

1. China



Statistics

GENERAL

Population

- Total population (millions): 1,315.8.¹
- Population by sex (thousands): 639,1890 (female) and 674,120.0 (male).²
- Percentage of population aged 0–14: 24.2.³
- Percentage of population aged 15–24: 16.3.⁴
- Percentage of population in rural areas: 61.⁵

Economy

- Annual percentage growth of gross domestic product (GDP): 97.⁶
- Gross national income per capita: USD 1,100.⁷
- Government expenditure on health: 2% of GDP.⁸
- Government expenditure on education: 2% of GDP.⁹
- Percentage of population below the poverty line: 5.¹⁰

WOMEN'S STATUS

- Life expectancy: 73.9 (female) and 70.3 (male).¹¹
- Average age at marriage: 22.1 (female) and 23.8 (male).¹²
- Labor force participation: 80.3 (female) and 90.1 (male).¹³
- Percentage of employed women in agricultural labor force: Information unavailable.
- Percentage of women among administrative and managerial workers: Information unavailable.
- Literacy rate among population aged 15 and older: 82% (female) and 94% (male).¹⁴
- Percentage of female-headed households: Information unavailable.
- Percentage of seats held by women in national government: 22.¹⁵
- Percentage of parliamentary seats occupied by women: 20.¹⁶

CONTRACEPTION

- Total fertility rate: 1.72.¹⁷
- Contraceptive prevalence rate among married women aged 15–49: 84% (any method) and 83% (modern method).¹⁸
- Prevalence of sterilization among couples: 46.1% (total); 35.9% (female); 10.2% (male).¹⁹
- Sterilization as a percentage of overall contraceptive prevalence: 54.5.²⁰

MATERNAL HEALTH

- Lifetime risk of maternal death: 1 in 710 women.²¹
- Maternal mortality ratio per 100,000 live births: 56.²²

- Percentage of pregnant women with anemia: 52.²³
- Percentage of births monitored by trained attendants: 97.²⁴

ABORTION

- Total number of abortions per year: 7,930,000.²⁵
- Annual number of hospitalizations for abortion-related complications: Information unavailable.
- Rate of abortion per 1,000 women aged 15–44: 26.1.²⁶
- Breakdown by age of women obtaining abortions: Information unavailable.
- Percentage of abortions that are obtained by married women: Information unavailable.

SEXUALLY TRANSMISSIBLE INFECTIONS (STIS) AND HIV/AIDS

- Number of people living with sexually transmissible infections: Information unavailable.
- Number of people living with HIV/AIDS: 840,000.²⁷
- Percentage of people aged 15–49 living with HIV/AIDS: 0.1 (female) and 0.2 (male).²⁸
- Estimated number of deaths due to AIDS: 44,000.²⁹

CHILDREN AND ADOLESCENTS

- Infant mortality rate per 1,000 live births: 33.³⁰
- Under five mortality rate per 1,000 live births: 47 (female) and 39 (male).³¹
- Gross primary school enrollment ratio: 115% (female) and 115% (male).³²
- Primary school completion rate: Information unavailable.
- Number of births per 1,000 women aged 15–19: 5.³³
- Contraceptive prevalence rates among married female adolescents: Information unavailable.
- Percentage of abortions that are obtained by women younger than age 20: Information unavailable.
- Number of children under the age of 15 living with HIV/AIDS: Information unavailable.

ENDNOTES

1. See UNITED NATIONS POPULATION FUND (UNFPA), THE STATE OF WORLD POPULATION 2005, at 112 (estimate for 2005).
2. See UNITED NATIONS POPULATION FUND (UNFPA), COUNTRY PROFILES FOR POPULATION AND REPRODUCTIVE HEALTH: POLICY DEVELOPMENTS AND INDICATORS 2003 (2003), <http://www.unfpa.org/profile/default.cfm>. [hereinafter UNFPA, COUNTRY PROFILES]
3. See THE WORLD BANK, WORLD DEVELOPMENT INDICATORS 2004, at 38 (2004), <http://www.worldbank.org/data/> (estimate for 2002). [hereinafter The World Bank].
4. See UNFPA, COUNTRY PROFILES, *supra* note 2.
5. See UNFPA, THE STATE OF WORLD POPULATION 2005, *supra* note 1, at 112, (estimate for 2003).
6. See THE WORLD BANK, *supra* note 3. (estimate for 1990–2002).
7. See THE WORLD BANK, WORLD DEVELOPMENT INDICATORS 2004, DATA QUERY, <http://devdata.worldbank.org/data-query/> (statistical figure obtained through the Atlas method) (estimate for 2003).
8. See UNFPA, THE STATE OF WORLD POPULATION 2005, *supra* note 1, at 112.
9. See UNITED NATIONS CYBERSCHOOLBUS, INFO NATION, GOVERNMENT EDUCATION EXPENDITURE (2004), http://www.un.org/Pubs/CyberSchoolBus/infonation/e_infonation.htm (estimate for 1997).
10. See THE WORLD BANK, COUNTRY AT A GLANCE TABLES FOR CHINA 2004, at 1 (2004), <http://www.worldbank.org/data/countrydata/countrydata.html>.
11. UNFPA, THE STATE OF WORLD POPULATION 2005, *supra* note 1, at 108 (estimate for 2005).
12. See UNFPA, COUNTRY PROFILES, *supra* note 2.
13. See *Id.*
14. See *Id.*
15. See SAVE THE CHILDREN, STATE OF WORLD'S MOTHERS 2004, at 36 (2004), http://www.savethechildren.org/mothers/report_2004/images/pdf/SOWM_2004_final.pdf (estimate for 2004).
16. See UNITED NATIONS STATISTICS DIVISION, MILLENNIUM INDICATORS DATABASE (2005), http://unstats.un.org/unsd/mi/mi_series_results.asp?rowId=557 (last updated Mar. 16, 2005) (estimate for 2005).
17. See UNFPA, THE STATE OF WORLD POPULATION 2005, *supra* note 1, at 112, (estimate for 2000–2005).
18. *Id.* at 108.
19. See ENGENDERHEALTH, CONTRACEPTIVE STERILIZATION: GLOBAL ISSUES AND TRENDS, tbl. 2.2, at 47 (2002) (estimates for 1992).
20. See *Id.*, tbl. Supp. 2.5, at 55.
21. See WORLD HEALTH ORGANIZATION (WHO) ET AL., MATERNAL MORTALITY IN 1995: ESTIMATES DEVELOPED BY WHO, UNITED NATIONS CHILDREN'S FUND (UNICEF), UNITED NATIONS POPULATION FUND (UNFPA), 42 (2000) (estimate for 1995).
22. See UNFPA, THE STATE OF WORLD POPULATION 2005, *supra* note 1, at 108.
23. See SAVE THE CHILDREN, *supra* note 15, at 36 (estimate for 1989–2000).
24. See UNFPA, THE STATE OF WORLD POPULATION 2005, *supra* note 1, at 112.
25. See Stanley K. Henshaw et al., *The Incidence of Abortion Worldwide*, 25 INT'L FAM. PLAN-NING PERSP. S30–S38 (Supp. 1999), <http://www.agi-usa.org/pubs/journals/25s3099.html> (estimate for 1995–1996).
26. See DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, UNITED NATIONS POPULATION DIVISIONS, UNITED NATIONS WORLD ABORTION POLICIES 1999, U.N. DOC. ST/ESA/SER.A/178 (1999), <http://www.un.org/esa/population/publications/abt/abt.htm> (estimate for 1995).
27. See JOINT UNITED NATIONS PROGRAMME ON HIV/AIDS (UNAIDS) et al., UNAIDS/World Health Organization (WHO) EPIDEMIOLOGICAL FACT SHEETS ON HIV/AIDS AND SEXUALLY TRANSMITTED INFECTIONS – 2004 UPDATE: CHINA 3 (2004), http://www.who.int/GlobalAtlas/PDFFactory/HIV/EFS_PDFs/EFS2004_CN.pdf (estimate for 2003).
28. See UNFPA, THE STATE OF WORLD POPULATION 2005, *supra* note 1, at 108.
29. See JOINT UNITED NATIONS PROGRAMME ON HIV/AIDS (UNAIDS) et al., *supra* note 27.
30. See UNFPA, THE STATE OF WORLD POPULATION 2005, *supra* note 1, at 108.
31. See UNFPA, COUNTRY PROFILES, *supra* note 2.
32. See UNFPA, THE STATE OF WORLD POPULATION 2005, *supra* note 1, at 108.
33. See *Id.* at 108.

The People's Republic of China lies to the west of the East and South China Sea and borders 14 other countries including India and Russia.¹ China has one of the oldest civilizations in the world.² It was founded on October 1, 1949, by the Communist Party of China (CPC), under the leadership of Mao Zedong.³ The country was conceived as a socialist nation dedicated to the principles of Marxism-Leninism and the Maoist ideology of class struggle,⁴ and was the result of years of civil unrest and an internal power struggle between the Kuomintang and the CPC.⁵ The government gained popular support by curbing inflation, restoring the economy, rebuilding many war-damaged industrial plants, and unifying the country.⁶ In 1958, Mao launched the Great Leap Forward, a radical initiative aimed at accelerating industrial growth that led to one of the deadliest famines in human history.⁷

Mao stepped down from the presidency in 1959 amid heavy criticism in the aftermath of the Great Leap Forward.⁸ Meanwhile, CPC Secretary-General Deng Xiaoping gained political support through his introduction of pragmatic economic reforms that ended famine and dramatically increased income and productivity.⁹ To regain power and halt the “capitalist corruption” of the masses, Mao in 1966 instigated a popular rebellion against the leadership, the Great Proletarian Cultural Revolution, plunging the country into political and social anarchy that lasted until his death in 1976.¹⁰ Subsequently, Deng Xiaoping assumed leadership of the Chinese government and the CPC,¹¹ officially adopting open-door economic policies guided by capitalist, free-market principles.¹² He also advanced the principles of the “Four Modernizations”—a development strategy aimed at modernizing industry, agriculture, science and technology, and national defense.¹³ Deng was succeeded in 1993 by President Jiang Zemin,¹⁴ who focused on advancing production, culture, and the interests of the people of China.¹⁵ In March 2003, he was succeeded by Hu Jintao.¹⁶

China has an estimated population of more than 1.3 billion,¹⁷ approximately 48.5% of which is female.¹⁸ More than 91.1% of the country is Han Chinese, and the remainder of the population consists of 56 other ethnic minorities.¹⁹ China is officially atheist,²⁰ but prevalent religions include Buddhism, Daoism (Taoism), Islam, Catholicism, and Christianity.²¹ China's official language is Mandarin (Putonghua, based on the Beijing dialect), spoken by more than 70% of the population.²² Other languages include Yue (Cantonese), Wu (Shanghaiese), Minbei (Fuzhou), Minnan (Hokkien-Taiwanese), Xiang, Gan, Hakka dialects, and other ethnic languages.²³

China has been a member of the United Nations since October 24, 1945,²⁴ and is a permanent member of the United Nations Security Council.²⁵ China has joined several eco-

nomic alliances, including the Asia-Pacific Economic Cooperation (APEC) in 1991, and the World Trade Organization (WTO) in 2001,²⁶ and has a co-operative relationship with the Association of Southeast Asian Nations (ASEAN).²⁷

I. Setting the Stage: The Legal and Political Framework of China

Fundamental rights are rooted in a nation's legal and political framework, as established by its constitution. The principles and goals enshrined in a constitution, along with the processes it prescribes for advancing them, determine the extent to which these basic rights are enjoyed and protected. A constitution that upholds equality, liberty, and social justice can provide a sound basis for the realization of women's human rights, including their reproductive rights. Likewise, a political system committed to democracy and the rule of law is critical to establishing an environment for advancing these rights. The following section outlines important aspects of China's legal and political framework.

A. THE STRUCTURE OF NATIONAL GOVERNMENT

The constitution of China came into force on December 4, 1982, and was amended in 2004 to “respect and protect human rights.”²⁸ It establishes a “socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants.”²⁹ State organs are required to practice democratic centralism,³⁰ and political power belongs to the people as exercised through their elected representatives in the National People's Congress (NPC) and local people's congresses.³¹

Executive branch

The executive branch of the Chinese government consists of the president, the vice president, and the State Council (*guo wu yuan*), its premier, and vice premiers.³² The president of China is the titular head of state and is nominated, elected, and removed by the NPC.³³ The president serves for a maximum of two consecutive five-year terms.³⁴ The president's functions include promulgating NPC decisions regarding statutory enactments, deciding on State Council appointments and removals, declaring a state of emergency or war to the public, and conducting foreign diplomatic relations.³⁵

The State Council is the most powerful executive body in the Chinese government.³⁶ The premier presides over the State Council and has final decision-making power pertaining to issues within the State Council's authority.³⁷ The composition of the council includes vice premiers, state coun-

cilors, ministers, an auditor-general, and a secretary-general.³⁸ Council members serve five-year terms and the premier, vice premiers, and state councilors may serve no more than two consecutive terms.³⁹

The State Council has undergone multiple restructurings to reduce the central government's involvement in economic affairs.⁴⁰ It is currently composed of the General Affairs Office, 28 ministries and commissions, 17 directly affiliated organs, 7 working offices, and a number of news agencies and academic institutions.⁴¹ Among the departments within the State Council are the Ministry of Education (MOE), Ministry of Labor and Social Services (MOLSS), Ministry of Health (MOH), and the National Population and Family Planning Commission (NPFPC).⁴²

The NPC oversees the work of the State Council,⁴³ which has the authority to enact administrative regulations;⁴⁴ stipulate the responsibilities of ministries, commissions, and local people's governments; formulate measures to execute the government budget;⁴⁵ and implement economic, social, health, population, development, and other national policies and plans passed by the NPC.⁴⁶ It may submit proposals to the NPC regarding matters within its jurisdiction.⁴⁷

Although the State Council formally answers to the NPC and its Standing Committee, in practice it is subordinate to the CPC and tends to implement the principles and policies adopted by the party.⁴⁸ The constitution mandates that “[n]o organization or individual may enjoy the privilege of being above the Constitution and the law.”⁴⁹ However, in practice, party policies shape the work of the State Council, whose senior members are usually influential party leaders.⁵⁰ Former President Deng condemned this centralization of power and introduced measures to separate and clarify the powers and duties of state and party organs in an effort to improve the balance of power.⁵¹ Recently, an administrative license law was adopted to regulate government acts at all levels.⁵²

Legislative branch

The legislative branch of the Chinese government consists of the NPC (*renmin daibiao dahui*), the “highest organ of state power,” and its permanent representative body, the Standing Committee, which together exercise legislative power for the country.⁵³

The NPC comprises no more than three thousand deputies elected to five-year terms by local people's congresses made up of deputies elected by the people of each electoral district, special administrative regions, national autonomous regions, and the armed forces.⁵⁴ Among the NPC deputies must be an appropriate number of women.⁵⁵ Special committees within the NPC assist in discharging legislative responsibilities.⁵⁶ Special committees include, among others, the Legisla-

tive Committee, the Education, Science, Culture, and Health Committee, and the Civil and Judicial Affairs Committee.⁵⁷

The NPC meets in annual sessions.⁵⁸ Among its powers and functions are approving amendments to the constitution and supervising the enforcement of the constitution; enacting and amending national laws;⁵⁹ electing and removing members of the executive branch and leaders of the Supreme People's Court (SPC), Central Military Commission (CMC), and Supreme People's Procuratorate (SPP);⁶⁰ examining and approving national plans for economic and social development, and for the national budget; deciding on questions of war and peace; and nullifying or amending decisions of its Standing Committee.⁶¹

The Standing Committee of the NPC is the permanent office of the NPC.⁶² It is composed of the chairperson, vice chairpersons, the secretary-general, and appointed deputies from the NPC.⁶³ The chairperson, vice chairpersons, and the secretary-general form the Council of Chairmen, which handles the daily work of the Standing Committee.⁶⁴

The Standing Committee has the authority to interpret and supervise the enforcement of the constitution and national laws;⁶⁵ annul local and State Council legislation that contravenes the constitution or national laws; supervise the State Council, the CMC, the SPC, and the SPP;⁶⁶ and appoint or remove members of the judiciary and procuratorate.⁶⁷ Between NPC sessions, the Standing Committee may amend national laws; approve necessary adjustments to national economic and development plans and the state budget; appoint State Council and CMC members; and declare a state of emergency or war.⁶⁸

B. THE STRUCTURE OF LOCAL GOVERNMENTS

For administrative purposes, the country is divided into provinces, municipalities, and autonomous regions.⁶⁹ China has twenty-three provinces (including the disputed province of Taiwan), five autonomous regions (including the contested Tibet Autonomous Region), four centrally administrated municipalities, and two special administrative regions (Hong Kong and Macau).⁷⁰ Each division is further divided into prefectures, counties, districts, and cities, and counties are subdivided into townships and towns.⁷¹

People's congresses and people's governments are established in all administrative divisions.⁷² The structure and authority of people's congresses and governments are prescribed by the constitution and designated by the central government.⁷³

Executive branch

The people's governments serve as the organs of executive power in their respective administrative divisions, subordinate to the State Council, the people's government of the preceding

division, and the people's congress at the corresponding division.⁷⁴ People's governments are led by governors in counties and provinces, mayors in municipalities and cities, and heads of districts, townships, and towns who are appointed by the corresponding people's congresses for three or five-year terms.⁷⁵

The functions and powers of the people's governments are determined by the State Council and may include the following: implementing resolutions and laws of higher state organs;⁷⁶ issuing administrative measures, decisions, and orders within its authority; amending or repealing inappropriate directives of subordinate departments and governments; overseeing economic, health, education, family planning, and other affairs in their region; issuing decisions and orders; and safeguarding citizens' and women's rights.⁷⁷

Beneath the people's governments in townships, towns, and villages are residents' and villagers' committees that manage local affairs.⁷⁸ The primary tasks of these committees, which are led by a chairperson elected by the residents,⁷⁹ are to mediate conflicts between local residents; manage public security, health, and social services; and convey residents' opinions and demands to the people's government immediately above.⁸⁰

National and local people's governments and administrative bodies (i.e. the Ministry of Health, provincial departments of health) are staffed by cadres (*ganbu*), or civil servants, who range in title from the State Council premier to clerks and researchers.⁸¹ They are bound by the Civil Servant Law and the rights and obligations of civil servants as outlined by the Ministry of Personnel.⁸²

Legislative branch

The constitution mandates the establishment of a people's congress, the local legislative organ, in all administrative divisions.⁸³ Deputies to people's congresses are elected and removed by their constituents, or by their constituents' elected representatives in the people's congress at the next lower administrative division.⁸⁴

Self-government of national autonomous areas

National autonomous areas are regions inhabited by ethnic minorities in concentrated communities and approved by the State Council.⁸⁵ They are classified as autonomous regions, autonomous prefectures, and autonomous counties, and are governed by "organs of self-government" in the form of people's congresses (legislative) and people's governments (executive).⁸⁶

The people's congresses and governments of national autonomous areas serve functions similar to those of other local organs of China, with an additional right of autonomy.⁸⁷ People's congresses and governments of autonomous regions are empowered by the constitution and statutes⁸⁸ to adopt

special policies and regulations in light of local political, economic, and cultural characteristics of minority peoples.⁸⁹

Special administrative regions

China's constitution empowers the NPC to establish special administrative regions (SARs) as it deems necessary.⁹⁰ The Hong Kong SAR was established on July 1, 1997, and the Macao SAR was established on December 20, 1999.⁹¹ According to China's Ministry of Justice, the government administers the SARs with the principle of "one country, two systems" in order to maintain national unity, territorial integrity, and prosperity.⁹² The principle is described as refraining from imposing socialist policies upon autonomous regions and accepting their basic laws as well as their current system of governance.⁹³ Most laws in this report are not applicable to Hong Kong and Macao.⁹⁴

Special economic and development zones

Special economic and development zones were established in accordance with economic reforms in the 1980s to facilitate economic development, technological advancement, and foreign investment.⁹⁵ The State Council has established five major special economic zones and various technological development zones, coastal economic open zones, free trade zones, and other zones where preferential financial and economic regulations are employed.⁹⁶ These regions are often urban trade centers, populated by well-educated business people who enjoy greater accessibility and choice in public and private health care.⁹⁷

Judicial branch

The constitution provides for a multitier judicial system composed of the Supreme People's Court, local people's courts, and special people's courts.⁹⁸ People's courts exercise independent judicial powers⁹⁹ and are answerable to the national or local people's congresses.¹⁰⁰ Their primary function is to safeguard the socialist system of government led by the working class, uphold the legal system and public order, and "the citizens' right of the person" and other constitutional rights.¹⁰¹

The Supreme People's Court (SPC) is the highest judicial organ in China.¹⁰² It is composed of a judicial committee and criminal, civil, economic, administrative, and other divisions.¹⁰³ The NPC appoints an SPC president,¹⁰⁴ and other members are appointed by the NPC Standing Committee.¹⁰⁵ The SPC is responsible for supervising the administration of justice and may remand or reverse erroneous decisions by all subordinate people's courts.¹⁰⁶ It has original jurisdiction in national criminal cases,¹⁰⁷ civil cases of "major impact,"¹⁰⁸ and "grave and complicated" administrative cases.¹⁰⁹ Other responsibilities of the SPC include making a final review of death penalty cases¹¹⁰ and issuing judicial interpretations regarding application of laws and decrees in judicial proceed-

ings that are equivalent to statutes.¹¹¹

Local people's courts are divided into higher people's courts (HPCs), established in provinces, autonomous regions, and municipalities;¹¹² intermediate people's courts (IPCs) in prefectures;¹¹³ and basic people's courts (BPCs) in counties, districts, and cities.¹¹⁴ Members of local people's courts are appointed and removed by the corresponding people's congress, or may be recruited through open examination.¹¹⁵ The HPCs and the IPCs have jurisdiction over civil,¹¹⁶ administrative,¹¹⁷ and criminal cases that occur within their designated regions,¹¹⁸ and over appeals from subordinate court decisions.¹¹⁹ BPCs handle minor criminal, civil, and administrative cases,¹²⁰ establish representative courts (people's tribunals) in their localities, and oversee people's mediation and arbitration committees.¹²¹

Judicial committees are mandatory bodies within the SPC and local people's courts.¹²² Their primary task is to provide judicial oversight to ensure correct determination of facts and proper application of laws.¹²³ The president of the court presides over the committees, and other members are appointed or removed by the corresponding people's congress.¹²⁴

Legal aid is available to help indigent citizens to reduce, postpone, or avoid litigation costs.¹²⁵ They may apply for legal aid in matters such as seeking state compensation, social insurance, pension or relief funds, spousal maintenance, and support payments for parents, grandparents, or children.¹²⁶

The constitution requires trials to be conducted openly, available for public auditing, and open to the press,¹²⁷ except in cases involving state secrets, personal privacy, or juvenile offenders,¹²⁸ or upon request by litigants in divorce and commercial proprietary cases.¹²⁹

Customary forms of alternative dispute resolution

People's mediation is an integral part of the Chinese judicial system as stipulated by the constitution¹³⁰ and various statutes.¹³¹ It aims to settle disputes between citizens out of court under the principle of "equality and willingness."¹³² People's mediation committees are established by and consist of local residents and have jurisdiction over matters of commerce, marriage, inheritance, adoption, and property.¹³³ The committees operate independent of the court system, although they are guided by local people's governments and people's courts. There were 1.7 million mediated cases of family disputes in 2003, or 40% of the total number of mediated civil disputes in the country.¹³⁴

When mediation fails or is inappropriate, arbitration through third party adjudication may be employed. The Arbitration Law was formulated "with a view to ensure fair and timely arbitration of economic disputes, reliable protection to the legitimate rights and interests of parties concerned, and

a healthy development of the socialist market economy."¹³⁵ Disputes over labor, contracts, and property may be submitted for arbitration,¹³⁶ but disputes over marriage, adoption, guardianship, childrearing, and inheritance are explicitly exempt from the statute.¹³⁷

C. THE ROLE OF CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS (NGOS)

The Chinese government defines NGOs as "not-for-profit organizations formed by citizen volunteers which carry out activities aimed at realizing the common aspirations of their members in accordance with organizational articles of association."¹³⁸ Under the law, NGOs are classified as social organizations, noncommercial enterprises or institutions, and public and private fundraising foundations. The majority of NGOs in China are labor federations or social service providers that are supported by state funds or private monies.¹³⁹ The Bureau of NGO Administration, housed in the Ministry of Civil Affairs under the State Council, is the government agency responsible for registering, approving, inspecting, and supervising the operation of NGOs.¹⁴⁰ The Chinese government permits NGOs so long as their activities do not interfere with the interests of the state, oppose the principles of the constitution, "endanger national unity, security or ethnic unity," or contravene "national interest [or] ... prevailing social morality."¹⁴¹

Powerful entities known as people's organizations are organized and fully funded by the government and considered loyal to the CPC.¹⁴² People's organizations are entitled to a 100% tax deduction¹⁴³ and do not have to be registered or supervised by a government agency.¹⁴⁴ These organizations include the All-China Federation of Trade Unions, the China Communist Youth League (CCYL), and the All-China Women's Federation (ACWF).¹⁴⁵

The CCYL shares a close relationship with the CPC and represents the interests of the youth population on issues such as education, employment, and rights.¹⁴⁶ The ACWF is a government-sponsored organization founded in 1949 "to represent and safeguard women's rights and interests and promote equality between women and men."¹⁴⁷ The ACWF acts as a bridge between policymakers and civil society and is intended to be "an important part of the enabling environment for gender equality in China."¹⁴⁸ The federation is responsible for drafting legislation that protects women's rights and was recently entrusted with writing the final draft of the Amendments to Law on the Protection of Women's Rights and Interests ("Women's Rights Law").¹⁴⁹ The ACWF has helped formulate policies and laws on women's health and popularized related programs and measures.¹⁵⁰ Over the years,

the ACWF has launched several projects to promote public awareness of women's health issues and to encourage scientific research, and has conducted surveys to collect information on women's health for use by government agencies.¹⁵¹

Although all domestic NGOs in China are required to register with the bureau, many grassroots NGOs are unable to find a sponsoring government agency and therefore operate without registration.¹⁵² The Ministry of Civil Affairs estimates that out of seventy thousand NGOs in China, only about twenty thousand were officially registered with the government.¹⁵³

D. SOURCES OF LAW AND POLICY

Domestic sources

The primary domestic sources of Chinese law are the constitution, legislation, and judicial interpretations of law.

The constitution is fundamental law and has supreme legal authority.¹⁵⁴ It establishes China as a country governed by the rule of law.¹⁵⁵ The constitution provides fundamental rights for all citizens, including equality before the law;¹⁵⁶ freedom of speech, assembly, association, religion, and marriage;¹⁵⁷ freedom from unlawful arrest or detention, libel, and infringement of physical integrity;¹⁵⁸ and the right and duty to work and receive education.¹⁵⁹ It also directs the state to respect and protect human rights,¹⁶⁰ encourage economic development, supply social assistance and benefits,¹⁶¹ and create conditions to ensure that citizens enjoy their rights.¹⁶²

The constitution guarantees women's equality in political, economic, cultural, social, and family life.¹⁶³ It charges the government with the responsibility to protect the legitimate rights and interests of women and to prohibit maltreatment of women and children.¹⁶⁴ The constitution further prohibits discrimination or oppression on the basis of ethnicity.¹⁶⁵ However, constitutional rights may be abrogated for the "interest of the state, of society, or of the collective," or for national security and as punishment for crimes.¹⁶⁶

Legislation enacted by the NPC, the State Council, and the local people's congresses is subordinate to the constitution.

Another formal source of domestic law is judicial interpretation formulated by the SPC or the SPP on questions concerning specific applications of law in judicial practice.¹⁶⁷ All lower courts (including HPCs, IPCs, and BPCs) are compelled to follow judicial interpretations; however, case rulings by a higher court are not binding on lower courts because decisions are made on a case-specific basis.¹⁶⁸

International sources

The Standing Committee of the NPC, represented by the president, ratifies and abrogates treaties and important agreements concluded with foreign states.¹⁶⁹ China has ratified the

following international legal instruments: the Convention on the Elimination of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography.¹⁷⁰ The Chinese government has submitted reports to the committees that monitor implementation of these treaties.¹⁷¹ China has signed, but not ratified, the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.¹⁷²

China hosted the Fourth World Conference on Women in Beijing in 1995, and attended the International Conference on Population and Development (ICPD) in September 1994, the ICPD+5, and Beijing+5.¹⁷³ At the Millennium Summit in 2000, China joined 189 countries in adopting the Millennium Declaration outlining eight major Millennium Development Goals, including eradicating poverty, establishing universal primary education, promoting gender equality, improving maternal health and child mortality rates, and combating HIV/AIDS.¹⁷⁴

II. Examining Reproductive Health and Rights

In general, reproductive health matters are addressed through a variety of complementary, and sometimes contradictory, laws and policies. The scope and nature of such laws and policies reflect a government's commitment to advancing the reproductive health status and rights of its citizens. The following sections highlight key legal and policy provisions that together determine the reproductive rights and choices of women and girls in China.

A. GENERAL HEALTH LAWS AND POLICIES

The constitution of China guarantees "the protection of the people's health" through the development of medical and health services; the promotion of modern and traditional Chinese medicines; encouragement and support for the establishment of medical and health facilities by rural economic collectives, state enterprises and institutions, and neighborhood organizations; and public health activities.¹⁷⁵ China's Civil Law further provides citizens with the "right of health and life."¹⁷⁶

Objectives

China's health-care policies are formulated by the MOH under the leadership and directives of the NPC and the State Council. They fit within the broader framework of the Tenth Five Year Plan (2001–2005) and the Decision of the CPC Central Committee and the State Council Concerning Public Health Reform and Development as adopted in 1997.¹⁷⁷ The MOH sets forth the following health-care strategies:

- accelerate the development of the public health-care system;
- strengthen prevention and treatment of serious illnesses by implementing, among other measures, the Law on the Prevention and Treatment of Infectious Diseases;¹⁷⁸
- introduce a quality health-care system in rural areas;
- initiate urban health-care system reforms under the guidance of the State Council's Directives on Deepening Urban Health-Care System Reforms;
- strengthen public security and health administration;
- encourage improvements in maternal and infant health care;
- widely disseminate information on how to prevent chronic, noncommunicable diseases;
- support the advancement of medical technologies, improve the quality of medical schools throughout the country, and offer better training and education to medical personnel, particularly those stationed in rural areas;
- promote the development of traditional Chinese medicine;
- increase collaboration and information sharing with international health agencies; and
- assist local health departments in their implementation of national health-care programs, with a focus on long-term development and the sustainable distribution of resources.¹⁷⁹

The MOH is also responsible for formulating national health plans such as the National Plan for the Development of Rural Primary Health Care (2001–2010), the National Action Plan for Raising Quality of Birth Population and Reducing Birth Defects (2002–2010), and the National Plan for Health Education and Promotion (2005–2010).¹⁸⁰ It is also responsible for implementing health components of the central government's long-term national plans as stipulated in the National Plan for the Development of Chinese Women (2001–2010) and the National Plan for the Development of Chinese Children (2001–2010).¹⁸¹

A primary focus of several national programs is improving the rural health-care system and addressing the lack of

health awareness in rural areas. The National Plan for Health Education and Promotion (2005–2010) calls for a rural health education campaign, with the goal of disseminating health information among rural residents, and raising their awareness of basic health-care issues from 36% to 60%–80%, and of maternal and infant health-care issues to 80% by 2010.¹⁸²

The Chinese government encourages and supports the establishment of health facilities by rural economic collectives, state enterprises, and neighborhood organizations.¹⁸³ The central government is directed to prioritize and provide additional financial resources to support the development of health services for the Western Region, composed mainly of impoverished and ethnic minority districts.¹⁸⁴ Eastern provinces and municipalities are required to play an active role in the development of the Western Region, providing financial assistance in order to improve the health services of low-income communities in the west.¹⁸⁵

Infrastructure of health-care services

Government facilities

China has only 2% of the world's medical resources, yet it provides enough health-care resources to treat 22% of the world's population.¹⁸⁶ The government is the largest health-care provider in the country; in 2002, it funded 306,038 medical institutions made up of 63,858 urban and township hospitals, 365 sanatoriums, 219,907 clinics, 1,839 specialized prevention and treatment centers, 3,580 epidemic prevention stations, and 3,067 maternal and infant health-care institutions.¹⁸⁷ In sum, these facilities are staffed by 5.6 million medical and technical personnel, including 2.4 million certified physicians and physician's assistants, and 1.3 million registered nurses.¹⁸⁸

The government plans to fully staff and equip all provincial medical and health institutions by 2010.¹⁸⁹ Another objective within this timeframe is to improve development and training for rural and urban doctors, preventive care personnel, medical technicians, laboratory technicians, and more than ten thousand infectious disease prevention and control personnel, at or above the county level.¹⁹⁰

The Regulations on Management of Medical Service Organizations and its Rules for Implementation regulate organizations that provide health-care services.¹⁹¹ These facilities include all types of hospitals, such as cooperative care, Chinese medicine, joint (eastern/western) practice, minority medicine, and specialty and rehabilitative care; maternal and infant health-care centers; urban, township, rural, and street-level health clinics; and other health-care centers, stations, and organizations.¹⁹²

Medical facilities must also comply with national standards and submit to inspection, approval, licensure, reg-

istration, and periodic appraisals by the national or local health department.¹⁹³

Privately run facilities

Private health facilities, which were outlawed during the Cultural Revolution (1966–1976), rebounded in the 1980s and shifted Chinese health care from a system of centralized public health funding to one that was market-oriented.¹⁹⁴ Since then, the government has left health-care costs to individuals. As a result, out-of-pocket costs for health care have soared in China and coverage has become increasingly inequitable.¹⁹⁵

Financing and cost of health-care services

Government financing

The government's budget for public health care has dropped substantially since the adoption of a decentralized, market-oriented system. The government's health expenditure shows a progressive decline from 32% of the total budget in 1986, to 14% in 1993, and 5.8% in 1996.¹⁹⁶ In 2001, the total budgetary allocation for health undertakings by the government at all levels was 80 billion Chinese Yuan (CNY) (USD 967 billion), approximately 4.2% of the total budget.¹⁹⁷

The most significant impact can be seen in the erosion of the rural Cooperative Medical System (CMS), which insured 90% of the rural population at the peak of its popularity in 1970, but only about 7% by 1993.¹⁹⁸ CMS is funded through community financing and bolstered by a system of mutual assistance that provides health stations, paid village doctors to deliver preventative, primary, and secondary health care, medications, and partial reimbursement for patients receiving services at township and county hospitals.¹⁹⁹ Economic and agricultural reforms in the early 1980s led to the disintegration of the cooperative organizations that funded the CMS, leading to the decline of health care in rural areas.²⁰⁰

In 1998, China promulgated the Decision on Establishing a Basic Medical Insurance System for Urban Employees, instituting an urban health-care system that guarantees basic medical insurance for employees under the jurisdiction of the Ministry of Labor and Social Services (MOLSS).²⁰¹ By 2002, 97% of prefectures and cities had developed basic medical insurance programs (BMIPs).²⁰² BMIPs cover all employers and employees in cities, government organizations, enterprises, and private nonenterprise units, as well as freelance workers.²⁰³ Participants in BMIPs receive medical services from public hospitals, which are then reimbursed on a fee-for-service basis according to a fee schedule established by the government.²⁰⁴ As of 2004, more than 109 million people were participating in BMIPs, of whom 79.75 million were active workers and 29.27 million were retirees.²⁰⁵

Insurance premiums are paid by both the employer, at 6% of total wages, and employees, at 2% of total wages.²⁰⁶

Employees' payments go directly into personal accounts while the employer's premium payments are divided between personal accounts, which mostly pay for outpatient services, and social security program funds, which usually cover hospitalization fees and treatment for chronic illnesses.²⁰⁷ Retirees are exempted from premium payments and they generally receive medical services for lower fees.²⁰⁸ Free medical service is no longer provided for civil servants and employees of public institutions; instead, they are now entitled to medical subsidies.²⁰⁹ In addition, employers are encouraged to provide supplementary medical insurance for their workers and are allowed to write these costs off as a portion of their operating expenses.²¹⁰

Certain reproductive health services such as midwife care and contraceptive services are provided free of charge. (See "Reproductive Health Laws and Policies" for more information.)

Private and international financing

The Chinese Ministry of Health has several collaborative programs with the World Health Organization (WHO), including programs on reproductive health, nutrition, vaccination, health promotion, and health care delivery. For 2002–2003, WHO spent USD 11.5 million on these programs, setting aside 1.1% (USD 122,445) for reproductive health care and 2.7% (USD 312,416) for sexually transmissible infections, including HIV/AIDS.²¹¹

The United Nations Population Fund (UNFPA) has assisted China since 1980.²¹² Following the ICPD in 1994, the Chinese government and UNFPA discussed new initiatives that would help realize ICPD principles.²¹³ Under the fourth UNFPA program in China, birth targets and quotas were lifted in the 32 counties in which UNFPA maintained its program.²¹⁴ This program marked a major shift from a government-mandated family planning program to one that integrated the needs and desires of individuals in the target counties.²¹⁵ As a result, local advocacy networks were created and officials were trained to respect the right of individuals to make their own decisions about their reproductive lives without coercion.²¹⁶

Cost

Total individual expenditure for public health in 2003 was CNY 311.33 billion (USD 37.6 billion).²¹⁷ Urban households spend about 7% of their annual household expenses on medicine and medical services, costing approximately CNY 430.5 (USD 52) per person.²¹⁸ In rural areas, annual average individual spending on health care ranges from CNY 57.54 (USD 7) to CNY 201.72 (USD 24), which is 5.76% of total living expenses for rural households.²¹⁹ The MOH reports that fees for government-sponsored medical treatments have increased

by about 8.2% annually since 1999.²²⁰ Its surveys indicate that almost 50% of Chinese citizens cannot afford medical treatment when they are sick, and about 30% are not hospitalized despite medical necessity.²²¹

Almost 50 million people participated in employment injury insurance programs in 2004, and most provinces are formulating related insurance plans in accordance with the 2004 Regulations on Insurance for Work-Related Injuries.²²² In 2002, social insurance and welfare funds for retirees paid CNY 266 million (USD 32 million) in medical care expenses, an increase of 20% from the previous year.²²³

In an effort to address rising health-care costs, the Chinese government has promised to standardize fees for medical services and medicines. In China, medicines account for 70% of total health-care costs, compared with 6%–12% in Western countries.²²⁴ Essential medications must be sold in accordance with the prices set forth or suggested by the government, while nonessential medicines should be priced reasonably, guided by the principles of fairness, rationality, honesty, good faith, and adjustment for the quality of the medication.²²⁵ Violators are subject to confiscation of illegal gains, fines of up to five times the amount of the illegal gains, suspension of their business license, and possible civil liability.²²⁶

Medical facilities are required by statute to charge patients according to the prices fixed by the local people's government or its pricing department.²²⁷ Medical organizations or personnel that charge more than what they are allowed are subject to severe fines, closure, administrative penalties, and/or suspension of their operating or practicing license.²²⁸

The Maternity Insurance Scheme was introduced by the central government in 1988 and is currently available in 29 provinces, autonomous regions, and municipalities.²²⁹ In 2003, more than 36 million female workers were covered by maternity insurance, and about 360,000 pregnant employees received these benefits.²³⁰ The government aims to achieve 90% maternal insurance coverage for eligible female workers by 2010.²³¹ The scheme provides female workers with maternity subsidies and covers the costs of medical and health-care services throughout pregnancy and during maternity leave,²³² which must be a minimum of 90 days.²³³ Most employees of urban enterprises and some female employees of government agencies and public institutions are covered by the scheme.²³⁴ Employers, not individual employees, are responsible for paying maternity insurance premiums, and organizations not participating in the scheme must provide comparable maternity benefits.²³⁵ Failure to pay maternity benefits may result in administrative penalty or civil liability if harm was caused.²³⁶

Regulation of drugs and medical equipment

Several laws and regulations establish guidelines for the

research, production, trade, use, supervision, and management of modern and traditional medicines, with special provisions for narcotics, psychotropic substances, toxic drugs for medicinal use, radioactive drugs, and traditional Chinese medicines.²³⁷ The Pharmaceutical Administration Law was revised in 2001 and formulated to enhance the supervision and control of pharmaceuticals, and ensure their quality, efficacy, and safety “to safeguard the health and legal rights and interests of the people.”²³⁸ Pharmaceutical manufacturers, retailers, and dispensaries in medical organizations must be examined, approved, and licensed by the State Food and Drug Administration (SFDA) or face fines of CNY 10,000 to CNY 30,000 (USD 1,208 to USD 3,624).²³⁹

Manufacturers may only produce pharmaceuticals, with the exception of some traditional Chinese medicinal herbs and prepared formulas, after obtaining the registered document of approval issued by the SFDA or the MOH.²⁴⁰ New medications must undergo clinical testing approved by the State Council and examination and evaluation by the SFDA, and comply with pharmaceutical standards set forth by the SFDA's Pharmacopoeia Committee.²⁴¹ Drugs classified as prescription medications and certain nonprescription medications may be dispensed only by licensed pharmacists or other legally certified pharmaceutical technicians.²⁴² Pharmaceutical retailers and dispensaries are prohibited from substituting or altering prescriptions written by doctors, and must reject prescriptions containing incompatible substances or excessive dosages.²⁴³

Regulation of health-care providers

Health-care providers are regulated by the Medical Practitioner Law, Measures for the Management of Nurses, Law on Maternal and Infant Health Care, Measures for Administering Traditional Medical Practitioner and Specialty Medical Practitioner Qualification Exams, and the Regulations on Management of Medical Service Organizations and Rules for its Implementation.²⁴⁴

The Medical Practitioner Law sets standards for physicians and physician assistants regarding their qualifications, standards of practice, assessment, training, and legal responsibilities.²⁴⁵ Exams for physician licenses are formulated by the MOH, while physician assistant qualification exams are prepared by the health administration at or above the provincial level.²⁴⁶ The exams are administered to applicants with appropriate medical education and practical training.²⁴⁷ Upon receipt of the government's medical practitioner license, physicians must register with the central government's medical practitioner registration system in order to practice medicine legally.²⁴⁸ Licensed medical practitioners are granted the right to provide health-care services within their registered field.²⁴⁹

They are expected to abide by relevant laws; fulfill professional responsibilities and adhere to professional ethics; care for, respect, and protect patients and their privacy; improve and advance skills and techniques; and provide medical education to patients.²⁵⁰

National strategies for improving the regulation of health-care providers include the prosecution of medical personnel who accept “red pockets” (bribes), those who charge unreasonable and unlawful fees, and those who violate other norms of medical ethics.²⁵¹ Furthermore, the government is committed to banning unlicensed medical practitioners, technicians, and facilities; the production and sale of counterfeit medicine; unlawful blood collection and sale; and food contamination, in accordance with the State Council decision concerning further strengthening food safety.²⁵²

One of the MOH’s key strategies for improving health care in China is the execution of the National Plan for the Development of the Nursing Profession (2005–2015).²⁵³ The 1993 Measures for the Management of Nurses were introduced to promote the field of nursing, accelerate the development of nursing science, strengthen the skills of nursing professionals, and recognize the important work of nurses in medical, preventative, and rehabilitative health care and treatment.²⁵⁴ The measures outline the educational, clinical, and clerical requirements for practicing nurses.²⁵⁵ To receive a license, nurses must pass a qualifying exam administered by the local government.²⁵⁶ Afterward, nurses must register with the county’s health department; registration is subject to renewal and assessment every two years.²⁵⁷

Traditional medicine refers to traditional Chinese medicine as well as the medical traditions of the Tibetan, Mongolian, and Uygur minority populations.²⁵⁸ Practitioners of traditional medicine are subject to standards and licensing procedures similar to those applied to mainstream medical providers. To receive a license, they must be secondary school graduates (or equivalent); complete three years of apprenticeship under a practitioner with at least twenty years of clinical experience; obtain a practical training completion certificate from the provincial department of Chinese medicine; undertake a clinical residency for at least two years under the supervision of a licensed medical practitioner at a medical facility; and successfully complete a provincial qualification exam.²⁵⁹

Specific laws apply to health-care workers and medical facilities in the field of maternal and infant health care. Medical facilities that perform premarital health examinations, genetic disease diagnosis, prenatal consultations, sterilization surgeries, and abortions must adhere to specific standards set forth by the MOH and obtain a maternal and infant health-care service permit from the local health department.²⁶⁰ The

law mandates that provincial people’s governments must establish technical appraisal committees under the supervision of the local maternal and infant health-care offices within the local health department.²⁶¹ These committees are responsible for inspecting the staff, equipment, and services of a medical facility to determine whether a maternal and infant health-care service permit will be issued.²⁶² The permit is valid for three years and is renewable upon reassessment.²⁶³ Maternal and infant health-care workers are required to fulfill the conditions of the Basic Standards for Specialty Maternal and Infant Health-Care Technical Services, and hold a license for maternal and infant health-care technical services or a license for midwifery.²⁶⁴ Health-care workers can receive a maternal and infant health-care technical service license upon passing a national qualification exam.²⁶⁵

Personnel conducting premarital health examinations must be licensed medical practitioners with at least three years of clinical experience in obstetrics or gynecology (OB/GYN)²⁶⁶ and must hold a maternal and infant health-care technical service license.²⁶⁷ These exams, which screen engaged couples for hereditary illnesses, infectious diseases, major psychiatric disorders, and reproductive health problems,²⁶⁸ must be conducted at facilities with a maternal and infant health-care technical service permit.²⁶⁹ These facilities must be equipped and staffed according to the specifications outlined in the Standards for Premarital Health-Care Work (Revised) and the Basic Standards for Maternal and Infant Health-Care Technical Services.²⁷⁰

The Measures for the Management of Prenatal Diagnostic Technology regulate health-care workers who conduct prenatal consultations and examinations for diagnosis of genetic or gestational birth defects.²⁷¹ According to the measures, all prenatal screening technicians and clinicians must be qualified and licensed by local health departments, satisfy the conditions of the Basic Standards for Prenatal Screening Technician, and hold a maternal and infant health-care service license.²⁷² In addition, physicians must have supplementary training in ligation surgery (sterilization) and abortion prior to performing these operations.²⁷³ Medical facilities providing prenatal services must have an obstetrics department staffed by trained personnel and furnished with appropriate equipment, as well as a committee of medical ethics, and must comply with the basic standards for prenatal screening facilities.²⁷⁴

Midwives must undergo relevant training, examination, and licensure by the county health department or authorized health-care organizations.²⁷⁵ They must also have facilitated at least five births under the supervision of a licensed physician, carry sterile medical supplies, be able to identify high-risk pregnancies and obstetric emergencies, follow the

Regulations for Rural Midwife Deliveries, and keep written medical records.²⁷⁶ Both midwives and medical institutions that perform deliveries must issue birth certificates and report any perinatal deaths, stillbirths, infant deaths, or babies with birth defects to the provincial health department.²⁷⁷

Organizations that provide family planning technical services must adhere to standards set by the State Council, obtain a license from the local health department that is subject to renewal every three years, and submit to regular inspections.²⁷⁸

Patients' rights

China's policies on patients' rights are outlined in various laws and regulations. The Criminal Law provides criminal detention or a maximum of three years' imprisonment for medical workers who cause death or severe harm to the health of the patient through gross negligence.²⁷⁹ In addition, persons unlawfully practicing medicine (including performing family planning surgeries) without obtaining the necessary licenses are subject to fines, criminal detention, public surveillance, or, in the event that death is caused, no fewer than ten years' imprisonment.²⁸⁰ Hospitals must respect the legitimate rights and interests of patients to have medical care, informed consent, freedom of choice, and privacy; to file complaints; and to practice their cultural and religious beliefs.²⁸¹ The Law on Maternal and Infant Health Care also sets forth provisions dealing with patients' rights. (See "Maternal health" for more information.) Additionally, family planning agencies must receive patient consent; provide safe and effective services and medications; and ensure patient safety when performing contraceptive services, sterilization procedures, special examinations or treating particular diseases.²⁸²

No specific laws address the confidentiality of pregnancy-related information. Under the Measures for the Management of Prenatal Diagnostic Technology, both the pregnant woman and her family members have access to information pertaining to the pregnancy.²⁸³ Furthermore, the decision to continue or terminate the pregnancy after prenatal screenings is to be made jointly by "man and wife."²⁸⁴ Family members may also grant permission for medical facilities to conduct an autopsy of an aborted fetus.²⁸⁵ However, premarital health examination records must be properly stored to maintain individual confidentiality.²⁸⁶ Statutes stipulate that HIV status must be kept in the strictest confidence, and medical providers are prohibited from releasing any HIV-positive patient's personal information without consent.²⁸⁷

B. REPRODUCTIVE HEALTH LAWS AND POLICIES

China's reproductive health laws and policies are formulated to complement its strategy on population control and development, promote family planning, maintain low birth rates as

part of its "have fewer children and prosper quicker" poverty alleviation project, and improve the quality of the population.²⁸⁸ The government rewards families that observe its family planning policy and has a national system of Social Support for Some Rural Families Practicing Family Planning, which was to expand to more areas in 2005.²⁸⁹

Regulation of reproductive health technologies

Encouraging research and development of new reproductive techniques and medicine has been identified as key to the effective implementation of the Regulation on Administration of Family Planning Technical Services.²⁹⁰ In an effort to correct the gender imbalance that has ensued from sex-selective abortion, the Population and Family Planning Law strictly prohibits reproductive health and family planning organizations, service providers, prenatal screening centers, and other medical facilities from conducting tests to determine the gender of the fetus unless medically necessary.²⁹¹ The law also prohibits providers from performing sex-selective abortions.²⁹²

Human assisted reproductive technologies (ART) are in high demand in China, since 10% of Chinese couples of childbearing age suffer from infertility.²⁹³ In 2001, the Ministry of Health issued a series of statutory measures regarding the safety, standards, management, and use of ART, including artificial, intravaginal, intracervical, intrauterine, or intratubal insemination; in vitro fertilization; and embryo transfer.²⁹⁴ At the end of June 2005, the ministry approved 46 medical institutions as providers or developers of ART and six medical facilities to establish sperm banks.²⁹⁵

The Standards, Ethical Principles, and Measures for the Management of ART authorize their use for medical treatment, as long as it adheres to the government's family planning policy, ethical principles, and other relevant laws.²⁹⁶ Couples with infertility, a family history of genetic diseases, sexually transmissible infections, or other physiological ailments preventing natural conception are eligible to receive ART services.²⁹⁷ Single women are prohibited from using ART, but it is unclear whether this rule also applies to widowed or divorced women.²⁹⁸ The law forbids surrogate motherhood, which is thought to involve too many legal, ethical, and moral complications.²⁹⁹ The marketing of gametes, zygotes, and embryos is illegal, and financial incentives may not be offered for donors, although the law does permit the allocation of social benefits and subsidies for work, transportation, and health care for donors.³⁰⁰

ART service providers must ensure that donors and recipients are informed about the procedures and possible dangers involved in the utilization of the technologies, and written consent from the couple must be provided prior to the commencement of any procedure.³⁰¹ ART providers are also barred from

manipulating the DNA of gametes³⁰² and may not conduct medically unnecessary sex-selection or sex-determination.³⁰³ Violations of these prohibitions may result in criminal punishment.³⁰⁴

Medical facilities providing ART must receive permission to do so from the Ministry of Health and the provincial departments of both health and family planning.³⁰⁵ Organizations in violation of ART laws are punished according to the Regulations on Management of Medical Organizations and Rules on its Implementation.³⁰⁶

Government monitoring of reproductive health

The Law on Maternal and Infant Health Care and its Implementation Measures mandates premarital health exams for engaged men and women to check for hereditary illnesses, infectious diseases, major psychiatric disorders, and reproductive health problems.³⁰⁷ If these conditions are discovered, the examining physician will issue a medical “suggestion” of “unsuitable for marriage,” “unsuitable for reproduction,” or “delay marriage.”³⁰⁸

The 2003 amendment to the Regulation on Marriage Registration abolished compulsory premarital medical exams for marriage registration, but the Implementation Measures for the Law on Maternal and Infant Health Care stipulate that local marriage regulations may continue to mandate premarital exams;³⁰⁹ consequently, some still do.³¹⁰ Since the government lifted the universal requirement for mandatory premarital medical exams, the number of couples who voluntarily undergo them has decreased dramatically.³¹¹ However, premarital exams are still greatly encouraged by the government and identified as a strategy in several national health plans.³¹²

Physicians who perform premarital exams are required to consult with couples if a serious disease is detected.³¹³ Couples may be deemed “unsuitable” for marriage or reproduction by a physician on grounds including mental illness and hereditary or degenerative disease.³¹⁴ When a diagnosis indicates that childbearing would be medically inappropriate, the couple may be married only after taking long-term contraceptive measures or undergoing sterilization.³¹⁵ Couples may be advised to postpone marriage if one party is suffering from the infectious phase of a contagious illness, an acute phase of a mental disorder, or another debilitating medical condition.³¹⁶ In cases of nonsymptomatic carriers of infectious and viral diseases who wish to be married, physicians must provide full disclosure about the illness and make recommendations on protective, preventive, and treatment measures.³¹⁷ All premarital medical diagnoses must be supported with a scientifically based explanation, physicians must provide information about the possible repercussions of any medical conditions on marital and reproductive life, and the couple must sign

documents indicating that they understand and are willing to comply with the doctor’s recommendation.³¹⁸

The only recourse available to couples seeking to dispute their status as unsuitable for marriage or reproduction is to petition local health authorities for a medical reappraisal.³¹⁹ Couples who have been advised to delay marriage and have been educated on the marital and reproductive consequences of the disease(s) in question are permitted to marry if they insist.³²⁰ Physicians are required to respect the couple’s wishes and note on their premarital exam certificates that “medical management is recommended.”³²¹

Family planning

General policy framework

Chinese citizens have a constitutional obligation to practice family planning.³²² Husbands and wives also have a duty to practice family planning created by the Marriage Law.³²³ The primary objectives of the Population and Family Planning Law are to promote family planning and to protect citizens’ legitimate rights and interests. To achieve these ends, the law proposes a number of strategies, including some of the following:

- establish premarital health care and maternal and infant health-care systems to prevent and reduce the incidence of birth defects and improve the health of newborns;
- increase access to family planning services throughout the country;
- through health-care facilities, provide the public with basic population and family planning services, pregnancy checkups and follow-up for married women of reproductive age, and technical services relating to family planning and general reproductive health;
- have family planning service workers guide citizens to choose safe, effective, and appropriate methods of contraception; and
- encourage research and the widespread use of new family planning technologies and products.³²⁴

The Regulations for the Management of Family Planning Technical Services were introduced in 2002 to strengthen administration of family planning services, control population quantity, improve the quality of the population, and utilize technological and medicinal advances to increase the capacity of family planning services.³²⁵ The regulations aim to protect the right of citizens to reproductive health care, the right of informed choice in the use of contraceptives, and the right to receive suitable family planning technical services.³²⁶ Under the regulations, citizens are entitled to the following services from urban and rural family planning facilities:

- reproductive health education, consultation, and advocacy;

- medical examination, consultation, guidance, and follow-up regarding contraceptive methods and related issues;
- contraceptive procedures such as insertions of intra-uterine devices (IUDs), sterilization surgeries, abortions, and follow-up visits, exams, and consultations; and
- other reproductive, contraceptive, and infertility treatments authorized by the MOH and the State Council.³²⁷

Under the Population and Family Planning Law, specific regulations and plans for population and family planning are formulated by the provincial, municipal, and autonomous regional people's congresses and implemented by local family planning departments, villagers' committees, and residents' committees.³²⁸ The law prescribes family planning as a fundamental state policy and advocates one child per couple.³²⁹ In general, local regulations permit married couples without children to make their own arrangements to have a first child.³³⁰ Within three months of a pregnancy, couples must bring their residency papers, marriage certificate, premarital health-care exam certificate, and a letter from the work unit or the villagers' committee to the local people's government or family planning department to register for a "birth permit."³³¹ In limited circumstances, married couples may petition the local family planning department for permission to have a second child.

Pregnancies for a second child without government approval or in violation of local laws and regulations must be terminated under the directives of family planning technical service personnel.³³² In some provinces, the local villagers' or residents' committee are permitted to "take measures" and establish a deadline for terminating the pregnancy.³³³ Couples who refuse to undergo an abortion are given a warning, and if the abortion is not performed, the couple may be fined up to CNY 2,000 (USD 242).³³⁴ Citizens who have children without permission from the government must pay social compensation fees, must assume financial responsibility for all maternal health-care costs, and are denied maternity insurance benefits for leave and subsidies; rural citizens are refused future increases in land allocation.³³⁵

Couples who volunteer to have only one child are awarded a certificate of honor that entitles them to some of the following: award money, subsidies for child care, preferential treatment in land allocation, and extra social security benefits.³³⁶ Married couples of childbearing age may also enter into a family planning contract with their work unit (state-owned enterprises) for additional benefits and services.³³⁷ (Refer to "Population" for more information.)

Since signing the ICPD Programme of Action, the Chinese government has altered its national strategy for population control in order to curb excessive population growth and maintain a low and stable fertility rate. In early 2000, the National Population and Family Planning Commission of China (NPFPC) officially changed the focus of its national strategy for population and family planning from a fertility control regime to a more client-centered program that ensures individuals receive quality reproductive health care and make informed choices about their reproduction.³³⁸

This new focus stems from a 1995 pilot project introduced in an explicit commitment to ICPD objectives that addressed quality of care services in 11 districts in eastern China.³³⁹ The goals of these pilot projects were to meet the diversified needs of people, increase the availability of information to ordinary citizens, standardize service and operational procedures, improve the competence of service providers, and establish a surveillance system that could be used to monitor quality of care services.³⁴⁰ The program has since been introduced throughout China, with 827 counties participating in 2001, covering more than 40% of the country, including some of the poorest areas in the Western Regions.³⁴¹

Contraception

Primary contraceptive methods used in China are IUDs, sterilization, condoms, oral pills, injections, implants, and spermicides. The most popular contraceptive method is the IUD, used by 45.5% of women in China.³⁴² An official 2001 survey indicates contraceptive prevalence at 86.9% among married women of childbearing age, and 99.1% of those women utilized modern contraceptive methods.³⁴³

Contraception laws and policies

According to the Population and Family Planning Law, family planning should be practiced "chiefly by means of contraception," and the government is charged with creating the necessary conditions for its citizens to knowingly choose safe, effective, and appropriate contraceptive methods.³⁴⁴ The law obligates citizens of reproductive age to adopt contraceptive methods and to accept technical services and guidance for family planning.³⁴⁵

Several types of emergency contraception are readily available to Chinese women and adolescent girls through the government's family planning facilities.³⁴⁶ At least one type of emergency contraceptive pill is sold by drugstores and pharmacists without a prescription.³⁴⁷

Regulation of information on contraception

The major sources of contraceptive information are the Information, Education, and Communication (IEC) component of family planning programs and friends and relatives.³⁴⁸ Knowledge of modern contraceptive methods among Chi-

nese women has increased significantly since the government implemented the Programme of Action of the ICPD in 1994.³⁴⁹ Surveys indicate that 86% of Chinese women know of modern contraceptive methods, 83% have information about reversible family planning methods, 94% have information about condoms, and 98% have information about IUDs and female sterilization.³⁵⁰

The Population and Family Planning Law instructs government departments in charge of family planning, education, science and technology, culture, health, civil affairs, press, publishing, broadcast, and television to organize and develop information and education pertaining to population and family planning.³⁵¹

Regulations issued in 1989 by the State Administration of Industry and Commerce ban advertisements of sex products which are defined as products that treat sexual dysfunction or that “assist in sexual life,”³⁵² including condoms.³⁵³ However, the ban against advertising condoms was lifted in 2004 under the urging of the NPC, when the Chinese government adopted a policy of encouraging condom use for the prevention of HIV/AIDS.³⁵⁴

The Regulations for the Management of Family Planning Technical Services stipulate that citizens have the right to information on the different types of contraceptive methods available and the right to make informed choices regarding their use.³⁵⁵

Sterilization

Sterilization was utilized by 36% of Chinese women in 2002, and ranks as the second most popular family planning method, according to the NPFPC.³⁵⁶ Comparatively, only 9.24% of men undergo sterilization as a strategy for family planning.³⁵⁷

Sterilization: laws and policies

Sterilizations performed for the purpose of family planning or in accordance with the Law on Maternal and Infant Health Care are provided free of charge.³⁵⁸ Female sterilization operations require the informed and written consent of the patient, and if the woman is unable to understand the procedure or is illiterate, responsibility for consenting to the operation and signing the consent form falls to the woman’s legal guardian.³⁵⁹ The Population and Family Planning Law stipulates that couples with children are “encouraged” to choose long-acting contraceptive methods.³⁶⁰

The Chinese government formally prohibits the use of physical coercion to compel persons to submit to abortion or sterilization.³⁶¹ There are reports of physically coerced sterilizations, though they have not been confirmed.³⁶² The government also condemns the use of population and family planning centers as detention centers meant to coerce women into undergoing sterilizations or abortions. Nevertheless, the

practice has been reported in some areas.³⁶³

The government has promulgated regulations which provide free sterilization services for married couples of child-bearing age in rural areas.³⁶⁴ Citizens who fail to limit the number of children they have are required to pay social compensation fees that can range from one-fifth to ten times the average worker’s annual net income, in addition to other financial penalties.³⁶⁵

The government offers a number of incentives designed to encourage individuals to undergo sterilization. Under the Population and Family Planning Law, individuals who undergo “surgical procedures” for family planning are granted extended leave and extra benefits from their workplace.³⁶⁶ Other laws condition the right to marry upon sterilization: under the Maternal and Infant Health Care Law, if a doctor finds that a couple is at risk of transmitting disabling congenital defects to their children, the couple may only marry if they “voluntarily” undergo long term contraception or sterilization.³⁶⁷

Government delivery of family planning services

China utilizes a five-tier network to provide family planning services at the national, provincial, prefectural, county, and township levels.³⁶⁸ The network covers 95% of all urban and rural areas with more than 2,500 county technical service units, 140,000 technical service staff, and 4 million family planning specialists, excluding volunteers and part-time workers in villages.³⁶⁹

The law emphasizes the importance of contraception to the implementation of family planning programs in the country.³⁷⁰ Compulsory population control techniques were used as a strategy by the government from the 1970s until the early 1980s, leading to 18 million IUD insertions, 21 million sterilizations, and 14 million abortions,³⁷¹ but the public outcry that ensued forced the government to scale back its aggressive methods and implement more “realistic” and “reasonable” family planning strategies.³⁷²

The current Population and Family Planning Law states that citizens must be informed of “safe, effective, and appropriate contraceptive methods” and that the “[s]afety of recipients of birth control procedures must be ensured.”³⁷³ Married couples of childbearing age who practice family planning receive basic family planning technical services free of charge.³⁷⁴ Couples who abide by family planning laws are rewarded with monthly stipends, extra land for agricultural use, preferential treatment in employment and training, and access to loans, subsidies, old-age insurance, and medical and educational benefits for themselves and their child.³⁷⁵

Family planning services provided by NGOs and the private sector

Since government facilities mainly target married couples,

young people, especially young female migrant workers, must rely on the private and NGO sectors for family planning and contraceptive services.³⁷⁶

China's NGOs have been instrumental in popularizing family planning programs and measures.³⁷⁷ The China Family Planning Association (CFPA), established in 1980, is the largest family planning/reproductive health social organization in the country, with 83 million volunteers and more than 1 million branches throughout the country.³⁷⁸ Its members and activities are vital channels for disseminating family planning, reproductive health (including contraception), and HIV/AIDS information and services to the public.³⁷⁹

Approximately 150 million people participate in the CFPA's educational activities each year, and several programs target reproductive health-care services to women, unmarried people, poverty-stricken regions, adolescents, migrant workers, and ethnic minorities.³⁸⁰ The CFPA has 20 provincial service centers that offer gynecological checkups; pregnancy tests; diagnoses of infertility, STIs, and HIV/AIDS; training in the use of emergency contraception; and sales of various contraceptives and maternal, health care, and reproductive health products.³⁸¹ The association aims to enable people of all ages, genders, nationalities, and socioeconomic statuses to make informed decisions about their reproductive lives.³⁸² It also monitors family planning services to ensure that people of childbearing age enjoy their lawful rights to reproductive health care.³⁸³ In addition, the CFPA raises public awareness by publicizing the medical, social, and psychological factors and risks of unsafe abortions in an effort to eliminate the problem.³⁸⁴

The Chinese Working Women's Network runs a Center for Women Workers and mobile service centers that provide health checkups and reproductive health education for migrant workers in the South China industrial areas.³⁸⁵

Contraceptive tablets and condoms are available for purchase without a prescription at drug stores and supermarkets throughout China.³⁸⁶ Hotels, bars, university campuses, construction sites, entertainment venues, and other public places around the country are required to install condom vending machines.³⁸⁷ Many NGOs, among them the CFPA Association, the Red Cross Society of China, and Population Services International, disseminate free or low-cost contraceptives such as condoms to targeted populations (e.g. adolescents and migrant workers) in many poverty-stricken areas and in areas with high risk for HIV/AIDS.³⁸⁸

Maternal health

China's maternal mortality rate has been decreasing steadily, from 63.6 deaths per 100,000 live births in 1997 to 53 in 2000, 50.20 in 2001, and 43.2 in 2002.³⁸⁹ Obstetric compli-

cations are the third leading cause of death among city hospital patients, and diseases originating in the perinatal period are among the top ten causes of death of women in urban and rural areas.³⁹⁰

Laws and policies

China initiated a Safe Motherhood Program during 2000–2001 that successfully lowered the maternal mortality rate by almost 30% in 378 impoverished counties in the Western region, and it has since been expanded nationwide.³⁹¹ The program includes a special poverty relief fund for 5% of the poorest pregnant women, which aims to provide quality maternal and infant health care (including hospital delivery), and the “Green Lifeline” project which establishes emergency and referral systems at county, township and village level health institutions for treatment of sick and high-risk pregnant women with the goal of providing 24-hour access to emergency obstetric care.³⁹²

China incorporated maternal and infant health care into its Ninth (1996–2000) and Tenth (2001–2005) Five-Year Plans for National Social and Economic Development and National Plans for Women's and Children's Development (2001–2010).³⁹³ Implementation rules, regulations, and standards in obstetrics were developed to improve the three-tiered (county, township, and village) maternal and child health-care network, which has played an enormously important role in greatly reducing once-common or chronic diseases affecting rural women.³⁹⁴ In 1995, China had 349 maternal and child health-care medical facilities, 49 gynecological and obstetric hospitals, gynecological departments in 14,000 hospitals, 2,832 maternal and child-care clinics, and 35 children's hospitals.³⁹⁵

The Department of Maternal and Infant Health Care and Community Health (DMCH), established in 2001 under the auspices of the Ministry of Health, has several primary objectives, including the following:

- establish policies, laws, statutes, plans, and regulations governing administration of the Law of the People's Republic of China on Maternal and Infant Health Care (MIHC) and oversee the implementation of relevant technologies;
- design technology appraisals and training programs, such as continuing medical education, and develop protocols for assessing the professional qualifications of health personnel;
- develop plans, policies, and standards to raise “the quality of the birth population” and supervise their implementation;
- develop plans, measures, and technological standards for women's health care and guide their implementation;

- monitor health MICH organizations and health education facilities;
- establish policies regarding children's health care, survival, protection, and development; and
- enable international cooperation and exchanges with respect to primary health care, maternal and infant health care, and health education.³⁹⁶

These objectives are carried out by six divisions within the DMCH, including the administrative office, the office of women's health, and the office of children's health.³⁹⁷ The DMCH is also responsible for composing a yearly health action plan, collecting observational data, and documenting the situation of women's and children's health for its annual report.³⁹⁸

Pregnant women who suffer from serious illnesses or exposure to teratogenic substances are entitled to medical guidance, particularly if their life or health or the fetus's development is endangered.³⁹⁹ Couples discovered to be or suspected of suffering from serious genetic diseases are expected to take appropriate measures (contraception, including possibly sterilization) in accordance with their doctor's advice.⁴⁰⁰ Pregnant women are referred for a prenatal diagnostic exam if an abnormality is found in their fetus,⁴⁰¹ and physicians may recommend an abortion if the fetus suffers from a genetic disease or defect of a serious nature, or if the women's health or life is threatened.⁴⁰²

The government considers fetal diseases to be serious if they fulfill the following criteria: they have a high likelihood of occurring; they cause severe harm and place a high disease burden on society, families and individuals; there is no effective clinical treatment; and they can be reliably diagnosed.⁴⁰³ Couples who have given birth to an infant with a serious defect must submit to medical examinations prior to a second pregnancy.⁴⁰⁴

Government policy encourages hospital deliveries as a strategy to combat infant and maternal illnesses and mortality.⁴⁰⁵ Where hospital delivery is not possible, the Law on Maternal and Infant Health Care mandates that pregnant women shall deliver at home under the care of government-licensed midwives or birth attendants.⁴⁰⁶ Women with high-risk pregnancies must deliver in hospitals.⁴⁰⁷

Delivery of services

Public facilities

The DMCH of the MOH is responsible for enforcement, management, and implementation of the Law of Maternal and Infant Health Care.⁴⁰⁸ Since the law was adopted, a series of rules, regulations, and policies was issued to enable its effective implementation. These include the Basic Standards for Specialty Maternal and Infant Health-Care Technical Services, Measures for the Management of Maternal and

Infant Health-Care Specialty Technical Service Permits and Personnel Qualifications, Measures for the Management of Maternal and Infant Health-Care Medical Technology Appraisals, and Standards for Premarital Health-Care Work (Revised).⁴⁰⁹

At the end of 2002, the Chinese government estimated that 90.14% of expectant mothers received prenatal check-ups and 97.2% of midwives in rural areas practiced modern midwifery.⁴¹⁰ Health initiatives that have sought to provide primary health care for all rural residents, particularly women and children, encompass strategies to increase hospital births, reduce maternal deaths by 25%, reduce infant deaths by 20%, enhance infant nutrition, and offer quality health-care services for women and girls.⁴¹¹

In the National Plan for the Development of Chinese Women (2001–2010), the government set forth the goals of hospital deliveries for 65% of rural pregnancies and 90% of high risk pregnancies, and licensed midwife or birth attendant facilitated deliveries for 95% of pregnancies in impoverished regions.⁴¹² In addition, free midwifery services have been offered to peasant and herder women since November 2004 through a pilot program introduced in the eight counties of Qinghai Province.⁴¹³

The Law on Maternal and Infant Health Care and the Rules for its Implementation entitle women of childbearing age and pregnant women to the following services:

- premarital health-care instruction on topics such as sex, procreation, contraception, family planning, and genetic and reproductive diseases;
- premarital health consultations to provide guidance and advice about medical conditions related to marriage and childbearing; and
- premarital medical exams to identify the presence of diseases that “may have an adverse effect on marriage and childbearing,” including genetic and infectious diseases, and mental disorders.⁴¹⁴

Additionally, women of childbearing age and pregnant women have the right to receive the following types of specialized health-care services from medical institutions:

- contraceptive, family planning, and reproductive health consultations and services;
- instruction on maternal and infant health care;
- periodic prenatal physical checkups and follow-ups; and
- newborn health care.⁴¹⁵

The MOH has established 3,200 maternal and child health-care hospitals, staffed by 500,000 workers, throughout the country.⁴¹⁶ Family planning stations and clinics are available in 93.5% of towns and townships and 80.1% of vil-

lages.⁴¹⁷ To provide reproductive services in poor and remote areas, the government has dispatched mobile service vans equipped with examination and diagnostic technologies in 2,404 counties.⁴¹⁸ In 2003, the hospital delivery rate grew to 79.4%, up from 43.7% in 1985.⁴¹⁹

Private facilities including NGOs

A number of international and domestic NGOs provide maternal health-care services in China. Distribution of maternal health-care information to the general public and specifically to women is a major component of the China Family Planning Association's activities in the area of reproductive health.⁴²⁰

Several NGOs, including the Zigen Fund, the Tibet Poverty Alleviation Fund (TPAF), the Terma Foundation, the Swiss Red Cross, and ProLiteracy, train doctors, midwives, and birth attendants to improve maternal and obstetric services.⁴²¹ PLAN, Health Unlimited, and women's federations in several provinces and counties provide training in maternal and child health care for medical staff and communities.⁴²²

The TPAF, in partnership with the government, developed a Tibet-wide Safe Motherhood Strategy aimed at reducing maternal mortality by 10% by 2010. The TPAF is implementing the strategy by equipping and upgrading maternal health-care facilities and building their capacity for obstetric surgeries and safe deliveries.⁴²³ It has also assisted local health departments in launching the Community Medical System (CMS) to rural families to reduce the cost of health care, including the cost of deliveries at clinics and hospitals.⁴²⁴

The Terma Foundation has a "Healthy Mother, Healthy Babies" campaign that seeks to improve maternal outcomes in the Tibet region by providing at-risk women with prenatal vitamins and nutritional and lactation education, and equipping health workers with diagnostic tools to identify high-risk pregnancies and life-threatening postpartum and neonatal diseases.⁴²⁵

PATH has worked in China since the 1980s, advancing reproductive health, family planning, and maternal and infant health-care services by offering technical assistance, including the development of new contraceptives. Currently, it is working with the CFPA to provide life-planning skills (addressing, for example, romantic relationships, sex, contraception, condoms, and STIs/HIV) for adolescent girls and migrant workers through peer educators and employer-sponsored seminars.⁴²⁶

Health Unlimited has been working in the area of maternal and child health care in China since 1993.⁴²⁷ In addition to training health-care workers, it provides vital equipment (such as incubators and fetal monitors) and support services and conducts community education campaigns to improve

maternal and infant mortality rates.⁴²⁸

Nutrition

The Law on Maternal and Infant Health Care, effective since 1994, requires medical institutions and personnel to provide consultation and instruction on prenatal nutrition as part of prenatal health-care services.⁴²⁹ The law also calls for educating mothers about nutrition for newborn babies and promoting breastfeeding.⁴³⁰

There are national campaigns to improve maternal nutrition, including attempts to eliminate iodine-deficiency disorder by distributing iodine salt and capsules for pregnant women, distribution of tetanus toxoid vaccines during pregnancy to reduce the incidence of neonatal tetanus, and programs to reduce iron-deficient anemia.⁴³¹ Additionally, the water supply has been improved, benefiting 92.38% of the rural population of China in 2000.⁴³² And to improve infant nutrition, the Ministry of Health is also trying to reverse the decline in the rate of breastfeeding (from 76% in 1998 to 64% in 2005), by mandating breastfeeding education for all postnatal women in medical/health facilities, restricting promotion of breast milk substitutes, and revoking operating licenses for facilities that violate these provisions.⁴³³

Safe abortion

China's induced abortion rate peaked in the 1980s and has declined by 53% since, from 43 abortions per 1,000 women of childbearing age in 1990 to 18 per 1,000 in 2001.⁴³⁴ Nonetheless, approximately 4 million induced abortions were performed in 1999, according to government statistics.⁴³⁵ Studies show that abortion has assumed a greater role in controlling fertility in China because of contraceptive failure and reduced rates of contraceptive use.⁴³⁶ Government statistics indicate that 72% of abortions in China overall, and 90% of abortions in urban areas, result from contraceptive failure.⁴³⁷

The family planning program was reoriented after China signed the ICPD in 1995 from a focus on controlling population to providing quality health-care services. The change has led to a notable fall in abortions.⁴³⁸ Nonetheless, induced abortion is recognized as a major contributor to China's fertility decline. Furthermore, the incidence of abortion among urban, college-educated women—whom the government effectively targeted through its family planning programs—is at least six times higher than that of rural, illiterate women.⁴³⁹

Abortion laws and policies

Currently, the Criminal Law of China, enacted by the National People's Congress in 1979 and revised in 2005, contains no provisions under which abortion, performed with the consent of the pregnant woman by a licensed doctor, constitutes an offense.⁴⁴⁰ However, sex-selective abortions for nonmedical

purposes are strictly prohibited by the Population and Family Planning Law 2002 and are expected to be criminalized in an amendment to the Criminal Law.⁴⁴¹ In spite of this prohibition, the practice continues. One official study in Hainan province found that 68% of abortions were of female fetuses.⁴⁴²

Early abortions may be performed surgically by licensed medical personnel in a clinic, using the vacuum aspiration technique or medically.⁴⁴³ The government approved the use of medical abortion in 1988.⁴⁴⁴ Although mifepristone is legally available at hospitals, concern about side effects led the government to ban sales of the drug on the open market.⁴⁴⁵ Abortions at or during the second trimester are medically or surgically performed in a hospital by a licensed physician.⁴⁴⁶ There are no national laws or regulations limiting the gestational age at which a pregnancy may be terminated, and the Ministry of Health's Rules for Birth Control Surgeries describe methods for terminating pregnancies up to 27 weeks.⁴⁴⁷ However, local legislation and policies place restrictions upon the conditions under which a woman may terminate a pregnancy.

The 1994 Law on Maternal and Infant Health Care specifies the following three conditions under which an abortion may be medically necessary:

- where the fetus has a "serious deformity;"
- where the fetus has a serious hereditary disease; and
- where the pregnancy endangers the life of the pregnant woman.⁴⁴⁸

Permission for a non-medically necessary abortion must be obtained from the county or local people's government's family planning department if a birth permit was issued for the pregnancy by the provincial population and family planning department.⁴⁴⁹ Unapproved abortions result in official admonishments, fines of up to CNY 3,000 (USD 362.50), revocation or future denial of birth permits, and possible required sterilization for the woman.⁴⁵⁰ Second trimester abortion (starting at 14 weeks) of a government-sanctioned pregnancy may be performed only upon approval of the local family planning agency, and in numerous provinces, local legislation bans these abortions unless they are deemed medically necessary.⁴⁵¹

To proceed with a pregnancy termination, a woman's consent is required.⁴⁵² If the woman is unable to consent, such consent must be obtained from her guardians.⁴⁵³ Unauthorized health-care workers who conduct a termination of pregnancy that results in a patient's death or disability may face criminal charges.⁴⁵⁴

The 2002 Population and Family Planning Law states that "husbands and wives bear equal responsibility for family planning."⁴⁵⁵ This provision may be interpreted to require a husband's consent in obtaining an abortion.⁴⁵⁶

A woman receives 14 days of paid sick leave for a first-trimester abortion and 30 days if the pregnancy is terminated after the first trimester. In some parts of the country, paid sick leave is extended if a woman who has an abortion has an IUD inserted, or is sterilized after the abortion is performed.⁴⁵⁷

Government delivery of abortion services

Abortion services are provided by the Government of China as a public service.⁴⁵⁸ Family planning technical service facilities from the village to the provincial level offer abortion services and follow-up care.⁴⁵⁹

There has been much concern about government officials at various levels coercing women to undergo abortion. Although the use of physical coercion to compel women to submit to abortions is prohibited,⁴⁶⁰ it has been reported that officials in at least one province have forced women to abort unplanned pregnancies immediately.⁴⁶¹ In response, the central government and the NPFPC issued an official condemnation of these actions, imposed administrative penalties, and fired the responsible officials.⁴⁶² Because the Population and Family Planning Law delegates the responsibility of its implementation to provincial governments and states only that compliance with birth limits should be "chiefly" achieved through the use of contraception, some existing provincial regulations mandating sterilization or abortion do not directly contradict the law and have remained in effect.⁴⁶³

HIV/AIDS and other sexually transmissible infections (STIs)

At the end of 2003, 80,000 of the estimated 840,000 people who tested positive for HIV in the country were clinically confirmed AIDS cases.⁴⁶⁴ The number of AIDS cases and AIDS-related deaths has increased dramatically in the last several years. The reported number of AIDS cases increased by 44% between 2001 and 2002, and the increase was 206% between 2000 and 2001.⁴⁶⁵ Among adults, the national HIV/AIDS prevalence rate is less than 0.1%; however, certain regions have significantly higher HIV/AIDS infection rates (about 80%), particularly among high-risk groups such as intravenous drug users.⁴⁶⁶

While intravenous drug use is the predominant mode of HIV transmission in China, sexual transmission is steadily increasing, primarily among sex workers.⁴⁶⁷ Between 1997 and 2002, the rate of sexually transmitted HIV infections nearly doubled, from 5.5% to 10.9%.⁴⁶⁸ Figures from 1997, 2001 and 2002 indicate that HIV prevalence is also increasing among unmarried youth (1.7%), pregnant women (1.3%), and newborns through mother to child transmission (0.4%).⁴⁶⁹ Prior to the enactment of Regulations for the Management of Blood Products in 1996, a significant number of HIV infections resulted from blood transfusions, and this remains a

problem in rural areas.⁴⁷⁰ In some provinces, an average of 60% of former plasma donors are reportedly infected with HIV and the unregulated sale of plasma/blood remains a common phenomenon.⁴⁷¹

Awareness of the epidemic is low among the general public, especially in vulnerable groups such as sex workers.⁴⁷² One survey revealed that only 14% to 30% of sex workers knew condoms could prevent HIV infection, and only 2% to 30% considered themselves at risk of being infected.⁴⁷³ Lack of knowledge is also behind discriminatory attitudes against people with HIV/AIDS.⁴⁷⁴

Prevalence of HIV/AIDS among Chinese gay men ranges from 3% to 5%, and lack of essential knowledge and unsafe sex with multiple partners are the primary causes of infection.⁴⁷⁵ The central government has no program or policy addressing this population, although local governments, working in concert with foreign partners, have begun to offer limited HIV/AIDS services for gay men.⁴⁷⁶

There are currently an estimated eighty thousand children orphaned by AIDS in China, and the number is expected to grow to two hundred sixty thousand by 2010.⁴⁷⁷

Laws and policies

The Law on the Prevention and Treatment of Infectious Diseases was enacted in 1989 and amended in 2004 in order to prevent, control, and eliminate the occurrence and epidemic of infectious diseases such as HIV/AIDS and other STIs.⁴⁷⁸ The law applies to all individuals who are physically present in China. Individuals suspected of having an infectious disease are mandated by the law to submit inquiries, examinations, investigations, and undergo treatment provided by disease control and medical institutions.⁴⁷⁹ These facilities are also charged with providing necessary treatment and control measures appropriate to the patient's condition.⁴⁸⁰

Anyone with knowledge of an individual who has or is suspected of having HIV/AIDS or other designated STIs (e.g. gonorrhea, syphilis, and hepatitis) is compelled by law to report him or her to medical or disease control agencies, which must then immediately notify relevant government departments and the Ministry of Health.⁴⁸¹ The law prohibits individuals who have or are suspected of having HIV/AIDS or STIs from being employed in jobs in which the spread of such diseases might be difficult to control.⁴⁸² Violations of these provisions are punishable by up to three years' imprisonment, and in cases where the consequences are especially serious, up to seven years' imprisonment.⁴⁸³ If the illegal action leads to personal or property damage, the violator may be subjected to civil action.⁴⁸⁴

Several border control laws address issues related to the exit and entry of persons with STIs or HIV/AIDS at airports, sea-

ports, and train stations. Health and quarantine organs must bar carriers or suspected carriers of infectious diseases from exiting the country,⁴⁸⁵ and foreigners with AIDS or venereal or infectious diseases are prohibited from entering the country.⁴⁸⁶ Attempts to evade border health inspection, falsify one's health status, or spread communicable diseases may be punished with a fine and/or up to three years' imprisonment.⁴⁸⁷

The Blood Donation Law, which became effective in 1998, was enacted to control the spread of STIs and HIV/AIDS by regulating blood banks and blood donors.⁴⁸⁸ The law requires blood banks to ensure the quality of blood by guarding against risk of contamination by persons with STIs or HIV/AIDS.⁴⁸⁹ Donors must undergo a free medical exam and must be in satisfactory physical health—specifically, free from HIV/AIDS—to be eligible to give blood.⁴⁹⁰ The Regulation on Management of Blood Products also establishes provisions to strengthen control and guarantee quality and safety of blood products, and prevent the spread of infectious diseases through their use.⁴⁹¹ Individuals engaged in illegal selling of blood face fines and imprisonment for up to five years.⁴⁹² Hospitals that fail to screen their blood and thereby transmit HIV to a patient may face civil liability.⁴⁹³

The Maternal and Infant Health Care Law also addresses the issue of STIs and HIV/AIDS in premarital couples. If one party is discovered to be in an infectious stage of an infectious disease, such as gonorrhea, syphilis, or HIV/AIDS,⁴⁹⁴ the examining practitioner will offer medical advice and issue a premarital medical "suggestion" advising the couple to postpone marriage.⁴⁹⁵ The 2003 revision of the Regulation on Marriage Registration alleviated the requirement that people registering for marriage must undergo premarital medical exams, and officials from the Ministry of Health have stated that HIV carriers have the right to marry;⁴⁹⁶ however, some provinces have refused to issue marriage certificates to people living with HIV/AIDS (PLWHA).⁴⁹⁷

China's efforts to prevent the spread of HIV/AIDS were bolstered in 1994 through the signing of the Paris Declaration, a global statement calling for the prevention and control of the disease. Subsequently, the Ministry of Finance established a special fund for HIV/AIDS prevention and control in 1996.⁴⁹⁸

The China Medium- and Long-Term Plan for HIV/AIDS Prevention and Control (1998–2010) (CMLTP), issued and distributed by the State Council in 1998, sets out the government's objectives for HIV/AIDS prevention and control, which include the following:

- ensure that provincial governments incorporate HIV/AIDS prevention work into the local economic and social infrastructures;
- create a surveillance system that monitors the preva-

lence of the disease; and

- establish and modify laws and regulations related to STIs and HIV/AIDS.⁴⁹⁹

In 2001, China's minister of health signed the Declaration of Commitment on HIV/AIDS at the United Nations General Assembly Special Session on HIV/AIDS, reiterating China's commitment to HIV/AIDS prevention and control.⁵⁰⁰ The same year, the State Council issued the China HIV/AIDS Containment, Prevention, and Control Action Plan (2001–2005) to ensure that the objectives and tasks set out in the CMLTP would be achieved.⁵⁰¹ The principles of the action plan are as follows:

- focus on educating the general public and vulnerable populations about high-risk behavior and harm reduction;
- strengthen health education and behavioral interventions and emphasize the development of effective, sustainable programs; and
- increase guidance, monitoring, and supervision of programs.⁵⁰²

The action plan aimed to achieve the following targets by 2005:

- condom usage rate of over 50% among high-risk populations;
- HIV/AIDS training for all personnel engaged in HIV prevention and control, clinical treatment and care, laboratory testing, blood collection, and provision; and
- integration of local and national HIV/AIDS information networks.⁵⁰³

During a high-level HIV/AIDS meeting of the UN General Assembly in September 2003, the Chinese government made several commitments to fighting HIV/AIDS, including the following:

- holding health-care workers accountable if their professional negligence results in the further spread of the disease;
- providing free antiretroviral (ARV) medicines to low-income PLWHA in urban areas and all PLWHA in rural areas;
- increasing international cooperation on HIV/AIDS by welcoming continued financial and technical support from other countries and international organizations.⁵⁰⁴

The central and local governments have pledged more than CNY 10 billion (USD 1.2 billion) to improve the strength of the health-care system and professional capacity for HIV/AIDS prevention and control.⁵⁰⁵

Recent regulations related to HIV/AIDS include a trial implementation of the Principles for Prevention and Protection of Medical Personnel from HIV Exposure to establish

working protocols, exposure-reduction methods, and emergency procedures to reduce the risk of HIV infection among health-care workers.⁵⁰⁶ The MOH has also issued guidelines for pregnant women for prevention of HIV/AIDS transmission;⁵⁰⁷ issued guidelines and technical manuals for free ARVs; organized the National HIV/AIDS Clinical Task Force to provide HIV/AIDS services training for primary, county, and township health workers; and established ten AIDS clinical training centers.⁵⁰⁸

The government has taken several steps toward fulfillment of the goals of CMLTP, including exempting imported ARVs from duty and VAT (value added tax) for five years to increase their availability and affordability;⁵⁰⁹ expediting approval of ARVs;⁵¹⁰ and encouraging domestic drug producers to produce generic ARVs.⁵¹¹ Condom quality has improved, as has condom dissemination, and free condoms are now supplied to PLWHA.⁵¹²

The government has introduced a series of measures to improve the quality of life of PLWHA and their families. Medical facilities appointed to care for PLWHA must provide treatment immediately and are not allowed to refuse care.⁵¹³ To increase accessibility of HIV/AIDS treatment, home care programs are available for patients in remission or in situations where isolated treatment is inappropriate.⁵¹⁴ Anonymous HIV tests are conducted free of charge in areas with large numbers of HIV/AIDS cases, in poverty-stricken regions, and for vulnerable populations.⁵¹⁵ Pregnant women with HIV/AIDS are given free counseling, medical screenings, and ARVs to prevent transmission of the virus to their fetus.⁵¹⁶ In partnership with NGOs and international organizations, the government provides PLWHA with agricultural tax-exemptions and microcredits, and allows their children to attend school free of charge.⁵¹⁷

In 2004, the State Council premier announced the Four Frees and One Care policy, which provides the following:

- free ARV drugs for all people diagnosed with HIV/AIDS in rural areas;
- free voluntary counseling and testing (VCT) in high prevalence areas;
- free education to children orphaned by AIDS;
- free VCT and prevention of mother-to-infant transmission services for pregnant women; and
- care to PLWHA facing financial difficulties.⁵¹⁸

The government's four-tier (county, prefecture, province, and national) disease prevention and control network implements this policy through the China National Free ARV Treatment Program.⁵¹⁹ Among the strategies of the program are China CARES (Comprehensive AIDS Response) pilot initiatives, which are community-based HIV/AIDS treat-

ment and care projects in 127 counties throughout 28 provinces; and the provision of support and resources from the Chinese Center for Disease Control to provinces according to their needs.⁵²⁰

Regulation of information on HIV/AIDS and other STIs

Information on HIV/AIDS and STIs is disseminated to the Chinese population through a number of campaigns conducted by ministries and government divisions. The State Council Policy on HIV Prevention and Control calls upon all levels of government to disseminate information on HIV prevention to all child-care centers, schools, enterprises, and media outlets.⁵²¹ On annual World AIDS Day, which falls on December 1, the Chinese government sponsors national HIV/AIDS awareness campaigns involving conferences, entertainment, interviews with experts, on-site consultations, hotlines, distribution of educational materials, and activity reports.⁵²² Other national programs initiated by NGOs and government divisions include HIV/AIDS Prevention and Health for the Whole Family, sponsored by the ACWF and the Ministry of Health,⁵²³ and Red Ribbon Action, sponsored by the CCYL, the Ministry of Education (MOE), and the MOH.⁵²⁴

Government departments offer a variety of HIV/AIDS education and awareness campaigns organized by the State Council Coordination Mechanism on AIDS/STIs to maximize the effectiveness of HIV/AIDS prevention and control efforts.⁵²⁵ Since the State Administration of Industry and Commerce lifted the ban against condom advertisements in 2004, the government has adopted a policy of encouraging condom use for the prevention of HIV/AIDS using public service television commercials, billboards, and publications.⁵²⁶ The MOE set forth guidelines defining the standards for HIV/AIDS training materials in schools and curricula.⁵²⁷ The ministry is also responsible for implementing programs for HIV prevention and voluntary, nonremunerated blood donation in all high schools, vocational schools, and institutes of higher learning.⁵²⁸ The Ministry of Railways and various transportation departments target commuters and migrant workers by printing HIV/AIDS information on the backs of tickets and conducting campaigns at major stations and ports.⁵²⁹ The All-China Federation of Trade Unions and the NPFPC both conduct awareness raising campaigns, educational seminars, and training programs throughout the nation.⁵³⁰

The government's antidiscrimination protections for PLWHA are somewhat contradictory. The Notice on the Administration of HIV Positive People and Patients states that HIV-positive individuals and their relatives cannot be discriminated against.⁵³¹ The notice also guarantees PLWHA and their children the same legal rights and social benefits

afforded to other citizens, including access to day care and education.⁵³² Citizens are urged to follow their social duty in combating discrimination, and local governments are obligated to ensure that PLWHA are provided with a friendly, considerate, and healthy environment where they are encouraged to think positively, correct high-risk behavior, and receive care that prolongs the quality of their lives and their lifespan.⁵³³ These provisions were also included in the State Council Notice on Strengthening HIV/AIDS Prevention and Control of 2004.⁵³⁴

However, despite policies denouncing HIV/AIDS discrimination, violations are punishable only by minor administrative penalties, and some legislative measures seem more supportive of segregation than acceptance. For instance, PLWHA are required to submit to medical consultations before marriage and may be issued premarital medical exam certificates with a recommendation to "postpone marriage" for an indefinite period.⁵³⁵ Officials from the Ministry of Health have stated that PLWHA have the right to get married, but in many provinces, such as Hunan and Jiangsu, HIV-positive individuals cannot obtain a marriage certificate.⁵³⁶ In addition, it has been reported that AIDS orphans, who are often HIV-positive, face maltreatment by their peers and teachers, and are refused entry to schools, hotels, and businesses.⁵³⁷

Adolescent reproductive health

China has one of the largest adolescent populations in the world. According to the 2000 census, more than 320 million people in China are between the ages of 10 and 24, accounting for 26% of the total population.⁵³⁸ About 50% of Chinese adolescents are female.⁵³⁹

Laws and policies

Though China has signed and ratified international instruments with provisions for adolescent reproductive health care, such as the ICPD Programme of Action, the Beijing Platform for Action, and the ICPD+5, family planning and reproductive health services for adolescents are extremely limited in China.⁵⁴⁰

However, the Chinese government has taken several steps to improve availability and accessibility of reproductive health care for adolescents. In 2002, a government hospital in Beijing opened the country's first clinic for adolescent psychological and sexual health-care services.⁵⁴¹ The clinic provides adolescents with free or low-cost gynecology, maternity, urology, pediatrics, and psychological counseling services.⁵⁴² Similar facilities have since opened in several cities.⁵⁴³ These government-funded adolescent health-care facilities offer free abortion services for pregnant girls under 18 years of age, and some permit anonymous abortions without parental notification.⁵⁴⁴

Delivery of adolescent reproductive health services by NGOs and international organizations

NGOs and international organizations are addressing the inadequacy of adolescent reproductive health services through a variety of programs. A CFPA initiative provides information about reproductive and maternal and infant health care, puberty, and family planning to unmarried youths to encourage responsible behavior, such as contraceptive use, and decrease incidences of premarital pregnancies and induced abortions.⁵⁴⁵

The United Nations Development Programme (UNDP) and UNFPA created pilot projects on adolescent reproductive health (ARH) in Shanghai and Beijing, where students function as youth volunteers and peer educators to help increase awareness of sexual and reproductive health issues and generate support from local leaders, teachers, parents, and family planning workers.⁵⁴⁶ The program also involved the targeted marketing of contraceptives, thereby increasing both the accessibility of condoms and awareness of reproductive health issues for underserved adolescents.⁵⁴⁷

These initiatives have produced promising results.⁵⁴⁸ The UNDP and UNFPA plan to concentrate their advocacy efforts on policy development and the recognition and realization of reproductive health rights for young people.⁵⁴⁹ In the future, the pilot ARH projects will be expanded to other areas and various approaches will be tested to provide youth-centered information, counseling, and services.⁵⁵⁰ The UNFPA will strengthen the capacity of program managers to integrate ARH into the existing health-care system and offer assistance to improve the overall health-care system.⁵⁵¹

HIV/AIDS is a growing problem among China's youth. The Red Cross Society of China (RCSC) has introduced youth peer education for HIV/AIDS prevention and care in more than 15 provinces.⁵⁵² Implemented and funded by local people's governments and international NGOs, the programs' objectives are to give accurate information about HIV/AIDS and its prevention to adolescents through peer education to reduce high-risk behavior, improve decision making, and dispel the stigma of the disease.⁵⁵³ The program is expected to be expanded to migrant workers, sex workers, and PLWHA.⁵⁵⁴ To combat discrimination against AIDS orphans, local people's governments, China's Center for Disease Control, and domestic and international NGOs have launched public awareness campaigns, provided subsidies to foster families, and organized summer camps for AIDS orphans.⁵⁵⁵

C. POPULATION

China is one of the most populous countries in the world,

inhabited by more than 1.3 billion people, comprising one-fifth of the world's population. Since the 1950s, family planning has been a national policy with the goal of ensuring that families have only one child, thereby reducing the rapidly climbing population growth rate.⁵⁵⁶

In the 1970s, the government launched the "*wan, xi, shao*" ("later, longer, fewer") campaign emphasizing later marriage, longer intervals between births, and fewer births.⁵⁵⁷ At the onset of the campaign, couples were discouraged from having more than two children, but by the late 1970s no more than one child was recommended.⁵⁵⁸ The campaign was the first to introduce national, provincial, and local birth rate targets.⁵⁵⁹

Fears that excessive population growth would derail economic development drove the Chinese government to go further and launch the one-child policy in 1979.⁵⁶⁰ The policy restricted couples from having more than one child and required official "birth permits" before conceiving a child.⁵⁶¹ It is widely reported that at the policy's inception, coercive methods were frequently exercised to ensure its enforcement.⁵⁶²

After abandoning the compulsory birth control strategies employed in the 1970s and 1980s, China adopted less stringent measures in implementing its population policies. Although the shift places greater focus on individual rights, "these rights are mostly to receive services, not to reject them," and citizens must still adhere to birth limitations.⁵⁶³

The government's population policies have been criticized for reinforcing patriarchal attitudes by supporting son preference, a critical factor in the "missing girls" phenomenon whereby female babies are abandoned, neglected, or killed, or their births hidden from family planning authorities so couples can try to have a son.⁵⁶⁴ The policies have also been faulted for contributing towards skewed sex ratios, where more boys than girls are born. Currently, newborns in China are disproportionately male with national statistics indicating that the male to female sex ratio for newborns is 119 boys to 100 girls.⁵⁶⁵ In some regions, the ratio is 130 boys to 100 girls.⁵⁶⁶

China's population control program has led to a dramatic decline in the country's national birth rate, which has dropped from a high of 23.33 births per 1,000 persons in 1988 to 12.86 births per 1,000 persons in 2002, with urban areas reporting record low rates.⁵⁶⁷ In 2002, the official national fertility rate in China was 1.19 average number of live births per women aged 15-49.⁵⁶⁸ Although China is now on the path to population stabilization and a low fertility rate,⁵⁶⁹ the Chinese government maintains that further reduction in population is necessary to ensure economic and social well-being.⁵⁷⁰ In a decision promulgated by the CPC Central Committee and

the State Council in 2000, excessive population growth was cited as a “crucial factor” in hindering the country’s economic and social development.⁵⁷¹

The government has indicated that in the long run, economic development will limit childbearing; in the meantime, the government “relies on publicity and education, advances in science and technology, multipurpose services and . . . the reward and social security systems” to secure compliance with its population control laws.⁵⁷²

Laws and policies

China is committed to achieving a peak population of 1.6 billion by the mid-21st century and a steady decline in population thereafter.⁵⁷³ In 2001, China codified its one-child policy and current family planning policy and practices in the Population and Family Planning Law.⁵⁷⁴ The law was enacted to bring about “a coordinated development between population on the one side and the economy, society, resources, and the environment on the other,” and to promote family planning for the enhancement of family happiness and the prosperity of the country.⁵⁷⁵

According to the Population and Family Planning Law, the government “advocates” one child per married couple, and requests to have a second child are subject to local laws and regulations.⁵⁷⁶ Regulations permitting a second child vary across provinces, autonomous regions, and municipalities. In general, couples fulfilling the following criteria may petition the local family planning department to have a second child:

- their first child is disabled with no hope of entering the work force;
- they are remarried and one of the spouses has no children;
- they were diagnosed as infertile and became pregnant after adopting a child;
- both husband and wife are single children;
- they are ethnic minorities living in rural or autonomous national regions; or
- they live in a rural area and their first child is a girl.⁵⁷⁷

One of the earliest exceptions to the one-child policy, the provision permitting rural couples with a daughter to have a second child, was enacted in 1984 as a concession to the strong resistance to birth limits and the desire to have multiple children among rural couples who lack pension plans and must rely on their offspring to support them in their old age.⁵⁷⁸

The government’s population and family planning objectives for 2000–2010 are outlined in a decision released jointly by the CPC Central Committee and the State Council. They are as follows:

- limit the total population to 1.4 billion by 2010;
- balance the sex ratio of newborn babies;

- enable individuals of childbearing age access to basic reproductive health-care services; and
- widely promote the informed use of various contraceptive measures.⁵⁷⁹

China’s family planning policies were further reiterated in the Tenth Five-Year Plan for National Economic and Social Development (2000–2005), and called for the following results:

- sustain the low birth rate;
- improve prenatal and postnatal care;
- improve management of family planning in rural areas and among migrant populations;
- establish rewards for family planning; and
- accelerate the work of legislation for population and family planning.⁵⁸⁰

In 2005, the government launched a nationwide program called Social Support for Some Rural Families Practicing Family Planning, which provides cash rewards to elderly (60 years old or above) rural couples with one child or two daughters in compliance with population and family planning policies.⁵⁸¹ Eligible recipients are entitled to a minimum of CNY 600 (USD 72) a year, or CNY 1,200 (USD 144) per couple.⁵⁸²

Some rural families with daughters are given privileges in housing, employment, education, and welfare support under the NPFPC’s Care for Girls program, launched in 2000, which seeks to reverse the newborn gender disparity and “improve the environment for girls’ survival and development.”⁵⁸³ Under the program, daughter(s)-only families receive loans and funding of up to CNY 5,000 (USD 604) for income-generating production, free schooling, and lectures on gender equality, and girls receive free health exams to ensure they are properly cared for by their families.⁵⁸⁴

Both incentives and penalties are used to encourage compliance with the population policy. Couples who follow the population policy receive social and economic incentives such as insurance, welfare benefits, poverty-alleviation loans, and work relief.⁵⁸⁵ Citizens who do not follow the directives of the population policy are required to pay a social compensation fee.⁵⁸⁶ Unmarried couples, women under the legal age for marriage, and both parties of an extramarital affair who have a child may also be subjected to social compensation fees.⁵⁸⁷ These fees are significant and may be several times the amount of an individual’s annual income.⁵⁸⁸ Families who do not pay their social compensation fees within the specified time period are subject to additional fees and charges,⁵⁸⁹ and anyone who fails to make payments may be given administrative sanctions or face disciplinary actions from their work unit or organization.⁵⁹⁰ Civil servants and state functionaries who violate family planning laws are subjected to harsher punishments.⁵⁹¹ (See “Family planning” for more information).

Ethnic minority groups

The people's congresses in autonomous national regions may formulate their own family planning policies in light of the central government's stated interest in improving the quality of life and economic and social development of ethnic minority populations and the need for family planning regulations.⁵⁹² These policies allow most ethnic minority families to have two or three children; allow more than three in small ethnic minority populations or for those living in harsh geographical conditions; and place no official constraints on the number of children of Tibetan farmers and herdsmen.⁵⁹³

Implementing agencies

All sections of the government are directed to promote and implement the population policy, including the family planning administrative departments, social organizations such as trade unions and women's federations, the armed forces, and the mass media.⁵⁹⁴ Family planning departments that fail to fulfill birth targets are admonished by their supervising agency, and the person in charge may be given administrative penalties.⁵⁹⁵

The NPFPC formulates, coordinates, and oversees the population policy.⁵⁹⁶ The NPFPC is headed by a minister, several vice ministers, and departmental director-generals.⁵⁹⁷ There are eight major departments in the NPFPC: the general office; the Department of Policies and Regulations; the Department of Development and Planning; the Department of Publicity and Education; the Department of Science and Technology; the Department of Finance; the Department of Personnel; and the Department of International Cooperation.⁵⁹⁸ The general office organizes and coordinates surveys, research, and analysis of key population and family planning issues to support policy-making at the commission's top levels.⁵⁹⁹ The general office also examines and supervises the enforcement of major population and family planning policies formulated by the CPC Central Committee and the State Council. There are family planning commissions at the provincial, prefectural, and county levels and family planning committees below them.⁶⁰⁰ The NPFPC has ties with numerous research and mass educational organizations to manage and implement the population control policies.⁶⁰¹

Several Chinese NGOs assist the government on population control issues. Among them are the Family Planning Association, the Population Association, the Association for Promotion of Population Culture, the Population Welfare Foundation, the Association for Healthier Births and Better Childbearing, the Association for Research on Healthier Births, and the Family Planning Institute of China Medical Association.⁶⁰²

With the help of these NGOs, China's government is experimenting with less stringent fertility controls. In 2004,

the NPFPC, working closely with the MOH, the CFPA, and UNFPA, established pilot programs in 32 counties that abandoned birth quotas and upgraded services in family planning clinics. In these counties, women and men were given more freedom of choice when selecting contraceptive methods, including wider access to condoms and birth control pills.⁶⁰³

III. Legal Status of Women and Girls

The health and reproductive rights of women and girls cannot be fully understood without taking into account their legal and social status. Laws relating to their legal status not only reflect societal attitudes that shape the landscape of reproductive rights, they directly impact their ability to exercise these rights. A woman or adolescent girl's marital status, her ability to own property and earn an independent income, her level of education, and her vulnerability to violence affect her ability to make decisions about her reproductive and sexual health and to access appropriate services. The following section describes the legal status of women and girls in China.

A. RIGHTS TO EQUALITY AND NONDISCRIMINATION

The constitution of the People's Republic of China proclaims all citizens equal before the law and states that women "enjoy equal rights with men in all spheres of life, in political, economic, cultural and social, and family life."⁶⁰⁴ The government is entrusted to "protect the rights and interests of women, appl[y] the principle of equal pay for equal work to men and women alike[,] and train and select cadres from among women."⁶⁰⁵ Other constitutional provisions obligate the government to uphold the freedom of marriage, protect families, and prevent the maltreatment of women and children.⁶⁰⁶

The Chinese government has encouraged women to participate in politics by passing a number of legislative measures, which have resulted in the steady increase of female government officials since the establishment of the Republic (See "Legal and Political Framework" for more information). In addition to the constitution, a number of laws address the rights and interests of women and girls, including the Civil Law, Marriage Law, Law on Maternal and Infant Health Care, Law of Succession, Labor Law, Women's Rights Law, Trade Union Law, Compulsory Education Law, Education Law, Adoption Law, Criminal Law, Law on the Protection of Minors, and Law on Population and Family Planning. The Women's Rights Law of 1992, revised in 2005, was the first

basic law to protect women's rights and interests in a comprehensive and systematic manner and provides that women enjoy equal rights and status with men in all aspects of political, economic, cultural, social, and family life.⁶⁰⁷

There is currently no law explicitly protecting homosexuals from discrimination, or recognizing and promoting their particular rights. Homosexuality was a criminal offense until 1997, and it was classified by the Chinese Psychiatric Association as a mental illness until 2001.⁶⁰⁸

Formal institutions and policies

The government has established a number of institutional procedures and official policies to advance gender equality.

The National Working Committee on Children and Women under the State Council (NWCCW) was established on February 22, 1990, to implement China's policy of gender equality and ensure adherence to the principle of devotion to women and children's survival, protection, and development.⁶⁰⁹ The NWCCW assisted the State Council in drafting and promulgating the National Plan for the Development of Chinese Women (1995–2000) and the National Plan for the Development of Chinese Children (1995–2000), and is currently overseeing the National Plan for the Development of Chinese Women (2001–2010) and the National Plan for Development of Chinese Children (2001–2010).⁶¹⁰ The NWCCW is composed of officials from 28 ministries and commissions, and 5 NGOs, including the Chinese Communist Youth League (CCYL) and the ACWF.⁶¹¹

The main role of the NWCCW is to make the rights and interests of women and children a priority at all levels of government.⁶¹² Specifically, some of the working committee's primary responsibilities include the following:

- strengthening legislation that protects the rights of women and children and addressing prominent barriers to the development of this population;
- encouraging the full implementation of key international treaties such as CEDAW and CRC that protect the rights and interests of women and children;
- establishing and strengthening mechanisms to ensure the implementation of women's and children's programs at the local level;
- training relevant government officials to implement programs for women and children;
- addressing key obstacles to the provision of education and health care for all women and children; and
- ensuring sanitary conditions in low-income and minority regions to improve the survival and development of their women and children.⁶¹³

The Office of Workers, Youth, and Women (OWYW) is an integral part of the Committee on Internal and Judi-

cial Affairs of the NPC. Some of the main activities of the OWYW include researching, drafting, and monitoring the implementation of national legislation on women, children, and adolescents; and monitoring local laws concerning women, children, and adolescents.⁶¹⁴

The ACWF was founded in 1949 "to represent and safeguard women's rights and interests and promote equality between women and men."⁶¹⁵ The ACWF is entrusted, under statute, with representing and upholding "the rights of women of all nationalities and all walks of life and striv[ing to] ... protect ... women's right and interests."⁶¹⁶ The federation is responsible for creating legislation pertaining to women's issues and was recently entrusted with writing the final draft of the amendments to the Women's Rights Law.⁶¹⁷ The federation is a member of the NWCCW and enjoys consultative status with the Economic and Social Council of the United Nations.⁶¹⁸ Members include female workers' committees of trade unions in factories and mines, as well as registered national or local women's organizations approved by ACWF. At present there are about sixty thousand grassroots women's federations at or above the township and neighborhood committee levels, and more than nine hundred eighty thousand women's groups.⁶¹⁹

According to the World Bank's East Asia Environment and Social Development Unit, the ACWF in some ways functions as a "quasi-governmental agency" and is constrained to a certain extent because of its close association with the Chinese government. Nevertheless, the ACWF acts as a bridge between policymakers and civil society and is, thus, "an important part of the enabling environment for gender equality in China."⁶²⁰

B. CITIZENSHIP

Under the 1980 Nationality Law of the China, men and women have equal rights regarding the acquisition, loss, and restoration of citizenship.⁶²¹

C. MARRIAGE

The right to marriage and the freedom of marriage are protected by the constitution, the Civil Law, the Marriage Law, and Women's Rights Law.⁶²² The constitution guarantees women equal rights in marriage and in the family and obligates the government to take measures to protect women's right of self-determination in marriage and prohibit external interference with their freedom of marriage.⁶²³

Men and women have equal rights to marriage, and a marriage must be based upon the complete willingness of both parties.⁶²⁴ The Marriage Law is the fundamental code governing marriage⁶²⁵ and establishes the legal marriage age as 22 for men and 20 for women.⁶²⁶ The Law on the Protec-

tion of Minors stipulates that parents or guardians may not force or permit their minor children to marry or undertake an engagement.⁶²⁷ The Population and Family Planning Law rewards couples who delay their marriage beyond the minimum ages with welfare benefits such as longer nuptial leaves from work.⁶²⁸

The Marriage Law prohibits marriages based upon an arbitrary decision by a third party, monetary or material gains, and other types of interference or compulsion by a third party or the prospective spouse.⁶²⁹ A marriage that has been coerced or obtained under conditions restricting personal freedom may be dissolved upon request by the coerced party to the marriage registration office or the people's court. This request must be submitted within one year of the marriage registration date, or within one year of regaining personal freedom.⁶³⁰ Coercion refers to any actions that threaten the life, physical body, health, reputation, or assets of the coerced party or his or her close relatives.⁶³¹

Bigamy is prohibited, as is marriage between certain blood relatives or those infected with diseases that may render a person unfit for marriage.⁶³² Using force to interfere in anyone's freedom of marriage is a criminal offense, punishable by up to two years of imprisonment or criminal detention, or up to seven years of imprisonment if the victim is killed.⁶³³ This crime can only be investigated upon the filing of a formal complaint.⁶³⁴ Even children are prohibited from interfering with their parents' matrimonial rights and cannot abandon their financial duty to support their parents upon a parent's marriage to a new spouse.⁶³⁵

Although the right to marriage is protected under the law, it is not absolute and is subject to certain restrictions. Until recently, the Regulations on Management of Higher Education Students stipulated that students and graduate students would be automatically dismissed or expelled if they got married or had children while they are in school.⁶³⁶ This 15-year-old provision was abolished in the recent revision to the Regulations which came into effect on September 1, 2005, providing greater rights of self-determination for students.⁶³⁷

The Marriage Law and the Regulations on Marriage Registration do not explicitly state that marriage is limited to members of the opposite sex. However, it is implied by references to "husband and wife," "man and woman," "male and female," and "father and mother" in the language of the statutes.⁶³⁸ Furthermore, senior officials of the Ministry of Civil Affairs, which is in charge of marriage registration, have stated that China is not prepared to recognize any marriage between people of the same sex.⁶³⁹

With limited exceptions, couples must register with their local marriage registration department and obtain a marriage

certificate in order to legally establish their marital relationship.⁶⁴⁰ The Regulations on Marriage Registration, revised in late 2003, provide that Chinese citizens may apply for a marriage certificate if they can show identification cards and residency papers, and sign an affidavit attesting to their unmarried status and lack of blood relation to their intended spouse.⁶⁴¹ Prior to these revisions, Chinese citizens were required to obtain a letter from their work unit verifying their unmarried status and were compelled to undergo premarital medical examinations to determine their "fitness for marriage."⁶⁴² (See "Examining Reproductive Health and Rights" for more information.) The revised regulations allow transgender individuals who have undergone sex change operations and officially changed their sex on their identity cards to register for marriage as their new gender and prohibit discrimination against them.⁶⁴³

Both the Women's Rights Law and the Marriage Law establish women's property rights within marriage and also establish equal rights for women in the possession, use, proceeds, and disposal of common marital property, regardless of the income status of either party.⁶⁴⁴ Under the Marriage Law, property acquired by the husband and wife during their marriage is classified as jointly owned, unless otherwise stipulated by a written agreement between the husband and wife.⁶⁴⁵ Husband and wife possess equal rights upon joint property, and decisions regarding disposition of this property must be made by husband and wife following discussion and mutual agreement.⁶⁴⁶

The Marriage Law covers a number of rights and duties that extend to both husbands and wives. They are to have equal status within the family, and must be faithful and respect one another.⁶⁴⁷ Each has the right to engage in work, study, and social activities without restriction or interference from the other.⁶⁴⁸ They have a duty to practice family planning and to protect, discipline, raise, and educate their children.⁶⁴⁹ Husbands and wives also have a duty to provide for each other, and if either fails to do so, the other may demand maintenance payments.⁶⁵⁰

Marriage and ethnic minorities

Ethnic minorities in autonomous regions and prefectures may, with approval from a regional representative of the central government, alter resolutions, decisions, orders, and instructions to incorporate local practices regarding marriage and family.⁶⁵¹ In some national autonomous regions, for instance, the legal marriage age was changed to over 18 for women and over 20 for men.⁶⁵²

D. DIVORCE

Husbands and wives can file for divorce jointly or separately,

and a woman's right to seek a divorce is protected from interference.⁶⁵³ Grounds for divorce may include bigamy or cohabitation; domestic violence, maltreatment, or desertion; gambling or drug addiction; and other serious actions that destroy marital affections.⁶⁵⁴ Restrictions are placed on the ability of a husband to seek divorce. A husband cannot apply for a divorce while his wife is pregnant, within one year after the birth of a child, or within six months of a miscarriage or the termination of a pregnancy as required by the government's family planning policy.⁶⁵⁵ These rules apply unless a people's court determines that it is necessary to accept the husband's divorce request.⁶⁵⁶ A woman's ability to seek divorce during any of these periods is not restricted.⁶⁵⁷

Couples who did not register their marriage in accordance with the Marriage Law may be regarded as a married couple for the purpose of divorce proceedings if they fulfilled the criteria for marriage prior to the enactment of the Regulations on Marriage Registration on February 1, 1994; otherwise, the court is to treat such relationships as cohabitation.⁶⁵⁸ Where both spouses wish to divorce, the marriage registration office will issue divorce certificates after confirming the intentions of both parties and verifying that arrangements exist for the division of property and the care of children.⁶⁵⁹ When only one spouse desires a divorce, he or she may either request mediation or appeal to a people's court to initiate divorce proceedings.⁶⁶⁰ The Marriage Law provides that the court shall grant a divorce if mediation fails due to any of the following circumstances:

- mutual affection no longer exists;
- bigamy or cohabitation of a married person with any third party;
- domestic violence, maltreatment, or desertion of one party by another;
- the continuation of bad habits such as gambling or drug addiction despite repeated admonition;
- separation of at least two full years due to incompatibility;
- other circumstances leading to the loss of mutual affection; or
- one party is declared missing, leading the other party to file for divorce.⁶⁶¹

According to the Civil Procedure Law, parties involved in divorce litigation must appear in person before the court even if they are represented by counsel.⁶⁶²

For purposes of dividing property at divorce, property is classified either as jointly possessed or as solely belonging to the husband or wife. Examples of jointly possessed property include the following:

- pay and bonus;
- property obtained as an inheritance or gift (with

exceptions);

- earnings from investment of separate property;
- retirement pension and arranged compensations for bankruptcy that both husband and wife have acquired or will acquire; and
- housing purchased using marital assets, even if the deed lists only one party.⁶⁶³

In contrast, the following are considered separate property items:

- prenuptial property possessed by only one spouse;
- medical expenses, disability living allowances, and other property acquired by one party as a result of personal injury;
- property (including housing) acquired as an inheritance or gift as specified to one party in a will or gift contract; and
- one party's private articles for daily use or any other individually held items.⁶⁶⁴

Notwithstanding these provisions, the Marriage Law permits spouses to identify in writing their prenuptial and joint property holdings.⁶⁶⁵

Upon seeking a divorce, the spouses shall first negotiate with each other and attempt to reach an amicable agreement on the disposition of their jointly possessed property.⁶⁶⁶ If the parties fail to reach an agreement, "the people's court shall make a judgment, taking into consideration the actual circumstances of the property and the rights and interests of the wife and child, or children."⁶⁶⁷ Before property is distributed, the law provides that "debts incurred jointly by the husband and wife during their marriage shall be paid off out of their jointly possessed property," with any remaining property then divided between the spouses.⁶⁶⁸ If the jointly possessed property is insufficient to pay the debts, the "parties shall work out an agreement with regard to the payment. If they fail to reach an agreement, the people's court shall make a judgment."⁶⁶⁹

In general, only jointly possessed property is distributed upon divorce, but the Marriage Law does provide for the distribution of individual property in some instances. The law maintains that even if the spouses stipulated that they were individual owners of their property during the marriage, the spouse who assumed a greater responsibility as caretaker of the children or elderly parents and who assisted in the other's work may request compensation at the time of the divorce.⁶⁷⁰ If one party to the divorce is unable to meet minimum living standards after the division of property, the other party shall provide assistance, which may be in the form of residential or ownership rights to a dwelling.⁶⁷¹ In addition, if the divorce is granted because one spouse has committed bigamy, cohabited with a third party, acted violently toward the family, or

maltreated or deserted family members, the spouse “without fault” shall have the right to request additional compensation for his or her losses.⁶⁷² The party without fault may claim compensation either as part of the divorce decree or as a separate matter within one year of the divorce, unless the spouse has clearly surrendered such a claim at the time of the divorce.⁶⁷³ Spouses may claim compensation for loss of material goods as well as emotional harm for divorces granted by the people’s court.⁶⁷⁴

Divorce settlements are legally binding unless there was coercion or deception during the proceedings.⁶⁷⁵ Parties who attempt to conceal, deceive, destroy, or manipulate joint property at the time of the divorce may be awarded none or a smaller share of the joint property and may be subjected to civil litigation.⁶⁷⁶ Furthermore, parties in violation of the divorce decree through arrears in spousal maintenance, child support payments, noncompliance with division or inheritance of property, or visits to children, may be detained or fined by local authorities.⁶⁷⁷

There is no legislation explicitly dealing with judicial separation.

Marriages and divorces between Chinese citizens and foreign nationals are bound by the laws of the location in which the marriage or divorce occurred.⁶⁷⁸ Spousal maintenance agreements are subject to the laws of the country to which the claimant is most closely connected.⁶⁷⁹ As long as one party to the marriage is a Chinese citizen, the people’s court may exercise jurisdiction over the case, and either spouse may petition the court for recognition of a foreign divorce judgment.⁶⁸⁰

Parental rights

Child custody may be awarded to either parent. Under the Women’s Rights Law, favorable consideration is given to a wife’s reasonable demands for custody, and to the rights and interests of the children, especially if the wife has lost the ability to bear children due to sterilization or other reasons.⁶⁸¹ The Marriage Law establishes that, in principle, the mother is granted custody of an infant she is breastfeeding.⁶⁸² If the husband and wife cannot agree on the custody of their weaned child, the people’s court shall make a judgment based on the rights and interests of the child and the actual conditions of both parents.⁶⁸³

Whether children are placed in the custody of the mother or the father, they remain the children of both parents according to the law and both the mother and father have a continuing right and duty to raise and educate their children.⁶⁸⁴ The noncustodial parent also has a duty to bear some or all child support expenses, including living expenses, tuition and education costs, medical fees, and other relevant expenses.⁶⁸⁵ The people’s court will make a judgment about the amount and

duration of child support payments for parents who cannot come to an agreement on their own.⁶⁸⁶ Those who fail to pay child support may be brought before the people’s court, and impoverished petitioners may apply for legal aid from the state in these cases.⁶⁸⁷

Parents not given custody of their children are granted visitation rights.⁶⁸⁸ Visits must be negotiated between the parties, with the court making a ruling when the parties are unable to agree.⁶⁸⁹ The custodial parent or legal guardian of a child may petition the people’s court to terminate visitation rights if the other parent’s visit endangers the child’s physical or mental health.⁶⁹⁰

Children under the age of 14 are eligible for adoption if they are orphaned or abandoned, or if their parents are unable to rear them.⁶⁹¹ The consent of both parents must be obtained prior to placing their child for adoption, unless one parent is deceased or cannot be found.⁶⁹² If an adoptee is aged ten or older, his or her consent must be obtained prior to the adoption.⁶⁹³ Same-sex couples are not granted the right to adopt children together. The Adoption Law states that when a person with a spouse adopts a child, the male and female parties must adopt the child in concert.⁶⁹⁴ Family planning regulations hold that parents who have voluntarily given up a child for adoption may not have additional children.⁶⁹⁵

Ethnic minorities

Although China does not have separate divorce and custody policies for minority groups, the Marriage Law and the Adoption Law give the country’s autonomous regions, where most minority groups reside, “the right to formulate certain adaptations in keeping with the principles of [the law] and in light of the specific conditions of the local nationalities with regard to marriage and the family.”⁶⁹⁶ In China’s Hubei province, for instance, both the husband and wife must be present to express their views before a divorce is granted.⁶⁹⁷

E. ECONOMIC AND SOCIAL RIGHTS

Ownership of property and inheritance

The Civil Law grants women and men equal rights regarding protection of their personal property and the right to inherit under the law.⁶⁹⁸ Property rights are also addressed by the Women’s Rights Law, which guarantees women an equal right to property, including the allotment of agricultural land and land for housing construction.⁶⁹⁹

The Women’s Rights Law additionally guarantees an equal right to inherit property.⁷⁰⁰ This is also incorporated into the Law of Succession.⁷⁰¹ Under these statutory schemes, property is inherited in the first order by the spouse of the decedent, the decedent’s children, and the decedent’s parents, and without discrimination on the basis of gender.⁷⁰² Daughters-

in-law or sons-in-law are entitled to inherit property as successors in the first order if they were primarily responsible for taking care of their parents-in-law.⁷⁰³ A widow has the right to dispose of inherited property as she wishes, and interference with this right is prohibited.⁷⁰⁴

Husbands and wives, and unmarried, cohabiting couples are the first to inherit each other's property regardless of whether a widowed spouse remarries, and they may dispose of the inherited property without interference.⁷⁰⁵

Within marriage, women have equal rights with their spouses in the possession, use, proceeds, and disposal of joint property.⁷⁰⁶ This right is not affected by the income status of either the husband or the wife.⁷⁰⁷ Property acquired by the husband and wife during marriage is generally presumed under the law to be held in joint possession, unless they otherwise agree.⁷⁰⁸ Certain types of property, however, may be considered a spouse's separate property. (See "Divorce" for more information.)

Rural women and rights to agricultural land

Rights to agricultural land are guaranteed to women regardless of their marital status.⁷⁰⁹ The central government assigns agricultural land to local administrative bodies that utilize a membership system for land distribution.⁷¹⁰ Legally, women and men have equal rights to rural land, and no organization or individual may deprive women of their lawful rights.⁷¹¹ However, pervasive patriarchal attitudes generally result in the exclusion of women from these local bodies, and they are often deprived of their right to inherit the agricultural land of their father or spouse.⁷¹²

Labor and employment

In 2002, 335.52 million women, or 45.5% of the total female population, were employed in China.⁷¹³ In recent years, women have grown to comprise 38% of urban employees as an additional 5.65 million have entered the urban workforces.⁷¹⁴

Under the constitution, citizens have the right as well as the duty to work.⁷¹⁵ Pursuant to the constitutional principle that women enjoy equal rights with men in all areas of life, the government shall provide "equal pay for equal work," and equal opportunities to women for training.⁷¹⁶

The Labor Law enacted in 1994 reaffirms the principle of equal pay for equal work and calls for the distribution of wages according to work.⁷¹⁷ The law prohibits sex discrimination and grants women equal rights with men in employment.⁷¹⁸ Employers are forbidden from imposing higher recruitment standards for women or from using sex as a basis for excluding female workers, unless the work is deemed unsuitable for women.⁷¹⁹ Labor laws restrict women from working in certain areas due to female physiology, particu-

larly during menstruation, pregnancy, puerperium, lactation, and menopause.⁷²⁰ Employers may not assign female workers to work in mines or in conditions involving intense physical labor.⁷²¹ Employers are required to ensure that the work environment does not adversely affect women's reproductive capacity or the health of the next generation.⁷²²

The labor laws provide special protections for pregnant women and lactating mothers, and employers are prohibited from revoking their labor contracts, decreasing their salary, or demoting them during these periods.⁷²³ Restrictions, however, are placed on the physical intensity of work.⁷²⁴ When a worker reaches her seventh month of pregnancy, or when she is breastfeeding a child of less than one year, employers are prohibited from extending her hours, assigning her to night shifts, or assigning her to work in operations involving toxic substances.⁷²⁵ If she is unable to perform her regular duties because of pregnancy, the volume of work must be reduced or other work must be arranged.⁷²⁶ Pregnant workers or women workers with a baby under one year of age are granted paid, periodic breaks for resting or feeding.⁷²⁷

Women workers are entitled to a minimum of 90 days paid maternity leave, of which 15 days may be allocated for prenatal leave.⁷²⁸ In the event of multiple births, 15 days of additional leave are awarded for each additional child.⁷²⁹ Women who experience a miscarriage are entitled to a portion of their paid maternity leave.⁷³⁰ Time spent for prenatal exams is paid, and provincial regulations determine the duration and number of prenatal visits pregnant workers are entitled to during pregnancy.⁷³¹ Under special circumstances, pregnant workers may petition the local health department to increase the number of prenatal exams.⁷³² Female workers, regardless of their reproductive status, are entitled to maternity insurance and other social insurance benefits.⁷³³ Workplaces staffed with a large number of female workers are required to individually or jointly establish a gynecological clinic, a lounge for pregnant workers, a feeding room, a nursery, and a kindergarten, and endeavor to solve any difficulties female workers experience in the areas of reproductive health, feeding, and child care.⁷³⁴

As the Chinese population ages, a greater number of older women are present in the workforce, and special provisions have been established to address menopausal issues. Women over 45 who suffer from adverse symptoms of menopause are given less work and are entitled to at least two breaks of no less than 30 minutes each.⁷³⁵

If employers violate a female worker's rights, they are ordered by the labor department to correct the situation and pay a fine.⁷³⁶ Employers are responsible for compensating any woman who has been harmed by their violation of the law, and the persons in charge may be investigated for crimi-

nal liability if the violation leads to serious injury, death, or substantial loss of or damage to personal property.⁷³⁷ In cases where employers assign pregnant or lactating females to work with toxic substances, the local health department will issue a warning, and if the situation is not rectified in a timely fashion, it may fine the employer CNY 50,000 to CNY 300,000 (USD 6,041 to USD 36,247), or assess criminal liability where serious poisoning occurs.⁷³⁸

Employment statutes provide procedural mechanisms for workers and employers seeking to resolve labor disputes.⁷³⁹ Laborers have the right to criticize, report, or file charges against employers for endangering the safety of their life or health.⁷⁴⁰ The Regulations on Settlement of Labor Disputes in Enterprises instruct disputing parties to first attempt to negotiate a solution. If the parties are unwilling to negotiate or if negotiations fail, the case may be referred to the labor dispute mediation committee, which is composed of representatives of employees and employers as well as representatives from trade unions, one of whom chairs the committee.⁷⁴¹ If mediation fails or if either party wishes to apply directly for arbitration, they may appeal to the labor dispute arbitration committee at the county, city, or district level. These arbitration committees comprise persons from the trade union council, the government's labor department, and the economic administrative department.⁷⁴² If one or both parties refuse to accept the arbitration awards, they may bring the case before the people's court.⁷⁴³

The Women's Rights Law, like the Labor Law, guarantees women an equal right to work and equal pay for equal work.⁷⁴⁴ The law provides that no employer should refuse to hire women, or set a higher threshold for hiring women based on gender, except in industries or positions for which women are deemed unfit.⁷⁴⁵

In the interest of women's health and safety in the workplace, the law states that women should not be assigned to unsuitable work or labor and special protective measures should be employed during menstruation, pregnancy, childbirth, and lactation.⁷⁴⁶ Like the Labor Law, the Women's Rights Law prohibits the dismissal of female workers from employment or reducing their salary based on pregnancy, maternity leave, or lactation.⁷⁴⁷ The law additionally forbids employers from terminating women due to marital status.⁷⁴⁸

Trade unions are obligated to uphold the constitution and strive for the protection of women's rights and interests within the scope of their work.⁷⁴⁹ The rights and obligations of trade unions are governed by the Trade Union Law. Trade union membership is available to "all ... workers in enterprises, institutions, and government departments within ... China ... who rely on wages or salaries as their main source of

income ... irrespective of ... sex."⁷⁵⁰ Trade union committees for female workers are allowed in workplaces with relatively large numbers of women. In workplaces with relatively small numbers of women, a representative of female workers must be included on a trade union committee.⁷⁵¹ If the special rights and interests of female workers are infringed upon by an employer, the trade union shall formally lodge a complaint with the employer and "negotiate an appropriate remedy."⁷⁵²

The Regulation on Labor and Social Security Inspection also urges labor protection monitoring committees of the local labor department to ensure that employers comply with the law against child labor, observe special protection laws for women and minors, and assign penalties for any violation.⁷⁵³ The Law on Safety in Mines stipulates that mining enterprises must practice special labor protections for female workers and may not assign women or adolescents to any underground work.⁷⁵⁴

The retirement age for Chinese women is generally five years lower than that of their male counterparts. Professional women working for any institution or industry run by the government reach retirement age at 55, but men may work until age 60. For blue-collar workers, the retirement age is 50 for women and 55 for men.⁷⁵⁵ Discrimination against women in the state's retirement policy was recently outlawed by the revision of the Women's Rights Law, which shall be effective on January 1, 2006.⁷⁵⁶

Access to credit

Chinese women and men have equal rights with regard to access to credit.⁷⁵⁷ Since 1996, the central and local governments have made budgetary allocations to support low-interest or preferential loans that are only available to women.⁷⁵⁸ These loans are generally underwritten by the ACWF, which expanded its microcredit scheme nationwide in 1994 to include low-income rural women, urban female entrepreneurs, and urban female laid-off job seekers.⁷⁵⁹ These credit programs are funded by the central government, local people's governments, and international organizations such as the UNDP.⁷⁶⁰

Education

The total enrollment rate of children in primary schools in 2002 was 98.58%.⁷⁶¹ The school attendance rate for girls has steadily improved since the 1990s, reaching 98.53% in 2002.⁷⁶² The national female illiteracy rate has dropped from 90% in 1949 to 14% in 2002.⁷⁶³

Although women and girls have achieved greater equality in access to education, discrepancies are still prevalent, particularly among the children of migrant workers and in rural areas where there are few means of enforcing antidiscrimination statutes. This is particularly evident in outlying

mountain regions and areas inhabited by ethnic minorities, where poverty-stricken families cannot afford to send their children to school. Every year, about 1 million students, of whom 70% are girls, are forced to drop out of school to help support their families.⁷⁶⁴ National statistics show that boys receive an average of 1.07 more years of education than girls—an improvement over the 2.9 years recorded in 1991.⁷⁶⁵ These issues were addressed in the National Education Development Program and circulars of the Ministry of Education, all of which emphasized the importance of educating girls and outlined measures for narrowing the education gap between boys and girls.⁷⁶⁶

The constitution explicitly states that citizens have “the duty as well as the right to receive education” and that the government “promotes the all around moral, intellectual, and physical development of children and young people.”⁷⁶⁷ It also notes that parents have the duty to rear and educate their minor children.⁷⁶⁸ The Compulsory Education Law and the Education Law reiterate the right of all citizens to an education, irrespective of sex.⁷⁶⁹

The Compulsory Education Law, introduced in 1986, requires both males and females to complete nine years of education beginning at six years of age and including six years of primary and three years of secondary schooling.⁷⁷⁰ Once universal primary education has been achieved, the government will seek to make middle school education compulsory as well.⁷⁷¹

The Compulsory Education Law stipulates that “the State shall not charge tuition for students receiving compulsory education,” and the Education Law prohibits collection of fees from students in violation of state regulations.⁷⁷² The State Council and local governments are responsible for covering all expenses associated with compulsory education and must provide subsidies and personnel for the implementation of compulsory education in minority and low-income areas.⁷⁷³ However, official statistics indicate that government funding supported only 53% of education expenditure in 2000, and only 8% of that amount came from the central government, with a mere 2% for compulsory education.⁷⁷⁴ Ultimately, the financial burden of compulsory education falls upon private citizens, who have shouldered the costs—estimated at CNY 200 billion (USD 24.2 billion) over the past decade—through taxes and public school fees.⁷⁷⁵

Local people’s governments are required by law to create conditions that are conducive for all school-age children and adolescents to receive compulsory education.⁷⁷⁶ When children have reached school age, their parents or guardians must send them to receive compulsory education for the entire period required by law and may not withdraw

them,⁷⁷⁷ except in the event of illness or other special circumstances.⁷⁷⁸ Parents or guardians who fail to send their school-age children or adolescents to school are subject to official admonishments.⁷⁷⁹

Organizations and individuals are prohibited from employing school-age children or adolescents who should be enrolled in compulsory education.⁷⁸⁰ Violators are admonished and ordered by the local people’s government to terminate the illegal employment of minors.⁷⁸¹ If the violation is serious, offenders may also be fined, ordered to suspend business operations, or have their business license revoked.⁷⁸² The law also prohibits religious justifications for withdrawing from compulsory education.⁷⁸³ Individuals or organizations that breach these provisions may be subject to administrative sanctions or penalties, ordered to provide compensation if damage is caused, and assigned criminal responsibility if the circumstances warrant such an investigation.⁷⁸⁴

The Women’s Rights Law guarantees women equal rights to education.⁷⁸⁵ Accordingly, parents and guardians must ensure that girl children and adolescent girls receive compulsory education.⁷⁸⁶ The law parallels the Compulsory Education Law, which maintains that parents or guardians will be criticized by local people’s governments if they fail to send girls to school without an official exemption.⁷⁸⁷ In recognition of the fact that girls face particular difficulties in receiving an education, the government, society, and schools are all charged with taking effective steps to ensure that girls properly receive compulsory education.⁷⁸⁸

Beyond compulsory education, the Women’s Rights Law, the Education Law, and the Higher Education Law grant women equal rights to all levels of education.⁷⁸⁹ The Education Law and the Women’s Rights Law obligate schools and governmental departments of education to ensure that women enjoy equal rights and access to education, specifically in regard to enrollment, admission to institutions of higher education, advancement, practical training, conferment of academic degrees, and opportunities for studying abroad.⁷⁹⁰ Additionally, schools are directed to take adolescent girls’ physiologies into account and provide appropriate accommodations in order to promote their healthy mental and physical development.⁷⁹¹

Local people’s governments are also responsible for including literacy programs for women in their continuing education programs and plans to fight illiteracy.⁷⁹² The Vocational Education Law and the Law on the Protection of Minors require all levels of government to adopt vocational education and technological training for women and minors.⁷⁹³ Finally, the Women’s Rights Law directs all state organs, social organizations, enterprises, and institutions to afford women equal

rights with men when engaging in scientific, technological, literary, artistic, and other cultural activities.⁷⁹⁴

The China Youth Development Foundation (CYDF) is an NGO founded by the All-China Youth Federation in 1989 with the mission of promoting education, science and technology, culture, sports, health, and social welfare for Chinese youth and children.⁷⁹⁵ Among the programs implemented by the CYDF is Project Hope, a policy initiative launched in 1989 to lower dropout rates and improve education facilities in poverty-stricken areas.⁷⁹⁶ Since then, the CYDF has assisted more than 2.6 million students from underprivileged families to enroll or return to school and has received more than CNY 2.2 billion (USD 265.8 million) in donations.⁷⁹⁷ At least 10,000 Hope Primary Schools for rural students have been constructed or rebuilt; 150 of them are equipped with computer labs that have internet access to support distance learning programs.⁷⁹⁸ Over 20,000 scholarships were awarded to excelling students to facilitate the completion of their high school and university studies, and 113,000 five-year scholarships were granted to elementary school students to cover basic school fees.⁷⁹⁹ The project is available in 16 provinces and 27 urban cities.⁸⁰⁰ The foundation has also supported other activities designed to raise literacy, science and technology achievements, and computer knowledge of children and adolescents.⁸⁰¹ In 2005, the foundation launched the Jinlongyu Fund to provide education subsidies for the nearly 20 million school-aged children of immigrant workers, 10% of whom are at risk of dropping out due to poverty.⁸⁰²

The ACWF and the China Association for Sciences and Technology (CAST) have implemented education and skills-building programs with the support of UNICEF for women and girls throughout the country.⁸⁰³ The CAST programs provide girls aged 12–17 with life skills training.⁸⁰⁴ Under the ACWF's Spring Buds project, female dropouts were reinstated in formal schooling in 29 provinces, and "Spring Buds Classes for Girls" in literacy, mathematics, and adolescent health were established in poverty-stricken areas.⁸⁰⁵ Launched in 1989, the ACWF's Double Learning and Double Competing program addresses illiteracy and provides agriculture skills training among rural women. Since its inception, 120 million rural women have participated in the program, and many program facilities have been upgraded to comprehensive schools for women.⁸⁰⁶ In urban areas, the ACWF has implemented activities for female high school students aiming to strengthen their self-esteem, self-confidence, and independence.⁸⁰⁷

Sex education

Adolescent sex education is a mandatory component of high school curricula in China.⁸⁰⁸ In the early 1980s, the Chinese government recognized that sex education for young

people was essential for the effective implementation of its population policy.⁸⁰⁹ As a result, in 1988 the Ministry of Education and the National Population and Family Planning Commission instructed high schools nationwide to incorporate sex education into their curricula.⁸¹⁰ The Ministry of Education reiterated the importance of adolescent sex education, comprising studies of sexual physiology, psychology, and morality, in the 1993 Guidelines to Health Education for University Students.⁸¹¹

Sex education is also addressed in several related policies and laws. The Population and Family Planning Law instructs schools to conduct education in physiology, health, puberty, and sexual health in an age-appropriate manner.⁸¹² The Women's Rights Law requires that schools tailor their educational programs and facilities to meet the physical, mental, and emotional needs of female students.⁸¹³ The Law on the Protection of Minors also calls for schools to provide "education in puberty knowledge."⁸¹⁴

Despite official support, there is a lack of comprehensive systematic sex education in China⁸¹⁵ and resource materials are not readily available, especially to women.⁸¹⁶ Censorship of sexual content⁸¹⁷ and conservative ideology on sexuality has often meant that sex education programs in Chinese schools are inadequate and discussions are usually limited to adolescent physiology, hygiene, sexual morality, and usage of contraception to limit population growth and promote chastity rather than ensuring safe sex.⁸¹⁸

Recently, however, the quality of sex education has improved. The Ministry of Education recently held that all provincial education departments should institute HIV/AIDS prevention curricula in all junior middle schools, senior high schools, and vocational high schools by the end of 2005.⁸¹⁹ Provincial departments are employing diverse methods to implement these programs. In Shanghai, for example, lectures begin in fourth grade about HIV/AIDS and how it is transmitted, and continue through senior high school where lessons focus on AIDS prevention and control, and nondiscrimination toward people with HIV/AIDS.⁸²⁰

The first comprehensive domestic sex education textbook for teenagers, entitled *Thoughts of Teenagers*, was released in 2004. The book covers sexual psychology, sexual physiology, sexual health, sexual morality, marriage, and family planning, as well as culturally taboo topics of masturbation, contraception, sexual harassment, AIDS, and homosexuality.⁸²¹ In 2003, the first sex education videos were issued to teach primary and high school students about sexual behavior, contraception, and HIV prevention.⁸²²

The Shanghai Municipal Education Commission has developed a comprehensive program addressing more than

200 topics in physiology, psychology, and sociology relating to drug addiction, AIDS prevention, and safe sex.⁸²³ The program begins in fourth grade with lectures on the physiological differences between boys and girls and continues through sixth grade, where students are taught to adapt to physiological changes in puberty.⁸²⁴ In middle school, students are given information about HIV/AIDS and by the end of high school are made aware of HIV/AIDS prevention through safe sexual practices such as condom use.⁸²⁵

F. PROTECTIONS AGAINST PHYSICAL AND SEXUAL VIOLENCE

Rape

Rape, whether committed by violence, coercion, or other forcible means, is punishable by a minimum of three years' and a maximum of ten years' imprisonment.⁸²⁶ Sexual relations with a girl under the age of 14 is regarded as rape and punishable by a more severe sentence—either a minimum of ten years' imprisonment, life imprisonment, or death.⁸²⁷ Harsher penalties are imposed if rape occurs under several circumstances, including:

- the rape of a woman “before the public in a public place”;
- the rape of a woman by “one or more persons in succession”; and
- causing the victim serious injury, death, or other serious consequences.⁸²⁸

While the general age for criminal responsibility is 18, for certain serious crimes, including rape, the age is lowered to 14.⁸²⁹ A person between the ages of 14 and 18 who commits rape is, however, subject to a reduced sentence.⁸³⁰

The molestation or humiliation of a woman through violence, coercion, or other means is also a crime.⁸³¹ Molestation or humiliation is punished by a sentence of up to five years' imprisonment or criminal detention.⁸³² Heavier punishment is meted out in cases of child molestation.⁸³³ The sentence is also increased to a minimum of five years' imprisonment if the perpetrator assembles a crowd to commit the molestation or humiliation, or commits the crime in public.⁸³⁴

A woman who injures or kills her attacker in order to defend herself from rape or physical assault is protected from criminal prosecution. The law provides that there is no criminal responsibility for those who defend themselves in the face of any violent crime, including physical assault or rape, that seriously endangers personal safety.⁸³⁵ There is no law specifically regarding marital rape, but legal scholars have recognized marital rape if the marriage is forced, in certain circumstances such as during separation, or after a divorce has been filed for.⁸³⁶

Incest

There is no specific legislation that prohibits or criminalizes incest. However, the Marriage Law provides that no marriage may be contracted under a circumstance in which the male party and the female party are lineal relatives by blood or collateral relatives by blood up to the third degree of kinship.⁸³⁷

Domestic violence

According to reports by the ACWF, domestic violence occurs in three out of every ten families and is cited in three-fifths of China's divorce cases.⁸³⁸ There is no specific national legislation on domestic violence, but the constitution, the Marriage Law, and the Criminal Law address the issue.⁸³⁹ The constitution and the Marriage Law prohibit the “maltreatment of . . . women and children.”⁸⁴⁰ The Criminal Law provides that serious mistreatment of a family member is a crime punishable by a maximum of two years' imprisonment or seven years' imprisonment if serious injury or death is caused.⁸⁴¹ The perpetrator may be given a lesser prison sentence, placed under criminal detention, or subjected to close monitoring by the police with restrictions on his or her mobility and other rights.⁸⁴²

The Supreme People's Court of China defines domestic violence as “any act that causes physical, psychological, and other kinds of damage to other family members through battering, binding, brutality, forcible restriction to physical freedom, or other means. Frequent or persistent acts of domestic violence constitute abuse.”⁸⁴³ Under the provisions of the current Marriage Law, victims of domestic violence or maltreatment by family members are entitled to assistance from the neighborhood or village committee to dissuade the abuser and provide mediation.⁸⁴⁴ The police are responsible for stopping the violence and assigning administrative penalties to the perpetrators of domestic violence upon the victim's request.⁸⁴⁵ Domestic violence and maltreatment are grounds for divorce according to the Marriage Law, and the victim may request damage compensation.⁸⁴⁶

Where domestic violence or maltreatment of family members constitutes a criminal offense, the victim may bring a voluntary prosecution in a people's court in accordance with the Criminal Procedure Law.⁸⁴⁷ The police must investigate the case and the people's procuratorates may prosecute the offender as stipulated under the Criminal Law.⁸⁴⁸

The recent revision to Law on the Protection of Rights and Interests of Women in August 2005 includes new provisions that address domestic violence.⁸⁴⁹ The Law explicitly forbids domestic violence against women and instructs the State, various government agencies and NGOs to take measures to prevent domestic violence and render assistance

to female victims of domestic violence.⁸⁵⁰ The ACWF and women's NGOs have established shelters, hotlines, and counseling centers for battered women and conduct training sessions about how to stop violence for the police force.⁸⁵¹

Sexual harassment

The first national legislation against sexual harassment of women was introduced in the 2005 revision of the Women's Rights Law, which will come into effect on January 1, 2006.⁸⁵² The law prohibits sexual harassment against women, and victims have the right to file a complaint against the perpetrator with his or her work unit or relevant agency.⁸⁵³ Further definitions and punishments for sexual harassment remain to be determined.⁸⁵⁴

In 2003, the first sexual harassment lawsuit was tried and the court of first instance ruled in favor of the plaintiff.⁸⁵⁵ As no sexual harassment legislation existed at the time, the suit was filed on the grounds of "safeguarding [the victim's] reputation" and the perpetrator was ordered to apologize and pay monetary compensation to the victim for psychological harm.⁸⁵⁶ However, the appellate court concluded that the harassment did not cumulate in serious effects on the victim and overturned the ruling.⁸⁵⁷ Of the few sexual harassment cases filed since then, most have been dismissed due to lack of evidence.⁸⁵⁸

Commercial sex work and sex-trafficking

The Chinese government strictly prohibits commercial sex work and penalizes sex workers under the Criminal Law, several NPC decisions, and various administrative measures. People who voluntarily engage in sex work are punished by local police forces under the Regulations on Administrative Penalties for Public Security.⁸⁵⁹ They may be detained for a maximum of 15 days, given a warning, made to sign a statement of repentance, given custodial "re-education through labor" for six months to two years, and charged concurrent fines of up to CNY 5,000 (USD 604).⁸⁶⁰ Repeat offenders are subject to re-education through labor and a maximum fine of CNY 5,000 (USD 604).⁸⁶¹ Sex workers must undergo mandatory testing and treatment for STIs.⁸⁶² Those who knowingly engaged in sex work and are found to be infected with a STI can be sentenced to a maximum of five years' imprisonment, criminal detention, and a concurrent maximum fine of CNY 5,000 (USD 604).⁸⁶³

The Criminal Law, revised by the Decision of the Standing Committee of the NPC on the Strict Prohibition against Prostitution and Whoring of 1991, punishes people who organize, assist, force, lure, shelter, or procure any other person or persons to engage in sex work.⁸⁶⁴ This is echoed in the Women's Rights Law.⁸⁶⁵

People found guilty of these crimes are subject to imprisonment of five to ten years, fines of CNY 5,000 to CNY

10,000 (USD 604 to USD 1,208), and/or confiscation of property.⁸⁶⁶ Death, life imprisonment, or a minimum of ten years' imprisonment shall apply if the violator is found guilty of the following:

- forcing a girl under age 14 to engage in sex work;
- forcing many people to engage in sex work or forcing a person to engage in sex work many times;
- forcing the victim to engage in sex work after raping her; or
- causing death, serious bodily injury, or other severe consequences to the victim.⁸⁶⁷

Employees of catering, transportation, or entertainment services who utilize their position to violate prohibitions on sex work are also subject to penalties under the Criminal Law.⁸⁶⁸ Hotels, caterers, and entertainment and taxi services have a responsibility to prevent sex work within their workplaces, and knowingly failing to stop sex work is punishable by fines of CNY 10,000 to CNY 100,000 (USD 1,208 to USD 12,082), the suspension of business, or the revocation of an operating license.⁸⁶⁹ Obstructing the police from uncovering sex work through concealing or assisting violators is punishable by up to three years' imprisonment, criminal detention, public surveillance, or fines.⁸⁷⁰ The state confiscates any illegal incomes gained through sex work.⁸⁷¹

The Women's Rights Law prohibits abducting, trafficking, kidnapping, buying, and obstructing the rescue of women.⁸⁷² The people's governments and various government agencies, including the MOH, are responsible for taking timely measures to assist women victimized by these crimes and shall work in cooperation with women's federations to provide victims with recovery assistance.⁸⁷³

The NPC issued a decision in 1991 to clarify penalties and disciplinary measures against those who abduct, traffic, or kidnap women and children. Some provisions of the decision were incorporated into the 1997 revised Criminal Law.⁸⁷⁴ Under the revision, those involved in abducting or trafficking women or children are sentenced to five to ten years' imprisonment and a concurrent fine of up to CNY 10,000 (USD 1,208).⁸⁷⁵ Under the following circumstances, the crime is considered especially serious and the offender may concurrently have his property confiscated and be sentenced to death:

- being a ringleader of a gang engaged in abduction or trafficking of women or children;
- abducting or trafficking three or more women and/or children;
- raping a woman who is being abducted or trafficked;
- enticing or forcing a victim of trafficking or abduction to engage in sex work, or selling the victim to

another who would force her into sex work;

- kidnapping a woman or child by means of violence, coercion, or anesthesia for the purpose of selling the victim;
- injuring or killing a victim of trafficking, or the victim's relatives;
- abducting and trafficking a woman or child abroad; or
- kidnapping a baby or other person for the purpose of selling the victim or extorting money or property.⁸⁷⁶

Buyers of trafficking victims are subject to criminal liability, a maximum of three years' imprisonment, criminal detention, or public surveillance.⁸⁷⁷ If the buyer violates the rights of the victims through forced sexual relations, restriction of their personal freedom, or maltreatment, they face imprisonment of up to ten years and other penalties under the Criminal Law.⁸⁷⁸ In the event that the buyer does not maltreat the victims or obstruct their return to their place of residence, they are exempted from any criminal responsibility.⁸⁷⁹

The law stipulates that the government has a duty to rescue victims from kidnapping, trafficking, and abduction, and state functionaries who fail to make a rescue effort upon request are sentenced to two to seven years' imprisonment.⁸⁸⁰ Anyone who interferes with the government in rescuing a sold woman or child is penalized by up to three years' imprisonment, criminal detention, public surveillance, and/or fines.⁸⁸¹ Between 2001 and 2003, the Chinese government rescued 43,215 women and children and arrested 22,018 traffickers.⁸⁸² In 2003, the police rescued more than two thousand trafficked women and children who were forced into sex work.⁸⁸³

The Ministry of Public Security (MPS) and international organizations have established several projects to combat the trafficking of women and children. In one project, the MPS, the ACWF, and UNICEF issued instruction booklets for rural girls to teach them relevant laws and regulations, and how to recognize and protect themselves against human traffickers.⁸⁸⁴ Since 1999, the MPS in cooperation with UNICEF has implemented the Elimination of Trafficking: Zero Tolerance Plan, which seeks to eliminate the high demand for human trafficking through education, advocacy, crackdowns, and intolerance for the practice.⁸⁸⁵ The project provides protection, recovery assistance, and community reintegration services for victims and trains law enforcement officers about women and children's rights.⁸⁸⁶ Future goals of the project include provision of counseling services, life skills training that covers reproductive health and women's and children's rights, and opportunities for small income-generating work-tasks for victims.⁸⁸⁷ Since 2000, the International Labor Organization and the International Program on the Elimination of Child Labor have implemented a project on combating trafficking

in women and children, which has successfully eliminated human trafficking in several remote areas in China.⁸⁸⁸

Sexual offenses against minors

The molestation or humiliation of a female minor through violence, coercion, or any other forcible means is punishable by a minimum of five years' imprisonment, and more if the case involves a child.⁸⁸⁹

Any instance of sexual relations with a girl under the age of 14 is considered rape under the Criminal Law and is punishable by a minimum of three years' imprisonment.⁸⁹⁰ The sentence is raised to a minimum of ten years' imprisonment if the circumstances are particularly "flagrant," if the person has had sexual relations with several underage girls, or if the victim suffers injury, death, or other serious consequences.⁸⁹¹ Under those circumstances, a sentence of life imprisonment or death may be imposed.⁸⁹²

The trafficking of minor young women is a serious concern in China. Abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring of a minor is punishable by ten years' to life imprisonment or death if the circumstances are especially atrocious.⁸⁹³

ENDNOTES

1. CENTRAL INTELLIGENCE AGENCY (CIA), U.S. GOVERNMENT, *China, in THE WORLD FACTBOOK* (2005), <http://www.cia.gov/cia/publications/factbook/geos/ch.html> (last updated June 14, 2005).
2. BUREAU OF SOUTH ASIAN AFFAIRS, U.S. DEPARTMENT OF STATE, BACKGROUND NOTES: CHINA (2005), <http://www.state.gov/r/pa/ei/bgn/18902.htm> (last visited June 29, 2005). See also Robert L. Worden et al., *Introduction to FEDERAL RESEARCH DIVISION, LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA* ¶¶ 4–5 (Robert L. Worden et al. eds., 1987), <http://lcweb2.loc.gov/frd/cs/cntoc.html> (last visited Mar. 2, 2005) [hereinafter LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA].
3. XIANFA [CONSTITUTION], pmb. ¶ 5 (2004); U.S. DEPARTMENT OF STATE, *supra* note 2; LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 1, The People's Republic of China.
4. XIANFA [CONSTITUTION], pmb. ¶ 7 (2004); LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 1, The Transition to Socialism, 1953–57. *Id.*
5. U.S. DEPARTMENT OF STATE, *supra* note 2. See also LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, Introduction, ¶¶ 4–5.
6. U.S. DEPARTMENT OF STATE, *supra* note 2; LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 1, The Transition to Socialism, 1953–57.
7. U.S. DEPARTMENT OF STATE, *supra* note 2; LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 1, The Great Leap Forward, 1958–60, ch. 5, The Great Leap Forward, 1958–60. During the “Leap” (1958–1961), at least 14 million people died of starvation. *Id.*
8. See LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 1, The Great Leap Forward, 1958–60.
9. U.S. DEPARTMENT OF STATE, *supra* note 2; LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 1, Readjustment and Recovery, 1961–65, ch. 11, Marxism–Leninism–Mao Zedong Thought Re–Thought.
10. See LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 1, The Militant Phase, 1966–68.
11. From the 1970s until the 1990s, Deng served as the de facto leader of China. He was the most influential figure of the CPC and commanded heavy respect from politicians and the public alike. He assumed the responsibilities of Premier Zhou Enlai (term of office from 1949–1976) while Zhou battled cancer, then displaced Mao's chosen successor Hu Guofeng and ordered the house arrest of Premier Zhou Ziyang (term of office from 1983–1987) until Zhou's death. See LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, Introduction, ¶¶ 4–5.
12. MINISTRY OF COMMERCE, GOVERNMENT OF THE P.R.C., REPORT ON THE DEVELOPMENT OF CHINA'S MARKET ECONOMY 2003, ch. II, § I–II (2004), www.china.org.cn/english/2003chinamarket/79520.htm (last visited Sept. 2, 2005).
13. Development strategy aimed to achieve advanced industrialization by 2000 through modernization of industry, agriculture, science and technology, and national defense. It was first announced in the Third Five-Year Plan (1966–70) by Premier Zhou Enlai and officially adopted by the CPC in December 1978. LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, glossary, ch. 1, China and the Four Modernizations, 1978–82.
14. CENTRAL INTELLIGENCE AGENCY (CIA), *supra* note 1; U.S. DEPARTMENT OF STATE, *supra* note 2.
15. President Jiang Zemin developed the governing theory of the “Three Represents,” where the CPC functions as a “faithful representative of the requirements in the development of advance productive forces, the orientation towards advanced culture, and the fundamental interests of the broadest masses of the people of China. *Three Represents: New Thinking, Great Thought*, PEOPLE'S DAILY (China), http://english.people.com.cn/zhuanti/Zhuanti_353.shtml (last visited Mar. 18, 2005).
16. CENTRAL INTELLIGENCE AGENCY (CIA), *supra* note 1; U.S. DEPARTMENT OF STATE, *supra* note 2.
17. CENTRAL INTELLIGENCE AGENCY (CIA), *supra* note 1 (estimates as of July 2005); U.S. DEPARTMENT OF STATE, *supra* note 2.
18. NATIONAL BUREAU OF STATISTICS OF CHINA, GOVERNMENT OF THE P.R.C., STATISTICAL COMMUNIQUÉ OF THE PEOPLE'S REPUBLIC OF CHINA ON THE 2004 NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT (Feb. 28, 2005), http://www.stats.gov.cn/english/newsandcomingevents/t20050228_402231939.htm.
19. See CENTRAL INTELLIGENCE AGENCY (CIA), *supra* note 1; U.S. DEPARTMENT OF STATE, *supra* note 2.
20. CENTRAL INTELLIGENCE AGENCY (CIA), *supra* note 1.
21. U.S. DEPARTMENT OF STATE, *supra* note 2 (estimates of 100 million Buddhists, 20 million Muslims, 5 million Catholics and 15 million Protestants).
22. *Id.*
23. CENTRAL INTELLIGENCE AGENCY (CIA), *supra* note 1.
24. See UNITED NATIONS, LIST OF MEMBER STATES, www.un.org/Overview/unmember.html (last visited Mar. 4, 2005).
25. UNITED NATIONS SECURITY COUNCIL, MEMBER AND PRESIDENCY OF THE SECURITY COUNCIL IN 2005 (2005), http://www.un.org/Docs/sc/unsc_members.html (last visited June 9, 2005).
26. ASIA-PACIFIC ECONOMIC COOPERATION (APEC), MEMBER ECONOMIES (2004), http://www.apec.org/apec/member_economies.html (last visited June 9, 2005); WORLD TRADE ORGANIZATION (WTO), UNDERSTANDING THE WTO: MEMBERS AND OBSERVERS (2005), http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm (last visited June 9, 2005).
27. ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN), OVERVIEW, <http://www.aseansec.org/147.htm> (last visited Apr. 29, 2005). ASEAN members include Brunei, Burma, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam. *Id.*
28. XIANFA [CONSTITUTION], art. 33 (2004), amended by Amendments to the Constitution of the People's Republic of China of Mar. 14, 2004, art. 24.
29. *Id.* art. 1 (2004). Guided by “the philosophy of Marxism–Leninism, Mao Zedong Thought, Deng Xiaoping Theory and the important thought of the ‘Three Represents’” *Id.* pmb. ¶ 7. Mao Zedong Thought consists of the sayings and writings of Mao that adapted Marxism–Leninism according to Chinese circumstances that served as a major national ideology until his death in 1976; Deng Xiaoping Theory encapsulates the reforms and policies Deng initiated that focused on economic development rather than political ideology. LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, glossary.
30. XIANFA [CONSTITUTION], art. 3 (2004); Democratic centralism is “a system where the people influence the policies of the government and party members influence the policies of the party while the government and party maintains centralized administrative power. Within representative and executive organizations, the minority abides by the decisions of the majority, and lower bodies obey the orders of the higher level organizations.” LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, glossary.
31. XIANFA [CONSTITUTION], art. 2 (2004).
32. CENTRAL INTELLIGENCE AGENCY (CIA), *supra* note 1.
33. CHINA INTERNET INFORMATION NETWORK, CHINA'S POLITICAL SYSTEM, ch. VII, <http://www.china.org.cn/english/Political/25060.htm> (last visited Mar. 08, 2005); XIANFA [CONSTITUTION], arts. 62(4), 79 (2004).
34. XIANFA [CONSTITUTION], art. 79 (2004).
35. *Id.* arts. 80–81.
36. *Id.* art. 85.
37. *Id.* art. 88; MINISTRY OF JUSTICE, GOVERNMENT OF THE P.R.C., THE CENTRAL ADMINISTRATIVE SYSTEM, ch. I, § 2(1)(2) (2004), http://www.legalinfo.gov.cn/english/StateOrgans/stateorgans2_1.htm (last visited June 9, 2005).
38. The president nominates the premier, who in turn nominates other State Council members, who are appointed once approved by the National People's Congress or its Standing Committee. XIANFA [CONSTITUTION], art. 86 (2004).
39. *Id.* art. 87.
40. State Council Institutional Restructuring Plan (2003) (adopted by the Tenth NPC); *China's Government Restructuring Plan Adopted*, PEOPLE'S DAILY (China), Mar. 10, 2003; Circular of the State Council Concerning Organizational Structure (1998) (referring to the Restructuring Plan for Component Departments under the State Council adopted by the Ninth NPC).
41. State Council Institutional Restructuring Plan, *supra* note 40.
42. *Id.*; *China's Government Restructuring Plan Adopted*, *supra* note 40; Circular of the State Council Concerning Organizational Structure, *supra* note 40.
43. XIANFA [CONSTITUTION], art. 92 (2004). The State Council submits regular reports on its work to the NPC or its Standing Committee. *Id.*
44. *Id.* art. 89(1). So long as it is in accordance with the Constitution and the law. *Id.*
45. *Id.* arts. 89(3)–(5).
46. *Id.* arts. 89(1), (6)–(8), (10).
47. *Id.* art. 89(2); Organic Law of the National People's Congress of the P.R.C., art. 9 (1982).
48. U.S. DEPARTMENT OF STATE, *supra* note 2. “[P]ut into practice the guiding principles of the 16th National Congress of the CPC under the leadership of the CPC ... in accordance with the [Communist] Party Central Committee's instructions ...” Wen Jiabao, Report on the Work of the Government 2004, Address at the Second Session of the Tenth National People's Congress (Mar. 5, 2004) (Mr. Wen is the State Council premiere) (transcript available at <http://www.china.org.cn/english/government/90522.htm>).
49. XIANFA [CONSTITUTION], art. 5 (2004).
50. LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 10, The State Council.
51. *Id.* ch. 10, The Cadre System.
52. Administrative License Law of the P.R.C., Presidential Order No. 7 (2003) (effective July 1, 2004).
53. XIANFA [CONSTITUTION], arts. 57–58 (2004); Legislation law of the P.R.C., Presidential Order No. 31, art. 7 (2000).
54. XIANFA [CONSTITUTION], arts. 3, 59–60 (2004); Electoral Law of the National People's Congress and Local People's Congress of the P.R.C., arts. 15–16, 24 (2004). The zoning of electoral districts is determined by voters' residence or by their employment units. One to three (based on population) deputies are elected from each electoral district to the local people's congress, who then elect a number (set by the NPC Standing Committee) of deputies to the NPC. *Id.* art. 24.
55. The definition for an “appropriate” number of female delegates is non-specific, stating only that it should be “proportional.” Electoral Law of the National People's Congress and Local People's Congress of the P.R.C., art. 6 (2004).
56. XIANFA [CONSTITUTION], art. 70 (2004).
57. MINISTRY OF JUSTICE, GOVERNMENT OF THE P.R.C., THE SYSTEM OF PEOPLE'S CONGRESS, ch. III, § 3 (2004), <http://www.legalinfo.gov.cn/english/StateOrgans/stateorgans1.htm> (last visited June 10, 2005).
58. XIANFA [CONSTITUTION], art. 61 (2004). NPC sessions may also be convened upon

- the request of at least one-fifth of the NPC. *Id.*
59. *Id.* arts. 62(1)–(3); Legislation law of the P.R.C., Presidential Order No. 31, art. 7 (2000). NPC is the only body empowered to enact national law on certain issues, such as matters of state sovereignty; structure and authority of legal and government organs; crimes and criminal sanctions; and deprivation of political rights or personal freedom. *Id.* arts 8–9.
60. XIANFA [CONSTITUTION], arts. 62(4)–(8), 63 (2004).
61. *Id.* arts. 62(10)–(11), (14).
62. *Id.* art. 57; Rules of Procedure for the Standing Committee of the NPC of the P.R.C., Presidential Order No. 60, art. 3 (1987).
63. XIANFA [CONSTITUTION], arts. 62(5), 65 (2004). Members of the Standing Committee serve for five year terms, except for the chairperson and vice chairpersons who may serve no more than two consecutive two year terms. *Id.* art. 66. The present NPC Standing Committee is composed of a chairperson, 15 vice chairpersons, a secretary-general and 162 members. See CHINA INTERNET INFORMATION NETWORK, Who's Who in the Leadership: Leaders of the NPC, <http://www.china.org.cn/english/features/leadership/87697.htm> (last visited June 10, 2005).
64. XIANFA [CONSTITUTION], art. 68 (2004).
65. *Id.* arts. 67(1)–(2), (4). Interpretation of national laws may involve clarifying the specific meaning of a provision or its application upon a new situation arising after the law's enactment. Legislation Law of the P.R.C., Presidential Order No. 31, art. 42 (2000).
66. XIANFA [CONSTITUTION], arts. 67(6), (8) (2004).
67. *Id.* arts. 67(4), (11)–(12); Legislation law of the P.R.C., Presidential Order No. 31, art. 42 (2004) (positions include vice-presidents and judges of the SPC, deputy procurators-general and procurators of the SPP).
68. XIANFA [CONSTITUTION], arts. 67(3), (5), (9)–(10), (18), (20) (2004).
69. *Id.* art. 30(1); The establishment of provinces, municipalities and autonomous regions is decided by the NPC. *Id.* art. 62(12).
70. See CENTRAL INTELLIGENCE AGENCY (CIA), *supra* note 1; U.S. Department of State, *supra* note 2. Municipalities are heavily populated urban centers such as Beijing and Shanghai.
71. XIANFA [CONSTITUTION], art. 30 (2004). Establishment and geographical divisions of towns and townships are decided by the people's governments of provinces and municipalities. *Id.* art. 107.
72. *Id.* arts. 30, 95.
73. *Id.* art. 3.
74. *Id.* art. 110; Organic Law of the Local People's Congresses and Local Governments of the P.R.C., Presidential Order No. 37, arts. 54–55 (2004).
75. XIANFA [CONSTITUTION], arts. 98, 105 (2004); Organic Law of the Local People's Congresses and Local Governments of the P.R.C., Presidential Order No. 37, arts. 8(5), 9(7), 58 (2004).
76. Organic Law of the Local People's Congresses and Local Governments of the P.R.C., Presidential Order No. 37, art. 59(1) (1995) (including the people's congress at the corresponding division and the people's government or state administrative organ at the higher level). *Id.*
77. XIANFA [CONSTITUTION], art. 107 (2004); Organic Law for Local People's Congresses and Local Governments of the P.R.C., Presidential Order No. 37, arts. 59(1), (4), (6)–(9) (2004).
78. XIANFA [CONSTITUTION], art. 111 (2004); Organic Law of Urban Resident Committees, Presidential Order No. 21, art. 8 (1989) (effective Jan. 1, 1990); Organic Law of the Villagers Committees of the P.R.C. (For Trial Implementation), Presidential Order No. 59, art. 2 (1988).
79. XIANFA [CONSTITUTION], art. 111 (2004); Organic Law of Urban Resident Committees, Presidential Order No. 21, art. 8 (1989) (effective Jan. 1, 1990); Organic Law of the Villagers Committees of the P.R.C. (For Trial Implementation), Presidential Order No. 59, art. 9 (1988).
80. XIANFA [CONSTITUTION], art. 111 (2004); Organic Law of Urban Resident Committees, Presidential Order No. 21, arts. 3(1)–(6), 13 (1989) (effective Jan. 1, 1990); Organic Law of the Villagers Committees of the P.R.C. (For Trial Implementation), Presidential Order No. 59, arts. 4–5 (1988).
81. LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 10, The Cadre System.
82. Civil Servant Law of the P.R.C. (2005) (effective Jan. 1, 2006); LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 10, The Cadre System (guidelines may also be issued by bureaus of personnel in various ministries, commissions and offices under the State Council and personnel departments in various local government organs).
83. People's congresses in provinces, municipalities and autonomous regions must also have Standing Committees. XIANFA [CONSTITUTION], art. 95 (2004); Organic Law of the Local People's Congresses and Local Governments of the P.R.C., Presidential Order No. 37, arts. 1–2 (2004).
84. XIANFA [CONSTITUTION], art. 97 (2004) (e.g. provincial people's congresses are elected by prefectural, county, district or city's people's congresses, county people's congresses are elected by people's congresses of towns and townships); Organic Law of the Local People's Congresses and Local Governments of the P.R.C., Presidential Order No. 37, art. 5 (2004).
85. Law of the P.R.C. on Regional National Autonomy, Presidential Order No. 13, arts. 2, 12, 14 (1984).
86. *Id.* arts. 112–113. Other nationalities inhabiting the area are also entitled to appropriate representation in local government. *Id.*
87. *Id.* art. 115.
88. *Id.* art. 6; XIANFA [CONSTITUTION], art. 115 (2004); Legislation law of the P.R.C., Presidential Order No. 31, art. 66 (2004). See INFORMATION OFFICE OF THE STATE COUNCIL, REGIONAL AUTONOMY FOR ETHNIC MINORITIES IN CHINA (2005), <http://www.china.org.cn/e-white/20050301/index.htm> (last visited Mar. 9, 2005).
89. Law of the P.R.C. on Regional National Autonomy, Presidential Order No. 13, arts. 6, 19 (1984) (subject to the approval of the Standing Committee of the NPC).
90. XIANFA [CONSTITUTION], arts. 31, 62(13) (2004).
91. Decision of the National People's Congress on the Establishment of the Hong Kong Special Administrative Region, Presidential Order No. 26 (1990), http://www.info.gov.hk/basic_law/fulltext/content0214.htm; Decision of the National People's Congress on the Establishment of the Macao Special Administrative Region of the P.R.C., arts. 1–2 (1993), <http://www.macaodata.com/Macau/jus/jus/e15.html>.
92. MINISTRY OF JUSTICE, GOVERNMENT OF THE P.R.C., BASIC SYSTEM OF THE STATE ¶ 7 (2004), <http://www.legalinfo.gov.cn/english/LegalKnowledge/LegalKnowledge1.htm> (last visited June 27, 2005).
93. Decision of the National People's Congress on the Basic Law of the Hong Kong Special Administrative Region, Presidential Order No. 26 (1990), http://www.info.gov.hk/basic_law/fulltext/content0213.htm; Decision of the National People's Congress on the Basic Law of the Macao Special Administrative Region (1993). The Basic Law is the equivalent of a constitution.
94. Decision of the National People's Congress on the Basic Law of the Hong Kong Special Administrative Region, Presidential Order No. 26 (1990), http://www.info.gov.hk/basic_law/fulltext/content0213.htm; Decision of the National People's Congress on the Basic Law of the Macao Special Administrative Region (1993).
95. STATE COUNCIL, GOVERNMENT OF THE P.R.C., CIRCULAR CONCERNING THE AUTHORIZATION OF THE PEOPLE'S GOVERNMENTS OF THE PROVINCES, AUTONOMOUS REGIONS, MUNICIPALITIES DIRECTLY UNDER THE CENTRAL GOVERNMENT, SPECIAL ECONOMIC ZONES, AND MUNICIPALITIES SEPARATELY LISTED ON THE STATE PLAN TO EXAMINE AND APPROVE APPLICATIONS FOR THE ESTABLISHMENT OF ENTERPRISES WITH FOREIGN CAPITAL (1988), <http://www.bjfaio.gov.cn/newsite/english/law/003C/078.asp> (translation by the Beijing Foreign Affairs Office).
96. *Id.* (Zones located in Shenzhen, Zhuhai, Shantou in Guangdong province, Xiamen in Fujian province, and Hainan province); STATE COUNCIL, GOVERNMENT OF THE P.R.C., CIRCULAR CONCERNING THE APPROVAL OF THE NATIONAL DEVELOPMENT ZONES FOR NEW AND HIGH TECHNOLOGY INDUSTRIES AND THE RELEVANT POLICIES AND PROVISIONS (1991), <http://www.bjfaio.gov.cn/newsite/english/law/003C/077.asp>; STATE COUNCIL, GOVERNMENT OF THE P.R.C., CIRCULAR CONCERNING THE EXPANSION OF THE SCOPE OF THE COASTAL ECONOMIC OPEN ZONES (1988), <http://www.bjfaio.gov.cn/newsite/english/law/003C/081.asp> (translation by P.R.C. government's Beijing Foreign Affairs Office); MINISTRY OF COMMERCE, ECONOMIC AND TECHNOLOGICAL DEVELOPMENT AREA, <http://english.mofcom.gov.cn/staticpage/bda.shtml> (last visited Mar. 9, 2005). See also CHINA ASSOCIATION OF DEVELOPMENT ZONES, NATIONAL DEVELOPMENT ZONE PROFILES, <http://www.cadz.org.cn/en/> (last visited Mar. 14, 2005).
97. See Brian A. Wong & Satyananda J. Gabriel, *The Influence of Economic Liberalization on Urban Health Care Access in the People's Republic of China* (1998), <http://www.mtholyoke.edu/courses/sgabriel/health.htm> (last visited Aug. 31, 2005) (facilitated by economic growth and increased availability of private health-care facilities).
98. XIANFA [CONSTITUTION], arts. 123–135 (2004); Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 2 (1983). See also CENTRAL INTELLIGENCE AGENCY (CIA), *supra* note 1; LIBRARY OF CONGRESS, COUNTRY STUDIES: CHINA, *supra* note 2, ch. 13, Court Structure and Process. Special people's courts include military courts at various levels (grassroots, great military region or service and arms, and the PLA), maritime courts and railway transportation courts. XIANFA [CONSTITUTION], art. 124 (2004).
99. XIANFA [CONSTITUTION], art. 127 (2004) (“...without interference by government agencies, public organizations or individuals”); Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 4 (1983) (“...shall not be subject to interference by any administrative organ, public organization or individual”).
100. XIANFA [CONSTITUTION], art. 128 (2004); Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 17 (1983).
101. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 3 (1983).
102. XIANFA [CONSTITUTION], art. 127 (2004); MINISTRY OF JUSTICE, GOVERNMENT OF THE P.R.C., THE TRIAL SYSTEM, ch. 3 (2004), <http://www.legalinfo.gov.cn/english/StateOrgans/stateorgans4.htm> (last visited Mar. 11, 2005) [hereinafter MINISTRY OF JUSTICE, THE TRIAL SYSTEM].
103. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 31 (1983). All people's courts (higher, intermediate and basic) share the same divisional structure. *Id.* arts. 19, 24, 27.
104. The NPC also has the authority to remove the SPC president. SPC Presidents are elected for five year terms and limited to a maximum of two consecutive terms. XIANFA [CONSTITUTION], arts. 62(7), 63(4), 124 (2004). Judges must fulfill the following criteria: be citizens of the P.R.C.; be at least 23 years of age; support the Constitution; be in good political, professional and moral standing, and in good health; possess a JD or post-bachelor degree and practical experience. Judges Law of the P.R.C., arts. 9(1)–(6) (1995).
105. Other members include the vice-presidents, chief justices, associate chief justices of divisions, and judges. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, arts. 31, 35 (1983); XIANFA [CONSTITUTION], art. 67(11) (2004).
106. XIANFA [CONSTITUTION], art. 127 (2004); Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, arts. 14, 30, 32(2) (1983).

107. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 32(1) (1983); Criminal Procedure Law of the P.R.C., art. 22 (1996) (amended 2005).
108. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 32(1) (1983); Civil Procedure Law of the P.R.C., Presidential Order No. 44, art. 21 (1991).
109. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 32(1) (1983); Administrative Procedure Law of the P.R.C., Presidential Order No. 16, art. 16 (1989) (effective as of Oct. 1, 1990).
110. MINISTRY OF JUSTICE, THE TRIAL SYSTEM, *supra* note 102, ch. 3.
111. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 33 (1983).
112. *Id.* arts. 2, 26.
113. *Id.* art. 2.
114. *Id.* arts. 2, 18, 26. Basic people's courts are also known as Primary People's Courts or Grassroots People's Courts. See Criminal Procedure Law of the P.R.C., art. 19 (1996) (amended 2005); MINISTRY OF JUSTICE, THE TRIAL SYSTEM, *supra* note 102, ch. 2.
115. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, arts. 35–37 (1983) (the standing committee of the corresponding people's congress, upon nominations by the president of the court appoints the court's vice-presidents, members of the judicial committee, chief judges, associate chief judges and judges); MINISTRY OF JUSTICE, THE TRIAL SYSTEM, *supra* note 102, ch. 3, § 2 (primary judges and associate judges selected through open exams).
116. Civil Procedure Law of the P.R.C., Presidential Order No. 44, arts. 18, 19(2), 20 (1991). Territorial jurisdiction is determined by the habitual residence of the defendant (respondent), the plaintiff, or the location where the crime took place. *Id.* arts. 22–35.
117. Administrative Procedure Law of the P.R.C., Presidential Order No. 16, arts. 14(3), 15 (1989) (effective Oct. 1, 1990).
118. Criminal Procedure Law of the P.R.C., arts. 20, 22 (1996) (amended 2005).
119. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, arts. 25(3), 28(4) (1983).
120. Criminal Procedure Law of the P.R.C., art. 19 (1996) (amended 2005); Civil Procedure Law of the P.R.C., Presidential Order No. 44, art. 18 (1991); Administrative Procedure Law of the P.R.C., Presidential Order No. 16, art. 13 (1989) (effective Oct. 1, 1990).
121. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, arts. 20, 22(2) (1983). People's tribunals are considered a component of basic people's courts and its judgments and orders have the same authority as those issued by basic people's courts. *Id.*
122. *Id.* art. 11.
123. *Id.* art. 14. Presidents of people's courts who find legal errors in judgments of their court must submit the case to the judicial committee for disposal. If the SPP or a people's procuratorate finds legal errors in the decision of a subordinate court, it may lodge a protest with the judicial committee. *Id.*
124. *Id.* art. 11 (members are first nominated by the president of the relevant court).
125. Regulation on Legal Aid, State Council Order of July 16, 2003, arts. 3, 7, 8 (2003).
126. *Id.* arts. 10–11.
127. XIANFA [CONSTITUTION], art. 125 (2004); *Third periodic reports of States parties due in 1997: China*, Committee Against Torture, para. 10(d), U.N. Doc. CAT/C/39/Add.2. (2002), [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.39.Add.2.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CAT.C.39.Add.2.En?Opendocument) (referring to "Provisions for Strict Implementation of the Open Trial System" enacted by the SPC on Mar. 8, 1999) [hereinafter Committee Against Torture, *Third periodic reports of States parties: China*].
128. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 7 (1983).
129. Civil Procedure Law of the P.R.C., Presidential Order No. 44, art. 66 (1991).
130. XIANFA [CONSTITUTION], art. 111 (2004) ("The residents' and villagers' committees establish committees for people's mediation... [to] mediate civil disputes...").
131. Mediation practices are outlined in the Law of Succession, Marriage Law, and Labor Law. See Law of Succession of the P.R.C., Presidential Order No. 24, art. 15 (1985); Marriage Law of the P.R.C., art. 25 (2001); Labour Law of the P.R.C., Presidential Order No. 28, arts. 77, 79, 80 (1994) (effective Jan. 1, 1995).
132. Renmin Tiaojie Weiyuanhui Zuzhi Tiaoli [Regulations on the Organization of People's Mediation Committees], State Council Order of May 5, 1989, art. 6 (1989). See also MINISTRY OF JUSTICE, GOVERNMENT OF THE P.R.C., SURVEY ON SYSTEM OF PEOPLE'S MEDIATION, ch. V, § III ¶ 4 (2004), <http://www.legalinfo.gov.cn/english/LegalService/legalservice3.htm> (last visited Mar. 11, 2005) [hereinafter MINISTRY OF JUSTICE, SURVEY ON SYSTEM OF PEOPLE'S MEDIATION].
133. Organic Law of Urban Resident Committees, Presidential Order No. 21, art. 13 (1989) (effective Jan. 1, 1990); MINISTRY OF JUSTICE, SURVEY ON SYSTEM OF PEOPLE'S MEDIATION, *supra* note 132, ch. V, § IV ¶ 2.
134. NATIONAL BUREAU OF STATISTICS OF CHINA, GOVERNMENT OF THE P.R.C., CHINA STATISTICAL YEARBOOK 2003, ch. 22–9, at 831 (2003) [hereinafter CHINA STATISTICAL YEARBOOK 2003].
135. Arbitration Law of the P.R.C., Presidential Order No. 31, art. 1 (1994).
136. *Id.* art. 2.
137. *Id.* art. 3.
138. Chen Guangyao, China's Nongovernmental Organizations: Status, Government Policies, and Prospects for Further Development, Address at the World Congress of Association Executives (Aug. 12, 2002), in 3 INT'L J. NOT-FOR-PROFIT L., Mar. 2001, http://www.icnl.org/journal/vol3iss3/ar_guangyao.htm.
139. Minban Feiqiye Danwei Dengji Zhanxing Tiaoli [Provisional Regulations for the Registration and Management of Non-Governmental and Non-Commercial Enterprises], State Council Order No. 251, art. 2 (1998); Shiye Danwei Dengji Guanli Zhanxing Tiaoli [Regulations on Registration and Management of Non-Commercial Institutions], State Council Order No. 252, art. 2 (1998); Jijin Guanli Tiaoli [Regulations for the Management of Foundations], State Council Order No. 400, art. 2 (2004).
140. Shehui Tuanti Dengji Guanli Tiaoli [Regulations on Registration and Management of Social Organizations], State Council Order No. 250, art. 3 (1998); Minban Feiqiye Danwei Dengji Zhanxing Tiaoli [Provisional Regulations for the Registration and Management of Non-Governmental and Non-Commercial Enterprises], State Council Order No. 251, arts. 5–7 (1998); Shiye Danwei Dengji Guanli Zhanxing Tiaoli [Regulations on Registration and Management of Non-Commercial Institutions], State Council Order No. 252, art. 3 (1998). Some NGOs have worked around these laws by registering with the Bureau of Industry and Commerce as enterprises. *To Serve the People, Roundtable before the Congressional-Executive Commission on China*, 108th Cong. Sess. 1 40 (Mar. 24, 2003) (prepared statement of Nancy Yuan, Vice President, The Asia Foundation).
141. Shehui Tuanti Dengji Guanli Tiaoli [Regulations on Registration and Management of Social Organizations], State Council Order No. 250, art. 5 (1998); Minban Feiqiye Danwei Dengji Zhanxing Tiaoli [Provisional Regulations for the Registration and Management of Non-Governmental and Non-Commercial Enterprises], State Council Order No. 251, art. 4 (1998); Jijin Guanli Tiaoli [Regulations for the Management of Foundations], State Council Order No. 400, art. 4 (2004).
142. *To Serve the People*, *supra* note 140, 33 n.15, 33–35 (prepared statement of Qiusha Ma, assistant professor of East Asian Studies, Oberlin College) (referring to link between Chinese government and NGOs).
143. Priscilla Jiao, *New China Gets Charitable*, SINA (China), Mar. 9, 2005.
144. MINISTRY OF CIVIL AFFAIRS, GOVERNMENT OF THE P.R.C., MINZHENGBU GUANYU DUI BUFEN TUANTI MIANYU SHETUAN DENGJI YOUGUAN WENTI DE TONGZHI [Concerning the Question of Social Organizations Exempted from Registration], No. 256, art. 1 (2000), <http://www.chinanpo.gov.cn/web/showBulletin.do?ld=16069&id=1202> (last visited Mar. 18, 2005); See *To Serve the People*, *supra* note 140, 33–35 (prepared statement of Qiusha Ma, assistant professor of East Asian Studies, Oberlin College).
145. *To Serve the People*, *supra* note 140, 33 n.15 (prepared statement of Qiusha Ma, assistant professor of East Asian Studies, Oberlin College).
146. ALL-CHINA YOUTH FEDERATION (ACYF), CHINA YOUTH POLICY AND YOUTH WORK, ¶ 6, http://www.acyf.org.cn/e_doc/policy/02.htm (last visited March 17, 2005).
147. ALL-CHINA WOMEN'S FEDERATION (ACWF), BROCHURE (2003), <http://www.women.org.cn/english/english/newsletter/ACWF%20brochure.htm> (last visited Mar. 18, 2005).
148. *Id.*
149. Chen Li Ping, *Funufa Xiuzhengan Songhengao Yi Baisong Guowuyuan, Mingque Guiding Jinzhi Xingsaorao [Amended Draft of Women's Law Submitted to State Council, Clear Prohibitions Against Sexual Harassment]*, CHINA LEGAL PUBLICITY, Feb. 3, 2005, http://www.legalinfo.gov.cn/lqy/2005-02/04/content_186184.htm (source is the official news service of the Ministry of Justice P.R.C.) (translation by Center for Reproductive Rights).
150. *Third and fourth periodic reports of State parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women: China*, Committee on the Elimination of Discrimination Against Women, pt. I, ¶ 12, U.N. Doc. CEDAW/C/CHN/3-4 (1997), <http://www.un.org/womenwatch/daw/cedaw/cedaw20/china.htm> [hereinafter CEDAW Committee, *Third and fourth periodic reports of State parties: China*].
151. *Id.* pt. I, para. 12.
152. The sponsor is responsible for investigating, monitoring and supervising the work of its NGOs. Shehui Tuanti Dengji Guanli Tiaoli [Regulations on Registration and Management of Social Organizations], State Council Order No. 250, arts. 6, 9 (1998); Minban Feiqiye Danwei Dengji Zhanxing Tiaoli [Provisional Regulations for the Registration and Management of Non-Governmental and Non-Commercial Enterprises], State Council Order No. 251, arts. 3, 8(I), 9(II) (1998).
153. *To Serve the People*, *supra* note 140, 30 (prepared statement of Qiusha Ma, assistant professor of East Asian Studies, Oberlin College) (referring to data from National Bureau of Statistics of the P.R.C., Civil Affairs Statistical Yearbook 2001).
154. XIANFA [CONSTITUTION], pmb. ¶ 12 (2004).
155. *Id.* art. 5 (amended by the Ninth NPC on March 15, 1999).
156. *Id.* arts. 4, 33.
157. *Id.* arts. 35–36, 49.
158. *Id.* arts. 37–38 (arrest requires a court decision or prosecutor's approval).
159. *Id.* art. 42.
160. *Id.* art. 33 (amended by the Tenth NPC on March 14, 2004).
161. *Id.* arts. 8, 11, 14, 15, 45.
162. *Id.* arts. 19, 36, 41–42 (rights to education, religious freedom, against libel and for employment).
163. *Id.* art. 48.
164. *Id.* arts. 48–49.
165. *Id.* art. 4.
166. *Id.* arts. 40, 51; Criminal Law of the P.R.C., arts. 30(2), (5), 54–58, amended by Presidential Order, No. 32 (2005) (some penalties involve deprivation of political rights, right of freedom of speech, of the press, of assembly etc.).
167. Law of the P.R.C. on the Organization of People's Courts, Presidential Order No. 5, art. 33 (1983); Zhonghua Renmin Gongheguo Zuigao Renmin Jianchayuan [P.R.C.

- Supreme People's Procuratorate], *Zuigao Renmin Jianchayuan Zhuyao Zhiye* [Main Functions], art. 12 (May 16, 2005), http://www.spp.gov.cn/site2005/scripts/pageRead.asp?d_id=200105161438415666.
168. Novexc.com, *Cases and Court Decisions in the P.R.C.* (2000), http://www.novexc.com/cases_court_decisions_main.html (last visited Mar. 19, 2005).
169. XIANFA [CONSTITUTION], arts. 81, 67(14) (2004).
170. Convention on the Elimination of All Forms of Discrimination against Women, *adopted* Dec. 18, 1979, G.A. Res. 34/180, U.N. GAOR, 34th Sess., Supp. No. 46, at 193, U.N. Doc. A/34/46 (1979) (*entered into force* Sept. 3, 1981) (*ratified by China* Dec. 3, 1981); Convention on the Rights of the Child, *adopted* Nov. 20, 1989, G.A. Res. 44/25, annex, U.N. GAOR, 44th Sess., Supp. No. 49, at 166, U.N. Doc. A/44/49 (1989), *reprinted in* 28 I.L.M. 1448 (*entered into force* Sept. 2, 1990) (*ratified by China* Apr. 1, 1992); International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), U.N. GAOR, Supp. No. 16, at 49, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 3 (*entered into force* Jan. 3, 1976) (*ratified by China* June 27, 2001); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *adopted* Dec. 10, 1984, G.A. Res. 39/46, U.N. GAOR, 39th Sess., Supp. No. 51, at 197, U.N. Doc. A/39/51 (1984), 1465 U.N.T.S. 85 (*entered into force* June 26, 1987) (*ratified with reservations and declarations by China* Nov. 3, 1988); International Convention on the Elimination of All Forms of Racial Discrimination, 660 U.N.T.S. 195 (*entered into force* Jan. 4, 1969) (*accession with reservation and declaration by China* Jan. 28, 1982); Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, *adopted* May 25, 2000, G.A. Res. 54/263, U.N. GAOR, 54th Sess., U.N. Doc. A/RES/54/263 (2000) (*entered into force* Jan. 18, 2002) (*ratified by China* Jan. 3, 2003).
171. Committee Against Torture, *Third periodic reports of States parties: China, supra* note 127; *Initial reports submitted by State parties under articles 16 and 17 of the Covenant: China*, Committee on Economic, Social and Cultural Rights, U.N. Doc. E/1990/5/Add.59 (2004), [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.1990.5.Add.59.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.1990.5.Add.59.En?Opendocument) [hereinafter Committee on Economic, Social and Cultural Rights, *Initial report of State parties: China*]; CEDAW Committee, *Third and fourth periodic reports of State parties: China, supra* note 150.
172. International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (*entered into force* Mar. 23, 1976) (*signed with declaration by China* Oct. 5, 1998, *not ratified by China as of* June 8, 2005); Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, *adopted* May 25, 2000, G.A. Res. 54/263, U.N. GAOR, 54th Sess., U.N. Doc. A/RES/54/263 (*entered into force* Feb. 12, 2002) (*signed by China* Mar. 15, 2001, *not ratified by China as of* June 8, 2005).
173. *Beijing Declaration and the Platform for Action, Fourth World Conference on Women*, Beijing, China, Sept. 4-15, 1995, U.N. Doc. A/CONF.17/20 (1995); *Programme of Action of the International Conference on Population and Development*, Cairo, Egypt, Sept. 5-13, 1994, U.N. Doc. A/CONF.171/13/Rev.1 (1995); *Key Actions for the Further Implementation of the Programme of Action of the International Conference on Population and Development*, U.N. GAOR, 21st Special Sess., New York, United States, June 30-July 2, 1999, U.N. Doc. A/S-21/5/Add.1 (1999); *Further Actions and Initiatives to Implement the Beijing Declaration and the Platform for Action*, U.N. GAOR, 23rd Special Sess., New York, United States, June 5-9, 2000, U.N. Doc. A/Res/S-23 (2000).
174. *Millennium Declaration, Millennium Assembly*, New York, United States, Sept. 6-8, 2000, U.N. GAOR, 55th Sess., U.N. Doc. A/Res/55/2 (2000); UNITED NATIONS COUNTRY TEAM IN CHINA, *MILLENNIUM DEVELOPMENT GOALS: CHINA'S PROGRESS* (2004) [hereinafter *MILLENNIUM DEVELOPMENT GOALS: CHINA'S PROGRESS*].
175. XIANFA [CONSTITUTION], art. 21 (2004).
176. General Principles of the Civil Law of the P.R.C., Presidential Order No. 37, art. 98 (1986) (effective Jan. 1, 1987) [hereinafter *Civil Law of the P.R.C.*].
177. COMMUNIST PARTY OF CHINA CENTRAL COMMITTEE & STATE COUNCIL OF THE P.R.C., *DECISION CONCERNING PUBLIC HEALTH REFORM AND DEVELOPMENT* (1997), <http://www.bjfa.gov.cn/newsite/english/law/004D/003.asp>.
178. Law on the Prevention and Treatment of Infectious Diseases (1989), *amended by* Presidential Order No. 17 (2004) (translation by Center for Reproductive Rights).
179. MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., 2005 NIAN WEISHENG GONGZUO YAODIAN [YEAR 2005 HEALTH WORK ESSENTIAL POINTS], arts. 1-4, 6-11 (2005), http://www.moh.gov.cn/public/open.aspx?n_id=9376 (referring to "Guanyu Shenhua Chengshi Yiliao Fuwu Tizhi Gaige Shidian De Jiadao Yijian" [Directives Concerning Deepening Urban Health-Care Reform]) (translation by the Center for Reproductive Rights) [hereinafter *MINISTRY OF HEALTH, YEAR 2005 HEALTH WORK ESSENTIAL POINTS*].
180. MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., ZHONGGUO NONGCUN CHUJI WEISHENG BAOJIAN FAZHAN WANGYAO (2001-2010 NIAN) [NATIONAL PLAN FOR THE DEVELOPMENT OF RURAL PRIMARY HEALTH-CARE (2001-2010)] (2002), http://www.moh.gov.cn/public/open.aspx?n_id=8067 (translation by the Center for Reproductive Rights) [hereinafter *NATIONAL PLAN FOR THE DEVELOPMENT OF RURAL PRIMARY HEALTH-CARE (2001-2010)*]; MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., ZHONGGUO TIGAO CHUSHENG RENKOU SHIZHI, JIANSHAO CHUSHENG QUEXIAN HE CANJI XINGDONG JIHUA (2002-2010) [NATIONAL ACTION PLAN FOR RAISING QUALITY OF BIRTH POPULATION AND REDUCING BIRTH DEFECTS (2002-2010)] (2002), http://www.moh.gov.cn/public/open.aspx?n_id=2731 (translation by the Center for Reproductive Rights) [hereinafter *NATIONAL ACTION PLAN FOR RAISING QUALITY OF BIRTH POPULATION AND REDUCING BIRTH DEFECTS (2002-2010)*]; MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., QUANGUO JIANKANG JIANYU YU JIANKANG CUJIN GONGZUO GUIHUA WANGYAO (2005-2010 NIAN) [NATIONAL PLAN FOR HEALTH EDUCATION AND PROMOTION (2005-2010)] (2005), http://www.moh.gov.cn/public/open.aspx?n_id=9283 (translation by the Center for Reproductive Rights) [hereinafter *NATIONAL PLAN FOR HEALTH EDUCATION AND PROMOTION (2005-2010)*].
181. NATIONAL PEOPLE'S CONGRESS (NPC), GOVERNMENT OF THE P.R.C., ZHONGGUO FUNU FAZHAN WANGYAO (2001-2010 NIAN) [NATIONAL PLAN FOR THE DEVELOPMENT OF CHINESE WOMEN (2001-2010)] (2000), http://www.moh.gov.cn/public/open.aspx?n_id=2720 (translation by the Center for Reproductive Rights) [hereinafter *NATIONAL PLAN FOR THE DEVELOPMENT OF CHINESE WOMEN (2001-2010)*]; NATIONAL PEOPLE'S CONGRESS (NPC), GOVERNMENT OF THE P.R.C., ZHONGGUO ERTONG FAZHAN WANGYAO (2001-2010 NIAN) [NATIONAL PLAN FOR THE DEVELOPMENT OF CHINESE CHILDREN (2001-2010)] (2001), http://www.moh.gov.cn/public/open.aspx?n_id=2734 (translation by the Center for Reproductive Rights) [hereinafter *NATIONAL PLAN FOR THE DEVELOPMENT OF CHINESE CHILDREN (2001-2010)*].
182. NATIONAL PLAN FOR HEALTH EDUCATION AND PROMOTION (2005-2010), *supra* note 180, arts. 3(3), (6).
183. XIANFA [CONSTITUTION], art. 21 (2004).
184. The Western Region is composed of the following: Chongqing Municipality, Guizhou Province, Sichuan Province, Yunnan Province, the Tibet Autonomous Region, Shaanxi Province, Gansu Province, the Ningxia Hui Autonomous Region, Qinghai Province, the Xinjiang Uygur Autonomous Region, the Inner Mongolia Autonomous Region, the Guangxi Zhuang Autonomous Region, Xianxi Tujia-Miao Autonomous Prefecture of Hunan Province, the Enshi Tujia-Miao Autonomous Prefecture of Hubei Province, and the Yanbian Korean Autonomous Prefecture of Jilin Province. STATE COUNCIL, GOVERNMENT OF THE P.R.C., SUGGESTIONS ON THE IMPLEMENTATION OF POLICIES AND MEASURES PERTAINING TO THE DEVELOPMENT OF THE WESTERN REGION, arts. 1, 7 (2001), <http://www.chinawest.gov.cn/english/asp/showinfo.asp?name=200204180012> [hereinafter *STATE COUNCIL, POLICIES FOR THE DEVELOPMENT OF THE WESTERN REGION*].
185. OFFICE OF THE LEADING GROUP FOR WESTERN REGION DEVELOPMENT OF THE STATE COUNCIL, GOVERNMENT OF THE P.R.C., OVERALL PLAN OF WESTERN REGION DEVELOPMENT DURING THE TENTH FIVE-YEAR PLAN PERIOD, art. 1(1)(7) (2002), <http://www.chinawest.gov.cn/English/asp/showinfo.asp?name=200207100002>; STATE COUNCIL, POLICIES FOR THE DEVELOPMENT OF THE WESTERN REGION, *supra* note 184, art. 52.
186. *Health System Faces up to Great Challenges*, XINHUA NEWS AGENCY (China), Jan. 10, 2005, http://news.xinhuanet.com/English/2005-01/10/content_2441341.htm.
187. CHINA STATISTICAL YEARBOOK 2003, *supra* note 134, ch. 2-1, at 23-24.
188. Figures extrapolated from total population, number of medical and technical personnel in Health Institutions (427 per 10,000 persons), number of doctors (1844 per 10,000 persons) and number of nurses (1247 per 10,000 persons). CHINA STATISTICAL YEARBOOK 2003, *supra* note 134, ch. 21-34, at 805.
189. MINISTRY OF HEALTH, YEAR 2005 HEALTH WORK ESSENTIAL POINTS, *supra* note 179, art. 3.
190. *Id.* arts. 1, 9.
191. Yiliao Jigou Guanli Tiaoli [Regulations on Management of Medical Service Organizations], Ministry of Health Order No. 35 (1994); Yiliao Jigou Guanli Tiaoli Shishi Xizi [Rules for Implementation of the Regulations on Management of Medical Service Organizations], Ministry of Health Order No. 35 (1994) (translation by the Center for Reproductive Rights).
192. Yiliao Jigou Guanli Tiaoli Shishi Xizi [Rules for Implementation of the Regulations on Management of Medical Service Organizations], Ministry of Health Order No. 35, art. 3(1)-(12) (1994) (translation by the Center for Reproductive Rights).
193. Yiliao Jigou Guanli Tiaoli [Regulations on Management of Medical Service Organizations], Ministry of Health Order No. 35, arts. 8-9, 15, 22 (1994) (annual reassessments or if the facility has over 100 beds, reassessments every three years) (translation by the Center for Reproductive Rights).
194. MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., GUANYU YUNXU GETI KAIYE XINGYE WENTI DE QINGSHI BAOGOU [REPORT CONCERNING PERMISSION FOR PRIVATE MEDICAL PRACTICES], secs. 1-3 (1980), http://www.law-lib.com/law/law_view.asp?id=44304 (reinstating permission for private medical practices originally granted under 1963's Yisheng Zhanxing Guanli Banfa [Provisional Measures for Management of Doctors]) (translation by Center for Reproductive Rights).
195. REGIONAL OFFICE FOR THE WESTERN PACIFIC, WORLD HEALTH ORGANIZATION (WHO), COUNTRY HEALTH INFO PROFILE 2004: CHINA 54 (2004).
196. CHINA STATISTICAL YEARBOOK 2003, *supra* note 134, ch. 8-1, at 281, ch. 21-46, at 812 (figures extrapolated by dividing total government expenditure (CNY 793.7 billion) and total government public health expenditure (461 million); UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) CHINA, THEMATIC AREAS: HEALTH, <http://www.unchina.org/theme/html/health.shtml> (last updated Dec., 2001).
197. CHINA STATISTICAL YEARBOOK 2003, *supra* note 134, ch. 8-1, at 281, ch. 21-46, at 812 (figures extrapolated by dividing total government expenditure (CNY 1.89 trillion) and total government public health expenditure); Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renmenbi*). See INTERNATIONAL MONETARY FUND, REPRESENTATIVE EXCHANGE RATES FOR SELECTED CURRENCIES (June 15, 2005), http://www.imf.org/external/np/fin/rates/rms_rep.cfm.
198. UNDP CHINA, THEMATIC AREAS: HEALTH, *supra* note 196.
199. CHINA MEDICAL ASSOCIATION, HEALTH CARE SYSTEM IN CHINA, <http://www.chinamed.com.cn/chinamedorg/healthcare.htm> (last visited Mar. 24, 2005).
200. *Id.*
201. Information Office of the State Council, Government of the P.R.C., CHINA'S SOCIAL SECURITY AND ITS POLICY, ch. 3 (2004),

- white/20040907/index.htm (referring to the State Council's "Decision on Establishing a Basic Medical Insurance System for Urban Employees" promulgated on December 14, 1998) [hereinafter STATE COUNCIL, CHINA'S SOCIAL SECURITY AND ITS POLICY].
202. *Id.*
203. *Id.*
204. CHINA MEDICAL ASSOCIATION, *supra* note 199.
205. STATE COUNCIL, CHINA'S SOCIAL SECURITY AND ITS POLICY, *supra* note 201, ch. 3.
206. *Id.*
207. *Id.*
208. *Id.*
209. *Id.*
210. *Id.*
211. OFFICE OF THE WORLD HEALTH ORGANIZATION REPRESENTATIVE IN CHINA, WORLD HEALTH ORGANIZATION (WHO), COUNTRY COOPERATION STRATEGY: WHO CHINA: STRATEGIC PRIORITIES FOR 2004–2008, at 16 (2004).
212. EXEC. BD. OF THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) & OF THE UN POPULATION FUND (UNFPA), COUNTRY PROGRAMME OUTLINE FOR CHINA, para. 7, U.N. Doc. DP/FPA/CPO/CHN/5 (2002), <http://www.unfpa.org/exbrd/2002/secondsession/dpfpacpochin5.pdf> [hereinafter COUNTRY PROGRAMME OUTLINE FOR CHINA].
213. *Id.* para. 2.
214. *Id.* para. 7.
215. *Id.* para. 8.
216. *Id.* para. 11.
217. CHINA STATISTICAL YEARBOOK 2003, *supra* note 134, ch. 21–46, at 812; Calculations based on exchange rate of U.S. Dollar (USD) 1 to Chinese Yuan (CNY) (*renmenbi*) 8.2765. See INTERNATIONAL MONETARY FUND, *supra* note 197.
218. CHINA STATISTICAL YEARBOOK 2003, *supra* note 134, ch. 10–4, at 345, ch. 10–7, at 348 (figures for 2002).
219. *Id.* ch.10–23, at 370, ch. 10–25, at 372 (figures for 2002); Calculations based on exchange rate of U.S. Dollar (USD) 1 to Chinese Yuan (CNY) (*renmenbi*) 8.2765. See INTERNATIONAL MONETARY FUND, *supra* note 197.
220. *Health System Faces up to Great Challenges*, *supra* note 186.
221. *Id.*
222. STATE COUNCIL, CHINA'S SOCIAL SECURITY AND ITS POLICY, *supra* note 201, ch. 4 (referring to regulations mandating all enterprises and individual business in industry and commerce to provide work-related injury insurance that pay for medical expenditures, subsidies, allowance and nursing fees); *Health System Faces up to Great Challenges*, *supra* note 186.
223. CHINA STATISTICAL YEARBOOK 2003, *supra* note 134, ch. 22–34.
224. UNDP CHINA, THEMATIC AREAS: HEALTH, *supra* note 196.
225. Zhonghua Renmin Gongheguo Yaopin Guanli Fa Shishi Tiaoli [Regulations for the Implementation of the Pharmaceutical Administration Law of the P.R.C.], State Council Order No. 360, arts. 48, 55–56 (2002) (translation by the Center for Reproductive Rights). Certain categories of essential medications are subjected to government-fixed pricing and others to government-guided pricing. *Id.* art. 48.
226. *Id.* art. 75 (2002); Price Law of the P.R.C., Presidential Order No. 92, arts. 39–41 (1997) (effective May 1, 1998).
227. Yiliao Jigou Guanli Tiaoli [Regulations on Management of Medical Service Organizations], Ministry of Health Order No. 35, art. 37 (1994) (translation by the Center for Reproductive Rights).
228. *Id.*; Zhonghua Renmin Gongheguo Zhiye Yishi Fa [P.R.C. Medical Practitioner Law], arts. 37(10), 42 (1998) (effective May 1, 1999) (translation by the Center for Reproductive Rights); Price Law of the P.R.C., Presidential Order No. 92, arts. 39–40 (1997) (effective May 1, 1998).
229. STATE COUNCIL, CHINA'S SOCIAL SECURITY AND ITS POLICY, *supra* note 201, ch. 5 (administered by the organ in charge of social insurance).
230. *Id.*
231. NATIONAL PLAN FOR THE DEVELOPMENT OF CHINESE WOMEN (2001–2010), *supra* note 181, art. 1(1)(3).
232. MINISTRY OF LABOR AND SOCIAL SECURITY (MOLSS), GOVERNMENT OF THE P.R.C., CIRCULAR ON ISSUING THE MEASURES (FOR TRIAL IMPLEMENTATION) FOR MATERNITY INSURANCE OF THE STAFF AND WORKERS IN ENTERPRISES, No. 504, arts. 1, 5–6 (1994) (translation by International Labour Organization) (maternity subsidies are based on a percentage of average month wages) [hereinafter MOLSS, MEASURES (FOR TRIAL IMPLEMENTATION) FOR MATERNITY INSURANCE OF THE STAFF AND WORKERS IN ENTERPRISES]; MINISTRY OF LABOR AND SOCIAL SECURITY (MOLSS), GOVERNMENT OF THE P.R.C., QUANYU JINYIBU JIQIANG SHENGYU BAOXIAN GONGZUO DE ZHIDAO YUYIJIAN [SUGGESTIONS CONCERNING STRENGTHENING MATERNITY INSURANCE WORK], Lao She Ting Fa [MOLSS Notice] No. 14 (2004) (translation by Center for Reproductive Rights) [hereinafter MOLSS, SUGGESTIONS CONCERNING STRENGTHENING MATERNITY INSURANCE WORK].
233. Labor Law of the P.R.C., Presidential Order No. 28, art. 62 (1994) (effective Jan. 1, 1995).
234. MOLSS, MEASURES (FOR TRIAL IMPLEMENTATION) FOR MATERNITY INSURANCE OF THE STAFF AND WORKERS IN ENTERPRISES, *supra* note 232, art. 1.
235. *Id.* art. 4; MOLSS, SUGGESTIONS CONCERNING STRENGTHENING MATERNITY INSURANCE WORK, *supra* note 232 (employers that are unable to provide both maternity insurance and maternity subsidies may be exempted from the latter).
236. MOLSS, MEASURES (FOR TRIAL IMPLEMENTATION) FOR MATERNITY INSURANCE OF THE STAFF AND WORKERS IN ENTERPRISES, *supra* note 232, art. 13.
237. Pharmaceutical Administration Law of the P.R.C., Presidential Order No. 45, arts. 1–3, 35–36 (2000) (amended 2001); Zhonghua Renmin Gongheguo Yaopin Guanli Fa Shishi Tiaoli [Regulations for the Implementation of the Pharmaceutical Administration Law of the P.R.C.], State Council Order No. 360 (2002) (translation by Center for Reproductive Rights).
238. Pharmaceutical Administration Law of the P.R.C., Presidential Order No. 45, art. 1 (2000) (amended 2001).
239. *Id.* arts. 7, 24, 23; Measures for the Supervision over and Administration of Pharmaceutical Production, State Food and Drug Administration Order No.16, arts. 8, 51 (2004); Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renmenbi*). See INTERNATIONAL MONETARY FUND, *supra* note 197.
240. Pharmaceutical Administration Law of the P.R.C., Presidential Order No. 45, art. 31 (2000) (amended 2001).
241. *Id.* arts. 29–33; Zhonghua Renmin Gongheguo Yaopin Guanli Fa Shishi Tiaoli [Regulations for the Implementation of the Pharmaceutical Administration Law of the P.R.C.], State Council Order No. 360, arts. 29–31 (2002) (translation by Center for Reproductive Rights).
242. Zhonghua Renmin Gongheguo Yaopin Guanli Fa Shishi Tiaoli [Regulations for the Implementation of the Pharmaceutical Administration Law of the P.R.C.], State Council Order No. 360, art. 15 (2002) (translation by Center for Reproductive Rights).
243. Pharmaceutical Administration Law of the P.R.C., Presidential Order No. 45, arts. 19, 27 (2000) (amended 2001).
244. Zhonghua Renmin Gongheguo Zhiye Yishi Fa [P.R.C. Medical Practitioner Law], arts. 37(10), 42 (1998) (effective May 1, 1999) (translation by Center for Reproductive Rights); Zhonghua Renmin Gongheguo Hushi Guanli Banfa [P.R.C. Measures for the Management of Nurses], Ministry of Health Order No. 31 (1993) (effective Jan. 1, 1994) (translation by Center for Reproductive Rights); Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33 (1994) (effective June 1, 1995); Chuantong Yixueshi Cheng He Queyou Zhuanchang Renyuan Yishi Zige Kaohe Kaoshi Zhanxing Banfa [Provisional Measures for Administrating Traditional Medical Practitioner and Specialty Medical Practitioner Qualification Exams], Ministry of Health Order No. 6 (1999) (translation by Center for Reproductive Rights); Yiliao Jigou Guanli Tiaoli [Regulations on Management of Medical Service Organizations], Ministry of Health Order No. 35 (1994) (translation by Center for Reproductive Rights); Yiliao Jigou Guanli Tiaoli Shishi Xizi [Rules for Implementation of the Regulations on Management of Medical Service Organizations], Ministry of Health Order No. 35 (1994) (translation by Center for Reproductive Rights).
245. Zhonghua Renmin Gongheguo Zhiye Yishi Fa [P.R.C. Medical Practitioner Law], art. 1 (1998) (effective May 1, 1999) (translation by Center for Reproductive Rights).
246. *Id.* art. 8.
247. *Id.* arts. 9–10.
248. *Id.* arts. 13–14.
249. *Id.* art. 21(6).
250. *Id.* arts. 22(1)–(5).
251. MINISTRY OF HEALTH, YEAR 2005 HEALTH WORK ESSENTIAL POINTS, *supra* note 179, art. 5.
252. STATE COUNCIL, GOVERNMENT OF THE P.R.C., GUOWUYUAN GUANYU JINYIBU JIAQIANG SHIPIN ANQUAN GONGZUO DE JUEDING [STATE COUNCIL DECISION CONCERNING FURTHER STRENGTHENING FOOD SAFETY], Order No. 23 (2004), http://www.tj.xinhuanet.com/shkj/2004-09/29/content_2957607.htm (translation by Center for Reproductive Rights); MINISTRY OF HEALTH, YEAR 2005 HEALTH WORK ESSENTIAL POINTS, *supra* note 179, art. 6.
253. MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., ZHONGGUO HULI SHIYE FAZHAN JIHUA WANGYAO (2005–2010 NIAN) [NATIONAL PLAN FOR THE DEVELOPMENT OF THE NURSING PROFESSION (2005–2010)] (2005) (translation by Center for Reproductive Rights).
254. Zhonghua Renmin Gongheguo Hushi Guanli Banfa [P.R.C. Measures for the Management of Nurses], Ministry of Health Order No. 31, art. 1 (1993) (effective Jan. 1, 1994) (translation by Center for Reproductive Rights).
255. *Id.*
256. *Id.* art. 3.
257. *Id.* arts. 12–13, 16–17, 19.
258. Chuantong Yixueshi Cheng He Queyou Zhuanchang Renyuan Yishi Zige Kaohe Kaoshi Zhanxing Banfa [Provisional Measures for Administrating Traditional Medical Practitioner and Specialty Medical Practitioner Qualification Exams], Ministry of Health Order No. 6, art. 3 (1999) (translation by Center for Reproductive Rights).
259. *Id.* art. 6(1)–(4), 17–18.
260. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 32 (1994) (effective June 1, 1995); Muying Baojian Zhuaxiang Jishu Fuwu Xuke Ji Renyuan Zige Guanli Banfa [Measures for the Management of Maternal and Infant Health-Care Specialty Technical Service Permits and Personnel Qualifications], Ministry of Health Order of Aug. 7, 1995, arts. 2, 4 (1995) (translation by Center for Reproductive Rights).
261. Muying Baojian Yixue Jishu Jianding Guanli Banfa [Measures for the Management of Maternal and Infant Health-Care Medical Technology Appraisals], art. 4 (1995) (translation by Center for Reproductive Rights).
262. *Id.* arts. 2, 11, 18.
263. Muying Baojian Zhuaxiang Jishu Fuwu Xuke Ji Renyuan Zige Guanli Banfa [Measures for the Management of Maternal and Infant Health-Care Specialty Technical

- Service Permits and Personnel Qualifications], Ministry of Health Order of Aug. 7, 1995, arts. 7–8 (1995) (translation by Center for Reproductive Rights).
264. Muying Baojian Zhuaxiang Jishu Jiben Biaozhun [Basic Standards for Specialty Maternal and Infant Health–Care Technical Services], Ministry of Health Order of Aug. 7, 1995, secs. 1–3 (1995) (translation by Center for Reproductive Rights); Muying Baojian Zhuaxiang Jishu Fuwu Xuke Ji Renyuan Zige Guanli Banfa [Measures for the Management of Maternal and Infant Health–Care Specialty Technical Service Permits and Personnel Qualifications], Ministry of Health Order of Aug. 7, 1995, art. 10 (1995) (translation by Center for Reproductive Rights).
265. Muying Baojian Zhuaxiang Jishu Fuwu Xuke Ji Renyuan Zige Guanli Banfa [Measures for the Management of Maternal and Infant Health–Care Specialty Technical Service Permits and Personnel Qualifications], arts. 11–12 (1995) (the exams are formulated by the MOH and administered by the local health departments) (translation by Center for Reproductive Rights).
266. Muying Baojian Zhuaxiang Jishu Jiben Biaozhun [Basic Standards for Specialty Maternal and Infant Health–Care Technical Services], Ministry of Health Order of Aug. 7, 1995, secs. 1(1)(3), 1(2)(2) (1995) (translation by Center for Reproductive Rights).
267. Hunqian Baojian Gongzuo Guifan (Xiuding), [Standards for Premarital Health–Care Work (Revised)], Wei Ji Fu Fa [Department of Maternal and Infant Health–Care Notice] No. 147, sec. 2(1)(2) (2002) (translation by Center for Reproductive Rights).
268. *Id.* sec. 1(1)(2); Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, arts. 7–13 (1994) (effective June 1, 1995); Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, arts. 3(2), 9, 14 (2001) (couples “should” go for premarital health exams in regions implementing them) (translation by Center for Reproductive Rights).
269. Hunqian Baojian Gongzuo Guifan (Xiuding) [Standards for Premarital Health–Care Work (Revised)], Wei Ji Fu Fa [Department of Maternal and Infant Health–Care Notice] No. 147, sec. 2(1)(1) (2002) (translation by Center for Reproductive Rights).
270. *Id.* sec. 2(2); Muying Baojian Zhuaxiang Jishu Jiben Biaozhun [Basic Standards for Specialty Maternal and Infant Health–Care Technical Services], Ministry of Health Order of Aug. 7, 1995, secs. 1(1), 2(1) (1995) (translation by Center for Reproductive Rights).
271. Chanqian Zhenduan Jishu Guanli Banfa [Measures for the Management of Prenatal Diagnostic Technology], Ministry of Health Order No. 33, art. 2 (2002) (effective May 1, 2003) (translation by Center for Reproductive Rights).
272. *Id.* art. 8; Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 33 (1994) (effective June 1, 1995).
273. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 33 (1994) (effective June 1, 1995); Muying Baojian Zhuaxiang Jishu Jiben Biaozhun [Basic Standards for Specialty Maternal and Infant Health–Care Technical Services], Ministry of Health Order of Aug. 7, 1995, secs. 2(2)(2) (1995) (translation by Center for Reproductive Rights).
274. Chanqian Zhenduan Jishu Guanli Banfa [Measures for the Management of Prenatal Diagnostic Technology], Ministry of Health Order No. 33, art. 9 (2002) (effective May 1, 2003) (translation by Center for Reproductive Rights).
275. Muying Baojian Zhuaxiang Jishu Jiben Biaozhun [Basic Standards for Specialty Maternal and Infant Health–Care Technical Services], Ministry of Health Order of Aug. 7, 1995, sec. 3(1) (1995) (must have finished at least elementary school) (translation by Center for Reproductive Rights); Jiating Jiasheng Chenggui (Shixing) [Rules for Home Deliveries (Provisional)], Ministry of Health Order of Feb. 10, 1989, sec. 2(1) (1989) (translation by Center for Reproductive Rights).
276. Muying Baojian Zhuaxiang Jishu Jiben Biaozhun [Basic Standards for Specialty Maternal and Infant Health–Care Technical Services], Ministry of Health Order of Aug. 7, 1995, secs. 3(2)–(5) (1995) (translation by Center for Reproductive Rights); Jiating Jiasheng Chenggui (Shixing) [Rules for Home Deliveries (Provisional)], Ministry of Health Order of Feb. 10, 1989, sec. 2(3) (1989) (translation by Center for Reproductive Rights).
277. Muying Baojian Zhuaxiang Jishu Jiben Biaozhun [Basic Standards for Specialty Maternal and Infant Health–Care Technical Services], Ministry of Health Order of Aug. 7, 1995, sec. 3(6) (1995) (translation by Center for Reproductive Rights).
278. Jihua Shengyu Jishu Fuwu Guanli Tiaoli [Regulations for the Management of Family Planning Technical Services], arts. 21–23, 27 (2001), *amended* by State Council Order No. 428 (2004) (translation by Center for Reproductive Rights).
279. Criminal Law of the P.R.C., art. 335 (1997) *amended* by Presidential Order No. 32 (2005) (criminal detention lasts up to six months and is administered by the local public security organ).
280. *Id.* art. 336.
281. MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., YIYUAN GUANLI PINGJIA ZHINAN (SHIXING) [HOSPITAL ADMINISTRATION APPRAISAL GUIDE (TRIAL IMPLEMENTATION)], Wei Yi Fa [Department of Infectious Disease Control and Prevention Notice] No. 104, secs. IV(1)(1)–(6) (2005), http://www.law-lib.com/law/law_view.asp?id=91078 (translation by Center for Reproductive Rights).
282. Jihua Shengyu Jishu Fuwu Guanli Tiaoli [Regulations for the Management of Family Planning Technical Services], arts. 14, 18 (2001), *amended* by State Council Order No. 428 (2004) (translation by Center for Reproductive Rights).
283. Chanqian Zhenduan Jishu Guanli Banfa [Measures for the Management of Prenatal Diagnostic Technology], Ministry of Health Order No. 33, arts. 20, 23–25 (2002) (effective May 1, 2003) (translation by Center for Reproductive Rights).
284. *Id.* art. 24.
285. *Id.* art. 25.
286. Hunqian Baojian Gongzuo Guifan (Xiuding) Standards for Premarital Health–Care Work (Revised), Wei Ji Fu Fa No. 147, sec. 3(3)(3) (2002) (translation by Center for Reproductive Rights).
287. MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., WEISHENGBU GUANYU YINFU DUI AIZIBING BINGDU GANRANZHE HE AIZIBING BINGREN GUANLI YIJIAN DE TONGZHI [NOTICE ON THE ADMINISTRATION OF HIV POSITIVE PEOPLE AND PATIENTS], Wei Ji Kong Fa [Department of Infectious Disease Control Notice] No. 164, arts. 1(3), 3(3) (1999) (translation by Center for Reproductive Rights) [hereinafter on THE ADMINISTRATION OF HIV POSITIVE PEOPLE AND PATIENTS].
288. Wen JiaBao, *supra* note 48, § 5(1) ¶ 4.
289. *Id.*; INFORMATION OFFICE OF THE STATE COUNCIL, GOVERNMENT OF THE P.R.C., INTRODUCTION ABOUT THE SYSTEM OF SOCIAL SUPPORT FOR SOME RURAL FAMILIES PRACTICING FAMILY PLANNING (2005), <http://www.npffc.gov.cn/en/en2005-06/enews20050314-2.htm>; Pan Guiyu, Speech at the Press Conference on the System of Social Support for Some Rural Families Practicing Family Planning (June 9, 2005) (transcript available at <http://www.npffc.gov.cn/en/en2005-06/enews20050614.htm>) (Mime. Pan is the Minister of that NPFFC) (program expansion to cover 23 provinces, autonomous regions and municipalities, 12 counties in Tibet Autonomous Region, 22 counties in Shandong Province, providing benefits for 1.35 million people).
290. MINISTRY OF HEALTH, YEAR 2005 HEALTH WORK ESSENTIAL POINTS, *supra* note 179, art. 5.
291. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 35 (2001) (effective Sept. 1, 2002); Jihua Shengyu Jishu Fuwu Guanli Tiaoli [Regulations for the Management of Family Planning Technical Services], art. 18 (2001), *amended* by State Council Order No. 428 (2004) (translation by Center for Reproductive Rights); Chanqian Zhenduan Jishu Guanli Banfa [Measures for the Management of Prenatal Diagnostic Technology], Ministry of Health Order No. 33, art. 27 (2002) (effective May 1, 2003) (sex-determination may be necessary to detect sex-related genetic disease) (translation by Center for Reproductive Rights); Guanyu Jinzhi Fei Yixue Xuyao De Taier Xingbie Jianding He Xuanze Xingbie De Rengong Zhongzhi Renshen De Guiding [Regulation Prohibiting Non–Medically Necessary Sex–Determinations and Sex–Selective Abortions], art. 6 (2002) (effective Jan. 1, 2003) (medically necessary sex-determinations may only be conducted upon verification of medical condition by local family planning department and permission from provincial population and family planning department) (translation by Center for Reproductive Rights).
292. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 35 (2001) (effective Sept. 1, 2002); Jihua Shengyu Jishu Fuwu Guanli Tiaoli [Regulations for the Management of Family Planning Technical Services], art. 18 (2001), *amended* by State Council Order No. 428 (2004) (translation by Center for Reproductive Rights); Chanqian Zhenduan Jishu Guanli Banfa [Measures for the Management of Prenatal Diagnostic Technology], Ministry of Health Order No. 33, art. 27 (2002) (effective May 1, 2003) (translation by Center for Reproductive Rights).
293. *Hospitals Provide Assisted Reproductive Technology Services*, XINHUA NEWS AGENCY (China), Apr. 2, 2003, <http://www.china.org.cn/english/China/60817.htm> (referring to figures from Ministry of Health).
294. Renlei Fuzhu Shengzhi Jishu Guifan [Standards for Assisted Reproductive Technologies], sec. 1 (2001), *amended* by Ministry of Health Order No. 176 (2003) (also intracytoplasmic sperm injection, preimplantation genetic diagnosis and donation of sperm or embryos) (translation by Center for Reproductive Rights); Renlei Fuzhu Shengzhi Jishu Guanli Banfa [Measures for the Management of Assisted Reproductive Technologies], State Council Order No. 14, art. 1 (2001) (amended 2003) (translation by Center for Reproductive Rights).
295. MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., WEISHENGBU GUANYU PIZHUN DE KEYI FAZHAN RENLEI FUZHU SHENGZHI JISHU HE SHEBEI RENLEI JINGZIKU DE JIGOU MINGDAN [LIST OF ORGANIZATIONS APPROVED FOR DEVELOPMENT OF ASSISTED REPRODUCTIVE TECHNOLOGIES OR ESTABLISHMENT OF SPERM BANKS] (2005), http://www.moh.gov.cn/public/open.aspx?n_id=10019 (translation by Center for Reproductive Rights).
296. Renlei Fuzhu Shengzhi Jishu Guifan [Standards for Assisted Reproductive Technology] (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights); Shishi Renlei Fuzhu Shengzhi Jishu De Lunli Yuanze [Ethical Principles of Assisted Reproductive Technology] (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights); Renlei Fuzhu Shengzhi Jishu Guanli Banfa [Measures for the Management of Assisted Reproductive Technology], State Council Order No. 14, art. 3 (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights).
297. Renlei Fuzhu Shengzhi Jishu Guifan [Standards for Assisted Reproductive Technology], arts. 1(3)(1)(1)–(2) (2001), 2(3)(1)(1)–(2), *amended* by Ministry of Health Order No. 176 (2003) (conditions eligible to receive artificial, intravaginal, intracervical, intrauterine or intratubal insemination and conditions eligible for intracytoplasmic sperm injection, preimplantation genetic diagnosis, receive sperm/embryo donation) (translation by Center for Reproductive Rights).
298. Shishi Renlei Fuzhu Shengzhi Jishu De Lunli Yuanze [Ethical Principles of Assisted Reproductive Technology], art. 4 (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights).
299. Renlei Fuzhu Shengzhi Jishu Guanli Banfa [Measures for the Management of Assisted Reproductive Technology], State Council Order No. 14, art. 22(2) (2001), *amended* by Ministry of Health Order No. 176 (2003) (punishable by a maximum fine of

- CNY 3000, administrative or criminal penalties) (translation by Center for Reproductive Rights); Shishi Renlei Fuzhu Shengzhi Jishu De Lunli Yuanze [Ethical Principles of Assisted Reproductive Technology], art. 5 (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights); Renlei Fuzhu Shengzhi Jishu Guifan [Standards for Assisted Reproductive Technology], sec. 3(7) (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights).
300. Shishi Renlei Fuzhu Shengzhi Jishu De Lunli Yuanze [Ethical Principles of Assisted Reproductive Technology], art. 5 (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights); Renlei Fuzhu Shengzhi Jishu Guanli Banfa [Measures for the Management of Assisted Reproduction Technology], State Council Order No. 14, art. 22(1) (2001) (*amended* 2003) (translation by Center for Reproductive Rights).
301. Shishi Renlei Fuzhu Shengzhi Jishu De Lunli Yuanze [Ethical Principles of Assisted Reproductive Technology], art. 1 (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights); Renlei Fuzhu Shengzhi Jishu Guanli Banfa [Measures for the Management of Assisted Reproduction Technology], State Council Order No. 14, art. 14 (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights); Renlei Fuzhu Shengzhi Jishu Guifan [Standards for Assisted Reproductive Technology], secs. 1(2)(1), 3(1), (4) (2001), *amended* by Ministry of Health Order No. 176 (2003) (national and local permits for sperm banks) (translation by Center for Reproductive Rights).
302. Renlei Fuzhu Shengzhi Jishu Guifan [Standards for Assisted Reproductive Technology], secs. 3(5), (8) (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights); Renlei Jingziku Jishu Guifan [Standards for Sperm Banks], sec. 3(4) (2001).
303. Renlei Jingziku Jishu Guifan [Standards for Sperm Banks], sec. 3(4) (2001); Shishi Renlei Fuzhu Shengzhi Jishu De Lunli Yuanze [Ethical Principles of Assisted Reproductive Technology], art. 4 (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights); Renlei Fuzhu Shengzhi Jishu Guanli Banfa [Measures for the Management of Assisted Reproduction Technology], State Council Order No. 14, art. 22(4) (2001), *amended* by Ministry of Health Order No. 176 (2003) (punishable by a maximum fine of CNY 3000, administrative or criminal penalties) (translation by Center for Reproductive Rights).
304. Renlei Fuzhu Shengzhi Jishu Guanli Banfa [Measures for the Management of Assisted Reproduction Technology], State Council Order No. 14, art. 22 (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights).
305. *Id.* arts. 3, 8–12 (MOH issues ART permits to qualified facilities); Renlei Fuzhu Shengzhi Jishu Guifan [Standards for Assisted Reproductive Technology], secs. 1(1)(1)(2)–(3), 1(2)(2) (2001), *amended* by Ministry of Health Order No. 176 (2003) (specific national and local permits required for sperm banks) (translation by Center for Reproductive Rights).
306. Renlei Fuzhu Shengzhi Jishu Guanli Banfa [Measures for the Management of Assisted Reproduction Technology], State Council Order No. 14, arts. 21–22 (2001), *amended* by Ministry of Health Order No. 176 (2003) (translation by Center for Reproductive Rights).
307. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, arts. 7–13 (1994) (effective June 1, 1995); Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, arts. 3(2), 9, 14 (2001) (couples “should” go for premarital health exams in regions implementing them) (translation by Center for Reproductive Rights); Hunqian Baojian Gongzuo Guifan (Xiuding) [Standards for Premarital Health-Care Work (Revised)], Wei Ji Fu Fa [MOH Department of Maternal and Infant Health-Care Notice] No. 147, sec. 1(1)(2) (2002) (translation by Center for Reproductive Rights).
308. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 10 (1994) (effective June 1, 1995); Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, arts. 3(2), 9–16 (2001) (translation by Center for Reproductive Rights); Hunqian Baojian Gongzuo Guifan (Xiuding) [Standards for Premarital Health-Care Work (Revised)], Wei Ji Fu Fa [MOH Department of Maternal and Infant Health-Care Notice] No. 147, sec. 1(1)(2) (2002) (translation by Center for Reproductive Rights); Xiao Shitan, *Pre-marital Medical Exams Only for Giving “Suggestions”?*, JIANGNAN TIMES (China), Apr. 13, 2003, <http://www.china-aids.org/english/News/News055.htm>.
309. Hunyin Dengji Tiaoli [Regulation on Marriage Registration], State Council Order No. 387 (2003) (translation by Center for Reproductive Rights); Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, arts. 10, 16 (2001) (couples “should” go for premarital exams and marriage registration offices “should” inspect the couple’s premarital certificates in regions implementing premarital exams).
310. *See e.g.* HANGZHOU CITY’S PEOPLE’S GOVERNMENT, REGULATIONS ON MARRIAGE REGISTRATION, <http://english.hangzhou.gov.cn/english/Citizens/Marriage/userobject8ai2l.html> (last visited July 1, 2005).
311. MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., WEISHENGBU GUANYU MIANFEI FAZHAN HUNQIAN BAOJIAN ZIXUN HE ZHIDAO DE TONGZHI [NOTICE CONCERNING DEVELOPMENT OF FREE PREMARITAL HEALTH CARE CONSULTATION AND GUIDANCE] (2004), http://www.moh.gov.cn/public/open.aspx?n_id=8338 (translation by Center for Reproductive Rights).
312. *Id.*; Hunyin Dengji Tiaoli [Regulation on Marriage Registration], State Council Order No. 387 (2003) (translation by Center for Reproductive Rights); *See* NATIONAL ACTION PLAN FOR RAISING QUALITY OF BIRTH POPULATION AND REDUCING BIRTH DEFECTS (2002–2010), *supra* note 180, § 4(3)(1)(1). NATIONAL PLAN FOR THE DEVELOPMENT OF CHINESE CHILDREN (2001–2010), *supra* note 180, § 1(1)(1) (goals of the Plan include premarital health exams for 80% of premarital couples in urban areas, and 50% in rural areas).
313. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, arts. 9–10 (1994) (effective June 1, 1995).
314. Hunqian Baojian Gongzuo Guifan (Xiuding) [Standards for Premarital Health-Care Work (Revised)], Wei Ji Fu Fa [MOH Department of Maternal and Infant Health-Care Notice] No. 147, sec. 1(1)(4)(1)–(2) (2002) (translation by Center for Reproductive Rights).
315. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 10 (1994) (effective June 1, 1995).
316. Hunqian Baojian Gongzuo Guifan (Xiuding) [Standards for Premarital Health-Care Work (Revised)], Wei Ji Fu Fa [MOH Department of Maternal and Infant Health-Care Notice] No. 147, sec. 1(1)(4)(3) (2002) (translation by Center for Reproductive Rights).
317. *Id.*
318. *Id.* sec. 1(3).
319. *Id.*; Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 11 (1994) (effective June 1, 1995).
320. Hunqian Baojian Gongzuo Guifan (Xiuding) [Standards for Premarital Health-Care Work (Revised)], Wei Ji Fu Fa [MOH Department of Maternal and Infant Health-Care Notice] No. 147, sec. 1(3) (2002) (translation by Center for Reproductive Rights).
321. *Id.* sec. 1(3).
322. XIANFA [CONSTITUTION], art. 49 (2004) (“... husband and wife have the duty to practice family planning.”)
323. Marriage Law of the P.R.C., art. 16 (2001).
324. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, arts. 30–31, 33–34 (2001) (effective Sept. 1, 2002).
325. Jihua Shengyu Jishu Fuwu Guanli Tiaoli [Regulations for the Management of Family Planning Technical Services], arts. 1, 5 (2001), *amended* by State Council Order No. 428 (2004) (translation by Center for Reproductive Rights).
326. *Id.* arts. 1, 3.
327. *Id.* arts. 7(1)–(3), 8(1)–(4), 9(1)–(4).
328. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, arts. 10, 12, 18 (2001) (effective Sept. 1, 2002).
329. *Id.* arts. 2, 18.
330. *See* HUBEI PROVINCIAL PEOPLE’S CONGRESS, HUBEISHENG RENKOU YU JIHUASHENGYU TIAOLI [HUBEI PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 19 (2003) (translation by Center for Reproductive Rights).
331. *Id.* art. 23; LIAONING PEOPLE’S CONGRESS, LIAONINGSHENG RENKOU YU JIHUASHENGYU TIAOLI [LIAONING PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 17 (2004) (translation by Center for Reproductive Rights); TIANJIN PROVINCIAL PEOPLE’S CONGRESS, TIANJINSHENG RENKOU YU JIHUASHENGYU TIAOLI [TIANJIN PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 20 (2003) (translation by Center for Reproductive Rights).
332. HUBEI PROVINCIAL PEOPLE’S CONGRESS, HUBEISHENG RENKOU YU JIHUASHENGYU TIAOLI [HUBEI PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 29 (2003) (translation by Center for Reproductive Rights); LIAONING PEOPLE’S CONGRESS, LIAONINGSHENG RENKOU YU JIHUASHENGYU TIAOLI [LIAONING PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 25 (2004) (translation by Center for Reproductive Rights).
333. LIAONING PEOPLE’S CONGRESS, LIAONINGSHENG RENKOU YU JIHUASHENGYU TIAOLI [LIAONING PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 25 (2004) (translation by Center for Reproductive Rights).
334. SHANGHAI MUNICIPAL PEOPLE’S CONGRESS, SHANGHAISHI RENKOU YU JIHUASHENGYU TIAOLI [SHANGHAI MUNICIPAL POPULATION AND FAMILY PLANNING REGULATIONS], arts. 43(1)–(3) (2003) (translation by Center for Reproductive Rights). Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renmenbi*). *See* INTERNATIONAL MONETARY FUND, *supra* note 197.
335. SHANGHAI MUNICIPAL PEOPLE’S CONGRESS, SHANGHAISHI RENKOU YU JIHUASHENGYU TIAOLI [SHANGHAI MUNICIPAL POPULATION AND FAMILY PLANNING REGULATIONS], arts. 43(1)–(3) (2003) (translation by Center for Reproductive Rights); BEIJING MUNICIPAL PEOPLE’S CONGRESS, BEIJINGSHI RENKOU YU JIHUASHENGYU TIAOLI [BEIJING MUNICIPAL POPULATION AND FAMILY PLANNING REGULATIONS], arts. 38–40 (2003) (only applicable to civil servants and employees of state-owned enterprises) (translation by Center for Reproductive Rights).
336. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 21 (2001) (effective Sept. 1, 2002). *See* SHANGHAI MUNICIPAL PEOPLE’S CONGRESS, SHANGHAISHI RENKOU YU JIHUASHENGYU TIAOLI [SHANGHAI MUNICIPAL POPULATION AND FAMILY PLANNING REGULATIONS], arts. 36–41 (2003) (translation by Center for Reproductive Rights); BEIJING MUNICIPAL PEOPLE’S CONGRESS, BEIJINGSHI RENKOU YU JIHUASHENGYU TIAOLI [BEIJING MUNICIPAL POPULATION AND FAMILY PLANNING REGULATIONS], arts. 21(1)–(6) (2003) (translation by Center for Reproductive Rights); TIANJIN PROVINCIAL PEOPLE’S CONGRESS, TIANJINSHENG RENKOU YU JIHUASHENGYU TIAOLI [TIANJIN PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 24 (2003) (translation by Center for Reproductive Rights); HUBEI PROVINCIAL

- PEOPLE'S CONGRESS, HUBEISHENG RENKOU YU JIHUASHENGYU TIAOLI [HUBEI PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 29 (2003) (translation by Center for Reproductive Rights).
337. HUBEI PROVINCIAL PEOPLE'S CONGRESS, HUBEISHENG RENKOU YU JIHUASHENGYU TIAOLI [HUBEI PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], arts. 30, 34–36 (2003) (translation by Center for Reproductive Rights).
338. NATIONAL POPULATION AND FAMILY PLANNING COMMISSION OF CHINA (NPFPC), GOVERNMENT OF THE P.R.C., PROJECT INITIATIVES: QUALITY OF CARE OF REPRODUCTIVE HEALTH IN CHINA TODAY, <http://www.npfpc.gov.cn/en/rhpro.htm> (last visited Feb. 9, 2005) [hereinafter NPFPC, PROJECT INITIATIVES]. Until 2002, the NPFPC was known as the State Family Planning Commission (SFPC).
339. *Id.*
340. *Id.*
341. *Id.*; Zhang Weiqing, Address at the Fifth Asian Pacific Population Conference (Dec. 16, 2002) (Mr. Zhang is the Minister of Health of the P.R.C.) (transcript available at <http://www.cpicr.org.cn/en/enews20021225-1.htm>).
342. NPFPC, PROJECT INITIATIVES, *supra* note 338.
343. DEPARTMENT OF PLANNING AND ACCOUNTING, NATIONAL POPULATION AND FAMILY PLANNING COMMISSION OF CHINA (NPFPC), NATIONAL POPULATION AND REPRODUCTIVE HEALTH SURVEY (2001), § 3 (2002) [hereinafter NATIONAL FAMILY PLANNING AND REPRODUCTIVE HEALTH SURVEY (2001)].
344. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 19 (2001) (effective Sept. 1, 2002).
345. *Id.* art. 20.
346. Glasier, A. et al., *Case Studies in Emergency Contraception from Six Countries*, 22 INT'L FAMILY PLANNING PERSPECTIVES 57–61 (1996). See also NATIONAL POPULATION AND FAMILY PLANNING COMMISSION OF CHINA (NPFPC), GOVERNMENT OF THE P.R.C., MAIN ACHIEVEMENTS OF POPULATION AND FAMILY PLANNING PROGRAM OF CHINA, <http://www.npfpc.gov.cn/en/fpcn01-en.htm> (last visited June 12, 2005) [hereinafter NPFPC, MAIN ACHIEVEMENTS].
347. INTERNATIONAL CONSORTIUM FOR EMERGENCY CONTRACEPTION, DEDICATED EMERGENCY CONTRACEPTION PRODUCTS WORLDWIDE, <http://www.cccinfo.org/html/res-product-issues.htm#table1> (last updated Feb. 14, 2005).
348. CHINA POPULATION INFORMATION AND RESEARCH CENTER, CHINA/UNFPA: REPRODUCTIVE HEALTH/FAMILY PLANNING END OF PROJECT – WOMEN SURVEY REPORT 16 (2004).
349. NATIONAL POPULATION AND FAMILY PLANNING COMMISSION OF CHINA (NPFPC), GOVERNMENT OF THE P.R.C., PROGRESS SINCE THE ICPD, <http://www.npfpc.gov.cn/en/fpcn02-en.htm> (last visited April 15, 2005) [hereinafter NPFPC, PROGRESS SINCE THE ICPD]. See CHINA POPULATION INFORMATION AND RESEARCH CENTER, *supra* note 348, at 13–16.
350. CHINA POPULATION INFORMATION AND RESEARCH CENTER, *supra* note 348, at 16.
351. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 13 (2001) (effective Sept. 1, 2002).
352. STATE ADMINISTRATION FOR INDUSTRY AND COMMERCE, GOVERNMENT OF THE P.R.C., GUANYU YINJIN KANBO YOU GUAN XINGSHENGHUO CHANPIN GUANGGUO DE GUIDING [REGULATIONS ON PROHIBITION AGAINST PUBLISHING OR BROADCASTING ADVERTISEMENTS FOR SEX PRODUCTS] (1989) (translation by Center for Reproductive Rights).
353. STATE ADMINISTRATION FOR INDUSTRY AND COMMERCE, GOVERNMENT OF THE P.R.C., GUANYU FABU YU XINGSHENGHUO YOU GUAN DE CHANPIN HE FUWU GUANGGUO WENTI DE DAAN [CONCERNING THE ANSWER TO THE QUESTION OF ADVERTISEMENTS FOR SEX PRODUCTS AND SERVICES] (1998) (translation by Center for Reproductive Rights).
354. MINISTRY OF HEALTH ET AL., GUANYU YUFANG AIBIBING TUIGUANG SHIYONG ANQUANTAO (BIYUNTAO) DE SHISHI YIJIAN [SUGGESTIONS CONCERNING HIV PREVENTION BY PROMOTION OF CONDOM USE], Wei Ji Kong Fa [MOH Department of Infectious Disease Control Notice] No. 248, § 3(1) (2004) (translation by Center for Reproductive Rights) [hereinafter MINISTRY OF HEALTH, SUGGESTIONS CONCERNING HIV PREVENTION BY PROMOTION OF CONDOM USE].
355. Jihua Shengyu Jishu Fuwu Guanli Tiaoli [Regulations for the Management of Family Planning Technical Services], arts. 7(1)–(3), 8(1)–(4), 9(1)–(4) (2001), *amended by* State Council Order No. 428 (2004) (translation by Center for Reproductive Rights).
356. NPFPC, PROGRESS SINCE THE ICPD, *supra* note 349 (referring to figures from the NPFPC/CPDRC, Handbook of Commonly Used Data on Population and Family Planning, 2003).
357. NPFPC, PROJECT INITIATIVES, *supra* note 338.
358. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 19 (1994) (effective June 1, 1995).
359. *Id.*; Jihua Shengyu Jishu Fuwu Guanli Tiaoli [Regulations for the Management of Family Planning Technical Services], art. 17 (2001), *amended by* State Council Order No. 428 (2004) (consent of person undergoing sterilization required) (translation by Center for Reproductive Rights).
360. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 34 (2001) (effective Sept. 1, 2002).
361. See *Id.* arts. 4, 36 (family planning personnel “shall perform their . . . duties strictly in accordance with law, and enforce the law in a civil manner, and they may not infringe upon legitimate rights and interests of citizens”) (criminal liability or administrative penalty for state functionaries who “infringes on citizens’ personal rights . . . abuse his power . . .”); Jihua Shengyu Jishu Fuwu Guanli Tiaoli [Regulations for the Management of Family Planning Technical Services], art. 17 (2001), *amended by* State Council Order No. 428 (2004) (consent of person undergoing sterilization required) (translation by Center for Reproductive Rights).
362. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2004: CHINA (2005), <http://www.state.gov/g/drl/rs/hrrpt/2004/41640.htm> (Released Feb. 28, 2005) [hereinafter COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2004: CHINA].
363. *Id.*
364. Jihua Shengyu Jishu Fuwu Guanli Tiaoli [Regulations for the Management of Family Planning Technical Services], art. 3 (2001), *amended by* State Council Order No. 428 (2004) (translation by Center for Reproductive Rights).
365. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 41 (2001) (effective Sept. 1, 2002); LIAONING PEOPLE'S CONGRESS, LIAONINGSHENG RENKOU YU JIHUASHENGYU TIAOLI [LIAONING PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 45 (2004) (translation by Center for Reproductive Rights); BEIJING PROVINCIAL PEOPLE'S GOVERNMENT, [BEIJINGSHI SHEHUI FUYANG FEI ZHENGSHOU GUANLI BANFA [BEIJING PROVINCE MEASURES ON THE ADMINISTRATION OF SOCIAL COMPENSATION FEES COLLECTION], art. 5 (2002) (translation by Center for Reproductive Rights).
366. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 25 (2001) (effective Sept. 1, 2002).
367. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 10 (1994) (effective June 1, 1995).
368. NPFPC, MAIN ACHIEVEMENTS, *supra* note 346.
369. *Id.*; NPFPC, PROJECT INITIATIVES, *supra* note 338.
370. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 19 (2001) (effective Sept. 2002).
371. *Women's Rights and China's New Family Planning Law: Roundtable before the Congressional-Executive Commission on China*, 107th Cong. Sess. 2, at 36 (2002) (prepared statement of Robert Aird, former chief, China Branch and senior research specialist on China, U.S. Bureau of the Census).
372. *Id.* at 37 (prepared statement of Robert Aird, former chief, China Branch and senior research specialist on China, U.S. Bureau of the Census); Nancy E. Riley, *China's Population: New Trends and Challenges*, 59 POPULATION BULL. 12–13 (2004) (the shift in policy was announced in the 1984 “Document No. 7”).
373. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 19 (2001) (effective Sept. 2002).
374. *Id.* art. 21; HUBEI PROVINCIAL PEOPLE'S CONGRESS, HUBEISHENG RENKOU YU JIHUASHENGYU TIAOLI [HUBEI PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 31 (2003) (translation by Center for Reproductive Rights).
375. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, arts. 23, 27 (2001) (effective Sept. 2002); NATIONAL FAMILY PLANNING AND REPRODUCTIVE HEALTH SURVEY (2001), *supra* note 343, § 7; U.S. DEPARTMENT OF JUSTICE, U.S. GOVERNMENT, PERSPECTIVE SERIES: CHINESE STATE BIRTH PLANNING IN THE 1990S AND BEYOND 12–13 (2001), <http://uscis.gov/graphics/services/asylum/ric/documentation/pschn01001.pdf> [hereinafter CHINESE STATE BIRTH PLANNING IN THE 1990S AND BEYOND].
376. Xu Qian et al., *Unintended Pregnancy and Induced Abortion Among Unmarried Women in China: A Systematic Review*, 4 BIO MED CENTRAL HEALTH SERVICES RESEARCH (2004), <http://www.biomedcentral.com/1472-6963/4/1>; UNDP/UNFPA/WHO/WORLD BANK SPECIAL PROGRAMME OF RESEARCH, DEVELOPMENT AND RESEARCH TRAINING IN HUMAN REPRODUCTION (HRP), YOUNG FEMALE MIGRANT WORKERS IN CHINA IN NEED OF REPRODUCTIVE HEALTH AND SERVICES (Social Science Research Policy Briefs, Series 2, No. 2, 2002) (migrant workers are not registered residents and therefore ineligible to receive public health and welfare benefits).
377. CEDAW Committee, *Third and fourth periodic reports of State parties: China*, *supra* note 150, Part I, ¶ 12.
378. CHINA FAMILY PLANNING ASSOCIATION (CFPA), ZIEHUI ZIYUAN [ASSOCIATION RESOURCES], <http://www.chinafpa.org.cn/xhjs05.asp> (last visited June 30, 2005) (translation by the Center for Reproductive Rights) [hereinafter CFPA RESOURCES].
379. *Id.*
380. *Id.*; CHINA FAMILY PLANNING ASSOCIATION (CFPA), ZHONGGUO JIHUA SHENGYU ZIEHUI FAZHAN ZHANLUE [CFPA DEVELOPMENT STRATEGY (1996–2010)], <http://www.chinafpa.org.cn/xhjs03.asp> (last visited June 30, 2005) (translation by Center for Reproductive Rights) [hereinafter CFPA DEVELOPMENT STRATEGY (1996–2010)].
381. CHINA FAMILY PLANNING ASSOCIATION (CFPA), SHENGZHJI JIANKANG XIWU FUWU ZHONGXIN [REPRODUCTIVE HEALTH CONSULTATION SERVICE CENTERS], <http://www.chinafpa.org.cn/szjk01.asp> (last visited June 30, 2005) (translation by the Center for Reproductive Rights).
382. GOVERNMENT OF THE P.R.C., NATIONAL REPORT OF THE P.R.C. TO THE FIFTH ASIAN AND PACIFIC POPULATION CONFERENCE 32 (2002) [hereinafter NATIONAL REPORT OF THE P.R.C. TO THE FIFTH ASIAN AND PACIFIC POPULATION CONFERENCE]; NPFPC, PROGRESS SINCE THE ICPD, *supra* note 349.
383. CFPA DEVELOPMENT STRATEGY (1996–2010), *supra* note 380.
384. *Id.*
385. CHINESE WOMEN WORKING NETWORK, PROJECTS IN CHINA, http://www.cwwn.org/eng/eng_main.html (last visited June 30, 2005).
386. Xu Qian et al., *supra* note 376; MINISTRY OF HEALTH, SUGGESTIONS CONCERNING HIV PREVENTION BY PROMOTION OF CONDOM USE, *supra* note 354, § 3(1).
387. MINISTRY OF HEALTH, SUGGESTIONS CONCERNING HIV PREVENTION BY PROMOTION

- OF CONDOM USE, *supra* note 354, § 3(1); *China to Issue Condoms Nationwide*, CHINA RADIO INTERNATIONAL, July 30, 2005, http://english1.people.com.cn/200407/30/print20040730_151381.html.
388. RED CROSS SOCIETY OF CHINA, SERVICES, http://www.chineseredcross.org.cn/hhsy/hhsy_scfw.htm (last visited July 1, 2005); POPULATION SERVICES INTERNATIONAL, COUNTRY PROGRAMS: CHINA (2005), http://www.psi.org/where_we_work/china.html (last updated May 26, 2005).
389. REGIONAL OFFICE OF THE WESTERN PACIFIC, WORLD HEALTH ORGANIZATION, COUNTRY HEALTH INFORMATION PROFILE: CHINA (1999); COUNTRY PROGRAMME OUTLINE FOR CHINA, *supra* note 212, para. 4; REGIONAL OFFICE FOR THE WESTERN PACIFIC, WORLD HEALTH ORGANIZATION, COUNTRY HEALTH INFORMATION PROFILE 2004: CHINA 58 (2004) (referring to figures furnished by the Ministry of Health on Oct. 9, 2003) [hereinafter WHO COUNTRY HEALTH PROFILE 2004: CHINA]; NPFPC, MAIN ACHIEVEMENTS, *supra* note 346.
390. WHO COUNTRY HEALTH PROFILE 2004: CHINA, *supra* note 389, at 59 (including pregnancy, childbirth and puerperium causes) (referring to figures furnished by the Ministry of Health on Oct. 9, 2003); CHINA STATISTICAL YEARBOOK 2003, *supra* note 134, ch. 21-43, at 810, ch. 21-44, at 811 (tenth cause of death of women in urban areas and ninth cause of death of women in rural areas in 2002).
391. MINISTRY OF HEALTH ET AL., GUANYU BIAOZHANG "JIANGDI YUNCHANFU SIWANGLU HE XIAOCHU XINSHENGER POSHANGFENG" XIANGMU GONGZUO XIANJIN JITI HE XIANJIN GEREN DE JUEDING [DECISION CONCERNING RECOGNITION OF EXCELLENCE OF ORGANIZATIONS AND PERSONS IN IMPLEMENTING THE "SAFE MOTHERHOOD PROGRAM TO DECREASE MATERNAL MORTALITY AND NEONATAL TETANUS"], Wei Ji Fu Fa [Department of Maternal and Infant Health Care Notice] No. 80 (Mar. 15, 2004) (translation by Center for Reproductive Rights) [hereinafter NOTICE ON RECOGNITION OF EXCELLENCE IN IMPLEMENTING THE SAFE MOTHERHOOD PROGRAM]; MILLENNIUM DEVELOPMENT GOALS: CHINA'S PROGRESS, *supra* note 174, at 24; MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., WEISHENGBU GUANYU RENZHEN ZUOHAO JIANXIAO XIANGMU GONGZUO DE TONGZHI [CONCERNING SERIOUS IMPLEMENTATION OF THE SAFE MOTHERHOOD PROGRAM], Wei Fu She Fa [Department of Maternal and Infant Health-Care Notice] No. 9 (2005) (program coverage currently spans 22 provinces, municipalities, and autonomous regions, over 1000 counties and covers about 3 hundred million Chinese citizens) (translation by Center for Reproductive Rights) [hereinafter NOTICE CONCERNING SERIOUS IMPLEMENTATION OF THE SAFE MOTHERHOOD PROGRAM].
392. NOTICE CONCERNING SERIOUS IMPLEMENTATION OF THE SAFE MOTHERHOOD PROGRAM, *supra* note 391, §§ 3(1), (3); THE WORLD BANK, CHINA COMPREHENSIVE MATERNAL AND CHILD HEALTH PROJECT (HEALTH VI), IMPLEMENTATION COMPLETION REPORT 26-27, 30 (2003), http://www-wds.worldbank.org/servlet/WDSContentServer/WDPSP/IB/2003/03/22/000094946_030311102363/Rendered/PDF/multi0page.pdf [hereinafter THE WORLD BANK, COMPREHENSIVE MATERNAL AND CHILD HEALTH PROJECT REPORT].
393. CEDAW Committee, *Third and fourth periodic reports of State parties: China*, *supra* note 150, Part I, ¶ 11; STATE COUNCIL, GOVERNMENT OF THE P.R.C., TENTH FIVE-YEAR PLAN FOR NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT (2001-2005) (2001), http://www.logos-net.net/ilo/150_base/en/init/chn_1.htm [hereinafter TENTH FIVE-YEAR PLAN FOR NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT (2001-2005)]; NATIONAL PLAN FOR THE DEVELOPMENT OF CHINESE WOMEN (2001-2010), *supra* note 181; NATIONAL PLAN FOR THE DEVELOPMENT OF CHINESE CHILDREN (2001-2010), *supra* note 180.
394. THE WORLD BANK, CHINA COMPREHENSIVE MATERNAL AND CHILD HEALTH PROJECT REPORT, *supra* note 392, at 26, 28; CEDAW Committee, *Third and fourth periodic reports of State parties: China*, *supra* note 150, Part I, ¶ 12.
395. CEDAW Committee, *Third and fourth periodic reports of State parties: China*, *supra* note 150, Part II, art. 12, para. 1.1.
396. MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., JICENT WEISHENG FUYOU BAOJIAN SI ZHINENG PEIZHI HE NISHE JIGOU [PRIMARY LEVEL HEALTH AND MATERNAL AND INFANT HEALTH-CARE EQUIPMENT AND INTERNAL ORGANIZATION], secs. I(1), (5)-(7), (9)-(13), II(4)(1)-(9), II(5)(1)-(8) (2001), <http://61.49.18.68/zjgyzz/1200207160015.htm> (last visited Mar. 28, 2005) [hereinafter MATERNAL AND INFANT HEALTH-CARE DEPARTMENT ORGANIZATION]; MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., FUYOU BAOJIAN YU SHEQU WEISHENG SI: ZHUYAO ZHINENG [DEPARTMENT OF MATERNAL AND INFANT HEALTH-CARE AND COMMUNITY HEALTH: MAIN OBJECTIVES] (2004), <http://www.moh.gov.cn/public/open.aspx?id=7576> (last visited Mar. 28, 2005).
397. MATERNAL AND INFANT HEALTH-CARE DEPARTMENT ORGANIZATION, *supra* note 396, secs. II(1), (4)-(5).
398. *Id.* sec. II(4)(7).
399. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 15 (1994) (effective June 1, 1995); Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, art. 19 (2001) (translation by Center for Reproductive Rights).
400. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 16 (1994) (effective June 1, 1995); Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, art. 17 (2001) (translation by Center for Reproductive Rights).
401. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 17 (1994) (effective June 1, 1995). Changan Zhenduan Jishu Guanli Banfa [Measures for the Management of Prenatal Diagnostic Technology], Ministry of Health Order No. 33 (2002) (effective May 1, 2003) (translation by Center for Reproductive Rights).
402. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 18 (1994) (effective June 1, 1995).
403. Changan Zhenduan Jishu Guanli Banfa [Measures for the Management of Prenatal Diagnostic Technology], Ministry of Health Order No. 33, art. 19(1)-(4) (2002) (effective May 1, 2003) (translation by Center for Reproductive Rights); Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 18 (1994) (effective June 1, 1995).
404. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 20 (1994) (effective June 1, 1995).
405. Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, art. 24 (2001) (translation by Center for Reproductive Rights); CONCERNING SERIOUS IMPLEMENTATION OF THE SAFE MOTHERHOOD PROGRAM, *supra* note 391, § 3(1).
406. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 22 (1994) (effective June 1, 1995); Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, art. 24 (2001) (translation by Center for Reproductive Rights).
407. Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, art. 24 (2001) (translation by Center for Reproductive Rights).
408. MATERNAL AND INFANT HEALTH-CARE DEPARTMENT ORGANIZATION, *supra* note 396, sec. II(4)(1).
409. Muying Baojian Zhuaxiang Jishu Jiben Biaozhun [Basic Standards for Specialty Maternal and Infant Health-Care Technical Services], Ministry of Health Order of Aug. 7, 1995, secs. 1-3 (1995) (translation by Center for Reproductive Rights); Muying Baojian Zhuaxiang Jishu Fuwu Xuke Ji Renyuan Zige Guanli Banfa [Measures for the Management of Maternal and Infant Health-Care Specialty Technical Service Permits and Personnel Qualifications], Ministry of Health Order of Aug. 7, 1995 (1995) (translation by Center for Reproductive Rights); Muying Baojian Yixue Jishu Jianding Guanli Banfa [Measures for the Management of Maternal and Infant Health-Care Medical Technology Appraisals], Ministry of Health Order of Aug. 7, 1995 (1995) (translation by Center for Reproductive Rights); Hunqian Baojian Gongzuo Guifan (Xiuding) [Standards for Premarital Health-Care Work (Revised)], Wei Ji Fu Fa [Ministry of Health Department of Maternal and Infant Health-Care Notice] No. 147, sec. 2(1)(1) (2002) (translation by Center for Reproductive Rights).
410. INFORMATION CENTER OF THE STATE COUNCIL, CHINA'S HUMAN RIGHTS PROGRESS 2003, ch. 5 (Mar. 2004), <http://www.china.org.cn/e-white/20040330/index.htm> [hereinafter CHINA'S HUMAN RIGHTS PROGRESS 2003].
411. NATIONAL PLAN FOR THE DEVELOPMENT OF RURAL PRIMARY HEALTH-CARE (2001-2010), *supra* note 180, arts. 1, 2(3).
412. NATIONAL PLAN FOR THE DEVELOPMENT OF CHINESE WOMEN (2001-2010), *supra* note 181, § 4(2)(2).
413. *Qinghai Offers Free Midwifery Service for Peasant, Herder Women*, XINHUA NEWS AGENCY (China), Nov. 1, 2004, http://english.peopledaily.com.cn/200411/01/print20041101_162365.html.
414. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 7 (1994) (effective June 1, 1995); Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, arts. 9(1)-(6), 10, 13-14 (2001) (translation by Center for Reproductive Rights).
415. Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, art. 17 (2001) (translation by Center for Reproductive Rights); Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 7 (1994) (effective June 1, 1995).
416. NPFPC, MAIN ACHIEVEMENTS, *supra* note 346.
417. NATIONAL FAMILY PLANNING AND REPRODUCTIVE HEALTH SURVEY (2001), *supra* note 343, § 5.
418. NPFPC, MAIN ACHIEVEMENTS, *supra* note 346.
419. *Id.*
420. CFPA RESOURCES, *supra* note 378.
421. CHINA DEVELOPMENT BRIEF, DIRECTORY OF INTERNATIONAL NGOs: ZIGEN FUND, <http://www.chinadevelopmentbrief.com/dingo/entry.asp?mode=toc&start=229&count=25&org=1560&letter=Z> (last visited June 30, 2005); TIBET POVERTY ALLEVIATION FUND, MATERNAL MORTALITY REDUCTION, <http://www.tpaf.org/mortalityreduction.htm> (last visited June 30, 2005); THE TERMA FOUNDATION, HEALTHY MOTHER, HEALTHY BABIES: PRENATAL AND POSTNATAL CARE (2003), <http://www.terma.org/motherchild.html> (last visited June 30, 2005); CHINA DEVELOPMENT BRIEF, DIRECTORY OF INTERNATIONAL NGOs: SWISS RED CROSS, <http://www.chinadevelopmentbrief.com/dingo/entry.asp?mode=toc&start=185&count=25&org=1552&letter=S> (last visited June 30, 2005); PROLITERACY, LITERACY IN ACTION: SPREADING THE LIGHT, INTERNATIONAL PROGRAMS UPDATE 2004-05, at 9 (2004), http://www.proliteracy.org/downloads/IP_04.pdf
422. CHINA DEVELOPMENT BRIEF, DIRECTORY OF INTERNATIONAL NGOs: PLAN, <http://www.chinadevelopmentbrief.com/dingo/entry.asp?mode=toc&start=159&count=25&org=1501&letter=P> (last visited July 1, 2005) [hereinafter PLAN].
423. TIBET POVERTY ALLEVIATION FUND, *supra* note 421.
424. *Id.*
425. THE TERMA FOUNDATION, HEALTHY MOTHER, HEALTHY BABIES: PRENATAL AND

- POSTNATAL CARE (2003), <http://www.terma.org/motherchild.html> (last visited June 30, 2005).
426. PLAN, *supra* note 422; PATH, CHINA ADOLESCENT HEALTH PROJECT, http://www.path.org/projects/china_adolescent_health_project.php (last visited July 1, 2005).
427. HEALTH UNLIMITED, CHINA, <http://www.healthunlimited.org/china/index.htm> (last visited June 29, 2005).
428. *Id.*
429. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, arts. 14, 24 (1994) (effective June 1, 1995).
430. *Id.* art. 14.
431. THE WORLD BANK, CHINA COMPREHENSIVE MATERNAL AND CHILD HEALTH PROJECT REPORT, *supra* note 392, at 28; NOTICE ON RECOGNITION OF EXCELLENCE IN IMPLEMENTING THE SAFE MOTHERHOOD PROGRAM, *supra* note 391.
432. NATIONAL REPORT OF THE P.R.C. TO THE FIFTH ASIAN AND PACIFIC POPULATION CONFERENCE, *supra* note 382, at 6.
433. Henk Bekedam, Address at the Beijing Forum: Diet, Health and Development (Apr. 22, 2005) (transcript available at <http://www.wpro.who.int/chn/news/drbekekdamspeech32.htm>) (referring to findings from the Ministry of Health and the World Health Organization Report "The Vitamin and Mineral Deficiency: A Damage Assessment Report for China"); Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, arts. 28–29 (2001) (e.g., infant formulas must have a label that clearly indicates breast milk is superior to formula, and manufacturers are strictly prohibited from giving promotional goods in terms of sample products, equipment, funding or information to any medical or health facilities) (translation by Center for Reproductive Rights); MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., WEISHENGBU BANGONGTING GUANYU FAZHAN "SHIJI MURU WEIYANG ZHOU" HUODONG DE TONGZHI [NOTICE OF THE MINISTRY OF HEALTH GENERAL OFFICE CONCERNING DEVELOPMENT OF "WORLD BREASTFEEDING WEEK" ACTIVITIES], art. 2 (2002), http://www.moh.gov.cn/public/open.aspx?n_id=2730 (translation by the Center for Reproductive Rights).
434. CHINA POPULATION INFORMATION AND RESEARCH CENTER, *supra* note 348, at 41 (referring to estimates by the NPFPC based on abortion statistics from the Ministry of Health); NATIONAL REPORT OF THE P.R.C. TO THE FIFTH ASIAN AND PACIFIC POPULATION CONFERENCE, *supra* note 382, at 4.
435. UNDP/UNFPA/WHO/WORLD BANK SPECIAL PROGRAMME OF RESEARCH, DEVELOPMENT AND RESEARCH TRAINING IN HUMAN REPRODUCTION (HRP), USE OF EMERGENCY CONTRACEPTIVE PILLS COULD HALVE THE INDUCED ABORTION RATE IN SHANGHAI, CHINA (Social Science Research Policy Briefs, Series 1, No. 4, 2001), http://www.who.int/reproductive-health/hrp/Policy_briefs/pb4.pdf.
436. *Id.*
437. U.N. POPULATION DIVISION (UNFPA), U.N. DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, ABORTION POLICIES: A GLOBAL REVIEW 95, 95–96 (2002), <http://www.un.org/esa/population/publications/abortion/doc/chinas1.doc> [hereinafter UNFPA, ABORTION POLICIES]; Wang Duolao et al., *Contraceptive failure and its subsequent effects in China: a two-stage event history analysis*, 13 ASIA-PACIFIC POPULATION J. 45, 45–64 (1998) (89.5% contraceptive failure resulted in abortions in urban areas and 546% in rural areas).
438. Chen Wei, *Socio-Economic Determinants of Induced Abortion in China*, 19 ASIA-PACIFIC POPULATION J. 5, 5–6 (2004).
439. *Id.* at 11. The government can usually exert more control over urban, well-educated and higher income people through household registration and work units with which to monitor their lives, consequently, leading to greater adherence with the family planning policies. *Id.* at 5. The incidence of abortions is eight times greater among women residing in urban areas as compared to rural women, six times higher in college-educated women than illiterate women and increases exponentially along with salaries. *Id.* at 11.
440. Criminal Law of the P.R.C. (1997), amended by Presidential Order No. 32 (2005).
441. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 35 (2001) (effective Sept. 1, 2002); *China to Make Sex-Selective Abortions a Crime*, CHINA DAILY, Jan. 7, 2005, http://english.people.com.cn/200501/07/print20050107_169986.html; *China Intends to Redress Sex Ratio Imbalance by Amending Criminal Law*, PEOPLE'S DAILY ONLINE, Jan. 10, 2005, http://english1.people.com.cn/200501/10/print20050110_170200.html.
442. U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2004, *supra* note 362.
443. MINISTRY OF HEALTH & NATIONAL POPULATION AND FAMILY PLANNING COMMISSION OF CHINA (NPFPC), JIYU SHOUSHU GUICHANG [RULES FOR BIRTH CONTROL SURGERIES] 59, 72 (3rd ed. 2004), <http://www.moh.gov.cn/uploadfile/2004/07/20047318849142.doc> (Mifepristone is administered to women between 18–40 within 49 days of conception and vacuum aspiration is used on pregnancies under 10 weeks) (translation by the Center for Reproductive Rights) [hereinafter MOH & NPFPC, RULES FOR BIRTH CONTROL SURGERIES]; Guanyu Jinzhi Fei Yixue Xuyao De Taier Xingbie Jianding He Xuanze Xingbie De Rengong Zhongzhi Renshen De Guiding [Regulation Prohibiting Non-Medically Necessary Sex-Determinations and Sex-Selective Abortions], art. 3 (2002) (effective Jan. 1, 2003) (facilities performing abortions must be licensed to perform abortions by the health or family planning department) (translation by Center for Reproductive Rights).
444. Heather Boonstra, *Voicing Concern for Women, Abortion Foes Seek Limits on Availability of Mifepristone*, 4 THE GUTTMACHER REP. ON PUB. POL'Y 3, 3 (2001).
445. Guanyu Jinzhi Fei Yixue Xuyao De Taier Xingbie Jianding He Xuanze Xingbie De Rengong Zhongzhi Renshen De Guiding [Regulation Prohibiting Non-Medically Necessary Sex-Determinations and Sex-Selective Abortions], arts. 9–10 (2002) (effective Jan. 1, 2003) (only available at facilities licensed to perform abortions and must be administered under the supervision and guidance of a physician) (translation by Center for Reproductive Rights); *China Reiterates Ban on Abortion Pill Sale*, EASTDAY.COM (Shanghai, China), Oct. 11, 2001, <http://www.china.org.cn/english/DO-e/20356.htm>.
446. MOH & NPFPC, RULES FOR BIRTH CONTROL SURGERIES, *supra* note 443, at 65, 82, 90 (Rivanol is used for medical abortions in the second trimester).
447. *Id.*
448. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, arts. 18(1)–(3) (1994) (effective June 1, 1995).
449. Guanyu Jinzhi Fei Yixue Xuyao De Taier Xingbie Jianding He Xuanze Xingbie De Rengong Zhongzhi Renshen De Guiding [Regulation Prohibiting Non-Medically Necessary Sex-Determinations and Sex-Selective Abortions], art. 7 (2002) (effective Jan. 1, 2003) ("sanctioned" pregnancy is one where a family planning license for reproduction has been issued) (translation by Center for Reproductive Rights).
450. *Id.*; ANHUI PROVINCE PEOPLE'S CONGRESS, ANHUISHENG JINZHI FEI YIXUE XUYAO JIANDING TAIER XINGBIE HE XUANZE XINGBIE ZHONGZHI RENSHEN DE GUIDING [Regulations on Prohibiting Non-Medically Necessary Sex-Determinations and Sex-Selective Abortions], art. 9 (2000) (ordered to undergo "long-term birth reduction") (translation by the Center for Reproductive Rights). Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renmenbi*). See INTERNATIONAL MONETARY FUND, *supra* note 197.
451. Guanyu Jinzhi Fei Yixue Xuyao De Taier Xingbie Jianding He Xuanze Xingbie De Rengong Zhongzhi Renshen De Guiding [Regulation Prohibiting Non-Medically Necessary Sex-Determinations and Sex-Selective Abortions], art. 7 (2002) (effective Jan. 1, 2003) (translation by Center for Reproductive Rights); GUIYANG MUNICIPALITY PEOPLE'S CONGRESS, GUIZHOU PROVINCE PEOPLE'S CONGRESS, GUIZANGSHI JINZHI XUANZE XING BIE ZHONGZHI RENSHEN GUIDING [REGULATIONS PROHIBITING SEX-SELECTIVE ABORTIONS], arts. 9–10 (2004) (effective Jan. 1, 2005) (translation by the Center for Reproductive Rights); HUNAN PROVINCE PEOPLE'S GOVERNMENT, HUNANSHENG JINZHI FEI YIXUE XUYAO JIANDING TAIER XINGBIE HE XUANZE XINGBIE ZHONGZHI RENSHEN GUIDING [REGULATIONS PROHIBITING NON-MEDICALLY NECESSARY SEX-DETERMINATIONS AND SEX-SELECTIVE ABORTIONS], Order No. 194, arts. 11–14 (2004) (effective Mar. 1, 2005) (requires verification of threat to women's life or health by two physicians) (translation by the Center for Reproductive Rights); ANHUI PROVINCE PEOPLE'S CONGRESS, ANHUISHENG JINZHI FEI YIXUE XUYAO JIANDING TAIER XINGBIE HE XUANZE XINGBIE ZHONGZHI RENSHEN DE GUIDING [Regulations on Prohibiting Non-Medically Necessary Sex-Determinations and Sex-Selective Abortions], art. 9 (2000) (also allows abortion to comply with provincial population and family planning department regulations) (translation by the Center for Reproductive Rights); FUJIAN PROVINCE PEOPLE'S CONGRESS, FUJIANSHENG JINZHI FEI YIXUE XUYAO JIANDING TAIER XINGBIE HE XUANZE XINGBIE ZHONGZHI RENSHEN TIAOLI [REGULATIONS PROHIBITING NON-MEDICALLY NECESSARY SEX-DETERMINATIONS AND SEX-SELECTIVE ABORTIONS] art. 8(4) (2003) (allows for abortion if divorced or widowed). See also *China Intends to Redress Sex Ratio Imbalance by Amending Criminal Law*, *supra* note 441 (NPFPC statistics indicate 29 provinces, autonomous regions and municipalities have local rules banning sex identification and sex-selective abortions).
452. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 19 (1994) (effective June 1, 1995).
453. *Id.*
454. *Id.* art. 36.
455. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 17 (2001) (effective Sept. 1, 2002).
456. See *Abortion Dispute Unveils Contradictions in Law*, EASTDAY.COM (Shanghai, China), Sept. 18, 2002, <http://www.china.org.cn/english/2002/Sep/43485.htm> (hospital refused to perform abortion without husband's consent, the abortion was performed only when she falsified her status as single, estranged husband brought suit against his wife on the basis that his right to decide whether or not to abort the fetus was ignored).
457. UNFPA, ABORTION POLICIES, *supra* note 437, at 95–96.
458. *Id.*
459. Jihua Shengyu Jishu Fuwu Guanli Tiaoli [Regulations for the Management of Family Planning Technical Services], State Council Order No. 428, arts. 7(3), 8(3), 9(4), 10(1) (2004) (translation by Center for Reproductive Rights).
460. See Population and Family Planning Law of the P.R.C., Presidential Order No. 63, arts. 4, 36, 39, 44 (2001) (effective Sept. 1, 2002) (family planning personnel "shall perform their ... duties strictly in accordance with law, and enforce the law in a civil manner, and they may not infringe upon legitimate rights and interests of citizens") (criminal, administrative penalties and/or heavy fines for state functionaries who illegally perform a family planning procedure on another person, "infringe[] on a citizen's personal rights ... [or] abuse his power ...") (citizens may sue state family planning agencies for infringement of their legitimate rights and interests); See also State Indemnity Law of the P.R.C., Presidential Order No. 23, art. 2 (1994) (effective Jan. 1, 1995) (citizens may sue officials for infringement of their rights); U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2004, *supra* note 362 (senior government officials and several NPFPC circulars repeatedly state that family planning officials are prohibited from coercing women into sterilizations or abortions).
461. U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2004, *supra* note 362.
462. *Id.*
463. *Id.* (Seven provinces require abortions and ten provinces require unspecified

- "remedial measures" for pregnancies in violation of family planning regulations). *E.g.* ANHUI PROVINCE PEOPLE'S CONGRESS, ANHUISHENG JINZHI FEIYIXUE XUYAO JIANGDING TAIER XINGBIE HE XUANZE XINGBIE ZHONGZHI RENSHEN DE GUIDING [Regulations on Prohibiting Non-Medically Necessary Sex-Determinations and Sex-Selective Abortions], art. 10 (2000) ("pregnancies not in accordance with reproductive laws should be immediately aborted") (translation by Center for Reproductive Rights).
464. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, A JOINT ASSESSMENT OF HIV/AIDS PREVENTION, TREATMENT AND CARE IN CHINA I (2003) (survey conducted by the China Center for Disease Control and Prevention and supported by World Health Organization (WHO), The Joint United Nations Programme on HIV/AIDS (UNAIDS) and U.S. Center for Disease Control).
465. *Id.* at 11.
466. *Id.* at 9–10 (referring to data from the China HIV/AIDS Case Report, December 2002).
467. *Id.* at 9–10, 12; Edmund Settle, *Legalize Prostitution in China*, SOUTH CHINA MORNING POST (Hong Kong), July 29, 2004.
468. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 12.
469. *Id.* at 11.
470. *Id.* at 14.
471. *Id.* at 10.
472. *Id.* at 13–14.
473. *Id.*
474. *Id.* at 14. In a social attitude survey, 75% of respondents reported avoiding contact with people with HIV/AIDS, 30% thought they belonged in closed sanatoriums, 88% though they should be isolated from society and 45% believed that HIV/AIDS resulted from low morals. *Id.*
475. Xiao Tang, *Bushing in the Dark*, 43 BEIJING REVIEW 26, 26–27 (2004), [http://www.bjreview.com.cn/200443/Nation-200443\(A\).htm](http://www.bjreview.com.cn/200443/Nation-200443(A).htm); Edmund Settle, *Yes, Gay Men are at Risk in China*, INTERNATIONAL HERALD TRIBUNE, Jan. 21, 2005, http://www.iht.com/bin/pring_ipub.php?file=/articles/2005/01/20/opinion/edsettle.html.
476. Xiao Tang, *supra* note 475, at 26–27 (*e.g.* Zhejiang Provincial Health Bureau and the Howard Brown Health Center offers free HIV testing and counseling at gay entertainment venues); Edmund Settle, *Yes, Gay Men are at Risk in China*, *supra* note 475.
477. *A Battle of Survival for AIDS Orphans*, CHINA DAILY, Dec. 29, 2004, <http://www.china.org.cn/english/features/aids/116227.htm> (UNICEF estimates and estimates by China Center for Disease Control).
478. Law on the Prevention and Treatment of Infectious Diseases, Presidential Order No. 15, art. 1 (1989), amended by Presidential Order No. 17 (2004) (translated by Center for Reproductive Rights).
479. *Id.* art. 12.
480. *Id.* art. 39(3) (HIV/AIDS and STIs are considered class B infectious diseases).
481. *Id.* arts. 3, 31, 33 (STIs addressed in the Law include, among others, gonorrhea, syphilis, hepatitis) (reports are forwarded to the local health department, the local people's government, and the superseding health department).
482. *Id.* art. 16 (prohibited jobs are determined by the central government and the Ministry of Health).
483. Criminal Law of the P.R.C., art. 330 (1997), amended by Presidential Order No. 32, art. 330 (2005).
484. Law on the Prevention and Treatment of Infectious Diseases, art. 77 (1989), amended by Presidential Order No. 17 (2004) (translated by Center for Reproductive Rights).
485. Rules for the Implementation of Frontier Health and Quarantine Law of the P.R.C., State Council Order of Feb. 10, 1989, art. 6 (1989).
486. *Id.* art. 99; Rules Governing the Implementation of the Law of the P.R.C. on the Entry and Exit of Aliens, State Council Order of July 13, 1994, art. 7(4) (1994).
487. Criminal Law of the P.R.C., art. 332 (1997), amended by Presidential Order No. 32 (2005) (also punishable by criminal detention by the local public security organ up to six months).
488. Blood Donation Law of the P.R.C., Presidential Order No. 93, art. 1 (1997) (effective Oct. 1, 1998).
489. *Id.* arts. 8–10.
490. *Id.* art. 9; NOTICE ON THE ADMINISTRATION OF HIV POSITIVE PEOPLE AND PATIENTS, *supra* note 287, art. 3(2)(5) (prohibits HIV positive people and patients from donating blood).
491. Xueyi Zhipin Guanli Tiaoli [Regulations on the Management of Blood Products], State Council Order of Dec. 30, 1996, art. 1 (1996).
492. Criminal Law of the P.R.C., art. 333 (1997), amended by Presidential Order No. 32 (2005).
493. See Rupert Wingfield Hayes, *China Court Orders AIDS Compensation*, Sept. 11, 2001, <http://news.bbc.co.uk/2/hi/asia-pacific/1536876.stm> (the Jiangsu Provincial People's Court ordered a hospital to pay CNY 1 million in compensation to the patient's family).
494. See Law on the Prevention and Treatment of Infectious Diseases, art. 3 (1989), amended by Presidential Order No. 17 (2004) (list of infectious diseases).
495. Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, art. 9 (1994) (effective June 1, 1995).
496. Hunyin Dengji Tiaoli [Regulation on Marriage Registration], State Council Order No. 387 (2003) (translation by Center for Reproductive Rights).
497. *Official: HIV Carriers Have Right to Marry*, CHINA DAILY, Nov. 28, 2002, http://service.china.org.cn/link/wcm/Show_Text?info_id=113348&p_qry=marriage (various news agencies reported that persons living with HIV/AIDS cannot get marriage certificates in the provinces of Hunan and Jiangsu).
498. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 20.
499. STATE COUNCIL, GOVERNMENT OF THE P.R.C., THE CHINA MEDIUM AND LONG TERM PLAN FOR HIV/AIDS PREVENTION (CMLTP) 1998–2010, Doc. No. 38, sec. 4 (Nov. 12, 1998), <http://www.unchina.org/unaid/s/ekey15.html>.
500. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 18.
501. STATE COUNCIL, GOVERNMENT OF THE P.R.C. THE CHINA HIV/AIDS CONTAINMENT, PREVENTION AND CONTROL ACTION PLAN (2001–2005), pmbll (2001), <http://www.unchina.org/unaid/s/ekey16.html>.
502. *Id.* secs. I(2)–(4).
503. *Id.* sec. II(2).
504. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 18–19.
505. *Id.* at 21. Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renmenbi*). See INTERNATIONAL MONETARY FUND, *supra* note 197.
506. Yiwu Renyuan Aizibing Bingdu Zhiye Pulu Fanghu Gongzuo Jiadao Yuanze (Shixing) [Principles for Prevention and Protection of Medical Personnel to HIV Exposure], Ministry of Health Order of June 4, 2004, arts. 1–19 (2004).
507. *China Enhances Efforts to Prevent Mother-to-Child AIDS Transmission*, PEOPLE'S DAILY, Nov. 9, 2004, http://english.peopledaily.com.cn/200411/09/eng20041109_163213.html.
508. ZHANG FUJIE, CHINESE CENTER FOR DISEASE CONTROL AND PREVENTION & NATIONAL CENTER FOR AIDS/STD PREVENTION AND CONTROL, PROGRESS OF THE CHINA NATIONAL FREE ANTIRETROVIRAL THERAPY PROGRAM 17–18 (2003) (powerpoint presentation).
509. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 23 (the exemption period began in 2002).
510. *Id.* at 23 (the State Food and Drug Commission set up a fast track system for ARVs).
511. *Id.*
512. MINISTRY OF HEALTH, SUGGESTIONS CONCERNING HIV PREVENTION BY PROMOTION OF CONDOM USE, *supra* note 354, §§ 1, 3(1) (free condoms distributed by MOH and NPFPA); *China to Issue Condoms Nationwide*, *supra* note 387.
513. NOTICE ON THE ADMINISTRATION OF HIV POSITIVE PEOPLE AND PATIENTS, *supra* note 287, art. 3(4)(2).
514. *Id.* art. 3(4)(3).
515. *Id.*; *Nation to Invest Hugely in HIV/AIDS Prevention, Control*, XINHUA NEWS AGENCY (China), Sept. 8, 2004, http://english1.people.com.cn/200409/08/print_20040908_156265.html; Xiao Tang, *supra* note 475, at 26–27 (free HIV testing for gay men is offered by Guangdong and Zhejiang provincial governments).
516. STATE COUNCIL, GOVERNMENT OF THE P.R.C., NOTICE ON STRENGTHENING HIV/AIDS PREVENTION AND CONTROL, Doc. No. 7, sec. II ¶ 2 (2004) [hereinafter NOTICE ON STRENGTHENING HIV/AIDS PREVENTION AND CONTROL].
517. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 27.
518. ZHANG FUJIE, *supra* note 508, at 6; NOTICE ON STRENGTHENING HIV/AIDS PREVENTION AND CONTROL, *supra* note 516, sec. VI ¶ 1 (free education for AIDS orphans) (program is co-sponsored by the China Family Welfare Fund).
519. MINISTRY OF HEALTH, GOVERNMENT OF THE P.R.C., GUANYU JIBING YUANG KONGZHI TIXI JIANSHE DE RUOGAO GUIDING [REGULATIONS CONCERNING THE ESTABLISHMENT OF DISEASE PREVENTION AND CONTROL SYSTEM], Order No. 40, art. 9 (2005); ZHANG FUJIE, *supra* note 508, at 6; *E.g.* The Shenzhen Municipal Center for Disease Control and Prevention provides counseling, prevention advice, clinical treatment and follow-up for HIV/AIDS patients. *HIV Infections Jump by 180% in Shenzhen*, SHENZHEN DAILY (China), Mar. 30, 2005, http://news.xinhuanet.com/english/2004-03/30/content_2762002.htm.
520. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 23 (referring to the MOH's "Guidelines for Management of ARV Drugs Used on HIV/AIDS (Temporary)"); ZHANG FUJIE, *supra* note 508, at 7–10.
521. NOTICE ON STRENGTHENING HIV/AIDS PREVENTION AND CONTROL, *supra* note 516, sec. II(1) ¶ 2.
522. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 25.
523. *Id.* at 22.
524. *Id.* at 25.
525. *Id.* at 19, 22 (among the departments involved are the Ministry of Justice, the Trade Unions, the Women's Federation, the Youth League and the Ministry of Education).
526. MINISTRY OF HEALTH, SUGGESTIONS CONCERNING HIV PREVENTION BY PROMOTION OF CONDOM USE, *supra* note 354, §§ 2, 3(1); *Beijing Promotes Condom Use to Fight HIV/AIDS*, PEOPLE'S DAILY (China), Nov. 25, 2004, http://english1.people.com.cn/200411/25/print20041125_165078.html.
527. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 22.
528. NOTICE ON STRENGTHENING HIV/AIDS PREVENTION AND CONTROL, *supra* note 516, sec. II(1) ¶ 4.
529. MINISTRY OF HEALTH & U.N.THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 22; NOTICE ON STRENGTHENING HIV/AIDS PREVENTION AND CONTROL, *supra* note 516, sec. II(1) ¶ 5. Migrant workers are also referred to as "floating population" which comprises mainly of redundant workers from rural areas that migrated to urban cities for employment.

530. MINISTRY OF HEALTH & U.N. THEME GROUP ON HIV/AIDS IN CHINA, *supra* note 464, at 22.
531. NOTICE ON THE ADMINISTRATION OF HIV POSITIVE PEOPLE AND PATIENTS, *supra* note 287, arts. 1(2), 3(2)(1).
532. *Id.* art. 3(2)(1).
533. *Id.* art. 2(4).
534. NOTICE ON STRENGTHENING HIV/AIDS PREVENTION AND CONTROL, *supra* note 516, sec. VI.
535. NOTICE ON THE ADMINISTRATION OF HIV POSITIVE PEOPLE AND PATIENTS, *supra* note 287, art. 3(2)(2).
536. *Official: HIV Carriers Have Right to Marry, supra* note 497.
537. *A Battle of Survival for AIDS Orphans, supra* note 477; *More Concern Over Orphans of AIDS Victims*, XINHUA NEWS AGENCY (China), June 25, 2005, <http://www.china.org.cn/english/2005/Jun/133167.htm> (40 schools, hotels and hostels in Beijing refused to host AIDS orphans and no action was taken by the government against these facilities). *China Hotels, Schools Turn Away AIDS Orphans*, RADIO FREE ASIA, Aug. 12, 2004, <http://www.rfa.org/english/news/social/2004/08/12/143552/> (reports of local officials detaining and harassing organizers of schools and orphanages for AIDS orphans).
538. *Sexual Health Center for Young People Opens*, XINHUA NEWS AGENCY (China), Oct. 25, 2005, <http://www.china.org.cn/english/China/78348.htm> (referring to the fifth national census in 2000).
539. See REGIONAL OFFICE FOR THE WESTERN PACIFIC, WORLD HEALTH ORGANIZATION (WHO), DEMOGRAPHIC TABLES FOR THE WESTERN PACIFIC REGION 2005–2010, tlb4a, at 175, 179, 181 (2005), http://www.wpro.who.int/information_sources/databases/demographic_tables/ (last visited Sept. 2, 2005).
540. *Programme of Action of the International Conference on Population and Development, supra* note 173, paras. 746–747; *Beijing Declaration and Platform for Action, Fourth World Conference on Women, supra* note 173, paras. 107(e), 108(k); *Twenty-first special session of the General Assembly for an overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development: Report of the Secretary-General*, paras. 73(a), (c), U.N. GAOR, 54th Sess., Agenda Item 99 (h), U.N. Doc. A/54/442 (1999), <http://www.un.org/popin/unpopcom/32ndsess/gass/54442e.pdf>.
541. CHINA INTERNET INFORMATION CENTER, BEIJING HOSPITAL TO HOST NATION'S FIRST TEEN-AGE HEALTH OUTPATIENT SERVICE (Feng Shu trans., 2002), <http://www.china.org.cn/english/2002/Feb/27758.htm> (last visited Aug. 10, 2005).
542. *Id.*
543. *Sexual Health Center for Young People Opens, supra* note 538 (teen sexual health center opens in Qingdao, Shandong Province); *Health Services Grow to Meet Increase in Teen Pregnancies*, PEOPLE'S DAILY (China), Aug. 7, 2003, http://english1.people.com.cn/200308/07/eng20030807_121839.shtml (clinic for pregnant teenagers in Chengdu, Sichuan Province); *Abortion Center Opens to Help Girls*, XINHUA NEWS AGENCY (China), Dec. 3, 2003, <http://www.china.org.cn/english/China/81451.htm> (abortion/maternity clinics in Chongqing municipality, Hangzhou, Jinan, Harbin).
544. Rachel Hou, *Funded Abortion Program Receives Little Interest*, SHANGHAI DAILY NEWS, Oct. 26, 2004, <http://english.eastday.com/eastday/englishedition/specials/node20814/userobject1ai608117.html>; *Sexual Health Center for Young People Opens, supra* note 538; *Health Services Grow to Meet Increase in Teen Pregnancies, supra* note 543 ("confidentiality is the guiding principle of the agency"); *Abortion Center Opens to Help Girls, supra* note 543 (permits anonymous abortions for minors).
545. CFPD DEVELOPMENT STRATEGY (1996–2010), *supra* note 380.
546. COUNTRY PROGRAMME OUTLINE FOR CHINA, *supra* note 212, para. 9.
547. *Id.*
548. *Id.*
549. *Id.* para. 10.
550. *Id.*
551. *Id.*
552. INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES, PROGRAM UPDATE NO. 1: CHINA 3–5 (2005); DAVID PARKER, UNITED NATIONS CHILDREN'S FUND (UNICEF) BEIJING, ADOLESCENT AND YOUTH RELATED PROGRAMS SUPPORTED BY UNICEF IN CHINA, http://www.acyf.org.cn/e_doc/viewpoint/26.htm (last visited June 24, 2005).
553. PARKER, *supra* note 552.
554. INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES, *supra* note 552, at 3.
555. *More Concern Over Orphans of AIDS Victims, supra* note 537; *A Battle of Survival for AIDS Orphans, supra* note 537.
556. COMMUNIST PARTY OF CHINA CENTRAL COMMITTEE & THE STATE COUNCIL OF THE P.R.C., DECISION ON STRENGTHENING POPULATION AND FAMILY PLANNING WORK AND STABILIZING LOW BIRTH RATE, Zhong Fa No. 8, art. 5 (2000), *reprinted* in U.S. DEPARTMENT OF JUSTICE, CHINESE STATE BIRTH PLANNING IN THE 1990S AND BEYOND, *supra* note 375, at 177–186; Nancy E. Riley, *supra* note 372, at 11.
557. Nancy E. Riley, *supra* note 372, at 12.
558. *Id.*
559. *Id.*
560. *Id.*
561. *Id.*
562. *Id.*
563. *Id.* at 13 (quoting Edwin A. Wincker, *Chinese Reproductive Policy at the Turn of the Millennium: Dynamic Stability*, 28 POPULATION & DEV. REV. 399, 399–403 (2002)).
564. *Id.* at 17–20.
565. *Lawmakers Call on Ban of Fetus Sex*, XINHUA NEWS AGENCY (China), Feb. 27, 2005, http://www.chinadaily.com.cn/english/doc/2005-02/27/content_419843.htm.
566. *Id.*
567. CHINA STATISTICAL YEARBOOK 2003, *supra* note 134, ch. 4–2, at 97 (birth rates reflect the average annual number of births during a year per 1,000 persons in the population).
568. CHINA STATISTICAL YEARBOOK 2003, *supra* note 134, ch. 4–12, at 111 (figures vary between regions with a low of 0.73 in Beijing and a high of 1.46 in Ningxia).
569. UNITED NATIONS POPULATION FUND (UNFPA), UNFPA GLOBAL REACH: CHINA OVERVIEW, <http://www.unfpa.org/profile/china.cfm?Section=1> (last visited Apr. 1, 2005); Zhang Weiqing, *supra* note 341.
570. Zhang Weiqing, *supra* note 341.
571. COMMUNIST PARTY OF CHINA CENTRAL COMMITTEE & THE STATE COUNCIL OF THE P.R.C., DECISION ON STRENGTHENING POPULATION AND FAMILY PLANNING WORK AND STABILIZING LOW BIRTH RATE, Zhong Fa No. 8, art. 5 (2000), *reprinted* in U.S. DEPARTMENT OF JUSTICE, CHINESE STATE BIRTH PLANNING IN THE 1990S AND BEYOND, *supra* note 375, at 177–186; Nancy E. Riley, *supra* note 372, at 12.
572. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 2 (2001) (effective Sept. 1, 2002).
573. NATIONAL POPULATION AND FAMILY PLANNING OF CHINA (NPFPC), GOVERNMENT OF THE P.R.C., PANORAMA: FUTURE GOALS, <http://www.npfpc.gov.cn/en/fpcn04-en.htm> (last visited Mar. 31, 2005).
574. Population and Family Planning Law of the P.R.C., Presidential Order No. 63 (2001) (effective Sept. 1, 2002).
575. *Id.* art. 1.
576. *Id.* art. 18.
577. GUANGDONG PROVINCIAL PEOPLE'S CONGRESS, GUANGDONGSHENG RENKOU YU JIHUASHENGYU TIAOLI [GUANGDONG PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], arts. 19, 22 (2002); HUBEI PROVINCIAL PEOPLE'S CONGRESS, HUBEISHENG RENKOU YU JIHUASHENGYU TIAOLI [HUBEI PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 19 (2003); LIAONING PEOPLE'S CONGRESS, LIAONINGSHENG RENKOU YU JIHUASHENGYU TIAOLI [LIAONING PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], arts. 18–19 (2004); ANHUI PROVINCIAL PEOPLE'S CONGRESS, ANHUISHENG RENKOU YU JIHUASHENGYU TIAOLI [ANHUI PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 20 (2002) (amended 2004); JIANGSU PROVINCIAL PEOPLE'S CONGRESS, JIANGSUSHENG RENKOU YU JIHUASHENGYU TIAOLI [JIANGSU PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], arts. 22–24 (2004); SHANGHAI MUNICIPAL PEOPLE'S CONGRESS, SHANGHAISHI RENKOU YU JIHUASHENGYU TIAOLI [SHANGHAI MUNICIPAL POPULATION AND FAMILY PLANNING REGULATIONS], arts. 25–28 (2003); JILIN PROVINCIAL PEOPLE'S CONGRESS, JILINSHENG RENKOU YU JIHUASHENGYU TIAOLI [JILIN PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], arts. 20–25 (2003); BEIJING MUNICIPAL PEOPLE'S CONGRESS, BEIJINGSHI RENKOU YU JIHUASHENGYU TIAOLI [BEIJING MUNICIPAL POPULATION AND FAMILY PLANNING REGULATIONS], arts. 17–18 (2003); TIANJIN PROVINCIAL PEOPLE'S CONGRESS, TIANJINSHENG RENKOU YU JIHUASHENGYU TIAOLI [TIANJIN PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], arts. 16–18 (2003).
578. Nancy E. Riley, *supra* note 372, at 19–20.
579. COMMUNIST PARTY OF CHINA CENTRAL COMMITTEE & THE STATE COUNCIL OF THE P.R.C., DECISION ON STRENGTHENING POPULATION AND FAMILY PLANNING WORK AND STABILIZING LOW BIRTH RATE, Zhong Fa No. 8, art. 5 (2000), *reprinted* in U.S. DEPARTMENT OF JUSTICE, CHINESE STATE BIRTH PLANNING IN THE 1990S AND BEYOND, *supra* note 375, at 177–186.
580. TENTH FIVE-YEAR PLAN FOR NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT (2001–2005), *supra* note 393. As non-residents of the urban district, migrants have limited access to housing, health care and other social benefits.
581. INFORMATION OFFICE OF THE STATE COUNCIL, GOVERNMENT OF THE P.R.C., INTRODUCTION ABOUT THE SYSTEM OF SOCIAL SUPPORT FOR SOME RURAL FAMILIES PRACTICING FAMILY PLANNING (2005), <http://www.npfpc.gov.cn/en/en2005-06/enews20050314-2.htm>; Pan Guiyu, Speech at the Press Conference on the System of Social Support for Some Rural Families Practicing Family Planning (June 9, 2005) (transcript available at <http://www.npfpc.gov.cn/en/en2005-06/enews20050614.htm>) (Mme. Pan is the Minister of that NPFPC).
582. SYSTEM OF SOCIAL SUPPORT FOR SOME RURAL FAMILIES PRACTICING FAMILY PLANNING, *supra* note 581.
583. *Care for Girls' Gaining Momentum*, CHINA DAILY, June 7, 2004, http://www.chinadaily.com.cn/english/doc/2004-07/08/content_346700.htm; WOMEN OF CHINA, CHINA FACES SHORTAGE OF GIRLS (Zhang Ze & Christina Lionnet, eds), http://www.womenofchina.com.cn/WOC/ShowArticle_En.asp?ID=1513&BigClassId=1 (last visited July 5, 2005).
584. *Care for Girls' Gaining Momentum, supra* note 583; WOMEN OF CHINA, *supra* note 583.
585. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, arts. 23–29 (2001) (effective Sept. 1, 2002).
586. *Id.* art. 41.
587. LIAONING PEOPLE'S CONGRESS, LIAONINGSHENG RENKOU YU JIHUASHENGYU TIAOLI [LIAONING PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], arts. 45(5)–(6) (2004); BEIJING PROVINCIAL PEOPLE'S GOVERNMENT, [BEIJINGSHI SHEHUI FUYANG FEI ZHENGSHOU GUANLI BANFA [BEIJING PROVINCE MEASURES ON THE ADMINISTRATION OF SOCIAL COMPENSATION FEES COLLECTION], art. 5(4) (2002).
588. See LIAONING PEOPLE'S CONGRESS, LIAONINGSHENG RENKOU YU JIHUASHENGYU TIAOLI [LIAONING PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS],

- art. 45 (2004) (one-half to ten times annual income); BEIJING PROVINCIAL PEOPLE'S GOVERNMENT, BEIJINGSHI SHEHUI FUYANG FEI ZHENGSHOU GUANLI BANFA BEIJING PROVINCE MEASURES ON THE ADMINISTRATION OF SOCIAL COMPENSATION FEES COLLECTION], art. 5 (2002) (one-fifth to ten times annual income).
589. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 41 (2001) (effective Sept. 1, 2002). *E.g.* BEIJING PROVINCIAL PEOPLE'S GOVERNMENT, BEIJINGSHI SHEHUI FUYANG FEI ZHENGSHOU GUANLI BANFA [BEIJING PROVINCE MEASURES ON THE ADMINISTRATION OF SOCIAL COMPENSATION FEES COLLECTION], arts. 11–12 (2002) (payment within 30 days or 2% monthly interest).
590. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 42 (2001) (effective Sept. 1, 2002).
591. *Id.*
592. INFORMATION OFFICE OF THE STATE COUNCIL, GOVERNMENT OF THE P.R.C., NATIONAL MINORITIES POLICY AND ITS PRACTICE IN CHINA, ch. 5 (Dec. 28, 2000), <http://www.china.org.cn/e-white/4/index.htm> [hereinafter NATIONAL MINORITIES POLICY AND ITS PRACTICE IN CHINA].
593. *Id.*
594. See Population and Family Planning Law of the P.R.C., Presidential Order No. 63, arts. 4–13 (2001) (effective Sept. 1, 2002).
595. See LIAONING PEOPLE'S CONGRESS, LIAONINGSHENG RENKOU YU JIHUASHENGYU TIAOLI [LIAONING PROVINCE POPULATION AND FAMILY PLANNING REGULATIONS], art. 49 (2004).
596. U.S. DEPARTMENT OF JUSTICE, CHINESE STATE BIRTH PLANNING IN THE 1990S AND BEYOND, *supra* note 375, at 75.
597. NATIONAL POPULATION AND FAMILY PLANNING COMMISSION OF CHINA (NPFPC), GOVERNMENT OF THE P.R.C., INSTITUTIONAL CHART, <http://www.npfpc.gov.cn/en/inst1.htm> (last visited Feb. 28, 2005).
598. NATIONAL POPULATION AND FAMILY PLANNING COMMISSION OF CHINA (NPFPC), GOVERNMENT OF THE P.R.C., ORGANIZATIONAL STRUCTURE OF THE NPFPC, <http://www.npfpc.gov.cn/en/inst2.htm> (last visited Mar. 31, 2005).
599. *Id.*
600. U.S. DEPARTMENT OF JUSTICE, CHINESE STATE BIRTH PLANNING IN THE 1990S AND BEYOND, *supra* note 375, at 75.
601. *Id.* at 76.
602. NATIONAL POPULATION AND FAMILY PLANNING COMMISSION OF CHINA (NPFPC), GOVERNMENT OF THE P.R.C., CHINA'S NGOs ON POPULATION AND FAMILY PLANNING, <http://www.npfpc.gov.cn/en/inst3.htm> (last visited Mar. 31, 2005).
603. COUNTRY PROGRAMME OUTLINE FOR CHINA, *supra* note 212, para. 7; Don Hinrichsen, *China's Quiet Revolution in Reproductive Health*, PEOPLE & THE PLANET, Jan. 7, 2004, <http://www.peopleandplanet.net/pdoc.php?id=309>.
604. XIANFA [CONSTITUTION], arts. 33, 48 (2004).
605. *Id.* art. 48 (2004).
606. *Id.* art. 49 (2004).
607. *Concluding observations of the Committee on the Elimination of Discrimination Against Women: China*, Committee on the Elimination of Discrimination against Women, 20th Sess., paras. 254, 272, U.N. Doc. A/54/38 (1999); Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 2 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
608. Edmund Settle, *Yes, Gay Men are at Risk in China*, *supra* note 475 (*e.g.* director of the National Institute of Health Education was dismissed in 1993 for promoting gay civil rights).
609. NATIONAL WORKING COMMITTEE ON CHILDREN AND WOMEN (NWCCW), GOVERNMENT OF THE P.R.C., NWCCW UNDER THE STATE COUNCIL: ABOUT US, <http://www.cinfo.org.cn/language/english/aboutus/001.jsp> (last visited Feb. 28, 2005) [hereinafter NWCCW, ABOUT US].
610. *Id.*
611. *Id.*; See also Committee on Economic, Social and Cultural Rights, *Initial report of State parties: China*, *supra* note 171, at 9–10.
612. NWCCW, ABOUT US, *supra* note 609.
613. *Id.*
614. ALL-CHINA WOMEN'S FEDERATION (ACWF), FACTS AND DATA, <http://www.women.org.cn/english/english/fact/mulu.htm> (last visited June 22, 2005).
615. ALL-CHINA WOMEN'S FEDERATION (ACWF), BROCHURE 2003, *supra* note 147.
616. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 7 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
617. Chen Li Ping, *supra* note 149.
618. ALL-CHINA WOMEN'S FEDERATION (ACWF), ORGANIZATIONAL SYSTEM, <http://www.women.org.cn/english/english/aboutacwf/orgsyst.htm> (last visited Mar. 18, 2005).
619. *Id.*
620. EAST ASIA ENVIRONMENT AND SOCIAL DEVELOPMENT UNIT, THE WORLD BANK, CHINA COUNTRY GENDER REVIEW 12 (2000).
621. Nationality Law of the P.R.C., Order No. 8 (1980).
622. XIANFA [CONSTITUTION], art. 49 (2004); General Principles of the Civil Law of the P.R.C., Presidential Order No. 37, arts. 103–104 (1986) (effective Jan. 1, 1987); Marriage Law of the P.R.C., art. 25 (2001); Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 44 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
623. XIANFA [CONSTITUTION], art. 49 (2004).
624. Marriage Law of the P.R.C., arts. 2–3, 5 (2001); Law of the P.R.C. on the Protection of Rights and Interests of Women, arts. 43–44 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
625. Marriage Law of the P.R.C., art. 1 (2001).
626. *Id.* art. 6.
627. Law of the P.R.C. on the Protection of Minors, art. 11 (1991) (effective Jan. 1, 1992).
628. Marriage Law of the P.R.C., art. 6 (2001); Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 25 (2001) (effective Sept. 1, 2002).
629. XIANFA [CONSTITUTION], art. 49 (2004); Marriage Law of the P.R.C., art. 5 (2001); General Principles of the Civil Law of the P.R.C., Presidential Order No. 37, art. 103 (1986) (effective Jan. 1, 1987).
630. Marriage Law of the P.R.C., art. 11 (2001).
631. SUPREME PEOPLE'S COURT OF THE P.R.C. JUDICIAL COMMITTEE, GOVERNMENT OF THE P.R.C., ZUIGAO RENMIN FAYUAN GUANYU SHIYONG "ZHONGHUA RENMIN GONGHEGUO HUNYIN FA" RUOGAN WENTI DE JIESHI (I) [SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I)], art. 10, (2001), <http://www.court.gov.cn/lawdata/explain/etc/200303200053.htm> (translation by Center for Reproductive Rights) [hereinafter SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I)].
632. Marriage Law of the P.R.C., arts. 3, 7(1)–(2) (2001).
633. Criminal Law of the P.R.C., art. 257 (1997), amended by Presidential Order No. 32 (2005). Criminal detention is executed by the local police and ranges from 1 to 6 months. *Id.* arts. 42–43.
634. *Id.* (this stipulation is waived if the victim was killed).
635. Marriage Law of the P.R.C., art. 30 (2001).
636. Press Briefing, Ministry of Education, Jieshao Xiu "Putong Gaodeng Xuexiao Xuesheng Guanli Guiding" Youguan Qingkuang [Introducing the New "Regulations on Management of Higher Education Students"] (Mar. 29, 2005), <http://www.edu.cn/20050329/3132615.shtml> (translation by Center for Reproductive Rights).
637. *Id.*
638. Marriage Law of the P.R.C. (2001); Hunyin Dengji Tiaoli [Regulation on Marriage Registration], State Council Order No. 387 (2003) (P.R.C.) (translation by Center for Reproductive Rights).
639. *China Not to Legalize Same-Sex Marriages*, CHINA DAILY, Aug. 20, 2003, http://www.chinadaily.com.cn/en/doc/2003-08/20/content_256578.htm.
640. Marriage Law of the P.R.C., art. 8 (2001).
641. Hunyin Dengji Tiaoli [Regulation on Marriage Registration], State Council Order No. 387, art. 5 (2003) (P.R.C.) (repealing the 1985 and 1994 Regulations on Marriage Registration) (translation by Center for Reproductive Rights).
642. Regulations on Marriage Registration, arts. 9–10 (1985) (repealed 2003); Law of the P.R.C. on Maternal and Infant Health Care, Presidential Order No. 33, arts. 7–13 (1994) (effective June 1, 1995); Zhonghua Renmin Gongheguo Muying Baojian Fa Shishi Banfa [Implementation Measures for the P.R.C. Law on Maternal and Infant Health Care], State Council Order No. 308, arts. 3(2), 9–16 (2001) (translation by Center for Reproductive Rights).
643. *Jichunzheng Lihunzheng Jiang Tongyi Wei Shenhongse Bianxingren Dengji Shou Baozheng* [Marriage and Divorce Licenses to be Uniformly Dark Red, Transgender People's Marriage Registration Protected], SINA (China), Sept. 25, 2005, <http://news.sina.com.cn/c/2003-09-25/1438819299s.shtml> (translation by Center for Reproductive Rights).
644. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 47 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
645. Marriage Law of the P.R.C., arts. 17, 19 (2001).
646. SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I), *supra* note 631, arts. 17(1)–(2).
647. Marriage Law of the P.R.C., arts. 4, 13 (2001); Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 43 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
648. Marriage Law of the P.R.C., art. 15 (2001).
649. *Id.* arts. 16, 21, 23.
650. *Id.* art. 20.
651. *Id.* art. 50.
652. NATIONAL MINORITIES POLICY AND ITS PRACTICE IN CHINA, *supra* note 592, ch. 3.
653. Marriage Law of the P.R.C., arts. 31–32 (2001); Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 44 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
654. SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I), *supra* note 631, art. 23.
655. Marriage Law of the P.R.C., art. 34 (2001); Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 45 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
656. Marriage Law of the P.R.C., art. 34 (2001); Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 45 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
657. Marriage Law of the P.R.C., art. 34 (2001); Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 45 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
658. SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I), *supra* note 631, art. 5(1).
659. Marriage Law of the P.R.C., art. 31 (2001).
660. *Id.* art. 32.
661. *Id.*

662. Civil Procedure Law of the P.R.C., Presidential Order No. 44, arts. 21, 62 (1991).
663. SUPREME PEOPLE'S COURT OF THE P.R.C. JUDICIAL COMMITTEE, GOVERNMENT OF THE P.R.C., ZUIGAO RENMIN FAYUAN GUANYU SHIYONG "ZHONGHUA RENMIN GONGHEGUO HUNYIN FA" RUOGAN WENTI DE JIESHI (II) [SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (II)], arts. 11(a), (c), 19 (2003) (effective Apr. 1, 2004), <http://www.court.gov.cn/lawdata/explain/civilization/200312290019.htm> (translation by Center for Reproductive Rights) [hereinafter SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (II)].
664. *Id.* art. 22.
665. Marriage Law of the P.R.C., art. 19 (2001).
666. *Id.* art. 39.
667. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 48 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
668. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 41 (1992).
669. *Id.* art. 41.
670. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 47 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
671. SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (II), *supra* note 663, art. 27; Marriage Law of the P.R.C., art. 42 (2001).
672. Marriage Law of the P.R.C., art. 46 (2001).
673. SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I), *supra* note 631, arts. 30(1), 31(2); SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (II), *supra* note 663, art. 27.
674. SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I), *supra* note 631, art. 29.
675. SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (II), *supra* note 663, arts. 8–9.
676. Marriage Law of the P.R.C., art. 47 (2001).
677. *Id.* art. 48; SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I), *supra* note 631, art. 32.
678. General Principles of the Civil Law of the P.R.C., Presidential Order No. 37, art. 147 (1986) (effective Jan. 1, 1987).
679. *Id.* art. 148.
680. SUPREME PEOPLE'S COURT OF THE P.R.C. JUDICIAL COMMITTEE, ZUIGAO RENMIN FAYUAN GUANYU RENMIN FAYUAN SHOULI SHENQING CHENGTREN WAIGUO FAYUAN LIHUN PANJUE ANJIAN YOUGUAN WENTI DE GUIDING [REGULATIONS CONCERNING THE QUESTION OF RECOGNITION OF FOREIGN DIVORCES IN PEOPLE'S COURTS], arts. 1–3 (1999) (effective Mar. 1, 2000), <http://www.court.gov.cn/lawdata/explain/etc/200303200124.htm>.
681. Law of the P.R.C. on the Protection of Rights and Interests of Women, arts. 48, 50 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
682. Marriage Law of the P.R.C., art. 36 (2001).
683. *Id.*; Law of the P.R.C. on the Protection of Minors, art. 45 (1991) (effective Jan. 1, 1992).
684. Marriage Law of the P.R.C., art. 36 (2001).
685. *Id.* art. 30; SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I), *supra* note 631, art. 21.
686. Marriage Law of the P.R.C., art. 37 (2001).
687. SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I), *supra* note 631, art. 32; Regulations on Legal Aid, State Council Standing Committee Order of July 17, 2003, art. 10(4) (2003).
688. Marriage Law of the P.R.C., art. 38 (2001).
689. *Id.* art. 38.
690. *Id.* arts. 26, 38.
691. Adoption Law of the P.R.C., art. 4 (1998).
692. *Id.* art. 10.
693. *Id.* art. 11.
694. *Id.* art. 10.
695. *Id.* art. 18.
696. Marriage Law of the P.R.C., art. 50 (2001).
697. CEDAW Committee, *Third and fourth periodic reports of State parties: China*, *supra* note 150, Part II, art. 16(c).
698. General Principles of the Civil Law of the P.R.C., Presidential Order No. 37, arts. 75–76, 105 (1986) (effective Jan. 1, 1987).
699. Law of the P.R.C. on the Protection of Rights and Interests of Women, arts. 32, 33 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
700. *Id.* art. 34–35.
701. Law of Succession of the P.R.C., Presidential Order No. 24, art. 9 (1985).
702. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 34 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights); Law of Succession of the P.R.C., Presidential Order No. 24, art. 10 (1985).
703. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 35 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights); Law of Succession of the P.R.C., Presidential Order No. 24, art. 12 (1985).
704. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 34 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
705. Marriage Law of the P.R.C., art. 24 (2001); Law of Succession of the P.R.C., Presidential Order No. 24, arts. 10, 30 (1985); Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 34 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
706. Law of the P.R.C. on the Protection of Rights and Interests of Women, arts. 31, 47 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights); Marriage Law of the P.R.C., art. 13 (2001).
707. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 47 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
708. Marriage Law of the P.R.C., art. 13 (2001).
709. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 32–33 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights); Zhonghua Renmin Gongheguo Nongcun Tude Chengbao Fa [P.R.C. Rural Land Contract Law], Presidential Order No. 73, art. 30 (2002).
710. Zhonghua Renmin Gongheguo Nongcun Tude Chengbao Fa [P.R.C. Rural Land Contract Law], Presidential Order No. 73, arts. 3, 5, 20 (2002) (these bodies include rural economic cooperatives, villagers' committees) (all land belongs to the government and the right to land is contracted to citizens for 30 to 70 years); *Nongcun Funu Tude Chengbaoqian Weiti De Zhidao Fenzi [Rural Women's Land Succession Rights Policy Analysis]*, ZHONGGUO FUNU WANG [CHINA WOMEN'S NETWORK], Sept. 17, 2002, <http://www.china.org.cn/chinese/funv/205567.htm>.
711. Zhonghua Renmin Gongheguo Nongcun Tude Chengbao Fa [P.R.C. Rural Land Contract Law], Presidential Order No. 73, art. 6 (2002).
712. *Nongcun Funu Tude Chengbaoqian Weiti De Zhidao Fenzi [Rural Women's Land Succession Rights Policy Analysis]*, ZHONGGUO FUNU WANG [CHINA WOMEN'S NETWORK], Sept. 17, 2002, <http://www.china.org.cn/chinese/funv/205567.htm>.
713. CHINA'S HUMAN RIGHTS PROGRESS 2003, *supra* note 410, ch. 5.
714. *Id.*
715. XIANFA [CONSTITUTION], art. 42 (2004).
716. *Id.* art. 48.
717. Labour Law of the P.R.C., Presidential Order No. 28, art. 46 (1994) (effective Jan. 1, 1995).
718. *Id.* arts. 12–13.
719. *Id.* art. 13 (unsuitable as stipulated by the government).
720. *Id.* arts. 13, 59–63.
721. *Id.* art. 59 (prohibition on work with Grade IV physical labor intensity).
722. Jiang Jing Jing, *Nuzhigong Weiquan Zhuaxiang Yiju Taixing, Nuzhigong Yunji Bude Jiang Gongzi [Promoting Protections of Female Workers Rights, Prohibit Cutting Salary of Pregnant Female Workers]*, JIN LING WAN BAO (Nanjing, P.R.C.), Mar. 18, 2005, <http://www.china.org.cn/chinese/funv/814908.htm> (referring to Nuzhigong Quanyi Baohu Zhuanxiang Xieyi [Nanjing Agreement for the Protection of Female Workers' Rights and Interests] promulgated by the Nanjing People's Congress on Dec. 22, 2004).
723. Regulations Concerning Labor Protection of Female Staff and Workers, State Council Order of July 21, 1988, art. 4 (1988); Labour Law of the P.R.C., Presidential Order No. 28, art. 29(3) (1994) (effective Jan. 1, 1995).
724. Labour Law of the P.R.C., Presidential Order No. 28, arts. 61, 63 (1994) (effective Jan. 1, 1995) (prohibition on work with Grade III physical labor intensity).
725. *Id.*; Regulations on Labor Protection in Workplaces Where Toxic Substances are Used, State Council Order No. 352, art. 63 (2002).
726. Regulations Concerning Labor Protection of Female Staff and Workers, State Council Order of July 21, 1988, art. 7 (1988).
727. *Id.* arts. 7, 9.
728. *Id.* art. 8.
729. *Id.* art. 8.
730. *Id.* art. 8.
731. *Id.* art. 7; *E.g.* In Nanjing, female workers are entitled to 11 prenatal visits, each lasting half a day, Jiang Jing Jing, *supra* note 722 (referring to Nuzhigong Quanyi Baohu Zhuanxiang Xieyi [Nanjing Agreement for the Protection of Female Workers' Rights and Interests] promulgated by the Nanjing People's Congress on Dec. 22, 2004).
732. Regulations Concerning Labor Protection of Female Staff and Workers, State Council Order of July 21, 1988, art. 7 (1988); Jiang Jing Jing, *supra* note 722 (referring to Nuzhigong Quanyi Baohu Zhuanxiang Xieyi [Nanjing Agreement for the Protection of Female Workers' Rights and Interests] promulgated by the Nanjing People's Congress on Dec. 22, 2004).
733. Labour Law of the P.R.C., Presidential Order No. 28, art. 73(5) (1994) (effective Jan. 1, 1995).
734. Regulations Concerning Labor Protection of Female Staff and Workers, State Council Order of July 21, 1988, art. 11 (1988).
735. Jiang Jing Jing, *supra* note 722 (referring to Nuzhigong Quanyi Baohu Zhuanxiang Xieyi [Nanjing Agreement for the Protection of Female Workers' Rights and Interests] promulgated by the Nanjing People's Congress on Dec. 22, 2004).
736. Labour Law of the P.R.C., Presidential Order No. 28, art. 95 (1994) (effective Jan. 1, 1995).
737. *Id.* arts. 92–93, 95.
738. Regulations on Labor Protection in Workplaces Where Toxic Substances are Used, State Council Order No. 352, art. 63 (2002).
739. Labour Law of the P.R.C., Presidential Order No. 28, arts. 77–84 (1994) (effective Jan. 1, 1995); Regulations of the P.R.C. on Settlement of Labour Disputes in Enterprises, arts. 1, 2(1)–(4) (1993).
740. Labour Law of the P.R.C., Presidential Order No. 28, art. 56 (1994) (effective Jan. 1,

- 1995).
741. *Id.* arts. 79–80; Regulations of the P.R.C. on Settlement of Labour Disputes in Enterprises, arts. 6–8 (1993).
742. Regulations of the P.R.C. on Settlement of Labour Disputes in Enterprises, arts. 12–13, 17 (1993).
743. Labour Law of the P.R.C., Presidential Order No. 28, art. 79 (1994) (effective Jan. 1, 1995); Regulations of the P.R.C. on Settlement of Labour Disputes in Enterprises, art. 6 (1993).
744. Law of the P.R.C. on the Protection of Rights and Interests of Women, arts. 22, 24 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
745. *Id.* art. 23.
746. *Id.* art. 26.
747. *Id.* art. 27.
748. *Id.* art. 27.
749. Trade Union Law of the P.R.C., art. 4 (2001); Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 5 (1992).
750. *Id.* art. 3. Trade union membership is voluntary and no organization or individual may obstruct or restrict workers' rights to join a trade union. *Id.* arts. 2–3.
751. *Id.* art. 10.
752. *Id.* art. 22(4).
753. Laodong Baozhang Jiancha Li [Regulation on Labor and Social Security Inspection], State Council Order No. 423, arts. 11(3)–(4), 23(1)–(6) (2004) (P.R.C.) (fines of CNY 1000 to 5000 for each victim) (translation by Center for Reproductive Rights).
754. Law of the P.R.C. on Safety in Mines, Presidential Order No.65, art. 29 (1993).
755. *Special Issue of the Ninth National Women's Congress of China*, ALL-CHINA WOMEN'S FEDERATION (ACWF) NEWSL. (ACWF, Beijing, P.R.C.), Sept. 2003, <http://www.women.org.cn/english/english/newsletter/September.htm> (last visited Feb. 16, 2005).
756. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 27 (2005) (effective Jan. 2006) (translation by Center for Reproductive Rights).
757. *Fifth and sixth periodic reports of State parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women: China*, Committee on the Elimination of Discrimination Against Women, at 49, U.N. Doc. CEDAW/C/CHN/5–6 (2004) [hereinafter CEDAW Committee, *Fifth and sixth periodic report of State parties: China*].
758. *Id.* at 49.
759. Wu Xiaoling, An Innovative and Inspiring Experience—Micro Credit Supported Poverty Reduction and Women's Development in China, Address at Forum on Women's Financial Education 1–2 (Nov. 2, 2004) (Mme. Wu is the Deputy Governor of the People's Bank of China).
760. CEDAW Committee, *Fifth and sixth periodic report of State parties: China*, supra note 757, at 49–50.
761. CHINA'S HUMAN RIGHTS PROGRESS 2003, supra note 410, ch. 5.
762. *Id.*
763. *Id.*; NPFPC, MAIN ACHIEVEMENTS, supra note 346.
764. *Project Hope Helps 100,000 Dropouts Return to School*, XINHUA NEWS AGENCY (China), Mar. 28, 2005, http://news.xinhuanet.com/english/2005-03/28/content_2753718.htm; ZHANG JIANMIN, ALL-CHINA WOMEN'S FEDERATION, BE CONCERNED WITH WOMEN, http://www.acyf.org.cn/e_doc/CY/19.htm (last visited June 24, 2005).
765. Committee on Economic, Social and Cultural Rights, *Initial report of State parties: China*, supra note 171, at 10–11.
766. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) & UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP), ASSESSMENT OF RESOURCES, BEST PRACTICES, GAPS IN GENDER, SCIENCE, & TECHNOLOGY IN PEOPLE'S REPUBLIC OF CHINA 21 (2001), <http://www.unesco.or.id/apgest/pdf/china/03-report-china.pdf>.
767. XIANFA [CONSTITUTION], art. 46 (2004).
768. *Id.* art. 49.
769. Compulsory Education Law of the P.R.C., Presidential Order No. 38, art. 5 (1986); Zhonghua Renmin Gongheguo Jianyu Fa [P.R.C. Education Law], Presidential Order No. 45, art. 9 (1995) (translation by Center for Reproductive Rights).
770. Compulsory Education Law of the P.R.C., Presidential Order No. 38, arts. 2, 5, 7 (1986); Zhonghua Renmin Gongheguo Jianyu Fa [P.R.C. Education Law], Presidential Order No. 45, art. 18 (1995) (translation by Center for Reproductive Rights).
771. Compulsory Education Law of the P.R.C., Presidential Order No. 38, art. 7 (1986).
772. *Id.* art. 10 (1986); Zhonghua Renmin Gongheguo Jianyu Fa [P.R.C. Education Law], Presidential Order No. 45, art. 74 (1995) (translation by Center for Reproductive Rights).
773. Compulsory Education Law of the P.R.C., Presidential Order No. 38, art. 5 (1986); Zhonghua Renmin Gongheguo Jianyu Fa [P.R.C. Education Law], Presidential Order No. 45, art. 56 (1995) (translation by Center for Reproductive Rights).
774. *Economic, Social and Cultural Rights, The Right to Education, Report submitted by the Special Rapporteur, Katarina Tomasevski, Addendum: Mission to China*, U.N. Commission for Human Rights, 16th Sess., Provisional Agenda Item 10, at 8, U.N. Doc. E/CN.4/2004/45/Add.1 (2003) (figures differentiate between budgetary funds and four other sources: (1) funds of social organizations and citizens, (2) donations and fund-raising, (3) tuition and other fees, and (4) unspecified "other educational funds") (referring to statistics from the Department of Development & Planning, Ministry of Education, Educational Statistics Yearbook of China, 2001, at 366 (2002)) [hereinafter U.N. Commission for Human Rights, *Special Rapporteur Report on the Right to Education in China*].
775. Compulsory Education Law of the P.R.C., Presidential Order No. 38, art. 12 (1986); Zhonghua Renmin Gongheguo Jianyu Fa [P.R.C. Education Law], Presidential Order No. 45, art. 57 (1995) (translation by Center for Reproductive Rights); U.N. Commission for Human Rights, *Special Rapporteur Report on the Right to Education in China*, supra note 774, at 8.
776. Compulsory Education Law of the P.R.C., Presidential Order No. 38, art. 15 (1986).
777. *Id.* art. 11; Law of the P.R.C. on the Protection of Minors, art. 9 (1991) (effective Jan. 1, 1992). Parents of children or adolescents who postpone enrollment or wish to be exempt from compulsory schooling must submit an application to the local people's government for approval.
778. Compulsory Education Law of the P.R.C., Presidential Order No. 38, art. 11 (1986).
779. *Id.* art. 15.
780. *Id.* art. 11; Law of the P.R.C. on Protection of Minors, arts. 28, 49 (1991) (effective Jan. 1, 1992) (illegal to hire minors under age 16, jobs with limited time and intensity permitted for 16–18 year olds).
781. Compulsory Education Law of the P.R.C., Presidential Order No. 38, art. 15 (1986); Law of the P.R.C. on Protection of Minors, art. 49 (1991) (effective Jan. 1, 1992).
782. Compulsory Education Law of the P.R.C., Presidential Order No. 38, art. 15 (1986); Law of the P.R.C. on Protection of Minors, art. 49 (1991) (effective Jan. 1, 1992) (illegal to hire minors under age 16).
783. Compulsory Education Law of the P.R.C., Presidential Order No. 38, art. 16 (1986).
784. *Id.* art. 5.
785. Law of the P.R.C. on the Protection of Rights and Interests of Women, arts. 15–16 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
786. *Id.* art. 18.
787. *Id.*
788. *Id.*
789. Higher Education Law of the P.R.C., Presidential Order No. 8, art. 9 (1998).
790. Zhonghua Renmin Gongheguo Jianyu Fa [P.R.C. Education Law], Presidential Order No. 45, art. 36 (1995) (translation by Center for Reproductive Rights); *See also* Compulsory Education Law of the P.R.C., Presidential Order No. 38, art. 15 (1986).
791. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 17 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
792. *Id.* arts. 19–20.
793. Vocational Education Law of the P.R.C., Presidential Order No. 69, art. 7 (1996); Law of the P.R.C. on the Protection of Minors, art. 37 (1991) (effective Jan. 1, 1992).
794. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 21 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
795. CHINA YOUTH DEVELOPMENT FOUNDATION (CYDF), BROCHURE, <http://www.cydf.org.cn/gb/english/cydf.zip> (last visited Mar. 17, 2005).
796. *Id.*
797. *Id.*; *Project Hope Helps 100,000 Dropouts Return to School*, supra note 764. Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renminbi*). *See* INTERNATIONAL MONETARY FUND, supra note 197.
798. *Programme Works to Change the Destiny of the Under Privileged*, CHINA DAILY, June 08, 2004, at 14, http://www.cydf.org.cn/gb/english/new_08_02.htm.
799. *Id.*; CHINA YOUTH DEVELOPMENT FOUNDATION (CYDF), BROCHURE, supra note 795.
800. *Programme Works to Change the Destiny of the Under Privileged*, supra note 798; One year anniversary of Project Hope's immigrant workers' children subsidization program (in Chinese), CYDF Newsletter No. 2 (March 2, 2005), available at <http://www.cydf.org.cn/gb/tongxun/database/showfocus.asp?newsid=3467> (last visited Mar. 17, 2005).
801. ALL-CHINA YOUTH FEDERATION (ACYF), CHINA YOUTH POLICY AND YOUTH WORK, supra note 146.
802. ALL-CHINA YOUTH FEDERATION (ACYF), PROJECT HOPE LAUNCHES SCHEME OF STUDY AID FOR URBAN MIGRATION (Jan. 2004), http://www.acyf.org.cn/e_info/200401/07.htm.
803. PARKER, supra note 552.
804. *Id.*
805. ZHANG JIANMIN, supra note 764.
806. *Id.*
807. *Id.*
808. Fang-fu Ruan & M.P. Lau, *China*, in 1 THE INTERNATIONAL ENCYCLOPEDIA OF SEXUALITY 344, 344–399 (Robert T. Francoeur, ed., 1997), www2.rz.hu-berlin.de/sexology/gesund/archiv/ies/china.htm; Ying Li et al., *Needs and Preferences Regarding Sex Education Among Chinese College Students: A Preliminary Study*, 30 INT'L FAMILY PLANNING PERSPECTIVES 128, 128–129 (2004), <http://www.agi-usa.org/pubs/journals/3012804.pdf>.
809. Fang-fu Ruan & M.P. Lau, supra note 808.
810. *Id.*; Ying Li et al., supra note 808, at 128–129.
811. Ying Li et al., supra note 808, at 129; *Students Find Sex Education Inadequate*, CHINA DAILY, Apr. 22, 2004, <http://www.china.org.cn/english/China/93721.htm>.
812. Population and Family Planning Law of the P.R.C., Presidential Order No. 63, art. 13 (2001) (effective Sept. 1, 2002).
813. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 17 (2005) (effective Jan. 2006) (translation by Center for Reproductive Rights).
814. Law of the P.R.C. on the Protection of Minors, art. 13 (1991) (effective Jan. 1, 1992).
815. Fang-fu Rang & M.P. Lau, supra note 808.
816. *Id.* (referring to findings from the Zhongguo Dangdai Xingvenghua – Zhongguo Lian-wanii “Xingwenming” Diaocha Baogao [Sexual Behavior in Modern China – A Report of the Nationwide “Sex Civilization” Survey on 20,000 Subjects in China] which was conducted without any government interference).
817. *Id.* (for example, information on sexual positions and nude illustrations were banned

- from textbooks).
818. *Id.*; Ying Li et al., *supra* note 808, at 128 (study showed that 47% of students at a large Chinese university had received no school-based education on sexual behavior before college); *Students Find Sex Education Inadequate*, *supra* note 811.
819. *Yifang Aibibingke Zhongxue Bixu Xiu [HIV/AIDS Prevention Classes Mandatory for High School Students]*, JIANKANG BU [Health News] (China), Feb. 28, 2005, http://www.nwccw.gov.cn/show/showxwbdNews.jsp?belong=%E6%96%B0%E9%97%BB%E6%A%A5%E9%81%93&alias=xwbd_xwbd&news_id=3572.
820. *Jiaoyu Zhidaowang Yao Chutai Liaojie Biyunfa Chang Zhongxuesheng "Biyaoke" [Education Plan Released, Understanding Contraceptive Methods Becomes Mandatory for High School Students]*, XIN WEN CHEN BU [MORNING NEWS] (China), Mar. 15, 2005, <http://sh.news.sina.com.cn/20050315/090248480.shtml>; *HIV/AIDS Prevention Classes Mandatory for High School Students*, *supra* note 819.
821. Tan Yingzi, *Sex-ed Text Ready for Use in Classes*, CHINA DAILY, Sept. 7, 2004, http://www.chinadaily.com.cn/english/doc/2004-09/07/content_372336.htm.
822. *China Issues First Sex Education VCD Series*, XINHUA NEWS AGENCY (China), Mar. 3, 2003, <http://www.china.org.cn/english/culture/57172.htm>; *First Sex Education VCD for Youngsters Released*, XINHUA NEWS AGENCY (China), May 31, 2002, <http://www.china.org.cn/english/LI-e/33619.htm>.
823. Li Cao, *Students to be Lectured on Drugs, AIDS and Sex*, CHINA DAILY, Dec. 30, 2004, http://www.chinadaily.com.cn/english/doc/2004-12/30/content_404773.htm.
824. *Id.*
825. *Id.*
826. Criminal Law of the P.R.C., art. 236 (1997), amended by Presidential Order No. 32 (2005).
827. *Id.* art. 236.
828. *Id.* art. 236.
829. *Id.* art. 17.
830. *Id.* art. 17.
831. *Id.* art. 237.
832. *Id.* art. 237. Criminal Detention is executed by the local public security organ and lasts up to 6 months. *Id.* arts. 42–43.
833. *Id.* art. 237.
834. *Id.* art. 237.
835. *Id.* art. 20.
836. Rangita de Silva-de Alwis, Remarks to the U.S. Congressional Executive Commission on China (Feb. 24, 2003) (transcript available at <http://www.cecc.gov/pages/roundtables/022403/silva.php>) (Referencing The Center for Women's Law Studies and Legal Services of Peking University, Theory and Practice of Protection of Women's Rights and Interests in Contemporary China, Investigation and Study on the Enforcement of the U.N. CEDAW in China 468).
837. Marriage Law of the P.R.C., art. 7 (2001).
838. *Marriage Law to Better Protect Women and Children*, CHINA DAILY, Apr. 30, 2001, <http://www.china.org.cn/english/12157.htm>.
839. As of May 2002, ten provinces have enacted local laws and regulations to ban domestic violence. *China Says "No" to Domestic Violence*, XINHUA NEWS AGENCY (China), July 25, 2002, <http://en.chinacourt.org/public/detail.php?id=563>.
840. XIANFA [CONSTITUTION], art. 49 (2004); Marriage Law of the P.R.C., art. 43 (2001).
841. Criminal Law of the P.R.C., art. 260 (1997), amended by Presidential Order No. 32 (2005). The crime of maltreating a family member "shall be handled only upon complaint." This stipulation is irrelevant if the victim is seriously injured or killed. *Id.*
842. *Id.* This type of monitoring is known as "public surveillance" which lasts from 3 months to 2 years during which the individual is under observation of the police, must report his activities to the police, cannot leave or change his residing city or county without approval and has limited rights. *Id.* art. 38–39.
843. SUPREME PEOPLE'S COURT JUDICIAL INTERPRETATION ON THE APPLICATION OF THE MARRIAGE LAW OF P.R.C. (I), *supra* note 631, art. 1 (referring to the meaning of domestic violence under arts. 3, 32, 43, 45 and 46 of the Marriage Law).
844. Marriage Law of the P.R.C., art. 43 (2001).
845. *Id.* art. 43.
846. *Id.* arts. 32(2), 46.
847. *Id.* art. 45.
848. *Id.* art. 45.
849. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 46 (2005) (effective Jan. 2006) (translation by Center for Reproductive Rights).
850. *Id.*
851. ALL-CHINA WOMEN'S FEDERATION (ACWF), WHAT'S NEW (Mar. 2003), <http://www.women.org.cn/english/english/whatsnews/2003-3.htm> (last visited Apr. 22, 2005); *China Says "No" to Domestic Violence*, *supra* note 839.
852. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 40 (2005) (effective Jan. 2006) (translation by Center for Reproductive Rights).
853. *Id.*
854. *Protect Women from Sexual Harassment*, PEOPLE'S DAILY, Nov. 11, 2003, http://english.peopledaily.com.cn/200311/11/print20031111_128030.html.
855. *Female Teacher Wins Sexual Harassment Law Suit*, XINHUA NEWS AGENCY (China), June 22, 2003, <http://en.chinacourt.org/public/detail.php?id=2743>; Li Weiwei et al., *WoGuo Lifa De Xingsaonao Shuo Bu Yongren Danwei You Ze Fangzhi [Country Enacts Statute to Prohibit Sexual Harassment, Employing Units responsible to Prevent]*, XINHUA NEWS AGENCY (China), June 26, 2005, http://www.legalinfo.gov.cn/zfsf/2005-06/27/content_160084.htm (translation by Center for Reproductive Rights).
856. *Female Teacher Wins Sexual Harassment Law Suit*, *supra* note 855; Li Weiwei et al., *supra* note 855; *Protect Women from Sexual Harassment*, *supra* note 854.
857. *Protect Women from Sexual Harassment*, *supra* note 854.
858. *Id.*; *China Amends Law to Ban Sexual Harassment*, XINHUA NEWS AGENCY (China), June 27, 2005, <http://en.chinacourt.org/public/detail.php?id=3905>; Li Weiwei et al., *supra* note 855 (according to the NPC Standing Committee, less than ten sexual harassment cases have been brought before the court since 2001) (translation by Center for Reproductive Rights).
859. Regulation on Administrative Penalties for Public Security, Presidential Order No. 43, art. 30 (1986) (effective Jan. 1, 1987); Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, art. 4 (1992).
860. Regulation on Administrative Penalties for Public Security, Presidential Order No. 43, art. 30 (1986) (effective Jan. 1, 1987); Maiyin Piaochang Renyuan Shourong Jiaoyu Banfa [Measures on Re-Education through Labor for Prostitutes and Patrons of Prostitutes], State Council Order No. 127, art. 9 (1993) (persons subject to re-education through labor are held at re-education centers and given compulsory education in law and morality and/or productive labor) (translation by Center for Reproductive Rights); Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, art. 4 (1991) (effective Sept. 4, 1992); Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renminbi*). See INTERNATIONAL MONETARY FUND, *supra* note 197.
861. Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, art. 4 (1991) (effective Sept. 4, 1992); Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renminbi*). See INTERNATIONAL MONETARY FUND, *supra* note 197.
862. Maiyin Piaochang Renyuan Shourong Jiaoyu Banfa [Measures on Re-Education through Labor for Prostitutes and Patrons of Prostitutes], State Council Order No. 127, arts. 10–11 (1993) (translation by Center for Reproductive Rights); Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, art. 4 (1991) (effective Sept. 4, 1992).
863. Criminal Law of the P.R.C., art. 360 (1997), amended by Presidential Order No. 32 (2005); Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, art. 5 (1991) (effective Sept. 4, 1992). Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renminbi*). See INTERNATIONAL MONETARY FUND, *supra* note 197.
864. Criminal Law of the P.R.C., arts. 358–359 (1997), amended by Presidential Order No. 32 (2005); Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, arts. 1–3 (1991) (effective Sept. 4, 1992).
865. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 41 (2005) (effective Jan. 2006) (translation by Center for Reproductive Rights).
866. Criminal Law of the P.R.C., arts. 358–359 (1997), amended by Presidential Order No. 32 (2005); Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, arts. 1–3 (1991) (effective Sept. 4, 1992); Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renminbi*). See INTERNATIONAL MONETARY FUND, *supra* note 197.
867. Criminal Law of the P.R.C., art. 358 (1997), amended by Presidential Order No. 32 (2005); Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, art. 2 (1991) (effective Sept. 4, 1992).
868. Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, art. 6 (1991) (effective Sept. 4, 1992); Criminal Law of the P.R.C., art. 361 (1997), amended by Presidential Order No. 32 (2005). If the violator is in a leadership position of the work place, they are given harsher punishment. *Id.*
869. Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, art. 7 (1991) (effective Sept. 4, 1992).
870. Criminal Law of the P.R.C., arts. 310, 362 (1997), amended by Presidential Order No. 32 (2005); Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, art. 7 (1991) (effective Sept. 4, 1992).
871. Decision of the Standing Committee of the National People's Congress on the Strict Prohibition Against Prostitution and Whoring, art. 10 (1991) (effective Sept. 4, 1992).
872. Law of the P.R.C. on the Protection of Rights and Interests of Women, art. 39 (2005) (effective Jan. 1, 2006) (translation by Center for Reproductive Rights).
873. *Id.*
874. Decision of the Standing Committee of the National People's Congress Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children, Presidential Order No. 52 (1991) (provisions on criminal liability were incorporated into the Criminal Law in 1997 while administrative penalties and administrative measures of the Decision continue to be in force).
875. *Id.* art. 1; Abducting and Trafficking in a woman or child refers to the acts of abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim. Criminal Law of the P.R.C., art. 240 (1997), amended by Presidential Order No. 32 (2005). Calculations based on exchange rate of 1 U.S. Dollar (USD) to 8.2765 CNY (*renminbi*). See INTERNATIONAL MONETARY FUND, *supra* note 197.
876. Criminal Law of the P.R.C., arts. 239–240 (1997), amended by Presidential Order No. 32 (2005); Decision of the Standing Committee of the National People's Congress Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children, Presidential Order No. 52, arts. 1–2 (1991).

877. Criminal Law of the P.R.C., art. 241 (1997), *amended* by Presidential Order No. 32 (2005); Decision of the Standing Committee of the National People's Congress Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children, Presidential Order No. 52, art. 3 (1991).
878. Criminal Law of the P.R.C., arts. 236, 240–241 (1997), *amended* by Presidential Order No. 32 (2005); Decision of the Standing Committee of the National People's Congress Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children, Presidential Order No. 52, art. 3 (1991).
879. Criminal Law of the P.R.C., art. 241 (1997), *amended* by Presidential Order No. 32 (2005); Decision of the Standing Committee of the National People's Congress Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children, Presidential Order No. 52, art. 3, ¶ 6 (1991).
880. Decision of the Standing Committee of the National People's Congress Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children, Presidential Order No. 52, art. 5 (1991).
881. Criminal Law of the P.R.C., arts. 242, 277 (1997), *amended* by Presidential Order No. 32 (2005).
882. OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE, TRAFFICKING IN PERSONS REPORT, COUNTRY NARRATIVES: P.R. C. (2004), <http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm> (Released June 14, 2004).
883. CHINA'S HUMAN RIGHTS PROGRESS 2003, *supra* note 410, ch. 5.
884. *China, UNICEF Join Hands to Protect Girls*, XINHUA NEWS AGENCY (China), June 2, 2004, <http://www.china.org.cn/english/China/97138.htm>.
885. *Program to Cut Human Trafficking*, CHINA DAILY, Sept. 25, 2002, <http://www.china.org.cn/english/China/44085.htm>.
886. PARKER, *supra* note 552.
887. *Id.*
888. *Project Helps Prevent Human Trafficking*, CHINA DAILY, Nov. 4, 2002, <http://www.china.org.cn/english/2002/Nov/47767.htm>.
889. Criminal Law of the P.R.C., art. 237 (1997), *amended* by Presidential Order No. 32 (2005).
890. *Id.* art. 236.
891. *Id.*
892. *Id.*
893. *Id.* art. 240.