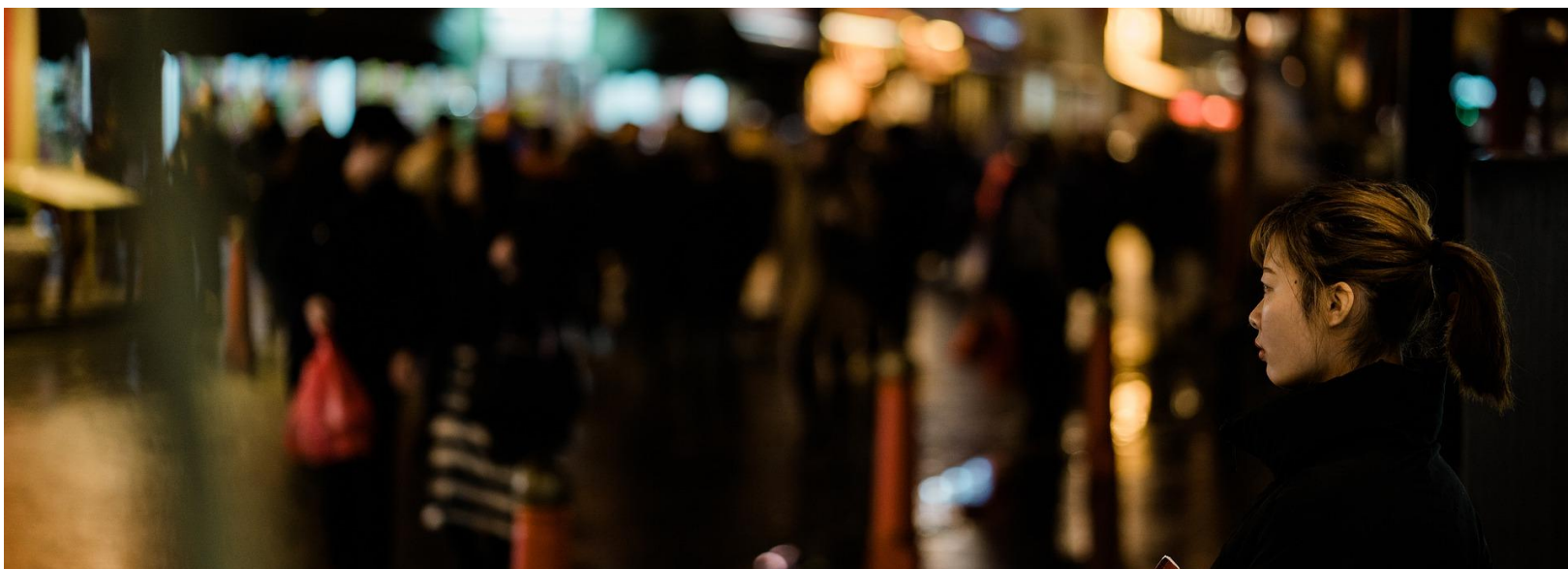


## Unpack the reconfiguration of population policy in China

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Chinese government announced the three-child policy in May 2021, which marked the drastic and expedited reconfiguration of population policy in the world most populous country and second largest economy. It is another major population policy shift since the coercive draconian “one-child policy” in late 1970s. China’s “one-child policy” refers to the family planning policy that restricted the married couple to only one child. In fact, China’s family planning policy is more sophisticated, for example it allows rural residents to have the second child if the first child is a girl (so called one-and-a-half child policy). The policy was enforced by the National Population and Family Planning Commission, with a system of punishment for violators (fines, forced sterilization and abortion) and rewards for compliancy (cash incentives and other social benefits). In November 2013, this policy was relaxed allowing married couples who are the only child in their families to have two children. In the same year, the National Population and Family Planning Commission merged with the Ministry of Health to form the National Health and Family Planning Commission, which then is

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renamed in 2018 as the National Health Commission. The “Amendment to the Population and Family Planning Law of the People's Republic of China (Draft)” was adopted on December 2, 2015, and officially launched on January 1, 2016. It aims to speed up the implementation of a comprehensive two-child policy across country, which is directly associated with the dynamics of population aging and birth rate reduction. However, all these policy adjustments in the past few years have not been able to effectively reverse the trend of decreasing fertility rate in China. China’s total fertility rate (TFR) continues to drop from 5.6 children per woman (1970) to 2.6 (1980) to 1.6 (2017) to 1.3 (2020), below the replacement level of 2.1 needed for a stable population (Zhao, 2019; Zhao & Zhang, 2021).

The demographic trends and population policy shift in China attract the attention of the global media, which refers it as “demographic crisis” and scholars from diverse disciplinary backgrounds analyze the comprehensive impacts. So far by now, their analyses and reflections on China’s population policy shift concentrate on the four main areas - (1) the rationale behind the policy changes i.e., demographic crisis; (2) the effectiveness of the policy interventions in terms of raising fertility; (3) the broader economic and social impacts on growth, composition of labor force, family structure; more specifically (4) impacts on human rights, women’s right and gender equality. The consensus among demographer, sociologist, historian, and feminist and human rights activists is that the three-child policy would not reverse the declining birthrate due to various reasons. Sociologists argue that policy does not address the root causes - such as urbanization, women’s greater access to higher education, rising expectations about standards of living, among others, which result in the norm and behavior change, i.e., Chinese women’s decisions to postpone marriage and childbearing (Wang & Cai, 2021). By scrutinizing the history of abortion and birth control in China, historians point out that state interference and focusing on monitoring women’s bodies is not new thing. They criticize the enduring lack of humanity in the longstanding family planning and population policies since 20<sup>th</sup> century to the present from eugenics to Malthusian theory of population, to social engineering (Rodriguez, 2022). Demographers propose the more effective and long-term strategies to complement the three-child policy, such as postponing the retirement age, raising the productivity of workers, and improving population health (especially at older ages), to address demographic realities (Zhao & Zhang, 2021). Comments and responses from Chinese young feminists are blunt and resolute: they would not consider entering the marriage and producing babies, until a non-discriminatory and gender equality society become a reality, as expressed by Crystal L.<sup>1</sup>

Feminists and sexual and reproductive health and rights (SRHR) advocates have criticized the coercion and rights violation in enforcement of the family planning policies for decades. They welcome the policy change notwithstanding, the relaxation of family planning policy does not lessen their caution and suspicion. Furthermore, they

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<sup>1</sup> Crystal L.’s presentation can be found at Webinar series on China and the world, Episode 4. China’s social movements. (<https://www.youtube.com/watch?v=oozxsKFYiY0>). Retrieved on 8 December 2021.

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are wary of women's access to abortion will be limited in the context of pro-natalist policies. In September 2021, the Chinese government releases the new policy guideline on women, namely "*Program for Women and Development (2021-2030)*". In the area of "Women and Health", it states to "reduce abortions for non-medical reasons" as one of the strategies to meet the health target.<sup>2</sup> This language triggers the vigilance of many feminists and SRHR advocates who depressingly foresee that over the next decade, access to abortion will be restricted to cases with medical indication. Undoubtedly, their concern is not groundless nor unnecessary, especially if we locate these set of policy changes in China in the broader global context of fierce anti-abortion, anti-gender ideology campaigns happening in Americas, Europe, and Africa.<sup>3</sup> Although there are differences in the motivations and rationalities informing abortion politics in each country, whether for the benefit of state's objectives (higher fertility) or else in the name of a moral mandate mostly deriving from Christian religious doctrines basis, this potential unusual convergence tendency deserves more systematic research and critical reflections.

China's abortion policy has always been very complicated and controversial. On the one hand, the criminalization of abortion was left behind to concede to fertility control policy established at the end of the 1970s, whose coercive features have been subject to sharp criticism, including by feminists, human rights advocates, concerned politicians around the world. Not surprisingly, the polemics also come from Western anti-abortion conservative religious and right-wing forces who made of the Chinese Communist Party (CCP) one of their main ideological targets. On the other hand, because the family planning program mainly targets married women, this leaves youths lack access to contraceptive services and sexual health information, which result in the high prevalence of unintended pregnancies and the high rates of abortion among unmarried youths (Kaufman et al., 2014; Hu, 2015; UNFPA China, 2018). UNFPA and UNESCO, sexuality education advocates call on providing comprehensive sexuality education (CSE) and youth-friendly sexual and reproductive health services as the effective measures to be taken to address the problem. The concern on imbalance of sex ration at birth (SRB)<sup>4</sup>, the phenomenon which is largely attribute to the sex-selective abortion and prevailing son preference culture, just adds more complicities to the debate around abortion. Although sex selection for non-medical reasons was made illegal by law since 1994, the practice persists. This has directly led to increasing number of sex-selective induced abortions, and consequently resulted in a rising high sex ratio at birth (UNFPA, 2007).<sup>5</sup> Having reviewed the trajectory of abortion policy and debates,

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<sup>2</sup> State Council of People's Republic of China, Program for Women and Development (2021-2030). 8 September 2021. ([http://www.gov.cn/zhengce/content/2021-09/27/content\\_5639412.htm](http://www.gov.cn/zhengce/content/2021-09/27/content_5639412.htm)). Retrieve on 7 December 2021.

<sup>3</sup> More information and analyses can be found at "Resources on Anti-Gender Ideology" compiled by Global Philanthropy Project. (<https://globalphilanthropyproject.org/2018/11/29/resistingagi/#1574262046103-f70c01c6-b764>). Retrieve on 8 December 2021.

<sup>4</sup> Sex ration at birth (SRB) refers to the number of male live births per 100 female live births. The "normal" sex ratio at birth is in general between 103 and 107. Countries that are known to have or have had sex ratio at birth higher than this includes South Korea, India, and China.

<sup>5</sup> After 1990, the National Population and Family Planning Commission, the Ministry of Health, and other related

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maybe we would not be too surprised by emergence of the text “reduce abortion for non-medical reason” in newly launched *National Program on Women and Development 2021-2030*, which is not only aligned with the new pro-natalist policy, but also consistent with the decades long anti sex-selective induced abortion policy. It worth noting that a specific policy, such as abortion policy, has always been debated and negotiated by various actors in the complex global and national contexts. Therefore, the more nuanced and contextualized analyses are crucial. More importantly feminist scholars and human rights activists need to intervene actively and strategically in the ongoing process, to participate the debates, to monitor closely the implementation of the policies and their implication on women’s health and rights.

How far would Chinese population policy go, and in what direction – from restriction of abortion to legalize sexual and reproductive right for all, including gay people? We still do not know the answer. As there has always been and continues to be a range of contested ground and possibilities that so many actors intend to seize, where feminist and women’s rights advocates must have their critical voices being heard.

May be the first step to address the current demographic crisis is to end the obsession on fertility and fetishism on intervention via maneuvering population policies and social engineering. It is the time to shift the focus on controlling women’s bodies and sexuality and refocus on improving health and wellbeing for all, including their sexual and reproductive health and rights, on respecting and protecting women’s bodily integrity, and promoting gender equality.

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agencies promulgated a series of administrative regulations to prohibit fetal sex identification and sex-selective pregnancy termination for non-medical purposes. More importantly, both Law on Maternal and Infant Health Care (1994) and Population and Family Planning Law (2001) made fetal sex identification and sex-selective pregnancy termination for non-medical purposes illegal.

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