

# Funding UNFPA

## China's Coercive Population Control Program

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**Summary:** *The United Nations Population Fund (referred to as the UNFPA) has been a strong supporter of China's coercive population control program. In 1985 Congress passed the Kemp-Kasten Amendment, which gave the President the authority to deny U.S. funds to any organization or program that supports or participates in the management of a program of coercive abortion or involuntary sterilization. The UNFPA has been denied U.S. funding because of its support of the China program. Abortion advocates oppose this policy.*

### Coercion in China's One-Child-Per-Couple Policy

In 1979 China announced a one-child-per-couple family planning policy. In the early 1980's evidence was accumulating that China was employing coercive abortion and compulsory sterilization to carry out this policy. After living in rural China for a year, Steven Mosher wrote:

The Chinese government claims that the guiding principle of the abortion program is 'voluntarism,' but there was nothing voluntary about the process I observed when living in a Chinese village in 1980. It involved subjecting pregnant women, many very close to term, to exhausting morning-to-night 'study sessions,' levying heavy penalties on them and their families, and the actual incarceration of those who still proved recalcitrant. Nor does the description 'voluntary' adequately encompass the reports that have come out of China since then of pregnant women being handcuffed, thrown into hog cages and taken to operating tables of rural clinics.<sup>1</sup>

After a three-year investigation of China's one-child-per-couple policy, another report confirmed the Mosher experience:

Publicly, they [Chinese leaders] claim to rely on the powers of persuasion and education, exercising a policy of voluntary consent. . . . But a closer and longer look reveals a very different picture. China, to be sure, is curbing its population growth, but its success is rooted in widespread coercion, mass

abortion and intrusion by the state into the most intimate of human affairs. . . . What emerges from more than 200 interviews spaced over three years with officials, doctors, peasants and workers in almost two-thirds of China's 29 main subdivisions is the story of an all-out government siege against ancient family traditions and the reproductive habits of a billion people.<sup>2</sup>

Over the years, the evidence has grown even stronger. The government claims that the program is voluntary stand in stark contrast to the pervasive brutal realities reported on repeated occasions. In the early 1990's, China intensified its population control program. One news account relates how unauthorized births are punished:

Villagers say that if they cannot pay the fines, the family planning officials confiscate a cow, a pig, an important farm tool or household belongings like furniture or a television. Sometimes they simply smash the items, and often they knock down the house as well.<sup>3</sup>

The U.S. State Department's *Country Reports on Human Rights Practices - 2003* confirms that with respect to China "Violence against women (including imposition of a birth limitation policy coercive in nature that resulted in instances of forced abortion and

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<sup>2</sup>Michael Weisskopf, "Abortion Policy Tears at China's Society," *The Washington Post* (January 7, 1985).

<sup>3</sup>Shirley WuDunn, "Births Punished by Fine, Beating or Ruined Home," *The New York Times* (April 25, 1993).

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<sup>1</sup>"How China Uses U.N. Aid for Forced Abortions," *The Wall Street Journal* (May 13, 1985).

forced sterilization) . . . continued to be problems.”<sup>4</sup>

On September 1, 2002, China issued the Population and Family Planning Law, its first formal law on the subject. The National Population and Family Planning Commission enforces the law with the assistance from the Birth Planning Association, which has one million branches nationwide.<sup>5</sup> The Laogai Research Foundation describes the magnitude of the enforcement effort:

The one-child policy is the most ambitious and daunting task the government faces. The State Family Planning Commission has approximately 520,000 full-time employees, or cadres, and the Birth Planning Association, which assists the cadres in enforcement and implementation, has over 83 million part-time employees working at one million locations.<sup>6</sup>

#### **UNFPA's Support for China's Population Program**

The UNFPA has been deeply involved in the China program from the beginning. UNFPA officials participated in the State Family Planning Commission. In 1983, the UNFPA gave China's family-planning minister, Qian Xinzong, the first U.N. population award. In 1985 the U.S. Agency for International Development (USAID) concluded that “the kind and quality of assistance provided by UNFPA contributed significantly to China's ability to manage and implement a population program in which coercion was pervasive.”<sup>7</sup> In 1987 the UNFPA representative in

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<sup>4</sup>U.S. Department of State, *China (includes Tibet, Hong Kong, and Macau): Country Reports on Human Rights Practices - 2003* (released by the Bureau of Democracy, Human Rights, and Labor, February 25, 2004). See: [www.state.gov/g/drl/rls/hrrpt/2003/27768.htm](http://www.state.gov/g/drl/rls/hrrpt/2003/27768.htm)

<sup>5</sup>Ibid.

<sup>6</sup>*Better Ten Graves Than One Extra Birth: China's Systemic Use of Coercion to Meet Population Quotas* (Washington, DC: The Laogai Research Foundation, 2004), p. 24. This work documents the human rights abuses related to China's coercive family planning policy.

<sup>7</sup>John S. Aird, *Slaughter of the Innocent: Coercive Birth Control in China* (Washington, DC: American Enterprise Institute, 1990).

China said that the government had “shown its full commitment to a family planning program that has been internationally acknowledged as one of the most successful efforts in the world today.”<sup>8</sup> In 1991, Nafis Sadik, the executive director of the UNFPA, stated that “China has every reason to feel proud and pleased with its remarkable achievements” and held up the family planning program as a model for others: “Now the country could offer its experiences and special experts to help other countries.”<sup>9</sup>

In a 2002 report on the UNFPA, Douglas Sylva shows that the UNFPA continued to support the China population control program long after it was clear the program was coercive in nature.<sup>10</sup> He also documents that the UNFPA was instrumental in setting up the policy, that it has a special fondness for the policy, and that the UNFPA has sought to deny and explain away the coercion.

#### **U.S. Policy Denies Funding to UNFPA**

On July 10, 1985, the U.S. House of Representatives voted to condemn the China population program and eliminate U.S. funding for the UNFPA. In August of that year Congress approved the Kemp-Kasten Amendment to a supplemental foreign aid appropriations bill.<sup>11</sup> The amendment denied funding to any organization or program that, as determined by the President, supported or participated in the management of a program of coercive abortion or involuntary sterilization.

On September 25, 1985, USAID stated that involvement by UNFPA in China violated the Kemp-Kasten Amendment and disqualified the organization for funding. This decision was challenged by the

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<sup>8</sup>Ibid.

<sup>9</sup>XINHUA (China's official news agency), April 11, 1991.

<sup>10</sup>Douglas A. Sylva, *The United Nations Population Fund: Assault on the World's Peoples* (NY: The International Organizations Research Group, 2002), p. 50.

<sup>11</sup>H.R. 2577, signed into law August 15, 1985 as PL 99-88. NCHLA has published a detailed legislative history of this amendment through the years. See: [nchla.org/docdisplay.asp?ID=116](http://nchla.org/docdisplay.asp?ID=116).

Population Institute (which received funds from the UNFPA) in the U.S. Court of Appeals for the District of Columbia, but a three-judge panel unanimously upheld the USAID determination on August 12, 1986.

In subsequent years of the Reagan and Bush administrations, the Kemp-Kasten Amendment was enacted as part of the annual Foreign Operations Appropriations Bills. Each year, USAID reviewed the China program and the UNFPA's involvement in it and concluded that there was no change in the situation that would warrant resumption of funding. Congress annually redirected the family planning monies to organizations that complied with the Kemp-Kasten Amendment.

### **Clinton Administration Reinterprets Law and Approves Funding**

However, in 1993, the Clinton Administration reinterpreted the Kemp-Kasten Amendment to apply only to "direct" participation in the prohibited coercive policies. The Administration began funding the UNFPA.

During the Clinton Administration, efforts to block the flow of federal tax dollars to the UNFPA had no meaningful success except when a prohibition was included in the Fiscal Year (hereafter abbreviated as "FY") 1999 Omnibus Appropriations Bill.<sup>12</sup> However, in FY 2000, abortion advocates in Congress restored the funding.

### **Bush Administration Denies Funding**

The newly inaugurated Bush Administration released \$25 million to the UNFPA for FY 2001. However, for FY 2002, the Bush Administration undertook a study of the UNFPA's role in China. A July 18, 2002, State Department report stated:

The PRC's [Peoples' Republic of China] coercive law and practices amount to a 'program of coercive abortion' and are an integral part of the comprehensive population-control program that PRC officials at all levels of government work to advance. Regardless of the size of UNFPA's

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<sup>12</sup>“Provided further, That none of the funds appropriated under this heading may be made available for the United Nations Population Fund (UNFPA).” H.R. 4328, signed into law October 21, 1998 as PL 105-277.

budget in China or any benefits its programs provide, UNFPA's support of, and involvement in, China's population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion.<sup>13</sup>

On July 22, 2002, the State Department, citing the Kemp-Kasten Amendment, denied any funding to the UNFPA for FY 2002. In subsequent years, the president has continued to invoke the Kemp-Kasten Amendment and deny funding to the UNFPA. For the July 16, 2004 decision, see: [www.state.gov/r/pa/prs/ps/2004/34433.htm](http://www.state.gov/r/pa/prs/ps/2004/34433.htm). Pro-abortion advocates have sought to re-write the Kemp-Kasten Amendment but have not succeeded. They have also sought to block the president from redirecting the UNFPA funds to other programs.

### **Coercion Continues in China**

Testimony before Congress in 1998, 2001, and 2004 reveals that coercive population control practices that began in 1979 continue today. In 1998, Gao Xiao Duan, an administrator from 1984 to 1998 in a Planned-Birth Office (PBO) in China's Fujian Province, gave firsthand testimony on how the policies on planned-births are carried out. Ms. Gao described "planned-birth supervision teams" organized by the PBOs. At the PBO's behest, the town head and party secretary would order all social organizations--including public security and the courts--to select persons who would be organized into teams.

They are then sent to villages or areas where problems are expected, either for routine door-to-door checking or for swift checking of local violators. Supervision teams are makeshift, and, to avoid leaks, cadres do not know which village they will be sent to until the last minute. Planned-birth supervision teams usually exercise night raids, encircling suspected households with lightening speed. Should they fail to apprehend a woman violator, they catch her husband, brother(s), and/or parent(s) in lieu of the woman herself, and detain them in the PBO's detention room to force the

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<sup>13</sup>U.S. Department of State, *Analysis of Determination that Kemp-Kasten Amendment Precludes Further Funding to UNFPA under Pub. L. 107-115* (released by the Bureau of Population, Refugees, and Migration, July 18, 2002).

woman into surrendering herself. We then would perform a sterilization or abortion surgery on her.<sup>14</sup>

Ms. Gao listed “a few practices” carried out in the wake of planned-birth supervision: house dismantling, apprehending and detaining violators, sterilization, and abortion. She described one exercise that she led:

I found that two women in Zhoukeng Town had extra-plan births. In a move approved by the town head, I led a planned-birth supervision team composed of a dozen cadres and public security agents. Sledge hammers and heavy crowbars in hand, we went to Zhoukeng Town and dismantled their houses. Unable to apprehend the women in the case, we took their mothers in lieu of them, and detained them in the PBO’s detention facility. It was not until a month-and-a-half later that the women surrendered themselves to the PBO, where they were sterilized and monetary penalties were imposed.<sup>15</sup>

Ms. Gao summed up her work:

All of those 14 years, I was a monster in the daytime, injuring others by the Chinese communist authorities’ barbaric planned-birth policy, but in the evening, I was like all other women and mothers, enjoying my life with my children. I could not live such a dual life anymore. Here, to all those injured women, to all those children who were killed, I want to repent and say sincerely that I’m sorry! I want to be a real human being.<sup>16</sup>

On the same day, Mr. Harry Wu also testified, arguing that China’s policy is from the central government on down. Because the policy is from the top down, the central government cannot shirk its responsibility for these policies “by referring to ‘local cadres’ low qualities,’ ‘deviation from the Center’s spirit,’ ‘force of

habit,’ ‘backward social culture,’ or other explanations.”<sup>17</sup>

Subcommittee Chairman Rep. Christopher Smith (R-NJ) observed that Ms. Gao’s testimony revealed new details about the China population control program, for example, that a network of paid informants is used, that sterilization is used not only as a preventive measure but also as a punishment, that the PBOs keep records about the sexual history of every woman within their jurisdiction, or that the PBOs actually contain detention cells.

Ironically, these shocking revelations come only a few months after the United Nations Population Fund (UNFPA) has resumed its formal cooperation with the PRC population program. The UNFPA’s announcement this January [1998] of a 4-year, \$20-million China program included a statement that ‘China is keen to move away from its administrative approach to family planning to an integrated, client-centered reproductive health approach, based on the principles of free and voluntary choice.’ Ms. Gao’s testimony today makes clear that this premise is profoundly wrong. UNFPA’s renewed arrangement with the PRC population control bureaucrats puts them in partnership with thugs and criminals.

Forced abortion was rightly denounced as a crime against humanity by the Nuremberg Tribunal. The United Nations should be organizing an international tribunal to investigate and prosecute the perpetrators of the Chinese population control program. Instead it goes on funding them and congratulating them.<sup>18</sup>

In his 2004 testimony, Harry Wu again stated that “unfortunately the [one-child] policy is still enforced in China.”<sup>19</sup> As the Laogai Research Foundation, which Mr. Wu founded and directs, summarizes elsewhere: “Cadres use various measures to enforce policy, including the removal of social benefits, fines, detention, destruction of personal property, forced

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<sup>14</sup>June 10, 1998 Hearing before the House International Relations Subcommittee on International Operations and Human Rights. Washington, DC: Government Printing Office, 1998.

<sup>15</sup>Ibid.

<sup>16</sup>Ibid.

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<sup>17</sup>Ibid.

<sup>18</sup>Ibid.

<sup>19</sup>See Mr. Wu’s December 14, 2004 testimony before the House Committee on International Relations..

abortion, sterilization, and infanticide.”<sup>20</sup> In testimony at the same hearing, Mr. John Aird also affirmed that, news stories to the contrary, the “[Chinese] program remains coercive.”<sup>21</sup> He even states, “In the last four or five years, foreign journalists in China have cited instances of violent family planning measures more extreme than any reported previously in the one-child policy’s 25-year history.” After carefully reviewing the evidence of coercion on the China program, Mr. Aird summarizes:

What the evidence from Chinese domestic sources makes clear is (1) that the one-child policy is still a basic national policy; (2) that it remains highly coercive and violative of human rights; (3) that the coercion is approved, encouraged, and virtually mandated by the central authorities; and (4) that, despite rumblings of discontent from below, there is no sign that change is imminent.<sup>22</sup>

Mr. Aird states that Chinese authorities see criticism from abroad “as an image problem that can be solved by steadfast denial,” and that they are abetted in this position by the sympathetic international family planning interests and by superficial investigation by reporters and others. In its *White Paper on Population* (December 19, 2000), the Peoples Republic of China “avows it will continue the one-child policy for another 50 years.”<sup>23</sup>

### **UNFPA’s Participation Continues**

According to its January 1998 agreement with China, the UNFPA would operate in only 32 counties in which, it was claimed, there would be no coercion in the population control program. In an October 17, 2001 Congressional hearing, compelling eyewitness testimony was presented that this, in fact, has not been the case. Even in these counties, the abuses continue

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<sup>20</sup> *Better Ten Graves Than One Extra Birth*, p. 107.

<sup>21</sup> A Human Rights Violations under China’s One-Child Policy, @ December 14, 2004 testimony of John S. Aird before the House Committee on International Relations.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, p. 17. Testimony of Steven W. Mosher.

with the knowledge of the UNFPA. Summarizing her September 2001 field trip to China, Ms. Josephine Guy testified:

The interviews we conducted were reported in notebooks, on audio and videotape, and additional photographic evidence was obtained. The abuses we documented during this investigation are recent, ongoing, rampant and unrelenting. And they exist in a county with the UNFPA claims that women are free to determine the timing and spacing of their pregnancies.<sup>24</sup>

The Laogai Research Foundation also reports on March 2003 Radio Free Asia interviews on family planning policies in an area of China that UNFPA supports. Clear references are made to the continued use of coercion, including fines and forced abortions. The RFA reporter asked a family planning official about what happens in the case of women who have illegal pregnancies. The response: “We will force her to abort her child. . . . Yes, it must be forced. If it were not, how could we control the population? It is clearly mentioned in our family planning policy.” The RFA reporter also asked a woman involved in the UNFPA county project the same question about illegal pregnancies. RFA: “If the government finds out that someone is illegally pregnant, regardless of the length of gestation, will they force her to have an abortion?” Woman: “Yes, these women are forcibly brought to the hospital by family planning officers. If such a woman is not discovered, all responsibility is placed on the family planning officer.”<sup>25</sup>

Denial, evasion, and opportunistic arguments cannot change the truth. Coerced abortion and coerced sterilization are realities in China. The United States has an obligation to take a stand for basic human rights and should not contribute in any way to this human tragedy.

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<sup>24</sup> October 17, 2001 Hearing before the House Committee on International Relations (Washington, DC: U.S. Government Printing Office, 2001), p. 12.

<sup>25</sup> *Better Ten Graves Than One Extra Birth*, pp. 98-99.

## RESOURCES

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Mr. John Aird, and refugee Ms. Ma Dongfang. Testimony available at: [www.house.gov/international\\_relations/fullhear.htm](http://www.house.gov/international_relations/fullhear.htm).

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