



Home Office

Country Policy and Information Note

China: Contravention of the Population and Family Planning law

Version 4.0

May 2022

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 [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an 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 - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- 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
- a claim is 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 \(COI\)](#), 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. 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
- whether the COI is consistent with and/or corroborated by other sources.

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

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

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

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. 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:

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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](#).

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Assessment

Updated: 18 May 2022

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 Population and Family Planning law, also referred to as the one-child, and more recently, the two-child policy.

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 three children, which came into effect in August 2021.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the 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](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.3.1 Actual or imputed membership of a particular social group (PSG).
- 2.3.2 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)).
- 2.3.3 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.
- 2.3.4 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

- a. General points

- 2.4.1 In the country guidance case of [AX](#), the Upper Tribunal (UT) held that the breach of the Chinese family planning scheme is a civil matter, not a criminal matter (para 191(4)).
- 2.4.2 In [AX](#), the UT 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](#)).
- 2.4.3 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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b. Multiple child families

- 2.4.4 The family planning policy applied to the majority Han ethnic Chinese population. Ethnic and rural families who had a daughter as their first child were exempt from the policy for most of its history (see [Background to the one child policy](#)).
- 2.4.5 There have been several changes to the Population and Family Planning law since the promulgation of [AX](#). Childbirth is still expected to occur within marriage. However, the birth registration system was relaxed in January 2016 to allow couples to have 2 children and the requirement for couples to go through an approval process for their first 2 children was removed. The policy was relaxed further still and the law amended in August 2021 to allow married couples to have 3 children (see [Introduction of the two child policy](#) and [Introduction of the three child policy](#)).
- 2.4.6 In [AX](#) the UT held that the financial consequences of having an unauthorised child and therefore having the social upbringing charge (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)).
- 2.4.7 With the introduction of the 3-child policy in August 2021, articles 41 and 42 of the Population and Family Planning law were removed. These related to enforced penalties for those who violated birth restrictions. This includes the abolition of social maintenance fees (or social upbringing charge) which couples were charged for having children in excess of the policy limits. It also includes the removal of penalties which employees were subject to at work (such as loss of employment) for having children in excess of the policy (see [Legislation](#) and [Enforcement and incentives of the family planning policy](#)).
- 2.4.8 China is facing a shrinking labour pool and a rapidly ageing population. Enforcing child limits is now a low priority for the government and there is no longer encouragement for 'late' marriage and 'late' births. Several initiatives have also been announced, and are in the process of implementation, aimed at boosting the birth rate and 'reducing the burden' of raising a child. These include encouraging local governments to offer subsidies and extended

parental leave, increasing women's employment rights and improving childcare infrastructure (see [Demography, Introduction of the two child policy and Enforcement and incentives of the family planning policy](#)).

- 2.4.9 The updated 3-child policy continues to be implemented across China (see [Enforcement and incentives of the family planning policy](#)).
- 2.4.10 Financial and administrative penalties for births that exceed birth limits have been abolished following the introduction of the 3-child policy. Even if a person were to still face administrative penalties in general, this will not be sufficiently serious by its nature and/or repetition, or by an accumulation of various measures, 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.

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c. [Returnees who have had their permitted quotas of children](#)

- 2.4.11 The changes to the Population and Family Planning Law are still new and in the process of implementation but indicate an increasing relaxation in control over population numbers. There is as yet, no information about treatment of those who might or who have exceeded the 3-child policy, but diplomatic sources stated they were not aware of any reports of forced abortions or sterilisations in recent years when the 2-child policy was in force (with the exception of Xinjiang – see 2.4.13 below). Furthermore, with the removal from the Population and Family Planning Law of Articles relating to enforced penalties for those who violate birth restrictions and new incentives to boost the birth rate, indications are that paragraphs 191 (11 and 12) of [AX](#) are likely to be less relevant. However, there are not yet very strong grounds supported by cogent evidence to show they should not be taken into account, but should instead be read alongside current country of origin information (see [Legislation](#) and [Enforcement and incentives of the family planning policy](#)).
- 2.4.12 In [AX](#), the UT 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).

- 2.4.13 There are reports of forced sterilisations within the Xinjiang region and where the person is from Xinjiang, decision makers must refer to the [country policy and information note China: Muslims \(including Uyghurs in Xinjiang\)](#) (see [Enforced abortion, sterilisation and birth control](#)).
- 2.4.14 A person may be able to show that their particular circumstances put 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 its facts with the onus on the person to demonstrate that they would be at risk.

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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. Single mothers may be required to pay a social compensation fee although it is unclear whether this will still be enforced now the social compensation fees have been abolished in line with the updated 3-child policy (see [Single and unmarried mothers](#)).
- 2.4.16 Many local governments require a marriage permit in order for an expectant mother to be able to access maternity benefits. Guangdong province and Shanghai have removed this requirement, resulting in single women being able to access these benefits (see [Single and unmarried mothers](#)).
- 2.4.17 In the past many children born to single/unmarried parents were denied a household registration document (hukou) preventing them from accessing public services, medical treatment and education. In December 2015 President Xi Jinping announced that China would be providing household registration for the nearly 13 million unregistered children in China. He also announced that registration for a hukou should take place irrespective of family planning and birth limits. However, there is limited information to show that the 13 million unregistered did actually gain documentation and some sources suggest that unregistered children still have difficulties accessing public services (see [Single and unmarried mothers](#), [Unregistered children \(Heihaizi/ 'black children'\)](#) and [Hukou \(registration\) system](#)).
- 2.4.18 As they are outside the family planning policy, [AX](#) is of less value in cases of single unmarried mothers. 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 any enforcement of the social compensation fee along with the denial of service, education and health care to the child would reach the threshold of treatment in breach of Article 3 ECHR.
- 2.4.19 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.

- 2.5.2 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 While the onus is on the person to establish a well-founded fear of persecution or real risk of serious harm, decision makers must demonstrate that internal relocation is reasonable (or not unduly harsh) having regard to the individual circumstances of the person.
- 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 ten years ago, the recent country information relating to internal relocation 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 instruction on [Assessing Credibility and Refugee Status](#).

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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 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 29 March 2022

3. Demography

3.1 Population

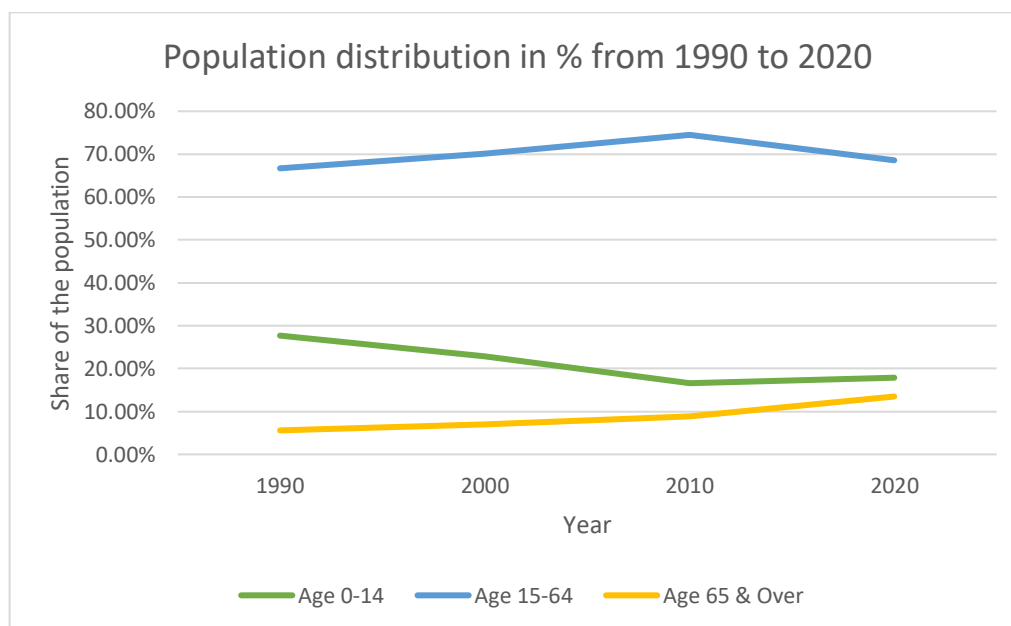
3.1.1 A July 2021 estimate states that the population of China is 1,397,897,720¹.

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3.2 Age structure

3.2.1 Statistics from the [China Statistical Yearbook 2021](#), published by the National Bureau of Statistics of China show that in 2020 17.9% of the population were 0-14 years of age, 68.6% were 15-64 years of age and 13.5% were ages 65 and over².

3.2.2 The below chart shows the population distribution in China from 1990 to 2020. This was compiled using information from the from the [China Statistical Yearbook 2021](#).



3.2.3 According to the statistics in the [China Statistical Yearbook 2021](#) from 2010 to 2020 the working population, those aged 15-64, has decreased by approx 30 million whilst those aged 65 and over has increased by over 71 million³.

3.2.4 The Guardian reported in 2019 that: 'Demographers warn that China's population will begin to shrink in the next decade, potentially derailing the world's second-largest economy, with a far-reaching global impact. ...By 2050 as much as a third of the country's population will be made up of

¹ CIA '[The World Factbook- China](#)' (people & society), last updated 29 March 2022

² National Bureau of National Statistics, '[China Statistical Yearbook 2021](#)' 2021

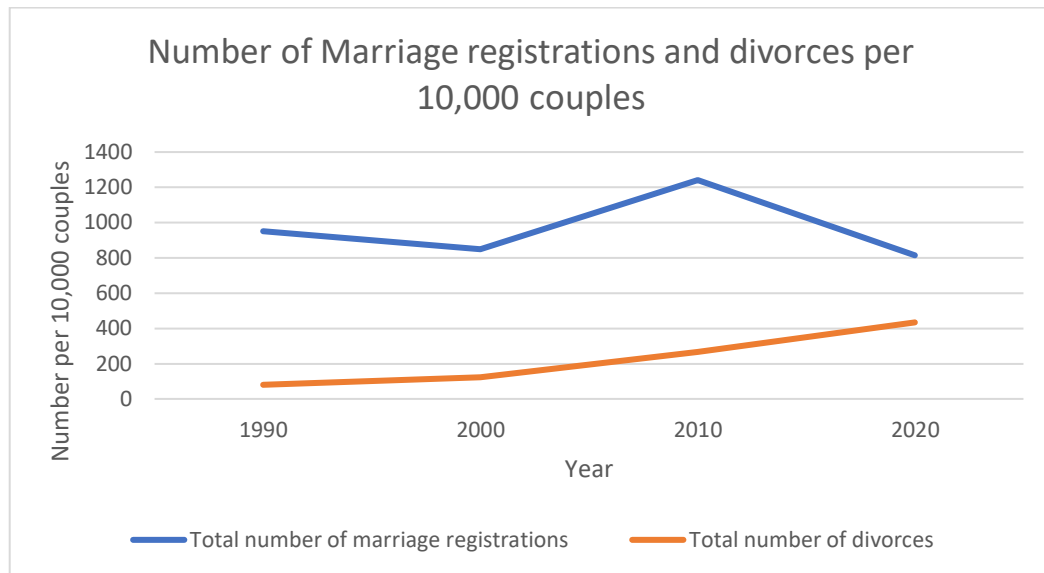
³ National Bureau of National Statistics, '[China Statistical Yearbook 2021](#)' 2021

people over the age of 60, putting severe strain on state services and the children who bear the brunt of caring for elderly relatives.⁴

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3.3 Number of married couples

3.3.1 The following line graph shows the number of marriage registrations and divorces per 10,000 couples. The graph was compiled using data taken from the [China Statistical Yearbook 2021](#), published by the National Bureau of Statistics of China.

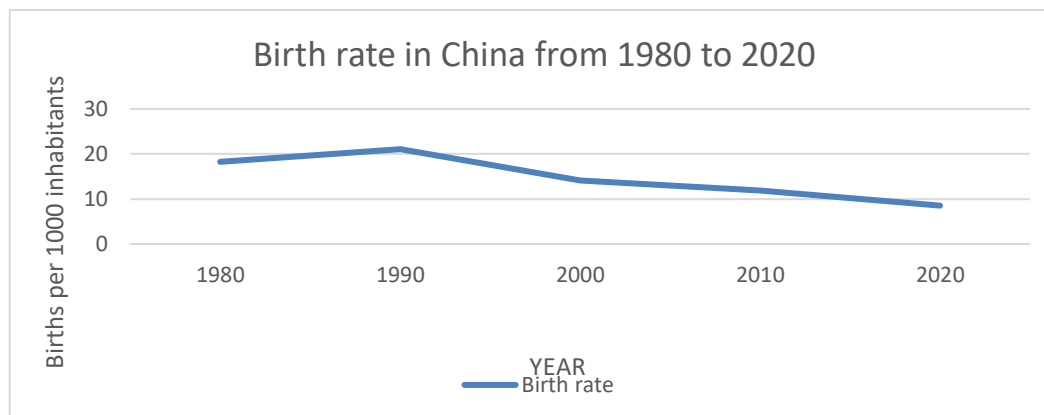


3.3.2 As the graph above shows the number of marriage registrations whilst having peaked in 2010 has been on the decline since and divorce rates have been on a steady incline since 1990.

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3.4 Birth rates

3.4.1 The following table shows the birth rate of the population from 1980 to 2020 using data taken from the [China Statistical Yearbook 2021](#), published by the National Bureau of Statistics of China. Birth rates in China have been declining since 1990.



⁴ The Guardian, [‘Can China recover from its disastrous one-child policy?’](#), 2 March 2019

- 3.4.2 There were 12 million babies born in 2020 down from 14.65 million in 2019⁵. The American news publication, Foreign Policy noted in an article from November 2021 that: ‘China’s fertility rate—the number of children a woman is expected to have over her lifetime—stood at just 1.3, one of the lowest in the world. (For comparison, the rate was 1.64 for the United States and 2.2 for India in 2020).’⁶

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Section 4 updated: 11 May 2022

4. Legal context

4.1 Constitution

- 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.’⁷
- 4.1.2 Article 49 states that ‘...Both husband and wife have the duty to practice family planning.’⁸

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4.2 Legislation

- 4.2.1 The amended Population and Family Planning Law was adopted in August 2021. CPIT could not find an English version of the new law, however the 2001 law, which does not include the changes to the law is available on [Refworld](#)⁹. The amendments to the law are explained below.
- 4.2.2 Article 18 of the law stated that every married couple is now allowed to have up to 3 children, the rest of the article remained unchanged and specified that more children may be allowed subject to law and regulations being met¹⁰.
- 4.2.3 The new law also removed Articles 41 and 42. These articles enforced penalties for those who had violated birth restrictions, such as social maintenance fees and penalties employees were subject to at work, such as terminations and being banned from being civil servants if they were born in violation of the policy^{11 12 13}.
- 4.2.4 NPC Observer, a site providing English readers access to China’s national legislature, the National People’s Congress (NPC) and its Standing Committee (NPCSC), explained the amended family planning policy: ‘The amendment introduces a raft of other measures to boost childbirths. It encourages localities to provide for parental leave [父母育儿假] (art. 25, para. 2). It vows to provide employment services to women whose jobs have

⁵ Global Times, [‘Is China’s birth rate low enough to cause population crisis?’](#), 13 May 2021

⁶ Foreign Policy, [‘China’s Low Fertility Rates Are Because the One-Child...’](#), 4 November 2021

⁷ [Constitution of the People’s Republic of China](#), 1982 (revised in 2018)

⁸ [Constitution of the People’s Republic of China](#), 1982 (revised in 2018)

⁹ Refworld, China: [‘Law of 2001, Population and Family Planning Law’](#), 29 December 2001

¹⁰ Library of Congress, [‘China: Three-Child Policy Becomes Law, Social...’](#) 23 September 2021

¹¹ NPC Observer, [‘NPCSC Codifies Three-Child Policy, Expands Legal Aid &...’](#), 24 August 2021

¹² Library of Congress, [‘China: Three-Child Policy Becomes Law, Social...’](#) 23 September 2021

¹³ Global Times, [‘China scraps 3 regulations on family planning, including...’](#), 26 September 2021

been affected by childbirths (art. 26, para. 1) and to ease the burden of childbirths, childrearing, and education on families through supportive measures including tax, insurance, housing, and employment (art. 27). The amendment, moreover, directs local governments to establish “inclusive childcare service systems” [普惠托幼服务体系] to increase the “accessibility and fairness” of childcare services (art. 28). Finally, it directs local governments to build adequate playgrounds for babies and young children and requires public places and “employers with relatively large numbers of female employees” to install facilities for nursing mothers (art. 30).¹⁴

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Section 5 updated: 11 May 2022

5. Family planning policy

5.1 Background to the one child policy

- 5.1.1 Following population growth in the 1970's China initially ran a birth control campaign using the slogan “Late, Long and Few”. This led to decreased population growth between 1970 and 1976 but towards the end of the 70's that drop had started to level off. In 1979 the government introduced a policy requiring married ethnic Han couples to limit their children to one¹⁵, with ethnic minority and rural families who had a daughter as their first child being exempt from the policy for most of its history¹⁶.
- 5.1.2 Article 18 of the law encouraged late marriage, late childbearing and one child per couple. A second child may have been allowed but only where specified laws and regulations were met. Where children were born not in compliance with the law and regulations, couples were subject to a social maintenance fee¹⁷. The law also offered incentives to single child couples such as longer maternity leave¹⁸.
- 5.1.3 Chinese officials have stated that the implementation of the one child policy prevented over 400 million births^{19 20} and contributed to China's economic growth since the 1980's. Estimates also suggest that during the 30 years the policy was in place billions of dollars were collected in fines from those who had an additional child²¹.
- 5.1.4 A timeline for the introduction of the one-child policy can be found in the Guardian's article '[China's one-child policy – timeline](#)'²²

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¹⁴ NPC Observer, '[NPCSC Codifies Three-Child Policy, Expands Legal Aid &...](#)', 24 August 2021

¹⁵ Time, '[China's One-Child Policy: How It Started in the First Place](#)', 29 October 2015

¹⁶ DFAT, '[Country Information Report - China 2021](#)' (para 3.118), 22 December 2021

¹⁷ Library of Congress, '[China: Statistics on Family Planning Fines Released](#)', 4 August 2014

¹⁸ Time, '[China's One-Child Policy: How It Started in the First Place](#)', 29 October 2015

¹⁹ Times of India, '[China approves three-child policy with sops to encourage...](#)', 20 August 2021

²⁰ ABC News, '[This is how thousands of Chinese women defied the one-child...](#)', 15 February 2020

²¹ ABC News, '[This is how thousands of Chinese women defied the one-child...](#)', 15 February 2020

²² The Guardian, '[China's one-child policy – timeline](#)', 29 October 2015

5.2 Introduction of the two-child policy

- 5.2.1 On 27 December 2015 the one child policy was amended to allow married couples to have 2 children. The law came into effect on 1 January 2016. Under Article 18 couples were no longer encouraged or rewarded for having late marriages and late childbearing. The law did state that compliance with the law and regulations may be rewarded by grants of extended leave or other benefits. Couples who had no more than 2 children were no longer required to obtain birth permits from government authorities²³.

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5.3 Introduction of the three-child policy

- 5.3.1 The relaxation of the one child policy to allow couples to have 2 children did not encourage couples to have a second child. Many cited the high cost of raising children, the high cost of housing and a lack of job protection for women being reasons to only have one child or have no children at all²⁴.
- 5.3.2 Following a continuing decline in birth rates to the lowest levels since 1949²⁵ (see [Birth rates](#)) and a shrinking workforce and increasing elderly population²⁶ (see [Age structure](#)) the Chinese state announced on 31 May 2021 that they would be relaxing their 2 child policy to allow married couples to have 3 children. The policy was formally adopted into law on 20 August 2021 and was effective immediately^{27 28}.

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5.4 Reaction to the 3-child policy

- 5.4.1 Whats on Weibo, an independent news site reporting social trends in China, noted in an article published on 31 May 2021 that:

‘The introduction of a possible “three-child policy” first became a trending topic on Chinese social media in 2018. In that year, Chinese bloggers and netizens denounced the potential measure in saying that an extension from a “two-child policy” to a “three-child policy” would add to the burden of Chinese women. Such a policy, they argued, would lead to Chinese women facing social expectations to birth a third child. And with supposed longer maternity leaves, they would also face unequal opportunities in the employment market.’²⁹

- 5.4.2 According to a BBC news article from May 2021: ‘Generations of Chinese people have lived without siblings and are used to small families - affluence has meant less need for multiple children to become family-supporting workers, and young professionals say they'd rather give one child more advantages than spread their income among several kids.’³⁰

²³ Library of Congress, [‘China: Two-Child Policy Becomes Law’](#), 8 January 2016

²⁴ Times of India, [‘China approves three-child policy with sops to encourage...’](#), 20 August 2021

²⁵ The National Interest, [‘China’s Coming Pro-Natalist Campaign’](#), 20 April 2021

²⁶ The Diplomat, [‘China Loosens Family Planning, Again’](#), 2 June 2021

²⁷ BBC News, [‘China NPC: Three-child policy formally passed into law’](#), 20 August 2021

²⁸ Library of Congress, [‘China: Three-Child Policy Becomes Law, Social...’](#) 23 September 2021

²⁹ Whats on Weibo [‘China’s ‘Three Child Era’ Announcement Is Met with Banter...’](#), 31 May 2021

³⁰ BBC News, [‘China allows three children in major policy shift’](#), 31 May 2021

- 5.4.3 In June ABC News reported that the announcement of the 3-child policy was: ‘...met with ridicule. Many social media users noted they couldn’t begin to afford a second child, let alone a third, in a country where a strict one-child policy has dramatically shaped the society.’³¹
- 5.4.4 The Economist noted that: ‘An online poll by Xinhua, a state news agency, asked whether people would consider having three children. Just 5% of respondents said they would. Most others said it was “out of the question”. At least 31,000 took part in the survey before it was hastily taken down.’³²
- 5.4.5 The Washington Post noted in an article from July 2021 that:
 ‘Chinese society is changing rapidly, and many women feel no rush to have children. A recent report in the state-run Global Times stated that more than three-quarters of working mothers surveyed said relaxing birth restrictions would not make them more likely to have another child, while a quarter of the women surveyed did not want to get married. A previous survey of more than 40,000 working women in 2017 by Zhaopin, one of China’s largest job-recruiting websites, found that 40 percent of working women in China without children did not want to have children at all. For women who already had one child, 63 percent did not want a second child. More than half of the women surveyed said their biggest concern about having children was “difficulty in returning to work after childbearing.”’³³

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5.5 Enforcement and incentives of the family planning policy

- 5.5.1 South China Morning Post, noted in an article from June 2021 that: ‘In March 2018, the new National Health Commission also took over responsibility for population management from the National Health and Family Planning Commission. At the time, officials said the phrase “family planning” would disappear from the ministerial lexicon as China grappled with its shrinking labour pool and rapidly ageing population.’³⁴
- 5.5.2 Under the previous versions of the family planning policy parents faced having to pay a fine, referred to as a ‘social maintenance fee’, for children born in excess of birth restrictions. If the fine was not paid then the child could not be registered in the hukou (see [Hukou \(registration\) system](#)), meaning they did not exist legally and could not access social services such as healthcare and education³⁵. Following the introduction of the amended family planning policy in August 2021 there is now no article in law which requires couples who have children outside of the policy to pay a social maintenance fee³⁶ (see [Legislations](#)).
- 5.5.3 The amended family planning policy also eliminated penalties employees may have faced at work, such as loss of employment, for violating birth restrictions³⁷.

³¹ ABC news, ‘[China's three-child policy is designed to bring on a baby boom, but its...](#)’, 4 June 2021

³² The Economist, ‘[China rapidly shifts from a two-child to a three-child policy](#)’, 5 June 2021

³³ The Washington Post, ‘[China’s government wants families to have more children...](#)’, 7 July 2021

³⁴ SCMP, ‘[Three-child policy: how many children can you have in China?](#)’, 5 June 2021

³⁵ SCMP, ‘[Three-child policy: how many children can you have in China?](#)’, 5 June 2021

³⁶ NPC Observer, ‘[NPCSC Codifies Three-Child Policy, Expands Legal Aid &...](#)’, 24 August 2021

³⁷ NPC Observer, ‘[NPCSC Codifies Three-Child Policy, Expands Legal Aid &...](#)’, 24 August 2021

5.5.4 Various sources reported during 2021 that following the announcement of the 3 child policy incentives were being offered to those who had a second or third child:

- Huangzhugen village in Zhanjiang was reported to be offering parents of children born after 1 September subsidies until their babies turned two-and-a-half. This was reported to be 3,000 to 3,300 yuan (approx. £358-£393) each month, totalling up to 99,000 yuan (approx. £11,800) for each baby, although these subsidies were restricted to permanent families in the village and those who worked outside the village and/or those who did not breastfeed were reported to be ineligible³⁸.
- In July 2021 Panzhihua city government in Sichuan province announced that it would offer subsidies to families who had a second or third child, this was backdated to those who were born from 12 June. Several sources reported that the government would pay 500 yuan (approx. £59) a month for every second/third child until the child turned 3³⁹ 40 41. The news site Nikkei Asia noted that this was: '...equal to more than 10% of the average disposable income per person in the heart of the city.'⁴²
- A county in the Gansu Province reportedly announced a house-buying subsidy of up to 40,000 yuan (approx. £4700) for couples who give birth to two or three children⁴³.
- In August 2021 Beijing announced that mothers giving birth to a third child would be offered an additional 30 days of maternity leave in addition to the standard 98 days⁴⁴.
- China Daily reported that in October 2021 Beijing announced: '...that families with more than one child who are on the waiting list for public rental apartments in Chaoyang district will be allowed to cut the line and choose locations within the area.'⁴⁵
- In December 2021 Bloomberg reported that Jilin province, in northeast China, had announced proposals for policies to support population growth, these included supporting banks to provide up to 200,000 yuan (approx. £23,400) of marriage and birth consumer loans to married couples. The report noted that policies included offering discounted loan rates which would vary according to the number of children a couple had. Other measures put forward in the policy included allowing couples from other provinces to obtain a hukou in Jilin if they had their children and registered them there, allowing them to access to public services in Jilin. Jilin would also be extending maternity leave to 180 days and paternity

³⁸ Global Times, '[Village in Guangdong offers cash subsidies to parents of...](#)', 22 September 2021

³⁹ The State Council- PRC, '[Capital encourages bigger families](#)', 6 August 2021

⁴⁰ Nikkei Asia, '[China cities push 3-child policy with cash and leave](#)', 18 August 2021

⁴¹ Global Times, '[Village in Guangdong offers cash subsidies to parents of...](#)', 22 September 2021

⁴² Nikkei Asia, '[China cities push 3-child policy with cash and leave](#)', 18 August 2021

⁴³ Global Times, '[Village in Guangdong offers cash subsidies to parents of...](#)', 22 September 2021

⁴⁴ Nikkei Asia, '[China cities push 3-child policy with cash and leave](#)', 18 August 2021

⁴⁵ China Daily, '[Rule changes ease burden on parents](#)', 25 January 2022

leave to 25 days and couples would get 20 days parental leave each year before their child turned 3⁴⁶.

- China Briefing's article '[China's Childcare Leave Policy](#)' updated on 20 January 2022 lists childcare leave policies across the different provinces in China and the date they came into effect⁴⁷.

5.5.5 In December 2021, The Washington Post reported on a man being refused a vasectomy by several hospitals, with one doctor citing new family planning laws as the reason: 'For more than three decades, Chinese authorities forced men and women to undergo sterilization to control population growth. Now, as the government tries to reverse a plummeting birth-rate that it fears could threaten social stability and the economy, hospitals are turning away men seeking vasectomies.'⁴⁸

5.5.6 The Australian government's Department of Foreign Affairs and Trade country information report on China, published 22 December 2021, based on a wide range of sources (2021 DFAT report) noted that they had been told by in-country sources that: 'increased discretion was being afforded to local governments to decide whether or not to charge out-of-plan fees to parents even before the 2016 reforms [see [Unregistered children \(Heihaizi/ 'black children'\)](#)]. This was especially true in rural areas.'⁴⁹

5.5.7 The report went on to state:

'...The likelihood of enforcement or penalties for non-compliance, both before and after the new rules were implemented, varies from place to place. DFAT understands that Fujian, for example, does not enforce its family planning policy strictly and penalties have not been imposed in some years.

'...Enforcing child limits has become a low priority for government. DFAT is not aware of any recent reports of people being imprisoned for failure to pay fees and is not aware of recent examples of forced abortions but understands that they are theoretically possible. While punishment for out-of-plan children is still possible, it is much less likely than it was in the past. Implementation differs from place to place (it is regulated by provinces) but DFAT is not aware of evidence that breaches of family planning laws are severely punished anywhere in China. Outstanding compensation fees, including for previous children, still need to be paid.

'DFAT assesses that official discrimination against people who have out of plan children is low. DFAT is not aware of patterns of societal discrimination against people with out of plan children.'⁵⁰

5.5.8 In January 2022 China Daily reported that:

'In October 2021 23 government departments, including the National Development and Reform Commission, released a guideline that said more public funds and support will be offered to build affordable nursery care institutions across the country. The first government-subsidized nursery care

⁴⁶ Bloombergquint, '[Chinese Province Offers \\$31,000 Baby Loans to Counter...](#)', 27 December 2021

⁴⁷ China Briefing, '[China's Childcare Leave Policy](#)', 20 January 2022

⁴⁸ The Washington Post, '[In need of a baby boom, China clamps down on...](#)', 9 December 2021

⁴⁹ DFAT, '[Country Information Report - China 2021](#)' (para 3.118), 22 December 2021

⁵⁰ DFAT, '[Country Information Report - China 2021](#)' (para 3.120- 3.121), 22 December 2021

center in Jiangnan district, Wuhan, Hubei province, opened on Dec 24. The center, open from 8 am to about 5 pm, provides a number of services for babies, from health checkups to light workouts.⁵¹

- 5.5.9 Diplomatic sources noted, in an e-mail response to a series of questions from CPIT, dated 16 March 2022, that:

‘The Chinese government is encouraging families to have more children for a number of reasons, most of which are economic; however, the new 3-child policy has yet to be officially implemented. The decision was made to allow a third child on 31 May 2021 during a meeting of the Political Bureau of the CPC Central Committee, but a formal process is required to “activate” the policy. To enable this, the National People’s Congress (NPC) Standing Committee must first revise the Population and Family Planning Law, before the various Provincial Standing Committees across China update their regulations, after which they will announce the implementation of the new law. Alongside this, there are a number of related procedures and regulations that still relate to the current 2-child regulations, so these will need to be updated before the 3-child policy can go live.

‘According to our research, this was very similar to when the 2-child policy was implemented a few years ago in China. Despite there being a clear time lag between the policymaking and implementation phases, most local Health Commissions adopted the new regulations pretty much straight away, meaning that families registering new born children during this time were not punished (although this is impossible for us to verify of course). When the 2-child policy announcement was released, an official at the National Health and Family Planning Commission stated that, in cases where a new regulation has a clear benefit to families, communities, and the Chinese government, it should be implemented as soon as possible. We therefore judge that a similar approach is probably being taken for the 3-child policy in most parts of the country.’⁵²

- 5.5.10 The US State Department 2021 report on human rights practices (USSD 2021 report) published in April 2022 noted that:

‘Penalties for exceeding the permitted number of children were not enforced uniformly and varied by province. The law as implemented requires each woman with an unauthorized pregnancy to abort or to pay a social compensation fee, which can reach 10 times a person’s annual disposable income. Those with the financial means often paid the fee to ensure their children born in violation of the birth restrictions would have access to a wide array of government-provided social services and rights. Some avoided the fee by hiding such children with friends or relatives.’⁵³

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⁵¹ China Daily, [‘Rule changes ease burden on parents’](#), 25 January 2022

⁵² Diplomatic sources Email, [‘Annex A’](#), 16 March 2022

⁵³ USSD, [‘2021 Country Report on Human Rights Practices: China’](#), 12 April 2022

5.6 Enforced abortion, sterilisation and birth control

5.6.1 A March 2022 e-mail from diplomatic sources noted that they were ‘... not aware of any reports of forced sterilisation or abortions in recent years, with the important exception of Xinjiang autonomous region...’⁵⁴

5.6.2 The USSD 2021 report noted that:

‘Enforcement of population control policy relied on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations, contraception and, less frequently, forced sterilizations and, in some provinces, coerced abortions.

‘...While authorities have liberalized population control measures for members of the Han majority since 2016, birth control policies directed toward Uyghurs became more stringent. Ethnic and religious minority women were often subject to coercive population control measures.’⁵⁵

5.6.3 For information on birth control in Xinjiang see the country policy and information note on [China: Muslims \(including Uyghurs in Xinjiang\)](#)

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5.7 Single and unmarried mothers

5.7.1 There are no official statistics for the number of single/unmarried mothers in China. The National Health Commission in 2014⁵⁶ and a 2018 report by the state-backed All-China Women’s Federation⁵⁷ estimated that there would be around 20 million single mothers by 2020.

5.7.2 According to the Netherlands Ministry of Foreign Affairs country report on China published in July 2020, ‘...single women who wish to have children cannot use the services of government regulated sperm banks. The northeastern province of Jilin reportedly forms the only exception to this rule. This situation has prompted wealthy single women who wish to have a child to go abroad and become pregnant through artificial insemination.’⁵⁸

5.7.3 The family planning policy does not prohibit single/unmarried women from having children but because the policy only mentions married couples and many local governments, before granting benefits, require a marriage permit, benefits have long been provided only to this group. This results in single women being unable to access maternity benefits^{59 60}. In some places single women can face fines for giving birth outside of marriage⁶¹.

5.7.4 The Population Research Institute (PRI) noted in an August 2018 article that: ‘For unmarried women who find themselves pregnant, the Chinese Government continues to enforce a zero-child policy, counting all unwed

⁵⁴ Diplomatic sources E-mail, ‘[Annex A](#)’, 16 March 2022

⁵⁵ USSD, ‘[2021 Country Report on Human Rights Practices: China](#)’, 12 April 2022

⁵⁶ VOA, ‘[Denied Benefits, Chinese Single Mothers Push for Change](#)’, 17 March 2021

⁵⁷ The New York Times ‘[For China’s Single Mothers, a Road to Recognition Paved...](#)’ 31 May 2021

⁵⁸ NL MoFA, ‘[Country of origin information report China](#)’, 1 July 2020

⁵⁹ VOA, ‘[Denied Benefits, Chinese Single Mothers Push for Change](#)’, 17 March 2021

⁶⁰ The New York Times ‘[For China’s Single Mothers, a Road to Recognition Paved...](#)’ 31 May 2021

⁶¹ The New York Times ‘[For China’s Single Mothers, a Road to Recognition Paved...](#)’ 31 May 2021

births as out-of-quota births unless they marry within 60 days after the child's birth.⁶²

5.7.5 Guangdong province and Shanghai have changed their requirements and now women no longer have to provide proof of marriage before receiving maternity benefits^{63 64}.

5.7.6 The New York Times reported in May 2021 that '... In January [2021], the commission rejected a proposal to open egg freezing to single women, citing ethical and health concerns.'⁶⁵

5.7.7 In an article from December 2021 the Economist noted that:

'Local governments are encouraging procreation with new support that includes longer parental leave and fatter subsidies. Divorced or widowed mothers can claim these benefits, but those who have never married, including lesbians whose unions are not recognised in China, usually cannot. Worse, some of them face fines.

'...China does not explicitly ban extramarital births. Its marriage law guarantees the same rights for children born out of wedlock as those born in it. Yet the family-planning law says that procreation involves "a husband and wife". Local officials often take that to mean that unwed mothers are in violation of that legislation. In a wealthy city like Shanghai, lost benefits would range from 30,000 yuan (\$4,700) to 120,000 yuan. Unmarried mothers sometimes have to pay the same "social maintenance fees" that are extracted from couples who have more children than allowed. The levies can add up to several years of working-class income.

'It used to be that the offspring of unmarried mothers were often denied hukou, or proof of a person's place of origin. This made it hard for them to obtain identity papers, enroll in state schools or receive subsidised health care. In 2016 the government reminded officials that children born outside marriage must be given hukou. That seems to have worked. (See also [Unregistered children \(Heihaizi/ 'black children'\)](#))

'...In parts of the country, firms are responsible for paying employees during maternity leave (a minimum of 98 days on full salary) but can claim the money back from the state. Fearing that the government may not reimburse them, some employers refuse to give such pay when the woman is single. Some unmarried women, once pregnant, are even fired.

'...The shift to a three-child policy has given hope to single mothers that social maintenance fees may be abolished. The central government says this is being considered. The charges are currently imposed mainly on families with four children or more, a rare sort. On November 25th Shanghai published its own rules for implementing the three-child policy. They included incentives to have children and appeared to scrap the fees altogether.'⁶⁶

5.7.8 Global Times, reported in March 2022 that:

⁶² PRI, '[Forced Abortion Still Mandated Under China's "Planned Birth" Laws](#)', 15 January 2018

⁶³ VOA, '[Denied Benefits, Chinese Single Mothers Push for Change](#)', 17 March 2021

⁶⁴ The New York Times '[For China's Single Mothers, a Road to Recognition Paved...](#)' 31 May 2021

⁶⁵ The New York Times '[For China's Single Mothers, a Road to Recognition Paved...](#)' 31 May 2021

⁶⁶ The Economist, '[Single mums in China want the same treatment as married...](#)', 4 December 2021

‘Unmarried women aged over 30 should be allowed to give birth to one child and enjoy the rights including maternity leave and insurance as married parents, suggested a member of the 13th National Committee of the Chinese People's Political Consultative Conference (CPPCC). The remarks come as China's birth rate has nosedived in recent years.

‘The proposal, handed out by Hua Yawei, a CPPCC National Committee member, urged the society to be more tolerant to unmarried mothers and their children, noting that the children should be treated equally in household registration, schooling and medical treatment. Hua added that unmarried mothers should have maternity leave and insurance as married parents.

‘Under the current legislation, unmarried mothers are subject to penalties such as social support fees and are denied maternity leave and insurance. They also face difficulties in reimbursing medical fees.’⁶⁷

5.7.9 The law only mentions the rights of married couples, which means unmarried women are not authorized to have children. They consequently have social compensation fees imposed on them if they give birth “outside of the policy,” and they could be subject to the denial of legal documents such as birth documents and the hukou residence permit, although local governments rarely enforced these regulations.

5.7.10 The USSD 2021 report stated that:

‘The law only mentions the rights of married couples, which means unmarried women are not authorized to have children. They consequently have social compensation fees imposed on them if they give birth “outside of the policy,” and they could be subject to the denial of legal documents such as birth documents and the hukou residence permit, although local governments rarely enforced these regulations.

‘...Since national family planning law mentions only the rights of married couples, local implementation was inconsistent, and unmarried persons were required to pay for contraception.’⁶⁸

5.7.11 The 3-child policy has removed the ‘social maintenance fee’ for children born in excess of birth restrictions (see [Enforcement and incentives of the family planning policy](#)). There are limited sources indicating that following the removal of the social maintenance fees that single mothers would still be required to pay a fee (see [Bibliography](#)).

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5.8 Unregistered children (Heihaizi/ ‘black children’)

5.8.1 In December 2015 President Xi Jinping announced that China would be providing household registration (hukou) to nearly 13 million unregistered ‘black’ or Heihaizi children. It was announced that registration should take place irrespective of family planning and birth limits⁶⁹.

5.8.2 In a 2017 blog on the European Network on Statelessness website, it was observed that:

⁶⁷ Global Times, ‘[Political advisor proposes to allow unmarried women aged over 30...](#)’, 5 March 2022

⁶⁸ USSD, ‘[2021 Country Report on Human Rights Practices: China](#)’, 12 April 2022

⁶⁹ People Daily Online, ‘[President Xi Jinping: China to Register 13 Million...](#)’, 10 December 2015

'In 2010, the census data confirmed that at least 13 million children were affected by lack of hukou, which serves as birth registration and affirms nationality. The true number was probably closer to 30 million. Most children were denied hukou by local bureaucrats because their parents violated the so-called 'one child policy' still in place at that time, which restricted parents from having more than one or two (for those in rural areas whose first child was a girl) children or having children outside wedlock. This was relaxed into a two-child policy in October 2015. The bureaucrats would demand that parents first pay a fine for their violation upon which their child would be registered.

'Without the hukou children...had no documented relationship with the Chinese state. When these children reached adulthood they would be unable to work legally, get married, travel on planes, trains or long distance buses, open a bank account or access other rights dependent on having proof of legal personhood. Moreover, they lacked documents attesting their nationality, which was a prerequisite for an ID card and passport application. These children are best understood as 'at risk of statelessness'.⁷⁰

- 5.8.3 The University of New South Wales' Social Policy Research Centre, produced a report for UNICEF Beijing in April 2020 noting that:

'China's one-child policy penalised families for having more than one child by limiting or removing their access to the household registration system (hukou). Any child whose birth was illegal under the one-child policy was likely to be unreported to the authorities through the required birth registration process, often to avoid financial or social penalties. As a result, there are over 13 million unregistered children (2010 Census), accounting for 1.0 per cent of the total population.

'Children without hukou registration records (heihaizi) is a significant social problem in China. They cannot inherit or obtain property, receive insurance coverage for medical or social purposes, collect financial aid, or attend school, unless financial penalties are paid. These "black-listed children" are also unable to apply for government or other jobs, get married and start a family, or join the army in their later life.'⁷¹

- 5.8.4 The USSD 2021 report stated that, 'Unregistered children could not access public services, including education, health care, identity registration, or pension benefits.'⁷²

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5.9 Children born overseas

- 5.9.1 The 2021 DFAT report stated that: 'People who give birth overseas would have their children counted as if they were born in China and the policies of the place they return to in China would apply.'⁷³

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⁷⁰ ENS, [China's hidden children: denied documents and at risk of statelessness](#), 19 January 2017

⁷¹ UNSW, Social Policy Research Centre, ['Migration, urbanisation, climate change...'](#), April 2020

⁷² USSD, ['2021 Country Report on Human Rights Practices: China'](#), 12 April 2022

⁷³ DFAT, ['Country Information Report - China 2021'](#) (para 3.120), 22 December 2021

5.10 Child gender selection

- 5.10.1 Global Times noted that it is illegal in China to terminate a pregnancy for gender preferences and to identify gender before birth for non-medical purposes⁷⁴. In September 2021 the Guardian reported that the government had announced they would be seeking to reduce abortions for 'non-medical reasons' although the Guardian went on to note that the 'Government guidelines did not provide detail on what constitutes a non-medical abortion.'⁷⁵
- 5.10.2 The Congressional Executive Commission on China (CECC) annual 2020 report published in January 2021 noted that: 'Although Chinese authorities continued to implement a ban on "non-medically necessary sex determination and sex-selective abortion," some people reportedly continued the practices in keeping with a traditional cultural preference for sons.'⁷⁶
- 5.10.3 BBC News also noted that: 'The one-child policy also led to a severe gender imbalance in the country. The traditional preference for male children led to large numbers of girls being abandoned or placed in orphanages, or cases of sex-selective abortions or even female infanticide. "This poses problems for the marriage market, especially for men with less socioeconomic resources," Dr Mu Zheng, from the National University of Singapore's sociology department, said.'⁷⁷
- 5.10.4 Jieyu Liu, a Reader in Sociology of China and Deputy Director of SOAS (School of Oriental and African Studies) China Institute at SOAS University of London, noted in an article on the SOAS China Institute webpage that: 'Despite the increased investment in girls' education in rural China, I found consistent son preference across three generations. If a couple's two children are both girls, it is therefore highly likely that they will try to have a third child. Indeed, in rural Fujian, where there is a much stronger lineage culture and custom than in many northern provinces, some villagers born in the early 1990s already had three or four children in their efforts to produce a boy heir.'⁷⁸
- 5.10.5 The Economist noted in June 2021 that: 'An image circulated by Xinhua of a poster promoting the three-child policy features two girls and a boy, probably to suggest that girls are good: a cultural preference for boys has encouraged sex-selective abortions and contributed to a highly unbalanced sex ratio.'⁷⁹
- 5.10.6 Michigan News reported in November 2021 that: 'According to the most recent 2020 census data, the sex ratio at birth (SRB) remains imbalanced and above its natural level of about 105 male live births per 100 female live births. The official report of the 2020 census puts China's SRB at 111.3 in 2020.'⁸⁰

⁷⁴ Global Times, '[China's gender imbalance may take decades to resolve](#)', 11 December 2020

⁷⁵ The Guardian, '[China to clamp down on abortions for 'non-medical purposes'](#)', 27 September 2021

⁷⁶ CECC, '[2020 Annual Report](#)' (page 141), 12 January 2021

⁷⁷ BBC News, '[China allows three children in major policy shift](#)', 31 May 2021

⁷⁸ SOAS China Institute, '[China's three-child policy is unlikely to be welcomed by...](#)', 4 June 2021

⁷⁹ The Economist, '[China rapidly shifts from a two-child to a three-child policy](#)', 5 June 2021

⁸⁰ Michigan News '[China's new family planning policy comes from old playbook](#)', 22 November 2021

5.10.7 The USSD 2021 report noted that: ‘Nonmedical fetal sex diagnosis and aborting a pregnancy based on gender selection are illegal. Private and unregistered clinics, however, provided these services. Provincial health commissions made efforts to crack down on sex-selective abortions.’⁸¹

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5.11 Discrimination

5.11.1 Jieyu Liu, a Reader in Sociology of China and Deputy Director of SOAS China Institute at SOAS University of London, noted in an article on the SOAS China Institute webpage that:

‘Having three children will have gendered and generational consequences. Gender discrimination is deeply institutionalised in the Chinese labour market. When asked if they planned to have a second child, some of my women interviewees acknowledged that their employers’ unwillingness to bear the costs of their reproductive decisions made it difficult to decide. Unless gender discrimination in the labour market is addressed systematically, choosing to have three children will have a detrimental effect on women’s employment trajectory.

‘The limited provision of childcare availability for infants under the age of three means that when a new mother’s maternity leave ends (currently after around four months), her mother or mother-in-law will take on childcare responsibilities for their new grandchild. Given the shortage of good quality care homes for elderly people, these grandparents will also have to care for their own parents. In short, having three children will serve only to increase the burden of care on all generations.’⁸²

5.11.2 Yun Zhou, an assistant professor of sociology at the University of Michigan, in an article of June 2021 in the Washington Post noted that:

‘The majority of the young women in my study reported that prospective employers asked about their relationship status and childbearing plans during job interviews. People working in occupations with a high concentration of women described implicit workplace “queuing” — employers wanted to regulate the timing of childbirth among female employees. Women who participated in hiring decisions reported an intensified preference for hiring male candidates after 2016, as a way to avoid potential added costs if a female hire opted to have more than one child and needed to take more than one long maternity leave.’⁸³

5.11.3 ABC News reported in June 2021 that:

‘Wang Yaqui, a China researcher from Human Rights Watch, has recently investigated China’s previous two-child policy and gender discrimination in the workplace. Ms Wang found the three-child policy might lead to companies becoming even less willing to hire women. Gender discrimination in the workplace worsened when the one-child policy was replaced with the two-child policy.

⁸¹ USSD, [‘2021 Country Report on Human Rights Practices: China’](#), 12 April 2022

⁸² SOAS China Institute, [‘China’s three-child policy is unlikely to be welcomed by...’](#), 4 June 2021

⁸³ The Washington Post, [‘Will China’s new 3-child policy push more women out of the...’](#), 7 June 2021

'...Because there is no mandatory paternity leave, organisations don't face the same outlay for fathers who are having a child, so it's seen more costly to hire women than men in China.'⁸⁴

5.11.1 In June 2021, Human Rights Watch reported that:

'Employers can impose various punishments on employees who become pregnant. A woman in Guangdong province was fired days after she informed her employer that she was pregnant. A company in Fujian province fired a woman on maternity leave on the grounds of "extreme operation difficulties" although it experienced no business-related losses. A company in Shandong province fined an employee 2,000 yuan (US\$300) for having a second child earlier than permitted in her employment contract.

Sometimes companies make the work environment for pregnant employees so difficult that they were effectively forced to resign. A company in northeast Jilin province made a seven-and-a-half-month pregnant employee work at a construction site in the winter...'⁸⁵

5.11.2 The Economist, in an article from June 2021, noted that:

'The Politburo said it would provide better child-care facilities, improve state-funded provisions for looking after the elderly, expand maternity benefits and lower the cost of education. It also promised to "protect the rights of women in employment". It has been doing a poor job of it. In 2019 the government vowed to make more firms comply with existing anti-discrimination laws. These ban employers from asking women about their child-rearing plans in job interviews and from stating a preference for male applicants when recruiting. Offenders can be fined up to 50,000 yuan (\$7,800). In practice, they are rarely punished. In a survey released in November by Boss Zhipin, a recruitment website, more than one in three women said that managers had immediately begun looking for someone to replace them permanently after learning they were pregnant. Some firms illegally force female recruits to sign contracts promising not to have children for several years.'⁸⁶

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Section 6 updated: 3 May 2022

6. Documentation

6.1 Birth permit & registration

6.1.1 A birth permit or birth permission certificate is a document that is required in order for a person to be able to access maternity care and also to be able to apply for a new-born baby's hukou (household registration document)⁸⁷.

6.1.2 Prior to 2016 a birth permit was required in order for a couple to have more than one child, after the introduction of the 2-child policy a couple planning on having a second child were no longer required to apply for a birth permit⁸⁸.

⁸⁴ ABC news, '[China's three-child policy is designed to bring on a baby boom, but its...](#)', 4 June 2021

⁸⁵ HRW, '[China: Pervasive Discrimination Under Two-Child Policy](#)', 1 June 2021

⁸⁶ The Economist, '[China rapidly shifts from a two-child to a three-child policy](#)', 5 June 2021

⁸⁷ ABS-CBN News, '[China confirms all citizens can have third child amid policy...](#)', 21 July 2021

⁸⁸ Library of Congress, '[China: Two-Child Policy Becomes Law](#)', 8 January 2016

6.1.3 In July 2021 Radio Free Asia reported that despite the announcement of the 3-child policy in May 2021 the law, at the time, had yet to be implemented and as such: ‘...would-be third-time parents will still need a birth permit before having a third child...’⁸⁹.

6.1.4 Diplomatic sources confirmed in an e-mail, dated 16 March 2022, that: ‘Under the previous two-child policy, the State Council confirmed that applying for a birth permit or family planning certificate was not a legal requirement...’⁹⁰

6.1.5 Diplomatic sources further noted that parents are urged to register all births but that:

‘According to open source research and the Birth Control Office in Beijing, there is no official China-wide policy on the administrative requirements following the birth of a child, which suggests parental obligations differ from province to province. Taking Beijing as an example, every birth must be registered, regardless of whether it is the first, second, or third child – this can be done in person or online. The Local Community Office should also be informed, to enable the issuance of a Maternal Health Manual and for a home visit to be arranged in order to check on the child’s condition. Complications sometimes arise when unmarried single mothers try to register the birth of a child, potentially leading to difficulties in updating their Hukou (Family Book). However, the Chinese government is now encouraging more births in an attempt to future-proof economic development, so it is likely that a solution to this issue will be announced in the years ahead.’⁹¹

6.1.6 See also [Single and unmarried mothers](#) and [Hukou \(registration\) system](#)

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6.2 Hukou (registration) system

6.2.1 Quartz, a website reporting on stories that affect the global economy, noted that: ‘For unmarried citizens, registering a hukou—China’s most important housing registration system—for their children also remains highly difficult.’⁹²

6.2.2 The 2021 DFAT report noted that:

‘Hukou is a household registration system rooted in an ancient system that has parallels in other parts of East Asia such as Japan and Vietnam. In modern China, hukou registration with the local government entitles a resident to use government services such as education or health services in that local government area. In practice it might be a better reflection of their place of birth or even their parents’ place of birth rather than their place of residence.

‘It is very difficult to get a hukou in one of China’s major cities like Beijing or Shanghai, which have quotas for new residence permits. A points system to apply for a hukou exists in some cities (over 5 million people) where good employment records, education and housing might be an advantage.

⁸⁹ RFA, ‘[China’s ‘Three-Child’ Population Drive Has Yet to be Implemented Locally](#)’, 6 July 2021

⁹⁰ Diplomatic sources E-mail, ‘[Annex A](#)’, 16 March 2022

⁹¹ Diplomatic sources E-mail, ‘[Annex A](#)’, 16 March 2022

⁹² Quartz, ‘[China’s propaganda journey from one child- to three-child policy](#)’, 7 June 2021

Reforms in 2019 have made it easier to get a hukou in medium-sized cities (1 to 3 million residents) and removed limits on key population groups, including graduates of universities and vocational colleges. This means that urbanisation and its associated development benefits may continue without putting additional pressure on megacities like Beijing and Shanghai.

'Migration away from cities to regional areas also occurs but much less commonly. The very high cost of living in some large cities and demanding working culture in corporate China has forced some young people to return to their family and home regions. Former emigrants might be enticed back by improved infrastructure and services in rural areas that has accompanied China's rapid development.

'...Births and deaths are recorded on a hukou and a birth certificate is required to apply for a hukou. Without a hukou, the issuance of a passport is unlikely. Registration of a child on a hukou must be done inside China.'⁹³

6.2.3 In an e-mail dated 16 March 2022 diplomatic sources noted that: 'It is worth noting that, during the days of the old 1-child policy, families who opted to have more children were still being encouraged by the Chinese government to register their new-borns through the relevant provincial authority, as this is more beneficial in terms of national population management.'⁹⁴

6.2.4 Diplomatic sources also provided a translation of the 2016, the State Council document '[Opinions of the General Office of the State Council on Solving the Problem of Persons without Hukou Registration](#)' which had the following sections related to hukou registration:

'Section 2 Article 1 - People without a registered permanent residence who do not meet the family planning policy:

People without household registration who were born outside the policy or outside of marriage can apply for household registration by presenting their birth certificate and one parent's household registration, marriage certificate or 'illegitimate' birth documents, in accordance with the policy of voluntarily settling down with their mother or father. Those applying for settlement with their father but without a household registration must also provide a paternity test certificate issued by an approved agency.

'Section 2 Article 7 - People without a household registration born out of marriage between Chinese citizens and foreigners/ stateless persons:

People born to a Chinese citizen and a foreigner/ stateless person without household registration and who has not obtained nationality from another country, can present their birth certificate, the 'illegitimate' birth documents, and the Chinese citizen's household registration to apply for their own household registration. If a birth certificate was not issued, a paternity test certificate issued by a qualified agency should be provided.'⁹⁵

⁹³ DFAT, '[Country Information Report - China 2021](#)' (para 5.25-5.27 & 5.43), 22 December 2021

⁹⁴ Diplomatic sources E-mail, '[Annex A](#)', 16 March 2022

⁹⁵ Diplomatic sources E-mail, '[Annex A](#)', 16 March 2022

6.2.5 The USSD 2021 report stated that:

‘Citizenship is derived from parents. Parents must register their children in compliance with the national household registration system within one month of birth. Children born outside policy quotas or to single women often cannot be registered or receive other legal documents such as the hukou residence permit. Unregistered children could not access public services, including education, health care, identity registration, or pension benefits.’⁹⁶

6.2.6 See also [Unregistered children \(Heihaizi/ ‘black children’\)](#)

6.2.7 See also the [Country Policy and Information Note: China- background information including actor of protection and internal relocation](#)

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⁹⁶ USSD, [‘2021 Country Report on Human Rights Practices: China’](#), 12 April 2022

Annex A

From: [REDACTED]
Sent on: Wednesday, March 16, 2022 1:34:30 AM
To: [REDACTED]@homeoffice.gov.uk>
Subject: RE: Official Sensitive- Request for information on the family planning policy

Hi [REDACTED]

Please see below.

Kind regards,
[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]@homeoffice.gov.uk>
Sent: 01 February 2022 17:32
To: [REDACTED]
Subject: Official Sensitive- Request for information on the family planning policy

Hi [REDACTED]

I am currently updating our CPIN on China's family planning policy and believe there may be a country guidance case in the pipeline too so just wanted to ask some questions regarding the updated family planning policy.

Q) If couples wish to have a 3rd child do they still have to obtain a birth permit/ family planning certificate? According to open source research and the Birth Control Office in Beijing, there is no official China-wide policy on the administrative requirements following the birth of a child, which suggests parental obligations differ from province to province. Taking Beijing as an example, every birth must be registered, regardless of whether it is the first, second, or third child – this can be done in person or online. The Local Community Office should also be informed, to enable the issuance of a Maternal Health Manual and for a home visit to be arranged in order to check on the child's condition. Complications sometimes arise when unmarried single mothers try to register the birth of a child, potentially leading to difficulties in updating their Hukou (Family Book). However, the Chinese government is now encouraging more births in an attempt to future-proof economic development, so it is likely that a solution to this issue will be announced in the years ahead.

Q) Would such a document only be required where couples are having children in excess of the policy limit? Under the previous two-child policy, the State Council confirmed that applying for a birth permit or family planning certificate was not a legal requirement, but urged parents register all births in accordance with the process detailed above, and to comply with any additional provincial-level obligations.

Q) Are you aware of any reports, since the updated family planning policy was introduced, of forced sterilisation/ abortions undertaken to comply with family planning restrictions (I am aware of reports of these occurring in Xinjiang but could find no recent reports that these practices have been occurring elsewhere) [REDACTED]

[REDACTED] is not aware of any reports of forced sterilisation or abortions in recent years, with the important exception of Xinjiang autonomous region, where there are wide-ranging and ongoing human rights concerns.

Here is some further information on China's family planning policy if needed:

The Chinese government is encouraging families to have more children for a number of reasons, most of which are economic; however, the new 3-child policy has yet to be officially implemented. The decision was made to allow a third child on 31 May 2021 during a meeting of the Political Bureau of the CPC Central Committee, but a formal process is required to activate the policy. To enable this, the National People's Congress (NPC) Standing Committee must first revise the Population and Family Planning Law, before the various Provincial Standing Committees across China update their regulations, after which they will announce the implementation of the new law. Alongside this, there are a number of related procedures and regulations that still relate to the current 2-child regulations, so these will need to be updated before the 3-child policy can go live.

According to our research, this was very similar to when the 2-child policy was implemented a few years ago in China. Despite there being a clear time lag between the policymaking and implementation phases, most local Health Commissions adopted the new regulations pretty much straight away, meaning that families registering new born children during this time were not punished (although this is impossible for us to verify of course). When the 2-child policy announcement was released, an official at the National Health and Family Planning Commission stated that, in cases where a new regulation has a clear benefit to families, communities, and the Chinese government, it should be implemented as soon as possible. We therefore judge that a similar approach is probably being taken for the 3-child policy in most parts of the country.

It is worth noting that, during the days of the old 1-child policy, families who opted to have more children were still being encouraged by the Chinese government to register their new-borns through the relevant provincial authority, as this is more beneficial in terms of national population management. Our research has shown that, in 2016, the State Council published its '[Opinions of the General Office of the State Council on Solving the Problem of Persons without Hukou Registration](#)' (official guidance in Chinese at gov.cn). The following is a rough translation of the most relevant Articles:

Section 1 Article 2 - Basic principles:

Adhere to policy management in accordance with the law, and earnestly safeguard the legitimate rights and interests of every citizen registered in accordance with the law. Clearly understand the household registration management process, and implement an effective policy for persons without a household registration. Planning in related fields such as vagrancy and begging, nationality management etc. shall be considered and promoted in coordination with this policy.

Section 1 Article 3 - Objectives:

Further improve the household registration policy, prohibit the establishment of any preconditions that do not meet household registration regulations, and strengthen household registration management. Comprehensively solve the household registration problem for people without household registration, and effectively ensure that each citizen holds a permanent household

registration in accordance with the law. Strive to achieve national household and citizen registration to help achieve the goal of identity number accuracy, uniqueness, and population management.

Section 2 Article 1 - People without a registered permanent residence who do not meet the family planning policy:

People without household registration who were born outside the policy or outside of marriage can apply for household registration by presenting their birth certificate and one parent's household registration, marriage certificate or 'illegitimate' birth documents, in accordance with the policy of voluntarily settling down with their mother or father. Those applying for settlement with their father but without a household registration must also provide a paternity test certificate issued by an approved agency.

Section 2 Article 7 - People without a household registration born out of marriage between Chinese citizens and foreigners/ stateless persons:

People born to a Chinese citizen and a foreigner/ stateless person without household registration and who has not obtained nationality from another country, can present their birth certificate, the 'illegitimate' birth documents, and the Chinese citizen's household registration to apply for their own household registration. If a birth certificate was not issued, a paternity test certificate issued by a qualified agency should be provided.

Section 2 Article 8 - Other people without a household registration:

For people without household registration due to other reasons, the unit or individual who undertakes guardianship duties may apply for a household registration, after investigation and verification by the public security body in conjunction with other relevant departments.

Many thanks for your help

Kind regards

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Country Policy and Research Manager
Country Policy and Information Team
International Strategy, Engagement and Devolution
Science, Technology, Analysis, Research and Strategy (STARS)

Home Office

█

www.gov.uk/home-office

[@ukhomeoffice](https://twitter.com/ukhomeoffice)

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 ToR, 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
 - Legislations
 - Contraventions of internal law
- Family planning policy
 - Brief history of the 'one-child policy'
 - Implementation of the one-child policy
 - Introduction of the two-child policy
 - Introduction of the three-child policy
 - Enforcement of the family planning policy
 - Recent development on family planning policy
 - Enforced abortion, sterilisation and birth control
 - Single and unmarried mothers
 - Children born overseas
 - Child gender selection
- Documentation
 - Birth permit
 - Hukou (registration) system
 - Unregistered children (Heihaizi/ 'black children')

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Official – sensitive: End of section

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Update to country information following changes to the family planning policy

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