



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## China

China – CHN38886 – Forced  
sterilisation/contraception – Guangdong  
Province – Childbearing age  
29 June 2011

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### 1. Is there any information about the frequency of forced sterilisation and contraception in Guangdong Province?

Information on the current frequency of forced sterilisation and contraception across Guangdong Province was not located. In April 2009, the Department of Foreign Affairs and Trade (DFAT) advised in relation to forced sterilisation that “there is little, if any, media reporting on this issue”.<sup>1</sup> There are, however, a number of reports available which make reference to a major coercive sterilisation program that was carried out by family planning authorities in Puning City, Guangdong Province, during April 2010.<sup>2</sup>

On 7 April 2010, family planning authorities in Puning launched a 20 day campaign, which aimed to complete 9,559 sterilisations.<sup>3</sup> In an apparent attempt to pressure targeted persons to submit to sterilisation, Puning authorities detained relatives of these persons, including parents.<sup>4</sup> Multiple reports refer to 1,377 persons being detained.<sup>5</sup> The US Department of

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<sup>1</sup> DIAC Country Information Service 2009, *Country Information Report No. 09/39 – CIS Request No. CHN9645: China: Overseas born children of Chinese nationals*, (sourced from DFAT advice of 24 April 2009), 28 April – Attachment 1.

<sup>2</sup> Haworth, A. 2010, ‘Breaking China’s One-Child Law’, *Marie Claire*, 15 November  
<http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2; Jingjing, H. 2010, ‘City cracks down on couples’, *Global Times*, 16 April  
<http://china.globaltimes.cn/society/2010-04/522789.html> – Accessed 27 June 2011 – Attachment 3; US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 120 – Attachment 4.

<sup>3</sup> Amnesty International 2010, *Thousands at risk of forced sterilization in China*, 22 April  
<http://www.amnesty.org/en/news-and-updates/thousands-risk-forced-sterilization-china-2010-04-22> – Accessed 27 June 2011 – Attachment 5; Jingjing, H. 2010, ‘City cracks down on couples’, *Global Times*, 16 April  
<http://china.globaltimes.cn/society/2010-04/522789.html> – Accessed 27 June 2011 – Attachment 3; Macartney, J. 2010, ‘China tries to sterilise 10,000 parents over one-child rule’, *The Times Online*, 17 April  
<http://www.timesonline.co.uk/tol/news/world/asia/article7099417.ece> – Accessed 27 June 2011 – Attachment 6.

<sup>4</sup> Amnesty International 2010, *Thousands at risk of forced sterilization in China*, 22 April  
<http://www.amnesty.org/en/news-and-updates/thousands-risk-forced-sterilization-china-2010-04-22> – Accessed 27 June 2011 – Attachment 5; ‘China targets 10,000 in sterilisation drive’ 2010, *ABC News*, 16 April,  
<http://www.abc.net.au/news/stories/2010/04/16/2875417.htm> – Accessed 15 June 2010 – Attachment 7; Jingjing, H. 2010, ‘City cracks down on couples’, *Global Times*, 16 April  
<http://china.globaltimes.cn/society/2010-04/522789.html> – Accessed 27 June 2011 – Attachment 3; Macartney, J. 2010, ‘China tries to sterilise 10,000 parents over one-child rule’, *The Times Online*, 17 April  
<http://www.timesonline.co.uk/tol/news/world/asia/article7099417.ece> – Accessed 27 June 2011 – Attachment 6; US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 120 – Attachment 4; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 6 – Attachment 8.

<sup>5</sup> Amnesty International 2010, *Thousands at risk of forced sterilization in China*, 22 April  
<http://www.amnesty.org/en/news-and-updates/thousands-risk-forced-sterilization-china-2010-04-22> – Accessed 27 June 2011 – Attachment 5; US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 120 – Attachment 4; Jingjing, H. 2010, ‘City cracks down on couples’, *Global Times*, 16 April

State, in its 2010 Country Report on Human Rights Practices for China, also makes reference to authorities confiscating the property of non-compliant couples.<sup>6</sup> The United States' Congressional-Executive Commission on China (CECC), in a report published on 10 October 2010, stated that Puning authorities employed measures such as "nullification of household registration (*hukou*) for unsterilized women, refusal to grant household registration to their children, and punitive actions taken against their relatives such as cancellation of state benefits and permits" in order to force compliance with the sterilisation program.<sup>7</sup>

There is information available which indicates that thousands of sterilisations were successfully completed in Puning as a result of this campaign.<sup>8</sup> The CECC stated that 5,601 sterilisations were completed during the initial two week sweep.<sup>9</sup> The US Department of State referred to 8,916 sterilisation procedures being eventually completed.<sup>10</sup> *Marie Claire*, in a report published on 15 November 2010, made reference to officials who claimed they had successfully undertaken "more than 9,000" sterilisation by mid-June 2010, and stated that they "planned to continue until their goal was reached".<sup>11</sup>

There is conflicting information in the available reports regarding the specific group that was targeted by this campaign.<sup>12</sup> For example, Amnesty International, in a report published on 22 April 2010, stated that the campaign had been commenced to "sterilize people who already have at least one child".<sup>13</sup> However, other reports of the Puning sterilisation campaign indicate that it was aimed at persons who had had more than one child.<sup>14</sup> An explanation for this conflict in the various sources might be found in the information provided in a report by

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<http://china.globaltimes.cn/society/2010-04/522789.html> – Accessed 27 June 2011 – Attachment 3; Haworth, A. 2010, 'Breaking China's One-Child Law', *Marie Claire*, 15 November <http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2; Bland, A. 2010, 'Chinese state holds parents hostage in sterilisation drive', *The Independent*, 17 April <http://www.independent.co.uk/news/world/asia/chinese-state-holds-parents-hostage-in-sterilisation-drive-1947236.html> – Accessed 27 June 2011 – Attachment 9.

<sup>6</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 6 – Attachment 8.

<sup>7</sup> US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 120 – Attachment 4.

<sup>8</sup> US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 120 – Attachment 4; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 6 – Attachment 8; Haworth, A. 2010, 'Breaking China's One-Child Law', *Marie Claire*, 15 November <http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2.

<sup>9</sup> US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 120 – Attachment 4.

<sup>10</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 6 – Attachment 8.

<sup>11</sup> Haworth, A. 2010, 'Breaking China's One-Child Law', *Marie Claire*, 15 November <http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2.

<sup>12</sup> Amnesty International 2010, *Thousands at risk of forced sterilization in China*, 22 April <http://www.amnesty.org/en/news-and-updates/thousands-risk-forced-sterilization-china-2010-04-22> – Accessed 27 June 2011 – Attachment 5; Haworth, A. 2010, 'Breaking China's One-Child Law', *Marie Claire*, 15 November <http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 6 – Attachment 8; US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 119 – Attachment 4.

<sup>13</sup> Amnesty International 2010, *Thousands at risk of forced sterilization in China*, 22 April <http://www.amnesty.org/en/news-and-updates/thousands-risk-forced-sterilization-china-2010-04-22> – Accessed 27 June 2011 – Attachment 5.

<sup>14</sup> Haworth, A. 2010, 'Breaking China's One-Child Law', *Marie Claire*, 15 November <http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 6 – Attachment 8; US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 119 – Attachment 4.

the *Global Times*, dated 16 April 2010. This article states that the persons targeted were those “not allowed to have a second or third child”. The report goes on to provide the further explanation that, under the rules in Puning, “farmers are allowed to have a second child if the first child was a girl”.<sup>15</sup> In a report published on 17 April 2010, *The Independent* similarly stated that the campaign targeted persons “who are suspected of planning to have a second or third child”.<sup>16</sup> This indicates that the persons targeted may either have had at least one child or two children previously, depending on their individual circumstances.

There is also some conflict in the available reports regarding whether women were the sole targets of this campaign, or whether the Puning authorities sought to sterilise both men and women.<sup>17</sup> The aforementioned *Marie Claire* article states that the campaign was aimed at women.<sup>18</sup> As noted earlier, the CECC provides information indicating that it was aimed at sterilising women with two children.<sup>19</sup> However, the *Global Times* report cited above stated that the program was aimed at “women or their husbands”. This report also makes reference to an episode where a village official contacted a man named Huang Ruifeng and asked that either he or his wife submit to the sterilisation procedure.<sup>20</sup> This same example is referred to in reports from *ABC News*, *The Independent* and *The Times Online*.<sup>21</sup> *The Times Online* provides the further example of Zhang Lizhao, a man who submitted to sterilisation after his brother was detained.<sup>22</sup>

Information has been located which indicates that the nature and scale of this sterilisation program undertaken in Puning was highly unusual.<sup>23</sup> There is also information indicating that the campaign was initiated in response to the particular conditions of Puning, where the enforcement of family planning policies had grown lax.<sup>24</sup> The *Marie Claire* report states that

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<sup>15</sup> Jingjing, H. 2010, ‘City cracks down on couples’, *Global Times*, 16 April <http://china.globaltimes.cn/society/2010-04/522789.html> – Accessed 27 June 2011 – Attachment 3.

<sup>16</sup> Bland, A. 2010, ‘Chinese state holds parents hostage in sterilisation drive’, *The Independent*, 17 April <http://www.independent.co.uk/news/world/asia/chinese-state-holds-parents-hostage-in-sterilisation-drive-1947236.html> – Accessed 27 June 2011 – Attachment 9.

<sup>17</sup> Haworth, A. 2010, ‘Breaking China’s One-Child Law’, *Marie Claire*, 15 November <http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2; US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 119 – Attachment 4; Jingjing, H. 2010, ‘City cracks down on couples’, *Global Times*, 16 April <http://china.globaltimes.cn/society/2010-04/522789.html> – Accessed 27 June 2011 – Attachment 3.

<sup>18</sup> Haworth, A. 2010, ‘Breaking China’s One-Child Law’, *Marie Claire*, 15 November <http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2.

<sup>19</sup> US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 119 – Attachment 4.

<sup>20</sup> Jingjing, H. 2010, ‘City cracks down on couples’, *Global Times*, 16 April <http://china.globaltimes.cn/society/2010-04/522789.html> – Accessed 27 June 2011 – Attachment 3.

<sup>21</sup> ‘China targets 10,000 in sterilisation drive’ 2010, *ABC News*, 16 April, <http://www.abc.net.au/news/stories/2010/04/16/2875417.htm> – Accessed 15 June 2010 – Attachment 7; Bland, A. 2010, ‘Chinese state holds parents hostage in sterilisation drive’, *The Independent*, 17 April <http://www.independent.co.uk/news/world/asia/chinese-state-holds-parents-hostage-in-sterilisation-drive-1947236.html> – Accessed 27 June 2011 – Attachment 9; Macartney, J. 2010, ‘China tries to sterilise 10,000 parents over one-child rule’, *The Times Online*, 17 April <http://www.timesonline.co.uk/tol/news/world/asia/article7099417.ece> – Accessed 27 June 2011 – Attachment 6.

<sup>22</sup> Macartney, J. 2010, ‘China tries to sterilise 10,000 parents over one-child rule’, *The Times Online*, 17 April <http://www.timesonline.co.uk/tol/news/world/asia/article7099417.ece> – Accessed 27 June 2011 – Attachment 6.

<sup>23</sup> Haworth, A. 2010, ‘Breaking China’s One-Child Law’, *Marie Claire*, 15 November <http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2.

<sup>24</sup> Haworth, A. 2010, ‘Breaking China’s One-Child Law’, *Marie Claire*, 15 November <http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2; Macartney, J. 2010, ‘China tries to sterilise 10,000 parents over one-child rule’, *The Times Online*, 17 April <http://www.timesonline.co.uk/tol/news/world/asia/article7099417.ece> – Accessed 27 June 2011 – Attachment 6.

the Puning sterilisation campaign “was unprecedented in recent Chinese history” and that, while forced sterilisation was an abuse associated with the one-child policy since its introduction in 1978, “this was a crackdown on an unusually large and draconian scale”. The same report also states that this campaign was launched because family planning in the Puning region had become lax due to strong economic development in the region, with Guangdong Province having a per capita income almost twice the national average.<sup>25</sup> *The Times Online* also makes reference to the county of Puning as having been under criticism from Guangdong authorities who had wanted to slow a population growth that was “reflecting badly on the entire province”. It was also stated that Puning had a large population due to families in the “mainly rural region” having “up to three or four children”.<sup>26</sup> Information provided in Question 2 of *RRT Research Response CHN34258*, completed on 14 January 2009, makes references to two 2008 reports from the *China Daily* which refer to concerns over the large population of Guangdong Province. One of these reports referred to a statement by the director of the Guangdong population and family planning committee, in which he said that lighter sentences in that province – fines rather than detentions – had fuelled a spike in the number of births there.<sup>27</sup>

The US Department of State states that, “according to the Puning government”, a further campaign of sterilisation of couples that already had two children was conducted in September 2010. It was reported that more than 3,000 sterilisation procedures were carried out at that time.<sup>28</sup> However, no additional reports which refer to this second campaign in Puning have been located.

According to a Google translation, and unofficial advice from a Chinese-speaking Tribunal officer, Article 24 of the *Guangdong Provincial Population and Family Planning Regulations* makes provision for contraception to be used as the primary component of family planning in Guangdong Province. It also states that intrauterine devices (IUDs) are to be used as the first choice of contraception for a woman of childbearing age who has given birth to one child. Where there are already two or more children, the first choice of contraception is a ligation for either the husband or the wife. Article 25 of these Regulations also makes reference to “remedial measures” that are to be taken against couples who do not observe the family planning requirements, but does not define the nature of these measures.<sup>29</sup> The CECC states that the phrase “remedial measures” (*bujia cuoshi*) is often used in government reports to refer to mandatory abortion.<sup>30</sup>

No recent information was located which refers to incidences of forced contraception that have occurred in Guangdong Province. A report from the *Deutsche Presse-Agentur*, published on 5 September 2001, makes reference to officials in Huaiji country, Guangdong

<sup>25</sup> Haworth, A. 2010, ‘Breaking China’s One-Child Law’, *Marie Claire*, 15 November  
<http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011 – Attachment 2.

<sup>26</sup> Macartney, J. 2010, ‘China tries to sterilise 10,000 parents over one-child rule’, *The Times Online*, 17 April  
<http://www.timesonline.co.uk/tol/news/world/asia/article7099417.ece> – Accessed 27 June 2011 – Attachment 6.

<sup>27</sup> RRT Research & Information 2009, *Research Response CHN34258*, 14 January – Attachment 10.

<sup>28</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 6 – Attachment 8.

<sup>29</sup> *Guangdong Provincial Population and Family Planning Regulations* (2009) (Amended 28 November 2008, Effective 1 January 2009) (in Chinese), Population and Family Planning Commission of Gansu website  
[http://www.gsjsw.gov.cn/html/wsrkfg/10\\_56\\_57\\_835.html](http://www.gsjsw.gov.cn/html/wsrkfg/10_56_57_835.html) –  
<http://translate.google.com/translate?sourceid=navclient&chl=en&u=http%3a%2f%2fwww%2egsjsw%2egov%2ecn%2fhtml%2fwsrkfg%2f10%5f56%5f57%5f835%2ehtml> – Accessed 27 June 2011 – Attachment 11. Please note: Google translations can often be poor and can contain errors – as such they give only a rough indication of the contents of a document. For any further reliance on this information, a professional translation should be obtained.

<sup>30</sup> US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 116 – Attachment 4.



Province, who were criticised by the State Family Planning Commission after they were accused of “coercing local women into accepting sterilization or intra-uterine contraception”.<sup>31</sup>

There is information available which indicates that the use of contraception by women is widespread across China, although this information does not distinguish between forced and voluntary contraception.<sup>32</sup> According to the US Department of State, in May 2010 a representative of the National Population and Family Planning Commission reported that 85% of women of childbearing age in China used some form of contraception. Of those, 70% used a reversible method.<sup>33</sup> A report from *The New York Times*, published on 13 May 2007, refers to a statement by family planning officials that “more than 80 percent of married women with a child are using long-term contraception like IUDs, or have been sterilized to comply with the one-child policy”.<sup>34</sup>

Information has been located which makes specific reference to recent examples of forced sterilisation and contraception occurring in areas of China outside Guangdong Province.<sup>35</sup> There are also a number of government and NGO reports which indicate that acts of forced sterilisation and contraception occur on an ongoing basis in China.<sup>36</sup> A report from the Immigration and Refugee Board of Canada (IRB), dated 9 July 2010, states that forced abortions and sterilisations still occur in China. These acts are banned under Chinese law, but sources report that officials are rarely prosecuted or punished for these types of abuses.<sup>37</sup> The CECC stated in October 2010 that violators of family planning policies “are routinely punished with fines, and in some cases, subjected to forced sterilization, forced abortion, arbitrary detention, and torture.”<sup>38</sup> The same commission also stated in October 2009 that “the use of coercive measures in the enforcement of population planning policies remains commonplace despite provisions for the punishment of official abuse outlined in the PRC Population and Family Planning Law.”<sup>39</sup> The US Department of State’s 2010 Country Report

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<sup>31</sup> ‘China’s family planners set for broader, “hands off” role’ 2001, *JCS Information Service*, source: *Deutsche Presse-Agentur*, 5 September – Attachment 12.

<sup>32</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 6 – Attachment 8; Yardley, J. 2007, ‘Today’s face of abortion in China is a young, unmarried woman’, *China Infodoc Service*, source: *The New York Times*, 13 May – Attachment 13.

<sup>33</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 6 – Attachment 8.

<sup>34</sup> Yardley, J. 2007, ‘Today’s face of abortion in China is a young, unmarried woman’, *China Infodoc Service*, source: *The New York Times*, 13 May – Attachment 13.

<sup>35</sup> US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, pp. 155-6 – Attachment 14; US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, pp. 117 and 119 – Attachment 4.

<sup>36</sup> Immigration and Refugee Board of Canada 2010, *CHN103502.E – China: Family planning laws, enforcement and exceptions; reports of forced abortions or sterilization of men and women particularly in the provinces of Guangdong and Fujian (2007 – May 2010)*, 9 July [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=453047&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=453047&l=e) – Accessed 16 August 2010 – Attachment 15; US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 116 – Attachment 4; US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, p. 153 – Attachment 14; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 1.f Attachment 8; Freedom House 2010, *Freedom in the World – China (2010)*, June <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7801> – Accessed 10 September 2010 – Attachment 16.

<sup>37</sup> Immigration and Refugee Board of Canada 2010, *CHN103502.E – China: Family planning laws, enforcement and exceptions; reports of forced abortions or sterilization of men and women particularly in the provinces of Guangdong and Fujian (2007 – May 2010)*, 9 July [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=453047&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=453047&l=e) – Accessed 16 August 2010 – Attachment 15.

<sup>38</sup> US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October, p. 116 – Attachment 4.

<sup>39</sup> US Congressional-Executive Commission on China 2009, *Annual Report 2009*, 10 October, p. 153 – Attachment 14.

on Human Rights Practices for China also provides the following information which indicates that, while Chinese law prohibits the use of coercion to compel persons to submit to sterilisation, there are still instances of this being used by local family planning officials. These practices included the use of mandatory birth control. The report also states that, in the case of families that already have two children, “one parent was often pressured to undergo sterilization”.<sup>40</sup> Freedom House, in a report published in June 2011, states that “although compulsory abortion and sterilization by local officials are less common than in the past, they still occur fairly frequently.”<sup>41</sup>

## **2. Is there any information about what age would be considered in Guangdong to be of childbearing age and therefore subject to forced sterilisation and/or contraception?**

No information was located which provides an indication of what Guangdong family planning authorities consider to be “childbearing age”. A 2003 report from the Guangdong news website *Southcn.com* suggests that “childbearing age” was considered at that time to include persons from the ages of 15 to 49.<sup>42</sup> A 2004 statement from the National Population and Family Planning Commission of China (NPFPC) also suggests that, at that time, national family planning authorities considered “childbearing age” to include persons from the ages of 15 to 49.<sup>43</sup>

The *Guangdong Provincial Population and Family Planning Regulations* make several references to “childbearing age”, but provide no specific definition of the age group this designation covers.<sup>44</sup> Relevant information regarding what is considered to be “childbearing age” in Guangdong has been located in a report on the population of Guangdong from the *Southcn.com* website. This report, published on 20 March 2003, stated that the population of Guangdong comprised a “large proportion of women at childbearing age (15-49)”.<sup>45</sup> It should be noted that the *Southcn.com* is a news website with a specific focus on Guangdong Province, “jointly established by the major media, publishers, and other organizations in the cultural and social science fields in Guangdong Province”.<sup>46</sup>

A statement on the website of the NPFPC, published 5 April 2004, also provides an indication of what is considered to be childbearing age by the Chinese authorities. This statement is attributed on the website to Dr. Baige Zhao, Vice-Minister of the NPFPC. In this statement,

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<sup>40</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – China*, 8 April, Section 1.f – Attachment 8.

<sup>41</sup> Freedom House 2011, *Freedom in the World – China (2011)*, June <http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8016> – Accessed 28 June 2011 – Attachment 16.

<sup>42</sup> Huikang, J. 2003, ‘Population of Guangdong’, *Guangdong News Online*, source: *Southcn.com*, 20 March <http://www.newsgd.com/english/brief/introduction/200303201140.htm> – Accessed 27 June 2011 – Attachment 17

<sup>43</sup> Zhao, B. 2004, ‘Integrate Resources to Combat HIV/AIDS’, National Population and Family Planning Commission of China website, 5 April <http://www.npfpc.gov.cn/en/detail.aspx?articleid=090505133855593229> – Accessed 27 June 2011 – Attachment 18.

<sup>44</sup> *Guangdong Provincial Population and Family Planning Regulations* (2009) (Amended 28 November 2008, Effective 1 January 2009) (in Chinese), Population and Family Planning Commission of Gansu website [http://www.gsjsw.gov.cn/html/wsrkfg/10\\_56\\_57\\_835.html](http://www.gsjsw.gov.cn/html/wsrkfg/10_56_57_835.html) – <http://translate.google.com/translate?sourceid=navclient&hl=en&u=http%3a%2f%2fwww%2egsjsw%2egov%2ecn%2fhtml%2fwsrkfg%2f10%5f56%5f57%5f835%2ehtml> – Accessed 27 June 2011 – Attachment 11. Please note: Google translations can often be poor and can contain errors – as such they give only a rough indication of the contents of a document. For any further reliance on this information, a professional translation should be obtained.

<sup>45</sup> Huikang, J. 2003, ‘Population of Guangdong’, *Guangdong News Online*, source: *Southcn.com*, 20 March <http://www.newsgd.com/english/brief/introduction/200303201140.htm> – Accessed 27 June 2011 – Attachment 17.

<sup>46</sup> ‘About Southcn.com’ (undated), *Southcn.com*, <http://www.southcn.com/ad/about.htm> – Accessed 27 June 2011 – Attachment 19.

reference is made to “the childbearing-age group (15-49)”.<sup>47</sup> This statement ties in with available information regarding the minimum age of consent permitted under Chinese law. Article 236 of the *Criminal Law of the People’s Republic of China* stipulates the following: “Whoever has sexual relations with a girl under the age of 14 is to be deemed to have committed rape and is to be given a heavier punishment”.<sup>48</sup> In its 2011 Country Report on Human Rights Practices for China, the US Department of State also states that “according to the law, the minimum age of consensual sex is 14”.<sup>49</sup>

No reports were located which make reference to recent instances of Chinese women in their forties, or older, being forced to undergo sterilisation or contraception. A report from *Radio Free Asia*, published on 12 July 2008, makes reference to a woman in Chengguan No. 3 Village, Shandong Province, being forced to undergo a sterilization procedure by local officials in 1992. This woman was in her forties at that time – the report states that she died the following year, aged 44.<sup>50</sup>

## Attachments

1. DIAC Country Information Service 2009, *Country Information Report No. 09/39 – CIS Request No. CHN9645: China: Overseas born children of Chinese nationals*, (sourced from DFAT advice of 24 April 2009), 28 April. (CISNET China CX225344)
2. Haworth, A. 2010, ‘Breaking China’s One-Child Law’, *Marie Claire*, 15 November <http://www.marieclaire.com/world-reports/news/latest/chinas-one-child-law> – Accessed 27 June 2011.
3. Jingjing, H. 2010, ‘City cracks down on couples’, *Global Times*, 16 April <http://china.globaltimes.cn/society/2010-04/522789.html> – Accessed 27 June 2011.
4. US Congressional-Executive Commission on China 2010, *Annual Report 2010*, 10 October.
5. Amnesty International 2010, *Thousands at risk of forced sterilization in China*, 22 April <http://www.amnesty.org/en/news-and-updates/thousands-risk-forced-sterilization-china-2010-04-22> – Accessed 27 June 2011.
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