

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** CHN34917  
**Country:** China  
**Date:** 16 June 2009

Keywords: China –Forced Sterilisation – Fujian – China

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**Questions**

- 1. Please provide brief information as to whether there are enforced sterilisations occurring in Fujian province, and if so, how widespread are they and are they unofficially sanctioned?**
- 2. Please provide information about the likely treatment of older women who in the past had breached the “One Child Policy” and avoided sterilization.**

**RESPONSE**

- 1. Please provide brief information as to whether there are enforced sterilisations occurring in Fujian province, and if so, how widespread are they and are they unofficially sanctioned?**

Information for this question has been provided on the following two topics:

- [Forced sterilisation in Fujian](#)
- [Recent reports of forced sterilisation in China](#)

**Forced sterilisation in Fujian**

Reports of forced sterilisations occurring in Fujian in the post 2005 period were located in the sources consulted. However, no recent specific information was found in the sources consulted as to how widespread forced sterilisation is within Fujian province. Sources consulted indicate that there is a lack of media reporting and independent information regarding the practise of forced sterilisation in China. The Department of Foreign Affairs and Trade (DFAT) have also recently advised that the implementation of family planning can vary at the local level and can depend upon “the particular couple in question, on a case-by-case basis”. DFAT advice from September 2004 states that while they understand that forced sterilisations occur in Fujian these incidents are much rarer than in the 1980’s. No

information was found in the sources consulted as to whether forced sterilisation is unofficially sanctioned in Fujian province (DIAC Country Information Service 2009, *CIS Request CHN9645: Overseas born children of Chinese nationals*, (sourced from DFAT advice of 28 April 2009), 28 April – Attachment 1; DIAC Country Information Service 2009, *CIS Request No.9656: Economic sanctions applied to breaches of the One Child Policy, Fujian Province*, (sourced from DFAT advice of 28 April 2009), 28 April – Attachment 2; Bayron, H. 2006 ‘Experts: China’s One-Child Population Policy Producing Socio-Economic Problems’, *Voice of America*, 7 March <http://www.voanews.com/english/archive/2006-03/2006-03-07-voa38.cfm?cfid=278034385&cftoken=83505359> – Accessed 5 March 2008 – Attachment 3; Immigration and Refugee Board of Canada 2005, *CHN43165.E – China: Any reports of forced abortions and forced sterilization within the regions of Guangzhou (Guangdong Province) and Fuzhou (Fujian Province) covered by the urban hukou; any reports of an easing or a tightening of family planning regulations since 2002 (2002-2005)*, 21 February <http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416251> – Accessed 29 May 2009 – Attachment 4; Department of Foreign Affairs and Trade 2004, *DFAT Report 317 – RRT Information Request: CHN16905*, 2 September – Attachment 5).

The population and family planning regulations for Fujian province do not require compulsory sterilisation for couples who have out of plan children. However, the regulations state that those who have out of plan pregnancies “should take remedial action in time” and that the relevant committees and units “should urge them to take remedial measures in time”. Article 18 of the regulations states that:

The couple that are capable of giving birth to a child should take one of the long-term effective contraceptive measures and accept the examination and inspection of pregnancy and childbirth. Specific measures shall be formulated by the family planning administrative department of the province and submitted to the provincial people’s government for approval and then put into practice.

Those who have become pregnant in violation of this Regulation should take remedial measure in time. Villagers’ committees or the resident’s committees or their units should urge them to take remedial measures in time (*Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website – Attachment 6).

A DFAT report dated 28 April 2009 provides advice on reports of forced sterilisation in Fujian province. DFAT state that they are aware of one unconfirmed report of forced sterilisation in Fujian province in the post 2005 period. DFAT also state that they are unaware of any post 2005 incidents in which mothers who have had unauthorised births overseas have been forcibly sterilised upon return to Fujian. DFAT advise however, that “there is little, if any, media reporting on this issue”. DFAT provide the following advice on reports of forced sterilisation in Fujian:

QUESTIONS [06/03/2009]:

Q1. Does the post have information on recent cases (post-2005) in Fujian Province of forced sterilisation of mothers who have given birth to children outside the plan in Fujian?

Q2. Does the post have information on recent cases (post-2005) in Fujian Province of forced sterilisation of mothers who have given birth to children outside the plan overseas, and who return to Fujian Province?

RESPONSES: [24/04/09]:

Recent cases (post 2005) in Fujian Province of forced sterilization of mothers who have given birth to children outside of the one child policy, while in Fujian.

R1 (a). According to local bulletin board service (BBS) posts in August 2006 there was a reported case of forced sterilization in Minhou County, Fuzhou City, Fujian Province.

R1 (b). BBS posts stated that Mrs Qiu fell unexpectedly pregnant with a due date of 30 August 2006. Mrs Qiu was required to undergo regular health inspections, however Mrs Qiu reportedly avoided inspection during this pregnancy. A week before the birth of this child, the Population and Family Planning Commission of the town became aware of Mrs Qiu's situation. On 22 August, Mrs Qiu was sent to the hospital by force, where officials from the family planning commission forced an induced labour. The Qiu family reportedly agreed to pay the relevant fine irrespective of cost, and that Mrs Qiu would undergo a sterilization operation after giving birth, regardless of the gender of the new child. Post could not confirm if this sterilization operation actually occurred.

R2. Post could not find any instances to report

...On forced sterilization Post has only been able to obtain information from BBS posts, whose veracity cannot be confirmed. There is little, if any, media reporting on this issue (DIAC Country Information Service 2009, *CIS Request CHN9645: Overseas born children of Chinese nationals*, (sourced from DFAT advice of 28 April 2009), 28 April – Attachment 1).

The above DFAT report also provides advice on the situation for a couple returning to Fujian and China more generally with additional children born overseas. The report states that "if the family in question has extra children overseas beyond the regulations of the one child policy, according to policy they could be fined after they return to China. If the mother is pregnant when she returns to China, it is possible she would be forced to undergo sterilization procedures to prevent subsequent pregnancies". However, DFAT report that the implementation of family planning at the provincial and local level is variable. The following extracts from the DFAT report relate to forced sterilisation in Fujian and wider China:

**If a Chinese family already has one child, but has more children overseas, what is their position in regards to the One Child Policy?**

**...How would this family be treated in regards to the current forced sterilization practice in Fujian?**

...If the family in question has extra children overseas beyond the regulations of the one child policy, according to policy they could be fined after they return to China. If the mother is pregnant when she returns to China, it is possible she would be forced to undergo sterilization procedures to prevent subsequent pregnancies.

#### **Comment**

On forced sterilization Post has only been able to obtain information from BBS posts, whose veracity cannot be confirmed. There is little, if any, media reporting on this issue. China's one child policy may be consistent at the central government level, but there is the possibility of varying applications of this policy at the provincial and local government level. These variations may also depend on the particular couple in question, on a case-by-case basis.

Post has had some limited contact with Chinese citizens with several children, but to Post's knowledge considerations of forced sterilization were not raised. It would be difficult to draw a definitive conclusion from the information resources Post has available. Although Post cannot discount the possibility of forced sterilization, Post has the impression that it is not a widespread practice. Beijing Embassy has been consulted on this cable, and has no further comment (DIAC Country Information Service 2009, *CIS Request CHN9645: Overseas born children of Chinese nationals*, (sourced from DFAT advice of 28 April 2009), 28 April – Attachment 1).

Another DFAT report, also dated 28 April 2009 provides information on the reported forced sterilisation of a father in Fujian following the birth of a third child. DFAT provided the following information on the forced sterilisation as reported on a local bulletin board service:

According to a local bulletin board service (BBS) post dated 24 February 2009, a Fujian mother seven months pregnant was detained by her local Family Planning Commission in Changle city. Although this family already had two daughters, the unborn baby was male and the grandparents were "eager for a grandson." The mother was reportedly ordered to have an abortion, but the father claims to have paid RMB 80,000 to an official to keep the child. However, the father was ordered to undergo forced sterilization. The father concludes his BBS post by enquiring if monetary payments could also prevent sterilization (DIAC Country Information Service 2009, *CIS Request No.9656: Economic sanctions applied to breaches of the One Child Policy, Fujian Province*, (sourced from DFAT advice of 28 April 2009), 28 April – Attachment 2).

The US Department of State (USDOS) 2007 *China Profile of Asylum Claims and Country Conditions* provides information on the enforcement of the one child policy in Fujian. The report states that according to the Fujian Province Birth Planning Committee (FPBPC) "there have been no cases of forced abortion or sterilization in Fujian in the last 10 years". However, the USDOS report states that "it is [im]possible to confirm this claim, and, in 2006, reportedly there were forced sterilisations in Fujian". The report also states that "Chinese birth planning officials admit the possibility of 'overzealous' officials exceeding their authority, but they assert that such behaviour is neither the norm nor sanctioned by the government". The report provides the following information on the implementation of family planning in Fujian:

According to the Fujian Province Birth Planning Committee (FPBPC), there have been no cases of forced abortion or sterilization in Fujian in the last 10 years. It is [im]possible to confirm this claim, and, in 2006, reportedly, there were forced sterilizations in Fujian. Hundreds of asylum applicants from Fujian claim that forced abortions and sterilizations continue to the present day. The FPBPC acknowledged that during the 1980s and early 1990s there were isolated cases of forced abortion and sterilization. Since that time, the FPBPC asserts that it has insisted that all men and women who undergo surgical procedures provide informed, written consent before surgery. Local physicians in contact with the U.S. Consulate General in Guangzhou report that they have not seen signs of forced abortions or sterilization among their patients from Fujian and Guangzhou Provinces since the 1980s. However, Gao Xiaoduan, a former birth control planning officer in Yonghe Town, Jianjing Municipality, Fujian Province, told a subcommittee of the U.S. House of Representative in June 1998 that the birth planning office where she worked was performing involuntary abortions and sterilizations as late as 1998. Gao stated that "planned birth supervision teams" often carried out nighttime raids on the homes of suspected violators of birth planning policy and dismantled their homes. Female violators apprehended during these nighttime raids would have sterilization or abortion procedures performed on them against their will. More recently, a hospital director in Changle, Fujian, stated that the hospital would take "measures" (unspecified) to induce some patients to undergo abortions in the name of compliance with the birth planning law. Consulate General officials visiting Fujian have found that coercion

through public and other pressure has been used, but they did not find any cases of physical force employed in connection with abortion or sterilization. In interviews with visa applicants from Fujian, representing a wide cross-section of society, Consulate General Officers have found that many violators of the one-child policy paid fines but found no evidence of forced abortion or property confiscation.

...The FPBPC asserts that parents cannot be sterilized if they are unable or refuse to pay the fee.

...Chinese birth planning officials admit the possibility of 'overzealous' officials exceeding their authority, but they assert that such behaviour is neither the norm nor sanctioned by the government (US Department of State 2007, *China: Profile of Asylum Claims and Country Conditions*, Political Asylum Research and Documentation Service website, May, pp. 41 – 44 [http://www.pards.org/paccc/china\\_may\\_2007.doc](http://www.pards.org/paccc/china_may_2007.doc) – Accessed 4 March 2008 – Attachment 7).

A March 2006 article by the *Voice of America* reports that in October 2005 a woman in Fujian province who had a second child in contravention of family planning regulations was forcibly sterilised four days after giving birth (Bayron, H. 2006, 'Experts: China's One-Child Population Policy Producing Socio-Economic Problems', *Voice of America*, 7 March <http://www.voanews.com/english/archive/2006-03/2006-03-07-voa38.cfm?cfid=278034385&cftoken=83505359> – Accessed 5 March 2008 – Attachment 3).

With respect to the Fuzhou region of Fujian province a report by the Immigration and Refugee Board of Canada (IRB) published in February 2005 did not find reports of specific incidents of forced abortions and sterilisation. The IRB provide information on the difficulties in obtaining independent information on forced sterilisation and abortion in China. The report contains the following information:

Reports of specific incidents of forced abortions or forced sterilization in the regions of Guangzhou and Fuzhou could not be found among the sources consulted by the Research Directorate. However, the following information may be of interest.

Amnesty International (AI), in an 8 October 2004 article, commented that human rights organizations have not been able to conduct independent research on allegations of forced sterilization and abortion in China due to strict control of information by the authorities. Likewise, a lecturer in international relations at the University of Kent who recently co-authored a book on China's "surplus" male population noted in correspondence to the Research Directorate that information about forced sterilization and abortions "is very difficult to collect," and Chinese experts are sometimes reluctant to speak about such a "sensitive" issue (13 Jan. 2005) (Immigration and Refugee Board of Canada 2005, *CHN43165.E – China: Any reports of forced abortions and forced sterilization within the regions of Guangzhou (Guangdong Province) and Fuzhou (Fujian Province) covered by the urban hukou; any reports of an easing or a tightening of family planning regulations since 2002 (2002-2005)*, 21 February <http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416251> – Accessed 29 May 2009 – Attachment 4).

On 2 September 2004 DFAT provided advice on family planning in Fujian. DFAT reported that while they understand that compulsory abortions and sterilisations occur in Fujian, that 'such measures are much rarer than in the 1980s' and are not listed in the Fujian family planning regulations. DFAT reports that:

We understand that compulsory abortions and sterilisations occur in Fujian, but that such measures are much rarer than in the 1980s. Fujian's provincial regulations on population and family planning do not impose compulsory abortion or sterilisation for people with a history of out-of-quota births, but rather observe that guidance on birth control methods and family planning should be available to all to prevent out-of-quota births. Furthermore, in present day China, particularly in provinces such as Fujian and Guangdong, sanctions relating to family planning can be avoided through payment of a fee to local authorities, parts of which may be both above and below the table. Such fees are generally not excessive by middle-class Chinese standards, though fees vary from locality to locality (Department of Foreign Affairs and Trade 2004, *DFAT Report 317 – RRT Information Request: CHN16905*, 2 September – Attachment 5).

On 22 April 2004 the DFAT advised that “the post found no record of enforced sterilisation of women in Fujian since the early 1990s”. DFAT provided the following advice on the enforcement of the one child policy in Fujian:

The Family Planning Law in Fujian is regulated by a mixture of national, provincial and local laws and rules. Enforcement is by local authorities and evidence suggests that some local governments enforce family planning rules more vigorously than others. This has created a patchwork of different rules and enforcement across the province. Family planning rules are more strictly enforced in the larger cities such as Xiamen and Fuzhou, than in the poorer countryside. The rules are also more strictly enforced in areas where state-owned industry is stronger, such as the steel making city of Sanming, than in the mountainous or coastal fishing areas. In general, however, Fujian has one of the least coercive family planning regimes in China. In rural areas of Fujian more than half of all families have more than one child. The number of one child families is greater in the larger cities. However, even here, multiple child families are not unknown.

...The post found no record of enforced sterilisation of women in Fujian since the early 1990s (Department of Foreign Affairs and Trade 2004, *DFAT Report 287 – RRT Information Request: CHN16609*, 22 April – Attachment 8).

### **Recent reports of forced sterilisations in China**

Sources consulted report that while forced sterilisations are illegal in China there continue to be reports of local officials using physical coercion to enforce sterilisations. Reports indicate that local family planning officials have conducted forced sterilisations due to pressure to meet strict government family planning targets and quotas. No specific information was found in the sources consulted as to how widespread or common forced sterilisation is in China. A 2008 report by Freedom House states that forced sterilisations and abortions in China are “far less common than in the past”. Advice on forced sterilisation from Dr Alice De Jonge, dated October 2004, states that “the degree of coercion involved varies widely from woman to woman and from district to district in China. While not all reported cases that have emerged can be verified, the number of such reports cannot be discounted”. No information was found in the sources consulted as to whether forced sterilisations are unofficially sanctioned in China. However, a 2008 report from Amnesty International states that officials responsible for forced abortions and sterilisations “are rarely prosecuted” (US Department of State 2009, *Country Reports on Human Rights Practices 2008 – China*, 25 February, Sections 1.f & 3 – Attachment 9; Amnesty International 2008, *People's Republic of China: Briefing for the Committee against Torture in advance of their consideration of China's fourth periodic report, 3-21 November 2008*, ASA 17/094/2008, Article 4 <http://www.amnesty.org/en/library/asset/ASA17/094/2008/en/bae00ac3-8f0b-11dd-8d03-3f760a3cc4a3/asa170942008en.html> – Accessed 16 June 2009 – Attachment 10; Department

of Foreign Affairs and Trade 2008, *DFAT Report No.861 – China: RRT Information Request: CHN33538*, 8 August – Attachment 11; Freedom House 2008, *Freedom in the World – China (2008)*, 2 July – Attachment 12; Jonge, A. 2005, ‘Brief Background to current family planning law and policy’, October – Attachment 13).

The USDOS *Country Reports on Human Rights Practices 2008* provides an overview of family planning practises in China. The report states that “in the case of families that already had two children, one parent was often pressured to undergo sterilisation”. The report also states that while forced sterilisations are illegal, family planning targets have led some local officials to use “physical coercion” to enforce sterilisations. The USDOS provides the following information:

The government continued its coercive birth limitation policy, in some cases resulting in forced abortion or forced sterilization.

...The country’s population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures. Those who violated the child limit policy by having an unapproved child or helping another do so faced disciplinary measures such as social compensation fees, job loss or demotion, loss of promotion opportunity, expulsion from the party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of private property. In the case of families that already had two children, one parent was often pressured to undergo sterilization. The penalties sometimes left women with little practical choice but to undergo abortion or sterilization.

...The law prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations resulted in instances of local birth-planning officials using physical coercion to meet government goals. Such practices required the use of birth control methods (particularly intrauterine devices and female sterilization, which according to government statistics, accounted for more than 80 percent of birth control methods employed), and the abortion of certain pregnancies (US Department of State 2009, *Country Reports on Human Rights Practices 2008 – China*, 25 February, Sections 1.f & 3 – Attachment 9).

A November 2008 article by Amnesty International states that:

Reports persist of local authorities forcing women to undergo abortions or sterilizations in pursuit of birth quotas under China’s strict family planning policies. While such practices are clearly intentional, cause much suffering, and are inflicted for discriminatory reasons, officials responsible for such practices are rarely prosecuted (Amnesty International 2008, *People’s Republic of China: Briefing for the Committee against Torture in advance of their consideration of China’s fourth periodic report, 3-21 November 2008*, ASA 17/094/2008, Article 4 <http://www.amnesty.org/en/library/asset/ASA17/094/2008/en/bae00ac3-8f0b-11dd-8d03-3f760a3cc4a3/asa170942008en.html> – Accessed 16 June 2009 – Attachment 10).

On 8 August 2008 DFAT advised on forced sterilisation in Jiangsu province:

Local enforcement of regulations can vary considerably and Post assesses that it is possible that while relevant regulations do not permit forced sterilisations under any circumstances in Jiangsu province, zealous officials or residents’ committees authorised by local government authorities could resort to illegal enforcement measures. We are aware of some media reports (though no recent reports) of forced sterilisations, typically in poor and rural areas outside of Jiangsu province. However, such reports rarely surface in official media. Lin’s comments, noted in paragraph 8 above, that Government authorities are “much more relaxed” than they

used to be about out-of-plan births seem accurate, especially in affluent Jiangsu, where out-of-plan births are significant and increasing (Department of Foreign Affairs and Trade 2008, *DFAT Report No.861 – China: RRT Information Request: CHN33538*, 8 August – Attachment 11).

According to a Freedom House report for 2008 “compulsory abortion or sterilization by local officials citing family-planning rules still occurs but is illegal and far less common than in the past” (Freedom House 2008, *Freedom in the World – China (2008)*, 2 July – Attachment 12).

A July 2007 guidance note by the UK Home Office provides advice on the assessment of family planning asylum claims. The guidance note provides the following information on forced sterilisation in China:

The Chinese government formally prohibits the use of physical coercion to compel persons to submit to abortion or sterilisation. However, forced sterilisations 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 sterilised. In some cases, they may be asked to go to a hospital under other pretences, or sterilised without consent (UK Home Office, Border and Immigration Agency 2007, *Operational Guidance Note: China*, 12 July, pp.4-5  
<http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/china.jpg?view=Binary> – Accessed 29 May 2009 – Attachment 14).

A May 2007 report by the IRB provides information on continued reports of forced sterilisation in China:

News media and human rights sources indicate that China’s one-child policy has led to human rights abuses in the country, including forced abortions and sterilizations (*The Washington Post* 24 Jan. 2007; NPR 17 Oct. 2006; ACCORD 17 Mar. 2006; AI 23 May 2006). According to Amnesty International (AI), “[d]espite laws prohibiting such practices [in China], many women continue to be subjected to forced abortions and sterilizations by local authorities attempting to comply with strict family planning policies” (ibid.; US 6 Mar. 2007, Sec. 1.f; ibid. 20 Sept. 2006, 111).

The 2006 annual report of the United States (US) Congressional-Executive Commission on China (CECC) similarly notes that Chinese officials “continue to use physical coercion, or threat of physical coercion, to enforce compliance” with the one-child policy (ibid.). According to the report, means employed to enforce the policy include “forced abortions, sterilization, and implantation of contraceptive devices” (ibid.). The government also reportedly enforces the policy through the use of group benefits and rewards, which affect, for example, a village, factory, or work unit so that women violating the one-child policy may feel ostracized and pressured into having an abortion (ibid.).

...According to a China expert from Germany, cited in a 17 March 2006 report on China of the 10th European Country of Origin Information Seminar, the penalties for “unauthorized” pregnancies may include fines as well as loss of employment, housing, or other property (ACCORD 17 Mar. 2006, 15). The expert also states that

[t]he provinces [of] Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, and Ningxia require the termination of pregnancy if the pregnancy violates the family-planning law. The regulations of Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan have other [unspecified] punishments for contraventions. It is very common not only to

terminate out-of-plan pregnancies, but also to sterilize one of the parents. (ibid.; see also US 6 Mar. 2007)

*Country Reports on Human Rights Practices for 2006* indicates that in 2006, forced sterilizations and abortions continued to be reported in rural areas of China (US 6 Mar. 2007, Sec. 1.f). In 2005 and 2006, there were reports of forced abortions in Hebei and Anhui, and of forced sterilizations of women in Chongqing municipality and Fujian province (US 20 Sept. 2006, 111; see also US 6 Mar. 2007).

...In 2005, legal activist Chen Guangcheng was detained after trying to expose family planning abuses taking place in Linyi City [Shandong province], including forced late-term abortions and forced sterilization of at least 7,000 people (AFP 10 Aug. 2006; US 6 Mar. 2007, Sec. 1.f; see also BBC 20 Sept. 2005). In August 2006, Chen was sentenced to a jail term of four years and three months for allegedly damaging property and disrupting traffic, charges his supporters have called “fabricated” and “politically-motivated” (BBC 1 Dec. 2006; see also US 6 Mar. 2007, Sec. 1.f).

...Information on the forced sterilization of men in China was scarce among the sources consulted by the Research Directorate. As previously noted, a China expert from Germany, cited in the China report of the 10th European Country of Origin Information Seminar, stated that “[i]t is very common not only to terminate out-of-plan pregnancies, but also to sterilize one of the parents” (ACCORD 17 Mar. 2006, 15). However, according to a 3 August 2006 report by the Center for Reproductive Rights, “a nonprofit legal advocacy organization dedicated to promoting and defending women’s reproductive rights worldwide” (Center for Reproductive Rights n.d.), sterilization rates among women in China are “significantly” higher than those for males (ibid. 3 Aug. 2006, 7) (Immigration and Refugee Board of Canada 2007, *CHN102495.E – China: Whether forced abortions or sterilizations are still occurring; prevalence and location of forced abortions or sterilizations; reports of forced sterilization of men (2005 – 2007)*), 10 May [http://www.irb-cisr.gc.ca/en/research/rir/index\\_e.htm?action=record.viewrec&gotorec=451207](http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451207) – Accessed 14 August 2007 – Attachment 15).

The 2007 USDOS *China Profile of Asylum Claims and Country Conditions* report states that while individuals can sue family planning officials for mistreatment “there are no known successful suits on these grounds”. The report states that:

The government (whether or not it has actual or sampling data) does not publicize data on forced abortions or forced sterilizations, although the press occasionally reports abuses. Individuals can sue officials who have exceeded their authority in implementing family planning law, but there are no known successful suits on these grounds. In 2003, officials in one province who tried to force a woman to be sterilized were reprimanded after she complained to national family planning officials and insisted on her right under the law to choose her method of birth control. She subsequently chose an IUD (US Department of State 2007, *China: Profile of Asylum Claims and Country Conditions*, Political Asylum Research and Documentation Service website, May, p.41 [http://www.pards.org/paccc/china\\_may\\_2007.doc](http://www.pards.org/paccc/china_may_2007.doc) – Accessed 4 March 2008 –Attachment 7).

An October 2004 report by Dr Alice de Jonge, Lecturer in Asian Business Law at Monash University provides advice on family planning penalties in China. Dr Jonge provided the following information on sterilization through coercion in China:

Sterilization is “strongly recommended” to Chinese women after giving birth and reaching or exceeding their family-planning allowance. Statistically, there is no doubt that the proportion of Chinese women sterilized after giving birth is extraordinarily high. The degree of coercion

involved varies widely from woman to woman and from district to district in China. While not all reported cases of extreme coercive measures that have emerged can be verified, the number of such reports cannot be discounted (Jonge, A. 2005, 'Brief Background to current family planning law and policy', October –Attachment 13).

## **2. Please provide information about the likely treatment of older women who in the past had breached the “One Child Policy” and avoided sterilization.**

A July 2008 article by *Radio Free Asia* reports on the forced sterilisation in 1992 of a woman in her early forties who had three children. According to the report the woman was told that she would have to undertake the sterilisation if she could not make a payment to village officials (Mudie, L. 2008, ‘Abuses’ under population policies’, *Radio Free Asia*, 12 July – Attachment 16).

No additional reports were found the sources consulted regarding the forced sterilisation of ‘older’ women or women in their forties in China. Similarly no information was found in the sources consulted regarding the treatment of older women in China who have breached family planning regulations in the past.

### **List of Sources Consulted**

#### Internet Sources:

##### **Government Information & Reports**

Immigration & Refugee Board of Canada <http://www.irb.gc.ca/>

Political Asylum Research and Documentation Service website <http://www.pards.org/>

UK Home Office <http://www.homeoffice.gov.uk>

US Department of State <http://www.state.gov/>

US Department of State website <http://www.state.gov>

##### **United Nations (UN)**

UNHCR <http://www.unhcr.ch/>

##### **Non-Government Organisations**

Amnesty International website <http://www.amnesty.org/>

Freedom House <http://www.freedomhouse.org/template.cfm?page=1>

Human Rights Watch <http://www.hrw.org/>

International Helsinki Federation for Human Rights <http://www.ihf-hr.org/welcome.php>

Human Rights Internet (HRI) website <http://www.hri.ca>

##### **International News & Politics**

*BBC News* website <http://news.bbc.co.uk/>

*Voice of America* <http://www.voanews.com/english/index.cfm>

##### **Search Engines**

Google search engine <http://www.google.com.au/>

#### Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)  
REFINFO (IRBDC (Canada) Country Information database)  
ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)  
RRT Library Catalogue

### List of Attachments

1. DIAC Country Information Service 2009, *CIS Request CHN9645: Overseas born children of Chinese nationals*, (sourced from DFAT advice of 28 April 2009), 28 April.
2. DIAC Country Information Service 2009, *CIS Request No. 9656: Economic sanctions applied to breaches of the One Child Policy, Fujian Province*, (sourced from DFAT advice of 28 April 2009), 28 April.
3. Bayron, H. 2006, 'Experts: China's One-Child Population Policy Producing Socio-Economic Problems', *Voice of America*, 7 March  
<http://www.voanews.com/english/archive/2006-03/2006-03-07-voa38.cfm?cfid=278034385&cftoken=83505359> – Accessed 5 March 2008.
4. Immigration and Refugee Board of Canada 2005, *CHN43165.E – China: Any reports of forced abortions and forced sterilization within the regions of Guangzhou (Guangdong Province) and Fuzhou (Fujian Province) covered by the urban hukou; any reports of an easing or a tightening of family planning regulations since 2002 (2002-2005)*, 21 February <http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416251> – Accessed 29 May 2009.
5. Department of Foreign Affairs and Trade 2004, *DFAT Report 317 – RRT Information Request: CHN16905*, 2 September.
6. *Population and Family Planning Regulation of Fujian Province* (Promulgated 26 July 2002, Effective 1 September 2002), UNHCR website.
7. US Department of State 2007, *China: Profile of Asylum Claims and Country Conditions*, Political Asylum Research and Documentation Service website, May  
[http://www.pards.org/paccc/china\\_may\\_2007.doc](http://www.pards.org/paccc/china_may_2007.doc) – Accessed 4 March 2008.
8. Department of Foreign Affairs and Trade 2004, *DFAT Report 287 – RRT Information Request: CHN16609*, 22 April.
9. US Department of State 2009, *Country Reports on Human Rights Practices 2008 – China*, 25 February.
10. Amnesty International 2008, *People's Republic of China: Briefing for the Committee against Torture in advance of their consideration of China's fourth periodic report, 3-21 November 2008*, ASA 17/094/2008  
<http://www.amnesty.org/en/library/asset/ASA17/094/2008/en/bae00ac3-8f0b-11dd-8d03-3f760a3cc4a3/asa170942008en.html> – Accessed 16 June 2009.

11. Department of Foreign Affairs and Trade 2008, *DFAT Report No. 861 – China: RRT Information Request: CHN33538*, 8 August.
12. Freedom House 2008, *Freedom in the World – China (2008)*, 2 July.
13. Jonge, A. 2005, 'Brief Background to current family planning law and policy', October.
14. UK Home Office, Border and Immigration Agency 2007, *Operational Guidance Note: China*, 12 July  
<http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasyumpolicyogns/china.jpg?view=Binary> – Accessed 29 May 2009.
15. Immigration and Refugee Board of Canada 2007, *CHN102495.E – China: Whether forced abortions or sterilizations are still occurring; prevalence and location of forced abortions or sterilizations; reports of forced sterilization of men (2005 – 2007)*, 10 May  
<http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451207> – Accessed 14 August 2007.