its decades-long "one child policy," allowing all married couples to have two children… This is the first time the Population and Family Planning Law was revised since its promulgation in 2001. Under article 18 of the old Law, the state advocated that every married couple have only one child; a second child might be allowed only when the requirements specified by laws and regulations were met.'[8]

4.2.2 The US State Department 'Country Report on Human Rights Practices for 2017', China, (USSD 2017 report), published 20 April 2018, noted that 'A two-child policy was officially implemented as of January 2016. The Population and Family Planning Law permits married couples to have two children and allows couples to apply for permission to have a third child if they meet conditions stipulated in local and provincial regulations.'[9]

4.2.3 The Congressional Executive Commission on China noted in their annual report for 2017 (the CECC 2017 report) that 'The National Health and Family Planning Commission (NHFPC) estimated that approximately 90 million couples nationwide became eligible to bear a second child under the new policy.'[10]

---

[6] UN CEDAW, 'Report', para 5, 14 November 2014, url.
[7] UN CEDAW, 'Report', para 6, 14 November 2014, url.
[8] US LoC, 'China: Two Child Policy Becomes Law', 8 January 2016, url.
[9] USSD, 'country report' (section 6), 20 April 2018, url.
[10] CECC, '2017 annual report', 5 October 2017, url.

4.2.4 The same report also noted: 'The Peoples Republic of China (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.'[11]

Back to Contents

4.3 Contraventions of internal law

4.3.1 The CECC 2017 report noted that:

'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 control 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 most recent periodic review of China's compliance with the Convention. In its concluding observations, the Committee stated its concerns about China's ''use of coercive measures for the implementation of the population policy,'' and ''reports of coerced sterilization and forced abortions, [and] the lack of information on the number of investigations into such allegations.''[12]

Back to Contents

5. Family planning policy

5.1 Brief history of the 'one-child policy'

5.1.1 According to the Center for Public Impact's article on the one child policy in China:

'It aimed to control population growth, which the government began to see as a threat to the country's economic ambitions. Its basis was that a couple was allowed to have only one child. Initial efforts began in the 1960s as a critical response to the famine facing the population. "A push under the slogan 'Late, Long and Few' was successful: China's population growth dropped by half from 1970 to 1976. But it soon levelled off, prompting officials to seek more drastic measures. In 1979, they introduced a policy requiring couples from China's ethnic Han majority to have only one child (the law has largely exempted ethnic minorities)."

'To enforce this, the government granted certain benefits to those who complied (increased access to education for all, plus childcare and

[11] CECC, '2017 annual report', 5 October 2017, url.
[12] CECC, '2017 annual report', 5 October 2017, url.

healthcare offered to families that followed this rule) and other measures which penalised those who did not comply, e.g., fines and no access to these benefits. Similarly, the policy increased the legal age for marriage to 22 years for men and 20 years for women in a bid to prevent population growth.

'The birth control policies implemented varied at the national and local level. National policies, such as the one-child policy, were applicable throughout the whole country, but local policies, such as penalties for above-quota births, varied between regions, such as rural and urban, or between provinces.'[13]

5.1.2 Further information on the history of the one child policy can also be found on the TIME magazine (online) article 'Heres how China's one child policy started in the first place[14]' and also the Guardian's 'China's child policy-timeline[15]'.

Back to Contents

5.2 Implementation of the one-child policy

5.2.1 According to an April 2017 report by the Center for Public Impact on the one child policy in China:

'The aggressive implementation of the one-child policy in China had significant impact on the growth of the birth rate and population in the country. The birth rate in China fell from 1979 onwards, and the rate of population growth dropped to 0.7%.

'This caused unexpected imbalances in the demographic development of the country. Due to a traditional preference for boys, large numbers of female babies ended up homeless or in orphanages, and in some cases were killed. "In 2000, it was reported that 90 percent of foetuses aborted in China were female. As a result, the gender balance of the Chinese population has become distorted. Today it is thought that men outnumber women by more than 60 million."

'Another unintended long-term effect of this policy was that low birth rates also led to a rapid change in the population age pyramid. A study conducted before the end of the policy predicted that "the number of Chinese citizens over the age of 65 will soar to 219 million in 2030 and grow to make up a quarter of China's entire population by 2050. This means a significant portion of residents will age out of the labour force."'[16]

Back to Contents

5.3 Introduction of the two-child policy

5.3.1 The CECC 2017 report stated that:

'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

[13] Center for Public Impact, 'The one child policy in China', 10 April 2017, url.
[14] TIME, 'Here's How China's One-Child Policy Started in the First Place', 29 October 2015, url.
[15] The Guardian, China's one-child policy – timeline, 29 October 2015, url.
[16] Center for Public Impact, 'The one child policy in China', 10 April 2017, url.

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. Government statistics, however, revealed the limited impact of the policy revision. […] As the policy revision failed to meet the intended birth target and amid demographic and economic concerns voiced by population experts and research institutions, 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'' (quanmian erhai), allowing all married couples to have two children. […] 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.'[17]

5.3.2 The USSD 2017 report stated:

'Under the law and in practice, there are financial and administrative penalties for births that exceed birth limits or otherwise violate regulations. The National Health and Family Planning Commission announced it would continue to impose fines, called "social compensation fees," for policy violations. The law, as implemented, requires each woman with an unauthorized pregnancy to abort or pay the social compensation fee, which can reach 10 times a person's annual disposable income. The exact amount of the fee varied widely from province to province. Those with financial means often paid the fee so that their children born in violation of the birth restrictions would have access to a wide array of government-provided social services and rights. Some parents avoided the fee by hiding children born in violation of the law with friends or relatives. In localities with large populations of migrant workers, officials specifically targeted migrant women to ensure that they did not exceed birth limitations. Minorities in some provinces, however, were entitled to higher limits on their family size.'[18]

Back to Contents

5.4 Impact of the family planning policy

5.4.1 The CECC 2017 report noted that:

'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, with an additional 3 million children born per year and an estimated total of 17.5 to 21 million children born per year within the next five years. NHFPC Director Li Bin also suggested that by 2050 the working-age population will increase by 30 million. 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.

'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

[17] CECC, '2017 annual report', 5 October 2017, url.
[18] USSD, 'country report' (section 6), 20 April 2018, url.

have two children under previous policy revisions. Many married couples, however, especially those in urban areas, were reportedly reluctant to have a second child due to a number of factors, including the high cost of rearing an additional child, lack of adequate child care and education options, lack of energy to look after children, disruption to career development, and the perception that having one child is enough due to decades-long government propaganda.'[19]

Back to Contents

5.5 Enforcement of the family planning policy

5.5.1 The Australian Government's Department for Foreign Affairs and Trade's (DFAT) 'Country Report for 2017' (the 2017 DFAT Report) noted that in China:

'Authorities enforce compliance with family planning regulations through both incentives and punishments. Social compensation fees (also called "social maintenance fees") are the most common disincentive. Authorities calculate fees according to "last year's local disposable annual income per capita" in urban places, and "the net annual income per capita" in rural places. Average annual disposable incomes for urban residents and net average incomes for rural areas differ according to the county, city or district. The parents of each unapproved child must pay the social compensation fee. In some cases, this can amount to up to ten times a person's annual disposable income. In some provinces or counties, authorities have imposed fines on entire work units in addition to the individuals concerned. However, credible information on the actual fees charged is difficult to obtain as they are subject to local discretion (leaving open the possibility of individual or institutionalised manipulation). Both the previous and amended Population Law require those who give birth to a child in contravention of family planning policies (including second children born before 1 January 2016) to pay a social compensation fee, irrespective of household registration status. DFAT assesses that inconsistent and non-transparent application of fees leaves open the possibility of individual or institutionalised corruption.

'County-level governments collect the revenues from fees. The national law does not set out a fee schedule that applies to all localities. Instead, provinces formulate their own rules on specific fines based on the basic social compensation fee measure outlined above. Local authorities can decide whether to impose a more lenient fine if parents report an out-of-policy birth soon after it occurs. Authorities are likely to apply heavier penalties for uncooperative behaviour such as hiding children, and can apply additional surcharges to those who fail to pay the required fee. The local family planning bureau and employers may pressure the parents of out-of-policy children. Awareness of the fees is widespread and, in many cases, couples wishing to have an additional child will save the required social compensation fee in order to do so. In these cases, social compensation fees operate as an additional tax, rather than as a punitive arbitrary measure.'[20]

[19] CECC, '2017 annual report', 5 October 2017, url.
[20] DFAT, 'country report' (section 3.108), 21 December 2017, url.

5.5.2 The Population Research Institute (the PRI article) in an article from January 2018 stated that:

'Couples who exceed their government-mandated birth limit continue to be punished with crushing fines equal to two to ten times their annual household income, according to the Planned Birth ordinances of Hunan, Liaoning, Hainan, and Henan provinces. Under certain circumstances, these fines can climb even higher. The only exception is Heilongjiang province, where the fine is only pegged to a single year's income […].

'Several provinces still mandate employers to report, sanction, demote, deny promotions to, or even terminate employees who are discovered having more than two children. In many provinces, regulations deny violators access to financial assistance for pre-natal or childbirth expenses that they would have otherwise been entitled to.

'Recently, the National People's Congress (NPC) Standing Committee sent a letter to provincial governments in Fujian, Guangdong, Hainan, Jiangxi, and Yunnan provinces recommending that provisions in the Planned Birth regulations requiring the termination of employment for over-quota couples should be dropped.

'At this time the employee penalties associated with the two-child policy remain codified in Planned Birth regulations across the country. Regulations in at least ten provinces (Yunnan, Hainan, Guangdong, Guizhou, Fujian, Jiangxi, Liaoning, Hubei, Shanxi, and Qinghai) explicitly require the imposition of "administrative sanctions" on government employees who exceed their birth limit, up to and including demotion and dismissal from their posts. In the countryside, those elected to local village committees are automatically dismissed from their posts if they exceed their government-mandated, two-child limit.

'Some provinces, including Yunnan, Hainan, and Fujian, also seek to impose such punishments on employees working for private companies. That is to say, private companies are required to sanction and fire employees for becoming pregnant with, or actually giving birth to, an illegal child.

Migrant workers are being swept up in the two-child policy net as well. Planned Birth regulations in a number of provinces, including Guangdong and Hainan, require both employers and landlords to verify marriage license and birth permits as a condition of employing or renting to migrant workers and their families.'[21]

5.5.3 Freedom House, in its 'Freedom in the World 2018' report, (the 2018 Freedom House report) noted that:

'A legal amendment allowing all families to have two children – effectively abolishing the one-child policy that had long applied to most citizens – took effect in January 2016. Ethnic minorities are still permitted to have up to three children. While the authorities continue to regulate reproduction, the change means that fewer families are likely to encounter the punitive aspects of the system, such as high fines, job dismissal, reduced

[21] PRI, 'Forced Abortion Still Mandated Under China's "Planned Birth" Laws', 15 January 2018, url.

government benefits, and occasionally detention. Abuses such as forced abortions and sterilizations are less common than in the past.'[22]

5.5.4 The 2017 USSD report noted that:

'Citizens are subject to hefty fines for violating the law, while couples who have only one child receive a certificate entitling them to collect a monthly incentive payment and other benefits that vary by province--from approximately six to 12 yuan (one to two dollars) per month up to 3,000 yuan ($450) for farmers and herders in poor areas. Couples in some provinces are required to seek approval and register before a child is conceived.

'As in prior years, population control policy continued to rely on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations and, less frequently, coerced abortions and sterilizations. Officials at all levels could receive rewards or penalties based on whether or not they met the population targets set by their administrative region. With the higher birth limit, and since most persons wanted to have no more than two children, it was easier to achieve population targets, and the pressure on local officials was considerably less than before. Those found to have a pregnancy in violation of the law or those who helped another to evade state controls could face punitive measures, such as onerous fines or job loss.'[23]

5.5.5 The 2018 CECC report documented that

'During the Commission's 2018 reporting year, Chinese authorities continued to implement coercive population control policies that violate international standards.

'Officials reportedly continued to enforce compliance with family planning policies using methods including heavy fines, job termination, detention, and abortion.

'Some local authorities imposed targets, instructed family planning officials to carry out 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 demanded the collection of ''social compensation fees'' (shehui fuyang fei). In one example, a government report from Longhui county, Shaoyang municipality, Hunan, indicated that as of December 6, 2017, county authorities had carried out 290 ''birth-control' operations during the winter of 2017—204 IUD insertions, 19 sterilizations, and 67 abortions. County authorities also collected nearly 2.76 million yuan (approximately US$437,000) in ''social compensation fees.'[24]

Back to Contents

[22] Freedom House, 'Freedom in the World 2018', 15 March 2018, url.
[23] USSD, 'country report' (section 6), 20 April 2018, url.
[24] CECC, '2018 annual report', 10 October 2018, url.

5.6 Recent development on family planning policy

5.6.1 In August 2018 several news outlets reported that China appeared to be considering dropping their family planning policy. Reports commented that a Chinese state-run newspaper had stated that all content related to family planning has been dropped in a draft civil code, set to be completed by 2020, which being considered by top lawmakers[25] [26] [27] [28] [29].

5.6.2 The Population Research Institute (PRI) noted in an August 2018 article that:

'In recent months, the state-controlled media have been publishing "opinion pieces" about the need to reverse China's low birth rate. It wasn't so long ago that articles in the People's Daily were urging the masses to stop having children "for the good of the country." In a remarkable about face, articles are now published encouraging births. An article that recently appeared in the People's Daily asserted that increasing the birth rate is a matter of national concern, stating "the birth of a baby is not only a matter of the family itself, but is also an event of national importance." Similarly, a recent article published Xinhua News Agency criticized "young people who are unwilling to bear and raise children," saying that this shows that "the new pro-natal policies in support of two children families are absolutely necessary."'[30]

5.6.3 In September 2018 China Daily reported that

'Three departments responsible for implementing family planning policies have been removed from the new structure of the National Health Commission, the commission has announced on its website. […] The removal of the three departments that used to enforce family planning policies triggered public conjecture that the government may be planning to scrap long-standing limits on the number of children its citizens can have. "The restructuring doesn't mean that family planning will no longer exist," said Yuan Xin, a population studies expert at Tianjin's Nankai University. "But in the new era, the major tasks have shifted from birth control to providing comprehensive reproductive services in support of the development of families."'[31]

Back to Contents

5.7 Enforced abortion, sterilisation and birth control

5.7.1 According to the 2017 DFAT Report 'DFAT is aware of media reports that authorities have employed coercive practices (such as forced abortions, sterilisations or invasive medical inspections) in order to force compliance with family planning policies. DFAT considers credible local and international NGO reporting suggesting the incidence of coercive practices has reduced since the introduction of the two-child policy. There are, however, no reliable data on the frequency of coerced or forced abortions or sterilisations.'[32]

---

[25] The Guardian, 'China could scrap two-child policy', 28 August 2018, url.
[26] The Telegraph, 'China paves way to end two-child policy', 28 August 2018, url.
[27] Global Times, 'China's ending family planning policy 'a matter of time'', 22 May 2018, url.
[28] Thomson Reuters Foundation, 'Scrapping China's two-child policy', 29 August 2018, url.
[29] Reuters, 'China paves way to end family planning policy - state media', 28 August 2018, url.
[30] PRI, 'China Stepping Up Measures to Boost the Birth Rate', 28 August 2018, url.
[31] China Daily, 'Departments in family planning see reshuffle', 12 September 2018, url.
[32] DFAT, 'country report' (section 3.111), 21 December 2017, url.

5.7.2 The PRI article of January 2018 noted that:

'Women in China found pregnant with an over-quota child continue to face severe penalties, PRI has found. These penalties include, in many provinces, being forced to have an abortion. […] As a recent PRI on-the-ground investigation in China has revealed, in certain locales the two-child policy is being just as rigorously enforced as the one-child policy was. […] Planned Birth ordinances in many provinces mandate abortion for women pregnant with an unauthorized child. Regulations in Hunan, Liaoning, Hainan, and Henan provinces explicitly state that women who violate the policy must terminate their pregnancies

'Another prominent aspect of the post-two-child policy Planned Birth regulations is their continuing emphasis on eugenics. Several provinces explicitly require couples where one of the spouses is considered "unfit to reproduce" to be sterilized, and to abort any pregnancy that occurs. For instance, Article 43 of the Guizhou Planned Birth regulations reads:

> If either husband or wife suffers from a serious congenital defect, etc., and is, in the opinion of medical science, is unfit to reproduce, they must undergo sterilization; if already pregnant, she must terminate the pregnancy in timely fashion.

Similar language is found in the Planned Birth regulations of Fujian, Jiangxi, Hainan, and Shanxi provinces.'[33]

5.7.3 The 2017 USSD report noted that:

'There were reports of coerced abortions and sterilizations, though government statistics on the percentage of abortions that were coerced during the year was not available.

'State media claimed the number of coerced abortions had declined in recent years in the wake of loosened regulations, including the implementation of the two-child policy.

'The law maintains that "citizens have an obligation to practice birth planning in accordance with the law" and also states that "couples of child-bearing age shall voluntarily choose birth planning contraceptive and birth control measures to prevent and reduce unwanted pregnancies." After the transition to a two-child limit, the available mix of contraceptives shifted from mainly permanent methods like tubal ligation or IUDs toward other reversible methods.

'Regulations requiring women who violate the family planning policy to terminate their pregnancies still exist and were enforced in some provinces, such as Hubei, Hunan, and Liaoning. Other provinces, such as Guizhou, Jiangxi, Qinghai, and Yunnan, maintained provisions that require "remedial measures," an official euphemism for abortion, to deal with pregnancies that violate the policy.

'The law mandates that family planning bureaus administer pregnancy tests to married women of childbearing age and provide them with basic knowledge of family planning and prenatal services. Under the law schools

[33] PRI, 'Forced Abortion Still Mandated Under China's "Planned Birth" Laws', 15 January 2018, url.

are required to provide adolescent and sexual health education at an appropriate level, but in practice information is quite limited. Some provinces fined women who did not undergo periodic state-mandated pregnancy tests.

'Forced abortion is not specifically listed as a prohibited activity.'[34]

Back to Contents

5.8 Single and unmarried mothers

5.8.1 The Telegraph reported in a 2016 article that:

'In the case of unmarried couples, it can be avoided if the mother and father of the child marry within 60 days of the birth. Alternatively, they must pay a penalty that can range from a few thousand to tens of thousands of pounds – depending on where you live and how much you earn. For a single woman with few connections, little money, and no support, just the process leading up to and after the birth – not to mention the hardship of the actual labour – can be painful.' [35]

5.8.2 The article further noted that:

'Once you've proved that you are married and within legal rights to have a child (not violating the two-child policy) you can "establish a record" at a local hospital, allowing you to start the official process of tests and scans.

'The bills can be paid by health insurance or social security. But for single mothers, any medical insurance is defunct, since you are having a child "outside the law". If you cannot provide a birth permit, the money has to come out of your own pocket. Some hospitals may even turn you away. Little wonder then, that many unmarried mothers in China abandon their babies.'[36]

5.8.3 The 2017 DFAT Report noted that:

'Although China's Marriage Law states that children born outside of marriage have the same rights as those born to married parents, children born out of wedlock continue to be considered to be "outside of policy" under the two-child policy. Single mothers must pay social compensation fees and all medical expenses associated with giving birth. State subsidies for maternal and child services are available only with the permission of family-planning authorities, who require a proof of marriage. As a consequence, many single mothers give birth outside of medical facilities with associated complications for both mother and child. Single mothers can find it difficult to obtain birth certificates. Children born outside of policy are not eligible for hukou and the health and education services that registration provides.'[37]

5.8.4 PRI stated that 'For unmarried women who find themselves pregnant, the Chinese Government continues to enforce a zero-child policy, counting all unwed births as out-of-quota births unless they marry within 60 days after the child's birth.'[38]

---

[34] USSD, 'country report' (section 6), 20 April 2018, url.
[35] The Telegraph, 'China's new two-child policy will only help married women', 2 January 2016, url.
[36] The Telegraph, 'China's new two-child policy will only help married women', 2 January 2016, url.
[37] DFAT, 'country report' (section 3.112), 21 December 2017, url.
[38] PRI, 'Forced Abortion Still Mandated Under China's "Planned Birth" Laws', 15 January 2018, url.

5.8.5 The 2017 USSD report observed that:

'Single women are entitled to reproductive rights, and their children are entitled to the same rights as those born to married parents, according to both the Civil Law and Marriage Law. Since the national family planning law mentions only the rights of married couples, local implementation was inconsistent, and unmarried persons must pay for contraception. Children born to single mothers or unmarried couples are considered "outside of the policy" and subject to the social compensation fee and the denial of legal documents, such as birth documents and the "hukou" residence permit. Single women can avoid those penalties by marrying within 60 days of the baby's birth.'[39]

5.8.6 See also the section on Birth permit

Back to Contents

5.9 Children born overseas

5.9.1 An Australian Refugee Review Tribunal response, dated 29 April 2011, quoting the DFAT stated:

'"In order to apply for the child's household registration, the parents would be required to provide the following documentation: a Chinese translation of the child's birth certificate; the parents" household registration; ID cards; passports; certificate of marriage; and a receipt issued by the local Family Planning Committee to demonstrate that a family planning fee (also known as a social compensation fee) has been paid. This list of requirements is not comprehensive; the local authority may request more information or identification on a case-by-case basis.

'"Most provincial and municipal governments have stated that a family planning fee would be imposed for children born out of wedlock. The State Family Planning Commission authorises local governments to establish their own criteria when imposing family planning fees in each jurisdiction."'[40]

Back to Contents

5.10 Child gender selection

5.10.1 The Organisation for Economic Co-operation and Development (OECD), Social Institutions and Gender Index (SIGI): China 2014, described child gender selection as:

'[T]he result of a combination of the one-child policy and skewed economic growth, which has been linked to a social preference for sons that in turn has resulted in female sex-selective abortions, female infanticide or general neglect of girls in early childhood. While these practices are more prevalent in rural areas, they are also increasing in urban centres. A United Nations multi-agency publication reports that, in one survey in rural China, 36% of married women acknowledged undergoing sex-selective abortions. While there is some evidence of a gradual shift in attitudes, women in China

[39] USSD, 'country report' (section 6), 20 April 2018, url.
[40] Australia Refugee Review Tribunal, 'Country Advice- China', 29 April 2011, url.

continue to face enormous pressure to give birth to sons, particularly in rural areas.'[41]

5.10.2 Further adding:

'The Chinese government has taken measures to try and address this imbalance and reduce son bias. These include provisions in the 2002 National Population and Family-planning Law banning the use of ultrasounds to determine the sex of a foetus, and sex-selective abortions, as well as mistreatment and abandonment of female infants, and discrimination against women who give birth to girls. The Government also reports that it has instituted national and local-level campaigns to encourage people to change their attitudes regarding the benefits of male over female offspring, and providing financial assistance to couples who only have girl children.'[42]

5.10.3 The 2017 USSD report noted that 'The law also prohibits health-care providers from providing illegal surgeries, ultrasounds to determine the sex of the fetus that are not medically necessary, sex-selective abortions, fake medical identification, and fake birth certificates. By law citizens may submit formal complaints about officials who exceed their authority in implementing birth-planning policy, and complaints are to be investigated and dealt with in a timely manner.'[43]

Back to Contents

6. Documentation

6.1 Birth permit

6.1.1 The Immigration and Refugee Board of Canada (IRB), citing various sources noted in a response to an information request in June 2016 that:

'[…] a "birth permit", also referred to as a "birth service certificate," "family planning certificate" or "family planning service permit" is required before the birth of a child.

'"unlike a birth certificate in other countries, which indicates [that] birth registration has taken place, in China this certificate means that the state authorises a birth", […] the document is obtained through the Population and Family Planning Commission" usually when the mother is pregnant but this can take place afterwards".'[44]

6.1.2 The Telegraph noted in January 2016 that:

'As part of the nation's population control programme, every expectant mother needs a "birth permit" (zhunshen zheng) that says yes, you can have a child now. This permit gets you prenatal medical care and allows you to legally register your child once he, or she, is born. Navigating the system without a marriage certificate is a huge hassle. To obtain a birth permit, the IDs of both parents are required, including the husband and wife's household registration documents (hukou).' [45]

[41] OECD, 'Social Institutions and Gender Index: China 2014', url.
[42] OECD, 'Social Institutions and Gender Index: China 2014', url
[43] USSD, 'country report' (section 6), 20 April 2018, url.
[44] Immigration and Refugee Board of Canada, 'China information request', 29 June 2016, url.
[45] The Telegraph, 'China's new two-child policy will only help married women', 2 January 2016, url.

6.1.3 See also the section on Single mothers.

Back to Contents

6.2 Hukou (registration) system

6.2.1 As reported by The Telegraph in January 2016:

'Perhaps the biggest hurdle that single mothers in China face actually comes after the birth: legally registering your child, or getting him/her a hukou. Without these registration documents your child isn't entitled to any state benefits, such as free education, health care, or even a job as an adult. Without a hukou, a person can't travel on trains, use internet cafes, or even buy a mobile phone SIM card. And to obtain it? You need a birth certificate, which requires details of the father (Hubei province is the exception …'[46]

6.2.2 The CECC 2017 report noted that:

'During this reporting year, central and local governments continued to implement household registration (hukou) reforms to register ''illegal residents'' (heihu), a term commonly used to refer to people who lack hukou in China. According to 2010 national census data, over 60 percent of the 13 million ''illegal residents'' were people born in excess of birth quotas. Other reports indicated that the number of ''illegal residents'' might be higher than 13 million. ''Illegal residents'' face considerable difficulty accessing social benefits typically afforded to registered citizens. The People's Daily reported in March 2017 that approximately 14 million ''illegal residents'' had registered for hukou since November 2012. Some ''illegal residents,'' however, reportedly continued to face difficulty in registering for hukou, including those born to unmarried parents.'[47]

6.2.3 According to the 2017 DFAT Report:

'The hukou (or household registration) system ties access to services including health and education to an individual's place of birth or, in some circumstances, their parent's place of birth. According to national law, children born before 1 January 2016 have a right to household registration and access to health and education services. Some provinces, including Fujian, Shandong and Zhejiang, prohibit local authorities from requiring payment of social compensation fees as a prerequisite for accepting an application for a hukou. Children whose unauthorised birth might previously have gone unregistered are now by law able to apply for a hukou irrespective of whether their parents have paid the relevant fees.'[48]

6.2.4 The same source added:

'In practice, implementation at the local level of these laws and regulations (including provincial regulations) varies. Parents denied registration in contravention of provincial regulations or national law can, in theory, seek legal redress, but are then subject to the general conditions governing protection against abuse of power by officials. Chinese authorities have

[46] The Telegraph, 'China's new two-child policy will only help married women', 2 January 2016, url.
[47] CECC, '2017 annual report', 5 October 2017, url.
[48] DFAT, 'country report' (section 3.109), 21 December 2017, url.

regarded public opposition to family planning policies as provocative and treated petitioners and their advocates as political opponents.'[49]

6.2.5 The USSD 2017 report, noted that, 'Parents must register their children in compliance with the national household registration system within one month of birth. Unregistered children could not access public services, including education.' [50]

6.2.6 For more information on the Hukou system see also Country policy and information note: background information, including actors of protection and internal relocation.

Back to Contents

6.3 Unregistered children (Heihaizi/ 'black children')

6.3.1 In 2015 China's state media reported that it would allow millions of unregistered citizens, many of them children known as 'black children' born in violation of the one-child policy, 'to obtain documents vital to secure education and health services long denied to them'.[51]

6.3.2 Blasting News, an independent global magazine, described in a 2016 article, a 'black child' as being 'deprived of a Hukou - a legal document that serves as identification quite similar to a social security number through which one can avail government benefits.' It added: 'If you want to legalize your child, you have to pay a hefty fine which the government calls a "social maintenance fee." Unable to do so will see your child be termed as a "black child".'[52]

6.3.3 The article further noted:

'Lives of these children are often miserable. They do not have a right to pursue education, are deprived of health care, a formal job or a legal marriage, living for all intents and purposes, as second-class citizens in their own country. As a result of these dire and unforgiving circumstances, the Heihaizi often resort to transgression, working with organized crime syndicates in prostitution, drugs trafficking, extortion, etc. It is no secret as well that some parents sell these children on the black market for money.'[53]

6.3.4 Further adding:

'According to 2010's census, there were approximately 13 million "black children" in China, although several demographers believe the actual number may well be twice that. What the Chinese government did not realize was that the one-child policy would one day bring about a severe gender imbalance and age growth. Today, Chinese men outnumber women by a whopping 33 million meaning that millions of Chinese Men will never experience the joys of marriage.'[54]

Back to Contents

[49] DFAT, 'country report' (section 3.110), 21 December 2017, url.
[50] USSD, 'country report' (section 6), 20 April 2018, url.
[51] The Guardian, 'China- rights to citizens born in violation of one-child policy', 10 December 2015, url.
[52] Blasting News, 'Heihaizi - China's miserable black children', 16 November 2016, url.
[53] Blasting News, 'Heihaizi - China's miserable black children', 16 November 2016, url.
[54] Blasting News, 'Heihaizi - China's miserable black children', 16 November 2016, url.

Terms of reference

A ‘Terms of Reference’ (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the country information section. The Home Office’s Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Demography
- Legal context
    - Protections
    - Legislation
    - Contraventions of international law
- Family planning policy
    - Brief history of the ‘one-child policy’
    - Implemetation of the one-child policy
    - Implementation of the two child policy
    - Impact of the family planning policy
    - Enforcement of the family planning policy
    - Enforced abortion, sterilisation and birth control
    - Single mothers
    - Children born overseas
    - Child gender selection
- Documentation
    - Birth permit
    - Hukou (registration) system
    - Unregistered children (Heihaizi/ ‘black children’)

Back to Contents

Bibliography

Sources cited

Australian Department for Foreign Affairs and Trade (DFAT), 'Country Report for 2017', 21 December 2017, http://dfat.gov.au/about-us/publications/Documents/country-information-report-china.pdf. Last accessed: 23 July 2018

Australia Refugee Review Tribunal, 'Country Advice- China', 29 April 2011, http://www.refworld.org/publisher,AUS_RRT,,CHN,4f10351f2,0.html. Last accessed 25 July 2018

Blasting News, 'Heihaizi - China's miserable black children', 16 November 2016, http://uk.blastingnews.com/world/2016/11/heihaizi-china-s-miserable-black-children-001261241.html. Last accessed: 31 August 2018

Center for Public Impact, 'The one child policy in China', 10 April 2017, https://www.centreforpublicimpact.org/case-study/chinas-one-child-policy/. Last accessed: 24 July 2018

Central Intelligence Agency (CIA) World Factbook, 'China', updated 12 July 2018, https://www.cia.gov/library/publications/the-world-factbook/geos/ch.html. Last accessed: 23 July 2018

China Daily, 'Departments in family planning see reshuffle', 12 September 2018, https://www.chinadailyasia.com/articles/112/95/139/1536717884242.html?newsId=47876. Last accessed: 1 October 2018

Congressional Executive Commission on China,

'2017 Annual report', 5 October 2017, https://www.cecc.gov/publications/annual-reports/2017-annual-report. Last accessed: 24 July 2018

'2018 Annual report, 10 October 2018, https://www.cecc.gov/publications/annual-reports/2018-annual-report. Last accessed 19 October 2018

Constitution of the People's Republic of China, http://www.npc.gov.cn/englishnpc/Constitution/node_2825.htm. Last accessed: 23 July 2018

Global Time, 'China's ending family planning policy 'a matter of time': observer, http://www.globaltimes.cn/content/1103617.shtml. Last accessed: 24 September 2018

The Guardian

'China promises rights to citizens born in violation of one-child policy', 10 December 2015, https://www.theguardian.com/world/2015/dec/10/china-promises-rights-citizens-born-violation-one-child-policy. Last accessed: 31 August 2018

'China could scrap two-child policy, ending nearly 40 years of limits', 28 August 2018, https://www.theguardian.com/world/2018/aug/28/china-could-scrap-two-child-policy-ending-nearly-40-years-of-limits?CMP=twt_gu. Last accessed: 24 September 2018

Immigration and Refugee Board of Canada (IRB), Research Directorate, 'China: Information on birth registration for children born out of wedlock; whether the name

of the father appears on the birth certificate if the child is born out of wedlock; what information may appear on the birth certificate if the father is unknown; whether the father's name may be added to the child's birth certificate by referring to the father's Resident Identity Card, particularly relating to Henan Province birth certificates (2010-June 2016)', 29 June 2016, http://www.refworld.org/docid/5821defa4.html. Last accessed: 25 July 2018

Organisation for Economic Co-operation and Development (OECD), Social Institutions and Gender Index: China 2014, http://www.genderindex.org/country/china/. Last accessed: 25 July 2018

Population Research Institute (PRI),

'Forced Abortion Still Mandated Under China's "Planned Birth" Laws', 15 January 2018, https://www.pop.org/forced-abortion-still-mandated-chinas-planned-birth-laws/. Last accessed: 1 October 2018

'China Stepping Up Measures to Boost the Birth Rate', 28 August 2018, https://www.pop.org/china-stepping-up-measures-to-boost-the-birth-rate/. Last accessed: 9 October 2018

Reuters, 'China paves way to end family planning policy - state media', 28 August 2018, https://uk.reuters.com/article/uk-china-population/china-paves-way-to-end-family-planning-policy-state-media-idUKKCN1LD07F. Last accessed: 19 September 2018

The Telegraph

'China's new two-child policy will only help married women. Single mums can forget it', 2 January 2016, https://www.telegraph.co.uk/women/life/chinas-new-two-child-policy-will-only-help-married-women-single/. Last accessed: 25 July 2018

'China paves way to end two-child policy', 28 August 2018, https://www.telegraph.co.uk/news/2018/08/28/china-paves-way-end-two-child-policy/. Last accessed: 24 September 2018

Thomson Reuters Foundation, 'Scrapping China's two-child policy boosts hope to end bride trafficking', 29 August 2018, http://news.trust.org/item/20180829075020-7rt64/. Last accessed: 24 September 2018

UN Committee on the Convention of the Rights of the Child, Report, in its Concluding observations on the combined third and fourth periodic reports of China, adopted by the Committee at its sixty-fourth session (16 September–4 October 2013), 29 October 2013, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/CHN/CO/3-4&Lang=En. Last accessed: 23 July 2018

The UN Committee on the Elimination of Discrimination against Women (CEDAW) in its 'Concluding observations on the combined seventh and eighth periodic reports of China', dated 14 November 2014, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/CHN/CO/7-8&Lang=En. Last accessed: 23 July 2018

US Library of Congress, 'China: Two Child Policy Becomes Law', 8 January 2016, http://www.loc.gov/law/foreign-news/article/china-two-child-policy-becomes-law/. Last accessed: 23 July 2018

US State Department (USSD), 'Country Report on Human Rights Practices for 2017', China, 20 April 2018, https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dlid=277073#wrapper. Last accessed: 31 August 2018

Back to Contents

Sources consulted but not cited

China Daily, 'Family planning reform shifts the focus to healthy population growth', 13 September 2018, http://usa.chinadaily.com.cn/a/201809/13/WS5b999f15a31033b4f4655b7b.html. Last accessed: 2 October 2018

The Diplomat, 'Despite Policy Reforms, Barriers to Obtaining Hukou Persist', 27 February 2016, https://thediplomat.com/2016/02/despite-policy-reforms-barriers-to-obtaining-hukou-persist/. Last accessed: 31 August 2018

US State Department (USSD), 'Country Report on Human Rights Practices for 2016', China, 3 March 2017, https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265328#wrapper. Last accessed: 31 August 2018

Scientific American, 'Chinas embrace of embryo selection raises thorny questions', 16 August 2017, https://www.scientificamerican.com/article/chinas-embrace-of-embryo-selection-raises-thorny-questions/. Last accessed: 2 October 2018

The Telegraph, 'China's 'leftover women': What it's really like being unmarried at 30', 11 April 2016, https://www.telegraph.co.uk/women/life/chinas-leftover-women-what-its-really-like-being-unmarried-at-30/. Last accessed: 2 October 2018

Back to Contents

Version control

Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **12 November 2018**

Changes from last version of this note

Primarily COI and assessment updated to include information about single mothers.

Back to Contents