

# **An Evaluation of 30-Years of the One-Child Policy in China**

**Hearing of the Tom Lantos Human Rights Commission**

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Honorable members of the committee, ladies and gentlemen, I would like to express my gratitude for this opportunity to testify here today. During a sensitive time in engaging the People's Republic of China (PRC) on human rights issues, I am truly moved by the United States' continuing concern for the suffering of the Uyghur people.

Before I begin my testimony, I would like to take this opportunity to condemn the nine executions carried out recently in East Turkestan, (also known as Xinjiang Uyghur Autonomous Region by the Chinese government). The executions exacerbate the terror and helplessness of Uyghurs in East Turkestan, whose friends and loved ones have been killed and detained since July 5, 2009. I fear that the executions and killings of Uyghurs will continue unless the international community speaks out. The fact that the Chinese authorities had the audacity to carry out these executions on the eve of President Barack Obama's visit to China displays their utter disregard for international human rights standards. I ask the United States, and President Obama, to urge the Chinese government to follow international standards in judicial procedures related to the July 5 unrest and stop intimidating and terrorizing the entire Uyghur population through further executions.

Amongst the international community of multi-lateral organizations, concerned governments and non-governmental organizations, there is no dispute that egregious human rights abuses against the Uyghur people occur on a daily basis in East Turkestan.

Objective research and documentation by the aforementioned entities renders the Chinese government's assertion that it acts in the best interests of the Uyghur people as untrue. The collective and individual human rights of the Uyghur people in the political, civil, economic, social and cultural spheres have been ravaged in sixty years of mismanaged and damaging Chinese Communist Party policies (CCP) formulated at the local and national level. This abuse of the Uyghur people's collective and individual human rights is no more apparent than in the CCP's implementation of family planning policy in East Turkestan.

Under the Chinese government's 2001 *Law on Population and Birth Planning*, Han Chinese couples are permitted to have one child; Uyghur couples, and all couples belonging to "national minorities" with populations under 10 million, are permitted to have two children in urban areas or three children in rural areas. However, this exemption from the one child policy does not mean that family planning policies are not applied to Uyghurs. Under Article 18 of the *Law on Population and Birth Planning*, it states:

"Minority nationalities too must (*ye yao*) practice birth planning, with the specific measures to be stipulated by the people's congresses of provinces, autonomous regions, and directly subordinate municipalities, or by their

standing committees.”<sup>i</sup>

As Article 18 explains, local authorities are charged with the implementation of the national family planning policy towards “minorities”, and at the core of implementation of Article 18 in the Xinjiang Uyghur Autonomous Region are coercive and compulsory measures. These measures specifically entail state-sanctioned violence against Uyghur women through the use of forced abortions, forced sterilizations and forced insertions of intrauterine devices (IUD’s).

The Chinese government’s family planning policy as implemented in East Turkestan is viewed by Uyghurs as one of a number of policies aimed at undermining Uyghur cultural and ethnic survival. Other policies targeting Uyghur identity include the elimination of the Uyghur language in schools and restrictions placed on religious activity– all attempts to alter the ethnic distinctiveness of the Uyghur people. Nevertheless, the “Xinjiang” authorities’ brutal implementation of family planning policy towards Uyghurs is a physical attempt to control the natural demographic growth of the Uyghur as a people. Added to the flood of Han Chinese migrants into East Turkestan as well as the forcible transfer of young Uyghur women to eastern China, the Chinese government’s family planning policy as implemented toward Uyghurs begins to take on the appearance of an engineered Malthusian solution to the Uyghur presence in the region; in other words, ethnic cleansing. While the Chinese government’s family planning policy as implemented to the majority Han Chinese is aimed at reducing the number of their population, but the policy as implemented to the Uyghurs is aimed at gradually and legally eliminate the less than ten million Uyghur people as the majority indigenous population in East Turkestan because Uyghurs are considered a security threat to the territorial integrity of the People’s Republic of China.

Despite what is written in the *Law on Population and Birth Planning*, Uyghurs are not free to have the number of children as legislated. Officials in each local authority in East Turkestan are under pressure from the regional government to meet abortion quotas, so as to be seen as acting effectively on implementing family planning measures. In one East Turkestan locality of 200,000, a Han Chinese doctor described how 35,000 women of childbearing age were subjected to a campaign of government checks regarding their state of pregnancy. During the campaign, 686 women were forced to undergo a form of abortion known as curettage, 993 were forced to discontinue their pregnancies and 10,708 women were forced to undergo sterilization.<sup>ii</sup>

According to official estimates, family planning regulations in the region prevented 3 million births between 1996 and 2000– an alarmingly high figure when officially, the Uyghur population of East Turkestan was less than 8 million people. During the same period, 1996-2000, it was also reported that 58% of Uyghur women of childbearing age were no longer able to give birth. This is thought to be mainly due to the prevalence of sterilizations, the use, voluntary or otherwise, of IUDs, as well as the result of botched operative procedures, including IUD insertions and abortions.<sup>iii</sup>

Another misunderstood aspect regarding the implementation of the *Law on*

*Population and Birth Planning* is the notion that only “national minorities” are exempt from the one child provision. This misunderstanding has been frequently promoted by Han Chinese nationalists to illustrate the “generous” policies of the Chinese government toward Uyghurs. However, as the official Chinese media has stated, only 36% of the PRC population as a whole falls under the stipulations of the one child policy, and in rural areas of the PRC, including East Turkestan, Han Chinese “couples are allowed to have a second child if their first is a girl.”<sup>iv</sup>

Behind all these contradictory and misunderstood aspects of the *Law on Population and Birth Planning* is the concrete fact that Uyghurs have not been consulted regarding the formulation or implementation of the law’s articles that directly affect them. The mere fact that no meaningful input has been sought from Uyghurs to discuss their specific cultural approach to family planning means that this policy, from its inception, has alienated Uyghurs. The policy while implemented at the local levels of government is in character centrist, non-negotiable and non-responsive to the needs of the Uyghur people.

Furthermore, Uyghurs are often confused as to why family planning law should apply to them, as over-population appears to be a Han Chinese problem, and not a concern for Uyghurs predominating in the more sparsely populated areas of East Turkestan. Additionally, the economic reasoning underpinning family planning policy in the PRC does not apply in East Turkestan, as the Uyghur population exercises very little effect on the Chinese economy as a whole. If anything, the economic condition of Uyghurs in East Turkestan has worsened since the implementation of family planning law with documented increases in poverty and unemployment<sup>v</sup>.

Because the decision-making process for Uyghur family planning is not within the control of the Uyghur people themselves, and instead rests with a government having a proven track record of human rights abuses against the Uyghur people, this leads to the conclusion that family planning policy is more than likely not designed in the best interests of Uyghurs. Much like Tibetans, and unlike people such as Uzbeks, Kazakhs and Kyrgyz, who exercise sovereignty over their population in independent nations, Uyghurs are in the unenviable and vulnerable position of having a hostile government control the demographic future of their people.

The individual rights of Uyghurs living in East Turkestan have been repeatedly violated under the implementation of the *Law on Population and Birth Planning*. Amnesty International reports that:

“Reports of violence against women in the context of implementation of the birth control policy in the XUAR refer not only to forced abortions and sterilizations, but also to cases where women have suffered permanent health damage or even died as a result of careless surgery during such operations.”<sup>vi</sup>

This state-sanctioned violence against Uyghur women is often accompanied by frequent intimidation of family members. I would like to highlight three cases illustrating

the extent of how local officials, acting in the name of family planning policy implementation, have subjected individuals in East Turkestan to the most egregious human rights abuses.

Late last year, Arzigul Tursun, a young Uyghur woman six months pregnant with her third child, found herself terrified facing the imminent prospect of a forced abortion<sup>vii</sup>. Arzigul's pregnancy was "discovered" when she was three months pregnant, and she fled Bulaq village to escape the local officials who tried to force her to have an abortion at that time. During Arzigul's absence from her home village, local officials harassed her husband, Nurmemet, and parents in order to determine her whereabouts or to compel her to return home, even threatening her elderly mother. Local officials threatened Arzigul's family with the confiscation of their property if Arzigul did not return to the village. The officials' strategy worked, and Arzigul returned to Bulaq village on November 11. The doctor who was to carry out the abortion, Rashide, came to Arzigul's house, and escorted Arzigul, Nurmemet, and Arzigul's father to the Ghulja Municipal Water Gate Hospital. At the hospital, Nurmemet was coerced under intimidation to sign a document authorizing the abortion (he initially refused to sign the document).

On November 16, Arzigul was able to flee the Ghulja Municipal Water Gate Hospital, but she was found by police and taken to a larger hospital, the Women and Children's Welfare Hospital in Ghulja, where she was held under guard<sup>viii</sup>. Arzigul's father was forced to sign a document authorizing the abortion.

Fortunately, Arzigul's case came to the attention of overseas Uyghur advocates. With the intervention of the Honorable Chris Smith<sup>ix</sup>, the Honorable Joe Pitts and other concerned citizens and groups, Arzigul was able to keep her third child<sup>x</sup>. Arzigul gave birth to a son<sup>xi</sup>, Umid, meaning Hope in the Uyghur language, on February 9, 2009; however, her family continues to be harassed by Chinese authorities. Most recently, Radio Free Asia reported<sup>xii</sup> that Arzigul's father, Tursunjan Hesen, 67, was detained on July 2, 2009 for speaking<sup>xiii</sup> to the foreign media about his daughter's attempts to evade a forced abortion.

Yemlibike Fatkulin, a Uyghur now residing in the United States, in congressional testimony<sup>xiv</sup> described the extent to which her family and friends in East Turkestan have suffered at the hands of zealous local officials.

Yemlibike's cousin's wife was subjected to the forced abortion of twins while Yemlibike's cousin was in prison, serving a 2-year sentence for religious activities.

Another of Yemlibike's cousins was sentenced to prison for two years in 1995. All she did was wear religious veils and devote her to study religion. She was forcibly sterilized in a prison at Turpan.

A further relative of Yemlibike's had three children forcibly aborted by Chinese doctors in Turpan Yar village. As a result of the forced abortions, she developed a severe bleeding problem, which has lasted until the present.

Yemlibike's stepsister was fined six months' salary after she had her first baby born before the designated time of birth by the Chinese government.

And, Yemlibike's neighbor was subjected to a forced abortion in Urumchi #2 People's Hospital. She has been paralyzed ever since, unable to walk or stand up.

Lastly, I would like to relate the details of a phone call our office took just after the recent unrest in Urumchi this year. The call came from a Han Chinese woman, who said she had worked in a family planning clinic in Kashgar in the 1990s. She spoke about the fear of coming forward with information, but felt compelled to do so because of the continuing abuse of Uyghur women's reproductive rights in East Turkestan. She described how in order to meet abortion quotas placed on local authorities in Kashgar, officials sanctioned the abortion of Uyghur children rather than children from the Han nationality. These abortions were forced and against the wishes of the Uyghur families. She added that it was mostly Uyghur farmers who were coerced to come to the clinic and that the families cried endlessly as the forced abortions were conducted. Uyghur families, and in particular rural families, were targeted because Chinese officials considered this demographic as the least empowered to voice opposition to the procedures, or the least likely to know their rights under Chinese law.

I ask the United States to call upon the Chinese government to adhere to the Convention on the Elimination of All Forms of Discrimination Against Women, which the Chinese government ratified in 1980. The convention states that women have the right to "decide freely and responsibly on the number and spacing of their children". I call upon the Chinese government to end the use of coercion and force, which it officially opposes, when implementing family planning regulations in East Turkestan. The Chinese government must end its practice of forced abortion and sterilization among Uyghur women, and allow us to exercise our most basic of rights: the right to bear children as we wish, free of state control.

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<sup>i</sup> People's Republic of China: Law on Population and Birth Planning:  
<http://www.cecc.gov/pages/roundtables/092302/wincklerLaw.php>

<sup>ii</sup> Coercive Chinese Birth Control Policy on Uyghurs in Eastern Turkistan:  
[http://www.uygur.org/enorg/h\\_rights/coercive\\_chinese\\_birth\\_control\\_p.htm](http://www.uygur.org/enorg/h_rights/coercive_chinese_birth_control_p.htm)

<sup>iii</sup> Rural East Turkistan to be "focus" of China's family planning policies:  
<http://www.uhrp.org/articles/87/1/Rural-East-Turkistan-to-be-focus-of-Chinas-family-planning-policies/Rural-East-Turkistan-to-be-focus-of-Chinas-family-planning-policies.html>

<sup>iv</sup> Most people free to have more child: [http://www2.chinadaily.com.cn/china/2007-07/11/content\\_5432238.htm](http://www2.chinadaily.com.cn/china/2007-07/11/content_5432238.htm)

<sup>v</sup> Separate and Unequal: The Status of Development in East Turkestan:  
<http://uyghuramerican.org/docs/Sept-28-Separate-and-unequal.pdf>

<sup>vi</sup> China: Gross Violations Of Human Rights In The Xinjiang Uighur Autonomous Region:  
<http://www.amnesty.org/en/library/asset/ASA17/018/1999/en/6eb116ed-e285-11dd-abce-695d390ccea/asa170181999en.html>

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<sup>vii</sup> Uyghur Woman Faces Forced Abortion: <http://www.rfa.org/english/news/forced%20abortion-11132008173803.html>

<sup>viii</sup> Uyghur Woman Found, Facing Abortion: <http://www.rfa.org/english/news/uyghur/abortion-11172008112655.html>

<sup>ix</sup> Smith Makes Urgent Appeal to Chinese Authorities: <http://chrissmith.house.gov/News/DocumentSingle.aspx?DocumentID=105765>

<sup>x</sup> Uyghur Woman Released, Without Forced Abortion: <http://www.rfa.org/english/news/uyghur/release-11182008110804.html>

<sup>xi</sup> New Son for Uyghur Woman: <http://www.rfa.org/english/news/uyghur/uyghurbirth-02132009165136.html>

<sup>xii</sup> Uyghur Grandfather Detained: <http://www.rfa.org/english/news/uyghur/detained-10302009202838.html>

<sup>xiii</sup> “Won’t Anyone Listen to Justice?”: <http://www.rfa.org/english/news/uyghur/uyghur-justice-11192008165957.html>

<sup>xiv</sup> The Plight of the Uyghur People: <http://www.pop.org/00000000355/the-plight-of-the-uyghur-people>

More information on recent regional government initiatives on family planning policy as implemented in East Turkestan is available at:

人口计生委加大支持新疆人口和计划生育工作力度: <http://news.sohu.com/20091106/n268020643.shtml>