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**Follow-up to the Fourth World Conference on Women and
to the special session of the General Assembly entitled
“Women 2000: gender equality, development and peace
for the twenty-first century”: implementation of strategic
objectives and action in critical areas of concern and
further actions and initiatives**

Statement submitted by Jubilee Campaign, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

Ms. Song and her husband, Qiao Ping'an, already had two children when they discovered that Ms. Song was pregnant with their third child. When she was six months pregnant, Ms. Song was abducted from her home by family planning officials and brought to a hospital 100 km away. They confiscated her cell phone, stripped her of her clothes and forcibly pressed her finger to an inkpad and then to an abortion consent form. She was restrained while doctors injected toxins through her stomach and into the head of her unborn child. For three days, Ms. Song lay alone in a hospital room until she finally delivered her aborted baby. After this story was leaked by Mr. Qiao to the foreign media, Ms. Song received monetary compensation. However, no officials were sanctioned for their behaviour in this incident. Contrary to China's assertions, evidence abounds that Ms. Song's story is not an anomaly; it is instead one of many forced abortion atrocities. This story and more have been detailed in depth by the American and international media.

China's rigid propaganda campaign includes stiff financial penalties and other material consequences as punishment for giving birth to a child without a permit. These cruel practices, policies and patterns are degrading and inhumane to women, children and families; cause great harm and injustice; and constitute crimes against humanity. In addition, there are numerous reports that, as with Ms. Song, women are kidnapped from their homes and coerced into having abortions and Government-compelled sterilizations. All of these violations occurred, and continue to occur, in China pursuant to the official one-child policy. Although China's family planning laws do not explicitly mention forced abortion, the effect — whether intentional or unwitting — of China's coercive one-child policy is to force women to pursue abortions when they cannot afford the consequences of having another child.

This practice, though not sanctioned by Chinese law, is clearly tolerated. Article 20 of the Chinese family planning policy requires that spouses of childbearing age deliberately take contraceptive measures and accept the preferred techniques of family planning. Thus, since abortion is not excluded as a method of family planning, it can be understood as included as a "preferred technique of family planning" and may thus be encouraged as a method of birth control.

Article 41 of the family planning policy mandates that citizens who violate the one-child policy pay a fine. The so-called "social upbringing charges" usually amount to about 3 to 10 times the average annual salary in Shanghai, which makes it unaffordable for the majority of couples. Arguably, this policy creates an environment of mistrust between family planning officials, who are subject to strict birth control targets, and couples who cannot afford the fines imposed by the regional authorities. This situation, coupled with the fact that family laws do not explicitly forbid abortion as a method of birth control, creates a climate in which officials are given incentives to force women to undergo abortions.

This coercive climate violates international law. The Programme of Action of the International Conference on Population and Development makes clear that in no case should abortion be promoted as a method of family planning.

Moreover, a mandate to use contraception — like the one in China's family planning policy — violates article 16 (e) of the Convention on the Elimination of All Forms of Discrimination against Women, which grants men and women the

same rights to decide freely and responsibly on the number and spacing of their children.

In July 2012, the European Parliament passed a resolution on the forced abortion scandal in China, owing largely to the publicity following Feng Jianmei's forced abortion. In the resolution, the European Parliament, *inter alia*, strongly condemned cases of forced abortion by local family planning officials in China; urged the Government of China to review its family planning policies so that harmful and coercive elements are removed; called upon the European Commission to put forced abortion and forced sterilization on the agenda of the next European Union/China human rights dialogue; expressed its concern about the gender imbalance and the resulting increased rates for forced prostitution and human trafficking; and asked the Commission to make sure that the European Union budget does not fund any organization or entity directly or indirectly involved in coercive family planning policies.

Apart from the recent European resolution, however, no country or major global organization seems willing to publicly condemn forced abortions in China, even though there are multiple indications that China's policies can rightly be considered "cruel and inhumane" under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Yet, even from within China there is ferocious opposition to the one-child policy. In July, a group of prominent Chinese officials issued an open letter arguing that the family planning law was incompatible with China's increasing respect for human rights and need for sustainable economic development. They noted that, from an economic perspective, the one-child policy was not rational, and from a human rights perspective, it was even less rational. In addition, Chen Guangcheng, a Chinese human rights activist, has accused China of failing to live up to its obligations under international law.

There should be universal condemnation of the practice of forced abortion because it is neither pro-life nor pro-woman. Forced abortions and forced sterilizations, by their very definition, do not take into account any choice on the part of the woman. Even abortion advocates have come out against forced abortion in the light of recent public pressure.

For example, the Planned Parenthood Federation of America declared its opposition to coercive and inhumane reproductive policies and practices, including China's one-child policy and the illegal practices of forced abortion and coerced birth control reported in some localities, in the light of the safe passage of Chen Guangcheng to the United States of America, which focused the world's attention on the scourge of coercive reproductive policies.

Although recent media reports purport that China is on the cusp of abandoning the one-child policy, Jubilee Campaign cautions the international community that such a conclusion is premature. The China Development Research Foundation recently issued a report recommending that China gradually phase in a two-child policy over the next three years, with the goal of ceasing all birth limits by 2020. Nevertheless, the Foundation's report does not support the conclusion that China will "abandon" the one-child policy because: (a) the Chinese Communist Party has not adopted the Foundation's recommendations and is not required ever to do so; (b) instituting a two-child policy will not end forced abortion; (c) instituting a

two-child policy will not end “gendercide”; and (d) the Chinese Communist Party has periodically modified the one-child policy throughout its 30-year history, but the coercion at its core remains the same.

It is the opinion of Jubilee Campaign that China’s policy of forced abortion and sterilization, confiscatory fines, excessive use of police force and overall violence against women and children needs to be fully investigated and ultimately condemned by the Commission on the Status of Women as violating every human right for which the United Nations ought to stand. The women and children of China are not safe from violence so long as this heinous policy is permitted to exist.

Recommendations

To that end, Jubilee Campaign makes the following recommendations to the Commission:

- Officially condemn forced abortions as violence against women and unborn children.
- Encourage non-governmental organizations that work in China to report instances of forced abortion and other abuse to the media and international officials.
- Urge China to end not only the practice of forced abortions and sterilizations but also the entire one-child policy, which fosters and encourages a climate of coercion, violates international law and makes no economic or demographic sense.
- Encourage humanitarian aid and reparations to women and girls subjected to violence directly or indirectly as a result of China’s one-child policy.
